

meet the latest sanitation requirements for providing safe, unadulterated food and food products to consumers. The FDA Food Code offers proven scientific reasons behind regulation and actively seeks input from the scientific and academic community as their understanding of foodborne pathogens increases. The amendment of R.61-25 to conform to the most recent edition of the FDA Food Code is supported because it provides a comprehensive approach to food safety management, superior supporting documents and training, and is consistent with the national integrated food safety management system.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 4425
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
 CHAPTER 61
 Statutory Authority: 1976 Code Sections 48-1-10 et seq.

61-68. Water Classifications and Standards

Preamble:

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 Section 303(c)(2)(B) of the Federal Clean Water Act (CWA). Section 303(c)(2)(B) requires that South Carolina’s water quality standards be reviewed and revised, where necessary, to comply with Federal regulatory revisions and recommendations. The Department proposes revisions to clarify the use of flow and resolve potential inconsistencies with R.61-119, Surface Water Withdrawal, Permitting, Use and Reporting. These changes limit the uses of flow in the regulation. The Department also proposes to adopt a methylmercury standard to reflect the most current final published criteria in accordance with Sections 304(a) and 307(a) of the CWA.

A Notice of Drafting was published in the *State Register* on February 22, 2013. The notice was placed on the Department’s water quality standards webpage and circulated to stakeholders and other interested parties. The Notice of Drafting was also published on the Department’s Regulatory Page in its DHEC Regulation Development Update. Comments were received and used in the drafting of the proposed regulation.

Discussion of Proposed Revisions

(1) Stylistic changes to correct readability, clarity, grammar, punctuation, typography, codification, references, consistency, and language style.

R.61-68.C.4 - The proposed added language clarifies how critical flows will be utilized to determine permit limits or conditions, as was requested by stakeholders.

R.61-68.C.4.a(3) and b(3) - The proposed removal of language that is no longer needed with the clarification that is proposed.

R.61-68.C.4.a(4) - The proposed change in numbering to accommodate the removal of language from the previous sections.

(2) Revision of Federal toxics criteria to reflect the most current final published criteria in accordance with Sections 304(a) and 307(a) of the CWA.

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R.61-68.E.18 and 19. - The proposed added language is added to reflect the EPA's most recent recommendations and guidance concerning methylmercury and implementation language for derivation of permit limits.

Notice of Staff Informational Forum and Public Comment Period:

Staff of the Department of Health and Environmental Control invites the public and regulated community to attend a staff-conducted informational forum to be held on November 26, 2013, at 1:00 p.m. in Peoples Auditorium, Third floor of the Sims Building at the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC. The purpose of the forum is to answer questions, clarify any issues, and receive comments from interested persons on the proposed amendments to R.61-68, Water Classifications and Standards.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Jason Gillespie at Bureau of Water, South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, SC 29201; by email at jason.gillespie@dhec.sc.gov or fax at (803) 898-4140. To be considered, comments must be received no later than 5:00 p.m. on November 26, 2013, the close of the comment period.

Comments received at the forum and/or submitted in writing by the close of the comment period on November 26, 2013, shall be considered by staff in formulating the final proposed regulations for public hearing on January 9, 2014, as noticed below. Comments received shall be submitted in a Summary of Public Comments and Department Responses for the Board of Health and Environmental Control's consideration at the public hearing.

Copies of the proposed amendments for public comment as published in the *State Register* on October 25, 2013 may be obtained in the Department's Regulation Development Update on the Department's Regulatory Internet site under the Water category at: <http://www.dhec.sc.gov/administration/regs/reg-update.htm>. In the Update, click on the Water category and scan down to this proposed amendment. A copy can also be obtained by contacting Jason Gillespie, Water Quality Standards Coordinator at the above address or by calling (803) 898-4330, or by email at jason.gillespie@dhec.sc.gov.

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 amendments to R.61-68, Water Classifications and Standards at a public hearing to be conducted by the Board of the Department of Health and Environmental Control at its regularly scheduled meeting on January 9, 2014, at 10:00 a.m. The public hearing will be held in room 3420 (Board Room), Third Floor, Aycock Building of the South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina. Notice of cancellation or any change in meeting times will be noticed in the Board meeting agenda at least 24 hours in advance of the meeting. The Board agenda is published by the Department of Health and Environmental Control at the following address: <http://www.scdhec.gov/administration/board.htm>. Information on the public hearing can be obtained by calling the Clerk of the Board at (803) 898-3550. 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. Due to admittance procedures at the DHEC Building, all visitors should enter through the Bull Street entrance and register at the front desk.

