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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.

## 2005 PUBLICATION SCHEDULE

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

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

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

## **REPRODUCING OFFICIAL DOCUMENTS**

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

## **PUBLIC INSPECTION OF DOCUMENTS**

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

## **ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS**

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

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

## **EMERGENCY REGULATIONS**

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

## **REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW**

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

## **EFFECTIVE DATE OF REGULATIONS**

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

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

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 South Carolina General Assembly Home Page: [www.scstatehouse.net](http://www.scstatehouse.net)

DOC No.	RAT FINAL No. ISSUE	SUBJECT	EXP. DATE	AGENCY
2955		Motorist Insurance Identification Database (Repeal)	1/15/06	Department of Public Safety
2958		Voluntary Check-off Funds	1/17/06	Department of Revenue
2935		Property Tax (Repeal 117-8)	1/17/06	Department of Revenue
2915		Repeal of Bulk Sales Regulation	1/17/06	Department of Revenue
2936		Sales and Use Tax Exemption for Machines	1/17/06	Department of Revenue
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2968		Workers' Compensation Assigned Risk Rates	2/19/06	Department of Insurance
2942		Graduation Requirements	2/20/06	Board of Education
2962		Implementation of Emergency Health Powers Act	2/20/06	Department of Health and Envir Control
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2973		Repeal of Duplicative Regulations Included in Nurse Practice Act	3/12/06	LLR: Board of Nursing
2972		Transportation of Unmanufactured Forest Products	3/14/06	Department of Public Safety
2971		Assessment Program	3/22/06	Board of Education
2975		211 Network Provider Certification Requirements	4/09/06	Budget and Control Board
2970		Seasons, Limits, Restrictions on WMA's, Turkey Hunting	4/11/06	Department of Natural Resources
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2978		CSO Mortality Table	4/22/06	Department of Insurance
2974		Settlement, Proof of Compliance, Self-Ins, Financial, Audits	4/22/06	Workers' Compensation Commission

**Resolution Introduced to Disapprove**

2927		The Practice of Selling and Fitting Hearing Aids		Department of Health and Envir Control
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## 2 EXECUTIVE ORDERS

### 2005-15

**WHEREAS**, the Grand Jurors of Charleston County indicted Larry Roy “Kwadjo” Campbell, Jr., a member of the City Council of the City of Charleston, on July 13, 2005, for acceptance of an unlawful campaign contribution, failure to deposit campaign contributions into his campaign account, and misconduct in office in violation of South Carolina Code of Laws Section 8-13-1314, Section 8-13-1312 and the common law of South Carolina, respectively; and

**WHEREAS**, Article VI, Section 8 of the South Carolina Constitution provides that “[a]ny officer of the State or its political subdivisions . . ., who has been indicted by a grand jury for a crime involving moral turpitude or who has waived such indictment if permitted by law may be suspended by the Governor until he shall have been acquitted. . .”; and

**WHEREAS**, Larry Roy “Kwadjo” Campbell, Jr., is an officer of the State or its political subdivisions; and

**WHEREAS**, South Carolina law recognizes that the common law offense of misconduct in office constitutes a crime of moral turpitude, particularly if the facts as alleged in the indictment so indicate. *Op. S.C. Atty. Gen.*, March 16, 2004, citing *In The Matter of Chiles*, 490 S.E.2d 259 (1997) and *In The Matter of Archie Lee*, 437 S.E.2d 85 (1993); and

**WHEREAS**, the above-referenced charge is a crime of moral turpitude; and

**NOW, THEREFORE**, pursuant to the authority vested in me by the Constitution and Statutes of the State of South Carolina, I hereby suspend Larry Roy “Kwadjo” Campbell, Jr. from the office of City Council of the City of Charleston. This suspension shall remain in effect until such time as he shall be formally acquitted or convicted.

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

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 14th DAY OF JULY, 2005.  
MARK SANFORD  
Governor**

### 2005-16

**WHEREAS**, the economic health and vitality of South Carolina is an area of great importance to all South Carolinians; and

**WHEREAS**, the successful and effective operation of South Carolina’s workers’ compensation system has a direct effect on the ability of employers and workers to thrive and prosper and thereby enhances the economic health of this state; and

**WHEREAS**, current and impending concerns facing the workers’ compensation system such as continual rising premiums, the need for review of current laws and the claims review process, and the need for overall improvement in the system necessitate a thorough examination of the workers’ compensation system; and

**WHEREAS**, workers' compensation reform is necessary to ensure the economic health and development of South Carolina.

**NOW, THEREFORE**, I do hereby establish the Governor's Workers' Compensation Reform Task Force (the "Task Force").

1. The Task Force shall make recommendations to improve the overall system of workers' compensation and shall study areas of concern to include, but not be limited to:
  - a. the dramatic rise of workers' compensation premiums;
  - b. the current awards review process;
  - c. the current decision and appeals process;
  - d. the service delivery and data collection operation utilized by the South Carolina Workers' Compensation Commission; and
  - e. the current oversight of the workers' compensation system to include a review of the existing Workers' Compensation Advisory Committee created pursuant to Section 42-3-120 of the South Carolina Code of Laws.
2. The Task Force shall be comprised of business representatives, attorneys, insurance industry representatives, and physicians.
3. The Task Force shall be authorized in the furtherance of its mission to hold public hearings and take such other actions as it deems necessary and advisable.
4. The Task Force shall identify reforms and policy recommendations in a final report to the Governor by no later than January 1, 2006.
5. The Governor's Office, the Department of Commerce and the Department of Insurance shall provide staff support as necessary to assist the Task Force in carrying out the directives of this Executive Order.

This Order shall take effect immediately.

**GIVEN UNDER MY HAND AND THE GREAT SEAL OF THE STATE OF SOUTH CAROLINA, THIS 26th DAY OF JULY 2005.**

**MARK SANFORD**  
**Governor**

**2005-17**

**WHEREAS**, Nancy S. King has resigned as Abbeville County Clerk of Court, effective July 20, 2005; and

**WHEREAS**, the undersigned is authorized to appoint a County Clerk of Court in the event of a vacancy pursuant to Sections 1-3-220(2), 4-11-20(1) and 14-17-30 of the South Carolina Code of Laws, as amended; and

**WHEREAS**, Emily Yeargin McMahan, is a fit and proper person to serve as the Abbeville County Clerk of Court.

#### **4 EXECUTIVE ORDERS**

**NOW, THEREFORE**, pursuant to the authority vested in me by the Constitution and Statutes of this State, I hereby appoint Emily Yeargin McMahan as Clerk of Court of Abbeville County until the next general election for this office and until her successor shall qualify.

**GIVEN UNDER MY HAND AND THE GREAT  
SEAL OF THE STATE OF SOUTH CAROLINA,  
THIS 4th DAY OF AUGUST 2005.**

**MARK SANFORD**  
Governor

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

In accordance with Section 44-7-200(C), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication August 26, 2005, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Beaufort County

Acquisition of a Siemens Symphony 1.4T Magnetic Resonance Imaging (MRI) unit in the freestanding imaging center approved by CON SC-04-49 which also supports Positron Emission Tomography (PET) service, Computerized Tomography (CT) Scanner and plain x-ray services.

Beaufort Imaging Center  
Port Royal, South Carolina  
Project Cost: \$1,482,298

Construction to establish a fifteen (15) bed inpatient Hospice facility.

Lowcountry Hospice House  
Beaufort, South Carolina  
Project Cost: \$9,710,904

Affecting Charleston County

Renovations and acquisition of a GE LightspeedPro 16-slice Computed Tomography (CT) scanner to replace a GE HiSpeed single-slice CT scanner.

East Cooper Regional Medical Center  
Mount Pleasant, South Carolina  
Project Cost: \$1,278,582

Affecting Chester County

Establishment of a diagnostic cardiac catheterization service by leasing a mobile cardiac catheterization laboratory for service two (2) days a week.

Chester Regional Medical Center  
Chester, South Carolina  
Project Cost: \$567,662

Affecting Fairfield County

Establishment of a mobile Magnetic Resonance Imaging (MRI) service two days per week.

