

1 15A NCAC 18A .1724 is readopted as published in 35:11 NCR 1149-1153 as follows:

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3 **15A NCAC 18A .1724 DISINFECTION OF WATER SUPPLIES SYSTEMS**

4 (a) A water ~~supply system serving an establishment~~ regulated under this ~~Section Subchapter~~ shall be disinfected upon
5 completion of construction, maintenance, repairs, pump installation, or a report of a confirmed positive coliform
6 ~~sample as follows: sample.~~ Wells shall be disinfected as required in 15A NCAC 02C .0111, which is hereby
7 incorporated by reference, including any subsequent amendments and editions.

8 (1) ~~chlorine in sufficient quantities to produce a chlorine residual of at least 100 milligrams per liter~~
9 ~~(mg/l) shall be placed in the supply;~~

10 (2) ~~a chlorine solution shall be placed in the supply in such a manner as to contact any water contact~~
11 ~~parts and materials above the normal water level;~~

12 (3) ~~a chlorine solution shall stand in the supply for a period of at least 24 hours; and,~~

13 (4) ~~the supply shall flow to waste until no disinfectant can be measured with a test kit that measures~~
14 ~~chlorine levels.~~

15 (b) A spring enclosure shall be disinfected upon completion of construction, maintenance, repairs, pump installation,
16 or a report of a confirmed positive coliform sample as follows:

17 (1) the interior ~~walls~~ surfaces of the spring enclosure shall be washed or swabbed with a chlorine
18 solution of at least 100 milligrams per liter (mg/l) or greater of chlorine residual; ~~residual approved~~
19 ~~by the Department;~~

20 (2) the disinfectant shall be poured into the spring, the service pipe shall be plugged, and water shall be
21 retained in the spring storage for at least 24 hours, ~~or,~~ or disinfectant shall be fed into the spring
22 continuously for at least 24 hours; and

23 (3) the spring shall flow to waste until no disinfectant can be measured with a test kit that measures
24 chlorine levels.

25
26 *History Note: Authority G.S. 95-225; ~~130A-5(3); 130A-228; 130A-230; 130A-235; 130A-236; 130A-248;~~*
27 *~~130A-257; 130A-315;~~*

28 *~~Eff. July 1, 1993; 1993;~~*

29 *Readopted Eff. April 1, 2021.*

1 15A NCAC 18A .3101 is readopted as published in 35:11 NCR 1149-1153 as follows:

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3 **15A NCAC 18A .3101 DEFINITIONS**

4 ~~As used in this article, unless the context requires otherwise:~~ The following definitions shall apply throughout this
5 Section:

6 (1) ~~"Inspection" is a surface by surface investigation to determine the presence of lead-based paint and~~
7 ~~may include dust and soil sampling and a report of the results.~~

8 (2) ~~"Risk assessment" is an on-site investigation of a residential housing unit to discover any lead-based~~
9 ~~paint hazards. A risk assessment includes:~~

10 (a) ~~an investigation of the age, history, management, and maintenance of the residential~~
11 ~~housing unit;~~

12 (b) ~~the number of children less than six years old and women of child-bearing potential who~~
13 ~~are residents;~~

14 (c) ~~a visual assessment;~~

15 (d) ~~limited environmental sampling; and~~

16 (e) ~~preparation of a report identifying acceptable abatement, remediation, and interim control~~
17 ~~strategies based on specific conditions.~~

18 ~~(3)~~(1) "Child-occupied facility" means as defined at G.S. 130A-131.7(2).

19 (2) "Department" means the North Carolina Department of Health and Human Services.

20 (3) "High contact areas for children" means areas including sandboxes, gardens, play areas, pet sleeping
21 areas, and areas within three feet of a residential housing unit or child-occupied facility.

22 (4) "Residential housing unit" means as defined at G.S. 130A-131.7(16).

