

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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THE LEGISLATIVE COUNCIL
of the
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.

2008 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	3/14	4/11	5/9	6/13	7/11	8/8	9/12	10/10	11/14	12/12
Publishing Date	1/25	2/22	3/28	4/25	5/23	6/27	7/25	8/22	9/26	10/24	11/28	12/26

REPRODUCING OFFICIAL DOCUMENTS

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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) 212-4500.

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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REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

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South Carolina General Assembly Home Page: www.scstatehouse.net

DOC NO.	RAT FINAL NO. ISSUE	SUBJECT	EXP. DATE	AGENCY
3119		Educational Requirements	1/13/08	LLR - Real Estate Appraisers Board
3116		Malpractice Insurance Claims	1/20/08	Department of Insurance
3117		Workers' Compensation Assigned Risk Rates	1/20/08	Department of Insurance
3109		Property Tax	1/29/08	Department of Revenue
3110		Restocking Fees	1/29/08	Department of Revenue
3113		Solid Waste Management	3/26/08	Department of Health and Envir Control
3122		Wildlife Management Area Regulations	4/13/08	Department of Natural Resources
3125		Driver Schools and Truck Driver Training Schools	5/07/08	Department of Public Safety
3112		Environmental Protection Fees	5/07/08	Department of Health and Envir Control
3114		Tanning Facilities	5/07/08	Department of Health and Envir Control
3111		Coastal Division Regulations	5/07/08	Department of Health and Envir Control
3126		Motor Carrier Regulations	5/07/08	Public Service Commission
3133		Weights and Measures	5/07/08	Department of Agriculture
3123		Gasoline, Lubricating Oils and Other Petroleum Products	5/07/08	Department of Agriculture
3124		Eligible Telecommunications Carrier	5/07/08	Public Service Commission
3134		Standards for Licensing Nursing Homes	5/07/08	Department of Health and Envir Control
3128		Electric Systems and Gas Systems	5/07/08	Public Service Commission
3141		Wildlife Management Area Regulations	5/07/08	Department of Natural Resources
3143		Free Tuition for Residents Sixty Years of Age	5/07/08	Commission on Higher Education
3135		Chapter Revision (136-001 through 136-799)	5/07/08	LLR - Commissioners of Pilotage
3174		SC Procurement Regulations - Pre-Bid Conferences	5/07/08	Budget and Control Board
3175		SC Procurement Regulations	5/07/08	Budget and Control Board
3149		Environmental Electronic Reporting Requirements	5/07/08	Department of Health and Envir Control
3152		Underground Storage Tank Control Regulations	5/07/08	Department of Health and Envir Control
3151		South Carolina Birth Defects Program	5/07/08	Department of Health and Envir Control
3138		Free Textbooks	5/08/08	State Board of Education
3139		Ice	5/08/08	Department of Health and Envir Control
3154		Individual Sewage Treatment and Disposal Systems	5/08/08	Department of Health and Envir Control
3137		School-To-Work Transition Act	5/09/08	State Department of Education
3155		Water Pollution Control Permits	5/09/08	Department of Health and Envir Control
3181		Barrier Free Building Design	5/10/08	LLR - Building Codes Council
3182		Barrier Free Design - Repeal	5/10/08	LLR - Building Codes Council
3183		Modular Building Construction Act	5/10/08	LLR - Building Codes Council
3184		Restructuring ATF Regulations - Pyrotechnic Safety	5/10/08	LLR - Board of Pyrotechnic Safety
3150		Hazardous Waste Management	5/10/08	Department of Health and Envir Control

Committee Requested Withdrawal:

3127	Chapter Revision	LLR - Veterinary Medical Examiners
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Permanently Withdrawn:

3118	Mobile Dental Facilities and Portable Dental Operations	LLR: Board of Dentistry
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2 EXECUTIVE ORDERS

Executive Order No. 2007-24

WHEREAS, Governor Carroll Campbell established the South Carolina National and Community Service Commission ("State Commission") to allow the State to receive federal funding under the National and Community Service Act of 1990 ("Act") to support community service initiatives in the State; and

WHEREAS, Executive Order 98-30 reestablished the State Commission in 1998, by Executive Order 98-30 and designated the South Carolina Department of Education as the lead state agency for promoting service and volunteerism throughout South Carolina; and

WHEREAS, the Act permits the chief executive officer of a state to apply to the Corporation for National and Community Service ("Corporation") for approval to use an alternative administrative entity to carry out the duties otherwise entrusted to a state commission under the Act; and

WHEREAS, the United Way Association of South Carolina, Inc., a South Carolina charitable corporation, in collaboration with the State Commission, has been playing a key role in supporting and enhancing programs under the Act and has been approved by the Corporation for that purpose; and

WHEREAS, use of such an entity would promote private sector involvement with and management of community service initiatives contemplated by the Act; and

WHEREAS, the designation of United Way Association of South Carolina as the State's alternative administrative agency under the Act would facilitate the performance of the functions required of a state commission under the Act; and

WHEREAS, the effectiveness of the State Commission will be improved if the United Way Association of South Carolina is charged with the specific mission to recruit and mobilize citizens for volunteer service by identifying service opportunities throughout the state and by recognizing citizen contributions as volunteers and participants in public service.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina by 42 U.S.C. § 12638, I hereby order as follows:

Section 1. Executive Order 98-30 is rescinded in its entirety and is no longer legally effective.

Section 2. The United Way Association of South Carolina. is hereby designated an alternative administrative entity under 42 U.S.C. § 12638(a)(2) and subject to the requirements of 42 U.S.C. § 12638 and this Order; provided that this designation shall be effective only upon written notification by the United Way Association of South Carolina to the Governor that the United Way Association of South Carolina accepts such designation under and agrees to comply with the terms and conditions of this Order.

Dissolution of Current Commission

Section 3. Effective upon delivery by the United Way Association of South Carolina of notification, acceptance, and designation as specified in Section 2, the State Commission established pursuant to Executive Order No. 98-30, is hereby dissolved with appreciation from the Governor for their service.

Relocation of the Commission

Section 4. The State Commission is hereby re-established within the United Way Association of South Carolina. The United Way Association of South Carolina Board of Directors will serve as the interim South Carolina Commission on National and Community Service for the purpose of approving the new unified plan to be submitted to the Corporation for National and Community Service and such time as a new commission is appointed. All funding and equipment currently in possession of the State Commission shall be transferred to the United Way Association of South Carolina. The United Way Association of South Carolina shall assume and perform the duties specified in 42 U.S.C. § 12638(e).

Duties of the New Commission

Section 5. Consistent with state and federal law, the duties and responsibilities of the new State Commission shall include, but not be limited to:

- (a) Recruiting and mobilizing citizens for volunteer service by identifying service opportunities throughout the state and by recognizing citizens for the contributions they make as volunteers and participants in public service programs;
- (b) Serving as the State's lead agency for community service and volunteerism, informing the public of the value of and need for greater community service and volunteerism in South Carolina, calling upon all South Carolinians to become involved in community service, and challenging public and private institutions to create and support community service and volunteer opportunities;
- (c) Partnering with other public agencies at the state, county and local levels and with the private and not-for-profit sectors to leverage greater resources and create more opportunities for service and volunteerism; and complying with the duties outlined in 45 C.F.R. § 2250.00.

