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# SOUTH CAROLINA STATE REGISTER

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of the  
GENERAL ASSEMBLY

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

# ***SOUTH CAROLINA STATE REGISTER***

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

## **STYLE AND FORMAT**

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

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

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

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

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

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

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

**Executive Orders** are actions issued and taken by the Governor.

## **2008 PUBLICATION SCHEDULE**

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

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

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

## **REPRODUCING OFFICIAL DOCUMENTS**

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**

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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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DOC NO.	RAT FINAL NO. ISSUE	SUBJECT	EXP. DATE	AGENCY
3119		Educational Requirements	1/13/08	LLR: Real Estate Appraisers Board
3116		Malpractice Insurance Claims	1/20/08	Department of Insurance
3117		Workers' Compensation Assigned Risk Rates	1/20/08	Department of Insurance
3109		Property Tax	1/29/08	Department of Revenue
3110		Restocking Fees	1/29/08	Department of Revenue
3122		Wildlife Management Area Regulations	4/13/08	Department of Natural Resources
3127		Chapter Revision	4/15/08	LLR: Veterinary Examiners
3125		Driver Schools and Truck Driver Training Schools	5/07/08	Department of Public Safety
3112		Environmental Protection Fees	5/07/08	Department of Health and Envir Control
3114		Tanning Facilities	5/07/08	Department of Health and Envir Control
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3126		Motor Carrier Regulations	5/07/08	Public Service Commission
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3134		Standards for Licensing Nursing Homes	5/07/08	Department of Health and Envir Control
3128		Electric Systems and Gas Systems	5/07/08	Public Service Commission
3141		Wildlife Management Area Regulations	5/07/08	Department of Natural Resources
3143		Free Tuition for Residents Sixty Years of Age	5/07/08	Commission on Higher Education
3135		Chapter Revision (136-001 through 136-799)	5/07/08	LLR - Commissioners of Pilotage
<b>Committee Requested Withdrawal:</b>				
3113		Solid Waste Management		Department of Health and Envir Control
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3118		Mobile Dental Facilities and Portable Dental Operations		LLR: Board of Dentistry

## **2 EXECUTIVE ORDERS**

### **Executive Order No. 2007-19**

**WHEREAS**, Executive Order 2007-16 was issued on September 20, 2007, directing “the Commission and each of its individual commissioners in all contested cases to strictly apply either AMA Guides or any other accepted medical treatise or authority in making their injury compensation determinations” and to provide quarterly confirmation of their compliance with this directive; and

**WHEREAS**, on September 24, 2007, the Workers’ Compensation Commission asked for clarification as to whether Executive Order 2007-16 requires “commissioners [to] limit permanency awards to the impairment ratings shown in the AMA Guidelines” and stated that such interpretation would be contrary to the Workers’ Compensation Act and the case law which flows from it; and

**WHEREAS**, I replied to the Commission’s request for clarification by letter dated September 27, 2007, and confirmed that Executive Order 2007-16 did not direct the commissioners to act contrary to any constitutional or statutory laws or the case law which flows from them, but was intended to direct better adherence to and proper application of the laws of this State as enacted by the General Assembly and interpreted and applied by our courts.

**NOW THEREFORE**, in further response to the Workers’ Compensation Commission’s request for clarification, I hereby direct the Workers’ Compensation Commission, as provided in South Carolina case law, to make awards under Section 42-9-30 of the South Carolina Code of Laws (as amended by Act No. 111 of 2007) according to the medical model of workers’ compensation and on the basis of the degree of physical impairment as determined by medical experts in strict accordance with the AMA Guides or any other accepted medical treatise. The economic model of workers’ compensation shall be applicable only to awards made pursuant to Sections 42-9-10 and 42-9-20 of the South Carolina Code of Laws (as amended by Act No. 111 of 2007).

This Order is a supplement to Executive Order 2007-16 which remains in effect.

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 24<sup>th</sup> DAY OF OCTOBER, 2007.**

**MARK SANFORD  
Governor**

### **Executive Order No. 2007-20**

**WHEREAS**, it is the policy of the Governor and of this State that injured workers receive the largest portion of workers’ compensation awards to which they are entitled; and

**WHEREAS**, Section 42-15-90 of the South Carolina Code of Laws provides that “fees for attorneys . . . shall be subject to the approval of the [Workers’ Compensation] Commission” and S.C. Code Ann. Reg. 67-1205 requires that all attorneys’ fees approved by the Commission comply with Rule 1.5 of the South Carolina Rules of Professional Conduct; and

**WHEREAS**, Rule 1.5 of the South Carolina Rules of Professional Conduct governs attorneys’ fees and provides that “[a] lawyer shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses” and Comment Number 3 to Rule 1.5 provides that “contingent fees, like any other fees, are subject to the reasonableness standard of paragraph (a) of this Rule”; and

**WHEREAS**, the practices of the South Carolina Workers' Compensation Commission, the entity charged with ensuring that the public is protected from unnecessary and excessive legal fees, and the current Form 61, the form used by the Commission to approve attorneys' fees, provide inadequate protection to claimants from excessive attorneys' fees; and

**WHEREAS**, Form 61 does not provide the Workers' Compensation Commission with sufficient information to ensure that requested attorneys' fees comply with S.C. Code Ann. Reg. 67-1205 and Rule 1.5 of the South Carolina Rules of Professional Conduct, as required by S.C. Code Ann. Reg. 67-1204(D).

**NOW THEREFORE**, in accordance with the statutes, regulations, and rules of this State, I hereby direct the South Carolina Workers' Compensation Commission and each of its members to:

- (1) confirm that all attorneys' fees approved pursuant to S.C. Code Ann. § 42-15-90 and S.C. Code Ann. Reg. 67-1204 and 67-1205 are reasonable under the factors enumerated in Rule 1.5(a) of the Rules of Professional Conduct, which are as follows:
  - (a) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;
  - (b) the likelihood that the acceptance of the particular employment will preclude other employment by the lawyer;
  - (c) the fee customarily charged in the locality for similar legal services;
  - (d) the amount involved and the results obtained;
  - (e) the time limitations imposed by the client or by the circumstances;
  - (f) the nature and length of the professional relationship with the client;
  - (g) the experience, reputation, and ability of the lawyer or lawyers performing the services; and
  - (h) whether the fee is fixed or contingent.
- (2) in cases in which the attorneys' fee is approved, issue a written order approving the attorneys' fee portion of the workers' compensation award that satisfies the ethical and reasonableness requirements of Rule 1.5(a) of the Rules of Professional Conduct.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 24<sup>th</sup> DAY OF OCTOBER, 2007.**

**MARK SANFORD**  
**Governor**

**Executive Order No. 2007-21**

**WHEREAS**, a vacancy exists in the office of Dorchester County Auditor as a result of the resignation of Johnette Connelley, which became effective October 5, 2007; and

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

**WHEREAS**, Brenda Nix, residing at 1435 Carter Road, Ridgeville, South Carolina 29472, is a fit and proper person to serve as Dorchester County Auditor.

#### **4 EXECUTIVE ORDERS**

NOW, THEREFORE, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby appoint Brenda Nix as Auditor of Dorchester County until the next general election and her successor shall qualify.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 24<sup>th</sup> DAY OF OCTOBER, 2007.**

**MARK SANFORD**  
**Governor**

#### **Executive Order No. 2007-22**

WHEREAS, Section 53-5-20 of the South Carolina Code of Laws allows the Governor to declare Christmas Eve of each year a holiday for state government employees; and

WHEREAS, I encourage all state government employees to celebrate the holiday season by spending time with family members and loved ones and to reflect on the blessings of the past year and look forward to the advent of the New Year.

NOW, THEREFORE, pursuant to Section 53-5-20 of the South Carolina Code of Laws, I hereby declare Monday, December 24, 2007, as the Christmas Eve holiday for state government employees.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 16<sup>th</sup> DAY OF NOVEMBER, 2007.**

**MARK SANFORD**  
**Governor**

#### **Executive Order No. 2007-23**

WHEREAS, the State of South Carolina expects an unusually large number of citizens to attend events in honor of the late former Governor Robert Evander McNair; and

WHEREAS, the support of the South Carolina National Guard has been requested to support these events during the period of November 19 through November 20, 2007;

NOW THEREFORE, pursuant to the powers conferred upon me by the Constitution and Laws of the State of South Carolina, I hereby direct the Adjutant General to place on state duty South Carolina National Guard personnel and equipment, as deemed necessary, to support these events. National Guard personnel and equipment deployment should be coordinated through the Emergency Management Division.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 19<sup>th</sup> DAY OF NOVEMBER, 2007.**

**MARK SANFORD**  
**Governor**

## DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

## NOTICE

**Notice of General Public Interest  
Public Notice #07-533-GP-N**

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 September 1, 2006, with final issuance on February 1, 2007. Pursuant to South Carolina Regulation 61-62.1, Section II G(7)(a)&(b), DHEC may now grant coverage to any qualified source 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. Any facility operating under this permit seeks to limit its potential to emit to below the thresholds which define a major source by complying with the federally enforceable conditions contained in the 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: Ms. Rhonda B. Thompson, P.E., Assistant Bureau Chief, Bureau of Air Quality, SC DHEC, 2600 Bull Street, Columbia, South Carolina, 29201 at (803) 898-4123.

**Jasper County**

APAC Southeast, Inc. f/k/a Southeastern Asphalt, LLC  
176 Carolina Park Drive  
Ridgeland, South Carolina  
(Permit No. GCM03-9900-0357)

**Lee County**

Palmetto Paving, Inc. (Bishopville Plant)  
1430 Sumter Highway  
Bishopville, South Carolina  
(Permit No. GCM03-9900-0478)

6 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

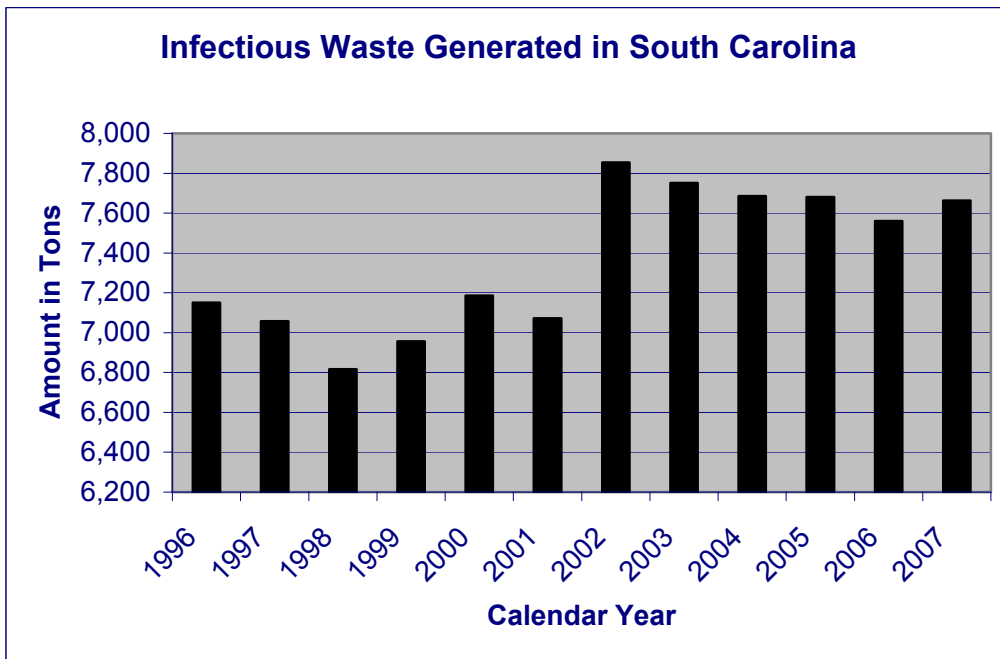
NOTICE

Section 44-93-210, Act Number 134 of 1989, as amended, the Infectious Waste Management Act, requires that beginning November 1, 1990, and annually thereafter, the Department

"shall estimate and publish the amount of infectious waste it expects to be generated within this State during the succeeding calendar year."

In accordance with this provision, the Department hereby estimates that the amount of infectious waste it expects to be generated within this State during Calendar Year 2008 is 7,663.20 tons or 638.60 tons per month. Please note this estimate is based upon the information available to the Department as of October 1, 2007. A description of how the estimate was derived is available from the Bureau of Land and Waste Management. For further information, please contact Mrs. Susan Jenkins, Bureau of Land and Waste Management, 2600 Bull Street, Columbia, South Carolina, 29201, at (803) 896-4271.

The Table below illustrates past generation rates.



**Infectious Waste Generated in South Carolina by Category as of October 1, 2007**

Category	Pounds Per Month*
<b>SHARPS:</b> Needles, syringes, lancets and scalpel blades.	259,338.30
<b>MICROBIOLOGICALS:</b> Specimens, cultures and stocks of human pathogenic agents.	152,816.41
<b>BLOOD AND BLOOD PRODUCTS:</b> Unabsorbed human blood, or blood products, or absorbed blood and bloody body fluids.	512,236.91
<b>PATHOLOGICAL:</b> Tissues, organs, limbs, products of conception and other body parts removed from the whole body.	113,029.49
<b>ANIMAL:</b> Animal carcasses, body parts and bedding of animals intentionally exposed to human pathogens during research.	24,837.00
<b>ISOLATION:</b> Biosafety Level Four, highly communicable diseases classified by the Centers for Disease Control and Prevention.	125,294.55
<b>OTHER:</b> Other waste material designated by the generator as infectious waste.	89,652.61
<b>TOTALS OF ALL WASTE STREAMS</b>	<b>1,277,205.27 (638.60 tons)</b>
TOTAL NUMBER OF GENERATORS REGISTERED	4,839

**\*This amount is the sum of monthly generation estimates reported by SC generators who registered with the Department for the period of October 1, 2006 to October 1, 2007**

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

**NOTICE**

In accordance with Section 44-7-200(C), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication December 28, 2007, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Mrs. Sarah "Sallie" C. Harrell, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Greenwood County

Purchase and installation of a fixed 1.5T Magnetic Resonance Imaging (MRI) unit to be located at Tower Point Medical Center; upon installation, the 1.0T mobile MRI services provided under NA-06-23 for full-time use at 103 Little Mountain Road in Ninety-Six, South Carolina will be discontinued

Piedmont Health Group, LLC

Greenwood, South Carolina

Project Cost: \$2,038,178

## 8 NOTICES

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 December 28, 2007. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Les W. Shelton, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. For further information call (803) 545-4200.

### Affecting Dorchester County

Change of licensure of the existing eighty-seven (87) licensed institutional nursing home beds which do not provide a community service to eighty-seven (87) nursing home beds which will not participate in the Medicaid (Title XIX) Program

Presbyterian Home of South Carolina – Summerville

Summerville, South Carolina

Project Cost: \$0

### Affecting Greenville County

Purchase of a 1.0T Extremity magnetic Resonance Imaging (MRI) system by Greenville Hospital System to be installed in the Greer MOB office to be located on the Greer Medical Campus

Stedman Hawkins Clinic of the Carolinas, LLC

Greenville, South Carolina

Project Cost: \$735,478

### Affecting Lexington County

Change of licensure of the existing forty-four (44) licensed institutional nursing home beds which do not provide a community service to forty-four (44) nursing home beds which will not participate in the Medicaid (Title XIX) Program

Presbyterian Home of South Carolina – Columbia

Lexington, South Carolina

Project Cost: \$0

## DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

### PUBLIC NOTICE

#### Notice of Final Amendment To Air Quality State Implementation Plan

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

The Department has amended the State Implementation Plan (SIP) to meet obligations of the United States Environmental Protection Agency (EPA) under Section 169A of the Clean Air Act (CAA). This section requires states to amend their SIP to provide for the prevention and remediation of manmade air pollution, which contribute to the visibility impairment of Class I Federal areas throughout the country.

In 1980, the EPA promulgated regulations to address visibility impairment that is "reasonably attributable" to one or a small group of sources located across a broad geographic area (referred to as regional haze). However, the EPA deferred action on regional haze regulations until monitoring, modeling, and scientific knowledge about the relationship between pollutants and visibility effects improved. In 1993, at the recommendation of a National Academy of Science (NAS) report, the EPA began conducting research into control technologies available for taking regulatory action to improve and protect visibility in Class I areas.



On July 31, 1997, the EPA published proposed amendments to the 1980 regulations to set forth a program to address regional haze [62 FR 41138]. On July 1, 1999, and July 6, 2005, the EPA promulgated two rules known as the "Regional Haze Regulation (Regional Haze Rule)" and the "Regional Haze Regulations and Guidelines for Best Available Retrofit Technology (BART) Determinations" (also referred to as the BART Rule), respectively. SIPs addressing Regional Haze and BART requirements were due to the EPA no later than December 17, 2007.

The Regional Haze Rule calls for States to establish goals and strategies for improving visibility in all of the country's 156 Class I national parks and wilderness areas. Cape Romain, South Carolina is one such Class I area. The EPA is requiring all states areas to revise their State Implementation Plans (SIPs) to reduce emissions of sulfur dioxide (SO<sub>2</sub>), oxides of nitrogen (NO<sub>x</sub>), and particulate matter--especially fine particulate matter (PM<sub>2.5</sub>)--all of which contribute to regional haze and affect Class I areas. States must also address BART in their regional haze SIPs.

The Department published a notice of intent to amend the SIP and an announcement of a 30-day comment period and public hearing in the *State Register* on October 26, 2007. A prehearing package was submitted to the EPA on November 9, 2007, and a public hearing was held on November 26, 2007. The public comment period closed on December 12, 2007. Written comments were received, and those deemed significant by the Department were used to modify the SIP. The Department will submit a Notice of Final SIP Amendment to the EPA.

## DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

### NOTICE

**Bureau of Land and Waste Management  
Stoller Site, Charleston County  
South Carolina Department of Health & Environmental Control vs.  
Atlantic Steel Industries, Inc., et al.  
US District Court Civil Action No.: 2:97-726-12**

#### **Notice of Settlement Agreement Opportunity For Public Comment**

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control ("SCDHEC") has entered a Settlement Agreement ("Agreement") with Tronox LLC, f/k/a Kerr-McGee Chemical Corporation; Lucent Technologies, Inc.; AT&T Nassau Metals Corp.; Nassau Recycling Corp. and CP Chemicals, Inc. (referred to collectively as "RSG") pursuant to 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. Notice is hereby given of a 30-day public comment period.

The Agreement relates to the release, and threatened release, of hazardous substances, pollutants, or contaminants from a fertilizer and micronutrient manufacturing facility located near the community of Ravenel, SC, at 7747 Highway 14 South, Jericho, SC, and surrounding areas impacted by migration of hazardous substances from the fertilizer and micronutrient manufacturing facility, including three disposal areas located nearby along TNT Road ("Satellite Areas"); the transportation corridor between the property located at 7747 Highway 17 South and the Satellite Areas; and the Caw Caw Swamp. ("Stoller Site").

## 10 NOTICES

The Agreement provides for recovery of response costs from RSG in the amount of \$5.4 million, releases RSG from further liability for response costs, and all obligations of RSG to provide financial assurance or to fund past or future response actions at the Stoller Site under the 2002 Settlement Agreement, are satisfied, discharged and terminated. The Agreement is intended to benefit non-signatory RSG members and confirms prior Settlement Agreements providing discharge of liability and covenants not to sue to Beta Control Systems, Inc., W.J. Bullock, Inc., Cerro Metal Products Company, E & H Recycling Company, Gulf Reduction Corporation, Kearney Smelting and Refining Company, Michigan Standard Alloys, Plant Roberts Chemicals, Parkans International, Roessing Bronze and St. Mary's Carbon Company, Inc.

A copy of the Agreement may be viewed electronically on SC DHEC's website at <http://www.scdhec.gov/eqc/lwm/html/public.asp> or 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 January 31, 2008, and addressed to:

Ms Linda Chandler  
Office of General Counsel  
South Carolina Department of Health and Environmental Control  
2600 Bull Street  
Columbia, SC 29201

### **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.

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

Pursuant to Section IV.B.1. the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and/or individuals listed below, please submit your comments in writing, no later than January 28, 2008 to:

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

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

Class I

Concurrent Technologies Corporation

Attn: Joseph Morici  
 1233 Washington Street, Ste 1000  
 Columbia, SC 29201

Class II.

Environmental International Corporation

Attn: Raj Mahadevaiah  
 11690 Teasley Place, Ste 100  
 Alpharetta, GA 30004

**DEPARTMENT OF NATURAL RESOURCES**

**NOTICE**

Proposed State Scenic River Designation.

A 30-mile segment of the Catawba River in Chester, Lancaster, and York Counties is being considered for designation as a State Scenic River under the South Carolina Scenic Rivers Act (1989). The proposed State Scenic River starts below the Lake Wylie dam and extends downstream to the SC Highway #9 Bridge.

We are also considering a 54-mile segment of the lower Lynches River from the downstream end of Lynches River County Park to the confluence with the Great Pee Dee River in Florence County, South Carolina.

Three public meetings for the Catawba River are scheduled to inform the public and address questions and concerns regarding the proposed scenic river. All interested citizens are encouraged to attend. All Catawba River meetings will begin at 7:00 PM and end around 9:00 PM. The first public meeting is scheduled for Monday, January 28, 2008 in the Stevens Auditorium on the campus of USC-L in Lancaster, South Carolina; the second public meeting for the Catawba River will be on Tuesday, January 29, 2008 at the Town Hall Community Center behind the police office on Highway #9 in Fort Lawn, South Carolina; and the third meeting will be Wednesday, January 30, 2008 at the Rock Hill Town Hall Council Chambers at 155 Johnston Street, parking is available on Johnston Street. Please use the Hampton Street entrance for this meeting.

The public meeting for Lynches River in Florence County, which will inform the public and address questions and concerns regarding the proposed scenic river, is scheduled for 7:00 PM on Monday January 28, 2008 at the Johnsonville City Hall, 111 West Broadway Street in Johnsonville, South Carolina. All interested citizens are encouraged to attend.

The purpose of the State Scenic Rivers Program is to conserve and protect unique and outstanding river resources throughout South Carolina. To accomplish this purpose, a volunteer, cooperative, and non regulatory management program has been created which involves landowners, community interests, and the Department of Natural Resources working together to conserve and protect designated scenic river corridors.

## 12 NOTICES

Designating a State Scenic River requires legislative action by the South Carolina General Assembly; however, the designation process begins at the local level and the DNR seeks the support of the local citizens, landowners, and the municipal and county governments of the affected counties during the eligibility process.

For more information contact: South Carolina Department of Natural Resources, Land, Water, and Conservation Division, P.O. Box 167, Suite 360, Columbia SC 29202; Telephone # 734-9111;

Project Manager for the Catawba River is Mary Crockett, e-mail [CrockettM@dnr.sc.gov](mailto:CrockettM@dnr.sc.gov) . Project Manager for the Lynches River is Stuart Greeter, e-mail [GreeterS@dnr.sc.gov](mailto:GreeterS@dnr.sc.gov)

**DEPARTMENT OF AGRICULTURE****CHAPTER 5**

Statutory Authority: 1976 Code Section 46-19-220

**Notice of Drafting:**

The South Carolina Department of Agriculture is considering the amendment of regulations which govern, to the extent authorized by the S.C. Code, Title 46, Chapter 19, related to the standards and procedures for participation in the Certified Roadside Market Program. These standards include the quality of produce that must be made available to consumers while participating in this program, as well as compliance with inspections and signage display.

