

Attachment A

Wake County Board of Human Services Regulations Governing Public Recreational Waters and Beaches

WHEREAS, the Wake County Department of Environmental Services (WCDES) after study and investigation of the facts pertaining thereto, finds that there is a clear and present need to protect and enhance the public health by notifying the public when bacteria levels in public recreational waters and beaches present a potential health risk to those engaged in water activities, as herein defined,

NOW, therefore, be it ordained by the Board of Human Services of Wake County that the following Regulations be, and hereby are, adopted pursuant to the authority granted said Board by Article 2, Part 1 Chapter 130A-39 of the General Statutes of North Carolina.

SECTION I. SCOPE AND PURPOSE

The purpose of these Regulations is to establish water quality monitoring criteria and standards designed to protect the public from harmful levels of pathogens associated with fecal contamination while participating in water contact activities at public recreational waters and beaches.

SECTION II. JURISDICTION

- A. These Regulations shall apply throughout the territorial jurisdiction of Wake County, North Carolina.
- B. The Wake County Department of Environmental Services is responsible for the administration and enforcement of these Regulations, including but not limited to: public recreational water quality monitoring, notifications to owners/operators of public recreational waters and beaches of monitoring results which require owner/operator action, and publication and maintenance of a Wake County Policies and Procedures Manual for the Recreational Waters and Beaches which may be amended for time to time.
- C. Exemption - these Regulations shall not apply to public recreational waters and beaches where use normally does not exceed 15 people per day.

SECTION III. DEFINITIONS

- (A) **Advisory** - Public notification based on established water quality criteria indicating the potential for a public health risk.
- (B) **Beach or beach area** - the water area within a designated swimming or primary contact area.
- (C) **Board** - the Wake County Board of Human Services.
- (D) **Director** - Director of Wake County Environmental Services, the Director of Wake County Human Services or their designees.

- (E) **Geometric Mean** –the mean of "n" positive numbers obtained by taking the "nth" root of the product of the numbers with at least five samples collected within a 30 day period.
- (F) **Person** – means and includes an individual, firm, corporation, association, partnership, or company.
- (G) **Policies and Procedures Manual** – Wake County Policies and Procedures Manual for Public Recreational Water and Beaches which may be amended from time to time.
- (H) **Primary Contact** – means an activity in which a person's head may be partially or completely submerged.
- (I) **Public Health Nuisance** - a condition of or use of property that could or does cause or result in personal injury or disease to members of the public as defined in North Carolina General Statutes 130A 19.
- (J) **Public Recreational Waters and Beaches** - natural lakes, man-made lakes and similar public water contact recreational places not classified as public swimming pools.
- (K) **Restriction** – beach closure.
- (L) **WCDES** means the Wake County Department of Environmental Services.

SECTION IV. WATER QUALITY MONITORING

- A. **WATER QUALITY SAMPLES** - Wake County Department of Environmental Services shall monitor water quality at public recreational waters and beaches by taking grab samples for the recommended indicator bacteria in accordance with the Policies and Procedures Manual.
- B. **BACTERIOLOGICAL WATER QUALITY STANDARDS** - Natural and man-made lakes, water courses, and other recreational water facilities not defined as a public swimming pool in North Carolina General Statues 130A-280 shall be subject to the either of the following bacteriological water quality indicator standards:
 - 1. **E. coli:** 1) No single sample shall exceed two hundred thirty-five (235) colonies per one hundred (100) ml. or 2) the geometric mean of the E. coli density based on no less than five equally spaced samples collected over a thirty (30) day period shall not exceed one hundred twenty-six (126) colonies per 100 ml.
 - 2. **Enterococci:** 1) No single sample shall exceed seventy (70) colonies per one hundred (100) ml. or 2) the geometric mean of the Enterococci density based on no less than five equally spaced samples collected over a thirty (30) day period shall not exceed thirty-five (35) colonies per 100 ml.

SECTION V. BEACH NOTIFICATION AND RESTRICTIONS

- A. Upon exceedance of either of the concentration thresholds in Section IV. Bacteriological Water Quality Standards, WCDES shall notify owners/operators of public recreational waters and beaches of potential public health risks associated with high levels of indicator bacteria.

