REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Commission for Public Health

RULE CITATION: 15A NCAC 18A .1004

DEADLINE FOR RECEIPT: Friday, March 15, 2024.

***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 email the reviewing attorney to inquire concerning the staff recommendation.

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

In (b), line 9, consider adding "to the Department" after "submit."

In (d), line 7, add commas before "if" and after "necessary."

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

Travis Wiggs
Commission Counsel

15A NCAC 18A .1004 is readopted as published in 38:11 NCR 710-718 as follows:

15A NCAC 18A .1004 PERMITS

(a) No person shall operate a summer camp within the State of North Carolina who does not possess a valid permit from the Department. No summer camp permit ~~to operate~~ shall be issued until an ~~inspection~~ evaluation by ~~a sanitarian~~ the regulatory authority shows that the establishment complies with all rules within this Section. ~~Permits or transitional permits are issued by and inspections made by the Department.~~

(b) ~~If camp food service is provided by a caterer, the overall responsibility for food service sanitation remains with the camp management.~~ Summer camps shall complete and submit an Advanced Notification for Operation at least 45 days prior to the first date of operation each calendar year. The advanced notification form shall be obtained from the Department and shall include the following information:

(1) type of camp (Summer, Resident, Primitive Experience);

(2) date notification is submitted;

(3) dates of operation (a calendar schedule may be attached);

(4) the name of the camp;

(5) the physical and billing addresses of the camp;

(6) the name of the camp responsible person;

(7) contact information for the responsible person including phone numbers and emails;

(8) type of water supply;

(9) type of wastewater system;

(10) the capacity of the camp including campers and staff;

(11) the date the water supply will be accessible for sampling and inspection if applicable;

(12) the dates, prior to the first date of operation, when facilities will be inspected by camp management to ensure that:

(A) camp facilities are clean, and in good repair;

(B) camp kitchen equipment, including required refrigeration and dishwashing equipment, is clean and operational;

(C) camp buildings and permanent sleeping quarters are free of all bats and other vermin, wildlife, and pest harborages; and

(D) the camp is free from conditions which represent a threat to the public health;

(13) list of any public swimming pools, wading pools, or water recreation attractions at the camp; and

(14) the name, signature, and title of the person completing the form.

(c) Upon transfer of ownership of an existing summer camp, the ~~Department~~ regulatory authority shall complete an evaluation of ~~evaluate~~ the facility. ~~Facility to determine compliance with the rules.~~ If the establishment satisfies all the requirements of this Section, ~~the rules,~~ a permit shall be issued. If the establishment does not satisfy all the requirements of this Section, ~~the rules,~~ a permit shall not be issued. ~~However, if~~ If the ~~Department~~ regulatory authority determines that the noncompliant items are related to construction or equipment items ~~problems~~ that do not represent

~~an immediate~~ a threat to the public health, a transitional permit may be issued. The transitional permit shall expire 180 ~~90~~ days after the date of issuance, unless suspended or revoked before that date, and shall not be renewed. Upon expiration of the transitional permit, the ~~owner or operator~~ permit holder or responsible person shall have corrected the noncompliant items and obtained a summer camp permit, or the summer camp shall be closed. ~~not continue to operate.~~

(d) The regulatory authority ~~Department may~~ shall impose conditions on the issuance of a summer camp permit or transitional ~~permit.~~ permit if necessary to ensure that the summer camp remains in compliance with the Rules of this Section. Conditions may be specified for one or more of the following areas:

(1) The number of persons served; ~~served.~~

(2) The categories of food served; ~~served.~~

(3) Time schedules in completing minor construction items; ~~items.~~

(4) Modification or maintenance of water supplies, water use fixtures and sanitary sewage systems; ~~systems.~~

(5) Use of facilities for more than one purpose; ~~purpose.~~

(6) Continuation of contractual arrangements upon which basis the permit was issued; ~~issued.~~

(7) Submission and approval of plans for renovation; and ~~renovation.~~

(8) Any other conditions necessary for the summer camp to remain in compliance with the Rules of this Section.

(e) A summer camp permit or transitional permit shall be immediately revoked in accordance with G.S. 130A-23(d) for failure of the facility to maintain a minimum grade of C. A permit or transitional permit may otherwise be suspended or revoked in accordance with G.S. 130A-23. ~~A new permit to operate shall be issued only after the establishment has been reinspected by the Department and found to comply with this Section. This reinspection shall be conducted within a reasonable length of time, not to exceed 30 days.~~ If a permit or transitional permit has been suspended, the suspension shall be lifted if the regulatory authority has evaluated the establishment and found that the violations causing the suspension have been corrected. If a permit or transitional permit has been revoked, a new permit shall be issued only after the regulatory authority has evaluated the establishment and found it to comply with all applicable rules. These evaluations shall be scheduled and conducted within 15 days after the request is made by the summer camp's permit holder or responsible person. ~~operator.~~

History Note: *Authority G.S. 130A-4; 130A-248;*
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. April 1, 1992; September 1, 1990; March 1, ~~1988.~~ 1988;
Readopted Eff. April 1, 2024.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Commission for Public Health

RULE CITATION: 15A NCAC 18A .1008

DEADLINE FOR RECEIPT: Friday, March 15, 2024.

***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 email the reviewing attorney to inquire concerning the staff recommendation.

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

In (c) (14), line 17, delete the comma before after "to."

