

SUMMARY SHEET  
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

August 11, 2022

- ( ) ACTION/DECISION  
( X ) INFORMATION

- I. TITLE:** Healthcare Quality Administrative and Consent Orders.
- II. SUBJECT:** Healthcare Quality Administrative Orders and Consent Orders for the period of May 1, 2022, through June 30, 2022.
- III. FACTS:** For the period of May 1, 2022, through June 30, 2022, Healthcare Quality reports 13 Consent Orders and 1 Emergency Suspension Order totaling \$74,400 in assessed monetary penalties.

Name of Bureau	Facility, Service, Provider, or Equipment Type	Administrative Orders	Consent Orders	Emergency Suspension Orders	Assessed Penalties	Required Payment
Community Care	Community Residential Care Facility (CRCF)	0	5	0	\$28,000	\$20,000
	Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF-IID)	0	2	0	\$8,000	\$8,000
	Residential Treatment Facilities for Children and Adolescents (RTF)	0	1	0	\$5,000	\$5,000
Healthcare Systems and Services	Paramedic	0	4	1	\$3,400	\$3,100
Radiological Health	Radioactive Material	0	1	0	\$30,000	\$10,000
<b>TOTAL</b>		<b>0</b>	<b>13</b>	<b>1</b>	<b>\$74,400</b>	<b>\$46,100</b>

Submitted By:

*Gwendolyn C. Thompson*

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Gwen C. Thompson  
Deputy Director  
Healthcare Quality

HEALTHCARE QUALITY ENFORCEMENT REPORT  
SOUTH CAROLINA BOARD OF HEALTH AND ENVIRONMENTAL CONTROL

August 11, 2022

**Bureau of Community Care**

Facility Type	Total Number of Licensed Facilities	Total Number of Licensed Beds
Community Residential Care Facility (CRCF)	477	21,729

**1. Southern Oaks Personal Care Home – Greenville, SC**

**Investigation and Violations:** The Department conducted complaint investigations and routine follow-up inspections in March 2021, October 2021, and November 2021, and observed and cited Regulation 61-84, Section 1703, on four separate occurrences. The Department found that the facility repeatedly failed to ensure it was free of vermin.

**Enforcement Action:** The Department and the facility executed a consent order requiring the facility to pay a \$3,000 civil monetary penalty within 30 days of executing the Consent Order.

**Remedial Action:** The facility has made the full required payment. The facility has also since voluntarily closed.

**Prior Orders:** None.

**2. Oaks at Mt. Pleasant – Mount Pleasant, SC**

**Investigation and Violations:** The Department investigated the facility in February 2022, and cited Regulation 61-84, Section 1001.A. The Department found that the facility violated R.61-84, Section 1001.A, by failing to ensure a resident was free from mental and physical abuse in accordance with S.C. Code Section 44-81-40(G) of the Bill of Rights for Residents of Long-Term Care Facilities.

**Enforcement Action:** The Department and the facility executed a consent order requiring the facility to pay a \$3,000 monetary penalty within 30 days of the Consent Order.

**Remedial Action:** The facility has made the full required payment.

**Prior Orders:** None.

### **3. Dalton's CMC Residential Care Facility – Orangeburg, SC**

**Investigation and Violations:** In January 2022, the Department conducted a routine general inspection at the facility, and cited Regulation 61-84, Section 202.C. Also, during January and February 2022, the Department issued five citations by mail to the facility for violating Regulation 61-84, Sections 202.D, 502.A, and 604. Specifically, the Department found:

- The facility violated Section 202.C on January 24, 2022, by failing to grant the Department access to the facility to perform an inspection.
- The facility violated Section 202.D on January 26, 2022, January 27, 2022, and February 2, 2022, by failing to submit to the Department written plans of correction for cited violations.
- The facility violated Section 502.A on January 13, 2022, January 19, 2022, and January 26, 2022, by failing to employ a licensed community residential care facility administrator.
- The facility violated Section 604 on January 13, 2022, by failing to notify the Department via telephone or email within 72 hours of the departure of its administrator.

**Enforcement Action:** The Department and the facility executed a consent order requiring the facility to pay a \$5,000 monetary penalty in four payments of \$1,250 each. The facility further agreed to schedule and attend a compliance assistance meeting with the Department within 45 days of the Consent Order.

**Remedial Action:** The Department has not received any payments from the facility. The Department conducted a compliance assistance meeting with the facility on July 26, 2022.

**Prior Orders:** The Department and the facility executed a consent order in May 2019, wherein the facility agreed to a \$10,800 assessed monetary penalty. The facility was required to pay \$6,000 in four consecutive monthly payments of \$1,500, and the remaining \$4,800 held in abeyance pending a six-month period of substantial compliance with Regulation 61-84 and the Consent Order. The May 2019 Consent Order resulted from 33 violations, some of which were repeat violations, related to, renewal applications, plans of correction, residents' finances, medications, sanitation, staff health assessments, and patient physical examinations.

### **4. Beckman I CRCF – Columbia, SC**

**Investigation and Violations:** The Department investigated the facility in March 2022, and cited Regulation 61-84, Section 1001.A. Specifically, the Department found that the facility violated Regulation 61-84, Section 1001.A, by failing to ensure a resident was free from physical abuse in accordance with S.C. Code Section 44-81-40(G) of the Bill of Rights for Residents of Long-Term Care Facilities.

**Enforcement Action:** The Department and the facility executed a consent order requiring the facility to pay a \$3,000 monetary penalty within 30 days of the Consent Order.

**Remedial Action:** The facility has made the full required payment.

**Prior Orders:** None.

## 5. Dowdy's Community Care Home #2 – Columbia, SC

**Investigation and Violations:** The Department conducted a food and sanitation inspection in May 2021, and routine follow-up inspections in August 2021 and February 2022, and cited the facility for repeatedly violating Regulation 61-84 as follows:

- Failing to conduct criminal background checks for all staff/direct care volunteers prior to employment.
- Failing to have documentation of staff in-service training in basic first-aid.
- Failing to have documentation of staff in-service training in management/care of persons with contagious and/or communicable disease.
- Failing to have documentation of staff in-service training in medication management.
- Failing to have documentation of staff in-service training in care of persons specific to the physical/mental condition(s) being care for in the Facility.
- Failing to have documentation of staff in-service training in use of restraint techniques.
- Failing to have documentation of staff in-service training in OSHA standards regarding blood-borne pathogens.
- Failing to have documentation of staff in-service training in confidentiality of resident information and records.
- Failing to have documentation of staff in-service training in the Bill of Rights for Residents of Long-Term Care Facilities, S.C. Code Sections 44-81-10, et. seq.
- Failing to have documentation of staff in-service training in fire response.
- Failing to have documentation of staff in-service training in emergency procedures/disaster preparedness.
- Failing to have documentation of residents' current annual physical examinations.
- Failing to ensure that the Facility's kitchen and the food prepared on-site was in compliance with Regulation 61-25.
- Failing to ensure resident rooms and bathrooms window treatments provided privacy.

**Enforcement Action:** The Department and the facility executed a consent order requiring the facility to pay \$6,000 of the assessed \$14,000 monetary penalty. The facility agreed to pay five monthly payments of \$1,200 each. The remaining \$8,000 of the assessed monetary penalty is stayed upon a six-month period of substantial compliance with Regulation 61-84 and the Consent Order. The facility further agrees to schedule and attend a compliance assistance meeting with the Department within 45 days of the Consent Order.

**Remedial Action:** The facility has made the first required payment of \$1,200. The Department conducted a compliance assistance meeting with the facility on July 26, 2022.

**Prior Orders:** None.



Facility Type	Total Number of Licensed Facilities	Total Number of Licensed Beds
Intermediate Care Facilities for Individuals with Intellectual Disabilities	66	1,634

## 6. Florence Gressette Residence – St. Matthews, SC

**Investigation and Violations:** The Department investigated the facility in February 2022, and cited Regulation 61-13, Sections 500.A, 701.C, and 1100.A. Specifically, the Department found:

- The facility violated Regulation 61-13, Section 500.A, by failing to implement its policies and procedures regarding client care, rights, and operation of the facility.
- The facility violated Regulation 61-13, Section 701.C, by failing to notify the Department of a serious accident and/or incident within 24 hours of the serious accident and/or incident.
- The facility violated Regulation 61-13, Section 1100.A, by failing to ensure clients were protected from mental/psychological abuse in accordance with S.C. Code Section 44-81-40(G) of the Bill of Rights for Residents in Long-Term Care Facilities.

**Enforcement Action:** The Department and the facility executed a consent order requiring the facility to pay a \$3,000 monetary penalty.

**Remedial Action:** The facility has made the full required payment.

**Prior Orders:** None.

## 7. Fountain Inn Community Residence – Columbia, SC

**Investigation and Violations:** The Department conducted an investigation in February 2022, and cited the facility for violating Regulation 61-13, Sections 500.A and 1100.A. Specifically, the Department found:

- The facility violated Regulation 61-13, Section 500.A, by failing to implement its policies and procedures regarding client care, rights, and operation of the facility.
- The facility violated Regulation 61-13, Section 1100.A, by failing to ensure clients were protected from physical abuse in accordance with S.C. Code Section 44-81-40(G) of the Bill of Rights for Residents in Long-Term Care Facilities.

**Enforcement Action:** The Department and the facility executed a consent order requiring the facility to pay a \$5,000 monetary penalty.

**Remedial Action:** The facility has made the full required payment.

**Prior Orders:** None.

Facility Type	Total Number of Licensed Facilities	Total Number of Licensed Beds
Residential Treatment Facilities for Children and Adolescents	8	518

### 8. Palmetto Pines Behavioral Health – Summerville, SC

**Investigation and Violations:** The Department conducted an investigation in March 2022, and cited Regulation 61-103, Section 1002.A.6. Specifically, the facility violated R.61-103, Section 1002.A.6, by failing to ensure the residents were free from harm, abuse, or neglect, as outlined in the “Statement of Rights of Residents.”

**Enforcement Action:** The Department and the facility executed a consent order requiring the facility to pay a \$5,000 monetary penalty within 30 days of the Consent Order.

**Remedial Action:** The facility has made the full required payment.

**Prior Orders:** The Department and the facility previously executed a consent order in September 2021, which included four occurrences of violating R.61-103, Section 1002.A.6, among many other repeat violations. The facility agreed to a \$12,100 assessed monetary penalty and made the required payment of \$7,260 within 30 days of executing the Consent Order.

### Bureau of Healthcare Systems and Services

Level of Certification	Total Number of Certified Paramedics
Paramedic	4,198

### 9. Stacey A. Winstead – Paramedic

**Investigation and Violations:** In December 2021, the Department learned through an investigation that Ms. Winstead committed misconduct in May 2021. During a call, Ms. Winstead was observed on police body camera imagery leaving the immediate location of the patient and left the patient in the care of her partner, an EMT with basic level training. As a result, the Department found that Ms. Winstead committed misconduct as defined by S.C. Code Section 44-61-80(F)(8) and Regulation 61-7, Section 1100(B)(8) by discontinuing care of a patient at the scene of an accident or illness, discontinued care or abandoned the patient without the patient’s consent or without providing for the further administration of care by an equal or higher medical authority.

The Department further found that Ms. Winstead committed misconduct as defined by S.C. Code Section 44-61-80(F)(14) and Regulation 61-7, Section 1100(B)(14) by her actions or inactions, created a substantial possibility that death or serious physical harm could result by leaving her patient, who was suspected of

ingesting drugs/medications to end their life, and abandon her patient who was experiencing a decreased level of consciousness and snoring respirations.

Lastly, the Department found Ms. Winstead committed misconduct as defined in S.C. Code Section 44-61-80(F) and Regulation 61-7, Section 1100(B)(18) by failing to provide a patient medical treatment of a quality deemed acceptable by the Department. The Department found that Ms. Winstead delayed starting patient care until after the patient was loaded into the ambulance for transport to the hospital. The patient care report indicated a 29-minute delay in placing the patient on a cardiac monitor could have identified cardiac rhythm abnormalities from ingested medications or drugs. The patient care report also indicated a 44-minute delay in starting an IV could have provided immediate access to the vascular system to deliver reversal agents for suspected overdose. The patient care report further indicated a 46-minute delay in obtaining blood samples before obtaining blood glucose measurement that demonstrates the failure to detect a simple cause of altered mental status, low blood glucose levels.

**Enforcement Action:** The Department and Ms. Winstead executed a consent order requiring Ms. Winstead to pay a \$1,000 monetary penalty within 30 days of executing the Consent Order. In addition, Ms. Winstead's Paramedic certificate shall be restricted for two years, and during this time, Ms. Winstead will be limited to the authority of an EMT-Basic. Ms. Winstead is also required to complete an Advanced Medical Life Support (AMLS) Class.

**Remedial Action:** The Department has not received Ms. Winstead's required payment. The Department has not received proof of required class completion.

**Prior Orders:** The Department and Ms. Winstead previously executed a consent order in November 2019, after the Department determined Ms. Winstead committed misconduct by discontinuing care of patient at the scene of an illness without the patient's consent or without providing for the further administration of care by an equal or higher medical authority. The November 2019 Consent Order resulted in a six-month suspension held in abeyance for 12 months, and Ms. Winstead completed a Pre-Hospital Trauma and Life Support Class and a Professional Ethics and Personal Leadership (PEPL) Class.

## **10. Patrick Morris – Paramedic**

**Investigation and Violations:** In March 2021, the Department learned through an investigation that Mr. Morris committed misconduct in February 2021. The Department found that Mr. Morris committed misconduct as defined by S.C. Code Section 44-61-80(F) and Regulation 61-7, Section 1100(B)(18), by failing to provide a patient emergency medical treatment of a quality deemed acceptable by the Department. The Department further found that Mr. Morris's failure resulted in delays and a subsequent transfer from a non-designated pediatric trauma center to a pediatric burn center.

**Enforcement Action:** In the interest of resolving this matter without delay and expense of litigation, Mr. Morris agreed to the entry of a consent order, but does not agree with the findings of fact and conclusions of law in the Consent Order. The Consent Order executed between the Department and Mr. Morris assessed a \$300 monetary penalty against Mr. Morris to be held in abeyance subject to his completion of required education and job shadowing. Specifically, Mr. Morris is required to complete one hour of education on de-escalation techniques and 8 hours shadowing the Pediatric Trauma Program Manager at Grand Strand Medical Center. If Mr. Morris fails to complete the education and job shadowing requirements within 6 months, Mr. Morris will be required to pay \$300 within 30 days.

**Remedial Action:** The Department has not received proof of completed education and job shadowing requirements.

**Prior Orders:** None.

## **11. Thomas Szczepaniak – Paramedic**

**Investigation and Violations:** In December 2021, the Department learned through an investigation, that Mr. Szczepaniak committed misconduct in May 2021. The Department found Mr. Szczepaniak committed misconduct as follows:

- Mr. Szczepaniak committed misconduct, as defined in S.C. Code Section 44-61-80(F)(6) and Regulation 61-7, Section 1100(B)(6), by disregarding an appropriate order by a physician concerning emergency treatment and transportation.
- Mr. Szczepaniak committed misconduct, as defined by S.C. Code Section 44-61-80(F)(8) and Regulation 61-7, Section 1100(B)(8), after initiating patient care at the scene of a traumatic injury accident, discontinuing patient care and abandoning the patient, by failing to provide for the administration of care by an equal or higher medical authority.
- Mr. Szczepaniak committed misconduct, as defined by S.C. Code Section 44-61-80(F)(10) and Regulation 61-7, Section 1100(B)(10), by failing to follow the MANDATORY Adult Trauma Transport Protocol and failing to identify the need and provide for the appropriate transport to a Level 1 or 2 Trauma Center.
- Mr. Szczepaniak committed misconduct, as defined by S.C. Code Ann.§ 44-61-80(F)(14) and Regulation 61-7, Section 1100(B)(14), by failing to follow the 2019 version of Lexington County Protocol C-2 “Duty to Act” and by failing to perform a thorough head-to-toe assessment. A pelvic injury went unnoticed and untreated creating the substantial possibility that death or serious physical harm could result.
- Mr. Szczepaniak committed misconduct, as defined by S.C. Code Ann.§ 44-61-80(F) and Regulation 61-7, Section 1100(B)(18), by failing to provide a patient emergency medical treatment of a quality deemed acceptable by the Department.

**Enforcement Action:** The Department and Mr. Szczepaniak executed a consent order requiring Mr. Szczepaniak to pay a \$1,500 monetary penalty within 30 days of the Consent Order. The other terms of the Consent Order require Mr. Szczepaniak to complete a Professional Ethics and Personal Leadership (PEPL) Class and complete a 30-hour Paramedic Refresher Course. In addition, the Department suspended Mr. Szczepaniak’s Paramedic Certificate for two years to be held in abeyance for 12 months pending completion of the PEPL and paramedic refresher courses. Mr. Szczepaniak will be an EMT-Basic during the suspension period.

**Remedial Action:** Mr. Szczepaniak has made the full required payment. The Department has not received proof of required class and course completion.

**Prior Orders:** None.

## 12. Gerald Ham – Paramedic

**Investigation and Violations:** In January 2022, the Department learned through an investigation that Mr. Ham committed misconduct in June 2021. The Department found:

- Mr. Ham committed misconduct as defined in S.C. Code Section 44-61-80(F)(6) and Regulation 61-7, Section 1100(B)(10), by not recognizing a cardiac rhythm with electrical activity that should have been resuscitated.
- Mr. Ham committed misconduct as defined in S.C. Code Ann. § 44-61-80(F)(6) and Regulation 61-7, Section 1100(B)(14), by not following the American Heart Association (AHA) ACLS Guidelines and Timmonsville Rescue Squad EMS Protocols.

**Enforcement Action:** The Department and Mr. Ham executed a consent order requiring Mr. Ham to pay a \$600 monetary penalty in three payments of \$200 each. In addition, Mr. Ham is required to complete a Professional Ethics and Personal Leadership (PEPL) Class and an Advanced Medical Life Support (AMLS) Refresher Class within 12 months of the Consent Order. Finally, Mr. Ham agreed to a two-year suspension of his Paramedic Certificate held in abeyance for 12 months upon completion of the PEPL and AMLS Refresher Classes.

**Remedial Action:** Mr. Ham has made the full required payment of \$600. The Department has not received proof of required class completion.

**Prior Orders:** None.

## 13. Raymond Franklin Huffman – Paramedic

**Investigation and Violations:** In October 2020, the Department was notified by South Carolina Law Enforcement Division (SLED) that Mr. Huffman was arrested. SLED's notification prompted the Department to open an investigation as it relates to any statutory or regulatory violations applicable to Mr. Huffman's Paramedic certificate issued by the Department. The Department found:

- Mr. Huffman had been arrested and charged with violating S.C. Code Section 16-13-230(A), breach of trust with fraudulent intent in the amount of more than \$2,000 but less than \$10,000, and with violating S.C. Code Section 16-16-20, computer crime in the second degree.
- Mr. Huffman was later federally indicted on 26 counts of theft of government property arising from the same events and in violation of 18 U.S.C. Section 641. Mr. Huffman signed a plea agreement in May 2022.

The Department continues to investigate Mr. Huffman's arrest and subsequent plea of guilt for felonies constituting gross immorality. Mr. Huffman's conduct arises to misconduct as defined by S.C. Code Section 44-61-80(F)(2) and Regulation 61-7, Section 302(B)(3). Specifically, Mr. Huffman's conduct arises to misconduct because he was convicted of or currently under indictment for a felony or another crime involving moral turpitude, drugs, or gross immorality.

**Enforcement Action:** As a Paramedic, Mr. Huffman is placed in a position of trust. The Department believes Mr. Huffman's indictment demonstrates a capacity for inappropriate and criminal behavior towards individuals placed within his trust. The Department has determined that a clear and present danger would exist to the public health, safety, and welfare if the Paramedic certificate issued to Mr. Huffman is

not immediately suspended pending further investigation. Therefore, the Department ordered that Mr. Huffman's Paramedic certificate be suspended immediately on an emergency basis.

**Remedial Action:** Not Applicable.

**Prior Orders:** None.

**Bureau of Radiological Health**

Radioactive Materials Licensee Type	Total Number of Licensees
Medical Private Practice	62

**14. Outpatient Diagnostic Center of Conway Medical Center – Conway, SC**

**Investigation and Violations:** In December 2021, the Department conducted a routine inspection of the licensee, and cited the licensee for violating Regulation 61-63. Specifically, the Department found the licensee violated Regulation 61-63 as follows:

- Having an individual other than the radiation safety officer listed on the license perform the duties and responsibilities of the radiation safety officer.
- Having an individual other than the authorized user listed on the license supervise the medical use of radioactive material.
- Failing to conduct annual radiation safety training for employees on an annual basis as outlined in their policy.
- Failing to have a written directive for patients as outlined in their policy.
- Failing to establish the authority, duties, and responsibilities of the radiation safety officer in writing (delegation of authority).

**Enforcement Action:** After the Department and the licensee met for an enforcement conference on April 6, 2022, the licensee submitted a request to terminate their radioactive materials license on April 12. On June 6, the Department and licensee executed a consent order imposing a \$30,000 monetary penalty against the licensee. The licensee agreed to pay \$10,000 of the assessed penalty within 30 days of the Consent Order and the remaining \$20,000 will be stayed. After the licensee's request to terminate is approved by the Department, the licensee shall not apply or reapply for a radioactive material license within 5 years of executing the Consent Order.

**Remedial Action:** The licensee made the full required payment. The licensee's license was terminated on June 7, 2022.

**Prior Orders:** None.

SUMMARY SHEET  
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL  
August 11, 2022


\_\_\_\_\_ ACTION/DECISION

  X   INFORMATION

1. **TITLE:** Administrative and Consent Orders issued by the Office of Environmental Affairs.
2. **SUBJECT:** Administrative and Consent Orders issued by the Office of Environmental Affairs during the period June 1, 2022, through June 30, 2022.
3. **FACTS:** For the reporting period of June 1, 2022, through June 30, 2022, the Office of Environmental Affairs issued forty-five (45) Consent Orders with total assessed civil penalties in the amount of two hundred forty-five thousand, five hundred ninety dollars (\$245,590.00). Also, ten (10) Administrative Orders with total assessed civil penalties in the amount of sixty-two thousand, four hundred seventy-five dollars (\$62,475.00) were reported during this period.

Bureau and Program Area	Administrative Orders	Assessed Penalties	Consent Orders	Assessed Penalties
<b>Land and Waste Management</b>				
UST Program	3	\$62,475.00	5	\$46,420.00
Aboveground Tanks	0	0	0	0
Solid Waste	0	0	1	\$2,300.00
Hazardous Waste	0	0	2	\$13,650.00
Infectious Waste	0	0	0	0
Mining	0	0	0	0
<b>SUBTOTAL</b>	<b>3</b>	<b>\$62,475.00</b>	<b>8</b>	<b>\$62,370.00</b>
<b>Water</b>				
Recreational Water	0	0	4	\$2,160.00
Drinking Water	0	0	1	0
Water Pollution	0	0	11	\$149,360.00
Dam Safety	0	0	0	0
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>16</b>	<b>\$151,520.00</b>
<b>Air Quality</b>				
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>3</b>	<b>\$10,000.00</b>
<b>Environmental Health Services</b>				
Food Safety	0	0	15	\$19,700.00
Onsite Wastewater	7	0	3	\$2,000.00
<b>SUBTOTAL</b>	<b>7</b>	<b>0</b>	<b>18</b>	<b>\$21,700.00</b>
<b>OCRM</b>				
<b>SUBTOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL</b>	<b>10</b>	<b>\$62,475.00</b>	<b>45</b>	<b>\$245,590.00</b>

Submitted by:

  
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Myra C. Reece  
Director of Environmental Affairs

**ENVIRONMENTAL AFFAIRS ENFORCEMENT REPORT  
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL  
August 11, 2022**

**BUREAU OF LAND AND WASTE MANAGEMENT**

**Underground Storage Tank Enforcement**

- 1)     Order Type and Number:           Administrative Order 22-0029-UST  
       Order Date:                    April 25, 2022  
       Individual/Entity:           **Eula McGuire**  
       Facility:                       Express Mart  
       Location:                     1025 Pole Branch Road  
  Clover, SC 29710  
       Mailing Address:           2975 Pump Station Road  
  Rock Hill, SC 29730  
  
       County:                        York  
       Previous Orders:             None  
       Permit/ID Number:          17835  
       Violations Cited:           The State Underground Petroleum  
       Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-  
       2-10 et seq. and § 44-2-60(A) (2018); and South Carolina Underground Storage  
       Tank Control Regulation, 7 S.C. Code Ann., Regs 61-92, 280.22(b), 280.31(a),  
       280.34(c), 280.35(a)(1)(ii), 280.35(a)(2), 280.36(a)(1)(i), 280.36(a)(1)(ii),  
       280.40(a), 280.40(a)(2), 280.40(a)(3), 280.41(b)(1)(i)(B), 280.43(d), 280.44(a),  
       280.45(b)(1), 280.93(a), 280.110(c), 280.242(b)(3), 280.242(b)(4), and 280.243(a)  
       (2012 & Supp 2020).

Summary: Eula McGuire (Individual/Entity) owns and operates underground storage tanks in York County, South Carolina. Based on an inspection on September 30, 2021, and file reviews on October 5, and November 18, 2021, the Department issued Notices of Alleged Violations. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to submit a notice of ownership change to the Department on a Department approved form within thirty (30) days of acquisition of an UST system; failed to continuously maintain cathodic protection system; failed to provide records to the Department upon request; failed to conduct triennial spill bucket integrity tests; failed to inspect overfill prevention equipment at least once every three (3) years; failed to conduct monthly and annual walkthrough inspections; failed to provide an adequate release detection method; failed to properly maintain release detection equipment; failed to test tank release detection equipment annually; failed to conduct annual tightness test or have monthly monitoring of pressurized piping; failed to conduct proper release detection using an automatic tank gauge; failed to conduct an annual test of automatic line leak detectors and/or sump sensors; failed to maintain records for at least one (1) year; failed to demonstrate financial responsibility for an UST system; failed to submit evidence of financial assurance to the Department upon request; failed to validate that monthly requirements had been performed; failed to physically visit each assigned facility once a quarter; failed to obtain supplemental Class A/B Operator training before May 26, 2020; and failed to display the registration certificate in a conspicuous location.



Action: The Individual/Entity is required to submit: a completed Transfer of Ownership form (D-3871); passing release detection equipment operability test results for all compartments of the UST; passing overfill prevention equipment operability test results for all compartments of the UST; passing triennial hydrostatic test results for all spill buckets associated with the UST; proof that metal components in all STP sumps have been isolated from soil and/or water; passing line tightness test results for all compartments of the UST; submit passing line leak detector function check test results for all compartments of the UST; either ten (10) or twelve (12) months of ATG test results with the most recent two (2) months passing or tank tightness tests results for all compartments of the UST, and submit a passing ATG result for all compartments of the UST; proof that a Class A/B Operator/Walkthrough log (D-3185) has been initiated and is being properly maintained; proof the Class A/B operator (Jugnesh Patel) has completed supplemental Class A/B operator training; proof the registration certificate is displayed prominently in the Facility; and submit a completed Certificate of Financial Responsibility and evidence of financial assurance by July 22, 2022. The Department has assessed a civil penalty in the amount of thirty-six thousand, one hundred dollars (\$36,100.00). The Individuals/Entities shall pay a civil penalty in the amount of thirty-six thousand, one hundred dollars (**\$36,100.00**) by July 22, 2022.

Update: The Individual/Entity did not file a Request for Review. Referred to Office of General Counsel for further action.

2) Order Type and Number: Administrative Order 22-0053-UST  
Order Date: May 26, 2022  
Individual/Entity: **Madhuras Realty, LLC**  
Facility: Madhuras Realty, LLC  
Location: 117 South Boundary Street  
Manning, SC 29102  
Mailing Address: Same  
County: Clarendon  
Previous Orders: None  
Permit/ID Number: 02403  
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. and § 44-2-10(A) (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs 61-92, 280.21(a)(3), 280.31(a), and 280.70(c) (2012 & Supp 2020).

Summary: Madhuras Realty, LLC (Individual/Entity) owns and operates underground storage tanks (USTs) in Clarendon County, South Carolina. Based on a file review, the Department issued a Notice of Alleged Violation on October 20, 2021. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to properly close a substandard UST system as required in Subparts G and F; failed to continuously maintain a cathodic protection system; and failed to properly abandon a temporarily closed UST system after twelve (12) months.

Action: The Individual/Entity is required to submit a completed UST Tank and Sludge Disposal Form for the permanent closure of the 10,000-gallon plus UST by July 29, 2022, and, within thirty (30) days of the Department's approval of the UST Tank and Sludge Disposal Form, permanently close the 10,000-gallon plus UST, and within sixty (60) days of the permanent closure of the 10,000-gallon plus UST, submit an UST Closure and Assessment Report. The Department has assessed a civil penalty in the amount of

sixteen thousand, eight hundred dollars (\$16,800.00). The Individual/Entity shall pay a civil penalty in the amount of sixteen thousand, eight hundred dollars (**\$16,800.00**) by July 29, 2022.

Update: The Individual/Entity did not file a Request for Review.

- 3) Order Type and Number: Administrative Order 22-0065-UST  
Order Date: May 27, 2022  
Individual/Entity: **Yogibapa of Ellore, LLC**  
Facility: Ocean Grocery  
Location: 6409 Dick Pond Road  
Myrtle Beach, SC 29588  
Mailing Address: 4308 Broad Street Extension  
Sumter, SC 29154-1633  
County: Horry  
Previous Orders: None  
Permit/ID Number: 10344  
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. Code Ann. §§ 44-2-10 et seq. (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs. 61-92, 280.21(b), 280.21(c), 280.31(a), 280.70(a), and 280.70(c) (2012 and Supp. 2020).

Summary: Yogibapa of Ellore, LLC (Individual/Entity) owns and operates underground storage tanks (USTs) in Horry County, South Carolina. On November 3, 2021, the Department conducted an inspection and issued a Notice of Alleged Violation (NOAV). The Individual/Entity has violated the SUPERB Act and South Carolina Underground Storage Tank Control Regulation as follows: failed to protect an operating UST system from corrosion; failed to operate and maintain corrosion protection equipment continuously; failed to maintain corrosion protection or appropriate release detection on a temporarily closed UST; and failed to permanently close a UST system that has been temporarily out of service for greater than twelve (12) months and does not meet current corrosion protection standards.

Action: The Individual/Entity is required to: submit proof the 2,000-gallon non-ethanol UST contains less than one (1) inch of residue; submit a completed Tank and Sludge Disposal form for the permanent closure of the 2,000-gallon non-ethanol UST and permanently close the UST within forty-five (45) days of the Department's approval of the Tank and Sludge form; and within sixty (60) days after permanent closure of the 2,000-gallon UST, submit an UST Closure and Assessment Report. The Department has assessed a total civil penalty in the amount of nine thousand, five hundred seventy-five dollars (\$9,575.00). The Individual/Entity shall pay a civil penalty in the amount of nine thousand, five hundred seventy-five dollars (**\$9,575.00**) by August 6, 2022.

Update: The Individual/Entity did not file a Request for Review.

- 4) Order Type and Number: Consent Order 22-0076-UST  
Order Date: June 14, 2022  
Individual/Entity: **Jaisy & Sahil VI, LLC**  
Facility: Food Fare 2  
Location: 7426 Hunt Club Road

Mailing Address: Columbia, SC 29223  
315 Mallet Hill Road  
Columbia, SC 29223-3224

County: Clarendon

Previous Orders: AO 19-0182-UST (\$3,000.00)

Permit/ID Number: 07885

Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. Code Ann. §§ 44-2-10 *et seq.* (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs. 61-92, 280.20(h)(4), 280.34(c), 280.36(a)(1)(i), 280.36(a)(1)(ii), 280.40(a), 280.41(b)(1)(i)(B), 280.43(g), 280.44(a), 280.45(b)(1), 280.242(b)(3), 280.242(b)(4), 280.243(c), and 280.245, (2012 and Supp. 2020).

Summary: Jaisy & Sahil VI, LLC (Individual/Entity) owns underground storage tanks (USTs) in Richland County, South Carolina. On January 12, 2022, the Department conducted an inspection and issued a Notice of Alleged Violation (NOAV). The Individual/Entity has violated the SUPERB Act and South Carolina Underground Storage Tank Control Regulation as follows: failed to have properly designed, constructed, installed, and maintained secondary containment systems; failed provide records to the Department upon request; failed to check and document monthly required equipment walkthrough inspections; failed to check and document annually required equipment walkthrough inspections; failed to provide an adequate release detection method; failed to conduct an annual line tightness test or monitor pressurized piping monthly; failed to conduct proper release detection using Interstitial Monitoring (IM); failed to check line leak detector function annually; failed to maintain results of annual operation tests for at least one (1) year; failed to validate that monthly requirements have been met; failed to physically visit each assigned facility once a quarter; failed to train Class C operators before they assume responsibility for the UST facility; and failed to designate and list all Class C operators.

Action: The Individual/Entity is required to submit: either IM records equal to ten (10) of twelve (12) months with the most recent two (2) months passing or current passing tank tightness test results, line tightness test results, and a current passing IM record for both compartments of the UST at the Facility; line leak detector function check test results for both compartments of the UST; proof a dispenser sump visual monitoring log has been initiated and is being properly maintained; proof a Class A/B Operator/Walkthrough Inspection log has been initiated and is being properly maintained; and a list of Class C operators trained and designated for the Facility. The Department has assessed a total civil penalty in the amount of six thousand, nine hundred twenty dollars (\$6,920.00). The Individual/Entity shall pay a civil penalty in the amount of six thousand, nine hundred twenty dollars (**\$6,920.00**) by July 29, 2022.

Update: None

5) Order Type and Number: Consent Order 22-0141-UST  
Order Date: June 21, 2022  
Individual/Entity: **Kenneth & Sarilla Cosgrove**  
Facility: Corner Mart 24  
Location: 991 Pine Street  
Spartanburg, SC 29303  
Mailing Address: P.O. Box 2969

Greenville, SC 29602

County: Spartanburg  
Previous Orders: None  
Permit/ID Number: 08278  
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs 61-92, 280.20(c)(1)(ii) (2012 & Supp 2020).

Summary: Kenneth & Sarilla Cosgrove (Individual/Entity) own underground storage tanks (USTs) in Spartanburg County, South Carolina. On May 13, 2022, the Department conducted an inspection and issued a Notice of Alleged Violation. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to maintain overfill prevention equipment.

Action: The Individual/Entity corrected all violations prior to issuance of the Order. The Department has assessed a total penalty in the amount of six thousand dollars (\$6,000.00). The Individual/Entity shall pay a total civil penalty in the amount of six thousand dollars (**\$6,000.00**) by August 6, 2022.

Update: The civil penalty payment was received on June 13, 2022. The Order is closed.

6) Order Type and Number: Consent Order 22-0113-UST  
Order Date: June 24, 2022  
Individual/Entity: **Manjit Singh & Sandhu Gurmits**  
Facility: Smitty's Country Store  
Location: 2035 Main Street  
Silverstreet, SC 29145  
Mailing Address: Same  
County: Newberry  
Previous Orders: None  
Permit/ID Number: 06580  
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs 61-92, 280.20(c)(1)(ii) (2012 & Supp 2020).

Summary: Manjit Singh & Sandhu Gurmits (Individual/Entity) own underground storage tanks (USTs) in Newberry County, South Carolina. On March 30, 2022, the Department conducted an inspection and issued a Notice of Alleged Violation. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to equip an upgraded UST system with overfill prevention equipment.

Action: The Individual/Entity corrected all violations prior to issuance of the Order. The Department has assessed a total penalty in the amount of twenty-one thousand dollars (\$21,000.00). The Individual/Entity shall pay a total civil penalty in the amount of twenty-one thousand dollars (**\$21,000.00**) in accordance with a promissory note.

Update: The first installment payment has been made.

7) Order Type and Number: Consent Order 22-0046-UST  
Order Date: June 21, 2022  
Individual/Entity: **Premier Petroleum, Inc.**  
Facility: Action Fuels Shell Food Mart  
Location: 1500 East Greenville Street  
Anderson, SC 29624  
Mailing Address: 2145 Duluth Highway  
Duluth, GA 30097  
County: Anderson  
Previous Orders: None  
Permit/ID Number: 00707  
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. §§ 44-2-10 et seq. (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs 61-92, 280.20(a)(2)(iv), 280.31(b)(1), 280.34(c), and 280.70(a) & (c) (2012 & Supp 2020).

Summary: Premier Petroleum, Inc. (Individual/Entity) owns underground storage tanks (USTs) in Anderson County, South Carolina. On December 9, 2021, the Department conducted an inspection and issued a Notice of Alleged Violation. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to ensure a cathodic protection system is operated and maintained in accordance with Section 280.31 or according to guidelines established by the Department; failed to test the cathodic protection system by a qualified tester once every three (3) years; failed to operate and maintain a corrosion protection system on a temporarily closed UST; failed to provide records to the Department upon request; and failed to permanently close a UST system that has been temporarily out of service for greater than twelve (12) months and does not meet current performance standards in Section 280.20 or upgrading requirements in Section 280.21.

Action: The Individual/Entity is required to: within forty-five (45) days of the execution date of the Order, the Individual/Entity shall submit a Tank and Sludge Disposal Form; within thirty (30) days of the Department's approval of the Tank and Sludge Disposal Form, permanently close the USTs; and within sixty (60) days of the permanent closure of the USTs, submit an UST Closure and Assessment Report. The Department has assessed a total penalty in the amount of forty-two thousand, two hundred dollars (\$42,200.00). The Individual/Entity shall pay a civil penalty in the amount of six thousand, five hundred dollars (**\$6,500.00**) by July 5, 2022 and pay a suspended penalty in the amount of thirty-five thousand, seven hundred dollars (\$35,700.00) should any of the requirements not be met.

Update: A Tank and Sludge Disposal Form has been received and approved. Tanks were permanently closed on June 29, 2022. The civil penalty has been paid.

8) Order Type and Number: Consent Order 22-0089-UST  
Order Date: June 28, 2022  
Individual/Entity: **Samer Express LLC**  
Facility: Samer Express  
Location: 295 Glenn Rd.  
West Columbia, SC 29172  
Mailing Address: Same

County: Lexington  
Previous Orders: None.  
Permit/ID Number: 19853  
Violations Cited: The State Underground Petroleum Environmental Response Bank Act of 1988 (SUPERB Act), S.C. code Ann. § 44-2-10 et seq. (2018); and South Carolina Underground Storage Tank Control Regulation, 7 S.C. Code Ann., Regs 61-92, 280.20(c)(1)(ii) (2012 & Supp 2020).

Summary: Samer Express LLC (Individual/Entity) owns underground storage tanks (USTs) in Lexington County, South Carolina. On March 2, 2022, the Department conducted an inspection and issued a Notice of Alleged Violation. The Individual/Entity violated the SUPERB Act and the South Carolina Underground Storage Tank Regulation, as follows: failed to maintain overfill prevention equipment of an underground storage tank.

Action: The Individual/Entity corrected all violations prior to issuance of the Order. The Department has assessed a total penalty in the amount of six thousand dollars (\$6,000.00). The Individual/Entity shall pay a total civil penalty in the amount of six thousand dollars (**\$6,000.00**) in accordance with a promissory note.

Update: The first two payments on the civil penalty have been received.

### **Solid Waste Enforcement**

9) Order Type and Number: Consent Order 22-09-SW  
Order Date: June 14, 2022  
Individual/Entity: **City of Tega Cay**  
Facility: City of Tega Cay Municipal Wood Chipping Facility  
Location: 1726 Gardendale Road  
Fort Mill, SC 29708  
Mailing Address: 7725 Tega Cay Drive  
Tega Cay, SC 29708  
County: York  
Previous Orders: None  
Permit/ID Number: COM-00227  
Violations Cited: South Carolina Solid Waste Policy and Management Act of 1991, S.C. Code Ann. §§ 44-96-10 et seq. (2002 & Supp. 2018); Solid Waste Management: Compost and Mulch Production from Land-clearing Debris, Yard Trimmings and Organic Residuals, R.61-107.4, Part III.E.I.d., Part III.E.1.e., and Part III.E.6. (2012 & Supp. 2019); and the Permit #COM-00227, A.4.

Summary: The City of Tega Cay (Individual/Entity), operates a Wood Chipping Facility located in Tega Cay, York County, South Carolina. Based on routine inspections of the Facility, the Department issued a Notice of Alleged Violation. The Individual/Entity has violated the South Carolina Solid Waste Policy and Management Act, the Solid Waste Management: Compost and Mulch Production from Land-clearing Debris, Yard Trimmings and Organic Residuals, and the Permit, as follows: stored unprocessed materials in excess of the maximum capacity allowed by the permit (1,333 cubic yards)

and accepted unprocessed materials which resulted in the unprocessed materials being stored to be in excess of the maximum capacity allowed by the permit.

Action: The Individual/Entity corrected all violations prior to the issuance of the Order. The Department has assessed a civil penalty in the amount of two thousand, three hundred dollars (\$2,300.00). The Individual/Entity shall pay a civil penalty of two thousand, three hundred dollars (**\$2,300.00**) by July 29, 2022.

Update: The Department received the civil penalty payment on June 7, 2022. All requirements of the Order have been met and the Order is closed.

### **Hazardous Waste Enforcement**

10) Order Type and Number: Consent Order 22-09-HW  
Order Date: June 24, 2022  
Individual/Entity: **F3 Holdings, LLC DBA Form Fit and Function, LLC**  
Facility: F3 Holdings, LLC DBA Form Fit and Function, LLC  
Location: 350 Seminole Drive  
Spartanburg, SC 29301  
Mailing Address: Same  
County: Spartanburg  
Previous Orders: None  
Permit/ID Number: SCR000789651  
Violations Cited: The South Carolina Hazardous Waste Management Act, S.C. Code Ann. §§ 44-56-10 et seq. (2018), and the South Carolina Hazardous Waste Management Regulation, 6 and 7 S.C. Code Ann. Regs. 61-79 (2012 and Supp. 2018).

Summary: F3 Holdings, LLC D.B.A. Form it and Function, LLC (Individual/Entity), is a manufacturer of parts for the aerospace industry located in Spartanburg County, South Carolina. The Department conducted an inspection on November 3, 2021. The Individual/Entity violated the South Carolina Hazardous Waste Management Act and the Hazardous Waste Management Regulations: failed to comply the regulations; failed to ensure waste is held on site for no more than one hundred eighty (180) days or two hundred seventy (270) days as applicable, beginning on the date when the accumulated waste exceeds the amounts provided, ensure the quantity of waste accumulated on site never exceeds six thousand (6,000) kilograms (13,200 pounds), and to ensure the conditions in the regulations are met; failed to make an accurate waste determination as to whether that waste was a hazardous waste; failed to maintain records supporting its hazardous waste determinations; failed to file with the Department, a Notification Form for waste within thirty (30) days of the effective date of this regulation; and failed to ensure that facilities must be maintained and operated to minimize the possibility of a fire, explosion, or an unplanned sudden or nonsudden release of hazardous waste or hazardous waste constituents to air, soil, or surface waste which could threaten human health or the environment.

Action: The Individual/Entity is required to: submit to the Department for review and approval, a Sampling Plan (The Plan) for waste streams with no hazardous waste determinations. Following the review and approval of The Plan, the Individual/Entity shall

implement The Plan to completion and submit a written report including sample results, disposal manifests and photographs to the Department. The Department assessed a total civil penalty in the amount of nine thousand, one hundred fifty dollars (\$9,150.00). The Individual/Entity shall pay a civil penalty in the amount of nine thousand, one hundred fifty dollars (**\$9,150.00**) by July 27, 2022.

Update: None

- 11) Order Type and Number: Consent Order 22-10-HW  
Order Date: June 06, 2022  
Individual/Entity: **Palmetto Cleaners, Inc. DBA White Swan**  
Facility: Palmetto Cleaners, Inc. DBA White Swan  
Location: 1619 West Palmetto Street  
Florence, SC 29501  
Mailing Address: Same  
County: Florence  
Previous Orders: None  
Permit/ID Number: SCD987572260  
Violations Cited: The South Carolina Hazardous Waste Management Act, S.C. Code Ann. §§ 44-56-10 et seq. (2018), and the South Carolina Hazardous Waste Management Regulation, 6 and 7 S.C. Code Ann. Regs. 61-79 (2012 and Supp. 2018).

Summary: Palmetto Cleaners, Inc. (Individual/Entity), is a dry cleaner located in Florence County, South Carolina. The Department conducted an inspection on November 30, 2021. The Individual/Entity violated the South Carolina Hazardous Waste Management Act and the Hazardous Waste Management Regulations, as follows: failed to mark or label its container with the following: (i) the words “Hazardous Waste” and (ii) an indication of the hazards of the contents; failed to maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency; failed to post the following information next to telephones or in areas directly involved in the generation and accumulation of hazardous waste: the name and emergency telephone number of the emergency coordinator; the location of fire extinguishers and spill control material, and, if present, fire alarm, and the telephone number of the fire department, unless the facility has a direct alarm; failed to keep a copy of each manifest signed in accordance with section 262.23(a) onsite for three (3) years or until they receive a signed copy from the designated facility which received the waste; and failed to declare status annually on or before January 31 by submission of a completed form as designated by the Department on which they certify that they are a small quantity generator and provisionally exempt from full regulation and that should their status change during the calendar year they will comply fully with all requirements including quarterly reporting.

Action: The Individual/Entity corrected all violations prior to the issuance of the Order. The Department assessed a total civil penalty in the amount of four thousand, five hundred dollars (\$4,500.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand, five hundred dollars (**\$4,500.00**) by July 6, 2022.

Update: The civil penalty has been paid. The Order is closed.



## Recreational Waters Enforcement

12)	<u>Order Type and Number:</u>	Consent Order 22-015-RW
	<u>Order Date:</u>	June 16, 2022
	<u>Individual/Entity:</u>	<b>Carolinas Holding Company, LLC</b>
	<u>Facility:</u>	Sea Mist Resort
	<u>Location:</u>	305 13 <sup>th</sup> Avenue S Myrtle Beach, SC 29577
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Horry
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	26-657-1
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(J)

Summary: Carolinas Holding Company, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Horry County, South Carolina. The Department conducted inspections on February 18, 2022, and May 26, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: a ladder was missing bumpers; a ladder was missing non-slip tread inserts; the plaster on the floor was deteriorated; the pH level was not within the acceptable range of water quality standards; the emergency notification device was not operational; the bound and numbered log book was not available for review on the first inspection; the bound and numbered log book was not maintained on a daily basis on the second inspection; the lifeline floats were damaged; and the skimmers were missing weirs.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by June 27, 2022.

Update: The civil penalty has been paid and the Consent Order has been closed.

13)	<u>Order Type and Number:</u>	Consent Order 22-016-RW
	<u>Order Date:</u>	June 21, 2022
	<u>Individual/Entity:</u>	<b>MB MO, LLC</b>
	<u>Facility:</u>	Ocean 5 Hotel
	<u>Location:</u>	411 N Ocean Boulevard Myrtle Beach, SC 29577
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Horry
	<u>Previous Orders:</u>	None
	<u>Permit/ID Number:</u>	26-052-1
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-51(I)

Summary: MB MO, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Horry County, South Carolina. The Department issued a Notice of Alleged Violation on April 12, 2022, as a result of a review of Department records. The Individual/Entity has violated the Public Swimming Pools

Regulation as follows: failed to submit a Swimming Pool Change Order Request Form to the Department for approval prior to modifying the pool.

Action: The Individual/Entity is required to: submit a Swimming Pool Change Order Request Form for the modifications to the Department by July 21, 2022; and complete the modifications in accordance with the approved Swimming Pool Change Order Request Form and contact Department staff to verify the completed work by September 28, 2022. The Department has assessed a total civil penalty in the amount of four hundred dollars (\$400.00). The Individual/Entity shall pay a civil penalty in the amount of four hundred dollars (**\$400.00**) by July 21, 2022.

Update: The civil penalty has been paid. The Individual/Entity submitted a Swimming Pool Change Order Request Form which was approved by the Department.

14) Order Type and Number: Consent Order 22-017-RW  
Order Date: June 22, 2022  
Individual/Entity: **TS&D, LLC**  
Facility: Windsurfer Motel  
Location: 201 S Ocean Boulevard  
Myrtle Beach, SC 29577  
Mailing Address: Same  
County: Horry  
Previous Orders: None  
Permit/ID Number: 26-L24-1  
Violations Cited: S.C. Code Ann. Regs. 61-51(J)

Summary: TS&D, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a kiddie pool located in Horry County, South Carolina. The Department conducted inspections on April 29, 2022, and June 6, 2022, and violations were issued for failure to properly operate and maintain. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: there was debris in the skimmer baskets; a pool entry door did not self-close and latch; a pool entry door was propped open; and the chlorine and pH levels were not within the acceptable range of water quality standards.

Action: The Individual/Entity has corrected all violations. The Department has assessed a total civil penalty in the amount of six hundred eighty dollars (\$680.00). The Individual/Entity shall pay a civil penalty in the amount of six hundred eighty dollars (**\$680.00**) by July 5, 2022.

Update: The civil penalty has been paid and the Consent Order has been closed.

15) Order Type and Number: Consent Order 22-018-RW  
Order Date: June 28, 2022  
Individual/Entity: **Beaufort Hotel One, LLC**  
Facility: Home 2 Suites  
Location: 3658 Trask Parkway  
Beaufort, SC 29906  
Mailing Address: P.O. Box 1809  
Richmond Hill, GA 31324  
County: Beaufort

Previous Orders: None  
Permit/ID Number: 07-1250B  
Violations Cited: S.C. Code Ann. Regs. 61-51(I)

Summary: Beaufort Hotel One, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a pool located in Beaufort County, South Carolina. The Department issued a Notice of Alleged Violation on June 7, 2022, as a result of a review of Department records. The Individual/Entity has violated the Public Swimming Pools Regulation as follows: failed to submit a Swimming Pool Change Order Request Form to the Department for approval prior to modifying the pool.

Action: The Individual/Entity is required to: complete the modifications in accordance with an approved Swimming Pool Change Order Request Form and contact Department staff to verify the completed work by August 28, 2022. The Department has assessed a total civil penalty in the amount of four hundred dollars (\$400.00). The Individual/Entity shall pay a civil penalty in the amount of four hundred dollars (**\$400.00**) by July 28, 2022.

Update: The Individual/Entity submitted a Swimming Pool Change Order Request Form which was approved by the Department and corrected all violations. The civil penalty has been paid and the Consent Order is closed.

### **Drinking Water Enforcement**

16) Order Type and Number: Consent Order 22-021-DW  
Order Date: June 29, 2022  
Individual/Entity: **Meridian Brick, LLC**  
Facility: Meridian Brick  
Location: 6400 Frost Avenue  
Columbia, SC 29203  
Mailing Address: 5100 Brickyard Road  
Columbia, SC 29203  
County: Richland  
Previous Orders: None  
Permit/ID Number: 4030007  
Violations Cited: S.C. Code Ann. Regs. 61-58.7

Summary: Meridian Brick, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a public water system (PWS) located in Richland County, South Carolina. The Department conducted an inspection on March 24, 2022, and the PWS was rated unsatisfactory for failure to properly operate and maintain. The Individual/Entity has violated the State Primary Drinking Water Regulation as follows: there was insect activity around the well; the pressure gauge and a screened pipe with a tap were located prior to the check valve; the wellhead piping, valve handles, and hydro-pneumatic storage tank were rusted; there were two wells that were out-of-service and overgrown with vegetation; there was standing water on the floor of the treatment plant building; there were unused storage tanks and piping stored inside the treatment plant building; there were ant mounds, trash, and debris outside of the treatment plant building; there was vegetation growing in a backwash pit; there were no backflow prevention devices installed; and up-to-date written procedures for the operation and maintenance of the PWS were not provided for review.

Action: The Individual/Entity is required to: correct all of the deficiencies by December 1, 2022; have a South Carolina certified well driller properly abandon the two out-of-service wells by December 1, 2022; and submit an up-to-date written procedures for the operation and maintenance of the PWS by December 1, 2022. The Department has assessed a total civil penalty in the amount of four thousand dollars (\$4,000.00). The Individual/Entity shall pay a **stipulated penalty** in the amount of four thousand dollars (**\$4,000.00**) should any requirement of the Order not be met.

Update: None

### **Water Pollution Enforcement**

17) Order Type and Number: Consent Order 22-032-W  
Order Date: June 3, 2022  
Individual/Entity: **Town of Batesburg-Leesville**  
Facility: Town of Batesburg-Leesville WWTF  
Location: 100 Commissioner Street  
Lexington, SC 29006  
Mailing Address: P.O. Box 2329  
Batesburg-Leesville, SC 29070  
County: Lexington  
Previous Orders: 20-004-W (\$5,000.00)  
20-043-W(\$4,200.00)  
22-007-W (\$4,500.00)  
Permit/ID Number: SC0024465  
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110(d) (2008 & Supp. 2016), Water Pollution Control Permits, S.C. Code Ann Regs. 61-9.122.41(a), and Part III. A of NPDES Permit SC0024465

Summary: Town of Batesburg-Leesville (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located in Lexington County, South Carolina. The Individual/Entity reported violations of total suspended solids (TSS) percent removal on discharge monitoring reports (DMRs) submitted for the April 2021, May 2021, June 2021, July 2021, and August 2021 monthly monitoring periods, and reported violations of the permitted discharge limits of ammonia-nitrogen (ammonia) on DMRs submitted for the April 2021, May 2021 and June 2021 monthly monitoring periods. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulation as follows: failed to comply with the permitted biochemical oxygen demand (BOD) percent removal and TSS percent removal, and effluent limitations for BOD, chronic effluent toxicity (CTOX) and ammonia.

Action: The Individual/Entity is required to: submit a written notification of the completion date for all corrective actions necessary to resolve effluent violations and a six (6) monitoring event compliance confirmation period. The Department has assessed a total civil penalty in the amount of five thousand, six hundred dollars (\$5,600.00). The Individual/Entity shall pay a **stipulated penalty** in the amount of five thousand, six hundred dollars (**\$5,600.00**) should any requirement of the Order not be met.

Update: The Individual/Entity has submitted written notification of the completion date for the necessary corrective actions.

18) Order Type and Number: Consent Order 22-033-W  
Order Date: June 13, 2022  
Individual/Entity: **City of Manning**  
Facility: City of Manning WWTF  
Location: 1 Wastewater Lane  
Manning, SC 29102  
Mailing Address: P.O. Box 546  
Manning, SC 29102  
County: Clarendon County  
Previous Orders: 20-001-W (\$700.00)  
Permit/ID Number: SC0020419  
Violations Cited: Pollution Control Act, S.C Code Ann § 48-1-110 (d); Water Pollution Control Permits, S.C. Code Ann Regs. 61-9.122.41 (a)

Summary: The City of Manning (Individual/Entity) is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located in Clarendon County, South Carolina. On August 13, 2021, a Notice of Violation was issued as a result of violations of the permitted discharge limits for Escherichia coli (E.coli) as reported on discharge monitoring reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulation as follows: failed to comply with the effluent discharge limits of its National Pollutant Discharge Elimination System permit for E.coli.

Action: The Individual/Entity is required to: submit a written notification of the completion date for all corrective actions necessary to resolve the violations by July 13, 2022; conduct a six (6) event compliance confirmation period upon completion of corrective actions; and implement engineered upgrades to the WWTF should additional violations be observed during the compliance confirmation period. The Department has assessed a total civil penalty in the amount of two thousand four hundred dollars (\$2,400.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand four hundred dollars (**\$2,400.00**) by July 13, 2022.

Update: The Individual/Entity has submitted notification of the completion date for all necessary corrective actions and has paid the civil penalty in full.

19) Order Type and Number: Consent Order 22-034-W  
Order Date: June 13, 2022  
Individual/Entity: **Town of Lynchburg**  
Facility: Town of Lynchburg WWTF  
Location: Off Highway 76  
Lynchburg, SC 29080  
Mailing Address: P.O. Box 147  
Lynchburg, SC 29080  
County: Lee  
Previous Orders: 18-038-W (\$4,480.00)  
Permit/ID Number: SC0042676  
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110(d), Water Pollution Control Permits, S.C. Code Ann Regs. 61-9.122.21(d), and National Pollutant Discharge Elimination System (NPDES) Permit SC0042676.

Summary: Town of Lynchburg (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) in Lee County, South Carolina. On March 15, 2022, a Notice of Violation (NOV) was issued for failure to reapply for permit coverage within one hundred eighty (180) days before the existing permit expires. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulations as follows: failed to submit an application for renewal of the NPDES Permit at least one hundred eighty (180) days before the existing permit expires.

Action: The Individual/Entity is required to: continue operating the WWTF in accordance with the most recent NPDES permit until a new permit becomes effective; Submit an administratively complete application for renewal of NPDES Permit SC0042676 by August 31, 2022; within thirty days of execution of the Order and every thirty days after the initial submittal date, submit a summary status report on the submission of an administratively complete application for renewal of NPDES Permit SC0042676. The Department has assessed a total civil penalty in the amount of one thousand dollars (\$1,000.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**) by July 13, 2022.

Update: The Individual/Entity has paid the civil penalty in full.

20) <u>Order Type and Number:</u>	Consent Order 22-035-W
<u>Order Date:</u>	June 17, 2022
<u>Individual/Entity:</u>	<b>Blue Granite Water Company</b>
<u>Facility:</u>	Briarcreek WWTF #2
<u>Location:</u>	521 Killian Drive Gaffney, SC 29340
<u>Mailing Address:</u>	130 S Main Street Suite 800 Greenville, SC 29601
<u>County:</u>	Chester
<u>Previous Orders:</u>	18-026-W (\$3,400.00)
<u>Permit/ID Number:</u>	SC0026409
<u>Violations Cited:</u>	Pollution Control Act, SC. Code Ann. § 48-1-110(d), Water Pollution Control Permits, S.C. Code Ann Regs 61-9.122.41(a) and NPDES Permit SC0026409.

Summary: Blue Granite Water Company (Individual/Entity) owns and is responsible for the proper operation and maintenance of the Briarcreek wastewater treatment facility #2 (WWTF) in Chester County, South Carolina. On February 25, 2022, a Notice of Alleged Violation (NOAV) was issued as a result of ammonia-nitrogen (ammonia) violations reported on discharge monitoring reports (DMRs) submitted to the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulations as follows: failed to comply with ammonia effluent limitations of its National Pollutant Discharge Elimination System (NPDES) Permit SC0026409.

Action: The Individual/Entity is required to: submit written notification of the completion date for all corrective actions necessary to resolve the ammonia effluent violations by July 17, 2022; conduct a six (6) monitoring period event compliance confirmation period upon completion of corrective actions; and implement engineered upgrades to the WWTF should additional violations be observed during the compliance confirmation period. The Department has assessed a total civil penalty in the amount of

five thousand dollars (\$5,000.00). The Individual/Entity shall pay a civil penalty in the amount of five thousand dollars (**\$5,000.00**) by July 17, 2022.

Update: The Individual/Entity has completed necessary corrective actions, paid the civil penalty in full and demonstrated a compliance confirmation period in which no violations were observed. The Order was closed on July 19, 2022.

21) Order Type and Number: Consent Order 22-036-W  
Order Date: June 17, 2022  
Individual/Entity: **Granite Rolling Meadows, LLC**  
Facility: Granite Rolling Meadows WWTF  
Location: 3941 Charleston Highway  
West Columbia, SC 29172  
Mailing Address: 175 Precipice Road  
Camden, SC 29020  
County: Lexington  
Previous Orders: 21-035-W (\$5,000.00)  
Permit/ID Number: SC0033685  
Violations Cited: Pollution Control Act, S.C Code Ann § 48-1-110 (d); Water Pollution Control Permits, S.C. Code Ann Regs. 61-9.122.41 (a).

Summary: Granite Rolling Meadows, LLC (Individual/Entity) is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located in Lexington County, South Carolina. On January 7, 2022, a Notice of Violation was issued as a result of violations of the permitted discharge limits for Biochemical Oxygen Demand (BOD) and Escherichia coli (E.coli) as reported on discharge monitoring reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulation as follows: failed to comply with the effluent discharge limits of its National Pollutant Discharge Elimination System permit for E.coli.

Action: The Individual/Entity is required to: submit a written notification of the completion date for all corrective actions necessary to resolve the violations by July 17, 2022; conduct a six (6) event compliance confirmation period upon completion of corrective actions; and implement engineered upgrades to the WWTF should additional violations be observed during the compliance confirmation period. The Department has assessed a total civil penalty in the amount of two thousand one hundred dollars (\$2,100.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand one hundred dollars (**\$2,100.00**) by July 17, 2022.

Update: The Individual/Entity has paid the civil penalty in full and has requested an extension to submit notification of the corrective action completion date.

22) Order Type and Number: Consent Order 22-037-W  
Order Date: June 22, 2022  
Individual/Entity: **Lowcountry Regional Water System**  
Facility: Town of Brunson WWTF  
Location: Secondary Rd #69 at Coosawhatchie River  
Brunson, SC 29911  
Mailing Address: P.O. Box 647  
Hampton, SC 29924-3516

County: Hampton  
Previous Orders: 21-032-W (\$7,000.00)  
Permit/ID Number: SC0023141  
Violations Cited: Pollution Control Act, S.C Code Ann § 48-1-110 (d); Water Pollution Control Permits, S.C. Code Ann Regs. 61-9.122.41 (a).

Summary: Lowcountry Regional Water System (Individual/Entity) is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located in Hampton County, South Carolina. On September 30, 2021, a Notice of Violation was issued as a result of violations of the permitted discharge limits for Escherichia coli (E.coli) and biochemical oxygen demand percent removal (BOD%) as reported on discharge monitoring reports submitted to the Department. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulation as follows: failed to comply with the effluent discharge limits of its National Pollutant Discharge Elimination System permit for E.coli and BOD%.

Action: The Individual/Entity is required to: submit a Permit to Construct application with plans by October 1, 2022; begin construction of the WWTF upgrade by June 1, 2023; submit an interim report of progress toward the completion of construction by March 1, 2024; complete construction of the WWTF upgrade and request Final Approval to place in operation by November 1, 2024; and return to compliance with the effluent limitations contained in NPDES Permit SC0042382 by January 1, 2025. The Department has assessed a total civil penalty in the amount of twelve thousand six hundred dollars (\$12,600.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand eight hundred dollars (**\$2,800.00**) by July 22, 2022 and pay a stipulated penalty in the amount of nine thousand, eight hundred dollars (\$9,800.00) should any requirement of the Order not be met.

Update: The Individual/Entity has paid the civil penalty in full.

23) Order Type and Number: Consent Order 22-038-W  
Order Date: June 24, 2022  
Individual/Entity: **Lancaster County School District**  
Facility: Buford High School  
Location: One (1) mile north of SC 9 on SC 522  
Lancaster County, SC  
Mailing Address: 300 South Catawba Street  
Lancaster, SC 29720  
County: Lancaster  
Previous Orders: 18-032-W (\$1,400.00)  
Permit/ID Number: SC0041963  
Violations Cited: Pollution Control Act, S.C Code Ann § 48-1-110 (d); Water Pollution Control Permits, S.C. Code Ann Regs. 61-9.122.21 (d).

Summary: Lancaster County School District (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located in Lancaster County, South Carolina. On January 10, 2022, a Notice of Violation was issued for failure to reapply for permit coverage within one hundred eighty (180) days before the existing permit expires. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulation as follows: failed



to submit a new NOI or permit application 180 days before the existing permit expires. The NOI or application was due on or before January 1, 2022.

Action: The Individual/Entity is required to: continue to operate the WWTF in accordance with NPDES Permit SC0030210 issued on July 1, 2017, until a new Department issued permit becomes effective. The Department has assessed a total civil penalty in the amount of seven hundred dollars (\$700.00). The Individual/Entity shall pay a civil penalty in the amount of seven hundred dollars (**\$700.00**) by July 24, 2022.

Update: None

24) Order Type and Number: Consent Order 22-039-W  
Order Date: June 28, 2022  
Individual/Entity: **Town of McColl**  
Facility: Town of McColl WWTF  
Location: 210 East Gibson Avenue  
McCull, SC 29570  
Mailing Address: 300 South Main Street  
McCull, SC 29570  
County: Marlboro  
Previous Orders: 21-022-W (\$4,775.00)  
Permit/ID Number: SC0041963  
Violations Cited: Pollution Control Act, S.C Code Ann § 48-1-110 (d); Water Pollution Control Permits, S.C. Code Ann Regs. 61-9.122.21 (d).

Summary: The Town of McColl (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) located in Marlboro County, South Carolina. On January 10, 2022, a Notice of Violation was issued for failure to reapply for permit coverage within one hundred eighty (180) days before the existing permit expires. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulation as follows: failed to submit a new NOI or permit application 180 days before the existing permit expires. The NOI or application was due on or before January 1, 2022.

Action: The Individual/Entity is required to: submit an administratively complete application for renewal of NPDES Permit SC0041963 by July 28, 2022; and continue to operate the WWTF in accordance with the previous permit until a new Department issued permit becomes effective. The Department has assessed a total civil penalty in the amount of one thousand dollars (\$1,000.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**) by July 28, 2022.

Update:

25) Order Type and Number: Consent Order 22-040-W  
Order Date: June 28, 2022  
Individual/Entity: **Town of Jonesville**  
Facility: Town of Jonesville WWTF  
Location: Spears Lane  
Jonesville, SC 29353  
Mailing Address: P.O. Box 785

Jonesville, SC 29353  
County: Union  
Previous Orders: 21-067-W (\$2,800.00)  
Permit/ID Number: SC0024988  
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-110(d), Water Pollution Control Permits, S.C. Code Ann Regs. 61-9.122.21(d), and National Pollutant Discharge Elimination System (NPDES) Permit SC0024988.

Summary: Town of Jonesville (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) in Union County, South Carolina. On March 15, 2022, a Notice of Violation (NOV) was issued for failure to reapply for permit coverage within one hundred eighty (180) days before the existing permit expires. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulations as follows: failed to submit an application for renewal of the NPDES Permit at least one hundred eighty (180) days before the existing permit expires.

Action: The Individual/Entity is required to: continue operating the WWTF in accordance with the most recent NPDES permit until a new permit becomes effective; The Department has assessed a total civil penalty in the amount of one thousand dollars (\$1,000.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**) by July 28, 2022.

Update: The Individual/Entity has paid the civil penalty in full.

26) Order Type and Number: Consent Order 22-041-W  
Order Date: June 28, 2022  
Individual/Entity: **Pickens County Public Service Commission**  
Facility: Pickens County 18-Mile Creek Middle WWTF  
Location: 467 Willie Wonka Drive  
Central, SC 29630  
Mailing Address: 151 Clearwater Drive  
Liberty, SC 29657  
County: Pickens  
Previous Orders: None  
Permit/ID Number: SC0047856  
Violations Cited: Pollution Control Act, S.C. Code Ann. §48-1-110(d), Water Pollution Control Permits, S.C. Code Ann Regs. 61-9.122.41(a), and National Pollutant Discharge Elimination System (NPDES) Permit SC0047856

Summary: Pickens County Public Service Commission (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) in Pickens County, South Carolina. On October 27, 2021, a Notice of Violation (NOV) was issued for ammonia-nitrogen (ammonia) violations during the August 2021 monthly monitoring period. The Individual/Entity has violated the Pollution Control Act and Water Pollution Control Permits Regulations as follows: failed to comply with effluent limitations of its National Pollutant Discharge Elimination System (NPDES) Permit SC0047856.

Action: The Individual/Entity is required to: submit written notification of the completion date for all corrective actions necessary to resolve the ammonia effluent violations by July 28, 2022; conduct a six (6) monitoring period event compliance confirmation period upon completion of corrective actions; and implement engineered upgrades to the WWTF should additional violations be observed during the compliance confirmation period. The Department has assessed a total civil penalty in the amount of four thousand dollars (\$4,000.00). The Individual/Entity shall pay a civil penalty in the amount of four thousand dollars (**\$4,000.00**) by July 28, 2022.

Update: The Individual/Entity has submitted notification of the completion date for necessary corrective actions and has paid the civil penalty in full. .

27) Order Type and Number: Consent Order 22-042-W  
Order Date: June 29, 2022  
Individual/Entity: **New-Indy Catawba, LLC**  
Facility: New-Indy Catawba WWTF  
Location: Off of Cureton Ferry Road  
Catawba, SC 29704  
Mailing Address: 5300 Cureton Ferry Road  
Catawba, SC 29704  
County: York  
Previous Orders: none  
Permit/ID Number: SC0001015  
Violations Cited: Pollution Control Act, S.C. Code Ann. § 48-1-10, *et seq.*, Water Pollution Control Permits, S.C. Code Ann Regs. 61-9.122.1, *et seq.*, Standards for Wastewater Facility Construction, S.C. Code Ann. Regs. 61-67, and National Pollutant Discharge Elimination System (NPDES) Permit SC0001015.

Summary: New-Indy Catawba, LLC (Individual/Entity) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) in York County, South Carolina. On July 26, 2021, a Notice of Alleged Violation (NOAV) was issued for observations made during a Department inspection of the WWTF on March 15 and 19, 2021. The Individual/Entity has violated the Pollution Control Act, Water Pollution Control Permits Regulations, and Standards for Wastewater Facility Construction as follows: failed to operate the WWTF in accordance with its NPDES Permit and operated a WWTF that had been modified in a manner other than approved by the Department and prior to an Approval to Operate being issued by the Department.

Action: The Individual/Entity is required to: submit an approvable application for a construction permit to address modified components of the WWTF by August 13, 2022; begin construction of the items subject of a Department issued construction permit within sixty days of issuance and complete construction of the items before the expiration date of such construction permit; submit a preliminary engineering report that addresses certain conditions associated with the aerated stabilization basin (ASB), equalization basin (EQ Basin), solids loading in the WWTF, and parallel systems for the clarifier and ASB by October 27, 2022; submit certification by August 1, 2022, that the Individual/Entity has finalized revisions to and updated the Best Management Practices (BMP) Manual, Operations and Maintenance (O&M) Manual, and Odor Abatement Plan; and, perform monthly inspections of the facility to ensure compliance with the BMP Manual, O&M Manual, and Odor Abatement Plan and submit a summary of each inspection to the

Department monthly. The Department has assessed a total civil penalty in the amount of one hundred twenty-nine thousand three hundred sixty dollars (\$129,360.00). The Individual/Entity shall pay a civil penalty in the amount of one hundred twenty-nine thousand three hundred sixty dollars (**\$129,360.00**) by July 29, 2022.

Update: The Individual/Entity has paid the civil penalty in full.

### **BUREAU OF AIR QUALITY**

28) Order Type and Number: Consent Order 22-011-A  
Order Date: June 14, 2022  
Individual/Entity: **Tri-D Materials, LLC**  
Facility: Tri-D Materials, LLC  
Location: 4136 Sandwood Drive  
Columbia, SC 29206  
Mailing Address: Same  
Previous Orders: None  
Permit/ID Number: N/A  
Violations Cited: S.C. Code Ann. Regs. 61-62.1, Section II –  
Permit Requirements and S.C. Code Ann. Regs. 61-62.5, Standard No. 3, Waste  
Combustion and Reduction

Summary: Tri-D Materials, LLC (Individual/Entity) conducts mining operations at property known as the Yea Yea Mine located in Richland County, South Carolina. The Department conducted an inspection on August 12, 2020. the Individual/Entity has violated the South Carolina Air Pollution Control Regulations, as follows: burned materials in its air curtain incinerator (“ACI”) that are not allowed by the regulations and failed to obtain a construction permit from the Department prior to constructing and operating the ACI.

Action: The Individual/Entity is required to: cease all operations of the ACI unless and until it has obtained all applicable permits from the Department; ensure compliance with all applicable regulations; and obtain a construction permit from the Department prior to constructing a source of air contaminants. The Department has assessed a total civil penalty in the amount of seven thousand dollars (\$7,000.00). The Individual/Entity shall pay a penalty in the amount of seven thousand dollars (**\$7,000.00**) by July 14, 2022.

Update: The civil penalty has been paid.

29) Order Type and Number: Consent Order 22-012-A  
Order Date: June 24, 2022  
Individual/Entity: **Dawkins Concrete Products INC**  
Facility: Dawkins Concrete Products INC  
Location: 837 W Fairfield Road  
Dillon, SC 29536  
Mailing Address: P.O. Box 1096  
Hartsville, SC 29551  
County: Dillon  
Previous Orders: None  
Permit/ID Number: 9900-0150

Violations Cited: S.C. Code Ann. Regs. 61-30, Section G(3)(b), and S.C. Code Ann. Regs 61-62.1, Section II, Permit Requirements

Summary: Dawkins Concrete Products Inc. (Individual/Entity), is a concrete batch facility located in Dillon County, South Carolina. On August 19, 2020, a Department inspector conducted an inspection. The Individual/Entity has violated the South Carolina Air Pollution Control Regulations, as follows: failed to limit opacity to 20%; and failed to establish operational ranges for control equipment.

Action: The Individual/Entity is required to: limit opacity to 20% in accordance with all applicable permit limits; and establish operational ranges for equipment CD4 within thirty (30) days of the execution date of this Order. The Department has assessed a total civil penalty in the amount of three thousand dollars (\$3,000.00). The Individual/Entity shall pay a penalty in the amount of three thousand dollars (**\$3,000.00**) by July 24, 2022.

Update: The civil penalty has been paid

30) Order Type and Number: Consent Order 22-013-A  
Order Date: June 24, 2022  
Individual/Entity: Chad Cusack  
Facility: Mr. Perfect Kustomz  
Location: 3115 B South Cashua Drive  
Florence, SC 29501  
Mailing Address: Same  
County: Florence  
Previous Orders: None  
Permit/ID Number: N/A  
Violations Cited: S.C. Code Ann. Regs. 61-62.1, Section II, *Permit Requirements* and S.C. Code Ann. Regs. 61-62.5 Section IX.B

Summary: Mr. Perfect Kustomz (Individual/Entity), operates an automotive paint facility located in Florence County, South Carolina. On May 26, 2020, the Department conducted inspection in response to a complaint. The Individual/Entity has violated the South Carolina Air Pollution Control Regulations, as follows: failed to use a spray booth, preparation station, or mobile enclosure; failed to ensure that spray booths and preparation stations are fully enclosed; failed to ensure that all painters are certified in the proper spray application of surface coatings; failed to apply for and obtain Department-issued permits prior to installing and operating sources of air contaminants.

Action: The Individual/Entity is required to: either apply for and obtain coverage under the Registration Permit for Surface Coating Operations or provide emission calculations to the Department demonstrating that facility is exempt from air quality permitting; ensure that all painters are certified and have completed training in the proper spray application; henceforth ensure that spray booths and preparation stations are fully enclosed. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a **suspended penalty** in the amount of five thousand dollars (**\$5,000.00**) should any requirement of the Order not be met by July 24, 2022.

Update: The requirements of the Order have not yet been met.



follows: failed to ensure that time/temperature control for safety food was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; failed to maintain the proper sanitization concentration in a chemical sanitizer used in a manual or mechanical operation during contact times; failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked; and failed to ensure written procedures were in place and made available to the Department when the facility uses time as a public health control.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of three thousand, two hundred fifty dollars (\$3,250.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand, two hundred fifty dollars (**\$3,250.00**).

Update: The Individual/Entity is currently up to date on the agreed upon payment plan.

33)	<u>Order Type and Number:</u>	Consent Order 22-58-FOOD
	<u>Order Date:</u>	June 6, 2022
	<u>Individual/Entity:</u>	<b>Tavern in the Forest</b>
	<u>Facility:</u>	Tavern in the Forest
	<u>Location:</u>	4999 Carolina Forest Boulevard Myrtle Beach, SC 29579
	<u>Mailing Address:</u>	Same
	<u>County:</u>	Horry
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	26-206-14064
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Tavern in the Forest (Individual/Entity) operates a restaurant located in Horry County, South Carolina. The Department conducted an inspection on April 13, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: obscured, covered, defaced, relocated, or removed the grade decal that was posted by the Department.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of five hundred dollars (\$500.00). The Individual/Entity shall pay a civil penalty in the amount of five hundred dollars (**\$500.00**).

Update: The Individual/Entity has met all requirements of the Order. This Order has been closed.

34)	<u>Order Type and Number:</u>	Consent Order 22-37-FOOD
	<u>Order Date:</u>	June 7, 2022
	<u>Individual/Entity:</u>	<b>Happy Donkey Mexican Grill</b>
	<u>Facility:</u>	Happy Donkey Mexican Grill
	<u>Location:</u>	3230 South Main Street Extension

	Anderson, SC 29624
<u>Mailing Address:</u>	Same
<u>County:</u>	Anderson
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	04-206-04149
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Happy Donkey Mexican Grill (Individual/Entity) operates a restaurant located in Anderson County, South Carolina. The Department conducted inspections on March 15, 2022, March 16, 2022, March 22, 2022, March 31, 2022, April 7, 2022, April 12, 2022, April 21, 2022, and April 29, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure employees wash hands after engaging in activities that contaminate their hands; failed to ensure there was no bare hand contact with ready-to-eat foods; failed to ensure that the handwashing sinks were accessible at all times; failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked; and failed to maintain the premises free of insects, rodents, and other pests.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of three thousand, six hundred dollars (\$3,600.00). The Individual/Entity shall pay a civil penalty in the amount of three thousand, six hundred dollars (**\$3,600.00**).

Update: The Individual/Entity has met all requirements of the Order. This Order has been closed.

35) <u>Order Type and Number:</u>	Consent Order 22-53-FOOD
<u>Order Date:</u>	June 7, 2022
<u>Individual/Entity:</u>	<b>Tongy's Shmack House</b>
<u>Facility:</u>	Tongy's Shmack House
<u>Location:</u>	201 Graduate Road, Unit 117 Conway, SC 29526
<u>Mailing Address:</u>	Same
<u>County:</u>	Horry
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	26-206-12190
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Tongy's Shmack House (Individual/Entity) operates a restaurant located in Horry County, South Carolina. The Department conducted inspections on March 23, 2022, March 30, 2022, and April 8, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety food was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of five hundred, fifty dollars (\$550.00). The Individual/Entity shall pay a civil penalty in the amount of five hundred, fifty dollars (**\$550.00**).



Update: The Individual/Entity has met all requirements of the Order. This Order has been closed.

36) Order Type and Number: Consent Order 22-55-FOOD  
Order Date: June 9, 2022  
Individual/Entity: **Liberty at the Lake**  
Facility: Liberty at the Lake  
Location: 1602 Marina Road  
Irmo, SC 29063  
Mailing Address: 1177 Southgate Drive  
Charleston, SC 29407  
County: Richland  
Previous Orders: 2016-206-03-102 (\$1,200.00);  
2017-206-03-120 (\$800.00);  
2018-206-03-120 (\$1,500.00)  
Permit Number: 40-206-07068  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Liberty at the Lake (Individual/Entity) operates a restaurant located in Richland County, South Carolina. The Department conducted an inspection on May 4, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: obscured, covered, defaced, relocated, or removed the grade decal that was posted by the Department.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of five hundred dollars (\$500.00). The Individual/Entity shall pay a civil penalty in the amount of five hundred dollars (**\$500.00**).

Update: The Individual/Entity has met all requirements of the Order. This Order has been closed.

37) Order Type and Number: Consent Order 22-63-FOOD  
Order Date: June 16, 2022  
Individual/Entity: **2 Gingers**  
Facility: 2 Gingers  
Location: 245 Bush River Road  
Columbia, SC 29210  
Mailing Address: Same  
County: Richland  
Previous Orders: 2017-206-03-026 (\$1,000.00);  
2017-206-03-124 (\$1,250.00);  
2018-206-03-138 (\$3,000.00)  
Permit Number: 40-206-07493  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: 2 Gingers (Individual/Entity) operates a restaurant located in Richland County, South Carolina. The Department conducted inspections on February 28, 2022, April 27, 2022, May 6, 2022, and May 16, 2022. The Individual/Entity has violated the

South Carolina Retail Food Establishment Regulation as follows: failed to ensure that refrigerated, ready-to-eat, time/temperature control for safety foods were discarded if the temperature and time combination exceeded seven (7) days or if the package was not properly date marked; and failed to maintain the premises free of insects, rodents, and other pests.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of one thousand, five hundred dollars (\$1,500.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand, five hundred dollars (**\$1,500.00**).

Update: The Individual/Entity has met all requirements of the Order. This Order has been closed.

38) <u>Order Type and Number:</u>	Consent Order 22-48-FOOD
<u>Order Date:</u>	June 21, 2022
<u>Individual/Entity:</u>	<b>Lexington County Detention</b>
<u>Facility:</u>	Lexington County Detention
<u>Location:</u>	521 Gibson Road Lexington, SC 29072
<u>Mailing Address:</u>	Same
<u>County:</u>	Lexington
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	32-206-06799
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: Lexington County Detention (Individual/Entity) operates a cafeteria located in Lexington County, South Carolina. The Department conducted inspections on August 3, 2021, September 2, 2021, April 4, 2022, and April 13, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the premises free of insects, rodents, and other pests.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of eight hundred dollars (\$800.00). The Individual/Entity shall pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

Update: The Individual/Entity has met all requirements of the Order. This Order has been closed.

39) <u>Order Type and Number:</u>	Consent Order 22-43-FOOD
<u>Order Date:</u>	June 27, 2022
<u>Individual/Entity:</u>	<b>Mi Tierra</b>
<u>Facility:</u>	Mi Tierra
<u>Location:</u>	4944 Highway 321 Gaston, SC 29053
<u>Mailing Address:</u>	Same
<u>County:</u>	Lexington
<u>Previous Orders:</u>	None

Permit Number: 32-206-07262  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Mi Tierra (Individual/Entity) operates a restaurant located in Lexington County, South Carolina. The Department conducted inspections on March 24, 2022, April 1, 2022, April 6, 2022, April 15, 2022, and April 22, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety food was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of two thousand, four hundred dollars (\$2,400.00). The Individual/Entity shall pay a civil penalty in the amount of two thousand, four hundred dollars (**\$2,400.00**).

Update: The Individual/Entity has met all requirements of the Order. This Order has been closed.

40) Order Type and Number: Consent Order 22-59-FOOD  
Order Date: June 27, 2022  
Individual/Entity: **Brother Shuckers Seafood**  
Facility: Brother Shuckers Seafood  
Location: 4999-4 Carolina Forest Boulevard  
Myrtle Beach, SC 29579  
Mailing Address: Same  
County: Horry  
Previous Orders: 21-09-FOOD (\$1,200.00)  
Permit Number: 26-206-13691  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Brother Shuckers Seafood (Individual/Entity) operates a restaurant located in Horry County, South Carolina. The Department conducted inspections on March 16, 2022, March 24, 2022, and April 1, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the premises free of insects, rodents, and other pests.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of one thousand, five hundred dollars (\$1,500.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand, five hundred dollars (**\$1,500.00**).

Update: The facility is currently closed and no longer possesses a Retail Food Service Permit. This Order has been closed.

41) Order Type and Number: Consent Order 21-44-FOOD  
Order Date: June 28, 2022  
Individual/Entity: **Ravinder Kumar**  
Facility: Buddy's on Wilson #2

Location: 2453 Wilson Road  
Newberry, SC 29108  
Mailing Address: Same  
County: Newberry  
Previous Orders: 2016-206-03-113 (\$800.00)  
2017-206-03-027 (\$500.00)  
Permit Number: 36-206-01104  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Ravinder Kumar, individually and D.B.A. Buddy's on Wilson #2 (Individual/Entity) operates a restaurant located in Newberry County, South Carolina. The Department conducted inspections on January 20, 2022, March 17, 2022, March 25, 2022, April 1, 2022, and April 8, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that at least one employee that has supervisory and management responsibility, the authority to direct and control food preparation and service, the ability to enforce employee health policies, and a frequent presence at the facility shall be a certified food protection manager who has shown proficiency of required information through passing a test that is part of an accredited program.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of one thousand dollars (\$1,000.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**).

Update: The Individual/Entity has met all requirements of the Order. This Order has been closed.

42) Order Type and Number: Consent Order 22-66-FOOD  
Order Date: June 28, 2022  
Individual/Entity: **Dirty Don's Oyster Bar & Grill**  
Facility: Dirty Don's Oyster Bar & Grill  
Location: 661 Main Street  
North Myrtle Beach, SC 29582  
Mailing Address: Same  
County: Horry  
Previous Orders: 22-17-FOOD (\$400.00)  
Permit Number: 26-206-14162  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Dirty Don's Oyster Bar & Grill (Individual/Entity) operates a restaurant located in Horry County, South Carolina. The Department conducted inspections on January 27, 2022, February 4, 2022, and May 12, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to maintain the proper sanitization concentration in a chemical sanitizer used in a manual or mechanical operation during contact times.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of one thousand dollars

(\$1,000.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**).

Update: The Individual/Entity has met all requirements of the Order. This Order has been closed.

43) Order Type and Number: Consent Order 22-68-FOOD  
Order Date: June 28, 2022  
Individual/Entity: **Yousef's Kitchen**  
Facility: Yousef's Kitchen  
Location: 1109 East Main Street  
Westminster, SC 29693  
Mailing Address: Same  
County: Oconee  
Previous Orders: None  
Permit Number: 37-206-00212  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Yousef's Kitchen (Individual/Entity) operates a restaurant located in Oconee County, South Carolina. The Department conducted inspections on January 24, 2022, April 27, 2022, and May 5, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to convey sewage to the point of disposal through an approved sanitary sewage system or other system, including use of sewage transport vehicles, waste retention tanks, pumps, pipes, hoses, and connections that are constructed, maintained, and operated according to law; and failed to maintain the premises free of insects, rodents, and other pests.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of eight hundred dollars (\$800.00). The Individual/Entity shall pay a civil penalty in the amount of eight hundred dollars (**\$800.00**).

Update: The Individual/Entity has entered into a payment plan with the Department. The first payment is due August 1, 2022.

44) Order Type and Number: Consent Order 22-74-FOOD  
Order Date: June 28, 2022  
Individual/Entity: **Fatz**  
Facility: Fatz  
Location: 1615 Sandifer Boulevard  
Seneca, SC 29678  
Mailing Address: 1361 West Wade Hampton Boulevard  
Suite F, #6  
Greer, SC 29650  
County: Oconee  
Previous Orders: 22-47-FOOD (\$400.00)  
Permit Number: 37-206-01321  
Violations Cited: S.C. Code Ann. Regs. 61-25

Summary: Fatz (Individual/Entity) operates a restaurant located in Oconee County, South Carolina. The Department conducted inspections on March 22, 2022, April 1, 2022, and May 24, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to keep equipment food contact surfaces and utensils clean to sight and touch; and failed to maintain the premises free of insects, rodents, and other pests.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of five hundred dollars (\$500.00). The Individual/Entity shall pay a civil penalty in the amount of five hundred dollars (**\$500.00**).

Update: The Individual/Entity has met all requirements of the Order. This Order has been closed.

45) <u>Order Type and Number:</u>	Consent Order 22-76-FOOD
<u>Order Date:</u>	June 28, 2022
<u>Individual/Entity:</u>	<b>A Plus Store</b>
<u>Facility:</u>	A Plus Store
<u>Location:</u>	1768 Pinewood Road Sumter, SC 29154
<u>Mailing Address:</u>	Same
<u>County:</u>	Sumter
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	43-206-01046
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-25

Summary: A Plus Store (Individual/Entity) operates a convenience store located in Sumter County, South Carolina. The Department conducted inspections on May 16, 2022, May 26, 2022, and June 3, 2022. The Individual/Entity has violated the South Carolina Retail Food Establishment Regulation as follows: failed to ensure that time/temperature control for safety food was maintained at a temperature of 41 degrees F and below or 135 degrees F and above, except during preparation, cooking, or cooling; failed to ensure that an air gap between the water supply inlet and the flood level rim of the plumbing fixture, equipment, or nonfood equipment was at least twice the diameter of the water supply inlet and not be less than one (1) inch; and failed to provide individual disposable towels at each hand washing sink or group of adjacent handwashing sinks.

Action: The Individual/Entity is required to operate and maintain the facility in accordance with the requirements of all applicable regulations, including S.C. Regs. 61-25. The Department has assessed a total civil penalty in the amount of one thousand dollars (\$1,000.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**).

Update: The Individual/Entity has met all requirements of the Order. This Order has been closed.

### **On-Site Wastewater Enforcement**

46) Order Type and Number: Administrative Order 22-028-OSWW  
Order Date: May 16, 2022  
Individual/Entity: **Heirs and Assigns of Kenneth Halter/Naomi Halter**  
Facility: Heirs and Assigns of Kenneth Halter/Naomi Halter  
Location: Genesis Circle  
West Columbia, SC 29172  
Mailing Address: 441 Dunbar Road  
West Columbia, SC 29170  
County: Lexington  
Previous Orders: None  
Permit Number: None  
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Heirs and Assigns of Kenneth Halter/Naomi Halter (Individual/Entity) owns property located in Lexington County, South Carolina. The Department conducted an investigation on February 16, 2022 and observed domestic wastewater discharging onto the surface of the ground. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department.

Action: The Individual/Entity is required to repair the OSWW system, including any associated plumbing, within five (5) days to effectively stop the discharging of septic tank effluent, domestic wastewater, or sewage to the surface of the ground; or immediately vacate the residence to eliminate the flow of domestic wastewater to the OSWW system. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a **suspended penalty** in the amount of five thousand dollars (**\$5,000.00**) should any requirement of the Order not be met.

Update: As of July 22, 2022, domestic wastewater was observed to continue to discharge to the surface of the ground. The Department has referred the case to OGC for a complaint to be filed with the Administrative Law Court for enforcement of the Order.

