



R.61-50, NATURAL PUBLIC SWIMMING AREAS

Effective May 27, 2016

(This Regulation replaces and supersedes any former regulations)

**This Regulation was promulgated pursuant to
1976 S.C. Code Section 44-1-140(7)**

**Environmental Quality Control
Bureau of Water
S.C. Department of Health and Environmental Control
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DISCLAIMER

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A. PURPOSE AND SCOPE.

This regulation will implement a consistent water quality monitoring program to help ensure acceptable water quality in designated freshwater natural swimming areas. The regulation will define a bacteriological sample limit for acceptable water quality. It will also establish a consistent routine monitoring schedule for the facilities. The regulation will allow for closure of areas identified as exceeding the defined bacteriological standard. Closed areas will reopen when acceptable water quality is verified.

B. DEFINITIONS.

1. "Annual Operating Certificate" means a certificate issued by the Department for single season operation of an existing natural swimming area.

2. "Approved Methodology" means an EPA approved method in accordance with requirements of the Clean Water Act or the Safe Drinking Water Act.

3. "Certified Laboratory" means a laboratory certified by the Department.

4. "Department" means the South Carolina Department of Health and Environmental Control.

5. "Initial Operating Certificate" means a certificate issued by the Department for operation of a newly constructed facility.

6. "Natural Swimming Area" is an area where there is a fee or membership required to gain access to a natural freshwater location where swimming is promoted, or a natural freshwater location where improvements have been made to promote swimming. Areas where access is based solely on residence are excluded.

7. "Sanitary Survey" means a comprehensive survey of the topographic drainage area surrounding the natural swimming area to determine possible sources of pollution or any discharge which may adversely affect the quality of water in the swimming area.

C. APPLICATION FOR INITIAL OPERATING CERTIFICATE:

1. Applicability. This section is applicable to all new construction of a natural swimming area.

2. Initial Operating Certificate. No newly constructed facility may begin operation without receiving an initial operating certificate issued by the Department. Application for the certificate must be made utilizing a form supplied by the Department. Application will include submittal of a facility site map.

a. An initial operating certificate may be issued by the Department if all requirements listed in paragraphs three (3) through seven (7) below have been met and are deemed satisfactory.

b. If sample results show a bacteriological level that exceeds the set standard, a certificate may be issued only if additional facility sampling and lab analysis indicates that the water quality meets requirements as listed in paragraph seven (7) below.

3. Swimming Area Delineation. All Natural Swimming Areas shall be required to define the perimeter of the swimming area by rope and buoy, natural barrier or other distinguishable method.

4. Restroom Facilities. Functional restrooms must be provided within two-hundred (200) feet of the swimming area. Restroom facilities must be built in accordance with the local building codes.

5. Signs. Facilities that do not utilize lifeguard protection during operating hours are required to post a sign(s) at entrances to the swimming area. The sign(s) must state as a minimum that "No lifeguards are on duty at this swimming area."

6. Sanitary Survey. The Department shall conduct a sanitary survey to evaluate potential sources of pollution. The survey may include the collection of bacteriological samples. Pollution sources may include, but are not limited to:

a. Discharges from sewage treatment plants, sewage pumping stations, storm drain outfalls, municipal waste and failing on-site sewage disposal systems

b. Natural storm water discharges

c. Industrial, municipal, and commercial site discharges

d. Agricultural runoff

e. Discharges at marinas

f. Concentrated domestic or wild animal populations

g. Runoff from nearby landfills

h. Urban runoff

i. Other nonpoint source runoff

7. Initial Monitoring. The facility owner or his/her designated agent shall conduct initial bacteriological sampling of the swimming area. All samples collected must be analyzed by a certified laboratory in accordance with an EPA approved methodology resulting in the enumeration of E. coli bacteria using most probable number (MPN) methodology. Samples shall be collected in a location representative of the swimming area and a minimum of one (1) of the samples shall be collected following a rainfall event. Based on a statistically sufficient number of samples (generally not less than five (5) samples equally spaced over a 30 day period), the geometric mean of the indicated bacterial densities shall not exceed the following:

E. coli sample: 126 MPN per 100 ml;
nor shall more than 10% of the total samples exceed 349 MPN per 100 ml.

D. ANNUAL OPERATING CERTIFICATE:

1. Applicability. This section is applicable to all existing natural swimming areas that have previously been issued an initial operating certificate.

2. Annual Operating Certificate. No natural swimming area may operate without receiving an annual operating certificate issued by the Department. Application for the certificate must be made utilizing a form supplied by the Department. Prior to receiving the certificate, requirements of paragraphs three (3) through five (5) listed below must be met. Additionally, it shall be verified that a minimum of one (1) satisfactory bacteriological sample has been collected in the swimming area. The criteria listed in paragraph 6(a) below shall be used to determine a satisfactory sample result. Samples used in determining issuance of the operating certificate shall be collected within two weeks of the beginning of facility operation. All samples collected during this two week time frame shall be submitted to or verified by the Department. When all of the above items have been deemed acceptable, the Department will issue an annual operating certificate. An operating certificate is not valid for more than one (1) year and expires not later than December thirty-one (31) on the year of the issuance of the certificate. Operating certificates are the property of the Department and must be returned to the Department if so requested.

3. Swimming Area Delineation. All Natural Swimming Areas shall be required to define the perimeter of the swimming area by rope and buoy, natural barrier or other distinguishable method.

4. Restroom Facilities. Functional restrooms must be provided within two-hundred (200) feet of the swimming area. Restroom facilities must be built in accordance with the local building codes.

5. Signs. Facilities that do not utilize lifeguard protection during operating hours are required to post a sign(s) at entrances to the swimming area. The sign(s) must state as a minimum that "No lifeguards are on duty at this swimming area."

6. Routine Monitoring. Routine monitoring shall be conducted by the facility owner or their designated agent. All samples collected must be analyzed by a certified laboratory in accordance with an EPA approved methodology resulting in the enumeration of E. coli bacteria using most probable number (MPN) methodology. The following single sample limit shall apply as the acceptable routine sample standard.

a. E. coli sample: A single sample maximum of 349 MPN per 100 ml.

b. Samples shall be collected in a location representative of the swimming area. No less than two sampling events shall be conducted every month while the swimming area is in operation. Sampling events shall occur no more than fourteen (14) days apart.

c. The Department shall be notified by the facility owner or his/her designated agent should a sample result exceed the limit as established in paragraph 6(a) of this section. This notification must be received within 24 hours of an owner or his/her designated agent's knowledge of the exceeded sample limit.

d. A copy of results from all samples collected shall be submitted to the Department by the end of every month.

7. Closure.

a. The facility owner or their designated agent shall immediately close the swimming area should sampling results exceed the sample standard as set forth in paragraph 6(a) of this section. The Department will verify that closure procedures have been followed, as necessary, in the above instance. Operation may be reinstated when the sample results return to an acceptable limit. The facility must keep a record of sampling results including written documentation of closure and reopening dates and times.

b. When a scheduled time limit has been exceeded for compliance with any part of this regulation, the Department may immediately require closure of the natural swimming area.

c. When a health hazard is identified by any dangerous contaminant or condition, the Department shall immediately require closure of the natural swimming area.

E. ENFORCEMENT:

1. Applicability. This section is applicable to all new and existing natural swimming areas.

2. Penalties. Penalties for noncompliance with this regulation will be in accordance with procedures outlined in the SC State Law that governs natural swimming areas.

F. SEVERABILITY:

If any provision of this regulation or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the regulation which can be given effect without the invalid provision or application, and to this end the provisions of the regulation are severable.