

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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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.

2014 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	1/10	2/14	3/14	4/11	5/9	6/13	7/11	8/8	9/12	10/10	11/14	12/12
Publishing Date	1/24	2/28	3/28	4/25	5/23	6/27	7/25	8/22	9/26	10/24	11/28	12/26

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) 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

In order by General Assembly review expiration date
The history, status, and full text of these regulations are available on the
South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>

DOC. No.	RAT. No.	FINAL ISSUE	SUBJECT	EXP. DATE	AGENCY
4350			Law Enforcement Officer and E-911 Officer Training and Certification (Re-number and Reorganize)	5/13/15	South Carolina Criminal Justice Academy

2 COMMITTEE LIST OF REGULATIONS SUBMITTED TO GENERAL ASSEMBLY

In order by General Assembly review expiration date
The history, status, and full text of these regulations are available on the
South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>

DOC. No.	SUBJECT	HOUSE COMMITTEE	SENATE COMMITTEE
4350	Law Enforcement Officer and E-911 Officer Training and Certification (Renumber and Reorganize)	Judiciary	Judiciary

Executive Order No. 2014-28

WHEREAS, the Grand Jurors of Greenville County indicted Perry Roy Eichor, Mayor of the Town of Simpsonville, on May 27, 2014, on three counts: (1) Misconduct of a Public Official for knowingly and willfully missing and abusing the power of his office to deliver a threat to a judge of the Municipal Court of Simpsonville in violation of the Common Law of the State of South Carolina; (2) Obstruction of Justice for knowingly and willfully delivering an implied threat to a judge of the Municipal Court of Simpsonville with the intent to obstruct and impede, interfere with, or influence a pending judicial matter in violation of the Common Law of the State of South Carolina; and (3) Intimidation of a Court Official for threatening or forcing, intimidating or impeding, or attempting to intimidate or impede, a judge, which did destroy, impede, or attempt to obstruct or impede the administration of justice in the Municipal Court of Simpsonville, in violation of Section 16-9-340 of the South Carolina Code of Laws; and

WHEREAS, Perry Roy Eichor is an officer of a political subdivision of the State and Article VI, Section 8, of the South Carolina Constitution provides that “[a]ny officer of the State or its political subdivisions...who has been indicted by a grand jury for a crime involving moral turpitude...may be suspended by the Governor until he shall have been acquitted;” and

WHEREAS, South Carolina law recognizes that “moral turpitude implies something immoral itself ...,” such as “an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellow man, or to society in general,” and further that “an act in which fraud is an ingredient involves moral turpitude...,” see *State v. Horton*, 248 S.E.2d 263 (1978), and the above-referenced indictments include a crime that involves moral turpitude; and

WHEREAS, a certified true copy of the indictment against Perry Roy Eichor has been provided to me.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Laws of the State of South Carolina, I hereby suspend Perry Roy Eichor from the office of Mayor of the Town of Simpsonville until such time as he shall be formally acquitted or convicted.

This action in no manner addresses the question of the guilt or innocence of Perry Roy Eichor and should not be construed as an expression of any opinion one way or another on such question.

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 28th DAY OF May, 2014.**

**NIKKI R. HALEY
Governor**

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Executive Order No. 2014-29

WHEREAS, a ten count indictment was filed against James “Jimmy” R. Metts, Sheriff of Lexington County, on June 17, 2014, in the United States District Court for the District of South Carolina, Columbia Division stating charges of one count of Conspiracy to Violate Federal Law and Interfere with Government Function in violation of S.C. Code §§ 8-13-705 and 16-9-220 and 18 U.S.C. §§ 1952(a)(3), 1343, 1346, and 1505; four counts of Use of Interstate Facility to Facilitate Bribery in violation of S.C. Code §§ 8-13-705 and 16-9-220 and 18 U.S.C. §§ 1952(a)(3) and 2; four counts of Use of Interstate Wire to Defraud the Citizens of Lexington County of Their Right to Honest Services in violation of 18 U.S.C. §§ 1343, 1346, and 2; and one count of Conspiracy to Harbor Illegal Aliens in violation of 8 U.S.C. § 1324(a)(1)(A)(iii) and 1324(a)(1)(A)(v)(I); and

WHEREAS, James “Jimmy” R. Metts is an officer of a political subdivision of the State and Article VI, Section 8, of the South Carolina Constitution provides that “[a]ny officer of the State or its political subdivisions...who has been indicted by a grand jury for a crime involving moral turpitude...may be suspended by the Governor until he shall have been acquitted;” and

WHEREAS, South Carolina law recognizes that “[m]oral turpitude implies something immoral itself...,” such as “...an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellow man, or to society in general...,” and further that “[a]n act in which fraud is an ingredient involves moral turpitude[.]” see *State v. Horton*, 248 S.E.2d 263 (1978), and the above-referenced indictment includes a crime that involves moral turpitude; and

WHEREAS, a certified true copy of the indictment against James “Jimmy” R. Metts has been provided to me, and pursuant to this Order, a vacancy will exist in the office of Lexington County Sheriff as a result of the aforementioned suspension; and

WHEREAS, the Governor of the State of South Carolina is authorized to appoint a Sheriff in the event of a vacancy pursuant to Section 23-11-40(C) of the South Carolina Code of Laws; and

WHEREAS, Alfred “Lewis” McCarty, residing at 173 Belle Chase Drive in Lexington, South Carolina, is a fit and proper person to serve as Lexington County Sheriff.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Laws of the State of South Carolina, I hereby suspend James “Jimmy” R. Metts from the office of Sheriff of Lexington County until such time as he shall be formally acquitted or convicted, and I hereby appoint Alfred “Lewis” McCarty as Sheriff of Lexington County until the suspended sheriff is acquitted, or the indictment is otherwise disposed of, or until a sheriff is elected and qualifies in the next general election for county sheriffs, whichever event occurs first.

This action in no manner addresses the question of the guilt or innocence of James “Jimmy” R. Metts and should not be construed as an expression of any opinion one way or another on such question.

This order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 17th DAY OF JUNE, 2014.**

NIKKI R. HALEY
Governor

Executive Order No. 2014-30

WHEREAS, the Court of General Sessions of Abbeville County sentenced Charlie Eugene Tillman, Town Councilman of the Town of Calhoun Falls, on June 25, 2014, for the felony of Threatening the Life of a Public Official in violation of Section 16-3-1040 of the South Carolina Code of Laws; and

WHEREAS, Charlie Eugene Tillman is an officer of a political subdivision of the State, and Article VI, Section 8 of the South Carolina Constitution provides that, where any officer of a political subdivision has been convicted of a crime involving moral turpitude, “[T]he office shall be declared vacant and the vacancy filled as may be provided by law;” and

WHEREAS, South Carolina law recognizes that “[m]oral turpitude implies something immoral itself...,” such as “...an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellow man, or to society in general...,” see *State v. Horton*, 248 S.E.2d 263 (1978) and *Green v. Hewett*, 305 S.C. 238, 407 S.E.2d 651 (1991); and

WHEREAS, the above-referenced crime involves moral turpitude, and a certified true copy of the sentence sheet sentencing Charlie Eugene Tillman has been provided to me.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of the State of South Carolina, I hereby declare that on June 25, 2014 the seat held by Charlie Eugene Tillman of the office of Town Councilman of the Town of Calhoun Falls was vacated.

**GIVEN UNDER MY HAND AND THE
GREAT SEAL OF THE STATE OF
SOUTH CAROLINA, THIS 27th DAY OF
JUNE, 2014.**

NIKKI R. HALEY
Governor

Executive Order No. 2014-31

WHEREAS, the Small Business Regulatory Review Committee (“Committee”), is established by Section 1-23-280 of the South Carolina Code of Laws and provides that the Committee shall have eleven members, five of whom shall be appointed by the Governor, who shall also appoint the chairman from the appointed members of the Committee; and

WHEREAS, Section 1-3-240(B) states, “Any 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 h[er] discretion by an Executive Order removing the officer[;]” and

WHEREAS, membership on the Small Business Regulatory Review Committee is a state office, appointed by the Governor in part, and is not listed among the exempt state offices enumerated in Section 1-3-240(C); and

WHEREAS, Dan Dennis of Richland County was previously appointed by the Governor as Chairman of the Committee for a term set to expire on December 31, 2015; and

6 EXECUTIVE ORDERS

WHEREAS, Kenneth A. Breivik of Richland County was previously appointed by the Governor as a Member of the Committee for a term set to expire on December 31, 2015; and

WHEREAS, Suzanne M. Pucci of Richland County is a fit and proper person to serve as a Member of the Small Business Regulatory Review Committee.