In (c) (15), lines 20-21, move "clean" to before "camp" and add a comma after "premises." Replace "or" with a comma and add a comma after "railings."

In (c) (17) lines 26-27, add a comma after "camp" and after "required."

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

Travis Wiggs
Commission Counsel

15A NCAC 18A .1008 is amended with changes as published in 38:11 NCAC 710-718 as follows:

15A NCAC 18A .1008 GRADING

(a) The ~~sanitation~~ grading of ~~all~~ summer camps shall be based on a system of scoring wherein ~~all~~ summer camps receiving a score of at least 90 percent shall ~~be awarded~~ receive Grade A, ~~A; all~~ summer camps receiving a score of at least 80 percent and less than 90 percent shall ~~be awarded~~ receive Grade B, ~~B;~~ and ~~all~~ summer camps receiving a score of at least 70 percent and less than 80 percent shall ~~be awarded~~ receive Grade C . ~~; and no summer camp~~ Permits shall be immediately revoked in accordance with G.S. 130A-23(d) for summer camps receiving a score of less than 70 percent. ~~percent, or Grade C, shall operate.~~

(b) The grading of summer camps shall include the grading of the summer camp premises and the camp food service kitchen, if applicable, using an inspection form provided by the Department. The form shall include the following information:

(1) name and mailing address of the summer camp;

(2) name of summer camp permit holder;

(3) summer camp permit status and score given;

(4) length of season;

(5) number of residents;

(6) standards of construction and operation referenced in paragraph (c) and (d) of this Rule;

(7) an explanation for all points deducted;

(8) signature of the regulatory authority; and

(9) date of the inspection.

(c) The grading of the summer camps premises shall be based on the standards of operation and construction as set forth in Rules 1002, .1010, [~~.1011 and~~] .1011, .1013 through .1016, and .1017(f) through .1028 of this Section as follows:

(1) Violation of Rule .1010 of this Section related to summer camp site free of actual or potential health hazards shall equal no more than 3 points.

(2) Violation of Rule .1011(a), (b), or (c) of this Section related to water supply approved and no cross connections shall equal no more than 4 points.

(3) Violation of Rule .1011(d) of this Section related to hot water facilities provided, hot and cold water under pressure shall equal no more than 2 points.

(4) Violation of Rule .1013 of this Section related to sewage and liquid waste disposal shall equal no more than 4 points.

(5) Violation of Rule .1025 of this Section related to solid waste storage and cleaning facilities shall equal no more than 3 points.

(6) Violation of Rule .1024(1) or (2) of this Section related to camp building floors, walls, and ceilings properly constructed, clean, and in good repair shall equal no more than 4 points.

(7) Violation of Rule .1024(3) of this Section related to lighting and ventilation adequate, clean, and in good repair shall equal no more than 2 points.

(8) Violation of Rule .1016 of this Section related to lodging facilities and permanent sleeping quarters provided by the camp, properly arranged, clean, and in good repair shall equal no more than 3 points.

(9) Violation of Rule .1016 of this Section related to separate storage and handling of clean and dirty linen in lodging facilities provided by the camp shall equal no more than 2 points.

(10) Violation of Rule .1014(a) through (d) of this Section related to toilet, handwashing, or bathing facilities shall equal no more than 4 points.

(11) Violation of Rule .1014(e) of this Section related to laundry areas and equipment clean and in good repair; soiled laundry handled and stored separately from clean laundry shall equal no more than 2 points.

(12) Violation of Rule .1015 of this Section related to drinking water facilities shall equal no more than 1 point.

(13) Violation of Rule .1026(b) or .1028(a) [~~1028(a)~~] of this Section related to storage, handling, and use of pesticides, poisonous or toxic materials, and hazardous materials shall equal no more than 3 points.

(14) Violation of Rule .1026(a) or (e) of this Section related to, measures to exclude flies, rodents and other vermin from entry into food service areas and permanent sleeping quarters and measures to prevent pest harborages on the premises shall equal no more than 3 points.

(15) Violation of Rule .1026(c) and .1028(b) of this Section related to camp premises clean or protective railings and fences in good repair, shall equal no more than 3 points.

(16) Violation of Rule .1017(f) or (g), or .1026(d) [~~1026(d),~~] of this Section related to sanitation standards, lighting protected, and live animals not present in educational kitchen facilities shall equal no more than 2 points.

(17) Violation of Rule .1002 of this Section related to field sanitation standards maintained for cookouts or activities involving food preparation or service away from base camp and written procedures when required shall equal no more than 3 points.

(18) Violation of Rule .1023 of this Section related to the storage and handling of ice outside of a camp food service kitchen shall equal no more than 2 points.

(d) The grading of a camp food service kitchen shall be based solely on the standards of operation and construction set forth in Rule .1017(a) through .1017(e) of this Section as follows:

(1) Violation of Chapter 2 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2652 related to person in charge present; performance of PIC duties shall equal no more than 1 point.

(2) Violation of Chapter 2 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2652 related to management awareness, policy present; proper use

of reporting, restriction, and exclusion; procedures for responding to vomiting and diarrheal events shall equal no more than 2 points.

(3) Violation of Chapter 2 or 3 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2652 and .2653 related to proper employee eating, tasting, drinking, or tobacco use; no discharge from eyes, nose, and mouth shall equal no more than 1 point.

