



**RESPONSE REQUESTED: Fw: GWR and LCR STR Primacy Package  
Conference Call - 08/25/10**

**Janine Morris** to: Dale Froneberger, Thomas Degaetano  
Cc: Dan Olone, Morris.Janine

11/01/2010 03:45 PM



Dale & Tom D.,

Attached is my review of SC 's response to our comments sent 06/23/10 and discussed via conference call on 08/25/10. The state's response can be found in the document at the bottom of the message . Please add your comments to the appropriate EPA Response document in a different color by 11/15/10. If you cannot provide comment by that date , please give me an alternative date of response .



EPA Response to GWR Comments-SC-11012010.doc EPA Response to LCR-STR Comments-SC-11012010.doc

*Thanks,*

*Janine*

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----- Forwarded by Janine Morris/R4/USEPA/US on 11/01/2010 03:36 PM -----

From: "Richard Welch" <welchra@dhec.sc.gov>  
To: Janine Morris/R4/USEPA/US@EPA  
Cc: "Doug Kinard" <KINARDDDB@dhec.sc.gov>, Janine Morris/R4/USEPA/US@EPA, Thomas Degaetano/R4/USEPA/US@EPA, Dale Froneberger/R4/USEPA/US@EPA  
Date: 10/26/2010 10:58 AM  
Subject: Re: Fw: GWR and LCR STR Primacy Package Conference Call - 08/25/10

One thing I forgot to send you this morning was our proposed reg change language. Of course, as we discussed earlier, we won't be changing the regs before the revised TCR. Here are the proposed changes for the GWR and LCR. Between this document and the others I sent, this should be what you need. If not, please let me know.

Rich

>>> <Morris.Janine@epamail.epa.gov> 10/26/2010 10:11 AM >>>

Rich,

In reference to the conversation that Doug and I had at the State Directors' meeting, the comments provided on your response to EPA comment (as provided below) were discussed during our meeting on 08/25/10. I need to know how and when you are going to address our remaining concerns regarding the GWR and LCR STR so that we may continue the process to approve the state rules.

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From: Janine Morris/R4/USEPA/US

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Cc: Morris.Janine@EPA.GOV, Dan Olone/R4/USEPA/US@EPA

Date: 08/20/2010 12:45 PM

Subject: GWR and LCR STR Primacy Package Conference Call - 08/25/10

(Embedded  
image moved (Embedded image moved to file: pic13232.jpg)  
to file:  
pic28900.gif)

Good Afternoon,

I have reserved conference room 15F for August 25, 2010 from 1:00 pm - 3:00 pm to discuss the GWR and LCR STR primacy packages. I will call Richard Welch, SC DHEC, at (803) 898-3546 unless he provides an alternate number. Please review the attached comments and documents in preparation for our discussion on Wednesday.

#### GWR Documents

We continue to have some concern with South Carolina's response to the special primacy condition of 40 CFR 142.16(o)(4)(iv). The condition calls for the state to explain the monitoring requirements and compliance criteria it will require for systems using alternative treatment technologies (e.g., ultraviolet disinfection). Of the guidance documents that South Carolina cites as forming the basis for how it will set these monitoring requirements and compliance criteria, none discuss parameters that are appropriate for monitoring and reporting to ensure that the alternative treatment technology is working to achieve credit toward a minimum 4-log treatment threshold. If South Carolina will allow the use of alternative treatment technologies like UV as part of an overall treatment process that achieves the 4-log treatment threshold, it may be appropriate for the state to consider EPA's Ultraviolet Disinfection Guidance Manual as an appropriate reference for setting monitoring requirements and compliance criteria.

Additionally, before we can recommend tentative approval of the primacy application, the state will need to make the adjustments to its regulatory language that were previously provided.

(See attached file: DHEC Response to EPA Comments-SC-06232010.doc)(See attached file: GWR Special Primacy Requirements.doc)

#### LCR STR Documents

(See attached file: SC LCR-STR TJD[2].doc)

The following text "R.61-58.6.D", which may be the reference referred to as "R.61-58.6.Appendix D" in R.61-58.11.G(4)(c), does not provide the definitions in 141.153(c) which are needed.

#### D. Record Keeping.

(1) Any supplier of water subject to the provisions of this regulation and R.61-58.5, Maximum Contaminant Levels in Drinking Water, shall retain on the

premises at a convenient location near the premises all appropriate records, and make them available for inspection by the Department and the public upon request.

(2) These records shall include the following:

(a) Records of microbiological analyses and turbidity analyses made pursuant to the

State Primary Drinking Water Regulation: R.61-58 shall be kept for not less than five (5)

years. Records of chemical analyses made pursuant to the State Primary Drinking Water

Regulation: R.61-58 shall be kept for not less than ten years. Actual laboratory reports

may be kept, or data may be transferred to tabular summaries, provided that the following information is included:

(i) The date, place, and time of sampling, and the name of the person who

R.61-58.6.D

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collected the sample.

