



DHEC's Dereliction of Duty on Coal Plant Pollution Must Stop

Help protect our waters and communities near Cross and Winyah generating stations.

National Pollutant Discharge Elimination System (NPDES) permits for Cross Generating Station, Winyah Generating Station and Wateree Steam Station expired in 2010, 2011 and 2012 respectively. These water pollution permits are a key regulatory tool to implement the Clean Water Act's objective to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters."

The South Carolina Department of Health and Environmental Control (DHEC) issued new draft permits for Wateree in July and for Cross and Winyah in October. As clearly displayed at the August 2021 [public hearing on Wateree](#), **the draft permits fail to ensure environmental protection and justice** for our waters and families living by the plants, and you have a chance to share your concerns with DHEC before it makes a final decision on Cross and Winyah.

Here are some key points worth sharing:

1. DHEC sat on expired permits for over a decade, allowing toxic pollution to enter our waterways. Environmentalists and affected communities [had to go to Court](#) to force DHEC to do their job of ensuring our communities are safe and our water is clean.
2. DHEC allowing these permits languish for so long is much more than a mere regulatory failure or institutional embarrassment. DHEC's extensive inaction had, and continues to have, major impacts on the environment and communities' health:
 - a. Discharge of mercury, arsenic, other deadly and toxic pollutants remained "legal" on the basis of old requirements dictated by obsolete technology standards;
 - b. Already polluted waterbodies, became even more polluted by substances that accumulate in our natural systems: plants, fish and other animals, and ultimately our bodies.
 - c. Trust in DHEC's ability and commitment to fulfil its mission and obligations was further eroded;
 - d. Environmental (or structural) racism was perpetuated, as Cross, Winyah and Wateree coal plants are located in predominantly Black and low-income communities.
3. DHEC's inaction on these permits demonstrates it does not care or intend to fix any of these problems.
 - a. The draft permits invoke and apply every available loophole to basically let business continue as usual. Only a few requirements are either lifted or relaxed.
 - b. The draft permits delay as long as permissible under industry-friendly regulations any meaningful attempt to reduce the discharge of mercury and other toxic pollutants, even though the technology to do so has been available and viable for years.
 - c. DHEC sides yet again with polluters, and totally disregards the local community and the environment.

4. There is no pollution discharge **elimination** in the draft permits, at least for several years. This is the equivalent of DHEC giving these plants the permission to pollute more in clear violation of the Clean Water Act, the Pollution Control Act and DHEC's own mission.
5. Despite clear public opposition, most recently voiced at the public hearing on the Wateree plant permit, and clear legal requirements (including a Federal Court of Appeals ruling in 2019 and subsequent EPA rulings), DHEC is still choosing to protect utility's bottom line and to perpetuate environmental racism and water pollution.
6. This has to stop. Instead of hiding behind technicalities and regulatory choices where all discretion favors the polluters over the public, DHEC and the utilities should and will be held accountable for their ongoing pollution and dereliction of duty.
7. Any institution or individual proposing these draft permits simply does not care about frontline communities and environment health. DHEC is failing its mission and should acknowledge "we don't care" or show us they do by revising the draft permits to:
 - a. Introduce immediate pollution controls and elimination, chiefly for mercury;
 - b. Renounce and avoid all the loopholes that would enable business as usual at the three power plants and instead follow the clear direction from federal authorities to step up pollution control technologies and practices;
 - c. Reach out to the affected communities with meaningful efforts, even beyond what is required under the NPDES program, to restore the lost trust by ensuring more frequent or additional testing of water quality and other environmental health indicators.

How to make your voice heard

[Cross Generating Station](#)

Cross Generating Station discharges wastewater to the Diversion Canal to Lake Moultrie in Berkeley County. On Tuesday, November 9th, DHEC will hold a virtual public meeting at 6:00 p.m. to share information and answer questions, and a virtual public hearing at 6:30 p.m. for oral comments. Please complete the [registration form](#) to join the virtual public hearing.

[Winyah Generating Station](#)

Winyah Generating Station is permitted to discharge wastewater to Turkey Creek and the North Santee River in Georgetown County. On Tuesday, November 16, DHEC will hold a virtual public meeting at 6:00 p.m. to share information and answer questions, and a virtual public hearing at 6:30 p.m. for oral comments. Complete the [registration form](#) to join the virtual public hearing