

ARTICLE 74:04

WATER HYGIENE

Chapter

- 74:04:01 Fluoridation of water supplies.
- 74:04:02 Bulk water haulers, Repealed.
- 74:04:03 Environmental health laboratory, Repealed.
- 74:04:04 Grant for drinking water quality, Repealed.
- 74:04:05 Drinking water standards, Repealed.
- 74:04:06 Public notification, Repealed.
- 74:04:07 Laboratory quality control.
- 74:04:08 Public beach and municipal swimming pool standards.
- 74:04:09 Capacity requirements for new community and new nontransient noncommunity water systems.
- 74:04:10 Consumer Confidence Reports for Drinking Water Quality.
- 74:04:11 Sanitary surveys.
- 74:04:12 Drinking Water Standards.

CHAPTER 74:04:12
DRINKING WATER STANDARDS

Section

74:04:12:01	Definitions.
74:04:12:02	Public water systems subject to provisions of this chapter.
74:04:12:03	Variations and exemptions.
74:04:12:04	General monitoring requirements.
74:04:12:05	Initial monitoring.
74:04:12:06	Reliably and consistently less than the maximum contaminant level.
74:04:12:07	Subpart B – Maximum contaminant levels for chemicals.
74:04:12:08	Subpart C – Monitoring and analytical requirements.
74:04:12:09	Monitoring and analytical requirements – Certified laboratories.
74:04:12:10	Waiver of time limit for total coliform sampling.
74:04:12:11	Waiver of requirements to take five routine samples the month after a total coliform positive sample.
74:04:12:12	Invalidation of total coliform samples
74:04:12:13	IOCs – Waivers for monitoring.
74:04:12:14	Asbestos – Waivers for monitoring.
74:04:12:15	SOCs – Waivers for monitoring.
74:04:12:16	VOCs – Waivers for monitoring.
74:04:12:17	Subpart D – Reporting and recordkeeping.
74:04:12:18	Reports and recordkeeping by the department.
74:04:12:19	Subpart E – Special regulation monitoring requirements.
74:04:12:20	Subpart F – Maximum contaminant level goals and maximum residual disinfection level goals.
74:04:12:21	Subpart G – Maximum contaminant levels and maximum residual disinfectant levels.
74:04:12:22	Subpart H – Filtration and disinfection.
74:04:12:23	Distribution system residual disinfectant concentration sampling plans for systems that also use groundwater.
74:04:12:24	Subpart I – Control of lead and copper.
74:04:12:25	Control of lead and copper – Designation of optimal corrosion control.
74:04:12:26	Subpart J – Use of non-centralized treatment devices.
74:04:12:27	Subpart K – Treatment techniques for acrylamide and epichlorohydrin.
74:04:12:28	Subpart L – Disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors.
74:04:12:29	Approved use of DPD colorimetric test kit.
74:04:12:30	Subpart P – Enhanced filtration and disinfection – Systems serving 10,000 or more people.
74:04:12:31	Enhanced filtration and disinfection – Composite correction program requirements.
74:04:12:32	Subpart Q – Public notification of drinking water violation.
74:04:12:33	Public notification of drinking water violation – Violation categories and other situations.
74:04:12:34	Public notification of drinking water violation – Who must be notified – Special circumstances.
74:04:12:35	Public notification of drinking water violation – Tier 1 public notice – Frequency.
74:04:12:36	Public notification of drinking water violation – Tier 1 public notice – Form and manner.
74:04:12:37	Public notification of drinking water violation – Additional Tier 2 public notice categories.
74:04:12:38	Public notification of drinking water violation – Public notification made by department.
74:04:12:39	Public notification of drinking water violation – Reports and recordkeeping by department.
74:04:12:40	Subpart T – Enhanced filtration and disinfection – Systems serving fewer than 10,000 people.

74:04:12:01. Definitions. Terms used in 40 C.F.R. § 141.2 (July 1, 2003) are hereby incorporated by reference in this chapter except for the following terms: act; approved laboratory, department, EPA regional administrator, entry point, maximum contaminant level, maximum contaminant level goal, mg/L, NTU, IOC, person, SOC, state, VOC, and waiver.

