

Water

State Register Document No. 4736, Proposed Amendment of R.61-47, Shellfish Synopsis:

Regulation R.61-47 was last substantively amended on June 26, 2015. The regulation contains requirements for the safe and sanitary harvesting, storing, processing, handling and transportation of molluscan shellfish (oysters and clams) to protect the health of consumers of shellfish. For South Carolina shellfish to be acceptable for interstate and international commerce, the regulation must be consistent with the requirements of the National Shellfish Sanitation Program (NSSP), as determined by the US Food and Drug Administration (FDA).

The Department proposes to amend R.61-47 to provide further clarification and specific technical requirements regarding the harvesting and handling of molluscan shellfish during the warmer months of the year (*i.e.*, months that require additional temperature controls). The amendments will allow for the harvest of molluscan shellfish during months that require additional temperature controls in a manner that is consistent with national shellfish sanitation program and protects the health of the consumers of molluscan shellfish. The amendment will include a requirement for certified shippers to only accept shellfish from harvesters that have received annual training on key regulatory requirements and safe and sanitary practices related to the harvesting and handling of shellfish in South Carolina. The amendment will update the reference date for the National Shellfish Sanitation Program Guide for the Control of Molluscan Shellfish from 2013 to 2015 (the latest version of the document). The amendment will include stylistic changes to correct for spelling, clarity, readability, grammar, and codification for overall improvement of the text of the regulation.

Status:

The statutory process to amend R.61-47 was initiated by publication of a Notice of Drafting in the State Register on May 27, 2016. After DHEC Board approval for public notice of the proposed regulations on September 8, 2016, the Department published a Notice of Proposed Regulation identified as Document 4668 in the State Register on September 23, 2016. Document 4668 was cancelled and superseded by publication of a new Notice of Proposed Regulations published in the State Register as Document No. 4736 on November 25, 2016. Public comments received on the previous Notice of Proposed Regulation (Document No. 4668) were retained and considered as comments on this new Notice of Proposed Regulation (Document No. 4736). As noticed in the State Register, the public comment period for submitting written comments on the proposed regulations of Document 4736 closed December 28, 2016, and the public hearing before the Department's Board was conducted by the DHEC Board January 5, 2017. After public hearing, the DHEC Board approved the proposed regulations for legislative review. The revised regulation was submitted January 10, 2017 for General Assembly review. It can be viewed along with its legislative status on the S.C. Legislative Online website at <http://www.scstatehouse.gov/regs/docx>. For additional information, contact Charles Gorman, P.G., Director, Division of Water Monitoring, Assessment and Protection, Bureau of Water, 2600 Bull Street, Columbia, South Carolina

29201, or by email at gormancm@dhec.sc.gov

State Register Document No. 4670, Proposed Amendment of R.61-68, Water Classifications and Standards

Synopsis:

The Department proposes to amend R.61-68 to strengthen and improve the existing regulation and make appropriate revisions of the State's water quality standards in accordance with 33 U.S.C. Section 303(c)(2)(B) of the Federal Clean Water Act ("CWA"). In accordance with Section 303(c)(2)(B) of the CWA, the Department reviews, and amend at its discretion, this regulation once every three years in order to incorporate desirable most recently published Federal criterion recommendations and guidance. Hence, this review process is often referred to as the "triennial review." The Department proposes to adopt a revised standard for ambient water quality criteria for the protection of human health for ninety-four chemical pollutants, and a revised standard for aquatic life water quality criteria for cadmium to reflect the most current final published criteria in accordance with Sections 304(a) and 307(a) of the CWA.

Legislative review will be required.

Status:

The Department initiated the statutory process for amendment of R.61-68 by publication of a Notice of Drafting in the S.C. State Register on February 26, 2016, in the DHEC Regulation Development Update, and on the Department's Water Quality Standards webpage. It was circulated to stakeholders and other interested parties. The drafting comment period closed March 28, 2016. The DHEC Board approved staff's request on September 8, 2016 to publicly notice the proposed regulations. A Notice of Proposed Regulations with notice of opportunity for public comment was published as Document No. 4070 in the State Register on September 23, 2016 and can be viewed on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4670.docx>. As noticed in the State Register the public comment period for submitting written comments closed October 24, 2016, and a public hearing was scheduled before the Department's Board December 8, 2016. Because of the volume and scope of the comments received during the public comment period for Document No. 4670, the Department has decided to take additional time to ensure satisfactory consideration of the public feedback. A Notice was published in the State Register November 25, 2016, postponing the previously scheduled December 8, 2016 public hearing for Document No. 4670 indefinitely. For additional information contact Mike Montebello, Bureau of Water, 2600 Bull Street, Columbia, South Carolina 29201 or via e-mail at montebemj@dhec.sc.gov.