

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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of the
GENERAL ASSEMBLY

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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.

THE SOUTH CAROLINA STATE REGISTER

An official state publication, *The South Carolina State Register* is a temporary update to South Carolina's official compilation of agency regulations--the *South Carolina Code of Regulations*. Changes in regulations, whether by adoption, amendment, repeal or emergency action, must be published in the *State Register* pursuant to the provisions of the Administrative Procedures Act. The *State Register* also publishes the Governor's Executive Orders, notices or public hearings and meetings, and other documents issued by state agencies considered to be in the public interest. All documents published in the *State Register* are drafted by state agencies and are published as submitted. Publication of any material in the *State Register* is the official notice of such information.

STYLE AND FORMAT OF THE SOUTH CAROLINA STATE REGISTER

Documents are arranged within each issue of the *State Register* according to the type of document filed:

Notices are documents considered by the agency to have general public interest.

Notices of Drafting Regulations give interested persons the opportunity to comment during the initial drafting period before regulations are submitted as proposed.

Proposed Regulations are those regulations pending permanent adoption by an agency.

Pending Regulations Submitted to General Assembly are regulations adopted by the agency pending approval by the General Assembly.

Final Regulations have been permanently adopted by the agency and approved by the General Assembly.

Emergency Regulations have been adopted on an emergency basis by the agency.

Executive Orders are actions issued and taken by the Governor.

2001 PUBLICATION SCHEDULE

Documents will be accepted for filing on any normal business day from 8:30 A.M. until 5:00 P.M. All documents must be submitted in the format prescribed in the Standards Manual for Drafting and Filing Regulations.

To be included for publication in the next issue of the *State Register*, documents will be accepted no later than 5:00 P.M. on any closing date. The modification or withdrawal of documents filed for publication must be made **by 5:00 P.M.** on the closing date for that issue.

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Submission Deadline	1/12	2/9	3/9	4/13	5/11	6/8	7/13	8/10	9/14	10/12	11/9	12/14
Publishing Date	1/26	2/23	3/23	4/27	5/25	6/22	7/27	8/24	9/28	10/26	11/23	12/28

REPRODUCING OFFICIAL DOCUMENTS

All documents appearing in the South Carolina *State Register* are prepared and printed at public expense. All media services are especially encouraged to give wide publicity to all documents printed in the *State Register*.

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the Office of the State Register is available for public inspection during normal office hours, 8:30 A.M. to 5:00 P.M., Monday through Friday. The Office of the State Register is in the Legislative Council, Fourth Floor, Rembert C. Dennis Building, 1000 Assembly Street, in Columbia. Telephone inquiries concerning material in the *State Register* or the *South Carolina Code of Regulations* may be made by calling (803) 734-2145.

CERTIFICATE

Pursuant to Section 1-23-20, Code of Laws of South Carolina, 1976, this issue contains all previously unpublished documents required to be published and filed before the closing date of the issue.

Lynn P. Bartlett
Editor

ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

To adopt, amend or repeal a regulation, an agency must publish in the *State Register* a Notice of Drafting; a Notice of the Proposed Regulation that contains an estimate of the proposed action's economic impact; and, a notice that gives the public an opportunity to comment on the proposal. If requested by twenty-five persons, a public hearing must be held at least thirty days after the date of publication of the notice in the *State Register*.

After the date of hearing, the regulation must be submitted to the General Assembly for approval. The General Assembly has one hundred twenty days to consider the regulation. If no legislation is introduced to disapprove or enacted to approve before the expiration of the one-hundred-twenty-day review period, the regulation is approved on the one hundred twentieth day and is effective upon publication in the *State Register*.

EMERGENCY REGULATIONS

An emergency regulation may be promulgated by an agency if the agency finds imminent peril to public health, safety or welfare. Emergency regulations are effective upon filing for a ninety-day period. If the original filing began and expired during the legislative interim, the regulation can be renewed once.

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

Regulations promulgated to comply with Federal Law are exempt from General Assembly review. Following the notice of proposed regulation and hearing, regulations are submitted to the *State Register* and are effective upon publication.

EFFECTIVE DATE OF REGULATIONS

Final Regulations take effect on the date of publication in the *State Register* unless otherwise noted within the text of the regulation.

Emergency Regulations take effect upon filing with the Legislative Council and remain effective for ninety days. If the original ninety-day period begins and expires during legislative interim, the regulation may be renewable once.

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SUBSCRIPTIONS

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Enclosed is my check or money order for \$_____. Date _____

Name _____

Address _____

Telephone _____

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*** Approval pending Governor's signature on Joint Resolutions**

REQUESTED TO WITHDRAW (120 DAY REVIEW PERIOD TOLLED)

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2360	1 17 01	LIFE Scholarship	Commission on Higher Education

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DOC No.	DATE	SUBJECT	AGENCY
2603	7 09 01	End-of-Course Tests	Board of Education

No. 2001-19

WHEREAS, I have been notified of the passing of Congressman Floyd D. Spence; and

WHEREAS, Congressman Spence dutifully served the State of South Carolina and the United States of America as a member of the United States House of Representatives; and

WHEREAS, Title 4, United States Code, Section 7(m) authorizes the Governor of a State to direct that the American flag be flown at half-staff on the day of death and the following day for a member of Congress who dies in office; and

WHEREAS, Title 4, United States Code, Section 7(c) provides that no other flag shall be placed above the United States flag under these circumstances.

NOW, THEREFORE, pursuant to the powers conferred upon me by the Constitution and Statutes of the State of South Carolina and of the United States of America, I hereby order that the flags above all state government buildings be lowered to half-staff on August 16 and 17, 2001, in honor of Congressman Floyd D. Spence.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF
THE STATE OF SOUTH CAROLINA, THIS 16TH DAY OF
AUGUST 2001

JIM HODGES
GOVERNOR

No. 2001-20

WHEREAS, on June 28, 2001, I issued Executive Order 2001-16, which ordered that an election be held for Seat 1 of Bamberg County School District 2; and

WHEREAS, I set the date of that election for August 14, 2001, or such date as is approved by the United States Department of Justice; and

WHEREAS, I ordered that the election be conducted by the Bamberg County Board of Registration and Election Commission; and

WHEREAS, the United States Department of Justice has requested more information before making a decision on whether to preclear the election; and

WHEREAS, the United States Department of Justice must preclear the election before it can be held; and

WHEREAS, the United States Department of Justice has requested that I set a new date for the election.

3 EXECUTIVE ORDERS

NOW, THEREFORE, I hereby amend Executive Order 2001-16 to set the date for the above-referenced election on October 9, 2001, or at such earliest possible date after October 9, 2001, that is precleared by the United States Department of Justice.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF
THE STATE OF SOUTH CAROLINA, THIS 17th DAY OF
AUGUST 2001.

JIM HODGES
GOVERNOR

No. 2001-21

WHEREAS, upon being notified of the death of Congressman Floyd D. Spence, I issued Executive Order 2001-19 ordering that the flags above all state government buildings be lowered to half-staff in honor of the late Congressman; and

WHEREAS, the body of Congressman Spence will lie in state in the State House in order that members of the public may pay their respects and appropriately mourn his passing.

NOW, THEREFORE, pursuant to the powers conferred upon me by the Constitution and Statutes of the State of South Carolina and of the United States of America, I hereby extend Executive Order 2001-19 so that the flags above all state government buildings shall remain at half-staff through Tuesday, August 21, 2001.

GIVEN UNDER MY HAND AND THE GREAT SEAL OF
THE STATE OF SOUTH CAROLINA, THIS 17th DAY OF
AUGUST 2001.

JIM HODGES
GOVERNOR

No. 2001-22

WHEREAS, the State of South Carolina expects an unusually large number of citizens to congregate at the State House during the period of August 19 through August 21, 2001, for funeral services honoring Congressman Floyd Spence; and

WHEREAS, the City of Columbia is expecting very high temperatures, humidity, and extreme traffic conditions which will cause these citizens additional undue stress; and

WHEREAS, the South Carolina National Guard is prepared to provide the personnel and equipment necessary to assist these citizens.

NOW THEREFORE, pursuant to the powers conferred upon me by the Constitution and Laws of the State of South Carolina, I hereby direct the Adjutant General to place on state duty South Carolina National Guard personnel and equipment, as deemed necessary, to fulfill the mission in support of the State's citizens. National Guard personnel and equipment deployment should be coordinated through the Emergency Preparedness Division. This Executive Order is retroactive to August 19, 2001.

GIVEN UNDER MY HAND AND THE SEAL OF THE STATE
OF SOUTH CAROLINA, THIS 20th DAY OF AUGUST 2001.

JIM HODGES
GOVERNOR

No. 2001-24

WHEREAS, the World Trade Center in New York and the Pentagon in Washington have experienced severe damage due to what appears to be acts of terrorism; and

WHEREAS, the State of South Carolina has numerous facilities that may be seen as target facilities and areas; and

WHEREAS, the full extent of the terrorists' acts, and the consequences thereof, around the United States are presently unknown.

NOW THEREFORE, pursuant to the powers conferred upon me by the Constitution and Laws of the State of South Carolina, I hereby direct that the South Carolina Emergency Operations Plan be placed into effect and that the State Emergency Operations Center be activated and all prudent preparations be taken at the individual, local and state levels to protect against acts of terrorism or threats within the State. I further direct that the Adjutant General place up to 50 certain critical need personnel of the South Carolina National Guard on state active duty, and further direct that the Adjutant General, in consultation with the Governor and in coordination with the Emergency Preparedness Division, place the remainder of the South Carolina National Guard on standby.

GIVEN UNDER MY HAND AND THE SEAL OF THE STATE
OF SOUTH CAROLINA, THIS 11th DAY OF SEPTEMBER
2001.

JIM HODGES
GOVERNOR

No. 2001-25

WHEREAS, terrorist actions have been committed against the United States of America; and

WHEREAS, it appears that hundreds and perhaps thousands of American citizens have lost their lives, and numerous others were seriously injured, because of the terrorist attacks; and

WHEREAS, the loss of life that occurred as a result of these terrorist incidents is a national tragedy that warrants the citizens of the State of South Carolina to appropriately show respect for the victims of these attacks.

5 EXECUTIVE ORDERS

NOW, THEREFORE, by virtue of the power and authority vested in me as Governor, pursuant to the Constitution and Laws of the State of South Carolina and of the United States of America, I hereby order that the flags of the United States and the State of South Carolina be flown at half-staff upon all state buildings and grounds until sunset Tuesday, September 11, 2001, and as further directed by proclamation of the President of the United States of America for federal facilities in the wake of this national tragedy.

GIVEN UNDER MY HAND AND THE SEAL OF THE
STATE OF SOUTH CAROLINA, THIS 11th DAY OF
SEPTEMBER 2001.

JIM HODGES
GOVERNOR

No. 2001-26

WHEREAS, the South Carolina Emergency Operations Plan has been placed into effect (Executive Order 2001-24) due to the severe damage that was experienced at the World Trade Center in New York and the Pentagon in Washington due to what appears to be acts of terrorism; and

WHEREAS, Sections 1-3-410 through 1-3-460 of the South Carolina Code of Laws, as well as Section 25-1-440, confer upon the Governor extraordinary powers to take measures necessary to maintain peace and order; and

WHEREAS, there is a danger that certain persons in South Carolina will charge prices for gasoline and other essentials far in excess of that normally charged which results in people, particularly lower income persons, from being able to purchase necessities, threatens the well-being of the population, tends to cause a breach of the peace, and endangers the peace and good order threatened by the recent terrorists' acts in this country.

NOW, THEREFORE, by virtue of the power and authority vested in me as Governor, pursuant to the Constitution and the laws of South Carolina, I do hereby direct and compel that no person may overcharge for food, fuel, shelter, items used for the protection of life or property, clothing and other living essentials in the State of South Carolina.

For purpose of this Executive Order "overcharging" shall be defined as charging for goods or services rendered which are substantially in excess of reasonable and customary charges in this state or in applicable cases substantially in excess of the person's costs for such goods or services, unless there is good cause for the bills or requests containing the charges or costs.

Violation of this Executive Order shall submit the person making the charges liable for the criminal penalties specified in S. C. Code Section 16-7-10.

GIVEN UNDER MY HAND AND THE GREAT SEAL
OF THE STATE OF SOUTH CAROLINA, THIS 12th
DAY OF SEPTEMBER 2001.

JIM HODGES
GOVERNOR

No. 2001-27

WHEREAS, on September 11, 2001, in response to terrorist attacks against the United States, I issued Executive Order 2001-24 directing the South Carolina Emergency Operations Plan be placed into effect, that the State Emergency Operations Center be activated, and that the Adjutant General place up to 50 certain critical need personnel of the South Carolina National Guard on state active duty and place the remainder of the South Carolina National Guard on standby; and

WHEREAS, while the State of South Carolina must remain at a heightened state of readiness and begin taking permanent measures to better protect against threats and acts of terrorism, there is no existing emergency requiring the continued implementation of the South Carolina Emergency Operations Plan or activation of the South Carolina Emergency Operations Plan; and

WHEREAS, on or about 12:00 a.m. midnight, Friday, September 14, 2001, critical need personnel of the South Carolina National Guard placed on state active duty by the Adjutant General pursuant to Executive Order 2001-24 will be transferred to federal active duty status; and

WHEREAS, on September 12, 2001, pursuant to my emergency powers and in response to price gouging reports from some regions of the country and the danger that some persons in South Carolina may overcharge for gasoline and other essentials, I issued Executive Order 2001-26 prohibiting overcharging and instructed SLED to investigate any allegations of price gouging for possible criminal prosecution under South Carolina Code Section 16-7-10; and

WHEREAS, concern still remains that unjustified prices may be charged to consumers for gasoline and other essential items.

NOW, THEREFORE, by virtue of the power and authority vested in me as Governor, pursuant to the Constitution and Laws of the State of South Carolina, I hereby declare that Executive Order 2001-24 is cancelled, rescinded, and from this date declared null and void, except that the critical need personnel placed on state active duty pursuant to Executive Order 2001-24 be on state active duty status until 12:00 a.m. midnight, Friday, September 14, 2001, or until they are transferred to federal active duty status, whichever is later.

I further direct that the Adjutant General maintain the South Carolina National Guard on standby for so long time as the present federal state of emergency exists.

7 EXECUTIVE ORDERS

I further direct that Executive Order 2001-26 is cancelled, rescinded, and from this date null and void; however, the Consumer Advocate is directed to continue to investigate and report any findings of overcharging as provided by law.

GIVEN UNDER MY HAND AND THE GREAT SEAL
OF THE STATE OF SOUTH CAROLINA, THIS 13th
DAY OF SEPTEMBER 2001.

JIM HODGES
GOVERNOR

8 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

In accordance with Section 44-7-200(C), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication September 28, 2001, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Beaufort County

Addition of a diagnostic cardiac catheterization laboratory for a total of two cardiac catheterization laboratories.
Hilton Head Medical Center and Clinics
Hilton Head Island, South Carolina
Project Cost: \$1,547,811

Affecting Charleston County

Conversion of the ambulatory surgery center from a single specialty (ophthalmology) to a multi-specialty ambulatory surgery center.
Trident Eye Surgery Center, L.P.
Charleston, South Carolina
Project Cost: \$164,039

Affecting Dorchester County

Renovation of the existing administrative building for eight additional Residential Treatment Facility (RTF) beds for a total of sixty RTF beds.
New Hope Charleston
Summerville, South Carolina
Project Cost: \$141,009

Affecting Edgefield County

Construction of an outpatient and emergency department addition and renovation of the existing facility with no change in existing licensed bed capacity.
Edgefield County Hospital
Edgefield, South Carolina
Project Cost: \$5,896,282

Affecting Florence County

Replacement of a current CT Scanner with an upgraded Siemens CT Scanner.
McLeod Regional Medical Center
Florence, South Carolina
Project Cost: \$825,336

Affecting Georgetown County

Major construction to include the Emergency Department, Imaging Department, Laboratory, Cardiopulmonary Department, Labor and Delivery suite, Administration, Acute Dialysis, and support areas; construction of shelled space on the second and third floors for future expansion.

Waccamaw Community Hospital
 Murrells Inlet, South Carolina
 Project Cost: \$12,110,143

Purchase of a Magnetic Resonance Imaging (MRI) unit and construction of an addition adjacent to the Imaging Department.

Waccamaw Community Hospital
 Murrells Inlet, South Carolina
 Project Cost: \$2,668,475

Affecting Greenwood County

Renovation and expansion of the existing Imaging Center at Self Memorial Hospital to include an open MRI Scanner, a CT Scanner, and other diagnostic modalities.

Self Memorial Hospital
 Greenwood, South Carolina
 Project Cost: \$6,463,907

Affecting Richland County

Expansion of the existing ambulatory surgery center with the addition of two endoscopy rooms for a total of four endoscopy rooms restricted to gastroenterology procedures only.

Columbia Gastrointestinal Endoscopy Center
 Columbia, South Carolina
 Project Cost: \$2,003,884

Conversion of 12 acute care beds from Palmetto Baptist Medical Center to long-term acute care beds at InterMedical Hospital of S.C., resulting in 47 long-term acute care beds at InterMedical Hospital and 104 psychiatric and 351 acute care beds at Palmetto Baptist Medical Center.

InterMedical Hospital of S.C.
 Columbia, South Carolina
 Project Cost: \$40,000

Establishment of an ambulatory surgery center within a medical office building with two endoscopy rooms restricted to gastroenterology procedures only.

Lake Murray Endoscopy Center
 Columbia, South Carolina
 Project Cost: \$2,116,239

Affecting Spartanburg County

The establishment of a fourth cardiac catheterization laboratory adjacent to the three existing labs on the third floor of the Heart Center.

Spartanburg Regional Medical Center
 Spartanburg, South Carolina
 Project Cost: \$1,052,635
 Affecting Spartanburg County

Establish an outpatient narcotic treatment program.

Right Choice Treatment Center
 Spartanburg, South Carolina
 Project Cost: \$167,573

10 NOTICES

In accordance with S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that the review cycle has begun for the following project(s) and a proposed decision will be made within 60 days beginning September 28, 2001. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. For further information call (803) 545-4200.

Affecting Beaufort County

Addition of a diagnostic cardiac catheterization laboratory for a total of two cardiac catheterization laboratories.
Hilton Head Medical Center & Clinics
Hilton Head Island, South Carolina
Project Cost: \$1,547,811

Affecting Charleston County

Conversion of the ambulatory surgery center from a single specialty (ophthalmology) to a multi-specialty ambulatory surgery center.
Trident Eye Surgery Center, L.P.
Charleston, South Carolina
Project Cost: \$164,039

Affecting Dorchester County

Renovation of the existing administrative building for eight additional Residential Treatment Facility (RTF beds) for a total of sixty RTF beds.
New Hope Charleston
Summerville, South Carolina
Project Cost: \$141,009

Affecting Edgefield County

Extension and renovation of three existing wings to include thirty-two (32) additional nursing home beds which will not participate in the Medicaid (Title XIX) Program, for a total of 120 licensed beds.
Edgefield Health Care Center
Edgefield, South Carolina
Project Cost: \$1,159,280

Affecting Florence County

Replacement of current Computed Tomography (CT) scanner with an upgraded Siemens CT scanner
McLeod Regional Medical Center
Florence, South Carolina
Project Cost: \$825,336

Affecting Georgetown County

Purchase of a Magnetic Resonance Imaging (MRI) unit and construction of an addition adjacent to the Imaging Department.
Waccamaw Community Hospital
Murrells Inlet, South Carolina
Project Cost: \$2,668,475

Construction of a 24 bed nursing home with the following complement: 17 community beds which will not participate in the Medicaid (Title XIX) Program, and 7 institutional nursing home beds, which do not provide a community service.

The Lakes at Litchfield Skilled Nursing Center
Pawleys Island, South Carolina
Project Cost: \$1,500,000

Affecting Horry County

Replacement of a Magnetic Resonance Imaging (MRI) unit with a fixed unit and construction of space to house the unit.

OMRI, LLC
Myrtle Beach, South Carolina
Project Cost: \$2,668,475

Affecting Jasper County

Change of ownership of Jasper Hospital, Inc. (f/k/a Low Country General Hospital); construction and relocation of a 31 acute care bed hospital and 10 comprehensive rehabilitation beds in Jasper County.

Jasper Hospital, Inc.
Hardeeville, South Carolina
Project Cost: \$32,659,100

Affecting Lexington County

Addition of five (5) beds to the Residential Treatment Facility (RTF) for children and adolescents for a total of 59 RTF beds.

New Hope Midlands
West Columbia, South Carolina
Project Cost: \$7,163

Affecting Richland County

Construction of twelve (12) acute care beds from Palmetto Baptist Medical Center to long-term acute care beds at InterMedical Hospital of S.C., resulting in 47 long-term acute care beds at InterMedical Hospital and 104 psychiatric and 351 acute care beds at Palmetto Baptist Hospital.

InterMedical Hospital of SC
Project Cost: \$40,000

Affecting Spartanburg County

The establishment of a fourth cardiac catheterization laboratory adjacent to the three existing laboratories on the third floor of the Heart Center.

Spartanburg Regional Medical Center
Spartanburg, South Carolina
Project Cost: \$1,052,635

12 NOTICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

PUBLIC NOTICE

Section IV of R.61-98, the State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation, requires that the Department of Health and Environmental Control evaluate and certify site rehabilitation contractors to perform site rehabilitation of releases from underground storage tanks under the State Underground Petroleum Environmental Response Bank (SUPERB) Act. Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and individuals listed below, please submit your comments in writing, no later than October 26, 2001 to:

Contractor Certification Program
South Carolina Department of Health and Environmental Control
Bureau of Underground Storage Tank Management
Attn: Barbara Boyd
2600 Bull Street
Columbia, SC 29201

The following companies and individuals have applied for certification as Underground Storage Tank Site Rehabilitation Contractors:

Class I
Altamonte Environmental, Inc.

Class II
Environmental Laboratories, Inc.
Eco-Tek Enterprises, Inc.

SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION TRAFFIC ENGINEERING SECTION

NOTICE OF PROPOSED REVISION TO THE SOUTH CAROLINA TRUCK NETWORK

The South Carolina Department of Transportation, pursuant to Regulation 63-392(2) as authorized by Section 56-5-4075 of the S. C. Code (1976 as amended), is proposing an addition to the South Carolina Truck Network. The Department proposes to add the following route segment to the Network:

SC 327 from US 76/301 to I-95 (Exit # 170), Florence County

Addition to the network will allow the use of this route segment by tandem trailer combinations and other larger vehicles.

Pursuant to regulation 63-392(2), the public is invited to submit comments in writing regarding this proposal to the Director of Traffic Engineering, SC Department of Transportation, P.O. Box 191, Columbia, SC 29201 by October 26, 2001. Should there be sufficient interest, and upon request, the Department will hold a public hearing.

Richard B. Werts
Director of Traffic Engineering
September 28, 2001

**BOARD OF EDUCATION
CHAPTER 43**

Statutory Authority: S.C. Code Sections 59-5-60 and 59-18-1560

Notice of Drafting:

The State Department of Education proposes to draft a new regulation that addresses the Retraining Assistance Grants, which are required by the Education Accountability Act (EAA) of 1998. Interested persons may submit comments to Dr. Leonard McIntyre, Deputy Superintendent, Division of Professional Development and School Quality, South Carolina Department of Education, 1429 Senate Street, Room 1102, Columbia, South Carolina 29201. To be considered all comments must be received no later than 5:00 p.m. on October 29, 2001, the close of the drafting comment period.

Synopsis:

The Education Accountability Act requires that the State Board of Education "establish grant programs for schools designated as below average and for schools designated as unsatisfactory... to undertake any needed retraining of school faculty and administration...."

The proposed regulation will set forth (1) who is eligible to receive funds, 2) how funds will be distributed, 3) what activities must be completed to direct the expenditure of available funds, 4) what procedures govern the implementation of grants and/or renewal of grants, and 5) what procedures govern the extension of a grant.

Legislative review of this proposal will be required.

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

CHAPTER 30, CHAPTER 61 and CHAPTER 72

Statutory Authority: S.C. Code Sections 48-39-10 *et seq.* and 48-14-10 *et seq.*

Notice of Drafting:

The Department of Health and Environmental Control proposes to amend (1) R.30-2, *Applying for a Permit*, and R.30-4, *Decision on a Permit*, two of the Department's Coastal regulations related to permitting in the critical areas of the Coastal Zone. The Department also proposes to amend (2) R.61-30, *Environmental Protection Fees*. Additionally, the Department is proposing to amend (3) R.72-306, *Fees*, of R.72-300, *Standards for Stormwater Management and Sediment Reduction*. Interested persons should submit their views in writing to: Ms. Debra L. Hernandez and Mr. Michael E. Rowe, Office of Ocean and Coastal Resource Management, S.C. Department of Health and Environmental Control, 1362 McMillan Avenue, Suite 400, Charleston, S.C., 29405. To be considered, comments should be received no later than October 29, 2001, the close of the initial drafting comment period.

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Synopsis:

(1) **Coastal Zone Management Critical Area Application Fees and Processes.** The proposed amendment will delete R.30-2.B(9) that contains the current application fee schedule for activities in the critical area of the eight coastal counties. This amendment will also revise R.30-4.C and 4.H to insert clarifying language, making these sections consistent with the administrative processes defined and described in R.61-30, *Environmental Protection Fees*.

(2) **Environmental Protection Fees.** This proposed amendment would revise R.61-30.A, Purpose and Scope, and insert new definitions in R.61-30.B which explain terms relevant to the coastal zone management program. New sections R.61-30.G (13) and R.61-30.H(3) would be added to describe the fees and time schedules for activities in the critical area of the eight coastal counties. These changes are proposed to add the fees associated with the Coastal Zone Management Program in R.61-30. These changes are also proposed to include an increase in the fee for major development activities in the critical areas of the coastal zone, and new fees for the transfer or extension of permits for both minor and major development activities. The complexity and controversy associated with reviewing, inspecting and issuing these permits have increased significantly in recent years. Since 1993, the fees for activities in the critical area have gone into the Coastal Resources Access Fund, which provides grants to coastal communities to construct access facilities for the public. The proposed fee increases will allow the Department to continue funding these important access projects, as well as generate funds to offset the increasing costs of managing the program. No additional staff will be hired as a result of this increase in fees.

(3) **Stormwater Management and Sediment Reduction Fees.** Revision of R.72-306.B is proposed to increase the application fees for new land disturbing activities. These fees have been at the current level of \$50 per disturbed acres with a maximum of \$1000 since their inception in 1992. In recent years, the annual program costs were more than three times the collected fee revenue. Additionally, costs are increasing as more and more sites are added to the inspection inventory. The proposed fee increase will help to offset increasing program costs, maintain existing staff, and review times for issuing permits.

COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: 1976 Code Section 59-150-360

Notice of Drafting:

The South Carolina Commission on Higher Education proposes to draft new regulations for the South Carolina HOPE Scholarship Program established under the South Carolina Education Lottery Act. Interested persons may submit comments to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC 29201. To be considered, comments must be received no later than 5:00 p.m. on October 27, 2001, the close of the drafting comment period.

Synopsis:

In accordance with section 59-150-360 of the 1976 Code of Laws, the Commission on Higher Education shall promulgate regulations to set forth the administration of the SC HOPE Scholarship Program. The regulations will define the purpose of the SC HOPE Scholarship Program; program definitions; student eligibility: transfer student eligibility; terms of eligibility; disabilities; policies and procedures for awarding scholarships; appeals process; institutional disbursement and verification of scholarship awards; withdrawals/suspensions; award notification; program administration and audits; and suspension and termination of institutional participation.

COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: 1976 Code Section 59-149-10

Notice of Drafting:

The South Carolina Commission on Higher Education proposes to draft new regulations for the Legislative Incentives for Future Excellence (LIFE) Scholarship Program established under Title 59 Section 59-149-10. Interested persons may submit comments to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC 29201. To be considered, comments must be received no later than 5:00 p.m. on October 27, 2001, the close of the drafting comment period.

Synopsis:

In accordance with section 59-149-10 of the 1976 Code of Laws, the Commission on Higher Education shall promulgate regulations to set forth the administration of the LIFE Scholarship Program. The regulations will define the purpose of the LIFE Scholarship Program; program definitions; student eligibility including initial, continuing, and transfer student eligibility; terms of eligibility; renewal and regaining award; enrollment in internships, cooperative work programs, travel study programs, or National or International Student Exchange Programs; remedial coursework; disabilities; policies and procedures for awarding scholarships; appeals process; institutional disbursement and verification of scholarship awards; withdrawals/suspensions; award notification; program administration and audits; and suspension and termination of institutional participation.

COMMISSION ON HIGHER EDUCATION
CHAPTER 62
Statutory Authority: 1976 Code Section 59-150-360

Notice of Drafting:

The South Carolina Commission on Higher Education proposes to draft new regulations for the Lottery Tuition Assistance Program established under the South Carolina Education Lottery Act. Interested persons may submit comments to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC 29201. To be considered, comments must be received no later than 5:00 p.m. on October 27, 2001, the close of the drafting comment period.

Synopsis:

In accordance with section 59-150-360 of the 1976 Code of Laws, the Commission on Higher Education in consultation with the State Board for Technical and Comprehensive Education shall promulgate regulations and establish procedures to administer the Lottery Tuition Assistance Program. The purpose of the Lottery Tuition Assistance Program is to provide resources that supplement, not supplant, existing resources for educational purposes to South Carolina's students. The program will assist students who wish to attend technical colleges or two-year public or independent colleges in the State.

16 DRAFTING

COMMISSION ON HIGHER EDUCATION CHAPTER 62

Statutory Authority: Title 59 1976 Code Sections 142-20

Notice of Drafting:

The South Carolina Commission on Higher Education proposes to revise existing regulations for the South Carolina Need-Based Grants Program established under Chapter 142-20 Title 59 Act No. 458. Interested persons should submit their comments in writing to Dr. Karen Woodfaulk, Director of Student Services, South Carolina Commission on Higher Education, 1333 Main Street, Suite 200, Columbia, SC 29201. To be considered, comments must be received no later than 5:00 p.m. on October 26, 2001, the close of the drafting comment period.

Synopsis:

In accordance with Section 59-142-20 of the 1976 Code, revisions to the existing regulations for the South Carolina Need-based Grants Program are being considered that would include first professional degrees as an eligible program of study. Regulations include Need-based Grant allocations: institutional eligibility; program definitions for administering South Carolina Need-based Grants at public institutions; student eligibility; withdrawal, suspension, or dropping below part-time or full-time status; policies and procedures for awarding Need-based Grants; duration of award and continued eligibility; students with disabilities; enrollment in internships, cooperative work programs, travel study programs, or National or International Student Exchange Programs; institutional procedures for award notification; Need-based Grant disbursements; program oversight for Need-based Grants; and suspension or termination of institutional participation.

DEPARTMENT OF NATURAL RESOURCES CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-210, 50-3-100, 50-11-10, 50-11-65, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-430, 50-11-500, 50-11-520, 50-11-530, 50-11-854 and 50-11-2200, 50-11-2210.

Notice of Drafting:

The South Carolina Department of Natural Resources is proposing to amend the existing regulations which set seasons, bag limits and methods of hunting and taking of wildlife on Wildlife Management Areas. These regulations replace Chapter 123-40 in order to clarify Department of Natural Resources authority for filing specific regulations, correct past errors in the printed document, add new sections and incorporate all previously filed changes to Chapter 123-40, 123-50, 123-51, 123-52 and 123-53. The Department also proposes to file new regulations for Department-owned properties to regulate non-hunting use.

Any person interested may submit written comments to William S. McTeer, Deputy Director, Wildlife & Freshwater Fisheries Division, S.C. Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

Synopsis:

This amended regulation will allow the expansion of existing seasons and methods within the current season framework to allow additional opportunity on existing and new Wildlife Management Areas and provide public use unrelated to hunting on Department-owned properties.

PUBLIC SERVICE COMMISSION

CHAPTER 103

Statutory Authority: S.C. Code Ann. Section 58-3-140 (Supp. 2000)

Notice of Drafting:

The Public Service Commission of South Carolina proposes to draft regulations regarding the implementation of the Utility Facility Siting and Environmental Protection Act. Interested persons may submit written comments to Mr. Gary E. Walsh, Executive Director, South Carolina Public Service Commission, P.O. Drawer 11649, Columbia, South Carolina 29211. To be considered, written comments must be received no later than 4:45 p.m. on November 5, 2001, the close of the drafting comment period. Please refer to Docket Number 2001-394-E in written comments forwarded to the Commission.

Synopsis:

On February 6, 2001, the Public Service Commission issued Order Number 2001-108 (Docket Number 2000-487-E). In Order Number 2001-108, the Commission instructed its Staff to develop additional regulations regarding implementation of the Utility Facility Siting and Environmental Protection Act (*See*, S.C. Code Ann. Sections 58-33-10, et. seq.) for use in the future. The Utility Facility Siting and Environmental Protection Act, in part, prohibits a person from constructing a major utility facility in South Carolina without first obtaining a certificate from the Public Service Commission.

Legislative review of proposed regulations is required.

DEPARTMENT OF SOCIAL SERVICES

CHAPTER 114

Statutory Authority: 1981 Code Sections 20-7-2250

114-550. FOSTER CARE

Notice of Drafting:

The South Carolina Department of Social Services, Division of Human Services, is considering revising and updating its standards for licensing of foster parents. Interested persons should submit their views in writing to Mary Williams, Director, Division of Human Services, South Carolina Department of Social Services, P.O. Box 1520, Columbia, South Carolina, 29202-1520.

Synopsis:

These regulations are being revised to enhance consistency with standards as set forth by the Health Care Financing Administration. The proposed revisions are necessary to improve the quality of care for youths in foster care who reside in foster homes.

18 DRAFTING

DEPARTMENT OF SOCIAL SERVICES

CHAPTER 114

Statutory Authority: 1981 Code Sections 20-7-2250

114-590. RESIDENTIAL GROUP CARE FACILITIES FOR CHILDREN

Notice of Drafting:

The South Carolina Department of Social Services, Division of Human Services, is considering revising and updating its standards for licensing of group care facilities. Interested persons should submit their views in writing to Mary Williams, Director, Division of Human Services, South Carolina Department of Social Services, P.O. Box 1520, Columbia, South Carolina, 29202-1520.

Synopsis:

These regulations are being revised to enhance consistency with standards as set forth by the Health Care Financing Administration. The proposed revisions are necessary to improve the quality of care for youths in foster care who reside in residential group care facilities.

DEPARTMENT OF TRANSPORTATION

CHAPTER 63

Statutory Authority: 1976 Code Section 57-3-610

Notice of Drafting:

The South Carolina Department of Transportation proposes to draft new regulations that address Outdoor Advertising. Interested persons may submit comments to Ms. Deborah Brooks Durden, SCDOT, PO Box 191, Columbia, SC 29202-0191. To be considered, comments must be received no later than 5 p.m. on October 26, 2001, the close of the drafting comment period.

Synopsis:

The proposed regulations will amend the existing South Carolina Outdoor Advertising Regulations in the following aspects:

1. Add definition of and guidelines for Changeable Message signs;
2. Clarify the definition of "cutout" and "extension";
3. Add new criteria to the definition of "transient and temporary activities" so as to
 - a. Better define the telephone requirement;
 - b. Require proximity of activity to a paved road;
 - c. Require that business activities used to qualify a sign site must continue for 2 years after issuance of permit;
 - d. Require that a business used to qualify a sign site have at least a 1,000 square foot permanent foundation;
 - e. Require that a business activity used to qualify a sign site must conduct meaningful business for 2 years after the sign permit is issued;
4. Provide that a sign site cannot be created by illegal or criminal activity;
5. Clarify the definition of unzoned commercial areas with respect to junkyards;
6. Clarify the definition of unzoned commercial areas with respect to nursery lands;
7. Require proof of compliance with applicable local government requirements for a business used to qualify a sign site;

8. Prohibit vertical stack face signs;
9. Require signs exceeding 336 square feet to be constructed with steel monopoles;
10. Prohibit the addition of illumination to an unilluminated sign;
11. Several grammatical corrections.

20 PROPOSED REGULATIONS

Document No. 2659
BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: S.C. Code Ann. Sections 59-5-60 (1990) and 59-18-300 (Supp.1999), 59-18-310(B) (Supp. 1999), and 59-18-320(C) (Supp. 1999)

43-262.4. End-of-Course Tests

Preamble:

The Department proposes Regulation 43-262.4, End-of-Course Tests, to define gateway and benchmark courses for which end-of-course tests must be developed, to establish the purposes and uses of the tests, to provide for the establishment of standards for the tests, and to provide for notice to students.

The Notice of Drafting was published in the *State Register* on July 27, 2001.

Section-by-Section Discussion

Section A.: Addresses courses tested.

Section B.: Addresses purposes and uses of the end-of-course tests.

Section C.: Addresses content of the tests.

Section D.: Addresses student performance standards.

Section E.: Addresses review of curriculum standards and end-of-course tests.

Section F.: Addresses notice to students.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and regulated community are invited to make oral or written comments at a public hearing on the proposed regulation to be conducted by the State Board of Education on November 13, 2001, at 11:00 a.m. in the Basement Conference Room of the Rutledge Building, 1429 Senate Street, Columbia, S.C. Persons desiring to make oral comments at the hearing are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendments by writing to Dr. Teri Siskind at the State Department of Education, 1429 Senate Street, Columbia, S.C. 29201 or by calling 803 734-8298. Comments can also be emailed to tsiskind@sde.state.sc.us. Comments must be received no later than 5:00 p.m. on October 29, 2001. Comments received shall be considered by the staff in formulating the final proposed regulation for public hearing on November 13, 2001, as noticed above. Comments received by the deadline shall be submitted to the Board in a summary of public comments and department responses for consideration at the public hearing.

Preliminary Fiscal Impact Statement:

The Department of Education estimates the cost incurred by the State and its political subdivisions in complying with the proposed regulation will be approximately \$1,020,000 for FY 2002, \$3,140,000 for FY 2003, \$1,940,000 for FY 2004 and for FY 2005, and \$2,790,000 for FY 2006, plus inflation and any necessary adjustments if secondary school enrollment increases for FY 2004 and each year thereafter. Please note that the FY02 budget does not include funding or staff for end-of-course development.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 43-262.4, End-of-Course Tests

Purpose: Regulation 43-262.4, End-of-Course Tests, defines gateway and benchmark courses for which end-of-course tests must be developed, establishes the purposes and uses of the tests, provides for the establishment of standards for the tests, and provides for notice to students. These courses in the areas of English/language arts, mathematics, science, and social studies are required by the Education Accountability Act of 1998. Defining the terms and establishing the purposes of the tests must be accomplished before the test development or selection process can proceed.

Legal Authority: The legal authority for Regulation 43-262.4 is S.C. Code Ann. Sections 59-5-60 (1990), 59-18-300 (Supp. 1999), 59-18-310(B) (Supp. 1999), and 59-18-320(C) (Supp. 1999).

Plans for Implementation: The proposed regulation would take effect upon approval by the General Assembly and publication in the *State Register*. The proposed regulation will be implemented by providing school district personnel with copies.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: Regulation 43-262.4 will define gateway and benchmark courses for which end-of-course tests must be developed, to establish the purposes and uses of the tests, to provide for the establishment of standards for the tests, and to provide for notice to students.

DETERMINATION OF COSTS AND BENEFITS:

The exact cost of development and implementation of the end-of-course tests can only be estimated at this time. The development, administration, scoring, and reporting will be done under a contract(s) resulting from a competitive bid process. The derivation of cost estimates are based on the following assumptions:

1. The development of the tests for Algebra I will begin in Fiscal Year 2002 (School Year 2001-2002) with implementation in Fiscal Year 2003.
2. The development of the tests for English I will begin in Fiscal Year 2003 (School Year 2002-2003) with implementation in Fiscal Year 2004.
3. The development of the tests for Biology will begin in Fiscal Year 2003 (School Year 2002-2003) with implementation in Fiscal Year 2004.
4. The development of the tests for Physical Science will begin in Fiscal Year 2003 (School Year 2002-2003) with implementation in Fiscal Year 2004.
5. The development of the tests for U.S. History and Constitution will begin in Fiscal Year 2006 (School Year 2005-2006) with implementation in Fiscal Year 2007.
6. Development of all required tests will be a continuous process since multiple forms of each test will be required in order to maintain test security.
7. All tests will consist of selected-response items only in order to expedite scoring and reporting.
8. In districts that have the necessary technology, some, or all, tests will be administered via computer.
9. At least three forms of each test will be required each year to accommodate administrations at the end of each block and summer school. Eight secure forms of each test will be developed.
10. The number of students tested each year will be approximately as follows:
 - Algebra I, 62,000
 - English I, 62,000
 - Biology, 30,000
 - Physical Science, 40,000
 - United States History and Constitution, 45,000
11. The development of each test form will cost approximately \$50,000.
12. Test administration, scoring, and reporting will be approximately \$10 per examinee.

22 PROPOSED REGULATIONS

Estimated Costs:

FY 2002 \$1,020,000-development of eight test forms and administration of 62,000 tests.
FY 2003 \$3,140,000-development of twenty-four test forms and administration of 194,000 tests
FY 2004 \$1,940,000, plus inflation. Adjustments in cost may be necessary if enrollment in courses increases.
FY 2005 FY 2004 cost, plus inflation, will be recurring. Adjustments in cost may be necessary if enrollment increases.
FY 2006 \$850,000-development of eight test forms and administration of 45,000 tests in addition to FY 2005 recurring costs.

UNCERTAINTIES OF ESTIMATES

As noted above.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

N/A

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be no detrimental effects on the environment and public health if this regulation is not implemented.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No.2660
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61
Statutory Authority: Section 44-71-10, *et seq.*,
South Carolina Code of Laws, 1976

R.61-78, *Standards For Licensing Hospices*

Preamble:

The South Carolina General Assembly enacted changes in the SC Code of Laws, effective May 1, 2000, to provide for the regulation of hospice facilities. The Department proposes to revise Regulation 61-78, *Standards for Licensing Hospices*. Currently, hospice facilities are being regulated by the Department utilizing the existing R.61-17, *Standards For Licensing Nursing Homes*. The proposed revision of R.61-78 will be rewritten in its entirety to add hospice facility category, and to include, but not be limited to: definitions; licensing requirements; licensing fee amounts; reporting requirements; Departmental consultations; enforcement action procedures; sections related to patient services and care; quality improvement standards; infection control; patient record content and maintenance; tuberculin screening requirements; reporting requirements; fire prevention; design and construction; and a severability clause.

A Notice of Drafting for this proposed amendment was published in the *State Register* on February 23, 2001.

Discussion of Proposed Revision:

SECTION 100 includes definitions, references, and licensing requirements.

SECTION 200 addresses methods used in enforcing regulations, *i.e.*, investigations, inspections, and consultations.

SECTION 300 references the types of enforcement actions that may be taken by the Department, the classifications of violations, range of penalty amounts, and the appeal process.

SECTION 400 includes requirements that the agency maintain policies and procedures that include descriptions of how the standards in this regulation will be achieved.

SECTION 500 addresses general staff requirements including staff training, qualifications, and numbers to comply with applicable federal, state, and local laws and in accordance with professional organizational standards; requirements that direct care staff have no prior conviction of child/adult abuse, neglect, exploitation, or mistreatment; and staff health status.

SECTION 600 provides reporting requirements to the Department.

SECTION 700 addresses patient record content and maintenance.

SECTION 800 includes admission/eligibility information.

SECTION 900 provides requirements for care, treatment, and services to patients.

SECTION 1000 includes facility identification of patient rights and assurances.

SECTION 1100 addresses patient physical assessment tuberculin screening.

SECTION 1200 addresses infection control including staff practices which promote the prevention of the spread of infectious, contagious disease, and tuberculin skin testing, per Center for Disease Control and Prevention (CDC) and the Department's TB Control requirements, and the handling of infectious waste.

SECTION 1300 addresses agreements for services.

SECTION 1400 addresses the quality improvement program.

PART II contains standards applicable to hospice facilities

SECTION 1500 addresses medication management, *i.e.*, administration, storage.

includes fire prevention, *i.e.*, arrangements for fire department response/protection, tests and inspections, fire drills.

SECTION 1600 addresses meal service.

SECTION 1700 emergency procedures/disaster preparedness.

SECTION 1800 addresses fire prevention.

SECTION 1900 addresses maintenance.

SECTION 2000 describes the requirements for environment, *i.e.*, housekeeping, pets, and clean/soiled linen and clothing.

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SECTION 2100 addresses design and construction.

SECTION 2200 addresses addresses construction requirements.

SECTION 2300 includes hazardous elements of construction.

SECTION 2400 addresses fire protection equipment and systems.

SECTION 2500 addresses exits.

SECTION 2600 includes water supply/hygiene.

SECTION 2700 addresses electrical.

SECTION 2800 addresses heating, ventilation, and air conditioning.

SECTION 2900 addresses specifics for the physical plant, i.e., patient rooms and floor area, bathrooms/restrooms, work station, doors, elevators, corridors, ramps, screens, telephone service, handrails/guardrails, landings, windows, janitor's closet, storage areas, location, and outdoor area.

SECTION 3000 includes a severability clause which indicates that if a court of competent jurisdiction determines that part of the regulation is invalid or otherwise unenforceable then the remainder of the regulation will not be affected and will still be in force.

SECTION 3100 includes "general" that refers to any conditions that have not been addressed in the regulation.

Notice of Staff Informational Forum:

The staff of the Department of Health and Environmental Control invite interested members of the public and regulated community to attend a Staff Informational Forum at 1:30 p.m. on November 1, 2001, in the second floor conference room in the Heritage Building at 1777 St. Julian Place, Columbia, S.C. The purpose of this forum is to receive comments from interested persons regarding the proposed regulation. Comments received shall be considered by the staff in formulating the final draft proposal for submission to the Board of Health and Environmental Control for Public Hearing scheduled pursuant to S.C. Code Section 1-23-110 and - 111 as noticed below.

Interested persons are also provided an opportunity to submit written comments to the forum by writing to Jerry L. Paul, Director, Division of Health Licensing, DHEC, 2600 Bull Street, Columbia, S.C. 29201. To be considered, written comments for the forum and comment period must be received no later than 4:00 p.m. on November 1, 2001.

Oral and written comments received during the forum comment period shall be considered by the staff in formulating the final draft proposal for submission to the Board of Health and Environmental Control for Public Hearing on December 13, 2001, as noticed below. Comments received by the deadline date shall be submitted to the Board in a Summary of Public Comments and Department Responses for consideration at the Public Hearing.

Copies of the proposed regulation for public notice and comment may be obtained by contacting Mr. Jerry L. Paul at the above address.

Notice of Board Public Hearing and Opportunity for Public Comment Pursuant to S.C. Code 1-23-110 and 1-23-111:

Interested members of the public and regulated community are invited to make oral or written comments regarding the proposed regulation at a Public Hearing to be conducted by the Board of Health and Environmental Control at its regularly scheduled Board meeting on December 13, 2001. The Public Hearing will be held in the Board Room of the Commissioner's Suite, Third Floor, Aycock Building of the Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. The Board meeting commences at 10:00 a.m., at which time the Board will consider items on its agenda in the order presented. The agenda is published by the Department ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written copies of their presentations for the record.

Interested persons may also submit written comments during the public comment period by writing to Mr. Jerry L. Paul, Director, Division of Health Licensing, DHEC, 2600 Bull St., Columbia, S.C. 29201; Telephone number (803) 545-4370; Fax number (803) 545-4212. To be considered, written comments must be received before 4:00 p.m. on November 1, 2001. Comments received by the deadline date shall be considered by staff in formulating the final proposed regulation for Public Hearing on December 13, 2001, as noticed above. Comments received shall be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the Public Hearing noticed above.

Copies of the final proposed regulation for consideration at the Public Hearing before the DHEC Board may be obtained by contacting Jerry L. Paul at the above address.

Preliminary Fiscal Impact Statement:

There will be no cost to the State and its political subdivisions. Other than an increase in the licensing fees, there will be minimal additional cost to the regulated community. See Statement of Need and Reasonableness below.

Statement of Need and Reasonableness

The text of the Statement is submitted in Attachment A and is omitted here to conserve space in the Board agenda item.

DESCRIPTION OF REGULATION: R.61-78, *Standards For Licensing Hospices*.

Purpose of Regulation Amendment: The proposed amendment will rewrite the regulation in its entirety. See Determination of Need and Reasonableness below.

Legal Authority: for R.61-78 is Section 44-71-10, *et seq.*, South Carolina Code of Laws, 1976, as amended.

Plan for Implementation: The proposed amendment will take effect upon publication in the *State Register* following approval by the Board of Health and Environmental Control and the S.C. General Assembly. The proposed amendment will be implemented by providing the regulated community with copies of the regulation, and enforced through inspections by the Department.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION AMENDMENT BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

R.61-78 was last amended in 1984. Section 1-23-120 of the Administrative Procedures Act requires state agencies to perform a review of its regulations every five years and update them if necessary.

The proposed amendment is needed and reasonable because it will address the legislative mandate to provide standards for hospice facilities and to regulate these facilities.

The proposed amendment is needed and reasonable in order to update and improve the overall quality of the regulation.

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The proposed amendment is needed and reasonable because it will clarify/add to the current regulation in a manner that will improve methods to provide quality care/treatment/services to patients.

The proposed amendment is needed and reasonable because it will update the current regulation by incorporating certain exceptions/guidances that the Department has implemented since the last revision.

Section 44-71-10, et seq., of the S.C. Code of Laws was amended effective May 1, 2000, to provide for the regulation of hospice facilities. This proposed draft regulation will meet the requirements of this law.

DETERMINATION OF COSTS AND BENEFITS: There will be no cost to the state and its political subdivisions. Other than an increase in licensing fees, there will be minimal additional cost to the regulated community.

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: There will be no effect on the environment. The revision will promote public health by providing standards appropriate for facilities that provide 24-hour care for those individuals who are terminally ill.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION AMENDMENT IS NOT IMPLEMENTED: There will be an adverse effect on the public health if the regulation is not implemented, since facilities dedicated to providing care to the terminally ill will continue to be regulated from licensing standards (R.61-17) not appropriate for the these type of facilities given their objectives and purpose.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2661

**DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61**

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

R.61-58 State Primary Drinking Water Regulations

Preamble:

The Department proposes to amend the State Primary Drinking Water Regulations to add requirements for federally defined public water systems to have certified distribution system operators responsible for the operation and maintenance of their distribution systems. In addition, the Department proposes to address design and operation issues associated with pumping drinking water into aquifers for storage and recovery. The Department also intends to clarify some existing design, operation, and maintenance requirements, eliminate requirements which no longer apply and address design and operation issues for new drinking water technologies, and/or update design criteria to reflect current industry standards. A Notice of Drafting for this proposed amendment was published in the State Register on April 27, 2001.

Section-by-Section Discussion of Proposed Revisions

SECTION

CHANGE

R.61-58.A	Revised to include new regulations which have been added.
R.61-58.B	Four (4) new definitions are added in alphabetical/numerical order. One definition that is no longer used is deleted. The definition of “Comprehensive Performance Evaluation is revised to correct a reference.
R.61-58.1.B(1)(2)(g)	Revised to give the Department more flexibility when issuing permits.
R.61-58.1.B(9)	Revised to extend the length of time that a permit is valid to three (3) years.
R.61-58.1.B(11)(b) &(c)	Revised to clarify when a permit is not required.
R.61-58.1.B(14)	Added to clarify that a permit is not required for a dedicated fire line.
R.61-58.1.G(4)	Revised to reference definition of fire flow.
R.61-58.1.G(14)	Revised to clarify that flushing flow must be used for design purposes if it is more conservative than using fire flow, or if fire flow is not provided.
R.61-58.1.K(1)(b)	Revised to specify that bacteriological testing conducted on new facilities must be conducted within thirty days of the request for final approval.
R.61-58.1.O(2)	Deleted requirement for owners of public water systems to submit an application for an operating permit. Existing items (3) through (14) are to be renumber to (2) through (13).
R.61-58.2.B(1)(b)	Revised to clarify that stand-by and emergency wells are not used to calculate system capacity
R.61-58.2.B(3)(a)(i)	Revised to update requirement concerning Wellhead Protection Area Inventories
R.61-58.2.B(6)(a)	Revised to reflect new construction techniques which would allow thermoplastic casing on Type I wells in some instances
R.61-58.2.B(12)(c)	Revised to add language to require that precautions are taken to protect flora and fauna when discharging water during well development
R.61-58.2.D(2)(c) Introductory paragraph	Revised to allow the use of chlorine gas in inhabited areas if proper safety precautions are taken.
R.61-58.2.D(2)(c)(viii)	Revised to allow equivalent alternatives to chlorine gas weighing scales.
R.61-58.2.D(2)(g) Introductory paragraph	Revised to allow gas-solid chlorine dioxide generation and added the word “applicable” for clarity.
R.61-58.2.D(2)(g)(i)	Revised to delete CT credit requirements and eliminate subitem numbering. Text of existing subitem (B) is to be included under main heading.
R.61-58.2.D(2)(g)(ii)(B)	Revised to clarify that a second chlorine dioxide is not necessary if chlorine dioxide is not used as a primary disinfectant.

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- R.61-58.2.D(2)(g)(iii)(A) Revised to delete requirement that piping for chlorine dioxide generators be replace each 3 to 5 years.
- R.61-58.2.D(3) Revised to delete unnecessary language.
- R.61-58.2.D(7)(c)(v) Added to require fail-safe switches on Fluoride feed system to prevent overfeed.
- R.61-58.2.D(10) Introductory paragraph Revised to allow the installation of membrane treatment without pilot studies in some instances.
- R.61-58.2.D(10)(a)(i) Revised to clarify that a pilot study may not be required.
- R.61-58.2.D(10)(a)(iii) Introductory paragraph Revised to reflect industry practice of certifying membrane material instead of the membrane itself.
- R.61-58.2.D(10)(a)(iii)(A) Revised to reflect industry practice of certifying membrane material instead of the membrane itself.
- R.61-58.2.D(10)(b)(iv) Introductory paragraph Revised to reflect industry practice of certifying membrane material instead of the membrane itself.
- R.61-58.2.D(10)(b)(iv)(A) Revised to reflect industry practice of certifying membrane material instead of the membrane itself.
- R.61-58.3.B(1) Revised to clarify requirements for surface water development.
- R.61-58.3.B(2)(e) Revised to include reference to recently adopted regulation.
- R.61-58.3.B(6)(c)(i) Revised to clarify requirements for source pumping capacity
- R.61-58.3.C(5)(c) Revised to add requirements for an additional sample tap on the combined filter effluent
- R.61-58.3.D(2)(c)(i) Revised to allow an alternate basis for design of a sedimentation basin other than detention time
- R.61-58.3.D(4)(c) Revised to clarify that application rate applies only to tube settlers.
- R.61-58.3.D(4)(d) Added to specify loading rates for plate settlers which reflect current practices. Renumbered existing subitem (d) to subitem (e).
- R.61-58.3.D(5)(a)(ii) Revised to include requirement for design considerations to minimize hydraulic surge through the filters.
- R.61-58.3.D(5)(a)(v)(A) Revised for clarity.
- R.61-58.3.D(5)(a)(x)(F) Revised to reflect new requirements for turbidity measurement recording.
- R.61-58.3.D(5)(a)(xi)(D) Revised for clarity
- R.61-58.3.D(5)(b) Revised to clarify requirements for high rate filtration

R.61-58.3.D(5)(d)	Revised to disallow diatomaceous earth filtration as primary treatment of surface water and delete the associated design criteria
R.61-58.3.D(6)(c) Introductory paragraph	Revised to allow the use of chlorine gas in inhabited areas if proper safety precautions are taken
R.61-58.3.D(6)(c)(viii)	Revised to allow equivalent alternatives to chlorine gas weighing scales.
R.61-58.3.D(6)(g) Introductory paragraph	Revised to allow gas-solid chlorine dioxide generation and added the word “applicable” for clarity.
R.61-58.3.D(6)(g)(i)	Revised to delete CT credit requirements and eliminate subitem numbering. Text of existing subitem (B) is to be included under main heading.
R.61-58.3.D(6)(g)(ii)(B)	Revised to clarify that a second chlorine dioxide is not necessary if chlorine dioxide is not used as a primary disinfectant.
R.61-58.2.D(2)(g)(iii)(A)	Revised to delete requirement that piping for chlorine dioxide generators be replaced each 3 to 5 years.
R.61-58.3.D(8)(a)	Revised to correct reference
R.61-58.3.D(8)(d)(v)	Added to require fail-safe switches on Fluoride feed system to prevent overfeed.
R.61-58.3.D(11)	Revised to add general requirements for membrane use with surface water and delete specific language for design of reverse osmosis systems.
R.61-58.3.E(2)(g)(ii)	Revised to correct reference
R.61-58.3.F Introductory paragraph	Revised to clarify requirements for waste handling facility sizing
R.61-58.4.D(4)(a)	Revised to clarify that basis of design should include flushing flows
R.61-58.4.D(7)(a)	Revised to clarify requirements for blow-offs.
R.61-58.4.D(7)(d)	Revised to clarify that head loss calculation must include consideration for fire flow.
R.61-58.4.D(9)(b)	Revised to clarify requirements for post hydrants.
R.61-58.4.D(11)(h)	Revised to give an example of intended design standard.
R.61-58.4.D(13)(b)(iv)	Added to require that blow-offs be directed away from water bodies.
R.61-58.4.G	Added to include design standards for Aquifer Storage and Recovery (ASR) wells.
R.61-58.7.B(2)	Revised to clarify requirements for Standard Operating Procedures.
R.61-58.7.B(11)(d)	Added requirement for systems to notify their service population and health

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- practices if they decide to cease fluoridation.
- R.61-58.7.B(19)(c) Revised to add requirement for a combined filter water sample tap.
- R.61-58.7.C(1) Revised to clarify operator certification requirements for surface water treatment plants.
- R.61-58.7.C(4) Revised to clarify requirements that systems not exceed their permitted filtration rate and that they minimize hydraulic surges through filter.
- R.61-58.7.C(8)(c) Revised for clarity.
- R.61-58.7.C(12) Revised to specify time frame for submitting plans and specifications.
- R.61-58.7.D(1) Revised to make requirements for stand-by wells consistent with Department guidelines.
- R.61-58.7.D(10) Revised to clarify when a well must be abandoned.
- R.61-58.7.D(14) Added to specify requirements for stand-by wells that are consistent with Department guidelines.
- R.61-58.7.D(15) Added to specify requirements for emergency wells that are consistent with Department guidelines.
- R.61-58.7.E(1) Revised to add requirements for certified distribution system operators and clarify meaning of distribution treatment plant.
- R.61-58.7.E(2) Revised to add requirement for inspection of atmospheric tank vent screens and hatches.
- R.61-58.7.E(11) Revised to clarify minimum elements of a leak detection plan
- R.61-58.7.E(14) Revised to clarify requirement for storage interior paint coating to meet ANSI/NSF Standard 61
- R.61-58.7.E(15) Added to require that storage tanks taken out of service must be disinfected and sampled before being put back into service
- R.61-58.7.E(16) Added to require that the Department be notified if divers enter finished water storage tanks for inspection or cleaning
- R.61-58.7.F(8)
Introductory paragraph
- R.61-58.7.F(9)(a) Revised to include additional requirements for tester recertification
- R.61-58.7.F(10) Added to require that pressure vacuum breakers be installed above downstream piping
- R.61-58.7.G(1) Revised to clarify certified operator requirements for drinking water vending machines

- R.61-58.7.H(2) Revised to clarify certified operator requirements for drinking water bottling plants
- R.61-58.7.I Added to specify operation and maintenance standard for Aquifer Storage and Recovery wells

Notice of Staff Informational Forum:

Staff of the Department of Health and Environmental Control invites members of the public and regulated community to attend a staff-conducted informational forum to be held on October 17, 2001 at 2:00 p.m. in room 1625 of the S.C. Department of Health and Environmental Control office at 2600 Bull Street, Columbia, S.C. The purpose of the forum is to answer questions, clarify issues and receive comments from interested persons on the proposed amendment of R.61-58. Comments received shall be considered by staff in formulating the final draft proposal for submission to the Board of Health and Environmental Control for public hearing scheduled for the December 13, 2001 Board meeting, as noticed below.

Interested persons are also provided an opportunity to submit written comments on the proposed amendment to the staff forum by writing to Glenn Trofatter at Bureau of Water, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; Fax number (803) 898-4215. Written comments must be received no later than 10:00 a.m. on October 17, 2001. Comments received by the deadline shall be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing, as noticed below.

Copies of the text of the proposed amendments for public notice and comment may be obtained by contacting Glenn Trofatter at Bureau of Water, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201: Telephone number (803) 898-4233; Fax number (803) 898-4215.

Notice of Public Hearing and Opportunity for Public Comment Pursuant to S.C. Code Sections 1-23-110 and 1-23-111:

Interested members of the public and regulated community are invited to make oral or written comments on the proposed amendment to R.61-58 at a public hearing to be conducted by the Board of Health and Environmental Control at its regularly-scheduled meeting on December 13, 2001. The public hearing will be held in the Board Room of the Commissioner's Suite, Third Floor, Aycock Building of the Department of Health and Environmental Control at 2600 Bull Street, Columbia, S.C. The Board meeting commences at 10:00 a.m. at which time the Board will consider items in the order presented on its agenda. The agenda is published by the Department ten days in advance of the meeting. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes and, as a courtesy, are asked to provide written comments of their presentations for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed amendment of R.61-58 by writing Glenn Trofatter at Bureau of Water, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201; Fax number (803) 898-4215. Mailed written comments must be received no later than 10:00 a.m. on October 29, 2001. Comments received by the deadline shall be submitted in a Summary of Public Comments and Department Responses for the Board's consideration at the public hearing, as noticed above.

Copies of the text of the proposed amendments for public notice and comment may be obtained by contacting Glenn Trofatter at Bureau of Water, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201: Telephone number (803) 898-4233; Fax number (803) 898-4215.

Preliminary Fiscal Impact Statement:

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There will be minimal cost to the state and its political subdivisions. 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.S. Code Section 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: Amendment to Regulation 61-58, State Primary Drinking Water Regulations

Purpose: The Department is proposing this amendment to revise R.61-58 in order to adopt requirements for public water systems to ensure that their public water distribution systems are operated by properly certified water distribution operators. The Department is proposing these amendment in order to ensure that the State's operator certification program meets the minimum requirements set forth in EPA's "Final Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems; Notice" which was published in the Federal Register on February 5, 1999. While these guidelines do not constitute National Primary Drinking Water Regulations, and the State does not have to adopt these guideline to maintain primacy, the failure of the State to adopt requirements that meet these guidelines would result in a loss of twenty (20) percent of our State Revolving Fund allocation from EPA.

In addition, the Department is proposing to revise R.61-58 in order to address design and operation issues associated with pumping drinking water into aquifers for storage and recovery. This is a practice which is becoming increasingly popular and the current regulations do not address this issue at all. The Department is also proposing to revise R.61-58 to address other such emerging technologies which we currently do not address, or for which current regulations reflect outdated standards. Finally, the Department proposes to revise R.61-58 to clarify some existing requirements and update existing requirements to meet current industry standards and practices.

Legal Authority: The State Primary Drinking Water Regulations are authorized by S.C. Code Ann. 44-55-10 et. seq., State Safe Drinking Water Act.

Plan for Implementation: The proposed amendments would be incorporated within R.61-58 upon approval of the Board of Health and Environmental Control, the S.C. General Assembly and publication in the State Register. The proposed amendment will be implemented in the same manner in which the existing regulation is implemented.

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

The adoption of these regulations which address operator certification will allow the Department to maintain our current level of SRF funding from EPA. The remainder of the proposed amendment would clarify and update design and operation requirements for public water systems and would address important issues which are not addressed in current regulations.

DETERMINATION OF COSTS AND BENEFITS: The changes to the operator certification requirements for distribution systems may result in some additional costs for water systems resulting from training and certification costs for distribution system operators. Some water systems may have to contract the services of a certified distribution system operator to be responsible for the operation of their system, but it is more likely that an owner or current employee will be capable of becoming certified. In that instance, initial certification cost, license renewal fees, and training expenses will be the only costs incurred. The benefits associated with the operator certification changes are that the State retains full funding from EPA for the SRF. In addition, these changes would ensure that qualified persons are responsible for the operation of drinking water distribution systems in the state.

There should be little or no costs associated with other proposed revisions to R.61-58. These proposed changes are mostly meant to provide design and operation standards where none currently exist and to update standards which no longer represent accepted industry practices. There would be very little or no costs to the state to implement these regulations if adopted as proposed.

UNCERTAINTIES OF ESTIMATES: minimal

EFFECT ON ENVIRONMENT AND HEALTH: There will be no effect on the environment. The amendments would promote public health through improved operation of public water distribution systems.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There will be no detrimental effect on the environment if the amendments are not implemented. However, failure to adopt these amendments could result in a loss of funding for much needed infrastructure improvement projects which could, in turn, negatively affect public health.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2664
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF MEDICAL EXAMINERS
CHAPTER 81
Statutory Authority: 1976 Code Sections 40-47-20; 40-1-70

Preamble:

The Board of Medical Examiners is proposing to amend Regulation 81-70 to provide for the issuance of a limited license for training to applicants who have completed a Fifth Pathway program. The amendment also would delete reference to a FMGEMS certificate, which no longer is available.

Section by Section Discussion:

Section 81-70. Requirements For Limited License.

This change will permit licensure for training of applicants who have completed a Fifth Pathway program. The amendment also would delete reference to a FMGEMS certificate, which no longer is available.

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Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at the Administrative Law Judge Division at Division at 2 p.m. on Tuesday, November 13, 2001. Written comments may be directed to Mr. John D. Volmer, Administrator, Board of Medical Examiners, Department of Labor, Licensing and Regulation, Post Office Box 11289, Columbia, South Carolina 29211-1289 no later than 5:00 p.m., on October 30, 2001.

Preliminary Fiscal Impact Statement: There will be no additional cost incurred by the State or any political subdivision.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION:

Purpose: Revisions are being considered that will amend Regulation 81-70 to provide for the issuance of a limited license for training to applicants who have completed a Fifth Pathway program. The amendment also would delete reference to a FMGEMS certificate, which no longer is available.

Legal Authority: Statutory Authority: 1976 Code Title 40, Chapter 47, Section 20; Title 40, Chapter 1, Section 70.

Plan for Implementation: Administratively, the Department will see that these practices are implemented by informing the licensees through written communications and newsletters.

DETERMINATION OF NEED AND REASONABLENESS BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: This regulation is necessary to make more consistent the requirements for a permanent license and a limited license for training as they relate to applicants trained in other countries who can document successful completion of a Fifth Pathway program. References to a FMGEMS certificate, which no longer is available, would be deleted. The amended regulation does not guarantee eligibility for permanent licensure.

DETERMINATION OF COSTS AND BENEFITS: There will be no additional cost incurred by the State or any political subdivision.

UNCERTAINTIES OF ESTIMATES: There are no uncertainties of estimates concerning this regulation.

EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH: This regulation will have no effect on the environment and public health of this State. However, this amendment will enable the Board to consider a wider range of physicians for limited practice for training in this State.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: This regulation will have no detrimental effect on the environment and public health of this State if the regulation is not implemented in this State.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2657
DEPARTMENT OF NATURAL RESOURCES
 CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-210, 50-3-100, 50-11-10, 50-11-65, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-430, 50-11-500, 50-11-520, 50-11-530, 50-11-854 and 50-11-2200.

Preamble:

The South Carolina Department of Natural Resources is proposing to amend the existing regulations which sets seasons, bag limits and methods of hunting and taking of wildlife. These regulations replace Chapter 123-40 in order to clarify Department of Natural Resources authority for filing specific regulations, correct past errors in the printed document, add new sections and incorporate all previously filed changes to Chapter 123-40, 123-50, 123-51, 123-52 and 123-53.

Notice of Public Hearing and Opportunity for Public Comment:

Should a hearing be requested pursuant to Section 1-23-110(b) of the 1976 Code, as amended, such hearing will be conducted at 1000 Assembly Street on October 29, 2001, at 10:00 am in room 335, third floor, Rembert C. Dennis Building. Written comments may be directed to William S. McTeer, Deputy Director, Wildlife & Freshwater Fisheries Division, Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

Fiscal Impact Statement:

This amendment of Regulation 123.40 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

Statement of Need and Reasonableness:

The statement of need and reasonableness was determined based on staff analysis pursuant to S.C. Code Sections 1-23-115(C) (1) through (3) and (9) through (11).

1. DESCRIPTION OF THE REGULATION:

Purpose: These regulations replace Chapter 123-40 in order to clarify Department of Natural Resources authority for filing specific regulations, correct past errors in the printed document, add new sections and incorporate all previously filed changes to Chapter 123-40, 123-50, 123-51, 123-52 and 123-53.

Legal Authority: Under Sections 50-1-200, 50-1-210, 50-3-100, 50-11-10, 50-11-65, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-430, 50-11-500, 50-11-520, 50-11-530, 50-11-854 and 50-11-2200 of the S.C. Code of Laws, the Department of Natural Resources has jurisdiction over all Wildlife Management Areas to establish open and closed seasons, bag limits, and methods of taking wildlife; special use restrictions related to hunting and methods for taking wildlife on Department-owned Wildlife Management Areas; for seasons, bag limits and methods of take for deer in Game Zones 1, 2 and 4; and for seasons, bag limits and methods of take for bear and turkey.

Plan for Implementation: Once the regulation has been approved by the General Assembly, the Department will incorporate all regulations in the annual Rules and Regulations Brochure. The public will be notified through this publication and through news releases and other Department media outlets and publications.

2. DETERMINATION OF NEED AND REASONABLENESS OF THE REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

Periodically additional lands are made available to the public through the Wildlife Management Area Program. Since existing regulations only apply to specific wildlife management areas, new regulations must be filed to

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establish seasons, bag limits and methods of hunting and taking of wildlife on these new WMAs as well as expanding use opportunities on existing WMAs.

3. DETERMINATION OF COSTS AND BENEFITS:

Implementation of the proposed regulation will not require any additional costs to the state or to the sporting community. There are no significant new costs imposed by the addition of new WMAs since the funding of leasing WMAs is provided through the existing WMA permit program. Clarification of existing regulations under appropriate authority will improve enforcement ability and therefore reduce staff time in handling prosecution of offenses. This amendment of Regulation 123.40, 123-50, 123-51, 123-52 and 123-53 will result in increased public hunting opportunities which should generate additional State revenue through license sales. In addition, the local economy should benefit from sales of hunting supplies, food and overnight accommodations. Sales taxes on these items will also directly benefit government.

9. UNCERTAINTIES OF ESTIMATES:

Staff does not anticipate any increased costs with the promulgation of this regulation. Accordingly, no costs estimates and the uncertainties associated with them are provided.

10. EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

The promulgation of this regulation will not have any impacts on public health. Environmental impacts will be positive since the proposed regulation will result in additional opportunity for outdoor recreation for South Carolina's sportsmen therefore and increased awareness and commitment for natural resources.

11. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

No detrimental impact on public health or the environment will occur if this proposed regulation is not implemented. Failure to implement this regulation will prevent positive benefits to public.

Summary of Preliminary Assessment Report:

The proposed regulation does not require an assessment report.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2663
PUBLIC SERVICE COMMISSION
 CHAPTER 103

Statutory Authority: 1976 Code Sections 58-3-140, as amended, and 58-5-210

- 103-512.3.1 Amount of Bond
- 103-712.3.1 Amount of Bond

Preamble:

The Public Service Commission proposes to amend 26 S.C. Code Ann. Regs. 103-512.3.1 and 103-712.3.1 (Supp. 2000) regarding the amount of bond that water and wastewater utilities must file with the Public Service Commission. On June 1, 1999, S.C. Code Ann. Section 58-5-720 (Supp. 2000) was amended by the South Carolina General Assembly. This amendment requires any water or sewer utility regulated by the Public Service Commission, for the construction, operation, maintenance, acquisition, expansion, or improvement of any facility or system, to file with the Commission a bond with sufficient surety or certificates of deposit in an amount not less than one hundred thousand dollars and not more than three hundred fifty thousand dollars payable to the Commission. 26 S.C. Code Ann. Regs. 103-512.3.1 and 103-712.3.1 (Supp. 2000) should be amended so that the amount of bonds in these regulations is consistent with S.C. Code Ann. Section 58-5-720 (Supp. 2000).

A Notice of Drafting was published in Volume 25, Issue No. 7 of the *State Register* published July 27, 2001.

Section-by-Section Discussion

- 103-512.3.1 This regulation is being amended to comply with S.C. Code Ann. Section 58-5-720 (Supp. 2000).
- 103-712.3.1 This regulation is being amended to comply with S.C. Code Ann. Section 58-5-720 (Supp. 2000).

Notice of Public Hearing and Opportunity for Public Comment:

Individuals interested in commenting on the proposed amendments to 26 S.C. Code Ann. Regs. 103-512.3.1 and 103-712.3.1 (Supp. 2000) may do so by submitting comments in writing to Mr. Gary E. Walsh, Executive Director, Public Service Commission of South Carolina, P.O. Drawer 11649, Columbia, South Carolina 29211. To be considered, comments must be received no later than 4:45 p.m. on November 15, 2001, the close of the drafting comment period. Please refer to Docket No. 2001-298-W/S in written comments forwarded to the Commission. A public hearing on the proposed amendments to 26 S.C. Code Ann. Regs. 103-512.3.1 and 103-712.3.1 (Supp. 2000) will be held on December 6, 2001, at 10:30 a.m., before the Commission in the Commission's Hearing Room at 101 Executive Center Drive, Saluda Building, Columbia, South Carolina.

Preliminary Fiscal Impact Statement:

There will be no increased cost to the State or its political subdivisions.

Statement of Need and Reasonableness:

DESCRIPTION OF REGULATION: 103-512.3.1 and 103-712.3.1., AMOUNT OF BOND

Purpose: 26 S.C. Code Ann. Regs. 103-512.3.1. and 103-712.3.1. (Supp. 2000) are being amended by increasing the amount of bonds or certificates of deposits that water and wastewater utilities must post with the South Carolina Public Service Commission prior to constructing, operating, maintaining, acquiring, expanding, or improving any facility or system. After these amendments are promulgated, 26 S.C. Code Ann. Regs. 103-512.3.1 and 103-712.3.1. (Supp. 2000) will be consistent with the minimum and maximum amount of bonds in the recently amended S.C. Code Ann. Section 58-5-720 (Supp. 2000).

Legal Authority: The legal authority for amending the proposed regulations is Sections 58-3-140, as amended, and 58-5-210 of the 1976 Code of Laws.

38 PROPOSED REGULATIONS

Plan for Implementation: The amended regulations will take effect upon approval by the General Assembly and publication in the *State Register*. After the amended regulations take effect, 26 S.C. Code Ann. Regs. 103-512.3.1. and 103-712.3.1. (Supp. 2000) will comply with S.C. Code Ann. Section 58-5-720 (Supp. 2000).

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

The increased minimum and maximum amount of bonds will provide financial support for a water or wastewater utility system that is abandoned or improperly maintained. In addition, due to the recent amendments to S.C. Code Ann. Section 58-5-720 (Supp. 2000), whereby the minimum and maximum amount of bonds were increased, the proposed amendments to 26 S.C. Code Ann. Regs. 103-512.3.1 and 103-712.3.1 (Supp. 2000) should be promulgated. The proposed amendments to these regulations specify the amount of bond based on, but not limited to, the total amount of the following categories of expenses for twelve months: Operation and Maintenance Expenses, General and Administrative Expenses, Depreciation and Amortization Expenses, Taxes Other Than Income Taxes, Income Taxes, and Interest Expenses.

DETERMINATION OF COSTS AND BENEFITS:

Water and wastewater utilities who wish to construct, operate, maintain, acquire, expand, or improve any facility or system must post an increased amount of bond with the Public Service Commission due to the recently amended S.C. Code Ann. Section 58-5-720 (Supp. 2000). The increased minimum and maximum amount of bonds will benefit customers who are the victims of abandoned or improperly maintained water or wastewater utility systems.

UNCERTAINTIES OF ESTIMATES: None.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

If a water or wastewater utility system is abandoned, the increased amount of minimum and maximum bonds will help to insure that the system is adequately and properly maintained.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

If water and wastewater utility systems are not properly maintained, the effect on the public health and the environment could be horrendous. The increased minimum and maximum amount of bonds that must be posted with the South Carolina Public Service Commission will help deter the detrimental effect an abandoned or improperly maintained system could have on the environment and the public health.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2662
DEPARTMENT OF REVENUE
CHAPTER 117
Statutory Authority: 1976 Code Section 12-4-320

Regulations:

ADMINISTRATIVE REGULATIONS	
117-1	Supplying of Identifying Numbers
117-2	Retention of Books and Records and the Use of Microfilm Reproduction of Books and Records
ALCOHOLIC LIQUOR, BEER AND WINE AND LICENSE TAX REGULATIONS	
117-12	Collection and Payment of Tax and the Maintaining of Records
117-20	Sales or Exchanges with other Wholesalers
117-21	Change in Distributors
117-38	Soft Drinks - Exemptions
117-49	Classification of Industrial Customers
INCOME TAX REGULATIONS	
117-61	Tax Liability of Stockholders
117-73	Related Expenses Defined
117-74	Allocation of Out-of-State Income and Losses
117-81	Tax Credit to Residents of this State Upon Income from a Partnership Taxed in Another State
117-83	Copies of Withholding Statements
117-87.17	Unrelated Business
117-87.20	Information Reports
117-87.32	Active Duty Military Pay
117-88.1	Determining Net Income of Building and Loan Associations
117-88.2	Earnings Paid to Shareholders
117-89.1	Annual Reports of Public Utilities
117-91.1	Nonresident Employees Operating Common Carriers
117-91.7	The One-half Rule
117-92.1	Entire Net Income
117-92.3	Federal Income Tax Deduction
PROPERTY TAX REGULATIONS	
117-115	General Requirements for Ratio Study
117-116	Form to Provide Tax Commission with Information for Ratio Studies
117-124.2	Licensed Automotive Vehicles and Airplanes
117-124.3	Manufacturing Plants Constructed Pursuant to the Industrial Revenue Bond Act
117-126	Use Value Procedure for Cropland and Timberland
117-127	Computation of Index of Taxpaying Ability for School District

40 PROPOSED REGULATIONS

Preamble:

The South Carolina Department of Revenue is considering amending various administrative, license tax, income tax, and property tax regulations to change references to the former tax commission to the Department of Revenue and to correct references to various code sections that have been changed due to recodification of administrative and income tax laws in Title 12.

Discussion

The South Carolina Department of Revenue is considering amending the following administrative, license tax, income tax, and property tax regulations to change references to the former tax commission to the Department of Revenue and to correct references to various code sections that have been changed due to recodification of administrative and income tax laws in Title 12.

ADMINISTRATIVE REGULATIONS	
117-1	Supplying of Identifying Numbers
117-2	Retention of Books and Records and the Use of Microfilm Reproduction of Books and Records
ALCOHOLIC LIQUOR, BEER AND WINE AND LICENSE TAX REGULATIONS	
117-12	Collection and Payment of Tax and the Maintaining of Records
117-20	Sales or Exchanges with other Wholesalers
117-21	Change in Distributors
117-38	Soft Drinks - Exemptions
117-49	Classification of Industrial Customers
INCOME TAX REGULATIONS	
117-61	Tax Liability of Stockholders
117-73	Related Expenses Defined
117-74	Allocation of Out-of-State Income and Losses
117-81	Tax Credit to Residents of this State Upon Income from a Partnership Taxed in Another State
117-83	Copies of Withholding Statements
117-87.17	Unrelated Business
117-87.20	Information Reports
117-87.32	Active Duty Military Pay
117-88.1	Determining Net Income of Building and Loan Associations
117-88.2	Earnings Paid to Shareholders
117-89.1	Annual Reports of Public Utilities
117-91.1	Nonresident Employees Operating Common Carriers
117-91.7	The One-half Rule
117-92.1	Entire Net Income
117-92.3	Federal Income Tax Deduction

PROPERTY TAX REGULATIONS	
117-115	General Requirements for Ratio Study
117-116	Form to Provide Tax Commission with Information for Ratio Studies
117-124.2	Licensed Automotive Vehicles and Airplanes
117-124.3	Manufacturing Plants Constructed Pursuant to the Industrial Revenue Bond Act
117-126	Use Value Procedure for Cropland and Timberland
117-127	Computation of Index of Taxpaying Ability for School District

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2658
DEPARTMENT OF REVENUE
CHAPTER 117
Statutory Authority: 1976 Code Section 12-4-320

Regulations: All Sales and Use Tax Regulations in Article 7 of Chapter 117 (Regulations 117-145 through 117-178)

Preamble:

The South Carolina Department of Revenue is considering repealing Article 7 of Chapter 117 of the SC Code of Regulations (SC Regulations 117-145 through 117-178) and creating thirty-seven new regulations concerning sales and use tax in a new Article 11. Under the proposal, sales and use tax regulations are combined so that all regulations concerning one subject matter can be found in one regulation and therefore one place in the regulation code. In addition, each regulation would have several “subsections” numbered in a manner to allow future issues concerning the subject matter to be added on and still be in the same place in the regulation code as other similar issues. For example, all issues concerning agriculture can be found in one regulation under Regulation 117-301. This regulation has several “subsections” numbered 117-301.1, 117-301.2, and so on. The project reduces the number of regulations from 225 to 37. The proposal also incorporates longstanding department policy with respect to building material used in the construction of commercial housing for poultry and livestock, meals sold to or by medical institutions, colleges and universities, charges by hotels and similar facilities, transactions involving state and local governments, and the calculation of the tax when a manufactured home is sold with furniture, appliances and other items.

Discussion

Under the proposal, sales and use tax regulations are combined so that all regulations concerning one subject matter can be found in one regulation and therefore one place in the regulation code. In addition, each regulation would have several “subsections” numbered in a manner to allow future issues concerning the subject matter to be added on and still be in the same place in the regulation code as other similar issues. For example, all issues concerning agriculture can be found in one regulation under Regulation 117-301. This regulation has several “subsections” numbered 117-301.1, 117-301.2, and so on. The project reduces the number of regulations from 225 to 37. This proposal organizes and numbers the regulations as follows:

42 PROPOSED REGULATIONS

<u>Regulation Number</u>	<u>Subject</u>
117-300	Retail Licenses
117-301	Agriculture
117-302	Manufacturers, Processors, Compounders, Miners and Quarriers
117-303	Laundries
117-304	State and Local Government
117-305	Meals
117-306	Repairs
117-307	Hotels, Motels and Similar Facilities
117-308	Services
117-309	Retailers
117-310	Freight and Delivery Charges
117-311	Railroads
117-312	Containers and Other Packaging Material
117-313	Labor
117-314	Construction
117-315	Newspaper
117-316	Books
117-317	Repossessed Property
117-318	Gross Proceeds of Sales and Sales Price
117-319	Warehousemen
117-320	Use Tax
117-321	Ships
117-322	Casual and Isolated Sales
117-323	Residential Heating
117-324	Dual Business
117-325	Bulk Sales
117-326	Saving and Loan Associations
117-327	Leased Departments
117-328	Radio and TV Stations
117-329	Communications
117-330	Automatic Data Processing
117-331	Airport Fixed Based Operators
117-332	Medicine and Prosthetic Devices
117-333	Donors and Goods Given Away for Advertising Purposes
117-334	Interstate Commerce
117-335	Manufactured and Modular Homes
117-336	Definition of a Facility

The proposal also incorporates longstanding department policy with respect to building material used in the construction of commercial housing for poultry and livestock, meals sold to or by medical institutions, colleges and universities, charges by hotels and similar facilities, transactions involving state and local governments, and the calculation of the tax when a manufactured home is sold with furniture, appliances and other items.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

Document No. 2650
DEPARTMENT OF REVENUE
 CHAPTER 7
 Statutory Authority: 1976 Code Section 12-4-320

Regulations

7-2.	Applications.
7-6	Licensed Premises
7-7	Maintenance of Records.
7-8	Inspection of Premises
7-9	Purchase or Possession by Person Under Twenty-one Years of Age.
7-10	Retail Liquor Dealers.
7-11	Measurements.
7-13	Destruction of Two-ounce Containers
7-14	Private Functions.
7-16	Purchase of Minibottles from Retail Liquor Dealers
7-17	Sale and Consumption at Nonprofit Organizations.
7-19	Restaurants
7-21	Application
7-22	Display of License
7-25	Inspection of Premises.
7-26	Violations.
7-27	Stipulations.
7-31	Possession or Consumption of Alcoholic Liquors by Person Under Twenty-one Years of Age.
7-33	Records to be Maintained on Licensed Premises.
7-35	Transfer of Alcoholic Liquor Between Retail Stores.
7-36	Purchases by Retail Dealer from Licensed Wholesaler Only; Purchases from Exclusive Use Prohibited
7-41	Natural Wines Defined
7-42	Readvertising Not Necessary in Same Fiscal Year.
7-48	Corporations, Associations, etc. Responsible for all Violations on Premises
7-51	Inspection, Refusal of.
7-52	Underage Violations--Multiple Offenses.
7-55	Measurements from Location to School, Church or Playground.
7-56	Credit Cards Allowed for the Purchase of Liquor.
7-58	Storage Areas in Retail Stores
7-60	Merchandise Other Than for Wines or Alcoholic Liquors Cannot be Advertised or Displayed
7-61	Time of Sale.
7-62	Open Containers of Wine as Well as Alcoholic Liquors in Retail Liquor Stores.
7-63	Dishonored Checks to Wholesalers
7-70	Person Under 21--Violation to Allow Possession and Consumption of Alcoholic Liquors on Premises.
7-71	Person Under 21--Violation to Allow Possession and Consumption of Beer or Wine on Premises.
7-72	Wines Sold by Beer and Wine Wholesalers
7-75	Offers in Compromise Must be in Writing

44 PROPOSED REGULATIONS

7-76	Clubs, Associations, etc., Responsible for all Violations
7-82	Inspection of Premises Must be Permitted.
7-85	Vending Machines for Beer Prohibited.
7-86	Delivery or Removal of Beer and Wine During Restrictive Hours Prima Facie Evidence of Sale.
7-88	Stipulations, Acceptance of.
7-89	USDA Food Stamps Not Accepted in Payment for Beer or Wine
7-92	Sales by Retailer to Another Retailer for Resale
7-93	Beer and Wine Permit and Sale and Consumption License Must be in the Same Name
7-95	Refund on Permit Applications.
7-99	Sign Required Under Section 61-9-455; Size and Lettering

Preamble:

The South Carolina Department of Revenue is considering amending various alcoholic beverage regulations to change references to the former Alcoholic Beverage Commission to the Department of Revenue or the State Law Enforcement Division and to correct references to various code sections that have been changed due to recodification of the alcoholic beverage laws in Title 61. The department is also proposing to delete some outdated provisions of some regulations and repeal other outdated regulations completely.

Discussion

The South Carolina Department of Revenue is considering amending the following alcoholic beverage regulations to change references to the former Alcoholic Beverage Commission to the Department of Revenue or the State Law Enforcement Division and to correct references to various code sections that have been changed due to recodification of the alcoholic beverage laws in Title 61. The department is also proposing to delete of some outdated provisions some regulations and repeal other outdated regulations completely.

7-2.	Applications.
7-6	Licensed Premises
7-7	Maintenance of Records.
7-8	Inspection of Premises
7-9	Purchase or Possession by Person Under Twenty-one Years of Age.
7-10	Retail Liquor Dealers.
7-11	Measurements.
7-13	Destruction of Two-ounce Containers
7-14	Private Functions.
7-16	Purchase of Minibottles from Retail Liquor Dealers
7-17	Sale and Consumption at Nonprofit Organizations.
7-19	Restaurants
7-21	Application
7-22	Display of License
7-25	Inspection of Premises.
7-26	Violations.
7-27	Stipulations.
7-31	Possession or Consumption of Alcoholic Liquors by Person Under Twenty-one Years of Age.
7-33	Records to be Maintained on Licensed Premises.

7-35	Transfer of Alcoholic Liquor Between Retail Stores.
7-36	Purchases by Retail Dealer from Licensed Wholesaler Only; Purchases from Exclusive Use Prohibited
7-41	Natural Wines Defined
7-42	Readvertising Not Necessary in Same Fiscal Year.
7-48	Corporations, Associations, etc. Responsible for all Violations on Premises
7-51	Inspection, Refusal of.
7-52	Underage Violations--Multiple Offenses.
7-55	Measurements from Location to School, Church or Playground.
7-56	Credit Cards Allowed for the Purchase of Liquor.
7-58	Storage Areas in Retail Stores
7-60	Merchandise Other Than for Wines or Alcoholic Liquors Cannot be Advertised or Displayed
7-61	Time of Sale.
7-62	Open Containers of Wine as Well as Alcoholic Liquors in Retail Liquor Stores.
7-63	Dishonored Checks to Wholesalers
7-70	Person Under 21--Violation to Allow Possession and Consumption of Alcoholic Liquors on Premises.
7-71	Person Under 21--Violation to Allow Possession and Consumption of Beer or Wine on Premises.
7-72	Wines Sold by Beer and Wine Wholesalers
7-75	Offers in Compromise Must be in Writing
7-76	Clubs, Associations, etc., Responsible for all Violations
7-82	Inspection of Premises Must be Permitted.
7-85	Vending Machines for Beer Prohibited.
7-86	Delivery or Removal of Beer and Wine During Restrictive Hours Prima Facie Evidence of Sale.
7-88	Stipulations, Acceptance of.
7-89	USDA Food Stamps Not Accepted in Payment for Beer or Wine
7-92	Sales by Retailer to Another Retailer for Resale
7-93	Beer and Wine Permit and Sale and Consumption License Must be in the Same Name
7-95	Refund on Permit Applications.
7-99	Sign Required Under Section 61-9-455; Size and Lettering

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page: www.scstatehouse.net If you do not have access to the Internet, the text may be obtained from the promulgating agency.

46 PROPOSED REGULATIONS

Document No. 2651
DEPARTMENT OF REVENUE
CHAPTER 7
Statutory Authority: 1976 Code Section 12-4-320

Regulations

7-34 Advertisements, Retail and Wholesale

7-49 Revolving Lights, etc., Advertising Merchandise, etc. Prohibited; Window Displays Restricted

Preamble:

The South Carolina Department of Revenue is considering repealing SC Regulations 7-34 and 7-49 concerning alcoholic liquor advertising by wholesalers and retailers since the U.S. Supreme Court, in 44 Liquormart v. Rhode Island, 517 U.S. 484 (1996), held unconstitutional a similar Rhode Island statute that prohibited price advertising of alcoholic liquors.

Discussion

The South Carolina Department of Revenue is considering repealing two regulations concerning alcoholic liquor advertising by wholesalers and retailers since the U.S. Supreme Court, in 44 Liquormart v. Rhode Island, 517 U.S. 484 (1996), held unconstitutional a similar Rhode Island statute that prohibited price advertising of alcoholic liquors. The regulation to be repealed are:

7-34 Advertisements, Retail and Wholesale

7-49 Revolving Lights, etc., Advertising Merchandise, etc. Prohibited; Window Displays Restricted

Text:

No text is necessary since the proposal is only repealing regulations no longer needed since a ruling by the U.S. Supreme Court, in 44 Liquormart v. Rhode Island, 517 U.S. 484 (1996), held unconstitutional a similar Rhode Island statute that prohibited price advertising of alcoholic liquors.

Notice of Public Hearing:

The S.C. Department of Revenue has scheduled a public hearing before the Administrative Law Judge Division at the Administrative Law Judge Division in the Edgar Brown Building on the Capitol Complex in Columbia, South Carolina for 10:00 am November 20, 2001 if the requests for a hearing meet the requirements of Code Section 1-23-110(A)(3). The public hearing, if held, will address a proposal by the department to repeal several regulations that are no longer needed because of a ruling by the U.S. Supreme Court, in 44 Liquormart v. Rhode Island, 517 U.S. 484 (1996), that held unconstitutional a similar Rhode Island statute that prohibited price advertising of alcoholic liquors.

The department will be asking the Administrative Law Judge Division, in accordance with S.C. Code Ann. § 1-23-111 (2000), to issue a report that the proposal to repeal the regulations is needed and reasonable.

Comments:

All comments concerning this proposal should be mailed to the following address by October 29, 2001:

S.C. Department of Revenue
 Legislative Services - Mr. Meredith Cleland
 P.O. Box 125
 Columbia, South Carolina 29214

Preliminary Fiscal Impact Statement:

There will be no cost to the state or local political subdivision expenditures in complying with the proposed regulation. The benefits associated with the proposed changes to the state or local political subdivisions are uncertain.

Summary of the Preliminary Assessment Report:

The South Carolina Department of Revenue is considering repealing SC Regulations 7-34 and 7-49 concerning alcoholic liquor advertising by wholesalers and retailers since the U.S. Supreme Court, in 44 Liquormart v. Rhode Island, 517 U.S. 484 (1996), held unconstitutional a similar Rhode Island statute that prohibited price advertising of alcoholic liquors.

Preliminary Assessment Report:

Under the provisions of law governing the preliminary assessment report (Code Section 1-23-115), the SC Department of Revenue will address items (1) through (3) of Code Section 1-23-115(C) as follows:

1. The purpose of this proposal is to repeal regulations that are no longer needed because of a ruling by the U.S. Supreme Court, in 44 Liquormart v. Rhode Island, 517 U.S. 484 (1996), that held unconstitutional a similar Rhode Island statute that prohibited price advertising of alcoholic liquors. The authority for repealing these regulations can be found in Code Section 12-4-320. The Department of Revenue will implement this proposal in the same manner as it implements all other regulations.
2. The proposal to repeal these regulations is needed to reduce any taxpayer confusion that may result from having published regulations that are that are no longer needed because of a ruling by the U.S. Supreme Court, in 44 Liquormart v. Rhode Island, 517 U.S. 484 (1996), that held unconstitutional a similar Rhode Island statute that prohibited price advertising of alcoholic liquors. The proposal to repeal these regulations is also reasonable in that it is the department’s responsibility to maintain regulations that are up-to date and consistent with the law.
3. This proposal to repeal these regulations will benefit taxpayers because it will reduce any taxpayer confusion by eliminating regulations that are outdated. This regulation is cost effective for the same reasons.

Under the provisions of law governing the preliminary assessment report (Code Section 1-23-115), the SC Department of Revenue will address items (9) through (11) of Code Section 1-23-115(C) as follows:

9. There is very little uncertainty associated with estimating the benefits of this regulation. All individuals would be similarly treated by these provisions.
10. The proposed regulation would not have any effect on the environment and public health.
11. If the proposed regulation is approved, there would not be a detrimental effect on the environment and public health.

48 EMERGENCY REGULATIONS

Filed: August 31, 2001

Document No. 2653
DEPARTMENT OF LABOR, LICENSING AND REGULATION
SOUTH CAROLINA BOARD OF ACCOUNTANCY
Chapter 2

Statutory Authority: 1976 Code Sections 40-15-140 and 40-2-200.

Emergency Situation:

The South Carolina Board of Accountancy has determined that an emergency exists requiring promulgation of a regulation pursuant to S.C. Code Section 1-23-130 to maintain access to the Uniform CPA Examination administered by the American Institute of Certified Public Accountants. The next examination will be offered in November 2001 and the cost of the examination is expected to exceed the maximum amount set by Regulation 1-05-(D)(2). The General Assembly authorized the removal of the cap on fees for examination by 2001 Rat. 139 (signed by the Governor on August 30, 2001). The best interest of the State of South Carolina and its citizens who anticipate licensure as Certified Public Accountants is served by making it possible for candidates to take the November examination. A South Carolina license, which is not based upon a passing score on the Uniform CPA Examination, would not be afforded comity or endorsement in other states to the significant detriment of our licensees who engage in multi-state practice.

Text:

1-05 Certified Public Accountant Examinations

D. Examination Applications and Fees.

(2) Examination fees, as set by the AICPA, must accompany the application. If a check in payment of examination fees fails to clear the bank, the application shall be deemed incomplete and the application shall be returned to the candidate.

Statement of Need and Reasonableness: The need for immediate action is required in order to for applicants and licensees to maintain access to the Uniform CPA Examination administered by the American Institute of Certified Public Accountants. The next examination will be offered in November 2001 and the cost of the examination is expected to exceed the maximum amount set by Regulation 1-05-(D)(2). The General Assembly authorized the removal of the cap on fees for examination by 2001 Rat. 139 (signed by the Governor on August 30, 2001). The best interest of the State of South Carolina and its citizens who anticipate licensure as Certified Public Accountants is served by making it possible for candidates to take the November examination. A South Carolina license, which is not based upon a passing score on the Uniform CPA Examination, would not be afforded comity or endorsement in other states to the significant detriment of our licensees who engage in multi-state practice.

DESCRIPTION OF REGULATION:

Purpose: The purpose of this regulation is to ensure that the provisions of recently enacted statutory changes removing the maximum cost for examination is carried out by promulgation of regulations.

Legal Authority: 1976 Code Title 40, Chapter 2, Section 140; Title 40, Chapter 2, Section 200.

Plan for Implementation: Administratively, the Board will notify all applicants and licensees through written and oral communication and by the promulgation of a permanent regulation in accordance with the S.C. Administrative Procedures Act.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS THEREIN AND EXPECTED BENEFITS: This regulation need revision in order to comply with the new statutory requirements and procedures.

DETERMINATION OF COSTS AND BENEFITS: No additional costs will be incurred by the State or any political subdivision.

UNCERTAINTIES OF ESTIMATES: There are no uncertainties of estimates concerning this regulation.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: This regulation will have no effect on the environment or public health.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: This regulation will have no detrimental effect on the environment or public health.

Filed: September 13, 2001, 10 am

Document No. 2656
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123

Statutory Authority: S.C. Code Sections 50-11-2200 and 50-11-2210

123-200. Wildlife and Freshwater Fisheries Division B Department Owned Lands Regulation

Emergency Situation:

These emergency regulations are necessary immediately and in the best interest of the state to govern certain activities on lands owned by the South Carolina Department of Natural Resources, pending the promulgation of permanent regulations pursuant to Section 50-11-2200, Code of Laws of South Carolina, 1976, as amended. Legislation (S.248) passed during the 2001 General Assembly granted the department authority to regulate uses and activities on DNR-owned lands.

Reg.

- 123-200. Regulations Applicable to Real Property Owned by the Department of Natural Resources.
- 123-201. Definitions.
- 123-202. Regulation for Jim Timmerman Natural Resources Area at Jocassee Gorges.
- 123-203. Regulation for Capers Island.
- 123-204. Regulation for Dungannon Heritage Preserve.
- 123-205. Regulation for Great Pee Dee River Heritage Preserve.
- 123-206. Regulation for Victoria Bluff Heritage Preserve.
- 123-207. Regulation for Waddell Mariculture Center
- 123-208. Regulation for South Carolina Marine Resources Center at Fort Johnson
- 123-209. Prohibition of Digging on Real Property Owned by the Department of Natural Resources
- 123-210. Prohibition of All Terrain Vehicles on Heritage Preserves.
- 123-211. Exception for Non-Public Use Properties.
- 123-212. Management Activities of Department Personnel.
- 123-213. Law Enforcement, Fire Fighting, and Emergency Activities.

50 EMERGENCY REGULATIONS

123-200. Regulations Applicable to Real Property Owned by the Department of Natural Resources.

Applicability and Scope.

A. The purpose of this regulation is to govern the conduct and activities of visitors to lands owned by the Department of Natural Resources. This regulation applies to the Department lands identified in 123-202 through 123-210.

B. Regulations for the establishment of open and closed seasons, bag limits, and methods for hunting and taking wildlife on all Department owned wildlife management area lands, and for the protection, preservation, operation, maintenance, and use of wildlife management area lands not owned by the Department are stated in R.123-40. The regulations below will apply to Department owned wildlife management area lands in addition to R.123-40. In case of any conflict with R.123-40, this regulation will prevail.

C. Wildlife management area lands not owned by the Department are regulated generally under R.123-40 and specific regulations for individual species.

123-201. Definitions.

For purposes of this regulation:

ADepartment \cong means the South Carolina Department of Natural Resources.

ADepartment land \cong means real property, including any buildings, structures, or improvements, owned by the Department in fee simple, including but not limited to game preserves or reserves, heritage preserves, boat landings, and Department land designated as wildlife management area land.

AWildlife management area land \cong means those lands leased or otherwise established by the Department for the protection, propagation, and promotion of fish and wildlife and for public hunting and fishing.

AHunting \cong means the act of trying to find, seek, obtain, pursue, or diligently search for wildlife for sport, regardless of whether wildlife is taken or not. The act of seeking wildlife or the pursuit of wildlife as sport, such as but not limited to raccoon hunting and training hunting dogs shall be deemed hunting. Any person accompanying a hunter or hunters and participating in a hunt in any regard shall be deemed to be hunting.

ATaking \cong means to shoot, wound, kill, trap, capture, or collect, or attempt to shoot, wound, kill, trap, capture, or collect any wildlife.

AFishing \cong means all activity and effort involved in taking or attempting to take fish.

ARock climbing \cong means the sport of ascending or descending rock faces of such vertical angle that the climber must use technical climbing techniques to safely negotiate the climb. This includes all free, aided, and friction climbing where ropes, pitons, nuts, chocks, screws, carabineers, snap links, chalk, ropes, fixed or removable anchors, or other similar climbing equipment is used.

AMotorized vehicle \cong means a device incorporating a motor or an engine of any type for propulsion, and with wheels, tracks, skids, skis, air cushion or other contrivance for traveling on or adjacent to land. It shall include such vehicles as automobiles, trucks, jeeps, vans, busses, motorcycles, bulldozers, timber harvesters, and other earthmoving equipment.

A Non-motorized vehicle \cong means a device not incorporating a motor or an engine of any type for propulsion, and with wheels, tracks, skids, skis, air cushion, or other contrivance for traveling on or adjacent to land. It shall include such vehicles as bicycles, skates, and in-line skates.

A All terrain vehicle \cong means a motorized vehicle, regardless of the number of wheels, designed or constructed primarily for use off of paved or improved roads and includes all motorcycles not designed for strictly street use..

A Off road vehicle \cong means a motorized vehicle that has been modified from its stock condition to enhance its ability for use off of paved or improved roads.

A Horse riding \cong means any equestrian activity.

A Camping \cong means the overnight occupancy of Department land.

A Fireworks \cong means any device for producing any display, such as light, noise, or smoke, by the combustion of explosive or flammable compositions.

A Wildlife \cong means all wild birds, wild game, fish, and any wild mammal, bird, amphibian, reptile, fish, mollusk, crustacean, or other wild animal not otherwise legally classified by statute or regulation of this State as a game species.

A Weapon \cong means an instrument of offensive or defensive combat, including firearms, capable of injuring human beings or animals; provided, however, implements such as small pocket or kitchen knives normally will not be considered as weapons.

123-202. Regulation for Jim Timmerman Natural Resources Area at Jocassee Gorges.

This section shall apply to all land owned by the Department within the boundaries of the Jim Timmerman Natural Resources Area at Jocassee Gorges (hereinafter referred to as Jocassee Gorges).

A. Hunting, fishing, and taking game animals, birds, fish, or other wildlife is allowed on any part of Jocassee Gorges designated as part of the Wildlife Management Area program. Hunting, fishing, and taking shall be subject to all applicable statutes and regulations, specifically including R.123-40.

B. Possession of any firearm or weapon must comply with applicable state and federal statutes. During anytime when hunting is not permitted, all weapons must be unloaded and secured in a weapons case, or in the trunk of a vehicle, or in a locked toolbox, unless otherwise legally permitted. Target, skeet, trap, plinking, paint ball, or any other type of shooting with any firearm or weapon is not allowed.

C. Rock climbing is prohibited.

D. Operation of motorized, non-motorized vehicles, all terrain vehicles, and off road vehicles.

(1) Motorized, all terrain vehicles, and off road vehicles may be operated only on open roads and parking areas except as otherwise established by posted notice or as approved by the Department.

(2) Roads with green gates are seasonally open. All roads with red gates are closed to vehicular traffic.

(a) Horsepasture Road is open year-round from Highway 178 to Laurel Fork Gap.

(b) Green gated roads, with the exception of Musterground, will be open seasonally

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beginning September 15 through January 2 of the next year and March 20 through May 10.

(c) Access to the Musterground property will continue to be available through the Bad Creek Facility. This gate will be open September 15 through January 2 of the next year and during the month of April.

(d) Motorized vehicular travel beyond any closed gate is prohibited.

(3) Motorized vehicles, all terrain vehicles, and off road vehicles shall not exceed posted speed limits.

(4) No person may operate any motorized, all terrain vehicle, off road vehicle or non-motorized vehicle in a negligent or reckless manner. The operation of any vehicle in such a manner as to indicate either a willful or wanton disregard for the safety of persons or property shall be deemed to be operating in a reckless manner.

(5) Operation of all terrain vehicles is allowed one hour before official sunrise to one hour after official sunset; nighttime use is prohibited.

E. Camping

Camping is allowed only within areas designated as campsites by the Department. The Department will designate campsites with signs or maps.

F. Horse riding.

The riding of horses is allowed on all roads unless posted otherwise.

G. Alcoholic Beverages.

Public drunkenness is prohibited. Alcoholic beverages may be consumed only by a person of lawful age while camping only at a designated campsite.

H. Use of fire, fireworks, or explosives.

(1) No open fires may be started except at campsites designated by the Department. Gas grills, gas lanterns, and portable charcoal grills may be operated at designated campsites.

(2) No wood, except from dead and down trees or from supplies as may be furnished by the Department shall be used for fuel. Live trees, standing dead trees, or dying trees shall not be cut, injured, or used. A camper may transport and use wood from a supply not originating on Department land.

(3) On any land where camp fires are permitted, the Department may prohibit the use of fires for any purpose by posting a notice at entrances to individual parcels of land. The Department may prohibit fires to protect life and property for reasons including but not limited to drought or high winds.

(4) The possession of fireworks is prohibited.

I. Disorderly Conduct.

Acting in a disorderly manner or creating any noise which would result in annoyance to others is prohibited.

J. Abuse of Department land.

Abusing, damaging, defacing, or destroying land or any improvements is unlawful.

123-203. Regulation for Capers Island

A. Overnight Camping on Capers Island is by permit only. Permit may be obtained from the DNR Charleston office. No more than 80 people will be allowed to camp per night. These 80 people may be divided into no more than 20 different groups.

B. No fishing is permitted from the impoundment tide gate.

C. Gas grills may be used. No fires are allowed on Capers Island, except as allowed by permit.

123-204. Regulation for Dungannon Heritage Preserve

All visitors must sign in and out at parking area on Highway 162. All visitors must enter through parking area on Highway 162

123-205. Regulation for Great Pee Dee River Heritage Preserve

All visitors entering the preserve from main entrance must sign in and out (this does not apply to visitors entering from river).

123-206. Regulation for Victoria Bluff Heritage Preserve

No camp fires and no cooking fires, including no charcoal fires of any kind. Gas grills and lanterns are permissible in designated campsites.

123-207. Regulation for Waddell Mariculture Center

Fishing is prohibited from the dock.

123-208. Regulation for South Carolina Marine Resources Center at Fort Johnson.

Fishing is prohibited from the sea wall or boat slips.

123-209. Prohibition of Digging on Real Property Owned by the Department of Natural Resources.

Digging archeological artifacts is not allowed on any Department land except by permit.

123-210. South Carolina Heritage Preserves - Restriction on All Terrain Vehicles

Except as authorized in 123-202, the use of all terrain vehicles is prohibited on all South Carolina Heritage Preserves dedicated under Section 51-17-10, *et seq.*, Code of Laws of South Carolina, 1976, as amended.

123-211. Exception for Non-Public Use Properties.

This regulation shall not be applicable to Department owned land used for such purposes as fish hatcheries, maintenance facilities, storage facilities, offices, residences, or similar facilities which are not open generally for public use or recreational purposes.

123-212. Management Activities of Department Personnel.

All Department employees, agents, and contractors may carry out any authorized activities on any Department land or wildlife management area land for purposes of maintenance, repair, construction, surveillance, law

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enforcement, or similar activities and may use any boats, vehicles, aircraft, equipment, and management techniques deemed necessary by the Department.

123-213. Law Enforcement, Fire Fighting, and Emergency Activities.

This regulation shall not be construed or applied to prevent any authorized law enforcement, fire fighting, emergency, or rescue personnel from carrying out their official responsibilities.

Filed: September 7, 2001, 4:30 pm

Document No. 2654
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 121

Statutory Authority 49-23-10 Code of Laws of South Carolina 1976 as amended et. seq.

R.121- ___ South Carolina Department of Natural Resources Drought Planning Response.

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121-11.1. Purpose.

The purposes of these regulations are to establish procedures by which the State's water resources can be carefully and closely monitored, conserved, and managed in the best interests of all South Carolinians during periods of drought. The terms used herein shall have the same meaning as set forth in 49-23-20.

121-11.2. Definitions.

- A. 'Department' means the Department of Natural Resources.
- B. 'Conservation' means, to minimize or prevent depletion or waste of the water resource.
- C. 'Drought Response Committee' means the committee created under Section 49-23-60 to be convened to address drought related problems and responses.
- D. 'Office of primary responsibility' means the Department of Natural Resources.
- E. 'Person' means all persons, including individuals, firms, partnerships, associations, public or private institutions, municipalities or political subdivisions, governmental agencies, or private or public corporations organized under the laws of this State or another state or country.

F. 'Drought' means a period of diminished precipitation which results in negative impacts upon the hydrology, agriculture, biota, energy, and economy of the State.

G. 'Water resources' means water on or beneath the surface of the ground, including natural and artificial water courses, lakes or ponds, and water percolating, standing, or flowing beneath the surface of the ground.

H. 'Diffused surface water' means waters of a casual or vagrant character, lying or running on the surface of the earth but not in definite courses, streams, or waterbodies.

I. 'Drought indices' means topical and quantitative indicators of drought including, but not limited to, sustained decline in water levels of natural flowing streams and other natural bodies of water, decline in water tables above and below ground, forest fire indices, sustained decline in potable drinking water supplies, agricultural stress, low soil moisture, and low precipitation. The department must, through regulation, establish specific numerical values for the indices that define each level of drought.

J. 'Incipient drought' means that there is a threat of a drought as demonstrated by drought indices. The incipient drought phase shall initiate inhouse mobilization by department personnel and the Drought Response Committee. The department shall routinely monitor the climatic variables, streamflow, and water levels in potable drinking water supplies and water levels in the above and below ground water tables and lakes, and shall notify the Drought Response Committee and relevant federal, state, and local agencies that a portion of the State is experiencing an incipient drought condition. The department must increase monitoring activities to identify a change in existing conditions.

K. 'Moderate drought' means that there is an increasing threat of a drought as demonstrated by drought indices. Statements must be released to the news media by the department, and appropriate agencies must accelerate monitoring activities.

L. 'Severe drought' means that the drought has increased to severe levels as demonstrated by drought indices. This phase must be verified utilizing data, forecasts, and outlooks from various agencies. A drought of this severity normally requires an official declaration by the department and water withdrawals and use restrictions.

M. 'Extreme drought' means that the drought has increased to extreme levels as demonstrated by drought indices. The department shall continue to evaluate information from various sources. Upon confirmation of an Extreme Drought Alert Phase, the Drought Response Committee may recommend that the Governor issue a public statement that an extreme drought situation exists and that appropriate water-use and withdrawal restrictions be imposed.

N. 'Board' means the governing authority of the Department of Natural Resources.

O. "Minimum flow" means the monthly 5 percentile flow

P. "Trigger level" is defined as a water level decline equal to 150 ft. below the predevelopment level of an aquifer except for the Floridan aquifer system in which the trigger level is a decline of 75 ft below the predevelopment level or to mean sea-level, whichever is the least decline. Decline in aquifer water levels due to withdrawals not associated with drought should not be used for declaration of drought alert phases.

Q. "Drought Emergency" exists as declared by the Governor when the safety, security, health or welfare of the State or any portion of the State is threatened.

R. "Essential water use" means water used strictly for fire-fighting purposes, health and medical purposes, maintaining minimum streamflow requirements, and minimum water levels in the potable drinking water supplies and the above and below ground water tables, and the use of water to satisfy federal, state, or local public health and safety requirements is considered essential water use.

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S. "Non-essential water use" means categories of water use, other than essential water use, which may be curtailed during severe or extreme drought.

T. "7Q10 Flow" is defined as the lowest mean streamflow over seven consecutive days that can be expected to occur once in a ten year period. In any year, there is a 10 percent probability that the average flow for seven consecutive days will be equal to or less than the 7Q10.

121-11.3. Jurisdiction.

These regulations apply to every person using water in this State and to all water resources of the State, but does not authorize any restriction in use of water during an incipient, moderate, and severe drought declaration injected into aquifer storage and recovery facilities, water stored in managed watershed impoundments or water from any pond completely situated on private property and fed only by diffused surface water. During a drought declaration, the use of water from a managed watershed impoundment shall not be restricted as long as minimum streamflow or flow equal to the 7Q10 is maintained, whichever is less.

121-11.4. Drought Management Areas Established.

A. In order to respond to drought conditions, four drought management areas are established as follows:

(1) The West (Savannah) Drought Management Area shall include the following counties:

- (a) Oconee;
- (b) Pickens;
- (c) Anderson;
- (d) Abbeville;
- (e) McCormick;
- (f) Edgefield;
- (g) Aiken;
- (h) Barnwell;
- (i) Allendale;
- (j) Hampton;
- (k) Jasper;
- (l) Beaufort.

(2) The Central (Santee) Drought Management Area shall include the following counties:

- (a) Greenville;
- (b) Spartanburg;

- (c) Cherokee;
- (d) York;
- (e) Laurens;
- (f) Union;
- (g) Chester;
- (h) Greenwood;
- (i) Newberry;
- (j) Fairfield;
- (k) Saluda;
- (l) Lexington;
- (m) Richland;
- (n) Sumter;
- (o) Calhoun;
- (p) Clarendon;
- (q) Williamsburg;
- (r) Georgetown.

(3) The Northeast (Pee Dee) Drought Management Area shall include the following counties:

- (a) Chesterfield;
- (b) Marlboro;
- (c) Darlington;
- (d) Florence;
- (e) Dillon;
- (f) Marion;
- (g) Horry;
- (h) Lancaster;
- (i) Kershaw;
- (j) Lee;

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(4) The Southern (ACE) Drought Management Area shall include the following counties:

- (a) Orangeburg;
- (b) Bamberg;
- (c) Colleton;
- (d) Dorchester;
- (e) Charleston;
- (f) Berkeley.

B. Establishment of drought management areas by the department in no way limits the department's or the Drought Response Committee's authority to act in an area smaller than a drought management area, such as a county or watershed. In order to prevent overly broad response to drought conditions, drought response measures shall be considered within individual drought management areas, as applicable. Insofar as practicable, within an individual drought management area, drought response measures shall be considered and administered in individual counties.

121-11.5. Drought Response Committee.

A. The Drought Response Committee shall consist of state representation and local representation for each drought management area as specified in R.121-11.4.

(1) A representative of each of the following State agencies shall represent State interests:

- (a) South Carolina Department of Natural Resources;
- (b) South Carolina Emergency Preparedness Division of the Office of the Adjutant General;
- (c) South Carolina Department of Health and Environmental Control;
- (d) South Carolina Department of Agriculture;
- (e) South Carolina Forestry Commission;

(2) Local representatives for each drought management area as specified in R.121-11.4 shall be appointed by the Governor with the advice and consent of the Senate to represent the following interests:

- (a) Counties;
- (b) Municipalities;
- (c) Public service districts;
- (d) Private water suppliers;
- (e) Agriculture;
- (f) Industry;

- (g) Domestic users;
- (h) Regional councils of governments;
- (i) Commissions of public works;
- (j) Power generation facilities;
- (k) Special purpose districts;
- (l) Soil and Water Conservation Districts.

There may not be more than two members on a local committee from each county within the drought management area.

The statewide committee shall coordinate planning and response only upon consultation with the appropriate local committee in the impacted drought management area during moderate, severe and extreme drought declarations. The Governor shall appoint the chair of the Drought Response Committee. The department shall provide administrative support.

(3) The Governor may appoint additional members as necessary to insure broad based input on the committee and may make interim appointments when the General Assembly is not in session. The statewide committee shall coordinate planning and response only upon consultation with the appropriate local committee in the impacted drought management area during moderate, severe and extreme drought declarations.

(4) Individual members of the Drought Response Committee representing local interests shall serve a term of four (4) years and may be reappointed. Appointments will commence and end as of March 1; however, the appointment will continue after March 1 until a successor is appointed. For additional Drought Response Committee members over and above those identified in Subsection (2) above, the appointment may continue after March 1 until a successor is appointed or notice is given that the additional position will not be reappointed.

B. The Governor shall appoint the chair of the Drought Response Committee. The department shall provide administrative support.

C. The Drought Response Committee for individual drought management areas shall convene upon notice by the South Carolina Department of Natural Resources or at the request of five committee members. A majority of the members is needed for a quorum. Decisions will be made by the majority of members present at the meeting, and voting on any matter before the committee shall be by committee members in person only, not by proxy.

121-11.6. Responsibilities of the Drought Response Committee.

A. Members of the Drought Response Committee shall be notified at the onset of each Drought Alert Phase and provided information by the South Carolina Department of Natural Resources with respect to the Drought Alert Phase in each Drought Management Area as applicable. Notification to Committee members of the onset of each Drought Alert Phase shall be as provided in R.121-11.8 and R. 121-11.9. Following the notice of each Drought Alert Phase, the Drought Response Committee may be convened as provided in R.121-11.5.

B. The Drought Response Committee shall evaluate drought conditions within drought management areas to determine if a need exists for action beyond the scope of local government. The committee shall consider:

- (1) Effectiveness of local drought ordinances and plans in protecting and insuring adequate water supplies;

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- (2) Regional impacts of water use on water sources and other water users;
- (3) Short term and extended climatological forecasts;
- (4) Other relevant information.

C. Upon determination that action in addition to local measures is necessary to insure adequate supplies of water in drought management areas, the Drought Response Committee shall prepare recommendations to reduce or alleviate drought impacts and submit the recommendations to the South Carolina Department of Natural Resources for implementation. If the recommendations involve the curtailment of water use, the committee shall determine which categories of non-essential water use must be curtailed in accordance with R.121-11.10.

D. The Drought Response Committee shall consult with and invite participation by representatives of municipalities, counties, Commissions of public works, public and private water suppliers, public service districts, power generation facilities, industries, special purpose districts and any other water users in the affected drought management area while evaluating drought conditions and in the preparing of recommended actions.

E. Should the drought situation continue to deteriorate to the point that the safety, security, health, or welfare of a drought management area is seriously threatened or impacted, the Drought Response Committee shall immediately notify the Governor and provide a priority list of recommended actions to the Governor.

121-11.7. Drought Information Center.

A. The Office of the State Climatologist, South Carolina Department of Natural Resources, shall maintain a Drought Information Center whenever one or more drought management areas of the State are in a moderate, severe or extreme drought alert phase. Information about the status of drought conditions and impacts on the economy and well-being of the State will be collected and made available to State Agencies, State Officials, the news media, and other concerned interests.

B. The Drought Information Center shall routinely collect, monitor, and evaluate selected climatic, water-supply and water-use data as necessary to identify at an early stage the onset of a drought or potential for drought, geographic extent of the affected area and changes in the drought levels.

C. Drought indices shall be computed on a weekly basis. These computations will be compared with the various similar indices computed by other State, Federal and private agencies.

D. Monitoring shall be accelerated whenever drought conditions approach or enter the moderate drought stage in one or more drought management areas. This may include acquiring additional rainfall, stream flow, water use, and ground water level data; and collecting additional information on the impact of the drought on agriculture, industry, domestic water supplies, and other users.

E. During periods of moderate, severe or extreme drought, available drought related data, as appropriate, will be provided to the Drought Information Center by the South Carolina Department of Agriculture, South Carolina Emergency Preparedness Division, South Carolina Forestry Commission, South Carolina Department of Health and Environmental Control, as well as by any other State Agency that is either impacted by or has information on drought conditions. Various Federal and local agencies may be asked to provide drought information on a voluntary basis.

121-11.8. Drought Alert Phases.

A. Four phases of drought alert are established herein, each identified by drought indices. Declines in streamflow or aquifer levels that are not associated with drought shall not be used for declaration of drought alert phases. Drought stage evaluation as indicated by quantified indices includes, but is not limited to:

(1) Incipient drought alert phase, Palmer Drought Index of -0.50 to -1.49; Crop Moisture Index of 0.00 to -1.49; Standard Precipitation Index of 0.00 to -0.99; Keetch Byram Drought Index of 300 to 399; U.S. Drought Monitor of D0; Average daily streamflow is 111%-120% of the minimum flow for two consecutive weeks; Static water level in an aquifer is between 11 feet and 20 feet above trigger level for two consecutive months;

The incipient drought may be declared if any of the indices indicate an incipient drought, however, indication by one index alone does not mandate a declaration. The incipient drought phase shall initiate inhouse mobilization by department personnel and the Drought Response Committee. The department shall routinely monitor the climatic variables, streamflow, and water levels in potable drinking water supplies and water levels in the above and below ground water tables and lakes, and shall notify the Drought Response Committee and relevant federal, state, and local agencies that a portion of the State is experiencing an incipient drought condition.

(2) Moderate drought alert phase, Palmer Drought Index of -1.50 to -2.99; Crop Moisture Index of -1.50 to -2.99; Standard Precipitation Index of -1.00 to -1.49; Keetch Byram Drought Index of 400 to 499; U.S. Drought Monitor of D1; Average daily streamflow is 101%-110% of the minimum flow for two consecutive weeks; Static water level in an aquifer is between 1 feet and 10 feet above trigger level for two consecutive months;

A moderate drought may be declared if any of the indices indicate a moderate drought, however, indication by one index alone does not mandate a declaration. During a moderate drought, statements must be released to the news media by the department, and appropriate agencies must accelerate monitoring activities.

(3) Severe drought alert phase, Palmer Drought Index of -3.00 to -3.99; Crop Moisture Index of -3.00 to -3.99; Standard Precipitation Index of -1.50 to -1.99; Keetch Byram Drought Index of 500 to 699; U.S. Drought Monitor of D2; Average daily streamflow is between the minimum flow and 90% of the minimum for two consecutive weeks; Static water level in an aquifer is between the trigger level and 10 feet below for two consecutive months;

This phase must be verified utilizing data, forecasts, and outlooks from various agencies. Indication by one index alone does not mandate a declaration. A drought of this severity may require water withdrawal and water use restrictions.

(4) Extreme drought alert phase, Palmer Drought Index of -4.00 and below; Crop Moisture Index reaches or falls below -4.00; Standard Precipitation Index reaches or falls below -2.00 Keetch Byram Drought Index reaches or exceeds 700; U.S. Drought Monitor of D3 or higher; Average daily streamflow is less than 90% of the minimum for two consecutive weeks; Static water level in an aquifer is more than 10 feet below the trigger level for two consecutive months.

The department shall continue to evaluate information from various sources. Indication by one index alone does not mandate a declaration. Upon confirmation of an Extreme Drought Alert Phase, the Drought Response Committee may recommend that the Governor issue a public statement that an extreme drought situation exists and that appropriate water-use and withdrawal restrictions be imposed.

B. The need for the declaration of drought alert phases will be verified by other means, including, but not limited to other indices; water supply and demand; stream flow data; rainfall records; agricultural and forestry conditions; and general historical climatological data.

121-11.9. Notification of Drought.

A. Upon the inception of a drought alert phase, the South Carolina Department of Natural Resources will disseminate public information concerning all aspects of the drought. The initial action in responding to drought is public education, providing information as to existing and potential conditions and water conservation measures necessary to meet the demand for water at each drought alert phase.

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B. The South Carolina Department of Natural Resources shall provide the following notice of Drought Alert Phases.

(1) The South Carolina Department of Natural Resources shall notify the Drought Response Committee at the beginning of an incipient drought alert phase and each upgrading of the drought alert to a higher phase. Such notice shall be by first class mail.

(2) The South Carolina Department of Natural Resources shall notify by first class mail public water systems in the affected Drought Management Areas and other appropriate agencies and individuals at the inception of a moderate drought alert phase and each upgrading of the drought alert to a higher phase.

(3) The South Carolina Department of Natural Resources shall publish notice at least once in a newspaper of general circulation in the areas affected at the inception of a Moderate Drought Alert Phase and each upgrading of the drought alert to a higher phase.

(4) The South Carolina Department of Natural Resources will take any other action appropriate to announce a drought alert.

121-11.10. Curtailment of Water Use During Droughts.

A. During severe or extreme drought conditions, the South Carolina Department of Natural Resources may require mandatory reduction or curtailment of non-essential water use in affected drought management areas if recommended by the Drought Response Committee in accordance with R.121-11.6. The curtailment of water use may involve adjusting the quantity of water used; adjusting the quality of water to meet the water use; adjusting the time of water use; and/or utilizing different sources of water.

B. The Drought Response Committee shall determine which categories of non-essential water use must be reduced or curtailed after reviewing each category of water use in C. Below by the following standards:

- (1) Purpose of the use;
- (2) Suitability of the use to the watercourse, lake, or aquifer;
- (3) Economic value of the use;
- (4) Social value of the use;
- (5) Extent and amount of the harm it causes;
- (6) Practicality of avoiding the harm by adjusting the use or method of use of one person or the other;
- (7) Practicality of adjusting the quantity of water used by each person;
- (8) Protection of existing values of water uses, land, investments, and enterprises;
- (9) Consumptive or non-consumptive nature of the use;
- (10) Impacts on essential water uses.

C. Non-essential water uses shall be evaluated in accordance with the following categories:

- (1) Agricultural use;

- (a) Irrigation;
- (2) Commercial use;
 - (a) Commercial domestic use;
 - (b) Commercial process use;
- (3) Domestic use;
 - (a) Inside use;
 - (b) Outside use;
- (4) Electric Power Generation;
- (5) Industrial use;
 - (a) Industrial domestic use;
 - (b) Once through cooling;
 - (c) Industrial process use;
- (6) Institutional;
- (7) Recreational.

D. Following determination of non-essential water use, by the Drought Response Committee, the South Carolina Department of Natural Resources shall issue a declaration specifying the drought management areas affected and identifying the categories of non-essential water use to be reduced or curtailed. The declaration shall be sent to water systems, widely distributed to the news media, and published at least once a week in a newspaper of general circulation in each county affected.

E. Any person adversely affected by mandatory curtailment may, within ten days after such curtailment becomes effective, submit appropriate information to the South Carolina Department of Natural Resources and seek a variance from the curtailment. The following procedures shall apply to request for a variance from the water curtailment declaration:

(1) The request for variance shall include a detailed statement as to how the curtailment declaration adversely affects the person making the request;

(2) The request for variance shall provide information relevant to the water use in response to each of the standards in B.(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10);

(3) Either the South Carolina Department of Natural Resources staff or the person requesting the variance may request a meeting to discuss any matter relevant to the request or to seek additional information. Such meeting shall be conducted as expeditiously as practicable;

(4) Upon receipt of all relevant information (specified in E. (1), (2), and (3) above) from the person requesting the variance, the South Carolina Department of Natural Resources staff shall issue a determination for the request for a variance. Such determination shall be made within five days of receipt of all relevant information

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from the person requesting the variance or within twenty days of the declaration of the curtailment, whichever comes first.

F. Persons not capable of immediate water use reduction or curtailment because of equipment damage or other extreme circumstances shall commence gradual reduction within twenty-four hours of the declaration of curtailment and shall notify the South Carolina Department of Natural Resources of their proposed reduction schedule by certified mail within three working days of the declaration of curtailment. A variance will be required for the gradual or reduced reduction and a request for a variance must be submitted to the South Carolina Department of Natural Resources as specified in E. above within ten days after such curtailment becomes effective.

G. Any declaration of curtailment shall continue in effect only as long as conditions in any drought management area require it. The declaration shall be terminated by action of either the Drought Response Committee or the South Carolina Department of Natural Resources, and notice of termination of the declaration shall be given as when originally issued.

H. In the event that a declaration issued pursuant to this regulation conflicts with any ordinance or plan adopted pursuant to R.121-11.12, the declaration shall supersede any ordinance or plan.

I. These regulations do not restrict or in any way affect the authority of the commissioner of the Department of Health and Environmental Control with respect to emergency declarations made in the interest of public health.

121-11.11. Mediation of Disputes by the South Carolina Department of Natural Resources.

A. During any drought alert phase, the South Carolina Department of Natural Resources shall offer its services to mediate any dispute arising from competing demands for water. The mediation may be undertaken only upon the request of the parties involved and may not be binding.

B. The Chairman of the South Carolina Department of Natural Resources shall appoint a three person board to mediate each dispute. The board shall meet as necessary to mediate the dispute at a location deemed most appropriate by the board for all persons involved.

C. A written request shall be submitted from each grieved person to the South Carolina Department of Natural Resources. The requests will contain the following minimum information:

(1) Statement of the cause for mediation;

(2) Results sought by each person;

(3) Historical water use by each person;

(4) Description of water sources;

(5) Map of general area showing water sources, water transfers, water use points, and water discharge, as appropriate.

(6) Additional material deemed relative to the dispute by each person.

D. The South Carolina Department of Natural Resources as appropriate may conduct investigations to resolve the dispute.

E. A decision shall be made by the board within ten days of receipt of all necessary information.

F. A permanent record of each mediation process shall be maintained by the South Carolina Department of Natural Resources, and a summary of the request, findings, and conclusions of mediation shall be reported by the board to the South Carolina Department of Natural Resources and incorporated into the minutes of the South Carolina Department of Natural Resources. The South Carolina Department of Natural Resources will entertain requests for confidentiality if sufficient reasons exist to withhold information under the Freedom of Information Act.

G. A party affected by a declaration of the Drought Response Committee has the right to appeal that action to the Administrative Law Judge Division. The appeal must be filed within five days of the declaration. The filing of an appeal operates as an immediate stay of the declaration of the Drought Response Committee as it affects the appellant. A review of the immediate stay must be heard by the Administrative Law Judge Division within five days of the filing of the notice of appeal with the Administrative Law Judge Division. All issues under appeal must be heard as a contested case pursuant to the provisions of the Administrative Procedures Act and the rules of the Administrative Law Judge Division.

H. Any mediation shall not stop or preclude the South Carolina Department of Natural Resources and the Drought Response Committee from taking any other action authorized by the South Carolina Drought Response Act.

121-11.12. Development of Drought Response Plans and Ordinances.

A. The South Carolina Department of Natural Resources, in cooperation with the South Carolina Department of Health and Environmental Control, shall prepare and distribute a model drought response ordinance or ordinances within six months of approval by the General Assembly of these regulations. The model ordinance will be distributed to all entities which must develop ordinances and plans in accordance with B. below.

B. Municipalities, counties, public service districts, and commissions of public works engaged in the business or activity of supplying water for any purpose shall develop and implement local drought response ordinances, or local drought response plans when authority to enact ordinances does not exist.

(1) In so far as possible and practical, local governments will be responsible for alleviating the impacts of drought (See R.121-11.6B). Cooperation among adjacent water suppliers is encouraged to develop alternate water supply sources and back-up systems and to develop compatible plans and ordinances.

(2) Local drought response ordinances and plans shall be consistent with these regulations and shall contain at a minimum the following information:

(a) A description of alternate supply sources, including time, costs, and problems associated with putting alternate sources on-line.

(b) A water use reduction plan and schedule for moderate, severe, and extreme drought for each category, as appropriate, in R.121-11.10.

(c) An implementation plan and ordinance, as appropriate.

(3) Proposed ordinances and plans must be submitted to the South Carolina Department of Natural Resources for consistency review within twelve months of the effective date of these regulations.

(4) Proposed local drought response ordinances and plans must be adopted within eighteen months of the effective date of these regulations.

(5) Water suppliers as specified in B. above, commencing the business or activity of supplying water, after the effective date of these regulations, shall submit a local drought response ordinance or plan to the South Carolina Department of Natural Resources within six months of the commencement of the business or activity and shall adopt the ordinance or plan within twelve months of the commencement of the business or activity.

66 EMERGENCY REGULATIONS

Filed: August 31, 2001, 9:10 am

Document No. 2652
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123
Statutory Authority: 50-11-10; 50-11-2200

Emergency Situation:

These emergency regulations establishes the dove seasons and dove limits statewide and establishes seasons, limits and special restrictions for dove hunting on Dove Management Areas. Because the dove season starts September 1 it is necessary to file regulations as emergency.

SOUTH CAROLINA MOURNING DOVE SEASON 2001-2002

Season Dates: September 1 – October 6 (Sept 1-3 Afternoons only) , November 17 – November 24, December 21 – January 15. Bag Limit: 12 doves per day.

Dove Management Area Regulations: The following fields are open on a first-come basis, unless otherwise stated below. The number of hunters may be restricted on some fields. A Wildlife Management Area permit and a migratory bird permit are required for all fields. Fields are open only as shown below. Areas marked as safety zones are closed to hunting. Hunters are not allowed to shoot from or into safety zones. All federal and state laws apply. Fields are open only on days and times indicated. Fields denoted by an asterisk (*) require hunters to sign in (not before 11:00 a.m.) and sign out on opening-day hunts.

ABBEVILLE

U.S. Forest Service, Parson Mountain WMA

5 mi. east of Abbeville on SC-72, ¼ mile south on Bass Rd., 20 acres. Special Youth Hunt on Sept. 1 (see Youth Hunt List for details).

1st season – Sept. 8, 15, 22, 29 & Oct. 6, Afternoons only

2nd and 3rd season – Open Mon – Sat (864) 223-2731

ABBEVILLE

U.S. Forest Service – Cokesbury WMA

6 miles east of Abbeville on SC-72, ½ mile northwest on Sec. Rd. 133, ½ mile north on Sec. Rd. 159, 40 acre seed tree area. 1st season – Saturdays only, afternoons only

2nd and 3rd season – Mon.-Sat. (864) 223-2731

ANDERSON

Evans Property

US 178 at Lebanon, 25 acres

Saturdays, Afternoons Only, Dove Hunting Only.

Opening day participants will be selected by drawing August 15 at Clemson DNR Office.

Call (864) 654-1671 for details

ANDERSON

Clemson University - Fant's Grove WMA

From US 76/ SC 28 south of Clemson Take SC 187 to Fant's Grove Rd. 1.5 miles W, 45 acres

Saturdays Afternoons Only. (864) 654-1671

BERKELEY

U.S. Army Corps of Engineers - Canal WMA (Above Powerhouse) From St. Stephen Take SC 45 west for 1.5 miles or continue to County Rd 35. Go Left about .3 miles, 60 acres
Sept 1, 15, 29; Nov 17 - Afternoons Only. Dove Hunting Only. **50 shells/hunter limit. Close 1 hour before sunset.** (843) 825-3387

BERKELEY

U.S. Army Corps of Engineers - Canal WMA (Below Powerhouse) From St. Stephen Take SC 45 E for 2.5 miles Turn Left on Paved Road, 40 acres
Sept 1, 15, 29; Nov 24; Afternoons Only. Dove Hunting Only. **50 shells/hunter limit. Close 1 hour before sunset** (843) 825-3387

CHEROKEE

Jolly-Phillips Property
Approx. 3 miles north of I-85, Turn Right on Sec Rd 137 (Swofford Rd), Go 0.7 miles & Turn Left on Waddell Rd, 10 acres. Field on Right. Or continue on Swofford Rd & Turn Left on Lakestone Rd, Go 0.2 miles (Another 10 acre field on left) Saturdays. Dove Hunting Only.

CHEROKEE*

McAbee Field
1 mile south on SC 105 from the intersection of SC 105 & SC 211. Field is on right. 45 acres.
Wednesday Afternoons Only. Dove Hunting Only.
(864) 427-4771

CHESTER

Chester County Airport Commission
4.3 miles north of Chester on Sec Rd 1. Turn Right on Guy Rd. (dirt). Go about 1.2 miles Turn Right at Gate to Parking Area, 20 acres Saturdays, Afternoons Only
Dove Hunting Only. (864) 427-4771

CHESTER *

U.S. Forest Service - Worthy Bottoms
10 miles west of Chester on SC 9, Left on Sec Rd 535, Turn Right on Worthy=s Ferry Rd. 30 acres
1st season - Saturdays.
2nd & 3rd seasons - Open Mon -Sat
Afternoons Only All 3 seasons
(864) 427-9858, (864) 427-4771

CHESTERFIELD *

DNR - Campbell's Crossroads Tract
1.8 miles north of McBee on US 1, Left on SC 145 for 11.8 miles, Right on Sec Rd 29 for .6 miles, Right on dirt road for .7 miles, 20 acres
1st season - Saturdays.
2nd & 3rd seasons - Open Mon -Sat
Afternoons Only All 3 seasons. (864) 427-4771

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CHESTERFIELD

DNR - McBee Tract

4 miles west of McBee on US 1, Left (South) on Sec Rd 296 for about 2 miles, Field on Left, 20 acres Planted.

1st season - Saturdays

2nd & 3rd seasons - Open Mon - Sat

Afternoons Only All 3 seasons . (864) 427-4771

CHESTERFIELD *

SC Forestry Commission - Sand Hills State Forest

Wilkes Chapel Field

From Sand Hills Forest Headquarters on US 1, Go south on truck trail 141 for 1.3 miles, Right on Sec Rd 29 for .2 miles, Field on Right, 54 acres

1st season - Saturdays

2nd & 3rd seasons - Open Mon - Sat

Afternoons Only All 3 seasons

(843) 498-6478, (864) 427-4771

CHESTERFIELD*

SC Forestry Commission - Sand Hills State Forest

Patrick Field

South on SC 102 from Patrick approx. 1 mile to gate on right. 30 acres.

1st season – Wednesdays.

2nd & 3rd seasons open Mon – Sat.

Afternoons Only All 3 Seasons.

(843) 498-6478 or (864) 427-4771

CLARENDON

Santee Cooper – Santee Dam WMA

From the south end of SC 260 follow gravel road at

Base of dam for approx. 5 mi., 137 acres.

Sept. 8, 22; Nov 24. **50 shells/hunter limit. Close 1 hour before sunset** (843) 825-3387

Dove Hunting Only. Afternoons Only.

CLARENDON

SC Forestry Commission Oak Lea WMA. From Summerton take SC 26 west for 2 mi. Go north on SC 41 for approx 5 mi. Field on right.

Sept. 1, 15, 29. Nov 17. **50 shells/hunter limit. Close 1 hour before sunset.** (843) 825-3387.

Dove Hunting Only. Afternoons Only.

COLLETON

DNR - Bear Island WMA

About 17 miles southeast of Green Pond on Sec Rd 26, 100 acres

1st season - noon to 6 PM,

2nd season - noon to Sunset

Sept 5, 19, & 26; Nov 24. (843) 844-8957

COLLETON

DNR - Donnelley WMA

From US 17 E of Green Pond, Go southeast on Sec Rd 26 4 miles, Turn Right at Donnelley WMA Sign, Field 2 miles on Right, 100 acres

1st season - noon to 6 pm,

2nd & 3rd season - noon to Sunset

Sept 5, 12, & 19; Nov 24; Dec 21; Jan. 2 & 9

(843) 844-8957

EDGEFIELD/ MCCORMICK

U.S. Forest Service - Forks WMA

1 mile east of SC 28 on Sec Rd 112 near Furey's Ferry, 22 acres

1st season –Saturdays Only, Afternoons Only.

2nd & 3rd seasons - Open Mon-Sat.

FAIRFIELD *

Ridgeway Mining Co.

4.5 miles E of Ridgeway on SC 34, Right on dirt road for 0.5 miles, 28 acres Saturdays Only, Afternoons Only

GEORGETOWN

DNR Samworth WMA

15 miles north of Georgetown off US 701, Follow Signs, 65 acres

Saturdays, Afternoons Only, Dove Hunting Only

(843) 546-9489

GREENWOOD

U.S. Forest Service - Parsons Mountain WMA

3 fields – ½ mile south of Cedar Springs Church on Sec. Rd. 112, 30 acres, & near Fell Hunt Camp, 15 acres, & 30 acre seed tree area across the road from Fell Hunt Camp. 1st season – Saturdays only, afternoons only.

2nd and 3rd season - Mon-Sat. (864) 223-2731**HAMPTON**

DNR - Webb Wildlife Center

3 miles west of Garnett on Augusta Stage Coach Rd., 100 acres

Sept 1, 15, 29; Nov 21; Dec 22; Jan 12, Afternoons Only. (803) 625-3569

HORRY

DNR - Waccamaw River Heritage Preserve, Schultz Tract, From Stephens Crossroads on SC 9, Turn north on Sec Rd 57 & Proceed 2.2 miles, Left on Sec Rd 111 & Proceed 2 miles, Left on Oscar Rd., Bear Left & Then Right to Field Entrance, 32 acres

Saturdays, Afternoons Only

(843) 546-8119, (843) 248-6013

KERSHAW

Landfill, 5 miles north of Camden on US 1, Right on Sec Rd 489 for 1 mile, Right on Sec Rd 331 for .1 mile, Left at Gate under Power Line, 25 acres

Saturdays. Afternoons Only, Dove Hunting Only.

(864) 427-4771

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LANCASTER

Payne Property

8.9 miles north of Kershaw on US 601, Left on Sec Rd 27 for 1.3 miles, Field on Left, 20 acres.