Fairfield Memorial Hospital  
Winnsboro, South Carolina  
Project Cost: \$352,805

Affecting Florence County

Renovation of space for twenty-four (24) crisis stabilization (psychiatric) beds for a total of three hundred ten (310) general acute care beds, twenty-two (22) substance abuse beds, forty-two (42) comprehensive rehabilitation beds, twenty-four (24) psychiatric beds, and twenty-six (26) hospital-based nursing home beds.

Carolinas Hospital System

## 6 NOTICES

Florence, South Carolina  
Project Cost: \$867,207

Affecting Horry County

Construction for the addition of fifty (50) general acute care beds for a total of two hundred ten (210) general acute care beds.

Conway Medical Center  
Conway, South Carolina  
Project Cost: \$24,231,590

Affecting Lexington County

Construction to establish a fifteen (15) bed inpatient Hospice facility.

Ascension House, Inc.  
Columbia, South Carolina  
Project Cost: \$1,421,900

Affecting Newberry County

Expansion and improvements in support areas to include the laboratory, general surgery, physical therapy, imaging area, third floor nursing unit, and addition of a C-section room.

Newberry County Memorial Hospital  
Newberry, South Carolina  
Project Cost: \$4,694,194

Affecting Spartanburg County

Renovation to add twenty-five (25) hospital based nursing home beds that will not participate in the Medicaid (Title XIX) Program for a total of 97 licensed acute care beds and 25 hospital based nursing home beds.

Spartanburg Hospital for Restorative Care  
Spartanburg, South Carolina  
Project Cost: \$944,628

Affecting Williamsburg County

Purchase of the nursing home by Rural Business, LLC with no change in licensed capacity.

Dr. Ronald E. McNair Memorial Nursing Center  
Lake City, South Carolina  
Project Cost: \$2,750,000

In accordance with S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that the review cycle has begun for the following project(s) and a proposed decision will be made within 60 days beginning August 26, 2005. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. For further information call (803) 545-4200.

## Affecting Charleston County

Acquisition of one (1) fixed four-slice Computed Tomography (CT) scanner.

Charleston Cancer Center, LLC

Charleston, South Carolina

Project Cost: \$848,140

## Affecting Fairfield County

Establishment of a mobile Magnetic Resonance Imaging (MRI) service two days per week.

Fairfield Memorial Hospital

Winnsboro, South Carolina

Project Cost: \$352,805

## Affecting Georgetown County

Addition of nine (9) comprehensive rehabilitation beds by transferring four (4) general acute care beds from Waccamaw Community Hospital (WCH) to Georgetown Memorial Hospital (GMH) resulting in a total of thirty-three (33) Comprehensive rehabilitation beds and seventy-eight (78) general acute care beds at WCH and ten (10) comprehensive rehabilitation beds and 135 acute care beds at GMH.

Waccamaw Community Hospital

Murrells Inlet, South Carolina

Project Cost: \$25,000

Construction to establish an imaging center, with a Magnetic Resonance Imaging (MRI) unit (1.5T), a 16-slice Computed Tomography (CT) Scanner, to include relocation of the breast biopsy service, mammography units, and other imaging services.

Waccamaw Outpatient Imaging Center

Murrells Inlet, South Carolina

Project Cost: \$11,655,358

## Affecting Hampton County

Construction of a new replacement hospital to include the replacement of a four (4) Slice Computerized Tomography (CT) scanner with a thirty two (32) Slice CT scanner, replacement of a mobile Magnetic Resonance Imaging (MRI) unit operating one (1) day per week to a fixed 1.5T MRI unit, and reduction of licensed general acute care bed capacity from sixty eight (68) general acute care beds to thirty two (32) general acute care beds.

Hampton Regional Medical Center

Varnville, South Carolina

Project Cost: \$25,272,846

## Affecting Spartanburg County

Addition of one (1) multi-slice Computed Tomography (CT) Scanner for a total of two (2) CT Scanners.

Mary Black Memorial Hospital

Spartanburg, South Carolina

Project Cost: \$1,764,105

## 8 NOTICES

Replacement of the existing 1.0T Magnetic Resonance Imaging (MRI) unit with a 1.5T MRI and relocation of the facility to 1330 Boiling Springs Road, Spartanburg.

Orthopaedic Associates, PA  
Spartanburg, South Carolina  
Project Cost: \$1,434,159

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Notice of General Public Interest  
Public Notice #05-523-GP-N  
August 26, 2005

The South Carolina Department of Health and Environmental Control (DHEC), Bureau of Air Quality, does hereby give notice of authorization being granted to the following source who has requested coverage under General Conditional Major Operating Permit (GCMP-03) "Hot Mix Asphalt Plants." This general permit was previously open for a thirty (30) day public comment period on March 28, 2001, with final issuance on February 1, 2002. Pursuant to South Carolina Regulation 61-62.1, Section II G(7)(a)&(b), 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 "Air Pollution Control Regulations and Standards," this source is hereby granted permission to discharge air contaminants into the ambient air. The Bureau of Air Quality authorizes the operation of this source in accordance with the plans, specifications, and other information submitted by the facility in the 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 the following facility's coverage under this permit should be directed to: Mr. Carl W. Richardson, P.E., Director, Engineering Services Division, Bureau of Air Quality, SC DHEC, 2600 Bull Street, Columbia, South Carolina, 29201 at (803) 898-4123.

#### **Abbeville County**

Satterfield Construction Company, Inc. (Abbeville)  
3535 SC Highway 72 & Turkey Hill Road  
Abbeville, South Carolina  
(Permit No. GCM03-9900-0439)



**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

PUBLIC NOTICE

In accordance with SC Code Section 44-96-60, the Department of Health and Environmental Control proposes to amend the State Solid Waste Management Plan (Plan). Proposed changes to the Plan may include, but are not limited to, the addition of language that addresses new and emerging waste treatment technologies, such as vitrification and plasma arc. The public is hereby notified that the Department will hold public meetings as outlined below to present information regarding these new technologies.

<u>Place</u>	<u>Date/Time</u>
Kingstree: Williamsburg County Courthouse Complex Auditorium, 147 West Main St.	Tuesday, October 4, 2005 at 1:30 p.m.
Columbia: DHEC, Peoples Auditorium, 2600 Bull St.	Thursday, October 6, 2005 at 1:30 p.m.
Charleston: County Main Library, 68 Calhoun St.	Tuesday, October 11, 2005 at 1:30 p.m.
Greenville: County Council Chambers, 301 University Ridge	Tuesday, October 18, 2005 at 1:30 p.m.

The Department will accept comments regarding the development of a preliminary draft revision to the Plan for further evaluation. The public is encouraged to participate in this process. Interested persons may submit written comments to Art Braswell, SCDHEC, Bureau of Land & Waste Management, 2600 Bull St., Columbia, SC 29201. To be considered, written comments must be received no later than 5:00 p.m. on October 25, 2005.

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

PUBLIC NOTICE

Section IV of R.61-98, the State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation, requires that the Department of Health and Environmental Control evaluate and certify site rehabilitation contractors to perform site rehabilitation of releases from underground storage tanks under the State Underground Petroleum Environmental Response Bank (SUPERB) Act. Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and individuals listed below, please submit your comments in writing, no later than September 26, 2005 to:

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

## 10 NOTICES

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

### Class I

Advantage Environmental Consulting, Inc.  
SCS Engineers

### Class II

## **DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

Bureau of Land and Waste Management  
US Finishing Superfund Site, Greenville County  
South Carolina Department of Health & Environmental Control  
vs. American Fast Print, Ltd. (US), et al.  
US District Court Civil Action No.: 6:04-23349-13

### **NOTICE OF INTENT TO SETTLE OPPORTUNITY FOR PUBLIC COMMENT**

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control ("SCDHEC") intends to enter into a Consent Decree with Duke Energy Corporation ("Duke Energy"). Prior to final execution by SCDHEC, the Consent Decree is subject to a 30-day public comment period, consistent with the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") Section 122, 42 U.S.C. Section 9622 and the South Carolina Hazardous Waste Management Act ("SCHWMA") S.C. Code Ann. Section 44-56-200 (2003).

