

## SUBCHAPTER 18C - WATER SUPPLIES

### SECTION .0100 - PUBLIC WATER SUPPLY DEFINITIONS

Rules .0101 - .0102 of Title 15A Subchapter 18C of the North Carolina Administrative Code (T15A.18C .0101 - .0102); has been transferred and recodified from Rules .0701 - .0702 Title 10 Subchapter 10D of the North Carolina Administrative Code (T10.10D .0701 - .0702), effective April 4, 1990.

#### 15A NCAC 18C .0101 PURPOSE AND SCOPE

*History Note:* Authority G.S. 130A-315;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Amended Eff. October 1, 1984; September 1, 1979; January 1, 1978;  
Repealed Eff. September 1, 1990.

#### 15A NCAC 18C .0102 DEFINITIONS

(a) The definitions contained in G.S. 130A-2, G.S. 130A-290, and G.S. 130A-313 shall apply to this Subchapter.

(b) The definitions contained in 40 C.F.R. 141.2 are hereby incorporated by reference including any subsequent amendments and editions except the following definitions are not adopted:

- (1) "Contaminant;"
- (2) "Maximum contaminant level;"
- (3) "Person;"
- (4) "Public Water System;" and
- (5) "Supplier of water."

Copies of governing federal regulations may be obtained at no cost from the United States Environmental Protection Agency's (USEPA) homepage at <http://water.epa.gov/lawsregs/rulesregs/sdwa/index.cfm> or from the USEPA's Drinking Water Hotline at 1-800-426-4791.

(c) In addition to the definitions referred to in Paragraph (a) and (b) of this Rule, the following definitions shall apply to this Subchapter:

- (1) "Act" means the North Carolina Drinking Water Act.
- (2) "Air gap" means the unobstructed vertical distance through free atmosphere between the lowest effective opening from any pipe or faucet conveying a water or waste to a tank, plumbing fixture, receptor, or other assembly and the flood level rim of the receptacle. These vertical, physical separations shall be at least twice the effective opening of the water supply outlet, never less than one inch (25 mm) above the receiving vessel flood rim.
- (3) "Backflow" means the undesirable reversal of flow of a liquid, gas, or other substance in a potable water distribution piping system as a result of a cross-connection.
- (4) "Backflow preventer" means an assembly, device, or method that prohibits the backflow of water into potable water supply systems.
- (5) "Class I reservoir" means a reservoir from which water flows by gravity or is pumped directly to a treatment plant or to a small intervening storage basin and thence to a treatment plant.
- (6) "Class II reservoir" means a reservoir from which the water flows by gravity or is pumped to a Class I reservoir prior to final entrance to a water treatment plant.
- (7) "Class III reservoir" means an impoundment used for electric power generation, flood control and similar purposes, and that serves as a source of raw water for a community water system.
- (8) "Cross-connection" means:
  - (A) any physical connection between a potable water supply system and any other piping system, sewer fixture, container, or device, whereby water or other liquids, mixtures, or substances may flow into or enter the potable water supply system;
  - (B) any potable water supply outlet that is submerged or is designed or intended to be submerged in non-potable water or in any source of contamination; or
  - (C) an air gap, that does not meet the requirements set forth in Subparagraph (2) of this Paragraph.
- (9) "Community Water System intake" means the structure at the head of a conduit into which water is diverted from a stream or reservoir for transmission to a water treatment facility.

- (10) "Division" means the Department of Environmental Quality, Division of Water Resources.
- (11) "Fecal Coliform" means bacteria that serve as indicators of recent fecal contamination. Fecal Coliforms include the Family Enterobacteriaceae, Genus Escherichia, Species coli.
- (12) High-Health Hazard: A cross-connection or potential cross-connection involving any substance that could, if introduced into the potable water supply, cause illness or death, spread disease, or have a high probability of causing such effects.
- (13) Low-Health Hazard: A cross-connection or potential cross-connection involving any substance that generally would not be a health hazard but would constitute a nuisance or be aesthetically objectionable if introduced into the potable water supply.
- (14) "Mobile Home Park" means a site or tract of land where spaces are provided for lease or rental only for the placement of mobile homes.
- (15) "Mobile home subdivision" means a subdivided site or tract of land in which lots are sold for the placement of mobile homes.
- (16) "Non-potable water supply" means waters not approved for drinking or other household uses.
- (17) "Non-regulated public water system" means a public water system that meets the exclusion conditions set forth in G.S. 130A-314.
- (18) "Potable water supply" means water approved for drinking and other household uses.
- (19) "Raw water" means surface water or groundwater that because of bacteriological quality, chemical quality, turbidity, color, or mineral content makes it unsatisfactory as a source for a community water system without treatment.
- (20) "Raw water reservoir" means a natural or artificial impoundment used for the primary purpose of storing raw water to be subsequently treated for use as a source of water for a community water system.
- (21) "Service connection" means a piped connection from a water main for the purpose of conveying water to a building or onto premises for human use. A service connection begins:
  - (A) at the point downstream of a service meter; or
  - (B) for unmetered service, at the point of connection to the potable water supply system.
- (22) "Water supply product" means any chemical or substance added to a public water system in conjunction with a treatment technique or material used in construction of a public water system. The term includes any material used in the manufacture of public water system components, appurtenances, pipe, storage tank, or valve that comes in contact with water intended for use in a public water system.

*History Note: Authority G.S. 130A-311 through 130A-327; P.L. 93-523; 40 C.F.R. 141.2; Eff. January 1, 1977; Readopted Eff. December 5, 1977; Amended Eff. April 1, 2014; July 1, 1994; August 1, 1991; January 1, 1991; September 1, 1990; Readopted Eff. July 1, 2019.*

## **SECTION .0200 – LOCATION OF SOURCES OF PUBLIC WATER SUPPLIES**

### **15A NCAC 18C .0201 SURFACE SUPPLIES FOR PUBLIC WATER SYSTEMS**

- (a) A surface supply may be used for a community or a non-transient, non-community water system with disinfection and without filtration if it complies with the provisions of this Section and Rule .2005 of this Subchapter.
- (b) Such water supply shall be derived from uninhabited wooded areas.
- (c) The entire watershed shall be either owned or controlled by the person supplying the water or be under the control of the federal or state government; however, no such new water supply shall be created except where the water system owner shall own in its entirety the watershed from which the water will be obtained.
- (d) The water after disinfection shall be of potable quality as determined by bacteriological and chemical tests performed by a certified laboratory. The presence of contaminants shall not exceed the limits set forth in Section .1500 of this Subchapter.
- (e) The water source shall have a WS-I classification as established by the Environmental Management Commission and shall meet the quality standards for that classification, codified in 15A NCAC 02B. Copies are available for public inspection as set forth in Rule .0102 of this Subchapter.

*History Note: Authority G.S. 130A-315; 130A-318; P.L. 93-523; Eff. January 1, 1977; Readopted Eff. December 5, 1977;*

*Amended Eff. April 1, 2014; July 1, 1994; February 1, 1987; September 1, 1979;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23,  
2015.*

### **15A NCAC 18C .0202 SURFACE SUPPLIES FROM CLASSIFIED WATERSHEDS**

Any surface water that is to receive treatment for removal of dissolved matter or suspended matter in order to be used for a public water system shall be obtained from a source that meets the WS-I, WS-II, WS-III, WS-IV or WS-V stream classification standards established by the Environmental Management Commission codified in 15A NCAC 02B. Copies are available for public inspection as set forth in Rule .0102(a) of this Subchapter.

*History Note: Authority G.S. 130A-315; 130A-318; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Amended Eff. April 1, 2014; July 1, 1994; September 1, 1990; February 1, 1987; September 1, 1979;  
Readopted Eff. July 1, 2019.*

### **15A NCAC 18C .0203 PUBLIC WELL WATER SUPPLIES**

(a) A site or sites for a water supply well to be used as a community or non-transient, non-community water system shall be investigated by an authorized representative of the Department prior to approval. Approval by the Department is required in addition to any approval or permit issued by any other state agency. The site shall meet the following requirements at the time of approval:

- (1) The well shall be located on a lot so that the area within 100 feet of the well is owned or controlled by the person supplying the water. The supplier of water shall be able to protect the well lot from potential sources of pollution and to construct landscape features for drainage and diversion of pollution.
- (2) The minimum horizontal separation between the well and known potential sources of pollution shall be as follows:
  - (A) 100 feet from any sanitary sewage disposal system, sewer, or a sewer pipe unless the sewer is constructed of water main materials and joints, in which case the sewer pipe shall be at least 50 feet from the well;
  - (B) 200 feet from a subsurface sanitary sewage treatment and disposal system designed for 3000 or more gallons of wastewater a day flows, unless the well water source is from a confined aquifer;
  - (C) 500 feet from a septage disposal site;
  - (D) 100 feet from buildings, mobile homes, permanent structures, animal houses or lots, or cultivated areas to which chemicals are applied;
  - (E) 100 feet from surface water;
  - (F) 100 feet from a chemical or petroleum fuel underground storage tank with secondary containment;
  - (G) 500 feet from a chemical or petroleum fuel underground storage tank without secondary containment;
  - (H) 500 feet from the boundary of a ground water contamination area;
  - (I) 500 feet from a sanitary landfill or non-permitted non-hazardous solid waste disposal site;
  - (J) 1000 feet from a hazardous waste disposal site or in any location that conflicts with the North Carolina Hazardous Waste Management Rules cited as 15A NCAC 13A;
  - (K) 300 feet from a cemetery or burial ground; and
  - (L) 100 feet from any other potential source of pollution.
- (3) The Department may require greater separation distances or impose other protective measures if necessary to protect the well from pollution, taking into consideration factors such as:
  - (A) the hazard or health risk associated with the source of pollution;
  - (B) the proximity of the potential source to the well;
  - (C) the type of material, facility, or circumstance that poses the source or potential source of pollution;
  - (D) the volume or size of the source or potential source of pollution;
  - (E) hydrogeological features of the site that could affect the movement of contaminants to the source water;
  - (F) the effect that well operation might have on the movement of contamination; and
  - (G) the feasibility of providing additional separation distances or protective measures.

- (4) The lot shall be graded or sloped so that surface water is diverted away from the wellhead. The well shall not have greater than a one percent annual chance of flooding.
  - (5) If a supplier of water demonstrates that it is impracticable, taking into consideration feasibility and cost, to locate water from any other approved source and an existing well can no longer provide water that meets the requirements of this Subchapter, a representative of the Division may approve a variance for a smaller well lot and reduced separation distances to meet existing demands. Additional monitoring under this Part or other conditions shall be imposed if necessary to mitigate the increased risk from the variance.
- (b) The Division of Water Resources may grant a variance from the minimum horizontal separation distances for public water supply wells set out in Parts (a)(2)(D) and (E) of this Rule.
- (1) Such variance shall require the following findings:
    - (A) the well supplies water to a non-community water system as defined in G.S. 130A-313(10)(b) or supplies water to a business or institution, such as a school, that has become a non-community water system through an increase in the number of people served by the well;
    - (B) it is impracticable, taking into consideration feasibility and cost, for the public water system to comply with the minimum horizontal separation distance set out in Parts (a)(2)(D) and (E) of this Rule;
    - (C) there is no reasonable alternative source of drinking water available to the public water supply system and;
    - (D) the granting of the variance will not result in an unreasonable risk to public health.
  - (2) Such variance shall require that the non-community public water supply well meet the following requirements:
    - (A) the well shall comply with the minimum horizontal separation distances set out in Parts (a)(2)(D) and (E) of this Rule to the maximum extent practicable;
    - (B) the well shall meet a minimum horizontal separation distance of 25 feet from a building, mobile home, or other permanent structure that is not used primarily to house animals;
    - (C) the well shall meet a minimum horizontal separation distance of 100 feet from any animal house or feedlot and from cultivated areas to which chemicals are applied;
    - (D) the well shall meet a minimum horizontal separation distance of 50 feet from surface water; and
    - (E) the well shall comply with all other requirements for public well water supplies set out in Paragraph (a) of this Rule.

*History Note: Authority G.S. 130A-315; 130A-318; P.L. 93-523; S.L. 2011-394; Eff. January 1, 1977; Readopted Eff. December 5, 1977; Amended Eff. July 7, 2014; July 1, 1994; September 1, 1990; September 1, 1979; Readopted Eff. July 1, 2019.*

#### **SECTION .0300 - SUBMISSION OF PLANS: SPECIFICATIONS: AND REPORTS**

Rules .0301 - .0308 of Title 15A Subchapter 18C of the North Carolina Administrative Code (T15A.18C .0301 - .0308); has been transferred and recodified from Rules .0901 - .0908 Title 10 Subchapter 10D of the North Carolina Administrative Code (T10.10D .0901 - .0908), effective April 4, 1990.

#### **15A NCAC 18C .0301 APPLICABILITY: PRIOR NOTICE**

- (a) All persons, including units of local government, intending to construct, alter, or expand a community or non-transient, non-community water system shall give written notice thereof, including submission of applicable Water System Management Plan, engineering reports, and engineering plans and specifications to the Department, as required by the rules of this Section. Any construction, alteration, or expansion which affects capacity, hydraulic conditions, operating units, the functioning of water treatment processes or the quality of water to be delivered shall require submission of the documents described in this Paragraph. A non-community water system using surface water or ground water under the direct influence of surface water shall be subject to the provisions of this Rule. Non-transient, non-community water systems shall not be subject to the provisions of this Rule unless constructed, altered, or expanded on or after July 1, 1994.
- (b) Water System Management Plan and Engineer=s Report shall be submitted to the Department at least 60 days prior to the date upon which action by the Department is desired.

(c) All reports, other than those in Paragraph (b) of this Rule, engineering plans and specifications and other data intended for approval shall be submitted to the Department at least 30 days prior to the date upon which action by the Department is desired.

(d) If revisions to the Water System Management Plan are necessary, the system applicant will be notified. A revised Water System Management Plan will constitute a resubmittal and additional time will be required for review.

(e) If revisions to the engineering plans or specifications are necessary, the engineer who prepared them will be notified. Revised engineering plans and specifications will constitute a resubmittal and additional time will be required for review.

*History Note: Authority G.S. 130A-315; 130A-317; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Amended Eff. July 1, 1994; September 1, 1990; March 1, 1989; June 30, 1980; September 1, 1979;  
Temporary Amendment Eff. October 1, 1999;  
Amended Eff. August 1, 2000;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .0302 SUBMITTALS**

(a) All plans, specifications, reports, or other data shall be submitted in triplicate for review by the Public Water Supply Section, Division of Water Resources at 512 N Salisbury Street, Room 1304A, Raleigh NC 27604-1170, or 1634 Mail Service Center, Raleigh NC 27699-1634.

(b) Engineering plans shall consist of legible prints having black, blue, or brown lines on a white background suitable for microfilming. The engineering plans shall not be more than 36 inches wide and 48 inches long and not be less than 11 inches wide and 17 inches long.

(c) An applicant subject to G.S. 143-355(1) shall submit three copies of the adopted Local Water Supply Plan. If information required in the Engineer's Report or the Water System Management Plan is included in an adopted Local Water Supply Plan, a submittal to the Department may incorporate this information by referencing the location in the adopted Local Water Supply Plan.

(d) Existing systems that have previously submitted an Engineer's Report and a Water System Management Plan in accordance with Rule .0307 of this Section shall document any changes either as revised reports and plans or addendums.

*History Note: Authority G.S. 130A-315; 130A-317; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Amended Eff. July 1, 1994; December 1, 1991; September 1, 1990; June 30, 1980; September 1, 1979;  
Temporary Amendment Eff. October 1, 1999;  
Amended Eff. April 1, 2014; August 1, 2000;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .0303 SUBMISSIONS REQUIRED BY ENGINEER AND APPLICANT**

(a) Detailed Engineer's Reports and engineering plans and specifications shall be prepared by a professional engineer licensed to practice in the State of North Carolina. These documents shall bear an imprint of the registration seal of the engineer. Upon completion of the construction or modification, the applicant shall submit a certification statement signed and sealed by a registered professional engineer stating that construction was completed in accordance with approved engineering plans and specifications, including any provisions stipulated in the Department's plan approval letter or authorization to construct letter, and revised only in accordance with the provisions of Rule .0306 of this Section. The statement shall be based upon observations during and upon completion of construction by the engineer or a representative of the engineer's office who is under the engineer's supervision.

(b) A Water System Management Plan as required in Paragraph (c) of Rule .0307 of this Section shall include a signed certification stating that the information submitted is true, accurate, and complete. This certification shall be in accordance with Paragraph (d) of this Rule.

(c) The applicant shall submit a signed certification, prior to Final Approval, stating that the requirements in Paragraph (d) (Operation and Maintenance Plan) and Paragraph (e) (Emergency Management Plan) of Rule .0307 of this Section have been

satisfied, and that the system will have a certified operator as required by Section .1300 of this Subchapter prior to operation. This certification shall be in accordance with Paragraph (d) of this Rule.

(e) The certifications required in Paragraphs (b) and (c) of this Rule shall be provided on a form provided by the Department and shall be signed by the following individual or his duly authorized representative:

- (1) for a corporation, limited liability company, home owner association or a non-profit organization: a president, vice president, secretary, or treasurer;
- (2) for a partnership or sole proprietorship: by a general partner or the proprietor; or
- (3) for a municipality, State, Federal or other agency: by either a principal executive officer or ranking elected official.

*History Note: Authority G.S. 130A-315; 130A-317; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Amended Eff. July 1, 1994; December 1, 1987; September 1, 1979;  
Temporary Amendment Eff. October 1, 1999;  
Amended Eff. August 1, 2000;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .0304 APPLICATION FOR APPROVAL: BY WHOM MADE**

Applications for approval shall be filed by the current owner on blanks which will be supplied by the Department. If ownership changes before Final Approval, the new owner shall submit a new Water System Management Plan in accordance with Rule .0307 of this Section.

*History Note: Authority G.S. 130A-315; 130A-317; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Amended Eff. September 1, 1990;  
Temporary Amendment Eff. October 1, 1999;  
Amended Eff. August 1, 2000;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .0305 APPROVALS NECESSARY BEFORE CONTRACTING OR CONSTRUCTING**

(a) No construction shall be undertaken, and no contract for construction, alteration, or installation shall be entered into, unless the Department determines the system complies with G.S. 130A-317(c) and the Department issues the authorization to construct letter. This authorization shall be issued following completion and submittal of the Engineer's Report and Water System Management Plan, as specified in Rule .0307(b) and (c) of this Section, and approval of the engineering plans and specifications by the Department. Authorization to construct from the Department shall be valid for 36 months from the date of the letter. Authorization to construct may only be extended if the rules governing a public water supply and site conditions have not changed since the letter was issued. The authorization to construct and the approval for engineering plans and specifications letters from the Department shall be posted at the primary entrance of the job site during construction.

(b) Upon request, permission to drill test wells at approved sites in order to establish the quality and quantity of the ground water shall be granted by the Department prior to completion and submittal of the Engineer's Report and Water System Management Plan and approval of engineering plans and specifications. All wells abandoned, either temporarily or permanently, shall be abandoned in accordance with 15A NCAC 02C .0113 (Well Construction Standards) and all local ordinances.

(c) Units of local government that have an adopted water system extension program pursuant to Section .1800 of this Subchapter, upon submission to and approval of their program by the Department, shall be excluded from the requirements of submitting engineering plans and specifications for water main extensions that would not have adverse effect upon the existing system supply or pressure, provided the following requirements are met:

- (1) Engineering plans and specifications for all such extensions shall be prepared by or under the direct supervision of an engineer licensed to practice in the State of North Carolina.
- (2) All engineering plans shall be approved by the unit of local government's engineering department or its consulting engineers prior to the commencement of construction.

- (3) The Department shall have approved the extension program submitted by the unit of local government prior to construction commencing.
- (4) The extension program submitted for review and approval by the Department shall provide for establishing ownership, operation, and maintenance of water system extensions and shall constitute prior notice of proposed construction.
- (5) Where design is to be based on a local government's standard specifications in lieu of written separate specifications for each extension project, the standard specifications shall have been previously approved by the Department.
- (6) The local government shall have obtained from the Department a letter stating they have met the requirements set forth in Section .1800 of this Subchapter.
- (7) An annual up-to-date plan of the entire public water system shall be maintained by the supplier of water and made available on request by the Department.

*History Note: Authority G.S. 130A-315; 130A-317; P.L. 93-523;  
 Eff. January 1, 1977;  
 Readopted Eff. December 5, 1977;  
 Amended Eff. July 1, 1994; September 1, 1990; September 1, 1979;  
 Temporary Amendment Eff. October 1, 1999;  
 Amended Eff. August 1, 2000;  
 Readopted Eff. July 1, 2019.*

**15A NCAC 18C .0306 CHANGES IN ENGINEERING PLANS OR SPECIFICATIONS AFTER APPROVAL**

Deviations from the approved engineering plans and specifications or changes in site conditions affecting capacity, hydraulic conditions, operating units, the functioning of water treatment processes, the quality of water to be delivered, or any provisos stipulated in the Department's original and subsequent letters of approval must be approved by the Department before any construction or installation. Revised engineering plans and specifications shall be submitted in time to permit the review and approval of such plans or specifications before any construction work affected by such deviations is begun. The Secretary may seek injunctive relief under G.S. 130A-18, assess an administrative penalty under G.S. 130A-22(b), or revoke or suspend engineering plan approval under G.S. 130A-23 for any violation of this Rule.

*History Note: Authority G.S. 130A-315; 130A-317; P.L. 93-523;  
 Eff. January 1, 1977;  
 Readopted Eff. December 5, 1977;  
 Amended Eff. November 1, 1987;  
 Temporary Amendment Eff. October 1, 1999;  
 Amended Eff. August 1, 2000;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

**15A NCAC 18C .0307 ENGINEER'S REPORT, WATER SYSTEM MANAGEMENT PLAN AND OTHER PLANS**

- (a) The applicant shall submit to the Department an Engineer's Report and Water System Management Plan.
- (b) Engineer's Report. The Engineer's Report shall contain a system description for the entire project, including scheduled phase development and the following information, where applicable:
  - (1) description of all existing water systems related to this project;
  - (2) identification of the municipality, community, area, or facility to be served by the proposed water system;
  - (3) the name and address of the applicant;
  - (4) a description of the nature of the establishments and of the area to be served by the proposed water system;
  - (5) a description of the future service areas of the public water system for 5, 10, 15 and 20 years;
  - (6) consideration of alternative plans for meeting the water supply requirements of the area, including, for new systems, obtaining water service from an existing system;
  - (7) for applicants seeking State loan or grant support for the project, financial considerations, including:
    - (A) technical alternatives;
    - (B) the costs of integral units; and
    - (C) the total costs.

- (8) population records and trends, present and anticipated future water demands, and present and future yield of source or sources of water supply, including provisions to supply water to other systems;
  - (9) character of source or sources of water supply, including:
    - (A) hydrological or hydrogeological data;
    - (B) stream flow rates or well yields;
    - (C) for surface sources, analytical results for chemical, mineral, bacteriological, and physical qualities; and
    - (D) the location and nature of sources of pollution.
  - (10) proposed water treatment processes, including:
    - (A) the criteria and basis of design of units;
    - (B) the methods or procedures used in arriving at recommendations; and
    - (C) the reasons or justifications for any deviations from conventional or indicated process or method.
  - (11) for purchased water, a copy of the agreement with the supplier and the hydraulic analysis showing the supplier's capabilities for supplying the purchased water;
  - (12) a description of the design basis of the source, treatment, and distribution system, and the useful life of all sources, treatment, and transmission facilities including pipes, pumping stations, and storage facilities;
  - (13) for existing system projects intending to alter or expand a distribution system, a statement of maximum daily treated water supply and maximum daily demand, including supporting documentation and calculations; and
  - (14) for existing systems, a prioritized list of infrastructure improvements.
- (c) Water System Management Plan. The Water System Management Plan shall document the ability to finance, operate, and manage the system in accordance with this Subchapter for the current owner and for any entity that assumes ownership of the water system within the first 24 months of operation. The Water System Management Plan shall include the following information, where applicable:
- (1) Organization:
    - (A) a description of organizational structure or a chart showing all aspects of water system management and operation;
    - (B) an identification of positions responsible for policy decisions ensuring compliance with State rules and the day-to-day operation of the system; and
    - (C) a copy of all contracts for management or operation of the water system by persons or agencies other than the system's owner.
  - (2) Ownership:
    - (A) identify the ownership structure, such as sole proprietor, partnership, corporation, limited liability company, homeowner association, nonprofit organization, local government unit, state or federal agency, or other legal entity, and disclose if the ownership of the system is expected to change once the system is constructed and, if known, identify the future owners;
    - (B) provide the mailing address and street address of the owner and the physical location of the water system;
    - (C) disclose any encumbrances, trust indentures, bankruptcy decrees, legal orders or proceedings, or other items that may affect or limit the owner's control over the system and describe how compliance with the requirements of this Subchapter will be maintained; and
    - (D) describe the legal authority, such as ownership, leases or recorded easements, allowing inspection, repair, and maintenance of system components.
  - (3) Management qualifications:
    - (A) describe the qualifications of the owners and managers of the water system, including training and experience in owning or managing a water system; and
    - (B) provide the name and Public Water Supply Identification Number of all public water systems owned within the last five years as well as all systems operated under contract for another owner within the last five years. If any system has been assessed a penalty for violating a requirement set forth in this Subchapter, describe how the owner will prevent similar violations at this system.
  - (4) Management training. Describe plans to keep management current with regulatory requirements for managing and operating a public water system.
  - (5) Policies. The system shall have policies regarding the following procedures:
    - (A) cross-connection control;
    - (B) customer information, complaints, and public education;



- (C) budget development and rate structure;
  - (D) response and notification if water quality violations occur;
  - (E) customer connection, disconnection, billing, and collection; and
  - (F) safety procedures.
- (6) System monitoring, reporting and record keeping. The applicant shall provide:
- (A) a summary of the applicable system monitoring and reporting requirements; and
  - (B) a description of procedures for keeping and compiling records and reports in accordance with this Subchapter.
- (7) Financial Plans. The plan shall contain the following financial information, where applicable:
- (A) Units of Local Government:
    - (i) For projects that require the unit of local government to incur debt, the unit of local government shall submit a statement from the Local Government Commission stating that debt issue has been approved.
    - (ii) For projects that do not require the unit of local government to incur debt, the unit of local government shall submit the following:
      - (I) a statement from the unit of local government documenting that they are in compliance with G. S. 159, Article 3, The Local Government Budget and Fiscal Control Act; and
      - (II) estimated revenues, expenditures, and rate structure for the construction, operation and maintenance, administration, and reasonable expansion of the project. This information shall be provided on a form designated by the Department and shall demonstrate that revenues are greater than expenses.
  - (B) The North Carolina Utilities Commission's financial determination may be used as the financial plan for systems subject to its regulations:
    - (i) submit a copy of the Order Granting Franchise and Approving Rates from the North Carolina Utility Commission; or
    - (ii) submit a copy of the Order Recognizing Continuous Extension and Approving Rates from the North Carolina Utilities Commission.
  - (C) Non-transient non-community water systems. Owners of existing non-transient non-community water system(s) which receive no violation of this Subchapter during the preceding three years shall provide a description of negative impacts the project would have on the financial ability to comply with this Subchapter. The owner of either a proposed new or existing non-transient non-community water system that was in violation of this Subchapter within the prior three years shall follow the requirements in Part (D) of this Subparagraph.
  - (D) All other community and non-transient non-community water systems shall document the following:
    - (i) analysis that compares anticipated revenues with planned expenditures for a five-year period that demonstrates a positive cash flow in each year, and a 20-year equipment replacement cost plan documenting the methods to finance equipment replacement;
    - (ii) the creation and funding of a continuous operating cash reserve greater than or equal to one-eighth of the annual operating, maintenance, and administrative expenses for the water system. The operating cash reserve shall be fully funded by the end of the first year of operation;
    - (iii) the creation and funding of an emergency cash reserve greater than or equal the cost of replacing the largest capacity pump. The emergency cash reserve shall be fully funded by the end of the fifth year of operation; and
    - (iv) a description of the budget and expenditure control procedures that assure budget control for the applicant, including procedures or policies to prevent misuse of funds and a demonstration that the system has adopted generally accepted accounting procedures.
    - (v) In lieu of Sub-Items (ii) and (iii) of this Paragraph, substitute documentation shall be accepted in the following instances:
      - (I) an applicant with multiple water systems showing reserves affording greater or equal capabilities; or
      - (II) an applicant showing equivalent financial capacity to comply with requirements of this Section.

