

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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

South Carolina State Register

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

STYLE AND FORMAT

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

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

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

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

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

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

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

Executive Orders are actions issued and taken by the Governor.

2005 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	1/14	2/11	3/11	4/8	5/13	6/10	7/8	8/12	9/9	10/14	11/11	12/9
Publishing Date	1/28	2/25	3/25	4/22	5/27	6/24	7/22	8/26	9/23	10/28	11/25	12/23

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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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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
2886	SR29-1	Pilot and Apprentice Age Limitations and Pilot Registration	1/11/05	LLR: Commissioners of Pilotage
2887	SR29-1	Residential Builders Commission	1/11/05	LLR: Residential Builders Commission
2753	SR29-2	LIFE Scholarship Program	1/15/05	Commission on Higher Education
2889	SR29-2	Barrier Free Design, Building Codes Council	1/17/05	LLR: Building Codes Council
2890	SR29-2	Chapter Revisions	1/17/05	LLR: Manufactured Housing Board
2873	SR29-2	Air Pollution	1/30/05	Department of Health and Envir Control
2800	SR29-3	Environmental Protection Fees	2/27/05	Department of Health and Envir Control
2905		Credit for Reinsurance	3/14/05	Department of Insurance
2900		Student Attendance	3/26/05	Board of Education
2897		State Primary Drinking Water	3/28/05	Department of Health and Envir Control
2908		Continuing Insurance Education	4/03/05	Department of Insurance
2906		Repeal Video Poker Regulations	4/03/05	Department of Revenue
2907		ABL - Drive Thru Prohibited	4/03/05	Department of Revenue
2909		Adoption of National Explosives Standards	4/03/05	LLR: Office of State Fire Marshal
2899		Certification Program for Public Librarians	4/10/05	State Library
2903		Total Maximum Daily Loads for Pollutants in Water	4/27/05	Department of Health and Envir Control
2928		Spec Project Stds of Tidelands and Coastal Waters -Docks	5/11/05	Department of Health and Envir Control
2929		State of Policy; Spec Proj Stds of Tidelnds Coastl Wtrs - Marinas	5/11/05	Department of Health and Envir Control
2930		Hotel-Motel Sanitation	5/11/05	Department of Health and Envir Control
2926		Pasteurized Milk and Milk Products	5/11/05	Department of Health and Envir Control
2933		Wildlife Management Areas	5/11/05	Department of Natural Resources
2918		International Residential Code	5/11/05	LLR: Building Codes Council
2917		International Fuel Gas Code	5/11/05	LLR: Building Codes Council
2951		Inactive or Retired Status Licenses	5/11/05	LLR: Long Term Health Care Administrators
2931		Chapter Revision	5/11/05	LLR: Environmental Certification Board
2901		Child Care Centers Licensing Regulations	5/16/05	Department of Social Services
2940		Personnel Qualifications, Duties and Workloads	5/18/05	Board of Education
2941		Assisting, Developing, and Evaluating Professional Teaching	5/18/05	Board of Education
2949		Examination of Dentists and Dental Hygienists	5/18/05	LLR: Board of Dentistry
2950		Re-examination	5/18/05	LLR: Board of Dentistry
2925		Licensing Group Child Care Homes	5/19/05	Department of Social Services
2924		Child Care Centers Operated by Churches or Religious Entities	5/19/05	Department of Social Services
2943		Air Pollution Control Regulations and Standards	5/20/05	Department of Health and Envir Control
2927		The Practice of Selling and Fitting Hearing Aids	5/20/05	Department of Health and Envir Control
2944		Infectious Waste Management	5/20/05	Department of Health and Envir Control
2938		Pest Control Regulations	5/26/05	Clemson University, State Crop Pest Comm
2957		Motorist Insurance Identification Database	6/02/05	Department of Motor Vehicles
2946		South Carolina HOPE Scholarship	6/02/05	Commission on Higher Education
2948		Palmetto Fellows Scholarship Program	6/02/05	Commission on Higher Education

Subject to Sine Die Revision

2939		Designation of Plant Pests	6/07/05	Clemson University, Crop Pest Commission
2955		Motorist Insurance Identification Database (Repeal)	6/08/05	Department of Public Safety
2959		Data Reporting Requirements; Data Release Medical	6/09/05	Budget and Control Board
2958		Voluntary Check-off Funds	6/10/05	Department of Revenue
2935		Property Tax (Repeal 117-8)	6/10/05	Department of Revenue
2915		Repeal of Bulk Sales Regulation	6/10/05	Department of Revenue
2936		Sales and Use Tax Exemption for Machines	6/10/05	Department of Revenue
2937		Alcoholic Beverages, Beer and Wine	6/10/05	Department of Revenue
2914		Electric Power Tax	6/10/05	Department of Revenue
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2968		Workers' Compensation Assigned Risk Rates	7/13/05	Department of Insurance
2942		Graduation Requirements	7/14/05	Board of Education
2964		Utilization of Generic Teacher Certification	7/14/05	Board of Education
2962		Implementation of Emergency Health Powers Act	7/14/05	Department of Health and Envir Control
2945		Standards for Licensing Tattoo Facilities	7/15/05	Department of Health and Envir Control

Committee Requested Withdrawal:

2801	3/9/05	Individual Sewage Treatment and Disposal Systems	4/19/05	Department of Health and Envir Control
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2 EXECUTIVE ORDERS

Executive Order No. 2005-07

WHEREAS, on February 2, 2005, I received a Decision of the South Carolina State Election Commission, in its capacity as the State Board of Canvassers, upholding the Order of the Horry County Board of Canvassers (Horry County Registration and Elections Commission) to set aside the November 2, 2004, election for Horry County Council District 3 due to voting irregularities; and

WHEREAS, on January 20, 2005, the South Carolina Supreme Court denied a writ of certiorari to hear a challenge to the Decision of the South Carolina State Election Commission thereby upholding its Decision to set aside the November 2, 2004, election; and

WHEREAS, the Horry County Registration and Elections Commission ("Commission") has requested that a new election be held on May 10, 2005; and

WHEREAS, the Commission has stated that, in requesting this date, it has complied with the notice provisions in the South Carolina Code of Laws and the pre-clearance requirements of Section 5 of the Voting Rights Act of 1965; and

WHEREAS, Section 7-13-1170 of the South Carolina Code of Laws (1976), as amended, provides "when any election official of any political subdivision of this State charged with ordering, providing for, or holding an election has neglected, failed, or refused to order, provide for, or hold the election at the time appointed, or if for any reason the election is declared void by competent authority, and these facts are made to appear to the satisfaction of the Governor, he shall, should the law not otherwise provide for this contingency, order an election or a new election to be held at the time and place, and upon the notice being given which to him appears adequate to insure the will of the electorate being fairly expressed. To that end, he may designate the existing election official or other person as he may appoint to perform the necessary official duties pertaining to the election and to declare the result."

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of the State of South Carolina, I hereby (a) order that a new election be held for Horry County Council District 3 on May 10, 2005, subject to pre-clearance approval by the United States Department of Justice, or at the earliest possible date and time after May 10, 2005, as is permitted by the United States Department of Justice; and (b) designate the Horry County Registration and Elections Commission to perform the necessary official duties pertaining to the election to declare the result.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 22nd DAY OF FEBRUARY, 2005.**

**MARK SANFORD
Governor**

Executive Order No. 2005-08

WHEREAS, one of the most important missions for our state is to produce well-educated children who are prepared to enter post-secondary education and successfully compete for highly skilled jobs in the workforce; and

WHEREAS, to achieve this mission we must be able to meet the tremendous challenges facing South Carolina's K-12 education system which include an SAT score ranking at 50th in the nation; one of the highest dropout rates in the nation – 57 percent of South Carolina ninth graders do not graduate from high school, making us next to last in graduation rates; and a significant achievement gap between African American and white students; and

WHEREAS, these challenges have not been overcome despite the fact that South Carolina spends more per pupil than the national average. South Carolina has also increased per pupil expenditures by 98 percent over the last twenty years which is the third highest increase in the country; and

WHEREAS, the state should comprehensively examine our K-12 education system in an effort to help to overcome these persistent challenges.

NOW, THEREFORE, I do hereby establish the South Carolina Education Reform Council (the "Council").

1. The Council shall examine ways to improve educational outcomes that have positive impacts on social and economic conditions in South Carolina.
2. The Council shall fully examine problems facing South Carolina's K-12 education system, including the drop out rates among high school students, the current education funding structure, the availability of highly qualified teachers, the education system's ability to adequately prepare students for a competitive workforce, and the availability of parental choices.
3. The Council shall identify reforms and policy recommendations in a final report to the Governor by no later than December 31, 2005.
4. The Council shall be comprised of members appointed by the Governor, one of whom shall serve as chair, and shall include parents, teachers, business representatives, students, education officials and a representative of the Department of Commerce.
5. The Council will be authorized in the furtherance of its mission to hold public hearings and take such other actions as it deems necessary and advisable.
6. The Council may call upon the State Department of Education, the Education Oversight Committee, the Commission on Higher Education, Technical Colleges, the Office of First Steps, the South Carolina Chamber of Commerce, the Department of Juvenile Justice and other entities as needed for advice and information.

4 EXECUTIVE ORDERS

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT
SEAL OF THE STATE OF SOUTH CAROLINA,
THIS 28th DAY OF FEBRUARY, 2005.**

**MARK SANFORD
Governor**

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
NOTICE OF GENERAL PUBLIC INTEREST
CHAPTER 61

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

South Carolina Particulate Matter Monitoring Plan:

The Department of Health and Environmental Control (Department) proposes to amend South Carolina's Particulate Matter Monitoring Plan. Interested persons are invited to present their views during a public hearing to be held at 2:00 pm on Wednesday, April 27, 2005, in the Peoples Auditorium, third floor, Sims Building of the Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. Interested persons are also invited to present their views in writing to Thomas J. Flynn, III; 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 April 27, 2005. If you are interested in viewing the public hearing via satellite from another location, please contact Thomas J. Flynn at (803) 898-3251 for further information.

Synopsis:

On July 18, 1997, the Environmental Protection Agency (EPA) promulgated a new national ambient air quality standard (NAAQS) for fine particulate matter (PM_{2.5}). Two new PM_{2.5} standards were added. One is an annual standard set at 15 micrograms per cubic meter based on the 3-year average of annual arithmetic mean PM_{2.5} concentrations. The other is a 24-hour standard set at 65 micrograms per cubic meter based on the 3-year average of the 98th percentile of 24-hour PM_{2.5} concentrations. Numerous parties challenged the PM_{2.5} NAAQS, and in May of 1999, the U.S. Court of Appeals for the D.C. Circuit remanded the standards to EPA for further consideration. Ultimately, the U.S. Supreme Court upheld the new NAAQS, and in March of 2001, the D.C. Circuit rejected all remaining challenges to the PM_{2.5} NAAQS thus paving the way to making the NAAQS effective. Since this was a new standard, requiring the use of three years of monitoring data, the EPA was required to wait until the data was available before designating areas as nonattainment for PM_{2.5}.

As part of the development of the sampling network to monitor for PM_{2.5}, states were required to submit monitoring plans to the EPA for approval. In this plan, states were required to define monitoring planning areas, which are contiguous geographical areas with established, well-defined boundaries. This plan was designed to describe state's PM_{2.5} air quality surveillance network for fine particulate. The Department submitted a Particulate Matter Monitoring Plan on July 1, 1998. In order to provide flexibility to states, EPA offered the option for areas to spatially average two or more monitors in defined Community Monitoring Zones. The use of Community Monitoring Zones is intended to better relate to the epidemiological studies used as the basis for the PM_{2.5} NAAQS. Spatial averaging allows for multiple monitors that are influenced by the same terrain, emissions sources, weather, etc, to be averaged together for the compliance determination compared to the annual standard. The Department did not identify the use of spatial averaging for any of its monitoring planning areas in the initial plan because the EPA guidance indicated the need for three years of data to make that determination and that data had not been collected.

