

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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GENERAL ASSEMBLY

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

SOUTH CAROLINA STATE REGISTER

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

STYLE AND FORMAT

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

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

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

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

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

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

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

Executive Orders are actions issued and taken by the Governor.

2013 PUBLICATION SCHEDULE

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

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

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

REPRODUCING OFFICIAL DOCUMENTS

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

PUBLIC INSPECTION OF DOCUMENTS

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

SUBSCRIPTIONS

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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. FINAL NO. ISSUE	SUBJECT	EXP. DATE	AGENCY
4210		Licensed Midwives	5/08/13	Department of Health and Envir Control
4259		South Carolina Immunization Registry	5/08/13	Department of Health and Envir Control
4261		Graduation Requirements	5/08/13	State Board of Education
4285		Transfers and Withdrawals	5/08/13	State Board of Education
4283		Oral Argument	5/08/13	Workers' Compensation Commission
4286		Mediation	5/08/13	Workers' Compensation Commission
4237		Definitions	5/08/13	LLR-Panel for Dietetics
4168		Perpetual Care Cemetery Board	5/08/13	Perpetual Care Cemetery Board
4290		Seasons, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas	5/08/13	Department of Natural Resources
4282		Requirements of Licensure for Chiropractors	5/08/13	Board of Chiropractic Examiners
4288		Standards for Licensing In-Home Care Providers	5/08/13	Department of Health and Envir Control
4311		Sign Requirements for Petitions to Close Road	5/08/13	Department of Transportation
4294		Defined Program, Grades 9-12	5/08/13	State Board of Education
4312		Specific Information Service Signing	5/08/13	Department of Transportation
4303		Buildings and Grounds-Cleaning Program	5/08/13	State Board of Education
4304		Buildings and Grounds. Defined Minimum Program for South Carolina School District	5/08/13	State Board of Education
4305		Building and Grounds-Heating and Lighting	5/08/13	State Board of Education
4306		Buildings and Grounds Management-Fire Prevention	5/08/13	State Board of Education
4307		Facility Specifications	5/08/13	State Board of Education
4310		Project Plans and Specifications	5/08/13	State Board of Education
4309		Procedures and Standards for Review of Charter School Applications	5/08/13	State Board of Education

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
4210	Licensed Midwives		
4259	South Carolina Immunization Registry		
4261	Graduation Requirements	Education and Public Works	Education
4285	Transfers and Withdrawals		
4283	Oral Argument		
4286	Mediation	Labor, Commerce and Industry	Judiciary
4237	Definitions	Medical, Military, Pub & Mun Affairs	Medical Affairs
4168	Perpetual Care Cemetery Board	Labor, Commerce and Industry	Labor, Commerce and Industry
4290	Seasons, Limits, Methods of Take and Special Use Restrictions on Wildlife Management Areas		
4282	Requirements of Licensure for Chiropractors		
4288	Standards for Licensing In-Home Care Providers		
4311	Sign Requirements for Petitions to Close Road		
4294	Defined Program, Grades 9-12		
4312	Specific Information Service Signing		
4303	Buildings and Grounds-Cleaning Program		
4304	Buildings and Grounds. Defined Minimum Program for South Carolina School District		
4305	Building and Grounds-Heating and Lighting		
4306	Buildings and Grounds Management-Fire Prevention		
4307	Facility Specifications		
4310	Project Plans and Specifications		
4309	Procedures and Standards for Review of Charter School Applications		

Executive Order No. 2012-12

WHEREAS, on October 26, 2012, the State Inspector General and state agencies initiated a comprehensive review of the State's information technology policy for security procedures and protocols; and

WHEREAS, the State Inspector General is collaborating with the Division of State Information Technology of the Budget and Control Board to identify weaknesses in current statewide cyber-security systems, to include vulnerabilities to internal and external cyber-attacks, and develop a holistic strategy to improve information security; and

WHEREAS, while the State Inspector General will develop recommendations for long-term strategies to strengthen security procedures and protocols, immediate steps can be taken to reinforce network monitoring systems in state agencies to watch data flow and identify unusual events and viruses.

NOW, THEREFORE, I hereby direct all cabinet agencies to immediately collaborate with the Division of State Information Technology to implement stronger network monitoring capabilities to include twenty-four hour a day monitoring, intervention and interruption of unusual events and viruses.

FURTHER, I encourage all non-cabinet agencies to immediately collaborate with the Division of State Information Technology to identify weaknesses in current network monitoring services and implement stronger monitoring services where needed.

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 14th DAY OF NOVEMBER 2012.**

NIKKI R. HALEY
Governor

Executive Order No. 2012-13

WHEREAS, a vacancy exists in the office of Union County Council, District 2, as a result of the death of Dora Martin-Jennings; and

WHEREAS, the undersigned is authorized to appoint members of a county council in the event of a vacancy pursuant to Sections 1-3-220(2) and 4-9-90 of the South Carolina Code of Laws, as amended; and

WHEREAS, on November 6, 2012, Frank Hart won the general election to fill the Union County Council, District 2, seat being vacated by Dora Martin-Jennings; and

WHEREAS, Frank Hart, a resident of Union County, South Carolina, is a fit and proper person to serve as a member of the Union County Council, District 2.

4 EXECUTIVE ORDERS

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby appoint Frank Hart as a member of the Union County Council, District 2, effective immediately, and shall remain effective until he qualifies and takes office for the term to which he was elected.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 7th DAY OF DECEMBER 2012.

NIKKI R. HALEY
Governor

Executive Order No. 2012-14

WHEREAS, Mr. J. Gregory Hembree, Solicitor of the Fifteenth Judicial Circuit, has resigned his office effective December 12, 2012; and

WHEREAS, Section 1-7-390 of the South Carolina Code of Laws empowers the Governor to fill any vacancy in the office of Solicitor in any Judicial Circuit of this State; and

WHEREAS, as required by Section 1-7-390, the Honorable Steven H. John, residing circuit judge of the Fifteenth Judicial Circuit has certified in a letter dated December 10, 2012 that a vacancy exists in the office of Solicitor; and

WHEREAS, Mr. Jimmy Arthur Richardson, a resident of Conway, South Carolina, is a qualified and fit person to serve as Solicitor of the Fifteenth Judicial Circuit.

NOW, THEREFORE, by virtue of such authority, I hereby appoint Mr. Jimmy Arthur Richardson the Solicitor of the Fifteenth Judicial Circuit to serve the remainder of the unexpired term of Solicitor.

This Order is effective immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 12th DAY OF DECEMBER 2012.

NIKKI R. HALEY
Governor

STATE BOARD OF EDUCATION

ERRATA

43-220. Gifted and Talented (Document No. 4308)

Gifted and Talented appears in the October 26, 2012 *State Register* on page 34. The public hearing date has been changed from December 12, 2012 to January 9, 2013.

The written comments due date has also been changed from November 26, 2012 to December 24, 2012.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

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 December 28, 2012, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Mrs. Paula J. Bracey, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Dorchester County

Renovation for the upfit of an existing storage area to be converted into one (1) operating room (OR), resulting in a total capacity of three (3) operating rooms (ORs) and two (2) procedure rooms
Lowcountry Outpatient Surgery Center, LLC
Summerville, South Carolina
Project Cost: \$524,269

Affecting Florence County

Conversion of twenty-six (26) institutional nursing home beds to community nursing home beds and construction for the addition of eighteen (18) nursing home beds for a total of forty-four (44) community nursing home beds that do not participate in the Medicaid Program
Presbyterian Communities of South Carolina- The Florence Community
Florence, South Carolina
Project Cost: \$3,839,802

Affecting Georgetown County

Provision of Elective Percutaneous Coronary Intervention (PCI) services without on-site cardiac backup
Georgetown Memorial Hospital
Georgetown, South Carolina
Project Cost: \$70,000

6 NOTICES

Renovation to add seventeen (17) rehabilitation beds through a reduction of fifteen (15) general acute care beds, for a total of seventy-three (73) general acute beds and sixty (60) rehabilitation beds

Waccamaw Community Hospital

Georgetown, South Carolina

Project Cost: \$549,094

Affecting Sumter County

Construction and renovation of a freestanding fourteen (14) bed inpatient psychiatric hospital to be located at 140 South Main Street in Sumter, SC

GenPsych of South Carolina

Sumter, South Carolina

Project Cost: \$1,360,324

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 December 28, 2012. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Les W. Shelton, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. 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

Renovation for the addition of a sixteen (16) slice Computed Tomography (CT) scanner

Charleston Gastroenterology Specialist, P.A.

Charleston, South Carolina

Project Cost: \$1,043,762

Construction of a new freestanding Emergency Department, to include CT, general radiography, and lab in addition to the standard emergency department services. The proposed facility is to be located at the intersection of Firestone Road and Tanger Boulevard

Trident North Charleston Emergency Department

Charleston, South Carolina

Project Cost: \$9,617,681

Construction for the establishment of a sixty (60) bed nursing care facility that does not participate in the Medicaid (Title XIX) Program

Wellmore of Mt. Pleasant, LLC

Mt. Pleasant, South Carolina

Project Cost: \$14,215,686

Affecting Lancaster County

Transfer of eighteen (18) substance abuse beds from Springs Memorial Hospital to Rebound Behavioral Health located at 134 East Rebound Road

Rebound Behavioral Health, LLC

Lancaster, South Carolina

Project Cost: \$1,289,804

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF GENERAL PUBLIC INTEREST

Section IV of R.61-98, the State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation, requires that the Department of Health and Environmental Control evaluate and certify site rehabilitation contractors to perform site rehabilitation of releases from underground storage tanks under the State Underground Petroleum Environmental Response Bank (SUPERB) Act.

Class I Contractors perform work involving the collection and interpretation of investigative data; the evaluation of risk; and/or the design and implementation of corrective action plans. Class I applicants must satisfy registration requirements for a Professional Engineer or Geologist in South Carolina. Class II Contractors perform work involving routine investigative activities (e.g., soil or ground water sampling, well installation, aquifer testing) where said activities do not require interpretation of the data and are performed in accordance with established regulatory or industry standards.

Pursuant to Section IV.B.1, the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and/or individuals listed below, please submit your comments in writing, no later than January 28, 2013 to:

Contractor Certification Program
 South Carolina Department of Health and Environmental Control
 Bureau of Land and Waste Management - Underground Storage Tank Program
 Attn: Michelle Dennison
 2600 Bull Street
 Columbia, SC 29201

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

Class I

Professional Service Industries, Inc.
 Attn: Paul R. Wachsmuth
 95 Chastain Road, Ste 301
 Kennesaw, GA 30144

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

ERRATA

December 28, 2012

The Department of Health and Environmental Control has conducted an audit of Regulation 61-62, Air Pollution Control Regulations and Standards, and is publishing this erratum to correct errors in the regulations pertaining to 61-62.5, Standards No. 3.1, 4, 5.2; 62.6; and 62.7. These corrections do not create new regulatory requirements. The corrections are nonsubstantive, do not change the legal meaning, and are made pursuant to regulation drafting guidelines to improve the overall quality of the Department's regulations.

R.61-62.5, Standard No. 3.1, Hospital/Medical/Infectious Waste Incinerators (HMIWI)

State Register Doc. No. 3224, October 24, 2008

8 NOTICES

At R.61-62.5, Standard No. 3.1, Section I(a), change the word “Standard” from uppercase to lowercase for consistency throughout the regulation to read:

(a) This standard applies to any device, regardless of type or construction, which combusts hospital/medical/infectious waste.

At R.61-62.5, Standard No. 3.1, Section I(b), change the word “Standard” from uppercase to lowercase for consistency throughout the regulation to read:

(b) This standard is not applicable to crematory incinerators.

At R.61-62.5, Standard No. 3.1, Section I(c), strike the word “regulation” and replace with the word “standard” for consistency; write out the abbreviation “Code of Federal Regulations” and put the term “CFR” in parentheses to properly set it off. Use this abbreviation hereafter for clarity and consistency; capitalize the word “subpart” for consistency; and reformat the text “*Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996*” to remove italics per regulation drafting guidelines to read:

(c) Beginning September 15, 2000, existing facilities subject to this standard and not listed as an exempt source for 40 Code of Federal Regulations (CFR) 60 Subpart Ec, Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996 (September 15, 1997, 60 FR 48348), shall operate pursuant to a Title V permit issued by the Department.

At R.61-62.5, Standard No. 3.1, Section I(e), strike the word “regulation” and replace with the word “standard” for consistency and clarity; capitalize the word “subpart” for consistency; and reformat the text “*Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996*” to remove italics per regulation drafting guidelines to read:

(e) Physical or operational changes to an existing HMIWI unit, for which construction was commenced on or before June 20, 1996, that are made solely for the purpose of complying with this standard are not considered a modification and do not result in an existing HMIWI unit becoming subject to the provisions of 40 CFR 60 Subpart Ec, Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996 (September 15, 1997, 60 FR 48348).

At R.61-62.5, Standard No. 3.1, Section I(f), strike the word “regulation” and replace with the word “standard” for consistency and clarity; strike the word “part” from the text “40 CFR part 60” for consistency; capitalize the word “subpart” for consistency; and reformat the text “*Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996*” to remove italics per regulation drafting guidelines to read:

(f) All HMIWI are subject to this standard. Those HMIWI for which construction or reconstruction commenced after June 20, 1996, are also subject to the provisions of 40 CFR 60 Subpart Ec, Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996 (September 15, 1997, 60 FR 48348).

At R.61-62.5, Standard No. 3.1, Section I(g), change the word “Standard” from uppercase to lowercase for consistency throughout the regulation; capitalize the word “subpart” in all instances for consistency; reformat the text “*Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994, or for Which Modification or Reconstruction is Commenced After June 19, 1996*” to remove italics per regulation drafting guidelines; reformat the text “*Emission Guidelines and Compliance Times for Large Municipal Waste Combustors that are Constructed on or Before September 20, 1994*” to remove italics per regulation drafting guidelines; reformat the text “*Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989 and on or Before*”

September 20, 1994” to remove italics per regulation drafting guidelines; and add a comma after the date “December 20, 1989” for consistency and punctuational correctness to read:

(g) This standard is not applicable to combustors which burn hospital waste and do not burn any medical/infectious waste and are subject to all provisions of 40 CFR 60 Subpart Eb, Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994, or for Which Modification or Reconstruction is Commenced After June 19, 1996; Subpart Cb, Emission Guidelines and Compliance Times for Large Municipal Waste Combustors that are Constructed on or Before September 20, 1994; or Subpart Ea, Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989, and on or Before September 20, 1994.

At R.61-62.5, Standard No. 3.1, Section II, Introductory Sentence, change the word “Standard” from uppercase to lowercase for consistency throughout the regulation to read:

Unless stated otherwise, the definitions that appear in this section shall apply only to this standard.

At R.61-62.5, Standard No. 3.1, Section II(a), add the word “Means” after the hyphen for clarity and consistency to read:

(a) Batch HMIWI - Means a HMIWI that is designed such that neither waste charging nor ash removal can occur during combustion.

At R.61-62.5, Standard No. 3.1, Section II(b), add the word “Means” after the hyphen for clarity and consistency to read:

(b) Continuous HMIWI - Means a HMIWI that is designed to allow waste charging and ash removal during combustion.

At R.61-62.5, Standard No. 3.1, Section II(c), capitalize the word “scrubber” for consistency; and add the word “Means” after the hyphen for clarity and consistency to read:

(c) Dry Scrubber - Means an add-on air pollution control system that injects dry alkaline sorbent (dry injection) or sprays an alkaline sorbent (spray dryer) to react with and neutralize acid gases in the HMIWI exhaust stream forming a dry powder material.

At R.61-62.5, Standard No. 3.1, Section II(d), capitalize the words “filter” and “baghouse” for consistency; add the word “Means” after the hyphen for clarity and consistency; and strike the text “(PM)” for clarity and consistency to read:

(d) Fabric Filter or Baghouse - Means an add-on air pollution control system that removes particulate matter and nonvaporous metals emissions by passing flue gas through filter bags.

At R.61-62.5, Standard No. 3.1, Section II(e), capitalize the word “manager” for consistency; and add the word “Means” after the hyphen for clarity and consistency to read:

(e) Facilities Manager - Means the individual in charge of purchasing, maintaining, and operating the HMIWI or the owner’s or operator’s representative responsible for the management of the HMIWI. Alternative titles may include director of facilities or vice president of support services.

10 NOTICES

At R.61-62.5, Standard No. 3.1, Section II(f), capitalize the words “air” and “phase” for consistency; and add the word “Means” after the hyphen for clarity and consistency to read:

(f) High-Air Phase - Means the stage of the batch operating cycle when the primary chamber reaches and maintains maximum operating temperatures.

At R.61-62.5, Standard No. 3.1, Section II(g), capitalize the words “medical,” “infectious,” “waste,” “incinerator,” and “operator” (both instances) for consistency; add the word “Means” after the hyphen for clarity and consistency; and add a comma after the word “controls” for punctuational correctness to read:

(g) Hospital/Medical/Infectious Waste Incinerator Operator or HMIWI Operator - Means any person who operates, controls, or supervises the day-to-day operation of a HMIWI.

At R.61-62.5, Standard No. 3.1, Section II(h), capitalize the word “agent” for consistency; and add the word “Means” after the hyphen for clarity and consistency to read:

(h) Infectious Agent - Means any organism (such as a virus, bacteria or prion) that is capable of being communicated by invasion and multiplication in body tissues and capable of causing disease or adverse health impacts in humans.

At R.61-62.5, Standard No. 3.1, Section II(i), add the word “Means” after the hyphen for clarity and consistency to read:

(i) Intermittent HMIWI - Means a HMIWI that is designed to allow waste charging, but not ash removal, during combustion.

At R.61-62.5, Standard No. 3.1, Section II(j), add the word “Means” with a colon after the hyphen for clarity and consistency to read:

(j) Large HMIWI - Means:

At R.61-62.5, Standard No. 3.1, Section II(j)(1), capitalize the word “except” for consistency and punctuational correctness; add the text “paragraph (j)” before the text “(2)” for clarity and citation consistency; and add the word “below” after the text “(2)” for clarity to read:

(1) Except as provided in paragraph (j)(2) below,

At R.61-62.5, Standard No. 3.1, Section II(j)(1)(i), capitalize the letter “a” at the beginning of the statement for consistency; and add the unit abbreviation, in parentheses, “(lbs/hr)” for the phrase “pounds per hour” and use hereafter for clarity and consistency to read:

(i) A HMIWI whose maximum design waste burning capacity is more than 500 pounds per hour (lbs/hr); or

At R.61-62.5, Standard No. 3.1, Section II(j)(1)(ii), capitalize the letter “a” at the beginning of the statement for consistency; and strike the phrase “pounds per hour” and replace with the unit abbreviation “lbs/hr” for consistency to read:

(ii) A continuous or intermittent HMIWI whose maximum charge rate is more than 500 lbs/hr; or

At R.61-62.5, Standard No. 3.1, Section II(j)(1)(iii), capitalize the letter “a” at the beginning of the statement for consistency; and add the unit abbreviation, in parentheses, “(lbs/day)” for the phrase “pounds per day” and use hereafter for clarity and consistency to read:

(iii) A batch HMIWI whose maximum charge rate is more than 4,000 pounds per day (lbs/day).

At R.61-62.5, Standard No. 3.1, Section II(j)(2), capitalize the word “the” for consistency to read:

(2) The following are not large HMIWI:

At R.61-62.5, Standard No. 3.1, Section II(j)(2)(i), capitalize the letter “a” at the beginning of the statement for consistency; and strike the phrase “pounds per hour” and replace with the unit abbreviation “lbs/hr” for consistency to read:

(i) A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 500 lbs/hr;
or

At R.61-62.5, Standard No. 3.1, Section II(j)(2)(ii), capitalize the letter “a” at the beginning of the statement for consistency; and strike the phrase “pounds per day” and replace with the unit abbreviation “lbs/day” for consistency to read:

(ii) A batch HMIWI whose maximum charge rate is less than or equal to 4,000 lbs/day.

At R.61-62.5, Standard No. 3.1, Section II(k), capitalize the words “charge” and “rate” for consistency; and add the word “Means” with a colon after the hyphen for clarity and consistency to read:

(k) Maximum Charge Rate - Means:

At R.61-62.5, Standard No. 3.1, Section II(l), capitalize the words “design,” “waste,” “burning,” and “capacity” for consistency; and add the word “Means” with a colon after the hyphen for clarity and consistency to read:

(l) Maximum Design Waste Burning Capacity - Means:

At R.61-62.5, Standard No. 3.1, Section II(l)(1), add a space between the two characters in the text “C=” in both instances for consistency; change the “X” from uppercase to lowercase for consistency; add a space between the two characters in the text “P_v=” for consistency; capitalize the word “primary” in both instances for consistency; add the text “cubic foot (” before the unit abbreviation “ft³” for clarity; add a parenthesis after the unit abbreviation “ft³” for consistency; add a space between the number “15,000” and the equal symbol in the text “15,000=” for consistency; add the text “British thermal unit per cubic foot per hour (” for clarity and consistency; add a parenthesis after the unit abbreviation “Btu/ft³/hr” for consistency; and change the word “standard” from lowercase to uppercase for consistency to read:

(1) For intermittent and continuous HMIWI,

$$C = P_v \times 15,000/8,500$$

where:

C = HMIWI capacity, lb/hr

P_v = Primary chamber volume, cubic foot (ft³)

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15,000 = Primary chamber heat release rate factor, British thermal unit per cubic foot per hour (Btu/ft³/hr)

8,500 = Standard waste heating value, Btu/lb;

At R.61-62.5, Standard No. 3.1, Section II(1)(2), add a space before and after the equal symbol in the text “C=P_v” for consistency; add a space after the letter “C” in the text “C= HMIWI” for consistency; add a space between the two characters in the text “P_v=” for consistency; and capitalize the words “primary,” “waste,” and “typical” for consistency to read:

(2) For batch HMIWI,

$$C = P_v \times 4.5/8$$

where:

C = HMIWI capacity, lb/hr

P_v = Primary chamber volume, ft³

4.5 = Waste density, lb/ft³

8 = Typical hours of operation of a batch HMIWI, hours.

At R.61-62.5, Standard No. 3.1, Section II(m), capitalize the words “fabric,” “filter,” “inlet,” and “temperature” for consistency; and add the word “Means” after the hyphen for clarity and consistency to read:

(m) Maximum Fabric Filter Inlet Temperature - Means 110 percent of the lowest three-hour average temperature at the inlet to the fabric filter (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the dioxins/furans emission limit.

At R.61-62.5, Standard No. 3.1, Section II(n), capitalize the words “flue,” “gas,” and “temperature” for consistency; and add the word “Means” after the hyphen for clarity and consistency to read:

(n) Maximum Flue Gas Temperature - Means 110 percent of the lowest three-hour average temperature at the outlet from the wet scrubber (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the mercury (Hg) emission limit.

At R.61-62.5, Standard No. 3.1, Section II(o), add the word “Means” with a colon after the hyphen for clarity and consistency to read:

(o) Medium HMIWI - Means:

At R.61-62.5, Standard No. 3.1, Section II(o)(1), capitalize the word “except” for consistency; add the text “(o)” before the text “(2)” for clarity and citation consistency; and add the word “below” after the text “(2)” for clarity to read:

(1) Except as provided in paragraph (o)(2) below,

At R.61-62.5, Standard No. 3.1, Section II(o)(1)(i), capitalize the letter “a” at the beginning of the statement for consistency; and strike the phrase “pounds per hour” in both instances and replace with the unit abbreviation “lbs/hr” for consistency to read:

(i) A HMIWI whose maximum design waste burning capacity is more than 200 lbs/hr but less than or equal to 500 lbs/hr; or

At R.61-62.5, Standard No. 3.1, Section II(o)(1)(ii), capitalize the letter “a” at the beginning of the statement for consistency; and strike the phrase “pounds per hour” in both instances and replace with the unit abbreviation “lbs/hr” for consistency to read:

(ii) A continuous or intermittent HMIWI whose maximum charge rate is more than 200 lbs/hr but less than or equal to 500 lbs/hr; or

At R.61-62.5, Standard No. 3.1, Section II(o)(1)(iii), capitalize the letter “a” at the beginning of the statement for consistency; and strike the phrase “pounds per day” in both instances and replace with the unit abbreviation “lbs/day” for consistency to read:

(iii) A batch HMIWI whose maximum charge rate is more than 1,600 lbs/day but less than or equal to 4,000 lbs/day.

At R.61-62.5, Standard No. 3.1, Section II(o)(2), capitalize the word “the” for consistency to read:

(2) The following are not medium HMIWI:

At R.61-62.5, Standard No. 3.1, Section II(o)(2)(i), capitalize the letter “a” at the beginning of the statement for consistency; and strike the phrase “pounds per hour” in both instances and replace with the unit abbreviation “lbs/hr” for consistency to read:

(i) A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 200 lbs/hr or more than 500 lbs/hr; or

At R.61-62.5, Standard No. 3.1, Section II(o)(2)(ii), capitalize the letter “a” at the beginning of the statement for consistency; and strike the phrase “pounds per day” in both instances and replace with the unit abbreviation “lbs/day” for consistency to read:

(ii) A batch HMIWI whose maximum charge rate is more than 4,000 lbs/day or less than or equal to 1,600 lbs/day.

At R.61-62.5, Standard No. 3.1, Section II(p), capitalize the words “dioxins,” “furans,” “sorberent,” “flow,” and “rate” for consistency; and add the word “Means” after the hyphen for clarity and consistency to read:

(p) Minimum Dioxins/Furans Sorberent Flow Rate - Means 90 percent of the highest three-hour average dioxins/furans sorberent flow rate (taken, at a minimum, once every hour) measured during the most recent performance test demonstrating compliance with the dioxins/furans emission limit.

At R.61-62.5, Standard No. 3.1, Section II(q), capitalize the words “mercury,” “sorberent,” “flow,” and “rate” for consistency; and add the word “Means” after the hyphen for clarity and consistency to read:

(q) Minimum Mercury (Hg) Sorberent Flow Rate - Means 90 percent of the highest three-hour average Hg sorberent flow rate (taken, at a minimum, once every hour) measured during the most recent performance test demonstrating compliance with the Hg emission limit.

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At R.61-62.5, Standard No. 3.1, Section II(r), capitalize the words “hydrogen,” “chloride,” “sorberent,” “flow,” and “rate” for consistency; and add the word “Means” after the hyphen for clarity and consistency to read:

(r) Minimum Hydrogen Chloride (HCl) Sorberent Flow Rate - Means 90 percent of the highest three-hour average HCl sorberent flow rate (taken, at a minimum, once every hour) measured during the most recent performance test demonstrating compliance with the HCl emission limit.

At R.61-62.5, Standard No. 3.1, Section II(s), capitalize the words “horsepower” and “amperage” for consistency; and add the word “Means” after the hyphen for clarity and consistency to read:

(s) Minimum Horsepower or Amperage - Means 90 percent of the highest three-hour average horsepower or amperage to the wet scrubber (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the applicable emission limits.

At R.61-62.5, Standard No. 3.1, Section II(t), capitalize the words “pressure,” “drop,” “across,” “wet,” and “scrubber” for consistency; and add the word “Means” after the hyphen for clarity and consistency to read:

(t) Minimum Pressure Drop Across the Wet Scrubber - Means 90 percent of the highest three-hour average pressure drop across the wet scrubber PM control device (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the PM emission limit.

At R.61-62.5, Standard No. 3.1, Section II(u), capitalize the words “scrubber,” “liquor,” “flow,” and “rate” for consistency; and add the word “Means” after the hyphen for clarity and consistency to read:

(u) Minimum Scrubber Liquor Flow Rate - Means 90 percent of the highest three-hour average liquor flow rate at the inlet to the wet scrubber (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with all applicable emission limits.

At R.61-62.5, Standard No. 3.1, Section II(v), capitalize the words “scrubber” and “liquor” for consistency; and add the word “Means” after the hyphen for clarity and consistency to read:

(v) Minimum Scrubber Liquor pH - Means 90 percent of the highest three-hour average liquor pH at the inlet to the wet scrubber (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the HCl emission limit.

At R.61-62.5, Standard No. 3.1, Section II(w), capitalize the words “secondary,” “chamber,” and “temperature” for consistency; add the word “Means” after the hyphen for clarity and consistency; and write out the term “carbon monoxide” and place the abbreviation “CO” in parentheses to properly set off the abbreviation and use this abbreviation hereafter for clarity and consistency to read:

(w) Minimum Secondary Chamber Temperature - Means 90 percent of the highest three-hour average secondary chamber temperature (taken, at a minimum, once every minute) measured during the most recent performance test demonstrating compliance with the PM, carbon monoxide (CO), or dioxins/furans emission limits.

At R.61-62.5, Standard No. 3.1, Section II(x), add the word “Means” after the hyphen for clarity and consistency; and change the word “Standards” from uppercase to lowercase for consistency throughout the regulation to read:

(x) Modification or Modified HMIWI - Means any change to a HMIWI unit after the effective date of these standards such that:

At R.61-62.5, Standard No. 3.1, Section II(x)(1), strike the comma after the word “costs” and replace with a semicolon for list consistency to read:

(1) The cumulative costs of the modifications, over the life of the unit, exceed 50 percent of the original cost of the construction and installation of the unit (not including the cost of any land purchased in connection with such construction or installation) updated to current costs; or

At R.61-62.5, Standard No. 3.1, Section II(x)(2), add the word “Act,” as defined in Regulation 61-62.1, in parentheses after the phrase “Clean Air Act” to properly set off the abbreviation and use this abbreviation hereafter for clarity and consistency to read:

(2) The change involves a physical change in or change in the method of operation of the unit which increases the amount of any air pollutant emitted by the unit for which standards have been established under Section 129 or Section 111 of the Clean Air Act (Act).

At R.61-62.5, Standard No. 3.1, Section II(y), capitalize the word “day” for consistency; and add the word “Means” after the hyphen for clarity and consistency to read:

(y) Operating Day - Means a 24-hour period between 12:00 midnight and the following midnight during which any amount of hospital waste or medical/infectious waste is combusted at any time in the HMIWI.

At R.61-62.5, Standard No. 3.1, Section II(z), add the word “Means” after the hyphen for clarity and consistency to read:

(z) Operation - Means the period during which waste is combusted in the incinerator excluding periods of startup or shutdown.

At R.61-62.5, Standard No. 3.1, Section II(aa), add the word “Means” after the hyphen for clarity and consistency; and write out the term “Environmental Protection Agency” and place the abbreviation “EPA” in parentheses to properly set off the abbreviation and use this abbreviation hereafter for clarity and consistency to read:

(aa) Particulate Matter or PM - Means the total particulate matter emitted from a HMIWI as measured by Environmental Protection Agency (EPA) Reference Method 5 or EPA Reference Method 29.

At R.61-62.5, Standard No. 3.1, Section II(bb), capitalize the word “chamber” for consistency; and add the word “Means” after the hyphen for clarity and consistency to read:

(bb) Primary Chamber - Means the chamber in a HMIWI that receives waste material, in which the waste is ignited, and from which ash is removed.

At R.61-62.5, Standard No. 3.1, Section II(cc), add the word “Means” after the hyphen for clarity and consistency to read:

(cc) Prion - Means a small infectious pathogen containing protein which is resistant to procedures that modify or hydrolyze nucleic acids.

