

**Final Report on Implementation of SL 2014-41:  
An Act to Improve Source Water Protection Planning**

Prepared for the Environmental Review Commission

July 1, 2019

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**Summary**

The accidental release of 4-methylcyclohexanemethanol in Charleston, West Virginia and the coal ash spill in North Carolina raised concerns about potential public health impacts of contaminant events affecting raw drinking water supplies. To mitigate these concerns, the North Carolina Legislature passed SL 2014-41 subsequently amended by SL 2014-115 Sec. 55.5 (hereinafter referred to as SL 2014-41), which mandates the development and implementation of source water protection (SWP) plans for "...every supplier of water operating a public water system treating and furnishing water from surface supplies..." (§ 130A-320 (c)).

To date, SWP planning has occurred throughout North Carolina on a voluntary basis and has followed a template recommended by U.S. Environmental Protection Agency (EPA). Consequently, the commonly recognized meaning of SWP planning includes identification of proactive activities designed to reduce the risk of contamination, and traditional plans do not focus on emergency response mechanisms. Therefore, a logical approach to improve SWP planning includes expanding on the existing template, with particular emphasis on emergency response protocols associated with spillable contaminants. As a result, SWP plans developed and implemented per S.L. 2014-41 requirements will result in public water utilities identifying proactive strategies, as well as reactive emergency response protocols that can be prioritized with respect to local situations and concerns.

This final report was prepared to comply with Section 2 of SL 2014-41 and contains a comprehensive overview of activities to date by the North Carolina Department of Environmental Quality (NC DEQ), Division of Water Resources (DWR). Such activities include background research, input from the North Carolina Source Water Collaborative, initiation of a stakeholder process, preparing a fiscal analysis, completion of the rule-making process, development of tools and outreach strategies, and considerations for compliance tracking.

**Implementation Activities**

**(a) Background Information**

SL 2014-41 was originally signed into law on June 30, 2014, with language that included "unfiltered" as a characteristic of the targeted water supply sources. This language resulted in initial confusion within the regulated community. On August 11, 2014, SL 2014-41 underwent a technical correction (in SL 2014-115, Sec. 55.5) that removed "unfiltered" as a descriptor and added the general concept of "treatment" as a condition for regulation. In its current form, the new law applies to 131 surface water systems serving over 7 million consumers.

The North Carolina Drinking Water Protection (DWP) Program within the Public Water Supply (PWS) Section had already developed a voluntary SWP planning process based upon a template provided by the EPA. The process takes a comprehensive approach to identify potential contaminant sources (PCSs), with a PCS list generated from point sources within state regulatory databases as well as other PCSs known to exist at the local level. PCSs are then prioritized and strategies to manage their risk are identified when warranted. The existing SWP planning model served as a basis for the mandatory planning requirements developed pursuant to SL 2014-41. In addition to providing a standard process, the DWP Program readily supports traditional SWP planning by maintaining relevant data and associated tools and services that include: (i) technical assessments of the state's nearly 9,000 public water sources; (ii) susceptibility analysis to categorize relative risk to public drinking water sources; (iii) web-based, interactive GIS planning tools that spatially represent drinking water assessment areas, PCSs, and other features; and (iv) partnerships with other state agencies that recognize drinking water protection as a priority when funding environmental projects.

#### (b) Research of Related Topics

A technical approach to address the emergency preparedness component of SWP planning was identified in early discussions as a potential improvement to the process, in particular, an approach that utilizes real-time, in-stream data collection coupled with variable treatment options was reviewed. Instream contaminant-specific probes would be installed and provide continuous monitoring of water quality conditions. Incoming data would be used to detect any of a diverse set of chemical species that could potentially contaminate the source. Following detection of a specific contaminant, associated data such as concentration, stream flow rate, and anticipated dilution rates may be used to determine adjustments in the treatment processes occurring at the water treatment facility.

Prior to stakeholder feedback, the DWP Program staff evaluated the applicability of this concept for potential inclusion into SWP planning. Although the concept is promising, the technology is still in the developmental phase and has not reached a level of practical application, and other mechanisms of computerized, real-time data monitoring are likely cost prohibitive when using currently available, "off-the-shelf" technology. Also, the marketplace does not currently offer economically feasible probes capable of real-time detection of all the chemical species of interest to water utilities. Maintenance and calibration issues are also of concern with this technology. Therefore, preliminary findings suggest cost and reliability issues may compromise the effectiveness of such systems, which is unacceptable in emergency scenarios where rapid and accurate decision-making is required to avoid a public health threat. In conclusion, there are likely few water utilities in the state with the expertise and resources required to implement this technology effectively.

