

REQUEST FOR TECHNICAL CHANGE

AGENCY: Commission for Public Health

RULE CITATION: 15A NCAC 18C .1305

DEADLINE FOR RECEIPT: Friday, December 6, 2018

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:

On the Submission for Permanent Rule Form, please correct the Rule number to .1305 (currently it reads .305.) Also, please correct the Notice of Text publication date to May 15, 2018.

In (a)(1) and (a)(2), how is the determination made as to what the source susceptibility rating will be (i.e., "higher" or "moderate")? Is this set forth elsewhere in rule or statute? Also, would it be appropriate for "higher" and "moderate" to be in quotations since it appears to be a defined term?

Is the intent of (a)(2) to say that it will apply if a water system has multiple sources of supply and at least one of those sources has a susceptibility rating of "higher"? I'm not sure that a change is necessary, I just want to be sure that I understand.

Who is the Department here? The rest of the Section appears to reference the Division? Please review and clarify if needed.

Upon a quick glance, it appears as though 15A NCAC 02B .0200 is under the authority of the EMC. If the intent is to incorporate these standards by reference, please do so in accordance with 150B-21.6 if it hasn't already been done elsewhere in these Rules.

Why is (c)(7)(B) worded differently than the rest of the Paragraph? (c)(7)(B) says "suppliers shall notify..." Would it be appropriate to say something like "notification of any other..." to match the rest of the Paragraph?

In (d)(1), what is considered to be "all associated documentation"?

The introduction in (d) doesn't seem to go with (d)(1) through (3). Would it be appropriate to make (d)(1), (d)(2), and (d)(3) their own Paragraphs?

Amber May
Commission Counsel
Date submitted to agency: Monday November 26, 2018

In (d)(3), what are the requirements associated with the revision? For example, when is a revision required? How often? The remainder of this Rule appears to go to the initial requirements of the SWPP.

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: Monday November 26, 2018

1 15A NCAC 18C .1305 is adopted as published in 32:22 NCR 2494 with changes as follows:

3 **15A NCAC 18C .1305 SOURCE WATER PROTECTION PLANNING**

5 (a) In compliance with G.S. 130A-320, every supplier of water operating a public water system treating and furnishing
6 water from a surface water source shall create and implement a Source Water Protection Plan (SWPP) based upon the
7 following schedule:

- 8 (1) Water systems that have a single source of supply and a source susceptibility rating of higher or
9 moderate, as determined by the Department, shall create and implement a SWPP by January 1,
10 20202021.
- 11 (2) Water systems that have multiple sources of supply and any source susceptibility rating of higher,
12 as determined by the Department, shall create and implement a SWPP by January 1, 20212022.
- 13 (3) All other water systems treating and furnishing water from surface water sources shall create and
14 implement an SWPP by January 1, 20222023.
- 15 (4) Any public water system that begins treating and furnishing water from a surface water source on
16 or after January 1, 20202021 shall create and implement a SWPP that satisfies the requirements of
17 this Rule prior to the commencement of its operations.

18 (b) Any public water system required to create and implement a SWPP in accordance with this Rule shall review and
19 update their SWPP at three year intervals from the creation deadline specified in Paragraph (a) of this Rule. ~~(a).~~

20 (c) Each SWPP shall contain the following elements:

- 21 (1) A list of potential contaminant sources (PCSs), both provided by the Department and identified by
22 the water system, located in the following ~~watershed~~ areas as defined in Classifications and Water
23 Quality Standards Applicable to Surface Water and Wetland of North Carolina, 15A NCAC 02B
24 2B .0200; .0212—.0218:
 - 25 (A) within the entire watershed for waters classified as WS-I; ~~WS-I watersheds;~~
 - 26 (B) within the critical area and 1,000 feet from perennial streambanks within the protected area
27 or to the ridge line of the watershed for waters classified as WS-II and WS-III; ~~WS-III~~
28 ~~watersheds;~~
 - 29 (C) within the critical area and 1,000 feet from perennial streambanks, or to the ridge line of
30 the watershed, of within the protected area for waters classified as WS-IV; ~~WS-IV~~
31 ~~watersheds;~~
 - 32 (D) within ½ mile from the normal pool elevation in which the intake is located, or to the ridge
33 line of the watershed, whichever comes first, for a reservoir within waters classified as WS-
34 V; ~~a WS-V watershed;~~ and
 - 35 (E) within ½ mile, measured as a straight line, upstream from and draining to the intake located
36 directly in the stream or river, or to the ridge line of the watershed, whichever comes first,
37 for a direct-stream intake within waters classified as WS-V. ~~a WS-V watershed.~~