Therefore, the Department is proposing to revise the South Carolina Particulate Matter Monitoring Plan to define Community Monitoring Zone(s) such that the option for spatial averaging will be available where applicable.

6 NOTICES

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 March 25, 2005, 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 Beaufort County

Transfer of ownership of Bay View Nursing Center to Bay View Manor, LLC, and the sale of the property to HR of Bay View, Inc., which will lease the property to Bay View Manor, LLC.

Bay View Manor, LLC
Beaufort, South Carolina
Project Cost: \$10,332,000

Affecting Charleston County

Construction for the addition of sixty-three (63) general acute care beds (50 additional beds and 13 beds transferred from Roper Hospital) for a total licensed bed capacity of 204 general beds at St. Francis Xavier with 401 general beds and 39 rehabilitation beds remaining at Roper Hospital.

Bon Secours St. Francis Xavier Hospital
Charleston, South Carolina
Project Cost: \$25,080,000

Transfer the ownership of Charleston Nursing Center to Mount Pleasant Manor, LLC, and the sale of the property to HR of SC, Inc. which will lease the property to Mount Pleasant Manor, LLC with the addition of six (6) additional nursing home beds that will not participate in the Medicaid (Title XIX) Program.

Mount Pleasant Manor, LLC
Mt. Pleasant, South Carolina
Project Cost: \$4,242,000

Affecting Dorchester County

Conversion of fourteen (14) hospital based nursing home beds to general acute care hospital beds resulting in a total of 94 general hospital beds.

Summerville Medical Center
Summerville, South Carolina
Project Cost: \$-0-

Affecting Georgetown County

Provision of emergency (primary) Percutaneous Coronary Intervention (PCI) without on-site comprehensive cardiac catheterization and open heart surgery program.

Georgetown Memorial Hospital
Georgetown, South Carolina
Project Cost: \$67,145

Affecting Greenville County

Construction of a new replacement hospital to include the existing fifty-eight (58) general acute care beds and the conversion of the existing ten (10) hospital based nursing home beds to acute care beds for a total of sixty-eight (68) licensed general acute care beds.

Allen Bennett Memorial Hospital

Greer, South Carolina

Project Cost: \$48,500,000

Conversion of five (5) long term psychiatric beds to short term psychiatric beds for a total of 20 psychiatric beds and 68 RTC beds.

Chestnut Hills Mental Health Center, Inc. d/b/a SpringBrook Behavioral Health System

Travelers Rest, South Carolina

Project Cost: \$0-

Construction of a new nursing home to replace the existing 44 nursing home beds with the addition of 16 nursing home beds, which do not participate in the Medicaid (Title XIX) Program resulting in a total licensed bed capacity of 60 nursing home beds.

Fountain Inn Nursing Home

Fountain Inn, South Carolina

Project Cost: \$4,179,425

Affecting Horry County

Transfer of ownership of Conway Nursing Center to Conway Manor, LLC, and the sale of the property to HR of Conway, Inc. which will lease the property to Conway Manor, LLC.

Conway Manor, LLC

Conway, South Carolina

Project Cost: \$8,232,000

Affecting Laurens Treatment Associates, LLC

Establishment of an outpatient narcotic treatment program (Methadone Treatment Center) to be located at Lot 5, Professional Park Road, Clinton, SC 29325

Laurens Treatment Associates, LLC

Clinton, South Carolina

Project Cost: \$262,000

Affecting Marlboro County

Transfer of ownership of Dundee Nursing Center to Dundee Manor, LLC, and the sale of the property to HR of SC, Inc. which will lease the property to Dundee Manor.

Dundee Manor, LLC

Bennettsville, South Carolina

Project Cost: \$4,662,000

8 NOTICES

Affecting Richland County

Acquisition of a Siemens 1.5T Magnetom Espree Magnetic Resonance Imaging (MRI) system to replace the 0.7 MRI as approved by CON SC-04-31, including provisions for mobile MRI services until installation of the 1.5T MRI system is completed.

ImageCare, LLC

Columbia, South Carolina

Project Cost: \$2,598,977

Affecting Spartanburg County

Replacement of twenty-eight (28) existing licensed general acute care beds within the hospital to space to be renovated on the third (3d) floor of the Gibbs Regional Cancer Center with no change in the licensed bed capacity at the hospital.

Spartanburg Regional Healthcare System

Spartanburg, South Carolina

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 March 25, 2005. "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 Beaufort County

Transfer of ownership of Bay View Nursing Center to Bay View Manor, LLC, and the sale of the property to HR of Bay View, Inc., which will lease the property to Bay View Manor, LLC.

Bay View Manor, LLC

Beaufort, South Carolina

Project Cost: \$10,332,000

Affecting Charleston County

Transfer the ownership of Charleston Nursing Center to Mount Pleasant Manor, LLC, and the sale of the property to HR of SC, Inc. which will lease the property to Mount Pleasant Manor, LLC, with the addition of six (6) additional nursing home beds that will not participate in the Medicaid (Title XIX) Program.

Mount Pleasant Manor, LLC

Mt. Pleasant, South Carolina

Project Cost: \$4,242,000

Affecting Florence County

Licensure of forty-eight (48) additional general acute care beds by conversion of 48 observation beds in space previously approved by CON SC-04-10, resulting in a total licensed bed capacity of 310 general acute beds.

Carolinas Hospital System

Florence, South Carolina

Project Cost: \$-0-

Affecting Georgetown County

Provision of emergency (primary) Percutaneous Coronary Intervention (PCI) without on-site comprehensive cardiac catheterization and open heart surgery program.

Georgetown Memorial Hospital

Georgetown, South Carolina

Project Cost: \$67,145

Affecting Horry County

Transfer of ownership of Conway Nursing Center to Conway Manor, LLC, and the sale of the property to HR of Conway, Inc. which will lease the property to Conway Manor, LLC.

