



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 10 1975

THE ADMINISTRATOR

Dear Governor Edwards:

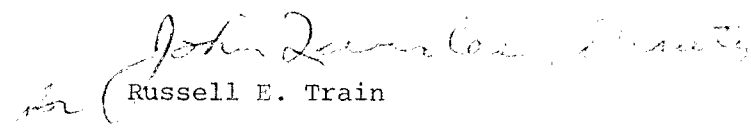
It is my pleasure to inform you, now that necessary legislative amendments have been enacted, the permit program regulations have been approved by the General Assembly, and the Memorandum of Agreement with Region IV has been finalized, that your request for approval to conduct a State permit program pursuant to the provisions of the National Pollutant Discharge Elimination System (NPDES) under Section 402 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1251 et seq. (the "Act"), is hereby approved. Pursuant to Section 402(b) of the Act, I am suspending, as of this date, the issuance of permits by the Environmental Protection Agency under subsection (a) of Section 402 of the Act as to discharges subject to the authority of the State of South Carolina.

The program that you conduct pursuant to this authority must at all times be in accordance with Section 402 of the Act, all guidelines promulgated pursuant to Section 304(h)(2) of the Act, and the Memorandum of Agreement between the Regional Administrator of Region IV and the Commissioner for Environmental Quality Control of the South Carolina Department of Health and Environmental Control, which I have also approved today. I strongly support South Carolina's commitment to issue all remaining NPDES permits no later than September 30, 1975. I also understand that appropriate responses have been made to inquiries raised at the public hearing for South Carolina's proposed NPDES program regarding EPA's veto authority under Section 402(d)(2) of the Act and regarding certain provisions and procedures relating to South Carolina's administration of its NPDES program.

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I am especially encouraged by the strong, positive support for this program demonstrated repeatedly by you, your staff, the Department, and the South Carolina legislature in developing the necessary legislation for an effective water pollution control program. I want to commend you and your State's continued cooperation in this effort. We look forward to working with you and the South Carolina Department of Health and Environmental Control to continue the progress being made in South Carolina towards restoring and maintaining the integrity of its waters.

Sincerely yours,


Russell E. Train

Honorable James B. Edwards
Governor of South Carolina
Columbia, South Carolina 29201

Enclosure
Memorandum of Agreement

cc: E. Kenneth Aycock, Commissioner
South Carolina Department of Health
and Environmental Control

APPENDIX III

MEMORANDUM OF AGREEMENT

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

MEMORANDUM OF AGREEMENT

SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

ENVIRONMENTAL PROTECTION AGENCY
REGION IV

The Regional Administrator of Region IV of the Environmental Protection Agency (hereinafter referred to as the Regional Administrator), and the Commissioner of the South Carolina Department of Health and Environmental Control as governed by the Board of Health and Environmental Control (hereinafter referred to as the Commissioner, the Department, and the Board respectively) hereby agree as follows:

A. Transfer of Authority to Issue NPDES Permits

Based on the Administrator's approval of the State Program pursuant to Section 402, PL 92-500, the Department, under existing State statutes and regulations, shall process and issue NPDES waste discharge permits which are consistent and compatible with PL 92-500 and with regulations and guidelines promulgated thereunder.

B. Transfer of NPDES Files from EPA

Upon approval of the State of South Carolina permit program submittal, Region IV of the Environmental Protection Agency shall deliver to the Department all relevant application forms, correspondence, and other documents related to pending NPDES permits collected prior to final approval.

C. Receipt and Review of NPDES Applications

Two copies of each completed NPDES application shall be sent to the Enforcement Division, Region IV, within 15 days after completion, for information and entry into the National Data Bank. The Regional Administrator may object in writing within 30 days to any deficiency in the NPDES permit application. The Commissioner will insure that any deficiencies identified by the Regional Administrator are corrected.

D. EPA Review of Proposed NPDES Permits

1. The Commissioner will provide the Region IV Administrator with an internal draft of proposed NPDES permits. The Administrator will promptly review these internal drafts and submit written comments not later than 10 working days following receipt of the internal draft. Requests by EPA for extension of time will be considered by the Commissioner. The Commissioner will consider such comments as the proposed permit is finalized.