47) Order Type and Number: Administrative Order 22-030-OSWW  
Order Date: May 16, 2022  
Individual/Entity: **Heirs and Assigns of Kenneth Halter/Naomi Halter**  
Facility: Heirs and Assigns of Kenneth Halter/Naomi Halter  
Location: 120 Sana Circle  
West Columbia, SC 29170  
Mailing Address: 441 Dunbar Road  
West Columbia, SC 29170  
County: Lexington  
Previous Orders: None  
Permit Number: None  
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Heirs and Assigns of Kenneth Halter/Naomi Halter (Individual/Entity) owns property located in Lexington County, South Carolina. The

Department conducted an investigation on November 2, 2021 and observed domestic wastewater discharging onto the surface of the ground. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department.

Action: The Individual/Entity is required to repair the OSWW system, including any associated plumbing, within five (5) days to effectively stop the discharging of septic tank effluent, domestic wastewater, or sewage to the surface of the ground; or immediately vacate the residence to eliminate the flow of domestic wastewater to the OSWW system. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a **suspended penalty** in the amount of five thousand dollars (**\$5,000.00**) should any requirement of the Order not be met.

Update: The Individual/Entity has met all requirements of the Order. This Order has been closed.

48)	<u>Order Type and Number:</u>	Administrative Order 22-034-OSWW
	<u>Order Date:</u>	May 16, 2022
	<u>Individual/Entity:</u>	<b>Heirs and Assigns of Kenneth Halter</b>
	<u>Facility:</u>	Heirs and Assigns of Kenneth Halter
	<u>Location:</u>	3167 Lot 12 Greenwood Drive West Columbia, SC 29170
	<u>Mailing Address:</u>	441 Dunbar Road West Columbia, SC 29170
	<u>County:</u>	Lexington
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	None
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-56

Summary: Heirs and Assigns of Kenneth Halter (Individual/Entity) owns property located in Lexington County, South Carolina. The Department conducted an investigation on April 13, 2022, and observed domestic wastewater discharging onto the surface of the ground. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department.

Action: The Individual/Entity is required to repair the OSWW system within five (5) days to effectively stop the discharging of septic tank effluent, domestic wastewater, or sewage to the surface of the ground; or immediately vacate the residence to eliminate the flow of domestic wastewater to the OSWW system. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a **suspended penalty** in the amount of five thousand dollars (**\$5,000.00**) should any requirement of the Order not be met.

Update: The Individual/Entity has met all requirements of the Order. This Order has been closed.

49)	<u>Order Type and Number:</u>	Administrative Order 22-024-OSWW
	<u>Order Date:</u>	May 31, 2022



<u>Individual/Entity:</u>	<b>Rigoberto Morales</b>
<u>Facility:</u>	Rigoberto Morales
<u>Location:</u>	Motor Boat Club Road Greenville, SC 29611
<u>Mailing Address:</u>	Same
<u>County:</u>	Greenville
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	None
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-56

Summary: Rigoberto Morales (Individual/Entity) owns property located in Greenville County, South Carolina. The Department conducted an investigation on February 18, 2022, and observed campers and a tiny house being occupied for more than two hours per day without an approved means of domestic wastewater treatment and disposal. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that a dwelling, building, or unit occupied for more than two hours per day is connected to an approved means of domestic wastewater treatment and disposal.

Action: The Individual/Entity is required to connect the campers and tiny house to the available public sewer within five (5) days; or immediately vacate the campers and tiny house. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a **suspended penalty** in the amount of five thousand dollars (**\$5,000.00**) should any requirement of the Order not be met.

Update: The Individual/Entity has met all requirements of the Order. This Order has been closed.

50) <u>Order Type and Number:</u>	Administrative Order 22-025-OSWW
<u>Order Date:</u>	May 31, 2022
<u>Individual/Entity:</u>	<b>Pamela Hunter Honeycutt</b>
<u>Facility:</u>	Pamela Hunter Honeycutt
<u>Location:</u>	1530 Hallmark Road Rock Hill, SC 29730
<u>Mailing Address:</u>	1555 Harris Road Fort Mill, SC 29730
<u>County:</u>	York
<u>Previous Orders:</u>	None
<u>Permit Number:</u>	None
<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-56

Summary: Pamela Hunter Honeycutt (Individual/Entity) owns property located in York County, South Carolina. The Department conducted an investigation on February 11, 2022, and observed domestic wastewater discharging onto the surface of the ground. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department.

Action: The Individual/Entity is required to repair the OSWW system within five (5) days to effectively stop the discharging of septic tank effluent, domestic wastewater, or sewage to the surface of the ground; or immediately vacate the residence to eliminate the

flow of domestic wastewater to the OSWW system. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a **suspended penalty** in the amount of five thousand dollars (**\$5,000.00**) should any requirement of the Order not be met.

Update: The Individual/Entity has met all requirements of the Order. This Order has been closed.

51) Order Type and Number: Administrative Order 22-035-OSWW  
Order Date: May 31, 2022  
Individual/Entity: **Cameron Gunter**  
Facility: Cameron Gunter  
Location: 105 Salak Road  
Greenwood, SC 29649  
Mailing Address: Same  
County: Greenwood  
Previous Orders: None  
Permit Number: None  
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Cameron Gunter (Individual/Entity) owns property located in Greenwood County, South Carolina. The Department conducted an investigation on March 8, 2022, and observed domestic wastewater discharging onto the surface of the ground. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department.

Action: The Individual/Entity is required to repair the OSWW system within five (5) days to effectively stop the discharging of septic tank effluent, domestic wastewater, or sewage to the surface of the ground; or immediately vacate the residence to eliminate the flow of domestic wastewater to the OSWW system. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a **suspended penalty** in the amount of five thousand dollars (**\$5,000.00**) should any requirement of the Order not be met.

Update: On July 25, 2022, the Department issued a demand letter to the Individual/Entity via USPS first-class and certified mail.

52) Order Type and Number: Administrative Order 22-036-OSWW  
Order Date: May 31, 2022  
Individual/Entity: **Jonathan Harrill and Lois Harrill**  
Facility: Jonathan Harrill and Lois Harrill  
Location: 284 Piper Lane  
Pickens, SC 29671  
Mailing Address: Same  
County: Pickens  
Previous Orders: None  
Permit Number: None  
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Jonathan Harrill and Lois Harrill (Individual/Entity) owns property located in Pickens County, South Carolina. The Department conducted an investigation on March 14, 2022 and observed domestic wastewater discharging onto the surface of the ground. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that no septic tank effluent, domestic wastewater, or sewage was discharged to the surface of the ground without an appropriate permit from the Department.

Action: The Individual/Entity is required to repair the OSWW system within five (5) days to effectively stop the discharging of septic tank effluent, domestic wastewater, or sewage to the surface of the ground; or immediately vacate the residence to eliminate the flow of domestic wastewater to the OSWW system. The Department has assessed a total civil penalty in the amount of five thousand dollars (\$5,000.00). The Individual/Entity shall pay a **suspended penalty** in the amount of five thousand dollars (**\$5,000.00**) should any requirement of the Order not be met.

Update: On July 14, 2022, Department personnel spoke with the OSWW contractor scheduled to repair the site. The repairs should be completed by July 25, 2022.

53)	<u>Order Type and Number:</u>	Consent Order 22-022-OSWW
	<u>Order Date:</u>	June 8, 2022
	<u>Individual/Entity:</u>	<b>Greg West, d.b.a. JAlAn Companies, LLC</b>
	<u>Facility:</u>	Greg West, d.b.a. JAlAn Companies, LLC
	<u>Location:</u>	128 Hatchett Road Roebuck, SC 29369
	<u>Mailing Address:</u>	2808 N. Highway 14 Greer, SC 29651
	<u>County:</u>	Spartanburg
	<u>Previous Orders:</u>	None
	<u>Permit Number:</u>	None
	<u>Violations Cited:</u>	S.C. Code Ann. Regs. 61-56

Summary: Greg West, d.b.a. JAlAn Companies, LLC (Individual/Entity), installed an OSWW system at a property located in Spartanburg County, South Carolina. The Department conducted an investigation on November 24, 2021 and determined that the OSWW system was installed outside the permitted area. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: failed to ensure that all systems for which the licensee is responsible are constructed, repaired, and cleaned in accordance with S.C. Regulation 61-56 and permits issued by the Department.

Action: The Individual/Entity is required to cease and desist installing OSWW systems outside the area permitted. The Department has assessed a total civil penalty in the amount of one thousand dollars (\$1,000.00). The Individual/Entity shall pay a civil penalty in the amount of one thousand dollars (**\$1,000.00**).

Update: The Individual/Entity has met all requirements of the Order. This Order has been closed.

54)	<u>Order Type and Number:</u>	Consent Order 22-037-OSWW
	<u>Order Date:</u>	June 15, 2022
	<u>Individual/Entity:</u>	<b>John Steed</b>

Facility: John Steed  
Location: 132 Idas Hideaway Circle  
Cross, SC 29436  
Mailing Address: 1010 Wilson Landing Road  
Pineville, SC 29468  
County: Berkeley  
Previous Orders: None  
Permit Number: None  
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: John Steed (Individual/Entity) installed an OSWW system on property located in Berkeley County, South Carolina. The Department conducted an investigation on March 1, 2022, and determined that the Individual/Entity does not possess a Department issued license to construct and repair OSWW systems. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: they have engaged in the business of constructing and repairing onsite sewage treatment systems without first applying for, receiving, and subsequently maintaining a valid license to conduct such activities, as required by the Department.

Action: The Individual/Entity is required to cease and desist engaging in the business of constructing and repairing onsite sewage treatment systems without first applying for, receiving, and subsequently maintaining a valid license to conduct such activities, as required by the Department. The Department has assessed a total civil penalty in the amount of five hundred dollars (\$500.00). The Individual/Entity shall pay a civil penalty in the amount of five hundred dollars (**\$500.00**).

Update: The Individual/Entity has met all requirements of the Order. This Order has been closed.

55) Order Type and Number: Consent Order 22-031-OSWW  
Order Date: June 22, 2022  
Individual/Entity: **Jeremy Hildreth, d.b.a. Hildreth Backhoe Service**  
Facility: Jeremy Hildreth, d.b.a. Hildreth Backhoe Service  
Location: 1076 Eason Road  
Croghan, SC 29727  
Mailing Address: 712 Doc Wyatt Road  
Wadesboro, NC 28107  
County: Chesterfield  
Previous Orders: None  
Permit Number: None  
Violations Cited: S.C. Code Ann. Regs. 61-56

Summary: Jeremy Hildreth, d.b.a. Hildreth Backhoe Service (Individual/Entity), owns property located in Chesterfield County, South Carolina. The Department conducted an investigation on February 4, 2022, and determined that the Individual/Entity does not possess a Department issued license to construct and repair OSWW systems. The Individual/Entity has violated the South Carolina Onsite Wastewater (OSWW) Systems Regulation as follows: they have engaged in the business of constructing and repairing onsite sewage treatment systems without first applying for,

receiving, and subsequently maintaining a valid license to conduct such activities, as required by the Department.

Action: The Individual/Entity is required to cease and desist engaging in the business of constructing and repairing onsite sewage treatment systems without first applying for, receiving, and subsequently maintaining a valid license to conduct such activities, as required by the Department. The Department has assessed a total civil penalty in the amount of five hundred dollars (\$500.00). The Individual/Entity shall pay a civil penalty in the amount of five hundred dollars (**\$500.00**).

Update: The Individual/Entity has met all requirements of the Order. This Order has been closed.

\* Unless otherwise specified, "Previous Orders" as listed in this report include orders issued by Environmental Affairs Programs within the last five (5) years.

(x) ACTION/DECISION  
( ) INFORMATION

Date: August 11, 2022

To: S.C. Board of Health and Environmental Control

From: Bureau of Vital Statistics

Re: **Notice of Proposed Regulation Amending R.61-19, Vital Statistics**

## I. Introduction

The Bureau of Vital Statistics proposes the attached Notice of Proposed Regulation amending R.61-19, Vital Statistics, for publication in the August 26, 2022, *South Carolina State Register* (“*State Register*”). Legal authority resides in S.C. Code Section 44-63-20, which provides that the Department of Health and Environmental Control (“Department”) shall establish the Bureau of Vital Statistics and formulate, promulgate, and enforce regulations regarding registration and certification of Vital Statistics. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

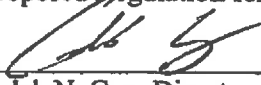
## II. Facts


1. The purpose of this proposed revision to R.61-19 is to make general updates that will make processes more clear, concise, customer-friendly, and efficient; to remove obsolete sections; to add and update definitions; to address advancements in processes for the creation and amendment of vital records; and to bring the regulation into conformity with changes in South Carolina law.
2. The Department had a Notice of Drafting published in the April 22, 2022, *State Register*. A copy of the Notice of Drafting appears herein as Attachment B. The Department received public comments from nine parties by May 23, 2022, the close of the public comment period. Attachment C presents a summary of these public comments and the Department’s responses.
3. Department staff conducted a general stakeholder meeting on May 19, 2022, to receive comments on the proposed amendments. Additional targeted stakeholder meetings were held via Microsoft Teams on April 29, May 3, May 5, May 11, May 13, and May 16, 2022, to address specific sections that impact these groups, including funeral home personnel, medical certifiers for death certificates, Induced Termination of Pregnancy (ITOP) facilities, LGBTQ advocacy groups, surrogacy providers, and attorneys. A total of approximately 120 individuals attended these various stakeholder meetings online; three stakeholders attended the general in-person meeting on May 19, 2022. Overall feedback from all meetings was positive. The most frequent concern raised regarded new sections related to administrative penalties (Section 700). However, it was discussed that the statute is very clear on what these fines are and when they are to be administered. The proposed regulations are simply defining the process for individuals to be notified and to have an opportunity to respond, as well as to receive a reduction of the fines if paid in a timely manner. The meeting for LGBTQ groups (May 11) to discuss the regulations relating to amending the sex marker on certificates, as well as parental titles, did not have any stakeholders in attendance. The meeting to discuss the sections relating to surrogacy (May 13) had two attorneys in attendance, who offered very valuable insight into the court processes and procedures that influenced our drafting of the sections relating to surrogacy and gestational carriers.

4. Appropriate Department staff conducted an internal review of the proposed amendments on May 25, 2022.

### III. Request for Approval

The Bureau of Vital Statistics respectfully requests the Board to grant approval of the attached Notice of Proposed Regulation for publication in the August 26, 2022, *State Register*.

  
Caleb N. Cox, Director  
Bureau of Vital Statistics

  
Dr. Brannon Traxler, Director  
Public Health

**Attachments:**

- A. Notice of Proposed Regulation
- B. Notice of Drafting published in the April 22, 2022, *State Register*
- C. Summary of Public Comments Received and Department Responses

**ATTACHMENT A**

**STATE REGISTER NOTICE OF PROPOSED REGULATION  
FOR R.61-19, Vital Statistics**

**July 7, 2022**

Document No. \_\_\_\_\_  
**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL  
CHAPTER 61**

Statutory Authority: 1976 Code Sections 44-63-10, et seq.

61-19. Vital Statistics.

**Preamble:**

Pursuant to S.C. Code Sections 44-63-10, et seq., the Department of Health and Environmental Control (“Department”) is tasked with establishing a Bureau of Vital Statistics and formulating, promulgating, and enforcing regulations for administering the program. The Department proposes amending R.61-19 to make processes more clear, concise, customer-friendly, and efficient; to remove obsolete sections; to add and update definitions; to address advancements in processes for the creation and amendment to vital records; and to bring the regulation into conformity with changes in South Carolina law. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

The Department had a Notice of Drafting published in the April 22, 2022, South Carolina State Register.

**Section-by-Section Discussion of Proposed Amendments:**

<b>Section</b>	<b>Type of Change</b>	<b>Purpose</b>
100	Revision Addition Reorganization	Amended and recodified existing definitions to update terminology. Added applicable definitions for clarity.
200	Revision Reorganization	Amended to designate the role of Assistant State Registrar, and to recodify sections.
300	No Changes	
301	Addition	Added language to clarify access to the vital statistics system by users “as allowed by law”
302	No changes	
303	Revision Addition	Updated language to clarify that vital records are not subject to FOIA and other clarifications to avoid conflicts with existing laws.
304	Revision Addition/Deletion	Updated language to clarify and simplify data release protocol.
400	No Changes	
401	Revision	General clarification to role of State Registrar



402	Revision	General clarification to role of State Registrar
403	Technical Correction	General Clarification
404	Revision Addition	General clarification to role of State Registrar
405	Revision	General clarification to role of State Registrar
500	No Changes	
501	Revision Addition Technical Corrections	General clarification to role of State Registrar. Added language for the process for surrogacy and gestational carriers. Clarify that only two parents may be listed on a certificate. Update language addressing father to second parent except in cases of a Paternity Acknowledgment. Specify that a child's name may not include more characters or characters that are not allowed by the Vital Statistics system.
502	Revision Addition	General clarifications to the evidences required to file an out-of-institution birth and allow the State Registrar more latitude to accept evidence.
503	Revision Addition	Clarified to align with statute regarding abandoned infants. Specified when certificates of this nature may be issued.
600	No Changes	
601	Revision	Updated language to reflect father/parent. Other general clarifications.
602	No changes	
603	Revision Addition	Updated rules regarding delayed certificate for children under ten (10) to be seventeen (17). Added examples of commonly used documents by the department.
604	Revision Addition	General clarification to role of State Registrar. Language to allow destruction of copies of the accepted documents rather than retain them.
605	Revision	General clarifications.
606	Revision	General clarification to role of State Registrar
607	Revision	General clarifications
608	New Section	Clarified that an applicant may petition a court for a delayed

		birth certificate in accordance with law.
700	No Changes	
701	Revision Addition Technical Corrections	Updated language referring to physicians, coroners, etc., to medical certifier. Prohibits transport companies from filing certificates. Codifies process for "natural burials." Specifies rules for medical certifiers and funeral directors related to the timely filing of certificates as required by law and the process for administering administrative penalties. Allows for date found to be listed as date of death. Clarifies process for coroners or medical examiners to submit non-medical information.
702	Revision	General Clarifications
800	Revision	Amended to provide general clarifications.
900	No Changes	
901	Revision Addition/Deletion	Updated language regarding Burial-Removal-Transit Permits and updated rules for filing to allow for capabilities of new system. Removed language referring to obsolete processes.
902	Revision	General clarifications
903	Revision Addition	Specified that a body being reinterred in the same plot does not need a Disinterment permit. Specified that the disinterment must be performed within one (1) year of the permit being issued. Added language to govern release of information of a disinterment permit.
904	Technical Corrections	
1000	Revision Addition	Amended to provide general clarifications. Added a section to allow for reduction of fines assessed if paid within 30 days.
1100	No Changes	
1101	Revision Additions	General clarifications to specify that sealed files may not be copies or photographed. New section to clarify that the name of the father on a birth certificate will not be removed if paternity

		is rescinded unless ordered by a court.
1102	Revision Addition	Amended to give authority to the State Registrar for acceptance of evidence. Added language to allow demographic language to be corrected when it was originally submitted by the coroner who was not able to contact the family.
1103	Revision Addition	Specifies that affidavit forms must be created by Vital Statistics. Specifies rules for who must sign when a registrant is 18 or older to amend a record. Other general clarifications.
1104	Revision Addition	Clarifies requirements for evidences to amend vital records. Gives latitude to the State Registrar for accepting documents.
1105	Revision Addition	Updated language to allow persons over 1 year old to amend an unnamed certificate with evidence rather than to go to court.
1106	Revision Addition	Updated requirements to amend a date of birth on a birth certificate.
1107	Deletion	Retitled section and moved the last section to a more appropriate location (Section 1104)
1108	Addition/Deletion	Moved language to new section (1113) and replaced with new language regarding a/k/a/ names.
1109	Revision Addition	General clarifications regarding sealed amendment processes. Included language for surrogacy or gestational carrier agreements.
1110	Revision	Clarified that the form is to be developed by the Department. General clarifications. Specified that when parent's rights are terminated the parent will not be removed unless specified in the court order.
1111	New Section	New section to address amendments to a registrant's sex.
1112	New Section	New section to address amendments to parental titles on vital records.

1113	New Section	Includes language from former section 1108 and specifies that once a court order or parentage amendment has been applied to a record, no other amendments may be made without a court order.
1200	Revision Addition/Deletion Technical Corrections Reorganization	Amended to provide general clarifications, added the informant as an entitled party to receive a death certificate for 1 year after date of death, defined minimum certification fields for a birth certification, recodified the section specifying that amended and delayed certificates be marked, specified that verifications for government agencies are subject to the fee schedule, clarified that applications for requests of vital events are not to be released, and specified that certifications will be issued in the electronic format unless it does not correctly reflect the information from the original record.
1300	Addition/Deletion	Added a clarifying identifier for non-refundable fees, and deleted language requiring a split in the funding.

**Notice of Public Hearing and Opportunity for Public Comment:**

Interested persons may submit comment(s) on the proposed amendments to Caleb Cox of the Bureau of Vital Statistics; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; [vrreg@dhec.sc.gov](mailto:vrreg@dhec.sc.gov). To be considered, the Department must receive the comment(s) by 5:00 p.m. on September 26, 2022, the close of the comment period.

The S.C. Board of Health and Environmental Control will conduct a public hearing on the proposed amendments during its November 10, 2022, 11:00 a.m. meeting. Interested persons may make oral and/or submit written comments at the public hearing. Persons making oral comments should limit their statements to five (5) minutes or less. The meeting will take place in the Board Room of the DHEC Building, located at 2600 Bull Street, Columbia, S.C. 29201. Due to admittance procedures, all visitors must enter through the main Bull Street entrance and register at the front desk. The Department will publish a meeting agenda twenty-four (24) hours in advance indicating the order of its scheduled items at: <http://www.scdhec.gov/Agenda>. Public hearing procedures are subject to change in response to COVID-19 protocols. If applicable, the Department will provide notice of these changes twenty-four (24) hours in advance of the public hearing.

The Department publishes a Monthly Regulation Development Update tracking the status of its proposed new regulations, amendments, and repeals and providing links to associated State Register documents at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>.

## **Preliminary Fiscal Impact Statement**

Most of the regulation updates will have minimal, if any, fiscal impact on the Department. The impact of the administrative penalties and fines, which are required by statute, will assist the Department in the timely filing of certificates, and any revenue will be used for the upkeep and improvement of the program.

## **Statement of Need and Reasonableness**

The following presents an analysis of the factors listed in 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: 61-19, Vital Statistics

Purpose: The Department proposes amending R.61-19, Vital Statistics, to provide general updates to make processes more clear, concise, customer-friendly, and efficient; to remove obsolete sections; to add and update definitions; to address advancements in processes for the creation and amendment of vital records; and to bring the regulation into conformity with changes in South Carolina law.

Legal Authority: 1976 Code Sections 44-63-10, et seq.

Plan for Implementation: The amendments will take legal effect upon General Assembly approval and upon publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments. Additionally, a copy of the regulation will be posted on the Department's website, accessible at [www.scdhec.gov/regulations-table](http://www.scdhec.gov/regulations-table). Printed copies may also be requested, for a fee, from the Department's Freedom of Information Office.

## **DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:**

The proposed revisions are needed to clarify Department processes that are performed but not codified in law or regulation, such as surrogacy/gestational carrier agreements, changes to a registrant or decedent's sex, and other more minor amendments. It also establishes processes for laws that were passed in recent years, such as administrative penalties for death certifiers/verifiers and fines for Induced Termination of Pregnancy (ITOP) providers. The proposed amendments will also update and improve policies that presently cause significant hardship for our customers, such as elderly citizens attempting to add their names to unnamed certificates and persons trying to amend their dates of birth. These cases often require court intervention, which is expensive and time-consuming. Other amendments such as to parental titles and regulations governing changes to a registrant's sex are intended to reduce risk to the agency, particularly as it pertains to out-of-state orders. Finally, all of the proposed updates and general clarifications will allow the Department to carry out its role more effectively as stewards of vital records.

## **DETERMINATION OF COSTS AND BENEFITS:**

Although the need for court-required action can never be eliminated completely, the proposed amendments aim to remove this need as much as possible to benefit customers who currently have to pay attorney fees and complete the challenging steps of obtaining a court order to amend vital records. The proposed administrative penalties process will bring some additional revenue to the Department. However, it is difficult to gauge the exact fiscal impact as the Department will be working with providers over the coming years to help them improve processes for filing certificates in a timely fashion once enforcement does take effect.

## **UNCERTAINTIES OF ESTIMATES:**

As discussed above, the implementation of administrative penalties is unclear how severely it will impact the state or stakeholders.

**EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:**

The proposed amendments will not have a significant impact on the environment. The impact to public health will be providing clearer requirements and guidelines to the public for the processes they need to obtain their vital records. This will allow for more timely submission of documents and reduce the challenges caused by amendment processes to registrants.

**DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:**

The proposed amendments will not have a significant impact on the environment. The impact to public health if these amendments are not implemented will be a continuation of having to go to court for many basic amendments that could be done administratively. This can cause financial and emotional stress, which are negative indicators of public health. The timely filing of death certificates also impacts the Department's vital statistics data, which is used to influence many public policies and research requests in the state and nation. Additionally, important aspects of the vital statistics program will continue to go undefined under current regulations and will perpetuate ambiguity and legal risk for the Department.

**Statement of Rationale:**

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(A)(3)(h):

The Department proposes to amend R.61-19 to provide general updates that will improve clarity of processes and functions of the Department related to vital statistics, as well as provide more customer-friendly and efficient processes to achieving constituent goals. The proposed amendments update and improve language that more easily relate to the updated system of vital statistics and add much-needed definitions. Finally, it defines processes that were passed into law that the Department was unable to implement previously. Overall, the proposed amendments are designed to fully implement the law while improving the functions of the Department.

**Text:**

~~Indicates Matter Stricken~~

Indicates New Matter

61-19. Vital Statistics.

Statutory Authority: 1976 S.C. Code Sections 44-63-10 et seq.

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**100. DEFINITIONS**

For the purpose of this regulation, the following definitions shall apply:

A. Amendment. A change to a certification item.

(1) Administrative Amendment. ~~A change to correct a mistake on a certification item on a vital record using documentary evidence and an affidavit of correction.~~ An amendment to a certification item on a vital record without the need of a court order, using documentary evidence, an affidavit form created by the Bureau of Vital Statistics, and other administrative requirements of the Bureau of Vital Statistics.

(2) Sealed Amendment. A change to a birth record after an adoption, statutory maternity or paternity process, or other amendment required by law to be placed in a sealed file. A replacement record is created and the original record is sealed.

(3) Amendment by Court Order. A change to a certification item on a vital record based on a court order.

B. Birth Mother. The woman who gives live birth to a child.

C. Book Copy. A certified image of the original birth certificate.

~~BD.~~ Certification. The document issued by the State Registrar Department and containing all or a part of the exact information contained on the original vital record, and which, when issued by the State Registrar Department, has the full force and effect of the original vital record.

~~CE.~~ Certification Item. Any item of information that appears on a certification.

~~DE.~~ Certifier. A person required to attest to the accuracy of the information submitted on a vital event report.

~~EG.~~ Correction. A change to rectify a mistake on a birth or death record or a report of fetal death based on the original information used to register the record or report.

(1) Administrative Correction. A correction to a certification item on a vital record without the need of a court order, using documentary evidence and an application approved by the Bureau of Vital Statistics.

(2) Correction by Court Order. A change to a certification item on a vital record based on a court order.

FH. Court of Competent Jurisdiction. A court within the United States with jurisdiction over the subject matter and over the necessary parties.

GI. Date of Registration. The month, day, and year a vital event is incorporated into the official records of the Bureau of Vital Statistics.

HJ. Dead Body. A human body or such parts of a human body from the condition of which it reasonably may be concluded that death has occurred.

K. Department. The South Carolina Department of Health and Environmental Control (DHEC).

HL. Disclosure. Making available or making known personally identifiable information contained in a vital record or vital report, by any means of communication.

JM. Electronic Signature. An electronic sound, symbol, or process attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to attest to the accuracy



of the facts in the record.

KN. Facts of Live Birth. The child's name, date of birth, place of birth and sex, and the name(s) of parent(s) appearing on the record of live birth.

LO. Fetal Death. Death prior to the complete expulsion or extraction from its birth mother or gestational carrier of a product of human conception, irrespective of the duration of pregnancy and which is not an induced termination of pregnancy. The death is indicated by the fact that after such expulsion or extraction, the fetus does not breathe or show any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles. Heartbeats are to be distinguished from transient cardiac contractions; respirations are to be distinguished from fleeting respiratory efforts or gasps.

MP. Final Disposition. The burial, interment, cremation, removal from the Sstate, or other authorized disposition of a dead body or fetus.

Q. Gestational Carrier. A woman carrying and delivering a child through a formal agreement for assisted reproduction and when she is not the intended parent of the child.

NR. Government Agency. A unit of local, state, federal, or tribal government.

OS. Health Research. A systematic study to gain information and understanding about health with the goal of finding ways to improve human health, conducted in accordance with generally accepted scientific standards or principles and designed to develop or contribute to generalizable scientific knowledge.

PT. Human Remains. A dead body, or any part of the body of a human being from the condition of which it reasonably can be concluded that death occurred but does not include human ashes recovered after cremation.

QU. Individual. A natural person.

RV. Induced Termination of Pregnancy. The purposeful interruption of an intrauterine pregnancy with the intention other than to produce a live-born infant, and which does not result in a live birth. This definition excludes management of prolonged retention of products of conception following fetal death.

SW. Informant. The person who provides demographic and personal information as required for the report of death.

TX. Institution. Any establishment, public or private, which provides:

- (1) in-patient or out-patient medical, surgical, or diagnostic care or treatment; or
- (2) nursing, custodial, or domiciliary care; or
- (3) to which persons are committed by law.

UY. Interment. The disposition of human remains by entombment or burial.

VZ. Legal Representative. A licensed attorney representing the registrant or other entitled applicant.

WAA. Live Birth. The complete expulsion or extraction from its birth mother or gestational carrier of a product of human conception, irrespective of the duration of pregnancy, which, after such expulsion or extraction, breathes, or shows any other evidence of life, such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut

or the placenta is attached. Heartbeats are to be distinguished from transient cardiac contractions; respirations are to be distinguished from fleeting respiratory efforts or gasps.

BB. Medical Certifier. A licensed physician, physician assistant (PA), advanced registered nurse (APRN), coroner, medical examiner, or other officer authorized by S.C. law or regulation to certify the cause and manner of death on a death certificate who has treated the decedent through examination, medical advice, or medications within the twelve (12) months preceding the death for the illness or condition which resulted in death as defined in S.C. Code Section 44-63-74(3).

CC. Midwife. A person licensed by the State of South Carolina who provides midwifery services as defined in Regulation 61-24, Licensed Midwives.

DD. Natural Burial. The interment of the body of a dead person in the soil in a manner that does not inhibit decomposition but allows the body to be naturally recycled. The body is neither cremated nor prepared with chemicals such as embalming fluids. The body may be placed in a biodegradable coffin or shroud and interred without a concrete burial vault.

EE. Next of Kin/Immediate Family Member. The decedent's surviving spouse, adult children, parents, siblings, grandparents, or grandchildren.

FF. Original Birth Certificate for Adoptees. A copy of the sealed original birth certificate issued to adoptees according to S.C. Code Section 44-63-140. The non-certified copy is issued on plain white paper and may not be used for legal purposes.

GG. Person Serving as Funeral Director (Other Agent). An individual who chooses to handle final disposition and filing of the death record of a deceased family member or friend without compensation and without the services of a licensed funeral director. Transportation companies cannot serve as a funeral director or other agent unless specified by the State Registrar or Assistant State Registrar.

XHH. Personally Identifiable Information. Information that can be used to distinguish or trace an individual's identity, such as, but not limited to, his or her name, Social Security number, biometric records or address, alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as, but not limited to, date and place of live birth or mother's name prior to first marriage.

YII. Person in Charge of an Institution. The officer or employee who is responsible for administration and includes, but is not limited to, a person holding the title of chief executive officer, administrator, superintendent, director or executive director.

ZJJ. Physician. A person authorized or licensed to practice medicine or osteopathy pursuant to the laws of this State.

AAKK. Record. A report of a vital event that has been registered by the ~~State Registrar~~ Department.

BBLL. Registration. The process by which reports are accepted and incorporated into the official records of the Bureau of Vital Statistics.

CCMM. Report. A document, paper or electronic, containing information related to a vital event submitted by a person or entity required to submit the information in accordance with this regulation to the Bureau of Vital Statistics for the purpose of registering a vital event.

DDNN. Sealed File. The original record of a vital event that has been sealed after amendment and the evidence submitted to support the change. Sealed files shall not be subject to inspection, except upon order

of the Family Court.

~~EE. State. A State of the United States, the District of Columbia, New York City, American Samoa, the Commonwealth of the Mariana Islands, the Commonwealth of Puerto Rico, Guam and the U.S. Virgin Islands.~~

~~FFOO. State Registrar. The State Registrar of Vital Statistics officer tasked by state law with carrying into effect the regulations and orders of the Department related to Vital Statistics. All duties and responsibilities relating to Vital Statistics may be delegated at his discretion to the Assistant State Registrar.~~

~~GG. Department. The South Carolina Department of Health and Environmental Control (DHEC).~~

~~HHPP. System of Vital Statistics. The collection, registration, preservation, amendment, certification, verification, and the maintenance of the security and integrity of vital records; the collection of other reports required by this regulation; and activities related thereto including the tabulation, analysis, publication, and dissemination of vital statistics.~~

~~QQ. User. Any individual with access to or responsibility for data entry into the Vital Statistics system.~~

~~HRR. Verification. A confirmation of the information contained in a vital record.~~

~~HSS. Vital Event. A live birth, death, fetal death, marriage, divorce, annulment, or induced termination of pregnancy.~~

~~KKTT. Vital Records. Reports of live birth, death, marriage, divorce, or annulment and data related thereto which have been accepted for registration and incorporated into the official records of the Bureau of Vital Statistics.~~

~~LUU. Vital Reports. Reports of fetal death and induced terminations of pregnancy which have been accepted for registration and incorporated into the Department's vital statistics.~~

~~MMVV. Vital Statistics. The aggregated data derived from the records and reports of live birth, death, fetal death, induced termination of pregnancy, marriage, divorce, or annulment and supporting documentation and related reports.~~

## **200. SYSTEM OF VITAL STATISTICS**

### **201. General**

A. The State Registrar may establish, designate, or eliminate offices in the state to aid in the efficient administration of the system of vital statistics. The Assistant State Registrar shall be the Director of the Bureau of Vital Statistics.

B. The State Registrar and Assistant State Registrar may delegate such functions and duties vested in them to employees of the Bureau of Vital Statistics and to employees of any office established or designated under Section 200.A.

AC. The System of Vital Statistics shall:

- (1) be directed and supervised by the State Registrar who shall be custodian of its records.
- (2) be uniform in policy and procedure throughout the ~~S~~state.

~~BD.~~ Public health programs within the Department may be provided copies of or data derived from vital records and vital reports required under ~~these~~this regulations, as the State Registrar determines are necessary for public health planning and program activities. The copies or data shall remain the property of the Bureau of Vital Statistics, and the uses shall be governed by the State Registrar as allowed by law.

~~C. The State Registrar may establish, designate or eliminate offices in the State to aid in the efficient administration of the system of vital statistics.~~

~~D. The State Registrar may delegate such functions and duties vested in him or her to employees of the Bureau of Vital Statistics and to employees of any office established or designated under Section 201C.~~

## **300. SECURITY AND CONFIDENTIALITY OF SYSTEM OF VITAL STATISTICS**

### **301. General.**

All users of the system of vital statistics shall:

- A. complete authentication procedures as required by the Bureau of Vital Statistics and only access the components of the system necessary for their official roles and duties and as allowed by law;
- B. maintain specified levels of training related to security and acknowledge in writing security procedures and penalties;
- C. allow validation of data provided in reports submitted for registration through site visits by Department staff at a frequency specified by the State Registrar to maximize the integrity of the data reported;
- D. secure their workplace, storage and technology environments to protect all personally identifiable information; and
- E. acknowledge in writing the procedures to identify and report to the Department any breach of the system of vital statistics.

### **302. Preservation of Vital Records and Vital Reports.**

Records or reports registered with the Department shall be reproduced and preserved as determined appropriate by the State Registrar. Such reproductions when verified and approved by the State Registrar shall be accepted as the original vital record documents. The original vital record documents from which permanent reproductions have been made may be disposed of as provided by retention schedules.

### **303. Confidentiality.**

A. Vital records, vital reports, indices, related documents, and data or information contained therein shall be confidential and shall not be considered public records subject to disclosure under state or federal Freedom of Information Acts or public records laws except as otherwise specified in law.

1. No person shall permit inspection of, or disclose data or information contained in vital records, vital records related documents, or in vital reports, except as specifically allowed by law.

2. No person shall ~~or~~ copy or issue a copy of all or part of any such record or report except as specifically allowed by ~~state~~ law.

B. To protect the confidentiality and security of vital records and vital reports, access to or disclosure of information contained in vital records for sale or release to the public, for direct or in direct marketing of

goods or services, for ~~other non-research~~ solicitation of registrants or families of registrants (unless explicitly allowed by law), or for other commercial or speculative purposes shall not be deemed a proper purpose.

### **304. Disclosure of Information from Vital Records or Vital Reports for Health Research.**

A. Each request for vital records and reports data to be used for health research or other informational purposes shall be submitted in accordance with the Department's public health data release protocol developed by the Department policies and procedures.

B. ~~The Data Release Protocol shall~~ Any requestor will be required to sign a data release agreement that:

~~(1) require the requestor to sign a data release agreement;~~

~~(2) prohibits~~ (1) prohibits the re-release of any information, unless specifically allowed in the data release agreement;

~~(3) restricts~~ (2) restricts use of the data for the specified purpose; ~~and~~

~~(4) specifies~~ (3) specifies that ownership of vital records and vital report data provided under the data release agreement remains with the Bureau of Vital Statistics;

~~(4) specifies applicable data suppression rules to protect confidentiality when the number of cases is small enough that reidentification is possible; and~~

~~(5) defines variables classified as confidential and non-releasable variables.~~

Variables will be classified as restricted, confidential, or non-releasable by the Director of the Bureau of Vital Statistics.

C. ~~To insure the confidentiality of registrants, health care facilities, and health care professionals, certain data elements shall be classified as Restricted, Confidential, or Never Releasable data elements.~~

~~— (1) Restricted data are those data elements that require approval for release pursuant to the Data Release Protocol. Elements include, but are not limited to, health care facility identifiers, health care professional identifiers, patient medical record number or chart number, and state file number.~~

~~— (2) Confidential data elements are those that shall be released only if authorized by law and include, but are not limited to, name and address.~~

~~— (3) Never releasable data elements are those that may be used for statistical linking purposes only. Elements include, but are not limited to, social security number, and any other personal identifying information protected from release by law. All identifiers may be released back to the entity providing the data.~~

~~— D. Other data elements not specified in Section 304C, shall be considered restricted data and shall be subject to the Data Release Protocol.~~

## **400. RECORDS AND REPORTS**

### **401. Forms, Records, Reports, and Electronic Data Files.**

All forms, records, electronic data files, reports, and supporting documentation used in the system of vital

statistics are the property of the Department and shall be surrendered upon demand. The forms prescribed and distributed by the ~~State Registrar Department~~ for reporting vital events shall be used only for official purposes. Only those forms, including worksheets used in the preparation of records or reports, furnished or approved by the State Registrar shall be used for the submission of records and reports or in certifications thereof. Electronic data records will be accepted only when standards set by the State Registrar are met. Only computer programs specified and provided or otherwise authorized by the State Registrar shall be used for the submission of records and reports.

#### **402. Requirements for Preparation of Records and Reports.**

A. All individuals preparing, submitting, or certifying a vital event shall be trained or approved by the Bureau of Vital Statistics.

B. All forms, records, and reports relating to vital events must either be computer printed, typewritten, or printed legibly in black, unfading ink, or generated using electronic media approved by the State Registrar.

C. All signatures required shall be either electronic or entered in black, unfading ink.

D. Unless otherwise directed by the State Registrar, a report shall only be acceptable for registration when it:

- (1) contains the certifier's name computer printed, typed, or printed legibly;
- (2) supplies all items of information or satisfactorily accounts for their omission;
- (3) does not contain alterations or erasures;
- (4) does not interfere with document imaging;
- (5) contains signatures as required;
- (6) has no marks or flags such as "copy" or "duplicate";
- (7) is an original;
- (8) is prepared on the proper form;
- (9) does not contain improper or inconsistent data;
- (10) does not contain an indefinite cause of death, which denotes only symptoms of disease or conditions resulting from disease;
- (11) is prepared in conformity with regulations or instructions issued by the ~~State Registrar Department~~; and
- (12) does not contain false information.

#### **403. Persons Required to Retain Documentation.**

A. Every person in charge of an institution shall retain documentation of personal data as required for the reports of live birth, death, fetal death, or induced termination of pregnancy required by this regulation. The documentation shall include information provided by the person being admitted or confined, but when

it cannot be so obtained, the information shall be obtained from relatives or other persons acquainted with the facts. The name and address of the person providing the information shall be a part of the documentation.

B. Any licensed health care provider shall retain documentation of personal data concerning each person under the provider's care for a condition that results in a reportable vital event when such documentation is not maintained by an institution described in Section 403.A. The documentation shall include such information as required for the provider to submit a report of live birth, death, fetal death, or induced termination of pregnancy required by this regulation. The documentation shall include information provided by the person being treated. If the person being treated cannot provide the information, then the licensed health care provider shall obtain the information from relatives or other persons acquainted with the facts. The name and address of the person providing the information shall be a part of the documentation.

C. When a dead body or fetus is released or disposed of by an institution, the person in charge of the institution shall retain documentation showing the name of the decedent, date of death, name and address of the person to whom the body or fetus is released, and the date of removal from the institution. If final disposition is made by the institution, the date, place, and manner of disposition shall also be documented.

D. A funeral director, embalmer, or other person who removes from the place of death, transports, or makes final disposition of a dead body or fetus, in addition to filing any record or other report required by law or regulations, shall retain documentation which shall identify the body, and the following information pertaining to his or her receipt, removal, delivery, burial, or cremation of such body:

(1) The date, place, and time of receipt;

(2) The date, place, and manner of disposition;

(3) If the dead body or fetus is delivered to another funeral director, the date of such delivery and the name and address of the funeral director to whom delivered; and

(4) The demographic and personal data collected from the informant as required by the report of death for those deaths for which the funeral director was required to register the report.

E. Documentation maintained under this section shall be retained for a period of not less than one (1) years and shall be made available for inspection by the State Registrar or his or her representative upon demand.

#### **404. Duties to Furnish Information.**

A. Upon demand of the ~~State Registrar-Department~~, any person having knowledge of the facts shall furnish such information as he or she may possess regarding any live birth, death, fetal death, induced termination of pregnancy, marriage, ~~or divorce~~, or annulment. Any person required to report shall provide to the ~~State Registrar-Department~~ information that was required to be reported, but that was not so reported, within five (5) calendar days of that person receiving that information.

B. Within five (5) calendar days of receipt of any autopsy results or other information that would provide pending or missing information or correct errors in a reported cause of death, the physician, medical examiner, or coroner required to report the death shall register a supplemental report of the cause of death to amend the record.

C. The State Registrar or designee shall have the authority to require alternative documentation from the data provider of the occurrence of vital events for the purpose of quality assurance.

#### **405. Content of Vital Records and Vital Reports.**

A. In order to promote and maintain nationwide uniformity in the system of vital statistics, the forms of vital records and vital reports required by law, or by regulations, shall include as a minimum the items recommended by the National Center for Health Statistics or its successor agency.

B. Each vital record, vital report, and other document required by this regulation shall be prepared in the format approved by the State Registrar.

C. All vital records and vital reports shall contain the date of registration.

D. Information required in forms, vital records, or vital reports authorized by this regulation may be submitted, verified, registered, and stored by photographic, electronic, or other means as prescribed by the ~~State Registrar~~ Department.

## 500. LIVE BIRTH REGISTRATION

### 501. General.

A. A report of live birth for each live birth which occurs in this ~~State~~ shall be submitted to the Bureau of Vital Statistics, or as otherwise directed by the State Registrar, within five (5) calendar days after such live birth and shall be registered if it has been completed and submitted in accordance with this section.

B. The physician, institution, or other person providing prenatal care shall provide the prenatal care information required for the report to the institution where the delivery is expected to occur not less than thirty (30) calendar days prior to the expected delivery date. Any subsequent prenatal care information shall be submitted to the institution prior to submission of report of live birth.

C. When a live birth occurs in an institution or en route thereto, the person in charge of the institution or his or her authorized designee shall obtain all data required by the ~~State Registrar~~ Department, prepare the report, certify that the child was born alive at the place and time and on the date stated either by signature or by an approved electronic process, and submit the report within the required five (5) calendar days.

D. In obtaining the information required for the report, all institutions shall use information gathering procedures, including worksheets, provided or approved by the State Registrar. Institutions may establish procedures to transfer, electronically or otherwise, information required for the report from other systems. Such procedures shall be reviewed and approved by the State Registrar prior to implementation to ensure that the information being transferred is the same as that being requested for the report.

E. When a live birth occurs outside an institution:

(1) the information for the report of live birth shall be submitted in the format specified by the ~~State Registrar~~ Department and in the following order of priority within five (5) calendar days of the live birth by:

(a) the medical institution at which the birth mother or gestational carrier and child are examined within five (5) calendar days of the live birth; or

(b) a licensed midwife or physician in attendance at the live birth; or

(c) the birth mother with documentary evidence as described in Section 502; or

(d) the Coroner in cases where investigation is required.



(2) an order from ~~the~~ South Carolina Family Court in this State shall be required to register a live birth when the report submitted does not include the minimum acceptable documentation required in the regulations or the State Registrar has cause to question the validity or adequacy of the documentary evidence.

F. When a live birth occurs on a moving conveyance within the United States and the child is first removed from the conveyance in this ~~S~~state, the live birth shall be registered in this ~~S~~state and the place where it is first removed shall be considered the place of live birth. When a live birth occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the child is first removed from the conveyance in this ~~S~~state, the live birth shall be registered in this State, but the report shall show the actual place of live birth insofar as can be determined.

G. For purposes of live birth registration and maternity determination:

(1) The woman who gives live birth to the child shall be recorded as the birth mother and the information required by the report of live birth shall be that of the birth mother, except as required by Section 501.G(4);

(2) ~~Thereafter, a~~ A court of competent jurisdiction may determine that a woman other than the live birth mother is the biological or genetic mother and order that the original live birth record be so ~~amended~~ replaced in accordance with Section 1109. The original live birth record shall then be placed under seal.

(3) In the context of birth through gestational carrier, Sections 501.G(1) and G(2) above shall apply for recording the parentage information, unless the intended parent or parents have obtained a pre-birth order from a court of competent jurisdiction. The pre-birth order establishing parentage may be acceptable when the order is issued no more than six (6) months prior to the expected due date and contains all of the following information:

(a) The full name and date of birth of the gestational carrier;

(b) The expected due date and intended name of the child;

(c) The intended hospital of birth;

(d) A finding of no parental rights to the child of the gestational carrier and her spouse, if married;

and

(e) The full names (including names prior to first marriage), dates of birth, state of birth (or country, if foreign born), and any other necessary information of the intended parents to create the birth certificate.

(4) In the context of birth through a gestational carrier agreement in which a pre-birth order is obtained, the institution will record information from both the gestational carrier and the intended parent(s) when filing the birth certificate.

H. ~~For the purposes of live birth registration and paternity determination~~ Up to two (2) individuals may be listed as the parents on a certificate of live birth. Paternity/second parent shall be determined as follows:

(1) If the birth mother was married at the time of either conception or live birth, or between conception and live birth, the name of the ~~husband~~ spouse shall be entered on the report as the ~~father~~ second parent of the child.

(2) If the birth mother was not married at the time of either conception or live birth or between conception and live birth, the name of the father shall not be entered on the report without an

~~a~~Acknowledgment of ~~p~~Paternity on a form developed by the Department and as prescribed by ~~S~~state law and signed by the birth mother and the person to be named as the father. The ~~a~~Acknowledgment shall be filed with the ~~State Registrar~~ Department.

(3) If the ~~father~~second parent is not named on the report of live birth, ~~non-identifiable information about the father may not be entered on the report~~no information about that second parent will be entered on the report.

(4) Thereafter, paternity or second parentage of a child may be determined by a court of competent jurisdiction pursuant to South Carolina law. The name of the father or second parent and surname of the child shall be entered on the report of live birth in accordance with the finding of the court when a valid court order is submitted to the Bureau of Vital Statistics. The original live birth record shall then be placed under seal.

I. The birth mother of the child or, in the case of a gestational carrier, the intended parents and gestational carrier shall verify the accuracy of the personal data to be entered on the report to permit the submission of the report within the five (5) calendar days as prescribed in Section 501 .A.

(1) If the birth mother or gestational carrier is incapacitated or deceased, the legal ~~father~~spouse, or other informant as determined appropriate by the State Registrar shall provide and verify the accuracy of the information.

(2) If the birth mother, the legal spouse, or other informant does not verify the accuracy of the personal data entered within the prescribed five (5) days, the report of live birth shall be filed without verification.

(3) A child's name may not include more characters than is allowed in the system for registration and may not include types of characters not allowed by the system for registration utilized by the Bureau of Vital Statistics for the purpose of registering birth records.

J. Reports of live birth submitted after five (5) calendar days, but within one (1) year from the date of live birth shall be registered in the standard format of live birth reports in the manner prescribed above. Such reports shall not be marked or flagged "Delayed."

K. The State Registrar may require additional evidence in support of the facts of live birth.

## **502. Out-of-Institution Live Birth.**

A. When a live birth occurs in this ~~S~~state outside of an institution, and there is found to be no live birth registration and the report of live birth is to be registered before the first birthday, additional evidence in support of the facts of live birth may be required.

B. For an unattended birth when the birth mother is responsible for submitting the report of live birth, the following documentary evidence is required:;

(1) Evidence of pregnancy from a licensed medical professional;

(2) Evidence created within (5) calendar days of the date of live birth from a licensed medical professional showing that the infant was born alive;

(3) Evidence of the birth mother's presence in this ~~S~~state on the date of the live birth; and

(4) Other evidence acceptable to the State Registrar.

C. When the State Registrar has cause to question the validity or adequacy of the documentary evidence submitted for an out-of-institution live birth, the report of live birth shall not be registered without an order from ~~the~~ South Carolina Family Court establishing the facts of birth.

**503. Abandoned Infants of Unknown Parentage; Foundling Registration.**

A. When an abandoned infant up to 30 days of age and of unknown parentage, including a baby surrendered pursuant to S.C. Code Section 63-7-40- is brought to an emergency room or ~~admitted~~ to an institution, the person in charge of the institution shall submit the report of live birth within five (5) calendar days of discovery to the Bureau of Vital Statistics with the following information:

(1) The date and city and/or county of ~~finding~~ discovery;

(2) Sex and approximate live birth date of child as determined by a physician or licensed health care provider;

(3) Name and address of the person or institution submitting this report;

(4) Name given to the child by the custodian of the child, if applicable; and

(5) Other data required by the State Registrar.

B. The place where the child was found or discovered shall be entered as the place of live birth.

C. Information submitted under this section shall constitute the basis for the report of live birth for the child.

D. The report for an abandoned infant of unknown parentage shall be registered in the current format for live births and shall:

(1) have foundling plainly marked or flagged on the report;

(2) show the required facts as determined by approximation and have parentage data left blank; and

(3) show the name and title of the person or institution submitting the report under section 503.A.

E. If the child is identified and a live birth registration is found or obtained, the report submitted under this Section and any live birth registration resulting from that report shall be voided and placed in a sealed file and shall not be subject to inspection except upon order of ~~the~~ South Carolina Family Court or by the State Registrar Department for purposes of administering the vital statistics program.

F. For purposes of this section, W~~hen an infant over 30 days of age and of unknown parentage is found abandoned child does not meet the definition of "infant" in S.C. Code Section 63-7-40, a court order shall be required to file a report of live birth. The court order shall establish the facts of birth in Section 503.A.~~

G. Birth Records registered under this Section that contain the parents' information shall not be issued except to the S.C. Department of Social Services for the purposes of adoption or care for the child.

**600. DELAYED REGISTRATION OF BIRTHS**

**601. General.**

A. The following minimum facts must be established by documentary evidence:

- (1) the full name of the person at the time of live birth;
- (2) the date of live birth;
- (3) that the live birth occurred in South Carolina;
- (4) the full name of the birth mother prior to first marriage; and
- (5) the full name of the father/parent if parents were married at the time of birth. Otherwise, the name of the father/parent shall not be entered on the delayed certificate unless:

- \_\_\_\_\_ (a) the child has been adopted or ~~legitimated~~ legitimized, or
- \_\_\_\_\_ (b) the paternity has been determined by ~~the~~ a court of competent jurisdiction or ~~an~~ paternity Acknowledgment of Paternity accompanies the establishment of the delayed certificate.

B. All delayed births are to be filed on a special “delayed certificate of birth” form adopted by the ~~State Registrar~~ Department.

C. Each delayed certificate of birth established administratively shall be signed by the person whose birth is to be filed if of legal age and is competent to swear to the accuracy of the facts stated therein; otherwise, the certificate shall be signed by a parent or legal guardian.

**602. Documentary Evidence Requirements.**

To be acceptable for registration, the name of the person at the time of the live birth and the date and place of live birth entered on a delayed registration of live birth shall be supported by at least:

- A. Three (3) pieces of acceptable documentary evidence that will establish to the satisfaction of the State Registrar the facts and date of live birth as alleged in the application; and
- B. Facts of parentage shall be supported by at least one (1) document.

**603. Documentary Evidence Acceptability.**

- A. The acceptability of all documentary evidence submitted shall be determined by the State Registrar.
- B. Documents must be from independent sources and shall be in the form of the original record or a duly certified copy thereof or a signed statement from the custodian of the record or document.
- C. All documents submitted in evidence:
  - (1) For persons more than ~~ten-seventeen~~ (17) years of age, must have been established at least ten (10) years prior to the date of application;
  - (2) For persons ~~ten-seventeen~~ (17) years of age or younger, must be dated at least one (1) year prior to the date of application ~~or within the first year of life~~; and
  - (3) Shall not be contradictory.
- D. Documents may include, but are not limited to:

- (1) Census Records;
- (2) Hospital or Medical Records;
- (3) Military Records;
- (4) Social Security Numident Reports;
- (5) Voter registration application;
- (6) School records; or
- (7) Other documents as designated by the State Registrar.

DE. When the State Registrar finds reason to question the validity or adequacy of any evidence submitted, he or she may reject the evidence and advise the applicant of the reasons for this action.

**604. Abstraction of Documentary Evidence.**

A. The State Registrar or his or her designated representative. The Vital Statistics employee preparing the certificate shall abstract on the delayed registration of live birth a description of each document submitted to support the facts. This description shall include:

- (1) the title or description of the document;
- (2) the name and address of the custodial organization;
- (3) the creation date of the original document; and
- (4) all live birth facts required by Section 601 contained in each document accepted as evidence.

B. Original documents submitted in support of the delayed live birth registration shall be returned to the applicant after review. Copies of all accepted documents shall be maintained by the State Registrar. After a delayed birth certificate has been registered with the state, convenience copies of all accepted documents on file with the Bureau of Vital Statistics shall be destroyed.

**605. Verification by the State Registrar.**

The State Registrar, or his or her designated representative, shall verify:

- A. That no prior report of live birth is registered in this ~~S~~state for the person whose live birth is to be recorded;
- B. That he or she has reviewed the evidence submitted to establish the facts of live birth; and
- C. That the abstract of the evidence appearing on the delayed ~~record of live birth~~ certificate accurately reflects the nature and content of the document.

**606. Dismissal After One Year.**

An application for a delayed registration ~~of live birth certificate~~ that has not been completed within one (1) year from the date of application may be dismissed at the discretion of the State Registrar. ~~Upon dismissal,~~ †The State Registrar Department shall so advise the applicant and documents submitted in support of such

application shall be returned to the applicant.

#### **607. Delayed Birth Records Amended by Court Order.**

A live birth originally registered as a delayed live birth shall remain in the ~~delayed-registration birth certificate~~ birth certificate format, regardless of subsequent legal change of status or amendment. The amended certificate will clearly indicate the information changed by court order and be marked as amended by court order. Any certification of such record shall ~~contain a summary of the court order submitted to substantiate the amended delayed registration.~~ note the items changed by the court order and the date the change was made.

#### **608. Establishment of Delayed Birth Certificate by Court Order.**

When the evidence submitted does not satisfy the above requirements, the applicant may petition a court of competent jurisdiction to establish a delayed birth certificate pursuant to S.C. Code Section 44-63-100.

### **700. DEATH REGISTRATION**

#### **701. General.**

A. A report of death for each death which occurs in this Sstate shall be submitted to the Bureau of Vital Statistics, or as otherwise directed by the State Registrar, within five (5) calendar days after death or the finding of a dead body ~~and prior to final disposition,~~ and shall be registered if it has been completed and submitted in accordance with this section.

(1) If the place of death is unknown but the dead body is found in this Sstate, the report of death shall be completed and submitted in accordance with this section. The place where the body is found shall be noted as the place of death.

(2) When death occurs in a moving conveyance within the United States and the body is first removed from the conveyance in this State, the death shall be registered in this Sstate and the place where it is first removed shall be deemed the place of death. When a death occurs on a moving conveyance while in international waters or air space or in a foreign country or its air space and the body is first removed from the conveyance in this State, the death shall be registered in this State, but the report shall show the actual place of death insofar as can be determined.

(3) If the date of death is unknown, the medical certifier shall determine the date by approximation. If the date cannot be determined by approximation, the date found shall be entered and identified as date found.

B. The funeral director or person acting as such who first assumes custody of the dead body shall submit the report of death to the Bureau of Vital Statistics. In cases where there is no funeral director or person acting as such, the coroner shall submit the report of death. In no event shall a transport company file a death record.

(1) ~~He or she~~ The funeral director or person acting as such shall obtain the personal data from the next of kin or the best qualified person or source available and shall obtain the medical certification from the person responsible, therefore.

(2) The funeral director or person acting as such shall provide the report of death containing sufficient information to identify the decedent to the medical certifier within forty-eight (48) hours after death unless the medical certification has already been submitted.

(3) In cases where the family chooses not to engage the services of a licensed funeral director, they

may dispose of the body by way of a natural burial as defined in Section 100 of this regulation. In such cases, the person listed on the Burial-Removal-Transit Permit (BRTP) as first assuming custody or handling the final disposition of the body shall also be responsible for submitting the report of death to the Bureau of Vital Statistics. If no report is filed within thirty (30) calendar days after the date of death and the Bureau has been unsuccessful in contacting the person listed as responsible for the disposition of the body via the means of contact listed on the BRTP form, they shall file the certificate with the available information.

(4) Medical certifiers or their staff should review cases of deceased individuals designated to them at least once each business day. The medical certification shall be completed within forty-eight (48) hours after receipt of notice of the death by the decedent's primary or attending physician, except when inquiry is required by S.C. Code Section 44-43-720. In the absence or inability of said medical certifier, or with his or her approval, the report may be completed by his or her associate physician, physician's assistant, or APRN, the chief medical officer of the institution in which death occurred, or the physician who performed an autopsy upon the decedent, provided such individual has access to the medical history of the case, and death is due to natural causes. The person completing the cause of death shall attest to its accuracy either by signature or by an approved electronic process.

(5) When inquiry is required by S.C. Code Section 44-43-720, the coroner or medical examiner in the jurisdiction where death or injury occurred or where the body was found shall determine the cause and manner of death and shall complete and sign the medical certification within forty-eight (48) hours after taking charge of the case. If the cause and/or manner of death cannot be determined within forty-eight (48) hours, the cause and/or manner of death shall be entered as pending and a supplemental medical amendment shall be submitted when the cause and/or manner of death is determined.

(6) Administrative penalties as defined in S.C. Code Section 44-63-74 shall be assessed whenever a death certificate is filed more than five (5) calendar days after the date of death. The Department shall review each record filed late to determine whether the funeral home or director, medical certifier (excluding coroners and medical examiners), or both are at fault for the delay of registration.

(a) When fault for the delay of registration is determined by the Department, the party or parties determined to be at fault shall be emailed a notice of violation by the Department and informed of the total amount of the administrative penalty. The funeral home, funeral director, or medical certifier may submit a statement or evidence showing good cause for the delay up to fifteen (15) calendar days after the notice is sent from the Department. If no statement or evidence of good cause is submitted within fifteen (15) calendar days, the party determined at fault will be sent an official notice of the fine assessed via certified mail.

(b) If a statement or evidence is submitted claiming good cause for the delay, the Department shall make a determination within fifteen (15) calendar days whether the good cause is justified. Good cause shall include, but not be limited to, the following: (1) a natural disaster, (2) an emergency declaration from the Governor, (3) a verified system malfunction or error reported within the specified timeframe, (4) when significant but unsuccessful efforts were made to file the record on time, or (5) when the funeral director is unable to obtain information pursuant to S.C. Code Section 44-63-74(A)(2)(a). In cases where there were significant but unsuccessful efforts to file the record on time, the person responsible for registration shall notify the Department via email within the specified timeframe with the cause of the delay. In cases where the decedent's information cannot be obtained pursuant to S.C. Code Section 44-63-74(A)(2)(a), a statement from the informant listed on the death certificate must be submitted stating the reason for the inability to collect the information for good cause to be considered. The Department shall notify the party whether or not good cause is determined within fifteen (15) calendar days after final review of the evidence. If the Department determines good cause is present, fines will be reduced or removed.

(c) If the Department determines that the evidence submitted does not establish good cause for the delay, the party or parties determined at fault will receive a final notice of violation via email and certified

mail that the evidence for good cause has been denied and the fines will be due. Administrative penalties assessed should be paid within thirty (30) calendar days of the final notice being sent. If the fines are paid within the thirty (30) calendar days of the final notice, the party at fault will be eligible for a fifty percent (50%) reduction of fines. If the fees are not paid within thirty (30) calendar days of the final notice, the entire amount due must be paid.

C. When a ~~death is presumed to have~~ court of competent jurisdiction determines a death has occurred within this ~~S~~state but the body cannot be located, a death certificate may be prepared by the ~~State Registrar Department~~ upon receipt of an order of a ~~the court of competent jurisdiction,~~ which shall include the finding of facts required to complete the death record, including, but not limited to, the county of death. Such a death record shall be marked “presumptive” and shall show on its face the date of filing and shall identify the court and the date of the decree.

D. When a death occurring in this ~~S~~state has not been registered as prescribed by this ~~S~~section, a report of death may be submitted to the ~~State Registrar Department~~ using the current format of the report of death provided the ~~physician medical certifier at the time of death or the medical examiner or coroner~~ and the funeral director or person acting as such are available to complete the report of death. If the ~~physician medical certifier at the time of death, county coroner or medical examiner~~ and the funeral director or person acting as such are unavailable or decline then the death shall not be registered except upon receipt of an order from a court with competent jurisdiction ~~over the Department.~~ If the report of death is submitted more than one (1) year after the date of death, the record shall be marked as “delayed” and any certified copy shall be marked as such. If the date of death cannot be determined, the record shall be filed with the date the body was found as the date of death.

E. In obtaining the information required for the report, funeral directors or persons acting as such shall use information gathering procedures, including worksheets, provided or approved by the ~~State Registrar Department.~~ Physicians, coroners or institutions Medical Certifiers may establish procedures to transfer, electronically or otherwise, information required for the medical certification from other systems. Such procedures shall be reviewed and approved by the State Registrar prior to implementation to ensure that the information being transferred is the same as that being requested for the report.

F. In cases where the coroner or medical examiner is providing the non-medical information for report of death, any supplemental non-medical information shall be submitted by the coroner or medical examiner on the approved worksheet form with the Department within five (5) calendar days after such information is obtained. The supplemental information shall be incorporated into the existing death record in accordance with S.C. Code Section 44-63-74.

## **702. Judicial Procedures to Register a Death.**

A death may be registered by the ~~State Registrar Department,~~ upon receipt of an order of a court of competent jurisdiction within this state.

A. The court order to establish a death record shall include all of the following information:

- (1) decedent’s legal name (first, middle, surname and suffix, if any);
- (2) date of death as determined from the evidence presented;
- (3) place of death, including county, as determined from the evidence presented;
- (4) decedent’s date of live birth, ~~S~~state or country of live birth, sex and parent(s) name(s) prior to first marriage;



(5) decedent's residence, including county and ~~S~~state, at time of death;

(6) decedent's marital status at time of death;

(7) name, prior to first marriage, of surviving spouse (if any); and

(8) the information necessary to complete the medical certification including the cause and manner of death. If the death occurred from an injury, information on how and when the injury occurred. If such information is unknown, the order shall indicate such.

B. All certifications issued shall show the date of the court order and the name of the court issuing that order.

C. If the death was registered pursuant to Section 701.C<sub>2</sub> the record shall be marked or flagged "Presumptive."

## **800. FETAL DEATH REGISTRATION**

### **801. General**

A. A report of each fetal death of 350 grams or more, or if weight is unknown, of twenty (20) completed weeks gestation or more, based on clinical estimate of gestation at delivery, which occurs in this ~~S~~state shall be submitted within five (5) calendar days after delivery to the Bureau of Vital Statistics or as otherwise directed by the State Registrar and shall be registered if it has been completed and submitted in accordance with this Section. All induced terminations of pregnancy shall be reported in the manner prescribed in Section 1000 and shall not be reported as fetal deaths.

B. When a fetus is delivered in an institution or en route thereto, the person in charge of the institution, or his or her designated representative, shall obtain all data required by the ~~State Registrar~~ Department to prepare and submit the report. In obtaining the information required by the fetal death report, all institutions shall use information-gathering procedures including worksheets provided or approved by the State Registrar. Institutions may establish procedures to transfer, electronically or otherwise, information required by the fetal death report from other systems. Such procedures shall be reviewed and approved by the State Registrar prior to implementation to ensure that the information being transferred is the same as that being requested on the fetal death report.

C. When a fetus is delivered outside an institution and then taken to an institution, the ~~physician in attendance at or immediately after delivery~~ institution shall prepare and submit the report.

D. When a fetal death required to be reported by this Section occurs ~~without medical attendance at or outside of an institution and the fetus is not taken to an institution~~ immediately after the delivery or when inquiry is required by state law, the coroner shall investigate the cause of fetal death and shall prepare and submit the fetal death report within five (5) calendar days of notification.

E. If the cause of fetal death is unknown or pending investigation, the cause of fetal death shall be noted as such on the fetal death report.

F. When a fetal death occurs in a moving conveyance and the fetus is first removed from the conveyance in this ~~S~~state or when a fetus is found in this ~~S~~state and the place of fetal death is unknown, the fetal death shall be reported in this ~~S~~state. The place where the fetus was first removed from the conveyance or the fetus was found shall be considered the place of fetal death.

G. Reports of fetal death are statistical reports to be used only for public health purposes. Such reports

shall be disposed of when all statistical processing of the reports has been accomplished. However, the ~~State Registrar Department~~ may establish a data file of such reports so they will be available for future research and such file may be retained for as long as the State Registrar deems necessary.

## **900. DISPOSITION AND TRANSPORTATION OF HUMAN REMAINS**

### **901. Permits Governing the Disposal or Transportation of Dead Human Bodies.**

A. The subregistrar or the coroner in the county in which the death occurred shall issue a ~~burial-removal-transit permit~~ Burial-Removal-Transit Permit (B RTP) within forty-eight (48) hours after death ~~or the next business day~~. If the body is found more than forty-eight (48) hours after death, the B RTP shall be filed within forty-eight (48) hours after the body is found.

B. The funeral director, or person acting as such, who first assumes custody of a dead body or fetus shall obtain a ~~burial-removal-transit permit~~ B RTP prior to final disposition or removal of the body or fetus from the State. B RTPs may be emailed, hand delivered, or faxed to a funeral home or company that first takes possession of the body. If a funeral home or transportation company is not participating in the electronic system to receive the B RTP via email, the permit must be printed and delivered to them via one of the aforementioned methods.

~~C. In cases where disposition is handled by an institution or coroner, the subregistrar or coroner shall complete a Burial Removal Transit permit with the exception of the funeral home information and signature of the funeral director and shall forward to the Bureau of Vital Statistics no later than forty-eight hours after death.~~

~~D. Permits must be submitted by the subregistrar or the coroner to the Bureau of Vital Statistics.~~

~~E. A burial-removal-transit permit B RTP issued under the law of another state which accompanies a dead body or fetus into this state shall be authority for final disposition of the body or fetus in this State.~~

### **902. Removal of Body.**

Before taking charge of a dead human body or fetus, the funeral director or person acting as such shall:

A. ~~e~~Contact the attending physician-medical certifier and receive assurance from him or her that death is from natural causes and that the ~~physician-medical certifier~~ will assume responsibility for certifying to the cause of death; or

B. ~~e~~Contact the coroner if the case comes within his or her jurisdiction and receive authorization from him or her to remove the body.

### **903. Authorization for Disinterment and Reinterment.**

A. Except as otherwise provided by statute, a permit for disinterment and reinterment of human remains shall be required prior to disinterment of a dead body or fetus. If the dead body or fetus is being reinterred in the same plot where it was originally interred, a permit shall not be required.

B. A disinterment permit shall be issued only upon receipt of the form prescribed by the State Registrar signed by the next of kin and the person who is to perform the disinterment or upon receipt of an order of a court of competent jurisdiction directing such disinterment. The permit shall be permission for disinterment, transportation, and reinterment. The disinterment must be performed within one (1) year of the date permission was granted by the State Registrar or designee, otherwise the applicant must apply for a new permit. The Department may destroy any copies of permits issued but not returned within one (1)

year of the date permission was granted.

C. Human remains deposited in a receiving vault shall not be considered a disinterment when removed from the vault for final disposition.

D. The funeral director to whom the permit is issued shall retain a copy. A copy shall be used during transportation and filed with the sexton or person in charge of the cemetery of reinterment. The funeral director shall return a copy to the Bureau of Vital Statistics showing the date of reinterment.

E. The permit requirement of this section shall not apply to disinterment or reinterment of a dead body or fetus when death occurred before 1915.

F. Certified copies of completed disinterment permits may be issued to any next of kin of the deceased or the firm authorized to perform the disinterment upon receipt of an application and payment for a record search as defined in Section 1300. No other parties shall be issued copies of the completed disinterment permit except upon order from a court of competent jurisdiction.

#### **904. Disposition of Body or Fetus by Hospital Officials Authorized by Next of Kin.**

Hospital officials who dispose of bodies of persons or fetuses dead of natural causes, with legal permission of the next of kin and not for hire or profit, are responsible for filing the record of fetal death or of death. In all cases, including a reportable fetal death, a ~~Burial-Removal-Transit~~ Permit must be obtained for the disposition of the remains.

### **1000. REPORTS OF INDUCED TERMINATION OF PREGNANCY**

#### **1001. General**

A. Each induced termination of pregnancy which occurs in this State, regardless of the length of gestation, shall be reported to the Bureau of Vital Statistics within seven (7) calendar days by the person in charge of the institution in which the induced termination of pregnancy was performed. If the induced termination of pregnancy was performed outside an institution, it shall be reported by the attending medical provider.

B. Reports of induced termination of pregnancy are statistical reports to be used only for public health purposes. Such reports shall be disposed of when all statistical processing of the reports has been accomplished. However, the ~~State Registrar~~ Department may establish a data file of such reports so they will be available for future research and such file may be retained for as long as the State Registrar deems necessary.

C. When a late fee is assessed pursuant to S.C. Code Section 44-41-460(D), the institution shall be eligible for a fifty percent (50%) reduction of fees if the fee is paid in full within thirty (30) calendar days. If the fee is not paid in full within thirty (30) calendar days, the full amount due must be paid.

### **1100. CORRECTION AND AMENDMENT OF VITAL RECORDS**

#### **1101. General.**

A. Live birth records are presumed to contain accurate information on the facts of live birth when they are registered. Live birth records will be amended or corrected only to rectify errors in the facts of live birth, except as provided for in ~~these~~ this regulations.

B. A delayed record of live birth placed on file with supporting documentation or by judicial procedure

shall not be amended except to reflect changes upon receipt of a certified court order.

C. Certificates of marriage and reports of divorce must be corrected by the custodian of the official record from which the report was prepared. The custodian shall submit the amended certificate to the Department with a statement listing the items changed and evidence presented to support each certification item changed. Any corrected records shall be marked amended when issued by the Department.

D. Except as specifically allowed by law, sealed records and their accompanying documents are not subject to reproduction by any means, including, but not limited to, photography or photocopying, and shall not be subject to inspection except upon order of the Family Court. The sState rRegistrar or their designee may inspect such information for purposes of properly administering the vital statistics program.

E. Changes to birth or death records must be requested by a person entitled by law to obtain a certified copy of the record to be amended.

F. If paternity is rescinded pursuant to S.C. Code Section 63-17-50, the signatory's name will not be removed from the record of live birth except upon receipt of an order from a court of competent jurisdiction terminating the parental rights of the father and ordering the Department to remove the father's information.

### **1102. Correction of Birth and Death Records.**

A. Any certification item on a live birth or death record may be corrected by the Bureau of Vital Statistics within one (1) year of the event if the Bureau of Vital Statistics becomes aware of incorrect information on a record. Any facility-institution or individual responsible for the original submission of data shall assist in the collection of evidence of the error and correct information upon request of the Bureau of Vital Statistics. Evidence submitted in support of a correction is subject to approval by the State Registrar.

B. When the demographic portion of a death certificate is filed by a coroner due to the inability to contact the family to select a funeral home, the death certificate may be corrected to update any incorrect demographic information and to list the funeral home selected upon submission of a funeral home worksheet and the signed contract with the family.

BC. Correction of items that do not appear on certifications may be made by the Bureau of Vital Statistics upon identification or query.

CD. When such corrections are made by the Bureau of Vital Statistics, a notation as to the source of the information, the date the change was made, and the identity of the authorized vital statistics employee making the change shall be made on the record in such a way as not to become a part of any certification issued. Any certified copy shall not be marked as "Amended."

### **1103. Administrative Amendment of ~~Vital~~ Birth and Death Records.**

A. Unless otherwise provided in ~~these~~this regulations or in ~~the~~ statute, all administrative amendments to live birth and death records shall be supported by documentary evidence and a notarized affidavit. The notarized affidavit shall be on a form created by the Bureau of Vital Statistics setting forth:

- (1) information to identify the record;
- (2) the items to be amended;
- (3) the incorrect information as it appears; and
- (4) the correct information as it should appear and supported by documentary evidence.

B. To amend a live birth record, an affidavit of correction application shall be initiated and signed by the parents, the legal guardian, or the registrant if eighteen (18) years of age. Amendments to the registrant's information on a birth record, if eighteen (18) years of age or older, must be signed by the registrant unless the registrant is incapacitated or deceased. Affidavits to amend the information on a birth record for deceased individuals may be signed by the decedent's next of kin with adequate supporting documentation.

C. To amend ~~personally identifiable information~~ demographic certification items on a death record, an affidavit of ~~correction~~ amendment shall be signed by the informant or, in the case of the death or incapacity of the informant, the adult next of kin of the deceased.

D. The medical certification items on a death record may only be amended upon receipt of a signed statement or approved electronic notification from the ~~physician or medical examiner, or coroner certifier~~ who originally certified the cause of death. In the absence or inability of the ~~physician medical certifier~~, the cause of death may be amended upon receipt of a signed statement or an approved electronic notification from his or her duly authorized medical associate, or the chief medical officer of the institution in which death occurred, or a medical examiner, or coroner who assumes jurisdiction of the case. The State Registrar Department may require documentary evidence to substantiate the requested amendment.

E. Upon acceptance of the requested amendment by the ~~State Registrar Department~~, records of live birth and death shall be amended by the State Registrar Department by adding the new information to the record in a manner that preserves the existing information for audit purposes.

F. ~~A notation indicating the Amended records was amended shall be shown~~ marked as "Amended" on certifications of the record. The date of the change and what item was changed shall also be shown on certifications of the record except on certifications of the record in cases of sealed amendments as described in Section 1109.

#### **1104. Documentary Evidence Required to Amend ~~or Correct~~ Vital Birth and Death Records.**

A. With the exception of corrections as outlined in Section 1102, or an amendment to the medical certification, one or more items of documentary evidence must be presented that support the alleged facts. All documents presented must contain sufficient information to clearly indicate that they pertain to the registrant on the record for which the amendment or correction has been requested.

(1) Documents presented must be from independent sources. Family documents that are not independently filed by a government entity, such as records from bibles or genealogical records, are not acceptable.

(2) Documents must be in the form of the original record or must be a duly certified copy or excerpt thereof from the original custodian of the record and may not contain alterations of any kind, including strike out, whiteout, or other forms of alteration unless approved by the State Registrar.

(3) For live birth records, the earliest evidence available is preferable to show consistency of use. In general, documents submitted must have been established prior to the registrant's eighteenth (18<sup>th</sup>) birthday or at least ten (10) years prior to the date of application for the amendment unless otherwise specified by the State Registrar. For amendments to the registrant's information, the evidence submitted must contain the full name of the registrant and at least one (1) other identifier such as the date of birth or age.

(4) For death records, the ~~documents~~ evidence submitted to support an address change must have been established at least 10 within one (1) years prior to death unless otherwise specified by the State Registrar. For amendments to other certification items on the death record:

(a) Signatures and signatories shall not be amended;

(b) Other personal and statistical items on the death record shall be amended with supporting documentary evidence that is acceptable to the State Registrar.

(c) The informant's name may only be amended to correct minor errors in spelling without an order from a court of competent jurisdiction.

B. Documents for other certification items will be accepted at the discretion of the State Registrar or their designee.

~~BC.~~ The State Registrar or their designee shall evaluate the evidence submitted in support of any amendment, and when he or she finds reason to doubt its validity or adequacy, the amendment may be rejected and the applicant advised of the reason(s) ~~for this action.~~

### **1105. Addition of Registrant's ~~First or Middle~~ Names on Live Birth Records.**

A. Until the registrant's first birthday, ~~first or middle~~ names may be added for unnamed registrants upon receipt of an affidavit of amendment form created by the Bureau of Vital Statistics and signed by the parents named on the record or the legal guardian of the registrant.

~~B. After one year from the date of live birth, a legal change of name order must be submitted from a court of competent jurisdiction to amend or add a first or middle name. For a person aged one (1) to ten (10) years of age, names may be added for unnamed registrants upon presentation of one (1) piece of documentary evidence in accordance with Section 1104.~~

C. For a person older than ten (10) years of age, names may be added for unnamed registrants upon presentation of two (2) pieces of documentary evidence in accordance with Section 1104. At least one (1) of the documents must have been created within the first eighteen (18) years of life.

D. Section 1105 applies to the addition of names only for unnamed registrants. Changes to names already included on a birth record, with the exception of corrections or amendments, or adding names to an already named child, shall be accomplished in accordance with Section 1110.

### **1106. Date of Birth Amendments to Live Birth Records.**

A. The date of live birth cannot be ~~corrected~~ changed to a date that is after the date the live birth record was registered.

B. The date of live birth may be ~~corrected up to 30 calendar days~~ amended with a certified copy of ~~the a~~ record from the hospital of birth ~~or with two supporting documents provided that date is not after the date the live birth record was registered. At least one of the documents must have been created within 90 calendar days of the alleged date of live birth and an affidavit created by the Department and signed by a party listed in Section 1103(B).~~

C. Other administrative ~~corrections~~ amendments to the date of live birth may be made provided that a ~~minimum of three documents~~ an affidavit created by the Department and signed by a party listed in Section 1103.B presents a minimum of two (2) documents that adequately support that the registrant has consistently used the date from childhood and the change does not make the live birth date after the date the live birth record was registered. At least one (1) of the documents must have been created within ~~seven~~ eighteen (18) years of the alleged date of live birth. The change cannot be made if that change would conflict with any live birth record registered in the Bureau of Vital Statistics for other children of the same birth mother.

**1107. Amendments to Marital Status on Death Records.**

A. When the marital status is shown as married and a surviving spouse is listed on the death record of the decedent then the marital status shall be changed to:

(1) widowed and the spouse removed if a death certification for the spouse is submitted documenting that the spouse died prior to the death of the decedent.

(2) divorced or never married and the spouse removed if a certification of divorce/annulment is submitted documenting that the event occurred prior to the death of the decedent.

B. If the marital status is shown as married and surviving spouse is listed as unknown or is blank on the death record, then a marriage certification must be provided to add the name of the surviving spouse.

C. If the marital status is shown as married and the surviving spouse is listed on the death record then an order from a court of competent jurisdiction will be needed to change that spouse to a different person.

D. When the marital status is shown as divorced, widowed, or never married and no surviving spouse is listed on the death record of the decedent then the marital status shall be amended to married and the surviving spouse added upon receipt of:

(1) a certified copy of a marriage record showing that the person to be listed as surviving spouse was married to the decedent and an affidavit of correction signed by the informant and the alleged surviving spouse; or

(2) an order from a court of competent jurisdiction finding that the person was married to the decedent at the time of the decedent's death.

E. Other changes to marital status and surviving spouse will be made only upon the finding of a court of competent jurisdiction in an order that determined the marital status of the decedent and identifies the surviving spouse, if appropriate.

~~F. Amendment to other items on the death record:~~

~~(1) Signatures shall not be amended.~~

~~(2) Other personal and statistical items on the death record shall be amended with supporting documentary evidence that is acceptable to the State Registrar.~~

**1108. Amendment of the Same Item More than Once Amendments to Also Known As ("a/k/a") Names on Death Certificates.**

~~Once an amendment of an item is made on a vital record, except for cause and manner of death to be amended by the physician, medical examiner, or coroner or clerical error on the part of the State Registrar, that item shall not be amended again except upon receipt of an order from a court of competent jurisdiction.~~

Addition of a/k/a name(s) to a death certificate that were not present at the time the record was filed may be made if a document is produced that contains both names and another identifier that clearly identifies the decedent as using both names. An a/k/a for the decedent's name prior to first marriage may be made if a marriage license is provided that shows the name prior to marriage and matches the surname listed on the death certificate.

### **1109. Sealed Amendments and Replacement Records of Live Birth.**

A. The replacement record of live birth prepared pursuant to state law shall be on the form in use at the time of its preparation and shall include the following items and such other information necessary to complete the record of live birth:

- (1) the name of the child;
- (2) the date, city, and county of live birth as transcribed from the original report of live birth;
- (3) the names and personal information of the parents after establishment of parentage;
- (4) the ~~S~~state file number assigned to the original record of live birth unless it has been changed through the amendment process; and
- (5) the original date of registration.

B. The information necessary to locate the existing report of live birth and to complete the replacement report of live birth shall be submitted to the ~~State Registrar Department~~ on forms prescribed or approved by ~~him or her~~ the State Registrar.

C. After preparation of the replacement record of live birth, the prior record of live birth and the evidence upon which the replacement record of live birth was based ~~are to shall~~ be placed in a sealed file. ~~Such file shall not be subject to inspection except upon order of the Family Court or by the State Registrar for purposes of properly administering the vital statistics program.~~

D. With the exception of an adoption of an adult, certifications ~~issued~~ of birth records of adopted children shall not be marked amended.

E. Upon receipt of notice of annulment of adoption, the original certificate of birth shall be restored to its place in the files. The adoptive certificate and evidence shall ~~not be subject to inspection except upon order of the Family Court~~ placed in a sealed file.

F. If no certificate of birth is on file for the person for whom a replacement record is to be established under this section, a delayed certificate of birth must be filed with the ~~State Registrar Department~~ before a new record of live birth is established. ~~A Evidence for a~~ delayed certificate of birth shall not be required when the date and place of birth and parentage have been established in an adoption proceeding.

G. When a child is born through a gestational carrier agreement, and a pre-birth order from a court of competent jurisdiction establishing parentage was not obtained in accordance with Section 501.G, a post-birth order is acceptable when the order contains all of the following information and it matches the information that was provided to register the birth certificate:

- (1) The full name and date of birth of the gestational carrier;
- (2) The date of birth and name listed on the child's birth certificate;
- (3) The hospital or place of birth;
- (4) A finding of no parental rights to the child of the gestational carrier and her spouse, if married; and
- (5) The full names (including names prior to first marriage), dates of birth, state of birth (or country, if foreign born), and any other necessary information of the intended parents to create the replacement



certificate.

#### **1110. Amendments by Court Order.**

A. Upon receipt of a certified copy of a court order changing a birth or death record on file in the Bureau of Vital Statistics and upon request of an entitled person, the Bureau of Vital Statistics shall record the changes by completion of a special form developed by the Department. Such form shall include the original information as it appears on the original certificate, the information as changed by the court order, identification of the court which issued the order and the date of the order, and sufficient information about the registrant or decedent to link the special form to the original record. Upon completion of the amendment, the certified order will be maintained in a sealed file as defined in Section 1101.D.

B. When an electronic certification is issued, the items amended by the court and the date of the amendment must be noted. When a certified copy of the original record is issued, a copy of the special form must be attached.

C. Birth and death records amended by court order shall be marked “Amended by Court Order,” except in parentage amendments made pursuant to S.C. Code Section 44-63-163.

D. When a parent’s rights are terminated pursuant to an order from a court of competent jurisdiction, a special form is prepared by the Bureau of Vital Statistics indicating that the rights have been terminated and the certificate will not be issued to that parent after the order is received. The name of the parent will not be removed from the certificate unless it is specifically stated in the order.

#### **1111. Amendments to Registrant’s Sex.**

A. If a person’s biological sex at birth was reported or recorded incorrectly on a birth certificate and was not corrected pursuant to Section 1102, the registrant may amend the sex listed on his or her birth certificate with an affidavit created by the Department and supporting documentation acceptable to the State Registrar, or with an affidavit created by the Department signed by the registrant and a licensed physician attesting to the registrant’s actual biological sex at birth.

B. If an adult’s sex has changed from their biological sex at birth, he or she may amend the sex on the certificate via an affidavit created by the Department signed by the registrant and a licensed medical physician attesting that the registrant has undergone treatment and as a result:

(1) there is a physical change to the registrant’s sex;

(2) treatment for the transition is complete with the result being that the registrant is now a different sex from his or her biological sex at birth and he or she is not merely in the process of transitioning (although additional procedures or treatment may still be continuing and life-long);

(3) the change in sex is permanent in nature; and

(4) the change in sex is made with the intent to change permanently for all purposes.

C. Subsequent amendments to the registrant’s sex can only be made pursuant to an order from a court of competent jurisdiction.

D. A decedent’s sex on a death certificate may be amended pursuant to an affidavit created by the Department that is signed by the informant and a minimum of two (2) documents acceptable to the Department that show the decedent’s sex consistently used on legal documents during the decedent’s life.

E. Court Ordered Amendments. If a person is a minor or is unable to produce sufficient evidence to administratively amend the sex listed on his or her birth certificate, the Department will amend the sex field on a birth certificate only upon receipt of an order from a court of competent jurisdiction, supported by a statement of a licensed physician, finding sufficient evidence to establish the below criteria:

(1) That there is medical certification of a physical change related to the Petitioner's sex;

(2) That the licensed physician and the court are satisfied the Petitioner's medical treatment has been completed with the result being that the Petitioner is now a different sex from the Petitioner's biological sex at birth and is not merely in the process of transitioning (although additional procedures or treatment may still be continuing and life-long);

(3) That the change is permanent in nature; and

(4) That the change in sex is made with the intent to change permanently and for all purposes.

In the case of a minor, the Court shall appoint a *guardian ad litem* to represent the interests of the minor child.

#### **1112. Administrative Amendments to Parental Titles.**

A. Parental titles on a birth certificate may be designated as mother, father, or parent. Upon request of the parent listed on the certificate of a minor child, the title may be changed one (1) time for each parent upon receipt of an affidavit created by the Department and signed by the parent whose title is to be changed, stating the title the parent would prefer to be listed for their name only on the certificate.

B. Subsequent changes to the parental titles will require an order from a court of competent jurisdiction.

C. If the affidavit is completed within the first year of life, no special filing fee will be charged for creation of the affidavit and no notation will be made on the face of the certificate.

D. For certificates of adults, the affidavit must also be signed by the registrant showing consent to the parental title change.

E. Parental titles on a death certificate may be designated as mother, father, or parent. Upon request of the informant or a parent listed on the certificate, the title may be changed one (1) time for each parent upon receipt of an affidavit created by the Department and signed by the informant and the parent.

#### **1113. Amendment of the Same Certification Item More than Once.**

A. Once there has been an administrative amendment to a certification item on a vital record, except for cause and manner of death to be amended by the medical certifier or clerical error on the part of the Department, that same certification item shall not be amended again except upon receipt of an order from a court of competent jurisdiction.

B. Once an amendment by court order or parentage amendment is made to a vital record, no other amendments may be made to the same record without a subsequent order from a court of competent jurisdiction.

### **1200. CERTIFICATIONS FROM THE SYSTEM OF VITAL STATISTICS**

#### **1201. General**

A. A certification of a live birth, death, marriage, or report of divorce, or any part thereof, issued in accordance with this §section, shall be considered for all purposes the same as the original and shall be prima facie evidence of the facts stated therein.

B. The applicant for a certification shall be required to submit a signed application, proof of identity, and evidence of entitlement. Upon receipt of an application and before issuing a certification:

(1) Proof of identity must be acceptable to the Bureau of Vital Statistics;

(2) Evidence of entitlement must demonstrate that the applicant is qualified to receive a certification; and

(3) The Bureau of Vital Statistics may verify with originating agencies the proof of identity documents and evidence of entitlement submitted in support of an application.

C. All certifications of vital records registered in the §state system shall be issued from the §state's central database.

D. For the purpose of obtaining certified copies of death records on behalf of the deceased's family at the time of registration, a funeral director or person acting as such, or the informant, shall be deemed a legal representative for up to one (1) year from the date of death.

E. No certification shall be issued without a first name for the registrant except by subpoena or to a government agency for adoption or custody purposes.