- (8) One Water System Management Plan may be submitted on behalf of an applicant owning and operating multiple water systems or an applicant pursuing multiple alterations or expansions and may include future projected construction or system acquisitions. The applicant shall submit a new Water System Management Plan for a project not covered under the existing Water System Management Plan or if violations of this Subchapter occur or continue at a system under an applicant's ownership or control.
- (d) Operation and Maintenance Plan. The plan shall be completed prior to submitting the applicant's certification in accordance with Rule .0303(c) of this Section. This plan shall be accessible to the operator on duty at all times and available to the Department upon request. The Operation and Maintenance Plan shall include, at a minimum, a description of the location and routine operation and maintenance procedures for:
- (1) components of the treatment facility;
  - (2) pumps, meters, valves, blowoffs, and hydrants;
  - (3) backflow devices;
  - (4) storage tanks; and
  - (5) all other appurtenances requiring routine operation and maintenance.
- (e) Emergency Management Plan. The Emergency Management Plan shall be completed prior to submitting the applicant certification required in Rule .0303(c) of this Section. The Emergency Management Plan shall be available to personnel responsible for emergency management and operator on duty at all times and available to the Department upon request. The supplier of water shall consider using the principles, practices, forms, nomenclature, structure, and definitions found in the National Incident Management System and shall contain the following information where applicable:
- (1) For community water systems, a plan with the following elements shall be required:
    - (A) an identification and phone numbers of personnel responsible for emergency management, including public water system, local, State, and federal emergency contacts;
    - (B) an identification of foreseeable natural and human-caused emergency events, including water shortages and outages;
    - (C) a description of the emergency response plan for each identified event;
    - (D) a description of the notification procedures; and
    - (E) an identification and evaluation of all facilities and equipment whose failure would result in a water outage or water quality violations.
  - (2) For a supplier of water that treats and furnishes water from a surface water source, completion of the Source Water Protection Plan in accordance with Rule .1305 of this Subchapter shall fulfill the Emergency Management Plan requirement.
  - (3) For non-transient, non-community water systems, the plan shall contain the positions and phone numbers of responsible persons to contact in the event of an emergency, including public water system, local, State and federal emergency contacts.

*History Note: Authority G.S. 130A-315; 130A-317; P.L. 93-523; Eff. January 1, 1977; Readopted Eff. December 5, 1977; Amended Eff. July 1, 1994; September 1, 1990; June 30, 1980; September 1, 1979; Temporary Amendment Eff. October 1, 1999; Amended Eff. August 1, 2000; Readopted Eff. July 1, 2019.*

### **15A NCAC 18C .0308 ENGINEERING PLANS AND SPECIFICATIONS**

- (a) Engineering Plans. Engineering Plans for water supply systems shall consist of the following:
- (1) title information including the following:
    - (A) name of the city, town, board, commission or other owner for whom the plans were prepared;
    - (B) the locality of the project;
    - (C) the general title of the set of drawings and prints;
    - (D) the specific title of each sheet;
    - (E) the date; and
    - (F) the scales used;
  - (2) a preliminary plat plan or map showing the location of proposed sources of water supply;
  - (3) a general map of the entire water system showing layout and all pertinent topographic features;
  - (4) detail map of source or sources of water supply;

- (5) layout and detail plans for intakes, dams, reservoirs, elevated storage tanks, standpipes, pumping stations, treatment plants, transmission pipelines, distribution mains, valves, and appurtenances and their relation to any existing water system, and the location of all known existing structures or installations and natural barriers that might interfere with the proposed construction; and
  - (6) the north point.
- (b) Specifications. Complete detailed specifications for materials, equipment, workmanship, test procedures and specified test results shall accompany the plans. The specifications shall include, where applicable:
- (1) the design and number of chemical feeders, mixing devices, flocculators, pumps, motors, pipes, valves, filter media, filter controls, laboratory facilities and equipment, and water quality control equipment and devices;
  - (2) provision for continuing with minimum interruption the operation of existing water supply facilities during construction of additional facilities;
  - (3) safety devices and equipment;
  - (4) procedure for disinfection of tanks, basins, filters, wells and pipes; and
  - (5) identification of type, brand name, and model number for all back flow devices.
- (c) One copy of the engineering plans and specification, upon approval, will be returned to the person or persons making application for approval.

*History Note: Authority G.S. 130A-315; 130A-317; P.L. 93-523; Eff. January 1, 1977; Readopted Eff. December 5, 1977; Amended Eff. July 1, 1994; July 1, 1993; Temporary Amendment Eff. October 1, 1999; Amended Eff. August 1, 2000; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .0309 FINAL APPROVAL**

- (a) No construction, alteration, or expansion of a water system, subject to approval as described in Section .0300 of this Subchapter, shall be placed into final service or made available for human consumption until the applicant has complied fully with Section .0300 of this Subchapter and received Final Approval from the Department.
- (b) Temporary approval may be granted by the Department for system alterations required to remedy an imminent hazard as determined by the Department.

*History Note: Authority G.S. 130A-315; 130A-317; P.L. 93-523; Temporary Adoption Eff. October 1, 1999; Eff. August 1, 2000; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

### **SECTION .0400 – WATER SUPPLY DESIGN CRITERIA**

#### **15A NCAC 18C .0401 MINIMUM REQUIREMENTS**

The design criteria given in this Section are the minimum requirements for approval of plans and specifications by the Department. The Department provides supplemental criteria for design of water systems in Sections .0500-.1000 of this Subchapter.

*History Note: Authority G.S. 130A-315; 130A-317; P.L. 93-523; Eff. January 1, 1977; Readopted Eff. December 5, 1977; Amended Eff. April 1, 2014; July 1, 1994; September 1, 1979; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .0402 WATER SUPPLY WELLS**

(a) Well Construction. The construction of water supply wells shall conform to well construction regulations and standards of the Department, codified in 15A NCAC 02C.

(b) Upper Terminal of Well. A well casing shall terminate neither below ground nor in a pit. The pump pedestal for above ground pumps of every water supply well shall project not less than six inches above the concrete floor of the well house or the concrete slab surrounding the well. A well casing shall project at least one inch above the pump pedestal. For submersible pumps, the casing shall project at least six inches above the concrete floor or slab surrounding the well head.

(c) Sanitary Seal. The upper terminal of a well casing shall be sealed watertight, with the exception of a vent pipe or vent tube having a downward-directed, screened opening.

(d) Concrete Slab or Well House Floor. A water supply well shall have a continuous bond concrete slab or well house concrete floor extending at least three feet horizontally around the outside of the well casing. Minimum thickness for the concrete slab or floor shall be four inches.

(e) Sample Tap and Waste Discharge Pipe. Faucets or spigots shall be provided for sampling both raw water prior to treatment and treated water prior to delivery to the first customer. Sample spigots shall not be threaded for hose connection. Threaded hose bibs shall be equipped with anti-siphon devices. A water sample tap and piping arrangement for discharge of water to waste shall be provided.

(f) Physical Security and Well Protection. A water supply well shall be secured against unauthorized access and protected from the weather. One of the following structures shall be provided:

- (1) Well house. A well house shall be constructed as follows:
  - (A) Structures shall comply with applicable provisions of state and local building codes.
  - (B) Drainage shall be provided by floor drain, wall drain, or slope to door.
  - (C) Access into the structure shall be a doorway with minimum dimensions of 36 inches wide and 80 inches high.
  - (D) The structure shall have adequate space for the use and maintenance of the piping and appurtenances. If treatment is provided at the well, the provisions of Rule .0404(a) of this Section shall apply.
  - (E) The structure shall be secured with lock and key.
- (2) Prefabricated structures. A prefabricated structure shall be constructed as follows:
  - (A) A well-head cover shall be hinged and constructed so that it can be lifted by one person.
  - (B) A locking mechanism shall be provided.
  - (C) The structure shall not be permanently fastened to the slab.
- (3) Fencing and temperature protection. Fencing and temperature protection shall be constructed as follows:
  - (A) The fence height shall be a minimum of six feet.
  - (B) The fence shall be constructed of chain link with locked access.
  - (C) The fence shall enclose the well, hydropneumatic tank, and associated equipment.
  - (D) Access shall be provided for maintenance and operation.
  - (E) The well, piping, treatment equipment, and electrical controls shall be protected against freezing. Wrapping with insulation shall be acceptable for appurtenances such as the air vent, meter, valves, and sample taps, provided they are visible and accessible. Insulation shall be jacketed.

(g) Yield:

- (1) Wells shall be tested for yield and drawdown. A report or log of at least a 24-hour drawdown test to determine yield shall be submitted to the Department for each well.
- (2) Wells shall be located so that the drawdown of any well shall not interfere with the required yield of another well.
- (3) The combined yield of all wells of a public water system shall provide in 12-hours pumping time the daily flow requirements as determined in Rule .0409 of this Section.
- (4) The capacity of the permanent pump to be installed in each well shall not exceed the yield of the well as determined by the drawdown test.
- (5) A residential community water system using well water as its source of supply and designed to serve 50 or more connections shall provide at least two wells. A travel trailer park or campground designed to serve 100 or more connections shall provide at least two wells. In lieu of a second well, another approved water supply source may be accepted.
- (6) A totalizing meter shall be installed in the piping system from each well.

(h) Initial Chemical Analyses. A representative sample of water from every new water supply well shall be collected and submitted for chemical analyses to the State Laboratory of Public Health or to a certified laboratory. The results of the

analysis shall demonstrate that the water is treatable to meet the water quality standards in Section .1500 of this Subchapter, and this treatment shall be provided before the well is placed into service.

(i) Continuous Disinfection. Continuous application of chlorine, hypochlorite solution, or another approved and equally efficient disinfectant shall be provided for all well water supplies introduced on or after January 1, 1972. Equipment for determining residual chlorine concentration in the water shall be included in the plans and specifications.

*History Note: Authority G.S. 130A-315; 130A-317; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Amended Eff. April 1, 2014; July 1, 1994; September 1, 1990; January 1, 1986; March 31, 1980;  
Readopted Eff. July 1, 2019.*

### **15A NCAC 18C .0403 SURFACE WATER FACILITIES**

(a) Unimpounded Stream. Both the minimum daily flow of record of the stream and the estimated minimum flow calculated from rainfall and run-off shall exceed the maximum daily draft for which the water treatment plant is designed, with due consideration given to requirements for future expansion of the treatment plant. The Department shall approve a water plant capacity greater than the minimum daily flow of record of the stream if rules or regulations of other government agencies will not be violated.

(b) Impoundments. Raw water storage capacity shall be sufficient to reasonably satisfy the designed water supply demand during periods of drought.

(c) Clearing of Land for Impoundment. The area in and around the proposed impoundment of class I and class II reservoirs shall be cleared as follows:

- (1) The area from normal full level to five feet below the normal pool elevation of the impoundment shall be cleared and grubbed of all vegetation and shall be kept cleared until the reservoir is filled. Secondary growth shall be removed prior to flooding.
- (2) The entire area below the five-foot water depth shall be cleared and shall be kept cleared of all growth of less than six inches in diameter until the reservoir is filled. Stumps greater than six inches in diameter shall be cut off at ground level.
- (3) All brush, trees, and stumps shall be burned or removed from the proposed reservoir.

(d) Existing Impoundments. Existing impoundments shall be approved as raw water sources if the following conditions are met.

- (1) The requirements of Paragraph (c) of this Rule and Section .0200 of this Subchapter shall be met.
- (2) A class I or class II reservoir shall meet the requirements of Section .1200 of this Subchapter.
- (3) The supplier of water shall have an engineer, along with other consultants as needed, conduct a study of the impoundment and provide the Department with information to determine whether the requirements of this Subchapter are met. The study shall include:
  - (A) plans and specifications of the impounding structure;
  - (B) information concerning clearing of the land for the impoundment, as provided in Paragraph (d) of this Rule;
  - (C) information concerning sources of pollution on the watershed;
  - (D) documentation of control by the supplier of water of the impoundment and 50-foot margin around the impoundment measured from the normal pool elevation;
  - (E) information concerning the quality of the water and sediments which could cause water quality fluctuations, such as lake stratification, turnover, and algae bloom; and
  - (F) other information necessary to show that the proposed source will meet the requirements of this Subchapter.

(e) A margin of at least 50 feet around a class I and class II reservoir, measured from the normal pool elevation, shall be owned or controlled by the supplier of water.

(f) Intakes, Pumps, Treatment Units, and Equipment. Raw water intakes, pumps, treatment units, and equipment shall be designed to provide water of potable quality that meets the water quality requirements stated in Section .1500 of this Subchapter.

*History Note: Authority G.S. 130A-315; 130A-317; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;*

*Amended Eff. July 1, 1994; July 1, 1992; September 1, 1990;  
Readopted Eff. July 1, 2019.*

**15A NCAC 18C .0404 WATER TREATMENT FACILITIES**

(a) Physical Security and Facility Protection. Treatment equipment and chemicals shall be secured against unauthorized access and shall be protected against the weather as follows:

- (1) Structures shall comply with provisions of state and local building codes.
- (2) Drainage shall be provided by floor drain, wall drain, or slope to door.
- (3) Access to the structure shall be a doorway with minimum dimensions of 36 inches wide and 80 inches high. The doorway shall be large enough to accommodate installation or removal of equipment.
- (4) The structure shall have space to facilitate operation and maintenance of treatment equipment, storage of chemicals, required piping and appurtenances, electrical controls, and laboratory testing.

(b) Mixing and Dispersion of Chemicals. Provisions shall be made for mixing and dispersion of chlorine and other chemicals applied to the water. Facilities treating surface water or ground water influenced by surface water shall comply with the disinfection requirements in Rule .2002 of this Subchapter.

(c) Chemical Feed Machines:

- (1) Durable chemical feed machines designed for adjustable accurate control of feed rates shall be installed for application of all chemicals necessary for treatment of the water. Sufficient stand-by units to assure uninterrupted operation of the treatment processes shall be provided. Continuous chemical application shall be protected from electrical circuit interruption that could result in overfeed or underfeed or otherwise interrupt the feed of chemicals.
- (2) Chemical feed lines from the feeders to the points of application shall be of material sized for the design flow rate and corrosion resistant and shall be accessible for cleaning and protected against freezing. The length and the number of bends shall be reduced to a minimum.
- (3) Piping and appurtenances shall be constructed of suitable material for the chemical being added and the specific application.
- (4) A separate feeder shall be used for each chemical applied.

(d) Disinfection Equipment:

- (1) Equipment designed for application of chlorine or some other approved, equally efficient disinfectant shall be provided. Spare units shall be available. The plans and specifications shall describe the equipment.
- (2) Chlorinators shall be installed in tightly constructed, above ground rooms with mechanical ventilation to the outside air. The capacity of exhaust fans shall be sufficient to discharge all air in the rooms every 60 seconds. The fans or their suction ducts shall be located not more than eight inches above floor level. Provisions for entrance of fresh air shall be made. The point of discharge shall be so located as not to contaminate the air in any building or inhabited areas. Electrical switches for operation of fans shall be located outside the chlorinator rooms. Rooms used for storage of chlorine cylinders shall be designed as described in this Subparagraph.

(e) Meters and Gauges. Meters and gauges, including raw and finished water meters, shall be installed to indicate and record water flow entering the treatment facility and water pumped or conducted to the distribution system.

(f) Prevention of Backflow and Backsiphonage. Water treatment facilities shall not have submerged inlets and interconnections whereby non-potable water, water of questionable quality, or other liquids may be siphoned or forced into or otherwise allowed to enter the finished water supply.

(g) Chemical Storage. Separate space for storing at least a 30-day supply of chemicals shall be provided. A separate room or partitioned space shall be provided for storage of dry fluoride chemicals or liquid fluoride chemicals in portable containers.

(h) Laboratory. Space, equipment, and supplies shall be provided for daily chemical and bacteriological tests. A layout of laboratory furniture and equipment shall be included in the plans.

(i) Waste Handling and Disposal:

- (1) Provisions shall be made for disposal of water treatment plant wastes, such as clarification sludge, softening sludge, iron-manganese sludge, filter backwash water, and brines. Untreated waste shall not be returned to the head of the water treatment plant.
- (2) Recycling of supernatant or filtrate from waste treatment facilities treating filter wash water, sedimentation basin sludge, or clarifier basin sludge to the head of the water treatment plant may be allowed if the following conditions are met:
  - (A) The water recycled shall be less than 10 percent by volume of the raw water entering the water treatment plant.

- (B) A permit has been issued by the appropriate regulatory authority for discharge of wastes to sanitary sewer, stream, lagoon or spray irrigation.
- (C) The raw water does not contain excessive algae, finished water taste and odor problems are not encountered, and contaminant levels do not exceed allowable levels as set forth in this Subchapter.

*History Note: Authority G.S. 130A-315; 130A-317; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Amended Eff. July 1, 1994;  
Readopted Eff. July 1, 2019.*

#### **15A NCAC 18C .0405 STORAGE OF FINISHED WATER**

##### **(a) Ground Level Storage:**

- (1) **Finished Water Ground Storage Tank.** Finished water ground storage tanks shall be provided with a light-proof and insect-proof cover of concrete, steel, or equivalent material approved by the Department. The construction joints between side walls and the covers of concrete tanks or reservoirs shall be above ground level and above flood level, except that clearwells constructed below filters may be excepted from this requirement if total design, including waterproof joints, gives equal protection from flooding.
- (2) **Access Manholes.** The access manholes for finished water ground storage tanks or reservoirs shall be framed at least four inches above the tank or reservoir covers at the opening and shall be fitted with solid covers of materials that overlap the framed openings and extend down around the frames at least two inches. The covers for the openings shall be hinged at one side and fitted with a locking device.
- (3) **Venting.** Finished water ground storage tanks or reservoirs shall have vents with screened, downward directed openings. The vent and screen shall be of corrosion resistant material.
- (4) **Overflow.** The overflow pipes for finished water ground storage tanks or reservoirs shall not be connected directly to sewers or storm drains. Screens or other devices to prevent access by vermin, such as rodents and insects, shall be provided in the overflow pipe.
- (5) **Inlets and Outlets.** Water supply inlets and outlets of finished water ground storage tanks and reservoirs shall be located and designed to provide circulation of the water and to meet the CT requirements in Section .2000 of this Subchapter. Baffles shall be constructed where necessary to provide thorough circulation of the water.
- (6) **Drain Valves.** All finished water ground storage tanks and reservoirs shall be equipped with drain valves that allow for unobstructed emptying of the tank.

##### **(b) Elevated Storage Tanks:**

- (1) **Standards.** The specifications for elevated tanks, stand-pipes, towers, paints, coatings, and other appurtenances shall meet the appropriate ANSI/AWWA Standards D100 11, D102 17, and D103 09 of the American Water Works Association, Inc., incorporated by reference including any subsequent amendments and editions. Copies may be obtained for public inspection as set forth in Rule .0503 of this Subchapter.
- (2) **Elevation of Storage Tanks.** The elevation of storage tanks shall be sufficient to produce a designed minimum distribution system pressure of 20 pounds per square inch at peak demand (fire flow) and 30 pounds per square inch during peak flow.
- (3) **Elevated storage tanks shall be designed to minimize water age by avoiding short-circuiting of flows and dead-zones.**
- (4) **Drain.** Elevated storage tanks shall be equipped with drain valves that allow for unobstructed emptying of the tank.

##### **(c) Hydropneumatic Storage Tanks, referred to in this Rule as Pressure Tanks:**

- (1) **Use of Pressure Tanks.** Where well yields and pumping capacities are sufficient, pressure tanks may be used to control pumps, stabilize pressures, and provide a minimum of storage. Pressure tanks shall have the capacity to maintain a minimum pressure of 30 pounds per square inch throughout periods of peak flow. Pressure tanks shall not be considered acceptable for meeting total storage requirements for public water systems of over 300 connections, except as provided in Paragraph (d) of this Rule.
- (2) **Corrosion Control.** Pressure tanks shall be galvanized after fabrication and provided with an ANSI/NSF approved liner or coating in accordance with Rule .1537 of this Subchapter.

- (3) Required Parts. Pressure tanks shall have access manholes, bottom drains, pressure gauges, and properly sized safety and vacuum relief valves.
  - (4) Controls. Automatic pressure and start-stop controls for the operation of pumps shall be provided.
  - (5) Hydropneumatic Storage Tanks. Hydropneumatic storage tanks shall conform to the construction and inspection requirements for pressure vessels adopted by the North Carolina Department of Labor and codified in 13 NCAC 13, incorporated by reference including any subsequent amendments and editions.
  - (6) Appurtenances to pressure tanks, such as valves, drains, gauges, sight tubes, safety devices, air-water volume controls, and chemical feed lines, shall be protected against freezing.
- (d) High Yield Aquifers:
- (1) Equipment. In lieu of providing elevated storage for public water systems over 300 connections in areas where aquifers are known to produce high yields, such as 400-500 gpm from an eight-inch well, a system of extra well pumping capacity, auxiliary power generating equipment, pressure tanks, controls, alarms, and monitoring systems may be provided. The design and installation of such system shall assure that reliable, continuous service is provided.
  - (2) Auxiliary Power. A system relying on high-yield aquifers under Paragraph (d) of this Rule shall have an adequate number of wells equipped with sufficient pumping capacity so that the required flow rate will be maintained if the single largest capacity well and pump are out of operation. Auxiliary power generating equipment shall be provided for each well sufficient to operate the pump, lights, controls, chemical feeders, alarms, and other electrical equipment.
  - (3) Pump Control. Pressure tanks designed in accordance with Paragraph (c) of this Rule and Section .0800 of this Subchapter shall be provided to maintain pressure and control the pump operation.
  - (4) Alarm System. An alarm system shall be provided that will send a visual or audible signal to a constantly monitored location so that the water system operator will be advised of a primary power failure.

*History Note: Authority G.S. 130A-315; 130A-317; P.L. 93-523; Eff. January 1, 1977; Readopted Eff. December 5, 1977; Amended Eff. April 1, 2014; July 1, 1994; September 1, 1990; October 1, 1986; June 30, 1980; Readopted Eff. July 1, 2019.*

#### **15A NCAC 18C .0406 DISTRIBUTION SYSTEMS**

(a) Water Pipe Materials. Water pipes shall be cast iron, ductile iron, reinforced concrete, plastic, or other material designed for potable water system service and shall meet AWWA standards, section C, or be certified as meeting the specifications of ANSI/NSF Standard 61 Drinking Water System Components – Health Effects, which is incorporated by reference including any subsequent amendments and editions. Copies of AWWA standards may be obtained for public inspection as set forth in Rule .0503 of this Subchapter. Copies of ANSI/NSF Standard 61 may be obtained for public inspection as set forth in Rule .1537 of this Subchapter. The pressure rating class of the pipe shall be in excess of the maximum design pressure within that section of the water distribution system. The quality of pipe to be used shall be stated in the project specifications.

(b) Cross-Connections. No person shall construct, maintain, or operate a physical arrangement whereby a public water system has a cross-connection without the use of proper backflow protection.

- (1) No person shall introduce any water into the distribution system of a public water supply through any means other than from a source of supply duly approved by the Department or its representatives or make any physical connection between an approved supply and unapproved supply unless authorized in an emergency by the Department or its representative.
- (2) Service Connection Relation to Plumbing Code. No supplier of water shall provide a service connection to any plumbing system that does not comply with the North Carolina State Building Code, Volume II, and all applicable local plumbing codes. Where required, the supplier of water shall install or require to be installed an appropriate testable backflow prevention assembly prior to making the service connection. Design of backflow prevention assemblies for service connections shall not require Department review.
- (3) Connections Requiring Departmental Review. Connections between a public water system and the connection types in Parts (A) through (D) of this Subparagraph shall require review and approval by the Department prior to making the connection. Installation of a testable backflow prevention assembly or air gap shall be required if the connection is non-potable or unapproved. Engineering plans and specifications shall be submitted in accordance with Section .0300 of this Subchapter.
  - (A) Any regulated public water system;



- (B) any community non-regulated public water system. Before providing a connection, a supplier of water shall ensure that the construction of the non-regulated public water system either was approved in accordance with Rule .0301(a) of this Subchapter or that backflow prevention is provided in accordance with this Rule;
  - (C) non-potable water treatment processes within a potable water treatment plant; and
  - (D) all cross-connections between potable water supplies and non-potable or unprotected supplies that are not specifically addressed in this Rule or AWWA M-14 Backflow Prevention and Cross Connection Control.
- (4) Backflow Prevention Not Addressed by the Plumbing Code. The following requirements shall apply to backflow prevention not addressed by the plumbing code.
- (A) Testable backflow prevention assemblies shall meet American Society of Sanitary Engineering (ASSE) standards and carry an ASSE seal, be on the University of Southern California approval list for testable backflow prevention assemblies, or be on the North Carolina State Plumbing Code approval list for approved testable backflow prevention assemblies.
  - (B) For each identified water treatment process-related hazard, the supplier of water shall provide the appropriate backflow prevention assembly or method to protect the water supply and water treatment employees, in accordance with AWWA M-14 Backflow Prevention and Cross Connection Control.
  - (C) No person shall fill special use tanks or tankers containing pesticides, fertilizers, other toxic chemicals, or their residues from a public water system except at a location equipped with an over-the-rim free discharge of water or a reduced pressure backflow preventer properly installed on the public water supply. No supplier of water shall permit the filling of such special use tanks or tankers except at locations so equipped.
  - (D) A supplier of water shall not authorize for construction or other temporary, non-emergency use connections to hydrants that are not equipped with an approved air gap or an installed reduced pressure principle backflow prevention assembly.
  - (E) If storage capacity is used only for non-potable purposes and there is installed either an elevated or ground tank or a ground reservoir, the following precautions shall be taken:
    - (i) If the reservoir or tank is filled from a supply other than a public water supply and the public water supply is used as a supplemental supply, the pipeline from the public water supply shall be installed with an air gap.
    - (ii) If the reservoir or tank is filled entirely by water from a public water supply and:
      - (I) a covered ground reservoir or covered elevated tank is used, an approved reduced pressure back-flow preventer or an approved double check valve assembly shall be used; or
      - (II) an uncovered ground reservoir or uncovered elevated tank is used, an air gap shall be required.
  - (F) Installation. The following installation requirements shall be met, where applicable.
    - (i) Backflow prevention assemblies shall be installed in accordance with manufacturers' recommendations and specifications and shall not be modified in the field.
    - (ii) Back-flow prevention assemblies shall be located and installed in such a manner as to function as designed; be accessible for testing, maintenance, and inspection; and include all necessary test cocks and drains for testing. Valves shall be installed in the line at both ends of the back-flow prevention device to provide for replacement and maintenance.
    - (iii) Bypass lines parallel to a backflow prevention assembly shall have an approved backflow prevention assembly installed that is equal to that on the main line.
    - (iv) Reduced pressure principle assemblies shall be installed above ground or below ground in a vault with positive gravity drainage to atmosphere employing a drain of sufficient size to handle the full flow of discharge from a discharging assembly, 12-inch minimum clearance from vault walls and floor, and in accordance with manufacturer's recommendations. A reduced pressure principle assembly may be installed as protection for either a high-health or low-health hazard.
    - (v) Double check valve assemblies shall be installed either vertically or horizontal and above ground or below ground in a vault with positive gravity drainage to the

atmosphere. A double check valve assembly shall be installed as protection for a low-health hazard only.

