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BUREAU OF WATER

October 9, 2009

Ms. Janine Morris
Drinking Water Section
Water Management Division
Ground Water and Drinking Water Branch
US Environmental Protection Agency, Region IV
Atlanta Federal Center
61 Forsyth Street
Atlanta, GA 30303-3104

Re: Primacy Revision Application – Lead and Copper: Short Term Regulatory Revisions and Clarifications

Dear Ms. Morris:

Enclosed is the State of South Carolina's Primacy Revision Application Package for the Lead and Copper: Short Term Regulatory Revisions and Clarifications. Please note that only the sections of the State Primary Drinking Water Regulations that were revised are included in the application package.

Should you have any questions concerning the enclosed submittal, please contact Doug Kinard at (803) 898-3543 or kinarddb@dhec.sc.gov.

Sincerely,

David E. Wilson, Jr., P.E., Chief
Bureau of Water

Section I

142.10 State Primacy Revision Checklist

Required Program Elements		Revision to State Program (Yes or No)	EPA Findings / Comments
142.10	Primary Enforcement	Yes	
142.10(a)	Regulations no less stringent	Yes	
142.10(b)(1)	Maintain inventory	Yes	
142.10(b)(2)	Sanitary survey program	Yes	
142.10(b)(3)	Laboratory certification program	Yes	
142.10(b)(4)	Laboratory capability	Yes	
142.10(b)(5)	Plan review program	Yes	
142.10(b)(6)(i)	Authority to apply regulations	Yes	
142.10(b)(6)(ii)	Authority to sue in courts of competent jurisdiction	Yes	
142.10(b)(6)(iii)	Right of entry	Yes	
142.10(b)(6)(iv)	Authority to require records	Yes	
142.10(b)(6)(v)	Authority to require public notification	Yes	
142.10(b)(6)(vi)	Authority to assess civil and criminal penalties	Yes	
142.10(c)	Maintenance of records	Yes	
142.10(d)	Variance and exemption conditions	Yes	
142.10(e)	Emergency plans	Yes	
142.10(f)(1)	Administrative penalty authority	Yes	
142.10(f)(2)	Maximum administrative penalty	Yes	
142.10(g)	Electronic reporting	Yes	

SOUTH CAROLINA STATE REGISTER

PUBLISHED BY
THE LEGISLATIVE COUNCIL
of the
GENERAL ASSEMBLY

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Published August 28, 2009

Volume 33 Issue No. 8

This issue contains notices, proposed regulations, emergency regulations, final form regulations, and other documents filed in the Office of the Legislative Council, pursuant to Article 1, Chapter 23, Title 1, Code of Laws of South Carolina, 1976.

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Document No. 4079
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: 1976 Code Sections 44-55-10 et seq.

61-58. State Primary Drinking Water Regulations

Synopsis:

The Department has amended R.61-58 to adopt federal requirements pursuant to 40 CFR 141 and 142. These changes meet federal requirements of the Lead and Copper: Short Term Regulatory Revisions and Clarifications in the final rule published in the Federal Register on October 10, 2008, at 40 CFR Parts 141 and 142 and were necessary to maintain consistency with the National Primary Drinking Water Regulations. This rule makes minor changes in sampling procedures and lead service line replacement requirements and enhances public education requirements under the Lead and Copper Rule.

Legislative review of these regulations is not required, nor is a preliminary fiscal impact statement or a statement of rationale required.

A Notice of Drafting for this amendment was published in the State Register on September 26, 2008.

Discussion of Revisions:

General Requirements

R.61-58.11.B(1)(c)(v)

Added new paragraph changing the compliance requirements.

R.61-58.11.B(5)

Revised to require that consumers are notified of sampling results.

Applicability of Corrosion Control Treatment Steps to Small, Medium Size and Large Water Systems

R.61-58.11.C(2)(c)(iii)

Revised to require Department review and approval of source changes.

R.61-58.11.C(5)(a)

Revised to clarify monitoring period.

R.61-58.11.C(5)(b)

Revised to clarify monitoring period.

Source Water Treatment Requirements

R.61-58.11.E(1)(a)

Revised to specify when submittal is due.

Lead Service Line Replacement Requirements

R.61-58.11.F(2)

Renumbered to R.61-58.11.F(2)(a) and revised to clarify monitoring period.

R.61-58.11.F(2)(b)
Added to specify additional requirements for lead service line replacement.

Public Education and Supplemental Monitoring Requirements

R.61-58.11.G
Revised entire section pertaining to public education language and supplemental monitoring.

Monitoring Requirements for Lead and Copper in Tap Water

R.61-58.11.H(2)(e)
Revised to correct reference.

R.61-58.11.H(3)
Revised to clarify monitoring requirements.

R.61-58.11.H(4)(d)(i)
Revised to clarify monitoring requirements.

R.61-58.11.H(4)(d)(ii)
Revised to clarify monitoring requirements.

R.61-58.11.H(4)(d)(iii)
Revised to clarify sample collection requirements.

R.61-58.11.H(4)(d)(iv)(A)
Added to allow for different monitoring periods.

R.61-58.11.H(4)(d)(iv)(B)
Added to clarify monitoring requirements.

R.61-58.11.H(4)(d)(vi)(B) & R.61-58.11.H(4)(d)(vi)(B)(1)
Revised to clarify monitoring requirements.

R.61-58.11.H(4)(d)(vii)
Revised to include Department notification requirements.

R.61-58.11.H(7)(d)(i)
Revised to clarify monitoring requirements.

R.61-58.11.H(7)(d)(iii)
Revised to include Department notification requirements.

Monitoring Requirements for Water Quality Parameters

R.61-58.11.I(4)
Revised to clarify sample collection period.

R.61-58.11.I(5)(b)(i)
Revised to clarify monitoring requirements.

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R.61-58.11.I(5)(b)(ii)
Revised to clarify monitoring requirements.

Monitoring Requirements for Lead and Copper in Source Water

R.61-58.11.J(2)
Revised to clarify monitoring requirements.

R.61-58.11.J(4)(a)(i)
Revised to clarify monitoring requirements.

R.61-58.11.J(4)(a)(ii)
Revised to clarify monitoring requirements.

R.61-58.11.J(5)(a)
Revised introductory paragraph to clarify monitoring requirements.

R.61-58.11.J(5)(b)
Revised introductory paragraph to clarify monitoring requirements.

Reporting Requirements

R.61-58.11.L(1)(a)
Revised introductory paragraph to clarify monitoring period.

R.61-58.11.L(1)(b)
Revised introductory paragraph to correct reference.

R.61-58.11.L(1)(c)
Revised to clarify Department notification and approval requirement.

R.61-58.11.L(5)(a)
Revised to clarify reporting requirements to the Department.

R.61-58.11.L(5)(b)
Revised introductory paragraph to clarify reporting requirements to the Department.

