



Bureau of Water

NOTICE OF INTENT TO DENY

TOPIC: Notice of Intent to Deny the NPDES Permit
Renewal for a discharge to Saluda River

NOTICE NUMBER: 15-999-D

NOTICE DATE: SEPTEMBER 4, 2015

PROPOSAL: Deny the renewal of the NPDES permit for the **Carolina Water Service, Inc., I-20 Wastewater Treatment Plant** (0.8 MGD facility) with a current discharge to the Saluda River, Permit #SC0035564.

PERMIT APPLICANT: Carolina Water Service (CWS) Inc., 150 Foster Brothers Drive, West Columbia, SC

PROJECT LOCATION: The facility is located near Laurel Meadows Subdivision off Leaphart Road in Lexington County.

NOTICE PURPOSE: DHEC proposes to deny the request for permit renewal for disposal of treated wastewater from the CWS I-20 Wastewater Treatment Plant.

NOTICE OF INTENT TO DENY DETAILS:

- A public hearing was held on Tuesday, August 25, 2015 related to Public Notice #15-137-H.
- Based upon consideration of the public comments and based upon additional review, the Department has made a preliminary decision to deny reissuing this permit in accordance with R.61-9.122.64 (a) (5).
- This permittee has 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 Clean Water Act (CWA) and is ineligible for reissuance of a permit once notified by the Department that a regional sewer system is operational.
- The regional system is operational.

HOW TO COMMENT? Provide written comments or request a public hearing on this notice to DHEC's point of contact Michael Montebello: Bureau of Water, 2600 Bull Street, Columbia, SC 29201, montebmj@dhec.sc.gov, phone 803-898-4228. Written comments or a request for a hearing (e-mail OK) must be received no later than close of business **Monday, October 12, 2015**. Please identify the notice number (15-999-D) along with written comments. When there is a significant degree of public interest in a public notice, the Department may hold a public hearing.

MORE INFO? DHEC's project file is available for review at the above address and copies can be obtained for a fee by contacting our Freedom of Information Office (2600 Bull Street, Columbia, SC 29201, 803-898-3882).

MISCELLANEOUS: DHEC recognizes that a schedule for elimination of the discharge is needed to address the current needs of the 2,100 customers of the system. All people providing written comments will receive a summary response to comments and permit decision information when DHEC takes a final action to either deny the NPDES permit application or schedule a public hearing.



South Carolina Department of Health
and Environmental Control

FACT SHEET

NOTICE OF INTENT TO DENY

RENEWAL

APPLICATION FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT TO DISCHARGE TREATED WASTEWATER TO STATE WATERS

Application No. SC0035564

Date: September 4, 2015

I. SYNOPSIS OF APPLICATION

A. Name and Address of Applicant

Carolina Water Service, Inc., 150 Foster Brothers Drive, West Columbia, SC 29172

The WWTP is located in the rear of the Laurel Meadows subdivision off of Leaphart Road in Lexington County.

B. Production Capacity of Facility (Average Design Flow)

0.8 MGD

C. Applicant's Receiving Waters

Saluda River

D. Description of Existing Pollution Abatement Facilities

Treatment consists of an aerated lagoon with post aeration, chemical disinfection, and dechlorination.

E. Brief Description of the type of facility or activity:

This is a privately owned treatment works designed to treat domestic wastewater.

F. The type and quantity of wastes, fluids, or pollutants, which are proposed to be treated, stored, disposed of, injected, emitted, or discharged:

This facility is designed to treat 0.8 MGD of domestic wastewater prior to discharge.

II. PROPOSED EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

Not applicable. The proposed Department permit decision is to deny the NPDES permit renewal for a discharge to the Saluda River. See Notice of Intent to Deny for further details. A notice of intent to deny the permit application is a type of draft permit which follows the same procedures as any other draft permit prepared under R.61-9.124.6.

III. PROPOSED COMPLIANCE SCHEDULE FOR ATTAINING EFFLUENT LIMITATIONS

- A. *Not applicable.* The proposed Department permit decision is to deny the NPDES permit renewal for a discharge to the Saluda River. See Notice of Intent to Deny for further details. DHEC recognizes that a schedule for elimination of the discharge is needed to address the current needs of the 2,100 customers of the system.

IV. PROPOSED SPECIAL CONDITIONS WHICH WILL HAVE A SIGNIFICANT IMPACT ON THE DISCHARGE

- A. The existing facility is designated by the 208 Plan as a temporary treatment facility to be connected to the currently operational Town of Lexington (Town) regional sewer (i.e., force main sewer transferring flow from Lexington to Cayce). Such connection would eliminate the discharge to the Saluda River.
- B. On July 8, 2015, the Department and Carolina Water Service reached a settlement to dismiss the 2001 permit appeal and to move forward with a timely permit decision.
- C. On July 16, 2015, the Department issued a public notice (#15-137-H) about a proposed reissuance of the permit to welcome comments and to schedule a hearing. The public hearing was held on Tuesday, August 25, 2015.
- D. Based upon consideration of the public comments and based upon additional review, the Department has made a preliminary decision to deny reissuing this permit in accordance with R.61-9.122.64 (a) (5) as shown below:
- *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.*
- E. This permittee has 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 and is ineligible for reissuance of a permit once notified by the Department that a regional sewer system is operational.
- F. The regional system is operational.

