



CERTIFIED MAIL

August 1, 2016

Mr. Randolph Lowell  
Willoughby & Hoefer, P.A.  
P.O. Box 8416  
Columbia, SC 29202

RE: Notice of Department Decision – Permit renewal denial  
Carolina Water Service, Inc./I-20 WWTP (SC0035564)  
PN 15-999-D -- Lexington County

Dear Mr. Lowell:

During the public comment period for the above referenced notice the Department received 140 comments. The Department has reviewed the comments and provides the enclosed responses. In light of these comments and under the provisions of R.61-9.124 the permit decision is to deny the NPDES permit application for reissue. See the following link for provisions under the Administrative Procedures Act to request a review of this staff decision:

<http://www.scdhec.gov/Agency/BoardofDirectors/GuidetoBoardReview/>

In accordance with these procedures, this decision becomes the final agency decision fifteen (15) calendar days after notice of the decision has been mailed.

This permit decision (to deny reissuance) is based on the requirement of R.61-9.122.64(a)(5), which states:

*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.*

Sincerely,

  
Jeffrey P. deBessonnet, P. E., Director  
Water Facilities Permitting Division

cc: Midlands Region BEHS Columbia Office  
EPA Region IV  
Central Midland COG  
Bob Gilroy, Carolina Water Service, Inc. (Cert. Mail)  
Britt Poole, Town of Lexington

Enclosure: Summary of Responses to Comments for PN 15-999-D

**Summary of Responses to Comments for PN 15-999-D  
Carolina Water Service, Inc., I-20 WWTP, SC0035564  
NPDES Permit Proposal to Deny Reissuance  
August 2016**



The South Carolina Department of Health and Environmental Control has received and reviewed comments on the Notice of Intent to Deny the NPDES Permit Renewal dated September 4, 2015. The following is a summary of comments received during the public comment period. The Department offers the following responses to comments (some comments were summarized or combined if they were duplicates):

1. *R.61-9.122.64(a)(5) - causes for terminating a permit during its term, or for denying a permit renewal application*

**Response:** Multiple comments, including those of the South Carolina Department of Natural Resources, referenced R.61-9.122.64(a)(5). This regulation specifies that,

*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.*

The permittee was notified in a letter dated April 21, 1999, that the regional sewer system (permits 21,269-DW and 21,282-DW) had been given approval to operate.

2. *General comments to deny permit*

**Response:** The Department received 139 comments expressing support or favor for the Department to deny the NPDES permit renewal. No response necessary.

3. *The following comments were made on behalf of the permittee:*

- a. *The Town of Lexington refused Carolina Water Service, Inc. numerous requests for a connection to the regional sewer*

**Response:** The Department expects CWS and Lexington to work together to establish a connection.

- b. *R.61-9.122.64(a)(5) is not applicable because there is no permit requirement that the temporary treatment facility be connected to the regional sewer*

**Response:** Part I.D.3 of NPDES permit SC0035564 requires the permittee to submit plans and specifications for the connection to the regional sewer system, construction of the connection line between the temporary treatment facility and the regional sewer, and elimination of the discharge to the Saluda River within 90 days after the

Permit to Operate is issued for the regional system. Part I.D.3 also requires the temporary treatment facility to be closed in accordance with the Area Wide 208 Management Plan. Part II.A.6 of the permit specifies that,

*Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Act.*

*c. There is no regional sewer connection available*

**Response:** The permittee was notified in a letter dated April 21, 1999, that the regional sewer system (permits 21,269-DW and 21,282-DW) had been given approval to operate.

*d. The Department denies Carolina Water Service, Inc. due process and equal protection of the laws*

**Response:** The Department has issued the Notice of Intent to Deny the NPDES Permit Renewal for SC0035564 in accordance with applicable laws and regulations. Please refer to the Fact Sheet for the Notice of Intent to Deny Renewal dated September 4, 2015. This permit decision allows for due process, including the right to appeal this decision pursuant to current law.

*e. Request for a public hearing*

**Response:** The Department received one (1) comment from Randolph Lowell of Willoughby & Hoefer, P.A., on behalf of the permittee, requesting a public hearing regarding the failure of the Town of Lexington to offer an interconnection. Based on the comments the Department received in response to PN 15-999-D, there was not sufficient public interest to hold a public hearing.

**Summary:** Based upon the prior assessment and requirements outlined in R.61-9.122.64(a)(5) this permit has been denied.