Saturdays. Afternoons Only, Dove Hunting Only. (864) 427-4771

LAURENS *

DNR - Gray Court Tract

8 miles north of Laurens on SC 14, Right on tar & gravel road for .2 miles, Right on dirt road for .1 mile, 12 acres

1st season -Saturdays

2nd & 3rd seasons - Open Mon - Sat

Afternoons Only All 3 seasons - (864) 427-4771

LEE

Atkinson Property

From 1-20, Go 2.7 miles southeast on SC 341 to Wisacky, Go 0.9 miles west on Cooper=s Mill Rd. To Mt. Zion

AME Church. Go 3.7 miles south on Dog Island Rd. Field on both sides of road. From US 401, Go 1.1 miles

northwest on Dog Island Rd., 70 acres. Wednesdays, Afternoons Only. (843) 661-4768

MARLBORO

DNR - Lake Wallace WMA

northwest of Lake Wallace on Sec Rd 47 Bennettsville, Beauty Spot Rd., 50 acres

Saturdays, Afternoons Only , Dove Hunting Only

(843) 661-4768, (843) 479-3312

MCCORMICK

U.S. Army Corps of Engineers - Clarks Hill WMA Waterfowl Area, 2.5 miles south of Bordeaux on Sec Rd 110, 40 acres

Sept 5 & 26; Nov 21, Jan 9 only, afternoons only

(864) 223-2731

MCCORMICK

U.S. Army Corps of Engineers - Clarks Hill WMA

3 miles south of Willington on Sec Rd 135, 2 miles southwest on Forest Service Rd. 563F, 25 acres

1st season – Wednesdays Only, Afternoons Only.

2nd & 3rd seasons - Open Mon - Sat. (864) 223-2731

MCCORMICK

U.S. Forest Service – Key Bridge WMA

Cunningham Fields

5 miles east of Plum Branch on SC 283. 1 mile south on Forest Service Rd. 688. 40 acres

1st season – Saturdays Only, Afternoons Only

2nd & 3rd seasons – Open Mon – Sat. (864) 223-2731

MCCORMICK

U.S. Forest Service -Key Bridge WMA

7 miles east of Plum Branch on SC-283, 2 miles south on Sec. Rd. 138, 1 mile southwest on USFS Rd. 618, 35 acre seed tree area.

1st season – Saturdays Only, Afternoons Only.

2nd & 3rd seasons - Open Mon-Sat. (864) 223-2731

MCCORMICK

U.S. Army Corps of Engineers - Key Bridge WMA
 2 miles west of Plum Branch on Sec Rd 57, 30 acres
 1st season –Saturdays Only, Afternoons Only.
 2nd & 3rd seasons - Open Mon-Sat. (864) 223-2731

NEWBERRY

International Paper Company
 From Intersection of Hwy 56 & 39 near Chappells, Go 1 mile northwest on Hwy 39 & Turn Left on gravel road at Sign, 20 acres.
 1st season - Saturdays
 2nd & 3rd seasons Open Mon-Sat.
 Afternoons Only All 3 seasons . (864) 427-4771

NEWBERRY

U.S. Forest Service
 10 miles north of Newberry on SC 121, Turn Right on Forest Service Rd 490, Go 1 mile., Field at end of road on Left, 22 acres.
 1st season - Sept. 8, 15, 22, 29 & Oct. 6
 2nd & 3rd seasons Open Mon-Sat. Afternoons Only -All 3 seasons. (803) 276-4810, (864) 427-4771

OCONEE

S.C. Forestry Commission - Piedmont Nursery
 From SC 130 north of Salem Turn Left on SC 11 & follow signs to nursery, 18 acres
 1st & 2nd season -Saturdays, Afternoons only, Dove hunting only -- 3rd season – Closed.
 (864) 654-1671

OCONEE

U.S. Forest Service - Ross Mtn. Field
 About 7 miles north of Walhalla on SC 28, Turn on Tunneltown Rd., Turn on Ross Mtn. Rd, Field on Both Sides of road, 35 acres
 Saturdays, Afternoons Only, Beginning Sept 8
 (864) 654-1671

ORANGEBURG

Santee Cooper - Santee Cooper WMA
 .5 miles northeast of Eutaw Springs, 70 acres
 Entire WMA under Dove Area Regulations.
 Sept 1, 15, 29. Nov 24. Afternoons Only. Dove Hunting Only. **50 shells/hunter limit. Close 1 hour before sunset** (843) 825-3387

PICKENS

Crescent Resources
 From Seneca Take SC 130 north to SC 183, Turn Right on SC 183. Go about 1.5 miles to Gated road, Field on Left, 20 acres
 1st season - Sept 1, 8, 15, 22
 2nd & 3rd seasons - Open Mon -Sat Afternoons Only
 (864) 654-1671

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PICKENS

DNR Property

South of Pickens off Sec Rd 304 near SC Highway Dept. Bldg., 40 acres

Saturdays, Afternoons Only. (864) 654-1671

PICKENS

Clemson University - Gravely WMA - Causey Tract

From SC 11 Go south on Sec Rd 112 at Cendy's Store, Turn east on Sec Rd 114 & Go 0.5 miles; 25 acres

Saturdays, Afternoons Only. (864) 654-1671

PICKENS

Porter Field

183 from Pickens, Go 5 miles to Mtn. View Church Rd. Right 1/10 miles, Field on Right

Opens Sept. 8, Saturdays - Afternoons Only. 1st & 2nd seasons Only. (864) 654-1671

RICHLAND *

Richland County - Landfill

From Columbia Take SC 215 north from I-20 for about 6 miles, Turn Left, Then back Right at Landfill Signs & Follow Arrows to Field, 30 acres

1st season - Sept 1 & 8, Afternoons Only. Dove Hunting Only. (864) 427-4771

SALUDA

U.S. Forest Service-Goldmine WMA

9 miles west of Saluda on US 178, 2 miles south on Sec Rd 155, 1 mile west on Sec Rd 543, 1/2 mile south on Running Wild Rd, 30 acre seed tree area.

1st season- Saturdays only, afternoons only

2nd & 3rd seasons - Mon-Sat. (864) 223-2731

SPARTANBURG *

Jones Property

From Intersection of Hwy 9 & 11, Go north on Hwy 9 for 2.7 miles, Turn Right on Wooden Bridge Rd, Go 0.6 miles, Field on Left. 15 acres.

Saturdays, Afternoons Only - Dove Hunting Only

(864) 427-4771

SUMTER

S.C. Forestry Commission - Manchester State Forest

Field locations posted at Forestry Headquarters, Batten's at SC 261 & SC 763 in Wedgefield, or Shop-N-Go on SC 120, the Pinewood Rd., multiple fields, 150 acres

1st season - Wed or Sat Afternoons (Designated Fields)

2nd & 3rd seasons - Open Mon. - Sat. (Designated Fields and the general forest).

(803) 494-8196, (843) 661-4768

UNION*

DNR Thurmond Tract

4.3 miles North on SC9 from the intersection of SC 9 and SC 49 at Lockhart. Field is on left. 15 acres.

1st season – Saturdays.

2nd & 3rd seasons open Mon – Sat.

Afternoons Only All 3 Seasons.

(864) 427-4771.

UNION

U.S. Forest Service

3 miles E of Cross Keys on Sec Rd 18 at Intersection of Sec Rd 80 near Sedalia , 15 acres

1st season - Sept 8, 15, 22, 29 & Oct. 6

2nd & 3rd seasons - Open Mon - Sat.

Afternoons Only All 3 seasons

(864) 427-4771, (864) 427-9858

YORK *

DNR - Draper Tract

3.5 miles E of McConnell on SC 322, Turn Right on Sec Rd 165, Go .5 miles, Turn Right, Two 30 acres Fields.

1st season - Saturdays.

2nd & 3rd seasons Open Mon - Sat.

Afternoons Only All 3 seasons.

Opening day participants selected by drawing. Apply in writing by Aug 10 to DNR, 124 Wildlife Drive, Union, SC, 29379. Limited space available. Call (864) 427-4771

SPECIAL YOUTH DOVE HUNTS: *Eligibility for these hunts requires adults 21 years or older to bring 1 or 2 youths up to 15 years of age (17 years of age on some fields).*

ABBEVILLE YOUTH HUNT

U.S. Forest Service – Parson Mountain WMA

SEPT. 1. CALL (864) 223-2731) BEGINNING AUGUST 13 TO PRE-REGISTER. LIMITED SPACE AVAILABLE.

CLARENDON COUNTY YOUTH HUNT

Santee Cooper – Santee Dam WMA

From the south end of SC260, follow gravel road at base of dam for approx. 5 miles, 137 acres.

Sept. 1. No pre-registration required. Youth age limit 17. (843) 825-3387

Dove Hunting Only

NEWBERRY YOUTH HUNT

U.S. Forest Service near Whitmire.

September 1

Participants selected by drawing. Apply in writing by Aug 14 to USFS, 20 Work Center Rd, Whitmire, SC 29178-9710. Limited space available. (803) 276-4810 or (864) 427-4771

OCONEE YOUTH HUNT

U.S. Forest Service, Ross Mtn. Field

September 1

Participants selected by drawing. **Apply by Aug. 15 to DNR, 153 Hopewell Rd., Pendleton, SC 29670**

Limited Space Available (864) 654-1671

PICKENS YOUTH HUNT

Porter Field -- Sept 1

Participants selected by drawing.

Apply by Aug. 15 to DNR, 153 Hopewell Rd., Pendleton, SC 29670

Limited Space Available (864) 654-1671

SUMTER YOUTH HUNT

Manchester State Forest near Wedgefield

September 3

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Call (843) 546-8119. Beginning August 16 but prior to August 28 for field location and to pre-register. Limited space available

UNION YOUTH HUNT

U.S. Forest Service near Sedalia

September 1

Participants selected by drawing. Apply in writing by Aug 14 to DNR, 124 Wildlife Dr., Union, SC 29379.

Limited space available. (864) 427-4771

YORK YOUTH HUNT

DNR Draper WMA

September 1

Participants selected by drawing. Apply in writing by Aug 10 to DNR, 124 Wildlife Dr. Union, SC 29379.

Limited Space Available. (864) 427-4771

Filed: August 20, 2001, 8:30 am

Document No. 2649

DEPARTMENT OF NATURAL RESOURCES

CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-210, 50-3-100, 50-11-10, 50-11-65, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-430, 50-11-500, 50-11-520, 50-11-530, 50-11-854 and 50-11-2200.

Emergency Situation:

These emergency regulations amend and supersede South Carolina Department of Natural Resources Regulation Numbers 123-40. These regulations set open and closed seasons, bag limits, and methods of taking wildlife and define special use restrictions related to hunting and methods for taking wildlife on Department-owned Wildlife Management Areas. Because the hunting seasons on these WMA=s starts August 15 or September 1, it is necessary to file these regulations as emergency.

123-40. Wildlife Management Area Regulations.

(G) Francis Marion National Forest

During still gun hunts for deer there shall be no hunting or shooting from, on or across any road open to vehicle traffic. No buckshot on still gun hunts.

Total of 8 deer for all gun hunts on the Francis Marion.

Waterhorn WMA

Deer

Archery	Oct. 1 - 13.	2 deer per day, either-sex, Oct. 1 - 13. Hogs no limit.
Archery and Muzzleloader	Oct. 22 - Nov. 3	2 deer per day, either-sex, Oct. 22 - Nov. 3. Hogs no limit.
Still Gun Hunts	Aug. 17 - 18, 24 - 25, Sept. 10 - 15, Nov. 12 - 17, Dec. 3 - 15, 24 -29.	2 deer per day, buck only, except either-sex Dec. 3 - 15. Hogs no limit.

Wambaw WMA

Deer

Tibwin Special Use Area is closed to hunting except for special hunts published by the SCDNR.

Still Gun Hunts	Sept. 1 - Jan. 1 except during scheduled dog drive hunts.	2 deer per day, buck only, hogs no limit.
Dog Hunts (Shotguns only) Still gun hunts only East of Hwy 17. Rifles allowed.	Aug. 15 -18, Oct. 10 -13, Nov. 10, Nov. 21 - 24, Dec. 1.	2 deer per day, buck only, except either-sex Nov. 10 and Dec. 1.

Northampton WMA

Deer

Still Gun Hunts	Sept. 1 through Jan. 1 except during scheduled dog drive hunts.	2 deer per day, buck only, hogs no limit.
Dog Hunts (Shotguns only)	Sept. 5 - 8, Oct. 17 - 20, Nov. 10, Nov. 28 - Dec. 1	2 deer per day, buck only, except either-sex Nov. 10 and Dec. 1.

Santee WMA

Deer

Still Gun Hunts	Sept. 1 through Jan. 1 except during scheduled dog drive hunts.	2 deer per day, buck only, hogs no limit.
Dog Drive Hunts (Shotguns only)	Sept. 12 - 15, Oct. 24 -27, Nov. 10, Dec. 1, Dec. 26 - 29.	2 deer per day, buck only, except either-sex Nov. 10 and Dec. 1. Hogs no limit.

(H) Moultrie

Deer

Total of 8 deer per season.

Bluefield WMA (Adult/Youth Area)

Bluefield WMA is open only to youth 17 years of age or younger who must be accompanied by an adult at least 21 years of age. Adults will be allowed to carry a weapon and hunt.

Deer

Still Gun Hunts (No buckshot)	Aug. 15 through Jan. 1 Wed. and Sat. ONLY	2 deer per day, buck only, except either-sex Wed. and Sat. only Sept. 15 - Jan. 1.
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North Dike WMA

Deer

Individual antlerless deer tags valid Sept. 15 - Oct. 27 on days not designated as either-sex.

Still Gun Hunts (No buckshot, no dogs)	Aug. 18 - Oct. 27	2 deer per day, buck only, except either-sex Sept. 19-22, Oct. 10-13, 17-20.
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Porcher WMA

Deer

Archery (No dogs)	Sept. 1 through Jan. 1	2 deer per day, buck only, except either-sex Oct. 1 - Jan. 1.
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(J) Webb WMA

Deer Hunts (No dogs)	No open season except hunters selected by computer drawing.	2 deer, either-sex but only 1 buck.
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Hog Hunts No dogs.	1 st , 2 nd and 3 rd Tues. in Sept.	No limit.
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Hog Hunts with dogs (pistols only) Four dog limit per party.	1 st , 2 nd and 3 rd Thurs. in Sept. and 3 days beginning the 1 st Thurs. in March.	No limit.
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Hog hunters are required to wear hat, coat or vest of solid international orange color while hunting. Hunters must sign register upon entering and leaving the Webb WMA. No hogs may be taken alive from Webb WMA. Hogs taken must be brought to the Webb WMA check station and a data card completed.

Hog hunters are permitted to camp at Bluff Lake on Webb WMA on nights prior to scheduled hog hunts only.

(S) Other Small WMAs

Aiken, Calhoun, Lexington and Richland Counties

Deer

Still Gun Hunts and Archery (No dogs)	No hunting before Sept. 1 or after Jan. 1.	Game Zone 3 bag limits. Buck only, except on Game Zone 3 either-sex days as specified in Reg. 4.2.
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Darlington, Lee & Sumter Counties

Deer

Archery	Sept. 1 - Jan. 1	Total 5 deer per season, buck only, except on Game Zone 8 either-sex days as specified in Reg. 4.2.
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Still Gun Hunts (No dogs) No buckshot.	Sept. 15 - Jan. 1	Total 5 deer per season, buck only except on Game Zone 8 either-sex days as specified in Reg. 4.2.
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Dillon County

Deer

Archery	Sept. 1 - Jan. 1	Total 5 deer per season, buck only, except on Game Zone 7 either-sex days as specified in Reg. 4.2.
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Still Gun Hunts (No dogs) No buckshot.	Sept. 15 - Jan. 1	Total 5 deer per season, buck only except on Game Zone 7 either-sex days as specified in Reg. 4.2.
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WILDLIFE MANAGEMENT AREA REGULATIONS

General

2.1 Except as provided in these regulations, it is unlawful to hunt or take wildlife on areas designated by the South Carolina Department of Natural Resources (SCDNR) Wildlife Management Area (WMA) lands.

2.2 Entry onto WMA land is done wholly and completely at the risk of the individual. Neither the landowner nor the State of South Carolina nor the South Carolina Department of Natural Resources accepts any responsibility for acts, omissions, or activities or conditions on these lands which cause or may cause personal injury or property damage.

2.3 Entry onto WMA land constitutes consent to an inspection and search of the person, game bag or creel.

2.4 It is unlawful for anyone to hunt or take wildlife on WMA land unless an individual is in possession of a valid South Carolina license; a valid WMA permit; and other applicable federal or state permits, stamps, or licenses.

2.5 No Sunday hunting is permitted on any WMA lands.

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2.6 On all WMA lands, baiting or hunting over a baited area is prohibited.

As used in this section, "bait" or "baiting" means the placing, depositing, exposing, distributing, or scattering of shelled, shucked, or unshucked corn, wheat, or other grain or other food stuffs to constitute an attraction, lure, or enticement to, on, or over any area. "Baited area" means an area where bait is directly or indirectly placed, deposited, exposed, distributed, or scattered and the area remains a baited area for ten (10) days following the complete removal of all bait.

2.7 On WMA lands construction or use of tree stands is prohibited if the tree stand is constructed by driving nails or other devices into trees or if wire is wrapped around trees. Other tree stands and temporary screw-in type climbing devices are permitted provided they are not permanently affixed or embedded in the tree.

2.8 On WMA lands any hunter younger than sixteen (16) years of age must be accompanied by an adult (21 years or older) who is validly licensed and holds applicable permits, licenses or stamps for the use of WMA lands. Sight and voice contact must be maintained.

2.9 Notwithstanding any other provision of these regulations, the Department may permit special events on any day during the regular hunting season.

2.10 No person may release or attempt to release any animal onto Department-owned WMA lands without approval from the Department.

2.11 While hunting on Department-owned WMA=s, no person may consume or be under the influence of intoxicants, including beer, wine, liquor or drugs.

WEAPONS

3.1 On WMA lands hunters may use any shotgun, rifle, long bow or hand gun except that specific weapons may be prohibited on certain hunts. Small game hunters may possess or use shotguns with shot no larger than No. 2 or .22 rimfire rifles or primitive muzzle-loading rifles of .40 caliber or smaller. Small game hunters may not possess or use buckshot, slugs or shot larger than No. 2. Blow guns, dart guns or drugged arrows are not permitted. Small game hunters using archery equipment must use small game tips on the arrows (judo points, bludgeon points, etc.). The use of crossbows during any archery only season is unlawful except as allowed by 50-11-565.

3.2 For Special Primitive Weapons Seasons, primitive weapons include bow and arrow and muzzle-loading shotguns (20 gauge or larger) and rifles (.36 caliber or larger) with open or peep sights or scopes, which use black powder or a black powder substitute that does not contain nitro-cellulose or nitro-glycerin components as the propellant charge; ignition at the breech must be by the old type percussion cap which fits on a nipple or by flintstone striking frizzen or a Adisk≅ type ignition system. The use of in-line muzzleloaders and muzzleloaders utilizing a shotgun primer in a "disk" type ignition system is permitted. During primitive weapons season, no revolving rifles are permitted.

3.3 On WMA lands, big game hunters are not allowed to use military or hard-jacketed bullets or .22 rimfire rifles. Buckshot is prohibited during still hunts for deer or hogs on the Santee Coastal Reserve, Bucksport, Pee Dee Station Site, Lewis Ocean Bay, Great Pee Dee, Crackerneck, Webb Center, Marsh Furniture, Manchester State Forest, Palachucola, Waccamaw River Heritage Preserve, Donnelley, Francis Marion, and Moultrie WMA lands.

3.4 On DNR-owned WMA=s during periods when hunting is permitted, all firearms transported in vehicles must be unloaded. On the Francis Marion Hunt Unit during deer hunts with dogs, loaded shotguns may be transported in vehicles. Any shotgun, centerfire rifle or rimfire rifle or pistol with a shell in the chamber or magazine or muzzleloader with a cap on the nipple or flintlock with powder in the flash pan is considered loaded.

3.5 No target practice is permitted on Department-owned WMA lands except in specifically designated areas.

3.6 On WMA lands during still gun hunts for deer or hogs there shall be no hunting or shooting from, on or across any road open to vehicle traffic. During any deer or hog hunt there shall be no shooting from, on

or across any railroad right-of-way or designated recreational trail on U.S Forest Service or S.C. Public Service Authority property.

DEER

4.1 On WMA lands with designated check stations, all deer bagged must be checked at a check station. Deer bagged too late for reporting one day must be reported the following day. Unless otherwise specified by the department, only bucks (male deer) may be taken on all WMA lands. Male deer must have antlers visible two (2) inches above the hairline to be legally bagged on "bucks only" hunts. Male deer with visible antlers of less than two (2) inches above the hairline must be taken only on either-sex days or pursuant to permits issued by the department. On WMA lands, man drives for deer are permitted between 10:00 a.m. and 2:00 p.m. only, except that no man drives may be conducted on days designated by the department for taking deer of either sex. On WMA lands, drivers participating in man drives are prohibited from carrying or using weapons. On WMA lands, in Game Zones 1, 2 and 4, man drives will be permitted on the last four (4) scheduled either-sex days. A man drive is defined as an organized hunting technique involving two (2) or more individuals whereby an attempt is made to drive game animals from cover or habitat for the purpose of shooting, killing, or moving such animals toward other hunters.

DOGS

5.3 On WMA lands, dogs may be used for hunting foxes, coyotes, raccoons, bobcats or opossums only between thirty (30) minutes after official sunset and thirty (30) minutes before official sunrise.

VEHICLES

6.1 On all WMA lands, no hunter may shoot from a vehicle except that paraplegics and single or double amputees of the legs may take game from any stationary motor driven land conveyance or trailer which is operated in compliance with these rules. For purposes of this regulation, paraplegic means an individual afflicted with paralysis in the lower half of the body with involvement of both legs, usually due to disease of or injury to the spinal cord.

6.2 On Department-owned WMA lands, motor driven land conveyances must be operated only on designated roads or trails. Designated roads and trails on Forest Service lands are those designated with either a name and/or numbered sign. On Forest Service land ATV=s can be used only on designated ATV or motorcycle trails. Unless otherwise specified, roads or trails which are closed by barricades and/or signs, either permanently or temporarily, are off limits to motor-driven land conveyances.

6.3 It is unlawful to obstruct travel routes on Department-owned WMA lands.

VISIBLE COLOR CLOTHING

7.1 On all WMA lands during the gun and muzzleloader hunting seasons for deer, all hunters must wear either a hat, coat, or vest of solid visible international orange, except hunters for dove and duck are exempt from this requirement while hunting for those species.

CAMPING

8.1 Camping is not permitted on DNR-owned WMA lands except in designated camp sites.

TRAPPING

9.1 Trapping on WMA lands is not permitted.

80 EMERGENCY REGULATIONS

Filed: September 13, 2001, 10:00 am

Document No. 2655
DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123

Statutory Authority: 1976 Code Sections 50-1-200, 50-1-210, 50-3-100, 50-11-10, 50-11-65, 50-11-310, 50-11-335, 50-11-350, 50-11-390, 50-11-430, 50-11-500, 50-11-520, 50-11-530, 50-11-854 and 50-11-2200.

Emergency Situation:

These emergency regulations amend and supersede South Carolina Department of Natural Resources Regulation Numbers 123-40, 123-50, 123-51, 123-52 and 123-53. These regulations set open and closed seasons, bag limits, and methods of taking wildlife; define special use restrictions related to hunting and methods for taking wildlife on Department-owned Wildlife Management Areas; establish seasons, bag limits and methods of take for deer in Game Zones 1, 2 and 4; and sets seasons, bag limits and methods of take for bear. Because the hunting seasons on these areas starts September 15 or October 1, it is necessary to file these regulations as emergency.

The following regulations amend and supersede South Carolina Department of Natural Resources Regulation Numbers 123-40, 123-50, 123-51, 123-52 and 123-53.

123-40. Wildlife Management Area Regulations

(A) Game Zone 1

Chauga, Franklin L. Gravely, Caesar=s Head and Keowee WMA's

No more than 5 bucks total may be taken during all seasons combined, regardless of method (archery, muzzleloader, gun)

Archery Only Hunts For Deer on WMA (No dogs)	Dec. 24 - Jan. 1	Total of 2 deer for all archery only hunts. 2 per day, either-sex.
Primitive Weapons For Deer (No dogs)	Oct. 1 through Oct. 10	Muzzleloaders, 2 deer, buck only, 2 per day; archery, 2 deer, either-sex, 2 per day.
Still Gun Hunts For Deer Only (No dogs)	Oct. 11 through Oct. 16 Oct. 31- Dec. 22	Total of 5 deer for all gun hunts. 2 deer buck ONLY, except either-sex on days specified in Reg. 4.2. Archers allowed to take either-sex entire period.
Still Gun Hunts For Bear (No dogs)	Oct. 17 through Oct. 23	1 bear, no bears 100 lbs. or less, no sow with cubs at her side.
Special Party Dog Hunt For Bear Only	Oct. 24 through Oct. 30	3 bears per party, no bears 100 lbs.or less, no sow with cubs at her side. Groups hunting together are considered 1 party.

Parties of 25 or less must register with SCDNR, 153 Hopewell Road, Pendleton, SC 29670 by September 16. All harvested bear must be reported to the Clemson Wildlife Office @ 864-654-1671 within 24 hours of harvest.

Small Game or after Mar. 1; otherwise. Game Zone 1 seasons apply.	No hunting before Sept. 1	Game Zone 1 bag limits.
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Hogs and Coyotes

On each WMA property, feral hogs and coyotes may be taken during the open season for game. No hog hunting with dogs during the still gun hunts for deer. Hog hunters must use small game weapons during small game-only season. During turkey season hogs may be taken using legal weapons for turkey only.

Keowee WMA

No hunting is allowed in research and teaching areas of Keowee WMA (research and teaching areas are posted with white signs) except those special hunts for youth or mobility-impaired as published by the Department.

Archery Hunts For Deer (No dogs)	Oct. 1 - Dec. 22	Total 4 deer, 2 per day, either-sex, not to include more than 2 bucks.
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Quail Game Zones 1 and 2 seasons. No hunting for quail during archery hunts for deer.	Wed. and Sat. only during	10 per day.
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Other Small Game	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zones 1 and 2 seasons apply. North of Hwy 123 and west and east of the Keowee Arm of Lake Hartwell to Hwy 291 and across from Corinth Shiloh Fire Station and behind Jacobs Chuck, small game hunting with shotguns only. All other areas archery only for small game.	Game Zone 1 & 2 bag limits.
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Hogs and Coyotes: On Keowee WMA property, feral hogs and coyotes may be taken during the open season for game. No hog hunting with dogs during the still gun hunts for deer. Hog hunters must use small game weapons during small game-only season. During turkey season hogs may be taken using legal weapons for turkey only.

(B) Game Zone 2

John C. Calhoun, Cokesbury, Clarks Hill, Parsons Mountain, Key Bridge, Forks, Ninety-six, Goldmine, Murray, Enoree, Fairforest, Keowee, Fant=s Grove and Carlisle WMA=s.

No more than 5 bucks total may be taken during all seasons combined, regardless of method (archery, muzzleloader, gun)

Archery (No dogs)	Sept. 15 - Sept. 29 Monday after Thanksgiving through 3rd Saturday after	Total of 3 deer for archery only hunts, 2 per day, either- sex.
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Thanksgiving.

Primitive Weapons
Hunts
(No dogs)

Oct. 1 - Oct. 10

2 Deer, buck Only for muzzleloaders except either-sex the last Sat. during primitive weapon season. Archery, either-sex.

Still Gun Hunts
(No dogs)

Oct. 11 through the Saturday after Thanksgiving; 3rd Monday after Thanksgiving through Jan. 1.

10 deer; 2 per day, buck ONLY for gun hunts except either-sex on days specified in Reg. 4.2. Limit of 10 must not include more than 5 bucks. Male fawns apply toward the buck limit. Archers are allowed to take either sex during entire period; however, daily and season bag limits apply.

Small Game.
No guns during the first archery-only hunt on WMA lands.

No hunting before Sept. 1 or after March 1; otherwise Game Zone 2 seasons apply.

Game Zone 2 bag limits.

Hogs And Coyotes: On WMA lands in Game Zone 2, hogs and coyotes may be taken during the open season for game. No hog or coyote hunting with dogs. Only small game weapons allowed during the small game-only seasons. During turkey season hogs may be taken using legal weapons for turkey only.

Keowee WMA

No hunting is allowed in research and teaching areas of Keowee WMA (research and teaching areas are are posted with white signs) except those special hunts for youth or mobility-impaired as published by the Department.

Archery Hunts
For Deer (No dogs)

Oct. 1 - Dec. 22

Total 4 deer, 2 per day, either-sex, not to include more than 2 bucks.

Quail

Wed. and Sat. only during Game Zones 1 and 2 seasons. No hunting for quail during archery hunts for deer.

10 per day.

Other Small Game

No hunting before Sept. 1 or after Mar. 1; otherwise Game Zones 1 and 2 seasons apply. North of Hwy 123 and west and east of the Keowee Arm of Lake Hartwell to Hwy 291 and across from Corinth Shiloh Fire Station and behind Jacobs Chuck, small game hunting

Game Zone 1 & 2 bag limits.

with shotguns only. All other areas archery only for small game.

Hogs and Coyotes: On Keowee WMA property, feral hogs and coyotes may be taken during the open season for game. No hog hunting with dogs during the still gun hunts for deer. Hog hunters must use small game weapons during small game-only season. During turkey season hogs may be taken using legal weapons for turkey only.

Fants Grove WMA

Quality Deer Management Area - bucks must have at least 4 points on one side. A point must be at least one inch long. Hunters must sign in at the Clemson DNR Office check point. The Clemson DNR check point will open 2 hours before official sunrise for deer hunts. Hunters are required to wear a hat, coat or vest of international orange while hunting.

Archery Only (No dogs)	October 15 - December 7	Total of 4 deer, 2 per day, either-sex. Not to include more than 1 buck.
Still Gun Hunts (No dogs)	No open season except for hunters selected by computer drawing.	2 deer total, either-sex, except no more than 1 buck.
Special Gun Hunts for youth, mobility impaired, women and primitive weapons.	Hunters selected by drawing.	2 deer, either-sex
Small Game	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 2 seasons apply. No small game hunting during archery only hunts except for waterfowl or designated dove field hunting. Waterfowl may be hunted Wed. and Sat. AM only and Quail hunting Wed. and Sat. only.	Game Zone 2 limits.

Hogs and Coyotes: On Fants Grove WMA, feral hogs and coyotes may be taken during the open season for game. No hog hunting with dogs during the still gun hunts for deer. Hog hunters must use small game weapons during small game-only season. During turkey season hogs may be taken using legal weapons for turkey only.

(C) Crackerneck WMA and Ecological Reserve

All individuals must sign in and out at main gate. Scouting seasons (no weapons), will be Saturdays only during September and March. The gate opens at 6:00am and closes at 8:00pm. On deer hunt days, gates will open as follows: Oct., 4:30am-8:30pm; Nov. - Dec., 4:30am-7:30pm. For special hog hunts in Jan. and Feb., gate will be open from 5:30am-7:00pm. Hog hunters are required to wear either a hat, coat or vest of international orange. Hogs may NOT be taken from Crackerneck alive and hogs must be shown at check station gate. No more than 4 bay or catch dogs per party. On Saturday night raccoon hunts, raccoon hunters must cease hunting by midnight and exit the gate by 1:00am. On Friday night raccoon hunts, raccoon hunters must cease hunting 1 hour before official sunrise and exit the gate by official sunrise. All reptiles and amphibians are protected. No turtles, snakes, frogs, toads, salamanders etc. can be captured, removed, killed or harassed.

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Deer

Archery (No dogs)	1 st Fri. and Sat. in Oct.	2 deer , either-sex no more than 1 buck, no limit on hogs.
Primitive Weapons (No buckshot)	2 nd Fri. and Sat. in Oct.	2 deer, either-sex, no more than 1 buck, no limit on hogs.
Still Gun Hunts (No buckshot)	3 rd Fri. in Oct. - Jan. 1 Fri., Sat. and Thanksgiving Day only.	5 deer total, 2 per day, buck only except on either-sex days Fri. and Sat. only from the 1 st Fri. of gun hunts before Thanksgiving and the 1 st 2 Fri. and Sat. after Thanksgiving weekend. Total not to include more than 3 bucks.
Raccoon & Opossum	3 rd Sat. night in Oct. - Jan. 1, Sat. nights only; 1 st Fri. night in Jan. to last Sat. night in Feb., Fri. and Sat. nights only.	3 raccoons per party per night. No limit on Opossums.
Small Game(except no open season on bobcats, foxes, otters and fox squirrels).	3 rd Fri. in Oct. - last Sat. in Feb. Fri., Sat. and Thanksgiving Day only.	Game Zone 3 bag limits.
Hog Hunts with dogs. (Pistols only)	1 st Fri. in Jan. - last Fri. in Feb. Fridays only.	No limit.

(D) Game Zone 4

Fairforest, Enoree, Carlisle, Broad River, Dutchman and Wateree WMA=s

No more than 5 bucks total may be taken during all seasons combined, regardless of method (archery, muzzleloader, gun)

Archery Only (No dogs)	Sept. 15 - Sept. 29 Monday after Thanksgiving through 3rd Saturday after Thanksgiving.	Total of 3 deer for archery only hunts, 2 per day, either-sex.
Primitive Weapons Hunts (No dogs)	Oct. 1 - Oct. 10	2 deer- Buck Only for muzzleloaders except either-sex the last Sat. during primitive weapon season. Archery, either-sex.
Still Gun Hunts	Oct. 11 through the Saturday	10 deer; 2 per day, buck

(No dogs)	after Thanksgiving; 3rd Monday after Thanksgiving through January 1.	ONLY for gun hunts except either-sex on days specified in Reg. 4.2. Limit of 10 must not include more than 5 bucks. Male fawns apply toward the buck limit. Archers are allowed to take either sex during entire period; however, daily and season bag limits apply.
Small Game. No guns during the first archery-only hunt on WMA lands.	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 4 seasons apply.	Game Zone 4 bag limits.

Hogs And Coyotes: On WMA lands in Game Zone 4, hogs and coyotes may be taken during the open season for game. No hog or coyote hunting with dogs. Only small game weapons allowed during the small game-only seasons. During turkey season hogs may be taken using legal weapons for turkey only.

Draper WMA

Small Game Quail	Sat. after Thanksgiving, 2nd Sat. in Dec., 3 rd Wed. in Dec., 1 st Wed. in Jan.	10 per day
Rabbit	Last Wed. in Nov., 1 st Sat. in Dec., Every Wed. and Sat. after the first Sat. in Jan. to Mar. 1.	5 per day
Other Small Game No open season on fox squirrels	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 4 limits apply.	Game Zone 4 limits

(E) Broad River and Enoree River Waterfowl Management Areas

Deer Archery	Sept. 15 - Oct. 31	Game Zone 2 and 4 limits.
Small Game	Feb. 2 - Mar. 1	Game Zone 2 and 4 limits.
Raccoon	Feb. 2 - Mar. 1	Game Zone 2 and 4 limits.

(G) Francis Marion National Forest

During still gun hunts for deer there shall be no hunting or shooting from, on or across any road open to vehicle traffic. No buckshot on still gun hunts.	Total of 8 deer for all gun hunts on the Francis Marion.
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Hellhole WMA

Deer Archery	Sept. 15 through Sept. 29	2 deer per day, buck only. Hogs - no limit.
Archery	Oct. 1 - 6, Nov. 26 - Dec. 8.	2 deer per day, either-sex Oct. 1 - 6, Nov. 26 - Dec. 8. Hogs no limit.
Still Gun Hunts	Oct. 8 - 13, 29 - Nov 3, Nov. 19 - 24, Dec. 10 - 15.	2 deer per day, buck only, except either-sex Nov. 1 - 3, Nov. 19 - 24, Dec. 10 - 15. Hogs no limit.
Dog Hunts Shotguns only, no still hunting	Dec. 21 All deer must be checked at Hellhole Check Station.	2 deer total per day, either-sex.
Small Game No open season for fox hunting	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 6 seasons apply. Dogs allowed during small game gun season only. Closed during scheduled deer and hog hunt periods.	Game Zone 6 bag limits except Quail- 8 per day
Hog Hunts	Sat. only in Jan. and Feb.	No limit

No more than 4 bay or catch dogs per party. No still or stalk hunting permitted. One shotgun per party(buck shot only). Hog hunters must have a hunting license and WMA permit, and are required to wear a hat, coat or vest of solid international orange color while hunting. Hogs may not be transported alive. Hogs taken must be brought to the check station and a data card completed.

Hog hunters must sign a register at Hellhole Check Station (Hwy. 41) upon entering and leaving Hellhole WMA.

Waterhorn WMA

Small Game No open season for fox hunting.	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 6 seasons apply. Dogs allowed during small game gun season only. Closed during scheduled deer and hog hunt periods.	Game Zone 6 bag limits except Quail- 8 per day
Hog Hunts	Sat. only in Jan., Feb. and July	No limit.

No more than 4 bay or catch dogs per party. No still or stalk hunting permitted. One shotgun per party(buck shot only). Pistols permitted. Hog hunters must have a hunting license and WMA permit, and are required to wear a hat, coat or vest of solid international orange color while hunting. Hogs may not be transported alive. Hogs taken must be brought to the check station and a data card completed.

Hog hunters must sign a register at Elmwood Check Station upon entering and leaving Waterhorn WMA.

Wambaw WMA

Tibwin Special Use Area is closed to hunting except for special hunts published by the SCDNR.

Small Game	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 6 seasons apply. Dogs allowed during small game gun season only. Closed during scheduled periods using dogs to hunt deer or hogs.	Game Zone 6 bag limits except Quail- 8 per day
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Northampton WMA

Small Game	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 6 seasons apply. Dogs allowed during small game gun season only. Closed during scheduled periods using dogs to hunt deer or hogs.	Game Zone 6 bag limits except Quail- 8 per day.
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Santee WMA

Small Game	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 6 seasons apply. Dogs allowed during small game gun season only. Closed during scheduled periods using dogs to hunt deer or hogs.	Game Zone 6 bag limits. except Quail- 8 per day.
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(H) Moultrie

Deer		Total of 8 deer per season.
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Bluefield WMA (Adult/Youth Area)

Small Game (No open season on fox squirrels)	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 6 seasons apply. No hunting during scheduled deer hunts.	Game Zone 6 bag limits.
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Greenfield WMA

Deer

Still Gun Hunts (No buckshot)	Nov. 1 through Jan. 1	1 deer per day, buck only, except either-sex Nov. 1 - 3, Dec. 24 - 29.
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Small Game (No open season on fox squirrels)	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 6 seasons apply.	Game Zone 6 bag limits.
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Hall WMA

Deer

Archery (No dogs)	Sept. 1 through Jan. 1	2 deer per day, buck only, except either-sex Oct. 1 - Jan. 1.
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Small Game	No small game season on Hall WMA.
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North Dike WMA

Small Game (No open season on fox squirrels)	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 6 seasons apply.	Game Zone 6 bag limits.
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Porcher WMA

Small Game (No open season on fox squirrels)	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 6 seasons apply.	Game Zone 6 bag limits.
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Cross Station Site

Special Gun Hunts for youth and women.	No open season except hunters selected by drawing.	1 deer per day, either-sex
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(I) Santee Cooper WMA

Deer

No scouting season from Oct. 20 until opening of Nov. archery and muzzleloader season.		Total 8 deer per season, 4 deer per hunt period.
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Quality Deer Management Area - A point must be at least one inch long measured from the nearest edge of main beam to the top of the point.

Archery	Oct. 1 - 13, Nov. 5 - 10.	Total of 4 deer, either-sex Only antlerless deer, spike bucks (2 points) and bucks with 4 or more points on one side are legal.
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Muzzle Loader	Oct. 8 - 13, Nov. 5 - 10.	Total of 4 deer, either-sex Only antlerless deer, spike bucks(2 points) and bucks with 4 or more points on one side are legal.
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Still Gun Hunts	No open season except hunters selected by drawing.	Total of 3 deer, either-sex Only antlerless deer, spike bucks(2 points) and bucks with 4 or more points on one side are
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legal. One buck limit.

Small Game	1 st Mon. after the closing of the State Waterfowl Season through Mar. 1 (East of Ferguson Landing Rd only).	Game Zone 6 Bag limits, except Quail- 8 per day.
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(J) Webb WMA

Quail Hunts	No open season except hunters selected by computer drawing.	10 quail per hunt period.
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Dove Hunting	Public dove field only. Days published annually.	Federal limits.
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Other Small Game No open season on fox squirrels	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 11 seasons apply. No hunting on half-days scheduled for deer hunting.	Game Zone 11 bag limits.
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Hog Hunts with dogs (pistols only) Four dog limit per party.	1 st , 2 nd and 3 rd Thurs. in Sept. and 3 days beginning the 1 st Thurs. in March.	No limit.
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Hog hunters are required to wear hat, coat or vest of solid international orange color while hunting. Hunters must sign register upon entering and leaving the Webb WMA. No hogs may be taken alive from Webb WMA. Hogs taken must be brought to the Webb WMA check station and a data card completed. Hog hunters are permitted to camp at Bluff Lake on Webb WMA on nights prior to scheduled hog hunts only.

(K) Tillman Sandridge WMA

Deer Archery Only	14 hunting days beginning the last Friday in October	2 deer, either-sex
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Primitive Weapons	8 hunting days beginning the 2nd Fri. in Dec.	2 deer, buck only, except either-sex on Fri. and Sat.
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Small Game No open season on fox squirrels.	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 11 seasons apply. No Small game hunting during scheduled deer hunt periods.	Game Zone 11 bag limits.
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(M) Victoria Bluff WMA

Archery (No dogs)	Three hunting day periods beginning the 1st Thurs. in Oct., the 2 nd Thurs. in Oct., the 3 rd Thurs. in October, the 4 th Thurs. in Oct.; Eight hunting days beginning the 1 st Friday in November and eight	3 deer per hunt period, either-sex.
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hunting days beginning the 2nd Friday after Thanksgiving.

Small Game No open season on fox squirrels.	No hunting before Oct. 15 or after Feb. 1; otherwise Game Zone 11 seasons apply. No Small game hunting during scheduled deer hunt periods. Shotguns only, shot no larger than no. 2.	Game Zone 11 bag limits.
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(N) Bear Island WMA

All hunters must sign in and out at the Bear Island Office. Hunting in designated areas only.

Deer

Archery	Oct. 1 - Oct. 6	2 deer, either-sex.
Still Gun Hunts (No dogs) Rifles only.	Nov. 1 - Nov. 10	2 deer, either-sex, only 1 buck.
Quail	Quail hunting Tue. only Feb. 5 - 26.	Game Zone 11 bag limits.
Other Small Game	Feb. 6 - 27	Game Zone 11 bag limits.
No open season on fox squirrels.	Wed. and Sat. Only	
Raccoon/Opossum	Feb. 6 - Mar. 15 Wed. and Fri. Nights Only	Game Zone 11 bag limits.

(O) Lewis Ocean Bay WMA

Deer	Total of 5 deer for all hunts combined.
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Still hunting only, no deer dogs, no buckshot, no hunting or shooting from or on any roads open to vehicular traffic. Hunting from horseback is prohibited.

Archery	1st. Wed. - Sat. after Sept. 15	1 deer per day, buck only.
	1 st Wed. - Sat. in Oct., 2 nd Wed.-Sat. in Oct. 4 th Wed. - Sat. in Oct.	1 deer per day, either-sex
Archery and Muzzleloader	Last Wed. in Oct. - 1 st Sat. in Nov. 2 nd Wed. - Sat. in Nov.	1 deer per day, either-sex.
Still Gun Hunts	Last Wed. in Nov. - 1 st Sat. in Dec. 2 nd Wed. - Sat. in Dec.	1 deer per day, buck only.

Small Game Jan. 1-Mar. 1 Game Zone 7 bag limits.
 No Fox Squirrels

(P) Pee Dee Station Site WMA

Deer Total of 3 for all hunt periods combined.

Still hunting only, no deer dogs, no buckshot, no hunting or shooting from or on any roads open to vehicular traffic. The scouting seasons are 3-day periods on Saturday through Monday immediately preceding hunt periods.

Archery 1st Tue. - Sat. in Oct. 1 deer per day, either sex

Archery and Muzzleloader 3rd. Tue.- Sat. in Oct. 1 deer per day, either sex
 1st. Tue.- Sat. in Nov.

Small Game Sat. after Thanksgiving - last Wed. and Sat. in Feb., Wed. and Sat. Only. Game Zone 10 limits.

(Q) Aiken Gopher Tortoise WMA

During still gun hunts for deer, there shall be no hunting or shooting from, on or across any road open to vehicular traffic.

Deer Hunts (No dogs) Total 3 deer
 Not to include more than 2 bucks.

Archery (No dogs) Oct. 1 - Jan. 1 1 deer per day, buck only, except either-sex on Game Zone 3 either-sex days as specified in Reg. 4.2.

Still Gun Hunts (No buckshot) Oct. 1 - Jan. 1 1 deer per day, buck only, except either-sex on Game Zone 3 either-sex days as specified in Reg. 4.2.

Small Game Thanksgiving Day - Mar. 1 Game Zone 3 bag limits.
 No open season on fox Squirrels

(R) Santee Coastal Reserve WMA

Deer Hunts (No dogs)

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Archery (No dogs)	Nov. 5 - 10. Nov. 26 - Dec. 1.	2 deer per day, either-sex Hunting on mainland only.
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Quail	Wed. and Sat. only, 1 st Wed. after January 20 - last Wed. on or before Feb. 15.	Game Zone 6 bag limits.
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Raccoon/Opossum	Tues. and Fri. nights, 1 st Wed. after Jan. 20 - Mar. 1.	Game Zone 6 bag limits.
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Other Small Game No open season on fox Squirrels	Wed. and Sat. only, 1 st Wed. after Jan. 20 - Feb. 15.	Game Zone 6 bag limits.
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(S) Other Small WMAs

Aiken, Calhoun, Lexington and Richland Counties

Small Game	No hunting before Sept 1 or after Mar. 1; otherwise Game Zone 3 seasons apply.	Game Zone 3 bag limits.
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Chesterfield, Kershaw, & Marlboro Counties

Deer

Archery Only Hunts	Sept. 15 - 30	Total of 3 deer for all archery hunts, buck only, 2 per day.
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Still Gun Hunts and Archery (No Dogs)	Oct. 1 - Jan 1	Total 10 deer for all gun hunts, 2 per day, buck only except on Game Zone 5 either- sex days as specified in Reg. 4.2. Limit of 10 may not include more than 5 bucks. Male deer required 2 inches of visible antler above the hairline to be legal. Male fawns (button bucks) are considered antlerless deer, legal only during either- sex hunts; however, they apply toward the buck limit.
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Small Game	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 5 limits apply.	Game Zone 5 bag limits.
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Darlington, Lee & Sumter Counties

Small Game	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 8 seasons apply.	Game Zone 8 bag limits
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Dillon County

Small Game	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zones 7 seasons apply.	Game Zones 7 and 8 bag limits
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(U) Manchester State Forest WMA

Deer		Total of 5 deer per season for all hunts.
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Deer must be checked at check station.

Archery	Sept. 15 - 4 th Sat. in Sept.	1 per day, either-sex
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Archery and Muzzleloader	4 th Mon. in Sept. - last Sat. Fri. prior to last Sat. in Sept.	1 per day , buck only 1 deer per day, either-sex
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Dog Hunts	No open season except for clubs selected by computer drawing.	10 deer per day per club, 1 per day per person. Buck only, except by tags issued the day of the hunt.
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Still Gun Hunts (No Dogs)	Oct. 1-6, 8-13, 15-19, 23-27, Oct. 30-Nov. 1, Nov. 6-9, 13-15, 20-24, 26-30.	1 per day, buck only except on either-sex hunts Oct. 4, 6, 18, 27, Nov. 1, 21
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Quail (Except Bland Tract)	Wed. and Sat. only, 1 st Sat. after Thanksgiving - last Wed. and Sat. in Feb.	Game Zone 8 bag limits.
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Quail (Bland Tract) Quail hunters must pick up and return data cards at access points.	Designated Wed. and Sat. within Game Zone 8 season, in Dec., Jan., and Feb. Shotguns must be plugged so as not to hold more than 3 shells.	Game Zone 8 bag limits.
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Squirrel and Rabbit	Thanksgiving Day - Mar. 1	Game Zone 8 bag limits.
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Raccoon and Fox	Thanksgiving Day - 2 nd Sat. in Mar.	Raccoon 3 per party per night, Fox no limit during gun season.
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Hogs No dogs.	Hogs may be taken only incidental to deer hunts.	One per person per day.
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(V) Sand Hills State Forest WMA

Hunting by the general public closed during scheduled field trials on the Sand Hills State Forest Special Field trial Area. Hunting allowed during permitted field trials on the Sand Hills State Forest Special Field Trial Area in compliance with R.123-96.

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Deer Archery	Sept. 15 - Jan. 1	Total of 3 deer, 2 per day, either-sex.
Still Gun Hunts (No dogs)	Oct. 1 - Jan. 1	Total of 10 deer, 2 per day, buck only except either-sex on Game Zones 5 and 8 either-sex days specified in Reg. 4.2. No more than 5 bucks.
No man -drives on scheduled either-sex days.		
Small Game	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zones 5 and 8 seasons apply. No daytime fox hunting from Sept. 15 - Jan. 1.	Game Zones 5 and 8 limits.

(W) Marsh Furniture WMA

Deer Total of 3 deer for all hunts combined

The scouting season is the last Mon. - Sat. in Sept.

Still hunting only, no deer dogs, no buckshot, no hunting from vehicles or from or on roads open to vehicular traffic. No bay or catch dogs allowed for hog hunting.

Archery (No Dogs)	Oct. 1 - 6.	1 deer per day, either-sex Hogs no limit.
Archery and Muzzleloader (No dogs)	Oct. 8 - 13, 15 -20.	1 deer per day, either-sex Hogs no limit.
Still Gun Hunts	Oct. 22 - 27, 29 - Nov. 3, Nov. 5 - 10.	1 deer per day, buck only Hogs no limit.
Small Game Seasons Open only for rabbit, squirrel, opossum, quail, and woodcock only	Thanksgiving - Mar. 1 Wed. - Sat. only	Game Zone 10 bag limits.

(Z) Donnelley WMA

Deer

All hunters must sign in and out at the check station. Hunting in designated areas only. Scouting season for archery only on the day before season opens. Hogs can be taken during all deer hunts.

Archery (no dogs)	Sept. 26 - 29. Oct. 8 - 13. Oct. 29 - Nov. 3.	Total 4 deer per season, either-sex, no more than 2 bucks, antlered bucks must have a minimum 4 points on one side or spikes (2 points). Button bucks count towards buck limit. Hogs-no limit.
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Still Gun Hunts	No open season except for hunters selected by computer drawing.	3 deer per hunt period, 3 does or 1 buck and 2 does, antlered bucks must be spikes or have a minimum 4 points on one side. Button bucks count towards buck limit.
Small Game No open season for fox squirrels.	Wed. only Dec. 5-Jan. 20; Wed. and Sat. Jan. 30 - Feb. 27	Game Zone 11 Bag Limits
Raccoon and Opossum	Tues. Nights only Jan. 4- Jan. 29; Tues. and Fri. Nights Jan. 29 - Feb. 26	Raccoon - 3 per party per night, opossum - no limit.
Hog Hunts with dogs (Pistols Only)	Mar. 7 - Mar. 9	No limit.

Hog hunters are required to wear a hat, coat or vest of international orange color while hunting. Hogs may not be taken from Donnelley alive and all hogs harvested must be checked at the check station. No more than 4 bay or catch dogs per party.

(AA) Little Pee Dee River Complex WMA

Includes Little Pee Dee River HP, Tilghman HP, Dargan HP, and Ward HP in Horry and Marion counties. This also includes the Upper Gunters Island and Huggins tracts in Horry Co. which are part of Dargan HP. Still hunting only, no deer dogs, no buckshot, no hunting from vehicles or watercraft, or from or on any roads open to vehicular traffic.

Deer		Total of 3 deer for all hunts and hunt periods combined.
Archery	Sept. 15 - last Sat. in Sept.	1 deer per day, buck only
Archery	Oct. 1 - 3 rd Sat. in Oct.	1 deer per day, either-sex
Archery and Muzzleloader	4 th Mon. in Oct. - the following Sat. 1 st Mon. in Nov. - the following Sat.	1 deer per day, buck only, 1 deer per day, either-sex
Still Gun Hunts	Last Mon. in Nov. - the following Sat.	1 deer per day, buck only,
Small Game No open season for fox squirrels	Thanksgiving Day - Mar. 1 No small game hunting during the week of still gun hunting for deer.	Game Zones 7 and 10 Bag Limits.

(BB) Great Pee Dee River WMA

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Deer Hunts

Total 3 deer for all hunts.

For big game hunting, access is restricted from two hours before sunrise to two hours after official sunset. All individuals are required to sign in and out at the entrance. Still hunting only, no deer dogs, no buckshot, no hunting from motor vehicles or boats, no hog dogs.

Archery	1 st Mon. in Oct. - the following Sat., 2 nd Mon. in Oct. - the following Sat.	1 deer per day, either-sex, hogs no limit.
Archery and Muzzleloader	4 th Mon. in Oct. - the following Sat.	1 deer per day, either-sex, hogs no limit.
Still Gun Hunts	1 st Mon. in Nov. - the following Sat.	1 deer per day, buck only.
Gray Squirrels	Thanksgiving Day - Mar. 1st. No small game hunting during deer hunt periods.	Game Zone 8 bag limits.
Woodcock	Federal Seasons.	Federal limits.
Small Game	No open season on other small game species.	
Special Hog Hunt	1 st Mon. in Dec. - the following Sat. 2 nd Mon. in Dec. - the following Sat.	2 hogs per person per hunt period.

(CC) Hickory Top WMA

Deer		Total 8 deer per season.
Archery (No Dogs)	Sept. 1 through Jan. 1.	2 deer per day, either-sex Sept. 15 - Jan. 1.
Muzzleloader (No Dogs)	Nov. 1 - 17	2 deer per day, either-sex.
Small Game	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 9 seasons apply.	Game Zone 9 bag limits.

(DD) Palachucola WMA

Deer Hunts

Deer hunting or shooting will not be allowed from or on roads open to vehicle traffic.

Archery (No Dogs)	Ten hunting days beginning the last Wed. in Sept.	3 deer, either-sex.
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Still Gun Hunts (No dogs)	No open season except for hunters selected by computer drawing.	3 deer, either-sex but only 1 buck.
Small Game (No open season for fox squirrels or quail)	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 11 seasons apply.	Game Zone 11 bag limits.
No small game hunting during scheduled deer hunts.		
Hog Hunts No dogs	1 st , 2 nd and 3 rd Tues. in Sept.	No limit.
Hog Hunts with Dogs (Pistols) Four dog limit per party.	1 st , 2 nd and 3 rd Thurs. in Sept. and 3 days beginning the 1st Thurs. in March.	No limit.

Hog hunters are required to wear a hat, coat or vest of solid international orange color while hunting. Hunters must sign register at Webb WMA upon entering and leaving the Palachuola WMA. No hogs may be taken alive from Palachuola WMA. Hogs taken must be brought to the Webb WMA check station and a data card completed. Hog hunters are allowed to camp at Bluff Lake on the Webb WMA on nights prior to scheduled hog hunts ONLY.

(EE) St. Helena Sound Heritage Preserve WMA

Deer
Hunting and camping by special permit.

Archery Hunts
(No dogs)

Otter Island	Nov. 1 - Nov. 30 By special permit.	3 deer per season, 1 deer per day, either-sex. Hogs.
Ashe, Beet, Warren, Big, South Williman	Oct. 1 - Jan. 1	3 deer per season, 1 deer per day, either-sex. Hogs.

(FF) Waccamaw River Heritage Preserve WMA

Deer Total 2 deer per season

Still hunting only, no deer dogs, no buckshot, no hunting from vehicles or from or on roads open to vehicular traffic.

Archery	2 nd Mon. - Sat. in Oct. 3 rd Mon. - Sat. in Oct.	1 deer per day, either-sex.
Archery and Muzzleloader Still Gun Hunts	4 th Mon. - Sat. in Oct. 1 st Mon. - Sat. in Nov. Last Mon. in Nov. - 1st	1 deer per day, either-sex. 1 per day, buck only

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Sat. in Dec.

Small Game Seasons:
Season open only for
Gray squirrel and woodcock.
No hunting small game
during scheduled deer
hunt periods.

Thanksgiving Day - Mar. 1

Game Zone 7 bag limits

Raccoons

1st Wed. in Dec. - last Wed.
in Feb. Wed. nights only.

3 per party per night.

(GG) McBee WMA

Archery
Deer Hunts

Sept. 15 - Sat. after
Thanksgiving.

Total of 3, 2 per day,
either-sex.

Still Gun Hunts
(No Dogs)

Oct. 1 - Sat. after
Thanksgiving.

Total of 10, 2 per day, buck only
except on either-sex Oct. 5 - 6, 12 - 13,
19 - 20, 26 - 27, Nov. 2 - 3. Total not to
include more than 5 bucks.

Quail

No open season except
hunters selected by drawing.

10 per day

Other Small Game
No small game hunting
during scheduled deer
hunting periods.

No hunting before Mon.
following the 2nd Sat. in
Jan. or after Mar. 1;
otherwise Game Zone 5 seasons.

Game Zone 5 limits.

(HH) Canal WMA

Hunters must pick up and return data cards at access points. Shotguns must be plugged so as not to hold more than 3 shells.

Quail

1st Wed. after opening day of
quail season and every other
Wed. thereafter until Mar. 1.

Game Zone 6 limits.

(II) Cartwheel Bay WMA

Deer Hunts

Total 3 deer for all hunts combined.

Archery

Sept. 15 - 1st Sat. in Oct.

1 deer per day, buck only

2nd Mon. in Oct. - 1st Sat. in
Nov.

1 deer per day, either-sex

Small Game
(No small game,
hunting during
Scheduled deer
hunt periods.)
No open season on

No hunting before Nov. 1
or after Mar. 1; otherwise
Game Zone 7 bag limits.

Game Zone 7 bag limits

fox squirrels.

(JJ) Longleaf Pine WMA

Deer Total 2 deer for all hunts combined.

Still hunting only, no deer dogs, no buckshot, no hunting from vehicles or from or on any roads open to vehicular traffic.

Archery Sept. 15 - 1st Sat. in Oct. 1 deer per day, either-sex

Archery and Muzzleloader 2nd Mon. in Oct. - last Sat. in Oct. 1 deer per day, either-sex

Still Gun Hunts Last Mon. in Oct. - 3rd Sat. in Nov.. 1 deer per day, buck only

Small Game (No small game hunting during scheduled deer hunt periods). No open season on fox squirrels. Thanksgiving Day - Mar. 1 Game Zone 8 bag limits.

(KK) Bucksport WMA

Deer Total 5 deer per season

Archery Sept. 15 - last Sat. in Sept. 1 deer per day, buck only

2nd Mon. in Oct. - 3rd Sat. in Oct. 1 deer per day, either-sex

Archery and Muzzleloader 4th Mon. in Oct. - 3rd Sat. in Oct. 1 deer per day, buck only

Still Gun Hunts (No Dogs) No buckshot 4th Mon. in Nov. - 1st Sat. in Dec. 1 deer per day, buck only

Small Game Gray Squirrels (No small game hunting during scheduled deer hunt periods) Thanksgiving Day - Mar. 1 Game Zone 7 bag limits

Woodcock Federal Seasons Federal bag limits.

Raccoon Wed. nights only, 1st Wed. in Dec. - last Wed. in Feb. 3 per party per night

Other Small Game No open season on fox squirrels or other small game.

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(LL) Sandy Island WMA:

Data card required for hunting access. Hunting from vehicles prohibited.

Deer		Total 5 deer per season not to include more than 1 buck.
Archery Only	Oct. 1 - Nov. 30	1 deer per day, either-sex. Hogs and coyotes no limit.

(MM) Hatchery WMA

Deer Archery	Sept. 1 - 14, Sept. 15 - Nov. 10.	Total of 8 deer per season, 2 per day, buck only, except either-sex Sept. 15 - Nov. 10.
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(NN) Dungannon WMA

Deer Hunts (No dogs)		Total 8 deer per season.
Archery (No dogs)	Oct. 1 through Dec. 1	2 deer per day, either-sex.

(OO) Santee Dam WMA

Deer		Total of 8 deer per season.
Archery (No dogs)	Sept. 1 through Jan. 1	2 deer per day, buck only, except either-sex Sept. 15 - Jan. 1. Hogs no limit.
Muzzleloader (No dogs)	Sept. 15 through Jan. 1	2 deer per day, either-sex. Hogs no limit.
Small Game Shotguns only, no open season on fox squirrels.	Game Zone 9 seasons except no hunting before Sept. 1 or after Mar. 1. No hunting during scheduled deer and dove hunt periods.	Game Zone 9 bag limits.

(PP) Rock Hill Blackjacks HP WMA

Deer		Total of 3 deer per season.
Archery (No dogs)	Sept. 15 - 30; Mon. after Thanksgiving Day - Jan. 1.	2 deer per day, either-sex
Small Game	No small game hunting.	

(QQ) Oak Lea WMA

Total 10 deer per season.

Archery	Sept. 15 through Sept. 29.	2 deer per day, either-sex.
Still Gun Hunts	No open season except hunters selected by drawing.	2 deer per day, either-sex. Total 10 deer per hunt party.
Small Game		
No open season on quail.	Jan. 2 through Mar. 1	Game Zone 9 limits.

(RR) Lynchburg Savannah Heritage Preserve WMA

Small Game Only	No hunting before Sept. 1 or after Mar. 1; otherwise Game Zone 7 seasons.	Game Zone 7 limits
No open season on fox squirrels.		

WILDLIFE MANAGEMENT AREA REGULATIONS

General

2.1 Except as provided in these regulations, it is unlawful to hunt or take wildlife on areas designated by the South Carolina Department of Natural Resources (SCDNR) Wildlife Management Area (WMA) lands.

2.2 Entry onto WMA land is done wholly and completely at the risk of the individual. Neither the landowner or the State of South Carolina nor the South Carolina Department of Natural Resources accepts any responsibility for acts, omissions, or activities or conditions on these lands which cause or may cause personal injury or property damage.

2.3 Entry onto WMA land constitutes consent to an inspection and search of the person, game bag or creel.

2.4 It is unlawful for anyone to hunt or take wildlife on WMA land unless an individual is in possession of a valid South Carolina license; a valid WMA permit; and other applicable federal or state permits, stamps, or licenses.

2.5 No Sunday hunting is permitted on any WMA lands.

2.6 On all WMA lands, baiting or hunting over a baited area is prohibited.

As used in this section, "bait" or "baiting" means the placing, depositing, exposing, distributing, or scattering of shelled, shucked, or unshucked corn, wheat, or other grain or other food stuffs to constitute an attraction, lure, or enticement to, on, or over any area. "Baited area" means an area where bait is directly or indirectly placed, deposited, exposed, distributed, or scattered and the area remains a baited area for ten (10) days following the complete removal of all bait.

2.7 On WMA lands construction or use of tree stands is prohibited if the tree stand is constructed by driving nails or other devices into trees or if wire is wrapped around trees. Other tree stands and temporary screw-in type climbing devices are permitted provided they are not permanently affixed or embedded in the tree.

2.8 On WMA lands any hunter younger than sixteen (16) years of age must be accompanied by an adult (21 years or older) who is validly licensed and holds applicable permits, licenses or stamps for the use of WMA lands. Sight and voice contact must be maintained.

2.9 Notwithstanding any other provision of these regulations, the Department may permit special events on any day during the regular hunting season.

2.10 No person may release or attempt to release any animal onto Department-owned WMA lands without approval from the Department.

2.11 While hunting on Department-owned WMA's, no person may consume or be under the influence of intoxicants, including beer, wine, liquor or drugs.

WEAPONS

3.1 On WMA lands hunters may use any shotgun, rifle, long bow or hand gun except that specific weapons may be prohibited on certain hunts. Small game hunters may possess or use shotguns with shot no larger than No. 2 or .22

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rimfire rifles or primitive muzzle-loading rifles of .40 caliber or smaller. Small game hunters may not possess or use buckshot, slugs or shot larger than No. 2. Blow guns, dart guns or drugged arrows are not permitted. Small game hunters using archery equipment must use small game tips on the arrows (judo points, bludgeon points, etc.). The use of crossbows during any archery only season is unlawful except as allowed by 50-11-565.

3.2 For Special Primitive Weapons Seasons, primitive weapons include bow and arrow and muzzle-loading shotguns (20 gauge or larger) and rifles (.36 caliber or larger) with open or peep sights or scopes, which use black powder or a black powder substitute that does not contain nitro-cellulose or nitro-glycerin components as the propellant charge; ignition at the breech must be by the old type percussion cap which fits on a nipple or by flintstone striking frizzen or a "disk" type ignition system. The use of in-line muzzleloaders and muzzleloaders utilizing a shotgun primer in a "disk" type ignition system is permitted. During primitive weapons season, no revolving rifles are permitted.

3.3 On WMA lands, big game hunters are not allowed to use military or hard-jacketed bullets or .22 rimfire rifles. Buckshot is prohibited during still hunts for deer or hogs on the Santee Coastal Reserve, Bucksport, Pee Dee Station Site, Lewis Ocean Bay, Great Pee Dee, Crackerneck, Webb Center, Marsh Furniture, Manchester State Forest, Palachucola, Waccamaw River Heritage Preserve, Donnelley, Francis Marion, and Moultrie WMA lands.

3.4 On DNR-owned WMA=s during periods when hunting is permitted, all firearms transported in vehicles must be unloaded. On the Francis Marion Hunt Unit during deer hunts with dogs, loaded shotguns may be transported in vehicles. Any shotgun, centerfire rifle or rimfire rifle or pistol with a shell in the chamber or magazine or muzzleloader with a cap on the nipple or flintlock with powder in the flash pan is considered loaded.

3.5 No target practice is permitted on Department-owned WMA lands except in specifically designated areas.

3.6 On WMA lands during still gun hunts for deer or hogs there shall be no hunting or shooting from, on or across any road open to vehicle traffic. During any deer or hog hunt there shall be no shooting from, on or across any railroad right-of-way or designated recreational trail on U.S Forest Service or S.C. Public Service Authority property.

DEER

4.1 On WMA lands with designated check stations, all deer bagged must be checked at a check station. Deer bagged too late for reporting one day must be reported the following day. Unless otherwise specified by the department, only bucks (male deer) may be taken on all WMA lands. Male deer must have antlers visible two (2) inches above the hairline to be legally bagged on "bucks only" hunts. Male deer with visible antlers of less than two (2) inches above the hairline must be taken only on either-sex days or pursuant to permits issued by the department. On WMA lands, man drives for deer are permitted between 10:00 a.m. and 2:00 p.m. only, except that no man drives may be conducted on days designated by the department for taking deer of either sex. On WMA lands, drivers participating in man drives are prohibited from carrying or using weapons. On WMA lands, in Game Zones 1, 2 and 4, man drives will be permitted on the last four (4) scheduled either-sex days. A man drive is defined as an organized hunting technique involving two (2) or more individuals whereby an attempt is made to drive game animals from cover or habitat for the purpose of shooting, killing, or moving such animals toward other hunters.

4.2 Deer either-sex days for gun hunts are as follows:

Game Zone 1: Nov. 2 - 3, 9 - 10.

Game Zones 2 and 4: Oct. 19 - 20, 26 - 27, Nov. 2 - 3, 9 - 10, 16 - 17, Dec. 14 - 15, 21 - 22, 28 - 29, Jan. 1.

Game Zones 3, 6 and 11: Oct. 5 - 6, 12 - 13, 20, 27, Nov. 3, 17, 24, Dec. 22, 29, Jan. 1.

Game Zone 5: Kershaw/Chesterfield counties - Oct. 5 - 6, 12 - 13, 19 - 20, 26 - 27, Nov. 2 - 3, Dec. 28 - 29, Jan. 1. Marlboro County - Oct. 6, Nov. 23 - 24.

Game Zone 7: Dillon County - Oct. 6, Nov. 23 - 24. Horry County - Oct. 5 - 6, 12 - 13, Nov. 23 - 24.

Game Zones 8, 9, and 10: Oct. 5 - 6, 12 - 13, Nov. 2 - 3, 16 - 17, 23 - 24, Dec. 21 - 22.

DOGS

- 5.1 On all WMA lands, dogs may be used for small game hunting unless otherwise specified.
- 5.2 On all WMA lands in Game Zones 2 and 4, beagles may not be used for rabbit hunting during still gun hunts for deer. Beagles may be used from the close of the big game season until the close of the rabbit season. Beagles may be trained for rabbit hunting from September 1 through September 30 (no guns).
- 5.3 On WMA lands, dogs may be used for hunting foxes, coyotes, raccoons, bobcats or opossums only between thirty (30) minutes after official sunset and 30 minutes before official sunrise.
- 5.4 The Department may permit deer hunting with dogs on WMA areas not located in Game Zones 1, 2, and 4. For the purposes of tracking a wounded deer, a hunter may use one dog which is kept on a leash.
- 5.5 Dogs may be used to hunt bear in on WMA lands in Game Zone 1 during the special bear season.

VEHICLES

- 6.1 On all WMA lands, no hunter may shoot from a vehicle except that paraplegics and single or double amputees of the legs may take game from any stationary motor driven land conveyance or trailer which is operated in compliance with these rules. For purposes of this regulation, paraplegic means an individual afflicted with paralysis in the lower half of the body with involvement of both legs, usually due to disease of or injury to the spinal cord.
- 6.2 On Department-owned WMA lands, motor driven land conveyances must be operated only on designated roads or trails. Designated roads and trails on Forest Service lands are those designated with either a name and/or numbered sign. On Forest Service land ATV=s can be used only on designated ATV or motorcycle trails. Unless otherwise specified, roads or trails which are closed by barricades and/or signs, either permanently or temporarily, are off limits to motor-driven land conveyances.
- 6.3 It is unlawful to obstruct travel routes on Department-owned WMA lands.

VISIBLE COLOR CLOTHING

- 7.1 On all WMA lands during the gun and muzzleloader hunting seasons for deer, all hunters must wear either a hat, coat, or vest of solid visible international orange, except hunters for dove and duck are exempt from this requirement while hunting for those species.

CAMPING

- 8.1 Camping is not permitted on DNR-owned WMA lands except in designated camp sites.

TRAPPING

- 9.1 Trapping on WMA lands is not permitted.