The Consent Decree relates to the release, and threatened release, of hazardous substances, pollutants, or contaminants at the US Finishing Superfund Site located at 3335 Old Buncombe Road in Greenville, South Carolina, and surrounding areas impacted by the migration of hazardous substances, pollutants or contaminants (the "Site"). The Consent Decree provides for (1) the recovery of the portion of SCDHEC's response costs from Duke Energy in the amount of \$44,730.25; (2) the removal and disposal of all polychlorinated biphenyls (PCBs) in and around the Duke Energy transformer area by Duke Energy; and (3) the performance of assessment and any necessary response work in the northern reservoir area by Duke Energy. In consideration of the foregoing, the Consent Decree provides for a release of Duke Energy from further liability related to the matters covered by the Consent Decree and confers contribution protection upon Duke Energy pursuant to CERCLA Section 113, 42 U.S.C. Section 9613.

Notice of the proposed Consent Decree has been provided to all identified potentially responsible parties. The proposed Consent Decree may be viewed at [www.scdhec.gov/lwm/html/public.html](http://www.scdhec.gov/lwm/html/public.html). Copies of the Consent Decree may be obtained by providing a written Freedom of Information request to:

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 September 26, 2005, and addressed to:

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

UPON FINAL EXECUTION OF THE CONSENT DECREE, ANY AND ALL CLAIMS BY ANY AND ALL PERSONS AGAINST DUKE ENERGY SEEKING CONTRIBUTION FOR MATTERS ENCOMPASSED BY THE CONSENT DECREE SHALL BE FORECLOSED.

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**  
Bureau of Land and Waste Management  
Stoller-Jericho Chemical Superfund Site, Charleston County

**NOTICE OF INTENT TO SETTLE  
AND OPPORTUNITY FOR PUBLIC COMMENT**

PLEASE TAKE NOTICE that the South Carolina Department of Health and Environmental Control ("DHEC") intends to enter into separate judicial settlement agreements (collectively referred to as "DHEC Settlement Agreements") with 11 entities: 1) M.A. Industrial Corporation (f/k/a Michigan Standard Alloys, Inc., 2) Kearney Smelting & Refining Company, 3) LPJV, Inc. (f/k/a Parkans International, 4) Cerro Metal Products Company, 5) Roessing Bronze, 6) W.J. Bullock, Inc., 7) St. Mary's Carbon Company, 8) E & H Recycling Company, Inc., 9) Plant Roberts Chemicals, 10) Gulf Reduction Company; and 11) Beta Control Systems, Inc. (collectively referred to as "Settling PRPs").

The DHEC Settlement Agreements relate to the release, and threatened release, of hazardous substances, pollutants, or contaminants at the Stoller-Jericho Chemical Site located at 7747 Highway 17 South, near the community of Ravenel, Charleston County, South Carolina, the three disposal areas located nearby along TNT Road ("Satellite Areas"), the transportation corridor between the property located at 7747 Highway 17 and the Satellite Areas, and the Caw Caw Swamp. The DHEC Settlement Agreements are entered according to the terms of separate settlement agreements between these Settling PRPs, the Stoller Jericho Working Group (SJWG), and the Ravenel Site Group (RSG) ("Separate Agreements"). The Separate Agreements require the Settling PRPs to reimburse SJWG and RSG a portion of costs of response. Pursuant to the DHEC Settlement Agreements, any monies previously paid by the Settling PRPs and held in escrow by DHEC pursuant to the original agreements between DHEC and each of the Settling PRPs will be transferred to SJWG and RSG. In consideration of the foregoing, the DHEC Settlement Agreements provide for a release of each Settling PRP from further liability related to the matters covered by the DHEC Settlement Agreements and confer contribution protection upon each Settling PRP pursuant to CERCLA Section 113, 42 U.S.C. Section 9613.

DHEC previously provided notice on February 9, 1998 and December 11, 1998 to all identified potentially responsible parties relating to the original agreements between DHEC and Settling PRPs. DHEC responded to all comments received on November 25, 1998, and provided notice of its continuing settlement negotiations on November 9, 2000, to all identified potentially responsible parties. Prior to execution by DHEC, the DHEC Settlement Agreements are subject to a 30-day public comment period, consistent with the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") Section 122, 42 U.S.C. Section 9622 and the South Carolina Hazardous Waste Management Act ("HWMA") S.C. Code Ann. Section 44-

## 12 NOTICES

56-200 (2003). Thereafter, DHEC intends to seek approval of the DHEC Settlement Agreements from the United States District Court.

Copies of the DHEC Settlement Agreements may be obtained by providing a written Freedom of Information request to:

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 September 26, 2005, and addressed to:

Jacquelyn S. Dickman  
Office of General Counsel  
South Carolina Department of Health and Environmental Control  
2600 Bull Street  
Columbia, SC 29201

UPON FINAL EXECUTION OF THE DHEC SETTLEMENT AGREEMENTS BY THE COURT, ANY AND ALL CLAIMS BY ANY AND ALL PERSONS AGAINST ANY OF THE SETTLING PRPS SEEKING CONTRIBUTION FOR MATTERS ADDRESSED BY THE DHEC SETTLEMENT AGREEMENTS SHALL BE FORECLOSED.

### **DEPARTMENT OF LABOR, LICENSING AND REGULATION BUILDING CODES COUNCIL**

#### **NOTICE OF GENERAL PUBLIC INTEREST**

Notice is hereby given that, in accordance with Section 6-9-40 of the 1976 Code of Laws of South Carolina, as amended, the South Carolina Building Codes Council intends to update the National Electrical Code, 2002 Edition to the National Electrical Code, 2005 Edition.

The Council specifically requests comments concerning sections of this edition, which may be unsuitable for enforcement in South Carolina. Written comments may be submitted to Gary F. Wiggins, Board Administrator, at 110 Centerview Drive, 1<sup>st</sup> Floor, Columbia, SC, 29211-1329, (803) 896-4620, on or before October 20, 2005.

The South Carolina Building Codes Council will accept comments for 180 days and, if appropriate, convene a study committee pursuant to Section 6-9-40 for the consideration of the comments regarding the 2005 Edition of the National Electrical Code.

**SOUTH CAROLINA PLANNING EDUCATION ADVISORY COMMITTEE**

The South Carolina Planning Education Advisory Committee has approved the Orientation Program Part II: Understanding Key Concepts in Planning and Zoning developed by the South Carolina Association of Counties (SCAC). Please contact Kathy Williams at SCAC at 803-252-7255 for further information.

The South Carolina Planning Education Advisory Committee has approved the MASC/SCAPA/SCARC Orientation Program developed by the Municipal Association of South Carolina (MASC). Please contact Michelle James at MASC at 803-933-1228 for further information.

There are no approved Continuing Education programs at this time.

## 14 DRAFTING

**STATE CROP PEST COMMISSION  
CLEMSON UNIVERSITY  
CHAPTER 27  
Statutory Authority: 1976 Code Section 46-9-40**

**Notice of Drafting:**

The State Crop Pest Commission is contemplating amending Regulation 27-131. Please address all comments to Dr. David Howle, 511 Westinghouse Road, Pendleton, S. C. 29670. To be considered comments must be received no later than 5:00 P.M., September 26, 2005, the close of the drafting comment period.

**Synopsis:**

This regulation deals with the Imported Fire Ant Quarantine. Fire Ants have now been found in all counties of the State, and the quarantine shall be extended to all areas of the State.

Legislative review of this proposal will be required.

**STATE CROP PEST COMMISSION  
CLEMSON UNIVERSITY  
CHAPTER 27  
Statutory Authority: 1976 Code Section 46-9-40**

**Notice of Drafting:**

The State Crop Pest Commission is contemplating amending Regulation 27-160. Please address all comments to Dr. David Howle, 511 Westinghouse Road, Pendleton, S. C. 29670. To be considered comments must be received no later than 5:00 P.M., September 26, 2005, the close of the drafting comment period.

**Synopsis:**

This regulation deals with the Plant Nursery Regulations. The Commission is considering amending the definitions to make the terms “nursery” and “nursery dealer” consistent with the term “nurseryman”.

Legislative review of this proposal will be required.

