

Benjamin D. Cunningham
S.C. Bar No. 76396
SOUTH CAROLINA ENVIRONMENTAL
LAW PROJECT

Mailing address: Post Office Box 1380
Pawleys Island, SC 29585

Office address: 510 Live Oak Dr.
Mt. Pleasant, SC 29464

Telephone: (843) 527-0078

Email: ben@scelp.org
leslie@scelp.org

Attorneys for the Petitioner

July 9, 2020

Mt. Pleasant, South Carolina

electric generating facility located in Cross, South Carolina that discharges effluent into Diversion Canal at Lake Moultrie. Cross first became operational in 1995.

3. The Winyah Generating Station (also referred to herein as “Winyah”) is a coal-fired steam electric generating facility located in Georgetown, South Carolina that discharges effluent into the North Santee River and the Sampit River through Turkey Creek. Winyah first became operational in 1975.

4. Petitioner Sierra Club is the nation’s oldest grassroots non-profit organization organized under the laws of California with its national headquarters in Oakland, California. It currently represents more than 3.7 million members and supporters with 800,000 dues-paying members nationwide and approximately 7,100 dues-paying members in South Carolina dedicated to exploring, enjoying, protecting, and restoring the quality of the natural and human environment; practicing and promoting the responsible use of the earth’s ecosystems and resources; educating and enlisting humanity to protect and restore the quality of the natural and human environment; and using all lawful means to carry out these objectives. Sierra Club also has local chapters throughout the country including one in Columbia, South Carolina. One of Sierra Club’s priority national conservation campaigns involves promoting smart energy solutions and ensuring that coal-burning power plants comply fully with all applicable statutes and regulations. This campaign organizes individuals regionally and nationwide to work on coal-related issues and educates the public on these issues, including the impacts of coal on water quality. Sierra Club brings this action on behalf of itself and its members, to work to ensure that the Wateree, Cross and Winyah coal plants comply fully with all applicable statutory and regulatory requirements governing National Pollution Discharge Elimination System (“NPDES”) permits.

5. Sierra Club and its members suffer from the water pollution in Wateree River, Lake Moultrie, the North Santee River and the Sampit River. Several members of Sierra Club live near these three facilities and suffer the consequences of existing water pollution, such as having to forego the use of their well water for drinking and having to purchase bottled water to drink. Exhibit 1, Hamilton Decl. para. 5. Members are deterred from recreating in these waters due to their knowledge the waters are contaminated and have observed posted signs relating to mercury contamination in the fish. Exhibit 2, Granish Decl. para. 5. They fear for the hazards from the toxic pollutants being discharged into the water such as cancer, liver and kidney disease and other life-threatening conditions. Ex. 1, Hamilton Decl. para. 7; Ex. 2, Granish Decl. para. 6. They have stopped eating any fish they catch from these waters because of their fear of the contamination present in the water. Exhibit 3, Anderson Decl. para. 5.

6. Respondent, DHEC is a State entity, which is responsible for reviewing and acting upon applications for National Pollutant Discharge Elimination System (hereinafter “NPDES”) permits. S.C. Code Ann. §§ 48-1-10 (9); 48-1-100 (A)-(C); S.C. Code Ann. Regs. 61-9.124.6 (a).

7. Respondent, Marshall Taylor, Esq. (hereinafter “Mr. Taylor”), is the acting Head of Respondent, DHEC and Mr. Taylor has the authority to direct DHEC employees to comply with their job responsibilities and the responsibilities placed upon them by the relevant South Carolina statutes and regulations.

8. Respondent, Shawn Clarke, P.E. (hereinafter “Mr. Clarke”) is a state official employed by DHEC’s Bureau of Water as Director of the Water Facilities Permitting Division and included within his duties is the authority to issue drafts of NPDES permits or notices of intent to deny NPDES permit applications as required by S.C. Code Ann. Regs. 61-9.124.6 (a).

9. Venue is proper because Respondent, DHEC, is headquartered and has its principal place of business in Richland County, South Carolina. Venue in a claim for mandamus relief is proper in the county in which the Respondent is located and where Respondents, Mr. Taylor and Mr. Clarke, failed to perform their official duties. S.C. Code Ann. § 15-7-20. Therefore, venue is proper in Richland County, South Carolina as the divisions within Respondent, DHEC and the Respondent officials responsible for acting on the NPDES permit renewal applications are located in Richland County, South Carolina.

10. This Honorable Court has jurisdiction over these claims. S.C. CONST. Art. V., § 20.

11. Respondent, DHEC is obligated by statute to “[t]ake all action necessary or appropriate to secure to this State the benefits of the Federal Water Pollution Control Act or the Federal Air Quality Act and any and all other Federal and State acts concerning air and water pollution control[.]” S.C. Code Ann. § 48-1-50 (17).

12. Respondent, DHEC and its employees, including Respondent, Mr. Taylor and Respondent, Mr. Clarke, are also obligated by statute to either “issue, deny, revoke, suspend or modify permits, under such conditions as it may prescribe for the discharge of sewage, industrial waste or other waste [...]” S.C. Code Ann. § 48-1-50 (5).

13. Respondent, DHEC and its employees, including Respondent, Mr. Taylor and Respondent, Mr. Clarke, are not permitted by statute or regulation to cease or withhold processing and issuing decisions on NPDES permit applications.

14. Respondent, DHEC and its employees, including Respondent, Mr. Taylor and Respondent, Mr. Clarke, are responsible for evaluating and ensuring that a timely evaluation of

NPDES permit renewal applications are accomplished and that draft permits or notices of denials are issued.

15. Respondent, Mr. Taylor is responsible for ensuring that DHEC employees conduct evaluations of NPDES permit renewal applications and that draft permits or notices of denials are issued promptly and in compliance with South Carolina law.

16. Respondent, Mr. Clark is responsible for evaluating and ensuring that evaluations of NPDES permit renewal applications are accomplished in compliance with South Carolina and federal law and that draft permits or notices of denials are issued promptly.

17. Respondent, DHEC received a National Pollutant Discharge Elimination System (“NPDES”) renewal application for the NPDES permit issued to the Wateree Steam Station (Permit No. SC0002038) and owned by Dominion Energy. An excerpt of the renewal application is attached hereto as Exhibit 4, Wateree renewal application.

18. Respondent, DHEC received NPDES renewal applications for the NPDES permit issued to the Cross Generating Station (Permit No. SC0037401), and the NPDES permit issued to the Winyah Generating Station (Permit No. SC0022471). These facilities are owned by the South Carolina Public Service Authority and operated by Santee Cooper. Excerpted copies of the renewal applications are attached hereto as Exhibit 5, Cross renewal application, and Exhibit 6, Winyah renewal application

19. The last NDPEs permit issued to Wateree expired in December of 2012.

20. The last NDPEs permit issued to Cross expired in August 2010.

21. The last NDPEs permit issued to Winyah expired in July 2011.

22. The NPDES permits issued to Wateree, Cross and Winyah were issued for a fixed period not to exceed five years. 33 U.S.C. § 1342 (b)(1)(B); 40 C.F.R. § 122.46 (a); S.C. Code Ann. Regs. 61-9.122.46 (a).

23. A permit renewal application for the NPDES permit for Wateree was submitted to DHEC on or about June 12, 2012.

23. A permit renewal application for the NPDES permit for Cross was submitted to DHEC on or about March 20, 2010.

24. A permit renewal application for the NPDES permit for Winyah was submitted to DHEC in or about January of 2011.

25. Respondents' duty to act on these long-pending permit renewal applications constitutes a legal duty that Respondents owe to the public, and in which the public has an interest.

26. The Petitioner as an organization, its chapters and its individual members, suffers injuries from Respondents' failure to perform their legal duties and these injuries can only be redressed through the relief sought in this Petition.

FOR A FIRST CAUSE OF ACTION

(WRIT OF MANDAMUS)

27. Petitioner realleges the allegations of paragraphs one through twenty-six (1)-(26) and incorporates them herein as if set forth fully.

28. The obligations of the Respondents are ministerial in nature as they are definite, certain and absolute because neither DHEC nor the other Respondents have discretion to avoid making decisions or refuse to make decisions on NPDES permit renewal applications indefinitely and certainly not beyond the time period within which NPDES permits may be issued.

29. Under the federal Clean Water Act, 33 U.S.C. §§ 1251-1378, and the South Carolina Pollution Control Act, §§ 48-1-10; 48-1-350, NPDES permits are to be issued for a fixed term not to exceed five years. 33 U.S.C. § 1342(b)(1)(B); 40 C.F.R. § 122.46(a); S.C. Code Ann. Regs. 61-9.122.46(a).

30. These five-year reviews have multiple interrelated goals. They provide for review and reconsideration of the coal plants impact on the receiving waterway in light of changing environmental conditions; they allow DHEC to implement and enforce new requirements arising from regulations that have been promulgated since the earlier permit was issued; and relatedly, they provide an opportunity to reduce a coal plant's impact through application of newer, available technologies, including those mandated by updated regulations, both state and federal.

31. Wateree is operating under a permit that expired in 2012. Cross is operating under a permit that expired in 2010. Winyah is operating under a permit that expired in 2011. These time periods vastly exceed the effective period of permits mandated by state regulation. S.C. Code Ann. Regs. § 61-9.122.46 (a)(“An NPDES permit issued pursuant to State law and this regulation shall be effective for a fixed term not to exceed 5 years.”).