As an additional exercise, DWP Program staff reviewed West Virginia's Senate Bill 373 (SB 373), which was passed to mandate SWP planning following an accidental release of 4-methylcyclohexanemethanol into the Elk River<sup>1</sup> to consider if any provisions were applicable to water systems in North Carolina. For example, the West Virginia SB 373 establishes a "Zone of Critical Concern" for surface water supplies that includes a five-hour travel time to the intake. This definition addresses the issue of spillable contaminants in near proximity to drinking water intakes. Additionally, other SWP planning concepts identified in West Virginia SB 373 include: an analysis of alternate sources; a communication protocol to notify health agencies and the public during a contamination event; and analysis of a system's ability to close its intake during an emergency. Key concepts of the West Virginia legislation provided a useful model to help the agency draft preliminary rule language pertinent to SL 2014-41.

#### (c) Input from the North Carolina Source Water Collaborative

The North Carolina Source Water Collaborative (Collaborative) in previous years functioned as a statewide partnership of professionals who voluntarily assembled to identify and share expertise to address drinking water protection strategies. Founded in December 2011, the Collaborative includes participants from non-profit organizations, university programs, state, local and federal agencies, professional associations, and regional councils of government. The Collaborative's stated purpose is to "...develop and support strategies designed to preserve the lakes, streams, rivers and aquifers used for drinking water and the land that protects and recharges these sources of water..."

Staff of the DWP Program addressed the Collaborative during two of its quarterly meetings to initiate discussion and feedback associated with SL 2014-41. The first of these meetings occurred on August 22, 2014 (summary at: [http://ncswc.org/files/meeting\\_summary\\_20140822.pdf](http://ncswc.org/files/meeting_summary_20140822.pdf)). There was feedback related to concerns associated with the role and responsibilities of local utilities, and two main themes emerged from the discussion. First, the Collaborative agreed that it did not view its members as the stakeholder mechanism for development of the rules required by SL 2014-41. It was recognized that wider representation was necessary to adequately develop the rules. Subsequent discussion provided insight regarding recruitment of additional professionals that could broaden the stakeholder effort. The second major theme included concerns of the economic burden that mandatory SWP planning and implementation could impose on local utilities, especially if real-time, in-stream monitoring is encouraged or required. There was concern that SL 2014-41 was passed as an unfunded mandate.

DWP Program staff addressed the Collaborative again on November 18, 2014 within the context of a special meeting devoted entirely to SL 2014-41 (summary at [http://ncswc.org/files/meeting\\_summary\\_20141118.pdf](http://ncswc.org/files/meeting_summary_20141118.pdf)). The primary purpose of this meeting

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<sup>1</sup>Available at : [http://www.wvlegislature.gov/bill\\_status/bills\\_history.cfm?year=2014&sessiontype=RS&input=373](http://www.wvlegislature.gov/bill_status/bills_history.cfm?year=2014&sessiontype=RS&input=373)

was to discuss the viability of several draft components to support implementation of SL 2014-41. The three main topics discussed included: (i) identification of strategies to emphasize emergency response within the existing, traditional SWP planning model; (ii) an assessment of the potential for strengthening regulatory oversight of selected PCSs; and (iii) the potential for web-based tools to support emergency preparedness.

Participants agreed that a variety of emergency response activities could be incorporated into the existing SWP planning model, in particular, the identification of alternate sources, interconnections with neighboring systems, and increased storage capacity could potentially be utilized during a spill event to provide uninterrupted service. It was noted that many water utilities in North Carolina have already invested in such strategies, thereby reducing their contaminant threat.

The topic of increased regulatory oversight of selected PCSs raised concern among Collaborative members. Most notably, the concept of expecting water utilities to perform additional oversight of state-regulated facilities that are identified as PCSs was not well received. Logistical concerns exist for facilities geographically outside the jurisdictional boundaries of the local utility. It was noted that water systems do not have the expertise, staff or financial resources to accept a regulatory role in a manner that would effectively reduce contamination risk. Furthermore, existing statutes do not provide the authority necessary for a local government to compel a PCS owner to take any specific action to reduce the risk of contamination to the water source. Therefore, any efforts to assign new regulatory responsibilities to water utilities would likely be met with resistance.