R.61-58.11.L(5)(b)(ii)
Revised to clarify reporting requirements to the Department.

R.61-58.11.L(6)(a)
Revised to clarify reporting requirements to the Department.

R.61-58.11.L(6)(a)(i)
Revised to correct reference.

R.61-58.11.L(6)(c)
Added to clarify reporting requirements to the Department.

Required Additional Health Information

R.61-58.12.D(4)
Revised to include specific lead health effects language in consumer confidence reports.

Instructions:

Amend R.61-58 pursuant to each individual instruction provided below with the text of the amendments.

Text:**Add paragraph R.61-58.11.B(1)(c)(v) to read:**

(v) For a water system that has been allowed by the Department to collect fewer than five samples in accordance with Section H(3) the sample result with the highest concentration is considered the 90th percentile value.

Revise paragraph R.61-58.11.B(5) to read:

(5) Public Education Requirements – Pursuant to Section G, all water systems must provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that are tested. Any system exceeding the lead action level shall implement the public education requirements.

Revise paragraph R.61-58.11.C(2)(c)(iii) to read:

(iii) Any water system deemed to have optimized corrosion control pursuant to this paragraph shall notify the Department in writing pursuant to Section L(1)(c) below, of any upcoming long term change in treatment or the addition of a new source as described in that section. The Department must review and approve the addition of a new source or long-term change in water treatment before it is implemented by the water system. The Department may require any such system to conduct additional monitoring or to take other action the Department deems appropriate to ensure that such systems maintain minimal levels of corrosion in the distribution system.

Revise paragraph R.61-58.11.C(5)(a) to read:

(a) Step 1: The system shall conduct initial tap sampling (Section H(4)(a) and Section I(2) below) until the system either exceeds the lead or copper action level or becomes eligible for reduced monitoring under Section (H)(4)(d) below. A system exceeding the lead or copper action level shall recommend optimal corrosion control treatment (Section D(1) below) within six (6) months after the end of the monitoring period during which it exceeds one of the action levels.

Revise paragraph R.61-58.11.C(5)(b) to read:

(b) Step 2: Within twelve (12) months after the end of the monitoring period during which a system exceeds the lead or copper action level, the Department may require the system to perform corrosion control studies (Section D(2) below). If the Department does not require the system to perform such studies, the Department shall specify optimal corrosion control treatment (Section D(4)) within the following time frames:

(i) For medium-size systems, within eighteen (18) months after the end of the monitoring period during which such system exceeds the lead or copper action level; and,

(ii) For small systems, within twenty-four (24) months after the end of the monitoring period during which such system exceeds the lead or copper action level.

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Revise paragraph R.61-58.11.E(1)(a) to read:

(a) Step 1: A system exceeding the lead or copper action level shall complete lead and copper source water monitoring (Section J(2) below) and make a treatment recommendation to the Department (paragraph (2)(a) of this section) no later than one hundred eighty (180) days after the end of the monitoring period during which the lead or copper action level was exceeded.

Redesignate paragraph R.61-58.11.F(2) as R.61-58.11.F(2)(a) to read:

(2)(a) A water system shall replace annually at least seven (7) percent of the initial number of lead service lines in its distribution system. The initial number of lead service lines is the number of lead lines in place at the time the replacement program begins. The system shall identify the initial number of lead service lines in its distribution system, including an identification of the portions(s) owned by the system, based on a materials evaluation, including the evaluation required under Section H(1) below and relevant legal authorities (e.g. contracts, local ordinances) regarding the portion owned by the system. The first year of lead service line replacement shall begin on the first day following the end of the monitoring period in which the action level was exceeded under paragraph (1) of this section. If monitoring is required annually or less frequently, the end of the monitoring period is September 30 of the calendar year in which the sampling occurs. If the Department has established an alternate monitoring period, then the end of the monitoring period will be the last day of that period.

Add paragraph R.61-58.11.F(2)(b) to read:

(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) 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) 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.

Replace section R.61-58.11.G to read:

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) 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) of this section in accordance with the requirements in paragraph (b) 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 (c) of this section.

(1) Content of written public education materials.

(a) Community water systems and Non-transient non-community water systems. Water systems must include the following elements in printed material (e.g., brochures and pamphlets) in the same order as listed below. In addition, language in paragraphs (1)(a)(i) through (ii) and (1)(a)(vi) of this section must be included in the materials, exactly as written, except for the brackets in these paragraphs for which the water system must include system-specific information. Any additional information presented by a water system must be

consistent with the information below and be in plain language that can be understood by the general public. Water systems must submit all written public education materials to the Department prior to delivery. The Department may require the system to obtain approval of the content of written public materials prior to delivery.

(i) IMPORTANT INFORMATION ABOUT LEAD IN YOUR DRINKING WATER. [INSERT NAME OF WATER SYSTEM] found elevated levels of lead in drinking water in some homes/buildings. Lead can cause serious health problems, especially for pregnant women and young children. Please read this information closely to see what you can do to reduce lead in your drinking water.

(ii) Health effects of lead. Lead can cause serious health problems if too much enters your body from drinking water or other sources. It can cause damage to the brain and kidneys, and can interfere with the production of red blood cells that carry oxygen to all parts of your body. The greatest risk of lead exposure is to infants, young children, and pregnant women. Scientists have linked the effects of lead on the brain with lowered IQ in children. Adults with kidney problems and high blood pressure can be affected by low levels of lead more than healthy adults. Lead is stored in the bones, and it can be released later in life. During pregnancy, the child receives lead from the mother's bones, which may affect brain development.

(iii) Sources of Lead.

(A) Explain what lead is.

(B) Explain possible sources of lead in drinking water and how lead enters drinking water. Include information on homes/building plumbing materials and service lines that may contain lead.

(C) Discuss other important sources of lead exposure in addition to drinking water (e.g., paint).

(iv) Discuss the steps the consumer can take to reduce their exposure to lead in drinking water.

(A) Encourage running the water to flush out the lead.

(B) Explain concerns with using hot water from the tap and specifically caution against the use of hot water for preparing baby formula.

(C) Explain that boiling water does not reduce lead levels.

(D) Discuss other options consumers can take to reduce exposure to lead in drinking water, such as alternative sources or treatment of water.

(E) Suggest that parents have their child's blood tested for lead.

(v) Explain why there are elevated levels of lead in the system's drinking water (if known) and what the water system is doing to reduce the lead levels in homes/buildings in this area..

(vi) For more information, call us at [INSERT YOUR NUMBER] [(IF APPLICABLE)], or visit our Web site at [INSERT YOUR WEB SITE HERE]]. For more information on reducing lead exposure around your home/building and the health effects of lead, visit EPA's website at <http://www.epa.gov/lead> or contact your health care provider.

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

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- (1) Tell consumers how to get their water tested.
- (2) Discuss lead in plumbing components and the difference between low lead and lead free.