32. In the absence of action on the renewal applications by Respondent, the expired NPDES permits have been automatically continued by operation of law. By failing to act on the pending permit renewal applications for almost a decade; Respondents have extended the expired NPDES permits, allowing the plants to continue to discharge unacceptable amounts of toxic pollution into the waters of the United States.

33. The renewal application submitted on behalf of the Wateree Steam Station is complete and each of the Respondents, DHEC, Mr. Taylor and Mr. Clarke has ministerial legal

duties to act on the application by either issuing a draft permit or denying the application. S.C. Code Ann. Regs. 61-9.124.6 (a).

34. Since under federal and state law, the term of an NPDES permit is limited to a maximum of five years, the Wateree NPDES permit has not only expired; it has been administratively extended for a longer period than it could have been lawfully issued.

35. The renewal application submitted on behalf of the Cross Generating Station is complete and each of the Respondents, DHEC, Mr. Taylor and Mr. Clarke has ministerial legal duties to act on the application by either issuing a draft permit or denying the application. S.C. Code Ann. Regs. 61-9.124.6 (a).

36. Since under federal and state law, the term of an NPDES permit is limited to a maximum of five years, the Cross NPDES permit has not only expired; it has been administratively extended for a longer period than it could have been lawfully issued.

37. The renewal application submitted on behalf of the Winyah Generating Station is complete and each of the Respondents, DHEC, Mr. Taylor and Mr. Clarke has ministerial legal duties to act on the application by either issuing a draft permit or denying the application. S.C. Code Ann. Regs. 61-9.124.6 (a).

38. Since under federal and state law, the term of an NPDES permit is limited to a maximum of five years, the Winyah NPDES permit has not only expired; it has been administratively extended for a longer period than it could have been lawfully issued.

39. Upon current knowledge, information and belief, neither Respondent, DHEC, nor Respondent, Clarke has issued a draft permit or issued a notice of intent to deny any of the three completed NDPEs permit renewal applications that are the subject of this Petition and Complaint

although Respondents are all required to make one of those two ultimate determinations for each NPDES renewal application under South Carolina law.

40. These facilities continue to discharge waste and effluent into the identified waterbodies pursuant to the standards and conditions from permits issued in 2006 for Cross, 2008 for Wateree and 2008 for Winyah, respectively. Their respective NDPEs permits that have long since expired.

41. The United States Environmental Protection Agency promulgated new Effluent Limit Guidelines (“ELGs”) that are required to be included in new NDPEs permits going forward. 80 Fed. Reg. 67,838 (Nov. 3, 2015). The compliance deadline for the new ELG for Flue Gas Desulfurization wastewater and bottom ash Best Available Technology standards is set for as soon as possible beginning in November of 2020.

42. In addition to its obligations to secure the benefit of the Clean Water Act for this State, DHEC, by administering the NPDES permit program, must also ensure that South Carolina NPDES permit holders comply with national effluent limit guidelines. S.C. Code Ann. Regs. 61-9.122.1; 33 U.S.C. §§ 1311, 1312, 1342.

43. Sierra Club’s South Carolina chapter has many members who use and enjoy or would use and enjoy the waterways near and in close proximity to these three facilities and into which these facilities are authorized to discharge waste and effluents under their respective NPDES permit

44. To the extent these respective facilities are not operating in accordance with NPDES permits that should have been issued pursuant to their completed renewal applications, which would include updated ELGs, Petitioner and its members are endangered by the non-

compliance with current safety standards to ensure that no unsafe and/or unauthorized effluents or waste is discharged into the waterways they use or enjoy.

45. A determination of the issues in this case is of great importance to the public interest, not only to the public's safe enjoyment of the environment but also to the public health given the dire consequences that may result from discharging toxic effluents into public waters. It is in the public interest to assure that Respondents perform these legally mandated duties and the public relies on Respondents to perform, not abdicate, their duties. It is further in the public interest to obtain guidance for future renewal applications and how Respondents process those applications.

46. Therefore, Respondents all have obligations to discharge their duties in evaluating these NPDES permit renewal applications to ensure that the new ELG requirements are incorporated into the new permits and that no unsafe and/or unauthorized effluents or waste continue to be discharged into the waterways Petitioner's members use or would use but for the unauthorized discharge of effluents.

47. Petitioner and its members lack any remedy other than mandamus as they cannot initiate or submit public comments concerning or challenge a decision by Respondents in issuing the NPDES permits unless and until the draft permit is issued, the public is afforded a time to submit comments and DHEC ultimately issues or denies the respective NPDES permits.

IN THE ALTERNATIVE, FOR A SECOND CAUSE OF ACTION

(WRIT OF MANDAMUS)

48. The allegations of paragraphs one through thirty-one (1)-(31) are realleged and incorporated herein if set forth fully.

49. The NPDES permit renewal application submitted on behalf of the Wateree Steam Station, was and remains incomplete.

50. The NPDES permit renewal application submitted on behalf of the Cross Generating Station was and remains incomplete.

51. The NPDES permit renewal application submitted on behalf of the Winyah Generating Station was and remains incomplete.

52. As the respective applications are incomplete, the conditions for the continuation of the prior NPDES permits were not met and the three entities, Wateree Steam Station, Cross Generating Station and Winyah Generating Station, respectively, are discharging waste and effluents without valid NPDES permits and enforcement actions should be initiated. S.C. Code Ann. Regs. 61-9.122.6 (a), (b), (c).

53. In addition to its obligations to secure the benefit of the Clean Water Act for this State, DHEC, by administering the NPDES permit program, must also ensure that South Carolina NPDES permit holders comply with national effluent limit guidelines. S.C. Code Ann. Regs. 61-9.122.1; 33 U.S.C. §§ 1311, 1312, 1342.

54. Respondent, DHEC is responsible for evaluating and ensuring that a timely evaluation of NPDES permit renewal applications are accomplished, that incomplete applications are required to be completed or that enforcement actions are taken against entities operating on expired NPDES permits.

55. Respondent, Marshall Taylor is responsible for ensuring that a timely evaluation of NPDES permit renewal applications are accomplished, that incomplete applications are required to be completed or that enforcement actions are taken against entities operating on expired NPDES permits.

56. Respondent, Shawn Clark is responsible for evaluating and ensuring that a timely evaluation of NPDES permit renewal applications, that incomplete applications are required to be completed or that enforcement actions are taken against entities operating on expired NPDES permits.

57. The obligations of the Respondents are ministerial in nature as they are definite, certain and absolute in nature because neither Respondent DHEC nor the other Respondents has discretion to ignore facilities discharging effluents without NPDES permits and while Respondent, DHEC has discretion in what enforcement action(s) it pursues, there is an obligation to pursue some type of enforcement action.

58. Petitioner and its members are South Carolina residents who use and enjoy the waterways in and around these respective facilities or would use and enjoy the waterways in and around these respective facilities but for Respondents' failure to enforce the requisite guidelines to ensure that facilities discharging effluents in the respective waterways are doing so in accordance with should be current NPDES permit regulations and the limitations included therein.

59. A determination of the issues in this case is of great importance to the public interest, not only to the environment but to the public health. It is further in the public interest to obtain guidance for future renewal applications and how Respondents process those applications.

60. To the extent these respective facilities are not operating in accordance with either their former NPDES permit or permits that should have been issued had they timely submitted a completed NPDES permit renewal application which include updated ELGs or other necessary changes, Petitioner and its members are endangered by the non-compliance with outdated permits or current safety standards to ensure that no unsafe and/or unauthorized effluents or waste discharged into the waterways they use.

61. Petitioner and its members lack any remedy other than mandamus as there is no longer a private cause of action under the South Carolina Pollution Control Act, S.C. Code Ann. § 48-1-250, and Respondent is charged with enforcing the Pollution Control Act pursuant to which this State enforces NPDES permit violations. See S.C. Code Ann. Regs. 61-9.122.6 (c).

PRAAYER FOR RELIEF

WHEREFORE, for the reasons stated herein, Petitioner respectfully requests that this Court enter an order:

a. Compelling Respondents DHEC, Marshall Taylor, Esq. as Acting Head of DHEC and Shawn Clarke, P.E., as Director of the Water Facilities Permitting Division of the DHEC's Bureau of Water to issue a final decision on the pending application to renew the Wateree NPDES permit as expeditiously as possible in accordance with S.C. Code Ann. Regs. 61-9.124.6 (a), including but not limited to issuing a draft permit and complying with the public notice and comment requirements pursuant to S.C. Code Ann. Regs. 61-9.124.6 (a), and according to a remedial schedule with specific deadlines to be determined by the Court;

b. Compelling Respondents DHEC, Marshall Taylor, Esq. as Acting Head of DHEC and Shawn Clarke, P.E., as Director of the Water Facilities Permitting Division of the DHEC's Bureau of Water to issue a final decision on the pending application to renew the Cross NPDES permit as expeditiously as possible in accordance with S.C. Code Ann. Regs. 61-9.124.6 (a), including but not limited to issuing a draft permit and complying with the public notice and comment requirements pursuant to S.C. Code Ann. Regs. 61-9.124.6 (a), and according to a remedial schedule with specific deadlines to be determined by the Court;

c. Compelling Respondents DHEC, Marshall Taylor, Esq. as Acting Head of DHEC and Shawn Clarke, P.E., as Director of the Water Facilities Permitting Division of the DHEC's Bureau of Water to issue a final decision on the pending application to renew the Winyah NPDES permit as expeditiously as possible, in accordance with S.C. Code Ann. Regs. 61-9.124.6 (a), including but not limited to issuing a draft permit and complying with the public notice and comment requirements pursuant to S.C. Code Ann. Regs. 61-9.124.6 (a), and according to a remedial schedule with specific deadlines to be determined by the Court.

d. In the alternative, in the event that any or all of the respective applications were and are incomplete, Petitioner respectfully requests that this Court issue a Writ of Mandamus requiring the Respondent, South Carolina Department of Health and Environmental Control, Respondent, Marshall Taylor, Esq. as Acting Head of the South Carolina Department of Health and Environmental Control, and Respondent, Shawn Clarke, P.E., as Director of the Water Facilities Permitting Division of the South Carolina Department of Health and Environmental Control's Bureau of Water to affirmatively declare the Wateree, Cross and/or Winyah pending applications incomplete, and to pursue any enforcement actions available under S.C. Code Ann. § 41-1-100 (A) and S.C. Code Ann. Regs. 61-9.122.1 (g)(10) for each such facility utilizing an expired NPDES permit by operation of law.

e. Awarding Petitioners their reasonable costs and attorneys' fees pursuant to applicable authority; and

f. Granting such other and further relief as the Court deems just, equitable and proper.

