

20 PROPOSED REGULATIONS

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.

The Department had a Notice of Drafting published in the June 26, 2026, South Carolina State Register.

Section-by-Section Discussion:

Section	Type of Change	Purpose
R.61-71		
Section F.2.b(1)	Revision	Grout composition description amended to allow flexibility of neat cement composition
Section G.2.b(1)	Revision	Grout composition description amended to allow flexibility of neat cement composition
Section H.2.a(2)(a)	Revision	Grout composition description amended to allow flexibility of neat cement composition
Section H.3.b(2)(a)	Revision	Grout composition description amended to allow flexibility of neat cement composition
Section J.2.c(1)	Revision	Grout composition description amended to allow flexibility of neat cement composition

Notice of Public Hearing and Opportunity for Public Comment:

Interested persons may submit written comments 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 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 Monday, November 23, 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.

Preliminary Fiscal Impact Statement:

No costs will be incurred by the state and its political subdivisions in complying with this proposed amended regulation.

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.61-71, Well Standards.

Purpose: 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 Department is authorized to establish minimum standards for the construction, maintenance, and operation of certain wells. The Department proposes amending R.61-71, 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.

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Legal 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.

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 intent of these amendments is to revise the grout composition description to remove the specific neat cement composition requirements and therefore allowing flexibility of neat cement composition. There would be no detrimental effect on the environment and public health if the proposed amendments to R.61-71 are adopted.

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.

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 amendment to the regulation is not implemented. The purpose of the proposed amendment is to allow flexibility of neat cement composition.

Statement of Rationale:

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

The basis for the proposed amendment to the regulation is that classes and types of neat cement, a component of grout, change over time. Amending the regulation to remove the specific neat cement composition of Class A, Type I Portland Cement will allow for flexibility of neat cement composition.

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.