F. Information listed on live birth, death, marriage, or divorce records as administrative, statistical, medical, or health use only shall not be included in a certification of the vital record. The minimum fields of information that will be included on a birth certification are:

(1) Registrant's full name, date of birth, place of birth, and sex;

(2) The parent's names and places of birth if listed on the original certificate; and

(3) The dates of registration and issuance.

G. Each certification issued shall be certified as a true representation of the facts on file, the date issued, the state file number, and the registrar's signature or an authorized facsimile thereof. Each copy issued shall show the date of filing and copies issued from records marked "Delayed," "Amended," or "Amended by Court Order" shall be similarly marked and show the effective date.

GH. Verification of the facts contained in a vital record may be furnished by the Bureau of Vital Statistics to any government agency in the conduct of its official duties. The request for verification must:

(1) include an application listing the facts of birth the event including, at a minimum, names and dates and be in a format prescribed or approved by the Bureau of Vital Statistics; or

(2) be submitted electronically through an automated system approved by the Bureau of Vital Statistics if the requester attests to having the certification and can provide the §state file number and date of registration.

(3) Verifications are subject to the record search fee schedule in Section 1300, except in cases where the verification is needed for an active criminal investigation by a verified law enforcement agency.

~~HI.~~ When the ~~Bureau of Vital Statistics~~ State Registrar receives information that a record may have been registered, corrected, or amended through fraud or misrepresentation, he or she may withhold issuance of any certification of that record pending inquiry by appropriate authorities to determine whether fraud or misrepresentation has occurred.

(1) If upon conclusion of the inquiry no fraud or misrepresentation is found, certifications shall be issued upon the request of a qualified applicant.

(2) If upon conclusion of the inquiry there is reasonable cause to suspect fraud or misrepresentation, the Bureau of Vital Statistics shall give the person named in the record notice in writing of his or her intention to void said record or cancel the amendment. The notice shall give such person an opportunity to appear and show cause why the record should not be voided or the amendment cancelled. The notice may be served on such person or, in the case of a minor, on his or her parent or legal guardian by registered mail to his or her last known address.

(3) Unless such person or his or her parent or legal guardian shall, within thirty (30) calendar days after the date of mailing, show cause why the certificate shall not be voided or the amendment cancelled, the record shall be so voided or the amendment cancelled.

(4) The voided record or amendment and evidence shall be retained but shall not be subject to inspection or copying except upon order of a court with competent jurisdiction over the Department or by the Bureau of Vital Statistics for purposes of administering the vital statistics program.

~~IJ.~~ When the ~~Bureau of Vital Statistics~~ State Registrar receives information that an application for a certification may have been submitted for purposes of fraud or misrepresentation, he or she may withhold issuance of the certification requested pending inquiry by appropriate authorities to determine whether fraud or misrepresentation has occurred.

(1) If upon conclusion of the inquiry no fraud or misrepresentation is found, certification shall be issued.

(2) If upon conclusion of the inquiry there is reasonable cause to suspect fraud or misrepresentation, the requested certification shall not be issued and the Bureau of Vital Statistics shall provide copies of the application and evidence to appropriate authorities for further investigation.

(3) The application and evidence shall be retained but shall not be subject to inspection or copying except upon order of a court with competent jurisdiction over the Department or by the Bureau of Vital Statistics for purposes of administering the vital statistics program.

~~JK.~~ All applications and supporting documentation submitted for the purpose of issuing certifications of vital records shall be confidential and shall not be released without acceptable authorization provided to the Department by the person listed as the applicant, except upon receipt of an order from a ~~South Carolina~~ court of competent jurisdiction.

~~KL.~~ Certifications of vital records ~~may be made by mechanical, electronic, or other reproductive processes.~~ will be issued in electronic format unless the electronic format does not accurately reflect information contained in the original record as determined by the State Registrar. If the electronic format of the certification cannot be produced a book copy will be issued when the record is requested by an entitled party.

~~L.~~ Each certification issued shall be certified as a true representation of the facts on file, the date issued, the state file number, and the registrar's signature or an authorized facsimile thereof. Each copy issued shall show the date of filing and copies issued from records marked "Delayed", "Amended" or "Amended by

Court Order" shall be similarly marked and show the effective date.

### 1300. FEES

Fees generated by the following fee schedule shall be retained and expended by the Department to offset the cost of operation of the Vital Records System.

FEE SCHEDULE	
a.	*Records Search (includes one certification, if located) \$ 12.00
b.	Additional Similar Certifications of the Same Record ordered \$ 3.00
c.	Expedited Service (additional to other required fees) \$ 5.00
d.	*Index Verification for Government Agencies \$ 2.00
e.	*Special Filing Fees (additional to search fee)
	(1) Correction of certificate by affidavit \$ 15.00
	(2) Amended certificate (adoption, legitimation court order, paternity acknowledgment) \$ 15.00
	(3) Delayed Registration of Birth \$ 15.00
f.	<del>Fees collected at the county health departments for record searches, amendments of records, delayed birth registration and additional copies of the same record requested at the same time shall be distributed as follows: 50% to the county health departments and 50% to the Vital Records Central office. Any fee increase above the State Fiscal Year 1997 fee structure shall be returned to the Vital Records Central office (Office of Public Health Statistics and Information Systems, Division of Vital Records)</del>

\* Indicates a non-refundable fee

## ATTACHMENT B

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 1976 Code Sections 44-63-10 et seq.

#### **Notice of Drafting:**

The Department of Health and Environmental Control (“Department”) proposes amending R.61-19, Vital Statistics. Interested persons may submit comment(s) on the proposed amendments to Caleb Cox of the Bureau of Vital Statistics; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; [vrreg@dhec.sc.gov](mailto:vrreg@dhec.sc.gov). To be considered, the Department must receive comments no later than 5:00 p.m. on May 23, 2022, the close of the Notice of Drafting comment period.

#### **Synopsis:**

Pursuant to S.C. Code Sections 44-63-10 et seq., the Department is tasked with establishing the bureau of vital statistics and formulating, promulgating, and enforcing regulations for administering the program. The Department proposes amending R.61-19, Vital Statistics, to provide general updates to make processes more clear, concise, customer-friendly, and efficient; to remove obsolete sections; to add and update definitions; to address advancements in processes for the creation and amendment of vital records; and to bring the regulation into conformity with changes in South Carolina law.

The proposed amendments may also include corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

**ATTACHMENT C**

**SUMMARY OF PUBLIC COMMENTS AND DEPARTMENT RESPONSES**

**R.61-19, Vital Statistics**

**As of the May 23, 2022, close of the Notice of Drafting comment period:**

<b>Name</b>	<b>Section</b>
<b>Whetsell Funeral Home</b>	<b>701.B(4)-(6)</b>
<p><b>Comment:</b> Is the 5-day working period 5 working days or do weekends count?</p> <p><b>Department Response:</b> <b>Clarified.</b> Death certificates must be filed within five calendar days after the date of death by the funeral home.</p>	
<b>Name</b>	<b>Section</b>
<b>Adam Gordon</b> Gordon Mortuary	<b>701.B(4)-(6)</b>
<p><b>Comment:</b> Don't medical certifiers get weekends and holidays?</p> <p><b>Department Response:</b> <b>Not Adopted.</b> According to S.C. Code Section 44-64-74, Physicians must certify within 48 hours but do not have to count weekends and holidays. Funeral homes must file the death certificate with 5 days after the date of death. We recognize the differences, but it is the current law. Our proposed regulations are just defining the process where we can comply with the law.</p> <p><b>Comment:</b> Do the penalties start over with every death certificate, or is it once you reach the highest point, you're there forever?</p> <p><b>Department Response:</b> <b>Clarified.</b> From our reading of the law, we understand that penalties do start over with each death certificate. Penalties can be assessed for each death certificate that is not filed within 5 days after the date of death but each record will be assessed with the day 1 penalty amount.</p>	
<b>Name</b>	<b>Section</b>
<b>Bill Jackson</b> Thompson Funeral Home	<b>701.B(4)-(6)</b>
<p><b>Comment:</b> How are doctors excluded from holidays and weekends and funeral directors are not?</p> <p><b>Department Response:</b></p>	

**Not Adopted.** According to S.C. Code Section 44-64-74, Physicians must certify within 48 hours but do not have to count weekends and holidays. Funeral homes must file the death certificate with 5 days after the date of death and holidays and weekends are not excluded. Our proposed regulations are just defining the process where we can comply with the law.

Name	Section
<b>Maureen Bailey-Nutting, PA</b> Prairie View Family Medicine	<b>701.B(4)-(6)</b>

**Comment:**  
 It was explained earlier that we had a 48-hour turnaround time to submit death certificates, but you also mentioned something about a 5-day period for "something"? Did I hear that correctly? if so, what was that for?

**Department Response:**  
**Clarified.** Physicians must certify within 48 hours but do not have to count weekends and holidays. Funeral homes must file the death certificate with 5 days after the date of death.

Name	Section
<b>Dr. Robert Egerton</b> Family Practice - Clarendon County	<b>701.B(4)-(6)</b>

**Comment:**  
 Regulations regarding death certificates. There is an apparent unfairness in this system. The funeral homes apparently have an unlimited amount of time to submit death certificates, but I only have 48 hours.

**Department Response:**  
**Not Adopted.** S.C. Code Section 44-63-74 specifies that Funeral Homes must file the certificate within 5 days after the date of death. This includes weekends and holidays. Physicians must certify within 48 hours but do not have to count weekends and holidays. While the Department understands there are differences in this and that may or may not be fair, it is the law. In Vital Statistics, our role is to carry out the laws passed by the legislature. We have no authority to change it unilaterally. Our proposed regulations are just defining the process where we can comply with the law. If it is altered or amended by the legislature, we will comply with those amendments. If you have suggestions on how we can improve the process while still upholding the law, we would be happy to consider that in drafting our regulations.

Name	Section
<b>Tallulah F. Holmstrom, MD, MBA, CPPS</b> <b>Chief Medical Officer</b> MUSC Health Midlands Division	<b>701.B(4)-(6)</b>



**Comment:**

Any accommodation for certifier illness, vacation, travel, LOA for any reason(Maternity /paternity leave)?

**Department Response:**

**Not Adopted.** The law does not account for accommodations. Physicians must certify death certificates within 48 hours, excluding holidays and weekends. The law does allow that in the event of the absence of or approval of the physician, the certificate may be completed by an associate physician, the chief medical officer of the institution where the death occurred, or the pathologist who performed an autopsy upon the decedent.

**Comment:**

I fear/know this will contribute to burnout. The threat of financial penalty, or the arduous task of having to defend against such, will likely contribute to physician/clinician frustration. Many providers are already exhausted post COVID.

**Department Response:**

**Clarified.** We certainly understand and will do what we can to work with physicians and funeral homes prior to implementation of these regulations to ensure that they can improve their processes to ensure that these certificates can be filed in a timely manner. However, the law is on the books already and it has been almost 6 years that we have been unable to implement it. We cannot ignore a duly passed law when we have the capability to enforce it.

Name	Section
<p><b>Laura Theriot Riley, MD</b> Center for Success in Aging</p>	<p><b>701.B(4)-(6)</b></p>

**Comment:**

If I reject it as not mine, I am OK from a penalty standpoint?

**Department Response:**

**Clarified.** Yes, if you are not the correct medical certifier, the record can be rejected and noted in the system that you are not the correct medical certifier. The system also allows you to assign the record to a different medical certifier in your same location. However, if you are the correct medical certifier that should end up certifying the record you would be assessed a penalty based on the initial designation unless good cause is determined by the Department.

Name	Section
<p><b>Nathaniel Kesner</b> Piedmont Medical Center</p>	<p><b>701.B(4)-(6)</b></p>

**Comment:**

If a provider who is not registered should be responsible for the certificate, how timely can they get registered through the process? Can this access be added to everyone immediately with their state license approval?

**Department Response:**

**Clarified.** Our system administration team will work to ensure that medical certifiers are added in a timely manner to the system. The system cannot designate to a doctor until they are added into the system.

<b>Name</b>	<b>Section</b>
<b>Nora Brahney</b> Medical University of South Carolina	<b>701.B(4)-(6)</b>

**Comment:**

I was told there is a grace period for weekend deaths and that they would need to be certified by 12 noon the following Tuesday. Is this acceptable for weekend and or long holiday week?

**Department Response:**

**Clarified.** Physicians must certify within 48 hours but do not have to count weekends and holidays.

(x) ACTION/DECISION  
( ) INFORMATION

Date: August 11, 2022

To: S.C. Board of Health and Environmental Control

From: Bureau of Community Nutrition Services

**Re: Notice of Proposed Regulation Amending R.61-94, *WIC Vendors*.**

### I. Introduction


The Bureau of Community Nutrition Services proposes the attached Notice of Proposed Regulation for amending R.61-94, *WIC Vendors*, for publication in the August 26, 2022, *South Carolina State Register* (“*State Register*”). Legal authority resides in S.C. Code Section 43-5-930, which directs the Department to outline the responsibilities and duties of all potential and authorized WIC Vendors. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.


### II. Facts

1. R.61-94, *WIC Vendors*, outlines the responsibilities and duties of potential and authorized WIC Vendors. The purpose of this promulgation is to implement the transition from food instruments to South Carolina Electronic WIC Benefits (eWIC) and update associated provisions and requirements.
2. The Department had a Notice of Drafting published in the February 25, 2022, *State Register*. A copy of the Notice of Drafting appears herein as Attachment B. The Department received no public comments by the March 28, 2022, close of the public comment period.
3. Appropriate Department staff conducted an internal review of the proposed amendment on July 20, 2022.

### III. Request for Approval

The Bureau of Community Nutrition Services respectfully requests the Board to grant approval of the attached Notice of Proposed Regulation for publication in the August 26, 2022, *State Register*.

  
\_\_\_\_\_  
Berry Kelly  
Director, Bureau of Community Nutrition Services

  
\_\_\_\_\_  
Dr. Brannon Traxler  
Director, Public Health

Attachments:

- A. Notice of Proposed Regulation
- B. Notice of Drafting published in the February 25, 2022, *State Register*

**ATTACHMENT A**

**STATE REGISTER NOTICE OF PROPOSED REGULATION  
FOR R.61-94, *WIC Vendors***

**August 11, 2022**

Document No. \_\_\_\_\_

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL  
CHAPTER 61**

Statutory Authority: 1976 Code Section 43-5-930

61-94. WIC Vendors.

**Preamble:**

Pursuant to S.C. Code Section 43-5-930, the Department of Health and Environmental Control (“Department”) outlines the responsibilities and duties of all potential and authorized Women, Infant, and Children Supplemental Food Program (WIC) Vendors. The Department proposes amending R.61-94, WIC Vendors, to update verbiage of South Carolina Electronic WIC Benefits (eWIC). These proposed amendments include changes to definitions, the approval process of vendors, monitoring of vendors, disqualifications, sanctions, program violations, and the transaction of South Carolina WIC Benefits. The proposed amendments may also include corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

The Department had a Notice of Drafting published in the February 25, 2022, South Carolina State Register.

**Section-by-Section Discussion of Proposed Amendments:**

<b>Section</b>	<b>Type of Change</b>	<b>Purpose</b>
Table of Contents	Revision	Amended to reflect proposed changes to text.
All Sections	Technical Corrections	Amended to correct punctuation and capitalization for clarity.
Section 101		
Introductory sentence	Technical Correction	Amended for grammatical accuracy.
101(A)	Revision	Amended to update Department terminology.
101(B)	Deletion	Deleted redundant definition.
101(D)	Revision	Amended to update the name of the Bureau for accuracy.
101(E)	Revision	Amended the definition of eWIC to reflect new method of payment.
101(F)	Revision	Amended to update additional approved vendors.

Section 201		
201(A)	Revision	Amended to update Department and eWIC terminology for accuracy.
201(B)(1)	Revision	Amended to add method of receiving a WIC vendor application.
201(B)(4)	Revision	Amended to update eWIC terminology.
201(B)(8)	Revision	Amended to clarify exempt vendors.
201(B)(9)	Revision	Amended to update the new Store Types for accuracy.
201(B)(15)(i)-(xv)	Revision Addition Technical Correction Reorganization	Amended to update the new food specifications and approved varieties and styles of cheeses.  Added approved purchase of tofu.  Corrected usage of numbers and measurements for consistency.  Recodified items to reflect proposed changes.
Section 301		
Title	Revision	Amended to update the title of the section for accuracy.
301(A)-(H)	Revision	Amended to update new process of transacting eWIC benefits.
301(J)-(N)	Addition	Adding new portion of the new process of transacting eWIC benefits.
Section 401		
Title	Revision	Amended to update the title of the section for accuracy.
401(A)-(B)	Revision	Amended to update the settlement payment process.
401(C)-(G)	Addition	Adding new portion of the new settlement payment process.
Section 501	Deletion	Deleted section as no longer needed.
Section 601	Deletion	Deleted section as no longer needed.
Section 701	Reorganization	Recodified from Section 701 to Section 501.
Section 801	Reorganization	Recodified from Section 801 to Section 601.
New Section 601		

601(B)(1)(a)-(b)	Revision	Amended to update disqualification criteria for clarity.
601(B)(1)(c)-(d)	Addition	Added new disqualification criteria for clarity.
Former 601(B)(1)(c)-(i)	Revision Reorganization	Amended to update disqualification criteria for clarity. Recodified to reflect proposed changes.
601(B)(2)(a)-(f)	Revision	Amended to reflect eWIC terminology for accuracy.
601(B)(3)(a)-(b)	Revision	Amended to reflect eWIC terminology for accuracy.
601(B)(4)	Revision	Amended to reflect eWIC terminology.
601(C)	Revision	Amended to reflect eWIC terminology.
Section 901	Reorganization	Recodified from Section 901 to Section 701.
New Section 701		
701(A)	Addition	Amended to reflect new violation category.
701(2)	Reorganization Revision Addition	Recodified from 701.1 to match codification throughout the regulation.  Amended and added violation categories.
701(3)	Reorganization Revision Addition	Recodified from 701.2 to match codification throughout the regulation.  Amended and added violation categories.
Section 1001	Reorganization Revision	Recodified from Section 1001 to Section 801. Amended to clarify Department terminology.

**Notice of Public Hearing and Opportunity for Public Comment:**

Interested persons may submit comment(s) on the proposed amendments to Berry Kelly of the Bureau of Community Nutrition Services; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; [kellybb@dhec.sc.gov](mailto:kellybb@dhec.sc.gov). To be considered, the Department must receive the comment(s) by 5:00 p.m. on September 26, 2022, the close of the comment period.

The S.C. Board of Health and Environmental Control will conduct a public hearing on the proposed amendments during its November 10, 2022, 11:00 a.m. meeting. Interested persons may make oral and/or submit written comments at the public hearing. Persons making oral comments should limit their statements to five (5) minutes or less. The meeting will take place in the Board Room of the DHEC Building, located at 2600 Bull Street, Columbia, S.C. 29201. Due to admittance procedures, all visitors

must enter through the main Bull Street entrance and register at the front desk. The Department will publish a meeting agenda twenty-four (24) hours in advance indicating the order of its scheduled items at: <http://www.scdhec.gov/Agenda>. Public hearing procedures are subject to change in response to COVID-19 protocols. If applicable, the Department will provide notice of these changes twenty-four (24) hours in advance of the public hearing.

The Department publishes a Monthly Regulation Development Update tracking the status of its proposed new regulations, amendments, and repeals and providing links to associated State Register documents at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>.

### **Preliminary Fiscal Impact Statement**

The proposed amendments will have no substantial fiscal or economic impact on the state. Implementation of these amendments will not require additional resources beyond those allowed. There is no anticipated additional cost by the Department or state government due to any inherent requirements of these proposed amendments.

### **Statement of Need and Reasonableness**

The following presents an analysis of the factors listed in 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: 61-94, WIC Vendors

Purpose: The proposed amendments to R.61-94, WIC Vendors, include revised provisions and outline the responsibilities and duties of all potential and authorized WIC Vendors. The Department proposes amending R.61-94 to update verbiage of South Carolina Electronic WIC Benefits (eWIC). These proposed amendments include changes to definitions, the approval process of vendors, monitoring of vendors, disqualifications, sanctions, program violations, and the transaction of South Carolina WIC Benefits. The proposed amendments may also include corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

Legal Authority: 1976 Code Section 43-5-930

Plan for Implementation: The amendments will take legal effect upon General Assembly approval and upon publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments. Additionally, a copy of the regulation will be posted on the Department's website, accessible at [www.scdhec.gov/regulations-table](http://www.scdhec.gov/regulations-table). Printed copies may also be requested, for a fee, from the Department's Freedom of Information Office.

### **DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:**

The proposed amendments update R.61-94 to include provisions in the Child Nutrition and WIC Reauthorization Act of 2004 (P.L. 108-265) that require the establishment of a vendor peer group system, distinct peer competitive price criteria, allowable reimbursement levels for each peer group, and other vendor-related provisions to ensure program integrity. Additionally, the proposed amendments include revisions to the WIC food packages as published in the interim rule by the U.S. Department of Agriculture, Food and Nutrition Services, in the Federal Register. The revisions align the WIC food packages with the Dietary Guidelines for Americans and infant feeding practice guidelines of the American Academy of Pediatrics. The Department also proposes vendor-related amendments to ensure adequate and appropriate

monitoring of the WIC Program's food delivery system to prevent fraud, waste, and abuse from occurring and to safeguard program benefits. Further proposed amendments include updating verbiage of South Carolina Electronic WIC Benefits (eWIC) to align with the Healthy, Hunger-Free Kids Act of 2010, which improves the shopping experience for WIC participants by requiring states to transition from paper benefits to electronic benefit (EBT) systems by Oct. 1, 2020.

These proposed amendments are reasonable to realize the abovementioned benefits as they provide more efficient procedures without any anticipated cost increase and provide clearer standards and criteria for the regulated community.

#### DETERMINATION OF COSTS AND BENEFITS:

There are no anticipated cost increases to the state or its political subdivisions in complying with these proposed amendments. Amendments to R.61-94 will benefit the regulated community and the general public by implementing provisions to ensure program integrity. Participants served by the program will benefit from these proposed amendments by gaining access to more nutritious foods.

#### UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the cost to the state.

#### EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The proposed changes will not have any effect on the environment. If implemented, these amendments will have a positive impact on public health by improving WIC procedures and systems and expanding access and resources to healthy foods.

#### DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

There is no anticipated detrimental effect on the environment.

#### **Statement of Rationale:**

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(A)(3)(h):

The Department proposes amending R.61-94, WIC Vendors, to incorporate vendor-related provisions included in the Child Nutrition and WIC Reauthorization Act of 2004 (P.L. 108-265) and an interim rule published by the U.S. Department of Agriculture, Food and Nutrition Services, in the Federal Register on December 6, 2007, revising the WIC food packages. Other proposed amendments include updating verbiage to South Carolina Electronic WIC Benefits, definitions, the approval process of vendors, monitoring of vendors, disqualifications, sanctions, program violations, and WIC transactions to improve services and procedures.

#### **Text:**

~~Indicates Matter Stricken~~

Indicates New Matter

61-94. WIC Vendors.



Statutory Authority: S.C. Code Section 43-5-930, 1976, as amended.

## Table of Contents

Section 101. Definitions.  
Section 201. Approval of Vendors.  
Section 301. ~~Redemption of Food Instruments.~~ Processing EBT/eWIC Transactions.  
Section 401. ~~Submitting Food Instruments for Payment.~~ Vendor eWIC Settlement Payments.  
~~Section 501. Payment of Food Instruments.~~  
~~Section 601. Correction of Rejected Food Instruments.~~  
Section ~~701.~~ 501. Monitoring of Vendors.  
Section ~~801.~~ 601. Disqualifications and Sanctions.  
Section ~~901.~~ 701. Program Violations.  
Section ~~1001.~~ 801. Administrative Appeals.

### SECTION 101. Definitions.

As used in these regulations, the following terms shall have the meaning specified:

(A) ~~DHEC or Department.~~ The South Carolina Department of Health and Environmental Control.

~~(B) State Agency. The South Carolina Department of Health and Environmental Control.~~

~~(C) WIC Program.~~ The Special Supplemental Nutrition Program for Women, Infants and Children.

~~(D) State WIC Program (“Program”).~~ The Division of WIC Services, Bureau of Maternal and Child Health in the Bureau of Community Nutritional Services, South Carolina Department of Health and Environmental Control.

~~(E) Food Instrument~~Electronic WIC Card (eWIC Card). ~~The document which is used by a participant to obtain supplemental foods.~~A magnetic stripe card used to purchase WIC-authorized foods or formulas from a WIC family’s eWIC account.

~~(F) WIC Vendor (“Vendor”).~~ Any store, ~~or~~ pharmacy, or commissary approved for participation which has a valid, current WIC Vendor Agreement on file at the State WIC Program Office and continues to meet the minimum criteria for participation as listed in the agreement.

### SECTION 201. Approval of Vendors.

(A) Only vendors authorized by the ~~State Agency~~Department may redeem ~~food instruments~~electronic WIC benefits or otherwise provide supplemental foods to participants.

(B) To be authorized for participation as a WIC Vendor, a vendor must:

1. Request, in writing, ~~or~~ by phone, or by email a WIC Vendor application packet.

2. Submit a completed application packet to the State WIC Program Office, including the WIC Vendor Application, WIC Price Survey, Vendor Agreement, and an IRS W-9, Request for Taxpayer Identification and Certification form.

3. Be authorized to participate in the Supplemental Nutrition Assistance Program (SNAP). (Pharmacies are exempt from this requirement.)

4. Not be employed by the WIC program nor have a spouse, child, parent, or sibling who is employed by the WIC program serving the county in which the vendor applicant conducts business. The vendor applicant also shall not have an employee who handles, or transacts deposits or stores WIC food instruments eWIC who is employed by, or has a spouse, child, or parent who is employed by the WIC Program serving the county in which the vendor applicant conducts business.

5. Pass a pre-approval visit completed by the State WIC Program Office.

6. Inform and train cashiers and other staff on program requirements.

7. Ensure employees receive instruction regarding the WIC Program policies, procedures, and requirements.

8. Maintain the minimum stock of WIC foods as required by the Vendor Agreement. (Pharmacies are exempt from this requirement.)

9. Comply with at least one established definition for store type within the four (4) Regions. ~~Type 1 Chain, Type 2 Franchise, Type 3 Commissary, Type 4 Independent/Convenience~~ Store Type 1 - Total Food Sales > \$10,000,000; Store Type 2 - Total Food Sales of \$10,000,000-\$5,000,000; Store Type 3 - Total Food Sales < \$5,000,000; Store Type 4 – Government-owned facilities (Commissaries), and Store Type 5 - Pharmacy.

10. Operate the store at a single, fixed location (no mobile/home delivery stores).

11. Purchase infant formula only from a state-approved wholesaler, distributor, or supplier.

12. Be located in South Carolina.

13. Must be open for business at least six (6) days a week for a minimum of eight (8) consecutive hours a day between the hours of 8 a.m. - 10 p.m.

14. Have no convictions or civil judgments within the last six (6) years that indicate a lack of business integrity on the part of the current owners, officers, or managers. Such activities include, but are not limited to: fraud, antitrust violations, embezzlement, theft, forgery, bribery, falsification of records, making false statements, receiving stolen property, making false claims, or obstruction of justice.

15. Provide to WIC participants only those foods authorized by the State WIC Program and in the exact quantities prescribed.

The following is a list of acceptable foods:

i) Infant formula must be iron-fortified, supply approximately twenty ~~(20)~~ kilocalories (20 kcal) per fluid ounce, and not require the addition of any ingredient other than water.

ii) Infant cereal which contains a minimum of ~~45~~forty-five milligrams (45 mg) of iron per ~~100~~one hundred grams (100 g) of dry cereal and contains no other ingredients, such as fruit, formula, or DHA. No organic infant cereal.

iii) Infant juice which contains a minimum of ~~30~~thirty milligrams (30 mg) of Vitamin C per ~~100~~one hundred milliliters (100 ml) of single strength or reconstituted frozen juice concentrate. Juice must be pasteurized, one hundred percent (100%) unsweetened fruit or vegetable juice. No calcium-fortified or organic juice.

iv) Pasteurized fluid whole, fat free, low-fat, or reduced fat milk which is flavored (low-fat only) or unflavored and contains ~~400~~four hundred international units (400 IU) of Vitamin D and ~~2000~~two thousand international units (2000 IU) of Vitamin A per fluid quart;~~or.~~

v) Nonfat dry milk solids may be substituted on a reconstituted quart basis and must contain ~~400~~four hundred international units (400 IU) of Vitamin D and ~~2000~~two thousand international units (2000 IU) of Vitamin A per reconstituted quart;~~or.~~

vi) Quarts and half (1/2) gallons of lactose-free milk (whole, reduced fat, low-fat, and fat free).

vii) Domestic cheese made from one hundred percent (100%) pasteurized milk (American, Monterey Jack, Cheddar, ~~&~~Mozzarella, Colby, Muenster, Swiss, and a blend of any of these flavors). Block style, ~~or~~ sliced, crumbled, string, pearled, low-fat, reduced fat, low cholesterol, and/or low sodium are allowed.

viii) Calcium-set prepared Tofu with calcium salts of fourteen to sixteen ounces (14-16 oz), and organic tofu.

~~viii~~ix) Cereal (hot or cold) which contains a minimum of ~~28~~twenty-eight milligrams (28 mg) of iron per ~~100~~one hundred grams (100 g) of dry cereal and not more than 21.2 grams of sucrose and other sugars per ~~100~~one hundred grams (100 g) of cereal (no more than ~~6~~six grams (6 g) of sugar per ounce). Half of the cereals authorized must have whole grain as the primary ingredient by weight and meet labeling requirements.

~~ix~~x) Eggs, Grade A large, white only.

~~x~~xi) Peanut butter, with no added flavorings.

~~xi~~xii) Mature legumes or beans.

~~xii~~xiii) Canned tuna or pink salmon packed in water or oil.

~~xiii~~xiv) Infant fruits and vegetables include any variety of single ingredient, commercial infant food fruits or vegetables without added sugars, starches, or salt. No organic infant foods or foods with added DHA.

~~xiv~~xv) Infant meats include any variety of commercial infant food having meat or poultry as a single major ingredient, with added broth or gravy, and no added sugars, salt, or DHA.

~~xv~~xvi) Whole ~~G~~grains include whole wheat bread, whole grain bread, brown rice, whole wheat, or soft corn tortillas. Whole grain must be the primary ingredient by weight in all whole grain products and meet labeling requirements for making a health claim as a “whole grain food with moderate fat content.”

(C) To retain authorization for participation a vendor must:

1. Renew the Vendor Agreement with the State WIC Program by the established renewal date.

2. Abide by the terms of the Agreement in effect.
3. Have prices which are competitive, based on the WIC Program definition, with similar type stores' prices.

**SECTION 301. ~~Redemption of Food Instruments.~~ Processing EBT/eWIC Transactions.**

In providing supplemental foods to participants, the ~~V~~ vendor shall:

(A) ~~Only provide the supplemental foods as specified in the WIC Food Guide and only the types, sizes and quantities specified on the food instrument.~~ Charge WIC participants the exact total price for the WIC foods provided to the participant.

(B) ~~Accept food instruments only from individuals who present a valid South Carolina WIC Program ID Card listing them as authorized to redeem the food instruments and receive the supplemental foods.~~ Ensure that all product scans (that is, the scanning and entry of the universal product code (UPC) in the redemption system) are completed or made directly from the product being sold. The vendor may not maintain a "scan book" or similar device and use the UPC labels in a book or other device in place of scanning the product UPC directly from the product being sold.

(C) ~~Provide the supplemental foods at the current price or less than the current price charged to other customers, as indicated on individual food items or shelf labels indicating the price of the items.~~ Scan and charge for only the types, sizes, and quantities of food specified on the participant's eWIC account, and only provide the types, sizes, and quantities of food specified on the participant's eWIC account.

(D) ~~Accept food instruments from participants only within the allowed time period, as listed on each food instrument.~~ Require the WIC participant accept/approve the eWIC transaction. Ensure store personnel do not accept/approve any eWIC transaction for WIC participants under any circumstances.

(E) ~~Accept manual food instruments only if they have been stamped with a WIC Program stamp.~~ Confirm the identity of the authorized person by requiring the use of the individual's personal identification number (PIN) to execute the eWIC transaction.

(F) ~~Refuse to accept any food instruments on which the valid dates or food prescriptions have been altered in any way.~~ Refuse to accept eWIC cards from any person unable to demonstrate their authorization to use the eWIC card.

(G) ~~Enter the date of purchase and total purchase amount (less tax) for the supplemental foods on the food instruments prior to obtaining the signature of the person authorized to receive the foods.~~ Release food benefits to WIC participants any time the eWIC card is decremented even if the system fails to build a claim.

(H) ~~Obtain the signature of the person receiving the supplemental foods and check that signature against the signature on the WIC Program ID Card.~~ Accept eWIC only from authorized participants, or an authorized representative, caretaker, or proxy within the store premises.

(I) Offer WIC participants the same courtesies as other customers, including, but not limited to:

1. Providing promotional specials, such as reduced prices on items as advertised.
2. Allowing use of any open check-out line except for those indicated as "cash only".

(J) Provide WIC participants with an itemized receipt for each eWIC transaction that clearly identifies the item(s) purchased, the individual price charged for each item listed, the remaining balances of WIC available items, and benefit expiration date.”

(K) Upon request, provide WIC participants with an eWIC balance inquiry.

(L) Return any eWIC cards found in the store or facility and unclaimed after twenty-four (24) hours to the local county WIC office

(M) Mark the current shelf prices of all WIC Foods clearly on the appropriate store shelf holding the WIC food items at all times.

(N) Sell all WIC foods at competitive prices consistent with those of the vendors’ peer group at all times during the terms of the Agreement.

**SECTION 401. Submitting Food Instruments for Payment. Vendor eWIC Settlement Payments.**

~~(A) The vendor must deposit food instruments into their local retail bank within thirty (30) days of the “Void after Date”.~~

~~(B) Each food instrument must be stamped with the official WIC vendor stamp provided to the vendor by the State WIC Program Office prior to depositing.~~ (A) Vendors must maintain a bank account for the Automated Clearing House (ACH) transactions for eWIC settlement payments.

(B) Payments are made to the vendor daily during the end-of-day process of the eWIC system.

(C) Vendors will receive their settlement/reimbursements for eWIC transactions within two (2) business days.

(D) The eWIC benefits will be paid up to the maximum amount allowed based on the vendor’s peer group for each individual food UPC.

(E) The State WIC Program may delay payment or establish a claim if the Program determines the vendor has committed a violation that affects the payment to the vendor. The State WIC Program may offset any claim against current and subsequent amounts to be paid to the vendor. The vendor is responsible for any claim assessed by the State WIC Program.

(F) The State WIC Program, at its discretion, may allow the payment of a civil monetary penalty, in lieu of disqualification, as a result of Program abuse.

**SECTION 501. Payment of Food Instruments.**

~~(A) The State Agency may reject food instruments improperly redeemed and may request reimbursement for payments already made for improperly redeemed food instruments. Reasons food instruments may be rejected include, but are not limited to:~~

- ~~— 1. Food instruments accepted prior to or after the valid dates.~~
- ~~— 2. Food instruments on which the date of purchase has not been entered.~~

- ~~— 3. Food instruments on which the purchase amount has not been entered.~~
- ~~— 4. Manual food instruments on which the local WIC Program stamp has not been applied.~~
- ~~— 5. Food instruments on which a valid WIC vendor stamp has not been applied.~~
- ~~— 6. Food instruments on which the serial number is illegible.~~
- ~~— 7. Food instruments on which a valid participant signature has not been applied.~~
- ~~— 8. Food instruments on which the valid dates or food prescription/quantities have been altered.~~
- ~~— 9. Food instruments accepted by a vendor which is not an authorized vendor as stipulated in Section 201 of these regulations.~~
- ~~— 10. Food instruments deposited more than thirty days (30) after the “Void after” date.~~

~~(B) The State WIC Program may delay payment or establish a claim if the Program determines the vendor has committed a violation that affects the payment to the vendor. The State WIC Program may offset any claim against current and subsequent amounts to be paid to the vendor. The vendor is responsible for any claim assessed by the State WIC Program.~~

~~(C) The State WIC Program, at its discretion, may allow the payment of a civil monetary penalty, in lieu of disqualification, as a result of the Program abuse.~~

**~~SECTION 601. Correction of Rejected Food Instruments.~~**

- ~~— (A) Vendors shall have the opportunity to correct food instruments which are rejected for errors.~~
- ~~— (B) Vendors must justify, correct or provide adequate proof that food instruments were accepted according to the procedures listed in Section 401 of these regulations.~~
- ~~— (C) The State WIC Program has the authority to refuse payment for food instruments on which proper corrections have not been made or with which adequate proof of proper acceptance has not been received.~~

**SECTION ~~701~~501. Monitoring of Vendors.**

(A) All vendors participating in the WIC Program agree to allow periodic monitoring of their business to assess compliance with Program requirements.

(B) During a monitoring visit, the vendor shall allow access to all ~~food instruments accepted and located in the store at the time of the monitoring visit.~~ invoices to ensure that formula was purchased from an approved wholesaler, distributor, and/or manufacturer.

**SECTION ~~801~~601. Disqualifications and Sanctions.**

(A) The State WIC Program may disqualify a vendor for Program abuse, failure to meet the requirements of the WIC Vendor Agreement, or other just causes.

(B) Mandatory Vendor Sanctions.

1. One (1) Year Disqualification. A vendor shall be disqualified from the WIC Program for a period of one (1) year for:

~~(a) A pattern of providing unauthorized food items in exchange for WIC food instruments, including charging for supplemental food provided in excess of those listed on the WIC check~~A pattern of providing unauthorized food items by type, size, or quantity in exchange for WIC EBT, including charging for supplemental foods provided in excess of those listed on the WIC EBT account;

~~(b) A pattern of charging prices for WIC items above the maximum allowable price for WIC items; stores within the same peer group and geographical area~~

~~(c) A pattern of not providing a receipt at the end of the transaction showing the date of the transaction, product(s) purchased, and the remaining balance of available benefits;~~

~~(d) Intentionally providing incorrect quantity or type of infant formula specified on a WIC EBT account.~~

~~(e)~~(e) Intentionally providing false information on the WIC Vendor Application;

~~(d)~~(f) Intentionally providing false information on the Vendor Price Survey;

~~(e)~~(g) Non-payment of any claim for overcharges to the WIC Program~~Failure to provide an itemized receipt with each WIC EBT transaction;~~

~~(f)~~(h) Failure to allow monitoring of stores by a WIC Investigator or failure to provide WIC food instruments for review when requested by the WIC Investigator~~Failure to allow monitoring of the store by a WIC Program Coordinator or threatening or abusing, either verbally or physically, a WIC participants or WIC personnel in the conduct of official WIC business;~~

~~(g)~~(i) Forging a signature on WIC food instruments~~Entering the PIN for the WIC participant; or~~

~~(h) Failure to submit a WIC Vendor Price Survey; or~~

~~(i)~~(j) Failure to attend WIC Vendor Training.

2. Three (3) Year Disqualification. A vendor shall be disqualified from the WIC Program for three (3) years for:

~~(a) One incident of the sale of alcoholic beverage or tobacco products in exchange for WIC food instruments~~One (1) incidence of the sale of alcohol or alcoholic beverages or tobacco products in exchange for one (1) or more WIC EBT cards;

~~(b) A pattern of claiming reimbursement for the sale of a specific supplemental food item which exceeds the store's documented inventory of that supplemental food item for a specific period of time, failing to supply store records, or failing to allow an audit of such records by the State WIC Program;~~

~~(c) A pattern of charging WIC participants more for supplemental food than non-WIC customers or charging participants more than the current shelf price;~~

(d) A pattern of receiving, transacting, and/or redeeming ~~WIC food instruments~~ WIC EBT cards outside of authorized channels (laundering) including the use of an unauthorized vendor and/or an unauthorized person;

(e) A pattern of charging for supplemental food not received by the WIC participant; or

(f) A pattern of providing credit or non-food items, other than alcoholic beverages, tobacco products, cash, firearms, ammunition, explosives, or controlled substances in exchange for ~~WIC food instruments~~ WIC EBT cards.

3. Six (6) Year Disqualification. A vendor shall be disqualified from the WIC Program for six (6) years for:

(a) ~~One incident of buying or selling WIC food instruments for cash (trafficking);~~ One (1) incidence of buying or selling one (1) or more WIC EBT cards (trafficking); or

(b) One (1) incident of buying or selling firearms, ammunition, explosives, or controlled substances as defined in 21 U.S.C. 802 in exchange for ~~WIC food instruments~~ WIC EBT cards.

4. Permanent Disqualification. A vendor shall be permanently disqualified from the WIC Program for any ~~conviction of trafficking (buying or selling WIC food instruments for cash) or selling firearms, ammunition, explosives or controlled substances in exchange for a WIC food instrument. A vendor is not entitled to receive any compensation for revenues lost as a result of such violation. A conviction of trafficking WIC EBT cards or selling firearms, ammunition, explosives or controlled substances (defined in Section 102 of the Controlled Substances Act (21.U.S.C. 802)) in exchange for WIC EBT cards. A vendor is not entitled to receive any compensation for revenues lost as a result of such violation.~~

~~(C) A vendor who has been disqualified from SNAP shall also be disqualified from the WIC Program. This disqualification shall be the same length of time as SNAP disqualification, and may begin at a later date than the SNAP disqualification. This disqualification shall not be subject to administrative or judicial review under the WIC Program. The WIC Program must disqualify a vendor who has been disqualified from SNAP. The disqualification must be for the same length of time as the SNAP disqualification, may begin later than the SNAP disqualification, and is not subject to administrative or judicial review under the WIC Program.~~

(D) Second Mandatory Sanction. When a vendor, who has been sanctioned for violating any of the provisions listed in this section, receives a sanction for a second violation of these provisions, the second sanction shall be double the amount of the first.

(E) Third or Subsequent Mandatory Sanctions. When a vendor, who has been assessed two (2) or more sanctions for violation of any of the provisions listed in this section, receives a third or subsequent sanction for a violation of these provisions, the third and all subsequent sanctions shall be double the amount of the immediately preceding sanction.

#### **SECTION ~~901~~701. Program Violations.**

Each violation of ~~p~~Program regulations has a set point value and a specific time period during which the points will remain on a vendor's record. If a vendor accumulates fifteen (15) or more violation points, the store will be disqualified from the WIC Program. The period of disqualification is determined by the nature of the violation(s), the number of violations, and past disqualifications.



(A) The following violations carry a point value of ten (10) and remain on a vendor's record for eighteen (18) months:

1. Failure to stock eight (8) or more required quantities and/or varieties of foods as listed in the Agreement.

4. (B) The following violations carry a point value of eight (8) and remain on a vendor's record for eighteen (18) months:

~~(a) Contacting WIC participants in an attempt to recoup funds for instruments not paid by the Program.~~  
1. Contacting WIC participants in an attempt to recoup funds for eWIC transactions not paid by the Department.

~~(b) Not providing "promotional specials" to WIC participants or not accepting cents off coupons or store discount cards from WIC participants to reduce the amount charged to the program.~~  
2. Not providing promotional specials or not accepting cents-off coupons or store discount cards to reduce WIC price.

~~(c)~~3. Issuing "RAIN" checks.

~~(d)~~4. Requiring WIC participants to use special check-out lanes, not showing WIC participants the same courtesies courtesy as other customers or engaging (committing) in any act of discrimination involving a WIC participant.

~~(e)~~5. Requiring cash purchase to redeem WIC checks or use eWIC cards.

~~(f) Requiring participants to make a cash purchase to redeem food instruments.~~  
5. Requiring cash purchase to redeem WIC checks or use eWIC cards.

~~(g)~~6. Failure to stock between four to eight (4-8) food items as listed in the Vendor Agreement.

7. Failure to scan and enter all sold UPC items directly from the product being sold into the redemption system, or the use of a "scan book" or similar device used in place of scanning the product.

8. Keeping record of a participant's name or PIN after the eWIC card is transacted by or on behalf of a participant.

9. Verbal or physical abuse of a WIC participant or Department employee while the employee is conducting official WIC business.

10. Failure to allow the return of any WIC purchases for identical items that are damaged, spoiled, or has exceeded its "sell by," "best if used by," "manufacturer suggested," or other date limiting the sale or use of the food.

2. (C) The following violations carry a point value of five (5) and remain on a vendor's record for one (1) year:

~~(a) Allowing substitution for foods listed on the food instrument.~~  
1. Allowing the purchase of ineligible foods or substitutions for foods on an eWIC card account.

~~(b) Failure to stock between 1-3 food items as listed in the Vendor Agreement.~~  
2. Failure to stock one to three (1-3) required quantities and/or varieties of foods as listed in the Agreement.

~~(e) Requiring participants to purchase a specific brand of WIC approved foods when more than one brand is available.~~ 3. Where no specific brand is prescribed, requiring a participant to purchase a specific brand of WIC approved foods when more than one (1) brand is available.

~~(d) Using a WIC stamp other than the one issued by the State WIC Program.~~ 4. Allowing manual entry of the eWIC card number.

~~(e) Failure to properly redeem food instruments including but not limited to: not asking for I.D. cards, not completing date and purchase price on food instrument prior to obtaining participant's signature.~~ 5. Failing to provide valid supplier invoices proving sufficient inventory was available on the vendor's sales shelf that support the amount claimed in EBT redemptions the vendor has submitted for payment to the Department.

~~(f)6.~~ 6. Not marking WIC items with price labels or shelf tags.

~~(g)7.~~ 7. Collecting sales tax on WIC Purchases.

~~(h)8.~~ 8. Stocking WIC-approved food outside of the manufacturer's expiration date.

~~(i)9.~~ 9. Providing (selling or giving) incentive items to WIC participants.

10. Not allowing split-tender transactions on Cash Value Benefits (CVB) or eWIC transactions.

11. Asking for additional identification or the WIC participant's PIN.

12. Charging the WIC customer any fee, either directly or indirectly, arising out of or associated with operating, manufacturing, or processing WIC participants.

13. Charging the Program for food not received by a participant.

## **SECTION ~~4004~~ 801. Administrative Appeals.**

All vendors have the opportunity to request a fair hearing (administrative review) regarding certain adverse actions taken by the ~~State Agency~~Department. The vendor must provide the ~~State Agency~~Department with a written fair hearing request within fifteen ~~days~~ (15) calendar days of the receipt of the notice of the adverse action. The written request must list the actions with which the vendor disagrees, as well as reasons the vendor disagrees with these actions. If the vendor does not request a hearing within the fifteen (15) calendar-day period following notification, the ~~State Agency's~~Department's decision becomes final.

If a timely request of final review is filed with the DHEC Clerk of the Board, the Clerk will provide additional information regarding review procedures. If the DHEC Board declines, in writing, to schedule a final review conference, the ~~State Agency's~~Department's decision becomes final and the vendor may request a contested case hearing before the Administrative Law Court within thirty (30) calendar days after notice is mailed informing the vendor that the Board declined to hold a final review conference.

**ATTACHMENT B**  
**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**  
**CHAPTER 61**  
Statutory Authority: 1976 Code Section 43-5-930

**Notice of Drafting:**

The Department of Health and Environmental Control (“Department”) proposes amending R.61-94, WIC Vendors. Interested persons may submit comment(s) on the proposed amendments to Berry Kelly of the Bureau of Community Nutritional Services; S.C. Department of Health and Environmental Control, 2100 Bull Street, Columbia, S.C. 29201; [kellybb@dhec.sc.gov](mailto:kellybb@dhec.sc.gov). To be considered, the Department must receive comments no later than 5:00 p.m. on March 28, 2022, the close of the Notice of Drafting comment period.

**Synopsis:**

Pursuant to S.C. Code Section 43-5-930, the Department will outline the responsibilities and duties of all potential and authorized WIC Vendors. The Department proposes amending R.61-94, WIC Vendors to update verbiage of South Carolina Electronic WIC Benefits (eWIC). These amendments will include changes to definitions, the approval process of vendors, monitoring of vendors, disqualifications, sanctions, program violations, and the transaction of South Carolina WIC Benefits. The Department may also make amendments to redemptions of food instruments, submitting food instruments for payment, payment of food instruments, and correction of rejected food instruments.

The proposed amendments may also include corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

(x) ACTION/DECISION

( ) INFORMATION

Date: August 11, 2022

To: S.C. Board of Health and Environmental Control

From: Bureau of Land and Waste Management

Re: **Notice of Proposed Regulation for New R.61-107.20, Solar Energy Systems**

### I. Introduction


The Bureau of Land and Waste Management (“Bureau”) proposes the attached Notice of Proposed Regulation for new regulation R.61-107.20, *Solar Energy Systems*, for publication in the August 26, 2022, *South Carolina State Register* (“*State Register*”). Legal authority resides in 2022 Act No. 119, Section 5, which directs the Department of Health and Environmental Control (“Department”) to develop rules to guide all South Carolinians invested in, selling, installing, and using photovoltaic (“PV”) modules and energy storage system batteries in the management of end-of-life photovoltaic modules, and energy storage system batteries on solar projects and the decommissioning of solar projects in excess of thirteen acres. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of this proposed new regulation.

### II. Facts

1. Pursuant to 2022 Act No. 119, Section 5, the Department is directed to submit regulations for the management of end-of-life PV modules and energy storage system batteries on solar projects in excess of thirteen acres. The Bureau proposes new regulation R.61-107.20, *Solar Energy Systems*, to create basic guidelines for large solar energy systems to facilitate proper disposal of PV modules and accompanying equipment. The new regulation is designed to establish a permitting requirement, and require that all large solar energy systems have a decommissioning plan, which includes financial assurance, removal of PV modules and accompanying equipment, and remediation of the land, if necessary.
2. The Department had a Notice of Drafting published in the February 25, 2022, *State Register*. A copy of the Notice of Drafting appears herein as Attachment B. The Department received no public comments by the March 28, 2022, close of the public comment period.
3. Appropriate Department staff conducted an internal review of the proposed new regulation on June 16, 2022.
4. The Bureau conducted a stakeholder engagement meeting on April 8, 2022, to receive comments on the proposed new regulation. The Bureau conducted the meeting virtually and included representatives of solar companies, utilities, green energy advocates, the recycling industry, waste processing industry, environmental organizations, city and county governments, and other interested parties.

### III. Request for Approval

The Bureau respectfully requests the Board to grant approval of the attached Notice of Proposed Regulation for publication in the August 26, 2022, *State Register*.

  
Henry Porter  
Bureau Chief

  
Myra C. Reece  
Director

**Attachments:**

- A. Notice of Proposed Regulation
- B. Notice of Drafting published in the February 25, 2022, *State Register*

**ATTACHMENT A**

**STATE REGISTER NOTICE OF PROPOSED REGULATION  
FOR R.61-107.20, SOLAR ENERGY SYSTEMS**

**August 11, 2022**

Document No. \_\_\_\_\_

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL  
CHAPTER 61**

Statutory Authority: 2022 Act No. 119, Section 5, effective January 27, 2022

**Preamble:**

Pursuant to 2022 Act No. 119, Section 5, the Department of Health and Environmental Control (“Department”) is directed to develop rules to guide all South Carolinians invested in, selling, installing, and using photovoltaic (“PV”) modules and energy storage system batteries in the management of end-of-life PV modules and energy storage system batteries on solar projects, and the decommissioning of solar projects in excess of thirteen acres. The Department proposes new regulation R.61-107.20, *Solar Energy Systems*, to create basic guidelines for large solar energy systems. The new regulation is designed to establish a permitting requirement, and facilitate that all large solar energy systems have a decommissioning plan, which includes financial assurance, removal of PV modules and accompanying equipment, and remediation of the land, if necessary. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of this proposed new regulation.

The Department had a Notice of Drafting published in the February 25, 2022, South Carolina State Register.

**Section-by-Section Discussion of Proposed New Regulation:**

<b>Section</b>	<b>Type of Change</b>	<b>Purpose</b>
Regulation Number, Regulation Title, and Statutory Authority	Addition	Assigns a regulation number and title, and establishes the Department’s statutory authority.
Table of Contents	Addition	Gives an overview of the contents and organization of the regulation.
A. Applicability	Addition	This part lays out the pertinent activities for which this regulation is intended to provide guidance, rules, and requirements.
B. Definitions	Addition	This part defines the terms used throughout the regulation and presents the terms in alphabetical order.
C. General Provisions	Addition	This part describes the general requirements that apply to all large solar energy systems.
D. Permit Requirements	Addition	This part describes the permitting requirements that

		apply to all large solar energy systems.
E. Decommissioning Requirements	Addition	This part describes requirements for a facility's decommissioning of a large solar energy system after certain conditions are met.
F. Financial Assurance	Addition	This part describes the minimum financial assurance standards for compliance with Section E.
G. Severability	Addition	This part protects the remaining portion of the regulation should any part or language be declared invalid.
H. Violations and Penalties	Addition	This part establishes the penalties for violation of this regulation or any permit, order, or standard.

**Notice of Public Hearing and Opportunity for Public Comment:**

Interested persons may submit comment(s) on the proposed new regulation to Juli Blalock of the Bureau of Land and Waste Management; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; swregdev@dhec.sc.gov. To be considered, the Department must receive the comment(s) by 5:00 p.m. on September 26, 2022, the close of the comment period.

The S.C. Board of Health and Environmental Control will conduct a public hearing on the proposed new regulation during its November 10, 2022, 11:00 a.m. meeting. Interested persons may make oral and/or submit written comments at the public hearing. Persons making oral comments should limit their statements to five (5) minutes or less. The meeting will take place in the Board Room of the DHEC Building, located at 2600 Bull Street, Columbia, S.C. 29201. Due to admittance procedures, all visitors must enter through the main Bull Street entrance and register at the front desk. The Department will publish a meeting agenda twenty-four (24) hours in advance indicating the order of its scheduled items at: <http://www.scdhec.gov/Agenda>. Public hearing procedures are subject to change in response to COVID-19 protocols. If applicable, the Department will provide notice of these changes twenty-four (24) hours in advance of the public hearing.

The Department publishes a Monthly Regulation Development Update tracking the status of its proposed new regulations, amendments, and repeals, and provides links to associated State Register documents at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>.

**Preliminary Fiscal Impact Statement**

The requirements of this regulation would cause an assessment of a cost to the State General Fund. Staff anticipates that there will be a cost to the Department for three (3) full-time equivalent staff positions necessary to implement the directives of the Act and this proposed regulation. There are no fees established by the Act and this proposed regulation. Additional costs to state government are not anticipated.

**Statement of Need and Reasonableness**



The following presents an analysis of the factors listed in 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

**DESCRIPTION OF REGULATION: R.61-107.20, Solar Energy Systems**

**Purpose:** The purpose of this new regulation is to comply with the requirements of 2022 Act No. 119, Section 5, which directs the Department to develop rules for solar projects in excess of thirteen acres. The new regulation is designed to establish a permitting requirement for large solar sites, and facilitate that all large solar energy systems have a decommissioning plan, which includes financial assurance, removal of PV modules and accompanying equipment, and remediation of the land, if necessary.

**Legal Authority:** 2022 Act No. 119, Section 5

**Plan for Implementation:** The new regulation will take legal effect upon the General Assembly’s approval and upon publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the new regulation. Additionally, a copy of the regulation will be posted on the Department’s website, accessible at [www.scdhec.gov/regulations-table](http://www.scdhec.gov/regulations-table). Printed copies may also be requested, for a fee, from the Department’s Freedom of Information Office.

**DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:**

In 2022, the General Assembly passed Act No. 119, which in Section 5 instructs the Department to prepare regulations for the management of end-of-life PV modules and energy storage system batteries on solar projects in excess of thirteen acres. The Department proposes new regulation R.61-107.20, *Solar Energy Systems*, to establish basic requirements for large solar energy systems. This proposed regulation would require the Department to oversee a permitting process for those who qualify as large solar energy systems, as well as the decommissioning of these sites at their end-of-life. This regulation is needed to comply with the requirements of 2022 Act No. 119 and will give the Department a basic framework with which to manage large solar energy systems and facilitate local approval for such sites.

**DETERMINATION OF COSTS AND BENEFITS:**

**Internal costs:** Implementation of this proposed regulation will require additional resources beyond those allowed for by Act 119. The Department estimates that there are 78 current facilities that would need oversight under this regulation. This proposed regulation would require the Department to oversee a permitting process for large solar energy systems as well as the decommissioning of these sites at their end-of-life. The Act does not establish a fee that would fund the implementation of this regulation.

**External costs:** There will be a cost for facilities that qualify as large solar energy systems. Costs include complying with permitting requirements and decommissioning requirements that require these facilities to remove all solar panels and accompanying equipment, which includes providing a financial assurance mechanism to the Department. There are no registration or operating fees in this proposed regulation.

**External benefits:** With the state participating in oversight of large solar energy systems, there will be less of a burden on local government resources to manage such sites. It will benefit the residents of South Carolina as this proposed regulation assists in facilitating the proper disposal of solar panels at the end of their useful life.

**UNCERTAINTIES OF ESTIMATES:**



There are no uncertainties of estimates relative to the costs to the state or its political subdivisions.

**EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:**

This proposed new regulation will provide rules to facilitate the proper disposal of end-of-life large solar energy systems.

**DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:**

If this proposed new regulation does not become effective, the rules for large solar energy systems required by 2022 Act No. 119, Section 5 will not be implemented. The Department will not have any regulatory framework to manage the creation and operation of large solar energy systems.

**Statement of Rationale:**

Here, below, is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(A)(3)(h):

The requirements of 2022 Act No. 119, Section 5, directs the Department to develop regulations to guide all South Carolinians invested in, selling, installing, and using photovoltaic (“PV”) modules and energy storage system batteries in the management of end-of-life PV modules and energy storage system batteries on solar projects, and the decommissioning of solar projects in excess of thirteen acres. R.61-107.20, *Solar Energy Systems*, will establish basic oversight rules over large solar energy systems, including a permitting requirement, and a requirement for a decommissioning plan, which includes financial assurance, removal of PV modules and accompanying equipment, and remediation of the land, if necessary. This new regulation will allow the Department to have knowledge of existing facilities and establishes a framework with which to manage end-of-life PV modules and energy storage system batteries.

**Text:**

~~Indicates Matter Stricken~~

Indicates New Matter

R.61-107.20. Solar Energy Systems.

Statutory Authority: Section 5 of Act 119 of 2022

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B. Definitions

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A. Applicability.

1. This regulation establishes procedures, documentation, and other requirements to operate large solar energy systems.

2. The requirements of this regulation are not applicable to rooftop solar energy systems or any other solar energy system that does not meet the definition of a large solar energy system.

3. The requirements of this regulation do not supersede or amend R.61-79, Hazardous Waste Management Regulations, or any other applicable laws, statutes, rules, and regulations.

## B. Definitions.

### “Critical habitats” means

a. The specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of 16 U.S. Code Section 1533, on which are found those physical or biological features:

(1) essential to the conservation of the species;

(2) which may require special management considerations or protection; and

b. Specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of 16 U.S. Code Section 1533, upon a determination by the United States Secretary of the Interior that such areas are essential for the conservation of the species.

“Decommission” means the removal and proper disposal of solar energy equipment, facilities, or devices on real property that is used by a large solar energy system. “Decommission” includes the reasonable restoration of the property upon which such solar equipment, facilities, or devices are located, including, but not limited to:

a. soil stabilization; and

b. revegetation of the ground cover of the real property disturbed by the installation of such equipment, facilities, or devices.

“Department” means the South Carolina Department of Health and Environmental Control.

“End-of-life solar panel” means, for the purpose of this regulation, any solar panel, solar energy equipment, or other materials that is no longer suitable for its original intended purpose of collecting and converting solar energy into electricity because of wear, damage, or defect.

“Financial assurance mechanism” means, for the purpose of this regulation, a mechanism designed to demonstrate that sufficient funds will be available to meet specific environmental protection needs of large solar energy systems. Available financial assurance mechanisms include, but are not limited to, insurance, trust funds, surety bonds, letters of credit, personal bonds, certificates of deposit, financial tests, and corporate guarantees as determined per regulation by the Department.

“Generation” means the act or process of producing waste materials.

“Ground-mounted solar energy system” means a solar energy system that is structurally mounted to the ground.

“Hazardous waste” means the same as defined in Section 44-56-20 of the South Carolina Hazardous Waste Management Act.

“Large solar energy system” means a ground-mounted solar energy system that operates in excess of thirteen (13) acres.

“Operator” means the person who is responsible for the overall operation of a solar energy system.

“Rooftop solar energy system” means a solar energy system that is structurally mounted to the roof of a house, building, or other structure and does not qualify as an integrated solar energy system.

“Solar energy equipment” means electrical material, hardware, inverters, conduit, storage devices, footings, braces, stands, or any other appurtenances associated with the operation of a solar energy system.

“Solar energy system” means components and subsystems required to convert solar energy into electric energy suitable for use. The term includes, but is not limited to, solar panels and solar energy equipment. The area of a solar energy system includes all the land inside the perimeter of the solar energy system, which extends to any interconnection equipment.

“Solar panel” means a photovoltaic device capable of collecting and converting solar energy into electricity.

“Solid waste” means the same as defined in Section 44-96-40 of the South Carolina Solid Waste Policy and Management Act.

#### C. General Provisions.

1. Large solar energy systems shall comply with all federal, state, and local zoning, land use, and other applicable ordinances that include, but are not limited to, financial assurance requirements from local governments.

2. All solid and hazardous waste generated because of the operation or decommissioning of a large solar energy system shall be managed according to all applicable laws, statutes, rules, and regulations.

3. The Department or its representatives may conduct inspections of large solar energy systems to determine compliance with state law and this regulation.

4. Large solar energy systems operating before the effective date of this regulation shall have one (1) year from the regulation’s effective date to comply with the provisions of this regulation.

#### D. Permit Requirements.

1. Prior to the beginning of operations, a large solar energy system shall obtain a permit from the Department.

2. Any person wishing to operate a large solar energy system shall submit the following information to the Department:

a. A completed permit application, on a form provided by the Department;

b. Proof of ownership of the property and/or documentation of an agreement with the landowner, demonstrating the applicant's right and authority to use and control the property;

c. Proof from the appropriate county and/or municipal government stating that the property complies with all zoning requirements in that local government's jurisdiction;

d. A decommissioning plan to manage and dispose of end-of-life solar panels, decommission solar energy equipment, facilities, or devices, and remediate the land, if necessary, that complies with the requirements of Section E of this regulation; and

e. A list, based on a survey by a qualified individual, and confirmed by the South Carolina Department of Natural Resources, that identifies:

(1) Federal or state endangered, threatened, or candidate species that may be present on the property and within one thousand feet (1,000 ft) of the property, and

(2) Critical habitats on the property and those within one thousand feet (1,000 ft) of the property.

3. A permitted large solar energy system shall request permit modifications in writing and obtain written consent from the Department prior to implementation.

4. The Department may, upon written request, transfer a large solar energy system permit to a new permittee. A request for a permit transfer shall not include a request for other permit modifications.

a. The proposed new owner of a permitted or registered facility shall, prior to the scheduled change in ownership, submit to the Department:

(1) A completed and signed application form provided by the Department;

(2) A written agreement signed by both parties indicating the intent to change ownership of or operating responsibility of the large solar energy system; and

(3) Documentation of financial assurance per the financial assurance requirements in this regulation.

b. The Department may approve transfer of the permit to the new owner, provided:

(1) The large solar energy system is compliant with all permit requirements and this regulation;

(2) The new owner has agreed in writing to assume responsibility for the operation of the large solar energy system in accordance with this regulation and the facility permit; and

(3) The new owner has funded an adequate financial assurance mechanism in accordance with the requirements of this regulation.

c. The previous owner shall maintain the existing financial assurance mechanism until the new owner can demonstrate financial responsibility in accordance with this regulation.

d. The new owner shall submit legal documentation of the transfer of ownership of the large solar energy system within fifteen (15) calendar days of the actual transfer.

5. If the Department finds that material or substantial violations of the permit demonstrate the permittee's disregard for, or inability to comply with applicable laws, regulations, or requirements, and that such non-compliance would make continuation of the permit not in the best interests of human health and safety or the environment, the Department may, after a hearing, amend, suspend, or revoke the permit, as appropriate and necessary.

#### E. Decommissioning Requirements.

1. Following a continuous twelve (12)-month period in which no electricity is generated, the permit holder will have twelve (12) months to complete decommissioning of the large solar energy system.

2. Decommissioning shall be considered complete once all components of a large solar energy system are removed, including, but not limited to, solar panels, buildings, cabling, electrical components, and any other components of a solar energy system are removed and properly disposed of, and the property upon which such solar equipment, facilities, or devices are located has been reasonably restored.

3. Prior to a permit being approved by the Department, the Department shall review for approval the decommissioning plan submitted pursuant to the requirements in Section D of this regulation. This plan shall include:

a. A description of the large solar energy system, including the total acreage of the property, the total acreage used for solar panels and accessory equipment, the proposed number of solar panels, and an anticipated date for decommissioning;

b. A statement of the objective of the decommissioning process. This can include reasonably restoring the site to its prior use or to a different use as approved by the landowner and the Department;

c. The estimated timeframe it will take to complete the decommissioning process;

d. A description of the tasks involved in decommissioning and the types of equipment that will be required;

e. A final decommissioning cost estimate prepared by a third-party. The applicant shall provide a detailed estimate of the cost of disposing all components of the solar energy system, including, but not limited to, solar panels, electrical material, hardware, inverters, conduits, storage devices, footings, braces, stands, or any other appurtenances associated with the operation of a solar energy system. A final decommissioning cost estimate shall provide estimates for third-party costs to properly dispose of all components of the solar energy system and perform any post-closure care the Department may require. The decommissioning cost estimate shall account for tipping fees, material loading and hauling costs, labor, and the cost for soliciting third-party bids to complete closure and to restore the site to conditions acceptable to the Department; and

f. The name and address of the Class Three landfill, solid waste management facility, or recycler that the permittee expects to use to dispose of all solid waste generated during the operation of its large solar energy facility.

4. The large solar energy system shall send a notification to the Department no later than thirty (30) calendar days after the completion of decommissioning. Upon notification, the Department shall conduct an inspection of the site. If the Department determines the decommissioning plan has been correctly completed, the Department will approve the decommissioning, in writing, at which time the Department permit shall be terminated, and financial assurance mechanisms shall be released.

5. No later than February 1 of each year, each large solar energy system shall submit the following information to the Department:

a. The number of solar panels installed at the facility at the end of the previous calendar year;

b. The number of end-of-life solar panels present at the facility at the end of the previous calendar year;

c. The number of solar panels taken from the facility to be disposed of or recycled during the previous calendar year;

d. The names, addresses, and contact information for each solid waste management facility, hazardous waste management facility, and/or recycling facility where end-of-life solar panels were transported during the previous calendar year; and

e. Acknowledgement that as of the end of the previous calendar year, the facility is still operational. If the facility is no longer operational, the date of termination of operations.

#### F. Financial Assurance.

1. A large solar energy system is exempt from the requirements of this section if the facility funds a financial assurance mechanism with the municipal or local government the large solar energy system is located in, that is sufficient for the requirements of this regulation.

a. A large solar energy system shall send proof of compliance with financial assurance requirements from the municipal or local government the facility is located in.

b. The Department may require that a large solar energy system provide additional financial assurance if the financial assurance mechanism filed with a local or municipal government is not sufficient to meet the requirements of this regulation.

2. Prior to the Department approving a permit, applicants for a large solar energy system shall fund a financial assurance mechanism acceptable to the Department to meet the costs of decommissioning and post-closure care if the large solar energy system should cease operations.

3. The mechanism shall be adequate to facilitate the satisfactory decommissioning of the large solar energy system and post-closure care as required by this regulation in Section E.3.

4. During the operational life of the large solar energy system, the facility owner/operator shall adjust the decommissioning cost estimate as needed.

a. The large solar energy system owner/operator shall annually update the financial assurance mechanism to account for inflation;

b. The large solar energy system owner/operator shall increase the decommissioning cost estimate and the amount of financial assurance provided if changes to the decommissioning plan or facility conditions increase the maximum cost of decommissioning at any time during its period of operation. The decommissioning plan shall be reviewed for such changes no less than once every ten (10) years after the Department approves a facility's permit;

c. The large solar energy system owner/operator may reduce the amount of financial assurance provided for proper closure if the approved decommissioning cost estimate exceeds the maximum cost of decommissioning at any time during its period of operation. The justification for the reduction of the decommissioning cost estimate shall be submitted to the Department for review and approval. Provided the new cost estimate is approved, the permittee may then reduce the amount of financial assurance secured.

5. The financial assurance mechanism shall consist of one or more of the following mechanisms: surety bond, irrevocable letter of credit, insurance, trust fund, or other evidence of financial responsibility assurance approved by the Department.

6. The mechanism used to demonstrate financial assurance under this section shall provide the funds necessary to meet the costs of closure and corrective action for known releases, and that the funds will be available when needed. The owner/operator shall provide continuous coverage for corrective action and decommissioning until released from financial assurance requirements.

7. The Department may take possession of a financial assurance mechanism for failure to complete decommissioning, to complete post-closure care, or to renew or provide alternate acceptable financial assurance.

8. A large solar energy system may be released from financial assurance requirements if it presents the Department with proof of compliance with financial assurance requirements from the city, county, or other governmental entity where the large solar energy system is located.

9. Large solar energy systems owned by local governments are exempt from this requirement until such time as federal regulations require such local governments or regions to demonstrate financial responsibility for such projects and the Department promulgates regulations addressing this issue.

#### G. Severability.

Should any section, paragraph, sentence, clause, or phrase of this regulation be declared unconstitutional or invalid, the remainder of this regulation shall not be affected thereby.

#### H. Violations and Penalties.

The Department, being given authority pursuant to 2022 Act No. 119, Section 5, to develop regulations for the management of end-of-life photovoltaic modules and energy storage system batteries on solar projects in excess of thirteen (13) acres, may impose reasonable civil penalties on a large solar energy system for each day of violation of any permit, order, regulation, or standard.

## ATTACHMENT B

### DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL CHAPTER 61

Statutory Authority: 2022 Act No. 119, Section 5, effective January 27, 2022

#### **Notice of Drafting:**

The Department of Health and Environmental Control (“Department”) proposes drafting a new regulation for the management of end-of-life photovoltaic modules and energy storage system batteries on solar projects in excess of thirteen acres. Interested persons may submit comment(s) on the proposed new regulation to Juli Blalock of the Bureau of Land and Waste Management; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; [swregdev@dhec.sc.gov](mailto:swregdev@dhec.sc.gov). To be considered, the Department must receive comments no later than 5:00 p.m. on March 28, 2022, the close of the Notice of Drafting comment period.

This notice supersedes the Notice of Drafting that was published in the South Carolina State Register Volume 45, Issue 7 on July 23, 2021.

#### **Synopsis:**

Pursuant to Section 5 of 2022 Act No. 119 (the “Act”), the Department was directed to submit regulations which develop rules to guide all South Carolinians invested in, selling, installing, and using photovoltaic modules and energy storage system batteries in the management of end-of-life photovoltaic modules and energy storage system batteries on solar projects and the decommissioning of solar projects in excess of thirteen acres. The Department proposes promulgating a new regulation as directed in the Act. The new regulation will establish rules for the responsible management and disposal of materials and equipment used in utility-scale solar projects, including local approval of a site plan and the submission of a nonbinding management plan. The rules may also include financial assurance, stewardship, and reporting requirements.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of the proposed new regulation.





(x) ACTION/DECISION  
( ) INFORMATION

Date: August 11, 2022

To: S.C. Board of Health and Environmental Control

From: Bureau of Water

**Re: Notice of Proposed Regulation Amending R.61-68, *Water Classifications and Standards*.**

## I. Introduction

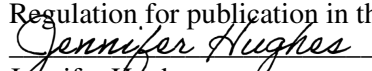
The Bureau of Water (“Bureau”) proposes the attached Notice of Proposed Regulation amending R.61-68, Water Classifications and Standards, for publication in the August 26, 2022, *South Carolina State Register* (“*State Register*”). Legal authority resides in S.C. Code Sections 48-1-10 et seq., which provide that the Department of Health and Environmental Control (“Department”) shall promulgate regulations to implement the South Carolina Pollution Control Act. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

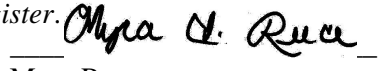
## II. Facts

1. R.61-68 establishes appropriate goals and water uses to be achieved, maintained, and protected; general rules and water quality criteria to protect classified and existing water uses; and an antidegradation policy to protect and maintain the levels of water quality necessary to support and maintain those existing and classified uses. Section 303(c)(2)(B) of the federal Clean Water Act (“CWA”) requires South Carolina’s water quality standards be reviewed and revised, where necessary, at least once every three years. Referred to as the triennial review, this required process consists of reviewing and adopting, where appropriate, the Environmental Protection Agency’s updated numeric and narrative criteria according to Section 304(a) and Section 307(a) of the CWA.
2. The Department had a Notice of Drafting published in the February 25, 2022, *State Register*. A copy of the Notice of Drafting appears herein as Attachment B. The Department received public comments from four parties by March 25, 2022, the close of the public comment period. Attachment C presents a summary of these public comments received and Department responses.
3. The Department met with stakeholders to discuss the Notice of Drafting and to receive stakeholder input on April 19, 2022, and on May 24, 2022.
4. Appropriate Department staff conducted an internal review of the proposed amendments on July 13, 2022.

## III. Request for Approval

The Bureau of Water respectfully requests the Board to grant approval of the attached Notice of Proposed Regulation for publication in the August 26, 2022, *State Register*.

  
\_\_\_\_\_  
Jennifer Hughes  
Chief, Bureau of Water

  
\_\_\_\_\_  
Myra Reece  
Director of Environmental Affairs

Attachments:

- A. Notice of Proposed Regulation
- B. Notice of Drafting published in the February 25, 2022, *State Register*
- C. Summary of Public Comments Received and Department Responses

ATTACHMENT A

STATE REGISTER NOTICE OF PROPOSED REGULATION  
FOR R.61-68, *Water Classifications and Standards*

August 11, 2022

Document No. \_\_\_\_\_

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:**

Pursuant to S.C. Code Sections 48-1-10 et seq., the Department of Health and Environmental Control (“Department”) establishes appropriate goals and water uses to be achieved, maintained, and protected; general rules and water quality criteria to protect classified and existing water uses; and an antidegradation policy to protect and maintain the levels of water quality necessary to support and maintain those existing and classified uses. Section 303(c)(2)(B) of the federal Clean Water Act (“CWA”) requires South Carolina’s water quality standards be reviewed and revised, where necessary, at least once every three years. Referred to as the triennial review, this required process consists of reviewing and adopting, where appropriate, the Environmental Protection Agency’s updated numeric and narrative criteria. The Department proposes amending R.61-68 to adopt the criteria the Department deems necessary to comply with federal regulatory recommendations and revisions. The Department proposes to adopt a revised standard for aquatic life ambient water quality criteria for aluminum, and a revised recreational water quality criteria for bacteria to reflect the most current final published criteria in accordance with the CWA. The Department proposes stylistic changes for overall improvement of the text of the regulation. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

The Department had a Notice of Drafting published in the February 25, 2022, South Carolina State Register.

Section-by-Section Discussion of Proposed Amendments:

Section	Type of Change	Purpose
A. Purpose and Scope	Technical Correction	Amend Code references and section references for accuracy.
B. Definitions	Technical Correction Addition	Correcting each instance of mg/l by replacing it with mg/L for accuracy. Correcting punctuation. Adding definitions for: Department, Environmental Protection Agency, and Waters of the State for clarity.
C. Applicability of Standards	Technical Correction	Correcting each instance of mg/l by replacing it with mg/L for accuracy. Correcting grammar and punctuation.

D. Antidegradation Rules	Technical Correction Reorganization Revision	Correcting each instance of mg/l by replacing it with mg/L for accuracy. Reorganizing and revising D.2.a. and D.2.b. to clarify the requirements of an alternatives analysis.
E. General Rules and Standards Applicable to All Waters	Technical Correction Revision	Correcting grammar and punctuation. Correcting each of the following instances for accuracy: replacing mg/l with mg/L; replacing ml with mL; and replacing ug/l with µg/L. Correcting taxonomic classifications to italicized font. Clarifying the assessment of enterococci and E. coli for purposes of Section 303(d) listing determinations shall be based on the geometric mean with an allowable 10% exceedance.
F. Narrative Biological Criteria	Technical Correction	Correcting grammar and punctuation.
G. Class Descriptions, Designations, and Specific Standards for Surface Waters	Technical Correction Revision	Correcting each of the following instances for accuracy: replacing mg/l with mg/L; and replacing ml with mL. Revising the following standards to add an allowable 10% exceedance to the geometric mean: E. coli, fecal coliform, and enterococci.
H. Class Descriptions and Specific Standards for Ground Waters	Technical Correction	Correcting each instance of mg/l by replacing it with mg/L for accuracy. Correcting references and punctuation.
Appendix	Technical Correction	Correcting a reference from three attachments to four attachments.
Appendix – Priority Toxic Pollutants	Technical Correction	Correcting cadmium criteria from dissolved to total.
Appendix – Non-Priority Toxic Pollutants	Addition	Adding aluminum criteria.
Appendix – Water Quality Criteria Additional Note 1	Technical Correction	Correcting the spelling of the word exceedance, and correcting punctuation. Correcting each instance of mg/l and replacing it with mg/L for accuracy.
Appendix Attachment 4	Technical Correction	Correcting each instance of mg/l by replacing it with mg/L, and

		correcting CCC by replacing it with CMC for accuracy.
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**Notice of Public Hearing and Opportunity for Public Comment:**

Interested persons may submit comment(s) on the proposed amendments to Andrew Edwards, Water Quality Standards Coordinator, of the Bureau of Water; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; edwardaj@dhec.sc.gov. To be considered, the Department must receive the comment(s) by 5:00 p.m. on September 26, 2022, the close of the comment period.

The S.C. Board of Health and Environmental Control will conduct a public hearing on the proposed amendments during its November 10, 2022, 11:00 a.m. meeting. Interested persons may make oral and/or submit written comments at the public hearing. Persons making oral comments should limit their statements to five (5) minutes or less. The meeting will take place in the Board Room of the DHEC Building, located at 2600 Bull Street, Columbia, S.C. 29201. Due to admittance procedures, all visitors must enter through the main Bull Street entrance and register at the front desk. The Department will publish a meeting agenda twenty-four (24) hours in advance indicating the order of its scheduled items at: <http://www.scdhec.gov/Agenda>. Public hearing procedures are subject to change in response to COVID-19 protocols. If applicable, the Department will provide notice of these changes twenty-four (24) hours in advance of the public hearing.

The Department publishes a Monthly Regulation Development Update tracking the status of its proposed new regulations, amendments, and repeals and providing links to associated State Register documents at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>.

**Preliminary Fiscal Impact Statement**

No costs to the State or significant cost to its political subdivisions as a whole should be incurred by these proposed amendments.

**Statement of Need and Reasonableness**

The following presents an analysis of the factors listed in 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: 61-68, Water Classifications and Standards

Purpose: Proposed amendments of R.61-68, as required by the triennial review, 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 33 U.S.C. Section 303(c)(2)(B) of the federal CWA.

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

Plan for Implementation: The amendments will take legal effect upon General Assembly approval and upon publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments. Additionally, a copy of the regulation will be posted on the Department's website, accessible at [www.scdhec.gov/regulations-table](http://www.scdhec.gov/regulations-table). Printed copies may also be requested, for a fee, from the Department's Freedom of Information Office.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION  
BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

Section 303(c)(2)(B) of the federal CWA requires that South Carolina's water quality standards be reviewed and revised, where necessary, at least once every three years. Referred to as the triennial review, this required process consists of reviewing and adopting, where appropriate, the Environmental Protection Agency's updated numeric and narrative criteria according to Section 304(a) and Section 307(a) of the CWA. The Department proposes amending R.61-68 to adopt these criteria as the Department deems necessary to comply with federal regulatory recommendations and revisions.

DETERMINATION OF COSTS AND BENEFITS:

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

Overall cost impact to the State's political subdivisions and regulated community is not likely to be significant. Existing standards would have incurred similar cost. Furthermore, standards required under the amendments will be substantially consistent with the current guidelines and review guidelines utilized by the Department.

UNCERTAINTIES OF ESTIMATES:

The uncertainties associated with the estimation of benefits and burdens are minimal to moderate, due to possible differences in the extent to which Municipal Separate Storm Sewer Systems ("MS4s") currently meet the lower standard.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Implementation of these proposed amendments will not compromise the protection of the environment or the health and safety of the citizens of the State. The proposed amendments to R.61-68 seek to 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 REGULATION  
IS NOT IMPLEMENTED:

Implementation of these proposed amendments will not compromise the protection of the environment or the health and safety of the citizens of the State. The proposed amendments to R.61-68 seek to promote and protect aquatic life and human health by the regulation of pollutants into waters of the State. If the proposed amendments to R.61-68 are not implemented, then the waters of the State will have less protections for aquatic life.

**Statement of Rationale:**

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(A)(3)(h):

R.61-68 establishes appropriate goals and water uses to be achieved, maintained, and protected; general rules and water quality criteria to protect classified and existing water uses; and an antidegradation policy to protect and maintain the levels of water quality necessary to support and maintain those existing and classified uses. Section 303(c)(2)(B) of the federal CWA requires South Carolina's water quality standards be reviewed and revised, where necessary, at least once every three years. Referred to as the triennial

review, this required process consists of reviewing and adopting, where appropriate, the Environmental Protection Agency's updated numeric and narrative criteria according to Section 304(a) and Section 307(a) of the CWA. The Department proposes amending R.61-68 to adopt these criteria the Department deems necessary to comply with federal regulatory recommendations and revisions. The Department proposes to adopt a revised standard for aquatic life ambient water quality criteria for aluminum, and a revised recreational water quality criteria for bacteria to reflect the most current final published criteria in accordance with the CWA.

**Text:**

~~Indicates Matter Stricken~~

Indicates New Matter

61-68. Water Classifications and Standards.

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

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APPENDIX. WATER QUALITY NUMERIC CRITERIA FOR THE PROTECTION OF AQUATIC LIFE AND HUMAN HEALTH

**A. PURPOSE AND SCOPE.**

1. ~~These~~This regulations, promulgated pursuant to authority in the S.-C. Pollution Control Act, S.C. Code Sections 48-1-10 et seq., ~~1976 Code of Laws~~, establishes a system and rules for managing and protecting the quality of South Carolina's surface and ground water. They establish the State's official classified water uses for all waters of the State, establish general rules and specific numeric and narrative criteria for protecting classified and existing water uses, and establish procedures for classifying waters of the State. The water quality standards include the uses of the waters, the numeric and narrative criteria, and the antidegradation rules contained in this regulation.



a. The uses of the waters of the State are defined and described in Sections B, C, E, F, G, and H of this regulation.

b. Numeric criteria for aquatic life and human health are numeric values for specific parameters and pollutants or water quality levels which have been assigned for the protection of the existing and classified uses for each of the classifications in South Carolina and are listed in Sections D, E, G, H, and the Appendix. Narrative criteria for aquatic life and human health are general goals and statements of attainable or attained conditions of biological integrity and water quality of the waterbody. These narrative criteria rely upon the use of standardized measures and data analyses to make qualitative determinations of the water quality and use attainment. The Department uses scientifically sound and, where applicable, EPA-approved methods in making these determinations. Narrative criteria are listed in Sections C, D, E, F, G, and H.

c. Antidegradation rules provide a minimum level of protection to all waters of the State and also include provisions and requirements necessary to determine when and if water quality degradation is allowed. Antidegradation rules are described in Section D of this regulation.

2. Waters which meet standards shall be maintained. Waters which do not meet standards shall be improved, wherever attainable, to achieve those standards. However, the Department cannot assure that classified waters shall at all times meet the numeric water quality standards for such uses.

3. Recognizing the technical and economic difficulty in restoring water quality, the Department shall emphasize a preventive approach in protecting waters of the State.

4. It is a goal of the Department to maintain and improve all surface waters to a level to provide for the survival and propagation of a balanced indigenous aquatic community of flora and fauna and to provide for recreation in and on the water. It is also a goal to provide, where appropriate and desirable, for drinking water after conventional treatment, shellfish harvesting, and industrial and agricultural uses.

5. It is a goal of the Department to maintain or restore ground water quality so it is suitable as a drinking water source without any treatment.

## **B. DEFINITIONS.**

~~1-~~The definition of any word or phrase employed in this regulation shall be the same as given in the South Carolina Pollution Control Act, S.C. Code Sections 48-1-10, et seq., S.C. Code of Laws, 1976, hereafter referred to as the Act. Words or phrases which are not defined in the Act are defined as follows:

~~2-~~**7Q10** means the annual minimum seven (7)-day average flow rate that occurs with an average frequency of once in ten (10) years as published or verified by the U. S. Geological Survey (USGS) or an estimate extrapolated from published or verified USGS data.

~~3-~~**30Q5** means the annual minimum thirty (30)-day average flow rate that occurs with an average frequency of once in five (5) years as published or verified by the U.-S. Geological Survey (USGS) or an estimate extrapolated from published or verified USGS data.

~~4-~~**Acute** means a stimulus severe enough to rapidly induce an effect; in aquatic toxicity tests, an effect observed in ninety-six (96) hours or less typically is considered acute. When referring to aquatic toxicology or human health, an acute effect is not always measured in terms of lethality.

~~5.~~ **Acute-to-chronic ratio (ACR)** means the ratio of the acute toxicity of an effluent or a toxicant to its chronic toxicity. It is used as a factor for estimating chronic toxicity on the basis of acute toxicity data, or for estimating acute toxicity on the basis of chronic toxicity data.

~~6.~~ **Agricultural** means the use of water for stock watering, irrigation, and other farm purposes.

~~7.~~ **Annual average flow** means the annual mean flow rate of a stream at a specific point as published or verified by the U.-S. Geological Survey (USGS) or an estimated annual mean flow rate extrapolated from published or verified USGS data.

~~8.~~ **Aquaculture** means a defined managed water area which uses discharges of pollutants into that designated area for the maintenance or production of harvestable freshwater, estuarine, or marine plants or animals.

~~9.~~ **Aquatic farm** means the cultivation, production, or marketing of domestic aquatic organisms which are any fish, aquatic invertebrates, or aquatic plants that are spawned, produced, or marketed as a cultivated crop in the waters of the State.

~~10.~~ **Aquatic toxicity test** mean laboratory experiments that measure the biological effect (e.g., growth, survival, and reproduction) of effluents or receiving waters on aquatic organisms.

~~11.~~ **Aquifer** means a geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield significant quantities of ground water to wells or springs.

~~12.~~ **Balanced indigenous aquatic community** means a natural, diverse biotic community characterized by the capacity to sustain itself through cyclic seasonal changes, presence of necessary food chain species, and by a lack of domination by pollutant tolerant species.

~~13.~~ **Best management practice (BMP)** means a practice or combination of practices that are the most effective, practical ways of controlling or abating pollution from widespread or localized sources.

~~14.~~ **Bioaccumulation** means the process by which a compound is taken up and retained by an aquatic organism, both from water and through food.

~~15.~~ **Bioavailability** means a measure of the physiochemical access that a toxicant has to the biological processes of an organism. The less the bioavailability of a toxicant, the less its toxic effect on an organism.

~~16.~~ **Bioconcentration** means the process by which a compound is absorbed from water through gills or epithelial tissues and is concentrated in the body.

~~17.~~ **Bioconcentration factor (BCF)** means the ratio of a substance's concentration in tissue versus its concentration in water, in situations where the food chain is not exposed or represents equilibrium partitioning between water and organisms.

~~18.~~ **Biological assessment** means an evaluation of the biological condition of a waterbody using biological surveys and other direct measurements of resident biota in surface waters and sediments.

~~19.~~ **Biological criteria**, also known as biocriteria, mean narrative expressions or numeric values of the biological characteristics of aquatic communities based on appropriate reference conditions. Biological criteria serve as an index of aquatic community health.

20.—**Biological monitoring**, also known as biomonitoring, means a description of the living organisms in water quality surveillance used to indicate compliance with water quality standards or permit effluent limits and to document water quality trends. Methods of biological monitoring may include, but are not limited to, toxicity testing such as ambient toxicity testing, whole effluent toxicity testing, and ambient assessment of the resident biological community.

21.—**Chlorophyll *a*** means a photosynthetic pigment present in all types of green plants. It is used as a measure of algal biomass and is an indicator of nutrient enrichment.

22.—**Chronic** means a stimulus that lingers or continues for a relatively long period of time, often one-tenth of the life span or more. Chronic should be considered a relative term depending on the life span of an organism. The measurement of a chronic effect can be reduced growth, reduced reproduction, etc., in addition to lethality.

23.—**Classified uses** means those uses specified in Section G for surface waters and Section H for ground waters, whether or not those uses are being attained.

24.—**Concentrated aquatic animal production facility** means a hatchery, fish farm, or other facility related to aquatic animal production which is not located in waters of the State and is subject to a National Pollutant Discharge Elimination System (NPDES) permit.

25.—**Conventional treatment as applying to potable water supplies** means treatment including at least flocculation, sedimentation, filtration, and disinfection.

26.—**Criterion continuous concentration (CCC)** means the highest instream concentration of a toxicant or an effluent to which the organisms can be exposed to protect against chronic (long-term) effects. EPA derives chronic criteria from longer term (often greater than twenty-eight (28) days) tests that measure survival, growth, reproduction, and, in some cases, bioconcentration.

27.—**Criterion maximum concentration (CMC)** means the highest instream concentration of a toxicant or an effluent to which the organisms can be exposed for a brief period of time without causing an acute effect. EPA derives acute criteria from forty-eight (48) to ninety-six (96) hour tests of lethality or immobilization.

28.—**Daily average** means the average of all samples taken during any twenty-four (24)-hour period.

29.—**Daily maximum** (for bacterial indicators only) means the highest arithmetic average of bacterial samples collected [for each of the bacterial indicator species (i.e., *E. coli*, enterococci, and/or fecal coliform)] in any twenty-four (24) hour period during a calendar month.

