



**SCANNED**

**RECEIVED**

NOV 21 2018

**SITE ASSESSMENT,  
REMEDICATION &  
REVITALIZATION**

November 21, 2018

Mr. Richard Sherer  
Lippes Mathias Wexler Friedman, LLP  
50 Fountain Plaza - Suite 1700  
Buffalo, NY 14202

Re: Underground Injection Control Permit #SCHE03020543  
Bluewater Thermal Solutions Site

Dear Mr. Sherer:

Enclosed is a Permit to Operate thirteen (13) as Class VA-I (Aquifer Remediation) injection wells at the Bluewater Thermal Solutions Site, Greenville County, SC.

**South Carolina Board of Health and Environmental Control  
Guide to Board Review  
Pursuant to S.C. Code Ann. § 44-1-60  
Effective April 1, 2013**

The decision of the South Carolina Department of Health and Environmental Control (Department) becomes the final agency decision fifteen (15) calendar days after notice of the decision has been mailed to the applicant, permittee, licensee and affected persons who have requested in writing to be notified, unless a written request for final review accompanied by a filing fee in the amount of \$100 is filed with Department by the applicant, permittee, licensee or affected person.

Applicants, permittees, licensees, and affected parties are encouraged to engage in mediation during the final review process.

If the Board declines in writing to schedule a final review conference, the Department's decision becomes the final agency decision and an applicant, permittee, licensee, or affected person may request a contested case hearing before the Administrative Law Court within thirty (30) calendar days after notice is mailed that the Board declined to hold a final review conference.

**I. Filing of Request for Final Review**

1. A written Request for Final Review (RFR) and the required filing fee of one hundred dollars (\$100) must be received by Clerk of the Board within fifteen (15) calendar days after notice of the staff decision has been mailed to the applicant, permittee, licensee, or affected persons. If the 15<sup>th</sup> day occurs on a weekend or State holiday, the RFR must be received by the Clerk on the next working day. RFRs will not be accepted after 5:00 p.m.
2. RFRs shall be in writing and should include, at a minimum, the following information:
  - The grounds for amending, modifying, or rescinding the staff decision;
  - a statement of any significant issues or factors the Board should consider in deciding how to handle the matter;
  - the relief requested; and
  - a copy of the decision for which review is requested.

3. RFRs should be filed in person or by mail at the following address:

South Carolina Board of Health and Environmental Control  
Attention: Clerk of the Board  
2600 Bull Street  
Columbia, South Carolina 29201

Alternatively, RFR's may be filed with the Clerk by facsimile (803-898-3393) or by electronic mail (boardclerk@dhec.sc.gov).

4. The filing fee may be paid by cash, certified check or credit card. If a RFR is filed by facsimile or electronic mail, the filing fee may be mailed to the Clerk of the Board and the envelope must be postmarked within the time allowed for filing a RFR.
5. If there is any perceived discrepancy in compliance with this RFR filing procedure, the Clerk should consult with the Chairman or, if the Chairman is unavailable, the Vice-Chairman. The Chairman or the Vice-Chairman will determine whether the RFR is timely and properly filed and direct the Clerk to (1) process the RFR for consideration by the Board or (2) return the RFR and filing fee to the requestor with a cover letter explaining why the RFR was not timely or properly filed. Processing an RFR for consideration by the Board shall not be interpreted as a waiver of any claim or defense by the agency in subsequent proceedings concerning the RFR.
6. If the RFR will be processed for Board consideration, the Clerk will send an Acknowledgement of RFR to the Requestor and the applicant, permittee, or licensee, if other than the Requestor.
7. The Clerk will email the RFR to all Board members for review, and all Board members will confirm receipt of the RFR to the Clerk by email. If a Board member does not confirm receipt of the RFR within twenty-four (24) hour period, the Clerk will contact the Board member and confirm receipt. If a Board member believes the RFR should be considered by the RFR Committee, he or she will respond to the Clerk's email within forty-eight (48) hours and will request further review. If no Board member requests further review of the RFR within the forty-eight (48) hour period, the Clerk will send a letter by certified mail to the Requestor, with copy by regular mail to the applicant, permittee, or licensee, if not the Requestor, stating the Board will not hold a Final Review Conference. A copy of the Notice of Appeal Procedure will be included with the letter.

*NOTE: If the time periods described above end on a weekend or State holiday, the time is automatically extended to 5:00 p.m. on the next business day.*

8. If the RFR is to be considered by the RFR Committee, the Clerk will forward a copy of the RFR to Department staff and Office of General Counsel. A Department response to the RFR should be provided by Department staff to the Clerk within eight (8) working days after the RFR is forwarded.