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of the State of South Carolina, I hereby remove Dan Dennis from the Small Business Regulatory Review Committee.

FURTHER, I hereby designate Kenneth A. Breivik as Chairman of the Small Business Regulatory Review Committee for the remainder of his term, which is set to expire on December 31, 2015.

FURTHER, I hereby appoint Suzanne M. Pucci to fill the above-ordered vacancy and serve as a Member of the Small Business Regulatory Review Committee for the remainder of Mr. Dennis' term, which is set to expire on December 31, 2015.

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 8th DAY OF JULY, 2014.**

NIKKI R. HALEY
Governor

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

UPDATED EXEMPTION LIST – JULY 2014

Statutory Authority: S.C. Code Section 48-1-10 et seq.

In accordance with South Carolina (SC) Regulation 61-62.1, *Definitions and General Requirements*, Section II(B)(2), the South Carolina Department of Health and Environmental Control (Department or DHEC) has determined that no construction permits shall be required for the sources listed below unless otherwise specified by state or federal requirements. The exemption status may change upon the promulgation of new regulatory requirements applicable to these sources.

The Department is placing the exempt sources listed in Section II(B)(2) and other sources that have been determined will not interfere with attainment or maintenance of any state or federal standard, on a list of sources to be exempted without further review. This list of exempt sources will be maintained by the Department and periodically published in the *South Carolina State Register*. Additionally, this list of exempt sources will be maintained on the DHEC website at: <http://www.scdhec.gov/Environment/AirQuality/ConstructionPermits/Exemptions/>. If you have questions or comments, please contact Hetal Patel, Division of Engineering Services, at (803) 898-4123.

Disclaimer:

The construction permitting exemptions do not relieve the owner or operator of any source from any obligation to comply with any other applicable requirements. The Department reserves the right to require a construction permit and the need for permit(s) will be made by the Department on a case-by-case basis. This determination will take into consideration, but will not be limited to, the nature and amount of the pollutants, location, proximity to residences and commercial establishments, etc. If needed, emission calculations and any other information necessary to document qualification for these exemptions must be maintained on-site. These emissions should be included in the facility wide potential to emit for the facility. The owner/operator must keep a list of all exempt activities and/or equipment on-site and provide the list to the Department upon request.

A. Combustion Sources

1. Stationary or portable combustion sources:

i. Burn virgin fuel and which were constructed prior to February 11, 1971, and which are not located at a facility that meets the definition of a major source as defined in Regulation 61-62.70.2(r); however, modifications at these facilities may trigger the requirement to obtain a construction permit.

a. Natural gas boilers.

b. Oil-fired boilers of 50×10^6 British thermal unit per hour (Btu/hr) rated input capacity or smaller.

c. Coal-fired boilers of 20×10^6 Btu/hr rated input capacity or smaller.

ii. Boilers and space heaters of less than 1.5×10^6 Btu/hr rated input capacity which burn only virgin liquid fuels or virgin solid fuels.

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iii. Boilers and space heaters of less than 10×10^6 Btu/hr rated input capacity which burn only virgin gas fuels.

iv. Temporary replacement boilers of the same size/capacity or smaller (including the same fuel if required) remaining on-site for 12 months or less, used in place of permanent boilers while the permanent boiler is not in operation for maintenance, malfunction, or similar reason and whose emissions do not exceed those of the permanent boiler or differ from the character of the permanent boiler's emissions and whose exhaust point is within close proximity to the permanent boiler's exhaust point.

If a temporary boiler triggers a regulation such as a New Source Performance Standard (NSPS), then a determination that the boiler met the applicable requirements of the NSPS must be kept on-site and provided to the Department upon request. The owner/operator shall also keep a record of the startup date and usage periods of the temporary boiler and provide them to the Department upon request.

i. Fuel oil boilers with a rated input capacity of less than 7 million Btu/hr burning oil with a sulfur content of less than 0.05 wt%. These sources are subject to five (5) year tune-up requirements per 40 CFR 63 Subpart JJJJJ.

ii. Fuel oil boilers equipped with low NO_x burner(s) and a rated input capacity of less than 10 million Btu/hr, burning oil with a sulfur content of less than 0.05 wt%. These sources are subject to five (5) year tune-up requirements per 40 CFR 63 Subpart JJJJJ.

iii. Wood waste boilers with a capacity of less than 1.5 million Btu/hr burning clean wood only. These sources are subject to tune-up requirements per 40 CFR 63 Subpart JJJJJ.

2. Internal combustion engines

i. Emergency power generators as described below:

a. Generators of less than or equal to 150 kilowatt (kW) rated capacity.

b. Generators of greater than 150 kW rated capacity designated for emergency use only and are operated a total of 500 hours per year or less for testing and maintenance and have a method to record the actual hours of use such as an hour meter.

ii. Temporary or portable generators that meet the definition of "non-road engine" below. However, processes powered by the internal combustion engine shall be evaluated for permitting applicability.

Portable or transportable, meaning designed to be and capable of being carried or moved from one location to another and does not remain at a location for more than 12 consecutive months. A location is any single site at a building, structure, facility, or installation. Any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period.

iii. Diesel engine driven emergency fire pumps that are operated a total of 500 hours per year or less for testing and maintenance and have a method to record the actual hours of use such as an hour meter.

3. Non-contact cooling towers, water treating systems for non-contact process cooling water or boiler feedwater, and water tanks, reservoirs, or other containers designed to cool, store, or otherwise handle water (including rainwater).

4. Oxidation catalyst on generators.

B. Industrial Processes

1. Surface Coating

i. Stand alone powder coating operations equipped with highly efficient cartridge, cyclone or combination cartridge-cyclone collection systems to separate powder from air, or other type of process equipment designed to effectively control particulate matter. These operations use Electric Heated Ovens and apply less than 100 tons per year (tpy) of powder coatings. If hazardous air pollutant (HAP) containing materials are used, the facility is expected to demonstrate compliance with SC Regulation 61-62.5, Standard No. 8, *Toxic Air Pollutants*, using air dispersion modeling. This demonstration must be maintained on-site and submitted with an operating permit renewal request. Emissions calculations, material safety data sheets (MSDS), throughput records, and any other information necessary to document qualification for this exemption must be maintained on-site and provided to the Department upon request. These emissions should be included in the facility wide potential to emit for the facility.

ii. Stand alone powder coating operations equipped with highly efficient cartridge, cyclone or combination cartridge-cyclone collection systems to separate powder from air, or other type of process equipment designed to effectively control particulate matter. These operations use Natural Gas Heated Ovens with a heat input of less than 10E+06 Btu/hr and apply less than 98.0 tpy of powder coatings. If HAP containing materials are used, the facility is expected to demonstrate compliance with SC Standard No. 8 using air dispersion modeling. This demonstration must be maintained on-site and submitted with an operating permit renewal request. Emissions calculations, MSDS, throughput records, and any other information necessary to document qualification for this exemption must be maintained on-site and provided to the Department upon request. These emissions should be included in the facility wide potential to emit for the facility.

iii. Facilities that conduct surface finishing within a building and uses 3 gallons per day or less of non HAP containing surface finishing materials (such as paints and paint components, other materials mixed with paints prior to application, and cleaning solvents). Emissions calculations, MSDS, throughput records, and any other information necessary to document qualification for this exemption must be maintained on-site and provided to the Department upon request. These emissions should be included in the facility wide potential to emit for the facility.

2. Wood Working/Processing

i. Small woodworking shops that do not conduct surface coating where the woodworking activities (such as sawing, milling, sanding, etc.) are conducted within a building and the total combined maximum processing throughput for all woodworking equipment is less than 0.30 tons/hr. Good housekeeping practices that minimize fugitive emissions are required. Emissions calculations, MSDS, throughput records, and any other information necessary to document qualification for this exemption must be maintained on-site and provided to the Department upon request. These emissions should be included in the facility wide potential to emit for the facility.

ii. Sawmill equipment that only processes green wood (wood moisture content >12%), does not conduct fuel combustion, and has a maximum throughput capacity of less than 1.97 x 10⁶ board-feet per year. Good housekeeping practices that minimize fugitive emissions are required. Emissions calculations, MSDS, throughput records, and any other information necessary to document qualification for this exemption must be maintained on-site and provided to the Department upon request. These emissions should be included in the facility wide potential to emit for the facility.

iii. The following wood shop equipment:

a. Hand Sanders.

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- b. Hand Saws (chain saw, hand drills, etc.).
- c. Hand Distressing Tools (chisel, etc.).
- d. Equipment used for boring, notching, etc.

Good housekeeping practices that minimize fugitive emissions are required.