- (2) For community water systems, a contingency strategy that documents the system's planned response to an emergency event or contamination of its water source(s) that includes the following:
- (A) identification and contact information of personnel responsible for emergency management, including water system, local, State, and federal emergency response personnel;
 - (B) identification of foreseeable natural and human-caused emergency events including water shortages and outages;
 - (C) description of the emergency response strategies for each identified shortage or outage event and each potential contamination event associated with PCSs identified and listed in Subparagraph (c)(1) of this Rule;
 - (D) standard operating procedures to close intakes and switch to an alternate intake during a contamination event, including procedures that outline exercises designed to practice closure and switching of the intake(s);
 - (E) description of public notification procedures; and
 - (F) identification and evaluation of all facilities and equipment that upon failure would result in a water outage or ~~water quality~~ violations of the Rules Governing Public Water Systems, 15A NCAC 18C.
- (3) For non-transient, non-community water systems, the contingency strategy shall contain the positions and phone numbers of responsible persons to contact in the event of an emergency, including water system, local, State, and federal emergency contacts.
- (4) An evaluation of a water system's ability to take the following actions:
- (A) close its water intake(s) in the event of contamination, including a determination of the duration of time the water intake(s) can remain closed while maintaining positive water pressure within the distribution system;
 - (B) isolate or divert contaminated water from its surface water intake(s);
 - (C) reduce demand by implementing conservation measures during a contamination event. For water systems required to prepare a Water Shortage Response Plan under 15A NCAC 02E .0607, the Water Shortage Response Plan can be referenced to fulfill this requirement; and
 - (D) meet demand via alternate sources of supply in the event of contamination or loss of its primary water source.
- (5) Verification of outreach efforts provided to the owners of the PCSs identified in Subparagraph (c)(1) of this Rule to raise awareness of the proximity of the drinking water intake(s) and provide emergency contact information for use during a contamination event.
- (6) A description of proactive activities and management strategies designed to protect the source(s) from contamination, including documentation of any voluntary source water protection activities that have been implemented by the water system.
- (7) Description of public awareness communication efforts that include the following:

- 1 (A) publication of the emergency and source water protection planning status, the next revision
2 date, and a reference to this Rule in the community water system's annual Consumer
3 Confidence Report, as required by 15A NCAC 18C .1538; and
- 4 (B) suppliers shall notify any other public water system to which the system is directly
5 interconnected of the contingency strategy set forth in Subparagraph (c)(2) of this Rule. A
6 description of this communication shall be maintained in the SWPP.
- 7 (d) Each water system shall maintain and verify completion or revision of its SWPP as follows:
- 8 (1) A copy of the current SWPP shall remain onsite at each water treatment facility and be made
9 available to personnel responsible for emergency management and operator(s) on duty at all times.
10 The SWPP and all associated documentation regarding its creation and implementation shall be
11 available for review by Section staff upon request.
- 12 (2) ~~An authorized representative of the~~ The supplier of water system shall certify that a SWPP has been
13 created and implemented, and that the water system's governing body has been advised of the SWPP
14 creation and implementation. The certification shall be submitted to the Department by the deadline
15 specified in Paragraph (a) of this Rule.
- 16 (3) ~~An authorized representative of the~~ The supplier of water system shall certify that a SWPP has been
17 revised and that the water system's governing body has been advised of the revision. The
18 certification shall be submitted to the Department by the revision deadline specified in Paragraph
19 (b) of this Rule.

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21 *History Note: Authority G.S.130A-315; 130A-320(c);*
22 *Eff. January 1, 2019.*
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