

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Sections 48-1-10 et seq.

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend specific sections of Regulation 61-68, Water Classifications and Standards, and Regulation 61-69, Classified Waters. Interested persons are invited to submit their views and recommendations in writing to Kyle D. Maurer, Water Quality Standards Coordinator, Bureau of Water, 2600 Bull Street, Columbia, South Carolina 29201 or via e-mail at maurerkd@dhec.sc.gov. To be considered, written comments must be received no later than 5:00 p.m. on March 28, 2016, the close of the drafting comment period.

Synopsis:

Section 303(c)(2)(B) of the Federal Clean Water Act (CWA) requires that South Carolina's water quality standards be reviewed and revised, where necessary, at least once every three years for the purposes of considering the Environmental Protection Agency's (EPA) most recent numeric and narrative criteria and comply with recent Federal regulatory revisions and recommendations. This process is commonly referred to as the "triennial review," and the Department has prepared this Notice of Drafting for the required triennial review process. The Department proposes amending R.61-68 and R.61-69 with respect to the following topics:

Review and, where appropriate, adoption of updated Federal water quality criteria to reflect the most current final published numeric criteria according to Section 304(a) and Section 307(a) of the CWA. EPA has published the following numeric criteria guidance documents: Final Updated Ambient Water Quality Criteria for the Protection of Human Health, Federal Register Volume 80, Number 124 (June 2015). The June 2015 publication revised human health water quality criteria for ninety-four (94) chemical pollutants based on new assumptions for exposure inputs (body weight, drinking water consumption, and fish consumption), bioaccumulation factors, toxicity values, and relative source contributions.

Review and, where appropriate, adoption of requirements to reflect EPA's Final Rulemaking to Update the National Water Quality Standards Regulation. The final rule was published in the Federal Register on August 21, 2015 (80 FR 51019) and may be found in 40 CFR 131. The State's currently promulgated Water Quality Standards meet the requirements of the rulemaking.

The Department may make additional changes consistent with the goals of the Clean Water Act. The Department may also make stylistic changes to amend both regulations for internal consistency; clarification in wording; corrections of references, grammatical errors, outlining/codification and such other changes as may be necessary to improve the overall quality of the regulation pursuant to regulation drafting standards required by the Legislative Council.

Legislative review will be required.