**STATE CROP PEST COMMISSION  
CLEMSON UNIVERSITY  
CHAPTER 27  
Statutory Authority: 1976 Code Section 46-25-40**

**Notice of Drafting:**

The State Crop Pest Commission is contemplating amending Regulation 27-182. Please address all comments to Dr. David Howle, 511 Westinghouse Road, Pendleton, S. C. 29670. To be considered comments must be received no later than 5:00 P.M., September 26, 2005, the close of the drafting comment period.

**Synopsis:**

This regulation deals with the implementation of the amendments to the South Carolina Fertilizer Law of 1954, as it pertains to soil amendments.

Legislative review of this proposal will be required.

**STATE CROP PEST COMMISSION  
CLEMSON UNIVERSITY  
CHAPTER 27  
Statutory Authority: 1976 Code Section 46-9-40**

**Notice of Drafting:**

The State Crop Pest Commission is contemplating amending Regulation 27-55. Please address all comments to Dr. David Howle, 511 Westinghouse Road, Pendleton, S. C. 29670. To be considered comments must be received no later than 5:00 P.M., September 26, 2005, the close of the drafting comment period.

**Synopsis:**

This regulation deals with the Tropical Soda Apple Quarantine. The Commission is considering deletion of the exemption for livestock going directly to slaughter.

Legislative review of this proposal will be required.

**CLEMSON UNIVERSITY  
STATE LIVESTOCK-POULTRY HEALTH COMMISSION  
CHAPTER 27  
Statutory Authority: 1976 Code Section 47-4-30 and 47-17-130**

**Notice of Drafting:**

The Livestock-Poultry Health Commission is considering modernizing, clarifying and updating existing regulations which govern, to the extent authorized by S. C. Code, Title 47, Chapter 4, the inspection or meat and meat food products produced for intrastate commerce.

Interested parties should submit written comments to Dr. Daniel E. Lafontaine, Director, State Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, S. C. 29224-2406. To be considered comments should be received no later than September 26, 2005, the close of the drafting comment period.

**Synopsis:**

This regulation is being promulgated to comply with the Federal Meat Inspection Act (21 USDA 661, Section 301) which establishes Federal-State Cooperative Meat Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations at least as stringent as those adopted by the United States Government. This regulation will, in effect, adopt the current Federal Meat Inspection Regulations with some minor exceptions for some state specific requirements, such as utilizing state marks of inspection, designating use of state holidays and other similar requirements.

This regulation will not require legislative action.

## 16 DRAFTING

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

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

### **Notice of Drafting:**

The Livestock-Poultry Health Commission is considering modernizing, clarifying and updating 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.

Interested parties should submit written comments to Dr. Daniel E. Lafontaine, Director, State Meat-Poultry Inspection Department, P. O. Box 102406, Columbia, S.C. 29224-2406. To be considered comments should be received no later than September 26, 2005, the close of the drafting comment period.

### **Synopsis:**

This regulation is being promulgated to comply with the Poultry Products Inspection Act (21 USCA 454, Section 5) which establishes Federal-State Cooperative Poultry Inspection Programs. This is a grant program with equal federal-state funding. A cooperating state is required to adopt regulations at least as stringent as those adopted by the United States Government. This regulation will, in effect, adopt the current Federal Poultry Products Inspection Regulations with some minor exceptions for some state specific requirements, such as utilizing state marks of inspection, designating use of state holidays, and other similar requirements.

This regulation will not require legislative action.

**STATE BOARD OF EDUCATION  
CHAPTER 43**

Statutory Authority: Students Health and Fitness Act, 2005 S.C. Acts 59 (to be codified at S.C. Code Ann. § 59-10-310)

### **Notice of Drafting:**

The State Board of Education proposes to draft a new regulation that addresses nutrition standards for elementary school food service meals and competitive foods. Interested persons may submit comments to Dr. Vivian Pilant, Director, Office of School Food Services and Nutrition, Division of Enterprise Operations, State Department Education, 1429 Senate Street, Rutledge Building, Room 201, Columbia, South Carolina 29201. To be considered, comments must be received no later than 5:00 P.M., September 26, 2005, the close of the drafting period.

### **Synopsis:**

The proposed regulation will address the requirements for elementary school food service meals and competitive foods based upon the recommendations outlined in the State Department of Education Task Force on Student Nutrition and Physical Activity report, National School Lunch Act, and the most recent applicable Dietary Guidelines for Americans.

Legislative review of this proposal will be required.



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

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

**Notice of Drafting:**

The South Carolina Department of Health and Environmental Control (Department) proposes to amend R.61-69, *Classified Waters*. Interested persons are invited to submit their views and recommendations in writing to Gina L. Kirkland, Water Quality Standards Coordinator, Bureau of Water, 2600 Bull Street, Columbia, South Carolina 29201. To be considered, written comments must be received no later than 5:00 p.m. on September 26, 2005.

**Synopsis:**

The Department was asked to evaluate the waters within Congaree National Park for consideration as Outstanding Resource Waters (ORWs) and also to consider classifying a portion of Cedar Creek within the park boundary as an Outstanding National Resource Water (ONRW). Congaree National Park protects the largest and last significant tract of old-growth bottomland hardwood forest in the United States and has been designated as an International Biosphere Reserve, a Globally Important Bird Area, a National Natural Landmark, a Congressionally Designated Wilderness Area, and nominated as a Wetlands of International Importance. The waters within the park provide for and support this valuable floodplain forest ecosystem. We believe these waters to be exceptional resource waters of the State and the Department is now considering naming a portion of Cedar Creek within the park as an ONRW and all other waters within the boundary of the Congaree National Park as ORW waters. The Department will also modify the abbreviations table in Section E. of R.61-69 to include the listing of an ONRW as a classification for a water of the State.

Legislative review will be required.

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**  
**CHAPTER 30**

Statutory Authority: S.C. Code Ann. Sections 48-39-10 *et seq.* (Supp. 2004)

**Notice of Drafting:**

The Department of Health and Environmental Control proposes to amend 23A S.C. Code Ann. Reg. 30-1(D), *Definitions*, of R.30-1, *Statement of Policy*, and Reg.30-12, *Specific Project Standards for Tidelands and Coastal Waters*, of the Department's Coastal regulations related to permitting in the critical areas of the coastal zone. Interested persons should submit their views in writing to: Ms. Debra L. Hernandez, Office of Ocean and Coastal Resource Management, S.C. Department of Health and Environmental Control, 1362 McMillan Avenue, Suite 400, Charleston, S.C., 29405. To be considered, comments should be received no later than September 26, 2005, the close of the initial drafting comment period.

**Synopsis:**

The Department proposes to amend Reg.30-1 and Reg. 30-12 pursuant to S.C. Code Ann. Sections 48-39-10 *et seq.* The proposed amendment will specify the Department's policies regarding access to islands. This proposed amendment would provide clearly defined terms and specific standards to be utilized in the evaluation of permit applications for any type of access to islands.

Legislative review will be required.

## 18 DRAFTING

**COMMISSION ON HIGHER EDUCATION**  
**CHAPTER 62**  
Statutory Authority: 1976 Code Section 59-149-10

**Notice of Drafting:**

The South Carolina Commission on Higher Education proposes to amend regulations for the Legislative Incentives for Future Excellence (LIFE) Scholarship Program established under Title 59 Section 59-149-10. Interested persons may submit comments to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC 29201. To be considered, comments must be received no later than 5:00 p.m. on September 23, 2005, the close of the drafting comment period.

**Synopsis:**

In accordance with Section 59-149-10 of the 1976 Code of Laws, revisions to the existing regulation for the LIFE Scholarship Program are being considered to clarify the policies and procedures for administering the program. Three of the proposed amendments will make the scholarship regulation consistent with Act 162 which was approved during the 2005 legislative session: 1) students are now able to use grades from all institutions attended towards the LIFE Scholarship; 2) eligible students will now be able to receive scholarship funding at South University; and 3) military personnel and their dependents who have been honorably discharged from active duty may be eligible for the LIFE Scholarship if they establish and maintain residence and domicile in this State and if they paid income taxes in this State during the majority of their years of active military service and meet the academic criteria. There are also additional clarifications including minor grammatical changes being proposed to promote consistency among the State scholarship and grant programs.

