

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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STEPHEN T. DRAFFIN, DIRECTOR
LYNN P. BARTLETT, EDITOR

P.O. BOX 11489
COLUMBIA, SC 29211
TELEPHONE (803) 734-2145

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

SOUTH CAROLINA STATE REGISTER

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

STYLE AND FORMAT

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

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

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

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

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

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

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

Executive Orders are actions issued and taken by the Governor.

2002 PUBLICATION SCHEDULE

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

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

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

REPRODUCING OFFICIAL DOCUMENTS

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

PUBLIC INSPECTION OF DOCUMENTS

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

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

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

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

EMERGENCY REGULATIONS

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

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

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

EFFECTIVE DATE OF REGULATIONS

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

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

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Subscriptions to the *South Carolina State Register* are available electronically through the South Carolina Legislature Online website at www.scstatehouse.net via an access code, or in a printed format. Subscriptions run concurrent with the State of South Carolina's fiscal year (July through June). The annual subscription fee for **either** format is \$95.00. Payment must be made by check payable to the Legislative Council. To subscribe complete the form below and mail with payment. Access codes for electronic subscriptions will be e-mailed to the address submitted on this form.

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REGULATIONS SUBMITTED TO GENERAL ASSEMBLY 1

In order by General Assembly review expiration date
 The history, status, and full text of these regulations are available on the
 South Carolina General Assembly Home Page: www.scstatehouse.net

DOC No.	RAT FINAL No. ISSUE	SUBJECT	EXP. DATE	AGENCY
2360		LIFE Scholarship	1-15-03	Higher Education, Commission on
2610		In Car Camera Videotaping Equipment	1-23-03	Department of Public Safety
2629		Specific Project Stds for Tidelands & Coastal Waters	1-31-03	Department of Health and Envir Control
2663		Bonds for Water and Wastewater Utilities	2-09-03	Public Service Commission
2711		Foster Care	2-17-03	Department of Social Services
2726		School Incentive Reward Program	2-23-03	Board of Education
2683	R.450 SR26-7	Requirements for Trade and Industrial Certification		Board of Education
2709		Nonpublic Postsecondary Institutions	2-25-03	Commission on Higher Education
2712		Residential Group Care Organizations for Children	3-30-03	Department of Social Services
2729		Fees	4-02-03	LLR: Board of Pharmacy
2731		Diseases and Health documentation	4 15-03	Clemson University
2727		Witchweed Quarantine	4-15-03	Clemson University
2733		Examination	4-21-03	LLR: Board of Chiropractic Examiners
2732		Advertising and Solicitation	4-21-03	LLR: Board of Chiropractic Examiners
2730		Criminal Justice Academy Training Regulations	5-06-03	Department of Public Safety
2728		Transfer of Duties and Responsibilities	5-23-03	LLR: Board for Barrier Free Design
2738		Examination Fees	5-23-03	LLR: Board of Accountancy
2739		Professional Practices	5-23-03	LLR: Board of Chiropractic Examiners
2718		Certification of Need for Health Facilities and Services	5-23.03	Department of Health and Envir Control
2734		Hazardous Waste Management	5-23-03	Department of Health and Envir Control

2 EXECUTIVE ORDERS

2002-18

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

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

WHEREAS, Mrs. Jane Burgdorf of Greenwood, South Carolina, was on May 3, 2002, appointed to the Greenwood Metropolitan District.

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

This Order shall take effect immediately.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 25th DAY OF JULY 2002.

JIM HODGES

2002-19

WHEREAS, the South Carolina State Grand Jury indicted Elona Carolyn Davis on June 13, 2002, on two counts of Official Misconduct in Office at Common Law; and

WHEREAS, Elona Carolyn Davis is the elected Mayor of the City of Denmark; and

WHEREAS, the two counts of indictment against Ms. Davis include charges of the unlawful misuse of municipal funds for private purposes; and

WHEREAS, Article VI, Section 8 of the South Carolina Constitution provides that when "[a]ny officer of the State or its political subdivisions who has the custody of public or trust funds [is charged] with embezzlement or appropriation of public or trust funds to private use, upon indictment by a grand jury, the Governor shall suspend such officer and appoint one in his stead, until he shall have been acquitted. In case of conviction, the position shall be declared vacant and the vacancy filled as may be provided by law."

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of the State of South Carolina, I hereby suspend Elona Carolyn Davis from the office of Mayor of the City of Denmark and appoint Denmark Mayor Pro Tem Carrie Sojourner Simmons to serve in her stead on an interim basis until Ms. Davis is acquitted or convicted.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 25th DAY OF JULY 2002.

JIM HODGES

BOARD OF EDUCATION**ERRATA**

43-240, SUMMER SCHOOL PROGRAMS

The following information was inadvertently omitted from Doc. No. 2682, when published as final in the State Register on June 28, 2002, Volume 26, Issue 6. The Section, as approved by the General Assembly, should read as follows:

- (3) Organizational and Administration: Grades 9-12
- (a) Pupil teacher ration shall not exceed 30:1 in each classroom.
 - (b) All students taking a course for one unit of credit must receive at least 120 hours of instruction in that subject area.
 - (c) No teacher shall be assigned to teach more than one subject or one level of the same subject during one period for credit. (Exception: Two consecutive levels of coursework in the same subject area may be taught during one period if all students are repeating a course and the combined membership does not exceed 15 students.)
 - (d) The recommended number of units of credit that a student may earn during one summer school session is two. However, a student may earn more than two credits with prior approval from the school principal.
 - (e) There is no limit on the number of credits a student may earn in a summer program that is operated on a quarterly basis as part of a twelve-month school program.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

In accordance with Section 44-7-200(C), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication August 23, 2002, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Charleston County

Replacement of a .5 Tesla MRI unit with a 1.5 Tesla MRI unit.
 Medical University of South Carolina
 Charleston, South Carolina
 Project Cost: \$2,228,745

Affecting Greenville County

Construction of an ambulatory surgery center with three (3) endoscopy rooms restricted to gastroenterology procedures only.
 The Greenville ASC
 Greenville, South Carolina
 Project Cost: \$3,219,977

Affecting Lexington County

Construction and major renovation for the expansion of the hospital, to include perioperative services with new operating rooms (from 15 to 21, inclusive of cysto room), clinical support space, clinical laboratory, new (relocated) and renovated support services areas, shelled space, and expansion of the energy plant.

4 NOTICES

Lexington Medical Center
West Columbia, South Carolina
Project Cost: \$99,707,828

Affecting York County

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

In accordance with S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that the review cycle has begun for the following project(s) and a proposed decision will be made within 60 days beginning August 23, 2002. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. For further information call (803) 545-4200.

Affecting Dorchester County

Addition of eight (8) beds to the Residential Treatment Facility (RTF) for children and adolescents for a total of sixty (60) RTF beds.
New Hope, Charleston
Summerville, South Carolina
Project Cost: \$141,011

Affecting Lexington County

Construction and major renovation for the expansion of the hospital, to include perioperative services with new operating rooms (from 15 to 21, inclusive of cysto room), clinical support space, clinical laboratory, new (relocated) and renovated support services areas, shelled space, and expansion of the energy plant.
Lexington Medical Center
West Columbia, South Carolina
Project Cost: \$99,707,828

Affecting Oconee County

Construction and renovation for the replacement of the current 1.0T Magnetic Resonance Imaging (MRI) unit with a 1.5 MRI and the addition of a multi-slice Computed Tomography (CT) for a total of one fixed MRI unit and two fixed CT scanners.
Oconee Memorial Hospital
Seneca, South Carolina
Project Cost: \$4,792,081

Affecting Richland County

Construction of a new patient care wing for the addition of fifteen (15) additional rehabilitation beds for a total of 111 rehabilitation beds.
HEALTHSOUTH Rehabilitation Hospital
Columbia, South Carolina
Project Cost: \$2,948,634

Affecting Williamsburg County

Construction on the hospital campus to establish a sixteen (16) bed Residential Treatment Facility (RTF) for children and adolescents resulting in a total licensed bed capacity of 78 acute and 16 RTF beds at the hospital.

Williamsburg Regional Hospital

Kingstree, South Carolina

Project Cost: \$480,000

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF CANCELLATION AND RESCHEDULING OF PUBLIC HEARING FOR R.61-69, CLASSIFIED WATERS

State Register Document No.2743

The Department of Health and Environmental Control issued a Notice of Proposed Regulation for revision of R.61-69, Classified Waters in the June 28, 2002 issue of the *State Register*, identified as Document No. 2743. The Notice scheduled a Staff Informational Forum on July 15, 2002, a write-in period, and a Public Hearing scheduled before the DHEC Board on September 12, 2002. All comments received from the Staff Informational Forum and write-in comment period which ended on July 29, 2002 are being considered. In order to provide adequate consideration of all comments received, the Department is rescheduling the Public Hearing before the DHEC Board. All comments received shall be submitted to the Board for consideration at the Public Hearing in a Summary of Public Comments and Departmental Responses.

The Public Hearing to be conducted by the DHEC Board for this proposed revision to the regulation has been rescheduled for November 14, 2002. The hearing will be held in the Board Room of the Commissioner's Suite, Third Floor, Aycock Building, 2600 Bull Street, Columbia, South Carolina. The meeting commences at 10:00 at which time the DHEC Board will consider items on its agenda in the order presented. Interested persons are invited to make oral or written comments on the proposed revisions at the Public Hearing. Persons desiring to make oral comments at the hearing are requested to limit their statements to five (5) minutes and, as a courtesy, to provide written copies of their presentation for the record. Any comments made at the public hearing will be given consideration in formulating the final version of the regulation.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

NOTICE OF DESIGNATION OF CAPACITY USE AREA PURSUANT TO S.C. CODE SECTION 49-5-60

The South Carolina Department of Health and Environmental Control has designated Berkeley, Dorchester and Charleston Counties as the Trident Capacity Use Area. This designation was approved August 8, 2002, by the Board of Health and Environmental Control. A groundwater user is defined as "a person withdrawing groundwater in excess of three million gallons during any one month from a single well or from multiple wells under common ownership within a one-mile radius from any one existing well". If you meet this definition of a groundwater user and are located in the Trident Capacity Use Area, you should contact the Department by October 1, 2002, for a permit application to withdraw groundwater. For copies of the application or if there are any questions about the permitting process please contact Mr. Paul Bristol or Mr. Chuck Williams at the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C., 29201, the Department's web site at <http://www.scdhec.net/eqc/water/capuse>, or (803) 898-4300.

SCDHEC's technical report on groundwater conditions in the Trident area is available on the Internet at <http://www.scdhec.net/eqc/water/pubs/tridentrpt.pdf>. SCDHEC's Fact Sheet summarizing the groundwater

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conditions in the Trident area and general information about the Capacity Use Program are available at <http://www.scdhec.net/eqc/water/pubs/trifact.pdf>. In addition, a copy of the report and fact sheet may be obtained by contacting Ms. Gloria Lathan at 803 898-4267.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Notice of General Public Interest
Public Notice #02-510-GP-N
August 23, 2002

The South Carolina Department of Health and Environmental Control (DHEC), Bureau of Air Quality, does hereby give notice of authorization being granted to the following sources who have requested coverage under General Conditional Major Operating Permit (GCMP-04) "Concrete Batch Plants." This general permit was previously opened for a thirty (30) day public comment period on March 28, 2001, with final issuance on November 01, 2001. Pursuant to South Carolina Regulation 61-62.1, Section II G(7)(a)&(b), the Department may now grant coverage to those qualified sources seeking to operate under the terms and conditions of this general permit. The authorization of each facility's coverage shall be a final permit action for purposes of administrative review.

In accordance with the provisions of the Pollution Control Act, Sections 48-1-50(5) and 48-1-110(a), the 1976 Code of Laws of South Carolina, as amended, and Regulation 61-62 "Air Pollution Control Regulations and Standards," these sources are hereby granted permission to discharge air contaminants into the ambient air. The Bureau of Air Quality authorizes the operation of these sources in accordance with the plans, specifications and other information submitted by each facility in the General Conditional Major Permit application. Facilities operating under this permit seek to limit their potential to emit to below the thresholds which define a major source by complying with the federally enforceable conditions contained in this permit. Permit coverage is subject to and conditioned upon the terms, limitations, standards, and schedules contained in or specified on said permit.

Interested persons may review the final general permit, materials submitted by the applicant, and any written comments received, during normal business hours, at the following location: SC DHEC, Bureau of Air Quality, 2600 Bull Street, Columbia, South Carolina, 29201.

This notice is given pursuant to the requirements of South Carolina Regulation 61-62.1, Section II G(7)(c). Comments and questions concerning any of the following individual facility's coverage under this permit should be directed to: Mr. Carl W. Richardson, P. E., Director, Engineering Services Division, Bureau of Air Quality, SC DHEC, 2600 Bull Street, Columbia, South Carolina, 29201 at (803) 898-4123.

Charleston County

Unicon Concrete, LLC
Three Lakes Road
North Charleston, South Carolina
(Permit No. GCM04-9900-0364)

**PUBLIC NOTICE OF HAZARDOUS WASTE PERMITTING
GENERAL MAILING LIST UPDATE**

**SOUTH CAROLINA DEPARTMENT OF
HEALTH AND ENVIRONMENTAL CONTROL**

The South Carolina Department of Health and Environmental Control (DHEC) invites your participation in proposed hazardous waste permitting decisions. As part of South Carolina hazardous waste permitting procedures, DHEC is responsible for maintaining a general mailing list of those individuals and organizations interested in being notified of hazardous waste permitting actions in the state of South Carolina. All mailing list participants will be notified regarding any hazardous waste draft permits, permitting modifications, and public hearings. If you prefer to be placed on a site-specific or county-specific list, please indicate the site or county of preference when contacting the Department.