(4) Violation of Chapter 2 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2652 related to hands clean and properly washed shall equal no more than 3 points.

(5) Violation of Chapter 3 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 related to no bare hand contact with ready-to-eat food or approved alternate method properly followed shall equal no more than 2 points.

(6) Violation of Chapters 5 or 6 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2655 and .2656 related to handwashing facilities supplied and accessible shall equal no more than 1 point.

(7) Violation of .1017(d) or Chapter 3 or 5 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 and .2655 related to food obtained from an approved source; food received at proper temperature; food in good condition, safe, unadulterated; required records available, shellstock tags, parasite destruction; water and ice from approved source shall equal no more than 3 points.

(8) Violation of Chapter 3 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 related to food separated and protected; disposition of returned, previously served, reconditioned, and unsafe food shall equal no more than 2 points.

(9) Violation of Chapter 3 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 related to food-contact surfaces cleaned and sanitized shall equal no more than 2 points.

(10) Violation of Chapter 4 [~~3~~] of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2654 [~~.2653~~] related to cooking time and temperatures; pasteurized eggs used where required shall equal no more than 2 points.

(11) Violation of Chapter 3 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 related to reheating procedures for hot holding shall equal no more than 2 points.

(12) Violation of Chapter 3 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 related to cooling time and temperatures; proper cooling methods shall equal no more than 2 points.

(13) Violation of Chapter 3 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 related to hot holding temperatures shall equal no more than 2 points.

(14) Violation of Chapter 3 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 related to cold holding temperatures shall equal no more than 2 points.

(15) Violation of Chapter 3 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 related to date marking and disposition shall equal no more than 2 points.

(16) Violation of Chapter 3 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 related to time as a public health control procedures and records shall equal no more than 2 points.

(17) Violation of Chapter 3 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 related to consumer advisory provided for raw or undercooked foods; pasteurized foods used and prohibited foods not offered shall equal no more than 2 points.

(18) Violation of Chapter 3 or 7 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 and .2657 related to food additives approved and properly used; toxic substances properly identified, stored, and used shall equal no more than 2 points.

(19) Violation of Chapters 3 and 4 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 and .2654 related to adequate equipment for temperature control; plant food properly cooked for hot holding; approved thawing methods used shall equal no more than 2 points

(20) Violation of Chapter 4 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2654 related to thermometers provided and accurate shall equal no more than 1 point.

(21) Violation of Chapter 3 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 related to food being properly labeled or in the original container shall equal no more than 1 point.

(22) Violation of Chapters 2 and 6 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2652 and .2656 related to insects and rodents not present and no unauthorized animals shall equal no more than 1 point.

(23) Violation of Chapters 2, 3, 4, 6, or 7 [~~of the~~] of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2652, [~~2563, 2654, 2656,~~] .2653, .2654, .2656, and .2657 related to contamination prevented during food preparation, storage, and display, personal cleanliness, wiping cloths properly used and stored, and washing fruits and vegetables shall equal no more than 2 points.

(24) Violation of Chapters 3 and 4 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 and .2654 related to in-use utensils properly stored; utensils, equipment, and linens properly stored, dried and handled; single-use and single-service articles properly stored and used; gloves used properly shall equal no more than 2 points.

(25) Violation of Chapters 3 and 4 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2653 and .2654 related to equipment, food and non-food contact surfaces approved, cleanable, properly designed, constructed and used; warewashing facilities installed, maintained, used, and test strips shall equal no more than 1 point.

(26) Violation of Chapter 4 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2654 related to non-food contact surfaces clean shall equal no more than 1 point.

(27) Violation of Chapters 5 and 6 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2655 and .2656 related to hot and cold water available and adequate pressure; plumbing installed and proper backflow devices; sewage and wastewater properly disposed; toilet facilities properly constructed, supplied, and cleaned; garbage and refuse properly disposed and facilities maintained shall equal no more than 2 points.

(28) Violation of .1017(e) or Chapters 4 or 6 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2654 and .2656 related to physical facilities installed, maintained, and clean shall equal no more than 1 point.

(29) Violation of Rule .1017(c) regarding lighting intensity, or Chapters 4 and 6 of the Food Code incorporated by reference at 15A NCAC 18A .2650 as amended by 15A NCAC 18A .2654 and .2656 related to meets ventilation and lighting requirements and designated areas used shall equal no more than 1 point.

(e) The inspection form shall be used to document points assessed for violations of the Rules of this Section as set forth in paragraph (c) and (d) of this Rule.

(f) In filling out the inspection form, points shall be deducted only once for a single occurrence or condition existing within the summer camp. Deductions shall be based on actual violations of the rules of this Section observed during the inspection. The regulatory authority shall take zero, [~~one half~~] one-half, or a full deduction of points depending upon the severity or the recurring nature of the violation.

(g) Water stains on walls or ceilings are not violations unless microbial growth is present.

(h) The posted grade card shall be black on a white background on a form provided by the Department. The alphabetical and numerical rating shall be 1.5 inches in height. No other public displays representing sanitation level of the establishment may be posted by the summer camp unless approved by the regulatory authority.

History Note: *Authority G.S. 130A-4; 130A-248;*
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, ~~2019.~~ 2019;
Amended Eff. April 1, 2024.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Commission for Public Health

RULE CITATION: 15A NCAC 18A .1616

DEADLINE FOR RECEIPT: Friday, March 15, 2024.