#### (d) Implementation of a Stakeholder Process

Based upon internal discussions and input from the North Carolina Source Water Collaborative, a list of potential stakeholders was completed in October 2014. The stakeholder team was assembled and met three times to help identify mandatory provisions for implementation and to provide comments on draft rule language.

Information regarding SL 2014-41 was distributed along with a call-for-participation on the stakeholder team. Instructions in the message encouraged forwarding the information to anyone who might have interest in the new legislation. Additionally, the call-for-participation was distributed statewide via the agency's Watershed Restoration Improvement Team listserv. The DWP Program received responses from more than 70 professionals willing to serve on the stakeholder team. The team included representation from professional associations, non-profit organizations, councils of government, local government and local utilities, state and federal agencies, and industry representatives. An additional subset of people requested ongoing receipt of information to monitor activities associated with SL 2014-41. A listing of initial stakeholders

and individuals who expressed interest in participating with the process can be found online at: <https://files.nc.gov/ncdeq/Water%20Resources/files/pws/hb894/HB894%20Stakeholders.pdf>.

The first stakeholder meeting to address development and implementation of SL 2014-41 was held on December 16, 2014 in the ground floor hearing room of the Archdale building in downtown Raleigh. The meeting was primarily designed to provide background and orientation, such that participants could approach discussion of the legislation from a common reference point. The meeting was planned and coordinated by DWP Program staff of the Division of Water Resources.

Presentations and activities were prepared to address the following topics:

- Introduction of objectives, roles, and information sharing,
- Overview of the language in SL 2014-41,
- Existing SWP planning process,
- Tools and resources relevant to SWP planning,
- An exercise: Identifying priorities and improvements for PCSs,
- Online GIS-based applications relevant to SWP planning,
- A framework to develop and implement SL 2014-41, and
- Group discussion and feedback to identify initial stakeholder preferences.

Stakeholder feedback was primarily obtained via: (i) a group exercise to examine PCSs, (ii) a survey to capture initial preferences, and (iii) post-meeting communication with individual stakeholders. There was interest in prioritizing PCS risk categorization with respect to spillable and/or treatable criteria. The group also identified several new categories of PCSs that could be considered to improve the assessment process. Based on the survey of initial preferences, the majority of participants felt a modified version of the existing SWP planning template would provide an applicable basis for SL 2014-41. The group also agreed that existing tools and resources would be useful and relevant. A detailed summary of the meeting, including presentation notes and results of individual survey preferences, can be found at <http://www.ncwater.org/hb894>.

A second stakeholder meeting took place in May 2015. The primary topics covered were a recap of progress made since the first meeting, the introduction of a modified source water protection planning model, a discussion of concerns and solutions for the revised model, and a brainstorming exercise to identify mandatory plan components. A summary of the PCS exercise that was done at the first meeting was provided to the group. The PCS exercise summary was followed by an overview of stakeholder survey results and comments. The survey indicated that stakeholders believed that existing SWP tools including GIS mapping applications, Drinking Water Assessment Areas, a PCS database, and technical source water assessment (SWAP) reports were both useful and relevant. Stakeholders also commented that they wanted the rules

to adopt minimal baseline standards sufficient to meet the bill's intent and that emergency preparedness was the plan element with the highest priority.

During the group discussion, stakeholders expressed a desire for this rule to avoid redundancy with other rule requirements. Stakeholders also expressed a need for enforcement and a preference that plans not be submitted to NC DEQ. The group then participated in a brainstorming exercise to identify preferences for plan components. The ideas included prioritization of PCSs by the PWS Section, treatment/demand response elements, plant shut off procedures and exercises, outreach procedures, references to other relevant plans, and a remediation plan, and a backup plan that considers alternate supplies.

A third and final stakeholder meeting was held in July 2016 to provide an opportunity for members to provide feedback and comments on draft rule language. Overall, there was discussion regarding the intent and language of the rule, and the proposed draft rule was well received. The stakeholders were supportive of the effort and expressed that the rule seemed to provide meaningful benefit while not being overly burdensome on the regulated community. Some final comments and recommendations from stakeholders are provided below:

- Make sure the rule applies to a new source for an existing system.
- Revisit the rationale for a 3-year schedule vs. following a 5-year schedule like other plans.
- Consider defining PCS in guidance or in rule.
- Avoid redundancy with other rules.
- Stakeholders would like a chance to comment on the guidance document.
- Concerns over submittal of the final SWP plan.

