

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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GENERAL ASSEMBLY

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This issue contains notices, proposed regulations, emergency regulations, final form regulations, and other documents filed in the Office of the Legislative Council, pursuant to Article 1, Chapter 23, Title 1, Code of Laws of South Carolina, 1976.

SOUTH CAROLINA STATE REGISTER

An official state publication, the *South Carolina State Register* is a temporary update to South Carolina's official compilation of agency regulations--the *South Carolina Code of Regulations*. Changes in regulations, whether by adoption, amendment, repeal or emergency action must be published in the *State Register* pursuant to the provisions of the Administrative Procedures Act. The *State Register* also publishes the Governor's Executive Orders, notices or public hearings and meetings, and other documents issued by state agencies considered to be in the public interest. All documents published in the *State Register* are drafted by state agencies and are published as submitted. Publication of any material in the *State Register* is the official notice of such information.

STYLE AND FORMAT

Documents are arranged within each issue of the *State Register* according to the type of document filed:

Notices are documents considered by the agency to have general public interest.

Notices of Drafting Regulations give interested persons the opportunity to comment during the initial drafting period before regulations are submitted as proposed.

Proposed Regulations are those regulations pending permanent adoption by an agency.

Pending Regulations Submitted to the General Assembly are regulations adopted by the agency pending approval by the General Assembly.

Final Regulations have been permanently adopted by the agency and approved by the General Assembly.

Emergency Regulations have been adopted on an emergency basis by the agency.

Executive Orders are actions issued and taken by the Governor.

2002 PUBLICATION SCHEDULE

Documents will be accepted for filing on any normal business day from 8:30 A.M. until 5:00 P.M. All documents must be submitted in the format prescribed in the *Standards Manual for Drafting and Filing Regulations*.

To be included for publication in the next issue of the *State Register*, documents will be accepted no later than 5:00 P.M. on any closing date. The modification or withdrawal of documents filed for publication must be made **by 5:00 P.M.** on the closing date for that issue.

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Submission Deadline	1/11	2/8	3/8	4/12	5/10	6/14	7/12	8/9	9/13	10/11	11/8	12/13
Publishing Date	1/25	2/22	3/22	4/26	5/24	6/28	7/26	8/23	9/27	10/25	11/22	12/27

REPRODUCING OFFICIAL DOCUMENTS

Documents appearing in the *State Register* are prepared and printed at public expense. Media services are encouraged to give wide publicity to documents printed in the *State Register*.

PUBLIC INSPECTION OF DOCUMENTS

Documents filed with the Office of the State Register are available for public inspection during normal office hours, 8:30 A.M. to 5:00 P.M., Monday through Friday. The Office of the State Register is in the Legislative Council, Fourth Floor, Rembert C. Dennis Building, 1000 Assembly Street, in Columbia. Telephone inquiries concerning material in the *State Register* or the *South Carolina Code of Regulations* may be made by calling (803) 734-2145.

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

To adopt, amend or repeal a regulation, an agency must publish in the *State Register* a Notice of Drafting; a Notice of the Proposed Regulation that contains an estimate of the proposed action's economic impact; and, a notice that gives the public an opportunity to comment on the proposal. If requested by twenty-five persons, a public hearing must be held at least thirty days after the date of publication of the notice in the *State Register*.

After the date of hearing, the regulation must be submitted to the General Assembly for approval. The General Assembly has one hundred twenty days to consider the regulation. If no legislation is introduced to disapprove or enacted to approve before the expiration of the one-hundred-twenty-day review period, the regulation is approved on the one hundred twentieth day and is effective upon publication in the *State Register*.

EMERGENCY REGULATIONS

An emergency regulation may be promulgated by an agency if the agency finds imminent peril to public health, safety or welfare. Emergency regulations are effective upon filing for a ninety-day period. If the original filing began and expired during the legislative interim, the regulation can be renewed once.

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

Regulations promulgated to comply with federal law are exempt from General Assembly review. Following the notice of proposed regulation and hearing, regulations are submitted to the *State Register* and are effective upon publication.

EFFECTIVE DATE OF REGULATIONS

Final Regulations take effect on the date of publication in the *State Register* unless otherwise noted within the text of the regulation.

Emergency Regulations take effect upon filing with the Legislative Council and remain effective for ninety days. If the original ninety-day period begins and expires during legislative interim, the regulation may be refiled for one additional ninety-day period.

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Safety				

WITHDRAWN:

DOC NO.	DATE	SUBJECT	AGENCY
2360	8 16 02	LIFE Scholarship	Higher Education, Commission on

2 EXECUTIVE ORDERS

No. 2002-20

WHEREAS, there exists an opportunity for South Carolina to strengthen its educational system by maximizing opportunities presented by the federal No Child Left Behind legislation; and

WHEREAS, there is a need for collaboration among business and educational leaders to promote a coordinated educational policy throughout the South Carolina educational system; and

WHEREAS, there is a need to develop an on-going bipartisan approach to recommend statewide educational policy to the Governor and the General Assembly; and

WHEREAS, a coordinated focus on higher education can support the economic development of our State.

NOW, THEREFORE, there is hereby established a South Carolina Education Roundtable, the purpose of which is to:

1. Provide guidance to the State Superintendent of Education, the Governor, and the General Assembly on ways to maximize the impact of the No Child Left Behind legislation.
2. Make recommendations to the Governor and General Assembly on ways to insure a coordinated pre-K through college system designed to enhance educational quality in South Carolina.
3. Provide direction to South Carolina institutions of higher education through an analysis of best national practices.
4. Provide bipartisan continuity in the development of educational policy in South Carolina.
5. Insure that institutions of higher education develop policies that are consistent with State goals.

To carry out the purposes of this order, the Education Roundtable shall:

1. Examine national best practices in early childhood development, public school initiatives and higher education governance.
2. Submit recommendations at least annually to the Governor and General Assembly that reflect the findings of the Roundtable.
3. Accept public funds and private donations to carry out its mission and advance its proposals.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF
THE STATE OF SOUTH CAROLINA, THIS 12th DAY
OF AUGUST 2002.**

JIM HODGES

No. 2002-21

WHEREAS, an annexation petition was filed with the Georgetown County Clerk of Court on November 28, 2001 by more than ten percent of the residents of a portion of Mt. Gilead Development situated in Georgetown County; and

WHEREAS, the annexation petition requests that a portion of Mt. Gilead Development situated in Georgetown County be annexed into Horry County, a filed copy of said petition having been transmitted to the Governor's Office on December 6, 2001; and

WHEREAS, the petitioners deposited Ten Thousand Dollars (\$10,000.00) with the Georgetown County Clerk of Court to in part pay for the costs of surveying the area proposed to be annexed into Horry County; and

WHEREAS, in Executive Order 2002-09, I appointed a four-person Commission, comprised of two annexation advocates and two annexation opponents, to contract for the survey and location of the proposed change of line and to carefully investigate the facts relating to the proposed area to be annexed into Horry County and to provide a written report of its findings pursuant to Sections 4-5-130 through 4-5-160 of the South Carolina Code of Laws; and

WHEREAS, in Executive Order 2002-11, I appointed a replacement member to the four-person Commission and extended the time for the Commission to provide a written report of its findings; and

WHEREAS, the Commission employed three competent disinterested surveyors, who are nonresidents of the counties affected: to wit, William N. Kellahan, Jr., PLS 5263, selected by the two annexation advocates on the Commission, William F. Cox, Jr., PLS 11363, selected by the annexation opponents on the Commission, and Samuel H. Hanna, III, PLS 11605, selected by the other two surveyors; and

WHEREAS, the three surveyors conducted a survey of the area proposed to be annexed into Horry County and determined that the area consists of 18.42 acres as shown on a plat titled "SURVEY OF THAT PORTION OF MT. GILEAD DEVELOPMENT SITUATED IN GEORGETOWN COUNTY FOR THE COMMISSION APPOINTED BY THE GOVERNOR OF SOUTH CAROLINA TO INVESTIGATE PROPOSED ANNEXATION INTO HORRY COUNTY," said plat dated July 9, 2002 and prepared by Lower Florence County Surveying; and

WHEREAS, the three surveyors have submitted an invoice for the survey and plat in the amount of Seven Thousand Five Hundred Dollars (\$7,500.00); and

WHEREAS, on July 12, 2002, the Commission transmitted to the Governor's Office its written report of findings and unanimously recommended that special elections be held on November 5, 2002 in Horry County and that portion of Mt. Gilead Development situated in Georgetown County for the purpose of approving or disapproving the proposed annexation.

NOW, THEREFORE, pursuant to the authority vested in the undersigned by the Constitution and Statutes of this State, I hereby order that special elections be held on November 5, 2002 in Horry County and in that portion of Mt. Gilead Development situated in Georgetown County for the purpose of approving or disapproving the proposed annexation.

Pursuant to Chapter 5 of Title 4 of the South Carolina Code of Laws and as otherwise consistent with the Constitution and Statutes of South Carolina and this Order:

- The Georgetown County Election Commission shall conduct an election on November 5, 2002 open only to those registered voters living in that portion of Mt. Gilead Development situated in

4 EXECUTIVE ORDERS

Georgetown County, being the same voters in Murrells Inlet No. 4 Precinct who are registered at a Creekside Drive address. This election shall be conducted in conjunction with the General Election being held that day at the regular polling place of Murrells Inlet No. 4 precinct during the same hours as the General Election and in accordance with the applicable constitutional and statutory provisions relating to elections;

- The Georgetown County Election Commission shall compile a list of those qualified electors in Murrells Inlet No. 4 Precinct who are registered at a Creekside Drive address, and shall provide a list of said qualified electors to the Governor's Office on October 8, 2002, said list shall be available to any members of the public requesting a copy;
- The Georgetown County Election Commission shall place the following question on the ballot of those qualified electors in Murrells Inlet No. 4 Precinct who are registered to vote at a Creekside Drive Address: "Shall that portion of Mt. Gilead Development, Murrells Inlet, situated in Georgetown County, consisting of 18.42 acres as shown on a certified plat dated July 9, 2002 filed with the S.C. Secretary of State and the Clerks of Court in Georgetown and Horry Counties, be annexed into Horry County?"
- The Horry County Election Commission shall place the following question on the ballot of all qualified electors in Horry County participating in the November 5, 2002 General Election: "Shall that portion of Mt. Gilead Development, Murrells Inlet, situated in Georgetown County, consisting of 18.42 acres as shown on a certified plat dated July 9, 2002 and filed with the S.C. Secretary of State and the Clerks of Court in Georgetown and Horry Counties, be annexed into Horry County?"
- Pursuant to Section 4-5-190 of the South Carolina Code of Laws, the Georgetown County Election Commission shall canvass the returns from the manager of Murrells Inlet No. 4 Precinct as such returns are tabulated in the General Election and shall certify the results thereof in a tabulated statement of the vote to the S.C. Secretary of State who shall transmit a tabulated statement of the vote to the Senate and House of Representatives at its next session.
- Pursuant to Section 4-5-200 of the South Carolina Code of Laws, the Horry County Election Commission shall canvass the returns of each precinct in Horry County as such returns are canvassed in the General Election and shall certify the results thereof in a tabulated statement of the vote at each precinct to the S.C. Secretary of State who shall transmit a tabulated statement of the vote at each precinct to the General Assembly for action as provided for in Section 4-5-220 of the South Carolina Code of Laws
- The Georgetown County Clerk of Court shall release Seven Thousand Five Hundred Dollars (\$7,500.00) to Kellahan and Associates Engineers and Surveyors, Inc., Post Office Box 508, Kingstree, SC 29556 as payment for Invoice Number 02762 surveying services for the three surveyors.

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE
THE GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 15th DAY
OF AUGUST, 2002**

JIM HODGES

No. 2002-22

WHEREAS, the Southern Pine Beetle is having a tremendous impact upon South Carolina pine forests, causing significant damage in twenty-five (25) counties; and

WHEREAS, the losses incurred by foresters in South Carolina were \$3 million in 1998, \$9.5 million in 1999, \$40.7 million in 2000, \$76 million in 2001, and already \$93 million in 2002; and

WHEREAS, since 1998, pine beetles have killed 16.6 million trees, enough timber to build 49,659 average sized homes; and

WHEREAS, timber is South Carolina's third largest manufacturing industry, contributing \$7.5 billion to the state's economy each year; and

WHEREAS, South Carolina's annual timber harvest is valued at \$454 million, more than any other single crop; and

WHEREAS, timber is grown, harvested, and processed in every South Carolina county; and

WHEREAS, the timber industry provides 26,000 jobs to South Carolinians; and

WHEREAS, as non-industrial private landowners hold three-quarters of South Carolina's forest land, the beetle epidemic has direct personal consequences to private citizens.

NOW, THEREFORE, BE IT ORDERED, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State, I hereby reconstitute the Governor's Forest Disaster Salvage Council consisting of twenty-two (22) members selected by the Governor representing all sectors of the forest products industry and associated state and federal agencies; in particular, one member from each of the following: The U.S. Forest Service; South Carolina Forestry Association, South Carolina Forestry Commission; Association of Consulting Foresters; Farm Service Agency; and the Forester's Council. Additional members shall include the Governor or his designee; the Commissioner of Agriculture or his designee; two members of the South Carolina State Senate and two members of the South Carolina House of Representatives; a representative of the Clemson University Extension Service; and nine members representing major timber producers and consuming corporations located in South Carolina. The Chairman shall be appointed by the Governor. The Council is charged with the following duties:

1. To make immediate determinations of all factors that relate to needed assistance to the forest landowners and the forest products industry;
2. To explore in detail and in depth all avenues of assistance; and
3. To make specific recommendations of the most efficient and effective procedures for realizing the greatest return on these damaged resources and to mitigate further losses.

This Council shall continue to operate until the outbreak has been declared over. It shall be the duty of every department, agency, office and institution of the State of South Carolina and the Officers thereof, to cooperate with and assist the Council in every reasonable way to insure the success of their efforts to salvage the damaged timber in this State.

6 EXECUTIVE ORDERS

The Council shall be constituted as follows:

- | | |
|--|--|
| 1. Chairman | Mr. Ashley K. Faircloth, Foresters Council |
| 2. Governor's Office | Hank Stallworth |
| 3. SC Senate (2) | Linda D. Short
Chauncey "Greg" K. Gregory |
| 4. SC House
of Representatives (2) | Herb Kirsch
William D. Witherspoon |
| 5. SC Dept. of Agriculture | Commissioner D. Leslie Tindal |
| 6. Farm Service Agency | Kenneth Rentiers |
| 7. SC Forestry Comm. | Bob Schowalter |
| 8. SC Forestry Assoc. | Robert R. Scott |
| 9. US Forest Service | Dr. Jerome Thomas |
| 10. Clemson University | Dr. Larry Nelson |
| 11. Association of
Consulting Foresters | Rob Drummond |
| 12. SC Timber Producers Assoc. | Crad Jaynes |
| 13. Forest Industry: | |
| a. Bowater, Inc. | Stephen B. Owen |
| b. Hentz Forest Products | Lee Murph |
| c. Weyerhaeuser Company | Don Chastain |
| d. Smurfit Stone Container | Dan Cox |
| e. Norbord | W. Virgil Wall, Jr. |
| f. Mead/Westvaco | Leland Gauron |
| g. International Paper Co. | Jeff Zimmer |
| 14. NRCS | Walter Douglas |

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE
THE GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 22nd DAY
OF AUGUST, 2002**

JIM HODGES

No. 2002-23

WHEREAS, the abduction of a child is a serious and reprehensible act; and

WHEREAS, the community needs to be informed as expeditiously as possible about the missing child in order to aid law enforcement in its search efforts; and

WHEREAS, South Carolina currently has in place a state system designed to broadcast relevant information about child abduction by strangers; and

WHEREAS, local law enforcement agencies in South Carolina have also established systems for broadcasting relevant information about child abduction by strangers; and

WHEREAS, representatives of law enforcement and transportation agencies, broadcasting and other media professionals, elected officials, and other agencies are working together to ensure that South Carolina's missing child alert system is of the utmost effectiveness and timeliness; and

WHEREAS, a coordinated effort between local, state, and federal agencies is essential to enhancing the missing child alert systems; and

WHEREAS, the South Carolina Law Enforcement Division has been the State law enforcement agency point of contact for statewide law enforcement issues in general and the statewide missing child alert system in particular.

NOW, THEREFORE, Chief Robert M. Stewart of the South Carolina Law Enforcement Division is hereby designated as the State agency law enforcement representative in the ongoing efforts to expand and coordinate the missing child alert system in South Carolina.

**GIVEN UNDER MY HAND AND THE
THE GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 28th DAY
OF AUGUST, 2002**

JIM HODGES

No. 2002-24

WHEREAS, former judge and legislator Frank Eppes died August 29, 2002; and;

WHEREAS, after serving as a state representative for 14 years Judge Frank Eppes served as a Circuit Court judge from 1962 to 2000; and

WHEREAS, Judge Frank Eppes dedicated his career to the citizens of the State of South Carolina, and was beloved as a jurist, mentor, public servant, and friend; and

WHEREAS, funeral services for Judge Frank Eppes will be held on Sunday, September 1, 2002.

NOW, THEREFORE, by virtue of the power and authority vested in me as Governor, pursuant to the Constitution and Laws of the State of South Carolina, I hereby order that the flags of the United States and the State of South Carolina be flown at half-staff upon all state buildings and grounds on Sunday, September 1, 2002, in tribute to Judge Frank Eppes.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF
THE STATE OF SOUTH CAROLINA, THIS 30TH DAY
OF AUGUST, 2002.**

JIM HODGES

8 EXECUTIVE ORDERS

No. 2002-25

WHEREAS, S.C. Code Ann. § 1-3-240(B) provides that "[a]ny person appointed to a state office by a Governor, either with or without the advice and consent of the Senate, other than those officers enumerated in subsection (C), may be removed from office by the Governor at his discretion by an Executive Order removing the officer"; and

WHEREAS, the undersigned is, pursuant to Act 680 of 1973, authorized to appoint members of the Greenwood Metropolitan District for a term of six years; and

WHEREAS, Mr. Jon Alan Owings of Greenwood County, South Carolina, was on June 25, 2001, appointed to the Greenwood Metropolitan District.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby remove Mr. Jon Alan Owings from the Greenwood Metropolitan District and declare the position vacant.

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 5th DAY OF SEPTEMBER 2002.**

JIM HODGES

No. 2002-26

WHEREAS, September 11, 2002, marks the one-year anniversary of the infamous terrorist attacks on our country; and

WHEREAS, September 11, 2002, has been declared by proclamation as "9/11 Day of Remembrance" throughout the State of South Carolina; and

WHEREAS, thousands of innocent people lost their lives and numerous other Americans have felt the impact of the senseless attacks in New York, Washington, and Pennsylvania; and

WHEREAS, local, state, and federal public servants, the National Guard, and the United States Military continue to work together to ensure freedom and safety in this country, this state, and throughout the world; and

WHEREAS, it is appropriate to honor the victims and survivors of the terrorist attacks of September 11, 2001.

NOW, THEREFORE, by virtue of the power and authority vested in me as Governor, pursuant to the Constitution and Laws of the State of South Carolina and of the United States of America, I hereby order that the flags of the United States and the State of South Carolina be flown at half-staff upon all state buildings and grounds on Wednesday, September 11, 2002, in remembrance of the courageous Americans who have lost their lives as a result of the attack on this great nation.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF
THE STATE OF SOUTH CAROLINA, THIS 5th DAY OF
SEPTEMBER 2002.**

JIM HODGES

No. 2002-27

WHEREAS, it has been one year since the horrific 9-11 terrorists attacks upon our nation; and

WHEREAS, in response to those attacks and to facilitate a coordinated approach to homeland security issues facing South Carolina, the Governor's Security Council was established on October 17, 2001, as set forth in Executive Orders 2001-34 and 2001-36; and

WHEREAS, since its inception, the Governor's Security Council has coordinated with and sought the input of all state, local, and federal public safety, emergency, and health agencies involved with homeland security issues; and

WHEREAS, South Carolina's local law enforcement and emergency response agencies are an active and meaningful component of the team that has been involved with the work of the Governor's Security Council; and

WHEREAS, the Governor's Security Council should play an integral role in formulating a comprehensive and coordinated planning and funding approach to counter terrorism measures in South Carolina; and

WHEREAS, to enhance our efforts in maintaining peace, tranquility and good order in the State and to provide a comprehensive planning and funding approach to counter terrorism, it is appropriate now to formally expand the membership of the Governor's Security Council to include representatives of South Carolina's leading law enforcement and emergency response organizations.

NOW, THEREFORE, pursuant to the powers conferred upon me by the Constitution and Laws of the State of South Carolina, the membership of the Governor's Security Council, created by Executive Order 2001-34 and amended by Executive Order 2001-36, is hereby increased to include the State's Chief Information Officer and a representative from each of the following associations: South Carolina Emergency Management Association, South Carolina Police Chiefs' Association, South Carolina Fire Chiefs' Association, South Carolina State Fireman's Association, South Carolina EMS Association, South Carolina Sheriffs' Association, so that the total council is now comprised of the following persons:

Special Advisor to the Governor for Homeland Security (Chairman)
Adjutant General
Chief of the State Law Enforcement Division
Director of the Department of Public Safety
Executive Director of the Department of Health and Environmental Control
Director of the South Carolina Emergency Preparedness Division

10 EXECUTIVE ORDERS

State Fire Marshal
Director of the State Division of Aeronautics
Executive Director of the Department of Transportation
Speaker of the House of Representatives
President Pro Tem of the Senate
Special Agent in Charge for South Carolina of the Federal
Bureau of Investigation
Executive Director of the Department of Natural Resources
Director of the Department of Parole, Probation, and Pardon Services
State's Chief Information Officer
President (or his designee) of the South Carolina Emergency Management
Association
President (or his designee) of the South Carolina Police Chiefs' Association
President (or his designee) of the South Carolina Fire Chiefs' Association
President (or his designee) of the South Carolina State Fireman's Association
President (or his designee) of the South Carolina EMS Association
President (or his designee) of the South Carolina Sheriffs' Association

The Security Council is further directed to develop a comprehensive counter terrorism strategy for South Carolina, to include recommendations to the Governor for organizational and funding plans.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 11th DAY
OF SEPTEMBER, 2002.**

JIM HODGES

No. 2002-28

WHEREAS, Sam Simmons, Greenville County Sheriff, died on September 4, 2002; and

WHEREAS, the undersigned is authorized to appoint a County Sheriff in the event of a vacancy pursuant to Code of Laws of South Carolina (1976), as amended, Sections 1-3-220(2) (Supp. 1998) and 23-11-40; and

WHEREAS, more than one year remains before the next general election for county sheriffs; and

WHEREAS, Captain Stephen D. Loftis, who is currently the chief deputy in the Greenville County Sheriff's Office, is a fit and proper person to serve as the Sheriff of Greenville County.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby appoint Stephen D. Loftis as Sheriff of Greenville County until a special election is held pursuant to Section 7-13-190 and until his successor is elected and qualifies.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF
THE STATE OF SOUTH CAROLINA, THIS 13th DAY
OF SEPTEMBER 2002.**

JIM HODGES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

In accordance with Section 44-7-200(C), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication September 27, 2002, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Berkeley County

Addition of 9 nursing home beds that do not participate in the Medicaid program for a total of 105 nursing home beds.

Heartland Health Care Center of Charleston
Hanahan, South Carolina
Project Cost: \$790,000

Affecting Spartanburg County

Renovation for the addition of two endoscopy rooms to the Ambulatory Surgery Center for a total of seven (7) operating rooms and two (2) endoscopy rooms.

The Ambulatory Surgery Center of Spartanburg, LLC
Spartanburg, South Carolina
Project Cost: \$320,149

Construction and renovation for the addition of 4 inpatient operating rooms with no change in the licensed bed capacity of the hospital.

Mary Black Memorial Hospital
Spartanburg, South Carolina
Project Cost: \$4,821,000

Conversion of thirty-two (32) residential care beds to 32 Nursing Home beds that do not participate in the Medicaid program, for a total of 75 Nursing Home beds, at the facility.

Rosecrest Nursing Center
Inman, South Carolina
Project Cost: \$92,706

In accordance with S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that the review cycle has begun for the following project(s) and a proposed decision will be made within 60 days beginning September 27, 2002. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. For further information call (803) 545-4200.

Affecting Aiken County

Construction to replace the Carolina Cancer Center and replacement of a linear accelerator to include a CT simulator.

Aiken Regional Medical Centers
Aiken, South Carolina
Project Cost: \$6,935,194

12 NOTICES

Completion of construction of shelled space on 5th floor for 35 private beds to replace 35 semi-private beds with no change in licensed capacity.

Aiken Regional Medical Centers

Aiken, South Carolina

Project Cost: \$2,995,790

Affecting Anderson County

Purchase of an additional Computed Tomography (CT) scanner for the AnMed Health Campus, resulting in a total of two (2) CT scanners at the AnMed Health Campus and two (2) CT scanners at the hospital.

Anderson Area Medical Center

Anderson, South Carolina

Project Cost: \$1,162,958

Affecting Charleston County

Relocation and replacement of a linear accelerator (including a CT simulator) from the downtown campus of Roper Hospital to Mt. Pleasant.

Roper Mt. Pleasant Medical Center

Mt. Pleasant, South Carolina

Project Cost: \$4,296,276

Replacement of a .5 Tesla MRI unit with a 1.5 Tesla MRI unit.

Medical University of South Carolina

Charleston, South Carolina

Project Cost: \$2,228,745

Affecting Cherokee County

Establish a regional cancer center with a Linear Accelerator at Upstate Carolina Medical Center Campus.

Spartanburg Regional Medical Center

Gibbs Regional Cancer Center Satellite

Gaffney, South Carolina

Project Cost: \$4,579,000

Affecting Dillon County

Purchase of Beverly Healthcare – The Pines nursing home, an existing 84-bed nursing home by Dillon Healthcare, Inc.

Dillon Healthcare, Inc.

Dillon, South Carolina

Project Cost: \$ 2,940,000

Affecting Greenville County

Construction of an Ambulatory Surgery Center (ASC) with three (3) endoscopy rooms restricted to gastroenterology procedures only.

Upstate Endoscopy Center (formerly The Greenville ASC, LLC)

Greenville, South Carolina

Project Cost: \$3,219,977

Affecting York County

Purchase of Beverly Healthcare – Rock Hill, an existing 132-bed nursing home by Rock Hill Healthcare, Inc.
 Rock Hill Healthcare, Inc.
 Rock Hill, South Carolina
 Project Cost: \$4,620,000

**UNITED STATES DISTRICT COURT
 DISTRICT OF SOUTH CAROLINA
 GREENVILLE DIVISION**

The South Carolina Department of Health and Environmental Control ~~—vs. —~~ Henkel Corporation; Cognis Corporation; Millennium Petrochemicals, Inc. f/k/a Quantum Chemical Corporation f/k/a National Distillers and Chemical Corporation f/k/a Emery Industries, Inc. f/k/a Trylon Chemicals, Inc.; Piedmont Chemicals, Inc.; Ethox Chemicals, L.L.C.; Kellett’s Fuel Oil; Wilbur Greer; Clarence Buurman, and Bernard Korte, ~~—~~ Civil Action No. 6:00-2570-20.

**~~SOUTH CAROLINA DEPARTMENT OF HEALTH
 AND ENVIRONMENTAL CONTROL COST RECOVERY SETTLEMENT AGREEMENT~~**

**~~CR-~~
NOTICE OF SETTLEMENT
THE KELLETT SITE
Simpsonville, SC**

~~—~~ PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control (“DHEC” or the “State”) has entered into a Settlement Agreement with the following parties (collectively referred to as “Settling Defendants”): This Settlement Agreement (“Agreement”) is entered into between the South Carolina Department of Health and Environmental Control (“DHEC”) and defendants—Henkel Corporation; Cognis Corporation; Millennium Petrochemicals, Inc. f/k/a Quantum Chemical Corporation f/k/a National Distillers and Chemical Corporation f/k/a Emery Industries, Inc. f/k/a Trylon Chemicals, Inc.; Piedmont Chemicals, Inc.; Ethox Chemicals, L.L.C.; Wilbur Greer; Clarence Buurman; and Bernard Korte—(the “Settling Defendants”). The Settlement Agreement provides that upon approval by the Court, it shall be entered as a final judgment against the Settling Defendants. The Settlement Agreement is subject to a thirty-day public comment period, consistent with Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”) Section 122, 42 U.S.C. Section 9622 and the South Carolina Hazardous Waste Management Act (“SCHWMA”).

