

There is no anticipated cost increase to the state or its political subdivisions resulting from these proposed revisions. The proposed amendments comply with and implement 2023 Act No. 60 and 2026 Act No. 146. These amendments will benefit the regulated community by clarifying and updating the preexisting DHEC regulations now implemented by SCDES and improving their ease of use.

UNCERTAINTIES OF ESTIMATES:

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

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Adoption of the proposed amendments to R.61-47, R.61-50, R.61-63, R.61-107.20, and R.61-117, will provide continued protection of the environment and public health.

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

The state's regulations must be amended to reflect the restructuring of DHEC and the creation of SCDES. These regulations are beneficial to the public health and environment, and their clarity would be compromised if these amendments were not adopted.

Statement of Rationale:

SCDES proposes amendments to R.61-47, R.61-50, R.61-63, R.61-107.20, and R.61-117 to reflect the restructuring of DHEC pursuant to 2023 S.C. Act 60 and 2026 S.C. Act 146, to revise related references, and to make non-substantive, grammatical changes. The state's regulations must be amended to reflect the restructuring of DHEC and the creation of SCDES. These amendments are necessary and reasonable to implement the agency restructuring.

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. 5474

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

61-68. Water Classifications and Standards.

61-69. Classified Waters.

Preamble:

Pursuant to Section 303(c) of the federal Clean Water Act (CWA), South Carolina's water quality standards must be reviewed at least once every three years. Referred to as the triennial review, this required process consists of reviewing and amending, where appropriate, water classifications, designated uses, water quality criteria, site-specific standards, and antidegradation policy. The South Carolina Department of Environmental Services (Department) will review and adopt, where appropriate, the Environmental Protection Agency's updated numeric and narrative criteria according to Section 304(a), Section 304(f), and Section 307(a) of the CWA. In

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reviewing its water classifications and standards, the Department will give consideration to the factors listed in S.C. Code Section 48-1-80.

Accordingly, the Department proposes amending R.61-68, Water Classifications and Standards, to adopt revised water quality standards as deemed appropriate to comply with federal updates and recommendations and based on input received from stakeholders. In addition, the Department proposes amending R.61-69, Classified Waters, to clarify, update, and correct as needed waterbody names, counties, classes, and descriptions. The proposed amendments are intended to improve the overall quality of both regulations.

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 February 27, 2026, South Carolina State Register.

Section-by-Section Discussion:

Section	Type of Change	Purpose
Regulation 61-68		
B. Definitions	Addition	Adding definition at B.46. for naturally variable parameters. Renumbering definitions based the addition at B.46.
	Revision	Revising the definition at B.45. for natural conditions.
	Technical Correction	Correcting typographical errors at B.10, B.19, B.23, B.30, B.32, B.34, B.35, B.40, B.45, B.48, B.49, B.58, B.61, and B.62.
C. Applicability of Standards	Revision	Revising C.3. to include existing and classified uses. Revising C.5 and re-organizing C.7 and C.8 to clarify how use designations are applied to unnamed or unlisted waters.
	Technical Correction	Correcting significant digits for dissolved oxygen at C.4.c.(1)(iii.).
D. Antidegradation Rules	Revision	Revising D.1.b. to clarify the existing antidegradation policy related to hydrologic criteria.

Section	Type of Change	Purpose
E. General Rules and Standards Applicable to All Waters	Revision	Revising E.14.a.(3) to clarify how hardness values are used to determine CMC and CCC concentrations for hardness-dependent metals. Revising E.14.c.(12) to adjust the bacteria permitting limitations. Revising E.14.c.(13) to clarify MS4 permit compliance requirements. Revising E.14.d.(2) to remove the existing language and reserve the outline format.
	Addition	Adding E.20. to establish hydrologic criteria.
G. Class Descriptions, Designations, and Specific Standards for Surface Waters	Technical Correction	Correcting significant digits for dissolved oxygen at G.9.e. and G.11.e.
Appendix – Water Quality Criteria Additional Notes	Technical Correction	Correcting a typographical error at 5.
Appendix Attachment 3	Technical Correction	Correcting a typographical error.
Appendix Attachment 4	Revision	Revising to clarify how hardness values are used to determine CMC and CCC concentrations for hardness-dependent metals.
Regulation 61-69		
H. List of Waterbody Names, County(ies), Class, and Descriptions		
Ashley River	Technical Correction	Correcting significant digits for dissolved oxygen.
Ashpole Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Atlantic Intracoastal Waterway	Technical Correction	Correcting significant digits for dissolved oxygen.
Bartons Branch	Technical Correction	Correcting significant digits for dissolved oxygen.
Bear Creek	Revision	Correcting waterbody description from Rocky Creek to Rocky River.
Bear Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Big Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Black Creek	Technical Correction	Correcting significant digits for dissolved oxygen.
Black River	Technical Correction	Correcting significant digits for dissolved oxygen.
Boggy Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Brown Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Buck Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.