(2) Delivery of public education materials:

(a) For public water systems serving a large proportion of non-English speaking consumers, as determined by the Department, the public education material must contain information in the appropriate language(s) regarding the importance of the notice or contain a telephone number or address where persons served may contact the water system to obtain a translated copy of the public education materials or to request assistance in the appropriate language.

(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) of this section to all billing customers.

(ii)(A) Contact customers who are most at risk by delivering education materials that meet the content requirements of paragraph (a) of this section to local public health agencies even if they are not located within the water system's 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) 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) 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) 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) Licensed childcare centers.
- (2) Public and private preschools.
- (3) Obstetricians-Gynecologist and Midwives.

(iii) No less often than quarterly, provide information on or in each water bill as long as the system exceeds the action level for lead. The message on the water bill must include the following statement exactly as written except for the text in brackets for which the water system must include system-specific information: [INSERT NAME OF WATER SYSTEM] found high levels of lead in drinking water in some homes. Lead can cause serious health problems. For more information please call [INSERT NAME OF WATER SYSTEM] [or visit (INSERT YOUR WEB SITE HERE)]. The message or delivery mechanism can be modified in consultation with the Department; specifically, the Department may allow a separate mailing of public education materials to customers if the water system cannot place the information on water bills.

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

(v) Submit a press release to newspaper, television and radio stations.

(vi) In addition to paragraph 2(a)(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)(c)(i), (ii) and (vi) of this section every 12 months.

(ii) A community water system shall repeat the tasks contained in paragraph (2)(c)(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)(c)(iv) of this section.

(iv) The community water system shall repeat the task in paragraph (2)(c)(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.

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(d) Within sixty (60) days after the end of the monitoring period in which the exceedance occurred (unless it already is repeating public education tasks pursuant to paragraph (2)(e) of this section), a non-transient non-community water system shall deliver the public education materials specified in paragraph (a) of this section as follows:

(i) Post informational posters on lead in drinking water in a public place or common area in each of the buildings served by the system; and

(ii) Distribute informational pamphlets and/or brochures on lead in drinking water to each person served by the non-transient non-community water system. The Department may allow the system to utilize electronic transmission in lieu of or combined with printed materials as long as it achieves at least the same coverage.

(iii) 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.

(e) A non-transient non-community water system shall repeat the tasks contained in paragraph (2)(d) of this section at least once during each calendar year in which the system exceeds the lead action level. The Department can allow activities in (2)(d) 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.

(f) A water system may discontinue delivery of public education materials if the system has met the lead action level during the most recent six-month monitoring period conducted pursuant to Section H. Such a system shall recommence public education in accordance with this section if it subsequently exceeds the lead action level during any monitoring period.

(g) A community water system may apply to the Department, in writing (unless the Department has waived the requirement for prior Department approval), to use only the text specified in paragraph (1)(a) of this section in lieu of the text in paragraphs (1)(a) and (1)(b) of this section and to perform the tasks listed in paragraphs (2)(d) and (2)(e) of this section in lieu of the tasks in paragraphs (2)(b) and (2)(c) of this section if:

(i) The system is a facility, such as a prison or a hospital, where the population served is not capable of or is prevented from making improvements to plumbing or installing point of use treatment devices; and

(ii) The system provides water as part of the cost of services provided and does not separately charge for water consumption.

(h) A community water system serving 3,300 or fewer people may limit certain aspects of their public education programs as follows:

(i) With respect to the requirements of paragraph (b)(2)(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) 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) 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) Supplemental monitoring and notification of results.

A water system that fails to meet the lead action level on the basis of tap samples collected in accordance with Section H shall offer to sample the tap water of any customer who requests it. The system is not required to pay for collecting or analyzing the sample, nor is the system required to collect and analyze the sample itself.

(4) Notification of results.

(a) Reporting requirements. All water systems must provide a notice of the individual tap results from lead tap water monitoring carried out under the requirements of Section H to the persons served by the water system at the specific sampling site from which the sample was taken (e.g., the occupants of the residence where the tap was tested).

(b) Timing of notification. A water system must provide the consumer notice as soon as practical, but no later than thirty (30) days after the system learns of the tap monitoring results.

(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.

(d) Delivery. The consumer notice must be provided to persons served at the tap that was tested, either by mail or by another method approved by the Department. For example, upon approval by the Department, a non-transient non-community water system could post the results on a bulletin board in the facility to allow users to review the information. The system must provide the notice to customers at sample taps tested, including consumers who do not receive water bills.

Revise R.61-58.11.H(2)(e) to read:

(e) A non-transient non-community water system, or a community water system that meets the criteria of Section G(2)(g) above, that does not have enough taps that can supply first-draw samples, as defined in R.61-58(B), may apply to the Department in writing to substitute non-first-draw samples. Such systems must collect as many first-draw samples from appropriate taps as possible and identify sampling times and locations that would likely result in the longest standing time for the remaining sites. The Department has the discretion to waive the requirement for prior Department approval of non-first-draw sample sites selected by the system, either through State regulation or written notification to the system.

Revise R.61-58.11.H(3) to read:

(3) Number of Samples - Water systems shall collect at least one (1) sample during each monitoring period specified in paragraph (4) of this section from the number of sites listed in the first column ("standard monitoring") of the table in this paragraph. A system conducting reduced monitoring under paragraph (4)(d) of this section shall collect at least one (1) sample from the number of sites specified in the second column ("reduced monitoring") of the table in this paragraph during each monitoring period specified in paragraph (4)(d) of this section. Such reduced monitoring sites shall be representative of the sites required for standard monitoring. A public water system that has fewer than five drinking water taps, that can be used for human

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consumption meeting the sample site criteria of paragraph (1) of this section to reach the required number of sample sites listed in paragraph (3) of this section, must collect at least one sample from each tap and then must collect additional samples from those taps on different days during the monitoring period to meet the required number of sites. Alternatively the Department may allow these public water systems to collect a number of samples less than the number of sites specified in paragraph (3) of this section, provided that one hundred (100) percent of all taps that can be used for human consumption are sampled. The Department must approve this reduction of the minimum number of samples in writing based on a request from the system or onsite verification by the Department. The Department may specify sampling locations when a system is conducting reduced monitoring. The table is as follows:

System Size (# People Served)	# of Sites (Standard Monitoring)	# of Sites (Reduced Monitoring)
>100,000	100	50
10,001 to 100,000	60	30
3,301 to 10,000	40	20
501 to 3,300	20	10
101 to 500	10	5
<= 100	5	5

Revise R.61-58.11.H(4)(d)(i) to read:

(i) A small or medium-size water system that meets the lead and copper action levels during each of two (2) consecutive six (6) month monitoring periods may reduce the number of samples in accordance with paragraph (3) of this section, and reduce the frequency of sampling to once per year. A small or medium water system collecting fewer than five (5) samples as specified in paragraph (3) of this section, that meets the lead and copper action levels during each of two consecutive six-month monitoring periods may reduce the frequency of sampling to once per year. In no case can the system reduce the number of samples required below the minimum of one sample per available tap. This sampling shall begin during the calendar year immediately following the end of the second consecutive six-month monitoring period.