~~Defendants Henkel Corporation, Cognis Corporation, Millennium Petrochemicals, Inc., Piedmont Chemicals, Inc., and Ethox Chemicals, LLC shall be referred to as the “Corporate Settling Defendants.” Defendants Henkel Corporation, Cognis Corporation and Millennium Petrochemicals, Inc. shall be referred to as the “Performing Settling Defendants.”~~

~~—~~ **RECITALS:**

~~DHEC filed the above captioned lawsuit (the “Lawsuit”) against, among others, the Settling Defendants seeking reimbursement of the Response Costs (defined below) incurred and to be incurred by DHEC at the Kellett Site in Simpsonville, South Carolina (“the Site”). In the Lawsuit, DHEC also requested punitive damages under state law. The Lawsuit was brought pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”), 42 U.S.C. § 9601, *et seq.* as amended by the Superfund Amendments and~~

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~~Reauthorization Act of 1986 (“SARA”), Pub. L. No. 99-499, 100 Stat. 1613 (1986), the South Carolina Hazardous Waste Management Act (“SCHWMA”), S.C. Code Ann. §§ 44-56-10 to -840 (Law. Co-op. 1985 & Supp. 1999), the South Carolina Pollution Control Act (“PCA”), S.C. Code Ann. §§ 48-1-10 to -350 (Law. Co-op. 1987 & Supp. 1999), South Carolina common law, and the Federal Declaratory Judgment Act, 28 U.S.C. § 2201. “Response Costs” are those costs incurred or to be incurred by DHEC or its contractors in conducting removal and remedial actions, as those terms are used in CERCLA §§101(23), (24), and (25) at the Site.~~

~~DHEC alleges that the Settling Defendants arranged for the disposal of hazardous substances at the Site or are successors in interest to parties who arranged for the disposal of hazardous substances at the Site. Settling Defendants have denied these claims.~~

~~The Parties wish to settle their differences with respect to the Lawsuit without further litigation and without the admission or adjudication of any issue of fact or law.~~

~~TERMS AND CONDITIONS.~~

~~NOW THEREFORE, in consideration of the agreements, covenants and conditions contained herein, the receipt and sufficiency of which are hereby acknowledged, the Parties agree to settle the Lawsuit as follows:~~

~~**Cash Payments.**—The Corporate Settling Defendants, agree to pay to DHEC the sum of Two Million Eight Hundred Thousand Dollars (\$2,800,000.00) as follows: (1) One Million Dollars (\$1,000,000.00) payable within ten (10) days of the date the Court approves the Settlement; and (2) One Million Eight Hundred Thousand Dollars (\$1,800,000.00) twelve (12) months from the date of the first payment set forth in (1) above. Payment for (1) and (2) above will be made by check payable to the South Carolina Department of Health and Environmental Control and directed to Director of Division of Site Assessment and Remediation, Bureau of Land and Waste Management, S.C.D.H.E.C., 2600 Bull Street, Columbia, SC 29201. The funds shall be placed in a separate interest bearing account or fund to be controlled by DHEC (the “Kellett Site Fund”) which shall be directed to the remediation of the Site and reimbursement of the South Carolina Hazardous Waste Contingency Fund. If DHEC requires payment to be made to any other individual, it shall so notify the Corporate Settling Defendants by certified mail no later than forty five (45) days prior to when such payment is due.~~

~~**Performance of Remedial Action.**—The Performing Settling Defendants agree to assume all future obligations from March 22, 2002 for remedial action (as that term is defined in CERCLA § 9601(24)) at the Site. This includes completion of the currently ongoing remedial investigation/feasibility study (RI/FS) and performance of the remedy to be selected by DHEC at the Site, in compliance with CERCLA and the National Contingency Plan. Performing Settling Defendants agree to reimburse DHEC for direct, indirect, and personnel costs from March 22, 2002 until the Performing Settling Defendants take over the remedial action. The Settling Defendants shall not be responsible for any future oversight costs at the Kellett Site after the Performing Settling Defendants take over direct control of the remedial action at the Site. DHEC has agreed to pay the unbilled direct costs from its contractor, E&E, as of and up to March 22, 2002. DHEC and the Performing Settling Defendants agree to meet as soon as possible, but no later than thirty (30) days following the first payment set forth in (A) above to determine when the Performing Settling Defendants will take over direct control of the remedial action at the Site. Performing Settling Defendants agree to enter into an Administrative Consent Agreement, within forty five (45) days of the Court’s approval of this Settlement Agreement, to perform the remedial action and for DHEC’s oversight of such remedial action.~~

~~**Vacation of Order.**—In consideration of the Settlement, DHEC requested, and the Settling Defendants agreed to seek to vacate the Order of Summary Judgment dated March 18, 2002 dismissing the State’s statutory and common law claims. The Court has now vacated this Order.~~

~~**Letter to Solicitor.**—DHEC further agrees that it will prepare a letter to the Solicitor of Greenville County indicating that all Settling Defendants have assisted in resolving this litigation in good faith.~~

~~**Covenant Not to Sue.**—Upon execution, this Agreement constitutes a full, final and complete resolution, satisfaction, release and waiver of any claims that DHEC has asserted in this action against the Settling Defendants or may otherwise have against the Settling Defendants for response costs, damages, or penalties at the Site. Except to enforce the performance of any obligations set forth in this Agreement, DHEC covenants not to sue or bring any administrative, civil, or other action under any federal, state, or local law against the Settling Defendants concerning such waived claims. In consideration of DHEC’s covenant not to sue, the Settling Defendants agree not to assert any claims or causes of action against DHEC arising out of activities undertaken at the Site or to seek other costs, damages, or attorney’s fees from DHEC arising out of activities undertaken at the Site prior to the date of this Settlement Agreement.~~

~~**Contribution Protection.**—Pursuant to § 113(f)(2) of CERCLA, after DHEC has executed this Agreement, and has received the first Cash Payment, the Settling Defendants shall not be liable to any other persons or entities for contribution claims of whatever kind or nature relating to the Site. DHEC shall execute this Agreement only after all of the Settling Defendants have executed the Agreement. DHEC will provide the Notice of this Settlement to all other known Potentially Responsible Parties and other interested parties and/or~~

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~~entities and will publish it in the State Register for comment, and DHEC will consider any comments received. If any comments provided by any other parties cause DHEC not to execute this Agreement in its current form, then the Settling Defendants may void this Agreement. The contribution protection conferred in this Settlement Agreement does not extend to claims that the United States of America or any of its departments or agencies has or may have against the Settling Defendants. Noncompliance with any term of this Agreement revokes the contribution protection provided in this Agreement.~~

~~**Dismissal of Suit and Court Approval of Agreement.** The parties will present the Agreement to the District Court for its approval as set forth in Section II.R. of this Agreement. Upon final execution of this Agreement, payment of the first amount, and execution of the Administrative Consent Agreement specified in Section II.A. and B., the parties will enter into a stipulation of dismissal with prejudice pursuant to Fed.R.Civ.P. 41(a)(1).~~

~~Scope of Settlement Agreement.~~

~~Nothing in this Agreement shall be construed to create any rights in, or grant any cause of action or defense to, any individual or entity, whether public or private, not a party to this Agreement. This Settlement applies to and shall inure to the benefit of each signatory and its officers, directors, agents, employees, receivers, trustees, heirs, executors, administrators, successors, and assigns, and upon any successor agency of the State of South Carolina that may have responsibility for and jurisdiction over the subject matter of this Settlement. Nothing in this Settlement is intended to be, nor shall be construed as, a release or covenant not to sue for any claim or cause of action, administrative or judicial, civil or criminal, past or future, in law or equity, that DHEC may have against the Settling Defendants for any matter not expressly included in this Settlement or against any person, firm, corporation, potentially responsible party, or other entity not a signatory of this Settlement.~~

~~This Agreement constitutes the settlement of disputed claims. The Settling Defendants do not admit and, in fact, deny any liability arising out of any of the allegations made in the Lawsuit.~~

~~**Right to Cure Defaults under this Agreement.** In the event any party to this Agreement fails to satisfy any of its obligations hereunder the party to whom the obligation was due shall give the obligated party written notice of such failure and the obligated party shall have twenty days from receipt of such notice to cure its failure. If the obligated party does not cure the failure within the twenty days, the other party may exercise such rights as it may possess as a result of such failure. If Settling Defendants default in their agreement to assume all obligations for remedial work at the Site or in any other obligations under this Agreement, then DHEC shall have the right to invoke the jurisdiction of the United States District Court for the District of South Carolina to enforce the provisions of this Agreement and to hold the Settling Defendants in contempt of court for failure to comply with the provisions of this Agreement.~~

~~**Counterparts.** This Agreement may be executed in one or more counterparts.~~

~~**Effective Date.** The Effective Date of this Agreement shall be the date on which the last party to execute this Agreement does so.~~

~~**Captions.** The captions are inserted in this Agreement only for convenience of reference and do not define, limit, or describe the scope or intent of any provisions of this Agreement.~~

~~**Notice.** Any notice required under this Agreement shall be provided by either certified mail or private courier service, next day delivery. This shall be provided as follows:~~

~~_____~~
~~_____ **For DHEC:**~~

~~_____ Director, Division of Site Assessment and Remediation~~
~~_____ Bureau of Land and Waste Management~~
~~_____ South Carolina Department of Health and Environmental Control~~

2600 Bull Street

Columbia, SC 29201

with a copy to:

Legal Office

South Carolina Department of Health and Environmental Control

2600 Bull Street

Columbia, SC 29201

and

Ben A. Hagood, Jr.

Wendy L. Wilkie

Craver Hagood & Kerr, PA

P.O. Box 1016

171 Church Street, suite 120

Charleston, SC 29402.

For Settling Defendants:

[insert name and notice address for each Settling Defendant]

Computation of Time. Any period of time prescribing or requiring an act under this Agreement shall be computed in accordance with the Federal Rules of Civil Procedure.

South Carolina Law. This Agreement shall be governed by the laws of South Carolina.

Benefit of Counsel; Knowledge of Parties. The parties have had the benefit of counsel and enter into this Agreement freely, voluntarily and knowingly.

Complete Agreement. This Agreement constitutes the full and final agreement and understanding among the parties with respect to the settlement embodied in this Agreement. The parties acknowledge that there are no representations, agreements or understandings relating to the settlement other than those expressly contained in this Agreement. The undersigned specifically represent that they are authorized to execute this Agreement, and that the parties have the rights and capacity to perform the acts contemplated by this Agreement.

COURT APPROVAL. Pursuant to Rule 54(b) of the Federal Rules of Civil Procedure, the Court finds that there is no just reason for delay and directs this Settlement Agreement be entered forthwith as a final judgment with respect to all claims and causes of action asserted by DHEC against the Settling Defendants and all claims and causes of action asserted by the Settling Defendants against each other.

AND IT IS SO ORDERED, this _____ day of _____, 2002.

Judge Herlong

United States District Court

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~~THE SOUTH CAROLINA DEPARTMENT OF
HEALTH AND ENVIRONMENTAL CONTROL~~

C. Earl Hunter, Commissioner

Samuel Finklea, III, General Counsel

Esquire
Wendy L. Wilkie
Craver Hagood & Kerr, PA
171 Church Street
Charleston, SC 29401

DATE: _____ Ben A. Hagood,

~~THE SETTLING DEFENDANTS
SIGNATURE PAGE FOR HENKEL CORPORATION~~

_____ ~~HENKEL CORPORATION~~

~~WITNESS: _____ By: _____~~

~~DATE: _____ Its: _____~~

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**THE SETTLING DEFENDANTS
SIGNATURE PAGE FOR COGNIS CORPORATION**

COGNIS CORPORATION

WITNESS: _____ **By:** _____

DATE: _____ **Its:**

~~THE SETTLING DEFENDANTS
SIGNATURE PAGE FOR MILLENNIUM PETROCHEMICALS, INC.~~

~~MILLENNIUM PETROCHEMICALS, INC.~~

~~WITNESS: _____ By: _____~~

~~DATE: _____ Its: _____~~

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~~THE SETTLING DEFENDANTS~~
~~SIGNATURE PAGE FOR ETHOX CHEMICALS, L.L.C.~~

~~ETHOX CHEMICALS, L.L.C.~~

~~WITNESS:~~ _____ **~~By:~~** _____

~~DATE:~~ _____ **~~Its:~~**

~~THE SETTLING DEFENDANTS
SIGNATURE PAGE FOR PIEDMONT CHEMICALS, INC.~~

~~PIEDMONT CHEMICALS, INC.~~

~~WITNESS: _____ By: _____
_____~~

~~DATE: _____ Its: _____~~

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~~THE SETTling DEFENDANTS~~
~~SIGNATURE PAGE FOR WILBUR GREER~~

~~WILBUR GREER~~

~~WITNESS: _____~~
~~_____~~

~~DATE: _____~~

~~THE SETTLING DEFENDANTS
SIGNATURE PAGE FOR CLARENCE BURMAN~~

~~CLARENCE BURMAN~~

~~WITNESS: _____~~

~~DATE: _____~~

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~~THE SETTLING DEFENDANT SIGNATURE PAGE FOR BERNARD KORTE~~

~~BERNARD KORTE~~

~~WITNESS: _____~~

~~DATE: _____~~

The Settlement Agreement relates to the alleged release, and threatened release, of hazardous substances, pollutants, or contaminants at 230 East Standing Springs Road, Simpsonville, South Carolina, and surrounding areas impacted by the migration of hazardous substances, pollutants, or contaminants (collectively referred to as the "Site"). The Settlement Agreement provides for cleanup of the Site and recovery of costs from potentially responsible parties; specifically, past removal costs and future remedial costs at the Site. In consideration of the foregoing, the Settlement Agreement provides for a release of the Settling Defendants from further liability related to the matters covered by the Settlement Agreement and confers contribution protection upon Settling Defendants pursuant to CERCLA Section 113, 42 U.S.C. Section 9613.

The Settlement Agreement will be filed with the Court for approval. Notice of Settlement has been provided to all identified potentially responsible parties and other interested parties and/or entities, and shall be published in the State Register.

Copies of the Settlement Agreement and other papers related to this matter can be viewed and/or obtained by providing a written Freedom of Information request to the South Carolina Department of Health and Environmental Control at:

Freedom of Information Office
South Carolina Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201-1708

Any comments must be submitted in writing, postmarked within thirty days of the date of this Notice of Settlement, addressed to:

Samuel L. Finklea, Esquire
Office of General Counsel
South Carolina Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201

UPON APPROVAL AND ENTRY OF THE SETTLEMENT AGREEMENT BY THE COURT, ANY AND ALL CLAIMS BY ANY AND ALL PERSONS AGAINST THE SETTLING DEFENDANTS SEEKING CONTRIBUTION FOR MATTERS ENCOMPASSED BY THE SETTLEMENT AGREEMENT SHALL BE FORECLOSED

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF PUBLIC HEARING

The South Carolina Department of Health and Environmental Control (SC DHEC) will conduct a public hearing concerning the 2003-2004 Preventive Health and Health Services Block Grant (PHHSBG) on Monday, September 30, 2002. The hearing will be held at the Michael D. Jarrett Building, Room N-400 located at 1751 Calhoun Street, Columbia, SC, from 3:00 p.m. to 4:00 p.m.

The State of South Carolina receives PHHSBG funds from the US Department of Health and Human Services, Centers for Disease Control and Prevention (CDC) under the authorization of Part A, Title XIX of the Public Health Service Act. The grant funds activities in the areas of chronic and infectious disease prevention and other preventive health services, emergency medical services, and sexual assault prevention.

The public is invited to attend the hearing and comment concerning proposed plans for utilization of these block grant funds. Comments received concerning the PHHSBG will be reviewed by the SC Preventive Health and Human Service Block Grant Advisory Committee prior to the submission of the grant application to the CDC.

Copies of the PHHSBG 2003-2004 grant proposal will be available for public inspection from September 3 to September 30, 2002, during normal business hours at the SC Department of Health and Environmental Control, Bureau of Chronic Disease Prevention and Health Promotion, Room N-234, Michael D. Jarrett Building, 1751 Calhoun Street, Columbia SC.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

PUBLIC NOTICE

Section IV of R.61-98, the State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation, requires that the Department of Health and Environmental Control evaluate and certify site rehabilitation contractors to perform site rehabilitation of releases from underground storage tanks under the State Underground Petroleum Environmental Response Bank (SUPERB) Act. Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and individuals listed below, please submit your comments in writing, no later than October 27, 2002 to:

Contractor Certification Program
 South Carolina Department of Health and Environmental Control
 Bureau of Underground Storage Tank Management
 Attn: Barbara Boyd
 2600 Bull Street
 Columbia, SC 29201

The following companies and individuals have applied for certification as Underground Storage Tank Site Rehabilitation Contractors:

Class I

Class II

Battelle Memorial Institute

DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF MEDICAL EXAMINERS

NOTICE

In accordance with Section 1-23-40 of the 1976 Code of Laws of South Carolina, as amended, notice is hereby given that the State Board of Medical Examiners for South Carolina has adopted the following statement as guidance for physicians in the practice of medicine under the South Carolina Medical Practice Act and the Principles of Medical Ethics as adopted by the Board.

BOTOX INJECTIONS

The S.C. Board of Medical Examiners has adopted the policy that the revision, destruction, or other structural alteration of human tissue using an injection of drugs is surgery. Botox injections should be performed only by individuals licensed to practice medicine and perform surgical services. Because treatments by injection involve the destruction of human tissue, and because the proper use of injection devices require specialized training, the procedure may be performed only by a physician properly licensed in South Carolina to practice medicine or under the physician's supervision while on-site. Botox injections should be performed in accordance with the following criteria:

1. The informed consent of the patient must be obtained and documented;
2. A bona fide physician-patient relationship must be established;
3. The procedure should be performed only in an appropriate clinical setting that ensures resuscitative capabilities and sterility;
4. Cosmetic use is a delegable act to an appropriately qualified licensed person and the physician must be on-site and readily available for any problems that may occur; and
5. Any non-cosmetic indication is a non-delegable act and must be performed by the physician.

The safety of the patient is the responsibility of the supervising physician as patient protection is paramount. The physician must direct the course of the patient's treatment.

Although a physician who conducts himself/herself in accordance with this policy may avoid disciplinary action by the Board of Medical Examiners, a physician may still face civil liability under some circumstances, and should therefore consult private counsel where doubt exists as to what actions are appropriate.

CLEMSON UNIVERSITY
STATE CROP PEST COMMISSION
 CHAPTER 27
 Statutory Authority: 1976 Code Section 46-9-40

Notice of Drafting:

The State Crop Pest Commission proposes to amend current regulation 27-131 dealing with the Imported Fire Ant Quarantine, designating certain areas as now subject to the quarantine, and rewording several paragraphs. Interested persons may submit comments to Dr. H. B. Jackson, Jr., Regulatory and Public Service Programs, 511 Westinghouse Road, Pendleton, SC 29630.

Synopsis:

The imported fire ant is a designated plan pest that affects most, if not all, of South Carolina. The purpose of these amendments is to revise the current limits of the quarantine and to revise the working of the regulation.

Legislative review of this proposal will be required.

CLEMSON UNIVERSITY
STATE CROP PEST COMMISSION
 CHAPTER 27
 Statutory Authority: 1976 Code Section 46-9-40

Notice of Drafting:

The State Crop Pest Commission proposes to amend current regulation 27-135 to designate Plum Pox (also known as Sharka) virus (*Potyvirus plum pox virus*) as a plant pest and to draft a new regulation that places quarantine on various plant materials and vectors which may harbor Plum Pox virus. Interested persons may submit comments to Dr. H. B. Jackson, Jr., Regulatory and Public Service Programs, 511 Westinghouse Road, Pendleton, SC 29630.

Synopsis:

Plum pox virus is a debilitating disease of all fruits in the genus *Prunus*, which includes peaches, plums, and nectarines. It is transmitted by insects and infected plant material. While it has not yet been discovered in South Carolina, it has been found in the northern United States and Canada. It is the intent of these regulations to prevent or deter the introduction of such virus into South Carolina.

Legislative review of this proposal will be required.

CLEMSON UNIVERSITY
STATE CROP PEST COMMISSION
 CHAPTER 27
 Statutory Authority: 1976 Code Section 46-9-40

Notice of Drafting:

The State Crop Pest Commission is contemplating amending its Regulation 27-50. The amendments will alter the regulated areas by adding and deleting areas subject to the quarantine. Please address all comments to Dr. H. B. Jackson, Department of Plant Industry, 511 Westinghouse Road, Pendleton, SC 29670. To be

30 DRAFTING

considered, comments must be received no later than 5:00 PM on October 28, 2002, the close of the drafting comment period.

Synopsis:

Witchweed is a parasite plant affecting primarily plant material in the grass family, which includes corn. On-going eradication efforts have reduced its range, and the Commission desires to adjust the quarantine area accordingly.

Legislative review of this proposal will be required.

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: S.C. Code Ann. Section 59-5-60(1) (Supp. 2001) and
S.C. Code Ann. Section 59-26-10, seq. (Supp. 2001)

Notice of Drafting:

The State Department of Education proposes to repeal and amend regulations governing Teacher Certification. Interested persons may submit their comments in writing to Dr. Janice Poda, Director, Division of Teacher Quality, 1600 Gervais Street, Columbia, South Carolina 29201. To be considered, all comments must be received not later than 5:00 p.m. on October 4, 2002, the close of the drafting comment period.

Synopsis:

The development of South Carolina Curriculum Standards, the direction of National Standards for Teacher Education, development of INTASC standards for initial teacher licensure, enactment of South Carolina Accountability Act, preliminary report from the Governor's Commission on Teacher Quality, and the work related task forces create the need for restructuring the state system for training, certifying and evaluating teachers.

Legislative review of this proposal will be required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: S.C. Code Sections 48-39-50,
48-39-145 (as amended by 2002 Act 248)
and 48-39-150

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend R. 30-4, *Decision on a Permit*, and R.61-30, *Environmental Protection Fees*. Interested persons should submit their views in writing to Debra L. Hernandez, Office of Ocean and Coastal Resource Management, S.C. Department of Health and Environmental Control, 1362 McMillan Avenue, Suite 400, Charleston, S.C., 29405. To be considered, comments should be received no later than October 28, 2002, the close of the initial drafting comment period. This notice amends two previous Notices of Drafting published on June 28, 2002, and July 26, 2002. Comments received pursuant to those notices shall be considered and do not need to be resubmitted.

Synopsis:

Pursuant to Act 248, effective May 15, 2002, S.C. Code Section 48-39-145 was amended to raise the critical area permit application fees for minor activities which are non-commercial/non-industrial in nature and provide personal benefits that have no connection with a commercial/industrial enterprise. The proposed amendment will revise R.61-30.G.13 regarding the application fee for minor, private activities to bring the Coastal Zone Management Program fee schedule current for consistency with state law.

Additionally, the proposed amendment will revise R.61-30.H.3 to add timeframes for amendment processing for both minor and major activities. R.61-30.B(22), "Time Schedules" will also be updated to add a reference to Section 48-30-150. Other amendments to R.61-30 and R.30-4 will be considered to address issues of consistency between the two regulations as they relate to fees, permit processing, timeframes and amendments to permits.

Legislative review will be required.

DEPARTMENT OF INSURANCE**CHAPTER 69**

Statutory Authority: 1976 Code Sections 38-1-20 (40); 38-3-110; 1-23-10, *et seq.*

Notice of Drafting:

The South Carolina Department of Insurance proposes to create Regulation 69-64, Exempt Commercial Policies. Interested persons should submit their views in writing to: Melanie A. Joseph, Executive Assistant to the Director, Legislative Liaison, South Carolina Department of Insurance, Post Office Box 100105, Columbia, South Carolina 29202-3105. To be considered, all comments must be received no later than 5:00 p.m., October 11, 2002.

Synopsis:

The South Carolina Department of Insurance proposes to create Regulation 69-64 related to the definition of Exempt Commercial Policies. Pursuant to Act 300 of 2002, Section 38-1-20 (40) of the South Carolina Code of Laws was amended to define "exempt commercial policies" as policies for commercial insureds as may be provided for in regulation issued by the Director. The purpose of Regulation 69-64 will be to outline the characteristics which will qualify a commercial policy as having an "exempt" status.

The proposed regulation will require legislative review.

DEPARTMENT OF INSURANCE**CHAPTER 69**

Statutory Authority: 1976 Code Sections 38-3-110; 38-79-110 *et seq.*; 1-23-10, *et seq.*

Notice of Drafting:

The South Carolina Department of Insurance proposes to create Regulation 69-65, South Carolina Medical Malpractice Liability Joint Underwriting Association Plan of Operation. Interested persons should submit their views in writing to: Melanie A. Joseph, Executive Assistant to the Director, Legislative Liaison, South Carolina Department of Insurance, Post Office Box 100105, Columbia, South Carolina 29202-3105. To be considered, all comments must be received no later than 5:00 p.m., October 11, 2002.

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Synopsis:

The South Carolina Department of Insurance proposes to create Regulation 69-65 related to the South Carolina Medical Malpractice Liability Joint Underwriting Association Plan of Operation (Plan). The Plan shall include provisions including, but not limited to, the determination of board members and committees, policies related to conflicts of interest and the liability of board members.

The proposed regulation will require legislative review.

DEPARTMENT OF REVENUE

CHAPTER 7

Statutory Authority: 1976 Code Sections 12-4-320 and 61-2-60

Notice of Drafting:

The South Carolina Department of Revenue is considering adding a regulation concerning the requirements for protesting the issuance or renewal of beer or wine permits or alcoholic liquor licenses, including, but not limited to, the information a protest must contain and what constitutes a timely protest.

Interested persons may submit written comments to Meredith F. Cleland, South Carolina Department of Revenue, Legislative Services, P.O. Box 125, Columbia, SC 29214. To be considered, comments must be received no later than 5:00 p.m. on October 29, 2002.

Synopsis:

The South Carolina Department of Revenue is considering adding a regulation concerning the requirements for protesting the issuance or renewal of beer or wine permits or an alcoholic liquor licenses, including, but not limited to, the information a protest must contain and what constitutes a timely protest.

DEPARTMENT OF REVENUE

Chapter 117

Statutory Authority: 1976 Code Sections 12-4-320

Notice of Drafting:

The South Carolina Department of Revenue is considering adding a regulation addressing the Department of Revenue's procedures for the collection of liabilities pursuant to Code Section 12-4-580 under its Governmental Enterprise Account Receivables Collections ("GEAR") Program. This regulation will address the steps that the Department of Revenue will use to collect liabilities under the GEAR Program and information about when the Department of Revenue will, and will not, use garnishment as a tool of collection as well as other collection matters relating to the GEAR program. Interested persons may submit written comments to Meredith F. Cleland, South Carolina Department of Revenue, Legislative Services, P.O. Box 125, Columbia, SC 29214. To be considered, comments must be received no later than 5:00 p.m. on October 29, 2002.

Synopsis:

The South Carolina Department of Revenue is considering adding a regulation addressing the Department of Revenue's procedures for the collection of liabilities pursuant to Code Section 12-4-580 under its Governmental Enterprise Account Receivables Collections ("GEAR") Program. This regulation will address the steps that the Department of Revenue will use to collect liabilities under the GEAR Program and

information about when the Department of Revenue will, and will not, use garnishment as a tool of collection as well as other collection matters relating to the GEAR program.

DEPARTMENT OF REVENUE
CHAPTER 117
 Statutory Authority: 1976 Code Section 12-4-320

Notice of Drafting:

The South Carolina Department of Revenue is considering repealing Article 5 of Chapter 117 of the SC Code of Regulations (SC Regulations 117-60 through 117-95.1) and creating fifteen new regulations concerning income tax, withholding and the corporate license fee and annual reports in Articles 12 (Income Tax), 18 (Withholding) and 20 (Corporate License Fee and Annual Reports). Under the proposal, regulations are combined so that all regulations concerning one subject matter can be found in one regulation and therefore one place in the regulation code. In addition, a regulation may have several “subsections” numbered in a manner to allow future issues concerning the subject matter to be added on and still be in the same place in the regulation code as other similar issues. For example, all issues concerning the taxable income calculation for military personnel, military retirees, and their families can be found in one regulation under Regulation 117-640. This regulation has several “subsections” numbered 117-640.1, 117-640.2, and so on. This proposal organizes the regulations in the same manner the income tax, withholding, and corporate license fee code of laws are organized:

Article 12 - Income Tax

- Subarticle 1 – Adoption of Internal Revenue Code
- Subarticle 5 – Tax Rates and Imposition
- Subarticle 9 – Taxable Income Calculations
- Subarticle 13 – Nonresident and Part Year Resident Individuals
- Subarticle 17 – Allocation and Apportionment
- Subarticle 21 – Foreign Trade Receipts
- Subarticle 25 – Credits
- Subarticle 29 – Estimated Tax Payments
- Subarticle 33 – Tax Years, Accounting Methods, and S Corporation Elections
- Subarticle 37 – Tax Returns
- Subarticle 41 – Miscellaneous Provisions

Article 18 – Withholding

- Subarticle 1 – Definitions
- Subarticle 5 – Withholding Required
- Subarticle 9 – Procedure for Withholding on Wages
- Subarticle 13 – Depositing and Filing Returns in Connection with Withholding
- Subarticle 17 – Enforcement and Administration Provisions

Article 20 Corporate License Fee and Annual Reports

Proposed Regulation 117-850.1 (presently Regulation 117-78) was revised to eliminate outdated references to Internal Revenue Service procedures and require conformity with Department standards for reproduced or computer prepared forms. Proposed Regulation 117-850.2 (presently Regulation 117-91.10) concerning the submission of information on magnetic tape was revised and streamlined to address modern and changing technology and to conform with Department standards for submitting tax information using non-paper

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methods. This proposal also repeals regulations concerning trucking and bus companies (117-87.9), commercial fishermen (117-87.71), the franchise tax and decrease of capital stock (117-89.2), and nonresident employees operating common carriers (117-91.1) since these regulations are outdated or unnecessary due to recent legislation.

Interested persons may submit written comments to Meredith F. Cleland, South Carolina Department of Revenue, Legislative Services, P.O. Box 125, Columbia, SC 29214. To be considered, comments must be received no later than 5:00 p.m. on October 29, 2002.

Synopsis:

The South Carolina Department of Revenue is considering repealing Article 5 of Chapter 117 of the SC Code of Regulations (SC Regulations 117-60 through 117-95.1) and creating fifteen new regulations concerning income tax, withholding and the corporate license fee and annual reports in Articles 12 (Income Tax), 18 (Withholding) and 20 (Corporate License Fee and Annual Reports). Under the proposal, regulations are combined so that all regulations concerning one subject matter can be found in one regulation and therefore one place in the regulation code. In addition, a regulation may have several "subsections" numbered in a manner to allow future issues concerning the subject matter to be added on and still be in the same place in the regulation code as other similar issues. This proposal organizes the regulations in the same manner the income tax, withholding, and corporate license fee code of laws are organized. Proposed Regulation 117-850.1 (presently Regulation 117-78) was revised to eliminate outdated references to Internal Revenue Service procedures and require conformity with Department standards for reproduced or computer prepared forms. Proposed Regulation 117-850.2 (presently Regulation 117-91.10) concerning the submission of information on magnetic tape was revised and streamlined to address modern and changing technology and to conform with Department standards for submitting tax information using non-paper methods. This proposal also repeals regulations concerning trucking and bus companies (117-87.9), commercial fishermen (117-87.71), the franchise tax and decrease of capital stock (117-89.2), and nonresident employees operating common carriers (117-91.1) since these regulations are outdated or unnecessary due to recent legislation.