Preliminary Fiscal Impact Statement:

No costs to the State or significant cost to its political subdivisions as a whole should be incurred by these amendments. See Statement of Need and Reasonableness below.

Statement of Need and Reasonableness:

The statement of need and reasonableness was determined by staff analysis pursuant to S.C. Code Ann. Section 1-23-115(C)(1)-(3) and (9)-(11) (2005):

DESCRIPTION OF REGULATIONS: Amendment of Regulation 61-68, *Water Classifications and Standards*.

Purpose: Proposed amendment of R.61-68 will clarify, strengthen, and improve the overall quality of the existing regulation and make appropriate revisions of the State's water quality standards in accordance with Section 303(c)(2)(B) of the Federal Clean Water Act (CWA).

Legal Authority: S.C. Code Ann. Sections 48-1-40, 48-1-60, and 48-1-80 (2008), implementing the CWA.

Plan for Implementation: The proposed amendments would be incorporated within R.61-68 upon approval of the General Assembly and publication in the State Register. The proposed amendments will be implemented in the same manner in which the present regulation is implemented.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATIONS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFIT:

The amendment to R.61-68 is required to comply with Federal requirements of Section 303(c)(2)(B) of the CWA. The proposed amendments to R.61-68 include the following:

Addition and adoption of methylmercury criteria to reflect the most current final published criteria in accordance with Sections 304(a) and 307(a) of the CWA.

The proposed changes to R.61-68 relating to methylmercury criteria are reasonable because the stated criteria in the amendment are based on sound scientific principles and are required in order to comply with the goals of Section 101(a)(2) and 303(c) of the CWA for protection and maintenance of the uses of the waters of the State. These changes reflect the EPA's most recent criteria.

Modification and adoption of changes to R.61-68 to address potential inconsistencies with R.61-119, Surface Water Withdrawal, Permitting, Use and Reporting. These changes are necessary to clarify the uses of flow in the regulation.

DETERMINATION OF COSTS AND BENEFITS:

Existing staff and resources will be utilized to implement these amendments to the regulation. No additional cost will be incurred by the State if the revisions are implemented and therefore, no additional State funding is being requested.

In reviewing the potential for significant economic impact of the proposed amendment to R.61-68, the Department specifically evaluated situations in which costs would most likely be incurred by the regulated community. These estimates addressed the specific revisions by issue after determining those of greatest potential impact. The Department found that the overall impact to the State's political subdivisions or the regulated community as a whole was not likely to be significant in that the existing standards would have incurred similar cost or the fact that the standards required under the amendment will be substantially consistent with the current guidelines and review guidelines utilized by the Department.

UNCERTAINTIES OF ESTIMATES:

Minimal.

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EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Implementation of these amendments will not compromise the protection of the environment or the health and safety of the citizenry of the State. The amendments to R.61-68 will promote and protect aquatic life and human health by the regulation of pollutants into waters of the State.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:

Failure by the Department to incorporate appropriately protective water quality standards in R.61-68 that are the basis for issuance of National Pollutant Discharge Elimination System (NPDES) permits, stormwater permits, wasteload and load allocations, groundwater remediation plans, and multiple other program areas will lead to contamination of the waters of the State with detrimental effects on the health of flora and fauna in the State as well as the citizens of South Carolina.

Statement of Rationale:

The statement of rationale was determined by staff analysis pursuant to S.C. Code Ann. Section 1-23-110(A)(3)(h) (2005).

The first issue contained in the proposed amendment of R.61-68 is a requirement of the CWA and is necessary for compliance with EPA's recommendations for the triennial review of the water quality standards to ensure consistency with the CWA. The second issue serves to resolve any potential conflict with R.61-119 and limits the use of flow in the regulation.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 4414

DEPARTMENT OF NATURAL RESOURCES CHAPTER 123

Statutory Authority: 1976 Code Sections 50-11-2200, 50-11-2210 and 50-11-2215

123-204. Additional Regulations Applicable to Specific Properties

Preamble:

The South Carolina Department of Natural Resources is proposing to change the existing regulations that govern the conduct and activities of visitors to Wildlife Management Areas, Heritage Preserves and other lands owned or leased by the Department of Natural Resources. The following is a section-by-section summary of the proposed changes and additions:

123-204. Additional Regulations Applicable to Specific Properties

N. Jim Timmerman Natural Resources Area at Jocassee Gorges - adds additional roads open year round on Jocassee.

JJ. adds free daily use card requirement for 13 properties in order to monitor property use.

A Notice of Drafting was published in the *State Register* on September 27, 2013, Volume 37, Issue No. 9.