

SOUTHERN ENVIRONMENTAL LAW CENTER

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October 12, 2015

Michael Montebello
S.C. Department of Health and Environmental Control
2600 Bull Street
Columbia, SC 29201
montebmj@dhec.sc.gov

Via Email

Re: Public Notice No. 15-999-D, Notice of Intent to Deny Permit Renewal for Carolina Water Service's I-20 Wastewater Treatment Plant

Dear Mr. Montebello:

On behalf of Congaree Riverkeeper, the Southern Environmental Law Center submits these comments regarding the South Carolina Department of Health and Environmental Control's ("DHEC") notice of intent to deny the Clean Water Act ("CWA") National Pollutant Discharge Elimination System ("NPDES") permit renewal for Carolina Water Service, Inc.'s ("CWS") I-20 wastewater treatment plant (the "I-20 plant"). DHEC has correctly determined that CWS is ineligible for a permit renewal under applicable regulations. We fully support DHEC in carrying out its duties to keep the Lower Saluda River clean and healthy, and ensuring that CWS complies with the law by connecting the I-20 plant to the regional sewer system and sending its sewage to the modern treatment plant in Cayce.

CWS is currently operating the I-20 plant under NPDES Permit Number SC0035564, issued November 17, 1994 and effective January 1, 1995. That permit requires CWS to connect the I-20 plant to the Town of Lexington's regional sewer system,¹ and DHEC notified CWS on April 21, 1999 that the permit to operate the regional system had been issued. Under DHEC regulations, "[a] permittee with a permit which requires connection to a regional sewer system or other treatment facilities under the water quality management plan under section 208 of the CWA is ineligible for reissuance of a permit once notified by the Department that the regional sewer system is operational." S.C. Code Ann. Regs. 61-9.122.64(a)(5).

DHEC has thus correctly concluded that because CWS's existing permit requires connection to the regional sewer system in accordance with the regional water quality management plan, CWS became ineligible for a permit renewal once the regional system became operational in 1999. Also, as we noted in our previous comments, the draft renewal permit would have violated the Clean Water Act, providing another basis for denying the permit.

¹ Specifically, the Permit requires that "[w]ithin 90 days after the issuance date of the Permit to Operate for the regional sewer system, the Permittee will connect to the regional sewer system and cease the discharge to the Saluda River." 1995 Permit at 7.

Specifically, the changes to the schedule of compliance for connection to the Town of Lexington's regional sewer system would conflict with the CWA's anti-backsliding and anti-degradation provisions and would result in a failure to meet water quality standards. It is our position that DHEC's notice of intent to deny nullified that draft permit in full, but we are attaching a copy of our comments on that draft permit in any case and incorporate those comments herein.

As we stressed in our last comment letter, removing CWS's discharge from the Lower Saluda is particularly important because this section of the river is a state scenic river where thousands of people swim, fish, and paddle every year. Denying this renewal permit is an important step towards finally ending CWS's discharge and protecting the Lower Saluda and the people who use it from sewage pollution.

In sum, we commend DHEC for enforcing state NPDES regulations and informing CWS that it intends to deny the permit renewal for the I-20 plant, an action necessary to protect the Lower Saluda. Thank you for the opportunity to submit these comments. Please do not hesitate to contact us with any questions.

Sincerely,



Heather Murray
Blan Holman
Catherine Wannamaker