Those individuals and/or organizations interested in being placed on the general mailing list, or a site-specific or county-specific list, should reply to the address below:

Marilyn McMillan
Program Assistant
Division of Waste Management
SCDHEC - Bureau of Land and Waste Management
2600 Bull Street
Columbia, South Carolina 29201
Phone: (803) 896-4170
Fax: (803) 896-4001

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Notice Of General Public Interest
Public Notice #02-509-GP-N
August 23, 2002

The South Carolina Department of Health and Environmental Control (DHEC), Bureau of Air Quality, does hereby give notice of authorization being granted to the following sources who have requested coverage under General Conditional Major Operating Permit (GCMP-03) "Hot Mix Asphalt Plants." This general permit was previously opened for a thirty (30) day public comment period on March 28, 2001, with final issuance on February 01, 2002. Pursuant to South Carolina Regulation 61-62.1, Section II G(7)(a)&(b), the Department may now grant coverage to those qualified sources seeking to operate under the terms and conditions of this general permit. The authorization of each facility's coverage shall be a final permit action for purposes of administrative review.

In accordance with the provisions of the Pollution Control Act, Sections 48-1-50(5) and 48-1-110(a), the 1976 Code of Laws of South Carolina, as amended, and Regulation 61-62 "Air Pollution Control Regulations and Standards," these sources are hereby granted permission to discharge air contaminants into the ambient air. The Bureau of Air Quality authorizes the operation of these sources in accordance with the plans, specifications and other information submitted by each facility in the General Conditional Major Permit application. Facilities operating under this permit seek to limit their potential to emit to below the thresholds which define a major source by complying with the federally enforceable conditions contained in this permit. Permit coverage is subject to and conditioned upon the terms, limitations, standards, and schedules contained in or specified on said permit.

8 NOTICES

Interested persons may review the final general permit, materials submitted by the applicant, and any written comments received, during normal business hours, at the following location: SC DHEC, Bureau of Air Quality, 2600 Bull Street, Columbia, South Carolina, 29201.

This notice is given pursuant to the requirements of South Carolina Regulation 61-62.1, Section II G(7)(c). Comments and questions concerning any of the following individual facility's coverage under this permit should be directed to: Mr. Carl W. Richardson, P. E., Director, Engineering Services Division, Bureau of Air Quality, SC DHEC, 2600 Bull Street, Columbia, South Carolina, 29201 at (803) 898-4123.

Anderson County

The Lane Construction Corporation
Furman and Martin Roads
Anderson, South Carolina
(Permit No. GCM03-9900-0377)

Spartanburg County

F&R Asphalt, Inc. (Plant #3)
Gaffney Ferry Road
Gaffney, South Carolina
(Permit No. GCM03-9900-0373)

DEPARTMENT OF ARCHIVES AND HISTORY
CHAPTER 12
 Statutory Authority: 1976 Code Section 30-1-90(B)

Notice of Drafting:

The Department of Archives and History proposes to amend Regulation 12-601 through 12-611.7 which gives municipalities the legal authorization to retain and dispose of records common to municipal offices and functions. Interested persons may submit comments to Richard Harris, Manager of Records Services, South Carolina Department of Archives and History, 8301 Parklane Road, Columbia, SC 29223. To be considered, comments must be received no later than 5:00 p.m. on September 27, 2002, the close of the drafting comment period.

Synopsis:

The general assembly approved Regulation 12-601 through 12-611.7 (General Retention Schedules for Municipal Records) on June 25, 1993. The proposed amendments will simplify the disposition process for municipal offices/departments and add new series under existing offices/departments.

These proposals will require legislative review.

DEPARTMENT OF ARCHIVES AND HISTORY
CHAPTER 12
 Statutory Authority: 1976 Code Section 30-1-90(B)

Notice of Drafting:

The Department of Archives and History proposes to amend Regulation 12-901 through 12-906.6 which gives school districts the legal authorization to retain and dispose of records common to school district offices and functions. Interested persons may submit comments to Richard Harris, Manager of Records Services, South Carolina Department of Archives and History, 8301 Parklane Road, Columbia, SC 29223. To be considered, comments must be received no later than 5:00 p.m. on September 27, 2002, the close of the drafting comment period.

Synopsis:

The general assembly approved Regulation 12-901 through 12-906.6 (General Retention Schedules for School District Records) on June 24, 1994. The proposed amendments will simplify the disposition process for school district offices and departments and add new series under existing offices/departments.

These proposals will require legislative review.

DEPARTMENT OF ARCHIVES AND HISTORY
CHAPTER 12
 Statutory Authority: 1976 Code Section 30-1-90(B)

Notice of Drafting:

The Department of Archives and History proposes to amend Regulation 12-800 through 12-813.10 which gives state colleges and universities the legal authorization to retain and dispose of records common to state college and university offices and functions. Interested persons may submit comments to Richard Harris, Manager of

10 DRAFTING

Records Services, South Carolina Department of Archives and History, 8301 Parklane Road, Columbia, SC 29223. To be considered, comments must be received no later than 5:00 PM on September 27, 2002, the close of the drafting comment period.

Synopsis:

The General Assembly approved Regulation 12-800 through 12-813.10 (General Retention Schedule for State Colleges and Universities) on June 24, 1994. The proposed amendments will simplify the disposition process for state college and university offices and departments; add new sections for records common to most state colleges and universities; amend sections concerning records which require better description and more appropriate retention periods; and repeal records series which are no longer created.

These proposals will require legislative review.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

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

Notice of Drafting:

The Department of Health and Environmental Control (Department) is proposing to amend R.61-62, *Air Pollution Control Regulations and Standards* and the South Carolina State Implementation Plan. Interested persons are invited to present their views and/or interest in writing to Heather Preston, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. To be considered, comments must be received by Monday, September 23, 2002, the close of the drafting comment period.

Synopsis:

On July 18, 1997, the United States Environmental Protection Agency (EPA) revised the National Ambient Air Quality Standard for ground-level ozone from 0.12 parts per million (ppm) 1-hour "peak" standard to 0.08 ppm 8-hour "average" standard. This new standard is commonly referred to as the 8-hour ozone standard. Currently, all areas of South Carolina are "in attainment" with all national ambient air quality standards, including the one hour ozone standard. However, when implemented, the 8-hour ozone standard could result in numerous areas of the state being determined not to meet the 8-hour standard and being designated as "non-attainment" for ground-level ozone. When the non-attainment designation occurs, the state must recommend to EPA the boundaries of the areas that are not in compliance with the ground-level ozone standard and must submit a plan to EPA that demonstrates how the state will bring those areas designated as non-attainment for the standard back into attainment. Also, when non-attainment designations occur, areas are subject to general and transportation conformity and new source review requirements.

It is not clear yet when EPA will make the 8-hour ozone non-attainment designations, but in an effort to be proactive, the Department would like to begin the process with state and local governments, industry, environmental groups, and other interested parties to consider possible ozone reduction strategies. The Department would like to work with these groups to develop a strategy sooner than would be required by the current federal timeframes to reduce the pollution that creates ground-level ozone. The most important reasons for moving forward in this proactive manner are the public health benefits realized by meeting the new standard sooner than required and also the deferral of the effective date of a non-attainment designation.

While the Department is interested in pursuing an early action plan for ground-level ozone, it is recognized that developing the technical requirements necessary to create an approvable plan to submit to EPA under the tight timeframes involved may be a difficult task. However, the public health benefits derived from early actions warrant moving forward with this effort at this time.

If you are interested in participating in this process, please provide that interest in writing to the Department as outlined above.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTERS 61, 89

Statutory Authority: S.C. Code Section 48-2-10 et seq., 48-20-10 et seq., 48-43-510 et seq.,
44-2-10 et seq., 44-56-10 et seq., 44-87-10 et seq.,

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend several different regulations for the purpose of changing fee schedules for various environmental programs. This Notice will serve for all proposed changes. Separate promulgations will be made for each individual regulation, however.

The Department proposes to amend:

- R. 61-30, *Environmental Protection Fees*;
- R. 89-340, *Fee Schedule, Office of the Governor - S.C. Mining Regulations*;
- R. 61-62, *Air Pollution Control Regulations and Standards*

Interested persons should submit their views in writing to Michael E. Rowe, Office of Environmental Quality Control, and S.C. Dept. Of Health and Environmental Control, 2600 Bull Street, Columbia, S.C., 29201. To be considered, comments should be received no later than September 23, 2002, the close of the initial drafting comment period.

Synopsis:

(A) The Department of Health and Environmental Control proposes to amend R. 61-30, *Environmental Protection Fees*, as follows:

(1) Oil and Gas Terminal Registration Fee. There is no change in this fee. It is being listed in this regulation at the request of legal counsel in order to continue to collect the fee as directed by the General Assembly.

(2) Commercial Fixed Nuclear Facility Fee [new]: The Bureau of Land and Waste Management in conjunction with the Bureau of Environmental Services is proposing a fee to cover the costs and effort of the Commercial Fixed Nuclear Facilities (FNF) program for FY03. The FNF program is needed in order to protect the health and the environment from radiological contamination and exposure from nuclear power production facilities.

Funding for the sample collection and analysis of milk, vegetation, soil, sediment, surface water, air filters, fish and thermoluminescent dosimeters (TLD's) was discontinued by the Nuclear Regulatory Commission (NRC) in FY98. As such, most state oversight monitoring of FNF's has been drastically reduced and is not currently protective of public health or the environment. In addition to supporting the sample collection and analysis of radiological samples around each commercial nuclear power plant, the fee will also support the Nuclear Emergency Response Section for technical guidance and physical response to radiological emergencies and drills for FNF's.

(3) Drinking Water Permit Application Fees [new] - These fees would be designed to cover a portion of the costs to receive and review applications for construction permits for drinking water facilities, to render permit decisions, and to issue final operating approvals following construction. Presently there is no fee for this

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service. The Department proposes to charge a nominal fee based on the size and complexity of the construction project. These fees are necessary to maintain existing staff and present turnaround times for issuing permits and operating approvals. No additional staff will be hired as a result of this new fee. The Department also proposes to establish appropriate time frames for each fee category.

(4) Time Frames for review of Agricultural Facilities – The Department proposes to revise categories in H(2)(b)(i) to correspond with fee categories established in G(1)(d)(i) and establish time frames for swine facilities over 1,000,000 pounds.

(5) Application Fees for Air Permits [new] - The Department proposes to charge a fee for filing an application for an Air Permit. Due to a large workload on proposals that may or may not be built, the Air Program proposes to credit the cost of the application fee to any applicant's first year's emissions fees upon going into operation. The program will retain application fees collected for proposed projects that do not locate in SC.

(B) The Department proposes to amend R. 89-340, *Fee Schedule, Office of the Governor - S.C. Mining Regulations*, to provide for enhanced customer service to the public and the regulated community.

(C) The Department proposes to amend R. 61-62, *Air Pollution Control Regulations and Standards*, to include fees for the allocations utilized from the Nitrogen Oxides (NOx) budgets. These fees would be used to cover the cost of the air program activities and to offset the costs assessed by the Environmental Protection Agency (EPA).

These amendments will require review by the General Assembly.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

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

Notice of Drafting:

The Department of Health and Environmental Control is proposing to amend *Regulation 61-62.63, National Emission Standards for Hazardous Air Pollutants*. Interested persons are invited to present their views in writing to Dennis Camit; Division of Air Planning, Development and Outreach; Bureau of Air Quality; 2600 Bull Street; Columbia, SC 29201. To be considered, written comments must be received no later than 5:00 p.m. on Monday, September 23, 2002, the close of the comment period.

Synopsis:

A Notice of Drafting was originally Published in the *State Register* on November 23, 2001, in conjunction with several other amendments to *Regulation 61-62, Air Pollution Control Regulations and Standards*. A Notice of Proposed Regulation was published in the *State Register* on April 26, 2002, as Document No. 2736. The Notice of Proposed Regulation anticipated amendments to 40 CFR Part 63, subpart B, Section 63.50 through Section 63.56 based on the proposed EPA rule published on March 23, 2001 [66 FR 16317]. These sections of the Code of Federal Regulations implement section 112(j) of the Clean Air Act (CAA), which is commonly referred to as the "MACT Hammer." The CAA requires EPA to promulgate regulations establishing emissions standards for each category of major sources and area sources of hazardous air pollutants. Section 112(j) of the CAA requires the State to do case-by-case Maximum Achievable Control Technology (MACT) determinations for each source in each source category for which the EPA fails to promulgate a MACT standard by May 15, 2002. The final EPA amendments to 40 CFR Part 63, subpart B, Section 63.50 through Section 63.56 were promulgated in the *Federal Register* on April 5, 2002 [67 FR 16581]. Following the publication of the final rule, a lawsuit was filed to order EPA to withdraw the new language. In light of this lawsuit, the Department reconsidered its actions and

elected to separate the amendments to R.61-62.63, subpart B, Section 63.50 through Section 63.56 from the other amendments to *Regulation 61-62, Air Pollution Control Regulations and Standards* proposed in *State Register* Document No. 2736.

The Department will not proceed with incorporation of the new federal requirements into R.61-62.63, subpart B, Section 63.50 through Section 63.56 until after the pending litigation is settled. This action will not require legislative review.