Terms used in this chapter and definitions incorporated by reference in this chapter have the following meanings:

- (1) "Act," except as used in 40 C.F.R. Part 141 (July 1, 2003) means SDCL 34A-3A;
- (2) "Approved laboratory", a laboratory approved by the Department of Environment and Natural Resources to analyze water samples from public water systems to determine their compliance with maximum contaminant levels and other monitoring requirements of this chapter;
- (3) "Department," the Department of Environment and Natural Resources;
- (4) "EPA regional administrator," the regional administrator of EPA Region 8 located at 999 18th St., Suite 300, Denver, CO 80202-2466;
- (5) "Entry point," the entry point to the distribution system that is representative of each source of water after treatment;
- (6) "IOC," inorganic chemical;
- (7) "Maximum contaminant level," "MCL," the maximum permissible level of a contaminant in water that is delivered to any user of a public water system;
- (8) "Maximum contaminant level goal," "MCLG," the maximum level of a contaminant in drinking water at which no known or anticipated adverse effect on the health of persons would occur, and that allows an adequate margin of safety. MCLGs are nonenforceable health goals;
- (9) "Mg/L," milligrams per liter;
- (10) "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;
- (11) "NTU," nephelometric turbidity unit;
- (12) "Person," an individual, corporation, company, association, partnership, state, municipality, or federal agency;
- (13) "SOC", synthetic organic chemical;
- (14) "State," as used in the portions of 40 C.F.R. Part 141 (July 1, 2003) incorporated by reference in this chapter means the South Dakota Department of Environment and Natural Resources;
- (15) "VOC", volatile organic chemical; and
- (16) "Waiver," a process used by the department that allows a public water system to reduce or eliminate monitoring for a particular chemical.

Source: 31 SDR 21, effective August 24, 2004.

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

Law Implemented: SDCL 34A-3A-3.

74:04:12:02. Public water systems subject to provisions of this chapter. All public water systems shall meet the requirements of this chapter unless specifically exempted under SDCL 34A-3A-14.

Source: 31 SDR 21, effective August 24, 2004.

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

Law Implemented: SDCL 34A-3A-14.

74:04:12:03. Variances and exemptions. The requirements for variances and exemptions found in 40 C.F.R. § 141.4 (July 1, 2003) are hereby incorporated by reference.

Source: 31 SDR 21, effective August 24, 2004.

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

Law Implemented: SDCL 34A-3A-14.

74:04:12:04. General monitoring requirements. The following requirements apply to all contaminant monitoring performed by public water systems:

- (1) The department may determine compliance or initiate enforcement action based on analytical results;
- (2) Each water system shall monitor at the time designated by the department within each compliance period;
- (3) Systems may apply to the department to conduct more frequent monitoring than the minimum monitoring frequencies specified; and
- (4) The department may increase the required monitoring frequencies if necessary to detect variations within a system such as fluctuations in concentration due to seasonal use or changes in water sources, or to characterize water system contamination.

Source: 31 SDR 21, effective August 24, 2004.

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

Law Implemented: SDCL 34A-3A-3(2).

74:04:12:05. Initial monitoring. A newly constructed water system, a water system that uses a new source, or a system determined by the department to be a public water system shall begin monitoring as required by this chapter within one quarter after the determination or the construction of the new water system or the new source. A public water system proposed for construction shall, whenever possible, collect and analyze the proposed source water for compliance with this chapter prior to construction.

Source: 31 SDR 21, effective August 24, 2004.

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

Law Implemented: SDCL 34A-3A-3(2).

74:04:12:06. Reliably and consistently less than the maximum contaminant level. For purposes of this chapter, the term reliably and consistently less than the maximum contaminant level, means:

- (1) For VOCs, SOCs, and IOCs except nitrate and nitrite, the average of the initial sample and quarterly samples is less than the MCL;
- (2) For nitrate, the average of four consecutive quarterly samples is less than 7.5 mg/L and no single sample exceeds 10 mg/L; or
- (3) For nitrite, the average of four consecutive quarterly samples is less than 0.75 mg/L and no single sample exceeds 1 mg/L.

Source: 31 SDR 21, effective August 24, 2004.

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

Law Implemented: SDCL 34A-3A-3(2).

74:04:12:07. Subpart B - Maximum contaminant levels for chemicals. The maximum contaminant levels for chemicals found in 40 C.F.R. Part 141 Subpart B (July 1, 2003) are hereby incorporated by reference except for 40 C.F.R. §§ 141.12, 141.13, 141.15, and 141.16 (July 1, 2003).

Source: 31 SDR 21, effective August 24, 2004.

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

Law Implemented: SDCL 34A-3A-3(1).

74:04:12:08. Subpart C – Monitoring and analytical requirements. The monitoring and analytical requirements found in 40 C.F.R. Part 141 Subpart C (July 1, 2003) are hereby incorporated by reference.

Source: 31 SDR 21, effective August 24, 2004.

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

Law Implemented: SDCL 34A-3A-3(1).

74:04:12:09. Monitoring and analytical requirements – Certified laboratories. For the purpose of determining compliance with the sampling, monitoring, and analytical requirements of this chapter, samples may be considered only if they have been analyzed by a laboratory certified pursuant to chapter 74:04:07. Measurements for alkalinity, calcium, conductivity, disinfectant residual, orthophosphate, pH, silica, temperature, and turbidity may be performed by any person acceptable to the department based on education, training, or experience. The department may take samples to determine compliance by a supplier of water with the requirements of this chapter.

Source: 31 SDR 21, effective August 24, 2004.

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

Law Implemented: SDCL 34A-3A-3(2).

74:04:12:10. Waiver of time limit for total coliform sampling. A public water system that uses surface water or groundwater under the direct influence of surface water and does not practice filtration in compliance with 40 C.F.R. Part 141 Subpart H (July 1, 2003), shall collect at least one sample near the first service connection each day that the turbidity level of the source water exceeds one NTU. The system shall collect this coliform sample within 24 hours after the first sample showing turbidity in excess of one NTU or on the next business day and submit the sample for total coliform analysis.

If a routine sample is total coliform-positive, the public water system must collect a set of repeat samples within 24 hours or on the next business day after being notified of the positive result. A system that collects more than one routine sample per month must collect no fewer than three repeat samples for each total coliform-positive sample found. A system that collects one routine sample per month or fewer must collect no fewer than four repeat samples for each total coliform-positive sample found. Sample results from this coliform monitoring must be included in determining compliance with the MCL for total coliform.

Source: 31 SDR 21, effective August 24, 2004.

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

Law Implemented: SDCL 34A-3A-3(2).

74:04:12:11. Waiver of requirement to take five routine samples the month after a total coliform positive sample. If a system collecting fewer than five routine samples each month has one or more samples positive for total coliform and the department does not invalidate the samples under 40 C.F.R. § 141.21(c) (July 1, 2003), the system shall collect at least five routine samples during the next month that it serves water to the public. The department may waive the requirement of five routine samples during the next month if it has determined why the sample was positive for total coliform and establishes that the system has corrected the problem before the end of the next month that it serves water to the public. The department shall document the waiver decision in writing, have it approved and signed by the supervisor of the department official who recommends the decision, and make the document available to EPA and the public. The document shall describe the specific cause of the sample positive for total coliform and what corrective action the system has taken. A waiver may not be granted solely on the grounds that all repeat samples are negative for total coliform.

Under this section, a public water system must collect its normal number of routine samples before the end of the next month that it serves water to the public and use the normal routine samples to determine compliance with the MCL for total coliform.

Source: 31 SDR 21, effective August 24, 2004.

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

Law Implemented: SDCL 34A-3A-3(2).

74:04:12:12. Invalidation of total coliform samples. A sample that is positive for total coliform and is invalidated under this section does not count towards meeting the minimum monitoring requirements of 40 C.F.R. § 141.21 (July 1, 2003). Invalidation criteria are as follows:

(1) The department may invalidate a sample that is positive for total coliform if either of the following conditions is met:

(a) The laboratory establishes that improper sample analysis caused the positive result;

(b) The department determines, based on the results of repeat samples required under 40 C.F.R. § 141.21(c) (July 1, 2003), inclusive, that the sample that is positive for total coliform was the result of a domestic or other plumbing problem not attributed to the distribution system. The department may not invalidate a sample under this subdivision on the basis of results of repeat samples unless all repeat samples collected at the same tap as the original are also positive for total coliform and all repeat samples collected within five service connections of the original tap are negative for total coliform;

(2) Unless total coliform are detected, a laboratory must invalidate a sample to be analyzed for total coliform if the sample produces a turbid culture in the absence of gas production when using the multiple-tube fermentation analytical technique, produces a turbid culture in the absence of an acid reaction when using the presence-absence coliform analytical technique, or exhibits confluent growth or produces colonies too numerous to count when using the membrane filter analytical technique. If a laboratory invalidates a sample because of such interference, the system shall collect another sample from the same location as the original within 24 hours after being notified of the interference or on the next business day and have it analyzed for total coliform. The system shall continue to resample within 24 hours and have the sample analyzed for total coliform until it obtains a valid sample;

(3) Either the department or the laboratory may invalidate a total coliform sample if the sample has been in transit for more than 30 hours, a laboratory accident occurs, a sample arrives at the laboratory in a condition such that it cannot be analyzed, a sample has been altered or tampered with, or samples are not collected at proper locations. If a sample is invalidated for any of these reasons, the system shall collect and submit a replacement within seven days after being notified of the invalid sample.

Source: 31 SDR 21, effective August 24, 2004.

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

Law Implemented: SDCL 34A-3A-3(2).

74:04:12:13. IOCs – Waivers for monitoring. A system may apply to the department for a waiver from the monitoring frequencies specified in 40 C.F.R. § 141.23 (July 1, 2003) for any of the inorganic chemicals listed in 40 C.F.R. §§ 141.11 and 141.62 (July 1, 2003) except nitrate and nitrite. Conditions for the granting of a waiver are as follows:

(1) The system must take a minimum of one sample from each entry point while the waiver is in effect. The term during which the waiver is effective may not exceed the end of the current compliance cycle. The system must reapply for a waiver for each compliance cycle;

(2) The department may grant a waiver if a surface water system has monitored annually for at least three years and a groundwater system has conducted a minimum of three rounds of monitoring with at least one sample having been collected since January 1, 1990. Both surface and groundwater systems must demonstrate that all previous analytical results were less than 90 percent of the MCLs as specified in 40

C.F.R. §§ 141.11 and 141.62 (July 1, 2003). A system that uses a new water source is not eligible for a waiver until three rounds of monitoring from the new source have been completed. The system must submit copies of these analytical results and a completed waiver application to the department;

(3) The department shall consider the following in determining whether to grant the waiver:

(a) Reported concentrations from all previous monitoring;

(b) The degree of variation in reported concentrations; and

(c) Other factors which may affect contaminant concentrations such as changes in groundwater pumping rates, changes in the system's configuration, changes in the system's operating procedures, or changes in stream flows or characteristics; and

(4) The decision by the department to grant a waiver must be in writing and shall establish the basis for the waiver determination. The determination may be initiated by the department or upon application by a public water system. The public water system must specify the basis for its waiver request. The department shall review and may revise its determination of the appropriate monitoring frequency if the system submits new monitoring data or if other data relevant to the system's appropriate monitoring frequency become available.

Source: 31 SDR 21, effective August 24, 2004.

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

Law Implemented: SDCL 34A-3A-3(2).

74:04:12:14. Asbestos – Waivers for monitoring. All community and NTNC systems may apply to the department for a waiver for the asbestos monitoring specified in 40 C.F.R. § 141.23(b) (July 1, 2003). Conditions for the granting of a waiver are as follows:

(1) For a waiver to be granted, the water system must not be vulnerable to asbestos contamination in its source water and must meet one of the following conditions:

(a) No asbestos-cement materials may be present as a source construction material or in the distribution system; or

(b) If asbestos-cement materials are present in the source or in the distribution system, the water must be noncorrosive as determined by the Langelier Index as specified in 40 C.F.R. § 141.42(c) (July 1, 2003).

The system must submit written evidence of compliance with subdivisions 1(a) or 1(b) of this section and a completed waiver application to the department. If the use of asbestos in the system is unknown, the waiver may not be granted;

(2) A system that is granted a waiver is not required to sample for asbestos while the waiver is in effect;

(3) The waiver remains in effect until the completion of the compliance cycle. A system must reapply for a waiver for each subsequent compliance cycle; and

(4) The decision by the department to grant a waiver must be in writing and shall establish the basis for the waiver determination. The determination may be initiated by the department or upon application by a public water system. The public water system must specify the basis for its waiver request. The department shall review and may revise its determination of the appropriate monitoring frequency if the system submits new monitoring data or if other data relevant to the system's appropriate monitoring frequency become available.

Source: 31 SDR 21, effective August 24, 2004.

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

Law Implemented: SDCL 34A-3A-3(2).

74:04:12:15. SOCs – Waivers for monitoring. A system may apply to the department for a waiver from the monitoring frequencies for synthetic organic chemicals specified in 40 C.F.R. § 141.24 (July 1, 2003). Conditions for a waiver are as follows:

(1) The waiver expires at the end of the current compliance period. A system must reapply for a waiver for each compliance period;

(2) A system need not monitor for any synthetic organic chemical for which it receives a waiver;

(3) The department may grant a waiver after evaluating the previous use, including transport, storage, and disposal of synthetic organic chemicals within the watershed or zone of influence of a system. If the use of a contaminant is unknown or if a contaminant has been used previously, the department may not grant a waiver under this subdivision;

(4) If the use of a contaminant is unknown or if a contaminant has been used previously, the department may grant a waiver after evaluating the following:

(a) Previous analytical results;

(b) The proximity of the system to a potential point or nonpoint source of contamination;

(c) The environmental persistence and transport of the contaminant;

(d) The protection of the source against contamination by such factors as depth of well, soil type, and integrity of well casing;

(e) Nitrate levels at the source; and

(f) Use of polychlorinated biphenyls in equipment used in the production, storage, and distribution of water.

The system must submit written evidence of compliance with subdivision (3) or (4) of this section and a completed waiver application to the department. If any of the information required by subdivisions (3) and (4) of this section is unknown or indicates that contamination is likely to occur, the department may not grant waiver.

The decision by the department to grant a waiver shall be in writing and shall establish the basis for the waiver determination. The determination may be initiated by the department or upon application by a public water system. The public water system must specify the basis for its waiver request. The department shall review and may revise its determination of the appropriate monitoring frequency if the system submits new monitoring data or if other data relevant to the system's appropriate monitoring frequency become available.

Source: 31 SDR 21, effective August 24, 2004.

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

Law Implemented: SDCL 34A-3A-3(2).

74:04:12:16. VOCs – Waivers for monitoring. A groundwater system that does not detect a contaminant specified in 40 C.F.R. § 141.62 (July 1, 2003) in its initial monitoring as specified by 40 C.F.R. § 141.24(f)(4) (July 1, 2003) may apply to the department for a waiver from the annual and triennial monitoring. A surface water system that does not detect a contaminant specified in 40 C.F.R. § 141.62 (July 1, 2003) in its initial monitoring as specified by 40 C.F.R. § 141.24(f)(4) (July 1, 2003) may apply to the department for a waiver from annual monitoring. Conditions for the granting of a waiver are as follows:

(1) The waiver for groundwater systems expires at the end of the second compliance period after it is granted. The waiver for surface water systems expires at the end of the current compliance period. A groundwater system must reapply for a waiver after the expiration of the previous waiver. A surface water system must be reevaluated by the department after the expiration of the previous waiver;

(2) A groundwater system must monitor once at each entry point and update its vulnerability assessment considering the factors specified in subdivision (4) of this section while the waiver is in effect. Based on the vulnerability assessment, the department must determine whether to reconfirm that the system is not vulnerable to VOC contamination. If the department does not make this reconfirmation within three years after the initial determination, the waiver is invalidated and the system is required to sample annually as specified in 40 C.F.R. § 141.24(f)(5) (July 1, 2003);

(3) A surface water system must monitor once at each entry point while the waiver is in effect;

(4) The department may grant a waiver after evaluating the following:

(a) Previous analytical results;

(b) The proximity of the system to a potential point or nonpoint source of contamination;

(c) The environmental persistence and transport of the contaminant;

(d) The protection of a groundwater source against contamination due to such factors as depth of well, soil type, and integrity of well casing. Surface water systems must consider watershed protection; and

(e) The number of persons served by the water system and proximity of a smaller system to a larger system.

A groundwater system must submit written evidence that it complies with the criteria in subdivision (4) of this section and a completed waiver application to the department. If any of the information required by subdivision (4) of this section is unknown or indicates that contamination is likely to occur, the department may not grant the waiver.

The decision by the department to grant a waiver must be in writing and must establish the basis for the waiver determination. The determination may be initiated by the department or upon application by a public water system.

The public water system must specify the basis for its waiver request. The department shall review and may revise its determination of the appropriate monitoring frequency if the system submits new monitoring data or if other data relevant to the system's appropriate monitoring frequency become available.

Source: 31 SDR 21, effective August 24, 2004.

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

Law Implemented: SDCL 34A-3A-3(2).

74:04:12:17. Subpart D – Reporting and recordkeeping. The reporting and recordkeeping requirements found in 40 C.F.R. Part 141 Subpart D (July 1, 2003) are hereby incorporated by reference except for 40 C.F.R. § 141.32 (July 1, 2003).

Source: 31 SDR 21, effective August 24, 2004.

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

Law Implemented: SDCL 34A-3A-3(2).

74:04:12:18. Reports and recordkeeping by the department. The department shall maintain records, tests, measurements, analyses, decisions, and determinations in accordance with the requirements specified in 40 C.F.R. § 142.14 (July 1, 2003). The department shall provide reports in accordance with the requirements specified in 40 C.F.R. § 142.15 (July 1, 2003).

Source: 31 SDR 21, effective August 24, 2004.

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

Law Implemented: SDCL 34A-3A-3(2).

74:04:12:19. Subpart E – Special regulation monitoring requirements. The monitoring requirements for special regulations found in 40 C.F.R. Part 141 Subpart E (July 1, 2003) are hereby incorporated by reference.

Source: 31 SDR 21, effective August 24, 2004.

General Authority: SDCL 34A–3A–3.

Law Implemented: SDCL 34A–3A–3(2).

74:04:12:20. Subpart F – Maximum contaminant level goals and maximum residual disinfection level goals. The maximum contaminant level goals and maximum residual disinfection level goals found in 40 C.F.R. Part 141 Subpart F (July 1, 2003) are hereby incorporated by reference.

Source: 31 SDR 21, effective August 24, 2004.

General Authority: SDCL 34A–3A–3.

Law Implemented: SDCL 34A–3A–3(2).

74:04:12:21. Subpart G – Maximum contaminant levels and maximum residual disinfectant levels. The maximum contaminant levels and maximum residual disinfectant levels found in 40 C.F.R. Part 141 Subpart G (July 1, 2003) are hereby incorporated by reference.

Source: 31 SDR 21, effective August 24, 2004.

General Authority: SDCL 34A–3A–3.

Law Implemented: SDCL 34A–3A–3(2).

74:04:12:22. Subpart H – Filtration and disinfection. The filtration and disinfection requirements found in 40 C.F.R. Part 141 Subpart H (July 1, 2003) are hereby incorporated by reference.

Source: 31 SDR 21, effective August 24, 2004.

General Authority: SDCL 34A–3A–3.

Law Implemented: SDCL 34A–3A–3(2).

74:04:12:23. Distribution system residual disinfection concentration sampling plans for systems that also use groundwater. The residual disinfectant concentration must be measured at least at the same points in the distribution system and at the same time that total coliform monitoring, as required in § 74:04:12:09, occurs. However, the department may allow a system which uses a combination of surface water or groundwater under the direct influence of surface water and groundwater to take disinfectant residual samples at points other than the total coliform sampling points if the department determines that such points are more representative of treated (disinfected) surface water quality within the distribution system.

Source: 31 SDR 21, effective August 24, 2004.

General Authority: 34A–3A–3.

Law Implemented: 34A–3A–3(2).

74:04:12:24. Subpart I – Control of lead and copper. The requirements for control of lead and copper found in 40 C.F.R. Part 141 Subpart I (July 1, 2003) are hereby incorporated by reference except for 40 C.F.R. § 141.82 (d) (July 1, 2003).

Source: 31 SDR 21, effective August 24, 2004.

General Authority: SDCL 34A–3A–3.

Law Implemented: SDCL 34A–3A–3(1).

74:04:12:25. Control of lead and copper – Designation of optimal corrosion control. Each system shall properly install and operate the optimal corrosion control treatment designated by the department. The department shall evaluate the results of all lead and copper tap water samples and water quality parameter samples to determine whether the water system has properly installed and operated the optimal corrosion control treatment designated by the department. The water system shall provide any additional information the department requests to aid its review. 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:

- (1) A range of values for pH measured at each entry point and in all tap samples;
- (2) If a corrosion inhibitor is used, an inhibitor concentration range measured at each entry point to the distribution system and in all tap samples;
- (3) If alkalinity adjustment is used, an alkalinity concentration range measured at each entry point and in all tap samples; and
- (4) If calcium carbonate stabilization is used, a calcium concentration range measured in all tap samples.

These water quality parameters and optimal corrosion control treatment values may be modified by the department upon its own initiative or in response to a request by a water system or other interested party. A request for modification by a system or other interested party must be in writing, explain why the modification is appropriate, and provide supporting documentation. The department may modify its determination if it concludes that such a change is necessary to ensure that the system continues to optimize corrosion control treatment. The department shall make the revised determination in writing and shall set forth the new treatment requirements, explain the basis for the department's decision, and provide an implementation schedule. All systems shall maintain water quality parameter values within the range designated by the department. If the water quality value is outside the designated range, the system is out of compliance. If the system is out of compliance, the system may take a confirmation sample no later than three 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 compliance determinations.

The department shall allow the EPA regional administrator to review treatment determinations made by the department and issue federal treatment determinations as specified in 40 C.F.R. § 148.82(i) (July 1, 2003).

Source: 31 SDR 21, effective August 24, 2004.

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

Law Implemented: SDCL 34A-3A-3(2).

74:04:12:26. Subpart J – Use of non-centralized treatment devices. The requirements for the use of non-centralized treatment devices found in 40 C.F.R. Part 141 Subpart J (July 1, 2003) is hereby incorporated by reference.

Source: 31 SDR 21, effective August 24, 2004.

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

Law Implemented: SDCL 34A-3A-3(2).

74:04:12:27. Subpart K – Treatment techniques for acrylamide and epichlorohydrin. The requirements for the acrylamide and epichlorohydrin found in 40 C.F.R. Part 141 Subpart K (July 1, 2003) are hereby incorporated by reference.

Source: 31 SDR 21, effective August 24, 2004.

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

Law Implemented: SDCL 34A-3A-3(2).

74:04:12:28. Subpart L – Disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors. The requirements for disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors found in 40 C.F.R. Part 141 Subpart L (July 1, 2003) are hereby incorporated by reference except for 40 C.F.R. § 141.131(c)(3) (July 1, 2003).

Source: 31 SDR 21, effective August 24, 2004.

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

Law Implemented: SDCL 34A-3A-3(2).

74:04:12:29. Approved use of DPD colorimetric test kit. Certified water treatment and water distribution operators and third-party technical assistance providers are approved to use DPD colorimetric test kits, in addition to the methods specified in C.F.R. § 141.131(c)(1) (July 1, 2003), to measure residual disinfectant concentrations for chlorine, chloramines, and chlorine dioxide.

Source: 31 SDR 21, effective August 24, 2004.

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

Law Implemented: SDCL 34A-3A-3(2).

74:04:12:30. Subpart P – Enhanced filtration and disinfection – Systems serving 10,000 or more people. The requirements for enhanced filtration and disinfection for systems serving 10,000 or more people found in 40 C.F.R. Part 141 Subpart P (July 1, 2003) are hereby incorporated by reference.

Source: 31 SDR 21, effective August 24, 2004.

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

Law Implemented: SDCL 34A-3A-3(2).

74:04:12:31. Enhanced filtration and disinfection – Composite correction program requirements. A water system that is in violation of 40 C.F.R. § 141.175(b)(3) (July 1, 2003) shall perform the comprehensive performance evaluation (CPE) component of a composite correction program (CCP) as defined in 40 C.F.R. § 141.2 (July 1, 2003).

The department may require a water system to perform a CCP or one of its components if significant deficiencies are identified in a sanitary survey report or other situations that pose a hazard to public health. A water system required to perform a CCP shall implement the follow-up recommendations specified in the CPE report.

The department may approve third-parties for use by public water systems that are required to perform CCP activities.

Source: 31 SDR 21, effective August 24, 2004.

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

Law Implemented: SDCL 34A-3A-3(2), 34A-3A-4(3).

Cross Reference: Sanitary surveys, Chapter 74:04:11.

74:04:12:32. Subpart Q – Public notification of drinking water violation. The requirements for public notification of drinking water violations found in 40 C.F.R. Part 141 Subpart Q (July 1, 2003) are hereby incorporated by reference except for 40 C.F.R. § 141.202(b).

Source: 31 SDR 21, effective August 24, 2004.

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

Law Implemented: SDCL 34A-3A-3(2).

