To: wqs@des.sc.gov **Subject:** Public comment — Document 5474, proposed amendments to R.61-68 and R.61-69 — BioCleaner USA Inc.

Dear Mr. Edwards and Bureau of Water staff:

BioCleaner USA Inc. respectfully submits the following comments on Document 5474, the Department's proposed triennial-review amendments to R.61-68 and R.61-69. We work with small and rural South Carolina communities on wastewater treatment modernization and on the financing pathways that make compliance achievable, including current conversations with municipalities in the Pee Dee basin. Our comments are offered from that operational vantage point: how the proposed language will function at the small publicly owned treatment works (POTWs) that make up most of the systems in the state.

We support the overall direction of the package, and in particular the structure of proposed E.14.c.(12), which recognizes that a single daily-maximum bacterial exceedance at an otherwise well-operated plant does not, by itself, describe noncompliance. Our comments ask the Department to make that provision usable by the small systems that need it most.

1. E.14.c.(12)i — the forty-eight (48) hour resample window should run from receipt of the result. As drafted, the two additional samples must be collected within forty-eight (48) hours of the original sample result. In practice, a small POTW typically learns of an exceedance from its contract laboratory a day or more after sample collection, and many operate with a single licensed operator and no weekend staffing. By the time the result is in hand, much of the window may already have run. We request that the Department clarify — in the rule text or in accompanying guidance — that the forty-eight (48) hours run from the permittee's receipt of the original sample result, or, in the alternative, extend the window for facilities that do not routinely collect ten (10) samples per month to the close of the second business day following receipt. The protective caps in (12)i.(A) (800 MPN per 100 mL; 200 MPN per 100 mL for shellfish fecal coliform) should remain unchanged.

2. E.14.c.(12)i.(C)2 — conform the small-facility exceedance allowance to the parallel non-POTW provision, and consider a count of two. For smaller POTWs, (12)i.(C)2 allows no more than one (1) bacterial sample exceeding the daily maximum in the previous twelve (12) months. The parallel provision for non-POTWs at (12)v.(C)2 is written on a current-calendar-year basis. We request that the Department conform the two provisions to the same measurement period. We further request that the Department consider raising the small-facility allowance to two (2) exceedances: a single wet-weather month can produce one excursion, and under the current draft that one event removes the provision from a small system for a full year — the very pattern of natural variability the proposed definition of "naturally variable parameters" (which expressly includes bacteria) recognizes.

3. E.14.c.(12) — publish a standard written-verification form. Eligibility under (12) is conditioned on the permittee verifying in writing that the listed conditions have been met. Small systems generally have neither engineering staff nor counsel to draft that verification. We request that the Department publish a standard one-page verification form or checklist alongside the final regulation, so that the provision operates as intended for the facilities least able to document their way into it.

4. New definitions and E.14.d.(6) — document how natural variability will be identified in assessments. We support the addition of the "naturally variable parameters" definition and the revision of "natural conditions." We request that the Department state, in its response to comments, the method by which naturally variable excursions will be documented and distinguished from controllable sources in assessment and Section 303(d) listing determinations under E.14.d.(6). A small community deciding whether to borrow for a treatment upgrade needs to know whether its listing driver is natural or controllable before it

can plan responsibly.

5. E.14.c.(14) — publish the TMDL translator equation with the final rule. The conversion of approved freshwater fecal coliform TMDL targets to E. coli through a Department-established translator equation is sound. We request that the equation and its derivation be published with the final regulation or the response to comments, so that communities holding approved fecal coliform TMDLs can recalculate their compliance planning using the same conversion the Department will apply.

We appreciate the Department's work on this package and its attention to how statewide standards land on systems of very different sizes. We would welcome the opportunity to provide the small-system operational perspective at the December 1 hearing or in any further stakeholder process.

Respectfully submitted,

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