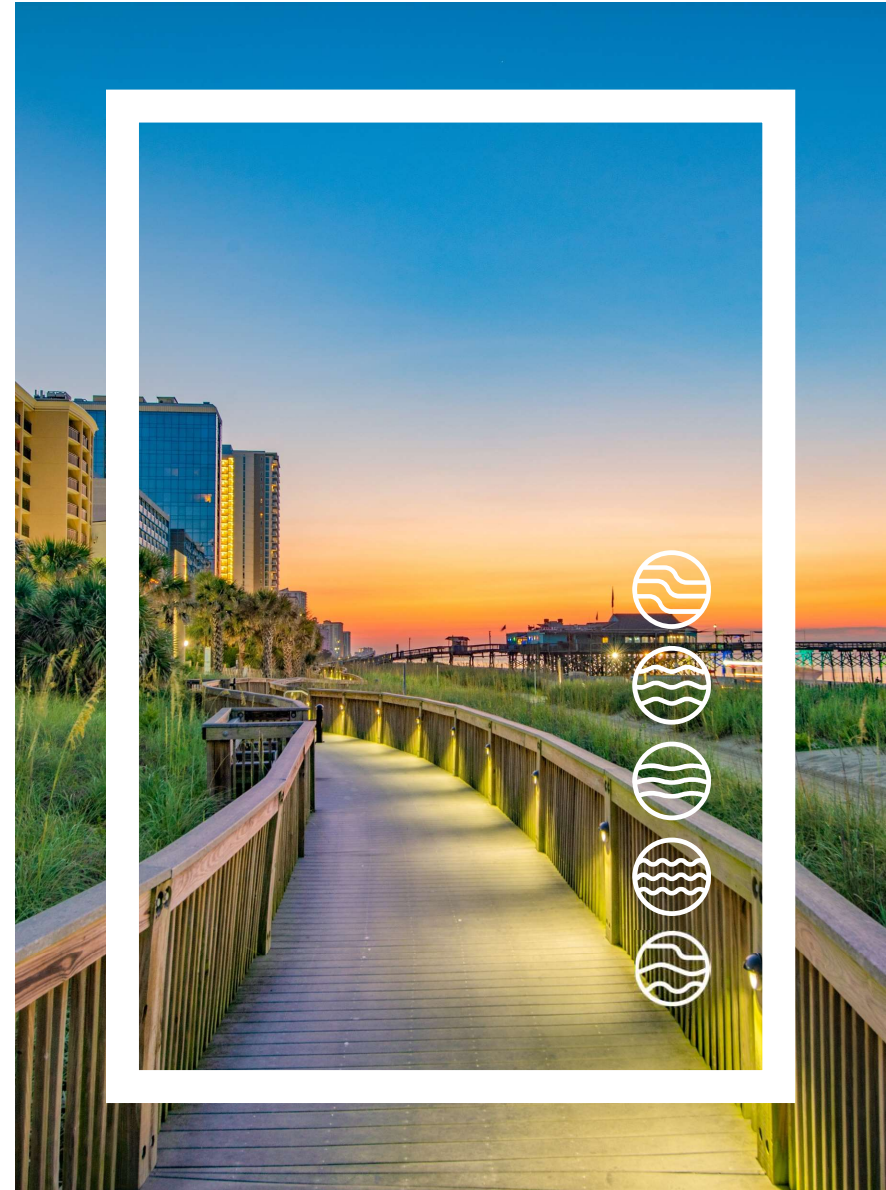




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South Carolina Water Quality Standards

2026 Triennial Review





Agenda

- Federal Requirements
- State Requirements
- Water Quality Standards in South Carolina
- Triennial Review Schedule and Topics





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Federal Requirements



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State Requirements



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Water Quality Standards in South Carolina



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Triennial Review Schedule and Topics



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Federal Requirements

Clean Water Act

- The Clean Water Act (CWA) is the primary law regulating pollution of the nation's waterways. It was originally enacted in 1948. Major amendments in 1972 added programs for water quality improvements.
- The objective of the CWA is the restoration and maintenance of the chemical, physical and biological integrity of the country's water.
- A major goal is to achieve water quality that is both "fishable" and "swimmable."



Clean Water Act

- Section 303(c)(2)(B) requires that South Carolina's water quality standards be reviewed and revised, where necessary, **at least once every three years** for the purposes of considering the EPA's most recent **numeric and narrative criteria** and to comply with recent Federal regulatory revisions and recommendations.



Clean Water Act

- Section 304(a) contains EPA's compilation of national **recommended water quality criteria** for the protection of aquatic life and human health in surface water for approximately 150 pollutants.
- Criteria tables are available for **aquatic life** criteria, **human health** criteria, and organoleptic effects (e.g., taste and odor).