Respectfully submitted,

Leslie S. Lenhardt

S.C. Bar No. 15858
Benjamin D. Cunningham
S.C. Bar No. 76396
SOUTH CAROLINA ENVIRONMENTAL
LAW PROJECT

Mailing address: Post Office Box 1380
Pawleys Island, SC 29585
Office address: 510 Live Oak Dr.
Mt. Pleasant, SC 29464
Telephone: (843) 527-0078
Email: ben@scelp.org
leslie@scelp.org

Attorneys for the Petitioner

July 9, 2020

Mt. Pleasant, South Carolina

DECLARATION OF LOUISE HAMILTON

1. My name is Louise Hamilton, and I am of legal age and competent to give this declaration. All information herein is based on my own personal knowledge unless otherwise indicated.

2. I live at 113 Treetop Lane, Pineville, Berkeley County, South Carolina. This is my childhood home, and although I have lived and traveled elsewhere for work, I have resided in the Pineville community for most of my life. I am a retired United States Navy Information System Technician First Class.

3. I am an active member of the Sierra Club. I joined Sierra Club this year, and I have been active with my local chapter for at least five years, as I have always valued the protection of our environment and water resources. Having lived in this area for most of my life, I am deeply invested in protecting its natural spaces, and I have found that supporting my local Sierra Club chapter provides an effective avenue to do so.

4. I live very close to both Lake Moultrie and Santee Cooper's Cross Generating Station ("Cross Plant"). The Cross Plant is about three miles away, while my property line backs directly into Lake Moultrie. I often walk along the banks of the lake for exercise and to enjoy the natural lakefront. Like many other members of our community, the lake and its resources are a big part of my life. My mother was a fisherwoman and, although I myself do not fish, I would often accompany her while she fished. I have always had an affinity for water and I believe this attraction is the main reason I joined the Navy. My love for the water has also translated into a drive to protect natural water systems, both for the benefit of aquatic ecosystems and the health and enjoyment of the people who use them.

5. The Cross Plant is almost always visible in this area; I can see it emitting smoke from its stacks every day and I understand it discharges its wastewater into Lake Moultrie and Diversion Canal. I am increasingly concerned that the air and water pollution from the plant are contributing to increased cancer rates in the area, as well contaminating the area's soil and groundwater. Most residents of this community draw their drinking water from wells, and many of my friends and family members in the area are no longer able to use their well water due to chemical contamination. I worry that lax or outdated regulation at facilities that discharge into local waterways, like the Cross Plant, could further contribute to this water pollution. To avoid the potential health hazards of unsafe drinking water, many local residents, including myself, must purchase bottled water or special filters for our taps. For low-income people and people on fixed incomes, this extra expense is truly an undue economic burden, and a barrier standing in the way of their right to access safe drinking water.

6. Fishing is a large part of the culture in this area. Growing up, I spent a great deal of time at Harry's Fish Camp, a local fishing, swimming, and recreation center on Lake Moultrie, and I continue to visit as an adult. Harry's is a hotspot for local and visiting fisherman, as is Diversion Canal, where fishing tournaments are held for catfish, bass, and rockfish. I am increasingly concerned that the fish in these waters will soon be unsafe for human consumption. I know that the South Carolina Department of Health and Environmental Control ("DHEC") currently lists a fish consumption advisory for mercury contamination for both Diversion Canal and Lake Moultrie.

7. It is my understanding that effluent discharge from the Cross Plant and other coal-fired power plants in South Carolina can contain toxic heavy metals that can cause

cancer, cardiovascular disease, neurological disorders, kidney and liver damage, and lowered IQ in children. I know these conditions can be caused by consumption of drinking water or fish contaminated by heavy metals such as mercury, arsenic, and selenium. Knowing these contaminants may be building up in Diversion Canal and Lake Moultrie deeply concerns me. Pollution like this could have serious ramifications for the health of local residents, as well as the economy and culture of the area, both of which are so dependent on fishing.

8. It is my understanding that the Cross Plant's most recent wastewater permit, under the National Pollutant Discharge Elimination System ("NPDES"), was issued by the DHEC on November 3, 2006 and expired on August 31, 2010. I also understand Santee Cooper submitted a renewal application in 2010, but DHEC has not taken any action on the application, meaning the plant is still operating under the old permit that expired almost ten years ago.

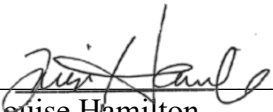
9. It is my understanding that by not renewing the Cross Plant's NPDES permit, DHEC has allowed Cross to operate under outdated rules and limits. Under this outdated permit, Cross is not subject to the newest Environmental Protection Agency ("EPA") requirements. These new requirements include the Effluent Limitations Guidelines ("ELGs") which would regulate the discharge of the heavy metals and chemicals into local water systems.

10. It is my understanding that Sierra Club is filing a Petition for Writ of Mandamus challenging DHEC's failure to issue a new permit. I love the water and I respect the important role it plays in my community, and therefore I support Sierra Club's petition. We must consider the long term consequences of water pollution on the environment and

on people's health; industries operating in the area must be held to the standards set by the EPA. Were DHEC to issue the Cross Plant an updated NPDES permit that incorporated EPA's ELG rule, it would significantly reduce the toxic chemicals being discharged into Diversion Canal and Lake Moultrie. Any reduction in these chemicals would have a positive effect on local residents' ability to fish, swim, and otherwise enjoy the water. I would be more comfortable spending time on the water and eating fish caught in the area if these toxic discharges were to stop.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that all of the forgoing is true and correct.

Executed in Pineville, South Carolina on June 29, 2020.



Louise Hamilton

DECLARATION OF BRIDGET GRANISH

1. My name is Bridget Granish, and I am of legal age and competent to give this declaration. All information herein is based on my own personal knowledge unless otherwise indicated.

2. I live at 1021 Community Pond Road, Eastover, Richland County, South Carolina. I have lived at this address for over eight years.

3. I am an active member of the Sierra Club. I initially joined Sierra Club in 2010 as part of a joint membership with my partner. We value the importance of environmental protection and found that our local Sierra Club chapter was a good way to get involved. We are members of the John Bachman Group of the South Carolina chapter of Sierra Club.

4. I live near the Wateree River and frequently kayak in Sparkleberry Swamp, which is a connected waterway. My partner often joins me kayaking, as do my brother, his wife, and their two sons. I also hike in Poinsett State Park once every few months and will sometimes bring my dogs. While hiking and kayaking, I enjoy observing birds, fish, and other local wildlife like the American Alligator.

5. I consider the Wateree River to be too dirty to swim in – I do not even allow my dogs to swim in the water. If pollution continues to contaminate the Wateree River, I will have to reconsider kayaking on its connected

bodies of water, as it may mean risking exposure to toxic chemicals. My grandson lives in the area and I would love to take him camping, hiking, and kayaking when he old enough, but I worry pollution will continue to spoil the river and its ecosystems as he gets older, making the area unsafe for recreation. I worry about the area's plant and animal life, too, as water contamination can run all the way up the food chain, and can even move from flowing waters into groundwaters. And as someone who draws their drinking water from a well, groundwater contamination is a very serious concern.

6. I live less than ten miles from Dominion Energy's Wateree Plant, which discharges wastewater into the Wateree River. I understand that effluent discharge from the Wateree Plant and other coal-fired power plants in South Carolina can contain toxic heavy metals that can cause cancer, cardiovascular disease, neurological disorders, kidney and liver damage, and lowered IQ in children. I know these conditions can be caused by consumption of drinking water or fish contaminated by heavy metals such as mercury, arsenic, and selenium. The possible existence of these contaminants in the Wateree River has reduced my ability to fully enjoy the area, as I feel uneasy exposing myself, my family, my pets, and other loved ones to the water.

7. It is my understanding that the Wateree Plant's most recent wastewater permit, under the National Pollutant Discharge Elimination System ("NPDES"), was issued by the South Carolina Department of Health and Environmental Control ("DHEC") on August 29, 2008 and expired on December 31, 2012. I also understand Dominion submitted a renewal application in 2012, but because the DHEC hasn't taken any action on the application, the plant is still operating under the old "administratively continued" permit that expired almost eight years ago.

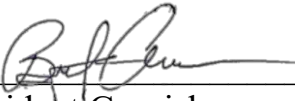
8. It is my understanding that by not renewing the Wateree Plant's NPDES permit, DHEC has allowed Wateree to operate under old rules and limits, effectively excusing the plant from updating its technology and practices to meet new Environmental Protection Agency ("EPA") requirements. These new requirements include the Effluent Limitations Guidelines ("ELGs") which would regulate the discharge of the heavy metals and chemicals I mention above.