30.—**Deleterious substances** mean those substances which in sufficient concentrations or levels have a harmful effect on classified or existing water uses.

**Department** means the S.C. Department of Health and Environmental Control.

31.—**Ecoregions** mean areas of general similarity in ecosystems and in the type, quality, and quantity of environmental resources and are designed to serve as a spatial framework for the research, assessment, management, and monitoring of ecosystems and ecosystem components. The EPA has published a document that outlines the Level III ecoregions (please refer to U.S. Environmental Protection Agency, 1999. Level III ecoregions of the continental United States (revision of Omernik, 1987). Corvallis, Oregon, U.S. E.P.A.-National Health and Environmental Effects Research Laboratory, Map M-1.) The following

are South Carolina Level III ecoregions: Blue Ridge Mountains, Piedmont, Southeastern Plains, and Middle Atlantic Coastal Plains.

EPA means the U.S. Environmental Protection Agency.

32.—**Ephemeral streams** mean streams that generally have defined natural watercourses that flow only in direct response to rainfall or snowmelt and in which discrete periods of flow persist no more than twenty-nine (29) consecutive days per event.

33.—**Existing uses** means those uses actually being attained in or on the water, on or after November 28, 1975, regardless of the classified uses.

34.—**Fishing** means the taking, harvesting, or catching of finfish or crustaceans for human consumption.

35.—**Full pool elevation** means the maximum lake level attained before water releases over a fixed weir, spillway, or other discharge structure. In larger lakes and reservoirs, the full pool elevation is the maximum level established for management.

36.—**Groundwater** means water below the land surface in a zone of saturation.

37.—**Hydrograph controlled release (HCRs)** means the onsite storage or holding of treated wastewater or the use of an alternative discharge option contained in Section D.2.a. of this regulation, during specified critical streamflow conditions and then discharging the treated wastewater to the stream when streamflow is sufficient to assimilate the wastewater.

38.—**Intermittent streams** means streams that generally have defined natural watercourses which do not flow year around, but flow beyond periods of rainfall or snowmelt.

39.—**Lake** means any water of the State that is a freshwater pond, reservoir, impoundment, or similar body of water located wholly or partially within the State.

40.—**LC<sub>50</sub>** means the concentration of a toxicant at which lethality occurs to ~~50~~fifty percent (50%) of the test organisms during a specified exposure time period.

41.—**Mixing zone** means:

a.—For surface waters, an area where a discharge undergoes initial dilution and is extended to cover the secondary mixing in the ambient waterbody. A mixing zone is an allocated impact zone where water quality criteria can be exceeded as long as acutely toxic conditions are prevented (except as defined within a Zone of initial dilution) and public health and welfare are not endangered.

b.—For ground waters, a hydrogeologically controlled three-dimensional flow path in the subsurface which constitutes the pathway for waste constituents to migrate from a source.

42.—**Monthly average** (for bacterial indicators only) means the calendar month (i.e., twenty-eight (28) days, twenty-nine (29) days, thirty (30) days, or thirty-one (31) days) geometric mean of all bacterial samples collected [for each of the bacterial indicator species (i.e., *E. coli*, enterococci, and/or fecal coliform)] during that calendar month.

43.—**Natural conditions** mean those water quality conditions unaffected by anthropogenic sources of pollution.

44.—**No discharge zone (NDZ)** means a waterbody (or a portion of a waterbody) so designated that no discharging Marine Sanitation Devices (MSDs) are allowed on vessels on waterbodies so designated. All vessels located on such designated waterbodies shall be equipped with MSDs which discharge to a holding tank which shall be pumped out at a designated pump-out location or shall discharge legally outside the boundary of the United States.

45.—**No observed effect concentration (NOEC)** means the highest tested concentration of an effluent or a toxicant at which no adverse effects are observed on the aquatic test organisms at a specific time of observation and determined using hypothesis testing.

46.—**Nutrients** mean an element or chemical essential to life including, but not limited to, nitrogen and phosphorus.

47.—**Organoleptic effects** mean those sensory effects associated with taste and smell.

48.—**Outstanding recreational or ecological resource waters** means waters which are of exceptional recreational or ecological importance or of unusual value. Such waters may include, but are not limited to: waters in national or state parks or wildlife refuges; waters supporting threatened or endangered species; waters under the National Wild and Scenic Rivers Act or South Carolina Scenic Rivers Act; waters known to be significant nursery areas for commercially important species or known to contain significant commercial or public shellfish resources; or waters used for or having significant value for scientific research and study.

49.—**Practical quantitation limit (PQL)** means a concentration at which the entire analytical system must give a recognizable signal and acceptable calibration point. It is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method-specific sample weights, volumes, and processing steps have been followed.

50.—**Prohibited area** means an area adjacent to point source discharges or other sources of potential contamination in shellfish growing waters where the gathering of clams, mussels, or oysters is prohibited to protect public health.

51.—**Primary contact recreation** means any activity with the intended purpose of direct water contact by the human body to the point of complete submergence, including, but not limited to, swimming, water skiing, and skin diving.

52.—**Propagation** means the continuance of species through reproduction and growth in the natural environment, as opposed to the maintenance of species by artificial culture and stocking.

53.—**Public water system** means any public or privately owned waterworks system which provides drinking water for human consumption, except those serving a single private residence or dwelling.

54.—**Recharge area** means an area where an underground source of drinking water is poorly confined, is under water table conditions, and has a downward component of flow from the water table into the underground source of drinking water.

55.—**Secondary contact recreation** means any activity occurring on or near the water which does not have an intended purpose of direct water contact by the human body to the point of complete submergence, including, but not limited to, fishing, boating, canoeing, and wading.

56.—**Shellfish** mean bivalve mollusks, specifically clams, mussels, or oysters.

57.—**Shellfish harvesting** means taking of bivalve mollusks, specifically clams, mussels, or oysters, for direct marketing or human consumption.

58.—**Source for drinking water supply** means any source of surface water which is used for domestic consumption, or used in connection with the processing of milk, beverages, food —or for other purposes which required finished water meeting regulations (40 CFR Part 141 and 40 CFR Part 143) established pursuant to the Safe Drinking Water Act (Public Law 93-523, 95-190) applicable to public water systems.

59.—**Tidal conditions** mean conditions determined by the Department as appropriate for tidally influenced waters of the State to be analogous to the 7Q10 or the annual average flow for flowing waters of the State.

60.—**Tidal saltwaters** means those waters whose elevation is subject to changes due to oceanic tides and which have chloride ion content in excess of ~~250~~two hundred fifty milligrams per liter (~~mg~~4250 mg/L) (salinity = 0.48 parts per thousand).

61.—**Toxic wastes** means those wastes or combinations of wastes including disease-causing agents which, upon discharge and ~~upon~~ exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, may cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction), physical deformations, or restrict or impair growth in such organisms or their offspring.

62.—**Underground source of drinking water (USDW)** means an aquifer or its portion:

a.—Which supplies any public water system or individual residential well; or

b.—Which contains a sufficient quantity of ground water to supply a public water system or individual residential well; and,

(1)—Currently supplies drinking water for human consumption; or

(2)—Contains water with less than ten thousand milligrams per liter (10,000 mg/L) total dissolved solids.

63.—**Variance** means a short-term exemption from meeting certain otherwise applicable water quality standards.

64.—**Water table** means that level below the land surface at which all the voids are filled with water at a pressure equal to atmospheric.

65.—**Weekly average** means the average of all samples taken during any consecutive seven (7)-day period.

66.—**Whole effluent toxicity (WET)** means the aggregate toxic effect of an aqueous sample measured directly by an aquatic toxicity test.

67.—**Zone of initial dilution (ZID)** means that minimal area of a mixing zone immediately surrounding the outfall where water quality criteria are not met, provided there is no acute toxicity to drifting organisms and public health and welfare are not endangered.

### C. APPLICABILITY OF STANDARDS.

1. The water quality standards are applicable to both surface waters and ground waters.
2. Any exception specified in this regulation is to be applied exclusively to the situation for which it was incorporated and not as a general rule applicable to all situations or waters of the State.
3. Uses in all waters shall be protected, wherever attainable, regardless of flow and classification of waters.
4. Critical flows for determining permit effluent limitations and/or permit conditions or requirements, including permit development such as wasteload allocations or load allocations in total maximum daily loads (TMDL's), will be calculated in accordance with the following:

a. Aquatic life numeric criteria.

(1) The applicable critical flow conditions for aquatic life criteria shall be defined as 7Q10 or tidal conditions as determined by the Department. The numeric criteria of this regulation are not applicable to waters of the State when the flow rate is less than 7Q10 except as prescribed below.

(2) The Department shall consider conditions that are comparable to or more stringent than 7Q10 where appropriate to protect classified and existing uses, such as below dams and in tidal situations. Only those situations where the use of 7Q10 flows are determined to be impracticable, inappropriate, or insufficiently protective of aquatic life uses shall be considered as a situation in which the Department may consider other flow conditions.

(3) NPDES Permit conditions shall be based on a critical condition analysis (e.g., critical flow, temperature or pH, or a combination of factors which would represent a critical conditions). ~~Regarding ambient water temperature as a component of a critical condition analysis, the Department may consider less stringent limits during November through February based on a critical ambient water temperature during November through February.~~

b. Human health and organoleptic numeric criteria.

(1) The applicable critical flow conditions for human health shall be defined as annual average flow for carcinogens, 7Q10 (or 30Q5 if provided by the applicant) for noncarcinogens, or tidal conditions as determined by the Department. The applicable critical flow conditions for organoleptic criteria shall be defined as annual average flow or tidal conditions as determined by the Department. The numeric criteria of this regulation are not applicable to waters of the State when the flow rate is less than the annual average flow for carcinogens or 7Q10 (or 30Q5 if provided by the applicant) for noncarcinogens, except as prescribed below.

(2) The Department shall consider conditions that are comparable to or more stringent than annual average flow, 7Q10, or 30Q5 (if provided by the applicant) where appropriate to protect the classified and existing uses, such as below dams and in tidal situations. Only those situations where the use of annual average flow, ~~or~~ 7Q10, or 30Q5 (if provided by the applicant) are determined to be impracticable, inappropriate, or insufficiently protective of human health uses shall be considered as a situation in which the Department may consider other flow conditions.

c. As described below, the Department may also consider conditions other than 7Q10 for use with an HCR.

(1) After a complete antidegradation review in compliance with Section D.2., an HCR for oxygen-demanding substances may be permitted by the Department for the following situations:

i. If other flow-related effluent conditions are allowed by federal effluent guidelines as specified in 40 CFR Parts 400-499 (Chapter I, Subchapter N) and when used the numeric criteria shall not be exceeded and all water quality standards are maintained and protected;

ii. For industrial discharges, after application of advanced wastewater treatment, as determined by the Department, for the type of wastewater discharged;

iii. For other discharges, after application of advanced wastewater treatment which will be defined, for this purpose, at or below the following permit effluent limitations of  $BOD_5 = 10 \text{ mg/L}$ ,  $NH_3-N = 1 \text{ mg/L}$ , and  $DO = 6 \text{ mg/L}$ .

(2) In cases where an HCR may be allowed, the permit effluent limitations for toxics will not be variable and will be based on the critical flow conditions (chemical-specific or WET).

(3) In cases where an HCR may be allowed, new or proposed expansions of existing permits shall require instream biological assessments and existing permits may require instream biological assessments.

5. Intermittent streams and ephemeral streams shall be considered waters of the State. The water quality standards of the class of the stream to which intermittent and ephemeral streams are tributary shall apply, disregarding any site-specific numeric criteria for the named waterbody. This does not preclude the development of site-specific numeric criteria for intermittent and ephemeral streams.

6. The standards of adjacent waters must be maintained in basins excavated from high ground and constructed solely for berthing vessels. The standards of the adjacent waters must also be maintained with regard to impacts from created marina basins.

7. The existing and classified uses of downstream waters shall be maintained and protected and existing uses shall be protected regardless of the classification of the downstream waters. In tidally-influenced waters, the existing and classified uses of both upstream and downstream waters shall be maintained and protected and the existing uses shall be protected regardless of the classification of the upstream and downstream waters.

8. Where surface waters are not classified by name (unlisted) in R.61-69, Classified Waters, the water quality standards of the class of the stream to which they are tributary shall apply, disregarding any site-specific numeric criteria for the named waterbody. In tidal areas where an unlisted tributary may affect or flows between two (2) differently classified waterbodies, regardless of whether the location is upstream or downstream, the more stringent numeric criteria of the classified waters apply to the unlisted tributary, disregarding any site-specific numeric criteria for those waterbodies. This does not preclude the development of site-specific numeric criteria for unlisted tributaries.

9. Because of natural conditions some surface and ground waters may have characteristics outside the standards established by this regulation. Such natural conditions do not constitute a violation of the water quality standards; however, degradation of existing water quality is prohibited unless consistent with Section D.4. of this regulation.

10. A mixing zone for surface waters may be allowed by the Department. All water quality standards of the classification of the surface waters, including affected downstream waters, are applicable unless a mixing zone, setting forth certain conditions, is granted by the Department. When the Department grants a



mixing zone, the mixing zone shall not be an area of waste treatment, nor shall it interfere with or impair the existing uses of the waterbody. The size of the mixing zone shall be minimized, as determined by the Department, and shall be based upon applicable critical flow conditions. Since mixing zones are allocated impact zones where human health and aquatic life numeric criteria can be exceeded, the Department shall restrict their use. The following prohibitions and restrictions are established in order to support these important uses of the waters of the State.

a. In order to protect human health, mixing zones are not allowed when: they would endanger public health and welfare, the mixing zone would adversely affect shellfish harvesting, or the mixing zone would be for bacteria (e.g., fecal coliform).

b. In order to protect aquatic life, mixing zones are not allowed when: a pollutant, excluding temperature or thermal, in a discharge would attract biota; the mixing zone would result in undesirable aquatic organisms or a dominance of nuisance species outside of the mixing zone; there is a reasonable expectation that a discharge would adversely affect a federally-listed endangered or threatened aquatic species, its habitat, or a proposed or designated critical habitat; the mixing zone would not allow safe passage of aquatic organisms when passage would otherwise be unobstructed; or the mixing zone would not allow for the protection and propagation of a balanced indigenous aquatic community in and on the water body.

c. In order to protect both human health and aquatic life, mixing zones are not allowed when: a discharge would not be predicted to or does not produce adequate mixing at the point of discharge; or a discharge would be to a waterbody where multiple discharges interact if the combined mixing zone would impair the waterbody outside the mixing zone. The Department may prohibit or limit mixing zones in waters of the State that may be considered a significant estuarine nursery habitat for resident species.

d. The size of the mixing zone shall be kept to a minimum and may be determined on an individual project basis considering biological, chemical, engineering, hydrological, and physical factors.

11. Mixing zones for ground waters may be allowed by the Department. In order to ensure the maintenance and protection of the uses of the waters of the State and in compliance with Section D of this regulation, any mixing zone granted by the Department shall be determined on an individual basis by the Department as prescribed below.

a. The numeric standards for Class GB ground water, Section H.9., are applicable unless a mixing zone solely within the bounds of the property, setting forth certain conditions, is granted by the Department. Such a mixing zone shall be granted upon satisfactory demonstration to the Department that:

(1) Reasonable measures have been taken or binding commitments are made to minimize the addition of contaminants to ground water and/or control the migration of contaminants in ground water;

(2) The ground water in question is confined to a shallow geologic unit which has little or no potential of being an Underground Source of Drinking Water, and discharges or will discharge to surface waters without contravening the surface water standards set forth in this regulation;

(3) The contaminant(s) in question occurs within the bounds of the property, and there is minimum possibility for ground water withdrawals (present or future) to create drawdown such that contaminants would flow off-site; and

(4) The contaminants or combination of contaminants in question are not dangerously toxic, mobile, or persistent.

b. [Reserved].

12. Site-specific numeric criteria for surface waters may be established by the Department to replace the numeric criteria of Sections E, G, and the appendix of this regulation or to add new numeric criteria not contained in this regulation. Establishment of such numeric criteria shall be subject to public participation and administrative procedures for adopting regulations. In addition, such site-specific numeric criteria shall not apply to tributary or downstream waters unless specifically described in the water classification listing in R.61-69, Classified Waters.

13. In classifying and adopting standards for the waters of the State, the Department considers:

a. The size, depth, surface area covered, volume, flow direction, rate of flow, stream gradient, and temperature of the water;

b. The character of the district bordering such water and its suitability for the uses and with a view to conserving it and encouraging the most appropriate use of the lands bordering on such water for residential, agricultural, industrial, or recreational purposes;

c. The uses which have been made, are being made, may be made or are desired to be made of such waters for transportation, domestic, and industrial consumption, irrigation, swimming, fishing, fish culture, fire prevention, sewage disposal, or other uses;

d. The present quality of such waters; and

e. Information, about the four (4) items above, from government agencies, interested groups, and the public.

#### **D. ANTIDegradation Rules.**

1. Existing water uses and the level of water quality necessary to protect these existing uses shall be maintained and protected regardless of the water classification and consistent with the policies below.

a. A new activity or expansion of an existing activity shall not be allowed in Class ONRW, Class ORW, or Shellfish Harvesting Waters if it would exclude, through establishment of a prohibited area, an existing shellfish harvesting or culture use. A new activity or expansion of an existing activity which will result in a prohibited area may be allowed in Class SA or Class SB waters when determined to be appropriate by the Department and would not remove or impair an existing use.

b. Existing uses and water quality necessary to protect these uses are presently affected or may be affected by instream modifications or water withdrawals. The stream flows necessary to protect classified and existing uses and the water quality supporting these uses shall be maintained consistent with riparian rights to reasonable use of water.

c. Existing or classified ground water uses and the conditions necessary to protect those uses shall be maintained and protected.

2. Where surface water quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife, and recreation in and on the water, that quality shall be maintained and protected unless the Department finds, after intergovernmental coordination and public participation, that allowing lower water quality is necessary to important economic or social development in the areas where the waters are located. In allowing such lower water -quality, water quality adequate to fully protect existing and classified uses

shall be maintained. The highest statutory and regulatory requirements for all new and existing point sources shall be achieved and all cost-effective and reasonable best management practices for nonpoint source control shall be achieved within the State's statutory authority and otherwise encouraged. In order to fulfill these goals, the Department shall consider (a) ~~and (b)~~ through (e) below when evaluating any proposed expansion or new discharge to waters of the State that will lower water quality to a measurable effect. This includes, but is not limited to, the new or increased loading of any pollutant or pollutant parameter in the effluent regardless of whether the discharge flow changes.

a. An alternatives analysis, conducted by the applicant, must demonstrate to the Department that none of the following applicable alternatives that would minimize or eliminate the lowering of water quality are economically and technologically reasonable:

- (1) Water recycle or reuse;
- (2) Use of other discharge locations;
- (3) Connection to other wastewater treatment facilities;
- (4) Use of land application;
- (5) Product or raw material substitution; and
- (6) Any other treatment option or alternative.

~~b. After the alternatives analysis is completed, the Department shall evaluate whether a proposed discharge that will result in the lowering of water quality of a waterbody, and for which there are no economically or technologically reasonable alternatives, is necessary for important economic or social development. For this to be accomplished, several economic and social factors must be considered. If an evaluation of the economic and social factors reveals that affordable treatment options that, combined with any alternatives, would prevent the need for the lowering of water quality, the Department shall deny the request. Conformance of the proposed discharge with the applicable '208 Areawide Water Quality Management Plans may demonstrate importance to economic and social development as well as intergovernmental coordination and public participation. Activities requiring permits or certification by the Department shall provide for public participation through the Department's existing public notification processes. Economic and social factors to be considered may include the following:~~

- ~~— (1) Employment (increases, maintenance, or avoidance of reduction);~~
- ~~— (2) Increased industrial production;~~
- ~~— (3) Improved community tax base;~~
- ~~— (4) Improved housing; and/or~~
- ~~— (5) Correction of an environmental or public health problem.~~

b. If an evaluation of the alternatives analysis reveals that economically and technologically reasonable treatment options, combined with any alternatives, would prevent the need for the lowering of water quality, the Department shall deny the request.

c. If there are no economically and technologically reasonable alternatives to a proposed discharge that will result in the lowering of water quality of a waterbody, the Department shall evaluate whether the proposed discharge is necessary for important economic or social development and may deny the request based upon this evaluation. For purposes of this evaluation, several economic and social factors may be considered, including, but not limited to, the following:

- (1) Employment (increases, maintenance, or avoidance of reduction);
- (2) Increased industrial production;
- (3) Improved community tax base;
- (4) Improved housing; and/or
- (5) Correction of an environmental or public health problem.

d. Conformance of the proposed discharge with the applicable 208 Areawide Water Quality Management Plans may demonstrate importance to economic and social development as well as intergovernmental coordination and public participation.

e. Activities requiring permits or certification by the Department shall provide for public participation through the Department's existing public notification processes.

3. The water quality of outstanding resource surface waters designated as Class ONRW or Class ORW shall be maintained and protected through application of the standards for these classifications as described in Section G.

4. Certain natural conditions may cause a depression of dissolved oxygen in surface waters while existing and classified uses are still maintained. The Department shall allow a dissolved oxygen depression in these naturally low dissolved oxygen waterbodies as prescribed below pursuant to the Act, S.C. Code Sections 48-1-83, et seq., 1976 Code of Laws:

a. For purposes of section D of this regulation, the term "naturally low dissolved oxygen waterbody" is a waterbody that, between and including the months of March and October, has naturally low dissolved oxygen levels at some time and for which limits during those months shall be set based on a critical condition analysis. The term does not include the months of November through February unless low dissolved oxygen levels are known to exist during those months in the waterbody. For a naturally low dissolved oxygen waterbody, the quality of the surface waters shall not be cumulatively lowered more than 0.1 mg/L for dissolved oxygen from point sources and other activities; or

b. Where natural conditions alone create dissolved oxygen concentrations less than ~~110~~one hundred ten percent (110%) of the applicable water quality standard established for that waterbody, the minimum acceptable concentration is ~~90~~ninety percent (90%) of the natural condition. Under these circumstances, an anthropogenic dissolved oxygen depression greater than 0.1 mg/L shall not be allowed unless it is demonstrated that resident aquatic species shall not be adversely affected pursuant to S.C. Code Section 48-1-83. The Department may modify permit conditions to require appropriate instream biological monitoring.

c. The dissolved oxygen concentrations shall not be cumulatively lowered more than the deficit described above utilizing a daily average unless it can be demonstrated that resident aquatic species shall not be adversely affected by an alternate averaging period.

## **E. GENERAL RULES AND STANDARDS APPLICABLE TO ALL WATERS.**

1. The General Assembly of South Carolina in the Act has declared the following policy: “It is declared to be the public policy of the State to maintain reasonable standards of purity of the air and water resources of the State, consistent with the public health, safety and welfare of its citizens, maximum employment, the industrial development of the State, the propagation and protection of terrestrial and marine fauna and flora, and the protection of physical property and other resources. It is further declared that to secure these purposes and the enforcement of the provisions of this Act, the Department of Health and Environmental Control shall have authority to abate, control and prevent pollution.”

2. The classes and standards described in Sections G and H of this regulation implement the above State policy by protecting the waters of South Carolina. Consistent with the above policy, the Department adopts the following general standards in items 3-17 for all waters of South Carolina.

3. No waters of the State shall be used for the sole or principal purpose of transporting or treating wastes.

4. a. Any discharge into waters of the State must be permitted by the Department and receive a degree of treatment and/or control which shall produce an effluent which is consistent with the Act, the Clean Water Act (P.L. 92-500, 95-217, 97-117, 100-4), this regulation, and related regulations. No permit issued by the Department shall be interpreted as creating any vested right in any person. Additionally, any discharge into waters of the State containing sanitary wastes shall be effectively disinfected as necessary to meet the appropriate standards of this regulation. The Department may require best management practices (BMPs) for control of stormwater runoff as part of the requirements of an NPDES permit, a State construction permit, or a State 401 Water Quality Certification.

b. When not specifically covered by permit reporting requirements, any unauthorized discharge into waters of the State which may cause or contribute to an excursion of a water quality standard must be reported by the responsible party to the Department orally within twenty-four (24) hours of becoming aware of such conditions. Further, written notification must be provided to the Department (Bureau of Water) within five (5) calendar days of becoming aware of such conditions and the written notice must include the following:

(1) A description of the discharge and cause;

(2) The duration of the discharge, including exact dates and times, and if not corrected, the time that the unauthorized discharge is expected to cease, and what steps are being taken to eliminate, minimize, and prevent recurrence of the discharge.

5. All ground waters and surface waters of the State shall at all times, regardless of flow, be free from:

a. Sewage, industrial waste, or other waste that will settle to form sludge deposits that are unsightly, putrescent, or odorous to such a degree as to create a nuisance, or interfere with classified water uses or existing water uses;

b. Floating debris, oil, grease, scum, and other floating material attributable to sewage, industrial waste, or other waste in amounts sufficient to be unsightly to such a degree as to create a nuisance or interfere with classified water uses or existing water uses;

c. Sewage, industrial, or other waste which produce taste or odor or change the existing color or physical, chemical, or biological conditions in the receiving waters or aquifers to such a degree as to create a nuisance,

or interfere with classified water uses (except classified uses within mixing zones as described in this regulation) or existing water uses; and,

d. High temperature, toxic, corrosive, or deleterious substances attributable to sewage, industrial waste, or other waste in concentrations or combinations which interfere with classified water uses (except classified uses within mixing zones as described in this regulation), existing water uses, or which are harmful to human, animal, plant or aquatic life.

6. Waters where classified uses are not being attained can be reclassified for protection of an attainable use and standards designated for that use where:

a. Natural conditions prevent the attainment of the use; or

b. Natural, ephemeral, intermittent, low flow conditions, or water levels prevent the attainment of the use; or

c. Human caused conditions or sources prevent the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place; or

d. Dams, diversions, or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the waterbody to its original condition or to operate such modification in a way that would result in the attainment of the use; or

e. Physical conditions related to the natural features of the water body, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, preclude attainment of aquatic life protection uses; or

f. Controls more stringent than those required by Sections 301(b) and 306 of the Clean Water Act would result in substantial and widespread economic and social impact.

7. Before the Department may grant a variance for any water of the State, there must be a demonstration that one of the following factors for reclassifying uses has been satisfied:

a. Natural conditions prevent the attainment of the use; or

b. Natural, ephemeral, intermittent, low flow conditions, or water levels prevent the attainment of the use; or

c. Human caused conditions or sources prevent the attainment of the use and cannot be remedied or would cause more environmental damage to correct than to leave in place; or

d. Dams, diversions, or other types of hydrologic modifications preclude the attainment of the use, and it is not feasible to restore the waterbody to its original condition or to operate such modification in a way that would result in the attainment of the use; or

e. Physical conditions related to the natural features of the water body, such as the lack of a proper substrate, cover, flow, depth, pools, riffles, and the like, preclude attainment of aquatic life protection uses; or

f. Controls more stringent than those required by Sections 301(b) and 306 of the Clean Water Act would result in adverse social and economic impact, disproportionate to the benefits to the public health, safety, or welfare as a result of maintaining the standard.

8. If the demonstration necessary under Section E.7 above has been satisfied, the Department may then grant a variance provided the following apply:

a. The variance is granted to an individual discharger for a specific pollutant(s) or parameter(s) and does not otherwise modify water quality standards; and

b. The variance identifies and justifies the criterion that shall apply during the existence of the variance; and

c. The variance is established as close to the underlying criterion as is possible and, upon expiration of the variance, the underlying criterion shall become the effective water quality standard for the waterbody; and

d. The variance is reviewed every three (3) years, at a minimum, and extended only where the conditions for granting the variance still apply; and

e. The variance does not exempt the discharger from compliance with any applicable technology or other water quality-based permit effluent limitations; and

f. The variance does not affect permit effluent limitations for other dischargers.

9. Prior to removing any uses or granting a variance, notice and an opportunity for a public hearing shall be provided.

10. Discharge of fill into waters of the State is not allowed unless the activity is consistent with Department regulations and will result in enhancement of classified uses with no significant degradation to the aquatic ecosystem or water quality.

11. In order to protect and maintain lakes and other waters of the State, consideration needs to be given to the control of nutrients reaching the waters of the State. Therefore, the Department shall control nutrients as prescribed below.

a. Discharges of nutrients from all sources, including point and nonpoint, to waters of the State shall be prohibited or limited if the discharge would result in, or if the waters experience growths of, microscopic or macroscopic vegetation such that the water quality standards would be violated or the existing or classified uses of the waters would be impaired. Loading of nutrients shall be addressed on an individual basis as necessary to ensure compliance with the narrative and numeric criteria.

b. Numeric nutrient criteria for lakes are based on an ecoregional approach which takes into account the geographic location of the lakes within the State and are listed below. These numeric criteria are applicable to lakes of forty (40) acres or more. Lakes of less than forty (40) acres will continue to be protected by the narrative criteria.

(1) For the Blue Ridge Mountains ecoregion of the State, total phosphorus shall not exceed 0.02 ~~mg~~µg/L, chlorophyll *a* shall not exceed 10 ~~µg~~µg/L, and total nitrogen shall not exceed 0.35 ~~mg~~µg/L.

(2) For the Piedmont and Southeastern Plains ecoregions of the State, total phosphorus shall not exceed 0.06 ~~mg/L~~, chlorophyll *a* shall not exceed 40 ~~ug/L~~, and total nitrogen shall not exceed 1.50 ~~mg/L~~.

(3) For the Middle Atlantic Coastal Plains ecoregion of the State, total phosphorus shall not exceed 0.09 ~~mg/L~~, chlorophyll *a* shall not exceed 40 ~~ug/L~~, and total nitrogen shall not exceed 1.50 ~~mg/L~~.

c. In evaluating the effects of nutrients upon the quality of lakes and other waters of the State, the Department may consider, but not be limited to, such factors as the hydrology and morphometry of the waterbody, the existing and projected trophic state, characteristics of the loadings, and other control mechanisms in order to protect the existing and classified uses of the waters.

d. The Department shall take appropriate action, to include, but not be limited to: establishing numeric effluent limitations in permits, establishing Total Maximum Daily Loads, establishing waste load allocations, and establishing load allocations for nutrients to ensure that the lakes attain and maintain the above narrative and numeric criteria and other applicable water quality standards.

e. The criteria specific to lakes shall be applicable to all portions of the lake. For this purpose, the Department shall define the applicable area to be that area covered when measured at full pool elevation.

12. a. The water temperature of all Freshwaters which are free flowing shall not be increased more than 5°F (2.8°C) above natural temperature conditions and shall not exceed a maximum of 90°F (32.2°C) as a result of the discharge of heated liquids unless a different site-specific temperature standard as provided for in C.12. has been established, a mixing zone as provided in C.10. has been established, or a Section 316(a) determination under the Federal Clean Water Act has been completed.

b. The weekly average water temperature of all Shellfish Harvesting, Class SA and Class SB waters shall not exceed 4°F (2.2°C) above natural conditions during the fall, winter or spring, and shall not exceed 1.5°F (0.8°C) above natural conditions during the summer as a result of the discharge of heated liquids unless a different site-specific temperature standard as provided for in C.12. has been established, a mixing zone as provided for in C.10 has been established, or a Section 316(a) determination under the Federal Clean Water Act has been completed.

c. The weekly average water temperature of all Freshwaters which are lakes shall not be increased more than 5°F (2.8°C) above natural conditions and shall not exceed 90°F (32.2°C) as a result of the discharge of heated liquids unless a different site-specific temperature standard as provided for in C.12. has been established, a mixing zone as provided in C.10. has been established, or a Section 316(a) determination under the Federal Clean Water Act has been completed.

13. Numeric criteria based on organoleptic data (prevention of undesirable taste and odor) are adopted herein. Those substances and their criteria are listed in the appendix. For those substances which have aquatic life and/or human health numeric criteria and organoleptic numeric criteria, the most stringent of the three (3) shall be used for derivation of permit effluent limitations.

14. Numeric criteria for the protection and maintenance of all classes of surface waters are adopted herein and are listed in Sections E, G, and the appendix. Footnotes that further describe the application of these numeric criteria are included in the appendix.

a. Application of numeric criteria to protect aquatic life.



(1) The stated CMC value shall be used as an acute toxicity number for calculating permit effluent limitations.

(2) The stated CCC value shall be used as a chronic toxicity number for calculating permit effluent limitations.

(3) If metals concentrations for numeric criteria are hardness-dependent, the CMC and CCC concentrations shall be based on 25 ~~milligrams/liter (mg/l-mg/L)~~ hardness (as expressed as CaCO<sub>3</sub>) if the ambient hardness is less than 25 ~~mg/l-mg/L~~. Concentrations of hardness less than 400 ~~mg/l-mg/L~~ may be based on the actual mixed stream hardness if it is greater than 25 ~~mg/l-mg/L~~ and less than 400 ~~mg/l-mg/L~~ and 400 ~~mg/l-mg/L~~ if the ambient hardness is greater than 400 ~~mg/l-mg/L~~.

(4) If separate numeric criteria are given for fresh and salt waters, they shall be applied as appropriate. In transitional tidal and estuarine areas, the Department shall apply the more stringent of the criteria to protect the existing and classified uses of the waters of the State.

(5) The Department shall review new or revised EPA criteria for adoption by South Carolina when published in final form.

(6) If the State develops site-specific criteria for any substances for which EPA has developed national criteria, the site-specific criteria shall supersede the national criteria.

b. Application of numeric criteria to protect human health.

(1) If separate numeric criteria are given for organism consumption, water and organism consumption (W/O), and drinking water Maximum Contaminant Levels (MCLs), they shall be applied as appropriate. The most stringent of the criteria shall be applied to protect the existing and classified uses of the waters of the State.

(2) The Department shall review new or revised EPA criteria for adoption by South Carolina when published in final form by EPA.

(3) If the State develops site-specific criteria for any substances for which EPA has developed national criteria, the site-specific criteria shall supersede the national criteria.

(4) Adoption of EPA human health criteria does not preclude the Department from considering health effects of other pollutants or from considering new or revised EPA criteria when developing effluent permit conditions.

c. Application of criteria for the derivation of permit effluent limitations.

(1) Numeric criteria for substances listed in Sections E, G, and the appendix shall be used by the Department to derive NPDES permit effluent limitations at the applicable critical flow conditions as determined by the Department unless an exception is provided below.

(2) When the derived permit effluent limitation based on aquatic life numeric criteria is below the practical quantitation limit for a substance, the derived permit effluent limitation shall include an accompanying statement in the permit that the practical quantitation limit using approved analytical methods shall be considered as being in compliance with the limit. Appropriate biological monitoring requirements shall be incorporated into the permit to determine compliance with appropriate water quality standards. Additionally, if naturally occurring instream concentration for a substance is higher than the

derived permit effluent limitation, the Department may establish permit effluent limitations at a level higher than the derived limit, but no higher than the natural background concentration. In such cases, the Department may require biological instream monitoring and/or WET testing.

(3) When the derived permit effluent limitation based on human health numeric criteria is below the practical quantitation limit for a substance, the derived permit effluent limitation shall include an accompanying statement in the permit that the practical quantitation limit using approved analytical methods shall be considered as being in compliance with the limit. Additionally, if naturally occurring instream concentration for a substance is higher than the derived permit effluent limitation, the Department may establish permit effluent limitations at a level higher than the derived limit, but no higher than the natural background concentration.

(4) NPDES permit effluent limitations for metals shall normally be expressed on the permits as total recoverable metals, but the Department may utilize a federally-approved methodology to predict the dissolved fraction, partitioning coefficient, or the bioavailable portion of metals in calculating these limits.

(5) Except as provided herein, where application of MCLs or W/O numeric criteria using annual average flow for carcinogens, 7Q10 (or 30Q5 if provided by the applicant) for noncarcinogens, or comparable tidal conditions as determined by the Department results in permit effluent limitations more stringent than limitations derived from other applicable human health criteria (organism consumption only), aquatic life criteria, or organoleptic numeric values, MCLs or W/O shall be used in establishing permit effluent limitations for human health protection. The Department may, after Notice of Intent included in a notice of a proposed NPDES permit in accordance with Regulation 61-9.124.10, Procedures for Decision Making, determine that drinking water MCLs or W/O shall not apply to discharges to those waterbodies where there is: no potential to affect an existing or proposed drinking water source and no state-approved source water protection area. For purposes of this section, a proposed drinking water source is one for which a complete permit application, including plans and specifications for the intake, is on file with the Department at the time of consideration of an NPDES permit application for a discharge that will affect or has the potential to affect the drinking water source.

(6) Except as provided herein, ~~where~~ the Department may determine that an NPDES permitted discharge will not cause, have reasonable potential to cause, or contribute to an ~~exceedence~~ exceedance of the numeric criterion for turbidity under the following conditions:

i. The facility withdraws its surface intake water containing turbidity from the same body of water into which the discharge is made;

ii. The facility does not significantly concentrate or contribute additional turbidity to the discharged water; or

iii. The facility does not alter the turbidity through chemical or physical means that would cause adverse water quality impacts to occur.

(7) Site-specific permit effluent limitations and alternate criteria less stringent than those derived in accordance with the above requirements may be derived where it is demonstrated that such limits and criteria shall maintain the existing and classified uses, adequate opportunity for public participation in such derivation process has occurred, and the effluent shall not cause ~~criteria for human health~~ criteria to be exceeded. Where a site-specific permit effluent limitation and alternate criterion has been derived, such derivation shall be subject to EPA review as appropriate. Also, at a minimum, opportunity for input in derivation of a site-specific permit effluent limitation and alternate criterion shall be provided via public notice in NPDES permit notices.

(8) In order to protect recreational uses in freshwaters (including FW, and all types of Trout Waters) of the State, NPDES permit effluent limitations shall be specified as indicated below:

i. Monthly Average (E. coli)	126 MPN per 100 <del>ml</del> <u>mL</u>
ii. Daily Maximum (E. coli)	349 MPN per 100 <del>ml</del> <u>mL</u> (see c(12) below)
iii. Shellfish protection	Class SFH requirements for fecal coliform (see c(11)i. and c(11)ii. below) may be specified (in addition to the limits above) for the protection of downstream waters (regardless of their individual classification) with shellfish uses.
iv. Municipal separate storm sewer systems	For municipal separate storm sewer systems (as described in R.61-9.122.26.a.) <sub>2</sub> compliance with the bacterial standards shall be determined in accordance with c(13) below.
v. Protection of upstream and/or downstream waters	Permit limitations may include (in addition to the requirements listed in c(8)i. and c(8)ii. above) one or more bacterial limitations for fecal coliform, <i>E. coli</i> <sub>2</sub> and/or enterococci to protect both uses in the specific receiving water-body and also to protect –any upstream and/or downstream uses that may be required. If more than one bacterial limit is required, the conditions associated with each section below shall apply independently regardless of the water classification at the point of discharge.
vi. Class ORW or ONRW protection	For Class ORW or ONRW waters, the bacterial requirements shall be those applicable to the classification of the waterbody immediately prior to reclassification to either ORW or ONRW, including consideration of natural conditions. See G.5 and G.7 for prohibitions.

(9) In order to protect recreational uses in Class SA saltwaters of the State, NPDES permit effluent limitations shall be specified as indicated below:

i. Monthly Average (enterococci)	35 MPN per 100 <del>ml</del> <u>mL</u>
ii. Daily Maximum (enterococci)	104 MPN per 100 <del>ml</del> <u>mL</u> (see c(12) below)
iii. Shellfish protection	Class SFH requirements for fecal coliform (see c(11)i. and c(11)ii. below) may be specified (in addition to the limits above) for the protection of upstream and/or downstream waters (regardless of their individual classification) with shellfish uses.
iv. Municipal separate storm sewer systems	For –municipal separate storm sewer systems (as described in R.61-9.122.26.a.) <sub>2</sub> compliance with the bacterial standards shall be determined in accordance with

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c(13) below.

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v. Protection of upstream and/or downstream waters	Permit limitations may include (in addition to the requirements listed in c(9)i. and c(9)ii. above) one or more bacterial limitations for fecal coliform, E. coli <sub>2</sub> and /or enterococci to protect both uses in the specific receiving water-body and also to protect -any upstream or downstream uses that may be required. If more than one bacterial limit is required, the conditions associated with each section above or below shall apply independently regardless of the water classification at the point of discharge.
vi. Class ORW or ONRW protection	For Class ORW or ONRW waters, the bacterial requirements shall be those applicable to the classification of the waterbody immediately prior to reclassification to either ORW or ONRW, including consideration of natural conditions. See G.5 and G.7 for prohibitions.

(10) In order to protect recreational uses in Class SB saltwaters of the State, NPDES permit effluent limitations shall be specified as indicated below:

i. Monthly Average (enterococci)	35 MPN per 100 mL
ii. Daily Maximum (enterococci)	104 MPN per 100 mL (see c(12) below)
iii. Class SA recreational daily maximum and/or shellfish protection	Class SA daily maximum (see c(9)ii. above) recreational use requirements for enterococci and/or Class SFH requirements (see c(11)i. and c(11)ii. below) for fecal coliform may be specified (in addition to the limits above) for the protection of upstream and/or downstream waters (regardless of their individual classification).
iv. Municipal separate storm sewer systems	For municipal separate storm sewer systems (as described in R.61-9.122.26.a.) <sub>2</sub> compliance with the bacterial standards shall be determined in accordance with c(13) below.
v. Protection of upstream and/or downstream waters	Permit limitations may include (in addition to the requirements listed in c(10)i. and c(10)ii. above) one or more bacterial limitations for fecal coliform, E. coli and /or enterococci to protect both uses in the specific receiving water-body and also to protect any upstream or downstream uses that may be required. If more than one bacterial limit is required, the conditions associated with each section above or below shall apply independently regardless of the water classification at the point of discharge.
vi. Class ORW or ONRW protection	For Class ORW or ONRW waters, the bacterial requirements shall be those applicable to the classification of the waterbody immediately prior to reclassification to either ORW or ONRW, including consideration of natural conditions. See G.5 and G.7 for prohibitions.

(11) In order to protect for the consumption of shellfish, for any discharge either directly or indirectly in Class SFH waters or in Class SA, Class SB, ORW<sub>2</sub> or ONRW waters with existing and/or approved shellfish harvesting uses as described in Section C.7, including protection of shellfish upstream and/or downstream uses in all waters regardless of their classification, NPDES permit effluent limitations shall be specified as indicated below:

i. For protection of shellfish uses-Monthly Average (Fecal coliform)	14 MPN per 100 <del>mL</del> <u>mL</u>
ii. For protection of shellfish uses- Daily Maximum (Fecal coliform)	43 MPN per 100 <del>mL</del> <u>mL</u> (see c(12) below)
iii. For protection of recreational uses - Monthly Average (enterococci)	35 MPN per 100 <del>mL</del> <u>mL</u>
iv. For protection of recreational uses-Daily Maximum (enterococci)	104 MPN per 100 <del>mL</del> <u>mL</u> (see c(12) below)
v. Protection of upstream and/or downstream waters	Permit limitations may include (in addition to the requirements listed in c(11)i. through c(11)iv. above) one or more bacterial limitations for fecal coliform, E. coli and /or enterococci to protect both uses in the specific receiving water-body and also to protect any upstream or downstream uses that may be required. If more than one bacterial limit is required, the conditions associated with each section above shall apply independently regardless of the water classification at the point of discharge.
vi. Municipal separate storm sewer systems	For municipal separate storm sewer systems (as described in R.61-9.122.26.a.) <sub>2</sub> compliance with the bacterial standards shall be determined in accordance with c(13) below.

(12) Provided the permittee verifies in writing to the Department that conditions (12)i. through (12)iv. below have been met, the permittee would be in compliance with the daily maximum bacterial requirement. However, nothing in this regulation precludes the Department from taking action, depending on the individual circumstances<sub>2</sub> to protect public health and/or the environment.

i. If the facility exceeds the permitted Daily Maximum bacterial limitation listed above (for E. coli, enterococci<sub>2</sub> or fecal coliform) but two (2) additional samples collected within forty-eight (48) hours of the original sample result do NOT exceed the required Daily Maximum limit; and

(A) For all waters not involving shellfish protection (regardless of the specific water classification), the individual bacterial sample result has not exceeded 800 MPN per 100-~~mL~~ mL, and for those waters involving shellfish protection, the individual bacterial sample result for fecal coliform has not exceeded 200 MPN per 100-~~mL~~ mL; and

(B) There is neither an existing Consent Order nor Administrative Order associated with the facilities operation of their disinfection system; and

(C) Either:

1. For facilities that routinely collect ten (10) bacterial samples per month (or one hundred twenty (120) or more samples per calendar year), there were no more than four (4) total bacteria samples exceeding the daily maximum limit in the previous twelve (12 months); or

2. For facilities other than those listed in (C)-1. above (e.g., smaller facilities or those that do not routinely collect ten (10) samples or more per month), there was no more than one (1) bacterial sample exceeding the daily maximum limit in the previous twelve (12 months); and

ii. The permittee verifies that all disinfection equipment was fully functional, and the solids handling system was fully functional during that monitoring period; and

iii. Any additional bacterial sampling collected during the monthly monitoring period when the daily maximum exceedance occurred was reasonably distributed in time while maintaining representative sampling; and

iv. The permittee must provide sufficient laboratory data sensitivity (e.g., dilutions) to accurately represent the effluent bacterial concentration to utilize this procedure. Effluent bacterial results reported as greater than (>) do not meet this criteria, since the actual results are unknown.

(13) For waters of the State, where a permit has been issued pursuant to R.61-9.122.26 and R.61-9.122.34, the Department shall consider the permittee in compliance with the established bacterial (i.e., *E. coli*, enterococci, fecal coliform) criteria for recreational uses of the waterbody if the permittee is in compliance with their permit.

(14) TMDL(s), WLA(s), and LA(s) included in currently approved freshwater fecal coliform TMDL documents shall be converted to *E. coli* utilizing a translator equation established by the Department and shall be based upon existing targets included in approved freshwater fecal coliform bacteria TMDL documents.

(15) All effluent permit limitations which include WET shall require that the WET tests be conducted using ~~Ceriodaphnia dubia~~ *Ceriodaphnia dubia* (~~C. dubia~~ *C. dubia*), except as stated. If the salinity of a discharge to a saline waterbody is high enough to be toxic to ~~C. dubia~~ *C. dubia*, ~~Mysidopsis bahia~~ *Mysidopsis bahia* (~~M. bahia~~ *M. bahia*) shall be used. If the hardness of a waterbody is low enough to be toxic to ~~C. dubia~~ *C. dubia*, then ~~Daphnia ambigua~~ *Daphnia ambigua* (~~D. ambigua~~ *D. ambigua*) may be used. Low salinity discharges to saltwater may be tested using either ~~C. dubia~~ *C. dubia* or ~~M. bahia~~ *M. bahia* with salinity adjustment, as determined by the Department. The Department may consider an alternative species if it can be demonstrated that the proposed species meets the requirements of 40 CFR 136.4 and 5-, as approved by EPA. EPA test methods (40 CFR 136) for acute and chronic toxicity testing with freshwater organisms or marine and estuarine organisms must be followed. The Department may consider an alternative method if it can be demonstrated that the proposed method meets the requirements of 40 CFR 136; and is approved by EPA.

d. Evaluation of ambient water quality.

(1) If the numeric criterion for toxic pollutants is lower than the analytical detection limit, the criterion is not considered violated if the ambient concentration is below the detection limit and the instream indigenous biological community is not adversely impacted.

(2) If the ambient concentration is higher than the numeric criterion for toxic pollutants, the criterion is not considered violated if biological monitoring has demonstrated that the instream indigenous biological community is not adversely impacted.

(3) In order to appropriately evaluate the ambient water quality for the bioavailability of the dissolved portion of hardness dependent metals, the Department may utilize a federally-approved methodology to predict the dissolved fraction or partitioning coefficient in determining compliance with water quality standards established in this regulation.

(4) The assessment of fecal coliform for purposes of evaluating the shellfish harvesting use for South Carolina's Shellfish Management Units is conducted in accordance with provisions of S.C. Regulation 61-47, Shellfish. R.61-47 also includes specific language describing the use of the allowable ten percent (10%) exceedance value in the shellfish program.

(5) The assessment of enterococci for purposes of issuing swimming advisories for ocean beaches for recreational use will be based on the single sample maximum of 104/100 ~~m~~ mL.

(6) The assessment of enterococci and E. coli for purposes of Section 303(d) listing determinations for recreational uses shall be based on either the geometric mean with an allowable ten percent (10%) exceedance, where sufficient data exists to calculate a geometric mean. ~~In the absence of sufficient data to calculate a geometric mean, the assessment shall be based on, or~~ the single sample maximum with an allowable ten percent (10%) exceedance.

(7) The assessment of total microcystins for purposes of issuing a swimming advisory for freshwater recreational use will be based on the single sample maximum of 8 µg/L. Once issued, the swimming advisory will remain in effect until resample results indicate the toxin concentration falls below 8 µg/L.

(8) The assessment of total microcystins for purposes of Section 303(d) listing determinations for recreational uses shall be based on no more than three (3) swimming advisories in a three (3)-year assessment period.

(9) The assessment of cylindrospermopsin for purposes of issuing a swimming advisory for freshwater recreational use will be based on the single sample maximum of 15 µg/L. Once issued, the swimming advisory will remain in effect until resample results indicate the toxin concentration falls below 15 µg/L.

(10) The assessment of cylindrospermopsin for purposes of Section 303(d) listing determinations for recreational uses shall be based on no more than three (3) swimming advisories in a three (3)-year assessment period.

15. The Department may require biological or other monitoring in NPDES permits to further ascertain any bioaccumulative effects of pollutants. Such monitoring may include analyses of fish and shellfish, macroinvertebrates, macrophytes, and/or sediments in order to assess the accumulation of pollutants in tissues or sediments that:

a. May cause or have the potential to cause adverse impacts to the balanced indigenous aquatic community; and

b. May cause or have the potential to cause adverse impacts to human health and/or terrestrial flora and fauna.

16. The Department may consider other scientifically-defensible published data which are appropriate for use in developing permit limits and evaluating water quality for constituents for which EPA has not developed national criteria or South Carolina has no standards.

a. The Department shall apply a sensitivity factor to aquatic toxicity data unless, in the Department's judgment, the data represent a minimum of three (3) appropriately sensitive species representing three (3) taxonomic groups (plant, macroinvertebrate, and fish).

(1) If only an acute toxicity effect concentration for a number of species for a particular pollutant is given as an LC<sub>50</sub>, the lowest concentration should be divided by an acute-to-chronic ratio (ACR) of ten (10) and a sensitivity factor of 3.3, for an acceptable instream concentration in order to protect against chronic toxicity effects.

(2) If a chronic toxicity effect concentration for a number of species for a particular pollutant is given as a no observed effect concentration (NOEC), the lowest concentration should be divided by a sensitivity factor of 3.3 in order to protect against chronic toxicity to the most sensitive species.

b. The Department must notify the permittee that other such data were used in developing permit limits and provide justification for their use.

17. Tests or analytical methods to determine compliance or non-compliance with standards shall be made in accordance with methods and procedures approved by the Department and the EPA. In making any tests or applying analytical methods to determine compliance or non-compliance with water quality standards, representative samples shall be collected in accordance with methods and procedures approved by the Department and the EPA. Consideration of representative sample methods shall include the following:

a. Surface water and ground water samples shall be collected so as to permit a realistic appraisal of quality and actual or potential damage to existing or classified water uses. For ground waters, consideration shall be given to, but shall not be limited to, depth to water table, flow direction, and velocity. For surface waters, time of day, flow, surface area, and depth shall be considered.

b. Biological assessment methods may be employed in appropriate situations to determine abnormal nutrient enrichment, trophic condition, LC<sub>50</sub>, concentration of toxic substances, acceptable instream concentrations, or acceptable effluent concentrations for maintenance of a balanced indigenous aquatic community.

c. Temporal distribution of samples in tidally influenced waters shall cover the full range of tidal conditions.

d. Ambient toxicity tests used for screening purposes shall be conducted using *Ceriodaphnia dubia* (*C. dubia*), except as stated. If salinity of a waterbody is high enough to be toxic to *C. dubia*, *Mysidopsis bahia* (*M. bahia*) will be used. If the hardness of a waterbody is low enough to be toxic to *C. dubia*, then *Daphnia ambigua* (*D. ambigua*) may be used. The Department may consider an alternative species if it can be demonstrated that the proposed species meets the requirements of 40 CFR- Part 136.4 and 5, as approved by EPA. EPA test methods (40 CFR Part 136) for acute and chronic toxicity testing with freshwater organisms or marine and estuarine organisms must be followed. The Department may consider an alternative method if it can be demonstrated that the proposed method meets the requirements of 40 CFR- Part 136, and is approved by EPA.

18. For the protection of human health, methylmercury concentration in fish or shellfish shall not exceed 0.3 mg/kg in wet weight of edible tissue.



a. NPDES permit implementation for methylmercury will require mercury monitoring, assessment and minimization for discharges that meet the following conditions;

- (1) The receiving stream is impaired for methylmercury in fish or shellfish tissue; and;
- (2) The discharge or proposed discharge has consistently quantifiable levels of mercury.

b. The need for a total mercury effluent limit, for the protection of aquatic life and/or human health, pursuant to R.61-9.122.44(d), shall be based on a reasonable potential analysis of the discharge compared to the mercury standards for ambient waters.

19. The assessment of methylmercury in fish or shellfish for purposes of Section 303(d) listing determinations shall be based on the Department's Fish Consumption Advisories.

## **F. NARRATIVE BIOLOGICAL CRITERIA.**

1. Narrative biological criteria are contained in this regulation and are described throughout the sections where applicable. The following are general statements regarding these narrative biological criteria.

a. Narrative biological criteria in Section A.4. describe the goals of the Department to maintain and improve all surface waters to a level that provides for the survival and propagation of a balanced indigenous aquatic community of fauna and flora. These narrative criteria are determined by the Department based on the condition of the waters of the State by measurements of physical, chemical, and biological characteristics of the waters according to their classified uses.

b. Section C.10. describes narrative biological criteria relative to surface water –mixing zones and specifies requirements necessary for the protection and propagation of a balanced indigenous aquatic community.

c. Narrative biological criteria shall be consistent with the objective of maintaining and improving all surface waters to a level that provides for the survival and propagation of a balanced indigenous aquatic community of fauna and flora attainable in waters of the State; and in all cases shall protect against degradation of the highest existing or classified uses or biological conditions in compliance with the antidegradation rules contained in this regulation. Section D.1.a. describes narrative biological criteria relative to activities in Outstanding National Resource Waters, Outstanding Resource Waters, and Shellfish Harvesting Waters.

d. In order to determine the biological quality of the waters of the State, it is necessary that the biological component be assessed by comparison to a reference condition(s) based upon similar hydrologic and watershed characteristics that represent the optimum natural condition for that system. Such reference condition(s) or reaches of waterbodies shall be those observed to support the greatest variety and abundance of aquatic life in the region as is expected to be or would be with a minimal amount of disturbance from anthropogenic sources. Impacts from urbanization and agriculture should be minimal and natural vegetation should dominate the land cover. There should also be an appropriate diversity of substrate. Reference condition(s) shall be determined by consistent sampling and reliable measures of selected indicative communities of flora and fauna as established by the Department and may be used in conjunction with acceptable physical, chemical, and microbial water quality measurements and records judged to be appropriate for this purpose. Narrative biological criteria relative to activities in all waters are described in Section E.

e. In the Class Descriptions, Designations, and Specific Standards for Surface Waters Section, all water use classifications protect for a balanced indigenous aquatic community of fauna and flora. In addition, Trout Natural and Trout Put, Grow, and Take classifications protect for reproducing trout populations and stocked trout populations, respectively.

2. [Reserved].

**G. CLASS DESCRIPTIONS, DESIGNATIONS, AND SPECIFIC STANDARDS FOR SURFACE WATERS.**

1. All surface waters of the State, except as discussed in Section C., shall be identified within one of the classes described below. The Department may determine in accordance with Section 312 of the Clean Water Act that for some waterbodies (or portions of waterbodies), the designation of No Discharge Zone (NDZ) for Marine Sanitation Devices (MSDs) shall be enacted with application of the existing classified standards of the waterbody. Those waters classified by name shall be listed in ~~Regulation 61-69, Classified Waters,~~ along with the NDZ designation, if applicable.

2. Where a surface water-body is tributary to waters of a higher class, the quality of the water in the tributary shall be protected to maintain the standards of the higher classified receiving water.

3. For items not listed in each class, criteria published pursuant to Sections 304(a) and 307(a) of the Federal Clean Water Act or other documents shall be used as guides to determine conditions which protect water uses. Many of these criteria are listed in the appendix to this regulation. For consideration of natural conditions, refer to Sections: C.9., D.4., E.12., E.14.c.(2), E.14.c.(3), F.4.d., G.4., G.6., and G.9. For the following numeric criteria for turbidity (with the exception of Outstanding National Resource Waters, Outstanding Resource Waters, Trout wWaters, and Shellfish Harvesting Waters), compliance with these turbidity criteria may be considered to be met as long as the waterbody supports a balanced indigenous aquatic community when land management activities employ Best Management Practices (BMPs). For consideration, BMPs must be in full compliance with all specifications governing the proper design, installation, operation, and maintenance of such BMPs and all applicable permit conditions and requirements must be met.

4. Outstanding National Resource Waters (ONRW) are freshwaters or saltwaters which constitute an outstanding national recreational or ecological resource.

<b>Quality Standards for Outstanding National Resource Waters</b>	
<b>ITEMS</b>	<b>STANDARDS</b>
a. Color, dissolved oxygen, fecal coliform enterococci, <i>E. coli</i> , pH, temperature, turbidity, and other parameters.	Water quality conditions shall be maintained and protected to the extent of the Department’s statutory authority. Numeric and narrative criteria for Class ONRW shall be those applicable to the –classification of the waterbody immediately prior to reclassification to Class ONRW, including consideration of natural conditions.

5. In order to maintain the existing quality of Class ONRW waters the following additional standards apply:

<b>ITEMS</b>	<b>STANDARDS</b>
a. Discharge from domestic, industrial, or agricultural waste treatment facilities; aquaculture; open water dredged spoil disposal.	None allowed.
b. Stormwater, and other nonpoint source runoff, including that from agricultural uses, or permitted discharge from aquatic farms, concentrated aquatic animal production facilities, and uncontaminated groundwater from mining.	None allowed.
c. Dumping or disposal of garbage, cinders, ashes, oils, sludge, or other refuse.	None allowed.
d. Activities or discharges from waste treatment facilities in waters upstream or tributary to ONRW waters.	Allowed if there shall be no measurable impact on the downstream ONRW consistent with antidegradation rules.

6. Outstanding Resource Waters (ORW) are freshwaters or saltwaters which constitute an outstanding recreational or ecological resource or those freshwaters suitable as a source for drinking water supply purposes with treatment levels specified by the Department.

<b>Quality Standards for Outstanding Resource Waters</b>	
<b>ITEMS</b>	<b>STANDARDS</b>
a. Color, dissolved oxygen, fecal coliform enterococci, <i>E. coli</i> , pH, temperature, turbidity, and other parameters.	Water quality conditions shall be maintained and protected to the extent of the Department's statutory authority. Numeric and narrative criteria for Class ORW shall be those applicable to the classification of the waterbody immediately prior to reclassification to Class ORW, including consideration of natural conditions.

7. In order to maintain the existing quality of Class ORW waters the following additional standards apply:

<b>ITEMS</b>	<b>STANDARDS</b>
a. Discharge from domestic, industrial, agricultural waste treatment facilities; aquaculture; open water dredged spoil disposal.	None allowed.
b. Stormwater, and other nonpoint source runoff, including that from agricultural uses, or	Allowed if water quality necessary for existing and classified uses shall be maintained and protected consistent with antidegradation rules.

permitted discharge from aquatic farms, concentrated aquatic animal production facilities, and uncontaminated groundwater from mining.	
c. Dumping or disposal of garbage, cinders, ashes, oils, sludge, or other refuse.	None allowed.
d. Activities or discharges from waste treatment facilities in waters upstream or tributary to ORW waters.	Allowed if water quality necessary for existing and classified uses shall be maintained and protected consistent with antidegradation rules.

8. Trout Waters. The State recognizes three types of trout waters: Natural; Put, Grow, and Take; and Put and Take.

a. Natural (TN) are freshwaters suitable for supporting reproducing trout populations and a cold water balanced indigenous aquatic community of fauna and flora. Also suitable for primary and secondary contact recreation and as a source for drinking water supply after conventional treatment in accordance with the requirements of the Department. Suitable for fishing and the survival and propagation of a balanced indigenous aquatic community of fauna and flora. Suitable also for industrial and agricultural uses.

b. Put, Grow, and Take (TPGT) are freshwaters suitable for supporting growth of stocked trout populations and a balanced indigenous aquatic community of fauna and flora. Also suitable for primary and secondary contact recreation and as a source for drinking water supply after conventional treatment in accordance with the requirements of the Department. Suitable for fishing and the survival and propagation of a balanced indigenous aquatic community of fauna and flora. Suitable also for industrial and agricultural uses.

c. Put and Take (TPT) are freshwaters suitable for primary and secondary contact recreation and as a source for drinking water supply after conventional treatment in accordance with the requirements of the Department. Suitable for fishing and –the survival and propagation of a balanced indigenous aquatic community of fauna and flora. Suitable also for industrial and agricultural uses. The standards of Freshwaters classification protect these uses.

9. The standards below protect the uses of Natural and Put, Grow, and Take trout waters.

<b>Quality Standards for Trout Waters</b>	
<b>ITEMS</b>	<b>STANDARDS</b>
a. Garbage, cinders, ashes, oils, sludge, or other refuse	None allowed.
b. Treated wastes, toxic wastes, deleterious substances, colored, or other wastes except those given in a. above.	None alone or in combination with other substances or wastes in sufficient amounts to be injurious to reproducing trout populations in natural waters or stocked populations in put, grow, and take waters, or in any manner adversely affecting the taste, color, odor, or sanitary condition thereof or impairing the waters for any other best usage as determined for the specific waters which are assigned to this class.

<b>Quality Standards for Trout Waters</b>	
<b>ITEMS</b>	<b>STANDARDS</b>
c. Toxic pollutants listed in the appendix.	As prescribed in Section E of this regulation.
d. Stormwater, and other nonpoint source runoff, including that from agricultural uses, or permitted discharge from aquatic farms, concentrated aquatic animal production facilities, and uncontaminated groundwater from mining.	Allowed if water quality necessary for existing and classified uses shall be maintained and protected consistent with <del>A</del> antidegradation <del>R</del> rules.
e. Dissolved oxygen.	Not less than 6 mg/L.
f. E. coli	Not to exceed a geometric mean of 126/100 mL based on at least four (4) samples collected from a given sampling site over a 30-day period, nor shall <del>a single sample maximum more than ten percent (10%) of the total samples during any 30-day period</del> exceed 349/100 mL.
g. pH.	Between 6.0 and 8.0.
h. Temperature.	Not to vary from levels existing under natural conditions, unless determined that some other temperature shall protect the classified uses.
i. Turbidity.	Not to exceed 10 Nephelometric Turbidity Units (NTUs) or <u>ten percent (10%)</u> above natural conditions, provided uses are maintained.
j. Total microcystins	Not to exceed 8 µg/L. For freshwater primary contact recreational use notifications and advisories samples shall not exceed 8 µg/L.
k. Cylindrospermopsin	Not to exceed 15 µg/L. For freshwater primary contact recreational use notifications and advisories samples shall not exceed 15 µg/L.

10. Freshwaters are freshwaters suitable for primary and secondary contact recreation and as a source for drinking water supply after conventional treatment in accordance with the requirements of the Department. Suitable for fishing and the survival and propagation of a balanced indigenous aquatic community of fauna and flora. Suitable also for industrial and agricultural uses.

<b>Quality Standards for Freshwaters</b>	
<b>ITEMS</b>	<b>STANDARDS</b>
a. Garbage, cinders, ashes, oils, sludge, or other refuse	None allowed.
b. Treated wastes, toxic wastes, deleterious substances, colored, or other wastes except those given in a. above.	None alone or in combination with other substances or wastes in sufficient amounts to make the waters unsafe or unsuitable for primary contact recreation or to impair the waters for any other best usage as determined for the specific waters which are assigned to this class.

<b>Quality Standards for Freshwaters</b>	
<b>ITEMS</b>	<b>STANDARDS</b>
c. Toxic pollutants listed in the appendix.	As prescribed in Section E of this regulation.
d. Stormwater, and other nonpoint source runoff, including that from agricultural uses, or permitted discharge from aquatic farms, concentrated aquatic animal production facilities, and uncontaminated groundwater from mining.	Allowed if water quality necessary for existing and classified uses shall be maintained and protected consistent with <del>A</del> antidegradation <del>R</del> rules.
e. Dissolved oxygen.	Daily average not less than 5.0 mg/L with a low of 4.0 mg/L.
f. E. coli	Not to exceed a geometric mean of 126/100 mL based on at least four (4) samples collected from a given sampling site over a 30-day period, nor shall <del>a single sample maximum more than ten percent (10%) of the total samples during any 30-day period</del> exceed 349/100 mL.
g. pH.	Between 6.0 and 8.5.
h. Temperature.	As prescribed in E.12. of this regulation.
i. Turbidity. Except for Lakes.	Not to exceed 50 NTUs provided existing uses are maintained.
Lakes only.	Not to exceed 25 NTUs provided existing uses are maintained.
j. Total microcystins	Not to exceed 8 µg/L. For freshwater primary contact recreational use notifications and advisories samples shall not exceed 8 µg/L.
k. Cylindrospermopsin	Not to exceed 15 µg/L. For freshwater primary contact recreational use notifications and advisories samples shall not exceed 15 µg/L.

11. Shellfish Harvesting Waters (SFH) are tidal saltwaters protected for shellfish harvesting and uses listed in Class SA and Class SB. Suitable for primary and secondary contact recreation, crabbing, and fishing. Also suitable for the survival and propagation of a balanced indigenous aquatic community of marine fauna and flora.

<b>Quality Standards for Shellfish Harvesting Waters</b>	
<b>ITEMS</b>	<b>STANDARDS</b>
a. Garbage, cinders, ashes, oils, sludge, or other refuse	None allowed.

<b>Quality Standards for Shellfish Harvesting Waters</b>	
<b>ITEMS</b>	<b>STANDARDS</b>
b. Treated wastes, toxic wastes, deleterious substances, colored or other wastes except those given in a. above.	None alone or in combination with other substances or wastes in sufficient amounts to adversely affect the taste, color, odor, or sanitary condition of clams, mussels, or oysters for human consumption; or to impair the waters for any best usage as determined for the specific waters which are assigned to this class.
c. Toxic pollutants listed in the appendix.	As prescribed in Section E of this regulation.
d. Stormwater, and other nonpoint source runoff, including that from agricultural uses, or permitted discharge from aquatic farms, and concentrated aquatic animal production facilities.	Allowed if water quality necessary for existing and classified uses shall be maintained and protected consistent with antidegradation rules.
e. Dissolved oxygen.	Daily average not less than <del>5.0 mg/l</del> <u>mg/L</u> with a low of <del>4 mg/l</del> <u>mg/L</u> .
f. Fecal coliform.	Not to exceed an MPN fecal coliform geometric mean of 14/100 <del>ml</del> <u>mL</u> ; nor shall <u>more than ten percent (10%) of the samples exceed an MPN of 43/100 ml mL.</u>
g. Enterococci.	Not to exceed a geometric mean of 35/100 <del>ml</del> <u>mL</u> based on at least four (4) samples collected from a given sampling site over a 30-day period; nor shall <del>a single sample maximum exceed</del> <u>more than ten percent (10%) of the samples exceed a single sample maximum of 104/100 ml mL during any 30-day period.</u> Additionally, for beach monitoring and notification activities for CWA Section 406 only, samples shall not exceed a single sample maximum of 104/100 <del>ml</del> <u>mL</u> .
h. pH.	Shall not vary more than <u>three tenths (3/10)</u> of a pH unit above or below that of effluent-free waters in the same geological area having a similar total alkalinity and temperature, but not lower than 6.5 or above 8.5.
i. Temperature.	As prescribed in E.12. of this regulation.
j. Turbidity.	Not to exceed 25 (NTUs) provided existing uses are maintained.

k. The Department may designate prohibited areas where shellfish harvesting for market purposes or human consumption shall not be allowed, consistent with the antidegradation rule, Section D.1.a. of this regulation.

12. Class SA are tidal saltwaters suitable for primary and secondary contact recreation, crabbing, and fishing, except harvesting of clams, mussels, or oysters for market purposes or human consumption and uses listed in Class SB. Also suitable for the survival and propagation of a balanced indigenous aquatic community of marine fauna and flora.

<b>Quality Standards for Class SA Waters</b>	
<b>ITEMS</b>	<b>STANDARDS</b>
a. Garbage, cinders, ashes, oils, sludge, or other refuse.	None allowed.
b. Treated wastes, toxic wastes, deleterious substances, colored, or other wastes except those given in a. above.	None alone or in combination with other substances or wastes in sufficient amounts to make the waters unsafe or unsuitable for primary contact recreation or to impair the waters for any other best usage as determined for the specific waters which are assigned to this class.
c. Toxic pollutants listed in the appendix.	As prescribed in Section E of this regulation.
d. Stormwater, and other nonpoint source runoff, including that from agricultural uses, or permitted discharge from aquatic farms, and concentrated aquatic animal production facilities.	Allowed if water quality necessary for existing and classified uses shall be maintained and protected consistent with antidegradation rules.
e. Dissolved oxygen.	Daily average not less than 5.0 <del>mg/</del> <u>mg/L</u> with a low of 4.0 <del>mg/</del> <u>mg/L</u> .
f. Enterococci.	Not to exceed a geometric mean of 35/100 <del>ml</del> <u>mL</u> based on at least four (4) samples collected from a given sampling site over a 30-day period; nor shall <del>a single sample maximum exceed more than ten percent (10%) of the samples exceed a single sample maximum of 104/100 ml</del> <u>mL during any 30-day period</u> . Additionally, for beach monitoring and notification activities for CWA Section 406 only, samples shall not exceed a single sample maximum of 104/100 <del>ml</del> <u>mL</u> .
g. pH.	Shall not vary more than one-half ( <u>1/2</u> ) of a pH unit above or below that of effluent-free waters in the same geological area having a similar total salinity, alkalinity, and temperature, but not lower than 6.5 or above 8.5.
h. Temperature.	As prescribed in E.12. of this regulation.
i. Turbidity.	Not to exceed 25 NTUs provided existing uses are maintained.



j. The Department shall protect existing shellfish harvesting uses found in Class SA waters consistent with the antidegradation rule, Section D.1.a. of this regulation and shall establish permit limits in accordance with Section E.14.c(8), (9), (10), and (11) and Section G.11.f. of this regulation.

13. Class SB are tidal saltwaters suitable for primary and secondary contact recreation, crabbing, and fishing, except harvesting of clams, mussels, or oysters for market purposes or human consumption. Also suitable for the survival and propagation of a balanced indigenous aquatic community of marine fauna and flora.

<b>Quality Standards for Class SB Waters</b>	
<b>ITEMS</b>	<b>STANDARDS</b>
a. Garbage, cinders, ashes, oils, sludge, or other refuse	None allowed.
b. Treated wastes, toxic wastes, deleterious substances, colored, or other wastes except those given in a. above.	None alone or in combination with other substances or wastes in sufficient amounts to make the waters unsafe or unsuitable for primary contact recreation or to impair the waters for any other best usage as determined for the specific waters which are assigned to this class.
c. Toxic pollutants listed in the appendix.	As prescribed in Section E of this regulation.
d. Stormwater, and other nonpoint source runoff, including that from agricultural uses, or permitted discharge from aquatic farms, and concentrated aquatic animal production facilities.	Allowed if water quality necessary for existing and classified uses shall be maintained and protected consistent with <del>A</del> antidegradation <del>R</del> rules.
e. Dissolved oxygen.	Not less than 4.0 mg/L.
f. Enterococci.	Not to exceed a geometric mean of 35/100 <del>mL</del> mL based on at least four (4) samples collected from a given sampling site over a 30-day period; nor shall <del>a single sample maximum exceed more than ten percent (10%) of the samples exceed a single sample maximum of 104/100 mL during any 30-day period.</del> Additionally, for beach monitoring and notification activities for CWA Section 406 only, samples shall not exceed a single sample maximum of 104/100 mL.
g. pH.	Shall not vary more than one-half (1/2) of a pH unit above or below that of effluent-free waters in the same geological area having a similar total salinity, alkalinity, and temperature, but not lower than 6.5 or above 8.5
h. Temperature.	As prescribed in E.12. of this regulation.
i. Turbidity.	Not to exceed 25 NTUs provided existing uses are maintained.

j. The Department shall protect existing shellfish harvesting uses found in Class SB waters consistent with the antidegradation rule, Section D.1.a. of this regulation and shall establish permit limits in accordance with Section E.14.c(8), (9), (10), and (11) and Section G.11.f. of this regulation.

**H. CLASS DESCRIPTIONS AND SPECIFIC STANDARDS FOR GROUND WATERS.**

1. All ground waters of the State, except within mixing zones, shall be identified within one of the classes described below.

2. It is the policy of the Department to maintain the quality of ground water consistent with the highest potential uses. Most South Carolina ground water is presently suitable for drinking water without treatment and the State relies heavily upon ground water for drinking water. For this reason, all South Carolina ground water is classified Class GB effective on June 28, 1985.

3. The Department recognizes that Class GB may not be suitable for some ground water. Class GA is established for exceptionally valuable ground water and Class GC is established for ground water with little potential as an underground source of drinking water.

4. In keeping with this policy, the Department declares that effective June 28, 1985, all ground waters of the State shall be protected to a quality consistent with the use associated with the classes described herein. Further, the Department may require the owner or operator of a contaminated site to restore the ground water quality to a level that maintains and supports the existing and classified uses (except classified uses within mixing zones, as described in this regulation). For purposes of this section, the term operator means any person in control of, or having responsibility for, the operation of on-site activities or property and owner means a person or a previous person who has assumed legal ownership of a property through the provisions of a contract of sale or other legally binding transfer of ownership. The term owner also means any person who owned, operated, or otherwise controlled activities at such site before the title or control of which was conveyed to a unit of State or local government due to bankruptcy, foreclosure, tax delinquency, abandonment, or similar means. However, nothing in this section shall be construed to supersede specific statutory or regulatory provision that relieves owners or operators of certain contaminated sites from liability for restoration of groundwater, including, without limitation, S.C. Code Section 44-2-80 (b) and (c). The term does not include a unit of State or local government which acquired ownership or control involuntarily through bankruptcy, tax delinquency, abandonment, or other circumstances in which the government involuntarily acquires title by virtue of its function as sovereign. The exclusion provided under this paragraph shall not apply to any State or local government which has caused or contributed to the release or threatened release of a contaminant from the site, and such a State or local government shall be subject to these provisions in the same manner and to the same extent, both procedurally and substantively, as any nongovernmental entity.

5. A ground water monitoring program approved by the Department may be required for any existing or proposed disposal system or other activities to determine the ground water quality affected by such systems or activities. Such monitoring program may be required through the Department's permitting and certification programs.

6. Those ground waters which are classified Class GA or Class GC after petition and proper administrative procedures other than Class GB shall be described by location and listed in ~~Regulation 61-69~~.

7. Class GA are those ground waters that are highly vulnerable to contamination because of the hydrological characteristics of the areas under which they occur and that are also characterized by either of the following two factors:

a. Irreplaceable, in that no reasonable alternative source of drinking water is available to substantial populations; or

b. Ecologically vital, in that the ground water provides the base flow for a particularly sensitive ecological system that, if polluted, would destroy a unique habitat.

8. The standards below protect these ground waters:

<b>Quality Standards for Class GA Ground Waters</b>	
<b>ITEMS</b>	<b>STANDARDS</b>
a. Treated wastes, toxic wastes, deleterious substances, or constituents thereof.	None allowed.

9. Class GB. All ground waters of the State, unless classified otherwise, which meet the definition of underground sources of drinking water (USDW) as defined in Section B.

<b>Quality Standards for Class GB Ground Waters</b>	
<b>ITEMS</b>	<b>STANDARDS</b>
a. Inorganic chemicals.	Maximum contaminated levels as set forth in R.61-58, State Primary Drinking Water Regulations.
b. Organic chemicals.	Maximum contaminated levels as set forth in R.61-58, State Primary Drinking Water Regulations.
c. Man-made radionuclides, priority pollutant volatile organic compounds, herbicides, polychlorinated biphenyls, and other synthetic organic compounds not specified above, treated wastes, thermal wastes, colored wastes, or other wastes of constituents thereof.	Not to exceed concentrations or amounts such as to interfere with the use actual or intended, as determined by the Department.

10. Class GC are those ground waters not considered potential sources of drinking water and of limited beneficial use, i.e., ground waters that exceed a concentration of 10,000 ~~mg/l~~ mg/L total dissolved solids or are otherwise contaminated beyond levels that allow cleanup using methods reasonably employed in public water system treatment. These ground waters also must not migrate to Class GA or Class GB ground waters or have a discharge to surface water that could cause degradation.

<b>Quality Standards for Class GC Ground Waters</b>	
<b>ITEMS</b>	<b>STANDARDS</b>
a. Treated wastes, toxic wastes, deleterious substances, or constituents thereof.	None which interfere with any existing use of an underground source of drinking water.

## **I. SEVERABILITY.**

Should any section, paragraph, or other part of this regulation be declared invalid for any reason, the remainder shall not be affected.

## APPENDIX: WATER QUALITY NUMERIC CRITERIA FOR THE PROTECTION OF AQUATIC LIFE AND HUMAN HEALTH

This appendix contains three charts (priority pollutants, nonpriority pollutants, and organoleptic effects) of numeric criteria for the protection of human health and aquatic life. The appendix also contains ~~three~~ four attachments which address hardness conversions and application of ammonia criteria. Footnotes specific to each chart follow the chart. General footnotes pertaining to all are at the end of the charts prior to the attachments. The numeric criteria developed and published by EPA are hereby incorporated into this regulation. Please refer to the text of the regulation for other general information and specifications in applying these numeric criteria.

### PRIORITY TOXIC POLLUTANTS

Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health			FR Cite/ Source	
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:				
						Water & Organism (µg/L)	Organism Only (µg/L)	MCL (µg/L)		
1	Antimony	7440360				5.6 B, ee	640 B, ee	6 ee	65FR66443 SDWA	
2	Arsenic	7440382	340 A, D, K	150 A, D, K	69 A, D, Y	36 A, D, Y	10 C	10 C	10 C	65FR31682 57FR60848 SDWA
3	Beryllium	7440417				J, ee	J, ee	4 ee	65FR31682 SDWA	
4	Cadmium	7440439	0.49 D, E, Y	0.256 D, E, Y	33 D, Y	7.98.0 D, Y	J, ee	J, ee	5 ee	81FR19176 SDWA
5a	Chromium III	16065831	580 D, E, K	28 D, E, K			J, ee	J, ee	100 Total ee	EPA820/B-96-001 65FR31682 SDWA
5b	Chromium VI	18540299	16 D, K	11 D, K	1,100 D, Y	50 D, Y	J, ee	J, ee	100 Total ee	65FR31682 SDWA
6	Copper	7440508	3.8 D, E, K, Z, ll	2.9 D, E, K, Z, ll	5.8 D, Z, Y, cc	3.7 D, Z, Y, cc	1,300 T, ee			65FR31682
7	Lead	7439921	14 D, E, Y	0.54 D, E, Y	220 D, Y	8.5 D, Y				65FR31682
8	Mercury	7439976	1.6 D, K, dd	0.91 D, K, dd	2.1 D, bb, dd	1.1 D, bb, dd	0.050 B, ee	0.051 B, ee	2 ee	65FR31682 SDWA

Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health			FR Cite/ Source	
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:				
						Water & Organism (µg/L)	Organism Only (µg/L)	MCL (µg/L)		
9	Nickel	7440020	150 D, E, K	16 D, E, K	75 D, Y	8.3 D, Y	610 B, ee	4, 600 B, ee	65FR31682	
10	Selenium	7782492	L, Q, S	5.0 S	290 D, aa	71 D, aa	170 Z, ee	4,200 ee	50 ee	65FR31682 65FR66443 SDWA
11	Silver	7440224	0.37 D, E, G		2.3 D, G				65FR31682	
12	Thallium	7440280					0.24	0.47	2 ee	68FR75510 SDWA
13	Zinc	7440666	37 D, E, K	37 D, E, K	95 D, Y	86 D, Y	7,400 T, ee	26,000 T, ee		65FR31682 65FR66443
14	Cyanide	57125	22 K, P	5.2 K, P	1 P, Y	1 P, Y	140 ee, jj	140 ee, jj	200 ee	EPA820/B-96-001 57FR60848 68FR75510 SDWA
15	Asbestos	1332214							7 million fibers/L I, ee	57FR60848
16	2, 3, 7, 8-TCDD (Dioxin)	1746016						0.046 ppq O, C	30ppq O, C	State Standard SDWA
17	Acrolein	107028	3	3			6 ee, nn	9 ee, nn		74FR27535 74FR46587
18	Acrylonitrile	107131					0.051 B, C	0.25 B, C		65FR66443
19	Benzene	71432					2.2 B, C	51 B, C	5 C	IRIS 01/19/00 65FR66443 SDWA
20	Bromate	15541454							10 C	SDWA
21	Bromoform	75252					4.3 B, C	140 B, C	80 Total THMs C	65FR66443 SDWA

Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health			FR Cite/ Source
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:			
						Water & Organism (µg/L)	Organism Only (µg/L)	MCL (µg/L)	
22	Bromoacetic acid	79083						60 Total HAA5 C,mm	SDWA
23	Carbon Tetrachloride	56235				0.23 B, C	1.6 B, C	5 C	65FR66443 SDWA
24	Chlorite	67481						100	SDWA
25	Chlorobenzene	108907				130T, ee	1,600 T, ee	100 T, ee	68FR75510 SDWA
26	Chlorodibromomethane	124481				0.40 B, C	13 B, C	80 Total THMs C	65FR66443 SDWA
27	Chloroform	67663				5.7 B, C, hh	470 B, C, hh	80 Total THMs C	62FR42160 SDWA
28	Dibromoacetic acid	631641						60 Total HAA5 C, mm	SDWA
29	Dichloroacetic acid	79436						60 Total HAA5 C,mm	SDWA
30	Dichlorobromomethane	75274				0.55 B, C	17 B, C	80 Total THMs C	65FR66443 SDWA
31	1, 2-Dichloroethane	107062				0.38 B, C	37 B, C	5 C	65FR66443 SDWA
32	1, 1-Dichloroethylene	75354				330 ee	7,100 ee	7 C	68FR75510 SDWA
33	1, 2-Dichloropropane	78875				0.50 B, C	15 B, C	5 C	65FR66443 SDWA
34	1, 3-Dichloropropene	542756				0.34 ee	21 ee		68FR75510

Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health			FR Cite/ Source
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:			
						Water & Organism (µg/L)	Organism Only (µg/L)	MCL (µg/L)	
35	Ethylbenzene	100414				530 ee	2,100 ee	700 ee	68FR75510 SDWA
36	Methyl Bromide	74839				47 B, ee	1,500 B, ee		65FR66443
37	Methylene Chloride	75092				4.6 B, C	590 B, C	5 C	65FR66443 SDWA
38	Monochloroacetic acid	79118						60 Total HAA5 C,mm	SDWA
39	1, 1, 2, 2-Tetrachloroethane	79345				0.17 B, C	4.0 B, C		65FR66443
40	Tetrachloroethylene	127184				0.69 C	3.3 C	5 C	65FR66443 SDWA
41	Toluene	108883				1,300 ee	15,000 ee	1000 ee	68FR75510 SDWA
42	1,2-Trans- Dichloroethylene	156605				140 ee	10,000 ee	100 ee	68FR75510 SDWA
43	Trichloroacetic acid	79039						60 Total HAA5 C,mm	SDWA
44	1, 1, 1-Trichloroethane	71556				J, ee	J, ee	200 ee	65FR31682 SDWA
45	1, 1, 2-Trichloroethane	79005				0.59 B, C	16 B, C	5 C	65FR66443 SDWA
46	Trichloroethylene	79016				2.5 C	30 C	5 C	65FR66443 SDWA
47	Vinyl Chloride	75014				0.025 kk	2.4 kk	2 C	68FR75510 SDWA

Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health			FR Cite/ Source	
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:				
						Water & Organism (µg/L)	Organism Only (µg/L)	MCL (µg/L)		
48	2-Chlorophenol	95578				81 B, T, ee	150 B, T, ee		65FR66443	
49	2, 4-Dichlorophenol	120832				77 B, T, ee	290 B, T, ee		65FR66443	
50	2, 4-Dimethylphenol	105679				380 B, T, ee	850 B, T, ee		65FR66443	
51	2-Methyl- Di 4, 6-nitrophenol	534521				13 ee	280 ee		65FR66443	
52	2, 4-Dinitrophenol	51285				69 B, ee	5,300 B, ee		65FR66443	
53	Pentachlorophenol	87865	19 F, K	15 F, K	13 Y	7.9 Y	0.27 B, C	3.0 B, C, H	1 C	65FR31682 65FR66443 SDWA
54	Phenol	108952				10,000 T, ee, nn	860,000 T, ee, nn		74FR27535 74FR46587	
55	2, 4, 6-Trichlorophenol	88062				1.4 B, C, T	2.4 B, C		65FR66443	
56	Acenaphthene	83329				670 B, T, ee	990 B, T, ee		65FR66443	
57	Anthracene	120127				8,300 B, ee	40,000 B, ee		65FR66443	
58	Benzidine	92875				0.000086 B, C	0.00020 B, C		65FR66443	
59	Benzo (a) Anthracene	56553				0.0038 B, C	0.018 B, C		65FR66443	
60	Benzo (a) Pyrene	50328				0.0038 B, C	0.018 B, C	0.2 C	65FR66443 SDWA	



Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health			FR Cite/ Source	
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:				
						Water & Organism (µg/L)	Organism Only (µg/L)	MCL (µg/L)		
61	Benzo (b) Fluoranthene	205992				0.0038 B, C	0.018 B, C		65FR66443	
62	Benzo (k) Fluoranthene	207089				0.0038 B, C	0.018 B, C		65FR66443	
63	Bis-2-Chloroethyl Ether	111444				0.030 B, C	0.53 B, C		65FR66443	
64	Bis-2-Chloroisopropyl Ether	108601				1,400 B, ee	65,000 B, ee		65FR66443	
65	Bi-s2-Ethylhexyl Phthalate (DEHP)	117817	v	v	v	v	1.2 B, C	2.2 B, C	6 C	65FR66443 SDWA
66	Butylbenzene Phthalate	85687	ii	ii	ii	ii	1,500 B, ee	1,900 B, ee		65FR66443
67	2-Chloronaphthalene	91587					1,000 B, ee	1,600 B, ee		65FR66443
68	Chrysene	218019					0.0038 B, C	0.018 B, C		65FR66443
69	Dibenzo(a,h)Anthracene	53703					0.0038 B, C	0.018 B, C		65FR66443
70	1, 2-Dichlorobenzene	95501					420 ee	1,300 ee	600 ee	68FR75510 SDWA
71	1, 3-Dichlorobenzene	541731					320 ee	960 ee		65FR66443
72	1, 4-Dichlorobenzene	106467					63 ee	190 ee	75 ee	68FR75510 SDWA
73	3, 3'-Dichlorobenzidine	91941					0.021 B, C	0.028 B, C		65FR66443

Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health			FR Cite/ Source
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:			
						Water & Organism (µg/L)	Organism Only (µg/L)	MCL (µg/L)	
74	Diethyl Phthalate	84662	ii	ii	ii	ii	17,000 B, ee	44,000 B, ee	65FR66443
75	Dimethyl Phthalate	131113	ii	ii	ii	ii	270,000 B, ee	1,100,000 B, ee	64FR66443
76	Di-n-butyl Phthalate	84742	ii	ii	ii	ii	2,000 B, ee	4,500 B, ee	65FR66443
77	2, 4-Dinitrotoluene	121142					0.11 C	3.4 C	65FR66443
78	1, 2-Diphenylhydrazine	122667					0.036 B, C	0.20 B, C	65FR66443
79	Fluoranthene	206440					130 B, ee	140 B, ee	65FR66443
80	Fluorene	86737					1,100 B, ee	5,300 B, ee	65FR66443
81	Hexachlorobenzene	118741					0.00028 B, C	0.00029 B, C	1 C 65FR66443 SDWA
82	Hexachlorobutadiene	87683					0.44 B, C	18 B, C	65FR66443
83	Hexachlorocyclopentadiene	77474					40 T, ee	1100 T, ee	50 ee 68FR75510 SDWA
84	Hexachloroethane	67721					1.4 B, C	3.3 B, C	65FR66443
85	Indeno 1,2,3(cd) Pyrene	193395					0.0038 B, C	0.018 B, C	65FR66443
86	Isophorone	78591					35 B, C	960 B, C	65FR66443

Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health			FR Cite/ Source	
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:				
						Water & Organism (µg/L)	Organism Only (µg/L)	MCL (µg/L)		
87	Nitrobenzene	98953				17 B, ee	690 B, H, T, ee		65FR66443	
88	N-Nitrosodimethylamine	62759				0.00069 B, C	3.0 B, C		65FR66443	
89	N-Nitrosodi-n-Propylamine	621647				0.0050 B, C	0.51 B, C		65FR66443	
90	N-Nitrosodiphenylamine	86306				3.3 B, C	6.0 B, C		65FR66443	
91	Pyrene	129000				830 B, ee	4,000 B, ee		65FR66443	
92	1, 2, 4-Trichlorobenzene	120821				35 ee	70 ee	70 ee	68FR75510 SDWA	
93	Aldrin	309002	3.0 G, X		1.3 G, X	0.000049 B, C	0.000050 B, C		65FR31682 65FR66443	
94	alpha-BHC	319846				0.0026 B, C	0.0049 B, C		65FR66443	
95	beta-BHC	319857				0.0091 B, C	0.017 B, C		65FR66443	
96	gamma-BHC (Lindane)	58899	0.95 K		0.16 G	0.98 ee	1.8 ee	0.2 C	65FR31682 68FR75510 SDWA	
97	Chlordane	57749	2.4 G	0.0043 G, X	0.09 G	0.004 G, X	0.00080 B, C	0.00081 B, C	2 C	65FR31682 65FR66443 SDWA
98	4, 4'-DDT	50293	1.1 G, gg	0.001 G, X, gg	0.13 G, gg	0.001 G, X, gg	0.00022 B, C	0.00022 B, C	65FR31682 65FR66443	
99	4, 4'-DDE	72559				0.00022 B, C	0.00022 B, C		65FR66443	

Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health			FR Cite/ Source	
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:				
						Water & Organism (µg/L)	Organism Only (µg/L)	MCL (µg/L)		
100	4, 4'-DDD	72548				0.00031 B, C	0.00031 B, C		65FR66443	
101	Dieldrin	60571	0.24 K	0.056 K, N	0.71 G	0.0019 G, X	0.000052 B, C	0.000054 B, C	65FR31682 65FR66443	
102	alpha-Endosulfan	959988	0.22 G, W	0.056 G, W	0.034 G, W	0.0087 G, W	62 B, ee	89 B, ee	65FR31682 65FR66443	
103	beta-Endosulfan	33213659	0.22 G, W	0.056 G, W	0.034 G, W	0.0087 G, W	62 B, ee	89 B, ee	65FR31682 65FR66443	
104	Endosulfan Sulfate	1031078					62 B, ee	89 B, ee	65FR31682 65FR66443	
105	Endrin	72208	0.086 K	0.036 K, N	0.037 G	0.0023 G, X	0.059 ee	0.060 ee	2 ee	68FR75510 SDWA
106	Endrin Aldehyde	7421934					0.29 B, ee	0.30 B, H, ee	65FR66443	
107	Heptachlor	76448	0.52 G	0.0038 G, X	0.053 G	0.0036 G, X	0.000079 B, C	0.000079 B, C	0.4 C	65FR31682 65FR66443 SDWA
108	Heptachlor Epoxide	1024573	0.52 G, U	0.0038 G, U, X	0.053 G, U	0.0036 G, U, X	0.000039 B, C	0.000039B, C	0.2 C	65FR31682 65FR66443 SDWA
109	Polychlorinated Biphenyls PCBs	--		0.014 M, X		0.03 M, X	0.000064 B, C, M	0.000064 B, C, M	0.5 C	65FR31682 65FR66443 SDWA
110	Toxaphene	8001352	0.73	0.0002 X	0.21	0.0002 X	0.00028 B, C	0.00028 B, C	3 C	65FR31682 65FR66443 SDWA

Footnotes:

- A This water quality criterion was derived from data for arsenic (III), but is applied here to total arsenic, which might imply that arsenic (III) and arsenic (V) are equally toxic to aquatic life and that their toxicities are additive. In the arsenic criteria document (EPA 440/5-84-033, January 1985), Species Mean Acute Values are given for both arsenic (III) and arsenic (V) for five species and the ratios

of the SMAVs for each species range from 0.6 to 1.7. Chronic values are available for both arsenic (III) and arsenic (V) for one species; for the fathead minnow, the chronic value for arsenic (V) is 0.29 times the chronic value for arsenic (III). No data are known to be available concerning whether the toxicities of the forms of arsenic to aquatic organisms are additive.