- (vi) Pressure vacuum breaker assemblies shall be installed only where there is no possibility of a pressure higher than the supply pressure caused by a pump, elevated tank, boiler, air or steam pressure, or any other means which may cause backflow, and in accordance with manufacturer's recommendations. A pressure vacuum breaker shall be installed as protection for a high-health or low-health hazard that is subject to backsiphonage only and with no backpressure.
- (5) Interconnection to a public water system shall be subject to the approval of the supplier of water and shall not be made until authorized by the supplier of water.
- (6) A community or non-transient non-community public water system with five or more testable backflow prevention assemblies protecting the distribution system, as required pursuant to this Rule, shall maintain the following records beginning on January 1, 2020:
  - (A) records of the location, type, installation date, size, and the associated degree of hazard of backflow prevention devices whose failure would create a high-health hazard;
  - (B) a description of specific ongoing plans, actions, or schedules to inventory existing backflow prevention devices under Part (b)(5)(A) of this Rule and to identify and address all uncontrolled cross-connection hazards;
  - (C) final results of all backflow prevention assembly field testing and air gap inspections; and
  - (D) review of new service connections and existing service connections during a change of the account owner to ensure all required backflow prevention devices are properly installed and tested.
  - (E) a supplier of water which contracts with a third-party to implement any part of their cross-connection program may allow records required by this Paragraph to be maintained on the premises of the third-party, as long as the records are available on demand by the supplier of water.
  - (F) program records under Part (C) of this Subparagraph shall be maintained for a minimum of four years. Remaining records referred to in this Paragraph shall be maintained while still current or in use.
- (7) Each supplier of water shall notify the Department of any known incident of backflow into the public water system that creates a risk of contamination as soon as practical upon discovery of the incident but no later than the end of the next business day. If requested by the Department, the supplier of water shall submit a written report of the incident describing the nature and severity of the backflow, the actions taken by the supplier of water in response to the incident, and the action plan intended to prevent such incidents in the future.

*History Note:* Authority G.S. 130A-315; 130A-317; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Amended Eff. April 1, 2014; September 1, 1990; December 1, 1988; June 30, 1980;  
Readopted Eff. July 1, 2019.

#### **15A NCAC 18C .0407 ELECTRICAL SYSTEMS**

Electrical wiring and equipment shall comply with applicable provisions of the national, state, and local electrical codes. Protection against moisture and overheating shall be provided.

*History Note:* Authority G.S. 130A-315; 130A-317; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Amended Eff. July 1, 1994;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

#### **15A NCAC 18C .0408 LEAD FREE CONSTRUCTION**

(a) All pipe, pipe fitting, solder or flux used in the installation or repair of a public water system shall be lead free.

- (b) "Lead free" means:
- (1) not containing more than 0.2 percent lead when used with respect to solder and flux; and
  - (2) not more than a weighted average of 0.25 percent lead when used with respect to the wetted surfaces of pipes, pipe fittings, plumbing fittings, and fixtures.

*History Note: Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141; Eff. June 1, 1988; Amended Eff. August 1, 2002; Readopted Eff. July 1, 2019.*

**15A NCAC 18C .0409 SERVICE CONNECTIONS**

(a) Local Water Supply Plan. Units of local government that are operating under a local water supply plan in accordance with G.S. 143-355(1) shall not be limited in the number of service connections.

(b) No local water supply plan. A public water system that does not have a local water supply plan as stated in Paragraph (a) shall limit its number of service connections as follows:

- (1) A public water system shall meet the daily flow requirements specified in Table 1:

Table 1: Daily Flow Requirements

Type of Service Connection	Daily Flow for Design
Residential	400 gallon/connection
Mobile Home Parks	250 gallon/connection
Campgrounds and Travel Trailer Parks	100 gallon/space
Marina	10 gallon/boat slip
Marina with bathhouse	30 gallon/boat slip
Rest Homes and Nursing Homes	
with laundry	120 gallon/bed
without laundry	60 gallon/bed
Schools	15 gallon/student
Day Care Facilities	15 gallon/student
Construction, work, or summer camps	60 gallon/person
Business, office, factory (exclusive of industrial use)	
without showers	25 gallon/person/shift
with showers	35 gallon/person/shift
Hospitals	300 gallon/bed

or;

- (2) A public water system shall meet the daily flow requirements calculated as follows:
  - (A) If records of the previous year are available that reflect daily usage, the average of the two highest consecutive days of record of the water treated shall be the value used to determine if there is capacity to serve additional service connections. Unusual events, such as massive line breaks or line flushings, shall not be considered.
  - (B) If complete daily records of water treated are not available, the public water system shall multiply the daily average use based on the amount of water treated during the previous year of record by the appropriate factor to determine maximum daily demand, as follows:
    - (i) A system serving a population of 10,000 or less shall multiply the daily average use by 2.5; or
    - (ii) A system serving a population greater than 10,000 shall multiply the daily average use by 2.0.

(c) A supplier of water shall include the impact that demands from anticipated in-ground irrigation systems, multi-family units, or vacation rental homes will have on the daily flow needs determined in Paragraph (b) of this Rule.

(d) If two years of metered usage data exists, a supplier of water may recalculate the daily flow requirements based on the actual usage. If actual demands are lower than the projected demand, recovered supply may be used to support additional connections in accordance with Paragraph (b) of this Rule.

(e) A supplier of water shall be exempt from using Table 1 in Subparagraph (b)(1) of this Rule and any other design flow standards established by the Department or the Commission to determine the daily flow requirements, provided that a

professional engineer licensed pursuant to G.S. 89C prepares, seals, and signs documentation supporting alternative daily flow requirements that are sufficient to sustain the water usage required in the engineering design by using low-flow fixtures or flow reduction technologies.

*History Note:* Authority G.S. 130A-315; 130A-317; P.L. 93-523;  
Eff. July 1, 1994;  
Readopted Eff. July 1, 2019.

#### **SECTION .0500 - SUPPLEMENTAL DESIGN CRITERIA**

Rules .0501 - .0502 of Title 15A Subchapter 18C of the North Carolina Administrative Code (T15A.18C .0501 - .0502); has been transferred and recodified from Rules .1701 - .1702 Title 10 Subchapter 10D of the North Carolina Administrative Code (T10.10D .1701 - .1702), effective April 4, 1990.

##### **15A NCAC 18C .0501 PURPOSE**

For the protection of the public health, and pursuant to authority granted by Article 10 of Chapter 130A of the General Statutes of North Carolina, the Commission for Public Health hereby adopts the following rules (15A NCAC 18C .0500 through .1000) as supplemental design criteria for approval of plans and specifications.

*History Note:* Authority G.S. 130A-315; 130A-317; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Amended Eff. July 1, 1994; September 1, 1991; September 1, 1979;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

##### **15A NCAC 18C .0502 DESIGN CRITERIA**

Community and non-transient, non-community water systems and non-community water systems using surface water or ground water under the influence of surface water shall comply with these supplemental design criteria unless alternate design proposals are approved by the Department. The Department shall consider the following factors in approving an alternate design:

- (1) The potential health risk of using the alternate design;
- (2) The need for deviation from the supplemental design criteria;
- (3) The degree of deviation from the supplemental design criteria; and
- (4) The capability of the alternate design to meet the maximum contaminant levels, treatment techniques and other requirements of this Subchapter.

*History Note:* Authority G.S. 130A-315; 130A-317; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Amended Eff. July 1, 1994; September 1, 1979; January 1, 1978;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

##### **15A NCAC 18C .0503 OTHER DESIGN STANDARDS**

In evaluating public water systems or water system design features, in addition to the rules in this Subchapter, the Department shall consider standards from the American Water Works Association or Recommended Standards for Water Works – Policies for the Review and Approval of Plans and Specifications for Public Water Supplies by the Great Lakes – Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers which are incorporated by reference, including any subsequent amendments and editions. Copies of the American Water Works Association standards may be obtained from the American Water Works Association, 6666 W. Quincy Avenue, Denver, Colorado 80235 with costs determined by the American Water Works Association and available at [www.awwa.org/Publications/Standards](http://www.awwa.org/Publications/Standards). Copies of the Recommended Standards for Water Works may be obtained from the Minnesota Department of Administration available at <https://www.mnbookstore.com/other/miscellaneous-state-agency-products/miscellaneous/recommended-standards-water-14349.html> and for a cost of nineteen dollars and ninety-five cents (\$19.95). An electronic copy can be obtained at no cost

from the Minnesota Department of Health website, located at <https://www.health.state.mn.us/communities/environment/water/tenstates/standards.html>.

*History Note:* Authority G.S. 130A-315; 130A-317; P.L. 93-523;  
Eff. July 1, 2019 (this Rule was previously codified in 15A NCAC 18C .0715).

## **SECTION .0600 - RAW SURFACE WATER FACILITIES**

### **15A NCAC 18C .0601 IMPOUNDMENTS: PRE-SETTLING RESERVOIRS**

(a) Construction of a pre-settling reservoir shall be required if wide and rapid variations in turbidity, bacterial concentrations, or chemical qualities occur, or where the following raw water quality standards are not met: turbidity - 150 NTU, coliform bacteria - 3000/100 ml, fecal coliform bacteria - 300/100 ml, or color - 75 CU. If impoundment of the water supply stream does not or will not provide raw water of acceptable quality, a pre-settling reservoir located outside the watershed or catchment area shall be required.

(b) The Department shall approve alternatives to pre-settling reservoirs if a supplier of water demonstrates that engineered pretreatment providing an additional treatment barrier to low raw water quality will be installed and that the overall designed treatment process will comply with all other applicable requirements of this Subchapter. Pilot plant studies under Rule .0714 of this Subchapter shall be required to demonstrate treatment effectiveness unless operational data demonstrating treatment effectiveness for the variety of water quality that is experienced at the treatment facility are already available.

(c) The Department shall approve capacity increases at existing surface water treatment facilities without addition or up-sizing of pre-settling reservoirs if:

- (1) historical data or full-scale pilot studies demonstrate that the plant will provide treatment in accordance with this Subchapter without additional pre-settling; or
- (2) the use of alternative technology alleviates the need for additional pre-settling.

*History Note:* Authority G.S. 130A-315; 130A-317; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Readopted Eff. July 1, 2019.

### **15A NCAC 18C .0602 RAW WATER INTAKES**

(a) Stream Intakes. The intake structure for unimpounded streams shall be constructed so that it will not be affected by flood water or damaged by floating debris. It shall be located and designed to minimize entrance of sand, silt, fish and debris. A bar screen or grating shall be provided, with the area of the openings designed to restrict the entrance velocity to 30 feet per minute or less.

(b) Reservoir Intakes. Where water quality variations affecting the treatment process will occur at different depths of a reservoir, the intake structure shall be constructed with multiple inlets that can be readily opened and closed for selection of the optimum water quality level. A bar screen or grating shall be provided, with the area of the openings designed to restrict the entrance velocity to 50 feet per minute or less.

*History Note:* Authority G.S. 130A-315; 130A-317; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

### **15A NCAC 18C .0603 INTAKE CONDUITS**

The pipes, tunnels, or flumes used for intake conduits shall be designed to conduct water at self-cleaning velocities of at least two feet per second. A screen, accessible for cleaning, shall be provided to protect the pumps.

*History Note:* Authority G.S. 130A-315; 130A-317; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

#### **15A NCAC 18C .0604 PUMPS: POWER FACILITIES**

At least two pumping units with necessary check valves, gate valves, piping and appurtenances shall be provided for both raw water and finished water. Auxiliary facilities shall be provided to supply power or to provide other means to satisfy the design minimum water needs of the system.

*History Note:* Authority G.S. 130A-315; 130A-317; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

### **SECTION .0700 - SURFACE WATER TREATMENT FACILITIES**

Rules .0701 - .0709 of Title 15A Subchapter 18C of the North Carolina Administrative Code (T15A.18C .0701 - .0709); has been transferred and recodified from Rules .1901 - .1909 Title 10 Subchapter 10D of the North Carolina Administrative Code (T10.10D .1901 - .1909), effective April 4, 1990.

#### **15A NCAC 18C .0701 FLASH OR RAPID MIXING FACILITY**

Mixing shall be adequate to obtain rapid and thorough dispersal of the chemicals in the raw water before it enters the flocculation basins. The design of the flash mix facilities shall provide sufficient and efficient transfer of energy to the water to effect thorough mixing.

*History Note:* Authority G.S. 130A-315; 130A-317; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

#### **15A NCAC 18C .0702 AIR MIXING**

Diffused air mixing may be used only in conjunction with mechanical or baffled mixers.

*History Note:* Authority G.S. 130A-315; 130A-317; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

#### **15A NCAC 18C .0703 MECHANICAL FLOCCULATION**

- (a) Basin Inlet and Outlet. The design of inlets and outlets of flocculation basins shall prevent short circuiting of the water and destruction or deterioration of the floc.
- (b) Detention Period. The flocculation basins shall have a theoretical detention period of not less than 30 minutes.
- (c) Agitator Control. The agitators of flocculation basins shall be equipped with variable speed controls.
- (d) Paddles. Peripheral speed and paddle configuration shall be designed to obtain optimum velocity gradient.

*History Note:* Authority G.S. 130A-315; 130A-317; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Amended Eff. July 1, 1994;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015;  
Amended Eff. July 1, 2019.

#### **15A NCAC 18C .0704 BAFFLED MIXING AND FLOCCULATION BASINS**

- (a) Detention Period. The theoretical detention period of baffled mixing and flocculation shall be at least 25 minutes.

(b) Velocities

- (1) The velocity of the water between the baffles shall be as follows:
  - (A) first third of basin -- 1.5 feet per second;
  - (B) second third of basin -- 0.75 feet per second; and
  - (C) last third of basin -- 0.4 to 0.5 feet per second.
- (2) The velocity of the water under and over the baffles shall not exceed the velocity between the baffles.

*History Note:* Authority G.S. 130A-315; 130A-317; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

**15A NCAC 18C .0705 CONDUITS: PIPES AND FLUMES: GATES AND VALVES**

Conduits conducting flocculated or coagulated water to sedimentation basins shall have sufficient capacity to limit velocity of flow to 0.5 feet per second. The optimum velocity to prevent both the breaking up and the settling of the floc is considered to be 0.5 feet per second.

*History Note:* Authority G.S. 130A-315; 130A-317; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

**15A NCAC 18C .0706 SEDIMENTATION BASINS**

- (a) Inlets. Inlets to sedimentation basins shall be designed to dissipate inlet velocities before the diffusion walls or before other entrance arrangements designed to provide uniform flow across the basins.
- (b) Detention Period. A theoretical detention period of four hours shall be the minimum standard unless case specific engineering evidence is presented to demonstrate equivalent treatment efficiency at a shorter period of detention.
- (c) Bottom of Basin. The bottom of the basin shall be sloped and provided with a drain valve or valves for removal of sludge.
- (d) Outlet. Sedimentation basin outlets shall consist of submerged weirs or orifices. The equivalent rate of flow over or through the outlet device shall not exceed 20,000 gallons per day per foot of equivalent weir length.
- (e) Overflow. Sedimentation basins shall be equipped with an overflow pipe or pipes to limit the maximum water level over the filters and to prevent flooding above the walls of filters and basins.

*History Note:* Authority G.S. 130A-315; 130A-317; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Amended Eff. April 1, 2014;  
Readopted Eff. July 1, 2019.

**15A NCAC 18C .0707 SOLIDS CONTACT OR UP-FLOW UNITS**

- (a) Approval of Solids Contact or Up-Flow Units. Solids contact or up-flow clarification units shall be approved only if raw water characteristics are constant and shall not be approved for raw waters that have wide and rapid variations in turbidity or other qualities that adversely affect the treatment process.
- (b) Water Rise Rate. The rise rate shall not exceed 1.0 gallon per minute per square foot of clarification area.
- (c) Weir Loading. Weir loading shall not exceed 10 gallons per minute per foot of weir length. Horizontal flow to the collection trough shall not exceed 10 feet.
- (d) Speed Agitator Equipment. Mixing and flocculation shall be accomplished by means of adjustable, variable speed agitator equipment.
- (e) Sludge Withdrawal. Sludge withdrawal equipment shall include an intermittent sludge removal mechanism controlled by an adjustable automatic timer.
- (f) Basin Drain. The basin shall be provided with a bottom drain that is of sufficient size to empty the basin in two hours or less.

*History Note: Authority G.S. 130A-315; 130A-317; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Amended Eff. July 1, 1994;  
Readopted Eff. July 1, 2019.*

#### **15A NCAC 18C .0708 GRAVITY FILTERS**

- (a) Filtration Rates. The standard rate of filtration for a single media filter shall be two gallons per minute per square foot. Higher filtration rates up to four gallons per minute per square foot may be approved for dual media or multi-media filters. Filtration rates in excess of four gallons per minute per square foot may be approved subject to pilot plant or plant scale demonstrations conducted in accordance with Rule .0714 of this Section, and demonstrated equivalent treatment efficiency based on case-specific engineering evidence.
- (b) Wash Water Rate. The backwash rate of flow shall be designed to theoretically expand the filter media 50 percent.
- (c) Rate Control Devices. Rate control equipment shall be provided to control or regulate the filtration rate and the backwash rate. If declining rate filtration is to be used, orifice plates shall be installed on each filter effluent pipe to control maximum filtration rates.
- (d) Surface Washers. Filter beds shall be equipped with a revolving or fixed system of nozzles designed for agitation of the entire beds.
- (e) Gauges and Flow Indicators. Gauges or meters shall be installed to indicate the rate of filtration, the loss of head, and the backwash rate for every filter.
- (f) Filter Media:
- (1) Filter Sand. Filter sand shall be clean silica sand having:
    - (A) an effective size of 0.35 mm to 0.55 mm;
    - (B) a uniformity coefficient of not more than 1.70;
    - (C) a dust content passing 150 mesh tyler of less than 0.5 percent; and
    - (D) a minimum depth of at least 24 inches.
  - (2) Anthracite Filter Media. If anthracite coal is used as a single filter media, it shall have an effective size of 0.35 mm to 0.55 mm and a uniformity coefficient of 1.70 or less. Minimum depth of the media shall be 24 inches.
  - (3) Dual Media or Multi-media Filters. Particle sizes in dual media and mixed media filter beds shall be within 0.15 mm to 1.2 mm. Influent water quality shall be considered in specifying particle sizes of mixed media beds. The minimum depth of the filter media shall be 24 inches.
- (g) Supporting Media and Underdrain System. The underdrain system and layers of gravel or other media supporting the filter media shall be designed to provide uniform filtration and uniform backwash throughout the filter media.
- (h) Wash Water Troughs Elevation. The elevation of the bottom of the wash water troughs for new installations shall be above the maximum level of the expanded media during washing at the normal design wash water rate. The elevation of the top of the wash water troughs shall provide a two-inch freeboard above the expanded media at the maximum rate of wash.
- (i) Turbidity Monitoring. Turbidimeters employing the nephelometric method, which measures the intensity of scattered light, shall be provided for the continuous determination of the turbidities of filtered water from each filter unit.
- (j) Sampling Tap. A tap shall be installed for sampling of the effluent from each filter.
- (k) Multiple Filter Units. Two or more filter units shall be provided such that the annual average daily demand can be satisfied at the approved filtration rate with one filter removed from service.
- (l) Structural Design. Filters shall have vertical walls with no protrusions or curvature. Floors of filter rooms shall be designed to prevent flooding or spillage into filters through overflow drainage and a minimum of four-inch curbs around the filters.
- (m) Filter to Waste. All filters shall have provisions for filtering to waste with backflow prevention.
- (n) Filter Backwash. Backwash capacity to ensure cleaning of the filters shall be provided.

*History Note: Authority G.S. 130A-315; 130A-317; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Amended Eff. July 1, 1994; January 1, 1978;  
Readopted Eff. July 1, 2019.*

#### **15A NCAC 18C .0709 PREVENTION OF BACKFLOW AND BACK-SIPHONAGE**



The following methods and devices for prevention of backflow or back-siphonage shall be provided for the conditions indicated:

- (1) Dry Chemical Feeders. Dry chemical feeders with submerged water inlets shall have a non-pressure type vacuum breaker installed on the atmospheric side of the last control valve.
- (2) Fluoride Chemical Feeders
  - (a) Sodium fluoride saturator tank make-up water lines shall have air gaps between the overflow rim of the tank and the water supply pipe of at least four inches.
  - (b) When using the positive displacement fluoride chemical solution feed pumps, if the point of application to the water supply is at atmospheric pressure and is below the maximum elevation of the solution in the fluoride solution tank, an air gap shall be installed in the fluoride discharge line at a point above the liquid level in the tank. If the point of application is a pressure line, then a pressure type vacuum breaker shall be used.
- (3) Filter Surface Wash Agitators. Either a non-pressure type vacuum breaker shall be installed on the atmospheric side of the last control valve of each agitator, or pressure type vacuum breaker or an approved backflow preventer shall be installed on the pipe line supplying only the agitators.

*History Note: Authority G.S. 130A-315; 130A-317; P.L. 93-523; Eff. January 1, 1977; Readopted Eff. December 5, 1977; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

**15A NCAC 18C .0710 OTHER WATER TREATMENT PLANTS**

Water treatment plants which provide conventional filtration treatment, as defined in Rule .0102 of this Subchapter, but do not meet the minimum design criteria for process flow times established in this Rule, may be approved to treat high quality source waters under the following conditions:

- (1) A proposal shall be presented to the Department to justify deviation from minimum criteria. The proposal shall include an engineering report containing information and data to substantiate high source water quality characteristics and demonstrate water treatment plant effectiveness.
- (2) The flocculation process shall have a minimum of 20 minutes theoretical detention time.
- (3) The sedimentation compartment shall utilize tube settlers, plates or equivalent settling enhancement mechanisms and have a minimum of 30 minutes detention time.
- (4) The filter media shall be a minimum of 24 inches in depth and consist of dual or multi-media.
- (5) The source waters shall be derived from watersheds which are classified as WS-I, WS-II or WS-III and shall be protected from sources of pollution as determined by a sanitary survey in accordance with Rule .0202 of this Subchapter.
- (6) The following raw water quality standards shall apply:
  - (a) WS-I, WS-II or WS-III raw water quality standards established by the Environmental Management Commission shall be met.
  - (b) In addition to Sub-Item (6)(a) of this Rule, the following maximum concentration of turbidity, coliform, fecal coliform and color shall be allowed in the water plant influent water, based on sedimentation time provided by the water treatment plant. Off-stream pre-treatment to maintain these standards shall be provided as specified in Item (7) of this Rule.

<u>SED TIME</u>	<u>4 hrs.</u>	<u>2 hrs.</u>	<u>1 hr.</u>	<u>½ hrs.</u>
Turbidity (NTU)	150	75	50	25
Coliform/100 ml	3,000	2,000	1,000	500
Fecal coliform/100 ml	300	200	100	50
Color (CU)	75	60	40	20

Note: Uneven values are to be interpolated.

- (c) Maximum allowable fluctuations in turbidity, coliform, fecal coliform, color (up to the maximum of Sub-Item (6)(b) of this Rule, chemicals and other water quality characteristics shall be established by a pilot study conducted in accordance with Rule .0714 of this Section.

- (d) The allowable raw water concentration of all other contaminants, for which drinking water standards are established in this Subchapter, shall be based on the removal capacity of the water plant as demonstrated in a pilot study conducted in accordance with Rule .0714 of this Section.
- (7) Off-stream pre-treatment/storage reservoirs shall be provided to maintain the raw water quality standards of Item (6) of this Rule, equalize fluctuations and provide an unpolluted storage reserve in the event of contaminant spills as follows:
  - (a) Off-stream pre-treatment/storage reservoirs shall not be required for source waters derived from uninhabited watersheds classified WS-I if it is demonstrated that the raw water quality standards and fluctuations of Item (6) of this Rule are maintained in the water treatment plant influent water.
  - (b) Off-stream pre-treatment/storage shall not be required for source waters derived from Class I, II or III reservoirs on WS-I, WS-II or WS-III watersheds if an engineering report demonstrates to the Department the source is not vulnerable to spills and that the water quality standards and fluctuations of Item (6) of this Rule can be maintained in the water treatment plant influent water.
  - (c) For all other source waters derived from WS-I, WS-II or WS-III watersheds, a minimum of five days off-stream pre-treatment/storage shall be provided. An engineering report as described in Item (1) of this Rule shall be submitted to demonstrate that five days storage is adequate or to determine the greater storage needed to maintain the raw water quality standards and fluctuations of Item (6) of this Rule in the water treatment plant influent water.
  - (d) When terrain or space constraints make it infeasible to construct a pre-treatment/storage reservoir, a mechanical pre-treatment system may be approved when an engineering report demonstrates to the Department that the source is not vulnerable to contaminant spills and that the raw water quality standards and fluctuations of Item (6) of this Rule can be maintained in the water treatment plant influent water.

*History Note:* Authority G.S. 130A-315; 130A-317; P.L. 93-523; Eff. July 1, 1994; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

#### **15A NCAC 18C .0711 ALTERNATIVE FILTRATION TREATMENT TECHNOLOGIES**

A public water system may propose an alternative filtration treatment technology as provided in Rule .2003 of this Subchapter. The Department shall approve alternative filtration treatment technologies when the following conditions have been met and equivalent treatment efficiency, based on case-specific engineering evidence, has been demonstrated.

- (1) The source waters shall be derived from WS-I, WS-II, or WS-III watersheds.
- (2) The raw water quality standards and fluctuations shall be as specified in Rule .0710(6) of this Section, except that the following maximum concentrations shall be allowed in the influent water to the water treatment plant: Turbidity - 20 NTU, coliform - 500/100 ml, fecal coliform - 50/100 ml, and color - 20 CU.
- (3) Off-stream pre-treatment or storage shall be provided as specified in Rule .0710 of this Section, except that the raw water quality standards of Item (2) of this Rule shall be maintained in the water treatment plant influent water.
- (4) If the proposed water treatment plant employs treatment techniques that are consistent with this Subchapter, a pilot study shall be conducted in accordance with Rule .0714 of this Section.
- (5) If the pilot study demonstrates that the proposed water treatment plant can produce water that complies with all requirements of this Subchapter, engineering plans and specifications for the proposed plant and appurtenances shall be presented to the Department for review and approval prior to construction or letting a construction contract.

*History Note:* Authority G.S. 130A-315; 130A-317; P.L. 93-523; Eff. July 1, 1994; Readopted Eff. July 1, 2019.

#### **15A NCAC 18C .0712 DIRECT FILTRATION**

Water treatment plants which use direct filtration may be approved to treat high quality source waters derived from uninhabited watersheds classified WS-I. A proposal, including an engineering report as described in Rule .0710 Item (1) of this Section shall be submitted to the Department.

- (1) The following raw water maximum contaminant concentrations shall be met: Turbidity - 5 NTU, coliform - 500/100 ml, fecal coliform - 50/100 ml, color - 15 CU. Fluctuations shall not exceed 5 percent per hour.
- (2) A minimum of 5 days off-stream storage shall be provided except in cases where the source waters are derived from in-stream impoundments and it is demonstrated that the raw water quality standards and fluctuations or Item (1) of this Rule are maintained at the entrance to the water treatment plant.
- (3) If the Department determines that the proposed water treatment plant provides treatment techniques that are consistent with this Subchapter and that the treatment is feasible for the source water, a pilot plant study shall be conducted in accordance with Rule .0714 of this Section.
- (4) If the pilot study demonstrates to the Department that the proposed plant can consistently produce water which complies with all requirements of this Subchapter, detailed engineering plans and specifications for the proposed plant and appurtenances shall be presented to the Department for review and approval prior to construction or letting a contract.

*History Note:* Authority G.S. 130A-315; 130A-317; P.L. 93-523;  
 Eff. July 1, 1994;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

#### **15A NCAC 18C .0713 PRESSURE FILTERS**

- (a) Pressure filters shall not be used in treatment of surface waters without prior coagulation and flocculation.
- (b) Pressure filters shall be approved for treatment of existing groundwater sources under the influence of surface water under the following conditions:
  - (1) design standards for gravity filters shall meet the requirements set forth in Rule .0708 of this Section;
  - (2) overall plant design shall comply with Rule .0404 of this Subchapter;
  - (3) special design or operational features or modifications shall be provided when needed due to the water quality or the design of the proposed filter;
  - (4) if the proposed water treatment plant employs treatment techniques that are consistent with this Subchapter, a pilot plant study shall be conducted in accordance with Rule .0714 of this Section; and
  - (5) if the pilot study demonstrates that the proposed plant can produce water that complies with all requirements of this Subchapter, engineering plans and specifications for the proposed plant and appurtenances shall be presented to the Department for review and approval prior to construction or letting a construction contract.

*History Note:* Authority G.S. 130A-315; 130A-317; P.L. 93-523;  
 Eff. July 1, 1994;  
 Readopted Eff. July 1, 2019.