DEPARTMENT OF REVENUE

CHAPTER 7

Statutory Authority: 1976 Code Sections 12-4-320 and 61-2-60

Notice of Drafting:

The South Carolina Department of Revenue is considering repealing Articles 1 through 5 of Chapter 7 of the SC Code of Regulations (SC Regulations 7-1 through 7-99) and creating nineteen new regulations concerning the regulation of alcoholic beverages in new Articles 6, 7, 8, and 9 of Chapter 7 of the SC Code of Regulations. Under the proposal, alcoholic beverage regulations are combined so that all regulations concerning one subject matter can be found in one regulation and therefore one place in the regulation code. In addition, most regulations would have several "subsections" numbered in a manner to allow future issues concerning the subject matter to be added on and still be in the same place in the regulation code as other similar issues. For example, all issues concerning the requirements for a retail location licensed to sell minibottles for on-premise consumption can be found in one regulation under Regulation 7-401. This regulation has several "subsections" numbered 117-401.1, 117-402.2, and so on. The project reduces the number of regulations from 60 to 19. This proposal also combines several regulations that dealt with the same subject matter for each type of alcoholic beverage (liquor, beer or wine) and placed this single regulation in a "General Provisions" article. For example, the proposal combines all regulations concerning applications for permits and licenses into one regulation applicable to liquor licenses and beer and wine permits. Regulation 7-200.1(D) and Regulation 7-701.5 of this proposal were changed to reflect recent legislation concerning the issuance of licenses and permits to publicly traded corporations and the increase in the alcoholic content of

natural wine. Provisions prohibiting any inducements to purchase liquor, now found in Regulation 7-43, have been deleted to reflect recent legislation. In addition, Regulations 7-300.5, 7-400(D), 7-401.3(B)(2), and 7-404 of this proposal include longstanding Department policy regarding removal of liquor from a retail liquor store after closing, the definition of "luggage compartment," the amount of refrigerated space in a kitchen, the requirement of having a stove in a kitchen and the disposal of empty or broken sealed minibottles. Requirements for the storage space in a retail liquor store, now found in SC Regulation 7-58, have been deleted as outdated.

Interested persons may submit written comments to Meredith F. Cleland, South Carolina Department of Revenue, Legislative Services, P.O. Box 125, Columbia, SC 29214. To be considered, comments must be received no later than 5:00 p.m. on October 29, 2002.

Synopsis:

The South Carolina Department of Revenue is considering repealing Articles 1 through 5 of Chapter 7 of the SC Code of Regulations (SC Regulations 7-1 through 7-99) and creating nineteen new regulations concerning the regulation of alcoholic beverages in new Articles 6, 7, 8, and 9 of Chapter 7 of the SC Code of Regulations. Under the proposal, alcoholic beverage regulations are combined so that all regulations concerning one subject matter can be found in one regulation and therefore one place in the regulation code. In addition, certain regulations in this proposal were changed to reflect recent legislation concerning the issuance of licenses and permits to publicly traded corporations and the increase in the alcoholic content of natural wine, and longstanding Department policy regarding removal of liquor from a retail liquor store after closing, the definition of "luggage compartment," the amount of refrigerated space in a kitchen, the requirement of having a stove in a kitchen and the disposal of empty or broken sealed minibottles. Requirements for the storage space in a retail liquor store, now found in SC Regulation 7-58, have been deleted as outdated as part of this proposal. Provisions prohibiting any inducements to purchase liquor, now found in Regulation 7-43, have been deleted to reflect recent legislation.

Document No. 2769
STATE BOARD OF EDUCATION
 CHAPTER 43

Statutory Authority: S. C. Code Ann. Sections 59-5-60 (1990), 59-25-110 (1990)

43-51.1. Acceptable Credits

Preamble:

It is necessary to repeal this regulation for clarification and to align South Carolina regulations with the No Child Left Behind Act. The amended text from this regulation will be added to Regulation 43-51, Requirements for Certification.

Section-by-Section Discussion:

This regulation is being repealed and the amended language merged into R 43-51.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the State Board of Education at its meeting on November 12, 2002, at 10:00 A.M. at the Rutledge Building, State Department of Education, Columbia, South Carolina. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Dr. Janice Poda, Senior Director, Teacher Quality, 1600 Gervais Street, Columbia, South Carolina 29201 or e-mail jpoda@sctechners.org. Comments must be received no later than 5:00 P.M. on October 28, 2002. Comments received by the deadline will be submitted to the Board in a summary of public comments and department responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement: There will be no increased costs to the state or its political subdivisions.

Statement of Need and Reasonableness:

The Statement of Need and Reasonableness was determined by staff analysis pursuant to S.C. Code Ann. Section 1-23-115 (Supp. 2001).

DESCRIPTION OF REGULATION: R 43-51.1 (Supp. 2001), Acceptable Credits

Purpose: R 43-51.1, Acceptable credits, is being repealed and the amended language merged into R 43-51.

Legal Authority: The legal authority for the regulation is S. C. Code Ann. Sections 59-5-60 (1990), 59-25-110 (1990).

Plan for Implementation: The proposed repeal will be posted on the State Department of Education's Web site for review and comment. The repeal will take effect upon approval by the General Assembly and publication in the *State Register*.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The proposed repeal and addition of the

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regulation amended text to Regulation 43-51 will align South Carolina's regulation on certification requirements with the new federal No Child Left Behind Act of 2001.

DETERMINATION OF COSTS AND BENEFITS: None

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The proposed repeal of the South Carolina regulation on acceptable credits, if implemented, will have no effect on the environment and public health.

DETRIMENTAL EFFECTS ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be no detrimental effects on the environment and public health if this repeal is not implemented.

Statement of Rationale: The proposed repeal and addition of the regulation amended text to Regulation 43-51 will align South Carolina's regulation on certification requirements with the new federal No Child Left Behind Act of 2001.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 2774

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: S.C. Code Ann. Sections 59-5-60 (1990) and 59-25-110 (1990)

43-52. Application for Teaching Credential—Required Documentation.

Preamble:

The Department proposes to amend Regulation 43-52, Application for Teaching Credential—Required Documentation, as indicated in the drafting notice of June 28, 2002. The proposed amendments clarify certification application requirements and align South Carolina's regulation on certification application requirements with Regulation 43-51 and the new federal No Child Left Behind Act of 2001 (Pub. L. 107-110).

1. The proposed amendments indicate the specific documents required for South Carolina certification.
2. The proposed amendments clarify the effective date of the credential.

The Notice of Drafting was published in the *State Register* on June 28, 2002.

Section-by-Section Discussion

1. Section I(A)(B) The text is revised to reflect the current name of the required application form and a separate statement is added regarding the college recommendation form.
2. Section I(D) The text is revised to clarify the area and pedagogy test requirements to comply with the new federal No Child Left Behind Act of 2001.
3. Section I(F) The text is revised to align this section's FBI requirements to those in other regulations and clarify that FBI reports must be within the eighteen months prior to certification.

- 4. Section II The text is revised to move application and evaluation fee to a separate section.

- 5. Section III(A)(B)(C) The text is revised to clarify the effective date of a credential as well as to clarify changes to the regulation to comply with the new federal No Child Left Behind Act of 2001.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the State Board of Education at its meeting on November 12, 2002, at 10:00 A.M. at the Rutledge Building, State Department of Education, Columbia, South Carolina. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Dr. Janice Poda, Senior Director, Teacher Quality, 1600 Gervais Street, Columbia, South Carolina 29201 or e-mail jpoda@scteachers.org. Comments must be received no later than 5:00 P.M. on October 28, 2002. Comments received by the deadline will be submitted to the Board in a summary of public comments and department responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement: There will be no increased costs to the state or its political subdivisions.

Statement of Need and Reasonableness:

This statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Ann. Section 1-23-115 (Supp. 2001)

DESCRIPTION OF REGULATION: R 43-52 (Supp. 2001), Application for Teaching Credential–Required Documentation.

Purpose: Regulation 43-52 (Supp. 2001), Application for Teaching Credential–Required Documentation, is being amended. The proposed amendments will clarify certification application requirements and align South Carolina’s regulation on certification application requirements with Regulation 43-51 and the new federal “No Child Left Behind” Act.

See Preamble and Section-by-Section Discussion of Proposed Revisions above.

Legal Authority: The legal authority for the Regulation 43-52 are S.C. Code Ann. Sections 59-5-60 (1990), 59-25-110 (1990), and No Child Left Behind Act of 2001 (Pub. L. 107–110).

Plan for Implementation: The proposed amendments will be posted on the State Department of Education’s Web site for review and comment. The amendments will take effect upon approval by the General Assembly and publication in the *State Register*.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The proposed amendments clarify certification application requirements and align South Carolina’s regulation on certification application requirements with Regulation 43-51 and the new federal No Child Left Behind Act of 2001.

DETERMINATION OF COSTS AND BENEFITS: None

UNCERTAINTIES OF ESTIMATES: None

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EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The proposed amendments to the South Carolina regulation on application for teaching credential-required documentation, if implemented, will have no effect on the environment and public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be no detrimental effects on the environment and public health if these amendments are not implemented.

Statement of Rationale: The proposed amendments clarify certification application requirements and align South Carolina's regulation on certification application requirements with Regulation 43-51 and the new federal No Child Left Behind Act of 2001.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 2776

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: Code Ann. Sections 59-5-60 (1990), 59-25-110 (1990)

43-53. Credential Classification

Preamble:

The State Department of Education recommends that the State Board of Education propose amendments to R 43-53, Credential Classification, as indicated in the drafting notice of June 28, 2002. The proposed amendments clarify the types of levels of credential classifications and align South Carolina's regulation on credentials with the new federal No Child Left Behind Act of 2001 (Pub. L. 107-110).

The proposed amendments clarify the types of credential classifications including initial, professional, alternative route, temporary, graded, warrants, and special subject.

The proposed amendments clarify the levels of credential classifications including bachelor's degree, bachelor's degree plus eighteen hours, master's degree, master's degree plus thirty hours, and doctorate degree.

The proposed amendments clarify the requirements for credential advancement.

The Notice of Drafting was published in the *State Register* on June 28, 2002.

Section-by-Section Discussion

The entire regulation has been reorganized to separate the types and levels of credential classification from the requirements for credential advancement.

Section I(A) The text is revised to further explain the initial credential and the requirements to receive it.

Section I(B) The text is revised to clarify the process for achieving a professional certificate. This includes accepting a valid National Board Teaching Certification to fulfill the requirements for a professional certificate.

Section I(C)	The text is revised to update the information on alternative route certification and adds the qualifications necessary to advance to a professional certificate.
Section I(D)	The text is revised to properly categorize the types of temporary certificates including out-of-state temporary certificates, transitional certificates, out-of-field permits, school psychologist, and speech-language therapist. For each, it clarifies the validity period and the process for renewal, if available. It also includes statements to comply with the new federal No Child Left Behind Act of 2001.
Section I(E)	The text is revised to clarify the process for maintaining warrants and graded certificates. It also includes statements to comply with the new federal No Child Left Behind Act of 2001. Section I(F). The text is revised to comply with the new federal No Child Left Behind Act of 2001.
Section II	The text is revised to clarify the levels of credential classification.
Section III	The text is revised to clarify the requirements for credential advancement including the dates of advancement based on completion of the requirements.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the State Board of Education at its meeting on November 12, 2002, at 10:00 A.M. at the Rutledge Building, State Department of Education, Columbia, South Carolina. The notice for public hearings will be noted in the Board's agenda to be published by the Department two days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Dr. Janice Poda, Senior Director, Teacher Quality, 1600 Gervais Street, Columbia, South Carolina 29201 or e-mail jpoda@scteachers.org. Comments must be received no later than 5:00 P.M. on October 28, 2002 as noticed above. Comments received by the deadline will be submitted to the Board in a summary of public comments and department responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement: There will be no increased costs to the state or its political subdivisions.

Statement of Need and Reasonableness:

This statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Ann. Section 1-23-115, (Supp. 2001).

DESCRIPTION OF REGULATION: 43-53, Credential Classification

Purpose: Regulation 43-53, Credential Classification, is being amended and replaced in its entirety. The proposed amendments will clarify the types of levels of credential classifications and align South Carolina's regulation on credentials with the new federal No Child Left Behind Act of 2001.

Legal Authority: The legal authority for the Regulation 43-53 are S.C. Code Ann. Sections 59-5-60 (1990) and 59-25-110 (1990), the No Child Left Behind Act of 2001 (Pub. L. 107-110).

Plan for Implementation: The proposed amendments will be posted on the State Department of Education Web site for review and comment. The amendments will take effect upon approval by the General Assembly and publication in the *State Register*.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The proposed amendments will clarify the types and levels of credential classifications and align South Carolina's regulation on credentials with the new federal No Child Left Behind Act of 2001.

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DETERMINATION OF COSTS AND BENEFITS: None

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The proposed amendments to the South Carolina regulation on credential classification, if implemented, will have no effect on the environment and public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be no detrimental effects on the environment and public health if these amendments are not implemented.

Statement of Rationale: The proposed amendments clarify the types and levels of credential classifications and align South Carolina's regulation on credentials with the new federal No Child Left Behind Act of 2001.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 2761
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: S.C. Code Ann. Sections 59-5-60 (1990), 59-5-65 (1990 and Supp. 2001) and 59-36-10, (Supp. 2001), 20 U.S.C. 1400 *et seq.* (1997)

43-243.1(B)(2)(a)(b). Criteria for Entry into Programs of Special Education for Students with Disabilities

Preamble:

The State Department of Education recommends that the State Board of Education approve an amendment to R 43-243.1(B)(2)(a)(b), Criteria for Entry into Programs of Special Education for Students with Disabilities, to clarify existing Preschool Child with Disability eligibility criteria.

In 1997, the federal government reauthorized the Individuals with Disabilities Education Act (IDEA). In 1999, following the reauthorization of the IDEA, the United States Department of Education, Office of Special Education Programs, substantially revised the federal regulations implementing the IDEA. As a result of the reauthorization of IDEA and the revised federal regulations, the state was required to substantially amend its existing regulations to meet federal requirements regarding the provision of a free and appropriate education to students with disabilities. This amendment is to provide clarification of the Preschool Child with Disabilities eligibility criteria Section B(2)(a) and B(2)(b).

The Notice of Drafting was published in the *State Register* on June 28, 2002.

Section-by-Section Discussion

Section B(2)(a)(b). This amendment will provide clarification of the preschool child with disabilities eligibility criteria.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the State Board of Education at its meeting on November 12, at 10:00 A.M. at the Rutledge Building, State Department of Education, Columbia, South Carolina. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendment by writing to Dr. Sandra Lindsay, Deputy Superintendent, Division of Curriculum Services and Assessment or e-mail slindsay@sde.state.sc.us. Comments must be received no later than 5:00 P.M. on October 28, 2002. Comments received by the deadline will be submitted to the Board in a summary of public comments and Department responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement: The State Department of Education does not anticipate additional cost to the state or its political subdivisions.

Statement of Need and Reasonableness:

This Statement of Need and Reasonableness was determined by staff analysis pursuant to S.C. Code Ann. Section 1-23-115 (Supp. 2001).

Purpose: Regulation 43-243.1(2)(a)(b), Criteria for Entry into Programs of Special Education for Students with Disabilities is being amended. The proposed amendment will correct existing eligibility criteria. See Preamble and Section-by-Section Discussion above.

Legal Authority: The legal authorities for Regulation 43-243.1 are: S.C. Code Ann. Sections 59-5-60 (1990), 59-5-65 (1990 and Supp. 2001) and 59-36-10, (Supp. 2001), 20 U.S.C. 1400 *et seq.* (1997).

Plan for Implementation: The proposed amendment will be posted on the State Department of Education's Web site for review and comment. The amendment will take effect upon publication in the *State Register*.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS AND EXPECTED BENEFITS:

The proposed amendment will provide clarification of the preschool child with disabilities eligibility criteria.

DETERMINATION OF COSTS AND BENEFITS:

The Department has determined that there will be no additional cost associated with this amendment.

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: None

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be no detrimental effects on the environment and public health if this amendment is not implemented.

Statement of Rationale:

In 1997, the federal government reauthorized the Individuals with Disabilities Education Act (IDEA). In 1999, following the reauthorization of the IDEA, the United States Department of Education, Office of Special Education Programs, substantially revised the federal regulations implementing the IDEA. As a result of the reauthorization of the IDEA and the revised federal regulations, the state was required to substantially amend its existing regulations to meet federal requirements regarding the provision of a free and appropriate

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education to students with disabilities. This amendment will provide clarification of the Preschool Child with Disabilities eligibility criteria.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 2775
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: S. C. Code Ann. Sections 59-5-60 (1990), 59-25-110 (1990)

43-52.1. Effective Date of Credential

Preamble:

It is necessary to repeal this regulation for clarification and to align South Carolina regulations with the No Child Left Behind Act of 2001, Public Law 107-110. The amended text from this regulation will be added to Regulation 43-52, Application for Teaching Credential—Required Documentation.

Section-by-Section Discussion:

This regulation is being repealed and the amended language merged into R 43-52.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the State Board of Education at its meeting on November 12, 2002, at 10:00 A.M. at the Rutledge Building, State Department of Education, Columbia, South Carolina. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Dr. Janice Poda, Senior Director, Teacher Quality, 1600 Gervais Street, Columbia, South Carolina 29201 or e-mail jpoda@scteachers.org. Comments must be received no later than 5:00 P.M. on October 28, 2002. Comments received by the deadline will be submitted to the Board in a summary of public comments and department responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement: There will be no increased costs to the state or its political subdivisions.

Statement of Need and Reasonableness:

The Statement of Need and Reasonableness was determined by staff analysis pursuant to S.C. Code Ann. Section 1-23-115 (Supp. 2001).

DESCRIPTION OF REGULATION: 43-52.1(Supp. 2001), Effective Date of Credential

Purpose: R 43-52.1, Effective Date of Credential, is repealed and the language merged into R 43-52.

Legal Authority: The legal authority for the regulation is S. C. Code Ann. Sections 59-5-60 (1990), 59-25-110 (1990).

Plan for Implementation: The proposed repeal will be posted on the State Department of Education's Web site for review and comment. The repeal will take effect upon approval by the General Assembly and publication in the *State Register*.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The proposed repeal and addition of the regulation amended text to Regulation 43-52 will align South Carolina's regulation on certification requirements with the new federal No Child Left Behind Act of 2001.

DETERMINATION OF COSTS AND BENEFITS: None

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The proposed repeal of the South Carolina regulation on effective date of credential, if implemented, will have no effect on the environment and public health.

DETRIMENTAL EFFECTS ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be no detrimental effects on the environment and public health if this repeal is not implemented.

Statement of Rationale: It is necessary to repeal this regulation for clarification and to align South Carolina regulations with the No Child Left Behind Act of 2001. The amended text from this regulation will be added to Regulation 43-52, Application for Teaching Credential—Required Documentation.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 2770
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: S. C. Code Ann. Sections 59-5-60 (1990) and 59-25-110 (1990)

43-51.2. Education Programs

Preamble:

It is necessary to repeal this regulation for clarification and to align South Carolina regulations with the No Child Left Behind Act of 2001, Public Law 107-110. The amended text from this regulation will be added to Regulation 43-51, Requirements for Certification.

Section-by-Section Discussion:

This regulation is being repealed and the amended language merged into R 43-51.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the State Board of Education at its meeting on November 12, 2002, at 10:00 A.M. at the Rutledge Building, State Department of Education, Columbia,

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South Carolina. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Dr. Janice Poda, Senior Director, Teacher Quality, 1600 Gervais Street, Columbia, South Carolina 29201 or e-mail jpoda@scteachers.org. Comments must be received no later than 5:00 P.M. on October 28, 2002. Comments received by the deadline will be submitted to the Board in a summary of public comments and department responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement: There will be no increased costs to the state or its political subdivisions.

Statement of Need and Reasonableness:

The Statement of Need and Reasonableness was determined by staff analysis pursuant to S.C. Code Ann. Section 1-23-115 (Supp. 2001).

DESCRIPTION OF REGULATION: R 43-51.2 (Supp. 2001), Education Programs

Purpose: Regulation: R 43-51.2, Education Programs, is being repealed and the amended language merged into R 43-51.

Legal Authority: The legal authority for the regulation is S. C. Code Ann. Sections 59-5-60 (1990), 59-25-110 (1990).

Plan for Implementation: The proposed repeal will be posted on the State Department of Education's Web site for review and comment. The repeal will take effect upon approval by the General Assembly and publication in the *State Register*.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The proposed repeal and addition of the regulation amended text to Regulation 43-51 will align South Carolina's regulation on certification requirements with the new federal No Child Left Behind Act of 2001.

DETERMINATION OF COSTS AND BENEFITS: None

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The proposed repeal of the South Carolina regulation on education programs, if implemented, will have no effect on the environment and public health.

DETRIMENTAL EFFECTS ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be no detrimental effects on the environment and public health if this repeal is not implemented.

Statement of Rationale: The proposed repeal and addition of the regulation amended text to Regulation 43-51 will align South Carolina's regulation on certification requirements with the new federal No Child Left Behind Act of 2001.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 2772
STATE BOARD OF EDUCATION
 CHAPTER 43

Statutory Authority: S. C. Code Ann. Sections 59-5-60 (1990), 59-25-110 (1990)

43-51.4. Required Examinations

Preamble:

It is necessary to repeal this regulation for clarification and to align South Carolina regulations with the No Child Left Behind Act of 2001, Public Law 107-110. The amended text from this regulation will be added to Regulation 43-51, Requirements for Certification.

Section-by-Section Discussion:

This regulation is being repealed and the amended language merged into 43-51.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the State Board of Education at its meeting on November 12, 2002, at 10:00 A.M. at the Rutledge Building, State Department of Education, Columbia, South Carolina. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Dr. Janice Poda, Senior Director, Teacher Quality, 1600 Gervais Street, Columbia, South Carolina 29201 or e-mail jpoda@scteachers.org. Comments must be received no later than 5:00 P.M. on October 28, 2002. Comments received by the deadline will be submitted to the Board in a summary of public comments and department responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement: There will be no increased costs to the state or its political subdivisions.

Statement of Need and Reasonableness:

The Statement of Need and Reasonableness was determined by staff analysis pursuant to S.C. Code Ann. Section 1-23-115 (Supp. 2001).

DESCRIPTION OF REGULATION: R 43-51.4 (Supp. 2001), Required Examinations

Purpose: R 43-51.4, Required Examinations, is repealed and the amended language merged into R 43-51.

Legal Authority: The legal authority for the regulation is S. C. Code Ann. Sections 59-5-60 (1990), 59-25-110 (1990).

Plan for Implementation: The proposed repeal will be posted on the State Department of Education's Web site for review and comment. The repeal will take effect upon approval by the General Assembly and publication in the *State Register*.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The proposed repeal and addition of the regulation amended text to Regulation 43-51 will align South Carolina's regulation on certification requirements with the new federal No Child Left Behind Act of 2001.

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DETERMINATION OF COSTS AND BENEFITS: None

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The proposed repeal of the South Carolina regulation on required examinations, if implemented, will have no effect on the environment and public health

DETRIMENTAL EFFECTS ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be no detrimental effects on the environment and public health if this repeal is not implemented.

Statement of Rationale: The proposed repeal and addition of the regulation amended text to Regulation 43-51 will align South Carolina's regulation on certification requirements with the new federal No Child Left Behind Act of 2001.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 2768
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: S.C. Code Ann. Sections 59-5-60 (1990) and 59-25-110 (1990)

43-51. Requirements for Certification

Preamble:

The State Department of Education recommends that the State Board of Education propose amendments to R 43-51, Requirements for Certification, as indicated in the drafting notice of June 28, 2002. The proposed amendments clarify certification requirements and align South Carolina's regulation on certification requirements with the new federal No Child Left Behind Act of 2001 (Pub. L. 107-110).

1. The proposed amendments require all teacher education programs be completed at either a state-approved program in a regionally accredited institution, or a State Board of Education approved program, or a program approved by the National Council for Accreditation of Teacher Education (NCATE).
2. The proposed amendments clarify current testing requirements for certification.
3. The proposed amendments clarify circumstances for waiving student teaching.

The Notice of Drafting was published in the *State Register* on June 28, 2002.

Section-by-Section Discussion

1. Section I(A) The text is revised to state that acceptable teacher education program completion must be either at a state-approved program in a regionally accredited institution, or a State Board of Education approved program, or a program approved by NCATE.
2. Section I(B) The text is revised to clarify the area and pedagogy test requirements to comply with the new federal No Child Left Behind Act of 2001.

3. Section I(D) The text is revised to align with FBI requirements in other regulations and clarifies that FBI reports must be within eighteen months prior to certification.
4. Section II(A) The text is deleted since these requirements are covered in Section I.
5. Section II(B) The text is revised to reflect the current office name.
6. Section III(A) The text is deleted since requirements are covered in Section I. The new Section III(A) and (B) clarify out-of-state score requirements in South Carolina to comply with the new federal No Child Left Behind Act of 2001.
7. Section IV The text is revised to reflect the program name change from Critical Need Certification Program to the Program of Alternative Certification for Educators.
8. Section V(B) The text is revised to clarify that student teaching can only be waived if the college verifies program completion with the exception of student teaching, that teaching experience is in the area of program completion and requested certification application, and it must have been after the completion of a bachelor's degree.
9. Section V(C) The text is revised to reflect the name change from Trade and Industrial Certification to Career and Technology Work-Based certification.
10. Section VI The text is revised to clarify the area and pedagogy test requirements to comply with the new federal No Child Left Behind Act of 2001.
11. Section VII The text is deleted since the requirements are covered in Section I. The remaining text is revised to clarify the requirements for verifying certification.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the State Board of Education at its meeting on November 12, 2002, at 10:00 A.M. at the Rutledge Building, State Department of Education, Columbia, South Carolina. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Dr. Janice Poda, Senior Director, Teacher Quality, 1600 Gervais Street, Columbia, South Carolina 29201 or e-mail jpoda@scteachers.org. Comments must be received no later than 5:00 P.M. on October 28, 2002. Comments received by the deadline will be submitted to the Board in a summary of public comments and department responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement: There will be no increased costs to the state or its political subdivisions.

Statement of Need and Reasonableness:

This statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Ann. Section 1-23-115, (Supp. 2001).

DESCRIPTION OF REGULATION: R 43-51, Requirements for Certification

Purpose: Regulation 43-51, Requirements for Certification, is being amended. The proposed amendments will align South Carolina's regulation on certification requirements with the new No Child Left Behind Act of 2001 (Pub. L. 107-110). See Preamble and Section-by-Section Discussion of Proposed Revisions above.

Legal Authority: The legal authority for the Regulation 43-51 are S.C. Code Ann. Sections 59-5-60 (1990), 59-25-110 (1990), and the No Child Left Behind Act of 2001 (Pub. L. 107-110).

Plan for Implementation: The proposed amendments will be posted on the State Department of Education Web site for review and comment. The amendments will take effect upon approval by the General Assembly and publication in the *State Register*.

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DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The proposed regulation will align South Carolina's regulation on certification requirements with the new federal No Child Left Behind Act of 2001.

DETERMINATION OF COSTS AND BENEFITS: None

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The proposed amendments to the South Carolina regulation on requirements for certification, if implemented, will have no effect on the environment and public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be no detrimental effects on the environment and public health if these amendments are not implemented.

Statement of Rationale: The proposed regulation will align South Carolina's regulation on certification requirements with the new federal No Child Left Behind Act of 2001.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 2777
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: S. C. Code Ann. Sections 59-5-60 (1990), 59-25-110 (1990)

43-53.1. Requirements for Credential Advancement

Preamble:

It is necessary to repeal this regulation for clarification and to align South Carolina regulations with the No Child Left Behind Act of 2001, Public Law 107-110. The amended text from this regulation will be added to Regulation 43-53, Credential Classification.

Section-by-Section Discussion:

This regulation is being repealed and the amended language merged into R 43-53

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the State Board of Education at its meeting on November 12, 2002, at 10:00 A.M. at the Rutledge Building, State Department of Education, Columbia, South Carolina. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Dr. Janice Poda, Senior Director, Teacher Quality, 1600 Gervais Street, Columbia,

South Carolina 29201 or e-mail jpoda@scteachers.org. Comments must be received no later than 5:00 P.M. on October 28, 2002. Comments received by the deadline will be submitted to the Board in a summary of public comments and department responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement: There will be no increased costs to the state or its political subdivisions.

Statement of Need and Reasonableness:

The Statement of Need and Reasonableness was determined by staff analysis pursuant to S.C. Code Ann. Section 1-23-115 (Supp. 2001).

DESCRIPTION OF REGULATION: R 43-53.1 (Supp. 2001), Requirements for Credential Advancement

Purpose: R 43-53.1, Requirements for Credential Advancement, is being repealed and the amended language merged into R 43-53.

Legal Authority: The legal authority for the regulation is S. C. Code Ann. Sections 59-5-60 (1990), 59-25-110 (1990).

Plan for Implementation: The proposed repeal will be posted on the State Department of Education's Web site for review and comment. The repeal will take effect upon approval by the General Assembly and publication in the *State Register*.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The proposed repeal and addition of the regulation amended text to Regulation 43-53 will align South Carolina's regulation on credential classification with the new federal No Child Left Behind Act of 2001.

DETERMINATION OF COSTS AND BENEFITS: None

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The proposed repeal of the South Carolina regulation on requirements for credential advancement, if implemented, will have no effect on the environment and public health.

