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H 01/12/2011 Referred to Committee

S 01/13/2011 Referred to Committee

H 01/25/2011 Committee Requested Withdrawal

 120 Day Period Tolled

- 01/26/2011 Withdrawn and Resubmitted 05/12/2011

S 05/05/2011 Committee Request Assessment Report

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- 05/13/2011 Assessment Report Received 06/01/2011

S 06/01/2011 Committee Request Assessment Report

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- 01/11/2012 Assessment Report Received 01/31/2012

S 01/12/2012 Resolution Introduced to Disapprove 1098

 Sponsored by Senators Bright, Bryant,

 Davis, Grooms, McConnell, Massey,

 Rose, Campsen, Fair, S. Martin, Shoopman

 and Knotts

- 01/31/2012 Approved by: Expiration Date

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Resubmitted: January 26, 2011

Document No. 4139

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

CHAPTER 61

Statutory Authority: 1976 Code Sections 48-2-10 et seq.

61-30. Environmental Protection Fees

**Synopsis:**

These regulations will amend R.61-30 to adjust the Safe Drinking Water Act fee structure to ensure adequate funds are available to cover costs associated with new federal drinking water regulations. The regulations will allow the South Carolina Department of Health and Environmental Control (Department) to continue to provide monitoring and compliance services for recently promulgated federal drinking water regulations. See Statement of Need and Reasonableness herein.

A Notice of Drafting for this amendment was published in the *State Register* on May 28, 2010.

Discussion of Revisions:

(2) DHEC: Safe Drinking Water Act

At R.61-30.G.2(a)(i) - Community and Non-Transient Non-Community Water Systems fees for the following fee schedules are revised:

Program Administration Component;

Distribution Monitoring Component;

Program Administration Component of Fee (Base Amount + Rate Per Tap); and

Distribution and Source Monitoring Components of Fee.

The fee schedule on Source Monitoring Component remains the same.

At R.61-30.G.2(a)(ii), the fee schedule for Other Public Water Systems is revised.

**Instructions:**

Amend R.61-30 pursuant to each individual instruction provided with the text below.

**Text:**

**Revise R.61-30.G.2(a)(i) to amend fee schedules: Program Administration Component; Distribution Monitoring Component; Program Administration Component of Fee (Base Amount + Rate Per Tap), and Distribution and Source Monitoring Components of Fee. Fee schedule on Source Monitoring Component remains the same:**

 (i) Community and Non-Transient Non-Community Water Systems

 Fee = Program Administration Component + Distribution Monitoring Component +

 Source Monitoring Component

 **Program Administration Component**:

 $14.38 x (# Taps Up To 10) + $9.60 x (# Taps From 11 To 25) + $7.76 x (# Taps From 26

 To 50) + $5.75 x (# Taps From 51 To 100) + $3.85 x (# Taps From 101 To 500) + $2.88 x

 (# Taps From 501 To 1,000) + $1.96 x (# Taps From 1,001 To 5,000) + $1.44 x (# Taps From

 5,001 To 10,000) + $0.92 x (# Taps From 10,001 To 15,000) + $0.46 x (# Taps From 15,001

 To 25,000) + $0.29 x (# Taps From 25,001 To 50,000) + $0.17 x (# Taps From 50,001 To

 100,000) + $0.12 x (# Taps Greater Than 100,000)

 **Distribution Monitoring Component:**

 $262.50 (Systems Serving Up To 100 Taps); Or,

 $750.00 (Systems Serving 101 To 1,000 Taps); Or,

 $3,750 (Systems Serving 1,001 To 15,000 Taps); Or,

 $7,500 (Systems Serving Greater Than 15,000 Taps)

 **Source Monitoring Component:**

 [($250 x (#GW Sources)) + ($500 x (#SW Sources))] (Up To 25 Taps); Or,

 [($450 x (#GW Sources)) + ($800 x (#SW Sources))] (From 26 To 100 Taps);

 Or, [($1,250 x (#GW Sources)) + ($1,800 x (#SW Sources))] (Greater Than

 100 Taps); Or, [Maximum $7,500]

Program Administration Component of Fee (Base Amount + Rate Per Tap)

|  |  |  |
| --- | --- | --- |
| *System Size**(Number Of Taps)* | *Base Amount* | *Rate Per Tap* |
| 1 – 10 | $0 |  $14.38 First 10 Taps |
| 11 – 25 | $143.80 |  $9.60 Taps 11 – 25 |
| 26 – 50 | $287.80 |  $7.76 Taps 26 – 50 |
| 51 – 100 | $481.80 |  $5.75 Taps 51 – 100 |
| 101 – 500 | $769.30 |  $3.85 Taps 101 – 500 |
| 501 – 1000 | $2,309.30 |  $2.88 Taps 501 – 1,000 |
| 1,001 – 5,000 | $3,749.30 |  $1.96 Taps 1,001 – 5,000 |
| 5,000 – 10,000 | $11,589.30 |  $1.44 Taps 5,001 – 10,000 |
| 10,001 – 15,000 | $18,789.30 |  $0.92 Taps 10,001 – 15,000 |
| 15,001 – 25,000 | $23,389.30 |  $0.46 Taps 15,001 – 25,000 |
| 25,001 – 50,000 | $27,989.30 |  $0.29 Taps 25,001 – 50,000 |
| 50,001 – 100,000 | $35,239.30 |  $0.17 Taps 50,001 – 100,000 |
| 100,001 and Above | $43,739.30 |  $0.12 Taps Over 100,000 |