#### **15A NCAC 18C .0714 PILOT PLANT STUDIES**

- (a) A pilot plant study proposal shall be submitted to the Department for approval before the study is conducted. The proposal shall be approved if it meets all of the following conditions and includes all of the following information:
  - (1) An engineering report shall describe the proposed study and shall include the information and data to justify the use of the particular plant to treat the source water.
  - (2) The proposed plant shall employ treatment techniques that are consistent with this Subchapter.
  - (3) The pilot plant shall be of the same design and operation as the proposed plant.
  - (4) A protocol for conducting the study shall be submitted that includes the duration, testing procedures, reporting procedures, plant scale, and other factors that affect the proposed plant operation.
  - (5) The study shall be conducted over a time sufficient to treat all worst-case source water conditions expected through the year.
- (b) Pilot plant finished water shall not be approved by the Department for introduction into a public water system unless case specific engineering evidence is presented to demonstrate that it will not adversely impact compliance with water quality requirements specified in this Subchapter.
- (c) A model plant may be proposed without on-site testing if the proposed plant or pilot plant has met the following conditions:
  - (1) been tested under worst case conditions on similar water;

- (2) achieved the required log inactivation and removal under Section .2000 of this Subchapter for Giardia, Cryptosporidium, and viruses; and
- (3) achieved a maximum of 0.3 NTU turbidity levels 95 percent of the time in filtered effluent.
- (d) The pilot plant shall comply with the provisions of Section .2000 of this Subchapter.
- (e) If the proposal includes a change of treatment as defined in Rule .1507 Corrosion Control and Lead and Copper Monitoring of this Subchapter, the pilot study shall consider the effect of the proposed changes in compliance with lead, copper, and water quality parameters.

*History Note:* Authority G.S. 130A-315; 130A-317; P.L. 93-523;  
 Eff. July 1, 1994;  
 Amended Eff. October 1, 2009;  
 Readopted Eff. July 1, 2019.

**15A NCAC 18C .0715 OTHER DESIGN STANDARDS**

*History Note:* Authority G.S. 130A-315; 130A-317; P.L. 93-523;  
 Eff. July 1, 1994;  
 Amended Eff. April 1, 2014;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015;  
 Repealed Eff. July 1, 2019 (this rule was recodified to 15A NCAC 18C .0503).

**SECTION .0800 - HYDROPNEUMATIC STORAGE TANKS RULES**

.0801 - .0805 of Title 15A Subchapter 18C of the North Carolina Administrative Code (T15A.18C .0801 - .0805); has been transferred and recodified from Rules .2001 - .2005 Title 10 Subchapter 10D of the North Carolina Administrative Code (T10.10D .2001 - .2005), effective April 4, 1990.

**15A NCAC 18C .0801 CAPACITIES: DETERMINING MINIMUM EFFECTIVE VOLUME**

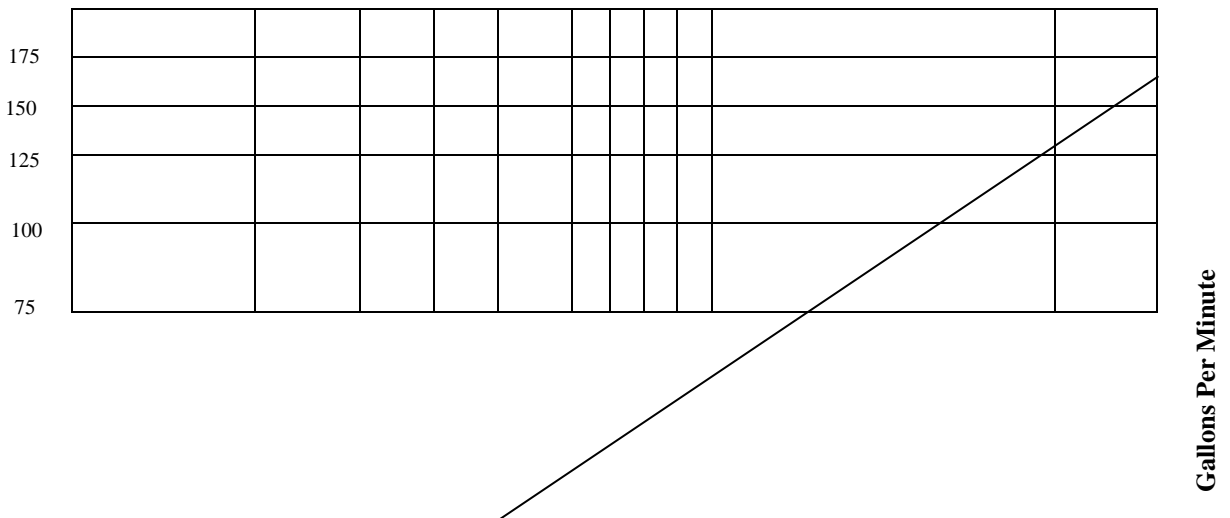
The minimum effective volume of pressure tanks, in gallons, shall equal the peak demand, in gallons per minute, minus the pumping capacity (gpm), multiplied by 20.

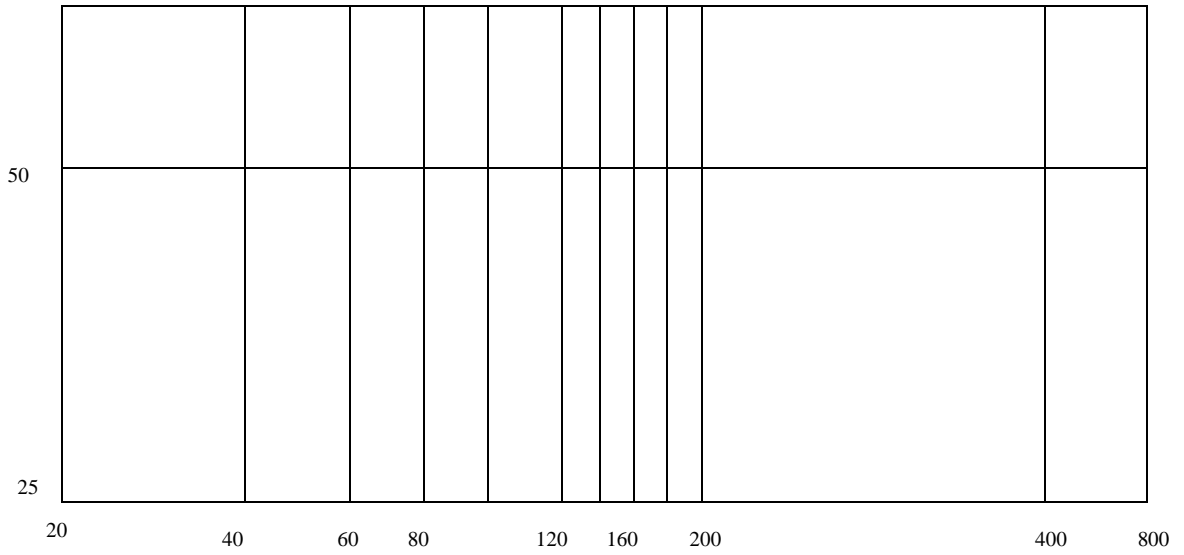
*History Note:* Authority G.S. 130A-315; 130A-317; P.L. 93-523;  
 Eff. January 1, 1977;  
 Readopted Eff. December 5, 1977;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

**15A NCAC 18C .0802 CAPACITIES: DETERMINING PEAK DEMAND**

(a) The following charts shall be used to determine the peak demand for campground, residential community, and mobile home park water systems:

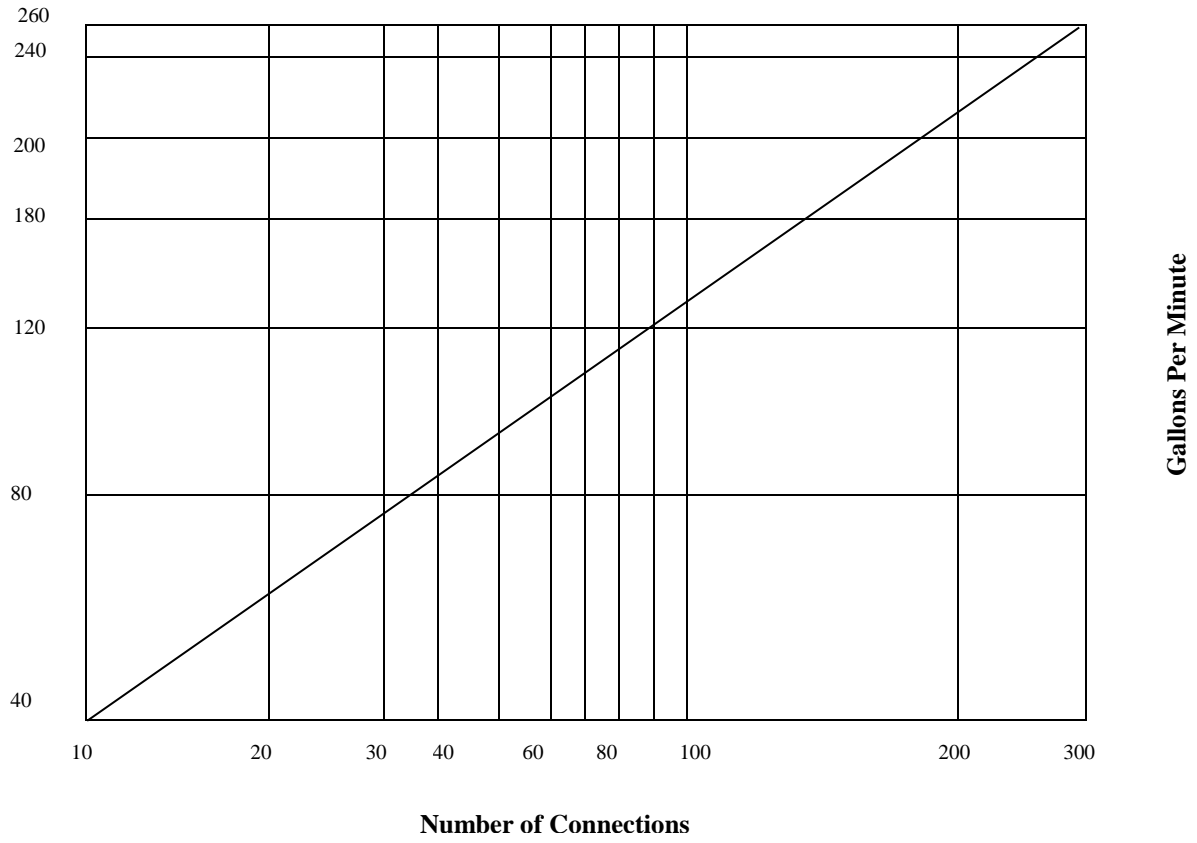
**PEAK DEMAND FOR CAMPGROUND WATER SYSTEMS**  
 (Number of Connections vs Gallons per Minute)



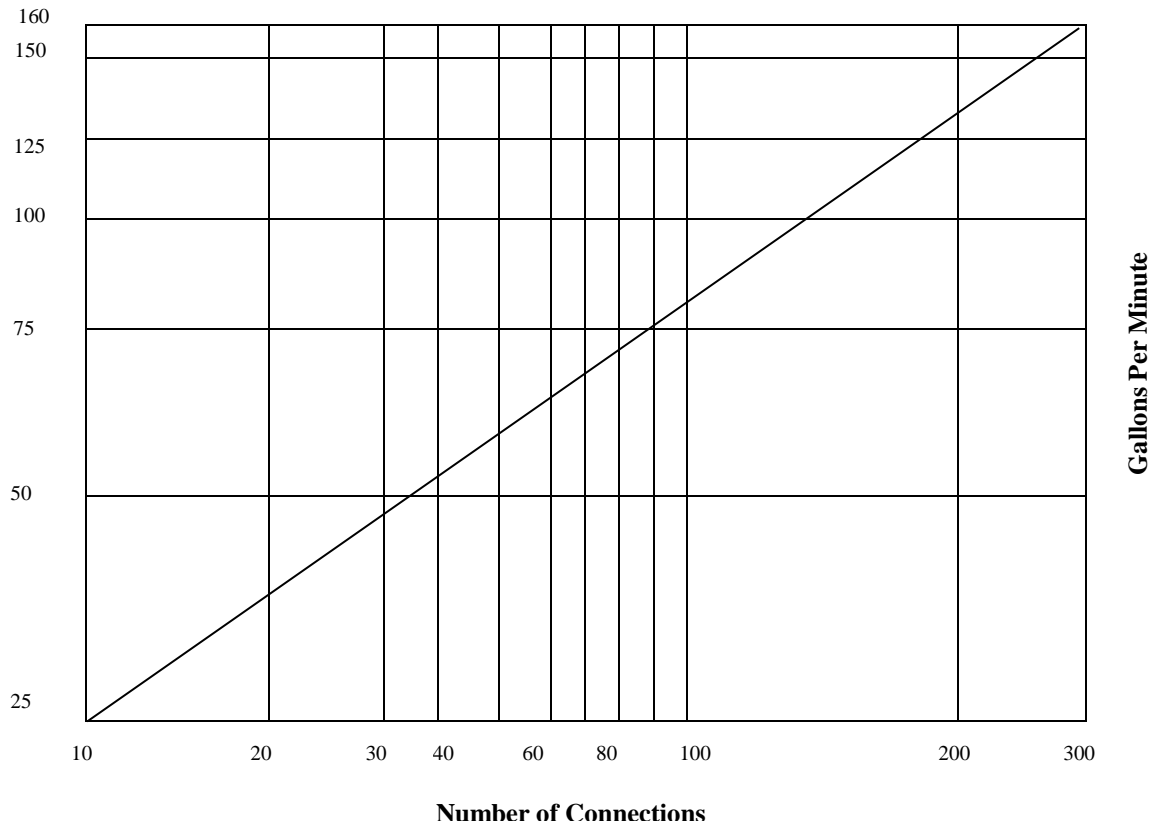


**Number of Connections**

PEAK DEMAND FOR RESIDENTIAL COMMUNITY WATER SYSTEMS  
(Number of Connections vs Gallons per Minute)



**PEAK DEMAND FOR MOBILE HOME PARK WATER SYSTEMS**  
 (Number of Connections vs Gallons per Minute)



(b) The peak demand for non-transient, non-community water systems shall be determined based on the total demand weight of fixtures in accordance with the procedures of the North Carolina State Building Code, Volume II, Plumbing Section that are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102 of this Subchapter.

*History Note:* Authority G.S. 130A-315; 130A-317; P.L. 93-523;  
 Eff. January 1, 1977;  
 Readopted Eff. December 5, 1977;  
 Amended Eff. April 1, 2014; July 1, 1994; June 30, 1980;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

**15A NCAC 18C .0803 CAPACITIES: DETERMINING TOTAL VOLUME**

The total volume of a pressure tank shall be calculated by applying the principle of Boyle's Law as set forth in this Rule.

- (1) For a mobile home park, the total volume measured in gallons shall be not less than 25 times the number of connections or 500 gallons, whichever is greater.
- (2) For a residential community water system the total volume shall not be less than 40 times the number of connections or 500 gallons, whichever is greater.
- (3) For a campground, the total volume shall not be less than 10 times the number of connections or 500 gallons, whichever is greater.

*History Note:* Authority G.S. 130A-315; 130A-317; P.L. 93-523;  
 Eff. January 1, 1977;

*Readopted Eff. December 5, 1977;*  
*Amended Eff. July 1, 1994; March 31, 1980;*  
*Readopted Eff. July 1, 2019.*

**15A NCAC 18C .0804 CAPACITIES: GROUND STORAGE PLUS HYDROPNEUMATIC TANKS**

When ground level storage tanks and high-service pumps are to be used, hydropneumatic tanks shall be sized in relation to peak demand and the high-service pump capacity.

*History Note: Authority G.S. 130A-315; 130A-317; P.L. 93-523;*  
*Eff. January 1, 1977;*  
*Readopted Eff. December 5, 1977;*  
*Amended Eff. July 1, 1994;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

**15A NCAC 18C .0805 CAPACITIES: ELEVATED STORAGE**

(a) Where feasible, elevated storage capacity shall meet the requirements of the ISO Commercial Risk Services, Inc. Fire Suppression Rating Schedule that are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102 of this Subchapter.

(b) The elevated storage capacity for a municipality shall be sufficient to minimize the effect of fluctuating demand and provide a reserve for fire protection, but not be less than 75,000 gallons in capacity.

(c) The combined elevated and ground storage capacity of the finished water for community and non-transient, non-community water systems shall be a minimum of one-half day's supply of the average annual daily demand.

*History Note: Authority G.S. 130A-315; 130A-317; P.L. 93-523;*  
*Eff. January 1, 1978;*  
*Amended Eff. April 1, 2014; July 1, 1994;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

**SECTION .0900 - DISTRIBUTION SYSTEMS**

Rules .0901 - .0907 of Title 15A Subchapter 18C of the North Carolina Administrative Code (T15A.18C .0901 - .0907); has been transferred and recodified from Rules .2101 - .2107 Title 10 Subchapter 10D of the North Carolina Administrative Code (T10.10D .2101 - .2107), effective April 4, 1990.

**15A NCAC 18C .0901 SIZE OF THE WATER MAINS**

Water distribution mains shall be sized to provide a minimum pressure at all points within the distribution system of not less than 20 pounds per square inch (gauge) during periods of peak demand (fire flow), but in any case water mains shall not be less than two-inch standard nominal diameter. Fire hydrants shall not be installed on water mains of less than six inches diameter or on water mains or water systems not designed to carry fire protection flows. Systems not designed for fire flows shall have the capacity to maintain a pressure of at least 30 pounds per square inch (gauge) throughout the system during periods of peak flow.

*History Note: Authority G.S. 130A-315; 130A-317; P.L. 93-523;*  
*Eff. January 1, 1977;*  
*Readopted Eff. December 5, 1977;*  
*Amended Eff. March 31, 1980;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

**15A NCAC 18C .0902 NUMBER OF RESIDENCES ON A WATER MAIN**

(a) No more than 20, or the equivalent of 20 residences shall be connected to a two-inch diameter water line, unless the main is looped or otherwise supplied from two connections with mains of adequate capacities.



(b) A looped two-inch main shall serve no more than 40 residences, or the equivalent water demand of 40 residences. A two-inch diameter main shall not exceed 1000 feet in length.

*History Note:* Authority G.S. 130A-315; 130A-317; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Amended Eff. January 1, 1978;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

#### **15A NCAC 18C .0903 DEAD-END WATER MAINS**

Where installation of dead-end water mains cannot be avoided, a hydrant or a valve of adequate size for flushing shall be installed at the terminal end of the line. The flush valves shall have an above-ground discharge and shall be protected from contamination.

*History Note:* Authority G.S. 130A-315; 130A-317; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

#### **15A NCAC 18C .0904 PIPE LAYING**

(a) Trenching, pipe laying, and backfilling shall be accomplished in a manner to prevent damage to and misalignment of the pipe. Water mains shall be buried to a depth below the frost line or to a depth sufficient to provide a minimum of 30 inches cover, whichever is greater. In cases where it is impracticable to provide 30 inches of cover taking into consideration feasibility and cost, a deviation may be approved on a case-by-case basis, if supported by data from the design engineer including consideration of pipe material, cover material, land cover, land use, land slope, the depth of the frost line, and the location of other utilities.

(b) To allow for construction and repair, a minimum distance of 12 inches shall be maintained between the outside of the water main and the outside of other utilities.

(c) If an engineer demonstrates it is impractical to maintain the separation distances required by this Rule, taking into consideration feasibility, cost, and the factors set forth in this Paragraph, a deviation may be approved on a case-by-case basis if supported by data and alternative construction criteria submitted by the design engineer. Data and alternative construction criteria submitted by the design engineer to justify the deviation shall describe:

- (1) the rationale for determining that separation criteria described in Paragraphs (a) and (b) of this Rule are impracticable;
- (2) the extent of the deviation from separation criteria in Paragraphs (a) and (b) of this Rule;
- (3) a consideration of pipe materials, pressure ratings, type of joints for water main and non-potable water line, and soil conditions;
- (4) the ability to provide adequate work space to repair or replace pipe segments or other utility infrastructure without causing damage to or otherwise compromising the integrity of pipes; and
- (5) the rationale for determining that the deviation will not result in unreasonable risk to public health.

*History Note:* Authority G.S. 130A-315; 130A-317; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015;  
Amended Eff. July 1, 2019.

#### **15A NCAC 18C .0905 TESTING NEW WATER MAINS**

New water mains shall be tested for leakage and any necessary repairs and re-testing shall be accomplished as specified in AWWA standards.

*History Note:* Authority G.S. 130A-315; 130A-317; P.L. 93-523;

*Eff. January 1, 1977;*  
*Readopted Eff. December 5, 1977;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

**15A NCAC 18C .0906 RELATION OF WATER MAINS TO NON-POTABLE WATER LINES**

(a) For the purposes of this Rule, sewer shall mean any existing or proposed gravity or force main used to convey sanitary or industrial process waste.

(b) Lateral Separation of Sewers and Water Mains. Water mains shall be laid at least 10 feet laterally from existing or proposed sewers, unless local conditions or barriers prevent a 10-foot lateral separation, in which case:

- (1) the water main shall be laid in a separate trench, with the elevation of the bottom of the water main at least 18 inches above the top of the sewer; or
- (2) the water main shall be laid in the same trench as the sewer, with the water main located at one side on a bench of undisturbed earth and with the elevation of the bottom of the water main at least 18 inches above the top of the sewer.

(c) Crossings. A water main that crosses a sewer shall be laid a minimum vertical distance of 18 inches from the outside of the water main and the outside of the sewer, either above or below the sewer, with preference to the water main located above the sewer. One full length of water pipe shall be located so that both joints will be as far from the sewer as possible.

(d) Water Mains and Storm Sewer Pipes. Pipes carrying storm drainage shall be separated from water lines in accordance with Rule .0904 of this Section.

(e) Water Mains and Reclaimed Water Distribution Lines. Water lines shall be located at least 10 feet horizontally from or at least 18 inches above water pipes carrying treated and disinfected wastewater in reclaimed water distribution lines. Crossings shall be made in accordance with Paragraph (c) of this Rule.

(f) Special Conditions. If an engineer demonstrates it is impracticable to maintain the separation distances required by this Rule, taking into consideration feasibility, cost, and the factors set forth in this Paragraph, the deviation may be approved on a case-by-case basis, if supported by data and alternative construction criteria provided by the design engineer. Data and alternative construction criteria submitted by the design engineer to justify the deviation must describe:

- (1) the rationale for determining that separation criteria described in this Rule are impracticable;
- (2) the extent of the deviation from separation criteria in this Rule;
- (3) a consideration of pipe materials, pressure ratings, type of joints for water main and non-potable water line, and soil conditions;
- (4) the ability to provide adequate work space to repair or replace pipe segments or other utility infrastructure without causing damage to or otherwise compromising the integrity of pipes; and
- (5) the rationale for determining that the deviation will not result in unreasonable risk to public health.

*History Note: Authority G.S. 130A-315; 130A-317; P.L. 93-523;*  
*Eff. January 1, 1977;*  
*Readopted Eff. December 5, 1977;*  
*Readopted Eff. July 1, 2019.*

**15A NCAC 18C .0907 VALVES**

(a) Valves should be installed on all branches from feeder mains, and between mains and hydrants according to the following schedule:

- (1) three valves at x (crosses),
- (2) two valves at T's (tees), and
- (3) one valve on single hydrant branch.

(b) All valves installed in water distribution systems shall meet the appropriate AWWA Standards C 500-71 (adopted in 1971), C 504-74 (adopted in 1974), and C 507-73 (adopted in 1973) of the American Water Works Association, Inc., that are incorporated by reference including any subsequent amendments or editions. Copies are available for public inspection as set forth in Rule .0102 of this Subchapter. All valves must be installed in such a manner as to be readily accessible, preferably, the use of an appropriate valve box and cover.

*History Note: Authority G.S. 130A-315; 130A-317; P.L. 93-523;*  
*Eff. January 1, 1977;*  
*Readopted Eff. December 5, 1977;*

*Amended Eff. April 1, 2014; March 31, 1980;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

## **SECTION .1000 - DISINFECTION OF WATER SUPPLY SYSTEMS**

Rules .1001 - .1004 of Title 15A Subchapter 18C of the North Carolina Administrative Code (T15A.18C .1001 - .1004); has been transferred and recodified from Rules .2201 - .2204 Title 10 Subchapter 10D of the North Carolina Administrative Code (T10.10D .2201 - .2204), effective April 4, 1990.

### **15A NCAC 18C .1001 DISINFECTION OF NEW SYSTEMS**

(a) All interior surfaces of new potable water supply systems, including wells, filters, storage tanks and distribution lines shall be thoroughly disinfected by means of hypochlorite or chlorine solutions, after which bacteriological test samples shall be collected.

(b) After disinfection the water supply shall not be placed into service until bacteriological test results of representative water samples analyzed in an approved laboratory are found to be satisfactory.

*History Note: Authority G.S. 130A-315; 130A-317; P.L. 93-523;*  
*Eff. January 1, 1977;*  
*Readopted Eff. December 5, 1977;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

### **15A NCAC 18C .1002 DISINFECTION OF WELLS**

(a) After construction, servicing, maintenance, or any other activity or event that might lead to contamination of the water, wells shall be disinfected in accordance with ANSI/AWWA C654-13, "Disinfection of Wells." Copies may be obtained for public inspection as set forth in Rule .0503 of this Subchapter.

(b) After disinfection, wells shall not be placed into service until bacteriological test results of representative water samples analyzed by a certified laboratory are found to be satisfactory.

(c) Records demonstrating compliance with ANSI/AWWA Standard C654-13 shall be available for three years for inspection by the Department.

*History Note: Authority G.S. 130A-315; 130A-317; P.L. 93-523;*  
*Eff. January 1, 1977;*  
*Readopted Eff. December 5, 1977;*  
*Amended Eff. July 1, 1994;*  
*Readopted Eff. July 1, 2019.*

### **15A NCAC 18C .1003 DISINFECTION OF STORAGE TANKS AND DISTRIBUTION SYSTEMS**

(a) Water distribution systems, including storage tanks and water mains, after flushing to remove sediment and other foreign matter, and after testing for leaks, shall be disinfected in accordance with ANSI/AWWA Standard C652-11; "Disinfection of Water Storage Facilities" or in accordance with ANSI/AWWA C651-14; "Disinfection of Water Mains." Copies may be obtained for public inspection as set forth in Rule .0503 of this Subchapter.

(b) After disinfection, water storage or distribution facilities shall not be placed into service until bacteriological test results of representative water samples analyzed by a certified laboratory are found to be satisfactory.

(c) Records demonstrating compliance with ANSI/AWWA Standards C652-11 or ANSI/AWWA Standard 651-14 shall be available for three years for inspection by the Department.

*History Note: Authority G.S. 130A-315; 130A-317; P.L. 93-523;*  
*Eff. January 1, 1977;*  
*Readopted Eff. December 5, 1977;*  
*Amended Eff. January 1, 1978;*  
*Readopted Eff. July 1, 2019.*

### **15A NCAC 18C .1004 DISINFECTION OF WATER TREATMENT FACILITIES**

(a) New water treatment facilities and existing water treatment facilities taken out of service for cleaning, inspection, maintenance, painting, repair, or other activities or events that might lead to contamination of water shall be disinfected in accordance with ANSI/AWWA Standard C653-13, "Disinfection of Water Treatment Facilities." Copies may be obtained for public inspection as set forth in Rule .0503 of this Subchapter.

(b) After disinfection the water treatment facilities shall not be placed into service until bacteriological test results of representative water samples analyzed by a certified laboratory are found to be satisfactory.

(c) Records demonstrating compliance with ANSI/AWWA Standard C653-13 shall be available for three years for inspection by the Department.

*History Note:* Authority G.S. 130A-315; 130A-317; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Amended Eff. July 1, 1994;  
Readopted Eff. July 1, 2019.

## **SECTION .1100 - PROTECTION OF UNFILTERED PUBLIC WATER SUPPLIES**

Rules .1101 - .1108 of Title 15A Subchapter 18C of the North Carolina Administrative Code (T15A.18C .1101 - .1108); has been transferred and recodified from Rules .1201 - .1208 Title 10 Subchapter 10D of the North Carolina Administrative Code (T10.10D .1201 - .1208), effective April 4, 1990.

### **15A NCAC 18C .1101 WATERSHED AREA**

No dwelling house, pasture, hog lot, cattle or horse barn, or other areas where domestic animals are confined or permitted, and no parks, camping grounds or other places of public assembly shall be permitted within the watershed area of an unfiltered public water system. The watershed area shall be posted in accordance with Rule .1107 of this Section.