WATERFOWL & DOVE REGULATIONS

- 10.1 Unless specially designated by the Department as a Wildlife Management Area for Waterfowl or a Wildlife Management Area for Dove, all Wildlife Management Areas are open during the regular season for hunting and taking of migratory birds except where restricted to special small game seasons within the regular migratory bird framework.
- 10.2 The Department may designate sections of Wildlife Management Areas and other lands and waters under the control of the Department as Designated Waterfowl Management Areas or Designated Dove Management Areas.

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All laws and regulations governing Wildlife Management Areas apply to these special areas. In addition, the Department may set special shooting hours, bag limits, and methods of hunting and taking waterfowl and doves on those areas. All State and Federal migratory bird laws and regulations apply. Regulations pertaining to the use of Dove Management Areas will be filed annually.

10.3 On areas where blinds are not provided, only temporary blinds of native vegetation may be constructed, and once vacated become available for others.

10.4 On Designated Waterfowl Areas, no species other than waterfowl may be taken during waterfowl hunts. On Designated Dove Management Areas no species other than doves may be taken during dove hunts. Only dove hunting is allowed at Lake Wallace.

10.5 No fishing is permitted in any Category 1 Designated Waterfowl Management Area during scheduled waterfowl hunts.

10.6 The Clarks Hill Waterfowl area is closed to hunting except for waterfowl hunting and other special hunts as designated by the SCDNR.

10.7 Santee Cooper WMA is closed to hunting from October 20 until March 1, except for special hunts designated by the SCDNR.

10.8 Sandy Beach Waterfowl Area is closed to hunting during the period 16 Nov.-01 Mar. except for special hunts designated by the Department.

10.9 Broad River Waterfowl Management Areas is closed to hunting access during the period 01 Nov.-01 Feb. except for special hunts designated by the Department.

10.10 Impoundments on Bear Island, Donnelly, Samworth, Santee Coastal Reserve and Santee Delta WMAs are closed to all public access during the period 01 Nov.-20 Jan. except during special hunts designated by the Department. All public access during the period 21 Jan.-01 March is limited to designated areas.

10.11 Potato Creek Hatchery Waterfowl Area is closed to all access one week prior to opening of waterfowl season through January 31, except for scheduled waterfowl hunts. No fishing one week prior to opening of waterfowl season through January 31. All hunters must enter and leave the Potato Creek Hatchery Waterfowl Area through the designated public landing on secondary road 260 and complete a data card and deposit card in receptacle prior to leaving the area. Hunting hour are from 30 minutes before legal sunrise to legal sunset (including the special youth hunt). Hunters may not enter the area prior to 3:00 a.m. on hunt days. Each hunter is limited to twenty-five nontoxic shot shells (steel, bismuth/tin, bismuth, tungsten-polymer, tungsten-iron) per hunt and no buckshot allowed. No airboats are allowed for hunting or fishing and no hunting from secondary road 260.

10.12 Hunters may not enter Hatchery WMA prior to 3 AM and must leave the area by 1 PM. Each hunter is limited to twenty-five nontoxic shot shells (steel, bismuth/tin, bismuth, tungsten-polymer, tungsten-iron) per hunt and no buckshot allowed. Hunters must enter and leave Hatchery WMA through the Hatchery Landing. No airboats are allowed in the Hatchery WMA for hunting or fishing during the period 15 Nov.-20. Jan. No fishing allowed during scheduled waterfowl hunts.

10.14 The Francis Marion National Forest, Crackerneck WMA, Palachucola, Tillman Sand Ridge WMA and Webb Wildlife Center are open during special small game seasons within the regular migratory bird seasons; Fant's Grove WMA is open AM only on Wednesdays and Saturdays during the regular migratory bird seasons.

10.15 Category I Designated Waterfowl Areas include Beaverdam, Broad River, Santee Cooper, Sandy Beach, Samworth, Santee Coastal Reserve, Santee-Delta, Bear Island, and Donnelley Wildlife Management Areas. Hunting in Category I Designated Waterfowl Areas is by special permit obtained through annual computer drawing.

10.16 Category II Designated Waterfowl Areas include Biedler Impoundment, Lake Cunningham, Russell Creek, Monticello Reservoir, Parr Reservoir, Duncan Creek, Dunaway, Dungannon, Enoree River, Moultrie, Hatchery, Hickory Top, Turtle Island, Little Pee Dee River Complex (including Ervin Dargan, Horace Tilghman), Great Pee Dee River, Oak Lea, Potato Creek Hatchery, Samson Island Unit (Bear Island), Tyger River, Marsh, and Tibwin Waterfowl Management Areas. Hunting on Category II Designated Waterfowl Areas is in accordance with scheduled dates and times.

DESIGNATED WATERFOWL AREAS

Area	Open dates inclusive	Bag Limits
Biedler Impoundment	Sat. AM only during regular season.	Federal Limits
Bear Island	Hunters selected by drawing during regular season.	Federal Limits
Beaverdam	Hunters Selected by drawing during regular season.	Federal Limits
Broad River	Hunters selected by drawing.	Federal Limits
Dunaway	Sat. AM only during regular season.	Federal Limits
Duncan Creek	Sat. AM only during regular season.	Federal Limits
Dungannon	Wed. AM only during regular season.	Federal Limits
Enoree River	Sat. AM only during regular season.	Federal Limits
Hatchery	Sat. AM only and until sunset on the last Sat. of the regular waterfowl season.	Federal Limits
Hickory Top	Federal waterfowl seasons.	Federal Limits
Lake Cunningham	Wed. AM only during during the regular season.	Federal Limits
Marsh	Wed. and Sat. AM only during the regular season.	Federal Limits
Monticello	Wed. and Sat. AM only during	Federal Limits

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	Reservoir during the regular season.	
Moultrie	Mon. through Sat. during regular season.	Federal Limits
Oak Lea WMA	Wed. AM only during regular season after Jan. 1.	Federal Limits
Parr Reservoir	Mon. through Sat. during the regular season.	Federal Limits
Potato Creek Hatchery	Wed. and Sat. only during regular season days and hours.	Federal Limits
Russell Creek	Wed. and Sat. AM only during the regular season.	Federal Limits
Samson Island Unit (Bear Island)	Thurs. and Sat. am only during the regular season.	Federal Limits
Samworth	Wed. and Sat. AM only during the regular season.	Federal Limits
Sandy Beach	Hunters selected by drawing.	Federal Limits
Santee Coastal Reserve	Hunters selected by drawing.	Federal Limits
Santee Cooper	Hunters selected by drawing.	Federal Limits
Santee-Delta	Wed. and Sat. AM only during the regular season.	Federal Limits
Tibwin	Special hunts by drawing.	Federal Limits
Turtle Island	Wed. and Sat. AM only during the regular season.	Federal Limits
Tyger River	Sat. AM only during regular season.	Federal Limits
Great Pee Dee	Wednesdays during federal waterfowl season. From legal shooting hours until 12:00 noon.	Federal Limits
Little Pee Dee River Complex	Wednesdays during Federal waterfowl season. From legal shooting hours until 12:00 noon.	Federal Limits

10.17 On Hickory Top WMA public waterfowl hunting without a Wildlife Management Area(WMA) permit is allowed on all land and water below 76.8'. Waterfowl hunting at or above elevation 76.8' requires a WMA permit.

10.18 Designated Dove Management Areas include all dove management areas as published by the Department in the annual listing of WMA public dove fields and are subject to regulations filed annually.

AMPHIBIANS AND REPTILES

11.1 Taking of any amphibian or reptile, except the bullfrog, is prohibited on any Department-owned Wildlife Management Areas without written permission of the Department.

123-50. Crow Hunting Season

The following rules and regulations shall hereby be provided for the hunting of crows in this State.

1. Crows shall not be hunted from aircraft.
2. The hunting season in this State shall extend from November 1 until March 1 of each year.
3. The penalty for the violation of these rules and regulations shall be that prescribed by 50-11-10 of the 1976 Code.

123-52. Deer Hunting on Private Lands in Game Zones 1, 2 and 4 (50-11-310, 50-11-350, 50-11-390).

1. The seasons and limits for deer hunting on private lands in Game Zones 1, 2 and 4 are as follows:

Game Zone 1

No more than 5 bucks total may be taken during all seasons combined, regardless of method (archery, muzzleloader, gun)

Primitive Weapons For Deer (No dogs)	Oct. 1 through Oct. 10	Muzzleloaders, 2 deer, buck only, 2 per day; archery, 2 deer, either-sex, 2 per day.
Still Gun Hunts For Deer Only (No dogs)	Oct. 11 through Oct. 16 Oct. 31- Jan. 1	Total of 5 deer for all gun hunts. 2 deer buck only, except either-sex on days specified in Reg. 4.2. Archers allowed either-sex during entire period.

Game Zone 2

No more than 5 bucks total may be taken during all seasons combined, regardless of method (archery, muzzleloader, gun)

Archery (No dogs)	Sept. 15 - Sept. 30	Total of 3 deer for archery only hunts, 2 per day, either-sex.
Primitive Weapons Hunts (No dogs)	Oct. 1 - Oct. 10	2 Deer, buck Only for muzzleloaders except either-sex the last Sat. during primitive weapon season. Archery, either-sex.
Still Gun Hunts (No dogs)	Oct. 11 - Jan. 1.	10 deer; 2 per day, buck ONLY for gun hunts except either-sex on days specified in Reg. 4.2. Limit of 10 must not include more than 5 bucks. Male fawns apply toward the buck limit. Archers are allowed to take either-sex during entire period; however, daily and season bag limits apply.

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Game Zone 4

No more than 5 bucks total may be taken during all seasons combined, regardless of method (archery, muzzleloader, gun)

Archery Only (No dogs)	Sept. 15 - Sept. 30	Total of 3 deer for archery only hunts, 2 per day, either-sex.
Primitive Weapons Hunts (No dogs)	Oct. 1 - Oct. 10	2 deer- Buck Only for muzzleloaders except either-sex the last Sat. during primitive weapon season. Archery, either-sex.
Still Gun Hunts (No dogs)	Oct. 11 - Jan. 1	10 deer; 2 per day, buck ONLY for gun hunts except either-sex on days specified in Reg. 4.2. Limit of 10 must not include more than 5 bucks. Male fawns apply toward the buck limit. Archers are allowed to take either sex during entire period; however, daily and season bag limits apply.

2. Hunters may use any shotgun, rifle, long bow or hand gun except that specific weapons may be prohibited on certain hunts.

3. For Special Primitive Weapons Seasons, primitive weapons include bow and arrow and muzzle-loading shotguns (20 gauge or larger) and rifles (.36 caliber or larger) with open or peep sights or scopes, which use black powder or a black powder substitute that does not contain nitro-cellulose or nitro-glycerin components as the propellant charge; ignition at the breech must be by the old type percussion cap which fits on a nipple or by flintstone striking frizzen or a "disk" type ignition system. The use of in-line muzzleloaders and muzzleloaders utilizing a shotgun primer in a "disk" type ignition system is permitted. During primitive weapons season, no revolving rifles are permitted.

4. Hunters are not allowed to take deer with military or hard-jacketed bullets or .22 rimfire rifles.

5. It is unlawful to hunt deer with dogs in Game Zones 1, 2 and 4.

6. On all private lands, baiting or hunting over a baited area is prohibited. As used in this section, "bait" or baiting" means the placing, depositing, exposing, distributing, or scattering of shelled, shucked, or unshucked corn, wheat, or other grain or other food stuffs to constitute an attraction, lure, or enticement to, on, or over any area. "Baited area" means an area where bait is directly or indirectly placed, deposited, exposed, distributed, or scattered and the area remains a baited area for ten (10) days following the complete removal of all bait.

123-53. Bear Hunting Rules and Seasons

1. The open season for taking bear by still hunting in Game Zone 1 is October 17 - 23 Sunday excepted.

2. The open season for taking bears with the aid of dogs by a party permitted by the Department in Game Zone 1 is October 24-30 Sunday excepted.

Document No. 2641
DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
 CHAPTER 61
 Statutory Authority: 1976 Code Section 44-55-10 et seq.

61-58. *State Primary Drinking Water Regulations.*

Synopsis:

The Department of Health and Environmental Control has amended R.61-58, *State Primary Drinking Water Regulations*. This amendment was approved by the Department's Board at the conclusion of the public hearing on September 13, 2001. The amendment was promulgated to comply with federal law, is exempt from legislative review, and takes effect upon publication in the *State Register* on September 28, 2001.

The amended regulations will include requirements promulgated under the National Primary Drinking Water Regulations: Public Notification Rule, and the Radionuclide Rule. The Public Notification Rule revises current public notification procedures requiring public water systems to notify the public any time a water system violates a primary drinking water regulation or has other situations posing a risk to public health. This rule applies to all public water systems. The final Public Notification Rule was published in the May 4, 2000, Federal Register [vol.165, no.87] with an effective date of June 5, 2000, and will comply with 40 CFR Part 141 and 142. Primacy States must adopt this rule by May 6, 2002

The Radionuclide Rule revises the monitoring requirements for radionuclides. Monitoring and reporting of radionuclides applies to Community public water systems and is mandated by the 1996 amendments to the Federal Safe Drinking Water Act (SDWA). Proposed regulations will comply with 40 CFR Parts 141 and 142. The Radionuclide Rule was published in the December 7, 2000 Federal Register [vol.65, no.236], with an effective date of December 8, 2003.

Other minor revisions include, but are not limited to, deletion of the Maximum Contaminant Level (MCL) for Nickel and the aldicarbs, deletion of the Phase I Volatile Organic Contaminant (VOC) monitoring for surface water systems and the review of the analytical methodology for coliform. These revisions are to align the State Primary Drinking Water Regulations with federal regulations. These additional revisions will conform R.61-58 to federal regulations through 2001.

Discussion of Revisions:

Tabular Summary of the revisions to the State Primary Drinking Water Regulations

The "Item" column is a short description of the changes to the existing regulation. Reference should be made to the appropriate Section for complete changes:

61.58 TABLE OF CONTENTS	Revises R.61-58.5 by renumbering, and rearranging Sections.
61-51.4.F(6)	Adds definition of lead free to include compliance with established standards
61-58.5.B(2)	Deletes the MCL for Nickel Revises numbering
61-58.5.B(3)(b)	Revises public notification requirements for Nitrate
61-58.5.C(1)	Revises references to comply with revisions in Section B(2)
61-58.5.C(12)(b)	Revises references to R.61-58.6 to incorporate new Public Notification requirements.

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61-58.5.C(15)(d)	Deletes reference concerning separate distribution systems
61-58.5.D(2)	Deletes MCL for Alachlor, Aldicarb, Aldicarb sulfoxide, and Aldicarb sulfone. Revises numbering
61-58.5.E(7)(g)(v)	Revises wording to delete Alachlor and Aldicarbs and to make wording more in line with Federal Regulations.
61-58.5.E(7)(k)(iii)	Deletes reference concerning separate distribution systems
61-58.5.E(7)(r)	Deletes detection limit for Alachlor and Aldicarbs
61-58.5.F	Deleted existing Section F
61-58.5.G	Deleted existing Section G
61-58.5.M	Deleted existing Section M
61-58.H - W	Repositioned and/or Renumbered Sections (see following sections)
61-58.Y - HH	Repositioned and/or Renumbered Sections (see following sections)
61-58.5.F	Previously Section H - no additional revisions
61-58.5.G	Previously Section I
61-58.5.G(1)(e)&(f), (2)(d)&(g), (3)(iii), (5)(b), & (7)(a)	Revises references to comply with revisions in Section numbering and organization.
61-58.5.G(6)(c)	Revises analytical methods available for total coliform analyses
61-58.5.G(6)(d)	Deletes analytical methods for total coliform included in revisions of R.61-58.G(6)(c) above.
61-58.5.G(6)(d)	Previously paragraph (e). Revises analytical methods to meet current edition of Standard Methods.
61-58.5.G(7)(a)	Revises reference to Section F
61-58.5.H	Previously Section J - Revises the title
61-58.5.H(1)-(8)	Revises MCL and compliance standards for Radionuclides
61-58-5.I	Previously Section K - Revises the title
61.58-5.I(1)-(3)	Revises references to Section H Adds new monitoring and compliance requirements for Radionuclides
61-58.5.J	Previously Section L - Revises the title
61-58.5.J (1)-(2)	Deletes Maximum Contaminant Level Goals for Man-Made Radionuclides Adds Maximum Contaminant Level Goals for Radionuclides
61-58.5.K	Previously Section N
61-58.5.K(1)-(4)	Revises paragraphs (1)-(3) to comply with current Federal regulations Adds paragraph (4) to establish criteria for determining compliance
61-58.5.L	Previously Section S
61-58.5.L(2)-(3)	Revises dates and references in paragraph (2) & (3)
61-58.5.M	Previously Section T
61-58.5.M(5)-(9), (12)	Revises references to comply with revisions in Section numbering and organization.

61-58.5.M(11) & (14)	Revises dates and references in paragraphs (11) & (14)
61-58.5.N	Previously Section AA - No additional revisions
61-58.5.O	Previously Section BB
61-58.5.O(2) - (5)	Deletes paragraphs (2) & (3) Renumbers paragraphs (4) & (5)
61-58.5.P	Previously Section GG
61-58.5.P(2)	Revises dates and references in paragraphs (2)(a) & (b)
61-58.5.Q	Previously Section HH
61-58.5.Q(2)(a) & (b)	Revises dates and references in paragraphs (2)(a) & (b)
61-58.5.R	Previously Section O - No additional revisions
61-58.5.S	Previously Section P - No additional revisions
61-58.5.T	Previously Section CC - No additional revisions
61-58.5.T(11)-(13)	Revises references to comply with revisions in Section numbering and organization.
61-58.5.U	Previously Section Q - No additional revisions
61-58.5.V	Previously Section R - No additional revisions
61-58.5.W	Previously Section V - Revises references to comply with revisions in Section numbering and organization.
61-58.5.X	No changes
61-58.5.Y	Previously Section DD - No additional revisions
61-58.5.Z	Previously Section EE - No additional revisions
61-58.5.AA	Previously Section FF - No additional revisions
61-58.5.BB	Previously Section W - Revises references to comply with revisions in Section numbering and organization.
61-58.5.CC	Previously Section U - No additional revisions
61-58.6	Revises title to include "of Drinking Water Violations"
61-58.6.B(5)	Adds paragraph (5)
61-58.6.D(2)(e)	Add paragraph (2)(e)
61-58.6.E	Deleted and replaced
61-58.6.E	New title and establishes new public notification requirements
61-58.7.B(4)	Identifies exception from using a certified laboratory.
61-58.9.C(8)	Revises references to R.61-58.5.N
61-58.9.F(1), (6) - (8)	Revises references to R.61-58.5.N
61-58.9.G(2)	Revises references to R.61-58.5.F
61-58.9.I	Add variances and exemptions from the MCL for Radionuclides
61-58.10.C(2)(f), E(1)(c) & (4), H(1)(a), (3), (4), (5) & (6)	Revises references and dates
61-58.10.G(1)(e)(iv)	Establishes notification requirements
61-58.10.H(6)(c)(i) & (ii)	Establishes additional reporting requirements
61.58.10.I.	Adds Section to include Recycle Provisions
61-58.11.C, D, F, G, H, I, J, & L	Revised in its entirety to comply with minor revisions to the Federal Lead and Copper Rule.
61-58.12.C, D, E	Revises and establishes new reporting requirements to comply with the new requirements to R.61-58.6.

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61-58.13.B(2), (6)-(9), C(2), D(2)-(4), E, & F	Revises references and dates. Establishes additional general requirements, monitoring, compliance, and reporting requirements.
Appendix A	Deleted and replaced with Appendix D to R.61-58.12
Appendix B	Deleted
Appendix C	Deleted
Appendix A to R.61-58.6	New - Identifies and categorizes violations and other situations requirement public notice.
Appendix B to R.61-58.6	New - Establishes standard health effects language for public notification.
Appendix C to R.61-58.6	New - List of acronyms used in public notices
Appendix D to R.61-58.12	Previously Appendix A - with revisions

Instructions: Amend R.61-58 pursuant to each individual instruction provided below:

Text of Amendment:

Replace Table of Contents to read:

61-58 STATE PRIMARY DRINKING WATER REGULATIONS

61-58.1 CONSTRUCTION AND OPERATION PERMITS

61-58.2 GROUNDWATER SOURCES AND TREATMENT

61-58.3 SURFACE WATER SOURCES AND TREATMENT

61-58.4 FINISHED WATER PUMPING, STORAGE AND DISTRIBUTION FACILITIES

61-58.5 MAXIMUM CONTAMINANT LEVELS IN DRINKING WATER

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

61-58.7 OPERATION AND MAINTENANCE

61-58.8 EMERGENCY PROCEDURES

61-58.9 VARIANCES AND EXEMPTIONS

61-58.10 FILTRATION AND DISINFECTION

61-58.11 CONTROL OF LEAD AND COPPER

61-58.12 CONSUMER CONFIDENCE REPORT

61-58.13 DISINFECTANT RESIDUALS, DISINFECTION BYPRODUCTS AND DISINFECTION BYPRODUCTS PRECURSORS

APPENDIX A TO R.61-58.6: VIOLATIONS AND OTHER SITUATIONS REQUIRING PUBLIC NOTICE

APPENDIX B TO R.61-58.6: STANDARD HEALTH EFFECTIVE LANGUAGE FOR PUBLIC NOTIFICATION

APPENDIX C TO R.61-58.6: LIST OF ACRONYMS USED IN PUBLIC NOTIFICATION

APPENDIX D TO R.61-58.12: CONSUMER CONFIDENCE REPORTS: REGULATED CONTAMINANTS

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

Add 61-58.4.F(6) to read:

(6) No person may import, manufacture, process, or distribute in commerce a new plumbing fitting or fixture, intended by the manufacturer to dispense water for human ingestion, that contains more than four (4) percent lead by dry weight.

R.61-58.5 MAXIMUM CONTAMINANT LEVELS IN DRINKING WATER

Replace 61-58.5.B(2) and table to read:

(2) The maximum contaminant levels for inorganic chemicals are as follows:

Contaminant	Level (mg/l)
(a) Arsenic	0.05
(b) Asbestos	7 Million Fibers/liter (longer than 10 Φ m)
(c) Barium	2.0
(d) Cadmium	0.005
(e) Chromium	0.1
(f) Fluoride	4.0
(g) Mercury	0.002
(h) Nitrate (as Nitrogen)	10
(i) Nitrite (as Nitrogen)	1
(j) Total Nitrate and Nitrite (as Nitrogen)	10
(k) Selenium	0.05
(l) Antimony	0.006
(m) Beryllium	0.004
(n) Cyanide (as free Cyanide)	0.2
(o) Thallium	0.002

Replace 61-58.5.B(3)(b) to read:

(3)(b) The non-community water system is meeting the public notification requirements under R.61-58.6.E(9), including continuous posting of the fact that nitrate levels exceed ten milligrams per liter and the potential health effects of exposure; and,

Replace 61-58.5.C(1) to read:

(1) The monitoring requirements for inorganic contaminants specified in Section B (2)(b), (c), (d), (e), (g), (k), (l), (m), (n), and (o) above apply to community water systems and non-transient non-community water systems. The monitoring requirements for inorganic contaminants specified in Section B (2)(a) and (f) above only apply to community water systems. The monitoring required for inorganic contaminants specified in Section B (2)(h), (i) and (j) above apply to community, non-transient non-community and transient non-community water systems.

Replace 61-58.5.C(12)(b) to read:

(12)(b) Where nitrate or nitrite sampling results indicate an exceedance of the maximum contaminant level, the system shall take a confirmation sample within twenty-four (24) hours of the system's receipt of notification of the analytical results of the first sample. Systems unable to comply with the twenty (24) hour sampling requirement must immediately notify the consumers served by the area served by the public water system in accordance with R.61-58.6.B and E and meet other Tier 1 public notification requirements under this regulation. Systems exercising this option must take and analyze a confirmation sample within two weeks of notification of the analytical results of the first sample.

Delete 61-58.5.C(15)(d)

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(d) If a public water system has a distribution system separable from other parts of the distribution system with no interconnections, the Department may allow the system to give public notice to only the area served by that portion of the system which is out of compliance.

Replace 61-58.5.D(2) and table to read:

(2) The maximum contaminant levels for organic chemicals are as follows:

	<u>Contaminant</u>	<u>Level, mg/l</u>
(b)(i)	Atrazine	0.003
(ii)	Carbofuran	0.04
(iii)	Chlordane	0.002
(iv)	Dibromochloropropane	0.0002
(v)	2,4-D	0.07
(vi)	Ethylene dibromide (EDB)	0.00005
(vii)	Heptachlor	0.0004
(viii)	Heptachlor epoxide	0.0002
(ix)	Lindane	0.0002
(x)	Methoxychlor	0.04
(xi)	Polychlorinated biphenyls(PCBs)	0.0005
(xii)	Pentachlorophenol	0.001
(xiii)	Toxaphene	0.003
(xiv)	2,4,5-TP	0.05
(xv)	Benzo[a]pyrene	0.0002
(xvi)	Dalapon	0.2
(xvii)	Di(2-ethylhexyl)adipate	0.4
(xviii)	Di(2-ethylhexyl)phthalate	0.006
(xix)	Dinoseb	0.007
(xx)	Diquat	0.02
(xxi)	Endothall	0.1
(xxii)	Endrin	0.002
(xxiii)	Glyphosate	0.7
(xxiv)	Hexachlorobenzene	0.001
(xxv)	Hexachlorocyclopentadiene	0.05
(xxvi)	Oxamyl (vydate)	0.2
(xxvii)	Picloram	0.5
(xxviii)	Simazine	0.004
(xxix)	2,3,7,8-TCDD (Dioxin)	3 X 10 ⁻⁸

Replace 61-58.5.E(7)(g)(v) to read:

(7)(g)(v) Groundwater systems which have detected one or more of the following two-carbon organic compounds: trichloroethylene, tetrachloroethylene, 1,2-dichloroethane, 1,1,1-trichloroethane, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene, or 1,1-dichloroethylene shall monitor quarterly for vinyl chloride. A vinyl chloride sample shall be taken at each sampling point at which one or more of the two-carbon organic compounds was detected. If the results of the first analysis do not detect vinyl chloride, the Department may reduce the quarterly monitoring frequency of vinyl chloride monitoring to one sample during each compliance period. Surface water systems are required to monitor for vinyl chloride as specified by the Department.

Delete 61-58.5.E(7)(k)(iii):

(iii) If a public water system has a distribution system separable from other parts of the distribution system with no interconnections, the Department may allow the system to give public notice to only that portion of the system which is out of compliance.

Replace 61-58.5.E(7)(r) and table to read:

(r) Detection as used in this paragraph shall be defined as greater than or equal to the following concentrations for each contaminant.

<u>Contaminant</u>	<u>Detection Limit</u>
Atrazine	0.0001 mg/l
Benzo[a]pyrene	0.00002 mg/l
Carbofuran	0.0009 mg/l
Chlordane	0.0002 mg/l
Dalapon	0.001 mg/l
Dibromochloropropane (DBCP)	0.00002 mg/l
Di (2-ethylhexly) adipate	0.0006 mg/l
Di (2-ethylhexly) phthalate	0.0006 mg/l
Dinoseb	0.0002 mg/l
Diquat	0.0004 mg/l
2,4-D	0.0001 mg/l
Endothall	0.009 mg/l
Endrin	0.00001 mg/l
Ethylene dibromide (EDB)	0.00001 mg/l
Glyphosate	0.006 mg/l
Heptachlor	0.00004 mg/l
Heptachlor epoxide	0.00002 mg/l
Hexachlorobenzene	0.0001 mg/l
Hexachlorocyclopentadiene	0.0001 mg/l
Lindane	0.00002 mg/l
Methoxychlor	0.0001 mg/l
Oxamyl	0.002 mg/l
Picloram	0.0001 mg/l
Polychlorinated biphenyls (PCBs)	
(as decachlorobiphenyl)	0.0001 mg/l
Pentachlorophenol	0.00004 mg/l
Simazine	0.00007 mg/l
Toxaphene	0.001 mg/l
2,3,7,8-TCDD (Dioxin)	0.000000005 mg/l
2,4,5-TP (Silvex)	0.0002 mg/l

Replace 61-58.5.F through 61-58.HH with new 61-58.5.F through 61-58.5.CC to read:

F. Maximum Contaminant Levels (MCLs) for Microbiological Contaminants.

These maximum contaminant levels shall apply to all public water systems.

(1) The MCL is based on the presence or absence of total coliforms in a sample, rather than coliform density.

(a) For a system which collects at least forty (40) samples per month, if no more than five (5.0) percent of the samples collected during a month are total coliform-positive, the system is in compliance with the MCL for total coliforms.

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(b) For a system which collects fewer than forty (40) samples per month, if no more than one (1) sample collected during a month is total coliform-positive, the system is in compliance with the MCL for total coliforms.

(2) Any fecal coliform-positive repeat sample or E. coli-positive repeat sample, or any total coliform-positive repeat sample following a fecal coliform-positive or E. coli-positive routine sample constitutes a violation of the MCL for total coliforms. For purposes of the public notification requirements in R.61-58.6.E, this is a violation that may pose an acute risk to health.

(3) A water system shall determine compliance with the MCL for total coliforms in paragraphs (1) and (2) of this section for each month in which it is required to monitor for total coliforms.

G. Microbiological Contaminant Sampling and Analytical Requirements.

These sampling and analytical requirements shall apply to community and non-community water systems. Analytical methods used to comply with Section F above, shall be made using EPA-approved methods listed in 40 CFR 141.

(1) Routine Monitoring.

(a) Community and non-community water systems shall collect total coliform samples at sites which are representative of water throughout the distribution system according to a written sample siting plan. These plans are subject to Department review and revision.

(b) The monitoring frequency for total coliforms for community water systems is based on the population served by the system, as follows:

Population Served		Minimum # of Samples Per Month
25	to 1,000 ¹	1
1,001	to 2,500	2
2,501	to 3,300	3
3,301	to 4,100	4
4,101	to 4,900	5
4,901	to 5,800	6
5,801	to 6,700	7
6,701	to 7,600	8
7,601	to 8,500	9
8,501	to 12,900	10
12,901	to 17,200	15
17,201	to 21,500	20
21,501	to 25,000	25
25,001	to 33,000	30
33,001	to 41,000	40
41,001	to 50,000	50
50,001	to 59,000	60
59,001	to 70,000	70
70,001	to 83,000	80
83,001	to 96,000	90
96,001	to 130,000	100
130,001	to 220,000	120
220,001	to 320,000	150
320,001	to 450,000	180
450,001	to 600,000	210

600,001	to	780,000	240
780,001	to	970,000	270
970,001	to	1,230,000	300
1,230,001	to	1,520,000	330
1,520,001	to	1,850,000	360
1,850,001	to	2,270,000	390
2,270,001	to	3,020,000	420
3,020,001	to	3,960,000	450
3,960,001	or more		480

¹Includes public water systems which have at least fifteen (15) service connections, but serve fewer than twenty-five (25) persons.

If a community water system serving twenty-five (25) to one-thousand (1,000) persons has no history of total coliform contamination in its current configuration and a sanitary survey conducted in the past five years shows that the system is supplied solely by a protected groundwater source and is free of sanitary defects, the Department may reduce the monitoring frequency specified above, except that in no case may the Department reduce the monitoring frequency to less than one sample per quarter. The Department must approve the reduced monitoring frequency in writing.

(i)[Reserved]

(ii) Community water systems shall make at a minimum one fecal or total coliform density measurement each day from the raw water source, and one coliform density or presence/absence measurement from the finished water, if treating surface water. This requirement may be waived by the Department on a case-by-case basis if a public water supply can demonstrate that such monitoring is unnecessary.

(c) The monitoring frequency for total coliforms for non-community water systems is as follows:

(i) A non-community water system using only ground water (except ground water under the direct influence of surface water) and serving one-thousand (1,000) persons or fewer shall monitor each calendar quarter that the system provides water to the public, except that the Department may reduce this monitoring frequency, in writing, if a sanitary survey shows that the system is free of sanitary defects. Beginning June 29, 1994, the Department cannot reduce the monitoring frequency for a non-community water system using only ground water (except ground water under the direct influence of surface water) and serving one-thousand (1,000) persons or fewer to less than once per year.

(ii) A non-community water system using only ground water (except ground water under the direct influence of surface water) and serving more than one-thousand (1,000) persons during any month shall monitor at the same frequency as a like-sized community water system, as specified in paragraph (1)(b) of this section, except that the Department may reduce this monitoring frequency, in writing, for any month the system serves one-thousand (1,000) persons or fewer. The Department cannot reduce the monitoring frequency to less than once per year. For systems using ground water under the direct influence of surface water, paragraph (1)(c)(iv) of this section applies.

(iii) A non-community water system using surface water, in total or in part, shall monitor at the same frequency as a like-sized community water system, as specified in paragraph (1)(b) of this section, regardless of the number of persons it serves.

(iv) A non-community water system using ground water under the direct influence of surface water shall monitor at the same frequency as a like-sized community water system, as specified in paragraph (1)(b) of this section. The system shall begin monitoring at this frequency beginning six (6) months after the Department determines that the ground water is under the direct influence of surface water.

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(d) The community or non-community water system shall collect samples at regular time intervals throughout the month, except that a system which uses ground water (except ground water under the direct influence of surface water), and serves 4,900 persons or fewer, may collect all required samples on a single day if they are taken from different sites.

(e) A community or non-community water systems that uses surface water or ground water under the direct influence of surface water and does not practice filtration in compliance with R.61-58.10 shall collect at least one sample near the first service connection each day the turbidity level of the source water, measured as specified in R.61-58.10.F(2)(b), exceeds 1 NTU. This sample shall be analyzed for the presence of total coliforms. When one or more turbidity measurements in any day exceed 1 NTU, the system shall collect this coliform sample within 24 hours of the first exceedance, unless the Department determines that the system, for logistical reasons outside the system's control, cannot have the sample analyzed within thirty (30) hours of collection. Sample results from this coliform monitoring shall be included in determining compliance with the MCL for total coliforms in Section F above.

(f) Special purpose samples, such as those taken to determine whether disinfection practices are sufficient following pipe placement, replacement, or repair, shall not be used to determine compliance with the MCL for total coliforms in Section F above. Repeat samples taken pursuant to paragraph (2) of this section are not considered special purpose samples, and shall be used to determine compliance with the MCL for total coliforms in Section F above.

(2) Repeat Monitoring.

(a) If a routine sample is total coliform-positive, the community or non-community water system shall collect a set of repeat samples within twenty-four (24) hours of being notified of the positive result. A system which collects more than one routine sample per month shall collect no fewer than three repeat samples for each total coliform-positive sample found. A system which collects one routine sample per month or fewer shall collect no fewer than four repeat samples for each total coliform-positive sample found. The Department may extend the twenty-four (24) hour limit on a case-by-case basis if the system has a logistical problem in collecting the repeat samples within twenty-four (24) hours that is beyond its control. In the case of an extension, the Department shall specify how much time the system has to collect the repeat samples.

(b) The system shall collect at least one repeat sample from the sampling tap where the original total coliform-positive sample was taken, and at least one repeat sample at a tap within five service connections upstream and at least one repeat sample at a tap within five (5) service connections downstream of the original sampling site. If a total coliform-positive sample is at the end of the distribution system, or one away from the end of the distribution system, the Department may waive the requirement to collect at least one repeat sample upstream or downstream of the original sampling site.

(c) The system shall collect all repeat samples on the same day, except that the Department may allow a system with a single service connection to collect the required set of repeat samples over a four-day period or to collect a larger volume repeat sample(s) in one or more sample containers of any size, as long as the total volume collected is at least 400 ml (300 ml for systems which collect more than one routine sample per month).

(d) If one or more repeat samples in the set is total coliform-positive, the water system shall collect an additional set of repeat samples in the manner specified in paragraphs (2)(a) through (c) of this section. The additional samples shall be collected within twenty-four (24) hours of being notified of the positive result, unless the Department extends the limit as provided in paragraph (2)(a) of this section. The system shall repeat this process until either total coliforms are not detected in one complete set of repeat samples or the system determines that the MCL for total coliforms in Section F above, has been exceeded and notifies the Department.

(e) If a system collecting fewer than five routine samples per month has one or more total coliform-positive samples and the Department does not invalidate the sample(s) under paragraph (3) of this section, it shall collect at least five routine samples during the next month the system provides water to the public, except that the Department

may waive this requirement if the conditions of paragraph (2)(e)(i) or (ii) of this section are met. The Department cannot waive the requirement for a system to collect repeat samples in paragraphs (2)(a) through (d) of this section.

(i) The Department may waive the requirement to collect five routine samples the next month the system provides water to the public if the Department, or an agent approved by the Department, performs a site visit before the end of the next month the system provides water to the public. Although a sanitary survey need not be performed, the site visit shall be sufficiently detailed to allow the Department to determine whether additional monitoring and/or any corrective action is needed. The Department cannot approve an employee of the system to perform this site visit, even if the employee is an agent approved by the Department to perform sanitary surveys.

(ii) The Department may waive the requirement to collect five routine samples the next month the system provides water to the public if the Department has determined why the sample was total coliform-positive and establishes that the system has corrected the problem or will correct the problem before the end of the next month the system serves water to the public. In this case, the Department shall document this decision to waive the following month's additional monitoring requirement in writing, have it approved and signed by the supervisor of the Department official who recommends such a decision, and make this document available to the EPA and public. The written documentation shall describe the specific cause of the total coliform-positive sample and what action the system has taken and/or will take to correct this problem. The Department cannot waive the requirement to collect five routine samples the next month the system provides water to the public solely on the grounds that all repeat samples are total coliform-negative. Under this paragraph, a system shall still take at least one routine sample before the end of the next month it serves water to the public and use it to determine compliance with the MCL for total coliforms in R.61-58.5.H, unless the Department has determined that the system has corrected the contamination problem before the system took the set of repeat samples required in paragraphs (2)(a) through (d) of this section, and all repeat samples were total coliform-negative.

(f) After a system collects a routine sample and before it learns the results of the analysis of that sample, if it collects another routine sample(s) from within five adjacent service connections of the initial sample, and the initial sample, after analysis, is found to contain total coliforms, then the system may count the subsequent sample(s) as a repeat sample instead of as a routine sample.

(g) Results of all routine and repeat samples not invalidated by the Department shall be included in determining compliance with the MCL for total coliforms in Section F above.

(3) Invalidation of total coliform samples.

A total coliform-positive sample invalidated under this paragraph does not count towards meeting the minimum monitoring requirements of this section.

(a) The Department may invalidate a total coliform-positive sample only if the conditions of paragraph (3)(a)(i), (ii) or (iii) of this section are met.

(i) The laboratory establishes that improper sample analysis caused the total coliform-positive result.

(ii) The Department, on the basis of the results of repeat samples collected as required by paragraphs (2)(a) through (d) of this section, determines that the total coliform-positive sample resulted from a domestic or other non-distribution system plumbing problem. The Department cannot invalidate a sample on the basis of repeat sample results unless all repeat sample(s) collected at the same tap as the original total coliform-positive sample are also total coliform-positive, and all repeat samples collected within five service connections of the original tap are total coliform-negative (e.g., the Department cannot invalidate a total coliform-positive sample on the basis of repeat samples if all the repeat samples are total coliform-negative, or if the public water system has only one service connection).

(iii) The Department has substantial grounds to believe that a total coliform-positive result is due to a circumstance or condition which does not reflect water quality in the distribution system. In this case, the system shall still collect all repeat samples required under paragraphs (2)(a) through (d) of this section, and use them to

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determine compliance with the MCL for total coliforms in Section F above. To invalidate a total coliform-positive sample under this paragraph, the decision with the rationale for the decision shall be documented in writing, and approved and signed by the supervisor of the Department official who recommended the decision. The Department shall make this document available to the EPA and the public. The written documentation shall state the specific cause of the total coliform-positive sample, and what action the system has taken, or will take, to correct this problem. The Department may not invalidate a total coliform-positive sample solely on the grounds that all repeat samples are total coliform-negative.

(b) A laboratory shall invalidate a total coliform sample (unless total coliforms are detected) if the sample produces a turbid culture in the absence of gas production using an analytical method where gas formation is examined (e.g., the Multiple-Tube Fermentation Technique), produces a turbid culture in the absence of an acid reaction in the Presence-Absence (P-A) Coliform Test, or exhibits confluent growth or produces colonies too numerous to count with an analytical method using a membrane filter (e.g., Membrane Filter Technique). If a laboratory invalidates a sample because of such interference, the Department shall be notified, and the system shall collect another sample from the same location as the original sample within twenty-four (24) hours of being notified of the interference problem, and shall have it analyzed for the presence of total coliforms. The system shall continue to re-sample within twenty-four (24) hours and have the samples analyzed until it obtains a valid result. The Department may waive the twenty-four (24) hour time limit on a case-by-case basis.

(4) Sanitary Surveys.

(a) (i) Public water systems which do not collect five (5) or more routine samples per month shall undergo an initial sanitary survey by June 29, 1994, for community water systems and June 29, 1999, for non-community water systems. hereafter, systems shall undergo another sanitary survey every five (5) years, except that non-community water systems using only protected and disinfected ground water, as defined by the Department, shall undergo subsequent sanitary surveys at least every ten (10) years after the initial sanitary survey. The Department shall review the results of each sanitary survey to determine whether the existing monitoring frequency is adequate and what additional measures, if any, the system needs to undertake to improve drinking water quality.

(ii) In conducting a sanitary survey of a system using ground water in a State having an EPA-approved wellhead protection program under the Federal Safe Drinking Water Act, information on sources of contamination within the delineated wellhead protection area that was collected in the course of developing and implementing the program should be considered instead of collecting new information, if the information was collected since the last time the system was subject to a sanitary survey.

(b) Sanitary surveys shall be performed by the Department or an agent approved by the Department. The system is responsible for ensuring the survey takes place.

(5) Fecal coliforms/*Escherichia coli* (*E. coli*) testing.

(a) If any routine or repeat sample is total coliform positive, the system shall analyze that total coliform-positive culture medium to determine if fecal coliforms are present, except that the system may test for *E. coli* in lieu of fecal coliforms. If fecal coliforms or *E. coli* are present, the system shall notify the Department by the end of the day when the system is notified of the test result, unless the system is notified of the result after the Department is closed, in which case the system shall notify the Department before the end of the next business day.

(b) The Department has the discretion to allow a public water system, on a case-by-case basis, to forego fecal coliform or *E. coli* testing on a total coliform-positive sample if that system assumes that the total coliform-positive sample is fecal coliform-positive or *E. coli*-positive. Accordingly, the system shall notify the Department as specified in paragraph (5)(a) of this section and the provisions of Section F(2) above, apply.

(6) Analytical methodology.

- (a) The standard sample volume required for total coliform analysis, regardless of analytical method used, is 100 ml.
- (b) Water systems need only determine the presence or absence of total coliforms; a determination of total coliform density is not required.
- (c) Water systems shall conduct total coliform analyses in accordance with one of the analytical methods in the following table.

Organism	Methodology ¹²	Citation ¹
Total Coliforms ²	Total Coliform Fermentation Technique ^{3,4,5.}	9221A, B
	Total Coliform Membrane Filter Technique ⁶	9222 A, B, C
	Presence-Absence (P-A) Coliform Test ^{5,7}	9221
	ONPG-MUG Test ⁸	9223
	Colisure Test ⁹	
	E*Colite® Test ¹⁰	
	m-ColiBlue24® Test ¹¹	

The procedures shall be done in accordance with the documents listed below. The incorporation by reference of the following documents listed in footnotes 1, 6, 8, 9, 10 and 11 was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies of the documents may be obtained from the sources listed below. Information regarding obtaining these documents can be obtained from the Safe Drinking Water Hotline at 800-426-4791. Documents may be inspected at EPA's Drinking Water Docket, 401 M Street, SW, Washington, D.C. 20460 (Telephone: 202-260-3027); or at the Office of Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, D.C. 20408.

¹Methods 9221 A, B; 9222 A, B, C; 9221 D and 9223 are contained in Standard Methods for the Examination of Water and Wastewater, 18th edition (1992) and 19th edition (1995) American Public Health Association, 1015 Fifteenth Street NW, Washington, D.C. 20005; either edition may be used.

²The time from sample collection to initiation of analysis may not exceed 30 hours. Systems are encouraged but not required to hold samples below 10 deg.C during transit.

³Lactose broth, as commercially available, may be used in lieu of lauryl tryptose broth, if the system conducts at least 25 parallel tests between this medium and lauryl tryptose broth using the water normally tested, and this comparison demonstrates that the false-positive rate and false-negative rate for total coliform, using lactose broth, is less than 10 percent.

⁴If inverted tubes are used to detect gas production, the media should cover these tubes at least one-half to two-thirds after the sample is added.

⁵No requirement exists to run the completed phase on 10 percent of all total coliform-positive confirmed tubes.

⁶MI agar also may be used. Preparation and use of MI agar is set forth in the article, "New medium for the simultaneous detection of total coliform and Escherichia coli in water" by Brenner, K.P., et al., 1993, Appl. Environ. Microbiol. 59:3534-3544. Also available from the Office of Water Resource Center (RC-4100), 401 M. Street SW, Washington, D.C. 20460, EPA/600/J-99/225.

⁷Six-times formulation strength may be used if the medium is filter-sterilized rather than autoclaved.

⁸The ONPG-MUG Test is also known as the Autoanalysis Colilert System.

⁹A description of the Colisure Test, Feb 28, 1994, may be obtained from IDEXX Laboratories, Inc., One IDEXX Drive, Westbrook, Maine 04092. The Colisure Test may be read after an incubation time of 24 hours.

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¹⁰A description of the E*Colite® Test, "Presence/Absence for Coliforms and E. Coli in Water," Dec 21, 1997, is available from Charm Sciences, Inc., 36 Franklin Street, Malden, MA 02148-4120.

¹¹A description of the m-ColiBlue24® Test, Aug 17, 1999, is available from the Hach Company, 100 Dayton Avenue, Ames, IA 50010.

¹²EPA strongly recommends that laboratories evaluate the false-positive and negative rates for the method(s) they use for monitoring total coliforms. EPA also encourages laboratories to establish false-positive and false-negative rates within their own laboratory and sample matrix (drinking water or source water) with the intent that if the method they choose has an unacceptable false-positive or negative rate, another method can be used. The Agency suggests that laboratories perform these studies on a minimum of 5% of all total coliform-positive samples, except for those methods where verification/confirmation is already required, e.g., the M-Endo and LES Endo Membrane Filter Tests, Standard Total Coliform Fermentation Technique, and Presence-Absence Coliform Test. Methods for establishing false-positive and negative-rates may be based on lactose fermentation, the rapid test for β -galactosidase and cytochrome oxidase, multi-test identification systems, or equivalent confirmation tests. False-positive and false-negative information is often available in published studies and/or from the manufacturer(s).

(d) Water systems shall conduct fecal coliform analysis in accordance with the following procedure. When the MTF Technique or Presence-Absence (P-A) Coliform Test is used to test for total coliforms, shake the lactose-positive presumptive tube or P-A bottle vigorously and transfer the growth with a sterile 3-mm loop or sterile applicator stick into brilliant green lactose bile broth and EC medium to determine the presence of total and fecal coliforms, respectively. For EPA-approved analytical methods which use a membrane filter, remove the membrane containing the total coliform colonies from the substrate with a sterile forceps and carefully curl and insert the membrane into a tube of EC medium. (The laboratory may first remove a small portion of selected colonies for verification.) Gently shake the inoculated EC tubes to insure adequate mixing and incubate in a waterbath at $44.5 \pm 0.2^\circ\text{C}$ for 24 ± 2 hours. Gas production of any amount in the inner fermentation tube of the EC medium indicates a positive fecal coliform test. The preparation of EC medium is described in Method 9221E (paragraph 1a) in Standards Methods for the Examination of Water and Wastewater, 18th Edition, 1992 and in the 19th edition, 1995; either addition may be used. Water systems need only determine the presence or absence of fecal coliforms; a determination of fecal coliform density is not required.

(7) Response to violation.

(a) A water system which has exceeded the MCL for total coliforms in Section F above, shall report the violation to the Department no later than the end of the next business day after it learns of the violation, and shall notify the public in accordance with R.61-58.6.E.

(b) A water system which has failed to comply with a coliform monitoring requirement, including the sanitary survey requirement, shall report the monitoring violation to the Department within ten days after the system discovers the violation, and shall notify the public in accordance with R.61-58.6.E.

H. Maximum Contaminant Levels for Radionuclides.

(1) The maximum contaminant level for radionuclides are applicable to all public water systems. Compliance with the maximum contaminant levels for radionuclides is calculated pursuant to Section I below.

(2) MCL for combined radium-226 and -228. The maximum contaminant level for combined radium-226 and radium-228 is 5 pCi/L. The combined radium-226 and radium-228 value is determined by the addition of the results of the analysis for radium-226 and the analysis for radium-228.

(3) MCL for gross alpha particle activity (excluding radon and uranium). The maximum contaminant level for gross alpha particle activity (including radium-226 but excluding radon and uranium) is 15 pCi/L.

(4) MCL for beta particle and photon radioactivity.

(a) The average annual concentration of beta particle and photon radioactivity from man-made radionuclides in drinking water must not produce an annual dose equivalent to the total body or any internal organ greater than 4 millirem/year (mrem/year).

(b) Except for the radionuclides listed in Table A, the concentration of man-made radionuclides causing 4 mrem total body or organ dose equivalents must be calculated on the basis of two (2) liters per day drinking water intake using the 168 hour data list in "Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure," NBS (National Bureau of Standards) Handbook 69 as amended August 1963, U.S. Department of Commerce. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of this document are available from the National Technical Information Service, NTIS ADA 280 282, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161. The toll-free number is 800-553-6847. Copies may be inspected at EPA's Drinking Water Docket, 401 M Street, SW, Washington, DC 20460; or at the Office of the Federal Register, 800 North Capitol Street, NW, Suite 700, Washington, DC. If two or more radionuclides are present, the sum of their annual dose equivalent to the total body or to any organ shall not exceed 4 mrem/year.

TABLE A: AVERAGE ANNUAL CONCENTRATIONS ASSUMED TO PRODUCE A TOTAL BODY OR ORGAN DOSE OF 4 MREM/YR

Radionuclide	Critical organ	pCi per liter
1. Tritium	Total body	20,000
2. Strontium-90	Bone Marrow	8

(5) MCL for uranium. The maximum contaminant level for uranium is 30 µg/L.

(6) Compliance dates. Compliance dates for combined radium-226 and -228, gross alpha particle activity, gross beta particle and photon radioactivity, and uranium: Community water systems must comply with the MCLs listed in paragraphs (2), (3), (4), and (5) of this section beginning December 8, 2003 and compliance shall be determined in accordance with the requirements of Sections I and K below. Compliance with reporting requirements for the radionuclides under Appendix D to R.61-58.12 and Appendices A, B and C to R.61-58.6 is required on December 8, 2003.

(7) Best available technologies (BATs) for radionuclides. The Administrator, pursuant to section 1412 of the Federal Safe Drinking Water Act, hereby identifies as indicated in the following table the best technology available for achieving compliance with the maximum contaminant levels for combined radium-226 and -228, uranium, gross alpha particle activity, and beta particle and photon radioactivity.

TABLE B: BAT FOR COMBINED RADIUM-226 AND RADIUM-228, URANIUM, GROSS ALPHA PARTICLE ACTIVITY, AND BETA PARTICLE AND PHOTON RADIOACTIVITY

CONTAMINANT	BAT
1. Combined radium-226 and radium-228	Ion exchange, reverse osmosis, lime softening.
2. Uranium	Ion exchange, reverse osmosis, lime softening, coagulation/filtration.
3. Gross alpha particle activity (excluding Radon and Uranium)	Reverse osmosis.
4. Beta particle and photon radioactivity	Ion exchange, reverse osmosis.

(8) Small systems compliance technologies list for radionuclides.

TABLE C: LIST OF SMALL SYSTEMS COMPLIANCE TECHNOLOGIES FOR RADIONUCLIDES AND LIMITATIONS TO USE

Unit technologies	Limitations (see foot-notes)	Operator skill level required. ¹	Raw water quality range and considerations. ¹
1. Ion exchange (IE)	(a)	Intermediate	All ground waters.
2. Point of use (POU 2) IE	(b)	Basic	All ground waters.
3. Reverse osmosis (RO)	(c)	Advanced	Surface waters usually require pre-filtration.
4. POU 2 RO	(b)	Basic	Surface waters usually require pre-filtration.
5. Lime softening	(d)	Advanced	All waters.
6. Green sand filtration	(e)	Basic.	
7. Co-precipitation with Barium sulfate	(f)	Intermediate to Advanced	Ground waters with suitable water quality.
8. Electrodialysis/ electrodialysis reversal	Basic to Intermediate	All ground waters.
9. Pre-formed hydrous Manganese oxide filtration	(g)	Intermediate	All ground waters.
10. Activated alumina	(a), (h)	Advanced	All ground waters; competing anion concentrations may affect regeneration frequency.
11. Enhanced coagulation/ filtration	(i)	Advanced	Can treat a wide range of water qualities.

¹ National Research Council (NRC). Safe Water from Every Tap: Improving Water Service to Small Communities. National Academy Press. Washington, D.C. 1997.

² A POU, or "point-of-use" technology is a treatment device installed at a single tap used for the purpose of reducing contaminants in drinking water at that one tap. POU devices are typically installed at the kitchen tap. See the April 21, 2000 NODA for more details.

Limitations Footnotes: Technologies for Radionuclides:

- ^a The regeneration solution contains high concentrations of the contaminant ions. Disposal options should be carefully considered before choosing this technology.
- ^b When POU devices are used for compliance, programs for long-term operation, maintenance, and monitoring must be provided by water utility to ensure proper performance.
- ^c Reject water disposal options should be carefully considered before choosing this technology. See other RO limitations described in the SWTR Compliance Technologies Table.
- ^d The combination of variable source water quality and the complexity of the water chemistry involved may make this technology too complex for small surface water systems.
- ^e Removal efficiencies can vary depending on water quality.
- ^f This technology may be very limited in application to small systems. Since the process requires static mixing, detention basins, and filtration, it is most applicable to systems with sufficiently high sulfate levels that already have a suitable filtration treatment train in place.
- ^g This technology is most applicable to small systems that already have filtration in place.
- ^h Handling of chemicals required during regeneration and pH adjustment may be too difficult for small systems without an adequately trained operator.
- ⁱ Assumes modification to a coagulation/filtration process already in place.

TABLE D: COMPLIANCE TECHNOLOGIES BY SYSTEM SIZE CATEGORY FOR RADIONUCLIDES

Contaminant	Compliance technologies ¹ for system size categories (population served)		
	25B500	501B3,300	3,300B10,000
1. Combined radium-226 and radium-228	1, 2, 3, 4, 5, 6, 7, 8, 9	1, 2, 3, 4, 5, 6, 7, 8, 9	1, 2, 3, 4, 5, 6, 7, 8, 9
2. Gross alpha particle activity	3, 4	3, 4	3, 4
3. Beta particle activity and photon activity	1, 2, 3, 4	1, 2, 3, 4	1, 2, 3, 4
4. Uranium	1, 2, 4, 10, 11	1, 2, 3, 4, 5, 10, 11	1, 2, 3, 4, 5, 10, 11

Note: ¹ Numbers correspond to those technologies found listed in the Table C above.

I. Monitoring Frequency and Compliance Requirements for Radionuclides in Community Water Systems.

(1) This section shall apply only to community water systems which serve at least fifteen (15) service connections used by year-round residents or systems which regularly serve at least twenty-five (25) year-round residents. Suppliers of water for applicable community water systems shall analyze for radionuclides to determine compliance with Section H above.

(2) The monitoring and compliance requirements for gross alpha particle activity, radium-226, radium-228, and uranium.

(a) Community water systems (CWSs) must conduct initial monitoring to determine compliance with Section H(2), (3) and (5) above by December 31, 2007. For the purposes of monitoring for gross alpha particle activity,

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radium-226, radium-228, uranium, and beta particle and photon radioactivity in drinking water, "detection limit" is defined as in Section K(3) below.

(i) Applicability and sampling location for existing community water systems or sources. All existing CWSs using ground water, surface water or systems using both ground and surface water (for the purpose of this section hereafter referred to as systems) must sample at every entry point to the distribution system that is representative of all sources being used (hereafter called a sampling point) under normal operating conditions. The system must take each sample at the same sampling point unless conditions make another sampling point more representative of each source or the Department has designated a distribution system location, in accordance with paragraph (2)(b)(ii)(C) of this section.

(ii) Applicability and sampling location for new community water systems or sources. All new CWSs or CWSs that use a new source of water must begin to conduct initial monitoring for the new source within the first quarter after initiating use of the source. CWSs must conduct more frequent monitoring when ordered by the Department in the event of possible contamination or when changes in the distribution system or treatment processes occur which may increase the concentration of radioactivity in finished water.

(b) Initial monitoring: Systems must conduct initial monitoring for gross alpha particle activity, radium-226, radium-228, and uranium as follows:

(i) Systems without acceptable historical data, as defined below, must collect four consecutive quarterly samples at all sampling points before December 31, 2007.

(ii) Grandfathering of data: The Department may allow historical monitoring data collected at a sampling point to satisfy the initial monitoring requirements for that sampling point, for the following situations.

(A) To satisfy initial monitoring requirements, a community water system having only one entry point to the distribution system may use the monitoring data from the last compliance monitoring period that began between June 2000 and December 8, 2003.

(B) To satisfy initial monitoring requirements, a community water system with multiple entry points and having appropriate historical monitoring data for each entry point to the distribution system may use the monitoring data from the last compliance monitoring period that began between June 2000 and December 8, 2003.

(C) To satisfy initial monitoring requirements, a community water system with appropriate historical data for a representative point in the distribution system may use the monitoring data from the last compliance monitoring period that began between June 2000 and December 8, 2003, provided that the Department finds that the historical data satisfactorily demonstrate that each entry point to the distribution system is expected to be in compliance based upon the historical data and reasonable assumptions about the variability of contaminant levels between entry points. The Department must make a written finding indicating how the data conforms to these requirements.

(iii) For gross alpha particle activity, uranium, radium-226, and radium-228 monitoring, the Department may waive the final two quarters of initial monitoring for a sampling point if the results of the samples from the previous two (2) quarters are below the detection limit.

(iv) If the average of the initial monitoring results for a sampling point is above the MCL, the system must collect and analyze quarterly samples at that sampling point until the system has results from four (4) consecutive quarters that are at or below the MCL, unless the system enters into another schedule as part of a formal compliance agreement with the Department.

(c) Reduced monitoring: The Department may allow community water systems to reduce the future frequency of monitoring from once every three (3) years to once every six (6) or nine (9) years at each sampling point, based on the following criteria.

(i) If the average of the initial monitoring results for each contaminant (i.e., gross alpha particle activity, uranium, radium-226, or radium-228) is below the detection limit specified in Table B, in Section K(3)(a) below, the system must collect and analyze for that contaminant using at least one (1) sample at that sampling point every nine (9) years.

(ii) For gross alpha particle activity and uranium, if the average of the initial monitoring results for each contaminant is at or above the detection limit but at or below one-half (1/2) the MCL, the system must collect and analyze for that contaminant using at least one (1) sample at that sampling point every six (6) years. For combined radium-226 and radium-228, the analytical results must be combined. If the average of the combined initial monitoring results for radium-226 and radium-228 is at or above the detection limit but at or below one-half (1/2) the MCL, the system must collect and analyze for that contaminant using at least one (1) sample at that sampling point every six (6) years.

(iii) For gross alpha particle activity and uranium, if the average of the initial monitoring results for each contaminant is above one-half (1/2) the MCL but at or below the MCL, the system must collect and analyze at least one (1) sample at that sampling point every three (3) years. For combined radium-226 and radium-228, the analytical results must be combined. If the average of the combined initial monitoring results for radium-226 and radium-228 is above one-half (1/2) the MCL but at or below the MCL, the system must collect and analyze at least one (1) sample at that sampling point every three (3) years.

(iv) Systems must use the samples collected during the reduced monitoring period to determine the monitoring frequency for subsequent monitoring periods (e.g., if a system's sampling point is on a nine (9) year monitoring period, and the sample result is above one-half (1/2) MCL, then the next monitoring period for that sampling point is three (3) years).

(v) If a system has a monitoring result that exceeds the MCL while on reduced monitoring, the system must collect and analyze quarterly samples at that sampling point until the system has results from four (4) consecutive quarters that are below the MCL, unless the system enters into another schedule as part of a formal compliance agreement with the Department.

(d) Compositing: To fulfill quarterly monitoring requirements for gross alpha particle activity, radium-226, radium-228, or uranium, a system may composite up to four (4) consecutive quarterly samples from a single entry point if analysis is done within a year of the first sample. The Department will treat analytical results from the composited as the average analytical result to determine compliance with the MCLs and the future monitoring frequency. If the analytical result from the composited sample is greater than one-half (1/2) MCL, the Department may direct the system to take additional quarterly samples before allowing the system to sample under a reduced monitoring schedule.

(e) A gross alpha particle activity measurement may be substituted for the required radium-226 measurement provided that the measured gross alpha particle activity does not exceed 5 pCi/l. A gross alpha particle activity measurement may be substituted for the required uranium measurement provided that the measured gross alpha particle activity does not exceed 15 pCi/l.

The gross alpha measurement shall have a confidence interval of 95 percent (1.65 sigma, where sigma is the standard deviation of the net counting rate of the sample) for radium-226 and uranium. When a system uses a gross alpha particle activity measurement in lieu of a radium-226 and/or uranium measurement, the gross alpha particle activity analytical result will be used to determine the future monitoring frequency for radium-226 and/or uranium. If the gross alpha particle activity result is less than detection, one-half (1/2) the detection limit will be used to determine compliance and the future monitoring frequency.

(3) Monitoring and compliance requirements for beta particle and photon radioactivity.

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To determine compliance with the maximum contaminant levels in paragraph (4) of this section for beta particle and photon radioactivity, a system must monitor at a frequency as follows:

(a) Community water systems (both surface and ground water) designated by the Department as vulnerable must sample for beta particle and photon radioactivity. Systems must collect quarterly samples for beta emitters and annual samples for tritium and strontium-90 at each entry point to the distribution system (hereafter called a sampling point), beginning within one quarter after being notified by the Department. Systems already designated by the Department must continue to sample until the Department reviews and either reaffirms or removes the designation.

(i) If the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity at a sampling point has a running annual average (computed quarterly) less than or equal to 50 pCi/L (screening level), the Department may reduce the frequency of monitoring at that sampling point to once every three (3) years. Systems must collect all samples required in paragraph (2)(a) of this section during the reduced monitoring period.

(ii) For systems in the vicinity of a nuclear facility, the Department may allow the CWS to utilize environmental surveillance data collected by the nuclear facility in lieu of monitoring at the system's entry point(s), where the Department determines if such data is applicable to a particular water system. In the event that there is a release from a nuclear facility, systems which are using surveillance data must begin monitoring at the community water system's entry point(s) in accordance with paragraph (2)(a) of this section.

(b) Community water systems (both surface and ground water) designated by the Department as utilizing waters contaminated by effluents from nuclear facilities must sample for beta particle and photon radioactivity. Systems must collect quarterly samples for beta emitters and iodine-131 and annual samples for tritium and strontium-90 at each entry point to the distribution system (hereafter called a sampling point), beginning within one quarter after being notified by the Department. Systems already designated by the Department as systems using waters contaminated by effluents from nuclear facilities must continue to sample until the Department reviews and either reaffirms or removes the designation.

(i) Quarterly monitoring for gross beta particle activity shall be based on the analysis of monthly samples or the analysis of a composite of three monthly samples. The former is recommended.

(ii) For iodine-131, a composite of five consecutive daily samples shall be analyzed once each quarter. As ordered by the Department, more frequent monitoring shall be conducted when iodine-131 is identified in the finished water.

(iii) Annual monitoring for strontium-90 and tritium shall be conducted by means of the analysis of a composite of four consecutive quarterly samples or analysis of four quarterly samples. The latter procedure is recommended.

(iv) If the gross beta particle activity beta minus the naturally occurring potassium-40 beta particle activity at a sampling point has a running annual average (computed quarterly) less than or equal to 15 pCi/L, the Department may reduce the frequency of monitoring at that sampling point to every three (3) years. Systems must collect all samples required in paragraph (2)(a) of this section during the reduced monitoring period.

(v) For systems in the vicinity of a nuclear facility, the Department may allow the CWS to utilize environmental surveillance data collected by the nuclear facility in lieu of monitoring at the system's entry point(s), where the Department determines if such data is applicable to a particular water system. In the event that there is a release from a nuclear facility, systems which are using surveillance data must begin monitoring at the community water system's entry point(s) in accordance with paragraph (2)(a) of this section.

(c) Community water systems designated by the Department to monitor for beta particle and photon radioactivity can not apply to the Department for a waiver from the monitoring frequencies specified in paragraph (2)(a) or (2)(b) of this section.

(d) Community water systems may analyze for naturally occurring potassium-40 beta particle activity from the same or equivalent sample used for the gross beta particle activity analysis. Systems are allowed to subtract the potassium-40 beta particle activity value from the total gross beta particle activity value to determine if the screening level is exceeded. The potassium-40 beta particle activity must be calculated by multiplying elemental potassium concentrations (in mg/L) by a factor of 0.82.

(e) If the gross beta particle activity minus the naturally occurring potassium-40 beta particle activity exceeds the screening level, an analysis of the sample must be performed to identify the major radioactive constituents present in the sample and the appropriate doses must be calculated and summed to determine compliance with Section H(4)(a) above, using the formula in Section H(4)(b) above. Doses must also be calculated and combined for measured levels of tritium and strontium to determine compliance.

(f) Systems must monitor monthly at the sampling point(s) which exceed the maximum contaminant level in Section H(4)(1) above, beginning the month after the exceedance occurs. Systems must continue monthly monitoring until the system has established, by a rolling average of three (3) monthly samples, that the MCL is being met. Systems who establish that the MCL is being met must return to quarterly monitoring until they meet the requirements set forth in paragraphs (2)(a)(ii) or (2)(b)(i) of this section.

(4) General monitoring and compliance requirements for radionuclides.

(a) The Department may require more frequent monitoring than specified in paragraphs (1) and (2) of this section, or may require confirmation samples at its discretion. The results of the initial and confirmation samples will be averaged for use in compliance determinations.

(b) Each public water systems shall monitor at the time designated by the Department during each compliance period.

(c) Compliance: Compliance with Section H(2) through (5) above, will be determined based on the analytical result(s) obtained at each sampling point. If one (1) sampling point is in violation of an MCL, the system is in violation of the MCL.

(i) For systems monitoring more than once per year, compliance with the MCL is determined by a running annual average at each sampling point. If the average of any sampling point is greater than the MCL, then the system is out of compliance with the MCL.

(ii) For systems monitoring more than once per year, if any sample result will cause the running average to exceed the MCL at any sample point, the system is out of compliance with the MCL immediately.

(iii) Systems must include all samples taken and analyzed under the provisions of this section in determining compliance, even if that number is greater than the minimum required.

(iv) If a system does not collect all required samples when compliance is based on a running annual average of quarterly samples, compliance will be based on the running average of the samples collected.

(v) If a sample result is less than the detection limit, zero will be used to calculate the annual average, unless a gross alpha particle activity is being used in lieu of radium-226 and/or uranium. If the gross alpha particle activity result is less than detection, one-half (1/2) the detection limit will be used to calculate the annual average.

(d) The Department has the discretion to delete results of obvious sampling or analytic errors.

(e) If the MCL for radioactivity set forth in Section H(2) through (5) above, is exceeded, the operator of a community water system must give notice to the Department pursuant to R.61-58.6.

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J. Maximum Contaminant Level Goals for Radionuclides.

MCLGs for radionuclides are as indicated in the following table:

Contaminant	MCLG
1. Combined radium-226 and radium-228	Zero.
2. Gross alpha particle activity (excluding radon and uranium)	Zero.
3. Beta particle and photon radioactivity	Zero.
4. Uranium	Zero.

K. Analytical Methods for Radionuclides.

(1) Analysis for the following contaminants shall be conducted to determine compliance with Section H above, (radioactivity) in accordance with the methods adopted by the Department.

(2) For the purpose of monitoring radioactivity concentrations in drinking water, the required sensitivity of the radio-analysis is defined in terms of detection limit. The detection limit shall be that concentration which can be counted with a precision of plus or minus one hundred percent at the ninety-five percent confidence level (1.96 sigma where sigma is the standard deviation of the net counting rate of the sample). To determine compliance with Sections H and J above, the detection limits shall not exceed those set form by the Administrator.

(3) To judge compliance with the maximum contaminant levels listed in Sections H and J above, averages of data shall be used and shall be round to the same number of significant figures as the maximum contaminant level for the substance in question.

(a) To determine compliance with Section H(2), (3), and (5), above the detection limit shall not exceed the concentrations in Table B to this paragraph.

TABLE B: DETECTION LIMITS FOR GROSS ALPHA PARTICLE ACTIVITY, RADIUM 226, RADIUM 228, AND URANIUM

Contaminant	Detection limit
Gross alpha particle activity	3 pCi/L.
Radium 226	1 pCi/L.
Radium 228	1 pCi/L.
Uranium	Reserve

(b) To determine compliance with Section H(4) above, the detection limits shall not exceed the concentrations listed in Table C to this paragraph.

TABLE C: DETECTION LIMITS FOR MAN-MADE BETA PARTICLES AND PHOTON EMITTERS

Contaminant	Detection limit
Tritium	1,000 pCi/l
Strontium-89	10 pCi/l
Strontium - 90	2 pCi/l
Iodine-131	1 pCi/l
Cesium-134	10 pCi/l
Gross Beta	4 pCi/l
Other radionuclides	1/10 of the applicable limit

(4) To judge compliance with the maximum contaminant levels listed in Section H above, averages of data shall be used and shall be rounded to the same number of significant figures as the maximum contaminant level for the substance in question.

L. Maximum Contaminant Levels for Total Trihalomethane Concentration.

(1) The maximum contaminant level for total trihalomethane concentration shall apply to all public water systems.

(2) The maximum contaminant level for total trihalomethane concentrations of bromodichloromethane, dibromochloromethane, tribromomethane (bromoform) and trichloromethane (chloroform) shall be one-tenth mg/l. This level applies to community water systems that use a surface water source or a ground water source under the influence of surface water which serve a population of 10,000 people or more until December 31, 2001. This level applies to community water systems that use only ground water sources not under the direct influence of surface water which serve a population of 10,000 people or more until December 31, 2003. After December 31, 2003, this section is no longer applicable. Compliance with the maximum contaminant level for total trihalomethane concentration shall be calculated pursuant to Section M below.

