

EPA Comment: SC 2022 Triennial Review

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Drew,

Thank you for meeting with EPA earlier this month to discuss our comments on SC's 2022 Triennial Review of Water Quality Standards. I appreciated you hosting the stakeholder meeting on September 20th, 2022, to review the final draft changes that will be presented to the Board in November. During that meeting, EPA noted the following existing provision in the State rules which had not been updated:

E. GENERAL RULES AND STANDARDS APPLICABLE TO ALL WATERS

2. The classes and standards described in Section G and H of this regulation implement the above State policy by protecting the waters of South Carolina. Consistent with the above policy, the Department adopts the following general standards in items 3-17 for all waters of South Carolina.

While the provision notes that the provisions in items 3-17 apply, the rule has been updated in previous triennials to add the following provisions at E. 18 and 19:

18. For the protection of human health, methylmercury concentration in fish or shellfish shall not exceed 0.3 mg/kg in wet weight of edible tissue. a. NPDES permit implementation for methylmercury will require mercury monitoring, assessment and minimization for discharges that meet the following conditions; (1) The receiving stream is impaired for methylmercury in fish or shellfish tissue, and; (2) The discharge or proposed discharge has consistently quantifiable levels of mercury. b. The need for a total mercury effluent limit, for the protection of aquatic life and/or human health, pursuant to R.61-9.122.44(d), shall be based on a reasonable potential analysis of the discharge compared to the mercury standards for ambient waters.

19. The assessment of methylmercury in fish or shellfish for purposes of Section 303(d) listing determinations shall be based on the Department's Fish Consumption Advisories.

EPA requests that SC update E.2. to include 'items 3-19,' when it goes to the Board in November. Please let me know if you have any questions or concerns with this comment and/or if this comment provides sufficient basis to make the necessary changes.

Also, please note – EPA comments are for this portion for the Triennial Review. EPA may have additional comments once the State provides information on the flow criteria scheduled to go to the Board in December. If, as proposed, some provisions are added at E.20, then this provision would also need to be updated at that time to 'items 3-20.'

Thank you.

Lisa Perras Gordon

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