DETRIMENTAL EFFECTS ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be no detrimental effects on the environment and public health if this repeal is not implemented.

Statement of Rationale: It is necessary to repeal this regulation for clarification and to align South Carolina regulations with the No Child Left Behind Act of 2001. The amended text from this regulation will be added to Regulation 43-53, Credential Classification.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

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Document No. 2762
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: S.C. Code Ann. Sections 59-5-60 (1990), 59-5-65 (1990 and Supp. 2001), 20 U.S.C. Section 1400 *et seq.* (1997), 20 U.S.C. Section 1412(B) (1997)

43-243. Special Education, Education of Students with Disabilities

Preamble:

The State Department of Education recommends that the State Board of Education approve the amendment to R 43-243, Special Education, Education of Students with Disabilities. In 1997, the federal government reauthorized the Individuals with Disabilities Education Act (IDEA). In 1999, following the reauthorization of the IDEA, the United States Department of Education, Office of Special Education Programs (OSEP), substantially revised the federal regulations implementing the IDEA. As a result of the reauthorization of the IDEA and the revised federal regulations, the state was required to substantially amend its existing regulations in order to meet federal requirements regarding the provision of a free and appropriate public education to students with disabilities. The OSEP is now requiring the Department to clarify these revised regulations in Section C(6)(a) regarding the provision of a free and appropriate public education for students who are incarcerated in an adult corrections facility.

The Notice of Drafting was published in the *State Register* on June 28, 2002.

Section-by-Section Discussion

Section C(6)(a). This section is being expanded to include additional information from the IDEA regarding the provision of a free and appropriate public education for students who are incarcerated in an adult corrections facility.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the State Board of Education at its meeting on November 12, at 10:00 A.M. at the Rutledge Building, State Department of Education, Columbia, South Carolina. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendment by writing to Dr. Sandra Lindsay, Deputy Superintendent, Division of Curriculum Services and Assessment or e-mail slindsay@sde.state.sc.us. Comments must be received no later than 5:00 P.M. on October 28, 2002. Comments received by the deadline shall be submitted to the Board in a summary of public comments and Department responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement: The State Department of Education does not anticipate additional costs to the state or its political subdivisions.

Statement of Need and Reasonableness:

This statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Ann. Section 1-23-115 (Supp. 2001).

DESCRIPTION OF REGULATION: R 43-243, Special Education, Education of Students with Disabilities

Purpose: Regulation 43-243, Special Education, Education of Students with Disabilities, is being amended. The proposed amendment will include additional information from the IDEA regarding the provision of a free and appropriate public education for students who are incarcerated in an adult corrections facility. See Preamble and Section-by-Section Discussion above.

Legal Authority: The legal authorities for the Regulation 43-243 are: S.C. Code Ann. Sections 59-5-60 (1990), 59-5-65 (1990 and Supp. 2001), 20 U.S.C. Section 1400 *et seq.* (1997), 20 U.S.C. Section 1412(B) (1997).

Plan for Implementation: The proposed amendment will be implemented by posting the regulation on the State Department of Education's Web site for review and comment. The amendment will take effect upon publication in the *State Register*.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS AND EXPECTED BENEFITS:

The proposed amendment will clarify the regulations in Section C(6)(a) regarding the provision of a free and appropriate public education for students who are incarcerated in an adult corrections facility.

DETERMINATION OF COSTS AND BENEFITS:

The Department has determined that there will be no additional cost associated with this amendment.

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: None

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be no detrimental effects on the environment and public health if this amendment is not implemented.

Statement of Rationale:

In 1997, the federal government reauthorized the Individuals with Disabilities Education Act (IDEA). In 1999, following the reauthorization of the IDEA, the United States Department of Education, Office of Special Education Programs (OSEP), substantially revised the federal regulations implementing the IDEA. As a result of the reauthorization of the IDEA and the revised federal regulations, the state was required to substantially amend its existing regulations in order to meet federal requirements regarding the provision of a free and appropriate public education to students with disabilities. The OSEP is now requiring the Department to clarify these revised regulations in Section C(6)(a) regarding the provision of a free and appropriate public education for students who are incarcerated in an adult corrections facility.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

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Document No. 2771
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: S. C. Code Ann. Sections 59-5-60 (1990), 59-25-110 (1990)

43-51.3. Student Teachers

Preamble:

It is necessary to repeal this regulation for clarification and to align South Carolina regulations with the No Child Left Behind Act of 2001, Public Law 107-110. The amended text from this regulation will be added to Regulation 43-51, Requirements for Certification.

Section-by-Section Discussion:

This regulation is being repealed and the amended language merged into R 43-51.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the State Board of Education at its meeting on November 12 2002, at 10:00 A.M. at the Rutledge Building, State Department of Education, Columbia, South Carolina. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Dr. Janice Poda, Senior Director, Teacher Quality, 1600 Gervais Street, Columbia, South Carolina 29201 or e-mail jpoda@sctechners.org. Comments must be received no later than 5:00 P.M. on October 28, 2002. Comments received by the deadline will be submitted to the Board in a summary of public comments and department responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement: There will be no increased costs to the state or its political subdivisions.

Statement of Need and Reasonableness:

The Statement of Need and Reasonableness was determined by staff analysis pursuant to S.C. Code Ann. Section 1-23-115 (Supp. 2001).

DESCRIPTION OF REGULATION: R: 43-51.3(Supp. 2001), Student Teachers

Purpose: Regulation R 43-51.3 Student Teachers is being repealed and the amended language merged into R 43-51.

Legal Authority: The legal authority for the regulation is S. C. Code Ann. Sections 59-5-60 (1990), 59-25-110 (1990).

Plan for Implementation: The proposed repeal will be posted on the State Department of Education's Web site for review and comment. The repeal will take effect upon approval by the General Assembly and publication in the *State Register*.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The proposed repeal and addition of the regulation amended text to Regulation 43-51 will align South Carolina's regulation on certification requirements with the new federal No Child Left Behind Act of 2001.

DETERMINATION OF COSTS AND BENEFITS: None

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The proposed repeal of the South Carolina regulation on student teachers, if implemented, will have no effect on the environment and public health.

DETRIMENTAL EFFECTS ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: The proposed repeal and addition of the regulation amended text to Regulation 43-51 will align South Carolina's regulation on certification requirements with the new federal No Child Left Behind Act of 2001.

Statement of Rationale: The proposed repeal and addition of the regulation amended text to Regulation 43-51 will align South Carolina's regulation on certification requirements with the new federal No Child Left Behind Act of 2001.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 2778
STATE BOARD OF EDUCATION
 CHAPTER 43

Statutory Authority: S. C. Code Ann. Sections 59-5-60 (1990), 59-25-110 (1990)

43-53.2. Types and Levels of Credential Classification

Preamble:

It is necessary to repeal this regulation for clarification and to align South Carolina regulations with the No Child Left Behind Act of 2001, Public Law 107-110. The amended text from this regulation will be added to Regulation 43-53, Credential Classification.

Section-by-Section Discussion:

This regulation is being repealed and the amended language merged into R 43-53.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the State Board of Education at its meeting on November 12, 2002, at 10:00 A.M. at the Rutledge Building, State Department of Education, Columbia, South Carolina. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Dr. Janice Poda, Senior Director, Teacher Quality, 1600 Gervais Street, Columbia, South Carolina 29201 or e-mail jpoda@scteachers.org. Comments must be received no later than 5:00 P.M. on October 28, 2002. Comments received by the deadline will be submitted to the Board in a summary of public comments and department responses for consideration at the public hearing.

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Preliminary Fiscal Impact Statement: There will be no increased costs to the state or its political subdivisions.

Statement of Need and Reasonableness:

The Statement of Need and Reasonableness was determined by staff analysis pursuant to S.C. Code Ann. Section 1-23-115 (Supp. 2001).

DESCRIPTION OF REGULATION: R 43-53.2 (Supp. 2001), Types and Levels of Credential Classification.

Purpose: R 43-53.2, Types and Levels of Credential Classification, is being repealed and the amended language merged into R 43-53.

Legal Authority: The legal authority for the regulation is S. C. Code Ann. Sections 59-5-60 (1990), 59-25-110 (1990).

Plan for Implementation: The proposed repeal will be posted on the State Department of Education's Web site for review and comment. The repeal will take effect upon approval by the General Assembly and publication in the *State Register*.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The proposed repeal and addition of the regulation amended text to Regulation 43-53 will align South Carolina's regulation on credential classification with the new federal No Child Left Behind Act of 2001.

DETERMINATION OF COSTS AND BENEFITS: None

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The proposed repeal of the South Carolina regulation on types and levels of credential classification, if implemented, will have no effect on the environment and public health.

DETRIMENTAL EFFECTS ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be no detrimental effects on the environment and public health if this repeal is not implemented.

Statement of Rationale: It is necessary to repeal this regulation for clarification and to align South Carolina regulations with the No Child Left Behind Act of 2001. The amended text from this regulation will be added to Regulation 43-53, Credential Classification.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 2779
STATE BOARD OF EDUCATION
 CHAPTER 43

Statutory Authority: S.C. Code Ann. Section 59-5-67(B) (1990)

43-201.1. Teacher Grants

Preamble: The regulation is amended to reflect changes in program operations in accordance with the Education Improvement Act of 1985 (EIA), S.C. Code Ann. Section 59-5-67 (B) (1990). Changes in the program have occurred over time in the following areas: submission procedures, grant period, fiscal guidelines and policies, fiscal reporting and the review process.

Section-by-Section Discussion

1. Provide clarification to guidelines for implementing the teacher grant program.

Section III.(A)(B)(C) The existing text of items A, B, and C is being revised to reflect changes in grant submission procedures.

Section IV.(A) The last sentence of the existing text is being eliminated because the program budget is determined annually by the General Assembly and successive year funding cannot be guaranteed.

Section V.(A)(B)(D) The existing text of items A, B, and D is being revised to reflect current fiscal guidelines and policies pertaining to grant budgets.

Section V.(E) New text is being added to reflect the emphasis in the grant applications on innovative instructional approaches.

Section V.(F) New text is being added to include funding of grant applications of up to \$6,000 if collaboration between two or more teachers is demonstrated.

Section VIII.(A) The existing text of item A is being revised to reflect changes in final report submission procedures.

Section IX.(A)(B) The existing text of items A and B is being revised to conform to current program review procedures and procedures for the disposition of funding recommendations.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the State Board of Education at its meeting on November 12, 2002, at 10:00 A.M. at the Rutledge Building, State Department of Education, Columbia, South Carolina. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Dr. Leonard McIntyre, Deputy Superintendent, Division of Professional Development and School Quality, 1429 Senate Street, Room 1109, Rutledge Building, Columbia, South Carolina 29201 or e-mail lmcintyr@SDE.State.SC.US. Comments must be received no later than 5:00 P.M. on October 28, 2002. Comments received by the deadline shall be submitted to the Board in a summary of public comments and department responses for consideration at the public hearing.

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Preliminary Fiscal Impact Statement:

The State Department of Education does not anticipate additional costs to the state or its political subdivisions.

Statement of Need and Reasonableness:

The statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Ann. Section 1-23-115 (Supp. 2001).

DESCRIPTION OF REGULATION: 43-201.1, Teacher Grants

Purpose: Regulation 43-201.1, Teacher Grants, is being amended. The proposed amendments will update regulations to conform to current program operations and organizational structure.

Legal Authority: S.C. Code Ann. Sections 59-5-60 (1990), 59-5-65 (1990 and Supp. 2001) and 59-5-67(B) (1990)

Plan for Implementation: The proposed amendments will be posted on the State Department of Education's Web site for review and comment. The amendments will take effect upon approval by the General Assembly and publication in the *State Register*.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS AND EXPECTED BENEFITS:

The proposed amendments comply with the Education Improvement Act of 1984. The regulation clarifies the program's implementation guidelines and strategies.

DETERMINATION OF COSTS AND BENEFITS: The cost of the program is determined annually by the General Assembly. No additional costs are associated with the amendment.

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: None

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED. There will be no detrimental effects on the environment and public health if these changes are not implemented.

Statement of Rationale: The Education Improvement Act of 1984, S.C. Code Ann. Section 59-5-67 (B) (1990) provides funds for teachers to improve classroom instruction; teachers have an opportunity to participate in a competitive grant application process.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 2763
STATE BOARD OF EDUCATION
 CHAPTER 43
 Statutory Authority: Code Ann. Section 59-1-447 (1990)

43-100. Test Security.

Preamble:

Assessment Programs, 24 S.C. Code Ann. Regs 43-262 (to be codified at Supp. 2002) became effective on May 24, 2002. The proposed amendments to R 43-100, Test Security, reflect the assessment programs in R 43-262. In addition, the amendments revise security procedures to address current assessment practices.

Section-by-Section Discussion

- Section I. Tests covered by regulation.
- Section II. Identifies “local school board.”
- Section III. District test security policy.
- Section IV. Identifies individuals in the district authorized to procure test instruments which are utilized in testing programs.
- Section V. Usage of state owned test materials and district owned materials.
- Section VI. Requires adherence to all procedures specified in all operating manuals.
- Section VII. Invalidation of test scores.
- Section VIII. Penalty for activities that result in the invalidation of scores.
- Section IX. Certain breaches of test security resulting in forfeiture of opportunities to retake test.
- Section X. Breach of professional ethics resulting in invalidation.
- Section XI. Monitoring test administration.
- Section XII. Reporting of suspected violations of security to SLED.
- Section XIII. Replacement costs in cases where security breach occurs and test forms or test items become unusable.
- Section XIV. Educator credential suspension or revocation.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the State Board of Education at its meeting on November 12, 2002, at 10:00 A.M. at the Rutledge Building, State Department of Education, Columbia, South Carolina. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

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Interested persons may also submit written comments on the proposed amendments by writing to Dr. Theresa Siskind, Director, Office of Assessment, Division of Curriculum and Assessment, 1429 Senate Street, Room 607, Rutledge Building, Columbia, South Carolina 29201 or e-mail tsiskind@sde.state.sc.us. Comments must be received no later than 5:00 P.M. on October 28, 2002. Comments received by the deadline will be submitted to the Board in a summary of public comments and department responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no increased costs to the state or its political subdivision.

Statement of Need and Reasonableness:

The statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Ann. Section 1-23-115 (Supp.2001).

DESCRIPTION OF REGULATION: 43-100, Test Security

Purpose: Regulation 43-100, Test Security, is being amended and replaced in its entirety. The proposed amendments will reflect the current assessment programs and address current assessment practices.

Legal Authority: The legal authority for R 43-100 is S.C. Code Ann. Section 59-1-447 (1990).

Plan for Implementation: The proposed amendments will be posted on the State Department of Education's Website for review and comment. The amendments will take effect upon approval by the General Assembly and publication in the *State Register*.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: Clarification of test security.

DETERMINATION OF COSTS AND BENEFITS: None. Allows for recoument of losses due to security violations.

UNCERTAINTIES OF ESTIMATES: None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: Adherence to test security will improve school climate.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED There will be no detrimental effect on the environment and public health if these changes are not implemented.

STATEMENT OF RATIONALE: On May 24, 2002, R 43-262, Assessment Programs, became effective (to be codified at Supp. 2002). The proposed amendments to R 43-100, Test Security, reflect the assessment programs in R 43-262. In addition, the amendments revise security procedures to address current assessment practices.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 2773
STATE BOARD OF EDUCATION
 CHAPTER 43

Statutory Authority: S. C. Code Ann. Sections 59-5-60 (1990), 59-25-110 (1990)

43-51.5. Verification of Eligibility

Preamble:

It is necessary to repeal this regulation for clarification and to align South Carolina regulations with the No Child Left Behind Act of 2001, Public Law 107-110. The amended text from this regulation will be added to Regulation 43-51, Requirements for Certification.

Section-by-Section Discussion:

This regulation is being repealed and the amended language merged into R 43-51.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the State Board of Education at its meeting on November 12, 2002, at 10:00 A.M. at the Rutledge Building, State Department of Education, Columbia, South Carolina. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Dr. Janice Poda, Senior Director, Teacher Quality, 1600 Gervais Street, Columbia, South Carolina 29201 or e-mail jpoda@scteachers.org. Comments must be received no later than 5:00 P.M. on October 28, 2002. Comments received by the deadline will be submitted to the Board in a summary of public comments and department responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement: There will be no increased costs to the state or its political subdivisions.

Statement of Need and Reasonableness:

The Statement of Need and Reasonableness was determined by staff analysis pursuant to S.C. Code Ann. Section 1-23-115 (Supp. 2001).

DESCRIPTION OF REGULATION: R 43-51.5 (Supp. 2001), Student Teachers

Purpose: R 43-51.5, Verification of Eligibility, is being repealed and the amended language merged into R 43-51.

Legal Authority: The legal authority for the regulation is S. C. Code Ann. Sections 59-5-60 (1990), 59-25-110 (1990).

Plan for Implementation: The proposed repeal will be posted on the State Department of Education's Web site for review and comment. The repeal will take effect upon approval by the General Assembly and publication in the *State Register*.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS AND EXPECTED BENEFITS: The proposed repeal and addition of the regulation

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amended text to Regulation 43-51 will align South Carolina's regulation on certification requirements with the new federal No Child Left Behind Act of 2001.

DETERMINATION OF COSTS AND BENEFITS: None

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The proposed repeal of the South Carolina regulation on verification of eligibility, if implemented, will have no effect on the environment and public health.

DETRIMENTAL EFFECTS ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be no detrimental effects on the environment and public health if this repeal is not implemented.

Statement of Rationale: The proposed repeal and addition of the regulation amended text to Regulation 43-51 will align South Carolina's regulation on certification requirements with the new federal No Child Left Behind Act of 2001.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 2784

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61**

Statutory Authority: Section 44-7-260, S. C. Code Ann. (Supp.2001)

R.61-91, Standards For Licensing Ambulatory Surgical Facilities

Preamble:

S.C. Code Section 1-23-120 directs that staff of State agencies review their regulations every five years and update them if necessary. R.61-91 was last amended June 24, 1983. Since that time there have been certain exceptions, guidelines, directives, interpretations, and changes in Division policy that have led to the necessity to amend this regulation. This proposed amendment of R61-91 will bring the regulation current and will comply with the statutory requirement. The proposed revision will include a change in licensing fees.

A Notice of Drafting for this proposed amendment was published in the *State Register* on February 22, 2002.

Discussion of Proposed Revision:

SECTION 100 includes definitions, references, and licensing requirements. Section 103 addresses licensing fees.

SECTION 200 addresses methods used in enforcing regulations, *i.e.*, investigations, inspections, and consultations.

SECTION 300 references the types of enforcement actions that may be taken by the Department, the classifications of violations, range of penalty amounts, and the appeal process.

SECTION 400 includes requirements that the agency maintain policies and procedures that include descriptions of how the standards in this regulation will be achieved.

SECTION 500 addresses general staff requirements including staff training, qualifications, and numbers to comply with applicable federal, state, and local laws and in accordance with professional organizational standards; medical director, medical staff, nursing staff, staff health status.

SECTION 600 provides reporting requirements to the Department.

SECTION 700 addresses patient record content and maintenance.

SECTION 800 provides requirements for care, procedures, treatment, surgery, and services to patients.

SECTION 900 includes facility identification of patient rights and assurances

SECTION 1000 addresses medication management.

SECTION 1100 addresses meal service.

SECTION 1200 addresses emergency procedures/disaster preparedness.

SECTION 1300 includes fire prevention, *i.e.*, arrangements for fire department response/protection, tests and inspections, fire drills.

SECTION 1400 addresses maintenance.

SECTION 1500 addresses infection control including staff practices which promote the prevention of the spread of infectious, contagious disease, and tuberculin skin testing, per Centers for Disease Control and Prevention (CDC) and the Department procedures, the handling of infectious waste, housekeeping, and clean/soiled linen and surgical clothing.

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SECTION 1600 addresses the quality improvement program.

SECTION 1700 addresses design and construction.

SECTION 1800 addresses general construction requirements.

SECTION 1900 includes hazardous elements of construction.

SECTION 2000 addresses exits.

SECTION 2100 addresses fire protection equipment and systems.

SECTION 2200 includes water supply/hygiene.

SECTION 2300 addresses electrical requirements.

SECTION 2400 addresses heating, ventilation, and air conditioning and ventilation requirements.

SECTION 2500 addresses specifics for the physical plant, *i.e.*, administrative areas, surgical suites, clinical facilities doors, elevators, corridors, ramps, screens, telephone service, handrails/guardrails, landings, windows, janitor's closet, storage areas, location, and telephone service.

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SECTION 2600 includes a severability clause which indicates that if a court of competent jurisdiction determines that part of the regulation is invalid or otherwise unenforceable then the remainder of the regulation will not be affected and will still be in force.

SECTION 2700 includes “general” that refers to any conditions that have not been addressed in the regulation.

Notice of Staff Informational Forum:

The staff of the Department of Health and Environmental Control invite interested members of the public and regulated community to attend a Staff Informational Forum at 1:30 p.m. on October 30, 2002, in the second floor conference room in the Heritage Building at 1777 St. Julian Place, Columbia, S.C. The purpose of this forum is to receive comments from interested persons regarding the proposed regulation. Comments are particularly requested concerning Section 504.B, i.e., determining the qualifications of physicians, dentists, and/or podiatrists performing surgery and/or procedures. Comments received shall be considered by the staff in formulating the final draft proposal for submission to the Board of Health and Environmental Control for Public Hearing scheduled pursuant to S.C. Code Section 1-23-110 and - 111 as noticed below.

Interested persons are also provided an opportunity to submit written comments to the forum by writing to Dennis L. Gibbs, Director, Division of Health Licensing, DHEC, 2600 Bull Street, Columbia, S.C. 29201. To be considered, written comments for the forum and comment period must be received no later than 4:00 p.m. on October 30, 2002.

Oral and written comments received during the forum comment period shall be considered by the staff in formulating the final draft proposal for submission to the Board of Health and Environmental Control for Public Hearing on December 12, 2002, as noticed below. Comments received by the deadline date shall be submitted to the Board in a Summary of Public Comments and Department Responses for consideration at the Public Hearing.

Copies of the proposed regulation for public notice and comment may be obtained by contacting Mr. Dennis L. Gibbs at the above address.

Notice of Board Public Hearing and Opportunity for Public Comment Pursuant to S.C. Code 1-23-110 and 1-23-111:

Interested members of the public and regulated community are invited to make oral or written comments regarding the proposed regulation at a Public Hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled Board meeting on December 12, 2002. The Public Hearing will be held in the Board Room of the Commissioner’s Suite, Third Floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. The Board meeting commences at 10:00 a.m., at which time the Board will consider items on its agenda in the order presented. The agenda is published by the Department ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written copies of their presentations for the record.

Interested persons may also submit written comments during the public comment period by writing to Mr. Dennis L. Gibbs, Director, Division of Health Licensing, DHEC, 2600 Bull St., Columbia, S.C. 29201: Telephone number (803) 545-4370; Fax number (803) 545-4212. To be considered, written comments must be received before 4:00 p.m. on October 30, 2002. Comments received by the deadline date shall be considered by staff in formulating the final proposed regulation for Public Hearing on December 12, 2002, as noticed above. Comments received shall be submitted in a Summary of Public Comments and Department Responses for the Board’s consideration at the Public Hearing noticed above.

Copies of the final proposed regulation for consideration at the Public Hearing before the DHEC Board may be obtained by contacting Dennis L. Gibbs at the above address.

Preliminary Fiscal Impact Statement:

There will be no cost to the state and its political subdivisions.

Statement of Need and Reasonableness

This statement of need and reasonableness was determined by staff analysis pursuant to the S.C. Code, Sections 1-23-115(C)(1)-(3) and (9)-(11).

DESCRIPTION OF REGULATION: R.61-91, Standards For Licensing Ambulatory Surgical Facilities.

Purpose of Regulation Amendment: The Department has conducted its five-year review of its regulations pursuant to S.C. Code, Section 1-23-120. R.61-91 has not been amended since 1983; it is necessary to amend the regulation to bring it current. See Preamble and Discussion of Proposed Revisions above.

Legal Authority: for R.61-91 is Section 44-7-260 of the S. C. Code Ann. (2002).

Plan for Implementation: The proposed amendment will take effect upon publication in the *State Register* following approval by the Board of Health and Environmental Control and the S.C. General Assembly. The proposed amendment will be implemented by providing the regulated community with copies of the regulation, and enforced through inspections by the Department.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION AMENDMENT BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

R.61-91 was last amended in 1983. Section 1-23-120 of the Administrative Procedures Act requires state agencies to perform a review of its regulations every five years and update them if necessary.

The proposed amendment is needed and reasonable in order to update and improve the overall quality of the regulation.

The proposed amendment is needed and reasonable because it will clarify/add to the current regulation in a manner that will improve methods to provide quality care/treatment/ services to patients.

The proposed amendment is needed and reasonable because it will update the current regulation by incorporating certain exceptions/guidances that the Department has implemented since the last revision.

The proposed amendment is needed and reasonable because it provides for special considerations unique to endoscopy facilities that were not addressed in the previous edition of the regulation.

The proposed amendment to increase licensing fees is needed and reasonable. See Determination of Costs and Benefits.

DETERMINATION OF COSTS AND BENEFITS: There will be no cost to the state and its political subdivisions. There will be an additional cost to the regulated community in that there will be an increase in licensing fees in an attempt to recover increased licensing inspection/investigation operational costs. This will be the first increase since 1983 when there were three licensed ambulatory surgical facilities; there are currently 45 licensed ASF's.

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UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: There will be no effect on the environment.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION AMENDMENT IS NOT IMPLEMENTED: There will be no adverse effect on the public health if the revision of the regulation is not implemented; however, the public will not receive the benefit of improved/updated standards.

Statement of Rationale Pursuant to S.C. Code Section 1-23-110(A)(3)(h)

Department staff determined during its review of R.61-91 that it was appropriate to revise the regulation. R61-91 was last amended in 1983. See the Statement of Need and Reasonableness above for more information regarding the factors influencing the Department staff decision to revise the regulation.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No 2782

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Section 44-55-10 et seq.

61-58. State Primary Drinking Water Regulations.

Preamble:

The Department of Health and Environmental Control proposes to amend R.61-58, State Primary Drinking Water Regulations.

Proposed revisions will include requirements promulgated under the National Primary Drinking Water Regulations: Arsenic and Clarifications to Compliance and New Source Contaminants Monitoring; Final Rule, and the Long Term 1 Enhanced Surface Water Treatment Rule (LT1ESWTR). The Arsenic Rule establishes an enforceable Maximum Contaminant Level (MCL) for arsenic of 0.01 mg/L (10.0 ug/L). Monitoring and reporting of arsenic applies to Community and Non-transient, Non-Community public water systems. The LT1ESWTR will improve control of microbial pathogens, specifically the protozoan *Cryptosporidium*, in drinking water and addresses risk trade-offs with disinfection byproducts. The rule will require systems to meet strengthened filtration requirements as well as to calculate levels of microbial inactivation to ensure that microbial protection is not jeopardized if systems make changes to comply with disinfection requirements of the Stage 1 Disinfection and Disinfection Byproducts Rule (DBPR). The LT1ESWTR applies to public water systems that use surface water or ground water under the direct influence of surface water and serve fewer than 10,000 persons. The LT1ESWTR builds upon the framework established for systems serving a population of 10,000 or more in the Interim Enhanced Surface Water Treatment Rule (IESWTR). These actions are mandated by the 1996 amendments to the Federal Safe Drinking Water Act (SDWA). Proposed regulations will comply with 40 CFR Parts 141 and 142. The final Arsenic Rule was published in the January 22, 2001, Federal Register [vol. 68, no. 14], with an effective date of January 22, 2004. The final LT1ESWTR was published in the January 14, 2002, Federal Register [vol. 67, no. 9], with an effective date of February 13, 2002. Other minor revisions will include, the addition of the Maximum Contaminant Level (MCL) for alachlor. These revisions are to align the State Primary Drinking Water Regulations with federal regulations.

The proposed regulations will comply with federal law, conform R.61-58 to the federal regulations, and are exempt from legislative review. Neither a preliminary assessment report nor a fiscal impact statement is required. A Notice of Drafting for the proposed amendments was published in the State Register on March 22, 2002. See Statement of Need and Reasonableness herein.

