Comment 1: Part 1.1.4.7 – New Discharges to Water-Quality Impaired Waters: SCANA appreciates modification of Part 1.1.4.7.b to authorize a new discharger for coverage under the IGP if the permittee documents that:

> …the pollutant(s) for which the water body is impaired is not present at your site **above natural background pollutant levels (*added*)**, and retain documentation of this finding with your SWPPP

Nowhere does the Department define a *de minimus* contribution to an instream impairment; therefore, it is essentially impossible for a permittee to justify, even below state practical quantitation limits (PQLs), that they are not contributing to an impairment. SCANA requests that the Department expand on the previous Part 1.1.4.7.b change and make the following changes to Part 1.1.4.7.c:

> c. in advance of submitting your NOI, prepare data to support ~~a showing~~ that the discharge ~~is~~ does not contain pollutant concentrations above natural background pollutant levels ~~expected to cause or contribute to an exceedance of a water quality standard,~~ and retain such data onsite with your SWPPP. To do this, you must include data and other technical information to demonstrate:
>
> i. For discharges to waters without an EPA approved or established TMDL, that the discharge of the pollutant for which the water is impaired will meet in-stream water quality criteria at the point of discharge to the waterbody or be below natural background pollutant levels; or
>
> ii. For discharges to waters with an EPA approved or established TMDL, that there are sufficient remaining wasteload allocations in an EPA approved or established TMDL to allow your discharge and that existing dischargers to the water body are subject to compliance schedules designed to bring the water body into attainment with water quality standards.

Response:

The Department would be inclined to accept any parameter monitoring that is at or below a PQL as not contributing to an impairment of the parameter in question. Also, as stated in Comment 44 during the last public notice for the IGP, each of the three paragraphs represents a different set of criteria to be met. As long as one is met, the potential applicant can proceed with submittal of a Notice of Intent. Paragraph b. captures the natural background option with no need to add it to paragraph c.

Comment 2: Part 2.1.2.3 – Maintenance: While SCANA understands the need to maintain control measures to minimize pollutant discharges from plant operations, we believe that the condition as written implies that all plant systems must be maintained and inspected to comply with the IGP. We believe that this language as written could cause confusion such as if a plant system failed and lead to storm water pollution, even if the appropriate control measures and/or treatment systems were in place to minimize the resulting pollutant discharge. SCANA requests modification of the language as shown below:

You must maintain all control measures that are used to achieve the effluent limits in this permit in effective operating condition~~, as well as all industrial equipment and systems,~~ in order to minimize pollutant discharges. This includes:

a. Performing inspections and preventive maintenance of storm water drainage, ~~source~~ control~~s~~ measures, and treatment systems~~, and plant equipment and systems~~ that could fail and result in contamination of storm water.

In addition, SCANA requests appending the condition as follows:

c. Inspecting and maintaining baghouses at least quarterly to prevent the escape of dust from the system and immediately removing any accumulated dust at the base of the exterior baghouse. Fugitive Dust Control Plans implemented as a condition of the Title V Air Operating Permit for particulate matter emission control devices are deemed by the Department to meet equivalent protection requirements, and therefore, quarterly inspections are not required.

Response:

All industrial operations at any given site should be maintained and inspected for sound function, not only for this permit but all pertinent permits issued by the Department. This approach was implemented in the previous iteration of the IGP with very similar language and is verbatim from EPA's 2015 MSGP.

While Fugitive Dust Control Plans should be successful in achieving the same results as this requirement, they will not supersede the language here. Results from similar or related requirements in other programs administered by the Department and EPA can be used as documentation to meet compliance with the IGP. Refer to 5.1.b. of the permit.

Comment 3: Part 3.3.2 – Subsequent Actions: The proposed schedule for updating the SWPPP in response to a corrective action is unreasonable. In many cases, contractors may be utilized to prepare and maintain the SWPPP and associated site map (often in AutoCAD), and contractual arrangements must be made to have the work done. SCANA requests modification of the final sentence of the first paragraph as shown below:

Where your corrective actions result in changes to any of the controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within ~~14~~ 90 calendar days of completing corrective action work.

Response:

Language in that same section allows up to 45 days and even longer as long as communication is made with the Department to affect the corrective action(s). The 14-day time frame to modify the SWPPP appears reasonable as the modification does not have to occur within this time frame. The changes/updates can be worked upon while the corrective action is happening. Depending on the scope of the corrective actions, the time frames to make the changes/updates may be longer than the requested 90 days.