- B This criterion has been revised to reflect The Environmental Protection Agency's  $q1^*$  or RfD, as contained in the Integrated Risk Information System (IRIS) as of May 17, 2002. The fish tissue bioconcentration factor (BCF) from the 1980 Ambient Water Quality Criteria document was retained in each case.
- C This criterion is based on carcinogenicity of 10-6 risk. As prescribed in Section E of this regulation, application of this criterion for permit effluent limitations requires the use annual average flow or comparable tidal condition as determined by the Department.
- D Freshwater and saltwater criteria for metals are expressed in terms of total recoverable metals. As allowed in Section E of this regulation, these criteria may be expressed as dissolved metal for the purposes of deriving permit effluent limitations. The dissolved metal water quality criteria value may be calculated by using these 304(a) aquatic life criteria expressed in terms of total recoverable metal, and multiplying it by a conversion factor (CF). The term "Conversion Factor" (CF) represents the conversion factor for converting a metal criterion expressed as the total recoverable fraction in the water column to a criterion expressed as the dissolved fraction in the water column. (Conversion Factors for saltwater CCCs are not currently available. Conversion factors derived for saltwater CMCs have been used for both saltwater CMCs and CCCs). See "Office of Water Policy and Technical Guidance on Interpretation and Implementation of Aquatic Life Metals Criteria", October 1, 1993, by Martha G. Prothro, Acting Assistant Administrator for Water, available from the Water Resource center, USEPA, 401 M St., SW, mail code RC4100, Washington, DC 20460; and 40CFR§131.36(b)(1). Conversion Factors can be found in Attachment 1 – Conversion Factors for Dissolved Metals.
- E The freshwater criterion for this metal is expressed as a function of hardness (mg/L) in the water column. The value given here corresponds to a hardness of 25 mg/L as expressed as CaCO<sub>3</sub>. Criteria values for other hardness may be calculated from the following: CMC (dissolved) =  $\exp\{m_A [\ln(\text{hardness})] + b_A\}$  (CF), or CCC (dissolved) =  $\exp\{m_C [\ln(\text{hardness})] + b_C\}$  (CF) and the parameters specified in Attachment 2 – Parameters for Calculating Freshwater Dissolved Metals Criteria That Are Hardness- Dependent. As noted in footnote D above, the values in this appendix are expressed as total recoverable, the criterion may be calculated from the following: CMC (total) =  $\exp\{m_A [\ln(\text{hardness})] + b_A\}$ , or CCC (total) =  $\exp\{m_C [\ln(\text{hardness})] + b_C\}$ .
- F Freshwater aquatic life values for pentachlorophenol are expressed as a function of pH, and are calculated as follows: CMC =  $\exp(1.005(\text{pH}) - 4.869)$ ; CCC =  $\exp(1.005(\text{pH}) - 5.134)$ . Values displayed in table correspond to a pH of 7.8.
- G This criterion is based on 304(a) aquatic life criterion issued in 1980, and was issued in one of the following documents: Aldrin/Dieldrin (EPA 440/5-80-019), Chlordane (EPA 440/5-80-027), DDT (EPA 440/5-80-038), Endosulfan (EPA 440/5-80-046), Endrin (EPA 440/5-80-047), Heptachlor (440/5-80-052), Hexachlorocyclohexane (EPA 440/5-80-054), Silver (EPA 440/5-80-071). The Minimum Data Requirements and derivation procedures were different in the 1980 Guidelines than in the 1985 Guidelines. For example, a "CMC" derived using the 1980 Guidelines was derived to be used as an instantaneous maximum. If assessment is to be done using an averaging period, the values given should be divided by 2 to obtain a value that is more comparable to a CMC derived using the 1985 Guidelines.
- H No criterion for protection of human health from consumption of aquatic organisms excluding water was presented in the 1980 criteria document or in the 1986 Quality Criteria for Water. Nevertheless, sufficient information was presented in the 1980 document to allow the calculation of a criterion, even though the results of such a calculation were not shown in the document.
- I This criterion for asbestos is the Maximum Contaminant Level (MCL) developed under the Safe Drinking Water Act (SDWA) and the National Primary Drinking Water Regulation (NPDWR).
- J EPA has not calculated a 304(a) human health criterion for this contaminant. The criterion is the Maximum Contaminant Level developed under the Safe Drinking Water Act (SDWA) and the National Primary Drinking Water Regulation (NPDWR).
- K This criterion is based on a 304(a) aquatic life criterion that was issued in the *1995 Updates: Water Quality Criteria Documents for the Protection of Aquatic Life in Ambient Water*, (EPA-820-B-96-001, September 1996). This value was derived using the GLI Guidelines (60FR15393-15399, March 23, 1995; 40CFR132 Appendix A); the difference between the 1985 Guidelines and the GLI Guidelines are explained on page iv of the 1995 Updates. None of the decisions concerning the derivation of this criterion were affected by any considerations that are specific to the Great Lakes.
- L The CMC =  $1/[(f_1/\text{CMC}_1) + (f_2/\text{CMC}_2)]$  where  $f_1$  and  $f_2$  are the fractions of total selenium that are treated as selenite and selenate, respectively, and CMC<sub>1</sub> and CMC<sub>2</sub> are 185.9  $\mu\text{g/l}$  and 12.82  $\mu\text{g/l}$ , respectively.
- M This criterion applies to total PCBs, (e.g., the sum of all congener or all isomer or homolog or Aroclor analyses.)
- N The derivation of the CCC for this pollutant did not consider exposure through the diet, which is probably important for aquatic life occupying upper trophic levels.
- O This state criterion is also based on a total fish consumption rate of 0.0175 kg/day.
- P This water quality criterion is expressed as  $\mu\text{g}$  free cyanide (as CN)/L.
- Q This value was announced (61FR58444-58449, November 14, 1996) as a proposed GLI 303 I aquatic life criterion
- S This water quality criterion for selenium is expressed in terms of total recoverable metal in the water column. It is scientifically acceptable to use the conversion factor (0.996 – CMC or 0.922 – CCC) that was used in the GLI to convert this to a value that is expressed in terms of dissolved metal.
- T The organoleptic effect criterion is more stringent than the value for priority toxic pollutants.
- U This value was derived from data for heptachlor and the criteria document provides insufficient data to estimate the relative toxicities of heptachlor and heptachlor epoxide.
- V There is a full set of aquatic life toxicity data that show that DEHP is not toxic to aquatic organisms at or below its solubility limit.
- W This value was derived from data for endosulfan and is most appropriately applied to the sum of alpha-endosulfan and beta-endosulfan.
- X This criterion is based on a 304(a) aquatic life criterion issued in 1980 or 1986, and was issued in one of the following documents: Aldrin/Dieldrin (EPA440/5-80-019), Chlordane (EPA 440/5-80-027), DDT (EPA 440/5-80-038), Endrin (EPA 440/5-80-047), Heptachlor (EPA 440/5-80-052), Polychlorinated Biphenyls (EPA 440/5- 80-068), Toxaphene (EPA 440/5-86-006). This CCC is based on the

Final Residue value procedure in the 1985 Guidelines. Since the publication of the Great Lakes Aquatic Life Criteria Guidelines in 1995 (60FR15393-15399, March 23, 1995), the EPA no longer uses the Final Residue value procedure for deriving CCCs for new or revised 304(a) aquatic life criteria.

- Y This water quality criterion is based on a 304(a) aquatic life criterion that was derived using the 1985 Guidelines (*Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses*, PB85-227049, January 1985) and was issued in one of the following criteria documents: Arsenic (EPA 440/5-84-033), Cadmium (EPA-820-R-16-002), Chromium (EPA 440/5-84-029), Copper (EPA 440/5-84-031), Cyanide (EPA 440/5-84-028), Lead (EPA 440/5-84-027), Nickel (EPA 440/5-86-004), Pentachlorophenol (EPA 440/5-86-009), Toxaphene, (EPA 440/5-86-006), Zinc (EPA 440/5-87-003).
- Z When the concentration of dissolved organic carbon is elevated, copper is substantially less toxic and use of Water-Effect Ratios might be appropriate.
- aa The selenium criteria document (EPA 440/5-87-006, September 1987) provides that if selenium is as toxic to saltwater fishes in the field as it is to freshwater fishes in the field, the status of the fish community should be monitored whenever the concentration of selenium exceeds 5.0  $\mu\text{g/L}$  in salt water because the saltwater CCC does not take into account uptake via the food chain.
- bb This water quality criterion was derived on page 43 of the mercury criteria document (EPA 440/5-84-026, January 1985). The saltwater CCC of 0.025  $\mu\text{g/L}$  given on page 23 of the criteria document is based on the Final Residue value procedure in the 1985 Guidelines. Since the publication of the Great Lakes Aquatic Life Criteria Guidelines in 1995 (60FR15393-15399, March 23, 1995), the EPA no longer uses the Final Residue value procedure for deriving CCCs for new or revised 304(a) aquatic life criteria.
- cc This water quality criterion was derived in *Ambient Water Quality Criteria Saltwater Copper Addendum* (Draft, April 14, 1995) and was promulgated in the Interim Final National Toxics Rule (60FR22228-222237, May 4, 1995).
- dd This water quality criterion was derived from data for inorganic mercury (II), but is applied here to total mercury. If a substantial portion of the mercury in the water column is methylmercury, this criterion will probably be under protective. In addition, even though inorganic mercury is converted to methylmercury and methylmercury bioaccumulates to a great extent, this criterion does not account for uptake via the food chain because sufficient data were not available when the criterion was derived.
- ee This criterion is a noncarcinogen. As prescribed in Section E of this regulation, application of this criterion for determining permit effluent limitations requires the use of 7Q10 or comparable tidal condition as determined by the Department.
- gg This criterion applies to DDT and its metabolites (i.e., the total concentration of DDT and its metabolites should not exceed this value).
- hh Although a new RfD is available in IRIS, the surface water criteria will not be revised until the National Primary Drinking Water Regulations: Stage 2 Disinfectants and Disinfection Byproducts Rule (Stage 2 DBPR) is completed, since public comment on the relative source contribution (RSC) for chloroform is anticipated.
- ii Although EPA has not published a completed criteria document for phthalate, it is EPA's understanding that sufficient data exist to allow calculation of aquatic life criteria.
- jj This recommended water quality criterion is expressed as total cyanide, even though the IRIS RfD the EPA used to derive the criterion is based on free cyanide. The multiple forms of cyanide that are present in ambient water have significant differences in toxicity due to their abilities to liberate the CN-moiety. Some complex cyanides require even more extreme conditions than refluxing with sulfuric acid to liberate the CN-moiety. Thus, these complex cyanides are expected to have little or no 'bioavailability' to humans. If a substantial fraction of the cyanide present in a water body is present in a complexed form (e.g.,  $\text{Fe}_4[\text{Fe}(\text{CN})_6]_3$ ), this criterion may be overly conservative.
- kk This recommended water quality criterion was derived using the cancer slope factor of 1.4 (Linear multi-stage model (LMS) exposure from birth).
- ll Freshwater copper criteria may be calculated utilizing the procedures identified in EPA-822-R-07-001.
- mm HAA5 means five haloacetic acids (monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, bromoacetic acid and dibromoacetic acid).
- nn This criterion has been revised to reflect the EPA's cancer slope factor (CSF) or reference dose (RfD), as contained in the Integrated Risk Information System (IRIS) as of (Final FR Notice June 10, 2009). The fish tissue bioconcentration factor (BCF) from the 1980 Ambient Water Quality Criteria document was retained in each case.

### NON PRIORITY POLLUTANTS

Non Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health			FR Cite/Source	
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:		MCL (µg/L)		
						Water & Organism (µg/L)	Organism Only (µg/L)			
1	Alachlor							2 M	SDWA	
2	Ammonia	7664417	CRITERIA ARE pH AND TEMPERATURE DEPENDENT – SEE DOCUMENT FOR DETAILS c							EPA822-R99-014 EPA440/5-88-004
3	Aesthetic Qualities		NARRATIVE STATEMENT AND NUMERIC CRITERIA – SEE TEXT							Gold Book
4	Atrazine							3 M	SDWA	
5	Bacteria		FOR PRIMARY CONTACT RECREATION AND SHELLFISH USES – SEE TEXT							Gold Book
6	Barium	7440393					1,000 A, L	2,000 L	Gold Book	
7	Carbofuran	1563662						40 L	SDWA	
8	Chlorine	7782505	19	11	13	7.5		G	Gold Book SDWA	
9	Chlorophenoxy Herbicide 2, 4, 5, -TP	93721					10 A, L	50 L	Gold Book SDWA	
10	Chlorophenoxy Herbicide 2, 4-D	94757					100 A, L	70 L	Gold Book SDWA	
11	Chlorophyll <i>a</i>		NARRATIVE STATEMENT AND NUMERIC CRITERIA – SEE TEXT							State Standard
12	Chloropyrifos	2921882	0.083 F	0.041 F	0.011 F	0.0056 F			Gold Book	
13	Color		NARRATIVE STATEMENT – SEE TEXT							State Standard

Non Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health			FR Cite/Source
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:		MCL (µg/L)	
						Water & Organism (µg/L)	Organism Only (µg/L)		
14	Dalapon	75990						200 L	SDWA
15	Demeton	8065483		0.1 E		0.1 E			Gold Book
16	1,2-Dibromo-3-chloropropane (DBCP)	96128						0.2 M	SDWA
17	Di(2-ethylhexyl) adipate	103231						400 L	SDWA
18	Dinoseb	88857						7 L	SDWA
19	Dinitrophenols	25550587					69 L	5,300 L	65FR66443
20	Nonylphenol	1044051	28	6.6	7.0	1.7			71FR9337
21	Diquat	85007						20 L	SDWA
22	Endothall	145733						100 L	SDWA
23	Ether, Bis Chloromethyl	542881					0.00010 D, M	0.00029 D, M	65FR66443
24	Cis-1, 2-dichloroethylene	156592						70 L	SDWA
25	Ethylene dibromide							0.05 M	SDWA
26	Fluoride	7681494						4000 L	SDWA



Non Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health			FR Cite/Source	
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:		MCL (µg/L)		
						Water & Organism (µg/L)	Organism Only (µg/L)			
27	Glyphosate	1071836						700 L	SDWA	
28	Guthion	86500		0.01 E		0.01 E			Gold Book	
29	Hexachlorocyclo-hexane-Technical	608731					0.0123 L	0.0414 L	Gold Book	
30	Malathion	121755		0.1 E		0.1 E			Gold Book	
31	Methoxychlor	72435		0.03 E		0.03 E	100 A, L		40 L	Gold Book SDWA
32	Mirex	2385855		0.001 E		0.001 E			Gold Book	
33	Nitrates	14797558					10,000 L		10,000 L	SDWA Gold Book
34	Nitrites	14797650							1,000 L	SDWA
35	Nitrogen, Total		NARRATIVE STATEMENT AND NUMERIC CRITERIA - SEE TEXT							State Standard
36	Nitrosamines						0.0008 L	1.24 L		Gold Book
37	Nitrosodibutylamine, N	924163					0.0063 A, M	0.22 A, M		65FR66443
38	Nitrosodiethylamine, N	55185					0.0008 A, M	1.24 A, M		Gold Book
39	Nitrosopyrrolidine, N	930552					0.016 M	34 M		65FR66443

Non Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health			FR Cite/Source	
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:		MCL (µg/L)		
						Water & Organism (µg/L)	Organism Only (µg/L)			
40	Oil and Grease			NARRATIVE STATEMENT – SEE TEXT						Gold Book
41	Oxamyl	23135220							200 L	SDWA
42	Oxygen, Dissolved	7782447	WARMWATER, COLDWATER, AND EXCEPTIONS FOR NATURAL CONDITIONS - SEE TEXT K							Gold Book State Standard
43	Diazinon	333415	0.17	0.17	0.82	0.82				71FR9336
44	Parathion	56382	0.065 H	0.013 H						Gold Book
45	Pentachlorobenzene	608935					1.4 E	1.5 E		65FR66443
46	PH		SEE TEXT I							Gold Book State Standard
47	Phosphorus, Total		NARRATIVE STATEMENT AND NUMERIC CRITERIA - SEE TEXT							State Standard
48	Picloram	1918021							500 L	SDWA
49	Salinity		NARRATIVE STATEMENT - SEE TEXT							Gold Book
50	Simazine	122349							4 L	SDWA
51	Solids,Suspended,and Turbidity		NARRATIVE STATEMENT AND NUMERIC CRITERIA - SEE TEXT							Gold Book State Standard
52	Styrene	100425							100 L	SDWA
53	Sulfide-Hydrogen Sulfide	7783064		2.0 E		2.0 E				Gold Book

Non Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health			FR Cite/Source
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:		MCL (µg/L)	
						Water & Organism (µg/L)	Organism Only (µg/L)		
54	Tainting Substances			NARRATIVE STATEMENT - SEE TEXT					Gold Book
55	Temperature			SPECIES DEPENDENT CRITERIA - SEE TEXT J					Red Book
56	1, 2, 4, 5-Tetrachlorobenzene	95943				0.97 D	1.1 D		65FR66443
57	Tributyltin (TBT)	688733	0.46	0.063	0.37	0.010			EPA 822-F-00-008
58	2, 4, 5-Trichlorophenol	95954				1,800 B, D	3,600 B, D		65FR66443
59	Xylenes, Total							10,000 L	SDWA
60	Uranium							30	SDWA
61	Beta particles and photon emitters							4 Millirems/ yr	SDWA
62	Gross alpha particle activity							15 picocuries per liter (pCi/l)	SDWA
63	Radium 226 and Radium 228 (combined)							5 pCi/l	SDWA
64	Carbaryl	63252	2.1	2.1	1.6				77FR30280

Non Priority Pollutant	CAS Number	Freshwater Aquatic Life		Saltwater Aquatic Life		Human Health			FR Cite/Source	
		CMC (µg/L)	CCC (µg/L)	CMC (µg/L)	CCC (µg/L)	For Consumption of:		MCL (µg/L)		
						Water & Organism (µg/L)	Organism Only (µg/L)			
65	Aluminum	7429905	CRITERIA ARE DEPENDENT ON pH, HARDNESS, AND DISSOLVED ORGANIC CARBON – SEE TEXT							83 FR 65663
			N							

Footnotes:

- A This human health criterion is the same as originally published in the Red Book which predates the 1980 methodology and did not utilize the fish ingestion BCF approach. This same criterion value is now published in the Gold Book.
- B The organoleptic effect criterion is more stringent than the value presented in the non priority pollutants table.
- C According to the procedures described in the *Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses*, except possibly where a very sensitive species is important at a site, freshwater aquatic life should be protected if both conditions specified in Attachment 3 - Calculation of Freshwater Ammonia Criterion are satisfied.
- D This criterion has been revised to reflect The Environmental Protection Agency's q1\* or RfD, as contained in the Integrated Risk Information System (IRIS) as of April 8, 1998. The fish tissue bioconcentration factor (BCF) used to derive the original criterion was retained in each case.
- E The derivation of this value is presented in the Red Book (EPA 440/9-76-023, July, 1976).
- F This value is based on a 304(a) aquatic life criterion that was derived using the 1985 Guidelines (*Guidelines for Deriving Numerical National Water Quality Criteria for the Protection of Aquatic Organisms and Their Uses*, PB85-227049, January 1985) and was issued in the following criteria document: Chloropyrifos (EPA 440/5-86-005).
- G A more stringent Maximum Residual Disinfection Level (MRDL) has been issued by EPA under the Safe Drinking Water Act. Refer to S.C. Regulation 61-58, *State Primary Drinking Water Regulations*.
- H This value is based on a 304(a) aquatic life criterion that was issued in the *1995 Updates: Water Quality Criteria Documents for the Protection of Aquatic Life in Ambient Water* (EPA-820-B-96-001). This value was derived using the GLI Guidelines (60FR15393-15399, March 23, 1995; 40CFR132 Appendix A); the differences between the 1985 Guidelines and the GLI Guidelines are explained on page iv of the 1995 Updates. No decision concerning this criterion was affected by any considerations that are specific to the Great Lakes.
- I South Carolina has established some site-specific standards for pH. These site-specific standards are listed in S.C. Regulation 61-69, *Classified Waters*.
- J U.S. EPA, 1976, Quality Criteria for Water 1976.
- K South Carolina has established numeric criteria in Section G for waters of the State based on the protection of warmwater and coldwater species. For the exception to be used for waters of the State that do not meet the numeric criteria established for the waterbody due to natural conditions, South Carolina has specified the allowable deficit in Section D.4. and used the following document as a source. U.S. EPA, 1986, Ambient Water Quality Criteria for Dissolved Oxygen, EPA 440/5-86-003, National Technical Information Service, Springfield, VA. South Carolina has established some site-specific standards for DO. These site-specific standards are listed in S.C. Regulation 61-69, *Classified Waters*.
- L This criterion is a noncarcinogen. As prescribed in Section E of this regulation, application of this criterion for determining permit effluent limitations requires the use of 7Q10 or comparable tidal condition as determined by the Department
- M This criterion is based on an added carcinogenicity risk. As prescribed in Section E of this regulation, application of this criterion for permit effluent limitations requires the use annual average flow or comparable tidal condition as determined by the Department.
- N The aluminum criteria are derived using multiple linear regression (MLR) models that incorporate pH, total hardness, and dissolved organic carbon (DOC) as input parameters to normalize the acute and chronic toxicity data to a set of predetermined water quality conditions. The MLR equations account for the effects of pH, total hardness, and DOC on the bioavailability, and hence toxicity of aluminum. The acute and chronic criteria for a given set of input conditions (pH, total hardness, and DOC) are numeric magnitude values that are protective for that set of input conditions. The recommended criteria for aluminum can be calculated in two different ways: 1) use the lookup tables provided in *Recommended Criteria for Various Water Chemistry Conditions* (EPA-822-R-18-001) to find the numeric aluminum acute and chronic criteria corresponding to the pH, total hardness, and DOC conditions of interest, or 2) use the Aluminum Criteria Calculator V.2.0 (Aluminum Criteria Calculator V.2.0.xlsm) to enter the pH, total hardness, and DOC conditions of interest.

**ORGANOLEPTIC EFFECTS**

	Pollutant	CAS Number	Organoleptic Effect Criteria (µg/L)	FR Cite/Source
1	Acenaphthene	83329	20	Gold Book
2	Chlorobenzene	108907	20	Gold Book
3	3-Chlorophenol		0.1	Gold Book
4	4-Chlorophenol	106489	0.1	Gold Book
5	2, 3-Dichlorophenol		0.04	Gold Book
6	2, 5-Dichlorophenol		0.5	Gold Book
7	2, 6-Dichlorophenol		0.2	Gold Book
8	3, 4-Dichlorophenol		0.3	Gold Book
9	2, 4, 5-Trichlorophenol	95954	1	Gold Book
10	2, 4, 6-Trichlorophenol	88062	2	Gold Book
11	2, 3, 4, 6-Tetrachlorophenol		1	Gold Book
12	2-Methyl-4-Chlorophenol		1,800	Gold Book
13	3-Methyl-4-Chlorophenol	59507	3,000	Gold Book
14	3-Methyl-6-Chlorophenol		20	Gold Book
15	2-Chlorophenol	95578	0.1	Gold Book
16	Copper	7440508	1,000	Gold Book
17	2, 4-Dichlorophenol	120832	0.3	Gold Book

Pollutant		CAS Number	Organoleptic Effect Criteria (µg/L)	FR Cite/Source
18	2, 4-Dimethylphenol	105679	400	Gold Book
19	Hexachlorocyclopentadiene	77474	1	Gold Book
20	Nitrobenzene	98953	30	Gold Book
21	Pentachlorophenol	87865	30	Gold Book
22	Phenol	108952	300	Gold Book
23	Zinc	7440666	5,000	45FR79341

Footnote:

These criteria are based on organoleptic (taste and odor) effects. Because of variations in chemical nomenclature systems, this listing of pollutants does not duplicate the listing in Appendix A of 40 CFR Part 423. Also listed are the Chemical Abstracts Service (CAS) registry numbers, which provide a unique identification for each chemical.

## WATER QUALITY CRITERIA ADDITIONAL NOTES

### 1. Criteria Maximum Concentration and Criterion Continuous Concentration

The Criteria Maximum Concentration (CMC) is an estimate of the highest concentration of a material in surface water to which an aquatic community can be exposed briefly without resulting in an unacceptable effect. The Criterion Continuous Concentration (CCC) is an estimate of the highest concentration of a material in surface water to which an aquatic community can be exposed indefinitely without resulting in an unacceptable effect. The CMC and CCC are just two of the six parts of an aquatic life criterion; the other four parts are the acute averaging period, chronic averaging period, acute frequency of allowed ~~exceedence~~ exceedance, and chronic frequency of allowed ~~exceedence~~ exceedance.

### 2. Criteria for Priority Pollutants, Non Priority Pollutants and Organoleptic Effects

This appendix lists all priority toxic pollutants and some nonpriority toxic pollutants, and both human health effect and organoleptic effect criteria issued pursuant to CWA §304(a), the SDWA, and the NPDWR. Blank spaces indicate that EPA has no CWA §304(a) criteria recommendations. Because of variations in chemical nomenclature systems, this listing of toxic pollutants does not duplicate the listing in Appendix A of 40CFR Part 423.

### 3. Human Health Risk

The human health criteria for the priority and non priority pollutants are based on carcinogenicity of  $10^{-6}$  risk.

#### **4. Water Quality Criteria published pursuant to Section 304(a) or Section 303(c) of the CWA**

Many of the values in the appendix were published in the California Toxics Rule. Although such values were published pursuant to Section 303(c) of the CWA, they represent the EPA's most recent calculation of water quality criteria.

#### **5. Calculation of Dissolved Metals Criteria**

The 304(a) criteria for metals are shown as total recoverable metals. As allowed in Section E of this regulation, these criteria may be expressed as dissolved metals. Dissolved metals criteria may be calculated in one of two ways (please refer to Attachments). For freshwater metals criteria that are hardness-dependent, the dissolved metal criteria may be calculated using a hardness of 25 mg/l mg/L as expressed as CaCO<sub>3</sub>. Saltwater and freshwater metals' criteria that are not hardness-dependent are calculated by multiplying the total recoverable criteria before rounding by the appropriate conversion factors. The final metals' criteria in the table are rounded to two significant figures. Information regarding the calculation of hardness dependent conversion factors are included in the footnotes.

#### **6. Chemical Abstract Services Number**

The Chemical Abstract Services number (CAS) for each pollutant is provided (where available).

#### **7. Gold Book Reference**

The Gold Book reference listed in the appendix refers to the May 1, 1986 EPA publication EPA 440/5-86-001.

#### **8. Federal Register Reference**

The FR listed in the appendix refers to the appropriate *Federal Register* listing- and source refers to the origin of the value. Many of the numeric values contained in this appendix have been modified, revised, or altered and therefore, the source as listed may not be the same as it appears in this table. Also, South Carolina may have selected to use a different value or may have promulgated a different value in its previous iterations of this regulation, so differences from these sources should be expected.

#### **9. Maximum Contaminant Levels**

The appendix includes Maximum Contaminant Levels (MCLs) developed under the Safe Drinking Water Act (SDWA) and the National Primary Drinking Water Regulation (NPDWR).

#### **10. Organoleptic Effects**

The appendix contains 304(a) criteria for pollutants with toxicity-based criteria as well as non-toxicity based criteria. The basis for the non-toxicity based criteria are organoleptic effects (e.g., taste and odor) which would make water and edible aquatic life unpalatable but not toxic to humans. The table includes criteria for organoleptic effects for 23 pollutants. Pollutants with organoleptic effect criteria more stringent than the criteria based on toxicity (e.g., included in both the priority and non-priority pollutant tables) are footnoted as such.

#### **11. Category Criteria**

In the 1980 criteria documents, certain water quality criteria were published for categories of pollutants rather than for individual pollutants within that category. Subsequently, in a series of separate actions, the EPA derived criteria for specific pollutants within a category. Therefore, in this appendix South Carolina is replacing criteria representing categories with individual pollutant criteria (e.g., 1, 3-dichlorobenzene, 1, 4-dichlorobenzene and 1, 2-dichlorobenzene).

#### **12. Specific Chemical Calculations**

## A. Selenium

### (1) Human Health

In the 1980 Selenium document, a criterion for the protection of human health from consumption of water and organisms was calculated based on a BCF of 6.0 l/kg and a maximum water-related contribution of 35  $\Phi$ g Se/day. Subsequently, the EPA Office of Health and Environmental Assessment issued an errata notice (February 23, 1982), revising the BCF for selenium to 4.8 L/kg. In 1988, EPA issued an addendum (ECAO-CIN-668) revising the human health criteria for selenium. Later in the final National Toxic Rule (NTR, 57 FR 60848), EPA withdrew previously published selenium human health criteria, pending EPA review of new epidemiological data.

This appendix includes human health criteria for selenium, calculated using a BCF of 4.8 L/kg along with the current IRIS RfD of 0.005 mg/kg/day. South Carolina included these water quality criteria in the appendix because the data necessary for calculating a criteria in accordance with EPA's 1980 human health methodology are available.

### (2) Aquatic Life

This appendix contains aquatic life criteria for selenium that are the same as those published in the CTR. In the CTR, EPA proposed an acute criterion for selenium based on the criterion proposed for selenium in the Water Quality Guidance for the Great Lakes System (61FR584440. The GLI and CTR proposals take into account data showing that selenium's two prevalent oxidation state in water, selenite and selenate, present differing potentials for aquatic toxicity, as well as new data indication that various forms of selenium are additive. The new approach produces a different selenium acute criterion concentration, or CMC, depending upon the relative proportions of selenite, selenate, and other forms of selenium that are present. EPA is currently undertaking a reassessment of selenium, and expects the 304(a) criterion for selenium will be revised based on the final reassessment (63FR26186). However, until such time as revised water quality criteria for selenium are published by the EPA, the water quality criteria in this appendix are EPA's current 304(a) criteria.

## B. Chromium (III)

The aquatic life water quality criteria for chromium (III) included in the appendix are based on the values presented in the document titled: *1995 Updates: Water Quality Criteria Documents for the Protection of Aquatic Life in Ambient Water*.

## C. PCBs

In this appendix, South Carolina is publishing aquatic life and human health criteria based on total PCBs rather than individual arochlors.

### Attachment 1 - Conversion Factors for Dissolved Metals

Metal	Conversion Factor freshwater CMC	Conversion Factor freshwater CCC	Conversion Factor saltwater CMC	Conversion Factor saltwater CCC
Arsenic	1.000	1.000	1.000	1.000
Cadmium	$1.136672 - [(\ln \text{hardness}) / (0.041838)]$	$1.101672 - [(\ln \text{hardness}) / (0.041838)]$	0.994	0.994
Chromium III	0.316	0.860	--	--
Chromium VI	0.982	0.962	0.993	0.993
Copper	0.960	0.960	0.83	0.83
Lead	$1.46203 - [(\ln \text{hardness}) / (0.145712)]$	$1.46203 - [(\ln \text{hardness}) / (0.145712)]$	0.951	0.951



Metal	Conversion Factor freshwater CMC	Conversion Factor freshwater CCC	Conversion Factor saltwater CMC	Conversion Factor saltwater CCC
Mercury	0.85	0.85	0.85	0.85
Nickel	0.998	0.997	0.990	0.990
Selenium	--	--	0.998	0.998
Silver	0.85	--	0.85	--
Zinc	0.978	0.986	0.946	0.946

**Attachment 2 - Parameters for Calculating Freshwater Dissolved Metals Criteria That Are Hardness-Dependent**

Chemical	m <sub>A</sub>	b <sub>A</sub>	m <sub>C</sub>	b <sub>C</sub>	Freshwater Conversion Factors (CF)	
					Acute	Chronic
Cadmium	0.9789 A	-3.866 A	0.7977 A	-3.909 A	1.136672-[ln (hardness)(0.041838)]	1.101672-[ln (hardness)(0.041838)]
Chromium III	0.8190	3.7256	0.8190	0.6848	0.316	0.860
Copper	0.9422	-1.700	0.8545	-1.702	0.960	0.960
Lead	1.273	-1.460	1.273	-4.705	1.46203-[ln (hardness)(0.145712)]	1.46203-[ln (hardness)(0.145712)]
Nickel	0.8460	2.255	0.8460	0.0584	0.998	0.997
Silver	1.72	-6.52	--	--	0.85	--
Zinc	0.8473	0.884	0.8473	0.884	0.978	0.986

Hardness-dependent metals criteria may be calculated from the following:

CMC (total) =  $\exp\{m_A [\ln(\text{hardness})] + b_A\}$ , or CCC (total) =  $\exp\{m_C [\ln(\text{hardness})] + b_C\}$

CMC (dissolved) =  $\exp\{m_A [\ln(\text{hardness})] + b_A\}$  (CF), or CCC (dissolved) =  $\exp\{m_C [\ln(\text{hardness})] + b_C\}$  (CF).

Footnotes:

A This parameter was issued by the EPA in Aquatic Life Ambient Water Quality Criteria Cadmium - 2016 (EPA-820-R-16-002).

### Attachment 3 - Calculation of Freshwater Ammonia Criterion

1. The one-hour average concentration of total ammonia nitrogen (in mg N/L) does not exceed, more than once every three years on the average, the CMC calculated using the following equation:

$$CMC = \frac{0.275}{1+10^{7.204-pH}} + \frac{39.0}{1+10^{pH-7.204}}$$

In situations where salmonids are absent, the CMC may be calculated using the following equation:

$$CMC = \frac{0.411}{1+10^{7.204-pH}} + \frac{58.4}{1+10^{pH-7.204}}$$

2. The thirty-day average concentration of total ammonia nitrogen (in mg N/L) does not exceed, more than once every three years on the average, the CCC calculated using the following equations:

When fish early life stages (ELS) are present:

$$CCC = \left( \frac{0.0577}{1+10^{7.688-pH}} + \frac{2.487}{1+10^{pH-7.688}} \right) \times \min(2.85, 1.45 \times 10^{0.028 \times (25-T)})$$

When fish early life stages are absent:

$$CCC = \left( \frac{0.0577}{1+10^{7.688-pH}} + \frac{2.487}{1+10^{pH-7.688}} \right) \times 1.45 \times 10^{0.028 \times (25-\max(T,7))}$$

and the highest four-day average within the 30-day period does not exceed 2.5 times the CCC.

In the absence of information substantiating that ELS are absent, the ELS present equation will be used

### Attachment 4 - Calculation of the Sample Specific Freshwater Acute and Chronic Criterion for Metals

As provided in R.61-68.E.14.d(3), in order to “appropriately evaluate the ambient water quality for the bioavailability of the dissolved portion of hardness dependent metals, the Department may utilize a federally-approved methodology to predict the dissolved fraction or partitioning coefficient in determining compliance with the water quality standards.” Per R.61-68.E.14.a(3), the Criterion Maximum Concentration (CMC) and the Criterion Continuous Concentration (CCC) are based on a hardness of 25 mg/L if the ambient stream hardness is equal to or less than 25 mg/L. Concentrations of hardness less than 400 mg/L may be based on the stream hardness if it is greater than 25 mg/L and less than 400 mg/L, and 400 mg/L if the ambient stream hardness is greater than 400 mg/L. In absence of actual stream hardness it is assumed to be 25 ~~mg/L~~ mg/L.

#### 1. Conversion Factor for Dissolved Metals

Refer to R.61-68, *Water Classifications and Standards*, Attachment 2 - Parameters for Calculating Freshwater Dissolved Metals Criteria that are Hardness-Dependent to determine the appropriate parameters

and conversion factor. Both CMC and CCC may be expressed as total recoverable or dissolved using the appropriate equations found in Attachment 2.

## 2. Partitioning Coefficient (Translator)

The partitioning coefficient ( $K_P$ ) is a translator for the fraction of the total recoverable metal that is bound to adsorbents in the water column, i.e. TSS. The calculation of partitioning coefficients is determined using the following equation.

$$K_P = K_{PO} \times (TSS_b)^\alpha$$

where  $K_P$  has units of L/kg

$TSS_b$  = In-stream Total Suspended Solids concentration in mg/L

Parameters for default partition coefficient estimation equations ( $K_{PO}$  and  $\alpha$ ) are provided from Table 3 of *The Metals Translator: Guidance For Calculating A Total Recoverable Permit Limit From A Dissolved Criterion*, EPA 823-B-96-007.

Metal	Lakes		Streams	
	$K_{PO}$	$\alpha$	$K_{PO}$	$\alpha$
Cadmium	3.52E+06	-0.9246	4.00E+06	-1.1307
Chromium III	2.17E+06	-0.2662	3.36E+06	-0.9304
Copper	2.85E+06	-0.9000	1.04E+06	-0.7436
Lead	2.0E+06	-0.5337	2.80E+06	-0.8
Nickel	2.21E+06	-0.7578	4.90E+05	-0.5719
Zinc	3.34E+06	-0.6788	1.25E+06	-0.7038

## 3. Final Sample Specific Total Recoverable CMC or CCC ( $\mu\text{g/L}$ ) Adjusted for In-Situ Hardness and TSS

The instream total recoverable concentration is determined using Equation 6.4 of *The Metals Translator: Guidance For Calculating A Total Recoverable Permit Limit From A Dissolved Criterion*, EPA 823-B-96-007.

$$\text{CMC (total recoverable adjusted)} = \text{CMC (dissolved)} \times \{1 + (K_P \times TSS_b \times 10^{-6})\}$$

where  $\text{CMC (dissolved)} = \exp\{m_A [\ln(\text{hardness})] + b_A\}$  (CF)

$$K_P = K_{PO} \times (TSS_b)^\alpha$$

$TSS_b$  = In-stream Total Suspended Solids concentration in mg/L

$10^{-6}$  = Units conversion factor to express  $\text{CMC (total recoverable adjusted)}$  in  $\mu\text{g/L}$

$$\text{CCC (total recoverable adjusted)} = \text{CCC (dissolved)} \times \{1 + (K_P \times TSS_b \times 10^{-6})\}$$

where  $\text{CCC (dissolved)} = \exp\{m_C [\ln(\text{hardness})] + b_C\}$  (CF)

$$K_P = K_{PO} \times (TSS_b)^\alpha$$

$TSS_b$  = In-stream Total Suspended Solids concentration in mg/L

$10^{-6}$  = Units conversion factor to express CCC (total recoverable adjusted) in  $\mu\text{g/L}$ .

Note: The background TSS is assumed to be the measured instream data (mg/L) or 1 mg/L in the absence of actual instream data (based on the 5th percentile of ambient TSS data on South Carolina waterbodies from 1993-2000).

If the ambient stream metals result exceeds CMC (total recoverable adjusted) or CCC (total recoverable adjusted) based on the measured TSS and hardness collected with the metal sample it constitutes a standard exceedance. Lacking actual instream TSS and hardness data, a metals result exceeding CMC (total recoverable adjusted) or CCC (total recoverable adjusted) based on the default hardness of 25 mg/L and the default TSS value of 1 mg/L constitutes a potential standard exceedance.

## ATTACHMENT B

### 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 (“Department”) proposes amending R.61-68, Water Classifications and Standards. Interested persons may submit comment(s) on the proposed amendments to Andrew Edwards, Water Quality Standards Coordinator of the Bureau of Water; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; edwardaj@dhec.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on March 28, 2022, the close of the Notice of Drafting comment period.

#### **Synopsis:**

Pursuant to Section 303(c) of the federal Clean Water Act (“CWA”), South Carolina’s water quality standards must be reviewed and revised, where necessary, at least once every three years. Referred to as the triennial review, this required process consists of reviewing the designated water uses, criteria, and antidegradation policy. The Department will review and adopt, where appropriate, the Environmental Protection Agency’s updated numeric and narrative criteria according to Section 304(a), Section 304(f), and Section 307(a) of the CWA. In reviewing its water classifications and standards, the Department will give consideration to the factors listed in S.C. Code Section 48-1-80 and update R.61-68, Water Classifications and Standards, where appropriate.

The Department proposes amending R.61-68 to adopt revised water quality standards as deemed necessary to comply with federal updates and recommendations. The Department also proposes amending R.61-68 as deemed necessary to comply with the Pollution Control Act, S.C. Code Sections 48-1-10 et. seq.

The proposed amendments may also include corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

**ATTACHMENT C**

**SUMMARY OF PUBLIC COMMENTS AND DEPARTMENT RESPONSES**

**R.61-68, *Water Classifications and Standards***

**As of February 25, 2022, the close of the Notice of Drafting comment period:**

<b>Name</b>	<b>Section</b>
Laura Seidman, American Forest & Paper Association	R.61-68.Appendix
<p><b>Comment:</b> The Department should not adopt the EPA's nationally recommended Human Health Water Quality Criteria. Instead, DHEC should take the opportunity provided under EPA regulations to develop more scientifically defensible criteria that are achievable and applicable to South Carolina's waters. DHEC also should consider the many benefits of using a probabilistic risk approach when developing all human health criteria.</p> <p><b>Department Response:</b> The Department does not intend to adopt the nationally recommended human health criteria into the State's water quality standards during this triennial review. The Department will retain these comments for consideration during future triennial reviews.</p>	
<b>Name</b>	<b>Section</b>
Bob Morgan, South Carolina Chamber of Commerce	R.61-68.Appendix
<p><b>Comment:</b> The Chamber strongly supports SCDHEC to take a state-specific approach to establishing state Human Health Water Quality Criteria based on state-specific facts only, newly gathered data, and more recent science. The Chamber does not believe the 2015 federal Human Health Water Quality Criteria are appropriate for South Carolina or sufficiently supported by sound science and data.</p> <p><b>Department Response:</b> The Department does not intend to adopt the nationally recommended human health criteria into the State's water quality standards during this triennial review. The Department will retain these comments for consideration during future triennial reviews.</p>	
<b>Name</b>	<b>Section</b>
Bob Morgan, South Carolina Chamber of Commerce	R.61-68
<p><b>Comment:</b> 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.</p> <p><b>Department Response:</b> The Department is evaluating the existing hydrological standards to determine if the existing and designated uses for all water classifications may be achieved and maintained.</p>	

Name	Section
Rebecca Leach, South Carolina Manufacturers Alliance	R.61-68.Appendix
<p><b>Comment:</b> The Department cannot adopt the EPA's nationally recommended Human Health Water Quality Criteria because the proper studies have not been completed nor has consideration been given to economic impacts.</p> <p><b>Department Response:</b> The Department does not intend to adopt the nationally recommended human health criteria into the State's water quality standards during this triennial review. The Department will retain these comments for consideration during future triennial reviews.</p>	



(x) ACTION/DECISION  
( ) INFORMATION

Date: August 11, 2022

To: S.C. Board of Health and Environmental Control

From: Bureau of Water

**Re: Notice of Proposed Regulation Amending R.61-69, *Classified Waters*.**

### I. Introduction

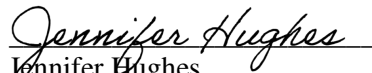
The Bureau of Water (“Bureau”) proposes the attached Notice of Proposed Regulation amending R.61-69, *Classified Waters*, for publication in the August 26, 2022, *South Carolina State Register* (“*State Register*”). Legal authority resides in S.C. Code Sections 48-1-10 et seq., which provides that the Department of Health and Environmental Control (“Department”) shall promulgate regulations to implement the South Carolina Pollution Control Act. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

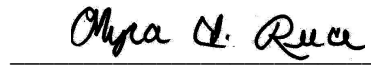
### II. Facts

1. R.61-69 establishes South Carolina’s site-specific water quality standards and provides a listing of all named and specific unnamed waterbodies, their classifications, and locations. The Bureau proposes amending R.61-69 to clarify and correct, as needed, waterbody names, counties, classes, and descriptions. The Bureau also proposes stylistic changes for overall improvement of the text of the regulation.
2. The Department had a Notice of Drafting published in the February 25, 2022, *State Register*. A copy of the Notice of Drafting appears herein as Attachment B. The Department received public comments from two parties by March 25, 2022, the close of the public comment period. Attachment C presents a summary of these public comments received and Department responses.
3. Department staff met with stakeholders to discuss the Notice of Drafting and receive stakeholder input on the proposed amendments on April 19, 2022, and May 24, 2022.
4. Appropriate Department staff conducted an internal review of the proposed amendments on July 13, 2022.

### III. Request for Approval

The Bureau of Water respectfully requests the Board to grant approval of the attached Notice of Proposed Regulation for publication in the August 26, 2022, *State Register*.

  
Jennifer Hughes  
Chief, Bureau of Water

  
Myra Reece  
Director of Environmental Affairs

Attachments:

- A. Notice of Proposed Regulation
- B. Notice of Drafting published in the February 25, 2022, *State Register*
- C. Summary of Public Comments Received and Department Responses

**ATTACHMENT A**

**STATE REGISTER NOTICE OF PROPOSED REGULATION  
FOR R.61-69, *Classified Waters***

**August 11, 2022**

Document No. \_\_\_\_\_

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL  
CHAPTER 61**

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

61-69. Classified Waters.

**Preamble:**

Pursuant to S.C. Code Sections 48-1-10 et seq., R.61-69 establishes the State’s site-specific water quality standards and provides a listing of all named and specific unnamed waterbodies, their classifications, and locations. The Department of Health and Environmental Control (“Department”) proposes amending R.61-69 to clarify and correct, as needed, waterbody names, counties, classes, and descriptions. The Department also proposes stylistic changes for overall improvement of the text of the regulation. The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

The Department had a Notice of Drafting published in the February 25, 2022, South Carolina State Register.

**Section-by-Section Discussion of Proposed Amendments:**

<b>Section</b>	<b>Type of Change</b>	<b>Purpose</b>
<b>Section</b>	<b>Type of Change</b>	<b>Purpose</b>
<b>Table of Contents</b>	Technical Correction	Amended title of Section H for consistency.
<b>A. Criteria for Classes</b>	Technical Correction	Amended to correct punctuation.
<b>F. Notations for Site-Specific Standards and Previous Class</b>	Technical Correction	Amended to correct spelling.
<b>H. List of Waterbody Names, County(ies), Class, and Descriptions</b>		
Section Title	Technical Correction	Amended to correct verb tense.
Ashpole Swamp	Technical Correction	Amended to correct spelling of waterbody name.
Atlantic Intracoastal Waterway	Revision	Amended the ORW(SFH) listing for accuracy.
Baker Creek	Revision	Amended waterbody name for consistency.
Bates Old River	Addition	Added waterbody to address Congaree National Park expansion.
Battery Creek	Technical Correction	Amended to correct punctuation.

Bear Creek	Technical Correction	Amended to correct county abbreviation.
Beaverdam Creek	Technical Correction	Amended to correct punctuation.
Big Dutchmans Creek	Revision	Amended waterbody names for consistency.
Big Pine Tree Creek	Technical Correction	Amended to correct county abbreviation.
Black Creek	Revision	Amended to clarify road names.
Black River	Revision	Amended to clarify road names.
Brasstown Creek	Revision	Amended for grammatical accuracy.
Broad River	Technical Correction	Amended to correct county abbreviation.
Brushy Creek	Revision	Amended for grammatical accuracy.
Buckhorn Creek	Revision	Amended for grammatical accuracy.
Catawba-Wateree River	Technical Correction	Amended to correct county abbreviation.
Cedar Creek	Revision	Amended for grammatical accuracy.
Cedar Creek Reservoir	Technical Correction	Amended to correct county abbreviation.
Chauga River	Revision	Amended to clarify road names.
Cheohee Creek	Revision	Amended for grammatical accuracy.
Coastal Waters	Technical Correction	Amended to correct punctuation.
Combahee River	Revision	Amended for grammatical accuracy.
Debidue Creek	Revision	Amended for grammatical accuracy.
Devils Fork	Revision	Amended for grammatical accuracy.
Edisto River	Revision	Amended to clarify road names.
Fishing Creek Lake	Technical Correction	Amended to correct county abbreviation.
Folly River	Technical Correction	Amended to correct capitalization.
Foreteen Mile Creek	Revision	Amended waterbody name for consistency.
Golden Creek	Revision	Amended waterbody name for consistency.
Granny's Quarter Creek	Technical Correction	Amended to correct county abbreviation.
Gulley Branch	Revision	Amended waterbody name for consistency.
Hanging Rock Creek	Technical Correction	Amended to correct county abbreviation.
Hawe Creek	Revision	Amended waterbody name for consistency.

Howard Creek	Revision	Amended to clarify road name.
Jumping Branch	Technical Correction	Amended to correct capitalization.
Kate Fowler Branch	Revision	Amended waterbody name for consistency.
Langston Creek	Revision	Amended for grammatical accuracy.
Little River	Revision	Amended waterbody name for consistency.
Long Cane Creek	Revision	Amended waterbody name for consistency.
Ludlow Branch	Revision	Amended waterbody name for consistency.
McKinneys Creek	Revision	Amended to clarify road names.
North Edisto River	Technical Correction	Amended to correct spelling of waterbody name.
North Fork Little River	Revision Technical Correction	Amended to clarify road names and amended to correct spelling.
North Saluda River	Revision	Amended to clarify road names.
Oil Camp Creek	Technical Correction	Amended to correct spelling of state park.
Running Lake	Deletion Revision	Removed the FW listing for Running Lake and amended the ORW(FW) listing for Running Lake for accuracy.
Saluda River (main stem)	Technical Correction	Amended to correct county abbreviation.
Saluda River (main stem)	Technical Correction	Amended for grammatical accuracy.
Sanders Branch	Technical Correction	Amended to correct spelling of waterbody name.
Savannah River	Revision	Amended waterbody name for consistency.
Sawneys Creek	Technical Correction	Amended to correct county abbreviation.
Shanklin Creek	Revision	Amended waterbody name for consistency.
Sewee Bay	Revision	Amended to reclassify these waters.
Smeltzer Creek	Revision	Amended to clarify road names.
South Pacolet River	Revision	Amended to clarify road names.
South Saluda River	Revision	Amended to clarify road name.
South Santee River	Technical Correction	Amended to correct punctuation.
Thompson River	Revision Technical Correction	Amended for grammatical accuracy and to correct capitalization.
Town Creek	Technical Correction	Amended to correct county abbreviation.
Town Creek	Revision	Amended waterbody name for consistency.

Townsend River	Revision	Amended waterbody name for consistency.
Turkey Creek	Technical Correction	Amended to correct county abbreviations.
Wateree River	Revision	Amended waterbody name for consistency.

**Notice of Public Hearing and Opportunity for Public Comment:**

Interested persons may submit comment(s) on the proposed amendments to Andrew Edwards, Water Quality Standards Coordinator of the Bureau of Water; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; edwardaj@dhec.sc.gov. To be considered, the Department must receive the comment(s) by 5:00 p.m. on September 26, 2022, the close of the comment period.

The S.C. Board of Health and Environmental Control will conduct a public hearing on the proposed amendments during its November 10, 2022, 11:00 a.m. meeting. Interested persons may make oral and/or submit written comments at the public hearing. Persons making oral comments should limit their statements to five (5) minutes or less. The meeting will take place in the Board Room of the DHEC Building, located at 2600 Bull Street, Columbia, S.C. 29201. Due to admittance procedures, all visitors must enter through the main Bull Street entrance and register at the front desk. The Department will publish a meeting agenda twenty-four (24) hours in advance indicating the order of its scheduled items at: <http://www.scdhec.gov/Agenda>. Public hearing procedures are subject to change in response to COVID-19 protocols. If applicable, the Department will provide notice of these changes twenty-four (24) hours in advance of the public hearing.

The Department publishes a Monthly Regulation Development Update tracking the status of its proposed new regulations, amendments, and repeals and providing links to associated State Register documents at <http://www.scdhec.gov/Agency/RegulationsAndUpdates/RegulationDevelopmentUpdate/>.

**Preliminary Fiscal Impact Statement**

No costs to the State or significant cost to its political subdivisions as a whole should be incurred by these proposed amendments.

**Statement of Need and Reasonableness**

The following presents an analysis of the factors listed in 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: 61-69, Classified Waters

Purpose: Proposed amendments to R.61-69 will clarify, strengthen, and improve the overall quality of the existing regulation and make appropriate revisions to 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”).

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

Plan for Implementation: The amendments will take legal effect upon General Assembly approval and upon publication in the State Register. Department personnel will then take appropriate steps to inform the

regulated community of the amendments. Additionally, a copy of the regulation will be posted on the Department's website, accessible at [www.scdhec.gov/regulations-table](http://www.scdhec.gov/regulations-table). Printed copies may also be requested, for a fee, from the Department's Freedom of Information Office.

#### DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

R.61-69 establishes the State's site-specific water quality standards and provides a listing of all named and specific unnamed waterbodies, their classifications, and locations. The Department's proposed amendments to R.61-69 clarify and correct, as needed, waterbody names, counties, classes, and descriptions.

#### DETERMINATION OF COSTS AND BENEFITS:

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

The overall cost impact to the State's political subdivisions and the regulated community as a whole is not likely to be significant. Existing standards would have incurred similar cost. Furthermore, the standards required under the proposed amendments will be substantially consistent with the current guidelines utilized by the Department.

#### UNCERTAINTIES OF ESTIMATES:

The uncertainties associated with the estimation of benefits and burdens are minimal.

#### EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Implementation of these proposed amendments will not compromise the protection of the environment or the health and safety of the citizens of the State. The proposed amendments to R.61-69 seek to correct and clarify portions of the list of classified waters in order to provide citizens a more accurate representation of the waters of the State.

#### DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

Failure by the Department to incorporate appropriate revisions to the list of classified waters in R.61-69 will allow an inaccurate representation of the State's waters to persist. This list is the only repository of the State's site-specific water quality standards and is used as the basis for National Pollutant Discharge Elimination System ("NPDES") permit decisions. If not corrected, the inaccuracies in the existing regulation may lead to unnecessary contamination of the waters of the State with detrimental effects on the health of flora and fauna, as well as the citizens of South Carolina.

#### **Statement of Rationale:**

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(A)(3)(h):

R.61-69 establishes the State's site-specific water quality standards and provides a listing of all named and specific unnamed waterbodies, their classifications, and locations. The Department proposes amending R.61-69 to clarify and correct, as needed, waterbody names, counties, classes, and descriptions.

**Text:**

~~Indicates Matter Stricken~~  
Indicates New Matter

61-69. Classified Waters.

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

TABLE OF CONTENTS

- A. Criteria for Classes
- B. Tributaries to Classified Waters
- C. Status of Classifications and Reviews
- D. No Discharge Zone Designations
- E. Class Abbreviations
- F. Notations for Site-Specific Standards and Previous Class
- G. County Abbreviations
- H. List of Waterbody Names, County(ies), Classes, and Descriptions

**A. Criteria for Classes.**

All adopted classifications must conform to the standards and rules contained within R.61-68, Water Classifications and Standards, or site-specific standards listed within this regulation. Unless noted, site-specific standards apply only to the water named and not to tributary or downstream waters.

**B. Tributaries to Classified Waters.**

Where surface waters are not classified by name (unlisted) in this regulation, the use classification and numeric standards of the class of the stream to which they are tributary apply, disregarding any site-specific numeric standards for the named waterbody. In tidal areas, where an unlisted tributary may affect or flows between two differently classified waterbodies, regardless of whether the location is upstream or downstream, the more stringent numeric standards of the classified waters apply to the unlisted tributary, disregarding any site-specific numeric standards for those waterbodies.

**C. Status of Classifications and Reviews.**

The classification for all bodies of water contained herein supersedes all previous classifications. The classifications listed within this regulation shall be open to review to ensure that the classification use is still valid and justified.

**D. No Discharge Zone Designations.**

The Department may determine in accordance with Section 312 of the Clean Water Act that for some waterbodies (or portions of waterbodies), the designation of No Discharge Zone (NDZ) for Marine Sanitation Devices (MSDs) shall be enacted with application of the existing classified standards of the waterbody. The designation is listed in this regulation as an NDZ following the waterbody name.

**E. Class Abbreviations.**

<b>Class Abbreviations Used in R.61-69</b>	
Outstanding National Resource Waters	ONRW (previous class)
Outstanding Resource Waters	ORW (previous class)
Shellfish Harvesting Waters	SFH
Trout - Natural	TN
Trout – Put, Grow, and Take	TPGT
Trout – Put and Take	TPT
Freshwaters	FW
Class SA (saltwaters)	SA
Class SB (saltwaters)	SB

**F. Notations for Site-Specific Standards and Previous Class.**

An “sp” by the Class means the Department has established site-specific standards for certain parameters for that waterbody. The site-specific standards are listed in parentheses after the waterbody description. For convenience, on both ONRW and ORW waterbodies, the previous classification for the specific waterbody is given in parentheses after the Class listing.

**G. County Abbreviations.**

<b>County</b>	<b>Abbreviation</b>
Abbeville	Abvl
Aiken	Aikn
Allendale	Aldl
Anderson	Andn
Bamberg	Bmbg
Barnwell	Brwl
Beaufort	Bftr
Berkeley	Bkly
Calhoun	Clhn
Charleston	Chtn
Cherokee	Chke
Chester	Cstr
Chesterfield	Cfld
Clarendon	Clrn
Colleton	Cltn
Darlington	Drln
Dillon	Diln
Dorchester	Dchr
Edgefield	Efld
Fairfield	Ffld
Florence	Flrn



<b>County</b>	<b>Abbreviation</b>
Georgetown	Gtwn
Greenville	Gnvl
Greenwood	Gnwd
Hampton	Hmpt
Horry	Hory
Jasper	Jspr
Kershaw	Krsh
Lancaster	Lctr
Laurens	Lrns
Lee	Lee
Lexington	Lxtn
McCormick	Mcmk
Marion	Marn
Marlboro	Mrlb
Newberry	Nbry
Oconee	Ocne
Orangeburg	Orbg
Pickens	Pkns
Richland	Rlnd
Saluda	Slda
Spartanburg	Spbg
Sumter	Smtr
Union	Unin
Williamsburg	Wmbg
York	York

**H. List of Waterbody Names, County(ies), Classes, and Descriptions.**

<b>Waterbody Name</b>	<b>County(ies)</b>	<b>Class</b>	<b>Waterbody Description and (Site-Specific Standard)</b>
<b>Abner Creek</b>	Pkns	ORW(FW)	The entire creek tributary to Eastatoe Creek
<b>Adams Creek</b>	Chtn	ORW(SFH)	The entire creek tributary to Bohicket Creek
<b>Allan Creek (also called Allen Creek)</b>	Spbg	FW	The entire creek tributary to Enoree River
<b>Alligator Creek</b>	Cltn	ORW(SFH)	The entire creek tributary to South Edisto River
<b>Allison Creek</b>	York	FW	The entire creek tributary to Lake Wylie
<b>Alston Creek</b>	Chtn	SFH	The entire creek tributary to Wando River
<b>Anderson Reservoir</b>	Andn	FW	The entire reservoir on Beaverdam Creek
<b>Archers Creek</b>	Bftr	SA	That portion of the creek from Port Royal to U.S. Government Parris Island Bridge
<b>Archers Creek</b>	Bftr	SFH	That portion of the creek from the U.S. Government Parris Island Bridge to Broad River
<b>Ashepoo River</b>	Cltn	FW	That portion of the river to saltwater intrusion
<b>Ashepoo River</b>	Cltn	SFH	That portion of the river from saltwater intrusion to the Atlantic Ocean
<b>Ashley River</b>	Chtn, Dchr	FW	That portion of the river from its beginning at Cypress Swamp to the confluence with Popper Dam Creek

<b>Waterbody Name</b>	<b>County(ies)</b>	<b>Class</b>	<b>Waterbody Description and (Site-Specific Standard)</b>
Ashley River	Chtn, Dchr	SA	That portion of the river from the confluence with Popper Dam Creek to Church Creek
Ashley River	Chtn	SA-sp	That portion of the river from Church Creek to Orangegrove Creek (Dissolved Oxygen (D.O.) not less than 4 mg/L)
Ashley River	Chtn	SA	That portion of the river from Orangegrove Creek to Charleston Harbor
Ashpole Swamp	Dill, Marn	FWsp	The entire swamp tributary to Lumber River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Atlantic Intracoastal Waterway	Hory	SA	That portion of the waterway from the North Carolina line to S.C. Hwy 9
Atlantic Intracoastal Waterway	Hory	FW	That portion of the waterway from S.C. Hwy 9 to its confluence with Waccamaw River
Atlantic Intracoastal Waterway	Gtwn, Hory	FWsp	That portion of the waterway from its confluence with Waccamaw River to Thoroughfare Creek (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Atlantic Intracoastal Waterway	Gtwn	SA-sp	That portion of the waterway from Thoroughfare Creek to the headwaters of Winyah Bay (D.O. not less than 4 mg/L)
Atlantic Intracoastal Waterway	Gtwn	SB	That portion of the waterway from the headwaters of Winyah Bay to South Santee River
Atlantic Intracoastal Waterway	Chtn	SFH	That portion of the waterway from South Santee River to the Ben Sawyer Bridge its confluence with Venning Creek
<u>Atlantic Intracoastal Waterway</u>	<u>Chtn</u>	<u>ORW(SFH)</u>	<u>That portion of the waterway from its confluence with Venning Creek to its confluence with Morgan Creek</u>
<u>Atlantic Intracoastal Waterway</u>	<u>Chtn</u>	<u>SFH</u>	<u>That portion of the waterway from its confluence with Morgan Creek to the Ben Sawyer Bridge</u>
Atlantic Intracoastal Waterway	Chtn	SB	That portion of the waterway from the Ben Sawyer Bridge through Charleston Harbor to the confluence of Elliott Cut and Stono River
Atlantic Intracoastal Waterway	Chtn	SFH	That portion of the waterway from the confluence of Elliott Cut and Stono River to the S.C.L. Railroad Bridge over Stono River
Atlantic Intracoastal Waterway	Chtn	SFH	That portion of the waterway from the S.C.L. Railroad Bridge over Stono River to the confluence of Wadmalaw Sound and Stono River
Atlantic Intracoastal Waterway	Chtn	ORW(SFH)	That portion of the waterway from the confluence of Wadmalaw Sound and Stono River to Gibson Creek
Atlantic Intracoastal Waterway	Chtn	ORW(SFH)	That portion of the waterway from Gibson Creek along Wadmalaw River and Dawho River to North Creek
Atlantic Intracoastal Waterway	Chtn	ORW(SFH)	That portion of the waterway from North Creek through Watts Cut to South Edisto River

<b>Waterbody Name</b>	<b>County(ies)</b>	<b>Class</b>	<b>Waterbody Description and (Site-Specific Standard)</b>
<b>Atlantic Intracoastal Waterway</b>	Chtn, Cltn	ORW(SFH)	That portion of the waterway from South Edisto River at Watts Cut to South Edisto River at Fenwick Cut
<b>Atlantic Intracoastal Waterway</b>	Cltn	SFH	That portion of the waterway from South Edisto River at Fenwick Cut along the Ashepo River to the confluence with St. Helena Sound
<b>Atlantic Intracoastal Waterway</b>	Bfirt, Cltn	SFH	That portion of the waterway from the confluence with St. Helena Sound through the Sound to the confluence with Coosaw River
<b>Atlantic Intracoastal Waterway</b>	Bfirt	SFH	That portion of the waterway from the confluence with Coosaw River along Brickyard Creek to the confluence with Albergottie Creek
<b>Atlantic Intracoastal Waterway</b>	Bfirt	SA	That portion of the waterway from the confluence of Brickyard and Albergottie Creeks to become the Beaufort River to a boundary drawn along Beaufort River between the upper banks of Battery Creek and Cat Island Creek
<b>Atlantic Intracoastal Waterway</b>	Bfirt	SFH	That portion of the waterway from a boundary drawn along Beaufort River between the upper bank of Battery Creek and Cat Island through Port Royal Sound to the confluence with Skull Creek
<b>Atlantic Intracoastal Waterway</b>	Bfirt	SFH	That portion of the waterway from the confluence with Skull Creek through Calibogue Sound, along Cooper River and Ramshorn Creek, to the confluence with New River
<b>Atlantic Intracoastal Waterway</b>	Jspr	SA	That portion of the waterway from the confluence of Ramshorn Creek with New River to Watts Cut and Wright River
<b>Atlantic Intracoastal Waterway</b>	Jspr	SA	That portion of the waterway from Wright River to Mud River to Savannah River
<b>Back River</b>	Bkly	FW	The entire river tributary to Cooper River
<b>Bad Creek</b>	Ocne	ORW(FW)	That portion of the creek from the North Carolina line to Chattooga River
<b>Bad Creek Reservoir</b>	Ocne	FW	The entire reservoir
<b>Bailey Creek</b>	Andn	FW	The entire creek tributary to Rocky Creek
<b>Bailey Creek</b>	Chtn	ORW(SFH)	The entire creek tributary to St. Pierre Creek
<b>Baker Creek</b>	Mcmk	FW	The entire creek tributary to <del>Lake Strom Thurmond</del> <u>J. Strom Thurmond Lake</u>
<b>Ballast Creek</b>	Bfirt	SA	That portion of the creek from the tidal node to Beaufort River
<b>Ballast Creek</b>	Bfirt	SFH	That portion of the creek from the tidal node to Broad River
<b>Bartons Branch (also called Summerhouse Branch and Johnsons Swamp)</b>	Gtwn, Wmbg	FWsp	The entire branch tributary to Horse Pen Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Bass Creek</b>	Bfirt	ORW(SFH)	The entire creek tributary to May River

Waterbody Name	County(ies)	Class	Waterbody Description and (Site-Specific Standard)
<b>Bass Hole Bay</b>	Gtwn	ORW(SFH)	The entire bay between Old Man Creek and Debidue Creek
<b><u>Bates Old River</u></b>	<u>Rlnd</u>	<u>ORW(FW)</u>	<u>The entire river within the boundary of the Congaree National Park to the confluence with Congaree River</u>
<b>Battery Creek</b>	Bfirt	SA	That portion of the creek from the two unnamed headwater creeks down to a point 1000 feet below their confluence at Rabbit Island
<b>Battery Creek</b>	Bfirt	SFH	That portion of the creek from a point 1000 feet below the headwater creeks' confluence at Rabbit Island to the confluence with Beaufort River
<b>Battle Creek</b>	Ocne	TPGT	The entire creek tributary to Tugaloo River
<b>Bear Creek</b>	Andn	FW	The entire creek tributary to Rocky Creek
<b>Bear Creek</b>	Lctr	FW	The entire creek tributary to Cane Creek
<b>Bear Creek</b>	Newb, <u>LexiLxtn</u>	FW	The entire creek tributary to Lake Murray
<b>Bear Swamp</b>	Diln	FWsp	The entire swamp tributary to Ashpole Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Beards Fork Creek</b>	Lrns	FW	The entire creek tributary to Duncan Creek
<b>Beaufort River</b>	Bfirt	SA	That portion of the river from the confluence of Albergotie Creek and Brickyard Creek to a boundary drawn between the upper bank of Battery Creek and Cat Island Creek
<b>Beaufort River</b>	Bfirt	SFH	That portion of the river from a boundary drawn between the upper bank of Battery Creek and Cat Island Creek to the confluence with Port Royal Sound
<b>Beaver Creek</b>	Andn	FW	The entire creek tributary to Rocky River
<b>Beaver Creek</b>	Krsh	FW	The entire creek tributary to Wateree Lake
<b>Beaverdam Creek</b>	Andn	FW	The entire creek tributary to Rocky River
<b>Beaverdam Creek</b>	Drln, Cfld	FW	The entire creek tributary to Black Creek
<b>Beaverdam Creek</b>	Efld	FW	The entire creek tributary to Turkey Creek
<b>Beaverdam Creek</b>	Gnvl	ORW(FW)	That portion of the creek from its headwaters to Secondary Road 563
<b>Beaverdam Creek</b>	Gnvl	FW	That portion of the creek from Secondary Road 563 to Enoree River
<b>Beaverdam Creek</b>	Lrns	FW	The entire creek tributary to Enoree River
<b>Beaverdam Creek</b>	Mrlb	FW	The entire creek tributary to Little Pee Dee River
<b>Beaverdam Creek</b>	York	FW	The entire creek tributary to Crowder's Creek
<b>Beaverdam Creek (also called Irene Creek)</b>	Chke	FW	The entire creek tributary to Thicketty Creek
<b>Beaverdam Creek (also called Big Beaverdam Creek)</b>	Andn	FW	The entire creek tributary to Rocky River
<b>Bees Creek</b>	Jspr	SB	The entire creek tributary to Coosawhatchie River
<b>Bell Swamp Creek</b>	Diln	FW	The entire creek tributary to Little Pee Dee River

Waterbody Name	County(ies)	Class	Waterbody Description and (Site-Specific Standard)
Beresford Creek	Bkly	SFH	That portion of the creek from Wando River to a point 4 miles from Wando River
Beresford Creek	Bkly	SA	That portion of the creek from a point 4 miles from Wando River to Clouter Creek
Betsy Creek	Andn	FW	The entire creek tributary to Beaver Creek
Big Bay Creek	Chtn	ORW(SFH)	The entire creek tributary to South Edisto River
Big Boggy Swamp	Drln	FW	The entire swamp tributary to McIntosh Mill Stream
Big Creek	Andn	FW	The entire creek tributary to Saluda River
Big Dutchmans Creek	Ffld	FW	The entire creek tributary to <del>Lake</del> Wateree <u>Lake</u>
Big Dutchmans Creek	York	FW	The entire creek tributary to Catawba- <del>Wateree</del> River
Big Generostee Creek	Andn	FW	The entire creek tributary to Savannah River
Big Lake	Rlnd	ORW(FW)	The entire lake within the boundaries of Congaree National Park
Big Pine Tree Creek	<del>Kshw</del> Krsh	FW	The entire creek tributary to Wateree River
Big Rock Creek	Gnwd	FW	The entire creek tributary to Wilson Creek
Big Swamp	Flrn	FWsp	The entire swamp tributary to Lynches River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Black Creek	Cfld	FW	That portion of the creek from its headwaters to S.C. <u>Hwy</u> 145
Black Creek	Cfld, Drln	FWsp	That portion of the creek from S.C. <u>Hwy</u> 145 through Lake Robinson and Lake Prestwood to U.-S. <u>Rte</u> 52 (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Black Creek	Drln, Flrn	FW	That portion of the creek from U.S. <u>Rte</u> 52 to Great Pee Dee River
Black River	Cln, Gtwn, Lee, Smtr, Wmbg	FWsp	That portion of the creek from its headwaters to U.S. <u>Rte</u> 701 (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Black River	Gtwn	SA	That portion of the river from U.S. <u>Rte</u> 701 to Pee Dee River
Blue Hill Creek	Abvl	FW	The entire creek tributary to Norris Creek
Bly Creek	Gtwn	ORW(SFH)	The entire creek tributary to Old Man Creek
Bob's Garden Creek	Gtwn	ORW(SFH)	The entire creek tributary to Jones Creek
Boggy Swamp	Gtwn	FWsp	That portion of the river from the headwaters to saltwater intrusion (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Bohicket Creek	Chtn	ORW(SFH)	The entire creek tributary from North Edisto River to Church Creek
Boone Hall Creek	Chtn	SFH	The entire creek tributary to Horlbeck Creek
Boor Creek	Gtwn	ORW(SFH)	The entire creek between Jones Creek and Wood Creek
Brasstown Creek	Ocne	TPGT	That portion of the creek from <u>its</u> headwaters to Tugaloo River

<b>Waterbody Name</b>	<b>County(ies)</b>	<b>Class</b>	<b>Waterbody Description and (Site-Specific Standard)</b>
<b>Bread and Butter Creek</b>	Gtwn	ORW(SFH)	The entire creek tributary to Town Creek
<b>Brickyard Creek</b>	Chtn	SB	The entire creek tributary to Ashley River
<b>Brickyard Creek</b>	Bfirt	SFH	The entire creek tributary to Beaufort River
<b>Broad Creek (NDZ)</b>	Bfirt	SFH	The entire creek tributary to Calibogue Sound
<b>Broad River</b>	Bfirt, Jspr	SFH	The entire river tributary to Port Royal Sound
<b>Broad River (Main Stem)</b>	Chke, Cstr, Ffld, Nbry, Rlnd, Unin, York	FW	The entire river tributary to Congaree River
<b>Broadmouth Creek</b>	Abvl, Andn	FW	The entire creek tributary to Saluda River
<b>Broadway Creek</b>	Andn	FW	The entire creek tributary to Rocky Creek
<b>Brown Swamp</b>	Hory, Marn	FWsp	The entire swamp tributary to Little Pee Dee River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Brunson Swamp</b>	Hory	FW	The entire swamp tributary to Little Pee Dee River
<b>Brushy Creek</b>	Gnvl	FW	That portion of the creek from <u>its</u> headwaters northeast of Greenville to Enoree River
<b>Brushy Creek</b>	Gnvl	FW	The entire creek tributary to Reedy River
<b>Brushy Creek</b>	Pkns	FW	The entire creek tributary to Saluda River
<b>Buck Creek</b>	Brwl	FW	The entire creek tributary to Salkehatchie River
<b>Buck Creek</b>	Spbg	FW	The entire creek tributary to Pacolet River
<b>Buck Hollow</b>	Gnvl	TN	The entire tributary to Middle Saluda River
<b>Buck Swamp</b>	Diln, Marn, Mrlb	FWsp	The entire swamp tributary to Little Pee Dee River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Buckhorn Creek</b>	Gnvl	ORW(FW)	That portion of the creek from <u>its</u> headwaters, including Buckhorn Lake, to Tanyard Road
<b>Buckhorn Creek</b>	Gnvl	FW	That portion of the creek from Tanyard Road to Enoree River
<b>Buffalo Creek</b>	Unin	FW	The entire creek tributary to Fairforest Creek
<b>Buffalo Creek</b>	Chke	FW	The entire creek tributary to Broad River
<b>Bull Branch</b>	Mrlb	FW	The entire branch tributary to Hagins Prong
<b>Bull Creek</b>	Bfirt	ORW(SFH)	The entire creek tributary to Cooper River and May River
<b>Bull Creek</b>	Hory	FW	The entire creek tributary to Pee Dee River to Waccamaw River
<b>Bull Run Branch</b>	Cstr	FW	The entire branch within Chester County
<b>Bull Swamp</b>	Orbg	FWsp	The entire swamp tributary to Four Hole Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Bull Swamp Creek</b>	Lxtn, Orbg	FW	The entire creek tributary to North Fork Edisto River
<b>Bullock Creek</b>	York	FW	The entire creek tributary to Broad River
<b>Bull's Bay</b>	Chtn	ORW(SFH)	The entire bay
<b>Bulls Creek</b>	Chtn	SA-sp	The entire creek tributary to Ashley River (D.O. not less than 4 mg/L)

<b>Waterbody Name</b>	<b>County(ies)</b>	<b>Class</b>	<b>Waterbody Description and (Site-Specific Standard)</b>
<b>Bullyard Sound</b>	Chtn	ORW(SFH)	The entire sound
<b>Burdine Creek</b>	Pkns	FW	The entire creek tributary to Georges Creek
<b>Burgess Creek</b>	Ocne	TN	That portion of the creek from its headwaters to Mill Creek
<b>Burnetts Creek</b>	Slda	FW	The entire creek tributary to Little Saluda River
<b>Burnt Gin Lake</b>	Smtr	FW	The entire lake located on the western reaches of Cane Savannah Creek
<b>Bush Creek (or River)</b>	Lrns, Nbry	FW	The entire creek tributary to Lake Murray
<b>Byrum's Creek (Branch from Appleton Mill to Whitner Creek)</b>	Andn	FW	The entire creek tributary to Whitner Creek
<b>Calhoun Creek</b>	Abvl	FW	The entire creek tributary to Little River
<b>Calibogue Sound</b>	Bftr	SFH	The entire sound tributary to the Atlantic Ocean
<b>Callawassie Creek</b>	Bftr	ORW(SFH)	The entire creek tributary to Colleton River
<b>Camp Branch</b>	Ocne	FW	The entire branch tributary to Opossum Creek
<b>Cane Creek</b>	Lctr	FW	The entire creek tributary to Catawba River
<b>Cane Creek</b>	Pkns	TN	The entire creek tributary to Lake Keowee
<b>Cannons Creek</b>	Nbry	FW	The entire creek tributary to Broad River
<b>Canoe Creek</b>	Andn	FW	The entire creek tributary to Little Generostee Creek
<b>Cantrell Creek</b>	Ocne	TN	That portion of the creek from its headwaters to Lake Cheohee
<b>Cape Romain Harbor</b>	Chtn	ORW(SFH)	The entire harbor
<b>Caper's Inlet</b>	Chtn	ORW(SFH)	The entire inlet tributary to the Atlantic Ocean
<b>Captain Bill's Creek</b>	Jspr	FW	The entire creek tributary to Bee's Creek
<b>Carrick Creek</b>	Pkns	ORW(FW)	That portion of the creek from its headwaters to Pinnacle Lake
<b>Carrick Creek</b>	Pkns	FW	That portion of the creek from the dam at Pinnacle Lake to the end of Table Rock State Park land
<b>Carter Creek</b>	Flrn	FW	The entire creek tributary to Lynches River
<b>Cat Island Creek</b>	Bftr	SFH	The entire creek from Beaufort River to Chowan Creek
<b>Catawba-Wateree River</b>	Cstr, Ffld, KshwKrsh, Lctr, Rlnd, Smtr, York	FW	The entire river tributary to Santee River
<b>Catfish Creek</b>	Marn	FWsp	The entire creek tributary to Pee Dee River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Causeway Branch</b>	Smtr	FW	The entire branch tributary to Second Mill Pond
<b>Caw Caw Swamp</b>	Aldl, Hmpt	FWsp	The entire swamp tributary to Whippy Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Cedar Creek</b>	Cfld, Drln	FW	The entire creek tributary to Pee Dee River
<b>Cedar Creek</b>	Ffld, Rlnd	FW	The entire creek tributary to Broad River

<b>Waterbody Name</b>	<b>County(ies)</b>	<b>Class</b>	<b>Waterbody Description and (Site-Specific Standard)</b>
<b>Cedar Creek</b>	Rlnd	FW	That portion of the creek outside the boundary of Congaree National Park
<b>Cedar Creek</b>	Rlnd	ORW(FW)	That portion of the creek beginning at the boundary of Congaree National Park to Wise Lake
<b>Cedar Creek</b>	Rlnd	ONRW(FW)	That portion of the creek beginning at Wise Lake to <u>its</u> confluence with Congaree River
<b>Cedar Creek Reservoir</b>	Cstr, Ffld, Læctr	FW	The entire lake on Catawba River
<b>Cemetery Creek (also called Silver Brook Creek)</b>	Andn	FW	The entire creek tributary to Rocky River
<b>Charleston Harbor</b>	Chtn	SB	From Battery to the Atlantic Ocean
<b>Charlies Creek</b>	Abvl	FW	The entire creek tributary to Rocky River
<b>Chattooga River</b>	Ocne	FW	That portion of the river from its confluence with Opossum Creek to Tugaloo River
<b>Chattooga River</b>	Ocne	ORW(FW)	That portion of the river from the North Carolina line to its confluence with Opossum Creek
<b>Chauga Creek (also called Jerry Creek)</b>	Ocne	FW	The entire creek tributary to Chauga River
<b>Chauga River</b>	Ocne	ORW(FW)	That portion of the river from its headwaters to 1 mile above U.S. <u>Rte 76</u>
<b>Chauga River</b>	Ocne	FW	That portion of the river from 1 mile above U.S. <u>Rte 76</u> to Tugaloo River
<b>Chechessee Creek</b>	Bftr	ORW(SFH)	The entire creek tributary to Colleton River and Chechessee River
<b>Chechessee River</b>	Bftr	SFH	The entire river tributary to Port Royal Sound
<b>Chenhaw River</b>	Cltn	SFH	The entire river tributary to Combahee River
<b>Cheohee Creek</b>	Ocne	ORW(FW)	That portion of the creek from <u>its</u> headwaters to end of U.S. Forest Service Land
<b>Cheohee Creek</b>	Ocne	FW	That portion of the creek from U.S. Forest Service Land to its confluence with Tamassee Creek
<b>Cherokee Creek</b>	Andn	FW	The entire creek tributary to Hencoop Creek
<b>Cherokee Creek</b>	Chke	FW	The entire creek tributary to Broad River
<b>Chickasaw Creek</b>	Abvl	FW	The entire creek tributary to Little River
<b>Chinners Swamp</b>	Hory	FWsp	The entire swamp tributary to Brunson Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Choestoea Creek</b>	Ocne	FW	The entire creek tributary to Hartwell Lake
<b>Chowan Creek (also called Cowen Creek)</b>	Bftr	SFH	The entire creek tributary to Beaufort River
<b>Church Creek</b>	Chtn	ORW(SFH)	That portion of the creek from Wadmalaw Sound to Ravens Point
<b>Church Creek</b>	Chtn	SFH	That portion of the creek from Ravens Point to Hoopstick Island
<b>Clambank Creek</b>	Gtwn	ORW(SFH)	The entire creek tributary to Town Creek
<b>Clark Creek</b>	Flrn, Wmbg	FWsp	The entire creek tributary to Pee Dee River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)



<b>Waterbody Name</b>	<b>County(ies)</b>	<b>Class</b>	<b>Waterbody Description and (Site-Specific Standard)</b>
<b>Clark Creek</b>	York	FW	The entire creek tributary to Bullock Creek
<b>Clark(s) Hill Reservoir (NDZ) (also called J. Strom Thurmond Lake)</b>	Abvl, Mcmk	FW	The entire reservoir on Savannah River
<b>Clark Sound</b>	Chtn	SB	The entire sound tributary to Charleston Harbor
<b>Clouds Creek</b>	Slda	FW	The entire creek tributary to Lake Murray
<b>Coastal Waters</b>	Bfirt, Chtn, Gtwn, Hory, Jspr	SFH	From the land to the 3-mile limit of State jurisdiction in the Atlantic Ocean
<b>Coastal Waters</b>		SFH	Coastal waters offshore from the land to the 3-mile limit of State jurisdiction in the Atlantic Ocean
<b>Coastal Waters</b>		SFH	From the land to the 3-mile limit of State jurisdiction in the Atlantic Ocean
<b>Coldspring Branch</b>	Gnvl	ORW(FW)	The entire branch tributary to Middle Saluda River
<b>Colleton River</b>	Bfirt	ORW(SFH)	The entire river tributary to Chechessee River
<b>Combahee River</b>	Bfirt, Cltn, Hmpt	FW	That portion of the river from its confluence of Salkehatchie River with Little Salkehatchie River to saltwater intrusion at U.S. Hwy 17
<b>Combahee River</b>	Bfirt, Cltn	SFH	That portion of the river from saltwater intrusion at U.S. Hwy 17 to St. Helena Sound
<b>Coneross Creek</b>	Ocne	FW	That portion of the creek through Negro Fork Creek
<b>Congaree Creek</b>	Lxtn	FW	The entire creek tributary to Congaree River
<b>Congaree River</b>	Clhn, Lxtn, Rlnd	FW	The entire river tributary to Santee River
<b>Contrary Swamp</b>	Diln	FW	The entire swamp from its headwaters to the North Carolina line near South of the Border
<b>Cooks Creek</b>	Gtwn	ORW(SFH)	The entire creek between Old Man Creek and Debidue Creek
<b>Cooper River</b>	Bkly, Chtn	FW	That portion of the river from the confluence of West Branch Cooper River and East Branch Cooper River (the Tee) to a point approximately 30 miles above the junction of Ashley and Cooper Rivers
<b>Cooper River</b>	Bkly, Chtn	SB	That portion of the river below a point approximately 30 miles above the junction of Ashley and Cooper Rivers to the junction of Ashley and Cooper Rivers
<b>Cooper River</b>	Bfirt	ORW(SFH)	That portion of the river from New River to Ramshorn Creek
<b>Cooper River</b>	Bfirt	SFH	That portion of the river from Ramshorn Creek to Calibogue Sound
<b>Coosaw River</b>	Bfirt	SFH	The entire river tributary to St. Helena Sound
<b>Coosawhatchie River</b>	Aldl, Hmpt, Jspr	FW	That portion of the river from its headwaters to saltwater intrusion

<b>Waterbody Name</b>	<b>County(ies)</b>	<b>Class</b>	<b>Waterbody Description and (Site-Specific Standard)</b>
<b>Coosawhatchie River</b>	Aldl, Hmpt, Jspr	SFH	That portion of the river from saltwater intrusion to Broad River
<b>Copahee Sound</b>	Chtn	ORW(SFH)	The entire sound
<b>Corbin Creek</b>	Ocne	ORW(TPGT)	The entire creek tributary to Devils Fork
<b>Corner Creek</b>	Abvl	FW	The entire creek tributary to Little River
<b>Coronaca Creek</b>	Gnwd	FW	The entire creek tributary to Wilson Creek
<b>Cowpen Swamp</b>	Diln	FWsp	The entire swamp tributary to Bear Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Cowpens Creek</b>	Chke	FW	The entire creek tributary to Little Thicketty Creek
<b>Cox Branch</b>	Bmbg	FW	The entire branch tributary to Lemon Creek
<b>Cox Creek</b>	Andn	FW	The entire creek tributary to Rocky Creek
<b>Cox Camp Creek</b>	Gnvl	TN	The entire creek tributary to Middle Saluda River
<b>Crab Haul Creek</b>	Gtwn	ORW(SFH)	The entire creek tributary to Old Man Creek
<b>Crane Creek</b>	Rlnd	FW	The entire creek tributary to Broad River
<b>Crims Creek</b>	Nbry	FW	The entire creek tributary to Broad River
<b>Crooked Creek</b>	Mrlb	FW	The entire creek tributary to Pee Dee River
<b>Crowders Creek</b>	York	FW	The entire creek tributary to Lake Wylie
<b>Cutoff Creek</b>	Gtwn	SFH	The entire creek between Oyster Bay and Town Creek
<b>Cypress Branch</b>	Flrn, Smtr	FWsp	The entire branch tributary to Douglas Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Cypress Swamp</b>	Dchr	FW	The entire swamp tributary to Ashley River
<b>Dark Creek</b>	Ocne	ORW(FW)	The entire creek tributary to East Fork Chattooga River
<b>Darrell Creek</b>	Chtn	SFH	The entire creek tributary to Wando River
<b>Dawho River</b>	Chtn	ORW(SFH)	The entire river from South Edisto River to North Edisto River
<b>Debidue Creek</b>	Gtwn	SFH	That portion of the creek from its headwaters to <u>its</u> confluence with Cooks Creek, but not including tidal creeks on western shore between Bass Hole Bay and Cooks Creek
<b>Debidue Creek</b>	Gtwn	ORW(SFH)	That portion of the creek from <u>its</u> confluence with Cooks Creek to North Inlet and all tidal creeks including those on western shore between Bass Hole Bay and Cooks Creek
<b>Debordieu Channel</b>	Gtwn	SFH	The entire channel tributary to Debidue Creek
<b>Deep Creek</b>	Flrn	FW	The entire creek tributary to Lynches River
<b>Devils Fork</b>	Ocne	TN	That portion of the creek from <u>its</u> confluence of Corbin Creek and Howard Creek to Lake Jocassee
<b>Dewee's Inlet</b>	Chtn	SFH	The entire inlet tributary to the Atlantic Ocean
<b>Diversion Canal</b>	Bkly	FW	The entire canal between Lake Marion and Lake Moultrie
<b>Doolittle Creek</b>	Chke	FW	The entire creek tributary to Broad River
<b>Double Branch</b>	Abvl	FW	The entire branch tributary to Long Cane Creek
<b>Double Branch</b>	Lxtn	FW	The entire branch tributary to Saluda River

