



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET, SW
ATLANTA, GEORGIA 30303-3104

December 16, 2021

Shawn Clarke, PE, Director
Water Facilities Permitting Division
Bureau of Water
South Carolina Department of Health and Environmental Control
2600 Bull Street
Columbia, South Carolina 29201-1708

Dear Mr. Clarke:

This letter documents a mutual agreement between the South Carolina Department of Health and Environmental Control (the Department) and the United States Environmental Protection Agency with regards to the state's revised numeric nutrient criteria development plan titled, *The State of South Carolina's 2021 Adoption Plan for Numeric Nutrient Water Quality Standards* (the Revised Plan). The 2021 Revised Plan initially submitted on September 30, 2021 was revised and resubmitted to the EPA by email on November 19, 2021. This now updates and replaces South Carolina's 2014 Nutrient Plan.

The EPA recognizes that this Revised Plan represents continued efforts by the state to address the complex issue of nutrient pollution. We appreciate the efforts of your staff, particularly Andrew Edwards and Nicholas Pangborn, in working with EPA Region 4 to revise the plan. By this agreement, the EPA is acknowledging that this Revised Plan reflects a reasonable course of action by which the state can proceed to develop numeric nutrient criteria for lakes, estuaries, rivers, and streams. Please note, however, that the EPA's agreement at this time does not reflect an in-depth review or judgement that the resulting criteria will or will not be protective or are consistent with the Clean Water Act and should not be interpreted as an approval of any water quality standards (WQS). Based upon our review, we believe that the elements of the Revised Plan detail an acceptable process by which the state can develop numeric nutrient criteria for adoption into the state's WQS.

The Revised Plan states the intent for the Department is to move forward with adoption and promulgation of scientifically defensible numeric nutrient criteria to protect and maintain state waters from nutrient over-enrichment and improve those waters that are currently impaired due to nutrient loadings. EPA understands there may be some uncertainty as to when the criteria will be ready for adoption. Therefore, the EPA appreciates that the Department has committed in the Revised Plan to work with EPA and maintain a regular schedule of quarterly meetings to discuss the status of criteria development for rivers, streams, and estuaries as well as the site-specific criteria and TMDL development for lakes. With lake criteria work slated first for development, we look forward to working closely with staff during these quarterly meetings to support the development of lake specific criteria. The quarterly meetings should also allow better projections for developing numeric nutrient criteria for the remaining waterbody types timed to the cycle of South Carolina triennial reviews. With the regular quarterly meetings and Department's renewed investment in criteria development, EPA encourages the

state to stay on track, and where possible, strive to adopt additional numeric nutrient criteria during the upcoming 2025 and 2028 triennial reviews. If you find that the Department will be unable to meet the milestones set out in the Revised Plan or need to revise the schedule to reflect updated expectations, you should contact the EPA to discuss and if necessary, negotiate a new schedule of milestones.

We look forward to working with you on these efforts and providing any technical assistance you may need as the Department works towards the development of numeric nutrient criteria to protect the designated uses of the waters of South Carolina. If you have any questions regarding this matter, please feel free to contact me at (404) 562-9273 or have a member of your staff contact Ms. Lisa Perras Gordon at (404) 562-9317 or gordon.lisa-perras@epa.gov.

Sincerely,

Tony Able, Chief
Water Quality Planning Branch

cc: Wade Cantrell, Manager
303d, Modeling & TMDL Section

Bryan Rabon, Manager
Aquatic Sciences Program

Andrew Edwards, PE
Water Quality Standards Coordinator

Nick Pangborn
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