Comment 4: Part 5 – Storm Water Pollution Prevention Plan (SWPPP): As previously stated, contractors may be utilized to prepare and maintain the SWPPP and associated site map(s), and contractual arrangements must be made to have the work done. Therefore, SCANA requests clarification and modification of the associated sentences as shown below:

> If you prepared a SWPPP for coverage under a previous version of this permit, you must review and update the SWPPP to implement all provisions of this permit ~~prior to submitting your NOI~~. If the Department does not request an NOI to continue authorization under this permit, you are to make updates within ~~90~~ 180 days after the effective date of this permit.

Please also modify the associated statement in Table 1-2 as follows:

> A letter will be sent to all permitted existing dischargers extending coverage under the permit and requiring them to ~~evaluate~~ update their SWPPP within 180 days ~~updates~~.

Response:

See Comment 12 below. The submission of an NOI to recertify under the permit was waived this iteration however it may not be in future renewal efforts. The phrase "… prior to submitting your NOI." will not be removed as it acts as a placeholder for precedent in the event the Department does ask for submittal of NOI. Refer to 1.3.2.a. of the permit.

Comment 5: Part 5.1.2.c – Site Map: While SCANA appreciates the addition of the sentence at the end of this section for additional flexibility, SCANA requests additional language as shown below:

> If the map becomes too dense in information, the site map may refer to information within the SWPPP and/or additional maps and/or similar documentation can be provided ~~as well~~.

Response:

The Department agrees in principle. However the proposed language and present language appear redundant as "similar documentation" encompasses "information within the SWPPP." No editing seems necessary.

Comment 6: Part 5.1.3.6 – Sampling Data: SCANA requests that the Department clarify that the SWPPP can be appended to reflect this summary, or that it can be addressed via a separate record. If the Department concurs, please add this to those items listed under Part 5.4 – *Additional Documentation Requirements*.

Response:

The summary is actually part of the SWPPP. It is not "Additional Documentation." Also see Comment 13 below.

Comment 7: Part 6.2.1.2.b(ii) – Data Exceeding Benchmarks: SCANA believes that if a permittee has determined that no further pollutant reductions are achievable, and the associated control measures are maintained in accordance with the SWPPP, there is no reason to further monitor the discharge. Please modify this part as shown below:

> Make a determination that no further pollutant reductions are technologically available and economically practicable and achievable in light of best industry practice to meet the technology-based effluent limits or are necessary to meet the water-quality-based effluent limitations in Parts 2 of this permit~~, in which case you must continue monitoring once per year~~. You must document your rationale for concluding that no further pollutant reductions are achievable, and retain all records related to this documentation with your SWPPP.

Response:

A once per year sample assures the benchmark results are staying roughly at the level at which the "technologically available and economically practicable" claim is made and are not moving upward. Such a movement in results would indicate new sources of the parameter have come into being (and need to be addressed properly in the SWPPP) and/or the existing sources are not being maintained in accordance with the SWPPP. Inspections and work practices are a must in showing compliance but a sample is tangible proof they are working. This approach mirrors EPA's 2008 and 2015 MSGP and will continue in this version of the IGP.

There is a related item that bears mentioning here. The rationale from the previous term to support the "technologically available and economically practicable" option may be claimed in this permit's term if the average of the first 4 quarterly samples exceeds the applicable benchmark value(s). No new efforts are needed if there are no significant modifications to the site in question from the previous permit term that would affect the applicable benchmark parameter(s).

Comment 8: Part 6.2.4.2.c – Discharges into an EPA Approved or Established TMDL Watershed Meeting Water Quality Standards:

- The Fact Sheet refers to an exemption for tidally-influenced waters if both downstream and upstream stations are not impaired, but this part does not appear to include it. Addition of this language to the permit is requested.
- SCANA requests that the Department clarify what is meant by "targeting" in the following requirement: "In cases where the water quality standard is not being met (attained) for E. coli, it is appropriate to monitor for E. coli in lieu of fecal coliform bacteria, targeting the current E. coli 349 MPN/100 ml single sample maximum water quality criterion." Does this statement imply a compliance level where values more/less than the target do/do not require further action? Clarifying language is requested.

– In addition, does the following statement imply a compliance requirement for permittees: "Furthermore, required TMDL WLA percentage reductions relevant to storm water discharges will remain the same, based on the conditions observed at the time of initial fecal coliform bacteria TMDL development." It seems to imply with regard E. coli (only?) monitoring, that even if the above-mentioned target is being met, that additional reductions may be required based on the TMDL. If so, this statement may lead to significant expended resources with minimal environmental benefit. SCANA requests specific clarification, or elimination, of this sentence.