Revise R.61-58.11.H(4)(d)(ii) to read:

(ii) Any water system that meets the lead action level and maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the Department under Section D(6) above, during each of two consecutive six-month monitoring periods may reduce the frequency of monitoring to once per year and ~~to~~ reduce the number of lead and copper samples in accordance with paragraph (3) of this section if it receives written approval from the Department. This sampling shall begin during the calendar year immediately following the end of the second consecutive six-month monitoring period. The Department shall review monitoring, treatment, and other relevant information submitted by the water system in accordance with Section L below, and shall notify the system in writing when it determines the system is eligible to commence reduced monitoring pursuant to this paragraph. The Department shall review, and where appropriate, revise its determination when the system submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available.

Revise R.61-58.11.H(4)(d)(iii) to read:

(iii) A small or medium-size water system that meets the lead and copper action levels during three (3) consecutive years of monitoring may reduce the frequency of monitoring for lead and copper from annually to once every three (3) years. Any water system that meets the lead action level and maintains the range of values for the water quality control parameters reflecting optimal corrosion control treatment specified by the Department under Section D(6), during three consecutive years of monitoring may reduce the

frequency of monitoring from annually to once every three years if it receives written approval from the Department. Samples collected once every three years shall be collected no later than every third calendar year. The Department shall review monitoring, treatment, and other relevant information submitted by the water system in accordance with Section L below, and shall notify the system in writing, when it determines the system is eligible to reduce the frequency of monitoring to once every three years. The Department shall review, and where appropriate, revise its determination when the system submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available.

Add R.61-58.11.H(4)(d)(iv)(A) to read:

(A) The Department, at its discretion, may approve a different period for conducting the lead and copper tap sampling for systems collecting a reduced number of samples. Such a period shall be no longer than four (4) consecutive months and must represent a time of normal operation where the highest levels of lead are most likely to occur. For a non-transient non-community water system that does not operate during the months of June through September, and for which the period of normal operation where the highest levels of lead are most likely to occur is not known, the Department shall designate a period that represents a time of normal operation for the system. This sampling shall begin during the period approved or designated by the Department in the calendar year immediately following the end of the second consecutive six-month monitoring period for systems initiating annual monitoring and during the three-year period following the end of the third consecutive calendar year of annual monitoring for systems initiating triennial monitoring.

Add R.61-58.11.H(4)(d)(iv)(B) to read:

(B) Systems monitoring annually, that have been collecting samples during the months of June through September and that receive Department approval to alter their sample collection period under paragraph (4)(a)(iv)(A) of this section, must collect their next round of samples during a time period that ends no later than forty-five (45) months after the previous round of sampling. Subsequent rounds of sampling must be collected annually or triennially, as required by this section. Small systems with waivers, granted pursuant to paragraph (7) of this section, that have been collecting samples during the months of June through September and receive Department approval to alter their sample collection period under paragraph (4)(d)(iv)(A) of this section, must collect their next round of samples before then end of the nine (9) year period.

Revise R.61-58.11.H(4)(d)(vi)(B) and R.61-58.11.H(4)(d)(vi)(B)(1); subitems (2) and (3) remain the same:

(B) Any water system subject to the reduced monitoring frequency that fails to meet the lead action level during any four-month monitoring period or that fails to operate at or above the minimum value or within the range of values for the water quality parameters specified by the Department under Section D(6) above, for more than nine (9) days in any six-month period specified in Section I(4) below, shall conduct tap water sampling for lead and copper at the frequency specified in paragraph (4)(c) of this section, collect the number of samples specified for standard monitoring under paragraph (3) of this section, and shall resume monitoring for water quality parameters within the distribution system in accordance with Section I(4) below. This standard tap water sampling shall begin no later than the six-month period beginning January 1 of the calendar year following the lead action level exceedance or water quality parameter excursion. Such a system may resume reduced monitoring for lead and copper at the tap and for water quality parameters within the distribution system under the following conditions:

(1) The system may resume annual monitoring for lead and copper at the tap at the reduced number of sites specified in paragraph (3) of this section after it has completed two subsequent six-month rounds of monitoring that meet the criteria of paragraph (4)(d)(ii) of this section and the system has received written approval from the Department that it is appropriate to resume reduced monitoring on an annual frequency.

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This sampling shall begin during the calendar year immediately following the end of the second consecutive six-month monitoring period.

Revise R.61-58.11.H(4)(d)(vii) to read:

(vii) Any water system subject to a reduced monitoring frequency under paragraph (4)(d) of this section shall notify the Department in writing in accordance with Section L(1)(c) of any upcoming long-term change in treatment or addition of a new source as described in that section. The Department must review and approve the addition of a new source or long-term change in water treatment before it is implemented by the water system. The Department may require the system to resume sampling in accordance with paragraph (4)(c) of this section and collect the number of samples specified for standard monitoring under paragraph (3) of this section or take other appropriate steps such as increased water quality parameter monitoring or re-evaluation of its corrosion control treatment given the potentially different water quality considerations

Revise R.61-58.11.H(7)(d)(i) to read:

(i) A system with a full waiver must conduct tap water monitoring for lead and copper in accordance with paragraph (4)(d)(iv) of this section at the reduced number of sampling sites identified in paragraph (3) of this section at least once every nine (9) years and provide the materials certification specified in paragraph (7)(a) of this section for both lead and copper to the Department along with the monitoring results. Samples collected every nine (9) years shall be collected no later than every ninth calendar year.

Revise R.61-58.11.H(7)(d)(iii) to read:

(iii) Any water system with a full or partial waiver shall notify the Department in writing in accordance with Section L(1)(c) of any upcoming long-term change in treatment or addition of a new source, as described in that section. The Department must review and approve the addition of a new source or long-term change in water treatment before it is implemented by the water system. The Department has the authority to require the system to add or modify waiver conditions (e.g., require recertification that the system is free of lead-containing and/or copper-containing materials, require additional round(s) of monitoring), if it deems such modifications are necessary to address treatment or source water changes at the system.

Revise R.61-58.11.I(4) to read:

(4) Monitoring After the Department Specifies Water Quality Parameter Values for Optimal Corrosion Control -- After the Department specifies the values for applicable water quality control parameters reflecting optimal corrosion control treatment under Section D(6) above, all large systems shall measure the applicable water quality parameters in accordance with paragraph (3) of this section and determine compliance with the requirements of Section D(7) every six (6) months with the first six (6) month period to begin on either January 1 or July 1, whichever comes first, after the Department specifies the optimal values under Section D(6) above. Any small or medium-size system shall conduct such monitoring during each six (6) month period specified in this paragraph in which the system exceeds the lead or copper action level. For any such small and medium-size system that is subject to a reduced monitoring frequency pursuant to Section H(4)(d) at the time of the action level exceedance, the start of the applicable six-month monitoring period under this paragraph shall coincide with the start of the applicable monitoring period under Section H(4)(d) above. Compliance with Department-designated optimal water quality parameter values shall be determined as specified under Section D(7).