Interested parties should submit written comments to Anne E. Crocker, South Carolina Department of Agriculture, P.O. Box 11280, Columbia, SC 29211-1280. To be considered, comments should be received no later than January 31, 2008, the close of the drafting comment period.

**Synopsis:**

The proposed regulations will be amended to properly reflect the listing and tolerance of noxious weeds, as well as other seed standards used by the Department related to the uniform quality of seed products sold in South Carolina and purchased by South Carolina consumers.

These proposed regulations will require legislative action.

**DEPARTMENT OF CONSUMER AFFAIRS****CHAPTER 28**Statutory Authority: 1976 Code Sections 37-11-10 *et seq.***Notice of Drafting:**

The South Carolina Department of Consumer Affairs proposes to revise its Regulation No. 28-600 that addresses the Licensing Standards for Continuing Care Retirement Communities. Interested persons should submit their views in writing to Elliott F. Elam, Jr., South Carolina Department of Consumer Affairs, P.O. Box 5757, Columbia, South Carolina 29250-5757 by January 28, 2008.

**Synopsis:**

The General Assembly passed legislation in 1991 requiring the licensing and regulation of continuing care retirement communities. The proposed revisions to the existing regulations will provide greater detail of existing procedures, delete obsolete provisions, and otherwise harmonize the Regulation with Title 37 Chapter 11 of the Code.

Legislative review of this proposal will be required.

## 14 DRAFTING

### DEPARTMENT OF LABOR, LICENSING AND REGULATION BOARD OF COSMETOLOGY

#### CHAPTER 35

Statutory Authority: 1976 Code Sections 40-13-60 and 40-1-70

#### **Notice of Drafting:**

The Department of Labor, Licensing, and Regulation, South Carolina Board of Cosmetology proposes to amend Regulations 35-1 through 35-5, Regulations 35-8 through 35-10, Regulations 35-13 through 35-20, and Regulations 35-23 through 35-26 by updating in conformance with the current Cosmetology Practice Act and current training in schools of cosmetology. Interested persons may submit comments to Eddie L. Jones, Administrator, South Carolina Department of Labor, Licensing and Regulation, Office of Business and Related Services, South Carolina Board of Cosmetology, 110 Centerview Drive, Columbia, South Carolina 29210. The Board of Cosmetology specifically requests comments concerning appropriate regulation of cosmetology schools and of continuing education for licensees.

#### **Synopsis:**

The South Carolina Board of Cosmetology proposes to update and clarify existing regulations and to make the current regulations agree with current statutory language.

### PUBLIC SERVICE COMMISSION

#### CHAPTER 103

Statutory Authority: 1976 Code Section 58-3-140

#### **Notice of Drafting:**

The Public Service Commission of South Carolina proposes to adopt regulations instituting a maximum rate tariff system for the household goods industry. Interested persons may submit comments to the Public Service Commission, Docketing Department, 101 Executive Center Drive, Columbia, South Carolina 29210. Please reference Docket Number 2007-421-T. To be considered, comments must be received no later than 4:45 p.m. on January 31, 2008.

#### **Synopsis:**

26 S.C. Code Ann. Regs. 103-190 *et seq.* requires a motor carrier who operates under a Certificate of Public Convenience and Necessity to receive Commission approval of all rates, fares, charges, classifications and rules for services to be performed. Hence, each time a motor carrier seeks to establish or change its rates, it must seek Commission approval. The Commission is interested in investigating the adoption of regulations instituting a maximum rate tariff system for the household goods moving industry.

Legislative review of this proposal will be required.

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

**Notice of Drafting:**

The Public Service Commission of South Carolina proposes to amend its regulations regarding representation of persons, interruption of service for water and wastewater utilities, and certain transportation regulations, including drug testing for passenger drivers. Interested persons may submit comments to the Public Service Commission, Docketing Department, 101 Executive Center Drive, Columbia, South Carolina 29210. Please reference Docket Number 2007-445-A. To be considered, comments must be received no later than 4:45 p.m. on January 31, 2008.

**Synopsis:**

The Commission intends to review certain regulations to determine if they should be amended to update them to conform to current law and current practices. The Commission is considering the addition of or amendment to the following regulations and topics:

1. Article 8 – Regulation Governing Legal Representation of Pro se Litigants and Other Litigants Who Request Not to Be Represented by Counsel.
2. Regulations 103-514 and 103-714 – Interruption of Service/Violation of Rules Amended to Incorporate Reference to Department of Health and Environmental Control’s Orders.
3. Regulation 103-133 – Drug Testing for Passenger Carrier Drivers.
4. Article 2 - Adoption of Regulations Governing Transportation of Household Goods by Storage Container.
5. Article 2, Subarticle 11 – Regulation to Permit Refunds to Overcharged Consumers of the Household Goods Industry.
6. Regulation 103-150 or 103-240 – Regulation to Authorize the ORS Inspectors to Immediately Remove Jurisdictional Unsafe Vehicles or Drivers from the State’s Roadways.
7. Article 2 - Addition of Regulations Governing “Stretcher Vans” to Comport with Changes in the Transportation Industry.
8. Article 8 - Electronic Service of Pleadings between Parties in a Docket.
9. Articles 5 and 7 – Performance Bonds, Sureties, and Financial Statements for Water and Sewerage Utilities.
10. Regulation 103-859 – Emergency Procedures Amended to Add the Commission Staff.
11. Regulation 103-831 – Computation of Time Amended to Clarify That This Regulation Does Not Apply to Petitions for Reconsideration or Rehearing.

Legislative review of these proposals will be required.

## 16 PROPOSED REGULATIONS

Document No. 3191  
**STATE BOARD OF EDUCATION**  
CHAPTER 43  
Statutory Authority: 1976 Code Section 59-29-190

### 43-258.1. Advanced Placement

#### **Preamble:**

The purpose of this request is to amend the regulation requiring teachers to take a three-hour graduate credit course to earn the endorsement to teach Advanced Placement (AP) courses through additional opportunities offered by College Board-sponsored events.

#### Section-by-Section Discussion

Section IV. Adding the additional option that allows teachers to complete forty-five hours of training provided by College Board-endorsed professional development opportunities provides greater options for educators teaching AP courses.

Adding this component to the regulation will ensure that teachers of AP courses remain current and incorporate their training in the professional growth and development system. Presently, there is no requirement for AP teachers to take additional training once they receive initial endorsement.

#### **Notice of Public Hearing and Opportunity for Public Comment:**

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the State Board of Education at its meeting on February 13, 2008, at 10:00 a.m. at the Rutledge Building, South Carolina Department of Education, Columbia, SC. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Dr. Helena Tillar, 1429 Senate Street, Rutledge Building Suite 505, Columbia, SC 29201 or e-mail [htillar@ed.sc.gov](mailto:htillar@ed.sc.gov). Comments submitted by January 30, 2008, at 5:00 p.m., shall be submitted to the Board in a summary of public comments and Department responses for consideration at the public hearing.

#### **Preliminary Fiscal Impact Statement:** None

#### **Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: R 43-258.1, Advanced Placement

Purpose: Regulation 43-258.1, amendments requiring teachers to take a three-hour graduate credit course to earn the endorsement to teach Advanced Placement (AP) courses through additional opportunities offered by College Board-sponsored events.

Legal Authority: S.C. Code Ann. § 59-29-190

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



**DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:** The regulation will allow greater opportunities for teachers, as well as ensure that ongoing professional development is incorporated into the regulation.

**DETERMINATION OF COSTS AND BENEFITS:** Cost savings will result from the state being able to offer fewer AP institutes since the College Board's offerings will meet the regulatory requirement. The benefits will include teachers being able to take online courses for graduate credit, as well as include the AP training as part of their personal professional development plan.

**UNCERTAINTIES OF ESTIMATES:** None

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:** None

**DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:** None

**Statement of Rationale:**

The change in regulation will allow teachers to earn endorsement by successfully completing professional development provided by the College Board, including online course work.

In order to allow teachers a greater level of flexibility and increase the professional development opportunities for teachers of AP courses, it is recommended that the regulation be modified. The change will allow teachers to have AP endorsement added to their certificates by successfully completing forty-five hours of training provided by College Board-endorsed professional development opportunities. Currently, the regulation states that "each teacher of an Advanced Placement course shall have completed the appropriate Advanced Placement three graduate hour training program."

**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. 3192

**STATE BOARD OF EDUCATION**

**CHAPTER 43**

Statutory Authority: 1976 Code Sections 59-5-60, 59-25-110 and 59-17-130

43-62. Requirements for Additional Areas of Certification

**Preamble:**

This regulation needs to be amended to facilitate the certification of individuals attempting to qualify for middle-level certification, which is scheduled for statewide implementation July 1, 2009. It also provides for add-on certification requirements for teachers of American Sign Language. The notice of drafting was published in the State Register on May 25, 2007.

**Section-by-Section Discussion**

Section I(A) The regulation that an approved preparation program designed for initial certification will be required for add-on certification effective July 1, 2009, has been eliminated, and current State Board of Education course requirements will remain in effect.

## 18 PROPOSED REGULATIONS

Section II(C-D) The grandfathering provisions for early childhood and elementary education certification have been deleted since the deadline for grandfathering has passed.

Section II(G) Add-on certification requirements for American Sign Language have been included.

Section II(G) The reference to foreign languages has been changed to world languages, and the order in which world languages now appears in the alphabetical listing of certification areas has been adjusted.

Section II(K) Add-on certification requirements for middle-level language arts, social studies, science, and mathematics have been streamlined and grandfathering provisions have been extended by one year in accordance with a legislative proviso passed in the Spring 2007.

Section II(A-Q) The option of a temporary certificate has been eliminated since these certificates are no longer issued.

Section III(A-H) The same change has been made as in Section II above, relative to temporary certificates.

Section IV(A-E) The same change has been made as in Sections II and III above, relative to temporary certificates.

Other formatting adjustments and minor edits have been made throughout the document for consistency purposes.

### **Notice of Public Hearing and Opportunity for Public Comment:**

Interested members of the public and regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the State Board of Education at its meeting on February 13, 2008, at 9:30 a.m. at the Rutledge Building, South Carolina Department of Education, Columbia, South Carolina. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and as a courtesy are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Mark A. Bounds, Deputy Superintendent, Division of Educator Quality and Leadership, 500 Landmark Building, 3700 Forest Drive, Columbia, South Carolina 29204 or e-mail [mbounds@leaders.ed.sc.gov](mailto:mbounds@leaders.ed.sc.gov). Comments submitted by January 29, 2008, at 5:00 p.m., shall be submitted to the Board in a summary of public comments and Department responses for consideration at the public hearing.

### **Preliminary Fiscal Impact Statement:**

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

### **Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: R 43-62, Requirements for Additional Areas of Certification

Purpose: Regulation 43-62, Requirements for Additional Areas of Certification, is being amended.

Legal Authority: S.C. Code Ann. § 59-5-60, § 59-25-110, § 59-17-130

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

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The amendments to this regulation are needed to facilitate the certification of individuals attempting to qualify for middle-level areas and American Sign Language certification and to remove the requirement of an approved preparation program designed for initial certification for add-on certification purposes.

DETERMINATION OF COSTS AND BENEFITS: None

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: This regulation does not have any effect on the environment or public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be no detrimental effect on the environment or public health if this regulation is not implemented.

**Statement of Rationale:**

The proposed amendments will facilitate the certification of individuals attempting to qualify for middle-level certification and will allow for add-on certification in American Sign Language. A change is also included to remove the requirement of an approved program designed for initial certification for add-on certification purposes and to retain existing course requirements for this purpose. Other formatting changes and minor edits have been made for consistency purposes.

**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. 3193  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**PANEL FOR DIETETICS**

CHAPTER 40

Statutory Authority: 1976 Code Sections 40-1-70 and 40-20-50

40-1 through 40-16. Licensure and Regulation of Persons Engaging in the Practice of Dietetics

**Preamble:**

The Department of Labor, Licensing and Regulation is proposing to establish regulations necessary to carry out and enforce the provisions of The South Carolina Dietetics Licensure Act, Title 40, Chapter 20, of the 1976 Code of Laws of South Carolina, as amended (2006 Act 392) regarding the licensure and regulation of persons engaging in the practice of dietetics within the State of South Carolina.

Section by Section Discussion

## **20 PROPOSED REGULATIONS**

### **40-1. Definitions.**

New section providing applicable definitions appropriate for the practice of dietetics.

### **40-2. Officers of the Panel; Elections.**

New section providing annual elections scheduled at the first panel meeting.

### **40-3. Panel Member Duties.**

New section providing the duties of panel officers as well as panel members.

### **40-4. Meetings.**

New section providing that the panel meets at least twice a year, and that the majority of members present constitutes a quorum.

### **40-5. Licensing Provisions.**

New section providing procedures for applicants and licensees applying for licenses.

#### **40-5.1. Licensure by Examination.**

New section providing the requirement that applicants provide evidence of having passed an examination approved by the panel.

#### **40-5.2. Licensure by Registration.**

New section

#### **40-5.3. Licensure by Endorsement.**

New section providing requirements for licensure by endorsement.

#### **40-5.4. Foreign Educated Applicants.**

New section providing requirements for licensure of foreign educated applicants.

#### **40-5.5.**

New section providing that licensee notify the Panel for name and address changes.

#### **40-5.6.**

New section providing that all documents submitted to the Panel are considered property of the Panel.

### **40-6. Requirements for Renewal.**

New section providing requirements for renewal.

### **40-7. Reinstatement / Reactivation of Expired, Lapsed Licenses.**

New section providing requirements for reinstatement and requirements for reactivation of expired or lapsed licenses.

### **40-8. Continuing Competency; Continuing Education Credits.**

New section providing continuing competency requirements with continuing education credit hours.

### **40-9. Fees.**

New section providing applicable fees related to licensure and renewal.

### **40-10. Misconduct Defined.**

New section providing definition of misconduct as recognized by statutory provisions.

### **40-11. Code of Ethics.**

New section providing that the panel adopt the American Dietetic Association Code of Ethics.

40-12. Complaints.

New section providing that complaints must be filed in accordance with Title 40, Chapter 1.

40-13. Appeal.

New section providing the licensee's right to appeal under Section 40-1-60 and the Administrative Procedures Act.

40-14. Weight Program Exemption.

New section providing applicable definition and exemption for general weight control program.

40-15. Interpretation of Standards.

New section providing consistency of these regulations with the ADA Commission on Dietetic Registration.

40-16. Licensure Time Frames.

New section providing the state requirement for registered dietitians to become licensed dietitians through the Department.

**Notice of Public Hearing and Opportunity for Public Comment:**

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at the Administrative Law Court at 10 a.m. on Tuesday, February 19, 2008. Written comments may be directed to Deborah E. White, Program Coordinator, Dietetics Panel, Department of Labor, Licensing and Regulation, Post Office Box 11329, Columbia, South Carolina 29211-1329, no later than 5:00 p.m., Tuesday, February 5, 2008.

**Preliminary Fiscal Impact Statement:**

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

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION:

Purpose: The Department is establishing regulations in conformance to The South Carolina Dietetics Licensure Act (2006 Act 392).

Legal Authority: 1976 Code, Sections 40-20-5, et seq., and 40-1-70.

Plan for Implementation: These regulations will take effect upon approval by the General Assembly and upon publication in the State Register. LLR will notify licensees of the regulations and post the regulations on the agency's Web site.

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

The regulations will establish enhanced communication between licensees and the public.

DETERMINATION OF COSTS AND BENEFITS:

The standardized format of the regulations will assist other regulatory entities with locating requirements within the regulations. There will be no cost increases to the State or its political subdivisions.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates concerning these regulations.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

There will be no effects on the environment or public health.

## 22 PROPOSED REGULATIONS

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

Implementation of these regulations will allow improvement in communication to the public.

### Statement of Rationale:

These regulations will carry out and enforce the provisions of The South Carolina Dietetics Licensure Act (2006 Act 392) and assist in the licensure and regulation of dietitians and nutritionists in this State.

### 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. 3189

### DEPARTMENT OF REVENUE

#### CHAPTER 117

Statutory Authority: 1976 Code Section 12-4-320

### 117-337. Food Tax Regulation

#### Preamble:

The South Carolina Department of Revenue is considering adding SC Regulation 117-337 to provide guidance as to the application of Code Section 12-36-2120(75) which exempts from the state sales and use tax the gross proceeds of sales or sales price of “unprepared food that lawfully may be purchased with United States Department of Agriculture food coupons.” This exemption does not apply to local sales and use taxes that are administered and collected by the Department on behalf of the counties and other jurisdictions, unless the local tax law specifically exempts the sales of such unprepared food.

Under the proposed regulation, the determination as to whether a sale of unprepared food is exempt from the state sales and use tax is based on whether the food is of a type that is eligible to be purchased with USDA food stamps, the type of location selling the food, and whether the food is being sold for immediate consumption, business or institutional consumption, or home consumption.

In other words, a food must be of a type eligible to be purchased with USDA food stamps and must also be sold for home consumption (based on the type of food and the type of location selling the food) to qualify for the exemption from the state sales and use tax under Code Section 12-36-2120(75). For example, bottled soft drinks are eligible to be purchased with USDA food stamps, but if bottled soft drinks are sold at a concession stand at a festival, then the bottled soft drinks are sold for immediate consumption and not home consumption and the sale at the festival would be subject to the full state sales tax rate.

This regulation will explain which sales of food qualify or do not qualify for the exemption from the state sales and use tax under Code Section 12-36-2120(75). This exemption does not apply to local sales and use taxes that are administered and collected by the Department on behalf of the counties and other jurisdictions, unless the local tax law specifically exempts the sales of such unprepared food.

**Notice of Public Hearing and Opportunity for Public Comment:**

All comments concerning this proposal should be mailed to the following address by January 28, 2008 to: S.C. Department of Revenue, Legislative Services - Mr. Meredith Cleland, P.O. Box 125, Columbia, South Carolina 29214.

The S.C. Department of Revenue has scheduled a public hearing before the Administrative Law Court in the Edgar Brown Building (Suite 224) on the Capitol Complex (1205 Pendleton Street) in Columbia, South Carolina for Tuesday, April 8, 2008 at 10:00 a.m. if the requests for a hearing meet the requirements of Code Section 1-23-110(A)(3). The public hearing, if held, will address a proposal by the Department to add SC Regulation 117-337 to provide guidance as to the application of Code Section 12-36-2120(75) which exempts from the state sales and use tax the gross proceeds of sales or sales price of “unprepared food that lawfully may be purchased with United States Department of Agriculture food coupons.” The department will be asking the Administrative Law Court, in accordance with S.C. Code Ann. Section 1-23-111 (2005), to issue a report that the proposal to add the regulation is needed and reasonable.

**Preliminary Fiscal Impact Statement:**

There will be no impact on state or local political subdivisions expenditures in complying with this proposed legislation.

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: 117-337. Sales of Unprepared Food

Purpose: To add SC Regulation 117-337 to provide guidance as to the application of Code Section 12-36-2120(75) which exempts from the state sales and use tax the gross proceeds of sales or sales price of “unprepared food that lawfully may be purchased with United States Department of Agriculture food coupons.” This exemption does not apply to local sales and use taxes that are administered and collected by the Department on behalf of the counties and other jurisdictions, unless the local tax law specifically exempts the sales of such unprepared food.

Legal Authority: Code Section 12-4-320

Plan for Implementation: After approval by the General Assembly and publication in the State Register, the regulation would be effective on November 1, 2007 – the effective date of the exemption.

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

The proposal to add SC Regulation 117-337 is needed to ensure taxpayers understand the application of the tax to the sale of food, whether prepared food taxed at the 6% rate or unprepared food exempt from the state sales and use tax under Code Section 12-36-2120(75). The proposal to add SC Regulation 117-337 is also reasonable in that it is consistent with the department’s prior position on the issue as sales of the same unprepared food were subject to a reduced sales and use tax rate of 3% from October 1, 2006 through October 31, 2007.

**DETERMINATION OF COSTS AND BENEFITS:**

Promulgation of these regulations will not have an impact on state or local political subdivisions expenditures. Promulgation of this regulation will also benefit the State and taxpayers by reducing any taxpayer confusion by having a published regulation on this subject.

## 24 PROPOSED REGULATIONS

### UNCERTAINTIES OF ESTIMATES:

None

### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

None

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

None

### Statement of Rationale:

The purpose of this proposal is to add SC Regulation 117-337 to provide guidance as to the application of Code Section 12-36-2120(75) which exempts from the state sales and use tax the gross proceeds of sales or sales price of “unprepared food that lawfully may be purchased with United States Department of Agriculture food coupons.” The proposal to add SC Regulation 117-337 is needed to ensure taxpayers understand the application of the tax to the sale of food, whether prepared food taxed at the 6% rate or unprepared food exempt from the state sales and use tax under Code Section 12-36-2120(75). The proposal to add SC Regulation 117-337 is also reasonable in that it is consistent with the department’s prior position on the issue as sales of the same unprepared food were subject to a reduced sales and use tax rate of 3% from October 1, 2006 through October 31, 2007.

### 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. 3194

### DEPARTMENT OF SOCIAL SERVICES

#### CHAPTER 114

Statutory Authority: 1976 Code Section 20-7-2250

114-4980. Procedures and Practices of Child Placing Agencies

### Preamble:

The Multi-Ethnic Placement Act of 1994 (MEPA), as amended by Section 1808 of the Small Business Job Protection Act of 1996, 42 USC 622(b)(9), 671(a)(18), 674(d) and 1996(b) and in Title VI of the Civil Rights Act of 1964, 2 USC 2000(d), et. seq. as it applies to the foster care and adoption process, was designed to decrease the time children wait for foster care and adoption placement, prevent discrimination in the placement of children, and aid in the identification and recruitment of foster and adoptive families who can meet each child’s needs. It prohibits each agency using federal funds from denying any person the opportunity to become an adoptive or foster parent on the basis of race, color or national origin and from delaying or denying the placement of a child for adoption or foster care on the basis of race, color or national origin. R.114.4980(H)(2) states that, “the child placing agency when selecting substitute care shall take into consideration a child’s racial, cultural, ethnic, and religious heritage and preserve them to the greatest extent possible.” This regulation places the Department of Social Services and the state out of compliance with the requirements of the MEPA, a federal law, and at risk for financial recoupments. Thus, the deletion of this regulatory provision is needed in order for the Department and the state to be in compliance with MEPA



requirements. The Notice of Drafting for the request to repeal R.114.4980(H)(2) was published in the State Register on October 26, 2007.