Response:

Language has been been added to 6.2.4.2.c. of the permit. The approach is one of three new options a permittee can use to meet the TMDL monitoring requirements. This is in response to numerous requests upon the Department to allow for more flexibility in order to meet the intent of the TMDL language. Use of the Water Quality Tool will facilitate a determination in use of this option. While the Department hopes that all of the regulated community and their consultants use this highly effective resource, it is not a requirement to do so.

The word "targeting" is indeed intended to imply a compliance level. As stated the 349 MPN/100 mL value is the single sample (grab) water quality standard for recreational use Freshwaters.

The language simply states that the WLA percentage reductions given in any fecal coliform TMDL stand for use with E. coli.

Comment 9: Part 8.L.2 – Industrial Activities Covered by Sector L: To clarify that closed and capped landfills are not like other inactive sites referenced throughout the permit, SCANA requests modification of the following sentence as shown below:

> Disposal facilities that have been properly closed and capped, and have no significant materials exposed to storm water, are not considered to have storm water associated with industrial activity ~~inactive~~ and do not require coverage under this permit~~s~~.

Response:

Suggestion accepted with minor syntax changes. Part 8.K.2 of the permit has similarly been edited.

Comment 10: Appendix A – Definitions – Storm Water Discharges Associated with Industrial Activity: SCANA requests that the Department consider including a road and rail coverage exemption specific to this permit for roads and rail that are not a potential pollution source. For example, a landfill haul road would likely include waste materials from transport trucks, but a chemical manufacturing facility may not if it only transports covered trailers with drums of raw/finished products. Of course, the definition is not intended to cover roads, for example, where like all state transportation roads/highways, trace oils from cars/trucks may be present.

The current definition leads to either sites that have to cover, inspect, monitor, etc. significant drainage area(s) due to a road/rail running across their property, or sites that ignore the definition and don't cover these areas in their SWPPP. Either way, the definition leads to unnecessarily expended resources.

Supporting information that may help the Department justify making a change include:

- March 20, 2013, Supreme Court 7-1 ruling in *Decker v. Northwest Environmental Defense Center* for support which backed EPA's policy that logging roads are not industrial point-source pollution and consequently don't require Clean Water Act permits.
- A no exposure storm water exemption can be given under Part 1.5 of the permit on sites where roads/rail are used to transport raw, intermediate or finished products per the definition of "storm water discharge associated with industrial activity."
- The Department modified Part 1.1.3.g in the latest draft permit to clarify that pavement wash waters are an allowable non-storm water discharge only where (in summary) no pollutants are removed and discharged. If this is allowed, storm water that simply falls on these same roads should/could also be an allowable non-storm water discharge.

There are various locations within the IGP (i.e., the Appendix A definition, Part 1.1.3, Part 5.1.3 or a combination) that can be modified to include an exemption for roads and rail that are used for handling/transporting industrial materials where no potential pollution source is present. SCANA requests that the Department make the necessary changes that clearly allow this exemption.

Response:

Editing the definition of "stormwater discharge associated with industrial activity" (SC Reg. 61-9. Section 122.26(b)(14)) will require a regulation change. The renewal of this permit is not the place to undertake such an involved, lengthy process that would include the State Legislature's review of the matter.

The definition does say "… immediate access roads and rail lines …" so it does limit the scope of applicability. Not all roads and rail lines on a subject site would fall under this definition.

As with any no exposure situation, any occurrence where there is indeed exposure would require the site to obtain coverage under the permit. These would include routine and comprehensive inspections for all sources of industrial activity.

Pavement washwaters were allowable non-stormwater discharges in the previous iteration of the permit. For this version the Department expounded upon the criteria for this discharge to be allowed. The discharges under 1.1.3 are not exempt from the requirements of the permit. They are fully covered by any and all applicable conditions.

Comment 11: Fact Sheet – pH Variance: A reduced pH variance was mentioned in the Fact Sheet, but it didn't seem to be added to the IGP. SCANA requests that it be added.

Response:

The pH variance is intended to give some allowances in monitoring results for the effects of lower pH versus the water quality standards. For example "black waters" in the lower portions of the state have inherently lower pH and dissolved oxygen due to, among other conditions, relatively stagnant flows and the build-up of decaying vegetative matter. Another example would be acid rain effects lowering the pH in stormwater discharges to below a receiving water's standards.

The Water Classifications and Standards regulation allows the Department to give such allowances due to these conditions. Specifically reference SC Reg. 61-68. Section C.9. and note antidegredation requirements are to be met.