Clean Water Act

- Section 307(a) references the Toxic Pollutant List. This same list also appears at 40 CFR 401.15, and it contains 65 entries (many of which are groups of pollutants e.g., chlorinated phenols, haloethers, etc.)
- EPA has also published a Priority Pollutant List which makes the original Toxic Pollutant List more usable (i.e., no groups), and it includes 126 entries.



Four-Part Test

- Under **Section 303(c)(3)** EPA has clarified what constitutes a water quality standard.
- Is it a **legally binding** provision?
- Does it address **designated uses, water quality criteria, or antidegradation**?
- Does it express or establish an **instream level of protection**?
- Does it establish a **new** water quality standard or **revise** an **existing** standard?





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State Requirements

Pollution Control Act

- SC Code Title 48-1-20. Declaration of public 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 flora** and **fauna**, 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 chapter, the Department of Health and Environmental Control **shall have authority to abate, control and prevent pollution.**



Pollution Control Act

- SC Code Title 48-1-30. Promulgation of regulations
- The Department shall promulgate regulations to implement this chapter to govern the procedure of the Department with respect to meetings, hearings, filing of reports, the issuance of permits and all other matters relating to procedure...



Pollution Control Act

- SC Code Title 48-1-40. Adoption of standards for water and air
- The Department, after **public hearing** as herein provided, shall adopt standards and determine what **qualities** and **properties** of water and air shall indicate a polluted condition and these **standards shall be promulgated** and made a part of the rules and regulations of the Department. The Department, in determining standards and designing the use of streams shall be guided by the provisions of this chapter.



Pollution Control Act

- SC Code Title 48-1-60. Classification and standards of quality and purity of the environment authorized after notice and hearing
- In order to attain the objectives of this chapter, the **Department**, after proper study and after conducting a public hearing upon due notice, **shall adopt rules and regulations and classification standards.**



Pollution Control Act

- SC Code Title 48-1-70. Matters which standards for water may prescribe
- Floating or Suspended Solids
- Bacteriological Organisms
- Oxygen
- Any other physical, chemical, or biological properties necessary for the attainment of the objectives of this chapter.



Administrative Procedures Act

- SC Code Title 1-23-10 et seq.
- Requires Drafting Notice, Proposed Regulation, and Final Regulation be published in the State Register
- Requires stakeholder engagement and a public hearing



Administrative Procedures Act

- SC Code Title 1-23-120. Approval of regulations; submission to Legislative Council for submission to General Assembly; contents, requirements and procedures; compliance with federal law.
- Some regulatory revisions are **exempt** from General Assembly review if they are strictly for compliance with Federal law



2023 Act 60

- Effective July 1, 2024
- Restructured South Carolina Department of Health and Environmental Control (DHEC) into the South Carolina Department of Public Health (DPH) and the South Carolina Department of Environmental Services (SCDES)
- Abolished the DHEC Board



2023 Act 60

- Section 48-6-20.
- SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of the Department of Health and Environmental Control on the effective date of this act.
- The department may promulgate regulations necessary to implement the provisions of this chapter.



2025 Act 13

- SC Code Title 1-23-120.
- Changed the legislative review period for regulations from 120 days to **110 days**.





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Water Quality Standards in South Carolina

Regulation 61-68

- Water Classifications & Standards
- Surface Water Classifications (e.g., freshwaters, trout waters, shellfish harvesting waters)
- Designated Uses (e.g., recreation, drinking water, aquatic life, industrial or agricultural use)
- Water Quality Criteria (narrative and numeric)
- Antidegradation (protect existing water quality)



Regulation 61-69

- Classified Waters
- List of named surface waters and their designated classification (i.e., use designation)
- Site-specific criteria (e.g., pH or D.O.)