(3) Beginning on January 1, 2002, community water systems and non-community non-transient water systems that use a surface water source or a ground water source under the influence of surface water which serve a population of 10,000 people must meet the requirements of R.61-58.13. Beginning January 1, 2002, all community water systems and non-community non-transient water systems that use a surface water source or a ground water source under the influence of surface water must meet the requirements of R.61-58.13. Beginning on January 1, 2004, community water systems and non-community non-transient water systems that use only ground water sources not under the direct influence of surface water which add a chemical disinfectant (oxidant) must meet the requirements of R.61-58.13

M. Total Trihalomethane Sampling, Analytical and Other Requirements.

(1) This section shall apply only to community water systems that serve a population of 10,000 or more and which add a disinfectant (oxidant) to the water in any part of the treatment process.

(2) For the purpose of this section, the minimum number of samples required by an applicable community water system shall be based on the number of treatment plants used by the system. If the supplier of water for an applicable community water system can demonstrate to the satisfaction of the Department that one or more of the wells to be monitored draws water from a single aquifer, then the Department may reduce the number of samples required.

(3) All applicable community water systems utilizing surface water sources in whole or in part, and all applicable community water systems utilizing only groundwater sources shall monitor for total trihalomethane concentration at quarterly intervals. A minimum of four water samples shall be collected and analyzed for each

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surface water or groundwater treatment plant. At least twenty-five (25) percent of the samples collected shall be taken at locations within the distribution system reflecting maximum residence time of the water in the system. The remaining seventy-five (75) percent shall be taken at representative locations within the distribution system taking into account the number of persons served, the different sources of water and the different treatment methods employed.

(4) The results of all analyses per quarter shall be arithmetically averaged and the results reported to the Department within ten days of the receipt of such results. The analyses of all samples collected shall be used in the computation of the average, unless the analytical results were invalidated for technical reasons. Sampling and analysis shall be in accordance with the methods adopted by the Department.

(5) Upon the written request of a community water system, the monitoring frequency required by paragraph (3) of this section may, at the discretion of the Department, be reduced to a minimum of one (1) sample per quarter taken at a point in the distribution system reflecting the maximum residence time of the water in the distribution system. The Department shall approve or disapprove the request after making a written determination that the data from at least one (1) year of monitoring and a sanitary survey demonstrate that total trihalomethane concentrations will be consistently below the maximum contaminant level.

(6) Upon the written request of a community water system, utilizing only groundwater as a sole source, the monitoring frequency required by paragraph (3) of this section may, at the discretion of the Department, be reduced to a minimum of one (1) sample for maximum total trihalomethane potential per year for each groundwater treatment plant taken at a point in the distribution system reflecting the maximum residence time of water in the system. The Department shall approve or disapprove the request after making a written determination that:

(7) If at any time during the reduced monitoring frequency allowed under paragraphs (5) and (6) of this section, the results of any analysis exceed the maximum contaminant level for total trihalomethane concentration and such results are confirmed by at least one check sample taken promptly after such results are received, the community water system shall notify the Department within seven days and shall begin monitoring in accordance with the requirements of subsection paragraph (3) of this section and such monitoring shall continue for at least one (1) year before the frequency may be reduced.

(8) If at any time during the reduced monitoring frequency allowed under paragraph (5) of this section, any community water system that utilizes a surface water treatment plant, and which makes any significant change to either its source of raw water or the treatment, shall immediately begin monitoring in accordance with paragraph (3) of this section and such monitoring shall continue for at least one (1) year before the frequency may be reduced.

(9) If at any time during the reduced monitoring frequency allowed under paragraph (6) of this section, any community water system utilizing groundwater as a sole source which makes any significant change to the raw water source or treatment, shall immediately analyze an additional sample for maximum total trihalomethane potential taken at a point reflecting maximum residence time of water in the distribution system. If the total trihalomethane concentration of the sample exceeds one-tenth mg/l, the community water system will comply with paragraph (7) of this section.

(10) At the discretion of the Department, monitoring frequencies may be increased above the minimum in those community water systems where this is necessary to detect variation of total trihalomethane concentrations within the distribution system.

(11) Compliance with Section L above shall be determined based on a running annual average of quarterly samples collected as prescribed in paragraph (3) of this section. If the average of samples covering any twelve (12) month period exceeds the maximum contaminant level, the supplier of water shall report to the Department and give notice to the public pursuant to R.61-58.6.B and E. Monitoring after public notification shall be at a frequency designated by the Department and shall continue until a monitoring schedule as a condition of a variance, exemption or enforcement action shall become effective.

(12) Before a community water system makes any significant modifications to its existing treatment processes for the purpose of achieving compliance with this Section or Section L above, such system shall submit to the Department, and receive approval of, a detailed plan for the proposed modification and the safeguards to be implemented to ensure the bacteriological quality of the drinking water will not be adversely affected. The community water system shall comply fully with the plan approved by the Department.

(13) As a minimum, any community water system modifying its disinfection practice shall include in the plan for such modification the following:

- (a) An evaluation of the water system for sanitary defects and the source water for bacteriological quality.
- (b) An evaluation of the existing treatment processes and any improvements that will minimize disinfectant demand and optimize finished water quality throughout the distribution system.
- (c) Baseline water quality data of the distribution system. Such data may include the results from monitoring for total coliform and fecal coliform bacteria, fecal streptococci, standard plate counts at 35°C and 20°C, phosphate, ammonia nitrogen and total organic carbon. Virus studies may be required where source waters are heavily contaminated with sewage effluent.
- (d) Additional monitoring to assure continued maintenance of optimal biological quality in the finished water. Such monitoring may, at the discretion of the Department, be increased or decreased after the proposed modifications have been approved and in operation for six (6) months. The additional monitoring may include, but is not limited to, analyses for chlorate, chlorite and chlorine dioxide when chlorine dioxide is used as a disinfectant. Standard plate count may also be required.
- (e) Additional monitoring to demonstrate an active disinfectant residual throughout the distribution system at all times during and after the proposed modifications.

(14) The requirements in paragraphs (1) through (13) of this section apply to community water systems that use a surface water source or a ground water source under the influence of surface water which serve a population of 10,000 or more until December 31, 2001. The requirements in paragraphs (1) through (13) of this section apply to community water systems which use only ground water not under the direct influence of surface water that add a disinfectant (oxidant) in any part of the treatment process and serve a population of 10,000 or more until December 31, 2003. After December 31, 2003, this section is no longer applicable.

N. Maximum Contaminant Levels for Volatile Synthetic Organic Chemicals (VOCs).

- (1) The maximum contaminant levels for volatile synthetic organic chemicals (VOCs) apply to all public water systems.
- (2) The maximum contaminant levels for volatile synthetic organic chemicals (VOCs) are as follows:

	Contaminant	MCL (mg/l)
(a)	Vinyl chloride	0.002
(b)	Benzene	0.005
(c)	Carbon tetrachloride	0.005
(d)	1,2-Dichloroethane	0.005
(e)	Trichloroethylene	0.005
(f)	para-Dichlorobenzene	0.075
(g)	1,1,-Dichloroethylene	0.007
(h)	1,1,1-Trichloroethane	0.2
(i)	cis-1,2-Dichloroethylene	0.07
(j)	1,2-Dichloropropane	0.005

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(k)	Ethylbenzene	0.7
(l)	Monochlorobenzene	0.1
(m)	o-Dichlorobenzene	0.6
(n)	Styrene	0.1
(o)	Tetrachloroethylene	0.005
(p)	Toluene	1
(q)	trans-1,2-Dichloroethylene	0.1
(r)	Xylenes (total)	10
(s)	Dichloromethane	0.005
(t)	1,2,4-Trichlorobenzene	0.07
(u)	1,1,2-Trichloroethane	0.005

O.VOC Monitoring, Sampling and Analytical Requirements

(1) This section shall apply to community and non-transient non-community water systems.

(2) Beginning with the initial compliance period analysis of the contaminants listed in Section N(2) above, for the purpose of determining compliance with the maximum contaminant level shall be conducted as follows:

(a) Groundwater systems shall take a minimum of one (1) sample at every entry point to the distribution system which is representative of each well after treatment (hereafter called a sampling point). Each sample must be taken at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

(b) Surface water systems (or combined surface/ground) shall take a minimum of one (1) sample at points in the distribution system that are representative of each source or at each entry point to the distribution system after treatment (hereafter called a sampling point). Each sample must be taken at the same sampling point unless conditions make another sampling point more representative of each source, treatment plant, or within the distribution system.

(c) If the system draws water from more than one (1) source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water representative of all sources is being used).

(d) Each community and non-transient non-community water system shall take four consecutive quarterly samples for each contaminant listed in Section N(2)(b) through (u) above, during each compliance period beginning in the initial compliance period.

(e) If the initial monitoring for contaminants listed in Section N(2)(a) through (h) and the monitoring for the contaminants listed in Section N(2)(i) through (u) as allowed in paragraph (4)(r) of this section, has been completed by December 31, 1992, and the system did not detect any contaminant listed in Section N(2) above, then each ground and surface water system shall take one (1) sample annually beginning with the initial compliance period.

(f) After a minimum of three (3) years of annual sampling, the Department may allow groundwater systems with no previous detection of any contaminant listed in Section N(2) above, to take one (1) sample during each compliance period.

(g) Each community and non-transient non-community ground water system which does not detect a contaminant listed in Section N(2) above, may apply to the Department for a waiver from the requirement of paragraphs (4)(e) and (4)(f) of this section after completing the initial monitoring. (For the purposes of this section, detection is defined as ≤ 0.0005 mg/l.) A waiver shall be effective for no more than six (6) years (two compliance periods). The Department may also issue waivers to small systems for the initial round of monitoring for 1,2,4-trichlorobenzene.

(h) The Department may grant a waiver after evaluating the following factor(s):

(i) Knowledge of previous use (including transport, storage, or disposal) of the contaminant within the watershed or zone of influence of the system. If a determination by the Department reveals no previous use of the contaminant within the watershed or zone of influence, a waiver may be granted.

(ii) If previous use of the contaminant is unknown or it has been used previously, then the following factors shall be used to determine whether a waiver is granted.

(A) Previous analytical results.

(B) The proximity of the system to a potential point or non-point source of contamination. Point sources include spills and leaks of chemicals at or near a water treatment facility or at manufacturing, distribution, or storage facilities, or from hazardous and municipal waste landfills and other waste handling or treatment facilities.

(C) The environmental persistence and transport of the contaminants.

(D) The number of persons served by the public water system and the proximity of a smaller system to a larger system.

(E) How well the water source is protected against contamination such as whether it is a surface or groundwater system. Groundwater systems must consider factors such as depth of the well, the type of soil, and wellhead protection. Surface water systems must consider watershed protection.

(i) As a condition of the waiver a groundwater system must take one (1) sample at each sampling point during the time the waiver is effective (i.e., one sample during two compliance periods or six years) and update its vulnerability assessment considering the factors listed in paragraph (4)(h) of this section. Based on this vulnerability assessment the Department must reconfirm that the system is non-vulnerable. If the Department does not make this reconfirmation within three (3) years of the initial determination, then the waiver is invalidated and the system is required to sample annually as specified in paragraph (e) of this section.

(j) Each community and non-transient non-community surface water system which does not detect a contaminant listed in Section N(2) above may apply to the Department for a waiver from the requirements of paragraph (4)(e) of this section after completing the initial monitoring. Composite samples from a maximum of five sampling points are allowed, provided that the detection limit of the method used for analysis is less than one-fifth of the MCL. Systems meeting this criteria must be determined by the Department to be non-vulnerable based upon a vulnerability assessment during each compliance period. Each system receiving a waiver shall sample at the frequency specified by the Department (if any).

(k) If a contaminant listed in Section N (2)(b) through (u) above, is detected at a level exceeding 0.0005 mg/l in any sample, then:

(l) Systems which violate the requirements of Section N(2) above, as determined by paragraph (4)(o) of this section must monitor quarterly. After a minimum of four (4) consecutive quarterly samples which shows the system is in compliance as specified in paragraph (4)(o) of this section, the system and the Department determines that the system is reliably and consistently below the maximum contaminant level, the system may monitor at the frequency and time specified in paragraph (4)(k)(iii) of this section.

(m) The Department may require a confirmation sample for positive or negative results. If a confirmation sample is required by the Department, the result must be averaged with the first sampling result and the average is used for the compliance determination as specified by paragraph (4)(o) of this section. The Department has the discretion to delete results of obvious sampling errors from this calculation.

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(n) The Department may reduce the total number of samples a system must analyze by allowing the use of compositing. Composite samples from a maximum of five sampling points are allowed, provided that the detection limit of the method used for analysis is less than one-fifth of the MCL. Compositing of samples must be done in the laboratory and analyzed within fourteen (14) days of sample collection.

(i) If the concentration in the composite sample is ≤ 0.0005 mg/l for any contaminant listed in Section N(2) above, then a follow-up sample must be taken within fourteen (14) days at each sampling point included in the composite, and be analyzed for that contaminant.

(ii) If duplicates of the original sample taken from each sampling point used in the composite are available, the system may use these instead of resampling. The duplicate must be analyzed and the results reported to the Department within fourteen (14) days of collection.

(iii) If the population served by the system is greater than 3,300 persons, then compositing may only be permitted by the State at sampling points within a single system. In systems serving $\leq 3,300$ persons, the Department may permit compositing among different systems provided the 5-sample limit is maintained.

(iv) Compositing samples prior to GC analysis.

(A) Add 5 ml or equal larger amounts of each sample (up to 5 samples are allowed) to a 25 ml glass syringe. Special precautions must be made to maintain zero headspace in the syringe.

(B) The samples must be cooled at 4°C during this step to minimize volatilization losses.

(C) Mix well and draw out a 5-ml aliquot for analysis.

(D) Follow sample introduction, purging, and desorption steps described in the method.

(E) If less than five samples are used for compositing, a proportionately small syringe may be used.

(v) Compositing samples prior to GC/MS analysis.

(A) Inject 5-ml or equal larger amounts of each aqueous sample (up to 5 samples are allowed) into a 25-ml purging device using the sample introduction technique described in the method.

(B) The total volume of the sample in the purging device must be 25 ml.

(C) Purge and desorb as described in the method.

(o) Compliance with Section N(2) above, shall be determined based on the analytical results obtained at each sampling point.

(i) For systems which are conducting monitoring at a frequency greater than annual, compliance is determined by a running annual average of all samples taken at each sampling point. If the annual average of any sampling point is greater than the MCL, then the system is out of compliance. If the initial sample or a subsequent sample would cause the annual average to be exceeded, then the system is out of compliance immediately.

(ii) If monitoring is conducted annually, or less frequently, the system is out of compliance if the level of a contaminant at any sampling point is greater than the MCL. If a confirmation sample is required by the Department, the determination of compliance will be based on the average of two samples.

(iii) If a public water system has a distribution system separable from other parts of the distribution system with no interconnections, the Department may allow the system to give public notice to only that area served by that portion of the system which is out of compliance.

(p) Analysis for the contaminants listed in Section N(2) above, shall be conducted using EPA-approved methods listed in 40 CFR 141.

(q) Analysis under this section shall only be conducted by laboratories that are certified by the Department.

(r) The Department may allow the use of monitoring data collected after January 1, 1988, for purposes of initial monitoring compliance. If the data are generally consistent with the other requirements in this section, the Department may use those data (i.e., a single sample rather than four quarterly samples) to satisfy the initial monitoring requirement of paragraph (4)(d) of this section. Systems which use grandfathered samples and did not detect any contaminant listed in Section N(2)(b) through (u) above shall begin monitoring annually in accordance with paragraph (4)(e) of this section beginning with the initial compliance period.

(s) The Department may increase required monitoring where necessary to detect variations within the system.

(t) Each public water system shall monitor at the time designated by the Department within each compliance period.

(3) If a community or a non-transient non-community water system fails to comply with an applicable VOC MCL, that system shall give notice to the customers served by the system in accordance with the requirements of R.61-58.6.E.

P. Maximum Contaminant Levels for Disinfection Byproducts.

(1) The maximum contaminant levels (MCLs) for disinfection byproducts are as follows:

<u>Disinfection byproduct</u>	<u>MCL (mg/L)</u>
Total trihalomethanes (TTHM)	0.080
Haloacetic acids (five) (HAA5)	0.060
Bromate	0.010
Chlorite	1.0

(2) Compliance Dates.

(a) Community water systems and non-transient non-community water systems that use a surface water source or a ground water source under the influence of surface water serving 10,000 or more persons must comply with this section beginning January 1, 2002. Community water systems and non-community non-transient water systems that use a surface water source or a ground water source under the influence of surface water serving fewer than 10,000 persons and community water systems and non-community non-transient water systems using only ground water not under the direct influence of surface water must comply with this section beginning January 1, 2004.

(b) A system that is installing GAC or membrane technology to comply with this section may apply to the Department for an extension of up to twenty-four (24) months past the dates in paragraphs (2)(a) of this section, but not beyond January 1, 2004.

Q. Maximum Residual Disinfectant Levels (MRDLs) for Disinfectants.

(1) Maximum residual disinfectant levels (MRDLs) are as follows:

<u>Disinfectant Residual</u>	<u>MRDL (mg/L)</u>
Chlorine	4.0 (as Cl ₂)

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Chloramines	4.0 (as Cl ₂)
Chlorine dioxide	0.8 (as ClO ₂)

(2) Compliance dates.

(a) Community water systems and non-transient non-community water systems that use a surface water source or a ground water source under the influence of surface water serving 10,000 or more persons must comply with this section beginning January 1, 2002. Community water systems and non-community non-transient water systems that use a surface water source or a ground water source under the influence of surface water serving fewer than 10,000 persons and community water systems and non-community non-transient water systems using only ground water not under the direct influence of surface water must comply with this section beginning January 1, 2004.

(b) Transient non-community water systems that use a surface water source or a ground water source under the influence of surface water serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2002. Transient non-community water systems that use a surface water source or a ground water source under the influence of surface water systems serving fewer than 10,000 persons and using chlorine dioxide as a disinfectant or oxidant and transient non-community water systems using only ground water not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2004.

R. Secondary Maximum Contaminant Levels.

- (1) The secondary maximum contaminant levels are applicable to all public water systems.
- (2) The secondary maximum contaminant levels are as follows:

<u>Contaminant</u>	<u>Level</u>
Aluminum	0.05 to 0.2 mg/l
Chloride	250 mg/l
Color	15 color units
Copper	1 mg/l
Corrosivity	Noncorrosive
Fluoride	2.0 mg/l
Foaming agents	0.5 mg/l
Iron	0.3 mg/l
Manganese	0.05 m/gl
Odor	3 threshold odor number
pH	6.5 to 8.5 s.u.
Silver	0.1 mg/l
Sulfate	250 mg/l
Total Dissolved Solids (TDS)	500 mg/l
Zinc	5 mg/l

(3) The Department may establish higher or lower levels which may be appropriate depending upon local conditions provided the supplier of water is able to demonstrate that use of the water will not adversely affect the public health and welfare. In evaluating the affect to the public health and welfare, the supplier of water may evaluate the unavailability of alternate water sources; the economic evaluation of necessary treatment or other compelling factors that may prevent compliance.

(4) Community water systems that exceed the secondary MCL for fluoride, as determined by the last single sample taken in accordance with the requirements of these regulations, shall send the notice described in paragraph

(5) of this section, to: (1) all existing billing units, (2) all new billing units at the time service begins, and (3) the Department.

(5) The public notice that shall be used by systems which exceed the secondary MCL for fluoride shall contain the specific language outlined in Section R.61-58.6.E(6), and no additional language except as necessary to complete the notice.

S. Secondary Maximum Contaminant Levels Sampling and Analytical Requirements.

(1) This section shall apply only to community and non-community water systems which serve at least fifteen service connections or regularly serve an average of at least twenty- five individuals daily at least sixty (60) days out of the year.

(2) At the discretion of the Department any community or non-community water system may be required to monitor, in whole or in part, for secondary maximum contaminant levels listed in Section R(2) or for any other secondary standard designated by the Department.

(3) For the initial analyses required by paragraph (2) of this section, data for surface waters acquired within one (1) year prior to the effective date and data for groundwaters acquired within three (3) years prior to the effective date of this regulation may be substituted at the discretion of the Department. Analyses conducted to determine compliance with Section R above shall be made using EPA-approved methods listed in 40 CFR 141.

T. Special Monitoring for Inorganic and Organic Contaminants.

(1) All community and non-transient non-community water supply systems shall conduct special monitoring for the following contaminants. Systems serving 10,000 or fewer persons are not required to monitor for the contaminants in the section after December 31, 1998.

Chloroform	1,3-Dichloropropane
Bromodichloromethane	Chloromethane
Chlorodibromomethane	Bromomethane
Bromoform	1,2,3-Trichloropropane
Chlorobenzene	1,1,1,2-Tetrachloroethane
m-Dichlorobenzene	Chloroethane
2,2-Dichloropropane	1,1-Dichloropropene
o-Chlorotoluene	1,1-Dichloroethane
Bromobenzene	1,1,2,2-Tetrachloroethane
1,3-Dichloropropene	p-Chlorotoluene

(2) Monitoring for the organic compounds listed in paragraph (1) of this section, shall begin no later than the date specified below:

<u>Population Served</u>	<u>Initial Monitoring Date</u>
>10,000	No later than January 1, 1988
3,300 - 10,000	No later than January 1, 1989
<3,300	No later than January 1, 1991

(3) Surface water systems shall sample at points in the distribution system representative of each water source or at entry points to the distribution system after any application of treatment. The minimum number of samples is one year of quarterly samples per water source.

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(4) Ground water systems shall sample at points of entry to the distribution system representative of each well after any application of treatment. The minimum number of samples is one (1) sample per entry point to the distribution system.

(5) The Department may require confirmation samples for positive or negative results.

(6) (Reserved)

(7) Analysis under this section shall be conducted using EPA-approved methods listed in 40 CFR 141.

(8) Analysis under this section shall only be performed by laboratories which are certified by the Department.

(9) Public water systems may use monitoring data collected any time after January 1, 1983, to meet the requirements of paragraph (1) of this section, provided that the monitoring program was consistent with the requirements of this section. In addition, the results of EPA's Ground Water Supply Survey may be used in a similar manner for systems supplied by a single well.

(10) At the Department's discretion, community water systems and non-transient non-community water systems may be required to conduct special monitoring for the following contaminants:

1,2,4-Trimethylbenzene	p-Isopropyltoluene
1,2,4-Trichlorobenzene	Isopropylbenzene
1,2,3-Trichlorobenzene	Tert-butylbenzene
n-Propylbenzene	Sec-butylbenzene
n-Butylbenzene	Fluorotrichloromethane
Naphthalene	Dichlorodifluoromethane
Hexachlorobutadiene	Bromochloromethane
1,3,5-Trimethylbenzene	

(11) All community and non-transient non-community water systems shall repeat the monitoring required by this Section no less frequently than every five (5) years from the dates specified in paragraph (2) of this section.

(12) The Department or public water systems may composite up to five samples when monitoring for the organic contaminants in paragraphs (1) and (10) of this section.

(13) Monitoring of the contaminants listed in paragraphs (13)(k) and (l) of this section, shall be conducted as follows:

(a) Each community and non-transient, non-community water system shall take four consecutive quarterly samples at each sampling point for each contaminant listed in paragraph (13)(k) of this section and report the results to the Department. Monitoring must be completed by December 31, 1995.

(b) Each community and non-transient non-community water system shall take one sample at each sampling point for each contaminant listed in paragraph (13)(l) of this section and report the results to the Department. Monitoring must be completed by December 31, 1995.

(c) Each community and non-transient non-community water system may apply to the Department for a waiver from the requirements of paragraph (13)(a) and (b) of this section.

(d) The Department may grant a waiver for the requirement of paragraph (13)(a) of this section based on the criteria specified in Section E(7)(f) above. The Department may grant a waiver from the requirement of paragraph (13)(b) of this section if previous analytical results indicate contamination would not occur, provided this data was collected after January 1, 1990.

(e) Groundwater systems shall take a minimum of one (1) sample at every entry point to the distribution system which is representative of each well after treatment (hereafter called a sampling point). Each sample must be taken at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

(f) Surface water systems shall take a minimum of one (1) sample at points in the distribution system that are representative of each source or at each entry point to the distribution system after treatment (hereafter called a sampling point). Each sample must be taken at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant. [Note: For purposes of this paragraph, surface water systems include systems with a combination of surface and ground sources.]

(g) If the system draws water from more than one (1) source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water representative of all sources is being used).

(h) The Department may require a confirmation sample for positive or negative results.

(i) The Department may reduce the total number of samples a system must analyze by allowing the use of compositing. Composite samples from a maximum of five (5) sampling points are allowed. Compositing of samples must be done in the laboratory and the composite sample must be analyzed within fourteen (14) days of collection. If the population served by the system is greater than 3,300 persons, then compositing may only be permitted by the Department at sampling points within a single system. In systems serving 3,300 persons or less, the Department may permit compositing among different systems provided the 5-sample limit is maintained.

(j) Instead of performing the monitoring required by this section, a community water system or non-transient non-community water system serving fewer than 150 service connections may send a letter to the Department stating that the system is available for sampling. This letter must be sent to the Department by January 1, 1994. The system shall not send such samples to the Department, unless requested to do so by the Department.

(k) List of Unregulated Organic Contaminants:

<u>Organic Contaminants</u>	<u>EPA Analytical Method</u>
Aldicarb	531.1
Aldicarb sulfone	531.1
Aldicarb sulfoxide	531.1
Aldrin	505, 508, 525.1
Butachlor	507, 525.1
Carbaryl	531.1
Dicamba	515.1
Dieldrin	505, 508, 525.1
3-Hydroxycarbofuran	531.1
Methomyl	531.1
Metolachlor	507, 525.1
Metribuzin	507, 525.1
Propachlor	508, 525.1

(l) List of Unregulated Inorganic Contaminants:

<u>Inorganic Contaminant</u>	<u>EPA Analytical Method</u>
Sulfate	Colorimetric

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(14) The owner or operator of a community or non-transient non-community water system that is required to monitor in accordance with this section shall send a copy of the results of such monitoring within thirty (30) days of receipt, and a copy of any public notice under paragraph (15) of this section, to the Department.

(15) The owner or operator shall notify the persons served by the system of the availability of the results of sampling conducted in accordance with this section by including a notice in the first set of water bills issued by the system after the receipt of the results or written notice within three (3) months. The notice shall identify a person and supply the telephone number to contact for information on the monitoring results. For surface water systems, public notification is required only after the first quarter's monitoring and must include a statement that additional monitoring will be conducted for three (3) more quarters with the results available upon request.

U. Special Monitoring for Sodium.

(1) Suppliers of water for community public water systems shall collect and analyze one (1) sample per plant at the entry point of the distribution system for the determination of sodium concentration levels; samples must be collected and analyzed annually for systems utilizing surface water sources in whole or in part, and at least every three (3) years for systems utilizing solely ground water sources. The minimum number of samples required to be taken by the system shall be based on the number of treatment plants used by the system, except that multiple wells drawing raw water from a single aquifer may, with the Department's approval, be considered one (1) treatment plant for determining the minimum number of samples. The supplier of water may be required by the Department to collect and analyze water samples for sodium more frequently in locations where the sodium content is variable.

(2) The supplier of water shall report to the Department the results of the analyses for sodium within the first ten (10) days of the month following the month in which the sample results were received or within the first ten (10) days following the end of the required monitoring period as stipulated by the Department, whichever of these is first. If more than annual sampling is required the supplier shall report the average sodium concentration within ten (10) days of the month following the month in which the analytical results of the last sample used for the annual average was received.

(3) The supplier of water shall notify the appropriate local public health officials of the sodium levels in the water by written notice by direct mail within three (3) months after receiving the results of analyses. Within ten (10) days after notifying the local public health officials, the supplier of water shall forward a copy of such written notice to the Department. The supplier of water is not required to notify local public health officials where the Department provides such notices.

(4) Analysis for sodium shall be conducted using EPA-approved methods listed in 40 CFR 141.

V. Special Monitoring for Corrosivity Characteristics.

(1)-(3)[Reserved]

(4) The supplier of water for applicable community water systems shall identify and report to the Department whether the following construction materials are present in their distribution system:

- (a) Lead from piping, solder, caulking, interior lining of distribution mains, alloys and home plumbing.
- (b) Copper from piping and alloys, service lines and home plumbing.
- (c) Galvanized piping, service lines and home plumbing.
- (d) Ferrous piping materials such as cast iron and steel.
- (e) Vinyl lined asbestos cement pipe.

- (f) Coal tar lined pipes and tanks.
- (g) Asbestos cement pipe.

W. Special Monitoring and Notification Requirements.

The Department shall perform such monitoring as is necessary to insure the quality and integrity of results of tests, measurements, or analyses reported by the supplier of water. Should such monitoring by the Department indicate a violation of the maximum contaminant levels, or the presence of any contaminant at levels considered to be a real or potential threat to the public's health, the Department at its discretion may notify the public or require the supplier of water to notify the public pursuant to R.61-58.6.E, or other method deemed appropriate by the Department and initiate the necessary action to eliminate the violation or contaminant.

X. Monitoring of Consecutive Public Water Systems.

When a public water system supplies water to one or more other public water systems, the Department may modify the monitoring requirements imposed by this regulation to the extent that the interconnection of the systems justifies treating them as a single system for monitoring purposes. Any modified monitoring shall be conducted pursuant to a schedule specified by the Department and concurred in by the Administrator.

Y. Criteria and Procedures for Public Water Systems using Point-of-Entry Devices.

(1) Public water systems may use point-of-entry devices to comply with maximum contaminant levels only if they meet the requirements of this section.

(2) It is the responsibility of the public water system to operate and maintain the point-of-entry treatment system.

(3) The public water system must develop and obtain Department approval for a monitoring plan before point-of-entry devices are installed for compliance. Under the plan approved by the Department, point-of-entry devices must provide health protection equivalent to central water treatment. "Equivalent" means that the water would meet all State primary drinking water regulations and would be of acceptable quality similar to water distributed by a well-operated central treatment plant. In addition to the VOCs, monitoring must include physical measurements and observations such as total flow treated and mechanical condition of the treatment equipment.

(4) The public water system must properly apply effective technology under a plan approved by the Department and must maintain the microbiological safety of the water.

(a) The public water system must provide adequate certification of performance, field testing, and, if not included in the certification process, a rigorous engineering design review of the point-of-entry devices.

(b) The design and application of the point-of-entry devices must consider the tendency for an increase in heterotrophic bacteria concentrations in water treated with activated carbon. It may be necessary to use frequent backwashing, post-contactor disinfection, and Heterotrophic Plate Count monitoring to ensure that the microbiological safety of the water is not compromised.

(5) The public water system must protect all consumers. Every building connected to the system must have a point-of-entry device installed, maintained, and adequately monitored. The public water system must assure that every building is subject to treatment and monitoring, and that the rights and responsibilities of the public water system customer convey with title upon sale of property.

Z. Use of Other Non-Centralized Treatment Devices.

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Public water systems shall not use bottled water or point-of-use devices to achieve compliance with an established maximum contaminant level. Bottled water or point-of-use devices may be used on a temporary basis to avoid an unreasonable risk to health.

AA. Treatment Techniques.

(1) This section establishes criteria and requirements for treatment techniques in lieu of maximum contaminant levels for specified contaminants. This section applies to all public water systems.

(2) Treatment techniques for acrylamide and epichlorohydrin. Each public water system must certify annually in writing to the Department (using third party or manufacturer's certification) that when acrylamide and epichlorohydrin are used in drinking water systems, the combination (or product) of dose and monomer level does not exceed the levels specified as follows:

Acrylamide = 0.05% dosed at 1 ppm (or equivalent)
Epichlorohydrin = 0.01% dosed at 20 ppm (or equivalent)

Certifications can rely on manufacturers or third parties, as approved by the Department.

BB. Approved Laboratories.

For the purpose of determining compliance with Sections B through V above, samples may be considered only if they have been analyzed by a laboratory approved by the Department, except that measurements for turbidity may also be performed by a properly certified water treatment plant operator.

CC. Alternative Analytical Techniques.

With express written permission of the Department, concurred in by the Administrator, an alternative analytical technique may be employed. An alternative technique shall be acceptable only if it is substantially equivalent to the prescribed test in both precision and accuracy as it relates to the determination of compliance with any maximum contaminant level. The use of the alternative analytical technique shall not decrease the frequency of monitoring required by this regulation.

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

Add 61-58.6.B(5) to read:

(5) The public water system, within ten (10) days of completing the public notification requirements under Section E below for the initial public notice and any repeat notices, must submit to the Department a certification that it has fully complied with the public notification regulations. The public water system must include with this certification a representative copy of each type of notice distributed, published, posted, and made available to the persons served by the system and to the media.

Add 61-58.6.D(2)(e) to read:

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

Replace 61-58.6.E to read:

E. Public Notification of Drinking Water Violations.

(1) General public notification requirements:

(a) *Who must give public notice?* Each owner or operator of a public water system (community water systems, non-transient non-community water systems, and transient non-community water systems) must give notice for all violations of State Primary Drinking Water Regulations (SPDWR) and for other situations, as listed in Table 1. The term "SPDWR violations" is used in this regulation to include violations of the maximum contaminant level (MCL), maximum residual disinfection level (MRDL), treatment technique (TT), monitoring requirements, and testing procedures in this regulation. Appendix D to this regulation identifies the tier assignment for each specific violation or situation requiring a public notice.

TABLE 1: VIOLATION CATEGORIES AND OTHER SITUATIONS REQUIRING A PUBLIC NOTICE

<p>(1) SPDWR violations:</p> <ul style="list-style-type: none"> (i) Failure to comply with an applicable maximum contaminant level(MCL) or maximum residual disinfectant level (MRDL). (ii) Failure to comply with a prescribed treatment technique (TT). (iii) Failure to perform water quality monitoring, as required by the drinking water regulations. (iv) Failure to comply with testing procedures as prescribed by a drinking water regulation. <p>(2) Variance and exemptions under R.61-58.9:</p> <ul style="list-style-type: none"> (i) Operation under a variance or an exemption. (ii) Failure to comply with the requirements of any schedule that has been set under a variance or exemption. <p>(3) Special public notices:</p> <ul style="list-style-type: none"> (i) Occurrence of a waterborne disease outbreak or other waterborne emergency. (ii) Exceedance of the nitrate MCL by non-community water systems (NCWS), where granted permission by the Department under R.61-58.5.B(3). (iii) Exceedance of the secondary maximum contaminant level (SMCL) for fluoride. (iv) Availability of unregulated contaminant monitoring data. (v) Other violations and situations determined by the Department to require a public notice under this regulation, not already listed in Appendix D to this regulation.

(b) *What type of public notice is required for each violation or situation?* Public notice requirements are divided into three (3) tiers, to take into account the seriousness of the violation or situation and of any potential adverse health effects that may be involved. The public notice requirements for each violation or situation listed in Table 1 of this section are determined by the tier to which it is assigned. Table 2 of this section provides the definition of each tier. Appendix D to this regulation identifies the tier assignment for each specific violation or situation.

TABLE 2: DEFINITION OF PUBLIC NOTICE TIERS

- (1) Tier 1 public notice--required for SPDWR violations and situations with significant potential to have serious adverse effects on human health as a result of short-term exposure.
- (2) Tier 2 public notice--required for all other SPDWR violations and situations with potential to have serious adverse effects on human health.
- (3) Tier 3 public notice--required for all other SPDWR violations and situations not included in Tier 1 and Tier 2.

(c) *Who must be notified?*

(i) Each public water system must provide public notice to persons served by the water system, in accordance with this regulation. Public water systems that sell or otherwise provide drinking water to other public water systems (i.e., to consecutive systems) are required to give public notice to the owner or operator of the consecutive system; the consecutive system is responsible for providing public notice to the persons it serves.

(ii) If a public water system has a violation in a portion of the distribution system that is physically or hydraulically isolated from other parts of the distribution system, the Department may allow the system to limit distribution of the public notice to only persons served by that portion of the system which is out of compliance. Permission by the Department for limiting distribution of the notice must be granted in writing.

(iii) A copy of the notice must also be sent to the Department, in accordance with the requirements under Section B of this regulation

(2) Tier 1 Public Notice: Form, Manner, and Frequency of Notice.

(a) *Which violations or situations require a Tier 1 public notice?* Table 1 of this section lists the violation categories and other situations requiring a Tier 1 public notice. Appendix D to this regulation identifies the tier assignment for each specific violation or situation.

TABLE 1: VIOLATION CATEGORIES AND OTHER SITUATIONS REQUIRING A TIER 1 PUBLIC NOTICE

- (1) Violation of the MCL for total coliforms when fecal coliform or E. coli are present in the water distribution system (as specified in R.61-58.5.F(2)), or when the water system fails to test for fecal coliforms or E. coli when any repeat sample tests positive for coliform (as specified in R.61-58.5.G(5));
- (2) Violation of the MCL for nitrate, nitrite, or total nitrate and nitrite, as defined in R.61-58.5.B, or when the water system fails to take a confirmation sample within 24 hours of the system's receipt of the first sample showing an exceedance of the nitrate or nitrite MCL, as specified in R.61-58.5.C(12)b);
- (3) Exceedance of the nitrate MCL by non-community water systems, where permitted to exceed the MCL by the Department under R.61-58.5.B(3), as required under paragraph (9) of this section;
- (4) Violation of the MRDL for chlorine dioxide, as defined in R.61-58.5.Q(1), when one or more samples taken in the distribution system the day following an exceedance of the MRDL at the entrance of the distribution

system exceed the MRDL, or when the water system does not take the required samples in the distribution system, as specified in R.61-58.13.D(3)(b)(i);

(5) Violation of the Surface Water Treatment Rule (SWTR) or Interim Enhanced Surface Water Treatment rule (IESWTR) treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit (as identified in Appendix D to this regulation), where the Department determines after consultation that a Tier 1 notice is required or where consultation does not take place within twenty-four (24) hours after the system learns of the violation;

(6) Occurrence of a waterborne disease outbreak, as defined in R.61-58(B)(156), or other waterborne emergency (such as a failure or significant interruption in key water treatment processes, a natural disaster that disrupts the water supply or distribution system, or a chemical spill or unexpected loading of possible pathogens into the source water that significantly increases the potential for drinking water contamination);

(7) Other violations or situations with significant potential to have serious adverse effects on human health as a result of short-term exposure, as determined by the Department either in its regulations or on a case-by-case basis.

(b) *When is the Tier 1 public notice to be provided? What additional steps are required?* Public water systems must:

(i) Provide a public notice as soon as practical but no later than twenty-four (24) hours after the system learns of the violation;

(ii) Initiate consultation with the Department as soon as practical, but no later than twenty-four (24) hours after the public water system learns of the violation or situation, to determine additional public notice requirements; and

(iii) Comply with any additional public notification requirements (including any repeat notices or direction on the duration of the posted notices) that are established as a result of the consultation with the Department. Such requirements may include the timing, form, manner, frequency, and content of repeat notices (if any) and other actions designed to reach all persons served.

(c) *What is the form and manner of the public notice?* Public water systems must provide the notice within twenty-four (24) hours in a form and manner reasonably calculated to reach all persons served. The form and manner used by the public water system are to fit the specific situation, but must be designed to reach residential, transient, and non-transient users of the water system. In order to reach all persons served, water systems are to use, at a minimum, one or more of the following forms of delivery:

(i) Appropriate broadcast media (such as radio and television);

(ii) Posting of the notice in conspicuous locations throughout the area served by the water system;

(iii) Hand delivery of the notice to persons served by the water system; or

(iv) Another delivery method approved in writing by the Department.

(3) Tier 2 Public Notice: Form, Manner, and Frequency of Notice.

(a) *Which violations or situations require a Tier 2 public notice?* Table 1 of this section lists the violation categories and other situations requiring a Tier 2 public notice. Appendix D to this regulation identifies the tier assignment for each specific violation or situation.

TABLE 1: VIOLATION CATEGORIES AND OTHER SITUATIONS REQUIRING A TIER 2 PUBLIC NOTICE

<p>(1) All violations of the MCL, MRDL, and treatment technique requirements, except where a Tier 1 notice is required under paragraph (2)(a) of this section or where the Department determines that a Tier 1 notice is required;</p> <p>(2) Violations of the monitoring and testing procedure requirements, where the Department determines that a Tier 2 rather than a Tier 3 public notice is required, taking into account potential health impacts and persistence of the violation; and</p> <p>(3) Failure to comply with the terms and conditions of any variance or exemption in place.</p>

(b) *When is the Tier 2 public notice to be provided?*

(i) Public water systems must provide the public notice as soon as practical, but no later than thirty (30) days after the system learns of the violation. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but in no case for less than seven (7) days, even if the violation or situation is resolved. The Department may, in appropriate circumstances, allow additional time for the initial notice of up to three (3) months from the date the system learns of the violation. It is not appropriate for the Department to grant an extension to the thirty (30) day deadline for any unresolved violation or to allow across-the-board extensions by rule or policy for other violations or situations requiring a Tier 2 public notice. Extensions granted by the Department must be in writing.

(ii) The public water system must repeat the notice every three (3) months as long as the violation or situation persists, unless the Department determines that appropriate circumstances warrant a different repeat notice frequency. In no circumstance may the repeat notice be given less frequently than once per year. It is not appropriate for the Department to allow less frequent repeat notice for an MCL violation under the Total Coliform Rule or a treatment technique violation under the Surface Water Treatment Rule or Interim Enhanced Surface Water Treatment Rule. It is also not appropriate for the Department to allow through its rules or policies across-the-board reductions in the repeat notice frequency for other ongoing violations requiring a Tier 2 repeat notice. Department determinations allowing repeat notices to be given less frequently than once every three (3) months must be in writing.

(iii) For the turbidity violations specified in this paragraph, public water systems must consult with the Department as soon as practical but no later than twenty-four (24) hours after the public water system learns of the violation, to determine whether a Tier 1 public notice under paragraph (2)(a) of this section is required to protect public health. When consultation does not take place within the twenty-four (24) hour period, the water system must distribute a Tier 1 notice of the violation within the next twenty-four (24) hours (i.e., no later than forty-eight (48) hours after the system learns of the violation), following the requirements under paragraphs (b) and (c) of this section. Consultation with the Department is required for a Violation of the SWTR or IESWTR treatment technique requirement resulting from a single exceedance of the maximum allowable turbidity limit.

(c) *What is the form and manner of the Tier 2 public notice?* Public water systems must provide the initial public notice and any repeat notices in a form and manner that is reasonably calculated to reach persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water system, but it must at a minimum meet the following requirements:

(i) Unless directed otherwise by the Department in writing, community water systems must provide notice by:

(A) Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the public water system; and

(B) Any other method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached by the notice required in paragraph (c)(1)(i) of this section. Such persons may include those who do not pay water bills or do not have service connection addresses (e.g., house renters, apartment dwellers, university students, nursing home patients, prison inmates, etc.). Other methods may include: Publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others (e.g., apartment building owners or large private employers); posting in public places served by the system or on the Internet; or delivery to community organizations.

(ii) Unless directed otherwise by the Department in writing, non-community water systems must provide notice by:

(A) Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system, or by mail or direct delivery to each customer and service connection (where known); and

(B) Any other method reasonably calculated to reach other persons served by the system if they would not normally be reached by the notice required in paragraph (c)(2)(i) of this section. Such persons may include those served who may not see a posted notice because the posted notice is not in a location they routinely pass by. Other methods may include: Publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or, delivery of multiple copies in central locations (e.g., community centers).

(4) Tier 3 Public Notice: Form, Manner, and Frequency of Notice.

(a) *Which violations or situations require a Tier 3 public notice?* Table 1 of this section lists the violation categories and other situations requiring a Tier 3 public notice. Appendix B to this regulation identifies the tier assignment for each specific violation or situation.

TABLE 1: VIOLATION CATEGORIES AND OTHER SITUATIONS REQUIRING A TIER 3 PUBLIC NOTICE

<p>(1) Monitoring violations under R.61-58.5, except where a Tier 1 notice is required under paragraph (2)(a) of this section or where the Department determines that a Tier 2 notice is required;</p> <p>(2) Failure to comply with a testing procedure established in R.61-58.5, except where a Tier 1 notice is required under paragraph (2)(a) of this section or where the Department determines that a Tier 2 notice is required;</p> <p>(3) Operation under a variance or an exemption granted under R.61-58.9;</p> <p>(4) Availability of unregulated contaminant monitoring results, as required under paragraph (7) of this section; and</p> <p>(5) Exceedance of the fluoride secondary maximum contaminant level (SMCL), as required under paragraph (8) of this section.</p>

(b) *When is the Tier 3 public notice to be provided?*

(i) Public water systems must provide the public notice not later than one (1) year after the public water system learns of the violation or situation or begins operating under a variance or exemption. Following the initial notice, the public water system must repeat the notice annually for as long as the violation, variance, exemption, or other situation persists. If the public notice is posted, the notice must remain in place for as long as the violation, variance, exemption, or other situation persists, but in no case less than seven (7) days (even if the violation or situation is resolved).

(ii) Instead of individual Tier 3 public notices, a public water system may use an annual report detailing all violations and situations that occurred during the previous twelve months, as long as the timing requirements of paragraph (b)(i) of this section are met.

(c) *What is the form and manner of the Tier 3 public notice?* Public water systems must provide the initial notice and any repeat notices in a form and manner that is reasonably calculated to reach persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water system, but it must at a minimum meet the following requirements:

(i) Unless directed otherwise by the Department in writing, community water systems must provide notice by:

(A) Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered by the public water system; and

(B) Any other method reasonably calculated to reach other persons regularly served by the system, if they would not normally be reached by the notice required in paragraph (c)(i)(A) of this section. Such persons may include those who do not pay water bills or do not have service connection addresses (e.g., house renters, apartment dwellers, university students, nursing home patients, prison inmates, etc.). Other methods may include: Publication in a local newspaper; delivery of multiple copies for distribution by customers that provide their drinking water to others (e.g., apartment building owners or large private employers); posting in public places or on the Internet; or delivery to community organizations.

(ii) Unless directed otherwise by the Department in writing, non-community water systems must provide notice by:

(A) Posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the system, or by mail or direct delivery to each customer and service connection (where known); and

(B) Any other method reasonably calculated to reach other persons served by the system, if they would not normally be reached by the notice required in paragraph (c)(ii)(A) of this section. Such persons may include those who may not see a posted notice because the notice is not in a location they routinely pass by. Other methods may include: Publication in a local newspaper or newsletter distributed to customers; use of E-mail to notify employees or students; or, delivery of multiple copies in central locations (e.g., community centers).

(d) *In what situations may the Consumer Confidence Report be used to meet the Tier 3 public notice requirements?* For community water systems, the Consumer Confidence Report (CCR) required under R.61-58.12 of this regulation may be used as a vehicle for the initial Tier 3 public notice and all required repeat notices, as long as:

(i) The CCR is provided to persons served no later than twelve (12) months after the system learns of the violation or situation as required under paragraph (4)(b) of this section;

(ii) The Tier 3 notice contained in the CCR follows the content requirements under paragraph (5) of this section; and

(iii) The CCR is distributed following the delivery requirements under paragraph (4)(c) of this section.

(5) Content of the Public Notice.

(a) *What elements must be included in the public notice for violations of State Primary Drinking Water Regulations (SPDWR) or other situations requiring a public notice?* When a public water system violates a SPDWR or has a situation requiring public notification, each public notice must include the following elements:

(i) A description of the violation or situation, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);

(ii) When the violation or situation occurred;

(iii) Any potential adverse health effects from the violation or situation, including the standard language under paragraphs (d)(i) or (d)(ii) of this section, whichever is applicable;

(iv) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water;

(v) Whether alternative water supplies should be used;

(vi) What actions consumers should take, including when they should seek medical help, if known;

(vii) What the system is doing to correct the violation or situation;

(viii) When the water system expects to return to compliance or resolve the situation;

(ix) The name, business address, and phone number of the water system owner, operator, or designee of the public water system as a source of additional information concerning the notice; and

(x) A statement to encourage the notice recipient to distribute the public notice to other persons served, using the standard language under paragraph (d)(iii) of this section, where applicable.

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(b) *What elements must be included in the public notice for public water systems operating under a variance or exemption?*

(i) If a public water system has been granted a variance or an exemption, the public notice must contain:

(A) An explanation of the reasons for the variance or exemption;

(B) The date on which the variance or exemption was issued;

(C) A brief status report on the steps the system is taking to install treatment, find alternative sources of water, or otherwise comply with the terms and schedules of the variance or exemption; and

(D) A notice of any opportunity for public input in the review of the variance or exemption.

(ii) If a public water system violates the conditions of a variance or exemption, the public notice must contain the ten elements listed in paragraph (a) of this section.

(c) *How is the public notice to be presented?*

(i) Each public notice required by this section:

(A) Must be displayed in a conspicuous way when printed or posted;

(B) Must not contain overly technical language or very small print;

(C) Must not be formatted in a way that defeats the purpose of the notice;

(D) Must not contain language which nullifies the purpose of the notice.

(ii) Each public notice required by this section must comply with multilingual requirements, as follows:

(A) For public water systems serving a large proportion of non-English speaking consumers, as determined by the Department, the public notice 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 notice or to request assistance in the appropriate language.

(B) In cases where the Department has not determined what constitutes a large proportion of non-English speaking consumers, the public water system must include in the public notice the same information as in paragraph (c)(ii)(A) of this section, where appropriate to reach a large proportion of non-English speaking persons served by the water system.

(d) *What standard language must public water systems include in their public notice?* Public water systems are required to include the following standard language in their public notice:

(i) Standard health effects language for MCL or MRDL violations, treatment technique violations, and violations of the condition of a variance or exemption. Public water systems must include in each public notice the health effects language specified in Appendix B to this regulation corresponding to each MCL, MRDL, and treatment technique violation listed in Appendix D to this regulation, and for each violation of a condition of a variance or exemption.

(ii) Standard language for monitoring and testing procedure violations. Public water systems must include the following language in their notice, including the language necessary to fill in the blanks, for all monitoring and testing procedure violations listed in Appendix D to this regulation:

"We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During [compliance period], we "did not monitor or test" or "did not complete all monitoring or testing" for [contaminant(s)], and therefore cannot be sure of the quality of your drinking water during that time."

(iii) Standard language to encourage the distribution of the public notice to all persons served. Public water systems must include in their notice the following language (where applicable): Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

(6) Notice to New Billing Units or New Customers.

(a) *What is the requirement for community water systems?* Community water systems must give a copy of the most recent public notice for any continuing violation, the existence of a variance or exemption, or other ongoing situations requiring a public notice to all new billing units or new customers prior to or at the time service begins.

(b) *What is the requirement for non-community water systems?* Non-community water systems must continuously post the public notice in conspicuous locations in order to inform new consumers of any continuing violation, variance or exemption, or other situation requiring a public notice for as long as the violation, variance, exemption, or other situation persists.

(7) Special Notice of the Availability of Unregulated Contaminant Monitoring Results.

(a) *When is the special notice to be given?* The owner or operator of a community water system or non-transient, non-community water system required to monitor under R.61-58.5.T must notify persons served by the system of the availability of the results of such sampling no later than 12 months after the monitoring results are known.

(b) *What is the form and manner of the special notice?* The form and manner of the public notice must follow the requirements for a Tier 3 public notice prescribed in paragraphs (4)(c), (d)(i), and (d)(iii) of this section. The notice must also identify a person and provide the telephone number to contact for information on the monitoring results.

(8) Special Notice for Exceedance of the SMCL for Fluoride.

(a) *When is the special notice to be given?* Community water systems that exceed the fluoride secondary maximum contaminant level (SMCL) of 2 mg/l as specified in R.61-58.5.R (determined by the last single sample taken in accordance with R.61-58.5.C, but do not exceed the maximum contaminant level (MCL) of 4 mg/l for fluoride (as specified in R.61-58.5.B), must provide the public notice in paragraph (c) of this section to persons served. Public notice must be provided as soon as practical but no later than twelve (12) months from the day the water system learns of the exceedance. A copy of the notice must also be sent to all new billing units and new customers at the time service begins and to the State public health officer. The public water system must repeat the notice at least annually for as long as the SMCL is exceeded. If the public notice is posted, the notice must remain in place for as long as the SMCL is exceeded, but in no case less than seven (7) days (even if the exceedance is eliminated). On a case-by-case basis, the Department may require an initial notice sooner than twelve (12) months and repeat notices more frequently than annually.

(b) *What is the form and manner of the special notice?* The form and manner of the public notice (including repeat notices) must follow the requirements for a Tier 3 public notice in paragraphs (4)(c) and (d)(i) and (d)(iii) of this section.

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(c) What mandatory language must be contained in the special notice? The notice must contain the following language, including the language necessary to fill in the blanks:

"This is an alert about your drinking water and a cosmetic dental problem that might affect children under nine years of age. At low levels, fluoride can help prevent cavities, but children drinking water containing more than 2 milligrams per liter (mg/l) of fluoride may develop cosmetic discoloration of their permanent teeth (dental fluorosis). The drinking water provided by your community water system [name] has a fluoride concentration of [insert value] mg/l.

Dental fluorosis, in its moderate or severe forms, may result in a brown staining and/or pitting of the permanent teeth. This problem occurs only in developing teeth, before they erupt from the gums. Children under nine should be provided with alternative sources of drinking water or water that has been treated to remove the fluoride to avoid the possibility of staining and pitting of their permanent teeth. You may also want to contact your dentist about proper use by young children of fluoride-containing products. Older children and adults may safely drink the water.

Drinking water containing more than 4 mg/L of fluoride (the U.S. Environmental Protection Agency's drinking water standard) can increase your risk of developing bone disease. Your drinking water does not contain more than 4 mg/l of fluoride, but we're required to notify you when we discover that the fluoride levels in your drinking water exceed 2 mg/l because of this cosmetic dental problem.

For more information, please call [name of water system contact] of [name of community water system] at [phone number]. Some home water treatment units are also available to remove fluoride from drinking water. To learn more about available home water treatment units, you may call NSF International at 1-877-8-NSF-HELP."

(9) Special notice for Nitrate Exceedances Above MCL by Non-Community Water Systems (NCWS), Where Granted Permission by the Department under R.61-58.5.B(3).

(a) *When is the special notice to be given?* The owner or operator of a non-community water system granted permission by the Department under R.61-58.5.B(3) to exceed the nitrate MCL must provide notice to persons served according to the requirements for a Tier 1 notice under paragraphs (2)(a) and (b) of this section.

(b) *What is the form and manner of the special notice?* Non-community water systems granted permission by the Department to exceed the nitrate MCL under R.61-58.5.B(3) must provide continuous posting of the fact that nitrate levels exceed 10 mg/l and the potential health effects of exposure, according to the requirements for Tier 1 notice delivery under paragraph (2)(c) of this section and the content requirements under paragraph (5) of this section.

(10) Notice by Department on Behalf of the Public Water System.

(a) *May the Department give the notice on behalf of the public water system?* The Department may give the notice required by this regulation on behalf of the owner and operator of the public water system if the Department complies with the requirements of this regulation.

(b) *What is the responsibility of the public water system when notice is given by the primacy agency?* The owner or operator of the public water system remains responsible for ensuring that the requirements of this regulation are met.

R.61-58.7 OPERATION AND MAINTENANCE

Replace 61-58.7.B(4) to read:

(4) The water from each treatment process shall be sampled and analyzed as often as necessary to ensure that the treatment process is functioning properly, but in no case less than once a day. The operator shall maintain a written record of all analyses conducted. These records shall be kept for a minimum of three (3) years. Except where otherwise noted, any analyses conducted for compliance with the monitoring requirements of R.61-58.5, R.61-58.10, R.61-58.11 and R.61-58.13, shall be performed by a laboratory certified by the Department and the records of these analyses kept on file in accordance with the retention schedules outlined in the regulations. All other monitoring conducted for the purpose of process control shall be performed using equipment and methodology acceptable to the Department.

R.61-58.9 VARIANCES AND EXEMPTIONS

Replace 61-58.9.C(8)(a), (b) and (c) to read:

(a) The Department may require a public water system to use bottled water, point-of-use, or point-of-entry devices as a condition for granting an exemption from the requirements of R.61-58.5.B(2), D(2)(b) and N.

(b) Public water systems that use bottled water as a condition of obtaining an exemption from the requirements of R.61-58.5.B(2), D(2)(b) and N must meet the requirements set out in R.61-58.9.F(7).

(c) Public water systems that use point-of-use or point-of-entry devices as a condition for receiving an exemption must meet the requirements of R.61-58.9.F(8).

Replace 61-58.9.F(1) introductory only; the table remains the same:

(1) The following are identified as the best technology, treatment techniques, or other means available for achieving compliance with the maximum contaminant levels for volatile organic chemicals as listed in R.61-58.5.N and the organic chemicals listed in R.61-58.5.D(2):

Replace 61-58.9.F(6) to read:

(6) The Department may require a public water system to use bottled water, point-of-use devices, point-of-entry devices or other means as a condition of granting a variance or an exemption from the requirements of R.61-58.5.B(2), D(2)(b) and N, to avoid an unreasonable risk to health. The Department may require a public water system to use bottled water and point-of-use devices or other means, but not point-of-entry devices, as a condition for granting an exemption from corrosion control treatment requirements for lead and copper in R.61-58.11.C and D to avoid an unreasonable risk to health. The Department may require a public water system to use point-of-entry devices as a condition for granting an exemption from the source water and lead service line replacement requirements for lead and copper under R.61-58.11.E or F to avoid an unreasonable risk to health.

Replace 61-58.9.F(7) and (7)(a) to read:

(7) Public water systems that use bottled water as a condition for receiving a variance or exemption from the requirements of R.61-58.5.B(2), D(2)(b) and N, or an exemption from the requirements of R.61-58.11.C through F, must meet the requirements in either paragraph (a) or (b) of this section in addition to the requirements in paragraph (c) of this section:

(a) The public water system must develop and put in place a monitoring program approved by the Department that provides reasonable assurances that the bottled water meets all maximum contaminant levels. The public water system must monitor a representative sample of the bottled water for all contaminants regulated under R.61-58.5.B(2), D(2)(b) and N the first quarter that it supplies the bottled water to the public, and annually thereafter. Results of the monitoring program shall be provided to the Department annually.

Replace 61-58.9.F(8) introductory only; subitems (8)(a) through (g) remain the same:

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(8) Public water systems that use point-of-use or point-of-entry devices as a condition for obtaining a variance or exemption from the maximum contaminant levels listed in R.61-58.5.B(2), D(2)(b) and N must meet the following requirements:

Replace 61-58.9.G(2) to read:

(2) No variances or exemptions from the maximum contaminant level in R.61-58.5.F are permitted.

Add 61-58.9.I to read:

I. Variances and Exemptions from the Maximum Contaminant Levels for Radionuclides.

(1) The following are identified as the best available technology, treatment techniques, or other means available for achieving compliance with the maximum contaminant levels for radionuclides listed in R.61-58.5.H(2), (3), (4), and (5), for the purposes of issuing variances and exemptions, as shown in Table A to this paragraph.

TABLE A: BAT FOR RADIONUCLIDES LISTED IN □R.61-58.5.H

Contaminant	BAT
Combined radium-226 and radium-228	Ion exchange, reverse osmosis, lime softening.
Uranium	Ion exchange, reverse osmosis, lime softening, coagulation/filtration.
Gross alpha particle activity (excluding radon and uranium)	Reverse osmosis.
Beta particle and photon radioactivity	Ion exchange, reverse osmosis.

(2) In addition, the following are identified as the best available technology, treatment techniques, or other means available for achieving compliance with the maximum contaminant levels for the radionuclides listed in R.61-58.5.H(2), (3), (4), and (5), for the purposes of issuing variances and exemptions to small drinking water systems, defined here as those serving 10,000 persons or fewer, as shown in Table C to this paragraph.

TABLE B: LIST OF SMALL SYSTEMS COMPLIANCE TECHNOLOGIES FOR RADIONUCLIDES AND LIMITATIONS TO USE

Unit technologies	Limitations (see foot-notes)	Operator skill level required ¹	Raw water quality range & considerations ¹
1. Ion exchange (IE)	(a)	Intermediate	All ground waters.
2. Point of use (POU 2) IE	(b)	Basic	All ground waters.
3. Reverse osmosis (RO)	(c)	Advanced	Surface waters usually require pre-filtration.
4. POU 2 RO..	(b)	Basic	Surface waters usually require pre-filtration.
5. Lime softening	(d)	Advanced	All waters.

6. Green sand filtration	(e)	Basic	
7. Co-precipitation with barium sulfate	(f)	Intermediate to Advanced	Ground waters with suitable water quality.
8. Electrodialysis/ electrodialysis reversal		Basic to Intermediate	All ground waters.
9. Pre-formed hydrous manganese oxide filtration	(g)	Intermediate	All ground waters.
10. Activated alumina	(a), (h)	Advanced	All ground waters; competing anion concentrations may affect regeneration frequency
11. Enhanced coagulation/ filtration	(i)	Advanced.	Can treat a wide range of water qualities.

¹ National Research Council (NRC). Safe Water from Every Tap: Improving Water Service to Small Communities. National Academy Press. Washington, D.C. 1997.

² A POU, or "point-of-use" technology is a treatment device installed at a single tap used for the purpose of reducing contaminants in drinking water at that one tap. POU devices are typically installed at the kitchen tap. See the April 21, 2000 NODA for more details.

Limitations Footnotes: Technologies for Radionuclides:

^a The regeneration solution contains high concentrations of the contaminant ions. Disposal options should be carefully considered before choosing this technology.

^b When POU devices are used for compliance, programs for long-term operation, maintenance, and monitoring must be provided by water utility to ensure proper performance.

^c Reject water disposal options should be carefully considered before choosing this technology. See other RO limitations described in the SWTR compliance technologies table.

^d The combination of variable source water quality and the complexity of the water chemistry involved may make this technology too complex for small surface water systems.

^e Removal efficiencies can vary depending on water quality.

^f This technology may be very limited in application to small systems. Since the process requires static mixing, detention basins, and filtration, it is most applicable to systems with sufficiently high sulfate levels that already have a suitable filtration treatment train in place.

^g This technology is most applicable to small systems that already have filtration in place.

^h Handling of chemicals required during regeneration and pH adjustment may be too difficult for small systems without an adequately trained operator.

ⁱ Assumes modification to a coagulation/filtration process already in place.

TABLE C: BAT FOR SMALL COMMUNITY WATER SYSTEMS FOR THE RADIONUCLIDES LISTED IN R.61-58.5.H

Contaminant	Compliance technologies ¹ for system size categories (population served)		
	25-500	501-3,300	3,300-10,000
Combined radium-226 and radium-228	1, 2, 3, 4, 5, 6, 7, 8, 9	1, 2, 3, 4, 5, 6, 7, 8, 9	1, 2, 3, 4, 5, 6, 7, 8, 9
Gross alpha particle activity	3, 4	3, 4	3, 4
Beta particle activity and photon activity	1, 2, 3, 4	1, 2, 3, 4	1, 2, 3, 4
Uranium	1, 2, 4, 10, 11	1, 2, 3, 4, 5, 10, 11	1, 2, 3, 4, 5, 10, 11

¹ Note: Numbers correspond to those technologies found listed in the Table B to this paragraph.

(3) The Department shall require community water systems to install and/or use any treatment technology identified in Table A to this section, or in the case of small water systems (those serving 10,000 persons or fewer), Table B and Table C of this section, as a condition for granting a variance except as provided in paragraph (4) of this section. If, after the system's installation of the treatment technology, the system cannot meet the MCL, that system shall be eligible for a variance under the provisions of this section.

(4) If a community water system can demonstrate through comprehensive engineering assessments, which may include pilot plant studies, that the treatment technologies identified in this section would only achieve a de minimus reduction in the contaminant level, the Department may issue a schedule of compliance that requires the system being granted the variance to examine other treatment technologies as a condition of obtaining the variance.

(5) If the Department determines that a treatment technology identified under paragraph (4) of this section is technically feasible, the Administrator or the Department may require the system to install and/or use that treatment technology in connection with a compliance schedule issued under the provisions of this section. The Department's determination shall be based upon studies by the system and other relevant information.

(6) The Department may require a community water system to use bottled water, point-of-use devices, point-of-entry devices or other means as a condition of granting a variance or an exemption from the requirements of R.61-58.5.H of this regulation, to avoid an unreasonable risk to health.

(7) Community water systems that use bottled water as a condition for receiving a variance or an exemption from the requirements of R.61-58.5.H of this regulation must meet the requirements specified in Section F(7)(a) through (c) above.

(8) Community water systems that use point-of-use or point-of-entry devices as a condition for obtaining a variance or an exemption from the radionuclides SPDWRs must meet the conditions in Section F(8) above.

R.61-58.10 FILTRATION AND DISINFECTION

Replace 61-58.10.C(2)(f) to read:

(f) The public water system must comply with the requirements for trihalomethanes in R.61-58.5.L and M until December 31, 2001. After December 31, 2001, the system must comply with the requirements of R.61-58.13.

Replace 61-58.10.E(1)(c) to read:

(c) Beginning January 1, 2002, systems serving at least 10,000 people must meet the requirements of Section H(4)(a) below.

Replace 61-58.10.E(4) to read:

(4) Other filtration technologies.

A public water system may use a filtration technology not listed in paragraphs (1) through (3) of this section if it demonstrates to the Department, using pilot plant studies or other means, that the alternative filtration technology, in combination with disinfection treatment that meets the requirements of Section D(2) above, consistently achieves 99.9 percent removal and/or inactivation of *Giardia lamblia* cysts and 99.99 percent removal and/or inactivation of viruses. For a system that makes this demonstration, the requirements of paragraph (2) of this section apply. Beginning January 1, 2002, systems serving at least 10,000 people must meet the requirements for other filtration technologies in Section H(4)(b) below.

Add 61-58.10.G(1)(e)(iv) to read:

(iv) If at any time the turbidity exceeds 5 NTU, the system must consult with the primacy agency as soon as practical, but no later than 24 hours after the exceedance is known, in accordance with the public notification requirements under R.61-58.6.E(3)(b)(iii).

Add 61-58.10.G(2)(c) (iv) to read:

(iv) If at any time the turbidity exceeds 5 NTU, the system must consult with the primacy agency as soon as practical, but no later than 24 hours after the exceedance is known, in accordance with the public notification requirements under R.61-58.6.E(3)(b)(iii).

Replace 61-58.10.H(1)(a) to read:

(a) The requirements of these regulations constitute national primary drinking water regulations. These regulations establish requirements for filtration and disinfection that are in addition to criteria under which filtration and disinfection are required under Sections B through G above. The requirements of this section are applicable to public water systems supplied by a surface water source and public water systems supplied by a ground water source under the direct influence of surface water serving at least 10,000 people, beginning January 1, 2002 unless otherwise specified. These regulations establish or extend treatment technique requirements in lieu of maximum contaminant levels for the following contaminants: *Giardia lamblia*, viruses, heterotrophic plate count bacteria, *Legionella*, *Cryptosporidium*, and turbidity. Each public water system supplied by a surface water source or a ground water source under the direct influence of surface water system serving at least 10,000 people must provide treatment of its source water that complies with these treatment technique requirements and are in addition to those identified in Sections B through G above. The treatment technique requirements consist of installing and properly operating water treatment processes which reliably achieve:

Replace 61-58.10.H(3)(b)(ii) to read:

(ii) The system must monitor daily for a period of 12 consecutive calendar months to determine the total logs of inactivation for each day of operation, based on the CT_{99.9} values in Tables 1.1 through 1.6, 2.1, and 3.1 of R.61-58.10.(F(2)), as appropriate, through the entire treatment plant. This system must begin this monitoring not later than March 16, 2000. As a minimum, the system with a single point of disinfectant application prior to entrance to the distribution system must conduct the monitoring in paragraphs (3)(b)(ii)(A) through (D) of this section. A system with more than one point of disinfectant application must conduct the monitoring in paragraphs (3)(b)(i) through (iv) of this section for each disinfection segment. The system must monitor the parameters necessary to determine the total inactivation ratio, using EPA approved analytical methods specified in 40 CFR 141, as follows:

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Replace 61-58.10.H(4) to read:

(4) A public water system subject to the requirements of this section that does not meet all of the criteria in Section C above, and paragraph (2) of this section for avoiding filtration must provide treatment consisting of both disinfection, as specified in Section D above, and filtration treatment which complies with the requirements of paragraph 4(a) or 4(b) of this section or Section E (2) or (3) above, by December 31, 2001.

Replace 61-58.10.H(4)(a)(i) and (ii) to read:

(i) For systems using conventional filtration or direct filtration, the turbidity level of representative samples of a system's filtered water must be less than or equal to 0.3 NTU in at least ninety-five (95) percent of the measurements taken each month, measured as specified in Section F(1)(d) and (3)(a) above.

(ii) The turbidity level of representative samples of a system's filtered water must at no time exceed one (1) NTU, measured as specified in Section F(1)(d) and (3)(a) above.

Replace 61-58.10.H(5)(a) to read:

(a) Monitoring requirements for systems using filtration treatment. In addition to monitoring required by Section F above, a public water system subject to the requirements of this section that provides conventional filtration treatment or direct filtration must conduct continuous monitoring of turbidity for each individual filter using an approved method in Section F above, and must calibrate turbidimeters using the procedure specified by the manufacturer. Systems must record the results of individual filter monitoring every fifteen (15) minutes.

Replace 61-58.10.H(6) introductory only, subitems 6(a) and (b) remain the same:

(6) In addition to the reporting and recordkeeping requirements in Section G above, a public water system subject to the requirements of this section that provides conventional filtration treatment or direct filtration must report monthly to the Department the information specified in paragraphs (6)(a) and (6)(b) of this section beginning December 31, 2001. In addition to the reporting and recordkeeping requirements in Section G above, a public water system subject to the requirements of this section that provides filtration approved under paragraph (4)(b) of this section must report monthly to the Department the information specified in paragraph (a) of this section beginning December 31, 2001. The reporting in paragraph (6)(a) of this section is in lieu of the reporting specified in Section G above.

Add 61-58.10.H(6)(c), (c)(i), and (c)(ii) to read:

(c) Additional reporting requirements.

(i) If at any time the turbidity exceeds one (1) NTU in representative samples of filtered water in a system using conventional filtration treatment or direct filtration, the system must inform the Department as soon as possible, but no later than the end of the next business day.

(ii) If at any time the turbidity in representative samples of filtered water exceeds the maximum level set by the Department under paragraph 4(b) of this section for filtration technologies other than conventional filtration treatment, direct filtration, slow sand filtration, or diatomaceous earth filtration, the system must inform the Department as soon as possible, but no later than the end of the next business day.

Add 61-58.10.I to read:

I. Recycle Provisions.

(1) Applicability. All community water systems (CWSs) and non-transient, non-community waters systems (NTNCWSs) that employ conventional filtration or direct filtration treatment and that recycle spent filter backwash

water, thickener supernatant, or liquids from dewatering processes must meet the requirements in paragraphs (2) through (4) of this section.