*History Note:* Authority G.S. 130A-315; 130A-320; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Amended Eff. July 1, 1994; September 1, 1990; September 1, 1979;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

### **15A NCAC 18C .1102 AUTHORIZED PERSONS WITHIN WATERSHED AREA**

No persons, other than a duly authorized representative of the person or company supplying the water from an unfiltered public water system or a representative of the local health department, or the Department, or a game warden, state forester or law enforcement officer, or a representative of the U.S. Park Service or U.S. Forest Service shall be permitted within the area of the watershed of an unfiltered public water system at any time and for any purpose unless the Department determines that the proposed activity does not adversely affect the quality of the water.

*History Note:* Authority G.S. 130A-315; 130A-320; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Amended Eff. July 1, 1994; September 1, 1990; September 1, 1979;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

### **15A NCAC 18C .1103 HUNTING: FISHING: OR HIKING**

Hunting, fishing, or hiking shall not be permitted within the watershed area.

*History Note:* Authority G.S. 130A-315; 130A-320; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Amended Eff. September 1, 1990;

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .1104 DISPOSAL OF CARCASSES**

The carcass of any dead animal found within the watershed area of an unfiltered community water system shall be buried by the owner or person in charge of the animal and by the person owning or in charge of the land upon which the animal dies with a covering of at least three feet of earth, or the carcass shall be burned, or removed from the watershed and buried as required by G.S. 106-403. In no case shall dead animals be placed in the reservoir or the tributaries of an unfiltered community water system.

*History Note: Authority G.S. 130A-315; 130A-320; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Amended Eff. September 1, 1979;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .1105 PROHIBITED CONDUCT ON WATERSHED**

No timbering, lumbering, construction, or reforestation operations shall be permitted on the watershed of an unfiltered public water system unless the Department determines that the project will provide for the sanitary and physical protection of the water supply during such operations. The applicant shall submit a project plan describing the nature and scope of the project and precautions for protection of the water supply.

*History Note: Authority G.S. 130A-315; 130A-320; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Amended Eff. July 1, 1994; September 1, 1990; September 1, 1979;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .1106 INSPECTION OF WATERSHEDS**

The person or company supplying water from the watershed of an unfiltered source shall employ an adequate number of responsible inspectors and cause satisfactory inspection of the watershed to be made at least at quarterly intervals to assure that the watershed area is at all times maintained in a manner that will promote and insure the sanitary and physical protection of the supply. A copy of the watershed inspection report shall be submitted to the Public Water Supply Section, within ten days after completion of the inspection.

*History Note: Authority G.S. 130A-315; 130A-320; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Amended Eff. September 1, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .1107 WATERSHED BOUNDARY SIGNS**

Signs advising the public of the watershed boundaries and prohibiting trespassing by all unauthorized persons shall be posted at the water works intake and along the boundaries and at entrances and accesses throughout the watershed area of an unfiltered public water system. It shall be the duty of the watershed inspectors and other water supply officials to see that these signs are posted and maintained.

*History Note: Authority G.S. 130A-315; 130A-320; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Amended Eff. July 1, 1994; September 1, 1979;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .1108 CONTINUOUS DISINFECTION OF WATER SUPPLY**

The water supply shall be continuously disinfected by means of chlorination or by other methods approved by the Commission for Public Health. Equipment shall be provided to assure uninterrupted disinfection.

*History Note: Authority G.S. 130A-315; 130A-320; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

### **SECTION .1200 - PROTECTION OF FILTERED WATER SUPPLIES**

#### **15A NCAC 18C .1201 RECREATIONAL ACTIVITIES**

(a) No recreational activities shall be permitted on a class I or class II reservoir without a resolution by the commission or without approval by the Department. The Department may approve recreational events on a class I or class II reservoir which last one day or less upon a showing that the recreational event will not adversely affect the quality of the water to the point of rendering it unsuitable as a source for a public water system. All other recreational activities on a class I or class II reservoir shall be permitted only upon a resolution by the commission authorizing the activity.

(b) Upon request for such a resolution, the Division shall make or cause to be made a thorough investigation of the quality of the water to determine the extent to which the proposed recreational activities would adversely affect the quality of the water. If, after such investigation, the Commission for Public Health is of the opinion that the proposed recreational activities will not adversely affect the quality of the water to the point of rendering it unsuitable as a source of public water system, the Commission for Public Health may adopt a resolution authorizing the proposed recreational activities.

(c) Only those recreational activities specifically authorized in the resolution will be allowed. No recreational activities shall be permitted within 50 yards of any public water system intake.

*History Note: Authority G.S. 130A-315; 130A-320; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Amended Eff. October 1, 1985; September 1, 1979;  
Transferred and Recodified from 10 NCAC 10D .1301 Eff. April 4, 1990;  
Amended Eff. July 1, 1994; September 1, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .1202 PROTECTION OF WATER QUALITY**

The issuance of a resolution by the Commission for Public Health for recreational activities on public water supply reservoirs shall be contingent upon the governing authority establishing provisions for adequate sanitation facilities, supervision and police control to insure the protection of the water quality.

*History Note: Authority G.S. 130A-315; 130A-320; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Transferred and Recodified from 10 NCAC 10D .1311 Eff. April 4, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .1203 MAINTENANCE OF PARKS**

Parks or other places of resort for the use and entertainment of the public which may be established and maintained on a watershed shall be provided with sanitary facilities for the collection of garbage and disposal of sewage. Such facilities must not cause deterioration of water quality. Persons in charge of such facilities must maintain these facilities at all times in order to prevent the pollution of the public water system.

*History Note:* Authority G.S. 130A-315; 130A-320; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Amended Eff. September 1, 1979;  
Transferred and Recodified from 10 NCAC 10D .1302 Eff. April 4, 1990;  
Amended Eff. July 1, 1994; September 1, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

#### **15A NCAC 18C .1204 FISHING**

(a) Fishing shall not be permitted on any Class I or Class II public water supply reservoir without a resolution granting permission by the Commission for Public Health. In order to obtain permission, a written application shall be submitted by the owner of the water supply to the Commission for Public Health. Permission shall not be issued until an investigation has been made by an authorized representative of the Division of Water Resources and a determination made that fishing in the reservoir shall not adversely affect the water quality.

(b) The application requesting permission to fish in any reservoir shall be accompanied by sufficient evidence (such as ordinances adopted by the applicant) to insure that the following requirements shall be enforced by the applicant:

- (1) Fishing shall be permitted only from boats owned or controlled by the applicant. Boats will at all times be under the supervision and jurisdiction of a responsible representative of the applicant. Bank fishing may be permitted in restricted supervised areas with proper sanitation facilities when included as a specific, listed activity and approved by the Commission for Public Health.
- (2) A sufficient number of wardens and watershed inspectors shall be employed at all times to insure that no acts of urination, defecation, or other acts which would defile the water supply are committed by any person while fishing in the public water supply reservoir.
- (3) A dock shall be provided or controlled by the applicant for the purpose of docking fishing boats. No boat shall enter or leave the reservoir except from a ramp owned or controlled by the applicant.

*History Note:* Authority G.S. 130A-315; 130A-320; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Amended Eff. September 1, 1979;  
Transferred and Recodified from 10 NCAC 10D .1303 Eff. April 4, 1990;  
Amended Eff. April 1, 2014; September 1, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

#### **15A NCAC 18C .1205 PERMISSION TO FISH**

*History Note:* Authority G.S. 130A-315; 130A-320; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Transferred and Recodified from 10 NCAC 10D .1501 Eff. April 4, 1990;  
Repealed Eff. September 1, 1990.

#### **15A NCAC 18C .1206 ENFORCEMENT OF FISHING REQUIREMENTS**

*History Note:* Authority G.S. 130A-315; 130A-320; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Transferred and Recodified from 10 NCAC 10D .1502 Eff. April 4, 1990;  
Repealed Eff. September 1, 1990.

#### **15A NCAC 18C .1207 ANIMALS IN RESERVOIR**

The watering, washing or wallowing of any horses, mules, cattle, or domestic animals shall not be permitted in any class I or class II reservoir. The supplier of water may permit domestic animals within 50 feet of normal pool elevation if the animal is under direct supervision by a person and the activity is regulated by the supplier of water to ensure that water quality is not adversely affected.

*History Note:* Authority G.S. 130A-315; 130A-320; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Transferred and Recodified from 10 NCAC 10D .1304 Eff. April 4, 1990;  
Amended Eff. July 1, 1994;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

#### **15A NCAC 18C .1208 CONTROLLING THE DRAINAGE OF WASTES**

Precautions shall be taken on the watershed of class I and class II reservoirs and water intakes located on unimpounded streams to control the drainage of wastes from animal and poultry pens or lots, into such sources.

*History Note:* Authority G.S. 130A-315; 130A-320; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Transferred and Recodified from 10 NCAC 10D .1305 Eff. April 4, 1990;  
Amended Eff. September 1, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

#### **15A NCAC 18C .1209 UNTREATED DOMESTIC SEWAGE OR INDUSTRIAL WASTES**

No treated or untreated domestic sewage, treated or untreated industrial waste or by-products shall be stored on the watershed of or discharged into any public water supply reservoir or stream tributary to that reservoir whose waters are classified as WS-I. No untreated domestic sewage or industrial waste by-products shall be discharged into any public water supply reservoir or stream classified as WS-II, WS-III, WS-IV, or WS-V. No hazardous waste, industrial by-products, treated or untreated domestic sewage shall be stored in the watershed of a Class I or Class II water supply reservoir. No hazardous waste or industrial by-products shall be stored in the watershed of a WS-II, WS-III, WS-IV, or WS-V stream unless precautions are taken to prevent its being spilled into or otherwise entering the raw water supply.

*History Note:* Authority G.S. 130A-315; 130A-320; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Amended Eff. February 1, 1987;  
Transferred and Recodified from 10 NCAC 10D .1306 Eff. April 4, 1990;  
Amended Eff. July 1, 1994; September 1, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

#### **15A NCAC 18C .1210 SEWAGE DISPOSAL**

Any residence, place of business or public assembly, located on a watershed shall be provided with a sanitary means of sewage disposal.

*History Note:* Authority G.S. 130A-315; 130A-320;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Transferred and Recodified from 10 NCAC 10D .1309 Eff. April 4, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

#### **15A NCAC 18C .1211 GROUND ABSORPTION SEWAGE COLLECTION: TREATMENT/DISP SYSTEMS**



*History Note:* Authority G.S. 130A-315; 130A-320; P.L. 93-523;  
Eff. February 1, 1987;  
Amended Eff. December 1, 1988;  
Transferred and Recodified from 10 NCAC 10D .1313 Eff. April 4, 1990;  
Amended Eff. July 1, 1994; September 1, 1990;  
Expired Eff. December 1, 2015 pursuant to G.S. 150B-21.3A.

#### **15A NCAC 18C .1212 BURIAL OF CARCASSES**

The carcass of any dead animal found within the watershed shall be buried by the owner or person in charge of the animal or the person owning or in charge of the land upon which the animal dies with a covering of at least three feet of earth or the carcass shall be burned or removed from the watershed and buried as required by G.S. 106-403. In no case shall dead animals be placed in the reservoir.

*History Note:* Authority G.S. 130A-315; 130A-320; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Transferred and Recodified 10 NCAC 10D .1307 Eff. April 4, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

#### **15A NCAC 18C .1213 BURIAL GROUND**

No burial ground shall be established on any watershed within 1,500 feet upstream from a public water supply intake on an unimpounded stream or within 300 feet of any class I or class II reservoir.

*History Note:* Authority G.S. 130A-315; 130A-320; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Transferred and Recodified from 10 NCAC 10D .1308 Eff. April 4, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

#### **15A NCAC 18C .1214 DISPOSAL OF ANY SUBSTANCE**

Any person who intends to dispose of or store any substance that may adversely affect the quality of the water, to the point of rendering the water unsuitable as a source for a public water system, shall notify the Division prior to disposal or storage. The notification shall be in writing and shall list any substances that will be disposed of or stored. No substances shall be disposed of or stored without the Division's approval. The owner of the water supply shall be responsible for maintaining surveillance of the reservoirs and watersheds to insure protection of the water quality and shall notify the Department of any activities that may endanger water quality.

*History Note:* Authority G.S. 130A-315; 130A-320; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Transferred and Recodified from 10 NCAC 10D .1310 Eff. April 4, 1990;  
Amended Eff. September 1, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

### **SECTION .1300 - OPERATION OF PUBLIC WATER SUPPLIES**

Rules .1301 - .1303 of Title 15A Subchapter 18C of the North Carolina Administrative Code (T15A.18C .1301 - .1303); has been transferred and recodified from Rules .1101 - .1103 Title 10 Subchapter 10D of the North Carolina Administrative Code (T10.10D .1101 - .1103), effective April 4, 1990.

#### **15A NCAC 18C .1301 GENERAL REQUIREMENTS**

- (a) For the purposes of this Section,
- (1) A "facility" is defined as any individual operational unit or a combination of operational units that a public water system uses in the treatment or distribution of drinking water.
  - (2) Any "operator" referenced in this Section shall hold a valid certificate issued by the North Carolina Water Treatment Facility Operators Certification Board. An "Operator in Responsible Charge (ORC)" designated for each facility shall hold a grade of certification corresponding to or higher than the classification of the facility.
- (b) Treatment facility. The supplier of water shall have an Operator in Responsible Charge (ORC), as required by 15A NCAC 18D .0206. The ORC or certified treatment facility operator working under the direction of the ORC shall be familiar with the entire water system, including the chlorinators, piping and other appurtenances pertaining to the operation of the treatment plant and the distribution system.
- (c) Distribution facility. The collection of distribution system samples and field measurements required on monthly operation reports, including residual disinfectant testing in the distribution system in accordance with Rule .1302(a)(2)(A) of this Section may be performed by a person under the ORC's direction, subject to the following provisions:
- (1) The standard operating procedures plan prepared in accordance with 15A NCAC 18D .0701(f) shall include procedures for sampling and for performing residual disinfectant tests and other field measurements.
  - (2) In order to report low residual disinfectant test readings or other problems, the designee shall, at all times, be able to contact the ORC or certified operator working under the direction of the ORC, who shall take corrective action as needed to keep the system in compliance.

*History Note: Authority G.S. 90A-29; 130A-315; P.L. 93-523; Eff. January 1, 1977; Readopted Eff. December 5, 1977; Amended Eff. October 1, 2009; July 1, 1994; September 1, 1990; June 30, 1980; September 1, 1979; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

**15A NCAC 18C .1302 TESTS, FORMS AND REPORTING**

- (a) Required tests. If a public water system uses disinfectants or other chemicals for the treatment of water, residual disinfectant tests and other applicable water quality tests required by this Subchapter shall be made during every oversight visit to the facility required by Rule .1303 of this Section. Residual disinfectant concentrations shall be maintained in accordance with 15A NCAC 18C .2002 and .2201 and shall be tested as follows:
- (1) Residual disinfectant tests at the entry point. For systems providing treatment, residual disinfectant concentrations shall be measured in the water entering the distribution system by the operator during every visit required by Rule .1303(a) of this Section.
  - (2) Residual disinfectant tests in the distribution system shall be performed as follows:
    - (A) Residual disinfectant concentrations shall be measured weekly at locations that represent maximum residence time of the water in the distribution system or at other locations with high water age. These locations shall be designated on the sample siting plan required under 15A NCAC 18C .1534. The number of required weekly tests is shown in Table A below. Samples collected on the same day must be collected from different locations.

Table A: Measurement Requirements for Residual Disinfectant Concentrations and Chloramine Operational Parameters

Distribution System Classification according to 15A NCAC 18D .0205(b)	Minimum Number of Samples Per Week
D	1
C	3
A and B	5

- (B) Distribution systems classified as C or D in Table A may request the Department to reduce the requirements for measuring residual disinfectant concentrations in the distribution system at the

locations that represent maximum residence time or other locations with high water age as required in Part (a)(2)(A) of this Rule. The request shall be in writing and shall demonstrate to the Department that the residual disinfectant concentrations measured at the entry point in accordance with Subparagraph (a)(1) of this Rule are sufficient in providing the minimum residual disinfectant concentrations required under 15A NCAC 18C .2002 and .2201. The Department shall consider the presence of continuous monitoring, size and configuration of the distribution system, magnitude of disinfectant degradation and results of performance studies.

- (3) Chloramine Operational Parameters. When ammonia and chlorine are applied disinfectants, the system shall measure analytical parameters pertinent to the operation as follows:
  - (A) Water entering the distribution system. Parameters to be measured shall, at a minimum, include total chlorine, monochloramine, free ammonia, and pH and shall be performed daily, while the treatment facility is in operation.
  - (B) Water in the distribution system. Parameters to be measured shall, at a minimum, include total chlorine, monochloramine, free ammonia, and pH and shall be measured no less often than denoted in Table A.

(b) Forms, Reports and Records. A public water system shall report and retain records as follows:

- (1) Test results shall be documented and reported monthly on forms and in a format provided by the Department and shall be signed by the ORC. Copies of report forms may be obtained from the Public Water Supply Section. The monthly report shall be submitted by the 10<sup>th</sup> day of the following month to the Public Water Supply Section.
- (2) The forms and reports shall be in an electronic format provided by the Department for water systems owned or operated by local governments and all community water systems serving 1,000 or more service connections or 3,000 or more individuals, regardless of ownership, effective April 1, 2010. Community water systems serving less than 1,000 service connections and less than 3,000 individuals and all non-transient, non-community water systems shall report test results in an electronic format provided by the Department effective October 1, 2010. The Department may waive the requirement for electronic submission in accordance with G.S. 130A-329. Requests for waivers shall be submitted in writing to the Department no less than two months prior to the deadline.
- (3) Records documenting compliance with Section .1300 shall be retained on the premises of the water system for a minimum of three years.

*History Note: Authority G.S. 90A-29; 130A-315; P.L. 93-523; Eff. January 1, 1977; Readopted Eff. December 5, 1977; Amended Eff. October 1, 2009; July 1, 1994; September 1, 1990; February 1, 1987; June 30, 1980; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

### **15A NCAC 18C .1303 FACILITY OVERSIGHT**

(a) Treatment Facility Oversight. At a minimum, the supplier of water shall ensure that during each oversight visit required by this Rule the water system's treatment facility receives a routine visual inspection from the source to the point where water enters the distribution system; equipment settings are adjusted and chemical feed tanks are filled as necessary; dates and quantities of chemicals added are recorded; and the physical and chemical tests required on plant monthly operation reports are performed. In addition, the supplier of water shall have an ORC, or a certified treatment facility operator working under the direction of the ORC, on site as frequently as necessary to ensure compliance with the requirements of this Section and Subchapter. At least one visit per week shall be performed by the ORC for the treatment facility or by an operator with a grade of certification corresponding to or higher than the classification of the facility. The supplier of water shall provide oversight at a public water system treatment facility while the facility is in operation, as follows:

- (1) Surface Water or Groundwater Under the Direct Influence (GWUDI) of Surface Water Treatment Facilities. Surface water or GWUDI systems shall provide an operator as required in 15A NCAC 18D .0206 and shall have the ORC or an operator with a grade of certification corresponding to or higher than the classification of the facility on-site at least 20 percent of the time the facility is in operation, as calculated on a weekly basis.
- (2) Ground Water Treatment Facilities. The requirements for ground water treatment facilities are as follows:

- (A) Ground water treatment facilities with any individual parameter rating value of 10 or higher as classified by 15A NCAC 18D .0203 shall be visited by an operator daily.
- (B) Ground water treatment facilities with all individual parameter rating values less than 10 as classified 15A NCAC 18D .0203 shall be visited by an operator as often as necessary to ensure compliance with the requirements of this Subchapter but no less often than denoted in Table B below. For the standard frequency of three times per week, no more than two consecutive days shall pass between operator oversight visits. For the standard frequency of two times per week, no more than three consecutive days shall pass between operator oversight visits.
- (3) Supplemental Treatment Facilities. The requirements for supplemental treatment facilities are as follows:
  - (A) A supplemental treatment facility, including booster chlorination, is a facility designed to treat water that has previously been treated to meet standards of the "North Carolina Drinking Water Act." Supplemental treatment facilities with any individual parameter rating value of 10 or higher as designated by 15A NCAC 18D .0203 shall be visited by an operator daily.
  - (B) Supplemental treatment facilities with all individual parameter rating values less than 10 as designated by 15A NCAC 18D .0203 shall be visited by an operator as often as necessary to ensure compliance with the requirements of this Subchapter but no less often than denoted in Table B below. For the standard frequency of three times per week, no more than two consecutive days shall pass between operator oversight visits. For the standard frequency of two times per week, no more than three consecutive days shall pass between operator oversight visits.

Table B: Standard Frequency of Oversight Visits for Ground Water and Supplemental Treatment Facilities

SYSTEM TYPE	Population size	standard frequency of oversight VISITS
Community	> 10,000	Daily
	> 3,300 to 9,999	Five times per week
	501 to 3,300	Three times per week
	500 or fewer	Two times per week
Non-transient, non-community	> 1,000	Three times per week
	1,000 or fewer	Two times per week
Transient, non-community	Any population size	Once per week, unless an ORC is not required by 15A NCAC 18D .0206

(b) Distribution Facility Oversight. Distribution facilities have no specified standard frequency of oversight visits under this Section. The distribution facility shall be visited by the operator as frequently as necessary to operate the facility, provide emergency response and ensure compliance with the requirements of this Section and Subchapter.

(c) Increased Frequency of Oversight. The requirements for increasing the frequency of oversight visits are:

- (1) A system that fails to maintain any operational parameter or has any failure of the treatment or distribution facility that would cause a violation of water quality or treatment standards of Section .1500 of this Subchapter shall be visited by the operator daily until the system has returned to compliance, as determined by the Department. Daily visits shall be required for all systems failing to maintain minimum residual disinfectant concentrations under Rules .2002 or .2201 of this Subchapter or maximum residual disinfectant levels under Rule .2008 of this Subchapter until compliant disinfection levels are restored, regardless of the standard frequency of oversight visits for that system.
- (2) The Department may require additional operator oversight visits for a system that has a violation of this Subchapter, an equipment malfunction, a customer complaint, an emergency or other situation that may affect the ability of the system to comply with the requirements of this Subchapter. In determining the frequency and duration of increased oversight visits, the Department shall consider the following:
  - (A) nature of the malfunction, complaint, emergency or other situation;
  - (B) degree of risk to the public health or welfare;
  - (C) size and type of population exposed;
  - (D) type of treatment and chemicals used by the water system;
  - (E) type, size, and configuration of the distribution system; and
  - (F) potential or actual damage to property or the environment.

(d) Reduced Frequency of Oversight. The Department may grant written approval to reduce the standard frequency of operator oversight visits of this Subchapter to not less than once per week if a system can document compliance with this Subchapter and any of the following:

- (1) Equivalent public health protection is provided through use of remotely controlled continuous monitoring and recording technology. The recorded data must be reviewed at a minimum of five days a week. This technology must be capable of contacting the operator 24 hours a day, seven days a week in case of operational failure, including a loss of signal.
- (2) Equivalent public health protection is provided by operator visits less frequent than those specified under Part (a)(2)(B) of this Rule based on a facility's overall contribution to the daily flow of the water system and the system's proposed alternative plan and schedule.
- (3) Equivalent public health protection is provided through use of process control devices and standard operating procedures to ensure that no chemical misfeeds can occur and include all of the following, at a minimum:
  - (A) wiring of chemical pumps to the well pumps such that they must operate simultaneously;
  - (B) devices to regulate chemical feeds such that overfeeding and underfeeding of chemicals is prevented;
  - (C) anti-siphoning devices installed to prevent siphonage of chemicals into the water system;
  - (D) demonstration that adequate chemical storage and supply is available to ensure continuous feed between visits; and
  - (E) equipment is calibrated in accordance with manufacturers' recommendations but in no case less than once per year.

*History Note:* Authority G.S. 90A-29; 130A-315; P.L. 93-523;  
Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Amended Eff. October 1, 2009; July 1, 1994; September 1, 1990; June 30, 1980; September 1, 1979;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

#### **15A NCAC 18C .1304 WATER SYSTEM OPERATION AND MAINTENANCE**

- (a) Water systems shall be operated and maintained in accordance with applicable approved engineering plans and specifications, Water System Management Plan and Operation and Maintenance Plan.
- (b) Water systems shall be operated and maintained in accordance with 15A NCAC 18D, Rules Governing Water Treatment Facility Operators, Rule .0206 and G.S. 90A-29.

*History Note:* Authority G.S. 90A-29; 130A-315; P.L. 93-523;  
Temporary Adoption Eff. October 1, 1999;  
Eff. August 1, 2000;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

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

- (a) In compliance with G.S. 130A-320, every supplier of water operating a public water system treating and furnishing water from a surface water source shall create and implement a Source Water Protection Plan. For purposes of this Rule, the Source Water Protection Plan required by G.S. 130A-320 shall be referred to as a Source Water Resiliency and Response Plan (SWRRP).
- (b) The SWRRP shall include a list of potential contaminant sources (PCSs) that have potential to reach surface waters, both provided by the Department and supplemented by the water system if additional PCSs are known to exist by the supplier of water. The listed PCSs will be located in the following areas as defined in Classifications and Water Quality Standards Applicable to Surface Waters and Wetlands of North Carolina, 15A NCAC 02B .0200, which is hereby incorporated by reference, including subsequent amendments and editions:
  - (1) within the entire watershed for waters classified as WS-I;
  - (2) within the critical area and 1,000 feet from perennial streambanks within the protected area for waters classified as WS-II and WS-III;

- (3) within the critical area and 1,000 feet from perennial streambanks within the protected area for waters classified as WS-IV;
- (4) within ½ mile from the normal pool elevation in which the intake is located, or to the ridge line of the watershed, whichever comes first, for a reservoir within waters classified as WS-V; and
- (5) within ½ mile, measured as a straight line, upstream from and draining to the intake located directly in the stream or river, or to the ridge line of the watershed, whichever comes first, for a direct-stream intake within waters classified as WS-V.

(c) Any community water system subject to this Rule shall certify completion and implementation of a SWRRP by December 31, 2022. The SWRRP shall contain the following elements:

- (1) identification and contact information of personnel responsible for emergency management, including water system, local, State, and federal emergency response personnel;
- (2) 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. Water Shortage Response Plans may be referenced to fulfill this requirement for water systems required to prepare a Water Shortage Response Plan under 15A NCAC 02E .0607, which is hereby incorporated by reference, including subsequent amendments and editions; and
  - (D) meet demand via alternate sources of supply in the event of contamination or loss of its primary water source.
- (3) identification of foreseeable natural and human-caused emergency events, including water shortages and outages;
- (4) a 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 Paragraph (b) of this Rule;
- (5) 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);
- (6) a description of public notification procedures; and
- (7) identification and evaluation of all facilities and equipment that upon failure would result in a water outage or violations of this Subchapter.

(d) For community water systems that are subject to this Rule and also required to complete a Risk and Resilience Assessment and an Emergency Response Plan under Section 2013 of America's Water Infrastructure Act of 2018 (AWIA), the system's Risk and Resilience Assessment and Emergency Response Plan created to comply with AWIA may be referred to as a SWRRP and used to satisfy the requirements of this Rule, if the PCS list was compiled in accordance with Paragraph (b) of this Rule. The schedule for certifying completion and implementation of the SWRRP pursuant to this Paragraph shall be as follows:

- (1) by September 30, 2020 for community water systems serving more than 100,000 people;
- (2) by June 30, 2021 for community water systems serving 50,000 to 99,999 people; and
- (3) by December 30, 2021 for community water systems serving 3,301 to 49,999 people.

(e) Non-transient, non-community water systems subject to this Rule shall certify completion and implementation of a SWRRP by December 31, 2022. The SWRRP shall contain the following elements:

- (1) identification and contact information of personnel responsible for emergency management, including water system, local, State, and federal emergency response personnel; and
- (2) 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; and
  - (D) meet demand via alternate sources of supply in the event of contamination or loss of its primary water source.

(f) Any public water system that begins treating and furnishing water from a surface water source on or after December 31, 2022 shall create and implement a SWRRP that satisfies the requirements of this Rule prior to the commencement of its operations.

(g) Any public water system required to create and implement a SWRRP in accordance with this Rule shall review and update its SWRRP at five-year intervals from its creation deadline, as specified in Paragraph (c), (d), (e), or (f) of this Rule.