At R.61-62.5, Standard No. 3.1, Section II(dd), capitalize the word “chamber” for consistency; and add the word “Means” after the hyphen for clarity and consistency to read:

(dd) Secondary Chamber - Means a component of the HMIWI that receives combustion gases from the primary chamber and in which the combustion process is completed.

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At R.61-62.5, Standard No. 3.1, Section II(ee), add the word “Means” after the hyphen for clarity and consistency to read:

(ee) Shutdown - Means the period of time after all waste has been combusted in the primary chamber. For continuous HMIWI, shutdown shall commence no less than two hours after the last charge to the incinerator. For intermittent HMIWI, shutdown shall commence no less than four hours after the last charge to the incinerator. For batch HMIWI, shutdown shall commence no less than five hours after the high-air phase of combustion has been completed.

At R.61-62.5, Standard No. 3.1, Section II(ff), add the word “Means” with a colon after the hyphen for clarity and consistency to read:

(ff) Small HMIWI - Means:

At R.61-62.5, Standard No. 3.1, Section II(ff)(1), capitalize the word “except” for consistency; add the text “paragraph (ff)” before the item “(2)” for clarity and citation consistency; add the word “below” after the item “(2)” for clarity and consistency; and strike the semicolon after the item “(2)” and replace with a comma for consistency to read:

(1) Except as provided in paragraph (ff)(2) below,

At R.61-62.5, Standard No. 3.1, Section II(ff)(1)(i), capitalize the letter “a” in the word “an” for consistency; and strike the phrase “pounds per hour” and replace with the unit abbreviation “lbs/hr” for consistency to read:

(i) An HMIWI whose maximum design waste burning capacity is less than or equal to 200 lbs/hr; or

At R.61-62.5, Standard No. 3.1, Section II(ff)(1)(ii), capitalize the letter “a” at the beginning of the statement for consistency; and strike the phrase “pounds per hour” and replace with the unit abbreviation “lbs/hr” for consistency to read:

(ii) A continuous or intermittent HMIWI whose maximum charge rate is less than or equal to 200 lbs/hr; or

At R.61-62.5, Standard No. 3.1, Section II(ff)(1)(iii), capitalize the letter “a” at the beginning of the statement for consistency; and strike the phrase “pounds per day” and replace with the unit abbreviation in parentheses “lbs/day” for consistency to read:

(iii) A batch HMIWI whose maximum charge rate is less than or equal to 1,600 lbs/day.

At R.61-62.5, Standard No. 3.1, Section II(ff)(2), capitalize the word “the” for consistency to read:

(2) The following are not small HMIWI:

At R.61-62.5, Standard No. 3.1, Section II(ff)(2)(i), capitalize the letter “a” at the beginning of the statement for consistency; and strike the phrase “pounds per hour” and replace with the unit abbreviation “lbs/hr” for consistency to read:

(i) A continuous or intermittent HMIWI whose maximum charge rate is more than 200 lbs/hr;

At R.61-62.5, Standard No. 3.1, Section II(ff)(2)(ii), capitalize the letter “a” at the beginning of the statement for consistency; and strike the phrase “pounds per day” and replace with the unit abbreviation “lbs/day” for consistency to read:

(ii) A batch HMIWI whose maximum charge rate is more than 1,600 lbs/day.

At R.61-62.5, Standard No. 3.1, Section II(gg), add the word “Means” after the hyphen for clarity and consistency; strike the degree symbol “^o” and replace with the text “degrees” to avoid software conversion errors in the future and to provide clarity; and write out the word “Celsius” and place the abbreviation “C” in parentheses to properly set off the abbreviation and use this abbreviation hereafter for clarity and consistency to read:

(gg) Standard Conditions - Means a temperature of 20 degrees Celsius (C) and a pressure of 101.3 kilopascals.

At R.61-62.5, Standard No. 3.1, Section II(hh), add the word “Means” after the hyphen for clarity and consistency to read:

(hh) Startup - Means the period of time between the activation of the system and the first charge to the unit. For batch HMIWI, startup is the period of time between activation of the system and ignition of the waste.

At R.61-62.5, Standard No. 3.1, Section II(ii), capitalize the word “scrubber” for consistency; add the word “Means” after the hyphen for clarity and consistency; and strike the phrase “particulate matter” and replace with the abbreviation PM for consistency to read:

(ii) Wet Scrubber - Means an add-on air pollution control device that utilizes an alkaline scrubbing liquor to collect PM (including nonvaporous metals and condensed organics) and/or to absorb and neutralize acid gases.

At R.61-62.5, Standard No. 3.1, Section III(a), change the word “Standard” from uppercase to lowercase for consistency throughout the regulation to read:

(a) On and after the date on which the initial performance test is completed or is required to be completed as per Section VII of this standard, whichever date comes first, no owner or operator of an affected facility shall cause to be discharged into the atmosphere from that affected facility any gases that contain stack emissions in excess of the limits presented in Table I below.

At R.61-62.5, Standard No. 3.1, Section III(a), Table I, (include all horizontal and vertical grid lines throughout the table) add a comma after the word “Medium” in the title for punctuation correctness; for each instance, replace the percent symbol (%) with the text “percent” to avoid software conversion errors in the future and to provide clarity; write out the word “oxygen” and place the abbreviation “O₂” in parentheses to properly set off the abbreviation and use this abbreviation hereafter for clarity and consistency; strike the phrase “particulate matter” and remove the parentheses around the abbreviation “PM” for consistency; strike the phrase “Carbon monoxide” and remove the parentheses around the abbreviation “CO” for consistency; strike the phrase “Hydrogen chloride” and remove the parentheses around the abbreviation “HCl” for consistency; add subscript number “₂” to the pollutant “Sulfur dioxide (SO)” to correct an omission; under the “Pollutant” column, capitalize the words “furans,” “dioxide,” and “oxide” for consistency; and strike the word “mercury” as well as the parentheses around the chemical symbol “Hg” for consistency to read:

Table I

Emission Limitations for Small, Medium, and Large
Hospital/Medical/Infectious Waste Incinerators

Pollutant	Units (7 percent oxygen (O ₂) basis, dry basis)	Small	Medium	Large
PM	Milligrams per dry standard cubic meter (gr/dscf)	115 (0.05)	69 (0.03)	34 (0.015)
CO	Ppmv	40	40	40
Dioxins/Furans	Nanograms per dry standard cubic meter total dioxins/furans (grains per billion dry standard cubic feet) or nanograms per dry standard cubic meter TEQ (grains per billion dry standard cubic feet)	125 (55) or 2.3 (1.0)	125 (55) or 2.3 (1.0)	125 (55) or 2.3 (1.0)
HCl	ppmv or percent reduction	100 or 93 percent	100 or 93 percent	100 or 93 percent
Sulfur Dioxide (SO ₂)	Ppmv	55	55	55
Nitrogen Oxide (NO _x)	Ppmv	250	250	250
Lead (Pb)	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction	1.2 (0.52) or 70 percent	1.2 (0.52) or 70 percent	1.2 (0.52) or 70 percent
Cadmium (Cd)	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction	0.16 (0.07) or 65 percent	0.16 (0.07) or 65 percent	0.16 (0.07) or 65 percent
Hg	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction	0.55 (0.24) or 85 percent	0.55 (0.24) or 85 percent	0.55 (0.24) or 85 percent

gr/dscf = grains per dry standard cubic foot

ppmv = parts per million by volume

TEQ = Toxic Equivalents Quantity

At R.61-62.5, Standard No. 3.1, Section III(b), for each instance, replace the percent symbol (%) with the text “percent” to avoid software conversion errors in the future and to provide clarity to read:

(b) No owner or operator of an affected facility shall cause to be discharged into the atmosphere from the stack of that affected facility any gases that exhibit greater than 10 percent opacity (six-minute rolling average) or equal to or greater than 30 percent at any time.

At R.61-62.5, Standard No. 3.1, Section III(c), add the word “below” after the text “Table II” for clarity; and add the letter “s” to the unit abbreviation “lb” in the value “2000 lb/week” for consistency and grammatical correctness to read:

(c) No small HMIWI which is located more than 50 miles from the boundary of the nearest Standard Metropolitan Statistical Area (defined in 40 CFR 60.31e, September 15, 1997, 60 FR 48348), and which burns less than 2,000 pounds per week of hospital waste and medical/infectious waste shall cause to be discharged into the atmosphere from that affected facility any gases that contain stack emissions in excess of the limits presented in Table II below. The 2,000 lbs/week limitation does not apply during performance tests.

At R.61-62.5, Standard No. 3.1, Section III(c), Table II, (include all horizontal and vertical grid lines throughout the table) for each instance, replace the percent symbol (%) with the text “percent” to avoid software conversion errors in the future and to provide clarity; and under the Pollutant column, capitalize the word “furans” for consistency to read:

Table II
Emission Limitations for Small Rural
Hospital/Medical/Infectious Waste Incinerators

Pollutant	Units (7 percent O ₂ basis, dry basis)	Small (Rural)
PM	Milligrams per dry standard cubic meter (gr/dscf)	197 (0.086)
CO	Ppmv	40
Dioxins/Furans	Nanograms per dry standard cubic meter total dioxins/furans (grains per billion dry standard cubic feet) or nanograms per dry standard cubic meter TEQ (grains per billion dry standard cubic feet)	800 (350) or 15 (6.6)
HCl	Ppmv	3100
SO ₂	Ppmv	55
NO _x	Ppmv	250
Pb	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction	10 (4.4)
Cd	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction	4 (1.7)
Hg	Milligrams per dry standard cubic meter (grains per thousand dry standard cubic feet) or percent reduction	7.5 (3.3)
Opacity	6 minute average	10 percent

gr/dscf = grains per dry standard cubic foot

ppmv = parts per million by volume

TEQ = Toxic Equivalents Quantity

At R.61-62.5, Standard No. 3.1, Section III(d), add the letter “s” to the unit abbreviation “lb” in the values “2,000 lb/hr” and “16,000 lb/day” for consistency and grammatical correctness to read:

(d) Large HMIWI with capacity greater than 2,000 lbs/hr for continuous and 16,000 lbs/day for batch shall complete an ambient impact analysis for: arsenic and compounds expressed as arsenic; beryllium and compounds expressed as beryllium; hexavalent chromium and compounds expressed as chromium; and nickel and compounds expressed as nickel.

At R.61-62.5, Standard No. 3.1, Section III (d)(2) Table III and footnote, correct scrivener’s error by correcting each instance of the unit abbreviation “g/m³” to accurately indicate the symbol for micrograms, µg, to read:

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Table III

Allowable Ambient Concentrations

Pollutant	Units	Allowable Ambient Concentration
Arsenic (As)	µg/m ³	2.3e-04
Beryllium (Be)	µg/m ³	4.2e-04
Hexavalent Chromium (Cr (+6))	µg/m ³	8.3e-05
Nickel (Ni)	µg/m ³	3.3e-03

µg/m³ = micrograms per cubic meter

At R.61-62.5, Standard No. 3.1, Section III(d)(3), change the word “Standard” from uppercase to lowercase for consistency throughout the regulation to read:

(3) Compliance shall be verified by stack sampling as described in Section VII of this standard. Using the actual stack parameters and emission rates from the most recent source test and Department approved modeling techniques, the calculated maximum annual ambient concentrations shall not exceed the above levels. The modeling methodology shall be submitted with the source test plans required by Regulation 61-62.1, Section IV, Source Tests. The applicant shall submit a Modeling Protocol to the Department and receive approval prior to starting any modeling study.

At R.61-62.5, Standard No. 3.1, Section III(e), add the letter “s” to the unit abbreviation “lb” in the values “2,000 lb/hr” and “16,000 lb/day” for consistency and grammatical correctness; and for each instance, replace the percent symbol (%) with the text “percent” to avoid software conversion errors in the future and to provide clarity to read:

(e) Large HMIWI with capacity greater than 2,000 lbs/hr for continuous and 16,000 lbs/day for batch shall maintain a combustion efficiency of 99.9 percent or greater on an hourly basis. The combustion efficiency shall be calculated as follows:

$$C.E. = \frac{[CO_2]}{[CO_2]+[CO]} \times 100$$

C.E. = Combustion efficiency

[CO₂] = Concentration of carbon dioxide (ppmv corrected to 7 percent O₂)

[CO] = Concentration of carbon monoxide (ppmv corrected to 7 percent O₂)

Note: O₂, CO₂, and CO determined on a dry basis.

At R.61-62.5, Standard No. 3.1, Section III(f), change the word “Standard” in each instance from uppercase to lowercase for consistency throughout the regulation to read:

(f) Upon mutual agreement of an owner or operator of a HMIWI and the Department, an emission limit more restrictive than that otherwise specified in this standard and/or an emission limit for any air contaminant discharged from the HMIWI that is not specified in this standard may be established. Also, upon mutual agreement of the owner or operator of an affected source and the Department, operating hours, process flow

rates, or any other operating parameter may be established as a binding limit for the affected source. Any items mutually agreed to shall be stated as a special condition for any permit or order concerning the source. Violation of this mutual agreement will be considered a violation and will be subject to appropriate enforcement.

At R.61-62.5, Standard No. 3.1, Section IV(a)(1), strike the degree symbol “°” and replace with the text “degrees” to avoid software conversion errors in the future and to provide clarity; write out the word “Fahrenheit” and place the abbreviation “F” in parentheses to properly set off the abbreviation and use this abbreviation hereafter for clarity and consistency to read:

(1) The secondary chamber is maintained at a temperature equal to or greater than 1800 degrees Fahrenheit (F). A thermocouple is appropriately located at the exit of the chamber to confirm the temperature.

At R.61-62.5, Standard No. 3.1, Section IV(a)(2), strike the degree symbol “°” and replace with the text “degrees” to avoid software conversion errors in the future and to provide clarity to read:

(2) The temperature equal to or greater than 1800 degrees F is maintained for at least one second (secondary chamber residence time). The ducting between the secondary chamber and heat recovery system or the breaching and portion of the stack (tertiary chamber) may not be included for the residence time demonstration.

At R.61-62.5, Standard No. 3.1, Section IV(a)(3), strike the degree symbol “°” and replace with the text “degrees” to avoid software conversion errors in the future and to provide clarity to read:

(3) The auxiliary (secondary and/or tertiary) burners of the incinerator are designed such that without the assistance of the heat content of the waste, a minimum temperature of 2000 degrees F can be maintained for at least one second. (See Appendix B)

At R.61-62.5, Standard No. 3.1, Section IV(a)(4), change the word “Standard” from uppercase to lowercase for consistency throughout the regulation; and strike the word “paragraph” and replace with the text “paragraphs (a)” for grammatical correctness and citation consistency to read:

(4) Appendix B of this standard shall be used to demonstrate compliance with paragraphs (a)(2) and (3) above.

At R.61-62.5, Standard No. 3.1, Section IV(b), strike the degree symbol “°” and replace with the text “degrees” to avoid software conversion errors in the future and to provide clarity to read:

(b) Owners or operators which have an incinerator facility with a continuous capacity greater than 2000 lbs/hr or a batch capacity of less than 16,000 lbs/day in existence on or before May 25, 1990, equipped with a secondary chamber and/or an afterburner operated at a minimum temperature equal to or greater than 1800 degrees F may choose to meet a more restrictive visible emission standard of zero percent opacity in lieu of meeting the residence time requirements in paragraph (a) above. However, a residence time of at least 0.5 seconds will be required if the facility is permitted to burn hazardous waste or antineoplastic drugs.

At R.61-62.5, Standard No. 3.1, Section IV(c), strike the degree symbol “°” and replace with the text “degrees” to avoid software conversion errors in the future and to provide clarity to read:

(c) The firing of the burners and the combustion air shall be modulated automatically to maintain a secondary chamber exit or after burner temperature of at least 1800 degrees F.

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At R.61-62.5, Standard No. 3.1, Section IV(d), add the word “below” after the text “paragraph (e) or (g)” and the text “paragraph (f)”; and strike the word “paragraph” in the first instance and replace with the word “paragraphs” for grammatical correctness to read:

(d) The incinerator shall be equipped with an automatic loader except for units with capacities less than or equal to 300 lbs/hr and equipped with the interlocks specified in paragraphs (e) or (g) below or as provided in paragraph (f) below. However, a sealed feeding device capable of preventing combustion upsets during charging will be required for the units with capacity less than 300 lbs/hr.

At R.61-62.5, Standard No. 3.1, Section IV(e), strike the degree symbol “^o” and replace with the text “degrees” to avoid software conversion errors in the future and to provide clarity to read:

(e) For batch fed incinerators (fully loaded while cold and never opened until burn cycle is completed), interlocks should be provided to prevent (1) ignition of the waste until the secondary chamber exit or afterburner temperature is established at equal to or greater than 1800 degrees F; and (2) recharging until the combustion cycle is complete. No waste shall be incinerated if the required interlock system is not operational.

At R.61-62.5, Standard No. 3.1, Section IV(f)(3), change the word “Standard” from uppercase to lowercase for consistency throughout the regulation;

(3) Any violation of the conditions under which the plan was approved or any violation of other requirements of this standard may result in the Department requiring that an automatic mechanical loading device be installed.

At R.61-62.5, Standard No. 3.1, Section IV(g)(1), strike the degree symbol “^o” and replace with the text “degrees” to avoid software conversion errors in the future and to provide clarity; and strike the comma after the letter “F” and replace with a semicolon for list consistency and punctuational correctness to read:

(1) The incinerator’s secondary chamber exit or afterburner temperature drops below 1800 degrees F; and/or

At R.61-62.5, Standard No. 3.1, Section IV(g)(2), strike the words “per” and “cent” and replace with the single word “percent” to correct spelling error; and strike the comma after the word “period” and replace with a semicolon for list consistency and punctuational correctness to read:

(2) The carbon monoxide emissions are equal to or greater than 150 ppmv (dry basis), corrected to seven percent O₂ on a dry basis for a 15 minute period; and/or

At R.61-62.5, Standard No. 3.1, Section IV(g)(3), strike the word “oxygen” and replace with the symbol “O₂” for consistency; strike the words “per” and “cent” and replace with the single word “percent” to correct a spelling error; and strike the comma after the word “period” and replace with a semicolon for list consistency and punctuational correctness to read:

(3) The flue gas O₂ level drops below six percent (dry basis) for a 15 minute period; and/or

At R.61-62.5, Standard No. 3.1, Section IV(g)(4), replace the percent symbol (%) with the text “percent” to avoid software conversion errors in the future and to provide clarity; and strike the comma after the word “minutes” and replace with a semicolon for list consistency and punctuational correctness to read:

(4) The opacity of the visible emissions is equal to or greater than 10 percent for a period of 15 minutes; and/or

At R.61-62.5, Standard No. 3.1, Section IV(h)(1)(i), strike the degree symbol “^o” and replace with the text “degrees” to avoid software conversion errors in the future and to provide clarity to read:

(i) No waste is charged to an incinerator other than a batch incinerator until the secondary chamber or afterburner has achieved a minimum temperature of 1800 degrees F.

At R.61-62.5, Standard No. 3.1, Section IV(h)(2), strike the degree symbol “^o” and replace with the text “degrees” to avoid software conversion errors in the future and to provide clarity to read:

(2) The owner or operator of an affected facility shall ensure that during shutdowns the secondary chamber or afterburner minimum temperature of 1800 degrees F is to be maintained using auxiliary burners until “shutdown” as defined in Section II of this standard has been met.

At R.61-62.5, Standard No. 3.1, Section IV(h)(3), strike the hyphenated word “burn-out” and replace with the unhyphenated word “burnout” for consistency through out the regulation to read:

(3) The owner or operator of an affected facility shall ensure that a detailed procedure for normal system startup and shutdown, including the duration of preheat and burnout cycles, is submitted as part of the application for approval.

At R.61-62.5, Standard No. 3.1, Section V(a)(1), strike the period within the text “Section VI.” for consistency throughout the regulation; change the word “Standard” from uppercase to lowercase for consistency throughout the regulation to read:

(1) The owner or operator of an affected facility shall ensure that all monitoring devices are maintained in accordance with Section VI of this standard.

At R.61-62.5, Standard No. 3.1, Section V(a)(2), strike the period within the text “Section V.(d)” for consistency throughout the regulation; change the word “Standard” from uppercase to lowercase for consistency throughout the standard to read:

(2) The owner or operator of an affected facility shall ensure that all data recorder resolutions are sufficient to display the data recording frequencies required in Table IV, and Section V(d) of this standard.

At R.61-62.5, Standard No. 3.1, Section V(c)(1), change the word “Standard” in each instance from lowercase to uppercase for consistency throughout the regulation to read:

(1) The owner or operator of an affected facility shall install, calibrate, maintain, and operate devices (or establish methods) for monitoring the applicable maximum and minimum operating parameters listed in Table IV of this standard such that these devices (or methods) measure and record values for these operating parameters at the frequencies indicated in Table IV of this standard at all times except during periods of startup and shutdown.

At R.61-62.5, Standard No. 3.1, Section V(c)(3), change the word “Standard” in each instance from lowercase to uppercase for consistency throughout the regulation; and strike the comma and extraneous space within the text “Section VII, (c)(8)” for consistency throughout the regulation to read:

(3) The owner or operator of an affected facility using something other than a dry scrubber followed by a fabric filter, a wet scrubber, or a dry scrubber followed by a fabric filter and a wet scrubber to comply with the emission limits under this standard shall install, calibrate, maintain, and operate the equipment necessary to monitor the site-specific operating parameters developed pursuant to Section VII(c)(8) of this standard.

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At R.61-62.5, Standard No. 3.1, Section V(d)(1), capitalize the word “continuous” for consistency to read:

- (1) Continuous monitors are installed on each HMIWI emission stack for O₂, CO, CO₂, and opacity.

At R.61-62.5, Standard No. 3.1, Section V(d)(2), capitalize the word “the” at the beginning of the statement for consistency to read:

- (2) The O₂, CO, and CO₂ monitors are co-located upstream of any air pollution control devices unless otherwise approved by the Department.

At R.61-62.5, Standard No. 3.1, Section V(d)(3), capitalize the word “each” for consistency to read:

- (3) Each O₂ monitor takes at a minimum of one measurement every 60 seconds and that this data is recorded at least every successive five minutes.

At R.61-62.5, Standard No. 3.1, Section V(d)(4), capitalize the word “each” for consistency to read:

- (4) Each CO monitor takes a minimum of one measurement every 60 seconds and that this data recorded at least every successive five minutes.

At R.61-62.5, Standard No. 3.1, Section V(d)(5), capitalize the word “each” for consistency to read:

- (5) Each CO₂ monitor takes a minimum of one measurement every 60 seconds and that this data recorded at least every successive five minutes.

At R.61-62.5, Standard No. 3.1, Section V(d)(6), capitalize the word “each” at the beginning of the statement for consistency; and add a hyphen between the words “six” and “minute” for consistency and grammatical correctness to read:

- (6) Each opacity monitor completes a minimum of one cycle of sampling and analysis for each 10 second period and one cycle of data recording for each successive six-minute period.

At R.61-62.5, Standard No. 3.1, Section V(d)(6), Table IV, Title, change the case of the letters in the text “TABLE IV” and in the title of Table IV as shown to read:

Table IV

Operating Parameters to be Monitored and Minimum Measurement and Recording Frequencies

At R.61-62.5, Standard No. 3.1, Section VI(a), add the words “of this standard” after the text “Section V.” for clarity and consistency; strike the period within the text “Section V.” for consistency throughout the regulation; strike the text “R.” from the text “R.61-62.5” and replace with the word “Regulation” for clarity and consistency; and strike the word “Number” between the word “Standard” and the number “3.1” and replace with the text “No.” for consistency to read:

- (a) Provisions of this section, or other procedures approved by the Department, are applicable to monitoring devices which are required under Section V of this standard or which are required by permit conditions to establish compliance with Regulation 61-62.5, Standard No. 3.1. The daily zero and span calibration for all categories of continuous emission monitors shall comply with the requirements of 40 CFR 60.13(d)(1) and (d)(2), July 1, 1988.

At R.61-62.5, Standard No. 3.1, Section VI(b), change the word “Standard” from uppercase to lowercase for consistency throughout the regulation to read:

(b) The owner or operator of an affected facility shall ensure that any monitoring devices required by this standard, but not included in this section, conform to the manufacturers specifications for initial calibration and quality assurance unless otherwise stated in regulation or permit requirements. Likewise, those monitors specifically mentioned may be subject to other, more stringent, regulatory and permit requirements.

At R.61-62.5, Standard No. 3.1, Section VII(a)(1), strike the word “twelve” and replace with the number “12” for consistency; and change the word “Standard” from uppercase to lowercase for consistency throughout the regulation to read:

(1) The owner or operator of an affected HMIWI facility constructed on or before June 20, 1996, shall ensure that an initial source test is conducted no later than 12 months following the effective date of this standard.

At R.61-62.5, Standard No. 3.1, Section VII(a)(2), strike the hyphenated word “start-up” and replace with the unhyphenated word “startup” for consistency throughout the standard to read:

(2) For incinerator facilities where construction commenced after June 20, 1996, or modification began after March 16, 1998, the owner or operator shall ensure that an initial source test is conducted within 60 days after achieving the maximum production rate at which the incinerator will be operated, but no later than 180 days after initial startup.

At R.61-62.5, Standard No. 3.1, Section VII(a)(3), capitalize the word “subpart” for consistency; and strike the word “part” in the text “40 CFR part 60” for consistency to read:

(3) The owner or operator of an affected facility shall ensure that source testing is conducted in the manner prescribed in Section 60.37e of Subpart Ce (40 CFR 60) and in accordance with Regulation 61-62.1 Section IV, Source Tests. The use of the bypass stack during a performance test shall invalidate the performance test.

At R.61-62.5, Standard No. 3.1, Section VII(a)(4), change the word “Standard” from uppercase to lowercase for consistency throughout the regulation to read:

(4) The Department may require air contaminant source testing as determined to be necessary to assure continuous compliance with the requirements of this standard and any emission limit stipulated as a permit condition.

At R.61-62.5, Standard No. 3.1, Section VII(a)(5), strike the word “regulation” and replace with the word “standard” for consistency to read:

(5) The emission limits under this standard apply at all times except during periods of startup, shutdown, or malfunction, provided that no hospital waste or medical/infectious waste is charged to the affected facility during startup, shutdown, or malfunction.

At R.61-62.5, Standard No. 3.1, Section VII(b)(1)(i)(A), capitalize the word “particulate” for consistency to read:

(A) Particulate matter;

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At R.61-62.5, Standard No. 3.1, Section VII(b)(1)(i)(C), strike the word “mercury” and replace with the chemical symbol “Hg” for consistency to read:

(C) Hg;

At R.61-62.5, Standard No. 3.1, Section VII(b)(1)(i)(D), capitalize the word “dioxins” for consistency to read:

(D) Dioxins/furans; and

At R.61-62.5, Standard No. 3.1, Section VII(b)(1)(i)(E), capitalize the word “opacity” for consistency to read:

(E) Opacity.

At R.61-62.5, Standard No. 3.1, Section VII(b)(1)(ii), strike the citation “paragraph (1)(i)” and replace with the proper citation “paragraph (b)(1)(i)” for citation consistency to read:

(ii) The Department reserves the right to require the owner or operator to conduct further source tests at any time if it is determined to be necessary by the Department after the initial compliance test. In addition to paragraph (b)(1)(i) above, these tests may include:

At R.61-62.5, Standard No. 3.1, Section VII(b)(1)(ii)(B), capitalize the first instance of the word “arsenic” for consistency to read:

(B) Arsenic and compounds expressed as arsenic;

At R.61-62.5, Standard No. 3.1, Section VII(b)(1)(ii)(C), capitalize the first instance of the word “beryllium” for consistency to read:

(C) Beryllium and compounds expressed as beryllium;

At R.61-62.5, Standard No. 3.1, Section VII(b)(1)(ii)(D), capitalize the first instance of the word “cadmium” for consistency to read:

(D) Cadmium and compounds expressed as cadmium;

At R.61-62.5, Standard No. 3.1, Section VII(b)(1)(ii)(E), capitalize the word “hexavalent” for consistency to read:

(E) Hexavalent chromium and compounds expressed as chromium;

At R.61-62.5, Standard No. 3.1, Section VII(b)(1)(ii)(F), capitalize the first instance of the word “lead” for consistency to read:

(F) Lead and compounds expressed as lead; and

At R.61-62.5, Standard No. 3.1, Section VII(b)(1)(ii)(G), capitalize the first instance of the word “nickel” for consistency to read:

(G) Nickel and compounds expressed as nickel.

At R.61-62.5, Standard No. 3.1, Section VII(b)(1)(v), strike the citation “paragraph (vi)” and replace with the proper citation “paragraph (b)(1)(vi)” for citation consistency; and strike the number “3” in the phrase “3-hour rolling average” and replace with the word “three” for consistency to read:

(v) Except as provided in paragraph (b)(1)(vi) below, operation of the designated facility above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a three-hour rolling average) simultaneously shall constitute a violation of the PM, CO, and dioxins/furans emission limits.

At R.61-62.5, Standard No. 3.1, Section VII(b)(1)(vi), strike the citation “paragraph (v)” and replace with the proper citation “paragraph (b)(1)(v)” for citation consistency to read:

(vi) The owner or operator of an affected facility may conduct a repeat performance test within 30 days of violation of applicable operating parameter(s) to demonstrate that the designated facility is not in violation of the applicable emission limit(s). The owner or operator of an affected facility shall ensure that repeat performance tests are conducted pursuant to this paragraph using the identical operating parameters that indicated a violation under paragraph (b)(1)(v) above.

At R.61-62.5, Standard No. 3.1, Section VII (b)(2)(i)(A), capitalize the word “particulate” for consistency to read:

(A) Particulate matter;

At R.61-62.5, Standard No. 3.1, Section VII(b)(2)(i)(B), strike the colon in the text “HCl:” and replace with a semicolon for list consistency and punctuational correctness to read:

(B) HCl;

At R.61-62.5, Standard No. 3.1, Section VII(b)(2)(i)(D), capitalize the word “cadmium” for consistency to read:

(D) Cadmium;

At R.61-62.5, Standard No. 3.1, Section VII(b)(2)(i)(E), capitalize the word “lead” for consistency to read:

(E) Lead;

At R.61-62.5, Standard No. 3.1, Section VII(b)(2)(i)(F), strike the word “mercury” and replace with the chemical symbol “Hg” for consistency to read:

(F) Hg;

At R.61-62.5, Standard No. 3.1, Section VII(b)(2)(i)(G), capitalize the word “dioxins” for consistency to read:

(G) Dioxins/furans; and

At R.61-62.5, Standard No. 3.1, Section VII(b)(2)(i)(H), capitalize the word “opacity” for consistency to read:

(H) Opacity.

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At R.61-62.5, Standard No. 3.1, Section VII(b)(2)(ii), strike the citation “paragraph (2)(i)” and replace with the proper citation “paragraph (b)(2)(i)” for citation consistency to read:

(ii) The Department reserves the right to require the owner or operator to conduct further source tests at any time if it is determined to be necessary by the Department after the initial compliance test. In addition to paragraph (b)(2)(i) above, these tests may include:

At R.61-62.5, Standard No. 3.1, Section VII(b)(2)(ii)(A), capitalize the first instance of the word “arsenic” for consistency to read:

(A) Arsenic and compounds expressed as arsenic;

At R.61-62.5, Standard No. 3.1, Section VII(b)(2)(ii)(B), capitalize the first instance of the word “beryllium” for consistency to read:

(B) Beryllium and compounds expressed as beryllium;

At R.61-62.5, Standard No. 3.1, Section VII(b)(2)(ii)(C), capitalize the word “hexavalent” for consistency to read:

(C) Hexavalent chromium and compounds expressed as chromium;

At R.61-62.5, Standard No. 3.1, Section VII(b)(2)(ii)(D), capitalize the first instance of the word “nickel” for consistency to read:

(D) Nickel and compounds expressed as nickel.