Leadership

Section 6. The United Way Association of South Carolina shall structure its Bylaws to include organization and oversight of the State Commission's compliance with all of the following requirements:

- (a) The State Commission shall consist of not fewer than fifteen nor more than twenty-five voting members;
- (b) The Governor of the State shall designate two (2) voting members of the Commission as representatives of the Governor. One of the Governor's designated members shall serve as chairperson of the State Commission. In the event of a vacancy in the chairperson position, the vice-chairperson shall serve as the chairperson until a new chairperson is appointed by the Governor.
- (c) The remaining voting members of the State Commission shall be elected through nominations provided by the United Way Association of South Carolina, local United Way entities, state and local faith-based organizations, private businesses and individuals interested in promoting an ethic of service in South Carolina, and in accordance with this Executive Order and the Bylaws of the United Way Association of South Carolina;

4 EXECUTIVE ORDERS

- (d) The voting members of the State Commission shall include:
 - (i) An individual with expertise in the educational, training, and development needs of youth, particularly disadvantaged youth;
 - (ii) An individual with experience in promoting the involvement of older adults in service and volunteerism;
 - (iii) A representative of community-based agencies or community-based organizations within the State;
 - (iv) The head of the State's educational agency;
 - (v) A representative of local governments in the State;
 - (vi) A representative of local labor organizations in the State;
 - (vii) A representative of business;
 - (viii) An individual between the ages of sixteen and twenty-five who is a participant or supervisor in a program as defined by 42 U.S.C. § 12511; and
 - (ix) A representative of a national service program described in 42 U.S.C. § 12572(a), such as a youth corps program described in 42 U.S.C. § 12572(a)(2).
- (e) Other persons to be elected as voting members of the State Commission may include:
 - (i) Local educators;
 - (ii) Experts in the delivery of human, educational, environmental, or public safety services to communities and persons;
 - (iii) Representatives of Indian tribes;
 - (iv) Out-of-school youth or other at-risk youth; or
 - (v) Representatives of entities that receive assistance under the Domestic Volunteer Service Act of 1973 (42 U.S.C. § 4950, et seq.).
- (f) The representative of the Corporation designated under 42 U.S.C. § 12651f(c) for the State shall serve as an *ex officio* non-voting member of the State Commission;
- (g) To the maximum extent practicable, the voting members of the State Commission shall be diverse with respect to race, ethnicity, age, gender, and disability characteristics.
- (h) The voting members of the State Commission shall be elected without regard to affiliation with a political party; and
- (i) The number of voting members of the State Commission who are officers or employees of the State shall not exceed twenty-five percent (reduced to the nearest whole number) of the total membership of the State Commission.
- (j) The voting members of the State Commission shall be divided into three groups of approximately equal size. Each member shall serve for a term of three years, and the terms of the three classes shall be staggered, so that the terms of one class of voting members shall expire each year; provided, that, voting Directors may be appointed for terms shorter than three years as necessary for the three classes of voting members to be of approximately equal size.

Construction

Section 7. This Order shall be construed consistently with and in furtherance of the purposes and definitions of the Act.

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE SEAL OF
THE STATE OF SOUTH CAROLINA, THIS 18th
DAY OF DECEMBER, 2007.**

**MARK SANFORD
Governor**

Executive Order No. 2008-01

WHEREAS, a vacancy exists in the office of Lexington County Treasurer as a result of the resignation of William O. Rowell, which became effective December 31, 2007; and

WHEREAS, the undersigned is authorized to appoint a County Treasurer in the event of a vacancy pursuant to Sections 1-3-220(2) and 4-11-20(1) of the South Carolina Code of Laws, as amended; and

WHEREAS, James R. Eckstrom, residing at 1365 Railfence Drive, Columbia, South Carolina 29212, is a fit and proper person to serve as Lexington County Treasurer.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby appoint James R. Eckstrom as Treasurer of Lexington County until the next general election and his successor shall qualify.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 2nd DAY OF JANUARY, 2008.**

**MARK SANFORD
Governor**

Executive Order No. 2008-02

WHEREAS, Executive Order 2007-16 was issued on September 20, 2007, and Executive Orders 2007-19 and 2007-20 were issued on October 24, 2007; and

WHEREAS, a temporary restraining order referencing these Executive Orders was issued on December 27, 2007, by the United States District Court for the District of South Carolina in the matter of *Monaco v. South Carolina Workers' Compensation Commission* (Civil Action No. 6:07-4150-GRA); and

WHEREAS, the Complaint filed in the District Court action makes reference to confidential health care information of individual claimants; and

6 EXECUTIVE ORDERS

WHEREAS, the directives I issued to the Workers' Compensation Commission regarding the submission of quarterly reports were not intended to elicit the disclosure of any workers' compensation claimants' personal and private information. The only objectives of obtaining regular reports from the Commission are to gather information to allow the Office of the Governor to monitor the Commission's proper application of S.C. Code Ann. Section 42-9-30 and the case law which flows from it and to monitor compliance with Executive Order 2007-20. Any requests for information from me to the Commission must respect the privacy of all claimants as the Office of Governor has no interest or intent in learning any information that would identify them.

NOW, THEREFORE, I hereby direct the Commission to redact any and all personal identifying information of any claimant from any report, form or other information submitted by the Commission to the Office of the Governor pursuant to the previously referenced Executive Orders. Personal identifying information includes, but is not limited to: (1) the claimant's name, address, phone numbers; (2) the employer's name, address, phone numbers; and (3) the last two digits of the case number.

This Order supplements Executive Orders 2007-16, 2007-19, and 2007-20, which remain in effect as modified by this Order, and this Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 4th DAY OF JANUARY, 2008.**

**MARK SANFORD
Governor**

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE

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 January 25, 2008, 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 Mrs. Sarah "Sallie" C. Harrell, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Charleston County

Upfit of shelled space for the purchase and installation of a sixteen (16) slice Computed Tomography (CT) scanner by Trident Medical Center to be located at 5401 Netherby Lane Dorchester Road, Suite 1201, North Charleston, South Carolina.

Summerville Medical Center – CT Outpatient Imaging Center

North Charleston, South Carolina

Project Cost: \$897,211

Affecting Greenwood County

Conversion of twenty (20) nursing home beds to general acute care beds for a total licensed bed capacity of three-hundred fifty-four (354) general acute care beds, twenty-four (24) substance abuse beds, and thirty-six (36) psychiatric beds

Self Regional Healthcare

Greenwood, South Carolina

Project Cost: \$5,000

Affecting Orangeburg County

Purchase and installation of a sixty-four (64) slice Computed Tomography (CT) scanner

The Regional Medical Center of Orangeburg and Calhoun Counties

Orangeburg, South Carolina

Project Cost: \$2,290,442

Affecting Spartanburg County

Renovation for the replacement of an existing single-slice Computed Tomography (CT) scanner with a sixteen (16) slice CT scanner

Spartanburg Regional Medical Center

Spartanburg, South Carolina

Project Cost: \$828,150

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 January 25, 2008. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Les W. Shelton, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. For further information call (803) 545-4200.