## II. Final Review Conference Scheduling

1. If a Conference will be held, the Clerk will send a letter by certified mail to the Requestor, with copy by regular mail to the applicant, permittee, or licensee, if not the Requestor, informing the Requestor of the determination.
2. The Clerk will request Department staff provide the Administrative Record.
3. The Clerk will send Notice of Final Review Conference to the parties at least ten (10) days before the Conference. The Conference will be publicly noticed and should:
- include the place, date and time of the Conference;
  - state the presentation times allowed in the Conference;
  - state evidence may be presented at the Conference;
  - if the conference will be held by committee, include a copy of the Chairman's order appointing the committee; and
  - inform the Requestor of his or her right to request a transcript of the proceedings of the Conference prepared at Requestor's expense.
4. If a party requests a transcript of the proceedings of the Conference and agrees to pay all related costs in writing, including costs for the transcript, the Clerk will schedule a court reporter for the Conference.

### III. Final Review Conference and Decision


1. The order of presentation in the Conference will, subject to the presiding officer's discretion, be as follows:
  - Department staff will provide an overview of the staff decision and the applicable law to include [10 minutes]:
    - Type of decision (permit, enforcement, etc.) and description of the program.
    - Parties
    - Description of facility/site
    - Applicable statutes and regulations
    - Decision and materials relied upon in the administrative record to support the staff decision.
  - Requestor(s) will state the reasons for protesting the staff decision and may provide evidence to support amending, modifying, or rescinding the staff decision. [15 minutes] *NOTE: The burden of proof is on the Requestor(s)*
  - Rebuttal by Department staff[15 minutes]
  - Rebuttal by Requestor(s)[10 minutes]

Note: Times noted in brackets are for information only and are superseded by times stated in the Notice of Final Review Conference or by the presiding officer.
2. Parties may present evidence during the conference; however, the rules of evidence do not apply.
3. At any time during the conference, the officers conducting the conference may request additional information and may question the Requestor, the staff, and anyone else providing information at the conference.
4. The presiding officer, in his or her sole discretion, may allow additional time for presentations and may impose time limits on the Conference.
5. All Conferences are open to the public.
6. The officers may deliberate in closed session.
7. The officers may announce the decision at conclusion of the Conference or it may be reserved for consideration.
8. The Clerk will mail the written final agency decision (FAD) to parties within 30 days after the Conference. The written decision must explain the basis for the decision and inform the parties of their right to request a contested case hearing before the Administrative Law Court. The FAD will be sent by certified mail, return receipt requested.
9. Communications may also be sent by electronic mail, in addition to the forms stated herein, when electronic mail addresses are provided to the Clerk.

**The above information is provided as a courtesy; parties are responsible for complying with all applicable legal requirements.**

If you have any questions, please call Bruce Crawford at (803) 898-4177.

Sincerely,



Bruce Crawford, Hydrogeologist  
Water Monitoring Assessment and Protection Division  
SCDHEC - Bureau of Water

cc: Regan Rahn, SCDHEC-BLWM  
terefer Mazengia, GHD, 3075 Breckinridge BLVD., - Suite 470, Duluth GA 30096



WATER MONITORING ASSESSMENT & PROTECTION DIVISION

Injection Well Operating Approval

for

Class II, III, and V.A. Injection Well(s)

Permit #SCHE03020543

Date of Issue: November 21, 2018

In accordance with R.61-72 this permit will become final unless it is appealed within fifteen (15) days of the issuance date.

In accordance with the provisions of Title 48, Chapter 1, South Carolina Code of Laws, 1976, as amended, and pursuant to receiving a Permit to Operate thirteen (13) Class VA-I (Aquifer Remediation) injection wells, authorization is granted to Gibraltar Industries to operate thirteen (13) Class VA-I (Aquifer Remediation) injection wells located at the Bluewater Thermal Solutions Site, Greenville County, SC, and are subject to the attached provisos noted for the operator.

The Class VA-I injection wells are two (2) to three (3) inches in diameter and approximately thirty (30) feet deep.

Pursuant to Title 48, Chapter 1, South Carolina Code of Laws, 1976, as amended, this authorization may be rescinded if these injection wells should, at any time, contaminate, pollute, or otherwise adversely affect other water in the vicinity or for any other conditions contained in R61-87, Title 48, Chapter 1, South Carolina Code of Laws, 1976, as amended.

Expires: November 20, 2018

Alex Butler, Manager  
Water Monitoring Assessment and Protection Division  
SCDHEC - Bureau of Water

Date November 21, 2018

Provisions to the Injection Well Operating Approval  
for  
Underground Injection Well Permit #SCHE03020543  
Bluewater Thermal Solutions  
Greenville County, S.C.  
November 21, 2018

- 1) Construction of new or abandonment of existing wells must be reported to the Department within thirty (30) days of completion.
- 2) Only sodium persulfate, sodium hydroxide and potable water as described in the corrective action plan may be injected into the subsurface at the thirteen (13) Class VA-I (Aquifer Remediation) injection wells. Any changes in the system operation other than as presented in the UIC Permit Application must be reported to the Department prior to implementation.
- 3) **Permit must be maintained as an active Permit to Operate. Failure to renew a Permit within 30 days of expiration will result in automatic closure of the Permit to Operate. Reactivation of an expired Permit to Operate will be considered after a letter of request to reactivate UIC Permit #SCHE03020543 is received and reviewed.**