



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

MAY 06 2013

Mr. Jason Gillespie, Coordinator
Water Quality Standards Program
South Carolina Department of Health and
Environmental Control
2600 Bull Street
Columbia, SC 29201

Mr. Gillespie,

The purpose of this letter is for the Environmental Protection Agency (EPA) to enumerate its suggestions for items to be considered in the next triennial review of South Carolina's water quality standards. We have the following recommendations for your consideration and we are presenting these items now so that your agency has sufficient time to consider them prior to the initiation of rulemaking in the State.

Removal of language at R. 61-68 regarding biological data

The State currently has language at Section E.14.d.(2) that allows for ambient violations of any numeric toxic criterion as long as the biological community is not adversely impacted. We believe this language is potentially inconsistent with the Clean Water Act (CWA) and its implementing regulations. The EPA recommends that South Carolina review its language for consistency with the CWA and its implementing regulations.

Nutrient Development

South Carolina currently has a nutrient criteria development plan on which the EPA has mutually agreed. We encourage you to make every effort to meet the milestone deadlines that are outlined in this plan and subsequently revise your water quality standards consistent with the outcome of the projects outlined in the plan. Should the State find that it will be unable to meet its obligations as set out in the plan, the State should contact the EPA at the earliest point to attempt to negotiate a new milestone schedule.

Flow as a water quality standard

The EPA has led numerous discussions since May 2010 relating to flow (water quantity) and water quality. Drought, floods, water disputes and the development of regional and state water plans have brought water quantity/quality issues into sharp focus - including impacts of both extreme low and high flows on habitat and aquatic life. Around the country and here in Region 4, states and tribes have begun to address flow through the water quality standards program. Existing water quality standards implicitly protect flow through narratives for protection of aquatic life, protection of designated uses,

biological integrity, habitat protection and antidegradation policies. Region 4 is encouraging all of our states and tribes to consider explicit expression of flow as a water quality standard, either through a narrative standard, (i.e., such as used by Tennessee "...flow shall support the aquatic criteria...") or through a numeric standard (i.e., such as used by Vermont, "no more than 5% 7Q10 change from natural flow regime...") and to ensure good coordination between state entities responsible for water supply decisions and water quality standards decisions. We understand that the State has recently adopted a water withdrawal rule which may effectively address this issue. We believe this is a very positive step and we would like to learn more as you move forward with implementation of this rule. We stand ready to support your efforts where needed.

Methylmercury

Section 303(c)(2)(B) of the CWA requires states and authorized tribes to adopt numeric criteria for Section 307(a) priority toxic pollutants for which the EPA has published Section 304(a) criteria, if the discharge or presence of the pollutant can reasonably be expected to interfere with designated uses. The EPA has published Guidance for Implementing the January 2001 Methylmercury Water Quality Criterion, EPA 823-R-10-001. The April 2010 document provides guidance for states, territories and authorized tribes on how to use the new fish tissue-based criterion recommendation in developing water quality standards for methylmercury and in implementing those standards in Total Maximum Daily Loads and NPDES permits. We understand that you are beginning work to adopt a water quality criterion consistent with the 2001 criterion and the 2010 implementation guidance and we encourage you to continue this effort.

Updated Toxics Criteria

As the State initiates its next triennial review, we ask that you review and revise, as necessary, the criteria for toxic pollutants currently adopted by the State in accordance with the EPA's updated human health and aquatic life criteria that can be found on the EPA's website or by contacting the EPA.

The above items cover the major points that the EPA would like the State to consider in its next triennial review. As always, new items may come up during the course of the State's review, not only from the EPA but also from the State's internal discussion as well as interested parties in the public. We look forward to working with you to address those items as well. Should you have any questions concerning any of this, please contact me at 404-562-9967 or Joel Hansel at 404-562-9274.

Sincerely,



Annie Godfrey, Chief
Water Quality Standards Section