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Document No. 2757

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 61

Statutory Authority: S.C. Code Section 44-53-280(a)

Regulation 61-4. Controlled Substances

Preamble:

The Department proposes to amend R. 61-4 to: (1) delete unnecessary language in definitions; (2) replace references to "Division" with Bureau of Drug Control"; (3) increase registrant fees; (4) clarify quantity limitations; (5) clarify language relating to controlled substances inventory requirements; (6) simplify procedures for the treatment of patients with methadone; (7) clarify language regarding quantity limitations for controlled substances prescriptions; (8) delete references to functions no longer performed by the Bureau of Drug Control; (9) permit the faxing of schedule II narcotic prescriptions for hospice patients, consistent with Federal regulation; and (10) to provide for scheduling of controlled substances, consistent with Federal scheduling.

Discussion of Proposed Revisions:

SECTION	CHANGE
Table of Contents	The table of contents will be revised due to changes in the text.
All sections	Replaces "may", "must" and "should" with "shall".
All sections	Replaces "Department of Health and Environmental Control" and "Department" with "DHEC".
All sections	Replaces "Drug Enforcement Administration" with "DEA".
All sections	Replaces "South Carolina" with "SC".
All sections	Changes references to Section or Regulation 101, e.g., to § 101, to provide consistent references throughout the Regulation.
All sections	Changes references to "he", to "he or she".
All sections	Changes references to "him", to "him or her".
All sections	Changes references to "himself", to "himself or herself".
All sections	Corrects references to S.C. Code sections.
Section 101	Deletes unnecessary language in definitions.
Section 101(c) and (q)	Deletes references to terms no longer applicable to the Regulation.
Section 101(k)	Deletes and replaces all references to "Division", throughout the Regulation with "Bureau of Drug Control"
Section 103	Increases registrant fees.

Section 105	Clarifies federal fee exemption.
Section 120	Clarifies language with reference to failure of an applicant to provide requested information.
Section 143(b)	Clarifies language regarding registrant responsibility to determine suspicious orders for controlled substances.
Section 147	Clarifies language regarding registrant failure to files theft reports.
Section 207	Clarifies quantity limitations for controlled substances dispensed directly to ultimate users.
Section 303	Deletes and replaces a colloquial reference.
Section 305	Clarifies the language relating to the annual inventory date.
Section 306	Clarifies inventory requirements upon transfer of business and change of pharmacist-in-charge.
Section 307	Clarifies the language relating to the annual inventory date.
Section 308	This section references a function that is no longer performed by DHEC and is deleted.
	The remaining sections in Part 3 will be renumbered 301-322. The Table of Contents was incorrect prior to these amendments because the last section in the text is Section 323.
Section 507.5	Simplifies the treatment of patients with methadone by eliminating notification and unnecessary record keeping requirements.
Section 508(g)	Permits the faxing of schedule II prescriptions for hospice patients, consistent with Federal regulations.
Section 508.1	Clarifies quantity limitations for schedule II controlled substances.
Section 514.1	Clarifies quantity limitations for schedules III, IV and V controlled substances.
Section 517.1	Clarifies quantity limitations for schedule V controlled substances.
Sections 609(b)(3), 610, and 610.1	These sections reference functions that are no longer performed by the Bureau of Drug Control and are deleted.
Sections 701 through 704.2	These sections are combined into Section 701 and provide for the scheduling of Schedule I controlled substances for consistency with Federal scheduling.
Sections 705 through 705.1	These sections are combined into Section 702 and provide for the scheduling of schedule II controlled substances for consistency with Federal scheduling.

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Sections 706 through 706.1	These sections are combined into section 703 and provide for the scheduling of Schedule III controlled substances for consistency with federal scheduling.
Sections 707 through 707.1	These sections are combined into section 704 and provide for the scheduling of Schedule IV controlled substances for consistency with Federal scheduling.
Sections 708 through 708.1	These sections are combined into Section 705 and provide for the scheduling of Schedule V controlled substances for consistency with Federal scheduling. The remaining unchanged sections in Part 7 will be renumbered to 706, 707, 708, 709 and 710-799
Section 904	This section references a function that is no longer performed by the Bureau of Drug Control and is amended to delete such function.

Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control invites members of the public and regulated community to attend a staff-conducted informational forum to be held on September 24, 2002, at 10:00 a.m. at the Bureau of Drug Control, 8500 Farrow Road, Building 12, Room 218, Columbia, S.C. The purpose of the forum is to answer questions, clarify issues and receive comments from interested persons on the proposed amendment of R.61-4. Comments received shall be considered by staff in formulating the final draft proposal for submission to the Board of Health and Environmental Control for public hearing scheduled for November 14, 2002, as noticed below.

Interested persons are also provided an opportunity to submit written comments on the proposed amendment to the staff forum by writing to Wilbur L. Harling at Bureau of Drug Control, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; Fax (803) 896-0625. To be considered written comments must be received no later than 5:00p.m., October 8, 2002. Comments received shall be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing as noticed below.

Copies of the text of the proposed amendment for public notice and comment may be obtained by contacting Wilbur L. Harling, Bureau of Drug Control, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201, telephone number (803) 896-0636, email address harlinwl@dhec.state.sc.us, or by fax number (803) 896-0625.

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

Interested members of the public and regulated community are invited to make oral or written comments on the proposed amendment of R.61-4 at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled meeting on November 14, 2002. The public hearing will be held in the Board Room of the Commissioner's Suite, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The order of presentation for public hearings will be noticed in the Board's agenda to be published by the Department ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written comments of their presentations for the record. Due to

admittance procedures at the DHEC Building, all visitors must enter through the Bull Street Entrance and register at the front desk.

Interested persons are also provided an opportunity to submit written comments on the proposed amendment of R.61-4 by writing to Wilbur L. Harling at the Bureau of Drug Control, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201: Fax (803) 896-0625. Written comments must be received no later than 5:00 p.m. on September 24, 2002. Comments received shall be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing noticed above.

Copies of the final proposed regulation for public hearing before the DHEC Board may be obtained by contacting Wilbur L. Harling at the Bureau of Drug Control, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201: Telephone number (803) 896-0636; Fax number (803) 896-0625.

Preliminary Fiscal Impact Statement:

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

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION:

Purpose of Regulation: The purpose of this amendment is to: (1) delete unnecessary language in definitions; (2) replace references to "Division" with "Bureau of Drug Control"; (3) increase registrant fees; (4) clarify quantity limitations for controlled substances dispensed directly to ultimate users; (5) clarify language relating to controlled substances inventory requirements; (6) simplify procedures for the treatment of patients with methadone; (7) clarify quantity limitations for controlled substances prescriptions; (8) delete references to functions no longer performed by the Bureau of Drug Control; (9) permit the faxing of schedule II narcotic prescriptions for hospice patients, consistent with Federal regulation; and (10) to provide for scheduling of controlled substances, consistent with Federal scheduling.

Legal Authority: The South Carolina Controlled Substances Regulations are authorized by S.C. Code Ann. 44-53-280(A).

Plan for Implementation: The proposed amendments will make changes to and be incorporated into R.61-4 upon approval by the Board of Health and Environmental Control and the S.C. General Assembly and publication in the State Register. The proposed amendments will be implemented in the same manner in which the existing regulations are implemented.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The proposed amendments to R.61-4 are needed to increase registrant fees to offset the reduction in State funding, in order to provide the current level of services in future years, to provide consistency with various federal regulations, and to clarify quantity limitations for controlled substances prescriptions and inventory requirements. The amendments are reasonable since they accomplish their intended purpose while placing no significant burden or financial hardship upon the regulated community.

DETERMINATION OF COSTS AND BENEFITS: There will be no additional costs to the state or its political subdivisions. There will be additional costs to the regulated community, however, such costs are reasonable and will not place a significant financial hardship on the regulated community.

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UNCERTAINTIES OF ESTIMATES: None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: Implementation of the proposed amendments would not compromise the protection of the environment or the public health. The effect should be beneficial because the amendments will simplify record keeping and provide easier compliance for the regulated community.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be no adverse effect on the environment if the amendments are not implemented. Failure to amend the regulation would deny the regulated community the benefits from the clarification and simplification of record keeping procedures.

Statement of Rationale:

See Statement of Need and Reasonableness.

Text :

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

Document No. 2758

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 30

Statutory Authority: S.C. Code Section 48-39-10 *et seq.*; Act 198 (March 27, 2002); 48-39-290

R. 30-1, Statement of Policy

R.30-13, Specific Project Standards for Beaches and Dunes

R.30-15, Activities Allowed Seaward of Baseline

Preamble:

The Department proposes to amend Regulations 30-1, 30-13 and 30-15 pursuant to S.C. Code Section 48-39-10 *et seq.* and Act 198, effective March 27, 2002. The amendments will reflect changes to Section 48-39-290 relating to the permitting of groins seaward of the baseline. These changes will make the Department's regulations regarding the construction and refurbishment of groins on the State's beaches consistent with the current statutory authority to permit these activities.

A Notice of Drafting for the proposed revisions was published in the State Register on June 28, 2002.

Discussion of Proposed Revisions:

SECTION

CHANGE

30-1.D(23) Amend the definition of groin to more accurately reflect their function.

30-13.N(1) Delete all references to groins in this section.

30-15 Add a new section that describes the requirements for permitting groins including when groins may be permitted, the monitoring requirements if they are permitted, the applicant's demonstration of a financial ability to correct any negative impacts

attributable to the permitted activity, the Department's remediation responses if erosion increases because of the permitted activity, the remedies for aggrieved parties, the requirement for maintaining public access, and the role of affected local governments.

Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control invites the public and regulated community to attend a staff-conducted informational forum to be held on September 18, 1:00 p.m. in the 3rd floor conference room at the DHEC office at 1362 McMillan Avenue, Charleston, South Carolina. The purpose of the forum is to answer questions, clarify issues, and receive comments from interested persons on the proposed amendment to R.30-1, R.30-13, and R.30-15. Comments received shall be considered by staff in formulating the final draft proposal for submission to the Board of Health and Environmental Control for public hearing scheduled for October 10, 2002, as noticed below.

Interested persons are also provided an opportunity to submit written comments on the proposed amendment to Debra Hernandez at S.C. DHEC-OCRM, 1362 McMillan Ave., Suite 400, Charleston, South Carolina 29405; telephone number (843)744.5838; fax (843)744.5847. Written comments must be received no later than 4:00 pm on September 23, 2002. Comments received by the deadline requested shall be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing, as noticed below.

Copies of the text of the proposed amendment for public notice and comment as published in the State Register on August 23, 2002, may be obtained by contacting Debra Hernandez at S.C. DHEC-OCRM, S.C. Department of Health and Environmental Control, 1362 McMillan Ave., Suite 400, Charleston, South Carolina 29405; telephone number (843)744.5838; fax (843)744.5847; e-mail: hernandl@dhec.sc.us.

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

Interested members of the public and regulated community are invited to make oral or written comments on the proposed amendment at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on October 10, 2002. The public hearing will be held in the Board Room of the Commissioner's suite, third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull St., Columbia, S.C. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The Department will publish the Board's agenda ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written comments of their presentations for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Debra L. Hernandez, S.C. DHEC-OCRM, 1362 McMillan Avenue, Suite 400, Charleston, SC 29405. Written comments must be received no later than September 23, 2002. Comments received by the deadline date shall be considered by staff in formulating the final proposed regulation for public hearing on October 10, 2002, as noticed above. Comments received by the deadline date shall be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing.

Copies of the final proposed regulation for submission to the Board for public hearing may be obtained by contacting Ms. Hernandez at the above address; telephone number (843)744.5838; fax number (843)744.5847.

Preliminary Fiscal Impact Statement:

The Department estimates no additional cost will be incurred by the state or its political subdivisions as a result of the promulgation, approval, and implementation of this amendment; therefore, no additional state

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funding is being requested. Existing staff and resources have been utilized in preparation of this amendment and will further be utilized in the regulatory administration resulting from the amendments.

Statement of Need and Reasonableness:

The 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:

- R. 30-1, Statement of Policy
- R.30-13, Specific Project Standards for Beaches and Dunes
- R.30-15, Activities Allowed Seaward of Baseline

Purpose of Regulation: The purpose of this amendment of Regulations 30-1, 30-13 and 30-15 is to reflect changes to Section 48-39-290 relating to the permitting of groins seaward of the baseline that became effective March 27, 2002. These changes will make the Department's regulations regarding the construction and refurbishment of groins on the State's beaches consistent with the current statutory authority to permit these activities.

Legal Authority: S.C. Code Section 48-39-10 *et seq.*, Coastal Tidelands and Wetlands Act, 1976; Act 198 (March 27, 2002); and 48-39-290.

Plan for Implementation: The proposed amendments will be incorporated into R. 30-1, 13 and 15 upon approval of the Board of Health and Environmental Control and the General Assembly and publication in the State Register. The proposed amendments will be implemented, administered, and enforced by existing staff and resources.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: These amendments are necessary because of recent changes in statutory authority regarding the permitting of groins seaward of the baseline.

DETERMINATION OF COSTS AND BENEFITS: Promulgation and administration of this amendment is estimated to have no significant economic impacts to entities regulated or result in cost increases to the general public, primarily because these amendments codify what has been the ongoing Department policy since initial passage of the Beachfront Management act in 1988. Public benefits, however, may be evident in improved management of coastal resources through increased clarity of the regulations. See Preliminary Fiscal Impact Statement.

UNCERTAINTIES OF ESTIMATES: Implementation of new legislation always has some uncertainties, however, given the nature of the proposed amendments those uncertainties are very limited.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The proposed amendments will refine the Department's ability to manage public usage of coastal resources, and will enable the Department to provide a more effective response to those seeking to utilize the public trust areas of the coastal zone.

DETRIMENTAL EFFECTS ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED: Non-implementation of the regulations as proposed will hinder SCDHEC/OCRM's statutory directives to manage the state's coastal environment for its citizens.