At R.61-62.5, Standard No. 3.1, Section VII(b)(3)(i)(A), capitalize the word “particulate” for consistency to read:

(A) Particulate matter;

At R.61-62.5, Standard No. 3.1, Section VII(b)(3)(i)(B), strike the colon in the text “HCl:” and replace with a semicolon for list consistency and punctuational correctness to read:

(B) HCl;

At R.61-62.5, Standard No. 3.1, Section VII(b)(3)(i)(D), capitalize the word “cadmium” for consistency to read:

(D) Cadmium;

At R.61-62.5, Standard No. 3.1, Section VII(b)(3)(i)(E), capitalize the word “lead” for consistency to read:

(E) Lead;

At R.61-62.5, Standard No. 3.1, Section VII(b)(3)(i)(F), strike the word “mercury” and replace with the chemical symbol “Hg” for consistency to read:

(F) Hg;

At R.61-62.5, Standard No. 3.1, Section VII(b)(3)(i)(G), capitalize the word “dioxins” for consistency to read:

(G) Dioxins/furans; and

At R.61-62.5, Standard No. 3.1, Section VII(b)(3)(i)(H), capitalize the word “opacity” for consistency to read:

(H) Opacity.

At R.61-62.5, Standard No. 3.1, Section VII(b)(3)(ii), strike the citation “paragraph (3)(i)” and replace with the proper citation “paragraph (b)(3)(i)” for citation consistency to read:

(ii) The Department reserves the right to require the owner or operator to conduct further source tests at any time if it is determined to be necessary by the Department after the initial compliance test. In addition to paragraph (b)(3)(i) above, these tests may include:

At R.61-62.5, Standard No. 3.1, Section VII(b)(3)(ii)(A), capitalize the first instance of the word “arsenic” for consistency to read:

(A) Arsenic and compounds expressed as arsenic;

At R.61-62.5, Standard No. 3.1, Section VII(b)(3)(ii)(B), capitalize the first instance of the word “beryllium” for consistency to read:

(B) Beryllium and compounds expressed as beryllium;

At R.61-62.5, Standard No. 3.1, Section VII(b)(3)(ii)(C), capitalize the word “hexavalent” for consistency to read:

(C) Hexavalent chromium and compounds expressed as chromium; and

At R.61-62.5, Standard No. 3.1, Section VII(b)(3)(ii)(D), capitalize the first instance of the word “nickel” for consistency to read:

(D) Nickel and compounds expressed as nickel.

At R.61-62.5, Standard No. 3.1, Section VII(b)(4)(i)(A), capitalize the word “particulate” for consistency to read:

(A) Particulate matter;

At R.61-62.5, Standard No. 3.1, Section VII(b)(4)(i)(D), capitalize the word “cadmium” for consistency to read:

(D) Cadmium;

At R.61-62.5, Standard No. 3.1, Section VII(b)(4)(i)(E), capitalize the word “lead” for consistency to read:

(E) Lead;

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At R.61-62.5, Standard No. 3.1, Section VII(b)(4)(i)(F), strike the word “mercury” and replace with the chemical symbol “Hg” for consistency to read:

(F) Hg;

At R.61-62.5, Standard No. 3.1, Section VII(b)(4)(i)(G), strike the words “dioxin” and “furan” and replace with the words “Dioxins” and “furans” for consistency to read:

(G) Dioxins/furans; and

At R.61-62.5, Standard No. 3.1, Section VII(b)(4)(i)(H), capitalize the word “opacity” for consistency to read:

(H) Opacity.

At R.61-62.5, Standard No. 3.1, Section VII(b)(4)(ii), strike the citation “paragraph (4)(i)” and replace with the proper citation “paragraph (b)(4)(i)” for citation consistency to read:

(ii) The Department reserves the right to require the owner or operator to conduct further source tests at any time if it is determined to be necessary by the Department after the initial compliance test. In addition to paragraph (b)(4)(i) above, these tests may include:

At R.61-62.5, Standard No. 3.1, Section VII(b)(4)(ii)(A), capitalize the first instance of the word “arsenic” for consistency to read:

(A) Arsenic and compounds expressed as arsenic;

At R.61-62.5, Standard No. 3.1, Section VII(b)(4)(ii)(B), capitalize the first instance of the word “beryllium” for consistency to read:

(B) Beryllium and compounds expressed as beryllium;

At R.61-62.5, Standard No. 3.1, Section VII(b)(4)(ii)(C), capitalize the word “hexavalent” for consistency to read:

(C) Hexavalent chromium and compounds expressed as chromium; and

At R.61-62.5, Standard No. 3.1, Section VII(b)(4)(ii)(D), capitalize the first instance of the word “nickel” for consistency to read:

(D) Nickel and compounds expressed as nickel.

At R.61-62.5, Standard No. 3.1, Section VII(b)(5)(i)(A), capitalize the word “particulate” for consistency to read:

(A) Particulate matter;

At R.61-62.5, Standard No. 3.1, Section VII(b)(5)(i)(D), capitalize the word “cadmium” for consistency to read:

(D) Cadmium;

At R.61-62.5, Standard No. 3.1, Section VII(b)(5)(i)(E), capitalize the word “lead” for consistency to read:

(E) Lead;

At R.61-62.5, Standard No. 3.1, Section VII(b)(5)(i)(F), strike the word “mercury” and replace with the chemical symbol “Hg” for consistency to read:

(F) Hg;

At R.61-62.5, Standard No. 3.1, Section VII(b)(5)(i)(G), strike the words “dioxin” and “furan” and replace with the words “Dioxins” and “furans” for consistency to read:

(G) Dioxins/furans; and

At R.61-62.5, Standard No. 3.1, Section VII(b)(5)(i)(H), capitalize the word “opacity” for consistency to read:

(H) Opacity.

At R.61-62.5, Standard No. 3.1, Section VII(b)(5)(ii), strike the citation “paragraph (5)(i)” and replace with the proper citation “paragraph (b)(5)(i)” for citation consistency to read:

(ii) The Department reserves the right to require the owner or operator to conduct further source tests at any time if it is determined to be necessary by the Department after the initial compliance test. In addition to paragraph (b)(5)(i) above, these tests may include:

At R.61-62.5, Standard No. 3.1, Section VII(b)(5)(ii)(A), capitalize the word “arsenic” in the first instance for consistency to read:

(A) Arsenic and compounds expressed as arsenic;

At R.61-62.5, Standard No. 3.1, Section VII(b)(5)(ii)(B), capitalize the word “beryllium” in the first instance for consistency to read:

(B) Beryllium and compounds expressed as beryllium;

At R.61-62.5, Standard No. 3.1, Section VII(b)(5)(ii)(C), capitalize the word “hexavalent” for consistency to read:

(C) Hexavalent chromium and compounds expressed as chromium;

At R.61-62.5, Standard No. 3.1, Section VII(b)(5)(ii)(D), capitalize the first instance of the word “nickel” for consistency to read:

(D) Nickel and compounds expressed as nickel; and

At R.61-62.5, Standard No. 3.1, Section VII(b)(5)(iii)(B), add the word “paragraph” before the text “(a)(3)” for clarity and consistency; and strike the number “3” in the phrase “3-year period” and replace with the word “three” for consistency to read:

(B) Demonstrate compliance with the PM, CO, HCl, and dioxins/furans emission limits by conducting an annual performance test (no more than 12 months following the previous performance test) using the applicable procedures and test methods in accordance with paragraph (a)(3) of this section. If all four

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performance tests over a three-year period indicate compliance with the emission limit for a pollutant (PM, CO, HCl, or dioxins/furans), the owner or operator may forego a performance test for that pollutant for the subsequent two years. At a minimum, a performance test for PM, CO, HCl, and dioxins/furans shall be conducted every third year (no more than 36 months following the previous performance test). If a performance test conducted every third year indicates compliance with the emission limit for a pollutant (PM, CO, HCl, or dioxins/furans), the owner or operator may forego a performance test for that pollutant for an additional two years. If any performance test indicates noncompliance with the respective emission limit, a performance test for that pollutant shall be conducted annually until all annual performance tests over a three-year period indicate compliance with the emission limit. The use of the bypass stack during a performance test shall invalidate the performance test.

At R.61-62.5, Standard No. 3.1, Section VII(c)(1), add the words “of this standard” after the text “Section III.” for consistency and clarity; and strike the period within the text “Section III.” for consistency throughout the regulation to read:

(1) An owner or operator of a facility using a Continuous Emission Monitoring System (CEMS) to demonstrate compliance with any of the emission limits under Section III of this standard shall:

At R.61-62.5, Standard No. 3.1, Section VII(c)(1)(ii), add the words “of this standard” after the text “Section V.” for consistency and clarity; strike the period within the text “Section V.” for consistency throughout the regulation; strike the word “Part” from the text “40 CFR Part 60” for consistency; and add a comma after the number “60” for consistency and punctuational correctness to read:

(ii) Operate all CEMS in accordance with the applicable procedures under Section V of this standard and 40 CFR 60, Appendices B and F.

At R.61-62.5, Standard No. 3.1, Section VII(c)(2), add the word “Method” before the text “D 5373” for consistency and clarity to read:

(2) The owner of an affected facility shall demonstrate to the Department and maintain a combustible carbon content not to exceed six percent (dry basis) in the ash residue (ash and non-combustibles). Such a demonstration shall use the test method outlined in ASTM Method D 3178 “Carbon & Hydrogen Analysis of Coal and Coke,” ASTM Method D 5373, or other methods approved by this Department and be performed at least once per year. The Department reserves the right to require more frequent demonstrations when it is determined to be necessary. The Department also reserves the right to alter the frequency of the required demonstrations as a data base is established and the ash quality consistently shows compliance for a specific facility.

At R.61-62.5, Standard No. 3.1, Section VII(c)(3)(i), change the word “Standard” from uppercase to lowercase for consistency throughout the regulation to read:

(i) Establish the appropriate maximum and minimum operating parameters, indicated in Table IV of this standard for each control system, as site specific operating parameters during the initial performance test to determine compliance with the emission limits; and

At R.61-62.5, Standard No. 3.1, Section VII(c)(3)(ii), change the word “Standard” in each instance from uppercase to lowercase for consistency throughout the regulation; and strike the number “3” in each instance and replace with the word “three” in each instance for consistency to read:

(ii) Following the date on which the initial performance test is completed or is required to be completed under this standard, whichever date comes first, the owner or operator shall ensure that the affected facility does not operate above any of the applicable maximum operating parameters or below any of the applicable minimum operating parameters listed in Table IV of this standard and measured as three-hour rolling averages

(calculated each hour as the average of the previous three operating hours) at all times except during periods of startup, shutdown and malfunction. Operating parameter limits do not apply during performance tests. Operation above the established maximum or below the established minimum operating parameter(s) shall constitute a violation of established operating parameter(s).

At R.61-62.5, Standard No. 3.1, Section VII(c)(4)(i), strike the number “3” and replace with the word “three” for consistency to read:

(i) Operation of the affected facility above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a three-hour rolling average) simultaneously shall constitute a violation of the CO emission limit.

At R.61-62.5, Standard No. 3.1, Section VII(c)(4)(ii), strike the number “3” and replace with the word “three” for consistency to read:

(ii) Operation of the affected facility above the maximum fabric filter inlet temperature, above the maximum charge rate, and below the minimum dioxins/furans sorbent flow rate (each measured on a three-hour rolling average) simultaneously shall constitute a violation of the dioxins/furans emission limit.

At R.61-62.5, Standard No. 3.1, Section VII(c)(5)(iii), strike the number “3” and replace with the word “three” for consistency to read:

(iii) Operation of the affected facility above the maximum charge rate, below the minimum secondary chamber temperature, and below the minimum scrubber liquor flow rate (each measured on a three-hour rolling average) simultaneously shall constitute a violation of the dioxins/furans emission limit.

At R.61-62.5, Standard No. 3.1, Section VII(c)(6)(ii), strike the number “3” and replace with the word “three” for consistency to read:

(ii) Operation of the affected facility above the maximum fabric filter inlet temperature, above the maximum charge rate, and below the minimum dioxins/furans sorbent flow rate (each measured on a three-hour rolling average) simultaneously shall constitute a violation of the dioxins/furans emission limit.

At R.61-62.5, Standard No. 3.1, Section VII(c)(7), strike the citation “paragraph (4), (5) or (6)” and replace with the proper citation and serial comma “paragraph (c)(4), (c)(5), or (c)(6)” for citation consistency and punctuational correctness to read:

(7) The owner or operator of an affected facility may conduct a repeat performance test within 30 days of violation of applicable operating parameter(s) to demonstrate that the affected facility is not in violation of the applicable emission limit(s). Repeat performance tests conducted pursuant to this paragraph shall be conducted using the identical operating parameters that indicated a violation under paragraph (c)(4), (c)(5), or (c)(6) of this section.

At R.61-62.5, Standard No. 3.1, Section VII(c)(8), change the word “Standard” from uppercase to lowercase for consistency throughout the regulation; and strike the name “Environmental Protection Agency” in both instances and replace with the acronym “EPA” for consistent use of acronym to read:

(8) The owner or operator of an affected facility using an air pollution control device other than a dry scrubber followed by a fabric filter, a wet scrubber, or a dry scrubber followed by a fabric filter and a wet scrubber to comply with the emission limits under this standard shall contact the EPA in writing for approval of other site-specific operating parameters to be established during the initial performance test and continuously monitored thereafter. The owner or operator shall not conduct the initial performance test until after the request has been approved by the EPA.

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At R.61-62.5, Standard No. 3.1, Section VII(c)(9), strike the text “R.” from the text “R.61-62.1” and replace with the word “Regulation” for clarity and consistency to read:

(9) The owner or operator of an affected facility may conduct a repeat performance test at any time, in accordance with the requirements of Regulation 61-62.1, Section IV, Source Test, to establish new values for the operating parameters. The Department may request a repeat performance test at any time.

At R.61-62.5, Standard No. 3.1, Section VIII(a)(2), strike the hyphenated word “start-up” and replace with the unhyphenated word “startup” for consistency to read:

(2) Operating procedures, startup procedures, and shutdown procedures for incinerators are approved by the Department and posted on-site at or near the incinerator.

At R.61-62.5, Standard No. 3.1, Section VIII(b), change the word “Standard” from uppercase to lowercase for consistency throughout the regulation; and strike the hyphenated word “start-up” and replace with the unhyphenated word “startup” for consistency to read:

(b) In addition to an inspection and maintenance plan, the owner or operator shall prepare a plan of action for approval by the Department. The plan of action shall identify the steps and procedures the operator will follow to avoid exceedances of the emission limitations and operating conditions specified in this standard or specific permit conditions. The plan shall include descriptions of startup and shutdown procedures; actions to be taken to correct anomalous operating conditions and training of plant operators.

At R.61-62.5, Standard No. 3.1, Section VIII(c), strike the number “5” and replace with the word “five” for consistency to read:

(c) The owner or operator of an affected facility shall maintain the following information (as applicable) for a period of at least five years:

At R.61-62.5, Standard No. 3.1, Section VIII(c)(2)(i), change the word “Standard” from uppercase to lowercase for consistency throughout the regulation to read:

(i) Concentrations of any pollutant listed in this standard or measurements of opacity as determined by the continuous emission monitoring system (if applicable);

At R.61-62.5, Standard No. 3.1, Section VIII(c)(2)(xiii), strike the comma after the text “durations,” and replace with a semicolon for list consistency and punctuational correctness to read:

(xiii) Records indicating use of the bypass stack, including dates, times, and durations; and

At R.61-62.5, Standard No. 3.1, Section VIII(c)(2)(xiv), strike the period within the text “Section VII(c)(8)” and within the text “Section V(c)(3)” for consistency throughout the regulation; and change the word “Standard” from uppercase to lowercase for consistency throughout the regulation to read:

(xiv) For affected facilities complying with Section VII(c)(8) and Section V(c)(3) of this standard, the owner or operator shall maintain all operating parameter data collected.

At R.61-62.5, Standard No. 3.1, Section VIII(c)(7), strike the period within the text “Section IX.(h)” and within the text “Section IX.(g)” for consistency throughout the regulation; and change the word “Standard” from uppercase to lowercase for consistency throughout the regulation to read:

(7) Records showing the names of HMIWI operators who have completed review of the information in Section IX(h) as required by Section IX(g) of this standard, including the date of the initial review and all subsequent annual reviews;

At R.61-62.5, Standard No. 3.1, Section VIII(c)(9), strike the period within the text “Section IX.” for consistency throughout the regulation; and change the word “Standard” from uppercase to lowercase for consistency throughout the regulation to read:

(9) Records showing the names of the HMIWI operators who have met the criteria for qualification under Section IX of this standard and the dates of their qualification; and

At R.61-62.5, Standard No. 3.1, Section VIII(c)(10), strike the period within the text “Section V.(b),(c), and (d)” for consistency throughout the regulation; and change the word “Standard” from uppercase to lowercase for consistency throughout the regulation to read:

(10) Records of calibration of any monitoring devices as required under Sections V(b), (c), and (d) of this standard.

At R.61-62.5, Standard No. 3.1, Section VIII(d)(1), strike the period within the text “Section VII.” for consistency throughout the regulation; and change the word “Standard” from uppercase to lowercase for consistency throughout the regulation to read:

(1) The initial performance test data as recorded under Section VII of this standard, as applicable.

At R.61-62.5, Standard No. 3.1, Section VIII(d)(2), strike the period within the text “Section VII.” for consistency throughout the regulation; and change the word “Standard” from uppercase to lowercase for consistency throughout the regulation to read:

(2) The values for the site-specific operating parameters established pursuant to Section VII of this standard, as applicable.

At R.61-62.5, Standard No. 3.1, Section VIII(d)(3), strike the period within the text “Section X.” for consistency throughout the regulation; and change the word “Standard” from uppercase to lowercase for consistency throughout the regulation to read:

(3) The waste management plan as specified in Section X of this standard.

At R.61-62.5, Standard No. 3.1, Section VIII(e)(1), strike the period within the text “Section VII.” for consistency throughout the regulation; and change the word “Standard” from uppercase to lowercase for consistency throughout the regulation to read:

(1) The values for the site-specific operating parameters established pursuant to Section VII of this standard, as applicable.

At R.61-62.5, Standard No. 3.1, Section VIII(e)(2), strike the period within the text “Section VII.” for consistency throughout the regulation; and change the word “Standard” from uppercase to lowercase for consistency throughout the regulation to read:

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(2) The highest maximum operating parameter and the lowest minimum operating parameter, as applicable, for each operating parameter recorded for the calendar year being reported, pursuant to Section VII of this standard, as applicable.

At R.61-62.5, Standard No. 3.1, Section VIII(e)(3), strike the period within the text “Section VII.” for consistency throughout the regulation; and change the word “Standard” from uppercase to lowercase for consistency throughout the regulation to read:

(3) The highest maximum operating parameter and the lowest minimum operating parameter, as applicable for each operating parameter recorded pursuant to Section VII of this standard for the calendar year preceding the year being reported, in order to provide the Department with a summary of the performance of the affected facility over a two-year period.

At R.61-62.5, Standard No. 3.1, Section VIII(f), add a hyphen between the words “six” and “calendar” for consistency to read:

(f) The owner or operator of an affected facility shall submit semi-annual reports containing any information recorded under paragraphs (c)(3) through (c)(5) of this section no later than 60 days following the reporting period. The first semi-annual reporting period ends six months following the submission of information in paragraph (d) of this section. Subsequent reports shall be submitted no later than six-calendar months following the previous report. All reports shall be signed by the facilities manager.

At R.61-62.5, Standard No. 3.1, Section VIII(g), replace the unhyphenated word “onsite” with the hyphenated word “on-site” for consistency to read:

(g) All records specified under paragraph (c) of this section shall be maintained on-site in either paper copy or computer-readable format, unless an alternative format is approved by the Department.

At R.61-62.5, Standard No. 3.1, Section VIII(h), change the word “Standard” from uppercase to lowercase for consistency throughout the regulation to read:

(h) The owner or operator of each small rural HMIWI subject to the emission limits in Table II of this standard shall:

At R.61-62.5, Standard No. 3.1, Section VIII(i), strike the word “ten” and replace with the number “10” and a hyphen for consistency to read:

(i) The owner or operator of an affected facility shall ensure that copies of all records and reports required under this section are available for inspection during normal working hours and copies are furnished within 10-working days after receipt of a written request from the Department.

At R.61-62.5, Standard No. 3.1, Section VIII(j), change the word “Standard” from uppercase to lowercase for consistency throughout the regulation to read:

(j) The owner or operator of an affected facility subject to the monitoring provisions of this standard will be required to report quarterly all exceedances of limits specified in the source's operating permit. All quarterly reports must be postmarked by the 30th day following the end of each calendar quarter.

At R.61-62.5, Standard No. 3.1, Section IX(c)(1)(x), change the words “Federal,” “State,” and “Local” from uppercase to lowercase for consistency throughout the regulation to read:

(x) Applicable federal, state, and local regulations;

At R.61-62.5, Standard No. 3.1, Section IX(h), strike the word “address” and replace with the word “addresses” for grammatical correctness to read:

(h) The owner or operator of an affected facility shall maintain documentation at the facility that addresses the following:

At R.61-62.5, Standard No. 3.1, Section IX(h)(1), change the word “Standard” from uppercase to lowercase for consistency throughout the regulation to read:

(1) Summary of the applicable requirements under this standard;

At R.61-62.5, Standard No. 3.1, Section IX(h)(6), change the word “Standard” from uppercase to lowercase for consistency throughout the regulation to read:

(6) Procedures for operating the HMIWI and associated air pollution control systems within the requirements established under this standard;

At R.61-62.5, Standard No. 3.1, Section X, strike the word “Part” in the text “40 CFR Part 60.17” for consistency to read:

The owner or operator of an affected facility shall prepare a waste management plan. The waste management plan shall identify both the feasibility and the approach to separate certain components of solid waste from the health care waste stream in order to reduce the amount of toxic emissions from incinerated waste. A waste management plan may include, but is not limited to, elements such as paper, cardboard, plastics, glass, battery, or metal recycling; or purchasing recycled or recyclable products. A waste management plan may include different goals or approaches for different areas or departments of the facility and need not include new waste management goals for every waste stream. It should identify, where possible, reasonably available additional waste management measures, taking into account the effectiveness of waste management measures already in place, the costs of additional measures, the emission reductions expected to be achieved, and any other environmental or energy impacts they might have. The American Hospital Association publication entitled “An Ounce of Prevention: Waste Reduction Strategies for Health Care Facilities” (incorporated by reference, see 40 CFR 60.17, September 15, 1997), shall be considered in the development of the waste management plan.

At R.61-62.5, Standard No. 3.1, Section XI(a), change the word “Standard” from uppercase to lowercase for consistency throughout the regulation to read:

(a) The owner or operator of an affected facility shall ensure that the HMIWI has an initial equipment inspection performed within one year of the effective date of this standard. The inspection shall not relieve the owner or operator from any detected violations.

At R.61-62.5, Standard No. 3.1, Section XI(a)(2), add a hyphen between the number “10” and the word “operating” for consistency; and add a comma after the word “inspection” for grammatical correctness to read:

(2) Within 10-operating days following an equipment inspection, the owner or operator of an affected facility shall ensure that all necessary repairs shall be completed. In order to exceed the 10 days, the owner or operator must justify the extension and obtain written approval from the Department establishing a date whereby all necessary repairs of the designated facility shall be completed.

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At **R.61-62.5, Standard No. 3.1, Section XI, Appendix A**, change the letters, after the “A,” in the word “APPENDIX” from uppercase to lowercase for consistency throughout the regulation; and capitalize the words “dioxins,” “furans,” and “congener” in the title “dioxins/furans congener” for consistency to read:

Appendix A

Toxic Equivalency Factors

Dioxins/Furans Congener	Toxic Equivalency Factor
2,3,7,8-tetrachlorinated dibenzo-p-dioxin	1
1,2,3,7,8-pentachlorinated dibenzo-p-dioxin	0.5
1,2,3,4,7,8-hexachlorinated dibenzo-p-dioxin	0.1
1,2,3,7,8,9-hexachlorinated dibenzo-p-dioxin	0.1
1,2,3,6,7,8-hexachlorinated dibenzo-p-dioxin	0.1
1,2,3,4,6,7,8-heptachlorinated dibenzo-p-dioxin	0.01
Octachlorinated dibenzo-p-dioxin	0.001
2,3,7,8-tetrachlorinated dibenzofuran	0.1
2,3,4,7,8-pentachlorinated dibenzofuran	0.5
1,2,3,7,8-pentachlorinated dibenzofuran	0.05
1,2,3,4,7,8-hexachlorinated dibenzofuran	0.1
1,2,3,6,7,8-hexachlorinated dibenzofuran	0.1
1,2,3,7,8,9-hexachlorinated dibenzofuran	0.1
2,3,4,6,7,8-hexachlorinated dibenzofuran	0.1
1,2,3,4,6,7,8-heptachlorinated dibenzofuran	0.01
1,2,3,4,7,8,9-heptachlorinated dibenzofuran	0.01
Octachlorinated dibenzofuran	0.001

At R.61-62.5, Standard No. 3.1, Section XI, Appendix B, Title, change the letters, after the “A,” in the word “APPENDIX” from uppercase to lowercase for consistency throughout the regulation; and change the letters, except for the first one of each word, in the words in the title “RESIDENCE TIME CALCULATION GUIDANCE” from uppercase to lowercase for consistency throughout the regulation to read:

Appendix B

Residence Time Calculation Guidance

At R.61-62.5, Standard No. 3.1, Section XI, Appendix B, STEP 1., change the acronym “BTU” to “Btu” in all instances for consistency to read:

STEP 1. Estimate the total heat input to the system:

Total system heat input (Btu/hr) = [Maximum waste firing rate (lbs/hr) x Maximum heating value (Btu/lb)] + Average primary burner heat input + Average secondary burner input.

NOTE: Use the average burner inputs required after the onset of waste burning.

Use a waste heating value of 8,500 Btu/lb.

At R.61-62.5, Standard No. 3.1, Section XI, Appendix B, STEP 2., capitalize the word “sensible” in both instances for consistency; capitalize the word “latent” for consistency; replace the percent symbol (%) with the text “percent” to avoid software conversion errors in the future and to provide clarity and remove the hard returns between the two sentences to read:

STEP 2. Estimate the system heat loss (prior to heat recovery):

System heat loss = Shell loss + Sensible heat in ash + Sensible heat in unburned carbon + Latent heat. The heat loss may be assumed to be 20 percent of total heat input.

At R.61-62.5, Standard No. 3.1, Section XI, Appendix B, STEP 3., change the acronym “BTU” to “Btu” for consistency; and capitalize the last instance of the word “system” for consistency to read:

STEP 3. Calculate the net heat available (Q) to raise the temperature of the products of combustion:

Q (Btu/hr) = (Total system heat input) - (System heat loss).

At R.61-62.5, Standard No. 3.1, Section XI, Appendix B, STEP 4., add a colon after the text “(M)” for consistency and grammatical correctness; capitalize the word “average” for consistency; change the acronym “BTU” to “Btu” for consistency; add the word “degrees” for clarity and consistency; add a period after the numerical value “0.28” for consistency; capitalize the word “exit” for consistency; strike the symbol “^o” in all instances and replace with the text “degrees” to avoid software conversion errors in the future and to provide clarity; and capitalize the word “ambient” for consistency to read:

STEP 4. Calculate the weight of product of combustion (M):

$$M = Q / \{C_p \times (T_o - T_i)\}$$

C_p = Average specific heat (Btu/lb degrees F), assume a value of 0.28.

T_o = Exit temperature (degrees F), use the design temperature of 2000 degrees F as T_o .

T_i = Ambient air temperature (degrees F), assume the ambient temperature to be 70 degrees F.

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At R.61-62.5, Standard No. 3.1, Section XI, Appendix B, STEP 5., strike the unit abbreviation “cu. ft.” and replace with the unit abbreviation “ft³” for consistency; capitalize the word “density” for consistency; and strike the symbol “°” and replace with the text “degrees” to avoid software conversion errors in the future and to provide clarity to read:

STEP 5. Calculate the volume of product of combustion (F):

$$F \text{ (scfs)} = \frac{M}{d \times 60 \times 60}$$

d (lb/ft³) = Density of exhaust gases at 70 degrees F, use a value of 0.075.

$$F^1 \text{ (acfs)} = F \times \frac{(T_o + 460)}{530}$$

$$F^1 \text{ design temperature} = F \times \frac{2460}{530}$$

At R.61-62.5, Standard No. 3.1, Section XI, Appendix B, STEP 7., strike the abbreviation “sec” and replace with the text “second (sec)” for clarity; strike the symbol “°” and replace with the text “degrees” to avoid software conversion errors in the future and to provide clarity; and capitalize the last instance of the word “secondary” for consistency to read:

STEP 7. Residence time = $\frac{\text{chamber volume}}{F^1}$

For a minimum 1 second (sec) secondary chamber residence time and design temperature 2000 degrees F,

$$\frac{\text{Secondary chamber volume}}{F^1} m = > 1$$

R. 61-62.5, Standard No. 4, Emission from Process Industries

State Register Doc. 4130, May 25, 2011

At R. 61-62.5, Standard No. 4, Section I.A, make the word “Standard” lowercase for consistency throughout this regulation. Add the phrase “Environmental Protection Agency” after the phrase “under this Standard is” and set the abbreviation “EPA” off using parentheses. Use the abbreviation hereafter for clarity and consistency. Strike the abbreviation “CFR” in the reference “40 CFR 60” and replace with the phrase “Code of Federal Regulations (CFR).” Use the abbreviation hereafter for clarity and consistency. Strike the existing phrase “Environmental Protection Agency” and replace it with the previously established abbreviation “EPA” to read:

A. The method which is approved by the Department for determining compliance with opacity limitations under this standard is Environmental Protection Agency (EPA) Reference Method 9 (40 Code of Federal Regulations (CFR) 60, Appendix A, as revised July 1, 1984). Alternate methods may be utilized only if approved in advance by the Department and by the EPA.

At R. 61-62.5, Standard No. 4, Section I.B, add the abbreviations “NSPS,” “NESHAP,” and “PSD” in parentheses after the phrases “New Source Performance Standards,” “National Emission Standards for Hazardous Air Pollutants,” and “Prevention of Significant Deterioration” respectively. Use the abbreviations hereafter for clarity and consistency. Make the word “Standard” in the phrase “unless this Standard” lowercase for consistency throughout the text of this regulation to read:

B. This standard will not supersede any requirements imposed by Federal New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), Federal or State Prevention of Significant Deterioration (PSD) Regulations, nor special permit conditions, unless this standard would impose a more restrictive emission limit.