Distribution and Source Monitoring Components of Fee

|  |  |  |
| --- | --- | --- |
| *System Size* | Distribution | *Source Monitoring* |
| Monitoring |  *(Rate per Source)* |
| *(Number Of Taps)* | *(Fixed Rate)* | *Ground Water* | *Surface Water* |
| 1 – 10 | $262.50 | $250 | $500 |
| 11 – 25 | $262.50 | $250 | $500 |
| 26 – 50 | $262.50 | $450 | $800 |
| 51 – 100 | $262.50 | $450 | $800 |
| 101 – 500 | $750 | $1,250 | $1,800 |
| 501 – 1000 | $750 | $1,250 | $1,800 |
| 1,001 – 5,000 | $3,750 | $1,250 | $1,800 |
| 5,000 – 10,000 | $3,750 | $1,250 | $1,800 |
| 10,001 – 15,000 | $3,750 | $1,250 | $1,800 |
| 15,001 – 25,000 | $7,500 | $1,250 | $1,800 |
| 25,001 – 50,000 | $7,500 | $1,250 | $1,800 |
| 50,001 – 100,000 | $7,500 | $1,250 | $1,800 |
| 100,001 And Above | $7,500 | $1,250 | $1,800 |

**Revise paragraph R.61-30.G.2(a)(ii) to read:**

 (ii) Other Public Water Systems

 Transient Non-Community Systems Fee = $275

 Systems Serving More Than 1 Tap But Less Than 15 Taps

 and Serving Less Than 25 People Fee = $175

 Systems Serving 1 Tap and Serving Less Than 25 People Fee = $125

 Vending Machines Fee = $75

**Fiscal Impact Statement:**

No costs to the State or significant cost to its political subdivisions as a whole should be incurred by these amendments of R.61-30. See Statement of Need and Reasonableness below.

**Statement of Need and Reasonableness:**

The Statement of Need and Reasonableness was determined by staff analysis pursuant to S.C. Code Sections 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION:

Amendment to Regulation 61-30, Environmental Protection Fees.

Purpose: These amendments of R.61-30 will increase the Safe Drinking Water Act fees to adequately fund new monitoring and compliance requirements necessary to comply with the federal Safe Drinking Water Act.

Legal Authority: S.C. Code Ann. Sections 48-2-10 et seq., 48-2-30, and 48-2-50.

Plan for Implementation: The amendments will be incorporated within R.61-30 upon approval by the Board of Health and Environmental Control, the South Carolina General Assembly, and publication in the *State Register* as a final regulation. The proposed amendments will be implemented in the same manner in which the existing regulation is implemented.

DETERMINATION OF NEED AND REASONABLENESS OF THE REGULATIONS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The adoption of these regulations will allow the Department to continue to provide monitoring and compliance services for public water systems in the state to ensure that they maintain compliance with the federal Safe Drinking Water Act, the state Safe Drinking Water Act and the State Primary Drinking Water Regulations.

DETERMINATION OF COSTS AND BENEFITS:

Cost to State:

No costs to the State or significant cost to its political subdivisions as a whole should be incurred by these amendments.

Cost to Regulated Community:

The cost and benefit of these amendments will vary depending on system size and type. Costs will be limited to the amount of increase in the fee. Benefits will vary based on requirements of the new regulations and the cost of compliance with those regulations.

UNCERTAINTIES OF ESTIMATES:

Minimal.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

There will be no effect on the environment. The amendments will promote public health through maintaining compliance with drinking water regulations.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATIONS ARE NOT IMPLEMENTED:

There will be no detrimental effect on the environment if the amendments are not implemented. Public health may be compromised if public water systems are unable or unwilling to comply with requirements of complex drinking water regulations. The Department, under the current fee system, conducts most compliance monitoring for public water systems. As such, the state as a whole maintains a very high rate of compliance with drinking water regulations. These amendments will allow the Department to continue to conduct compliance monitoring for public water systems in the state. If the amendments are not implemented, public water systems will be required to schedule and collect their own compliance monitoring and individually contract with and pay private laboratories to conduct the monitoring required under new federal regulations.

**Statement of Rationale:**

The statement of rationale was determined by staff analysis pursuant to S.C. Code Section 1-23-110(A)(3)(h).

The proposed amendments to R.61-30 will allow the Department to continue to provide monitoring and compliance services for public water systems in the state to ensure that they maintain compliance with the federal Safe Drinking Water Act, the state Safe Drinking Water Act and the State Primary Drinking Water Regulations. See Statement of Need and Reasonableness.