8 NOTICES

Affecting Charleston County

Upgrade of an existing 1.0T Magnetic Resonance Imaging (MRI) unit to a 1.5T MRI unit and subsequent purchase of a CAD Stream-C Dual Monitor Workstation for processing breast MRI data

Charleston Imaging Center

Mount Pleasant, South Carolina

Project Cost: \$1,655,796

Affecting Richland County

Renovation for the addition of a free-standing Positron Emission Tomography (PET) scanner to be located at the South Carolina Heart Center

South Carolina Heart Center, PA

Columbia, South Carolina

Project Cost: \$832,566

The South Carolina State Health Planning Committee will hold public hearings on the Draft 2008-2009 South Carolina Health Plan at the following times and locations:

Tuesday, February 26, 2008, 11:00 a.m. until 12:00 noon, City of North Charleston Council Chambers, 4900 LaCross Road, North Charleston, South Carolina;

Wednesday, February 27, 2008, 11:00 a.m. until 12:00 noon, Florence Health Department Auditorium, 145 East Cheves Street, Florence, South Carolina;

Thursday, February 28, 2008, 11:00 a.m. until 12:00 noon, Spartanburg County Council Chambers, 366 North Church Street, Spartanburg, South Carolina.

Friday, February 29, 2008, 11:00 a.m. until 12:00 noon, second floor conference room of the Heritage Building, 1777 St. Julian Place, Columbia, South Carolina;

The State Health Planning Committee is soliciting comments on the Draft 2008-2009 South Carolina Health Plan and prefers to receive these comments in writing so all members of the State Health Planning Committee can review them.

Written comments will be received through Friday, February 29, 2008. The Plan will be available for public review at the South Carolina Department of Health and Environmental Control, 1777 St. Julian Place, Suite 201, Columbia, SC, the State Library, 1500 Senate Street, Columbia, SC and all State Depository Libraries. The Plan will also be accessible on the website of the S.C. Department of Health and Environmental Control: <http://www.scdhec.net/>

Comments on the Draft Plan may be presented at the public hearings or submitted to the S.C. State Health Planning Committee, S.C. Department of Health and Environmental Control, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 through February 29, 2008. The FAX number is 803-545-4579. For additional information, call (803) 545-4200.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Sections 44-1-140 and 44-55-827

Notice of Drafting:

The Department of Health and Environmental Control proposes to create a new regulation, titled R.61-56.2, Licensure of Onsite Wastewater System Contractors. Interested persons may submit comments to Leonard Gordon, Division of Onsite Wastewater Management, Bureau of Environmental Health, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201-1708. Comments submitted must be received by 5:00 p.m. on February 25, 2008, the close of the drafting comment period.

Synopsis:

Act No. 106, passed by the General Assembly in 2007, authorizes and requires the Department to promulgate a regulation that creates a tiered licensing program for onsite wastewater system contractors. The Act requires that this regulation include eligibility criteria, monitoring, standards for education and training, bonding and insurance requirements, administrative and licensing fees, and enforcement guidelines and penalties. This proposed regulation will contain all elements specified and required by the Act.

This proposed regulation will require legislative review.

10 PROPOSED REGULATIONS

Document No. 3198

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Section 44-96-10 et seq.

61-107.17. Solid Waste Management: Demonstration-of-Need

Preamble:

This proposed amendment expands the scope of the regulation by defining needs determination criteria for certain types of solid waste facilities. This includes adding solid waste processing facilities and air curtain incinerators that burn waste other than wood waste and yard trash (under the definition of solid waste incinerators) to the list of facilities requiring a demonstration-of-need. It revises the size of the planning areas around some solid waste facilities, adds new criteria for determining the disposal rate limit for Class Three landfills, and redefines “noncommercial” and “commercial” solid waste management facilities. These changes help reduce the number of potential locations for new solid waste facilities, and help to reduce and install a cap on the over-all allowable disposal rate in the State while ensuring an adequate number of facilities throughout the State to meet disposal needs.

The amendment updates this section for consistency with the changes proposed in State Register Document No. 3113 that are pending completion of the legislative review process. In April of 2007, the Department filed Document No. 3113, a proposed amendment of R.61-107, Solid Waste Management Regulations, with the General Assembly for legislative review. Document No. 3113 simultaneously repeals four existing solid waste landfill sections and replaces them with new section 61-107.19 that addresses all solid waste landfills and structural fill activities. If the Legislature does not approve R.61-107.19, the proposed amendment of R.61-107.17 will be either revised or withdrawn.

A Notice of Drafting for this proposed amendment was published in the State Register on October 26, 2007. This regulation will require legislative review.

Section-by-Section Discussion of Proposed Revisions:

Statutory Authority The entire Solid Waste Policy and Management Act replaces specific sections.

Table of Contents Amended, as appropriate, pursuant to changes.

A.1. Revised to delete outdated names of solid waste facilities and to add new terminology for consistency with pending R.61-107.19 (State Register Document No. 3113). Also adds solid waste processing facilities to the list of solid waste facilities required to demonstrate need and replaces municipal solid waste and industrial incinerators with solid waste incinerators which includes air curtain incinerators that burn waste other than wood waste and yard trash. Adds requirement that any existing facility that requests a change in classification or commercial status is required to demonstrate need. Class Three landfills permitted to accept only industrial waste that request approval to accept municipal solid waste are required to demonstrate need.

A.2. Defines facilities not regulated under the purview of this regulation.

A.2.a. Changes names of facilities for consistency with pending R.61-107.19. States that all facilities other than non-commercial are considered commercial facilities.

A.2.b. Renumbers A.3. from existing regulation.

A.2.c. Adds air curtain incinerators that receive only wood waste and yard trash to list of facilities not covered by this regulation.

A.2.d. New statement added that facilities other than those listed in Section A.1. are not covered by this regulation.

A.2.e. New statement added that processing of waste at source of generation is not covered by this regulation.

A.2.f. New statement added that the processing of waste at permitted Class Three landfills destined for disposal at that landfill do not need demonstration-of-need for the processing portion.

B. The name of the section is changed to "Definitions for the Purposes of this Regulation". New definitions were added in alphabetical/numerical order for: "Class Two solid waste landfills", "Class Three solid waste landfills", "Consistency determination", "Non-commercial solid waste management facility", "solid waste incinerators", and "solid waste processing facility". The definition for "solid waste disposal facilities" was changed to "solid waste management facilities" and revised as appropriate. The "solid waste incinerator" definition excludes pyrolysis facilities, waste-to-energy facilities burning solid waste used for energy recovery, and air curtain incinerators that burn only wood waste and yard trash. The following definitions were revised: "commercial solid waste management facility", "Expand", and "Planning area". The list of facilities requiring demonstration-of-need under the planning area definition was revised and moved to Section C4. Stylistic changes were made as appropriate.

C. The name of the section is changed to "Demonstration-of-Need Requirements"

C.1. Revised for clarity and to update terminology for consistency with pending R.61-107.19. Also, added requirement that a consistency determination be made prior to issuance of a permit to construct or expand.