Section-by-Section Discussion:

See below a Tabular Summary of the proposed revisions to the State Primary Drinking Water Regulations. The 'Item' column is a short description of the proposed changes to the existing regulation. Reference should be made to the appropriate Section for complete changes:

Section	Item
61-58 Definitions	Revises definitions: "Comprehensive performance evaluation;" "Disinfection profile;" "Groundwater under the direct influence of surface water (GWUDI);" "Point-of-entry treatment device;" and "Point of use treatment device"
61-58.5(B)(2)(a)	Revises MCL for Arsenic
61-58.5(C)(1)	Revises references to comply with revisions in Section (B)(2)
61-58.5(C)(7)(d)(ii)	Corrects scientific notations
61-58.5(C)(7)(e)	Revises references to comply with revisions in Section (B)(2)
61-58.5(C)(9)	Revises references to comply with revisions in Section (B)(2)
61-58.5(C)(9)(i)	Adds requirement for new source compliance after January 22, 2004
61-58.5(C)(10)(b)	Corrects scientific notations
61-58.5(C)(11)(b) & (c)	Corrects scientific notations
61-58.5(C)(12)(a)	Revises references to comply with revisions in Section (B)(2)
61-58.5(C)(15)(a) & (b)	Revises references to comply with revisions in Section (B)(2)
61-58.5(C)(15)(d)	Adds significant figures for rounding of sample results
61-58.5(C)(17)(a)	Revises references to comply with revisions in Section (B)(2)
61-58.5(C)(17)(b)&(c)	Deletes references included in (17)(a)
61-58.5(C)(17)(d)&(e)	Renumbers as (b) and (c)
61-58.5(D)(2)(b)	Adds Alachlor and renumbers remaining table
61-58.5(E)(7)(d)(ii), (iii) & (j)(iii)	Corrects scientific notations
61-58.5(E)(7)(k)(i) - (v)	Revise to include language on determining system violation
61-58.5(E)(7)(s)	Adds requirement for new source compliance after January 22, 2004
61-58.5(O)(2)(o) and (u)	Revise to include language determining system violation Adds requirements for establishing source water compliance after January 22, 2004
61-58.6(E)(2)(a)	Revises Table 1 on Tier 1 violations for turbidity & LT1ESWTR
61-58.6(E)(3)(b)(iii)	Revise to include LT1ESWTR Adds requirement for MCL and treatment technique

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	violations
61-58.9(C)(8)(b) & (c)	Corrects references
61-58.9(F)	Adds BAT for Arsenic Adds new paragraph 3, small systems compliance technologies for Arsenic Renumbers existing paragraph 3 through 8 to 4 through 9
61-58.10(A)	Adds requirements for systems serving fewer than 10,000 people
61-58.10(E)(1)(d)	Adds requirements for systems serving fewer than 10,000 people
61-58.10(E)(4)	Adds requirements for systems serving fewer than 10,000 people
61-58.10(H)	Revises title to include "Systems Serving 10,000 or More People"
61-58.10(H)(1)(c) & (d)	Adds monitoring requirements to establish a disinfection benchmark
61-58.10(H)(3)	Corrects scientific notations
61-58.10(I)	Adds new section entitled "Enhanced Filtration and Disinfection - Systems Serving Fewer Than 10,000 People"
61-58.10(J)	Previously 61-58.10(I)
61-58.11(G)	Corrects paragraph references
61-58.11(H)(4)(d)(ii), (iv) and (vi)	Deletes conditions for revising sampling period Corrects paragraph reference Deletes consideration for optional monitoring period
61-58.11(H)(7)	Revises procedure for requesting a waiver
61-58.12(C)(4)(d)(v)(C)	Revises reporting requirements for turbidity
61-58.12(D)(2)	Adds required health information for arsenic
61-58.12(D)(6)	Adds required health information for arsenic
Appendix A to R.61-58.6	Revises to include violations and other situations requirement public notice for Turbidity, IESWTR, and Arsenic
Appendix B to R.61-58.6	Revises to include Arsenic and LT1ESWTR
Appendix C to R.61-58.6	Revises to include new acronyms
Appendix D to R.61-58.12	Revises to include revised MCL for Arsenic

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 2783

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 48-1-10 et seq. and 48-14-10 et seq.

R.61-9 Water Pollution Control Permits

Preamble:

The Department proposes to amend Regulation 61-9 to: (1) change the storm water discharge requirements to provide the consolidation of control criteria for sediment and erosion control and to

supplement other changes published in the State Register and effective July 27, 2001, which resulted from the promulgation of Federal round II regulations (Federal Register [FR] December 8, 1999); (2) establish requirements to enhance the viability of wastewater facilities; (3) establish requirements for standard NPDES permit language and/or conditions; (4) establish requirements related to operation and maintenance of wastewater facilities; (5) clarify the application of fecal coliform limits for land application and/or surface waters; (6) make miscellaneous administrative changes such as minor permit modifications, revision to permit-transfer provisions, and authorization of a permit reopener; and (7) requirements to reflect any other state regulation requirements published since the June 28, 1996, State Register amendment of R.61-9 that may require appropriate changes, modifications, additions, or deletions to this regulation. See the Discussion of the Revisions below and the Statement of Need and Reasonableness herein.

Notices of Drafting for this proposed amendment were published in the State Register on July 28, 2000, March 26, 2001, and April 23, 2002. Public comments received from all notices were considered in these proposed amendments. The proposed amendments will require legislative approval.

Discussion of Proposed Revisions:

1. To change the storm water discharge requirements to provide the consolidation of control criteria for sediment and erosion control. This will be done to supplement other changes which resulted from the promulgation of Federal round II regulations (Federal Register [FR] December 8, 1999). For the other changes, referred to as Federal, these amendments were published in the State Register and became effective July 27, 2001;

a. Bringing the water quality requirements of S.C. R.72-300 et seq., and Refinements of the Coastal Zone Management Plan for Stormwater Management and Sediment Reduction, into R.61-9.

SECTION CITATION	EXPLANATION OF CHANGE
122.26(b)(15)	Revise the definition of small construction activity to require permitting of smaller disturbed areas near water bodies in the coastal zone.
122.26(c)(3)	Insert a new item stating the storm water NPDES application requirements for construction projects.
125 Part S, 125.180 - 125.182	Add a new Part stating requirements for permitting storm water sediment and erosion control activities. This Part is largely taken from existing regulations 72-300 through 72-316. Flood control requirements of R.72-300 et seq. are not included.

b. Riparian Forest Buffers.

SECTION CITATION	EXPLANATION OF CHANGE
125.183	Add a new section requiring that riparian forest buffers be established and maintained for land-disturbances.

c. Process and criteria for designating small MS4 for NPDES permitting:

SECTION CITATION	EXPLANATION OF CHANGE
122.32(f)	Add a new item stating the process, developed to comply with 40 CFR 123.35, for designating small MS4 to require NPDES permitting.
122.32(g)	Add a new item stating the criteria, developed to comply with 40 CFR 123.35, for designating small MS4 to require NPDES permitting.
122.32(h)	Add a new item providing for waiving designation and for phasing the designation of small MS4 as authorized by 40 CFR 123.35.

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2. To require the enhancement of the viability of wastewater facilities:

<u>SECTION CITATION</u>	<u>EXPLANATION OF CHANGE</u>
600 and 600.1 to 600.5	Viability Requirements. Add a new section with requirements to ensure that entities in the wastewater management business have the technical, managerial and financial means to comply with the Pollution Control Act, S.C. Code Ann. 48-1-10 et seq.

3. To conform the regulation with standard NPDES permit language and/or conditions:

<u>SECTION CITATION</u>	<u>EXPLANATION OF CHANGE</u>
122.41(a)	Add the statement that "The Department's approval of wastewater facility Plans and Specifications does not relieve the permittee of responsibility to meet permit limits."
122.41(j)(1)(i)(A)	Renumber the existing item from (j)(1).
122.41(j)(1)(i)(B)	Add a new item establishing a requirement to spread samples over the sampling period.
122.41(j)(1)(i)(C) and (D)	Add two (2) new items establishing requirements to prevent disposal of samples expected to show a violation.
122.41(j)(1)(ii)	Add a new item establishing requirements related to flow measurement by permittees.
122.41(j)(1)(ii)(A)	Add a new item establishing the requirement that flow measurement by permittees be carried out using specific, sound methods.
122.41(j)(1)(ii)(B)	Add a new item establishing the requirement that authorized estimates of flow by permittees be described properly in operating records.
122.41(j)(1)(ii)(C)	Add a new item establishing the requirement that calibration of flow monitoring be recorded properly.
122.41(j)(1)(iii)	Add a new item allowing the Department to specify a particular day of the month for monitoring.
122.41(j)(1)(iv)	Add a new item allowing the Department to require the permittee to monitor the receiving stream.
505.41(a)	Add the statement that "The Department's approval of wastewater facility Plans and Specifications does not relieve the permittee of responsibility to meet permit limits."
505.41(j)(1)(i)(A)	Renumber the existing item from (j)(1).
505.41(j)(1)(i)(B)	Add a new item establishing a requirement to spread samples over the sampling period.
505.41(j)(1)(i)(C) and (D)	Add two (2) new items establishing requirements to prevent disposal of samples expected to show a violation.
505.41(j)(1)(ii)	Add a new item establishing requirements related to flow measurement by permittees.
505.41(j)(1)(ii)(A)	Add a new item establishing the requirement that flow measurement by permittees be carried out using specific sound science.
505.41(j)(1)(ii)(B)	Add a new item establishing the requirement that authorized estimates of flow by permittees be described properly in operating records.
505.41(j)(1)(ii)(C)	Add a new item establishing the requirement that calibration of flow monitoring be recorded properly.
505.41(j)(1)(iii)	Add a new item allowing the Department to specify a particular day of the month for monitoring.

4. To establish in the regulation requirements related to operation and maintenance of wastewater facilities and operating permits for wastewater collection systems:

<u>SECTION CITATION</u>	<u>EXPLANATION OF CHANGE</u>
122.41(e)(1)	Renumber the item from 122.41(e) and add a statement requiring effective treatment.
122.41(e)(2)	Add a new item requiring preparation and updating of an operating manual for wastewater treatment associated with discharge permits and describing matters to be included in the manual.
122.41(e)(3)	Add a new item requiring inspection of treatment facilities by a certified operator and providing limited exceptions to the requirement.
122.41(j)(6)	Add a new item requiring reporting of sewer system overflows in accordance with proposed R.61-9.610.6.
122.44(i)(1)	Revise the item to authorize monitoring necessary for protection of the environment.
122.44(i)(1)(i)	Revise the item to further authorize monitoring of each pollutant which has a significant potential to have an effect on the environment or operation of treatment or disposal facilities.
503.50	Add a new subsection requiring control of odor-producing situations and activities related to sewage sludge treatment and disposal.
504.50	Add a new subsection requiring control of odor-producing situations and activities related to industrial sludge treatment and disposal.
505.41(e)(1)	Renumber from 505.41(e) and add a statement requiring effective treatment.
505.41(e)(2)	Add a new item requiring preparation and updating of an operating manual for wastewater treatment associated with Land Application and State permits and describing matters to be included in the manual.
505.41(e)(3)	Add a new item requiring inspection of treatment facilities by a certified operator and providing limited exceptions to the requirement.
505.41(j)(6)	Add a new item requiring reporting of sewer system overflows in accordance with proposed 610.6.
505.44(i)(1)	Revise the item to authorize monitoring necessary for protection of the environment.
505.44(i)(1)(i)	Revise the item to further authorize monitoring of each pollutant which has a significant potential to have an effect on the environment or operation of treatment or disposal facilities.
610 and 610.1 - 610.8	Operation and Maintenance of Sewer Systems. Add a new section establishing rules governing the operation and maintenance of wastewater sewer systems, including gravity or pressure interceptor sewers. It is the purpose of this rule to establish uniform standards for the management of sewer systems to prevent and/or minimize system failures that would lead to public health or environmental impacts.

5. To clarify the development and application of fecal coliform limits for land application and/or surface waters;

<u>SECTION CITATION</u>	<u>EXPLANATION OF CHANGE</u>
505.45(i)(9)	Revise the item to make clear that the requirement for fecal coliform limitations pertains to all wastewater containing significant quantities of sanitary wastewater which is applied to the land. A further revision also establishes situations in which the limits may not be required.

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6. To make miscellaneous administrative changes such as minor permit modifications, revision to permit-transfer provisions, and authorization of other bases for a permit reopener;

SECTION CITATION	EXPLANATION OF CHANGE
122.4(g)(1)	Renumber the item from existing 122.4(g)
122.4(g)(2)	Add an item prohibiting reissuance of permits, under certain conditions, when the existing permit requires connection of the wastewater to another system which is operational.
122.6(a)	Revise the item to prevent continuation of an expiring permit, under certain conditions, when the existing permit requires connection of the wastewater to another system which is operational.
122.41(b)	Add a reference related to limiting reissuance of permits.
122.41(j)(5)	Revise the item to refer penalties to South Carolina law, the Pollution Control Act (PCA), and to reference penalties stated in PCA.
122.41(k)(2)	Revise the item to revise penalties in accordance with and refer to South Carolina law, the Pollution Control Act (PCA).
122.44(c)(1)	Renumber the item from existing 122.4(c).
122.44(c)(2)	Add a new item which would allow including a permit reopener in a permit under limited circumstances which would be the basis for a modification of the permit.
122.63(b)(1)	Renumber this item from previous item 122.63(b)
122.63(b)(2)	Add an item allowing a minor modification in additional circumstances (related to the analytical method).
122.63(c)(1)	Renumber this item from previous item 122.63(c)
122.63(c)(2)	Add an item allowing a minor modification in additional circumstances (relating to compliance schedules when projects are completed early).
122.63(d)	Revise the wording for clarity.
122.63(d)(3)	Add an item allowing a minor modification in additional circumstances (related to a change of the facility name).
122.63(d)(4)	Renumber this item from previous item 122.63(d)(3)
122.63(f)	Add authorizations, in the previously reserved item, for minor modifications in additional circumstances (related to reduced limits for lower flows, 208 certification requirements, minor outfall relocation, or change to sludge disposal landfill).
122.63(h)(1) - (h)(6)	Add new items providing authorizations for minor modifications in additional circumstances not related to Federal requirements (related to changes in operator or sampling requirements, other South Carolina requirements, administrative changes, and limited pretreatment requirements).
122.64(a)(4)(i)	Renumber this item from previous item 122.64(a)(4)
122.64(a)(4)(ii)	Add a new item authorizing termination of a permit upon cessation of manufacturing, when the manufacturing affects the effluent limits of the permit and has ceased for a period of at least 60 days.
122.64(a)(5)	Add a new item allowing termination of a permit upon expiration, under certain conditions, when the existing permit requires connection of the wastewater to another system which has been completed.
124.5(c)(2)	Revise the item to apply upon the effective date of a reissued permit.
124.10(d)(1)(i)(A)	Renumber this item from previous item 124.10(d)(1)(i).
124.10(d)(1)(i)(B)	Add a new item directing inclusion of electronic mail addresses in certain public notices.
124.11	Revise the item to allow submittal of comments on certain public notices by electronic mail.
124.13	Revise the item to limit issues for appeal to those raised during the public

SECTION CITATION	EXPLANATION OF CHANGE
	comment period. This restriction is included in S.C. R.61-72, Procedures for Contested Cases, which deals with permit appeals, and in certain U.S. EPA regulations which are not required to be included in state regulations.
505.1(b)(5)	Add an item to refer to Pump and Haul disposal under S.C. R.61-67.
505.4(e)(1)	Renumber the item from existing 505.4(e)
505.4(e)(2)	Add a new item prohibiting reissuance of Land Application or State permits, under certain conditions, when the existing permit requires connection of the wastewater to another system which is operational.
505.6(a)	Revise the item to prevent continuation of an expiring permit, under certain conditions, when the existing permit requires connection of the wastewater to another system which is operational.
505.8(c)	Revise the item to make clear that the financial responsibility of the permittee extends to all the potential components of the system for those holding permits for septic tanks serving more than one piece of property and to clarify the applicability of the item.
505.42(c)(1)(i)	Supplement the item to allow consideration of separation of the seasonal high water table by less than 15 feet based on an evaluation of the quality of the effluent being applied and also consideration of a site where the seasonal high water table is less than 15 feet at some times but the actual separation of the water table is at least 15 feet at any time application occurs. This amendment retains the nominal requirements of the existing item but allows consideration of stated special circumstances in evaluating a proposed facility.
505.63(b)(1)	Renumber this item from previous item 505.63(b)
505.63(b)(2)	Add an item allowing a minor modification in additional circumstances (related to the analytical method).
505.63(c)(1)	Renumber this item from previous item 505.63(c)
505.63(c)(2)	Add an item allowing a minor modification in additional circumstances (relating to compliance schedules when projects are completed early).
505.63(d)	Revise the wording for clarity.
505.63(d)(3)	Add an item allowing a minor modification in additional circumstances (related to a change of the facility name).
505.63(d)(4)	Renumber this item from previous item 505.63(d)(3)
505.63(f)	Add authorizations, in the previously reserved item, for minor modifications in additional circumstances (related to reduced limits for lower flows, 208 certification requirements, minor outfall relocation, or change to sludge disposal landfill).
505.63(h)	Add a new item providing authorizations for minor modifications in additional circumstances not related to Federal requirements (related to changes in operator or sampling requirements, other South Carolina requirements, administrative changes, and limited pretreatment requirements).
505.64(a)(4)(i)	Renumber the item from existing item (a)(4).
505.64(a)(4)(ii)	Add an item authorizing termination of a permit upon cessation of manufacturing in specified circumstances.
505.64(a)(5)	Add a new item allowing termination of a permit upon expiration where the permit requires connection to POTW sewer and the sewer is available.
505.64(a)(6)	Renumber the item from existing item (a)(5).

7. To make miscellaneous changes such as renumbering, relocation, or revision of the existing regulation to reflect the changes resulting from the appropriate revised requirements.

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SECTION CITATION	EXPLANATION OF CHANGE
122.1(a)	Reinsert this heading for an item from the 1996 edition of this regulation, the heading being erroneously omitted in the previous amendment.
122.2(b) “guidelines”	Delete the entire definition, including the word itself.
122.2(b) “New discharger”	Make a grammatical correction.
122.2(b) “Waters of the United States” (5) and (7)	Correct references to parts of this definition.
122.21(m)(6)	Revise the item to correct a reference.
122.21(p)	Update a reference to recognize a section added in the July 27, 2001 amendment.
122.22(a)(3)	Make a clerical correction.
122.24(b)	Remove language to eliminate duplication of statements in the regulation (from 122 Appendix C) while maintaining similarity to the Federal regulation.
122.26(b)(4)(iv)	Make a clerical correction to a reference.
122.41(j)(4)	Make a wording correction for clarification.
122.41(p)	Add a new item requiring signs at outfalls.
122.43	Remove the noted sentence in the item, as section 124.14 (from the Federal regulation) is not required to be and is not included in South Carolina regulations.
122.44(k)	Revise the item to include a reference to an abbreviation.
122.44(l)(4)	Make a clerical correction.
122.45(a)	Make a clerical correction in a reference.
122.62(d)(4)	Make a clerical correction in a reference.
122.62(d)(5)	Eliminate an erroneous reference. (The section of Federal regulation, which was the basis of the reference, has been removed.)
122 Appendix C, last paragraph	Correct the Latin name of a species of fish.
124.56 (b)(1) (ii)	Make a clerical correction in a reference.
125.3(c)(4)	Make a revision in wording for clarity.
125 Part D (Title)	Make a clerical correction in a reference.
403.7(f)(1)(ii)	Add a reserved item to maintain consistency with Federal numbering and to provide format consistent with standards.
503.3(a)(4)	Revise the item for clarity.
503.6(c) (1) and (2)	Revise the numbering for consistency with formatting standards.
503.18(b)	Add a reserved item to main consistency with Federal numbering and to provide format consistent with standards.
503.43(d)(1)	Revise a definition to comply with the Federal regulation, published in the August 4, 1999 Federal Register, correcting an oversight from the July 27, 2001 amendments to this regulation.
503.45(a)(1)	Make a clerical correction in numbering.
504.1(a)(2)	Revise the item to clarify which matters require reporting.
504.9(a)	Correct a misspelling in the item.
504.9(o)	Make a clerical correction in the item.

SECTION CITATION	EXPLANATION OF CHANGE
504.18(b)	Add a reserved item to main consistency with Federal numbering and to provide format consistent with standards.
504.21(b)	Make a wording revision for clarity.
505.1(b)(2)(iii)	Revise the item to recognize the promulgation of agricultural waste regulations.
505.21(a)(1)	Revise the item to eliminate a reference to best management practices requirements, which were removed from other sections of R.61-9 in the July 27, 2001 amendments.
505.21(d)(2)(ii)	Revise a reference in the item based on the July 27, 2001 amendments.
505.21(f)(2)	Make a clerical correction.
505.41(j)(4)	Make a wording correction for clarification.
505.46(a)	Make revisions for clarification.

Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control invite interested members of the public to attend a staff-conducted informational forum to be held on October 30, 2002 at 10:00 A.M. in Peoples Auditorium, third floor of the Sims Building at the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C. 29201.

Interested persons are also provided an opportunity to submit written comments to Andy Yasinsac at South Carolina Department of Health and Environmental Control, Bureau of Water, 2600 Bull Street, Columbia, S.C. 29201. Written comments must be received no later than 4:00 P.M. October 30, 2002. Comments received by that deadline will be considered in formulating the final proposed amendments for public hearing before the Board of Health and Environmental Control as noticed below. Comments received shall be submitted to the Board in a Summary of Public Comments and Department Response for consideration at the public hearing.

Copies of the proposed regulation for public notice and comment may be obtained by contacting Andrew Yasinsac, Jr. at South Carolina Department of Health and Environmental Control, Bureau of Water, 2600 Bull Street, Columbia, S.C. 29201, by calling 803/898-4237, or by electronic mail at yasinsaa@dhec.state.sc.us .

Notice of Board Public Hearing and Opportunity for Public Comment Pursuant to S.C. Code Sections 1-23-111:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on December 12, 2002 to be held in Room 3420 (Board Room) of the Commissioner's Suite, third floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. The Board meeting commences at 10:00 A.M. at which time the Board will consider items on its agenda in the order presented. The order of presentations for public hearings will be noted in the Board's agenda, to be published by the Department ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Andrew Yasinsac, Jr. at South Carolina Department of Health and Environmental Control, Bureau of Water, 2600 Bull Street, Columbia, S.C. 29201. Written Comments must be received no later than 4:00 P.M. November 20, 2002. Comments received shall be considered by the staff in formulating the final proposed regulation for public hearing on December 12, 2002, as noticed above. Comments received

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by the deadline shall be submitted to the Board in a Summary of Public Comments and Department Responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

A significant cost of approximately \$328,200 per year is expected only for small municipal separate storm sewer systems required to be permitted by criteria under these amendments, as further described in the Statement of Need and Reasonableness below.

Statement of Need and Reasonableness and Statement of Rationale:

This statement of need and reasonableness and rationale has been developed based on staff analysis pursuant to S.C. Code Sections 1-23-110(A)(3)(h) and 115(C)(1) - (3) and (9) - (11):

DESCRIPTION OF REGULATION: R.61-9. Water Pollution Control Permits.

Purpose: To amend Regulation 61-9 for a number of different purposes: supporting requirements which have been included in NPDES Permits, establishing requirements and permits for proper operation of sewer systems, establishing requirements to control erosion and sediment in construction projects, and establishing criteria for designating the small municipal separate storm sewer systems required to obtain NPDES permits.

Proposed revisions will require legislative review.

Legal Authority: This change to state law is authorized by S.C. Code Sections 48-1-10 through 350 and the Clean Water Act, 33 U.S.C. 1251 et seq., and regulations promulgated in the Federal Register (FR) of December 8, 1999.

Plan for Implementation: The additional work required by the proposed amendments, mainly involving additional storm water efforts, will total about one (1) man-year per year. As budget constraints appear to prohibit addition of positions, the additional work will be integrated with present operations and spread among several existing positions (storm water permitting, wastewater compliance, wastewater enforcement, Environmental Quality Control districts). The permitting of small municipal separate storm sewer systems (MS4) can be expected to displace some work of the Agency onto the MS4. If the displacement does not balance the additional work, there can be expected to be delays in existing activities.

DETERMINATION OF NEED AND REASONABLENESS FOR THE PROPOSED REGULATION AND EXPECTED BENEFIT:

Items are discussed in the sequence of the Notice of Drafting.

PROPOSAL 1. To change the storm water discharge requirements to provide the consolidation of control criteria for sediment and erosion control. This will be done to supplement other changes which resulted from the promulgation of Federal Phase II regulations (Federal Register [FR] December 8, 1999). For the other changes, referred to as Federal, these amendments were published in the State Register and became effective July 27, 2001;

a. Bringing the water quality requirements of S.C. R.72-300 et seq., for Stormwater Management and Sediment Reduction, into R.61-9 will establish a unified regulation for all aspects of water pollution control. R.72-300 was written and originally implemented by an agency many of whose functions have been reorganized into the Department, and the implementation of water quality restrictions through two different regulations is cumbersome for the Department and confusing for the regulated community. The change to Federal requirements on December 8, 1999, to lower the area of disturbance requiring a discharge, NPDES, permit from five (5) acres to one (1) acre brings the State and Federal requirements into close agreement and is

a favorable time to combine the programs. These changes are included in items 122.26(b)(15) and (c)(3) and subsections 125.180 through 182. In addition to the requirements of R.72-300, requirements have been included limiting the portion of a site which may be disturbed at one time and requiring inspections on a stated frequency and certification of proper completion of a project by a person qualified to design storm water controls.

b. Many of the streams impaired in South Carolina are impaired by pollutants which commonly derive from storm water runoff. The Department has commissioned a study of an important method of improving the quality of storm water runoff, and “The Final Report of the Statewide Task Force on Riparian Forest Buffers” was completed in July, 2000. The report recommended establishment of a requirement for buffers between construction activities and water bodies. The regulatory recommendations of the Task Force have been incorporated into the new subsection of R.61-9 proposed for the water quality provisions of R.72-300, specifically subsection 125.183.

c. The Federal regulations promulgated on December 8, 1999, established requirements for regulation provisions which must be included in state regulations. These requirements were met in the South Carolina R.61-9 amendments promulgated July 27, 2001. The Federal regulation also required that the states establish criteria, which could be unique to each state, for designating which municipal separate storm sewer system (MS4) must apply for and obtain NPDES permits for storm water discharges. The criteria are included in these amendments at subsections 122.32(f), (g), and (h). As the specific criteria are not required by Federal regulation, this amendment could not be included in the earlier process, which did not require legislative approval.

PROPOSAL 2. To require the enhancement of the viability of wastewater facilities:

There have been a number of situations where the owner of a wastewater facility abdicated his responsibilities for operation, because of death, bankruptcy, or other reason, leaving homeowners connected to a sewer system for which no one accepted responsibility for operation and maintenance. In these cases the potential existed, in at least one case, continues to exist, for failure of sewer system components leading to sewer system overflows or treatment system deterioration leading to poor treatment and violations of discharge limits and stream standards. The viability section of these amendments, at R.61-9.600 will require that facility owners demonstrate that they have the resources and ability to continue to maintain their sewer and/or treatment system on a continuing basis. The proposal authorizes denying a permit where an owner is not viable.

PROPOSAL 3. To conform the regulation with standard NPDES permit language and/or conditions;

Based on comments from the public, the Department has concluded that requirements which are applied consistently in permits should ordinarily be included in regulation. Matters which have consistently been included in permit requirements are included in these amendments, as follows:

a. The statements, at 122.41(a) and 505.41(a), that the Department issuing a construction permit does not relieve a permittee of the responsibility to comply with his discharge permit.

b. Language, at 122.41(j)(1) and 505.41(j)(1), stating specific requirements related to sampling and flow measurement at the treatment plant.

PROPOSAL 4. To establish in the regulation requirements related to operation and maintenance of wastewater facilities and operating permits for wastewater collection systems;

a. The following matters which have consistently been included in permit requirements are included in these amendments:

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(1) Items 122.41(e)(1) and 505.41(e)(1) are proposed to include “effective performance based on design facility removals, adequate funding, adequate operator staffing and training” in the description of “proper operation and maintenance”;

(2) The requirement, at 122.41(e)(2) and 505.41(e)(2), that permittees with wastewater treatment systems develop and keep current operation and maintenance manuals;

(3) Specific requirements, at 122.41(e)(3) and 505.41(e)(3), for operator attendance and activities at wastewater treatment plants;

(4) Item 122.41(j)(1)(ii)(A) and 505.41(j)(1)(ii)(A) would require that flow measurement accuracy be within 10 percent of the actual flow; and

(5) Item 122.41(j)(1)(iii) and 505.41(j)(1)(iii) would authorize the Department to specify a sample day each month, assuring that the Department can plan an inspection for a day when the permittee is monitoring.

b. Items 122.41(j)(1)(i)(B), (C), and (D) would state restrictions so that monitoring will be carried out in a manner representing the actual discharge.

c. Item 122.41(j)(1)(iv) proposes to authorize the Department to require a permittee to monitor the stream receiving his discharge.

d. Proposed amendments at 122.41(j)(6) and 505.41(j)(6) require reporting of sewer system overflows (SSO) as described at R.61-9.610.6.

e. Revisions at 122.44(i)(1) and 505.44(i)(1) would authorize monitoring requirements necessary for protection of the environment and monitoring of each pollutant which has a significant potential to have an effect on the environment or operation of treatment or disposal facilities.

f. These amendments propose new subsections 503.50 and 504.50 requiring control of odor-producing situations and activities related to, respectively, sewage and industrial sludge treatment and disposal. The requirements are derived from South Carolina R.61-43, with appropriate adjustments.

g. Many sewer systems have maintenance, loading, infiltration, or inflow conditions which lead to occasional or frequent overflows of sewage which reach waters of the state. With the intent to correct this situation, the U.S. Environmental Protection Agency has established guidance for sewer system operation intended as the basis for uniform standards for the management of sewer systems to prevent and/or minimize system failures that would lead to public health or environmental impacts. These amendments, in a new section, R.61-9.610, propose to require that sewer systems establish programs which will prevent sewer system overflows, consistent with the Federal guidance.

PROPOSAL 5. To clarify the development and application of fecal coliform limits for land application and/or surface waters;

Apparently, there is limited uncertainty in the reading of present item 505.44(i)(9) related to development and application of fecal coliform limits for land application and/or surface waters. This amendment is intended to remove that uncertainty. In addition reference is added to limited conditions which would allow different limits.

PROPOSAL 6. To make miscellaneous administrative changes such as minor permit modifications, revision to permit-transfer provisions, and authorization of other bases for a permit reopener;

a. 122.4(g)(2), 122.6(a), 122.64(a)(5). These amendments, respectively, prohibit reissuance of a permit, prevent the continuation of a permit upon expiration, and allow termination of a permit, under certain conditions, when the existing permit requires connection of the wastewater to another system which has been completed.

b. 122.41(b). This amendment makes a reference to the prohibition of reissuance mentioned in “a” above.

c. 122.41(k)(2). This amendment provides references to the penalties for violations stated in the Pollution Control Act, S.C. Code Ann. 48-1-10 et seq.

d. 122.44(c)(2). This amendment allows including a permit reopener in a permit under limited circumstances which would be the basis for a modification of the permit.

e. 122 and 505.63(b), (c), (d), (f), and (h). These amendments authorize minor permit modifications under additional stated circumstances. Minor modifications must be agreeable to the permittee and do not require public notice.