3. Others

i. Air strippers used in petroleum underground storage tank (UST) cleanups with well pump rates less than or equal to 23 gallons per minute (gpm) and benzene concentrations less than the concentration as determined by the following equation:

$$C(\text{mg/l}) = 0.075 / ((Q)(5.0E-04)) \text{ where } Q = \text{well pump rate in gpm.}$$

Air strippers used in petroleum UST cleanups with well pump rates equal to or less than 23 gpm and benzene concentrations greater than the concentration as determined by the equation are still exempt from permitting but must first submit air dispersion modeling to comply with SC Standard No. 8. Documentation of the well pump rate capacity and benzene concentration must be maintained on-site. Emissions calculations, MSDS, throughput records, and any other information necessary to document qualification for this exemption must be maintained on-site and provided to the Department upon request. These emissions should be included in the facility wide potential to emit for the facility.

ii. Mobile tub grinders, diesel or electric powered, remaining on-site for less than 12 months grinding only clean wood. Any tub grinder that replaces a grinder at a location and that is intended to perform the same or similar function as the tub grinder replaced will be included in calculating the 12 month time period. All grinding operations shall be conducted in such a manner as to minimize fugitive particulate matter emissions. If any complaints are received, then the grinding operation can be required to stop and the complaints addressed by the Department. Emissions calculations, MSDS, throughput records, and any other information necessary to document qualification for this exemption must be maintained on-site and provided to the Department upon request. These emissions should be included in the facility wide potential to emit for the facility.

iii. Petroleum dry cleaning facilities with a solvent consumption less than 1,600 gallons per year and not subject to 40 CFR 60 Subpart JJJ (Standards of Performance for Petroleum Dry Cleaners). Emissions calculations, MSDS, throughput records, and any other information necessary to document qualification for this exemption must be maintained on-site and provided to the Department upon request. These emissions should be included in the facility wide potential to emit for the facility.

iv. Devices used solely for safety such as pressure relief valves, rupture discs, etc., if associated with a permitted emission unit.

v. Sources that only emit a particulate matter that is not an air toxic or hazardous air pollutant, located within a closed building (minimal lost through doors, windows, vents, exhaust fans, etc.) and do not exhaust directly through piping, a stack, etc. to the atmosphere. Good housekeeping practices that minimize fugitive emissions are required.

vi. Refrigeration equipment, except for any such equipment:

a. Using an ozone-depleting substance regulated under Title VI of the Clean Air Act and/or 40 CFR Part 82.

- b. Located at a Title V source.
- c. Used as or in conjunction with air pollution control equipment.

vii. The processing of whole tires into shreds or specifically sized chips. This does not include the removal of metal or further size reduction by grinding or fine shredding. Good housekeeping practices that minimize fugitive emissions are required. Emissions calculations, MSDS, throughput records, and any other information necessary to document qualification for this exemption must be maintained on-site and provided to the Department upon request. These emissions should be included in the facility wide potential to emit for the facility.

C. Storage Vessels

1. An owner/operator is required to have an operating permit, then the owner/operator shall submit a list of storage tanks installed since the last issue or revision to the previous operating permit that qualify for an exemption with any new permit renewal or modification request. If an owner/operator is not required to have an operating permit, then the owner/operator must keep a list of storage tanks that qualify for an exemption on-site and provide the list to the Department upon request.

i. Any size and combination of above ground vertical gasoline storage tanks with a total storage capacity equal to or less than 5,000 gallons and not used for distribution.

ii. Any size and combination of above ground horizontal gasoline storage tanks with a total storage capacity equal to or less than 3,000 gallons and not used for distribution.

iii. Any size and combination of above ground horizontal and vertical gasoline storage tanks with a total storage capacity equal to or less than 3,000 gallons and not used for distribution.

iv. Any size and combination of above ground storage tanks with a total storage capacity equal to or less than 3,218,418 gallons containing virgin or re-refined No.2 Fuel Oil and fuel oils similar in composition to No.2 Fuel Oil.

v. Any size and combination of above ground storage tanks with a total storage capacity equal to or less than 5,042,000 gallons containing virgin or re-refined No.6 Fuel Oil, fuel oils similar in composition to No.6 Fuel Oil, residual fuel oils and lubricating oils (such as motor oil, hydraulic oil).

vi. Any size and combination of above ground vertical storage tanks with a total storage capacity equal to or less than 2,100,000 gallons containing Jet Kerosene.

vii. Any size and combination of above ground vertical storage tanks with a total storage capacity equal to or less than 30,000 gallons containing Jet Naphtha (JP-4).

viii. Any size and combination of above ground horizontal storage tanks with a total storage capacity equal to or less than 25,000 gallons containing JP-4.

ix. Any size and combination of above ground horizontal and vertical storage tanks with a total storage capacity equal to or less than 25,000 gallons containing JP-4.

x. Any size and combination of above ground vertical storage tanks with a total storage capacity equal to or less than 84,000 gallons containing only Ethanol.

xi. Pressurized storage tanks containing fluids such as liquid petroleum gas (LPG), liquid natural gas (LNG), natural gas, or inert gases.

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D. Miscellaneous

1. Domestic / Work Station Comfort and Related

i. Comfort air conditioning or ventilation systems not used to remove air contaminants generated by or released from specified units of equipment.

ii. Any consumer product used for the same purposes, and in similar quantities, as would be used in normal consumer use such as janitorial cleaning supplies, office supplies, personal items, maintenance supplies, non-commercial and non-industrial vacuum cleaning systems, etc.

iii. Smokehouses (used exclusively for smoking food products), recreational, residential, or portable type wood stoves, heaters, or fireplaces.

iv. Indoor or outdoor kerosene space heaters.

v. Domestic sewage treatment facilities (excluding combustion or incineration equipment, land farms, storage silos for dry material, or grease trap waste handling or treatment facilities).

vi. Water heaters which are used solely for domestic purposes.

vii. Laundry dryers, extractors, or tumblers used for fabrics cleaned with water solutions of bleach or detergent only.

2. Mobile Sources and Mobile Source Related

i. Motor vehicles, aircraft, marine vessels, locomotives, tractors or other self-propelled vehicles with internal combustion engines and its refueling operations. This exemption only applies to the emissions from the internal combustion engines used to propel such vehicles and the emissions associated with refueling.

ii. Fugitive particulate emissions from passenger vehicle traffic and routine lawn and grounds keeping operations.

3. Laboratory and Testing

i. Laboratory equipment and compounds used for chemical, biological or physical analyses such as quality control, environmental monitoring, bench-scale research or studies, training in chemical analysis techniques, and minor research and development (R&D)(this does not apply to facilities where R&D is the primary objective). This exemption extends to the venting of in-line and in-situ process analysis equipment and other monitoring and sampling equipment.

ii. Non-production laboratory equipment used at non-profit health or non-profit educational institutions for chemical or physical analyses, bench scale experimentation or training, or instruction.

iii. Vacuum production devices used in laboratory operations.

iv. Equipment used for hydraulic or hydrostatic testing.

4. Maintenance and Construction Related Activities

i. Routine housekeeping or plant upkeep activities such as painting, roofing, paving, including all associated preparation.

- ii. Brazing, soldering or welding equipment used for regular maintenance at the facility.
- iii. Batch cold cleaning machines, small maintenance cleaning machines, and parts washers using only nonhalogenated solvents or CFC-113 and not subject to 40 CFR 60 Subpart JJJ.
- iv. Blast cleaning equipment using a suspension of abrasives in water.