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Section	Type of Change	Purpose
Bull Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Bulls Creek	Technical Correction	Correcting significant digits for dissolved oxygen.
Catfish Creek	Technical Correction	Correcting significant digits for dissolved oxygen.
Caw Caw Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Chinners Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Clark Creek	Technical Correction	Correcting significant digits for dissolved oxygen.
Cowpen Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Cypress Branch	Technical Correction	Correcting significant digits for dissolved oxygen.
Douglas Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Duck Island Channel	Technical Correction	Correcting significant digits for dissolved oxygen.
Edisto River	Revision	Clarifying waterbody name.
Four Hole Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Gaffney Creek	Revision	Clarifying waterbody name.
Gramling Creek	Technical Correction	Correcting significant digits for dissolved oxygen.
Great Pee Dee River	Technical Correction	Correcting significant digits for dissolved oxygen.
Great Swamp	Addition	Adding Great Swamp in Jasper County.
Green Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Gum Branch	Technical Correction	Correcting significant digits for dissolved oxygen.
Hayes Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Indian Field Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Jeffries Creek	Technical Correction	Correcting significant digits for dissolved oxygen.
Johnsons Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Lake Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Lee Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Lemon Creek	Technical Correction	Correcting significant digits for dissolved oxygen.
Lynches Lake	Technical Correction	Correcting significant digits for dissolved oxygen.

Section	Type of Change	Purpose
Maidendown Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Maple Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Middle Branch	Technical Correction	Correcting significant digits for dissolved oxygen.
Middle Pen Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Middle Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Muddy Creek	Technical Correction	Correcting significant digits for dissolved oxygen.
New River	Revision	Correcting the classification.
Newman Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Pleasant Meadow Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Pocalla Creek	Technical Correction	Correcting significant digits for dissolved oxygen.
Pocotaligo River	Technical Correction	Correcting significant digits for dissolved oxygen.
Polk Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Pudding Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Pye Branch	Technical Correction	Correcting significant digits for dissolved oxygen.
Rocky Bluff Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Saluda River	Technical Correction	Correcting significant digits for dissolved oxygen.
Sanders Branch	Technical Correction	Correcting significant digits for dissolved oxygen.
Santee River (North and South)	Deletion	Removing duplicate entry.
Savannah River	Technical Correction	Correcting significant digits for dissolved oxygen.
Schewbough Branch	Technical Correction	Correcting significant digits for dissolved oxygen.
Skeebo Branch	Technical Correction	Correcting significant digits for dissolved oxygen.
Smith Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Sparrow Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Stoops Creek	Revision	Correcting waterbody name.
Summerhouse Branch	Technical Correction	Correcting significant digits for dissolved oxygen.
Town Creek	Revision	Clarifying waterbody name and correcting waterbody description.

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Section	Type of Change	Purpose
Turkey Creek	Technical Correction	Correcting significant digits for dissolved oxygen.
Unnamed Creek	Deletion	Removing duplicate entry.
Unnamed Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.
Waccamaw River	Technical Correction	Correcting significant digits for dissolved oxygen.
White Oak Creek	Technical Correction	Correcting significant digits for dissolved oxygen.
Willow Swamp	Technical Correction	Correcting significant digits for dissolved oxygen.

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit written comments on the proposed amendments to Andrew Edwards of the Bureau of Water; South Carolina Department of Environmental Services, 2600 Bull Street, Columbia, S.C. 29201; wqs@des.sc.gov. To be considered, the Department must receive comments no later than 5:00 p.m. on Monday, October 26, 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, December 1, 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, October 26, 2026, the hearing will be cancelled. Should the public hearing be cancelled, the Department will post the notice of cancellation at least one week prior to the scheduled hearing at <https://des.sc.gov/permits-regulations/regulations-regulatory-updates/regulations-currently-under-amendment-recently-finalized>.

Should the Administrative Law Court public hearing on Tuesday, December 1, 2026, be cancelled pursuant to Section 1-23-110(A)(3) of the 1976 Code, as amended, the Department will conduct a public hearing in Peebles Auditorium at SCDES Headquarters, 2600 Bull Street, Columbia, SC 29201, on Tuesday, December 1, 2026, at 10:00 a.m. If a qualifying request pursuant to Section 1-23-110(A)(3) is received and the Tuesday, December 1, 2026, public hearing at the Administrative Law Court is confirmed, the Tuesday, December 1, 2026, public hearing at SCDES Headquarters will be cancelled.

Preliminary Fiscal Impact Statement:

No costs to the State or significant cost to its political subdivisions should be incurred by these proposed 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.61-68, Water Classifications and Standards; R.61-69, Classified Waters.

