



REGION 4

ATLANTA, GA 30303

Ms. Ann Clark
Chief
Bureau of Water
South Carolina Department of Environmental Services
2600 Bull Street
Columbia, South Carolina 29201-1708

Dear Ms. Clark:

Section 303(c)(1) of the Clean Water Act (CWA) requires that a state shall, from time to time, but at least once every three years, hold public hearings to review its water quality standards (WQS) and, as appropriate, modify and adopt standards. Consistent with this requirement, the U.S. Environmental Protection Agency understands that South Carolina Department of Environmental Services (SCDES) anticipates holding a public hearing in November 2026 to solicit comments from the public regarding what revisions, if any, may be appropriate to SCDES's WQS. The purpose of this letter is for the EPA to provide suggestions for items to be considered as part of the upcoming triennial review as the state prepares for the public hearing and drafts any potential WQS revisions. We offer the following comments for your consideration.

Human Health Criteria

In June 2015, the EPA published updated national recommended water quality criteria for the protection of human health pursuant to CWA Section 304(a). The updated recommendations for 94 chemical pollutants reflect new science and policies including updated fish consumption rates, body weight, drinking water intake, health toxicity values, bioaccumulation factors, and relative source contributions. The EPA's current national recommended human health criteria can be found at <https://www.epa.gov/wqc/national-recommended-water-quality-criteria-human-health-criteria-table>. We encourage SCDES to consider these updated recommendations during the triennial review.

Aquatic Life Criteria

The EPA published several new and updated CWA Section 304(a) national criteria recommendations for the protection of aquatic life, including criteria for ammonia, carbaryl, diazinon, nonylphenol, and aluminum. Information on the EPA's national criteria recommendations can be found on the EPA

website at <https://www.epa.gov/wqc/national-recommended-water-quality-criteria-aquatic-life-criteria-table>. We encourage SCDES to consider these recommendations during the triennial review.

Nutrient Criteria

The EPA enjoyed collaborating with SCDES during a Nutrient Scientific Technical Exchange Partnership & Support (N-STEPS) project involving nutrient criteria in Lower Catawba Basin reservoirs, and we look forward to working together on future N-STEPS projects upon request by the state. As the state considers additional nutrient criteria development efforts, in line with the state's 2021 Nutrient Criteria Development Plan, we want to highlight the following recent nutrient-specific recommendations published by the Agency.

As noted in the EPA's document, *Preventing Eutrophication: Scientific Support for Dual Nutrient Criteria*, the EPA recommends that states consider developing nutrient criteria for both nitrogen (N) and phosphorus (P) to protect designated uses and downstream waters—and especially to manage the threat of harmful algal blooms. The EPA looks forward to continuing to work with the state during the criteria development process. The EPA's document on preventing eutrophication and support for dual nutrient criteria can be found on the EPA website at <https://www.epa.gov/sites/default/files/documents/nandpfactsheet.pdf>.

The EPA also recently published CWA Section 304(a) recommended Ambient Water Quality Criteria to Address Nutrient Pollution in Lakes and Reservoirs, which can be found on the EPA website at <https://www.epa.gov/nutrient-policy-data/ambient-water-quality-criteria-address-nutrient-pollution-lakes-and-reservoirs>. The EPA recommends that the state review and consider these recommendations—specifically, we encourage SCDES to consider updating existing numeric nutrient criteria for SC's lakes and reservoirs to include frequency and duration components as detailed on page 62 of Ambient Water Quality Criteria to Address Nutrient Pollution in Lakes and Reservoirs.

Water Quality Standards Regulatory Revision

In 2015, the EPA updated the federal WQS regulation at 40 CFR Part 131 that interprets part of the CWA. Several revisions were made to the regulation related to designated uses, WQS variances, and antidegradation. We recommend that SCDES continue to evaluate these revisions during the triennial review. If SCDES identifies the need for changes to its own WQS regulation as a result, we would be happy to work with you to incorporate the desired revisions into your WQS. In addition to the regulatory revisions mentioned above, 40 CFR § 131.20(a) was amended as part of the 2015 WQS regulation revision. The amended regulation requires a state that chooses not to adopt new or revised criteria for any parameters for which the EPA has published new or updated criteria recommendations under CWA Section 304(a) to explain their decision when reporting the results of their triennial review to the EPA. The goal of this revised provision is to ensure public transparency about state WQS decisions. The EPA is including this item as a reminder to include this information in any triennial review submittal to the EPA.

Biological Assessment

Section E. 14 d. (2) of SC Regulation 61-68 states that if the ambient concentration of a toxic pollutant is higher than the numeric criterion for that pollutant, the criterion is not considered exceeded if biological monitoring has demonstrated that the in-stream indigenous biological community is not adversely impacted. The EPA views biological criteria as one component of a comprehensive WQS program that works in concert with—not in place of—the use of water quality criteria. Biological assessments have limited ability to predict and prevent impacts—they can only document harm after harm has occurred.

40 C.F.R. § 131.11(a)(1) requires states to adopt water quality criteria that protect designated uses, including maintaining the biological integrity of waters. Assessments should be based on applicable WQS (CWA Section 303(d) and [40 CFR 130.7](#)). Section E. 14 d. (2) of SC Regulation 61-68 does not fully address designated use protection, as action is effectively deferred until biological impairment has already occurred and been observed. The EPA encourages SCDES to remove or revise these provisions to support designated uses for waters of the State.

Continuing Coordination

The EPA would like to continue coordination with SCDES during any WQS revisions, such as the development of protective hydrologic criteria as initiated by the state in 2022. The EPA encourages the state to continue developing protective hydrologic criteria during the upcoming triennial review.

The EPA is committed to providing any input requested by SCDES in the future development and revision of South Carolina's WQS. We encourage SCDES to continue coordinating with other agencies, such as the U. S. Fish and Wildlife Service and National Marine Fisheries Service, as SCDES develops draft WQS revisions. In addition, we encourage SCDES to work with the Catawba Indian Nation on WQS issues that may affect their interests.

We look forward to working with and assisting you during this triennial review process. Should you have any questions, please contact me at (404) 562-8017 or howell.amanda@epa.gov or Seth McWhorter at (404) 562-9658 or mcwhorter.seth@epa.gov.

Sincerely,

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cc: Shawn Clarke, SCDES
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