C.2. Existing requirement deleted; not relevant to this regulation. Original Section C.3. renumbered and revised terminology in list of facilities needing demonstration-of-need for consistency with pending R.61-107.19. Also, expanded scope by adding solid waste processing facilities that process waste destined for disposal at Class Three solid waste landfills to list requiring demonstration-of-need.

C.3. The original C.5 is renumbered and revised for clarity.

C.4. Existing statement that demonstration-of-need will be made prior to a consistency determination is deleted. Text defining the size of the planning areas is moved from the definitions section and revised for consistency with pending R.61-107.19. The planning area for Class Two solid waste landfills (which includes current C&D landfills) changed from 10 miles to 15 miles. The scope is expanded to include processing facilities. The terms for "municipal solid waste incinerators" and "industrial incinerators" were combined into new term "solid waste incinerators" which includes air curtain incinerators that burn waste other than wood waste and yard trash.

C.5. New language states that demonstration-of-need requests will be reviewed in the order in which they are received. Also, includes statement that demonstration-of-need will not be issued until consistency determination is completed. If consistency request/documentation is not submitted to the Department with the demonstration-of-need request and need is demonstrated, the location for the proposed facility will be reserved for 60 days to allow time for submittal of a consistency determination request.

C.6. New language is added that demonstration-of-need determinations made prior to the effective date of regulation will remain valid subject to termination criteria outlined in the regulation.

C.7. New text outlines conditions under which the Department can terminate demonstration-of-need determinations. These conditions include: no evidence of diligent pursuit of the appropriate solid waste permit or any related necessary approval within 120 days of the Department's approval of demonstration-of-need, and

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denial of a permit application. This is added to ensure that an area of the state will not be blocked inappropriately.

D. The Section is renamed to “Demonstration-of-Need Application Process”.

D.1. Revised for clarity. The list of specific information about the project and the applicant that must be submitted when requesting a demonstration-of-need (items a. through g.) is revised and expanded. This section also identifies the center of the property(s) on which the facility is placed as the reference point.

D.2. Renumbered from D.3. and original 2. is deleted.

D.2.a. Revised as appropriate. Statement that disposal facilities that accept only waste generated in the county or region in which the disposal facility is located will not be considered in determining need is deleted since it is no longer applicable. A new statement that landfills in post-closure will not be considered in determining need is added.

D.2.b. New criteria (1) through (3) is added for determining need for Class Three solid waste landfills. These criteria are added to help lower the over-all allowable disposal rate in the State.

D.2.c. Renumbered from D.3.b.

D.2.d. Renumbered from D.3.c. and clarified to incorporate new terminology.

D.2.e. Renumbered from D.3.d.

D.2.f. Renumbered from D.3.b.

D.3. The Variance section is renumbered from D.4. and revised as appropriate. Also, the requirement that the applicant must apply for a variance at least five years before exhausting permitted capacity is deleted. This is not practical.

D.4. Renumbered from D.5.

E. Violations and Penalties is amended for consistency with other regulations.

F. New Appeals section is added that requires appeal of determinations of need or consistency when the determinations are issued and not as part of an appeal of a decision on the permit. This is to maintain consistency with pending Document No. 3113.

G. The Severability statement is renumbered from Section F. to Section G.

Notice of Staff Informational Forum and Public Comment Period:

Staff of the Department of Health and Environmental Control invites members of the public and regulated community to attend a staff-conducted informational forum to be held on February 25, 2008, at 10:00 a.m. in the PHEP Training Center, S.C. Department of Health and Environmental Control, 101 Business Park Blvd. (off Farrow Road), Columbia, S.C. (Contact Joan Litton at 803-896-4264 for driving directions.) The purpose of the forum is to answer questions, clarify issues and receive comments from interested persons on the proposed amendment of R.61-107.17.

Interested persons are also provided an opportunity to submit written comments on the proposed amendment to the forum and during a public comment period by writing to Joan Litton at Bureau of Land & Waste

Management, S.C. Department of Health and Environmental Control 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received no later than 5:00 p.m. on February 25, 2008.

Comments received by the deadline date shall be considered by staff in formulating the final draft proposal for submission to the Board of Health and Environmental Control for public hearing scheduled for April 10, 2008, as noticed below.

Comments received at the forum and/or during the public comment period above noticed shall be included in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing, as noticed below.

Copies of the Notice of Proposed Regulation and the text of the proposed amendment for public notice and comments may be obtained by contacting Joan Litton at Bureau of Land and Waste Management, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201, telephone (803) 896-4264, Fax: (803) 896-4292, or from the Department's Regulation Development Update website: <http://www.scdhec.gov/administration/regs/>. (At this Internet site, click on Regulation Development Update, Land and Waste Management and scroll down to this proposal.)

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 amendment of R.61-107.17 at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on April 10, 2008. The public hearing will be held in the Board Room of the Commissioner's Suites, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, SC 29201. The Board meeting commences at 10:00 a.m. at which time the Board will consider items in the order presented on its agenda. The agenda is published by the Department 24 hours in advance of the meeting. Persons who wish 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 comments of their presentations for the record.

Preliminary Fiscal Impact Statement:

Staff anticipates 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 Section 1-23-115.

DESCRIPTION OF THE REGULATION:

Purpose: The purpose of this regulation is to update, streamline and clarify requirements addressing demonstration-of-need and make this regulation section consistent with proposed changes in State Register Document No. 3113 that are pending completion of the legislative review process. This amendment also revises the size of the planning areas around solid waste facilities, reduces and caps the maximum allowable annual disposal rate, reduces the number of available locations for solid waste disposal facilities, revises certain definitions, and expands the scope of the regulation by defining needs determination criteria for other types of solid waste.

Legal Authority: S.C. Code Sections 44-96-10, et seq.

Plan for Implementation: The proposed amendment through public comment and Department response, will be incorporated into R.61-107, Solid Waste Management upon approval by the Board of Health and

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Environmental Control, the General Assembly and publication in the State Register. The amended regulation will be implemented in the same manner in which other regulations are implemented.

DETERMINATION OF NEED AND REASONABLENESS OF THE REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFIT:

This amendment is needed for consistency with the changes proposed in State Register Document No. 3113 that are pending completion of the legislative review process. In April of 2007, the Department filed Document No. 3113, a proposed amendment of R.61-107, Solid Waste Management Regulations, with the General Assembly for legislative review. Document No. 3113 simultaneously repeals four existing solid waste landfill sections and replaces them with new Section 61-107.19 that addresses all solid waste landfills and structural fill activities. R.61-107.17 must be amended to revised requirements and terminology that coincides with that used in R.61-107.19. This includes requiring appeals on demonstration-of-need in the first phase of the permitting process. This precludes applicants from investing large sums on a project, e.g., drafting plans, until the demonstration-of-need issue is completed. It also allows public notification of a proposed project in the early stages of the permitting process.

This amendment is needed to ensure there are a sufficient number of solid waste management facilities to meet the State's needs without allowing an over abundance in some areas. There are a number of processing facilities and air curtain incinerators that burn waste other than wood waste and yard trash concentrated in specific areas of the State. Requiring demonstration-of-need for these facilities will ensure these types of facilities are placed in areas of need in the State.

