



SCDHEC's Bureau of Water is responsible for ensuring that South Carolina's water is safe for drinking and recreation, and suitable to support aquatic life. This section provides an overview of other important Bureau programs and strategies applied statewide to protect and restore water quality.

Under §303(d) of the Federal Clean Water Act, each state is required to provide a comprehensive inventory of impaired waters for which existing required pollution controls are not stringent enough to achieve State water quality standards or Federal Clean Water Act goals. This biennial list, commonly referred to as the "303(d) list", is the basis for targeting

waterbodies for watershed-based solutions. A copy of the current §303(d) list can be obtained by contacting the Bureau of Water (803-898-4300) or online at

<http://www.scdhec.gov/HomeAndEnvironment/Water/ImpairedWaters/Overview> . Several Bureau programs address these impaired streams in an effort to restore them.

## **Total Maximum Daily Load**

A Total Maximum Daily Load (TMDL) is the calculated maximum allowable pollutant loading to a waterbody at which water quality standards are maintained. A TMDL is made up of two main components, a load allocation and a wasteload allocation. A load allocation is the portion of the receiving water's loading capacity attributed to existing or future nonpoint sources or to natural background sources. The waste load allocation is the portion of a receiving water's loading capacity allocated to an existing or future point source. A TMDL is a means for recommending controls needed to meet water quality standards in a particular water or watershed. Historically, the typical TMDL has been developed as a wasteload allocation, considering a particular waterbody segment, for a particular point source, to support setting effluent limitations. In order to address the combined cumulative impacts of all sources, broad watershed-based TMDLs are now being developed.

The TMDL process is linked to all other State water quality activities. Water quality impairments are identified through monitoring and assessment. Watershed-based investigations result in source identification and TMDL development. TMDLs form links between water quality standards and point and nonpoint source controls. Where TMDLs are established, they constitute the basis for NPDES permits and for strategies to reduce nonpoint source pollution. The effectiveness and adequacy of applied controls are evaluated through continued monitoring and assessment. Funding for TMDL implementation is currently available with USEPA's §319 of the Clean Water Act grants. For more information, see <http://www.scdhec.gov/HomeAndEnvironment/Water/ImpairedWaters/Overview> or call (803) 898-4300.

## **Antidegradation Implementation**

The State's Antidegradation Policy as part of S.C. Regulation 61-68 is represented by a three-tiered approach to maintaining and protecting various levels of water quality and uses; streams included on the §303(d) list are addressed under Tier 1. Tier 1 antidegradation policies apply to all waters of the State and require that existing uses and the minimum level of water quality for those uses be maintained

and protected. Tier 2 policies apply to high quality water where the water quality exceeds the mandatory minimum levels to support the Clean Water Act's goals of propagation of fish, shellfish, wildlife, and recreation in and on the water. The Department considers all the waters of the State as high quality waters. Tier 3 policies apply to the maintenance of water quality in waters that constitute an Outstanding National Resource Water and do not allow for any permanent permitted dischargers. Outstanding Resource Waters of the State are provided a higher level of protection than Tier 2, but do not meet the requirements of Tier 3.

Tier 1 protection will be implemented when applying numeric standards included in Regulation 61-68 for human health, aquatic life, and organoleptic protection as follows: if a waterbody has been affected by a parameter of concern causing it to be on the §303(d) list, then the Department will not allow a permitted net increase of loading for the parameter of concern unless the concentration will not contribute to a violation of water quality standards. This no net increase will be achieved by reallocation of existing total load(s) or by meeting applicable water quality standard(s) at the end-of-pipe. No discharge will be allowed to cause or contribute to further degradation of a §303(d) listed waterbody.

The Antidegradation Rules apply to both nonpoint source pollution and for point sources into impaired waters. Many activities contributing to nonpoint source pollution are controlled with voluntary measures. The Department implements permitting or certification programs for some of these activities and has the opportunity to ensure compliance with the Antidegradation Rules. The activities of primary concern are land development projects which are immediately adjacent to and discharge runoff or stormwater into impaired waters.

## **§401 Water Quality Certification Program**

If a Federal permit for a discharge into waters of the State, including wetlands, is required, the Department must issue Water Quality Certification pursuant to §401 of the Federal Clean Water Act. Certification is required for permits issued by the U.S. Army Corps of Engineers for construction in navigable waters and for deposition of dredged or fill material.

Regulation 61-101 presents administrative and technical guidance for the water quality certification program and requires SCDHEC to consider whether or not a project is water dependent; whether or not there are feasible alternatives which will have less adverse consequences on water quality and classified uses; the intended purpose of the project; and all potential water quality impacts of the project, both direct and indirect, over the life of the project. Any project with the potential to affect waters of the State must be conducted in such a manner as to maintain the specified standards and classified and existing water uses. As a routine part of the §401 Water Quality Certification review process, the waterbody in question is identified as impaired or not impaired according to the §303(d) list. If it is impaired, the parameter of concern is noted, along with any steps required to prevent further degradation of the water quality of that waterbody.

## **Stormwater Program**

Stormwater discharges result from precipitation during rain events. Runoff washes pollutants associated with industrial activities (including construction activity), agricultural operations, and commercial and household sites directly into streams, or indirectly into drainage systems that eventually

drain into streams. The SCDHEC Stormwater Permitting Program focuses on pollution prevention to reduce or eliminate stormwater pollution. The Department has general permitting authority for stormwater discharges associated with industrial activity, including construction. General NPDES permits SCR000000 and SCR100000 for industrial and construction activities, respectively, require permittees to develop and implement stormwater pollution prevention plans that establish best management practices to effectively reduce or eliminate the discharge of pollutants via stormwater runoff. The Construction, Stormwater and Agricultural Division is responsible for issuing NPDES stormwater permits to prevent degradation of water quality as well as for issuing state sediment and erosion control permits for construction sites.