<b>Waterbody Name</b>	<b>County(ies)</b>	<b>Class</b>	<b>Waterbody Description and (Site-Specific Standard)</b>
<b>Douglas Swamp</b>	Clrn, Flrn, Smtr	FWsp	The entire swamp tributary to Pudding Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Dry Branch</b>	Rlnd	ORW-(FW)	That portion of the stream beginning at the boundary of the Congaree National Park to Weston Lake
<b>Dry Branch</b>	Rlnd	FW	That portion of the branch outside the boundary of the Congaree National Park
<b>Dry Fork</b>	Cstr	FW	The entire fork tributary to Sandy River
<b>Duck Creek</b>	Aldl	FW	The entire creek tributary to Coosawhatchie River
<b>Duck Creek</b>	Gtwn	ORW(SFH)	The entire creek tributary to Jones Creek
<b>Duck Island Channel</b>	Chtn	SA-sp	The entire channel connecting two segments of the Ashley River (D.O. not less than 4 mg/L)
<b>Duncan Creek</b>	Lrns, Nbry	FW	The entire creek tributary to Enoree River
<b>Duncan Creek</b>	Lxtn	FW	The entire creek tributary to Chinquapin Creek
<b>Dunn Sound</b>	Hory	SFH	The entire sound
<b>Durbin Creek</b>	Gnvl, Lrns	FW	The entire creek tributary to Enoree River
<b>Dye Branch (also called Dry Branch)</b>	York	FW	The entire branch tributary to Jones Branch
<b>Eagle Creek</b>	Chtn	SB	The entire creek tributary to Ashley River
<b>Eastatoe Creek</b>	Pkns	ORW(FW)	That portion of the creek from its headwaters to its confluence with Laurel Creek
<b>Eastatoe Creek</b>	Pkns	TPGT	That portion of the creek from its confluence with Laurel Creek to Lake Keowee
<b>East Beards Creek</b>	Andn	FW	The entire creek tributary to Wilson Creek
<b>East Fork (also called Fork Creek)</b>	Cfld	FW	The entire creek tributary to Lynches River
<b>East Fork Chattooga River</b>	Ocne	ORW(FW)	That portion of the river from the North Carolina line to its confluence with Indian Camp Branch
<b>East Fork Chattooga River</b>	Ocne	TN	That portion of the river from its confluence with Indian Camp Branch to Chattooga River
<b>East Rock Creek</b>	Andn	FW	The entire creek tributary to Broadway Creek
<b>Edisto River</b>	Chtn, Cltn	ORW(FW)	That portion of the river from U.S. Hwy 17 to its confluence with Dawho River and South Edisto River
<b>Edisto River (Main Stem)</b>	Orbg, Bmbg, Dchr, Cltn, Chtn	FW	That portion of the river from the confluence of North and South Forks to U.S. Hwy 17
<b>Eighteen Mile Creek</b>	Pkns, Andn	FW	The entire creek tributary to Hartwell Lake
<b>Emory Creek</b>	Pkns	ORW(FW)	That portion of the creek from its headwaters to the northern boundary of Table Rock Resort property
<b>Emory Creek</b>	Pkns	TN	That portion of the creek from northern boundary of Table Rock Resort property to its confluence with Oolenoy River

<b>Waterbody Name</b>	<b>County(ies)</b>	<b>Class</b>	<b>Waterbody Description and (Site-Specific Standard)</b>
<b>Enoree River</b>	Gnvl, Spbg, Lrns, Unin, Nbry	FW	The entire river tributary to Broad River
<b>Fairforest Creek</b>	Spbg, Unin	FW	The entire creek tributary to Tyger River
<b>Fall Creek</b>	Ocne	FW	The entire creek tributary to Chattooga River
<b>Falls Creek</b>	Gnvl	ORW(FW)	That portion of the creek from its headwaters to Lake Trammell
<b>Falls Creek</b>	Gnvl	TN	That portion of the creek from the dam at Lake Trammell to Gap Creek
<b>Fields Cut</b>	Jspr	SA	The entire stream
<b>Filbin Creek</b>	Chtn	FW	That portion of the creek from its headwaters to the tide gates at Virginia Avenue
<b>Filbin Creek</b>	Chtn	SB	That portion of the creek from the tide gates at Virginia Avenue to Cooper River
<b>First Creek</b>	Lxtn	FW	The entire creek tributary to Congaree Creek
<b>Fishing Creek</b>	Cstr, York	FW	The entire creek tributary to Catawba River
<b>Fishing Creek</b>	Chtn	ORW(SA)	That portion of the creek from its headwaters to a point 2 miles from its mouth
<b>Fishing Creek</b>	Chtn	ORW(SFH)	That portion of the creek from a point 2 miles from its mouth to its confluence with St. Pierre Creek
<b>Fishing Creek</b>	Chtn	ORW(SFH)	The entire creek tributary to Dawho River
<b>Fishing Creek Lake</b>	Cstr, Læctr	FW	The entire lake on Catawba River
<b>Fishtrap Branch</b>	Ocne	FW	The entire branch tributary to Chattooga River
<b>Five Fathom Creek</b>	Chtn	SFH	The entire creek tributary to Bull's Bay
<b>Flagreed Creek</b>	Abvl	FW	The entire creek tributary to Calhoun Creek
<b>Folly River</b>	Chtn	SFH	The entire river tributary to Stono River
<b>Fork Creek</b>	Cfld	FW	The entire creek tributary to Lynches River
<b>Foster Creek</b>	Chtn	SFH	The entire creek tributary to Wando River
<b>Four Hole Swamp</b>	Orbg, Dchr, Bkly, Clhn	FWsp	The entire swamp tributary to Edisto River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Four Mile Creek</b>	Orbg	FW	The entire creek tributary to North Fork Edisto River
<b>Foreteen Mile Fourteenmile Creek</b>	Lxtn	FW	The entire creek tributary to Twelve-Mile Creek
<b>Frampton Creek</b>	Chtn	ORW(SFH)	The entire creek tributary to Frampton Inlet
<b>Frampton Inlet</b>	Chtn	ORW(SFH)	The entire inlet tributary to the Atlantic Ocean
<b>Fripps Inlet</b>	Bfrt	ORW(SFH)	The entire inlet tributary to the Atlantic Ocean
<b>Frohawk Creek</b>	Spbg	FW	The entire creek tributary to South Tyger River
<b>Gaffney Creek</b>	Chke	FW	The entire creek tributary to Broad River
<b>Gap Creek</b>	Gnvl	TN	The entire creek tributary to its confluence with Middle Saluda River
<b>Garden Creek</b>	Chtn	ORW(SFH)	The entire creek tributary to Toogoodoo Creek
<b>Georges Creek (and branch from Easley)</b>	Pkns	FW	The entire creek tributary to Saluda River
<b>Gibson Creek</b>	Chtn	ORW(SFH)	The entire creek tributary to Wadmalaw River

<b>Waterbody Name</b>	<b>County(ies)</b>	<b>Class</b>	<b>Waterbody Description and (Site-Specific Standard)</b>
<b>Gilder Creek (also called Gillard Creek)</b>	Gnvl	FW	The entire creek tributary to Enoree River
<b>Gills Creek</b>	Rlnd	FW	The entire creek tributary to Congaree River
<b>Golden Creek</b>	Pkns	FW	The entire creek tributary to Twelve-Mile Creek
<b>Goose Creek</b>	Bkly	FW	That portion of the creek from its headwaters to Goose Creek Reservoir dam
<b>Goose Creek</b>	Bkly	SB	That portion of the creek from Goose Creek Reservoir dam to Cooper River
<b>Graham Creek</b>	Chtn	SFH	The entire creek tributary to Bull's Bay
<b>Gramling Creek</b>	Orbg	FWsp	The entire creek tributary to Little Bull Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Granny's Quarter Creek</b>	KshwK <del>rsh</del>	FW	The entire creek tributary to Wateree River
<b>Grapevine Branch</b>	Bmbg	FW	The entire branch tributary to Lemon Creek
<b>Grassy Run Branch</b>	Cstr	FW	The entire branch tributary to Rocky Creek
<b>Grays Sound</b>	Chtn	SFH	The entire sound
<b>Great Falls Reservoir</b>	Cstr, Lctr	FW	The entire reservoir on Catawba River
<b>Great Pee Dee River</b>	Cfld, Diln, Drln, Flrn, Marn, Mrlb, Wmbg	FW	That portion of the river from North Carolina line to its confluence with Thoroughfare Creek
<b>Great Pee Dee River</b>	Gtnw	SB-sp	That portion of the river from its confluence with Thoroughfare Creek to Winyah Bay (D.O. not less than daily average 5 mg/L and minimum 4 mg/L)
<b>Green Creek</b>	Pkns	ORW(FW)	The entire creek tributary to Carrick Creek
<b>Green Swamp</b>	Smtr	FWsp	The entire swamp tributary to Pocotaligo River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Groundwaters</b>	All	GB	The entire groundwaters of the State (unless otherwise listed)
<b>Guerin Creek</b>	Bkly, Chtn	SFH	The entire creek tributary to Wando river
<b>Gulley Branch</b>	Flrn	FW	The entire branch tributary to Jefferies Creek
<b>Gum Branch</b>	Dchr	FWsp	The entire branch tributary to Indian Field Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Haile Gold Mine Creek</b>	Lctr	FW	The entire creek tributary to Little Lynches River
<b>Halfmoon Branch</b>	Bmbg	FW	The entire branch tributary to Ghents Branch
<b>Hamlin Sound</b>	Chtn	SFH	The entire sound
<b>Hanging Rock Creek</b>	Lctr, KshwK <del>rsh</del>	FW	The entire creek tributary to Little Lynches River
<b>Harbor River</b>	Bfrt	ORW(SFH)	The entire river tributary to St. Helena Sound and Fripps Inlet
<b>Hard Labor Creek</b>	Gnwd, Mcmk	FW	The entire creek tributary to Stevens Creek
<b>Harris Mill Branch</b>	Gnwd	FW	The entire branch tributary to Rocky Creek

<b>Waterbody Name</b>	<b>County(ies)</b>	<b>Class</b>	<b>Waterbody Description and (Site-Specific Standard)</b>
<b>Hartwell Lake (NDZ)</b>	Andn, Ocne, Pkns	FW	All that portion within South Carolina
<b>Haulover Creek</b>	Gtwn	SB	The entire creek between Mud Bay and Jones Creek
<b>Hawe Creek</b>	Mcmk	FW	The entire creek tributary to <del>Lake Strom Thurmond</del> J. Strom Thurmond Lake
<b>Hayes Swamp</b>	Diln	FWsp	The entire swamp tributary to Little Pee Dee River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Head Foremost Creek</b>	Gnvl	ORW(FW)	The entire creek tributary to Middle Saluda River
<b>Hellhole Creek</b>	Lxtn	FW	The entire creek tributary to Lightwood Knot Creek
<b>Hembree Creek</b>	Andn	FW	The entire creek tributary to Hartwell Lake
<b>Hemedy Creek (also called Ramsey Creek)</b>	Ocne	FW	The entire creek tributary to Chauga River
<b>Hencoop Creek</b>	Andn	FW	The entire creek tributary to Rocky Creek
<b>Hobcaw Creek</b>	Chtn	SFH	The entire creek tributary to Wando River
<b>Hog Inlet/Cherry Grove Inlet</b>	Hory	SFH	The entire inlet
<b>Hollow Creek</b>	Lxtn	FW	The entire creek tributary to Lake Murray
<b>Horlbeck Creek</b>	Chtn	SFH	The entire creek tributary to Wando River
<b>Horse Creek</b>	Aikn	FW	The entire creek tributary to Savannah River
<b>Howard Creek</b>	Ocne	ORW(TPGT)	That portion of the creek from its headwaters to 0.3 mile below <u>S.C.</u> Hwy 130 above the flow augmentation system at the Bad Creek pumped storage station dam
<b>Howard Creek</b>	Ocne	TN	That portion of the creek from just above the flow augmentation system at the Bad Creek pumped storage station dam to Devils Fork
<b>Hunting Swamp</b>	Hory	FW	The entire swamp tributary to Little Pee Dee River
<b>Husbands Creek</b>	Mrlb	FW	The entire creek tributary to Pee Dee River
<b>Indian Camp Branch</b>	Ocne	ORW(FW)	The entire branch tributary to East Fork Chattooga River
<b>Indian Creek</b>	Lrns	FW	The entire creek tributary to Enoree River
<b>Indian Field Swamp</b>	Dchr, Orbg	FWsp	The entire swamp tributary to Polk Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Ira Branch</b>	Ocne	ORW(FW)	The entire branch tributary to the Chattooga River
<b>Irene Creek</b>	Chke	FW	The entire creek tributary to Thicketty Creek
<b>J. Strom Thurmond Lake (also called Clarks Hill Reservoir) (NDZ)</b>	Abvl, Mcmk	FW	The entire lake on Savannah River
<b>Jackies Branch</b>	Pkns	TN	The entire branch tributary to the confluence with Laurel Fork Creek

<b>Waterbody Name</b>	<b>County(ies)</b>	<b>Class</b>	<b>Waterbody Description and (Site-Specific Standard)</b>
<b>Jacks Creek</b>	Ocne	ORW(FW)	The entire creek tributary to the East Fork Chattooga River
<b>Jackson Branch</b>	Aldl, Hmpt	FW	The entire branch tributary to Whippy Swamp
<b>Jackson Creek</b>	Ffld	FW	The entire creek tributary to Little River
<b>Jackson Creek</b>	Rlnd	FW	The entire creek tributary to Gills Creek
<b>Jacobs Creek</b>	Lrns	FW	The entire creek tributary to Sand Creek
<b>Jeffries Creek</b>	Drln, Flrn	FWsp	The entire creek tributary to Pee Dee River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Jeremy Inlet</b>	Chtn	ORW(SFH)	The entire inlet tributary to the Atlantic Ocean
<b>Jericho Creek</b>	Bfirt	SA	The entire creek tributary to Battery Creek
<b>Jerry Creek</b>	Ocne	FW	The entire creek tributary to Chauga River
<b>Jimmies Creek</b>	Spbg	FW	The entire creek tributary to the Tyger River
<b>Johnson Creek</b>	Bfirt	ORW(SFH)	The entire creek tributary to Harbor River and the Atlantic Ocean
<b>Johnsons Swamp (also called Summerhouse Branch and Bartons Branch)</b>	Gtwn, Wmbg	FWsp	The entire swamp tributary to Horse Pen Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Jones Creek</b>	Gtwn	SB	That portion of the creek from its confluence with Mud Bay to its confluence with Nancy Creek
<b>Jones Creek</b>	Gtwn	SFH	That portion of the creek from its confluence with Nancy Creek to a point midway between its confluence with Duck Creek and Noble Slough
<b>Jones Creek</b>	Gtwn	ORW(SFH)	That portion of the creek from a point midway between its confluence with Duck Creek and Noble Slough to North Inlet
<b>Jordan Branch</b>	Brwl	FW	The entire branch tributary to Toby Creek
<b>Julian Creek</b>	Gnvl	ORW(FW)	The entire creek tributary to Matthews Creek
<b>Jumping Branch</b>	Ocne	TN	That portion of the branch from its headwaters to Lake Cherokee
<b>Kate Fowler Branch</b>	Gnwd	FW	The entire branch tributary to <del>Ninety Six</del> <u>Ninety Six</u> Creek
<b>Kellers Creek</b>	Abvl	FW	The entire creek tributary to McCord Creek
<b>Kelsey Creek</b>	Spbg	FW	The entire creek tributary to Fairforest Creek
<b>Kilgore Branch</b>	Drln	FW	The entire branch tributary to Black Creek
<b>King Creek</b>	Ocne	ORW(FW)	The entire creek tributary to Chattooga River
<b>Kinley Creek</b>	Lxtn	FW	The entire creek tributary to Saluda River
<b>Knox Creek</b>	Ocne	FW	That portion of the creek from Lake Cheohee Dam to the confluence with Cheohee Creek
<b>Koon Branch</b>	Lxtn	FW	The entire branch tributary to Rawls Creek
<b>Lake Cheohee</b>	Ocne	FW	The entire lake
<b>Lake Cherokee (also called Lake Isaquenna)</b>	Ocne	FW	The entire lake
<b>Lake Greenwood</b>	Gnwd, Lrns, Nbry	FW	The entire lake on Saluda River

<b>Waterbody Name</b>	<b>County(ies)</b>	<b>Class</b>	<b>Waterbody Description and (Site-Specific Standard)</b>
<b>Lake Hartwell (NDZ)</b>	Ocne, Pkns, Andn	FW	All that portion within South Carolina
<b>Lake Jocassee</b>	Ocne	TPGT	The entire lake
<b>Lake Keowee (NDZ)</b>	Andn, Pkns	FW	The entire lake
<b>Lake Lanier</b>	Gnvl	FW	The entire lake on Vaughn Creek
<b>Lake Marion</b>	Bkly, Clrn, Orbg, Smtr	FW	The entire lake
<b>Lake Moultrie</b>	Bkly	FW	The entire lake
<b>Lake Murray (NDZ)</b>	Lxtn, Nbry, Rlnd, Slda	FW	The entire lake on Saluda River
<b>Lake Rabon</b>	Lrns	FW	The entire lake on Rabon Creek, North Rabon Creek, and South Rabon Creek
<b>Lake Richard B. Russell</b>	Abvl, Andn	FW	The entire lake
<b>Lake Rotary</b>	Gnvl	FW	The entire lake
<b>Lake Secession</b>	Abvl, Andn	FW	The entire lake on Rocky River
<b>Lake Sudy</b>	Gnvl	FW	The entire lake
<b>Lake Swamp</b>	Drln, Flrn	FWsp	The entire lake tributary to Sparrow Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Lake Swamp (also called Lynchs Lake)</b>	Flrn	FWsp	The entire lake (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Lake Swamp</b>	Hory	FWsp	The entire lake tributary to Little Pee Dee River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Lake Trammell</b>	Gnvl	TN	The entire lake
<b>Lake Tugaloo</b>	Ocne	TPGT	The entire lake
<b>Lake Wylie (NDZ)</b>	York	FW	The entire lake on Catawba River
<b>Langston Creek (unnamed Creek to Reedy River 1 1/2 miles above Long Branch)</b>	Gnvl	FW	The entire creek tributary to Reedy River
<b>Laurel Branch</b>	Pkns	ORW(FW)	The entire branch tributary to Eastatoe Creek
<b>Laurel Creek</b>	Gnvl	FW	The entire creek tributary to Reedy River
<b>Laurel Creek</b>	Pkns	ORW(FW)	The entire creek tributary to Eastatoe Creek
<b>Laurel Fork Creek</b>	Pkns	TN	The entire creek tributary to Lake Jocassee
<b>Lawsons Fork Creek</b>	Spbg	FW	The entire creek tributary to Pacolet River
<b>Leadenwah Creek</b>	Chtn	ORW(SFH)	The entire creek tributary to North Edisto River
<b>Lee Swamp</b>	Smtr	FWsp	The entire swamp tributary to Rocky Bluff Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Lemon Creek</b>	Bmbg	FWsp	The entire creek tributary to Little Salkehatchie River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Lick Creek</b>	Lrns	FW	The entire creek tributary to North Rabon Creek
<b>Lick Log Creek</b>	Ocne	FW	That portion of the creek from its headwaters through Thrift Lake



<b>Waterbody Name</b>	<b>County(ies)</b>	<b>Class</b>	<b>Waterbody Description and (Site-Specific Standard)</b>
Lick Log Creek	Ocne	ORW(FW)	That portion of the creek from Thrift Lake to Chattooga River
Lightwood Knot Creek	Lxtn	FW	The entire creek tributary to North Fork Edisto River
Limber Pole Creek	Ocne	TN	The entire creek tributary to Devils Fork
Limestone Creek	Chke	FW	The entire creek tributary to Broad River
Little Beaverdam Creek	Andn	FW	The entire creek tributary to Rocky River
Little Boggy Swamp	Drln	FW	The entire swamp tributary to Big Boggy Swamp
Little Eastatoe Creek	Pkns	TPGT	That portion of the creek from its headwaters to its confluence with Eastatoe Creek
Little Fork Creek	Cfld	FW	The entire creek tributary to East Fork or Fork Creek
Little Horse Creek	Aikn	FW	The entire creek tributary to Horse Creek
Little Jones Creek	Gtwn	SFH	The entire creek tributary to Jones Creek
Little Lynches River (also called Lynches Creek)	Krsh, Lctr	FW	The entire river tributary to Lynches River
Little Pee Dee River	Diln, Marn, Mrlb	FW	That portion from its headwaters to the confluence with Lumber River
Little Pee Dee River	Hory, Marn	ORW(FW)	That portion of the river from the confluence with Lumber River to the confluence with Great Pee Dee River
Little Pine Tree Creek	Krsh	FW	The entire creek tributary to Big Pine Tree Creek
Little River	Abvl, Mcmk	FW	The entire river tributary to <del>Lake Strom Thurmond</del> J. Strom Thurmond Lake
Little River	Ffld	FW	The entire river tributary to Broad River
Little River	Lrns, Nbry	FW	The entire river tributary to Saluda River
Little River	Ocne	FW	The entire river tributary to Lake Hartwell
Little River Inlet	Hory	SFH	The entire inlet from its confluence with the Atlantic Intracoastal Waterway to its confluence with the Atlantic Ocean
Little Salkehatchie River	Bmbg, Cltn	FW	The entire river tributary to Salkehatchie River
Little Saluda River	Slda	FW	The entire river tributary to Lake Murray
Little Sandy River	Cstr	FW	The entire river tributary to Sandy River
Little Thicketty Creek	Chke	FW	The entire creek tributary to Thicketty Creek
Long Branch	Abvl, Andn	FW	The entire branch tributary to Rocky River
Long Cane Creek	Abvl, Mcmk	FW	The entire creek tributary to <del>Lake Strom Thurmond</del> J. Strom Thurmond Lake
Long Creek	Chtn	ORW(SFH)	The entire creek tributary to Steamboat Creek
Long Creek	Ocne	FW	The entire creek tributary to Chattooga River
Lorick Branch	Lxtn	FW	The entire branch tributary to Saluda River
Lower Toogoodoo Creek	Chtn	SFH	That portion of the creek from its headwaters to a point 3 miles from its mouth

<b>Waterbody Name</b>	<b>County(ies)</b>	<b>Class</b>	<b>Waterbody Description and (Site-Specific Standard)</b>
<b>Lower Toogoodoo Creek</b>	Chtn	ORW(SFH)	That portion of the creek from a point 3 miles from its mouth to its confluence with Toogoodoo Creek
<b>Ludlow Branch</b>	Mcmk	FW	The entire branch tributary to <del>Lake Strom Thurmond</del> <u>J. Strom Thurmond Lake</u>
<b>Lumber River</b>	Diln, Hory, Marn	FW	The entire river tributary to Little Pee Dee River
<b>Lynches Lake (also called Lake Swamp)</b>	Flrn	FWsp	The entire lake (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Lynches River</b>	Cfld, Diln, Flrn, Krsh, Lctr, Lee, Smtr	FW	The entire river tributary to Pee Dee River
<b>Mad Dog Branch</b>	Pkns	FW	The entire branch tributary to Georges Creek
<b>Maidendown Swamp</b>	Marn	FWsp	The entire swamp tributary to Buck Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Maple Creek</b>	Spbg	FW	The entire creek tributary to South Tyger River
<b>Maple Swamp</b>	Diln	FWsp	The entire swamp tributary to Little Pee Dee River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Mark Bay</b>	Chtn	ORW(SFH)	The entire bay
<b>Martin Creek</b>	Ocne	FW	The entire creek tributary to Lake Hartwell
<b>Matthews Creek</b>	Gnvl	ORW(FW)	That portion of the Creek from its headwaters to the end of State land in the Mountain Bridge area
<b>Matthews Creek</b>	Gnvl	TN	That portion of the creek from the end of State land in the Mountain Bridge area to its confluence with South Saluda River
<b>May River</b>	Bfrt	ORW(SFH)	The entire river tributary to Calibogue Sound
<b>McAlpine Creek</b>	Lctr	FW	The entire creek tributary to Sugar Creek
<b>McCall Branch</b>	Flrn	FW	The entire branch tributary to Lynches River
<b>McCord Creek</b>	Abvl	FW	The entire creek tributary to Long Cane Creek
<b>McIntosh Mill Stream</b>	Drln	FW	The entire stream tributary to Black Creek
<b>McKenzie Creek</b>	Rlnd	FW	That portion of the creek outside the boundary of the Congaree National Park
<b>McKenzie Creek</b>	Rlnd	ORW(FW)	That portion of the creek beginning at the boundary of the Congaree National Park to its confluence with Toms Creek
<b>McKinneys Creek</b>	Ocne	TN	That portion of the creek from its headwaters to <u>S.C. Hwy 25</u>
<b>McKinneys Creek</b>	Ocne	FW	That portion of the creek from <u>S.C. Hwy 25</u> to Lake Keowee
<b>McLeod Creek (also called Tom Point Creek)</b>	Chtn	ORW(SFH)	The entire creek tributary to North Edisto River
<b>Meings Creek (also called Meng Creek)</b>	Unin	FW	The entire creek tributary to Broad River

<b>Waterbody Name</b>	<b>County(ies)</b>	<b>Class</b>	<b>Waterbody Description and (Site-Specific Standard)</b>
<b>Middle Branch</b>	Flrn	FWsp	The entire branch tributary to Jeffries Creek (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Middle Pen Swamp</b>	Orbg	FWsp	The entire swamp tributary to Four Hole Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Middle Saluda River</b>	Gnvl	ORW(FW)	That portion of the river from its headwaters to the end of State Land at Jones Gap State Park land
<b>Middle Saluda River</b>	Gnvl	TN	That portion of the river from Jones Gap State Park land to Oil Camp Creek
<b>Middle Swamp</b>	Drln, Flrn	FWsp	The entire swamp tributary to Jeffries Creek (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Middle Tyger River</b>	Gnvl, Spbg	FW	The entire river tributary to North Tyger River
<b>Mill Branch</b>	Orbg	FW	The entire branch tributary to North Fork Edisto River
<b>Mill Creek</b>	Chke	FW	The entire creek tributary to Limestone Creek
<b>Mill Creek</b>	Ffld	FW	The entire creek tributary to Little River
<b>Mill Creek</b>	Gnvl	FW	That portion of the creek from its headwaters to the end of Pleasant Ridge State Park land including the unnamed lake
<b>Mill Creek</b>	Ocne	TN	That portion of the creek from its headwaters to Burgess Creek
<b>Mill Creek</b>	Pkns	TPGT	The entire creek tributary to Eastatoe Creek
<b>Mill Creek</b>	Rlnd	FW	The entire creek tributary to Congaree River
<b>Mill Creek</b>	Spbg	FW	The entire creek tributary to Enoree River
<b>Mill Creek</b>	Smtr	FW	The entire creek tributary to Lake Marion
<b>Millpond Branch</b>	Flrn	FW	The entire branch tributary to Lynches River
<b>Milton Creek</b>	Chtn	ORW(SFH)	The entire creek tributary to Shingle Creek
<b>Mine Creek</b>	Slda	FW	The entire creek tributary to Little Saluda River
<b>Mitchell Creek</b>	Unin	FW	The entire creek tributary to Fairforest Creek
<b>Molasses Creek</b>	Chtn	SFH	The entire creek tributary to Wando River
<b>Moody Creek</b>	Ocne	TN	That portion of the creek from its headwaters to its confluence with Cantrell Creek
<b>Morgan River</b>	Bfrt	SFH	The entire river tributary to St. Helena Sound
<b>Mosquito Creek</b>	Cltn	ORW(SFH)	That portion of the creek from Bull Cut to South Edisto River
<b>Moss Mill Creek</b>	Ocne	ORW(FW)	The entire creek tributary to Chattooga River
<b>Mountain Creek</b>	Gnvl	FW	The entire creek tributary to Enoree River
<b>Mountain Creek</b>	Lrns	FW	The entire creek tributary to North Rabon Creek
<b>Mud Creek</b>	Chtn	ORW(SFH)	The entire creek tributary to South Edisto River
<b>Mud Creek</b>	Gtwn	SFH	The entire creek between Oyster Bay and Town Creek
<b>Mud River (also called Fields Cut)</b>	Jspr	SA	The entire river between Savannah River and Wright River
<b>Muddy Creek</b>	Flrn, Wmbg	FWsp	The entire creek tributary to Clark Creek (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Murrells Inlet</b>	Gtwn	SFH	The entire inlet tributary to the Atlantic Ocean
<b>Myers Creek</b>	Rlnd	FW	That portion of the creek outside the boundary of the Congaree National Park

<b>Waterbody Name</b>	<b>County(ies)</b>	<b>Class</b>	<b>Waterbody Description and (Site-Specific Standard)</b>
<b>Myers Creek</b>	Rlnd	ORW(FW)	That portion of the creek beginning at the boundary of the Congaree National Park to its confluence with Cedar Creek
<b>Naked Creek</b>	Mrlb	FW	The entire creek tributary to Pee Dee River
<b>Nancy Creek</b>	Gtwn	SB	The entire creek tributary to Jones Creek
<b>New Chehaw River</b>	Cltn	SFH	The entire river tributary to St. Helena Sound
<b>New Cut</b>	Chtn	SFH	The entire cut between Church Creek and Stono River
<b>New River</b>	Bfirt, Jspr	SA	The entire river tributary to the Atlantic Ocean
<b>Newman Swamp</b>	Drln	FWsp	The entire swamp tributary to Sparrow Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Ninety Six Creek</b>	Gnwd	FW	The entire creek tributary to Wilson Creek
<b>No Mans Friend Creek</b>	Gtwn	SB	The entire creek between Mud Bay and Oyster Bay
<b>Noble Slough</b>	Gtwn	SB	The entire slough between Oyster Bay and Jones Creek
<b>Norris Creek</b>	Abvl	FW	The entire creek tributary to Long Cane Creek
<b>North Edisto River</b>	Chtn	ORW(SFH)	That portion of the river from its headwaters to the Atlantic Intracoastal Waterway
<b>North Edisto River</b>	Chtn	SFH	That portion of the river from the Atlantic Intracoastal Waterway to Steamboat Creek
<b>North Edisto River</b>	Chtn	ORW(SFH)	That portion of the river from Steamboat Creek to the Atlantic Ocean
<b>North Fork Edisto River</b>	Aikn, Lxtn, Orbg	FW	The entire river tributary to Edisto River
<b>North Fork Little River</b>	Ocne	TPGT	That portion of the river from the confluence of Mill Creek and Burgess Creek to S.C. Hwy 11
<b>North Fork Little River</b>	Ocne	FW	That portion of the river from S.C. Hwy 11 to its confluence with Little River
<b>North Inlet</b>	Gtwn	ORW(SFH)	The entire inlet tributary to the Atlantic Ocean
<b>North Pacolet River</b>	Spbg	FW	The entire river tributary to Pacolet River
<b>North Rabon Creek</b>	Lrns	FW	The entire creek tributary to Rabon Creek
<b>North Saluda River</b>	Gnvl	ORW(FW)	That portion of the river from its headwaters to S.C. Hwy 42
<b>North Saluda River</b>	Gnvl	FW	That portion of the river from S.C. Hwy 42 to Saluda River
<b>North Santee River</b>	Gtwn	FW	That fresh water portion of the river
<b>North Santee River</b>	Gtwn	SA	That portion of the river from U.S. Hwy 17 to 1000 ft below the Atlantic Intracoastal Waterway
<b>North Santee River</b>	Gtwn	ORW(SFH)	That portion of the river from U.S. Hwy 17 from 1000 feet below the Atlantic Intracoastal Waterway to the Atlantic Ocean
<b>North Tyger River</b>	Spbg	FW	The entire river tributary to Tyger River
<b>Ocella Creek</b>	Chtn	ORW(SFH)	The entire creek tributary to South Creek
<b>Oil Camp Creek</b>	Gnvl	ORW-(FW)	That portion of the creek from its headwaters to the end of State land at <del>Caesars</del> Caesars Head State Park

<b>Waterbody Name</b>	<b>County(ies)</b>	<b>Class</b>	<b>Waterbody Description and (Site-Specific Standard)</b>
<b>Oil Camp Creek</b>	Gnvl	TN	That portion of the creek from <del>Ceasars</del> Caesars Head State Park land to Middle Saluda River
<b>Okatie River</b>	Bftr	ORW(SFH)	The entire river tributary to Colleton River
<b>Old Chehaw River</b>	Cltn	SFH	The entire river tributary to Combahee River
<b>Old Dead River</b>	Rlnd	ORW(FW)	The entire river within the boundary of the Congaree National Park
<b>Old House Creek</b>	Bftr	SFH	The entire creek tributary to Fripps Inlet
<b>Old Man Creek</b>	Gtwn	ORW(SFH)	The entire creek tributary to Town Creek
<b>Olive Branch</b>	Lxtn	FW	The entire branch tributary to Duncan Creek
<b>Oolenoy River</b>	Pkns	TPGT	That portion of the river from its headwaters to Emory Creek
<b>Oolenoy River</b>	Pkns	FW	That portion of the river from Emory Creek to its confluence with South Saluda River
<b>Opossum Creek</b>	Ocne	FW	The entire creek tributary to Chattooga River
<b>Oyster Bay</b>	Gtwn	SB	The entire bay between No Mans Friend Creek and Noble Slough
<b>Oyster House Creek</b>	Chtn	ORW(SFH)	The entire creek tributary to Wadmalaw River
<b>Pacolet River</b>	Chke, Spbg, Unin	FW	The entire river tributary to Broad River
<b>Palmetto Swamp</b>	Hory	FW	The entire swamp tributary to Little Pee Dee River
<b>Panther Creek</b>	Mrlb	FW	The entire creek tributary to Beaverdam Creek
<b>Park Creek</b>	Abvl	FW	The entire creek tributary to Little River
<b>Payne Branch</b>	Gnvl	FW	The entire branch tributary to South Rabon Creek
<b>Pen Branch</b>	Orbg	FW	The entire branch tributary to North Fork Edisto River
<b>Peoples Creek (also called Gaffney Creek and Town Creek)</b>	Chke	FW	The entire creek tributary to Broad River
<b>Pig Pen Branch</b>	Ocne	ORW(FW)	The entire branch tributary to Lick Log Creek
<b>Pinckney Branch</b>	Ocne	FW	The entire branch tributary to Chattooga River
<b>Pinnacle Lake</b>	Pkns	ORW(FW)	The entire lake
<b>Pleasant Meadow Swamp</b>	Hory	FWsp	The entire swamp tributary to Lake Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Pocalla Creek</b>	Smtr	FWsp	The entire creek tributary to Pocotaligo River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Pocotaligo River</b>	Clrn, Smtr	FWsp	The entire river tributary to Black River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Polk Swamp</b>	Dchr, Orbg	FWsp	The entire swamp tributary to Edisto River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Port Royal Sound</b>	Bftr	SFH	The entire sound tributary to the Atlantic Ocean
<b>Price Inlet</b>	Chtn	ORW(SFH)	The entire inlet tributary to the Atlantic Ocean
<b>Privateer Creek</b>	Chtn	ORW(SFH)	The entire creek tributary to North Edisto River
<b>Providence Branch</b>	Chke	FW	That portion of the branch below County Road 793 to Cherokee Creek
<b>Pudding Swamp</b>	Clrn, Smtr, Wmbg	FWsp	The entire swamp tributary to Black River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)

<b>Waterbody Name</b>	<b>County(ies)</b>	<b>Class</b>	<b>Waterbody Description and (Site-Specific Standard)</b>
<b>Pye Branch</b>	Flrn	FWsp	The entire branch tributary to Jeffries Creek (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Rabon Creek</b>	Lrns	FW	That portion of the creek from the confluence of North Rabon Creek and South Rabon Creek, in Lake Rabon, to its confluence with Lake Greenwood
<b>Ralston Creek</b>	Bkly	SFH	The entire creek tributary to Wando River
<b>Ramsey Creek</b>	Ocne	FW	The entire creek tributary to Chauga River
<b>Ramshorn Creek</b>	Bfrit	SFH	The entire creek between New River and Cooper River
<b>Rathall Creek</b>	Chtn	SFH	The entire creek tributary to Wando River
<b>Rawls Creek</b>	Lxtn, Rlnd	FW	The entire creek tributary to Saluda River
<b>Red Bank Creek</b>	Lxtn	FW	The entire creek tributary to Congaree River
<b>Red Bank Creek</b>	Slda	FW	The entire creek tributary to Mine Creek
<b>Reedy Branch</b>	Ocne	FW	The entire branch tributary to Chattooga River
<b>Reedy Cove Creek</b>	Pkns	FW	The entire creek tributary to Eastatoe Creek
<b>Reedy Fork Branch</b>	Lrns	FW	The entire branch tributary to Little River
<b>Reedy River</b>	Gnvl, Lrns	FW	The entire river tributary to Lake Greenwood
<b>Rices Creek</b>	Pkns	FW	The entire creek tributary to Twelvemile Creek
<b>Richardson Branch</b>	Aldl	FW	The entire branch tributary to Coosawhatchie River
<b>Robb Senn Branch</b>	Lxtn	FW	The entire branch tributary to Saluda River
<b>Rock Creek</b>	Pkns	TN	That portion of the creek within South Carolina
<b>Rocky Bluff Swamp</b>	Lee, Smtr	FWsp	The entire swamp tributary to Scape Ore Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Rocky Bottom Creek</b>	Pkns	ORW(FW)	The entire creek tributary to Eastatoe Creek
<b>Rocky Branch</b>	Gnvl	TN	The entire branch tributary to Middle Saluda River
<b>Rocky Creek</b>	Cstr	FW	The entire creek (including Little Rocky Creek) tributary to Cedar Creek Reservoir
<b>Rocky Creek</b>	Mcmk	FW	The entire creek tributary to Hard Labor Creek
<b>Rocky Creek (also called Rock Creek)</b>	Gnwd	FW	The entire creek tributary to Coronaca Creek
<b>Rocky River</b>	Abvl, Andn	FW	The entire river tributary to Savannah River
<b>Rose Branch</b>	Drln	FW	The entire branch tributary to Lynches River
<b>Rosemary Creek</b>	Brwl	FW	The entire creek tributary to Salkehatchie River
<b>Running Lake</b>	Rlnd	FW	<del>That portion of the creek outside the boundary of the Congaree National Park</del>
<b>Running Lake</b>	Rlnd	ORW(FW)	<del>That portion of the</del> The entire creek beginning at <u>within</u> the boundary of the Congaree National Park, <u>including Big Lake and Little Lake</u> to its confluence with Toms Creek
<b>Russel Creek</b>	Chtn	ORW(SFH)	The entire creek tributary to Steamboat Creek
<b>St. Helena Sound</b>	Bfrit, Cltn	SFH	The entire sound tributary to the Atlantic Ocean
<b>Salkehatchie River</b>	Aldl, Bmbg, Brwl, Cltn, Hmpt	FW	That portion of the river from its headwaters to the confluence with the Little Salkehatchie River

Waterbody Name	County(ies)	Class	Waterbody Description and (Site-Specific Standard)
Salt Water Creek	Jspr	SB	The entire creek tributary to Wright Creek
Saluda Lake	Gnvl	FW	The entire lake on Saluda River
Saluda River (Main stem)	Abvl, Andn, Gnvl, G#nwd, Lrns, Lxtn, Nbry, Pkns, Rlnd, Slida	FW	The entire river tributary to Lake Murray
Saluda River (Main stem)	Lxtn, Rlnd	TPGT-sp	That portion from the Lake Murray Dam to the confluence with Broad River (D.O. not less than daily average 5 mg/L, a running thirty-day (30) average of 5.5 mg/L, with a low of 4.0 mg/L)
Saluda River (Main stem) Unnamed Tributaries	Lxtn, Rlnd	FW	All tributaries to the main stem of Saluda River from the Lake Murray Dam to the confluence with Broad River
Sampit River	Gtwn	SB	The entire river from saltwater intrusion to Winyah Bay
Sampson Island Creek	Cltn	ORW(SFH)	The entire creek tributary to Mosquito Creek
Sand Creek	Ffld	FW	The entire creek tributary to Jackson Creek
Sand Creek	Lrns	FW	The entire creek tributary to Millers Fork
Sand Creek	Chtn	ORW(SFH)	The entire creek tributary to Steamboat Creek
Sanders Branch	Hmpt	FWsp	The entire branch tributary to Coosawhatchie River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Sanders Creek	Krsh	FW	The entire creek tributary to Wateree River
Sandy River	Cstr	FW	The entire creek tributary to Broad River
Santee River	Bkly, Clrn, Gtwn, Wmbg	FW	That portion of the river below Lake Marion to North and South Santee Rivers
Santee River	Clhn, Smtr	FW	From junction of Congaree and Wateree Rivers to Lake Marion
Santee River (North and South)	Bkly, Chtn, Gtwn		See North Santee River and South Santee River (Berkeley, Charleston, and Georgetown Counties)
Savannah Creek	Bmbg, Cltn	FW	The entire creek tributary to Salkehatchie River
Savannah Creek	Hory	FW	The entire creek tributary to Chinners Swamp
Savannah River	Abvl, Andn	TPGT	That portion of the river from Lake Hartwell Dam to the headwaters of Lake <u>Richard B. Russell</u>
Savannah River	Abvl, Aikn, Aldl, Andn, Brwl, Efld, Hmpt, Mcmk	FW	That portion of the river from the headwaters of Lake <u>Richard B. Russell</u> to Seaboard Coastline <u>RR</u> Railroad
Savannah River	Hmpt, Jspr	SB sp	That portion of the river from Seaboard Coastline <u>RR</u> Railroad to Ft. Pulaski (D.O. not less than daily average of 5 mg/L and minimum 4 mg/L)
Savannah River	Jspr	SA	That portion of the river from Ft. Pulaski to the Atlantic Ocean

Waterbody Name	County(ies)	Class	Waterbody Description and (Site-Specific Standard)
<b>Sawhead Branch</b>	Ocne	FW	The entire branch tributary to Opossum Creek
<b>Sawmill Branch</b>	Bkly, Dchr	FW	The entire branch tributary to Dorchester Creek
<b>Sawmill Creek</b>	Bfrit	ORW(SFH)	The entire creek tributary to Colleton River
<b>Sawney Creek</b>	Abvl, Mcmk	FW	The entire creek tributary to Little River
<b>Sawneys Creek</b>	Ffld, KshwKrsh	FW	The entire creek tributary to Wateree River
<b>Schewbough Branch (also called Skeebo Branch)</b>	Hory	FWsp	The entire branch tributary to the North Carolina line (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Scott Creek</b>	Nbry	FW	The entire creek tributary to Bush River
<b>Scott Creek</b>	Chtn	ORW(SFH)	The entire creek from Big Bay Creek to Jeremy Inlet
<b>Scouter Creek</b>	Lxtn	FW	The entire creek tributary to Congaree Creek
<b>Sea Creek Bay</b>	Gtwn	ORW(SFH)	The entire bay tributary to Old Man Creek
<b>Second Creek</b>	Lxtn	FW	The entire creek tributary to First Creek
<b>Sewee Bay</b>	Chtn	ORW(SFH)	The entire bay
<b>Shanklin Creek</b>	Andn	FW	The entire creek tributary to Three and Twenty Mile Creek
<b>Shaver Creek (also called Cheves Creek)</b>	Efld	FW	The entire creek tributary to Stevens Creek
<b>Shaw Creek</b>	Aikn, Efld	FW	The entire creek tributary to South Fork Edisto River
<b>Shell Creek</b>	Lrns	FW	The entire creek tributary to Bush River
<b>Shem Creek</b>	Chtn	SB	The entire creek tributary to Charleston Harbor
<b>Shingle Creek</b>	Chtn	ORW(SFH)	The entire creek tributary to St. Pierre Creek
<b>Shoulder Bone Branch</b>	Ocne	FW	The entire branch tributary to Sawhead Branch
<b>Side of Mountain Creek</b>	Pkns	ORW(FW)	The entire creek tributary to Eastatoc Creek
<b>Silver Brook Creek</b>	Andn	FW	The entire creek tributary to Rocky River
<b>Six Mile Creek</b>	Lxtn	FW	The entire creek tributary to Congaree Creek
<b>Six and Twenty Creek</b>	Andn	FW	The entire creek tributary to Lake Hartwell
<b>Sixty Bass Creek</b>	Gtwn	SFH	That portion of the creek from its confluence with Town Creek to a point 0.4 miles from its confluence with Town Creek
<b>Sixty Bass Creek</b>	Gtwn	ORW(SFH)	That portion of the creek from a point 0.4 miles from its confluence with Town Creek to North Inlet
<b>Skeebo Branch</b>	Hory	FWsp	The entire branch tributary to the North Carolina line (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Slatten Branch</b>	Ocne	ORW(FW)	The entire branch tributary to East Fork Chattooga River
<b>Smeltzer Creek</b>	Ocne	TN	That portion of the creek from its headwaters to <u>S.C. Hwy 130</u>
<b>Smeltzer Creek</b>	Ocne	TPGT	That portion of the creek from <u>S.C. Hwy 130</u> to North Fork Little River



<b>Waterbody Name</b>	<b>County(ies)</b>	<b>Class</b>	<b>Waterbody Description and (Site-Specific Standard)</b>
<b>Smith Branch</b>	Rlnd	FW	The entire branch tributary to Broad River
<b>Smith Swamp</b>	Marn	FWsp	The entire swamp tributary to Catfish Creek (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>South Creek</b>	Chtn	ORW(SFH)	The entire creek tributary to North Edisto River
<b>South Edisto River</b>	Chtn, Cltn	ORW(SFH)	That portion of the river from Dawho River to Mud Creek
<b>South Edisto River</b>	Chtn, Cltn	SFH	That portion of the river from Mud Creek to the Atlantic Ocean
<b>South Fork Edisto River</b>	Aikn, Bmbg, Brwl, Efld, Orbg	FW	The entire river tributary to North Fork Edisto River
<b>South Fork Kings Creek</b>	Nbry	FW	The entire creek tributary to Enoree River
<b>South Pacolet River</b>	Gnvl	TN	That portion of the river from its headwaters to S.C. Hwy 116
<b>South Pacolet River</b>	Gnvl, Spbg	FW	That portion of the river from S.C. Hwy 116 to Pacolet River
<b>South Rabon Creek</b>	Gnvl, Lrns	FW	The entire creek tributary to Rabon Creek
<b>South Saluda River</b>	Gnvl, Pkns	ORW(FW)	That portion of the river from its headwaters to Table Rock Reservoir Dam
<b>South Saluda River</b>	Gnvl, Pkns	TPGT	That portion of the river from Table Rock Reservoir Dam to Hwy 8
<b>South Saluda River</b>	Gnvl, Pkns	FW	That portion of the river from S.C. Hwy 8 to junction with North Saluda River
<b>South Santee River</b>	Bkly, Chtn, Gtwn	FW	That freshwater portion of the river
<b>South Santee River</b>	Bkly, Chtn, Gtwn	SA	That portion of the river from U.S. Hwy 17 to 1000 feet below the Atlantic Intracoastal Waterway
<b>South Santee River</b>	Bkly, Chtn, Gtwn	ORW(SFH)	That portion of the river from U.S. Hwy 17 from 1000 feet below the Atlantic Intracoastal Waterway to the Atlantic Ocean
<b>South Tyger River</b>	Gnvl, Spbg	FW	The entire river tributary to Tyger River
<b>Spain Creek</b>	Gnvl	FW	The entire creek tributary to Saluda River
<b>Sparrow Swamp</b>	Drln, Flrn, Lee	FWsp	The entire swamp tributary to Lynches River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Spears Creek</b>	Krsh, Rlnd	FW	The entire creek (and its tributaries) from its headwaters to its confluence with Wateree River
<b>St. Pierre Creek</b>	Chtn	ORW(SFH)	The entire creek tributary to South Edisto River
<b>Steamboat Creek</b>	Chtn	ORW(SFH)	The entire creek tributary to North Edisto River
<b>Steele Creek</b>	York	FW	The entire creek tributary to Sugar Creek
<b>Stevens Creek</b>	Efld, Mcmk	FW	The entire creek tributary to Savannah River
<b>Stitt Branch</b>	Ffld	FW	The entire branch tributary to Jackson Creek
<b>Stoddard Creek</b>	Gnvl, Lrns	FW	The entire creek tributary to North Rabon Creek
<b>Stono River</b>	Chtn	SFH	That portion of the river extending eastward to S.C.L. Railroad Bridge
<b>Stono River</b>	Chtn	SFH	That portion of the river from the S.C.L. Railroad Bridge to Abbapoola Creek

<b>Waterbody Name</b>	<b>County(ies)</b>	<b>Class</b>	<b>Waterbody Description and (Site-Specific Standard)</b>
<b>Stono River</b>	Chtn	SFH	That portion of the river from Abbapoola Creek to Folly River
<b>Stoops Creek</b>	Lxtn, Rlnd	FW	The entire creek tributary to Saluda River
<b>Store Creek</b>	Chtn	ORW(SFH)	The entire creek tributary to St. Pierre Creek
<b>Story River</b>	Bftr	SFH	The entire river to Trenchards Inlet and Fripps Inlet
<b>Stuart Creek</b>	Ffld	FW	The entire creek tributary to Jackson Creek
<b>Sugar Creek</b>	Lctr, York	FW	The entire creek tributary to Catawba River
<b>Summerhouse Branch (also called Bartons Branch and Johnsons Swamp)</b>	Gtwn, Wmbg	FWsp	The entire branch tributary to Horse Pen Swamp (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Swaford Creek</b>	Ocne	TN	The entire creek tributary to Whetstone Creek
<b>Sweetwater Branch</b>	Efld	FW	The entire branch tributary to Stevens Creek
<b>Swift Creek</b>	Krsh, Smtr	FW	The entire creek tributary to Wateree River
<b>Swinton Creek</b>	Chtn	ORW(SFH)	The entire creek tributary to Lower Toogoodoo Creek
<b>Tailrace Canal</b>	Bkly	FW	That portion of the canal from Lake Moultrie Dam to Biggin Creek
<b>Tamassee Creek</b>	Ocne	ORW(FW)	That portion of the creek from its headwaters to end of U.S. Forest Service Land
<b>Tamassee Creek</b>	Ocne	FW	That portion of the creek from U.S. Forest Service Land to its confluence with Cheohee Creek
<b>Thicketty Creek</b>	Chke	FW	That portion of the creek below the Cowpens discharge tributary to Broad River
<b>Thompson Creek</b>	Cfld	FW	The entire creek tributary to Pee Dee River
<b>Thompson River</b>	Ocne	TN	That portion of the river from the State Line to Lake Jocassee
<b>Three Creeks</b>	Mrlb	FW	The entire creek tributary to Pee Dee River
<b>Tilly Branch</b>	Ocne	FW	The entire branch tributary to Chattooga River
<b>Timothy Creek</b>	Nbry	FW	The entire creek tributary to Bush River
<b>Tinker Creek</b>	Unin	FW	The entire creek tributary to Tyger River
<b>Tinkers Creek</b>	Cstr	FW	The entire creek tributary to Fishing Creek
<b>Toby Creek</b>	Brwl	FW	The entire creek tributary to Salkehatchie River
<b>Todds Branch</b>	Lctr	FW	The entire branch tributary to Little Lynches River
<b>Tom Point Creek (also called McLeod Creek)</b>	Chtn	ORW(SFH)	The entire creek tributary to Wadmalaw River
<b>Toms Branch</b>	Lxtn	FW	The entire branch tributary to Congaree River
<b>Toms Creek</b>	Rlnd	FW	That portion of the creek outside the boundary of the Congaree National Park
<b>Toms Creek</b>	Rlnd	ORW(FW)	That portion of the creek beginning at the boundary of the Congaree National Park to its confluence with Cedar Creek
<b>Toogoodoo Creek</b>	Chtn	ORW(SFH)	The entire creek tributary to Wadmalaw River

Waterbody Name	County(ies)	Class	Waterbody Description and (Site-Specific Standard)
Toomer Creek	Chtn	SFH	The entire creek tributary to Wando River
Town Creek	C̄hke	FW	The entire creek tributary to Broad Creek
Town Creek	Krsh	FW	The entire creek tributary to Wateree Creek
Town Creek	Pkns	FW	The entire creek tributary to Twelvemile Creek
Town Creek	Gtwn	SB	That portion of the creek from its confluence with No Mans Friend Creek and Oyster Bay to its western confluence with Clambank Creek.
Town Creek	Gtwn	SFH	That portion of the creek from its western confluence with Clambanke Creek to its eastern confluence with Clambanke Creek
Town Creek	Gtwn	ORW(SFH)	That portion of the creek from its eastern confluence with Clambanke Creek to North Inlet
Townes Creek	Ocne	TN	That portion of the creek from the confluence of West Fork and Crane Creek to Lake Cherokee
Townsend River	Chtn	ORW(SFH)	The entire river tributary to Frampton Inlet Creek
Trenchards Inlet	Bfrit	SFH	The entire inlet tributary to the Atlantic Ocean
Tugaloo River	Ocne	FW	That portion of the river from Tugaloo Dam to Lake Hartwell
Turkey Creek	Brwl	FW	The entire creek tributary to Salkehatchie River
Turkey Creek	Cstr, York	FW	The entire creek tributary to Broad River
Turkey Creek	Edffld, Mcmk	FW	The entire creek tributary to Stevens Creek
Turkey Creek	Ḡnwd	FW	The entire creek tributary to Saluda River
Turkey Creek	Smtr	FWsp	The entire creek tributary to Pocotaligo River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
Turkey Creek (also called Turkey Quarter Creek)	Lctr	FW	The entire creek tributary to Cane Creek
Turpin Branch	Ocne	FW	The entire branch tributary to Chattooga River
Twelvemile Creek	Lxtn	FW	The entire creek tributary to Saluda River
Twelvemile Creek	Pkns	FW	The entire creek tributary to Lake Hartwell
Twentyfive Mile Creek	Krsh	FW	The entire creek tributary to Wateree River
Three and Twenty Creek	Andn	FW	The entire creek tributary to Lake Hartwell
Tyger River (Main Stem)	Nbry, Spbg, Unin	FW	The entire river tributary to Broad River
Unnamed Creek	Gnvl	FW	The unnamed creek which enters Reedy River on the west bank 1 1/4 miles below Conestee Lake
Unnamed Creek	Gnvl		See Langston Creek (Greenville County)
Unnamed Creek	Ocne	FW	The unnamed creek which enters Little River at Newry
Unnamed Creek Mill Creek	Unin	FW	The unnamed creek which originates in Jonesville and flows north-northeast to Mill Creek
Unnamed Creek Tributary to Beaverdam Creek	Gnvl	ORW(FW)	That portion of the creek from its headwaters, including the reservoir, to Secondary Road 22

<b>Waterbody Name</b>	<b>County(ies)</b>	<b>Class</b>	<b>Waterbody Description and (Site-Specific Standard)</b>
<b>Unnamed Creek Tributary to Beaverdam Creek</b>	Gnvl	FW	That portion of the creek from Secondary Road 22 to Beaverdam Creek
<b>Unnamed Creek to Mountain Creek</b>	Gnvl	ORW(FW)	That portion of the creek from its headwaters, including Mountain Lake, to Mountain Creek
<b>Unnamed Creek (Located near Altamont Forest Rd) Tributary to an Unnamed Tributary to Mountain Creek</b>	Gnvl	FW	The entire creek
<b>Unnamed Creek (Fripps Island) Tributary to Fripps Inlet</b>	Bfrit	SFH	The entire creek tributary to Fripps Inlet
<b>Unnamed Creek (Old Island) Tributary to Fripps Inlet</b>	Bfrit	SFH	The entire creek tributary to Fripps Inlet
<b>Unnamed Creek (St. Helena Island) Tributary to Harbor River</b>	Bfrit	SFH	The entire creek tributary to Harbor River
<b>Unnamed Creek (Harbor River) Tributary to St. Helena Sound</b>	Bfrit	SFH	The entire creek tributary to St. Helena Sound
<b>Unnamed Creeks, Ponds, or Lakes</b>	Rlnd	FW	Any portions tributary to waters unnamed or named located within the boundary of the Congaree National Park to the boundary of the Congaree National Park
<b>Unnamed Creeks, Ponds, or Lakes</b>	Rlnd	ORW(FW)	All portions of waters and waters located wholly within the boundary of the Congaree National Park
<b>Unnamed Swamp (Near North, S.C.)</b>	Orbg	FWsp	The entire swamp tributary to North Fork Edisto River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Vaughn Creek</b>	Gnvl	ORW(FW)	The entire creek tributary to Lake Lanier
<b>Waccamaw River</b>	Gtwn, Hory	FWsp	That portion of the river from North Carolina line to its confluence with Thoroughfare Creek (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Waccamaw River</b>	Gtwn	SA-sp	That portion of the river from its confluence with Thoroughfare Creek to Winyah Bay (D.O. not less than 4 mg/L)
<b>Wadmalaw River</b>	Chtn	ORW(SFH)	The entire river from Wadmalaw Sound to North Edisto River
<b>Wadmalaw Sound</b>	Chtn	ORW(SFH)	The entire sound
<b>Wagner Creek</b>	Chtn	SFH	The entire creek tributary to Wando River

<b>Waterbody Name</b>	<b>County(ies)</b>	<b>Class</b>	<b>Waterbody Description and (Site-Specific Standard)</b>
<b>Walker Branch</b>	Ffld	FW	The entire branch tributary to Big Dutchman Creek
<b>Wando River</b>	Bkly, Chtn	SFH	That portion from its headwaters to a point 2.5 miles north of its confluence with Cooper River
<b>Wando River</b>	Bkly, Chtn	SA	That portion from a point 2.5 miles north of its confluence with Cooper River to its confluence with Cooper River
<b>Wapoo Creek</b>	Chtn	SB	The entire creek tributary to Stono River
<b>Ward Creek</b>	Bfirt	SFH	The entire creek tributary to Harbor River
<b>Warrior Creek</b>	Lrns	FW	The entire creek tributary to Enoree River
<b>Wateree Lake</b>	Ffld, Krsh, Lctr	FW	The entire lake on Catawba-Wateree River
<b>Wateree River</b>	Cstr, Ffld, Krsh, Lctr, Rlnd, Smtr, York	FW	See Catawba-Wateree <u>River</u>
<b>Watts Mill Branch</b>	Lrns	FW	The entire branch tributary to Little River
<b>West Branch Cooper River</b>	Bkly	FW	The entire river from Biggin Creek to its confluence with East Branch Cooper River (the Tee)
<b>West Fork (also called Little Fork Creek)</b>	Cfld	FW	The entire stream tributary to East Fork or Fork Creek
<b>West Fork</b>	Ocne	TN	That portion from its headwaters to its confluence with Crane Creek
<b>Westbank Creek</b>	Chtn	ORW(SFH)	The entire creek tributary to North Edisto River
<b>Weston Lake</b>	Rlnd	ORW(FW)	The entire lake within the boundary of the Congaree National Park
<b>Whale Branch</b>	Bfirt	SFH	The entire branch between Broad River and Coosaw River
<b>Whetstone Creek</b>	Ocne	TN	The entire creek tributary to Chattooga River
<b>White Oak Creek</b>	Krsh	FW	The entire creek tributary to Wateree Lake
<b>White Oak Creek</b>	Marn	FWsp	The entire creek tributary to River Swamp of Little Pee Dee River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>White Oak Creek</b>	Ocne	TN	That portion of the creek from its headwaters to Knox Creek
<b>Whitewater River</b>	Ocne	ORW(TPGT)	That portion of the river from State line to Lake Jocassee
<b>Whitner Creek</b>	Andn	FW	The entire creek tributary to Big Generostee Creek
<b>Whooping Island Creek</b>	Chtn	ORW(SFH)	The entire creek tributary to Sand Creek
<b>Wildcat Creek</b>	Rlnd	FW	The entire creek tributary to Gills Creek
<b>Wildcat Creek</b>	York	FW	The entire creek tributary to Fishing Creek
<b>Wilkerson Creek</b>	Aikn	FW	The entire creek tributary to Horse Creek

<b>Waterbody Name</b>	<b>County(ies)</b>	<b>Class</b>	<b>Waterbody Description and (Site-Specific Standard)</b>
<b>Willis Creek</b>	Pkns	ORW(FW)	That portion of the creek from its headwaters to the northern boundary of Table Rock Resort property
<b>Willis Creek</b>	Pkns	TN	That portion of the creek from the northern boundary of Table Rock Resort property to its confluence with Oolenoy River
<b>Willow Swamp</b>	Orbg	FWsp	The entire swamp tributary to Little River (D.O. not less than 4 mg/L, pH 5.0 – 8.5)
<b>Wilson Branch</b>	Abvl, Andn	FW	The entire branch tributary to Rocky River
<b>Wilson Branch</b>	Gnvl	FW	The entire branch tributary to Durbin Creek
<b>Wilson Creek</b>	Gnwd	FW	The entire creek tributary to Saluda River
<b>Windy Hill Creek</b>	Bmbg, Brwl	FW	The entire creek tributary to South Fork Edisto River
<b>Winyah Bay</b>	Gtnw	SB	The entire bay tributary to the Atlantic Ocean
<b>Wise Lake</b>	Rlnd	ORW(FW)	The entire lake within the boundary of the Congaree National Park
<b>Wolf Creek</b>	Pkns	FW	The entire creek tributary to Twelvemile Creek
<b>Wood Creek</b>	Gtnw	ORW(SFH)	The entire creek between Boor Creek and Jones Creek
<b>Wright Creek</b>	Ocne	ORW(TPGT)	The entire creek tributary to Lake Jocassee
<b>Wright River</b>	Jspr	SA	The entire river tributary to the Atlantic Ocean
<b>Zekial Creek</b>	Chke, Spbg	FW	The entire creek tributary to Island Creek

## ATTACHMENT B

### 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 (“Department”) proposes amending R.61-69, Classified Waters. Interested persons may submit comment(s) on the proposed amendments to Andrew Edwards, Water Quality Standards Coordinator of the Bureau of Water; S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; edwardaj@dhec.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on March 28, 2022, the close of the Notice of Drafting comment period.

#### **Synopsis:**

Pursuant to Section 303(c) of the federal Clean Water Act (“CWA”), South Carolina’s water quality standards must be reviewed and revised, where necessary, at least once every three years. Referred to as the triennial review, this required process consists of reviewing and amending, where appropriate, designated uses and criteria for the site-specific standards set forth in R.61-69. The Department proposes amending R.61-69, Classified Waters, to clarify and correct as needed waterbody names, counties, classes, and descriptions.

The proposed amendments may also include corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

**ATTACHMENT C**

**SUMMARY OF PUBLIC COMMENTS AND DEPARTMENT RESPONSES**

**R.61-69, *Classified Waters***

**As of the March 25, 2022, close of the Notice of Drafting comment period:**

<b>Name</b>	<b>Section</b>
Dr. Charles Mauro	H
<p><b>Comment:</b> The waters of Bulls Bay, Sewee Bay, and the Atlantic Intracoastal Waterway from Venning Creek to Morgan Creek at the North of Isle of Palms are some of the most outstanding waters in the state and they should be designated as such. These waters are inextricably linked, have the same unrestricted quality, and should have the same classification: Outstanding Resource Waters.</p> <p><b>Department Response:</b> Bulls Bay is already classified as an Outstanding Resource Water in R.61-69. The Department has considered 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. Based on the existing and designated uses of these waters this reclassification is warranted. Therefore, the Department proposes amending Section H to reclassify these waters from Shellfish Harvesting Water to Outstanding Resource Water.</p>	
<b>Name</b>	<b>Section</b>
Bill Stangler, Congaree Riverkeeper	H
<p><b>Comment:</b> The Congaree National Park recently acquired 216 acres to expand the park boundary, and the waters within the park should be considered as Outstanding Resource Waters. Specifically, Running Lake and Bates Old River should be considered for reclassification.</p> <p><b>Department Response:</b> Running Lake is already classified as an Outstanding Resource Water in R.61-69, but the Department will amend the description of Running Lake to clarify the portions of this surface water that obtain the ORW classification. Bates Old River is not currently listed in R.61-69. Therefore, the Department will add Bates Old River to the list of Classified Waters with the ORW classification.</p>	



**BOARD OF HEALTH AND ENVIRONMENTAL CONTROL  
SUMMARY SHEET**

**August 11, 2022**

(X ) ACTION/DECISION  
( ) INFORMATION

**I. TITLE:** Proposed Initial Groundwater Management Plan for the Santee-Lynches Capacity Use Area: S.C. Code of Laws, Title 49, Chapter 5, *Groundwater Use and Reporting Act*

Legislative Review is not required.

**II. SUBJECT:** Request for Plan Approval

**ID. FACTS:**

1. Pursuant to S.C. Code Section 49-5-60(A), the Department of Health and Environmental Control (Department) is directed to develop a groundwater management plan to achieve goals and objectives stated in Section 49-5-20

2. 49-5-60 (B) states: "After notice and public hearing, the department shall coordinate the affected governing bodies and groundwater withdrawers to develop a groundwater management plan to achieve the goals and objectives stated in Section 49-5-20. In those areas where the affected governing bodies and withdrawers are unable to develop a plan, the department shall take action to develop the plan. The plan must be approved by the board before the department may issue groundwater withdrawal permits for the area."

3. The Department is proposing an initial groundwater management plan for the Santee-Lynches Capacity Use Area (SLCUA) to the Board for approval. The Department has coordinated with local stakeholders to develop this plan and begin the process of establishing goals and processes to ensure sustainable growth of our groundwater resources. This is achieved by the establishment of six strategies outlined in the plan that support growth while conserving and protecting this valuable water resource. It should be noted the initial plan is based on current department procedures for evaluating permit applications and establishing conservation measures. As the Capacity Use Areas are evaluated every five years, the most current information can be incorporated, and the plan refined over time through an adaptive management approach.

Therefore, to comply with this provision, the following actions were taken to invite stakeholder participation:

- A Notice of General Public Interest was published in the State Register on March 26, 2021

Santee-Lynches Management Plan Schedule

- January 5, 2021- Virtual Public Meeting held
- January 12, 2021- Virtual Public Meeting held
- October 6, 2021-SLCUA Stakeholder Workgoup (Sumter)
- November 3, 2021 - SLCUA Stakeholder Workgoup (Sumter)
- December 1, 2021- SLCUA Stakeholder Workgoup (Sumter)
- February 10, 2022- SLCUA Stakeholder Workgoup (Sumter)
- March 28, 2022 - DHEC Open House (Camden)

- The comment period for the plan ended April 12, 2022.

A copy of the Notice of General Public Interest is submitted as Attachment B

4. Department staff requests the Board to grant approval of the proposed Initial Groundwater Management Plan for the Santee-Lynches Capacity Use Area

#### IV. ANALYSIS:

The proposed Initial Groundwater Management Plan established a management strategy for groundwater resources in the Santee-Lynches (Chesterfield, Clarendon, Kershaw, Lee, Richland, and Sumter Counties) Capacity Use Area. All new permit requests, permit renewals, and requests for permit modifications are on hold until groundwater management plans for each of the Capacity Use Areas can be finalized. Economic development and growth will be impacted if management plans are not put in place to allow the Department to issue new permits, permit renewals, and modifications to existing permits.


The initial plan relies on currently available data from the Department, the U.S. Geological Survey (USGS), and the South Carolina Department of Natural Resources (SCDNR). The data (actual groundwater use and actual groundwater levels) provide a basis for a scientific analysis of proposed groundwater withdrawals. However, as more tools become available, such as the updated Groundwater Availability Model for the South Carolina Coastal Plan from the USGS and SCDNR, the groundwater management plan will be updated to incorporate these tools. The groundwater management plan includes a process for updates to the plan on a 5 year cycle to coincide with permit renewals for the Santee-Lynches Capacity Use Area. Stakeholder participation is part of this process.

#### V. RECOMMENDATION:

Department staff recommends the Board grant approval of the proposed Santee-Lynches Capacity Use Area Groundwater Management Plan.

Submitted By:

Approved By:



Ms. Jennifer Hughes  
Bureau Chief, Bureau of Water  
Environmental Affairs



Myra C. Reece  
Director of Environmental Affairs

#### Attachments:

- A. Initial Groundwater Management Plan for the Santee-Lynches Capacity Use Area
- B. South Carolina State Register Notice of General Public Interest, April 22, 2022
- C. Santee-Lynches Capacity Use Area Stakeholder Workgroup Summary
- D. PowerPoint Presentation-Proposed Santee-Lynches Capacity Use Area Groundwater Management Plan

**ATTACHMENT A**

**INITIALGROUNDWATER ASSESSMENT: CHESTERFIELD, CLARENDON, KERSHAW, LEE  
RICHLAND AND SUMTER COUNTIES**



# Initial Groundwater Management Plan for the Santee-Lynches Capacity Use Area

**Prepared by:** Ashley Carothers, Hydrogeologist  
Andrea L. H. Hughes, PhD, Hydrogeologist

**Bureau of Water**  
Jennifer R Hughes, Chief

**Water Monitoring, Assessment, and Protection Division**  
Robert Devlin, Director

**Water Quantity Permitting Section**  
Leigh Anne Roble Monroe, Manager

Technical Report Number:

May 11, 2022

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## Executive Summary

South Carolina's Groundwater Use and Reporting Act (Chapter 5, Section 49-5-60) gives the South Carolina Department of Health and Environmental Control (SC DHEC) the legal authority and mandate to establish and implement a local groundwater management program in the designated Santee-Lynches Capacity Use Area (SLCUA).

Per the enabling legislation (Chapter 5, Section 49-5-20), "The General Assembly declares (Chapter 5, Section 49-5-20) that the general welfare and public interest require that the ground water resources of the State be put to beneficial use to the fullest extent to which they are capable, subject to reasonable regulation, in order to:

- Conserve and protect these resources,
- Prevent waste, and to
- Provide and maintain conditions which are conducive to the development and use of water resources."

Since hydrogeologic conditions and the relative socioeconomic requirements of the State vary by area and region, groundwater management should be locally and/or regionally assessed, balancing all needs and interests (more information on the SLCUA specifics and defining characteristics can be found in the Hydrogeologic Setting and Regional Description sections). In this regard, SC DHEC coordinates with local stakeholders to achieve the stated goals of the plan leading to sustainable use of the groundwater resources. Sustainable use is the key guiding principle, whereby South Carolina's groundwater resources are managed so that development meets present needs without compromising the ability of future generations to meet their needs.

## Introduction

On July 15, 2021, the SC DHEC Board (section 49-5-60), declared portions south of the fall line in Chesterfield, Kershaw and Richland counties, along with Clarendon, Lee, and Sumter counties, as the Santee-Lynches Capacity Use Area (SLCUA) (Figure 1). The SLCUA is the sixth Capacity Use Area in the South Carolina coastal plain. Within the SLCUA, no person shall withdraw, obtain, or otherwise utilize groundwater at or in excess of three (3) million gallons in any month from a well or multiple wells for any purpose without first obtaining a Groundwater Withdrawal Permit from SC DHEC (R.61-113 C.)

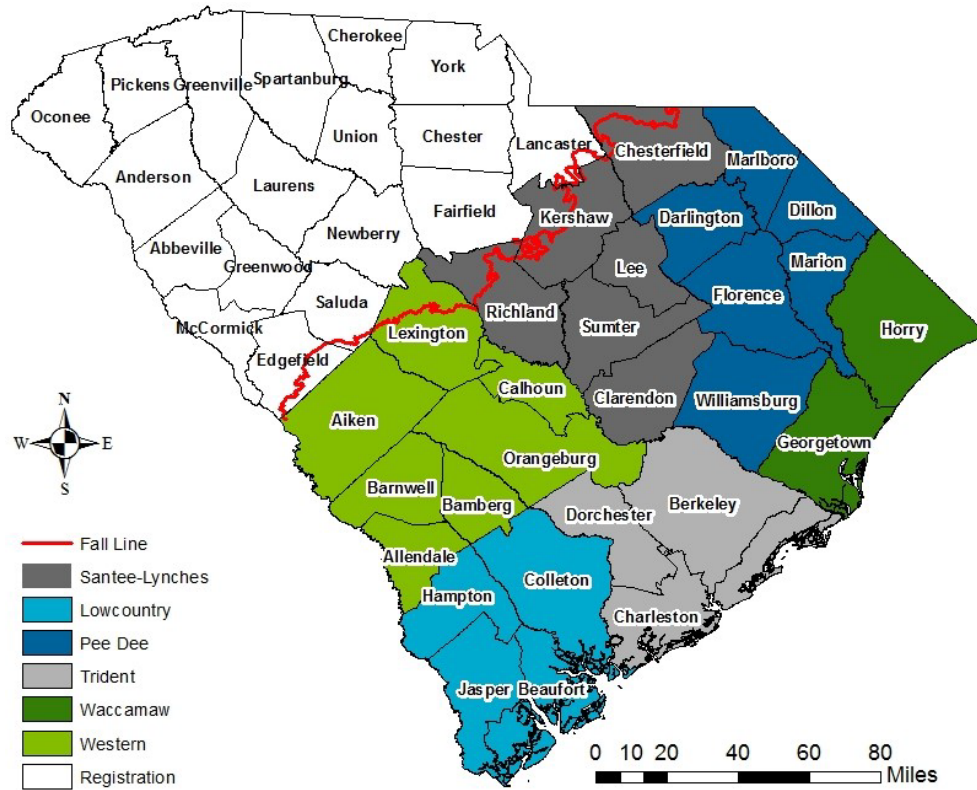


Figure 1: Capacity Use Areas and Associated Counties

The SLCUA Groundwater Management Plan (GMP) will guide the initial groundwater management strategy and provide direction for future groundwater management goals by evaluating, as data become available, the hydrologic, environmental, social, and economic impacts of groundwater withdrawals on long-term sustainable levels for SLCUA aquifers. Sustainable use meets present needs without compromising the ability of future generations to meet their needs and requirements. Therefore, in addition to the three statutory components of the Capacity Use program set forth in Chapter 5, Section 49-5-20, the three general goals of the GMP are:

1. Ensure sustainable use of the groundwater resource by management of groundwater withdrawals;
2. Monitor groundwater conditions to evaluate availability; and
3. Promote educational awareness of the resource and its conservation

To accomplish these goals, the GMP addresses the following aspects of water use in the Santee-Lynches region:

- Current groundwater sources utilized;
- Current water demand by type and amount used;
- Current aquifer storage and recovery and water reuse;
- Projected population and growth;
- Projected water demand;
- Projected opportunities for aquifer storage and recovery, as well as water reuse;
- Projected groundwater and surface water options; and,
- Water conservation measures.

Planning is a multi-stage process that includes provisions for updating and amending as conditions change over time. The first plan establishes general goals. As more data are developed about the groundwater resources of the SLCUA, more specific goals and withdrawal limits may be incorporated into the GMP. Modifications or updates to the goals and content of the GMP based on the quinquennial GMP Reports shall be made by SC DHEC authority or considered upon request by the SLCUA Stakeholder Workgroup.

Groundwater management is locally and regionally conducted to best fit an area's need and incorporates the acknowledgement of regional differences that necessitate varying strategies. Quantitative thresholds that activate a specific management action cannot be explicitly stated and established in any GMP to then be equally applied to all users across all counties in a CUA due to large variations in hydrogeologic setting and groundwater conditions. Instead, the GMP utilizes several management strategies in conjunction to abate potential adverse effects, determine when certain management actions are necessary, and to adhere to the statutory framework as laid out in Chapter 5, Section 49-5-20.

## Definitions

**Adverse Effects:** undesirable consequences of withdrawing groundwater that may include: changes in water quality, significant reduction in water level of the aquifer, saltwater intrusion, land subsidence, and decreases in stream flow

**Aquifer Storage and Recovery (ASR):** a process by which water is injected into an aquifer for storage and then subsequently withdrawn from the same aquifer from the same well or other nearby wells

**Best Management Plan:** a document that supports the design, installation, maintenance, and management of water conveyance systems and/or water withdrawal systems (water supply, commercial, industrial, agricultural, etc.), which promotes water conservation, and protects water quality

**Farmland Acreage (USDA Definition):** consists primarily of agricultural land used for crops, pasture, or grazing; including woodland and wasteland not actually under cultivation or used for pasture or grazing, provided it was part of the farm producer's total operation

**Groundwater User:** a person using groundwater for any purpose

**Groundwater Withdrawer:** any person withdrawing groundwater at or in excess of three (3) million gallons during any one month from a single well or multiple wells within a one-mile radius of any existing or proposed well

**Irrigated Acreage (USDA Definition):** all land watered by any artificial or controlled means, such as sprinklers, flooding, furrows or ditches, subirrigation, and spreader dikes including supplemental, partial, and preplant irrigation

**Person:** an individual, firm, partnership, association, public or private institution, municipality or political subdivision, local, state, or federal government agency, department, or instrumentality, public water system, or a private or public corporation organized under the laws of this State or any other state or county

**Physiographic Province:** a region having a particular pattern of relief features or landforms that differs significantly from that of adjacent regions

**Reasonable Use:** the use of a specific amount of water without waste that is appropriate under efficient practices to accomplish the purpose for which the appropriation is lawfully made

**Stakeholder Workgroup:** the SC DHEC designated committee, diverse in geographic and type-use representation, maintained as an advisory and collaborative partner concerning groundwater permitting, planning, education, and evaluation of the SLCUA

**Sustainable Use:** use of groundwater in a manner that can be maintained for an indefinite time without causing adverse environmental, economic, or social consequences

**Water Quality:** chemical, physical, biological, and radiological characteristics of the water and measure of the condition of water relative to the intended use

**Water Reuse:** water that is recycled and used more than once and is treated to a standard that permits the intended beneficial reuse

## Reasonable Use Determination by Water Use Type

SC DHEC establishes reasonable use of groundwater and develops limits depending on several factors, including, but not limited to the purpose(s) for which the water is withdrawn, application of type-based formulae, technical reviews of hydrogeologic conditions, groundwater use trends, demands on the resource, and availability of alternative sources of water. Each water use type has its own guidelines and standardized procedures in reasonable use determination (Table 1).

<b>Water Use Type</b>	<b>General Reasonable Use Guidelines</b>
<b>Aquaculture (AQ)</b>	Size of operation (acreage) Depth of holding ponds, lagoons, or lakes Refill rates
<b>Golf Course (GC)</b>	Based on current systematic and industry based standards Application rates Acreage irrigated Duration of irrigation
<b>Industry (IN)</b>	Based on current systematic and industry based standards Variable based on size and type of industry
<b>Irrigation (IR)</b>	Based on current systematic and industry based standards Crop type Irrigation method Acreage irrigated Duration of irrigation Stress period buffering
<b>Mining (MI)</b>	Based on current systematic and industry based standards Variable based on size and type of industry
<b>Hydro Power (PH)</b>	N/A
<b>Thermo Power (PT)</b>	Based on current systematic and industry based standards Availability of alternative water sources
<b>Nuclear Power (PN)</b>	Based on current systematic and industry based standards
<b>Water Supply (WS)</b>	Based on current systematic and industry based standards Population served Per capita use
<b>Other (OT)</b>	Variable based on size and type of operation Department approved Corrective Action Plans

*Table 1: Generalized Water Quantity Permitting Section Reasonable Use Guidelines by Water Use Type*

## Geo-Political Structure

The State of South Carolina is divided into ten official planning districts under the South Carolina Association of Regional Councils (SCARC). Each district is referred to as a Council of Governments (COG). The purpose of the COGs is to provide a “uniform geographical framework within which the planning, programming, and delivery of services by state, federal, and local government might be undertaken with maximum efficiency and effectiveness.” Three separate COGs operate within the SLCUA counties: Central Midlands Council of Government (CMCOG), Pee Dee Regional Council of Government (PDCOG), and Santee-Lynches Regional Council of Government (SLCOG).

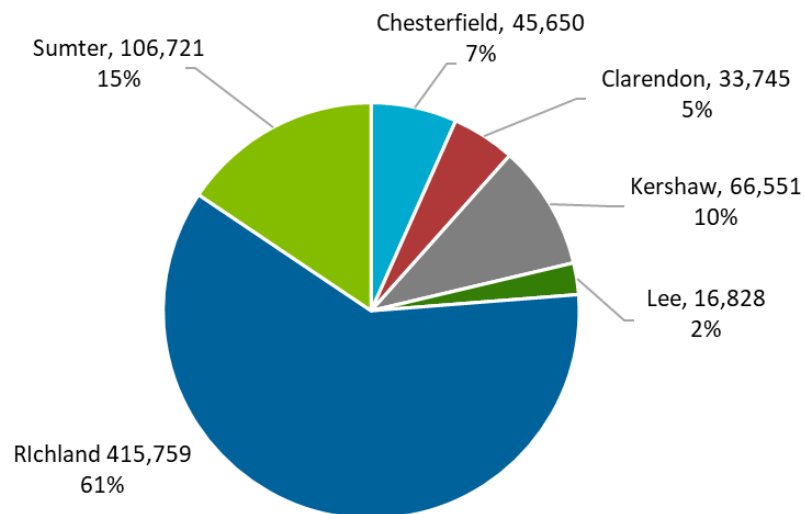


Figure 2: SLCUA Counties by Population

CMCOG governs one of the six counties in the SLCUA: Richland. CMCOG is currently governed by a Council-Administrator form of government that is made up of 51-members. CMCOG has incorporated 30 Municipalities and serves a total population of 775,296.

PDCOG governs one of the six counties in the SLCUA: Chesterfield. PDCOG is currently governed by a 27-member board appointed by County Councils in each of the six member counties PDCOG has incorporated 33 municipalities and serves a total population of 337,815.

SLCOG governs four of the six counties in the SLCUA: Clarendon, Lee, Kershaw, and Sumter. SLCOG is currently governed by a Council-Administrator form of government that is made up of 29 members. SLCOG has incorporated 12 municipalities and serves a total population of 223,845.

SC DHEC has permit authority for all groundwater withdrawals in the SLCUA that meet permitting requirements. Permits are issued after appropriate review in accordance with The Groundwater Use and Reporting Act, the Groundwater Use and Reporting Regulation, R.61-113, and the goals and management strategies developed in the GMP.

## Hydrogeologic Setting

The Coastal Plain of South Carolina is part of the larger Atlantic Coastal Plain hydrogeologic system containing water-bearing, permeable sand or carbonate rock aquifers alternating with low-permeability confining units, usually consisting of clay or silt.

## Aquifer Characteristics

The aquifers beneath the SLCUA are composed of sediments deposited during the late Cretaceous to Tertiary periods. From oldest to youngest, the Cretaceous units are the Gramling, Charleston, McQueen Branch, and Crouch Branch aquifers. The Tertiary unit is the Gordon, and Surficial aquifer is Quaternary in age (Figures 3-6). In the SLCUA, the confining units gradually thin and taper out to the northwest (geologically speaking, “up-dip”), causing the McQueen Branch and Crouch Branch aquifers to coalesce below Chesterfield County to form the Dublin-Midville Aquifer system. Below Richland and Kershaw Counties, the Crouch Branch Aquifer and surficial aquifer combine and ultimately pinch out at the Fall Line. As a result, the aquifers closest to the Fall Line are shallower, more interconnected, and show a greater degree of surface water interaction.

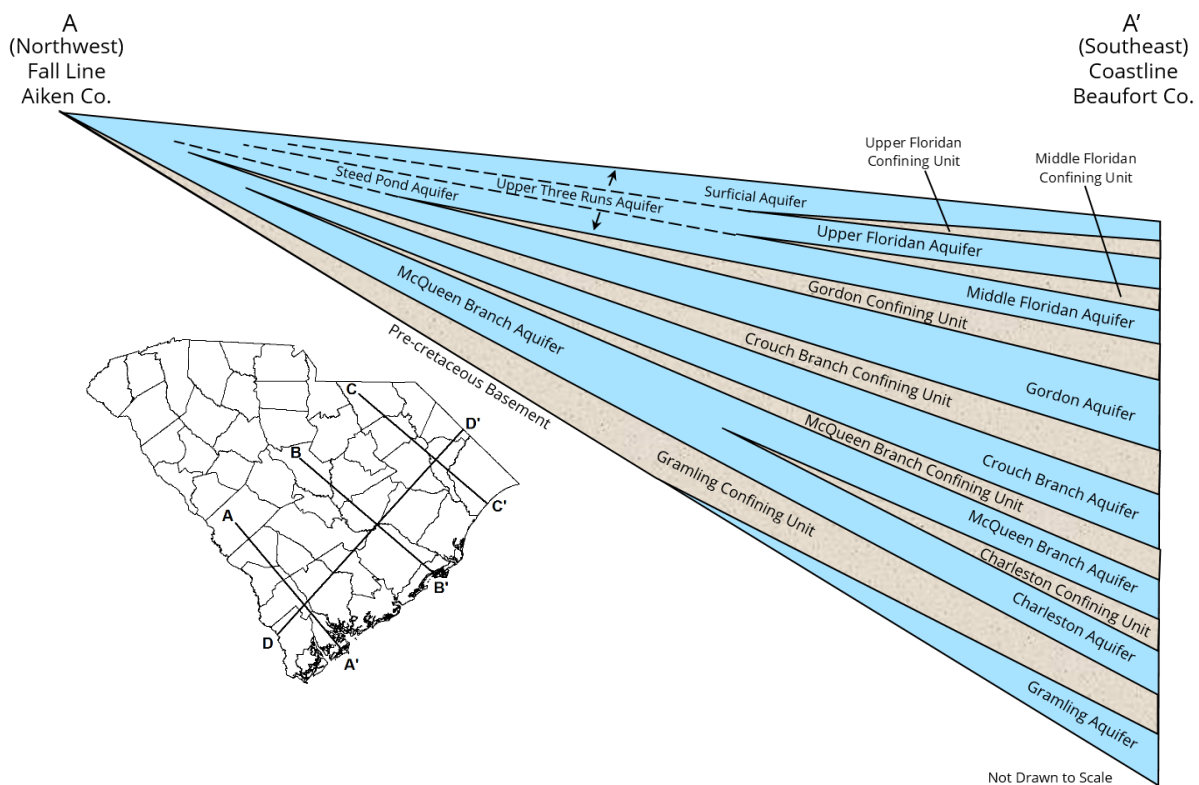


Figure 3: Generalized Cross Sections of South Carolina’s Hydrogeologic Framework A – A’. Inset map shows the general locations of the cross-sections in Figures 3 – 6.



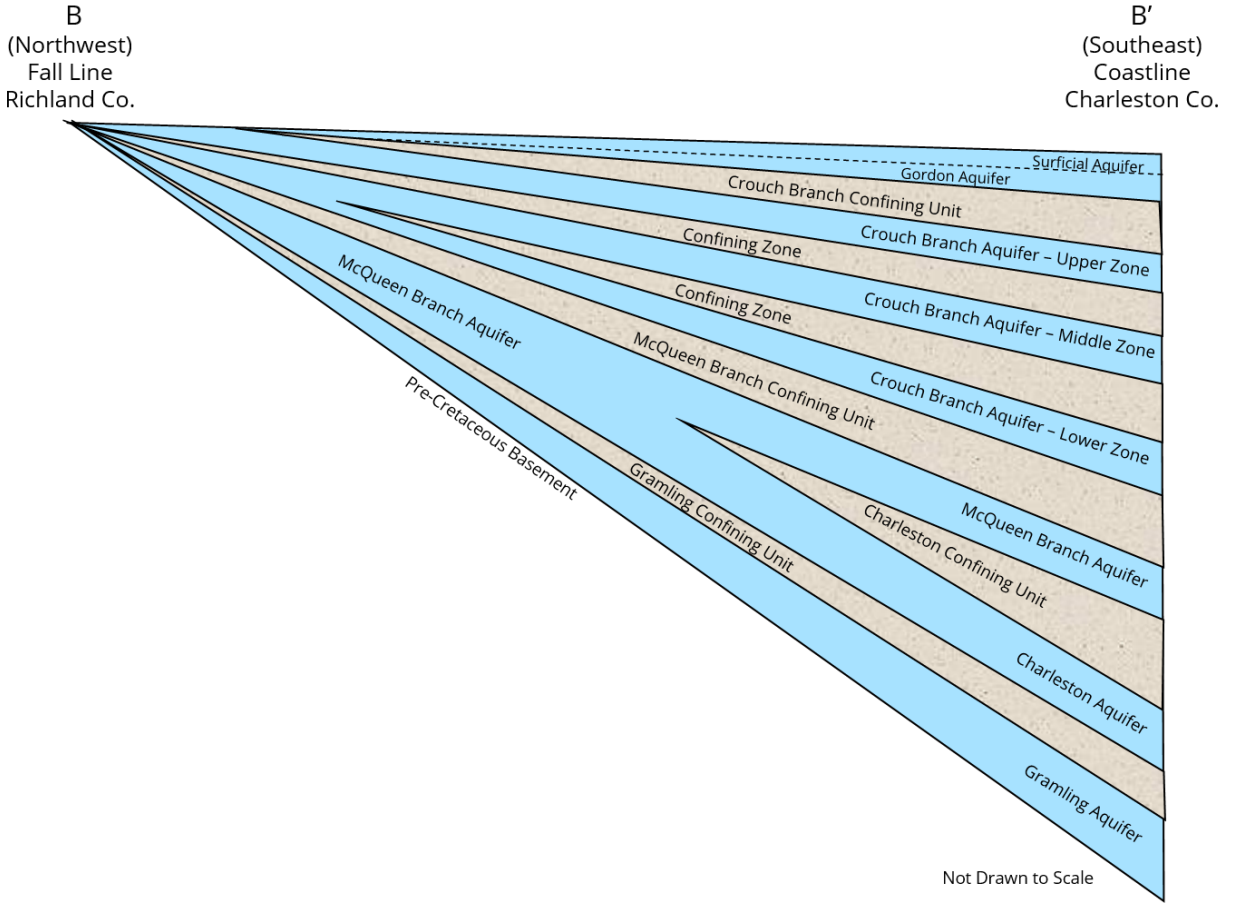


Figure 4: Generalized Cross Sections of South Carolina's Hydrogeologic Framework B – B' .