23 (5) "Safe work practices" are methods used to avoid creating lead-based paint hazards during on-site
24 work that disturbs paint that may contain ~~lead lead~~. ~~Such methods include:~~ as set forth in the United
25 States Environmental Protection Agency publication "Steps to Lead Safe Renovation, Repair, and
26 Painting," which is hereby incorporated by reference, including any subsequent amendments and
27 editions, and available free of charge at: [https://www.epa.gov/sites/production/files/2013-](https://www.epa.gov/sites/production/files/2013-11/documents/steps_0.pdf)
28 [11/documents/steps_0.pdf](https://www.epa.gov/sites/production/files/2013-11/documents/steps_0.pdf).

29 (a) ~~taking precautions to prevent the spread of lead-contaminated dust by limiting access to~~
30 ~~the work area to workers only until final cleanup is completed and by having workers~~
31 ~~remove protective clothing such as gloves and shoes before leaving the work area;~~

32 (b) ~~covering the work area including doorways and sealing floors, closets, and cabinets with~~
33 ~~heavy duty polyethylene plastic secured with duct tape or the equivalent;~~

34 (c) ~~For exterior surfaces, securing heavy duty polyethylene plastic on the ground from the~~
35 ~~foundation extending 10 feet beyond the perimeter of the work area;~~

36 (d) ~~shutting off the heating, ventilation, and cooling system and covering heating, ventilation,~~
37 ~~and cooling registers with heavy duty polyethylene plastic secured with duct tape or the~~
38 ~~equivalent;~~

- (e) ~~protecting workers by providing necessary protective equipment, training, and cleanup equipment and by not allowing eating, drinking, chewing gum or tobacco, or smoking in the work area;~~
- (f) ~~protecting occupants which may include temporary relocation as necessary;~~
- (g) ~~protecting occupants' belongings by covering with heavy duty polyethylene plastic secured with duct tape or the equivalent or by removing them from the work area;~~
- (h) ~~misting interior painted surfaces before disturbing and hand scraping all loose paint, wallpaper, and plaster;~~
- (i) ~~wet sweeping and collecting and containing visible debris and plastic sheeting in a secure container;~~
- (j) ~~performing specialized cleaning upon completion of work to remove residual dust and debris;~~
- (k) ~~removing all materials, tools, and contained debris from the work area and the residential housing unit upon completion of maintenance activities; and~~
- (l) ~~avoiding unsafe practices, including prohibited methods listed in G.S. 130A-131.9C(g).~~

(4)(6) "Specialized cleaning" is the use of cleaning protocols that have been shown to be effective in removing lead-contaminated dust as ~~set forth in specified by the U.S. United States~~ Department of Housing and Urban Development ~~publication in the "Guidelines Guidelines~~ for the Evaluation and Control of Lead-Based Paint Hazards in Housing, ~~Housing~~ which is hereby incorporated by reference, including any subsequent amendments and editions, and available free of charge at: https://www.hud.gov/sites/documents/SECOND_EDITION_2012.PDF. ~~and any updates and revisions.~~

(5)(7) "Visual inspection" ~~means~~ is an on-site ~~assessment investigation~~ by ~~the Department or its agent~~ authorized pursuant to 15A NCAC 01O .0101(4) ~~a certified lead inspector or a certified lead risk assessor~~ to determine ~~compliance with the approved remediation plan as set forth in G.S. 130A-131.9C, the completion of abatement, remediation, and maintenance standard activities.~~ A visual inspection shall include paint, dust, or soil sampling, and a notification of the results.

History Note: Authority G.S. 130A-131.5; ~~130A-131.7; 130A-131.8; 130A-131.9A;~~
Eff. October 1, 1990;
Transferred and Recodified from 15A NCAC 19I .0101 Eff. August 28, 1991;
Transferred and Recodified from 15A NCAC 21E .0401 Eff. February 18, 1992;
Amended Eff. August 1, 1996; January 1, 1995; July 1, 1992;
Temporary Amendment Eff. November 21, 1997;
Amended Eff. April 1, ~~1999~~ 1999;
Readopted Eff. April 1, 2021.