9. It is my understanding that Sierra Club is filing a Petition for Writ of Mandamus challenging DHEC's failure to issue a new permit. I wholeheartedly support Sierra Club's petition. Were DHEC to issue the Wateree Plant an updated NPDES permit that incorporated EPA's ELG rule, it would significantly reduce the toxic chemicals being discharged into the

Wateree River. I believe it would improve the watershed's health and reduce the environmental and public health risks associated with discharges from coal plants. I would be more inclined to spend additional time on and around the Wateree River and could fully enjoy kayaking, hiking, and camping in the area, if I knew the toxic discharges were no longer occurring.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that all of the forgoing is true and correct.

Executed in Eastover, South Carolina on June 8, 2020.



Bridget Granish

DECLARATION OF LATOYA ANDERSON

1. My name is LaToya Anderson. I am of legal age and competent to give this declaration. All of the information herein is based on my own personal knowledge unless otherwise indicated.

2. I live at 239 Yadkin Avenue, Georgetown, Georgetown County, South Carolina. I have lived at this address for 24 years. I live about 7 miles from the Winyah Generating Station, as the crow flies. I live with my two children, who are 13 and 3 years old. Several of my aunts and uncles live nearby, on Evan's Place. Their homes are about 1.5 miles from Winyah Generating Station. My local church, St. Michael AME Church, is about 1 mile from Winyah, and I know several congregation members that have the Winyah Generating Station in their backyards.

3. I strongly support the Sierra Club's mission and appreciate the work the Sierra Club does. I am a Sierra Club member, and I have served as a community representative for the Sierra Club since Spring 2020. I became a community representative after the Sierra Club hosted a meeting with local community members to discuss environmental issues like pollution. I was overwhelmed by the knowledge that my community and my family were being put at risk because of pollution from sources like the Winyah Generating Station, and I was shocked that my community and I were completely unaware of these risks until the Sierra Club organized this meeting. I became a community representative and a Sierra Club member because I felt that I had the responsibility to stand up and serve my community when others could not. While COVID-19 has made coordination with my community difficult, I regularly advocate for my community's concerns with local Sierra Club chapter members.

4. It is my understanding that Winyah Generating Station's most recent National Pollutant Discharge Elimination System ("NPDES") permit expired in July 2011. It is also my understanding that Santee Cooper, Winyah's owner, submitted a timely permit renewal application in 2011, but because South Carolina's Department of Health and Environmental Control ("DHEC") has failed to act on that renewal application, Winyah Generating Station continues to operate under a permit that expired almost nine years ago. It is also my understanding that this expired permit does not address Effluent Limitation Guidelines, which would regulate the discharge of harmful pollutants like boron, radium, arsenic and mercury from the Winyah Generating Station.

5. I am very concerned about the water quality of my local area, as many members of my community use well water to drink, bathe, and wash laundry. It is my understanding that two of Winyah Generating Station's monitoring wells reported high levels of boron, radium, and other contaminants that can have harmful effects on people at dangerous levels. I am anxious about the health of my family, especially my children and aunts. I worry that my children's young bodies and developing minds make them especially vulnerable to these contaminants. I have one aunt that is recovering from neck surgery, another that is a cancer survivor, and another that is currently battling cancer. I worry that their medical conditions could make them especially vulnerable to water pollution.

6. I am also concerned about the water quality of the Santee River, which receives discharges from Winyah Generating Station. I fish on the Santee River with my children for brim, catfish, and other kinds of fish. Before I was aware of the water pollution from the Winyah Generating Station, we ate the fish that we caught. My family and I no longer

eat the fish there, for fear of contamination from pollutions discharged by the Winyah Generating Station. I also enjoy admiring the marshland of the Sampit River, especially the wildlife, like the alligators. The pollution caused by the Winyah Generating Station negatively impacts my enjoyment when admiring the alligators, as I think it's cruel that their habitat is polluted.

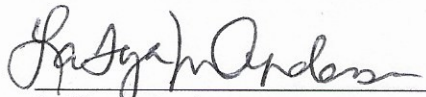
7. I worry about the health and economic prosperity of my community, as I see people fishing, crabbing, and catching shrimp on the Santee River. I worry that the seafood they catch may be contaminated, and I worry about the economic toll that pollution may take on local fish markets and tourism. While I enjoy visiting the Harbor Walk, Georgetown's main street, to watch the Sampit River and take pictures, the knowledge that my community could be hurt by water pollution from the Winyah Generating Station takes away from my enjoyment. Once a year, the town hosts a harbor walk festival on the water. I can't enjoy the festival if the water is unsafe for my family, my community, or me.

8. It is my understanding that the Sierra Club is filing a Petition for Writ of Mandamus challenging DHEC's failure to issue a new NPDES permit to replace Winyah Generating Station's expired NPDES permit. I strongly support the Sierra Club in this litigation. If the Sierra Club were to succeed in this litigation, and if the DHEC issues an updated NPDES permit that incorporated EPA's Effluent Limit Guidelines, it would significantly curtail the release of toxic and harmful chemicals being discharged from the Winyah Generating Station into the Santee River and Sampit River. I believe it would improve the river's health and reduce the environmental and public health risks associated with discharges from coal plants. I would worry less about the effects of water

pollution on my health and the health of my family. I would be less anxious about harmful pollutants contaminating the water supply. I would worry less about eating fish my family and I catch on Santee River, and feel more assured about the welfare of my community. I would also enjoy admiring the alligators and the scenic beauty of the Sampit River more, knowing that the habitat is protected from excessive water pollution from the Winyah Generating Station. As a result of all these improvements, my quality of life would then improve.

9. I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge, information, and belief.

Executed in Georgetown, South Carolina on June 22, 2020.


LaToya Anderson



SCANA Services, Inc.
Generation Environmental Support
220 Operation Way, MC-C221
Cayce, South Carolina 29033-3701
(803) 217-8103

June 12, 2012

Ms. Patty Barnes
SCDHEC – NPDES Administration
2600 Bull Street
Columbia, South Carolina 29201

RECEIVED

JUN 14 2012

WATER FACILITIES
PERMITTING DIVISION

Subject: SCE&G – Wateree Station
NPDES Permit No. SC0002038 Renewal Package

Dear Ms. Barnes:

On behalf of the South Carolina Electric & Gas Company (SCE&G, a SCANA subsidiary), SCANA Services is hereby submitting the following documents for renewal of the Wateree Station National Pollutant Discharge Elimination System (NPDES) Permit No. SC0002038:

- Form 1
- Form 2E with Form 2C Effluent Characteristics (Outfall 01A)
- Form 2C (Outfalls 03A and 03B)
- Wastewater Flow Diagram
- Location Supplement and Site Location Map
- Sludge Disposal Supplement and Wateree ISWLF Permit
- Mixing Zone Supplements

With regard to the attached information, the existing NPDES permit, and future draft permit limitations, SCE&G is hereby making the following comments:

1. While a full Form 2C analysis is being submitted with the Form 2E for Outfall 01A, SCE&G does not believe that it should be required for this internal, non-process wastewater outfall.
2. While the long-term average flow at Outfall 03A is shown as 5.3 MGD, SCE&G believes that plant flows naturally vary between years experienced with normal weather conditions. Rainfall significantly impacts the discharge flow at 03A, and the outfall flow was also recorded during plant shutdown. Therefore, should flow rates greater than 5.3 MGD be submitted to the Department on future NPDES or wastewater construction documents, it should not trigger antibacksliding considerations as the plant flows naturally vary between years based on weather, power demands, plant operations, incoming water quality, etc.
3. While the attached “NPDES Application Supplement - Mixing Zone Request for Surface Water Discharges” form includes the model results at the zone of initial dilution (ZID), SCE&G does not believe that reasonable potential exists for acute toxicity testing at Outfall 03A and requests that the associated permit requirements not be included in the forthcoming draft permit.

**National Pollutant Discharge
Elimination System
Permit Renewal Application**

**Wateree Station
South Carolina Electric & Gas Company
Eastover, South Carolina**

Permit Number SC0002038

RECEIVED

JUN 14 2012

WATER FACILITIES
PERMITTING DIVISION

Submitted to:
**South Carolina Department of
Health and Environmental Control**
2600 Bull Street
Columbia, South Carolina 29201

Submitted by:
South Carolina Electric & Gas Company
Mail Code C221
Cayce, South Carolina 29033

**National Pollutant Discharge Elimination System Permit
Renewal Application**

**Wateree Station
South Carolina Electric & Gas Company
Permit Number SC0002038
Table of Contents**

<u>Section</u>	<u>Subject</u>
Form 1	General Information
Form 2E/2C	Outfall 01A
Form 2C	Outfall(s) 03A, and 03B
<u>Appendices</u>	
I	Location Supplement to NPDES Permit Application
II	Sludge Disposal Supplement for NPDES and ND Permit Applications
III	Mixing Zone request for Surface Water Discharges
<u>Figures</u>	
1	Site Location Map
2	Wastewater Flow Schematic

Form 1

General Information and Wastewater Flow Schematic

FORM 1 GENERAL	U.S. ENVIRONMENTAL PROTECTION AGENCY GENERAL INFORMATION Consolidated Permits Program <i>(Read the "General Instructions" before starting.)</i>	I. EPA I.D. NUMBER SC0002038
LABEL ITEMS I. EPA I.D. NUMBER III. FACILITY NAME V. FACILITY MAILING ADDRESS VI. FACILITY LOCATION	<div style="font-size: 2em; color: blue; font-weight: bold;">RECEIVED</div> <div style="color: blue; font-weight: bold;">JUN 14 2012</div> <div style="color: blue; font-weight: bold;">WATER FACILITIES PERMITTING DIVISION</div> <p>PLEASE PLACE LABEL IN THIS SPACE</p>	GENERAL INSTRUCTIONS If a preprinted label has been provided, affix it in the designated space. Review the information carefully; if any of it is incorrect, cross through it and enter the correct data in the appropriate fill-in area below. Also, if any of the preprinted data is absent (the area to the left of the label space lists the information that should appear), please provide it in the proper fill-in area(s) below. If the label is complete and correct, you need not complete items I, III, V, and VI (except VI-B which must be completed regardless). Complete all items if no label has been provided. Refer to the instructions for detailed item descriptions and for the legal authorizations under which this data is collected.