Conway Manor, LLC

Conway, South Carolina

Affecting Lexington County

Construction to replace the existing 0.35T Magnetic Resonance Imaging (MRI) unit with a new 1.5T MRI and discontinue the mobile MRI service.

Lexington Open MRI

West Columbia, South Carolina

Project Cost: \$2,275,715

Affecting Marlboro County

Transfer of ownership of Dundee Nursing Center to Dundee Manor, LLC, and the sale of the property to HR of SC, Inc. which will lease the property to Dundee Manor, LLC.

Dundee Manor, LLC

Bennettsville, South Carolina

Project Cost: \$4,662,000

Affecting Richland County

Acquisition of a Siemens 1.5T Magnetom Espree Magnetic Resonance Imaging (MRI) system to replace the 0.7 MRI as approved by CON SC-04-31, including provisions for mobile MRI services until installation of the 1.5T MRI system is completed.

ImageCare, LLC

Columbia, South Carolina

Project Cost: \$2,598,977

Affecting Sumter County

Construction and renovation resulting in 35 additional general acute care beds to include a two story addition with twenty-four (24) obstetrical beds, a new Women's Center entrance, education center and renovation of the ICU to include eleven (11) general beds resulting in a total licensed bed capacity of 283 general acute care and 18 hospital-based nursing home beds.

Tuomey

Sumter, South Carolina

Project Cost: \$34,650,693

10 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Notice of General Public Interest
Public Notice #05-521-GP-N
March 25, 2005

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 open for a thirty (30) day public comment period on March 28, 2001, with final issuance on November 1, 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 61-62.1 "Air Pollution Control Regulations and Standards," the following 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 its 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 at (803) 898-4123.

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.

Berkeley County

Burgess Brogdon Building Supply, Inc. (Cross)
Highway 708 – Angel's Landing Road
Cross, South Carolina
(Permit No. GCM04-9900-0436)

Spartanburg County

J.A. Long, Inc.
1524 Buncombe Road
Greer, South Carolina
(Permit No. GCM04-9900-0440)

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Notice of General Public Interest
Public Notice #05-520-GP-N
March 25, 2005

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 open for a thirty (30) day public comment period on March 28, 2001, with final issuance on February 1, 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 61-62.1 "Air Pollution Control Regulations and Standards," the following 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 its 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 at (803) 898-4123.

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.

Horry County

Boggs Materials, Inc. (Myrtle Beach)
440 Ronald McNair Boulevard
Myrtle Beach, South Carolina
(Permit No. GCM03-9900-0400)

Laurens County

F&R Asphalt, Inc. (Gray Court)
1654 Quarry Road
Gray Court, South Carolina
(Permit No. GCM03-9900-0421)

12 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Bureau of Land and Waste Management
Blackberry Valley Landfill Site, Greenville County

NOTICE OF SETTLEMENT

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control ("SCDHEC") intends to enter into a Cost Recovery Settlement Agreement with Advanced Composite Materials Corporation ("ACMC"). Prior to final execution by SCDHEC, the Cost Recovery Settlement Agreement is subject to a 30-day public comment period, consistent with the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") Section 122, 42 U.S.C. Section 9622 and the South Carolina Hazardous Waste Management Act ("SCHWMA") S.C. Code Ann. Section 44-56-200 (2002).

The Cost Recovery Settlement Agreement relates to the alleged release, and threatened release, of hazardous substances, pollutants, or contaminants at the Blackberry Valley Landfill Site (the "Site"), located in Greenville County, South Carolina, on Groce Road, approximately 1.5 miles from the intersection of S-199 and S-132 and is approximately 4.5 miles northwest of the City of Greenville and approximately one mile east of Pickens County. The Cost Recovery Settlement Agreement provides for recovery of response costs from ACME in the amount of \$5,942.00 for the Department's past response actions at the Site. In consideration of the foregoing, the Cost Recovery Settlement Agreement provides for a release of the ACME from further liability related to the matters covered by the Cost Recovery Settlement Agreement and confers contribution protection upon the ACME pursuant to CERCLA Section 113, 42 U.S.C. Section 9613.

Notice of the proposed Cost Recovery Settlement Agreement has been provided to all identified potentially responsible parties.

Copies of the Cost Recovery Settlement Agreement may be obtained by providing a written Freedom of Information request to the South Carolina Department of Health and Environmental Control at:

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

Any comments must be submitted in writing, postmarked no later than April 25, 2005, and addressed to:

Ms. Pat Vincent
Bureau of Land & Waste Management
South Carolina Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201

UPON FINAL EXECUTION OF THE COST RECOVERY SETTLEMENT AGREEMENT, ANY AND ALL CLAIMS BY ANY AND ALL PERSONS AGAINST ACME SEEKING CONTRIBUTION FOR MATTERS ENCOMPASSED BY THE COST RECOVERY SETTLEMENT AGREEMENT SHALL BE FORECLOSED.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Bureau of Land and Waste Management
Blackberry Valley Landfill Site, Greenville County

NOTICE OF SETTLEMENT

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control ("SCDHEC") intends to enter into a Cost Recovery Settlement Agreement with Michelin North America, Inc. ("Michelin"). Prior to final execution by SCDHEC, the Cost Recovery Settlement Agreement is subject to a 30-day public comment period, consistent with the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") Section 122, 42 U.S.C. Section 9622 and the South Carolina Hazardous Waste Management Act ("SCHWMA") S.C. Code Ann. Section 44-56-200 (2002).

The Cost Recovery Settlement Agreement relates to the alleged release, and threatened release, of hazardous substances, pollutants, or contaminants at the Blackberry Valley Landfill Site (the "Site"), located in Greenville County, South Carolina, on Groce Road, approximately 1.5 miles from the intersection of S-199 and S-132 and is approximately 4.5 miles northwest of the City of Greenville and approximately one mile east of Pickens County. The Cost Recovery Settlement Agreement provides for recovery of response costs from Michelin in the amount of \$16,502.69 for the Department's past response actions at the Site. In consideration of the foregoing, the Cost Recovery Settlement Agreement provides for a release of the Michelin from further liability related to the matters covered by the Cost Recovery Settlement Agreement and confers contribution protection upon the Michelin pursuant to CERCLA Section 113, 42 U.S.C. Section 9613.