**Notice of Public Hearing and Opportunity for Public Comment:**

The South Carolina Department of Social Services proposes the repeal of R.114.4980(H)(2). Interested persons may submit comments to Ms. Mary C. Williams, South Carolina Department of Social Services, Post Office Box 1520, Columbia, South Carolina 29202. To be considered, comments must be received no later than 5:00 p.m. on January 28, 2008. A public hearing will be held on March 3, 2008 at 9:00 a.m. at the Edgar A. Brown Building, Ste. 224, 1205 Pendleton Street, Columbia, South Carolina, 29201. Please note, if a public hearing is not requested, this hearing will be cancelled.

**Preliminary Fiscal Impact Statement:**

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

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: Procedures and Practices of Child Placing Agencies

Purpose: R.114.4980 sets forth procedures and practices to be utilized by Child Placing Agencies. The purpose of R.114.4980(H)(2) is to establish criteria that child placing agencies must evaluate when selecting appropriate substitute care for children. R.114.4980(H)(2) states that child placing agencies must consider “a child’s racial, cultural, ethnic, and religious heritage and preserve them to the greatest extent possible.” This provision violates the MEPA and therefore, the South Carolina Department of Social Services proposes the repeal of R.114.4980(H)(2) to comply with federal law.

Legal Authority: 1976 Code Section 20-7-2250

Plan for Implementation: The repeal of this regulation is required to comply with the MEPA, a federal law, and will become effective upon publication in the State Register. The regulation will be implemented in the same manner as the existing regulations.

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

The MEPA was enacted to address the concern of children, especially minority children, experiencing lengthy delays in achieving permanence through adoption. Because R.114-4980(H)(2) directs child placing agencies to consider race, culture, ethnicity, and religion when making placement decisions, this regulation violates the MEPA. The repeal of R.114.4980(H)(2) is reasonable and is needed to comply with the MEPA. The repeal of R.114.4980(H)(2) is needed and is reasonable because it will bring the state into compliance with federal law and will help the state avoid being sanctioned with financial penalties for continued noncompliance.

**DETERMINATION OF COSTS AND BENEFIT:**

The South Carolina Department of Social Services proposes the repeal of an existing regulation to comply with federal law therefore, no costs are anticipated. Children who are awaiting adoptive or foster care placement will benefit from the repeal of this regulation because delays in securing adoptive and foster care placement caused by child placing agencies considering race, culture, ethnicity, and religion will be eliminated. In addition, individuals seeking to become adoptive or foster parents will not be eliminated from consideration based upon their race, culture, ethnicity, or religion.

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### UNCERTAINTIES OF ESTIMATES:

There are no uncertainties associated with the repeal of R.114.4980(H)(2).

### EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The repeal of R.114.4980(H)(2) will have no effect on the environment or public health.

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

The repeal of R.114.4980(H)(2) will not have a detrimental effect on the environment and public health if not implemented.

### Statement of Rationale:

The Multi-Ethnic Placement Act (MEPA), which was enacted in 1994 and amended in 1996, makes it unlawful for child placing agencies that receive federal funding to delay or deny placing a child with prospective parents or foster parents on the basis of the child's race, color, national origin, or religion. This same federal law prohibits agencies from discriminating against prospective foster parents or adoptive parents on the basis of race, color, national origin, or religion. The South Carolina Department of Social Services proposes the repeal of R.114.4980(H)(2) because this regulation directs child placing agencies to consider such factors as a child's race, culture, ethnicity, and religion when selecting prospective parents for a child in violation of the MEPA.

### 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. 3195

### DEPARTMENT OF TRANSPORTATION

#### CHAPTER 63

Statutory Authority: 1976 Code Sections 57-3-110 and 57-5-1650

63-306 and 63-307. Prequalification of Bidders

### Preamble:

The South Carolina Department of Transportation proposes to promulgate a new regulation numbered 63-307 to provide for a system of contractor performance evaluation and to require a minimum contractor performance score as a prerequisite for bidding on designated projects. The department is also proposing amendments to regulation 63-306 to change references to "Executive Director" to reflect the fact that Act 114 of 2007 eliminated that office and established a Secretary of Transportation as the department's chief executive officer. Other amendments are to improve the readability and clarity of the regulations without making a substantive change.

A Notice of Drafting for the proposed regulation was published in the State Register on September 28, 2007.

### Section-By-Section Discussion:

SECTION CITATION:	EXPLANATION OF CHANGE:
63-306	This section has been amended to replace references to “Executive Director” or “Director” with “Secretary of Transportation” or “Secretary.”
63-307	This is a new section of regulation providing for a system of contractor performance evaluation and allowing the department to require a minimum contractor performance score for contractors bidding on designated projects.

**Notice of Public Hearing and Opportunity for Public Comment:**

Should a public hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code of Laws, as amended, such a hearing will be conducted at 955 Park Street, Columbia, South Carolina, on January 30, 2008 at 9:00 a.m.. Written comments or requests for a hearing may be directed to Deborah Brooks Durden, Assistant Chief Counsel, Post Office Box 191, Columbia, South Carolina 29202. To be considered, comments should be received no later than January 28, 2008.

**Preliminary Fiscal Impact Statement:**

The South Carolina Department of Transportation estimates that there will be no additional costs incurred by the State or its political subdivisions in complying with the proposed regulations.

**Statement of Need and Reasonableness:**

DESCRIPTION OF REGULATION: 63-306-307, Contractor Prequalification

Purpose of amendment: The purpose of the amendment is to provide for a system of contractor performance evaluation of all contractors doing construction work for SCDOT and to require a minimum contractor performance score as a prerequisite for bidding on designated projects. Amendments to existing 63-306 are to change references to “Executive Director” to “Secretary of Transportation,” and to improve the readability and clarity of the regulation without making a substantive change.

Legal Authority: The legal authority for regulation 63-306-307 is section 57-5-1650 and section 57-3-110, SC Code of Laws.

Plan for Implementation: SCDOT has already begun gathering data and performing evaluations of contractors to create evaluation data upon which to implement 63-307. Use of the contractor performance scores to limit eligible bidders on certain complex projects will be implemented thirty-one days after the regulation becomes final.

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

The proposed regulation will benefit the public by creating a process for evaluating the performance of contractors on highway projects and limiting the eligibility to bid on more complex or time-sensitive projects to those contractors with a proven record of satisfactory performance. This will result in higher quality work, fewer delays, and more effective use of public funds.

**DETERMINATION OF COSTS AND BENEFITS:**

There will be no additional costs to the state imposed by the promulgation of this regulation. There is likely to be some administrative cost savings to the Department of Transportation resulting from fewer contractual disputes, but that savings is too uncertain to be quantified.

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UNCERTAINTIES OF ESTIMATES: None.

EFFECT ON ENVIRONMENTAL AND PUBLIC HEALTH: None.

DETRIMENTAL EFFECTS ON ENVIRONMENTAL AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED: None.

### **Statement of Rationale:**

The purpose of this regulation is to provide for a system of contractor performance evaluation and to require a minimum contractor performance score as a prerequisite for bidding on designated projects. The department is also proposing amendments to regulation 63-306 to change references to "Executive Director" to reflect the fact that Act 114 of 2007 eliminated that office and established a Secretary of Transportation as the department's chief executive officer. There are no scientific or technical studies necessary to promulgate 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>. Full text may also be obtained from the promulgating agency.

Filed: November 26, 2007 3:59 pm

Document No. 3186  
**DEPARTMENT OF AGRICULTURE**  
 CHAPTER 5

Statutory Authority: 1976 Code Sections 39-41-80 & 39-41-150

5-440 et seq. Petroleum Products Regulations

**Emergency Situation:**

The Department of Agriculture proposes these emergency regulations in response to the escalating prices of retail gasoline products and the increased demand for alternative fuel products. The current regulations do not provide standards or clear definitions for alternative fuel products such as ethanol and biodiesel petroleum blend products. The technology allowing the production of these alternative fuel products is currently available and these products are ready to be made available to the public, but the law does not currently provide for standards for these products.

To allow these alternative fuel products to be made available to the general public in South Carolina in a timely manner and to help curb the continued escalation of fuel costs for pure petroleum products, the South Carolina Department of Agriculture proposes these Emergency Regulations. The proposed Emergency Regulations include the standards and definitions of alternative fuel products compatible with regular and non regular engines. These standards are imperative for ensuring the general public that it is purchasing a quality petroleum product that will not harm its engine performance, and also ensuring that consumers are getting what they pay for when selecting various grades of octane and alternative fuel products.

**Text:**

5-440. Registering of Gasoline

1. All gasoline sold, offered or exposed for sale or distribution in South Carolina must be registered by each identifying brand name on registration blanks furnished by the South Carolina Department of Agriculture.

2. Any visual publicity or news media which implies a gasoline meets the minimum qualities and octane rating of either "regular" or "premium" gasoline shall be considered as false advertising if the product so advertised is not registered as "regular" or "premium" gasoline or under test is not found to meet the requirements for "regular" or "premium" gasolines and is prohibited. (Attention is called to Section 39-1-20, Code of Laws 1976, which prohibits the making of intentional untrue statements in advertising on signs, etc., punishable as a misdemeanor.)

All manufacturers, jobbers, wholesalers, retailers and others who distribute gasoline at retail level and desire to designate the various grades or brands by numbers shall not display or use any number for the grade or grades or brand name other than the registered octane count for such grade or grades or brand name, except where a legible statement is affixed to all pumps dispensing such grade or grades indicating that such number or numbers do not represent octane numbers.

Such statement shall be readable at a reasonable distance from the dispensing pump or pumps and shall be affixed to the dispensing pump at a place thereon clearly visible to the occupant or driver of the vehicle buying the petroleum product. The statement indicating that such number or numbers do not represent or correspond to octane numbers shall be in letters no smaller than 3/4 inches in size and shall be in a color that is in clear contrast with the background. For the purpose of complying with this regulation, a decal in size of not less than 6" × 7" affixed to the dispensing pump or pumps shall be deemed a sufficient compliance.

This same requirement shall apply to any form of advertising such as billboards, posters, banners, and newspaper advertisements, which advertisement shall include a statement that the numbers used do not indicate or represent the actual octane. (The effective date of this regulation shall be July 10, 1964.)

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3. All manufacturers, jobbers and wholesalers registering gasoline for sale in South Carolina may register their own guarantee for the standards of each gasoline registered. Regular or premium gasolines, as the case may be, shall meet the required minimum and maximum standards as set forth in specifications promulgated by the American Society for Testing and Materials unless other standards are promulgated by the Commissioner of Agriculture in accordance with Section 39-41-80, provided however, nothing contained herein shall prevent the registration of a gasoline with an Octane Index below 87, except that such gasoline, when so registered, may not be offered, exposed or sold as a regular gasoline.

4. All refiners, manufacturers, producers, and all others that are registered to distribute gasoline in South Carolina shall and are hereby required to give, furnish and present to all jobbers, wholesalers, retailers, and others that either purchase, obtain, or acquire gasoline directly from such refiners, manufacturers, producers, and others that are registered to distribute gasoline in this State, a delivery invoice which shall and is hereby required to contain and include the name of the gasoline which is delivered and its registered Octane Index.

5. All jobbers, wholesalers and others who distribute gasoline to retail distributors shall and are hereby required to give, furnish and present to the retailer of gasoline, upon delivery of gasoline to such retailer, a delivery invoice in duplicate which shall and is hereby required to contain and include the identifying brand name of the gasoline and its registered Octane Index. The retailer is hereby required to retain one of the copies of the delivery invoice which is furnished him in duplicate for a period of not less than 30 days and a copy of the invoice shall be available for inspection and disposition by the Department of Agriculture and/or its agents, servants and employees.

6. Failure to maintain the required bill of lading for the required 30 day period shall result in a fine of not less than \$75 dollars for the first offense and not less than \$150 for the second offense. All third and subsequent offenses shall be punishable by a fine of not more than \$500 per violation. Fines may be avoided if bill of lading is produced within 72 hours after citation for failure to maintain the bill of lading on premises.

### 5-444. Definitions

1. STM International - (American Society for Testing & Materials) means the international voluntary consensus standards organization formed for the development of standards on characteristics and performance of materials, products, systems, and services, and the promotion of related knowledge.

2. Antiknock Index (AKI - means the arithmetic average of the Research Octane Number (RON) and Motor Octane Number (MON):  $AKI = (RON+MON)/2$ . This value is called by a variety of names, in addition to antiknock index, including: octane rating, posted octane,  $(R+M)/2$  octane.

3. Automotive Gasoline, Automotive Gasoline-Oxygenate Blend - means a type of fuel suitable for use in spark-ignition automobile engines and also commonly used in marine and non-automotive applications.

4. Automotive Fuel Rating - means the automotive fuel rating required under the amended Octane Certification and Posting Rule (or as amended, the Fuel Rating Rule), 16 CFR Part 306. Under this Rule, sellers of liquid automotive fuels, including alternative fuels, must determine, certify, and post an appropriate automotive fuel rating. The automotive fuel rating for gasoline is the antiknock index (octane rating). The automotive fuel rating for alternative liquid fuels consists of the common name of the fuel, along with a disclosure of the amount, expressed as a minimum percentage by volume of the principal component of the fuel. For alternative liquid automotive fuels, a disclosure of other components, expressed as a minimum percentage by volume, may be included, if desired.

5. Aviation Gasoline - means a type of gasoline suitable for use as a fuel in an aviation spark-ignition internal combustion engine.

6. Aviation Turbine Fuel - means a refined middle distillate suitable for use as a fuel in an aviation gas turbine internal combustion engine.

7. Base Gasoline. - means all components other than ethanol in a blend of gasoline and ethanol.

8. Biodiesel – means a motor vehicle fuel which is designated B100 and: 1) meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 7545 of the Clean Air Act, section 211.; 2) is a mono-alkyl ester; 3) meets the latest version of ASTM specification D 6751; 4) is intended for use in engines that are designed to run on conventional, petroleum-derived diesel fuel, and 5) is derived from non-petroleum renewable resources including, but not limited to, vegetable oils, animal wastes, including poultry fats and poultry wastes, and other waste materials or municipal solid waste and sludges and oils derived from wastewater and the treatment of wastewater.

9. Biodiesel Blend - means a fuel comprised of a blend of biodiesel with petroleum-based diesel fuel, designated BXX. In the abbreviation BXX, the XX represents the volume percentage of biodiesel fuel in the blend.
10. Cetane Index - means an approximation of the cetane number of distillate diesel fuel, which does not contain a cetane improver additive, calculated from the density and distillation measurements.
11. Cetane Number - means a numerical measure of the ignition performance of a diesel fuel obtained by comparing it to reference fuels in a standardized engine test.
12. Denatured Fuel Ethanol - means "ethanol" as defined in part 19 below.
13. Diesel Fuel - means a refined middle distillate suitable for use as a fuel in a compression-ignition (diesel) internal combustion engine.
14. Distillate - means any product obtained by condensing the vapors given off by boiling petroleum or its products.
15. EPA - means the United States Environmental Protection Agency.
16. E85 Fuel Ethanol - means a blend of ethanol and hydrocarbons which meet the specifications of ASTM standard D 5798.
17. Engine Fuel - means any liquid or gaseous matter used for the generation of power in an internal combustion engine.
18. Engine Fuels Designed for Special Use - means engine fuels designated by the Director as requiring registration. These fuels normally do not have ASTM or other national consensus standards applying to their quality or usability; common special fuels are racing fuels and those intended for agricultural and other off-road applications.
19. Ethanol - also known as "Denatured Fuel Ethanol," means nominally anhydrous ethyl alcohol meeting ASTM D 4806 standards. It is intended to be blended with gasoline for use as a fuel in a spark-ignition internal combustion engine. The denatured fuel ethanol is first made unfit for drinking by the addition of Bureau of Alcohol, Tobacco, and Firearms (BATF) approved substances before blending with gasoline.
20. Fuel Oil - means a refined oil middle distillates, heavy distillates, or residues of refining, or blends of these, suitable for use as a fuel for heating or power generation, the classification of which shall be defined by ASTM D 396.
21. Gasoline - means a volatile mixture of liquid hydrocarbons generally containing small amounts of additives suitable for use as a fuel in a spark-ignition internal combustion engine.
22. Gasoline-Alcohol Blend - means a fuel consisting primarily of gasoline and a substantial amount (more than 0.35 mass percent of oxygen, or more than 0.15 mass percent of oxygen if methanol is the only oxygenate) of one or more alcohols.
23. Gasoline-Oxygenate Blend - means a fuel consisting primarily of gasoline along with a substantial amount (more than 0.35 mass percent of oxygen, or more than 0.15 mass percent of oxygen if methanol is the only oxygenate) of one or more oxygenates.
24. Kerosene - (or "Kerosine") means a refined middle distillate suitable for use as a fuel for heating or illuminating, the classification of which shall be defined by ASTM D 3699.
25. Lead Substitute - means an EPA-registered gasoline additive suitable, when added in small amounts to fuel, to reduce or prevent exhaust valve recession (or seat wear) in automotive spark-ignition internal combustion engines designed to operate on leaded fuel.
26. Lead Substitute Engine Fuel - means, for labeling purposes, a gasoline or gasoline-oxygenate blend that contains a "lead substitute."
27. Leaded - means, for labeling purposes, any gasoline or gasoline-oxygenate blend which contains more than 0.013 g of lead per liter (0.05 g lead per U.S. gal). NOTE: EPA defines leaded fuel as one which contains more than 0.0013 g of phosphorus per liter (0.005 g per U.S. gal), or any fuel to which lead or phosphorus is intentionally added.
28. Low Sulfur - means low sulfur diesel fuel that meets ASTM D 975 (e.g., Grade Low Sulfur No. 1-D or Grade Low Sulfur No. 2-D) standards. Diesel fuel containing higher amounts of sulfur for off-road use is defined by EPA regulations.
29. Low Temperature Operability - means a condition which allows the uninterrupted operation of a diesel engine through the continuous flow of fuel throughout its fuel delivery system at low temperatures. Fuels with

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adequate low temperature operability characteristics have the ability to avoid wax precipitation and clogging in fuel filters.

30. Lubricity - a qualitative term describing the ability of a fluid to affect friction between, and wear to, surfaces in relative motion under load.

31. M100 Fuel Methanol - means nominally anhydrous methyl alcohol, generally containing small amounts of additives, suitable for use as a fuel in a compression-ignition internal combustion engine.

32. M85 Fuel Methanol - means a blend of methanol and hydrocarbons of which the methanol portion is nominally 70 to 85 volume percent.

33. Motor Octane Number - means a numerical indication of a spark-ignition engine fuel's resistance to knock obtained by comparison with reference fuels in a standardized ASTM D 2700 Motor Method engine test.

34. Motor Oil - means an oil that reduces friction and wear between the moving parts within a reciprocating internal combustion engine and also serves as a coolant. For the purposes of this regulation, "vehicle motor oil" refers to a motor oil which is intended for use in light-to-heavy duty vehicles including cars, sport utility vehicles, vans, trucks, buses, and off-road farming and construction equipment. For the purposes of this regulation, "recreational motor oil" refers to a motor oil which is intended for use in four-stroke cycle engines used in motorcycles, ATVs, and lawn and garden equipment. For the purposes of this regulation, motor oil also means engine oil.

35. Oil - means motor oil, engine oil, and/or gear oil.

36. Oxygen Content of Gasoline - means the percentage of oxygen by mass contained in a gasoline.

37. Oxygenate. - means an oxygen-containing, ashless, organic compound, such as an alcohol or ether, which can be used as a fuel or fuel supplement.

38. Reformulated Gasoline - means a volatile mixture of liquid hydrocarbons and oxygenates meeting the reformulated gasoline requirements of the Clean Air Act Amendments of 1990 and suitable for use as a fuel in a spark-ignition internal combustion engine.

39. Renewable Diesel - means a motor vehicle fuel which: (1) Meets the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 7545 of the Clean Air Act; (2) is not a mono-alkyl ester; (3) is intended for use in engines that are designed to run on conventional, petroleum derived diesel fuel, (4) is derived from non-petroleum renewable resources including, but not limited to, vegetable oil, animal wastes, including poultry fats and poultry wastes, and other waste materials, or municipal solid waste and sludges and oils derived from wastewater and the treatment of wastewater; and 5.) meets the latest version of ASTM specification D 975.

40. Renewable Fuel - includes cellulosic biomass ethanol, waste derived ethanol, biodiesel (mono-alkyl ester), non-ester renewable diesel, and blending components derived from renewable fuel.

41. Research Octane Number - means a numerical indication of a spark-ignition engine fuel's resistance to knock obtained by comparison with reference fuels in a standardized ASTM D 2699 Research Method Engine Test.

42. SAE - means the Society of Automotive Engineers, a technical organization for engineers, scientists, technicians, and others in positions that cooperate closely in the engineering, design, manufacture, use, and maintainability of self-propelled vehicles.

43. Substantially Similar - means the EPA's "Substantially Similar" rule, Section 211 (f) (1) of the Clean Air Act [42 U.S.C. 7545(f)(1)].

44. Thermal Stability - means the ability of a fuel to resist the thermal stress which is experienced by the fuel when exposed to high temperatures in a fuel delivery system. Such stress can lead to formation of insoluble gums or organic particulates. Insolubles (e.g., gums or organic particulates) can clog fuel filters and contribute to injector deposits.

45. Total Alcohol - means the aggregate total in volume percent of all alcohol contained in any fuel defined in this Chapter.

46. Total Oxygenate - means the aggregate total in volume percent of all oxygenates contained in any fuel defined in this Chapter.

47. Unleaded - in conjunction with "engine fuel" or "gasoline" means any gasoline or gasoline-oxygenate blend to which no lead or phosphorus compounds have been intentionally added and which contains not more



than 0.013g of lead per liter (0.05g lead per U.S. gal) and not more than 0.0013g of phosphorus per liter (0.005g phosphorus per U.S. gal).

48. Wholesale Purchaser Consumer - means any person who is an ultimate gasoline consumer of fuel methanol, fuel ethanol, diesel fuel, biodiesel, fuel oil, kerosene, aviation turbine fuels, natural gas, or liquefied petroleum gas and who purchases or obtains the product from a supplier and receives delivery of that product into a storage tank.

5-445. Standard for Fuel Specifications.

1. Gasoline and Gasoline-Oxygenate Blends - (as defined in this regulation) shall meet the following requirements:

A. The most recent version of ASTM D 4814, "Standard Specification for Automotive Spark Ignition Engine Fuel," except that volatility standards for unleaded gasoline blended with ethanol shall not be more restrictive than those adopted under the rules, regulations, and Clean Air Act waivers of the U.S. Environmental Protection Agency (which includes rules promulgated by the State). Gasoline blended with ethanol shall be blended under any of the following three options:

i. The base gasoline used in such blends shall meet the requirements of ASTM D 4814, or

ii. The blend shall meet the requirements of ASTM D 4814, or

iii. The base gasoline used in such blends shall meet all the requirements of ASTM D 4814 except distillation, and the blend shall meet the distillation requirements of the ASTM specification.