**COMMISSION ON HIGHER EDUCATION**  
**CHAPTER 62**  
Statutory Authority: 1976 Code Section 59-150-370

**Notice of Drafting:**

The South Carolina Commission on Higher Education proposes to revise existing regulation for the South Carolina HOPE Scholarship Program established under the South Carolina Education Lottery Act. Interested persons may submit comments to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC 29201. To be considered, comments must be received no later than 5:00 p.m. on September 23, 2005, the close of the drafting comment period.

**Synopsis:**

In accordance with section 59-150-370 of the 1976 Code of Laws, revisions to the existing regulation for the SC HOPE Scholarship Program are being considered to clarify the policies and procedures for administering the program. Beginning with the 2005-06 academic year, students who are visually impaired, hearing impaired, or multi-handicapped who qualify for the SC HOPE Scholarship may use their funds to attend an approved out-of-state institution that specializes in the student's specific impairment, as specified in recently approved legislation, Act 95. There are also additional clarifications being proposed by adding definitions and minor grammatical changes to promote consistency among the State scholarship and grant programs.

**COMMISSION ON HIGHER EDUCATION**  
**CHAPTER 62**  
 Statutory Authority: 1976 Code Section 59-150-360

**Notice of Drafting:**

The South Carolina Commission on Higher Education proposes to revise existing regulation for the Lottery Tuition Assistance Program for two-year public and independent institutions (excluding the technical colleges) established under the South Carolina Education Lottery Act. Interested persons may submit comments to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC 29201. To be considered, comments must be received no later than 5:00 p.m. on September 23, 2005, the close of the drafting comment period.

**Synopsis:**

In accordance with section 59-150-360 of the 1976 Code of Laws, revisions to the existing regulation for the Lottery Tuition Assistance Program are being considered to clarify the policies and procedures for administering the program. One of the proposed amendments will allow for certain students who are not eligible for federal financial aid to be exempt from filing the Free Application for Federal Student Aid (FAFSA) as consistent with recently approved legislation in Act 48. Another proposed amendment will allow for students who are visually impaired, hearing impaired, or multi-handicapped who qualify for Lottery Tuition Assistance to use their funds to attend an out-of-state institution that specializes in the student's specific impairment, as specified in recently approved legislation, Act 95. There are also additional clarifications being proposed by adding definitions and minor grammatical changes to aid in clarification and promote consistency among the State scholarship and grant programs.

**COMMISSION ON HIGHER EDUCATION**  
**CHAPTER 62**  
 Statutory Authority: Title 59 1976 Code Section 104-20

**Notice of Drafting:**

The South Carolina Commission on Higher Education proposes to revise existing regulation for the Palmetto Fellows Scholarship Program established under Section 104-20 Title 59 Act No. 458. Interested persons should submit their comments in writing to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC 29201. To be considered, comments must be received no later than 5:00 p.m. on September 23, 2005, the close of the drafting comment period.

**Synopsis:**

In accordance with Section 59-104-20 of the 1976 Code, revisions to the existing regulation for the Palmetto Fellows Scholarship Program are being considered to clarify the policies and procedures for administering the program. Four of the proposed amendments will make the scholarship regulation consistent with recently approved legislation, Act 162 approved during the 2005 legislative session: 1) students can meet alternative criteria to apply for the Palmetto Fellows Scholarship (scoring a minimum 1400 on the SAT (32 on the ACT) and earning a minimum 4.0 cumulative GPA on the Uniform Grading Scale, without regard to class rank); 2) the number of students included in the top six percent will be the next whole number if the top six percent is not a whole number, without regard to normal rounding rules; 3) eligible students may receive scholarship funding at Bob Jones University; and 4) students who applied and were awarded the scholarship as a senior in high school but declined the award to attend a four-year out-of-state institution are eligible to reapply for their remaining

## **20 DRAFTING**

terms of eligibility. Another proposed amendment will make the scholarship regulation consistent with other recently approved legislation, Act 95 approved during the 2005 legislative session: visually impaired, hearing impaired or multi-handicapped students who qualify for the scholarship may receive State funds to attend an out-of-state four-year institution that specializes in their impairment. There are also additional clarifications including minor grammatical changes being proposed to promote consistency among the State scholarship and grant programs.

**COMMISSION ON HIGHER EDUCATION**  
Chapter 62  
STATUTORY AUTHORITY: Act 512, Part 2, Section 9  
Division 2, Subdivision C, Subpart 1(6)  
Acts of Joint resolutions of South Carolina, 1984  
Article II S. C. Student Loan Corporation

### **Notice of Drafting:**

The Commission on Higher Education proposes to draft a new regulation that addresses the eligibility criteria for an undergraduate student who has not completed one year of collegiate work. Interested persons may submit comments to Mr. Michael Fox, S.C. Student Loan Corporation, Post Office Box 210219, Columbia, SC 29221. To be considered, comments must be received no later than 5:00 pm on September 28 , 2005 the close of the drafting comment period.

### **Synopsis:**

The General Assembly passed the 2005 – 2006 State Budget Part 1B Section 1A H63-Department of Education-EIA-1A.50 which limits freshman eligibility in the SC Teacher Loan Program to applicants who have participated in the Teacher Cadet Program. The proposed regulation will amend the eligibility criteria for freshmen students to require participation in the Teacher Cadet Program.

Legislative review of this proposal will be required.

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

Statutory Authority: 1976 Code Sections 40-1-40, 40-15-40, 40-15-140, and 40-15-275

### **Notice of Drafting:**

The Board of Dentistry is proposing to add subsection D to Regulation 39-1 to establish necessary fees to carry out and enforce the provisions of 40-15-275 of the 1976 Code of Laws of South Carolina, as amended (Act 92 of 2005) regarding the licensure by credentials of dentists licensed in any state or territory of the United States. Written comments can be submitted to Rion Alvey, Board Administrator, at 110 Centerview Drive, 3<sup>rd</sup> Floor, Columbia, South Carolina, 29211-1329.

### **Synopsis:**

The purpose of the amendment is to add subsection D to Regulation 39-1 to establish necessary fees to carry out and enforce the provisions of 40-15-275 of the 1976 Code of Laws of South Carolina, as amended (Act 92 of 2005) regarding the licensure by credentials of dentists licensed in any state or territory of the United States.

**DEPARTMENT OF REVENUE**  
Chapter 117  
Statutory Authority: 1976 Code Section 12-4-320

**Notice of Drafting:**

The South Carolina Department of Revenue is considering repealing SC Regulation 117-318.1 since this regulation is no longer needed due to a change in the sales and use tax law. This regulation concerns the application of the sales and use tax to charges for warranty agreements that became effective October 1, 2005 as a result of Act 161, Section 19, of 2005.

Interested persons may submit written comments to Meredith F. Cleland, South Carolina Department of Revenue, Legislative Services, P.O. Box 125, Columbia, SC 29214. To be considered, comments must be received no later than 5:00 p.m. on September 27, 2005.

**Synopsis:**

The South Carolina Department of Revenue is considering repealing SC Regulation 117-318.1 since this regulation is no longer needed due to a change in the sales and use tax law. This regulation concerns the application of the sales and use tax to charges for warranty agreements that became effective October 1, 2005 as a result of Act 161, Section 19, of 2005.

**DEPARTMENT OF REVENUE**  
Chapter 117  
Statutory Authority: 1976 Code Section 12-4-320

**Notice of Drafting:**

The South Carolina Department of Revenue is considering amending SC Regulation 117-334 concerning the sales and use tax and interstate commerce. The proposal would amend the regulation to clarify which tax applies, the sales tax or the use tax, to goods being shipped into South Carolina. The proposal represents the longstanding position of the Department of Revenue and is designed to assist South Carolina purchasers in determining when they are liable for the use tax.

Interested persons may submit written comments to Meredith F. Cleland, South Carolina Department of Revenue, Legislative Services, P.O. Box 125, Columbia, SC 29214. To be considered, comments must be received no later than 5:00 p.m. on September 27, 2005.