Statement of Rationale Pursuant to S.C. Code Section 1-23-115(A)(3)(h):

On March 27, 2002, Act 198 became effective. This Act amended the State's policy regarding permitting of groins along ocean shorelines. The Department supported this legislation because properly constructed and

monitored groins can stabilize erosional beaches without causing significant harm to adjacent beaches. These proposed regulatory amendments are necessary to comply with the change in law.

Text:

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

Document No. 2759

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 30

Statutory Authority: S.C. Code Section 48-39-10 *et seq.*; 48-39-290

R. 30-15, Activities Allowed Seaward of Baseline

Preamble:

The proposed changes will clarify the Department's regulations regarding the construction of pools in areas seaward of the baseline along the State's beaches.

A Notice of Drafting for this proposed regulation was published in the State Register on June 28, 2002.

Discussion of Proposed Revisions:

SECTION AND CHANGE

30-15.F(6)(b) Add a sentence clearly stating the existing prohibition of the construction of new pools seaward of the baseline.

Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control invites the public and regulated community to attend a staff-conducted informational forum to be held on September 18, 1:00 p.m. in the 3rd floor conference room at the DHEC office at 1362 McMillan Avenue, Charleston, South Carolina. The purpose of the forum is to answer questions, clarify issues, and receive comments from interested persons on the proposed amendment to R.30-15. Comments received shall be considered by staff in formulating the final draft proposal for submission to the Board of Health and Environmental Control for public hearing scheduled for October 10, 2002, as noticed below.

Interested persons are also provided an opportunity to submit written comments on the proposed amendment to Debra Hernandez at S.C. DHEC-OCRM, 1362 McMillan Ave., Suite 400, Charleston, South Carolina 29405; telephone number (843)744.5838; fax (843)744.5847. Written comments must be received no later than 4:00 pm on September 23, 2002. Comments received by the deadline requested shall be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing, as noticed below.

Copies of the text of the proposed amendment for public notice and comment as published in the State Register on August 23, 2002, may be obtained by contacting Debra Hernandez at S.C. DHEC-OCRM, S.C. Department of Health and Environmental Control, 1362 McMillan Ave., Suite 400, Charleston, South Carolina 29405; telephone number (843)744.5838; fax (843)744.5847; e-mail: hernandl@dhec.sc.us.

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

Interested members of the public and regulated community are invited to make oral or written comments on the proposed amendment at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on October 10, 2002. The public hearing will be held in the Board Room of the Commissioner's suite, third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull St., Columbia, S.C. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The Department will publish the Board's agenda ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written comments of their presentations for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Debra L. Hernandez, S.C. DHEC-OCRM, 1362 McMillan Avenue, Suite 400, Charleston, SC 29405. Written comments must be received no later than September 23, 2002. Comments received by the deadline date shall be considered by staff in formulating the final proposed regulation for public hearing on October 10, 2002, as noticed above. Comments received by the deadline date shall be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing.

Copies of the final proposed regulation for submission to the Board for public hearing may be obtained by contacting Ms. Hernandez at the above address; telephone number (843)744.5838; fax number (843)744.5847.

Preliminary Fiscal Impact Statement:

The Department estimates no additional cost will be incurred by the state or its political subdivisions as a result of the promulgation, approval, and implementation of this amendment; therefore, no additional state funding is being requested. Existing staff and resources have been utilized in preparation of this amendment and will further be utilized in the regulatory administration resulting from the amendments.

Statement of Need and Reasonableness:

The 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:

R. 30-15, Activities Allowed Seaward of Baseline

Purpose of Regulation: The purpose of this amendment is to add a sentence clarifying the Department's existing policy regarding permitting of pools seaward of the baseline along the State's beachfront.

Legal Authority: S.C. Code Section 48-39-10 *et seq.*, Coastal Tidelands and Wetlands Act, 1976; 48-39-290.

Plan for Implementation: The proposed amendments will be incorporated into R. 30-15 upon approval of the Board of Health and Environmental Control and General Assembly, and publication in the State Register. The proposed amendments will be implemented, administered, and enforced by existing staff and resources.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: These amendments are necessary to add clarity to existing regulations and enable Department staff to more effectively administer the regulatory program of the Coastal Division.

DETERMINATION OF COSTS AND BENEFITS: Promulgation and administration of this amendment is estimated to have no significant economic impacts to entities regulated or result in cost increases to the general public. Public benefits, however, may be evident in improved management of coastal resources through increased clarity of the regulations. See Preliminary Fiscal Impact Statement.

UNCERTAINTIES OF ESTIMATES: None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The proposed amendments will refine the Department's ability to manage public usage of coastal resources, and will enable the Department to provide a more effective response to those seeking to utilize the public trust areas of the coastal zone.

DETRIMENTAL EFFECTS ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED: Non-implementation of the regulations as proposed will hinder SCDHEC/OCRM's statutory directives to manage the state's coastal environment for its citizens.

Statement of Rationale Pursuant to S.C. Code Section 1-23-115(A)(3)(h):

South Carolina Code Section 48-39-290(A) states that no new construction or reconstruction is allowed seaward of the baseline except for 8 listed items. Item 7 states that pools may be reconstructed if they are landward of an existing, functional erosion control device. New pools cannot be constructed seaward of the baseline because they are not included in the list of exceptions to S.C. Code Section 48-39-290(A). However, there is no precise statement of that prohibition in the existing regulations. This proposed regulation would add an affirmative statement of the Department's policy, as governed by existing State law, to provide clarity for those impacted by these regulations.

Text:

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

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Document No. 2760
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 30
Statutory Authority: S.C. Code Section 48-39-10 *et seq.*

- R.30-1 *Statement of Policy,*
R.30-8 *Enforcement, and*
R.30-12 *Specific Project Standards for Tidelands and Coastal Waters*

Preamble:

The proposed regulatory changes will clarify language related to the permitting of docks and bulkheads. Additionally, language is being proposed to provide the Department more flexibility in determining appropriate penalties for violations of these regulations. The changes are proposed to address questions raised by permittees and interested parties regarding the administration of the regulations, and primarily reflect current administrative practice. Generally, additional language and modifications of existing language will make the Department's regulations more user-friendly and specific.

A Notice of Drafting for this proposed regulation was published in the State Register on June 28, 2002.

Discussion of Proposed Revisions:

The Department proposes to 1) clarify the recording of dock corridors on recordable plats, 2) correct a building code reference for handrails, 3) specify the structures included in the total allowable dock square footage calculation, 4) improve the language describing required water frontage for docks, including adding a definition for waterfront property, 5) clarify when bulkheads are permitted, and 6) specify additional penalty options for violations.

SECTION AND CHANGE

30-1.D Add a definition, in proper alphanumeric order, for waterfront property.

30-8.D Insert a sentence allowing the Department to employ alternatives such as mitigation or restoration as a means to reach enforcement resolution.

30-12.A(2)(h) Amend language requiring dock master plans to be recorded with bearings or State Plane coordinates, and for future modifications to reference the previously recorded plat. Also amend language to clarify that the exemptions in this section relate to May 24, 2002, amendments to the regulation.

30-12.A(2)(m) Specify a maximum handrail height of 36 inches and delete the reference to the Southern Building code.

30-12.A(2)(o) Reword language to clarify the marsh and water body frontage requirements for single and multiple use docks at 75 and 50 feet respectively.

30-12.A(2)(q) Amend language to specify which dock related structures are included in the calculation of total allowable dock square footage.

30-12.A(2)(q)(i)-(iv) Amend language to provide consistency in describing and specifying total allowable dock square footage for various size creeks.

30-12.A(2)(q)(viii) Delete a redundant sentence stating that boat storage docks are included in the total allowable dock square footage.

30-12.C(1)(c) Amend language to prohibit bulkheads and revetments along marshlands unless upland is being lost due to tidally induced erosion.

Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control invites the public and regulated community to attend a staff-conducted informational forum to be held on September 18, 1:00 p.m. in the 3rd floor conference room at the DHEC office at 1362 McMillan Avenue, Charleston, South Carolina. The purpose of the forum is to answer questions, clarify issues, and receive comments from interested persons on the proposed amendment to R.30-1, R.30-8, and R.30-12. Comments received shall be considered by staff in formulating the final draft proposal for submission to the Board of Health and Environmental Control for public hearing scheduled for October 10, 2002, as noticed below.

Interested persons are also provided an opportunity to submit written comments on the proposed amendment to Debra Hernandez at S.C. DHEC-OCRM, 1362 McMillan Ave., Suite 400, Charleston, South Carolina 29405; telephone number (843)744.5838; fax (843)744.5847. Written comments must be received no later than 4:00 pm on September 23, 2002. Comments received by the deadline requested shall be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing, as noticed below.

Copies of the text of the proposed amendment for public notice and comment as published in the State Register on August 23, 2002, may be obtained by contacting Debra Hernandez at S.C. DHEC-OCRM, S.C. Department of Health and Environmental Control, 1362 McMillan Ave., Suite 400, Charleston, South Carolina 29405; telephone number (843)744.5838; fax (843)744.5847; e-mail: hernandl@dhec.sc.us.

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

Interested members of the public and regulated community are invited to make oral or written comments on the proposed amendment at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on October 10, 2002. The public hearing will be held in the Board Room of the Commissioner's suite, third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull St., Columbia, S.C. The Board meeting commences at 10:00 a.m. at which time the Board will consider items on its agenda in the order presented. The Department will publish the Board's agenda ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written comments of their presentations for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Debra L. Hernandez, S.C. DHEC-OCRM, 1362 McMillan Avenue, Suite 400, Charleston, SC 29405. Written comments must be received no later than September 23, 2002. Comments received by the deadline date shall be considered by staff in formulating the final proposed regulation for public hearing on October 10, 2002, as noticed above. Comments received by the deadline date shall be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing.

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Copies of the final proposed regulation for submission to the Board for public hearing may be obtained by contacting Ms. Hernandez at the above address; telephone number (843)744.5838; fax number (843)744.5847.

Preliminary Fiscal Impact Statement:

The Department estimates no additional cost will be incurred by the state or its political subdivisions as a result of the promulgation, approval, and implementation of these amendments; therefore, no additional state funding is being requested. Existing staff and resources have been utilized in preparation of these amendments and will further be utilized in the regulatory administration resulting from the amendments.

Statement of Need and Reasonableness:

The 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:

R.30-1, *Statement of Policy*,
R.30-8, *Enforcement*, and
R.30-12, *Specific Project Standards for Tidelands and Coastal Waters*

Purpose of Regulation: The proposed regulatory changes will clarify language related to the permitting of docks and bulkheads. Additionally, language is being proposed to provide the Department more flexibility in determining appropriate penalties for violations of these regulations. The changes are proposed to address questions raised by permittees and interested parties regarding the administration of the regulations, and primarily reflect current administrative practice. Generally, additional language and modifications of existing language will make the Department's regulations more user-friendly and specific.

Legal Authority: S.C. Code Section 48-39-10 *et seq.*, Coastal Tidelands and Wetlands Act, 1976

Plan for Implementation: The proposed amendments will make changes to and be incorporated into R. 30-1, 8 and 12 upon approval of the Board of Health and Environmental Control and the General Assembly, and publication in the State Register. The proposed amendments will be implemented, administered, and enforced by existing staff and resources.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: These amendments are necessary to add clarity to existing regulations and enable Department staff to more effectively administer the regulatory and enforcement programs of the Coastal Division.

DETERMINATION OF COSTS AND BENEFITS: Promulgation and administration of this amendment is estimated to have no significant economic impacts to entities regulated or result in cost increases to the general public. Public benefits, however, may be evident in improved management of coastal resources through increased clarity of the regulations. See Preliminary Fiscal Impact Statement.

UNCERTAINTIES OF ESTIMATES: None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: The proposed amendments will refine the Department's ability to manage public usage of coastal resources, and will enable the Department to provide a more effective response to those seeking to utilize the public trust areas of the coastal zone.

DETRIMENTAL EFFECTS ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED: Non-implementation of the regulations as proposed will hinder SCDHEC/OCRM's statutory directives to manage the state's coastal environment for its citizens.

Statement of Rationale Pursuant to S.C. Code Section 1-23-115(A)(3)(h):

These revisions are proposed to provide additional clarity and specificity to the existing regulations. The revisions are not significant changes and can be described as administrative refinement of existing Department policy. No new scientific studies or information precipitated the development of the proposed revisions. The experience and professional judgment of the Department's staff were relied upon in developing the regulation. The revisions are proposed based on staff judgment and to address the questions from the regulated community regarding particular sections of the existing regulations.

Text

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

Document No. 2752

COMMISSION ON HIGHER EDUCATION**CHAPTER 62**

Statutory Authority: 1976 Code Section 59-150-370

62-900.85-140 South Carolina HOPE Scholarship

Preamble:

The South Carolina HOPE Scholarship, established under the South Carolina Education Lottery Act, was approved by the General Assembly during the 2001 legislative session and signed into law on June 13, 2001. Act 356 authorizes funding for scholarships to cover the cost of attendance, up to a maximum of two thousand six hundred fifty dollars (includes \$150 book allowance) to eligible students attending four-year public and independent institutions in South Carolina. The purpose of the SC HOPE Scholarship program is to provide funding to students who graduate from high school with a 3.0 cumulative grade point average, but are not eligible to receive the LIFE or Palmetto Fellows Scholarships. Act 356 authorizes the Commission on Higher Education to promulgate regulation for administration of the SC HOPE Scholarship Program.

A Notice of Drafting for the proposed regulation was published in the *State Register* on July 26, 2002.