II. POLLUTANT CHARACTERISTICS

INSTRUCTIONS: Complete A through J to determine whether you need to submit any permit application forms to the EPA. If you answer "yes" to any questions, you must submit this form and the supplemental form listed in the parenthesis following the question. Mark "X" in the box in the third column if the supplemental form is attached. If you answer "no" to each question, you need not submit any of these forms. You may answer "no" if your activity is excluded from permit requirements; see Section C of the instructions. See also, Section D of the instructions for definitions of bold-faced terms.

SPECIFIC QUESTIONS	MARK 'X'			SPECIFIC QUESTIONS	MARK 'X'		
	YES	NO	FORM ATTACHED		YES	NO	FORM ATTACHED
A. Is this facility a publicly owned treatment works which results in a discharge to waters of the U.S.? (FORM 2A)		X		B. Does or will this facility (either existing or proposed) include a concentrated animal feeding operation or aquatic animal production facility which results in a discharge to waters of the U.S.? (FORM 2B)		X	
C. Is this a facility which currently results in discharges to waters of the U.S. other than those described in A or B above? (FORM 2C)	X		2E, 2C	D. Is this a proposed facility (other than those described in A or B above) which will result in a discharge to waters of the U.S.? (FORM 2D)		X	
E. Does or will this facility treat, store, or dispose of hazardous wastes? (FORM 3)		X		F. Do you or will you inject at this facility industrial or municipal effluent below the lowermost stratum containing, within one quarter mile of the well bore, underground sources of drinking water? (FORM 4)		X	
G. Do you or will you inject at this facility any produced water or other fluids which are brought to the surface in connection with conventional oil or natural gas production, inject fluids used for enhanced recovery of oil or natural gas, or inject fluids for storage of liquid hydrocarbons? (FORM 4)		X		H. Do you or will you inject at this facility fluids for special processes such as mining of sulfur by the Frasch process, solution mining of minerals, in situ combustion of fossil fuel, or recovery of geothermal energy? (FORM 4)		X	
I. Is this facility a proposed stationary source which is one of the 28 industrial categories listed in the instructions and which will potentially emit 100 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)		X		J. Is this facility a proposed stationary source which is NOT one of the 28 industrial categories listed in the instructions and which will potentially emit 250 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)		X	

III. NAME OF FACILITY

1 SKIP South Carolina Electric & Gas Company - Wateree Station

IV. FACILITY CONTACT

A. NAME & TITLE (last, first, & title)	B. PHONE (area code & no.)
2 Mark Ferguson, Generation Environmental Support	803 217 8103

V. FACILITY MAILING ADDRESS

A. STREET OR P.O. BOX			
3 220 Operation Way, MC-C221			
B. CITY OR TOWN		C. STATE	D. ZIP CODE
4 Cayce		SC	29033

VI. FACILITY LOCATION

A. STREET, ROUTE NO. OR OTHER SPECIFIC IDENTIFIER					
5 142 Wateree Station Road					
B. COUNTY NAME					
Richland					
C. CITY OR TOWN			D. STATE	E. ZIP CODE	F. COUNTY CODE (if known)
6 Eastover			SC	29044	

CONTINUED FROM THE FRONT

VII. SIC CODES (4-digit, in order of priority)			
A. FIRST		B. SECOND	
7	4911	(specify) Electric Power Generation	
7	N/A	(specify) N/A	
C. THIRD		D. FOURTH	
7	N/A	(specify) N/A	
7	N/A	(specify) N/A	

VIII. OPERATOR INFORMATION			
A. NAME			B. Is the name listed in Item VIII-A also the owner?
8	South Carolina Electric & Gas Company		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
C. STATUS OF OPERATOR (Enter the appropriate letter into the answer box; if "Other", specify.)			D. PHONE (area code & no.)
F = FEDERAL	M = PUBLIC (other than federal or state)	P (specify)	803 217 8103
S = STATE	O = OTHER (specify)		
P = PRIVATE			
E. STREET OR P.O. BOX			
100 SCANA Parkway			
F. CITY OR TOWN		G. STATE	H. ZIP CODE
Cayce		SC	29033
IX. INDIAN LAND			Is the facility located on Indian lands?
			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

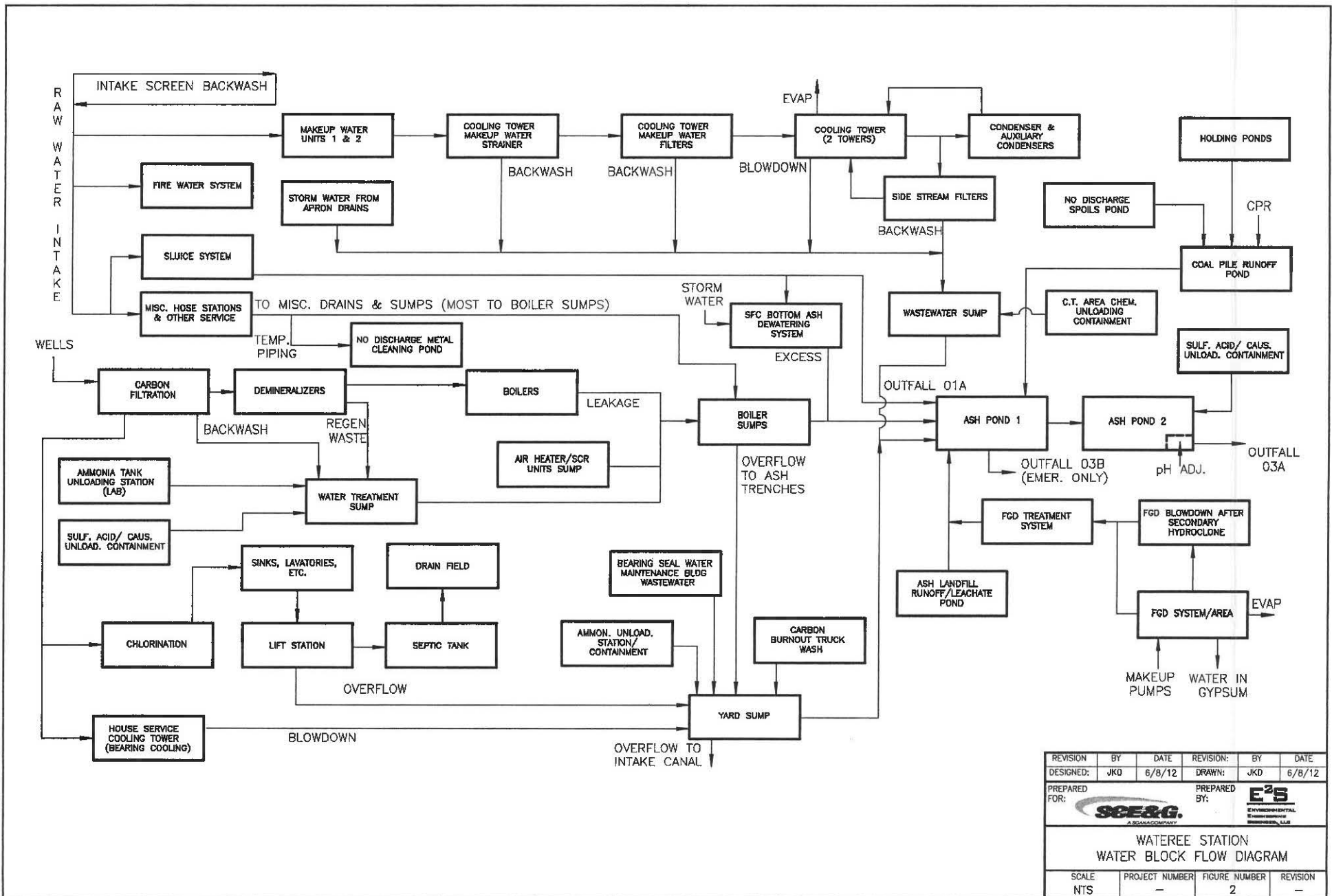
X. EXISTING ENVIRONMENTAL PERMITS			
A. NPDES (Discharges to Surface Water)		D. PSD (Air Emissions from Proposed Sources)	
9	N	9	P
SC0002038		TV-1900-0013	
B. UIC (Underground Injection of Fluids)		E. OTHER (specify)	
9	U	9	P
N/A		403320-1601 (specify) Industrial Solid Waste Landfill Permit	
C. RCRA (Hazardous Wastes)		E. OTHER (specify)	
9	R	9	P
SCD000825786*		*Hazardous Waste Generator ID	

XI. MAP
 Attach to this application a topographic map of the area extending to at least one mile beyond property boundaries. The map must show the outline of the facility, the location of each of its existing and proposed intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities, and each well where it injects fluids underground. Include all springs, rivers and other surface water bodies in the map area. See instructions for precise requirements.

