

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.

## 16 DRAFTING NOTICES

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 44-55-10 et seq., 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. 61-71, Well Standards (R.61-71), Section F.2.b. Interested persons may submit comment(s) on the proposed amendments to Joseph Koon of the Bureau of Water; South Carolina Department of Environmental Services, 2600 Bull Street, Columbia, S.C. 29201; Joseph.Koon@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 Sections 48-1-10 et seq. and 44-55-10 et seq, the Department is authorized to establish minimum standards for the construction, maintenance, and operation of certain wells. The Department proposes amending R.61-71.F.2.b, to revise the grout composition description to remove the specific neat cement composition of Class A, Type I Portland Cement, and replace it with a general neat cement description. This change will allow flexibility of neat cement composition.

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.