B. Blends of gasoline and ethanol shall not exceed the ASTM D 4814 vapor pressure standard by more than 1.0psi.

C. Minimum Antiknock Index (AKI) - The AKI shall not be less than the AKI posted on the product dispenser or as certified on the invoice, bill of lading, shipping paper, or other documentation;

D. Minimum Motor Octane Number - The minimum motor octane number shall not be less than 82 for gasoline with an AKI of 87 or greater;

E. Minimum Lead Content to Be Termed "Leaded" - Gasoline and gasoline-oxygenate blends sold as "leaded" shall contain a minimum of 0.013g of lead per liter (0.05 g per U.S. gal);

F. Lead Substitute Gasoline - Gasoline and gasoline-oxygenate blends sold as "lead substitute" gasoline shall contain a lead substitute which provides protection against exhaust valve seat recession equivalent to at least 0.026g of lead per liter (0.10g per U.S. gal).

i. Documentation of Exhaust Valve Seat Protection. - Upon the request of the director, the lead substitute additive manufacturer shall provide documentation to the director that demonstrates that the treatment level recommended by the additive manufacturer provides protection against exhaust valve seat recession equivalent to or better than 0.026g per liter (0.1 g/gal) lead. The director may review the documentation and approve the lead substitute additive before such additive is blended into gasoline. This documentation shall consist of:

a. Test results as published in the Federal Register by the EPA Administrator as required in Section 211(f)(2) of the Clean Air Act; or

b. Until such time as the EPA Administrator develops and publishes a test procedure to determine the additive's effectiveness in reducing valve seat wear, test results and description of the test procedures used in comparing the effectiveness of 0.026g per liter lead and the recommended treatment level of the lead substitute additive shall be provided.

G. Blending - Leaded, lead substitute, and unleaded gasoline-oxygenate blends shall be blended according to the EPA "substantially similar" rule or an EPA waiver for unleaded fuel.

2. Diesel Fuel - shall meet the most recent version of ASTM D 975, "Standard Specification for Diesel Fuel Oils."

A. Premium Diesel Fuel - All diesel fuels identified on retail dispensers, bills of lading, invoices, shipping papers, or other documentation with terms such as premium, super, supreme, plus, or premier must conform to the following requirements:

i. Cetane Number - A minimum cetane number of 47.0 as determined by ASTM Standard Test Method D 613.

ii. Low Temperature Operability - A cold flow performance measurement which meets the ASTM D 975 tenth percentile minimum ambient air temperature charts and maps by either ASTM Standard

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Test Method D 2500 (Cloud Point) or ASTM Standard Test Method D 4539 (Low Temperature Flow Test, LTFT). Low temperature operability is only applicable October 1 - March 31 of each year.

iii. Thermal Stability - A minimum reflectance measurement of 80% as determined by ASTM Standard Test Method D 6468 (180 min, 150 C).

iv. Lubricity - A maximum wear scar diameter of 520 microns as determined by ASTM D 6079. If an enforcement jurisdiction's single test of more than 560 microns is determined, a second test shall be conducted. If the average of the two tests is more than 560 microns, the sample does not conform to the requirements of this part.

3. Aviation Turbine Fuels - shall meet the most recent version of ASTM D 1655, "Standard Specification for Aviation Turbine Fuels."

4. Aviation Gasoline - shall meet the most recent version of ASTM D 910, "Standard Specification for Aviation Gasoline."

5. Fuel Oils - shall meet the most recent version of ASTM D 396, "Standard Specification for Fuel Oils"

6. Kerosene (Kerosine) - shall meet the most recent version of ASTM D 3699, "Standard Specification for Kerosine."

7. Ethanol - intended for blending with gasoline shall meet the most recent version of ASTM D 4806, "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark-Ignition Engine Fuel."

8. E85 Fuel Ethanol - shall meet the most recent version of ASTM D 5798.

9. M85 Fuel Methanol - shall meet the most recent version of ASTM D 5797, "Standard Specification for Fuel Methanol M70-M85 for Automotive Spark Ignition Engines."

10. Biodiesel- B100 biodiesel intended for blending with diesel fuel shall meet the most recent version of ASTM D 6751, Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels.

11. Biodiesel Blends. – Blends of biodiesel and diesel fuels shall meet the following requirements:

A. The base diesel fuel shall meet the most current requirements of ASTM D 975, Standard Specification for Diesel Fuel Oils;

B. The biodiesel blend stock shall meet the most current requirements of ASTM D 6751, Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels.

C. Exception - Biodiesel may be blended with diesel fuel whose sulfur or aromatic or lubricity levels are outside specification ASTM D 975, Standard Specification for Diesel Fuel Oils, grades 1-D, or 2-D, provided the finished mixture meets pertinent national and local specifications, including ASTM D 975 standards.

### 5-446. Classification and Method of Sale of Petroleum Products

#### 1. General Considerations.

A. Documentation - When gasoline, gasoline-oxygenate blends, reformulated gasoline, M85 and M100 fuel methanol, E85 and E100 fuel ethanol, liquefied petroleum (LP) gases, compressed natural gas, liquefied natural gas, biodiesel, diesel fuel, kerosene, aviation gasoline, aviation turbine fuels, or fuel oils are sold, an invoice, bill of lading, shipping paper or other documentation must accompany each delivery other than a retail sale. This document must identify the quantity, the name of the product, the particular grade of the product, the applicable automotive fuel rating, and oxygenate type and content (if applicable), the name and address of the seller and buyer, and the date and time of the sale. Documentation must be retained at the retail establishment for a period not less than 1 year.

B. Retail Dispenser Labeling - All retail dispensing devices must identify conspicuously the type of product, the particular grade of the product, and the applicable automotive fuel rating.

C. Grade Name - The sale of any product under any grade name that indicates to the purchaser that it is of a certain automotive fuel rating or ASTM grade shall not be permitted unless the automotive fuel rating or grade indicated in the grade name is consistent with the value and meets the requirements of Section 2, Standard Fuel Specifications.

#### 2. Automotive Gasoline and Automotive Gasoline-Oxygenate Blends.

A. Posting of Antiknock Index Required - All automotive gasoline and automotive gasoline-oxygenate blends shall post the antiknock index in accordance with applicable regulations, 16 CFR Part 306 issued pursuant to the Petroleum Marketing Practices Act, as amended.

B. When the Term "Leaded" may be Used - The term "leaded" shall only be used when the fuel meets specification requirements of paragraph 5-445(1)(E) above.

C. Use of Lead Substitute must be Disclosed - Each dispensing device from which gasoline or gasoline-oxygenate blends containing a lead substitute is dispensed shall display the following legend: "Contains Lead Substitute." The lettering of this legend shall not be less than 12 mm (1/2 in) in height and the color of the lettering shall be in definite contrast to the background color to which it is applied.

D. Nozzle Requirements for Leaded Fuel - Each dispensing device from which gasoline or gasoline-oxygenate blends that contain lead in amounts sufficient to be considered "leaded" gasoline, or lead substitute engine fuel, is sold shall be equipped with a nozzle spout having a terminal end with an outside diameter of not less than 23.63 mm (0.930 in).

E. Prohibition of Terms - It is prohibited to use specific terms to describe a grade of gasoline or gasoline-oxygenate blend unless it meets the minimum antiknock index requirement shown in Table 1.

F. Method of Retail Sale - Type of Oxygenate must be Disclosed. - All automotive gasoline or automotive gasoline-oxygenate blends kept, offered, or exposed for sale, or sold at retail containing at least 1.5 mass percent oxygen shall be identified as "with" or "containing" (or similar wording) the predominant oxygenate in the engine fuel. For example, the label may read "contains ethanol" or "with methyl tertiary-butyl ether (MTBE)." The oxygenate contributing the largest mass percent oxygen to the blend shall be considered the predominant oxygenate. Where mixtures of only ethers are present, the retailer may post the predominant oxygenate followed by the phrase "or other ethers" or alternatively post the phrase "contains MTBE or other ethers." In addition, gasoline-methanol blend fuels containing more than 0.15 mass percent oxygen from methanol shall be identified as "with" or "containing" methanol. This information shall be posted on the upper 50% of the dispenser front panel in a position clear and conspicuous from the driver's position in a type at least 12.7 mm (1/2 in) in height, 1.5mm (1/16 in) stroke (width of type).

G. Documentation for Dispenser Labeling Purposes.- The retailer shall be provided, at the time of delivery of the fuel, on an invoice, bill of lading, shipping paper, or other documentation, a declaration of the predominant oxygenate or combination of oxygenates present in concentrations sufficient to yield an oxygen content of at least 1.5 mass percent in the fuel. Where mixtures of only ethers are present, the fuel supplier may identify either the predominant oxygenate in the fuel (i.e., the oxygenate contributing the largest mass percent oxygen) or, alternatively, use the phrase "contains MTBE or other ethers." In addition, any gasoline containing more than 0.15 mass percent oxygen from methanol shall be identified as "with" or "containing" methanol. This documentation is only for dispenser labeling purposes; it is the responsibility of any potential blender to determine the total oxygen content of the engine fuel before blending.

<b>Table 1. Minimum Antiknock Index Requirements</b>		
<b>Term</b>	<b>Minimum Antiknock Index</b>	
	<b>ASTM D 4814 Altitude Reduction Areas IV and V</b>	<b>All Other ASTM D 4814 Areas</b>
Premium, Super, Supreme, High Test	90	91
Midgrade, Plus	87	89
Regular Leaded	86	88
Regular, Unleaded (alone)	85	87
Economy	--	86

3. Diesel Fuel.

A. Labeling of Grade Required - Diesel Fuel shall be identified by grades No. 1-D, No. 1-D (low sulfur), No. 2-D, No. 2-D (low sulfur), or No. 4-D. Each retail dispenser of diesel fuel shall be labeled according to the grade being dispensed except the words "low sulfur" are not required.

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B. Location of Label - These labels shall be located on the upper 50% of the dispenser front panel in a position clear and conspicuous from the driver's position, in a type at least 12mm (1/2in) in height, 1.5mm (1/16in) stroke (width of type).

C. Delivery Documentation - Before or at the time of delivery of premium diesel fuel, the retailer or the wholesale purchaser-consumer shall be provided on an invoice, bill of lading, shipping paper, or other documentation a declaration of all performance properties that qualifies the fuel as premium diesel fuel as required in section 5-445(1)(B).

### 4. Fuel Oils.

A. Labeling of Grade Required - Fuel Oil shall be identified by the grades of No. 1, No. 2, No. 4 (Light), No. 4, No. 5 (Light), No. 5 (Heavy), or No. 6.

### 5. Kerosene (Kerosine).

A. Labeling of Grade Required - Kerosene shall be identified by the grades No. 1-K or No. 2-K.

B. Additional Labeling Requirements - Each retail dispenser of kerosene shall be labeled as 1-K Kerosene or 2-K. In addition, No. 2-K dispensers shall display the following legend: "Warning - Not Suitable For Use In Unvented Heaters Requiring No. 1-K." The lettering of this legend shall not be less than 12 mm (1/16 in) in height by 1.5 mm (1/16 in) stroke; block style letters and the color of lettering shall be in definite contrast to the background color to which it is applied.

### 6. Fuel Ethanol.

A. How to Identify Fuel Ethanol - Fuel ethanol shall be identified by the capital letter E followed by the numerical value volume percentage. (Example: E85)

B. Retail Dispenser Labeling - Each retail dispenser of fuel ethanol shall be labeled with the capital letter E followed by the numerical value volume percent denatured ethanol and ending with the word "ethanol." (Example: E85 Ethanol)

C. Additional Labeling Requirements.- Fuel ethanol shall be labeled with its automotive fuel rating in accordance with 16 CFR Part 306.

### 7. Fuel Methanol.

A. How Fuel Methanol is to be Identified - Fuel methanol shall be identified by the capital letter M followed by the numerical value volume percentage of methanol. (Example: M85)

B. Retail Dispenser Labeling - Each retail dispenser of fuel methanol shall be labeled by the capital letter M followed by the numerical value volume percent and ending with the word "methanol." (Example: M85 Methanol)

C. Additional Labeling Requirements - Fuel methanol shall be labeled with its automotive fuel rating in accordance with 16 CFR Part 306.

### 8. Biodiesel.

A. Identification of Product - Biodiesel and biodiesel blends shall be identified by the capital letter B followed by the numerical value representing the volume percentage of biodiesel fuel. (Examples: B10; B20; B100)

B. Labeling of Retail Dispensers Containing Between 5 % and 20 % Biodiesel - Each retail dispenser of biodiesel blend containing more than 5 % and up to and including 20 % biodiesel shall be labeled with either:

i. The capital letter B followed by the numerical value representing the volume percentage of biodiesel fuel and ending with "biodiesel blend." (Examples: B10 biodiesel blend; B20 biodiesel blend), or;

ii. The phrase "biodiesel blend between 5 % and 20 %" or similar words.

C. Labeling of Retail Dispensers Containing More Than 20 % Biodiesel - Each retail dispenser of biodiesel or biodiesel blend containing more than 20 % biodiesel shall be labeled with the capital letter B followed by the numerical value representing the volume percentage of biodiesel fuel and ending with either "biodiesel" or "biodiesel blend." (Examples: B100 biodiesel; B60 biodiesel blend).

D. Documentation for Dispenser Labeling Purposes - The retailer shall be provided, at the time of delivery of the fuel, with a declaration of the volume percent biodiesel on an invoice, bill of lading, shipping paper, or other document. This documentation is for dispenser labeling purposes only; it is the responsibility of any potential blender to determine the amount of biodiesel in the diesel fuel prior to blending.

E. Exemption. - Biodiesel blends containing 5 % or less biodiesel by volume are exempted from the requirements of Part A of this section.

## 5-447. Retail Storage Tanks

1. Water in Gasoline, Diesel, Gasoline-Ether, and Other Fuels - Water shall not exceed 76 mm (3in) in depth when measured with water indicating paste in any tank utilized in the storage of biodiesel, diesel, gasoline, gasoline-ether blends, and kerosene sold at retail.

## 2. Product Storage Identification.

A. Fill Connection Labeling - The fill connection for any petroleum product storage tank or vessel supplying engine-fuel devices shall be permanently, plainly, and visibly marked as to the product contained.

B. Declaration of Meaning of Color Code - When the fill connection device is marked by means of a color code, the color code shall be conspicuously displayed at the place of business.

C. Volume of Product Information - Each retail location shall maintain on file a calibration chart or other means of determining the volume of each regulated product in each storage tank and the total capacity of such storage tank(s). This information shall be supplied immediately to the Director of Consumer Services.

## 5-448. Condemned Product

1. Stop-Sale Order at Retail - A stop-sale order may be issued to retail establishment dealers for fuels failing to meet specifications or when a condition exists that causes product degradation. A release from a stop-sale order will be awarded only after final disposition has been agreed upon by the Director. Confirmation of disposition shall be submitted in writing on form(s) provided by the Director and contain an explanation for the fuel's failure to meet specifications. Upon discovery of fuels failing to meet specifications, meter readings and physical inventory shall be taken and reported in confirmation for disposition. Specific variations or exemptions may be made for fuels designed for special equipment or services and for which it can be demonstrated that the distribution will be restricted to those uses.

2. Stop-Sale Order at Terminal or Bulk Plant Facility - A stop-sale order may be issued when products maintained at terminals or bulk plant facilities fail to meet specifications or when a condition exists that may cause product degradation. The terminal or bulk storage plant shall immediately notify all customers that received those product(s) and make any arrangements necessary to replace or adjust to specifications those product(s). A release from a stop-sale order will be awarded only after final disposition has been agreed upon by the Director. Confirmation of disposition of products shall be made available in writing to the Director. Specific variations or exemptions may be made for fuels used for blending purposes or designed for special equipment or services and for which it can be demonstrated that the distribution will be restricted to those uses.

## 5-449. Product Registration &amp; Test Methods

1. Engine Fuels Designed for Special Use - All engine fuels designed for special use that do not meet ASTM specifications or standards addressed in Section 2 shall be registered with the Director on forms prescribed by the Director 30 days prior to when the registrant wishes to engage in sales. The registration form shall include all of the following information:

A. Identity - Business name and address(es).

B. Address - Mailing address if different than business address.

C. Business Type - Type of ownership of the distributor or retail dealer, such as an individual, partnership, association, trust, corporation, or any other legal entity or combination thereof.

D. Signature - An authorized signature, title, and date for each registration.

E. Product Description - Product brand name and product description.

F. Product Specification - A product specification sheet shall be attached.

2. Renewal - Registration is subject to annual renewal.

3. Re-registration - Re-registration is required 30 days prior to any changes in Part 1 above.

4. Authority to Deny Registration - The Director may decline to register any product that actually or by implication would deceive or tend to deceive a purchaser as to the identity or the quality of the engine fuel.

5. Transferability - The registration is not transferable.

6. ASTM Standard Test Methods - ASTM Standard Test Methods referenced for use within the applicable Standard Specification shall be used to determine the specification values for enforcement purposes.

A. Premium Diesel - The following test methods shall be used to determine compliance with the premium diesel parameters:

i. Cetane Number - ASTM D 613;

ii. Low Temperature Operability - ASTM D 4539 or ASTM D 2500 (according to marketing claim);

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iii. Thermal Stability - ASTM D 6468 (180 min, 150 C);

iv. Lubricity - ASTM D 6079.

### 7. Reproducibility Limits.

A. AKI Limits - When determining the antiknock index (AKI) acceptance or rejection of a gasoline sample, the AKI reproducibility limits as outlined in ASTM D 4814 Appendix X1 shall be acknowledged for enforcement purposes.

B. Reproducibility - The reproducibility limits of the ASTM standard test method used for each test performed shall be acknowledged for enforcement purposes, except as indicated above in part A.

C. Dispute Resolution - In the event of a dispute over a reported test value, the guidelines presented in the most recent version of ASTM D 3244, "Standard Practice for Utilization of Test Data to Determine Conformance with Specifications," shall be used to determine the acceptance or rejection of the sample.

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### DEPARTMENT OF NATURAL RESOURCES

#### CHAPTER 123

Statutory Authority: 50-1-200, 50-1-220, 50-11-10 and 50-11-2200

123-40. Wildlife Management Area Dove Fields

#### **Emergency Situation:**

These emergency regulations establish the dove seasons and dove limits statewide and establish seasons, limits and special restrictions for dove hunting on Dove Management Areas. Because the dove season extends until January 15 it is necessary to re-file these regulations as emergency.

#### **Text:**

### **WILDLIFE MANAGEMENT AREA PUBLIC DOVE FIELDS 2007-08**

**Dove Management Area Regulations:** The following fields are open on a first-come basis, unless otherwise stated below. The number of hunters may be restricted on some fields. A Wildlife Management Area permit is required for all fields. Fields are open only as shown below. Please consider the other hunters as well as the landowners whose cooperation makes these fields possible. Signs will be placed along roads directing hunters to the fields. All federal and state laws apply. Fields are open only on days and times indicated. Fields denoted by an asterisk (\*) require hunters to sign in (not before 12:00 noon) and sign out on ALL hunts. No species other than mourning doves and Eurasian collared doves may be hunted during scheduled dove hunts. Please remove all litter, including spent shell hulls, from fields when leaving! Migratory bird permit required.

**Season Dates:** September 1 - October 6 (Sept 1-3 Afternoons only); November 17 - November 24;  
December 21 - January 15

**Bag Limit:** Mourning Doves: 12 doves per day. No limit on Eurasian collared doves.

The following special regulations apply to all Wildlife Management Area Public Dove Fields: Hunters are limited to 50 shells per hunt. No entry onto fields before 12:00 noon. No shooting after 6:00 p.m. during the first segment of the season (September 1 – October 6)

**ABBEVILLE**

U.S. Forest Service, Parson Mountain WMA

5 mi. east of Abbeville on SC-72, ¼ mile south on Bass Rd., 40 acres. Special Youth Hunt on Sept. 1 (see Youth Hunt List for details).

1<sup>st</sup> season – Saturdays Only beginning Sept. 15, Afternoons only. 2<sup>nd</sup> and 3<sup>rd</sup> season – Open Mon – Sat

**AIKEN**

US Dept of Energy, Crackerneck WMA

From SC 125/CR62 (Silverton Rd) in Jackson, take Silverton 0.4 mi. to Main St., left on Main for 0.4 mi., then right on Brown Rd. for 2.1 mi. Turn left on gravel road, at end of pavement go 0.2 mi. to check station, 40 acres.

1<sup>st</sup> season – Sept. 5 & 19; Oct. 3. Afternoons Only. 2<sup>nd</sup> & 3<sup>rd</sup> season – Fridays, Saturdays & Thanksgiving Day ONLY.

**ANDERSON**

Evans Property

US 178 at Lebanon, 25 acres Opening day participants selected by drawing. Apply by Aug 17 at Clemson DNR office. Anderson . Saturdays Only, Afternoons Only, Dove Hunting Only.

**ANDERSON**

Clemson University - Fant's Grove WMA

From US 76/ SC 28 south of Clemson Take SC 187 to Fant's Grove Rd. 1.5 miles W, 45 acres

Open 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> seasons. Saturdays Only, Afternoons Only. (\*Note: Field will be closed Oct. 6). Dove Hunting Only

**\*BERKELEY**

U.S. Army Corps of Engineers - Canal WMA (Above Powerhouse) From St. Stephen Take SC 45 west for 1.5 miles or continue to County Rd 35. Go Left about .3 miles, 60 acres

Sept 1, 15, 29; Nov. 17; Afternoons Only. Dove & Pigeon Hunting Only.

**\*BERKELEY**

U.S. Army Corps of Engineers - Canal WMA (Below Powerhouse) From St. Stephen Take SC 45 E for 2.5 miles Turn Left on Paved Road, 40 acres

Sept 1, 15, 29; Nov. 17; Afternoons Only.

Dove & Pigeon Hunting Only.

**CHEROKEE**

Gaffney Board of Public Works

Take I-85 to Gaffney Exit 95, 1.2 mi. N on SR82, near Lake Whelchel, field on west side of road only, 20 acres

Saturdays Only, Afternoons Only. Dove Hunting Only

**CHESTER**

U.S. Forest Service - Worthy Bottoms

10 miles west of Chester on SC 9, Left on Sec Rd 535, Turn Right on Worthy=s Ferry Rd. 30 acres

1st season - Saturdays Only, Afternoons Only. 2nd & 3rd seasons - Open Mon –Sat Afternoons Only

**CHESTERFIELD**

Taylor Property

1.8 miles north of McBee on US 1, Left on SC 145 for 11.8 miles, Right on Sec Rd 29 for .6 miles. 40 acres

Saturdays Only, Afternoons Only. Dove Hunting Only.

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### **CHESTERFIELD**

DNR - McBee Tract

4 miles west of McBee on US 1, Left (South) on Sec Rd 296 for about 2 miles, Field on Left, 20 acres Planted.  
1st season – Saturdays Only, Afternoons Only. 2nd & 3rd seasons - Open Mon – Sat Afternoons Only.