Purpose: Proposed amendments to R.61-68 and R.61-69 will clarify, strengthen, and improve the overall quality of the existing regulations and make appropriate revisions to the State's water quality standards in accordance with 33 U.S.C. Section 303(c)(2)(B) of the federal Clean Water Act.

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 upon 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:

Section 303(c)(2)(B) of the federal CWA requires that South Carolina’s water quality standards be reviewed and revised, where necessary, at least once every three years. Referred to as the triennial review, this required process consists of reviewing and adopting, where appropriate, the Environmental Protection Agency’s updated numeric and narrative criteria according to Section 304(a) and Section 307(a) of the CWA. The Department proposes amending R.61-68 as deemed necessary to comply with federal regulatory recommendations and revisions and to improve the overall quality of the existing regulation. R.61-69 establishes the State’s site-specific water quality standards and provides a listing of all named and specific unnamed waterbodies, their classifications, and locations. The Department’s proposed amendments to R.61-69 clarify and correct, as needed, waterbody names, counties, classes, and descriptions and to improve the overall quality of the existing regulation.

DETERMINATION OF COSTS AND BENEFITS:

Existing Department staff and resources will be utilized to implement these amendments to the regulation. No anticipated additional cost will be incurred by the State if the revisions are implemented, and no additional State funding is being requested. Overall cost impact to the State’s political subdivisions and regulated community is not likely to be significant. Existing standards would have incurred similar costs. Furthermore, standards required under the amendments will be substantially consistent with the current guidelines and review guidelines utilized by the Department.

UNCERTAINTIES OF ESTIMATES:

The uncertainties associated with the estimation of benefits and burdens are minimal.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH:

Implementation of these proposed amendments will not compromise the protection of the environment or the health and safety of the citizens of the State. The proposed amendments to R.61-68 seek to promote and protect aquatic life and human health by the regulation of pollutants into waters of the State. The proposed amendments to R.61-69 seek to correct and clarify portions of the list of classified waters in order to provide citizens with a more accurate representation of the waters of the State.

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

Implementation of these proposed amendments will not compromise the protection of the environment or the health and safety of the citizens of the State. The proposed amendments to R.61-68 seek to promote and protect aquatic life and human health by the regulation of pollutants into waters of the State. If the proposed amendments to R.61-68 are not implemented, then the waters of the State will have less protection for designated and existing uses. Failure by the Department to incorporate appropriate revisions to the list of classified waters in R.61-69 will allow inaccurate or insufficiently clear classifications, descriptions, and site-specific standards for the State’s waters to persist. This list is the only repository of the State’s site-specific water quality standards and is used in determining applicable water quality standards for purposes of National Pollutant Discharge Elimination System (“NPDES”) permit decisions. If not corrected, inaccuracies and unclear provisions in the existing

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regulation may lead to unnecessary contamination of the waters of the State through application of less protective standards in permit decisions, with detrimental effects on the health of flora and fauna, as well as the citizens of South Carolina.

Statement of Rationale:

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

R.61-68 establishes appropriate goals and water uses to be achieved, maintained, and protected; general rules and water quality criteria to protect classified and existing water uses; and an antidegradation policy to protect and maintain the levels of water quality necessary to support and maintain those existing and classified uses. Section 303(c)(2)(B) of the federal CWA requires South Carolina's water quality standards to be reviewed and revised, where necessary, at least once every three years. Referred to as the triennial review, this required process consists of reviewing and adopting, where appropriate, the Environmental Protection Agency's updated numeric and narrative criteria according to Section 304(a) and Section 307(a) of the CWA. The Department proposes amending R.61-68 as deemed necessary to comply with federal regulatory recommendations and revisions and to improve the overall quality of the existing regulation. R.61-69 establishes the State's site-specific water quality standards and provides a listing of all named and specific unnamed waterbodies, their classifications, and locations. The Department proposes amending R.61-69 to clarify and correct, as needed, waterbody names, counties, classes, and descriptions, including descriptions of site-specific standards. As indicated, these amendments will prevent unnecessary contamination of waters of the State and provide greater protection for designated and existing uses.

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. 5478
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 2026 Act No. 146, effective May 15, 2026

61-71. Well Standards.

Preamble:

Pursuant to S.C. Code Sections 44-55-10 et seq., 48-1-10 et seq., 48-6-10 et seq., and 2026 Act No. 146, effective May 15, 2026, the South Carolina Department of Environmental Services (Department) is authorized to establish minimum standards for the construction, maintenance, and operation of certain wells. The Department proposes amending R.61-71, Well Standards, to revise the grout composition description to remove the specific neat cement composition of Class A, Type I Portland Cement. 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.