(1) 122.63(b)(2) and 505.63(b)(2). These amendments authorize minor permit modifications to specify in the permit an analytical method, under limited circumstances.

(2) 122 and 505.63(c)(2). These amendments authorize minor permit modifications to delete schedules of compliance or specific interim limits, if final limits are placed in effect.

(3) 122 and 505.63(d)(3). These amendments authorize minor permit modifications to change the name only of the permittee.

(4) 122 and 505.63(f)(1). These amendments authorize minor permit modifications to allow adding limits to permits for lower flow with the same level of treatment. With the restriction stated above, such permit modifications would make the permit more stringent, allowing less pollutant to be discharged.

(5) 122 and 505.63(f)(2). These amendments authorize minor permit modifications to add or revise requirements for certification under section 208 of the Clean Water Act.

(6) 122.63(f)(3). This amendment authorizes minor permit modifications to allow minor relocations of surface water outfalls, where there are no wasteload implications.

(7) 122 and 505.63(f)(4). These amendments authorize minor permit modifications to change sludge disposal sites designated in the permits from one approved landfill to another.

(8) 122.63(h). These amendments authorize minor permit modifications which are solely based on South Carolina regulation, not affected by Federal NPDES regulations.

(9) 122 and 505.63(h)(1). These amendments authorize minor permit modifications to change the operator grade or other operator requirements, including revision to frequency of operator visits.

(10) 122 and 505.63(h)(2). These amendments authorize minor permit modifications to change the sampling date or location or, if specifically allowed in an issued permit, reduce sampling frequency after some period of time.

(11) 122 and 505.63(h)(3). These amendments authorize minor permit modifications to add the treatment system reliability classification.

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(12) 122 and 505.63(h)(4). These amendments authorize minor permit modifications to require submittal of closure plans for treatment systems.

(13) 122 and 505.63(h)(5). These amendments authorize minor permit modifications to change page numbers of issued permits.

(14) 122 and 505.63(h)(6). These amendments authorize minor permit modifications to comply with 403.8(c) concerning a pretreatment program or to add a compliance schedule to require development of a new pretreatment program, requiring, where appropriate, that the permittee comply with 403.8(b) Deadline for Program Approval.

f. 122.64(a)(4)(ii). This amendment allows termination of a permit for a facility where manufacturing operations have ceased, under limited conditions. Continuing a permit in effect for a facility which has no discharge causes the allocation of some portion of the capacity of the receiving water body when there is no basis for such allocation. Further, a facility subsequently starting operation at the same site will almost always have significantly different operations, needing different permit conditions.

g. 124.5(c). This amendment makes clear that, under appropriate conditions, an existing permit remains in effect until a reissued permit goes into effect.

h. 124.10(d)(1)(i)(B) and 124.11. Amendments to these items provide for submittal of public comments on draft permits by electronic mail.

i. 124.13. The amendment to this item prohibits raising an issue during appeal of a permit when the issue was not raised during preparation of the permit or during the public comment period. This prohibition is included in regulations which govern NPDES permit appeals, S.C. R.61-72, Procedures for Contested Cases, and U.S. Environmental Protection Agency NPDES regulation 40 CFR 124.76.

j. 505.1(b)(5) This amendment refers to requirements (in South Carolina R.61-67, Standards for Wastewater Facility Construction, section 300.G, Pump and Haul Operations) for transporting wastewater for disposal.

k. 505.8(c). This amendment makes clear that the financial responsibility of the permittee extends to all the potential components of the system for those holding permits for septic tanks serving more than one piece of property and clarifies the applicability of the item.

l. 505.42(c)(1)(i). This amendment allows consideration of separation of the seasonal high water table by less than 15 feet based on an evaluation of the quality of the effluent being applied and also consideration of a site where the seasonal high water table is less than 15 feet at some times but the actual separation of the water table is at least 15 feet at any time application occurs. This amendment retains the nominal requirements of the existing item but allows consideration of stated special circumstances in evaluating a proposed facility.

m. 505.64(a)(4)(ii). This amendment allows termination of a permit for a facility where manufacturing operations have ceased, under limited conditions. Continuing a permit in effect for a facility which has no discharge causes the allocation of some portion of the capacity of the receiving water body when there is no basis for such allocation. Further, a facility subsequently starting operation at the same site will almost always have significantly different operations, needing different permit conditions.

PROPOSAL 7. To make miscellaneous changes such as renumbering, relocation, or revision of the existing regulation to reflect the changes resulting from the appropriate revised requirements.

a. 122.24(b) To eliminate duplication of statements in the regulation (from 122 Appendix C) while maintaining similarity to the Federal regulation, this amendment eliminates the redundant language.

- b. Add new item 122.41(p) requiring that signs be posted by NPDES permittees at outfalls.
- c. 505.1(b)(2)(iii). Revise the item to recognize the promulgation of agricultural animal waste regulations.
- d. Revision of the following items consists only of clerical correction:
 - (1) 122.1(a)
 - (2) 122.2(b) “Guidelines”
 - (3) 122.2(b) “New discharger”, item (2).
 - (4) 122.2(b) “Waters of the State” and items (5) and (7) thereunder.
 - (5) 122.21(m)(6)
 - (6) 122.21(p)
 - (7) 122.22(a)(3)
 - (8) 122.26(b)(4)(iv)
 - (9) 122.41(j)(4)
 - (10) 122.43(b)(1)
 - (11) 122.44(k)
 - (12) 122.44(l)(4)
 - (13) 122.45(a)
 - (14) 122.62(d)(4)
 - (15) 122.62(d)(5)
 - (16) 122.63(b)(1), (c)(1), (d), and (d)(4).
 - (17) 122 Appendix C “Warm water aquatic animals”
 - (18) 124.56(b)(1)(ii)
 - (19) 125.3(c)(4)
 - (20) 125 Part D (Title)
 - (21) 403.7(f)(1)(ii)
 - (22) 503.3(a)(4)
 - (23) 503.6(c)(1) and (2)

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- (24) 503.18(b)
- (25) 503.43(d)(1) RSC
- (26) 503.45(a)(1)
- (27) 504.1(a)(2)
- (28) 504.9(a)
- (29) 504.9(o)
- (30) 504.18(b)
- (31) 504.21(b)
- (32) 505.21(a)(1)
- (33) 505.21(d)(2)(ii)
- (34) 505.21(f)(2)
- (35) 505.41(j)(4)
- (36) 505.46(a)

DETERMINATION OF COSTS AND BENEFITS:

Amendments are discussed in the sequence of items in the Notice of Drafting.

Proposal 1. To change the storm water discharge requirements to provide the consolidation of control criteria for sediment and erosion control. This will be done to supplement other changes which result from the promulgation of Federal Phase II regulations (Federal Register [FR] December 8, 1999);

a. Moving water-quality provisions of R.72-300 et seq. and the supporting Refinements of the Coastal Zone Management Plan into R.61-9.

(1) This is accomplished in sections 122 and 125, specifically 122.26(b)(15), 122.26(c)(3), and new subsections 125.180 through 125.182.

(2) Changes from the existing requirements in the proposed 122.26(c)(3) and 125.180-182 are few, specifically as follows:

(a) Proposed 122.26(c)(3)(i)(A)(I) would require that for disturbances smaller than 2 acres but at least one acre, which are located adjacent to ONRW, ORW, or Trout waters, the applicant obtain approval of the Department before beginning work on the site; whereas, this is not now required in the regulation. However, the information which must be submitted to obtain approval has been required, but no approval has been required. Therefore, there should be no additional cost based on the proposed regulation.

(b) Proposed 125.181(b)(3)(ii)(A) restricts the portion of sites larger than six (6) acres which may be disturbed, and not stabilized, at one time. This requirement does not change the amount of work which must be done, as the existing permit requires that disturbed areas on a site be promptly stabilized. Therefore, there should be no additional cost for this requirement.

(c) Proposed 125.181(b)(3)(ii)(B) requires that disturbed areas which are not put to use promptly be stabilized within 14 days. As this is an existing permit requirement, there should be no additional cost for this requirement.

(d) Proposed 125.182(b) would require inspection of the permitted sites of five acres and larger with a stated frequency, which is not now required in R.72-300 et seq. However, the existing “NPDES General Permit for Storm Water Discharges from Construction Activities” requires such inspections. Therefore, there will be no additional cost based on the proposed regulation.

(e) Proposed 125.182(c)(5)(i) would require monthly reporting of inspections at construction sites disturbing five (5) acres or more, the reports being a new requirement. However, the inspections which are the basis for the reports are a requirement of the existing “NPDES General Permit for Storm Water Discharges from Construction Activities”. Therefore, the additional cost based on the proposed regulation will be minimal.

(f) Proposed 125.182(c)(5)(ii) would require certification by someone qualified to complete a permit application that, for sites disturbing 5 acres or more, construction has been carried out in accordance with the permit application and has been properly stabilized, which is not an existing requirement of the regulation. However, the existing NPDES General Permit requires inspections on the same schedule as the proposed regulation. Therefore, the additional cost to permittees, including any State agency or political subdivision, can be expected to be minimal. The cost to the Department would be the minimal administrative cost of receiving the certifications.

b. Proposed subsection 125.183, Riparian Forest Buffers, requires that each site, which must apply for a storm water NPDES permit for construction, maintain a riparian forest buffer a minimum of 35 feet in width along waterways. (The requirement generally does not apply to either agriculture or silviculture.) There is no requirement in the subsection for landscaping or other planting, agriculture, or silviculture. The cost of the requirement is the loss of use of the land. However, the maintenance of a buffer would save on the costs of protecting the waterway in another manner, and the buffers may enhance the value of the property in residential use. Therefore, the best estimate of the cost of this requirement is that it will be minimal.

c. Process and criteria for designating small municipal separate storm sewer systems (MS4) to be permitted under NPDES.

(1) The Federal regulation (40 CFR 123.35, promulgated in the Federal Register December 8, 1999) specifically designated 48 South Carolina (apparent) MS4 to be permitted. There is no cost under this regulation for those MS4, as the designation was done separate from this regulation.

(2) The Federal regulation also designated a category of unnamed MS4 for permitting, consisting of all MS4 which are located within any U.S. Census Bureau-defined Urbanized Area. MS4 may be municipalities, counties, or government-owned facilities such as schools, hospitals, prisons, or military installations. The Department must determine which MS4 fall into this category. However, there is again no cost under this regulation for those MS4, as the designation was done separate from this regulation.

(3) The process and criteria developed for this proposed regulation were, in general, required by the Federal regulation to be developed, and the regulation stated specific matters to be considered in developing the process and criteria. But the specifics were developed by the Department.

(a) Therefore, our approach is to estimate what the Federal requirement was and what the additional requirements of our criteria are; then estimate what the cost of the additional requirements would be. One aspect of this is that the Federal Register did list 6 MS4 as being appropriate for designation. And the South Carolina criteria were developed to designate them, so this is a Federal requirement.

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(b) Based on information presently available to the Department, who is expected to be designated?

(i) The six municipalities listed in the FR (Clemson, Easley, Gaffney, Greenwood, Newberry, Orangeburg). These are considered as being designated by Federal requirements;

(ii) Beaufort; Conway; Greer; Hilton Head Island; North Myrtle Beach; Pendleton.

(iii) S.C.-defined small, adjacent incorporated places. But these will be in the urbanized areas(UA), not adjacent, because the proposed S.C. population density criterion for designation is set at a level which, under the Federal Census Bureau definition, will make them urbanized. With their being inside the UA, the Federal regulation designates them, not the State regulation; that is, any incorporated place within the UA must be permitted, per the Federal regulation. (Another way to say this is that it is likely that there will not be any MS4 which meets the S.C. criteria for being a small, adjacent MS4.);

(iv) Schools, hospitals, prisons, military installations which meet the criteria. (It is not definite that there are any of these which are not in an urbanized area. These may include Clemson University, Coastal Carolina University, Beaufort Naval/Marine housing, Marine Corps Air Station/Beaufort, and Parris Island Marine base.)

(c) What will the cost be?

(i) EPA estimates, from the 12/8/99 FR, were used in the information on the amendments completed 7/27/01. This was based on the number of inhabitants permitted. So an estimate in that manner would require an estimate of the total number of inhabitants affected, meaning a list of places to be designated is necessary. For the revisions based on the FR of 12/8/99 and related to storm water, there will be sizeable costs. U.S. EPA estimates that compliance with regulation requirements will cost permittees approximately \$9.18 per household per year. The Bureau of water uses an estimate of the average population per household of a little more than 3, so that the cost per person is about \$3.

(ii) Preliminary evaluation of the criteria indicates that 6 towns (in addition to the 6 in Appendix 7 of the 12/8/99 FR) will be designated under the criteria developed by S.C. DHEC (rather than under direct designation under U.S. EPA requirements). The total population of these towns is about 89,400, and the total annual cost of compliance for those towns is estimated as \$268,200. Additionally, there are 2 South Carolina facilities (the U.S. military bases would not cost South Carolina anything) which might be designated under the criteria. However, there is not enough information in hand to even determine whether each of those is an MS4 (owns and operates a separate storm sewer system). But if Clemson University and Coastal Carolina University each has a population of 10,000 and the same estimate of the cost per person is used, the annual cost for compliance would be about \$60,000.

(iii) The estimated total annual cost for all South Carolina MS4 designated under these amendments is \$328,200 per year. (Benefits may be dispersed widely and not necessarily to those bearing the costs.)

(4) U.S. EPA estimated the national benefits from the water quality improvements expected from the enhanced storm water regulations. The benefits consist of improving the suitability of waters for boating, fishing, and swimming, with estimates of the beneficial value being related to dollar amounts that respondents to a survey would be willing to pay for the improvements. The U.S. EPA estimates showed annual benefits of between \$670,000,000 and \$1,630,000,000. The maximum benefits significantly exceed costs. Further, U.S. EPA states, "There are additional benefits to storm water control that cannot be quantified or monetized." These benefits include "... improved aesthetic quality of waters, benefits to wildlife and threatened and endangered species, cultural values, and biodiversity benefits." Further benefits mentioned by U.S. EPA which

could not be specifically valued are "... flood control benefits, ... increased property value, ... ecological benefits"

Proposal 2. To require the enhancement of the viability of wastewater facilities: Any actual cost of the regulation to permittees will be for development of a business plan. However, the outcome of development and use of the plan will be for owners to act in ways which can be expected to result in sustaining the business for the long term.

Proposal 3. To conform the regulation with standard NPDES permit language and/or conditions: None of the items under this category has any expected additional cost. They are already required by existing permits.

Proposal 4. To establish in the regulation requirements related to operation and maintenance of wastewater facilities and operating permits for wastewater collection systems:

a. There are additional items of the amendments which are included in existing permits and are related to treatment system operation. As they are existing requirements, there is no additional cost because of the amendment.

(1) 122.41(e)(2) and 505.41(e)(2) require permittees to develop and maintain an operations manual for wastewater treatment plants.

(2) 122.41(e)(3) and 505.41(e)(3) require permittees to provide for treatment facility inspections by a properly certified operator in the specified manner and with stated exemptions.

(3) 122.41(j)(1) and 505.41(j)(1) state specific requirements for sampling and flow measurement at wastewater treatment plants.

b. Proposed 122.41(j)(1)(iv) would require monitoring of the receiving stream where necessary to protect the stream. The occasions where the requirement is applied should be infrequent so that the costs will be minimal.

c. 122.44(i)(1)(i) and 505.44(i)(1)(i) allow a permit to require monitoring of pollutants which have a potential to have an adverse effect on the environment or on treatment. This is expected to apply to particularly toxic pollutants or particularly sensitive receiving waters. This should be an infrequent requirement as, with a high potential for environmental problems, a limit would likely be established, for which the existing regulation authorizes monitoring.

d. These amendments propose new subsections 503.50 and 504.50 requiring control of odor-producing situations and activities related to, respectively, sewage and industrial sludge treatment and disposal. Proper operation and maintenance of well-designed wastewater facilities will prevent most odor problems, so that costs for complying with this requirement will be minimal.

e. For new section 610, Operation and Maintenance of Sewer Systems, there will be minimal cost to the state for the implementation. Costs of operating permits will be kept to a minimum by issuing general permits, where appropriate. Regulated entities will see widely varying costs ranging from \$0 to \$50 per tap per year depending on the size of the collection system, current condition of the collection system, operation and maintenance programs currently in place, and management and planning efforts for capital needs. Costs to regulated entities may be offset by system benefits from long-term savings in maintenance, repair, and rehabilitation costs stemming from better management and planning. Additional water quality and public health benefits will be realized due to reduced numbers of sewer system overflows.

Proposal 5. To clarify the development and application of fecal coliform limits for land application and/or surface waters: As this item involves clarification of an existing requirement, there is no additional cost.

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Proposal 6. Miscellaneous administrative changes such as minor permit modifications, revision to permit-transfer provisions, and authorization of other bases for a permit reopener:

a. In proposed 122.4(g)(2), 122.6(a), and 122.64(a)(5), reissuance of a permit is prohibited if the permit requires that the system connect to a regional sewer system and a system is available. There should be no cost to this requirement as the regulation simply reinforces a requirement which is stated to be included in an issued permit.

b. Several changes under 122.63 and 505.63 allow additional types of minor NPDES permit modifications. Any such modification must involve agreement of the permittee, by the definition of a minor modification. Therefore, any cost can be expected to be minimal.

c. 122.64(a)(4) and 505.64(a)(4) each state an additional basis for terminating NPDES permits, which is closure of plant operations for a period of more than 60 days. The termination would necessitate a new application and issuance of a new permit before operation can resume. However, when a facility has stopped operation for a significant period, almost any new operation which starts would be different enough from the previous operation to require a new permit. Therefore, there is no additional cost for this provision.

d. 122.64(a)(5) states an additional basis for terminating NPDES permits upon expiration, which is that the permit requires, based on a 208 plan, connection of the wastewater from the facility to another wastewater system which has become available. As this regulation provision supports requirements stated in permits and 208 plans, there is no additional cost for the regulation.

Proposal 7. Miscellaneous changes such as renumbering, relocation, or revision of the existing regulation to reflect the changes resulting from the appropriate revised requirements: Items in this category are administrative only and do not entail additional costs to the State or to permittees. The one exception to this is the proposed requirement at 122.41(p) that permittees install and maintain signs at their outfalls; however, required signs would not be large and costs should be minimal.

UNCERTAINTIES OF ESTIMATES:

Cost estimates for changes to the storm water sediment and erosion control requirements are somewhat uncertain, despite the expectation that costs will be small.

The estimate of minimal costs for riparian forest buffers depends on balancing the cost of the land by the increased value of the property and savings from not needing other types of controls. All of these values are somewhat uncertain and probably variable from site to site.

The estimates for costs of complying with storm water NPDES permits by small municipal separate storm sewer systems stated by U.S. EPA in the Federal Register show significant variation, both for cost estimates and benefit estimates. Furthermore, preliminary information from cost estimates related to permits issued in South Carolina suggest that U.S. EPA estimates of costs are significantly lower than actual costs.

Any significant costs for complying with the viability requirements would occur with sewer systems with inadequate business practices. Costs of establishing sound programs in such situations are inherently uncertain.

The estimates of cost for the requirements on operation and maintenance of sewer systems are quite variable, relating to age of the system, existing state of maintenance, and the extent of the present program.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

1. To change the storm water discharge requirements to provide the consolidation of control criteria for sediment and erosion control.

a. Revisions to storm water regulations for small municipal separate storm sewer systems (MS4) can be expected to lead to significant improvements in water quality near many of the newly-regulated entities.

b. Permitting of small municipal separate storm sewer systems (MS4) under these criteria can be expected to improve the water quality of streams to which their storm water discharges. This will contribute to achieving water quality standards and removing the streams from the list of impaired waters (section 303[d] of the Clean Water Act).

c. Establishing riparian forest buffers, as required by these amendments, can be expected to improve the water quality of streams adjacent to the construction activity permitted. This will contribute to achieving water quality standards.

2. Requirements to enhance the viability of wastewater facilities

Accomplishing the objectives of the viability regulation, R.61-9.600, will prevent uncontrolled sewer overflows and the discharge of inadequately treated wastewater which may occur when attention, expertise, and financial resources are not available for wastewater facilities.

3. Requirements related to operation and maintenance of wastewater facilities

Accomplishing the objectives of proposed Operation and Maintenance of Sewer Systems, R.61-9.610, will prevent uncontrolled sewer overflows by requiring the development and implementation of informed, written programs of maintenance and improvement of sewer systems.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

Many water bodies in South Carolina are presently impaired by pollutants which occur in storm water. Failure to implement the riparian forest buffer and small MS4 amendments will significantly delay or prevent the improvements needed to consistently attain water quality standards in many of these streams.

There are significant numbers of overflows from South Carolina sewer systems, which typically cause violations of stream standards and the potential for human health impacts. Failure to implement the viability and sewer system operation and maintenance amendments will allow many of these events to continue to occur.

STATEMENT OF RATIONALE in Accordance with S.C. Code Section 1- 23-110(A)(3)(h):

1. Change the storm water discharge requirements to provide the consolidation of control criteria for sediment and erosion control to supplement other changes promulgated in the State Register July 27, 2001, which were based on the Federal promulgation of Phase II storm water regulations (Federal Register [FR] December 8, 1999).

a. Stormwater Management and Sediment Reduction Requirements.

(1) 122.26(c)(3). Application requirements are largely taken from existing S.C. R.72-300 et seq. and Refinements to the Coastal Zone Management Plan.

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(2) 125.181(b)(5)(iv). The requirement to capture a specific amount of runoff when the site is within 1/2 mile of a water body and a more-extensive storage requirement within 1000 feet of shellfish beds is a decision of the Department. The rationale for the authorization is that this is already included in the Coastal Zone Management Plan.

b. 125.183. Riparian forest buffers. The Board of Health and Environmental Health and Environmental Control requested that a study of the suitability of buffer zones be carried out. To accomplish this, the Department supported the Center for Environmental Policy, University of South Carolina, which developed the “Final Report of the Statewide Task Force on Riparian Forest Buffers” (FRRFP), July, 2000. Upon completion of that the Board further requested that a regulation be developed. Therefore, this entire section is based, with some amendments, on Chapter 1, Summary of Task Force Recommendations, from FRRFP.

(1) 125.183(b)(1)(i). Requiring that a riparian forest buffer (undisturbed area along a water body) of a minimum width of 35 feet be provided is a decision of the Department. The rationale for this requirement is that

(a) Riparian forest buffers significantly improve water quality when used with best management practices for construction activities; the improvements achieve the following (Chapter 3, FRRFP):

(1) “Trap/remove sediment from runoff”,

(2) “Protect stream banks from erosion”, preventing the stream bank soil from entering the stream as sediment,

(3) “Trap/remove phosphorous, nitrogen and other nutrients that can cause eutrophication of aquatic systems”,

(4) “Trap/remove other contaminants, including organic matter, biological contaminants, pesticides and metals”, and

(5) “... Protect the stream from solar heating”;

(b) FRRFP recommends that riparian forest buffers be a minimum of 35 feet wide.

(c) Even in the least severe cases, low slope and slightly erodable soil, a 35-foot buffer provides major improvement in water quality. For more-severe situations a 35-foot buffer provides even greater improvement of the runoff, which would tend to be more-contaminated; that is, a larger amount of pollutant would be removed, not that as high a final quality or necessarily a higher percent removal will result.

(d) A 35-foot buffer is the minimum width which can be expected to provide suitable protection to adjacent water bodies.

(2) The regulation recommends that the riparian forest buffer be increased “... with increasing slope in the terrain. ...”, and, where appropriate, up to 100 feet “... to better enhance water quality in non-forested areas” This is a recommendation, not a requirement.

(3) The regulation further recommends that the riparian forest buffer be increased, where appropriate, up to 300 feet “... to provide comparable benefits of an undisturbed riparian system” This is a recommendation, not a requirement. It is appropriate to consider this in relation to waters classified as ONRW, ORW, Trout, and Shellfish Harvesting.

c. 122.32(f), (g), and (h). Small MS4 designation process and criteria. The program and criteria for designating small MS4 for NPDES permitting are largely adopted from requirements in Federal Regulation 40 CFR 123.35. However, discretion is allowed to permitting authorities by U.S. EPA, and the following items were selected by the Department as criteria for designation with the rationale stated:

(1) (122.32(f)(2)(ii)) Designating entire towns, where the town must only be partly designated based on the Urbanized Area, is a decision of the Department. The rationale for this requirement is that

(a) There is some potential for stream pollution from all municipal development and

(b) The cost of developing the requirements needed to protect water quality are the same for part of the town or all of the town; therefore,

(c) The benefit of applying the program to the entire town far outweighs the cost.

(2) (122.32(g)(1)(i)) Requiring a permit where storm water discharges to a stream which is on the list of impaired waters (CWA §303(d)) and the storm water of the MS4 contains a related pollutant is a decision of the Department. The rationale for this requirement is that

(a) The Department will have concluded, through an established process, that the waterway is impaired;

(b) The storm water contains a pollutant which can contribute to such impairment; and

(c) The MS4 (for consideration, having a population of at least 10,000 and density of at least 1000/mi.²) is large enough and densely-developed enough to be a concern for storm water quality; therefore,

(d) There is a significant potential for the storm water of the MS4 to contribute to impairment of a stream.

(3) (122.32(g)(1)(ii)) Requiring a permit where storm water discharges to a stream which is classed ONRW, ORW, or Freshwater-Trout or is open for shellfish harvesting is a decision of the Department. The rationale for this requirement is that

(a) The Federal regulation required consideration of sensitive waters;

(b) The Department has concluded, through an established process, that the waterway is highly sensitive, the basis for all these classifications;

(c) Normal municipal storm water contains pollutants which can contribute to impairment of a sensitive water body; and

(d) The MS4 is large enough and densely-enough developed to be a concern for storm water quality; therefore,

(e) There is a significant potential for the storm water of the MS4 to contribute to impairment of a stream.

(4) (122.32(g)(1)(iii)) Requiring a permit where the MS4 has seen population growth between the 1990 and 2000 (or the two most-recent) censuses of 10 percent or more or growth of 2 percent or more in each of the three (3) most-recent years for which information is available is a decision of the Department. The rationale for this requirement is that

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(a) The Federal regulation required consideration of population growth in criteria for designation;

(b) Rapid growth of an area can be associated with extensive construction, which will involve extensive land disturbance and have the potential for significant storm water contamination; and

(c) Separate from the issue of growth, the MS4 is large enough and densely-enough developed to be a concern for storm water quality; therefore,

(d) There is a significant potential for the storm water of the MS4 to contribute to impairment of a stream.

(5) (122.32(g)(1)(iv)) Requiring a permit where the MS4 is located within 3 miles of an urbanized area and the MS4 under consideration discharges storm water to one or more of the water bodies which receive storm water from the urbanized area is a decision by the Department. The rationale for this requirement is that

(a) The Federal regulation required consideration of “contiguity” of an MS4 “to an urbanized area”;

(b) The MS4 is within the distance equal to the dimensions of a square town with a population of 10,000 and a population density of 1000 per square mile from streams potentially affected by storm water contaminants;

(c) Storm water from the MS4 discharges to a water body potentially affected by a permitted facility;

(d) Separate from the issue of contiguity, the MS4 is large enough and densely-developed enough to be a concern for storm water quality; therefore,

(e) There is a significant potential for the storm water of the MS4 to contribute to impairment of a stream.

(6) (122.32(g)(1)(vi)) Requiring a permit where the population density of the MS4 is at least 1500 persons per square mile is a decision by the Department. The rationale for this requirement is that

(a) The Federal regulation required consideration of high population density;

(b) The population density is significantly greater than that density at which storm water quality becomes a major concern;

(c) This criterion leads to designating the MS4 stated by U.S. EPA (in Appendix 7 of FR 12/8/99) to require consideration; therefore,

(d) There is a significant potential for the storm water of the MS4 to contribute to impairment of a stream.

(7) (122.32(g)(1)(vii)) Requiring a permit where the MS4 owns or operates a wastewater treatment facility which is on the NPDES “Significant Non-compliance List” is a decision by the Department. The rationale for this requirement is that

(a) The Federal regulation required consideration of “... ineffective water quality protection by other programs”

(b) Being included on the NPDES “Significant Non-compliance List” shows that the owner of the MS4 has not carried out a program sufficient to comply with wastewater discharge permit requirements.

(c) Therefore, there is a significant concern about compliance with storm water requirements by the owner of the MS4.

(8) (122.32(g)(4)) Requiring a permit for MS4 which has either greater than 2000 total population with a density of at least 1500 persons per square mile or greater than 4000 total population with a density of at least 1000 persons per square mile and which is within the boundaries of or whose boundaries touch, and which drains to at least one basin which receives drainage from, a permitted or designated MS4 is a decision of the Department. The rationale for this requirement is that

(a) The Federal regulation required consideration of “... contiguity to an urbanized area”

(b) The criteria include a somewhat denser population than the criterion for inclusion in an urbanized area so that there will seldom be an MS4 designated under them. Rather, such areas will be included in the urbanized area and will be directly required by the Federal regulation to be permitted.

(9) (122.32(g)(1)(i)(A)) Allowing an exception from permitting when the runoff from the MS4 caused by a 2-inch rainstorm would be less than one (1) percent of the annual average flow of each receiving stream on the 303(d) list is a decision by the Department. The rationale for this exception is that the runoff into each stream is a small enough portion, even during periods of sizeable runoff, to have a minimal effect on the stream.

2. Establish requirements to enhance the viability of wastewater facilities.

There have been a number of situations where the owner of a wastewater facility abdicated his responsibilities for operation, because of death, bankruptcy, or other reason, leaving homeowners connected to a sewer system for which no one accepted responsibility for operation and maintenance. Department files on these facilities are available for review by contacting the DHEC FOI Office, 2600 Bull Street, Columbia, SC.