***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 email the reviewing attorney to inquire concerning the staff recommendation.

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

In line 13, add a comma after "medications."

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

Travis Wiggs
Commission Counsel

15A NCAC 18A .1616 is readopted with changes as published in 38:11 NCR 718-724 as follows:

15A NCAC 18A .1616 ~~STORAGE: MISCELLANEOUS~~ CHEMICAL AND MEDICATION STORAGE

~~(a) Rooms or spaces which are provided and used for the storage of clothing, personal effects, luggage, necessary equipment and supplies and for items not in routine use, shall be kept clean.~~

~~(b) Pesticides, herbicides and other substances which may be hazardous if ingested, inhaled, or handled, shall be stored in a closet, cabinet or box not accessible to young children unless otherwise required in the rules of the licensing agency.~~

~~(c) Household cleaning agents such as bleaches, detergents and polishes shall be stored out of the reach of young children unless otherwise required in the rules of the licensing agency.~~

~~(d)~~ Toxic substances, which include corrosive agents, pesticides, bleaches, detergents, cleansers, polishes, and any substance which may be hazardous to a person if ingested, inhaled, or not handled in accordance with the manufacturer's instructions, [~~Chemicals used for cleaning, bleaches, pesticides,~~] and all ~~Medications~~ medications shall be stored and used in accordance with the manufacturer's instructions. ~~in a separate cabinet, closet or box not accessible to young children unless otherwise required in the rules of the licensing agency~~

History Note: *Authority G.S. 130A-4; 130A-235;*
Eff. February 1, 1976;
Readopted Eff. December 5, 1977;
Amended Eff. September 1, ~~1990.~~ 1990;
Readopted Eff. April 1, 2024.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Commission for Public Health

RULE CITATION: 15A NCAC 18A .2518

DEADLINE FOR RECEIPT: Friday, March 15, 2024.

***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 email the reviewing attorney to inquire concerning the staff recommendation.

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

In (g) line 16, add "the" after "with."

In (h) line 36, what is meant by "independent third-party testing laboratory?" How should the laboratory be independent? Must the third-party laboratory be certified? If so, by whom?

In (h) lines 36-37, what is "NSF Standard 50?" Where is the standard found?

In (j) (2) line 9, add "($165.00)" after "dollars."

In (k) (1) (B), line 32, add a comma after "foot" and after "meter."

In (k) (2) (A), line 24, consider replacing "for" with "to handle."

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

Travis Wiggs
Commission Counsel

15A NCAC 18A .2518 is readopted with changes as published in 38:11 NCR 724-729 as follows:

CHAPTER 18 - ENVIRONMENTAL HEALTH

SUBCHAPTER 18A - SANITATION

SECTION .2500 - PUBLIC SWIMMING POOLS

15A NCAC 18A .2518 CIRCULATION SYSTEM

(a) Public swimming pools ~~Pools~~ shall be equipped with a water circulation system.

(b) The water ~~capacity of the~~ circulation system shall ~~be sufficient to clarify and disinfect~~ circulate and filter the entire volume of public swimming pool water four times or more in 24 hours. The water circulation system shall be operated 24 hours per day at no more than the maximum velocity allowed under Paragraph (d) of this Rule during the operating dates set out in the permit. ~~season.~~

(c) The water circulation system piping shall be designed and installed ~~with the necessary valves and pipes~~ so that the flow from the public swimming pool shall ~~can~~ be from main drains or the surface overflow system. If both main drains and a surface overflow system are used, the ~~The~~ water circulation system piping shall be designed such that the flow of water from the public swimming pool is ~~can be~~ simultaneous from the surface overflow system and the main drains. Skimmer piping constructed after May 1, 2010 shall be sized to handle ~~the maximum flow rate for the required number of skimmers, but in no case less than~~ 100 percent of the ~~design~~ flow ~~rate.~~ rate determined by the Registered Design Professional in the pool design. Perimeter overflow system piping constructed after May 1, 2010 shall be sized to handle 100 percent of the ~~design~~ flow ~~rate.~~ rate determined by the Registered Design Professional in the pool design. ~~The main~~ Main drain piping constructed after May 1, 2010 shall be sized to handle 100 percent of the ~~design~~ flow ~~rate.~~ rate determined by the Registered Design Professional in the pool design.

(d) Piping shall be designed ~~to reduce friction losses to a minimum and~~ to carry ~~the required quantity of~~ water at a maximum velocity not to exceed six feet per second for suction piping and not to exceed 10 feet per second for discharge ~~piping~~ piping, except for copper pipe where the velocity shall not exceed eight feet per second for discharge piping. ~~second.~~ Piping shall comply with NSF/ANSI Standard 14 Plastics Piping System Components and Related Materials, incorporated by reference, including any subsequent amendments or editions, and available at http://webstore.ansi.org/ at a cost of one hundred sixty-five dollars ($165.00), ~~be of non-toxic~~ [~~material~~] ~~material, resistant to corrosion,~~ and be free of visible water leaks. ~~able to withstand operating pressures. If plastic~~ Public swimming pools constructed after the effective date of this Rule shall use plastic pipe made of ~~is used,~~ a minimum of Schedule 40 PVC. ~~PVC is required.~~ Flexible pipe shall not be ~~used~~ used, except that flexible PVC hoses that meet the requirements of NSF/ANSI/CAN ~~NSF~~ Standard 50 Equipment and Chemicals for Swimming Pools, Spas, Hot Tubs, and Other Recreational Water Facilities, incorporated by reference, including any subsequent amendments or editions, and available at http://webstore.ansi.org/ at a cost of five hundred eighty dollars ($580.00) (hereinafter referred to as "NSF Standard 50"), may be used when affixed to spa shells and ~~where~~ rigid pipes do not provide the necessary angles

to connect water circulation system components. Exposed pipes and valves shall be identified by a color code with a legend or labels.

