



March 28, 2022

VIA e-Mail

Mr. Andrew Edwards (EDWARDAJ@dhec.sc.gov)
Bureau of Water, Water Quality Standards Coordinator
South Carolina Department of Health and Environmental Control
2600 Bull Street
Columbia, South Carolina 29201

RE: Notice of Drafting, Regulation R61-68, Water Classifications and Standards - Human Health Criteria, Narrative Standard for Flow

Dear Mr. Edwards:

The South Carolina Chamber of Commerce (the Chamber) is a statewide organization that represents a broad cross-section of companies in South Carolina. Chamber member companies employ thousands of South Carolinians in high-paying jobs and lead the way on recycling, environmental protection, renewable energy generation and sustainable manufacturing operations. The Chamber promotes pro-job and pro-business policies at the state and federal level and bring together businesses across the state through coordinated strategies, training opportunities, and networking events. With a unified voice, we can make the biggest impact. Our goal is to create the best business climate, so businesses can be at their best. We pride ourselves in accomplishing this goal while balancing environmental protection required by state laws and regulations.

Based on review of the Triennial Review kick-off letter dated August 3, 2021 to the South Carolina Department of Health and Environmental Control (SCDHEC) by the United States Environmental Protection Agency (US EPA), US EPA would like SC DHEC to consider incorporation of the 2015 human health-based water quality criteria (HHWQC) and development of a hydrologic criteria ("narrative standard for flow") during the 2022 Triennial Review. The Chamber appreciates the opportunity to comment on the SCDHEC's triennial review process, both on the scope of the process and proposed approach by the Department, especially as it relates to the human health-based water quality criteria (HHWQC) for and hydrologic criteria in surface waters in South Carolina.

As you know, member company trade associations submitted comments regarding the process used to develop the HHWQC in 2016, in response to SCDHEC's consideration in the prior

triennial review. SCDHEC withdrew their proposal in 2016 and declined to propose them again in 2019. Consistent with those actions, adoption in the 2022 cycle is premature given the process used to develop these standards and no evidence of SCDHEC's further evaluation.

The Human Health Criteria, if adopted, may affect the nature or amount of wastewater that Chamber member facilities are allowed to discharge to surface waters, potentially requiring member companies to reduce their current operations or limit future expansion without a clear benefit and economic consideration. For these reasons, Chamber member companies are substantially affected by the Department's actions with respect to potentially amending the existing rules for the HHWQC.

As set forth in prior comments from the Chamber and other trade associations, we have significant concerns about the methodology U.S. EPA has used to derive the June 2015 HHWQC, whether HHWQC reflects the best science, and whether the HHWQC are even applicable to the waters of South Carolina. We encourage SCDHEC to carefully consider applicability in South Carolina. The Chamber strongly supports SCDHEC to take a state-specific approach to establishing state HHWQC based on state-specific facts only, newly gathered data, and more recent science. We expressly incorporate herein verbatim the relevant portions of the Chamber's previous comments from the 2016 and 2019 triennial reviews.

South Carolina has discretion to adopt HHWQC that differ from the U.S. EPA standards and recommendations, provided they are scientifically supported and defensible, and protect human health and designated water uses. For the reasons discussed in this letter, the Chamber does not believe the 2015 federal HHWQC are appropriate for South Carolina or sufficiently supported by sound science and data.

With regard to the hydrologic criteria, the Chamber believes that existing SC regulations 61-68 contain adequate language for protection of uses of waters related to flow. Therefore, the Chamber's position is that no change to state regulation is necessary to achieve the public policy goals of concern to US EPA.

The Chamber appreciates the opportunity to provide these comments on this complex technical and policy issue and urges SCDHEC to take these comments into account in evaluating any changes to R61-68.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bob Morgan".

Bob Morgan
President & CEO
South Carolina Chamber of Commerce