



**SOUTH CAROLINA  
ENVIRONMENTAL  
LAW PROJECT**

*Lawyers for the Wild Side*

PO Box 1380, Pawleys Island, SC 29585 | (843) 527-0078 |  
www.scelp.org

*Executive Director & General Counsel*  
Amy E. Armstrong | amy@scelp.org

*Special Counsel*  
Michael G. Corley | michael@scelp.org

*Staff Attorneys*  
Benjamin D. Cunningham | ben@scelp.org  
Leslie S. Lenhardt | leslie@scelp.org  
Michael G. Martinez | mike@scelp.org  
Lauren Megill Milton | lauren@scelp.org  
Emily M. Nellerhoe | emily@scelp.org

September 26, 2022

VIA E-MAIL

Andrew Edwards (edwardaj@dhec.sc.gov)  
Water Quality Standards Coordinator  
Bureau of Water  
SCDHEC  
2600 Bull Street  
Columbia, SC 29201

Re: Notice of Proposed Regulation, S.C. Code Reg. 61-69, State Register Vol. 46, Issue 8

Dear Andrew:

The South Carolina Environmental Law Project appreciates the opportunity to submit comments on the Department of Health and Environmental Control's (DHEC) proposed amendments to S.C. Code Reg. 61-69, in particular the proposal to extend the water quality designation of Outstanding Resource Water (ORW) for the Atlantic Intracoastal Waterway (AICW) from Venning Creek to its confluence with Morgan Creek, located at the northern end of the Isle of Palms. We are fully in support of this elevation of this area's water quality standards from Shellfish Harvesting to ORW and ask DHEC to move forward with its promulgation process and to include this regulatory amendment.

ORW waters (the second-highest water quality designation identified by the EPA and DHEC) 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." R. 61-68.G.6. Where a waterbody is so designated, the existing water quality conditions must be maintained and protected to the full extent of DHEC's authority, including the prohibition of discharges from domestic, industrial or agricultural waste treatment systems. There are higher protections for a waterbody designated as ORW when it comes to stormwater and other nonpoint source runoff from upland development. See R. 61-68.G.7, 8.

Significantly, adjacent and nearby waterbodies carry this important designation, including Bulls Bay, Price Inlet, and all of Cape Romain Harbor. The AICW at this location receives flow from several deep creeks such as Venning Creek and Bull Creek. The Intracoastal Waterway from the

*Our Mission To protect the natural environment of South Carolina by providing legal services and advice to environmental organizations and concerned citizens and by improving the state's system of environmental regulation.*

confluence of Venning Creek south to the northern end of Isle of Palms at Morgan Creek has some of the cleanest water in the State, according to the South Carolina Department of Natural Resources shellfish monitoring programs. Additionally, this stretch of the AICW runs adjacent to the Cape Romain National Wildlife Refuge and provides a significant resource for the existing wildlife in the area. Designating this portion as ORW would not only protect the downstream waters, but would also provide an indirect level of protection for sensitive upland areas along the AICW shoreline. We are pleased that DHEC is proposing this change and support your efforts.

Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in blue ink that reads "Leslie S. Lenhardt". The signature is written in a cursive style with a large initial "L".

Leslie S. Lenhardt  
Staff Attorney