5. Others

- i. Flares used solely to indicate danger to the public.
- ii. Firefighting equipment, "prop fires", and any other activities or equipment associated with firefighter training. "Prop fires" must be fired on natural gas or propane.
- iii. Sources emitting only steam, air, nitrogen, oxygen, carbon dioxide, or any physical combination of these.
- iv. Sources with a total uncontrolled potential to emit (PTE) of less than five (5) tons per year each of particulates, sulfur dioxide, nitrogen oxides, and carbon monoxide; uncontrolled PTE of less than 1000 pounds per month (lbs/month) of any single toxic air pollutant (TAP) and a total uncontrolled emission rate of less than 1000 lbs/month of volatile organic compounds (VOCs) will not require construction permits. Unless otherwise exempt, sources may be exempted under this section at higher emission levels if there is a demonstration that there are no applicable limits or requirements. These applicable requirements include federally applicable limits or requirements. However, these sources may be required to be included in any subsequent construction or operating permit review to ensure that there is no cause or contribution to an exceedance of any ambient air quality standard or limit. For toxic air pollutant exemptions, refer to Regulation 61-62.5, Standard No. 8. Emissions calculations and any other information necessary to document qualification for this exemption must be maintained on-site and provided to the Department upon request.
- v. Shooting ranges that are not part of a permitted source such as a military installation.
- vi. Farm equipment used for soil preparation, livestock handling, crop tending and harvesting and/or other farm related activities such as the application of fungicide, herbicide, pesticide, or fumigants.
- vii. Equipment on the premises of restaurants, industrial and manufacturing operations, etc. used solely for the purpose of preparing food for immediate human consumption.
- viii. Reproduction activities, such as blueprint copiers, xerographic copies, and photographic processes, except operation of such units on a commercial basis.
- ix. Fumigation activities that have potential emissions below exemptible rates under SC Regulation 61-62.1, Section II(B)(2)(h); facilities that perform fumigation up to several times a year to control pest infestation; and fumigation activities that are performed in portable containers which are not located at a designated area/building/warehouse/installation/pad.
- x. Sources of VOCs greater than 1000 lbs/month may not require a permit. This determination will take into consideration, but will not be limited to, applicability to state and federal requirements. No waiver will be permissible if federal requirements apply unless otherwise exempt. Emissions calculations and any other information necessary to document qualification for this exemption and the need for permit(s) will be made by the Department on a case-by-case basis. Exempt sources of VOCs may be required to be included in any subsequent construction or operating permit review to ensure that there is no cause or contribution to an exceedance of any ambient air quality standard or limit.

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DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

In accordance with Section 44-7-210(A), Code of Laws of South Carolina, and S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that for the following projects, applications have been deemed complete, and the review cycle has begun. A proposed decision will be made as early as 30 days, but no later than 120 days, from July 25, 2014. "Affected persons" have 30 days from the above date to submit requests for a public hearing to Mr. Sam Phillips, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. If a public hearing is timely requested, the Department's decision will be made after the public hearing, but no later than 150 days from the above date. For further information call (803) 545-4200.

Affecting Charleston County

Addition of two (2) psychiatric beds and two (2) inpatient beds. Palmetto Lowcountry Behavioral Health, LLC, Charleston, SC
Charleston, South Carolina
Project Cost: \$20,602.50

Construction for the addition of fourteen (14) rehabilitation beds
Roper Hospital
Charleston, South Carolina
Project Cost: \$3,626,763

Addition of fourteen (14) inpatient rehabilitation beds. Trident Regional Medical Center
Charleston, South Carolina
Project Cost: \$2,800,000

Affecting Greenville County

Addition of one (1) psychiatric bed and six (6) substance abuse beds for a total licensed bed capacity of thirty-eight (38) psychiatric beds, six (6) substance abuse beds and sixty-eight (68) residential treatment beds. Chestnut Hill Mental Health Center, Inc. d/b/a SpringBrook Behavioral Health System
Travelers Rest, SC
Project Cost: \$15,000

In accordance with Section 44-7-200(D), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication on July 25th, 2014 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 Sam Phillips, Department of Health and Environmental Control, 2100 Bull Street, 29201 at (803) 545-4370

Affecting Aiken County

Establishment of home health agency.
UniHealth Home Health Aiken
Aiken, South Carolina
Total Project Cost: \$97,790

Affecting Orangeburg County

Construction of a Freestanding Endoscopy Center with Three (3) Procedure Rooms.
 Orangeburg Ambulatory Surgery Center, LLC
 Orangeburg, SC 29118
 Project Cost: \$2,710,341

Affecting Charleston County

Construction of a Freestanding Endoscopy Center with Three (3) Procedure Rooms.
 Charleston West, LLC
 Charleston, SC 29118
 Project Cost: \$2,916,316

Replacement and Consolidation of Pediatric and Perinatal Services
 Medical University of South Carolina Children's Hospital and Women's Pavilion
 Charleston, SC 29401
 Project Cost: \$366,397,822

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**NOTICE OF GENERAL PUBLIC INTEREST**

DHEC-Bureau of Land and Waste Management, File #55781
 Former Carolina Chemical/CAE Pesticide Bag Disposal Site

**NOTICE OF VOLUNTARY CLEANUP CONTRACT, CONTRIBUTION PROTECTION,
AND COMMENT PERIOD**

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control (DHEC) intends to enter into a Voluntary Cleanup Contract (VCC) with Richland-Lexington Airport District (Responsible Party). The VCC provides that the Responsible Party, with DHEC's oversight, will fund and perform future response actions at the Former Carolina Chemical/CAE Pesticide Bag Disposal facility located in Lexington County, generally around the 2401 block of Edmund Highway, West Columbia, South Carolina, and any surrounding area impacted by the migration of hazardous substances, pollutants, or contaminants from the facility property (Site).

Future response actions addressed in the VCC include, but may not be limited to, the Responsible Party funding and performing: additional assessment activities to further delineate the source, nature, and extent of the release or threat of release of hazardous substances, pollutants, or contaminants and, if necessary, conduct a Feasibility Study to evaluate alternatives to clean-up the Site. Further, the Responsible Party will reimburse the Department's past costs of response of \$5,664.48 and the Department's future costs of overseeing the work performed by the Responsible Party and other Department costs of response pursuant to the VCC.

The VCC is subject to a thirty-day public comment period consistent with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. § 9613, and the South Carolina Hazardous Waste Management Act (HWMA), S.C. Code Ann. § 44-56-200 (as amended). Notice of Contribution Protection and Comment Period will be provided to known potentially responsible parties via email or US mail. The VCC is available:

- (1) On-line at www.scdhec.gov/PublicNotices/Land; or
- (2) By contacting David Wilkie at 803-898-0882 or wilkietd@dhec.sc.gov.

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Any comments to the proposed VCC must be submitted in writing, postmarked no later than August 25, 2014, and addressed to David Wilkie, DHEC-BLWM-SARR, 2600 Bull Street, Columbia, SC 29201.

Upon the successful completion of the VCC, the Responsible Party will receive a covenant not to sue for the work done in completing the response actions specifically covered in the Contract and completed in accordance with the approved work plans and reports. Upon execution of the VCC, the Responsible Party shall be deemed to have resolved its liability to the State in an administrative settlement for purposes of, and to the extent authorized under CERCLA, 42 U.S.C. 9613(f)(2) and 9613(f)(3)(B), and under S.C. Code Ann. Section 44-56-200, for the response actions specifically covered in the Contract including the approved work plans and reports. Contribution protection is contingent upon the Department's determination that the Responsible Party has successfully and completely complied with the VCC.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

ERRATA

State Register Document No. 4433:

The Department of Health and Environmental Control promulgated R.61-122, *Standards for Licensing In-home Care Providers*, which took effect by publication as a final regulation in the *State Register* on June 27, 2014, as Document 4433.

This notice is to correct a spelling error at Section 300.E.6 of R.61-122. In the first sentence of this section the spelling of the word “vulnerable” is corrected to “vulnerable.”

State Register Document No. 4434:

The Department promulgated amendments of R.61-8, *Vaccination, Screening and Immunization Regarding Contagious Diseases*, which took effect as final regulations in the *State Register* on June 27, 2014, as Document 4434. This notice is to correct the outline and indentation pattern at Section 61-8.II.3. The letter “A” is added at the beginning of the first paragraph and subsection B is indented for consistency with Section A. Section 61-8.II.3 is corrected to read as follows:

3. Special Exemption.

A. A South Carolina Certificate of Special Exemption, signed by the school principal , authorized representative, or childcare director may be issued to transfer students while awaiting arrival of medical records from their former area of residence or to other students who have been unable to secure immunizations or documentation of immunizations already received. At the expiration of this special exemption, the student must present a valid South Carolina Certificate of Immunization, or a valid South Carolina Certificate of Medical Exemption, or a valid South Carolina Certificate of Religious Exemption. Completion of the Medical Exemption section of the Certificate of Immunization satisfies the requirement for the South Carolina Certificate of Medical Exemption.

B. Blank forms for the South Carolina Certificate of Special Exemption will be provided by the Department to school and childcare administrators.

**DEPARTMENT OF LABOR, LICENSING, AND REGULATION
OFFICE OF OCCUPATIONAL SAFETY AND HEALTH**

NOTICE OF GENERAL PUBLIC INTEREST

**NOTICE OF PUBLIC HEARING
OCCUPATIONAL SAFETY AND HEALTH STANDARDS**

South Carolina Department of Labor, Licensing and Regulation (SC DLLR) does hereby give notice under Section 41-15-220, SC Code of Laws, 1976, as amended, that a public hearing will be held on September 4, 2014 at the SC DLLR, Room 108, 110 Centerview Drive, Columbia, SC at which time interested persons will be given the opportunity to appear and present views on the occupational safety and health standards being considered for adoption.