### **CHESTERFIELD**

SC Forestry Commission - Sand Hills State Forest

Wilkes Chapel Field

From Sand Hills Forest Headquarters on US 1, Go south on truck trail 141 for 1.3 miles, Right on Sec Rd 29 for .2 miles, Field on Right, 54 acres

1st season – Saturdays Only, Afternoons Only. 2nd & 3rd seasons - Open Mon – Sat Afternoons Only

### **CHESTERFIELD**

SC Forestry Commission – Sand Hills State Forest

Davis Field

From the intersection of US 1 and SC 102 in Patrick: Go southeast on SC 102 approx. 1 mi. Bear left on SR 80 and proceed approx. 1.5 mi. Left on Campbell Lake Rd. Continue 0.2 mi. then left on Griggs Loop Rd. Field entrance 0.1 mi. on the right. 30 acres.

1<sup>st</sup> season – Wednesdays only, Afternoons Only. 2<sup>nd</sup> & 3<sup>rd</sup> seasons – Open Mon. – Sat., Afternoons Only

### **\*CLARENDON**

Santee Cooper – Santee Dam WMA

From the south end of SC 260 follow gravel road at Base of dam for approx. 5 mi., 137 acres.

Sept. 1, 15, 29; Nov. 24, Jan. 5. Afternoons Only. Dove Hunting Only

### **\*CLARENDON**

SC Forestry Commission Oak Lea WMA. From Summerton take SC 26 west for 2 mi. Go north on SC 41 for approx 5 mi. Field on right. 135 ac.

Sept. 1, 15, 29; Nov. 24, Jan. 5. Afternoons Only. Dove Hunting Only

### **\*COLLETON**

DNR - Bear Island WMA

About 17 miles southeast of Green Pond on Sec Rd 26, 100 acres – Sept 5 & 19; Nov 24. Afternoons only

### **\*COLLETON**

DNR - Donnelley WMA

From US 17 E of Green Pond, Go southeast on Sec Rd 26 4 miles, Turn Right at Donnelley WMA Sign, Field 2 miles on Right, 100 acres

Sept 5 & 19; Nov 24; Dec 22; Jan. 2 & 9 Afternoons only. On site lottery for 120 hunters on Sept. 5.

### **DARLINGTON**

DeWitt Property From I-20 (Exit 137) go South on SC 340 (towards Timmonsville) 2.1 miles to Meander Rd. Right on Meander. Go 1.7 miles to Lake Swamp Rd. Right on Lake Swamp Rd. Go 0.5 miles to Oak Stump Rd. Bear left on Oak Stump. Field 1 mile on left. 50 acres. Wed. Afternoons Only, Dove Hunting Only

### **EDGEFIELD/MCCORMICK**

U.S. Forest Service - Forks WMA

1 mile east of SC 28 on Sec Rd 112 near Furey's Ferry, 22 acres - 1st season – Saturdays Only, Afternoons Only. 2nd & 3rd seasons - Open Mon-Sat.



**FAIRFIELD**

Crescent Resources LLC

From Ridgeway take US21 N for 9.0 mi., turn right on S-20-101 (River Rd), go 10.8 mi. to 2<sup>nd</sup> Rockbridge Rd S-20-291 turn left for 0.8 mi. to Island Rd, turn right 0.5 mi. to field – 25 acres

Saturdays Only – Afternoons Only - Dove Hunting Only

**GEORGETOWN**

DNR Samworth WMA

15 miles north of Georgetown off US 701, Follow Signs, 60 acres

Saturdays, Afternoons Only, Dove Hunting Only

**\*HAMPTON**

DNR - Webb Wildlife Center

3 miles west of Garnett on Augusta Stage Coach Rd., 35 acres - Sept 5, 19, & 29; Nov. 21, Dec. 22, Jan 12

Afternoons Only.

**HORRY**

DNR - Waccamaw River Heritage Preserve, Schultz Tract, From Stephens Crossroads on SC 9, Turn north on Sec Rd 57 & Proceed 2.2 miles, Left on Sec Rd 111 & Proceed 2 miles, Left on Oscar Rd., Bear Left & Then Right to Field Entrance, 32 acres

Saturdays only, Afternoons only

**LAURENS**

DNR - Gray Court Tract

8 miles north of Laurens on SC 14, Right on tar & gravel road for .2 miles, Right on dirt road for .1 mile, 12 acres - 1st season – Saturdays Only, Afternoons Only - 2nd & 3rd seasons - Open Mon – Sat Afternoons Only

**LEE**

Atkinson Property

From I-20, Go 2.7 miles southeast on SC 341 to Wisacky, Go 0.9 miles west on Cooper=s Mill Rd. To Mt. Zion AME Church. Go 3.7 miles south on Dog Island Rd. Field on both sides of road. From US 401, Go 1.1 miles northwest on Dog Island Rd., 70 acres.

Wednesday Afternoons only. Dove Hunting Only.

**LEXINGTON**

Hallman Field

From I-20 take 178 south for 2.5 miles to Truex Rd. take left 0.5 miles to Tom Adams Rd. take right, to 0.9 miles to stop sign, turn left on Rish Rd., go 0.3 miles to parking area. 45 acres

Saturdays Only, Afternoons Only – Dove Hunting Only

**MARLBORO**

DNR - Lake Wallace WMA

northwest of Lake Wallace on Sec Rd 47 Bennettsville, Beauty Spot Rd., 50 acres

Saturdays, Afternoons Only. Dove Hunting Only

**MCCORMICK**

U.S. Army Corps of Engineers - Clarks Hill WMA

Waterfowl Area, 2.5 mi. south of Bordeaux on Sec. Rd. 110, 40 acres.

Sept. 1 & 19; Nov. 21, Jan 9 only, Afternoons Only

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### **MCCORMICK**

US Army Corps of Engineers – Key Bridge WMA

0.25 mile north of Parksville on SC-28, 22 acres.

1<sup>st</sup> season – Saturdays Only, Afternoons Only. 2<sup>nd</sup> & 3<sup>rd</sup> seasons – Open Mon.- Sat

### **MCCORMICK**

U.S. Forest Service – Key Bridge WMA – Cunningham Fields – 5 mi. E of Plum Branch on SC 283, 1 mi. south on Forest Service Rd 688, 40 acres

1<sup>st</sup> season – Saturdays Only, Afternoons Only. 2<sup>nd</sup> & 3<sup>rd</sup> seasons – Open Mon-Sat

### **MCCORMICK**

U.S. Army Corps of Engineers - Key Bridge WMA

2 miles west of Plum Branch on Sec Rd 57, 30 acres

1st season – Saturdays Only, Afternoons Only. 2nd & 3rd seasons - Open Mon-Sat.

### **NEWBERRY**

SCDOT McCullough Field

From I-26 North on Hwy 121 towards Whitmire 9.2 mi. Right on McCullough Rd., 0.7 mi. Field on right.

Saturdays Only Beginning Sept 8, Afternoons Only, Dove Hunting Only

### **OCONEE**

S.C. Forestry Commission - Piedmont Forestry Center

From SC 130 north of Salem Turn Left on SC 11 & follow signs to nursery, 18 acres

Saturdays Only, Afternoons Only. Dove hunting only. 3rd season – Closed.

### **OCONEE**

U.S. Forest Service - Ross Mtn. Field

About 7 miles north of Walhalla on SC 28, Turn on Tunneltown Rd., Turn on Ross Mtn. Rd, Field on Both Sides of road, 35 acres

1<sup>st</sup> Season, Saturdays - Afternoons Only, Beginning Sept 8. Open 2<sup>nd</sup> & 3<sup>rd</sup> seasons – Saturday Afternoons Only

### **\*ORANGEBURG**

Santee Cooper - Santee Cooper WMA

.5 miles northeast of Eutaw Springs, 50 acres

Entire WMA under Dove Area Regulations.

Sept 15 & 29; Nov. 24, Jan 5. Afternoons Only. Dove Hunting Only.

### **PICKENS**

DNR Property

South of Pickens off Sec Rd 304 near SC Highway Dept. Bldg., 40 acres

Open 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> seasons. Saturdays Only, Afternoons Only. Dove Hunting Only

### **PICKENS**

Clemson University - Gravely WMA - Causey Tract

From SC 11 Go south on Sec Rd 112 at Cendy's Store, Turn east on Sec Rd 114 & Go 0.5 miles; 25 acres

Open 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> seasons. Saturdays Only, Afternoons Only. Dove Hunting Only

### **PICKENS**

Porter Field

183 from Pickens, Go 5 miles to Mtn. View Church Rd. Right 1/10 miles, Field on Right

Saturdays - Afternoons Only, Beginning Sept. 8. 3<sup>rd</sup> Season – Closed. Dove Hunting Only

**SALUDA**

S.C. Electric and Gas, Murray WMA  
 12 mi. N of Saluda on SC-121, 1 mi. E on Tostie Creek Rd., 40 acres.  
 Saturdays Only. Afternoons Only

**SPARTANBURG**

Santee Cooper

From intersection of US 176 & West Main St. (Sec. Rd. 227) approx. 2.5 miles W. of Pacolet, go 0.1 mile east on West Main St. and turn left on Goldmine Rd. (Sec. Rd. 108) for 4.3 miles then turn right on Hatchet Dr. Field at end of road. 15 acres.

1<sup>st</sup> season - Saturdays only, Afternoons Only. 2<sup>nd</sup> & 3<sup>rd</sup> seasons – Open Mon. – Sat., Afternoons Only

**SPARTANBURG**

Spartanburg Co Parks & Recreation Dept. – Inman Tract

3.5 mi. northwest of Inman on New Cut Rd. (Sec. Hwy 52). Field is on left (west) side of the road.  
 20 acres. Saturdays Only, Afternoons Only, Dove Hunting Only.

**SUMTER**

S.C. Forestry Commission - Manchester State Forest

Directions from Wedgefield

Bland Field 1 – Take Hwy 261 North 0.7 mi. to Bland entrance sign, turn right and follow dirt road to field.

50 ac. Sept. 1 is Youth Hunt Only

Bland Field 2 – Take SC 763 (Wedgefield Rd) 1.8 mi. then left on Knott Rd & follow dirt road 0.4 mi. to field.  
 50 acres

Bird Haven Field – Takes SC 763 (Wedgefield Rd) 4 mi. to stop sign. Left on St. Paul Ch. Rd., go 1 mi. to field on right. 25 acres

Tuomey Field – Take SC 763 (Wedgefield Rd) 4 mi. to stop sign. Right on St. Paul Ch. Rd., go 3.2 mi. to field on left. 50 acres

Brunson Field – Take SC 763 (Wedgefield Rd) 4 mi. to stop sign. Right on St. Paul Ch. Rd., go 3.7 mi. then right on Rt. 120; go 1.3 mi.; right on Starkes Ferry Rd.; go 1.6 mi. then left on dirt road; go 0.3 mi. to field on left. 15 acres

Mary Williams Field – Take Hwy 261 South 3.3 mi.; left on Bells Mill Rd., go 0.5 mi. to field on left. 20 acres

1<sup>st</sup> season - Sat Afternoons Only (Designated Fields). 2<sup>nd</sup> & 3<sup>rd</sup> seasons - Open Mon. - Sat. ( Designated Fields and the general forest).

**UNION**

DNR Thurmond Tract

4.3 miles North on SC9 from the intersection of SC 9 and SC 49 at Lockhart. Field is on left. 15 acres.

1<sup>st</sup> season – Saturdays Only, Afternoons Only. 2<sup>nd</sup> & 3<sup>rd</sup> seasons open Mon – Sat. Afternoons Only.

**UNION**

U.S. Forest Service

3 miles E of Cross Keys on Sec Rd 18 at Intersection of Sec Rd 80 near Sedalia , 15 acres

1<sup>st</sup> season – Saturdays – Afternoons Only, Beginning Sept. 8. 2<sup>nd</sup> & 3<sup>rd</sup> seasons - Open Mon - Sat. Afternoons Only.

## **44 EMERGENCY REGULATIONS**

### **YORK**

DNR - Draper Tract

3.5 miles E of McConnell on SC 322, Turn Right on Sec Rd 165, Go .5 miles, Turn Right, Two 30 acres Fields.

1st season – Saturdays Only, Afternoons Only. 2nd & 3rd seasons Open Mon - Sat. Afternoons Only.

Opening day participants selected by drawing. Apply in writing by Aug 17 to DNR, 124 Wildlife Dr, Union, SC 29379. Limited space available.

### **YORK**

York County – Worth Mountain WMA

From Hickory Grove at the intersection of SC Hwy 97 and SC Hwy 211, take Hwy 211 South approx. 4 miles and turn left on Scenic View Rd, go .75 miles and field is on right. 40 acres planted.

1<sup>st</sup> season – Saturdays only, Afternoons only. 2<sup>nd</sup> & 3<sup>rd</sup> seasons Open Mon-Sat, Afternoons Only

### **SPECIAL YOUTH DOVE HUNTS:**

Eligibility for these hunts requires adults 21 years or older to bring 1 or 2 youths 17 years of age or younger. The following regulations also apply on Special Youth Dove Hunts: (1) Adults may actively participate in hunting, but adults may not shoot while accompanying youths are shooting. Adult's gun must be unloaded when accompanying youth is shooting; youths' guns must be unloaded when adult is shooting. (2) Bag limit is 12 birds per youth participant. Birds harvested by adult hunters will count towards this bag limit. Birds harvested by individual hunters must be kept separate, and in no instance may an individual hunter harvest more than 12 birds.

### **ABBEVILLE YOUTH HUNT**

U.S. Forest Service – Parson Mountain WMA

Sept. 1. Participants selected by drawing.

### **NEWBERRY YOUTH HUNT**

SCDOT – McCullough Field

Sept. 1 Limited Space Available

### **OCONEE YOUTH HUNT**

U.S. Forest Service, Ross Mtn. Field

Sept. 1 Participants selected by drawing.

### **\*ORANGEBURG YOUTH HUNT**

Santee Cooper – Santee Cooper WMA

0.5 mi. northeast of Eutaw Springs, 70 acres

Sept. 1 No pre-registration required

### **PICKENS YOUTH HUNT**

Porter Field -- Sept 1

Participants selected by drawing.

### **SUMTER YOUTH HUNT**

Manchester State Forest near Wedgefield

Bland Tract – Field 1.

Sept. 1

**UNION YOUTH HUNT**

U.S. Forest Service near Sedalia  
 Sept. 1  
 Participants selected by drawing

**YORK YOUTH HUNT**

DNR Draper WMA  
 Sept. 1  
 Participants selected by drawing

**Statement of Need and Reasonableness:**

Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on new WMAs as well as expanding use opportunities on existing WMAs. Since the availability of specific fields changes each year and season dates change as allowed by Federal Regulation it is necessary to file Dove Field regulations annually. Because the dove season extends until January 15 it is necessary to re-file these regulations as emergency.

**Fiscal Impact Statement:**

This amendment of Regulation 123.40 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

**Filed: December 5, 2007 4:16 pm**

Document No. 3190

**DEPARTMENT OF NATURAL RESOURCES****CHAPTER 123**

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-9-740, 50-11-10, 50-11-2200 and 50-11-2210.

123-40. Wildlife Management Area Regulations

**Emergency Situation:**

These emergency regulations amend and supersede South Carolina Department of Natural Resources Regulation Numbers 123-40. These regulations set open and closed seasons, bag limits and methods of taking wildlife; define special use restrictions related to hunting and methods for taking wildlife on Wildlife Management Areas. Because the youth waterfowl hunting day is set annually it is necessary to file these regulations as emergency.

**Text:**

123-40. Wildlife Management Area Regulations.

1.1 The following regulations amend South Carolina Department of Natural Resources regulation Number 123-40.

## **46 EMERGENCY REGULATIONS**

1.2 The regulations governing hunting including prescribed schedules and seasons, methods of hunting and taking wildlife, and bag limits for Wildlife Management Areas and special restrictions for use of WMA lands are as follows:

2.12 On WMA lands, during the designated statewide youth deer hunt day, still hunting only, two deer, either-sex. The statewide youth day hunts are: Waterfowl December 8, 2007, Deer January 5, 2008, Rabbit March 8, 2008 and Turkey March 29, 2008.

### **Statement of Need and Reasonableness:**

Regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife. Amendments are needed to allow additional opportunity. Since the youth waterfowl hunt day is set annually, it is necessary to file this regulation as emergency so it will take effect immediately.

### **Fiscal Impact Statement:**

This amendment of Regulation 123.40 will result in increased public hunting opportunities that should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

**Filed: November 28, 2007 10:42 am**

Document No. 3187

## **DEPARTMENT OF NATURAL RESOURCES**

### **CHAPTER 123**

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-220, 50-11-10, 50-11-105, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-520, 50-11-530, 50-11-854, 50-11-2200 and 50-11-2210

123-40. Wildlife Management Area Regulations

123-52. Deer Hunting on Private Lands in Game Zones 1 and 2

### **Emergency Situation:**

These emergency regulations amend and supersede South Carolina Department of Natural Resources Regulation Numbers 123-40 and 123-52. These regulations set open and closed seasons, bag limits and methods of taking wildlife; define special use restrictions related to hunting and methods for taking wildlife on Wildlife Management Areas. Because the hunting seasons on many of these areas extends until January 1 it is necessary to re-file these regulations as emergency.

### **Text:**

**123-40.** Wildlife Management Area Regulations.

1.1. The following regulations amend South Carolina Department of Natural Resources regulation Numbers 123-40 and 123-52.

1.2. The regulations governing hunting including prescribed schedules and seasons, methods of hunting and taking wildlife, and bag limits for Wildlife Management Areas and special restrictions for use of WMA lands are as follows:

**(A) Game Zone 1**

**Chauga, Franklin L. Gravely and Caesar’s Head WMAs**

Small Game	No hunting before Sept. 1 or after Mar. 1; otherwise. Game Zone 1 seasons apply. US Forest Service Long Creek Tracts, Oconee County, small game only between Thanksgiving Day and March 1.	Game Zone 1 bag limits.
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Hogs and Coyotes

On each WMA property, feral hogs and coyotes may be taken during the open season for game. No hog hunting with dogs during the still gun hunts for deer or bear. Hog hunters must use small game weapons during small game-only season. During turkey season hogs may be taken using legal weapons for turkey only.

**(B) Game Zone 2**

**John C. Calhoun, Cokesbury, Clarks Hill, Parsons Mountain, Key Bridge, Forks, Ninety-six, Goldmine, Murray, Enoree, Fairforest, Keowee, Fant’s Grove, Carlisle, Broad River, Dutchman, Wateree and Worth Mountain WMA’s.**

Still Gun Hunts (No dogs)	Oct. 11 through the Saturday after Thanksgiving; 3rd Monday after Thanksgiving through Jan. 1.	10 deer; 2 per day, buck ONLY for gun hunts except either-sex on days specified in Reg. 4.2. Limit of 10 must not include more than 5 bucks. Male fawns apply toward the buck limit. Archers are allowed to take either sex during entire period and tags are valid starting Oct. 1 however, daily and season bag limits apply.
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**Keowee WMA**

No hunting is allowed in research and teaching areas of Keowee WMA (research and teaching areas are posted with white signs) except those special hunts for youth or mobility-impaired as conducted by the Department.

**Fants Grove WMA**

Quality Deer Management Area - bucks must have at least 4 points on one side or a minimum 12-inch antler spread. A point must be at least one inch long. During the Fant’s Grove draw hunts for deer, all hunters must sign in at the Fant’s Grove DNR checkpoint. Fant’s Grove DNR check point will open 2 hours before official sunrise for deer hunts. Hunters are required to wear a hat, coat or vest of international orange while hunting deer.

**(C) Crackerneck WMA and Ecological Reserve**

## 48 EMERGENCY REGULATIONS

All individuals must sign in and out at main gate. Scouting seasons (no weapons), will be Saturdays only during September and March. The gate opens at 6:00am and closes at 8:00pm. On deer hunt days, gates will open as follows: Oct., 4:30am-8:30pm; Nov. - Dec., 4:30am-7:30pm. For special hog hunts in Jan. and Feb., gate will be open from 5:30am-7:00pm. Hog hunters are required to wear either a hat, coat or vest of international orange. Hogs may NOT be taken from Crackerneck alive and hogs must be shown at check station gate. Not more than 4 bay or catch dogs per party. On Saturday night raccoon hunts, raccoon hunters must cease hunting by midnight and exit the gate by 1:00am. On Friday night raccoon hunts, raccoon hunters must cease hunting by 1 hour before official sunrise and exit the gate by official sunrise. All reptiles and amphibians are protected. No turtles, snakes, frogs, toads, salamanders etc. can be captured, removed, killed or harassed. (re-file under new authority)

Raccoon & Opossum	3 <sup>rd</sup> Sat. night in Oct. - Jan. 1, Sat. nights only; 1 <sup>st</sup> Fri. night in Jan. to last Fri. or Sat. night in Feb., Fri. and Sat. nights only.	3 raccoons per party per night. No limit on Opossums.
Small Game (except no open season on bobcats, foxes, otters and fox squirrels).	3 <sup>rd</sup> Fri. in Oct. - last Fri. or Sat. in Feb. Fri., Sat. and Thanksgiving Day only.	Game Zone 3 bag Limits.

### (G) Francis Marion National Forest

During still gun hunts for deer there shall be no hunting or shooting from, on or across any road open to vehicle traffic. No buckshot on still gun hunts. During deer hunts when dogs are used buckshot only is permitted. On either-sex deer hunts with dogs, all deer must be checked in by one hour after legal sunset. Hogs may only be taken during deer hunts and special hog hunts. On all still gun and muzzleloader either-sex hunts for all units, all does must be tagged with an individual antlerless deer tag except when harvested on county-wide either-sex days. Individual antlerless deer tags are valid on days not designated as either-sex after Sept. 15 for still hunting only.

Total of 8 deer for all gun and muzzleloader hunts on the Francis Marion.

### Hellhole WMA

Delete special hog hunts in Feb.

### Waterhorn WMA

Hog Hunts with dogs	Every other Sat. in Feb. beginning with the 1 <sup>st</sup> Sat.	No limit.
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No more than 4 bay or catch dogs per party. No still or stalk hunting permitted. One shotgun per party (buck shot only). Pistols allowed. Hog hunters must have a hunting license and WMA permit, and are required to wear a hat, coat or vest of solid international orange color while hunting. Hogs may not be transported alive. Hog hunters must sign in at designated locations and complete a data card upon entering and leaving Waterhorn WMA. Hunting allowed from legal sunrise to legal sunset.



**Wambaw WMA**

Hog Hunts with dogs	Every other Sat. beginning with the 2 <sup>nd</sup> Sat. in Feb. and ending on 1 <sup>st</sup> Sat. in March.	No limit.
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No more than 4 bay or catch dogs per party. No still or stalk hunting permitted. One shotgun per party (buck shot only). Pistols allowed. Hog hunters must have a hunting license and WMA permit, and are required to wear a hat, coat or vest of solid international orange color while hunting. Hogs may not be transported alive. Hog hunters must sign in at designated locations and complete a data card upon entering and leaving Wambaw WMA. Hunting allowed from legal sunrise to legal sunset.

**(H) Moultrie****Hall WMA**

Small Game (Shotguns only)	Jan. 2 through Mar. 1	Game Zone 6 bag limits except quail 8 per day.
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**Bluefield WMA (Adult/Youth Area)**

Bluefield WMA is open only to youth 17 years of age or younger who must be accompanied by an adult at least 21 years of age. Youth hunters must carry a firearm and hunt. Adults with youth will be allowed to carry a weapon and hunt.