(2) Reporting. A system must notify the Department in writing by Decemeber 8, 2003, if the system recycles spent filter backwash water, thickener supernatant, or liquids from dewatering processes. This notification must include, at a minimum, the information specified in paragraphs (2)(a) and (b) of this section.

(a) A plant schematic showing the origin of all flows which are recycled (including, but not limited to, spent filter backwash water, thickener supernatant, and liquids from dewatering processes), the hydraulic conveyance used to transport them, and the location where they are re-introduced back into the treatment plant.

(b) Typical recycle flow in gallons per minute (gpm), the highest observed plant flow experienced in the previous year (gpm), design flow for the treatment plant (gpm), and Department-approved operating capacity for the plant where the Department has made such determinations.

(3) Treatment technique requirement. Any system that recycles spent filter backwash water, thickener supernatant, or liquids from dewatering processes must return these flows through the processes of a system's existing conventional or direct filtration system as defined in R.61-58.B or at an alternate location approved by the Department by June 8, 2004. If capital improvements are required to modify the recycle location to meet this requirement, all capital improvements must be completed no later than June 8, 2006.

(4) Recordkeeping. The system must collect and retain on file recycle flow information specified in paragraphs (4)(a) through (f) of this section for review and evaluation by the Department beginning June 8, 2004.

(a) Copy of the recycle notification and information submitted to the Department under paragraph (b) of this section.

(b) List of all recycle flows and the frequency with which they are returned.

(c) Average and maximum backwash flow rate through the filters and the average and maximum duration of the filter backwash process in minutes.

(d) Typical filter run length and a written summary of how filter run length is determined.

(e) The type of treatment provided for the recycle flow.

(f) Data on the physical dimensions of the equalization and/or treatment units, typical and maximum hydraulic loading rates, type of treatment chemicals used and average dose and frequency of use, and frequency at which solids are removed, if applicable.

61-58.11 CONTROL OF LEAD AND COPPER

Replace 61-58.11 in its entirety, to read:

A. Applicability.

This regulation establishes a treatment technique that includes requirements for corrosion control treatment, source water treatment, lead service line replacement, and public education. These requirements are triggered, in some cases, by lead and copper action levels measured in samples collected at consumers' taps. This regulation shall apply to each community and non-community water system, unless the water system meets all of the following conditions:

(1) Consists only of distribution and storage facilities (and does not have any collection and treatment facilities);

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(2) Obtains all of its water from, but is not owned or operated by, a public water system to which such regulations apply;

(3) Does not sell water to any person; and

(4) Is not a carrier which conveys passengers in interstate commerce.

B. General Requirements.

The requirements of this regulation constitute as the drinking water regulation for lead and copper. Unless otherwise indicated, each of the provisions of this regulation applies to community water systems and non-transient, non-community water systems (hereinafter referred to as "water systems" or "systems").

(1) Lead and Copper Action Levels

(a) The lead action level is exceeded if the concentration of lead in more than ten (10) percent of tap water samples collected during any monitoring period conducted in accordance with Section H below is greater than 0.015 mg/l (i.e., if the "90th percentile" lead level is greater than 0.015 mg/l).

(b) The copper action level is exceeded if the concentration of copper in more than ten (10) percent of tap water samples collected during any monitoring period conducted in accordance with Section H below is greater than 1.3 mg/l (i.e., if the "90th percentile" copper level is greater than 1.3 mg/l).

(c) The 90th percentile lead and copper levels shall be computed as follows:

(i) The results of all lead or copper samples taken during a monitoring period shall be placed in ascending order from the sample with the lowest concentration to the sample with the highest concentration. Each sampling result shall be assigned a number, ascending by single integers beginning with the number 1 for the sample with the lowest contaminant level. The number assigned to the sample with the highest contaminant level shall be equal to the total number of samples taken;

(ii) The number of samples taken during the monitoring period shall be multiplied by 0.9;

(iii) The contaminant concentration in the numbered sample yielded by the calculation in paragraph (1)(c)(ii) is the 90th percentile contaminant level; and,

(iv) For water systems serving fewer than 100 people that collect five (5) samples per monitoring period, the 90th percentile is computed by taking the average of the highest and second highest concentrations.

(2) Corrosion Control Treatment Requirements

(a) All water systems shall install and operate optimal corrosion control treatment as defined in R.61-58.B, Definitions.

(b) Any water system that complies with the applicable corrosion control treatment requirements specified by the Department under Sections C and D below, shall be deemed in compliance with the treatment requirement contained in paragraph (2)(a) of this section.

(3) Source Water Treatment Requirements - Any system exceeding the lead or copper action level shall implement all applicable source water treatment requirements specified by the Department under Section E below.

(4) Lead Service Line Replacement Requirements - Any system exceeding the lead action level after implementation of applicable corrosion control and source water treatment requirements shall complete the lead service line replacement requirements contained in Section F below.

(5) Public Education Requirements - Any system exceeding the lead action level shall implement the public education requirements contained in Section G below.

(6) Monitoring and Analytical Requirements - Tap water monitoring for lead and copper, monitoring for water quality parameters, source water monitoring for lead and copper, and analyses of the monitoring results shall be completed in compliance with Sections H, I, J, and K below.

(7) Reporting Requirements - Systems shall report to the Department any information required by the treatment provisions of this subpart.

(8) Recordkeeping Requirements - Systems shall maintain records in accordance with Section L below.

(9) Violation of the State Primary Drinking Water Regulations - Failure to comply with the applicable requirements of this regulation shall constitute a violation of the State Primary Drinking Water Regulations.

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

(1) Systems shall complete the applicable corrosion control treatment requirements described in Section D by the deadlines established in this section.

(a) A large system (serving greater than 50,000 persons) shall complete the corrosion control treatment steps specified in paragraph (4) of this section, unless it is deemed to have optimized corrosion control under paragraph (2)(b) or (2)(c) of this section.

(b) A small system (serving 3300 persons or less) and a medium-size system (serving greater than 3,300 persons and 50,000 persons or less) shall complete the corrosion control treatment steps specified in paragraph (5) of this section, unless it is deemed to have optimized corrosion control under paragraphs (2)(a), (2)(b), or (2)(c) of this section.

(2) A system is deemed to have optimized corrosion control and is not required to complete the applicable corrosion control treatment steps identified in this section if the system satisfies one of the criteria: specified in paragraphs (2)(a) through (2)(c) of this section. Any such system deemed to have optimized corrosion control under this paragraph, and which has treatment in place, shall continue to operate and maintain optimal corrosion control treatment and meet any requirements that the Department determines appropriate to ensure optimal corrosion control treatment is maintained.

(a) A small or medium-size water system is deemed to have optimized corrosion control if the system meets the lead and copper action levels during each of two (2) consecutive six (6) month monitoring periods conducted in accordance with Section H below.

(b) Any water system may be deemed by the Department to have optimized corrosion control treatment if the system demonstrates to the satisfaction of the Department that it has conducted activities equivalent to the corrosion control steps applicable to such system under this section. If the Department makes this determination, it shall provide the system with written notice explaining the basis for its decision and shall specify the water quality control parameters representing optimal corrosion control in accordance with Section D(6) below. Water systems deemed to have optimized corrosion control under this paragraph shall operate in compliance with the Department-designated optimal water quality control parameters in accordance with Section D(7) below and continue to conduct lead and copper tap and water quality parameter sampling in accordance with Sections H(4)(c) and I(4) below, respectively. A system shall provide the Department with the following information in order to support a determination under this paragraph:

(i) The results of all test samples collected for each of the water quality parameters in Section D(3)(c) below;

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(ii) A report explaining the test methods used by the water system to evaluate the corrosion control treatments listed in Section D(3)(a) below, the results of all tests conducted, and the basis for the system's selection of optimal corrosion control treatment;

(iii) A report explaining how corrosion control has been installed and how it is being maintained to insure minimal lead and copper concentrations at consumers' taps; and,

(iv) The results of tap water samples collected in accordance with Section H below, at least once every six (6) months for one (1) year after corrosion control has been installed.

(c) Any water system is deemed to have optimized corrosion control if it submits results of tap water monitoring conducted in accordance with Section H below, and source water monitoring conducted in accordance with Section J below, that demonstrates for two (2) consecutive six (6) month monitoring periods that the difference between the 90th percentile tap water lead level computed under Section B(1)(c) above and the highest source water lead concentration, is less than the Practical Quantitation Level for lead specified in Section K(1)(a) below.

(i) Those systems whose highest source water lead level is below the Method Detection Limit may also be deemed to have optimized corrosion control under this paragraph if the 90th percentile tap water lead level is less than or equal to the Practical Quantitation Level for lead for two (2) consecutive six (6) month monitoring periods.

(ii) Any water system deemed to have optimized corrosion control in accordance with this paragraph shall continue monitoring for lead and copper at the tap no less frequently than once every three (3) calendar years using the reduced number of sites specified in Section H(3) below and collecting the samples at times and locations specified in Section H(4)(d)(iv) below. Any such system that has not conducted a round of monitoring pursuant to Section H(4) below, since September 30, 1997, shall complete a round of monitoring pursuant to this paragraph no later than September 30, 2000.

(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 change in treatment or the addition of a new source. 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.

(iv) As of July 12, 2001, a system is not deemed to have optimized corrosion control under this paragraph, and shall implement corrosion control treatment pursuant to paragraph (2)(c)(v) of this section unless it meets the copper action level.

(v) Any system triggered into corrosion control because it is no longer deemed to have optimized corrosion control under this paragraph shall implement corrosion control treatment in accordance with the deadlines in paragraph (5) of this section. Any such large system shall adhere to the schedule specified in that paragraph for medium-size systems, with the time periods for completing each step being triggered by the date the system is no longer deemed to have optimized corrosion control under this paragraph.

(3) Any small or medium-size water system that is required to complete the corrosion control steps due to its exceedance of the lead or copper action level may cease completing the treatment steps whenever the system meets both action levels during each of two consecutive monitoring periods conducted pursuant to Section H below, and submits the results to the Department. If any such water system thereafter exceeds the lead or copper action level during any monitoring period, the system (or the Department, as the case may be) shall recommence completion of the applicable treatment steps, beginning with the first treatment step which was not previously completed in its entirety. The Department may require a system to repeat treatment steps previously completed by the system where the Department determines that this is necessary to implement properly the treatment requirements of this section. The Department shall notify the system in writing of such a determination and explain the basis for its decision. The requirement for any small or medium-size system to implement corrosion control treatment steps in accordance

with paragraph (5) of this section (including systems deemed to have optimized corrosion control under paragraph (2)(a) of this section) is triggered whenever any small or medium-size system exceeds the lead or copper action level.

(4) Treatment Steps and Deadlines for Large Systems - Except as provided in paragraph (2)(b) and (c) of this section, large systems shall complete the following corrosion control treatment steps (described in the referenced portions of Sections D, H, and I below) by the indicated dates:

(a) Step 1: The system shall conduct initial monitoring (Section H(4)(a) and Section I(2) below) during two (2) consecutive six (6) month monitoring periods by January 1, 1993.

(b) Step 2: The system shall complete corrosion control studies (Section D(3) below) by July 1, 1994.

(c) Step 3: The Department shall designate optimal corrosion control treatment (Section D(4) below) by January 1, 1995.

(d) Step 4: The system shall install optimal corrosion control treatment (Section D(5) below) by January 1, 1997.

(e) Step 5: The system shall complete follow-up sampling (Section H(4)(b) and Section I(3) below) by January 1, 1998.

(f) Step 6: The Department shall review installation of treatment and designate optimal water quality control parameters (Section D(6) below) by July 1, 1998.

(g) Step 7: The system shall operate in compliance with the Department-specified optimal water quality control parameters (Section D(7) below) and continue to conduct tap sampling (Section H(4)(c) and Section (I)(4) below).

(5) Treatment Steps and Deadlines for Small and Medium-Size Systems - Except as provided in paragraph (2) of this section, small and medium-size systems shall complete the following corrosion control treatment steps (described in the referenced portions of Sections D, H and I below) by the indicated time periods:

(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 it exceeds one of the action levels.

(b) Step 2: Within twelve (12) months after 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) below) within the following time frames:

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

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

(c) Step 3: If the Department requires a system to perform corrosion control studies under Step 2, the system shall complete the studies (Section D(3) below) within eighteen (18) months after the Department requires that such studies be conducted.

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(d) Step 4: If the system has performed corrosion control studies under Step 2, the Department shall designate optimal corrosion control treatment (Section D(4) below) within six (6) months after completion of Step 3.

(e) Step 5: The system shall install optimal corrosion control treatment (Section D(5) below) within twenty-four (24) months after the Department designates such treatment.

(f) Step 6: The system shall complete follow-up sampling (Section H(4)(b) and Section I(3) below) within 36 months after the Department designates optimal corrosion control treatment.

(g) Step 7: The Department shall review the system's installation of treatment and designate optimal water quality control parameters (Section D(6) below) within six (6) months after completion of Step 6.

(h) Step 8: The system shall operate in compliance with the Department-designated optimal water quality control parameters (Section D(7) below) and continue to conduct tap sampling (Section H(4)(c) and Section I(4) below).

D. Description of Corrosion Control Treatment Requirements.

Each system shall complete the corrosion control treatment requirements described below which are applicable to such system under Section C above.

(1) System Recommendation Regarding Corrosion Control treatment - Based upon the results of lead and copper tap monitoring and water quality parameter monitoring, small and medium-size water systems exceeding the lead or copper action level shall recommend installation of one or more of the corrosion control treatments listed in paragraph (3)(a) of this section which the system believes constitutes optimal corrosion control for that system. The Department may require the system to conduct additional water quality parameter monitoring in accordance with Section I(2) below to assist the Department in reviewing the system's recommendation.

(2) Department Decision to Require Studies of Corrosion Control Treatment (applicable to small and medium-size systems) - The Department may require any small or medium-size system that exceeds the lead or copper action level to perform corrosion control studies under paragraph (3) of this section to identify optimal corrosion control treatment for the system.

(3) Performance of Corrosion Control Studies

(a) Any public water system performing corrosion control studies shall evaluate the effectiveness of each of the following treatments, and, if appropriate, combinations of the following treatments to identify the optimal corrosion control treatment for that system:

(i) Alkalinity and pH adjustment;

(ii) Calcium hardness adjustment; and,

(iii) The addition of a phosphate or silicate based corrosion inhibitor at a concentration sufficient to maintain an effective residual concentration in all test tap samples.

(b) The water system shall evaluate each of the corrosion control treatments using either pipe rig/loop tests, metal coupon tests, partial-system tests, or analyses based on documented analogous treatments with other systems of similar size, water chemistry and distribution system configuration.

(c) The water system shall measure the following water quality parameters in any tests conducted under this paragraph before and after evaluating the corrosion control treatments listed above:

(i) Lead;

- (ii) Copper;
- (iii) pH;
- (iv) Alkalinity;
- (v) Calcium;
- (vi) Conductivity;
- (vii) Orthophosphate (when an inhibitor containing a phosphate compound is used);
- (viii) Silicate (when an inhibitor containing a silicate compound is used); and,
- (ix) Water temperature.

(d) The water system shall identify all chemical or physical constraints that limit or prohibit the use of a particular corrosion control treatment and document such constraints with at least one of the following:

(i) Data and documentation showing that a particular corrosion control treatment has adversely affected other water treatment processes when used by another water system with comparable water quality characteristics; and/or,

(ii) Data and documentation demonstrating that the water system has previously attempted to evaluate a particular corrosion control treatment and has found that the treatment is ineffective or adversely affects other water quality treatment processes.

(e) The water system shall evaluate the effect of the chemicals used for corrosion control treatment on other water quality treatment processes.

(f) On the basis of an analysis of the data generated during each evaluation, the water system shall recommend to the Department in writing the treatment option that the corrosion control studies indicate constitutes optimal corrosion control treatment for that system. The water system shall provide a rationale for its recommendation along with all supporting documentation specified in paragraphs (3)(a) through (e) of this section.

(4) Department Designation of Optimal Corrosion Control Treatment

(a) Based upon consideration of available information including, where applicable, studies performed under paragraph (3) of this section and a system's recommended treatment alternative, the Department shall either approve the corrosion control treatment option recommended by the system, or designate alternative corrosion control treatment(s) from among those listed in paragraph (3)(a) of this section. When designating optimal treatment the Department shall consider the effects that additional corrosion control treatment will have on water quality parameters and on other water quality treatment processes.

(b) The Department shall notify the system of its decision on optimal corrosion control treatment in writing and explain the basis for this determination. If the Department requests additional information to aid its review, the water system shall provide the information.

(5) Installation of Optimal Corrosion Control - Each system shall properly install and operate throughout its distribution system the optimal corrosion control treatment designated by the Department under paragraph (4) of this section.

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(6) Department Review of Treatment and Specification of Optimal Water Quality Control Parameters - The Department shall evaluate the results of all lead and copper tap samples and water quality parameter samples submitted by the water system and determine whether the system has properly installed and operated the optimal corrosion control treatment designated by the Department in paragraph (4) of this section. Upon reviewing the results of tap water and water quality parameter monitoring by the system, both before and after the system installs optimal corrosion control treatment, the Department shall designate:

- (a) A minimum value or a range of values for pH measured at each entry point to the distribution system;
- (b) A minimum pH value, measured in all tap samples. Such value shall be equal to or greater than 7.0, unless the Department determines that meeting a pH level of 7.0 is not technologically feasible or is not necessary for the system to optimize corrosion control;
- (c) If a corrosion inhibitor is used, a minimum concentration or a range of concentrations for the inhibitor, measured at each entry point to the distribution system and in all tap samples, that the Department determines is necessary to form a passivating film on the interior walls of the pipes of the distribution system;
- (d) If alkalinity is adjusted as part of optimal corrosion control treatment, a minimum concentration or a range of concentrations for alkalinity, measured at each entry point to the distribution system and in all tap samples; and,
- (e) If calcium carbonate stabilization is used as part of corrosion control, a minimum concentration or a range of concentrations for calcium, measured in all tap samples.

The values for the applicable water quality control parameters listed above shall be those that the Department determines to reflect optimal corrosion control treatment for the system. The Department may designate values for additional water quality control parameters determined by the Department to reflect optimal corrosion control for the system. The Department shall notify the system in writing of these determinations and explain the basis for its decisions.

(7) Continued Operation and Monitoring - All systems shall maintain water quality parameter values at or above minimum values or within ranges designated by the Department under paragraph (6) of this section in each sample collected under Section I(4) below. If the water quality parameter value of any sample is below the minimum value or outside the range designated by the Department, then the system is out of compliance with this paragraph. As specified in Section I(4) below, the system may take a confirmation sample for any water quality parameter value no later than 3 days after the first sample. If a confirmation sample is taken, the result must be averaged with the first sampling result and the average must be used for any compliance determinations under this paragraph. The Department has discretion to delete results of obvious sampling errors from this calculation. All systems optimizing corrosion control shall continue to operate and maintain optimal corrosion control treatment, including maintaining water quality parameters at or above minimum values or within ranges designated by the Department under paragraph (6) of this section, in accordance with this paragraph for all samples collected under Section I(4) through (6) below. Compliance with the requirements of this paragraph shall be determined every six months, as specified under Section I(4) below. A water system is out of compliance with the requirements of this paragraph for a six (6) month period if it has excursions for any Department-specified parameter on more than nine days during the period. An excursion occurs whenever the daily value for one or more of the water quality parameters measured at a sampling location is below the minimum value or outside the range designated by the Department. Daily values are calculated as follows. The Department has the discretion to delete results of obvious sampling errors from this calculation.

- (a) On days when more than one measurement for the water quality parameter is collected at the sampling location, the daily value shall be the average of all results collected during the day regardless of whether they are collected through continuous monitoring, grab sampling, or a combination of both.
- (b) On days when only one measurement for the water quality parameter is collected at the sampling location, the daily value shall be the result of that measurement.

(c) On days when no measurement is collected for the water quality parameter at the sampling location, the daily value shall be the daily value calculated on the most recent day on which the water quality parameter was measured at the sample site.

(8) Modification of Department Treatment Decisions - Upon its own initiative or in response to a request by a water system or other interested party, a Department may modify its determination of the optimal corrosion control treatment under paragraph (4) of this section or optimal water quality control parameters under paragraph (6) of this section. A request for modification by a system or other interested party shall be in writing, explain why the modification is appropriate, and provide supporting documentation. The Department may modify its determination where it concludes that such change is necessary to ensure that the system continues to optimize corrosion control treatment. A revised determination shall be made in writing, set forth the new treatment requirements, explain the basis for the Department's decision, and provide an implementation schedule for completing the treatment modifications.

E. Source Water Treatment Requirements.

Systems shall complete the applicable source water monitoring and treatment requirements (described in the referenced portions of paragraph (2) of this section, and in Sections H and J by the following deadlines.

(1) Deadlines for Completing Source Water Treatment Steps

(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) within 6 months after exceeding the lead or copper action level.

(b) Step 2: The Department shall make a determination regarding source water treatment (paragraph (2)(b) of this section) within six (6) months after submission of monitoring results under Step 1.

(c) Step 3: If the Department requires installation of source water treatment, the system shall install the treatment (paragraph (2)(c) of this section) within twenty-four (24) months after completion of Step 2.

(d) Step 4: The system shall complete follow-up tap water monitoring (Section H(4)(b) below) and source water monitoring (Section J(3) below) within thirty-six (36) months after completion of Step 2.

(e) Step 5: The Department shall review the system's installation and operation of source water treatment and specify maximum permissible source water levels (paragraph (2)(d) of this section) within six (6) months after completion of Step 4.

(f) Step 6: The system shall operate in compliance with the Department-specified maximum permissible lead and copper source water levels (paragraph (2)(d) of this section) and continue source water monitoring (Section J(4) below) .

(2) Description of Source Water Treatment Requirements

(a) System Treatment Recommendation - Any system which exceeds the lead or copper action level shall recommend in writing to the Department the installation and operation of one of the source water treatments listed in paragraph (2)(b) of this section. A system may recommend that no treatment be installed based upon a demonstration that source water treatment is not necessary to minimize lead and copper levels at users' taps.

(b) Department Determination Regarding Source Water Treatment - The Department shall complete an evaluation of the results of all source water samples submitted by the water system to determine whether source water treatment is necessary to minimize lead or copper levels in water delivered to users' taps. If the Department determines that treatment is needed, the Department shall either require installation and operation of the source

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water treatment recommended by the system (if any) or require the installation and operation of another source water treatment from among the following: ion exchange, reverse osmosis, lime softening or coagulation/filtration. If the Department requests additional information to aid in its review, the water system shall provide the information by the date specified by the Department in its request. The Department shall notify the system in writing of its determination and set forth the basis for its decision.

(c) Installation of Source Water Treatment - Each system shall properly install and operate the source water treatment designated by the Department under paragraph (2)(b) of this section.

(d) Department Review of Source Water Treatment and Specification of Maximum Permissible Source Water Levels - The Department shall review the source water samples taken by the water system both before and after the system installs source water treatment, and determine whether the system has properly installed and operated the source water treatment designated by the Department. Based upon its review, the Department shall designate the maximum permissible lead and copper concentrations for finished water entering the distribution system. Such levels shall reflect the contaminant removal capability of the treatment properly operated and maintained. The Department shall notify the system in writing and explain the basis for its decision.

(e) Continued Operation and Maintenance - Each water system shall maintain lead and copper levels below the maximum permissible concentrations designated by the Department at each sampling point monitored in accordance with Section J. The system is out of compliance with this paragraph if the level of lead or copper at any sampling point is greater than the maximum permissible concentration designated by the Department.

(f) Modification of Department Treatment Decisions - Upon its own initiative or in response to a request by a water system or other interested party, the Department may modify its determination of the source water treatment under paragraph (b) of this section, or maximum permissible lead and copper concentrations for finished water entering the distribution system under paragraph (d) of this section. A request for modification by a system or other interested party shall be in writing, explain why the modification is appropriate, and provide supporting documentation. The Department may modify its determination where it concludes that such change is necessary to ensure that the system continues to minimize lead and copper concentrations in source water. A revised determination shall be made in writing, set forth the new treatment requirements, explain the basis for the Department's decision, and provide an implementation schedule for completing the treatment modifications.

F. Lead Service Line Replacement Requirements.

(1) Systems that fail to meet the lead action level in tap samples taken pursuant to Section H(4)(b) below, after installing corrosion control and/or source water treatment (whichever sampling occurs later), shall replace lead service lines in accordance with the requirements of this section. If a system is in violation of Section C or Section E for failure to install source water or corrosion control treatment, the Department may require the system to commence lead service line replacement under this section after the date by which the system was required to conduct monitoring under Section H(4)(b) below, has passed.

(2) 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 portion(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 date the action level was exceeded in tap sampling referenced in paragraph (1) of this section.

(3) A system is not required to replace an individual lead service line if the lead concentration in all service line samples from that line, taken pursuant to Section H(2)(c), is less than or equal to 0.015 mg/l.

(4) A water system shall replace that portion of the lead service line that it owns. In cases where the system does not own the entire lead service line, the system shall notify the owner of the line, or the owner's authorized

agent, that the system will replace the portion of the service line that it owns and shall offer to replace the owner's portion of the line. A system is not required to bear the cost of replacing the privately-owned portion of the line, nor is it required to replace the privately-owned portion where the owner chooses not to pay the cost of replacing the privately-owned portion of the line, or where replacing the privately-owned portion would be precluded by State, local or common law. A water system that does not replace the entire length of the service line also shall complete the following tasks:

(a) At least forty-five (45) days prior to commencing with the partial replacement of a lead service line, the water system shall provide notice to the resident(s) of all buildings served by the line explaining that they may experience a temporary increase of lead levels in their drinking water, along with guidance on measures consumers can take to minimize their exposure to lead. The Department may allow the water system to provide notice under the previous sentence less than forty-five (45) days prior to commencing partial lead service line replacement where such replacement is in conjunction with emergency repairs. In addition, the water system shall inform the resident(s) served by the line that the system will, at the system's expense, collect a sample from each partially-replaced lead service line that is representative of the water in the service line for analysis of lead content, as prescribed under Section H(2)(c) below, within seventy-two (72) hours after the completion of the partial replacement of the service line. The system shall collect the sample and report the results of the analysis to the owner and the resident(s) served by the line within three (3) business days of receiving the results. Mailed notices post-marked within three (3) business days of receiving the results shall be considered "on time."

(b) The water system shall provide the information required by paragraph (4)(a) of this section to the residents of individual dwellings by mail or by other methods approved by the Department. In instances where multi-family dwellings are served by the line, the water system shall have the option to post the information at a conspicuous location.

(5) The Department shall require a system to replace lead service lines on a shorter schedule than that required by this section, taking into account the number of lead service lines in the system, where such a shorter replacement schedule is feasible. The Department shall make this determination in writing and notify the system of its finding within six (6) months after the system is triggered into lead service line replacement based on monitoring referenced in paragraph (1) of this section.

(6) Any system may cease replacing lead service lines whenever first draw samples collected pursuant to Section H(2)(b) below, meet the lead action level during each of two (2) consecutive monitoring periods and the system submits the results to the Department. If the first draw tap samples collected in any such system thereafter exceeds the lead action level, the system shall recommence replacing lead service lines pursuant to paragraph (2) of this section.

(7) To demonstrate compliance with paragraphs (1) through (4) of this section, a system shall report to the Department the information specified in Section L(5) below.

G. Public Education and Supplemental Monitoring Requirements.

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 paragraphs (1) and (2) of this section in accordance with the requirements in paragraph (3) of this section.

(1) Content of written public education materials.

(a) Community water systems. A community water system shall include the following text in all of the printed materials it distributes through its lead public education program. Systems may delete information pertaining to lead service lines, upon approval by the Department, if no lead service lines exist anywhere in the water system service area. Public education language at paragraphs (1)(a)(d)(ii)(E) and (1)(a)(d)(iv)(B) of this section may be modified regarding building permit record availability and consumer access to these records, if approved by the Department. Systems may also continue to utilize pre-printed materials that meet the public

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education language requirements in this section. Any additional information presented by a system shall be consistent with the information below and be in plain English that can be understood by lay persons.

(i) **INTRODUCTION** - The United States Environmental Protection Agency (EPA) and [insert name of water supplier] are concerned about lead in your drinking water. Although most homes have very low levels of lead in their drinking water, some homes in the community have lead levels above the EPA action level of fifteen (15) parts per billion (ppb), or 0.015 milligrams of lead per liter of water (mg/l). Under Federal law we are required to have a program in place to minimize lead in your drinking water by [insert date when corrosion control will be completed for your system]. This program includes corrosion control treatment, source water treatment, and public education. We are also required to replace the portion of each lead service line that we own if the line contributes to lead concentrations of more than fifteen (15) ppb after we have completed the comprehensive treatment program. If you have any questions about how we are carrying out the requirements of the lead regulation please give us a call at [insert water system's phone number]. This brochure explains the simple steps you can take to protect you and your family by reducing your exposure to lead in drinking water.

(ii) **HEALTH EFFECTS OF LEAD** - Lead is a common metal found throughout the environment in lead-based paint, air, soil, household dust, food, certain types of pottery porcelain and pewter, and water. Lead can pose a significant risk to your health if too much of it enters your body. Lead builds up in the body over many years and can cause damage to the brain, red blood cells and kidneys. The greatest risk is to young children and pregnant women. Amounts of lead that won't hurt adults can slow down normal mental and physical development of growing bodies. In addition, a child at play often comes into contact with sources of lead contamination--like dirt and dust--that rarely affect an adult. It is important to wash children's hands and toys often, and to try to make sure they only put food in their mouths.

(iii) **LEAD IN DRINKING WATER**

(A) Lead in drinking water, although rarely the sole cause of lead poisoning, can significantly increase a person's total lead exposure, particularly the exposure of infants who drink baby formulas and concentrated juices that are mixed with water. The EPA estimates that drinking water can make up twenty (20) percent or more of a person's total exposure to lead.

(B) Lead is unusual among drinking water contaminants in that it seldom occurs naturally in water supplies like rivers and lakes. Lead enters drinking water primarily as a result of the corrosion, or wearing away, of materials containing lead in the water distribution system and household plumbing. These materials include lead-based solder used to join copper pipe, brass and chrome plated brass faucets, and in some cases, pipes made of lead that connect your house to the water main (service lines). In 1986, Congress banned the use of lead solder containing greater than 0.2 percent lead, and restricted the lead content of faucets, pipes and other plumbing materials to 8.0 percent.

(C) When water stands in lead pipes or plumbing systems containing lead for several hours or more, the lead may dissolve into your drinking water. This means the first water drawn from the tap in the morning, or later in the afternoon after returning from work or school, can contain fairly high levels of lead.

(iv) **STEPS YOU CAN TAKE IN THE HOME TO REDUCE EXPOSURE TO LEAD IN DRINKING WATER.**

(A) Despite our best efforts mentioned earlier to control water corrosivity and remove lead from the water supply, lead levels in some homes or buildings can be high. To find out whether you need to take action in your own home, have your drinking water tested to determine if it contains excessive concentrations of lead. Testing the water is essential because you cannot see, taste, or smell lead in drinking water. Some local laboratories that can provide this service are listed at the end of this booklet. For more information on having your water tested, please call [insert phone number of water system].

(B) If a water test indicates that the drinking water drawn from a tap in your home contains lead above 15 ppb, then you should take the following precautions:

(1) Let the water run from the tap before using it for drinking or cooking any time the water in a faucet has gone unused for more than six (6) hours. The longer water resides in your home's plumbing the more lead it may contain. Flushing the tap means running the cold water faucet until the water gets noticeably colder, usually about fifteen (15) to thirty (30) seconds. If your house has a lead service line to the water main, you may have to flush the water for a longer time, perhaps one (1) minute, before drinking. Although toilet flushing or showering flushes water through a portion of your home's plumbing system, you still need to flush the water in each faucet before using it for drinking or cooking. Flushing tap water is a simple and inexpensive measure you can take to protect your family's health. It usually uses less than one or two gallons of water and costs less than [insert a cost estimate based on flushing two (2) times a day for thirty (30) days] per month. To conserve water, fill a couple of bottles for drinking water after flushing the tap, and whenever possible use the first flush water to wash the dishes or water the plants. If you live in a high-rise building, letting the water flow before using it may not work to lessen your risk from lead. The plumbing systems have more, and sometimes larger pipes than smaller buildings. Ask your landlord for help in locating the source of the lead and for advice on reducing the lead level.

(2) Try not to cook with, or drink water from the hot water tap. Hot water can dissolve more lead more quickly than cold water. If you need hot water, draw water from the cold tap and heat it on the stove.

(3) Remove loose lead solder and debris from the plumbing materials installed in newly constructed homes, or homes in which the plumbing has recently been replaced, by removing the faucet strainers from all taps and running the water from three (3) to five (5) minutes. Thereafter, periodically remove the strainers and flush out any debris that has accumulated over time.

(4) If your copper pipes are joined with lead solder that has been installed illegally since it was banned in 1986, notify the plumber who did the work and request that he or she replace the lead solder with lead-free solder. Lead solder looks dull gray, and when scratched with a key looks shiny. In addition, notify the S.C. Department of Health and Environmental Control about the violation.

(5) Determine whether or not the service line that connects your home or apartment to the water main is made of lead. The best way to determine if your service line is made of lead is by either hiring a licensed plumber to inspect the line or by contacting the plumbing contractor who installed the line. You can identify the plumbing contractor by checking the city's record of building permits which should be maintained in the files of the [insert name of department that issues building permits]. A licensed plumber can at the same time check to see if your home's plumbing contains lead solder, lead pipes, or pipe fittings that contain lead. The public water system that delivers water to your home should also maintain records of the materials located in the distribution system. If the service line that connects your dwelling to the water main contributes more than fifteen (15) ppb to drinking water, after our comprehensive treatment program is in place, we are required to replace the portion of the line we own. If the line is only partially owned by the [insert the name of the city, county, or water system that owns the line], we are required to provide the owner of the privately-owned portion of the line with information on how to replace the privately-owned portion of the line, and offer to replace that portion of the line at the owner's expense. If we replace only the portion of the line that we own, we also are required to notify you in advance and provide you with information on the steps you can take to minimize exposure to any temporary increase in lead levels that may result from the partial replacement, to take a follow-up sample at our expense from the line within seventy-two (72) hours after the partial replacement, and to mail or otherwise provide you with the results of that sample within three business days of receiving the results. Acceptable replacement alternatives include copper, steel, iron, and plastic pipes.

(6) Have an electrician check your wiring. If grounding wires from the electrical system are attached to your pipes, corrosion may be greater. Check with a licensed electrician or your local electrical code to determine if your wiring can be grounded elsewhere. DO NOT attempt to change the wiring yourself because improper grounding can cause electrical shock and fire hazards.

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(C) The steps described above will reduce the lead concentrations in your drinking water. However, if a water test indicates that the drinking water coming from your tap contains lead concentrations in excess of fifteen (15) ppb after flushing, or after we have completed our actions to minimize lead levels, then you may want to take the following additional measures:

(1) Purchase or lease a home treatment device. Home treatment devices are limited in that each unit treats only the water that flows from the faucet to which it is connected, and all of the devices require periodic maintenance and replacement. Devices such as reverse osmosis systems or distillers can effectively remove lead from your drinking water. Some activated carbon filters may reduce lead levels at the tap, however all lead reduction claims should be investigated. Be sure to check the actual performance of a specific home treatment device before and after installing the unit.

(2) Purchase bottled water for drinking and cooking.

(D) You can consult a variety of sources for additional information. Your family doctor or pediatrician can perform a blood test for lead and provide you with information about the health effects of lead. Department and local government agencies that can be contacted include:

(1) [insert the name of city or county department of public utilities] at [insert phone number] can provide you with information about your community's water supply, and a list of local laboratories that have been certified by EPA for testing water quality;

(2) [insert the name of city or county department that issues building permits] at [insert phone number] can provide you with information about building permit records that should contain the names of plumbing contractors that plumbed your home; and

(3) S.C. Department of Health and Environmental Control at (803)898-4300 or the [insert the name of the city or county health department] at [insert phone number] can provide you with information about the health effects of lead and how you can have your child's blood tested.

(E) The following is a list of some Department approved laboratories in your area that you can call to have your water tested for lead. [Insert names and phone numbers of at least two laboratories].

(b) Non-transient non-community water systems. A non-transient non-community water system shall either include the text specified in paragraph (1)(a) of this section or shall include the following text in all of the printed materials it distributes through its lead public education program. Water systems may delete information pertaining to lead service lines upon approval by the Department if no lead service lines exist anywhere in the water system service area. Any additional information presented by a system shall be consistent with the information below and be in plain English that can be understood by lay people.

(i) INTRODUCTION. The United States Environmental Protection Agency (EPA) and [insert name of water supplier] are concerned about lead in your drinking water. Some drinking water samples taken from this facility have lead levels above the EPA action level of fifteen (15) parts per billion (ppb), or 0.015 milligrams of lead per liter (mg/L) of water. Under Federal law we are required to have a program in place to minimize lead in your drinking water by [insert date when corrosion control will be completed for your system]. This program includes corrosion control treatment, source water treatment, and public education. We are also required to replace the portion of each lead service line that we own if the line contributes lead concentrations of more than fifteen (15) ppb after we have completed the comprehensive treatment program. If you have any questions about how we are carrying out the requirements of the lead regulation please give us a call at [insert water system's phone number]. This brochure explains the simple steps you can take to protect yourself by reducing your exposure to lead in drinking water.

(ii) HEALTH EFFECTS OF LEAD. Lead is found throughout the environment in lead-based paint, air, soil, household dust, food, certain types of pottery porcelain and pewter, and water. Lead can pose a significant

risk to your health if too much of it enters your body. Lead builds up in the body over many years and can cause damage to the brain, red blood cells and kidneys. The greatest risk is to young children and pregnant women. Amounts of lead that won't hurt adults can slow down normal mental and physical development of growing bodies. In addition, a child at play often comes into contact with sources of lead contamination - like dirt and dust - that rarely affect an adult. It is important to wash children's hands and toys often, and to try to make sure they only put food in their mouths.

(iii) LEAD IN DRINKING WATER.

(A) Lead in drinking water, although rarely the sole cause of lead poisoning, can significantly increase a person's total lead exposure, particularly the exposure of infants who drink baby formulas and concentrated juices that are mixed with water. The EPA estimates that drinking water can make up twenty (20) percent or more of a person's total exposure to lead.

(B) Lead is unusual among drinking water contaminants in that it seldom occurs naturally in water supplies like rivers and lakes. Lead enters drinking water primarily as a result of the corrosion, or wearing away, of materials containing lead in the water distribution system and household plumbing. These materials include lead-based solder used to join copper pipe, brass and chrome-plated brass faucets, and in some cases, pipes made of lead that connect houses and buildings to water mains (service lines). In 1986, Congress banned the use of lead solder containing greater than 0.2 percent lead, and restricted the lead content of faucets, pipes and other plumbing materials to 8.0 percent.

(C) When water stands in lead pipes or plumbing systems containing lead for several hours or more, the lead may dissolve into your drinking water. This means the first water drawn from the tap in the morning, or later in the afternoon if the water has not been used all day, can contain fairly high levels of lead.

(iv) STEPS YOU CAN TAKE TO REDUCE EXPOSURE TO LEAD IN DRINKING WATER.

(A) Let the water run from the tap before using it for drinking or cooking any time the water in a faucet has gone unused for more than six hours. The longer water resides in plumbing the more lead it may contain. Flushing the tap means running the cold water faucet for about fifteen (15) to thirty (30) seconds. Although toilet flushing or showering flushes water through a portion of the plumbing system, you still need to flush the water in each faucet before using it for drinking or cooking. Flushing tap water is a simple and inexpensive measure you can take to protect your health. It usually uses less than one (1) gallon of water.

(B) Do not cook with, or drink water from the hot water tap. Hot water can dissolve more lead more quickly than cold water. If you need hot water, draw water from the cold tap and then heat it.

(C) The steps described above will reduce the lead concentrations in your drinking water. However, if you are still concerned, you may wish to use bottled water for drinking and cooking.

(D) You can consult a variety of sources for additional information. Your family doctor or pediatrician can perform a blood test for lead and provide you with information about the health effects of lead. State and local government agencies that can be contacted include:

(1) [insert the name or title of facility official if appropriate] at [insert phone number] can provide you with information about your facility's water supply; and

(2) S.C. Department of Health and Environmental Control at (803)898-4300 phone number or the [insert the name of the city or county health department] at [insert phone number] can provide you with information about the health effects of lead.

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(2) Content of Broadcast Materials - A water system shall include the following information in all public service announcements submitted under its lead public education program to television and radio stations for broadcasting:

(a) Why should everyone want to know the facts about lead and drinking water? Because unhealthy amounts of lead can enter drinking water through the plumbing in your home. That's why I urge you to do what I did. I had my water tested for [insert free or \$ per sample]. You can contact the [insert the name of the city or water system] for information on testing and on simple ways to reduce your exposure to lead in drinking water.

(b) To have your water tested for lead, or to get more information about this public health concern, please call [insert the phone number of the city or water system].

(3) Delivery of a Public Education Program

(a) In communities where a significant proportion of the population speaks a language other than English, public education materials shall be communicated in the appropriate language(s).

(b) A community water system that exceeds the lead action level on the basis of tap water samples collected in accordance with Section H below, and that is not already repeating public education tasks pursuant to paragraphs (c), (g), or (h), of this section, shall, within sixty (60) days:

(i) Insert notices in each customer's water utility bill containing the information in paragraph (1) of this section, along with the following alert on the water bill itself in large print: "SOME HOMES IN THIS COMMUNITY HAVE ELEVATED LEAD LEVELS IN THEIR DRINKING WATER. LEAD CAN POSE A SIGNIFICANT RISK TO YOUR HEALTH. PLEASE READ THE ENCLOSED NOTICE FOR FURTHER INFORMATION." A community water system having a billing cycle that does not include a billing within sixty (60) days of exceeding the action level, or that cannot insert information in the water utility bill without making major changes to its billing system, may use a separate mailing to deliver the information in paragraph (1) of this section as long as the information is delivered to each customer within sixty (60) days of exceeding the action level. Such water systems shall also include the "alert" language specified in this paragraph.

(ii) Submit the information in paragraph (1)(a) of this section to the editorial departments of the major daily and weekly newspapers circulated throughout the community.

(iii) Deliver pamphlets and/or brochures that contain the public education materials in paragraphs (1)(a)(ii) and (1)(a)(iv) of this section to facilities and organizations, including the following:

- (A) public schools and/or local school boards;
- (B) city or county health department;
- (C) Women, Infants, and Children and/or Head Start Program(s) whenever available;
- (D) public and private hospitals and/or clinics;
- (E) pediatricians;
- (F) family planning clinics; and,
- (G) local welfare agencies.

(iv) Submit the public service announcement in paragraph (2) of this section to at least five (5) of the radio and television stations with the largest audiences that broadcast to the community served by the water system.

(c) A community water system shall repeat the tasks contained in paragraphs (3)(b)(i), (ii) and (iii) of this section every twelve (12) months, and the tasks contained in paragraphs (3)(b)(iv) of this section every six (6) months for as long as the system exceeds the lead action level.

(d) Within sixty (60) days after it exceeds the lead action level (unless it already is repeating public education tasks pursuant to paragraph (3)(e) of this section), a non-transient non-community water system shall deliver the public education materials specified by paragraphs (1)(a) of this section or the public education materials specified by paragraph (1)(b) 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.

(e) A non-transient noncommunity water system shall repeat the tasks contained in paragraph (3)(d) of this section at least once during each calendar year in which the system exceeds the lead action level.

(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 (6) month monitoring period conducted pursuant to Section H below. 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 the text specified in paragraph (1)(b) of this section in lieu of the text in paragraph (1)(a) of this section and to perform the tasks listed in paragraphs (3)(d) and (3)(e) of this section in lieu of the tasks in paragraphs (3)(b) and (3)(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)(i) A community water system serving 3,300 or fewer people may omit the task contained in paragraph (3)(b)(iv) of this section. As long as it distributes notices containing the information contained in paragraph (1)(a) of this section to every household served by the system, such systems may further limit their public education programs as follows:

(A) Systems serving 500 or fewer people may forego the task contained in paragraph (3)(b)(ii) of this section. Such a system may limit the distribution of the public education materials required under paragraph (3)(b)(iii) of this section to facilities and organizations served by the system that are most likely to be visited regularly by pregnant women and children, unless it is notified by the Department in writing that it must make a broader distribution.

(B) If approved by the Department in writing, a system serving 501 to 3,300 people may omit the task in paragraph (3)(b)(ii) of this section and/or limit the distribution of the public education materials required under paragraph (3)(b)(iii) of this section to facilities and organizations served by the system that are most likely to be visited regularly by pregnant women and children.

(ii) A community water system serving 3,300 or fewer people that delivers public education in accordance with paragraph (3)(h)(i) of this section shall repeat the required public education tasks at least once during each calendar year in which the system exceeds the lead action level.

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(4) 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 below 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.

H. Monitoring Requirements for Lead and Copper in Tap Water.

(1) Sample Site Location

(a) By the applicable date for commencement of monitoring under paragraph (4)(a) of this section, each water system shall complete a materials evaluation of its distribution system in order to identify a pool of targeted sampling sites that meets the requirements of this section, and which is sufficiently large to ensure that the water system can collect the number of lead and copper tap samples required in paragraph (3) of this section. All sites from which first draw samples are collected shall be selected from this pool of targeted sampling sites. Sampling sites may not include faucets that have point-of-use or point-of-entry treatment devices designed to remove inorganic contaminants.

(b) A water system shall use the information on lead, copper, and galvanized steel that it is required to collect under R.61-58.5(V), Special Monitoring for Corrosivity Characteristics, of this part [special monitoring for corrosivity characteristics] when conducting a materials evaluation. When an evaluation of the information collected pursuant to R.61-58.5(V), Special Monitoring for Corrosivity Characteristics, is insufficient to locate the requisite number of lead and copper sampling sites that meet the targeting criteria in paragraph (1) of this section, the water system shall review the sources of information listed below in order to identify a sufficient number of sampling sites. In addition, the system shall seek to collect such information where possible in the course of its normal operations (e.g., checking service line materials when reading water meters or performing maintenance activities):

(i) All plumbing codes, permits, and records in the files of the building department(s) which indicate the plumbing materials that are installed within publicly and privately owned structures connected to the distribution system;

(ii) All inspections and records of the distribution system that indicate the material composition of the service connections that connect a structure to the distribution system; and

(iii) All existing water quality information, which includes the results of all prior analyses of the system or individual structures connected to the system, indicating locations that may be particularly susceptible to high lead or copper concentrations.

(c) The sampling sites selected for a community water system's sampling pool ("Tier 1 sampling sites") shall consist of single family structures that:

(i) Contain copper pipes with lead solder installed after 1982 or contain lead pipes; and/or,

(ii) Are served by a lead service line.

When multiple-family residences comprise at least twenty (20) percent of the structures served by a water system, the system may include these types of structures in its sampling pool.

(d) Any community water system with insufficient tier 1 sampling sites shall complete its sampling pool with "Tier 2 sampling sites", consisting of buildings, including multiple-family residences that:

(i) Contain copper pipes with lead solder installed after 1982 or contain lead pipes; and/or,

(ii) Are served by a lead service line.

(e) Any community water system with insufficient Tier 1 and Tier 2 sampling sites shall complete its sampling pool with "Tier 3 sampling sites", consisting of single family structures that contain copper pipes with lead solder installed before 1983. A community water system with insufficient Tier 1, Tier 2, and Tier 3 sampling sites shall complete its sampling pool with representative sites throughout the distribution system. For the purpose of this paragraph, a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the water system.

(f) The sampling sites selected for a non-transient non-community water system ("Tier 1 sampling sites") shall consist of buildings that:

(i) Contain copper pipes with lead solder installed after 1982 or contain lead pipes; and/or,

(ii) Are served by a lead service line.

(g) A non-transient non-community water system with insufficient Tier 1 sites that meet the targeting criteria in paragraph (1)(f) of this section shall complete its sampling pool with sampling sites that contain copper pipes with lead solder installed before 1983. If additional sites are needed to complete the sampling pool, the non-transient non-community water system shall use representative sites throughout the distribution system. For the purpose of this paragraph, a representative site is a site in which the plumbing materials used at that site would be commonly found at other sites served by the water system.

(h) Any water system whose distribution system contains lead service lines shall draw fifty (50) percent of the samples it collects during each monitoring period from sites that contain lead pipes, or copper pipes with lead solder, and fifty (50) percent of the samples from sites served by a lead service line. A water system that cannot identify a sufficient number of sampling sites served by a lead service line shall collect first draw samples from all of the sites identified as being served by such lines.

(2) Sample collection methods.

(a) All tap samples for lead and copper collected in accordance with this subpart, with the exception of lead service line samples collected under Section F(3) above, and samples collected under paragraph (2)(e) of this section, shall be first draw samples.

(b) Each first draw tap sample for lead and copper shall be one (1) liter in volume and have stood motionless in the plumbing system of each sampling site for at least six (6) hours. First draw samples from residential housing shall be collected from the cold water kitchen tap or bathroom sink tap. First-draw samples from a nonresidential building shall be one liter in volume and shall be collected at an interior tap from which water is typically drawn for consumption. Non-first-draw samples collected in lieu of first-draw samples pursuant to paragraph (2)(e) of this section shall be one liter in volume and shall be collected at an interior tap from which water is typically drawn for consumption. First draw samples may be collected by the system or the system may allow residents to collect first draw samples after instructing the residents of the sampling procedures specified in this paragraph. To avoid problems of residents handling nitric acid, acidification of first draw samples may be done up to fourteen (14) days after the sample is collected. After acidification to resolubilize the metals, the sample must stand in the original container for the time specified in the approved EPA method before the sample can be analyzed. If a system allows residents to perform sampling, the system may not challenge, based on alleged errors in sample collection, the accuracy of sampling results.

(c) Each service line sample shall be one liter in volume and have stood motionless in the lead service line for at least six (6) hours. Lead service line samples shall be collected in one of the following three ways:

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(i) At the tap after flushing the volume of water between the tap and the lead service line. The volume of water shall be calculated based on the interior diameter and length of the pipe between the tap and the lead service line;

(ii) Tapping directly into the lead service line; or,

(iii) If the sampling site is a building constructed as a single-family residence, allowing the water to run until there is a significant change in temperature which would be indicative of water that has been standing in the lead service line.

(d) A water system shall collect each first draw tap sample from the same sampling site from which it collected a previous sample. If, for any reason, the water system cannot gain entry to a sampling site in order to collect a follow-up tap sample, the system may collect the follow-up tap sample from another sampling site in its sampling pool as long as the new site meets the same targeting criteria, and is within reasonable proximity of the original site.

(e) A non-transient non-community water system, or a community water system that meets the criteria of Section G(3)(g)(i) and (ii) above, that does not have enough taps that can supply first-draw samples, as defined in R.61-58(B), Definitions, 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.

(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. The Department may specify sampling locations when a system is conducting reduced monitoring. The table is as follows:

System size (# of 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

(4) Timing of Monitoring

(a) Initial Tap Sampling - The first six (6) month monitoring period for small, medium-size and large systems shall begin on the following dates:

<u>System Size (# People Served)</u>	<u>First Six-Month Monitoring Period Begins On</u>
>50,000	January 1, 1992
3,301 to 50,000	July 1, 1992
≤3,300	July 1, 1993

(i) All large systems shall monitor during two (2) consecutive six (6) month periods.

(ii) All small and medium-size systems shall monitor during each six (6) month monitoring period until:

(A) The system exceeds the lead or copper action level and is therefore required to implement the corrosion control treatment requirements under Section C above, in which case the system shall continue monitoring in accordance with paragraph (4)(b) of this section; or,

(B) The system meets the lead and copper action levels during two (2) consecutive six (6) month monitoring periods, in which case the system may reduce monitoring in accordance with paragraph (4)(d) of this section.

(b) Monitoring After Installation of Corrosion Control and Source Water Treatment

(i) Any large system which installs optimal corrosion control treatment pursuant to Section C(4)(d) above, shall monitor during two (2) consecutive six (6) month monitoring periods by the date specified in Section C(4)(e) above.

(ii) Any small or medium-size system which installs optimal corrosion control treatment pursuant to Section C(5)(e) above, shall monitor during two (2) consecutive six (6) month monitoring periods by the date specified in Section C(5)(f) above.

(iii) Any system which installs source water treatment pursuant to Section E(1)(c) above, shall monitor during two (2) consecutive six (6) month monitoring periods by the date specified in Section E(1)(d) above.

(c) Monitoring After the Department Specifies Water Quality Parameter Values for Optimal Corrosion Control - After the Department specifies the values for water quality control parameters under Section D(6) above, the system shall monitor during each subsequent six (6) month monitoring period, with the first monitoring period to begin on the date the Department specifies the optimal values under Section D(6) above.

(d) Reduced Monitoring

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(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.

(ii) Any water system that 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 (2) consecutive six (6) 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. The Department shall review the information submitted by the water system and shall make its decision in writing, setting forth the basis for its determination. 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 determined 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.

(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 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 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. The Department shall review monitoring, treatment, and other relevant information submitted by the water system and in accordance with Section L below, 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.

(iv) A water system that reduces the number and frequency of sampling shall collect these samples from representative sites included in the pool of targeted sampling sites identified in paragraph (1) of this section. Systems sampling annually or less frequently shall conduct the lead and copper tap sampling during the months of June, July, August or September unless the Department has approved a different sampling period in accordance with paragraph (4)(d)(iv)(A) of this section.

(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 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.

(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)(d)(iv)(A) of this section, must collect their next round of samples during a time period that ends no later than 21 months after the previous round of sampling. Systems monitoring triennially that have been collecting samples during the months of June through September, and receive Department approval to alter the sampling collection period as per paragraph (4)(d)(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 choose to alter their sample collection period under paragraph (4)(d)(iv)(A) of this section must collect their next round of samples before the end of the nine (9) year period.

(v) Any water system that demonstrates for two (2) consecutive six (6) month monitoring periods that the tap water lead level computed under Section B(1)(c) above, is less than or equal to 0.005 mg/L and the tap water copper level computed under Section B(1)(c) above, is less than or equal to 0.65 mg/L may reduce the number of samples in accordance with paragraph (3) of this section and reduce the frequency of sampling to once every three (3) calendar years.

(vi)(A) A small or medium-size water system subject to reduced monitoring that exceeds the lead or copper action level shall 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. Such a system shall also conduct water quality parameter monitoring in accordance with Section I(2), (3) or (4) above (as appropriate), during the monitoring period in which it exceeded the action level. Any such 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 (2) subsequent consecutive six (6) month rounds of monitoring that meet the criteria of paragraph (4)(d)(i) of this section and/or may resume triennial monitoring for lead and copper at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either paragraph (4)(d)(iii) or (4)(d)(v) of this section.

(B) Any water system subject to the reduced monitoring frequency 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 (6) month period specified in Section I(4) above, 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) above. 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 (2) subsequent six (6) 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.

(2) The system may resume triennial monitoring for lead and copper at the tap at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either paragraph (4)(d)(iii) or (4)(d)(v) of this section and the system has received written approval from the Department that it is appropriate to resume triennial monitoring.

(3) The system may reduce the number of water quality parameter tap water samples required in accordance with Section I(5)(a) above, and the frequency with which it collects such samples in accordance with Section I(5)(b) above. Such a system may not resume triennial monitoring for water quality parameters at the tap until it demonstrates, in accordance with the requirements of Section I(5)(b) above, that it has re-qualified for triennial monitoring.

(vii) Any water system subject to a reduced monitoring frequency under paragraph (4)(d) of this section that either adds a new source of water or changes any water treatment shall inform the Department in writing in accordance with Section L(1)(c) above. 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.

(5) Additional Monitoring by Systems - The results of any monitoring conducted in addition to the minimum requirements of this section shall be considered by the system and the Department in making any determinations (i.e., calculating the 90th percentile lead or copper level) under this section.

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(6) Invalidation of lead or copper tap water samples. A sample invalidated under this paragraph does not count toward determining lead or copper 90th percentile levels under Section B(1)(c) above, or toward meeting the minimum monitoring requirements of paragraph (3) of this section.

(a) The Department may invalidate a lead or copper tap water sample at least if one of the following conditions is met.

(i) The laboratory establishes that improper sample analysis caused erroneous results.

(ii) The Department determines that the sample was taken from a site that did not meet the site selection criteria of this section.

(iii) The sample container was damaged in transit.

(iv) There is substantial reason to believe that the sample was subject to tampering.

(b) The system must report the results of all samples to the Department and all supporting documentation for samples the system believes should be invalidated.

(c) To invalidate a sample under paragraph (6)(a) of this section, the decision and the rationale for the decision must be documented in writing. The Department may not invalidate a sample solely on the grounds that a follow-up sample result is higher or lower than that of the original sample.

(d) The water system must collect replacement samples for any samples invalidated under this section if, after the invalidation of one or more samples, the system has too few samples to meet the minimum requirements of paragraph (3) of this section. Any such replacement samples must be taken as soon as possible, but no later than twenty (20) days after the date the Department invalidates the sample or by the end of the applicable monitoring period, whichever occurs later. Replacement samples taken after the end of the applicable monitoring period shall not also be used to meet the monitoring requirements of a subsequent monitoring period. The replacement samples shall be taken at the same locations as the invalidated samples or, if that is not possible, at locations other than those already used for sampling during the monitoring period.

(7) Monitoring waivers for small systems. Any small system that meets the criteria of this paragraph may apply to the Department to reduce the frequency of monitoring for lead and copper under this section to once every nine years (i.e., a "full waiver") if it meets all of the materials criteria specified in paragraph (7)(a) of this section and all of the monitoring criteria specified in paragraph (7)(b) of this section. If State regulations permit, any small system that meets the criteria in paragraphs (7)(a) and (b) of this section only for lead, or only for copper, may apply to the Department for a waiver to reduce the frequency of tap water monitoring to once every nine years for that contaminant only (i.e., a "partial waiver").

(a) Materials criteria. The system must demonstrate that its distribution system and service lines and all drinking water supply plumbing, including plumbing conveying drinking water within all residences and buildings connected to the system, are free of lead-containing materials and/or copper-containing materials, as those terms are defined in this paragraph, as follows:

(i) Lead. To qualify for a full waiver, or a waiver of the tap water monitoring requirements for lead (i.e., a "lead waiver"), the water system must provide certification and supporting documentation to the Department that the system is free of all lead-containing materials, as follows:

(A) It contains no plastic pipes which contain lead plasticizers, or plastic service lines which contain lead plasticizers; and

(B) It is free of lead service lines, lead pipes, lead soldered pipe joints, and leaded brass or bronze alloy fittings and fixtures, unless such fittings and fixtures meet the specifications of any standard established pursuant to 42 U.S.C. 300g-6(e) (SDWA Section 1417(e)).

(ii) Copper. To qualify for a full waiver, or a waiver of the tap water monitoring requirements for copper (i.e., a “copper waiver”), the water system must provide certification and supporting documentation to the Department that the system contains no copper pipes or copper service lines.

(b) Monitoring criteria for waiver issuance. The system must have completed at least one 6-month round of standard tap water monitoring for lead and copper at sites approved by the Department and from the number of sites required by paragraph (3) of this section and demonstrate that the 90th percentile levels for any and all rounds of monitoring conducted since the system became free of all lead-containing and/or copper-containing materials, as appropriate, meet the following criteria.

(i) Lead levels. To qualify for a full waiver, or a lead waiver, the system must demonstrate that the 90th percentile lead level does not exceed 0.005 mg/L.

(ii) Copper levels. To qualify for a full waiver, or a copper waiver, the system must demonstrate that the 90th percentile copper level does not exceed 0.65 mg/L.

(c) Department approval of waiver application. The Department shall notify the system of its waiver determination, in writing, setting forth the basis of its decision and any condition of the waiver. As a condition of the waiver, the Department may require the system to perform specific activities (e.g., limited monitoring, periodic outreach to customers to remind them to avoid installation of materials that might void the waiver) to avoid the risk of lead or copper concentration of concern in tap water. The small system must continue monitoring for lead and copper at the tap as required by paragraphs (4)(a) through (4)(d) of this section, as appropriate, until it receives written notification from the Department that the waiver has been approved.

(d) Monitoring frequency for systems with waivers.

(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 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.

(ii) A system with a partial waiver must conduct tap water monitoring for the waived contaminant in accordance with paragraph (4)(d)(iv) of this section at the reduced number of sampling sites specified in paragraph (3) of this section at least once every nine years and provide the materials certification specified in paragraph (7)(a) of this section pertaining to the waived contaminant along with the monitoring results. Such a system also must continue to monitor for the non-waived contaminant in accordance with requirements of paragraph (4)(a) through (4)(d) of this section, as appropriate.

(iii) If a system with a full or partial waiver adds a new source of water or changes any water treatment, the system must notify the Department in writing in accordance with Section L(1)(c) above. 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.

(iv) If a system with a full or partial waiver becomes aware that it is no longer free of lead-containing or copper-containing materials, as appropriate, (e.g., as a result of new construction or repairs), the system shall notify the Department in writing no later than sixty (60) days after becoming aware of such a change.

(e) Continued eligibility. If the system continues to satisfy the requirements of paragraph (7)(d) of this section, the waiver will be renewed automatically, unless any of the conditions listed in paragraph (7)(e)(i) through

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(7)(e)(iii) of this section occurs. A system whose waiver has been revoked may re-apply for a waiver at such time as it again meets the appropriate materials and monitoring criteria of paragraphs (7)(a) and (7)(b) of this section.

(i) A system with a full waiver or a lead waiver no longer satisfies the materials criteria of paragraph (7)(a)(i) of this section or has a 90th percentile lead level greater than 0.005 mg/L.

(ii) A system with a full waiver or a copper waiver no longer satisfies the materials criteria of paragraph (7)(a)(ii) of this section or has a 90th percentile copper level greater than 0.65 mg/L.

(iii) The Department notifies the system, in writing, that the waiver has been revoked, setting forth the basis of its decision.

(f) Requirements following waiver revocation. A system whose full or partial waiver has been revoked by the Department is subject to the corrosion control treatment and lead and copper tap water monitoring requirements, as follows:

(i) If the system exceeds the lead and/or copper action level, the system must implement corrosion control treatment in accordance with the deadlines specified in Section C(5), and any other applicable requirements of this subpart.

(ii) If the system meets both the lead and the copper action level, the system must monitor for lead and copper at the tap no less frequently than once every three years using the reduced number of sample sites specified in paragraph (3) of this section.

(g) Pre-existing waivers. Small system waivers approved by the Department in writing prior to April 11, 2000 shall remain in effect under the following conditions:

(i) If the system has demonstrated that it is both free of lead-containing and copper-containing materials, as required by paragraph (7)(a) of this section and that its 90th percentile lead levels and 90th percentile copper levels meet the criteria of paragraph (7)(b) of this section, the waiver remains in effect so long as the system continues to meet the waiver eligibility criteria of paragraph (7)(e) of this section. The first round of tap water monitoring conducted pursuant to paragraph (7)(d) of this section shall be completed no later than nine (9) years after the last time the system has monitored for lead and copper at the tap.

(ii) If the system has met the materials criteria of paragraph (7)(a) of this section but has not met the monitoring criteria of paragraph (7)(b) of this section, the system shall conduct a round of monitoring for lead and copper at the tap demonstrating that it meets the criteria of paragraph (7)(b) of this section no later than September 30, 2000. Thereafter, the waiver shall remain in effect as long as the system meets the continued eligibility criteria of paragraph (7)(e) of this section. The first round of tap water monitoring conducted pursuant to paragraph (7)(d) of this section shall be completed no later than nine (9) years after the round of monitoring conducted pursuant to paragraph (7)(b) of this section.

I. Monitoring requirements for Water Quality Parameters.

All large water systems, and all small and medium-size systems that exceed the lead or copper action level shall monitor water quality parameters in addition to lead and copper in accordance with this section. The requirements of this section are summarized in the table at the end of this section.

(1) General Requirements

(a) Sample Collection Methods

(i) Tap samples shall be representative of water quality throughout the distribution system taking into account the number of persons served, the different sources of water, the different treatment methods employed by

the system, and seasonal variability. Tap sampling under this section is not required to be conducted at taps targeted for lead and copper sampling under Section H(1) above. [Note: Systems may find it convenient to conduct tap sampling for water quality parameters at sites used for coliform sampling under R.61-58.5(G), Microbiological Contaminant Sampling and Analytical Requirements.]

(ii) Samples collected at the entry point(s) to the distribution system shall be from locations representative of each source after treatment. If a system draws water from more than one source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).

(b) Number of Samples

(i) Systems shall collect two tap samples for applicable water quality parameters during each monitoring period specified under paragraphs (2) through (5) of this section from the following number of sites.

<u>System Size (# People Served)</u>	<u># Of Sites For Water Quality Parameters</u>
>100,000	25
10,001-100,000	10
3,301 to 10,000	3
501 to 3,300	2
101 to 500	1
≤100	1

(ii) Except as provided in paragraph (3)(c) of the section, systems shall collect two (2) samples for each applicable water quality parameter at each entry point to the distribution system during each monitoring period specified in paragraph (2) of this section. During each monitoring period specified in paragraphs (3) through (5) of this section, systems shall collect one (1) sample for each applicable water quality parameter at each entry point to the distribution system.

(2) Initial Sampling - All large water systems shall measure the applicable water quality parameters as specified below at taps and at each entry point to the distribution system during each six (6) month monitoring period specified in Section H(4)(a) above. All small and medium-size systems shall measure the applicable water quality parameters at the locations specified below during each six (6) month monitoring period specified in Section H(4)(a) above, during which the system exceeds the lead or copper action level.

(a) At taps:

- (i) pH;
- (ii) Alkalinity;
- (iii) Orthophosphate, when an inhibitor containing a phosphate compound is used;
- (iv) Silica, when an inhibitor containing a silicate compound is used;
- (v) Calcium;
- (vi) Conductivity; and,
- (vii) Water temperature.

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(b) At each entry point to the distribution system: all of the applicable parameters listed in paragraph (2)(a) above.

(3) Monitoring After Installation of Corrosion Control - Any large system which installs optimal corrosion control treatment pursuant to Section C(4)(d) above, shall measure the water quality parameters at the locations and frequencies specified below during each six (6) month monitoring period specified in Section H(4)(b)(i) above. Any small or medium-size system which installs optimal corrosion control treatment shall conduct such monitoring during each six (6) month monitoring period specified in Section H(4)(b)(ii) above, in which the system exceeds the lead or copper action level.

(a) At taps, two samples for:

(i) pH;

(ii) Alkalinity;

(iii) Orthophosphate, when an inhibitor containing a phosphate compound is used;

(iv) Silica, when an inhibitor containing a silicate compound is used; and,

(v) Calcium, when calcium carbonate stabilization is used as part of corrosion control.

(b) Except as provided in paragraph (3)(c) of the section at each entry point to the distribution system, one (1) sample every two (2) weeks (bi-weekly) for:

(i) pH;

(ii) When alkalinity is adjusted as part of optimal corrosion control, a reading of the dosage rate of the chemical used to adjust alkalinity, and the alkalinity concentration; and,

(iii) When a corrosion inhibitor is used as part of optimal corrosion control, a reading of the dosage rate of the inhibitor used, and the concentration of orthophosphate or silica (whichever is applicable).

(c) Any ground water system can limit entry point sampling described in paragraph (3)(b) of this section to those entry points that are representative of water quality and treatment conditions throughout the system. If water from untreated ground water sources mixes with water from treated ground water sources, the system must monitor for water quality parameters both at representative entry points receiving treatment and representative entry points receiving no treatment. Prior to the start of any monitoring under this paragraph, the system shall provide to the Department written information identifying the selected entry points and documentation, including information on seasonal variability, sufficient to demonstrate that the sites are representative of water quality and treatment conditions throughout the system.

(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) above, every six (6) month with the first six (6) month period to begin on the date the Department specified 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) above, at the time of the action level exceedance, the end of the applicable six (6) month period under this paragraph shall coincide with the end 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) above.

(5) Reduced Monitoring

(a) Any water system that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment during each of two consecutive six (6) month monitoring periods under paragraph (4) of this section shall continue monitoring at the entry point(s) to the distribution system as specified in paragraph (3)(b) of this section. Such system may collect two (2) tap samples for applicable water quality parameters from the following reduced number of sites during each six (6) month monitoring period.

Reduced # Of Sites System Size (# People Served)	For Water Quality Parameters
>100,000	10
10,001 to 100,000	7
3,301 to 10,000	3
501 to 3,300	2
101 to 500	1
≤100	1

(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 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) from every six months to annually. 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 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) from annual to every three years.

(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) below, 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.

(c) A water system that conducts sampling annually shall collect these samples evenly throughout the year so as to reflect seasonal variability.

(d) Any water system subject to reduced monitoring frequency 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 (6) month period specified in Section D(7) above, shall resume distribution system tap water sampling in accordance with the number and frequency requirements in paragraph (4) of this section. Such a system may resume annual monitoring for water quality parameters at the tap at the reduced number of sites specified in paragraph (5)(a) of this section after it has completed two (2) subsequent consecutive six (6) month rounds of monitoring that meet the criteria of that paragraph and/or may resume triennial monitoring for water quality parameters at the tap at the reduced number of sites after it demonstrates through subsequent rounds of monitoring that it meets the criteria of either paragraph (5)(b)(i) or (5)(b)(ii) of this section.

(6) Additional Monitoring by Systems - The results of any monitoring conducted in addition to the minimum requirements of this section shall be considered by the system and the Department in making any determinations (i.e., determining concentrations of water quality parameters) under this section or Section D above.

SUMMARY OF MONITORING REQUIREMENTS FOR WATER QUALITY PARAMETERS¹

Monitoring Period	Parameters ²	Location	Frequency
Initial Monitoring.	pH, alkalinity, orthophosphate or silica ³ , calcium, conductivity, temperature.	Taps and at entry point(s) to distribution system.	Every 6 months.
After Installation of Corrosion Control.	pH, alkalinity, orthophosphate or silica ³ , calcium ⁴ .	Taps.	Every 6 months.
	pH, alkalinity, dosage rate and concentration (if alkalinity adjusted as part of corrosion control), inhibitor dosage rate and inhibitor residual ⁵ .	Entry point(s) to distribution system ⁶ .	No less frequently than every two weeks.
After Department Specifies Parameter Values for Optimal Corrosion Control.	pH, alkalinity, orthophosphate or silica ³ , calcium ⁴ .	Taps.	Every 6 months.
	pH, alkalinity dosage rate and concentration (if alkalinity adjusted as part of corrosion control), inhibitor dosage rate and inhibitor residual ⁵ .	Entry point(s) to distribution system ⁶ .	No less frequently than every two weeks.
Reduced Monitoring.	pH, alkalinity, orthophosphate or silica ³ , calcium ⁴ .	Taps.	Every 6 months, annually ⁷ or every 3 years ⁸ ; reduced number of sites.
	pH, alkalinity dosage rate and concentration (if alkalinity adjusted as part of corrosion control), inhibitor dosage rate and inhibitor residual ⁵ .	Entry point(s) to distribution system ⁶ .	No less frequently than every two weeks.