XII. NATURE OF BUSINESS (provide a brief description)
 Generation of heat by fossil fuel combustion to furnish steam to a turbine that rotates to produce electricity.

XIII. CERTIFICATION (see instructions)		
I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information contained in the application, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.		
A. NAME & OFFICIAL TITLE (type or print)	B. SIGNATURE	C. DATE SIGNED
James M. Landreth, V.P. FH-Ops.		6/12/2012

COMMENTS FOR OFFICIAL USE ONLY	
C	



REVISION	BY	DATE	REVISION:	BY	DATE
DESIGNED:	JKO	6/8/12	DRAWN:	JKD	6/8/12
PREPARED FOR:			PREPARED BY:		
WATEREE STATION WATER BLOCK FLOW DIAGRAM					
SCALE	PROJECT NUMBER	FIGURE NUMBER	REVISION		
NTS	-	2	-		

Form 2E/2C

Outfall 01A

Form
2E
NPDES



Facilities Which Do Not Discharge Process Wastewater

I. Receiving Waters

For this outfall, list the latitude and longitude, and name of the receiving water(s).

RECEIVED

Outfall Number (list)	Latitude			Longitude			Receiving Water (name)
	Deg	Min	Sec	Deg	Min	Sec	
01A (Internal)	33	49	45	80	37	20	Wateree River (through Outfall 03A)

JUN 14 2012

WATER FACILITIES
PERMITTING DIVISION

II. Discharge Date (If a new discharger, the date you expect to begin discharging)

III. Type of Waste

A. Check the box(es) indicating the general type(s) of wastes discharged.

- Sanitary Wastes
 Restaurant or Cafeteria Wastes
 Noncontact Cooling Water
 Other Nonprocess Wastewater (Identify)

B. If any cooling water additives are used, list them here. Briefly describe their composition if this information is available.

The discharge consists of recirculated cooling tower blowdown.

IV. Effluent Characteristics

A. Existing Sources — Provide measurements for the parameters listed in the left-hand column below, unless waived by the permitting authority (see instructions).

B. New Dischargers — Provide estimates for the parameters listed in the left-hand column below, unless waived by the permitting authority. Instead of the number of measurements taken, provide the source of estimated values (see instructions).

Pollutant or Parameter	(1) Maximum Daily Value (include units)		(2) Average Daily Value (last year) (include units)		(3) Number of Measurements Taken (last year)	(4) Source of Estimate (if new discharger)
	Mass	Concentration	Mass	Concentration		
	Biochemical Oxygen Demand (BOD)	Per SCDHEC's request, a full		2C analysis		
Total Suspended Solids (TSS)	outfall.					
Fecal Coliform (if believed present or if sanitary waste is discharged)						
Total Residual Chlorine (if chlorine is used)	Please refer to		the attached 2C	data forms.		
Oil and Grease						
*Chemical oxygen demand (COD)						
*Total organic carbon (TOC)						
Ammonia (as N)						
Discharge Flow	Value					
pH (give range)	Value					
Temperature (Winter)			°C		°C	
Temperature (Summer)			°C		°C	

*If noncontact cooling water is discharged

V. Except for leaks or spills, will the discharge described in this form be intermittent or seasonal? Yes No
If yes, briefly describe the frequency of flow and duration.

The blowdown rate and characteristics from the recirculated cooling system will vary somewhat depending on the seasonal temperatures and the quality of the intake water.

VI. Treatment System (Describe briefly any treatment system(s) used or to be used)

NA (treated prior to discharge through Outfall 03A)

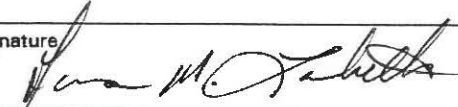
VII. Other Information (Optional)

Use the space below to expand upon any of the above questions or to bring to the attention of the reviewer any other information you feel should be considered in establishing permit limitations. Attach additional sheets, if necessary.

NA

VIII. Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

A. Name & Official Title James M. Landreth, Vice President, Fossil/Hydro-Operations	B. Phone No. (area code & no.) (803) 217-7224
C. Signature 	D. Date Signed 6/12/2012

NPDES Permit Renewal



**Cross Generating Station
(SC0037401)**



March 2, 2010



One Riverwood Drive
Moncks Corner, SC 29461-2901
(843) 761-8000
P.O. Box 2946101
Moncks Corner, SC 29461-6101

March 2, 2010

South Carolina Department of Health
and Environmental Control
Attn: Ms. Patty G. Barnes
NPDES/ND Permit Administration Section
Bureau of Water
2600 Bull Street
Columbia, South Carolina 29201

Dear Ms. Barnes:

Re: SC PUBLIC SERVICE AUTHORITY/CROSS GENERATING STATION
NPDES Number SC0037401
Berkeley County

Enclosed please find the original and one (1) copy of our NPDES permit renewal application for the reference facility. We believe the application is administratively complete and in accordance with the guidance provided in Forms 1, 2C, and 2E. Besides the forms, the location supplement, sludge supplement, Cormix 5.0 modeling results, ash pond volume study, and an updated NPDES diagram are being provided per the department's instructions. In addition, Santee Cooper is requesting, based on modeling and sampling results, that the toxicity limit be removed and replaced with an annual monitor and report requirement and that the quarterly mercury monitor and report requirement be dropped altogether. A brief report providing a rationale for these requests is included.

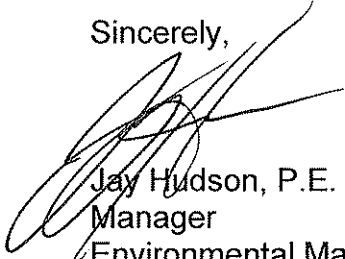
Since the previous renewal, Cross has begun operating Units 3 and 4, but there have been no changes to industrial wastewater treatment. There has been a slight change to the sanitary wastewater package plant, in which chlorination/dechlorination have been supplanted by ozonation as the primary disinfection system. These changes are reflected appropriately in Forms 1, 2C, and 2E.

The "Sludge Disposal Supplement for NPDES and ND Permit Applications" form for sludge disposals from the sanitary sewage treatment facility is included with this package. Sludge is collected upstream of the new ozonation system, and operation of the sewage treatment facility has not otherwise changed. Therefore, it is believed the sludge characteristics have not changed, and no TCLP analysis is being submitted.

SCDHEC- NPDES/JGS
March 2, 2010
Page 2

We look forward to receiving the draft permit. Should you have any questions or need additional information, please call Jesse Cannon at (843) 761-8000, extension 4377.

Sincerely,



Jay Hudson, P.E.
Manager
Environmental Management

Attachments

JAH:SWC:JWC:dks

File: A12 51100
I:\92200\CGSNPDES\2010 Renewal\cover_letter.doc

cc: w/o attachments
Crystal Rippy
Manager,
Bureau of Water, SCDHEC
2600 Bull Street
Columbia, South Carolina 29201

w/attachments
Byron Amick
Bureau of Water, SCDHEC
2600 Bull Street
Columbia, South Carolina 29201

SCDHEC – NPDES
March 2, 2010
Page 3

bcc: Phil Pierce (A205) Attn: Mike Davis w/attachments
Levon Strickland (CGS) Attn: Tim Swicord w/attachments

INTRODUCTION

Cross Generating Station was first placed in service in 1983 with the construction of Unit 2, a 540-MW coal-fired electrical generating unit. Units 1 (620 MW), 3 (580 MW) and 4 (580 MW) followed in 1995, 2007, and 2008, respectively. The facility discharges treated wastewater associated with these units and is therefore required to apply for a renewed NPDES permit every five years. Santee Cooper prepared the attached forms 1, 2C, and 2E and all required attachments in consultation with the Bureau of Water. This brief report is meant to describe the methods by which these reports were generated and to explain Santee Cooper's contention that there is no reasonable potential for toxicity or mercury at Cross, and that therefore these limits should be eliminated with the renewed permit. In addition, Santee Cooper will describe the results of studies required under the current permit and request that these studies not be required under the new permit.

SAMPLE REQUIREMENTS AND LOCATIONS

A complete renewal application requires outfall sampling. Cross Station outfalls 001 (Units 1 and 2 Cooling Tower Blowdown), 002 (pH Trim from the Bottom Ash Pond), 003 (Unit 3 Cooling Tower Blowdown) and 004 (Unit 4 Cooling Tower Blowdown) require completion of Form 2C, while outfall 005 (treated sanitary wastewater) requires the completion of Form 2E. This was confirmed with Bureau of Water personnel, who also confirmed that only one of outfalls 003 and 004 required sampling, as the two cooling towers are identical and are thus representative of one another.

Santee Cooper hired GEL Laboratories LLC to conduct 2C and 2E sampling and analysis to SCDHEC-mandated PQLs at Cross. Therefore, 2C sampling was conducted at outfalls 001, 002, and 004, and 2E sampling was conducted at outfall 005. Sampling involved both grab samples and 24-hour composite samples, conducted using ISCO compositors. Sampling took place January 20-22, 2010 in the Unit 1 cooling tower basin for 001, from the pH trim tank for 002, the Unit 4 cooling tower basin for 004/003, and from the dechlorination chamber for outfall 005. Resulting chemical concentration data are presented in Form 2C for each outfall.