(e) The water circulation system shall have ~~include~~ a strainer with a basket to prevent hair, lint, and other debris from reaching the pump. ~~A~~ The owner of the public swimming pool shall keep a spare strainer basket onsite at the public swimming pool. ~~shall be provided.~~ Strainers shall be designed for use in pools ~~corrosion-resistant~~ with openings not more than ¼ inch (6.4 mm) in size that provide a free flow area at least four times the cross-section area of the pump suction line and are accessible for daily cleaning.

(f) A swimming pool shall have a vacuum cleaning system ~~shall be provided~~ to remove debris and foreign material that settles to the bottom of the swimming pool. ~~Where provided, integral~~ Integral vacuum ports shall be located on the pool wall at least six inches and no greater than 18 inches below the water level. Skimmer vacuums may be used ~~in pools with~~ when connected to two or fewer skimmers that are isolated from the remaining water circulation system piping. ~~provided the skimmer basket remains in place while the vacuum is in operation.~~ Integral vacuum cleaning systems shall have ~~be provided with~~ valves and protective caps. Integral vacuum ports constructed after May 1, 2010 shall have self-closing caps designed to be opened with a tool. Portable vacuum equipment may be used to meet the requirements of this Rule.

(g) A flow meter, ~~rate-of-flow indicator,~~ reading in ~~liters or~~ gallons per minute, shall be installed in accordance with manufacturer's instructions. ~~on the filtered water~~ [~~line.~~] ~~line and located so that the rate of circulation is indicated.~~ The flow meter ~~indicator~~ shall measure ~~be capable of measuring~~ flows ~~that are at least 1½ times the~~ between the minimum circulation turnover rate required in Paragraph (b) of this Rule and the maximum velocity permitted under Paragraph (d) of this Rule ~~design flow rate,~~ [~~rate determined by the Registered Design Professional in the pool design~~] and shall be accurate within 10 percent ~~per cent~~ of true flow. ~~flow, and shall be easy to read.~~ ~~The~~ [~~flow meter~~] ~~indicator~~ ~~shall be installed in accordance with manufacturers' specifications.~~

(h) A public swimming pool shall have a pump or pumps ~~shall be provided~~ with capacity to recirculate the public swimming pool water four times or more in 24 ~~hours,~~ hours. The pump or pumps shall not need to be primed, [~~primed or~~] ~~and shall be so located as to eliminate the need for priming. If the pump or pumps, or suction piping is located above the overflow level of the pool, the pump or pumps~~ shall be ~~self-priming.~~ self-priming, or shall utilize an automated priming device labeled for use in public pools by the manufacturer. ~~The pump or pumps shall be capable of providing a flow adequate for the backwashing of filters. Unless headloss calculations are provided by the designing engineer,~~ Any single speed pump ~~design~~ shall be capable of maintaining required water turnover based on headloss calculations provided by a professional engineer licensed under G.S. Chapter [~~89C or~~] 89C, the measurements of a flow meter installed in accordance with the manufacturer's instructions, or an assumed total dynamic head of 65 feet of water. Any variable speed pump or single speed pump utilizing a variable frequency drive shall be capable of maintaining water turnover as required by Paragraph (b) of this Rule based on a pump performance curve provided by the manufacturer and shall maintain the flow rate determined by the Registered Designed Professional in the pool design. Pumps ~~three horsepower or smaller~~ shall be certified by NSF International as meeting NSF Standard 50 ~~(NSF) listed~~ or verified by an independent third-party testing laboratory to meet ~~all applicable~~ provisions of NSF ~~NSF/ANSI~~ Standard 50 applicable to pumps. ~~which is incorporated by reference including any subsequent amendments or~~

~~editions. Copies may be obtained from NSF International, P.O. Box 130140, Ann Arbor, MI 48113-0140 at a cost of one hundred fifty-five dollars ($155.00).~~ Verification conducted by an independent third-party testing laboratory shall include testing and ~~in-plant~~ quality control inspections. ~~Larger pumps for which NSF listing is not available shall be approved by the Department on a case-by-case basis.~~

(i) ~~Inlets.~~ All public swimming pools shall be equipped with water return inlets. The water return inlets shall meet the following requirements:

(1) ~~Inlets shall be provided and arranged to~~ The water return inlets shall produce a uniform circulation of water and maintain a uniform disinfectant residual throughout the ~~pool.~~ pool;

(2) ~~The number of inlets for any swimming pool shall be determined based on return water flow.~~ There shall be at least one water return inlet per 20 gallons per minute of return water flow with ~~flow. There shall be~~ a minimum of four water return inlets for any swimming ~~pool.~~ pool; [~~and~~]

(3) ~~Inlets~~ Water return inlets shall be located so that no part of the swimming pool is more than ~~then~~ 25 feet of horizontal distance from the nearest water return ~~inlet.~~ inlet; and

