



South Carolina Association of Counties

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REGULATIONS UPDATE

To: Chief Administrative Officers

From: Susan Turkopuls

Subject: **DHEC: *State Primary Drinking Water Regulation***
Department of Revenue: *Sales and Use Tax – Food Tax*
DHEC: *Air Pollution Control Regulations and Standards*
DHEC: *Individual Sewage Treatment and Disposal Systems*
DHEC: *Underground Storage Tank Control Regulations*
DHEC: *Water Pollution Control Permits*

Please take note of the following items of interest from the **STATE REGISTER**. **PLEASE CIRCULATE TO APPROPRIATE STAFF FOR REVIEW AND COMMENT.** To view any proposed or final regulation online, go to <http://www.scstatehouse.net/html-pages/research.html>. You can search by document number, subject, or agency. If you have any questions, comments or are interested in obtaining a copy of any regulation, please call the SCAC offices at 1-800-922-6081.

DRAFTING

DHEC: *State Primary Drinking Water Regulation*

The Department of Health and Environmental Control proposes to amend R.61-58, *State Primary Drinking Water Regulations*, to include, but not be limited to, requirements promulgated under the National Primary Drinking Water Regulations: Ground Water Rule. This rule applies to all public water systems that use ground water except for systems that also use surface water or ground water under the direct influence of surface water. The regulation may require source water monitoring, treatment technique requirements, and new reporting requirements. Water systems must comply with these requirements beginning December 1, 2009. The proposed regulation revision will amend the State Primary Drinking Water Regulations to comply with requirements of 40 CFR Parts 141 and 142. The final Ground Water Rule was published in the November 8, 2006 Federal Register.

The Department will also revise the State Primary Drinking Water Regulations to reinsert inadvertently-deleted language, to update outdated references, to delete requirements that no longer apply, and make other

minor additions and revisions. These corrections are being made to conform R.61-58 to federally mandated regulations promulgated from the period June 29, 1989 to November 8, 2006 pursuant to 40 CFR 141.

Interested persons may submit their views in writing to Mr. Richard A. Welch, Compliance Assurance Division, Bureau of Water, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201. To be considered, written comments must be received no later than 5:00 pm on October 29, 2007, the close of the drafting comment period.

Department of Revenue: Sales and Use Tax – Food Tax

The South Carolina Department of Revenue is considering adding SC Regulation 117-337 to provide guidance as to the application of Code Section 12-36-2120(75) which exempts (effective November 1, 2007) from the state sales and use tax the gross proceeds of sales or sales price of “unprepared food that lawfully may be purchased with United States Department of Agriculture food coupons.” This exemption does not apply to local sales and use taxes that are administered and collected by the Department on behalf of the counties and other jurisdictions, unless the local tax law specifically exempts the sales of such unprepared food.

Under the proposed regulation, the determination as to whether a sale of unprepared food is exempt from the state sales and use tax is based on whether the food is of a type that is eligible to be purchased with USDA food stamps, the type of location selling the food, and whether the food is being sold for immediate consumption, business or institutional consumption, or home consumption. This regulation will explain which sales of food qualify or do not qualify for the exemption from the state sales and use tax under Code Section 12-36-2120(75).

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 October 29, 2007.

PROPOSED REGULATIONS

DHEC: Air Pollution Control Regulations and Standards

The Department of Health and Environmental Control proposes to amend Regulations 61-62.60, *South Carolina Designated Facility Plan and New Source Performance Standards*; and 61-62.63, *National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories*. The proposed amendments are necessary to maintain consistency with recent Federal amendments and make typographical corrections and clarifications to R.61-62 as necessary.

Interested members of the public are invited to attend a staff-conducted informational forum to be held on October 29, 2007 at 10:00 a.m. in room 2380 at the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. Interested persons may also submit written comments to Anthony T. Lofton at the South Carolina Department of Health and Environmental Control, Bureau of Air Quality, 2600 Bull Street, Columbia, SC 29201. Comments must be received no later than 5:00 p.m. on October 29, 2007.

Notice of Public Hearing: Interested parties are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled meeting on December 13, 2007. The public hearing will be held in the Board Room of the

Commissioner's Suite, Third floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C.