Notice of the proposed Cost Recovery Settlement Agreement has been provided to all identified potentially responsible parties.

Copies of the Cost Recovery Settlement Agreement may be obtained by providing a written Freedom of Information request to the South Carolina Department of Health and Environmental Control at:

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

Any comments must be submitted in writing, postmarked no later than April 25, 2005, and addressed to:

Ms. Pat Vincent
Bureau of Land & Waste Management
South Carolina Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201

UPON FINAL EXECUTION OF THE COST RECOVERY SETTLEMENT AGREEMENT, ANY AND ALL CLAIMS BY ANY AND ALL PERSONS AGAINST MICHELIN SEEKING CONTRIBUTION FOR MATTERS ENCOMPASSED BY THE COST RECOVERY SETTLEMENT AGREEMENT SHALL BE FORECLOSED.

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DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Bureau of Land and Waste Management
Blackberry Valley Landfill Site, Greenville County

NOTICE OF SETTLEMENT

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control ("SCDHEC") intends to enter into a Cost Recovery Settlement Agreement with Para-Chem Southern Incorporated ("Para-Chem"). Prior to final execution by SCDHEC, the Cost Recovery Settlement Agreement is subject to a 30-day public comment period, consistent with the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") Section 122, 42 U.S.C. Section 9622 and the South Carolina Hazardous Waste Management Act ("SCHWMA") S.C. Code Ann. Section 44-56-200 (2002).

The Cost Recovery Settlement Agreement relates to the alleged release, and threatened release, of hazardous substances, pollutants, or contaminants at the Blackberry Valley Landfill Site (the "Site"), located in Greenville County, South Carolina, on Groce Road, approximately 1.5 miles from the intersection of S-199 and S-132 and is approximately 4.5 miles northwest of the City of Greenville and approximately one mile east of Pickens County. The Cost Recovery Settlement Agreement provides for recovery of response costs from Para-Chem in the amount of \$68,772.00 for the Department's past response actions at the Site. In consideration of the foregoing, the Cost Recovery Settlement Agreement provides for a release of the Para-Chem from further liability related to the matters covered by the Cost Recovery Settlement Agreement and confers contribution protection upon the Para-Chem pursuant to CERCLA Section 113, 42 U.S.C. Section 9613.

Notice of the proposed Cost Recovery Settlement Agreement has been provided to all identified potentially responsible parties.

Copies of the Cost Recovery Settlement Agreement may be obtained by providing a written Freedom of Information request to the South Carolina Department of Health and Environmental Control at:

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

Any comments must be submitted in writing, postmarked no later than April 25, 2005, and addressed to:

Ms. Pat Vincent
Bureau of Land & Waste Management
South Carolina Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201

UPON FINAL EXECUTION OF THE COST RECOVERY SETTLEMENT AGREEMENT, ANY AND ALL CLAIMS BY ANY AND ALL PERSONS AGAINST PARA-CHEM SEEKING CONTRIBUTION FOR MATTERS ENCOMPASSED BY THE COST RECOVERY SETTLEMENT AGREEMENT SHALL BE FORECLOSED.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Bureau of Land and Waste Management
Blackberry Valley Landfill Site, Greenville County

NOTICE OF SETTLEMENT

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control ("SCDHEC") intends to enter into a Cost Recovery Settlement Agreement with Western Carolina Regional Sewer Authority ("WCRSA"). Prior to final execution by SCDHEC, the Cost Recovery Settlement Agreement is subject to a 30-day public comment period, consistent with the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") Section 122, 42 U.S.C. Section 9622 and the South Carolina Hazardous Waste Management Act ("SCHWMA") S.C. Code Ann. Section 44-56-200 (2002).

The Cost Recovery Settlement Agreement relates to the alleged release, and threatened release, of hazardous substances, pollutants, or contaminants at the Blackberry Valley Landfill Site (the "Site"), located in Greenville County, South Carolina, on Groce Road, approximately 1.5 miles from the intersection of S-199 and S-132 and is approximately 4.5 miles northwest of the City of Greenville and approximately one mile east of Pickens County. The Cost Recovery Settlement Agreement provides for recovery of response costs from WCRSA in the amount of \$3,432.00 for the Department's past response actions at the Site. In consideration of the foregoing, the Cost Recovery Settlement Agreement provides for a release of the WCRSA from further liability related to the matters covered by the Cost Recovery Settlement Agreement and confers contribution protection upon the WCRSA in pursuant to CERCLA Section 113, 42 U.S.C. Section 9613.

Notice of the proposed Cost Recovery Settlement Agreement has been provided to all identified potentially responsible parties.

Copies of the Cost Recovery Settlement Agreement may be obtained by providing a written Freedom of Information request to the South Carolina Department of Health and Environmental Control at:

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

Any comments must be submitted in writing, postmarked no later than April 25, 2005, and addressed to:

Ms. Pat Vincent
Bureau of Land & Waste Management
South Carolina Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201

UPON FINAL EXECUTION OF THE COST RECOVERY SETTLEMENT AGREEMENT, ANY AND ALL CLAIMS BY ANY AND ALL PERSONS AGAINST WCRSA SEEKING CONTRIBUTION FOR MATTERS ENCOMPASSED BY THE COST RECOVERY SETTLEMENT AGREEMENT SHALL BE FORECLOSED.

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DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

PUBLIC NOTICE

Section IV of R.61-98, the State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation, requires that the Department of Health and Environmental Control evaluate and certify site rehabilitation contractors to perform site rehabilitation of releases from underground storage tanks under the State Underground Petroleum Environmental Response Bank (SUPERB) Act. Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and individuals listed below, please submit your comments in writing, no later than April 25, 2005 to:

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

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

Class I

Class II

Granite Environmental, Inc.