3. Establish requirements for standard NPDES permit language and/or conditions.

The Department has been strongly encouraged by the regulated community and environmental groups to do this.

4. Establish requirements related to operation and maintenance of wastewater facilities (such as staffing issues at wastewater treatment facilities).

a. 122.41(j)(1)(i)(B). Current regulations require only that sampling be performed during a specified sampling period. Requiring that sampling dates be separated from each other in particular cases is a decision by the Department which assures that inappropriately long periods (from the beginning of one reporting period to the end of the next, for example) without any sampling do not occur.

b. 122.41(j)(1)(i)(C) and (D). Prohibiting termination of analysis or disposal of a sample for the purpose of preventing an analysis from resulting in a violation is a decision by the Department which is necessary to assure that data representative of the actual discharge is developed and submitted.

c. 122.41(j)(1) Requiring that effluent flow monitoring accuracy be within ten (10) percent of the actual value is a decision of the Department. The rationale for this requirement is that

(1) This level of accuracy is readily available with standard equipment suitable for wastewater effluents.

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(2) Knowledge of the flow is necessary to determine the quantity of pollutant, that is, the loading, to the stream.

c. 122.41(j)(1)(iii). Authorizing the Department to set a specific date each month for the permittee to sample is a decision by the Department which allows the Department to plan sampling on a date when the permittee will be sampling in order to assure that sampling and analysis procedures by the permittee are suitable.

d. These amendments propose new subsections 503.50 and 504.50 requiring control of odor-producing situations and activities related to, respectively, sewage and industrial sludge treatment and disposal. The requirements are derived from South Carolina R.61-43, Standards for the Permitting of Agricultural Animal Facilities, with appropriate adjustments. Wastewater and industrial sludge and animal manures have similar potential for odor problems.

e. Requirements of new section 610, Operation and Maintenance of Sewer Systems, will reduce the number and severity of overflows of wastewater. There are many sewer systems in South Carolina which have at least occasional sewage overflows. The bacterial concentration of sewage is such that any such overflow is likely to cause a violation of a stream standard. Moreover, as the S.C. Water Classifications and Standards regulation does not allow a mixing zone for bacterial discharges, the overflows certainly constitute violations of stream standards.

5. Clarify the application of fecal coliform limits for land application and/or surface waters.

The proposed amendment clarifies the existing item to show that it applies anywhere that sanitary wastewater is a significant component of the wastewater in the system. It also provides limited circumstances under which the Department may apply other limits. These circumstances are intended to be, and would have to be demonstrated in each particular case to be, protective of the environment and of any persons exposed to the wastewater or disposal fields.

6. Make miscellaneous administrative changes such as authorization of a permit reopener, minor permit modifications, and revision to permit-transfer provisions.

a. 122.44(c)(2). Authorizing the Department to include a "... reopener referring to a permit modification reasonably foreseen based on expected revision of law or regulation or based on the expectation of receipt of information, when either of these would be the basis for a modification under R61-9.122.62" is a decision of the Department. The rationale for the authorization is that

(1) This provides for modifying (reopening) a permit during its term when it is recognized that a revision in a pertinent regulation is impending, compliance with a new regulation typically being required within three (3) years rather than the five-year term of a permit and the law or regulation would be the basis for a modification and

(2) This allows the issuance of a permit when adequate information is unavailable about certain parameters, but all other information is available, allowing revision of the permit during its term if the new information shows that is necessary and the new information would be the basis for a modification.

b. 122.64(a)(4)(ii). Authorizing the Department to terminate a permit for a manufacturing facility which has ceased "... substantially all manufacturing operations, which are a basis for effluent limits or which contribute to a discharge, for a period of 60 days or longer ..." is a decision of the Department. The rationale for the authorization is that

(1) Item 122.45(b)(2)(i) of R.61-9 says that a permit must be based on actual production. Since there is no production when the plant is closed, the resulting permit would require zero discharge.

(2) The proposed regulation item states that the closed operations must be "... a basis for effluent limits or ... contribute to a discharge"

(3) 60 days is long enough to assure that closure is long-term. For example, in many cases employees will have obtained other jobs.

c. 124.13. Prohibiting appeal of an issued permit when the concerns have not been "... submitted to the administrative record as part of the preparation and comment on a draft permit ..." is a decision of the Department. This prohibition is included in S.C. R.61-72, Procedures for Contested Cases, and U.S. EPA regulation 40 CFR 124.76, which is not required to be included in state regulation.

Proposal 7. Miscellaneous changes such as renumbering, relocation, or revision of the existing regulation to reflect the changes resulting from the appropriate revised requirements:

Add new item 122.41(p) requiring that signs be posted by NPDES permittees at outfalls. The language was adapted from State of Georgia regulations.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 2767

DEPARTMENT OF LABOR, LICENSING AND REGULATION
STATE BOARD OF NURSING
CHAPTER 91

Statutory Authority: 1976 Code Sections 40-1-70(4), 40-33-270, and 40-33-935(e).

Preamble:

The State Board of Nursing proposes to add a new Regulation that will adopt the American Nurses Association's Code of Ethics for Nurses With Interpretive Statements (2001 Edition), as the code of ethics for all licensed nurses.

Section-by-Section Discussion:

Regulation 91-18. Code of Conduct

This new regulation will establish the Code of Ethics for Nurses With Interpretive Statements (2001 Edition) of the American Nurses Association as the code of ethics applicable to all nurses licensed and practicing in this state.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at the Administrative Law Judge Division at Division at 9:00 a.m. on November 12, 2002. Written comments may be directed to Martha S. Bursinger, Administrator, Board of Nursing, Department of Labor, Licensing and Regulation, Post Office Box 11289, Columbia, South Carolina 29211-1289, no later than 5:00 p.m., on Monday, October 28, 2002.

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Preliminary Fiscal Impact Statement:

There will be no additional cost incurred by the State or any political subdivision.

Statement of Need and Reasonableness:

This statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Ann. Section 1-23-115(C)(1) through (3) and (9) through (11).

DESCRIPTION OF REGULATION:

Purpose: As a member of the nursing profession, a nurse must recognize responsibility to patients first and foremost, as well as to society, to other health professionals, and to self. The code of ethics will define the essentials of honorable behavior for the licensed nurse and establish them as enforceable requirements for all licensed nurses practicing in South Carolina.

Legal Authority: Statutory Authority: Sections 40-1-70(4), 40-33-270, and 40-33-935(e).

Plan for Implementation: The proposed regulation will be implemented by providing the regulated community with copies of the regulation through publication and the Board's website.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed regulation is necessary in order to establish nationally accepted principles of ethical behavior as minimum standards of professional conduct by licensed nurses practicing in the state.

DETERMINATION OF COSTS AND BENEFITS:

There will be no additional cost incurred by the State or any political subdivision.

UNCERTAINTIES OF ESTIMATES: There are no uncertainties of estimates concerning this regulation.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH: The code will further protect the public safety by enhancing professional standards of licensed nursing practice in South Carolina.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be no detrimental effects on the environment and public health if the requirement is not implemented in this State.

Statement of Rationale:

The proposed regulation is necessary in order to establish nationally accepted principles of ethical behavior as minimum standards of professional conduct by licensed nurses practicing in the state. There was no scientific or technical basis.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 2780
DEPARTMENT OF REVENUE
 CHAPTER 117
 Statutory Authority: 1976 Code Section 12-4-320
 Regulations 117-1, 117-2, 117-6 and 117-7

Preamble:

The South Carolina Department of Revenue is considering repealing SC Regulations 117-1, 117-2, 117-6 and 117-7 and creating three new regulations concerning administrative matters in a new Article 10. Under the proposal, administrative regulations are combined so that all regulations concerning one subject matter can be found in one regulation and therefore one place in the regulation code. In addition, each regulation would have several “subsections” numbered in a manner to allow future issues concerning the subject matter to be added on and still be in the same place in the regulation code as other similar issues. For example, all issues concerning recordkeeping can be found in one regulation under Regulation 117-200. This regulation has several “subsections” numbered 117-200.1, 117-200.2, and so on. The proposal also amends the provisions for retention of books and records to ensure such provisions apply to all laws administered by the Department.

Discussion

The South Carolina Department of Revenue is considering repealing SC Regulations 117-1, 117-2, 117-6 and 117-7 and creating three new regulations concerning administrative matters in a new Article 10. Under the proposal, administrative regulations are combined so that all regulations concerning one subject matter can be found in one regulation and therefore one place in the regulation code. In addition, each regulation would have several “subsections” numbered in a manner to allow future issues concerning the subject matter to be added on and still be in the same place in the regulation code as other similar issues. For example, all issues concerning recordkeeping can be found in one regulation under Regulation 117-200. This regulation has several “subsections” numbered 117-200.1, 117-200.2, and so on. This proposal organizes and numbers the regulations as follows:

<u>Regulation Number</u>	<u>Subject</u>
117-200	Recordkeeping
117-201	Supplying of Identifying Numbers
117-202	Definitions, reimbursement for costs incurred in complying with summons

The proposal also amends the provisions for retention of books and records to ensure such provisions apply to all laws administered by the Department.

Notice of Public Hearing:

The S.C. Department of Revenue has scheduled a public hearing before the Administrative Law Judge Division at the Administrative Law Judge Division in the Edgar Brown Building on the Capitol Complex (1205 Pendleton Street, Suite 224) in Columbia, South Carolina for December 4, 2002 at 1:00 p.m. if the requests for a hearing meet the requirements of Code Section 1-23-110(A)(3). The public hearing, if held, will

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address a proposal by the department to repeal SC Regulations 117-1, 117-2, 117-6 and 117-7 and create three new regulations concerning administrative matters in a new Article 10. Under the proposal, administrative regulations are combined so that all regulations concerning one subject matter can be found in one regulation and therefore one place in the regulation code. In addition, each regulation would have several “subsections” numbered in a manner to allow future issues concerning the subject matter to be added on and still be in the same place in the regulation code as other similar issues. For example, all issues concerning recordkeeping can be found in one regulation under Regulation 117-200. This regulation has several “subsections” numbered 117-200.1, 117-200.2, and so on. The proposal also amends the provisions for retention of books and records to ensure such provisions apply to all laws administered by the Department. The department will be asking the Administrative Law Judge Division, in accordance with S.C. Code Ann. § 1-23-115 (2000) issue a report that this proposal is needed and reasonable.

Comments:

All comments concerning this proposal should be mailed to the following address by October 29, 2002:

S.C. Department of Revenue
Legislative Services - Mr. Meredith Cleland
P.O. Box 125
Columbia, South Carolina 29214

Preliminary Fiscal Impact Statement:

There will be no impact on state or local political subdivisions expenditures in complying with this proposed legislation.

Summary of the Preliminary Assessment Report:

The purpose of this proposal is to combine regulations. Regulations concerning one subject matter will be located under one regulation code. The reorganization and renumbering of the affected regulations are needed to reduce taxpayer confusion and save taxpayer time. The proposal also amends the provisions for retention of books and records to ensure such provisions apply to all laws administered by the Department.

Preliminary Assessment Report:

Under the provisions of law governing the preliminary assessment report (Code Section 1-23-115), the SC Department of Revenue will address items (1) through (3) of Code Section 1-23-115(C) as follows:

1. The purpose of this proposal is to repeal SC Regulations 117-1, 117-2, 117-6 and 117-7 and create three new regulations concerning administrative matters in a new Article 10. Under the proposal, administrative regulations are combined so that all regulations concerning one subject matter can be found in one regulation and therefore one place in the regulation code. In addition, each regulation would have several “subsections” numbered in a manner to allow future issues concerning the subject matter to be added on and still be in the same place in the regulation code as other similar issues. For example, all issues concerning recordkeeping can be found in one regulation under Regulation 117-200. This regulation has several “subsections” numbered 117-200.1, 117-200.2, and so on. The proposal also amends the provisions for retention of books and records to ensure such provisions apply to all laws administered by the Department. The Department of Revenue will implement this proposal in the same manner as it implements all other regulations.
2. The proposal to repeal these regulations and create three new regulations concerning administrative matters in a new Article 10 is needed to organize the regulations to allow taxpayers to find all “regulations” on one subject matter in one place. This will reduce any taxpayer confusion that may result from having many regulations on a single subject matter. For example, all “regulations” on recordkeeping will now be in one

place in one regulation. The proposal to re-organize these regulations is also reasonable in that it is the department's responsibility to maintain regulations in an orderly manner.

3. This proposal to re-organize these regulations will benefit taxpayers because it will reduce any taxpayer confusion by simplifying a taxpayer's search for information on a particular subject matter. This proposal is cost effective for the same reasons.

Under the provisions of law governing the preliminary assessment report (Code Section 1-23-115), the SC Department of Revenue will address items (9) through (11) of Code Section 1-23-115(C) as follows:

9. There is very little uncertainty associated with estimating the benefits of this regulation. All individuals would be similarly treated by these provisions.

10. The proposed regulation would not have any effect on the environment and public health.

11. If the proposed regulation is approved, there would not be a detrimental effect on the environment and public health.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

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Document No. 2781
DEPARTMENT OF REVENUE
CHAPTER 117

Statutory Authority: 1976 Code Section 12-4-320

Regulations: Articles 2, 3 and 4 of Chapter 117 and SC Regulations 117-92.1, 117-92.2, 117-92.3, 117-92.5, 117-88.1, 117-88.2 and 117-88.3

Preamble:

The South Carolina Department of Revenue is considering repealing Articles 2, 3 and 4 of Chapter 117 and repealing SC Regulations 117-92.1, 117-92.2, 117-92.3, 117-92.5, 117-88.1, 117-88.2 and 117-88.3 and creating eight new regulations concerning various miscellaneous taxes in a new Article 24. Under the proposal, regulations are combined so that all regulations concerning one subject matter can be found in one regulation and therefore one place in the regulation code. In addition, each regulation would have several "subsections" numbered in a manner to allow future issues concerning the subject matter to be added on and still be in the same place in the regulation code as other similar issues. For example, all issues concerning alcoholic liquor taxes can be found in one regulation under Regulation 117-1200. This regulation has several "subsections" numbered 117-1200.1, 117-1200.2, and so on.

Discussion

The South Carolina Department of Revenue is considering repealing Articles 2, 3 and 4 of Chapter 117 and repealing SC Regulations 117-92.1, 117-92.2, 117-92.3, 117-92.5, 117-88.1, 117-88.2 and 117-88.3 and creating eight new regulations concerning various miscellaneous taxes in a new Article 24. Under the proposal, regulations are combined so that all regulations concerning one subject matter can be found in one regulation and therefore one place in the regulation code. In addition, each regulation would have several "subsections" numbered in a manner to allow future issues concerning the subject matter to be added on and still be in the same place in the regulation code as other similar issues. For example, all issues concerning alcoholic liquor taxes can be found in one regulation under Regulation 117-1200. This regulation has several "subsections" numbered 117-1200.1, 117-1200.2, and so on. This proposal organizes and numbers the regulations as follows:

<u>Regulation Number</u>	<u>Subject</u>
117-1200	Alcoholic Liquor Taxes
117-1250	Beer and Wine Taxes
117-1300	Coin-operated Devices
117-1350	Deed Recording Fee
117-1400	Electric Power Tax
117-1450	Motor Fuel Tax
117-1500	Bank Tax
117-1550	Building and Loan Association Tax

Notice of Public Hearing:

The S.C. Department of Revenue has scheduled a public hearing before the Administrative Law Judge Division at the Administrative Law Judge Division in the Edgar Brown Building on the Capitol Complex (1205 Pendleton Street, Suite 224) in Columbia, South Carolina for December 4, 2002 at 9:00 a.m. if the requests for a hearing meet the requirements of Code Section 1-23-110(A)(3). The public hearing, if held, will address a proposal by the department to repeal Articles 2, 3 and 4 of Chapter 117 and repeal SC Regulations 117-92.1, 117-92.2, 117-92.3, 117-92.5, 117-88.1, 117-88.2 and 117-88.3 and create eight new regulations

concerning various miscellaneous taxes in a new Article 24. Under the proposal, regulations are combined so that all regulations concerning one subject matter can be found in one regulation and therefore one place in the regulation code. In addition, each regulation would have several “subsections” numbered in a manner to allow future issues concerning the subject matter to be added on and still be in the same place in the regulation code as other similar issues. For example, all issues concerning alcoholic liquor taxes can be found in one regulation under Regulation 117-1200. This regulation has several “subsections” numbered 117-1200.1, 117-1200.2, and so on. The department will be asking the Administrative Law Judge Division, in accordance with S.C. Code Ann. § 1-23-115 (2000) issue a report that this proposal is needed and reasonable.

Comments:

All comments concerning this proposal should be mailed to the following address by October 29, 2002:

S.C. Department of Revenue
 Legislative Services - Mr. Meredith Cleland
 P.O. Box 125
 Columbia, South Carolina 29214

Preliminary Fiscal Impact Statement:

There will be no impact on state or local political subdivisions expenditures in complying with this proposed legislation.

Summary of the Preliminary Assessment Report:

The purpose of this proposal is to combine regulations. Regulations concerning one subject matter will be located under one regulation code. The reorganization and renumbering of the affected regulations are needed to reduce taxpayer confusion and save taxpayer time.

Preliminary Assessment Report:

Under the provisions of law governing the preliminary assessment report (Code Section 1-23-115), the SC Department of Revenue will address items (1) through (3) of Code Section 1-23-115(C) as follows:

1. The purpose of this proposal is to repeal Articles 2, 3 and 4 of Chapter 117 and repeal SC Regulations 117-92.1, 117-92.2, 117-92.3, 117-92.5, 117-88.1, 117-88.2 and 117-88.3 and create eight new regulations concerning various miscellaneous taxes in a new Article 24. Under the proposal, regulations are combined so that all regulations concerning one subject matter can be found in one regulation and therefore one place in the regulation code. In addition, each regulation would have several “subsections” numbered in a manner to allow future issues concerning the subject matter to be added on and still be in the same place in the regulation code as other similar issues. For example, all issues concerning alcoholic liquor taxes can be found in one regulation under Regulation 117-1200. This regulation has several “subsections” numbered 117-1200.1, 117-1200.2, and so on. The Department of Revenue will implement this proposal in the same manner as it implements all other regulations.

2. The proposal to repeal these regulations and create eight new regulations concerning miscellaneous taxes in a new Article 24 is needed to organize the regulations to allow taxpayers to find all “regulations” on one subject matter in one place. This will reduce any taxpayer confusion that may result from having many regulations on a single subject matter. For example, all issues concerning alcoholic liquor taxes can be found in one regulation under Regulation 117-1200. The proposal to re-organize these regulations is also reasonable in that it is the department’s responsibility to maintain regulations in an orderly manner.

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3. This proposal to re-organize these regulations will benefit taxpayers because it will reduce any taxpayer confusion by simplifying a taxpayer's search for information on a particular subject matter. This proposal is cost effective for the same reasons.

Under the provisions of law governing the preliminary assessment report (Code Section 1-23-115), the SC Department of Revenue will address items (9) through (11) of Code Section 1-23-115(C) as follows:

9. There is very little uncertainty associated with estimating the benefits of this regulation. All individuals would be similarly treated by these provisions.

10. The proposed regulation would not have any effect on the environment and public health.

11. If the proposed regulation is approved, there would not be a detrimental effect on the environment and public health.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

86 EMERGENCY REGULATIONS

Document No. 2786
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
Statutory Authority: 1976 Code Section 50-13-1630

Emergency Situation: Information provided by the U.S. Fish and Wildlife Service indicates that the nonindigenous family of fish Channidae (Snakehead) may be injurious to the wildlife and wildlife resources of the United States. The U.S. Fish and Wildlife Service has proposed a rule presently undergoing review (50 CFR Part 16, RIN 1018-A136) that would prohibit the interstate transportation and importation of any live animal or viable egg of snakeheads into the United States. It is important that the South Carolina act now to prohibit the possession of any snakeheads that may be in South Carolina. This would lessen the potentially dangerous effects of their release into the State's waters and prevent any harm to South Carolina's aquatic resources.

Text:

123-135 Importation, possession, release, or sale of members of the family Channidae

1. It is unlawful to possess, sell, buy, offer for sale, any live animal or egg of the family Channidae or to import, bring or cause to be brought or imported into South Carolina or released into the waters of South Carolina any live animal or egg of the family Channidae (snakehead).
2. The penalty for the violation of this Rule and Regulation shall be that prescribed by Section 50-1-130

Document No. 2765
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
Statutory Authority: 50-11-10; 50-11-2200

Emergency Situation:

These emergency regulations establish the dove seasons and dove limits statewide and establish seasons, limits and special restrictions for dove hunting on Dove Management Areas. Because the dove season begins September 1 it is necessary to file these emergency regulations.

Dove Management Area Regulations: The following fields are open on a first-come basis, unless otherwise stated below. The number of hunters may be restricted on some fields. A Wildlife Management Area permit is required for all fields. Fields are open only as shown below. All federal and state laws apply. Fields are open only on days and times indicated. Fields denoted by an asterisk (*) require hunters to sign in (not before 12:00 noon) and sign out on opening-day hunts. No species other than mourning doves may be harvested during scheduled dove hunts. Please remove all litter, including spent shell hulls, from fields when leaving! Don't forget to get a migratory bird permit from your license vendor- it's required but it's free!

Season Dates: September 2 - October 5 (Sept 2-7 Afternoons only) -- November 23- November 30 -- December 19 - January 15

Bag Limit: 12 doves per day

All Hunters Please Note! Beginning in the 2002-03 season, the following special regulations apply to all SCDNR Wildlife Management Area Public Dove Fields:

- (1) No entry onto fields before 12:00 noon
- (2) Hunters are limited to 50 shells per hunt
- (3) Fields will close at 6:00 p.m. during the first segment of the season (September 2 – October 5)

ABBEVILLE

U.S. Forest Service, Parson Mountain WMA
 5 mi. east of Abbeville on SC-72, ¼ mile south on Bass Rd., 20 acres. Special Youth Hunt on Sept. 2 (see Youth Hunt List for details).
 1st season – Saturdays Only, Afternoons only
 2nd and 3rd season – Open Mon – Sat (864) 223-2731

ANDERSON

Evans Property
 US 178 at Lebanon, 25 acres
 Sept. 2 & Saturdays Only, Afternoons Only
 Dove Hunting Only.
Opening day participants will be selected by drawing August 15 at Clemson DNR Office.
 Call (864) 654-1671 for details

ANDERSON

Clemson University - Fant's Grove WMA
 From US 76/ SC 28 south of Clemson Take SC 187 to Fant's Grove Rd. 1.5 miles W, 45 acres
 Sept. 2 & Saturdays Only, Afternoons Only.
 (864) 654-1671

****BERKELEY**

U.S. Army Corps of Engineers - Canal WMA (Above Powerhouse) From St. Stephen Take SC 45 west for 1.5 miles or continue to County Rd 35. Go Left about .3 miles, 60 acres
 Sept 7, 21; Oct. 5; Nov. 23- Afternoons Only.
 Dove & Pigeon Hunting Only. (843) 825-3387

****BERKELEY**

U.S. Army Corps of Engineers - Canal WMA (Below Powerhouse) From St. Stephen Take SC 45 E for 2.5 miles Turn Left on Paved Road, 40 acres
 Sept 7, 21; Oct. 5; Nov. 30; Afternoons Only.
 Dove & Pigeon Hunting Only.
 (843) 825-3387

***CHESTER**

Chester County Airport Commission
 4.3 miles north of Chester on Sec Rd 1. Turn Right on Guy Rd. (dirt). Go about 1.2 miles Turn Right at Gate to Parking Area, 20 acres
 Sept. 2 & Saturdays Only, Afternoons Only
 Dove Hunting Only. (864) 427-4771

***CHESTER**

U.S. Forest Service - Worthy Bottoms
 10 miles west of Chester on SC 9, Left on Sec Rd 535, Turn Right on Worthy=s Ferry Rd. 30 acres
 1st season - Sept. 2 & Saturdays Only, Afternoons Only
 2nd & 3rd seasons - Open Mon -Sat
 Afternoons Only All 3 seasons
 (864) 427-9858, (864) 427-4771

***CHESTERFIELD**

Taylor Property
 1.8 miles north of McBee on US 1, Left on SC 145 for 11.8 miles, Right on Sec Rd 29 for .6 miles. 40 acres
 Sept. 2 & Saturdays Only, Afternoons Only
 Dove Hunting Only
 (864) 427-4771

***CHESTERFIELD**

DNR - McBee Tract
 4 miles west of McBee on US 1, Left (South) on Sec Rd 296 for about 2 miles, Field on Left, 20 acres Planted.
 1st season – Sept. 2 & Saturdays Only, Afternoons Only
 2nd & 3rd seasons - Open Mon - Sat
 Afternoons Only All 3 seasons . (864) 427-4771

***CHESTERFIELD**

SC Forestry Commission - Sand Hills State Forest
 Wilkes Chapel Field
 From Sand Hills Forest Headquarters on US 1, Go south on truck trail 141 for 1.3 miles, Right on Sec Rd 29 for .2 miles, Field on Right, 54 acres
 1st season – Sept. 2 & Saturdays Only, Afternoons Only
 2nd & 3rd seasons - Open Mon - Sat
 Afternoons Only All 3 seasons
 (843) 498-6478, (864) 427-4771

***CHESTERFIELD**

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SC Forestry Commission - Sand Hills State Forest
Patrick Field

South on SC 102 from Patrick approx. 1 mile to gate on right. 30 acres.

1st season – Wednesdays.

2nd & 3rd seasons open Mon – Sat.

Afternoons Only All 3 Seasons.

(843) 498-6478 or (864) 427-4771

**CLARENDON

Santee Cooper – Santee Dam WMA

From the south end of SC 260 follow gravel road at

Base of dam for approx. 5 mi., 137 acres.

Sept. 14; Oct. 5; Nov 30; Jan. 4. (843) 825-3387

Dove Hunting Only

**CLARENDON

SC Forestry Commission Oak Lea WMA. From Summerton take SC 26 west for 2 mi. Go north on SC 41 for approx 5 mi. Field on right.

Sept. 7, 14; Oct. 5; Nov. 23

(843) 825-3387.

Dove Hunting Only

**COLLETON

DNR - Bear Island WMA

About 17 miles southeast of Green Pond on Sec Rd 26, 100 acres

1st season - noon to 6 PM,

2nd season - noon to Sunset

Sept 4, 11 & 25; Nov 30. (843) 844-8957

**COLLETON

DNR - Donnelley WMA

From US 17 E of Green Pond, Go southeast on Sec Rd 26 4 miles, Turn Right at Donnelley WMA Sign, Field 2 miles on Right, 100 acres

Sept 4, 18, & 25; Nov 30; Dec 19; Jan. 8 & 15

Afternoons only. (843) 844-8957

EDGEFIELD/ MCCORMICK

U.S. Forest Service - Forks WMA

1 mile east of SC 28 on Sec Rd 112 near Furey's Ferry, 22 acres

1st season –Sept. 2 & Saturdays Only, Afternoons Only.

2nd & 3rd seasons - Open Mon-Sat. (864) 223-2731

*FAIRFIELD

Ridgeway Mining Co.

4.5 miles E of Ridgeway on SC 34, Right on dirt road for 0.5 miles, 28 acres

Sept. 2 & Saturdays Only, Afternoons Only.

(864) 427-4771

GEORGETOWN

DNR Samworth WMA

15 miles north of Georgetown off US 701, Follow Signs, 65 acres

Saturdays, Afternoons Only, Dove Hunting Only

(843) 546-9489

GREENWOOD

U.S. Forest Service - Parsons Mountain WMA

2 fields – ½ mile south of Cedar Springs Church on Sec. Rd. 112, 30 acres, & near Fell Hunt Camp, 15 acres.

1st season – Sept. 2 & Saturdays only, afternoons only.

