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October 27, 2008

Ms. Janine Morris
Drinking Water Section
Water Management Division
Ground Water and Drinking Water Branch
US Environmental Protection Agency, Region IV
Atlanta Federal Center
61 Forsyth Street
Atlanta, GA 30303-3104

Dear Ms. Morris,

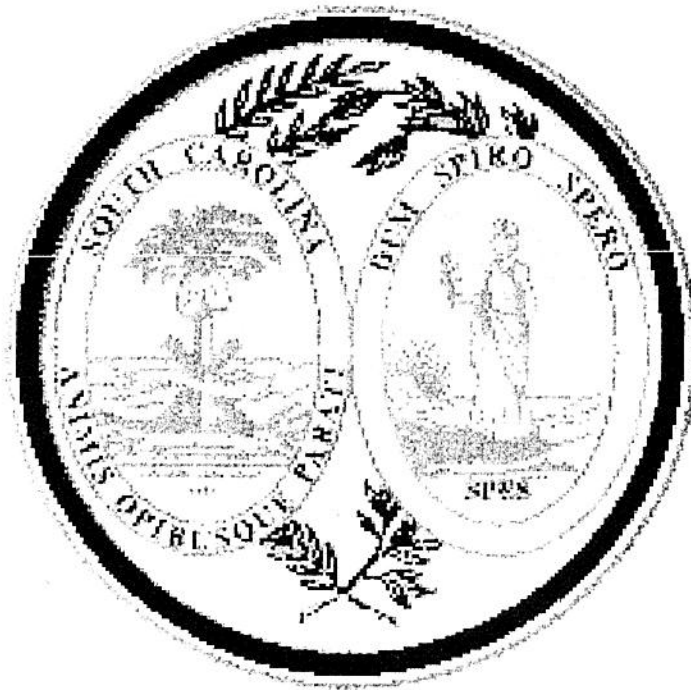
Enclosed is the State of South Carolina's Primacy Revision Application Package for the Ground Water Rule. The Attorney General's Statement of Enforceability is located in Section 5.

If you have any questions or comments concerning the enclosed submittal, please contact Richard Welch of my staff at (803) 898-3546.

Sincerely,

David E. Wilson, Jr., PE, Chief
Bureau of Water
SC Department of Health & Environmental Control

STATE OF SOUTH CAROLINA



Primacy Revision Application For The:

Ground Water Rule

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October 27, 2008

J. I. Palmer, Jr.
Regional Administrator
US Environmental Protection Agency, Region 4
61 Forsythe St., SW
Atlanta, GA 30303

RE: Amendments to R.61-58, State Primary Drinking Water Regulation

Dear Mr. Palmer:

I have reviewed amendments adding the Ground Water Rule to Regulation 61-58, State Primary Drinking Water Regulation, which became effective upon their publication in the *State Register* (Document No. 3200, April 25, 2008) and hereby certify as General Counsel of the South Carolina Department of Health and Environmental Control that applicable state law has been followed in their promulgation.

The amendments were duly promulgated by the South Carolina Board of Health and Environmental Control pursuant to the State Safe Drinking Water Act, S.C. Code Ann § 44-55-10, *et seq.*, (1976), as amended, and in accordance with the requirements of the Administrative Procedures Act, S.C. Code Ann. § 1-23-10 *et seq.*, as amended.

I hereby certify in accordance with the Safe Drinking Water Act as amended, and 40 CFR § 142.12(c)(1)(iii), that in my opinion the laws of the State of South Carolina to carry out the program set forth in the "Program Document" submitted by the South Carolina Department of Health and Environmental Control have been duly adopted and are enforceable. The specific authorities provided are contained in statutes or regulations that have been lawfully adopted at the time this Statement is approved and signed, and will be fully effective by the time the program is approved.

Sincerely,

Carlisle Roberts, Jr.
General Counsel

Section I

142.10 State Primacy Revision Checklist

Required Program Elements		Revision to State Program (Yes or No)	EPA Findings / Comments
142.10	Primary Enforcement	Yes	
142.10(a)	Regulations no less stringent	Yes	
142.10(b)(1)	Maintain inventory	Yes	
142.10(b)(2)	Sanitary survey program	Yes	
142.10(b)(3)	Laboratory certification program	Yes	
142.10(b)(4)	Laboratory capability	Yes	
142.10(b)(5)	Plan review program	Yes	
142.10(b)(6)(i)	Authority to apply regulations	Yes	
142.10(b)(6)(ii)	Authority to sue in courts of competent jurisdiction	Yes	
142.10(b)(6)(iii)	Right of entry	Yes	
142.10(b)(6)(iv)	Authority to require records	Yes	
142.10(b)(6)(v)	Authority to require public notification	Yes	
142.10(b)(6)(vi)	Authority to assess civil and criminal penalties	Yes	
142.10(c)	Maintenance of records	Yes	
142.10(d)	Variance and exemption conditions	Yes	
142.10(e)	Emergency plans	Yes	
142.10(f)(1)	Administrative penalty authority	Yes	
142.10(f)(2)	Maximum administrative penalty	Yes	
142.10(g)	Electronic reporting	Yes	

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