Revise R.61-58.11.I(5)(b)(i) to read:

(b)(i) Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the Department under Section D(6) above during three (3) consecutive years of monitoring may reduce the frequency with which it collects the number of tap samples

for applicable water quality parameters specified in this paragraph (5)(a) of this section from every six months to annually. This sampling begins during the calendar year immediately following the end of the monitoring period in which the third consecutive year of six-month monitoring occurs. Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the Department under D(6) during three (3) consecutive years of annual monitoring under this paragraph may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in paragraph (5)(a) of this section from annually to every three (3) years. This sampling begins no later than the third calendar year following the end of the monitoring period in which the third consecutive year of monitoring occurs.

Revise R.61-58.11.I(5)(b)(ii) to read:

(ii) A water system may reduce the frequency with which it collects tap samples for applicable water quality parameters specified in paragraph (5)(a) of this section to every three (3) years if it demonstrates during two (2) consecutive monitoring periods that its tap water lead level at the 90th percentile is less than or equal to the PQL for lead specified in Section K(1)(a)(ii) above, that its tap water copper level at the 90th percentile is less than or equal to 0.65 mg/L for copper in Section B(1)(b) above, and that it also has maintained the range of values for the water quality parameters reflecting optimal corrosion control treatment specified by the Department under Section D(6) above. Monitoring conducted every three (3) years shall be done no later than every third calendar year.

Revise R.61-58.11.J(2) to read:

(2) Monitoring Frequency After System Exceeds Tap Water Action Level -- Any system which exceeds the lead or copper action level at the tap shall collect one source water sample from each entry point to the distribution system no later than six (6) months after the end of the monitoring period during which the lead or copper action level was exceeded. For monitoring periods that are annual or less frequent, 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.

Revise R.61-58.11.J(4)(a)(i) to read:

(i) A water system using only groundwater shall collect samples once during the three (3) year compliance period (as that term is defined in R.61-58.B, Definitions) in effect when the applicable Department determination under paragraph (4)(a) of this section is made. Such systems shall collect samples once during each subsequent compliance period. Triennial samples shall be collected every third calendar year.

Revise R.61-58.11.J(4)(a)(ii) to read:

(ii) A water system using surface water (or a combination of surface and groundwater) shall collect samples once during each calendar year, the first annual monitoring period to begin during the year in which the applicable Department determination is made under paragraph (4)(a) of this section.

Revise introductory paragraph at R.61-58.11.J(5)(a); subitems J(5)(a)(i) and (ii) remain the same:

(a) A water system using only ground water may reduce the monitoring frequency for lead and copper in source water to once during each nine-year compliance cycle (as that term is defined in R.61-58.B, Definitions) provided that the samples are collected no later than every ninth calendar year and if the systems meets one of the following criteria:

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Revise introductory paragraph at R.61-58.11.J(5)(b); subitems J(5)(b)(i) and (ii) remain the same:

(b) A water system using surface water (or a combination of surface and ground waters) may reduce the monitoring frequency in paragraph (4)(a) of this section to once during each nine-year compliance cycle (as that term is defined in R.61-58.B, Definitions) provided that the samples are collected no later than every ninth calendar year and if the system meets one of the following criteria:

Revise introductory paragraph at R.61-58.11.L(1)(a); subitems L(1)(a)(i) through (vii) remain the same:

(a) Except as provided in paragraph (1)(a)(viii) of this section a water system shall report the information specified below for all tap water samples specified in Section H and for all water quality parameter samples specified in Section I within the first 10 days following the end of each applicable monitoring period specified in Sections H, and I above (i.e., every six (6) months, annually, every three (3) years, or every nine (9) years). For monitoring periods with a duration less than six (6) months, the end of the monitoring period is the last date samples can be collected during that period as specified in section H and I.

Revise introductory paragraph at R.61-58.11.L(1)(b); subitems L(1)(b)(i) and (ii) remain the same:

(b) For a non-transient non-community water system, or a community water system meeting the criteria of Section G(2)(g) above, that does not have enough taps that can provide first-draw samples, the system must either:

Revise paragraph R.61-58.11.L(1)(c) to read:

(c) At a time specified by the Department, or if no specific time is designated by the Department, then as early as possible prior to the addition of a new source or any long-term change in water treatment, a water system deemed to have optimized corrosion control under Section C(2)(c), a water system subject to reduced monitoring pursuant to Section H(4)(d), or a water system subject to a monitoring waiver pursuant to Section H(7), shall submit written documentation to the Department describing the change or addition. The Department must review and approve the addition of a new source or long-term change in treatment before it is implemented by the water system. Examples of long-term treatment changes include the addition of a new treatment process or modification of an existing treatment process. Examples of modifications include switching secondary disinfectants, switching coagulants (e.g., alum to ferric chloride), and switching corrosion inhibitor products (e.g., orthophosphate to blended phosphate). Long-term changes can include dose changes to existing chemicals if the system is planning long-term changes to its finished water pH or residual inhibitor concentration. Long-term treatment changes would not include chemical dose fluctuations associated with daily raw water quality changes.

Revise R.61-58.11.L(5)(a) to read:

(a) No later than twelve (12) months after the end of a monitoring period in which a system exceeds the lead action level in sampling referred to in Section F(1) above, the system must submit written documentation to the Department of the materials evaluation conducted as required in Section H(1) identify the initial number of lead service lines in its distribution system at the time the system exceeds the lead action level, and provide the system's schedule for annually replacing at least seven (7) percent of the initial number of lead service lines in its distribution system.

Revise introductory paragraph at R.61-58.11.L(5)(b); subitem L(5)(b)(i) remains the same:

(b) No later than twelve (12) months after the end of a monitoring period in which a system exceeds the lead action level in sampling referred to in Section F(1) above, and every twelve (12) months thereafter, the system shall demonstrate to the Department in writing that the system has either:

Revise paragraph R.61-58.11.L(5)(b)(ii) to read:

(ii) Conducted sampling which demonstrates that the lead concentration in all service line samples from an individual line(s), taken pursuant to Section H(2)(c) above, is less than or equal to 0.015 mg/L. In such cases, the total number of lines replaced and/or which meet the criteria in Section F(3) above, shall equal at least seven (7) percent of the initial number of lead lines identified under paragraph 5(a) of this section (or the percentage specified by the Department under Section F(5) above).