The hearing is to determine if the Director of the SC DLLR will promulgate, revoke, or modify Rules and Regulations pursuant to Section 41-15-210, SC Code of Laws, 1976.

OSH Rules and Regulations being considered at the hearing are as follows:

In Subarticle 6 (General Industry):

Revisions to Sections: 1910.136, 1910.137, 1910.217, 1910.269, 1910.331, 1910.399

In Subarticle 7 (Construction):

Revisions to Sections: 1926.6, 1926.97, 1926.500, 1926.950-968, Appendixes A-G to Subpart V of Part 1926, 1926.1053, 1926.1400, and 1926.1410

Summary of changes: SC OSHA is issuing a final rule to confirm the effective date as February 18, 2014 for record requirements in the mechanical power press standard. SC OSHA is also implementing a remand of portions of the standard for vertical tandem lifts and confirms the effective date as July 21, 2014. SC OSHA is also revising the Electric Power Generation, Transmission, and Distribution; Electrical Protective Equipment construction standard to make it more consistent with the general industry standard and is making revisions to both requirements. The final rules include new or revised provisions on host employers and contractors, training, job briefings, fall protection, insulation and working position of employees working on or near live parts, minimum approach distances, protection from electric arcs, deenergizing transmission and distribution lines and equipment, protective grounding, operating mechanical equipment near overhead power lines, and working in manholes and vaults. The final rule also revises the general industry and construction standards for electrical protective equipment. The standard replaces the incorporation of out-of-date consensus standards with a set of performance oriented requirements that are consistent with the latest revisions of the relevant consensus standards. The final construction rule also includes new requirements for the safe use and care of electrical protective equipment to complement the equipment design provisions. Standards for electrical protective equipment will include new requirements for equipment made of materials other than rubber. Furthermore, OSHA is revising the general industry standard for foot protection. This standard applies to employers performing work on electric power generation, transmission, and distribution installations, as well as employers in other industries. The final rule removes the requirement for employees to wear protective footwear as protection against electric shock.

Any omissions or corrections to the occupational safety and health standards being considered for adoption published in the FEDERAL REGISTER prior to this hearing may be presented at this hearing. These revisions are necessary to comply with federal law and copies of them can be obtained or reviewed at the SC DLLR during normal business hours by contacting the OSHA office at 803-896-5811.

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Persons desiring to speak at the hearing shall file with the Director of the SC DLLR a notice of intention to appear and the approximate amount of time required for her/his presentation on the particular matter no later than August 22, 2014. Any person who wishes to express her/his views, but is unable or does not desire to appear and testify at the hearing, should submit those views in writing on or before August 22, 2014.

Holly Pisarik, Director
SC DLLR
Post Office Box 11329
Columbia, SC 29211-1329

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 (2004), 59-50-10 (Supp. 2013), and 20 U.S.C. 6301 (2002) et seq.

Notice of Drafting:

The South Carolina Board of Education proposes to amend Regulation 43-205, Administrative and Professional Personnel Qualifications, Duties, and Workloads. Interested persons may submit their comments in writing to Darlene Prevatt, Team Leader, Office of Federal and State Accountability, 1429 Senate Street, Room 501-A, Columbia, South Carolina 29201 or by e-mail to dprevatt@ed.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. on August 25, 2014.

Synopsis:

Regulation 43-205 defines the qualifications of administrative and professional personnel for the district and school level. The regulation also describes the duties, as well as the workloads of the school-level personnel.

The amendments will align language referring to teacher-student ratios in special education classes, teaching loads for teachers of self-contained special education classes, and maximum cases loads. The amendments will also address teachers of grades 9–12, number of minutes per week and their number of preparations.

Legislative review of this proposal will be required.

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 (2004), 59-33-30 (2004), 59-53-1810 (Supp. 2012), and 20 U.S.C. 6301 et seq. (2002)

Notice of Drafting:

The South Carolina Board of Education proposes to amend Regulation 43-232, Defined Program 6–8. Interested persons may submit their comments in writing to Darlene Prevatt, Team Leader, Office of Federal and State Accountability, 1429 Senate Street, Room 501-A, Columbia, South Carolina 29201 or by e-mail to dprevatt@ed.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. on August 25, 2014.

Synopsis:

Regulation 43-232 establishes that each school district board of trustees shall ensure quality schooling by providing a rigorous, relevant curriculum for all students. Each school district shall examine the academic achievement standards adopted by the South Carolina State Board of Education. Elementary, middle, and high school faculty and staff shall work together to ensure that students are prepared to achieve these standards. When approved by the principal and the parents, a student promoted to the seventh or eighth grade may take units of ninth grade or higher work for school credit.

The amendment will narrow the language to ensure high school credit given in the middle school level may be high school level courses that have been approved by the South Carolina Department of Education.

Legislative review of this proposal will be required.

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STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 (2004), 59-18-110 (Supp. 2013), 59-18-310(B) (to be codified at Supp. 2014), 59-29-10 et seq. (2004 and Supp. 2013), 59-33-30 (2004), 59-53-1810 (Supp. 2013), 20 U.S.C. 1232(g), and 20 U.S.C. 6301 et seq. (2002)

Notice of Drafting:

The South Carolina Board of Education proposes to amend Regulation 43-234, Defined Program, Grades 9-12 and Graduation Requirements. Interested persons may submit their comments in writing to Darlene Prevatt, Team Leader, Office of Federal and State Accountability, 1429 Senate Street, Room 501-A, Columbia, South Carolina 29201 or by e-mail to dprevatt@ed.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. on August 25, 2014.

Synopsis:

Regulation 43-234 establishes that each school board of trustees must ensure quality schooling by providing a rigorous, relevant curriculum for all students. The regulation also stipulates that each school district must offer a standards-based academic curriculum organized around a career cluster system that provides students with individualized education choices. The regulation also defines the graduation requirements for the state.

An amendment will remove the language referring to the exit examination as required for high school graduation. Other amendments will delete entire recommended course section due to ever-changing recommendations. And early dismissal day language will be removed from the Emergency Closing section.

Legislative review of this proposal will be required.

STATE BOARD OF EDUCATION

CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60(1) (2004), 59-26-10 et seq. (2004 and Supp. 2013), and 20 U.S.C. 6301 et seq. (2001)

Notice of Drafting:

The South Carolina Board of Education proposes to amend Regulation 43-62, Requirements for Additional Areas of Certification.

Interested persons may submit their comments in writing to Dr. Cindy Van Buren, Deputy Superintendent, Division of School Effectiveness, 1429 Senate Street, Room 606, Columbia, South Carolina 29201 or by e-mail to cyburen@ed.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. on August 25, 2014.

Synopsis:

State Board of Education Regulation 43-62 governs the requirements for add-on certification for educators in South Carolina. Amendments to Regulation 43-62 will 1) clearly define the terms add-on certification and endorsement and 2) remove specific course requirements for add-on areas and endorsements from the regulation. The specific requirements for add-on areas and endorsements will then be promulgated in Guidelines to be approved by the State Board of Education. Removing the specific add-on course requirements from Regulation 43-62 and establishing these requirements in Guidelines will allow the Board, in conjunction with the South Carolina Department of Education, to make timely and necessary changes to keep current with

educational initiatives and research and to address needed changes in educator training and preparation in order to provide appropriately qualified educators for South Carolina public schools.

Legislative review is required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Sections 44-56-30 et seq.

Notice of Drafting:

The South Carolina Department of Health and Environmental Control (Department) proposes to amend R.61-79, Hazardous Waste Management Regulations. Interested persons are invited to present their views in writing to David Scaturo, Director of the Division of Waste Management, Bureau of Land and Waste Management, Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201 or by email at scaturdm@dhec.sc.gov. To be considered, comments must be received no later than August 25, 2014, the close of the drafting comment period.

Synopsis:

The Department proposes amending R.61-79 to adopt five final rules published in the Federal Register by the United States Environmental Protection Agency (EPA). The five final rules are summarized below.

1. The Department proposes adopting the “Removal of Saccharin and Its Salts from the Lists of Hazardous Constituents,” published on January 18, 2011 at 75 FR 78918-78926. The rule removes saccharin and its salts from the lists of hazardous constituents and commercial chemical products which are hazardous wastes when discarded or intended to be discarded. This rule is promulgated pursuant to non-Hazardous and Solid Waste Amendments (HSWA) authority and is considered to be neither more nor less stringent than the current federal requirements.

