



DEMANDING ACTION ON LONG-EXPIRED PERMITS

National Pollutant Discharge Elimination System (NPDES) permits monitor and limit industrial discharge into waterways.

CASE BRIEF

South Carolina regulators are failing to enforce their own rules by not acting on outdated water pollution permits for three coal-fired power plants, jeopardizing the environment and public health, according to our complaint we filed in Circuit Court on behalf of the Sierra Club.

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Did you know that there are three coal-fired power plants operating in South Carolina on expired NPDES permits? National Pollutant Discharge Elimination System (NPDES) permits govern discharges of wastewater or effluent into waterways that, in these cases, contain toxins like arsenic, selenium and mercury that can remain in the environment for years. Exposure to these substances can be harmful to wildlife and can cause cardiovascular disease, neurological disorders and cancer in people. **Having current permits is necessary because they control the levels of discharge for these effluents and may also require the use of newer technologies to ensure advanced treatment of dangerous toxins before discharge.**

The NPDES permits for Cross Generating Station, Winyah Generating Station and Wateree Steam Station generating stations have been expired for years. Cross's permit expired in August 2010, Winyah's permit expired in July 2011 and Wateree's permit expired in December 2012.

Although each plant applied for permit renewals prior to their expirations, South Carolina Department of Health and Environmental Control (DHEC) has yet to act on the applications.

SCELP, working on behalf of the **Sierra Club**, notified DHEC of the many dangers resulting from its delay in acting on the permit applications and the importance of incorporating the new ELGs into every new NPDES permit for coal-fired power plants. This resulted in no action from DHEC.

Consequently, on July 9, 2020, on behalf of the Sierra Club, we filed a complaint and petitioned for a writ of mandamus in Circuit Court to force DHEC to act on the three renewal applications.

“We have expended our best efforts to move the needle on these permits, but DHEC steadfastly refuses to act,” SCELP staff attorney Leslie Lenhardt said. “We have no other option at this point but to seek a judicial order requiring them to make a decision on these languishing applications.”

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