The issues and recommendations raised during the meeting were addressed by DWP Program staff during the meeting and incorporated in the language of the rule.

#### (e) Fiscal Analysis

Pursuant to G.S. 150B-21.4, a fiscal analysis was completed for the rule. Every supplier of water operating a public water system treating and furnishing water from surface supplies is responsible for complying with the rule. There are 131 water systems across the state that fit the regulatory criteria. Of these, the majority (126) are categorized as community systems and are owned and operated by a unit of local government. The remaining five systems are non-transient non-community (NTNC) water systems and are primarily privately owned and serve industry.

The cost for a community water system to develop and implement a source water protection plan varies depending on: (i) the complexity of the plan, which is a function of the PCSs near the intake, and (ii) the level of internal, in-house expertise used to complete the plan. Regarding plan complexity, initial analysis shows that most community water systems (90 systems, or

approximately 70% of the total) will have 25 or fewer potential contaminant sources to consider. This suggests that most source water protection plans may be relatively simple and will not induce excessive economic burden, especially if the plan is developed using internal knowledge and/or existing water system employees.

Although contracting is an option, the PWS Section believes compliance with the rule can largely be accomplished using local, in-house expertise, and the Section intends to provide detailed guidance materials and on-site technical assistance to assist the regulated community. In summary, for the state's community water systems, developing a source water protection plan is estimated to cost between \$5,100 and \$25,000. The range between the high and low estimates is primarily due to variation in plan complexity and estimates that include a contracting option versus development in-house.

The rule language provides simplified planning requirements for the five NTNC systems. This is because people can more easily be prevented from consuming the water if the quality is compromised (e.g., employees can be sent home or bottled water can be provided on a temporary basis). Due to the reduced requirements, NTNC systems can likely complete their SWP protection plans with much less effort and resources than community systems. The PWS Section intends to introduce a standard template and detailed guidance to further simplify development effort for NTNC systems. It is estimated that most plans associated with NTNC systems will be developed using in-house expertise and that approximately 10 people-hours will be required.

Applying a number of assumptions regarding plan development by water systems, the fiscal analysis concluded that the cost for all NC water systems to comply with the new rule will total approximately \$1,514,500. The fiscal note was approved by the NC Office of State Budget and Management in December 2017 and may be found online at <https://files.nc.gov/ncdeq/Water%20Resources/files/pws/hb894/18C%201305%20Fiscal%20Note.pdf>.

#### (f) Rule-Making

Once the language of the new rule (15A NCAC 18C .1305, Source Water Protection Planning) was developed, the rule was promulgated by the NC Commission for Public Health (CPH) in accordance with the North Carolina Administrative Procedure Act (G.S. 150B). CPH took action to approve the fiscal analysis and propose the rule on February 7, 2018. The proposed rule was published in the NC Register on May 15, 2018. Notice was published on NC DEQ's website (<https://deq.nc.gov/permits-regulations/rules-regulations/proposed-rules>) and sent to persons interested in rulemaking as well as all public water systems subject to the requirements of the rule. CPH accepted public comments on the proposed rule and fiscal analysis until July 16, 2018.

A public hearing was held on the rule and fiscal analysis in the Ground Floor Hearing Room of the Archdale Building downtown at 10 a.m. on June 19, 2018. The hearing officer was Danny



Edwards, Source Water Assessment and Wellhead Protection Programs Manager, who conducted the hearing in accordance with instructions from DWR's public information officer. A total of twelve people attended the hearing, with attendees listed as follows:

- Christy Simmons with NC DEQ
- Daniel Wilson with NC RWA
- Debbie Maner with NC RWA
- Alecia D. Melton with NC RWA
- Katie Dunning with NC RWA
- Brian Grogan with NC RWA
- Jeff Talbott with NC DEQ
- Dale Boyette with Town off Smithfield
- Sydney Miller with City of Durham
- Danny Edwards with NC DEQ
- Rebecca Sadosky with NC DEQ
- Jenne Williamston with NC DEQ

The hearing officer provided attendees an opportunity to present oral comments. The NC Rural Water Association (NC RWA) was the only attending entity that offered oral comments. NC RWA reiterated the fact that requiring SWP planning was an unfunded mandate. It was also recommended that the agency extend the implementation deadline to better enable staff to prepare technical information and assistance necessary for compliance. All attendees were reminded of the public comment period deadline and given directions for submitting written comments. Following the public hearing, Dr. Rebecca Sadosky answered questions from the attendees during an informal discussion session.