**Cross Station Site**

Special Gun Hunts for youth and women.	No open season except hunters selected by drawing.	1 deer per day, either-sex
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**(J) Webb WMA**

Quail Hunts Quail hunters must Return data cards At kiosk	2 <sup>nd</sup> and 4 <sup>th</sup> Wed. in Jan. pick-up and 3 <sup>rd</sup> Sat. in Jan. 1 <sup>st</sup> and 3 <sup>rd</sup> Sat. in Feb. 1 <sup>st</sup> Wed. in Feb.	8 quail per party per day
Hog Hunts No dogs	3 <sup>rd</sup> Thurs. – Sat. in March 2 <sup>nd</sup> Thurs. – Sat. in May 1 <sup>st</sup> Thurs. – Sat. in Sept.	No limit.
Hog Hunts with dogs (pistols only) Four dog limit per party.	1 <sup>st</sup> Thurs.- Sat. in March 2 <sup>nd</sup> Thurs.-Sat. in March 2 <sup>nd</sup> Thurs. – Sat. in Sept.	No limit.

## 50 EMERGENCY REGULATIONS

### (P) Pee Dee Station Site WMA

Deer Total of 3 for all hunt periods combined.

Still hunting only, no deer dogs, no buckshot, no hunting or shooting from or on any roads open to vehicular traffic. The scouting seasons are 3-day periods on Saturday through Monday immediately proceeding hunt periods. Hunters must sign in and out at the check station.

### (Q) Aiken Gopher Tortoise WMA

Deer Hunts Total 3 deer  
(No dogs) Not to include more than 2 bucks. Hogs no limit.

Raccoon & Opossum Thanksgiving night – Mar. 1 3 raccoons per party per night.  
No limit on opossum.

Hogs Oct. 1 - Jan. 1 No limit.

### (R) Santee Coastal Reserve WMA

Special Hog Hunt 2<sup>nd</sup> and 4<sup>th</sup> Thurs. in Feb. Hogs Only, no limit, handguns  
With Dogs 3<sup>rd</sup> and 4<sup>th</sup> Fri. in Mar. only, limit of 4 bay or catch dogs per party, no live hogs to be removed from Santee Coastal.  
All hogs must be checked at the Santee Coastal Reserve check station.

### (S) Other Small WMAs

#### Chesterfield, Kershaw, Dillon & Marlboro Counties

Archery Only Hunts Sept. 1 – 14 Total of 3 deer for all archery hunts, 2 per day.

Still Gun Hunts Sept 15 - Jan 1 Total 10 deer for all gun hunts, 2 per day, buck only except on Game Zone 4 either-sex days as specified in Reg. 4.2. Limit of 10 may not include more than 5 bucks. Male deer required 2 inches of visible antler above the hairline to be legal. Male fawns (button bucks) are considered antlerless



## 52 EMERGENCY REGULATIONS

### (X) Hamilton Ridge WMA

#### Deer

Archery Only	3 <sup>rd</sup> Mon- Sat. in Sept.	2 deer per hunt period, either-sex,
(No dogs)	4 <sup>th</sup> Mon. – Sat. in Oct. 2 <sup>nd</sup> Mon. – Sat. in Nov. 2 <sup>nd</sup> Thur. – Sat. in Dec.	only 1 buck. Hogs no limit.
Small Game No open season on fox squirrels	No hunting before Dec. 26 or after Mar. 1; otherwise Game Zone seasons apply. No hog hunting during small game hunts.	Game Zone bag limits.
Hog Still and Stalk Hunts Archery and Firearms (No dogs, no buckshot)	3 <sup>rd</sup> Thurs. – Sat. in March 2 <sup>nd</sup> Thurs. – Sat. in May 1 <sup>st</sup> Thurs. – Sat. in Sept.	No limit.
Hog Hunts with dogs (handguns only) Four dog limit per party.	1 <sup>st</sup> Thur. – Sat. in Mar. 2 <sup>nd</sup> Thurs.-Sat. in March 2 <sup>nd</sup> Thurs. – Sat. in Sept	No limit.

Hog hunters are required to wear hat, coat or vest of solid international orange color while hunting. Hunters must sign register upon entering and leaving Hamilton Ridge WMA.

#### Quail Hunts

Quail hunters	2 <sup>nd</sup> and 4 <sup>th</sup> Wed. in Jan.	8 quail per party per day
Must pick-up and Return data cards	3 <sup>rd</sup> Sat. in Jan. 1 <sup>st</sup> and 3 <sup>rd</sup> Sat. in Feb.	
At kiosk	1 <sup>st</sup> Wed. in Feb.	

### (DD) Palachucola WMA

Small Game (No open season for fox squirrels)	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 6 seasons apply. No small game hunting during scheduled deer hunts.	Game Zone 6 bag limits.
Quail Hunts		
Quail hunters	2 <sup>nd</sup> and 4 <sup>th</sup> Wed. in Jan.	8 quail per party per day
Must pick-up and Return data cards	3 <sup>rd</sup> Sat. in Jan. 1 <sup>st</sup> and 3 <sup>rd</sup> Sat. in Feb.	
At kiosk	1 <sup>st</sup> Wed. in Feb.	

Hog Hunts	3 <sup>rd</sup> Thurs. – Sat. in March	No limit.
No dogs	2 <sup>nd</sup> Thurs. – Sat. in May	
	1 <sup>st</sup> Thurs. – Sat. in Sept.	

Hog Hunts	1 <sup>st</sup> Thurs.- Sat. in March	No limit.
with Dogs (Pistols)	2 <sup>nd</sup> Thurs.-Sat. in March	
Four dog limit per party	2 <sup>nd</sup> Thurs. – Sat. in Sept.	

**(HH) Canal WMA**

Hunters must pick up and return data cards at access points. Shotguns must be plugged so as not to hold more than 3 shells.

**(OO) Santee Dam WMA**

Deer		Total of 8 deer per season.
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Archery (No dogs)	Sept. 1 through Jan. 1	2 deer per day, buck only, except either-sex Sept. 15 - Jan. 1 Hogs no limit.
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Muzzleloader	Sept. 15 through Jan. 1	2 deer per day, either-sex. Hogs no limit.
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Delete Special Gun Hunts for Youth and Women

Small Game Shotguns only, no open season on fox squirrels.	Jan. 2 through Mar. 1.	Game Zone 5 bag limits.
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**(QQ) Oak Lea WMA**

Deer

Data cards required for hunter access during archery deer hunts, turkey hunts and small game hunts. Completed data cards must be returned daily upon leaving Oak Lea WMA.

Still Gun Hunts	No open season except Hunters selected by drawing	3 deer per day, either-sex; 1 buck per day limit. Total 20 deer per hunt party.
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Small Game (except quail)	Jan. 2 through Mar. 1 Except no small game hunting during scheduled quail hunts	Game Zone 5 limits.
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Quail	Designated dates within Game Zone 5 season.	Game Zone 5 limits.
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## 54 EMERGENCY REGULATIONS

### (SS) Edisto WMA

Small Game	Game Zone 6 seasons, except no hunting before the Monday following the closing of still gun deer hunt or after Mar. 1	Game Zone 6 bag limits except Quail- 8 per day.
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### (TT) Stumphouse WMA

In order to fish or hunt Stumphouse WMA each adult (21 or older) must have at least one youth 17 or under accompanying them. Senior Citizens over 65 years of age are exempt from carrying a youth in order to fish. No motorized vehicles or horses allowed on the property except in designated parking areas. Walk in use only. Small game hunting only from Thanksgiving Day through March 1.

### (VV) Bonneau Ferry WMA

Horse riding is prohibited. No camping is allowed. No person hunting on Bonneau Ferry WMA may possess, consume, or be under the influence of intoxicants including beer, wine, liquor or illegal drugs. All terrain vehicles are prohibited. Hunting access by boat is prohibited. Adult/youth fishing only. For fishing, youth must be accompanied by no more than two adults 18 years old or older. For hunting, Adult/youth Side A is open only to youth 17 years old or younger who must be accompanied by only one adult 21 years of age or older. Youth hunters must carry a firearm and hunt. Adults with youth hunters may also carry a firearm and hunt. For deer and small game hunting Sides A and B will alternate each year. All hunters must sign in and sign out upon entering or leaving Bonneau Ferry WMA. Bonneau Ferry WMA is closed to public access one hour after sunset until one hour before sunrise except, for special hunts regulated by DNR. Hunters may not enter WMA prior to 5:00 AM on designated hunts. All impoundments and adjacent posted buffers are closed to all public access Nov. 1 – Mar. 1 except for special draw deer hunts and waterfowl hunts regulated by DNR during the regular waterfowl season. No fox or bobcat hunting.

Deer	Limit 2 deer per day, total 8 deer per season for all hunts, no more than 2 antlered deer total. Hogs no limit.
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#### Side A (Adult/Youth Only)

Still Gun Hunts	Sept. 15 – Jan. 1, Wed., Fri., Sat., and the entire week of Thanksgiving and 5 days before Christmas until Jan. 1.
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#### Side B

Archery	1 <sup>st</sup> Mon. – Sat. in Sept. 1 <sup>st</sup> Mon. – Sat. after Sept. 15 2 <sup>nd</sup> Mon. in Nov. until Nov. 30	Buck only. Either-sex Either-sex.
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Quail (Side B)	No open season except hunters	Limit 8 per day.
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Shotguns must be plugged to selected by drawing.

Hold no more than 3 shells.

Hunters must pick up, accurately fill out and return data card at the main entrance.

2.8 On WMA lands any hunter younger than sixteen (16) years of age must be accompanied by an adult (21 years or older) who is validly licensed and holds applicable permits, licenses or stamps for the use of WMA lands. Sight and voice contact must be maintained. This also applies to non-state or non-federally owned leased WMA land in Game Zones 1 and 2 for deer hunting.

2.10 No person may release or attempt to release any animal onto WMA lands without approval from the Department.

2.11 While hunting on WMA's, no person may consume or be under the influence of intoxicants, including beer, wine, liquor or drugs.

2.12 On WMA lands, during the designated statewide youth deer hunt day, still hunting only, two deer, either-sex. The statewide youth day hunts are: raccoon Sept. 7, 2007, squirrel Sept. 29, 2007, quail November 17, 2007, Deer January 5, 2008, rabbit March 8, 2008 and turkey March 29, 2008.

2.13 Taking or destroying timber, other forest products or cutting firewood on WMA lands without written permission from the landowner or his agent is prohibited. Users of WMA lands are prohibited from planting, attempting to plant, burning or otherwise attempting to manipulate crops, natural vegetation or openings without written permission from the landowner or his agent.

3.1 On WMA lands hunters may use any shotgun, rifle, bow and arrow or handgun except that specific weapons may be prohibited on certain hunts. Small game hunters may possess or use shotguns with shot no larger than No. 2 or .22 rimfire or smaller rifles/handguns or primitive muzzle-loading rifles of .40 caliber or smaller. Small game hunters may not possess or use buckshot, slugs or shot larger than No. 2. Blow guns, dart guns or drugged arrows are not permitted. Small game hunters using archery equipment must use small game tips on the arrows (judo points, bludgeon points, etc.). The use of crossbows during any archery only season is unlawful except as allowed by 50-11-565.

3.2 For Special Primitive Weapons Seasons, primitive weapons include bow and arrow and muzzle-loading shotguns (20 gauge or larger) and rifles (.36 caliber or larger) with open or peep sights or scopes, which use black powder or a black powder substitute that does not contain nitro-cellulose or nitro-glycerin components as the propellant charge. There are no restrictions on ignition systems (e.g. flintstone, percussion cap, shotgun primer, disk, electronic, etc.). During primitive weapons season, no revolving rifles are permitted. Crossbows may be used on WMA and private lands only during firearms and muzzleloader seasons for deer and bear.

3.4 On WMAs during periods when hunting is permitted, all firearms transported in vehicles must be unloaded and secured in a weapons case, or in the trunk of a vehicle or in a locked toolbox. On the Francis Marion Hunt Unit during deer hunts with dogs, loaded shotguns may be transported in vehicles. Any shotgun, centerfire rifle or rimfire rifle or pistol with a shell in the chamber or magazine or muzzleloader with a cap on the nipple or flintlock with powder in the flash pan is considered loaded. On deer hunts with dogs, all guns must be unloaded and cased one hour after legal sunset.

3.5 No target practice is permitted on WMA lands except in specifically designated areas.

## 56 EMERGENCY REGULATIONS

3.6 On WMA lands during still gun hunts for deer or hogs there shall be no hunting or shooting from, on or across any road open to vehicle traffic. During any deer or hog hunt there shall be no open season for hunting on any designated recreational trail on U.S Forest Service or S.C. Public Service Authority property.

### DEER

4.1 On WMA lands with designated check stations, all deer bagged must be checked at a check station. Deer bagged too late for reporting one day must be reported the following day. Unless otherwise specified by the department, only bucks (male deer) may be taken on all WMA lands. Male deer must have antlers visible two (2) inches above the hairline to be legally bagged on "bucks only" hunts. Male deer with visible antlers of less than two (2) inches above the hairline must be taken only on either-sex days or pursuant to permits issued by the department. A point is any projection at least one inch long and longer than wide at some location at least one inch from the tip of the projection. Antler spread is the greatest outside measurement (main beam or points) on a plane perpendicular to the skull. On WMA lands, man drives for deer are permitted between 10:00 a.m. and 2:00 p.m. only, except that no man drives may be conducted on days designated by the department for taking deer of either sex. On WMA lands, drivers participating in man drives are prohibited from carrying or using weapons. On WMA lands, in Game Zones 1 and 2, man drives will be permitted on the last four (4) scheduled either-sex days. A man drive is defined as an organized hunting technique involving two (2) or more individuals whereby an attempt is made to drive game animals from cover or habitat for the purpose of shooting, killing, or moving such animals toward other hunters.

5.5 Dogs may be used to hunt bear on WMA lands in Game Zone 1 during the special party dog bear season.

6.1 On all WMA lands, no hunter may shoot from a vehicle except that mobility impaired hunters may take game from any stationary motor driven land conveyance or trailer which is operated in compliance with these rules. For purposes of this regulation, mobility impaired means individuals who are permanently confined to a wheelchair, permanently require the use of two crutches, permanently require the use of a walker to walk, or persons with single or double leg amputations. Written confirmation of permanent impairment is required from a physician or qualifying agency.

6.2 On WMA lands, motor driven land conveyances must be operated only on designated roads or trails. Unless otherwise specified, roads or trails which are closed by barricades and/or signs, either permanently or temporarily, are off limits to motor-driven land conveyances.

6.3 It is unlawful to obstruct travel routes on WMA lands.

### VISIBLE COLOR CLOTHING

7.1 On WMA lands during any gun and muzzleloader hunting seasons for deer, bear and hogs, all hunters must wear either a hat, coat, or vest of solid visible international orange, except hunters for dove, turkey and duck are exempt from this requirement while hunting for those species.

### CAMPING

8.1 Camping is not permitted on WMA lands except in designated camp sites.

10.9 Broad River Waterfowl Area is closed to public access during the period 01 Nov. – 01 Feb. except for special hunts designated by the Department.

10.10 Impoundments on Bear Island, Donnelly, Samworth, Santee Coastal Reserve and Santee Delta WMAs are closed to all public access during the period 15 Oct.- 31 Jan. except during special hunts designated by the Department. All public access during the period 01 Feb.- Oct. 14 is limited to designated areas. On Bear



Island WMA, Mathews' Canal is closed to all hunting from Nov. 1 – Feb. 15 beyond a point 0.8 mile from the confluence of Mathews' Canal with the South Edisto River.

10.11 Potato Creek Hatchery Waterfowl Area is closed to hunting access one week prior to opening of waterfowl season through January 31, except for scheduled waterfowl hunts. No fishing one week prior to opening of waterfowl season through January 31. All hunters must enter and leave the Potato Creek Hatchery Waterfowl Area through the designated public landing on secondary road 260 and complete a data card and deposit card in receptacle prior to leaving the area. Hunting hour are from 30 minutes before legal sunrise to legal sunset (including the special youth hunt). Hunters may not enter the area prior to 3:00 a.m. on hunt days. No airboats are allowed for hunting or fishing and no hunting from secondary road 260.

10.12 Hunters may not enter Hatchery WMA prior to 3 AM and must leave the area by 1 PM. Each hunter is limited to twenty-five nontoxic shot shells (steel, bismuth/tin, bismuth, tungsten-polymer, tungsten-iron) per hunt and no buckshot allowed. Hunters must enter and leave Hatchery WMA through the Hatchery Landing and accurately complete a data card and deposit card in receptacle prior to leaving the area. No airboats are allowed in the Hatchery WMA for hunting or fishing during the period 15 Nov.-31. Jan. No fishing allowed during scheduled waterfowl hunts.

10.16 Category II Designated Waterfowl Areas include Biedler Impoundment, Carr Creek (bounded by Samworth WMA), Little Carr Creek (bounded by Samworth WMA), Lake Cunningham, Russell Creek, Monticello Reservoir, Parr Reservoir, Duncan Creek, Dunaway, Dungannon, Enoree River, Moultrie, Hatchery, Hickory Top, Hickory Top Greentree Reservoir, Lancaster Reservoir, Turtle Island, Little Pee Dee River Complex (including Ervin Dargan, Horace Tilghman), Great Pee Dee River, Potato Creek Hatchery, Sampson Island Unit (Bear Island), Tyger River, Marsh, Wee Tee, Woodbury and Ditch Pond Waterfowl Management Areas. Hunting on Category II Designated Waterfowl Areas is in accordance with scheduled dates and times.

DESIGNATED WATERFOWL AREAS

Area	Open dates inclusive	Bag Limits
Ditch Pond	Wed. AM only during regular season.	Federal Limits
Sampson Island Unit (Bear Island)	Thurs. and Sat. am only during the regular season.	Federal Limits

10.19 Hickory Top Greentree Reservoir is closed to hunting access November 1 until March 1, except for special hunts designated by SCDNR. All hunters must accurately complete a data card and deposit card in receptacle prior to leaving the area. Hunting hours are from 30 minutes before legal sunrise until 11:00 am. Hunters may not enter the area prior to 5:00 am on hunt days. No open season on roads and dikes. Hunters may only use electric motors on boats.

10.20 On all Category I and II Waterfowl Management Areas each hunter is limited to 25 shells which must be non-toxic(steel, bismuth/tin, bismuth, tungsten-polymer, tungsten-iron) per hunt and no buckshot allowed.

10.21 On Enoree River, Dunaway, Duncan Creek and Tyger River Waterfowl Areas data cards are required for hunter access during scheduled waterfowl hunts. Completed data cards must be returned daily upon leaving each of these areas.

## **58 EMERGENCY REGULATIONS**

**123-52.** Deer Hunting on Private Lands in Game Zones 1 and 2 (50-11-310, 50-11-350, 50-11-390).

3. For Special Primitive Weapons Seasons, primitive weapons include bow and arrow and muzzle-loading shotguns (20 gauge or larger) and rifles (.36 caliber or larger) with open or peep sights or scopes, which use black powder or a black powder substitute that does not contain nitro-cellulose or nitro-glycerin components as the propellant charge. There are no restrictions on ignition systems (e.g. flintstone, percussion cap, shotgun primer, disk, electronic, etc.). During primitive weapons season, no revolving rifles are permitted. Crossbows may be used on WMA and private lands only during firearms and muzzleloader seasons for deer and bear.

### **Statement of Need and Reasonableness:**

Periodically additional lands are made available to the public through the Wildlife Management Area Program. Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to establish seasons, bag limits and methods of hunting and taking of wildlife on these new WMAs as well as expanding use opportunities on existing WMAs. Amendments are needed to allow additional opportunity. Because the hunting seasons on many of these areas extends until January 1 it is necessary to re-file these regulations as emergency.

### **Fiscal Impact Statement:**

This amendment of Regulation 123.40 will result in increased public hunting opportunities that should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

Document No. 3156  
**CLEMSON UNIVERSITY**  
**LIVESTOCK-POULTRY HEALTH COMMISSION**  
 CHAPTER 27

Statutory authority: 1976 Code Section 47-4-30 and 47-17-130

27-1023. State Meat Inspection Regulation

**Synopsis:**

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S. C. Code, Title 47, Chapter 4, the inspection of meat and meat food products produced for intrastate commerce. These updated regulations are necessary to comply with the Federal Meat Inspection Act (21USCA 661, Section 301) which established Federal-State Cooperative Meat Inspection Programs and the Humane Methods of Slaughter Act of 1978. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations "at least equal to" those adopted by the federal government. This regulation will, in effect, adopt the current Federal Meat Inspection Regulations with some minor exceptions for some state specific requirements. The Notice of Drafting was published in the State Register on August 24, 2007.

**Instructions:**

Replace R.27-1023 with the following amendment.

**Text:**

R.27-1023. State Meat Inspection Regulation

A. Definitions.

1. *Commission* means the State Livestock-Poultry Health Commission, Clemson University.
2. *Director* means the Director, Livestock-Poultry Health Programs, Clemson University.
3. *Custom Processor* means the custom preparation by any person of carcasses, parts thereof, meat or meat food products derived from the slaughter by any individual of cattle, sheep, swine or goats of his own raising or from game animals, delivered by the owner thereof for such custom preparation and transportation in commerce of such custom prepared article, exclusively for the use in the household by the owner and members of the owners household and the owners non-paying guests and employees in an establishment permitted by the State Meat Inspection Department for that purpose.

B. Permit Required; Fee; Application; Refusal, Revocation or Suspension.

1. Custom processors shall secure a permit from the Commission.
2. The permit fee is twenty-five dollars (\$25.00) annually or for part of a year. The permit year is July 1 to June 30. The fee must be retained by the Commission. The Commission by regulation may increase the fee to not more than fifty dollars (\$50.00).
3. The Commission, for cause, may refuse to grant a permit, may revoke or modify a permit, or assess a civil penalty in accordance with Section 47-4-130, South Carolina Code of Laws (1976) as amended.

C. Adoption of Federal Meat Inspection Regulations.

The United States Department of Agriculture, Food Safety and Inspection Service, Meat Inspection Regulations, 9 CFR, Chapter III, Subchapter A, Parts 300-320, 325, 329, 335,352 and 354, and Subchapter E, Parts 416-417, 424, 430, 441 and 500 and all changes thereto in effect as of January 1, 2008 are hereby adopted as the State Meat Inspection Regulations, with exceptions as noted below.

## 60 FINAL REGULATIONS

### D. Exceptions to the Federal Meat Inspection Regulations.

1. Subchapter A, Part 303 – Exemptions, Section 303.1(a)(2). The provisions of this section related to custom slaughter of livestock do not apply. Custom slaughtering is not a specified exemption in the State Meat and Meat Foods Regulations and Inspection Law of 1967.

2. Subchapter A, Part 307, Section 307.5(a) – Overtime Inspection Service. Fees and charges for overtime inspection service will be established, as required, by the Commission.