2. The Department proposes adopting the “Academic Laboratories Generator Standards Technical Corrections,” published on December 20, 2010 at 75 FR 79304-79308. The rule makes technical corrections to Subpart K, 40 CFR part 262, which established an alternative set of generator requirements applicable to laboratories owned by eligible academic entities that are flexible and protective, and address the specific nature of hazardous waste generation and accumulation in these laboratories. This rule is promulgated pursuant to non-HSWA authority and is considered to be neither more nor less stringent than the current federal requirements.

3. The Department proposes adopting the “Revision of the Land Disposal Treatment Standards for Carbamate Wastes,” published on August 11, 2011 at 76 FR 34147-34157. The rule provides as an alternative standard the use of the best demonstrated available technologies (BDAT) for treating hazardous wastes from the production of carbamates and carbamate commercial chemical products, off-specification or manufacturing chemical intermediates and container residues that become hazardous wastes when they are discarded or intended to be discarded. In addition, this action removes carbamate Regulated Constituents from the table of Universal Treatment Standards. This rule is promulgated pursuant to HSWA authority and is considered to be neither more nor less stringent than the current federal requirements.

4. The Department proposes adopting the “Hazardous Waste Technical Corrections and Clarifications,” published on May 14, 2012 at 77 FR 22229-22232. The rule corrects a typographical error in the entry “K107” in the table listing hazardous wastes from specific sources at 40 CFR 261.32; and makes a conforming change

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at 40 CFR 266.20(b) to clarify that a recycling facility must keep a one-time certification and notification related to recyclable materials being used in a manner constituting disposal. This rule is promulgated pursuant to Non-HSWA authority and is considered to be neither more nor less stringent than the current federal requirements.

5. The Department proposes adopting the “Conditional Exclusions for Solvent Contaminated Wipes,” published on January 31, 2014 at 78 FR 46448-46485. The rule revises the definition of solid waste to conditionally exclude solvent contaminated wipes that are cleaned and reused and revises the definition of hazardous waste to conditionally exclude solvent-contaminated wipes that are disposed of. The purpose of this final rule is to provide a consistent regulatory framework that is appropriate to the level of risk posed by solvent-contaminated wipes in a way that maintains protection of human health and the environment, while reducing overall compliance costs for industry, many of which are small businesses. This rule is considered to be less stringent than the existing federal rules. Authorized states whose programs include less stringent requirements than today’s final rule are required to modify their programs to maintain consistency with the federal program per the provisions of 40 CFR 271.21(e). In addition, any states that delineate their program for reusable wipes in guidance documents or interpretive letters will need to promulgate enforceable regulations, as required by 40 CFR 271.21(a). Authorized states may specify a different standard or test method for determining that solvent contaminated wipes contain no free liquids (in lieu of the Paint Filter Liquids test).

The Department also proposes amending R.61-79 to incorporate the recommended changes identified in its internal 2013 review for the South Carolina Governor’s Regulatory Review Task Force.

Furthermore, the Department proposes amending R.61-104.II.A to reinsert a portion of a sentence inadvertently omitted and to delete the compliance requirements for units permitted prior to the effective date of the regulation.

The Department may also make stylistic changes for internal consistency, clarification in wording, corrections of references, grammatical errors, outlining/codification, and such other changes as may be necessary to improve the overall quality of the regulation.

Legislative review is required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Sections 13-7-40 et seq.,
namely the Atomic Energy and Radiation Control Act

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend R.61-65, *Particle Accelerators (Title C)*. This notice replaces and supersedes the Notice of Drafting to amend R.61-65 that was published in the *State Register* on June 27, 2014. Interested persons may submit comments in writing to Charles G. Ditmer, Division Director, Division of Electronic Products, Bureau of Radiological Health, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201. Comments can also be emailed to ditmercg@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on August 25, 2014, the close of the drafting comment period. Written comments received from the June 27, 2014 noticing, as well as any comments received from this current noticing of July 25, 2014, will be considered in formulating the proposed regulations.

Synopsis:

The Department proposes comprehensive amendment to R.61-65, *Particle Accelerators (Title C)*. General areas of this revision include, but are not limited to, further clarifying and simplifying the regulations, adding new definitions as required and deleting regulations that are no longer applicable. Specific areas include, but are not limited to, the added requirement for ventilation systems for Particle Accelerators that create radioactive material, clarifying required and/or accepted interlock systems, and clarifying the requirements and responsibilities of the Radiation Safety Officer. In addition, amendments may include amending the fee structure in accordance with the governing statute. Also under consideration are stylistic changes, which may include corrections for clarity and readability, grammar, punctuation, definitions, references, codification and overall improvement of the text of the regulation.

Legislative review is required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Sections 44-7-110 et seq.

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend Regulation 61-75, *Standards for Licensing Day Care Facilities for Adults*. Interested persons may submit written comments to Gwen C. Thompson, Bureau Chief, Bureau of Health Facilities Licensing, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201 or via email at thompsgw@dhec.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. August 25, 2014, the close of the comment period.

Synopsis:

The Department of Health and Environmental Control proposes to amend Regulation 61-75. This amendment pertains to provisions relating to licensing procedures, care of participants, infection control and sanitation, functional safety, emergency procedures, design and construction, fire and life safety, and overall licensing requirements for day care facilities for adults. The Department also intends to add language to incorporate current provider wide exceptions and memoranda that are applicable to day care facilities for adults.

The Department may also include stylistic changes, which may include corrections for clarity and readability, grammar, punctuation, definitions, references, codification and overall improvement of the text of the regulation.

Legislative review will be required.

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DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-71-10 et seq.

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend Regulation 61-78, *Standards for Licensing Hospices*. This Notice replaces and supersedes the Notice of Drafting to amend R.61-78 that was published in the *State Register* on May 23, 2014. No comments were received from the May 23 noticing. Interested persons may submit written comments on this Notice of Drafting of July 25, 2014 to Gwen C. Thompson, Bureau Chief, Bureau of Health Facilities Licensing, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201 or via email at thompsgw@dhec.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. August 25, 2014, the close of the comment period.

Synopsis:

The Department of Health and Environmental Control proposes to amend Regulation 61-78. This amendment pertains to provisions relating to rights and assurances, patient records, emergency procedures, design and construction, fire and life safety, and overall licensing requirements for hospice facilities and hospice programs. In addition, the Department proposes amending licensure structure in accordance with the governing statutes. The Department also intends to add language to incorporate current provider wide exceptions and memoranda that are applicable to hospice facilities and hospice programs.

The Department may also include stylistic changes, which may include corrections for clarity and readability, grammar, punctuation, definitions, references, codification and overall improvement of the text of the regulation.

Legislative review will be required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-7-110 et seq.

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend Regulation 61-97, *Standards for Licensing Renal Dialysis Facilities*. Interested persons may submit written comments to Gwen C. Thompson, Bureau Chief, Bureau of Health Facilities Licensing, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201 or via email at thompsgw@dhec.sc.gov. To be considered, all comments must be received no later than 5:00 p.m. August 25, 2014, the close of the comment period.

Synopsis:

The Department of Health and Environmental Control proposes to amend Regulation 61-97. This amendment pertains to provisions relating to personnel, professional care, weekly physician visits, authentication of orders, care plans, advancements in technology, emergency procedures, design and construction, fire and life safety, and overall licensing requirements for renal dialysis facilities. The Department also intends to add language to incorporate current provider wide exceptions and memoranda that are applicable to renal dialysis facilities.

The Department may also include stylistic changes, which may include corrections for clarity and readability, grammar, punctuation, definitions, references, codification and overall improvement of the text of the regulation.

Legislative review will be required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF DENTISTRY
CHAPTER 39**

Statutory Authority: 1976 Code Sections 40-1-70 and 40-15-40

Notice of Drafting:

The South Carolina Board of Dentistry proposes to add regulations regarding dental sedation in accordance with 2014 Act 222, effective January 2015. Interested persons may submit comments to Kate K. Cox, Administrator, State Board of Dentistry, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Board of Dentistry proposes to add regulations regarding dental sedation in accordance with 2014 Act 222, known as the “Dental Sedation Act”, which will be effective on January 1, 2015.

Legislative review of this amendment is required.

**DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF DENTISTRY
CHAPTER 39**

Statutory Authority: 1976 Code Sections 40-1-50(D), 40-1-70, and 40-15-40(G)

Notice of Drafting:

The South Carolina Board of Dentistry proposes to amend regulations regarding fees for the Board of Dentistry, appearing in Chapter 10-12 of the S.C. Code of Regulations, in accordance with 2014 Act 222, effective January 2015. Interested persons may submit comments to Kate K. Cox, Administrator, State Board of Dentistry, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Board of Dentistry proposes to amend regulations regarding fees for the Board of Dentistry to add a fee for the dental sedation permit, established by 2014 Act 222, known as the Dental Sedation Act, which is effective January 1, 2015. S.C. Code §40-15-40(G) mandates that the Board establish a fee for this permit.