(h) The SWRRP and any associated documentation used in its creation and implementation shall be available for review by Department staff upon request.

(i) The supplier of water shall certify that a SWRRP has been created and implemented, and that the water system's governing body has been advised of the SWRRP creation and implementation. The certification shall be submitted to the Department by the deadline specified in Paragraphs (c), (d), (e), or (f) of this Rule.

(j) The supplier of water shall certify that a SWRRP has been revised and that the water system's governing body has been advised of the revision. The certification shall be submitted to the Department by the revision deadline specified in Paragraph (g) of this Rule.

*History Note: Authority G.S. 130A-315; 130A-320(c);  
Eff. January 1, 2019;  
Amended Eff. April 1, 2020.*

## **SECTION .1400 - FLUORIDATION OF PUBLIC WATER SUPPLIES**

Rules .1401 - .1409 of Title 15A Subchapter 18C of the North Carolina Administrative Code (T15A.18C .1401 - .1409); has been transferred and recodified from Rules .0601 - .0609 Title 10 Subchapter 10D of the North Carolina Administrative Code (T10.10D .0601 - .0609), effective April 4, 1990.

### **15A NCAC 18C .1401 POLICY**

Upon receipt of an application from a community water system to fluoridate its water supply, the Department will approve the application provided the rules for fluoridation pursuant to this Section are followed.

*History Note: Authority G.S. 130A-316;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. September 1, 1990; September 1, 1979;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

### **15A NCAC 18C .1402 FORMAL APPLICATION**

(a) Fluoride shall not be added to a community water system until a formal application has been submitted to and written approval is granted by the Secretary of the Department.

(b) Such approval will be considered upon written application and after adequate investigation has been made to determine if the policy adopted by the Division has been satisfied and the facilities, their accuracy and the proposed method of control are satisfactory and meet the requirements hereafter stated.

(c) The application shall include a resolution by the unit of local government or the governing body operating the community water system. The resolution shall state that the local board of health has approved the proposed fluoridation procedure.

*History Note: Authority G.S. 130A-316;  
Eff. February 1, 1976;  
Readopted Eff. December 5, 1977;  
Amended Eff. July 1, 1993; September 1, 1990; September 1, 1979;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

### **15A NCAC 18C .1403 RESOLUTION**

*History Note: Authority G.S. 130A-316;  
Eff. February 1, 1976;*

*Readopted Eff. December 5, 1977;*  
*Repealed Eff. July 1, 1990 in accordance with G.S. 150B-59(c).*

#### **15A NCAC 18C .1404 FEEDING EQUIPMENT**

Accurate feeding equipment shall be provided for applying fluoride. Either gravimetric or volumetric dry-feed equipment or positive displacement liquid-feed equipment with accuracy within five percent shall be required.

*History Note: Authority G.S. 130A-316;*  
*Eff. February 1, 1976;*  
*Readopted Eff. December 5, 1977;*  
*Amended Eff. September 1, 1990;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .1405 PROTECTION OF OPERATORS**

- (a) Special precautions shall be taken to protect the operators from inhaling fluoride dust when handling this chemical and while charging the hoppers of the feeders.
- (b) Dry feeders shall be equipped with dust collectors consisting of bag filters operating under positive air pressure and vented to the outside air.
- (c) Each operator who handles fluoride shall be provided with his individual toxic dust respirator to be used only when handling the chemical.
- (d) When liquid or solution feed equipment is used, special precautions against siphonage and improper chemical mixing must be provided after consultation with and approval by the Department.

*History Note: Authority G.S. 130A-316;*  
*Eff. February 1, 1976;*  
*Readopted Eff. December 5, 1977;*  
*Amended Eff. September 1, 1990;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .1406 CONTROL OF FLUORIDE PROCESS**

- (a) Fluoride Levels. Fluoride levels shall not exceed the MCL set forth in Rule .1510 of this Subchapter. A supplier of water that is adding fluoride to the treated water shall maintain the following fluoride levels:
  - (1) an operational control range for fluoride of 0.6 mg/l to 1.0 mg/l shall be established;
  - (2) the monthly average of the daily measurements at the entry point to the distribution system shall be within the operational control range; and
  - (3) 80 percent of the daily measurements at the entry point to the distribution system shall be within the operational control range.
- (b) A water treatment plant operator certified pursuant to 15A NCAC 18D shall conduct the necessary chemical analyses and supervise application of the fluoride.
- (c) Sample Location and Frequency.
  - (1) Daily Monitoring. A supplier of water shall measure the fluoride concentration at least once per day at each entry point to the distribution system with fluoridated water.
  - (2) Split Samples. One entry point sample collected pursuant to Subparagraph (c)(1) of this Rule shall be split equally on a monthly basis. One portion shall be analyzed by water system personnel and the other portion analyzed by the North Carolina State Laboratory for Public Health or another laboratory certified to analyze drinking water samples for fluoride by the North Carolina State Laboratory of Public Health. A supplier of water that has all fluoride samples under this Rule analyzed by a laboratory certified to analyze drinking water samples for fluoride by the North Carolina State Laboratory for Public Health shall not be required to conduct split sampling.
  - (3) Distribution System Monitoring. The supplier of water of a public water system that has multiple entry points that are either not all fluoridated or the fluoride level at an entry point to the distribution system is not within the range set forth in Subparagraph (a)(1) of this Rule shall conduct sampling as follows:
    - (A) measure the fluoride concentration in the distribution system at least two times per month;



- (B) one sample per month shall be a split sample and analyzed in accordance with Subparagraph (c)(2) of this Rule;
  - (C) sample sites shall be rotated throughout the distribution system at monitoring locations approved for coliform compliance sampling; and
  - (D) sample results shall be available for review by the Department upon request.
- (4) Annual Raw Water Sample. A supplier of water shall measure the fluoride concentration of the raw water at least annually by a laboratory certified to analyze fluoride in drinking water by the North Carolina State Laboratory of Public Health.
- (5) Discrepancies. A supplier of water shall compare the results of the split samples and shall consult with the North Carolina State Laboratory of Public Health to investigate and resolve all discrepancies greater than 15 percent within 30 days of receipt.
- (d) Analysis Methods. The fluoride content of water shall be determined in accordance with methods set forth in Rule .1508 of this Subchapter.
- (e) Monthly Reporting. Records of all fluoride analyses performed in accordance with Subparagraph (c)(1) of this Rule, shall be recorded on forms approved by the Department and submitted to the Department monthly. The forms shall specify the sample dates, times, locations, and results. Fluoride results performed by certified laboratories in accordance with Subparagraph (c)(1) of this Rule, shall be reported by the certified laboratory electronically in a format prescribed by the Department.
- (f) Reporting Exceedances. Any fluoride result above the MCL set forth in Rule .1510 of this Subchapter shall be reported to the Department as soon as possible, but in all cases within 24 hours after receipt of the analysis.
- (g) Fluoride Products. All fluoridation products used by a public water system shall meet the requirements of Rule .1537 of this Subchapter.
- (h) Discontinuation of Fluoridation. Prior to the discontinuation of fluoride addition, a supplier of water shall provide to the Department and the Department of Health and Human Services, Oral Health Section, copies of documentation by the unit of local government or the governing body operating the community water system that:
- (1) the resolution provided in the formal application to add fluoride has been rescinded or replaced; and
  - (2) the local board of health has been notified.

*History Note:* Authority G.S. 90A-29; 130A-316;  
 Eff. February 1, 1976;  
 Readopted Eff. December 5, 1977;  
 Amended Eff. April 1, 2014; July 1, 1994; September 1, 1990; December 17, 1979;  
 Readopted Eff. July 1, 2019.

**15A NCAC 18C .1407 APPROVAL MAY BE RESCINDED**

Failure to thoroughly and effectively carry out the requirements governing the application of fluoride, or for other good cause, shall be considered sufficient cause to rescind the approval of the Department and to withdraw the authorization granted for the permission to add fluoride to a community water system.

*History Note:* Authority G.S. 130A-316;  
 Eff. February 1, 1976;  
 Readopted Eff. December 5, 1977;  
 Amended Eff. September 1, 1990; September 1, 1979;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

**15A NCAC 18C .1408 SEVERABILITY**

*History Note:* Authority G.S. 130A-316;  
 Eff. February 1, 1976;  
 Readopted Eff. December 5, 1977;  
 Repealed Eff. July 1, 1990 in accordance with G.S. 150B-59(c).

**15A NCAC 18C .1409 REFERENCE RULES**

*History Note:* Authority G.S. 130A-316;  
Eff. February 1, 1976;  
Amended Eff. January 1, 1977;  
Readopted Eff. December 5, 1977;  
Amended Eff. December 17, 1979;  
Repealed Eff. September 1, 1990.

## **SECTION .1500 - WATER QUALITY STANDARDS**

### **15A NCAC 18C .1501 PURPOSE**

*History Note:* Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141;  
Eff. September 1, 1979;  
Transferred and Recodified from 10 NCAC 10D .1610 Eff. April 4, 1990;  
Repealed Eff. September 1, 1990.

### **15A NCAC 18C .1502 MONITORING OF CONSECUTIVE PUBLIC WATER SYSTEMS**

(a) When a public water system supplies water to one or more other public water systems the Department may modify the monitoring requirements imposed by this Section to the extent that the interconnection of the systems justifies treating them as a single system for monitoring purposes. Any modified monitoring shall be conducted pursuant to a schedule specified by the Department and concurred in by the Administrator of the U.S. Environmental Protection Agency.

(b) All public water systems which purchase water for resale and which do not provide any treatment except booster chlorination will be required to perform bacteriological monitoring in accordance with Rule .1534 of this Section.

(c) The Department may exempt a public water system that obtains treated water from another public water system serving more than 10,000 persons from conducting compliance monitoring for the organic chemicals under 15A NCAC 18C .1518(a), provided that the system from which the water is obtained has conducted the analyses required under 15A NCAC 18C .1518(a). Exempted public water systems which disinfect are required to monitor under 15A NCAC 18C .1516.

*History Note:* Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141;  
Eff. September 1, 1979;  
Amended Eff. June 1, 1988;  
Transferred and Recodified from 10 NCAC 10D .1628 Eff. April 4, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

### **15A NCAC 18C .1503 MICROBIOLOGICAL CONTAMINANT SAMPLING AND ANALYSIS**

### **15A NCAC 18C .1504 MAXIMUM MICROBIOLOGICAL CONTAMINANT LEVELS**

*History Note:* Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141;  
Eff. September 1, 1979;  
Amended Eff. March 1, 1989; December 1, 1988; March 31, 1981; December 19, 1979;  
15A NCAC 18C .1503 was Transferred and Recodified from 10 NCAC 10D .1622  
Eff. April 4, 1990;  
15A NCAC 18C .1504 was Transferred and Recodified from 10 NCAC 10D .1613  
Eff. April 4, 1990;  
Amended Eff. September 1, 1990;  
Repealed Eff. January 1, 1991.

### **15A NCAC 18C .1505 TURBIDITY SAMPLING AND ANALYSIS**

The requirements of this Rule shall apply only to public water systems that use water obtained in whole or in part from surface sources. The provisions of 40 C.F.R. 141.22 are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102 of this Subchapter. Any dates set forth in the federal rule shall be applicable.

*History Note:* Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141;

*Eff. September 1, 1979;*  
*Amended Eff. March 31, 1981; December 19, 1979;*  
*Transferred and Recodified from 10 NCAC 10D .1623 Eff. April 4, 1990;*  
*Amended Eff. April 1, 2014; August 1, 2002; January 1, 1991; September 1, 1990;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .1506 MAXIMUM CONTAMINANT LEVELS FOR TURBIDITY**

The requirements of this Rule shall apply to public water systems that use water obtained in whole or in part from surface water sources. The provisions of 40 C.F.R. 141.13 are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102 of this Subchapter. Any dates set forth in the federal rule shall be applicable.

*History Note: Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141;*  
*Eff. September 1, 1979;*  
*Transferred and Recodified from 10 NCAC 10D .1614 Eff. April 4, 1990;*  
*Amended Eff. April 1, 2014; August 1, 2002; January 1, 1991; September 1, 1990;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .1507 CORROSION CONTROL AND LEAD AND COPPER MONITORING**

(a) Control and adjustment of pH shall be provided for community water systems having water with a pH below 6.5. This control and adjustment shall be approved by the Department pursuant to the rules in Section .0300 of this Subchapter. If the community water system is also required to install corrosion control treatment to comply with (c) of this Rule, it shall meet the minimum pH level required pursuant to Paragraph (c) of this Rule.

(b) The provisions of 40 C.F.R. 141.42 are incorporated by reference, including subsequent amendments and editions. Copies may be obtained as set forth in Rule .0102(b) of this Subchapter.

(c) The provisions of 40 C.F.R. 141, Subpart I - Control of Lead and Copper are incorporated by reference, including subsequent amendments and editions. Copies may be obtained as set forth in Rule .0102(b) of this Subchapter.

*History Note: Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141;*  
*Eff. September 1, 1979;*  
*Amended Eff. October 1, 1982; February 27, 1982;*  
*Transferred and Recodified from 10 NCAC 10D .1621 Eff. April 4, 1990;*  
*Amended Eff. April 1, 2014; July 1, 1994; October 1, 1992; December 1, 1991;*  
*Readopted Eff. July 1, 2019.*

#### **15A NCAC 18C .1508 INORGANIC CHEMICAL SAMPLING AND ANALYSIS**

The provisions of 40 C.F.R. 141.23 are incorporated by reference, including subsequent amendments and editions. Copies may be obtained as set forth in Rule .0102(b) of this Subchapter. In addition, two or more water systems that are adjacent, that are owned or operated by the same supplier of water, and that together serve 15 or more service connections or 25 or more persons shall submit samples every three years from each section of the water system that is supplied from a separate source.

*History Note: Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141;*  
*Eff. September 1, 1979;*  
*Amended Eff. March 1, 1989; February 1, 1987; October 1, 1986; April 1, 1983;*  
*Transferred and Recodified from 10 NCAC 10D .1625 Eff. April 4, 1990;*  
*Amended Eff. April 1, 2014; July 1, 1994; April 1, 1992; December 1, 1991;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015;*  
*Amended Eff. July 1, 2019.*

#### **15A NCAC 18C .1509 SPECIAL MONITORING FOR SODIUM**

The provisions of 40 C.F.R. 141.41 are incorporated by reference, including subsequent amendments and editions. Copies may be obtained as set forth in Rule .0102(a) and (b) of this Subchapter.

*History Note:* Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141;  
Eff. February 27, 1982;  
Transferred and Recodified from 10 NCAC 10D .1636 Eff. April 4, 1990;  
Amended Eff. April 1, 2014; July 1, 1994; September 1, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23,  
2015;  
Amended Eff. July 1, 2019.

#### **15A NCAC 18C .1510 MAXIMUM CONTAMINANT LEVELS FOR INORGANIC CHEMICALS**

(a) The provisions of 40 C.F.R. 141.11 are hereby incorporated by reference including any subsequent amendments and editions, except the maximum contaminant level for arsenic shall be regulated as set forth in Paragraph (c) of this Rule. Copies are available for public inspection as set forth in Rule .0102 of this Subchapter.

(b) The provisions of 40 C.F.R. 141.62 are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102 of this Subchapter.

(c) Effective January 1, 2002, the maximum contaminant level for arsenic applies to community and non-transient non-community water systems are as follows:

- (1) The maximum contaminant level for arsenic is 0.010 milligrams per liter, until such time as the USEPA revises the standard to a level lower than 0.010 milligrams per liter at which time the more stringent level shall apply.
- (2) Sampling, analytical requirements, and compliance calculations for arsenic shall be conducted as specified for contaminants in Rule .1508 of this Subchapter.
- (3) Certified laboratories must report quantifiable results down to at least 0.005 milligrams per liter.

*History Note:* Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141;  
Eff. September 1, 1979;  
Amended Eff. October 1, 1986; October 1, 1982; April 1, 1982; March 31, 1981;  
Transferred and Recodified from 10 NCAC 10D .1616 Eff. April 4, 1990;  
Amended Eff. April 1, 1992;  
Temporary Amendment Eff. January 1, 2002;  
Amended Eff. April 1, 2014; April 1, 2003;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23,  
2015.

#### **15A NCAC 18C .1511 CONCENTRATION OF IRON**

The requirements of this Rule shall apply only to community water systems. A community water system that has an iron concentration in excess of 0.30 mg/l shall provide treatment to control the water quality. Analysis of samples shall be made on an as needed basis determined by the Department and shall include the addition of a new well or other raw water source, an approval of a new community water system, an approval of an existing system not previously approved, or problems and complaints of water quality normally associated with iron concentration.

*History Note:* Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141;  
Eff. September 1, 1979;  
Transferred and Recodified from 10 NCAC 10D .1619 Eff. April 4, 1990;  
Amended Eff. July 1, 1994;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23,  
2015;  
Amended Eff. July 1, 2019.

#### **15A NCAC 18C .1512 CONCENTRATION OF MANGANESE**

The requirements of this Rule shall apply only to community water systems. A community water system that has a manganese concentration in excess of 0.05 mg/l shall provide treatment to control the water quality. Analysis of samples shall be made on an as needed basis determined by the Department and shall include the addition of a new well or other raw water source, an approval of a new community water system, an approval of an existing system not previously approved, or problems and complaints of water quality normally associated with manganese concentration.

*History Note:* Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141;  
Eff. September 1, 1979;  
Amended Eff. September 9, 1980;  
Transferred and Recodified from 10 NCAC 10D .1620 Eff. April 4, 1990;  
Amended Eff. July 1, 1994;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015;  
Amended Eff. November 1, 2020; July 1, 2019.

#### **15A NCAC 18C .1513 TOTAL TRIHALOMETHANES SAMPLING AND ANALYSIS: 10,000 OR MORE**

*History Note:* Authority G.S. 130A-315; P.L. 93-523; 40 CFR 141;  
Eff. September 30, 1980;  
Amended Eff. April 1, 1983;  
Transferred and Recodified from 10 NCAC 10D .1635 Eff. April 4, 1990;  
Amended Eff. August 1, 2000; August 1, 1990;  
Expired Eff. December 1, 2015 pursuant to G.S. 150B-21.3A.

#### **15A NCAC 18C .1514 TREATMENT TECHNIQUES FOR TOTAL TRIHALOMETHANES**

*History Note:* Authority G.S. 130A-315; P. L. 93-523; 40 C.F.R. 141;  
Eff. October 1, 1983;  
Transferred and Recodified from 10 NCAC 10D .1637 Eff. April 4, 1990;  
Amended Eff. August 1, 1990;  
Expired Eff. December 1, 2015 pursuant to G.S. 150B-21.3A.

#### **15A NCAC 18C .1515 ORGANIC CHEMICALS OTHER THAN TTHM, SAMPLING AND ANALYSIS**

(a) The requirements of this Rule shall apply to community and non-transient non-community water systems. The provisions of 40 C.F.R. 141.24 are incorporated by reference, including subsequent amendments and editions. Copies may be obtained as set forth in Rule .0102(b) of this Subchapter.

(b) If the result of an analysis made pursuant to Paragraph (a) of this Rule indicates that the level of any contaminant regulated under this Subchapter exceeds the maximum contaminant level, the supplier of water shall report to the Department within 48 hours of receipt of the analytical result.

*History Note:* Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141;  
Eff. September 1, 1979;  
Amended Eff. November 1, 1989; December 1, 1988; June 1, 1988; October 1, 1982;  
Transferred and Recodified from 10 NCAC 10D .1624 Eff. April 4, 1990;  
Amended Eff. April 1, 2014; August 1, 2002; April 1, 1992; December 1, 1991; September 1, 1990;  
Readopted Eff. July 1, 2019.

#### **15A NCAC 18C .1516 SPECIAL MONITORING FOR UNREGULATED CONTAMINANTS**

The provisions of 40 C.F.R. 141.40 are incorporated by reference including subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102(b) of this Subchapter.

*History Note:* Authority G.S. 130A-313; 130A-315; P.L. 93-523; 40 C.F.R. 141;  
Eff. June 1, 1988;  
Amended Eff. November 1, 1989;  
Transferred and Recodified from 10 NCAC 10D .1638 Eff. April 4, 1990;  
Amended Eff. April 1, 2014; July 1, 1994; April 1, 1992; December 1, 1991; August 1, 1990;  
Readopted Eff. July 1, 2019.

#### **15A NCAC 18C .1517 MAXIMUM CONTAMINANT LEVELS FOR ORGANIC CHEMICALS**

*History Note:* Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141;  
Eff. September 1, 1979;  
Amended Eff. September 30, 1980;  
Transferred and Recodified from 10 NCAC 10D .1615 Eff. April 4, 1990;  
Amended Eff. April 1, 2014; April 1, 1992; August 1, 1990;  
Expired Eff. December 1, 2015 pursuant to G.S. 150B-21.3A.

**15A NCAC 18C .1518 MAXIMUM CONTAMINANT LEVELS FOR ORGANIC CONTAMINANTS**

The provisions of 40 C.F.R. 141.61 are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102 of this Subchapter.

*History Note:* Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141;  
Eff. June 1, 1988;  
Transferred and Recodified from 10 NCAC 10D .1639 Eff. April 4, 1990;  
Amended Eff. April 1, 2014; April 1, 1992;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

**15A NCAC 18C .1519 MONITORING FREQUENCY FOR RADIOACTIVITY**

The requirements of this Rule shall apply to community water systems and community adjacent water systems, as defined in G.S. 130A-315(b2). The provisions of 40 C.F.R. 141.26 are incorporated by reference, including subsequent amendments and editions. Copies may be obtained as set forth in Rule .0102(b) of this Subchapter.

*History Note:* Authority G.S. 130A-313; 130A-315; P.L. 93-523; 40 C.F.R. 141;  
Eff. September 1, 1979;  
Amended Eff. March 1, 1989; September 9, 1980; December 19, 1979;  
Transferred and Recodified from 10 NCAC 10D .1627 Eff. April 4, 1990;  
Amended Eff. April 1, 2014; August 1, 2002; July 1, 1994;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015;  
Amended Eff. July 1, 2019.

**15A NCAC 18C .1520 MAXIMUM CONTAMINANT LEVELS FOR RADIONUCLIDES**

The provisions of 40 C.F.R. 141.66 are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102 of this Subchapter.

*History Note:* Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141;  
Eff. September 1, 1979;  
Transferred and Recodified from 10 NCAC 10D .1617 Eff. April 4, 1990;  
Amended Eff. April 1, 2014; August 1, 2002; July 1, 1994;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

**15A NCAC 18C .1521 MAXIMUM CONTAMINANT LEVEL GOALS FOR RADIONUCLIDES**

The provisions of 40 C.F.R. 141.55 are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102 of this Subchapter.

*History Note:* Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141;  
Eff. September 1, 1979;  
Transferred and Recodified from 10 NCAC 10D .1618 Eff. April 4, 1990;  
Amended Eff. April 1, 2014; August 1, 2002; July 1, 1994;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

**15A NCAC 18C .1522 ANALYTICAL METHODS FOR RADIOACTIVITY**

The provisions of 40 C.F.R. 141.25 are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102 of this Subchapter.

*History Note:* Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141;  
Eff. September 1, 1979;  
Amended Eff. March 31, 1981; March 31, 1980;  
Transferred and Recodified from 10 NCAC 10D .1626 Eff. April 4, 1990;  
Amended Eff. April 1, 2014; August 1, 2002; September 1, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

#### **15A NCAC 18C .1523 PUBLIC NOTIFICATION REQUIREMENTS**

(a) The provisions of 40 C.F.R. 141, Subpart Q – Public Notification of Drinking Water Violations are incorporated by reference, including subsequent amendments and editions. As authorized by 40 C.F.R. 141.205(c)(2), the Department has determined that multi-lingual notice shall be given if 30 percent or more of the consumers served by the system are non-English speaking. Copies may be obtained as set forth in Rule .0102(b) of this Subchapter.

(b) Special notification for distribution system samples. The requirements of this Paragraph shall be in addition to the public notice requirements set forth in Paragraph (a) of this Rule and to the reporting requirements contained in Rule .1525 of this Subchapter. If a distribution sample that is required to be reported to the Division is taken from the plumbing of a school or daycare, place of residence, or location supplying permanent or temporary housing, the supplier of water shall notify the billing customer at the sampled address if any individual water sample exceeds an action level, maximum contaminant level, or maximum residual disinfectant level established in this Subchapter or if any individual sample is positive for E. coli or any other fecal indicator, as follows:

- (1) For a contaminant listed as Tier 1 in Appendix A to 40 C.F.R. 141, Subpart Q, notice shall be provided within 24 hours of receipt of analytical results. If the initial contact is by telephone, written notice by mail or direct delivery shall also be provided within 48 hours of analytical results. The written notice shall include the analytical results and appropriate health effects language as required by Appendix B to 40 C.F.R. 141, Subpart Q.
- (2) For a contaminant listed as Tier 2 or Tier 3 in Appendix A to 40 C.F.R. 141, Subpart Q, notice shall be provided within 48 hours of receipt of analytical results. Written notice shall be provided by mail or direct delivery and shall include the analytical results and appropriate health effects language as required by Appendix B to 40 C.F.R. 141, Subpart Q.
- (3) The supplier of water shall submit a copy of the written notice and certification of delivery to the Department within 10 days of completing notification.

*History Note:* Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141;  
Eff. January 1, 1990;  
Transferred and Recodified from 10 NCAC 10D .1642 Eff. April 4, 1990;  
Amended Eff. April 1, 2014; October 1, 2006; August 1, 2002; April 1, 1992; December 1, 1991; January 1, 1991; October 1, 1990;  
Readopted Eff. July 1, 2019.

#### **15A NCAC 18C .1524 REPORTING FOR UNREGULATED CONTAMINANT MONITORING RESULTS**

The provisions of 40 C.F.R. 141.35 are incorporated by reference, including subsequent amendments and editions. Copies may be obtained as set forth in Rule .0102(b) of this Subchapter.

*History Note:* Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141;  
Eff. June 1, 1988;  
Amended Eff. November 1, 1989;  
Transferred and Recodified from 10 NCAC 10D .1640 Eff. April 4, 1990;  
Readopted Eff. July 1, 2019.

#### **15A NCAC 18C .1525 REPORTING REQUIREMENTS**

(a) The requirements of this Rule shall apply to all public water systems. The provisions of 40 C.F.R. 141.31 are incorporated by reference, including subsequent amendments and editions. Copies may be obtained as set forth in Rule .0102(b) of this Subchapter. Any dates set forth in the federal rule shall be applicable.

(b) If a certified laboratory analyzes a compliance sample for a supplier of water, the certified laboratory shall report the results to both the Department and to the supplier of water or his or her designated representative within the periods set forth in 40 C.F.R. 141.31, except that electronic reporting conducted in accordance with 40 C.F.R. 141.31(a) shall be completed within seven days of completion of the analysis. The laboratory reporting to the Department shall include analytical results for any maximum contaminant level exceedance within the timeframes applicable to the system owner. Reporting shall be in a format, including electronic reporting, established by the Department and shall be filled out completely. If a certified laboratory fails to report compliance sample results in accordance with this Paragraph, the supplier of water shall report results to the Department as required by this Rule.

*History Note: Authority G.S. 130A-315; 130A-324; 130A-329; 40 C.F.R. 141; Eff. September 1, 1979; Amended Eff. February 1, 1987; October 1, 1984; March 31, 1981; March 31, 1980; Transferred and Recodified from 10 NCAC 10D .1631 Eff. April 4, 1990; Amended Eff. April 1, 2014; August 1, 2002; January 1, 1991; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015; Amended Eff. July 1, 2019.*

#### **15A NCAC 18C .1526 RECORD MAINTENANCE**

The provisions of 40 C.F.R. 141.33 are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102 of this Subchapter.

*History Note: Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141; Eff. September 1, 1979; Transferred and Recodified from 10 NCAC 10D .1632 Eff. April 4, 1990; Amended Eff. April 1, 2014; August 1, 2002; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .1527 CERTIFIED LABORATORIES**

(a) The provisions of 40 C.F.R. 141.28 are incorporated by reference, including subsequent amendments and editions, with the following exceptions:

- (1) laboratories analyzing samples pursuant to this Subchapter shall be certified for that analytical method by the State Laboratory of Public Health in the Department of Health and Human Services; and
- (2) measurements for alkalinity; bromide; fluoride calcium; daily chlorite samples at the entrance to the distribution system; conductivity; orthophosphate; pH; residual disinfectant concentrations for chlorine, chloramines, and chlorine dioxide; magnesium; silica; Specific Ultraviolet Absorbance (SUVA); temperature; Total Organic Carbon (TOC); and turbidity may be performed by any person who holds a valid certificate issued by the North Carolina Water Treatment Facility Operators Board of Certification (NCWTFOBOC). Measurements may also be performed by a person who has been instructed in the measurement procedure by a person who holds a valid certificate issued by the NCWTFOBOC or by a certified laboratory.