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.

DHEC: Individual Sewage Treatment and Disposal Systems

The Department of Health and Environmental Control proposes to substantially amend R.61-56. Individual Sewage Treatment and Disposal Systems to incorporate numerous changes in the technologies of design and installation of onsite wastewater systems. The proposed amendments include updates in nomenclature and technology, clarification of site requirements and system requirements, changing the title of the regulation and the incorporation of construction standards. Language in the regulation will also be updated to correlate with changes in the administrative appeals process pursuant to 2006 S.C. Acts 387.

Interested parties are invited to attend a staff-conducted informational forum to be held on October 29, 2007 at 10:00 a.m. in the Peoples Auditorium at the Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. Interested persons may also submit written comments on the proposed regulations to Mr. Leonard Gordon at the South Carolina Department of Health and Environmental Control, Bureau of Environmental Health, 2600 Bull Street, Columbia, SC 29201. Comments must be received no later than 5:00 p.m. on October 30, 2007, the close of the public comment period.

Notice of Public Hearing: Interested parties are invited to comment on the proposed amendments at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled meeting on December 13, 2007. The public hearing is to be held in Room 3420 (Board Room) of the Commissioner's Suite, Third Floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC.

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.

DHEC: Underground Storage Tank Control Regulations

The Department of Health and Environmental Control proposes to amend Regulation 61-92, *Underground Storage Tank Control Regulations* to comply with the federal Underground Storage Tank Compliance Act, to make stylistic changes requested by the U.S. Environmental Protection Agency (USEPA) so that codification of the State's UST Control Regulations can be finalized, and to update language in Regulation 61-92 to correlate with changes in the administrative appeals process pursuant to S.C. Act 387 (2006). The additions are intended to reduce the number of releases from underground storage tank (UST) systems, provide early detection of releases, minimize impact from releases, and ensure owners and operators have assigned responsibility to provide immediate response to emergencies caused by releases from operating UST systems.

Interested parties are invited to attend a staff-conducted informational forum to be held on October 30, 2007, at 10:00 a.m. in G. S. T. Peoples Auditorium, Third Floor, Sims Building of the Department at 2600 Bull Street, Columbia, S.C. Interested persons may also submit written comments to Robert L. Hutchinson at South Carolina Department of Health and Environmental Control, Bureau of Land and Waste Management, 2600 Bull Street, Columbia, S.C. 29201. Written comments must be received no later than 4:00 p.m. on October 30, 2007.

Notice of Public Hearing: Interested parties are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on December 13, 2007 to be held in Room 3420 (Board Room) of the Commissioner's Suite, third floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C.

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.

DHEC: Water Pollution Control Permits

The Department of Health and Environmental Control proposes to amend Regulation 61-9 for three purposes:

Proposal 1.) To comply United States Environmental Protection Agency regulations promulgated in the Federal Register October 14, 2005, at 70 Federal Register 60,134. Revisions include changes to General Pretreatment Regulations that address requirements for, and oversight of, Industrial Users who introduce pollutants into Publicly Owned Treatment Works (POTW). Programs requirements will be generally consistent with National Pollutant Discharge Elimination System (NPDES) requirements for direct dischargers to surface waters.

Proposal 2.) To include requirements of 2006 S.C. Act No 387 related to appeals of permits and orders of the Department.

Proposal 3.) To make miscellaneous corrections to various parts of Regulation 61-9.

Interested parties are invited to attend a staff-conducted informational forum to be held on October 31, 2007, at 10:00 a.m. in Peeples Auditorium, third floor of the Sims Building at the Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201. Interested persons may also submit written comments on the proposed regulations to Andy Yasinsac at the South Carolina Department of Health and Environmental Control, Bureau of Water, 2600 Bull Street, Columbia, SC 29201. Comments must be received no later than 4:00 p.m. on November 6, 2007, the close of the public comment period.

Notice of Public Hearing: Interested parties are invited to comment on the proposed amendments at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled meeting on December 13, 2007. The public hearing is to be held in Room 3420 (Board Room) of the Commissioner's Suite, Third Floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC.

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.