Legislative review of this amendment is required.

26 DRAFTING NOTICES

DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF PHARMACY

CHAPTER 99

Statutory Authority: 1976 Code Sections 40-1-70 and 40-43-60(D)(8)

Notice of Drafting:

The South Carolina Board of Pharmacy proposes to amend its regulations in conformance with its practice act. Interested persons may submit comments to Lee Ann Bundrick, Administrator, State Board of Pharmacy, Post Office Box 11927, Columbia, S.C. 29211-1927.

Synopsis:

The Board proposes adding Regulation 99-45 in conformance with the Pharmacy Practice Act and current practice to establish administrative citation authority and a penalty schedule for pharmacists, pharmacy technicians and permit holders. The Board proposes establishing fines in regulation to set forth a fine amount as required by S.C. Code Ann. §§ 40-43-150(C) and -160,

Legislative review of this amendment is required.

Document No. 4468

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Sections 44-56-10 et seq.

61-11. Hypodermic Devices

61-18. Drugs and Devices

Preamble:

The Department has conducted a review of its drug control regulations and, in the interest of good government and efficiency, proposes the repeal of the regulations listed below because they have become obsolete and are no longer needed:

Regulation 61-11, Hypodermic Devices

Regulation 61-18, Drugs and Devices

A Notice of Drafting for the proposed repeal was published in the *State Register* on May 23, 2014. See Statement of Need and Reasonableness herein for these proposed repeals.

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 repeal of Regulations 61-11 and 61-18 at a public hearing to be conducted by the Board of Health and Environmental Control on September 11, 2014. The Board will conduct the public hearing in the Board Room, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, South Carolina 29201. 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 published by the Department 24 hours in advance of the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.pdf>. The agenda will also provide notice of cancellation or any change in meeting times. 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. Due to admittance procedures at the DHEC building, all visitors should enter through the Bull Street entrance and register at the front desk.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation repeal by writing to Ms. Stefanie Corbett, Interim Director, Bureau of Drug Control, South Carolina DHEC, 2600 Bull St., Columbia, South Carolina 29201 or by email to corbetsl@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on August 25, 2014, the close of the public comment period. Written comments received by the August 25, 2014, deadline shall be considered by the Department in formulating the final proposed regulation for public hearing on September 11, 2014, as noticed above. The Department will submit a summary of public comments and Department responses to the Board for its consideration at the public hearing.

Copies of the proposed regulation repeal for public comment may be obtained by contacting the DHEC Bureau of Drug Control at the above address. Also, an electronic copy of the proposed regulation may be obtained on the Department's Regulatory Information Internet Site in the *DHEC Regulation Development Update* at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/>. (Click on the *Update*, the Drug Control category, and scan down for these proposed repeals).

28 PROPOSED REGULATIONS

Preliminary Fiscal Impact Statement:

The repeal of R.61-11 and R.61-18 will have no substantial fiscal or economic impact on the State and its political subdivisions.

Statement of Need and Reasonableness:

This Statement of Need and Reasonableness complies with Section 1-23-115(c)(1)-(3) and (9)-(11), S.C. Code of Laws, 1976, as amended.

DESCRIPTION OF REGULATION: R.61-11, Hypodermic Devices and R.61-18, Drugs and Devices.

Purpose: The purpose of the proposed regulation is to repeal Regulations 61-11 and 61-18 because they have become obsolete and are no longer needed. See Determination of Need and Reasonableness below.

Legal Authority: Sections 44-1-140 and 39-23-10, et seq., S.C. Code of Laws, 1976, as amended; 2002 Act No. 365, Section 5.

Plan for Implementation: Upon final approval of the S.C. General Assembly and publication in the State Register as final, these regulations will be repealed.

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

Regulation 61-11 was promulgated pursuant to Article 7, Title 44, Chapter 53, "Hypodermic Needles and Syringes." The Article was repealed by 2002 Act No. 365, Section 5, effective September 26, 2002, with the exception of Section 44-53-950. R.61-18 was promulgated pursuant to Title 39, Chapter 23, "Adulterated, Misbranded or New Drugs and Devices." Regulation 61-18 is not necessary because the items it regulates are currently addressed in state statute and federal law. In the interest of good government and efficiency, the Department proposes to repeal these regulations because they are no longer needed.

DETERMINATION OF COSTS AND BENEFITS:

The repeal of R.61-11 and R.61-18 will have no substantial fiscal or economic impact on the State and its political subdivisions or the regulated community.

UNCERTAINTIES OF ESTIMATES:

No know uncertainties.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

There will be no environmental or public health effect.

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

There will not be a detrimental effect on the environment or public health. However, repeal of these regulations is necessary to clarify they are no longer valid or enforceable.

Statement of Rationale:

Upon Review of Department regulations, state and federal laws, and the status of R.61-11 pursuant to 2002 Act No. 365, Section 5, it was determined that these regulations should be repealed because they are obsolete and no longer necessary or enforceable.

Text:

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

Document No. 4469
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
 CHAPTER 61
 Statutory Authority: 1976 Code Sections 44-55-10 et seq.

61-58. State Primary Drinking Water Regulations

Preamble:

The United State Environmental Protection Agency (USEPA) promulgated a final rule in the Federal Register at 40 CFR Parts 141 and 142 on February 13, 2013 known as *Revisions to the Total Coliform Rule*. The rule is intended to offer a meaningful opportunity for greater public health protection beyond the 1989 *Total Coliform Rule*. Under the new rule, there is no longer a monthly maximum contaminant level (MCL) violation for total coliform detections. Instead, the revisions require systems that have an indication of coliform contamination in the distribution system to assess the problem and take corrective action. As required by Section 1413 of the federal Safe Drinking Water Act, states must revise its public drinking water program to include regulations that are no less stringent than the federal requirements in order to retain primary enforcement responsibility for the drinking water supervision program.

The Department is proposing to amend R.61-58, State Primary Drinking Water Regulations, to incorporate the above-described federal regulations to maintain conformity with federal requirements found in 40 CFR 141 and maintain primary enforcement authority for the drinking water supervision program. The Department is also proposing to amend R.61-58 to correct typographical errors and correct inaccurate references, also to maintain conformity with federal requirements.

These proposed regulations are not subject to legislative review pursuant to S.C. Section 1-23-120(H)(1); as such, neither a fiscal impact statement nor assessment report is required.

A Notice of Drafting for the Department's adoption of these federal regulations was published in the September 27, 2013 *State Register*. The Department received no public comments.

Section-by-Section Discussion of Proposed Regulations

R.61-58.A

Update the general information to include new regulations.

R.61-58.B

Revise to add new definitions.

30 PROPOSED REGULATIONS

R.61-58.5.G(8)

Revise to add language to require water systems to complete all repeat monitoring under the current Total Coliform Rule before beginning monitoring under the Revised Total Coliform Rule.

R.61-58.5.F

Revise to explain the timing of new requirements and maximum contaminant levels (MCLs) in the Revised Total Coliform Rule and identify Best Available Technology for meeting MCLs.

R.61-58.6.E(2)(a)

Revise to require Tier 1 public notice for violation of the E. coli MCL as specified in the revised section R.61-58.5.F

R.61-58.6.E(3)(b)(ii)

Revise to specify that less frequent public notification is not appropriate for MCL or treatment technique requirements under the Revised Total Coliform Rule.

R.61-58.6.E(4)(a)

Revise to clarify a reference and add a requirement for Tier 3 public notice for reporting and recordkeeping violations under the Revised Total Coliform Rule.

R.61-58.9.G(2)

Revise to allow for exemption from the MCL for total coliform under certain conditions until March 31, 2106 at which time the total coliform MCL is no longer effective.

R.61-58.10.C(2)(e)

Revise to require unfiltered surface water systems to meet the MCLs for total coliform and E. coli in order to remain unfiltered.

R.61-58.10.F(2)(f)(i)

Revise to transition monitoring requirements from the Total Coliform Rule to the Revised Total Coliform Rule.

R.61-58.10.F(3)(c)(i)

Revise to transition monitoring requirements from the Total Coliform Rule to the Revised Total Coliform Rule.

R.61-58.11.F(2)(b)

Revise to correct reference

R.61-58.11.G introductory paragraph

Revise to correct reference

R.61-58.11.G(1)(b)

Revise to correct numbering error

R.61-58.11.G(2)(b)(i)

Revise to correct reference and correct wording error.

