UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

OCT 16 2001

Mr. Alton C. Boozer, Chief
Bureau of Water
South Carolina Department of Health and
Environmental Control
2600 Bull Street
Columbia, South Carolina 29201-1708

SUBJ: Intention to Delist Pollutant from 2000 § 303(d) List

Dear Mr. Boozer:

This is to acknowledge receipt of your September 28, 2001 request that the United States Environmental Protection Agency (EPA) review a proposed § 303(d) list modification action that is intended by the State of South Carolina. EPA Region 4 has completed its review of the provided information and offers the following findings of its review.

As you are aware, 40 C.F.R. § 130.7(b)(1) requires the State to identify water quality limited segments still requiring total maximum daily loads (TMDLs), i.e., the § 303(d) list. Title 40 C.F.R. § 130.7(b)(4) requires the identification of pollutants causing or expected to cause violations of the applicable water quality standards. Title 40 C.F.R. § 130.7(b)(6)(iv) allows the State to not include a water on the § 303(d) list if good cause for that decision can be demonstrated. Good cause includes, but is not limited to, more recent or accurate data; more sophisticated water quality modeling; flaws in the original analysis that led to the water being listed; or changes in conditions, e.g., new control equipment or elimination of discharges.

The South Carolina Bureau of Water (the Bureau) intends to delist Enoree River (BE-017) for copper based on monitoring data that documents that the applicable water quality standards have been attained.

My staff and I have reviewed the proposed § 303(d) list modification action. We do concur with the Bureau's position that Enoree River is attaining applicable water quality standards for copper. At this time, Region 4 concludes that this § 303(d) listing is an appropriate candidate for delisting action by the State.

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BUREAU OF WATER

EPA Region 4 agrees that the State has documented that Enoree River (BE-017) is not a water quality limited segment still requiring a TMDL for copper. The State may proceed to make National Pollutant Discharge Elimination System (NPDES) permitting decisions based on the revised status of this receiving water for the identified pollutant of concern. There need not be a formal revision of any list of impaired waters to make such permitting decisions.

EPA's conclusion should remain the same when the next § 303(d) list submittal and request for approval is made to EPA, unless new data and/or information indicates that the conclusion (that the water is not a water quality limited segment still requiring a TMDL for the identified pollutant) is incorrect. The State should include a reopener in any permit issued after this decision which would allow the State to revise the permit conditions in the event that the decision is found to be incorrect.

The decision (that a water is not a water quality limited segment still requiring a TMDL for the identified pollutant) and documentation must be part of the fact sheet for any permit action so that the public can be aware of the State's decision regarding the water quality status of the receiving water. The State's public notice of the proposed permit action need not include notice of the revised status of the waterbody; however, such announcement might provide a useful explanation for the State's proposed permit action.

If you have any questions concerning this matter, please feel free to contact me at (404)562-9234.

Sincerely,

Gail Mitchell

Gail Mitchell, Chief
Standards, Monitoring, and TMDL Branch
Water Management Division