

## ARTICLE 74:04

### WATER HYGIENE

Chapter

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### CHAPTER 74:04:11

#### SANITARY SURVEYS

Section

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**74:04:11:01. Definitions.** Terms used in this chapter mean:

(1) "Community water system," "CWS," a public water system that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents. The term includes any collection, treatment, storage, and distribution facilities under

control of the operator of the system and used primarily in connection with the system and any collection or pretreatment storage facilities not under such control that are used primarily in connection with the system;

(2) "Department," the Department of Environment and Natural Resources;

(3) "Groundwater under the direct influence of surface water," "GWUDISW," any water beneath the surface of the ground with a significant occurrence of insects, macro organisms, algae, or large-diameter pathogens such as *Giardia lamblia* or *Cryptosporidium* (~~for Type S systems serving at least 10,000 people~~), or significant and relatively rapid shifts in water quality characteristics such as turbidity, temperature, conductivity, or pH that closely correlate to climatological or surface water conditions. The department makes a GWUDISW determination based on site-specific water quality measurements and information specific to the water source and geology;

(4) "Nontransient, noncommunity water system," "NTNC," a public water system that is not a community water system and that regularly serves at least 25 of the same persons at such places as work places, offices, and schools for at least 6 months a year;

(5) "Significant deficiency," any defect in a system's design components, operation, maintenance, or administration, as well as any failure or malfunction of any system component, that the department determines to cause, or have the potential to cause, an unacceptable risk to public health or that could affect the reliable delivery of safe drinking water;

(6) "Sanitary survey," an onsite review of the water source, facilities, equipment, operation, maintenance, and monitoring compliance of a public water system for the purpose of evaluating the adequacy of the drinking water system, its source, treatment, and distribution, to produce and distribute a reliable and safe supply of drinking water;

(7) "Transient noncommunity water system," "TWS," a noncommunity water system that does not regularly serve at least 25 of the same persons over six months per year; and

(8) "Type ~~S~~ H systems," public water systems owning a surface water or groundwater under the direct influence of a surface water source that is subject to the requirements of §§ ~~74:04:05:51~~ to ~~74:04:05:71~~, inclusive §74:04:12:22.

(9) "Type S systems," public water systems that use groundwater except that it does not apply to public water systems that combine all of their groundwater with surface water or with groundwater under the direct influence of surface water prior to treatment as a Type H system. This definition includes consecutive systems receiving finished groundwater.

**Source:**

**General Authority:** SDCL 34A-3A-25.

**Law Implemented:** SDCL 34A-3A-25(4).

**74:04:11:02. Sanitary surveys -- General.** The department shall conduct a sanitary survey of all ~~Type S~~ public water systems according to the criteria in this chapter ~~for systems serving~~

~~10,000 people or more.~~ The department shall conduct a sanitary survey of all Type S community public water systems according to the criteria in this chapter ~~starting January 1, 2004, for systems serving less than 10,000 people~~ by December 31, 2012 and of all Type S transient noncommunity and nontransient noncommunity systems by December 31, 2014. The frequency for a sanitary survey is as follows:

(1) For community water systems ~~and nontransient noncommunity water systems~~ - every three years; and

(2) For transient noncommunity and nontransient noncommunity water systems - every five years.

The department may conduct more frequent sanitary surveys for any system.

The sanitary survey may be completed as part of a staged or phased review by the department providing that the survey is completed within the timeframes specified in subdivision (1) or (2) of this section.

The department will review the disinfection profile for systems required to comply with the disinfection profiling requirements specified by ~~§ 74:04:05:154~~ 40 C.F.R. § 141.172.

A report describing the results of the sanitary survey including any significant deficiencies will be provided to the water system within ~~45~~ 30 days of completion of the survey. The report may specify corrective actions and deadlines for completion of the corrective actions.