**Synopsis:**

The South Carolina Department of Revenue is considering amending SC Regulation 117-334 concerning the sales and use tax and interstate commerce. The proposal would amend the regulation to clarify which tax applies, the sales tax or the use tax, to goods being shipped into South Carolina. The proposal represents the longstanding position of the Department of Revenue and is designed to assist South Carolina purchasers in determining when they are liable for the use tax.

## 22 PROPOSED REGULATIONS

Document No. 2984  
**STATE BOARD OF EDUCATION**  
CHAPTER 43

Statutory Authority: S.C. Code Ann. § 59-1-445 (2004), § 59-5-60 (2004), § 59-5-65 (2004), § 59-25-110, *et seq.* (2004), § 59-25-530 (2004), § 59-26-40 (2004), and 20-7-840, *et seq.* (Supp 2004)

### 43-58. Denial, Revocation and Suspension of Credentials

#### **Preamble:**

Amendments to R 43-58 are necessary to consolidate in one regulation all of the possible grounds upon which the State Board of Education may take action on the educator's certificate, pursuant to a number of various South Carolina code sections, and to clarify what actions on an educator certificate the Board may take. Additionally, the amendments change the title of the regulation to more accurately reflect the subject and content of the regulation.

#### Section-by-Section Discussion

Items 1, 4, 6, 15, & 16	Added to show all possible grounds upon which State Board of Education may take action on an educator's certificate.
Items 2, 3, 7, 8, 9, 10, 11, 12, & 17	Reworded and moved to be consistent with the grounds and their order as listed in the relevant statutes.
Items 5, 13, & 14	Moved to be consistent with the order of the grounds in the relevant statutes.

#### **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 October 12, at 10:00 A.M. at the Rutledge Building, State 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 Jane Turner, Deputy General Counsel, 1429 Senate Street, Room 1015, Rutledge Building, Columbia, South Carolina 29201 or e-mail [mjturner@sde.state.sc.us](mailto:mjturner@sde.state.sc.us). Comments must be received no later than 5:00 P.M. on September 26, 2005. Comments received by the deadline 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:**

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

DESCRIPTION OF REGULATION: R 43-58, Denial, Revocation and Suspension of Credential

Purpose: Regulation 43-58, Denial, Revocation and Suspension of Credentials, is being amended. The amendments will consolidate in one regulation all of the possible grounds upon which the State Board of Education may take action on the educator's certificate, pursuant to a number of various South Carolina code sections, and to clarify what actions on an educator certificate the Board may take.

Legal Authority: S.C. Code Ann. § 59-1-445 (2004), § 59-5-60 (2004), § 59-5-65 (2004), § 59-25-110, *et seq.* (2004), § 59-25-530 (2004), § 59-26-40, and 20-7-840, *et seq.* (Supp 2004)

Plan for Implementation: The proposed amendments will be posted on the State 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:

DETERMINATION OF COSTS AND BENEFITS: No associated costs

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:**

A copy of the detailed statement of rationale may be obtained by contacting Jane Turner, Deputy General Counsel, 1429 Senate Street, Room 1015, Rutledge Building, Columbia, South Carolina 29201.

**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. 2985  
**DEPARTMENT OF REVENUE**  
CHAPTER 117  
Statutory Authority: 1976 Code Section 12-4-320  
Regulation 117-335

**Preamble:**

The South Carolina Department of Revenue is considering amending SC Regulation 117-335 concerning the sales and use tax and manufactured and modular homes to address a change in the law in 2004 as to how modular homes are taxed and to address the issue of furniture and appliance sold with manufactured and modular homes. The portion of the proposal concerning the taxation of furniture and appliances sold with manufactured and modular homes is consistent with present Department of Revenue policy.

Discussion

The South Carolina Department of Revenue is considering amending SC Regulation 117-335 concerning the sales and use tax and manufactured and modular homes to address a change in the law in 2004 as to how modular homes are taxed and to address the issue of furniture and appliance sold with manufactured and modular homes. The portion of the proposal concerning the taxation of furniture and appliances sold with manufactured and modular homes is consistent with present Department of Revenue policy.

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### Notice of Public Hearing:

The S.C. Department of Revenue has scheduled a public hearing before the Administrative Law Court in the Edgar Brown Building on the Capitol Complex (1205 Pendleton Street, Suite 224) in Columbia, South Carolina for Tuesday, November 8, 2005 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 amend SC Regulation 117-335 concerning the sales and use tax and manufactured and modular homes to address a change in the law in 2004 as to how modular homes are taxed and to address the issue of furniture and appliance sold with manufactured and modular homes. The portion of the proposal concerning the taxation of furniture and appliance sold with manufactured and modular homes is consistent with present Department of Revenue policy.

The department will be asking the Administrative Law Court, in accordance with S.C. Code Ann. ' 1-23-111 (2000), to issue a report that the proposal to amend the regulation is needed and reasonable.

### Comments:

All comments concerning this proposal should be mailed to the following address by September 27, 2005

S.C. Department of Revenue  
Legislative Services - Mr. Meredith Cleland  
P.O. Box 125  
Columbia, South Carolina 29214

### Preliminary Fiscal Impact Statement:

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

**Summary of the Preliminary Assessment Report:** A preliminary assessment report is not required for this proposal.

**Preliminary Assessment Report:** A preliminary assessment report is not required for this proposal.

### Statement of Rationale:

The purpose of this proposal is to amend SC Regulation 117-335 concerning the sales and use tax and manufactured and modular homes to address a change in the law in 2004 as to how modular homes are taxed and to address the issue of furniture and appliances sold with manufactured and modular homes. The portion of the proposal concerning the taxation of furniture and appliances sold with manufactured and modular homes is consistent with present Department of Revenue policy.

The proposal to amend SC Regulation 117-335 is needed to reduce any taxpayer confusion that may result from having a published regulation that is no longer consistent with the law and is needed to address through a regulation the taxation of furniture and appliances sold with manufactured and modular homes. The proposal to amend this regulation is also reasonable in that it is the department's responsibility to maintain regulations that are up-to date and consistent with the law.

### 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. 2980  
**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**  
 CHAPTER 61  
 Statutory Authority: S.C. Code Section 48-1-10 *et seq.*

**Regulation 61-62, *Air Pollution Control Regulations and Standards***

**Synopsis:**

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

Among the revisions are amendments to R. 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards (NSPS)*; R. 61-62.61, *National Emission Standards For Hazardous Air Pollutants (NESHAP)*; and R. 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*, to incorporate recent Federal amendments promulgated during the period from January 1, 2004, through December 31, 2004. The Department also revised R. 61-62.1, *Definitions and General Requirements*, to incorporate amendments to the definition of Volatile Organic Compounds (VOCs) promulgated by the Environmental Protection Agency (EPA) on November 29, 2004. Finally, the Department made typographical corrections and clarifications to R.61-62 as necessary.

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

Since this amendment is consistent with Federal law, a fiscal impact statement or an assessment report is not required.

**Discussion of Revisions:**

<u>SECTION CITATION:</u>	<u>EXPLANATION OF CHANGE:</u>
R. 61-62.1	Amend Section I - Definitions.
R. 61-62.60	Tables in Subparts A, Cb, and GG are amended.
R. 61-62.60	Subparts B, C and BBBB are added.
R. 61-62.61	Subpart A is added.
R. 61-62.61	Tables in Subpart M and Appendix B to Part 61 are amended.
R.61-62.63	Subparts C, D, E, DDDD, EEEE, IIII, MMMM, PPPP, YYYYY, ZZZZ, AAAAA, DDDDD, and EEEEE are added.
R. 61-62.63	Tables in Subparts A, N, Q, LL, MM, EEE, JJJ, PPP, RRR, UUU, GGGG, HHHH, OOOO, and CCCCC are amended.
R. 61-62.63 (Subpart UUU)	Add text to introductory paragraph.
R. 61-62.63 (Subpart HHHH)	Add text to introductory paragraph.

