

Water

State Register Document 4736, Amendment of R.61-47, Shellfish Synopsis:

Regulation R.61-47 was last substantively amended on June 26, 2015. The regulation contains requirements for the safe and sanitary harvesting, storing, processing, handling and transportation of molluscan shellfish (oysters and clams) to protect the health of consumers of shellfish. The Department amends R.61-47 to provide specific technical requirements regarding the harvesting and handling of clams and maricultured triploid oysters during the summer months (*i.e.*, months that require additional temperature controls) in a manner that is consistent with the national shellfish sanitation program and protects the health of the consumers of shellfish. The time period for additional temperature controls for the summer harvesting and handling of shellfish is May 16th through September 30th, unless otherwise specified. The amendment includes a requirement for certified shippers to only accept shellfish from harvesters that have received annual training on key regulatory requirements and the safe and sanitary practices related to the harvesting and handling of shellfish in South Carolina. The amendment updates several documents referenced in the regulation to the latest versions of the documents and adds a definition for “mariculture” and “triploid oyster.” The amendment also includes stylistic changes to correct for spelling, clarity, readability, grammar, and codification for overall improvement of the text of the regulation.

Legislative review is required

Promulgation History/Status:

The statutory process to amend R.61-47 was initiated by publication of a Notice of Drafting in the State Register on May 27, 2016 and also in the DHEC Regulation Development Update. After DHEC Board approval September 8, 2016, the Department published a Notice of Proposed Regulation identified as Document 4668 in the State Register on September 23, 2016. Document 4668 was cancelled and superseded by publication of a new Notice of Proposed Regulation published in the State Register as Document 4736 on November 25, 2016. Public comments received on the previous Notice of Proposed Regulation (Document 4668) were retained and considered as comments on the new Notice of Proposed Regulation (Document 4736). As noticed in the State Register, the public comment period for submitting written comments on the proposed revised regulation of Document 4736 closed December 28, 2016, and the public hearing before the Department’s Board was conducted January 5, 2017. After public hearing, the DHEC Board found for the need and reasonableness of the proposed revised regulation and approved it for legislative review. Document 4736 was filed with the State Register Office, verified and submitted to the General Assembly for review January 10, 2017 and referred to the House and Senate reviewing committees. At the request of the Senate Medical

Affairs Committee by letter dated February 28, 2017, the Department simultaneously withdrew and resubmitted a revised regulation on February 28, 2017. On March 2, 2017, the Senate Medical Affairs Committee introduced Joint Resolution S0496 (similar S0373) to approve the revised regulation. The Resolution passed the House and Senate, was ratified (R.21), and signed by the Governor April 24, 2017 taking effect as Act 12 on April 28, 2017. The revised regulation was passed by Joint Resolution and became law by its publication as a final regulation in State Register Volume 41 Issue 4 on April 28, 2017; it can be viewed on the S.C. Legislative Online website at <http://www.scstatehouse.gov/regs/4736.docx>. For additional information, contact Charles Gorman, P.G., Director, Division of Water Monitoring, Assessment and Protection, Bureau of Water, 2600 Bull Street, Columbia, South Carolina 29201, or by email at gormancm@dhec.sc.gov.

State Register Document 4670, Proposed Amendment of R.61-68, Water Classifications and Standards

Synopsis:

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 33 U.S.C. Section 303(c)(2)(B) of the Federal Clean Water Act ("CWA"). In accordance with Section 303(c)(2)(B) of the CWA, the Department reviews, and amend at its discretion, this regulation once every three years in order to incorporate desirable most recently published Federal criterion recommendations and guidance. Hence, this review process is often referred to as the "triennial review." The Department proposes to adopt a revised standard for ambient water quality criteria for the protection of human health for ninety-four chemical pollutants, and a revised standard for aquatic life water quality criteria for cadmium to reflect the most current final published criteria in accordance with Sections 304(a) and 307(a) of the CWA.

Legislative review will be required.

Promulgation History/Status:

The Department initiated the statutory process to amend R.61-68 by publication of a notice of Drafting in the S.C. State Register on February 26, 2016, and also in the DHEC Regulation Development Update as well as on the Department's Water Quality Standards webpage. It was circulated to stakeholders and other interested parties. The drafting comment period closed March 28, 2016. The DHEC Board approved the staff request on September 8, 2016 to publicly notice the proposed regulations. A Notice of Proposed Regulations with notice of opportunity for public comment was published as Document 4070 in the State Register on September 23, 2016 and can be viewed on the S.C. Legislature Online website at <http://www.scstatehouse.gov/regs/4670.docx>. As noticed in the State Register the public comment period for submitting written comments closed October 24, 2016, and a public hearing was scheduled before the Department's Board December 8, 2016.

Because of the volume and scope of the comments received during the public comment period for Document 4670, the Department decided to take additional time to ensure satisfactory consideration of the public feedback. A Notice was published in the State Register November 25, 2016, postponing the previously scheduled December 8, 2016 public hearing for Document 4670 indefinitely. For additional information contact Mike Montebello, Bureau of Water, 2600 Bull Street, Columbia, South Carolina 29201 or via e-mail at montebemj@dhec.sc.gov.