



**SOUTH CAROLINA
ENVIRONMENTAL
LAW PROJECT**

Lawyers for the Wild Side

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DHEC Responds to Petition Calling for Safer Drinking Water in Rural Communities

On Friday, April 22, the South Carolina Department of Health and Environmental Control (DHEC) responded to a Petition for Rule-Making, filed on behalf of concerned citizens and community organizations by the **South Carolina Environmental Law Project** to help close significant gaps in state water regulations that have exposed residents from Denmark, Darlington, Summerton and other underserved communities across South Carolina to unsafe drinking water.

The Petition was filed on Tuesday, March 22 by **Denmark Cares, Denmark Citizens for Safe Water**, Darlington County resident **Kim Weatherford**, Waccamaw Indian People vice chief **Cheryl M. Cail**, Sumter resident **Lakisha Wade**, Summerton resident **Ken Harvin**, the **Gullah Geechee Chamber of Commerce**, and **South Carolina Interfaith Power & Light**.

“We are pleased that DHEC has heard and begun to act on some of our requests,” said SCELPLP staff attorney **Ben Cunningham**. “However, this is just the first step. It will be important to stay engaged in the rulemaking process, and we encourage all South Carolinians who care about access to clean and safe drinking water to let DHEC and local representatives know what they think.”

DHEC offered the following responses to the requests in the Petition:

- A. **Lead and Copper Improvements.** DHEC should promptly and fully implement the EPA’s new Lead and Copper Rule to decrease the amount of lead and copper in drinking water and protect residents from exposure to the harmful chemicals. Since 2015, at least 48 small water systems in the state have exceeded the action level for lead in drinking water, including the communities of Belton, Bowman, Ehrhardt, Honea Path and Edgemoor.

DHEC response: *Soon after the petition was submitted, DHEC began the state agency*

rulemaking process to amend the regulation. A Notice of Drafting was published in the State Register on March 25, 2022.

- B. FIFRA Registration for Water Treatment Chemicals.** DHEC should close the gap in its regulations that allowed drinking water in Denmark to be treated with HaloSan, which was not properly registered under Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as required by the EPA.

DHEC response: The request to amend Department regulations to implement FIFRA requirements was denied, because DHEC does not have the authority to adopt and enforce FIFRA requirements in South Carolina. The agency is considering some other process-based changes to help close the gap in regulations.

- C. Water Storage Tank Inspections.** DHEC should require regular inspection of the interior of water storage tanks and to mandate cleaning when sludge or contaminants are found to avoid the disturbing situation that befell residents of Summerton, where sludge collected in a large water storage tank and was not cleaned at least 12 years.

DHEC response: DHEC is prepared to move forward with the state agency rulemaking process to gather additional information and explore whether the recommendation should be amended to require additional measures to ensure water quality. As a first step in this process, the Department will prepare a notice of Drafting and will initiate discussions with a diverse group of stakeholders.

- D. Industrial Sludge Pollutant and Monitoring Update.** DHEC should limit the pathways for PFAS chemicals to endanger human health and contaminate drinking water and crops to avoid future instances like in Darlington County, where these “forever chemicals” tainted groundwater wells near fertilized fields.

DHEC response: Current regulations do not specifically address the PFAS class of chemicals. To specify requirements for analysis and monitoring for PFAS chemicals in industrial sewage sludge, the Department is prepared to move forward with the state agency rulemaking process. As a first step in this process, the Department will prepare a notice of Drafting and will initiate discussions with a diverse group of stakeholders.

Click here for background information and to download a copy of the petition:

<https://www.scelp.org/cases/rural-drinking-water>

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The South Carolina Environmental Law Project is a nonprofit public interest law firm. We use our legal expertise to protect land, water and communities across South Carolina.