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### Instructions:

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

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

*Regulation 61-62.1, Section I shall be revised as follows:*

94. Volatile Organic Compound (VOC) - Any organic compound which participates in atmospheric photochemical reactions; or which is measured by a reference method (as specified in 40 CFR 60, as of July 1, 1990), an equivalent method, an alternative method, or which is determined by procedures specified under any subpart of 40 CFR 60. This includes compounds other than the following compounds:

acetone;

(CF<sub>3</sub>)<sub>2</sub>CF<sub>2</sub>OC<sub>2</sub>H<sub>5</sub> (2-(ethoxydifluoromethyl)-(1,1,1,2,3,3,3-heptafluoropropane);

((CF<sub>3</sub>)<sub>2</sub>CF<sub>2</sub>OCH<sub>3</sub>,) (2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane);

CFC-11 (trichlorofluoromethane);

CFC-12 (dichlorodifluoromethane);

CFC-113 (1,1,2-trichloro-1,2,2-trifluoroethane);

CFC-114 (1,2-dichloro-1,1,2,2-tetrafluoroethane);

CFC-115 (chloropentafluoroethane);

ethane;

HCFC-22 (chlorodifluoromethane);

HCFC-31 (chlorofluoromethane);

HCFC-123 (1,1,1-trifluoro-2,2-dichloroethane);

HCFC-123a (1,2-dichloro-1,1,2-trifluoroethane);

HCFC-124 (2-chloro-1,1,1,2-tetra-fluoroethane);

HCFC-134a (1,1,1,2-tetrafluoroethane);

HCFC-141b (1,1-dichloro-1-fluoroethane);

HCFC-142b (1-chloro-1,1-difluoroethane);

HCFC-151a (1-chloro-1-fluoroethane);

HCFC 225ca (3,3-dichloro-1,1,1,2,2-pentafluoropropane);

HCFC 225cb (1,3-dichloro-1,1,2,2,3-pentafluoropropane);

HFC-23 (trifluoromethane);

HFC-32 (difluoromethane);

HFC 43-10mee (1,1,1,2,3,4,4,5,5,5-decafluoropentane);

HFC-125 (pentafluoroethane);

HFC-134 (1,1,2,2-tetrafluoroethane);

HFC-143a (1,1,1-trifluoroethane);

HFC-152a (1,1-difluoroethane);

HFC-161 (ethylfluoride);

HFC 227ea (1,1,1,2,3,3,3-heptafluoropropane);

HFC-236ea (1,1,1,2,3,3,3-hexafluoropropane);

HFC-236fa (1,1,1,3,3,3,3-hexafluoropropane);

HFC-245ca (1,1,2,2,3-pentafluoropropane);

HFC-245ea (1,1,2,3,3-pentafluoropropane);

HFC-245eb (1,1,1,2,3-pentafluoropropane);

HFC-245fa (1,1,1,3,3-pentafluoropropane);

HFC-365mfc (1,1,1,3,3-pentafluorobutane);

HFE-7000 (1,1,1,2,2,3,3,3-heptafluoro-3-methoxy-propane) or (n-C<sub>3</sub>F<sub>7</sub>OCH<sub>3</sub>);

HFE-7100 (1,1,1,2,2,3,3,3,4,4-nonafluoro-4-methoxybutane) or (C<sub>4</sub>F<sub>9</sub>OCH<sub>3</sub>);

HFE-7200 (1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane) or (C<sub>4</sub>F<sub>9</sub>OC<sub>2</sub>H<sub>5</sub>);

HFE-7500 (3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane);  
methane;  
methyl acetate;  
methyl chloroform (1,1,1-trichloroethane);  
methylene chloride (dichloromethane);  
methyl formate (HCOOCH<sub>3</sub>);  
parachlorobenzotrifluoride (PCBTF);  
perchloroethylene (tetrachloroethylene); and  
perfluorocarbon compounds that fall into these classes:

- (i) cyclic, branched, or linear, completely fluorinated alkanes;
- (ii) cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
- (iii) cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations;
- (iv) sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

volatile methyl siloxanes (cyclic, branched, or linear completely methylated siloxanes) (VMS)

These compounds have been determined to have negligible photochemical reactivity. For purposes of determining compliance with emission limits, VOC will be measured by the approved test methods. Where such a method also inadvertently measures compounds with negligible photochemical reactivity, an owner or operator may exclude these negligibly reactive compounds when determining compliance with an emissions standard.

The following compound(s) are VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC and shall be uniquely identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content requirements: t-butyl acetate (TBAC or TBAC).

*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.

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

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40 CFR Part 60 subpart A			
Federal Register Citation	Volume	Date	Notice
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]
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]

*Regulation 61-62.60, Subpart B shall be added in alpha-numeric order and amended 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.

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

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

**Subpart C – “Emission Guidelines and Compliance Times”**

The provisions of Title 40 CFR Part 60, subpart C, 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 C</b>			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 42	October 18, 1977	[42 FR 55797]
Revision	Vol. 60	December 19, 1995	[60 FR 65387]
Revision	Vol. 61	March 12, 1996	[61 FR 9905]
Revision	Vol. 62	September 15, 1997	[62 FR 48348]

*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.

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

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

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#### 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]

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

#### Subpart BBBB - “Emission Guidelines and Compliance Times for Small Municipal Waste Combustion Units”

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

40 CFR Part 60 subpart BBBB			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 65	December 6, 2000	[65 FR 76378]

*Regulation 61-62.61, Subpart A shall be added in alpha-numeric order and revised as follows:*

#### Subpart A - “General Provisions”

The provisions of Title 40 CFR Part 61, 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 61 subpart A			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 38	April 6, 1973	[38 FR 8826]
Revision	Vol. 40	April 25, 1975	[40 FR 18170]
Revision	Vol. 40	October 14, 1975	[40 FR 48299]
Revision	Vol. 42	September 29, 1977	[42 FR 51574]
Revision	Vol. 44	September 25, 1979	[44 FR 55174]
Revision	Vol. 48	January 27, 1983	[48 FR 3740]
Revision	Vol. 48	December 9, 1983	[48 FR 55266]
Revision	Vol. 49	June 6, 1984	[49 FR 23520]
Revision	Vol. 50	November 7, 1985	[50 FR 46290]
Revision	Vol. 50	November 7, 1985	[50 FR 46291]
Revision	Vol. 50	November 7, 1985	[50 FR 46292]
Revision	Vol. 50	November 7, 1985	[50 FR 46293]

40 CFR Part 61 subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 50	November 7, 1985	[50 FR 46294]
Revision	Vol. 51	March 5, 1986	[51 FR 7715]
Revision	Vol. 51	March 5, 1986	[51 FR 7719]
Revision	Vol. 51	April 1, 1986	[51 FR 11022]
Revision	Vol. 51	September 30, 1986	[51 FR 34914]
Revision	Vol. 52	October 8, 1987	[52 FR 37617]
Revision	Vol. 54	September 14, 1989	[54 FR 38073]
Revision	Vol. 54	December 15, 1989	[54 FR 51704]
Revision	Vol. 55	March 7, 1990	[55 FR 8341]
Revision	Vol. 55	May 2, 1990	[55 FR 18331]
Revision	Vol. 55	May 31, 1990	[55 FR 22027]
Revision	Vol. 55	August 13, 1990	[55 FR 32914]
Revision	Vol. 57	January 13, 1992	[57 FR 1226]
Revision	Vol. 57	March 5, 1992	[57 FR 8016]
Revision	Vol. 58	January 7, 1993	[58 FR 3105]
Revision	Vol. 58	January 21, 1993	[58 FR 5299]
Revision	Vol. 58	April 7, 1993	[58 FR 18014]
Revision	Vol. 59	March 11, 1994	[59 FR 11554]
Revision	Vol. 59	March 16, 1994	[59 FR 12408]
Revision	Vol. 59	June 17, 1994	[59 FR 31157]
Revision	Vol. 59	July 15, 1994	[59 FR 36280]
Revision	Vol. 60	March 15, 1995	[60 FR 13912]
Revision	Vol. 60	August 21, 1995	[60 FR 43396]
Revision	Vol. 60	September 5, 1995	[60 FR 46206]
Revision	Vol. 60	September 28, 1995	[60 FR 50244]
Revision	Vol. 61	December 30, 1996	[61 FR 68972]
Revision	Vol. 62	January 14, 1997	[62 FR 1832]
Revision	Vol. 62	February 24, 1997	[62 FR 8314]
Revision	Vol. 63	December 1, 1998	[63 FR 66054]
Revision	Vol. 64	February 3, 1999	[64 FR 5574]
Revision	Vol. 64	February 12, 1999	[64 FR 7458]
Revision	Vol. 64	May 6, 1999	[64 FR 24288]
Revision	Vol. 65	February 28, 2000	[65 FR 10391]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 65	December 14, 2000	[65 FR 78268]
Revision	Vol. 66	June 15, 2001	[66 FR 32545]
Revision	Vol. 66	August 13, 2001	[66 FR 42425, 42427]
Revision	Vol. 66	September 19, 2001	[66 FR 48211]
Revision	Vol. 67	January 23, 2002	[67 FR 3106]
Revision	Vol. 67	March 14, 2002	[67 FR 11417]
Revision	Vol. 67	April 26, 2002	[67 FR 20652]
Revision	Vol. 67	June 10, 2002	[67 FR 39622]
Revision	Vol. 67	September 9, 2002	[67 FR 57159]
Revision	Vol. 67	October 7, 2002	[67 FR 62395]
Revision	Vol. 68	April 7, 2003	[68 FR 16726]
Revision	Vol. 68	May 28, 2003	[68 FR 31611]
Revision	Vol. 68	June 17, 2003	[68 FR 35792]
Revision	Vol. 68	December 11, 2003	[68 FR 69036]

