

## 14 DRAFTING NOTICES

### DEPARTMENT OF ENVIRONMENTAL SERVICES CHAPTER 61

Statutory Authority: 1976 Code Sections 30-4-45, 48-6-10 et seq., 2022 Act No. 119, Section 5, effective January 27, 2022, and 2023 Act No. 60, effective July 1, 2024

#### **Notice of Drafting:**

The South Carolina Department of Environmental Services (SCDES) proposes amending R.61-107.20, Solar Energy Systems, and R.61-117, Access to Restricted Information. Interested persons may submit comments on the proposed amendments to Holly Randolph of the South Carolina Department of Environmental Services at 2600 Bull Street, Columbia, S.C. 29201; or via email at [holly.randolph@des.sc.gov](mailto:holly.randolph@des.sc.gov). To be considered, SCDES must receive comments no later than 5:00 p.m. on May 26, 2026, the close of the Notice of Drafting comment period.

#### **Synopsis:**

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to that legislation, DHEC and the DHEC Board were abolished, and SCDES was created, effective July 1, 2024. Pursuant to S.C. Code Ann. Section 48-6-20(A) and Section 14(B) of the Act, SCDES is vested with all the functions, powers, and duties of the environmental divisions, offices, and programs of DHEC, including the power and duty to promulgate associated regulations.

SCDES proposes amending R.61-107.20, Solar Energy Systems, and R.61-117, Access to Restricted Information, to reflect the restructuring of DHEC pursuant to the Act, to revise related references, and to make non-substantive, grammatical changes.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

### DEPARTMENT OF ENVIRONMENTAL SERVICES CHAPTER 30

Statutory Authority: 1976 Code Sections 48-6-10 et seq., 48-39-10 et seq., and 2023 Act No. 60, effective July 1, 2024

#### **Notice of Drafting:**

The South Carolina Department of Environmental Services (Department) proposes amending R.30-1, Statement of Policy, R.30-2, Applying for a Permit, and R.30-12, Special Project Standards for Tidelands and Coastal Waters. Interested persons may submit comment(s) on the proposed amendments to Liz Hartje of the Bureau of Coastal Management; South Carolina Department of Environmental Services, 1362 McMillan Avenue, Suite 400, Charleston, SC 29405; [Liz.Hartje@des.sc.gov](mailto:Liz.Hartje@des.sc.gov). To be considered, the Department must receive comments no later than 5:00 p.m. on May 26, 2026, the close of the Notice of Drafting comment period.

#### **Synopsis:**

Pursuant to S.C. Code Section 48-39-50, the Department is charged with promulgation of rules and regulations in order to carry out the provisions of the chapter, including reviewing applications to alter and/or utilize the critical areas of the State. The Department implements the policies of the S.C. Coastal Zone Management Act (S.C. Code Sections 48-39-10 et seq.) and the Coastal Division Regulations to promote the economic and social welfare of the citizens of this state while protecting the sensitive and fragile areas in the coastal counties and promoting sound development of coastal resources.

Over the past several decades, South Carolina's coast has experienced significant population growth and development, including a proliferation of private docks, leading to navigation, access, and natural resource impacts and challenges. Additionally, existing dock regulations, first established in 1978 and amended several times since, currently include a number of calculation factors for determining allowable dock square footage. In 2025, the Department convened the South Carolina Dock Stakeholder Workgroup to gain input and diverse perspective on these challenges and the existing regulatory standards and policies related to private docks. Based in part on recommendations and key findings of the Workgroup, the Department proposes to amend R.30-1.D(50) and R.30-12.A(2), to streamline standards applicable for the construction of private and joint use docks and to improve clarity and guidance for staff and the regulated community.

The Department also proposes amending R.30-2.H to separate the 401 Water Quality Certification administered by the Department's Bureau of Water from the Critical Area Permitting process. Currently, if an activity requires both a Section 401 Water Quality Certification and Critical Area Permit from the Department, the Critical Area Permit serves as the 401 Water Quality Certificate for an associated federal permit. Removing this requirement will allow for a more streamlined review process, include a more efficient public notice and permit decision, and assist with meeting timeframes for application reviews by both the 401 Water Quality Certification and Critical Area Permitting programs.

The proposed amendments may also include corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.

The Administrative Procedures Act, S.C. Code Section 1-23-120(A), requires General Assembly review of these proposed amendments.

## DEPARTMENT OF ENVIRONMENTAL SERVICES

### CHAPTER 61

Statutory Authority: 1976 Code Sections 48-1-10 et seq., 48-6-10 et seq., and 2023 Act No. 60, effective July 1, 2024

#### **Notice of Drafting:**

The South Carolina Department of Environmental Services (Department) proposes amending S.C. Code Ann. Regs. 61-101, Water Quality Certification (R.61-101), Section A, Number 8. Interested persons may submit comment(s) on the proposed amendments to Chuck Hightower of the Bureau of Water; South Carolina Department of Environmental Services, 2600 Bull Street, Columbia, S.C. 29201; Charles.Hightower@des.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on May 26, 2026, the close of the Notice of Drafting comment period.

#### **Synopsis:**

Pursuant to Section 401 of the Clean Water Act (CWA), 33 U.S.C. Section 1341, any applicant for a Federal license or permit to conduct any activity which during construction or operations may result in any discharge to navigable waters is required by Federal law to first obtain a certification from the Department. The Department proposes amending R.61-101, Water Quality Certification, Section A, Number 8, to allow for a separate 401 Water Quality Certification in areas that require a direct permit for alteration of the critical area of the coastal zone. This amendment will help to streamline the review process and assist with meeting timeframes for application reviews.

The proposed amendments may also include corrections for clarity and readability, grammar, punctuation, codification, and other such regulatory text improvements.