R.61-58.11.G(2)(b)(ii)

Revise to correct reference

R.61-58.11.G(2)(b)(ii)(C)

Revise to correct reference

R.61-58.11.G(2)(b)(iv)
Revise to correct reference

R.61-58.11.G(2)(b)(vi)
Revise to correct reference

R.61-58.11.G(2)(c)(i)
Revise to correct reference

R.61-58.11.G(2)(c)(ii)
Revise to correct reference

R.61-58.11.G(2)(c)(iii)
Revise to correct reference

R.61-58.11.G(2)(c)(iv)
Revise to correct reference

R.61-58.11.G(2)(h)(i)
Revise to correct reference

R.61-58.11.G(2)(h)(ii)
Revise to correct reference

R.61-58.11.G(2)(h)(iii)
Revise to correct reference

R.61-58.11.G(4)(c)
Revise to correct reference

R.61-58.11.K
Revise to give a more specific federal register citation

R.61-58.12.C(3)(d)
Revised to add definitions for Assessments to be used in Consumer Confidence Reports (CCRs)

R.61-58.12.C(4)(d)(iv)
Revise to include fecal coliform and E. coli in the category of contaminants that do not require contaminant levels to be reported in a system's CCR.

R.61-58.12.C(4)(d)(vii)
Revise to require systems to only report total coliform analytical results in their CCR until March 31, 2016.

R.61-58.12.C(4)(d)(viii)
Revise to require systems to only report fecal coliform and E. coli analytical results in their CCR until March 31, 2016.

R.61-58.12.C(4)(d)(x)
Revise to require systems to report the total number of E. coli-positive samples under the Revised Total Coliform Rule in their CCR.

R.61-58.12.C(11)(f)(i)
Revise to clarify requirements.

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R.61-58.12.C(11)(g)

Add to require that systems report pertinent information concerning their compliance with the Revised Total Coliform Rule in their CCR.

R.61-58.13.C(3)(a)(i)

Revise to specify the transition of monitoring requirements from the Total Coliform Rule to the Revised Total Coliform Rule.

R.61-58.16.D(2)

Revise to correct a typographical error

R.61-58.16.F.(2)(c)(i)(A)

Revise to correct a typographical error

R.61-58.16.E(1)

Revise to incorporate monitoring conducted under the Revised Total Coliform Rule into the triggered monitoring requirements of the Ground Water Rule beginning on April 1, 2016.

R.61-58.16.H(2)(d)

Revise to specify the transition of records retention under the Ground Water Rule from the current Total Coliform Rule to the Revised Total Coliform Rule.

R.61-58.17

Add to adopt the requirements of the Revised Total Coliform Rule beginning April 1, 2016.

Appendix A to R.61-58.6

Revise to add public notification requirements for the Revised Total Coliform Rule and specify the transition from the Total Coliform Rule to the Revised Total Coliform Rule.

Appendix B to R.61-58.6

Replace to add public health language that must be included in public notification for the Revised Total Coliform Rule and specify the transition from the Total Coliform Rule to the Revised Total Coliform Rule.

Appendix D to R.61-58.12

Replace to add standard language required in a system's CCR to include requirements of the Revised Total Coliform Rule and specify the transition from the Total Coliform Rule to the Revised Total Coliform 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 regulation at a public hearing to be conducted by the Board of Health and Environmental Control on September 11, 2014. The Board will conduct the public hearing in the Board Room, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, South Carolina 29201. The Board meeting commences at 10:00 a.m., at which time the Board will consider items on the agenda in the order presented. The order of presentation for public hearings will be noted on the Board's agenda published by the Department 24 hours in advance on the meeting at the following address: <http://www.scdhec.gov/Agency/docs/AGENDA.pdf>. The agenda will also provide notice of cancellation or any change in meeting times. 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. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street entrance and register at the front desk.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Douglas B. Kinard, Director, Drinking Water Protection Division, South Carolina DHEC, 2600 Bull Street, Columbia, South Carolina 29201 or by email to kinarddb@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on August 25, 2014, the close of the public comment period. Written comment received by the August 25, 2014 deadline shall be considered by the Department in formulating the final proposed regulation for public hearing on September 11, 2014, as noticed above. The Department will submit a summary of public comments and Department responses to the Board for its consideration at the public hearing.

Copies of the proposed regulation for public comment may be obtained by contacting Douglas B. Kinard at the above address. Also, an electronic copy of the proposed regulation may be obtained on the Department's Regulatory Information Internet Site in the *DHEC Regulation Development Update* at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>. Click on the Water Category and scan down to this proposed amendment.

Statement of Need and Reasonableness:

The Statement of Need and Reasonableness was determined by staff analysis pursuant to S.C. Code Ann. Section 44-1-140(7), 44-55-2310 et seq., 44-1-60.

DESCRIPTION OF REGULATION: Amendment of Regulation 61-58, *State Primary Drinking Water Regulations* (R.61-58).

Purpose: The Department proposes to revise R.61-58 to so that the regulations are no less stringent than the *National Primary Drinking Water Regulations* in order to maintain primary enforcement responsibility for the drinking water supervision program in the state.

Legal Authority: R.61-58, *State Primary Drinking Water Regulations* are authorized by the *Safe Drinking Water Act* at S.C. Code 44-55-10 et seq.

Plan for Implementation: The proposed amendments will 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 current regulations are implemented.

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

The adoption of these amendments will allow the Department to continue to be the primacy agency for the implementation of the *Safe Drinking Water Act* and *National Primary Drinking Water Regulations* in the state. The proposed amendments will comply with 40 CFR 141 and 142. These proposed changes will eliminate the monthly maximum contaminant level (MCL) for total coliform bacteria and will require public water systems with an indication of coliform contamination in the distribution system to assess the problem and take corrective action.

DETERMINATION OF COSTS AND BENEFITS:

A fiscal impact statement is not required for regulations that do not require legislative review pursuant to Code Section 1-23-120; however, these proposed amendments will have minimal financial impact and may result in costs savings for some public water systems as well as the Department.

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UNCERTAINTIES OF ESTIMATES:

Minimal.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

There should be no effect on the environment from these proposed amendments. These proposed amendments may provide an opportunity for enhanced public health protection by focusing on assessing and correcting problems that lead to coliform contamination rather than requiring public notification.

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

There will be not detrimental effect to the environment if the amendments are not implemented. While it is anticipated that the more proactive approach in the proposed amendments may lead to a quicker resolution of coliform contamination problems, it is difficult to definitively argue that there will be a detrimental effect on public health if the amendments are not implemented.

Text:

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

Document No. 4467

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Section 50-11-600

123-170. South Carolina State Falconry Permit Regulations

Preamble:

The South Carolina Department of Natural Resources proposes to repeal Regulation 123-170 and replace it with current language. This action is necessary because the US Fish and Wildlife Service has delegated the regulation of falconry to the states. Heretofore, a person engaged in falconry was required to possess both a Federal and State permit.

Section-by-Section Discussion

123-70. South Carolina State Falconry Permit Regulations.

Repeal all of current text.

New Text:

- A. Provides the definitions for falconry.
- B. Provides that any person who possesses or uses any raptor for falconry must comply with the regulations.
- C. Provides that any person who takes, or attempts to take, quarry must possess a state hunting license and applicable stamps and permits.
- D. Provides the conditions for possession of, and hunting with, raptors.

The Notice of Drafting was published in the *State Register* on June 27, 2014.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, such hearing will be conducted before the Board of the South Carolina Department of Natural Resources, 1000 Assembly Street, Columbia, SC 29202 on September 19, 2014 at 10:00 a.m. Written comments may be to Derrell Shipes, PO Box 167, Columbia, SC 29202, no later than 5:00 p.m. on August 25, 2014. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: To provide regulations for continuation of the practice of falconry.

Legal Authority: 1976 Code Section 50-11-600.

Plan for Implementation: These new regulations will take effect upon final publication in the State Register and will replace existing regulations authorized by a joint resolution enacted by the SC General Assembly that will expire on December 31, 2014.

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

The proposed regulation and this action is necessary in order for South Carolina to assume the responsibility for the regulation of falconry as specified by the US Fish and Wildlife Service under authority of the Federal Migratory Bird Treaty Act. This action will allow for the continuation of the sport of falconry in South Carolina.

DETERMINATION OF COSTS AND BENEFITS:

There will be no additional costs incurred by the State or any political subdivisions because the South Carolina Department of Natural Resources was already issuing state permits and was responsible for site visits.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning this regulation.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

This regulation will have no effect on the environment of this State. This activity has been allowed heretofore and will be continued.

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 regulation is not implemented in this State.

Text:

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