At R. 61-62.5, Standard No. 4, Section II.A, preceding the numeral “4,” write out the word “four” and add parentheses around the number “4” for number denotation consistency throughout the text of the regulation. Following the term “sulfur dioxide,” add the formula SO₂ in parentheses. Use the abbreviation hereafter for clarity and consistency. Replace the percent symbol (%) with the text “percent” in both instances for consistency, to avoid software conversion errors in the future, and for clarification to read:

A. The rate of emission of sulfur dioxide from sulfuric acid manufacturing shall be limited to no more than four (4) pounds of sulfur dioxide (SO₂) per ton of 100 percent sulfuric acid produced and emissions of acid mist to 0.5 pounds of sulfuric acid per ton of 100 percent acid produced.

At R. 61-62.5, Standard No. 4, Section II.B, preceding the numeral “20,” write out the word “twenty” and add parentheses around the number “20” for number denotation consistency throughout the text of the regulation. Replace the percent symbol (%) with the text “percent” for consistency, to avoid software conversion errors in the future, and for clarification to read:

B. The maximum allowable stack outlet opacity from any source under this category is twenty (20) percent.

At R. 61-62.5, Standard No. 4, Section III, Table, capitalize each word in both column headers for grammatical correctness to include the words “allowable,” “emissions,” “particulate,” “matter,” “pounds,” “equivalent,” “ton,” “air,” “dried,” “unbleached,” “pulp,” and “produced.” Replace each occurrence of the percent symbol (%) with the text “percent” for consistency, to avoid software conversion errors in the future, and for clarification. Add vertical and horizontal gridlines to the table for ease of use to read:

	Maximum Allowable Stack Opacity	Maximum Allowable Emissions of Particulate Matter in Pounds/Equivalent Ton of Air Dried, Unbleached Pulp Produced
Recovery Furnace	40 percent	2.75
Dissolving Tank	20 percent	1.0
Lime Kiln	20 percent	1.0

At R. 61-62.5, Standard No. 4, Section V.A.3, strike the undefined abbreviation “lbs” and replace it with the word “pounds” for consistency and clarity throughout the regulation to read:

3. Bale – A compressed package of cotton lint weighing nominally 500 pounds.

At R. 61-62.5, Standard No. 4, Section V.A.4, make the word “Yard” in the term “Gin Yard” lowercase for list consistency. Make the word “the” uppercase in the term definition for list consistency to read:

4. Gin yard - The land upon which a cotton gin is located and all contiguous land having common ownership or use.

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At R. 61-62.5, Standard No. 4, Section V.A.5, add a serial comma after the word “dirt” for consistency and grammatical correctness to read:

5. Ginning operation – Any facility or plant that separates cotton lint from cotton seed. This process typically includes cleaning (removing plant material, dirt, and other foreign matter) and packaging the lint into bales.

At R. 61-62.5, Standard No. 4, Section V.B.1, strike the abbreviation “SC” from before the citation “SC Regulation 61-62.1” for citation consistency. Correct the citation “Regulation 61-62.1 Section II(I)” by adding a comma after the citation “61-62.1” and by striking the citation “II(I)” and replacing it with “II.I” for reference consistency throughout the regulation to read:

1. This rule applies to all existing, new, and modified cotton ginning operations in South Carolina. These facilities will be subject to registration permit conditions as specified in Regulation 61-62.1, Section II.I.

At R. 61-62.5, Standard No. 4, Section V.B.2, strike the citation “Paragraph (C)(2)” and replace with the citation “paragraph C.2 below” for citation consistency and for ease of use to read:

2. Existing facilities with a maximum gin stand rated capacity (or documented equipment limitation) of less than twenty (20) bales per hour that do not have cyclones on lint cleaning system exhausts and battery condenser exhausts as of promulgation date of this rule, will not be required to add the emission control devices in paragraph C.2 below to lint cleaning exhausts or battery condenser exhausts if emissions from these exhausts are controlled by fine mesh screens.

At R. 61-62.5, Standard No. 4, Section V.C.1, preceding the numeral “90,” write out the word “ninety” and add parentheses around the number “90” for number denotation consistency throughout the text of the regulation to read:

1. New facilities will be required to apply for a registration permit before commencement of construction. Existing facilities will be required to apply for a registration permit within ninety (90) days of the promulgation date of this rule. Until such time that a registration permit is issued by the Department, existing cotton ginning operations should operate with existing permits.

At R. 61-62.5, Standard No. 4, Section V.C.2, following the word “one” write out the numeral “1” in parentheses for number denotation consistency throughout the text of the regulation. Reformat the title “*Cotton Ginners Handbook*” to remove italics per regulation drafting guidelines to read:

2. Each cotton ginning operation shall install and operate a particulate emission control system on all high and low pressure exhausts and lint cleaning system exhausts that includes one (1) or more 1D-3D or 2D-2D cyclones meeting the cylinder diameter requirements to produce a 3.5 to 6.0 or 3.0 to 5.5 inches of water pressure drop (respectively) as illustrated in Figure 6-20 and 6-21 of the Agricultural Handbook Number 503, Cotton Ginners Handbook, dated December 1994. Existing facilities shall comply with these control equipment requirements by August 31, 2012.

At R. 61-62.5, Standard No. 4, Section V.C.3, preceding the numeral “20,” write out the word “twenty” and add parentheses around the number “20” for number denotation consistency throughout the text of the regulation to read:

3. Air pollutant emissions shall not exceed twenty (20) percent opacity.

At R. 61-62.5, Standard No. 4, Section V.C.5, following the word “one” write out the numeral “1” in parentheses for number denotation consistency throughout the text of the regulation to read:

5. Trash stacker areas shall contain one (1) of the following:

At R. 61-62.5, Standard No. 4, Section V.C.5.a, following the word “three” write out the numeral “3” in parentheses for number denotation consistency throughout the text of the regulation to read:

a. A three (3) sided enclosure with a roof whose sides are high enough above the opening of the dumping device to prevent wind from dispersing dust or debris; or

At R. 61-62.5, Standard No. 4, Section V.C.7, strike the abbreviation “SC” from before the citation “SC Regulation 61-62.6” for citation consistency to read:

7. Reasonable precautions should be taken when operating or maintaining storage piles, materials, equipment, or vehicles in order to prevent any substance from being scattered by the wind or air in order to prevent fugitive dust emissions in accordance with Regulation 61-62.6, Section II.

At R. 61-62.5, Standard No. 4, Section V.E.1, in the phrase “based on manufactures recommendations,” make the word “manufacturers” possessive rather than plural by inserting an apostrophe between the “r” and the “s” to correct a typographical error and to ensure grammatical correctness. Make the words “log book” one word for consistency within the text of the regulation to read:

1. To ensure that the minimum required removal efficiency is maintained, the owner or operator shall establish, based on manufacturer’s recommendations or industry standards, an inspection and maintenance schedule for the control devices, other emission processing equipment, and monitoring devices that are used pursuant to this rule. The inspection and maintenance schedule shall be followed throughout the ginning season. The results of the inspections and any maintenance performed on the control equipment, emission processing equipment, or monitoring devices shall be documented in an on-site logbook and made available to the Department upon request. The owner or operator should keep a copy of the manufacturer’s specifications for each type of control device installed.

At R. 61-62.5, Standard No. 4, Section V.E.2, make the words “log book” one word for consistency with the text of the regulation. Strike the citations “(E)(1)” and “(C)(2) of this regulation” and replace them with the citations “paragraph E.1 above” and “paragraph C.2 above,” respectively, for citation consistency throughout the text of the regulation. Preceding the numeral “48,” write out the word “forty-eight” and add parentheses around the number “48” for number denotation consistency throughout the text of the regulation to read:

2. On a weekly basis, the owner or operator shall measure and calculate the pressure drops across all cyclones. Measurements shall be made using a manometer, a Magnahelic® gauge, or other device that the Department has approved as being equivalent to a manometer. These measurements should be recorded in the logbook referred to in paragraph E.1 above. If the owner or operator measures a static pressure out of the range indicated in paragraph C.2 above, the owner or operator shall initiate corrective action. Corrective action shall be recorded in the logbook. If corrective action will take more than forty-eight (48) hours to complete, the owner or operator shall notify the Department no later than the end of the day such static pressure is measured.

At R. 61-62.5, Standard No. 4, Section V.E.3, strike the citation “(E)(1) of this rule” and replace it with the citation “paragraph E.1 above” for citation consistency throughout the regulation to read:

3. During the ginning season, the owner or operator shall weekly inspect for structural integrity of the control devices and other emissions processing systems and shall ensure that the control devices and emission processing systems conform to normal and proper operation of the gin. Fine mesh screens should be inspected

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daily throughout the ginning season and any clogs should be removed. If a problem is found, corrective action shall be taken and recorded in the logbook required in paragraph E.1 above.

At R. 61-62.5, Standard No. 4, Section V (E)(4), strike the citation “Section V (C)” and replace it with the citation “Section V.C of this standard” for citation consistency throughout the text of the regulation; and strike the citation “Section V (D)” and replace it with the citation “Section V.D” for citation consistency throughout the text of this regulation to read:

4. If control devices are repaired or replaced with equivalent control equipment, the facility must maintain on-site documentation showing compliance with the conditions specified in Section V.C of this standard or previously allowed for under Section V.D of this standard.

At R. 61-62.5, Standard No. 4, Section VI.A, Table, add vertical and horizontal gridlines to the table for ease of use to read:

Production Rate (Tons Per Hour)	Maximum Allowable Emission Rate (Pounds Per Hour)
20	22
50	31
100	38
150	45
200	51
250	56
300	61
350 and above	65

At R. 61-62.5, Standard No. 4, Section VI.C, preceding the numeral “20,” write out the word “twenty” and add parentheses around the number “20” for number denotation consistency throughout the text of the regulation. Replace the percent symbol (%) with the text “percent” for consistency, to avoid software conversion errors in the future, and for clarification to read:

C. The maximum allowable stack opacity from hot mix asphalt manufacturing shall be twenty (20) percent.

At R. 61-62.5, Standard No. 4, Section VII, preceding the numeral “20,” write out the word “twenty” and add parentheses around the number “20” for number denotation consistency throughout the text of the regulation. Replace the percent symbol (%) with the text “percent” for consistency, to avoid software conversion errors in the future, and for clarification to read:

The maximum allowable opacity from any furnace building and/or operations building (including but not limited to pollution control systems, louvers, doors, openings, etc.) shall be twenty (20) percent.

At R. 61-62.5, Standard No. 4, Section VIII.B, strike the phrase “this table” and replace with the appropriate table title, “Table A,” to reduce confusion and to provide clarity. In both instances in the text, preceding the numeral “30,” write out the word “thirty” and add parentheses around the number “30” for number denotation consistency throughout the text of the regulation. After the final formula, strike the punctuation after each variable definition for consistency and grammatical correctness to read:

B. Interpolation of the data in Table A for process weights up to thirty (30) tons per hour shall be accomplished by use of the equation:

$$E = (F) 4.10 P^{0.67}$$

and interpolation and extrapolation of the data for process weight rates greater than thirty (30) tons per hour shall be accomplished by using the equation:

$$E = (F) (55.0 P^{0.11} - 40)$$

Where: E = the allowable emission rate in pounds per hour

P = process weight rate in tons per hour

F = effect factor from Table B

At R. 61-62.5, Standard No. 4, Section VIII.B, Table A, strike the table title, ALLOWABLE RATE OF EMISSION BASED ON PROCESS WEIGHT RATE, and each column header and replace with text that is not in all capital letters for consistency and ease of use (the footnote, which is not included below, remains the same). Add vertical and horizontal gridlines to the table for ease of use to read:

TABLE A
Allowable Rate of Emission Based on Process Weight Rate*

Process Weight Rate (Tons/Hour)	Rate of Emission (Pounds/Hour)	Process Weight Rate (Tons/Hour)	Rate of Emission (Pounds/Hour)
0.05	0.551	8	16.5
0.10	0.877	9	17.9
0.20	1.40	10	19.2
0.30	1.83	15	25.2
0.40	2.22	20	30.5
0.50	2.58	25	35.4
0.75	3.38	30	40.0
1.00	4.10	35	41.3
1.25	4.75	40	42.5
1.50	5.38	45	43.6
1.75	5.96	50	44.6
2.00	6.52	60	46.3
2.50	7.58	70	47.8
3.00	8.56	80	49.0
3.50	9.49	100	51.2

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4.00	10.4	500	69.0
4.50	11.2	1000	77.6
5.00	12.0	3000	92.7

At R. 61-62.5, Standard No. 4, Section VIII.B, Table B, strike the table heading, EFFECT FACTOR FOR PARTICULATE MATTER EMISSIONS; the subtitle; and both column headers and replace with text that is not in all capital letters for consistency and ease of use to include all horizontal and vertical gridlines to read:

TABLE B
Effect Factor for Particulate Matter Emissions**
(To Be Used with Standard 4 - Section VIII)

Material	Effect Factor (F)
a. All materials not specifically listed hereunder	1.0
b. Elements and their compounds on the basis of the element contained therein***	none assigned
c. Specific Materials: Acid Mists	0.25

At R. 61-62.5, Standard No. 4, Section VIII.B, Table B, Footnote *,** (Footnote ** remains unchanged) following the word “two” write out the numeral “2” in parentheses for number denotation consistency throughout the text of the regulation to read:

*** When a material contains two (2) or more elements, the effect factor of the element having the lowest effect factor shall apply.

At R. 61-62.5, Standard No. 4, Section IX.A, preceding the numeral “40,” write out the word “forty” and add parentheses around the number “40” for number denotation consistency throughout the text of the regulation. Replace the percent symbol (%) with the text “percent” for consistency, to avoid software conversion errors in the future, and for clarification to read:

A. Where construction or modification began on or before December 31, 1985, emissions (including fugitive emissions) shall not exhibit an opacity greater than forty (40) percent.

At R. 61-62.5, Standard No. 4, Section IX.B, preceding the numeral “20,” write out the word “twenty” and add parentheses around the number “20” for number denotation consistency throughout the text of the regulation. Replace the percent symbol (%) with the text “percent” for consistency, to avoid software conversion errors in the future, and for clarification to read:

B. Where construction or modification began after December 31, 1985, emissions (including fugitive emissions) shall not exhibit an opacity greater than twenty (20) percent.

At R. 61-62.5, Standard No. 4, Section X.C, add a serial comma between the words “classification” and “and” for consistency and grammatical correctness. Strike the word “Standard” from the reference “Section VIII of this Standard” and replace it with the lowercase word “standard” for consistency throughout the text of the regulation to read:

C. All crushing, drying, classification, and like operations shall employ a suitable control device acceptable to the Department, and shall discharge no more particulate matter than that specified in Section VIII of this standard.

At R. 61-62.5, Standard No. 4, Section XI, Title, add the abbreviation “TRS” in parentheses after the phrase “TOTAL REDUCED SULFUR.” Use the abbreviations hereafter for clarity and consistency to read:

SECTION XI - TOTAL REDUCED SULFUR (TRS) EMISSIONS OF KRAFT PULP MILLS

At R. 61-62.5, Standard No. 4, Section XI.B, Title, following the term “Total Reduced Sulfur,” add the previously established abbreviation “TRS” for consistency throughout the text of the regulation to read:

B. Total Reduced Sulfur (TRS) Emission Standards

At R. 61-62.5, Standard No. 4, Section XI.B, Introductory Text, strike the phrase “Total Reduced Sulfur” and replace it with the previously established abbreviation “TRS” for consistency throughout the text of the regulation to read:

The rate of TRS emissions from existing kraft pulp mills shall be limited to the following:

At R. 61-62.5, Standard No. 4, Section XI.B, Untitled Table, in the column heading capitalize all words except for “of,” “as,” and “by” for consistency. Write out the term “Hydrogen Sulfide” before the chemical formula “H₂S” in the column heading for clarity and place the formula in parentheses for consistency. Preceding the numeral “12” in the column heading, write out the word “twelve” and add parentheses around the number “12” for number denotation consistency throughout the text of the regulation. Replace each instance of the percent symbol (%) with the text “percent” for consistency, to avoid software conversion errors in the future, and for clarification. Strike the period in the phrase “5 pp.” and replace it with an “m” to correct a typographical error and for clarity. Strike the undefined unit “g/kg” and replace with the phrase “gram per kilogram (g/kg)” for clarity. Add vertical and horizontal gridlines to the table for ease of use to read:

	Maximum Allowable Emission of TRS as Hydrogen Sulfide (H ₂ S) by Dry Volume, Averaged Over Twelve (12) Hours
Recovery Furnace	
Cross Recovery Furnaces	25 ppm (corrected to 8 percent oxygen)
Old Design Furnaces ¹	20 ppm (corrected to 8 percent oxygen)
New Design Furnaces ²	5 ppm (corrected to 8 percent oxygen)
Digester System	5 ppm
Multiple-Effect Evaporator System	5 ppm
Lime Kiln	20 ppm (corrected to 10 percent oxygen)
Brown Stock Washer System	no control
Black Liquor Oxidation System	no control
Condensate Stripper System	5 ppm
Smelt Dissolving Tank	0.016 gram per kilogram (g/kg) BLS ³

At R. 61-62.5, Standard No. 4, Section XI.B, Footnote 1, strike the hyphen in the phrase “emission-control” for consistency within the text of the regulation to read:

¹ Old design furnaces are defined as furnaces without welded wall or membrane wall construction or emission control designed air systems.

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At R. 61-62.5, Standard No. 4, Section XI.B, Footnote 2, strike the hyphen in the phrase “emission-control” for consistency within the text of the regulation to read:

² New design furnaces are defined as furnaces with either welded wall or membrane wall construction and also with emission control designed air systems.

At R. 61-62.5, Standard No. 4, Section XI.C, after the phrase “Provisions of Part B,” insert the word “Above” and strike the succeeding period for consistency throughout the text of the regulation to read:

C. Case-by-Case Exceptions to Provisions of Part B Above

At R. 61-62.5, Standard No. 4, Section XI.C.1, strike the phrase “Total Reduced Sulfur” and replace it with the previously established abbreviation “TRS” for consistency throughout the text of the regulation. Remove the hard return between the first and second sentences to ensure proper codification to read:

1. If the owner or operator of a source of TRS compounds regulated by this standard can demonstrate that compliance with applicable portions of Part B would not be economically feasible, the Department may, on a case-by-case basis, allow emission limitations less stringent than those required by applicable parts of Part B. All data pertinent to the showing of economic infeasibility must accompany a petition for this relief, and shall include a present value analysis showing economic infeasibility.

At R. 61-62.5, Standard No. 4, Section XI.C.2, the term “Administrator” is defined in Regulation 61-62.1, Section I, Definition 3. Strike the phrase “of the United States Environmental Protection Agency” for consistent use of the term “Administrator” throughout the text of the regulation to read:

2. Exceptions granted under this part are not effective until submitted to and approved by the Administrator as a revision of the Implementation Plan for Control of Designated Pollutants, pursuant to Section 111(d) of the Clean Air Act as amended November 1990.

At R. 61-62.5, Standard No. 4, Section XI.D, add a serial comma between the words “Recordkeeping” and “and” for consistency and grammatical correctness to read:

D. Monitoring, Recordkeeping, and Reporting

At R. 61-62.5, Standard No. 4, Section XI.D.1.a, capitalize the word “calibrate” at the beginning of the item and add a serial comma after the word “maintain” for consistency and grammatical correctness throughout the text of the regulation. Replace the degree symbol (°) with the text “degrees” for consistency, to avoid software conversion errors in the future, and for clarification. Strike the abbreviation “F” and replace it after the newly added word “degrees” with the word “Fahrenheit” and the unit abbreviation “F” in parentheses. Use the abbreviation hereafter for clarity and consistency. Strike the word “this” from the phrase “approved by this Department” and replace it with the word “the” for consistency throughout the text of the regulation to read:

a. Calibrate, maintain, and operate continuous monitoring equipment to monitor and record the concentration of TRS emissions on a dry basis and the percent of oxygen by volume on a dry basis in the gases discharged into the atmosphere from any lime kiln, recovery furnace, digester system, multiple-effect evaporator system, or condensate stripper system, except where these gases are subjected to a minimum temperature of 1200 degrees Fahrenheit (F) for at least 0.5 seconds in an incinerator or other device which does not generate TRS. The location of each monitoring system must be approved by the Department.

At R. 61-62.5, Standard No. 4, Section XI.D.1.b, capitalize the word “install” at the beginning of the item for consistency throughout the text of the regulation. Strike the citation “paragraph a” and replace it with the citation “paragraph D.1.a above” for citation consistency throughout the text of the regulation. Replace the

plus or minus symbol (\pm) with the phrase “plus or minus” for consistency throughout the text of the regulation. Preceding the numeral “1,” write out the word “one” and add parentheses around the number “1” for number denotation consistency throughout the text of the regulation to read:

b. Install, calibrate, maintain, and operate a monitoring device which measures the combustion temperature at the point of incineration of effluent gases which are emitted from any lime kiln, recovery furnace, digester system, multiple-effect evaporator system, or condensate stripper system unless TRS monitors are required in paragraph D.1.a above. The monitoring device is to be certified by the manufacturer to be accurate within plus or minus one (1) percent of the temperature being measured.

At R. 61-62.5, Standard No. 4, Section XI.D.1.c, capitalize the word “calibrate” at the beginning of the item and add a serial comma after the word “maintain” for consistency and grammatical correctness throughout the text of the regulation. Strike the comma at the end of the item and replace it with a period for punctuational consistency to read:

c. Calibrate, maintain, and operate continuous monitoring equipment for any smelt dissolving tank.

At R. 61-62.5, Standard No. 4, Section XI.D.1.c.i, capitalize the word “for” at the beginning of the item for consistency throughout the text of the regulation. Replace the plus or minus symbol (\pm) with the phrase “plus or minus” for consistency throughout the text of the regulation. Preceding the numeral “2,” write out the word “two” and add parentheses around the number “2” for number denotation consistency throughout the text of the regulation. Strike the semicolon at the end of the item and replace it with a period for punctuational consistency to read:

(i) For the continuous measurement of the pressure loss of the gas stream through the control equipment. The monitoring device is to be certified by the manufacturer to be accurate to within a gauge pressure of plus or minus two (2) inches water.

At R. 61-62.5, Standard No. 4, Section XI.D.1.c.ii, capitalize the word “for” at the beginning of the item for consistency throughout the text of the regulation. Replace the plus or minus symbol (\pm) with the phrase “plus or minus” for consistency throughout the text of the regulation. Preceding the numeral “15,” write out the word “fifteen” and add parentheses around the number “15” for number denotation consistency throughout the text of the regulation. Strike the semicolon at the end of the item and replace it with a period for punctuational consistency. In both instances, strike the word “this” in the phrase “this Department” and replace it with the word “the” for consistency throughout the text of the regulation. Strike the citation “paragraph D 1” and replace with the citation “paragraph D.1” for consistency throughout the text of the regulation to read:

(ii) For the continuous measurement of the scrubbing liquid supply pressure to the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within plus or minus fifteen (15) percent of design scrubbing liquid supply pressure. The pressure sensor or tap is to be located close to the scrubber liquid discharge point. The Department may be consulted for approval of alternative locations.

Continuously monitored operating and/or stack parameters may be used as substitutes for TRS monitors provided that it is demonstrated to the satisfaction of the Department that a correlation exists between the monitored parameter and TRS concentration and the other requirements in paragraph D.1 above are fulfilled.

Alternative equivalent methods of monitoring must be approved by the Department and EPA.

At R. 61-62.5, Standard No. 4, Section XI.D.2, strike the word “SECTION” and replace it with the lowercase word “section” for consistency to read:

2. Any owner or operator subject to the provisions of this section shall:

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At R. 61-62.5, Standard No. 4, Section XI.D.2.a, capitalize the word “calculate” at the beginning of the item for consistency throughout the text of the regulation. Following the word “two,” write out the numeral “2” in parentheses for number denotation consistency throughout the text of the regulation. Preceding the numeral “12” in the phrase “appropriate 12 contiguous,” write out the word “twelve” and add parentheses around the number “12” for number denotation consistency throughout the text of the regulation. Strike the phrase “total reduced sulfur” and replace it with the previously established abbreviation “TRS” for consistency. Strike the citation and succeeding semicolon “paragraph D 1a;” and replace it with the citation and succeeding period “paragraph D.1.a above.” for citation consistency throughout the text of the regulation to read:

a. Calculate and record on a daily basis 12-hour average TRS concentrations for the two (2) consecutive periods of each operating day. Each 12-hour average shall be determined as the arithmetic mean of the appropriate twelve (12) contiguous 1-hour average TRS concentrations provided by each continuous monitoring system installed under paragraph D.1.a above.

At R. 61-62.5, Standard No. 4, Section XI.D.2.b, capitalize the word “calculate” at the beginning of the item for consistency throughout the text of the regulation. Following the word “two,” write out the numeral “2” in parentheses for number denotation consistency throughout the text of the regulation. Strike the citation “paragraph D 2a” and replace it with the citation “paragraph D.2.a above” for citation consistency throughout the text of the regulation. Preceding the numeral “12” in the phrase “appropriate 12 contiguous,” write out the word “twelve” and add parentheses around the number “12” for number denotation consistency throughout the text of the regulation. Strike the citation and succeeding semicolon “paragraph D 1a;” and replace it with the citation and succeeding period “paragraph D.1.a above.” for citation consistency throughout the text of the regulation to read:

b. Calculate and record on a daily basis 12-hour average oxygen concentrations for the two (2) consecutive periods of each operating day for the recovery furnace and lime kiln. These 12-hour averages shall correspond to the 12-hour average TRS concentrations under paragraph D.2.a above and shall be determined as an arithmetic mean of the appropriate twelve (12) contiguous 1-hour average oxygen concentrations provided by each continuous monitoring system installed under paragraph D.1.a above.

At R. 61-62.5, Standard No. 4, Section XI.D.2.c, capitalize the word “correct” at the beginning of the item for consistency throughout the text of the regulation. Preceding both instances of the numeral “10,” write out the word “ten” and add parentheses around the number “10” for number denotation consistency throughout the text of the regulation. Preceding both instances of the numeral “8,” write out the word “eight” and add parentheses around the number “8” for number denotation consistency throughout the text of the regulation. After the formula, strike the period after each variable definition with punctuation for consistency and grammatical correctness. Strike the unnecessary closing and opening parentheses in the variable definition “X” for consistency and clarity to read:

c. Correct all 12-hour average TRS concentrations to ten (10) volume percent oxygen, except that all 12-hour average TRS concentrations from a recovery furnace shall be corrected to eight (8) volume percent using the following equation:

$$C_{\text{corr}} = C_{\text{uncorr}} \times (21 - X / 21 - Y)$$

where: C_{corr} = the concentration corrected for oxygen
 C_{uncorr} = the concentration uncorrected for oxygen
 X = the volumetric oxygen concentration percentage to be corrected to eight (8) percent for recovery furnaces and ten (10) percent for lime kilns, incinerators, or other devices
 Y = the measured 12-hour average volumetric oxygen concentration

At R. 61-62.5, Standard No. 4, Section XI.D.3.a, capitalize the word “for” at the beginning of the item for consistency throughout the text of the regulation. Preceding the numeral “20,” write out the word “twenty” and add parentheses around the number “20” for number denotation consistency throughout the text of the regulation. Strike the first instance of the phrase “ppm by volume” and replace it with the phrase and abbreviation in parentheses “parts per million by volume (ppmv).” Use the abbreviation hereafter for clarity and consistency. Preceding the numeral “5,” write out the word “five” and add parentheses around the number “5” for number denotation consistency throughout the text of the regulation. Strike each additional instance of the phrase “ppm by volume” and replace with the previously established abbreviation “ppmv” for consistency. Preceding the numeral “25,” write out the word “twenty-five” and add parentheses around the number “25” for number denotation consistency throughout the text of the regulation to read:

a. For emissions from any recovery furnace, periods of excess emissions are all 12-hour average TRS concentrations above twenty (20) parts per million by volume (ppmv) for old design recovery furnaces, five (5) ppmv for new design recovery furnaces and above twenty-five (25) ppmv for cross recovery furnaces;

At R. 61-62.5, Standard No. 4, Section XI.D.3.b, capitalize the word “for” at the beginning of the item for consistency throughout the text of the regulation. Preceding the numeral “20,” write out the word “twenty” and add parentheses around the number “20” for number denotation consistency throughout the text of the regulation. Strike the phrase “ppm by volume” and replace with the previously established abbreviation “ppmv” for consistency to read:

b. For emissions from any lime kiln, periods of excess emissions are all 12-hour average TRS concentrations above twenty (20) ppmv;

At R. 61-62.5, Standard No. 4, Section XI.D.3.c, capitalize the word “for” at the beginning of the item for consistency throughout the text of the regulation and insert a comma between the words “system” and “period” for grammatical and punctuational correctness to read:

c. For emissions from any digester system, multiple-effect evaporator system, or condensate stripper system, periods of excess emissions are:

At R. 61-62.5, Standard No. 4, Section XI.D.3.c.i, capitalize the word “all” at the beginning of the item for consistency throughout the text of the regulation. Preceding the numeral “5,” write out the word “five” and add parentheses around the number “5” for number denotation consistency throughout the text of the regulation. Strike the phrase “ppm by volume” and replace with the previously established abbreviation “ppmv” for consistency. Strike the citation “D (1)(a)” and replace with the citation “paragraph D.1.a above” for citation consistency to read:

(i) All 12-hour average TRS concentrations above five (5) ppmv unless the provisions of paragraph D.1.a above apply; or

At R. 61-62.5, Standard No. 4, Section XI.D.3.c.ii, capitalize the word “all” at the beginning of the item for consistency throughout the text of the regulation. Preceding the numeral “5,” write out the word “five” and add parentheses around the number “5” for number denotation consistency throughout the text of the regulation. Replace the degree symbol (°) with the text “degrees” for consistency, to avoid software conversion errors in the future, and for clarification to read:

(ii) All periods in excess of five (5) minutes and their duration during which the combustion temperature is less than 1200 degrees F if the gases are combusted in an incinerator or other device which does not generate TRS.

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At R. 61-62.5, Standard No. 4, Section XI.D.4, as there are no “Subparts” in this regulation, strike the citation “Subpart D.3. of this section” and it replace with the citation “paragraph D.3 above” for citation consistency throughout the text of the regulation and for clarity to read:

4. The Department will consider periods of excess emissions reported under paragraph D.3 above to be indicative of a violation if:

At R. 61-62.5, Standard No. 4, Section XI.D.4.a, capitalize the word “the” at the beginning of the item for consistency throughout the text of the regulation. Insert a hyphen (-) in each instance of the phrase “12 hour” for consistency. Preceding the numeral “1,” write out the word “one” and add parentheses around the number “1” for number denotation consistency throughout the text of the regulation. Replace the percent symbol (%) with the text “percent” for consistency, to avoid software conversion errors in the future, and for clarification to read:

a. The number of 12-hour exceedances from recovery furnaces is greater than one (1) percent of the total number of contiguous 12-hour periods in a quarter (excluding periods of startup, shutdown, or malfunction and periods when the recovery furnace is not operating).