(4) Water return inlets shall be replaced when damaged or missing. ~~Provision shall be made to permit adjustment of the flow through each inlet, either with an adjustable orifice or provided with replaceable orifices to permit adjustments of the flows.~~

(j) ~~Drains.~~ Drains shall not be required in public swimming pools when an alternate method to drain the pool is provided. Public swimming pools constructed without main drains shall be designed with water return inlets positioned to return water uniformly throughout the public swimming pool. Public swimming pools constructed with main drains shall have the main drains installed in accordance with the manufacturer's instructions and meet the following requirements:

(1) Public ~~Swimming~~ swimming pools with ~~suction~~ main drains shall be provided with ~~at least~~ one or more unblockable drains or two or more main ~~drain outlets~~ drains ~~which are~~ located at the deepest section of the pool on a horizontal plane and connected by symmetrical "T" piping. Except when unblockable drains are used, ~~Connecting~~ piping between main drains shall be sized and configured such that blocking any one drain will not result in flow through the remaining drain covers ~~cover/grates~~ exceeding the ~~cover/grate~~ manufacturer's ~~safe~~ flow rating while handling 100 percent of the pump's maximum ~~pump system~~ flow. ~~The drains shall be capable of permitting the pool to be emptied completely. Drains~~ Dual main drains connected by "T" piping shall be spaced not more than 30 feet apart, and not more than 15 feet away from the side walls of the pool, ~~walls. Drains~~ Main Drains shall be separated by at least three feet measured from the centers of the drain covers or installed with one main drain on a horizontal plane and one main drain on a vertical plane. ~~cover/grates.~~ Main drains with two or more outlets with a common suction line shall not be equipped with valves that allow the outlets to be isolated. ~~This shall not preclude construction of a public swimming pool without main drains where water is introduced at the bottom of the pool and removed through a surface overflow system designed to handle 100 percent of the design flow rate. Provision shall be made to completely drain pools constructed without drains.~~ Public swimming

pools constructed prior to May 1, 2010 with a single drain or multiple drains closer than three feet apart shall protect against bather entrapment with an unblockable drain cover or a secondary method of preventing bather entrapment in accordance with Rule .2539 of this Section.

(2) Drain outlets shall comply with the ANSI/APSP/ICC-16 2017 American National Standard ~~ASME/ANSI A112.19.8 2007~~ for Suction Outlet Fittings Assemblies (SOFA) for Use in ~~Swimming~~ Pools, ~~Wading Pools,~~ Spas, and Hot Tubs, ~~Tubs~~ which is hereby incorporated by ~~reference~~ reference, including any subsequent ~~amendments,~~ amendments or editions, and ~~successor standards under the Virginia Graeme Baker Pool and Spa Safety Act (15 U.S.C. 8001 et seq.). Copies~~ available at https://webstore.ansi.org/ at a cost of one hundred sixty-five dollars. ~~may be obtained from ASME, P.O. Box 2300, Fairfield, NJ 07007-2300 at a cost of fifty-three dollars ($53.00).~~

(3) Public swimming ~~pools~~ pool drains ~~constructed after May 1, 2010~~ shall comply with ~~ANSI/APSP-7 2006 American National Standard for~~ ANSI/PHTA/ICC-7 2020 American National Standard for Suction Entrapment Avoidance in Swimming Pools, Wading Pools, Spas, Hot Tubs and Catch Basins, ~~Basins~~ which is hereby incorporated by ~~reference~~ reference, including any subsequent amendments ~~and~~ or editions, and ~~editions. Copies may be obtained~~ available at https://webstore.ansi.org at a cost of one hundred and sixty-five dollars ($165.00) (hereinafter referred to as "ANSI/PHTA/ICC-7"). ~~from APSP, 2111 Eisenhower Avenue, Alexandria, VA 22314 at a cost of three hundred fifty dollars ($350.00).~~

(k) ~~Surface Overflow Systems. (1)~~ ~~Swimming~~ Public swimming pools shall ~~be provided with~~ have a surface overflow system that is an integral part of the water circulation system and that consists of a built-in-place perimeter overflow system, a pre-fabricated perimeter overflow system, or recessed automatic surface skimmers. The surface overflow system shall comply with the following:

~~(2)~~(1) ~~Whenever~~ When a public swimming pool uses a built-in-place perimeter overflow system or a pre-fabricated perimeter overflow ~~system~~ system, the public swimming pool may be designed with the operating water level, perimeter overflow system, and deck at the same elevation. The perimeter overflow system shall: ~~is provided, it shall be designed and installed as follows:~~

(A) ~~The system shall be~~ Be capable of handling 100 percent of the ~~circulation~~ flow rate determined by the Registered Design Professional in the pool design without flooding the overflow troughs; ~~troughs being flooded;~~

(B) ~~A surge capacity shall be provided either in the system or by use of~~ Be capable of handling a water surge ~~tank; and the total surge capacity shall be at least~~ equal to one gallon per square foot ~~(41L~~ or forty-one liters per square meter ~~meter)~~ of swimming pool water surface ~~area;~~ area. A surge tank may be used to meet this requirement;

(C) ~~The~~ Be capable of maintaining the water level of the swimming pool ~~shall be maintained~~ above the level of the overflow rim of the perimeter overflow ~~overflows,~~ system, except for ~~the~~ time intervals of no more ~~needed to transfer all of the water that may be in the surge capacity back into the swimming pool after a period of use; provided that this transfer time~~

