

DEPARTMENT OF ENVIRONMENTAL SERVICES

CHAPTER 61

Statutory Authority: 1976 Code Sections 13-7-40 et seq., 30-4-45, 48-6-10 et seq., 2022 Act No. 119, Section 5, effective January 27, 2022, and 2026 Act No. 146, effective May 15, 2026

Notice of Drafting:

The South Carolina Department of Environmental Services (SCDES) proposes amending the following regulations:

R.61-47, Shellfish.

R.61-50, Natural Public Swimming Areas.

R.61-63, Radioactive Materials (Title A).

R.61-107.20, Solar Energy Systems.

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. To be considered, SCDES must receive comments no later than 5:00 p.m. on August 24, 2026, the close of the Notice of Drafting (NOD) comment period. This NOD supersedes the NOD previously published on April 24, 2026, addressing proposed amendments to R.61-107.20 and R.61-117.

Synopsis:

On May 19, 2023, Governor McMaster signed 2023 S.C. Act 60 (Act 60), restructuring the South Carolina Department of Health and Environmental Control (DHEC). Pursuant to Act 60, 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 Act 60, 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.

On May 15, 2026, Governor McMaster signed 2026 S.C. Act 146 (Act 146). Act 146 entails statutory cleanup associated with the restructuring of DHEC to SCDES and the Department of Public Health (DPH). Act 146 amended statutory provisions previously associated with DHEC to reflect authorities provided for in the restructuring. Pursuant to S.C. Code Ann. Section 48-6-60(A) and Section 231(B) of Act 146, SCDES is vested with all the functions, powers, and duties, including the power and duty to promulgate associated regulations, for the safety and sanitation in the harvesting, storing, processing, handling, and transportation of mollusks, fin fish, and crustaceans, as well as the safety, safe operation, and sanitation of public swimming pools and other public bathing places, construction, tourist and trailer camps, and fairs.

SCDES proposes amending the above-referenced regulations to reflect the restructuring of DHEC pursuant to Act 60 and Act 146, 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.