This variance language was put in the Fact Sheet in response to Comment 80 during the last public notice for the IGP. Keeping with that approach and trying to eliminate possible confusion on how to utilize the variance by including the language in the permit, the Department feels the Fact Sheet is the appropriate spot. The language is considered guidance and policy rather than regulation and therefore does not belong in the permit.

Comment 12: Section 5. Stormwater Pollution Prevention Plan – The third sentence of this paragraph in the draft permit currently states "If the Department does not request an NOI to continue authorization under this permit, you are to make updates within **90** days after the effective date of this permit". We would like to request that SCDHEC consider changing this timeframe to 120 days. For individual facilities performing a single plan update, 90 days would be more than sufficient, but for consultants updating numerous plans throughout the state, an extra 30 days to complete this task would be beneficial.

Response:

The Department released the draft permit to the public on June 1, 2016 as part of the public notice. There have been modest changes to this version of the permit from the previous and fewer yet based off of the comments made during the notice. The proposed Effective Date is October 1, 2016. Ninety days from that date, all SWPPP should be updated by the end of 2016. All in total that is half of a year to update your clients' SWPPP. The Department feels this is adequate time to do so.

Comment 13: Condition 7.5 of the draft permit indicates that the Storm Water Pollution Prevention Plan (SWPPP) and other records must be retained…"*for a period of at least 3 years after the date that your coverage under this permit expires or is terminated.*" I request that further clarification be added to the permit to make it clear that records only have to be retained

for 3 years after they are generated in accordance with SC Reg. 61-9. Section 122.41(j)(2) and that all existing required records at the time a permittee is no longer covered under the permit due to expiration or termination must be retained for at least 3 years after that date. Without this clarification, this condition could be misinterpreted that all records are required to be retained for 3 years past the expiration date of the permit which could result in some records potentially being retained for up to 8 years.

I also request that SC DHEC provide clarification in the permit that electronic copies are an acceptable format for record retention.

Response:

Part 7.5 of the IGP speaks only about record retention from close out of coverage. Any records generated while having active coverage under the IGP will have a three year retention from date generated. You correctly reference SC Reg. 61-9. Section 122.41(j)(2) but should also reference SC Reg. 61-9. Section 122.44(i)(4)(ii). In theory the maximum retention, based on just the right timing of events, would be 6 years (3 years from generation plus the 3 years after close out of coverage under the IGP).

Electronic versions of records are acceptable as long as they are readily available to Department staff and are in an understandable format. Our staff need to be able to access those records easily to perform their reviews in an expedient manner. New language in the introductory paragraph of 5.4 of the IGP underscores this.

Comment 14: Add sodium percarbonate bleach to 1.1.3.g. and h. of the draft permit as acceptable.

Response:

Rather than address each potentially "environmentally friendly" cleaning product and run the risk of the language becoming burdensome and/or prescriptive in those particular allowable non-stormwater discharges, the Department would suggest using the newly created "at our discretion" option. Specifically reference 1.1.3.2. of the permit.

Comment 15: Two typographical/formatting errors were noted during public notice.

Response:

Both have been addressed.

Comment 16: No parameter code is provided in 6.1.9 of the draft IGP for E. coli.

Response:

Since there is no reporting of results in our permit for anything outside of the numeric effluent limits, the parameters in that list entail all of those that are numeric effluent limits. E. coli is not one of those and therefore is not present. In cases where the Department requests additional monitoring results (see 6.2.5 of the permit), the codes are not necessary as the results will be for "in-house" review and not forwarded on to EPA in the form of a Discharge Monitoring Report.

Comment 17: The language in 6.2.4 concerning DO seems to be contradictory to language in 6.2.4.1.c. The Gills Creek TMDL allocates waste load reductions for BOD5 and ammonia establishes those parameters as indicators for DO water quality attainment. Does the IGP require BOD5 and ammonia monitoring as surrogates?

Response:

The language in 6.2.4. has been clarified by the addition of the phrase "without an EPA approved or established TMDL" to differentiate between the simple or 303(d) and the TMDL level of impairment. As already pointed out, 6.2.4.1.c. does state surrogates are to be monitored and the Gills Creek DO TMDL does have biological oxygen demand and ammonia as indicators for the impairment. The monitoring required in 6.2.4.2.b. of the IGP should be done for these two parameters.

Comment 18: The second paragraph in 6.2.4.2.c. should be appended to 6.2.4.

Response:

Done. Reference the edit in 6.2.4. of the permit.