PLANNING EDUCATION ADVISORY COMMITTEE

Statutory Authority: Article 9 Section 6.20-1330(E)

The South Carolina Planning Education Advisory Committee has approved the Orientation Program developed by the South Carolina Association of Counties (SCAC). Please contact Kathy Williams at SCAS at 800-341-4700 for further information

STATE BOARD OF EDUCATION
CHAPTER 43
Statutory Authority S. C. Code Ann. § 59-5-60

Notice of Drafting:

The State Board of Education proposes to draft a new regulation that addresses the proper display of both the United States flag and the South Carolina flag. Interested persons may submit comments to Ms. Lucinda Saylor, Deputy Superintendent, Division of Curriculum Services and Assessment, State Department Education, 1429 Senate Street, Rutledge Building, Room 805, Columbia, South Carolina 29201. To be considered, comments must be received no later than 5:00 P.M., April 25, 2005, the close of the drafting period.

Synopsis:

The proposed regulation will address the display and treatment of the United States flag and adopt rules and regulations consistent with the National Flag Code.

Legislative review of this proposal will be required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: S.C. Code Section 48-1-10 et seq.

Notice of Drafting:

The South Carolina Department of Health and Environmental Control (Department) proposes to amend Regulation 61-62, *Air Pollution Control Regulations and Standards*, and the South Carolina State Implementation Plan (SIP). Interested persons may submit their views by writing to Anthony T. Lofton, 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 pm on April 26, 2005, the close of the drafting period.

Synopsis:

In accordance with the requirements of the Clean Air Act (CAA), owners or operators of new or modified major stationary sources located in areas that have been designated as nonattainment for any of the National Ambient Air Quality Standards (NAAQS) are required to obtain emission reductions or offsets for their new emissions. The CAA requires that offset emissions be obtained in a ratio that corresponds to the severity of the nonattainment area designation. These emission reductions must be in effect prior to the date the new or modified source commences operation.

In order to assist facilities that are looking for emission offsets, the Department is proposing to revise R.61-62, *Air Pollution Control Regulations and Standards*, and the SIP to allow for the development of an offset emission banking and trading program. The offset emission banking and trading program would enable facilities to bank and transfer credits created by their emission reductions and would allow new or modified sources the needed offsets for their emissions.

The proposed amendment will require legislative review.

18 DRAFTING

COMMISSION ON HIGHER EDUCATION

CHAPTER 62

Statutory Authority: 1976 Code Section 59-149-10, 59-150-370 and 59-104-20

Notice of Drafting:

The South Carolina Commission on Higher Education proposes to draft amended regulation that addresses the appeals process for the LIFE Scholarship, SC HOPE Scholarship and Palmetto Fellows Scholarship programs. Interested persons may submit comments to Dr. Karen Woodfaulk, Director of Student Services, Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC 29205. To be considered, comments must be received no later than 5:00 p.m. on March 31, 2005.

Synopsis:

We are amending the Appeals Regulations to include the SC HOPE Scholarship. On June 11, 2001, the SC HOPE Scholarship was signed into law under Act 356 of the South Carolina Education Lottery to cover the cost of attendance up to specified limits, to eligible resident students attending eligible public or independent four-year institutions of higher learning in the State of South Carolina.

All three Statutes require that the Commission on Higher Education promulgate regulations and have administrative responsibility over the LIFE, SC HOPE, and Palmetto Fellows Scholarship programs. The Commission on Higher Education promulgates regulations for the process in which a student who has been denied scholarship eligibility may file an appeal.

The Appeals Regulations define the process, criteria, and circumstances in which a student may file an appeal. The regulations provide students and administrators a timely, equitable, and consistent appeals process.

Document No. 2975
BUDGET AND CONTROL BOARD
 CHAPTER 19
 Statutory Authority: 1976 Code Section 1-11-770

19-210 et seq. South Carolina 211 Network Provider Certification Requirements

Preamble:

The Budget and Control Board, Division of the State Chief Information Officer, proposes to draft new regulations that address the certification of South Carolina 211 Network Providers. Pursuant to Section 1-11-770 of the South Carolina Code of Laws, the Board is authorized to plan, develop, and implement a statewide South Carolina 211 Network. Section 1-11-770(B) requires that a 211 provider must be certified by the Board in order to participate in the South Carolina 211 Network. This Section directs the Board to develop criteria for the certification of 211 providers and adopt the criteria as regulations.

The proposed regulations will establish criteria and procedures for the certification of 211 providers. Pursuant to the proposed regulations, a 211 candidate will be required to submit an application to the Division of the State CIO. The Division will review the application to determine whether the candidate meets the stated criteria. Candidates meeting the stated criteria will be certified by the Board. 211 providers will be required to submit an annual report to the Division describing the information and referral services provided and projected sources of funding. The proposed regulations also include a dispute resolution mechanism in which candidates and providers can challenge the denial and revocation of certification.

A Notice of Drafting was published in the State Register on January 28, 2005.

Section by Section Discussion

19-210- Purpose: This Section provides that the purpose of the proposed regulations is to establish criteria for the certification of South Carolina 211 Network providers.

19-211- Definitions: This Section defines terms specific to the proposed regulations.

19-212- Board Certification Process and Requirements: This Section sets forth the certification criteria for 211 providers. This Section also specifies that entities seeking to become 211 providers must submit an application to the Board which contains written documentation verifying that the entities meet the certification criteria specified in the proposed regulations. This Section addresses the application process, the time frames for which 211 providers may be certified, and the procedures to be followed if a 211 provider is not in compliance with the certification criteria.

19-213- Dispute Resolution: The Section describes the dispute resolution procedures for entities denied certification or whose certification has been revoked.

19-214- Revocation of 211 Number: This Section provides that the 211 dialing code shall only be used by entities certified by the Board and establishes the process to be followed if non-certified entities are using the 211 number.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit written comments on the proposed regulations by writing to Mr. John Zemp, South Carolina State Budget and Control Board, Division of the State Chief Information Officer, 4430 Broad River Road, Columbia, South Carolina, 29210. To be considered, comments must be received no later than 4:00 pm on April 25, 2005.

