

Document No. 5468

DEPARTMENT OF ENVIRONMENTAL SERVICES

CHAPTER 30

Statutory Authority: 1976 Code Sections 48-6-10 et seq., 48-39-10 et seq., 2023 Act No. 60, effective July 1, 2024, and 2026 Act No. 146, effective May 15, 2026

30-1. Statement of Policy.

30-2. Applying for a Permit.

30-12. Special Project Standards for Tidelands and Coastal Waters.

Preamble:

Pursuant to S.C. Code Section 48-39-50, the South Carolina Department of Environmental Services (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 perspectives 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, to improve clarity and guidance for staff and the regulated community, and to reduce navigational, access, and resource impacts and conflicts.

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 Certification 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.

The Department had a Notice of Drafting published in the April 24, 2026, South Carolina State Register.

Section-by-Section Discussion:

Section	Type of Change	Purpose
R.30-1	Revision	Amend to add statutory authority.

14 PROPOSED REGULATIONS

R.30-1.D(50)	Revision, Technical Correction	Amend definition of Special Geographic Circumstances to clarify the creek widths the circumstances may be applied to, removal of reference to tidal ranges. Amend for stylistic clarity.
R.30-2	Revision	Amend to add statutory authority.
R.30-2.H	Revision	Amend to separate the 401 Water Quality Certification administered by the Department's Bureau of Water from the Critical Area Permitting process.
R.30-12	Revision	Amend to add statutory authority.
R.30-12.A	Technical Correction	Amend to remove incorrect definition number reference and for stylistic clarity.
R.30-12.A(1)(a)	Technical Correction	Amend to remove incorrect definition number reference. Amend for stylistic clarity. Amend to correct grammatical error.
R.30-12.A(2)(a-b)	Technical Correction, Revision	Amend for stylistic clarity and to correct wording.
R.30-12.A(2)(c)	Revision, Deletion	Amend to clarify the areas included in total allowable dock square footage, method for measuring creek width to determine allowable square footage, and indicators the Department may use when marsh vegetation does not exist. Removed reference to DMPs as it is no longer relevant.
R.30-12.A(2)(c)(i-iv)	Revision, Technical Correction	Revise creek widths where docks will not be permitted, creek width ranges where docks may be permitted, and associated allowable square footages. Amend for stylistic clarity.
R.30-12.A(2)(c)(v-xi)	Addition	Add additional creek width ranges where docks may be permitted and associated allowable square footages.
New R.30-12.A(2)(c)(xii)	Revision, Technical Correction	Revise largest creek width category and associated total allowable square footage. Renumber and amend for stylistic clarity.
New R.30-12.A(2)(c)(xiii)	Revision, Technical Correction	Revise square footage multiplier that may be applied to joint use docks and amend to improve sentence structure. Renumber item.
New R.30-12.A(2)(c)(xiv)	Revision, Technical Correction	For grandfathered or previously permitted private and joint use docks, clarify that any modifications must be in compliance with current regulations and clarify these structures may not be enlarged if they are already larger than allowances in revised R.30-12.A.(2)(c). Renumber item and amend for stylistic clarity.

New R.30-12.A(2)(c)(xv-xvi)	Technical Correction	Renumber items.
R.30-12.A(2)(c)(x)	Deletion	Delete item to maintain consistency with revision to R.30-12.A(2)(c) clarifying the areas included in total allowable dock square footage.
R.30-12.A(2)(d)(ii)	Technical Correction	Amend for stylistic clarity.
R.30-12.A(2)(e)(i)	Revision, Technical Correction	Revise to clarify eligibility for boat storage structures for single family docking facilities according to creek width. Amend for stylistic clarity.
R.30-12.A(2)(e)(ii)	Deletion, Addition	Remove reference to activities prohibited on lifts and davits. Add language to clarify eligibility for boat storage structures on joint use docking facilities according to creek width.
R.30-12.A(2)(e)(iii)	Revision, Technical Correction	Clarify that boat storage structures must be open sided with no enclosures. Amend for stylistic clarity.
R.30-12.A(2)(f)	Addition	Add boat maintenance activities prohibited on boat storage structures or any component of dock structure.
R.30-12.A(2)(g)	Addition	Add standards for channelward extension of dock structures into waterbody.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit written comments 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. To be considered, the Department must receive comments no later than 5:00 p.m. on Monday, September 28, 2026, the close of the comment period.

Should a public hearing on the proposed regulations be requested by qualifying entities or the requisite number of persons pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, the South Carolina Administrative Law Court will conduct a public hearing on Tuesday, October 27, 2026, beginning at 10:00 a.m. at the South Carolina Administrative Law Court, Edgar Brown Building, Second Floor, 1205 Pendleton Street, Columbia, S.C. 29201. If a qualifying request pursuant to Section 1-23-110(A)(3) is not received by 5:00 p.m. on Monday, September 28, 2026, the hearing will be cancelled.

Preliminary Fiscal Impact Statement:

The Department estimates no additional cost incurred by the state or its political subdivisions as a result of the promulgation, approval, and implementation of these proposed amendments. The Department will use existing staff and resources to implement these amendments.

Statement of Need and Reasonableness:

The following presents an analysis of the factors listed in 1976 Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: 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.

16 PROPOSED REGULATIONS

Purpose: 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 perspectives 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, to improve clarity and guidance for staff and the regulated community, and reduce navigational, access, and resource impacts and conflicts.

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 Certification for an associated federal permit. Both of these processes are governed by review timeframes which are independent from one another. Removing this requirement will allow for a more streamlined review process, including 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.