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 South Carolina Commission on Higher Education on October 3, 2002 to be held in the Large Conference Room of the S.C. Commission on Higher Education, located in the Washington Mutual Building, 1333 Main Street, Suite 200, Columbia, SC. The meeting will commence at 10:30 a.m. at which time the Commission will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the agenda to be published by the Commission ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC 29201. Comments must be received no later than 5:00 p.m. on September 23, 2002. Comments received shall be considered by the staff in formulating the final proposed regulation for public hearing on October 3, 2002, as noticed above. Comments received by the

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deadline shall be submitted to the Commission in a summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no increased costs to the State or its political subdivisions.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: 62-900.85-140, South Carolina HOPE Scholarship Program

Purpose: The proposed regulation 62-900.85-140 is being created in its entirety to provide procedures for administering the SC HOPE Scholarship Program.

Legal Authority: The legal authority for R.62.900.85-140 is Section 59-150-370, S.C. Code of Laws.

Plan for implementation: The proposed regulation will take effect upon approval by the General Assembly and publication in the *State Register*. The proposed regulation will be implemented by providing the regulated community with copies of the regulation.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The proposed regulation will define the criteria used by the Commission on Higher Education and all administrative entities for determining eligibility and awarding funds to students who meet the eligibility criteria to receive the SC HOPE Scholarship.

DETERMINATION OF COSTS AND BENEFITS: The proposed regulation will promote consistency among the institutions by providing procedures to administer the program. The SC HOPE Scholarship will provide funding to South Carolina residents in order to increase access to higher education, improve the employability of South Carolina students so as to attract business to the State, provide incentives for students to be better prepared for college.

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: Not applicable

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

Statement of Rationale:

The SC HOPE Scholarship Program was established in 2002 under the South Carolina Education Lottery Act. The S.C. Code of Laws, Section 59-150-370 authorizes the Commission on Higher Education to promulgate regulations to provide procedures to implement the program beginning academic year 2002-03.

Text:

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

Document No. 2753
COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: 1976 Code Section 59-149-10

62-900.1-70 Legislative Incentives for Future Excellence (LIFE) Scholarship Program

Preamble:

The Commission on Higher Education proposes to add in its entirety R.62-900.1-70 for the Legislative Incentives for Future Excellence (LIFE) Scholarship Program. The LIFE Scholarship Program was established under Act 418 in 1998 and amended by the S.C. Education Lottery Act during the 2002 legislative session to authorize funding for scholarships up to the cost-of-tuition, not to exceed four thousand seven hundred dollars, plus a three hundred dollar book allowance (maximum \$5,000 including cost-of-tuition plus book allowance) for students attending a four-year public institution. Eligible students attending a four-year independent institution may receive funding to cover the cost-of-attendance up to a maximum of the average annual cost-of-tuition at the state's four-year public institutions, not to exceed four thousand seven hundred dollars, plus a three hundred dollar book allowance (maximum \$5,000 including cost-of-tuition plus book allowance). Two-year public or technical colleges may award up to the cost-of-tuition plus a three hundred dollar book allowance. The two-year independent institution may award the maximum cost-of-tuition at the two-year USC regional institutions plus a three hundred dollar book allowance. The Commission on Higher Education shall develop the LIFE Scholarship Program in order to increase access to higher education, improve the employability of South Carolina students so as to attract business to the State, provide incentives for students to be better prepared for college, and to encourage students to graduate from college on time. The law authorizes the Commission on Higher Education to promulgate regulation to administer and set forth the terms of the LIFE Scholarship Program.

A Notice of Drafting for the proposed regulation was published in the *State Register* on July 26, 2002.

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 South Carolina Commission on Higher Education on October 3, 2002 to be held in the Large Conference Room of the S.C. Commission on Higher Education, located in the Washington Mutual Building, 1333 Main Street, Suite 200, Columbia, SC. The meeting will commence at 10:30 a.m. at which time the Commission will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the agenda to be published by the Commission ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC 29201. Comments must be received no later than 5:00 p.m. on September 23, 2002. Comments received shall be considered by the staff in formulating the final proposed regulation for public hearing on October 3, 2002, as noticed above. Comments received by the deadline shall be submitted to the Commission in a summary of public comments for consideration at the public hearing.

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Preliminary Fiscal Impact Statement:

There will be no increased costs to the State or its political subdivisions.

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: 62-900.1-70, Legislative Incentives for Future Excellence (LIFE) Scholarship Program.

Purpose: The proposed regulation 62-900.1-70 is being created in its entirety to provide procedures for administering the Legislative Incentives for Future Excellence Scholarship Program.

Legal Authority: The legal authority for R.62.900.1-70 is Section 59-149-10, S.C. Code of Laws.

Plan for implementation: The proposed regulation will take effect upon approval by the General Assembly and publication in the *State Register*. The proposed regulation will be implemented by providing the regulated community with copies of the regulation.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The proposed regulation will define the criteria used by the Commission on Higher Education and all administrative entities for determining eligibility and awarding funds to students who meet the eligibility criteria to receive the LIFE Scholarship.

DETERMINATION OF COSTS AND BENEFITS: The proposed regulation will promote consistency among the institutions by providing procedures to administer the program. The LIFE Scholarship will provide funding to South Carolina residents in order to increase access to higher education, improve the employability of South Carolina students so as to attract business to the State, provide incentives for students to be better prepared for college, and to encourage students to graduate from college on time.

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: Not applicable

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

Statement of Rationale:

The LIFE Scholarship Program was established in 1998 under Act 418. During the 2002 legislative session, Act 418 was amended by the South Carolina Education Lottery Act to provide updated procedures to administer the program beginning academic year 2002-03.

Text:

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

Document Number 2754

COMMISSION ON HIGHER EDUCATION

CHAPTER 62

Statutory Authority: 1976 Code Section 59-150-360

62-900.150 Lottery Tuition Assistance Program for Two-Year Public and Independent Institutions

Preamble:

In accordance with Section 59-150-360 of the 1976 Code of Laws, the Commission on Higher Education shall promulgate regulation and establish procedures to administer the Lottery Tuition Assistance Program at the two-year public and independent institutions. The purpose of the Lottery Tuition Assistance Program is to provide resources that supplement, not supplant, existing resources for educational purposes to South Carolina students. The program will assist students who wish to attend two-year public or independent colleges in the State.

Notice of Drafting for the proposed regulation was published in the *State Register* on July 26, 2002.

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 South Carolina Commission on Higher Education on October 3, 2002, to be held in the Large Conference Room at 1333 Main Street, Suite 200, Columbia, SC. The meeting will commence at 10:30 a.m. at which time the Commission will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Commission's agenda to be published by the Commission ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy, are asked to provide written copies of their presentation for record.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC 29201. Comments must be received no later than 5:00 p.m. on September 23, 2002. Comments received shall be considered by the staff in formulating the final proposed regulation for the public hearing on October 3, 2002, as noticed above. Comments received by the deadline shall be submitted to the Commission in a summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no increased costs to the State or its political subdivisions.

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

DESCRIPTION OF REGULATION: 62-900.150 Lottery Tuition Assistance Program for Two-Year Public and Independent Institutions

Purpose: R.62-950.150 is being created in its entirety. The proposed regulation will create new policies and procedures for administering the Lottery Tuition Assistance Program for Two-Year Public and Independent Institutions.

Legal Authority: The legal authority for R.62-950.150 is Section 59-150-360, S.C. Code of Laws.

Plan for Implementation: The proposed regulation will take effect upon approval by the General Assembly and publication in the *State Register*. The proposed regulation will be implemented by providing the regulated community with copies of the regulation.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The proposed regulation will provide consistent

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procedures for administering the new Lottery Tuition Assistance Program at the participating institutions.

DETERMINATION OF COSTS AND BENEFITS: The financial aid community and students will benefit by obtaining consistent procedures for administering the Lottery Tuition Assistance Program. The Lottery Tuition Assistance Program will provide resources that supplement, not supplant, existing resources for educational purposes to South Carolina students.

UNCERTAINTIES OF ESTIMATES: None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: Not applicable.

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

Statement of Rationale:

During the 2002 legislative session, the S.C. General Assembly approved funding from the S.C. Education Lottery to create a new student aid program, the Lottery Tuition Assistance Program. This regulation is being promulgated to provide procedures for the two-year independent and public institutions in implementing the program.

Text:

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

Document Number 2755
COMMISSION ON HIGHER EDUCATION
Chapter 62
Statutory Authority: 1976 Code Section 59-142-20

62-450 South Carolina Need-based Grants Program

Preamble:

The Commission on Higher Education proposes to amend and replace in its entirety R.62-450 of the South Carolina Need-based Grants Program. The proposed amendments will clarify the policies and procedures for administering the Need-based Grants Program at the State's public colleges and universities. The proposed amendments include language that will allow students who are pursuing a program of study that is structured so as not to require a baccalaureate degree and leads to a graduate degree to receive the grant for up to eight full-time equivalent semesters. Also included is language that would require institutions to give first priority and award the maximum allowable Need-based Grant (\$2,500 if full-time or \$1,250 if part-time) to students who are in the custody of the South Carolina Department of Social Services (DSS) due to the approval of Proviso 58.14 during the 2001 legislative session.

Notice of Drafting for the proposed amendments was published in the *State Register* on July 26, 2002.

Section-by-Section Discussion

62-460.M "Program of study that is structured so as not to require a baccalaureate degree" is a program of study that is structured so as not to require a baccalaureate degree for acceptance into the program and leads to a graduate degree, which will be the student's first academic degree awarded, at a location approved by the U.S. Department of Education for participation in Federally funded financial aid programs. Students are eligible to receive the grant for a maximum of eight full-time equivalent semesters as long as all other eligibility criteria

are met. Students who have been awarded a baccalaureate or graduate degree are not eligible for grant funding.

62-470.F Institutions must give first priority and award the maximum allowable Need-based Grant (\$2,500 if full-time or \$1,250 if part-time) to students who are in the custody of the South Carolina Department of Social Services (DSS). However, institutions should not award the maximum amount if, by doing so, this causes the student to exceed the unmet need according to Title IV Regulations. Students who may be eligible under this provision are responsible for contacting the institution and providing official verification to the institution that he/she is in custody of DSS. Acceptable verification shall include a letter from DSS.

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 South Carolina Commission on Higher Education on October 3, 2002, to be held in the Large Conference Room at 1333 Main Street, Suite 200, Columbia, SC. The meeting will commence at 10:30 a.m. at which time the Commission will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Commission’s agenda to be published by the Commission ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy, are asked to provide written copies of their presentation for record.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC 29201. Comments must be received no later than 5:00 p.m. on September 23, 2002. Comments received shall be considered by the staff in formulating the final proposed regulation for the public hearing on October 3, 2002, as noticed above. Comments received by the deadline shall be submitted to the Commission in a summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no increased costs to the State or its political subdivisions.

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

DESCRIPTION OF REGULATION: 62-450 South Carolina Need-based Grants Program

Purpose: R.62-450 is being amended and replaced in its entirety. The proposed amendments will clarify the policies and procedures for administering the South Carolina Need-based Grants Program.

Legal Authority: The legal authority for R.62-450 is Section 59-142-20, S.C. Code of Laws.

Plan for Implementation: The proposed regulation will take effect upon approval by the General Assembly and publication in the *State Register*. The proposed amendments will be implemented by providing the regulated community with copies of the regulation.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The proposed regulation will promote consistency among the regulations for scholarships and grants administered by the Commission on Higher Education and give first priority in the awarding process to students who are the neediest in the State, students who are in custody of the Department of Social Services.

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DETERMINATION OF COSTS AND BENEFITS: The financial aid community will benefit by obtaining consistency among the regulations for scholarships and grants administered by the Commission on Higher Education and students will benefit because of the implementation of a process to award to students who are in custody of DSS.

UNCERTAINTIES OF ESTIMATES: None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: Not applicable.

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

Statement of Rationale:

During the 2001 legislative session, Proviso 58.14 was approved, which instructed institutions to give first priority and award the maximum allowable Need-based Grant (\$2,500 if full-time or \$1,250 if part-time) to students who are in the custody of the Department of Social Services. This regulation is being promulgated to implement this legislative mandate by including the appropriate language in the awarding procedures.

Text:

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

Document Number [2756](#)

COMMISSION ON HIGHER EDUCATION

Chapter 62

Statutory Authority: 1976 Code Section 59-104-20

62-300 Palmetto Fellows Scholarship Program

Preamble:

The Commission on Higher Education proposes to amend and replace in its entirety R.62-300 of the Palmetto Fellows Scholarship Program. The proposed amendments will clarify the policies and procedures for administering the Palmetto Fellows Scholarship Program. Beginning with the 2002-03 academic year, the proposed amendments will increase the Palmetto Fellows Scholarship from a maximum annual award amount of up to \$5000 to \$6700 per academic year. The proposed regulation also includes language that will allow students who are pursuing a program of study that is structured so as not to require a baccalaureate degree to receive the scholarship for up to eight terms (or its equivalent).

Notice of Drafting for the proposed amendments was published in the *State Register* on July 26, 2002

Section-by-Section Discussion

62-310.G “Program of study that is structured so as not to require a baccalaureate degree” is a program of study that is structured so as not to require a baccalaureate degree for acceptance into the program and leads to a graduate degree, which will be the student’s first academic degree awarded, at a location approved by the U.S. Department of Education for participation in Federally funded Student Aid Programs. Students are eligible to receive the scholarship for a maximum of eight terms (or its equivalent) as long as all other eligibility criteria are met. Students who have been awarded a baccalaureate or graduate degree are not eligible for scholarship funding.

