INTRODUCED

March 28, 2019

**H. 4366**

Introduced by Regulations and Administrative Procedures Committee

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Read the first time March 28, 2019.

**A** **JOINT RESOLUTION**

TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, RELATING TO REQUIREMENTS FOR STATE WATER POLLUTION CONTROL REVOLVING FUND LOAN ASSISTANCE, DESIGNATED AS REGULATION DOCUMENT NUMBER 4838, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. The regulations of the Department of Health and Environmental Control, relating to Requirements for State Water Pollution Control Revolving Fund Loan Assistance, designated as Regulation Document Number 4838, and submitted to the General Assembly pursuant to the provisions of Article 1, Chapter 23, Title 1 of the 1976 Code, are approved.

SECTION 2. This joint resolution takes effect upon approval by the Governor.

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SUMMARY AS SUBMITTED

BY PROMULGATING AGENCY.

The Department of Health and Environmental Control (“Department”) repeals R.61‑67.1. The regulation describes the process the Department and the former South Carolina Budget and Control Board followed in administering the State Water Pollution Revolving Fund received in federal grants from the Environmental Protection Agency (“EPA”). In 1992, the General Assembly repealed S.C. Code Section 48‑6‑10 et seq. and replaced it with the South Carolina Water Quality Revolving Fund Authority Act (S.C. Code Section 48‑5‑10 et seq.). Passage of the South Carolina Water Quality Revolving Fund Authority Act (“Act”) has rendered R.61‑67.1 obsolete. The Act provides authority for the Department and the South Carolina Water Quality Revolving Fund Authority to administer the South Carolina clean water and drinking water revolving funds program and federal grants received as supplements to the revolving funds from the EPA. The South Carolina Water Quality Revolving Fund Authority comprises the members of the State Fiscal Accountability Authority, with administrative and implementation support from the South Carolina Rural Infrastructure Authority (“RIA”).

Repeal of the regulation will have no impact or implications for the current administration and implementation of the South Carolina Clean Water State Revolving Fund (“CWSRF”). The CWSRF, like its predecessor, the State Water Pollution Revolving Fund under the repealed Title 48, Chapter 6, provides low interest loans to public utilities and local governments for wastewater and stormwater infrastructure projects. The Department and RIA are able to effectively administer and implement the state revolving funds program using the state statute, Title 48, Chapter 5, and federal laws, regulations, and grant requirements that govern the use of the funds. Other existing state laws and regulations also are used to implement the program such as environmental permitting regulations that govern the design and construction of wastewater and drinking water infrastructure projects.

The Administrative Procedures Act, S.C. Code Section 1‑23‑120(A), requires General Assembly review of this repeal.

The Department had a Notice of Drafting published in the June 22, 2018, *South Carolina State Register*.

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