2. Two copies of the proposed permit and one copy of the public notice will be sent to the Region IV Enforcement Division at the time of issuance of public notice. The Regional Administrator will, within 30 days after receiving the proposed permit, provide written agreement with, objection to, or recommendations with respect to such permit. Such comments will be considered along with any other public comments received in the preparation of the draft final permit.

3. Following expiration of the period for public comment a final permit will be drafted. If (1) the draft final permit is the same as or more stringent than the permit as proposed in the public notice and (2) the Regional Administrator has not objected to such proposed permit, the Board may issue the permit without further review by the Regional Administrator. In all other cases the Commissioner will send two copies of the draft final permit to the Region IV Enforcement Division. The Regional Administrator will, within 15 working days after receiving the proposed final permit, provide written agreement with, objections to, or recommendations with respect to such permit. Requests by EPA for extension of time will be considered by the Commissioner. Modifications recommended by the Regional Administrator, including requests for additional monitoring, will be incorporated into the final NPDES permit issued by the Board.

The Commissioner agrees to comply with the provisions of Section 402(b)(2) of PL 92-500 as follows:

"No permit shall issue (A) if the Administrator within ninety (90) days of the date of his notification under subsection (b)(5) of this Section objects in writing to the issuance of such permit, or (B) if the Administrator within ninety (90) days of the date of transmittal of the proposed permit by the State objects in writing to the issuance of each permit as being outside the guidelines and requirements of this Act."

E. Waiver of Permit Review by EPA

The Commissioner shall not be required to comply with the review procedures in Section D above for any discharge which has a daily average volume as reported in the NPDES application of less than 50,000 gallons per day.

F. Public Participation

1. The Department will widely distribute the public notices and fact sheets (where applicable), based on established mailing lists. Copies of all public notices and fact sheets will be provided for parties on the general mailing list, which may include major conservation groups, State agencies, Federal agencies, interested citizens, and newspapers with statewide circulation. Draft permits will be made available to any party upon request. Any such interested party will be included on the general mailing list for public notices and fact sheets upon request.

2. Copies of all public notices, fact sheets, and proposed permits will be provided to the Corps of Engineers, pursuant to 40 CFR 124.34(c)(1), the Bureau of Sport Fisheries and Wildlife, National Marine Fisheries Service, and adjacent states for sources which may affect them.

G. Issuance of Permit or Notice of Intent to Deny

1. The final NPDES permit will be forwarded to the permit applicant, thus constituting issuance of the permit. A copy of each issued permit will

transmittal letter will be forwarded to the Regional Administrator.

2. If the final determination is to deny the permit, notice of intent to deny shall be given to the Regional Administrator and the applicant in accordance with NPDES Permit Program Regulations of the Department.

H. Submission of Monthly Permit Issuance Reports to EPA

The Department will provide EPA on a monthly basis the number of draft permits prepared, the number sent to applicant, the number sent to public notice and number of permits issued. The information will be consolidated in monthly reports broken down by industrial, municipal, agricultural, commercial, exempted categories, major or minor permit, water quality limited and effluent limited.

I. Modification, Suspension or Revocation of NPDES Permits

When the Board finds it necessary or advisable to modify, suspend, or revoke an NPDES permit in whole or in part for cause or for any other reason other than an extension of a schedule of compliance for four months or less for good and valid cause pursuant to Section 25(1) of Department NPDES Program Procedures and Guidelines, the Regional Administrator will have up to 30 days to review and comment on the proposed modifications. No modification of an NPDES permit to which the Regional Administrator objects will be made.

J. Monitoring and Compliance

1. Upon request, copies of all notices received by the Department from publicly owned treatment works that relate to a new introduction of pollutants, or changes in the volume or character of pollutants, will be provided to the Regional Administrator.

2. The Commissioner shall prepare and submit to the Region IV Enforcement Division on or before the last day of the months of February, May, August and November the noncompliance lists required by Section 20 NPDES Permit Program Regulations of the Department.

3. The Regional Administrator will notify the Commissioner of any proposed compliance monitoring to be conducted by Region IV. EPA for

NPDES permits issued by either the Regional Administrator or the Board. If the Regional Administrator determines that any conditions of the permits are violated, he will notify the Commissioner.