On November 7, 2018, the proposed rule was presented to CPH, along with a summary of the public comments received during the process. One of the written comments received was associated with the list of PCSs used to develop a SWP plan. The comment recommended that a list of all PCSs be provided by the agency, without expectation of additions by the water utilities. While the majority of PCS data will be provided from state databases, the agency supports the concept that a comprehensive list of PCSs should also include potential additions by the utility, assuming there is local knowledge of existing or pending PCSs that are not included in the state databases. This approach is consistent with the belief that the supplier of water be an active participant in all aspects of protecting their sources of drinking water. After discussion, CPH adopted the rule.

Following adoption, the rule was submitted to the Rules Review Commission (RRC). The RRC reviewed and approved the rule at its December 13, 2018 meeting. The rule was entered into the

administrative code and became effective on January 1, 2019. The final rule language is included below in Appendix A.

(g) Development of Tools and Outreach Strategies

DWP program staff are developing outreach strategies and tools to assist the regulated community with development of SWP plans. A notification letter is currently being generated for distribution to the regulated systems (see sample letter in Appendix B). The correspondence will alert the water systems subject to this rule of the new requirements and the time at which SWP plans must be completed. GIS analysis has also been initiated to define and distribute the watershed areas of interest, as specified in paragraph (c) of the new rule. Additionally, staff are compiling an initial list of PCSs that exist within the individual watershed areas. As discussed above, these PCSs are derived from state databases and do not include local PCSs of concern that are not included in the state databases being queried.

Guidance documents and templates are being developed and will be available on the agency website upon their completion. Additionally, the agency intends to offer several workshops in partnership with the NC RWA to assist water systems with their plans in a small group setting, designed to provide individualized interaction. Multiple training seminars are also scheduled for the upcoming year at events targeting the regulated community. All such events will provide an opportunity to promote awareness of the new rule and provide clarity on its requirements.

(h) Compliance Tracking

A new electronic certification tool is being developed to provide a mechanism for water systems to comply with the certification requirements of the rule. The agency currently uses the Safe Drinking Water Information System database to track compliance with state and federal requirements. Compliance schedules for SWP planning are planned as additions to the database. DWP Program staff will utilize this information to track compliance and initiate enforcement actions if necessary. Pursuant to G.S. 130A-22(b), administrative penalties can be assessed in the event of noncompliance with the new rule as part of tiered enforcement measures. However, penalty assessment is not the first action, and staff fully intend to provide assistance and guidance to help the regulated community succeed in SWP planning.

As part of the verification process and to ensure plan completeness, DWP Program staff intend to review SWP plans onsite, as per paragraph (d) of the new rule. This will provide an opportunity for staff to better understand the local risks, as prioritized by the water systems. It also affords an opportunity to provide feedback on ideas that might improve the SWP planning process.

## Appendix A. Final Rule Language

### **15A NCAC 18C .1305 SOURCE WATER PROTECTION PLANNING**

(a) In compliance with G.S. 130A-320, every supplier of water operating a public water system treating and furnishing water from a surface water source shall create and implement a Source Water Protection Plan (SWPP) based upon the following schedule:

- (1) Water systems that have a single source of supply and a source susceptibility rating of higher or moderate, as determined by the Department, shall create and implement a SWPP by January 1, 2021.
- (2) Water systems that have multiple sources of supply and any source susceptibility rating of higher, as determined by the Department, shall create and implement a SWPP by January 1, 2022.
- (3) All other water systems treating and furnishing water from surface water sources shall create and implement an SWPP by January 1, 2023.
- (4) Any public water system that begins treating and furnishing water from a surface water source on or after January 1, 2021 shall create and implement a SWPP that satisfies the requirements of this Rule prior to the commencement of its operations.

(b) Any public water system required to create and implement a SWPP in accordance with this Rule shall review and update their SWPP at three year intervals from the creation deadline specified in Paragraph (a) of this Rule. Updated information in the SWPP must address the plan elements listed in Paragraph (c) of this Rule.