(b) Copies may be obtained as set forth in Rule .0102(b) of this Subchapter.

*History Note: Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141; Eff. September 1, 1979; Amended Eff. March 31, 1981; Transferred and Recodified from 10 NCAC 10D .1629 Eff. April 4, 1990; Amended Eff. April 1, 1992; September 1, 1990; Readopted Eff. July 1, 2019.*



### **15A NCAC 18C .1528 ALTERNATE ANALYTICAL TECHNIQUES**

The provisions of 40 C.F.R. 141.27 are incorporated by reference, including subsequent amendments and editions. Copies may be obtained as set forth in Rule .0102(b) of this Subchapter.

*History Note:* Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141;  
Eff. September 1, 1979;  
Amended Eff. March 31, 1981;  
Transferred and Recodified from 10 NCAC 10D .1630 Eff. April 4, 1990;  
Readopted Eff. July 1, 2019.

### **15A NCAC 18C .1529 POINT-OF-ENTRY, BOTTLED WATER, AND OTHER TREATMENT DEVICES**

(a) The provisions of 40 C.F.R. 141 Subpart J – Use of Non-Centralized Treatment Devices are incorporated by reference, including subsequent amendments and editions. Copies may be obtained as set forth in Rule .0102(b) of this Subchapter.

(b) Public water systems shall not use bottled water or point-of-use devices to achieve compliance with a maximum contaminant level. Bottled water or point-of-use devices may be used on a temporary basis until compliance with the maximum contaminant level is achieved.

*History Note:* Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141;  
Eff. June 1, 1988;  
Transferred and Recodified from 10 NCAC 10D .1641 Eff. April 4, 1990;  
Amended Eff. September 1, 1990;  
Readopted Eff. July 1, 2019.

### **15A NCAC 18C .1530 CONSTRUCTION**

This Section shall be construed as enabling the State of North Carolina to undertake primary responsibility for the enforcement of the federal act.

*History Note:* Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141;  
Eff. September 1, 1979;  
Transferred and Recodified from 10 NCAC 10D .1611 Eff. April 4, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

### **15A NCAC 18C .1531 SITING REQUIREMENTS**

(a) Any person constructing or modifying a public water system shall to the extent practicable, avoid locating all or part of a new or expanded facility at a site which:

- (1) is subject to a significant risk from earthquakes, floods, fires or other disasters which could cause a breakdown of the public water system or a portion thereof; or
- (2) except for intake structures, is within the floodplain of a 100-year flood or is lower than any recorded high tide where appropriate records exist.

(b) Additional requirements concerning the siting of raw water intakes shall be found in 15A NCAC 18C .0602.

*History Note:* Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141;  
Eff. September 1, 1979;  
Amended Eff. March 31, 1980;  
Transferred and Recodified from 10 NCAC 10D .1612 Eff. April 4, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

### **15A NCAC 18C .1532 VARIANCES AND EXEMPTIONS**

The provisions of 40 C.F.R. 141.4 are incorporated by reference, including subsequent amendments and editions. Copies may be obtained as set forth in Rule .0102(b) of this Subchapter.

*History Note:* Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141;  
Eff. September 1, 1979;

*Transferred and Recodified from 10 NCAC 10D .1634 Eff. April 4, 1990;*  
*Amended Eff. January 1, 1991;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015;*  
*Amended Eff. July 1, 2019.*

#### **15A NCAC 18C .1533 TOTAL TRIHALOMETHANES SAMPLING AND ANALYSIS: LESS THAN 10,000**

*History Note: Authority G.S. 130A-315;*  
*Eff. August 1, 1990;*  
*Amended Eff. July 1, 1994;*  
*Expired Eff. December 1, 2015 pursuant to G.S. 150B-21.3A.*

#### **15A NCAC 18C .1534 COLIFORM SAMPLING**

(a) The provisions of 40 C.F.R. 141.21 are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102 of this Subchapter. The provisions are incorporated with the following exceptions:

- (1) the provision of 40 C.F.R. 141.21(a)(2) concerning the reduction of monitoring frequency for community water systems serving 25 to 1,000 persons is not adopted;
- (2) the provision of 40 C.F.R. 141.21(b)(3) concerning collection of large volume repeat samples in containers of any size is not adopted; and
- (3) the provision of 40 C.F.R. 141.21(c)(2) concerning waiver of the 24-hour limit for re-sampling is not adopted.

(b) An adjacent water system shall submit samples monthly from each section of the water system supplied from a separate source. The minimum number of samples each month per section is based on the population served by the section and shall be determined by the table in 40 C.F.R. 141.21(a)(2).

*History Note: Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141.21;*  
*Eff. January 1, 1991;*  
*Amended Eff. April 1, 2014; February 1, 1992;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .1535 MAXIMUM CONTAMINANT LEVELS FOR COLIFORM BACTERIA**

(a) The provisions of 40 C.F.R. 141.63 are incorporated by reference, including subsequent amendments and editions. Copies may be obtained as set forth in Rule .0102(b) of this Subchapter.

(b) The provisions of 40 C.F.R. 141.52 are incorporated by reference, including subsequent amendments and editions. Copies may be obtained as set forth in Rule .0102(b) of this Subchapter.

*History Note: Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141.52; 40 C.F.R. 141.63;*  
*Eff. January 1, 1991;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015;*  
*Amended Eff. July 1, 2019.*

#### **15A NCAC 18C .1536 TREATMENT TECHNIQUES**

The provisions of 40 C.F.R. 141. Subpart K are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102 of this Subchapter.

*History Note: Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141;*  
*Eff. April 1, 1992;*  
*Amended Eff. April 1, 2014;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

### **15A NCAC 18C .1537 DRINKING WATER TREATMENT CHEMICALS AND SYSTEM COMPONENTS**

(a) The standards established by the American National Standards Institute/NSF International, codified as ANSI/NSF Standard 60 and ANSI/NSF Standard 61, are incorporated by reference including subsequent amendments and editions. ANSI/NSF Standard 60 applies to drinking water treatment chemicals. ANSI/NSF Standard 61 applies to drinking water system components. Copies may be obtained for public inspection as set forth in Rule .0503 of this Subchapter.

(b) A water supply product used in a public water system shall meet the standards incorporated by reference in Paragraph (a) of this Rule. A product certified by an organization having a third-party certification program accredited by the American National Standards Institute to test and certify such products may be used in a public water system.

(c) A supplier of water shall maintain a list of all water supply products used in a public water system for inspection by the Department. Prior to using a product not previously listed, a supplier of water shall either determine the product is certified as required by Paragraph (b) of this Rule or notify the Department of the type, name, and manufacturer of a product.

(d) A supplier of water shall not introduce or permit the introduction of a water supply product into a public water system that does not meet the requirements of this Rule.

*History Note: Authority G.S. 130A-315; P.L. 93-523;  
Eff. July 1, 1994;  
Amended Eff. April 1, 2014;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015;  
Amended Eff. July 1, 2019.*

### **15A NCAC 18C .1538 CONSUMER CONFIDENCE REPORT**

The provisions of 40 C.F.R. 141, Subpart O - Consumer Confidence Reports are incorporated by reference, including subsequent amendments and editions. Copies may be obtained as set forth in Rule .0102(b) of this Subchapter.

*History Note: Authority G.S. 130A-313; 130A-315; P.L. 93-523; 40 C.F.R. 141;  
Eff. August 1, 2000;  
Amended Eff. April 1, 2014;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015;  
Amended Eff. July 1, 2019.*

### **15A NCAC 18C .1539 REVISED TOTAL COLIFORM RULE**

The provisions of 40 C.F.R. 141, Subpart Y - Revised Total Coliform Rule are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102(a) and (b) of this Subchapter.

*History Note: Authority G.S. 130A-315;  
Eff. July 1, 2015.*

## **SECTION .1600 - VARIANCES AND EXEMPTIONS**

### **15A NCAC 18C .1601 REQUIREMENTS FOR A VARIANCE**

(a) The Secretary may grant one or more variances to any public water system within the state from any requirement respecting a maximum contaminant level of an applicable rule of 15A NCAC 18C Section .1500 upon a finding that:

- (1) Because of characteristics of the raw water sources which are reasonably available to the system, the system cannot meet the requirements respecting the maximum contaminant levels of such drinking water regulations despite application of the best technology, treatment techniques, or other means, which the Secretary, with the concurrence of the administrator, finds are generally available (taking costs into consideration); and
- (2) The granting of a variance will not result in an unreasonable risk to the health of persons served by the system.

(b) The Secretary may grant one or more variances to any public water system within the state from any requirement of a specified treatment technique of an applicable rule of 15A NCAC 18C Section .1500 upon finding that the public water

system applying for the variance has demonstrated that such treatment technique is not necessary to protect the health of persons because of the nature of the raw water source of such systems.

*History Note: Authority G.S. 130A-315; 130A-321; P.L. 93-523; 40 C.F.R. 142; Eff. September 1, 1979; Amended Eff. December 19, 1979; Transferred and Recodified from 10 NCAC 10D .2501 Eff. April 4, 1990; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .1602 VARIANCE REQUEST**

A supplier of water may request a variance for a public water system by submitting a written request to the Secretary. Suppliers of water may submit a joint request for variances when they seek similar variances under similar circumstances. A request for a variance or variances shall include the following information:

- (1) the nature and duration of variance requested;
- (2) relevant analytical results of water quality sampling of the system, including results of relevant tests conducted pursuant to the rules of 15A NCAC 18C Section .1500;
- (3) for any request made under .1601(a) of this Section:
  - (a) explanation in full and evidence of the best available treatment technology and techniques;
  - (b) economic and legal factors relevant to ability to comply;
  - (c) analytical results of raw water quality relevant to ability to comply;
  - (d) a proposed compliance schedule, including the date each step toward compliance will be achieved; Such schedule shall include as a minimum the following dates:
    - (i) date by which arrangement for alternative raw water source or improvement of existing raw water source will be completed,
    - (ii) date of initiation of the connection of the alternative raw water source or improvement of existing raw water source,
    - (iii) date by which final compliance is to be achieved;
  - (e) a plan for the provision of safe drinking water in the case of an excessive rise in the contaminant level for which the variance is requested;
  - (f) a plan for interim control measures during the effective period of variance;
- (4) for any request made under .1601(b) of this Section, a statement that the system will perform monitoring and other reasonable requirements prescribed by the Secretary as a condition to the variance;
- (5) other information, if any, believed to be pertinent by the applicant;
- (6) such other information as the Secretary may require.

*History Note: Authority G.S. 130A-315; 130A-321; P.L. 93-523; 40 C.F.R. 142; Eff. September 1, 1979; Transferred and Recodified from 10 NCAC 10D .2502 Eff. April 4, 1990; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .1603 CONSIDERATION OF A VARIANCE REQUEST**

(a) The Secretary shall act on any variance request submitted pursuant to .1602 of this Section within 90 days of receipt of the request.

(b) In consideration of whether the public water system is unable to comply with a contaminant level required by 15A NCAC 18C Section .1500 because of the nature of the raw water source, the Secretary shall consider such factors as the following:

- (1) the availability and effectiveness of treatment methods for the contaminant for which the variance is requested;
- (2) cost and other economic considerations such as implementing treatment, improving the quality of the source water or using an alternate source.

(c) In consideration of whether a public water system should be granted a variance to a required treatment technique because such treatment is unnecessary to protect the public health, the Secretary shall consider such factors as the following:

- (1) quality of the water source including water quality data and pertinent sources of pollution,
- (2) source protection measures employed by the public water system.

*History Note: Authority G.S. 130A-315; 130A-321; P.L. 93-523; 40 C.F.R. 142; Eff. September 1, 1979; Transferred and Recodified from 10 NCAC 10D .2503 Eff. April 4, 1990; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .1604 DISPOSITION OF A VARIANCE REQUEST**

(a) If the Secretary decides to deny the application for a variance, the applicant shall be notified of the intention to issue a denial. Such notice shall include a statement of reasons for the proposed denial. Within 30 days after the receipt of such notice, the applicant may request a hearing for the purpose of contesting the proposed denial. Such hearing shall be conducted in the manner set forth in G.S. 150B-22 through 150B-37. If no hearing is requested by the applicant within the 30 day period, the application shall be denied.

(b) If the Secretary proposes to grant a variance request submitted pursuant to .1602 of this Section, the applicant shall be notified of the decision in writing. Such notice shall identify the variance, the facility covered, and shall specify the period of time for which the variance will be effective:

- (1) For the type of variance specified in .1601(a) of this Section, such notice shall provide that the variance will be terminated when the system comes into compliance with the applicable regulation, and may be terminated upon a finding by the Secretary that the system has failed to comply with any requirements of a final schedule issued pursuant to .1605 of this Section.
- (2) For the type of variance specified in .1601(b) of this Section, such notice shall provide that the variance may be terminated at any time upon a finding that the nature of the raw water source is such that the specified treatment technique for which the variance was granted is necessary to protect the health of persons or upon a finding that the public water system has failed to comply with monitoring and other requirements prescribed by the Secretary as a condition to the granting of the variance.

(c) For a variance specified in .1601(a)(1) of this Section, the Department shall propose a schedule for:

- (1) compliance (including increments of progress) by the public water system with each contaminant level requirement covered by the variance, and
- (2) implementation by the public water system of such control measures as the Department may require for each contaminant covered by the variance.

(d) The proposed schedule for compliance shall specify dates by which steps towards compliance are to be taken, including at the minimum, where applicable:

- (1) date by which arrangement for an alternative raw water source or improvement of existing raw water source will be completed,
- (2) date of initiation of the connection for the alternative raw water source or improvement of the existing raw water source,
- (3) date by which final compliance is to be achieved.

(e) The proposed schedule may, if the public water system has no access to an alternative raw water source, and can effect or anticipate no adequate improvement of the existing raw water source, specify an indefinite time period for compliance until a new and effective treatment technology is developed at which time a new compliance schedule shall be prescribed by the Secretary.

(f) The proposed schedule for implementation of interim control measures during the period of variance shall specify interim treatment techniques, methods and equipment, and dates by which steps toward meeting the interim control measures are to be met.

(g) The schedule shall be prescribed by the secretary within one year after the granting of the variance, subsequent to provision of opportunity for hearing pursuant to .1605 of this Section.

*History Note: Authority G.S. 130A-315; 130A-321; P.L. 93-523; 40 C.F.R. 142; Eff. September 1, 1979; Transferred and Recodified from 10 NCAC 10D .2504 Eff. April 4, 1990; Amended Eff. September 1, 1991; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .1605 PUBLIC HEARINGS ON VARIANCES AND SCHEDULES**

(a) Before a variance or a schedule proposed by the Secretary pursuant to Rule.1604 of this Section may take effect, the Secretary shall provide notice and opportunity for public hearing on the variance or schedule. Such notice may cover the granting of more than one variance, and a hearing held pursuant to such notice shall include each of the variances covered by that notice.

(b) Public notice of an opportunity for hearing on a variance or schedule shall be circulated in a manner designed to inform interested and potentially interested persons of the proposed variance or schedule and shall include the following minimum requirements:

- (1) posting of a notice in the principal post office of each municipality or area served by the public water system, and publishing of a notice in a newspaper or newspapers of general circulation in the area served by the public water system;
- (2) mailing of a notice to the Public Water Supply Section, Division of Water Resources and to other appropriate state or local agencies at the Department's discretion; and
- (3) such notice shall include a summary of the proposed variance or schedule and shall inform interested persons that they may request a public hearing on the proposed variance or schedule.

(c) Requests for hearing may be submitted by any interested person. Frivolous or insubstantial requests for hearing may be denied by the Secretary. Requests shall be submitted to the Secretary within 30 days after issuance of the public notice provided for in Paragraph (b) of this Rule. Such requests shall include the following information:

- (1) the name, address and telephone number of the individual, organization or other entity requesting a hearing;
- (2) a brief statement of the interest of the individual, organization or other entity making the request in the proposed variance or schedule and of information that the requestor intends to submit at such hearing; and
- (3) the signature of the individual making the request or if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

(d) Any hearing held pursuant to a request submitted by an individual, organization or other entity or on the Secretary's own motion shall be conducted in the manner set forth in G.S. 150B-22 through 150B-37.

*History Note: Authority G.S. 130A-315; 130A-321; P.L. 93-523; 40 C.F.R. 142; Eff. September 1, 1979; Transferred and Recodified from 10 NCAC 10D .2505 Eff. April 4, 1990; Amended Eff. April 1, 2014; September 1, 1991; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .1606 VARIANCES FOR FLUORIDE**

(a) The following shall be the best technology, treatment techniques or other means generally available for achieving compliance with the maximum contaminant level for fluoride:

- (1) Activated alumina absorption, centrally applied,
- (2) Reverse osmosis, centrally applied.

(b) The Division shall require a community water system to install and/or use any treatment method identified in (a) of this Rule as a condition for granting a variance unless it is determined that such a treatment method is not available and effective for fluoride control for the system. A treatment method shall not be available and effective for a water system if the method would not be technically appropriate and technically feasible. If upon application for a variance it is determined that no treatment method is available and effective then the water system shall be entitled to a variance. A determination of availability and effectiveness of treatment methods shall be based upon studies by the water system and other relevant information. A finding shall be made by the Division whether the information supports a decision that a treatment method is not available and effective before requiring installation and use of the treatment method.

(c) The Division shall issue a compliance schedule that may require the water system to examine the following treatment methods to determine the probability that any method will significantly reduce the level of fluoride and to determine whether any method is technically feasible and economically reasonable and that the fluoride reduction obtained will be commensurate with the costs incurred with installation and use of the treatment methods:

- (1) Modification of lime softening;
- (2) Alum coagulation;
- (3) Electrodialysis;
- (4) Anion exchange resins;
- (5) Well field management;
- (6) Alternate source; and

(7) Regionalization.

(d) If the Division determines that a treatment method identified in (c) of this Rule or any other treatment method is technically feasible, economically reasonable, and will achieve fluoride reductions commensurate with the costs incurred with the installation and use of such treatment method for the system, the Division shall require the system to install and/or use that treatment method in connection with a compliance schedule. The determination shall be based upon studies by the system and other relevant information.

*History Note:* Authority G.S. 130A-315; 130A-321; P.L. 93-523; 40 C.F.R. 142; Eff. October 1, 1986; Transferred and Recodified from 10 NCAC 10D .2512 Eff. April 4, 1990; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

**15A NCAC 18C .1607 VARIANCES AND EXEMPTIONS FOR CHEMICALS, LEAD AND COPPER, AND RADIONUCLIDES**

(a) The provisions of 40 C.F.R. 142.62 are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102 of this Subchapter.

(b) The provisions of 40 C.F.R. 142.65 are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102 of this Subchapter.

*History Note:* Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 142; Eff. June 1, 1988; Transferred and Recodified from 10 NCAC 10D .2514 Eff. April 4, 1990; Amended Eff. April 1, 2014; August 1, 2002; October 1, 1992; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

**15A NCAC 18C .1608 REQUIREMENTS FOR AN EXEMPTION**

The Secretary may exempt any public water system in the state from any requirement respecting a maximum contaminant level or any treatment technique requirement, or from both, of an applicable rule of this Subchapter upon a finding that:

- (1) Due to compelling factors (which may include economic factors), the public water system is unable to comply with such contaminant level or treatment technique requirement;
- (2) The public water system was in operation on the effective date of federal promulgation of such contaminant level or treatment technique requirement; and
- (3) The granting of the exemption will not result in an unreasonable risk to health.

*History Note:* Authority G.S. 130A-315; 130A-321; P.L. 93-523; 40 C.F.R. 142; Eff. September 1, 1979; Amended Eff. December 19, 1979; Transferred and Recodified from 10 NCAC 10D .2506 Eff. April 4, 1990; Amended Eff. July 1, 1993; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

**15A NCAC 18C .1609 EXEMPTION REQUEST**

A supplier of water may request an exemption for a public water system by submitting a written request to the Secretary. Suppliers of water may submit a joint request for exemptions when they seek similar exemptions under similar circumstances.

Any request for an exemption or exemptions shall include the following information:

- (1) the nature and duration of exemption requested;
- (2) relevant analytical results of water quality sampling of the system, including results of relevant tests conducted pursuant to the requirements of the drinking water regulations;
- (3) explanation of the compelling factors such as time or economic factors which prevent such system from achieving compliance;
- (4) other information, if any, believed by the applicant to be pertinent to the application;
- (5) a proposed compliance schedule, including the date when each step toward compliance will be achieved;

- (6) such other information as the Secretary may require.

*History Note: Authority G.S. 130A-315; 130A-321; P.L. 93-523; 40 C.F.R. 142; Eff. September 1, 1979; Transferred and Recodified from 10 NCAC 10D .2507 Eff. April 4, 1990; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .1610 CONSIDERATION OF AN EXEMPTION REQUEST**

(a) The Secretary shall act on any exemption request submitted pursuant to .1609 of this Section within 90 days of receipt of the request.

(b) In consideration of whether the public water system is unable to comply due to compelling factors, the Secretary shall consider such factors as the following:

- (1) construction, installation, or modification of treatment equipment or systems;
- (2) the time needed to put into operation a new treatment facility to replace an existing system which is not in compliance;
- (3) economic feasibility of compliance.

*History Note: Authority G.S. 130A-315; 130A-321; P.L. 93-523; 40 C.F.R. 142; Eff. September 1, 1979; Transferred and Recodified from 10 NCAC 10D .2508 Eff. April 4, 1990; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .1611 DISPOSITION OF AN EXEMPTION REQUEST**

(a) If the Secretary decides to deny the application for an exemption, the applicant shall be notified of the intention to issue a denial. Such notice shall include a statement of reasons for the proposed denial. Within 30 days after the receipt of such notice, the applicant may request a hearing for the purpose of contesting the proposed denial. Such hearing shall be conducted in the manner set forth in G.S. 150B-22 through 150B-37. If no hearing is requested by the applicant within the 30 day period, the application shall be denied.

(b) If the Secretary grants an exemption request submitted pursuant to .1609 of this Section, the applicant shall be notified of the decision in writing. Such notice shall identify the facility covered and shall specify the termination date of the exemption. Such notice shall provide that the exemption will be terminated when the system comes into compliance with the applicable rule, and may be terminated upon a finding by the Secretary that the system has failed to comply with any requirements of a final schedule issued pursuant to .1613 of this Section.

(c) The Secretary shall propose a schedule for:

- (1) compliance (including increments of progress) by the public water system with each contaminant level requirement and treatment technique requirement covered by the exemption, and
- (2) implementation by the public water system of such control measures as the Secretary may require for each contaminant covered by the exemption.

(d) The schedule shall be prescribed by the secretary within one year after the granting of the exemption, subsequent to provision of opportunity for hearing pursuant to .1612 of this Section.

*History Note: Authority G.S. 130A-315; 130A-321; P.L. 93-523; 40 C.F.R. 142; Eff. September 1, 1979; Transferred and Recodified from 10 NCAC 10D .2509 Eff. April 4, 1990; Amended Eff. September 1, 1991; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .1612 PUBLIC HEARINGS ON EXEMPTION SCHEDULES**

(a) Before a schedule proposed by the Secretary pursuant to Rule.1611 of this Section may take effect, the Secretary shall provide notice and opportunity for public hearing on the schedule. Such notice may cover the proposal of more than one such schedule and a hearing held pursuant to such notice shall include each of the schedules covered by the notice.



(b) Public notice of an opportunity for hearing on an exemption schedule shall be circulated in a manner designed to inform interested and potentially interested persons of the proposed schedule, and shall include the following minimum requirements:

- (1) posting of a notice in the principal post office of each municipality or area served by the public water system, and publishing a notice in the newspaper or newspapers of general circulation in the area served by the public water system;
- (2) mailing of a notice to the Public Water Supply Section, Division of Water Resources and to other appropriate state or local agencies at the Secretary's discretion; and
- (3) such notices shall include a summary of the proposed schedule and shall inform interested persons that they may request a public hearing on the proposed schedule.

(c) Requests for hearing may be submitted by any interested person. Frivolous or insubstantial requests for hearing may be denied by the Secretary. Requests shall be submitted to the Secretary within 30 days after issuance of the public notices provided for in Paragraph (b) of this Rule. Such requests shall include the following information:

- (1) the name, address and telephone number of the individual, organization or other entity requesting a hearing;
- (2) a brief statement of the interest of the individual, organization or other entity making the request in the proposed schedule and of information that the requestor intends to submit at such hearing; and
- (3) the signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

(d) Any hearing held pursuant to a request submitted by an individual, organization or other entity or on the Secretary's own motion shall be conducted in the manner set forth in G.S. 150B-22 through 150B-37.

*History Note: Authority G.S. 130A-315; 130A-321; P.L. 93-523; 40 C.F.R. 142; Eff. September 1, 1979; Transferred and Recodified from 10 NCAC 10D .2510 Eff. April 4, 1990; Amended Eff. April 1, 2014; December 1, 1991; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .1613 FINAL SCHEDULE**

(a) Within a reasonable time after the termination of a hearing conducted in the manner set forth in G.S. 150B-22 through 150B-37, the Secretary shall, based upon consideration of the hearing record as a whole, revise the proposed schedule as necessary and prescribe the final schedule for compliance and interim measures for the public water system granted an exemption under .1609 of this Section.

(b) Such schedule shall require compliance by the public water system with each contaminant level and treatment technique requirement prescribed by:

- (1) regulations in 15A NCAC 18C Section .1500 adopted on or before September 1, 1979, by no later than January 1, 1981; and
- (2) amendments to 15A NCAC 18C adopted after September 1, 1979, by no later than seven years after the effective date of the revised National Primary Drinking Water Regulations.

(c) If the public water system has entered into an enforceable agreement to become a part of a regional public water system, as determined by the Secretary, such schedule shall require compliance by the public water system with each contaminant level and treatment technique requirement prescribed by:

- (1) regulations in 15A NCAC 18C Section .1500 adopted on or before September 1, 1979, by no later than January 1, 1983; and
- (2) amendments to 15A NCAC 18C Section .1500 adopted after September 1, 1979, by no later than nine years after the effective date of the revised National Primary Drinking Water Regulations.

*History Note: Authority G.S. 130A-315; 130A-321; P.L. 93-523; 40 C.F.R. 142; Eff. September 1, 1979; Amended Eff. December 19, 1979; Transferred and Recodified from 10 NCAC 10D .2511 Eff. April 4, 1990; Amended Eff. September 1, 1991; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .1614 BOTTLED WATER AND POINT-OF-USE DEVICES**

The provisions of 40 C.F.R. 142.57 are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102 of this Subchapter.

*History Note:* Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 142; Eff. June 1, 1988; Transferred and Recodified from 10 NCAC 10D .2513 Eff. April 4, 1990; Amended Eff. April 1, 2014; October 1, 1992; December 1, 1988; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

#### **SECTION .1700 – WATER SUPPLY SYSTEM GRANTS**

**15A NCAC 18C .1701 PURPOSE**  
**15A NCAC 18C .1702 GRANT COMMITMENTS FROM CURRENT ALLOCATION**  
**15A NCAC 18C .1703 COUNTY ALLOCATIONS COMMITTED BEFORE STATEWIDE ALLOCATION**  
**15A NCAC 18C .1704 REFERENCE RULE**

*History Note:* Authority S.L. 1971, Ch. 909, as amended by S.L. 1973, Ch. 232; S.L. 1977, Ch. 677; Eff. June 30, 1978; Repealed Eff. April 1, 2014.

#### **SECTION .1800 - LOCAL PLAN APPROVAL**

Rules .1801 - .1805 of Title 15A Subchapter 18C of the North Carolina Administrative Code (T15A.18C .1801 - .1805); has been transferred and recodified from Rules .2601 - .2605 Title 10 Subchapter 10D of the North Carolina Administrative Code (T10.10D .2601 - .2605), effective April 4, 1990.

