



Strategy for the Integration of FIFRA Compliance for Water Disinfectants into SCDHEC Bureau of Water Permitting Programs

The South Carolina Department of Health and Environmental Control (SCDHEC; the Department) Bureau of Water (BOW) adopts the following strategy for ensuring that requirements of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) [7 CFR 136] and the State Pesticide Control Act [SC Code of Laws 46-13] applicable to water disinfection products are met in the permitting processes administered by SCDHEC. The Department will work closely with Clemson University Department of Pesticide Regulation (CUDPR) to implement this strategy in a sound and efficient manner. CUDPR administers pesticide programs for the State via delegated authority from the United States Environmental Protection Agency (USEPA) for FIFRA and direct authority from the State for the State Pesticide Control Act.

Specifically, this strategy addresses products that are used for water disinfection in systems that must obtain regulatory permit(s) from SCDHEC.

This strategy includes all new and existing permits issued by SCDHEC in the following programs:

- **drinking water** (approximately 278 existing and 700 new projects annually) [permits under the Federal Safe Drinking Water Act and State drinking water regulations]
- **wastewater** (approximately 740 existing and 250 new projects annually) [National Pollutant Discharge Elimination system permits under the Federal Clean Water Act]
- **recreational waters** (*i.e.*, public swimming pools) (approximately 8,000 existing and 200 new pools annually) [State recreational waters regulations]

New and renewal project permits (all programs)

1. The Owner or consulting professional engineer (*i.e.*, PE) will be required to state affirmatively (*i.e.*, to certify) that the disinfection product(s) proposed for use meet FIFRA registration and label requirements for the intended use.
2. A new item will be incorporated on permit review checklists used by permitting staff to determine that the FIFRA certification affirmation has been met.
3. A new special condition will be incorporated on all permits issued that involve water disinfection. The new special condition will read:

All products used for water disinfection in systems permitted by SCDHEC/BOW must be properly registered and labeled for the intended use in compliance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Questions related to the FIFRA registration and labeling in South Carolina must be directed to the Department of Pesticide Regulation administered by the Clemson University Office of Regulatory Services.

Clemson University Department of Pesticide Regulation

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<https://www.clemson.edu/public/regulatory/pesticide-regulation/index.html>

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Existing permits

All drinking water facilities and distribution systems, wastewater treatment facilities and recreational waters facilities will be notified by letter that the disinfectant(s) in use must be compliant with all applicable FIFRA requirements for use of the product as a water disinfectant. This same requirement applies each time there is a change in disinfection product.

Private Wells

The Department does not regulate private wells other than approvals to install and, in certain industry segments, withdrawal quantities. Nevertheless, because many of the State's citizens [± 1 MM (est.)] access potable water via private wells, the Department will include associated trade (e.g., SC Groundwater Association) and consumer associations (e.g., SC Rural Water) in the implementation plan.

Implementation Plan (jointly with CUDPR)

1. Provide strategy and implementation plan to USEPA Region 4 Office of Water and Office of Pesticides requesting comment(s) and positive affirmation of strategy.
 - Duration – within 30 days after SCDHEC/CUDPR finalization of the strategy
2. Representative trade groups (e.g., supply vendors, pool companies), engineering companies engineering professional organizations and utilities/utility groups (and private well groups as noted above) will be contacted to provide USEPA guidance, or link to, on SDWA/FIFRA interaction.
https://www.epa.gov/sites/production/files/2017-09/documents/quick_guide_for_disinfectant_products_for_drinking_water_use.pdf
Schedule outreach notification and education sessions for members/clients.
 - Duration – within three (3) months after finalization of strategy
3. Once a schedule of outreach has been set, all BOW permittees in the affected program areas will be contacted by BOW to inform them of the permittees' need to address the issue and offer a menu of outreach locations. Information about the FIFRA requirement and contact information for CUDPR will be provided on the SCDHEC Water Program webpage.
 - Provide outreach and education. Duration (New Permits) – effective immediately
 - Duration (Existing Permits) – within three (3) months after finalization of strategy