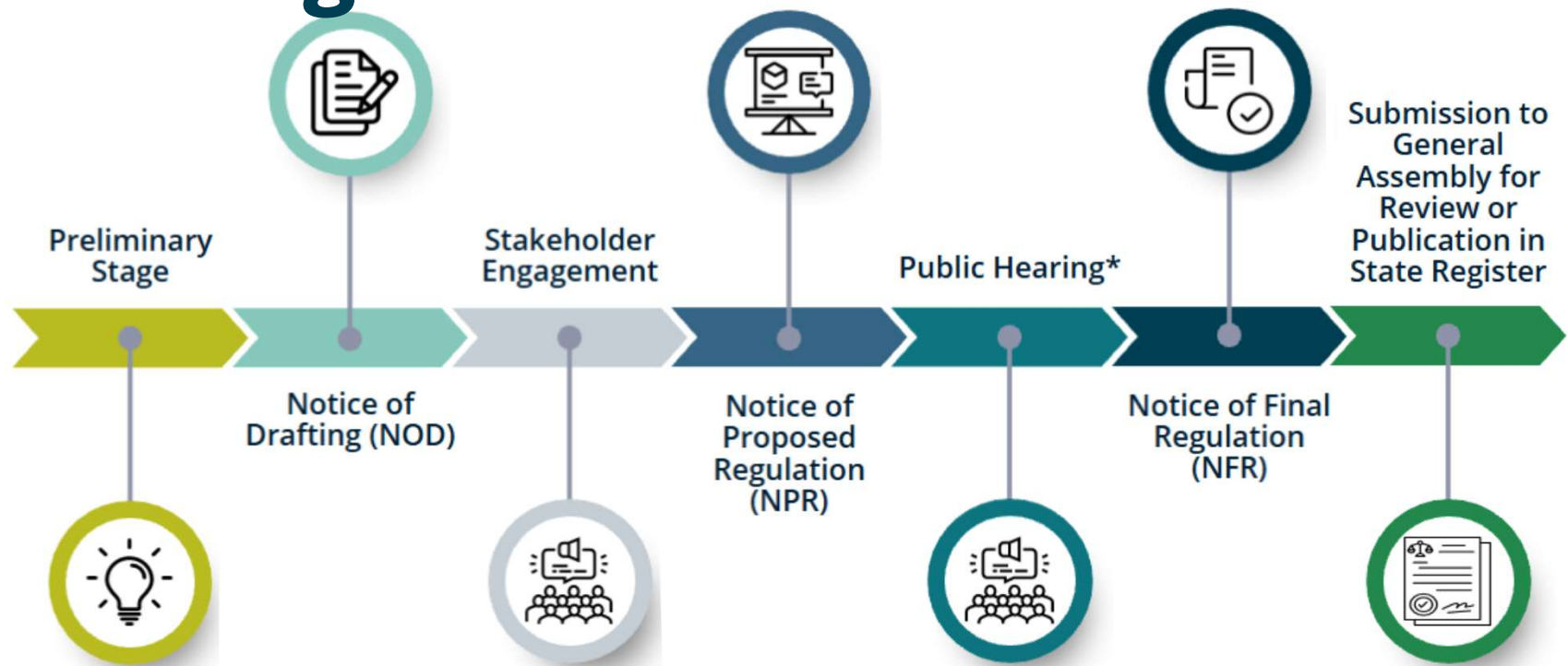




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Triennial Review Schedule and Topics

Promulgation Process



*A qualifying request must be received by the close of the NPR public comment period for the public hearing to be held. A qualifying request is defined as a request made by 25 persons, a governmental subdivision or agency, or an association having not less than 25 members.

Promulgation Stage 1

- Revisions are driven by SCDES and stakeholders

Date	Step	Notes
2/27/26	☒ NOD published in State Register	official start to the rulemaking process
3/30/26	☒ Public Comment period closes	5:00 p
4/28/26	☒ Stakeholder Meeting 1	10:30 a, virtual
5/12/26	Stakeholder Meeting 2	10:30 a, 2600 Bull Street (Linton Room), Columbia, SC
7/6/26	Internal Review	first draft revisions reviewed by management internally
7/13/26	Legal Review	revisions reviewed by general counsel internally
7/27/26	NPR Presentation	presentation of revisions to Department leadership

Promulgation Stage 2

- Revisions are driven by stakeholders only

Date	Step	Notes
8/28/26	NPR published in State Register	
September 2026	Stakeholder Meeting 3	details TBD
9/28/26	Public Comment period closes	5:00 p
10/19/26	Public Hearing	either at ALC or SCDES
10/26/26	Legal Review	legal review begins internally

Promulgation Stage 3

- Revisions are driven by Legislature only

Date	Step	Notes
11/27/26	NFR submitted to Legislature	final version handed over to State Legislature
January – May 2027	Legislative Review	

Promulgation Stage 4

- No further revisions possible during this promulgation process

Date	Step	Notes
May – June 2027	NFR published in State Register	still too early to specify dates
Summer 2027	Triennial Review submitted to EPA	still too early to specify dates
Fall 2027	EPA review and approval	still too early to specify dates

Topics

- Review the most current federal water quality criteria published in Sections 304(a) and 307(a) of the CWA and adopt these criteria into state standards if appropriate.
 - ammonia, aluminum, selenium
- Addition or revision of **definitions**.
- **Stylistic changes** which may include corrections for: readability, grammar, punctuation, typography, codification, references, and language style.
- Additional topics are addressed during the triennial review process **as needed based on stakeholder engagement**.

Stakeholder Comments

switch 7Q10 to AAQ
reclassification for AICW
narrative flow standards
aquatic life criteria
numeric nutrient standards
human health criteria
naturally low DO waterbodies
use of diatom indices
antidegradation
bacteria permit limits
1-4, dioxane
Department's authority to adopt standards
PFAS and other emerging contaminants
EPA's methods and recommendations
Department's use of data
MS4 permit compliance
TBELS
permit language in standards
biological assessments
water quality certification criteria



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