



## **Repeal of State SRF Regulation December 2018**

In the 1980s, DHEC developed R. 61-67.1, Requirements for State Water Pollution Control Revolving Fund Loan Assistance, after the agency's grant program transformed into the current Clean Water SRF program. Many components of the regulation are now very outdated and do not include drinking water components. Because of this, DHEC had two options: (1) repeal the regulation, or (2) update it. The agency is going to repeal it for two primary reasons. First, states are not required to implement their SRF program through regulation. Second, because of the almost annual changes in the federal program, it is virtually impossible for the state rulemaking process to stay current.

The SCWQA conveyed support to DHEC for eliminating the regulation on the condition that DHEC continue to annually publish for comment the Clean Water and Safe Drinking Water Intended Use Plans (IUPs). Those plans provide notice as to how DHEC will implement the SRF program, who is targeted to receive money, and the priority rankings of projects. Publication and approval of the IUPs will ensure that there is a state agency action that can be appealed if any local government believes the funds are not being used properly – an extremely important right, given that several hundred million dollars are at stake each year.

DHEC published its proposal to repeal the SRF regulation in October. Legislative review will be required in 2019.