At R. 61-62.5, Standard No. 4, Section XI.D.4.b, capitalize the word “the” at the beginning of the item for consistency throughout the text of the regulation. Insert a hyphen (-) in each instance of the phrase “12 hour” for consistency. Preceding the numeral “2,” write out the word “two” and add parentheses around the number “2” for number denotation consistency throughout the text of the regulation. Replace the percent symbol (%) with the text “percent” for consistency, to avoid software conversion errors in the future, and for clarification to read:

b. The number of 12-hour exceedances from lime kilns is greater than two (2) percent of the total number of contiguous 12-hour periods in a quarter (excluding periods of startup, shutdown, or malfunction and periods when the lime kiln is not operating).

At R. 61-62.5, Standard No. 4, Section XI.D.4.c, capitalize the word “the” at the beginning of the item for consistency throughout the text of the regulation. Insert a hyphen (-) in the phrase “12 hour” for consistency. Preceding the numeral “2,” write out the word “two” and add parentheses around the number “2” for number denotation consistency throughout the text of the regulation. Replace the percent symbol (%) with the text “percent” for consistency, to avoid software conversion errors in the future, and for clarification to read:

c. The number of 12-hour exceedances from incinerators is greater than two (2) percent of the total number of contiguous periods in a quarter (excluding periods of startup, shutdown, or malfunction and periods when the incinerator is not operating).

At R. 61-62.5, Standard No. 4, Section XI.D.4.d, capitalize the word “the” at the beginning of the item for consistency throughout the text of the regulation to read:

d. The Department determines that the affected equipment, including air pollution control equipment, is not maintained and operated in a manner which is consistent with good air pollution control practice for minimizing emissions during periods of excess emissions.

At R. 61-62.5, Standard No. 4, Section XII.A, Introductory Text, strike the phrase “sulfur dioxide” and replace it with the previously established abbreviation “SO₂” for consistency. Following the word “two,” write out the numeral “2” in parentheses for number denotation consistency throughout the text of the regulation. Strike the abbreviation “R.” and replace it with the word “Regulation” for citation consistency to read:

An owner or operator of a source listed below shall perform scheduled periodic tests for particulate matter emissions and/or SO₂ every two (2) years except as noted, or on a schedule as stipulated by special permit

conditions, and shall ensure that source tests are conducted in accordance with Regulation 61-62.1, Section IV, Source Tests.

At R. 61-62.5, Standard No. 4, Section XII.A.1, following the word “four,” write out the numeral “4” in parentheses for number denotation consistency throughout the text of the regulation to read:

1. Recovery furnaces and lime kilns of pulp and paper mills. Smelt tank vents will be required to be tested every four (4) years.

At R. 61-62.5, Standard No. 4, Section XII.A.4, preceding the numeral “10,” write out the word “ten” and add parentheses around the number “10” for number denotation consistency throughout the text of the regulation. Strike the undefined abbreviation “tons/hr.” and replace it with the phrase “tons per hour” for consistency and clarity to read:

4. Metallurgical furnaces greater than ten (10) tons per hour normal output.

At R. 61-62.5, Standard No. 4, Section XII.A.5, preceding the numeral “25,” write out the word “twenty-five” and add parentheses around the number “25” for number denotation consistency throughout the text of the regulation. Replace the percent symbol (%) with the text “percent” for consistency, to avoid software conversion errors in the future, and for clarification to read:

5. Asphalt plants. Asphalt plants that have a baghouse operating in a satisfactory manner with sufficiently low visible emissions may be exempted at the discretion of the Department. Asphalt plants will be required to produce “surface mix” during compliance source testing. “Surface mix” is hot laid asphaltic concrete surface courses (except sand asphalt surface mix) as defined in Section 403 of the 1986 edition of the South Carolina State Highway Department’s “Standard Specifications for Highway Construction” manual. The Department may, at its discretion, waive this requirement if sufficient evidence indicates that less than twenty-five (25) percent of the plant’s total annual production is surface mix.

At R. 61-62.5, Standard No. 4, Section XII.B, Introductory Text, following the word “two,” write out the numeral “2” in parentheses for number denotation consistency throughout the text of the regulation. Strike the abbreviation “R.,” replace it with the word “Regulation,” and add a comma after the title “Source Tests” for citation consistency. Strike the citation “Section XI(D)(1)(a) of this regulation” and replace it with the citation “Section XI.D.1.a” followed by the word “above” for citation consistency throughout the text of the regulation to read:

An owner or operator of a source which must comply with Section XI must perform scheduled periodic tests for TRS every two (2) years or on a schedule as stipulated by special permit conditions and shall ensure that source tests are conducted in accordance with Regulation 61-62.1, Section IV, Source Tests, unless they are subject to TRS continuous monitoring equipment as specified in Section XI.D.1.a above.

Regulation 61-62.5, Standard 5.2, Control of Oxides of Nitrogen (NO_x)

State Register Doc. No. 3069, May 25, 2007

At R.61-62.5, Standard 5.2, Title, correct the formatting error by striking the lowercase “x” in the term “NO_x” and replacing it with a subscripted capital “X” to read:

**STANDARD NO. 5.2
CONTROL OF OXIDES OF NITROGEN (NO_x)**

At R.61-62.5, Standard 5.2, Section I(a), correct the two formatting errors by striking the lowercase “x” in the term “NO_x” and replacing it with a subscripted capital “X.” Strike the “SC” before the word “Regulation” for consistency and add the comma after “Standard No. 7” for grammatical correctness to read:

(a) Except as provided in paragraph (b) of this part, the provisions of this regulation shall apply to any stationary source that emits or has the potential to emit oxides of nitrogen (NO_x) generated from fuel combustion that has not undergone a Best Available Control Technology (BACT) analysis for NO_x in accordance with Regulation 61-62.5, Standard No. 7, and that meets one or more of the criteria specified in paragraphs (a)(1), (a)(2), and (a)(3) of this part:

At R.61-62.5, Standard 5.2, Section I(a)(3), capitalize the “s” in “state” and add the word “paragraph” before the citation “(a)(2)” for clarity to read:

(3) Any existing source that is removed from its presently permitted facility and moved to another permitted facility after the effective date of this regulation except process equipment and commercial or industrial boilers that are transferred between facilities within the State under common ownership. Such transfers will be considered as existing sources under paragraph (a)(2) above.

At R.61-62.5, Standard 5.2, Section I(a)(3)(b)(1), strike the abbreviation for the unit “BTU/HR” and add the term and abbreviation “British thermal unit per hour (Btu/hr)” in parentheses and use this abbreviation hereafter for clarity and consistency to read:

(1) Any source less than 10 x 10⁶ British thermal unit per hour (Btu/hr) rated input capacity that burns a fuel.

At R.61-62.5, Standard 5.2, Section I(b)(2)a, strike the abbreviation for the unit “KW” and add the term and abbreviation “kilowatt (kW)” in parentheses and use this abbreviation hereafter for clarity and consistency to read:

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

At R.61-62.5, Standard 5.2, Section I(b)(2)b, strike the abbreviation for the unit “KW” and replace with the abbreviation “kW” for consistency to read:

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.

At R.61-62.5, Standard 5.2, Section I(b)(3), strike the abbreviation for the unit “bHP” and add the term and abbreviation “brake horsepower (bhp)” in parentheses and use this abbreviation hereafter for clarity and consistency to read:

(3) Any internal combustion engine with a mechanical power output of less than 200 brake horsepower (bhp).

At R.61-62.5, Standard 5.2, Section I(b)(5), correct formatting errors by striking the lowercase “x” in the term “NO_x” and replacing it with a subscripted capital “X.” Add the word “of” before “40” for clarity and grammatical correctness. Before “CFR” write out the phrase “Code of Federal Regulations” and set off the abbreviation “CFR” with parentheses “(CFR)” for term fluidity throughout the regulation. Strike the word “Parts” after “(CFR)” for consistency to read:

(5) Any equipment that has NO_x controls pursuant to the requirements of 40 Code of Federal Regulations (CFR) 60, 61, or 63 where such controls are equivalent to, or more stringent than, the requirements of this regulation.

At R.61-62.5, Standard 5.2, Section I(b)(6) and (7), correct the formatting error in both instances by striking the lowercase “x” in the term “NO_x” and replace it with a subscripted capital “X.” Strike the “SC” before the word “Regulation” in both instances for consistency to read:

(6) Any source that has NO_x controls pursuant to the requirements of Regulation 61-62.96, where such controls are equivalent to, or more stringent than, the requirements of this regulation.

(7) Any source that has NO_x controls pursuant to the requirements of Regulation 61-62.99.

At R.61-62.5, Standard 5.2, Section I(b)(8) through (11), to add a period “.” after each item for consistency and capitalize each word in item (11) for consistency to read:

(8) Flares.

(9) Air Curtain Incinerators.

(10) Fuel Cell Sources.

(11) Engines Test Cells/Standards.

At R.61-62.5, Standard 5.2, Section I(b)(12), following the phrase “Portable and temporary,” add the term “internal combustion” to define the abbreviation “(IC),” add parenthesis around “IC,” and use this abbreviation hereafter for clarity and consistency. Reformat the title of 40 CFR 89 to remove italics per regulation drafting guidelines to read:

(12) Portable and temporary internal combustion (IC) engines such as those associated with generators, air compressors, or other applications provided that they fall in the categories listed in 40 CFR 89, Control of Emissions from New and In-Use Nonroad Compression-Ignition Engines.

At R.61-62.5, Standard 5.2, Section I(b)(13), replace the percent symbol (%) with the text “percent” to avoid software conversion errors in the future and to provide clarity to read:

(13) Combustion sources that operate at a capacity of less than 10 percent per year.

At R.61-62.5, Standard 5.2, Section I(b)(14), strike the hyphenated words “start-up” and “shut-down” and replace with the unhyphenated words “startup” and “shutdown” to correct a typographical error to read:

(14) Special use burners, such as startup/shutdown burners, that are operated less than 500 hours a year.

At R.61-62.5, Standard 5.2, Section I(b)(15) and (16), add the word “below” after each of the citations for clarity to read:

(15) Liquor guns on a recovery boiler are only exempt from the standard requirements in Section IV below.

(16) Portable sources such as asphalt plants or concrete batch plants are only exempt from the standard requirements in Section III below.

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At R.61-62.5, Standard 5.2, Section II, paragraph 1, Burner Assembly, properly codify this entire section by adding the codification denotation “(a)” before this definition for proper codification and ease of use. After “oxygen” add the correct chemical abbreviation with parentheses “(O₂)” for term fluidity. Use this abbreviation hereafter for clarity and consistency to read:

(a) Burner Assembly: Means any complete, pre-engineered device that combines air (or oxygen (O₂)) and fuel in a controlled manner and admits this mixture into a combustion chamber in such a way as to ensure safe and efficient combustion. A self-contained chamber such as is found on a combustion turbine is not a burner assembly for the purposes of this regulation.

At R.61-62.5, Standard 5.2, Section II, paragraph 2, Case-by-Case NO_x Control, properly codify this entire section by adding the codification denotation “(b)” before this definition for proper codification and ease of use. Correct the formatting errors by striking the lowercase “x” in the term “NO_x” and replace it with a subscripted capital “X” in each instance, and strike the comma between “means” and “which” for grammatical correctness to read:

(b) Case-by-Case NO_X Control: Means an emissions limitation based on the maximum degree of reduction for NO_X which would be emitted from any new source which the Department, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source through application of production processes or available methods, systems, and techniques. In no event shall application of NO_X control result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard. If the Department determines that technological or economic limitations on the application of measurement methodology to a particular source would make the impositions of an emission standard infeasible, a design, equipment, work practice, operational standard, or combination thereof, may be prescribed instead to satisfy the requirement for the application of NO_X control. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

At R.61-62.5, Standard 5.2, Section II, paragraph 3, Combustion Control Device, properly codify this entire section by adding the codification denotation “(c)” before this definition for proper codification and ease of use to read:

(c) Combustion Control Device: Means, but is not limited to, any equipment that is used to destroy or remove air pollutant(s) prior to discharge to the atmosphere, excluding boilers, process heaters, dryers, furnaces, digesters, ovens, combustors, and similar combustion devices. Such equipment includes, but is not limited to, thermal oxidizers, catalytic oxidizers, and flares.

At R.61-62.5, Standard 5.2, Section II, paragraph 4, Constructed, properly codify this entire section by adding the codification denotation “(d)” before this definition for proper codification and ease of use. Correct the formatting error by striking the lowercase “x” in the term “NO_x” and replace it with a subscripted capital “X” to read:

(d) Constructed: Means the on-site fabrication, erection, or installation of the NO_X emitting source.

At R.61-62.5, Standard 5.2, Section II, paragraph 5, Fuel, properly codify this entire section by adding the codification denotation “(e)” before this definition for proper codification and ease of use to read:

(e) Fuel: Means the following or any combination of the following: virgin fuel, fossil fuel, waste, waste fuel, biomass fuel, biofuel, methanol, ethanol, biodiesel, landfill gas, digester gas, process liquid or gas, or any combustible material the Department determines to be a fuel.

At R.61-62.5, Standard 5.2, Section II, paragraph 6, Source, properly codify this entire section by adding the codification denotation “(f)” before this definition for proper codification and ease of use. Correct the formatting error by striking the lowercase “x” in the term “NO_x” and replace it with a subscripted capital “X” to read:

(f) Source: Means an individual NO_X emission unit.

At R.61-62.5, Standard 5.2, Section II, paragraph 7, Tune-up, properly codify this entire section by adding the codification denotation “(f)” before this definition for proper codification and ease of use to read:

(g) Tune-up: Means adjustments made to the combustion process to optimize combustion efficiency of the source in accordance with procedures provided by the manufacturer or in accordance with good engineering practices.

At R.61-62.5, Standard 5.2, Section III(a), strike the citation “Section I (a)(1)” and replace it with the properly spaced citation “Section I(a)(1)” for citation consistency, and add the word “above” after the citation “(a)(3)” for clarity. Correct the formatting error by striking the lowercase “x” in the term “NO_x” and replace it with a subscripted capital “X” to read:

(a) Those sources as defined in Section I(a)(1) and (a)(3) above shall apply NO_X controls capable of achieving the limitations provided in Table 1 of this section. Unless otherwise noted, all emission limits identified in Table 1 are based on monthly averages.

At R.61-62.5, Standard 5.2, Section III(b), correct the formatting error by striking the lowercase “x” in the term “NO_x” and replace it with a subscripted capital “X.” Add the word “above” after the citation “Section II” for clarity to read:

(b) A source may request an alternate control limitation by submitting a demonstration that the alternate limitation is a Case-by-Case NO_X Control as defined in Section II above.

At R.61-62.5, Standard 5.2, Section III(c), strike the citation “Section III (b)” and replace it with the properly spaced citation “Section III(b)” for citation consistency to read:

(c) The Department reserves the right to request that the owner or operator submit additional information for those sources that request alternate control limitation in accordance with Section III(b) above.

At R.61-62.5, Standard 5.2, Section III(d), correct the formatting error by striking the lowercase “x” in the term “NO_x” and replace it with a capital “X” that is actually subscripted to read “NO_X” in each instance to read:

(d) Sources required to install post combustion technology for the control of NO_X, shall be required to use post combustion for the control of NO_X during the ozone season (April 1 through October 31).

At R.61-62.5, Standard 5.2, Section III, Table 1, strike and replace the entire Table as submitted to include horizontal and vertical gridlines in order to correct formatting and grammatical errors; appropriately define and use abbreviations for term fluidity, clarity, and consistency; strike symbols and add text for clarity and to avoid software conversion errors; and correctly hyphenate terms where appropriate for consistency. Where appropriate, add the word “Basis” to the term “O₂ Dry” to correct a typographical error and ensure consistency in the term “O₂ Dry Basis” throughout the text of the table to read:

Table 1 - NO_x Control Standards

Source Type	Control Technology and/or Emission Limit
Boilers and Water Heaters	
Natural Gas-Fired Boilers	
≥ 10 million British thermal units per hour (MMBtu/hr) and < 100 MMBtu/hr	Low-NO _x Burners or equivalent technology capable of achieving 30 parts per million by volume (ppmv) at 3 percent O ₂ Dry Basis (0.036 pounds per million British thermal units (lb/MMBtu)
≥ 100 MMBtu/hr	Low-NO _x Burners + Flue Gas Recirculation or equivalent technology capable of achieving 30 ppmv at 3 percent O ₂ Dry Basis (0.036 lb/MMBtu)
Distillate Oil-Fired Boilers	
≥ 10 MMBtu/hr and < 100 MMBtu/hr	Low-NO _x Burners or equivalent technology capable of achieving 0.15 lb/MMBtu
≥ 100 MMBtu/hr	Low-NO _x Burners + Flue Gas Recirculation or equivalent technology capable of achieving 0.14 lb/MMBtu
Residual Oil-Fired Boilers	
≥ 10 MMBtu/hr and < 100 MMBtu/hr	Low-NO _x Burners or equivalent technology capable of achieving 0.3 lb/MMBtu
≥ 100 MMBtu/hr	Low-NO _x Burners + Flue Gas Recirculation or equivalent technology capable of achieving 0.3 lb/MMBtu
Multiple Fuel Boilers	
The emission limits for boilers burning multiple fuels are calculated in accordance with the formulas below. Additional fuels shall be addressed on a case-by-case basis.	
≥ 10 MMBtu/hr and < 100 MMBtu/hr	$E_n = [(0.036 \text{ lb/MMBtu } H_{ng}) + (0.15 \text{ lb/MMBtu } H_{do}) + (0.3 \text{ lb/MMBtu } H_{ro}) + (0.35 \text{ lb/MMBtu } H_c) + (0.2 \text{ lb/MMBtu } H_w)] / (H_{ng} + H_{do} + H_{ro} + H_c + H_w)$ <p>where:</p> <p>E_n is the nitrogen oxides emission limit (expressed as nitrogen dioxide (NO₂)), ng/J (lb/million Btu), H_{ng} is the heat input from combustion of natural gas, H_{do} is the heat input from combustion of distillate oil, H_{ro} is the heat input from combustion of residual oil, H_c is the heat input from combustion of coal, and H_w is the heat input from combustion of wood residue.</p>
≥ 100 MMBtu/hr	$E_n = [(0.036 \text{ lb/MMBtu } H_{ng}) + (0.14 \text{ lb/MMBtu } H_{do}) + (0.3 \text{ lb/MMBtu } H_{ro}) + (0.25 \text{ lb/MMBtu } H_c) + (0.2 \text{ lb/MMBtu } H_w)] / (H_{ng} + H_{do} + H_{ro} + H_c + H_w)$ <p>where:</p> <p>E_n is the nitrogen oxides emission limit (expressed as NO₂), ng/J (lb/million Btu), H_{ng} is the heat input from combustion of natural gas, H_{do} is the heat input from combustion of distillate oil, H_{ro} is the heat input from combustion of residual oil, H_c is the heat input from combustion of coal, and H_w is the heat input from combustion of wood residue.</p>
Wood Residue Boilers	

All types	Combustion controls to minimize NO _x emissions or equivalent technology capable of achieving 0.20 lb/MMBtu
Coal-Fired Stoker Fed Boilers	
< 250 MMBtu/hr	Combustion controls to minimize NO _x emissions or equivalent technology capable of achieving 0.35 lb/MMBtu
≥ 250 MMBtu/hr	Combustion controls to minimize NO _x emissions or equivalent technology capable of achieving 0.25 lb/MMBtu
Pulverized Coal-Fired Boilers	
< 250 MMBtu/hr	Low-NO _x Burners + Combustion controls to minimize NO _x emissions or equivalent technology capable of achieving 0.35 lb/MMBtu
≥ 250 MMBtu/hr	Low-NO _x Burners + Combustion controls to minimize NO _x emissions + Selective Catalytic Reduction (SCR) or equivalent technology capable of achieving 0.14 lb/MMBtu
Municipal Refuse-Fired Boilers	
< 250 MMBtu/hr	Combustion modifications to minimize NO _x emissions + Flue Gas Recirculation or equivalent technology capable of achieving 200 ppmv at 12 percent CO ₂ (0.35 lb/MMBtu)
≥ 250 MMBtu/hr	Staged Combustion and Automatic Combustion Air Control + SCR or equivalent technology capable of achieving 0.18 lb/MMBtu
Internal Combustion Engines	
Compression Ignition	Timing Retard ≤ 4 degrees + Turbocharger with Intercooler or equivalent technology capable of achieving 490 ppmv at 15 percent O ₂ (7.64 gram per bhp-hour (gm/bhp-hr))
Spark Ignition	Lean-Burn Technology or equivalent technology capable of achieving 1.0 gm/bhp-hr
Landfill or Digester Gas-Fired	Lean-Burn Technology or equivalent technology capable of achieving 1.25 gm/bhp-hr
Gas Turbines	
Simple Cycle – Natural Gas	
< 50 Megawatts	Combustion Modifications (for example, dry low-NO _x combustors) to minimize NO _x emissions or equivalent technology capable of achieving 25 ppmv at 15 percent O ₂ Dry Basis (0.054 lb/MMBtu)
≥ 50 Megawatts	Combustion Modifications (for example, dry low-NO _x combustors) to minimize NO _x emissions or equivalent technology capable of achieving 9.0 ppmv at 15 percent O ₂ Dry Basis (0.033 lb/MMBtu)
Combined Cycle – Natural Gas	
< 50 Megawatts	Dry Low-NO _x Combustors or equivalent technology capable of achieving 9.0 ppmv at 15 percent O ₂ Dry Basis (0.033 lb/MMBtu)
≥ 50 Megawatts	Dry Low-NO _x Combustors + SCR or equivalent technology capable of achieving 3.0 ppmv at 15 percent O ₂ Dry Basis (0.011 lb/MMBtu)
Simple Cycle – Distillate Oil Combustion	
< 50 Megawatts	Combustion Modifications and water injection to minimize NO _x emissions or equivalent technology capable of achieving 42 ppmv at 15 percent O ₂ Dry Basis (0.16 lb/MMBtu)
≥ 50 Megawatts	Combustion Modifications and water injection to minimize NO _x emissions or equivalent technology capable of achieving 42 ppmv at 15 percent O ₂ Dry Basis (0.16 lb/MMBtu)
Combined Cycle - Distillate Oil Combustion	
< 50 Megawatts	Dry Low-NO _x Combustors with water injection, or equivalent technology capable of achieving 42 ppmv at 15 percent O ₂ Dry Basis (0.16 lb/MMBtu)

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≥ 50 Megawatts	Dry Low-NO _x Combustors, water injection, and SCR or equivalent technology capable of achieving 10 ppmv at 15 percent O ₂ Dry Basis (0.038 lb/MMBtu)
Landfill Gas-Fired	Water or steam injection or low-NO _x turbine design or equivalent technology capable of achieving 25 ppmv at 15 percent O ₂ (0.097 lb/MMBtu)
Cement Kilns	Low-NO _x Burners or equivalent technology capable of achieving 30 percent reduction from uncontrolled levels.
Fluidized Bed Combustion (FBC) Boiler	
Coal-Fired	Selective Non-catalytic Reduction - Urea (SNCR-Urea) capable of achieving 51.8 ppm at 3 percent O ₂ (0.07 lbs/MMBtu)
Wood-Fired	SNCR-Urea capable of achieving 51.8 ppm at 3 percent O ₂ (0.07 lbs/MMBtu)
Recovery Furnaces	Fourth (4 th) level or air to recovery furnace/good combustion practices or equivalent technology capable of achieving 100 ppm at 8 percent O ₂
Lime Kilns	Combustion controls or equivalent technology capable of achieving 175 ppm at 10 percent O ₂
Fuel Combustion Sources Not Otherwise Specified (Examples include but are not limited to process heaters not meeting the definition of "boiler" in Regulation 61-62.1 Section I, dryers, furnaces, ovens, duct burners, incinerators, and smelters)	Low-NO _x Burners or equivalent technology capable of achieving 30 percent reduction from uncontrolled levels.

At R.61-62.5, Standard 5.2, Section IV(a), strike the citation “Section I (a)(2)” and replace it with the properly spaced citation “Section I(a)(2)” for citation consistency throughout the text of the regulation. Hyphenate the words “low” and “NO_x” for grammatical correctness. Correct the formatting error by striking the lowercase “x” in the term “NO_x” and replace it with a subscripted capital “X” to read:

(a) For those sources subject to the requirements of this regulation as defined in Section I(a)(2) above where an existing burner assembly is replaced after the effective date of this regulation, the burner assembly shall be replaced with a low-NO_x burner assembly or equivalent technology capable of achieving a 30 percent reduction from uncontrolled NO_x emission levels based upon manufacturer’s specifications. An exemption from this requirement shall be granted when a single burner assembly is being replaced in a source with multiple burners due to non-routine maintenance.

At R.61-62.5, Standard 5.2, Section IV(b), strike the citation “Section I (a)(2)” and replace it with the properly spaced citation “Section I(a)(2)” for citation consistency throughout the text of the regulation to read:

(b) For those sources defined in Section I(a)(2) above where an existing burner assembly is replaced after the effective date of this regulation, the owner or operator shall notify and register the replacement with the Department in accordance with Section V below.

At R.61-62.5, Standard 5.2, Section IV(c), add the word “above” after the citation “paragraph (a)” for clarity. Correct the formatting error by striking the lowercase “x” in the term “NO_x” and replace it with a subscripted capital “X” to read:

(c) A facility may request an alternative control methodology to the one specified in paragraph (a) above of this section provided that they can demonstrate to the Department why the NO_x control limits specified are not

economically or technically feasible for this specific circumstance. The Department reserves the right to request that the owner or operator submit additional information as necessary for the alternative control methodology determination. Alternative control methodologies granted under this part are not effective until notification is submitted to and approved by the Department.

At R.61-62.5, Standard 5.2, Section V(a), add the word “above” after the citation “Section IV(c)” for clarity and consistency to read:

(a) Except for those sources that wish to request an alternative control methodology as specified in Section IV(c) above, the notification requirements specified in this section shall apply only to existing sources as defined in Section I(a)(2) above where an existing burner assembly is replaced after the effective date of this regulation.

At R.61-62.5, Standard 5.2, Section V(b), before the numeral “7” add the word seven and add parenthesis around the numeral for number denotation consistency throughout the text of the regulation to read:

(b) Within seven (7) days of replacing an existing burner assembly, the owner or operator shall submit written notification to register the replacement unit with the Department.

At R.61-62.5, Standard 5.2, Section V(c), strike the “SC” before the word “Regulation” for consistency. Strike the citation “Section II (a)” and replace it with the properly spaced citation “Section II(a)” for citation consistency throughout the text of the regulation to read:

(c) Notification shall satisfy the permitting requirements consistent with Regulation 61-62.1, Section II(a).

At R.61-62.5, Standard 5.2, Section VI(a), following the word “two,” add the numeral for the word two (2) in parenthesis for number denotation consistency throughout the text of the regulation to read:

(a) Owners or operators of a combustion source shall perform tune-ups every two (2) years in accordance with manufacturer’s specifications or with good engineering practices.

At R.61-62.5, Standard 5.2, Section VI(b), following the word “five” add the numeral (5) in parenthesis for number denotation consistency throughout the text of the regulation to read:

(b) All tune-up records are required to be maintained on site and available for inspection by the Department for a period of five (5) years from the date generated.

R.61-62.6, Control of Fugitive Particulate Matter

State Register Doc. 457, May 24, 1985

At R. 61-62.6, Section I, Control of Fugitive Particulate Matter in Non-attainment Areas, Title, strike the hyphen in “NON-ATTAINMENT” for consistency with federal regulations to read:

SECTION I - CONTROL OF FUGITIVE PARTICULATE MATTER IN NONATTAINMENT AREAS

At R. 61-62.6, Section I(A) strike the comma between “benefits” and “and” and replace it with a semicolon for punctuational correctness and clarity to read:

(A) No person shall cause or permit any fugitive particulate matter to go beyond property boundaries below a height of 150 feet. Necessary precautions shall be taken to prevent such occurrences and be in accordance with good dust control practices as determined by the Department taking into consideration economic reasonableness, the seriousness of the dust conditions, and anticipated benefits; and may include but not be limited to the following:

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At R. 61-62.6, Section I(A)4, add a serial comma between “erosion” and “or” for grammatical consistency and clarity.

4. The paving of roadways and the prompt removal of earth or other materials from paved streets that have been deposited by vehicular traffic, earth moving equipment, water erosion, or other means;

At R. 61-62.6, Section I(B), add the word “ten” before the numeral “10” and add parentheses around the numeral “10” for consistency and clarity. Strike the percent symbol (“%”) and replace it with the word “percent” for consistency and to avoid future software conversion errors to read:

(B) No visible dust in excess of ten (10) percent opacity will be allowed to come from transfer points of any conveyor system for raw material or finished product unless the source owner can demonstrate to the satisfaction of the Department that such control is not feasible.

At R. 61-62.6, Section I(C), strike the hyphen in “non-attainment” for consistency with federal regulations to read:

(C) No new source will be granted a permit to construct in a nonattainment area for primary standards if any part of materials handling of dry and dusty material is to be done with a front end loader, dump truck, or similar type handling which permits excessive dust to escape to the ambient air.

At R. 61-62.6, Section II(A), strike the hyphen in “non-attainment” for consistency with federal regulations to read:

(A) For the purpose of this section, problem areas are defined as areas in which ambient levels of particulate matter are at or near primary standards; areas where an undesirable level of air pollution exists; areas in which excessive levels of fugitive particulate matter result in complaints from the general public; areas in which fugitive particulate matter is determined to be impacting upon a nonattainment area.

R. 61-62.7, Good Engineering Practice Stack Height

State Register Doc. 587, May 23, 1986

At R. 61-62.7, Section I, change the word “Regulation” from uppercase to lowercase for consistency throughout the regulation; reformat the word “*credit*” to remove italics per regulation drafting guidelines; and change the words “Stack Height” from uppercase to lowercase for consistency throughout the regulation to read:

SECTION I. GENERAL

The purpose of this regulation is to prevent the use of tall stacks or other dispersion techniques from affecting the emissions limitations required to meet National Ambient Air Quality Standards (NAAQS) or Prevention of Significant Deterioration (PSD) increments. This regulation does not, in any manner, restrict the actual physical stack height nor the actual use of dispersion techniques at any source. Rather, it sets limits on the maximum credit for stack height and other dispersion techniques which can be used in ambient air quality modeling for the purpose of setting an emission limitation and calculating the air quality impact of a source. Sources requiring modeling must use Good Engineering Practice (GEP) stack height. Credit for dispersion techniques is prohibited.

At R. 61-62.7, Section III.A, change the words “in existence” from lowercase to uppercase for list consistency to read:

A. Stack “In Existence” - A stack on which the owner or operator had (1) begun, or caused to begin, a continuous program of physical on-site construction or (2) entered into binding agreements or contractual

obligations which could not be canceled or modified without substantial loss to the owner or operator to undertake a program of construction to be completed in a reasonable time.