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40 CFR Part 61 subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 69	March 26, 2004	[69 FR 15687]
Revision	Vol. 69	April 9, 2004	[69 FR 18801]

*Regulation 61-62.61, Subpart M shall be revised as follows:*

### Subpart M - “National Emission Standard For Asbestos”

The provisions of Title 40 CFR Part 61, 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 61 subpart M			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 49	April 5, 1984	[49 FR 13661]
Revision	Vol. 49	June 21, 1984	[49 FR 25453]
Revision	Vol. 51	March 10, 1986	[51 FR 8199]
Revision	Vol. 53	September 23, 1988	[53 FR 36972]
Revision	Vol. 55	November 20, 1990	[55 FR 48414]
Revision	Vol. 56	January 16, 1991	[56 FR 1669]
Revision	Vol. 59	June 17, 1994	[59 FR 31157]
Revision	Vol. 64	February 12, 1999	[64 FR 7458]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 68	September 18, 2003	[68 FR 54790]
Revision	Vol. 69	July 20, 2004	[69 FR 43322]

*Regulation 61-62.61, Appendix B to Part 61 shall be revised as follows:*

### Appendix B to Part 61 – “Test Methods”

The provisions of Title 40 CFR Part 61, appendix 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 61 appendix B			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 38	April 6, 1973	[38 FR 8826]
Revision	Vol. 50	November 7, 1985	[50 FR 46295]
Revision	Vol. 61	April 25, 1996	[61 FR 18260]
Revision	Vol. 65	October 17, 2000	[65 FR 61744]
Revision	Vol. 67	September 9, 2002	[67 FR 57159]
Revision	Vol. 69	June 17, 2004	[69 FR 33865]

*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.

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

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40 CFR Part 63 subpart A			
Federal Register Citation	Volume	Date	Notice
Revision	Vol. 69	July 30, 2004	[69 FR 45944]
Revision	Vol. 69	September 13, 2004	[69 FR 55218]

*Regulation 61-62.63, Subpart C shall be added in alpha-numeric order and revised as follows:*

#### **Subpart C - “List of Hazardous Air Pollutants, Petition Process, Lesser Quantity Designations, Source Category List”**

The provisions of Title 40 CFR Part 63, subpart C, 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 C			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 61	June 18, 1996	[61 FR 30816]
Revision	Vol. 65	August 2, 2000	[65 FR 37342]
Revision	Vol. 69	November 29, 2004	[69 FR 69320]

*Regulation 61-62.63, Subpart D shall be added in alpha-numeric order and revised as follows:*

#### **Subpart D - “Regulations Governing Compliance Extensions for Early Reduction of Hazardous Air Pollutants”**

The provisions of Title 40 CFR Part 63, subpart D, 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 D			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 57	December 29, 1992	[57 FR 61970]
Revision	Vol. 58	June 25, 1993	[58 FR 34369]
Revision	Vol. 58	October 27, 1993	[58 FR 57911]
Revision	Vol. 58	November 29, 1993	[58 FR 62539]
Revision	Vol. 59	October 21, 1994	[59 FR 53109]
Revision	Vol. 59	November 21, 1994	[59 FR 59921]

*Regulation 61-62.63, Subpart E shall be added in alpha-numeric order as follows:*

#### **Subpart E - “Approval of State Programs and Delegation of Federal Authorities”**

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

40 CFR Part 63 subpart E			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 69	February 17, 2004	[69 FR 7372]

*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.

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

*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.

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

*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]

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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]

*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.

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

*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]

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]

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.

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

*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]

*Regulation 61-62.63, Subpart DDDD shall be added in alpha-numeric order as follows:*

**Subpart DDDD - “National Emission Standards for Hazardous Air Pollutants: Plywood and Composite Wood Products”**

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

<b>40 CFR Part 63 subpart DDDD</b>			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 69	July 30, 2004	[69 FR 45943]

*Regulation 61-62.63, Subpart EEEE shall be added in alpha-numeric order 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* are incorporated by reference as if fully repeated herein.

<b>40 CFR Part 63 subpart EEEE</b>			
Federal Register Citation	Volume	Date	Notice

40 CFR Part 63 subpart EEEE			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 69	February 3, 2004	[69 FR 5038]

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]

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]

Regulation 61-62.63, Subpart IIII shall be added in alpha-numeric order 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* are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart IIII			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 69	April 26, 2004	[69 FR 22602]

Regulation 61-62.63, Subpart MMMM shall be added in alpha-numeric order and revised as follows:

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

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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* 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]

*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* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart OOOO			
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]

*Regulation 61-62.63, Subpart PPPP shall be added in alpha-numeric order and 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* are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart PPPP			
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]

*Regulation 61-62.63, Subpart YYYY shall be added in alpha-numeric order and 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]

*Regulation 61-62.63, Subpart ZZZZ shall be added in alpha-numeric order 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* 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]

*Regulation 61-62.63, Subpart AAAAA shall be added in alpha-numeric order 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* as listed below, are incorporated by reference as if fully repeated herein.

40 CFR Part 63 subpart AAAAA			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 69	January 5, 2004	[69 FR 394]

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

**Subpart CCCCC – “National Emission Standards For Hazardous Air Pollutants For Coke Ovens: Pushing, Quenching, And Battery Stacks”**

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

40 CFR Part 63 subpart CCCCC			
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]

*Regulation 61-62.63, Subpart DDDDD shall be added in alpha-numeric order as follows:*

**Subpart DDDDD - “National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Industrial Boilers and Process Heaters”**

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

40 CFR Part 63 subpart DDDDD			
Federal Register Citation	Volume	Date	Notice
Original Promulgation	Vol. 69	September 13, 2004	[69 FR 55218]

*Regulation 61-62.63, Subpart EEEEE shall be added in alpha-numeric order 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* 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]

### 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*, and the South Carolina State Implementation Plan (SIP).

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

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

**Plan for Implementation:** These amendments took 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, 61 and 63 throughout each calendar year. Recent Federal amendments include clarification, guidance and technical amendments regarding New Source Performance Standards (NSPS), National Emission Standards For Hazardous Air Pollutants (NESHAP) and National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories. This promulgation amends Regulations 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*; R. 61-62.61, *National Emission Standards For Hazardous Air Pollutants (NESHAP)*; and 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories* to incorporate recent Federal amendments promulgated during the period from January 1, 2004, through December 31, 2004. This promulgation also amends R. 61-62.1, *Definitions and General Requirements*, to incorporate amendments to the definition of VOCs promulgated by the EPA in 40 CFR Part 51 on November 29, 2004.

**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 being 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 the amendments to Regulation 61-62, *Air Pollution Control Regulations and Standards*, and the SIP 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 are not adopted in South Carolina.