



Michael F. Easley, Governor
William G. Ross, Jr., Secretary
Terry L. Pierce, Director

September 3, 2004

Memorandum

To: Local Health Directors
Local Environmental Health Directors and Supervisors

From: Terry L. Pierce

Subject: Rules Governing Public Water Systems (15A NCAC 18C .0200 and .0300)
Approvals for Non-Transient, Non-Community Public Water Systems

On August 12, 1994, Linda Sewall, then Deputy Director of the Division of Environmental Health, sent a memorandum to local Environmental Health Directors explaining changes to the *Rules Governing Public Water Systems*. The rule changes had a direct impact on the construction, alteration or expansion of water systems for schools, child care facilities and businesses providing water to at least 25 of the same persons for more than six months per year [i.e., Non-transient, non-community (NTNC) public water systems as defined in the *Rules Governing Public Water Systems (15A NCAC 18C)*]. A copy of the August 12, 1994 memorandum from Linda Sewall is attached.

NTNC public water systems include daycares, public and private schools, commercial and industrial facilities, office complexes and churches with a school or daycare, where at least 25 persons are provided water service from an on-site well. As stated in the August 12, 1994 memo, the requirements in NCAC 15A 18C (*Rules Governing Public Water Systems*) require NTNC water systems to obtain approval from the Public Water Supply (PWS) Section for proposed water systems, and for alterations or expansion of existing systems. Facilities with on-site water systems that serve less than 25 persons need only comply with the less stringent requirements in NCAC 15A 18A .1700 – Protection of Water Supplies).

Recently, the Division discovered of several situations where facilities, that are NTNC public water systems, have received local approvals and have been placed into service without obtaining PWS Section approval for constructing and operating a public water system. In these situations, the owners have reported that they were unaware that approval and construction in accordance with the *Rules Governing Public Water Systems* was required and mistakenly thought that compliance with the .1700 Rules was sufficient. The construction of an unapproved public water system causes an unacceptable risk to public

health and/or considerable hardship to the owner when they are required to reduce the facility population until the water system receives approval and is constructed in accordance with requirements specified in the *Rules Governing Public Water Systems*. In some cases, the existing water supply well did not meet the minimum horizontal separation distances specified in the *Rules Governing Public Water Systems* and therefore could not be approved as a source for a NTNC public water system.

To avoid continued problems associated with the construction of unapproved NTNC public water systems, we request that Local Environmental Health Specialists assist by informing those involved with the construction and operation of a facility such as a childcare, school or place of business, with an on-site well water system, about the requirements applicable to NTNC public water systems. It is important to recognize that the owner of an existing facility with a well water system serving less than 25 persons may not expand the business to serve 25 or more persons until the water system is approved in accordance with the *Rules Governing Public Water Systems*. For example, a church that is a “Transient” public water system cannot add a school or daycare operation with more than 25 staff and students, until the proposed NTNC water system is approved by the PWS Section.

As specified in Rule .0200- Location of Sources of Public Water Supplies and Rule .0300 – Submission of Plans; Specifications; and Reports, NTNC public water systems must be approved by the PWS Section before construction. Approval requirements include:

1. Well site approval by the PWS Section Regional Office,
2. Engineer’s Report and Water System Management Plan,
3. Plans and Specifications prepared by a North Carolina registered Professional Engineer.

After construction is complete, the public water system owner and the engineer must submit certifications to obtain final approval. As specified in Rule .0309, a public water system may not be “placed into final service or made available for human consumption” until the owner has obtained final approval.

If you or your staff has any question, please contact Bob Midgette, PWS Section, Protection and Enforcement Branch Head at (919) 715-3224 or Robert.Midgette@ncmail.net or the PWS Section staff at one of the Regional Offices.

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