At R. 61-62.7, Section III.B.1.a, strike the term “good engineering practice” and replace with the previously established abbreviation “GEP” for consistency throughout the regulation to read:

- a. Using that portion of a stack which exceeds GEP stack height;

At R. 61-62.7, Section III.B.2, strike the citation “Paragraphs 1a, b, and c” and replace it with the citation “Paragraphs B.1.a, B.1.b, and B.1.c” for citation consistency throughout the regulation to read:

2. Paragraphs B.1.a, B.1.b, and B.1.c above do not include:

At R. 61-62.7, Section III.B.2.b(ii), add a comma after the date “July 8, 1985” for consistency and punctuational correctness; strike the “s” at the end of the term “dispersion techniques” for clarity and consistency to read:

(ii) After July 8, 1985, such merging is part of a change in operation at the plant that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant. This exclusion from the definition of “dispersion technique” applies only to the emission limitation for the pollutant affected by such change in operation; or

At R. 61-62.7, Section III.B.2.b(iii), add a comma after the date “July 8, 1985” for consistency and punctuational correctness to read:

(iii) Before July 8, 1985, such merging was part of a change in operation at the plant that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons. Where there was an increase in the emission limitation or, in the event that no emission limitation was in existence prior to the merging, an increase in the quantity of pollutants actually emitted prior to the merging, the Department shall presume that merging was significantly motivated by an intent to gain emissions credit for greater dispersion. Without a demonstration by the source owner or operator that merging was not significantly motivated by such intent, the Department shall deny credit for the effects of such merging in calculating the allowable emissions for the source;

At R. 61-62.7, Section III.C.2, strike the term “good engineering practice” and replace with the previously established abbreviation “GEP” for consistency throughout the regulation; strike the commas after both instances of the word “stack” for list clarity and punctuational correctness; and add a serial comma after the word “height” for consistency throughout the regulation to read:

$$2. H_g = H + 1.5L,$$

where:

H_g = GEP stack height, measured from the ground-level elevation at the base of the stack

H = height of nearby structure(s) measured from the ground-level elevation at the base of the stack

L = lesser dimension, height, or projected width of nearby structure(s)

The Department or EPA may require the use of a field study or fluid model to verify GEP stack height for the source; or

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At R. 61-62.7, Section III.D.1, strike the period at the end of the citation “paragraph C.2” for citation consistency throughout the regulation. Strike the word “five” and replace with the number “5” for consistency throughout the regulation. Add the word “kilometers” and place the abbreviation “km” in parentheses for clarity. Use this abbreviation hereafter for clarity and consistency. Strike the comma after the term “(1/2 mile)” and replace with a semicolon for list consistency to read:

1. For the purpose of applying the formula provided in paragraph C.2 above, nearby means that distance up to 5 times the lesser of the height or the width of a structure, but not greater than 0.8 kilometers (km) (1/2 mile); and

At R. 61-62.7, Section III.D.2, strike the period at the end of the citation “paragraph C.3” for citation consistency throughout the regulation. Reformat the word “*portion*” to remove italics per regulation drafting guidelines to read:

2. For conducting demonstrations under paragraph C.3 above, nearby means not greater than 0.8 km (1/2 mile), except that a portion of a terrain feature may be considered “nearby” when:

At R. 61-62.7, Section III.D.2.a, change the first instance of the word “at” from lowercase to uppercase for list consistency; replace the symbol “%,” which stands for the word “percent,” with the text “percent” to avoid confusion and provide clarity; strike the period at the end of the citation “paragraph C.2” for citation consistency throughout the regulation; and strike the comma after the word “and” for punctuational correctness to read:

a. At a distance of 0.8 km (1/2 mile) from the stack the height of the feature is at least 40 percent of the GEP (as determined by the formula in paragraph C.2 above) or 26 meters, whichever is greater; and

At R. 61-62.7, Section III.D.2.b, change the first instance of the word “the” from lowercase to uppercase for list consistency to read:

b. The portion of the terrain feature must be within 10 times the maximum height of the feature, but not more than 2 miles, from the stack.

At R. 61-62.7, Section III.E, Introductory Text, strike the term “good engineering practice” and replace with the abbreviation “GEP,” add the word “paragraph” before the section citation “C.3.,” and strike the succeeding period for consistency throughout the regulation to read:

E. “Excessive Concentration”

For the purpose of determining GEP stack height under paragraph C.3 above.

At R. 61-62.7, Section III.E.1, add the word “paragraph” before the section citation “C.2.” and strike the succeeding period for consistency throughout the regulation; after the word “which” strike the word “is” and replace with the word “are;” strike the “s” at the end of the word “contributes;” and after the word “that,” strike the word “is” and replace with the word “are” for subject verb agreement to read:

1. For sources seeking credit for stack height exceeding that established under paragraph C.2 above, excessive concentration means a maximum ground-level concentration resulting from stack emissions which are due in whole or part to downwash, wakes, and eddy effects produced by nearby structures or nearby terrain features which are at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and which contribute to a total concentration due to emissions from all sources that are greater than an ambient air quality standard;

At R. 61-62.7, Section III.E.2, add the word “paragraph” before the section citation “C.2.” and strike the succeeding period for consistency throughout the regulation; after the term “subject to the” strike the words “Prevention of Significant Deterioration” and replace with the previously established abbreviation “PSD” for consistency throughout the regulation; after the word “which” strike the word “is” and replace with the word “are” for subject verb agreement; after the phrase “greater than a” strike the words “Prevention of Significant Deterioration” and replace with the previously established abbreviation “PSD” for consistency throughout the regulation; and strike the period at the end of the paragraph and replace it with a semicolon for grammatical correctness and consistency throughout the regulation to read:

2. For sources seeking credit for stack height exceeding that established under paragraph C.2 above, and where such sources are subject to the PSD program, excessive concentration means a maximum ground-level concentration resulting from stack emissions which are due in whole or part to downwash, wakes, or eddy effects produced by nearby structures or nearby terrain features which are at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects and greater than a PSD increment;

At R. 61-62.7, Section III.E.3, add the word “paragraphs” before the section citation “E.1” for clarity and consistency; add the word “above” after the citation “E.2” for clarity; and strike the term “new source performance standard” and replace with the term “New Source Performance Standard (NSPS)” for clarity and consistency to read:

3. The allowable emission rate to be used in making demonstrations under paragraphs E.1 or E.2 above shall be prescribed by the New Source Performance Standard (NSPS) that is applicable to the source category unless the owner or operator demonstrates that this emission rate is infeasible. Where such demonstrations are approved by the Department, an alternative emission rate shall be established in consultation with the source owner or operator;

At R. 61-62.7, Section III.E.4, strike the period succeeding the citation “paragraph C.2.” for citation consistency to read:

4. For sources seeking credit after October 11, 1983, for increases in existing stack heights up to the heights established under paragraph C.2 above, excessive concentration means either:

At R. 61-62.7, Section III.E.4.a, change the first instance of the word “a” from lowercase to uppercase for list consistency; add a serial comma after the word “wakes” for consistency; strike the citation “E.1. or 2.” and replace it with the citation “paragraphs E.1 or E.2” for citation consistency; and change the word “Regulation” from uppercase to lowercase for consistency throughout the regulation to read:

a. A maximum ground-level concentration due in whole or part to downwash, wakes, or eddy effects as provided in paragraphs E.1 or E.2 above, except that the emission rate specified by any applicable regulation (or, in the absence of such a limit, the actual emission rate) shall be used; or

At R. 61-62.7, Section III.E.4.b, change the first instance of the word “the” from lowercase to uppercase for list consistency to read:

b. The actual presence of a local nuisance caused by the existing stack as determined by the Department; and

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At R. 61-62.7, Section III E.5, add a comma after the date “January 12, 1979” for consistency and punctuational correctness; add the word “paragraph” before the first instance of the section citation “C.2.” and strike the succeeding period for consistency throughout the regulation; add a comma after the dates “November 9, 1984” and “December 31, 1970” for consistency and punctuational correctness; add the word “paragraph” before second instance of the section citation “C.2.” and strike the succeeding period for consistency throughout the regulation; and add a serial comma after the word “wakes” for consistency to read:

5. For sources seeking credit after January 12, 1979, for a stack height determined under paragraph C.2 above where the Department requires the use of a field study or fluid model to verify GEP stack height, for sources seeking stack height credit after November 9, 1984, based on the aerodynamic influence of cooling towers, and for sources seeking stack height credit after December 31, 1970, based on the aerodynamic influence of structures not adequately represented by the equation in paragraph C.2 above, excessive concentration means a maximum ground-level concentration due in whole or part to downwash, wakes, or eddy effects that is at least 40 percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.

At R. 61-62.7, Section IV, strike the periods in the abbreviation “G.E.P.” for consistency throughout the regulation; and strike the citation “Section III C.1 or 2” and replace it with the citation “Section III.C.1 or C.2” for citation consistency throughout the regulation to read:

For any source whose emission limitation is based on a GEP stack height which exceeds that allowed by Section III.C.1 or C.2 above, the public will be notified of the availability of the demonstration study and the opportunity for a public hearing will be provided.

BOARD OF ARCHITECTURAL EXAMINERS

CHAPTER 11

Statutory Authority: 1976 Code Sections 40-1-70 and 40-3-60

Notice of Drafting:

The South Carolina Board of Architectural Examiners proposes to amend Regulations 11-2, 11-3, 11-5, 11-8, 11-8.1 in conformance with its practice act. Interested persons may submit comments to Jan Simpson, Administrator, Board of Architectural Examiners, Post Office Box 11419, Columbia, S.C. 29211-1419.

Synopsis:

The South Carolina Board of Architectural Examiners proposes to amend Regulations 11-2, 11-3, 11-5, 11-8, 11-8.1. Legislative review of this amendment is required.

OFFICE OF THE ATTORNEY GENERAL

CHAPTER 13

Statutory Authority: 1976 Code Sections 35-1-101 et seq.

Notice of Drafting:

The Office of the Attorney General proposes to amend certain current Regulations and promulgate additional regulations to implement the South Carolina Uniform Securities Act of 2005 and to reflect other developments in securities regulation since 2005. Interested persons may submit comments to Thresechia Navarro, Office of the S.C. Attorney General, Securities Division, P.O. Box 11549, Columbia, SC 29211-1549. To be considered, comments must be received no later than 5:00 p.m. on January 28, 2013, the close of the drafting comment period.

Synopsis:

The Office of the Attorney General proposes to update and clarify the current Regulations.

Legislative review of the proposed regulations will be required.

MANUFACTURED HOUSING BOARD

CHAPTER 79

Statutory Authority: 1976 Code Sections 40-1-70 and 40-29-200(B)(1)

Notice of Drafting:

The South Carolina Manufactured Housing Board proposes to amend Regulation 79-4 in conformance with its practice act. Interested persons may submit comments to Gary Wiggins, Administrator, State Manufactured Housing Board, Post Office Box 11329, Columbia, S.C. 29211-1329.

Synopsis:

The South Carolina Manufactured Housing Board proposes to amend Regulation 79-4. Legislative review of this amendment is required.

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DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-11-2200 and 50-13-2011

Notice of Drafting:

The Department of Natural Resources proposes to establish Regulations 123-209 "Term and conditions for the public's use of lakes and ponds owned by the SC. Dept of Natural Resources" and 123-210 "Term and conditions for the public's use of lakes and ponds owned or leased by the SC. Dept of Natural Resources". The subject of the proposed action is to establish and revise under code section 50-13-2011 the terms and conditions for the public use of lakes owned or leased by the SC Department of Natural Resources that previously were established under repealed code section 50-13-2020. Any person interested may submit written comments to Emily Cope, Deputy Director, Wildlife & Freshwater Fisheries Division, S.C. Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

Synopsis:

These amended regulations will allow the expansion of existing seasons and methods within the current season framework to allow additional opportunity on existing and new Wildlife Management Areas. These regulations set seasons, bag limits and methods of hunting and taking of wildlife and other restrictions on Wildlife Management Areas.

These regulations will allow for the public use of lakes and ponds owned or leased by the Department and managed as a part of the State Lakes Program for public fishing. The regulations establish opening and closure times and dates, possession limits, size limits, methods for taking fish and other use allowances and restrictions for lake and ponds in the State Lakes Program.

DEPARTMENT OF TRANSPORTATION

CHAPTER 63

Statutory Authority: 1976 Code Section 12-28-2930, as amended

Notice of Drafting:

The South Carolina Department of Transportation proposes to amend certain sections of Regulations 63-700 et seq. for the Disadvantaged Business Enterprises (DBE) Program. Interested persons should submit their comments in writing to: Linda C. McDonald, Chief Counsel, P. O. Box 191, Columbia, SC, 29202 by no later than 5:00 p.m. on January 25, 2013, the end of the drafting comment period.

Synopsis:

The South Carolina Department of Transportation proposes to update the names of certain officials and provide for appeals processes in conformance with federal regulations found in 49 CFR 26.

The proposed revisions will require legislative review.

Document No. 4329
DEPARTMENT OF AGRICULTURE
 CHAPTER 5
 Statutory Authority: 1976 Code Section 39-25-180

Article 18, 5-614 through 5-626. Cheese & Butter

Preamble:

The Department of Agriculture proposes these amendments to clarify and to provide definitions, sanitation standards and labeling requirements for cheese being manufactured, packaged and sold in South Carolina as a food product, as authorized by S.C. Code, Title 39 Chapter 25. The proposed regulations will set forth the regulations and guidance for cheese manufacturing in South Carolina. Notice of Drafting for the proposed amendments was published in the *State Register* in April 27, 2012.

Section-by-Section Discussion:

- 5-614 Definitions; adds new section
- 5-615 Grounds; adds new section
- 5-616 Building and Facilities; adds new section
- 5-617 Equipment and Utensils; adds new section
- 5-618 Sanitary Operations; adds new section
- 5-619 Processes and Controls; adds new section
- 5-620 Records; adds new section
- 5-621 Personnel; adds new section
- 5-622 Standardized Cheeses and Related Products; adds new section
- 5-623 Non-standardized Cheese and Related Products; adds new section
- 5-624 Adulterated or Misbranded Milk or Dairy Products; adds new section
- 5-625 Permits; adds new section
- 5-626 Inspection of Dairy Farms and Dairy Plants; adds new section

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(A)(3) of the S.C. Code, as amended, such hearing will be held on January 30, 2013, at 10:00 a.m. at the Phillips Market Center, 3483 Charleston Hwy, West Columbia SC29172. Persons desiring to make oral comment at the hearing are asked to provide written copies of their presentation for the record. If no request for a hearing is received by January 29, 2013, the hearing will be canceled.

In addition, written comments may also be submitted. All written comments and requests for a public hearing should be directed to Ms. Beth Crocker, General Counsel, S.C. Department of Agriculture, P.O. Box 11280, Columbia, SC29211-1280 no later than January 30, 2013.

Preliminary Fiscal Impact Statement:

No additional state funding is requested to implement these proposed regulations.

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Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 5-614 through 5-626. Cheese & Butter.

Purpose: to clarify and to provide definitions, sanitation standards and labeling requirements for cheese and butter being manufactured, packaged and sold in South Carolina as a food product.

Legal Authority: The legal authority for Regulations 5-614 et seq. is Section 39-25-180, S.C. Code of Laws.

Plan for Implementation: The proposed regulations will take effect upon publication in the *State Register* and may be implemented by providing copies of the regulation upon request.

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

The proposed regulations will provide clarification, definitions, sanitation standards and labeling requirements for cheese and butter being manufactured, packaged and sold in South Carolina as a food product

DETERMINATION OF COSTS AND BENEFITS:

There will be a benefit to citizens, producers and consumers purchasing, manufacturing and consuming cheese products manufactured in South Carolina by providing uniform guidance based on best management and sanitation practices as recommended by the USDA.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulations help to clarify and provide uniform standards used by this Department and producer/processors to ensure that highest quality and good sanitation practices related to manufacturing and packaging cheese and butter products in South Carolina.

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

There is a chance that without this type of guidance and requirements for sanitation practices related to manufacturing cheese and butter products, a detrimental effect upon the environment or the public health could result if these regulations are not implemented.

Statement of Rationale:

These proposed amendments are primarily based upon cheese and butter standards and recommendations from the USDA related to the proper standards and techniques for creating safe, sanitary cheese and butter products to be manufactured, packaged and sold to the general public.

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. 4325
STATE BOARD OF EDUCATION
 CHAPTER 43

Statutory Authority: 1976 Code Sections 59-26-10 et seq. (2004 and to be codified at Supp. 2012)

43-205.1. Assisting, Developing, and Evaluating Professional Teaching (ADEPT)

Preamble:

The South Carolina Department of Education (SCDE) recommends that the State Board of Education propose amendments to Regulation 43-205.1, Assisting, Developing, and Evaluating Professional Teaching (ADEPT), to align the regulation with the 2012 amendments to the ADEPT statute (S.C. Code Ann. § 59-26-40, to be codified at Supp. 2012) and the 2012 amendments to State Board of Education R.43-53 (Credential Classification), as well as with the variations regarding the dates by which districts are permitted and required to issue employment offers to teachers.

The Notice of Drafting for the proposed amendments was published in the *State Register* on August 24, 2012.

Section-by-Section Discussion

- | | |
|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| All Sections | Throughout the document, all references to the “State Department of Education” and to the abbreviation “SDE” are updated to the current agency name (“South Carolina Department of Education”) and abbreviation (“SCDE”). |
| All Sections | Throughout the document, all references to S.C. Code Ann. Section 59-26-40 are updated from 2004 to the current 2012 amendment. |
| Section II.D. | The reference to ADEPT flow-through funding to teacher education programs is deleted from this section since this provision is no longer included in the state budget. |
| Section III.A. | This amendment redefines eligibility for an induction contract, up to a maximum of three years, consistent with the amendments to S.C. Code Ann. § 59-26-40 (to be codified at Supp. 2012). |
| Section III.C. | This amendment removes the “April 15” reference to the date by which districts must issue contracts and restates the requirement to coincide with the actual date that the offer of employment is extended. This section also clarifies that the three-year induction period is teacher-specific and not district-specific. |
| Section III.D. | This amendment clarifies that available ADEPT flow-through funding will be provided to school districts on a first-year induction-teacher basis. |
| Section IV.A. | This amendment allows for the multi-year induction-contract option. |
| Section IV.D.3. | This amendment clarifies that the multi-year induction-contract option does not preclude an opportunity for diagnostic assistance at the annual-contract level. |
| Section V.B. | This amendment removes the “April 15” reference to the date by which districts must issue the written notification to continuing-contract teachers of the intent to formally evaluate and restates the requirement to coincide with the actual date that the offer of employment is extended. |

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- Section VII. The reference to teachers from a Nonpublic School Setting is deleted from this section since these teachers are now included under a limited professional certificate, as described under Section XII.
- Section VII.A. This amendment clarifies that, for teachers employed from out of state, it is the eligibility for the South Carolina initial teaching certificate, and not the length of experience, that qualifies the teacher for an induction contract.
- Section VII.B. This amendment clarifies that, for teachers employed from out of state, it is the eligibility for the South Carolina professional teaching certificate, and not the length of experience, that qualifies the teacher for an annual contract. Provisions for the abridged formal evaluation, previously covered under Section VII.C, are added to this section.
- Section VII.C. The original Section VII.C is deleted, as the provisions are now included in Section VII.B. The former Section VII.D now becomes Section VII.C.
- Section XI.B. This amendment extends the limited professional certificate provisions to teachers employed in charter schools that elect not to implement the ADEPT system.
- Section XI.C. This amendment removes the contractual requirements for certified teachers who are employed in charter schools that elect to implement the ADEPT system. The amendment also clarifies that all components of the ADEPT system (i.e., induction, formal evaluation, and goals-based evaluation) must be implemented by participating charter schools.
- Section XII. This section is added to clarify the ADEPT requirements for teachers who hold a limited professional certificate and who seek employment in a “regulated” South Carolina public school.
- Section XIII. This section was formerly Section XII in the regulation. Only the placement is changed; no amendments are being made to this section.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the State Board of Education at its meeting on Wednesday, February 13, 2013, at 1:00 p.m. at the Rutledge Building, South Carolina Department of Education, Columbia, South Carolina. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Charmeka Childs, Deputy Superintendent, Division of School Effectiveness, 1429 Senate Street, Room 606, Columbia, South Carolina 29204 or e-mail cchilds@ed.sc.gov. Comments submitted by January 28, 2012, at 5:00 p.m., shall be submitted to the Board in a summary of public comments and Department responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

None.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: R.43-205.1. Assisting, Developing, and Evaluating Professional Teaching (ADEPT).

Purpose: Regulation 43-205.1 is being amended.

Legal Authority: S.C. Code Ann. Section 59-26-10 et seq. (2004 and to be codified at Supp. 2012)

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

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

The amendments to this regulation are needed to define requirements for the extended induction-contract period, as approved by the General Assembly; to define the contractual and evaluation requirements for educators entering a "regulated" South Carolina public school while holding a valid South Carolina limited professional certificate; and to allow for variations approved by the General Assembly regarding the date by which districts must notify teachers of their employment status for the following school year.

DETERMINATION OF COSTS AND BENEFITS:

None.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

This regulation does not have any impact on the environment or public health.

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

There will be no detrimental effect on the environment or public health if this regulation is not implemented.

Statement of Rationale:

The proposed amendments align the ADEPT regulation with the recent amendments to the ADEPT statute (S.C. Code Ann. § 59-26-40 (2004 and to be codified at Supp. 2012)) and the 2012 amendments to State Board of Education Regulation 43-53 (Credential Classification), as well as with the variations regarding the dates by which districts are permitted and required to issue employment offers to teachers.

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.

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Document No. 4330

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: 1976 Code Sections 48-1-10 et seq.

61-62. Air Pollution Control Regulations and Standards

Preamble:

(1) The United States Environmental Protection Agency (EPA) promulgates amendments to 40 CFR Parts 60, 63, and 72 throughout each calendar year. Federal amendments in 2011 included new and revised New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, and Acid Rain Program provisions. The Department may amend Regulations 61-62.60, 61-62.63, and 61-62.72 to incorporate by reference the federal amendments published from January 1, 2011, through December 31, 2011. One of the NSPS rules that the Department proposes to adopt is the rule entitled "Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Sewage Sludge Incineration Units" (SSI Rule) (76 FR 15372, March 21, 2011). Section 129 of the Clean Air Act requires that states develop plans, called "Section 129 Plans," to implement and enforce incinerator rules, including the SSI Rule. As a part of these regulatory revisions, the Department proposes to revise state regulations to include the SSI Rule, which, along with a certification letter to EPA, would constitute part of the Section 129 Plan for the SSI Rule.

(2) The Department proposes to make revisions that correct errors in earlier amendments required to maintain compliance with federal law. First, the Department proposes to amend Regulation 61-62.5, Standard 7.1, Nonattainment New Source Review (NSR), to incorporate a federally required provision on emissions offsets, as required by the federal rule entitled "Approval and Promulgation of Implementation Plans; South Carolina; Prevention of Significant Deterioration and Nonattainment New Source Review Rules" (73 FR 31369, June 2, 2008). Second, the Department proposes to amend Regulation 61-62.96, Nitrogen Oxides (NO_x) and Sulfur Dioxide (SO₂) Budget Trading Program, to incorporate a provision in the definition of "commence operation," as required by the federal rule entitled "Approval and Promulgation of Air Quality Implementation Plans; South Carolina; Clean Air Interstate Rule" (74 FR 53167, October 16, 2009).

(3) The Department is also conducting the five-year regulatory audit required by the South Carolina Administrative Procedures Act. As a part of this audit, the Department is making revisions to enhance the clarity and usability of Regulation 61-62. The Department specifically proposes to revise Regulation 61-62.1; 61-62.3; 61-62.5 Standards 3, 4, 5, and 5.1, and 7.1; 61-62.60; 61-62.61; and 61-62.63.

Pursuant to S.C. Code Section 1-23-120(H)(1), the proposed amendments in this Notice will not be more stringent than the current federal requirements and thus do not require legislative review.

A Notice of Drafting was published in the *State Register* and on the Bureau of Air Quality Regulatory Development website on September 28, 2012. Notice of the Department's intent to draft these regulations was also published on the DHEC Regulatory Internet site in its DHEC Regulation Development Update. The Department received comments from the South Carolina Chamber of Commerce. Since this amendment is consistent with federal law, neither a preliminary fiscal impact statement nor a preliminary assessment report is required.

Discussion of Proposed Revisions:

SECTION CITATION/EXPLANATION OF CHANGE:

Regulation 61-62.1, Definitions and General Requirements

Regulation 61-62.1, Definitions and General Requirements, Section I:

Definition 25, Dioxins/Furans, is amended to add the appropriate citation to EPA Reference Method 23.

Regulation 61-62.1, Definitions and General Requirements, Section I:

Definition 44, In Existence, is amended to strike “Bureau” and add “Department” for consistency with definitions in R. 61-62.1.

Regulation 61-62.1, Definitions and General Requirements, Section I:

Definition 46, Major Source, is revised to strike the phrase “this term refers to,” and replace the term “plant” with “source” for consistency with definitions in R. 61-62.1.

Regulation 61-62.1, Definitions and General Requirements, Section I:

Definition 68, Potential to Emit, is amended to strike the term “plant” and add “source” to follow definitions in R. 61-62.1.

Regulation 61-62.1, Definitions and General Requirements, Section I:

Definition 96, Volatile Organic Compound (VOC), is amended to strike “HCFC-134a (1,1,1,2 tetrafluoroethane)” and add “HFC-134a (1,1,1,2 tetrafluoroethane)” to correct a typographical error.

Regulation 61-62.1, Definitions and General Requirements, Section I:

Paragraph H.4.h. is amended to strike “Bureau” and add “Department” to follow definitions in R. 61-62.1.

Regulation 61-62.1, Definitions and General Requirements, Section I:

Paragraph H.4.i. is amended to strike “Bureau” and add “Department” to follow definitions in R. 61-62.1.

Regulation 61-62.1, Definitions and General Requirements, Section IV:

Paragraph D.5. is amended to strike “effect” and add “affect” to correct a typographical error.

Regulation 61-62.3, Air Pollution Episodes

Regulation 61-62.3, Air Pollution Episodes, Section I:

Paragraph 4 is amended to add “hours” after “twelve (12)” to correct an inadvertent omission.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 3, Waste Combustion and Reduction

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 3, Waste Combustion and Reduction, Section III:

Paragraph F is amended to strike the phrase “[DATE PUBLISHED IN THE STATE REGISTER]” and add the phrase “June 25, 1999” to correct a typographical error.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 3, Waste Combustion and Reduction, Section III:

Paragraph F.4 is amended to capitalize the words “reference” and “method,” and add the appropriate citation to EPA Reference Method 25A.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 3, Waste Combustion and Reduction, Section III:

Paragraph F.12 is amended to add the appropriate citation to EPA Reference Method 22.

Regulation, 61-62.5, Air Pollution Control Standards, Standard No. 3, Waste Combustion and Reduction, Section III:

Paragraph F.17.c. is amended to replace the hyphenated word “burn-out” with the unhyphenated word “burnout.”

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Regulation 61-62.5, Air Pollution Control Standards, Standard No. 3, Waste Combustion and Reduction, Section III:

Paragraph G.4.d. is amended to add the phrase “air curtain” before the word “incinerator” for consistency with federal regulation.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 3, Waste Combustion and Reduction, Section III:

Paragraph G.4.f. is amended to add the phrase “air curtain” before the word “incinerator” for consistency with federal regulation.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 3, Waste Combustion and Reduction, Section III:

Paragraph G.4.i. is amended to add the word “incinerator” after the phrase “air curtain” for consistency with federal regulation.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 3, Waste Combustion and Reduction, Section III:

Paragraph G.4.j. is amended to add the word “incinerator” after the phrase “air curtain” for consistency with federal regulation.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 3, Waste Combustion and Reduction, Section III:

Paragraph G.4.k. is amended to add the phrase “air curtain” before the word “incinerator” for consistency with federal regulation.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 3, Waste Combustion and Reduction, Section III:

Paragraph G.4.n. is amended to add the phrase “air curtain” before the word “incinerator” for consistency with federal regulation.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 3, Waste Combustion and Reduction, Section III:

Paragraph H is amended to strike the phrase “[DATE PUBLISHED IN THE STATE REGISTER]” and add the phrase “June 25, 1999” to correct a typographical error.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 3, Waste Combustion and Reduction, Section IV:

Paragraph A.2.e(i) is amended to strike the phrase “[DATE PUBLISHED IN THE STATE REGISTER]” and add the phrase “June 25, 1999” to correct a typographical error.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 3, Waste Combustion and Reduction, Section IV:

Paragraph A.2.g(i) is amended to strike the phrase “[DATE PUBLISHED IN THE STATE REGISTER]” and add the phrase “June 25, 1999” to correct a typographical error.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 3, Waste Combustion and Reduction, Section V:

The title of Section V is amended to strike the phrase “[DATE PUBLISHED IN THE STATE REGISTER]” and add the phrase “June 25, 1999” to correct a typographical error.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 3, Waste Combustion and Reduction, Section VI:

Paragraph A.2.c. is amended to strike the phrase “[DATE PUBLISHED IN THE STATE REGISTER]” and add the phrase “June 25, 1999” to correct a typographical error.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 3, Waste Combustion and Reduction, Section VI:

Paragraph A.2.e. is amended to strike the phrase “[DATE PUBLISHED IN THE STATE REGISTER]” and add the phrase “June 25, 1999” to correct a typographical error.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 3, Waste Combustion and Reduction, Section VI:

Paragraph A.2.g. is amended to strike the phrase “[DATE PUBLISHED IN THE STATE REGISTER]” and add the phrase “June 25, 1999” to correct a typographical error.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 3, Waste Combustion and Reduction, Section VI:

Paragraph C.2. is amended to strike the phrase “[DATE PUBLISHED IN THE STATE REGISTER]” and add the phrase “June 25, 1999” to correct a typographical error.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 3, Waste Combustion and Reduction, Section VI:

Paragraph D.2. is amended to change the word “District” to the word “Regional” before the phrase “Environmental Quality Control Office” to reflect the reorganization of those offices from District offices to Regional offices.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 3, Waste Combustion and Reduction, Section VII:

Paragraph B.3.a(iii) is amended to replace the acronym “NBS” with “NIST” to maintain consistency with federal regulations, which were amended to reflect the change of the name of the National Bureau of Standards (NBS) to the National Institute of Standards and Technology (NIST).

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 3, Waste Combustion and Reduction, Section VII:

Paragraph B.4.b. is amended to add the phrase “plus or minus” and set off the symbol “±” with parentheses to avoid software conversion errors and for clarity.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 3, Waste Combustion and Reduction, Section VII:

Paragraph B.4.b. is amended to replace the acronym “NBS” with “NIST” to maintain consistency with federal regulations, which were amended to reflect the change of the name of the National Bureau of Standards (NBS) to the National Institute of Standards and Technology (NIST).

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 3, Waste Combustion and Reduction, Section VII:

Paragraph B.5.b. is amended to add the phrase “plus or minus” and set off the symbol “±” with parentheses to avoid software conversion errors and for clarity.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 3, Waste Combustion and Reduction, Section VII:

Paragraph B.5.b. is amended to replace the acronym “NBS” with “NIST” to maintain consistency with federal regulations, which were amended to reflect the change of the name of the National Bureau of Standards (NBS) to the National Institute of Standards and Technology (NIST).

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Regulation 61-62.5, Air Pollution Control Standards, Standard No. 3, Waste Combustion and Reduction, Section VII:

Paragraph B.6.b. is amended to add the phrase “plus or minus” and set off the symbol “±” with parentheses to avoid software conversion errors and for clarity.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 3, Waste Combustion and Reduction, Section VII:

Paragraph B.6.b. is amended to replace the acronym “NBS” with “NIST” to maintain consistency with federal regulations, which were amended to reflect the change of the name of the National Bureau of Standards (NBS) to the National Institute of Standards and Technology (NIST).