This amendment is needed to help lower and establish a cap on the over-all maximum allowable disposal rate in the State by changing the criteria for demonstrating need for Class Three solid waste landfills. When there are two commercial facilities under separate ownership in a planning area that meet the disposal needs for the area, no new capacity is allowed. The existing regulation does not take into account all the tonnage available in the non-commercial landfills, e.g., many county-owned landfills. Making a distinction between commercial and non-commercial landfills and ignoring the non-commercial landfills when determining need results in an excess of disposal capacity that exceeds the needs of the planning area. Revising the regulation to treat all facilities as "commercial", with the exception of on-site facilities, will help to lower the over-all allowable disposal rate in the State.

This amendment is reasonable because it helps preserve the State's natural resources by limiting the number of solid waste facilities, and by lowering and capping the over-all maximum allowable disposal rate in Class Three solid waste landfills while ensuring the availability of adequate long-term disposal capacity to meet the State's solid waste disposal needs at a reasonable cost. It gives all commercial facilities the same advantages while lowering the over-all allowable disposal rate in the State.

A workgroup comprised of representatives from the solid waste disposal industry - small and large businesses, Association of Counties, solid waste regions, municipalities, environmental groups, environmental consultants, and Department staff developed the criteria on which the amendment is based.

DETERMINATION OF COSTS AND BENEFITS:

Internal Costs: Implementation of this regulation should not require additional resources.

External Benefits: There will be a benefit to the regulated community by requiring demonstration-of-need and appeals on demonstration-of-need in the first phase of the permitting process, in that applicants will not invest large sums on the project (e.g., drafting plans) until the demonstration-of-need issue is completed. There will be a benefit to the public by requiring public notification of proposed solid waste facilities up front. Counting all solid waste management facilities as commercial, except for on-site facilities, will result in more accurate planning within the county/region.

UNCERTAINTIES OF ESTIMATES:

None

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

This amendment adds demonstration-of-need requirements for solid waste processing facilities and air curtain incinerators that burn waste other than wood waste and yard trash. Demonstration-of-need and planning areas ensure fewer, better managed solid waste management facilities are placed throughout the State to ensure that each county has the facilities to meet its needs without an over abundance of similar facilities.

The cap on the overall allowable disposal rate in the State will help protect the State's natural resources. Demonstration-of-need limits the number of solid waste management facilities which normally results in larger, more efficiently operated facilities.

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

There will be a larger overall allowable disposal rate in the State which may encourage the importation of waste from other states. If solid waste processing facilities and air curtain incinerators that fall under the purview of this amendment are not required to demonstrate need, there may continue to be a concentration of these facilities in the State and other areas in need of these types of facilities.

Statement of Rationale:

This amendment updates and clarifies requirements addressing demonstration of need. It includes revision of the size of the planning areas around solid waste facilities, it lowers and caps the overall allowable disposal rate in the State, it reduces the number of possible locations available for solid waste management facilities, it expands the scope of the regulation by defining needs determination criteria for other types of solid waste facilities, and other related changes.

Representatives from the solid waste disposal industry (small and large businesses), Association of Counties, solid waste regions, municipalities, environmental group, and environmental consultants worked with Department staff to define the scope of this proposed amendment, and develop reasonable criteria while maintaining protection of the environment and public health. See the Statement of Need and Reasonableness above for more information regarding the factors influencing the 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.

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Document No. 3199

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Section 44-61-520

61-___. South Carolina Trauma Care Systems

Preamble:

The Department of Health and Environmental Control proposes to create regulations establishing standards for the South Carolina Trauma System as required by S.C. Code Ann. Section 44-61-520 (Supp. 2006). This legislative mandate authorizes the Department to promulgate regulations for the creation and establishment of a State Trauma Care System to promote access to trauma care for all residents of the state.

A Notice of Drafting for this proposed regulation was published in the State Register on July 27, 2007

Section-by-Section Discussion of Proposed New Regulation:

Section 100: Scope. This section explains the purpose of the regulation, which is to establish the standards for implementing provisions of S.C. Code Ann. Sections 44-61-510 through -550 regarding trauma care systems.

Section 200: Definitions. This section includes forty-eight (48) definitions of terms that are found in the text of the regulation and defines Non-Departmental standards, publications, or organizations that are referenced in this regulation.

Section 300: Designation Process. This section explains the procedure for applying for a trauma center designation, the three levels of trauma center designation, and the Department's procedure for verifying that the hospital meets the designation criteria.

Section 400: Certificate of Designation Requirements. This section explains the requirements that a hospital must meet in order to receive a certificate of designation as a trauma center.

Section 500: Enforcing Regulations. This section explains the Department's procedures for inspections and investigations, including required documentation and inspection team composition.

Section 600: Enforcement Actions. This section explains possible actions that may be taken by the Department when the regulated entity is found to be non-compliant with any part of the regulation or statute. This section also includes the different violation classifications and the monetary penalty ranges.

Section 700: Staffing. This section explains the required staffing for trauma centers.

Section 800: General Facility, Equipment and Care Requirements. This section explains the requirements of the trauma center's physical environment and equipment, the requirement to have a written transport plan for patients requiring transfer from one facility to another, and the general trauma services that the trauma center will be required to provide.

Section 900: Patient Rights. This section discusses the patient's rights and the requirement for each designated trauma center to establish a written grievance and complaint procedure.

Section 1000: Statewide Trauma Registry. This section explains the purpose of the trauma registry and the requirements for the participation of designated trauma centers to submit data to the trauma registry. This

section also explains the types of patient data that shall be included or excluded as well as the requirement to keep all records and reports confidential.

Section 1100: Hospital Resources Data Base. This section explains the purpose of the data base and the required participation of regulated entities.

Section 1200: Trauma Care Fund. This section explains who is eligible to receive a portion of the trauma funds appropriated by the South Carolina General Assembly and the method used to disburse the fund to eligible recipients.

Section 1300: Performance Improvement System. This section explains the Department's requirement to develop a statewide trauma system performance improvement plan and the designated trauma center's requirement to develop a trauma center performance improvement plan.

Section 1400: Advisory Committees. This section explains the purpose of the State Trauma Advisory Council and the Medical Control Committee which is to serve as advisory bodies to the Department.

Section 1500: Trauma Triage and Transport Guidelines. This section explains the purpose of the guidelines and the required participation of regulated entities.

Section 1600: Trauma System Plans. This section explains the Department's responsibility to develop a state trauma system plan, as well as the trauma center's requirement to develop an internal trauma plan. The establishment of trauma regions is also discussed in this section.

Section 1700: Severability. This section explains that should a portion of the regulations be determined to be invalid or unenforceable, the remaining regulations shall remain in effect.

Notice of Staff Informational Forum and Public Comment Period:

Staff of the Department of Health and Environmental Control invite interested members of the public and regulated community to attend a staff-conducted informational forum to be held on Thursday, February 28, 2008, at 10:00 a.m. in the Peebles Auditorium, South Carolina Department of Health and Environmental Control, 2600 Bull St., Columbia, SC. Persons attending this forum must use the main entrance on Bull Street and sign in at the front desk. The purpose of the forum is to answer questions, clarify issues and receive public comments from interested persons on the proposed new regulation. Comments received shall be considered by staff in formulating the final draft proposal for submission to the Board of Health and Environmental Control for the Board 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 on the proposed regulations by writing to Greg Kitchens, Trauma System Coordinator, Division of EMS and Trauma, DHEC, 2600 Bull Street, Columbia, S.C. 29201, Fax (803) 545-4989. To be considered, comments must be received no later than 5:00 p.m. on February 28, 2008, the close of the public comment period.