20 PROPOSED REGULATIONS

If requested by twenty-five or more persons, governmental subdivisions or agencies, or associations having not less than twenty-five members, a public hearing will be held on April 29, 2005 at 10:00 am in the offices of the Division of the State CIO, 4430 Broad River Road, Columbia, South Carolina, 29210, Conference Room 205. Persons desiring to make oral comments at the hearing are asked, as a courtesy and to facilitate use of their comments, to provide written copies of their presentation for the record.

Preliminary Fiscal Impact Statement:

The Division of the State CIO estimates that it will cost the Division approximately \$35,000 per year to administer its responsibilities under the proposed regulations. The Division anticipates no additional financial impacts on 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: 19-210 et seq., South Carolina 211 Network Provider Certification Regulations.

Purpose: The proposed regulations will establish criteria and procedures for the certification of South Carolina 211 Network providers. See Preamble and Section-by-Section discussion of proposed regulations.

Legal Authority: The legal authority for Regulation 19-210 et seq. is Section 1-11-770, S.C. Code of Laws.

Plan for Implementation: The proposed regulations will take effect upon approval of the General Assembly and publication in the State Register.

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

Section 1-11-770(B) of the Code of Laws directs the Board to develop criteria for the certification of South Carolina Network 211 providers and adopt the criteria as regulations. The proposed regulations establish criteria and procedures for the certification of 211 providers. 211 providers certified by the Board may participate in the 211 Network. A candidate for certification is required to submit a written application to the Division of the State CIO for review to determine whether the candidate meets the certification criteria. Candidates meeting the criteria will be certified to provide 211 services to the community. 211 providers will be in a position to provide the citizens with an efficient and direct method to access needed health and human services information and resources.

DETERMINATION OF COSTS AND BENEFITS:

It is anticipated that citizens will benefit from the ability to dial a single number, 211, to obtain information concerning health and human services information and resources available in the community. The 211 dialing code provides citizens with a simple and direct method to access needed information and referral services. In times of crisis, or otherwise, a single dialing code is an efficient way to provide citizens with access to needed information. The Division of the State CIO will incur costs relating to its responsibilities under the proposed regulations to determine whether 211 providers meet the certification criteria, including the resolution of disputes involving certification determinations.

UNCERTAINTY OF ESTIMATES:

None. However, the number of 211 providers that may submit certification applications is not known.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The proposed regulations will provide criteria for the certification of South Carolina 211 Network providers. 211 Network providers will enable citizens to access health and human services information and resources through the use of the 211 dialing code.

DETRIMENTAL EFFECTS ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:

There will be no significant detrimental effects on the environment and public health if the proposed regulations are not implemented as health and human services information is currently available to citizens in a variety of ways. The 211 dialing code would provide citizens with a simple and direct method to obtain this information.

Text:

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

Document No. 2974

WORKERS' COMPENSATION COMMISSION

CHAPTER 67

Statutory Authority: 1976 Code Section 42-3-30

- 67-803. Settlement by Agreement and Final Release.
- 67-1503. Proof of Compliance, Excess Insurance.
- 67-1505. Proof of Compliance, Surety Bond.
- 67-1506. Proof of Compliance, Securities Pledge.
- 67-1507. Proof of Compliance, Irrevocable Letter of Credit.
- 67-1509. The Self-Insurance Program, Amendments to and Renewal of.
- 67-1510. Financial Analysis and Reports.
- 67-1511. Audits.

Preamble:

The Commission proposes to amend these regulations in order to update, improve current practice, and further streamline operations. The amendments will reflect changes in settlements by Agreement and Final Release and self-insured filing deadlines for annual audited financial statements and other self-insured regulations. The Notice of Drafting for these proposed amendments was published on January 28, 2005.

Section-by-Section Discussion:

- R.67-803 will be amended to make grammatical and procedural changes.
- R.67-1503A and R.67-1503B(1) will be amended to provide grammatical and cosmetic changes to reflect changes in workplace procedures regarding self-insurance.
- R.67-1505C(3) will be amended to provide grammatical and cosmetic changes to reflect changes in workplace procedures regarding self-insurance.

22 PROPOSED REGULATIONS

R.67-1506A, R.67-1506B, R.67-1506D, 67-1506D(1), and R.67-1506D(2) will be amended to provide grammatical and cosmetic changes to reflect changes in workplace procedures regarding self-insurance.

R.67-1507A will be amended to provide grammatical and cosmetic changes to reflect changes in workplace procedures regarding self-insurance.

R.67-1509A(2), R.67-1509B(1), and R.67-1509B(4) will be amended to provide grammatical and cosmetic changes to reflect changes in workplace procedures regarding self-insurance.

R.67-1509C will be amended to provide grammatical and cosmetic changes to reflect changes in workplace procedures regarding self-insurance.

R.67-1510A, R.67-10B, and R.67-1510C will be amended to provide grammatical and cosmetic changes and to change self-insured filing deadlines.

R.67-1511A and 1511B will be amended to provide grammatical and cosmetic changes to reflect changes in workplace procedures regarding self-insurance.

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

Should a public hearing be requested, such a hearing will be conducted at the South Carolina Workers' Compensation Commission, 1612 Marion Street, Hearing Room, First Floor, Columbia, South Carolina, on April 25, 2005 at 4 p.m. Written comments may be directed to Janet Godfrey Griggs, Esquire, General Counsel, Post Office Box 1715, Columbia, South Carolina 29202-1715. Requests for a hearing should be made in writing and received by the Commission no later than April 20, 2005. Comments should be received no later than 5:00 p.m. on April 22, 2005.

Preliminary Fiscal Impact Statement:

The South Carolina Workers' Compensation estimates there will be no additional costs incurred by the State and its political subdivisions to comply with these proposed regulations.

