

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

Interested persons may submit written comments 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 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, November 10, 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:

No fiscal impacts are anticipated from this process amendment.

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.61-101, Water Quality Certification.

Purpose: 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.

Legal 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.

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.

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

The proposed amendments allow for streamlining of the 401 Water Quality Certification and Critical Area Processes. Separating the two decisions will allow for more flexibility in meeting each decision's respective regulatory timeframe.

DETERMINATION OF COSTS AND BENEFITS:

Implementation of these proposed amendments will not require additional resources. There is no anticipated additional cost to the Department or state government due to any requirements of these amendments.

There is no anticipated additional cost to stakeholders and members of the regulated community.

UNCERTAINTIES OF ESTIMATES:

There are no uncertainties of estimates relative to the costs to the state or its political subdivisions.

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EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

The proposed amendments will provide continued protection of the environment and public health.

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

There is no anticipated detrimental effect 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):

The proposed amendments allow for streamlining of the 401 Water Quality Certification and Critical Area Processes. Separating the two decisions will allow for more flexibility in meeting each decision's respective regulatory timeframe.

Text:

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. 5460
STATE BOARD OF FINANCIAL INSTITUTIONS
CHAPTER 15
Statutory Authority: 1976 Code Sections 1-23-120 and 34-1-110

15-39G. Balloon Payment and Reverse Annuity Mortgage Loans by State-chartered Savings and Loan Associations.

Preamble:

The South Carolina State Board of Financial Institutions proposes to repeal R.15-39G.

Section-by-Section Discussion:

15-39G. Balloon Payment and Reverse Annuity Mortgage Loans by State-chartered Savings and Loan Associations.

R.15-39G authorizes State-chartered savings and loan associations to make balloon payment mortgage loans and reverse annuity mortgage loans under the same terms and conditions permitted federally chartered savings and loan associations by a proposed amendment dated July 14, 1981, of the Federal Home Loan Bank Board to part 545, subchapter C, Chapter V of Title 12, Code of Federal Regulations. The Board of Financial Institutions proposes to repeal R.15-39G because this authority is permitted by subsequently enacted State law, Section 34-28-510, and the federal law incorporated therein has been repealed.

The Notice of Drafting was published in the State Register on June 26, 2026.

Notice of Public Hearing and Opportunity for Public Comment: