

1974 WL 27165 (S.C.A.G.)
Office of the Attorney General
State of South Carolina
July 29, 1974

***1 RE: Health and Environmental Control regulation of public waters supplies**

Mr. W. E. Stillwell, Jr.
Bureau of Water Hygiene
South Carolina Department of Health and Environmental Control
J. Marion Sims Building
2600 Bull Street
Columbia, South Carolina 29201

Dear Mr. Stillwell:

You have questioned the operation of certain regulation promulgated by the State Department of Health and Environmental Control pursuant to Sections 32-1202 and 32-1203 Code of Laws of South Carolina (1962) (Supp.). The specific regulation questioned is V-A, paragraph 2 which provides in part:

In addition to the above, all public water supplies more than 150 services and having as its source of surface water, will have its own laboratory or other laboratory that meets certification standards of the State Board of Health to make bacteriological analyses daily of one or more samples of the finished water at the plant plus the minimum number of samples per month from its distribution system as listed below, dependent on the number of services . . . (Emphasis supplied.)

You questioned whether or not the Department must establish certification standards for 'other laboratories' to test public water supplies supplying more than a 150 services.

It is the opinion of this office that as long as the regulation provides for additional testing, suppliers must be allowed to choose the alternative method of daily bacteriological analyses by outside laboratories if they so choose. Therefore, as long as the regulation provides for outside laboratories which meet certification standards of the Department, such standards must be promulgated and enforced.

Of course, pursuant to Sections 32-1202 and 32-1203 if the Department feels that the health, interest and welfare of the people are sufficiently protected in another manner, it may repeal that Section of its rules and regulations providing for other laboratory testings.

Yours very truly,

M. Elizabeth Crum
Assistant Attorney General

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