62-330.A The institution shall specify exact award amounts based upon applying the Palmetto Fellows Scholarship Regulation and criteria stipulated herein. The annual award amount for each Palmetto Fellow shall not exceed \$6700 per academic year.

62-360.A The institution will identify award amounts, which cannot exceed \$6700 per academic year. Half of each scholarship shall be disbursed during the fall term and half disbursed during the spring term of each year (or its equivalent), assuming continued eligibility. Palmetto Fellows may not be funded for more than a total of eight terms (or its equivalent) of full-time study toward the first baccalaureate degree or a program of study that is structured so as not to require a baccalaureate degree and leads to a graduate degree.

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 South Carolina Commission on Higher Education on October 3, 2002, to be held in the Large Conference Room at 1333 Main Street, Suite 200, Columbia, SC. The meeting will commence at 10:30 a.m. at which time the Commission will consider items on its agenda in the order presented. The order of presentation for public hearings will be noted in the Commission’s agenda to be published by the Commission ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy, are asked to provide written copies of their presentation for record.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC 29201. Comments must be received no later than 5:00 p.m. on September 23, 2002. Comments received shall be considered by the staff in formulating the final proposed regulation for the public hearing on October 3, 2002, as noticed above. Comments received by the deadline shall be submitted to the Commission in a summary of public comments for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

There will be no increased costs to the State or its political subdivisions.

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

DESCRIPTION OF REGULATION: 62-300 Palmetto Fellows Scholarship

Purpose: R.62-300 is being amended and replaced in its entirety. The proposed amendments will clarify the policies and procedures for administering the Palmetto Fellows Scholarship Program.

Legal Authority: The legal authority for R.62-300 is Section 59-104-20, S.C. Code of Laws.

Plan for Implementation: The proposed regulation will take effect upon approval by the General Assembly and publication in the *State Register*. The proposed amendments will be implemented by providing the regulated community with copies of the regulation.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The proposed regulation will promote consistency among the regulations for scholarships and grants administered by the Commission on Higher Education and retain the Palmetto Fellows Scholarship as the premier scholarship for the State’s top academically talented students.

DETERMINATION OF COSTS AND BENEFITS: The financial aid community will benefit by obtaining consistency among the regulations for scholarships and grants administered by the Commission on Higher Education and students will benefit because of the increased scholarship amount.

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UNCERTAINTIES OF ESTIMATES: None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: Not applicable.

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

Statement of Rationale:

During the 2002 legislative session, the S.C. General Assembly approved funding from the S.C. Education Lottery to provide an increase in the maximum annual award amount for the Palmetto Fellows Scholarship. This regulation is being promulgated to provide procedures for the senior institutions in implementing this legislative change.

Text:

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

Document No. 2736
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
 CHAPTER 61
 Statutory Authority: S.C. Code Section 48-1-10 *et seq.*

Regulation 61-62, *Air Pollution Control Regulations and Standards*, and the South Carolina State Implementation Plan

Synopsis:

Pursuant to S.C. Code Section 48-1-10 *et seq.*, the South Carolina Department of Health and Environmental Control (Department) has amended Regulation 61-62, *Air Pollution Control Regulations and Standards*, and the South Carolina State Implementation Plan (SIP), to make corrections and clarifications and to incorporate new Federal requirements into the existing regulations.

Among the revisions are amendments to Regulation 61-62.1, *Definitions and General Requirements*, Section V - Credible Evidence. The Department revised this regulation to update the reference to the “Environmental Audit Privilege and Voluntary Disclosure Act” of the South Carolina Code of Laws. The Department also amended Regulation 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*, and Regulation 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*, to incorporate by reference amendments to 40 CFR Part 60 and 40 CFR Part 63 promulgated by the United States Environmental Protection Agency (EPA) during the calendar year of January 1, 2001 through December 31, 2001. Also, Regulation 61-62.70, *Title V Operating Permit Program*, Section 70.7(e)(6)(v) has been amended to correct a typographical error.

The amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards* are necessary to maintain consistency with Federal rules and do not require legislative review.

A Notice of Drafting for these amendments was published in the *State Register* on November 23, 2001. Since this amendment is consistent with Federal law, neither a preliminary fiscal impact statement nor a preliminary assessment report is required.

Discussion of Revisions

SECTION CITATION:	EXPLANATION OF CHANGE:
R. 61-62.1, Section V - Credible Evidence	Revise the reference to the “Environmental Audit Privilege and Voluntary Disclosure Act”
R. 61-62.60	Tables in Subparts A, Da, Db, Dc, Ea, Eb, Ec, EE, MM, QQ, RR, SS, TT, WW, XX, III, NNN, QQQ, RRR, SSS, TTT, UUU, WWW, and CCCC are amended
R. 61-62.63, the “Note” after Subpart B	The “Note” after Subpart B is amended for clarification
R. 61-62.63	Tables in Subparts F, G, H, O, S, U, W, AA, BB, CC, DD, HH, PP, RR, VV, YY, EEE, GGG, HHH, JJJ, MMM, OOO, VVV, and XXX are amended
R. 61-62.63	Subparts MM, CCCC, GGGG, and VVVV are added in alpha-numeric order and incorporated by reference

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R. 61-62.70, Section 70.7(e)(6)(v)

Typographical error, correct the reference to “Title V” to read “Title IV”

Instructions:

Amend Regulation 61-62, *Air Pollution Control Regulations and Standards*, pursuant to each individual instruction provided below with the text of the amendments.

Text of Amendments to Regulation 61-62, Air Pollution Control Regulations and Standards:

R. 61-62.1, Definitions and General Requirements:

Replace Section V - Credible Evidence in its entirety to read:

SECTION V - CREDIBLE EVIDENCE

A. The Department promulgated Regulation 61-62, *Air Pollution Control Regulations and Standards*, and developed the *South Carolina Air Quality Implementation Plan* to provide enforceable emission limitations, to establish an adequate enforcement program, to require owners or operators of stationary sources to monitor emissions, submit periodic reports of such emissions and maintain records as specified by various regulations and permits, and to evaluate reports and records for consistency with the applicable emission limitation or standard on a continuing basis over time. The monitoring data collected and records of operations would serve as the basis for a source to certify compliance, and could be used by the Department as direct evidence of an enforceable violation of the underlying emission limitation or standard.

B. The purpose of this section is:

1. To clarify the statutory authority of Regulation 61-62, *Air Pollution Control Regulations and Standards*, and the *South Carolina Air Quality Implementation Plan*, whereby non-reference test data and various kinds of information already available and utilized for other purposes may be used to demonstrate compliance or noncompliance with emission standards.

2. To eliminate any potential ambiguity regarding language that has been interpreted to provide for exclusive reliance on reference test methods as the means of certifying compliance with various emission limits.

3. To curtail language that limits the types of testing or monitoring data that may be used for determining compliance and for establishing violations.

C. The following is applicable in the determination of non-compliance by the Department or for compliance certification by the owners or operators of stationary sources.

1. Enforcement - Consistent with South Carolina’s Environmental Audit Privilege and Voluntary Disclosure Act, codified as S.C. Code Ann. Sections 48-57-10 *et seq.* (Supp. 2000), and notwithstanding any other provision in the *South Carolina Air Quality Implementation Plan*, any credible evidence or information relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test had been performed, can be used to establish whether or not a person has violated or is in violation of any standard in the plan.

2. Compliance Certifications - Consistent with South Carolina’s Environmental Audit Privilege and Voluntary Disclosure Act, codified as S.C. Code Ann. Sections 48-57-10 *et seq.* (Supp. 2000), and notwithstanding any other provision in the *South Carolina Air Quality Implementation Plan*, the owner or operator may use any credible evidence or information relevant to whether a source would have been in

compliance with applicable requirements if the appropriate performance or compliance test had been performed, for the purpose of submitting compliance certifications.

R. 61-62.60, South Carolina Designated Facility Plan and New Source Performance Standards:

Revise Regulation 61-62.60, Subpart A to read:

Subpart A - “General Provisions”

The provisions of Title 40 CFR Part 60, subpart A, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart A			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 36	December 23, 1971	[36 FR 24877]
Revision	Vol. 38	October 15, 1973	[38 FR 28565]
Revision	Vol. 39	March 8, 1974	[39 FR 9314]
Revision	Vol. 39	November 12, 1974	[39 FR 39873]
Revision	Vol. 40	April 25, 1975	[40 FR 18169]
Revision	Vol. 40	October 6, 1975	[40 FR 46254]
Revision	Vol. 40	November 17, 1975	[40 FR 53346]
Revision	Vol. 40	December 16, 1975	[40 FR 58418]
Revision	Vol. 40	December 22, 1975	[40 FR 59205]
Revision	Vol. 41	August 20, 1976	[41 FR 35185]
Revision	Vol. 42	July 19, 1977	[42 FR 37000]
Revision	Vol. 42	July 27, 1977	[42 FR 38178]
Revision	Vol. 42	November 1, 1977	[42 FR 57126]
Revision	Vol. 43	March 3, 1978	[43 FR 8800]
Revision	Vol. 43	August 3, 1978	[43 FR 34347]
Revision	Vol. 44	June 11, 1979	[44 FR 33612]
Revision	Vol. 44	September 25, 1979	[44 FR 55173]
Revision	Vol. 45	January 23, 1980	[45 FR 5617]
Revision	Vol. 45	April 4, 1980	[45 FR 23379]
Revision	Vol. 45	December 24, 1980	[45 FR 85415]
Revision	Vol. 47	January 8, 1982	[47 FR 951]
Revision	Vol. 47	July 23, 1982	[47 FR 31876]
Revision	Vol. 48	March 30, 1983	[48 FR 13326]
Revision	Vol. 48	May 25, 1983	[48 FR 23610]
Revision	Vol. 48	July 20, 1983	[48 FR 32986]
Revision	Vol. 48	October 18, 1983	[48 FR 48335]
Revision	Vol. 50	December 27, 1985	[50 FR 53113]
Revision	Vol. 51	January 15, 1986	[51 FR 1790]
Revision	Vol. 51	January 21, 1986	[51 FR 2701]
Revision	Vol. 51	November 25, 1986	[51 FR 42796]
Revision	Vol. 52	March 26, 1987	[52 FR 9781, 9782]
Revision	Vol. 52	April 8, 1987	[52 FR 11428]
Revision	Vol. 52	May 11, 1987	[52 FR 17555]
Revision	Vol. 52	June 4, 1987	[52 FR 21007]
Revision	Vol. 54	February 14, 1989	[54 FR 6662]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]

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40 CFR Part 60 subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 55	December 13, 1990	[55 FR 51382]
Revision	Vol. 57	July 21, 1992	[57 FR 32338, 32339]
Revision	Vol. 59	March 16, 1994	[59 FR 12427, 12428]
Revision	Vol. 59	September 15, 1994	[59 FR 47265]
Revision	Vol. 61	March 12, 1996	[61 FR 9919]
Revision	Vol. 62	February 24, 1997	[62 FR 8328]
Revision	Vol. 62	September 15, 1997	[62 FR 48348]
Revision	Vol. 62	October 8, 1997	[62 FR 52641]
Revision	Vol. 63	May 4, 1998	[63 FR 24444]
Revision	Vol. 64	February 12, 1999	[64 FR 7463]
Revision	Vol. 65	May 22, 2000	[65 FR 32033]
Revision	Vol. 65	August 10, 2000	[65 FR 48914]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 6, 2000	[65 FR 76350, 76378]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 66	February 6, 2001	[66 FR 9034]

Revise Regulation 61-62.60, Subpart Da to read:

Subpart Da - “Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978”

The provisions of Title 40 CFR Part 60, subpart Da, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart Da			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 44	June 11, 1979	[44 FR 33613]
Revision	Vol. 48	January 27, 1983	[48 FR 3737]
Revision	Vol. 54	February 14, 1989	[54 FR 6663]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	February 14, 1990	[55 FR 5212]
Revision	Vol. 55	May 7, 1990	[55 FR 18876]
Revision	Vol. 63	September 16, 1998	[63 FR 49453, 49454]
Revision	Vol. 64	February 12, 1999	[64 FR 7464]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 66	April 10, 2001	[66 FR 18546]
Revision	Vol. 66	June 11, 2001	[66 FR 31177]
Revision	Vol. 66	August 14, 2001	[66 FR 42608]

Revise Regulation 61-62.60, Subpart Db to read:

Subpart Db - “Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units”

The provisions of Title 40 CFR Part 60, subpart Db as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart Db			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 52	December 16, 1987	[52 FR 47842]
Revision	Vol. 54	December 18, 1989	[54 FR 51819, 51820]
Revision	Vol. 54	December 18, 1989	[54 FR 51825]
Revision	Vol. 55	May 7, 1990	[55 FR 18876]
Revision	Vol. 60	May 30, 1995	[60 FR 28062]
Revision	Vol. 61	March 29, 1996	[61 FR 14031]
Revision	Vol. 62	October 8, 1997	[62 FR 52641]
Revision	Vol. 63	September 16, 1998	[63 FR 49455]
Revision	Vol. 64	February 12, 1999	[64 FR 7464]
Revision	Vol. 65	March 13, 2000	[65 FR 13242]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 66	April 10, 2001	[66 FR 18546]
Revision	Vol. 66	June 11, 2001	[66 FR 31177]
Revision	Vol. 66	August 14, 2001	[66 FR 42608]
Revision	Vol. 66	October 1, 2001	[66 FR 49830]

Revise Regulation 61-62.60, Subpart Dc to read:

Subpart Dc - “Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units”

