

Re: REPLY REQUESTED: EPA Comments on SC GWR & LCR-STR Primacy Packages

Richard Welch

to:

Janine Morris

03/10/2011 09:52 AM

Cc:

"Doug Kinard", Janine Morris, Thomas Degaetano, Dale Froneberger, Dan Olone

Show Details

Janine,

Attached are the GWR document and LCR document. I made the required corrections based on Dale's comments. If you have further questions, please contact me.

Rich

>>> <Morris.Janine@epamail.epa.gov> 2/4/2011 11:56 AM >>>

Doug & Rich,

Attached are the EPA Region 4 comments on the GWR and LCR-STR packages based upon your most recent feedback.

GWR Document

Please pay particular attention to the first and last EPA comments typed in plum in the GWR comments document below. 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.

(See attached file: EPA Response to GWR Comments-SC-11162010-DF.doc)

LCR-STR Document

Please pay particular attention to the last two (2) EPA comments typed in red in the LCR-STR comments document below.

(See attached file: EPA Response to LCR-STR Comments-SC-11162010.doc)

Before we can recommend tentative approval of the primacy application, the state will need to make the adjustments to its regulatory language as provided above. Please respond by February 18, 2011 with the necessary revisions or the date by which the above named revisions will be made. If you have any questions regarding this request, please give me a call at (404) 562-9480 or via email at morris.janine@epa.gov.

Janine

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State of South Carolina
Review Comments for
LCR-STR Primacy Revision Package
11/16/10

Federal Citation (40 CFR)	State Citation (R.61-58.)	EPA Comments	DHEC Comments
141.84(b)(2)	11.F(2)(b), pg. 309	Change paragraph (7) to paragraph (6). OK, change sent via email on 10/26/10. Change paragraph (4) to paragraph (3). OK, same as above.	3/10/11: No Comment
141.85 Introductory Text	11.G, pg. 311	Change paragraph (d) to paragraph (4). OK, same as above. Change paragraph (a) to paragraph (1). OK, same as above. Change paragraph (b) to paragraph (2). OK, same as above. Change paragraph (c) to paragraph (3). OK, same as above.	3/10/11: No Comment
141.85(a)(2)(i)	11.G(1)(b)(i), pg. 312	Change "(1)" to "(i)" OK, change sent via email on 10/26/10.	3/10/11: No Comment
141.85(a)(2)(ii)	11.G(1)(b)(ii), pg. 312	Change "(2)" to "(ii)" OK, change sent via email on 10/26/10.	3/10/11: No Comment
141.85(b)(2)(i)	11.G(2)(b)(i), pg. 312	Change paragraph (a) to paragraph (1). OK, change sent via email on 10/26/10. Change "billing" customers to "bill paying" customers OK, same as above.	3/10/11: No Comment
141.85(b)(2)(ii)(A)	11.G(2)(b)(ii)(A), pg. 312	Change paragraph (a) to paragraph (1). OK, same as above. Add "service" to first sentence between "system's" and "area". OK, same as above.	3/10/11: No Comment
141.85(b)(2)(ii)(A)	11.G(2)(b)(ii)(A), pg. 313	Change paragraph (a) to paragraph (1). OK, same as above.	3/10/11: No Comment
141.85(b)(2)(ii)(B)	11.G(2)(b)(ii)(B), pg. 313	Change paragraph (a) to paragraph (1). OK, same as above.	3/10/11: No Comment
141.85(b)(2)(ii)(C)	11.G(2)(b)(ii)(C), pg. 313	Change paragraph (a) to paragraph (1). OK, same as above.	3/10/11: No Comment
141.85(b)(2)(iv)	11.G(2)(b)(iv), pg. 313	Change paragraph (a) to paragraph (1). OK, same as above.	3/10/11: No Comment
141.85(b)(2)(vi)	11.G(2)(b)(vi), pg. 314	Change paragraph 2(a)(i) to paragraph 2(b)(i). OK, same as above.	3/10/11: No Comment
141.85(b)(3)(i)	11.G(2)(c)(i), pg. 314	Change paragraph 2(c)(i) to paragraph 2(b)(i). OK, same as above.	3/10/11: No Comment
141.85(b)(3)(ii)	11.G(2)(c)(ii), pg. 314	Change paragraph 2(c)(iii) to paragraph 2(b)(iii). OK, same as above.	3/10/11: No Comment
141.85(b)(3)(iii)	11.G(2)(c)(iii), pg. 314	Change paragraph 2(c)(iv) to paragraph 2(b)(iv). OK, same as above.	3/10/11: No Comment
141.85(b)(3)(iv)	11.G(2)(c)(iv), pg. 314	Change paragraph 2(c)(v) to paragraph 2(b)(v). OK, same as above.	3/10/11: No Comment
141.85(b)(8)(i)	11.G(2)(h)(i), pg. 315	Change paragraph (b)(2)(vi) to paragraph 2(b)(vi). OK, same as above.	3/10/11: No Comment
141.85(b)(8)(ii)	11.G(2)(h)(ii), pg. 315	Change paragraph (b)(2)(ii) to paragraph 2(b)(ii). OK, same as above.	3/10/11: No Comment
141.85(b)(8)(iii)	11.G(2)(h)(iii), pg. 315	Change paragraph (b)(2)(v) to paragraph 2(b)(v). OK, same as above.	3/10/11: No Comment
141.85(d)(3)	11.G(4)(c), pg. 316	Reference to R.61-58.6 Appendix D "R.61-58.6 D" needed to be changed to	3/10/11: No Comment

		R.61-58.12.C(3) OK, same as above.	
141.89	11.K pg. 334	Citation should be specific to identify EPA-approved methods and requirements listed in 40 CFR 141.89	3/10/11: Citation has been changed. Please see attached proposed regulation revision document. DHEC is not planning on revising the Drinking water regulations at this time. The changes noted by EPA in this document will be incorporated during the next regulation revision.
LCR STR Federal Register (FR) date 10/10/07	SC 61-58 Regulation Synopsis	Change LCR STR FR date in SC 61-58 Regulation Synopsis to 10/10/07. Need to see revised SC 61-58 Regulation Synopsis.	3/10/11: We understand that the date mentioned in the regulation synopsis was wrong. However, this is an internal document sent to the Agency Board for approval and as such has no bearing on the primacy process. Because the Board already approved the regulations, there is no need to go back and change the date.

R.61-58, STATE PRIMARY DRINKING WATER REGULATIONS

Proposed Revisions

To Be Incorporated During The Next Regulation Update

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

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 and requirements 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 R.61-58.16.E(4) 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