FLOW DATA

Flow data for outfalls 002 and 005 are recorded at Cross for completion of their monthly DMRs. Because Unit 4 has only been running since October 2008, only data generated since that time were used to calculate long term average flows for these two outfalls (Table 1). This information is presented on the front of form 2C for these two outfalls; however, form 2E specifies average flow data from the last year, so only data from 2009 were used to calculate the average flow provided in form 2E.

Outfalls 001, 003, and 004 have the ability to blow down to the Diversion Canal, but in reality this is a rare occurrence. More often, they blow down to the Bottom Ash

Pond. In addition, flow data for blow down to the bottom ash pond is not recorded on monthly DMRs, so it was not possible to calculate a long term average. Therefore the flow numbers presented on the front of form 2C for these outfalls is taken from the NPDES flow diagram.

The station was asked to record flows for all outfalls on the days of sampling. Those data are reported within form 2C as maximum daily values for flow in Part V. For outfalls 002 and 005, maximum 30 day values and long term average data is also reported in Part V.

Table 1. Outfalls 002 and 005 Flow Data.

Date	002 Flow (MGD)		005 Flow (MGD)	
	Average	Max	Average	Max
Oct-08	0.31	3.01	0.0377	0.0507
Nov-08	0.02	4.32	0.0198	0.0378
Dec-08	0.01	0.02	0.0173	0.0212
Jan-09	0.31	4.32	0.0189	0.0208
Feb-09	0.05	4.32	0.018	0.0248
Mar-09	0.32	4.32	0.019	0.0232
Apr-09	0.26	3.2	0.0219	0.0348
May-09	0.32	4.32	0.0198	0.219
Jun-09	0.28	3.31	0.018	0.0413
Jul-09	2.63	3.84	0.026	0.086
Aug-09	2.07	2.16	0.46	0.88
Sep-09	0.16	2.06	0.012	0.045
Oct-09	0.26	1.88	0.0136	0.0148
Nov-09	3.17	4.32	0.0337	0.0439
Dec-09	0.3	2.63	0.0346	0.0476
Mean	0.698	3.202	0.051353	0.10606
*Unit 4 Entered Commercial Operation Oct 1 2008.				
*No other outfalls discharged over this time period.				

AVERAGING DATA

Most of the 2C and 2E parameters are not regularly sampled at Cross. However, where data was available from DMR reporting it was averaged over the period since Unit 4 entered commercial operation. This information is reported with the appropriate number of analyses.

MASS DATA

Mass data was created by multiplying appropriate flow data by the maximum daily, maximum 30-day, and long term average concentration data.

TOXICITY

The current permit requires monthly chronic toxicity sampling and analysis at 6% concentration. However, discharge flows have dropped since the current permit was developed, so the new Cormix modeling showed a more-dilute chronic toxicity concentration at the mixing zone boundary (1.4%). In addition, data collected since October 2008 (Table 2) shows that toxicity of the monitored outfall (002) effluent is quite low. With this in mind, Santee Cooper is requesting that chronic toxicity limits be removed and replaced by an annual monitor-and-report requirement.

Table 2. IC25 and LC50 Data.

	IC25 (%)	LC50 (%)	IC25 (%)	LC50 (%)
Oct-08	21.3	>99.8	30	>199
Nov-08	23.4	>100	31.7	>100
Dec-08	22.4	>100	43.6	78
Jan-09	16.05	100	53.7	100
Feb-09	14.9	100	56.5	100
Mar-09	17.8	100	53.8	>100
Apr-09	24.1	100	41.1	>100
May-09	20.3	99.9	50.7	79
June-09	17.75	>100	26.7	>100
Jul-09	20.7	>100	21.6	>100
Aug-09	15.85	>100	18.1	100
Sept-09	15.5	95.3	18.6	>100
Oct-09	27.8	78.4	18.3	>76
Nov-09	23.6	>100	16.3	73
Dec-09	22.4	88.3	16.6	>100

These data indicate that the worst-case sample was collected in February 2009 with an IC25 of 14.9%. This translates to a $\max T U_c = 6.71$. Using SCDHEC's approach for calculating reasonable potential found in the current permit rational, reasonable potential exists when the receiving water concentration (RWC) is greater than 1 $T U_c$, where

$$RWC = 1.5 * \max T U_c * [CTC / 100]$$

Using these parameters, the resulting $RWC = 0.14$, much less than 1, indicating that reasonable potential does not exist.

MERCURY

Santee Cooper is required to collect low-level mercury samples at Cross on a quarterly basis under the current permit. These data are included with the data from the January 2010 sampling in the 2C form. The data presented on the 2C form are averages since October 2008 along with January 2C sampling numbers, but the full set of DMR data is also presented here (Table 3).

Table 3. Cross Generating Station Mercury Data

Date	Intake [Hg] ug/L	Outfall [Hg] ug/L	Intake (load) lbs/day	Outfall (load) lbs/day	Delta (released load) lbs/day
Mar-07	0.0051	0.0445	0.0006	0.000279	-0.000321
Jun-07	0.0015	0.0374	0.000209	0.000131	-0.000078
Sep-07	0.0009	0.0312	0.000144	0.000078	-0.000066
Dec-07	0.0009	0.1351	0.000082	0.002762	0.00268
Mar-08	0.0017	0.0915	0.00011	0.000534	0.000422
Jun-08	0.001	0.0679	0.000086	0.000045	-0.000044
Sep-08	0.0023	0.1501	0.0002	0.000501	0.000305
Dec-08	0.0011	0.0584	0.000114	0.000215	0.000103
Mar-09	0.005	0.0815	0.00017	0.000238	0.000066
Jun-09	0.0894	0.0011	0.002784	0.000003	-0.002781
Sep-09	0.0009	0.0338	0.000026	0.000392	0.000366
Dec-09	0.0185	0.0986	0.001373	0.000206	-0.001163
AVG:	0.01069167	0.06925833	0.0004915	0.000448667	0.000432167
MAX:	0.0894	0.1501	0.002784	0.002762	0.00268
MIN:	0.0009	0.0011	0.000026	0.000003	-0.002781
COUNT:	12	12	12	12	12
STDEV:	0.02527836	0.04418448	0.00081297	0.000747801	0.001235189

The current permit does not include a dilution factor, which, in the case of mercury, would be based on the Diversion Canal's 7Q10. In working through the reasonable potential calculations, Santee Cooper has found that the mercury concentration of effluent discharged through 002 is less than limitations suggested by the department's calculations, which generally include dilution factors. Thus reasonable potential does not exist and mercury limits should be dropped with the new permit.

SUMMARY OF REPORTS REQUIRED UNDER CURRENT PERMIT

The current permit required a Mercury Minimization Study and a demonstration that intake flows had been reduced commensurate with an closed-cycle cooling system. Santee Cooper met these requirements to the department's satisfaction and believes that both objectives have been achieved. Therefore we request that these reports not be required with the renewed permit.

FORM 1 GENERAL	U.S. ENVIRONMENTAL PROTECTION AGENCY GENERAL INFORMATION Consolidated Permits Program <i>(Read the "General Instructions" before starting.)</i>	I. EPA I.D. NUMBER SC0037401
LABEL ITEMS I. EPA I.D. NUMBER III. FACILITY NAME V. FACILITY MAILING ADDRESS VI. FACILITY LOCATION		PLEASE PLACE LABEL IN THIS SPACE
II. POLLUTANT CHARACTERISTICS		GENERAL INSTRUCTIONS If a preprinted label has been provided, affix it in the designated space. Review the information carefully; if any of it is incorrect, cross through it and enter the correct data in the appropriate fill-in area below. Also, if any of the preprinted data is absent (the area to the left of the label space lists the information that should appear), please provide it in the proper fill-in area(s) below. If the label is complete and correct, you need not complete Items I, III, V, and VI (except VI-B which must be completed regardless). Complete all items if no label has been provided. Refer to the instructions for detailed item descriptions and for the legal authorizations under which this data is collected.
INSTRUCTIONS: Complete A through J to determine whether you need to submit any permit application forms to the EPA. If you answer "yes" to any questions, you must submit this form and the supplemental form listed in the parenthesis following the question. Mark "X" in the box in the third column if the supplemental form is attached. If you answer "no" to each question, you need not submit any of these forms. You may answer "no" if your activity is excluded from permit requirements; see Section C of the instructions. See also, Section D of the instructions for definitions of bold-faced terms .		
Mark "X"		
SPECIFIC QUESTIONS	YES NO FORM ATTACHED	SPECIFIC QUESTIONS
A. Is this facility a publicly owned treatment works which results in a discharge to waters of the U.S.? (FORM 2A)	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	B. Does or will this facility (either existing or proposed) include a concentrated animal feeding operation or aquatic animal production facility which results in a discharge to waters of the U.S.? (FORM 2B)
C. Is this a facility which currently results in discharges to waters of the U.S. other than those described in A or B above? (FORM 2C)	<input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	D. Is this a proposed facility (other than those described in A or B above) which will result in a discharge to waters of the U.S.? (FORM 2D)
E. Does or will this facility treat, store, or dispose of hazardous wastes? (FORM 3)	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	F. Do you or will you inject at this facility industrial or municipal effluent below the lowermost stratum containing, within one quarter mile of the well bore, underground sources of drinking water? (FORM 4)
G. Do you or will you inject at this facility any produced water or other fluids which are brought to the surface in connection with conventional oil or natural gas production, inject fluids used for enhanced recovery of oil or natural gas, or inject fluids for storage of liquid hydrocarbons? (FORM 4)	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	H. Do you or will you inject at this facility fluids for special processes such as mining of sulfur by the Frasch process, solution mining of minerals, in situ combustion of fossil fuel, or recovery of geothermal energy? (FORM 4)
I. Is this facility a proposed stationary source which is one of the 28 industrial categories listed in the instructions and which will potentially emit 100 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	J. Is this facility a proposed stationary source which is NOT one of the 28 industrial categories listed in the instructions and which will potentially emit 250 tons per year of any air pollutant regulated under the Clean Air Act and may affect or be located in an attainment area? (FORM 5)
III. NAME OF FACILITY		
c 1	SKIP	Cross Generating Station
IV. FACILITY CONTACT		
A. NAME & TITLE (last, first, & title)		B. PHONE (area code & no.)
c 2	Jackson, Susan; Supervisor, Environmental Services	(843) 761-8000
V. FACILITY MAILING ADDRESS		
A. STREET OR P.O. BOX		
c 3	PO Box 2946101	
B. CITY OR TOWN		C. STATE
c 4	Moncks Corner	SC
D. ZIP CODE		E. ZIP CODE
c 5	29461	
VI. FACILITY LOCATION		
A. STREET, ROUTE NO. OR OTHER SPECIFIC IDENTIFIER		
c 5	533 Cross Station Road	
B. COUNTY NAME		
c 6	Berkeley	
C. CITY OR TOWN		D. STATE
c 6	Pineville	SC
E. ZIP CODE		F. COUNTY CODE (if known)
c 6	29468	008

