



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET, SW
ATLANTA, GEORGIA 30303-3104

April 22, 2021

Mike Marcus, Ph.D.
Chief
Bureau of Water
SC Department of Health and Environmental Control
2600 Bull Street
Columbia, South Carolina 29201-1708

Dear Dr. Marcus:

The U.S. Environmental Protection Agency has completed its review of amendments to South Carolina's water quality standards (WQS) Regulations 61-68 *Water Classifications & Standards* and 61-69 *Classified Waters* adopted by South Carolina Department of Health and Environmental Control (SCDHEC or "Department"). These revisions were adopted as a result of South Carolina's triennial review of WQS, as required by Section 303(c) of the Clean Water Act (CWA). The Department electronically submitted the WQS revisions by letter dated March 2, 2021 from Andrew J. Edwards, PE, Water Quality Standards Coordinator, SCDHEC, to Mary Walker, former Regional Administrator, EPA Region 4. The EPA received the hard copy of the revisions on March 24, 2021. The submittal to the EPA was accompanied by certification from W. Marshall Taylor, Jr., the General Counsel for the Department, that the WQS revisions were duly adopted pursuant to the law of South Carolina and became effective for purposes of state law upon publication in the *State Register* on June 26, 2020.

As laid out in the enclosed document, titled *Decision Document of the United States Environmental Protection Agency Review of Amendments to South Carolina's Water Quality Regulations 61-68 Water Classifications & Standards and 61-69 Classified Waters Under § 303(c) of the Clean Water Act*, the EPA is approving all new and revised WQS. These changes include new or revised criteria for enterococci, microcystin, cylindrospermopsin, cadmium, and carbaryl, as well as revisions to update and correct waterbody names and descriptions for 57 use classifications.

In addition to the EPA's review pursuant to Section 303(c) of the CWA, Section 7(a)(2) of the Endangered Species Act (ESA) requires federal agencies, in consultation with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS), to ensure that their actions are not likely to jeopardize the continued existence of federally listed species or result in the destruction or adverse modification of designated critical habitat of such species. Regarding consultation activities for Section 7 of the ESA, the EPA Region 4 concluded that the revisions approved by today's action would have "no effect" or "may effect but is not likely to adversely affect" threatened and endangered species or their designated critical habitat. In a letter dated February 9, 2021, USFWS concurred with the EPA's determination that the EPA's approval of the revisions and additions to the state of South Carolina's rules are "not likely to adversely affect" federally listed species or result in adverse modifications to critical habitats in the state. In a letter dated February 23, 2021, NMFS concurred with the EPA's determination that the EPA's approval of the revisions and additions to the state of South Carolina's rules are "not likely to adversely affect" federally listed species or result in adverse modifications to critical habitats in the state. This concurrence from the USFWS and NMFS concluded the consultation requirements under Section 7(a)(2) of the ESA.

We would like to commend you and your staff for your continued efforts to protect and enhance South Carolina's waters during this rulemaking. If you have questions regarding this action by the EPA, please contact me at 404-562-9345, or have a member of your staff contact Lisa Perras Gordon at 404-562-9317.

Sincerely,

Jeaneanne M. Gettle, Director
Water Division

Enclosure

cc: Andrew Edwards, PE, SCDHEC