- B. Upon notice by WCDES of an exceedance of a bacteriological standard, owners/operators of public recreational waters and beaches shall follow notification and closure procedures as prescribed in the Policies and Procedures Manual.
- C. The Director or his Designee may order a beach area closed, or restricted, based on knowledge of a sewer spill or other conditions that have the potential to become a public health nuisance or hazard. The Director or his designee shall issue a Public Health Abatement Notice to the beach owners/operators to close a beach.
- D. WCDES will conduct follow-up sampling of a beach area under advisory and/or restriction. The beach area shall remain under advisory and/or restriction until subsequent water sampling indicates compliance with the bacteriological standards in Section IV. Bacteriological Water Quality Standards. The Director or his designee shall notify owners/operators of public recreational waters and beaches when an advisory or restriction is rescinded.

SECTION VI. SIGNS

Signage for public advisories and restrictions shall be posted in accordance with the Wake County Policies and Procedures Manual for Public Recreational Waters and Beaches.

SECTION VII. RIGHT OF ENTRY

Subject to the provisions of North Carolina General Statutes 130A-17, the Director or his Designee shall have the right of entry upon any premises where entry is necessary to investigate an alleged or suspected violation of these Regulations and to enforce any remedy allowed hereunder.

SECTION VIII. VIOLATIONS

Failure by owners/operators of public recreational water and beaches to comply with the requirements of these Regulations and the Policies and Procedure Manual for Public Recreational Waters and Beaches, including but not limited to notification, signage, restrictions or closures, shall constitute a violation of these Regulations.

SECTION IX. PENALTIES

Any person who violates any of these Regulations or shall fail to perform any act required by these Regulations shall be guilty of a misdemeanor and shall be subject to punishment as provided in North Carolina General Statutes 130A 25 as well as civil remedies set forth in Part 2, Article 1 of General Statutes Chapter 30A.

SECTION X. APPEAL PROCEDURES

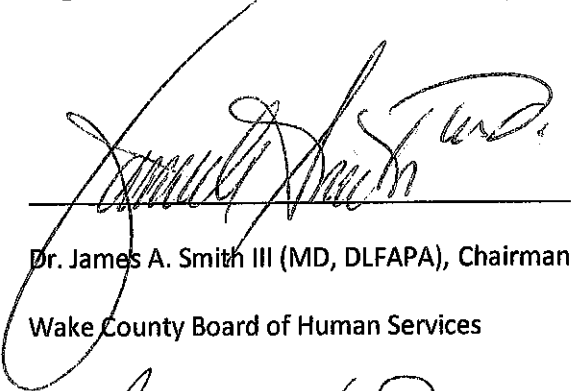
Appeals from closure of facilities under these Regulations concerning the interpretation and enforcement of these Regulations shall be conducted in accordance with North Carolina General Statutes 130A 24 (b) through (d).

SECTION XI. ABROGATION

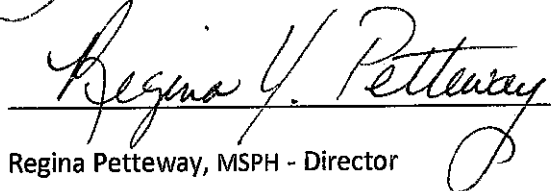
Nothing in these Regulations shall restrict or abrogate the authority of the Board or WCDES from exercising any authority the Board or WCDES has under applicable state law with respect to public recreational waters and beaches, as defined in these Regulations.

SECTION XI. EFFECTIVE DATE

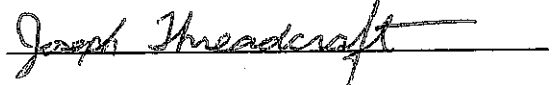
These "Wake County Board of Human Services Regulations Governing Public Recreational Waters and Beaches" shall be in full force and effect from and after March 26, 2015. These Regulations were adopted on March 26, 2015.



Dr. James A. Smith III (MD, DLFAPA), Chairman
Wake County Board of Human Services



Regina Petteway, MSPH - Director
Wake County Human Services



Joseph Threadcraft, Ph. D., P. E., Director
Wake County Environmental Services