4. The Commissioner will insure that copies of all NPDES monitoring forms and data are transmitted to the Region IV Enforcement Division for inclusion in the National Data Bank. The Environmental Protection Agency, upon request, shall provide data summaries and other printouts to the Department.

5. The Regional Administrator may object, in writing, to deficiencies in NPDES reporting forms received from permittees or the Department. The Commissioner will insure that any deficiencies identified by the Regional Administrator are corrected.

6. The Commissioner will immediately notify the Regional Administrator by telephone of any actual or threatened endangerment to the health or welfare of persons resulting from the discharge of pollutants.

7. The Department will initiate a program of compliance monitoring for wastewater discharges of all permits issued. The extent to which the compliance monitoring program will be a cooperative endeavor between the Department and EPA Region IV will be established annually in the program plan.

K. Enforcement

1. The Commissioner shall advise the Regional Administrator monthly of all enforcement actions taken at Board meetings by transmitting copies of relevant sections of the minutes of such Board meetings. In addition, as the action is taken, the Regional Administrator will receive a copy of any administrative or judicial order or directive related to compliance and will be advised of any violations of orders or directives and of proposed enforcement action to be undertaken. Upon request of the Commissioner,

the Regional Administrator will participate in administering enforcement hearings and provide staff assistance in any public hearing related to enforcement.

2. EPA shall take all necessary enforcement action with regard to all NPDES permits issued by EPA, unless and until the Department, with concurrence of the Administrator, shall make an election to assume enforcement responsibility for those permits.

3. Nothing in this Agreement shall constitute a waiver by the Regional Administrator of his enforcement authority pursuant to Section 309, PL 92-500.

L. Commitment to Issue NPDES Permits

The Department agrees to give high priority to and to allocate resources for the issuance and enforcement of NPDES permits. The Department further agrees, upon receiving NPDES authorization, to (1) proceed with issuance of all permits as a first priority where action has been initiated by EPA on an application or a draft permit has been submitted to the Department, (2) follow the 106 program plan priorities for FY 75, and (3) to the fullest extent possible (commensurate with the receipt of NPDES program authority), draft all NPDES Permits by June 30, 1975, and issue all NPDES Permits no later than the end of the first quarter of FY 76 in accordance with the attached schedule, designated as Attachment I.

M. Non-Filers

The Environmental Protection Agency shall retain and exercise its enforcement authority and powers with respect to all persons failing to file proper applications for NPDES permits as required by the provisions of the Federal Water Pollution Control Act Amendments of 1972.

N. Modification or Termination of Agreement

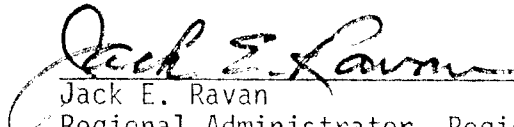
The Memorandum of Agreement may be modified in writing or it may be terminated by the Regional Administrator, Region IV of the Environmental Protec-

tion Agency; or the Commissioner of the South Carolina Department of Health and Environmental Control, upon 30-days' written notice to the other party. Any modifications to the Memorandum of Agreement shall become effective upon approval by the Administrator.

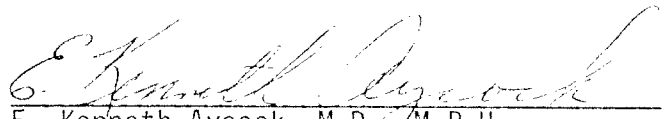
0. Effective Date of Agreement

This Memorandum of Agreement shall take effect upon written notification by the Environmental Protection Agency to the Commissioner of program approval by the Administrator pursuant to Section 402(b) of the Federal Water Pollution Control Act Amendments of 1972.

Dated this _____ day of _____, 1975.

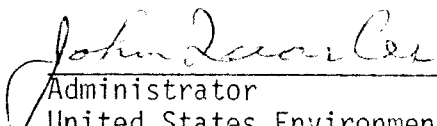


Jack E. Ravan
Regional Administrator, Region IV
Environmental Protection Agency

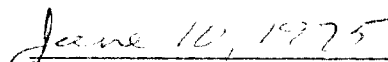


E. Kenneth Aycock, M.D., M.P.H.
Commissioner
South Carolina Department of Health
and Environmental Control

APPROVED:



Administrator
United States Environmental Protection Agency



Date