

18 DRAFTING NOTICES

The Administrative Procedures Act, S.C. Code Section 1-23-120(H)(1), exempts these amendments from General Assembly review, as the Department proposes these amendments for compliance with federal law.

DEPARTMENT OF ENVIRONMENTAL SERVICES

CHAPTER 61

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

Notice of Drafting:

The Department Environmental Services (“Department”) proposes amending R.61-68, Water Classifications and Standards, and R.61-69, Classified Waters. Interested persons may submit comment(s) 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 March 30, 2026, the close of the Notice of Drafting comment period.

Synopsis:

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 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 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 based on input received from stakeholders. 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 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.