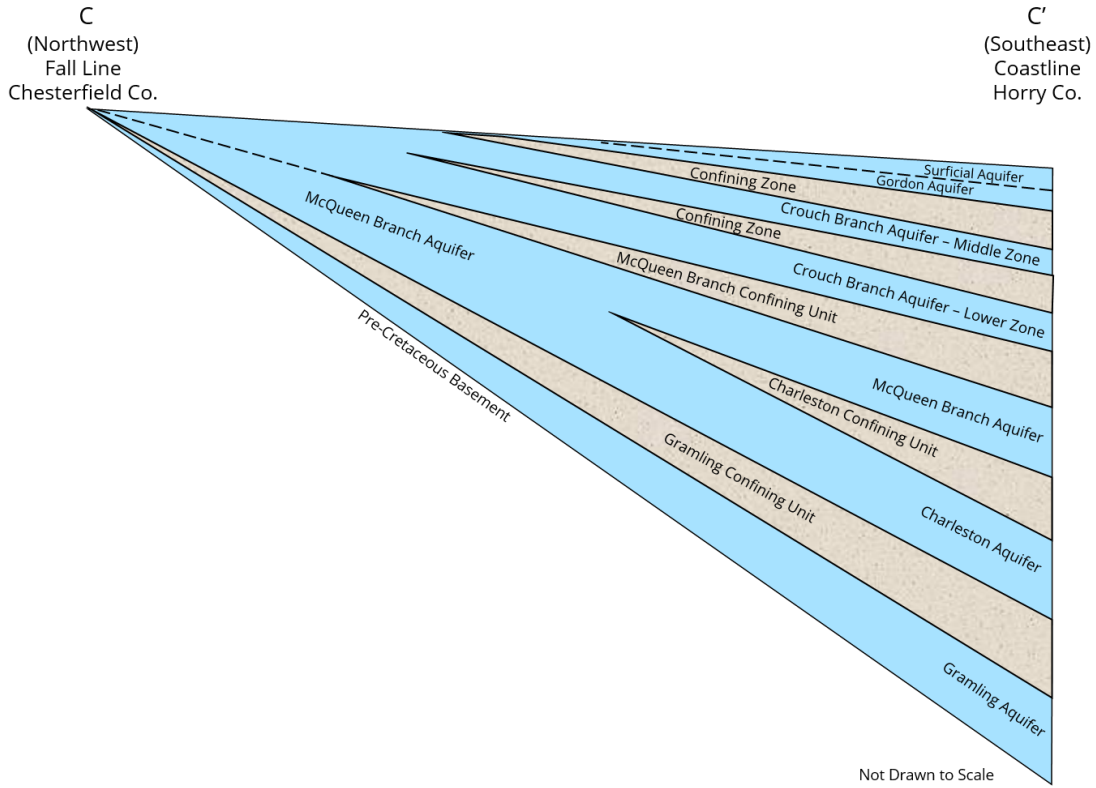


Figure 5: Generalized Cross Sections of South Carolina's Hydrogeologic Framework C – C'.

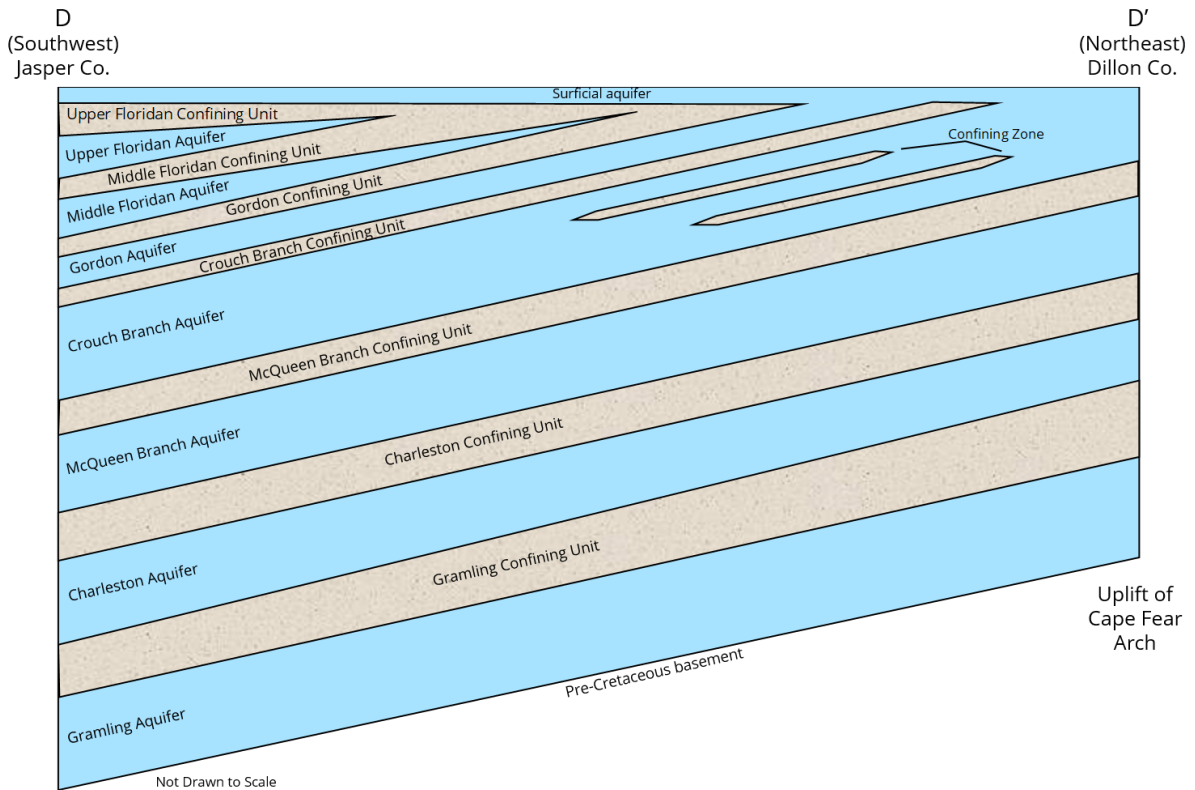


Figure 6: Generalized Cross Sections of South Carolina's Hydrogeologic Framework D – D'.

## Aquifer Recharge

The recharge areas for the state's major aquifers are generally within the Inner Coastal Plain, an exception being surficial aquifers, which are recharged locally (Figure 7). Aquifers extending all the way to the coast are dependent on precipitation infiltrating in the recharge areas in the northwestern Coastal Plain further "up-dip" to continuously replenish groundwater supply. Groundwater in the major aquifers is replenished primarily by infiltration in the Inner Coastal Plain that then permeates slowly towards the coast in the southeastern direction (geologically speaking, "down-dip"). Consequently, the rate at which groundwater is replenished in the aquifers is controlled by the rate at which groundwater travels from the recharge areas, closer to the Fall Line, to the coast. Typical groundwater flowrates for silts to well-sorted sands range from 0.003 to 300 feet per day. This means that once water becomes part of the groundwater system, it may take from a few years to tens of thousands of years to reach the deeper aquifers located along the coast.

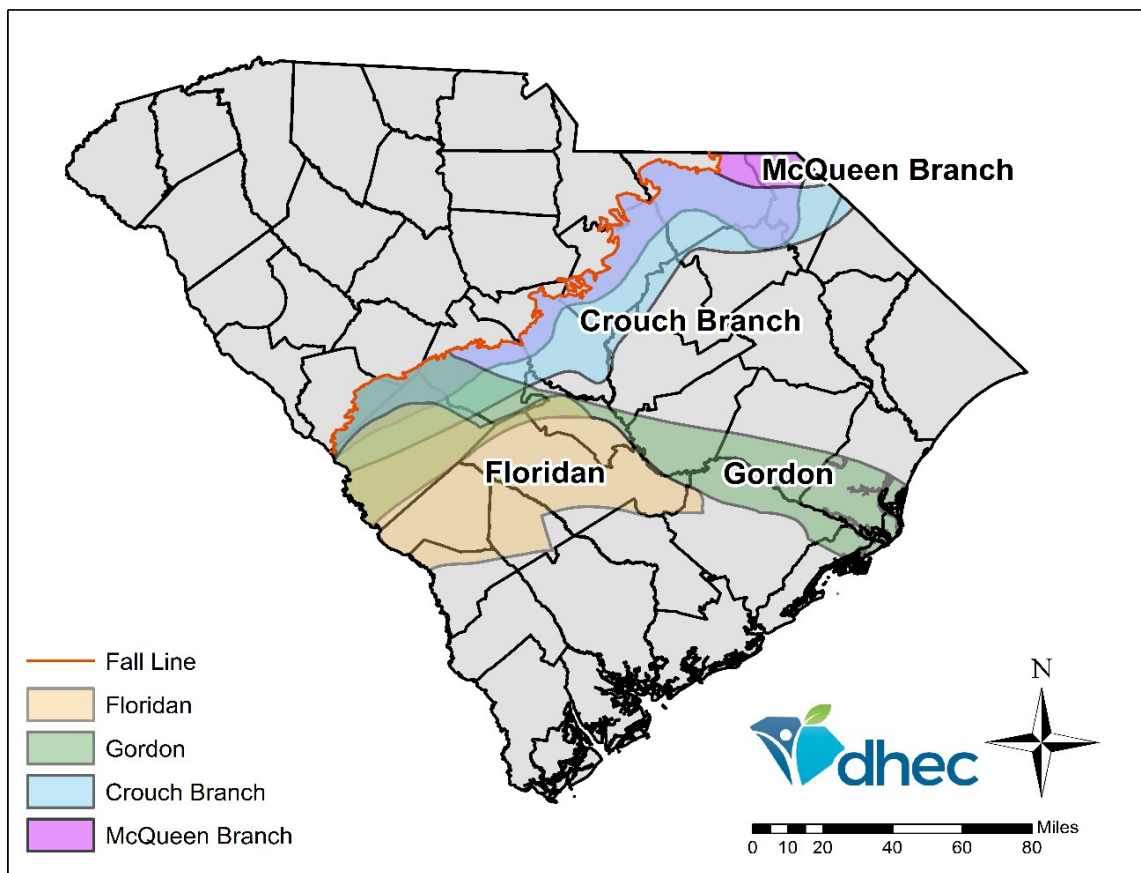


Figure 7: Major South Carolina Aquifer Recharge Area.

## Water Budget

A water budget is a generalized accounting of all water that flows in and out of a given system. A water budget can be described with the following figure:

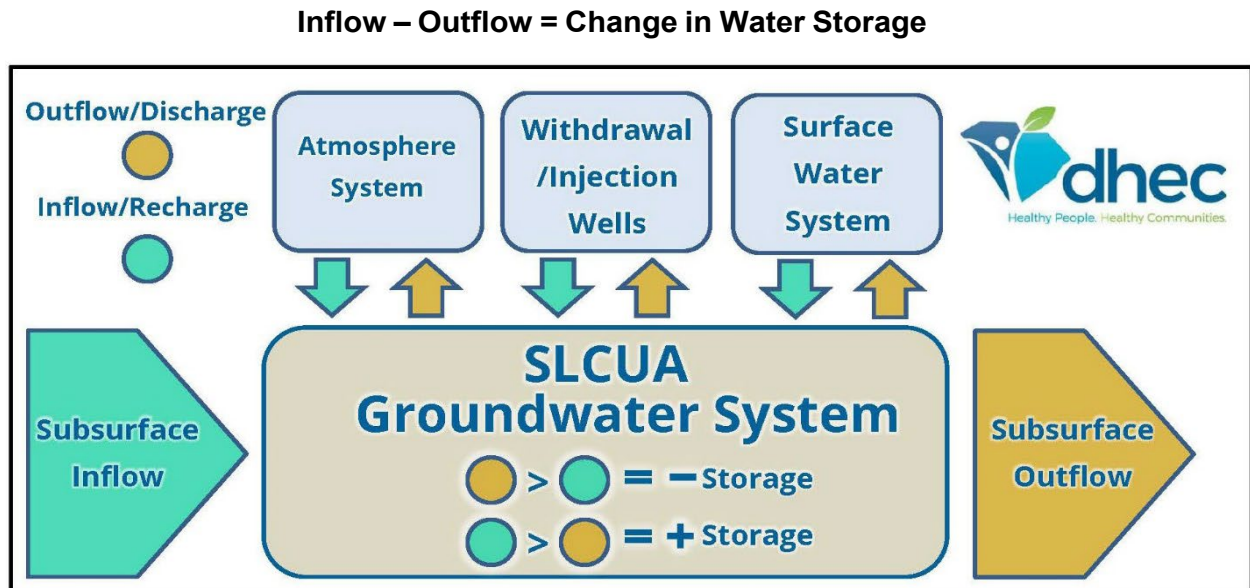


Figure 8: SLCUA Generalized Water Budget

When the sum of all outflow components is greater than the sum of all inflow, there is a decrease in storage within a groundwater system (Figure 8). Groundwater storage increases when the opposite is true: the sum of inflow is greater than the sum of outflow. Any change in the components of inflow and/or outflow affects the budget's equilibrium and the various fluxes in and out of the entire system.

In a typical year, South Carolina receives most of its water from precipitation, and the remainder is predominantly surface and subsurface inflow from neighboring states. A relatively small amount of the inflow is attributed to injection wells, which are used to abate adverse effects or provide back-up storage. Outflow from the state's water budget is almost entirely attributed to evapotranspiration and to surface water discharge into the ocean. A small amount of the outflow is aquifer discharge into the ocean, and an even smaller amount is due to water withdrawals.

South Carolina receives relatively large amounts of water. However, most water never infiltrates below the root zone into the deeper subsurface to function as groundwater storage. A significant portion of water is taken up by plants within the root zone or discharged into surface water systems before infiltrating deep enough to enter the groundwater system. Therefore, the amount of water that enters as groundwater storage is limited. Inflow into the groundwater system is also heavily dependent on when and where precipitation occurs. The portions of the state where water infiltrates into the aquifers are

known as recharge areas (Figure 7). Much of the SLCUA acts as a recharge area for confined aquifers that extend to the coast. Weather patterns vary from year to year, so the total volume of water that enters the system is not a static number. Precipitation during hot, summer months when evapotranspiration is at its highest, contributes significantly less to aquifer recharge than if that same amount of precipitation fell during cool, winter months when evapotranspiration is at its lowest.

Variations in inflow and outflow necessitate an adaptive management approach to using and conserving groundwater resources. A water budget is a valuable tool and provides relevant information regarding water resource availability and management; however, a statewide or CUA-wide water budget cannot be used and applied in determining individual permit decisions.

## Regional Description

The counties in the SLCUA are in the mid-northern part of the state with Chesterfield County bordering North Carolina and Clarendon County bordering Berkeley County to the south (Figure 1). The SLCUA comprises six counties that cover 4,104 mi<sup>2</sup> : Chesterfield, Clarendon, Kershaw, Lee, Richland, and Sumter. The largest of the counties, Chesterfield, covers approximately 805 mi<sup>2</sup> (19.6%), Clarendon covers approximately 698 mi<sup>2</sup> (16.9%), Kershaw covers approximately 740 mi<sup>2</sup> (18%), Lee covers approximately 411 mi<sup>2</sup> (10%), Richland covers approximately 771 mi<sup>2</sup> (18.8%), and Sumter covers approximately 682 mi<sup>2</sup> (16.6%). Roughly 159 mi<sup>2</sup> (3.8%) of the SLCUA is surface water coverage, and 65% of that area is major lakes. Lee County encompasses the least amount of surface water coverage with 0.82 mi<sup>2</sup> (0.5%) and Clarendon County encompasses the most amount of surface water coverage with 88 mi<sup>2</sup> (55%) of SLCUA's total surface water.

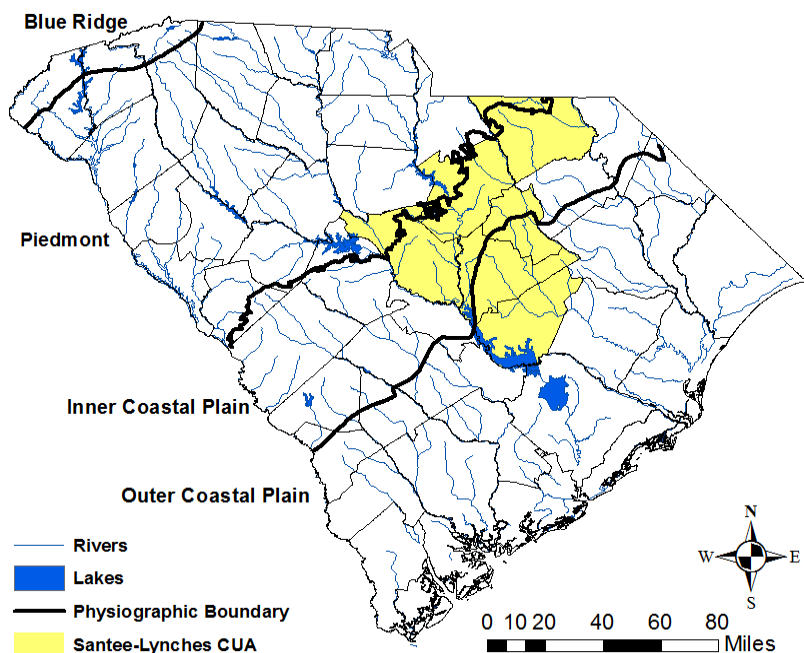


Figure 9: Physiographic Provinces of South Carolina and Major Water



The SLCUA extends 93 miles from north to south and 84 miles in west to east directions. The six SLCUA counties are diverse in physiography and hydrology resulting from their areal extent within the state. From the northernmost county of Chesterfield to the southernmost county of Clarendon, the SLCUA spans three of the four physiographic provinces (Figure 9). Chesterfield, Kershaw, and Richland Counties cross the Fall Line with portions in the Piedmont and Inner Coastal Plain. Lee and Sumter Counties are divided between the Inner and Outer Coastal Plains, and Clarendon County is entirely within the Outer Coastal Plain.

### Surface Water

The SLCUA is drained by five of the eight major river basins in the northeastern half of the state—the Broad, Catawba, Pee Dee, Saluda, and Santee Basins (Figure 10). Major rivers that pass through or define county boundaries are the Black, Broad, Congaree, Little Lynches, Little River, Lynches, Pee Dee, Saluda, Santee, and the Wateree Rivers. Major lakes in South Carolina are formed by dammed river systems, and the major lakes in the SLCUA include Lake Wateree, Lake Murray, Lake Robinson, and Lake Marion. Surface water bodies incise and interact heavily with aquifer systems within the region, especially closest to the Fall Line (Figure 11). In some cases, the incised valleys isolate water-bearing units from the greater regional aquifer(s) (Figure 11). The interconnectivity of surface and groundwater in the SLCUA is a defining regional characteristic, particularly within the Inner Coastal Plain.

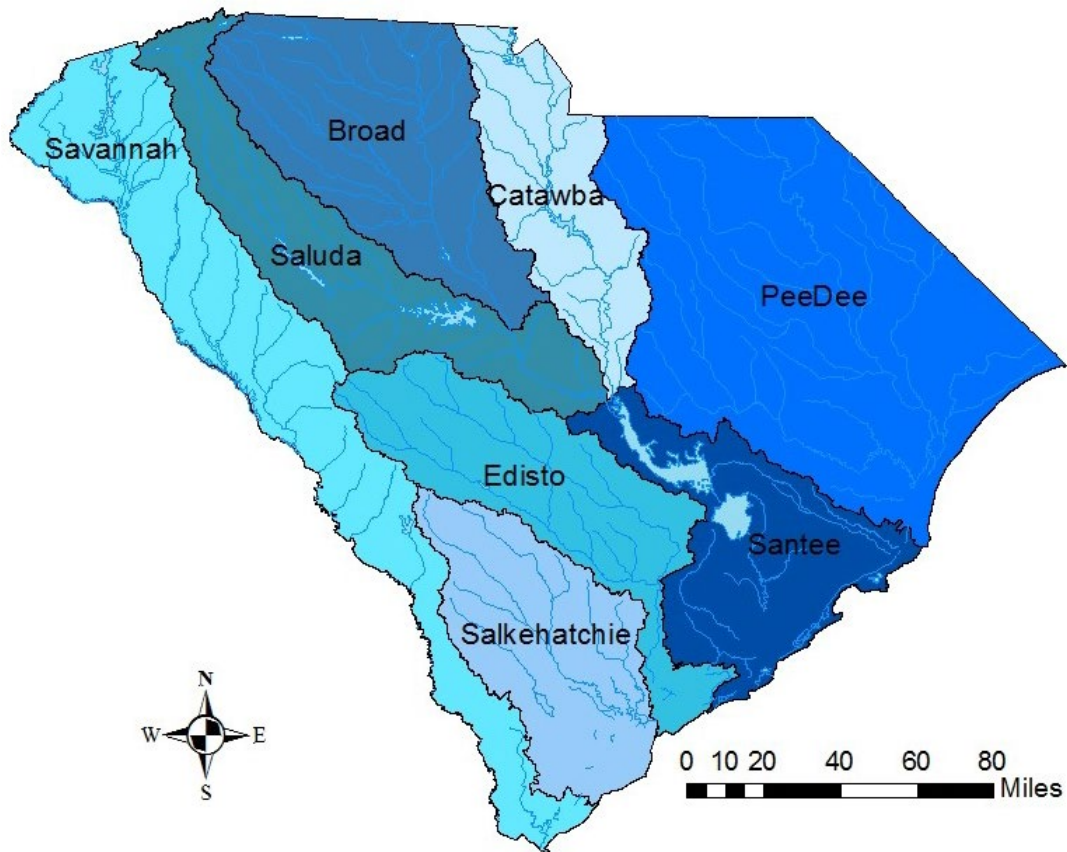


Figure 10: Major River Basins for South Carolina.

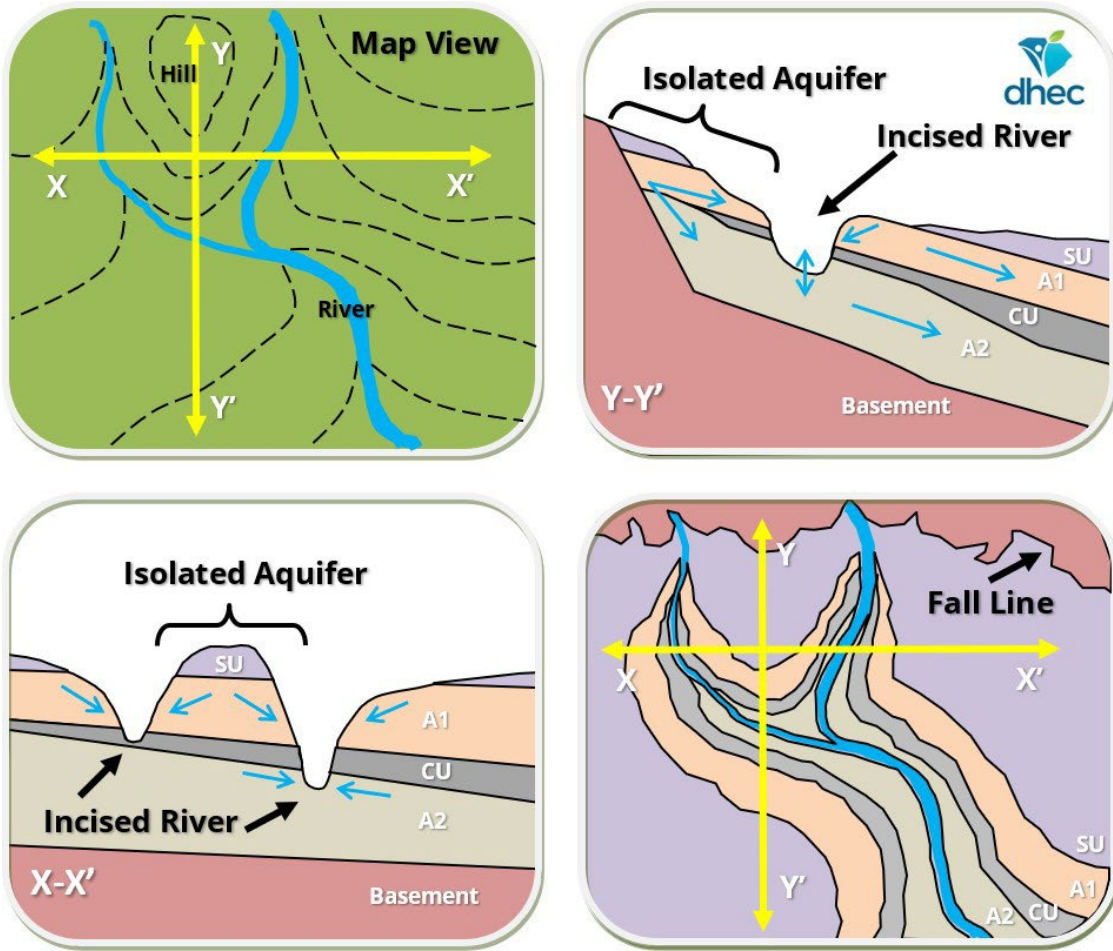


Figure 11: Isolated Aquifer Diagram (Top Left: Map View with Lines of Elevation; Top Right: Y-Y' Cross Section; Bottom Left: X-X' Cross Section; Bottom Right: Map View Showing Surface Exposure of Hydrogeologic Units) (SU=Surface Unit; A1=Aquifer 1; CU=Confining Unit)

## Topography and Geology

The topography varies across these counties from the low-relief Outer Coastal Plain through the gently rolling hills of the sandhills region (part of the upper coastal plain at the Fall Line; see the Physiography and Hydrology Section). The total elevation ranges from 25 to 720 feet above mean sea level (AMSL). Several hard rock outcrops expose underlying granitic and gneissic bedrock of the Piedmont along the Fall Line. Traveling seaward, the topography transitions from undulating hills incised by streams and valleys into low-relief plains with meandering rivers. The higher relief hills near the Fall Line are predominantly composed of micaceous and kaolinitic sands with clay lenses deposited from marine to marginal marine environments. The SLCUA is scattered with isolated wetlands known as Carolina bays, expansive floodplains, and cypress swamps.

## Climate

The SLCUA, much like the entire southeastern United States, is characterized as a subtropical climate. The SLCUA experiences warm, humid summers and mild winters. Proximity to the lower Appalachian Mountains and the Atlantic Ocean considerably affects the regional climate. The middle portion of the state is warmer and receives less rainfall than other areas of South Carolina. The SLCUA does not receive as much of the cooling effects associated with the higher altitudes of the upstate or from the ocean breezes of the coast. Furthermore, the area is too far inland to be significantly influenced by coastal storm cells and is too far from the mountains to be influenced by the temperate rainforest conditions of the lower Appalachians. On average, the SLCUA receives 46.62 inches of precipitation annually (Figure 12). The average annual temperature of the six-county area from 1991-2020 is 63.18°F with normal maximum and minimum average annual temperatures of 74.76°F and 51.63°F (Figure 12).



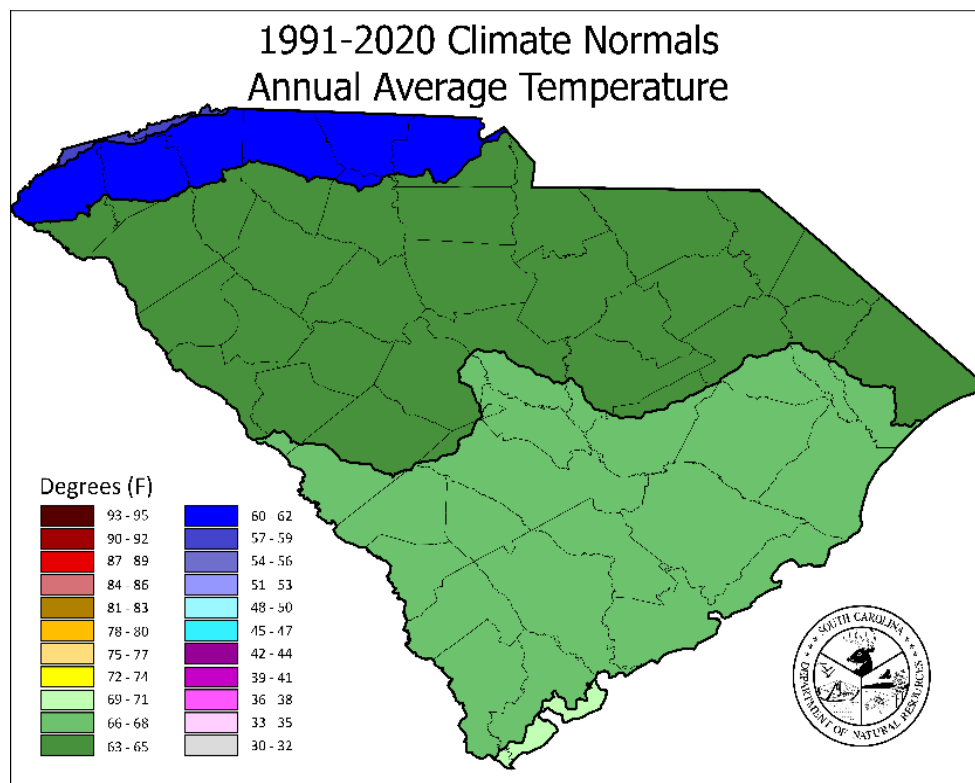
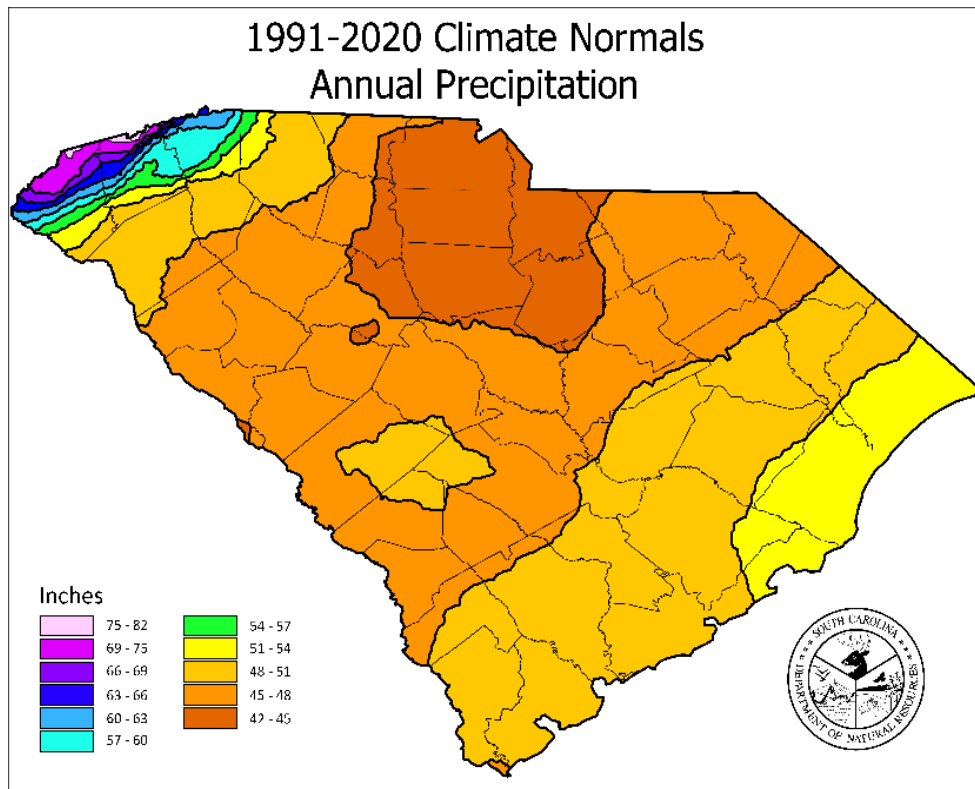


Figure 12: Climate Normals (1991-2020) (Top: Annual Average Precipitation, Bottom: Annual Average Temperature) Provided by SC DNR Climatology office at: [https://www.dnr.sc.gov/climate/sco/ClimateData/cli\\_sc\\_climate.php#temperature](https://www.dnr.sc.gov/climate/sco/ClimateData/cli_sc_climate.php#temperature)

Climate has direct effects on South Carolina's aquifers, and the magnitude of those effects varies based on depth, location, and interconnectivity of the aquifers with the surface. Deeper aquifers are separated from the land surface by other aquifers and confining units, making them less susceptible to variations in climate patterns. Monitoring data demonstrate that groundwater levels rise during wetter periods and fall during drier periods. Figures 13 and 14 illustrate the impact that climate variation can have on water levels. Lee-0075 is believed to have minimal impacts from nearby pumping and therefore, represents how the water levels in the Inner Coastal Plain respond to changes in recharge.

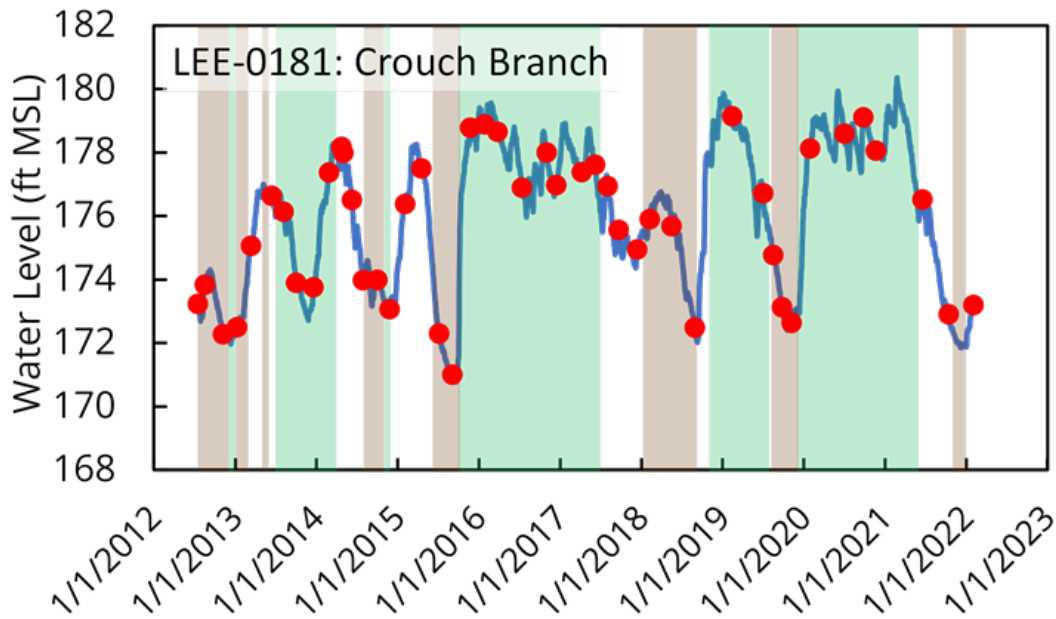


Figure 13: Climate Impact on Groundwater Levels (Brown is Drier and Green is Wetter) LEE-0181 Crouch Branch.

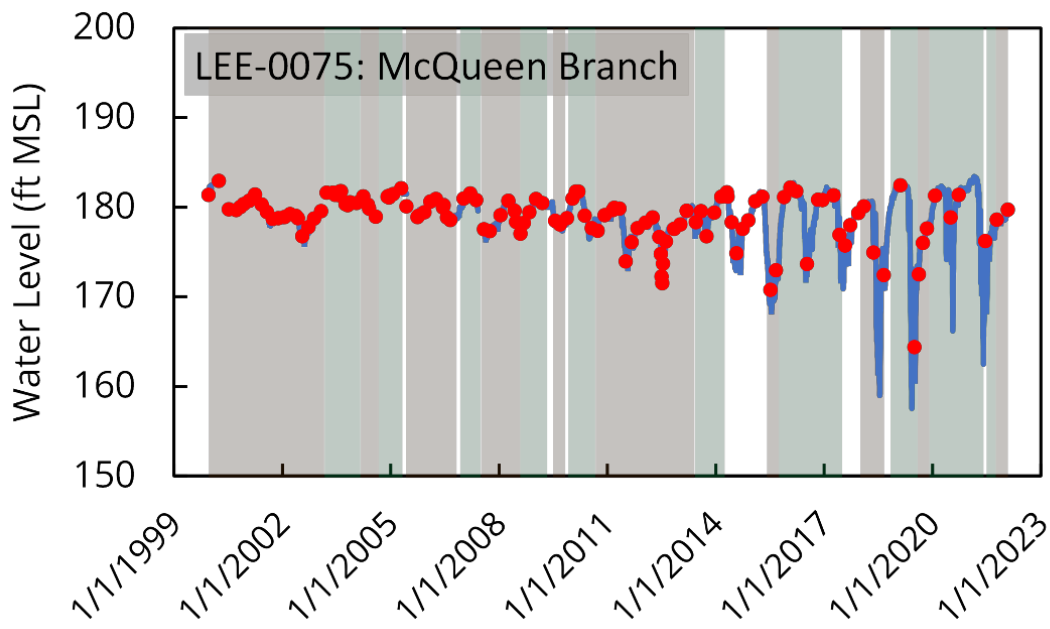


Figure 14: Climate Impact on Groundwater Levels (Brown is Drier and Green is Wetter) LEE-0075 McQueen Branch

## Land Cover

The SLCUA is a diverse portion of the state with intermediate regions of urban landcover, cultivated croplands, and mixed deciduous and evergreen forest. Most urban coverage is concentrated in eastern Richland County, central Sumter County, and lower Kershaw County running northeast through Elgin, Lugoff, and Camden. Cultivated cropland covers a significant portion of Lee, Sumter, and Clarendon Counties (Figure 15).

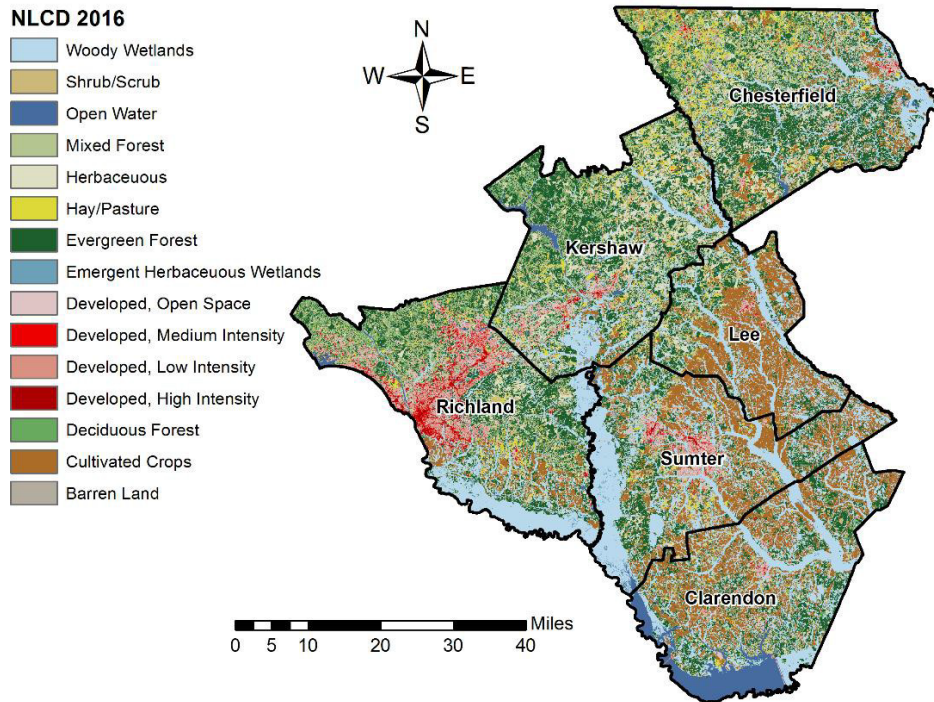


Figure 15: Land Cover from the National Land Cover Database from 2016. Multi-Resolution Land Characteristics Consortium; <https://mrlc.gov>; accessed February 28, 2020.

Per the latest USDA Census of Agriculture (2017), about one-third (761,771 acres) of the land cover within the SLCUA is used for farmland operations (Figure 16). Overall, there was a 12% increase in reported farmland operational use since 2002; however, the growth varied across the region. While Clarendon, Kershaw, Lee, and Sumter Counties reported increases, Chesterfield and Richland Counties reported declines (Figure 16).

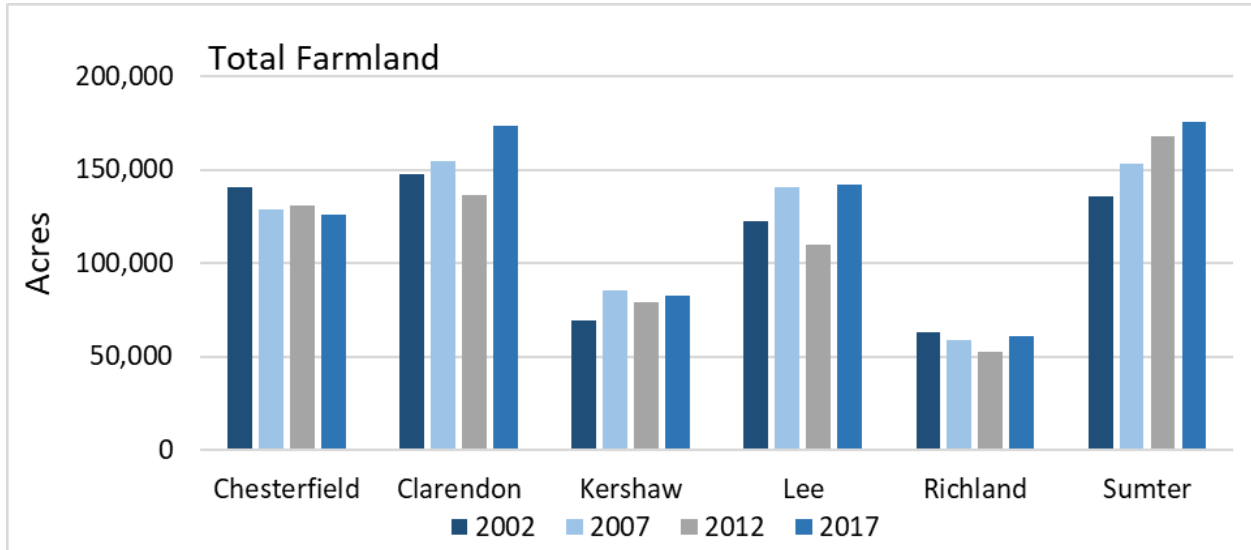


Figure 16: Total Farmland Acreage by SLCUA County (USDA, 2002-2017)

During the period of 2002 to 2017, agricultural harvested cropland acreage reported to the USDA increased by 24.6%. All six counties reported increases in harvested cropland. Total reported harvested cropland acreage in 2017 was 309,186 acres (Figure 17).

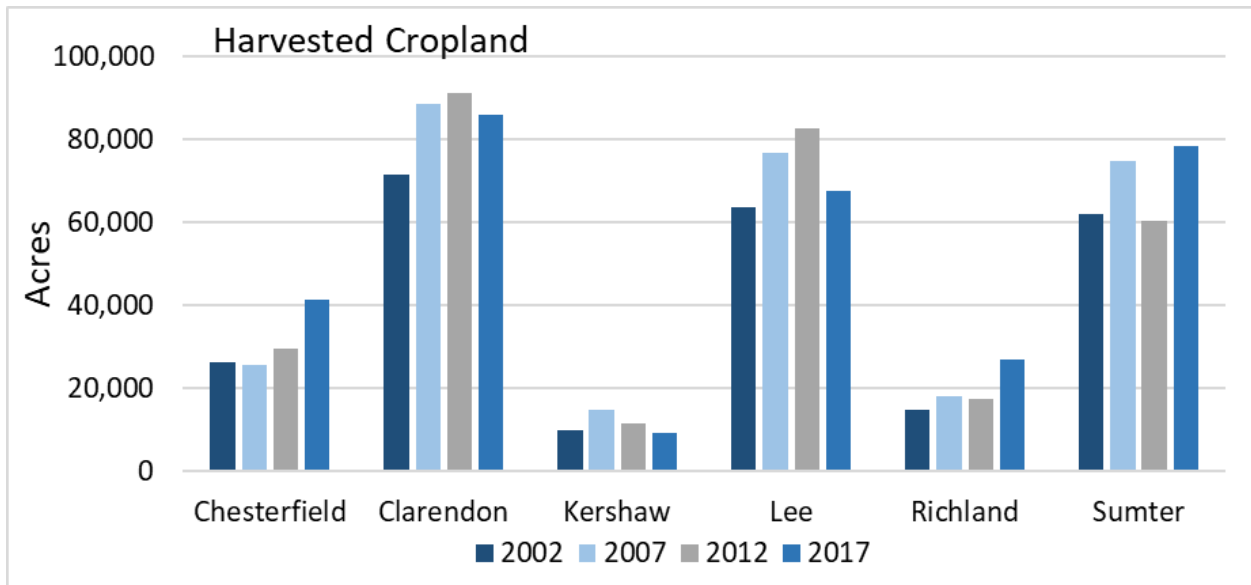


Figure 17: Harvested Cropland Acreage by SLCUA County (USDA, 2002-2017)

Irrigated acreage within the SLCUA, as reported to the USDA, increased 328.7% during the period 2002 to 2017. Five of the six counties reported increases in irrigated acreage, the exception being Kershaw which reported decreases since 2012. Total reported irrigated acreage in 2017 was 47,167 acres (Figure 18).

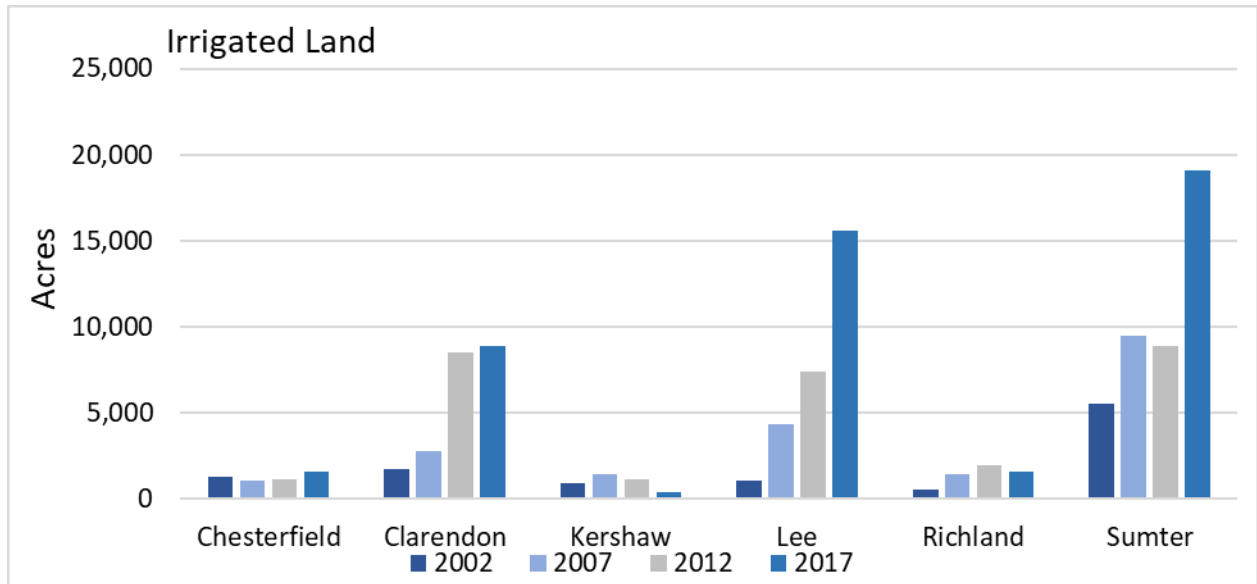


Figure 18: Irrigated Acreage by SLCUA County (USDA, 2002-2017)

## Groundwater Trends

A detailed review of groundwater trends in the six SLCUA counties may be found in the initial assessment. Seasonal water level declines associated with increased water use during the summer months are apparent in many of the water-level records. Long term declines shown in the monitoring network and the potentiometric maps suggest that groundwater withdrawal rates from the Crouch Branch and McQueen Branch aquifers exceed the rate at which they recharge. A map of the SC DNR Groundwater Monitoring Network wells along with the most current water level records for selected wells within the SLCUA may be found in Appendix A.

SC DNR has prepared potentiometric surface maps of the Coastal Plain aquifers of South Carolina since the 1980s. Appendix B contains a subset of these maps in the SLCUA for the major aquifers. Data is represented as pre-development compared to the most recent potentiometric surface measured in each aquifer. Groundwater flow within both major aquifers is generally to the southeast. There have been no major cones of depression apparent in the six counties.

## Current Groundwater Demand

There are currently 530 wells registered in the SLCUA (Table 2). Within the ten (10) water use categories, Irrigation has the greatest number of wells with 298, and among the six (6) counties, Sumter County has the greatest number with 157 wells.

Water Use Category	Chesterfield	Clarendon	Kershaw	Lee	Richland	Sumter	Totals
Aquaculture (AQ)	0	1	0	0	1	0	2
Golf Course (GC)	0	3	1	0	18	4	26
Industry (IN)	1	0	41	0	3	17	62
Irrigation (IR)	17	69	8	100	17	87	298
Mining (MI)	0	0	0	0	0	0	0
Other (OT)	0	0	0	0	0	0	0
Power Thermo (PT)	0	0	0	0	0	0	0
Power Hydro (PH)	0	0	0	0	0	0	0
Power Nuclear (PN)	0	0	0	0	0	0	0
Water Supply (WS)	18	26	32	7	10	49	142
<b>Totals</b>	<b>36</b>	<b>99</b>	<b>82</b>	<b>107</b>	<b>49</b>	<b>157</b>	<b>530</b>

Table 2: SLCUA: Current Number of Registered Wells by Type Use Category and County, 2020

Water Use Category MG	Chesterfield	Clarendon	Kershaw	Lee	Richland	Sumter	Totals (Percent)
Aquaculture	0	0	0	0	17	0	17 (0.1%)
Golf Course	0	9	2	0	40	35	86 (0.5%)
Industry	1	0	653	0	733	156	1,544 (9.6%)
Irrigation	242	1099	109	1520	284	1973	5,228 (32.6%)
Mining	0	0	0	0	0	0	0 (0.0%)
Other	0	0	0	0	0	0	0 (0.0%)
Power Thermo	0	0	0	0	0	0	0 (0.0%)
Power Hydro	0	0	0	0	0	0	0 (0.0%)
Power Nuclear	0	0	0	0	0	0	0 (0.0%)
Water Supply	1,105	692	787	572	484	5,542	9,182 (57.2%)
Totals (Percent)	1,348 (8.4%)	1,800 (11.2%)	1,552 (9.7%)	2,092 (13.0%)	1,558 (9.7%)	7,706 (48.0%)	16,056 (100%)

Table 3: SLCUA: Reported Water Use by Type Use Category and County, 2020

Water use reported for 2020 totaled 16,056 million gallons (MG) (Table 3). Sumter County reported the highest total water use comprising 48%, and Chesterfield County reported the least at 8.4%. The majority of reported water use was for water supply (57.2%), followed by irrigation (32.6%), industry (9.6%), golf course (0.5%), and aquaculture (0.1%). Monthly reported water use for 2020 shows the seasonality is inherent in irrigation, which increases during the spring months and peaks between May and August (Figure 19). Monthly reported water use for aquaculture, golf course, industry, and water supply remained comparatively constant during 2020.

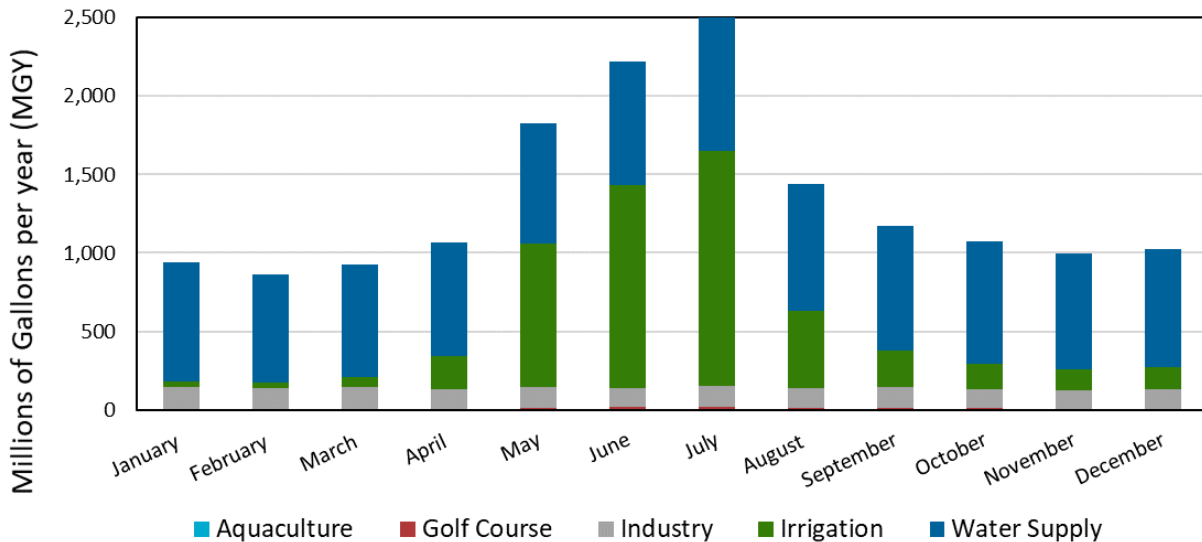


Figure 19: SLCUA: Reported Monthly Water Use by Category, 2020

### Historic Water Demand

Water use reported between 2001 and 2020 by county and by use category are presented in Figures 20 and 21. Total reported water use remained relatively stable from 2001 through 2013. Beginning in 2013, reported water use began to increase, reaching a maximum of 19,116 MG in 2019. The majority of the increase was within the irrigation use category (Figure 21), as all other use categories remained relatively constant. In 2019, for the first-time irrigation water use surpassed water supply demand. In 2020 all type uses except for water supply had a decrease due to a high precipitation season.

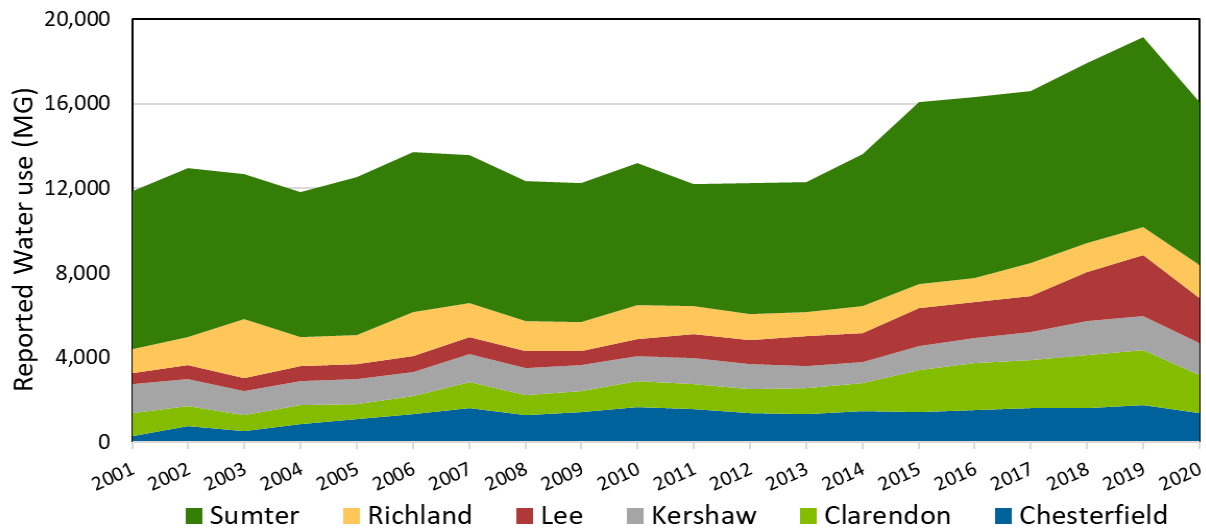


Figure 20: SLCUA: Reported Annual Water Use by County, 2001-2020

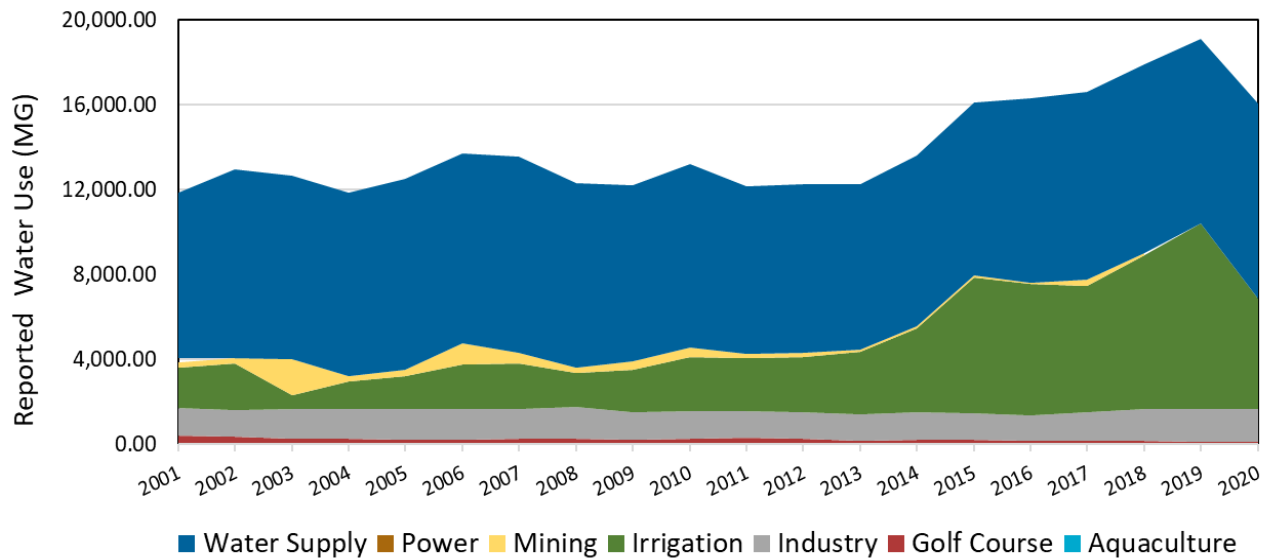


Figure 21: SLCUA: Reported Annual Water Use by Category, 2001-2020

During the same period, the total population in the SLCUA increased from 573,486 in 2000 to 685,254 in 2019 (Figure 22). This population change was the result of a large population increases in Richland County. Chesterfield, Clarendon, Kershaw, and Sumter experienced small increases in population while Lee County experienced a decline in population. Comparing the SLCUA counties' historic reported water use (Figure 20) with changes in population (Figure 22) suggests that the increase in reported water use cannot be explained by population changes alone.



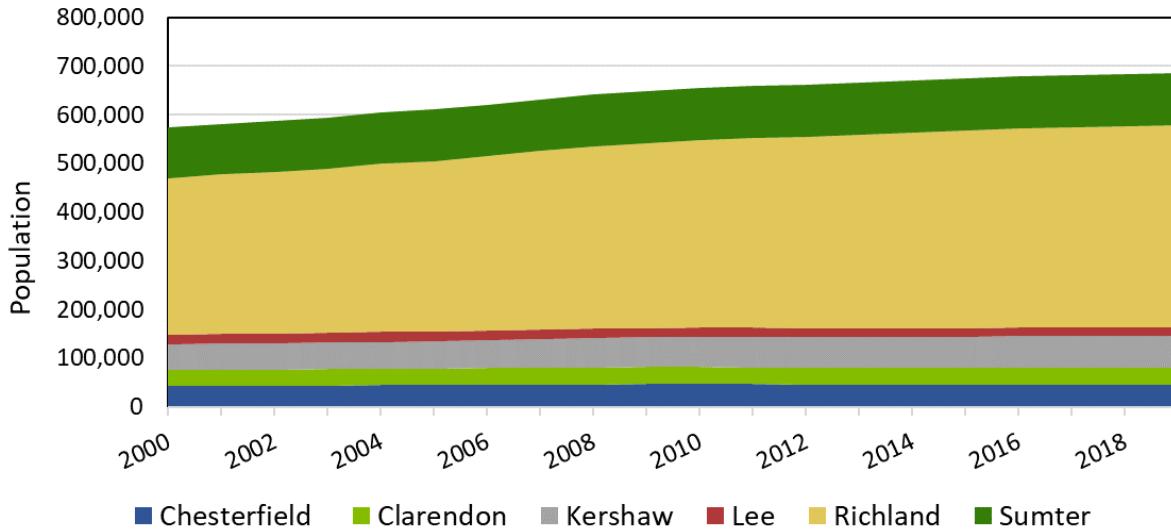


Figure 22: SLCUA: Population by County, 2001-2019 (US Census Bureau)

### Santee-Lynches Area Irrigation

The observed increase in reported groundwater used for irrigation (Figure 21) may be the result of several factors including but not limited to: climate variations, greater number of irrigated acres (Figure 18) reported by the USDA, increases in water withdrawal per well, and number of irrigation wells in the SLCUA (Figures 23 and 24). From 2001 to 2020, both the number of reporting irrigation wells and reported water use increased at a similar rate (Figure 23). Rates of water use per well did not, however, follow the same pattern. In Figure 24, water use per well has decreased since its highest rate in 2001. This rate has fluctuated from year to year, but since 2015 water use per well has decreased, and the overall decrease from 2001 is likely due to improved farming techniques and more efficient irrigation methods and systems.

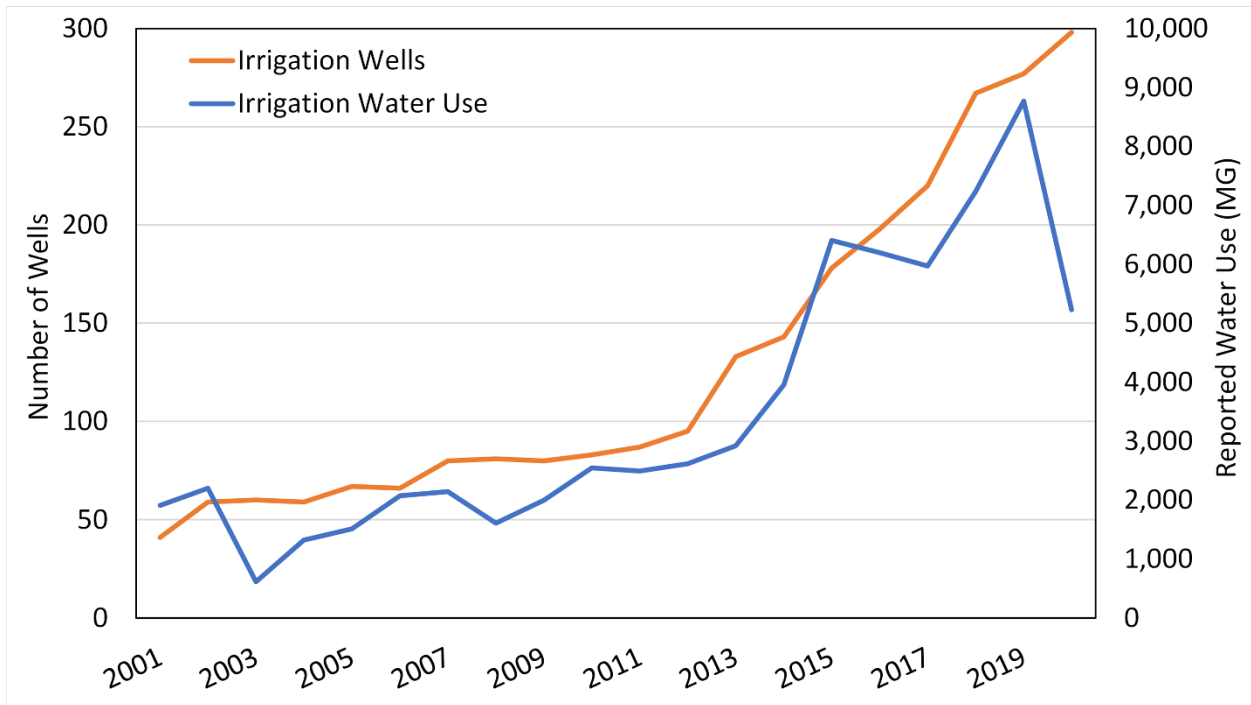


Figure 23: Number of Reporting Irrigation Wells and Reported Water Use for Irrigation from 2001-2020 for all SLCUA Counties

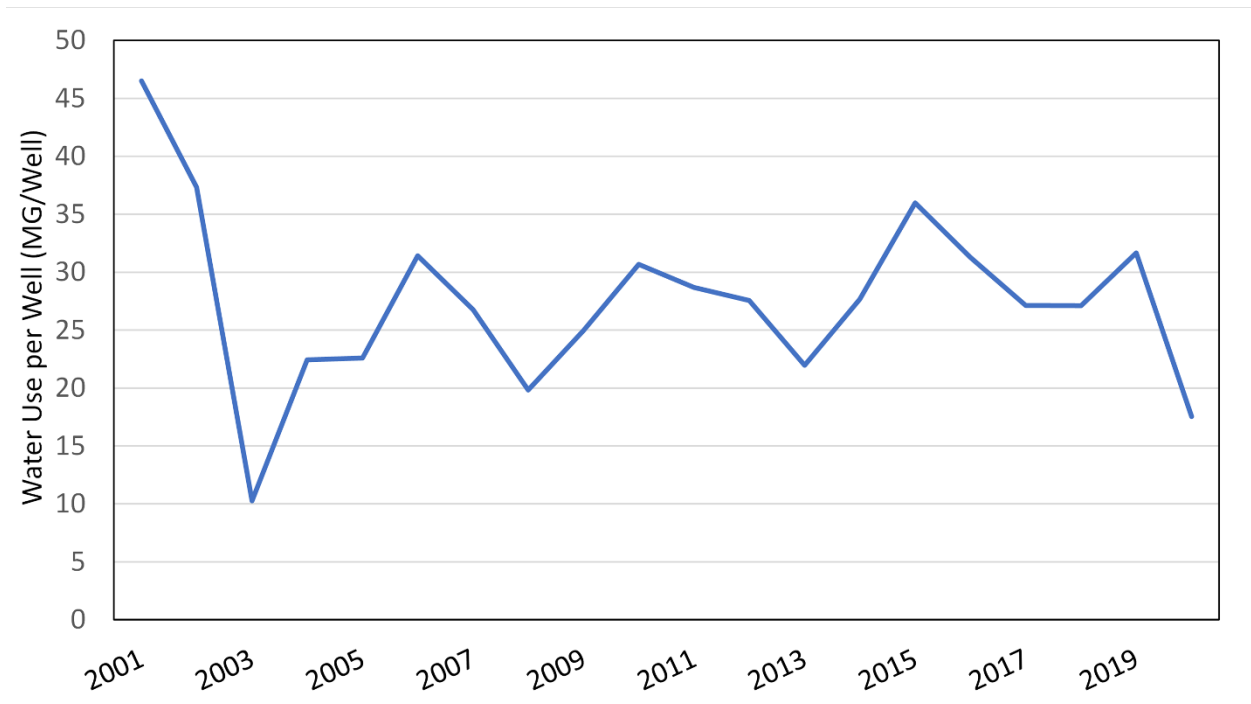


Figure 24: Reported Water Use Per Irrigation Well Reporting from 2001-2020 for all SLCUA Counties Calculated as Total Reported Water Use /Number of Reporting Wells

## Groundwater Management Strategy

The GMP outlines a process to establish and implement a local groundwater management program in the SLCUA; the enabling legislation requires that the groundwater resources of the State be put to beneficial use to the fullest extent to which they are capable, subject to reasonable regulation, in order to conserve and protect these resources, prevent waste, and to provide and maintain conditions which are conducive to the development and use of water resources (Chapter 5, Section 49-5-20). In short, the goal is to develop and implement a sustainable use, adaptive-management strategy. Ultimately, SC DHEC will use all available scientific data that allow for informed permitting decisions and monitoring for potential adverse effects. The key strategies to achieve these goals are outlined below.

### Strategy #1: Establish a Comprehensive Groundwater Monitoring Program

With increases in population and irrigated acreage, water demand (from both surface and groundwater) continues to grow steadily. Although water level declines are a normal response to groundwater withdrawals, not stabilizing these declines may cause serious impairment to the aquifers and groundwater quality of the region. SC DHEC will pursue partnerships with local entities, groundwater users, and other agencies (both Federal and State) to facilitate the most effective use of resources in designing and maintaining a monitoring network for the SLCUA. SC DNR, USGS, and private entities maintain several groundwater level monitoring locations in the SLCUA.

Although the SLCUA has 30 groundwater monitoring wells maintained by SC DNR, expanding the current network will allow more accurate monitoring of groundwater level conditions and facilitate science-based recommendations for strategies to address any stressed aquifer conditions in the area (see Appendix A). An expanded groundwater monitoring network is necessary to:

- Provide accurate data on the amount and rate of groundwater level changes;
- Provide groundwater withdrawers with timely and accurate information to effectively manage withdrawal activities;
- Establish the correlation between groundwater pumping and water level changes, both on the local and regional scale;
- Assess how climate variations impact groundwater levels; and
- Guide management efforts to minimize potential impairment of the aquifers and track progress in reversing water level declines.

A goal for the comprehensive groundwater monitoring network should be a complete coverage and network of wells for each aquifer in each of the SLCUA counties. Installation of wells in Kershaw County is especially critical, as this county has the fewest number of monitoring stations. Additional monitoring stations should also be installed at locations where heavy pumping is taking place. Additional actions to achieve this goal include the following:

- Cooperate with local, state, and federal partners to expand groundwater monitoring networks and sharing of well data;
- Promote partnerships in the state to identify wells that may be incorporated and of benefit to the well network; and
- Identify wells scheduled for abandonment that may be incorporated and of benefit to the well network.

### **Strategy #2: Identify Geographic Areas of Concern and Level/Reduce Pumping Where Appropriate**

Prior to each permit renewal cycle, SC DHEC will consider the best available information on the geologic and hydrogeologic characteristics of the aquifer(s) and groundwater withdrawals of the area to protect against or abate unreasonable, or potentially unreasonable, adverse effects on the aquifer(s) and water users of the SLCUA. Measures that SC DHEC may require applicants, permit holders, and groundwater withdrawers to take may include, but not be limited to, the following:

- Utilize other available freshwater aquifers than those currently used;
- Utilize conjunctive use of aquifers, or waters of less desirable quality, where water quality of a specific character is not essential;
- Utilize conjunctive use of surface water when available;
- Utilize the groundwater model of the coastal plain aquifers that has been developed by the USGS and SC DNR to determine the potential for adverse effects;
- Prohibit the hydraulic connection of aquifers that could result in deterioration of water quality in freshwater aquifers;
- Implement abandonment of wells, which will be filled with cement grout, plugged, and sealed;
- Implement abandonment of wells that have penetrated zones of undesirable water quality where such wells are found to cause contamination of freshwater aquifers where undesirable water quality is defined as not meeting the standards for Class GB Waters as listed in *Water Classifications & Standards*, R.61-68.H.9;
- Implement construction and use of observation or monitoring wells;
- Implement reasonable and practical methods to conserve and protect the water resources and to avoid or minimize adverse effects of the quantity and quality of water available to persons whose water supply has been materially reduced or impaired as a result of groundwater withdrawals;
- Implement such other necessary and appropriate control or abatement techniques are technically feasible;
- Reduce/Level groundwater withdrawals in areas of concentrated pumping; and
- Reduce/Level groundwater withdrawals in areas where it is found to be in the public interest or general welfare, or to protect the water resource.

### **Strategy #3: Review Permit Applications Based on Demonstrated Reasonable Use**

Proposed withdrawals will be evaluated considering reasonable use and need, aquifer(s) being utilized, potential adverse effects on adjacent groundwater withdrawers, previous reported water use, anticipated demand for the proposed activities, availability of alternate water sources, and reported water use at facilities with similar activities. Applications for groundwater withdrawal will incorporate a “Water Use Plan” or a “Best Management Strategy” detailing actual or proposed water use activities and all conservation techniques for site specific water management including, but not limited, to:

- Provide appropriate documentation that the proposed water use is a beneficial use of the resource and necessary to meet the reasonable needs of the applicant;
- Describe in detail the applications for which the water is being withdrawn and approximate quantities utilized in each application;
- Identify the aquifer(s) currently utilized and the hydrogeologic (groundwater quality, specific capacity/yield, etc.) factors for utilization, and if a less utilized aquifer is suitable to meet the facility’s need;
- Identify additional or alternate sources of water, including surface water, effluent, or recycled water, among others, suitable to meet the needs of the applicant and supplement, minimize, or eliminate groundwater sources;
- Identify reasonable and appropriate conservation methods or practices that maximize efficiency of current water use and reduce current water demand; and
- Identify any existing or anticipated adverse effects on other groundwater withdrawers, including public use, and strategies to eliminate or minimize these effects.

### **Strategy #4: Establish an Educational Plan for the General Public and Existing Groundwater Withdrawers**

General public, stakeholder, and permittee education outreach and awareness are a cornerstone to the development of successful water management strategies. SC DHEC will coordinate with the Stakeholder Workgroup and other appropriate partners to develop educational resources, strategies, and incentives for conservation. An effective water management educational plan should incorporate the following:

- Provide audience-based public education and outreach programs;
- Provide best available information on current systematic and industry-based standards;
- Engage with state and local governments;
- Establish and promote conservation measures through:
  1. Enhanced water use efficiency;
  2. Identification of water losses and establishment of corrective actions; and
  3. Preparation for water shortages and implementation of appropriate responses.

### **Strategy #5: Manage Through Regulation, Assessment, and Planning**

The Groundwater Use and Reporting Act (R. 61-113) provides for regulation of water withdrawals in South Carolina. Groundwater regulation is necessary to conserve and protect these resources, prevent waste, and provide and maintain conditions which are conducive to the development and use of water resources. As data are developed on the groundwater resources of the designated Capacity Use Areas, the regulations will be reviewed to ensure adequate adherence to the legislative declaration of policy laid out in Title 49, Chapter 5-20. SC DHEC will try to provide clarification on the following that pertain to regulations:

- Providing information on other permitting departments such as agriculture, private wells, and drinking water;
- Providing information on exemptions, emergency withdrawals, and withdrawals exceeding permitted volumes;
- Showing users that there is no priority on groundwater withdrawal regulations based on type use or demand.

SC DNR is responsible for developing and updating the State Water Plan. A groundwater model of the Coastal Plain aquifers has been developed by the USGS and SC DNR. As ongoing results of the modeling effort and the updates to the State Water Plan become available, they will help inform potential regulatory and policy changes and will be incorporated into this GMP.

### **Strategy #6: Establish a Plan for Continual Stakeholder Engagement and Awareness of Groundwater Development**

As part of the permitting process, stakeholder involvement, comment, and recommendations will be incorporated during the public comment period of the permit application. SC DHEC requires groundwater withdrawers to publish a public notice for one day in a newspaper of general circulation within the CUA in which the groundwater is to be withdrawn. SC DHEC additionally publishes public notices for the entirety of the 30-day public comment period on the Environmental Public Notices page of the official SC DHEC website. Continuous engagement with stakeholders and other interested persons is important to promote awareness of groundwater development and general education. An effective plan for continued engagement should incorporate the following:

- Maintain a Stakeholder Workgroup that is diverse in geographic and type-use representation to serve in an advisory role and as a partner for engagement within the SLCUA communities;
- Provide a Stakeholder Workgroup a forum for SC DHEC to present each quinquennial draft GMP Report, receive comments for consideration as the draft is finalized, and evaluate whether considerations are needed for an updated GMP and a reconvening of the Stakeholder Workgroup to do such; and
- Provide a Stakeholder Workgroup an annual update of permits, water use and conditions in the SLCUA.

## Groundwater Management Plan Reports

Every five (5) years, total annual groundwater withdrawals will be compiled and compared to available aquifer potentiometric maps provided by SC DNR. The report will include the following information:

- Listing of all permitted withdrawers, permitted withdrawal limits, and average groundwater withdrawal;
- Evaluation of withdrawals by category and by aquifer; and
- Identification of the aquifer(s) and area(s) with observed and potential adverse effects and all withdrawers utilizing the aquifer(s).

Based on the information developed for the plan report, modifications of groundwater withdrawals in identified areas of concern will be reviewed, and subsequently the GMP may be amended. The report will also evaluate, as information is developed, estimated future groundwater declines from the projected withdrawal rates (developed by SC DNR). The final report and updated GMP will be shared with the stakeholders and the permit renewals will be issued consistent with the report and the plan.

## Appendix A

Select South Carolina Department of Natural Resources  
Groundwater Monitoring Network Hydrographs across the  
Santee-Lynches Capacity Use Area Counties



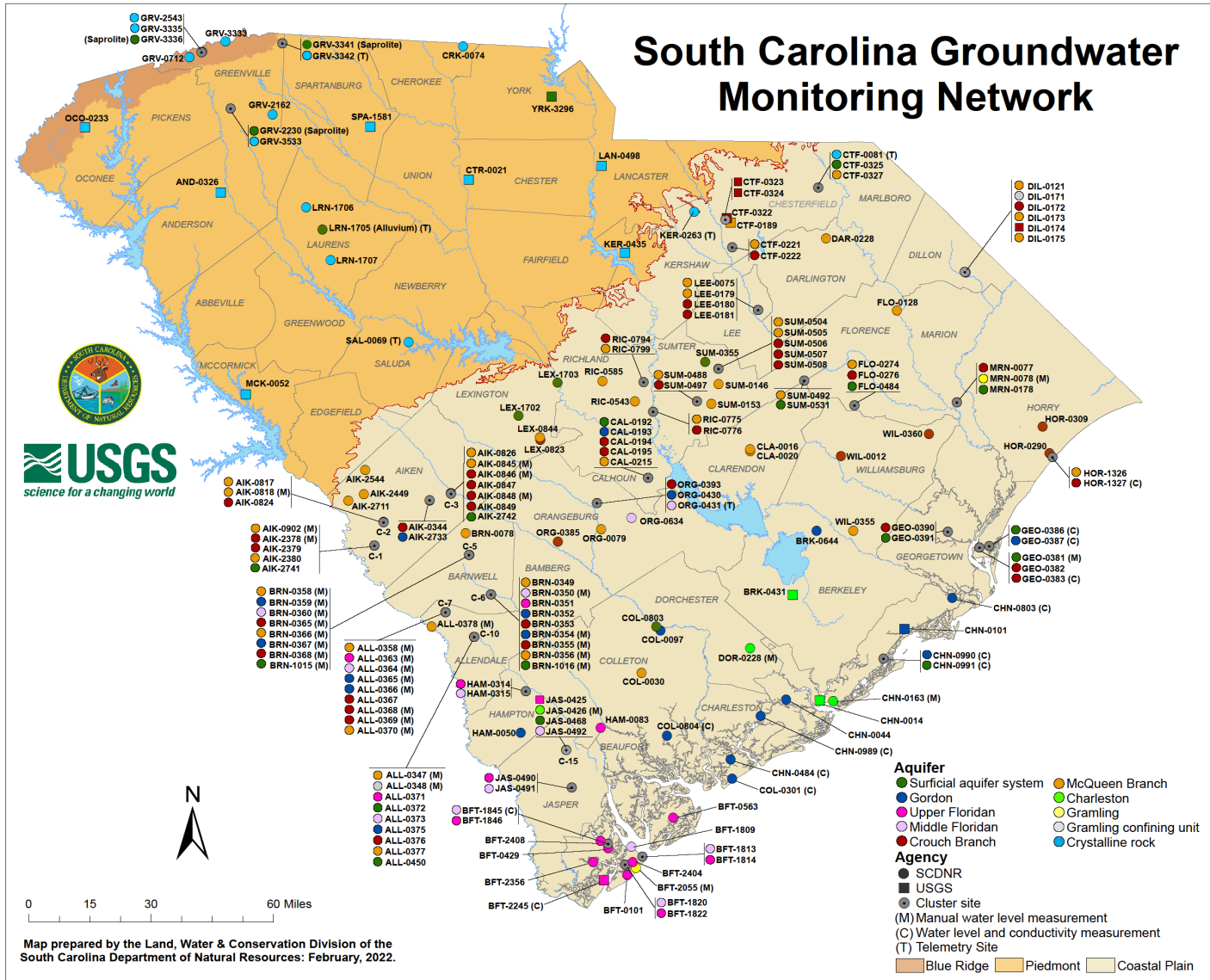


Figure 25. Map indicating the locations of the wells in the SC DNR groundwater monitoring network. The following pages contain the current hydrographs for selected SLCUA wells.