CONTINUED FROM THE FRONT

VII. SIC CODES (4-digit, in order of priority)			
A. FIRST		B. SECOND	
7	4911 (specify) Electric Services	7	NA (specify) NA
C. THIRD		D. FOURTH	
7	NA (specify) NA	7	NA (specify) NA

VIII. OPERATOR INFORMATION			
A. NAME			B. Is the name listed in Item VIII-A also the owner?
8 South Carolina Public Service Authority			<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
C. STATUS OF OPERATOR (Enter the appropriate letter into the answer box: if "Other," specify.)			D. PHONE (area code & no.)
F = FEDERAL S = STATE P = PRIVATE	M = PUBLIC (other than federal or state) O = OTHER (specify)	S (specify)	A (843) 761-8000

E. STREET OR P.O. BOX	
PO Box 2946101	

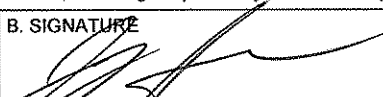
F. CITY OR TOWN		G. STATE	H. ZIP CODE	IX. INDIAN LAND
B Moncks Corner		SC	29461	Is the facility located on Indian lands? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

X. EXISTING ENVIRONMENTAL PERMITS			
A. NPDES (Discharges to Surface Water)		D. PSD (Air Emissions from Proposed Sources)	
9	N SC0037401	9	P Var. Air Constr. Permits
B. UIC (Underground Injection of Fluids)		E. OTHER (specify)	
9	U NA	9 TV-0420-0030 (specify) Title V Operating Permit	
C. RCRA (Hazardous Wastes)		E. OTHER (specify)	
9	R	9 (specify) See Attached Sheet	

XI. MAP
 Attach to this application a topographic map of the area extending to at least one mile beyond property boundaries. The map must show the outline of the facility, the location of each of its existing and proposed intake and discharge structures, each of its hazardous waste treatment, storage, or disposal facilities, and each well where it injects fluids underground. Include all springs, rivers, and other surface water bodies in the map area. See instructions for precise requirements.

XII. NATURE OF BUSINESS (provide a brief description)
 The facility generates electricity.

XIII. CERTIFICATION (see instructions)
 I certify under penalty of law that I have personally examined and am familiar with the information submitted in this application and all attachments and that, based on my inquiry of those persons immediately responsible for obtaining the information contained in the application, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.


A. NAME & OFFICIAL TITLE (type or print) Jay A. Hudson, P.E.; Manager, Environmental Management	B. SIGNATURE 	C. DATE SIGNED 3/2/10
---	--	--------------------------

COMMENTS FOR OFFICIAL USE ONLY	

**National Pollutant Discharge
Elimination System
Permit Renewal Application**

**Santee Cooper
Winyah Generating Station
NPDES Permit No. SC0022471
Georgetown County, South Carolina**

Form 1
General Information

FORM 1  GENERAL		U.S. ENVIRONMENTAL PROTECTION AGENCY GENERAL INFORMATION Consolidated Permits Program (Read the "General Instructions" before starting.)			I. EPA I.D. NUMBER S F SC0022471 T/A C D		
II. LABEL ITEMS EPA ID NUMBER III. FACILITY NAME V. FACILITY MAILING LIST VI. FACILITY LOCATION		PLEASE PLACE LABEL IN THIS SPACE			GENERAL INSTRUCTIONS If a preprinted label has been provided, affix it in the designated space. Review the information carefully. If any of it is incorrect, cross through it and enter the correct data in the appropriate fill-in area below. Also, if any of the preprinted data is absent (the area to the left of the label space lists the information that should appear), please provide it in the proper fill-in area(s) below. If the label is complete and correct, you need not complete items I, III, V, and VI (except VI-D which must be completed regardless). Complete all items if no label has been provided. Refer to the instructions for detailed item descriptions and for the legal authorization under which this data is collected.		
III. DOMINANT CHARACTERISTICS This form is to be completed through a preliminary site visit and/or through a review of the application forms to the EPA. If you answer "yes" to any of the questions, mark "X" in the box in the third column of these forms. You may answer "no" if your activity is not applicable. Refer to the instructions for definitions of bold-faced terms.							
FORMER QUESTIONS			NEW QUESTIONS			MARK "X"	
1. Is the facility (other than existing or proposed concentrated animal or aquatic animal production) which results in a discharge of pollutants under the U.S. 2 (FORM 25)?			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> FORM ATTACHED			18 20 21	
2. Is the facility (other than those listed above) which will result in a discharge of pollutants under the U.S. 2 (FORM 20)?			<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> FORM ATTACHED			25 26 27	
3. Is the facility (other than those listed above) which will result in a discharge of pollutants under the U.S. 2 (FORM 20)?			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> FORM ATTACHED			31 32 33	
4. Do you mine or process coal at this facility (other than those listed above) which will result in a discharge of pollutants under the U.S. 2 (FORM 4)?			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> FORM ATTACHED			37 38 39	
5. Is the facility a proposed stationary source of one of the 22 industrial categories listed in the table below which will potentially emit more than 100 tons per year of any air pollutant listed in the table below and may affect a nonattainment area? (FORM 5)			<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> FORM ATTACHED			43 44 45	
IV. FACILITY South Carolina Public Service Authority - Winyah Generating Station							
V. CONTACT NAME/TITLE: Saunders, Al / Superintendent Technical Services PHONE (area code) (400) 843 761 8000							
VI. MAILING ADDRESS A. STREET OR P.O. BOX: P.O. Box 2946101, Mail Code A203							
B. CITY OR TOWN: Moncks Corner		C. STATE: SC		D. ZIP CODE: 29461			
VII. FACILITY LOCATION A. STREET, ROUTE NO. OR OTHER SPECIFIC IDENTIFIER: 661 Steam Plant Drive							
B. COUNTY NAME: Georgetown				C. CITY OR TOWN: Georgetown			
D. STATE: SC		E. ZIP CODE: 29440		F. COUNTY CODE: 022			

VII. SIC CODES (4-digit, in order of priority)

A. FIRST		B. SECOND	
4911 (specify) Electric Services (fossil fuel power generation)	NA (specify) NA		
C. THIRD		D. FOURTH	
NA (specify) NA	NA (specify) NA		

OPERATOR INFORMATION
Santee Cooper - South Carolina Public Service Authority

B. Is the name listed in Item VIII-A also the owner?
 YES NO

STATUS OF OPERATOR (Enter the appropriate letter into the answer box. If "Other," specify.)
 FEDERAL M = PUBLIC (other than federal or state) S (specify)
 O = OTHER (specify)

D. PHONE (area code & no.)
 C 843 761 8000
 A
 15 16 18 19 21 22 25

E. STREET OR P.O. BOX
P.O. Box 2946101, Mail Code A203

F. CITY OR TOWN
Moncks Corner

G. STATE
SC

H. ZIP CODE
29461

IX. INDIAN LAND
 Is the facility located on Indian lands?
 YES NO

XI. ENVIRONMENTAL PERMITS

SC0022471		See Attached List
NA	OTHER (specify)	(Specify) See Attached List
NA		(Specify) See Attached List

Map must show a detailed site plan of the facility, including all structures, intake and discharge structures, each of its radiation shielding or discarding structures and each structure that injects fluids underground. Include all springs and other surface water bodies in the map area. See the applicable regulatory requirements.

Winyah Generating Station combusts coal to produce steam and generate electricity in four generating units.

XIII. CERTIFICATION (see instructions)

I, **Jay A. Hudson**, under penalty of law that I have personally examined and am familiar with the information submitted in this application and its attachments and that based on my inquiry of those persons immediately responsible for obtaining the information contained in this application, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

A. NAME & OFFICIAL TITLE (type or print) Jay A. Hudson, P.E. / Manager, Environmental Management	B. SIGNATURE <i>Jay A. Hudson for SAH</i>	C. DATE SIGNED 3/31/05
--	--	----------------------------------

COMMENTS FOR OFFICIAL USE ONLY

15	16	55
----	----	----