¹ Table is for illustrative purposes; consult the text of this section for precise regulatory requirements.

² Small and medium-size systems have to monitor for water quality parameters only during monitoring periods in which the system exceeds the lead or copper action level.

³ Orthophosphate must be measured only when an inhibitor containing a phosphate compound is used. Silica must be measured only when an inhibitor containing silicate compound is used.

⁴ Calcium must be measured only when calcium carbonate stabilization is used as part of corrosion control.

⁵ Inhibitor dosage rates and inhibitor residual concentrations (orthophosphate or silica) must be measured only when an inhibitor is used.

⁶ Ground water systems may limit monitoring to representative locations throughout the system.

⁷ Water systems may reduce frequency of monitoring for water quality parameters at the tap from every six months to annually if they have maintained the range of values for water quality parameters reflecting optimal corrosion control during 3 consecutive years of monitoring.

⁸ Water systems may further reduce the frequency of monitoring for water quality parameters at the tap from annually to once every 3 years if they have maintained the range of values for water quality parameters reflecting optimal corrosion control during 3 consecutive years of annual monitoring. Water systems may accelerate to triennial monitoring for water quality parameters at the tap if they have maintained 90th percentile lead levels less than or equal to 0.005 mg/L, 90th percentile copper levels less than or equal to 0.65 mg/L, and the range of water quality parameters designated by the Department under Section D(5) above, as representing optimal corrosion control during two consecutive six (6) month monitoring periods.

J. Monitoring Requirements for Lead and Copper in Source Water

(1) Sample Location, Collection Methods, and Number of Samples

(a) A water system that fails to meet the lead or copper action level on the basis of tap samples collected in accordance with Section H above, shall collect lead and copper source water samples in accordance with the requirements regarding sample location, number of samples, and collection methods:

(i) Groundwater systems shall take a minimum of one (1) sample at every entry point to the distribution system which is representative of each well after treatment (hereafter called a sampling point). The system shall take one (1) sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

(ii) Surface water systems shall take a minimum of one sample at every entry point to the distribution system after any application of treatment or in the distribution system at a point which is representative of each source after treatment (hereafter called a sampling point). The system shall take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant.

NOTE: For the purposes of this paragraph, surface water systems include systems with a combination of surface and ground sources.

(iii) If a system draws water from more than one source and the sources are combined before distribution, the system must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).

(iv) The Department may reduce the total number of samples which must be analyzed by allowing the use of compositing. Compositing of samples must be done by certified laboratory personnel. Composite samples from a maximum of five (5) samples are allowed, provided that if the lead concentration in the composite sample is greater than or equal to 0.001 mg/L or the copper concentration is greater than or equal to 0.160 mg/L, then either:

(A) A follow-up sample shall be taken and analyzed within fourteen (14) days at each sampling point included in the composite; or

(B) If duplicates of or sufficient quantities from the original samples from each sampling point used in the composite are available, the system may use these instead of resampling.

(b) Where the results of sampling indicate an exceedance of maximum permissible source water levels established under Section E(2)(d) above, the Department may require that one additional sample be collected as soon as possible after the initial sample was taken (but not to exceed two weeks) at the same sampling point. If a Department-required confirmation sample is taken for lead or copper, then the results of the initial and confirmation sample shall be averaged in determining compliance with the Department-specified maximum permissible levels. Any sample value below the detection limit shall be considered to be zero. Any value above the detection limit but below the PQL shall either be considered as the measured value or be considered one-half the PQL.

(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 within six months after the exceedance.

(3) Monitoring Frequency After Installation of Source Water Treatment - Any system which installs source water treatment pursuant to Section E(1)(c) above, shall collect an additional source water sample from each entry point to the distribution system during two consecutive six (6) month monitoring periods by the deadline specified in Section E(1)(d) above.

(4) Monitoring frequency after Department specifies maximum permissible source water levels or determines that source water treatment is not needed

(a) A system shall monitor at the frequency specified below in cases where the Department specifies maximum permissible source water levels under Section E(2)(d) above, or determines that the system is not required to install source water treatment under Section E(2)(b) above.

(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

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under paragraph (4)(a) of this section is made. Such systems shall collect samples once during each subsequent compliance period.

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

(b) A system is not required to conduct source water sampling for lead and/or copper if the system meets the action level for the specific contaminant in tap water samples during the entire source water sampling period applicable to the system under paragraph (4)(a)(i) or (ii) of this section.

(5) Reduced Monitoring Frequency

(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 (9) year compliance cycle (as that term is defined in R.61-58.B, Definitions) if the systems meets one of the following criteria:

(i) The system demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the Department in Section E(2)(d) above, during at least three consecutive compliance periods under paragraph (4)(a) of this section; or

(ii) The Department has determined that source water treatment is not needed and the system demonstrates that, during at least three consecutive compliance periods in which sampling was conducted under paragraph (4)(a) of this section, the concentration of lead in source water was less than or equal to 0.005 mg/L and the concentration of copper in source water was less than or equal to 0.65 mg/L.

(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) if the system meets one of the following criteria:

(i) The system demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the Department in Section E(2)(d) above, for at least three (3) consecutive years; or

(ii) The Department has determined that source water treatment is not needed and the system demonstrates that, during at least three (3) consecutive years, the concentration of lead in source water was less than or equal to 0.005 mg/L and the concentration of copper in source water was less than or equal to 0.65 mg/L.

(c) A water system that uses a new source of water is not eligible for reduced monitoring for lead and/or copper until concentrations in samples collected from the new source during three (3) consecutive monitoring periods are below the maximum permissible lead and copper concentrations specified by the Department in Section E(1)(e) above.

K. Analytical Methods.

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

(a) Analyses under this section shall only be conducted by laboratories that are certified by the Department.

(b) The Department has the authority to allow the use of previously collected monitoring data for purposes of monitoring, if the data were collected and analyzed in accordance with the requirements of this section.

(c) All lead and copper levels measured between the PQL and the MDL must be either reported as measured or they can be reported as one-half the PQL specified for lead and copper in paragraph (1)(d) below. All levels below the lead and copper MDL must be reported as zero.

(d) The Practical Quantitation Level, or PQL for lead is 0.005 mg/L. The Practical Quantitation Level, or PQL for copper is 0.050 mg/L.

L. Reporting Requirements.

All water systems shall reports all of the following information to the Department in accordance with this section.

(1) Reporting requirements for tap water monitoring for lead and copper and for water quality parameter monitoring are as follows:

(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 ten (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).

(i) The results of all tap samples for lead and copper including the location of each site and the criteria under Section H(1)(c), (d), (e), (f), and/or (g) above, under which the site was selected for the system's sampling pool;

(ii) Documentation for each tap water lead or copper sample for which the water system requests invalidation pursuant to Section H(5)(b) above;

(iii) The 90th percentile lead and copper concentrations measured from among all lead and copper tap water samples collected during each monitoring period (calculated in accordance with Section B(3)(c) above) unless the Department calculates the system's 90th percentile lead and copper levels under paragraph (8) of this section;

(iv) With the exception of initial tap sampling conducted pursuant to Section H(4)(a) above, the system shall designate any site which was not sampled during previous monitoring periods, and include an explanation of why sampling sites have changed;

(v) The results of all tap samples for pH, and where applicable, alkalinity, calcium, conductivity, temperature, and orthophosphate or silica collected under Section I(2) through (5) above; and,

(vi) The results of all samples collected at the entry point(s) to the distribution system for applicable water quality parameters under Section I(2) through (5) above.

(vii) A water system shall report the results of all water quality parameter samples collected under Section I(3) through (6) above, during each six (6) month monitoring period specified in Section I(4) above, within the first ten (10) days following the end of the monitoring period unless the Department has specified a more frequent reporting requirement.

(b) For a non-transient non-community water system, or a community water system meeting the criteria of Section G(3)(g)(i) and (ii) above, that does not have enough taps that can provide first-draw samples, the system must either:

(i) Provide written documentation to the Department identifying standing times and locations for enough non-first-draw samples to make up its sampling pool under Section H(2)(e) above, by the start of the first applicable monitoring period under Section H(4) above, that commences after April 11, 2000, unless the Department has waived prior Department approval of non-first-draw sample sites selected by the system pursuant to Section H(2)(e) above; or

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(ii) If the Department has waived prior approval of non-first-draw sample sites selected by the system, identify, in writing, each site that did not meet the six-hour minimum standing time and the length of standing time for that particular substitute sample collected pursuant to Section H(2)(e) above, and include this information with the lead and copper tap sample results required to be submitted pursuant to paragraph (1)(a)(i) of this section

(c) No later than sixty (60) days after the addition of a new source or any change in water treatment, unless the Department requires earlier notification, a water system deemed to have optimized corrosion control under Section C(2)(c) above, a water system subject to reduced monitoring pursuant to Section H(4)(d) above, or a water system subject to a monitoring waiver pursuant to Section H(7) above, shall send written documentation to the Department describing the change. In those instances where prior Department approval of the treatment change or new source is not required, water systems are encouraged to provide the notification to the Department beforehand to minimize the risk the treatment change or new source will adversely affect optimal corrosion control.

(d) Any small system applying for a monitoring waiver under Section H(7) above, or subject to a waiver granted pursuant to Section H(7)(c) above, shall provide the following information to the Department in writing by the specified deadline:

(i) By the start of the first applicable monitoring period in Section H(4) above, any small water system applying for a monitoring waiver shall provide the documentation required to demonstrate that it meets the waiver criteria of Section H(7)(a) and (b) above.

(ii) No later than nine years after the monitoring previously conducted pursuant to Section H (7)(b) or (d)(i) above, each small system desiring to maintain its monitoring waiver shall provide the information required by Section H(7)(d)(i) and (ii) above.

(iii) No later than sixty (60) days after it becomes aware that it is no longer free of lead-containing and/or copper-containing material, as appropriate, each small system with a monitoring waiver shall provide written notification to the Department, setting forth the circumstances resulting in the lead-containing and/or copper-containing materials being introduced into the system and what corrective action, if any, the system plans to remove these materials.

(iv) By October 10, 2000, any small system with a waiver granted prior to April 11, 2000 and that has not previously met the requirements of Section H(7)(b) above, shall provide the information required by that paragraph.

(e) Each ground water system that limits water quality parameter monitoring to a subset of entry points under Section I(3)(c) above, shall provide, by the commencement of such monitoring, written correspondence to the Department that identifies the selected entry points and includes information sufficient to demonstrate that the sites are representative of water quality and treatment conditions throughout the system.

(2) Source Water Monitoring Reporting Requirements

(a) A water system shall report the sampling results for all source water samples collected in accordance with Section J above within the first ten (10) days following the end of each source water monitoring period (i.e., annually, per compliance period, per compliance cycle) specified in Section J above.

(b) With the exception of the first round of source water sampling conducted pursuant to Section J(2) above, the system shall specify any site which was not sampled during previous monitoring periods, and include an explanation of why the sampling point has changed.

(3) Corrosion Control Treatment Reporting Requirements - By the applicable dates under Section C above, systems shall report the following information:

(a) For systems demonstrating that they have already optimized corrosion control, information required in Section C(2)(b) or (c) above.

(b) For systems required to optimize corrosion control, their recommendation regarding optimal corrosion control treatment under Section D(1) above.

(c) For systems required to evaluate the effectiveness of corrosion control treatments under Section D(3) above, the information required by that paragraph.

(d) For systems required to install optimal corrosion control designated by the Department under Section D(4) above, a letter certifying that the system has completed installing that treatment.

(4) Source Water Treatment Reporting Requirements - By the applicable dates in Section E above, systems shall provide the following information to the Department:

(a) If required under Section E(2)(a) above, their recommendation regarding source water treatment;

(b) For systems required to install source water treatment under Section E(2)(b) above, a letter certifying that the system has completed installing the treatment designated by the Department within twenty-four (24) months after the Department designated the treatment.

(5) Lead Service Line Replacement Reporting Requirements - Systems shall report the following information to the Department to demonstrate compliance with the requirements of Section F above:

(a) Within twelve (12) months after a system exceeds the lead action level in sampling referred to in Section F(1) above, the system shall demonstrate in writing to the Department that it has conducted a materials evaluation, including the evaluation in Section H(1) above, to identify the initial number of lead service lines in its distribution system, and shall provide the Department with the system's schedule for replacing annually at least 7 percent of the initial number of lead service lines in its distribution system.

(b) Within twelve (12) months after 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:

(i) Replaced in the previous twelve (12) months at least seven (7) percent of the initial lead service lines (or a greater number of lines specified by the Department under Section F(5) above, in its distribution system, or,

(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 (1) of this section (or the percentage specified by the Department under Section F(5) above).

(c) The annual letter submitted to the Department under paragraph (5)(b) of this section shall contain the following information:

(i) The number of lead service lines scheduled to be replaced during the previous year of the system's replacement schedule;

(ii) The number and location of each lead service line replaced during the previous year of the system's replacement schedule; and,

(iii) If measured, the water lead concentration and location of each lead service line sampled, the sampling method, and the date of sampling.

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(d) Any system which collects lead service line samples following partial lead service line replacement required by Section F shall report the results to the Department within the first ten days of the month following the month in which the system receives the laboratory results, or as specified by the Department. The Department, at its discretion may eliminate this requirement to report these monitoring results. Systems shall also report any additional information as specified by the Department, and in a time and manner prescribed by the Department, to verify that all partial lead service line replacement activities have taken place.

(6) Public Education Program Reporting Requirements:

(a) Any water system that is subject to the public education requirements in Section G above, shall, within ten days after the end of each period in which the system is required to perform public education tasks in accordance with Section G(3) above, send written documentation to the Department that contains:

(i) A demonstration that the system has delivered the public education materials that meet the content requirements in Section G(1) and (2) above, and the delivery requirements in Section G(3) above; and

(ii) A list of all the newspapers, radio stations, television stations, and facilities and organizations to which the system delivered public education materials during the period in which the system was required to perform public education tasks.

(b) Unless required by the Department, a system that previously has submitted the information required by paragraph (6)(a)(ii) of this section need not resubmit the information required by paragraph (6)(a)(ii) of this section, as long as there have been no changes in the distribution list and the system certifies that the public education materials were distributed to the same list submitted previously.

(7) Reporting of Additional Monitoring Data - Any system which collects sampling data in addition to that required by this section shall report the results to the Department within the first ten (10) days following the end of the applicable monitoring period under Sections H, I and J above, during which the samples are collected.

(8) Reporting of 90th percentile lead and copper concentrations where the Department calculates a system's 90th percentile concentrations. A water system is not required to report the 90th percentile lead and copper concentrations measured from among all lead and copper tap water samples collected during each monitoring period, as required by paragraph (1)(a)(iv) of this section if:

(a) The Department has previously notified the water system that it will calculate the water system's 90th percentile lead and copper concentrations, based on the lead and copper tap results submitted pursuant to paragraph (8)(b)(i) of this section, and has specified a date before the end of the applicable monitoring period by which the system must provide the results of lead and copper tap water samples;

(b) The system has provided the following information to the Department by the date specified in paragraph (8)(a) of this section:

(i) The results of all tap samples for lead and copper including the location of each site and the criteria under Section H(1)(c), (d), (e), (f), and/or (g) above, under which the site was selected for the system's sampling pool, pursuant to paragraph (1)(a)(i) of this section; and

(ii) An identification of sampling sites utilized during the current monitoring period that were not sampled during previous monitoring periods, and an explanation why sampling sites have changed; and

(c) The Department has provided the results of the 90th percentile lead and copper calculations, in writing, to the water system before the end of the monitoring period.

M. Recordkeeping Requirements.

Any system subject to the requirements of this regulation shall retain on its premises original records of all sampling data and analyses, reports, surveys, letters, evaluations, schedules, Department determinations, and any other information required by Sections C through J above. Each water system shall retain the records required by this section for no fewer than twelve (12) years.

R.61-58.12 CONSUMER CONFIDENCE REPORTS

Replace 61-58.12.C(3)(c) to read:

(c) A report which contains data contaminants that the Department regulates using any of the following terms must include the applicable definitions:

- (i) Treatment Technique: A required process intended to reduce the level of a contaminant in drinking water.
- (ii) Action Level: The concentration of a contaminant which, if exceeded, triggers treatment or other requirements which a water system shall follow.
- (iii) Maximum residual disinfectant level goal or MRDLG: The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of the disinfectants to control microbial contaminants.
- (iv) Maximum residual disinfectant level or MRDL: The highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for control of microbial contaminants.

Replace 61-58.12.C(4) to read:

- (4) Information on Detected Contaminants.
 - (a) This sub-section specifies the requirements for information to be included in each report for contaminants subject to mandatory monitoring (except *Cryptosporidium*). It applies to:
 - (i) Contaminants subject to an MCL, action level, maximum residual disinfectant level or treatment technique (regulated contaminants);
 - (ii) Contaminants for which monitoring is required by R.61-58.5.CC, Special Monitoring for Inorganic and Organic Contaminants (unregulated contaminants); and
 - (iii) Disinfection by-products or microbial contaminants for which monitoring is required by Secs. 141.142 and 141.143 (Information Collection Rule for disinfection by-products (DBP) and Microbials (ICR)), of the National Primary Drinking Water Regulations (NPDWR), and which are detected in the finished water.
 - (b) The data relating to these contaminants shall be displayed in one table or in several adjacent tables. Any additional monitoring results which a community water system chooses to include in its report shall be displayed separately.
 - (c) The data shall be derived from data collected to comply with EPA and Department monitoring and analytical requirements during calendar year 1998 for the first report and subsequent calendar years thereafter except that:
 - (i) Where a system is allowed to monitor for regulated contaminants less often than once a year, the table(s) shall include the date and results of the most recent sampling and the report shall include a brief statement indicating

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that the data presented in the report are from the most recent testing done in accordance with the regulations. No data older than 5 years need be included.

(ii) Results of monitoring in compliance with the ICR (Secs. 141.142 and 141.143 of the NPDWR), need only be included for 5 years from the date of last sample or until any of the detected contaminants becomes regulated and subject to routine monitoring requirements, whichever comes first.

(d) For detected regulated contaminants (listed in Appendix D to this regulation), the table(s) shall contain:

(i) The MCL for that contaminant expressed as a number equal to or greater than 1.0 (as provided in Appendix A to this regulation);

(ii) The MCLG for that contaminant expressed in the same units as the MCL;

(iii) If there is no MCL for a detected contaminant, the table shall indicate that there is a treatment technique, or specify the action level, applicable to that contaminant, and the report shall include the definitions for treatment technique and/or action level, as appropriate, specified in paragraph(3)(c) of this section;

(iv) For contaminants subject to an MCL, except turbidity and total coliforms, the highest contaminant level used to determine compliance with R. 61-58.5, Maximum Contaminant Levels in Drinking Water, and the range of detected levels, as follows:

(A) When compliance with the MCL is determined annually or less frequently: The highest detected level at any sampling point and the range of detected levels expressed in the same units as the MCL.

(B) When compliance with the MCL is determined by calculating a running annual average of all samples taken at a sampling point: the highest average of any of the sampling points and the range of all sampling points expressed in the same units as the MCL.

(C) When compliance with the MCL is determined on a system-wide basis by calculating a running annual average of all samples at all sampling points: the average and range of detection expressed in the same units as the MCL.

Note to paragraph (4)(d)(iv): When rounding of results to determine compliance with the MCL is allowed by the regulations, rounding should be done prior to multiplying the results by the factor listed in Appendix D of this regulation;

(v) For turbidity.

(A) When it is reported pursuant to the requirements of R.61-58.10.C, Filtration and Disinfection [criteria for avoiding filtration]: the highest monthly value. The report should include an explanation of the reasons for measuring turbidity.

(B) When it is reported pursuant to R.61-58.10.E, Filtration and Disinfection [filtration], or R.61-58.10.H(4): The highest single measurement and the lowest monthly percentage of samples meeting the turbidity limits specified in R.61-58.10.E, Filtration, or R.61-58.10.H(4): for the filtration technology being used. The report should include an explanation of the reasons for measuring turbidity;

(vi) For lead and copper: the 90th percentile value of the most recent round of sampling and the number of sampling sites exceeding the action level;

(vii) For total coliform:

(A) The highest monthly number of positive samples for systems collecting fewer than forty (40) samples per month; or

(B) The highest monthly percentage of positive samples for systems collecting at least forty (40) samples per month;

(viii) For fecal coliform: The total number of positive samples; and

(ix) The likely source(s) of detected contaminants to the best of the operator's knowledge. Specific information regarding contaminants may be available in sanitary surveys and source water assessments, and should be used when available to the operator. If the operator lacks specific information on the likely source, the report shall include one or more of the typical sources for that contaminant listed in Appendix D to this regulation which are most applicable to the system.

Replace 61-58.12.C(6) to read:

(6) The table(s) shall clearly identify any data indicating violations of MCLs or treatment techniques and the report shall contain a clear and readily understandable explanation of the violation including: the length of the violation, the potential adverse health effects, and actions taken by the system to address the violation. To describe the potential health effects, the system shall use the relevant language of Appendix D to this regulation.

Replace 61-58.12.C(9) to read:

(9) Compliance with the State Primary Drinking Water Regulations (SPDWR). In addition to the requirements of this regulation, the report shall note any violation that occurred during the year covered by the report of a requirement listed below, and include a clear and readily understandable explanation of the violation, any potential adverse health effects, and the steps the system has taken to correct the violation:

(a) Monitoring and reporting of compliance data;

(b) Filtration and disinfection prescribed by R.61-58.10, Filtration and Disinfection. For systems which have failed to install adequate filtration or disinfection equipment or processes, or have had a failure of such equipment or process which constitutes a violation, the report shall include the following language as part of the explanation of potential adverse health effects: "Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches;"

(c) Lead and copper control requirements prescribed by R.61-58.11, Lead and Copper. For systems which fail to take one or more actions prescribed by R.1-58.11.B(2) [Corrosion Control Treatment Requirements], R.61-58.11.C [Applicability of Corrosion Control Treatment Steps to Small, Medium-Size and Large Water Systems], R.61-58.11.D [Description of Corrosion Control Treatment Requirements], R.61-58.11.E [Source Water Treatment Requirements], R.61-58.11.F [Lead Service Line Replacement Requirements], the report shall include the applicable language of Appendix D to this regulation for lead, copper, or both;

(d) Treatment techniques for Acrylamide and Epichlorohydrin prescribed by R.61-58.5.AA, Treatment Techniques. For systems which violate the requirements of R.61-58.5.AA, the report shall include the relevant language from Appendix D to this regulation;

(e) Recordkeeping of compliance data;

(f) Special monitoring requirements prescribed by R.61-58.5.T, Special Monitoring for Inorganic and Organic Contaminants, and R.61-58.5.U, Special Monitoring for Sodium; and

(g) Violation of the terms of a variance, an exemption, or an administrative or judicial order.

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Replace 61-58.12.D(4) to read:

(4) Systems which detect lead above the action level in more than five (5) percent and up to and including ten (10) percent of homes sampled:

Replace 61-58.12.D(5) to read:

(5) Community water systems that detect TTHM above 0.080 mg/l, but below the MCL in R.61-58.5.L, as an annual average, monitored and calculated under the provisions of R.61-58.5.M, must include health effects language prescribed by Appendix D to of this regulation.

Replace 61-58.12.E(8) to read:

(8) Any system subject to this regulation shall retain copies of its Consumer Confidence Report for no less than three (3) years.

R.61-58.13 DISINFECTANT RESIDUALS, DISINFECTION BYPRODUCTS, AND DISINFECTION BYPRODUCT PRECURSORS

Replace 61-58.13.B(2) to read:

(2) Compliance Dates - Unless otherwise noted, systems must comply with the requirements of this regulation as follows:

(a) CWSs and NTNCWSs that use a surface water source or a ground water source under the influence of surface water which serve 10,000 or more persons must comply with this regulation beginning January 1, 2002. CWSs and NTNCWSs that use a surface water source or a ground water source under the influence of surface water which serve fewer than 10,000 persons and systems using only ground water not under the direct influence of surface water must comply with this regulation beginning January 1, 2004.

(b) Transient NCWSs that use a surface water source or a ground water source under the influence of surface water which serve 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant must comply with any requirements for chlorine dioxide and chlorite in this regulation beginning January 1, 2002. Transient NCWSs that use a surface water source or a ground water source under the influence of surface water which serve fewer than 10,000 persons and use chlorine dioxide as a disinfectant or oxidant and systems that use only ground water not under the direct influence of surface water and use chlorine dioxide as a disinfectant or oxidant must comply with any requirements for chlorine dioxide and chlorite in this regulation beginning January 1, 2004.

Replace 61-58-13.B(6) to read:

(6) Certified Laboratory - Analyses under this regulation for disinfection byproducts must be conducted by a certified laboratory, except as specified in paragraph (7) of this section.

Add 61-58.13.B(7), (8) and (9) to read:

(7) A party approved by the Department must measure daily chlorite samples at the entrance to the distribution system.

(8) Disinfection Residuals - A party approved by the Department must measure residual disinfectant concentration.

(9) Additional Analyses - A party approved by the Department must measure the following parameters where required for compliance with this regulation:

- (a) Alkalinity
- (b) Bromide
- (c) Total Organic Carbon
- (d) Specific Ultraviolet Absorbance (SUVA)
- (e) pH

Replace 61-58.13.C(2) to read:

(2) Monitoring Requirements for Disinfection Byproducts.

(a) TTHMs and HAA5 - At least twenty-five (25) percent of all samples collected each quarter shall be at locations representing maximum residence time in the distribution system. Remaining samples shall be collected from locations representative of at least average residence time in the distribution systems and representing the entire distribution system, taking into account number of persons served, different sources of water and different treatment methods. The minimum number of samples required shall be determined based on the source of supply and the populations served by a public water system.

(i) CWSs and NTNCWSs that use a surface water source or a ground water source under the influence of surface water which serve 10,000 or more persons must collect samples as follows:

(A) Routine Monitoring - A minimum of four (4) water samples per treatment plant per quarter in accordance with paragraph (2)(a) of this section.

(B) Reduced Monitoring - If the system has a source water annual average TOC level, before any treatment, less than 4.0 mg/l and a TTHM annual average less than 0.040 mg/l and HAA5 annual average less than 0.030 mg/l, then the minimum number of samples required may be reduced to one (1) sample per treatment plant per quarter at a distribution system location reflecting maximum residence time.

(C) Systems on a reduced monitoring schedule may remain on that reduced schedule as long as the average of all samples taken in the year is no more than 0.060 mg/L and 0.045 mg/L for TTHMs and HAA5, respectively. Systems that do not meet these levels must resume monitoring at the frequency identified in paragraph (2)(a)(i)(A) of this section in the quarter immediately following the monitoring period in which the system exceeds 0.060 mg/L and 0.045 mg/L for TTHMs and HAA5, respectively.

(D) The system may be returned to routine monitoring at any time at the Department's discretion.

(ii) Source under the influence of surface water which serve from 500 to 9,999 persons must collect samples as follows:

(A) Routine Monitoring - A minimum of one (1) water sample per treatment plant per quarter at a location representing maximum residence time in the distribution system.

(B) Reduced Monitoring - If the system has a source water annual average TOC level, before any treatment, less than 4.0 mg/l and a TTHM annual average less than 0.040 mg/l and HAA5 annual average less than 0.030 mg/l, then the minimum number of samples required may be reduced to one (1) sample per treatment plant per year during a month of warmest water temperature at a distribution system location reflecting maximum residence time.

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(C) Systems on a reduced monitoring schedule may remain on that reduced schedule as long as the average of all samples taken in the year is no more than 0.060 mg/L and 0.045 mg/L for TTHMs and HAA5, respectively. Systems that do not meet these levels must resume monitoring at the frequency identified in paragraph (2)(a)(ii)(A) of this section in the quarter immediately following the monitoring period in which the system exceeds 0.060 mg/L and 0.045 mg/L for TTHMs and HAA5, respectively.

(D) The system may be returned to routine monitoring at any time at the Department's discretion.

(iii) CWSs and NTNCWSs that use a surface water source or a ground water source under the influence of surface water which serve less than 500 persons must collect samples as follows:

(A) Routine Monitoring - A minimum of one water sample per treatment plant per year during a month of warmest water temperature at a location representing maximum residence time in the distribution system.

(B) Reduced Monitoring - There is no reduced monitoring allowed for these systems

(C) Increased Monitoring - If the sample (or average of annual samples, if more than one is taken) exceeds the MCL, the system must increase monitoring to one sample per treatment plant per quarter, taken at a point reflecting the maximum residence time in the distribution system, until the system meets criteria in paragraph (2)(a)(iii)(D) of this section.

(D) Systems on increased monitoring may return to routine monitoring if, after at least one year of monitoring their TTHM annual average is less than or equal to 0.060 mg/L and their HAA5 annual average is less than or equal to 0.045 mg/L.

(iv) CWSs and NTNCWSs that use only ground water not under the influence of surface water which serve 10,000 or more persons and use a chemical disinfectant must collect samples as follows:

(A) Routine Monitoring - A minimum of one water sample per treatment plant per quarter at a location representing maximum residence time in the distribution system.

(B) Reduced Monitoring - If the system has a TTHM annual average less than 0.040 mg/l and HAA5 annual average less than 0.030 mg/l, then the minimum number of samples required may be reduced to one (1) sample per treatment plant per year during a month of warmest water temperature at a distribution system location reflecting maximum residence time.

(C) Systems on a reduced monitoring schedule may remain on that reduced schedule as long as the average of all samples taken in the year is no more than 0.060 mg/L and 0.045 mg/L for TTHMs and HAA5, respectively. Systems that do not meet these levels must resume monitoring at the frequency identified in paragraph (2)(a)(iv)(A) of this section in the quarter immediately following the monitoring period in which the system exceeds 0.060 mg/L and 0.045 mg/L for TTHMs and HAA5, respectively.

(D) The system may be returned to routine monitoring at any time at the Department's discretion.

(v) CWSs and NTNCWSs that use only ground water not under the influence of surface water which serve less than 10,000 persons and use a chemical disinfectant must collect samples as follows:

(A) Routine Monitoring - A minimum of one (1) water sample per treatment plant per year during a month of warmest water temperature at a location representing maximum residence time in the distribution system.

(B) Increased Monitoring - If the sample taken, or average of annual samples if more than one (1) sample is taken, exceeds the MCL, the system must increase monitoring to one sample per treatment plant per quarter, taken at a location representing the maximum residence time in the distribution system, until the system meets the criteria in paragraph (2)(a)(v)(F) of this section for reduced monitoring.

(C) Reduced Monitoring - If the system has a TTHM annual average less than 0.040 mg/l and HAA5 annual average less than 0.030 mg/l for two (2) consecutive years, or a TTHM annual average less than 0.020 mg/l and HAA5 annual average less than 0.015 mg/l for one (1) year, then the minimum number of samples required may be reduced to one sample per treatment plant per three (3) year cycle taken during a month of warmest water temperature at a distribution system location reflecting maximum residence time, with the three (3) year cycle beginning on January 1 following the quarter in which the system qualifies for reduced monitoring.

(D) Systems on a reduced monitoring schedule may remain on that reduced schedule as long as the average of all samples taken in the year is no more than 0.060 mg/L and 0.045 mg/L for TTHMs and HAA5, respectively. Systems that do not meet these levels must resume monitoring at the frequency identified in paragraph (v)(A) of this section in the quarter immediately following the monitoring period in which the system exceeds 0.060 mg/L and 0.045 mg/L for TTHMs and HAA5, respectively. If either the TTHM annual average is greater than 0.080 mg/L or the HAA5 annual average is greater than 0.060 mg/L, the system must go to the increased monitoring identified in paragraph (v)(B) of this section in the quarter immediately following the monitoring period in which the system exceeds the 0.080 mg/L or 0.060 mg/L for TTHMs or HAA5 respectively.

(E) The system may be returned to routine monitoring at any time at the Department's discretion.

(F) Systems on increased monitoring may return to routine monitoring if, after at least one (1) year of monitoring their TTHM annual average is less than or equal to 0.060 mg/L and their HAA5 annual average is less than or equal to 0.045 mg/L.

Replace 61-58.13.C(3) to read, 61-58-13.C(3)(b) remains unchanged:

(3) Monitoring requirements for disinfectant residuals.

(a) Chlorine and Chloramines.

(i) Routine Monitoring - Community and nontransient non-community water systems that use chlorine or chloramines must measure the residual disinfectant level at the same points in the distribution system and at the same time as total coliforms are sampled, as specified in R.61-58.5.G. Systems that use a surface water source or a ground water source under the influence of surface water may use the results of residual disinfectant concentration sampling conducted under R.61-58.10.F(2)(f) for unfiltered systems or R.61-58.10.F(3)(c) for systems which filter, in lieu of taking separate samples.

(ii) Reduced Monitoring - Monitoring may not be reduced.

Replace 61-58.13.D(2)(a) to read, 61-58.13D(2)(b) and (c) remains unchanged:

(2) Compliance Requirements.

(a) TTHMs and HAA5.

(i) For systems monitoring quarterly, compliance with MCLs in R.61-58.5.P must be based on a running annual arithmetic average, computed quarterly, of quarterly arithmetic averages of all samples collected by the system as prescribed in Section C(2)(a) above.

(ii) For systems monitoring less frequently than quarterly, systems demonstrate MCL compliance if the average of samples taken that year under the provisions of Section C(2)(a) above, does not exceed the MCLs in R.61-58.5(P). If the average of these samples exceeds the MCL, the system must increase monitoring to once per quarter per treatment plant and such a system is not in violation of the MCL until it has completed one year of quarterly monitoring, unless the result of fewer than four (4) quarters of monitoring will cause the running annual average to exceed the MCL, in which case the system is in violation at the end of that quarter. Systems required to

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increase monitoring frequency to quarterly monitoring must calculate compliance by including the sample which triggered the increased monitoring plus the following three (3) quarters of monitoring.

(iii) If the running annual arithmetic average of quarterly averages covering any consecutive four (4) quarter period exceeds the MCL, the system is in violation of the MCL and must notify the public pursuant to R.61-58.6 in addition to reporting to the Department pursuant to Section E above.

(iv) If a PWS fails to complete four (4) consecutive quarters of monitoring, compliance with the MCL for the last four (4) quarter compliance period must be based on an average of the available data.

Replace 61-58.13.D(3) to read:

(3) Disinfectant Residuals

(a) Chlorine and Chloramines.

(i) Compliance must be based on a running annual arithmetic average, computed quarterly, of monthly averages of all samples collected by the system under Section C(3)(a) above. If the average covering any consecutive four (4) quarter period exceeds the MRDL, the system is in violation of the MRDL and must notify the public pursuant to R.61-58.6, in addition to reporting to the Department pursuant to Section E below.

(ii) In cases where systems switch between the use of chlorine and chloramines for residual disinfection during the year, compliance must be determined by including together all monitoring results of both chlorine and chloramines in calculating compliance. Reports submitted pursuant to Section E below must clearly indicate which residual disinfectant was analyzed for each sample.

(b) Chlorine Dioxide.

(i) Acute Violations - Compliance must be based on consecutive daily samples collected by the system under Section C(3)(b) above. If any daily sample taken at the entrance to the distribution system exceeds the MRDL, and on the following day one (or more) of the three samples taken in the distribution system exceed the MRDL, the system is in violation of the MRDL and must take immediate corrective action to lower the level of chlorine dioxide below the MRDL and must notify the public pursuant to the procedures for acute health risks in R.61-58.6.E(1)(a)(iii) in addition to reporting to the Department pursuant to Section E(3) below. Failure to take samples in the distribution system the day following an exceedance of the chlorine dioxide MRDL at the entrance to the distribution system will also be considered an MRDL violation and the system must notify the public of the violation in accordance with the provisions for acute violations under R.61-58.6.E(1)(a)(iii) in addition to reporting to the Department pursuant to Section E(3) below.

(ii) Non-acute Violations - Compliance must be based on consecutive daily samples collected by the system under Section C(3)(b) above. If any two (2) consecutive daily samples taken at the entrance to the distribution system exceed the MRDL and all distribution system samples taken are below the MRDL, the system is in violation of the MRDL and must take corrective action to lower the level of chlorine dioxide below the MRDL at the point of sampling and will notify the public pursuant to the procedures for Non-acute health risks in R.61-58.6.E(1) in addition to reporting to the Department pursuant to Section E(3) below. Failure to monitor at the entrance to the distribution system the day following an exceedance of the chlorine dioxide MRDL at the entrance to the distribution system is also an MRDL violation and the system must notify the public of the violation in accordance with the provisions for Non-acute violations under R.61-58.6.E(1) in addition to reporting to the Department pursuant to Section E(3) below.

Replace 61-58-13.D(4) to read:

(4) Disinfection Byproduct Precursors - Compliance must be determined as specified by Section F(3) below. Systems may begin monitoring to determine whether Step 1 TOC removals can be met twelve (12) months prior to

the compliance date for the system. This monitoring is not required and failure to monitor during this period is not a violation. However, any system that does not monitor during this period, and then determines in the first twelve (12) months after the compliance date that it is not able to meet the Step 1 requirements in Section F(2)(b) below and must therefore apply for alternate minimum TOC removal (Step 2) requirements, is not eligible for retroactive approval of alternate minimum TOC removal (Step 2) requirements as allowed pursuant to Section F(2)(c) below and is in violation. Systems may apply for alternate minimum TOC removal (Step 2) requirements any time after the compliance date. For systems required to meet Step 1 TOC removals, if the value calculated under Section F(3)(a)(iv) below, is less than 1.00, the system is in violation of the treatment technique requirements and must notify the public pursuant to R.61-58.6.E(1), in addition to reporting to the Department pursuant to Section E(3) below.

Replace 61-58.13.E(2) to read:

(2) Disinfection Byproducts - Systems must report the following information:

(a) Systems monitoring for TTHM and HAA5 under the requirements of R.61-58.13.C(2) on a quarterly or more frequent basis must report:

(i) The number of samples taken during the last quarter.

(ii) The location, date, and result of each sample taken during the last quarter.

(iii) The arithmetic average of all samples taken in the last quarter.

(iv) The annual arithmetic average of the quarterly arithmetic averages of this section for the last four (4) quarters.

(v) Whether, based on Section D(2)(a) above, the MCL was violated.

(b) Systems monitoring for TTHMs and HAA5 under the requirements of R.61-58.13.C(2) less frequently than quarterly (but at least annually) must report

(i) The number of samples taken during the last year.

(ii) The location, date, and result of each sample taken during the last monitoring period.

(iii) The arithmetic average of all samples taken over the last year.

(iv) Whether, based on Section D(2)(a) above, the MCL was violated.

(c) Systems monitoring for TTHMs and HAA5 under the requirements of R.61-58.13.C(2) less frequently than annually must report:

(i) The location, date, and result of each sample taken.

(ii) Whether, based on Section D(2)(a) above, the MCL was violated.

(d) Systems monitoring for chlorite under the requirements of R.61-58.13.C(2) must report:

(i) The number of entry point samples taken each month for the last three (3) months.

(ii) The location, date, and result of each sample (both entry point and distribution system) taken during the last quarter.

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(iii) For each month in the reporting period, the arithmetic average of all samples taken in each three (3) samples set taken in the distribution system.

(iv) Whether, based on Section D(2)(c) above, the MCL was violated, and in which month, and how many times it was violated each month.

(e) System monitoring for bromate under the requirements of R.61-58.13.C(2) must report:

(i) The number of samples taken during the last quarter.

(ii) The location, date, and result of each sample taken during the last quarter.

(iii) The arithmetic average of the monthly arithmetic averages of all samples taken in the last year.

(iv) Whether, based on Section D(2)(b) above, the MCL was violated.

Replace 61-58.13.E(3) to read:

(3) Disinfectants - Systems must report the following information:

(a) Systems monitoring for chlorine or chloramines under the requirements of R.61-58.13.C(3) must report:

(i) The number of samples taken during each month of the last quarter.

(ii) The monthly arithmetic average of all samples taken in each month for the last twelve (12) months.

(iii) The arithmetic average of all monthly averages for the last twelve (12) months.

(iv) Whether, based on Section D(3)(a) above, the MRDL was violated.

(b) Systems monitoring for chlorine dioxide under the requirements of R.61-58.13.C(3) must report:

(i) The dates, results, and locations of samples taken during the last quarter.

(ii) Whether, based on Section D(3)(b) above, the MRDL was violated.

(iii) Whether the MRDL was exceeded in any two (2) consecutive daily samples and whether the resulting violation was acute or Non-acute.

Replace 61-58.13.E(4)(a) to read, 61-58.13.E(4)(b) remains unchanged:

(4) Disinfection byproduct precursors and enhanced coagulation or enhanced softening - Systems must report the following information:

(a) System monitoring monthly or quarterly for TOC under the requirements of R.61-58.13.C(4) and required to meet the enhanced coagulation or enhanced softening requirements in R.61-58.13.F(2)(b) or (c) must report:

(i) The number of paired (source water and treated water) samples taken during the last quarter.

(ii) The location, date, and results of each paired sample and associated alkalinity taken during the last quarter.

(iii) For each month in the reporting period that paired samples were taken, the arithmetic average of the percent reduction of TOC for each paired sample and the required TOC percent removal.

(iv) Calculations for determining compliance with the TOC percent removal requirements, as provided in R.61-58.13.F(3)(a).

(v) Whether the system is in compliance with the enhanced coagulation or enhanced softening percent removal requirements in R.61-58.13.F(2) for the last four (4) quarters.

Replace 61-58.13.F(1)(a) to read, 61-58.13.F(1)(b) remains unchanged:

(1) Systems using surface water or a ground water under the influence of surface water which utilize conventional filtration treatment must operate with enhanced coagulation or enhanced softening to achieve the TOC percent removal levels specified in paragraph (2) of this section unless the system meets at least one of the alternative compliance criteria listed in paragraph (1)(a) or (1)(b) of this section.

(a) Alternative Compliance Criteria for Enhanced Coagulation and Enhanced Softening Systems - Systems using surface water or a ground water under the influence of surface water which utilize conventional filtration treatment may use the alternative compliance criteria in paragraphs (1)(a)(i) through (vi) of this section to comply with this section in lieu of complying with paragraph (2) of this section. Systems must still comply with monitoring requirements in R.61-58.13.C(4).

(i) The system's source water TOC level, measured according to EPA approved methods specified in 40 CFR □141.131(d)(3), is less than 2.0 mg/L, calculated quarterly as a running annual average.

(ii) The system's treated water TOC level, measured according to EPA approved methods specified in 40 CFR □141.131(d)(3), is less than 2.0 mg/L, calculated quarterly as a running annual average.

(iii) The system's source water TOC level, measured as according to EPA approved methods specified in 40 CFR 141.131(d)(3), is less than 4.0 mg/L, calculated quarterly as a running annual average; the source water alkalinity, measured according to EPA approved methods specified in 40 CFR 141.131(d)(1), is greater than 60 mg/L (as CaCO₃), calculated quarterly as a running annual average; and either the TTHM and HAA5 running annual averages are no greater than 0.040 mg/L and 0.030 mg/L, respectively; or prior to the effective date for compliance in Section B(2) above, the system has made a clear and irrevocable financial commitment not later than the effective date for compliance in Section B(2) above, to use of technologies that will limit the levels of TTHMs and HAA5 to no more than 0.040 mg/L and 0.030 mg/L, respectively. Systems must submit evidence of a clear and irrevocable financial commitment, in addition to a schedule containing milestones and periodic progress reports for installation and operation of appropriate technologies, to the Department for approval not later than the effective date for compliance in Section B(2) above. These technologies must be installed and operating not later than June 30, 2005. Failure to install and operate these technologies by the date in the approved schedule will constitute a violation of National Primary Drinking Water Regulations.

(iv) The TTHM and HAA5 running annual averages are no greater than 0.040 mg/L and 0.030 mg/L, respectively, and the system uses only chlorine for primary disinfection and maintenance of a residual in the distribution system.

(v) The system's source water SUVA, prior to any treatment and measured monthly according to EPA approved methods specified in 40 CFR □141.131(d)(4), is less than or equal to 2.0 L/mg-m, calculated quarterly as a running annual average.

(vi) The system's finished water SUVA, measured monthly according to EPA approved methods specified in 40 CFR □141.131(d)(4), is less than or equal to 2.0 L/mg-m, calculated quarterly as a running annual average.

Replace 61-58.13.F(2) to read:

(2) Enhanced coagulation and enhanced softening performance requirements.

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(a) Systems must achieve the percent reduction of TOC specified in paragraph (2)(b) of this section between the source water and the combined filter effluent, unless the Department approves a system's request for alternate minimum TOC removal (Step 2) requirements under paragraph (2)(c) of this section.

(b) Required Step 1 TOC reductions, indicated in the following table, are based upon specified source water parameters measured in accordance with EPA approved methods specified in 40 CFR 141.131(d). Systems practicing softening are required to meet the Step 1 TOC reductions in the far-right column (Source water alkalinity greater than 120 mg/L) for the specified source water TOC:

STEP 1 REQUIRED REMOVAL OF TOC BY ENHANCED COAGULATION AND ENHANCED SOFTENING FOR SURFACE WATER SYSTEMS OR GROUND WATER SYSTEMS UNDER THE INFLUENCE OF SURFACE WATER USING CONVENTIONAL TREATMENT^{A,B}

Source-Water TOC, mg/L	Source-Water Alkalinity, mg/L as CaCO ₃		
	0 - 60	>60 - 120	>120 ^c
>2.0 - 4.0	35.0%	25.0%	15.0%
>4.0 - 8.0	45.0%	35.0%	25.0%
>8.0	50.0%	40.0%	30.0%

^a Systems meeting at least one of the conditions in paragraphs (1)(a)(i) through (vi) of this section are not required to operate with enhanced coagulation.

^b Softening systems meeting one of the alternative compliance criteria in paragraph (1)(b) of this section are not required to operate with enhanced softening.

^c Systems practicing softening must meet the TOC removal requirements in this column.

(c) Systems using surface water or a ground water under the influence of surface water which utilize conventional filtration treatment that cannot achieve the Step 1 TOC removals required by paragraph (2)(b) of this section due to water quality parameters or operational constraints must apply to the Department, within three (3) months of failure to achieve the TOC removals required by paragraph (2)(b) of this section, for approval of alternative minimum TOC (Step 2) removal requirements submitted by the system. If the Department approves the alternative minimum TOC removal (Step 2) requirements, the Department may make those requirements retroactive for the purposes of determining compliance. Until the Department approves the alternate minimum TOC removal (Step 2) requirements, the system must meet the Step 1 TOC removals contained in paragraph (2)(b) of this section.

(d) Alternate minimum TOC removal (Step 2) requirements. Applications made to the Department by enhanced coagulation systems for approval of alternative minimum TOC removal (Step 2) requirements under paragraph (2)(c) of this section must include, as a minimum, results of bench- or pilot-scale testing conducted under paragraph (2)(d)(i) of this section. The submitted bench-or-pilot scale testing must be used to determine the alternate enhanced coagulation level.

(i) Alternate enhanced coagulation level is defined as: Coagulation at a coagulant dose and pH as determined by the method described in paragraphs (2)(d)(i) through (v) of this section such that an incremental addition of 10 mg/L of alum (or equivalent amount of ferric salt) results in a TOC removal of 0.3 mg/L. The percent removal of TOC at this point on the "TOC removal versus coagulant dose" curve is then defined as the minimum TOC removal required for the system. Once approved by the Department, this minimum requirement supersedes the minimum TOC removal required by the table in paragraph (2)(b) of this section. This requirement will be effective until such time as the Department approves a new value based on the results of a new bench- and

pilot-scale test. Failure to achieve Department-set alternative minimum TOC removal levels is a violation of National Primary Drinking Water Regulations.

(ii) Bench- or pilot-scale testing of enhanced coagulation must be conducted by using representative water samples and adding 10 mg/L increments of alum (or equivalent amounts of ferric salt) until the pH is reduced to a level less than or equal to the enhanced coagulation Step 2 target pH shown in the following table:

ENHANCED COAGULATION STEP 2 TARGET pH

ALKALINITY (mg/L as CaCO ₃)	TARGET pH
0 - 60	5.5
>60 - 120	6.3
>120 - 240	7.0
>240	7.5

(iii) For waters with alkalinities of less than 60 mg/L for which addition of small amounts of alum or equivalent addition of iron coagulant drives the pH below 5.5 before significant TOC removal occurs, the system must add necessary chemicals to maintain the pH between 5.3 and 5.7 in samples until the TOC removal of 0.3 mg/L per 10 mg/L alum added (or equivalent addition of iron coagulant) is reached.

(iv) The system may operate at any coagulant dose or pH necessary (consistent with other NPDWRs) to achieve the minimum TOC percent removal approved under paragraph (2)(c) of this section.

(v) If the TOC removal is consistently less than 0.3 mg/L of TOC per 10 mg/L of incremental alum dose at all dosages of alum (or equivalent addition of iron coagulant), the water is deemed to contain TOC not amenable to enhanced coagulation. The system may then apply to the Department for a waiver of enhanced coagulation requirements.

Replace 61-58.13.F(3)(a) to read, 61-58.13.F(3)(b) through (d) remains unchanged:

(3) Compliance Calculations.

(a) Systems using surface water or a ground water under the influence of surface water other than those identified in paragraph (1)(a) or (1)(b) of this section must comply with requirements contained in paragraph (2)(b) or (2)(c) of this section. Systems must calculate compliance quarterly, beginning after the system has collected twelve (12) months of data, by determining an annual average using the following method:

(i) Determine actual monthly TOC percent removal, equal to:

$$(1 - (\text{treated water TOC} / \text{source water TOC})) \times 100.$$

(ii) Determine the required monthly TOC percent removal (from either the table in paragraph (2)(b) or from paragraph (2)(c) of this section).

(iii) Divide the value in paragraph (3)(a)(i) of this section by the value in paragraph (3)(a)(ii) of this section.

(iv) Add together the results of paragraph (3)(a)(iii) of this section for the last twelve (12) months and divide by twelve (12).

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(v) If the value calculated in paragraph (3)(a)(iv) of this section is less than 1.00, the system is not in compliance with the TOC percent removal requirements.

Replace Appendix A to read:

APPENDIX A TO R.61-58.6: VIOLATIONS AND OTHER SITUATIONS REQUIRING PUBLIC NOTICE

CONTAMINANT	MCL/MRDL/TT/VIOLATIONS ²		MONITORING & TESTING	
	TIER OF PUBLIC NOTICE REQUIRED	CITATION	TIER OF PUBLIC NOTICE REQUIRED	CITATION
VIOLATIONS OF THE STATE PRIMARY DRINKING WATER VIOLATIONS (SPDWR):³				
A. Microbiological Contaminants				
1. Total coliform	2	61-58.5.F(1)	3	61-58.5.G(1) - (5)
2. Fecal coliform/E. coli	1	61-58.5.F(2)	⁴ 1, 3	61-58.5.G(5)
5. Turbidity (for TT violations resulting from a single exceedance of maximum allowable turbidity level)	⁶ 2, 1	61-58.10.C(i)(b), 61-58.10.C(3)(b), 61-58.10.F(2)(b), 61-58.10.E(1)(b), 61-58.10.E(2)(b), 61-58.10.E(3)(b), 61-58.10.E(4), 61-58.10.H(4)(a)(ii), 61-58.10.H(4)(b)	3	61-58.10.F 61-58.10.F(3) 61-58.10.H
6. Surface Water Treatment Rule violations, other than violations resulting from single exceedance of max. allowable turbidity level (TT).	2	61-58.10.B - E		61-58.10
7. Interim Enhanced Surface Water Treatment Rule violations, other than violations resulting from single exceedance of max. turbidity level (TT)	2	⁷ 61-58.10.B - E		61-58.10.H(3), (5)
8. Filter Backwash Recycling Rule violations	2	61-58.10.I	3	61-58.10.I
B. Inorganic Chemicals (IOCs)				
1. Antimony	2	61-58.5.B(2)	3	61-58.5.C(7), (9)
2. Arsenic	2	61-58.5.B(2), 61-58.5.C(15)	3	61-58.5.C(2), (3), (7)
3. Asbestos (fibers >10µm)	2	61-58.5.B(2)	3	61-58.5.C(7), (8)
4. Barium	2	61-58.5.B(2)	3	61-58.5.C(7), (9)

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5. Beryllium	2	61-58.5.B(2)	3	61-58.5.C(7), (9)
6. Cadmium	2	61-58.5.B(2)	3	61-58.5.C(7), (9)
7. Chromium (total)	2	61-58.5.B(2)	3	61-58.5.C(7), (9)
8. Cyanide	2	61-58.5.B(2)	3	61-58.5.C(7), (9)
9. Fluoride	2	61-58.5.B(2)	3	61-58.5.C(7), (9)
10. Mercury (inorganic)	2	61-58.5.B(2)	3	61-58.5.C(7), (9)
11. Nitrate	1	61-58.5.B(2)	⁸ 1, 3	61-58.5.C(7), (10)
		61-58.5.C(12)		
12. Nitrite	1	61-58.5.B(2)	⁸ 1, 3	61-58.5.C(7), (10), 61-58.5.C(12)
13. Total Nitrate and Nitrite	1	61-58.5.B(2)	3	61-58.5.C(7)
14. Selenium	2	61-58.5.B(2)	3	61-58.5.C(7), (9)
15. Thallium	2	61-58.5.B(2)	3	61-58.5.C(7), (9)

C. Lead and Copper Rule (Action Level for lead is 0.015 mg/L, for copper is 1.3 mg/L)

1. Lead and Copper Rule (TT)	2	61-58.11.B - G	3	61-58.11.H - K
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D. Synthetic Organic Chemicals (SOCs)

1. 2,4-D	2	61-58.5.D	3	61-58.5.E(7)
2. 2,4,5-TP (Silvex)	2	61-58.5.D	3	61-58.5.E(7)
3. Alachlor	2	61-58.5.D	3	61-58.5.E(7)
4. Atrazine	2	61-58.5.D	3	61-58.5.E(7)
5. Benzo(a)pyrene (PAHs)	2	61-58.5.D	3	61-58.5.E(7)
6. Carbofuran	2	61-58.5.D	3	61-58.5.E(7)
7. Chlordane	2	61-58.5.D	3	61-58.5.E(7)
8. Dalapon	2	61-58.5.D	3	61-58.5.E(7)
9. Di (2-ethylhexyl) adipate	2	61-58.5.D	3	61-58.5.E(7)
10. Di (2-ethylhexyl) phthalate	2	61-58.5.D	3	61-58.5.E(7)
11. Dibromochloropropane	2	61-58.5.D	3	61-58.5.E(7)
12. Dinoseb	2	61-58.5.D	3	61-58.5.E(7)
13. Dioxin (2,3,7,8-TCDD)	2	61-58.5.D	3	61-58.5.E(7)
14. Diquat	2	61-58.5.D	3	61-58.5.E(7)
15. Endothall	2	61-58.5.D	3	61-58.5.E(7)
16. Endrin	2	61-58.5.D	3	61-58.5.E(7)
17. Ethylene dibromide	2	61-58.5.D	3	61-58.5.E(7)
18. Glyphosate	2	61-58.5.D	3	61-58.5.E(7)
19. Heptachlor	2	61-58.5.D	3	61-58.5.E(7)
20. Heptachlor epoxide	2	61-58.5.D	3	61-58.5.E(7)
21. Hexachlorobenzene	2	61-58.5.D	3	61-58.5.E(7)

22. Hexachlorocyclo-pentadiene	2	61-58.5.D	3	61-58.5.E(7)
23. Lindane	2	61-58.5.D	3	61-58.5.E(7)
24. Methoxychlor	2	61-58.5.D	3	61-58.5.E(7)
25. Oxamyl (Vydate)	2	61-58.5.D	3	61-58.5.E(7)
26. Pentachlorophenol	2	61-58.5.D	3	61-58.5.E(7)
27. Picloram	2	61-58.5.D	3	61-58.5.E(7)
28. Polychlorinated biphenyls (PCBs)	2	61-58.5.D	3	61-58.5.E(7)
29. Simazine	2	61-58.5.D	3	61-58.5.E(7)
30. Toxaphene	2	61-58.5.D	3	61-58.5.E(7)

E. Volatile Organic Chemicals (VOCs)

1. Benzene	2	61-58.5.N	3	61-58.5.O
2. Carbon tetrachloride	2	61-58.5.N	3	61-58.5.O
3. Chlorobenzene (monochlorobenzene)	2	61-58.5.N	3	61-58.5.O
4. o-Dichlorobenzene	2	61-58.5.N	3	61-58.5.O
5. p-Dichlorobenzene	2	61-58.5.N	3	61-58.5.O
6. 1,2-Dichloroethane	2	61-58.5.N	3	61-58.5.O
7. 1,1-Dichloroethylene	2	61-58.5.N	3	61-58.5.O
8. cis-1,2-Dichloroethylene	2	61-58.5.N	3	61-58.5.O
9. trans-1,2-Dichloroethylene	2	61-58.5.N	3	61-58.5.O
10. Dichloromethane	2	61-58.5.N	3	61-58.5.O
11. 1,2-Dichloropropane	2	61-58.5.N	3	61-58.5.O
12. Ethylbenzene	2	61-58.5.N	3	61-58.5.O
13. Styrene	2	61-58.5.N	3	61-58.5.O
14. Tetrachloroethylene	2	61-58.5.N	3	61-58.5.O
15. Toluene	2	61-58.5.N	3	61-58.5.O
16. 1,2,4-Trichlorobenzene	2	61-58.5.N	3	61-58.5.O
17. 1,1,1-Trichloroethane	2	61-58.5.N	3	61-58.5.O
18. 1,1,2-Trichloroethane	2	61-58.5.N	3	61-58.5.O
19. Trichloroethylene	2	61-58.5.N	3	61-58.5.O
20. Vinyl chloride	2	61-58.5.N	3	61-58.5.O
21. Xylenes (total)	2	61-58.5.N	3	61-58.5.O

F. Radioactive Contaminants

1. Beta/photon emitters	2	61-58.5.H	3	61-58.5.K, 61-58.5.K
2. Alpha emitters	2	61-58.5.H	3	61-58.5.K, 61-58.5.K
3. Combined radium (226 & 228)	2	61-58.5.H	3	61-58.5.K,

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4. Uranium	⁹ 2	61-58.5.H	¹⁰ 3	61-58.5.K 61-58.5.K, 61-58.5.K
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G. Disinfection Byproducts (DBPs), Byproduct Precursors, Disinfectant Residuals. Where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). EPA sets standards for controlling the levels of disinfectants and DBPs in drinking water, including trihalomethanes (THMs) and haloacetic acids (HAAs).¹¹

1. Total trihalomethanes (TTHMs)	2	¹² 61-58.5.L 61-58.5.P	3	61-58.5.M 61-58.13.C(1), (2)
2. Haloacetic Acids (HAA5)	2	61-58.5.P	3	61-58.13.C(1), (2)
3. Bromate	2	61-58.5.P	3	61-58.13.C(1), (2)
4. Chlorite	2	61-58.5.P	3	61-58.13.C(1), (2)
5. Chlorine (MRDL)	2	61-58.5.Q	3	61-58.13.C(1), (3)
6. Chloramine (MRDL)	2	61-58.5.Q	3	61-58.13.C(1), (3)
7. Chlorine dioxide (MRDL) where any 2 consecutive daily samples at entrance to distribution system only are above MRDL	2	61-58.5.Q, 61-58.13.D	2 ¹³ , 3	61-58.13.C(1), (3), 61-58.13.C(3)(b)
8. Chlorine dioxide (MRDL), where sample(s) in distribution system the next day are also above MRDL	¹⁴ 1	61-58.5.Q, 61-58.13.D(3)	1	61-58.13.C(1), (3), 61-58.13.D(3)(b)
9. Control of DBP precursors--TOC (TT)	2	61-58.10.F(1), (2)	3	61-58.13.C(1), (4)
10. Bench marking and disinfection profiling.	N/A	N/A	3	61-58.10.G(3)
11. Development of monitoring plan	N/A	N/A	3	61-58.13.C(6)

H. Other Treatment Techniques

1. Acrylamide (TT)	2	61-58.5.AA	N/A	N/A
2. Epichlorohydrin (TT)	2	61-58.5.AA	N/A	N/A

II. Unregulated Contaminant Monitoring:¹⁵

A. Unregulated contaminants	N/A	N/A	3	61-58.5.T
B. Nickel	N/A	N/A	3	61-58.5.C(9), (17)

III. Public Notification for Variances and Exemptions:

A. Operation under a variance or exemption	3	¹⁶ 61-58.9	N/A	N/A
B. Violation of conditions of a variance or exemption	2	61-58.9	N/A	N/A

IV. Other Situations Requiring Public Notification:

A. Fluoride secondary maximum contaminant level (SMCL) exceedance	3	61-58.5.R	N/A	N/A
B. Exceedance of nitrate MCL for non-community systems, as allowed by Department	1	61-58.5.B(3)	N/A	N/A
C. Availability of unregulated contaminant monitoring data	3	61-58.5.T	N/A	N/A
D. Waterborne disease outbreak	1	61-58.B(156)	N/A	N/A
E. Other waterborne emergency ¹⁸	1	61-58.10.C(3)(b)(ii)	N/A	N/A
F. Other situations as determined by Department	¹⁹ 1, 2, 3	N/A	N/A	N/A

Appendix A to R.61-58.6 -- Endnotes

¹. Violations and other situations not listed in this table (e.g., reporting violations and failure to prepare Consumer Confidence Reports), do not require notice, unless otherwise determined by the Department. The Department may, at its option, also require a more stringent public notice tier (e.g., Tier 1 instead of Tier 2 or Tier 2 instead of Tier 3) for specific violations and situations listed in this Appendix, as authorized under R.61-58.6.E(2)(a) and (3)(a).

². MCL--Maximum contaminant level, MRDL--Maximum residual disinfectant level, TT--Treatment technique

³. The term Violations of State Primary Drinking Water Regulations (SPDWR) is used here to include violations of MCL, MRDL, treatment technique, monitoring, and testing procedure requirements.

⁴. Failure to test for fecal coliform or E. coli is a Tier 1 violation if testing is not done after any repeat sample tests positive for coliform. All other total coliform monitoring and testing procedure violations are Tier 3.

⁵. Systems that violate the turbidity MCL of 5 NTU based on an average of measurements over two consecutive days must consult with the Department within 24 hours after learning of the violation. Based on this consultation, the Department may subsequently decide to elevate the violation to Tier 1. If a system is unable to make contact with the Department in the 24-hour period, the violation is automatically elevated to Tier 1.

⁶. Systems with treatment technique violations involving a single exceedance of a maximum turbidity limit under the Surface Water Treatment Rule (SWTR) or the Interim Enhanced Surface Water Treatment Rule (IESWTR) are required to consult with the Department within 24 hours after learning of the violation. Based on this consultation, the Department may subsequently decide to elevate the violation to Tier 1. If a system is unable to make contact with the Department in the 24-hour period, the violation is automatically elevated to Tier 1.

⁷. Most of the requirements of the Interim Enhanced Surface Water Treatment Rule, R.61-58.10.B - C become effective January 1, 2002 for surface water systems and ground water systems under the direct influence of surface water serving at least 10,000 persons. However, R.61-58.10.H(3) has some requirements that become effective as early as April 16, 1999. The Surface Water Treatment Rule remains in effect for systems serving at least 10,000 persons even after 2002; the Interim Enhanced Surface Water Treatment Rule adds additional requirements and does not in many cases supercede the SWTR.

⁸. Failure to take a confirmation sample within 24 hours for nitrate or nitrite after an initial sample exceeds the MCL is a Tier 1 violation. Other monitoring violations for nitrate are Tier 3.

⁹. The uranium MCL, Tier 2 violation citations are effective December 8, 2003 for all community water systems.

¹⁰. The uranium Tier 3 violation citations are effective December 8, 2000 for all community water systems.

¹¹. Community and non-transient non-community surface water systems and ground water systems under the direct influence of surface water serving 10,000 must comply with new DBP MCLs, disinfectant MRDLs, and related monitoring requirements beginning January 1, 2002. All other community and non-transient non-community systems must meet the MCLs and MRDLs beginning January 1, 2004. Transient non-community surface water systems and ground water systems under the direct influence of surface water serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine

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dioxide MRDL beginning January 1, 2002. Transient non-community surface water systems and ground water systems under the direct influence of surface water serving fewer than 10,000 persons and using only ground water not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2004.

¹² R.61-58.5.L will no longer apply after January 1, 2004.

¹³ Failure to monitor for chlorine dioxide at the entrance to the distribution system the day after exceeding the MRDL at the entrance to the distribution system is a Tier 2 violation.

¹⁴ If any daily sample taken at the entrance to the distribution system exceeds the MRDL for chlorine dioxide and one or more samples taken in the distribution system the next day exceed the MRDL, Tier 1 notification is required. Failure to take the required samples in the distribution system after the MRDL is exceeded at the entry point also triggers Tier 1 notification.

¹⁵ Some water systems must monitor for certain unregulated contaminants listed in R.61-58.5.T.

¹⁶ This citation refers to R.61-58.9 require that ``a schedule prescribed . . . for a public water system granted a variance [or exemption] shall require compliance by the system . . ."

¹⁷ In addition to R.61-58.9 specifies the items and schedule milestones that must be included in a variance for small systems.

¹⁸ Other waterborne emergencies require a Tier 1 public notice under R.61-58.6.E(2)(a) for situations that do not meet the definition of a waterborne disease outbreak given in R.61-58.B(156) but that still have the potential to have serious adverse effects on health as a result of short-term exposure. These could include outbreaks not related to treatment deficiencies, as well as situations that have the potential to cause outbreaks, such as failures or significant interruption in water treatment processes, natural disasters that disrupt the water supply or distribution system, chemical spills, or unexpected load ing of possible pathogens into the source water.

¹⁹ The Department may place other situations in any tier they believe appropriate, based on threat to public health.

Replace Appendix B to read:

APPENDIX B TO R.61-58.G: STANDARD HEALTH EFFECTS LANGUAGE FOR PUBLIC NOTIFICATION

Contaminant	MCLG ¹ mg/L	MCL ² mg/L	Standard health effects language for public notification
State Primary Drinking Water Regulations (SPDWR):			
A. Microbiological Contaminants:			
1a. Total coliform	Zero	See footnote ³	Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.
1b. Fecal coliform/E. coli	Zero	Zero	Fecal coliforms and E. coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely compromised immune systems.
2a. Turbidity (MCL) ⁴	None	1 NTU ^{5/5} NTU	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.
2b. Turbidity (SWTR TT) ⁶	None	TT ⁷	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.
2c. Turbidity (IESWTR TT) ⁸	None	TT	Turbidity has no health effects. However, turbidity can

and provide a medium for microbial growth. Turbidity may indicate the of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.

B. Surface Water Treatment Rule (SWTR) and Interim Enhanced Surface Water Treatment Rule (IESWTR) and Filter Backwash Recycling Rule (FBRR) violations:

3. <i>Giardia lamblia</i> (SWTR/IESWTR)	Zero	TT ¹⁰	Inadequately treated water may contain disease-causing organisms. These organisms include bacteria, viruses, and parasites which can cause symptoms such as nausea, cramps, diarrhea, and associated headaches.
4. Viruses (SWTR/IESWTR)			
5. Heterotrophic plate count (HPC) bacteria ⁹ (SWTR/IESWTR).			
6. <i>Legionella</i> (SWTR/IESWTR).			
7. <i>Cryptosporidium</i> (IESWTR/FBRR).			
C. Inorganic Chemicals (IOCs):			
8. Antimony	0.006	0.006	Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol and decreases in blood sugar.
9. Arsenic	None	0.05	Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer.
10. Asbestos (10 Φm)	7 MFL ¹¹	7 MFL	Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.
11. Barium	2	2	Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.
12. Beryllium	0.004	0.004	Some people who drink water containing beryllium well in excess of the MCL over many years could develop

13. Cadmium	0.005	0.005	intestinal lesions. Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.
14. Chromium (total)	0.1	0.1	Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.
15. Cyanide	0.2	0.2	Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.
16. Fluoride	4.0	4.0	Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually in children less than nine years old. Mottling, also known as dental fluorosis, may include brown staining and/or pitting of the teeth, and occurs only in developing teeth before they erupt from the gums.
17. Mercury (inorganic)	0.002	0.002	Some people who drink water containing inorganic mercury well in excess of the MCL over many years could experience kidney damage.
18. Nitrate	10	10	Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
19. Nitrite	1	1	Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
20. Total Nitrate and Nitrite	10	10	Infants below the age of six months who drink water containing nitrate and nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
21. Selenium	0.05	0.05	Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could

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22. Thallium	0.0005	0.002	<p>experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation. Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.</p>
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D. Lead and Copper Rule:

23. Lead	Zero	TT ¹²	<p>Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.</p>
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24. Copper	1.3	TT ¹³	<p>Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage. People with Wilson's Disease should consult their personal doctor.</p>
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E. Synthetic Organic Chemicals (SOCs):

25. 2,4-D	0.07	0.07	<p>Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.</p>
26. 2,4,5-TP (Silvex)	0.05	0.05	<p>Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.</p>
27. Alachlor	Zero	0.002	<p>Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.</p>
28. Atrazine	0.003	0.003	<p>Some people who drink water containing atrazine well</p>

29. Benzo(a)pyrene (PAHs)	Zero	0.0002	in excess of the MCL over many years could experience problems with their cardiovascular system or reproductive difficulties. Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience reproductive difficulties and may have an increased risk of getting cancer.
30. Carbofuran	0.04	0.04	Some people who drink water containing carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems.
31. Chlordane	Zero	0.002	Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer.
32. Dalapon	0.2	0.2	Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.
33. Di (2-ethylhexyl) adipate	0.4	0.4	Some people who drink water containing di-(2-ethylhexyl) adipate well in excess of the MCL over many years could experience general toxic effects or reproductive difficulties.
34. Di (2-ethylhexyl) phthlate	Zero	0.006	Some people who drink water containing di-(2-ethylhexyl) phthalate in excess of the MCL over many years may have problems with their liver, or experience reproductive difficulties, and may have an increased risk of getting cancer.
35. Dibromochloropropane (DBCP)	Zero	0.0002	Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
36. Dinoseb	0.007	0.007	Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties.
37. Dioxin (2,3,7,8-TCDD).	Zero	3×10^{-8}	Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
38. Diquat	0.02	0.02	Some people who drink water containing diquat in excess of the MCL over many years could get

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39. Endothall	0.1	0.1	cataracts. Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.
40. Endrin	0.002	0.002	Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.
41. Ethylene dibromide	Zero	0.00005	Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.
42. Glyphosate	0.7	0.7	Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.
43. Heptachlor	Zero	0.0004	Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased risk of getting cancer.
44. Heptachlor epoxide	Zero	0.0002	Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.
45. Hexachlorobenzene	Zero	0.001	Some people who drink water containing hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects, and may have an increased risk of getting cancer.
46. Hexachlorocyclo pentadiene	0.05	0.05	Some people who drink water containing Hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach.
47. Lindane	0.0002	0.0002	Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver.
48. Methoxychlor	0.04	0.04	Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties.
49. Oxamyl (Vydate)	0.2	0.2	Some people who drink water containing oxamyl in

50. Pentachlorophenol	Zero	0.001	excess of the MCL over many years could experience slight nervous system effects. Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.
51. Picloram	0.5	0.5	Some people who drink water containing picloram in excess of the MCL over many years could experience problems with their liver.
52. Polychlorinated biphenyls (PCBs).	Zero	0.0005	Some people who drink water containing PCBs in excess of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer.
53. Simazine	0.004	0.004	Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.
54. Toxaphene	Zero	0.003	Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer.
F. Volatile Organic Chemicals (VOCs):			
55. Benzene	Zero	0.005	Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.
56. Carbon tetrachloride	Zero	0.005	Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
57. Chlorobenzene (monochlorobenzene)	0.1	0.1	Some people who drink water containing in excess of the MCL over many years could experience problems with their liver or kidneys.
58. o-Dichlorobenzene	0.6	0.6	Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems.