~~shall not be greater~~ than 20 ~~minutes;~~ minutes when water is transferred between a surge tank and the public swimming pool;

(D) ~~When installed the~~ Be constructed so the dimensional tolerance of the overflow rim shall not exceed ¼ inch (6.4 mm) as measured between the highest point and the lowest point of the overflow rim;

(E) ~~During quiescence, the overflow system shall be~~ Be capable of providing ~~continuously and automatically~~ continuous and automatic ~~a~~ skimming ~~action to~~ of the water during quiescence; ~~at the surface of the swimming pool;~~

(F) ~~The overflow troughs shall be~~ Be constructed so that the overflow troughs are installed continuously ~~completely~~ around the perimeter of the public swimming pool, except at steps, recessed ~~ladders~~ ladders, and ~~stairs;~~ stairs, or except when used in combination with recessed automatic surface skimmers; and

(G) ~~The~~ Provide a hand-hold on the exposed surfaces of the overflow trough. ~~trough shall be capable of providing a firm and safe hand hold; and~~

~~(H) The overflow trough shall be cleanable and shall be of such configuration as to minimize accidental injury.~~

~~(3)~~(2) ~~Whenever a recessed~~ When a public swimming pool uses recessed automatic surface ~~skimmer or skimmers~~ skimmers, ~~are installed, they~~ [~~as an overflow system,~~] the recessed automatic surface skimmers shall be designed and constructed in accordance with ~~Section 8 of~~ NSF Standard ~~#50~~ 50 requirements for water circulation system components for swimming pools, spas, or hot ~~tubs.~~ tubs and ~~Recessed automatic surface skimmers shall~~ be installed as follows:

(A) The rate of water flowing ~~flow through rate~~ through any one recessed automatic surface skimmer shall be ~~between~~ no less than 20 gallons per minute and no more than the maximum flow the skimmer is certified for under NSF Standard ~~Number~~ 50;

(B) There shall be at least one recessed automatic surface skimmer for each 400 square feet of water surface area of the swimming pool or fraction thereof;

(C) When two or more recessed automatic surface skimmers are required, they shall be ~~so~~ located ~~as to minimize interference with each other and as to insure proper and complete~~ to enable skimming of the entire swimming pool ~~pools~~ water surface; ~~and~~

(D) Skimmers shall not protrude into the water of the public swimming pool. Pools using recessed automatic ~~Automatic~~ surface ~~skimmer or~~ skimmers without a perimeter overflow system shall be installed so that the operating water level of the pool is no more than nine inches below the level of the finished deck. ~~deck level so that the deck can be used as a handhold.~~

(l) Where flooded suction on the pump is not possible to prevent cavitation and loss of prime, skimmers shall have a device or other protection to prevent air entrainment in the suction line. Skimmer equalizer lines shall be in compliance

with ANSI/PHTA/ICC-7 or disabled. Skimmer ~~The inlet to the~~ equalizer ~~line~~ lines shall be disabled by plugging the line under the skimmer basket and where the equalizer pipe exits the pool shell. ~~provided with a grate.~~

~~(m) Nothing in this Section shall preclude the use of a roll-out or deck-level type of swimming pool. Such designs shall conform to the general provisions relating to surface overflow systems.~~

~~(n)~~(m) Nothing in this Section shall preclude the use of a surface overflow system that combines both a perimeter overflow system and a recessed automatic surface skimmer or ~~skimmers.~~ skimmers that meet the requirements of this Rule.

History Note: *Authority G.S. 130A-282;*
Eff. May 1, 1991;
Amended Eff. May 1, 2010; February 1, 2004; April 1, 1999; January 1, 1996; July 1, ~~1992.~~ 1992;
Readopted Eff. November 1, 2024.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Commission for Public Health

RULE CITATION: 15A NCAC 18A .2539

DEADLINE FOR RECEIPT: Friday, March 15, 2024.

***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 email the reviewing attorney to inquire concerning the staff recommendation.

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

In (c) line 21, add a comma after "covers."

In (c) (1) line 25, consider adding "and" before "that."

In (d) line 6, consider adding a comma after "Department" and after "(c)."

In (d) (3) line 28, did you mean "pumps" rather than "sumps?"

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

Travis Wiggs
Commission Counsel

15A NCAC 18A .2539 is amended with changes as published in 38:11 NCR 724-729 as follows:

15A NCAC 18A .2539 SUCTION HAZARD REDUCTION

(a) At all public wading pools that use a single main drain for circulation of water, signs shall be posted stating, "WARNING: To prevent serious injury do not allow children in wading pool if drain cover is broken or missing." Signs shall be in letters at least one-half inch in height and shall be posted where they are visible to people entering the wading pool. Submerged suction outlets shall be prohibited in wading pools in accordance with ANSI/PHTA/ICC-7 2020 American National Standard for Suction Entrapment Avoidance in Swimming Pools, Wading Pools, Spas, Hot Tubs, and Catch Basins, which is incorporated by reference, including any subsequent amendments or editions, and available at https://webstore.ansi.org/ at a cost of one hundred and sixty five dollars ($165.00) (hereinafter referred to as "ANSI/PHTA/ICC-7").