**Source:**

**General Authority:** SDCL 34A-3A-25.

**Law Implemented:** SDCL 34A-3A-25(4).

**74:04:11:03. Sanitary survey components.** The sanitary survey will address, at a minimum, the following elements:

- (1) Source(s);
- (2) Treatment;
- (3) Distribution system;
- (4) Finished water storage;
- (5) Pumps, pump facilities, and controls;
- (6) Monitoring, reporting, and data verification;
- (7) System management and operation; and
- (8) Operator compliance with chapter 74:21:02.

**Source:**

**General Authority:** SDCL 34A-3A-25.

**Law Implemented:** SDCL 34A-3A-25(4).

**74:04:11:04. Significant deficiency -- Response by system.** A Type H public water system must respond in writing no later than 45 days after the receipt of a sanitary survey report describing how and on what schedule the system will address any significant deficiencies identified in the sanitary survey report.

**Source:**

**General Authority:** SDCL 34A-3A-25.

**Law Implemented:** SDCL 34A-3A-25(4).

**74:04:11:05. Significant deficiency -- Violation by system.** Failure by a Type H public water system to respond in writing as required by § 74:04:11:04 or failure to address significant deficiencies identified in a sanitary survey report that are within the control of the water system or its governing body is a violation of this chapter and is subject to penalties as provided for in SDCL 34A-3A-3 or 34A-3A-26.

**Source:**

**General Authority:** SDCL 34A-3A-25.

**Law Implemented:** SDCL 34A-3A-3, 34A-3A-25(4), 34A-3A-26.

**CHAPTER 74:04:12****DRINKING WATER STANDARDS**

## Section

- 74:04:12:41 Subpart O -- Consumer confidence reports.
- 74:04:12:42 Consumer confidence reports -- Governor's waiver.
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- 74:04:12:44 Consumer confidence reports -- Recordkeeping by department.
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**74:04:12:41. Subpart O -- Consumer confidence reports.** The requirements for consumer confidence reports found in 40 C.F.R. Part 141 Subpart O (July 1, ~~2003~~ 2008) are hereby incorporated by reference.

**Source:**

**General Authority:** SDCL 34A-3A-25.

**Law Implemented:** SDCL 34A-3A-25(4).

**74:04:12:42. Consumer confidence reports -- Governor's waiver.** The Governor or his designee may waive the requirements of 40 C.F.R. § 141.155(a) (July 1, ~~2003~~ 2008) for community water systems serving fewer than 10,000 persons. Qualifying systems shall:

(1) Publish the report in one or more local newspapers serving the area in which the system is located;

(2) Inform the customers that the reports will not be mailed either in the newspapers in which the reports are published or by other means approved by the department; and

(3) Make the report available to the public upon request.

Systems serving 500 or fewer persons may forego the requirements of subdivisions (1) and (2) of this section if they provide notice at least once per year to their customers by mail, door-to-door delivery, by posting in an appropriate location, or by other means approved by the department that the report is available upon request.

**Source:**

**General Authority:** SDCL 34A-3A-25.

**Law Implemented:** SDCL 34A-3A-25(4).

**74:04:12:43. Consumer confidence reports -- Reports available from department.**

Reports submitted to the department in compliance with 40 C.F.R. § 141.155(c) (July 1, ~~2003~~ 2008) are available to the public upon request.

**Source:**

**General Authority:** SDCL 34A-3A-25.

**Law Implemented:** SDCL 34A-3A-25(4).

**74:04:12:44. Consumer confidence reports -- Recordkeeping by department.** The

department shall maintain a copy of the reports obtained under 40 C.F.R. § 141.155(c) (July 1,

~~2003~~ 2008) for a period of one year and a copy of the certifications obtained under subdivision 40 C.F.R. § 141.155(c) (July 1, ~~2003~~ 2008) for a period of five years.

**Source:**

**General Authority:** SDCL 34A-3A-25.

**Law Implemented:** SDCL 34A-3A-25(4).

**74:04:12:45. Consumer confidence reports -- Reporting of violations.** The department shall report violations of this chapter to EPA in accordance with the requirements of 40 C.F.R. § 142.15(a)(1) (July 1, ~~2003~~ 2008).

**Source:**

**General Authority:** SDCL 34A-3A-25.

**Law Implemented:** SDCL 34A-3A-25(4).