



South Carolina Department of Health and Environmental Control

Water Quality Standards

2022 Triennial Review

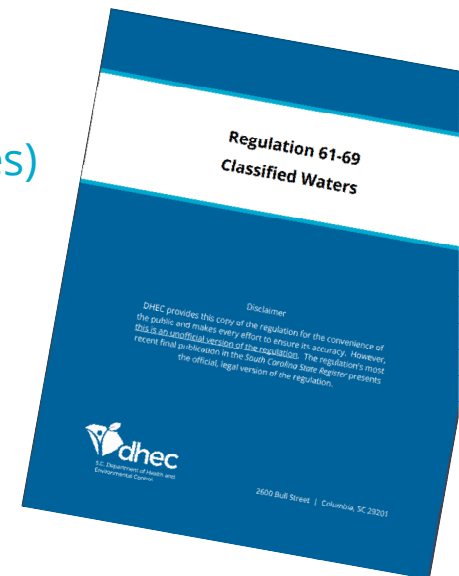
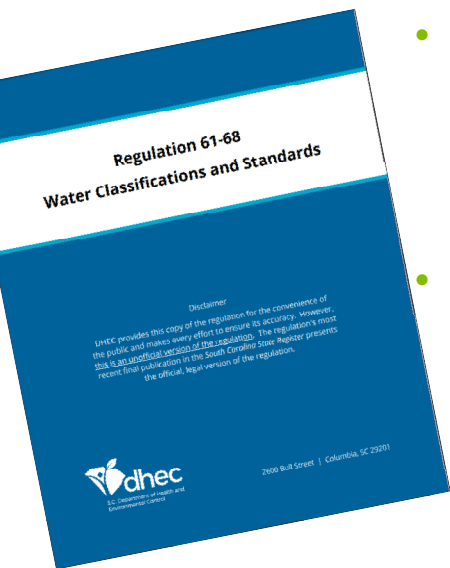
Outline

- Water Quality Standards in South Carolina
- South Carolina Administrative Procedures Act
- 2015 Water Quality Standards Rule
- 2022 Triennial Review Schedule
- Potential Revisions
- Next Steps



Water Quality Standards in South Carolina

- South Carolina's WQS are promulgated in:
- **S.C. Regulation 61-68, *Water Classifications and Standards***
 - Designated Uses (goals for the waterbody)
 - Numeric and Narrative Criteria (protect designated uses)
 - Antidegradation Rules (protect existing water quality)
- **S.C. Regulation 61-69, *Classified Waters***
 - List of Waters (names, counties, classes, descriptions)
 - Site-specific Criteria





South Carolina Administrative Procedures Act (APA)

- State law which establishes the procedures state agencies must follow when introducing new regulations or when revising or repealing regulations
- Notice of Drafting (NOD) - the initial public notice of upcoming regulatory revisions, this notice is followed by a public comment period, state agencies have one year from this notice date to complete the APA process and deliver the final regulatory revisions to the state legislature
- Stakeholder Engagement - required to publish the NOD and a notice of a public hearing in the State Register, required to host one public hearing, typically host additional stakeholder meetings



South Carolina Administrative Procedures Act (APA)

- Notice of Proposed Regulation (NPR) - first draft of regulatory revisions, the NPR is presented to the DHEC Board prior to publishing in the State Register, notice of upcoming public hearing is included in the NPR
- Notice of Final Regulation (NFR) - final version of regulatory revisions, any changes to draft revisions must be driven by stakeholders, the NFR is presented to the DHEC Board
- Public Hearing - hearing before the DHEC Board following the presentation of the NFR
- Legislative Review - State Legislature has 120 days to review, make changes to or approve regulatory revisions



2015 Water Quality Standards Rule

- The federal water quality standards regulation which helps implement the Clean Water Act was updated in 2015.
- One aspect of this rule revision requires the Department to evaluate all parameters for which EPA has published new or updated CWA section 304(a) criteria recommendations since May 30, 2000.
- The rule does not require the Department to promulgate these new or updated criteria recommendations, however if DHEC does not then an explanation for that decision is required when submitting the results of its triennial review to EPA.



2015 Water Quality Standards Rule

- The following list comprises those parameters for which EPA has published new or updated CWA section 304(a) criteria that the Department has not yet adopted into its water quality standards.
- Aquatic Life Ambient Water Quality Criteria for Ammonia – Freshwater (EPA 822-R-13-001)
- Human Health Ambient Water Quality Criteria: 2015 Update (EPA 820-F-15-001)
- Aquatic Life Ambient Water Quality Criteria for Selenium – Freshwater (EPA 822-R-16-006)
- Aquatic Life Ambient Water Quality Criteria for Aluminum (EPA 822-R-18-001)



2022 Triennial Review Schedule

Task	Date
Notice of Drafting Published	February 25, 2022
Comment Period Closed	March 28, 2022
Stakeholder Meeting 1	April 19, 2022
Stakeholder Meeting 2	May 24, 2022
Notice of Proposed Regulation to DHEC Board	Late Summer 2022
Notice of Proposed Regulation Published	Late Summer 2022
Staff Informational Forum/Comment Period Closes	Early Fall 2022
Notice of Final Regulation to DHEC Board/Public Hearing	Early Fall 2022
Notice of Final Regulation filed with Legislature	January 2023
If approved by Legislature, Final Regulation Published	Summer 2023
Submittal to EPA	Summer 2023

Potential Revisions

- R.61-68, *Water Classifications and Standards*
 - Considering adopting EPA's 2018 aluminum criteria
 - Criteria varies as a function of a site's pH, total hardness, and dissolved organic carbon
 - Relies on the use of the Aluminum Criteria Calculator V.2.0.xlsm or lookup tables

Aluminum	Freshwater Aquatic Life CMC ($\mu\text{g/L}$)	Freshwater Aquatic Life CCC ($\mu\text{g/L}$)
Proposed	1 – 4,800	0.63 – 3,200



Potential Revisions

- R.61-68, *Water Classifications and Standards*
 - Considering revising hydrologic criteria by explicitly expressing flow as a water quality standard (narrative flow standards)
 - Considering revising bacteria standards to allow for no more than a 10% exceedance of the single sample maximum (daily maximum) during any thirty day period



Potential Revisions

- R.61-69, *Classified Waters*
 - Considering reclassifying the waters of Sewee Bay and that portion of the Atlantic Intracoastal Waterway from Venning Creek to Morgan Creek from Shellfish Harvesting Water to Outstanding Resource Water

Next Steps

- Stakeholder Meeting May 24, 2022, at DHEC Office in Columbia
- Prepare Notice of Proposed Regulation
- Present NPR to the DHEC Board in August 2022
- <https://scdhec.gov/BOW/water-quality-standards/triennial-review/2022-triennial-review>





South Carolina Department of Health and Environmental Control

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