1 15A NCAC 18A .3105 is readopted as published in 35:11 NCR 1149-1153 as follows:

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3 **15A NCAC 18A .3105 LEAD POISONING HAZARD AND CLEARANCE STANDARD FOR SOIL**

4 (a) Bare soil at a residential housing unit or a child-occupied facility is a lead poisoning hazard when:

- 5 (1) it contains greater than 400 parts per million lead in high contact areas for ~~children~~ children;
- 6 ~~including sandboxes, gardens, play areas, pet sleeping areas, and areas within three feet of a~~
- 7 ~~residential housing unit or a child-occupied facility; or~~
- 8 (2) except as specified in (a)(1) of this Rule, it contains 1200 ~~2000~~ parts per million lead or greater in
- 9 other locations at a residential housing unit or a child-occupied facility. ~~facility where contact by~~
- 10 ~~children is less likely; or~~
- 11 (3) ~~it is determined by the Department to be hazardous to children less than six years old pursuant to 15~~
- 12 ~~U.S.C. 2681 et seq., 42 U.S.C. 4851 et seq. and the regulations promulgated under these Sections.~~

13 (b) Unless other remediation is otherwise determined by the Department to be necessary to protect the public health

14 based on the basis of credible site-specific evidence including soil lead bioavailability, soil lead speciation, ~~or soil~~

15 particle size, land use and condition, or epidemiologic ~~or other relevant scientific~~ data, all remediation plans pursuant

16 to G.S. 130A-131.9C shall require that that: (1) bare soil lead concentrations greater than 400 parts per million and

17 ~~less than 2000 parts per million~~ at a residential housing unit or a child-occupied facility in high contact areas for

18 ~~children including sandboxes, gardens, play areas, pet sleeping areas, and areas within three feet of the unit or facility~~

19 or bare soil areas containing 1200 parts per million lead or greater in other locations at a residential housing unit or a

20 child-occupied facility be:

- 21 (A)(1) ~~permanently~~ covered with four to six inches of gravel, gravel or mulch, ~~or sod with a vegetative~~
- 22 mulch that shall be maintained and replaced as often as necessary to ensure there is four to six inches
- 23 of cover;
- 24 (2) covered with sod or other vegetative cover that shall be maintained and replaced as often as
- 25 necessary to ensure there is sod or other vegetative cover;
- 26 (B)(3) ~~physically restricted by a permanent barrier;~~
- 27 (C)(4) ~~removed; or~~
- 28 (D)(5) ~~paved over with concrete or asphalt; asphalt.~~
- 29 (2) ~~bare soil lead concentrations of 2000 parts per million or greater at a residential housing unit or a~~
- 30 ~~child-occupied facility be:~~
- 31 (A) ~~physically restricted by a permanent barrier;~~
- 32 (B) ~~removed; or~~
- 33 (C) ~~paved over with concrete or asphalt; and~~
- 34 (3) ~~ground coverings such as gravel, mulch, sod, or other vegetative covers must be established and~~
- 35 ~~maintained.~~

36
37 *History Note: Authority G.S. 130A-131.5; 130A-131.7; ~~130A-131.8; 130A-131.9A-G;~~*

38 *Eff. October 1, 1990;*

1 *Transferred and Recodified from 15A NCAC 19I .0105 Eff. August 28, 1991;*
2 *Transferred and Recodified from 15A NCAC 21E .0405 Eff. February 18, 1992;*
3 *Amended Eff. August 1, 1996; January 1, 1995;*
4 *Temporary Amendment Eff. November 21, 1997;*
5 *Amended Eff. April 1, ~~1999~~ 1999;*
6 *Readopted Eff. April 1, 2021.*

1 15A NCAC 18A .3107 is readopted as published in 35:11 NCR 1149-1153 as follows:

2
3 **15A NCAC 18A .3107 MAINTENANCE STANDARD**

4 The following shall apply to property owners and managing agents of pre-1978 residential housing units implementing
5 the maintenance standard set forth in Rule .3106(b) of this Section:

6 ~~(a)~~(1) Property owners and managing agents shall use safe work practices to repair and repaint deteriorated
7 paint on interior surfaces of a residential housing unit and to correct the cause of ~~deterioration~~
8 deterioration, including structural conditions causing water infiltration, interior moisture, and poor
9 paint adhesion. For pre-1950 single family and duplex residential housing units, property owners
10 and managing agents shall repair and repaint both interior and exterior ~~surfaces~~ surfaces, including
11 all walls, ceilings, windows, porches, decks, garages, railings, and steps, and shall correct the causes
12 of deterioration. In addition, for pre-1950 single family and duplex residential housing units,
13 property owners and managing agents shall establish and maintain a sod or other vegetative cover
14 in areas of bare soil within three feet of the residential housing unit.

15 ~~(b)~~(2) Property owners and managing agents shall conduct specialized cleaning on interior horizontal
16 surfaces to remove dust that may contain lead.

17 ~~(c)~~(3) Property owners and managing agents shall correct conditions in which painted surfaces are rubbing,
18 binding, or being damaged to protect the integrity of the paint and to prevent the generation of lead
19 dust.

20 ~~(d)~~(4) Subject to the occupant's approval, property owners and managing agents shall steam shampoo
21 carpets or use other specialized cleaning methods to remove dust that may contain lead.

22 ~~(e)~~(5) Property owners and managing agents shall provide ~~smooth and cleanable~~ interior horizontal
23 surfaces that are smooth, non-absorbent, and easy to clean by recoating deteriorated hardwood floors
24 with a durable coating, replacing or recovering worn-out linoleum floors, making interior window
25 sills smooth and cleanable, capping window troughs with vinyl or aluminum coil stock, and
26 providing drainage from storm window frames.

27 ~~(f)~~(6) Property owners and managing agents shall provide occupants with the Environmental Protection
28 Agency-developed ~~pamphlet~~ pamphlets "Protect Your Family from Lead in Your Home", Home,"
29 which is hereby incorporated by reference, including any subsequent amendments and editions, and
30 available free of charge at: <https://www.epa.gov/lead/protect-your-family-lead-your-home-english>
31 and "Renovate Right: Important Lead Hazard Information for Families, Child Care Providers, and
32 Schools," which is hereby incorporated by reference, including any subsequent amendments and
33 editions, and available free of charge at: [https://www.epa.gov/lead/renovate-right-important-lead-](https://www.epa.gov/lead/renovate-right-important-lead-hazard-information-families-child-care-providers-and-schools-0)
34 [hazard-information-families-child-care-providers-and-schools-0](https://www.epa.gov/lead/renovate-right-important-lead-hazard-information-families-child-care-providers-and-schools-0), any summaries of any reports
35 prepared pursuant to G.S. 130A-131.9A by a certified lead inspector or a certified lead risk assessor
36 on lead-based paint hazards, hazards at the property, an educational pamphlet developed by the

1 ~~Department describing the maintenance standard and the effects of compliance on the owner, and~~
2 ~~information related to~~ copies of previous certificates of compliance issued.

3
4 *History Note:* Authority G.S. 130A-131.5; ~~130A-131.7; 130A-131.9D; 130A-131.9E; 130A-131.9F; 130A-~~
5 ~~131.9G;~~
6 Temporary Adoption Eff. November 21, 1997;
7 Eff. April 1, ~~1999.~~ 1999.
8 Readopted Eff. April 1, 2021.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18A .3802

DEADLINE FOR RECEIPT: Thursday, March 11, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

In (a), line 5, what is the effective date of this Rule? Do you mean July 1, 2008 or April 1, 2021? Please clarify. If you mean July 1, 2008, is this language necessary?