(ii) Identification of the sample as to whether it was a routine distribution

system sample, check sample, raw or process water sample or other special

purpose sample.

(iii) Date of analysis.

(iv) Laboratory and person responsible for performing analysis.

(v) The analytical technique or method used.

(vi) The results of the analysis.

(b) Records of action taken by the supplier of water to correct violation of

regulations, shall be kept for a period not less than three years after the last action with

respect to the particular violation involved.

(c) Copies of any written reports, summaries, or communications relating to sanitary

surveys or operational inspections of the public water supply conducted by the supplier

of water, by a private consultant, or by any local, state, or federal agency, shall be kept

for a period not less than ten years after completion of the sanitary survey involved.

(d) Records concerning a variance or exemption granted to the public water supply

shall be kept for a period ending not less than five years following the expiration of such variance or exemption.

(e) Copies of public notices issued pursuant to Section E below and certifications made to the Department pursuant to the provisions of this regulation must be kept for three (3) years after issuance.

(f) Copies of monitoring plans developed pursuant to the State Primary Drinking Water Regulation: R.61-58 shall be kept for the same period of time as the records of analyses taken under the plan are required to be kept under paragraph (a) of this section, except as specified elsewhere in this regulation.

Janine

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morris.janine@epa.gov GWR\_LCR proposed revisions.doc

**Effective August 28, 2009**

**(This regulation replaces and supercedes any former regulations)**

**Environmental Quality Control Administration  
S.C. Department of Health and Environmental Control  
2600 Bull Street  
Columbia, SC 29201  
(803) 896-8940**

**DISCLAIMER**

**This copy of the regulation is provided by DHEC for the convenience of the public. Every effort has been made to ensure its accuracy; however, it is not the official text. DHEC reserves the right to withdraw or correct this text if deviations from the official text, as published in the *State Register*, are found.**

### Regulation History

Promulgated pursuant to South Carolina Code Section 48-2-10 et seq. (Act 122, 1993) and Section 48-39-10 et seq.

Added by Document No. 1822 in S.C. State Register 19-6, June 23, 1995, effective July 1, 1995

Amended by Document No. 2281 in S.C. State Register 22-6 Part 2, effective June 26, 1998

Amended by Document No. 2374 in S.C. State Register 23-6, effective June 25, 1999

Amended by Document No. 2504 in S.C. State Register 25-2, effective February 23, 2001

Amended by Document Nos. 2673 and 2697 in S.C. State Register 26-6, effective June 28, 2002

Amended by Document Nos. 2815, 2816, and 2824 in S.C. State Register 27-3, effective March 26, 2004

Amended by Document No. 2800 in S.C. State Register 29-3, effective March 25, 2005

Amended by Document No. 3001 in S.C. State Register 30-6, effective June 23, 2006

Amended by Document No. 4079 in S.C. State Register 33-8, effective April 25, 2008

On August 28, 2009, Regulation 61-58 was amended. This copy is a reprint of the State Register version and reflects R.61-58 in its entirety. If there are inconsistencies between this version and the version printed in the State Register, the State Register versions take priority. The State Register's internet web site is:

[http://www.lpittr.state.sc.us/cgi-bin/state\\_register.exe](http://www.lpittr.state.sc.us/cgi-bin/state_register.exe)

Authority for this regulation comes from Sections 44-55-30 et seq. of the 1976 South Carolina Code of Laws. For questions, contact DHEC at:

Bureau of Water  
2600 Bull Street  
Columbia, SC 29201  
(803) 898-4300

R.61-58 STATE PRIMARY DRINKING WATER REGULATIONS

R.61-58.1 CONSTRUCTION AND OPERATION PERMITS.

R.61-58.2 GROUNDWATER SOURCES AND TREATMENT

R.61-58.3 SURFACE WATER SOURCES AND TREATMENT

R.61-58.4 FINISHED WATER PUMPING, STORAGE AND DISTRIBUTION FACILITIES

R.61-58.5 MAXIMUM CONTAMINANT LEVELS IN DRINKING WATER

R.61-58.6 REPORTS, RECORD RETENTION AND PUBLIC NOTIFICATION OF DRINKING WATER VIOLATIONS

R.61-58.7 OPERATION AND MAINTENANCE

R.61-58.8 EMERGENCY PROCEDURES

R.61-58.9 VARIANCES AND EXEMPTIONS

R.61-58.10 FILTRATION AND DISINFECTION

61-58.11. CONTROL OF LEAD AND COPPER

A. – E.

F.

