

July 30, 2001

Douglas Phillips, Exec. Dir.  
Central Midlands Council of Governments  
236 Stoneridge Drive  
Columbia, SC 29210

RE: 208 Amendment - Lower Saluda River  
Lexington County

Dear Mr. Phillips:

On March 26, 2001 Central Midlands Council of Governments (CMCOG) submitted to the SC Department of Health and Environmental Control (SCDHEC) an amendment to the CMCOG 208 Water Quality Management Plan and requested that SCDHEC review and concur with the amendment. On March 22, 2001, the CMCOG Board voted to:

1. *Amend the areawide 208 Plan to enlarge the I-20 Wastewater Treatment Facility to 990,000 gallons and to designate it as a permanent treatment plant, subject to its upgrade to tertiary wastewater treatment designed with the following limits at 990,000 gallons:*

	<u>DAILY</u>	<u>WEEKLY</u>
<i>BOD5</i>	<i>10 mg/l</i>	<i>1.5 mg/l</i>
<i>TSS</i>	<i>10 mg/l</i>	<i>1.5 mg/l</i>
<i>NH</i>	<i>10 mg/l</i>	<i>1.5 mg/l</i>

2. *Amend the areawide 208 Plan to extend the operation of the Coventry Woods Wastewater Treatment Facility until January, 2006.*

Several steps led to the passage of the amendment including:

1. Request from Town of Lexington and Carolina Water Service to amend the Plan.
2. The CMCOG Environmental Planning Advisory Committee (EPAC) on February 7, 2001, by a vote of 16 to 9, recommended the amendment to the CMCOG Board.
3. CMCOG, after notification and advertisement, held a public informational meeting to explain the amendment and receive comment from the public. It is noted that CMCOG staff counted 70 oral and written comments in favor of the amendment, 40 against it.

Subsequent to the 208 Amendment being forwarded to DHEC for review, DHEC received dozens of comments on the plan. Comments came from individuals, other state agencies and citizen groups. With the exception of a comment from the parent company of Carolina Water Service, all commentors opposed the amendment.

At issue is implementation of the 1993 Update to the Central Midlands Water Quality Management Plan for the Lower Saluda River/ 12 Mile Creek/14 Mile Creek basin. The purpose of the Plan Update was to provide sewer to the 12 & 14 Mile Creek corridors in Lexington County and to eliminate all discharges to the western side of the Lower Saluda River. A phased system of force mains and gravity lines was to be constructed with sewage treatment provided by the City of Cayce. Both the Town of Lexington and the Lexington County Joint Municipal Water and Sewer Commission were to serve as Management Agencies. The Plan was in concert with the SC Department of Natural Resources Saluda River Corridor Plan, which after legislative approval, designated the waterbody as a state scenic river.

The 1993 Plan Update provided for the connection of the Carolina Water Service owned I-20 WWTF to a regional sewer system owned and operated by the Town of Lexington. The primary components of the regional system were completed in 1999.

Although not mentioned by name in the 1993 amended plan, the Coventry Woods WWTF was to be eliminated after construction of a line up 12-Mile Creek by the Town of Lexington during a later phase, though a specific date was not identified as a part of the 208 Plan (which is typical). Treatment is also to be provided by the City of Cayce. Only an initial phase of the 12-Mile Creek line has been completed to date. However, facing NPDES violations and a DHEC enforcement action, the Town of Lexington signed a consent order in 1998 to construct the second phase of this line to be able to eliminate the Coventry Woods WWTF discharge into 12-Mile Creek. This elimination project was agreed upon by Lexington in lieu of civil penalties and the development of a pretreatment program. The initial enforcement schedule required elimination in 1999. A subsequent order in 2000 required elimination in 2001 since Lexington did not comply with the 1998 order.

DHEC's concerns about the amendment are as follows:

1. CMCOG did not consider all alternatives to implementation of the 1993 Plan before amending the Plan. Prior to the amendment vote, the Lexington County Joint Municipal Water and Sewer Commission (a designated point source management agency) initiated procedures to acquire the I-20 facility through condemnation and eliminate its discharge. This alternative would serve to implement the 1993 amended plan and eliminate the I-20 facility discharge to the Lower Saluda River. A letter to this effect from Joseph W. Owens, Chairman of the Joint Commission, to George H. "Smokey" Davis (CMCOG Board Chairman) was delivered on March 15, 2001. The letter requested that the alternative be made available to Board members prior to the meeting on March 22, 2001.
2. The Amendment does not account for the cost-effectiveness of "upgrading" the I-20 facility verses elimination to the regional system. As well, it did not factor in the water quality goals of the Lower Saluda River as outlined in other aspects of the 208 Plan. The Amendment makes no analysis of potential conflicts between a continued discharge of the I-20 facility and the other beneficial uses of the river (e.g., water supply source, recreational uses). Consideration was not given to the possibility of changes in Carolina Water Service rate structure that would distribute costs associated with implementing 208 Plans across the entire state-wide rate base.

3. While the 208 Amendment was contingent on DHEC being in concurrence with allowing the Coventry Woods WWTF to be in operation for five additional years, the fact that DHEC — in carrying out its enforcement function — had already decided not to grant such a request was ignored by the CMCOG Board (DHEC letter of March 19, 2001 to Lexington). While the CMCOG Board has a water quality planning function, it apparently believed that it could supersede DHEC's regulatory function to enforce water quality violations. DHEC believes that the 208 Amendment inappropriately attempts to change an enforcement schedule which had its origins in NPDES permit violations and the violation of a previous DHEC consent order with the Town of Lexington.

The Department has given due consideration to this amendment. Based on our concerns noted above, we do not concur with the amendment as proposed.

Sincerely,

Alton C. Boozer, Chief  
Bureau of Water

cc: Doug Fabel

bc: Commissioner  
Lewis Shaw  
Jeff deBessonnet  
Doug Fabel