Legal Authority: 1976 Code Sections 48-6-10 et seq., 48-39-10 et seq., 2023 Act No. 60, effective July 1, 2024, and 2026 Act No. 146, effective May 15, 2026.

Plan for Implementation: The amendments will take legal effect upon General Assembly approval and publication in the State Register. Department personnel will then take appropriate steps to inform the regulated community of the amendments, apply the amendments to their permit reviews and follow the new procedures outlined for the 401 Water Quality Certification process.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

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. 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. The proposed amendments are designed to streamline standards applicable for the construction of private and joint use docks, to improve clarity and guidance for staff and the regulated community, and reduce navigational, access, and resource impacts and conflicts. 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. Both of these processes are governed by review timeframes which are independent from one another. Removing this requirement will allow for a more streamlined review process and assist with meeting timeframes for application reviews.

DETERMINATION OF COSTS AND BENEFITS:

The Department does not anticipate additional costs to the state resulting from administration of these proposed amendments. Benefits to the state would include improved management of coastal resources by streamlining regulatory standards and reviews, providing clarity to the regulated community, allowing for a more efficient public notice and permit decision, and assisting with meeting timeframes for application reviews by both the 401 Water Quality Certification and Critical Area Permitting programs. The Department does not anticipate additional costs to the regulated community as a result of these proposed new regulations.

UNCERTAINTIES OF ESTIMATES:

None.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Implementation of the proposed amendments seeks to benefit the environment by providing more clarity and efficiency to the Department's statutory directives to manage the State's Tidelands and Coastal Waters Critical Areas, which have been identified by the state as environmentally, commercially, and recreationally important, while being ecologically fragile and vulnerable to alterations. The amendments are also designed to address navigational, access, and natural resource impacts and use conflicts, particularly on smaller creeks. The proposed amendments will further streamline the Department's decision processes for 401 Water Quality Certification and Critical Area Permits. Separating the two decisions will allow for more flexibility in meeting each decision's respective regulatory timeframe.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

Not implementing these amendments will result in continuing challenges for the Department's implementation of statutory directives for managing the State's Tidelands and Coastal Waters Critical Areas. These challenges include the continued use of numerous calculations to determine the total allowed square footage for docks, less efficient review processes, and continued navigational, access, and natural resource impacts and use conflicts, particularly on smaller creeks. The proposed amendments will streamline the dock application process for the regulated community and allow for a clearer, more efficient review process for staff, while reducing impacts and use conflicts.

For the 401 water quality certification, there are no anticipated detrimental effects on the environment and public health if the proposed amendments to the regulation are not implemented. The purpose of the proposed amendments is to streamline the Department's decision processes for 401 Water Quality Certification and Critical Area Permits.

Statement of Rationale:

Here below is the Statement of Rationale pursuant to S.C. Code Section 1-23-110(A)(3)(h):

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 perspectives on these challenges and the existing regulatory standards and policies related to private docks. The Workgroup represented diverse backgrounds and constituencies, including dock and marine contractors and engineers, private sector consultants, elected officials, state and local government representatives, and conservation organizations. The Workgroup's recommendations and findings were outlined in a final report released in early 2026 and can be accessed through the Department's website at: <https://des.sc.gov/programs/bureau-coastal-management/south-carolina-dock-stakeholder-workgroup>. The proposed amendments were based in part on the recommendations and key findings of the Dock Stakeholder Workgroup. The proposed amendments will further streamline the Department's decision processes for 401 Water Quality Certification and Critical Area Permits. Separating the two decisions will allow for more flexibility in meeting each decision's respective regulatory timeframe.

Text:

18 PROPOSED REGULATIONS

The full text of this regulation is available on the South Carolina General Assembly Home Page: <http://www.scstatehouse.gov/regnsrch.php>. Full text may also be obtained from the promulgating agency.

Document No. 5471
DEPARTMENT OF ENVIRONMENTAL SERVICES
CHAPTER 61

Statutory Authority: 1976 Code Sections 48-1-10 et seq., 48-6-10 et seq., 2023 Act No. 60, effective July 1, 2024, and 2026 Act No. 146, effective May 15, 2026

61-101. Water Quality Certification.

Preamble:

Pursuant to 1976 Code Sections 48-1-10 et seq., 48-6-10 et seq., 2023 Act No. 60, effective July 1, 2024, and 2026 Act No. 146, effective May 15, 2026, the South Carolina Department of Environmental Services (Department) is authorized to implement State water quality certification requirements of Section 401 of the Clean Water Act, 33 U.S.C. Section 1341.

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(8)-(9) and Section G(6), 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 and to make a conforming change to applicable appeal procedures. These amendments will help to streamline the review process and assist with meeting timeframes for application reviews. Specifically, separating the 401 Water Quality Certification and critical area permit decisions will allow for more flexibility in meeting each decision's respective regulatory timeframe.

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.

The Department had a Notice of Drafting published in the April 24, 2026, South Carolina State Register.

Section-by-Section Discussion:

Section	Type of Change	Purpose
R.61-101, Section A, Number 8	Deletion	Deleted to separate the 401 Water Quality Certification decision and the Critical Area Permitting decision in order to streamline both processes.
R.61-101, Section A, Number 9	Revision	Renumbered to accommodate the deletion of Section A, Number 8.
R.61-101, Section G, Number 6	Deletion	Deleted to remove the current appeal procedure for a 401 Water Quality Certification that is included in a direct critical area permit, as needed to conform with the proposed deletion of Section A, Number 8.

Notice of Public Hearing and Opportunity for Public Comment:

South Carolina State Register Vol. 50, Issue 8
August 28, 2026