(b) All submerged suction outlets in public swimming pools other than vacuum ports shall be protected by a ~~anti-entrapment~~ cover ~~cover/grates~~ in compliance with ~~ASME/ANSI A112.19.8 2007~~ ANSI/APSP/ICC-16 2017 (PA 2021) American National Standard for Suction Outlet Fitting Assemblies (SOFA) ~~Fittings~~ for Use in ~~Swimming~~ Pools, ~~Wading Pools,~~ Spas, and Hot ~~Tubs.~~ Tubs, which is hereby incorporated by reference, including any subsequent amendments or editions, and available at https://webstore.ansi.org/ at a cost of one hundred and sixty five dollars ($165.00) (hereinafter referred to as "ANSI/APSP/ICC-16"). All submerged suction fittings shall be installed in accordance with the manufacturer's instructions.

(c) [~~Water pumping~~] ~~Pumping~~ ~~systems~~ [~~in public~~] Public swimming pools that have a single main drain or single submerged suction outlet other than an unblockable drain, or that ~~which~~ have multiple outlets in the same plane separated by less than three ~~feet~~ feet, measured ~~at~~ from the centers of the covers ~~cover grates~~ shall have one or more secondary methods of preventing bather entrapment. Secondary methods of preventing bather entrapment include:

(1) ~~Safety~~ A safety vacuum release system which ceases operation of the water pump, reverses the circulation flow, or otherwise provides a vacuum release at the suction outlet when a blockage has been detected, that has been tested by a third party and found to conform ~~to ASME/ANSI~~ with ANSI/PHTA/ICC-7. ~~standard A112.19.17 which is incorporated by reference including any subsequent amendments or editions. Copies may be obtained from ASME, P.O. Box 2300, Fairfield, NJ 07007-2300 at a cost of forty-five dollars ($45.00);~~ The operator of the public swimming pool shall test an installed safety vacuum release system using the methodology and at the frequency recommended by the manufacturer, and the test dates and results shall be recorded in the written records required by Rule .2535(11). Safety vacuum release systems installed or replaced after the effective date of this Rule shall have a shut off valve for testing the device, if recommended by the manufacturer;

(2) A suction-limiting vent system with ~~a tamper resistant~~ an atmospheric ~~opening;~~ opening inaccessible to the public;

(3) A gravity drainage system that utilizes a surge ~~collector~~ tank;

(4) An automatic pump shut-off system;

(5) ~~Drain disablement;~~ Disabling the submerged suction outlet; or

(6) Any other system that complies with ANSI/PHTA/ICC-7. ~~determined by the U.S. Consumer Product Safety Commission to be equally effective as, or better than the systems in Subparagraphs (1) through (5) of this Paragraph.~~

~~(c)~~(d) ~~Prior to issuance of operation permits, owners~~ Owners of all public swimming pools shall provide documentation to the Department as part of the application for an operation permit under Rule .2510(c) to verify suction outlet safety compliance. This documentation shall include:

(1) Documentation of the maximum possible flow rate for each pipe with a submerged suction outlet. ~~pump suction system.~~ This shall be the pump's maximum [~~pump~~] flow shown on the manufacturer's pump performance curve except where flow reductions are justified with total dynamic head measurements or ~~calculations; and~~ calculations. Flow reduction measurement documentation shall include photographs taken within two hours of backwashing or replacing the filter with all valves in the fully open position that show [~~showing~~] the levels of all the gauges used in the public swimming pool. All systems using a flow reduction to comply with this rule shall have a flow meter installed in accordance with manufacturer's instructions [~~on the return water line~~] confirming that the water flow does not exceed the gallon per minute flow rating of the drain covers or a sealed statement from a Registered Design Professional showing calculations used to justify the reduction;

(2) Documentation that ~~cover/grates~~ drain covers are in compliance with ~~meeting ASME/ANSI A112.19.8 2007~~ ANSI/APSP/ICC-16 and the ~~are installed in compliance with the standard and~~ manufacturer's instructions. This includes documentation that each drain cover ~~cover/grate~~ on a single or ~~double drain~~ dual drain submerged suction outlet ~~pump suction system~~ is rated to meet or exceed the pump's maximum ~~pump system~~ flow or the measured flow of the water through the submerged suction outlets. [~~pumping system.~~] ~~and that cover/grates~~ Drain covers on a ~~pump~~ submerged suction system with three or more suction outlets shall ~~are~~ together be rated to ~~always~~ meet or exceed the pump's maximum [~~pump system~~] flow with one drain completely ~~blocked; and~~ blocked, unless the combined flow of all unblockable drains meet or exceed the pump's maximum [~~pump system~~] flow or the measured flow of the water; [~~pumping system;~~] and

(3) Documentation that drain sumps meet the dimensional requirements specified in the drain cover ~~cover/grate~~ manufacturer's installation instructions.

~~(d)~~(e) Operators of all public swimming pools shall inspect pools daily to ensure the drain covers are ~~in~~ not missing, broken, or cracked ~~good condition~~ and are securely attached. The operator shall close the public swimming pool until missing, ~~Missing,~~ broken, or cracked suction fittings are ~~shall be~~ replaced and loose suction fittings are resecured. ~~shall be reattached before using the pool.~~

History Note: *Authority G.S. 130A-282;*
Temporary Adoption Eff. June 1, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;

Eff. October 1, 1994;

Amended Eff. May 1, 2010; January 1, 2006; February 1, 2004; April 1, 1999;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 20, ~~2019.~~ 2019;

Amended Eff. November 1, 2024.