(c) Each SWPP shall contain the following elements:

- (1) A list of potential contaminant sources (PCSs), both provided by the Department and identified by the water system, located in the following areas as defined in Classifications and Water Quality Standards Applicable to Surface Waters and Wetlands of North Carolina, 15A NCAC 02B .0200, which is hereby incorporated by reference, including subsequent amendments and editions and can be found at no charge at [http://portal.ncdenr.org/c/document\\_library/get\\_file?uuid=f12e8078-b128-44cc-b55b-fc5e7d876f3c&groupId=38364](http://portal.ncdenr.org/c/document_library/get_file?uuid=f12e8078-b128-44cc-b55b-fc5e7d876f3c&groupId=38364);
  - (A) within the entire watershed for waters classified as WS-I;
  - (B) within the critical area and 1,000 feet from perennial streambanks within the protected area for waters classified as WS-II and WS-III;
  - (C) within the critical area and 1,000 feet from perennial streambanks, within the protected area for waters classified as WS-IV;
  - (D) within ½ mile from the normal pool elevation in which the intake is located, or to the ridge line of the watershed, whichever comes first, for a reservoir within waters classified as WS-V; and
  - (E) within ½ mile, measured as a straight line, upstream from and draining to the intake located directly in the stream or river, or to the ridge line of the watershed, whichever comes first, for a direct-stream intake within waters classified as WS-V.
- (2) For community water systems, a contingency strategy that documents the system's planned response to an emergency event or contamination of its water source(s) that includes the following:
  - (A) identification and contact information of personnel responsible for emergency management, including water system, local, State, and federal emergency response personnel;

- (B) identification of foreseeable natural and human-caused emergency events including water shortages and outages;
  - (C) description of the emergency response strategies for each identified shortage or outage event and each potential contamination event associated with PCSs identified and listed in Subparagraph (c)(1) of this Rule;
  - (D) standard operating procedures to close intakes and switch to an alternate intake during a contamination event, including procedures that outline exercises designed to practice closure and switching of the intake(s);
  - (E) description of public notification procedures; and
  - (F) identification and evaluation of all facilities and equipment that upon failure would result in a water outage or violations of the Rules Governing Public Water Systems, 15A NCAC 18C.
- (3) For non-transient, non-community water systems, the contingency strategy shall contain the positions and phone numbers of responsible persons to contact in the event of an emergency, including water system, local, State, and federal emergency contacts.
- (4) An evaluation of a water system's ability to take the following actions:
- (A) close its water intake(s) in the event of contamination, including a determination of the duration of time the water intake(s) can remain closed while maintaining positive water pressure within the distribution system;
  - (B) isolate or divert contaminated water from its surface water intake(s);
  - (C) reduce demand by implementing conservation measures during a contamination event. Water Shortage Response Plans can be referenced to fulfill this requirement for water systems required to prepare a Water Shortage Response Plan under 15A NCAC 02E .0607, which is hereby incorporated by reference, including subsequent amendments and editions and can be found at no charge at <http://reports.oah.state.nc.us/ncac/title%2015a%20-%20environmental%20quality/chapter%2002%20-%20environmental%20management/subchapter%20e/15a%20ncac%2002e%20.0607.pdf>; and
  - (D) meet demand via alternate sources of supply in the event of contamination or loss of its primary water source.
- (5) Verification of outreach efforts provided to the owners of the PCSs identified in Subparagraph (c)(1) of this Rule to raise awareness of the proximity of the drinking water intake(s) and provide emergency contact information for use during a contamination event.
- (6) A description of proactive activities and management strategies designed to protect the source(s) from contamination, including documentation of any voluntary source water protection activities that have been implemented by the water system.
- (7) Description of public awareness communication efforts that include the following:
- (A) publication of the emergency and source water protection planning status, the next revision date, and a reference to this Rule in the community water system's annual Consumer Confidence Report, as required by 15A NCAC 18C .1538; and
  - (B) notification to any other public water system to which the system is directly interconnected of the contingency strategy set forth in Subparagraph (c)(2)

of this Rule. A description of this communication shall be maintained in the SWPP.

(d) The supplier of water shall maintain a copy of the current SWPP onsite at each water treatment facility and make the SWPP available to personnel responsible for emergency management and operator(s) on duty at all times. The SWPP and any associated documentation used in its creation and implementation shall be available for review by Section staff upon request.

(e) The supplier of water shall certify that a SWPP has been created and implemented, and that the water system's governing body has been advised of the SWPP creation and implementation. The certification shall be submitted to the Department by the deadline specified in Paragraph (a) of this Rule.

(f) The supplier of water shall certify that a SWPP has been revised and that the water system's governing body has been advised of the revision. The certification shall be submitted to the Department by the revision deadline specified in Paragraph (b) of this Rule.

*History Note: Authority G.S. 130A-315; 130A-320(c);  
Eff. January 1, 2019.*