74:04:12:33. Public notification of drinking water violation – Violation categories and other situations. Other violations and situations determined by the department to require a public notice not already listed in 40 C.F.R. § 141 Subpart Q (July 1, 2003), for purposes of this chapter, are defined as circumstances that may present a potential danger to drinking water system consumers. Such circumstances include the following:

- (1) Source contamination;
- (2) Spills;
- (3) Accidents;
- (4) Natural disasters;

(5) Conditions found during an inspection of the system; or

(6) Breakdowns in water treatment.

Source: 31 SDR 21, effective August 24, 2004.

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

Law Implemented: SDCL 34A-3A-3(2).

74:04:12:34. Public notification of drinking water violation – Who must be notified – Special circumstances. 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 that is out of compliance. Permission by the department must be granted in writing.

Source: 31 SDR 21, effective August 24, 2004.

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

Law Implemented: SDCL 34A-3A-3(2), 34A-3A-12.

74:04:12:35. Public notification of drinking water violation – Tier 1 public notice – Frequency. Public water systems with a Tier 1 violation or other situation as specified in 40 C.F.R § 141.202 (July 1, 2003) shall provide public notice according to the following criteria:

(1) Provide a public notice as soon as practical, but not later than 24 hours after learning of the violation;

(2) Initiate consultation with the department as soon as practical, but not later than 24 hours after learning about the violation or other situation, to determine additional public notice requirements; and

(3) Comply with the following additional public notification requirements:

(a) Duration. Once the public notification is posted, the notice must remain in place until the violation or situation has been resolved as determined by the department. However, in no case may a notice be posted for less than seven days, even if the violation or situation has been resolved; and

(b) Broadcast media. A public notification made by broadcast media must be aired a minimum of three times during the 24-hour period specified in subdivision (1) of this section.

Source: 31 SDR 21, effective August 24, 2004.

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

Law Implemented: SDCL 34A-3A-3(2), 34A-3A-12.

74:04:12:36. Public notification of drinking water violation – Tier 1 public notice – Form and manner. Public water systems shall provide the notice within 24 hours in a form and manner reasonably calculated to reach all persons served by the system. The form and manner used by the system must fit the specific situation, but must be designed to reach residential, transient, and nontransient users of the system. In order to reach all persons served, the system shall use, at a minimum, one or more of the following forms of delivery:

(1) Appropriate broadcast media, to include radio and television;

(2) Posting the notice in conspicuous locations throughout the area served by the water system; or

(3) Hand delivery of the notice to persons served by the water system.

Source: 31 SDR 21, effective August 24, 2004.

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

Law Implemented: SDCL 34A-3A-3(2).

74:04:12:37. Public notification of drinking water violation – Additional Tier 2 public notice categories. In addition to the Tier 2 public notice categories found in 40 C.F.R. § 141.203(a), the department determines that the following violations and other situations require a Tier 2 public notice (rather than a Tier 3 public notice):

- (1) Any microbiological repeat monitoring violation;
- (2) Failure to monitor or failure to report for either nitrate or nitrite or both; or
- (3) Failure to monitor or failure to report for turbidity.

Source: 31 SDR 21, effective August 24, 2004.

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

Law Implemented: SDCL 34A-3A-3(2).

74:04:12:38. Public notification of drinking water violation – Public notification made by department. Notice to the public may be given by the department on behalf of the owner or operator of a public water system if the owner or operator fails to provide a required public notice. However, the owner or operator of the public water system remains legally responsible for ensuring that the requirements of this chapter are met.

Source: 31 SDR 21, effective August 24, 2004.

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

Law Implemented: SDCL 34A-3A-3(2).

74:04:12:39 Public notification of drinking water violation – Reports and recordkeeping by department. The department shall maintain records of public notices and certifications received from water systems and any department determinations of alternative public notification requirements for a water system as specified in 40 C.F.R. § 142.14 (July 1, 2003). The department shall provide reports in accordance with the requirements specified in 40 C. F. R. § 142.15 (July 1, 2003).

Source: 31 SDR 21, effective August 24, 2004.

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

Law Implemented: SDCL 34A-3A-3(2).

74:04:12:40. Subpart T – Enhanced filtration and disinfection – Systems serving fewer than 10,000 people. The requirements for enhanced filtration and disinfection for systems serving fewer than 10,000 people found in 40 C.F.R. Part 141 Subpart T (July 1, 2003) are hereby incorporated by reference.

Source: 31 SDR 21, effective August 24, 2004.

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

Law Implemented: SDCL 34A-3A-3(2).