3. Subchapter A, Part 307, Section 307.5(b) – Holiday Inspection Service. State holidays as designated by the State Budget and Control Board will be utilized by the state inspection program.

4. Subchapter A, Part 312 – Official Marks, Devices and Certificates. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.

5. Subchapter A, Part 352, Section 352.5 – Holiday and Overtime Inspection Services. Fees and charges for overtime and state holiday inspection services will be established, as required by the Commission.

6. Subchapter A, Part 352, Section 352.7 – Marking Inspected Products. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.

E. In addition to temporary suspension in whole or in part of inspection services, as provided for in this regulation, the Director may, when he determines that the operator of any official establishment or any subsidiary therein, acting within the scope of his office, employment or agency, has threatened to forcible assault or has forcibly assaulted, intimidated, harassed or interfered with any program employees in or on account of his official duties under the law, assess a civil penalty in accordance with Section 47-4-130(b), S.C. Code of Laws, (1976) as amended.

F. The complete text of these regulations is available for review at the Meat-Poultry Inspection Department, Livestock-Poultry Health Programs, Clemson University.

Document No. 3157

**CLEMSON UNIVERSITY**  
**LIVESTOCK-POULTRY HEALTH COMMISSION**  
CHAPTER 27

Statutory Authority: 1976 Code Section 47-4-30, 47-19-30 and 47-19-170

27-1022. State Poultry Inspection Regulation

### **Synopsis:**

These regulations are being promulgated to modernize, clarify and update existing regulations which govern, to the extent authorized by S.C. Code, Title 47, Chapter 4, the inspection of poultry products produced for intrastate commerce. These updated regulations are necessary to comply with the federal Poultry Products Inspection Act (21USCA 454, Section 5) which establishes Federal-State Cooperative Poultry Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations “at least equal to” those adopted by the federal government. This regulation will, in effect, adopt the current Federal Poultry Products Inspection Regulations with some minor exceptions for some state specific requirements. The Notice of Drafting was published in the State Register on August 24, 2007

### **Instructions:**

Replace R.27-1022 with the following amendment.

**Text:**

## R.27-1022. State Poultry Inspection Regulations

## A. Definitions.

1. *Commission* means the State Livestock-Poultry Health Commission, Clemson University.
2. *Director* means the Director, Livestock-Poultry Health Programs, Clemson University.

## B. Adoption of Federal Poultry Products Regulations.

The United States Department of Agriculture, Food Safety and Inspection Service, Poultry Products Inspection Regulations, 9 CFR, Chapter III, Subchapter A, Parts 362 and 381 and Subchapter E. Parts 416-417, 424, 430, 441 and 500 and all changes thereto in effect as of January 1, 2008 are hereby adopted as the State Poultry Inspection Regulations, with exception as noted below.

## C. Exceptions to the Federal Poultry Products Inspection Regulations.

(1) Subchapter A, Part 362, Voluntary Poultry Inspection Regulations, Section 362.5. Fees and charges for voluntary inspection services will be established, as required, by the Commission.

(2) Subchapter A, Part 381, Subpart G, Facilities for Inspection, Section 381.38. State holidays as designated by the State Budget and Control Board will be utilized by the state inspection program.

(3) Subchapter A, Part 381, Subpart G, Facilities for Inspection, Section 381.39. Fees and charges for overtime and holiday inspection services will be established, as required, by the Commission.

(4) Subchapter A, Part 381, Subpart M, Official Marks, Devices and Certificates. Official state marks, devices and certificates of inspection will be utilized by the state inspection program.

D. The complete text of these regulations is available for review at the Meat-Poultry Inspection Department, Livestock-Poultry Health Programs, Clemson University.

Document No. 3153

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL****CHAPTER 61**

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

## 61-62. Air Pollution Control Regulations and Standards

**Synopsis:**

The United States Environmental Protection Agency (EPA) promulgates amendments to 40 CFR Parts 60 and 63 throughout each calendar year. Recent Federal amendments include clarification, guidance and technical amendments regarding New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories. These amendments revise Regulations 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards* and 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*, to incorporate by reference recent Federal amendments promulgated during the period from January 1, 2006, through December 31, 2006.

These amendments are necessary to maintain consistency with Federal rules and do not require legislative review. Since these amendments are consistent with Federal law, a fiscal impact statement or an assessment report is not required.

## 62 FINAL REGULATIONS

### Discussion of Revisions:

<u>SECTION CITATION:</u>	<u>EXPLANATION OF CHANGE:</u>
R. 61-62.60	Tables in Subparts A, B, Cb, Da, Db, Dc, E, Eb, J, BB, GG, WWW, EEEE, and FFFF are amended.
R. 61-62.60	Subparts IIII, JJJJ and KKKK are added.
R. 61-62.60	Add “and as subsequently amended upon publication in the <i>Federal Register</i> ” to introductory paragraphs of Subparts EEEE and FFFF.
R.61-62.63	Tables in subparts A, F, G, L, M, N, Q, R, U, Y, AA, BB, DD, GG, HH, II, KK, LL, MM, SS, YY, CCC, EEE, GGG, HHH, JJJ, LLL, MMM, NNN, OOO, PPP, QQQ, RRR, TTT, UUU, XXX, AAAA, CCCC, EEEE, FFFF, GGGG, HHHH, IIII, JJJJ, KKKK, MMMM, NNNN, OOOO, PPPP, QQQQ, RRRR, UUUU, WWWW, XXXX, YYYY, ZZZZ, AAAAA, BBBBB, CCCCC, EEEEE, FFFFF, GGGGG, HHHHH, IIIII, LLLLL, MMMMM, NNNNN, PPPPP, QQQQQ, RRRRR, SSSSS and TTTTT are amended.
R. 61-62.63	Add “and as subsequently amended upon publication in the <i>Federal Register</i> ” to introductory paragraph of Subparts AAAA, CCCC, JJJJ, KKKK, NNNN, QQQQ, RRRR, ZZZZ, AAAAA, BBBBB, FFFFF, GGGGG, IIIII, MMMMM, NNNNN, PPPPP, QQQQQ, RRRRR, SSSSS and TTTTT.
R. 61-62.63	Add “and as subsequently amended upon publication in the <i>Federal Register</i> as listed below” to introductory paragraph of Subparts EEEE and IIII.
R. 61-62.63	Correct typographical error in introductory paragraph of Subpart OOO.
R. 61-62.63	Add “as listed below” to introductory paragraph of Subpart MMMM.

### 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:

*Regulation 61-62.60, Subpart A shall be revised as follows:*

### 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]
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. 63	May 4, 1998	[63 FR 24444]
Revision	Vol. 64	February 12, 1999	[64 FR 7463]
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]

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40 CFR Part 60 subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 66	February 6, 2001	[66 FR 9034]
Revision	Vol. 67	June 28, 2002	[67 FR 43550]
Revision	Vol. 68	April 14, 2003	[68 FR 17990]
Revision	Vol. 68	May 28, 2003	[68 FR 31611]
Revision	Vol. 69	July 8, 2004	[69 FR 41346]
Revision	Vol. 70	May 18, 2005	[70 FR 28606]
Revision	Vol. 70	December 16, 2005	[70 FR 74870]
Revision	Vol. 71	June 1, 2006	[71 FR 31100]
Revision	Vol. 71	July 6, 2006	[71 FR 38482]

*Regulation 61-62.60, Subpart B shall be revised as follows:*

### **Subpart B - “Adoption and Submittal of State Plans for Designated Facilities”**

The provisions of Title 40 CFR Part 60, subpart B, 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 B			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 40	November 17, 1975	[40 FR 53346]
Revision	Vol. 44	November 9, 1979	[44 FR 65071]
Revision	Vol. 54	December 20, 1989	[54 FR 52189]
Revision	Vol. 60	December 19, 1995	[60 FR 65387]
Revision	Vol. 65	December 6, 2000	[65 FR 76378]
Revision	Vol. 70	May 18, 2005	[70 FR 28606]
Revision	Vol. 70	October 13, 2005	[70 FR 59848]
Revision	Vol. 71	June 9, 2006	[71 FR 33388]

*Regulation 61-62.60, Subpart Cb shall be revised as follows:*

### **Subpart Cb - “Emission Guidelines and Compliance Times for Large Municipal Waste Combustors That Are Constructed on or Before September 20, 1994”**

The provisions of Title 40 CFR Part 60, subpart Cb, 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 Cb			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 60	December 19, 1995	[60 FR 65415]
Revision	Vol. 62	August 25, 1997	[62 FR 45119, 45120]
Revision	Vol. 62	August 25, 1997	[62 FR 45125]
Revision	Vol. 69	July 14, 2004	[69 FR 42117]
Revision	Vol. 71	May 10, 2006	[71 FR 27324]



*Regulation 61-62.60, Subpart Da shall be revised as follows:*

**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.

<b>40 CFR Part 60 subpart Da</b>			
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]
Revision	Vol. 70	May 18, 2005	[70 FR 28606]
Revision	Vol. 70	August 30, 2005	[70 FR 51266]
Revision	Vol. 71	February 27, 2006	[71 FR 9866]
Revision	Vol. 71	June 9, 2006	[71 FR 33388]

*Regulation 61-62.60, Subpart Db shall be revised as follows:*

**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.

<b>40 CFR Part 60 subpart Db</b>			
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]

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40 CFR Part 60 subpart Db			
Federal Register Citation	Volume	Date	Notice
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]
Revision	Vol. 71	February 27, 2006	[71 FR 9866]
Revision	Vol. 71	June 9, 2006	[71 FR 33388]
Revision	Vol. 71	November 16, 2006	[71 FR 66681]

*Regulation 61-62.60, Subpart Dc shall be revised as follows:*

### **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]
Revision	Vol. 71	February 27, 2006	[71 FR 9866]

*Regulation 61-62.60, Subpart E shall be revised as follows:*

### **Subpart E - “Standards of Performance for Incinerators”**

The provisions of Title 40 CFR Part 60, subpart E, 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 E			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 36	December 23, 1971	[36 FR 24877]
Revision	Vol. 39	June 14, 1974	[39 FR 20792]
Revision	Vol. 42	July 25, 1977	[42 FR 37936]
Revision	Vol. 54	February 14, 1989	[54 FR 6665]
Revision	Vol. 55	February 14, 1990	[55 FR 5212]
Revision	Vol. 56	February 11, 1991	[56 FR 5507]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 71	May 10, 2006	[71 FR 27324]

*Regulation 61-62.60, Subpart Eb shall be revised as follows:*

### **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.

<b>40 CFR Part 60 subpart Eb</b>			
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]
Revision	Vol. 71	May 10, 2006	[71 FR 27324]

*Regulation 61-62.60, Subpart J shall be revised as follows:*

#### **Subpart J - “Standards of Performance for Petroleum Refineries”**

The provisions of Title 40 CFR Part 60, subpart J, 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.

<b>40 CFR Part 60 subpart J</b>			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 39	March 8, 1974	[39 FR 9315]
Revision	Vol. 40	October 6, 1975	[40 FR 46259]
Revision	Vol. 42	June 24, 1977	[42 FR 32427]
Revision	Vol. 42	August 4, 1977	[42 FR 39389]
Revision	Vol. 43	March 15, 1978	[43 FR 10868]
Revision	Vol. 44	March 12, 1979	[44 FR 13481]
Revision	Vol. 44	October 25, 1979	[44 FR 61543]
Revision	Vol. 45	December 1, 1980	[45 FR 79453]
Revision	Vol. 48	May 25, 1983	[48 FR 23611]
Revision	Vol. 50	August 5, 1985	[50 FR 31701]
Revision	Vol. 51	November 26, 1986	[51 FR 42842]
Revision	Vol. 52	June 1, 1987	[52 FR 20392]
Revision	Vol. 53	October 21, 1988	[53 FR 41333]
Revision	Vol. 54	August 17, 1989	[54 FR 34026]
Revision	Vol. 55	October 2, 1990	[55 FR 40175]
Revision	Vol. 56	February 4, 1991	[56 FR 4176]
Revision	Vol. 64	February 12, 1999	[64 FR 7465]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 71	September 21, 2006	[71 FR 55119]

*Regulation 61-62.60, Subpart BB shall be revised as follows:*

#### **Subpart BB - “Standards of Performance for Kraft Pulp Mills”**

The provisions of Title 40 CFR Part 60, 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.

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40 CFR Part 60 subpart BB			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 43	February 23, 1978	[43 FR 7572]
Revision	Vol. 50	February 14, 1985	[50 FR 6317]
Revision	Vol. 51	May 20, 1986	[51 FR 18544]
Revision	Vol. 54	February 14, 1989	[54 FR 6673]
Revision	Vol. 54	May 17, 1989	[54 FR 21344]
Revision	Vol. 55	February 14, 1990	[55 FR 5212]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 71	September 21, 2006	[71 FR 55119]

Regulation 61-62.60, Subpart GG shall be revised as follows:

### Subpart GG - “Standards of Performance for Stationary Gas Turbines”

The provisions of Title 40 CFR Part 60, subpart GG, 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 GG			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 44	September 10, 1979	[44 FR 52798]
Revision	Vol. 47	January 27, 1982	[47 FR 3770]
Revision	Vol. 52	November 5, 1987	[52 FR 42434]
Revision	Vol. 54	February 14, 1989	[54 FR 6674]
Revision	Vol. 54	June 27, 1989	[54 FR 27016]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 68	April 14, 2003	[68 FR 17990]
Revision	Vol. 69	July 8, 2004	[69 FR 41346]
Revision	Vol. 71	February 24, 2006	[71 FR 9453]

Regulation 61-62.60, Subpart WWW shall be revised as follows:

### 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.

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]
Revision	Vol. 71	September 21, 2006	[71 FR 55119]

*Regulation 61-62.60, Subpart EEEE shall be revised as follows:*

**Subpart EEEE - “Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006”**

The provisions of Title 40 CFR Part 60, subpart EEEE, 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.

<b>40 CFR Part 60 subpart EEEE</b>			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 70	December 16, 2005	[70 FR 74870]
Revision	Vol. 71	November 24, 2006	[71 FR 67802]

*Regulation 61-62.60, Subpart FFFF shall be revised as follows:*

**Subpart FFFF - “Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units That Commenced Construction on or Before December 9, 2004”**

The provisions of Title 40 CFR Part 60, subpart FFFF, 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.

<b>40 CFR Part 60 subpart FFFF</b>			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 70	December 16, 2005	[70 FR 74870]
Revision	Vol. 71	November 24, 2006	[71 FR 67802]

*Regulation 61-62.60, Subpart IIII shall be added in alpha-numeric order as follows:*

**Subpart IIII - “Standards of Performance for Stationary Compression Ignition Internal Combustion Engines”**

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

<b>40 CFR Part 60 subpart IIII</b>			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 71	July 11, 2006	[71 FR 39154]

*Regulation 61-62.60, Subpart JJJJ shall be added in alpha-numeric order as follows:*

**Subpart JJJJ - [Reserved]**

*Regulation 61-62.60, Subpart KKKK shall be added in alpha-numeric order as follows:*

**Subpart KKKK - “Standards Of Performance For Stationary Combustion Turbines”**

The provisions of Title 40 CFR Part 60, subpart KKKK, as originally published 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 KKKK			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 71	July 6, 2006	[71 FR 38482]

*Regulation 61-62.63, Subpart A shall be revised as follows:*

### Subpart A - "General Provisions"

The provisions of Title 40 CFR Part 63, 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 63 subpart A			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	March 16, 1994	[59 FR 12430]
Revision	Vol. 59	April 22, 1994	[59 FR 19453]
Revision	Vol. 59	December 6, 1994	[59 FR 62589]
Revision	Vol. 60	January 25, 1995	[60 FR 4963]
Revision	Vol. 60	June 27, 1995	[60 FR 33122]
Revision	Vol. 60	September 1, 1995	[60 FR 45980]
Revision	Vol. 61	May 21, 1996	[61 FR 25399]
Revision	Vol. 61	December 17, 1996	[61 FR 66227]
Revision	Vol. 62	December 10, 1997	[62 FR 65024]
Revision	Vol. 63	May 4, 1998	[63 FR 24444]
Revision	Vol. 63	May 13, 1998	[63 FR 26465]
Revision	Vol. 63	September 21, 1998	[63 FR 50326]
Revision	Vol. 63	October 7, 1998	[63 FR 53996]
Revision	Vol. 63	December 1, 1998	[63 FR 66061]
Revision	Vol. 64	January 28, 1999	[64 FR 4300]
Revision	Vol. 64	February 12, 1999	[64 FR 7468]
Revision	Vol. 64	April 12, 1999	[64 FR 17562]
Revision	Vol. 64	June 10, 1999	[64 FR 31375]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 67	February 14, 2002	[67 FR 6968]
Revision	Vol. 67	February 27, 2002	[67 FR 9156]
Revision	Vol. 67	April 5, 2002	[67 FR 16582]
Revision	Vol. 67	June 10, 2002	[67 FR 39794]
Revision	Vol. 67	July 23, 2002	[67 FR 48254]
Revision	Vol. 68	February 18, 2003	[68 FR 7706]
Revision	Vol. 68	April 21, 2003	[68 FR 19375]
Revision	Vol. 68	May 6, 2003	[68 FR 23898]
Revision	Vol. 68	May 8, 2003	[68 FR 24653]
Revision	Vol. 68	May 20, 2003	[68 FR 27646]
Revision	Vol. 68	May 23, 2003	[68 FR 28606]
Revision	Vol. 68	May 27, 2003	[68 FR 28774]
Revision	Vol. 68	May 28, 2003	[68 FR 31746]
Revision	Vol. 68	May 29, 2003	[68 FR 32172]
Revision	Vol. 68	May 30, 2003	[68 FR 32586]
Revision	Vol. 68	November 13, 2003	[68 FR 64432]
Revision	Vol. 68	December 19, 2003	[68 FR 70960]
Revision	Vol. 69	January 2, 2004	[69 FR 130]

40 CFR Part 63 subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 69	February 3, 2004	[69 FR 5038]
Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 69	April 19, 2004	[69 FR 20968]
Revision	Vol. 69	April 22, 2004	[69 FR 21737]
Revision	Vol. 69	April 26, 2004	[69 FR 22602]
Revision	Vol. 69	June 15, 2004	[69 FR 33474]
Revision	Vol. 69	July 30, 2004	[69 FR 45944]
Revision	Vol. 69	September 13, 2004	[69 FR 55218]
Revision	Vol. 70	April 15, 2005	[70 FR 19992]
Revision	Vol. 70	May 20, 2005	[70 FR 29400]
Revision	Vol. 70	October 12, 2005	[70 FR 59402]
Revision	Vol. 71	February 16, 2006	[71 FR 8342]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	July 28, 2006	[71 FR 42898]
Revision	Vol. 71	December 6, 2006	[71 FR 70651]

*Regulation 61-62.63, Subpart F shall be revised as follows:*

**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]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	December 21, 2006	[71 FR 76603]

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Regulation 61-62.63, Subpart G shall be revised as follows:

### 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]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 69	December 23, 2004	[69 FR 76859]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	December 21, 2006	[71 FR 76603]

Regulation 61-62.63, Subpart L shall be revised as follows:

### Subpart L - “National Emission Standards for Coke Oven Batteries”

The provisions of Title 40 CFR Part 63, subpart L, 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 L			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 58	October 27, 1993	[58 FR 57911]
Revision	Vol. 59	January 13, 1994	[59 FR 1992]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 70	April 15, 2005	[70 FR 19992]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]



*Regulation 61-62.63, Subpart M shall be revised as follows:*

**Subpart M - “National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities”**

The provisions of Title 40 CFR Part 63 subpart M, 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 M			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 58	September 22, 1993	[58 FR 49376]
Revision	Vol. 58	December 20, 1993	[58 FR 66289]
Revision	Vol. 61	June 3, 1996	[61 FR 27788]
Revision	Vol. 61	June 11, 1996	[61 FR 29485]
Revision	Vol. 61	September 19, 1996	[61 FR 49265]
Revision	Vol. 64	December 14, 1999	[64 FR 69637]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 70	December 19, 2005	[70 FR 75320]
Revision	Vol. 71	July 27, 2006	[71 FR 42724]
Revision	Vol. 71	September 21, 2006	[71 FR 55280]

*Regulation 61-62.63, Subpart N shall be revised as follows:*

**Subpart N - “National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks”**

The provisions of Title 40 CFR Part 63, subpart N, 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 N			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 60	January 25, 1995	[60 FR 4963]
Revision	Vol. 60	May 24, 1995	[60 FR 27598]
Revision	Vol. 60	June 27, 1995	[60 FR 33122]
Revision	Vol. 61	June 3, 1996	[61 FR 27787]
Revision	Vol. 62	January 30, 1997	[62 FR 4465]
Revision	Vol. 62	August 11, 1997	[62 FR 42920]
Revision	Vol. 64	December 14, 1999	[64 FR 69637]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 69	July 19, 2004	[69 FR 42885]
Revision	Vol. 70	December 19, 2005	[70 FR 75320]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

*Regulation 61-62.63, Subpart Q shall be revised as follows:*

**Subpart Q - “National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers”**

The provisions of Title 40 CFR Part 63, subpart Q, 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 63 subpart Q			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	September 8, 1994	[59 FR 46350]
Revision	Vol. 63	July 23, 1998	[63 FR 39519]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 71	April 7, 2006	[71 FR 17729]

*Regulation 61-62.63, Subpart R shall be revised as follows:*

### **Subpart R - “National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)”**

The provisions of Title 40 CFR Part 63, subpart R, 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 R			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 59	December 14, 1994	[59 FR 64318]
Revision	Vol. 60	February 8, 1995	[60 FR 7627]
Revision	Vol. 60	June 26, 1995	[60 FR 32913]
Revision	Vol. 60	August 18, 1995	[60 FR 43260]
Revision	Vol. 60	December 8, 1995	[60 FR 62992]
Revision	Vol. 61	February 29, 1996	[61 FR 7723]
Revision	Vol. 62	February 28, 1997	[62 FR 9092]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 68	December 19, 2003	[68 FR 70960]
Revision	Vol. 71	April 6, 2006	[71 FR 17352]

*Regulation 61-62.63, Subpart U shall be revised as follows:*

### **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]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

Regulation 61-62.63, Subpart Y shall be revised as follows:

**Subpart Y - “National Emission Standards for Marine Tank Vessel Loading Operations”**

The provisions of Title 40 CFR Part 63, subpart Y, 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 Y			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 60	September 19, 1995	[60 FR 48399]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

Regulation 61-62.63, Subpart AA shall be revised as follows:

**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]
Revision	Vol. 67	June 12, 2002	[67 FR 40578]
Revision	Vol. 67	June 13, 2002	[67 FR 40814]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

Regulation 61-62.63, Subpart BB shall be revised as follows:

**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]
Revision	Vol. 67	June 13, 2002	[67 FR 40814]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

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*Regulation 61-62.63, Subpart DD shall be revised as follows:*

### **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.

<b>40 CFR Part 63 subpart DD</b>			
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]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

*Regulation 61-62.63, Subpart GG shall be revised as follows:*

### **Subpart GG - “National Emission Standards for Aerospace Manufacturing and Rework Facilities”**

The provisions of Title 40 CFR Part 63, subpart GG, 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.