Revise introductory paragraph at R.61-58.11.L(6)(a); subitem L(6)(a)(ii) remains the same:

(a) Any water system that is subject to the public education requirements in Section G shall, within ten days after the end of each period in which the system is required to perform public education in accordance with Section G(2) above, send written documentation to the Department that contains:

Revise paragraph R.61-58.11.L(6)(a)(i) to read:

(i) A demonstration that the system has delivered the public education materials that meet the content requirements in Section G(1) and the delivery requirements in Section G(2); and

Add paragraph R.61-58.11.L(6)(c) to read:

(c) No later than three (3) months following the end of the monitoring period, each system must mail a sample copy of the consumer notification of tap results to the Department along with a certification that the notification has been distributed in a manner consistent with the requirements of Section G(4).

Revise paragraph R.61-58.12.D(4) and D(4)(a) & (b) to read:

(4) Every report must include the following lead-specific information:

(a) A short informational statement about lead in drinking water and its effect on children. The statement must include the following information: If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. [NAME OF UTILITY] is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline or <http://www.epa.gov/safewater/lead>.

(b) A system may write its own educational statement, but only in consultation with the Department.

State Safe Drinking Water Act

BUREAU OF WATER

South Carolina Department of Health and Environmental Control



June 2000



www.scdhec.net/water

STATE SAFE DRINKING WATER ACT

SECTION 44-55-10. This article may be cited as the State Safe Drinking Water Act.

SECTION 44-55-20. Definitions.

- (1) 'Board' means the South Carolina Board of Health and Environmental Control which is charged with responsibility for implementation of the Safe Drinking Water Act.
- (2) 'Commissioner' means the commissioner of the department or his authorized agent.
- (3) 'Community water systems' means a public water system which serves at least fifteen service connections used by year-round residents or regularly serves at least twenty-five year-round residents. This may include, but is not limited to, subdivisions, municipalities, mobile home parks, and apartments.
- (4) 'Construction permit' means a permit issued by the department authorizing the construction of a new public water system or the expansion or modification of an existing public water system.
- (5) 'Contamination' means the adulteration or alteration of the quality of the water of a public water system by the addition or deletion of any substance, matter, or constituent except as authorized pursuant to this article.
- (6) 'Cross-connection' means any actual or potential connection or structural arrangement between a public water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices, and other temporary or permanent devices through which or because of which backflow can or may occur are considered to be cross-connections.
- (7) 'Department' means the South Carolina Department of Health and Environmental Control, including personnel authorized and empowered to act on behalf of the department or board.
- (8) 'Human consumption' means water used for drinking, bathing, cooking, dish washing, and maintaining oral hygiene or other similar uses.
- (9) 'Noncommunity water system' means a public water system which serves at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily at least sixty days out of the year and does not meet the definition of a community water system.
- (10) 'Nontransient noncommunity water system' means a public water system that is not a community water system and that regularly serves at least twenty-five of the same persons over six months per year.

- (11) 'Operating permit' means a permit issued by the department that outlines the requirements and conditions under which a person must operate a public water system.
- (12) 'Person' means an individual, partnership, copartnership, cooperative, firm, company, public or private corporation, political subdivision, government agency, trust, estate, joint structure company, or any other legal entity or its legal representative, agent, or assigns.
- (13) 'Public water system' means:
- (a) any publicly or privately owned waterworks system which provides water, whether bottled, piped, or delivered through some other constructed conveyance for human consumption, including the source of supply whether the source of supply is of surface or subsurface origin;
 - (b) all structures and appurtenances used for the collection, treatment, storage, or distribution of water delivered to point of meter of consumer or owner connection;
 - (c) any part or portion of the system, including any water treatment facility, which in any way alters the physical, chemical, radiological, or bacteriological characteristics of the water; however, a public water system does not include a water system serving a single private residence or dwelling. A separately owned system with its source of supply from another waterworks system must be a separate public water system. A connection to a system that delivers water by a constructed conveyance other than a pipe must not be considered a connection if:
 - (i) the water is used exclusively for purposes other than residential uses consisting of drinking, bathing, and cooking or other similar uses;
 - (ii) the department determines that alternative water to achieve the equivalent level of public health protection provided by the applicable State Primary Drinking Water Regulations is provided for residential or similar uses for drinking and cooking; or
 - (iii) the department determines that the water provided for residential or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable State Primary Drinking Water Regulations.
- (14) 'State water system' means any water system that serves less than fifteen service connections or regularly serves an average of less than twenty-five individuals daily.
- (15) 'Transient noncommunity water system' means a noncommunity water system that does not regularly serve at least twenty-five of the same persons over six months a year.
- (16) 'Well' means a bored, drilled or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension, from which water is extracted or injected. This includes, but is not limited to, wells used for water supply for irrigation, industrial and manufacturing processes, or drinking water, wells used for underground injection of waste for disposal, storage, or drainage disposal, wells used in mineral or geothermal recovery, and any other special process wells.
- (17) 'Well driller' means an individual, corporation, partnership, association, political subdivision, or public agency of this State who is licensed with the South Carolina Department of Labor, Licensing and Regulation for constructing wells and is in immediate supervision of and responsible for the construction, development, drilling, testing, maintenance, repair, or abandonment of any well as

defined by this chapter. This term does include owners constructing or abandoning wells on their own property for their own personal use only, except that these owners are not required to be licensed by the Department of Labor, Licensing and Regulation for construction wells.

SECTION 44-55-30. In general, the design and construction of any public water system must be in accord with modern engineering practices for these installations. The board shall establish regulations, procedures, or standards as may be necessary to protect the health of the public and to ensure proper operation and function of public water systems. These regulations may prescribe minimum design criteria, the requirements for the issuance of construction and operation permits, operation and maintenance standards, and bacteriological, chemical, radiological, and physical standards for public water systems, and other appropriate regulations.

SECTION 44-55-40.

- (A) Before the construction, expansion, or modification of any public water system, application for a permit to construct must be made to, and a permit to construct obtained from, the department.
- (B) All applications for a permit to construct shall include such engineering, chemical, physical, radiological, or bacteriological data as may be required by the department and must be accompanied by engineering plans, drawings, and specifications prepared by or under the direct supervision of a person properly qualified to perform engineering work as provided in Chapter 22, Title 40 and must be signed or certified by a professional engineer as defined in Chapter 22, Title 40.
- (C) Upon the completion of construction, modification, or extension to a public water system, arrangements must be made for a final inspection and approval before operation as prescribed by regulation. No new facility may be operated prior to approval by the department.
- (D) Any public water system must be adequately protected and maintained so as to continuously provide safe and potable water in sufficient quantity and pressure and free from potential hazards to the health of the consumers. No person may install, permit to be installed, or maintain any unprotected cross-connection between a public water system and any other water system, sewer, or waste line or any piping system or container containing polluting substances. To facilitate the prevention and control of cross-connections, the department shall certify qualified individuals who are capable of testing cross-connection control devices to ensure their proper operation.
- (E) Hand dug and bored wells constructed with casing materials of rock, concrete, or ceramic must not be used as a source of water for a public water system.
- (F) In exercising its responsibility under this article, the department is authorized to investigate the public water system as often as the department considers necessary. Records of operation of public water systems must be kept on forms approved or furnished by the department, and this data must be submitted at such times and intervals as the department considers necessary. Samples of water must be collected and analyzed by the systems as required.
- (G) The department may authorize variances or exemptions from the regulations issued pursuant to this section under conditions and in such manner as the board considers necessary and desirable; however,

these variances or exemptions must be permitted under conditions and in a manner which is not less stringent than the conditions under, and the manner in which, variances and exemptions may be granted under the Federal Safe Drinking Water Act.