Comments received shall be considered by staff in formulating the final draft proposal for submission to the Board of Health and Environmental Control for the Board public hearing scheduled pursuant to S.C. Code Section 1-23-110 and -111 as noticed below.

Comments received at the forum and/or during the public comment period above-noticed shall be submitted to the Board of Health and Environmental Control in a Summary of Public Comments and Department Responses for consideration at the public hearing as noticed below.

Copies of the Notice of Proposed Regulation and the text of the proposed regulation for public notice and comment may be obtained by contacting Greg Kitchens, Division of EMS and Trauma, DHEC, 2600 Bull

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Street, Columbia, S.C. 29201, or by calling (803) 545-4333. Interested persons may also obtain an electronic copy of the Notice of Proposed Regulation from the Department's website at www.scdhec.gov/health/ems/trauma.htm.

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 Board of Health and Environmental Control at its regularly scheduled meeting on April 10, 2008. 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 order of presentation for public hearings will be noted in the Board's agenda to be published by the Department 24 hours 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.

Preliminary Fiscal Impact Statement:

The South Carolina Trauma Care Program is state-funded. The funds to implement this program have been appropriated by the S.C. General Assembly.

Statement of Need and Reasonableness:

This statement was determined by staff analysis pursuant to S.C. Code Ann. Section 1-23-115 (C)(1)-(3) and (9)-(11).

DESCRIPTION OF REGULATION: R. 61-___ South Carolina Trauma Care Systems

Purpose: This regulation will implement the provisions of the S.C. Trauma Care Systems Act codified at S.C. Code Ann. Section 44-61-520 (Supp. 2006) regarding the creation and establishment of a state trauma care system to promote access to trauma care for all residents of the state.

Legal authority: The S.C. Trauma Care Systems Act (2004 Act No. 234) codified at S.C. Code Ann. Section 44-61-520 (Supp. 2006).

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

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

The proposed regulation is needed and reasonable because it will satisfy a legislative mandate to implement the provisions of the S.C. Trauma Care Systems Act. This regulation will allow South Carolina to create and establish a State Trauma Care System to promote access to trauma care for all residents of the state by establishing a trauma center designation process; providing enforcement procedures; outlining required staffing patterns within the trauma center; providing a statewide trauma registry for data collection and evaluation; providing for a hospital resources data base to monitor hospital resources on a continuous basis; providing for a trauma care fund to provide financial aid to participating providers of the trauma system; creating a performance improvement system; establishing trauma advisory committees to serve as advisory bodies to the department; mandating trauma triage and transport guidelines to improve the quality of trauma

care being provided to patients by ensuring that EMS providers transport patients to the appropriate level of trauma care; and creating a state trauma plan.

DETERMINATION OF COSTS AND BENEFITS:

This is a state funded program. See Preliminary Fiscal Impact Statement above.

Costs are expected to be minimal to the regulated community in that there will be monetary penalties incurred for violation of regulation. Those in the community who are compliant with regulation shall incur no cost.

UNCERTAINTIES OF ESTIMATES:

None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

There will be no effect on the environment. The regulation will promote public health by improving the trauma care system in South Carolina. This will create and establish a trauma system to promote access to trauma care for all residents of the State.

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

If the regulation is not implemented, the Department and the State of South Carolina would lose the opportunity to provide access to appropriate trauma care for the residents of the state which could result in significant loss of life or limb. Potential opportunities to understand and reduce the economic burden of trauma care to the state would also be lost.

Statement of Rationale:

The Department is promulgating this regulation to implement the provisions of the S.C. Trauma Care Systems Act at S.C. Code Ann. Section 44-61-520 (Supp. 2006).

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. 3200

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 proposes to revise the State Primary Drinking Water Regulations to include, but not be limited to, requirements promulgated under the National Primary Drinking Water Regulations: Ground Water Rule. This rule applies to all public water systems that use ground water except for systems that also use surface water or ground water under the direct influence of surface water. The regulation may require source water monitoring, treatment technique requirements, and new reporting requirements. Water systems must comply with these requirements beginning December 1, 2009. The proposed regulation revision will amend the State Primary Drinking Water Regulations to comply with requirements of 40 CFR Parts 141 and 142. The final Ground Water Rule was published in the November 8, 2006 Federal Register.

To maintain consistency with federal regulations, the Department will also revise the State Primary Drinking Water Regulations to reinsert inadvertently-deleted language, to update outdated references, to delete requirements that no longer apply, and make other minor additions and revisions. These corrections are being made to conform R.61-58 to federally mandated regulations promulgated from the period June 29, 1989 to November 8, 2006 pursuant to 40 CFR 141.

The proposed regulations will comply with federal law and are exempt from legislative review; neither a preliminary assessment report nor a fiscal impact statement is required.

Section-by-Section Discussion of Proposed Revisions

<u>SECTION</u>	<u>CHANGE</u>
R.61-58.5.C(9)(h)	Revised to correct citation.
R.61-58.5.D(1)	Revised to correct citation.
R.61-58.5.G(2)(e)(ii)	Revised to correct citation.
R.61-58.5.G(4)(c)	Added to clarify sanitary survey requirements consistent with the federal regulations.
R.61-58.5.G(6)(c)	Revised to remove outdated language, correct citations, and add language consistent with the federal regulations.
R.61-58.5.G(6)(d)	Revised to remove outdated language, correct citations, and add language consistent with the federal regulations.
R.61-58.5.G(6)(e)	Added to include monitoring requirements for E. coli
R.61-58.5.I(3)(f)	Revised to correct citations.
R.61-58.5.I(4)(a)	Revised to correct citations.
R.61-58.5.O(2)(e)	Revised to correct citations.

R.61-58.5.O(2)(i)	Revised to correct citations.
R.61-58.5.O(2)(l)	Revised to correct citations.
R.61-58.5.O(2)(m)	Revised to correct citations.
R.61-58.5.O(2)(r)	Revised to correct citations.
R.61-58.5.R(5)	Revised to correct citation.
R.61-58.5.BB	Revised to correct citation.
R.61-58.6.B(6)	Added for consistency with federal regulations.
R.61-58.6.E(1)(a)	Revised to correct citations.
R.61-58.6.E(1)(b)	Revised to correct citations.
R.61-58.6.E(1)(c)(iii)	Revised to correct citations.
R.61-58.6.E(2)(a)	Revised to correct citations. Added to establish a new category for a tier 1 public notice
R.61-58.6.E(3)(a)	Revised to correct citations. Added to establish a new category for a tier 2 public notice.
R.61-58.6.E(3)(c)(i)(B)	Revised to correct citations.
R.61-58.6.E(3)(c)(ii)(B)	Revised to correct citations.
R.61-58.6.E(4)(a)	Revised to correct citations.
R.61-58.6.E(5)(d)(i)	Revised to correct citations.
R.61-58.6.E(5)(d)(ii)	Revised to correct citations.
Appendix A to R.61-58.6	Revised to add ground water rule violations, source water sampling violations, and change numerous footnotes and citations for consistency with federal regulations.
Endnotes to Appendix A to R.61-58.6	Revised to correct citations.
Appendix B to R.61-58.6	Revised to add health effects language for fecal indicators under the ground water rule.
Appendix C to R.61-58.6	Revised to add an acronym for the ground water rule.
R.61-58.10.C(2)(e)	Revised to correct citations.
R.61-58.10.C(2)(f)	Removed a date and language that no longer applies.