(1)

(2)

(a)

(b) Any water system resuming a lead service line replacement program after the cessation of its lead service line replacement program as allowed by paragraph ~~(7)~~ (6) of this section shall update its inventory of lead service lines to include those sites that were previously determined not to require replacement through the sampling provision under paragraph ~~(4)~~ (3) of this section. The system will then divide the updated number of remaining lead service lines by the number of remaining years in the program to determine the number of lines that must be replaced per year (seven (7) percent lead service line replacement is based on a fifteen (15) year replacement program, so, for example, systems resuming lead service line replacement after previously conducting two years of replacement would divide the updated inventory by thirteen (13)). For those systems that have completed a fifteen (15) year lead service line replacement program, the Department will determine a schedule for replacing or retesting lines that were previously tested out under the replacement program when the system re-exceeded the action level.

(3)–(7)

G. Public Education and Supplemental Monitoring Requirements.

All water systems must deliver a consumer notice of lead tap water monitoring results to persons served by the water system at sites that are tested, as specified in paragraph ~~(d)~~ (4) of this section. A water system that exceeds the lead action level based on tap water samples collected in accordance with Section H shall deliver the public education materials contained in paragraph ~~(a)~~ (1) this section in accordance with the requirements in paragraph ~~(b)~~ (2) of this section. Water systems that exceed the lead action level must sample the tap water of any customer who requests it in accordance with paragraph ~~(e)~~ (3) of this section.

(1)

(a)

(b) Community water systems. In addition to including the elements specified in paragraph (1)(a) of this section, community water systems must:

~~(1)~~ (i) Tell consumers how to get their water tested.

~~(2)~~ (ii) Discuss lead in plumbing components and the difference between low lead and lead free.

(2)

(a)

(b) A community water system that exceeds the lead action level on the basis of tap water samples collected in accordance with Section H and that is not already conducting public education tasks under this section, must conduct the public education tasks under this section within 60 days after the end of the monitoring period in which the exceedance occurred:

(i) Deliver printed materials meeting the content requirements of paragraph ~~(a)~~ (1) of this section to all ~~billing~~ bill paying customers.

(ii)(A) Contact customers who are most at risk by delivering education materials that meet the content requirements of paragraph ~~(a)~~ (1) of this section to local public health agencies even if they are not located within the water system's service area, along with an informational notice that encourages distribution to all the organization's potentially affected customers or community water system's users. The water system must contact the local public health agencies directly by phone or in person. The local public health agencies may provide a specific list of additional community-based organizations serving target populations, which may include organizations outside the service area of the water system. If such lists are provided, systems must deliver education materials that meet the content requirements of paragraph ~~(a)~~ (1) of this section to all organizations on the provided lists.

(B) Contact customers who are most at risk by delivering materials that meet the content requirements of paragraph ~~(a)~~ (1) of this section to the following organizations listed in (1) through (6) below that are located within the water system's service area, along with an information notice that encourages distribution to all the organization's potentially affected customers or community water system's users:

(1) Public and private schools or school boards.

(2) Women, Infants and Children (WIC) and Head Start Programs.

(3) Public and private hospitals and medical clinics.

(4) Pediatricians.

(5) Family planning clinics.

(6) Local welfare agencies.

(C) Make a good faith effort to locate the following organizations within the service area and deliver materials that meet the content requirements of paragraph ~~(a)~~ (1) of this section to them, along with an informational notice that encourages distribution to all potentially affected customers or users. The good faith effort to contact at-risk customers may include requesting a specific contact list of these organizations from the local public health agencies, even if the agencies are not located within the water system's service area:

(1) – (3)

(iii)

(iv) Post materials meeting the content requirements of paragraph ~~(a)~~ (1) of this section on the water system's Web site if the system serves a population of greater than 100,000.

(v)

(vi) In addition to paragraph ~~2(a)(i)~~ 2(b)(i) through (v) of this section, systems must implement at least three activities from one or more categories listed below. The educational content and selection of these activities must be determined in consultation with the Department.

(A) Public Service Announcements.

(B) Paid advertisements.

(C) Public Area Information Displays.

(D) E-mails to customers.

(E) Public Meetings.

(F) Household Deliveries.

(G) Targeted Individual Customer Contact.

(H) Direct material distribution to all multi-family homes and institutions.

(I) Other methods approved by the Department.

(vii) For systems that are required to conduct monitoring annually or less frequently, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs, or, if the Department has established an alternate monitoring period, the last day of that period.

(c) As long as a community water system exceeds the action level, it must repeat the activities pursuant to paragraph (2)(b) of this section as described in paragraphs (2)(c)(i) through (iv) of this section.

(i) A community water system shall repeat the tasks contained in paragraphs ~~2(e)(i)~~ 2(b)(i), (ii) and (vi) of this section every 12 months.

(ii) A community water system shall repeat the tasks contained in paragraph ~~2(e)(iii)~~ 2(b)(iii) of this section with each billing cycle.