#### **15A NCAC 18C .1801 LOCAL APPROVAL PROGRAM**

This Section implements G.S. 130A-317(d) which authorizes the certification of local programs for approval of the construction or alteration of the distribution system of a community water system. For purposes of this Section, distribution system means the network of pipes, valves, hydrants and related appurtenances but does not include pumps, storage tanks, treatment devices, wells or other facilities.

*History Note:* Authority G.S. 130A-317; 1985 S.L., c. 697, s. 3; Eff. January 1, 1986; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

#### **15A NCAC 18C .1802 APPLICATION FOR CERTIFICATION**

Application for certification shall be made to the Public Water Supply Section, Division of Water Resources, 1634 Mail Service Center, Raleigh North Carolina 27699-1634. Application shall be submitted in triplicate and shall designate the office or agency which will administer the program.

*History Note:* Authority G.S. 130A-317; S.L. 1985-697, s. 3; Eff. January 1, 1986; Amended Eff. April 1, 2014; December 1, 1991; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

#### **15A NCAC 18C .1803 CERTIFICATION**

The Department shall certify a local approval program which satisfies the requirements of G.S. 130A-317(d). The requirements of G.S. 130A-317(d)(4) are satisfied when a local approval program provides by ordinance or local law for enforcement provisions equivalent to G.S. 130A-18 and G.S. 130A-25. The requirements of G.S. 130A-317(d)(5) are satisfied when a local approval program has a minimum staff and other resources of: a designer who is a professional engineer

registered in this state and whose duty is to devote the time necessary for an effective local approval program; a technical staff, budget, equipment and facilities sufficient to support a design engineering office; and an organizational structure sufficient to carry out this purpose.

*History Note:* Authority G.S. 130A-317; 1985 S.L., c. 697, s. 3;  
Eff. January 1, 1986;  
Amended Eff. February 1, 1987;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

#### **15A NCAC 18C .1804 NOTICE**

(a) A local approval program shall submit an annual notice to the Department, identifying each approval of construction or alteration of the distribution system of a community water system. The local approval program shall retain a copy of the application and approved engineering plans and shall provide a copy to the Department upon request.

(b) The local approval program shall provide notice to the department within 10 days of any change in staff, budget, or other resources that may affect the program's ability to carry out the plan review program.

(c) Upon completion of the construction or alteration of the distribution system, the applicant shall submit a statement to the local approval program, signed by a registered professional engineer, stating that construction was completed in accordance with approved plans and specifications and revised only in accordance with 15A NCAC 18C .0306. The statement shall be based upon observations during and upon completion of construction by the engineer or a representative of the engineer's office who is supervised by the engineer. The local approval program shall provide a copy of the statement to the Department upon request.

*History Note:* Authority G.S. 130A-317; 1985 S.L., c. 697, s. 3;  
Eff. January 1, 1986;  
Amended Eff. December 1, 1988;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015;  
Amended Eff. July 1, 2019.

#### **15A NCAC 18C .1805 DEPARTMENTAL ENFORCEMENT**

If the Department determines that a community water system is violating local approval requirements and the local approval program has not enforced its requirements, the Department may, after written notice, to the local program, enforce the requirements in accordance with provisions of G.S. 130A-17 through 130A-28.

*History Note:* Authority G.S. 130A-317; 1985 S.L., c. 697, s. 3;  
Eff. January 1, 1986;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

### **SECTION .1900 - ADMINISTRATIVE PENALTIES**

Rules .1901 - .1913 of Title 15A Subchapter 18C of the North Carolina Administrative Code (T15A.18C .1901 - .1913); has been transferred and recodified from Rules .2401 - .2413 Title 10 Subchapter 10D of the North Carolina Administrative Code (T10.10D .2401 - .2413), effective April 4, 1990.

#### **15A NCAC 18C .1901 DEFINITIONS**

As used in the following rules, the term:

- (1) "Delegate" means any person to whom the Department has delegated authority in writing to act in its stead in relation to civil penalties;
- (2) "Hearing officer" means the presiding officer in a contested case hearing;
- (3) "Respondent" means the person against whom a penalty has been assessed.

*History Note:* Authority G.S. 130A-22(f);  
Eff. September 1, 1979;

*Amended Eff. May 1, 1987;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .1902 ADMINISTRATIVE PENALTIES**

The following rules provide the procedures and standards governing the assessment, remission, mitigation and appeal of administrative penalties imposed by the Department or its delegates under G.S. 130A-22(b) for violations of the North Carolina Drinking Water Act, Article 10 of Chapter 130A and 15A NCAC 18C.

*History Note: Authority G.S. 130A-22(f);*  
*Eff. September 1, 1979;*  
*Amended Eff. April 1, 2014; October 1, 1984;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .1903 WHO MAY ASSESS PENALTIES**

Administrative penalties may be assessed by the Department or its delegate.

*History Note: Authority G.S. 130A-22(f);*  
*Eff. September 1, 1979;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .1904 WHEN PENALTIES MAY BE ASSESSED**

Administrative penalties may be assessed against any person for violations as described in G.S. 130A-325.

*History Note: Authority G.S. 130A-22(f);*  
*Eff. September 1, 1979;*  
*Amended Eff. October 1, 1984;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .1905 AMOUNT OF PENALTY ASSESSMENT**

- (a) An administrative penalty may not exceed the amount which may be assessed for violations as prescribed in G.S. 130A-22(b).
- (b) Each day of a continuing violation shall constitute a separate violation.
- (c) Each violation of a specific provision of Article 10 of Chapter 130A, the rules issued thereunder, and any order pursuant thereto, shall be a separate violation.

*History Note: Authority G.S. 130A-22(f);*  
*Eff. September 1, 1979;*  
*Amended Eff. October 1, 1984;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .1906 CONSIDERATIONS IN ASSESSING ADMINISTRATIVE PENALTIES**

In determining the amount of the assessment, the Department or its delegates shall consider the following criteria and shall cite the provisions that are applicable:

- (1) nature of the violation and the degree and extent of the harm, including the following:
  - (a) for a violation of the North Carolina Drinking Water Act, Article 10 of Chapter 130A, and the rules in this Subchapter:
    - (i) type of violation,
    - (ii) type of contaminant involved,
    - (iii) duration,
    - (iv) cause (whether resulting from a negligent, reckless or intentional act, or omission),

- (v) potential effect on public health and the environment,
- (vi) effectiveness of responsive measures taken by the violator,
- (vii) damage to private property, and
- (viii) size of the water system and population exposed;
- (b) for a violation of an order issued under the North Carolina Drinking Water Act, Article 10 of Chapter 130A:
  - (i) subject matter of order,
  - (ii) duration,
  - (iii) cause (whether resulting from a negligent, reckless or intentional act, or omission),
  - (iv) type of violation, if any,
  - (v) potential effect on public health and the environment, and
  - (vi) effectiveness of responsive measures taken by violator;
- (c) for refusing to allow an authorized representative of the Commission for Public Health, any local board of health, or the Department a right of entry as provided for in G.S. 130A-17:
  - (i) type of other violation, if any,
  - (ii) duration of refusal, and
  - (iii) potential effect on public health and the environment;
- (d) for failure to give adequate public notice as required by G.S. 130A-324:
  - (i) inadequacy of type of notice,
  - (ii) misleading in nature,
  - (iii) delay in providing notice, and
  - (iv) potential effect on public health from failure to give adequate notice;
- (2) cost of rectifying any damage; and
- (3) the violator's previous record in complying or not complying with the North Carolina Drinking Water Act, Article 10 of Chapter 130A and the rules in this Subchapter.

*History Note:* Authority G.S. 130A-22(f); 130A-17; 130A-324;  
 Eff. September 1, 1979;  
 Amended Eff. April 1, 2014; October 1, 1984;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

#### **15A NCAC 18C .1907 PROCEDURE FOR ASSESSMENT**

- (a) Depending on the violation involved, the Department or its delegates may issue a notice of penalty assessment immediately or grant the violator a period of time within which to cease the violation.
- (b) For all violations for which a penalty is assessed, a notice of such action shall be sent to the respondent by registered or certified mail. The notice shall describe the nature of the violation with reasonable particularity, the amount of the penalty for each violation, that each day of a continuing violation constitutes a separate violation, advise that the penalty is now due or that it will become due at the end of a specified time, and advise the respondent of his rights of appeal.
- (c) The Department or its delegates may modify a penalty upon finding that additional or different facts should have been considered in determining the amount of the assessment.

*History Note:* Authority G.S. 130A-22(f);  
 Eff. September 1, 1979;  
 Amended Eff. May 1, 1987;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

#### **15A NCAC 18C .1908 IMMINENT HAZARD**

If violation of the rules or law presents an imminent hazard to the public health as determined by the Secretary, an order may be issued pursuant to G.S. 130A-322.

*History Note:* Authority G.S. 130A-22(f);  
 Eff. September 1, 1979;  
 Amended Eff. October 1, 1984;

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .1909 PAYMENTS: HEARING**

- (a) Within 30 days after receipt of notification of a penalty assessment, the respondent must tender payment, or submit in writing a request for an administrative hearing. All appeals shall be made in accordance with G.S. 150B.
- (b) Payment may be tendered in conjunction with a hearing request and in such case, the payment will be accepted as conditional upon final action.
- (c) This Rule shall not preclude informal conferences concerning the penalty assessed.
- (d) Whenever an administrative hearing is scheduled, to avoid undue costs and delay, the respondent will be required to state all the issues in dispute and the Department will be required to hold only one administrative hearing.
- (e) The Department will acknowledge the receipt of all payments.

*History Note: Authority G.S. 130A-22(f);  
Eff. September 1, 1979;  
Amended Eff. May 1, 1987;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .1910 STAY OF PENALTY ASSESSMENT**

When an administrative hearing is requested for a purpose other than remission or mitigation of the penalty assessed, the penalty will be stayed as of the date of said request until service of the final decision or other settlement of the matter.

*History Note: Authority G.S. 130A-22(f);  
Eff. September 1, 1979;  
Amended Eff. May 1, 1987;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .1911 WAIVER OF ADMINISTRATIVE HEARING**

A respondent waives his right to a hearing when he:

- (1) submits a written waiver to the Department or its delegates of his right to an administrative hearing,
- (2) fails to request a hearing within 30 days of receipt of notice of penalty assessment as provided for in Rule .1909 of this Subchapter, or
- (3) fails to attend a scheduled administrative hearing.

*History Note: Authority G.S. 130A-22(f);  
Eff. September 1, 1979;  
Amended Eff. May 1, 1987;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .1912 REFERRAL**

If any administrative penalty as finally assessed is not paid within 60 days after receipt of notice of penalty assessment where no administrative hearing was requested or within 60 days after service of a written copy of the decision as provided for in G.S. 150B-36 where an administrative hearing was requested, the Secretary shall request the Attorney General to commence an action to recover the amount of the assessment.

*History Note: Authority G.S. 130A-22(f);  
Eff. September 1, 1979;  
Amended Eff. September 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

#### **15A NCAC 18C .1913 RIGHT OF ENTRY AND INSPECTION**

- (a) Any supplier of water or other person subject to drinking water regulations shall, at any time, allow the Secretary, or a designated representative, upon presenting appropriate credentials and a written notice of inspection, to enter any establishment, facility or other property of such supplier or other person to determine whether such supplier or other person has acted or is acting in compliance with the requirements of the North Carolina Drinking Water Act (G.S. 130A-311 through 130A-328) or the rules of 15A NCAC 18C. Such inspection may include inspection, at reasonable times, of records, files, papers, processes, controls and facilities, or testing of any feature of a public water system, including its raw water source.
- (b) If entry is refused, then the Secretary or designated representative may obtain an administrative search warrant pursuant to the requirements of G.S. 15-27.2.

*History Note:* Authority G.S. 130A-22(f);  
Eff. December 19, 1979;  
Amended Eff. October 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

## **SECTION .2000 - FILTRATION AND DISINFECTION**

### **15A NCAC 18C .2001 GENERAL REQUIREMENTS**

The provisions of 40 C.F.R. 141.70 are incorporated by reference, including subsequent amendments and editions. Copies may be obtained as set forth in Rule .0102(b) of this Subchapter.

*History Note:* Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141.70;  
Eff. January 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015;  
Amended Eff. July 1, 2019.

### **15A NCAC 18C .2002 DISINFECTION**

(a) The provisions of 40 C.F.R. 141.72 are incorporated by reference, including subsequent amendments and editions. Copies may be obtained as set forth in Rule .0102(b) of this Subchapter. These provisions are adopted with the following exceptions:

- (1) Water entering the distribution system. In 40 C.F.R. 141.72 (a)(2), (a)(3), and (b)(2), "0.2 mg/l" of residual disinfectant concentration shall be replaced with "0.2 mg/l measured as free chlorine when chlorine is the only applied disinfectant and 1.0 mg/l measured as total chlorine when ammonia and chlorine are applied disinfectants."
- (2) Water in the distribution system at coliform sampling sites. In 40 C.F.R. 141.72(a)(4) and (b)(3), "undetectable" shall be replaced with "less than 0.2 mg/l measured as free chlorine when chlorine is the only applied disinfectant and less than 1.0 mg/l measured as total chlorine when ammonia and chlorine are applied disinfectants."

(b) Water in the distribution system at maximum residence time sites. For samples collected at maximum residence time sites or at other locations with high water age as required by Rule .1302(a)(2) of this Subchapter, residual disinfectant concentrations shall be at detectable levels as set forth and calculated in 40 C.F.R. 141.72(a)(4) and (b)(3).

(c) All surface water treatment facilities shall include chemical disinfection for a minimum 0.5 log *Giardia* inactivation.

*History Note:* Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141.72;  
Eff. January 1, 1991;  
Amended Eff. April 1, 2014; October 1, 2009;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015;  
Amended Eff. July 1, 2019.

### **15A NCAC 18C .2003 FILTER BACKWASH RECYCLING RULE**

(a) The requirements of this Rule shall apply to a public water system that uses a surface water source or a groundwater source under the direct influence of surface water. The provisions of 40 C.F.R. 141.73 are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102 of this Subchapter. Any dates set forth in the federal rule shall be applicable.

(b) The requirements of this Rule shall apply to a public water system that uses a surface water source or a groundwater source under the direct influence of surface water; uses direct or conventional filtration processes; and recycles spent filter backwash water, sludge thickener supernatant, or liquids from dewatering processes. The provisions of 40 C.F.R. 141.76 are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102 of this Subchapter. Any dates set forth in the federal rule shall be applicable.

*History Note:* Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141.73; 40 C.F.R. 141.76;  
Eff. January 1, 1991;  
Amended Eff. April 1, 2014; August 1, 2002;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

#### **15A NCAC 18C .2004 ANALYTICAL AND MONITORING REQUIREMENTS**

The provisions of 40 C.F.R. 141.74 are hereby adopted by reference in accordance with G.S. 150B-21.6 including subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102 of this Subchapter. These provisions are adopted with the following exceptions:

- (1) The residual disinfectant concentration of the water entering the distribution system shall be monitored continuously, and the lowest value shall be recorded each day, except that if there is a failure in the continuous monitoring equipment, grab sampling every four hours may be conducted in lieu of continuously monitoring, but for no more than five working days following the failure of the equipment. Systems serving 3,300 or fewer persons may take grab samples in lieu of providing continuous monitoring on an ongoing basis at the frequency of every four hours that water is being treated.
- (2) In 40 C.F.R. 141.74, "0.2 mg/l" of residual disinfectant concentration shall be replaced with "0.2 mg/l measured as free chlorine when chlorine is the singular applied disinfectant and 1.0 mg/l measured as total chlorine when ammonia and chlorine are applied disinfectants."

*History Note:* Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141.74;  
Eff. January 1, 1991;  
Amended Eff. April 1, 2014; October 1, 2009;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

#### **15A NCAC 18C .2005 CRITERIA FOR AVOIDING FILTRATION**

The provisions of 40 C.F.R. 141.71 are incorporated by reference, including subsequent amendments and editions. Copies may be obtained as set forth in Rule .0102(b) of this Subchapter.

*History Note:* Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141.71;  
Eff. January 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015;  
Amended Eff. July 1, 2019.

#### **15A NCAC 18C .2006 REPORTING AND RECORD KEEPING REQUIREMENTS**

The provisions of 40 C.F.R. 141.75 are hereby adopted by reference in accordance with G.S. 150B-21.6 including subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102 of this Subchapter. These provisions are adopted with the following exception: In 40 C.F.R. 141.75, "0.2 mg/l" of residual disinfectant concentration shall be replaced with "0.2 mg/l measured as free chlorine when chlorine is the singular applied disinfectant and 1.0 mg/l measured as total chlorine when ammonia and chlorine are applied disinfectants."

*History Note:* Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141.75;  
Eff. January 1, 1991;  
Amended Eff. April 1, 2014; October 1, 2009;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.



### **15A NCAC 18C .2007 ENHANCED FILTRATION AND DISINFECTION**

(a) Public water systems shall respond to the Department in writing to significant deficiencies outlined in sanitary survey reports no later than 45 days after receipt of the report, indicating how and on what schedule the system will address significant deficiencies noted in the survey.

(b) Public water systems shall take necessary steps to address significant deficiencies identified in sanitary survey reports if such deficiencies are within the control of the public water system and its governing body.

(c) Sanitary survey means an onsite review by the Department of the water source (identifying sources of contamination using results of source water assessments where available), facilities, equipment, operation, maintenance, and monitoring compliance of a public water system to evaluate the adequacy of the system, its sources and operations and the distribution of safe drinking water.

(d) Significant deficiency means a defect in a system's design, operation, or maintenance, as well as any failures or malfunctions of its treatment, storage, or distribution system, that is causing or has the potential to cause the introduction of contamination into water delivered to customers.

(e) When a public water system is required to conduct a comprehensive performance evaluation (CPE) pursuant to this Subchapter, the CPE shall include:

- (1) assessment of water treatment plant performance;
- (2) evaluation of major unit processes;
- (3) identification and prioritization of performance limiting factors;
- (4) assessment of the applicability of comprehensive technical assistance; and
- (5) a written CPE report.

The public water system shall participate in a comprehensive technical assistance (CTA) activity when the Department determines, based on the CPE results, there is a potential for improved water treatment performance and the public water system is able to receive and implement technical assistance. During the CTA phase, the public water system shall use the CPE results to identify and systematically address factors limiting performance of its water treatment plant; further, the public water system shall implement process control priority-setting techniques, and maintain long-term involvement in training staff and administrators.

(f) The provisions of 40 C.F.R. 141, Subpart P - Enhanced Filtration and Disinfection - (Systems Serving 10,000 or More People), and Subpart T - Enhanced Filtration and Disinfection - (Systems Serving Fewer than 10,000 People) and the provisions of 40 C.F.R. 141, Subpart W- Enhanced Treatment for Cryptosporidium are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102 of this Subchapter.

*History Note: Authority G.S. 130A-315; P.L. 93-523; 40 C.F.R. 141 Eff. August 1, 2000; Amended Eff. April 1, 2014; October 1, 2009; November 1, 2005; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

### **15A NCAC 18C .2008 DISINFECTANTS AND DISINFECTION BYPRODUCTS**

(a) The provisions of 40 C.F.R. 141.53 are incorporated by reference, including subsequent amendments and editions. Copies may be obtained as set forth in Rule .0102(b) of this Subchapter.

(b) The provisions of 40 C.F.R. 141.54 are incorporated by reference, including subsequent amendments and editions. Copies may be obtained as set forth in Rule .0102(b) of this Subchapter.

(c) The provisions of 40 C.F.R. 141.64 are incorporated by reference, including subsequent amendments and editions. Copies may be obtained as set forth in Rule .0102(b) of this Subchapter.

(d) The provisions of 40 C.F.R. 141.65 are incorporated by reference, including subsequent amendments and editions. Copies may be obtained as set forth in Rule .0102(b) of this Subchapter.

(e) The provisions of 40 C.F.R. 141, Subpart L- Disinfectant Residuals, Disinfection Byproducts, and Disinfection Byproduct Precursors, and the provisions of 40 C.F.R. 141, Subparts U-Initial Distribution System Evaluations and Subpart V - Stage 2 Disinfection Byproducts Requirements are incorporated by reference, including subsequent amendments and editions. Copies may be obtained as set forth in Rule .0102(b) of this Subchapter.

*History Note: Authority G.S. 130A-313; 130A-315; P.L. 93-525; 40 C.F.R. 141; Eff. August 1, 2000; Amended Eff. April 1, 2014; October 1, 2009; August 1, 2002;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015;*  
*Amended Eff. July 1, 2019.*

## **SECTION .2100 - OPERATING PERMITS**

### **15A NCAC 18C .2101 PERMITS**

- (a) Operating permits are required for all community water systems as of January 1, 1992.
- (b) Permits shall be valid from January 1 through December 31 of each year.
- (c) Community water systems which are constructed or which begin operation after January 1, 1992 shall obtain a permit prior to providing water to any connections. The permit shall be effective on the date that water service to the first customer begins and shall be valid until December 31 of each year issued. The annual fee shall be prorated on a monthly basis for permits obtained after January 1 of each year.

*History Note: Authority G.S. 130A-328;*  
*Temporary Adoption Eff. January 22, 1992 for a Period of 180 Days to Expire on July 19, 1992;*  
*Eff. April 1, 1992;*  
*Amended Eff. July 1, 1993;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

### **15A NCAC 18C .2102 APPLICATION FOR PERMIT**

- (a) An application for the issuance or renewal of an operating permit for a community water system shall be made on forms provided by the Department. An application shall include the following information:
  - (1) name and identification number of the community water system;
  - (2) name, address, and social security number or tax identification number of the supplier of water;
  - (3) name, address, and certification number of the certified operator in responsible charge of the community water system;
  - (4) name of each certified laboratory which provides analyses of water samples; and
  - (5) population served by the community water system.
- (b) The fee for issuance or renewal of an operating permit is set forth in G.S. 130A-328.
- (c) Payment shall be made by check, payable to the Department of Environment and Natural Resources and shall accompany the application.
- (d) Applications for operating permits shall not be processed prior to the receipt of the required fees.
- (e) An operating permit shall be renewed annually.
- (f) The supplier of water who holds a current operating permit shall inform the Department of any change of address or transfer of ownership within 30 days of the change.

*History Note: Authority G.S. 130A-328;*  
*Temporary Adoption Eff. January 22, 1992 for a Period of 180 Days to Expire on July 19, 1992;*  
*Eff. April 1, 1992;*  
*Amended Eff. April 1, 2014; July 1, 1993;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*

### **15A NCAC 18C .2103 INITIAL PERMIT PERIOD**

*History Note: Authority G.S. 130A-328;*  
*Temporary Adoption Eff. January 22, 1992 for a Period of 180 Days to Expire on July 19, 1992;*  
*Eff. April 1, 1992;*  
*Expired Eff. December 1, 2015 pursuant to G.S. 150B-21.3A.*

### **15A NCAC 18C .2104 RENEWAL FEES**

Payment for permit renewal shall be due 60 days prior to the expiration of the prior year's permit. Failure to pay the fee by the permit expiration date shall result in assessment of an administrative penalty pursuant to G.S. 130A-22(b) equal to one-half of

the fee set forth in G.S. 130A-328. Failure to pay the fee and the administrative penalty within 45 days after permit expiration shall result in an additional administrative penalty of ten dollars (\$10.00) per day for each day that the fee and the penalty are not paid.

*History Note:* Authority G.S. 130A-328;  
Temporary Adoption Eff. January 22, 1992 for a Period of 180 Days to Expire on July 19, 1992;  
Eff. April 1, 1992;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

#### **15A NCAC 18C .2105 REVOCATION**

- (a) The Department may revoke or suspend an operating permit when it is found that a supplier of water has:
- (1) Failed to pay the annual fee;
  - (2) Failed to submit a complete permit application or provided fraudulent or misleading information in a permit application; or
  - (3) Failed to comply with rules governing community water systems set forth in 15A NCAC 18C.
- (b) Action to revoke or suspend an operating permit shall not preclude the Department from seeking other remedies authorized by Part 2, Article 1 of Chapter 130A of the General Statutes.

*History Note:* Authority G.S. 130A-328;  
Temporary Adoption Eff. January 22, 1992 for a Period of 180 Days to Expire on July 19, 1992;  
Eff. April 1, 1992;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

### **SECTION .2200 - GROUND WATER SYSTEMS**

#### **15 A NCAC 18C .2201 APPLICABILITY AND RESIDUAL DISINFECTANT CONCENTRATIONS**

(a) Applicability. The provisions of this Section apply to all ground water systems. A ground water system is defined as any public water system that uses ground water including a consecutive system receiving finished ground water. A ground water system does not include public water systems that combine all of their ground water with surface water or with ground water under the direct influence of surface water prior to treatment under Subpart H.

(b) Disinfection. Systems providing chemical disinfection in accordance with 15A NCAC 18C .0402(j) shall measure residual disinfectant concentrations. The locations and concentrations shall be as follows:

- (1) Water entering the distribution system. The residual disinfectant concentration shall not be less than 0.2 mg/l measured as free chlorine when chlorine is the singular applied disinfectant and shall not be less than 1.0 mg/l measured as total chlorine when ammonia and chlorine are applied disinfectants for more than two consecutive daily visits for systems that are collecting grab samples and not more than four hours for systems that perform continuous monitoring.
- (2) Water in the distribution system at Coliform Sampling Sites. The residual disinfectant concentration shall not be less than 0.2 mg/l measured as free chlorine when chlorine is the singular applied disinfectant and shall not be less than 1.0 mg/l measured as total chlorine when ammonia and chlorine are applied disinfectants.
- (3) Water in the distribution system at Maximum Residence Time Sites. Systems shall measure residual disinfectant concentrations at maximum residence time sites or at other locations with high water age. The residual disinfectant concentrations at these locations shall be at detectable levels as set forth and calculated in 40 C.F.R. 141.72(a)(4) and (b)(3).

*History Note:* Authority G.S. 130A-315; P.L. 93-523;  
Eff. October 1, 2009;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.

#### **15A NCAC 18C .2202 GROUND WATER RULE**

The provisions of 40 C.F.R. 141, Subpart S – Ground Water Rule are hereby incorporated by reference including any subsequent amendments and editions. Copies are available for public inspection as set forth in Rule .0102 of this Subchapter.

The provisions are incorporated with the following exceptions:

- (1) Fecal indicator for source water monitoring. When systems are required to conduct triggered source water monitoring or assessment source water monitoring under 40 C.F.R. 141.402 (a) and (b) respectively, any of the following three fecal indicators can be used: E. coli, enterococci, or coliphage.
- (2) Corrective Action Alternatives. Ground water systems that are required to implement corrective action in accordance with 40 C.F.R. 141.403(a)(6) must determine that alternatives (a)(6)(i), (a)(6)(ii), and (a)(6)(iii) are not feasible before implementing alternative (a)(6)(iv). The rationale for selection of alternative (a)(6)(iv) must be documented in accordance with Rule .0307(b)(10) of this Subchapter.
- (3) Assessment Source Water Monitoring. The Department shall use information from the Public Water Supply Section's database and from its Source Water Assessment Program to identify sources subject to assessment source water monitoring. Systems notified by the Department must commence assessment source water monitoring for the sources identified. The system shall conduct assessment source water monitoring for any source that receives physical or chemical treatment and possesses any one of the following characteristics:
  - (a) Any source subject to the requirements of G.S. 130A-317(b) and rules in this Subchapter for which the public water system did not receive approval from the Department for construction or alteration.
  - (b) Source is deemed by the Source Water Assessment Program to have a Higher Inherent Vulnerability Rating and the system has historical total or fecal coliform MCL violations during the compliance periods between January 1, 2005 and December 31, 2008.
  - (c) Source is deemed by the Source Water Assessment Program to have a Higher Inherent Vulnerability Rating and the system has total or fecal coliform monitoring violations cited for more than 25 percent of the compliance periods between January 1, 2005 and December 31, 2008.
  - (4) Any system shall perform assessment source water monitoring as directed by the Department in response to deficiencies identified by a sanitary survey that are related to source or treatment. Assessment source water monitoring shall be conducted in accordance with the requirements specified in 40 C.F.R. 141.402(b)(1) through (6) using any of the following three fecal indicators: E. coli, enterococci, or coliphage.

*History Note: Authority G.S. 130A-315; 130A-317; P.L. 93-523; 40 C.F.R. 141 Subpart S; Eff. October 1, 2009; Amended Eff. April 1, 2014; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.*