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R.61-58.10.F(1)	Revised to update analytical techniques, remove language that no longer applies, and correct citations.
R.61-58.10.F(2)(f)(i)	Revised to correct citation.
R.61-58.10.H	Revised introductory title to clarify section title consistent with federal regulations.
R.61-58.10.I	Revised introductory title to clarify section title consistent with federal regulations.
R.61-58.10.J	Revised introductory title to clarify section title consistent with federal regulations.
R.61-58.12.C(4)(d)(i)	Revised to correct citation.
R.61-58.12.C(4)(d)(v)(C)	Revised to correct citation.
R.61-58.12.C(9)(c)	Revised to correct citation.
R.61-58.12.C(11)(f)	Added to establish reporting criteria for significant deficiencies and fecal indicator positive source water sampling for systems that have to comply with the ground water rule.
Appendix D to R.61-58.12	Revised to add health effects language for fecal indicators under the ground water rule.
R.61-58.13	Revised introductory title to clarify section title consistent with federal regulations.
R.61-58.13.A	Revised incorrect language.
R.61-58.13.B(1)	Revised incorrect language.
R.61-58.13.B(4)	Revised to correct citations.
R.61-58.13.C(2)(b)	Revised to reinsert inadvertently deleted language covering chlorite.
R.61-58.13.C(2)(c)	Revised to reinsert inadvertently deleted language covering bromate.
R.61-58.13.D(4)	Revised to correct citation.
R.61-58.13.E(4)(b)(v)	Revised to correct citations.
R.61-58.13.E(4)(b)(vi)	Revised to correct citations.
R.61-58.13.E(4)(b)(vii)	Revised to correct citations.
R.61-58.13.E(4)(b)(viii)	Revised to correct citations.
R.61-58.13.F(2)(d)(i)	Revised to correct citation.
R.61-58.13.F(3)(a)	Revised to correct citation.

R.61-58.13.F(3)(b)(iii)	Revised to correct citation.
R.61-58.13.F(3)(b)(iv)	Revised to correct citation.
R.61-58.13.F(3)(d)	Deleted to add a new section.
R.61-58.13.F(4)	Added for consistency with federal regulations.
R.61-58.14.B(2)(a)(v)	Revised to correct citations.
R.61-58.14.B(2)(b)(v)	Revised to correct citations.
R.61-58.14.B(2)(c)(v)	Revised to correct citations.
R.61-58.14.B(2)(d)(v)	Revised to correct citations.
R.61-58.14.B(2)(e)(v)	Revised to correct citations.
R.61-58.14.F(2)	Revised to correct citations.
R.61-58.14.G(2)	Revised to correct table consistent with the federal regulations.
R.61-58.16	Added to establish requirements of the Ground Water Rule.

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 amendment to R.61-58 at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting April 10, 2008. 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 at 2600 Bull Street, Columbia, S.C. The Board meeting commences at 10:00 a.m. at which time the Board will consider items in the order presented on its agenda. The agenda is published by the Department 24 hours 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 comments of their presentations for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendment of R.61-58 by writing Richard Welch, P.E. at Bureau of Water, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; Fax number (803) 898-4215. Written comments must be received no later than February 25, 2008. Comments received by the deadline shall be considered in formulating the final proposed regulation for public hearing before the Department's Board as noticed above. Written comments received shall be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing, as noticed above.

Copies of the text of the proposed amendments for public notice and comment may be obtained by contacting Richard Welch, P.E. at Bureau of Water, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; Telephone number (803) 898-4300; Fax number (803) 898-4215.

24 PROPOSED REGULATIONS

Statement of Need and Reasonableness:

The Statement of Need and Reasonableness was determined by staff analysis pursuant to S.S. Code Section 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: Amendment to Regulation 61-58, State Primary Drinking Water Regulations

Purpose: The Department is proposing this amendment to revise R.61-58 in order to adopt federal regulations commonly referred to as the Ground Water Rule as well as make minor changes concerning Maximum Contaminant Levels, Public Notification, and Consumer Confidence Reports. This amendment will comply with Federal law and ensure consistency with the Safe Drinking Water Act and the National Primary Drinking Water Regulations and to enable the Department to retain primary enforcement responsibility for the public drinking water supervision program. This action is mandated by the 1996 amendments to the Federal Safe Drinking Water Act. The proposed regulations will comply with 40 CFR Parts 141 and 142. The final Ground Water Rule was published in the November 8, 2006 Federal Register.

Legal Authority: The State Primary Drinking Water Regulations are authorized by S.C. Code Ann. 44-55-10 et. seq., State Safe Drinking Water Act.

Plan for Implementation: The proposed amendments would be incorporated within R.61-58 upon approval by the Board of Health and Environmental Control and publication in the State Register as a final regulation. The proposed amendments will be implemented in the same manner in which the existing regulation is implemented.

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

The adoption of these regulations will allow the Department to continue being the primacy agency for the implementation of the Safe Drinking Water Act and the National Primary Drinking Water Regulations in the state. This action is mandated by the 1996 amendments to the Federal Safe Drinking Water Act. The proposed regulations will comply with 40 CFR Parts 141 and 142.

DETERMINATION OF COSTS AND BENEFITS:

The Ground Water Rule may result in increased costs to public water systems for improved treatment to reduce public exposure to fecal contamination of ground water systems. This rule will apply to all public water systems that use ground water except that it does not apply to public water systems that combine all of their ground water with surface water or systems that have ground water under the influence of surface water. These later system types are regulated under Subpart H of the National Primary Drinking Water Regulations. This regulation also establishes monitoring requirements for systems that may be more susceptible to fecal contamination. EPA has estimated that the total national annualized cost for implementing the Ground Water Rule is \$437.8 million. This estimate includes annualized treatment costs to utilities (\$50 million), start-up and initial capital costs to utilities (\$346 million), one-time implementation costs to utilities (\$17 million), and state costs (\$11.8 annualized, \$13 million one-time start up costs). According to national EPA estimates, the mean annual household costs for systems range from less than \$1 to over \$16 (systems serving fewer households generally have higher average annual household costs due to economies of scale). In addition, if a system has to take corrective action because of this rule, the household costs range from less than \$1 to over \$52. EPA estimates that 8,465 viral illnesses and 0.15 deaths will be avoided under this rule in children, the elderly, and the immunocompromised.

Costs incurred by public water systems or the state due to minor changes in Maximum Contaminant Levels, Public Notification, and Consumer Confidence Reports will be minimal.