The provisions of Title 40 CFR Part 60, subpart Dc as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart Dc			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 55	September 12, 1990	[55 FR 37683]
Revision	Vol. 61	May 8, 1996	[61 FR 20736]
Revision	Vol. 64	February 12, 1999	[64 FR 7465]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Revise Regulation 61-62.60, Subpart Ea to read:

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”

The provisions of Title 40 CFR Part 60, subpart Ea as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

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40 CFR Part 60 subpart Ea			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 56	February 11, 1991	[56 FR 5507]
Revision	Vol. 60	December 19, 1995	[60 FR 65384]
Revision	Vol. 64	February 12, 1999	[64 FR 7465]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Revise Regulation 61-62.60, Subpart Eb to read:

Subpart Eb - “Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994, or for Which Modification or Reconstruction is Commenced after June 19, 1996”

The provisions of Title 40 CFR Part 60, subpart Eb as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart Eb			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 60	December 19, 1995	[60 FR 65419]
Revision	Vol. 62	August 25, 1997	[62 FR 45120, 45121]
Revision	Vol. 62	August 25, 1997	[62 FR 45125, 45126]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 66	July 12, 2001	[66 FR 36473]
Revision	Vol. 66	November 16, 2001	[66 FR 57824]

Revise Regulation 61-62.60, Subpart Ec to read:

Subpart Ec - “Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996

The provisions of Title 40 CFR Part 60, subpart Ec as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart Ec			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 62	September 15, 1997	[62 FR 48382]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Revise Regulation 61-62.60, Subpart EE to read:

Subpart EE - “Standards of Performance for Surface Coating of Metal Furniture”

The provisions of Title 40 CFR Part 60, subpart EE as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart EE			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 47	October 29, 1982	[47 FR 49287]
Revision	Vol. 50	April 30, 1985	[50 FR 18248]
Revision	Vol. 55	December 13, 1990	[55 FR 51383]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Revise Regulation 61-62.60, Subpart MM to read:

Subpart MM - “Standards of Performance for Automobile and Light-Duty Truck Surface Coating Operations”

The provisions of Title 40 CFR Part 60, subpart MM as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart MM			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 45	December 24, 1980	[45 FR 85415]
Revision	Vol. 48	February 4, 1983	[48 FR 5454]
Revision	Vol. 50	September 9, 1985	[50 FR 36834]
Revision	Vol. 55	December 13, 1990	[55 FR 51383]
Revision	Vol. 59	October 11, 1994	[59 FR 51386]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Revise Regulation 61-62.60, Subpart QQ to read:

Subpart QQ - “Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing”

The provisions of Title 40 CFR Part 60, subpart QQ as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart QQ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 47	November 8, 1982	[45 FR 50649]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Revise Regulation 61-62.60, Subpart RR to read:

Subpart RR - “Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations”

The provisions of Title 40 CFR Part 60, subpart RR as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

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40 CFR Part 60 subpart RR			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 48	October 18, 1983	[48 FR 48375]
Revision	Vol. 55	December 13, 1990	[55 FR 51383]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Revise Regulation 61-62.60, Subpart SS to read:

Subpart SS - “Standards of Performance for Industrial Surface Coating: Large Appliances”

The provisions of Title 40 CFR Part 60, subpart SS as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart SS			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 47	October 27, 1982	[47 FR 47785]
Revision	Vol. 55	December 13, 1990	[55 FR 51383]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Revise Regulation 61-62.60, Subpart TT to read:

Subpart TT - “Standards of Performance for Metal Coil Surface Coating”

The provisions of Title 40 CFR Part 60, subpart TT as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart TT			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 47	November 1, 1982	[47 FR 49612]
Revision	Vol. 48	January 10, 1983	[48 FR 1056]
Revision	Vol. 51	June 24, 1986	[51 FR 22938]
Revision	Vol. 55	December 13, 1990	[55 FR 51383]
Revision	Vol. 56	May 3, 1991	[56 FR 20497]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Revise Regulation 61-62.60, Subpart WW to read:

Subpart WW - “Standards of Performance for the Beverage Can Surface Coating Industry”

The provisions of Title 40 CFR Part 60, subpart WW as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart WW			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 47	November 1, 1982	[47 FR 49612]
Revision	Vol. 55	December 13, 1990	[55 FR 51384]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Revise Regulation 61-62.60, Subpart XX to read:

Subpart XX - “Standards of Performance for Bulk Gasoline Terminals”

The provisions of Title 40 CFR Part 60, subpart XX as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart XX			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 48	August 18, 1983	[48 FR 37590]
Revision	Vol. 48	December 22, 1983	[48 FR 56580]
Revision	Vol. 54	February 14, 1989	[54 FR 6678]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 64	February 12, 1999	[64 FR 7466]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Revise Regulation 61-62.60, Subpart III to read:

Subpart III - “Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes”

The provisions of Title 40 CFR Part 60, subpart III as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart III			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 55	June 29, 1990	[55 FR 26922]
Revision	Vol. 55	September 7, 1990	[55 FR 36932]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]

Revise Regulation 61-62.60, Subpart NNN to read:

Subpart NNN - “Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations”

The provisions of Title 40 CFR Part 60, subpart NNN as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

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40 CFR Part 60 subpart NNN			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 55	June 29, 1990	[55 FR 26942]
Revision	Vol. 55	September 7, 1990	[55 FR 36932]
Revision	Vol. 60	November 27, 1995	[60 FR 58237, 58238]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]

Revise Regulation 61-62.60, Subpart QQQ to read:

Subpart QQQ - “Standards of Performance for VOC Emissions from Petroleum Refinery Wastewater Systems”

The provisions of Title 40 CFR Part 60, subpart QQQ as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart QQQ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 53	November 23, 1988	[53 FR 47623]
Revision	Vol. 60	August 18, 1995	[60 FR 43259]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Revise Regulation 61-62.60, Subpart RRR to read:

Subpart RRR - “Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing (SOCMI) Reactor Processes”

The provisions of Title 40 CFR Part 60, subpart RRR as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart RRR			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 58	August 31, 1993	[58 FR 45948]
Revision	Vol. 60	November 27, 1995	[60 FR 58238]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]

Revise Regulation 61-62.60, Subpart SSS to read:

Subpart SSS - “Standards of Performance for Magnetic Tape Coating Facilities”

The provisions of Title 40 CFR Part 60, subpart SSS as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart SSS			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 53	October 3, 1988	[53 FR 38914]
Revision	Vol. 53	October 28, 1988	[53 FR 43799]
Revision	Vol. 53	November 29, 1988	[53 FR 47955]
Revision	Vol. 64	February 12, 1999	[64 FR 7467]

Revise Regulation 61-62.60, Subpart TTT to read:

Subpart TTT - “Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines”

The provisions of Title 40 CFR Part 60, subpart TTT as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart TTT			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 53	January 29, 1988	[53 FR 2676]
Revision	Vol. 53	May 27, 1988	[53 FR 19300]
Revision	Vol. 54	June 15, 1989	[54 FR 25459]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Revise Regulation 61-62.60, Subpart UUU to read:

Subpart UUU - “Standards of Performance for Calciners and Dryers in Mineral Industries”

The provisions of Title 40 CFR Part 60, subpart UUU as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart UUU			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 57	September 28, 1992	[57 FR 44503]
Revision	Vol. 58	July 29, 1993	[58 FR 40591]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Revise Regulation 61-62.60, Subpart WWW to read:

Subpart WWW - “Standards of Performance for Municipal Solid Waste Landfills”

The provisions of Title 40 CFR Part 60, subpart WWW as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

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40 CFR Part 60 subpart WWW			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 61	March 12, 1996	[61 FR 9905]
Revision	Vol. 63	June 16, 1998	[63 FR 32743]
Revision	Vol. 64	February 24, 1999	[64 FR 9262]
Revision	Vol. 65	April 10, 2000	[65 FR 18906]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]

Revise Regulation 61-62.60, Subpart CCCC to read:

Subpart CCCC - “Standards of Performance for New Stationary Sources: Commercial and Industrial Solid Waste Incineration Units”

The provisions of Title 40 CFR Part 60, subpart CCCC as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 60 subpart CCCC			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 65	December 1, 2000	[65 FR 75338]
Revision	Vol. 66	March 27, 2001	[66 FR 16605]

R. 61-62.63, National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories:

Revise Regulation 61-62.63, the “Note” after Subpart B to read:

Note: Section 112 of the Clean Air Act as amended in 1990 requires the United States Environmental Protection Agency (USEPA) to issue emission standards for all major sources of the listed hazardous air pollutants. These rules are generally known as “maximum achievable control technology” (MACT) standards. On June 26, 1995 [60 FR 32913], the USEPA granted full approval to the State of South Carolina under section 112(l)(5) and 40 CFR 63.91 of the State’s program for receiving delegation of section 112 standards that are unchanged from Federal rules as promulgated. These rules are incorporated by reference by the Department and the tables are periodically revised as Federal MACT standards are amended or promulgated. The word “Administrator” as used in these MACT standards shall mean the Department of Health and Environmental Control with the exception of the sections within these subparts that may not be delegated by the USEPA.

Revise Regulation 61-62.63, Subpart F to read:

Subpart F - “National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry”

The provisions of Title 40 CFR Part 63, subpart F, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart F			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	April 22, 1994	[59 FR 19454]
Revision	Vol. 59	September 20, 1994	[59 FR 48176]
Revision	Vol. 59	October 24, 1994	[59 FR 53360]
Revision	Vol. 59	October 28, 1994	[59 FR 54132]
Revision	Vol. 60	January 27, 1995	[60 FR 5321]
Revision	Vol. 60	April 10, 1995	[60 FR 18023]
Revision	Vol. 60	April 10, 1995	[60 FR 18028]
Revision	Vol. 60	December 12, 1995	[60 FR 63626]
Revision	Vol. 61	February 29, 1996	[61 FR 7718]
Revision	Vol. 61	June 20, 1996	[61 FR 31439]
Revision	Vol. 61	December 5, 1996	[61 FR 64574]
Revision	Vol. 62	January 17, 1997	[62 FR 2729]
Revision	Vol. 63	May 12, 1998	[63 FR 26081]
Revision	Vol. 64	April 26, 1999	[64 FR 20191]
Revision	Vol. 65	May 8, 2000	[65 FR 26491]
Revision	Vol. 66	January 22, 2001	[66 FR 6922]

Revise Regulation 61-62.63, Subpart G to read:

Subpart G - “National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater”

The provisions of Title 40 CFR Part 63, subpart G, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart G			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	April 22, 1994	[59 FR 19468]
Revision	Vol. 59	June 6, 1994	[59 FR 29201]
Revision	Vol. 59	October 24, 1994	[59 FR 53360]
Revision	Vol. 60	January 27, 1995	[60 FR 5321]
Revision	Vol. 60	April 10, 1995	[60 FR 18024]
Revision	Vol. 60	April 10, 1995	[60 FR 18029]
Revision	Vol. 60	December 12, 1995	[60 FR 63626]
Revision	Vol. 61	February 29, 1996	[61 FR 7718]
Revision	Vol. 61	December 5, 1996	[61 FR 64575]
Revision	Vol. 62	January 17, 1997	[62 FR 2742]
Revision	Vol. 63	December 9, 1998	[63 FR 67792]
Revision	Vol. 64	April 26, 1999	[64 FR 20191]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 66	January 22, 2001	[66 FR 6922]

Revise Regulation 61-62.63, Subpart H to read:

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Subpart H - National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks

The provisions of Title 40 CFR Part 63, subpart H, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart H			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	April 22, 1994	[59 FR 19568]
Revision	Vol. 59	September 20, 1994	[59 FR 48176]
Revision	Vol. 59	October 24, 1994	[59 FR 53360]
Revision	Vol. 60	January 27, 1995	[60 FR 5321]
Revision	Vol. 60	April 10, 1995	[60 FR 18024]
Revision	Vol. 60	April 10, 1995	[60 FR 18029]
Revision	Vol. 60	December 12, 1995	[60 FR 63631]
Revision	Vol. 61	June 20, 1996	[61 FR 31439]
Revision	Vol. 62	January 17, 1997	[62 FR 2788]
Revision	Vol. 64	April 26, 1999	[64 FR 20198]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 66	January 22, 2001	[66 FR 6922]

Revise Regulation 61-62.63, Subpart O to read:

Subpart O – “Ethylene Oxide Emission Standards for Sterilization Facilities”

The provisions of Title 40 CFR Part 63, subpart O, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart O			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	December 6, 1994	[59 FR 62589]
Revision	Vol. 61	June 3, 1996	[61 FR 27788]
Revision	Vol. 62	December 9, 1997	[62 FR 64736]
Revision	Vol. 63	December 4, 1998	[63 FR 66994]
Revision	Vol. 64	December 14, 1999	[64 FR 69637]
Revision	Vol. 66	November 2, 2001	[66 FR 55577]

Revise Regulation 61-62.63, Subpart S to read:

Subpart S - “National Emission Standards for Hazardous Air Pollutants From the Pulp and Paper Industry”

The provisions of Title 40 CFR Part 63, subpart S, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart S			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 63	April 15, 1998	[63 FR 18616]
Revision	Vol. 63	August 7, 1998	[63 FR 42239]
Revision	Vol. 63	September 16, 1998	[63 FR 49459]
Revision	Vol. 63	December 28, 1998	[63 FR 71389]
Revision	Vol. 64	April 12, 1999	[64 FR 17563]
Revision	Vol. 65	December 22, 2000	[65 FR 80755]
Revision	Vol. 66	May 14, 2001	[66 FR 24268]
Revision	Vol. 66	October 16, 2001	[66 FR 52537]

Revise Regulation 61-62.63, Subpart U to read:

Subpart U – “National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins”