## Monitoring Wells

### Aquifer

- Crouch Branch
- McQueen Branch
- Piedmont
- Piedmont Regolith

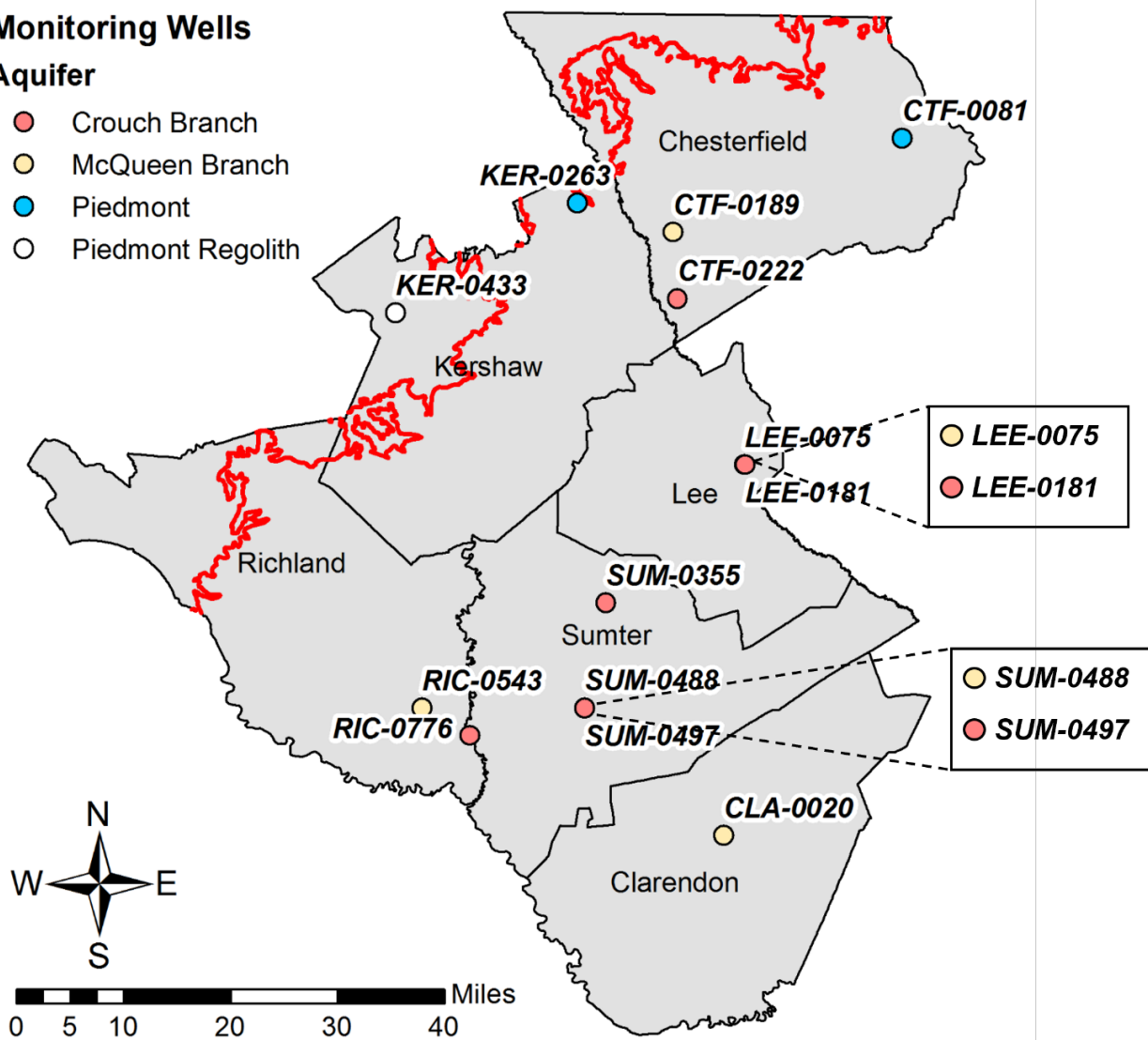
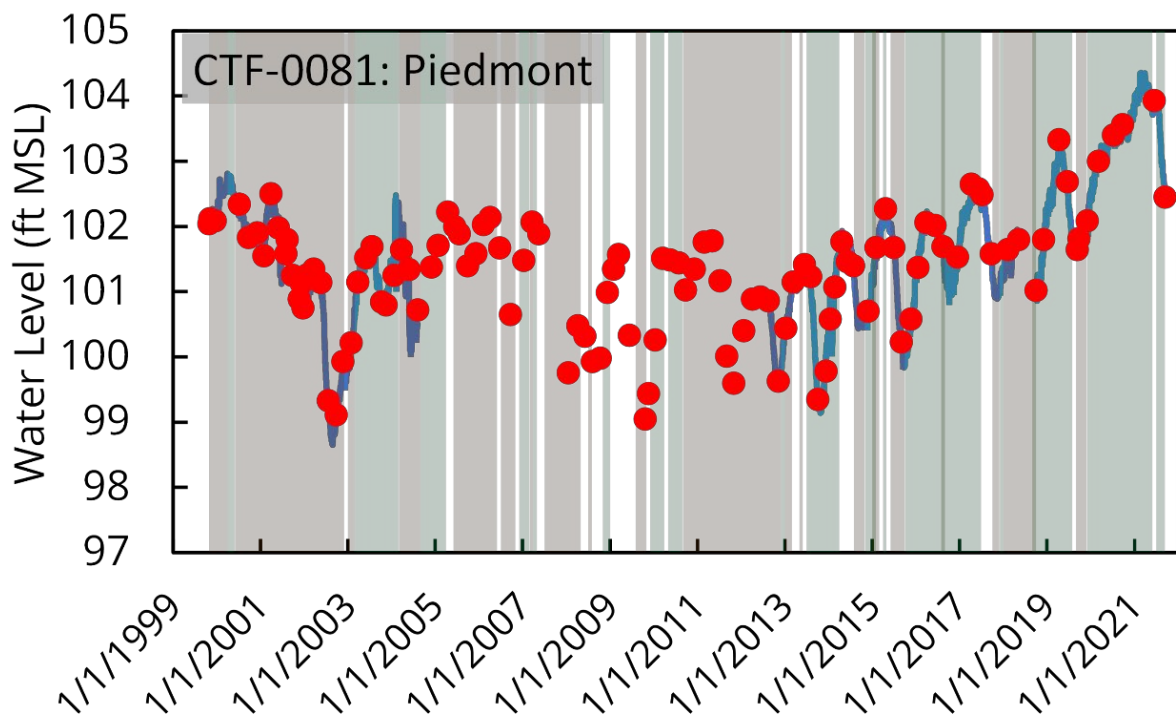
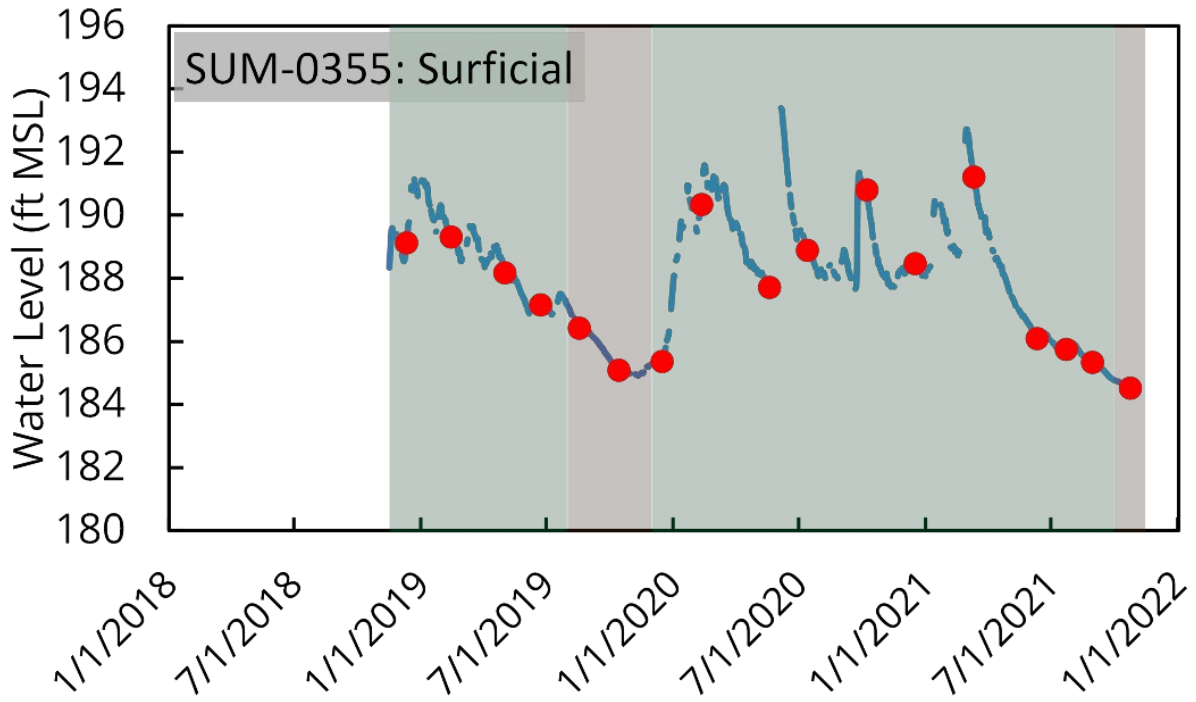
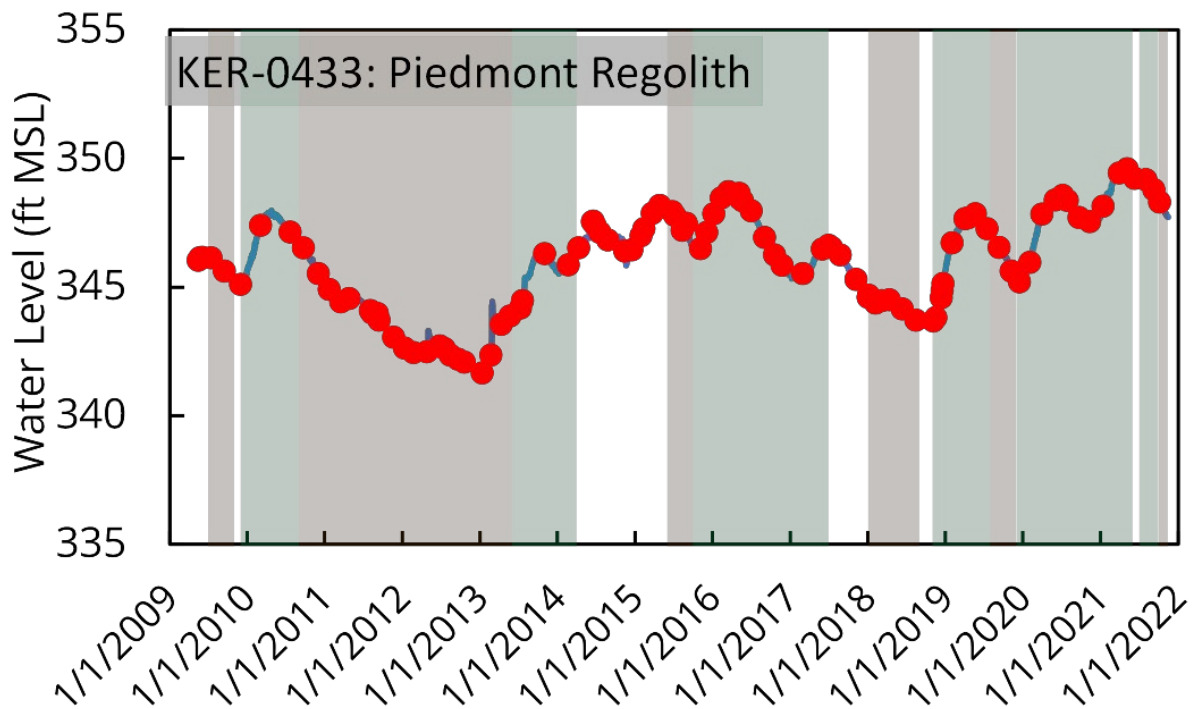
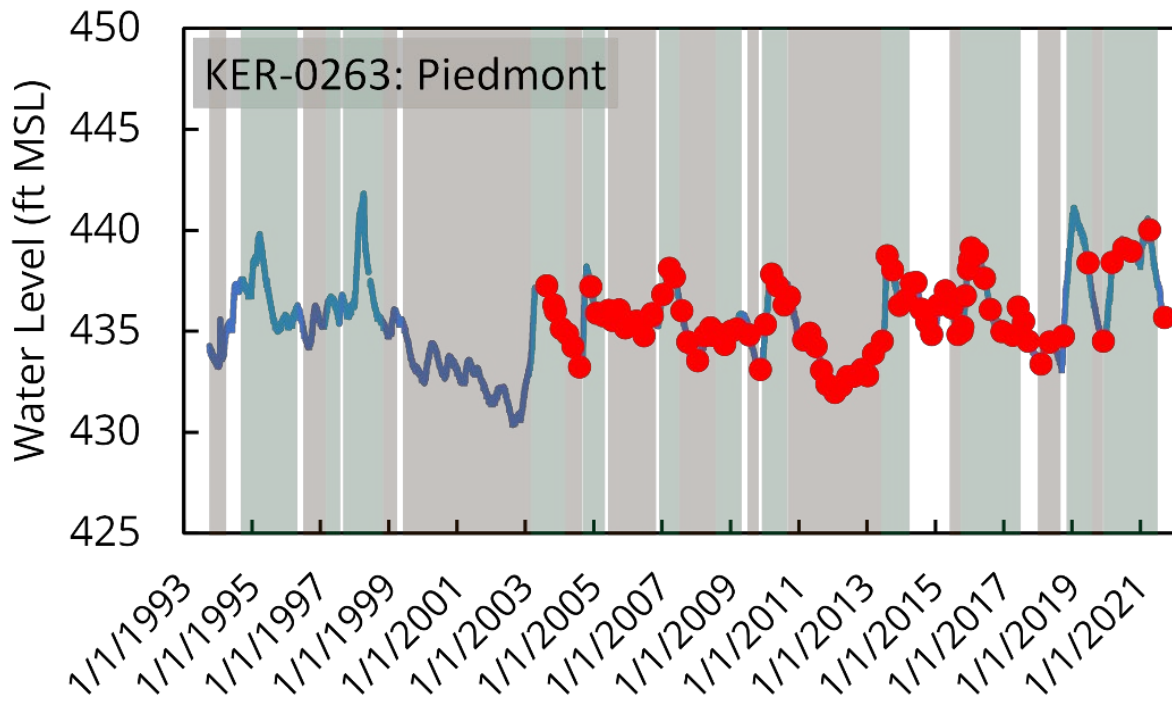
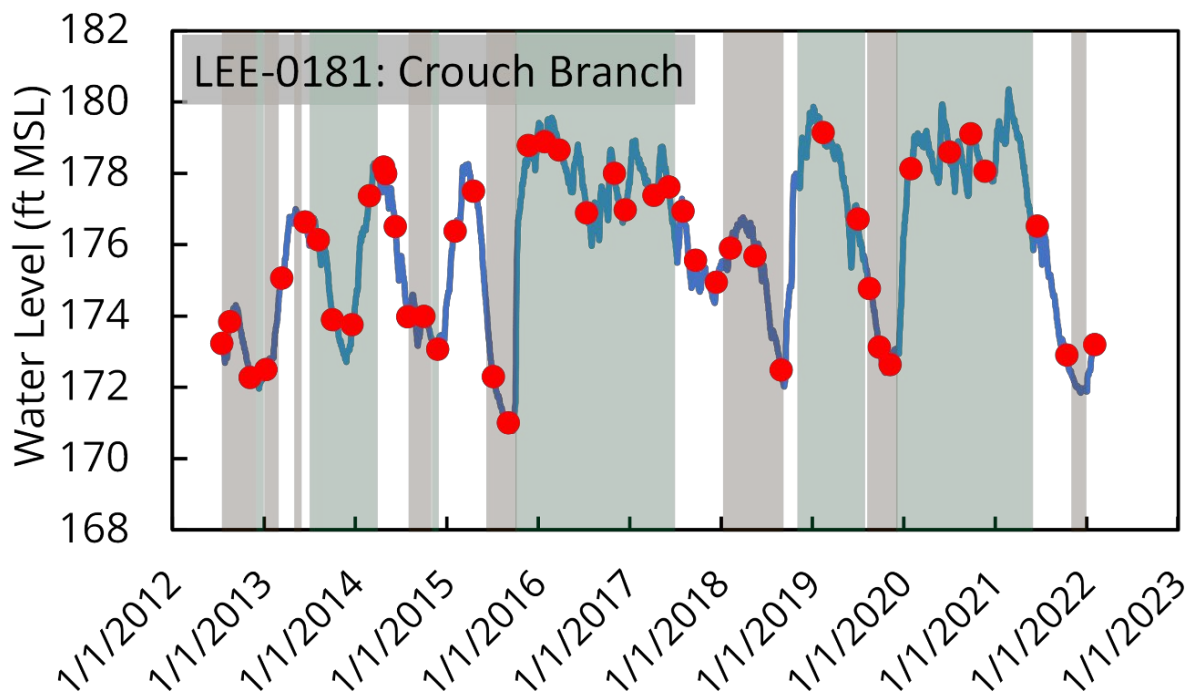
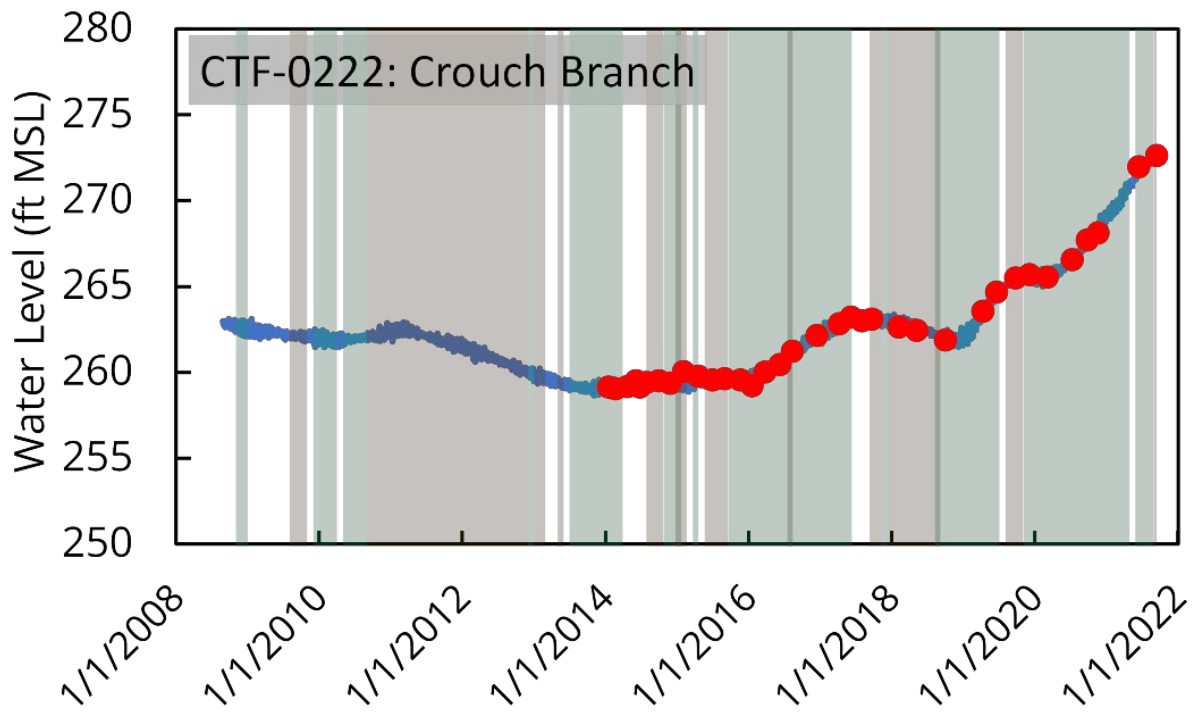
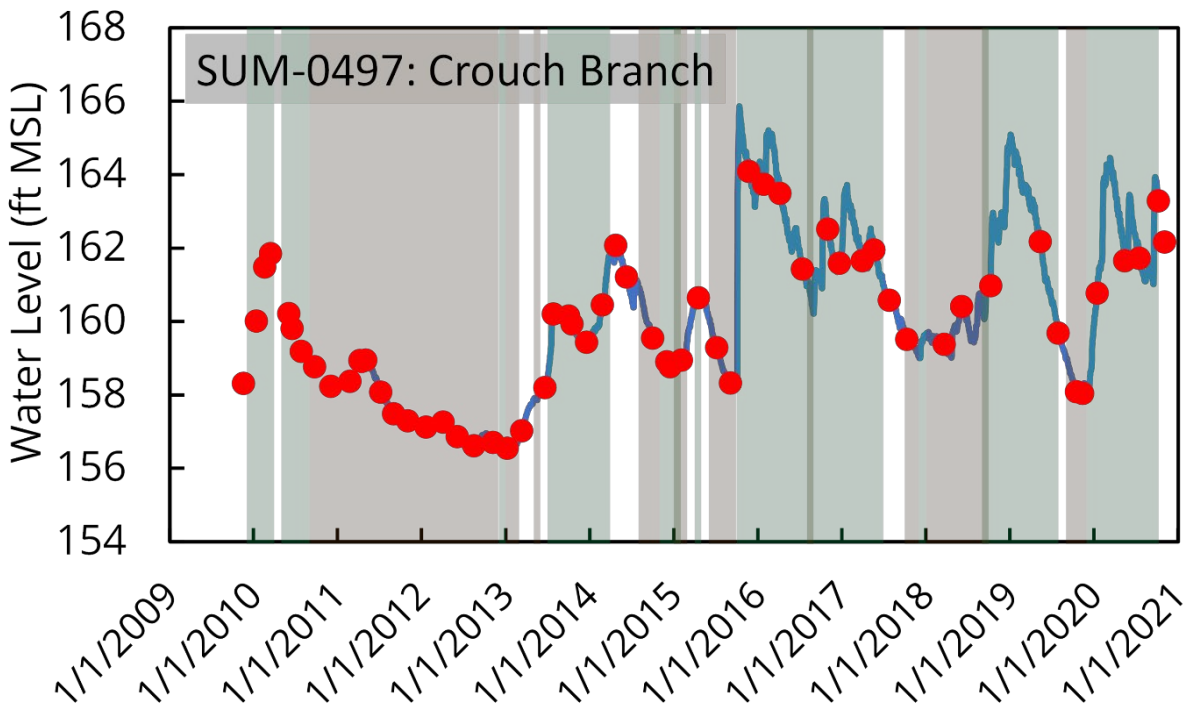
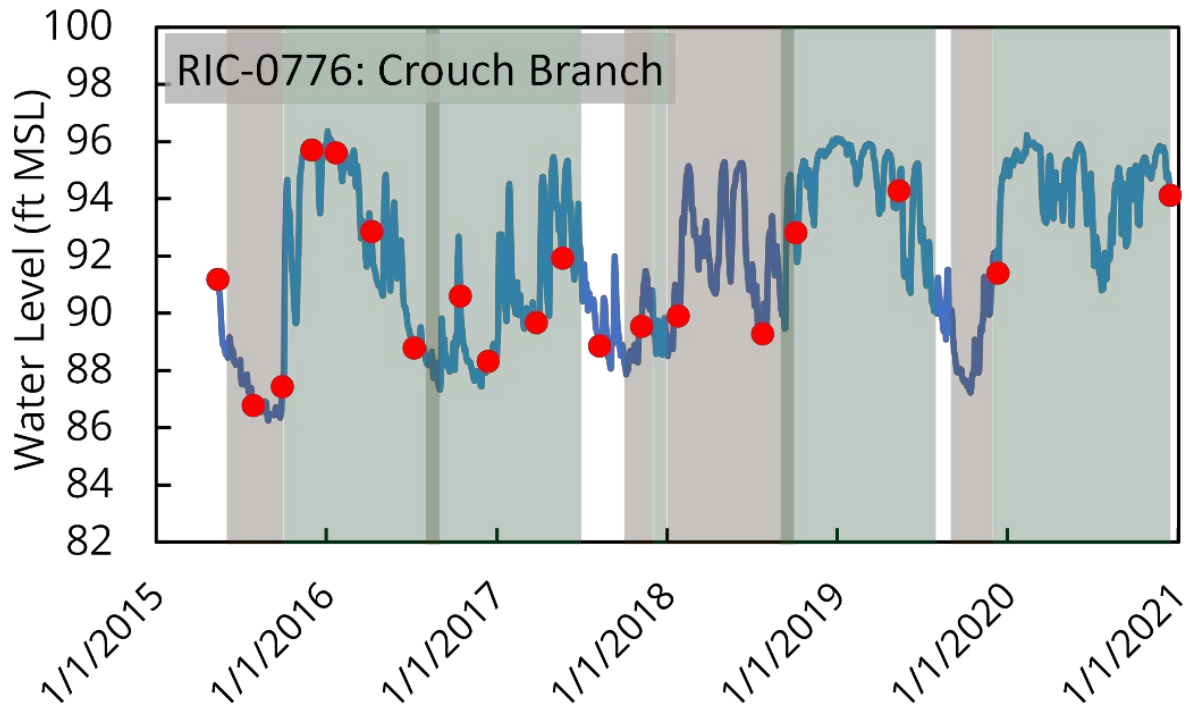


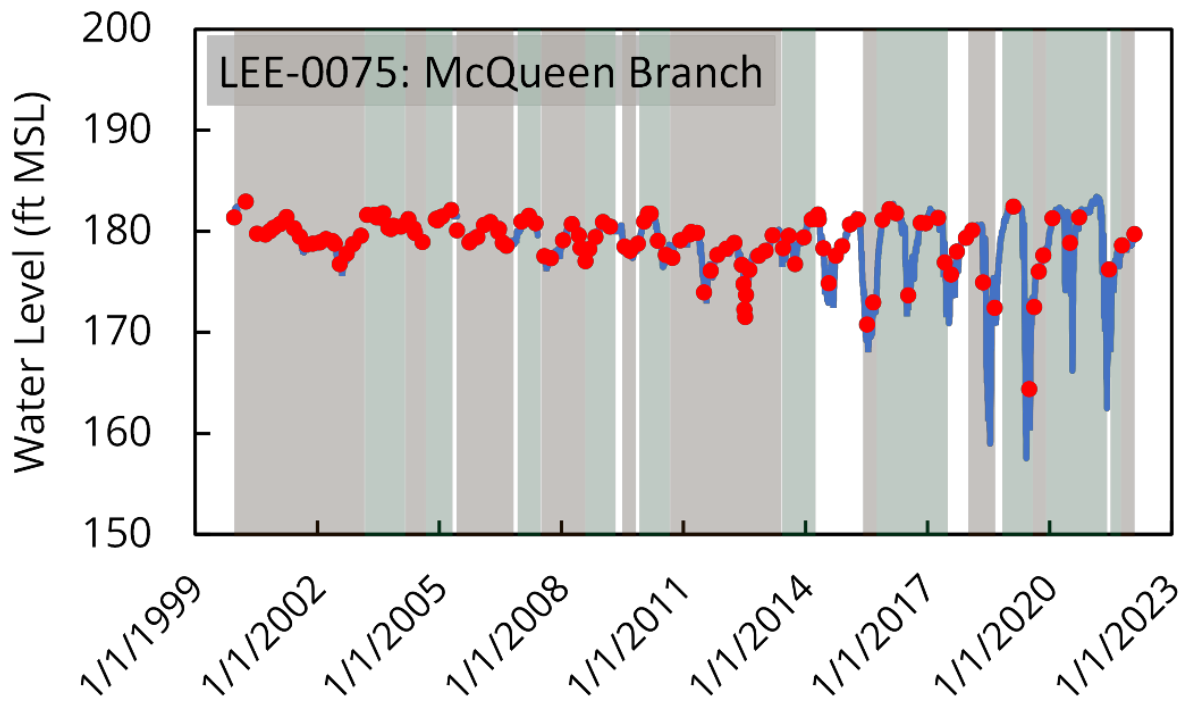
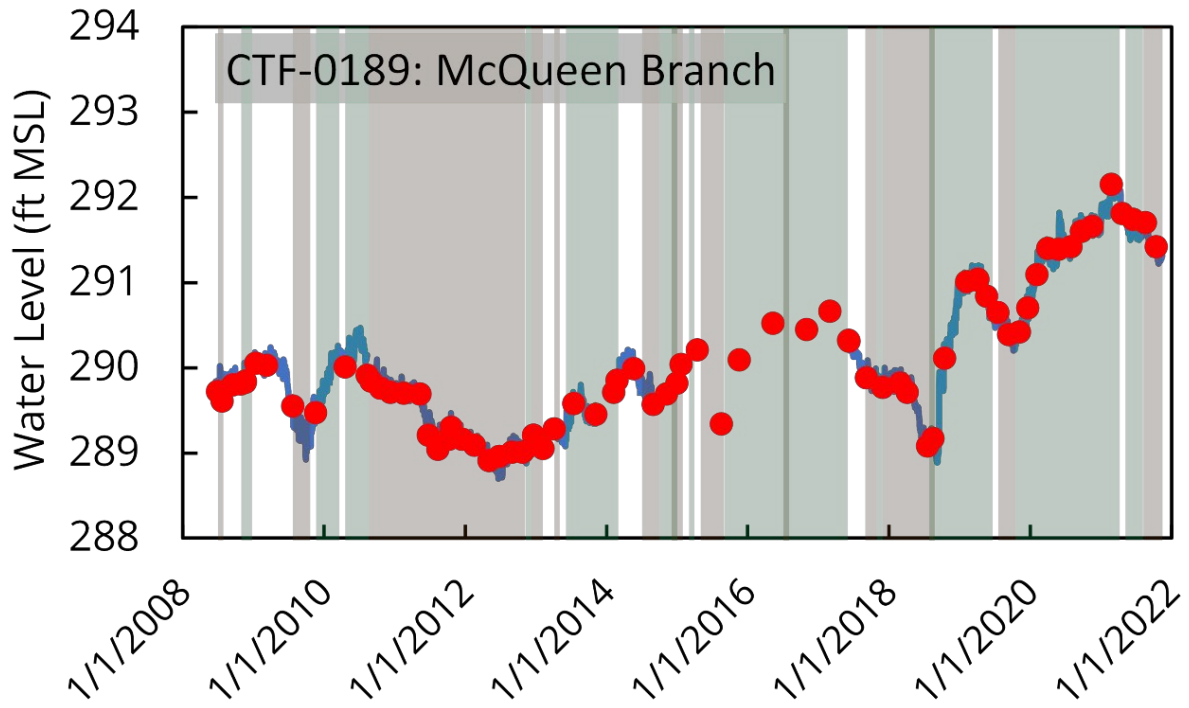
Figure 26: Select Monitoring Well Locations in the SLCUA. All wells are maintained by SC DNR except CTF-0189, KER-0433, and SUM-0355 which are maintained by the U.S. Geological Survey.



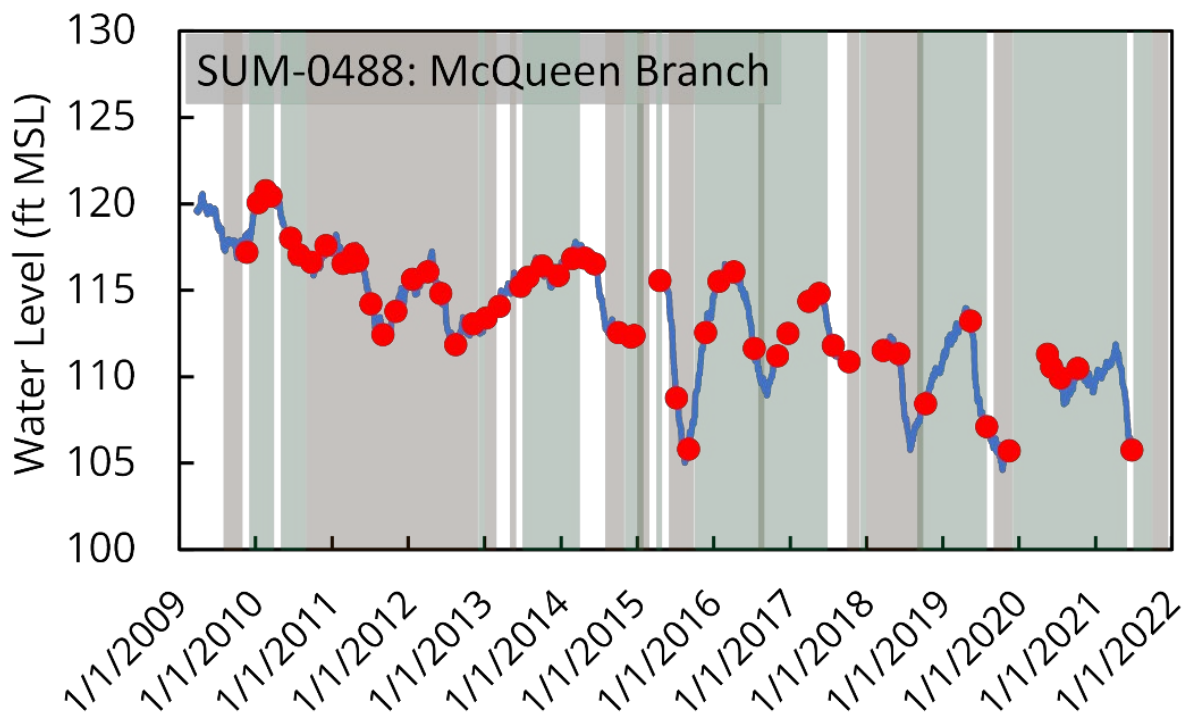
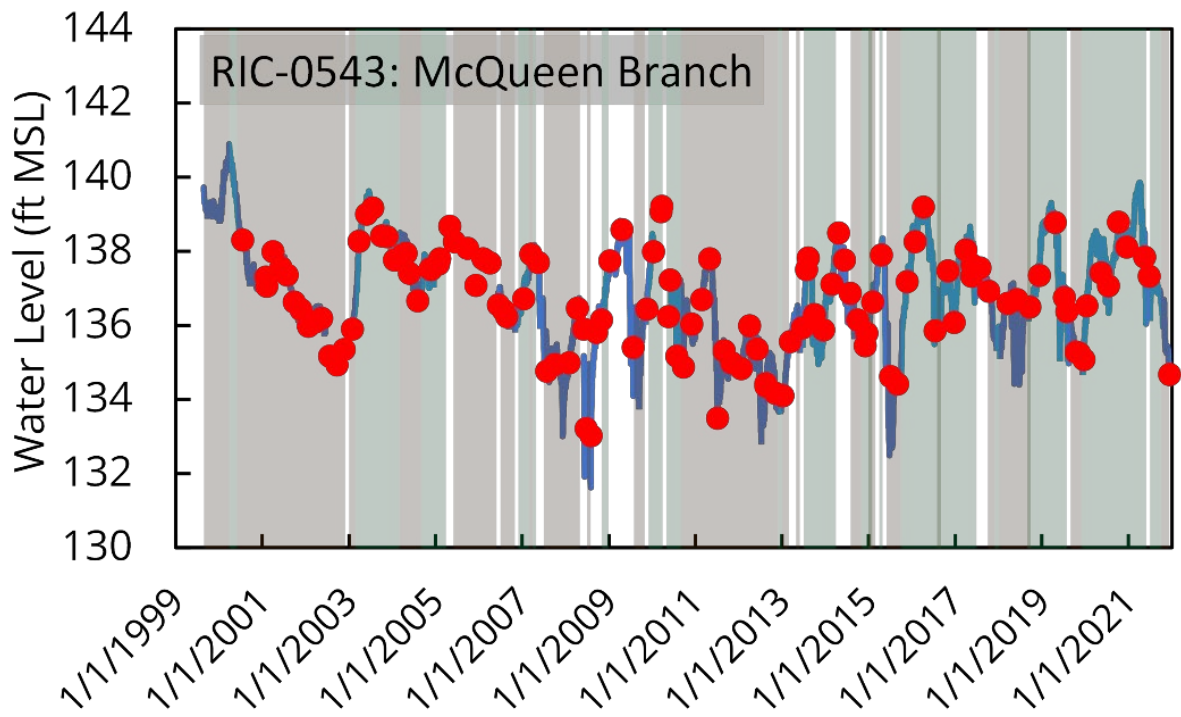














# Appendix B

## Potentiometric Maps Santee-Lynches Capacity Use Area Counties

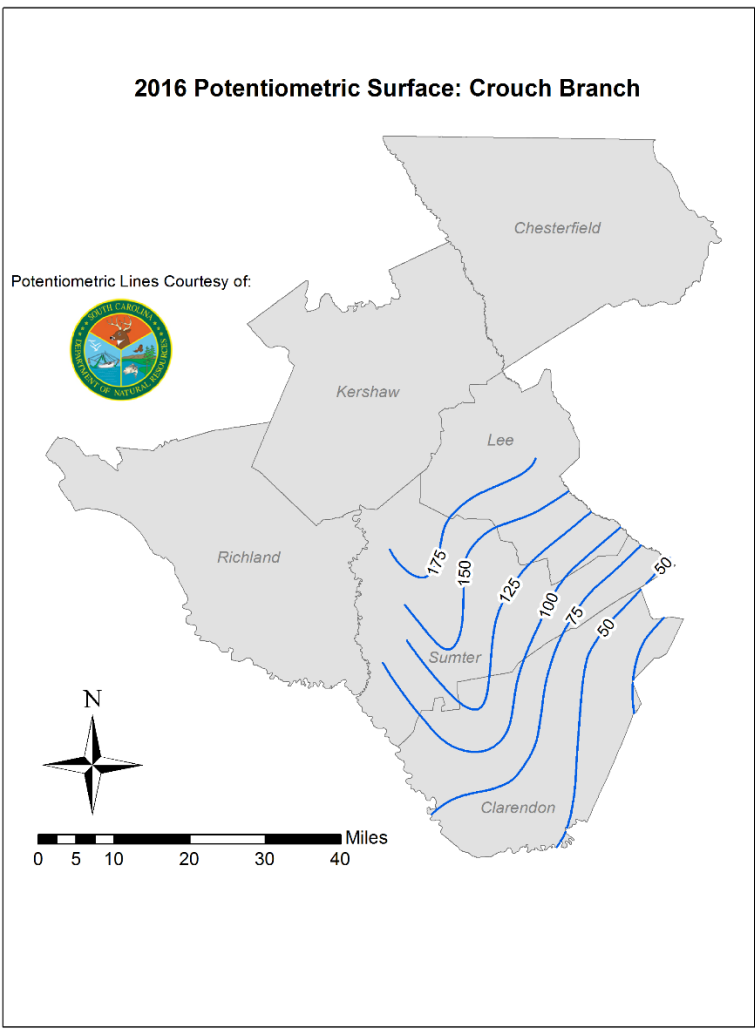
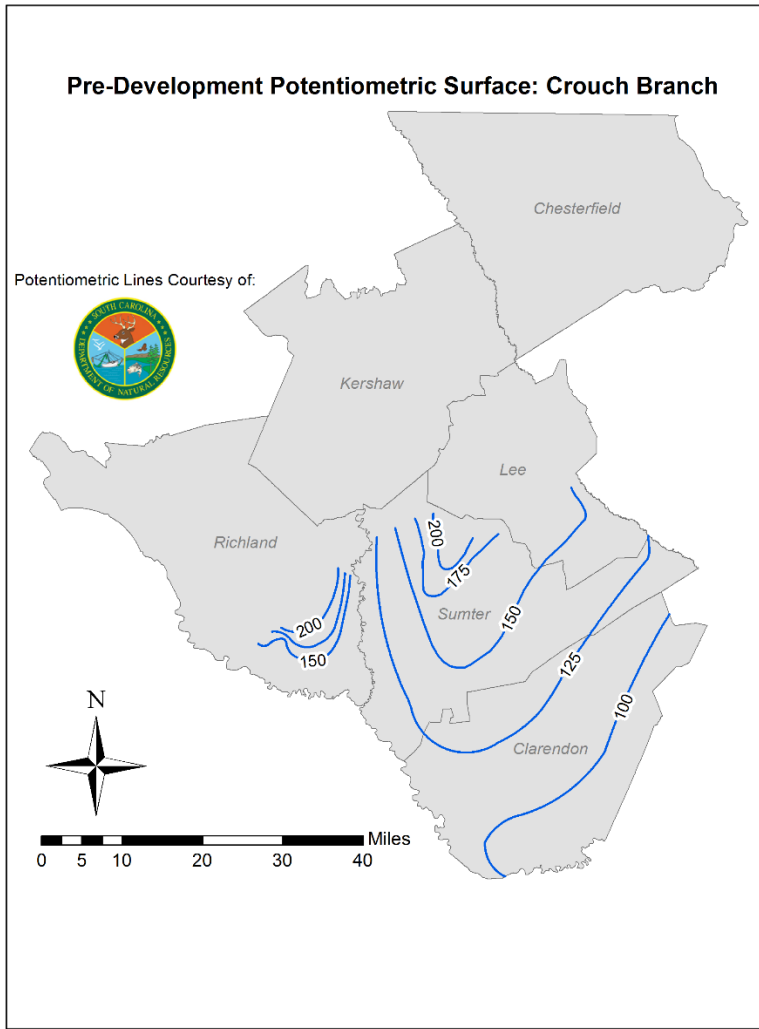


Figure 27: Potentiometric Maps of the Crouch Branch Aquifer Pre-Development (left) and 2016 (right)

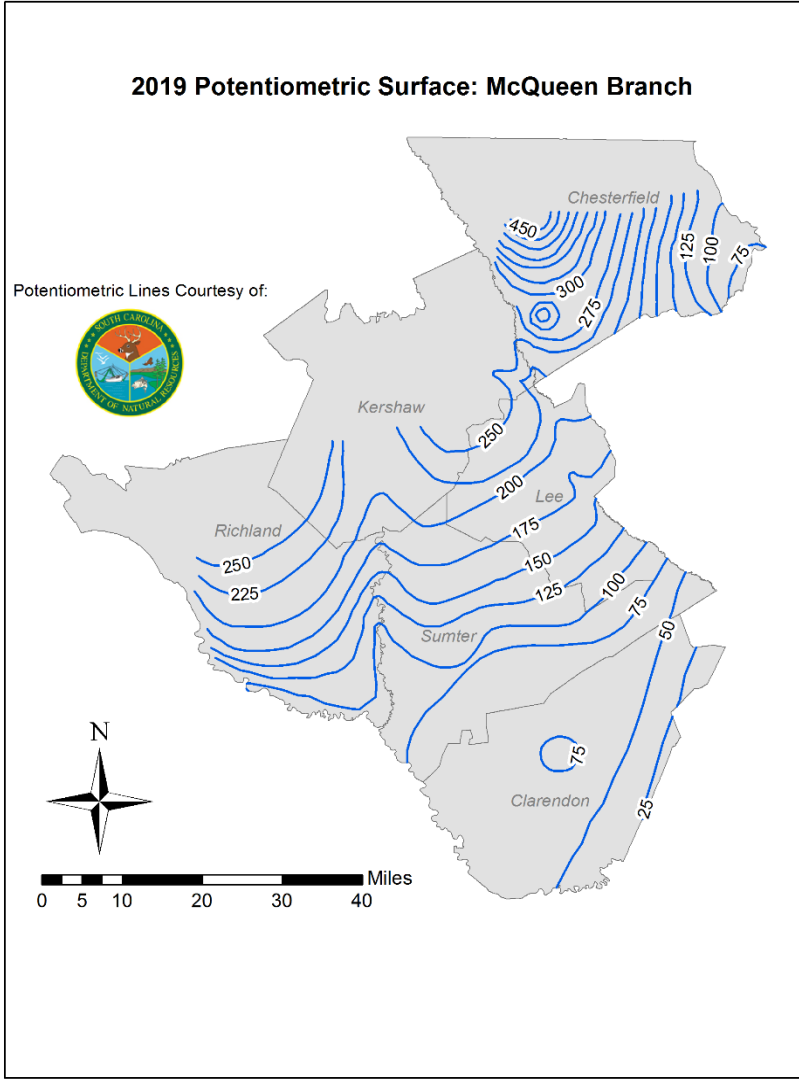
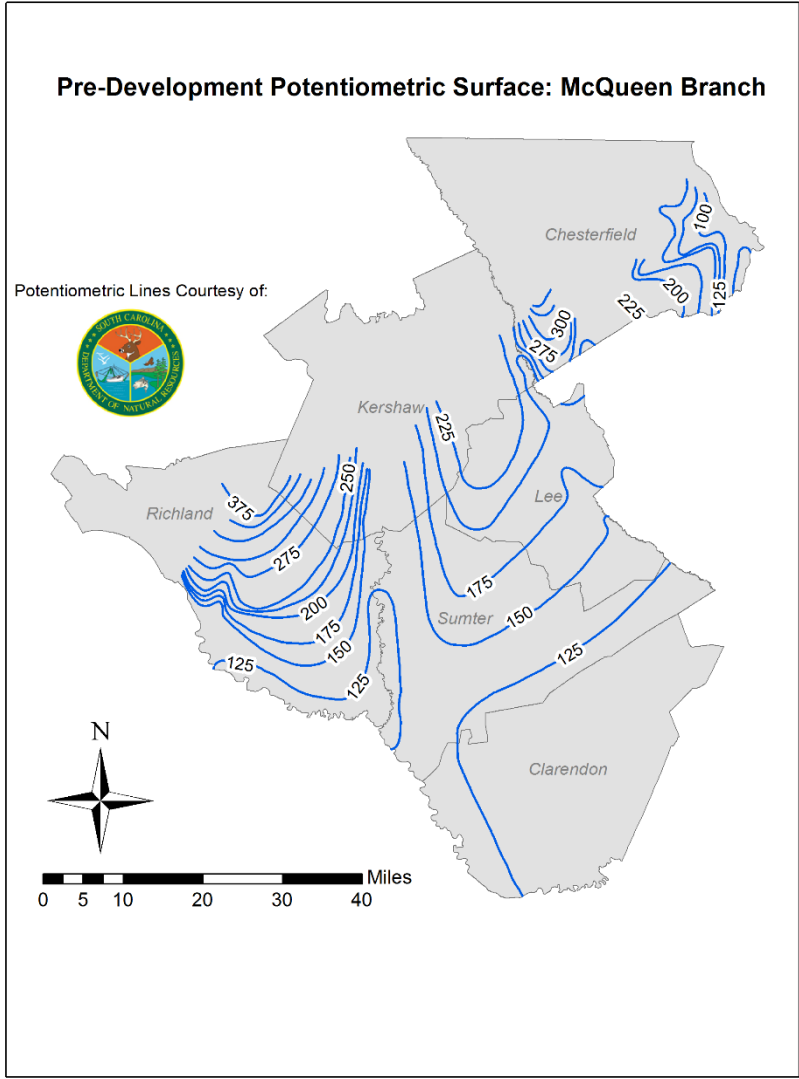


Figure 28: Potentiometric Maps of the McQueen Branch Aquifer Pre-Development (left) and 2019 (right)

**ATTACHMENT B**

**STATE REGISTER NOTICE OF GENERAL PUBLIC INTEREST,  
April 22, 2022**

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

**NOTICE OF GENERAL PUBLIC INTEREST**

**CAPACITY USE AREA GROUNDWATER MANAGEMENT PLAN  
AND PUBLIC HEARING**

**April 22, 2022**

The Groundwater Use and Reporting Act requires that the groundwater resources of the State be put to beneficial use to the fullest extent to which they are capable, subject to reasonable regulation, in order to conserve and protect these resources, prevent waste, and to provide and maintain conditions which are conducive to the development and use of water resources. See S.C. Code Section 49-5-20. Further, the Act states that the Department of Health and Environmental Control (the Department) shall coordinate the affected governing bodies and groundwater withdrawers (of a designated Capacity Use Area) to develop a groundwater management plan to achieve goals and objectives stated in Section 49-5-20. See S.C. Code Section 49-5-60(B). In those areas where the governing bodies and withdrawers are unable to develop a plan, the Department shall take action to develop the plan as required by law.

The Department in coordination with a local Stakeholder Workgroup, diverse in geographic and water user type representation, has developed a local groundwater management plan for the designated Santee-Lynches Capacity Use Area to bring before the Board for final approval. A public hearing for the final approval of the Santee-Lynches Capacity Use Area groundwater management plan is scheduled for Thursday, June 9, 2022, during the Board of Health and Environmental Control's monthly meeting. The public hearing and meeting will be held at 10:00 AM on the 3rd Floor, Room 3420, of the S.C. DHEC Central Office located at 2600 Bull St., Columbia, S.C. 29201. Due to admittance procedures, all visitors must enter through the main Bull Street entrance and register at the front desk. Public hearing procedures are subject to change in response to COVID-19 protocols. If applicable, the Department will provide notice of these changes twenty-four (24) hours in advance of the public hearing. Local governments, permitted water users, industry, public water suppliers, and the general public are invited to attend and participate.

If you have questions or comments, please contact Leigh Anne Monroe, Water Quantity Section, at (803) 898-2415 or by email at [monroela@dhec.sc.gov](mailto:monroela@dhec.sc.gov). You may also visit our webpage at <https://scdhec.gov/BOW/groundwater-use-reporting/groundwater-management-planning/santee-lynches-area-preliminary> for more information.

**ATTACHMENT C**

**SANTEE-LYNCHES CAPACITY USE AREA STAKEHOLDER  
WORKGROUP SUMMARY**



# Santee-Lynches Groundwater Management Plan Stakeholder Process Summary

## Executive Summary

The purpose of these meetings was to develop a Groundwater Management Plan (GMP) for the Santee-Lynches Capacity Use Area (SLCUA), established July 15, 2021. Per the Groundwater Use and Reporting Act, Section 49-5-60, *"After notice and public hearing, the department shall coordinate the affected governing bodies and groundwater withdrawers to develop a groundwater management plan to achieve goals and objectives stated in Section 49-5-20. In those areas where the affected governing bodies and withdrawers are unable to develop a plan, the department shall take action to develop the plan."* The plan was developed with stakeholder feedback and concerns in mind using the Western Capacity Use Area as a framework. A public meeting was held Monday March 28<sup>th</sup>, 2022 to describe the stakeholder process and receive or address any potential comments on the draft GMP.

## Introduction

The Groundwater Use and Reporting Act requires a GMP be developed for any established capacity use area in order to issue groundwater withdrawal permits. This process can be initiated by stakeholders in the capacity use area or the department. The department contacted all currently registered users within the SLCUA counties (Chesterfield, Clarendon, Kershaw, Lee, Richland, and Sumter) to garner interest in the development of the GMP. Interested parties were invited to be a part of the stakeholder process. The members of the stakeholder group were across all counties and sectors represented in the area.

## Meetings Summary

The first meeting for the stakeholder process was held virtually due to concerns with Covid-19, October 6 2022. The goal was to go through the history of the water quantity programs in the department and describe the strategies used in other capacity use area groundwater management plans. The department also reviewed data gathered for the Initial Groundwater Assessment, which recommended that the area become the SLCUA. The stakeholders asked questions about the purpose of the plan, available groundwater resources, and about the permitting process in general. The department specifically addressed each sector to get their thoughts on the strategies and the permitting process.

The second meeting, held November 3, 2022, was also held virtually. The purpose of this meeting was to go into more detail on the sections of the plan and receive specific feedback on the strategies. The stakeholder group focused their initial questions on the aquifer levels and how the department uses them. The data is from the groundwater monitoring network housed by SCDNR and the USGS. The department then reviewed the strategies in the plan and how they are applicable to the SLCUA. The stakeholder group was encouraged to give feedback on if any of these strategies would not be helpful or if any additional should be developed for the region.

The third meeting, held December 1, 2022, was held in person at the Sumter Water Treatment facility. Between this meeting and the November meeting, a survey was sent out to the stakeholders to address any questions or concerns more anonymously. The major discussion points from the survey were the timeline in when the SLCUA was established and what was going to be in the plan. This meeting was focused on more data driven information, such as aquifer potentiometric maps in the area and more strategy conversation.

The fourth and final meeting was held in person on February 10, 2022 at the Sumter Water Treatment facility. The goal of this meeting was to do a final review of the GMP with the stakeholder group and go over the comments received either through communication with staff between meetings or during the December meeting. Final thoughts were received and incorporated into the plan.

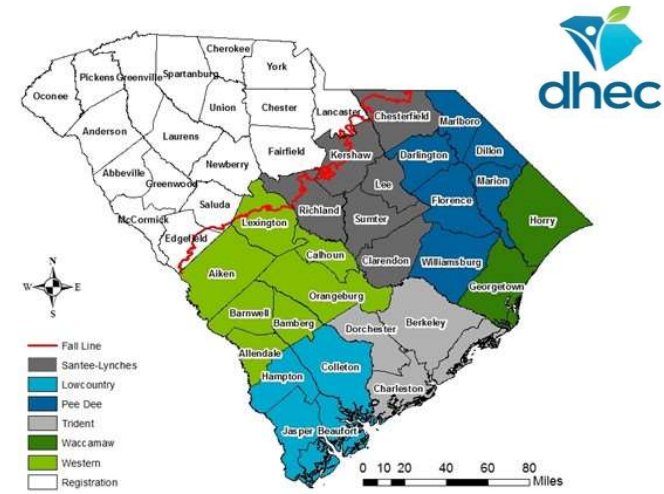
### **Final Comments**

Once the plan was completed, it was presented at a public meeting March 28, 2022 in Camden, SC at the Kershaw County Economic Development Office. The Department reviewed the stakeholder process and how the SLGMP was written. With the plan complete and comments reviewed, the announcement was posted in the State Register April 22, 2022. The Department will be presenting the plan to the SCDHEC Board during the June board meeting in order to guide groundwater quantity permitting across the SLCUA region.



**ATTACHMENT D**

**POWERPOINT PRESENTATION – PROPOSED SANTEE-LYNCHES  
CAPACITY USE AREA GROUNDWATER MANAGEMENT PLAN**



South Carolina Department of Health and Environmental Control

# Santee-Lynches Capacity Use Area Local Groundwater Management Plan

Water Quantity Permitting Section

# Groundwater Use and Reporting Act Legislative Declaration of Policy

“The General Assembly declares that the general welfare and public interest **require that the groundwater resources of the State be put to beneficial use to the fullest extent to which they are capable, subject to reasonable regulation, in order to conserve and protect these resources, prevent waste, and to provide and maintain conditions which are conducive to the** development and use of water resources”

# Capacity Use Area Designation 45-5-60(A)

In the State where excessive groundwater withdrawal presents potential adverse effects to the natural resources or poses a threat to public health, safety, or economic welfare or where conditions pose a significant threat to the long-term integrity of a groundwater source, including salt water intrusion, the board, after notice and public hearing, in accordance with the Administrative Procedures Act, shall designate a capacity use area.

# Groundwater Management Planning 45-5-60(B)

After notice and public hearing, the department shall coordinate the affected governing bodies and groundwater withdrawers to develop a groundwater management plan to achieve goals and objectives stated in [Legislative Declaration of Policy].

In those areas where the affected governing bodies and withdrawers are unable to develop a plan, the department shall take action to develop the plan.

# Groundwater Withdrawal Permitting 45-5-60(C)

Once the board approves the groundwater management plan for a designated capacity use area, each withdrawer shall make application for a groundwater withdrawal permit. The department shall issue groundwater withdrawal permits in accordance with the approved plan.

# Timeline

July 2021

- Santee Lynches Capacity Use Area designated by DHEC Board

Oct 2021 to Feb 2022

- Stakeholder Workgroup on Draft Groundwater Management Plan

March 2022

- Public Meeting on Draft Groundwater Management Plan

April –May 2022

- Publication in State Registrar
- Public Comment Period

August 2022

- Proposed presentation of Groundwater Management Plan to DHEC Board

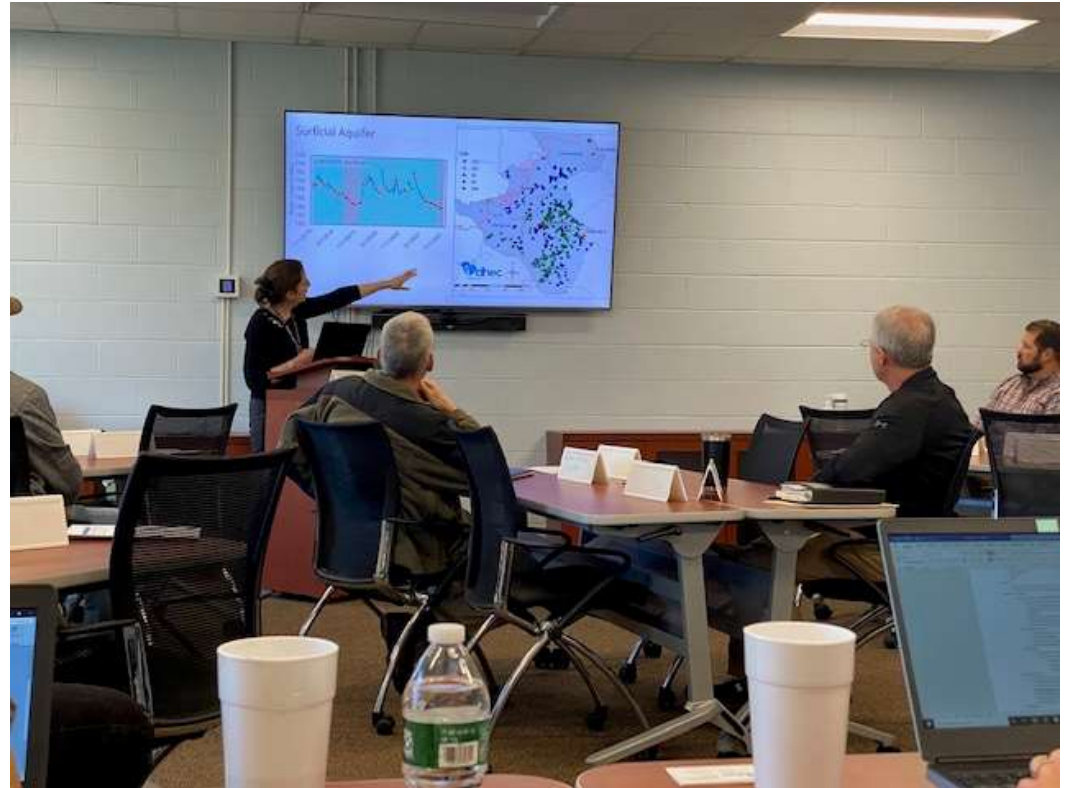
September 2022

- Program implementation & permitting



# Groundwater Management Plan Stakeholder Workgroup

- 22 members
- Balanced representation of groundwater users & stakeholders
- Geographic representation
- Different expertise & perspectives
- Connect to broader stakeholder groups





# SLCUA Stakeholder Workgroup

Water Supply  
Kathryn  
Turbeville

Water Supply  
Ellis Evans

Water Supply  
Bill Taylor

Water Supply  
Billy Timmons

Industry  
John W. Baker

Water Supply  
Walt Beard

Industry  
Dennis  
Townsend

Industry  
Sarah Williams

Industry  
Hans Hansen

Water Supply  
Greg Fox

Clemson  
Calvin Sawyer

Agriculture  
Brandon  
DuRant

Agriculture  
Watson Tolson

Agriculture  
Bennett  
Williford

Agriculture  
Jason McArthur

Golf Course  
Tim Kreger

SC DNR  
Andy Wachob

SC DNR  
Brooke  
Czwartacki

Clemson  
Matt Smith

Water Supply  
Brandon  
Kienenberger

Agriculture  
Tommy Lee

Agriculture  
Will Mims

## Santee-Lynches Area (Preliminary)

### ● Overview

Since the 1960s, South Carolina has had laws relating to groundwater use. In the [South Carolina Groundwater Use and Reporting Act](#), "(t)he General Assembly declares that the general welfare and public interest require that the groundwater resources of the State be put to beneficial use to the fullest extent to which they are capable, subject to reasonable regulation, in order to conserve and protect these resources, prevent waste, and to provide and maintain conditions which are conducive to the development and use of water resources." [S.C. Code Ann. § 49-5-20 \(2000\)](#). Groundwater users who are in designated capacity use areas of the Coastal Plain are required to request a permit to construct and/or operate any well which will use over 3 million gallons in any one month. Permits for usage are subject to review and renewal every 5 years.

The process to designate a Capacity Use Area is outlined in SECTION 49-5-60 of the Groundwater Use and Reporting Act:

**Capacity Use Area designation;** notice and public hearing; development of groundwater management plan; groundwater withdrawal permits; appeals; grounds for reversal or modification.

(A) In the State where excessive groundwater withdrawal presents potential adverse effects to the natural resources or poses a threat to public health, safety, or economic welfare or where conditions

### Share This Resource

### Downloads & Links

 [Groundwater Withdrawals Overview](#)

 [Groundwater Management Planning](#)

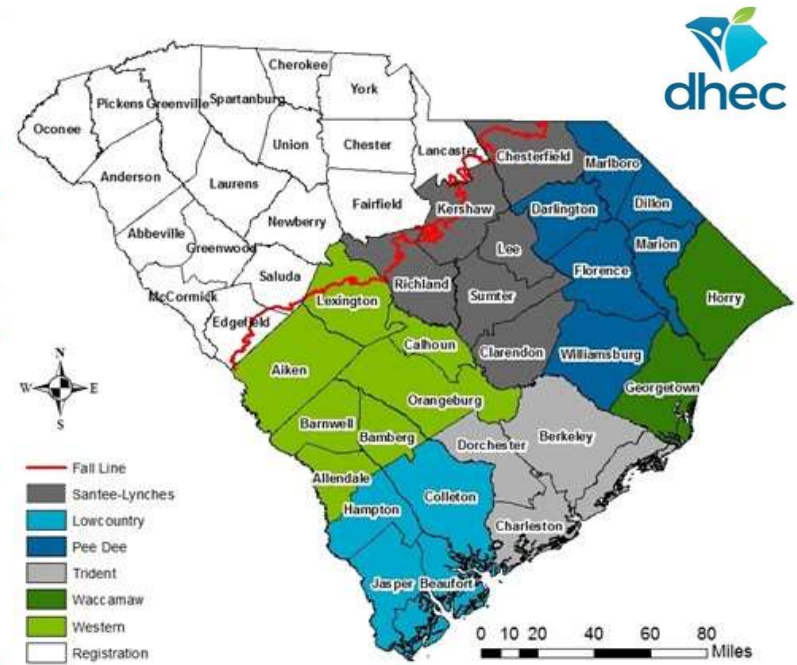
 [What Are Capacity Use Areas?](#)

 [Process & Plan Development](#)

 [Groundwater Resources](#)

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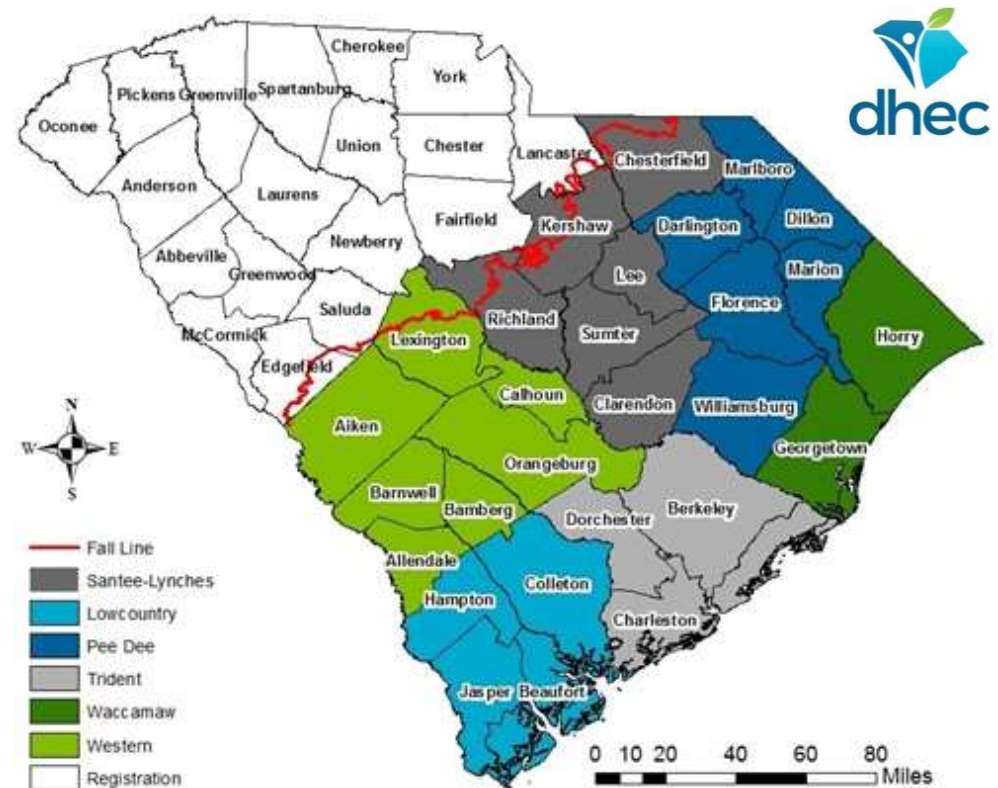




# Introduction

## 3 General Goals:

1. Ensure sustainable use of the groundwater resource by management of groundwater withdrawals
2. Monitor groundwater conditions to evaluate availability
3. Promote educational awareness of the resource and its conservation



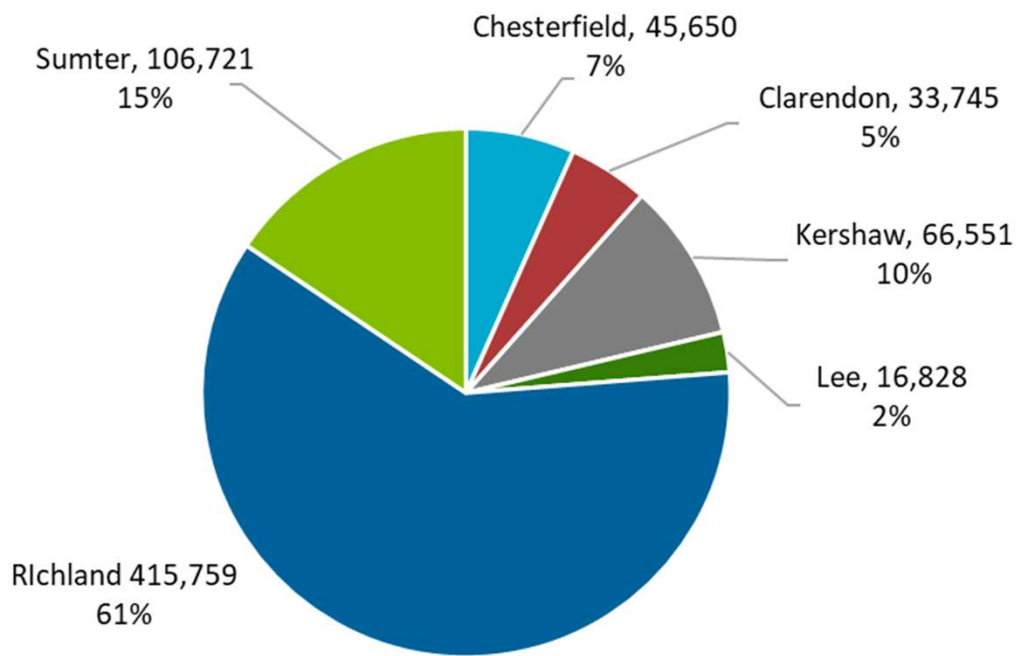
# Definitions

**Adverse Effects:** undesirable consequences of withdrawing groundwater that may include: changes in water quality, significant reduction in water level of the aquifer, saltwater intrusion, land subsidence, and decreases in stream flow

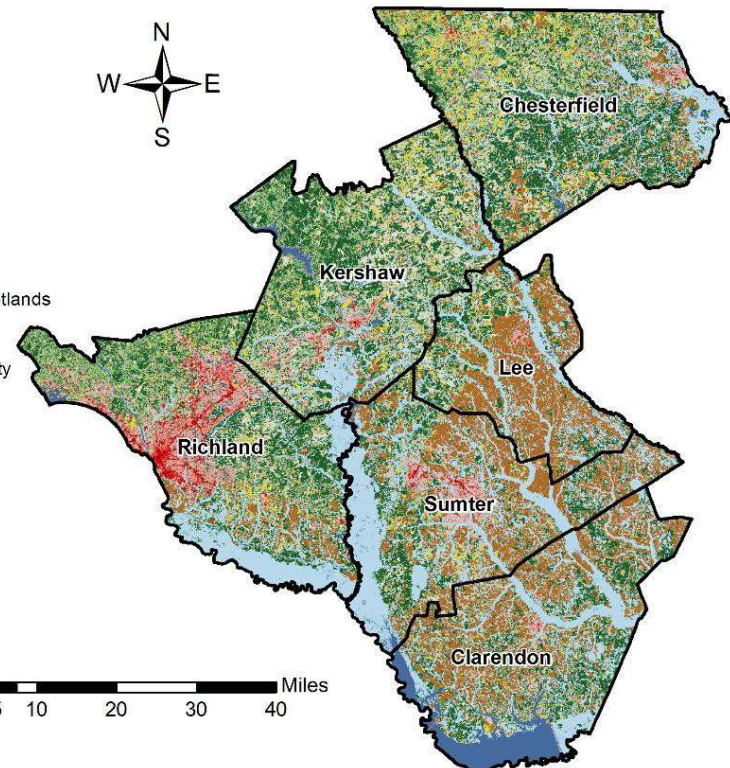
**Stakeholder Workgroup:** the SC DHEC designated committee, diverse in geographic and type-use representation, maintained as an advisory and collaborative partner concerning groundwater permitting, planning, education, and evaluation of the SLCUA

**Reasonable Use:** the use of a specific amount of water without waste that is appropriate under efficient practices to accomplish the purpose for which the appropriation is lawfully made

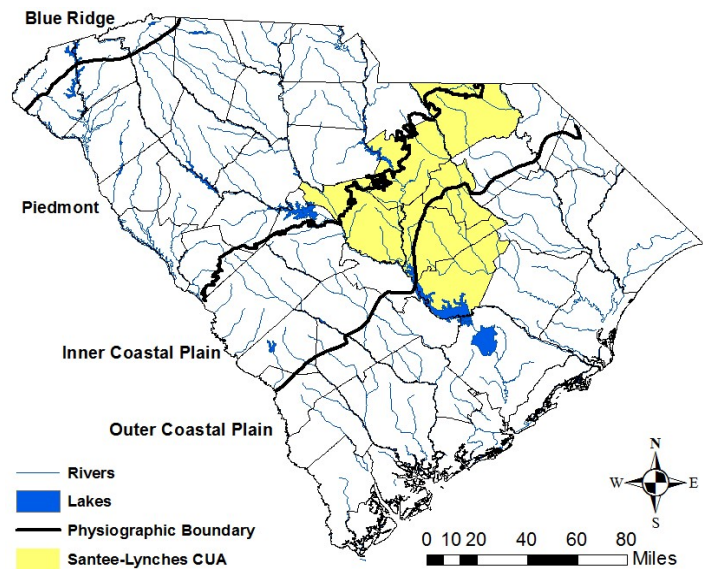
**Sustainable Use:** use of groundwater in a manner that can be maintained for an indefinite time without causing adverse environmental, economic, or social consequences



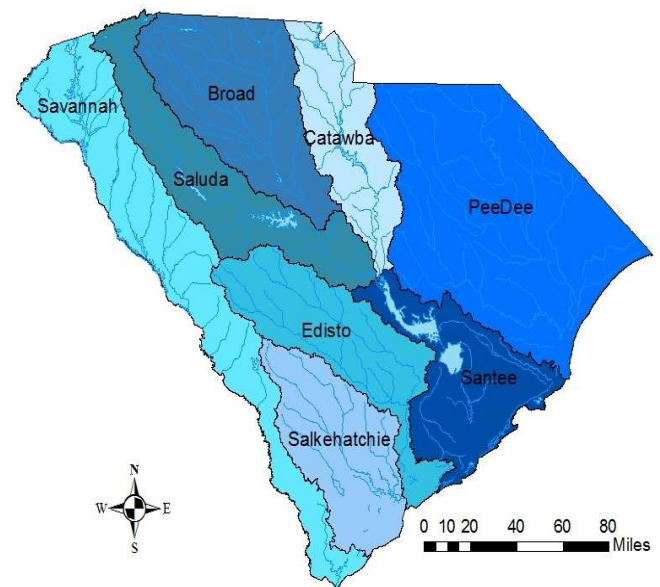
*Population breakdown for Santee-Lynches CUA*



*Land Cover from the National Land Cover Database from 2016*



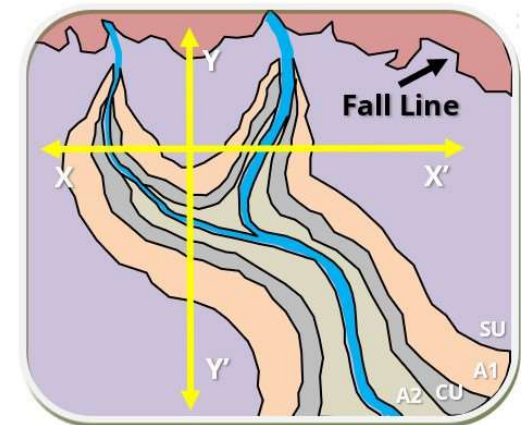
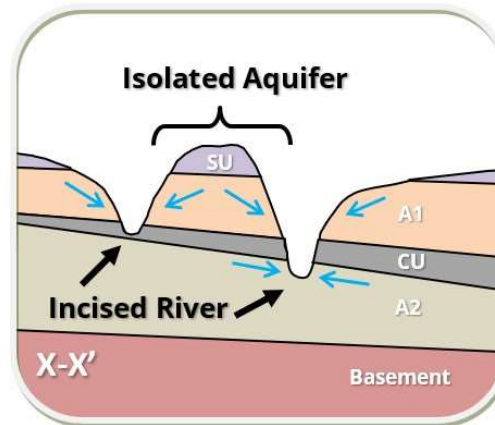
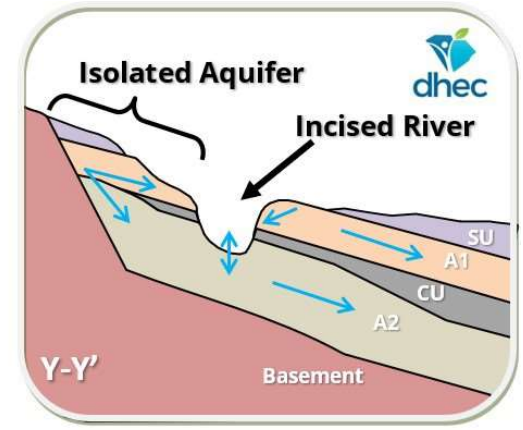
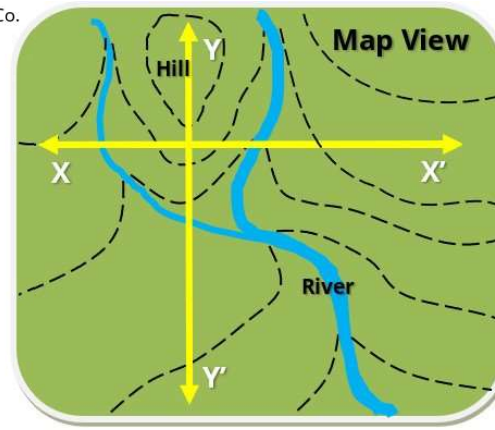
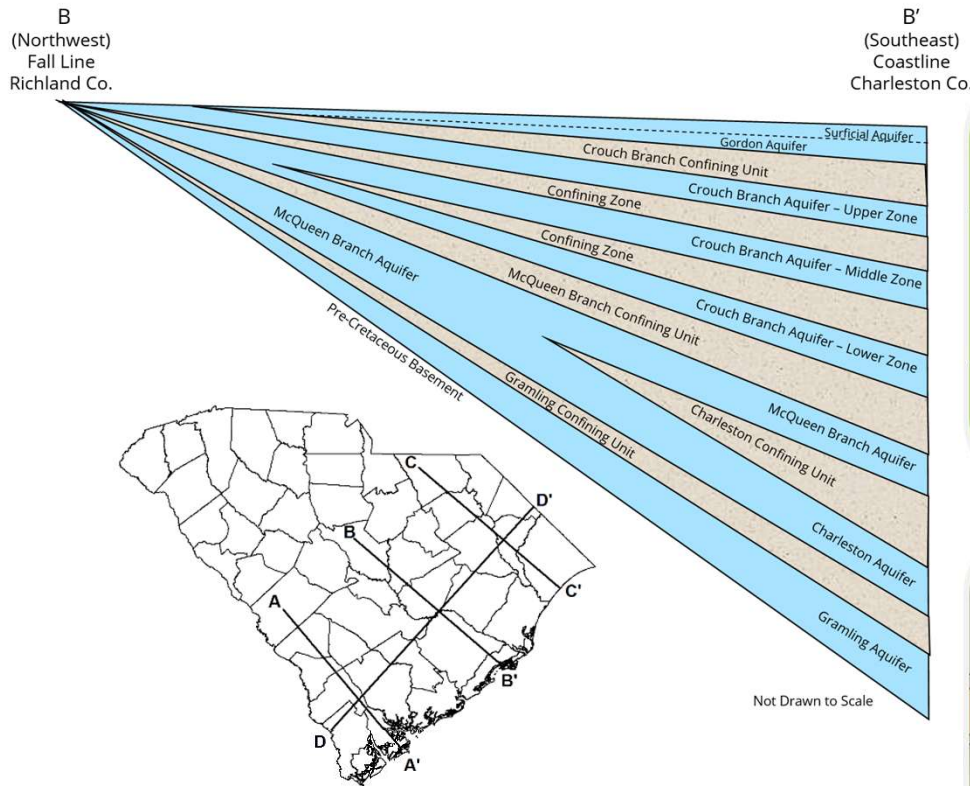
*Physiographic Provinces of South Carolina and Major Water Bodies*



*Major River Basins for South Carolina.*



# Hydrogeologic Setting



Generalized Cross Sections of South Carolina's Hydrogeologic Framework B – B'. Inset map shows the general locations of the cross-section

*Incising Rivers isolate Aquifer Units*

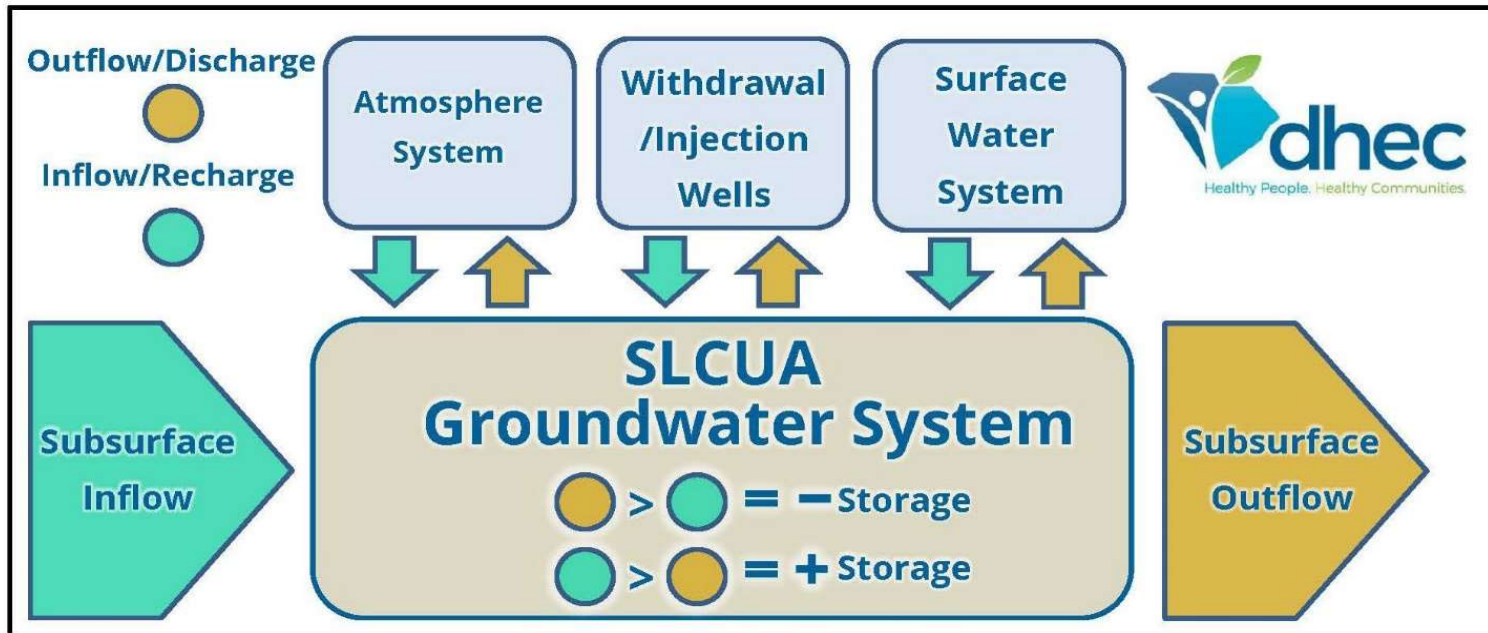
# Water Budget

- Inflow examples:

- Precipitation
- NC Rivers
- Septic Fields

- Outflow examples:

- Rivers to Ocean
- Evapotranspiration
- Natural Springs



$$\text{Inflow} - \text{Outflow} = \text{Change in Water Storage}$$

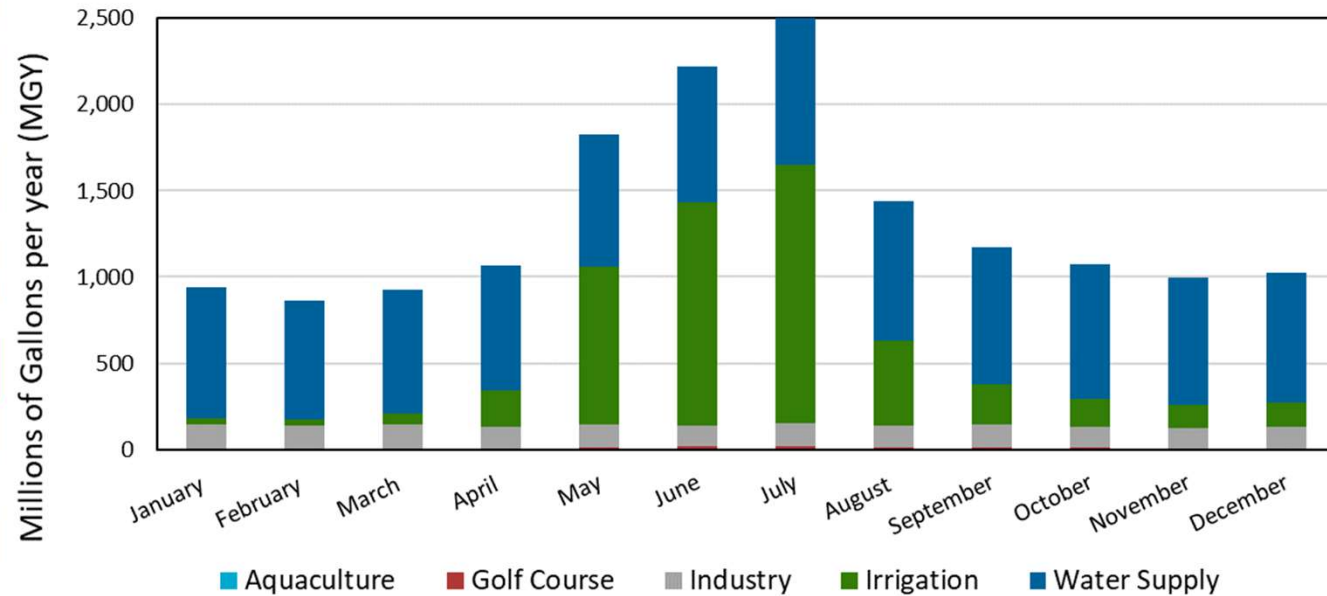




# Current Demand

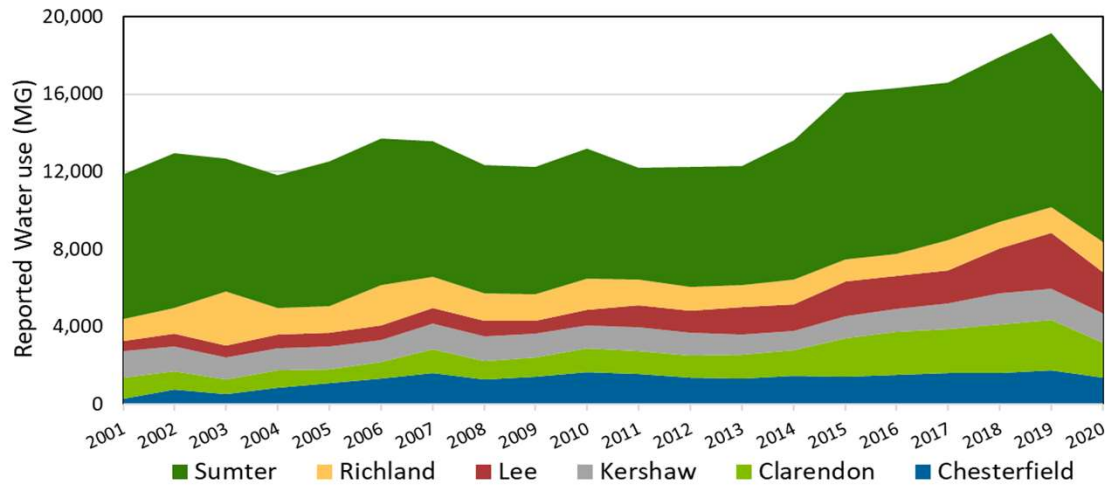
Water Use Category	Chesterfield	Clarendon	Kershaw	Lee	Richland	Sumter	Totals
Aquaculture (AQ)	0	1	0	0	1	0	2
Golf Course (GC)	0	3	1	0	18	4	26
Industry (IN)	1	0	41	0	3	17	62
Irrigation (IR)	17	69	8	100	17	87	298
Mining (MI)	0	0					
Other (OT)	0	0					
Power Thermo (PT)	0	0					
Power Hydro (PH)	0	0					
Power Nuclear (PN)	0	0					
Water Supply (WS)	18	26					
<b>Totals</b>	<b>36</b>	<b>99</b>					

Water Use Category MG	Chesterfield	Clarendon
Aquaculture	0	0
Golf Course	0	9
Industry	1	0
Irrigation	242	1099
Mining	0	0
Other	0	0
Power Thermo	0	0
Power Hydro	0	0
Power Nuclear	0	0
Water Supply	1,105	692
<b>Totals (Percent)</b>	<b>1,348 (8.4%)</b>	<b>1,800 (11.2%)</b>

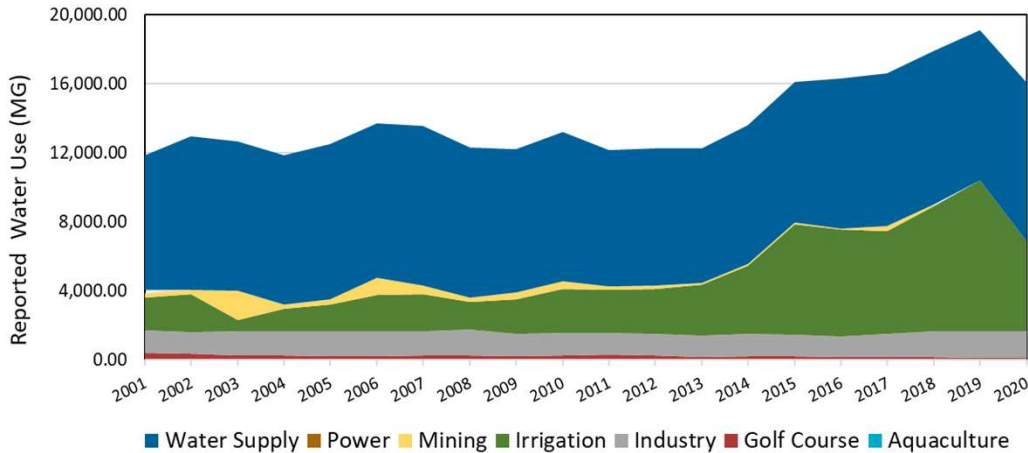


Mining	0	0	0	0	0	0	0 (0.0%)
Other	0	0	0	0	0	0	0 (0.0%)
Power Thermo	0	0	0	0	0	0	0 (0.0%)
Power Hydro	0	0	0	0	0	0	0 (0.0%)
Power Nuclear	0	0	0	0	0	0	0 (0.0%)
Water Supply	1,105	692	787	572	484	5,542	9,182 (57.2%)
<b>Totals</b>	<b>1,348</b>	<b>1,800</b>	<b>1,552</b>	<b>2,092</b>	<b>1,558</b>	<b>7,706</b>	<b>16,056 (100%)</b>

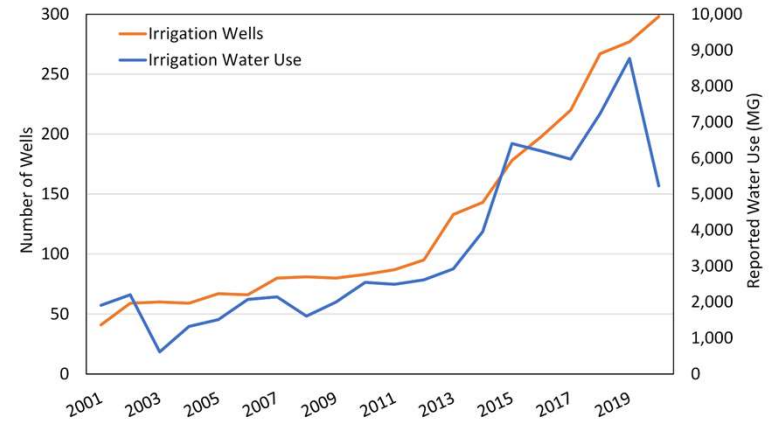
# Historic Demand/Past Use Comparison



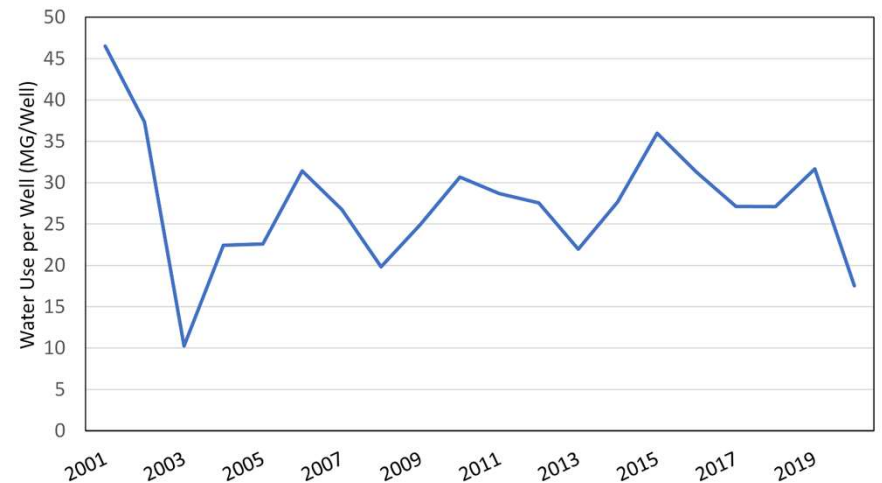
SLCUA: Reported Annual Water Use by County, 2001-2020



SLCUA: Reported Annual Water Use by Category, 2001-2020



Number of Reporting Irrigation Wells and Reported Water Use for Irrigation from 2001-2020 for all SLCUA Counties



Reported Water Use Per Irrigation Well Reporting from 2001-2020 for all SLCUA Counties Calculated as Total Reported Water Use/Number of Reporting Wells

## Strategy #1: Establish a Comprehensive Groundwater Monitoring Program

- Provide accurate data on the amount of groundwater level changes
- Provide groundwater withdrawers with timely and accurate information to effectively manage withdrawal activities
- Establish the correlation between groundwater pumping and water level changes, both on local and regional scale
- Assess how climate variations impact groundwater levels
- Guide management efforts to minimize potential impairment of the aquifers and track progress in reversing water level declines
- Promote partnerships to identify wells that may be incorporated and of benefit to the well network

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## Strategy #2: Identify Geographic Areas of Concern

- Utilize other available freshwater aquifers than those currently used
- Utilize conjunctive use of aquifers or waters of less desirable quality where water quality of a specific character is not essential
- Utilize conjunctive use of surface water when available
- Utilize the groundwater model of the coastal plain aquifers developed by the USGS and SC DNR to determine potential for adverse effects
- Prohibit hydraulic connection of aquifers
- Implement abandonment of wells, including those that have penetrated zones of undesirable water quality where it causes contamination of freshwater aquifers
- Implement construction and use of observation or monitoring wells
- Implement reasonable/practical methods to conserve/protect resources
- Reduce/level groundwater withdrawals in areas of concentrated pumping
- Reduce/level groundwater withdrawals in areas where it is in the public interest or general welfare or to protect the resource

## Strategy #3: Review Permit Applications Based on Demonstrated Reasonable Use

- Provide appropriate documentation that the proposed water use is a beneficial use of the resource and necessary to meet the reasonable needs of the applicant
- Describe in detail the applications for which the water is being withdrawn and approximate quantities utilized in each application
- Identify the aquifer(s) currently utilized and the hydrogeologic (groundwater quality, specific capacity/yield, etc.) factors for utilization, and if a less utilized aquifer is suitable to meet the facility's need
- Identify additional or alternate sources of water, including surface water, effluent, or recycled water, among others, suitable to meet the needs of the applicant and supplement, minimize, or eliminate groundwater sources
- Identify reasonable and appropriate conservation methods or practices that maximize efficiency of current water use and reduce current water demand
- Identify any existing or anticipated adverse effects on other groundwater withdrawers, including public use, and strategies to eliminate or minimize these effects



## Strategy #4: Establish an Educational Plan for the General Public and Existing Groundwater Withdrawers

- Provide audience-based public education and outreach programs
- Provide best available information on current systematic and industry-based standards
- Engage with state and local governments
- Establish and promote conservation measures through:
  1. Enhanced water use efficiency
  2. Identification of water losses and establishment of corrective actions
  3. Preparation for water shortages and implementation of appropriate responses

## Strategy #5: Manage Through Regulation, Assessment, and Planning

- Providing information on other permitting departments such as agriculture, private wells, and drinking water
- Providing information on exemptions, emergency withdrawals, and withdrawals exceeding permitted volumes
- Showing users that there is no priority on groundwater withdrawal regulations based on type use or demand

## Strategy #6: Establish a Plan for Continual Stakeholder Engagement and Awareness of Groundwater Development

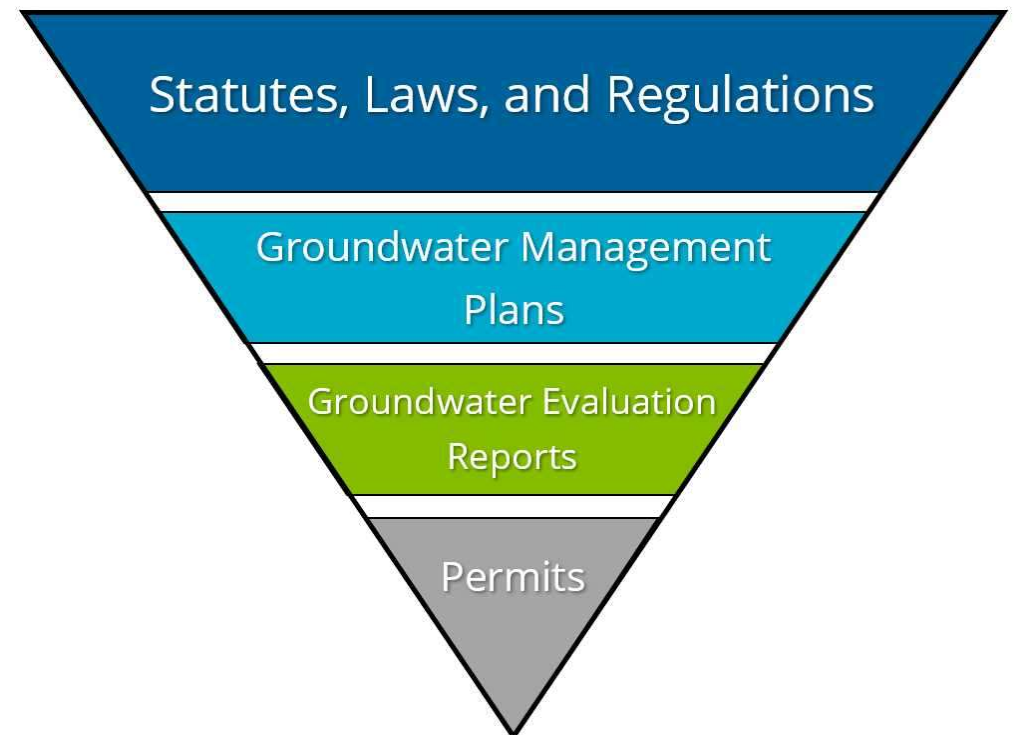
- Maintain a Stakeholder Workgroup that is diverse in geographic and type-use representation to serve in an advisory role and as a partner for engagement within the SLCUA communities;
- Provide a Stakeholder Workgroup a forum for SC DHEC to present each quinquennial draft GMP Report, receive comments for consideration as the draft is finalized, and evaluate whether considerations are needed for an updated GMP and a reconvening of the Stakeholder Workgroup to do such; and
- Provide a Stakeholder Workgroup an annual update of permits, water use, and conditions in the SLCUA



# Groundwater Management Plan Reports

Every 5 years, total annual groundwater withdrawals will be compiled and compared to available aquifer potentiometric maps. The report will include the following information:

- Listing of all permitted withdrawers, permitted withdrawal limits, and average groundwater withdrawal;
- Evaluation of withdrawal by category and by aquifer;
- Identification of the aquifer(s) and area(s) with observed and potential adverse effects and all withdrawers utilizing the aquifer(s)



# CONTACT US

**Leigh Anne Monroe**

Water Quantity Permitting Manager

803-898-2415

[monroela@dhec.sc.gov](mailto:monroela@dhec.sc.gov)

**Joseph M. Koon**

Division Director, Water Monitoring, Assessment, and Protection

803-898-4210

[koonjm@dhec.sc.gov](mailto:koonjm@dhec.sc.gov)

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