UNCERTAINTIES OF ESTIMATES:

Considerable

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

There will be no effect on the environment. The amendments will promote public health through improved drinking water quality.

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

There will be no detrimental effect on the environment if the amendments are not implemented. However, there could be an adverse impact on public health if the amendments are not implemented.

Statement of Rationale:

The proposed changes are necessary to maintain compatibility and consistency with federal law and 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. 3196
COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: 1976 Code Section 59-114-75

62-250. South Carolina National Guard College Assistance Program

Preamble:

Members of the South Carolina National Guard enrolled or planning to enroll in an eligible institution may apply to the South Carolina National Guard for a college assistance program benefit. Qualifying members of the National Guard may receive college assistance program benefits up to an amount equal to one hundred percent of college cost of attendance, however, the cumulative total of all college assistance program benefits received may not exceed eighteen thousands dollars and a member may not qualify for college assistance program benefits for more than one hundred thirty semester hours or related quarter hours.

In accordance with Chapter 114, Title 59 of the 1976 Code, an Act to amend Chapter 114, Title 59, Code of Laws of South Carolina, 1976 to define certain terms, the regulations must provide for college assistance grants to be administered by the Commission on Higher Education. The Commission on Higher Education shall promulgate regulations to set forth the terms of the tuition assistance program.

The proposed regulation provides definitions institutions may use to ensure consistent application of the provisions of this article and establishes guidelines for institutional processing of administering of the program benefits.

The proposed regulations will require legislative review.

26 PROPOSED REGULATIONS

A Notice of Drafting for the proposed regulations was published in the South Carolina State Register on October 2, 2007.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit comments to Mr. Michael L. Brown, Director of Access & Equity; S.C. Commission on Higher Education, 1333 Main St., Suite 200, Columbia, SC 29201. To be considered, comments must be received no later than 5:00 on February 25, 2008. If required, a public hearing will be held on March 6, 2008 at 9:30 a.m. at SC Commission on Higher Education in the Large Conference Room, 2nd Floor.

Preliminary Fiscal Impact Statement:

The Commission on Higher Education estimates the costs incurred by the State and its political subdivisions in complying with the proposed regulations will be approximately \$3,000,000.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: South Carolina National Guard College Assistance Program

Purpose: The proposed regulations defines how the SC National Guard College Assistance Program (a program designed to provide college assistance as a mean for providing incentives for enlisting or remaining for a specified time in both the South Carolina Army and Air National Guards (SCNG) will be administered.

Legal Authority: 1976 Code 59-114-75

Plan for Implementation: This regulation will be implemented upon concurrence by the General Assembly.

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

In accordance with Chapter 114, Title 59 of the 1976 Code, an Act to amend Chapter 114, Title 59, Code of Laws of South Carolina, 1976 to define certain terms, the regulations must provide for college assistance grants to be administered by the Commission on Higher Education. The Commission on Higher Education shall promulgate regulations to set forth the terms of the tuition assistance program. The regulations must provide eligibility requirements to qualify for the grants, to provide for the manner in which the grants shall be disbursed and reimbursements made if required, to provide that these grants are subject to funds being appropriated by the General Assembly, and to provide that the Commission on Higher Education shall promulgate regulation; to amend Section 59-111-75, relating to the Loan Repayment Program for members of the National Guard serving in areas of critical need, so as to provide that the loan repayment program may not accept new participants, to provide that members of the South Carolina National Guard who have received loans before the 2007-08 academic year may continue to receive their loans and have their loans forgiven, and to provide that any funds remaining in the loan repayment program shall be transferred to the college assistance program.

The proposed regulations are needed to provide guidance to the Commission on Higher Education, the South Carolina National Guard and the South Carolina Higher Education Institutions on how to administer the college assistance program benefits.

DETERMINATION OF COSTS AND BENEFITS:

Qualifying members of the National Guard may receive college assistance program benefits up to an amount equal to one hundred percent of college cost of attendance, provided, however, these college assistance

program benefits in combination with all other grants and scholarships shall not exceed the cost of attendance at the particular institutions in any given award year; and the cumulative total of all college assistance program benefits received may not exceed eighteen thousands dollars. A member may not qualify for college assistance program benefits for more than one hundred thirty semester hours or related quarter hours. It is believed that the proposed regulations will benefit our state by encouraging the enlisting or remaining in both the South Carolina Army and Air National Guards, thereby having a fully manned Guard.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None.

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

None.

Statement of Rationale:

This regulation provides definitions institutions may use to ensure consistent application of the provisions of this article and establishes guidelines for institutional processing of assistantship.

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. 3197
PUBLIC SERVICE COMMISSION
CHAPTER 103
Statutory Authority: 1976 Code Section 58-3-140

103-690.1. Annual Reporting Requirements for Designated Eligible Telecommunications Carriers

Preamble:

Federal regulations require that the Commission file an annual certification with the Universal Service Administrative Company and the Federal Communications Commission stating that all federal high-cost support funds provided to Eligible Telecommunications Carriers (ETCs) within South Carolina are used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended. The Commission has drafted and is proposing a regulation that outlines the filing and annual reporting requirements for designated ETCs.

Section-by-Section Discussion

103-690.1. This section is added to outline the filing and annual reporting requirements for designated ETCs.

28 PROPOSED REGULATIONS

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit written comments to the Public Service Commission, Docketing Department, 101 Executive Center Drive, Columbia, South Carolina 29210. Please reference Docket Number 2006-37-C. To be considered, comments must be received no later than 4:45 p.m. on March 3, 2008. Interested members of the public and the regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Public Service Commission on April 1, 2008 at 2:00 p.m. in the Commission's Hearing Room, 101 Executive Center Drive, Columbia, South Carolina 29210.

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 pursuant to S.C. Code Ann. Section 1-23-115(C)(1) through (3) and (9) through (11).

DESCRIPTION OF REGULATION: 26 S.C. Code Ann. Regs. 103-690.1.

Purpose: The purpose of the proposed regulation governing annual certification of ETCs is to outline the filing requirements for ETCs so that the Commission has adequate information to determine if it should certify to the Federal Communications Commission and the Universal Service Administrative Company that the carrier is in compliance with federal and state regulations and rules.

Legal Authority: S.C. Code Ann. Section 58-3-140 (Supp. 2007)

Plan for Implementation: The proposed 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 regulation is needed to describe the information that the Commission expects from ETCs to determine if the Commission should certify to the Federal Communications Commission and the Universal Service Administrative Company that the ETC should continue to receive funding from the federal Universal Service Fund.

DETERMINATION OF COSTS AND BENEFITS:

Although costs related to amending 26 S.C. Code Ann. Regs. 103-690.1. are minimal, benefits include a regulation that clearly describes the annual reporting requirements of ETCs.

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:

The proposed regulation will have no detrimental effect on the environment and public health if the regulation is not implemented.

Statement of Rationale:

The purpose of Reg. 103-690.1. is to outline annual certification filing requirements for ETCs. The proposed regulation will provide the Commission with important information to determine whether ETCs should continue to receive federal high-cost support funds. There was no scientific or technical basis relied upon in the development of this 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.