

FINAL REPORT

Regulatory Oversight

Report prepared by
Pinnacle Consulting Group
A Division of North Wind, Inc.

Submitted to
Saluda Reedy Watershed Consortium

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www.saludareedy.org

Project Objectives and Methods

This purpose of this project was to provide a mechanism for the Saluda-Reedy Watershed Consortium (SRWC) to respond to activities, permits, applications, proposed projects, regulations, ordinances, policies, or other issues that could significantly affect resources in the Saluda-Reedy Watershed (SRW) that are of essential interest to the SRWC. This is seen as a limited and controllable way to do at least a basic review of potential concerns on regulatory, permit, compliance and enforcement issues. Regulatory actions that get reviewed are determined on a case-by-case basis by Upstate Forever with input from the Pinnacle Consulting Group – A North Wind Division (Pinnacle).

It is important to recognize that this regulatory oversight function was not intended to be comprehensive but rather applied on a selected and discriminatory basis. Previous proposals did call for a comprehensive applied ombudsman function to review all regulatory matters of interest in the SRW but funding was not available for that scope of work. This project enabled scrutiny of several typical regulatory situations and availed the SRW an opportunity to participate in the public review process and to provide meaningful technical and regulatory input on selected permitting and enforcement issues.

Regulatory actions that are candidates for review and comment are discovered through several methods including routine checks by Pinnacle of the South Carolina Department of Health and Environmental Control's (SCDHEC) Bureau of Water National Pollutant Discharge Elimination System (NPDES) and Public ally Owned Treatment

Works (POTW) Pretreatment Program Permit Public Notices webpage at:

<http://www.scdhec.gov/water/publicnote/html/eqpnwater.asp?SortBy=title&PFilter=npdes>. Other methods of discovery include newspaper notices, mailings received from SCDHEC, personal contacts and queries with SCDHEC personnel and information delivered from individual parties in the affected SRW communities.

Specific steps of this project include:

1. Identification of issues, and validation that they are of "essential interest" for the SRWC.
2. Review of available materials, and conduct of research, to include calls, inquiries, and information requests, to collect supplemental information regarding the issues.
3. Analysis of critical information relevant to the issues.
4. Development of position statement or comments letter relative to the issues, stating a position of concern, opposition, or questions related to the issues.
5. Coordination with SRWC management team, and SRWC partners to assess the issues, and strategies for addressing the issues.

Project timelines for each "issue" have to be determined on a case-by-case basis based on the regulatory calendar, public input process, and related drivers.

The nature and scope of the response product developed by Pinnacle will be determined on a case-by-case basis. Typical products have included a brief analysis of the issues, and a letter statement summarizing the SRWC's position. These products were reviewed by other key SRWC staff prior to submittal.

Example Oversight Projects

Pinnacle has commented on and been involved with several regulatory activities over the past two years as well as examined many others that did not necessitate comments. Below is a listing selected projects where we have provided review and comment on regulatory and enforcement issues of interest to the SRWC.

Middle Saluda River

Pinnacle was contacted in June 2004 regarding a significant sedimentation problem that was occurring in Caesar's Head State Park along the Middle Saluda River. This situation was believed to be of critical interest to the SRWC in that the Middle Saluda River is the only SC State Scenic Rivers water in the SRW, and the river is a native trout stream, and one of the most pristine streams in the state. Pinnacle personnel responded quickly to survey the sediment source and to document turbidity conditions.

The sediment source was found to be road grading and forest clearing activities to the northwest of Highway 276 immediately before it enters North Carolina from South Carolina. Sediment was leaving the construction site, which did not appear to be utilizing proper sediment management techniques. Sediment-laden water was flowing through a box culvert under Highway 276, and entering a tributary to the Middle Saluda River.

Turbidity readings were taken at three points near this site. Relative to the 10 Nephelometric Turbidity Units (NTU) levels necessary to support trout, Pinnacle's measurements confirmed background conditions above the reported disturbance to

be unimpaired. Our measurements and field observations immediately downstream of the influence of the land disturbance showed an abundance of freshly deposited silt and sediment, highly elevated turbidity values, and impaired habitat. These findings were consistent with the observations of resource and regulatory agencies. These findings were supplied to the SCDHEC for its use. The SCDHEC has begun enforcement actions against the responsible party with assistance from the South Carolina Parks Recreation and Tourism (SCPRT) Department as well as other agencies.

Asbury Hills United Methodist Camp

The Asbury Hills Camp and Retreat located near the town of Cleveland off of Highway 276 applied to the SCDHEC for reissuance of their NPDES permit number SC0029742. Pinnacle, on behalf of the SRWC, submitted comments both to the Asbury Hills United Methodist Camp (AHUMC) and SCDHEC expressing the Consortium's wish to work with the camp and the SCDHEC to facilitate improvements to the camp's waste water treatment plant (WWTP). This WWTP discharges to Matthew's Creek, an outstanding trout stream in the northern SRW. The SRW expressed its willingness to work with the camp to convert its WWTP to a Non-Discharge (ND) technology such as a land application system.

At this writing, AHUMC has indicated a willingness to work with the SRWC and others in the future to examine alternatives other than surface water discharge (NPDES) to treating its wastewater using advanced treatment and land application, or other appropriate technologies. It is noteworthy that the elimination of this NPDES permit would open the possibilities of reclassifying this reach of Matthews Creek as an

Outstanding Resource Water (ORW), the highest designation of waters in SC.

Belton Industries

Belton Industries applied to the SCDHEC for a reissuance of its NPDES permit number SC0000698. The Consortium sent comments to both Belton Industries and SCDHEC discussing the possibilities of changing this discharge to a non-discharge or land application system.

This discharge exemplifies typical small industrial NPDES permits in the middle reaches of the SRW. In cases such as this, a wide range of no-discharge (ND) alternatives exist but are often not considered by the permittee or the regulatory agencies. We believe it is essential to the long term health of SRW waters to eliminate or mitigate these kinds of discharges wherever possible.

Synthesis and Effect

Pinnacle has commented on several regulatory issues, including draft permit actions, within the SRW during 2003-2005. Many other proposed permits and other activities have been reviewed by Pinnacle and determined not critical for comment. This project has been very important in that it has:

1. Allowed SRWC participation in key regulatory and enforcement matters;
2. Enabled SRWC to stay engaged and aware of issuance of new and revised environmental permits;
3. Provided visibility to the SRWC as a stakeholder and active participant of matters affecting the health, quality and quantity of water resources in the watershed; and

4. Furthered development of SRWC relationships with a wide variety of agencies, environmental professionals, and citizen-stakeholders in the watershed.

Contact Information

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