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STATE OF SOUTH CAROLINA
THE SENATE

ROBERT W. HAYES, JR
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June 10, 2013

Ms. Catherine B. Templeton, Director
Department of Health and Environmental Control
2600 Bull Street
Columbia, South Carolina 29201

Subject: 2013 Triennial Review of Regulation 61-68, Water Classifications and Standards, and Regulation 61-69, Classified Waters

Dear Catherine:

It has come to my attention that the State's water quality standards are inconsistent with the *South Carolina Surface Water Withdrawal, Permitting, Use and Reporting Act* which became law in 2010. That law established minimum instream flow requirements "...to maintain the biological, chemical, and physical integrity of the stream taking into account the needs of downstream users, recreation, and navigation..." The only reference to flow protection in the State's water quality standards under Regulation 61-68 is the use of a 7Q10 flow, a ten year drought flow, as the aquatic life criteria. While a 7Q10 flow may be appropriately used for determining allocations for permits, it is not appropriate for protecting minimum flows and is inconsistent with the new law.

I urge the Department to use the ongoing Triennial Review process to update State water quality standards and include explicit protection of minimum flows consistent with the *South Carolina Surface Water Withdrawal, Permitting, Use and Reporting Act*. It is imperative that State law and water quality standards are consistent to avoid any misinterpretation and potential legal challenges.

With warm regards, I am

Sincerely,

Robert W. Hayes, Jr.

RWHJr:ssg