V. WATER QUALITY STANDARDS AND EFFLUENT STANDARDS APPLIED TO THE DISCHARGE

Not applicable. The proposed Department permit decision is to deny the NPDES permit renewal for a discharge to the Saluda River. See Notice of Intent to Deny for further details.

VI. PROCEDURES AND DESCRIPTION FOR THE FORMULATION OF FINAL DETERMINATIONS

- A. Comment Period for the Notice of Intent to Deny
The comment period for this Notice of Intent to Deny the permit application will end on October 12, 2015. All comments received during the public comment period will be considered in the formulation of the final decision on this application.
- B. Public Hearing
1. Procedure for requesting a hearing and the nature of hearing:
 - a. Determinations and Scheduling.
 - i. Within the thirty (30) day comment period or other applicable comment period provided after posting or publishing of a public notice, an applicant, any affected state or interstate agency, the Regional Administrator or any other interested person or agency may file a petition with the Department for a public hearing. A petition for a public hearing shall indicate the specific reasons why a hearing is requested, the existing or proposed discharge identified therein and specifically indicate which portions of the application or other permit form or information constitutes necessity for a public hearing. If the Department determines that a petition constitutes significant cause or that there is sufficient public interest in an application for a public hearing, it may direct the scheduling of a hearing thereon.

- ii. A hearing shall be scheduled after the Department determines the necessity of the hearing in the geographical location of the applicant or, at the discretion of the Department, at another appropriate location, and shall be noticed at least thirty (30) days before the hearing. The notice of public hearing shall be transmitted to the applicant and shall be published in at least one (1) newspaper of general circulation in the geographical area of the existing or proposed discharge identified on the permit application and shall be mailed to any person or group upon request therefor. Notice shall be mailed to all persons and governmental agencies which received a copy of the notice or the fact sheet for the permit application.
 - iii. The Department may hold a single public hearing on related groups of permit applications.
 - iv. The Department may also hold a public hearing at its discretion, whenever, for instance, such a hearing might clarify one or more issues involved in the permit decision;
 - v. Public notice of the hearing shall be given as specified in section R.61-9.124.10.
- b. [Reserved].
- c. Any person may submit oral or written statements and data concerning the Notice of Intent to Deny the permit application. Reasonable limits may be set upon the time allowed for oral statements, and the submission of statements in writing may be required. The public comment period under section R.61-9.124.10 shall automatically be extended to the close of any public hearing under this section. The hearing officer may also extend the comment period by so stating at the hearing.
- d. A recording or written transcript of the hearing shall be made available to the public.
2. This notice of intent to deny the permit application is a type of draft permit which follows the same procedures as any other draft permit prepared under R.61-9.124.6. If the Department's final decision under R.61-9.124.15 is that the tentative decision to deny the permit application was incorrect, it shall withdraw the notice of intent to deny and proceed to prepare a draft permit under R.61-9.124.6(d).
3. Following the public hearing, the Department may make such modifications in the terms and conditions of the proposed action as may be appropriate. Notice of the Department's final decision on the draft permit will be circulated to those who participated in the hearing and to appropriate persons on the DHEC mailing list.

C. Guide to Board Review Pursuant to S.C. Code Ann. § 44-1-60

The Guide to Board review is available on the Department's website at:
<http://www.scdhec.gov/Agency/BoardofDirectors/GuidetoBoardReview/>

D. Other procedures by which the public may participate in the final decision:

Obligation to raise issues and provide information during the public comment period. All persons, including applicants, who believe any condition of a draft permit is inappropriate or that the Department's tentative decision to deny an application, terminate a permit, or prepare a draft permit is inappropriate, must raise all reasonably ascertainable issues and submit all reasonably available arguments supporting their position by the close of the public comment period (including any public hearing) under section R.61-9.124.10. Any supporting materials which are submitted shall be included in full and may not be incorporated by reference, unless they are already part of the administrative record in the same proceeding, or consist of State or Federal statutes and regulations, Department and EPA documents of general applicability, or other generally available reference materials. Commenters shall make supporting materials not already included in the administrative record available.

E. Issuance of the Permit when no Hearing is Held

If no public hearing or adjudicatory hearing is held, and, after review of the comments received, DHEC's determinations are substantially unchanged, the action (to deny the permit renewal) will be issued and become effective on the effective date noted in the decision.