The provisions of Title 40 CFR Part 63, subpart U, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart U			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 61	September 5, 1996	[61 FR 46924]
Revision	Vol. 62	January 14, 1997	[62 FR 1837]
Revision	Vol. 62	March 17, 1997	[62 FR 12549]
Revision	Vol. 62	July 15, 1997	[62 FR 37722]
Revision	Vol. 64	March 9, 1999	[64 FR 11542]
Revision	Vol. 64	May 7, 1999	[64 FR 24511]
Revision	Vol. 64	June 30, 1999	[64 FR 35028]
Revision	Vol. 65	June 19, 2000	[65 FR 38030]
Revision	Vol. 66	July 16, 2001	[66 FR 36924]

Revise Regulation 61-62.63, Subpart W to read:

Subpart W – “National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production”

The provisions of Title 40 CFR Part 63, subpart W, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart W			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 60	March 8, 1995	[60 FR 12676]
Revision	Vol. 65	May 8, 2000	[65 FR 26491]

Revise Regulation 61-62.63, Subpart BB to read:

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Subpart AA – “National Emission Standards for Hazardous Air Pollutants From Phosphoric Acid Manufacturing Plants”

The provisions of Title 40 CFR Part 63, subpart AA, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart AA			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 10, 1999	[64 FR 31376]
Revision	Vol. 66	December 17, 2001	[66 FR 65072]

Revise Regulation 61-62.63, Subpart BB to read:

Subpart BB – “National Emission Standards for Hazardous Air Pollutants From Phosphate Fertilizer Production Plants”

The provisions of Title 40 CFR Part 63, subpart BB, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart BB			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 10, 1999	[64 FR 31382]
Revision	Vol. 66	December 17, 2001	[66 FR 65072]

Revise Regulation 61-62.63, Subpart CC to read:

Subpart CC – “National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries”

The provisions of Title 40 CFR Part 63, subpart CC, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart CC			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 60	August 18, 1995	[60 FR 43260]
Revision	Vol. 60	September 27, 1995	[60 FR 49976]
Revision	Vol. 61	February 23, 1996	[61 FR 7051]
Revision	Vol. 61	June 12, 1996	[61 FR 29878]
Revision	Vol. 61	June 28, 1996	[61 FR 33799]
Revision	Vol. 62	February 21, 1997	[62 FR 7938]
Revision	Vol. 63	March 20, 1998	[63 FR 13537]
Revision	Vol. 63	May 18, 1998	[63 FR 27212]
Revision	Vol. 63	June 9, 1998	[63 FR 31361]
Revision	Vol. 63	August 18, 1998	[63 FR 44140]
Revision	Vol. 65	May 8, 2000	[65 FR 26491]
Revision	Vol. 65	July 6, 2000	[65 FR 41594]
Revision	Vol. 66	May 25, 2001	[66 FR 28840]

Revise Regulation 61-62.63, Subpart DD to read:

Subpart DD – “National Emission Standards for Hazardous Air Pollutants From Off-Site Waste and Recovery Operations”

The provisions of Title 40 CFR Part 63, subpart DD, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart DD			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 61	July 1, 1996	[61 FR 34158]
Revision	Vol. 64	July 20, 1999	[64 FR 38963]
Revision	Vol. 66	January 8, 2001	[66 FR 1263]

Revise Regulation 61-62.63, Subpart HH to read:

Subpart HH – “National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities”

The provisions of Title 40 CFR Part 63, subpart HH, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart HH			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 17, 1999	[64 FR 32628]
Revisions	Vol. 66	June 29, 2001	[66 FR 34548]

Add Regulation 61-62.63, Subpart MM in alpha-numeric order to read:

Subpart MM – “National Emission Standards For Hazardous Air Pollutants For Chemical Recovery Combustion Sources At Kraft, Soda, Sulfito, And Stand-Alone Semichemical Pulp Mills”

The provisions of Title 40 CFR Part 63, subpart MM, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart MM			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 66	January 12, 2001	[66 FR 3180]
Revision	Vol. 66	March 26, 2001	[66 FR 16400]
Revision	Vol. 66	July 19, 2001	[66 FR 37591]
Revision	Vol. 66	August 6, 2001	[66 FR 41086]

Revise Regulation 61-62.63, Subpart PP to read:

Subpart PP – “National Emission Standards for Containers”

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The provisions of Title 40 CFR Part 63, subpart PP, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart PP			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 61	July 1, 1996	[61 FR 34186]
Revision	Vol. 64	July 20, 1999	[64 FR 38987]
Revision	Vol. 66	January 8, 2001	[66 FR 1263]

Revise Regulation 61-62.63, Subpart RR to read:

Subpart RR – “National Emission Standards for Individual Drain Systems”

The provisions of Title 40 CFR Part 63, subpart RR, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart RR			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 61	July 1, 1996	[61 FR 34193]
Revision	Vol. 64	July 20, 1999	[64 FR 38989]
Revision	Vol. 66	January 8, 2001	[66 FR 1263]

Revise Regulation 61-62.63, Subpart VV to read:

Subpart VV – “National Emission Standards for Oil-Water Separators and Organic-Water Separators”

The provisions of Title 40 CFR Part 63, subpart VV, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart VV			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 61	July 1, 1996	[61 FR 34195]
Revision	Vol. 64	July 20, 1999	[64 FR 38991]
Revision	Vol. 66	January 8, 2001	[66 FR 1263]

Revise Regulation 61-62.63, Subpart YY to read:

Subpart YY – “National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards”

The provisions of Title 40 CFR Part 63, subpart YY, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart YY			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 29, 1999	[64 FR 34921]
Revision	Vol. 64	November 22, 1999	[64 FR 63695]
Revision	Vol. 64	December 22, 1999	[64 FR 71852]
Revision	Vol. 66	November 2, 2001	[66 FR 55844]

Revise Regulation 61-62.63, Subpart EEE to read:

Subpart EEE – “National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors”

The provisions of Title 40 CFR Part 63, subpart EEE, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart EEE			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 63	June 19, 1998	[63 FR 33820]
Revision	Vol. 64	September, 30, 1999	[64 FR 53027]
Revision	Vol. 64	November 19, 1999	[64 FR 63209]
Revision	Vol. 65	July 10, 2000	[65 FR 42292]
Revision	Vol. 65	November 9, 2000	[65 FR 67268]
Revision	Vol. 66	May 14, 2001	[66 FR 24270]
Revision	Vol. 66	July 3, 2001	[66 FR 35087]
Revision	Vol. 66	October 15, 2001	[66 FR 52361]
Revision	Vol. 66	December 6, 2001	[66 FR 63313]

Revise Regulation 61-62.63, Subpart GGG to read:

Subpart GGG – “National Emission Standards for Hazardous Air Pollutants for Pharmaceuticals Production”

The provisions of Title 40 CFR Part 63, subpart GGG, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart GGG			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 63	September 21, 1998	[63 FR 50326]
Revision	Vol. 65	August 29, 2000	[65 FR 52588]
Revision	Vol. 66	August 2, 2001	[66 FR 40121]

Revise Regulation 61-62.63, Subpart HHH to read:

Subpart HHH – “National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities”

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The provisions of Title 40 CFR Part 63, subpart HHH, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart HHH			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 17, 1999	[64 FR 32647]
Revision	Vol. 66	June 29, 2001	[66 FR 34548]
Revision	Vol. 66	September 27, 2001	[66 FR 49299]

Revise Regulation 61-62.63, Subpart JJJ to read:

Subpart JJJ – “National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins”

The provisions of Title 40 CFR Part 63, subpart JJJ, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart JJJ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 61	September 12, 1996	[61 FR 48229]
Revision	Vol. 61	October 18, 1996	[61 FR 54342]
Revision	Vol. 62	January 14, 1997	[62 FR 1838]
Revision	Vol. 62	June 6, 1997	[62 FR 30995]
Revision	Vol. 62	July 15, 1997	[62 FR 37722]
Revision	Vol. 63	February 27, 1998	[63 FR 9944]
Revision	Vol. 63	March 31, 1998	[63 FR 15315]
Revision	Vol. 64	March 9, 1999	[64 FR 11547]
Revision	Vol. 64	June 8, 1999	[64 FR 30409]
Revision	Vol. 64	June 30, 1999	[64 FR 35028]
Revision	Vol. 65	August 29, 2000	[65 FR 52588]
Revision	Vol. 65	October 26, 2000	[65 FR 64161]
Revision	Vol. 66	February 23, 2001	[66 FR 11233]
Revision	Vol. 66	February 26, 2001	[66 FR 11543]
Revision	Vol. 66	July 16, 2001	[66 FR 36924]
Revision	Vol. 66	August 6, 2001	[66 FR 40903]

Revise Regulation 61-62.63, Subpart MMM to read:

Subpart MMM – “National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production”

The provisions of Title 40 CFR Part 63, subpart MMM, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart MMM			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 23, 1999	[64 FR 33589]
Revision	Vol. 66	November 26, 2001	[66 FR 58393]
Revision	Vol. 66	November 26, 2001	[66 FR 58396]

Revise Regulation 61-62.63, Subpart OOO to read:

Subpart OOO – “National Emission Standards for Hazardous Air Pollutants: Manufacture Of Amino/Phenolic Resins”

The provisions of Title 40 CFR Part 63, subpart NNN, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart OOO			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 65	January 20, 2000	[65 FR 3276]
Revision	Vol. 65	February 22, 2000	[65 FR 8768]

Revise Regulation 61-62.63, Subpart VVV to read:

Subpart VVV – “National Emission Standards for Hazardous Air Pollutants: Publicly Owned Treatment Works”

The provisions of Title 40 CFR Part 63, subpart VVV, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart VVV			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	October 26, 1999	[64 FR 57572]
Revision	Vol. 66	March 23, 2001	[66 FR 16140]

Revise Regulation 61-62.63, Subpart XXX to read:

Subpart XXX – “National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese”

The provisions of Title 40 CFR Part 63, subpart XXX, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart XXX			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	May 20, 1999	[64 FR 27458]
Revision	Vol. 66	March 22, 2001	[66 FR 16007]

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Add Regulation 61-62.63, Subpart CCCC in alpha-numeric order to read:

Subpart CCCC – “National Emission Standards For Hazardous Air Pollutants: Manufacturing Of Nutritional Yeast”

The provisions of Title 40 CFR Part 63, subpart CCCC, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart CCCC			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 66	May 21, 2001	[66 FR 27876]

Add Regulation 61-62.63, Subpart GGGG in alpha-numeric order to read:

Subpart GGGG – “National Emission Standards For Hazardous Air Pollutants: Solvent Extraction For Vegetable Oil Production”

The provisions of Title 40 CFR Part 63, subpart GGGG, as originally published in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart GGGG			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 66	April 12, 2001	[66 FR 19006]

Add Regulation 61-62.63, Subpart VVVV in alpha-numeric order to read:

Subpart VVVV – “National Emission Standards For Hazardous Air Pollutants For Boat Manufacturing”

The provisions of Title 40 CFR Part 63, subpart VVVV, as originally published in the *Federal Register* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart VVVV			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 66	August 22, 2001	[66 FR 44218]
Revision	Vol. 66	October 3, 2001	[66 FR 50504]

R. 61-62.70, Title V Operating Permit Program:

Revise Section 70.7(e)(6)(v) to read:

(v) No permittee shall make, without a permit revision, a change that is not addressed or prohibited by the facility’s Part 70 permit, if such a change is subject to any requirements under Title IV of the Act or is a modification under any provision of Title I of the Act.

Fiscal Impact Statement:

The Department estimates no additional cost will be incurred by the state or its political subdivisions as a result of the promulgation, approval, and implementation of this amendment; therefore, no additional state funding is being requested. Existing staff and resources will be utilized in additional regulatory administration resulting from these amendments to the regulations. See Statement of Need and Reasonableness below.

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: Amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*.

Purpose of Regulation: These amendments and corrections will maintain conformity with Federal requirements and ensure compliance with Federal standards.

Legal Authority: The legal authority for Regulation 61-62, *Air Pollution Control Regulations and Standards*, is S.C. Code Section 48-1-10 *et seq.*

Plan for Implementation: These amendments will take effect upon approval and adoption by the South Carolina Board of Health and Environmental Control and publication in the *State Register*. Existing staff and resources will be utilized in additional regulatory administration resulting from these amendments to the regulations.

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

The Department's amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*, and the South Carolina State Implementation Plan, makes corrections and clarifications and incorporates new Federal requirements into the existing regulations.

Among the revisions are amendments to Regulation 61-62.1, *Definitions and General Requirements*, Section V - Credible Evidence. The Department revised this regulation to update the reference to the "Environmental Audit Privilege and Voluntary Disclosure Act" of the South Carolina Code of Laws. The Department also amended Regulation 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*, and Regulation 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*, to incorporate by reference amendments to 40 CFR Part 60 and 40 CFR Part 63 promulgated by the United States Environmental Protection Agency (EPA) during the calendar year of January 1, 2001 through December 31, 2001.

These amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards* are necessary to maintain consistency with Federal rules and do not require legislative review.

DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions nor will the amendments result in any increased cost to the regulated community. The adopted standards are already effective and applicable to the regulated community as a matter of Federal law. The amendments will benefit the regulated community by clarifying the regulations and increasing their ease of use.

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UNCERTAINTIES OF ESTIMATES:

EPA has provided the estimated costs and benefits for these standards in the *Federal Register* notices that are cited within this document.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Incorporation of the new federal requirements into Regulation 61-62, *Air Pollution Control Regulations and Standards*, provides 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 believed to be beneficial to the public health and environment, would be compromised if these amendments are not adopted in South Carolina.