NPDES permits are issued under the authority of the federal Clean Water Act and the S.C. Pollution Control Act. The state sediment and erosion control permits are issued under the authority of two S.C. laws. The S.C. Stormwater Management and Sediment Reduction Act of 1991 addresses construction on land that is not state owned or managed. Currently, NPDES permits are required for: construction sites 1 acre and greater; construction sites in the coastal area that are within 1/2 mile of a receiving water body; and construction sites less than 1 acre on a case-by-case basis where water quality is a concern. Permits are required under the state sediment and erosion control for construction sites that are greater than 2 acres; however, there are exemptions under the law and regulation. The State Sediment and Erosion Program is somewhat duplicative of the NPDES Stormwater Program. The state program created by the 1991 Act can be delegated to local governments. SCDHEC's Office of Ocean and Coastal Resource Management (OCRM) oversees stormwater permitting in the coastal area. The Stormwater Permitting Section manages the program in the remainder of the state.

SCDHEC is assisted in implementing these regulations by many cities and counties that have been delegated to run a stormwater program under provisions of the 1991 Act and/or are owners of Municipal Separate Storm Sewer Systems (MS4) and required to run stormwater management programs under the NPDES program. MS4 will identify all impaired water bodies in a Stormwater Management Plan (SWMP). In addition, existing pollution discharge control methods will be identified and incorporated into the SWMP. Procedures, processes, and methods to control the discharge of pollutants from the MS4 into impaired waterbodies and publicly owned lakes included on the §303(d) list will be described in the SWMP. The effectiveness of these controls will be assessed and necessary corrective measures, if any, shall be developed and implemented.

NPDES MS4 permits allow communities to design SWMP that are suited for controlling pollutants in their jurisdiction. There are three population-based categories of MS4: large (population of 250,000 or greater), medium (population of 100,000 or more but less than 250,000), and small (population less than 100,000). Large and medium MS4 have been regulated since the 1990s. Those small MS4 within the boundaries of an urbanized area are called Regulated Small MS4. MS4 NPDES Permits are required for all large, medium, and regulated small MS4. MS4 can extend over more than one 10-digit watershed or even 8-digit river basin as it follows municipal boundaries, so the same permit can be listed in multiple watersheds. The MS4 receiving stream listed in the individual watershed evaluations is the mainline stream of the 10-digit hydrologic unit. The initial receiving source of the MS4 may be a smaller tributary upstream.

## **South Carolina Animal Feeding Operations Strategy**

Among the general categories of pollution sources, agriculture ranks as the number one cause of stream and lake impairment nationwide. Many diseases can potentially be contracted from drinking water or coming into contact with waters contaminated with animal wastes. The Department uses S.C. Regulation 61-43: *Standards for the Permitting of Agricultural Animal Facilities* to address the permitting of animal feeding operations (AFOs). Implementing these regulations and their corresponding compliance efforts are a priority for the Department in order to reduce public health and environmental impacts from AFOs. There are approximately 1,100 active AFOs in S.C. There are no federally defined concentrated animal feeding operations (CAFOs) in operation in South Carolina based on the EPA definition of a CAFO in the NPDES regulations. Using the Watershed Program cycle and the division of the State into five regions, AFOs will be monitored and inspected by region. The §303(d) list will be used to prioritize the inspections. After all the inspections have been made in a region, the Department will move to the river basins in the next region in the watershed cycle. The Department is continuing to work in cooperation and coordination with the U.S. Department of Agriculture, the Natural Resources Conservation Service, the S.C. Department of Agriculture, the S.C. Soil and Water Conservation Districts, and the Clemson Extension Service.

## **Sewer Overflow Strategy**

Sanitary sewers are designed to collect municipal and industrial wastewater, with the allowance for some acceptable level of infiltration and inflow, and transport these flows to a treatment facility. When the sewer system is unable to carry these flows, the system becomes surcharged and an overflow may occur. Sewer overflows have existed since the introduction of separate sanitary sewers, and most overflows are caused by inadequate operation, maintenance, and management of the collection system.

The Department encourages utilities to embrace the principals of EPA's capacity Management, Operations, and Maintenance (cMOM) program. Through this program utilities can ensure adequate funding and capacity as well as a proactive approach to operations and maintenance. Those that have implemented cMOM programs have been able to significantly reduce or eliminate overflows from their collection systems. Additionally, the Department has adopted requirements for operation and maintenance of sewer systems in Regulation 61-9, Water Pollution Control Permits.

The Department's approach has been to shift resources historically applied to treatment plant inspections to include evaluations of pump stations and collection systems where problems are suspected. To assist in identifying water quality violations related to sanitary sewer overflows (SSOs), staff have utilized the 303(d) list of impaired waters to identify waters impacted by fecal coliform or other appropriate pollutants and correlate those with collection systems with incidences of SSOs. The Department's Enforcement Referral Procedures Document is to be used to determine when a collection system should be referred to enforcement for SSOs. The enforcement process allows for the Department to consider actions taken by the collection system such as: timely and proper notification, containment and mitigation of discharge, voluntarily conducting self evaluations, and requests for compliance assistance. The Department will take immediate action where it has been determined that SSOs have occurred and the collection system has not made timely and proper notification.