(iii) A community water system serving a population greater than 100,000 shall post and retain material on a publicly accessible Web site pursuant to paragraph ~~2(e)(iv)~~ 2(b)(iv) of this section.

(iv) The community water system shall repeat the task in paragraph ~~2(e)(v)~~ 2(b)(v) of this section twice every twelve (12) months on a schedule agreed upon with the Department. The Department can allow activities in paragraph (2)(b) of this section to extend beyond the sixty (60) day requirement if needed for implementation purposes on a case-by-case basis; however, this extension must be approved in writing by the Department in advance of the sixty (60) day deadline.

(d) – (g)

(h)

(i) With respect to the requirements of paragraph ~~(b)(2)(vi)~~ (2)(b)(vi) of this section, a system serving 3,300 or fewer people must implement at least one of the activities listed in that paragraph.

(ii) With respect to the requirements of paragraph ~~(b)(2)(ii)~~ (2)(b)(ii) of this section, a system serving 3,300 or fewer people may limit the distribution of the public education materials required under that paragraph to facilities and organizations served by the system that are most likely to be visited regularly by pregnant women and children.

(iii) With respect to the requirements of paragraph ~~(b)(2)(v)~~ (2)(b)(v) of this section, the Department may waive this requirement for systems serving 3,300 or fewer persons as long as the system distributes notices to every household served by the system.

(3)

(4) Notification of results.

(a) – (b)

(c) Content. The consumer notice must include the results of lead tap water monitoring for the tap that was tested, an explanation of the health effects of lead, list steps consumers can take to reduce exposure to lead in drinking water and contact information for the water utility. The notice must also provide the maximum contaminant level goal and the action level for lead and the definitions for these two terms from ~~R.61-58.6 Appendix D~~ R.61-58.12.C(3).

(d)

H. - J.

K.

(1) Analyses for lead, copper, pH, conductivity, calcium, alkalinity, orthophosphate, silica, and temperature shall be conducted using EPA-approved methods listed in ~~40 CFR 141~~ 40 CFR 141.89

(a) - (d)

L.

61-58.12. CONSUMER CONFIDENCE REPORTS

A. – B.

C. Content of the Reports.

(1) – (10)

(11)

(a) – (e)

(f)

(i) Any ground water system that receives notice from the Department of a significant deficiency or notice from a laboratory of a fecal indicator positive ground water source sample that is not invalidated by the Department under 141.402(d) must inform its customers ~~in the next report. The report must contain information on~~ of any significant deficiency that is uncorrected at the time of the next report, or any fecal indicator positive ground water source ~~sample. sample in the next report.~~ The system must continue to inform the public annually until the Department determines that particular significant deficiency is corrected or the fecal contamination in the ground water source is addressed under R.61-58.16.F(1). Each report must include the following elements.

(A) – (B)

(C) For each significant deficiency or fecal contamination in the ground water source that has not been addressed under R.61-58.16.F(1), the Department approved plan and schedule for correction, including interim measures, progress to date, and any interim measures completed. completed; and

(D)

(ii)

D. – E.

APPENDIX D. CONSUMER CONFIDENCE REPORTS: REGULATED CONTAMINANTS

Table remains unchanged

R.61-58.13 DISINFECTANT RESIDUALS, DISINFECTION BYPRODUCTS, AND DISINFECTION BYPRODUCT PRECURSORS (STAGE 1 DISINFECTANTS AND DISINFECTION BYPRODUCTS RULE).

R.61-58.14 INITIAL DISTRIBUTION SYSTEM EVALUATIONS

R.61-58.15 STAGE 2 DISINFECTION BYPRODUCTS REQUIREMENTS

R.61-58.16. GROUND WATER RULE

A. – C.

D.

(1)

(2) For the purposes of R.61-58.16, a "sanitary survey," as conducted by the Department, includes ~~by~~ but is not limited to, an onsite review of the water source(s) (identifying sources of contamination by using results of source water assessments or other relevant information where available), facilities, equipment, operation, maintenance, and monitoring compliance of a public water system to evaluate the adequacy of the system, its sources and operations and the distribution of safe drinking water.

(3)

E.

F.

(1)

(2)

(a) – (b)

(c)

(i)

(A) A ground water ~~systems~~ system that serves greater than 3,300 people must continuously monitor the residual disinfectant concentration using analytical methods specified in 40 CFR 141.74(a)(2) at a location approved by the Department and must record the lowest residual disinfectant concentration each day that the water from the ground water source is served to the public. The ground water system must maintain the Department-determined residual disinfectant concentration every day the ground water system serves the water from the ground water source to the public. If there is a failure in the continuous monitoring equipment, the ground water system must conduct grab sampling every four hours until the continuous monitoring equipment is returned to service. The system must resume continuous residual disinfectant monitoring within 14 days.

(B)

(ii) – (iii)

(3) – (4)

G. – H