- (H) The department or its authorized representative has the authority to enter upon the premises of any public water system at any time for the purpose of carrying out the provisions of this article.
- (I) The department may issue, modify, or revoke any order to prevent any violation of this article after adequate notice and proper hearing as required by the Administrative Procedures Act.
- (J) The department may hold public hearings and compel the attendance of witnesses; conduct studies, investigations, surveillance of laboratories, including certification programs, and research with respect to the operation and maintenance of any public water system; adopt and implement plans for the provision of drinking water under emergency circumstances; and issue, deny, revoke, suspend, or modify permits under such conditions as it may prescribe for the operation of any public water system; however, no permit may be revoked without first providing an opportunity for a hearing.
- (K) The Commissioner of the Department of Health and Environmental Control shall classify all public water system treatment facilities giving due regard to the size, type, complexity, physical condition, source of supply, and treatment process employed by the public water system treatment facility and the skill, knowledge, and experience necessary for the operation of these facilities. Each treatment facility must be classified at the highest applicable level of the following classification system, with Group VII Treatment being the highest classification level:

Group I Treatment. A facility which provides disinfection treatment using a sodium hypochlorite or calcium hypochlorite solution as the disinfectant.

Group II Treatment. A facility which provides disinfection treatment using gaseous chlorine or chloramine disinfection or includes sequestering, fluoridation, or corrosion control treatment.

Group III Treatment. A facility treating a groundwater source which is not under the direct influence of surface water, utilizing aeration, coagulation, sedimentation, lime softening, filtration, chlorine dioxide, ozone, ultra-violet light disinfection, powdered activated carbon addition, granular activated carbon filtration or ion exchange, or membrane technology or that includes sludge storage or a sludge dewatering process.

Group IV Treatment. A facility treating a surface water source or a groundwater source which is under the direct influence of surface water, utilizing aeration, coagulation, clarification with a minimum detention time of two hours in the clarification unit, lime softening, rapid rate gravity filtration (up to four gallons per minute per square foot), slow sand filtration, chlorine dioxide, powdered activated carbon addition, or granular activated carbon filtration or ion exchange or that includes sludge storage or a sludge dewatering process. This classification also includes any treatment facility which does not provide filtration for a surface water source or a groundwater source which is under the direct influence of surface water.

Group V Treatment. A facility treating a surface water source or a groundwater source which is under the direct influence of surface water, utilizing high rate gravity filtration (greater than four gallons per minute per square foot), clarification with a detention time of less than two hours in the clarification unit, diatomaceous earth filtration, or ultraviolet light disinfection.

Group VI Treatment. A facility treating a surface water source or a groundwater source which is under the direct influence of surface water, utilizing direct filtration, membrane technology, or ozone.

Group VII Treatment. Drinking water dispensing stations and vending machines which utilize water from an approved public water system or bottled water plants which treat water from the distribution system of a public water system or from a groundwater source which is not under the direct influence of surface water.

- (L) The Commissioner of the Department of Health and Environmental Control shall classify all public water distribution systems giving due regard to the size, type, and complexity of the public water distribution system and the skill, knowledge, and experience necessary for the operation of these systems. The classification must be based on:

Group I Distribution. Distribution systems associated with state and transient noncommunity water systems.

Group II Distribution. Distribution systems associated with community and nontransient noncommunity public water systems which have a reliable production capacity not greater than six hundred thousand gallons a day and which do not provide fire protection.

Group III Distribution. Distribution systems associated with community and nontransient noncommunity water systems which have a reliable production capacity greater than six hundred thousand gallons a day but not greater than six million gallons a day (MGD) or have a reliable production capacity not greater than six hundred thousand gallons a day and provide fire protection.

Group IV Distribution. Distribution systems associated with community and nontransient noncommunity water systems which have a reliable production capacity than six MGD, but not greater than twenty MGD.

Group V Distribution. Distribution systems associated with community and nontransient noncommunity water systems which have a reliable production capacity greater than twenty MGD.

- (M) It is unlawful for a person to operate a public water treatment facility or distribution system classified in subsection (K) or (L) unless the operator-in-charge holds a valid certificate of registration issued by the South Carolina Environmental Certification Board in a grade corresponding to the classification of the public water treatment facility or distribution system supervised by the operator in charge. All public water treatment facilities classified in Group IV Treatment through Group VI Treatment of subsection (K) must have an operator of the appropriate grade certified by the South Carolina Environmental Certification Board on duty while the facility is in operation.

- (N) Effective July 1, 1983, it is unlawful for a person to engage in the business of well drilling or represent himself or herself to the public as a well driller without obtaining certification from the South Carolina Environmental Certification Board or employing well drillers which are certified by the South Carolina Environmental Certification Board. Persons constructing or abandoning wells on their own property for their own personal use only are not required to be licensed by the Department of Labor, Licensing and Regulation.
- (O) The board, to ensure that underground sources of drinking water are not contaminated by improper well construction and operation, may promulgate regulations as developed by the Advisory Committee established pursuant to Section 44-55-45, setting standards for the construction, maintenance, operation, and abandonment of any well except for wells where well construction, maintenance, and abandonment are regulated by the Groundwater Use Act of 1969, Sections 49-5-10 et seq.; the Oil and Gas Exploration, Drilling, Transportation, and Production Act, Sections 48-43-10 et seq.; or the Water Use Reporting and Coordination Act, Section 49-4-10 et seq. For these excepted wells, the board may promulgate regulations. The board shall further ensure that all wells are constructed in accordance with the standards. The board shall make available educational training on the standards to well drillers who desire this training.
- (P) The owner of a public water system must possess a valid operating permit to operate a public water system in this State.

SECTION 44-55-45. An advisory committee to the board must be appointed for the purpose of advising the board during development or subsequent amendment of regulatory standards for the construction, maintenance, operation, and abandonment of wells subject to the jurisdiction of the board. The Advisory Committee is composed of eight members appointed by the board. Five members must be active well drillers; one member must be a registered professional engineer with experience in well design and construction; one member must be a consulting hydrogeologist with experience in well design and construction; and one member must be engaged in farming and shall represent the public at large. Three ex officio members shall also serve on the Advisory Committee, one of whom must be an employee of the Department of Health and Environmental Control, and appointed by the commissioner; and two of whom must be employees of the South Carolina Department of Natural Resources and appointed by the director.