Statement of Need and Reasonableness:

1. DESCRIPTION OF REGULATIONS: R.67-803, R.67-1503, R.67-1505, R.67-1506, R.67-15-1507, R.67-1509, R.67-1510, and R.67-1511.

Purpose: To reflect changes in settlements by Agreement and Final Release and self-insured filing deadlines for annual audited financial statements and other self-insured regulations.

Legal Authority: South Carolina Code Section 4203030 (1980 Act No.481) requires the Commission to promulgate all regulations necessary to implement the provisions of this title and consistent therewith.

2. DETERMINATION OF NEED AND REASONABLENESS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed amendments will improve efficiency, modernize, and clarify agency procedure.

3. DETERMINATION OF COSTS AND BENEFITS:

No additional costs will be incurred.

9. UNCERTAINTIES OF ESTIMATES: None.

11. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED: None.

Text :

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

24 FINAL REGULATIONS

Document No. 2800
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Chapter 61
Statutory Authority: S.C. Code Section 48-2-50

R.61-30. *Environmental Protection Fees*

Synopsis:

This amendment will add two new sections to allow for the collection of fees for drinking water construction permitting. Currently, no fees are charged for this permitting activity, while fees are charged for permit applications for wastewater construction permitting. This regulation already addresses the time frame for issuance of a drinking water construction permit but does not currently address a fee associated with these activities. See Discussion of Revisions below and Statement of Need and Reasonableness herein.

Discussion of Revisions:

<u>SECTION CITATION:</u>	<u>EXPLANATION OF CHANGE:</u>
61-30.G(2)(b)	Add new section to address fee for general permits.
61-30.G(2)(c)	Add new section to address fee for individual permits.

Instructions: Amend R.61-30 pursuant to each individual instruction below:

Text:

Add R.61-30.G(2)(b) as follows:

(b) Construction General Permit (for Distribution Systems) Annual Fee. The annual fee is \$1,000.

Add R.61-30.G(2)(c) as follows:

(c) Construction Permit Application Fees

(i) Distribution systems and related components	
1. 1,000 feet or less of line	\$150
2. 1,001 feet to 9,999 feet	\$400
3. 10,000 feet or greater	\$600
4. Distribution storage/pump stations	\$600
(ii) Supply/Treatment from Groundwater Sources	
1. Well systems (test well)	\$500
2. Well systems, (follow-up, including well head piping, storage	\$500
3. Well systems (one step)	\$1,000
4. Treatment systems (except for chemical feed systems)	\$500
5. Chemical feed systems	\$250
6. Small water system permits	\$250
(iii) Supply/Treatment from Surface Water Sources	
1. New treatment plants	\$2,000
2. Expansions of existing facilities	\$1,500
3. Modifications or addition of components	\$1,000

4. Plant storage, pumping and piping facilities	\$500
5. Chemical feed systems	\$250
(iv) Drinking Water Dispensing Stations/Bottled Water Plants (using distribution water)	\$500
(v) General Permit (which may include Delegated Review Program Approval)	
1. Application for permit (not a renewal)	\$1,000
2. Delegated review permit	\$75
(vi) Permit extensions	\$50

Fiscal Impact Statement:

It is anticipated that these amendments will not create any additional cost to the State. See Statement of Need and Reasonableness below:

Statement of Need and Reasonableness:

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

DESCRIPTION OF REGULATION: R.61-30, *Environmental Protection Fees*

Purpose: The Department is proposing to amend R.61-30, as follows: Charge a nominal fee for drinking water permit applications based on the size and complexity of the construction.

Legal Authority: S.C. Code Section 48-2-10 *et seq.*

Plan for Implementation: Department staff will revise its permit application to reflect this fee for drinking water construction permits. As well, the Department will announce this new fee on the DHEC Web site and in appropriate newsletters. Department staff already collect application fees for the wastewater construction program and will use the same system for managing checks received for these permit applications. Permittees having general permits for water system construction will be billed in accordance with other similar programs.

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

New: 61-30.G(2)(b) - These fees would be designed to cover a portion of the costs to manage the general permit program under which public water systems construct distribution systems without individual permits from the Department under certain conditions.

New: 61-30.G(2)(c) - 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 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 levels and present turnaround times for issuing permits and operating approvals for projects. No additional staff will be hired as a result of this new fee.

DETERMINATION OF COSTS AND BENEFITS:

Processing applications for permits to construct or modify Public Drinking Water facilities in South Carolina requires considerable commitment of the Department’s fiscal resources. The size and scope of applications, which can take considerable staff time to review, and a lack of state appropriations compounded by budget cuts

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and reductions in federal funding necessitate the implementation of this fee amendment. There are numerous affected entities in South Carolina. An efficient and timely turnaround on these projects can foster a positive economic impact.

UNCERTAINTIES OF ESTIMATES:

The Department can be reasonably accurate on the costs associated with time and effort to review environmental permits. Unknowns, such as withdrawal or resubmittal scenarios, have an impact on individual activities.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Substantive review of projects which could have a negative impact on the environment or public health is necessary to protect both the natural resources of South Carolina and the health of its citizens. Experience has shown that proper funding of permitting programs, coupled with an organizational philosophy to streamline the process, works best to both protect the environment and provide an economic boost to applicants by assuring them a timely response from the state for applicable time frames.

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

A lack of appropriate resources slows the permitting process. Insufficient funding creates backlogs of permits awaiting review. This in turn negatively affects the timely turnaround of projects which may be correcting a serious contamination problem. It hinders the issuance of permits intended to protect the public health and environment. As well, new federal rules will make such reviews more complex and take more time in the future (i.e., surface water treatment plant permit applications).

Statement of Rationale Pursuant to S.C. Code Section 1-23-120:

The Department has administrative need to collect fees to administer the drinking water construction permitting program. This need is based on an assessment of the Department's financial resources and expenses to administer this program. This fee structure will parallel the structure for the Water Pollution Control construction permit fee system existing in R.61-30. With the forthcoming state budget cuts this fiscal year, two or more permit engineers and several field staff who issue final approvals will have to be eliminated if these funds are not available.