

## Burgos, Alexander N

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**Subject:** FW: 15A NCAC 18A .1511 CPH Request for Changes - September 2023 RRC  
**Attachments:** 2023.09 - 15A NCAC 18A Comm for Pub Health Rules Request for Changes-9.11.23-Response.docx;  
15A NCAC 18A .1511-Revised.docx

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**From:** Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>  
**Sent:** Monday, September 11, 2023 11:29 AM  
**To:** Liebman, Brian R <brian.liebman@oah.nc.gov>  
**Cc:** Vail, Nathan T <Nathan.Vail@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: 15A NCAC 18A .1511 CPH Request for Changes - September 2023 RRC

Hi Brian,

I have attached responses to the request for technical changes and the revised rule. Please let me know if you have any further questions on this rule.

Regards,  
Virginia

**Virginia R. Niehaus, JD, MPH**  
Director of Regulatory and Legal Affairs  
Division of Public Health  
[NC Department of Health and Human Services](#)  
Pronouns: she/her/hers

Executive Assistant: [Michelle Zarate](#)

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1 15A NCAC 18A .1511 is readopted as published in 37:23 NCR 2172-2173 as follows:

2

3 **15A NCAC 18A .1511 WATER SUPPLY**

4 (a) Water supplies at local confinement facilities shall meet the requirements in 15A NCAC 18C or 15A NCAC 18A  
5 .1700. .1700, as applicable.

6 (b) In local confinement facilities that use a non-community water system, [supply,] as defined at G.S. 130A-313(10),  
7 a sample of water shall be collected by the Department of Health and Human Services At least once a year, year and  
8 submitted to the North Carolina State Laboratory of Public Health or other laboratory certified by the North Carolina  
9 State Laboratory of Public Health under 10A NCAC 42C [41C] .0102 a sample of water shall be collected by the  
10 Department and submitted to the Division of Laboratory Services or other laboratory certified by the Department to  
11 perform bacteriological examinations.

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

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

18

19 *History Note: Authority G.S. 153A-226;*

20 *Eff. February 1, 1976;*

21 *Readopted Eff. December 5, 1977;*

22 *Amended Eff. September 1, 1990. 1990;*

23 *Readopted Eff. October 1, 2023.*

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

AGENCY: N.C. Commission for Public Health

RULE CITATION: 15A NCAC 18A .1511

**DEADLINE FOR RECEIPT: Friday, September 15, 2023.**

***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 (a), line 4, is "local confinement facility" defined?*

*Yes. This is defined at 15A NCAC 18A .1501(1).*

*In (a), line 4, is there a particular section of 15A NCAC 18C that the facility needs to comply with? That's a large subchapter.*

*This is intended to capture a connection to a compliant public water supply (set out on under subchapter 18C).*

*In (b), line 6, the statutory term used in 130A-313(10) is "non-community water system" not "supply".*

*We made this change.*

*In (b), line 9, I think the reference to 10A NCAC 41C .0102 is incorrect. That rule governs the activities of the Occupational Health Section and does not mention laboratory certification.*

*We have corrected this to 10A NCAC 42C .0102.*

*In (d), I think you could combine the sentences and make them a bit clearer: "Local confinement facilities shall provide water heating facilities, and shall provide hot and cold running water under pressure to carry out all operations."*

*We made this change.*

*In (d), line 16-17, what do you mean by "all operations"? I suppose it's probably obvious, but what is the intent here?*

Brian Liebman  
Commission Counsel

Date submitted to agency: September 1, 2023

*This is intended to be comprehensive of all operations that require water, including cleaning, food preparation, and hygiene.*

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

Brian Liebman  
Commission Counsel  
Date submitted to agency: September 1, 2023

## Burgos, Alexander N

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**From:** Liebman, Brian R  
**Sent:** Friday, September 1, 2023 4:13 PM  
**To:** Niehaus, Virginia  
**Cc:** Vail, Nathan T; Burgos, Alexander N  
**Subject:** RE: 15A NCAC 18A .1511 CPH Request for Changes - September 2023 RRC

You too!

Brian Liebman  
Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
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brian.liebman@oah.nc.gov

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**From:** Niehaus, Virginia <virginia.niehaus@dhhs.nc.gov>  
**Sent:** Friday, September 1, 2023 4:12 PM  
**To:** Liebman, Brian R <brian.liebman@oah.nc.gov>  
**Cc:** Vail, Nathan T <Nathan.Vail@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>  
**Subject:** RE: 15A NCAC 18A .1511 CPH Request for Changes - September 2023 RRC

Hi Brian,

Thank you for your feedback on this rule and the information regarding 10A NCAC 41A .0107. We will review the request for changes and respond by September 15.

I hope you have a nice holiday weekend!

Virginia

**Virginia R. Niehaus, JD, MPH**  
Director of Regulatory and Legal Affairs  
Division of Public Health  
[NC Department of Health and Human Services](#)  
Pronouns: she/her/hers

Executive Assistant: [Michelle Zarate](#)

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**From:** Liebman, Brian R <[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)>  
**Sent:** Friday, September 1, 2023 3:40 PM  
**To:** Niehaus, Virginia <[virginia.niehaus@dhhs.nc.gov](mailto:virginia.niehaus@dhhs.nc.gov)>  
**Cc:** Vail, Nathan T <[Nathan.Vail@dhhs.nc.gov](mailto:Nathan.Vail@dhhs.nc.gov)>; Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>  
**Subject:** 15A NCAC 18A .1511 CPH Request for Changes - September 2023 RRC

Good afternoon,

I'm the attorney who reviewed the Rules submitted by CPH for the September 2023 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, September 21, 2023, at 9:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an invite should be sent to you as we get closer to the meeting. If there are any other representatives from your agency who will want to attend virtually, let me know prior to the meeting, and we will get invites out to them as well.

Please submit the revised Rules and forms to me via email, no later than 5 p.m. on Friday, September 15, 2023. Please note that as 10A NCAC 41A .0107 is a repeal, I have no requests for changes and will recommend approval of that Rule to the Commission.

In the meantime, please do not hesitate to reach out via email with any questions or concerns.

Thanks,

Brian

Brian Liebman  
Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984)236-1948  
[brian.liebman@oah.nc.gov](mailto:brian.liebman@oah.nc.gov)

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