The term of office of members of the Advisory Committee is for four years and until their successors are appointed and qualify. No member may serve more than two consecutive terms. The initial terms of office must be staggered and any member may be removed for cause after proper notification and an opportunity to be heard.

SECTION 44-55-50.

- (A) In establishing regulations, procedures, and standards under Section 44-55-30 and in exercising supervisory powers under Section 44-55-40 the board or department must not prohibit or fail to include provisions for recreational activities including boating, water skiing, fishing, and swimming in any reservoir without first making and publishing specific findings that these recreational activities would be injurious to the public health and assigning with particularity the factual basis and reasons for these decisions.

- (B) If the board or department determines that these recreational activities would be injurious to the public health it shall cause to have published at least once a week for six consecutive weeks in a newspaper of general circulation in the county or area affected a summary of its findings. Any citizen of this State who objects to the findings of the board or department is entitled to request a public hearing, which the board or department shall conduct within thirty days after the request. The public hearing must be a formal evidentiary hearing where testimony must be recorded. After the hearing the board or department shall review its initial findings and shall within thirty days after the hearing affirm or reevaluate its findings in writing and give notice to known interested parties. The findings of the board or department may be appealed to the circuit court, which is empowered to modify or overrule the findings if the court determines the findings to be arbitrary or unsupported by the evidence. Notice of intention to appeal must be served on the board or department within fifteen days after it has affirmed or reevaluated its initial findings and copies also must be served on known interested parties.
- (C) A public water system utilizing a fully owned and protected watershed as its water supply is exempt from this section.

SECTION 44-55-60.

- (A) An imminent hazard is considered to exist when in the judgment of the commissioner there is a condition which may result in a serious immediate risk to public health in a public water system.
- (B) In order to eliminate an imminent hazard, the commissioner may, without notice or hearing, issue an emergency order requiring the water system to immediately take such action as is required under the circumstances to protect the public health. A copy of the emergency order must be served by certified mail or other appropriate means. An emergency order issued by the commissioner must be effected immediately and binding until the order is reviewed and modified by the board or modified or rescinded by a court of competent jurisdiction.

SECTION 44-55-70. A public water system shall, as soon as practicable, give public notice if it:

- (1) is not in compliance with the State Primary Drinking Water Regulations;
- (2) fails to perform required monitoring;
- (3) is granted a variance for an inability to meet a maximum contaminant level requirement;
- (4) is granted an exemption; or
- (5) fails to comply with the requirements prescribed by a variance or exemption.

The board shall prescribe procedures for the public notice, including procedures for notification by publication in a newspaper of general circulation, notification to be given in the water bills of the systems, as long as a condition of violation exists, and other notification as is considered appropriate by the board.

SECTION 44-55-80.

- (A) It is unlawful for a person to fail to comply with:
- (1) the provisions of this article or the regulations promulgated pursuant to this article;
 - (2) the conditions of any permit issued under this article; or
 - (3) any order of the department.
- (B) It is unlawful for a person to render a public water system, or part or portion of a public water system, inoperable or unusable by means of contamination, vandalism, sabotage, or assault upon or detention of employees of the system or to misrepresent any fact related to the operation of a public water system.

SECTION 44-55-90.

- (A) Any person wilfully violating the provisions of Section 44-55-80 is guilty of a misdemeanor and, upon conviction, must be fined not more than ten thousand dollars a day per violation or imprisoned for not more than one year, or both.
- (B) (1) A violation of Section 44-55-80 by a person renders the violator liable to the State for a civil penalty of not more than five thousand dollars a day per violation.
(2) The department may administer penalties as otherwise provided for violations of this article, including any order, permit, regulation, or standard or may request the Attorney General to commence an action under this subsection in an appropriate court of the State to secure this penalty.
- (C) The department may cause to be instituted a civil action in any court of applicable jurisdiction for injunctive relief to prevent violation of this article or any order issued pursuant to Sections 44-55-40, 44-55-60, and 44-55-70.

SECTION 44-55-100. To carry out the provisions and purposes of this article, the department may:

- (1) enter into agreements, contracts, or cooperative arrangements, under the terms and conditions as it considers appropriate, with other state, federal, or interstate agencies, municipalities, educational institutions, local health departments, or other organizations or individuals;
- (2) receive financial and technical assistance from the federal government and other public or private agencies;
- (3) participate in related programs of the federal government, other states, interstate agencies, or other public or private agencies or organizations and collect and file such reports, surveys, inventories, data, and information which may be required by the federal Safe Drinking Water Act;
- (4) establish and collect fees for collecting samples and conducting laboratory analyses as may be necessary.

SECTION 44-55-120.

- (A) In order to comply with the federal Safe Drinking Water Act, in addition to other fees authorized under this article, the department is authorized to collect an annual fee from each public water system. The schedule for the annual fee, established pursuant to this article, may not be increased except in accordance with the Administrative Procedures Act. Upon appropriation of additional state funds for

this specific purpose or state funds not otherwise allocated for specific purposes to implement the provisions of the federal Safe Drinking Water Act, the department shall adjust the fee schedule by an equivalent amount.

- (B) There is established in the treasurer's office an account entitled the Drinking Water Trust Fund which is separate and distinct from the Environmental Protection Fund established pursuant to Chapter 2, Title 48. The fees collected from the public water systems pursuant to this section must be deposited into the Drinking Water Trust Fund and must be provided to the department solely for purposes of implementing this chapter and the federal Safe Drinking Water Act. The fees must be established in accordance with fees which fund the Environmental Protection Fund pursuant to Chapter 2, Title 48.
- (C) There is established a Safe Drinking Water Advisory Committee for the purpose of advising and providing an annual review to the department and General Assembly on the fee schedule and the use of revenues deposited in the Drinking Water Trust Fund. The Governor shall appoint the advisory committee which must be composed of one member representing water systems with fifty thousand or more service connections, one member representing water systems with at least twenty-five thousand but fewer than fifty thousand service connections, one member representing water systems with at least ten thousand but fewer than twenty-five thousand water service connections, one member representing water systems with at least one thousand but fewer than ten thousand service connections, one member representing water systems with fewer than one thousand service connections, and the State Consumer Advocate and the Commissioner of the Department of Health and Environmental Control, or a designee.
- (D) The department may deny a construction permit to any new system which is unable to demonstrate viability to comply with the Safe Drinking Water Act or where connection to an existing, viable water system is feasible. The department also may revoke or deny renewal of an operating permit to any existing water system which is unable to demonstrate its ability to continue compliance with this act.
- (E) A water system may increase water rates to each service connection by an amount necessary to recover the cost of the safe drinking water fee without seeking approval of the public service commission. The total funds generated from rate increases to service connections for the purpose of paying the safe drinking water fee may not exceed the amount of the fee established pursuant to subsection (B)."