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59. p-Dichlorobenzene.	0.075	0.075	Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood.
60. 1,2-Dichloroethane.	Zero	0.005	Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer.
61. 1,1-Dichloroethylene	0.007	0.007	Some people who drink water containing 1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
62. cis-1,2-Dichloroethylene	0.07	0.07	Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
63. trans-1,2-Dichloroethylene	0.1	0.1	Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver.
64. Dichloromethane	Zero	0.005	Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increased risk of getting cancer.
65. 1,2-Dichloropropane	Zero	0.005	Some people who drink water containing 1,2-dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.
66. Ethylbenzene	0.7	0.7	Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.
67. Styrene	0.1	0.1	Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, kidneys, or circulatory system.
68. Tetrachloroethylene	Zero	0.005	Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer.
69. Toluene	1	1	Some people who drink water containing toluene well in excess of the MCL over many years could have

70. 1,2,4-Trichlorobenzene	0.07	0.07	problems with their nervous system, kidneys, or liver. Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands.
71. 1,1,1-Trichloroethane	0.2	0.2	Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system.
72. 1,1,2-Trichloroethane	0.003	0.005	Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver, kidneys, or immune systems.
73. Trichloroethylene	Zero	0.005	Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
74. Vinyl chloride	Zero	0.002	Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.
75. Xylenes (total)	10	10	Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.
G. Radioactive Contaminants:			
76. Beta/photon emitters	Zero	4 mrem/yr ¹⁴	Certain minerals are radioactive and may emit forms of radiation known as photons and beta radiation. Some people who drink water containing beta and photon emitters in excess of the MCL over many years may have an increased risk of getting cancer.
77. Alpha emitters	Zero	15 pCi/L ¹⁵	Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.
78. Combined radium (226 &228)	Zero	5 pCi/L	Some people who drink water containing radium 226 or 228 in excess of the MCL over many years may have an increased risk of getting cancer.
79. Uranium ¹⁶	Zero	30µg/L	Some people who drink water containing uranium

in excess of the MCL over many years may have an increased risk of getting cancer and kidney toxicity.

H. Disinfection Byproducts (DBPs), Byproduct Precursors, and Disinfectant Residuals: Where disinfection is used in the treatment of drinking water, disinfectants combine with organic and inorganic matter present in water to form chemicals called disinfection byproducts (DBPs). EPA sets standards for controlling the levels of disinfectants and DBPs in drinking water, including trihalomethanes (THMs) and haloacetic acids (HAAs):¹⁷

80. Total trihalomethanes (TTHMs)	N/A	0.10/0.08017 ^{18, 19}	Some people who drink water containing trihalomethanes excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous system and may have an increased risk of getting cancer.
81. Haloacetic Acids (HAA)	N/A	0.060 ²⁰	Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.
82. Bromate	Zero	0.010	Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer.
83. Chlorite	0.08	1.0	Some infants and young children who drinking water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia.
84. Chlorine	4 (MRDLG) ²¹	4.0 (MRDL) ²²	Some people who use water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.
85. Chloramines	4 (MRDLG)	4.0 (MRDL)	Some people who use water containing chloramines well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.
86a. Chlorine dioxide, where any 2 consecutive daily samples taken at the entrance to the distribution system are above the MRDL.	0.8 (MRDLG)	0.8 (MRDL)	Some infants and young children who drink water containing chlorine chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine

<p>86b. Chlorine dioxide, where one or more water distribution system are above the MRDL</p>	<p>0.8 (MRDLG)0.8 (MRDL)</p>	<p>dioxide in excess of the MRDL. Some people may experience anemia. Add for public notification only: The chlorine dioxide violations reported today are the result of exceedances at the treatment facility only not within the distribution system which delivers water to consumers. Continued compliance with chlorine dioxide levels within the distribution system minimizes the potential risk of these violations to consumers. Some infants and young children who drink containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur. MRDL. in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia.</p>
<p>87. Control of DBP precursors (DBP)</p>	<p>None TT</p>	<p>Add for public notification only: The chlorine dioxide violations reported today include exceedances of the EPA standard within the distribution system which delivers water to consumers. Violations of the chlorine dioxide standard within the distribution system may harm human health based on short-term exposures. Certain groups, including fetuses, infants, and young children, may be especially susceptible to nervous system effects from excessive chlorine dioxide exposure. Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection by-products. These byproducts include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these by-products in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer.</p>

I. Other Treatment Techniques:

88. Acrylamide.	Zero	TT	Some people who drink water containing high levels of acrylamide over a long period of time could have problems with their nervous system or blood, and may have an increased risk of getting cancer.
89. Epichlorohydrin	Zero	TT	Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer.

Appendix B to R.61-58.6 - endnotes

¹. MCLG--Maximum contaminant level goal

². MCL--Maximum contaminant level

³. For water systems analyzing at least 40 samples per month, no more than 5.0 percent of the monthly samples may be positive for total coliforms. For systems analyzing fewer than 40 samples per month, no more than one sample per month may be positive for total coliforms.

⁴. There are various regulations that set turbidity standards for different types of systems, including the 1989 Surface Water Treatment Rule, and the 1998 Interim Enhanced Surface Water Treatment Rule. The MCL for the monthly turbidity average is 1 NTU; the MCL for the 2-day average is 5 NTU for systems that are required to filter but have not yet installed filtration.

⁵. NTU--Nephelometric turbidity unit

⁶. There are various regulations that set turbidity standards for different types of systems, including the 1989 Surface Water Treatment Rule (SWTR), and the 1998 Interim Enhanced Surface Water Treatment Rule (IESWTR). Systems subject to the Surface Water Treatment Rule (both filtered and unfiltered) may not exceed 5 NTU. In addition, in filtered systems, 95 percent of samples each month must not exceed 0.5 NTU in systems using conventional or direct filtration and must not exceed 1 NTU in systems using slow sand or diatomaceous earth filtration or other filtration technologies approved by the Department.

⁷. TT--Treatment technique

⁸. There are various regulations that set turbidity standards for different types of systems, including the 1989 Surface Water Treatment Rule (SWTR), and the 1998 Interim Enhanced Surface Water Treatment Rule (IESWTR). For systems subject to the IESWTR (systems serving at least 10,000 people, using surface water or ground water under the direct influence of surface water), that use conventional filtration or direct filtration, after January 1, 2002, the turbidity level of a system's combined filter effluent may not exceed 0.3 NTU in at least 95 percent of monthly measurements, and the turbidity level of a system's combined filter effluent must not exceed 1 NTU at any time. Systems subject to the IESWTR using technologies other than conventional, direct, slow sand, or diatomaceous earth filtration must meet turbidity limits set by the Department.

⁹. The bacteria detected by heterotrophic plate count (HPC) are not necessarily harmful. HPC is simply an alternative method of determining disinfectant residual levels. The number of such bacteria is an indicator of whether there is enough disinfectant in the distribution system.

¹⁰. SWTR and IESWTR treatment technique violations that involve turbidity exceedances may use the health effects language for turbidity instead.

¹¹. Millions fibers per liter.

¹². Action Level = 0.015 mg/L

¹³. Action Level = 1.3 mg/L

¹⁴. Millirems per years

¹⁵. Picocuries per liter

¹⁶ The uranium MCL is effective December 8, 2003 for all community water systems.

¹⁷ Surface water systems and ground water systems under the direct influence of surface water are regulated under R.61-58.10 Community and non-transient non-community systems serving 10,000 must comply with DBP MCLs and disinfectant maximum residual disinfectant levels (MRDLs) beginning January 1, 2002. All other community and non-transient non-community systems must meet the MCLs and MRDLs beginning January 1, 2004. Transient non-community surface water systems and ground water systems under the direct influence of surface water serving 10,000 or more persons and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2002. Transient non-community systems serving fewer than 10,000 persons and systems using only ground water not under the direct influence of surface water and using chlorine dioxide as a disinfectant or oxidant must comply with the chlorine dioxide MRDL beginning January 1, 2004.

¹⁸ The MCL of 0.10 mg/l for TTHMs is in effect until January 1, 2002 for community water community surface water systems and ground water systems under the direct influence of surface water serving 10,000 or more. This MCL is in effect until January 1, 2004 for community water systems with a population of 10,000 or more using only ground water not under the direct influence of surface water. After these deadlines, the MCL will be 0.080 mg/l. On January 1, 2004, all systems serving less than 10,000 will have to comply with the new MCL as well.

¹⁹ The MCL for total trihalomethanes is the sum of the concentrations of the individual trihalomethanes.

²⁰ The MCL for haloacetic acids is the sum of the concentrations of the individual haloacetic acids.

²¹ MRDLG--Maximum residual disinfectant level goal.

²² MRDL--Maximum residual disinfectant level.

Replace Appendix C to read:

APPENDIX C TO R.61-58.6 - LIST OF ACRONYMS USED IN PUBLIC NOTIFICATION REGULATION

CCR Consumer Confidence Report
CWS Community Water System
DBP Disinfection Byproduct
EPA Environmental Protection Agency
HPC Heterotrophic Plate Count
IESWTR Interim Enhanced Surface Water Treatment Rule
IOC Inorganic Chemical
LCR Lead and Copper Rule
MCL Maximum Contaminant Level
MCLG Maximum Contaminant Level Goal
MRDL Maximum Residual Disinfectant Level
MRDLG Maximum Residual Disinfectant Level Goal
NCWS Non-Community Water System
NPDWR National Primary Drinking Water Regulation
NTNCWS Non-Transient Non-Community Water System
NTU Nephelometric Turbidity Unit
OGWDW Office of Ground Water and Drinking Water
OW Office of Water
PN Public Notification
PWS Public Water System
SDWA Safe Drinking Water Act
SMCL Secondary Maximum Contaminant Level
SOC Synthetic Organic Chemical
SPDWR State Primary Drinking Water Regulations
SWTR Surface Water Treatment Rule
TCR Total Coliform Rule
TT Treatment Technique
TWS Transient Non-Community Water System
VOC Volatile Organic Chemical

Add Appendix D to read:

APPENDIX D TO R.61-58.12: CONSUMER CONFIDENCE REPORTS: REGULATED CONTAMINANTS

Contaminant (units)	Traditional MCL in mg/L	To convert for CCR, multiply by	MCL in CCR units	MCLG	Major sources in drinking water	Health effects language
Microbiological contaminants:						
Total Coliform Bacteria	MCL: (systems that collect ≥ 40 samples/month) 5% of monthly samples are positive; (systems that collect < 40 samples/month) 1 positive monthly sample.		MCL: (systems that collect ≥ 40 samples/month) 5% of monthly samples are positive; (systems that collect < 40 samples/month) 1 positive monthly sample.	0	Naturally present in the environment.	Coliforms are bacteria that are naturally present in the and are used as an indicator that other, potentially-harmful bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.
Fecal coliform and E. coli	0		0	0	Human and animal fecal waste.	Fecal coliforms and E. Coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes. Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, some of the elderly, and people with severely-compromised immune systems.
Total organic carbon (ppm)	TT		TT	N/A	Naturally present in the environment.	Total organic carbon (TOC) has no health effects. However, total organic carbon provides a medium for the formation of disinfection by products. These byproducts include trihalomethanes (THMs) and haloacetic acids (HAAs). Drinking water containing these byproducts in excess of the MCL may lead to adverse health effects, liver or kidney problems, or nervous system effects, and may lead to an increased risk of getting cancer.
Turbidity (NTU)	TT		TT	N/A	Soil runoff.	Turbidity has no health effects. However, turbidity can interfere with disinfection and provide a medium for microbial growth. Turbidity may indicate the presence of disease-causing organisms. These organisms include bacteria, viruses, and parasites that can cause symptoms such as nausea, cramps, diarrhea and associated headaches.
Radioactive contaminants:						
Beta/photon emitters	4 mrem/yr		4	0	Decay of natural	Certain minerals are radioactive and may emit forms of

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(mrem/yr)					and man-made deposits.	radiation known as photons and beta radiation. Some people who drink water containing beta particle and photon radioactivity in excess of the MCL over many years may have an increased risk of getting cancer.
Alpha emitters (pCi/L)	15 pCi/L		15	0	Erosion of natural deposits.	Certain minerals are radioactive and may emit a form of radiation known as alpha radiation. Some people who drink water containing alpha emitters in excess of the MCL over many years may have an increased risk of getting cancer.
Combined radium (pCi/L)	5 pCi/L		5	0	Erosion of natural deposits.	Some people who drink water containing radium-226 or - 228 in excess of the MCL over many years may have an increased risk of getting cancer.
Uranium (pCi/L)	30 µg/L		30	0	Erosion of natural deposits.	Some people who drink water containing uranium in excess of the MCL over many years may have an increased risk getting cancer and kidney toxicity.
Inorganic contaminants:						
Antimony (ppb)	.006	1000	6	6	Discharge from petroleum refineries; fire retardants; ceramics; electronics; solder.	Some people who drink water containing antimony well in excess of the MCL over many years could experience increases in blood cholesterol decreases in blood sugar.
Arsenic (ppb)	.05	1000	50	N/A	Erosion of natural deposits; Runoff from orchards; Runoff from glass and electronics.	Some people who drink water containing arsenic in excess of the MCL over many years could experience skin damage or problems with their circulatory system, and may have an increased risk of getting cancer.
Asbestos (MFL)	7 MFL		7	7	Decay of asbestos cement water mains erosion of natural deposits.	Some people who drink water containing asbestos in excess of the MCL over many years may have an increased risk of developing benign intestinal polyps.
Barium (ppm)	2		2	2	Discharge of drilling; wastes; Discharge from metal refineries; Erosion of natural deposits.	Some people who drink water containing barium in excess of the MCL over many years could experience an increase in their blood pressure.
Beryllium (ppb)	.004	1000	4	4	Discharge from metal refineries and coal-burning factories; Discharge from electrical, aerospace, and defense industries.	Some people who drink water containing beryllium well in excess of the MCL over many years could develop intestinal lesions
Cadmium (ppb)	.005	1000	5	5	Corrosion of galvanized pipes; Erosion of natural deposits; Discharge from metal refineries; Runoff from waste	Some people who drink water containing cadmium in excess of the MCL over many years could experience kidney damage.

Chromium (ppb)	.1	1000	100	100	batteries and paints. Discharge from steel and pulp; mills; Erosion of Natural deposits.	Some people who use water containing chromium well in excess of the MCL over many years could experience allergic dermatitis.
Copper (ppm)	AL=1.3		AL=1.3	1.3	Corrosion of household plumbing systems; Erosion of natural deposits; Leaching from wood perservatives.	Copper is an essential nutrient, but some people who drink water containing copper in excess of the action level over a relatively short amount of time could experience gastrointestinal distress. Some people who drink water containing copper in excess of the action level over many years could suffer liver or kidney damage People with Wilson's Disease should consult their personal doctor.
Cyanide (ppb)	.2	1000	200	200	Discharge from steel/ metal factories; Discharge from plastic and fertilizer factories.	Some people who drink water containing cyanide well in excess of the MCL over many years could experience nerve damage or problems with their thyroid.
Fluoride (ppm)	4		4	4	Erosion of natural deposits; Water additive which promotes strong teeth; Discharge from fertilizer and aluminum factories.	Some people who drink water containing fluoride in excess of the MCL over many years could get bone disease, including pain and tenderness of the bones. Fluoride in drinking water at half the MCL or more may cause mottling of children's teeth, usually in children less than nine years old. Mottling, also known as dental fluorosis, may include brown staining and/or pitting of the teeth, and occurs only in developing teeth before they erupt from the gums.
Lead (ppb)	AL=.015	1000	AL=15	0	Corrosion of household plumbing systems; Erosion of natural deposits.	Infants and children who drink water containing lead in excess of the action level could experience delays in their physical or mental development. Children could show slight deficits in attention span and learning abilities. Adults who drink this water over many years could develop kidney problems or high blood pressure.
Mercury [inorganic] (ppb)	.002	1000	2	2	Erosion of natural deposits; from refineries and factories; Runoff from landfills; Runoff from cropland.	Some people who drink water containing inorganic mercury; Discharge well in excess of the MCL over many years could experience kidney damage
Nitrate (ppm)	10		10	10	Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits.	Infants below the age of six months who drink water containing nitrate in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby syndrome.
Nitrite (ppm)	1		1	1	Runoff from fertilizer use; Leaching from septic tanks	Infants below the age of six months who drink water containing nitrite in excess of the MCL could become seriously ill and, if untreated, may die. Symptoms include shortness of breath and blue baby

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Selenium (ppb)	.05	1000	50	50	sewage; Erosion of natural deposits. Discharge from petroleum and metal refineries; Erosion of natural deposits; Discharge from mines.	syndrome. Selenium is an essential nutrient. However, some people who drink water containing selenium in excess of the MCL over many years could experience hair or fingernail losses, numbness in fingers or toes, or problems with their circulation
Thallium (ppb)	.002	1000	2	0.5	Leaching from ore-processing sites; Discharge from electronics, glass, and drug factories.	Some people who drink water containing thallium in excess of the MCL over many years could experience hair loss, changes in their blood, or problems with their kidneys, intestines, or liver.
Synthetic organic contaminants including pesticides and herbicides:						
2,4-D (ppb)	.07	1000	70	70	Runoff from herbicide used on row crops.	Some people who drink water containing the weed killer 2,4-D well in excess of the MCL over many years could experience problems with their kidneys, liver, or adrenal glands.
2,4,5-TP [Silvex](ppb)	.05	1000	50	50	Residue of banned herbicide.	Some people who drink water containing silvex in excess of the MCL over many years could experience liver problems.
Acrylamide	TT		TT	0	Added to water during sewage/ wastewater treatment.	Some people who drink water containing high levels of acrylamide over a long period of time could have an increased problems with their nervous system or blood, and may have risk of getting cancer.
Alachlor (ppb)	.002	1000	2	0	Runoff from herbicide used on row crops.	Some people who drink water containing alachlor in excess of the MCL over many years could have problems with their eyes, liver, kidneys, or spleen, or experience anemia, and may have an increased risk of getting cancer.
Atrazine (ppb)	.003	1000	3	3	Runoff from herbicide used on row crops.	Some people who drink water containing atrazine well in excess of the MCL over many years could experience on problems with their cardiovascular system or reproductive difficulties.
Benzo(a)pyrene [PAH] (nanograms/l).	.0002	1,000,000	200	0	Leaching from linings of water storage tanks and distribution lines.	Some people who drink water containing benzo(a)pyrene in excess of the MCL over many years may experience and reproductive difficulties and may have an increased risk of getting cancer.
Carbofuran (ppb)	.04	1000	40	40	Leaching of soil fumigant used on rice and alfalfa.	Some people who drink carbofuran in excess of the MCL over many years could experience problems with their blood, or nervous or reproductive systems.
Chlordane (ppb)	.002	1000	2	0	Residue of banned termiticide.	Some people who drink water containing chlordane in excess of the MCL over many years could experience problems with their liver or nervous system, and may have an increased risk of getting cancer.
Dalapon (ppb)	.2	1000	200	200	Runoff from herbicide used on rightd-of-way.	Some people who drink water containing dalapon well in excess of the MCL over many years could experience minor kidney changes.
Di(2-ethylhexyl) adipate	.4	1000	400	400	Discharge from	Some people who drink water containing di

(ppb).					chemical factories.	(2-ethylhexyl) adipate well in excess of the MCL over many years could experience general toxic effects or reproductive difficulties.
Di(2-ethylhexyl) phthalate (ppb).	.006	1000	6	0	Discharge from rubber and chemical factories.	Some people who drink water containing di (2-ethylhexyl)phthalate in excess of the MCL over many years may have problems with their liver, or reproductive difficulties, and may have an increased risk of getting cancer.
Dibromochloropropane (ppt)	.0002	1,000,000	200	0	Runoff/leaching from soil fumigant used on soybeans, cotton, pineapples, and orchards.	Some people who drink water containing DBCP in excess of the MCL over many years could experience reproductive problems and may have an increased risk of getting cancer.
Dinoseb (ppb)	.007	1000	7	7	Runoff from herbicide used on soybeans and vegetables.	Some people who drink water containing dinoseb well in excess of the MCL over many years could experience reproductive difficulties.
Diquat (ppb)	.02	1000	20	20	Runoff from herbicide use.	Some people who drink water containing diquat in excess of the MCL over many years could get cataracts.
Dioxin [2,3,7,8-TCDD] (ppq).	.00000003	1,000,000,000	30	0	Emissions from waste incineration and other combustion; Discharge from chemical factories.	Some people who drink water containing dioxin in excess of the MCL over many years could experience reproductive difficulties and may have an increased risk of getting cancer.
Endothall (ppb)	.1	1000	100	100	Runoff from herbicide use.	Some people who drink water containing endothall in excess of the MCL over many years could experience problems with their stomach or intestines.
Endrin (ppb)	.002	1000	2	2	Residue of banned insecticide.	Some people who drink water containing endrin in excess of the MCL over many years could experience liver problems.
Epichlorohydrin.	TT		TT	0	Discharge from industrial chemical factories; An impurity of some chemicals.	Some people who drink water containing high levels of epichlorohydrin over a long period of time could experience stomach problems, and may have an increased risk of getting cancer.
Ethylene dibromide (ppt)	.00005	1,000,000	50	0	Discharge from petroleum refineries.	Some people who drink water containing ethylene dibromide in excess of the MCL over many years could experience problems with their liver, stomach, reproductive system, or kidneys, and may have an increased risk of getting cancer.
Glyphosate (ppb)	.7	1000	700	700	Runoff from herbicide use.	Some people who drink water containing glyphosate in excess of the MCL over many years could experience problems with their kidneys or reproductive difficulties.
Heptachlor (ppt)	.0004	1,000,000	400	0	Residue of banned pesticide.	Some people who drink water containing heptachlor in excess of the MCL over many years could experience liver damage and may have an increased

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Heptachlor epoxide (ppt)	.0002	1,000,000	200	0	Breakdown of heptachlor.	risk of getting cancer. Some people who drink water containing heptachlor epoxide in excess of the MCL over many years could experience liver damage, and may have an increased risk of getting cancer.
Hexachlorobenzene (ppb)	.001	1000	1	0	Discharge from metal refineries and agricultural chemical factories.	Some people who drink water containing Hexachlorobenzene in excess of the MCL over many years could experience problems with their liver or kidneys, or adverse reproductive effects and may have an increased risk of getting cancer.
Hexachlorocyclopentadiene (ppb)	.05	1000	50	50	Discharge from chemical factories.	Some people who drink water containing hexachlorocyclopentadiene well in excess of the MCL over many years could experience problems with their kidneys or stomach.
Lindane (ppt)	.0002	1,000,000	200	200	Runoff/leaching from insecticide used on cattle.	Some people who drink water containing lindane in excess of the MCL over many years could experience problems with their kidneys or liver. lumber, gardens.
Methoxychlor (ppb)	.04	1000	40	40	Runoff/leaching from insecticide used on fruits, vegetables, alfalfa, livestock.	Some people who drink water containing methoxychlor in excess of the MCL over many years could experience reproductive difficulties
Oxamyl [Vydate] (ppb)	.2	1000	200	200	Runoff/leaching from insecticide used on apples potatoes and tomatoes.	Some people who drink water containing oxamyl in excess of the MCL over many years could experience slight nervous system effects.
PCBs [Polychlorinated biphenyls] (ppt)	.0005	1,000,000	500	0	Runoff from landfills of the MCL over many years could experience changes in their skin, problems with their thymus gland, immune deficiencies, or reproductive or nervous system difficulties, and may have an increased risk of getting cancer	Some people who drink water containing PCBs in excess biphenyls] (ppt).
Pentachlorophenol (ppb)	.001	1000	1	0	Discharge from wood preserving factories.	Some people who drink water containing pentachlorophenol in excess of the MCL over many years could experience problems with their liver or kidneys, and may have an increased risk of getting cancer.
Picloram (ppb)	.5	1000	500	500	Herbicide runoff.	Some people who drink water containing picloram in excess of the MCL over many years couple experience problems with their liver.
Simazine (ppb)	.004	1000	4	4	Herbicide runoff.	Some people who drink water containing simazine in excess of the MCL over many years could experience problems with their blood.
Toxaphene (ppb)	.003	1000	3	0	Runoff/leaching from insecticide used on cotton and cattle.	Some people who drink water containing toxaphene in excess of the MCL over many years could have problems with their kidneys, liver, or thyroid, and may have an increased risk of getting cancer

Volatile organic contaminants:

Benzene (ppb)	.005	1000	5	0	Discharge from factories; Leaching from gas storage tanks and landfills.	Some people who drink water containing benzene in excess of the MCL over many years could experience anemia or a decrease in blood platelets, and may have an increased risk of getting cancer.
Bromate (ppb)	.010	1000	10	0	By-product of drinking water chlorination.	Some people who drink water containing bromate in excess of the MCL over many years may have an increased risk of getting cancer.
Carbon tetrachloride (ppb)	.005	1000	5	0	Discharge from chemical plants and other industrial activities.	Some people who drink water containing carbon tetrachloride in excess of the MCL over many years could experience problems with in their liver and may have an increased risk of getting cancer.
Chloramines (ppm)	MRDL = 4		MRDL = 4	MRDLG = 4	Water additive used to control microbes.	Some people who use water containing chloramines well in excess of the MRDL could experience irritating to their eyes and nose. Some people who drink water containing chloramines well in excess of the MRDL could experience stomach discomfort or anemia.
Chlorine (ppm)	MRDL = 4		MRDL = 4	MRDLG = 4	Water additive used to control microbes.	Some people who use water containing chlorine well in excess of the MRDL could experience irritating effects to their eyes and nose. Some people who drink water containing chlorine well in excess of the MRDL could experience stomach discomfort.
Chlorite (ppm)	1		1	0.8	By-product of drinking water chlorination.	Some infants and young children who drink water containing chlorite in excess of the MCL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorite in excess of the MCL. Some people may experience anemia.
Chloride dioxide (ppb)	MRDL = .8	1000	MRDL = 800	MRDLG = 800	Water additive used to control microbes.	Some infants and young children who drink water containing chlorine dioxide in excess of the MRDL could experience nervous system effects. Similar effects may occur in fetuses of pregnant women who drink water containing chlorine dioxide in excess of the MRDL. Some people may experience anemia.
Chlorobenzene (ppb)	.1	1000	100	100	Discharge from chemical and chemical factories.	Some people who drink water containing chlorobenzene in excess of the MCL over many years could experience problems with their agricultural liver or kidneys.
o-Dichlorobenzene (ppb)	.6	1000	600	600	Discharge from industrial chemical factories.	Some people who drink water containing o-dichlorobenzene well in excess of the MCL over many years could experience problems with their liver, kidneys, or circulatory systems.
p-Dichlorobenzene (ppb)	.075	1000	75	75	Discharge from industrial chemical factories.	Some people who drink water containing p-dichlorobenzene in excess of the MCL over many years could experience anemia, damage to their liver, kidneys, or spleen, or changes in their blood.
1,2-Dichloroethane (ppb)	.005	1000	5	0	Discharge from industrial chemical factories.	Some people who drink water containing 1,2-dichloroethane in excess of the MCL over many years may have an increased risk of getting cancer
1,1-Dichloroethylene (ppb)	.007	1000	7	7	Discharge from	Some people who drink water containing

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					industrial chemical factories.	1,1-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
cis-1,2-Dichloroethylene (ppb).	.07	1000	70	70	Discharge from industrial chemical factories.	Some people who drink water containing cis-1,2-dichloroethylene in excess of the MCL over many years could experience problems with their liver.
trans-1,2-Dichloroethylene (ppb).	.1	1000	100	100	Discharge from industrial chemical factories.	Some people who drink water containing trans-1,2-dichloroethylene well in excess of the MCL over many years could experience problems with their liver.
Dichloromethane (ppb)	.005	1000	5	0	Discharge from pharmaceutical and chemical factories.	Some people who drink water containing dichloromethane in excess of the MCL over many years could have liver problems and may have an increased risk of getting cancer.
1,2-Dichloropropane (ppb).	.005	1000	5	0	Discharge from industrial chemical factories.	Some people who drink water containing 1,2-Dichloropropane in excess of the MCL over many years may have an increased risk of getting cancer.
Ethylbenzene (ppb)	.7	1000	700	700	Discharge from petroleum refineries.	Some people who drink water containing ethylbenzene well in excess of the MCL over many years could experience problems with their liver or kidneys.
Haloacetic Acids (HAA) (ppb).	.060	1000	60	N/A	By-product of drinking water disinfection.	Some people who drink water containing haloacetic acids in excess of the MCL over many years may have an increased risk of getting cancer.
Styrene (ppb)	.1	1000	100	100	Discharge from rubber and Leaching from landfills.	Some people who drink water containing styrene well in excess of the MCL over many years could have problems with their liver, plastic factories; kidneys, or circulatory system.
Tetrachloroethylene (ppb)	.005	1000	5	0	Discharge from factories and dry cleaners.	Some people who drink water containing tetrachloroethylene in excess of the MCL over many years could have problems with their liver, and may have an increased risk of getting cancer.
1,2,4-Trichlorobenzene (ppb)	.07	1000	70	70	Discharge from textile-finishing factories.	Some people who drink water containing 1,2,4-trichlorobenzene well in excess of the MCL over many years could experience changes in their adrenal glands.
1,1,1-Trichloroethane (ppb)	.2	1000	200	200	Discharge from metal degreasing sites and other factories.	Some people who drink water containing 1,1,1-trichloroethane in excess of the MCL over many years could experience problems with their liver, nervous system, or circulatory system.
1,1,2-Trichloroethane (ppb).	.005	1000	5	3	Discharge from industrial chemical factories.	Some people who drink water containing 1,1,2-trichloroethane well in excess of the MCL over many years could have problems with their liver; kidneys, or immune systems.
Trichloroethylene (ppb)	.005	1000	5	0	Discharge from metal degreasing sites and other factories.	Some people who drink water containing trichloroethylene in excess of the MCL over many years could experience problems with their liver and may have an increased risk of getting cancer.
TTHMs [Total	0.10/.080	1000	100/80	N/A	By-product of	Some people who drink water containing trihalomethanes

trihalomethanes] (ppb)					drinking water chlorination.	in excess of the MCL over many years may experience problems with their liver, kidneys, or central nervous systems, and may have an increased risk of getting cancer.
Toluene (ppm)	1		1	1	Discharge from petroleum factories.	Some people who drink water containing toluene well in excess of the MCL over many years could have problems with their nervous system, kidneys, or liver.
Vinyl Chloride (ppb)	.002	1000	2	0	Leaching from PVC piping; Discharge from from plastics factories.	Some people who drink water containing vinyl chloride in excess of the MCL over many years may have an increased risk of getting cancer.
Xylenes (ppm)	10		10	10	Discharge from petroleum factories; Discharge from chemical factories.	Some people who drink water containing xylenes in excess of the MCL over many years could experience damage to their nervous system.

Key:

AL=Action Level	MCL=Maximum Contaminant Level
MCLG=Maximum Contaminant Level Goal	MFL=million fibers per liter
MRDL=Maximum Residual Disinfectant Level	MRDLG=Maximum Residual Disinfectant Level Goal
mrem/year=millirems per year (a measure of radiation absorbed by the body)	NTU=Nephelometric Turbidity Units (a measure of water clarity)
N/A=Not Applicable	ppm=parts per million, or milligrams per liter (mg/l)
pCi/l=picocuries per liter (a measure of radioactivity)	ppt=parts per trillion, or nanograms per liter
ppb=parts per billion, or micrograms per liter (µg/l)	TT=Treatment Technique
ppq=parts per quadrillion, or picograms per liter	

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Statement of Need and Reasonableness:

The statement of need and reasonableness was determined by staff analysis pursuant to S. C. Code Section 1-23-115(C)(1)-(3) and (9)-(11):

DESCRIPTION OF REGULATION: Amendment of Regulation 61-58, State Primary Drinking Water Regulations

Purpose: To amend R.61-58 to adopt federal regulations commonly referred to as the Public Notification Rule, and the Radionuclide Rule, and will also make other minor revisions. Proposed revisions will comply with federal law and will maintain conformity with federal regulations pursuant to 40 CFR Parts 141 and 142 through 2001. See Preamble and Discussion above and Statement of Need and Reasonable below.

Legal Authority: The State Primary Drinking Water Regulations are authorized by S.C. Code Ann. 44-55-10 *et seq.*, State Safe Drinking Water Act.

Plan for Implementation: The amendments will be incorporated within R.61-58. The amendments will be implemented in the same manner in which the existing regulation is implemented.

DETERMINATION OF NEED AND REASONABLENESS OF THE REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS: The adoption of these regulations will allow the Department to continue being the primacy agency for the implementation of the Safe Drinking Water Act and the National Primary Drinking Water Regulations in the state. This action is mandated by the 1996 amendments to the Federal Safe Drinking Water Act. The regulations will comply with 40 CFR Parts 141 and 142 and are necessary to maintain conformity with federal regulations.

DETERMINATION OF COSTS AND BENEFITS: The amendments are exempt from the requirements of a preliminary fiscal impact statement because each change is necessary to maintain conformity with Federal Regulations. In amending the Federal regulations, for public water systems, the estimated costs of complying with the new Public Notification regulation are divided into three component activities: notice preparation costs, notice distribution costs, and costs of repeat notices. Only public water systems with a violation or other situation requiring a public notice incur costs under this rule. Notice preparation costs include those costs that a public water system must incur to comply with the requirements regardless of how many copies of the notice it must deliver. These costs include the labor hour costs associated with becoming familiar with the requirements for the notice, collecting data regarding monitoring results and the violation, consulting with the primacy agency (when necessary), preparing the technical content of the public notification in a format suitable for distribution, identifying the recipients of the notice, and providing instructions about production of the notice. Notice distribution costs are costs that increase or decrease along with the number of public notices to be delivered. These costs include costs of producing the reports (costs of paper and photocopying or printing), postage costs when the notice is mailed, costs of posting notices in specified locations, and other labor hour costs of producing and delivering the notices. Repeat notice costs involve the costs of updating the initial notice and delivering a second copy of the notice, if the violation is not corrected within the specified time period.

Two requirements under the Radionuclide Rule are expected to incur costs and benefits: the adoption of the uranium MCL of 30 g/L and the requirement for separate monitoring of radium-228, which is expected to result in additional systems in violation of the combined radium-226/- 228 MCL of 5 pCi/L. EPA estimates that nationally these requirements will result in annual compliance costs of \$81 million in 1999 dollars, with \$25 million of this annual cost being due to mitigation of systems newly in violation of the radium-226/-228 standard due to new monitoring requirements, \$51 million due to mitigation of systems in violation of a uranium MCL of 30 g/L, \$4.9 million due to monitoring and reporting, and \$ 0.06 million due to new implementation costs for States. While these represent new compliance costs, most water systems will experience reduced compliance costs in the long-term because of reduced monitoring frequency for systems with low contaminant levels under the Standardized Monitoring Framework.

The uranium cancer risk reduction benefits are estimated to be \$3 million annually, which do not include the non-quantified kidney toxicity risk reduction benefits. As discussed in the NODA, there are significant uncertainties associated with any estimate of drinking water benefits, including uncertainties in the unit risks used to estimate risk reductions and the various health endpoints that cannot yet be fully quantified.

Other non-quantified benefits include those related to the technologies used to remove radium and uranium from ground water (e.g., water softening technologies like ion exchange, lime softening, and membrane softening and iron removal technologies like green sand filtration and oxidation/filtration). EPA does not have enough information to estimate these benefits, but believes that they could be significant. Examples of benefits related to water softening include reductions in excessive calcium and manganese carbonate scaling in distribution systems, water heaters, and boilers and reductions in soap and detergent use. Examples of benefits related to iron removal include improvements in color and taste and reduction in staining of clothes, sinks, and basins.

UNCERTAINTIES OF ESTIMATES: Unknown.

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: Minimal.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: There could be a substantial adverse impact on public health if the amendments are not implemented. Failure of the department to adopt the federal regulations could result in the department losing primacy to enforce the Safe Drinking Water Act and the National Primary Drinking Water Regulations.

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Resubmitted: March 22, 2001

Document No. 2533
SOUTH CAROLINA LAW ENFORCEMENT DIVISION
CHAPTER 73
Statutory Authority: 1976 Code Section 23-3-130

R.73-20 - 73-30 Crime Information

Synopsis:

The South Carolina Law Enforcement Division is amending current regulations concerning the Criminal Justice Information System (CJIS) which have not been revised since 1983. The Division is adding proper definitions of non-conviction data, updating the organizational description for the criminal information component of SLED, making record dissemination rules consistent with statutes, and correcting the address given for the Criminal Justice Information System Division of the Federal Bureau of Investigation. Promulgation of these regulations is mandated by Section 23-3-130, 1976 Code of Laws, as amended.

Discussion of Revisions

<u>Section</u>	<u>Change</u>	
73-20C	Defines "Criminal History Record Information" to outline the term shall not include juvenile record information, except as provided by law.	
73-20E	Makes a technical revision when defining "dissemination".	
73-20F	Defines "Conviction data" to reflect current practice.	
73-20G	Defines "Non-conviction data" to reflect current practice.	
73-20H	Adds Definition for "Nondisposition data" used to implement current law.	
73-20I	Renumbers Definition.	
73-20J	Renumbers Definition.	
73-20K	Renumbers Definition and changes "SLED/CJICS" to "SLED/CJIS" to reflect name change.	
73-20L	Renumbers Definition and changes "SLED/CJICS" to "SLED/CJIS" to reflect name change.	
73-20M	Renumbers Definition and changes "SLED/CJICS" to "SLED/CJIS" to reflect name change.	
73-20N	Renumbers Definition and changes "SLED/CJICS" to "SLED/CJIS" to reflect name change.	
73-20O	Renumbers Definition and makes technical change to the definition.	
73-20P	Adds definition for "Sealed".	
73-21A	Changes "SLED/CJICS" to "SLED/CJIS" to reflect name change and changes organizational description to reflect the crime information component of SLED.	
73-21A2	Changes the address for the Federal Bureau of Investigation and changes "SLED/CJICS" to "SLED/CJIS" to reflect name change.	

- 73-21A3 Changes “SLED/CJICS” to “SLED/CJIS” to reflect name change and changes organizational description to reflect the crime information component of SLED; and makes technical name change to reflect restructuring of South Highway Patrol to the Department of Public Safety.
- 73-21B Changes “SLED/CJICS” to “SLED/CJIS” to reflect name change.
- 73-21C Changes “SLED/CJICS” to “SLED/CJIS” to reflect name change.
- 73-22D Changes “SLED/CJICS” to “SLED/CJIS” to reflect name change
- 73-23A Changes “SLED/CJICS” to “SLED/CJIS” to reflect name change and makes technical change to reflect amended definition of “Dissemination”.
- 73-23C Changes “SLED/CJICS” to “SLED/CJIS” to reflect name change.
- 73-23D Changes “SLED/CJICS” to “SLED/CJIS” to reflect name change.
- 73-23E Outlines entities that SLED/CJIS may disseminate criminal history record information to; and changes “SLED/CJICS” to “SLED/CJIS” to reflect name change.
- 73-23E2 Rewords regulation to reflect current law (technical).
- 73-23E4 Rewords regulation to reflect current law (technical), and changes “SLED/CJICS” to “SLED/CJIS” to reflect name change.
- 73-23F Changes “SLED/CJICS” to “SLED/CJIS” to reflect name change.
- 73-23G Rewords regulation to make technical change “adult trial” to “audit trail”.
Deletes this regulation reflecting current law.
Renumbers the regulation to reflect deletion of current 73-24.
- 73-25A(1) Rewords regulation reflecting no change to intent (technical).
- 73-25A(3) Changes “SLED/CJICS” to “SLED/CJIS” to reflect name change (technical).
- 73-25A(4) Rewords regulation to make technical change “legal counsel” to “an attorney” and ensures that the attorney is a member in good standing of a state bar association.
- 73-25A(5) Rewords regulation reflecting no change to intent (technical).
- 73-25A(6) Rewords regulation reflecting no change to intent (technical).
- 73-25A(7) Rewords regulation reflecting no change to intent (technical).
- 73-25A(8) Changes “SLED/CJICS” to “SLED/CJIS” to reflect name change.
- 73-25B(1) Changes “SLED/CJICS” to “SLED/CJIS” to reflect name change and Rewords regulation reflecting no change to intent (technical).
- 73-25B(2) Rewords regulation reflecting no change to intent (technical).
- 73-25B(3) Changes “SLED/CJICS” to “SLED/CJIS” to reflect name change.
- 73-25C(1) Changes “SLED/CJICS” to “SLED/CJIS” to reflect name change.
- 73-25D(1) Changes “SLED/CJICS” to “SLED/CJIS” to reflect name change and Rewords regulation reflecting no change to intent (technical).
- 73-25D(2) Changes “SLED/CJICS” to “SLED/CJIS” to reflect name change and Rewords regulation reflecting no change to intent (technical).
- 73-25E(1) Changes “SLED/CJICS” to “SLED/CJIS” to reflect name change.
- 73-25E(2) Changes “SLED/CJICS” to “SLED/CJIS” to reflect name change, and changes the word “agent” to “assistant director” (technical).
- 73-25F(2) Changes “SLED/CJICS” to “SLED/CJIS” to reflect name change and Rewords regulation reflecting no change to intent (technical).
- 73-25F(3) Rewords regulation reflecting no change to intent (technical).
- 73-25G(1) Rewords regulation reflecting no change to intent (technical).
- 73-25G(2) Rewords regulation reflecting no change to intent (technical).
- 73-25G(3) Rewords regulation reflecting no change to intent (technical).
- 73-25G(4) Rewords regulation reflecting no change to intent (technical).
- 73-25G(5) Rewords regulation reflecting no change to intent (technical).
Renumbers the regulation to reflect deletion of current 73-25 and adds language to ensure technical security controls of information are outlined.
- 73-26A(2) Rewords regulation reflecting no change to intent (technical).
- 73-26A(3) Rewords regulation reflecting no change to intent (technical).
- 73-26A(4) Rewords regulation reflecting no change to intent (technical).

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- 73-26A(5) Rewords regulation reflecting no change to intent (technical).
- 73-26B(1) Rewords regulation reflecting no change to intent (technical).
- 73-26B(2) Rewords regulation reflecting no change to intent (technical).
- 73-26C Rewords regulation reflecting no change to intent (technical).
- 73-26D Changes "SLED/CJICS" to "SLED/CJIS" to reflect name change and rewords regulation reflecting no change to intent (technical).
Renumbers the regulation to reflect deletion of current 73-26; changes "SLED/CJICS" to "SLED/CJIS" to reflect name change; and name change for Federal Bureau of Investigation "Identification Bureau" to "CJIS Division" and rewords regulation reflecting no change to intent (technical).
Renumbers the regulation to reflect deletion of current 73-27 and rewords regulation reflecting no change to intent (technical).
- 73-28A Changes titles of personnel assigned to field auditing to reflect current classifications and rewords regulation reflecting no change to intent (technical).
- 73-28B Rewords regulation reflecting no change to intent (technical).
- 73-28B(1) Rewords regulation reflecting no change to intent (technical).
- 73-28B(2) Rewords regulation reflecting no change to intent (technical).
- 73-28C Changes "SLED/CJICS" to "SLED/CJIS" to reflect name change and rewords regulation reflecting no change to intent (technical).
- 73-30A Rewords regulation reflecting no change to intent (technical).
- 73-30B Rewords regulation reflecting no change to intent (technical).
- 73-30C Rewords regulation reflecting no change to intent (technical).
- 73-30D Rewords regulation reflecting no change to intent (technical).
- 73-30E Rewords regulation reflecting no change to intent (technical).
- 73-30F Rewords regulation reflecting no change to intent (technical).
- 73-30G Rewords regulation reflecting no change to intent (technical).
- 73-30H Rewords regulation reflecting no change to intent (technical).

Instructions:

Article 3. The title of Article 3 has been changed from "CRIMINAL INFORMATION AND COMMUNICATION" to "CRIME INFORMATION".

SUBARTICLE I. has been amended.

- 73-20 The title of regulation (73-20) remains the same. Sections (73-20A) and (73-20B) remain the same. Sections (73-20C), (73-20D), (73-20E), (73-20F), (73-20I), (73-20J), (73-20K), (73-20L), (73-20M), (73-20N), (73-20O) have been amended, and (73-20H) and (73-20P) have been added.
- 73-21 The title of regulation (73-21) remains the same. Sections (73-21A), (73-21A(2)), (73-21A(3)), (73-21A(4)), (73-21B), and (73-21C) have been amended.
- 73-22 The title of the regulation (73-22) remains the same. Sections (73-22A), (73-22B), (73-22C) and (73-22E) remain the same. Section (73-22D) has been amended.
- 73-23 The title of the regulation (73-23) remains the same. Sections (73-23A), (73-23C), (73-23D), (73-23E), (73-23E(2)(a)), (73-23E(2)(c)), (73-23E(3)) (73-23E(4)), (73-23F), and (73-23G) have been amended. Sections (73-23B), (73-23E(1)), and (73-23E(2)(b)) remain the same.
- 73-24 The regulation (73-24) has been deleted.
- 73-25 Renumbered to be regulation (73-24), the title remains the same. Sections (73-24A(1)), (73-24A(3)), (73-24A(4)), (73-24A(5)), (73-24A(6)), (73-24A(7)), and (73-24A(8)) have been amended. Sections (73-24A(2)) and (73-24A(9)) remain the same. Sections (73-24B(1)), (73-24B(2)), (73-24B(3)) have been amended. Section (73-24C(1)) has been amended and (73-24C(2)) remains the same. Sections (73-24D(1)) and (73-24D(2)) have been amended. Sections (73-24E(1)), (73-24E(2)) have been amended. Sections (73-24F(2)) and (73-24F(3)) have been changed. Section (73-24F(1)) remains the

- same. Sections (73-24G), (73-24G(1)), (73-24G(2)), (73-24G(3)), (73-24G(4)), (73-24G(5)) have been changed.
- 73-26 Renumbered to be regulation (73-25), the title remains the same. Section (73-25) has been amended. Sections (73-25A) (73-25B), (73-25C) and (73-25D) have been amended.
- 73-27 Renumbered to be regulation (73-26), the title remains the same. Section (73-26) has been amended.
- 73-28 Renumbered to be regulation (73-27), the title remains the same. Section (73-27) has been Amended. Sections (73-27A), (73-27B(1)), (73-27B(2)), and (73-27C) have been amended.

SUBARTICLE II. has been amended.

- 73-30 Sections (73-30A), (73-30B), (73-30C), (73-30D), (73-30E), (73-30F), (73-30G), and (73-30H) have been amended.

Text:

ARTICLE 3.

CRIME INFORMATION

SUBARTICLE I.

Former Regulations 73-20 through 73-28 which appear in the main pamphlet were completely revised and replaced by Regulations 73-20 through 73-30, effective upon approval by the General Assembly and publication in the *State Register*.

73-20. Definitions.

These definitions shall have the following meaning when used in the discussion of criminal history record information (CHRI) and computerized criminal history (CCH) unless the context denotes otherwise:

- A. "Administration of Criminal Justice" means the performance of any activity directly involving the detection, apprehension, detention pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused or convicted persons or criminal offenders, or the collection, storage, and dissemination of criminal history record information.
- B. "Criminal Justice Agency" means any governmental agency or sub-unit which as its principal function performs the administration of criminal justice pursuant to a statute or executive order, and which allocates a substantial part of its annual budget to the administration of criminal justice.
- C. "Criminal History Record Information" (CHRI) means records, fingerprint cards, dispositions, and data collected by criminal justice agencies on adult individuals who are at least seventeen years of age consisting of identifiable descriptors and notations of arrests, detentions, indictments, information, or other formal charges, and any dispositions arising therefrom. The term shall not include juvenile record information, except as provided by law.
- D. "Criminal Justice Information System" (CJIS) means a system, including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal history record information. The operations of the system may be performed manually or by using electronic computers or other automated data processing equipment.
- E. "Dissemination" means any transfer of information, whether orally, in writing, or by electronic means.
- F. "Conviction data" means information which shows that an individual has been convicted or found guilty of a crime.
- G. "Nonconviction data" means information which shows judicial dispositions to include not guilty, nolle prosequi, dismissals and similar findings.
- H. "Nondisposition data" means arrest information without judicial disposition.

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I. "Access" means the capability to add, delete, modify or otherwise manipulate information, or to cause such data to be transferred or stored either temporarily or permanently. This would apply to information maintained in either manual or automated form.

J. "Screening" means the process wherein an individual's background is reviewed with special emphasis being placed on determining whether there exists any criminal history record information on that individual. Screening will include the securing of an individual's fingerprints on the standard FBI fingerprint card, and the submission of this fingerprint card to the South Carolina Law Enforcement Division's Criminal Records Department for further processing.

K. "Direct Access" means the capability to obtain information available through the SLED/CJIS network by means of a computer terminal or similar device, and the dissemination of such information.

L. "Indirect Access" means receiving information available through the SLED/CJIS network by either an individual or agency possessing no computer terminal or similar device through an agency having direct access.

M. "User Agreement" means an agreement, entitled "Criminal History and Criminal Justice Information Agreement", between the South Carolina Law Enforcement Division and a SLED/CJIS user agency that will have direct access to various SLED/CJIS information. This agreement establishes responsibilities for the rules and regulations that govern the exchange of information between the parties, and the policies and procedures by which the system operates.

N. "Non-terminal User Agreement" means an agreement, entitled "Criminal Justice Non-Terminal Originating Agency Identifier (ORI) User Authorization Agreement", between a SLED/CJIS user agency having direct access and a criminal justice agency desiring indirect access to SLED/CJIS information. This agreement authorizes the agency having direct access to the SLED/CJIS information to utilize the ORI of the agency that will indirectly access SLED/CJIS at times when that agency will request information.

O. "Disposition" means information which states that a criminal charge contained in a criminal history record has been dealt with by proper judicial authority and that a final disposal of the charge has been made through a finding of guilty or not guilty, or that the charge has been dismissed, or that adjudication has been indefinitely postponed. In findings of guilt, a disposition will include information showing the final action of any court of appropriate jurisdiction including, but not limited to fines, sentencing, probation, pardon and restitution information.

P. "Sealed" means dissemination of criminal history record information is prohibited or restricted by conditions imposed by law or regulation.

73-21. Organization, Purpose, and Function of Departments.

A. The State Law Enforcement Division Criminal Justice Information System, known as SLED/CJIS, acting as the State's central criminal justice information repository shall collect, process, and store criminal justice information and records necessary to the operation of the criminal justice information system of the State Law Enforcement Division. The SLED/CJIS is comprised of the State Crime Information Center (SCIC) which includes the Computerized Criminal History (CCH) department, the Criminal Records Department, and such other departments as may be deemed necessary.

(1) The Computerized Criminal History (CCH) Department has the responsibility for converting manual criminal history record information to computerized data. The mission of the computerized criminal history unit is to serve criminal justice agencies and to assist non-criminal justice agencies throughout the State and nation by providing current criminal history record information. Conversion of existing computerized criminal history will be compatible with established concepts and operating policies of the Federal Bureau of Investigation's National Crime Information Center (NCIC) to enable an accurate exchange of criminal history data. The five segments comprising an offender's Criminal History Record Information are:

- (a) identification segment
- (b) identification add-on segment
- (c) arrest segment
- (d) judicial segment
- (e) custody/supervision segment

South Carolina offense codes are assigned to each specific charge. The offense codes must meet State and national requirements for the entering of criminal history data.

(2) The Criminal Records Department has the responsibility of collecting, processing and storing all fingerprint cards and dispositions of persons arrested in the State. The Criminal Records Department supervisor will serve as the custodian of records. Fingerprints will be the basis for establishing computerized criminal history. The Criminal Records Department is responsible for the timely processing of all supporting documents for criminal history record information as provided to the SLED/CJIS by other criminal justice agencies. The department is also responsible for handling expungements as required by South Carolina statute. After the processing at SLED is completed, the department is responsible for forwarding the necessary documentation to the FBI/CJIS Division in Clarksburg, West Virginia.

The Criminal Records Department will be responsible for entering, editing, and storing all criminal fingerprint card images on the automated fingerprint identification system.

(3) The Data Communications Department has the responsibility of providing the necessary systems and programming support to develop, manage, and modify various computer applications and programs as deemed necessary by the Computerized Criminal History Department, the Criminal Records Department, the Uniform Crime Reporting Department and other criminal justice entities to facilitate the automated processing of various information. This department is further charged with the responsibility of maintaining computer equipment and associated software to ensure effective and efficient information processing and message switching, and to ensure that adequate levels of security are provided throughout the electronic data processing system. The Data Communications Department is also responsible for the maintenance and operation of the statewide communications network, the computer interface with the Federal Bureau of Investigation's National Crime Information Center, the National Law Enforcement Telecommunication System, the South Carolina Department of Public Safety, the South Carolina Automated Fingerprint Identification System, and other automated criminal justice systems.

(4) The Uniform Crime Reporting (UCR) Department has the responsibility for processing, analyzing, coding and compiling incident, supplemental, and booking reports received from law enforcement agencies, whether such reports are submitted on paper or by automated means. The Uniform Crime Reporting Department will classify and count incident, supplemental, and booking reports submitted by other agencies according to procedures defined by the International Association of Chiefs of Police Committee on Uniform Crime Reports, the Uniform Crime Records Committee of the National Sheriffs Association, the Uniform Crime Reports Section of the Federal Bureau of Investigation and the State Law Enforcement Division. The Uniform Crime Reporting Department will assure through training and quality control measures that all automated incident, supplemental, and arrest data submitted to the State Uniform Crime Reporting program are classified and counted according to these procedures.

B. When practicable, the SLED/CJIS will develop systems which will facilitate the exchange of criminal justice information between criminal justice agencies.

C. The SLED/CJIS will collect, process, maintain, and disseminate information and records with due regard to the privacy of individuals, and will maintain and disseminate only accurate and complete records.

73-22. Completeness and Accuracy of Records.

A. The Criminal Records Department will maintain complete and accurate criminal history record information as submitted by criminal justice agencies.

B. Dispositions will be forwarded to the Criminal Records Department by the appropriate criminal justice agencies as soon after final judicial action as practicable in accordance with procedures established by the South Carolina Office of Court Administration and the South Carolina Law Enforcement Division.

C. The Criminal Records Department will process the dispositions as soon as practicable following their receipt.

D. All criminal justice agencies will query the central criminal history records repository at SLED/CJIS prior to dissemination of any criminal history record information to assure that the most current disposition data are being used. Inquiries will be made prior to any dissemination except in those cases when the central repository at SLED/CJIS is technically incapable of responding within the necessary time period.

E. Criminal history record information will not contain any information known to be in error. To accomplish this end, the South Carolina Law Enforcement Division will institute a process of data collection, entry, storage, and systematic audit that will minimize the possibility of recording and storing inaccurate information.

73-23. Dissemination of Criminal History Record Information.

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A. SLED/CJIS will operate and maintain a criminal justice information system which will support the collection, storage, retrieval, and dissemination of criminal history record information, both intrastate and interstate. SLED/CJIS will make available to bona fide criminal justice agencies, upon request, any information which will aid these agencies in the performance of their official duties, provided that the dissemination of such information will not be a violation of state or federal laws and regulations restricting its use. Dissemination will include disposition and non-disposition data.

B. User agencies will agree to abide by all laws, rules, and regulations concerning collection, storage, retrieval, and dissemination of criminal justice information.

C. All Criminal justice agencies which desire to exchange criminal history record information through the SLED/CJIS will execute a standard user agreement.

D. User agencies agree to indemnify and save harmless SLED/CJIS and its officials and employees from and against any and all claims, demands, actions, suits and proceedings by others, against all liability to others, including but not limited to, any liability for damages by reason of or arising out of any false arrest or imprisonment, or any cause of action whatsoever, or against any loss, cost, expense, and damage, resulting therefrom, arising out of or involving any action, inaction, slander or libel on the part of the user agencies in the exercise or enjoyment of this agreement.

E. The SLED/CJIS may disseminate criminal history record information, unless sealed, to private persons, governmental entities, businesses, commercial establishments, professional organizations, charitable organizations and others. The dissemination of criminal history record information will include all unsealed conviction data, non-conviction data and non-disposition data as well as findings of not guilty, nolle prosequi, dismissals, and similar dispositions which show any final disposition of an arrest.

(1) Identification of an individual whose record is to be searched will be based upon name, race, sex, date of birth, and, if available, a social security number. Notation will be made on any disseminated records which are identified solely by these characteristics and not by fingerprint comparison.

(2) Costs

(a) The fees for performing criminal history record searches will be established by the South Carolina General Assembly with advice from the Bureau of Economic Advisors.

(b) Method of Payment--Payment shall be made to the South Carolina Law Enforcement Division as specified by the Division.

(c) Revenue from fees charged for criminal record searches will go to the General Fund of the State, provided that the South Carolina Law Enforcement Division may retain sufficient funds to pay costs associated with payments made by credit card.

(3) All requests for criminal history record information by non-criminal justice users shall be made in writing or by personal appearance at the Criminal Records Department, or by the Internet.

(4) Persons wishing to determine whether criminal history records naming them are housed by SLED/CJIS may do so by inquiring in person at the Criminal Records Department between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday except legal State holidays. Proper identification will be required of persons making inquiries.

F. No criminal justice agency other than SLED/CJIS will disseminate to private persons, governmental entities, or any private or public entities, except criminal justice agencies, any criminal history record information other than that originated by that criminal justice agency, except where specifically provided for by law.

G. Criminal history logs will be maintained by those agencies which indirectly disseminate criminal history record information. The logs will contain the data necessary for contacting agencies or persons to which inaccurate information has been disseminated. Upon finding inaccurate information of a material nature, it is the duty of the criminal justice agency which discovers the inaccuracy to notify all criminal justice agencies or persons known to have received the inaccurate information. The following minimum information concerning the dissemination of criminal history record information will be maintained in the logs in order to provide an audit trail:

(1) Manual log:

(a) date of dissemination

(b) agency requestor

(c) individual requestor

(d) name of criminal history record subject

(e) State identification number of criminal history record subject

(f) description of items released

(g) agency providing the information if this is indirect dissemination

(2) Computer system log:

The same information needed for manual logging of indirectly disseminated information will be maintained in any automated or computer logging system used for direct dissemination. The log information must be maintained in a medium which allows the data to be reproduced as a printed list.

(3) All log sheets will be made available to the SLED/CJIS upon request for purposes of quality control. The manual log and computer log will be maintained for a period of one year.

73-24. Access and Review of Criminal Record Information.

A. Individual right of access and review:

(1) Upon verification of his or her identity, an individual will be entitled to review, without undue burden to either the agency or the individual, specific portions of criminal history record information maintained about the individual and obtain a copy thereof when necessary for the purpose of challenge or correction. Individuals wishing to review their records must appear personally at the SLED Criminal Records Department.

(2) Times for review will be 8:30 a.m. through 5:00 p.m. Monday through Friday, except legal State holidays.

(3) The requesting individual will fill out a SLED/CJIS review form, "Individual Request for Criminal Record Review".

(4) If the individual is accompanied by an attorney, the attorney must produce evidence that he is a member, in good standing, of a state bar association.

(5) When an individual who has mental or language disabilities is accompanied by another person to aid in the interpretation of the record, a statement explaining the presence of the person must be included in the review form. The accompanying person must also sign the review form.

(6) If the individual is accompanied by another person, including a potential employer, the accompanying person must not be allowed to see the record. The accompanying person must follow the regular dissemination procedures given above.

(7) Waivers have no authority. The record does not belong to the reviewing person, but to the agency which holds it.

(8) A reasonable fee will be charged for processing this review at SLED/CJIS. The fee is not to exceed the actual cost of searching, processing, fingerprinting, and producing copies of the review.

(9) Posters displayed at SLED will inform the public of an individual's right to inspect his or her criminal history record information.

B. Inspection method:

(1) An individual wishing to inspect his or her criminal history record information at SLED/CJIS must submit his or her name, date of birth, and a complete set of fingerprints recorded on an approved non-criminal fingerprint card.

(2) Inspection is restricted to once every six months, provided the record has not been challenged and new information has not been added.

(3) The site for inspecting a record housed at SLED/CJIS will be the office of the Criminal Records Department supervisor or a location designated by him or her to ensure the privacy of the individual during the review.

(4) Inspection of records held by other agencies will be the responsibility of the requestor.

C. Challenge procedures:

(1) In order to formally challenge a record, the individual will complete a SLED/CJIS challenge form, "Challenge of Criminal History Record".

(2) After completion of the challenge form, the individual will be given a copy of the entries which are being challenged.

(3) Each copy will be marked "For Review and Challenge Only".

D. Record verification and review procedures:

(1) SLED/CJIS must accept or deny the challenge by performing an "Administrative Review", as defined below, to determine the validity of the challenge.

(2) If SLED/CJIS finds errors or omissions or cannot verify the accuracy of a challenged record entry through other documentation provided by the appropriate criminal justice agencies, SLED/CJIS must accept the challenge and modify the record.

E. Administrative Review:

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(1) Any individual who challenges his or her record at SLED/CJIS is entitled to have the challenged portion of the record removed, modified or corrected if there is no factual controversy concerning the challenge.

(2) If there is factual controversy and the finding of SLED/CJIS is against the individual, he or she is entitled to a review of the decision by the Assistant Director for SLED/CJIS, within thirty days of notification of the finding.

F. Administrative Appeal:

(1) If an individual's challenge or a portion of the challenge is denied by administrative review, the individual may, within thirty days of receipt of the denial, appeal the denial by petitioning the Criminal History Administrative Appeal Board.

(2) The Criminal History Administrative Appeal Board is composed of the Assistant Director of the South Carolina Law Enforcement Division for CJIS, and one management level representative each from:

- (a) local law enforcement agency;
- (b) the South Carolina Department of Probation, Parole, and Pardon Services;
- (c) the South Carolina Department of Corrections; and
- (d) the South Carolina Department of Court Administration.

(3) The individual requesting an administrative appeal will, within sixty days, be given a hearing at which the individual may present evidence concerning the record. If the appeal is denied, the individual must be notified in writing of the reason for the denial.

G. Agencies housing records that must be modified as a result of a Challenge must:

(1) Provide a corrected record to every criminal justice agency that received the criminal history record during the twelve months before the challenge was decided.

(2) Instruct those agencies to provide a corrected record to every criminal justice agency that received the criminal history record information from them in the twelve months prior to notification.

(3) Maintain the notification cycle until all criminal justice agencies have been notified and the names of all non-criminal justice agencies and individuals have been obtained.

(4) Provide the individual who challenged his record with the names of non-criminal justice agencies and individuals that received the information during the twelve months before the challenge was decided.

(5) Prohibit the individual's right to access and review of data contained in intelligence, investigatory, or other related files and any information other than that defined under U. S. Title 28, Section 20.3(b) and Section 20.21G(6).

73-25. Security.

All agencies must provide security for any information that is subject to these regulations. These security principles and standards apply to both manual and automated information systems. The standards for both types of systems include access restraints, personnel security and control, disaster protection, training, and other technical security controls SLED CJIS deems necessary.

A. Access restraints to criminal history record information and the area in which it is located ensure that access to the following is restricted to authorized agencies and personnel: criminal history record information; system facilities; system operating environments; file contents, whether in use or stored in a media library; and system documentation.

(1) Physical locations such as records rooms, computer facilities, computer terminal locations, and rooms where files are kept will have access restraints.

(2) Areas containing criminal history records must be secured by physical barriers or attended by agency personnel who restrict access.

(3) Criminal history record information, when in areas with no access restraints, must be kept in cabinets or desks which can be locked.

(4) All personnel who are allowed to access criminal history record information must be subjected to a criminal history background investigation in accordance with SLED policy.

(5) Each criminal justice agency must control access to its criminal history record information, and must screen employees and other individuals who may have access to criminal history record information stored within the agency.

B. Criminal justice agencies must ensure that appropriate disciplinary action is taken whenever personnel violate security rules.

(1) Personnel control measures apply to the following employees, if those employees have access to criminal history record information, or use an automated system which can access criminal history record information: agency's employees, other public employees who work in the computer center, and private employees.

(2) Agencies must ensure that criminal justice agency employees and all personnel having access to criminal history record information are familiar with access and dissemination rules.

C. Criminal justice agencies must develop means to protect both automated and manual systems from natural or man-made disasters. These measures must protect any repository of criminal history record information from unauthorized access, theft, sabotage, fire, flood, wind, or natural or man made disasters.

D. Personnel whose duties require access to criminal history record information must be instructed in all access and security measures and procedures. SLED/CJIS must provide basic training in this area for all criminal justice agencies.

73-26. Expungement of Criminal History Record Information.

SLED/CJIS must expunge criminal history record information in accordance with the South Carolina 1976 Code of Laws, as amended. SLED/CJIS must ensure that its manual and automated records are expunged as required, and that the Federal Bureau of Investigation *Identification Bureau* CJIS Division is notified whenever expungements affect criminal history record information housed at the Federal Bureau of Investigation.

73-27. Audit Procedures.

SLED/CJIS must institute audit procedures to ensure that criminal history record information is accurate. SLED/CJIS has the right to suspend services to any user agency that knowingly and willfully violates any federal or state law or regulation pertaining to the use, collection, storage, or dissemination of criminal history record information.

A. Field audits of user agencies must be performed by personnel designated by the Assistant Director for SLED/CJIS. The Assistant Director for SLED/CJIS or his or her designee will act as liaison between user agencies and auditors, and must review the findings of audits to determine what assistance, remedies, or other action may be required, or whether a user agency may be re-audited after a period sufficient to correct any deficiencies that may have been discovered. Auditors must perform audits in accordance with a schedule approved by the Assistant Director for SLED/CJIS, and must regularly report their findings and recommendations. In addition to auditing user agencies for compliance with the contents of this chapter and State statutes, the auditors must review the agencies' compliance with all Federal Bureau of Investigation/National Crime Information Center regulations, and federal regulations and statutes governing criminal justice information and communications.

B. Field audits must have two basic components:

(1) A procedural audit must examine the procedures that are necessary for compliance with State and federal statutes and regulations. Auditors must inspect written procedures and manuals, and must interview personnel to evaluate methods of compliance and levels of understanding. Sites must be examined to determine levels of access restraint and security. The audit must include, but not be limited to, reviews of record and disposition reporting procedures, dissemination procedures, individual's right of inspection, and security.

(2) An audit of a user agency's activity logs must examine an agency's activity tracking mechanisms. Dissemination logs, site access logs, computer terminal records, and record correction logs for criminal history record information will be examined. The auditor must review logging procedures and interview personnel who handle or process records.

C. The regulations also require systematic internal auditing as a means of guaranteeing the completeness and accuracy of computerized criminal history record information. The Criminal Records Department and the Computerized Criminal History Department must verify the completeness and accuracy of the data by comparing Criminal History Record Information with the source documents. These source documents include the original and subsequent fingerprint cards, arrest reports, disposition reports, court, corrections, probation, and parole records. SLED/CJIS must maintain computer audits that assure the entry of valid data. Records found to contain errors must be forwarded to the Criminal Records Department and, if necessary, to the originating agency for correction. Errors must be corrected as soon as practicable in both the manual and automated files.

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SUBARTICLE II.

UNIFORM CRIME REPORTING

73-30. Uniform Crime Reporting.

A. Every law enforcement agency must send SLED a copy of each report made by any officer during the performance of his duties in responding to reported criminal violations within the jurisdiction of that agency. Reports must be sent to SLED regardless of the degree of seriousness of the reported criminal activity.

B. The reports must be recorded on standard forms approved by SLED, commonly referred to as incident reports.

C. Reports must include, to the maximum extent possible, details of all offenses investigated by officers, whether actual or unfounded, to include follow-up investigations, reports of property recovered, changes in the status of any case, and other similar comments. Sworn statements of witnesses need not be sent to SLED; however, information gathered from such statements should be transmitted to SLED if it changes or clarifies the status or classification of a prior report.

D. Every law enforcement agency must send SLED a copy of each arrest document made by any officer, jailor, or other official. Departments must record the personal descriptive data and criminal charges of each person who is placed under lawful arrest, regardless of whether that person is incarcerated, released on bail, or otherwise disposed of. Arrest documents must be completed on all persons placed under lawful arrest regardless of whether the case is ultimately prosecuted. Arrest documents must be completed on each person placed under lawful arrest regardless of the degree of seriousness of the offense committed.

E. Arrest documents must be of a standard type approved by SLED, commonly referred to as booking reports.

F. All copies of incident reports and booking reports must be forwarded to SLED on a regular and timely basis, but not less often than once weekly. Incident and booking reports made by any agency during any month must arrive at SLED no later than the fifth day of the following month.

G. SLED responsibilities include processing, analyzing, coding, and compiling all incident and booking reports received and making available to law enforcement and other governmental agencies whatever information is gathered from the reports within the limits of the reporting program. SLED is not prohibited from assigning any of these responsibilities to contributing or other agencies if deemed qualified by SLED procedures.

H. SLED responsibilities also include the proper classification and counting of all incident and booking reports. Classification and counting procedures must correspond insofar as is feasible to those generally accepted nationwide in all uniform crime reporting programs. These procedures are defined by the International Association of Chiefs of Police Committee on Uniform Crime Reports, the Uniform Crime Reports Division of the Federal Bureau of Investigation and the Uniform Crime Reports Section of SLED.

Fiscal Impact Statement:

The Division does not anticipate any fiscal impact with the implementation of this Regulation.