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 3, Waste Combustion and Reduction, Section VIII:

Paragraph D, Table, is amended to strike the phrase “[DATE PUBLISHED IN THE STATE REGISTER]” and add the phrase “June 25, 1999” to correct a typographical error.

Regulation, 61-62.5, Air Pollution Control Standards, Standard No. 3, Waste Combustion and Reduction, Section VIII:

Paragraph F. is amended to strike the unnecessary instance of the phrase “Inlet Organics.”

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 3, Waste Combustion and Reduction, Section IX:

Paragraph B is amended to strike the phrase “[DATE PUBLISHED IN THE STATE REGISTER]” and add the phrase “June 25, 1999” to correct a typographical error.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 4, Emissions from Process Industries

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 4, Emissions from Process Industries: Section (V)(C)(2) is amended to strike “exiting” and add “existing” to correct a typographical error.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 5, Volatile Organic Compounds

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 5, Volatile Organic Compounds, Section I, Part A:

Definition 18, Existing process, is amended to add spaces between letters to correct a typographical error.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 5, Volatile Organic Compounds, Section I, Part A:

Definition 36, Large appliances, is amended to strike the term “includes” and add “means” for consistency with other definitions.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 5, Volatile Organic Compounds, Section I, Part A:

Definition 41, Manufacture of pneumatic rubber tires, is amended to strike a closing quotation mark (”) and add an opening quotation mark (“) to correct a typographical error.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 5, Volatile Organic Compounds, Section I, Part A:

Definition 77, Vinyl coating, is amended to strike “refers to” and add “means” for consistency with other definitions.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 5, Volatile Organic Compounds,
Section I:

Part G, Equivalency Calculations, is amended to strike the parenthetical reference “(bubbles)” because effective May 25, 2011, the Department deleted R. 61-62.5, Standard 6, Alternative Emission Limitation Options (“Bubble”), which enabled the “bubble” emission limitation option.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 5, Volatile Organic Compounds,
Section II:

Part Q, paragraph (2)(a)(i)(b) is amended to strike the ellipsis (...) following the end of the phrase to correct a typographical error.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 5.1, Best Achievable Control Technology (BACT)/Lowest Achievable Emission Rate (“LAER”) Applicable to Volatile Organic Compounds

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 5.1, Best Achievable Control Technology (BACT)/Lowest Achievable Emission Rate (“LAER”) Applicable to Volatile Organic Compounds, Section II: Paragraph A is amended to strike “the effective date published in State Register” and add “June 25, 2004” in two places to correct a typographical error.

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 7.1, Nonattainment New Source Review (NSR)

Regulation 61-62.5, Air Pollution Control Standards, Standard No. 7.1, Nonattainment New Source Review (NSR):

Paragraphs (d)(1)(C)(v)(a)(2) and (3) are revised to add federally required provisions on how to create emissions offsets.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart A, Table, is amended to incorporate federal revisions at 76 FR 2832, January 18, 2011; 76 FR 15372, March 21, 2011; and 76 FR 15704, March 21, 2011, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart Cd, Introductory Text, is amended to strike the phrase “and as subsequently amended upon publication in the Federal Register” because there have been no subsequent amendments to Subpart Cd.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart Ce, Table, is amended to incorporate federal revisions at 76 FR 18407, April 4, 2011, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart D, Introductory Text, is amended to strike the phrase “for Which Construction is Commenced After August 17, 1971” for consistency with federal regulations.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart D, Table, is amended to incorporate federal revisions at 76 FR 3517, January 20, 2011, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart Da, Table, is amended to incorporate federal revisions at 76 FR 3517, January 20, 2011, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart Db, Table, is amended to incorporate federal revisions at 76 FR 3517, January 20, 2011, by reference.

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Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart Dc, Table, is amended to incorporate federal revisions at 76 FR 3517, January 20, 2011, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart Ec, Table, is amended to incorporate federal revisions at 76 FR 18407, April 4, 2011, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart J, Table, is amended to incorporate federal revisions at 76 FR 10524, February 25, 2011, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart K, Table, is amended to correct a typographical error.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart Y, Title, is revised to add “and Processing” to the title of the Subpart for consistency with federal regulations.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart VV, Title, is amended to add the phrase “for Which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or Before November 7, 2006” to the title of the Subpart for consistency with federal regulations.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart VVa, Title, is amended to strike the phrase “Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries” and add the phrase “for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006” to the title of the Subpart for consistency with federal regulations.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart GGG, Title, is amended to add the phrase “for Which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or Before November 7, 2006” to the title of the Subpart for consistency with federal regulations.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart KKK, Title, is amended to strike the phrase “Standards of Performance for Volatile Organic Compound Emissions (VOC) from Onshore Natural Gas Processing Plants” and add “Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants” to the title of the Subpart for consistency with federal regulations.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart RRR, Title, is amended to strike the abbreviation “VOC” and add the word “Industry” in the title of the Subpart for consistency with federal regulations.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart AAAA, Title, is amended to strike the phrase “New Source Performance Standards for New Small Municipal Waste Combustion Units” and add “Standards of Performance for Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999, or for Which Modification or Reconstruction is Commenced After June 6, 2001” to the title of the Subpart for consistency with federal regulations.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart BBBB, Title and Introductory Text, is amended to add the phrase “Constructed on or Before August 30, 1999” to the title of the Subpart for consistency with federal regulations, and to add the phrase “as listed below,” to the introductory text for consistency.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart CCCC, Title, is amended to strike the phrase “New Stationary Sources:” and add the phrase “for Which Construction is Commenced After November 30, 1999 or for Which Modification or Reconstruction is Commenced on or After June 1, 2001” to the title of the Subpart for consistency with federal regulations.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart DDDD, Title, is amended to add the phrase “that Commenced Construction On or Before November 30, 1999” to the title of the Subpart for consistency with federal regulations.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart IIII, Introductory Text, is amended to add the phrase “and as subsequently amended upon publication in the Federal Register” for clarity.

Regulation 61-62.60 South Carolina Designated Facility Plan and New Source Performance Standards: Subpart IIII, Table, is amended to incorporate federal revisions to 76 FR 37954, June 28, 2011, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart KKKK, Introductory Text, is amended to add the phrase “as subsequently amended upon publication in the Federal Register” for clarity.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart LLLL is added to incorporate a newly promulgated federal rule at 76 FR 15372, March 21, 2011, by reference.

Regulation 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards: Subpart MMMM is added to incorporate a newly promulgated federal rule at 76 FR 15372, March 21, 2011, by reference.

Regulation 61-62.61, National Emission Standard for Hazardous Air Pollutants (NESHAP)

Regulation 61-62.61, National Emission Standard for Hazardous Air Pollutants (NESHAP): Subpart N, Title, is amended to strike the word “Gas” and add the word “Glass” to correct a typographical error.

Regulation 61-62.61, National Emission Standard for Hazardous Air Pollutants (NESHAP): Subpart W, Introductory Text, is amended to add the phrase “and as subsequently amended upon publication in the Federal Register” for clarity.

Regulation 61-62.61, National Emission Standard for Hazardous Air Pollutants (NESHAP): Appendix C to Subpart 61, Introductory Text, is amended to add the phrase “as listed below” for clarity.

Regulation 61-62.61, National Emission Standard for Hazardous Air Pollutants (NESHAP): Appendix E to Subpart 61, Introductory Text, is amended to add the phrase “as listed below” for clarity.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories: Subpart A, Table, is amended to incorporate federal revisions at 76 FR 9450, February 17, 2011, by reference.

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Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart U, Table, is amended to incorporate federal revisions at 76 FR 22566, April 21, 2011, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart Y, Table, is amended to incorporate federal revisions at 76 FR 22566, April 21, 2011, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart CC, Table, is amended to incorporate federal revisions at 76 FR 42052, July 18, 2011, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart II, Table, is amended to incorporate federal revisions at 76 FR 72050, November 21, 2011, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart JJ, Table, is amended to incorporate federal revisions at 76 FR 72050, November 21, 2011, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart KK, Table, is amended to incorporate federal revisions at 76 FR 22566, April 21, 2011, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart DDD, Table, is amended to incorporate federal revisions at 76 FR 74708, December 1, 2011, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart GGG, Title, is amended to strike the phrase “Hazardous Air Pollutants” from the title of the subpart to correct a typographical error.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart GGG, Table, is amended to incorporate federal revisions at 76 FR 22566, April 21, 2011, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart III, Title, is amended to strike the term “From” and add “for” in the title of the subpart to correct a typographical error.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart LLL, Title, is amended to add the phrase “Hazardous Air Pollutants from” to the title of the subpart to correct a typographical error.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart LLL, Table, is amended to incorporate federal revisions at 76 FR 2832, January 18, 2011, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart OOO, Title, is amended to add the term “Emissions” to the title of the subpart to correct a typographical error.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart RRR, Title, is amended to make the term “Pollutant” plural and strike the term “Emissions” in the title of the subpart to correct typographical errors.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart TTT, Table, is amended to incorporate federal revisions at 76 FR 70834, November 15, 2011, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart UUU, Title, is amended to replace the semicolon between “Refineries” and “Catalytic” with a colon and add a comma between “Units” and “and” for consistency with federal regulations.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart PPPP, Introductory Text, is revised to add the phrase “as listed below” for clarity.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart XXXX, Title, is revised to make typographical changes.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart ZZZZ, Table, is amended to incorporate federal revisions at 76 FR 12863, March 9, 2011, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart AAAAA, Title, is revised to add “Manufacturing Plants” for consistency with federal regulations.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart WWWW, Title, is revised to strike the phrase “Applicability And Compliance Dates” for consistency with federal regulations.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart YYYYY, Title and Introductory Text, is revised to make typographical changes in the title of the Subpart and to add the phrase “and subsequently amended upon publication in the Federal Register” for clarity.

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Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart BBBBBB, Title, is revised to make typographical changes in the title of the Subpart.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart BBBBBB, Table, is amended to incorporate federal revisions at 76 FR 4156, January 24, 2011, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart CCCCCC, Table, is amended to incorporate federal revisions at 76 FR 4156, January 24, 2011, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart UUUUUU is added in alpha-numeric order for consistency with federal regulations.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart VVVVVV, Table, is amended to incorporate federal revisions at 76 FR 13514, March 14, 2011, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart WWWWWW, Title and Introductory Text, is revised to make a typographical change in the title of the Subpart and to add the phrase “and subsequently amended upon publication in the Federal Register” for clarity.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart WWWWWW, Table, is amended to incorporate federal revisions at 76 FR 35744, June 20, 2011; and 76 FR 57913, September 19, 2011; by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart ZZZZZZ, Introductory Text, is revised to add the phrase “and as subsequently amended upon publication in the Federal Register” and add a comma between “below” and “are” for clarity and consistency.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart CCCCCC, Title, is revised to add the word “for” before “Area,” to and strike the words “Standards for,” and to make changes in punctuation for consistency with federal regulations.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart DDDDDDD, Title, is revised to add the word “for” before “Area,” to strike the words “Standards for,” and to make changes in punctuation for consistency with federal regulations.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart DDDDDDD, Table, is amended to incorporate federal revisions 76 FR 80261, December 23, 2011, by reference.

Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Subpart EEEEEEE is added to incorporate newly promulgated federal revisions at 76 FR 9450, February 17, 2011, by reference.

Regulation 61-62.70, Title V Operating Permit Program

Regulation 61-62.70.2, Title V Operating Permit Program, Definitions:

Paragraph (f)(1) shall be revised to add the term “State” following “South Carolina” in the phrase “South Carolina Implementation Plan” for clarification.

Regulation 61-62.70.7, Title V Operating Permit Program, Permit issuance, renewal, reopenings, and revisions:

Paragraphs (e)(2)(i)(B), (e)(5)(ii), (e)(5)(ii)(A), and (e)(5)(ii)(B) shall be revised to add the term “State” following “South Carolina” in the phrase “South Carolina Implementation Plan” for clarification.

Regulation 61-62.72, Acid Rain

Regulation 61-62.72, Acid Rain

Subpart A, Table, is amended to incorporate federal revisions at 76 FR 17288, March 28, 2011, by reference.

Regulation 61-62.96, Nitrogen Oxides (NO_x) and Sulfur Dioxide (SO₂) Budget Trading Program

Regulation 61-62.96, Nitrogen Oxides (NO_x) and Sulfur Dioxide (SO₂) Budget Trading Program

Paragraph 96.302 “commence operation” (a) is revised to add three federally required paragraphs.

Notice of Staff Informational Forum and Public Comment Period:

Staff of the South Carolina Department of Health and Environmental Control invites interested members of the public to attend a staff-conducted informational forum to be held on January 28, 2013, at 10:00 a.m. in the Wallace Room (3141) at the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. The purpose of the forum is to answer questions, clarify any issues, and receive comments from interested persons on the proposed amendments to R. 61-62, Air Pollution Control Regulations and Standards. Please use the Bull Street entrance.

Interested persons are also provided an opportunity to submit written comments to Alan M. Hancock by mail at Bureau of Air Quality, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201; by facsimile at (803) 898-0167; or by e-mail at hancocam@dhec.sc.gov. To be considered, comments must be received no later than 5:00 p.m. on January 28, 2013, the close of the comment period. Comments received at the forum or during the write-in public comment period by the deadline requested above shall be submitted to the Board in a Summary of Public Comments and Department Responses for consideration at the public hearing as noticed below.

Copies of the proposed regulation for public notice and comment may be obtained by contacting Alan M. Hancock at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201; by calling (803) 898-4139; or by emailing hancocam@dhec.sc.gov. A copy may also be obtained on the Department’s Regulatory Information Internet Site at <http://www.scdhec.gov/administration/regs/> in its DHEC Regulation Development Update. To access this document, click on the Air category, then scan down for this proposed amendment.

86 PROPOSED REGULATIONS

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to comment on the proposed amendments to R. 61-62, Air Pollution Control Regulations and Standards, at a public hearing to be conducted by the Board of the South Carolina Department of Health and Environmental Control at its regularly-scheduled meeting on March 14, 2013. The public hearing is to be held in room 3420 (Board Room), Third floor, Aycock Building of the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Board's agenda to be published by the Department twenty-four hours in advance of the meeting at the following address: <http://www.scdhec.gov/administration/board-agenda.htm>. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy, are asked to provide written copies of their presentation to the Clerk of the Board for inclusion for the record.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION:

Purpose: (1) The United States Environmental Protection Agency (EPA) promulgates amendments to 40 CFR Parts 60, 63, and 72 throughout each calendar year. Federal amendments in 2011 included new and revised New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories, and Acid Rain Program provisions. The Department may amend Regulations 61-62.60, 61-62.63, and 61-62.72 to incorporate by reference the federal amendments published from January 1, 2011, through December 31, 2011. One of the NSPS rules that the Department may adopt is the rule entitled Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Sewage Sludge Incineration Units (SSI Rule) (76 FR 15372, March 21, 2011). Section 129 of the Clean Air Act requires that states develop plans, called "Section 129 Plans," to implement and enforce incinerator rules, including the SSI Rule. As a part of these regulatory revisions, the Department proposes to revise state regulations to include the SSI Rule, which, along with a certification letter to EPA, would constitute part of the Section 129 Plan for the SSI Rule.

(2) The Department proposes to make revisions that correct errors in earlier amendments required to maintain compliance with federal law. First, the Department proposes to amend Regulation 61-62.5, Standard 7.1, Nonattainment New Source Review (NSR), to incorporate a federally required provision on emissions offsets, as required by the federal rule entitled Approval and Promulgation of Implementation Plans; South Carolina; Prevention of Significant Deterioration and Nonattainment New Source Review Rules (73 FR 31369, June 2, 2008). Second, the Department proposes to amend Regulation 61-62.96, Nitrogen Oxides (NO_x) and Sulfur Dioxide (SO₂) Budget Trading Program, to incorporate a provision in the definition of "commence operation," as required by the federal rule entitled Approval and Promulgation of Air Quality Implementation Plans; South Carolina; Clean Air Interstate Rule (74 FR 53167, October 16, 2009).

(3) The Department is conducting the five-year regulatory audit required by the South Carolina Administrative Procedures Act. As a part of this audit, the Department is making revisions to enhance the clarity and usability of Regulation 61-62. The Department specifically proposes to revise Regulation 61-62.1; 61-62.3; 61-62.5 Standards 3, 4, 5, and 5.1, and 7.1; 61-62.60; 61-62.61; and 61-62.63.

Legal Authority: The legal authority for R. 61-62, Air Pollution Control Regulations and Standards, is S.C. Code Section 48-1-10 et seq.

Plan for Implementation: The proposed amendments will take effect upon approval by the Board of Health and Environmental Control and publication in the State Register. These requirements are in place at the federal level and are currently being implemented. The proposed amendments will be implemented in South Carolina by providing the regulated community with copies of the regulation, publishing associated information on our website at <http://www.scdhec.gov/administration/regs/>, sending an email to stakeholders, and communicating with effected facilities during the permitting process.

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

The EPA promulgates amendments to 40 CFR Parts 60, 63, and 72 throughout each calendar year. Federal amendments in 2011 included new and revised NSPS rules, NESHAPs for Source Categories, and Acid Rain Program revisions. States are mandated by law to adopt these federal amendments. These amendments are reasonable as they promote consistency and ensure compliance with both state and federal regulations.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions resulting from this proposed revision. The standards to be adopted are already effective and applicable to the regulated community as a matter of federal law, thus the regulated community has already incurred the cost of these regulations. The proposed amendments will benefit the regulated community by clarifying the regulations and increasing their ease of use.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the costs to the State or its political subdivisions.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Adoption of the recent changes in federal regulations through the proposed amendments to R. 61-62, Air Pollution Control Regulations and Standards, will provide continued protection of the environment and public health.

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

The State's authority to implement federal requirements, which are beneficial to the public health and environment, would be compromised if these amendments were not adopted in South Carolina.

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.

88 PROPOSED REGULATIONS

Document No. 4327
DEPARTMENT OF LABOR, LICENSING AND REGULATION
PANEL FOR DIETETICS
CHAPTER 40
Statutory Authority: 1976 Code Section 40-20-50

40-11. Code of Ethics
40-15. Interpretation of Standards
40-17. Reporting of Disciplinary Actions

Preamble:

In conformance with current legislation, Regulations 40-11 and 40-15 must be amended and Regulation 40-17 must be added regarding the reporting of disciplinary actions.

Section-by-Section Discussion:

40-11. Code of Ethics.

Changes American Dietetic Association (ADA) to Academy of Nutrition and Dietetics/Commission on Dietetic Registration in the introductory sentence in keeping with current legislation and the ADA name change.

(1)-(18) No changes.

40-15. Interpretation of Standards.

Changes American Dietetic Association (ADA) to Academy of Nutrition and Dietetics and “of” to “on” before Dietetic Registration.

40-17. Reporting of Disciplinary Actions.

New section; adds that the Panel may report disciplinary actions to the Academy of Nutrition and Dietetics Commission on Dietetic Registration.

The Notice of Drafting was published in the *State Register* on November 23, 2012.

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 a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on February 15, 2013. Written comments may be directed to Angie Combs, Administrator, South Carolina Panel for Dietetics, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 28, 2013. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

Statement of Need and Reasonableness:

These regulations are amended in conformance with current practice, specifically Document No. 4237, which updates the change that the American Dietetics Association made on January 3, 2012 to the Academy of Nutrition and Dietetics. In Regulations 40-11, 40-15, and 40-17, the regulations are updated in accordance with S.C. Code Ann. § 40-20-50(A), which states that the Panel's duties are to advise the Department in the development of regulations. The proposed regulations update the terminology to conform to the current professional organization. For Regulation 40-17, pursuant to § 40-20-50(B) which grants authority to hear and recommend action on disciplinary issues, the regulation provides for reporting of disciplinary actions to the Academy of Nutrition and Dietetics.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to conform to current legislation.

Legal Authority: 1976 Code Section 40-20-50.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulations and post the revised regulations on the agency's web site.

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

The proposed regulations will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the panel's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated in conformance with current legislation.

90 PROPOSED REGULATIONS

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. 4328

OCCUPATIONAL THERAPY BOARD

CHAPTER 94

Statutory Authority: 1976 Code Sections 40-1-70 and 40-36-10 et seq.

94-01 through 94-10. Occupational Therapy Board

Preamble:

To satisfy the requirements of licensure for occupational therapists, Regulations 94-01 through 94-10 must be updated in conformance with the current Occupational Therapy Practice Act.

Section-by-Section Discussion:

94-01. Repealed by State Register Volume 36, Issue No. 6, eff June 22, 2012.

No changes.

94-02. Officers of Board.

No changes.

94-03. Meetings.

No changes.

94-04. General Licensing Provisions for Occupational Therapists.

- (1) No changes.
- (2) Deletes in its entirety.
- (3)-(5) renumbers as (2)-(4) for clarity.

94-05. General Licensing Provisions for Occupational Therapy Assistants.

- (1) No changes.
- (2) Deletes in its entirety.
- (3)-(5) renumbers as (2)-(4) for clarity.
- (5) New subsection regarding Board annual review of NCBOT requirements for certification.

94-06. Licensure by Endorsement.

No changes.

94-07. Reactivation of Inactive or Lapsed Licenses.

Adds initial paragraph before (1), regarding issuance of provisional licenses for purpose of reactivation of licenses.

(1)-(3) No changes.

(4) New subsection regarding provisional licenses; they are not renewable without the licensees appearing before the Board.

94-08. Continuing Education.

Deletes section in its entirety. Adds new subsections (1) and (2), which state that licensees must maintain continuing education requirements in compliance with NCBOT or other Board approved standards and that the Board reserves the right to audit continuing education requirements.

94-09. Fees.

(1)-(2) No changes.

(3) Changes late renewal penalty from \$10 to \$50 and deletes "per day not to exceed 30 days".

(4)(a) Changes reactivation of OT licenses from \$25 per year of inactivity, not to exceed \$300, to \$50 plus renewal fee

(4)(b) Changes reactivation of OTA licenses from \$20 per year of inactivity, not to exceed \$300, to \$50 plus renewal fee

(5)-(9) No changes.

(10) Adds "(or industry standards)" after \$30.

(11) No changes.

(12) Adds "(licensee mailing list)" after Registry of Applicants.

Adds new paragraph about unpaid checks for fees may be cause for denial of a license or for imposing a sanction.

94-10. Code of Ethics.

Deletes text and replaces with text based upon national NCBOT guidelines.

The Notice of Drafting was published in the *State Register* on October 26, 2012.

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 a hearing will be conducted at the Administrative Law Court at 10:00 a.m. on February 8, 2013. Written comments may be directed to Veronica Reynolds, Administrator, South Carolina Board of Occupational Therapy, Department of Labor, Licensing, and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., January 28, 2013. If a qualifying request pursuant to Section 1-23-110(A)(3) is not timely received, the hearing will be canceled.

Preliminary Fiscal Impact Statement:

There will be no cost incurred by the State or any of its political subdivisions.

92 PROPOSED REGULATIONS

Statement of Need and Reasonableness:

These regulations are amended in conformance with the Occupational Therapy Practice Act. In Reg. 94-05, the regulation is simplified to conform with S.C. Code Ann. § 40-36-230(A)(4), which requires the applicant be in good standing with national accrediting organization NBCOT (National Board for Certification of Occupational Therapy). Reg. 94-07 denotes that provisional licenses are not renewable without a board appearance; this is a current policy compliant with the practice act that is being written into regulation. See S.C. Code Ann. § 40-36-270. Reg. 94-08 eliminates regulation regarding continuing education, and notes that continuing education must be in compliance with NBCOT, and the Board reserves audit rights. As good standing with NBCOT is a current requirement in statute for licensure, this simplifies continuing education requirements while maintaining compliance with statute. Reg. 94-09 streamlines late penalty fees and updates returned check fees in accordance with current bank fees. Reg. 94-10 updates the code of ethics, which the Board is responsible for pursuant to statute. See S.C. Code Ann. § 40-36-60.

DESCRIPTION OF REGULATION:

Purpose: The board is updating the regulations to conform to the practice act.

Legal Authority: 1976 Code Sections 40-1-70 and 40-36-10 et seq.

Plan for Implementation: The revised regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the revised regulations and post the revised regulations on the agency's web site.

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

The proposed regulations will prevent conflict between existing regulations and the practice act.

DETERMINATION OF COSTS AND BENEFITS:

There is no cost incurred by the state.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning the regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

These regulations will have no effect on the environment. These regulations contribute to the board's function of protecting public health in the state of South Carolina.

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

There will be no detrimental effect on the environment and public health of this State if these regulations are not implemented.

Statement of Rationale:

These regulations are updated in conformance with the current Occupational Therapy Practice Act.

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.

94 EMERGENCY REGULATIONS

Filed: December 12, 2012 12:45pm

Document No. 4326
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
Statutory Authority: 1976 Code Sections 50-21-610 and 50-23-230

123-60. Homemade Watercraft

Emergency Situation:

This regulation sets additional requirements that a homemade vessel must meet in order to be considered watercraft for the purposes of titling and registration. Act No. 33 of 2007 established the Public Waters Nuisance Abatement Act which was intended to allow individuals a five (5) year period in which to use permitted water structures on public waters of the state after which time the structures would have to be removed. The five (5) year period established by Act 33 in 2007 expires in August of this year and the department has received requests from individuals to title and register some of these previously permitted structures as watercraft. In order to maintain the intent of the law, the department is filing these emergency regulations to establish minimum requirements for an operator's position and unobstructed visibility from that position on homemade vessels. Because the five (5) year period expires in August, the department is filing these emergency regulations to handle any requests for titling and registration that do not meet the intent of the law.

Text:

123-60. Homemade Watercraft

To title and register a watercraft as homemade, the vessel must first meet the definition of a watercraft and must have an operator's position from which the operator is afforded unobstructed forward visibility to each side of center line for at least seventy degrees and the operator must have unobstructed lateral visibility to each side of centerline at ninety degrees from the operator's position.

Any watercraft that is capable of being used as a homemade houseboat must also comply with any legal requirements for a marine toilet.

A floating dock cannot be titled or registered as a watercraft.

Filed: November 28, 2012 3:21pm

Document No. 4323
DEPARTMENT OF NATURAL RESOURCES
 CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, and 50-11-2200

Emergency Situation:

These emergency regulations establish the dove seasons and dove limits statewide and establish seasons, limits and special restrictions for dove hunting on Dove Management Areas. Because the dove season extends until January 15, 2012, it is necessary to re-file these regulations as emergency.

Text:

WILDLIFE MANAGEMENT AREA PUBLIC DOVE FIELDS 2012-13

Dove Management Area Regulations: The following fields are open on a first-come basis, unless otherwise stated below. The number of hunters may be restricted on some fields. A Wildlife Management Area permit is required for all fields. Fields are open only as shown below. Please consider the other hunters as well as the landowners whose cooperation makes these fields possible. Signs will be placed along roads directing hunters to the fields. All federal and state laws apply. Fields are open only on days and times indicated. Fields denoted by an asterisk (*) require hunters to sign in (not before 12:00 noon) and sign out on ALL hunts. No species other than mourning doves and Eurasian collared doves may be hunted during scheduled dove hunts. Please remove all litter, including spent shell hulls, from fields when leaving! Migratory Bird Permit Required.

Statewide Season Dates:

September 1 - October 6 (Sept 1-3 Afternoons only); November 17 - November 24; December 21 - January 15
Bag Limit: Mourning Doves: 15 doves per day. No limit on Eurasian collared doves.

The following special regulations apply to all Wildlife Management Area Public Dove Fields: Hunters are limited to 50 shells per hunt. No entry onto fields before 12:00 noon. No shooting after 6:00 p.m. during the first segment of the season (September 1 – October 6)

ABBEVILLE

U.S. Forest Service – Power of Partnerships Field - 5 mi. east of Abbeville on SC-72, ¼ mile south on Bass Rd., 60 acres. 1st season – Saturdays Only beginning Sept. 15. **Sept. 1 is Youth Hunt Only – Pre-registration required. Sept 8 is Wheelin Sportsmen hunt and morning hunting will be allowed for this event only. 2nd and 3rd season – Open Mon. – Sat.

AIKEN

US Dept of Energy - Crackerneck WMA 40 acres.

1st season – Sept. 5 & 19; 2nd & 3rd season – Fridays, Saturdays & Thanksgiving Day ONLY.

ANDERSON

Clemson University - Fant's Grove WMA 45 acres.

1st season, Saturdays – FIELD CLOSED OCT. 6. Open 2nd & 3rd seasons – Saturdays Only

***BERKELEY**

U.S. Army Corps of Engineers - Canal WMA (Above Powerhouse) 60 acres.

Sept. 1, 8; Oct. 6; Nov. 17

96 EMERGENCY REGULATIONS

U.S. Army Corps of Engineers - Canal WMA (Below Powerhouse) 40 acres
Dove Hunting Only - Sept. 1, 8; Oct. 6; Nov. 17.

CHARLESTON

Botany Bay Plantation WMA
Located on Edisto Island south of Charleston. 70 acres.
(All hunts are Youth Only see Youth Hunt List for details)

CHEROKEE

Gaffney Board of Public Works 20 acres.
Saturdays Only. Dove Hunting Only

CHESTER

U.S. Forest Service - Worthy Bottoms 30 acres
1st season - Saturdays Only, Afternoons Only. 2nd & 3rd seasons - Open Mon. – Sat. Afternoons Only

CHESTERFIELD

SC Forestry Commission – Sand Hills State Forest
Wilkes Chapel Field 54 acres. 1st season –Saturdays Only, 2nd & 3rd seasons - Open Mon. - Sat.

SC Forestry Commission – Sand Hills State Forest
Davis Field 30 acres.

1st season – Sept. 1 and Wednesdays Only, beginning Sept. 12. 2nd & 3rd seasons – Open Mon. – Sat.

*CLARENDON

Santee Cooper – Santee Dam WMA 90 acres.
Sept. 1, 15; Oct. 6; Nov. 24, Jan. 5.

SC Forestry Commission - Oak Lea WMA. 102 ac.
Sept. 1, 22; Jan. 5 & 12. **Opening day participants selected by drawing.

*COLLETON

DNR - Bear Island WMA closed

DNR - Donnelley WMA 80 acres
Sept. 1, 8, 15; Nov. 24

DARLINGTON

DeWitt Property 50 acres.
1st, 2nd, and 3rd Seasons – Saturdays Only, Dove Hunting Only

FLORENCE

Santee Cooper – Pee Dee Station Site WMA 60 acres
1st, 2nd, and 3rd Seasons. Saturdays Only – Dove Hunting Only. **Opening day participants selected by drawing

GEORGETOWN

DNR Samworth WMA
Sept. 1, 15; Oct. 6; Nov. 17

*HAMPTON

DNR - Webb Wildlife Center 30 acres
Sept. 1 & 8; Oct. 6; Nov. 17. (803) 625-3569

LEXINGTON

Hallman Field 47 acres

1st, 2nd, and 3rd seasons -Saturdays Only, Dove Hunting Only

MARLBORO

DNR - Lake Wallace WMA 50 acres

1st, 2nd, and 3rd seasons. Saturdays Only - Dove Hunting Only

MCCORMICK

*U.S. Army Corps of Engineers - Bordeaux Work Center Field 40 acres.

Sept. 1 & 12; Oct. 3; Nov. 21, Jan. 2 & 12 only. Dove Hunting Only. Must sign-in & out @ 1009 McIntosh Rd.