<b>40 CFR Part 63 subpart GG</b>			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 60	September 1, 1995	[60 FR 45956]
Revision	Vol. 61	February 9, 1996	[61 FR 4903]
Revision	Vol. 61	December 17, 1996	[61 FR 66227]
Revision	Vol. 63	March 27, 1998	[63 FR 15016]
Revision	Vol. 63	September 1, 1998	[63 FR 46532]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 8, 2000	[65 FR 76941]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

*Regulation 61-62.63, Subpart HH shall be revised as follows:*

### **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.

<b>40 CFR Part 63 subpart HH</b>			
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]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

*Regulation 61-62.63, Subpart II shall be revised as follows:*

**Subpart II - “National Emission Standards for Shipbuilding and Ship Repair (Surface Coating)”**

The provisions of Title 40 CFR Part 63, subpart II, 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.

<b>40 CFR Part 63 subpart II</b>			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 60	December 15, 1995	[60 FR 64336]
Revision	Vol. 61	June 18, 1996	[61 FR 30816]
Revision	Vol. 61	December 17, 1996	[61 FR 66227]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	December 29, 2006	[71 FR 78369]

*Regulation 61-62.63, Subpart KK shall be revised as follows:*

**Subpart KK - “National Emission Standards for the Printing and Publishing Industry”**

The provisions of Title 40 CFR Part 63, subpart KK, 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.

<b>40 CFR Part 63 subpart KK</b>			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 61	May 30, 1996	[61 FR 27140]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	May 24, 2006	[71 FR 29792]

*Regulation 61-62.63, Subpart LL shall be revised as follows:*

**Subpart LL - “National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants”**

The provisions of Title 40 CFR Part 63, subpart LL, 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.

<b>40 CFR Part 63 subpart LL</b>			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 62	October 7, 1997	[62 FR 52407]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 70	November 2, 2005	[70 FR 66280]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

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*Regulation 61-62.63, Subpart MM shall be revised as follows:*

### **Subpart MM - “National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, 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.

<b>40 CFR Part 63 subpart MM</b>			
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]
Revision	Vol. 68	February 18, 2003	[68 FR 7706]
Revision	Vol. 68	May 8, 2003	[68 FR 24653]
Revision	Vol. 68	July 18, 2003	[68 FR 42603]
Revision	Vol. 68	December 5, 2003	[68 FR 67953]
Revision	Vol. 69	May 6, 2004	[69 FR 25321]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

*Regulation 61-62.63, Subpart SS shall be revised as follows:*

### **Subpart SS - “National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process”**

The provisions of Title 40 CFR Part 63, 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.

<b>40 CFR Part 63 subpart SS</b>			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 29, 1999	[64 FR 34866]
Revision	Vol. 64	November 22, 1999	[64 FR 63702]
Revision	Vol. 67	July 12, 2002	[67 FR 46258]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

*Regulation 61-62.63, Subpart YY shall be revised as follows:*

### **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.

<b>40 CFR Part 63 subpart YY</b>			
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]

40 CFR Part 63 subpart YY			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 66	November 2, 2001	[66 FR 55844]
Revision	Vol. 67	June 7, 2002	[67 FR 39301]
Revision	Vol. 67	July 12, 2002	[67 FR 46258, 46289]
Revision	Vol. 68	February 10, 2003	[68 FR 6635]
Revision	Vol. 70	April 13, 2005	[70 FR 19266]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

*Regulation 61-62.63, Subpart CCC shall be revised as follows:*

**Subpart CCC - “National Emission Standards for Hazardous Air Pollutants for Steel Pickling-HCI Process Facilities and Hydrochloric Acid Regeneration Plants”**

The provisions of Title 40 CFR Part 63, subpart CCC, 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 CCC			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 22, 1999	[64 FR 33218]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

*Regulation 61-62.63, Subpart EEE shall be revised as follows:*

**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]
Revision	Vol. 67	February 13, 2002	[67 FR 6792]
Revision	Vol. 67	February 14, 2002	[67 FR 6968]
Revision	Vol. 67	December 19, 2002	[67 FR 77687]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 70	June 14, 2005	[70 FR 34538]
Revision	Vol. 70	October 12, 2005	[70 FR 59402]
Revision	Vol. 70	December 19, 2005	[70 FR 75042]

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40 CFR Part 63 subpart EEE			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 71	March 23, 2006	[71 FR 14655]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	October 25, 2006	[71 FR 62388]

*Regulation 61-62.63, Subpart GGG shall be revised as follows:*

### **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]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 70	May 13, 2005	[70 FR 25666]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

*Regulation 61-62.63, Subpart HHH shall be revised as follows:*

### **Subpart HHH - “National Emission Standards for Hazardous Air Pollutants from Natural Gas Transmission and Storage Facilities”**

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]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

*Regulation 61-62.63, Subpart JJJ shall be revised as follows:*

### **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	June 19, 2000	[65 FR 38094]
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]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 69	June 2, 2004	[69 FR 31008]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

Regulation 61-62.63, Subpart LLL shall be revised as follows:

#### Subpart LLL - “National Emission Standards for the Portland Cement Manufacturing Industry”

The provisions of Title 40 CFR Part 63, subpart LLL, 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 LLL			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 14, 1999	[64 FR 31925]
Revision	Vol. 64	September 30, 1999	[64 FR 53070]
Revision	Vol. 67	April 5, 2002	[67 FR 16614]
Revision	Vol. 67	December 6, 2002	[67 FR 72580]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	December 20, 2006	[71 FR 76518]

Regulation 61-62.63, Subpart MMM shall be revised as follows:

#### 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.

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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 21, 2001	[66 FR 58393]
Revision	Vol. 67	March 22, 2002	[67 FR 13508, 13514]
Revision	Vol. 67	May 1, 2002	[67 FR 21579]
Revision	Vol. 67	June 3, 2002	[67 FR 38200]
Revision	Vol. 67	September 20, 2002	[67 FR 59336]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

*Regulation 61-62.63, Subpart NNN shall be revised as follows:*

### **Subpart NNN - “National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing”**

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 NNN			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 14, 1999	[64 FR 31708]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

*Regulation 61-62.63, Subpart OOO shall be revised as follows:*

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

The provisions of Title 40 CFR Part 63, subpart OOO, 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]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

*Regulation 61-62.63, Subpart PPP shall be revised as follows:*

### **Subpart PPP - “National Emission Standards for Hazardous Air Pollutant Emissions for Polyether Polyols Production”**

The provisions of Title 40 CFR Part 63, subpart PPP, 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 PPP			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 1, 1999	[64 FR 29439]
Revision	Vol. 64	June 14, 1999	[64 FR 31895]
Revision	Vol. 65	May 8, 2000	[65 FR 26491]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 69	July 1, 2004	[69 FR 39862]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

*Regulation 61-62.63, Subpart QQQ shall be revised as follows:*

**Subpart QQQ - “National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting”**

The provisions of Title 40 CFR Part 63, 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 63 subpart QQQ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	June 12, 2002	[67 FR 40478]
Revision	Vol. 70	July 14, 2005	[70 FR 40672]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

*Regulation 61-62.63, Subpart RRR shall be revised as follows:*

**Subpart RRR - “National Emission Standards for Hazardous Air Pollutant Emissions for Secondary Aluminum Production”**

The provisions of Title 40 CFR Part 63, 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 63 subpart RRR			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 65	March 23, 2000	[65 FR 15690]
Revision	Vol. 67	June 14, 2002	[67 FR 41118]
Revision	Vol. 67	August 13, 2002	[67 FR 52616]
Revision	Vol. 67	September 24, 2002	[67 FR 59787]
Revision	Vol. 67	November 8, 2002	[67 FR 68038]
Revision	Vol. 67	December 30, 2002	[67 FR 79808]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 69	September 3, 2004	[69 FR 53980]
Revision	Vol. 70	October 3, 2005	[70 FR 57513]
Revision	Vol. 70	December 19, 2005	[70 FR 75320]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

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*Regulation 61-62.63, Subpart TTT shall be revised as follows:*

### **Subpart TTT - “National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting”**

The provisions of Title 40 CFR Part 63, 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.

<b>40 CFR Part 63 subpart TTT</b>			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 64	June 4, 1999	[64 FR 30204]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

*Regulation 61-62.63, Subpart UUU shall be revised as follows:*

### **Subpart UUU - “National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries; Catalytic Cracking Units, Catalytic Reforming Units and Sulfur Recovery Units”**

The provisions of Title 40 CFR Part 63, 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.

<b>40 CFR Part 63 subpart UUU</b>			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	April 11, 2002	[67 FR 17762]
Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 70	February 9, 2005	[70 FR 6930]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

*Regulation 61-62.63, Subpart XXX shall be revised as follows:*

### **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.

<b>40 CFR Part 63 subpart XXX</b>			
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]
Revision	Vol. 68	June 23, 2003	[68 FR 37334]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

*Regulation 61-62.63, Subpart AAAA shall be revised as follows:*

**Subpart AAAA - “National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills”**

The provisions of Title 40 CFR Part 63, subpart AAAA, 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.

<b>40 CFR Part 63 subpart AAAA</b>			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	January 16, 2003	[68 FR 2227]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

*Regulation 61-62.63, Subpart CCCC shall be revised as follows:*

**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* and as subsequently amended upon publication in the *Federal Register* as listed below, are incorporated by reference as if fully repeated herein.

<b>40 CFR Part 63 subpart CCCC</b>			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 66	May 21, 2001	[66 FR 27876]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

*Regulation 61-62.63, Subpart EEEE shall be revised as follows:*

**Subpart EEEE - “National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline)”**

The provisions of Title 40 CFR Part 63, subpart EEEE, 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.

<b>40 CFR Part 63 subpart EEEE</b>			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 69	February 3, 2004	[69 FR 5038]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	July 28, 2006	[71 FR 42898]

*Regulation 61-62.63, Subpart FFFF shall be revised as follows:*

**Subpart FFFF - “National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing”**

The provisions of Title 40 CFR Part 63, subpart FFFF, 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 63 subpart FFFF			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	November 10, 2003	[68 FR 63852]
Revision	Vol. 70	July 1, 2005	[70 FR 38554]
Revision	Vol. 70	August 30, 2005	[70 FR 51269]
Revision	Vol. 71	March 1, 2006	[71 FR 10439]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	July 14, 2006	[71 FR 40316]

*Regulation 61-62.63, Subpart GGGG shall be revised as follows:*

### **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* 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 GGGG			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 66	April 12, 2001	[66 FR 19006]
Revision	Vol. 67	April 5, 2002	[67 FR 16317]
Revision	Vol. 69	September 1, 2004	[69 FR 53338]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

*Regulation 61-62.63, Subpart HHHH shall be revised as follows:*

### **Subpart HHHH - “National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production”**

The provisions of Title 40 CFR Part 63, subpart HHHH, 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 HHHH			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	April 11, 2002	[67 FR 17824]
Revision	Vol. 69	April 9, 2004	[69 FR 18801]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

*Regulation 61-62.63, Subpart IIII shall be revised as follows:*

### **Subpart IIII - “National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks”**

The provisions of Title 40 CFR Part 63, subpart IIII, 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 III			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 69	April 26, 2004	[69 FR 22602]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	December 22, 2006	[71 FR 76922]

*Regulation 61-62.63, Subpart JJJJ shall be revised as follows:*

**Subpart JJJJ - “National Emission Standards for Hazardous Air Pollutants: Paper and Other Web Coating”**

The provisions of Title 40 CFR Part 63, subpart JJJJ, 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 JJJJ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	December 4, 2002	[67 FR 72330]
Revision	Vol. 71	May 24, 2006	[71 FR 29792]

*Regulation 61-62.63, Subpart KKKK shall be revised as follows:*

**Subpart KKKK - “National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans”**

The provisions of Title 40 CFR Part 63, subpart KKKK, 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 KKKK			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	November 12, 2003	[68 FR 64432]
Revision	Vol. 71	January 6, 2006	[71 FR 1378]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

*Regulation 61-62.63, Subpart MMMM shall be revised as follows:*

**Subpart MMMM - “National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products”**

The provisions of Title 40 CFR Part 63, subpart MMMM, 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 MMMM			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 69	January 2, 2004	[69 FR 130]
Revision	Vol. 69	April 26, 2004	[69 FR 22602]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	December 22, 2006	[71 FR 76922]

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*Regulation 61-62.63, Subpart NNNN shall be revised as follows:*

### **Subpart NNNN - “National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances”**

The provisions of Title 40 CFR Part 63, subpart NNNN, 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.

<b>40 CFR Part 63 subpart NNNN</b>			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	July 23, 2002	[67 FR 48254]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

*Regulation 61-62.63, Subpart OOOO shall be revised as follows:*

### **Subpart OOOO - “National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing Of Fabrics and Other Textiles”**

The provisions of Title 40 CFR Part 63, subpart OOOO, 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.

<b>40 CFR Part 63 subpart OOOO</b>			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	May 29, 2003	[68 FR 32172]
Revision	Vol. 69	August 4, 2004	[69 FR 47001]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	May 24, 2006	[71 FR 29792]

*Regulation 61-62.63, Subpart PPPP shall be revised as follows:*

### **Subpart PPPP - “National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products”**

The provisions of Title 40 CFR Part 63, subpart PPPP, 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.

<b>40 CFR Part 63 subpart PPPP</b>			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 69	April 19, 2004	[69 FR 20968]
Revision	Vol. 69	April 26, 2004	[69 FR 22602]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	December 22, 2006	[71 FR 76922]

*Regulation 61-62.63, Subpart QQQQ shall be revised as follows:*

### **Subpart QQQQ - “National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products”**



The provisions of Title 40 CFR Part 63, subpart QQQQ, 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 QQQQ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	May 28, 2003	[68 FR 31746]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

Regulation 61-62.63, Subpart RRRR shall be revised as follows:

**Subpart RRRR - “National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture”**

The provisions of Title 40 CFR Part 63, subpart RRRR, 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 RRRR			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	May 23, 2003	[68 FR 28606]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

Regulation 61-62.63, Subpart UUUU shall be revised as follows:

**Subpart UUUU - “National Emission Standards for Hazardous Air Pollutants for Cellulose Products Manufacturing”**

The provisions of Title 40 CFR Part 63, subpart UUUU, 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 UUUU			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	June 11, 2002	[67 FR 40044]
Revision	Vol. 70	June 24, 2005	[70 FR 36523]
Revision	Vol. 70	August 10, 2005	[70 FR 46684]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

Regulation 61-62.63, Subpart WWWW shall be revised as follows:

**Subpart WWWW - “National Emissions Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production”**

The provisions of Title 40 CFR Part 63, subpart WWWW, 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 63 subpart WWWW			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	April 21, 2003	[68 FR 19375]
Revision	Vol. 70	August 25, 2005	[70 FR 50118]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

Regulation 61-62.63, Subpart XXXX shall be revised as follows:

### Subpart XXXX - “National Emission Standards for Hazardous Air Pollutants for Rubber Tire Manufacturing”

The provisions of Title 40 CFR Part 63, subpart XXXX, 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 XXXX			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	July 9, 2002	[67 FR 45588]
Revision	Vol. 68	March 12, 2003	[68 FR 11745]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

Regulation 61-62.63, Subpart YYYY shall be revised as follows:

### Subpart YYYY - “National Emission Standards for Hazardous Air Pollutants for Stationary Combustion Turbines”

The provisions of Title 40 CFR Part 63, subpart YYYY, 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 YYYY			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 69	March 5, 2004	[69 FR 10512]
Revision	Vol. 69	August 18, 2004	[69 FR 51184]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

Regulation 61-62.63, Subpart ZZZZ shall be revised as follows:

### Subpart ZZZZ - “National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines”

The provisions of Title 40 CFR Part 63, subpart ZZZZ, 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 ZZZZ			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 69	June 15, 2004	[69 FR 33474]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

*Regulation 61-62.63, Subpart AAAAA shall be revised as follows:*

**Subpart AAAAA - “National Emission Standards for Hazardous Air Pollutants for Lime”**

The provisions of Title 40 CFR Part 63, subpart AAAAA, 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.

<b>40 CFR Part 63 subpart AAAAA</b>			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 69	January 5, 2004	[69 FR 394]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

*Regulation 61-62.63, Subpart BBBB shall be revised as follows:*

**Subpart BBBB - “National Emission Standards for Hazardous Air Pollutants for Semiconductor Manufacturing”**

The provisions of Title 40 CFR Part 63, subpart BBBB, 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.

<b>40 CFR Part 63 subpart BBBB</b>			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	May 22, 2003	[68 FR 27913]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

*Regulation 61-62.63, Subpart CCCC shall be revised as follows:*

**Subpart CCCC - “National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks”**

The provisions of Title 40 CFR Part 63, 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.

<b>40 CFR Part 63 subpart CCCC</b>			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	April 14, 2003	[68 FR 18008]
Revision	Vol. 69	October 13, 2004	[69 FR 60813]
Revision	Vol. 70	January 10, 2005	[70 FR 1670]
Revision	Vol. 70	August 2, 2005	[70 FR 44285]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

*Regulation 61-62.63, Subpart EEEEE shall be revised as follows:*

**Subpart EEEEE - “National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries”**

The provisions of Title 40 CFR Part 63, subpart EEEEE, 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 63 subpart EEEEE			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 69	April 22, 2004	[69 FR 21906]
Revision	Vol. 70	May 20, 2005	[70 FR 29400]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

Regulation 61-62.63, Subpart FFFFF shall be revised as follows:

### Subpart FFFFF - “National Emission Standards for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities”

The provisions of Title 40 CFR Part 63, subpart FFFFF, 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 FFFFF			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	May 20, 2003	[68 FR 27646]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	July 13, 2006	[71 FR 39579]

Regulation 61-62.63, Subpart GGGGG shall be revised as follows:

### Subpart GGGGG - “National Emission Standards for Hazardous Air Pollutants: Site Remediation”

The provisions of Title 40 CFR Part 63, subpart GGGGG, 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 GGGGG			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	October 8, 2003	[68 FR 58172]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	November 29, 2006	[71 FR 69011]

Regulation 61-62.63, Subpart HHHHH shall be revised as follows:

### Subpart HHHHH - “National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing”

The provisions of Title 40 CFR Part 63, subpart HHHHH, 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 HHHHH			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	December 11, 2003	[68 FR 69164]
Revision	Vol. 68	December 29, 2003	[68 FR 75033]
Revision	Vol. 70	May 13, 2005	[70 FR 25676]
Revision	Vol. 70	July 6, 2005	[70 FR 38780]
Revision	Vol. 70	December 21, 2005	[70 FR 75924]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]
Revision	Vol. 71	October 4, 2006	[71 FR 58499]

*Regulation 61-62.63, Subpart IIII shall be revised as follows:*

**Subpart IIII - “National Emission Standards for Hazardous Air Pollutants: Mercury Emissions from Mercury Cell Chlor-Alkali Plants”**

The provisions of Title 40 CFR Part 63, subpart IIII, 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 IIII			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	December 19, 2003	[68 FR 70904]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

*Regulation 61-62.63, Subpart LLLLL shall be revised as follows:*

**Subpart LLLLL - “National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing”**

The provisions of Title 40 CFR Part 63, subpart LLLLL, 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 LLLLL			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	April 29, 2003	[68 FR 22976]
Revision	Vol. 68	May 7, 2003	[68 FR 24562]
Revision	Vol. 70	May 17, 2005	[70 FR 28360]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

*Regulation 61-62.63, Subpart MMMMM shall be revised as follows:*

**Subpart MMMMM - “National Emission Standards for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations”**

The provisions of Title 40 CFR Part 63, subpart MMMMM, 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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<b>40 CFR Part 63 subpart MMMMM</b>			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	April 14, 2003	[68 FR 18062]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

*Regulation 61-62.63, Subpart NNNNN shall be revised as follows:*

**Subpart NNNNN - “National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production”**

The provisions of Title 40 CFR Part 63, subpart NNNNN, 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.

<b>40 CFR Part 63 subpart NNNNN</b>			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	April 17, 2003	[68 FR 19076]
Revision	Vol. 71	April 7, 2006	[71 FR 17738]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

*Regulation 61-62.63, Subpart PPPPP shall be revised as follows:*

**Subpart PPPPP - “National Emission Standards for Hazardous Air Pollutants for Engine Test Cells/Stands”**

The provisions of Title 40 CFR Part 63, subpart PPPPP, 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.

<b>40 CFR Part 63 subpart PPPPP</b>			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	May 27, 2003	[68 FR 28774]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

*Regulation 61-62.63, Subpart QQQQQ shall be revised as follows:*

**Subpart QQQQQ - “National Emission Standards for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities”**

The provisions of Title 40 CFR Part 63, subpart QQQQQ, 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.

<b>40 CFR Part 63 subpart QQQQQ</b>			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 67	October 18, 2002	[67 FR 64498]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

*Regulation 61-62.63, Subpart RRRRR shall be revised as follows:*

**Subpart RRRRR - “National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing”**

The provisions of Title 40 CFR Part 63, subpart RRRRR, 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 RRRRR			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	October 30, 2003	[68 FR 61868]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

*Regulation 61-62.63, Subpart SSSSS shall be revised as follows:*

**Subpart SSSSS - “National Emission Standards for Hazardous Air Pollutants for Refractory Products Manufacturing”**

The provisions of Title 40 CFR Part 63, subpart SSSSS, 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 SSSSS			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	April 16, 2003	[68 FR 18730]
Revision	Vol. 71	February 13, 2006	[71 FR 7415]
Revision	Vol. 71	April 14, 2006	[71 FR 19435]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

*Regulation 61-62.63, Subpart TTTTT shall be revised as follows:*

**Subpart TTTTT - “National Emissions Standards for Hazardous Air Pollutants for Primary Magnesium Refining”**

The provisions of Title 40 CFR Part 63, subpart TTTTT, 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 TTTTT			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 68	October 10, 2003	[68 FR 58615]
Revision	Vol. 71	April 20, 2006	[71 FR 20446]

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### 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 will maintain conformity with Federal requirements, ensure compliance with Federal standards, and incorporate necessary corrections and clarifications into the existing regulations.

*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:* The amendments will take effect upon approval and adoption by the South Carolina Board of Health and Environmental Control and publication in the *State Register*.

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

The United States Environmental Protection Agency (EPA) promulgates amendments to 40 CFR Parts 60 and 63 throughout each calendar year. Recent Federal amendments include clarification, guidance and technical amendments regarding New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories. Regulations 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards* and 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*, have been amended to incorporate by reference recent Federal amendments promulgated during the period from January 1, 2006, through December 31, 2006.

### DETERMINATION OF COSTS AND BENEFITS:

There will be no increased cost to the State or its political subdivisions as a result of these amendments. The standards to be adopted 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.

### 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:

Adoption of the recent changes in Federal law through these amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*, will provide continued protection of the environment and public health.

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

While there is no specific detrimental effect on the environment and public health, 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 were not adopted in South Carolina.