



March 30, 2026

Attn: Andrew Edwards
Water Quality Standards Coordinator
SC Department of Environmental Services
2600 Bull Street
Columbia, SC 29201

RE: Comments on 2026 Triennial Review of Regulation 61-68, *Water Classifications and Standards*, and Regulation 61-69, *Classified Waters*

Dear Mr. Edwards,

We are writing on behalf of South Carolina Rivers Forever, a network of conservation organizations, businesses, and citizens with a mission to protect the State's surface and ground waters, to submit comments on the 2026 Triennial Review of Regulation 61-68 and Regulation 61-69.

The Department should establish in-stream nutrient standards for estuaries, rivers, and streams. Excess nutrients in surface waters create conditions favorable to harmful algal blooms and cyanotoxins, which threaten human health, water quality, and aquatic life, particularly during drought conditions like we are currently experiencing. The Department is now 18 years past the initial 2008 deadline for the adoption of numeric nutrient criteria for estuaries, rivers, and streams and appears no closer now than it was nearly two decades ago to adopting these important water quality standards. The updated State of South Carolina's 2021 Adoption Plan for Numeric Nutrient Water Quality Standards states that "the Department intends that numeric nutrient criteria for estuaries be adopted during a future triennial review of the water quality standards," but includes no specific timeframe, and the plan for river and stream standards are even more nebulous. While we appreciate the department's efforts to address site specific nutrient issues through TMDL development, it must move forward meaningfully and quickly with the adoption of numeric nutrient standards for all estuaries, rivers, and streams. As federal protections for wetlands and water resources continue to undergo substantial cuts, the threats to South Carolina's waterways are only growing. We urge the Department to take the lead on protecting South Carolina's streams, rivers, and downstream waterways by adopting in-stream nutrient criteria.



The Department should develop and adopt narrative flow standards for aquatic life and recreation in the state’s rivers, streams and estuaries. The Department has a duty to fully protect the designated uses of the state’s freshwaters and estuaries, including aquatic life and primary and secondary contact recreation. Sufficient flow is essential to protecting these designated uses, and the physical, chemical, and biological quality of the state’s waters on which they depend. These uses warrant protections through the development and adoption of narrative flow standards that actually apply to surface water withdrawals. Under DES’s current regulations, Regulation 61-68 contains a narrative flow standard that purports to protect water quality and existing and classified water uses; however, these standards are not applied to major water withdrawers, who can completely de-water rivers and obliterate the narrative flow standard under the distinct and unlawful Regulation 61-119. In 2022, EPA concluded that DES’s failure to protect river flow violates the Clean Water Act and directed DES to develop a water quality standard for flow to explicitly protect designated uses. SCDHEC began a narrative flow standard rulemaking in 2022 with a notice of drafting and stakeholder meeting, but never completed the process. SCDES must adopt narrative flow standards during this triennial review that actually apply to surface water withdrawers.

The Department must enforce the Clean Water Act and should also develop water quality standards for per-and polyfluoroalkyl substances (PFAS) and 1,4 dioxane. Pollutants like PFAS and 1,4 dioxane are a serious concern facing South Carolina’s waterways and communities. The Department should develop numeric standards for these pollutants, and establish appropriate effluent guidelines to protect citizens, drinking water, and the environment. Until the department has established these standards, the Clean Water Act **requires** DES to impose technology-based effluent limits (TBELs) for PFAS and 1,4 dioxane discharges on a permit-by-permit basis.¹ Additionally, using its existing authority under the Clean Water Act and Pollution Control Act, the department should require POTWs with pretreatment programs to require industrial users to sample for, and if necessary treat PFAS, and the Department should require all biosolids to be land applied to be sampled for PFAS before application, and ban the land-application of sludge contaminated with significant levels of toxic PFAS.

¹ See U.S. EPA, *Addressing PFAS Discharges in NPDES Permits and Through the Pretreatment Program and Monitoring Programs*, https://www.epa.gov/system/files/documents/2022-12/NPDES_PFAS_State%20Memo_December_2022.pdf; see also U.S. EPA, *Implementing Case-by-Case Technology-Based Effluent Limitations in NPDES Permits for Pollutants of Emerging Concern: A ‘How-To’ for NPDES Permit Writers*, <https://www.epa.gov/system/files/documents/2025-01/case-by-case-tbel-factsheet.pdf>.



The members of South Carolina Rivers Forever look forward to working with the Department during the 2026 Triennial Review process to develop and adopt these important water quality standards.

Sincerely,

SC Rivers Forever Co-Chairs

Bill Stangler
Congaree Riverkeeper

Emily Poole
South Carolina Environmental Law Project

SC Rivers Forever is a working group of the SC Conservation Coalition - a partnership of organizations working with South Carolinians to ensure that current and future generations can thrive in a safe, clean, and healthy environment.