Paragraph (a) and the first sentence of (b) appear to be repetitive of each other. Please review and revise as necessary.

In (d), please consider changing "It is the responsibility of the well owner" to "The well owner shall"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel
Date submitted to agency: Thursday, February 25, 2021

1 15A NCAC 18A .3802 is readopted as published in 35:11 NCR 1149-1153 as follows:

2
3 **15A NCAC 18A .3802 SAMPLE COLLECTION**

4 (a) Within 30 days after it issues a certificate of completion for a ~~newly constructed~~ private drinking water ~~well, well~~
5 ~~that is newly constructed on or after the Effective Date of this Rule,~~ the local health department shall ~~obtain~~ collect
6 water samples and submit them to a certified laboratory for analyses or ensure that water samples are collected ~~the~~
7 ~~water obtained from the well has been sampled by a certified laboratory and tested by a certified laboratory,~~
8 laboratory. All testing shall be done in accordance with the rules of this Section.

9 (b) Samples collected from private drinking water wells pursuant to the rules of this Section shall be collected by an
10 employee of a local health ~~department,~~ department or a certified laboratory. The sample collector shall use aseptic
11 sampling techniques for collection of coliform bacteria and sampling techniques and containers for chemical
12 constituents following methods described in 40 ~~Code of Federal Regulations~~ CFR 141.23 ~~Inorganic Chemical~~
13 ~~Sampling and Analytical Requirements~~ and 40 ~~Code of Federal Regulations~~ CFR 143.4, ~~143.4 Monitoring,~~ which are
14 hereby incorporated by reference including any subsequent ~~amendments,~~ amendments additions or editions, and
15 editions, and available free of charge at: <https://www.ecfr.gov/>. A copy may be obtained from the National Archives
16 ~~and Records Administration through their website at <http://www.gpoaccess.gov/cfr/index.html>.~~

17 (c) Water samples shall be collected from the sample tap at the well or the closest accessible collection point to the
18 water source ~~at with a threadless sample tap, capable of being disinfected,~~ provided the sampling point shall precede
19 any water treatment devices.

20 (d) It is the responsibility of the well owner to provide access and a source of power for the purpose of collecting the
21 required water sample.

22 (e) For all ~~new~~ newly constructed private drinking water wells, samples for total coliform and fecal coliform bacteria
23 shall be collected after the disinfectant agent has been flushed from the well and water supply system. The water shall
24 ~~be determined to~~ be free of disinfectant before collection of samples for bacteria. Required water samples shall not
25 be collected from wells that are not constructed and located in accordance with the rules of 15A NCAC 02C .0100
26 and ~~.0300.~~ .0300, which are hereby incorporated by reference, including any subsequent amendments and editions.

27 (f) Samples shall be transported to the laboratory following the procedures for sample preservation and within holding
28 times required in 40 ~~Code of Federal Regulations~~ 141.21(f) Analytical Methodology, CFR 141.23 ~~Inorganic Chemical~~
29 ~~Sampling and Analytical Requirements,~~ and 143.4, and 141.21(f), 143.4 Monitoring, which ~~are~~ is hereby incorporated
30 by reference including any subsequent ~~amendments,~~ amendments additions or editions, and editions, and available
31 free of charge at: <https://www.ecfr.gov/>. Copies may be obtained from the National Archives and Records
32 ~~Administration through their website at <http://www.gpoaccess.gov/cfr/index.html>.~~

33 (g) ~~Additional or retest samples may be collected if:~~

- 34 (1) ~~during the permitting, construction and sampling process, information indicates the potential for~~
35 ~~other contaminants to be present in the groundwater source; or~~
36 (2) ~~if necessary to confirm initial testing results.~~

- 1 *History Note:* *Authority G.S. 87-97;*
- 2 *Eff. July 1, ~~2008~~ 2008;*
- 3 *Readopted Eff. April 1, 2021.*