

Edward (Butch) Weber, P.E. (SC, NC, FL)
Vice President, Engineering and Facilities



March 26, 2026

Mr. Andrew Edwards, PE
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RE: Notice of Drafting – February 27, 2026
Triennial Water Quality Standards Review

Dear Mr. Edwards:

The South Carolina Ports Authority (SCPA) promotes, develops, and facilitates waterborne commerce to meet the current and future needs of its customers and to support the economic well-being of South Carolina’s citizens and businesses. The SCPA is the local sponsor of the Charleston Harbor federal navigation channel, which was constructed and is maintained by the U.S. Army Corps of Engineers (Corps). Future deepening of this channel may be warranted for navigation and economic development purposes. The channel is located in a waterbody that DES characterizes as a “naturally low dissolved oxygen waterbody.”

The SCPA believes R.61-68 should be amended to clarify that a “naturally low dissolved oxygen waterbody” includes waterbodies with prior bathymetric modifications authorized by the Corps and maintained under ongoing federal authorization. Where applicable, the definition should also encompass other permanently modified waterbodies (e.g., reservoirs). It is unreasonable for the standards to disregard permanent, authorized modifications to bathymetry, such as harbor deepening or reservoir construction. Consistent with the policy of the South Carolina Pollution Control Act to foster economic development, it is reasonable to reflect that policy in state water quality standards as authorized and required by the Act.

This clarification should inform application of the allowable dissolved oxygen deficit of 0.1 mg/L, which is reasonable because it represents a *de minimis* change from the current, permanently authorized condition. It is not reasonable to apply the 0.1 mg/L deficit by comparison to conditions that existed before historic dredging in Charleston Harbor and its tributaries. As you are aware, dredging of the harbor system began in the 1800s. For this reason, it may be appropriate to replace the term “natural” with terminology that reflects the

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“permanently authorized” condition—particularly where the federal government maintains the dredged condition following a detailed Environmental Impact Statement process.

With respect to the Port Authority’s specific interests, when the “Post 45” dredging project was authorized, application of the 0.1 mg/L deficit was not evaluated against the true pre-development condition of the Charleston Harbor system. Instead, it was measured against conditions existing at the time of the application. Going forward, the appropriate baseline for evaluating the “natural” condition should be the current federally authorized dredged condition.

Finally, the South Carolina Pollution Control Act—particularly in the context of establishing standards under Section 48-1-60—requires that standards account for the relation to “the public use or benefit.” Considering the current and future public benefits associated with the Port of Charleston, including potential future dredging, this clarification is needed to provide regulatory certainty for future projects. South Carolina’s water quality standards, for purposes of the federal Clean Water Act, may incorporate state-specific policies that the state justifies. The proposed changes would clarify the regulation, without materially changing its protective effect, and would continue to support maintenance of designated uses for SA and SB waters because the 0.1 mg/L dissolved oxygen deficit is *de minimis*. Any more substantive deficits would require extensive water quality studies as prescribed in the Pollution Control Act, and any significant effects would be reviewed accordingly, including as contemplated by Section 48-1-83.

Please advise whether, in your view, revising R.61-68 to provide this clarification would require a statutory change. Alternatively, if you believe future dredging would be evaluated against the “Post 45” depths (i.e., the current Corps-approved bathymetry), please confirm whether a regulatory amendment is unnecessary. In either case, the SCPA seeks regulatory certainty for future projects.

Sincerely,



Edward Weber, P.E.

Vice President, Engineering and Facilities