U.S. Army Corps of Engineers – Parksville Field 22 acres

1st season – Saturdays Only, 2nd & 3rd seasons – Open Mon. - Sat.

US Army Corp of Engineers - Plum Branch Saddle Club Fields 30 acres.

1st season – Saturdays Only, 2nd & 3rd seasons – Open Mon. - Sat.

U.S Forest Service - McCombs Tract Field 60 acres.

1st season – Saturdays Only, 2nd and 3rd season – Open Mon. - Sat.

U.S. Forest Service - Price Mill Field 60 acres.

1st season – Saturdays Only, 2nd and 3rd season – Open Mon. - Sat.

NEWBERRY

SCDOT McCullough Field 30 acres.

Saturdays Only Beginning Sept. 8, Dove Hunting Only **Sept. 1 is Youth Hunt Only – Pre-registration required.

OCONEE

S.C. Forestry Commission - Piedmont Forestry Center 18 acres

Beginning Sept. 1 - Saturdays Only, Dove hunting only. 3rd season – Closed.

U.S. Forest Service – Long Creek Tract

In order to hunt, adults must have 1 or 2 youth age 17 or younger. Disability hunters must contact the U.S. Forest Service Andrew Pickens office 864-638-9568 for permit requirements and access. 20 acres. **Sept. 1 is Youth Hunt Only – Pre-registration required.

1st season – Saturdays only beginning Sept. 15, 2nd season – Open November 17 Only – 3rd season – Closed.

U.S. Forest Service - Ross Mtn. Field 35 acres

Open 1st, 2nd & 3rd seasons. Saturdays Only Beginning Sept. 1

*ORANGEBURG

Santee Cooper - Santee Cooper WMA 45 acres

Entire WMA under Dove Area Regulations. **Sept. 1 is Youth Hunt Only – Pre-registration required. Sept. 15; Oct. 6; Nov. 24; Jan. 5.

PICKENS

DNR Property 40 acres

Open 1st, 2nd & 3rd seasons. Saturdays Only Beginning Sept. 1. Dove Hunting Only

98 EMERGENCY REGULATIONS

Clemson University - Gravely WMA - Causey Tract 25 acres
Open 1st, 2nd & 3rd seasons. Saturdays Only Beginning Sept. 1.

DNR Property – Jocassee Gorges – Cane Creek Field
Wednesday Only, Beginning Sept. 19

SPARTANBURG

Santee Cooper 15 acres.

1st season – Saturdays only, 2nd & 3rd seasons – Open Mon. – Sat.

SUMTER

S.C. Forestry Commission - Manchester State Forest

Bland Field 1 50 ac. **Sept. 1 is Youth Hunt Only – Pre-registration required. 1st season – Saturdays Only.
2nd & 3rd seasons - Open Mon. - Sat. (Designated Fields and the general forest).

Bland Field 2 50 acres

1st season – Saturdays Only. 2nd & 3rd seasons - Open Mon. - Sat. (Designated Fields and the general forest).

Bird Haven Field 25 acres

1st season – Saturdays Only. 2nd & 3rd seasons - Open Mon. - Sat. (Designated Fields and the general forest).

Tuomey Field A 50 acres. **Opening day participants selected by drawing. 1st season – Saturdays Only. 2nd
& 3rd seasons - Open Mon. - Sat. (Designated Fields and the general forest).

Tuomey Field B 20 acres. **Opening day participants selected by drawing. 1st season – Saturdays Only. 2nd
& 3rd seasons - Open Mon. - Sat. (Designated Fields and the general forest).

UNION

DNR Thurmond 15 acres.

1st season – Saturdays Only. 2nd & 3rd seasons open Mon. – Sat.

Sedalia (U.S. Forest Service) 15 acres

1st season – Saturdays – Beginning Sept. 8. **Sept. 1 is Youth Hunt Only – Pre-registration required. 2nd &
3rd seasons - Open Mon. - Sat.

YORK

DNR - Draper Tract 45 acres (two fields).

1st season – Saturdays Only, 2nd & 3rd seasons Open Mon. - Sat. **Opening day participants selected by
drawing.

York County – Worth Mountain WMA 40 acres planted.

1st season – Saturdays only, 2nd & 3rd seasons Open Mon. - Sat.

SPECIAL YOUTH DOVE HUNTS:

Eligibility for these hunts requires adults 21 years or older to bring 1 or 2 youths 17 years of age and younger. The following regulations also apply on Special Youth Dove Hunts: (1) Adults accompanying youth are NOT allowed to shoot at any time during Special Youth Dove Hunts. (2) Adults must remain in the field and closely supervise participating youth at all times. (3) In parties of one adult and 2 youths, only one youth hunter may be handling a loaded firearm at any given time. (4) Bag limit is 15 birds per youth participant. Birds harvested by individual hunters must be kept separate and in no instance may an individual hunter harvest more than 15 birds.

ABBEVILLE COUNTY YOUTH HUNT

U.S. Forest Service – Power of Partnerships Field, September 1 - Participants selected by drawing.

ANDERSON COUNTY YOUTH HUNT

Simpson Agriculture Station, September 1 - Participants selected by drawing.

CHARLESTON COUNTY YOUTH HUNT

Botany Bay Plantation WMA Sept. 1, 15; Nov. 17; Dec. 22; Jan. 12 No pre-registration required.

NEWBERRY COUNTY YOUTH HUNT

SCDOT – McCullough Field, September 1 - Participants selected by drawing

OCONEE COUNTY YOUTH HUNT

U.S. Forest Service – Long Creek Tract, September 1 - Participants selected by drawing.

ORANGEBURG COUNTY YOUTH HUNT

Santee Cooper – Santee Cooper WMA, September 1 - Participants selected by drawing.

SUMTER COUNTY YOUTH HUNT

Manchester State Forest near Wedgefield Bland Tract – Field 1. September 1 - Participants selected by drawing.

UNION COUNTY YOUTH HUNT

U.S. Forest Service near Sedalia. September 1 - Participants selected by drawing.

YORK COUNTY YOUTH HUNT

DNR Draper WMA, September 1 - Participants selected by drawing.

Statement of Need and Reasonableness:

Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on new WMAs as well as expanding use opportunities on existing WMAs. Since the availability of specific fields changes each year and season dates change as allowed by Federal Regulation, it is necessary to file Dove Field regulations annually. Because these hunts extend until January 15, 2012, it is necessary to re-file these regulations as emergency so they take effect immediately.

Fiscal Impact Statement:

This amendment of Regulation 123-40 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

100 EMERGENCY REGULATIONS

Filed: November 28, 2012 3:22pm

Document No. 4324

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, 50-11-96, 50-11-105, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-520, 50-11-530, 50-11-854, 50-11-2200 and 50-11-2210

Emergency Situation:

These emergency regulations amend and supersede South Carolina Department of Natural Resources Regulation Number 123-40 and 123-52. These regulations set open and closed seasons, bag limits and methods of taking wildlife; define special use restrictions related to hunting and methods for taking wildlife on Wildlife Management Areas. Because the hunting seasons on many of these areas continue through January 1, 2012, it is necessary to re-file these regulations as emergency.

Text:

HUNTING IN WILDLIFE MANAGEMENT AREAS

123-40. Wildlife Management Area Regulations.

1.1 The following regulations amend South Carolina Department of Natural Resources regulation Numbers 123-40 and 123-52.

1.2. The regulations governing hunting including prescribed schedules and seasons, methods of hunting and taking wildlife, and bag limits for Wildlife Management Areas and special restrictions for use of WMA lands are as follows:

(B) Game Zone 2

Fants Grove WMA

Archery Only (No dogs)	October 15 - December 22	Total of 3 deer, 2 per day, either-sex. Not to include more than 1 buck.
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(F) Samworth WMA

Deer

Archery only hunts For deer (no dogs) (impoundments only)	1st Sat. in Oct. - last Sat. in Oct.	2 deer per day, either-sex Hogs no limit.
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Special hog hunt Archery only. (impoundments only).	1 st Sat. in Mar. – last Sat. in Mar.	Hogs only, no limit, no live hogs to be removed from WMA.
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Special hog hunts with dogs (impoundments only)	Mon. following the last Sat. in Mar. through the following Sat.	Hogs only, no limit, handguns only, limit 4 bay or catch dogs per party. No live hogs removed from WMA.
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(G) Francis Marion National Forest

Still Hog Hunts (no dogs) Archery, crossbows, centerfire rifles, muzzleloading rifles, centerfire handguns and shotguns with slugs only.	Mon. after 1 st Sat. in Mar. - Mar. 20	Hogs only, no limit.
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Hellhole WMA

Deer

Archery	Sept. 1 - Oct. 31	2 deer per day, either-sex Sept. 15- Oct. 31 Hogs - no limit.
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Still Gun Hunts scheduled dog drive hunts.	Nov. 1 – Jan. 1 except during	2 deer per day, either-sex. Hogs no limit.
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Dog Hunts (Shotguns only, no still gun hunting)	1 st Sat in Nov. 1 st Sat in December	2 deer per day, buck only, hogs no limit.
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~~On the either sex deer hunt with dogs (except youth only hunts) all deer must be checked in at Hellhole Check Station, Bonneau Ferry entrance or M&B Alvin Community Mart.~~

Small Game No open season for fox hunting	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 6 seasons apply. Dogs allowed during small game gun season only. Closed during scheduled periods using dogs to hunt deer.	Game Zone 6 bag limits except Quail - 8 per day.
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Hog hunts with dogs	Every other Fri. and Sat. in Feb. beginning with the 2 nd Fri. in Feb.	No limit.
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No more than 4 bay or catch dogs per party. No still or stalk hunting permitted. One shotgun per party (buck shot only). Pistols allowed. Hogs may not be transported alive. Hunting allowed from legal sunrise to legal sunset.

Waterhorn WMA

Hog Hunts with dogs	Every other Fri. & Sat. in Feb. beginning with the 1 st Fri. in Feb. and ending on the 1 st Sat. in Mar.	No limit.
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No more than 4 bay or catch dogs per party. No still or stalk hunting permitted. One shotgun per party (buck shot only). Pistols allowed. Hog hunters must have a hunting license and WMA permit, and are required to wear a hat, coat or vest of solid international orange color while hunting. Hogs may not be transported alive. Hunting allowed from legal sunrise to legal sunset.

~~Hog hunters must sign a register at Elmwood Check Station upon entering and leaving Waterhorn WMA.~~

Small Game No open season for fox hunting.	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 6 seasons apply. Dogs allowed during small game gun season only. Closed to small game and waterfowl hunting during scheduled deer hunt periods.	Game Zone 6 bag limits except Quail - 8 per day.
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Wambaw WMA

On either-sex deer hunts with dogs (except youth only hunts) all deer must be checked in at Awendaw check station on Hwy 17 or Honey Hill Lookout Tower, P&C Grocery, Alvin One Stop or Kangaroo in Jamestown.

Hog Hunts with dogs	Every other Fri. & Sat. beginning with the 1 st Fri. in Feb. and ending on 1 st Sat. in March.	No limit.
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No more than 4 bay or catch dogs per party. No still or stalk hunting permitted. One shotgun per party (buck shot only). Pistols allowed. Hog hunters must have a hunting license and WMA permit, and are required to wear a hat, coat or vest of solid international orange color while hunting. Hogs may not be transported alive. Hunting allowed from legal sunrise to legal sunset.

Small Game No open season for fox hunting.	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 6 seasons apply. Dogs allowed during small game gun season only. Closed during scheduled periods using dogs to hunt deer.	Game Zone 6 bag limits except Quail - 8 per day.
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Northampton WMA

On either-sex deer hunts with dogs (except youth only hunts) all deer must be checked in at P&C Grocery, Kangaroo in Jamestown, Awendaw check station on Hwy 17, Alvin One Stop or Honey Hill Lookout Tower.

Small Game No open season on fox hunting.	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 6 seasons apply. Dogs allowed during small game gun season only. Closed during scheduled periods using dogs to hunt deer.	Game Zone 6 bag limits except Quail - 8 per day.
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Hog hunts with dogs	Every other Fri. and Sat. beginning with the 1 st Fri. in Feb. and ending on the 1 st Sat. in Mar.	No limit.
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No more than 4 bay or catch dogs per party. No still or stalk hunting permitted. One shotgun per party (buck shot only). Pistols allowed. Hogs may not be transported alive. Hunting allowed from legal sunrise to legal sunset.

Santee WMA

Deer

Dog Drive Hunts (Shotguns only)	2 nd Fri. & Sat. in Sept. Wed & Thur before the 4 th Sat in Oct. & 1 st Friday in Dec.	2 deer per day, buck only Hogs no limit.
	<u>2nd Sat. in Dec.</u>	2 deer per day, either-sex Hogs no limit.

On either-sex deer hunts with dogs (except youth only hunts) all deer must be checked in at P & C Grocery, Kangaroo in Jamestown, Awendaw check station on Hwy 17, Honey Hill Lookout Tower or Alvin One Stop.

Small Game No open season for fox hunting.	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 6 seasons apply. Dogs allowed during small game gun season only. Closed during scheduled periods using dogs to hunt deer.	Game Zone 6 bag limits. except Quail - 8 per day.
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Hog hunts with dogs	Every other Fri. and Sat. in Feb. beginning with the 2 nd Fri. in Feb.	No limit.
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No more than 4 bay or catch dogs per party. No still or stalk hunting permitted. One shotgun per party (buck shot only). Pistols allowed. Hogs may not be transported alive. Hunting allowed from legal sunrise to legal sunset.

(H) Moultrie

Deer	Total of 8 deer per season.
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There shall be no hunting or shooting within fifty (50) feet of the center of any road during gun hunts for deer except for SCDNR draw youth hunts. Hogs may be harvested during any scheduled hunt, no limit.

(I) Santee Cooper WMA

Hogs and Coyotes

Feral hogs and coyotes may be taken during any scheduled hunts only with weapons allowed for the current open season. No hog hunting with dogs except during special designated hog hunts with dogs. No limit on hogs or coyotes.

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(J) Webb WMA

Still Hog Hunts (no dogs)	4 th Thurs. – Sat. in Feb.	No limit.
Archery, crossbows, centerfire rifles, muzzleloading rifles, centerfire handguns and shotguns with slugs only. No stalking or man drives allowed.	2 nd and 3 rd Thurs. – Sat. in May 1 st Thurs. – Sat. in Sept.	

Hog hunters are required to wear hat, coat or vest of solid international orange color while hunting. Hunters must sign register upon entering and leaving the Webb WMA. No hogs may be taken alive from Webb WMA. Hog hunters are permitted to camp at Bluff Lake on Webb WMA on nights prior to and during scheduled hog hunts only.

(L) Santee Delta WMA

~~Deer and hog hunters must sign in and out and complete a data card on harvested animals at the check Station on the East Side of the Delta.~~

Deer

Archery only hunts For deer (no dogs)	1st Sat. in Oct. - last Sat. in Oct.	2 deer per day, either-sex Hogs no limit.
Special hog hunt Archery Only.	1 st Sat. in Mar. – last Sat. in Mar. (impoundments only)	Hogs only, no limit, no live hogs to be removed from WMA.
Special hog hunt with dogs	Mon. following the last Sat. in Mar. – the following Sat. (impoundments only)	Hogs only, no limit, handguns only, limit 4 bay or catch dogs per party. No live hogs removed from WMA.

(N) Bear Island WMA

Alligator Hunts Bear Island East and West Units only.	Hunters selected by drawing only. Limited season with restricted access.	Limit and size restrictions as prescribed.
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(O) Lewis Ocean Bay WMA

Deer

Still Gun Hunts	Fri. after Thanksgiving – last day of Nov., Dec. 16 – 31.	1 deer per day, buck only.
Small Game No Fox Squirrels	Jan. 1-Mar.1	Game Zone 5 bag limits.

(R) Santee Coastal Reserve WMA

Deer Hunts

(No dogs)

Archery

2nd Sat. in Oct. -Last Sat.
in Nov.2 deer per day, either-sex.
Hunting on mainland only.
Hogs no limit. No possession
of handguns or sidearms during
archery only hunts.~~Quail~~~~Wed. and Sat. only, 1st Wed.
after Jan. 20 through Mar. 1.~~~~Limit 8 per day.~~

Small Game

No open season on
fox squirrelsWed. and Sat. only, Wed.
following the 1st Thur. – Sat.
in Dec. – Mar. 1Game Zone 6 bag limits.
Except quail limit 8/day.

Raccoon/Opossum

Tues. and Fri. nights, Tues.
following the 1st Thurs. – Sat.
in Dec. – Mar. 1

Game Zone 6 bag limits.

Alligator Hunts
Cape Unit only.Hunters selected by drawing only.
Limited season with restricted access.Limit and size restrictions
as prescribed.**(U) Manchester State Forest WMA**

Deer must be checked at check station. No man-drives during either-sex still gun hunts for deer.

Hogs and Coyotes

Feral hogs and coyotes may be taken during any scheduled hunts only with weapons allowed for the current open season. No hog hunting with dogs except during special designated hog hunts with dogs. No limit on hogs or coyotes.

(W) Marsh WMA

Deer

Still Gun Hunts

4th Mon. in Oct. –Sat.
before the 1st Mon. in Nov.
1st Mon. in Nov. – following Sat.
2nd Mon. in Nov. – following Sat.1 deer per day, buck only
Hogs no limit.**(X) Hamilton Ridge WMA**

Still Hog Hunts (no dogs)

Archery, crossbows,
centerfire rifles, muzzleloading
rifles, centerfire handguns and
shotguns with slugs only.
No stalking or man drives
allowed.4th Thurs. – Sat. in Feb.
2nd and 3rd, Thurs. – Sat. in May
1st Thurs. – Sat. in Sept.

No limit.

106 EMERGENCY REGULATIONS

(AA) Little Pee Dee River Complex WMA

Deer

Archery	Oct. 1 - 3 rd Sat. in Oct. Mon. after Dec. 15 – Jan. 1	1 deer per day, either-sex.
Small Game	Thanksgiving Day - Mar. 1 No open season for fox squirrels.	Game Zone 5 Bag limits.
Special Hog Hunt With Dogs	Mar. 21 – Fri. before the last Sat. in Mar.	No limit, handguns only, no more than 4 bay or catch dogs per party. No live hogs removed from WMA. Buckshot and rimfire firearms not permitted.

(CC) Hickory Top WMA

Data cards required for hunter access. Completed data cards must be returned daily upon leaving Hickory Top WMA. The Greentree Reservoir is open to hunting during the regular Hickory Top seasons during years when the Greentree Reservoir remains unflooded.

Hogs and Coyotes

Feral hogs and coyotes may be taken during any scheduled hunts only with weapons allowed for the current open season. No hog hunting with dogs except during special designated hog hunts with dogs. No limit on hogs or coyotes.

Special Hog Still Hunt (no dogs) Archery, crossbows, centerfire rifles, muzzleloading rifles, centerfire handguns and shotguns with slugs only.	1 st two full weeks in Mar.	Hogs only, no limit, no bay or catch dogs.
Hog Hunt With Dogs	Last two full weeks in Mar.	No limit, sidearms only, no More than 4 bay or catch dogs per party, no live hogs removed from WMA.

(DD) Palachucola WMA

Still Hog Hunts (no dogs) Archery, crossbows, centerfire rifles, muzzleloading rifles, centerfire handguns and shotguns with slugs only. No stalking or man drives allowed.	4 th Thurs. – Sat. in Feb. 2 nd and 3 rd , Thurs. – Sat. in May 1 st Thurs. – Sat. in Sept.	No limit.
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(FF) Waccamaw River Heritage Preserve WMA

Small Game Seasons: Season open only for Gray squirrel and woodcock.	Thanksgiving Day - Mar. 1 Woodcock during Fed. Season	Game Zone 5 bag limits.
Hog Hunt With Dogs	Mar. 21 – Fri. before last Sat. in Mar.	No limit, sidearms only, no More than 4 bay or catch dogs per party, no live hogs removed from WMA.

(HH) Canal WMA

~~Hunters must pick up and return data cards at access points. Shotguns must be plugged so as not to hold more than 3 shells.~~

(II) Cartwheel Bay HP WMA

Small Game (No small game, hunting during Scheduled deer hunt periods.) No open season on fox squirrels.	No hunting before Nov. 1 or after Mar. 1; otherwise Game Zone 4 bag limits.	Game Zone 5 bag limits.
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(OO) Santee Dam WMA

Hog Hunt With Dogs	1 st two full weeks in Mar. Daylight hours only.	No limit, sidearms only, no More than 4 bay or catch dogs per party, no live hogs removed from WMA.
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(QQ) Oak Lea WMA

Hogs and Coyotes

Feral hogs and coyotes may be taken during any scheduled hunts only with weapons allowed for the current open season. No hog hunting with dogs except during special designated hog hunts with dogs. No limit on hogs or coyotes.

(SS) Edisto River WMA

Deer

Still Gun Hunts	Monday following the closing of muzzleloader season through Jan. 1.	1 per day, either-sex each Fri. & Sat. in Nov. Hogs, no limit.
Small Game	Jan. 2 – Mar. 1	Game Zone 6 bag limits except Quail - 8 per day.

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(VV) Bonneau Ferry WMA

Draw deer hunts are for two and one half days (afternoon on the first day and 2 full days). Hunt periods begin in September and continue until early December. Hunters are required to have permit in possession and must sign in and sign out (Name, permit # and deer killed each day). Hunted areas are closed to the general public access during scheduled deer, turkey and waterfowl hunts.

Quail (Side B) Open every other Sat. beginning Limit 8 per day.
Shotguns must be plugged to Feb. 1 through Mar. 1.
hold no more than 3 shells.

~~Hunters must pick up, accurately fill out and return data card at the main entrance.~~

Other Small Game Jan. 2 – Mar. 1 Game Zone 6 bag limits.
No open season for fox
squirrels or fox. Dogs
allowed during gun seasons
only.

(WW) Ditch Pond HP WMA

~~During still gun hunts for deer, there shall be no hunting or shooting from, on or across any road open to vehicular traffic.~~ Individual antlerless deer tags valid on days not designated as either-sex after Oct. 1.

Hogs and Coyotes

Feral hogs and coyotes may be taken during any scheduled hunts only with weapons allowed for the current open season. No hog hunting with dogs except during special designated hog hunts with dogs. No limit on hogs or coyotes.

(XX) Henderson HP WMA

~~During still gun hunts for deer, there shall be no hunting or shooting from, on or across any road open to vehicular traffic.~~ Individual antlerless deer tags valid on days not designated as either-sex after Oct. 1.

Hogs and Coyotes

Feral hogs and coyotes may be taken during any scheduled hunts only with weapons allowed for the current open season. No hog hunting with dogs except during special designated hog hunts with dogs. No limit on hogs or coyotes.

(AAA) Belfast WMA

Hogs and Coyotes

Feral hogs and coyotes may be taken during any scheduled hunts only with weapons allowed for the current open season. No hog hunting with dogs except during special designated hog hunts with dogs. No limit on hogs or coyotes.

Small Game Dec. 10 – March 1 Game Zone 2 bag limits.
(No open season for
fox squirrels, fox or bobcats)

(BBB) Congaree Bluffs HP WMA

Deer

Still Gun Hunts (No dogs, no buckshot)	No open season except for hunters selected by drawing.	2 per day, either-sex.
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Hogs and Coyotes

Feral hogs and coyotes may be taken during any scheduled hunts only with weapons allowed for the current open season. No hog hunting with dogs except during special designated hog hunts with dogs. No limit on hogs or coyotes.

2.7 On WMA lands construction or use of tree stands is prohibited if the tree stand is constructed by driving nails or other devices into trees or if wire is wrapped around trees. Other tree stands are permitted provided they are not permanently affixed or embedded in the tree. All stands and temporary climbing devices must be removed by the end of the deer hunting season.

123-52. Either-sex days for Private Lands in Game Zones 1-6.

Game Zone 1: The first three Saturdays in November.

Game Zone 2-6: Every Saturday from October 1 to the Saturday after Thanksgiving Day inclusive; Saturdays in December beginning 23 days after Thanksgiving Day; and the last day of the open season.

The daily bag limit on either-sex days is 2 antlerless deer.

In Game Zones 1 and 2 hunters using archery equipment may take either-sex during any open season for deer.

On special mobility impaired and youth and deer hunts sanctioned by the department and during the statewide youth deer hunt day, participants may take antlerless deer, 2 per day.

Individual Deer Tags: Individual Antlerless Deer Tags are not valid in Game Zone 1. Tags are valid in Game Zones 3- 6 beginning Sept. 15 and in Game Zone 2 beginning Oct. 1. Individual tags are not valid on properties enrolled in the Antlerless Deer Quota Program. Tags do not alter the daily (2 deer per day) or seasonal limit or change the type of weapon that can be used during special weapons seasons.

Statement of Need and Reasonableness:

Periodically, additional lands are made available to the public through the Wildlife Management Area Program. Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on these new WMAs as well as expanding use opportunities on existing WMAs. Amendments are needed to allow additional opportunity. Because some hunts continue through January 1, 2012, it is necessary to re-file these regulations as emergency so they take effect immediately.

Fiscal Impact Statement:

This amendment of Regulation 123-40 and 123-52 will result in increased public hunting opportunities that should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

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Document No. 4298

CLEMSON UNIVERSITY
STATE LIVESTOCK-POULTRY HEALTH COMMISSION
CHAPTER 27

Statutory authority: 1976 Code Sections 47-4-30 and 47-17-130

27-1023. State Meat Inspection Regulation

Synopsis:

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S. C. Code, Title 47, Chapter 4, the inspection of meat and meat food products produced for intrastate commerce. These updated regulations are necessary to comply with the Federal Meat Inspection Act (21 USCA 661, Section 301) which established Federal-State Cooperative Meat Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations "at least equal to" those adopted by the federal government. This regulation will, in effect, adopt the current Federal Meat Inspection Regulations with some minor exceptions for some state specific requirements.

The Notice of Drafting was published in the *State Register* on August 24, 2012.

Instructions:

Replace R.27-1023 with the following amendment.

Text:

27-1023. State Meat Inspection Regulation.

A. Definitions.

1. Commission means the State Livestock-Poultry Health Commission, Clemson University.
2. Director means the Director, Livestock-Poultry Health Programs, Clemson University.
3. Custom Processor means the custom preparation by any person of carcasses, parts thereof, meat or meat food products derived from the slaughter by any individual of cattle, sheep, swine or goats of his own raising or from game animals, delivered by the owner thereof for such custom preparation and transportation in commerce of such custom prepared article, exclusively for the use in the household by the owner and members of the owners household and the owners non-paying guests and employees in an establishment permitted by the State Meat Inspection Department for that purpose.

B. Permit Required; Fee; Application; Refusal, Revocation or Suspension.

1. Custom processors shall secure a permit from the Commission.
2. The permit fee is twenty-five dollars (\$25.00) annually or for part of a year. The permit year is July 1 to June 30. The fee must be retained by the Commission. The Commission by regulation may increase the fee to not more than fifty dollars (\$50.00).
3. The Commission, for cause, may refuse to grant a permit, may revoke or modify a permit, or assess a civil penalty in accordance with Section 47-4-130, South Carolina Code of Laws (1976) as amended.

C. Adoption of Federal Meat Inspection Regulations.

The United States Department of Agriculture, Food Safety and Inspection Service, Meat Inspection Regulations, 9 CFR, Chapter III, Subchapter A, Parts 300-321, 325, 329, 332, 335, 352 and 354, and Subchapter E, Parts 416-418, 424, 430, 441, 442 and 500 and all changes thereto in effect as of January 1, 2013 are hereby adopted as the State Meat Inspection Regulations, with exceptions as noted below.

D. Exceptions to the Federal Meat Inspection Regulations.

1. Subchapter A, Part 303 – Exemptions, Section 303.1(a)(2). The provisions of this section related to custom slaughter of livestock do not apply. Custom slaughtering is not a specified exemption in the State Meat and Meat Foods Regulations and Inspection Law of 1967.

2. Subchapter A, Part 307, Section 307.5(a) – Overtime Inspection Service. Fees and charges for overtime inspection service will be established, as required, by the Commission.

3. Subchapter A, Part 307, Section 307.5(b) – Holiday Inspection Service. State holidays as designated by the State Budget and Control Board will be utilized by the state inspection program.

4. Subchapter A, Part 312 – Official Marks, Devices and Certificates. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.

5. Subchapter A, Part 352, Section 352.5 – Holiday and Overtime Inspection Services. Fees and charges for overtime and state holiday inspection services will be established, as required by the Commission.

6. Subchapter A, Part 352, Section 352.7 – Marking Inspected Products. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.

E. In addition to temporary suspension in whole or in part of inspection services, as provided for in this regulation, the Director may, when he determines that the operator of any official establishment or any subsidiary therein, acting within the scope of his office, employment or agency, has threatened to forcible assault or has forcibly assaulted, intimidated, harassed or interfered with any program employees in or on account of his official duties under the law, assess a civil penalty in accordance with Section 47-4-130(b), S.C. Code of Laws, (1976) as amended.

F. The complete text of these regulations is available for review at the Meat-Poultry Inspection Department, Livestock-Poultry Health Program, Clemson University.

Document No. 4299

CLEMSON UNIVERSITY

STATE LIVESTOCK-POULTRY HEALTH COMMISSION

CHAPTER 27

Statutory Authority: 1976 Code Sections 47-4-30, 47-19-30, and 47-19-170

27-1022. State Poultry Products Inspection Regulation

Synopsis:

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S.C. Code, Title 47, Chapter 4, the inspection of poultry products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Poultry Products Inspection Act (21 USCA 454, Section 5) which establishes Federal-State Cooperative Poultry Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations “at least equal to” those adopted by the federal government. This regulation will, in effect, adopt the current Federal Poultry Products Inspection Regulations with some minor exceptions for some state specific requirements.

The Notice of Drafting was published in the *State Register* on August 24, 2012.

Instructions:

Replace R.27-1022 to the regulations

112 FINAL REGULATIONS

Text:

27-1022. State Poultry Products Inspection Regulation.

A. Definitions.

1. Commission means the State Livestock-Poultry Health Commission, Clemson University.
2. Director means the Director, Livestock-Poultry Health Programs, Clemson University.

B. Adoption of Federal Poultry Products Regulations.

The United States Department of Agriculture, Food Safety and Inspection Service, Poultry Products Inspection Regulations, 9 CFR, Chapter III, Subchapter A, Parts 362 and 381 and Subchapter E. Parts 416-418, 424, 430, 441, 442 and 500 and all changes thereto in effect as of January 1, 2013 are hereby adopted as the State Poultry Inspection Regulations, with exception as noted below.

C. Exceptions to the Federal Poultry Products Inspection Regulations.

(1) Subchapter A, Part 362, Voluntary Poultry Inspection Regulations, Section 362.5. Fees and charges for voluntary inspection services will be established, as required, by the Commission.

(2) Subchapter A, Part 381, Subpart G, Facilities for Inspection, Section 381.38. State holidays as designated by the State Budget and Control Board will be utilized by the state inspection program.

(3) Subchapter A, Part 381, Subpart G, Facilities for Inspection, Section 381.39. Fees and charges for overtime and holiday inspection services will be established, as required, by the Commission.

(4) Subchapter A, Part 381, Subpart M, Official Marks, Devices and Certificates. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.

D. The complete text of these regulations is available for review at the Meat-Poultry Inspection Department, Livestock-Poultry Health Programs, Clemson University.