2nd and 3rd season - Mon-Sat. (864) 223-2731

HAMPTON

DNR - Webb Wildlife Center

3 miles west of Garnett on Augusta Stage Coach Rd., 100 acres

Sept 4 & 21, Oct. 5, Nov. 27, Dec. 21, Jan 4 & 15 Afternoons Only. (803) 625-3569

HORRY

DNR - Waccamaw River Heritage Preserve, Schultz Tract, From Stephens Crossroads on SC 9, Turn north on Sec Rd 57 & Proceed 2.2 miles, Left on Sec Rd 111 & Proceed 2 miles, Left on Oscar Rd., Bear Left & Then Right to Field Entrance, 32 acres

Sept. 2 & Saturdays only, afternoons only

(843) 546-8119, (843) 248-6013

KERSHAW

Landfill, 5 miles north of Camden on US 1, Right on Sec Rd 489 for 1 mile, Right on Sec Rd 331 for .1 mile, Left at Gate under Power Line, 25 acres
 Sept. 2 & Saturdays Only, Afternoons Only
 Dove Hunting Only. (864) 427-4771

LANCASTER

Payne Property
 8.9 miles north of Kershaw on US 601, Left on Sec Rd 27 for 1.3 miles, Field on Left, 20 acres.
 Sept. 2 & Saturdays Only, Afternoons Only.
 Dove Hunting Only. (864) 427-4771

***LAURENS**

DNR - Gray Court Tract
 8 miles north of Laurens on SC 14, Right on tar & gravel road for .2 miles, Right on dirt road for .1 mile, 12 acres
 1st season –Sept. 2 & Saturdays Only, Afternoons Only
 2nd & 3rd seasons - Open Mon - Sat
 Afternoons Only All 3 seasons - (864) 427-4771

LEE

Atkinson Property
 From 1-20, Go 2.7 miles southeast on SC 341 to Wisacky, Go 0.9 miles west on Cooper=s Mill Rd. To Mt. Zion AME Church. Go 3.7 miles south on Dog Island Rd. Field on both sides of road. From US 401,
 Go 1.1 miles northwest on Dog Island Rd., 70 acres.
Sept. 2 & Wednesdays beginning Sept. 11, Afternoons only. Dove Hunting Only. (843) 661-4768

MARLBORO

DNR - Lake Wallace WMA
 northwest of Lake Wallace on Sec Rd 47 Bennettsville, Beauty Spot Rd., 50 acres
 Saturdays, Afternoons Only, Closed Labor Day
 Dove Hunting Only
 (843) 661-4768, (843) 479-3312

MCCORMICK

U.S. Army Corps of Engineers - Clarks Hill WMA Waterfowl Area, 2.5 miles south of Bordeaux on Sec Rd 110, 40 acres
 Sept 4 & 25; Nov 27, Jan 15 only, afternoons only
 (864) 223-2731

MCCORMICK

U.S. Army Corps of Engineers - Clarks Hill WMA
 3 miles south of Willington on Sec Rd 135, 2 miles southwest on Forest Service Rd. 563F, 25 acres
 1st season – Wednesdays Only, Afternoons Only.
 2nd & 3rd seasons - Open Mon - Sat. (864) 223-2731

MCCORMICK

U.S. Forest Service – Key Bridge WMA
 Cunningham Fields
 5 miles east of Plum Branch on SC 283. 1 mile south on Forest Service Rd. 688. 40 acres
 1st season – Sept. 2 & Saturdays Only, Afternoons Only
 2nd & 3rd seasons – Open Mon – Sat. (864) 223-2731

MCCORMICK

U.S. Forest Service -Key Bridge WMA
 7 miles east of Plum Branch on SC-283, 2 miles south on Sec. Rd. 138, 1 mile southwest on USFS Rd. 618, 35 acre seed tree area.
 1st season – Sept. 2 & Saturdays Only, Afternoons Only.
 2nd & 3rd seasons - Open Mon-Sat. (864) 223-2731

MCCORMICK

U.S. Army Corps of Engineers - Key Bridge WMA
 2 miles west of Plum Branch on Sec Rd 57, 30 acres
 1st season –Sept. 2 & Saturdays Only, Afternoons Only.
 2nd & 3rd seasons - Open Mon-Sat. (864) 223-2731

NEWBERRY

International Paper Company
 From Intersection of Hwy 56 & 39 near Chappells, Go 1 mile northwest on Hwy 39 & Turn Left on gravel road at Sign, 20 acres.
 1st season – Sept. 2 & Saturdays Only, Afternoons Only
 2nd & 3rd seasons Open Mon-Sat.
 Afternoons Only All 3 seasons . (864) 427-4771

90 EMERGENCY REGULATIONS

NEWBERRY

U.S. Forest Service

10 miles north of Newberry on SC 121, Turn Right on Forest Service Rd 490, Go 1 mile., Field at end of road on Left, 22 acres.

1st season - Sept. 7, 14, 21, 28 & Oct. 5

2nd & 3rd seasons Open Mon-Sat. Afternoons Only -All 3 seasons. (803) 276-4810, (864) 427-4771

OCONEE

S.C. Forestry Commission - Piedmont Nursery

From SC 130 north of Salem Turn Left on SC 11 & follow signs to nursery, 18 acres

Sept, 2 & Saturdays Only, Afternoons Only

Dove hunting only -- 3rd season -- Closed.

(864) 654-1671

OCONEE

U.S. Forest Service - Ross Mtn. Field

About 7 miles north of Walhalla on SC 28, Turn on Tunneltown Rd., Turn on Ross Mtn. Rd, Field on Both Sides of road, 35 acres

Saturdays, Afternoons Only, Beginning Sept 7

(864) 654-1671

**ORANGEBURG

Santee Cooper - Santee Cooper WMA

.5 miles northeast of Eutaw Springs, 70 acres

Entire WMA under Dove Area Regulations.

Sept 7, 14; Oct. 5; Nov. 30. Afternoons Only.

Dove Hunting Only.

(843) 825-3387

PICKENS

Crescent Resources

From Seneca Take SC 130 north to SC 183, Turn Right on SC 183. Go about 1.5 miles to Gated road, Field on Left, 20 acres

1st season - Sept 2, 7, 14, 21, 28

2nd & 3rd seasons - Open Mon -Sat Afternoons Only

(864) 654-1671

PICKENS

DNR Property

South of Pickens off Sec Rd 304 near SC Highway Dept. Bldg., 40 acres

Sept. 2 & Saturdays Only, Afternoons Only.

(864) 654-1671

PICKENS

Clemson University - Gravelly WMA - Causey Tract

From SC 11 Go south on Sec Rd 112 at Cendy's Store, Turn east on Sec Rd 114 & Go 0.5 miles; 25 acres

Sept. 2 & Saturdays Only, Afternoons Only.

(864) 654-1671

PICKENS

Porter Field

183 from Pickens, Go 5 miles to Mtn. View Church Rd. Right 1/10 miles, Field on Right

Opens Sept. 7, Saturdays - Afternoons Only. 1st & 2nd seasons Only. (864) 654-1671

*RICHLAND

Richland County - Landfill

From Columbia Take SC 215 north from I-20 for about 6 miles, Turn Left, Then back Right at Landfill Signs & Follow Arrows to Field, 30 acres

1st season -- Sept 2 & 14, Afternoons Only. Dove Hunting Only. (864) 427-4771

SALUDA

S.C. Electric and Gas, Murray WMA

12 mi. N of Saluda on SC-121, 1 mi. E on Tostie Creek Rd., 40 acres.

1st season -- Sept. 2 & Saturdays Only. Afternoons Only

2nd & 3rd seasons -- Mon.-Sat. (864) 223-2731

*SPARTANBURG

Jones Property

From Intersection of Hwy 9 & 11, Go north on Hwy 9 for 2.7 miles, Turn Right on Wooden Bridge Rd, Go 0.6 miles, Field on Left. 15 acres.

Sept. 2 & Saturdays, Afternoons Only

Dove Hunting Only. (864) 427-4771

***SPARTANBURG**

Santee Cooper

From intersection of US 176 & West Main St. (Sec. Rd. 227) approx. 2.5 miles W. of Pacolet, go 0.1 mile east on West Main St. and turn left on Goldmine Rd. (Sec. Rd. 108) for 4.3 miles then turn right on Hatchet Dr. Field at end of road. 15 acres. Open only Nov. 23, 30; Dec. 21, 28; Jan. 4, 11. Afternoons only. (864) 427-4771

SUMTER

S.C. Forestry Commission - Manchester State Forest

Field locations posted at Forestry Headquarters, Batten's at SC 261 & SC 763 in Wedgefield, or Shop-N-Go on SC 120, the Pinewood Rd., multiple fields, 150 acres

1st season - Wed or Sat Afternoons (Designated Fields)

2nd & 3rd seasons - Open Mon. - Sat. (Designated Fields and the general forest).

(803) 494-8196, (843) 661-4768

***UNION**

DNR Thurmond Tract

4.3 miles North on SC9 from the intersection of SC 9 and SC 49 at Lockhart. Field is on left. 15 acres.

1st season – Sept. 2 & Saturdays Only, Afternoons Only

2nd & 3rd seasons open Mon – Sat.

Afternoons Only All 3 Seasons.

(864) 427-4771.

UNION

U.S. Forest Service

3 miles E of Cross Keys on Sec Rd 18 at Intersection of Sec Rd 80 near Sedalia , 15 acres

1st season - Sept 7, 14, 21, 28 & Oct. 5

2nd & 3rd seasons - Open Mon - Sat.

Afternoons Only All 3 seasons

(864) 427-4771, (864) 427-9858

***YORK**

DNR - Draper Tract

3.5 miles E of McConnell on SC 322, Turn Right on Sec Rd 165, Go .5 miles, Turn Right, Two 30 acres Fields.

1st season – Sept. 2 & Saturdays Only, Afternoons Only

2nd & 3rd seasons Open Mon - Sat.

Afternoons Only All 3 seasons.

Opening day participants selected by drawing. Apply in writing by Aug 19 to DNR, 124 Wildlife Drive, Union, SC, 29379. Limited space available. Call (864) 427-4771

SPECIAL YOUTH DOVE HUNTS:

Eligibility for these hunts requires adults 21 years or older to bring 1 or 2 youths up to 15 years of age (17 years of age on some fields).

ABBEVILLE YOUTH HUNT

U.S. Forest Service – Parson Mountain WMA

Sept. 2. **Call (864) 223-2731 beginning August 13 to pre-register.** Limited space available.

****CLARENDON COUNTY YOUTH HUNT**

Santee Cooper – Santee Dam WMA

From the south end of SC260, follow gravel road at base of dam for approx. 5 miles, 137 acres.

Sept. 7. **No pre-registration required. Youth age limit 17.** (843) 825-3387

Dove Hunting Only

NEWBERRY YOUTH HUNT

U.S. Forest Service near Whitmire.

September 2

Participants selected by drawing. Apply in writing or call by Aug 23 to USFS, 20 Work Center Rd, Whitmire, SC 29178-9710. Limited space available. (803) 276-4810

92 EMERGENCY REGULATIONS

OCONEE YOUTH HUNT

U.S. Forest Service, Ross Mtn. Field

September 2

Participants selected by drawing. **Apply by Aug. 15 to DNR, 153 Hopewell Rd., Pendleton, SC 29670**

Limited Space Available (864) 654-1671

PICKENS YOUTH HUNT

Porter Field -- Sept 2

Participants selected by drawing.

Apply by Aug. 15 to DNR, 153 Hopewell Rd., Pendleton, SC 29670

Limited Space Available (864) 654-1671

SUMTER YOUTH HUNT

Manchester State Forest near Wedgefield

September 2

Call (843) 546-8119. Beginning August 14 but prior to August 23 for field location and to pre-register.

Limited space available

UNION YOUTH HUNT

U.S. Forest Service near Sedalia

September 2

Participants selected by drawing. Apply in writing or call by Aug 23 to DNR, 124 Wildlife Dr., Union, SC 29379. Limited space available. (864) 427-4771

YORK YOUTH HUNT

DNR Draper WMA

September 2

Participants selected by drawing. Apply in writing or call by Aug 19 to DNR, 124 Wildlife Dr. Union, SC 29379. Limited Space Available. (864) 427-4771

Fiscal Impact Statement:

This amendment of Regulation 123.40 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

** Hunters must sign in and out on all hunts. No entry until 12:00 noon

Document No. 2764

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-11-2200 and 50-11-2210

Emergency Situation:

These emergency regulations amend and supersede South Carolina Department of Natural Resources Regulation Number 123-40. These regulations set open and closed seasons, bag limits, and methods of taking wildlife; define special use restrictions related to hunting and methods for taking wildlife on

Department-owned Wildlife Management Areas. Because the hunting seasons on these areas starts August 15, it is necessary to file these regulations as emergency.

HUNTING IN WILDLIFE MANAGEMENT AREAS

123-40. Wildlife Management Area Regulations.

1.1 The following regulations amend South Carolina Department of Natural Resources regulation Numbers 123-40.

1.2. The regulations governing hunting including prescribed schedules and seasons, methods of hunting and taking wildlife, and bag limits for Wildlife Management Areas are as follows:

(G) Francis Marion National Forest

Hellhole WMA

Deer

Still Gun Hunts	Mon. – Sat. of the 4 th , 5 th , 6 th And 7 th Wambaw dog drives	2 deer per day, either-sex. Hogs no limit.
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Delete Hog Hunts Hellhole only	Sat. only in Feb.	No limit
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Waterhorn WMA

Deer

Still Gun Hunts	Fri. and Sat. of 1 st and 2 nd Wambaw Dog Drive Hunt;	2 deer per day, buck only,
	Mon.-Sat. weeks of 1 st , 4 th , 5 th and 6 th Santee Dog Drive Hunt.	2 deer per day, buck only, except either-sex beginning Monday the weeks of the 5 th And 6 th Santee dog drive hunt through Sat. of those weeks. Hogs no limit.

Hog Hunts	Sat. only in Feb.	No limit.
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Wambaw WMA

Deer

Dog Hunts (Shotguns only) Still gun hunts only East of Hwy 17 . Rifles allowed.	1 st Fri. and Sat. after Aug. 15; 2 nd Fri. and Sat. following the opening date the WMA and Fri and Sat. every 3 rd week thereafter Through Jan. 1.	deer per day, buck only, except either-sex 2 nd Sat. in Nov. and 1 st and 2 nd Sat in Dec.
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Seewee Special Use Area	Sept. 1 – Jan. 1	2 deer per day, buck only,
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94 EMERGENCY REGULATIONS

Archery (no dogs)		except either-sex Sept. 15 – Jan. 1.
Northampton WMA		
Deer		
Dog Hunts (Shotguns only)	1 st Fri. and Sat. following the 2 nd Wambaw hunt and Fri. and Sat. every 3 rd week thereafter through Jan. 1 during scheduled periods using dogs to hunt deer or hogs.	2 deer per day, buck only, except either-sex 2 nd Sat. in Nov. and 1 st and 2 nd Sat. in Dec.
Santee WMA		
Deer		
Dog Drive Hunts (Shotguns only)	1 st Fri. and Sat. following the 1 st Northampton hunt and Fri. and Sat. every 3 rd week thereafter through Jan. 1	2 deer per day, buck only, except either-sex 2 nd Sat. in Nov. and 1 st and 2 nd Sat. in Dec., hogs no limit.

Fiscal Impact Statement:

This amendment of Regulation 123.40 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

Document No. 2766
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
Statutory Authority: 1976 Code Sections 50-11-2200 and 50-11-2210

Emergency Situation:

These emergency regulations amend and supersede South Carolina Department of Natural Resources Regulation Number 123-40. These regulations set open and closed seasons, bag limits, and methods of taking wildlife; define special use restrictions related to hunting and methods for taking wildlife on Department-owned Wildlife Management Areas. Because the hunting seasons on these areas starts September 1 or 15, it is necessary to file these regulations as emergency.

HUNTING IN WILDLIFE MANAGEMENT AREAS

123-40. Wildlife Management Area Regulations.

1.1 The following regulations amend South Carolina Department of Natural Resources regulation Numbers 123-40.

1.2. The regulations governing hunting including prescribed schedules and seasons, methods of hunting and taking wildlife, and bag limits for Wildlife Management Areas are as follows:

(A) Game Zone 1

Chauga, Franklin L. Gravely, Caesar’s Head and Keowee WMA’s

Still Gun Hunts For Deer Only (No dogs)	Oct. 11 through Oct. 16 Oct. 31- Dec. 22 (WMA) Oct. 31 – Jan. 1 (Private land)	Total of 7 deer for all gun hunts. 2 deer buck ONLY, except either-sex on days specified in Reg. 4.2. Archers allowed to take either-sex during entire period.
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Keowee WMA

Other Small Game	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zones 1 and 2 seasons apply. Shotguns only north of Hwy 123, west of the Keowee Arm of Lake Hartwell to the Old Clemson Seneca Hwy. Also west of Hwy 291, north and south of the Keowee arm of Lake Hartwell upstream from the Hwy 291 bridge. All other areas archery only.	Game Zone 1 & 2 bag limits.
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(B) Game Zone 2

John C. Calhoun, Cokesbury, Clarks Hill, Parsons Mountain, Key Bridge, Forks, Ninety-six, Goldmine, Murray, Enoree, Fairforest, Keowee, Fant’s Grove and Carlisle WMA’s.

Hogs And Coyotes: On WMA lands in Game Zone 2, hogs and coyotes may be taken during the open season for game. No hog or coyote hunting with dogs during still gun hunts for deer. Only small game weapons allowed during the small game-only seasons. During turkey season hogs may be taken using legal weapons for turkey only.

(D) Game Zone 4

Fairforest, Enoree, Carlisle, Broad River, Dutchman and Wateree WMA’s

Hogs And Coyotes: On WMA lands in Game Zone 4, hogs and coyotes may be taken during the open season for game. No hog or coyote hunting with dogs during still gun hunts for deer. Only small game weapons allowed during the small game-only seasons. During turkey season hogs may be taken using legal weapons for turkey only.

(H) Moultrie

96 EMERGENCY REGULATIONS

Bluefield WMA (Adult/Youth Area)

Bluefield WMA is open only to youth 17 years of age or younger who must be accompanied by an adult at least 21 years of age. Youth hunters must carry a firearm and hunt. Adults with youth will be allowed to carry a weapon and hunt.

North Dike WMA

Small Game (No open season on fox squirrels)	No hunting before Sept. 1 or after Mar. 1; closed to small game hunting Wed. & Fri. during Nov. & Dec. Sandy Beach Waterfowl Area open for raccoon hunting Feb. 1 – Mar. 1, otherwise Game Zone 6 seasons apply.	Game Zone 6 bag limits. Except quail 8 per day.
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(I) Santee Cooper WMA

Small Game	1 st Mon. after the closing of the State Waterfowl Season through Mar. 1 (East Side of Ferguson Landing Rd Only), Except raccoon hunting each Sat., entire area.	Game Zone 6 Bag limits, except Quail- 8 per day.
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(U) Manchester State Forest WMA

Deer	Total of 5 deer per season for all hunts.
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Deer must be checked at check station. No man-drives during either-sex still gun hunts for deer. Hogs may be taken only during deer hunts or special hog hunts. No hogs may be removed alive from Manchester State Forest WMA.

Archery	Sept. 15 - 3 th Sat. in Sept.	1 per day, either-sex
Archery and Muzzleloader	4 th Mon. in Sept. - last Sat. Fri. prior to last Sat. in Sept.	1 per day , buck only 1 deer per day, either-sex
Dog Hunts	No open season except for clubs selected by computer drawing.	10 deer per day per club, 1 per day per person. Buck only, except by tags issued the day of the hunt.
Still Gun Hunts (No Dogs, no buckshot)	5 th Mon. - Sat. in Sept. 1 st Mon. - Sat. in Oct. 2 nd Mon. - Fri. in Oct. 4 th Tues. - Sat. in Oct. 5 th Tues. - Thur. in Oct.	1 per day, buck only except on either-sex hunts published annually.

1st Tues. - Fri. in Nov.
 2nd Tues. - Thur. in Nov.
 3rd Tues. - Sat. in Nov.
 4th Mon. - Sat. in Nov.

Quail (Except Bland Tract)	Thanksgiving – March 1	Game Zone 8 bag limits.
Special Hog Still Gun Hunt	1 st Mon. – Sat. in Feb.	Hogs only, no limit; no dogs
Special Hog Hunt with Dogs	2 nd Mon. – Sat. in Feb.	Hogs only, no limit, handguns only, limit of 4 bay or catch dogs per hunt party, no limit on hogs.

(W) Marsh Furniture WMA

Deer Total of 3 deer for all hunts combined

The scouting season is the last Mon. - Sat. in Sept.

Still hunting only, no deer dogs, no buckshot, no hunting from vehicles or from or on roads open to vehicular traffic. No bay or catch dogs allowed for hog hunting. Hogs may be taken only during scheduled deer hunts.

Still Gun Hunts	4 th Mon. in Oct. – following Sat. 1 st Mon. in Nov. – following Sat. 2 nd Mon. in Nov. – following Sat.	1 deer per day, buck only Hogs no limit.
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Raccoon	1 st Wed. in Dec. – last Wed. or Sat. in Dec. Wed. – Sat. Only.	3 per party per night.
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(BB) Great Pee Dee River WMA

Deer Hunts Total 3 deer for all hunts.

For big game hunting, access is restricted from two hours before sunrise to two hours after official sunset. All individuals are required to sign in and out at the entrance. Still hunting only, no deer dogs, no buckshot, no hunting from motor vehicles or boats, no hog dogs. Hogs may be taken only during deer hunts or special hog hunts. Firearms must be unloaded and cased and not readily accessible when not in legal use.

Gray Squirrels (No fox squirrels) deer hunt periods.	Thanksgiving Day - Mar. 1st. No small game hunting during	Game Zone 8 bag limits.
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Woodcock	Federal Seasons.	Federal limits.
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Raccoon	Wed. & Sat. nights beginning	3 per party per night.
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98 EMERGENCY REGULATIONS

	1 st Sat. after Thanksgiving – last Wed. or Sat. in Feb.	
Small Game game species.	No open season on other small	
Special Hog Hunt	3 rd Mon. in Dec. - the following Sat.	Hogs only, no limit
	1 st Mon. in Feb. - the following Sat.	
(KK) Bucksport WMA		
Deer		Total 5 deer per season
No hunting from motorized boats.		
Archery and Muzzleloader	4 th Mon. in Oct. - 3 rd Sat. in Nov.	1 deer per day, buck only
(NN) Dungannon WMA		
Deer Hunts (No dogs)		Total 8 deer per season.
Archery (No dogs)	Oct. 15 through Dec. 1	2 deer per day, either sex.
(OO) Santee Dam WMA		
Hogs (No dogs) Archery and Muzzleloader	Jan. 2 – Mar. 1	No limit
(QQ) Oak Lea WMA		
		Total 10 deer per season.
Archery	Sept. 15 through Sept. 30.	2 deer per day, either-sex.
Still Gun Hunts	No open season except hunters selected by drawing.	3 deer per day, either sex; 1 buck per day limit. Total 20 deer per hunt party.
(SS) Edisto River WMA		
Deer		Total 8 deer per season

EMERGENCY REGULATIONS 99

Archery	Sept. 15 – 30	1 per day, either-sex Hogs, no limit
Muzzle Loader	Mon. - Sat. for two weeks Beginning the 1 st full week in October.	1 per day, either-sex Hogs, no limit
Still Gun Hunts	Monday following the closing of muzzleloader season Through the 3 rd Sat. in Nov.	1 per day, either-sex each Fri. & Sat. in Nov. Hogs, no limit
Small Game	Monday following the closing of still gun deer hunt until Mar. 1	Game Zone 6 bag limits except Quail- 8 per day.

(TT) Stumphouse WMA

In order to fish or hunt Stumphouse WMA each adult (21 or older) must have at least one youth 17 or under accompanying them. Senior Citizens over 65 years of age are exempt from carrying a youth in order to fish. No motorized vehicles or horses allowed on the property. Walk in use only. Small game hunting only from Thanksgiving Day through March 1.

No more than 5 bucks total may be taken during all seasons combined, regardless of method (archery, muzzleloader, gun)

Primitive Weapons For Deer (No dogs)	Oct. 1 through Oct. 10	Muzzleloaders, 2 deer, buck only, 2 per day; archery, 2 deer, either-sex, 2 per day.
Still Gun Hunts For Deer Only (No dogs)	Oct. 11 through Oct. 16 Oct. 31- Wed. before Thanksgiving.	Total of 7 deer for all gun hunts. 2 deer buck ONLY, except Either-sex on days specified in Reg. 4.2. Archers allowed to Take either-sex during entire period.
Small Game	No hunting before Sept. 1 or after Mar. 1; otherwise. Game Zone 1 seasons apply.	Game Zone 1 bag limits.

WILDLIFE MANAGEMENT AREA REGULATIONS

Deer

4.2 Deer either-sex days for gun hunts are as follows:

Game Zone 1: The first two Fridays and Saturdays in November.

Game Zones 2 - 11: (except Dillon, Horry and Marlboro counties) Saturday after October 3; every Friday and/or Saturday from October 11 to Thanksgiving day inclusive; Saturdays in December beginning 23 days after Thanksgiving day; and the last day of the open season.

100 EMERGENCY REGULATIONS

Dillon, Horry and Marlboro counties: Saturday after October 3; beginning October 11, the next 2 Fridays and Saturdays, inclusive, and the Friday and Saturday before Thanksgiving.

5.5 Dogs may be used to hunt bear on WMA lands in Game Zone 1 during the special bear season.

7.1 On all WMA lands during the gun and muzzleloader hunting seasons for deer and hogs, all hunters must wear either a hat, coat, or vest of solid visible international orange, except hunters for dove, turkey and duck are exempt from this requirement while hunting for those species. Regulations pertaining to the use of Dove Management Areas will be filed annually.

10.12 Hunters may not enter Hatchery WMA prior to 3 AM and must leave the area by 1 PM. Each hunter is limited to twenty-five nontoxic shot shells (steel, bismuth/tin, bismuth, tungsten-polymer, tungsten-iron) per hunt and no buckshot allowed. Hunters must enter and leave Hatchery WMA through the Hatchery Landing and accurately complete a data card and deposit card in receptacle prior to leaving the area. No airboats are allowed in the Hatchery WMA for hunting or fishing during the period 15 Nov.-31. Jan. No fishing allowed during scheduled waterfowl hunts.

10.15 Category I Designated Waterfowl Areas include Beaverdam, Broad River, Clemson, Santee Cooper, Sandy Beach, Samworth, Santee Coastal Reserve, Santee-Delta, Tibwin, Bear Island, and Donnelley Wildlife Management Areas. Hunting in Category I Designated Waterfowl Areas is by special permit obtained through annual computer drawing.

10.16 Category II Designated Waterfowl Areas include Biedler Impoundment, Lake Cunningham, Russell Creek, Monticello Reservoir, Parr Reservoir, Duncan Creek, Dunaway, Dungannon, Enoree River, Moultrie, Hatchery, Hickory Top, Turtle Island, Little Pee Dee River Complex (including Ervin Dargan, Horace Tilghman), Great Pee Dee River, Oak Lea, Potato Creek Hatchery, Samson Island Unit (Bear Island), Tyger River, and Marsh Waterfowl Management Areas. Hunting on Category II Designated Waterfowl Areas is in accordance with scheduled dates and times.

DESIGNATED WATERFOWL AREAS

Area	Open dates inclusive	Bag Limits
Clemson	Hunters selected by drawing during regular season.	Federal Limits
Donnelley	Hunters selected by drawing during regular season.	Federal Limits
DELETE - Fant's Grove (name changed to Clemson)		
Potato Creek Hatchery	Wed. and Sat. only during regular season.	Federal Limits
Samworth	Hunters selected by drawing during regular season.	Federal Limits
Santee-Delta	Hunters selected by drawing during regular season.	Federal Limits

Fiscal Impact Statement:

This amendment of Regulation 123.40 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

Document No. 2785

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Section 50-11-2200 and 50-11-2210

Emergency Situation:

This amended regulation sets seasons, bag limits and methods of hunting and taking of wildlife on Wildlife Management Areas. Amendments are needed to allow a special deer herd reduction hunt on Croft State Park. Because the hunts begin on September 18, it is necessary to file these regulations as emergency so they take effect immediately.

123-40 Hunt Units and Wildlife Management Area Regulations

1.2(X) Croft State Park WMA

Archery Only Deer Hunts	September 18-19	3 Deer Per Day, either-sex
	September 25-26	Maximum 1 buck per day
	October 16-17	
	November 13-14	

Hunt Procedure/Special Rules and Regulations

1. All hunters are required to check in and obtain a daily permit at the checkpoint at the shop near the main gate each day of the hunt period. On or prior to opening day of each hunt period, all hunters must report to the checkpoint to check in and exchange their hunting license for a daily permit. The checkpoint will be open on the day of the hunt approximately 2 hours before official sunrise and the day before each hunt period from 3:00 p.m. to 8:00 p.m..
2. All hunters must leave their hunt area immediately after dark and must report to the checkpoint to checkout no later than one hour after official sunset. Failure to checkout in a timely manner will result in a citation. Those persons needing to return to the hunt area to look for a wounded deer or to retrieve a dead deer must notify PRT or DNR personnel at that time.
3. Scouting is allowed during normal park hours and days prior to each hunt period.
4. Parking is allowed only on park property inside the property boundaries and along roads inside the interior portion of the park. The daily hunt permit must be displayed on the dash of all vehicles parked on state park property. A parking area will be provided near the old ammo dump just off Dairy Ridge Road but parking is not allowed along Dairy Ridge Road. Do not park where a gate is being blocked. See map for designated parking areas.
5. Portable stands may be placed one day prior to your scheduled hunt and must be removed no later than one day following each hunt period. Screw-in steps must be removed and no permanent spikes or nails are allowed.
6. Only archery equipment will be permitted. Only one weapon per person is allowed. Crossbows will not be allowed unless a person has an upper limb disability and has complied with all legal requirements (Section 50-11-565) to utilize a crossbow.

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7. Hunters must wear either a hat, coat, or vest of international orange during all hunts except while occupying an elevated stand more than six feet above the surface level.
8. Hunters may use boats with electric trolling motors only to enhance hunter access. Running lights and all other safety equipment are required.
9. The use of a trail dog on a leash will be allowed for the recovery of wounded deer from 11:00 a.m. to 3:00 p.m. and after dark. You must notify PRT or DNR before a dog is utilized. This can be done when you check in to begin your hunt.
10. Hunters will not be allowed to use ATVs.
11. Camping is available at Croft State Natural Area. Reservations for individual (2 nights minimum) can be made in advance.
12. The daily bag limit is 3 deer per day including no more than one buck (antlered or antlerless).
13. Field dressing of deer is allowed in the woods but entrails should not be left closer than 200 yards from any road, trail, or facility. Hunters should not attempt to dig in the ground to bury entrails because of safety concerns regarding buried ordnance. (See safety requirements sheet). Field dressing of deer will not be allowed at the check station near the shop.
14. All harvested deer must be promptly brought to the deer check station at the shop near the main gate.
15. Firearms or alcoholic beverages are not allowed within the park.
16. All State Parks, Recreation and Tourism (PRT) and all Wildlife Management Area (WMA) rules and regulations apply.
17. All appropriate hunting licenses including a valid WMA permit and Big Game permit are required.

Statement of Need and Reasonableness:

Periodically additional lands are made available to the public through the Wildlife Management Area Program. Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits, and methods of hunting and taking of wildlife on these new WMAs as well as expanding use opportunities on existing WMAs. Amendments are needed to allow a special deer herd reduction hunt on Croft State Park. Because the hunts begin on September 18, it is necessary to file these regulations as emergency so they take effect immediately.