



NC DEPARTMENT OF  
**HEALTH AND  
HUMAN SERVICES**

**Commission for Public Health**

**ROY COOPER** • Governor

**KODY H. KINSLEY** • Secretary

**MARK T. BENTON** • Deputy Secretary for Health

**SUSAN KANSAGRA** • Assistant Secretary for Public Health

Division of Public Health

**MEMORANDUM**

**DATE:** June 1, 2023

**TO:** Rulemaking Interested Persons

**FROM:** Virginia Niehaus, Rulemaking Coordinator, Commission for Public Health and  
Director of Regulatory and Legal Affairs, Division of Public Health

**RE:** Notification of Proposed Rule Readoption: 15A NCAC 18A .1511

Pursuant to G.S. 150B-21.2, this memorandum serves as the required notice to interested persons that the Commission for Public Health (CPH) is proposing to readopt rule 15A NCAC 18A .1511, regarding the sanitation of water supplies in local confinement facilities, with updates to clarify existing language and align with current practices. CPH has submitted notice of its intent to readopt this rule to the NC Office of Administrative Hearings (OAH).

In accordance with G.S. 150B-21.4 and G.S. 150B-21.3A(d)(2), the NC Office of State Budget and Management determined that no fiscal note is required for this rule readoption, as all changes either impose a less stringent burden on regulated persons or have no impact on state or local governments and no substantial economic impact.

The notice of text that was published in today's edition of the NC Register is attached to this memorandum and may be found on OAH's website at <https://www.oah.nc.gov/rules-division/north-carolina-register>. The text of the proposed rule may be found on the CPH's website at <https://cph.dph.ncdhhs.gov/>.

A public hearing on the proposed rule is scheduled for Thursday, July 6, 2023 at 10:00 a.m. The public hearing will be held by teleconference. You may participate in the public hearing by dialing 919-715-0769. No access code is required.

CPH is accepting public comments on the proposed rule from June 1, 2023 through July 31, 2023. You may submit comments by email to [cphcomment@lists.ncmail.net](mailto:cphcomment@lists.ncmail.net) or by mail to Virginia Niehaus, Rulemaking Coordinator, Commission for Public Health, 1931 Mail Service Center, Raleigh, NC 27699-1931. Comments will also be accepted at the public hearing. The proposed effective date of this rule is October 1, 2023.

Should you have questions related to this memorandum or the proposed rule, please contact Shane Smith, Food Protection and Facilities Branch Head, Environmental Health Section, Division of Public Health at (919) 707-5872.

Attachment

**NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF PUBLIC HEALTH**

LOCATION: 5605 Six Forks Road, Building 3, Raleigh, NC 27609  
MAILING ADDRESS: 1931 Mail Service Center, Raleigh, NC 27699-1931  
www.ncdhhs.gov • TEL: 919-707-5000 • FAX: 919-870-4829

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

cc: Dr. Ronald May, Chair, Commission for Public Health  
Dr. Susan Kansagra, Assistant Secretary for Public Health, Division of Public Health  
Mr. Larry Michael, Environmental Health Section Chief, Division of Public Health  
Mr. Shane Smith, Food Protection and Facilities Branch Head, Division of Public Health

## TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

*Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the Commission for Public Health intends to readopt with substantive changes the rule cited as 15A NCAC 18A .1511.*

**Link to agency website pursuant to G.S. 150B-19.1(c):** <https://cph.dph.ncdhhs.gov/>

**Proposed Effective Date:** *October 1, 2023*

**Public Hearing:**

**Date:** *July 6, 2023*

**Time:** *10:00 a.m.*

**Location:** *This public hearing will be held by teleconference at (919) 715-0769 (no access code required).*

**Reason for Proposed Action:** *Pursuant to G.S. 150B-21.3A, periodic review and expiration of existing rules, the Commission for Public Health is proposing to readopt rule 15A NCAC 18A .1511, regarding the sanitation of water supplies in local confinement facilities, with updates to clarify existing language and align with current practices.*

**Comments may be submitted to:** *Virginia Niehaus, CPH Rulemaking Coordinator, 1931 Mail Service Center, Raleigh, NC 27699-1931; email [cphcomment@lists.ncmail.net](mailto:cphcomment@lists.ncmail.net)*

**Comment period ends:** *July 31, 2023*

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

**Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

- State funds affected
- Local funds affected
- Substantial economic impact ( $\geq$  \$1,000,000)
- Approved by OSBM
- No fiscal note required

### CHAPTER 18 - ENVIRONMENTAL HEALTH

#### SUBCHAPTER 18A - SANITATION

#### SECTION .1500 - SANITATION OF LOCAL CONFINEMENT FACILITIES

##### 15A NCAC 18A .1511 WATER SUPPLY

(a) Water supplies at local confinement facilities shall meet the requirements in 15A NCAC 18C or 15A NCAC 18A ~~+700~~. .1700, as applicable.

(b) In local confinement facilities that use a non-community water supply, as defined at G.S. 130A-313(10), a sample of water shall be collected by the Department of Health and Human Services At least once a year, year and submitted to the North Carolina State Laboratory of Public Health or other laboratory certified by the North Carolina State Laboratory of Public Health under 10A NCAC 41C .0102 a sample of water shall be collected by the Department and submitted to the Division of Laboratory Services or other laboratory certified by the Department to perform bacteriological examinations.

(c) ~~No backflow connections or cross connections with unapproved water supplies shall exist. A local confinement facility's water supply plumbing shall not include cross-connections as set out in 15A NCAC 18C .0102(c)(8).~~

(d) ~~Hot water heating facilities shall be provided. Hot and cold running water under pressure shall be provided to food preparation areas, and any other areas in which water is required for cleaning. Local confinement facilities shall provide water heating facilities. Hot and cold running water under pressure shall be provided to carry out all operations.~~

*History Note: Authority G.S. 153A-226;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. September 1, 1990.*