

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

WHEREAS, the Wake County Department of Environmental Services 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 preventing exposure to contaminated water, as herein defined,

NOW, therefore, be it ordained by the Board of Human Services of Wake County that the following regulations be, and they 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 N.C. Dept. of Environment and Natural Resources regulations that apply to Classification of Recreational Waters do not address closings and reopening of beaches and recreational areas. The purpose of these rules is to implement valid bacteriological action levels that are recommended by the U.S. Environmental Protection Agency, and to address criteria for closure and reopening.

SECTION II. DEFINITIONS

- A) **Beach or beach area** means the water area within a designated swimming or primary contact area.
- B) **Board** means the Wake County Board of Human Services.
- C) **Contaminated water** means water that has been analyzed and does not meet the bacteriological standards as defined in Section IX.
- D) **Director** means the Director of Environmental Services, the Director of Human Services or their authorized agents.
- E) **Person** means and includes an individual, firm, corporation, association, partnership, or company.
- F) **Public Health Nuisance** means 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 GS130A-19.
- G) **Recreational Waters and Beaches** mean natural lakes, man-made lakes and similar public water contact recreational places not classified as public swimming pools.
- H) **WCDES** means the Wake County Department of Environmental Services

SECTION III. BACTERIOLOGICAL WATER QUALITY STANDARDS

Natural and man-made lakes, water courses, and other recreational water facilities not defined as a public swimming pool are subject to the following water quality indicator standards:

- (A) **Fecal Coliform**: No single sample shall exceed 400 colonies per one hundred ml. The arithmetic mean of the coliform density based on no less than five equally spaced samples collected over a thirty (30) day period shall not exceed two hundred (200) colonies per 100 ml.
- (B) **E. Coliform** : No single sample shall exceed two hundred thirty-five (235) colonies per one hundred (100) ml. 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.
- (C) **Enterococci**: No single sample shall exceed sixty-one (61) colonies per one hundred (100) ml. The geometric mean of the Enterococci density based on five equally spaced samples collected over a thirty (30) day period shall not exceed thirty-three (33) colonies per 100 ml.

SECTION IV. BEACH CLOSURE AND REOPENING

- A) Any one of the indicator test methods in Section III. may be used to determine compliance with the bacteriological water quality standard. When the density of any sample exceeds the single sample limits in Section III., WCDES will confirm with immediate repeat sampling.
- B) Whenever a recreational beach exceeds the water quality standard, WCDES shall order the closure of the water contact area and daily sampling shall be immediately commenced. If any follow-up daily sample exceeds the limits in Section III., the water contact area shall remain closed. The beach shall not reopen without prior written approval or facsimile by WCDES.
- C) Reopening of the closed areas will be approved when two successive samples taken at least 24 hours apart indicate bacterial concentrations lower than the single sample limits in Section III.
- D) The Director may order a beach area closed based on knowledge of a sewage spill that has the potential to become a public health nuisance. The beach shall remain closed until subsequent water sampling indicates compliance with the bacteriological standards in Section III.
- E) The Director may order a beach area closed when the conditions for any public health nuisance exists.

SECTION V. PROHIBITION OF DIAPERS FROM RECREATIONAL WATERS AND BEACHES

- A) Because of the likelihood of contamination of recreational waters by fecal matter, diaper-wearing children are prohibited from water contact.
- B) Public notification will be used to inform parents and others about the prohibition of individuals wearing diapers from water contact. Methods of notification may include, but are not limited to, signs and notices.

SECTION VI. SIGNS

All signs notifying the public of water quality problems, beach closure, and prohibition of diapers shall be present approximately 50 yards in either direction from the portion of the recreation area at which water contact will occur, and elsewhere where they are likely to be read. Sign lettering shall be at least three (3) inches in height with contrasting background color in English and Spanish. The owners/operators of the facilities are responsible for maintaining the signs.

SECTION VII. NOTIFICATION OF DRINKING WATER SYSTEMS

When a beach closure or public notification occurs due to violations of microbiological standards in a freshwater body that is used as a source of drinking water by a public water system, the public water system should be notified by a WCDES official.

SECTION VIII. JURISDICTIONS

These regulations shall apply throughout the territorial jurisdiction of Wake County, North Carolina.

SECTION IX. RIGHT OF ENTRY

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

SECTION X. EXEMPTION

These Sections shall not apply to recreational waters where casual use normally does not exceed 15 people per day.

SECTION XI. PENALTIES:


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

SECTION XII. APPEAL PROCEDURES

Appeals from closure of facilities under these regulations and concerning the interpretation and enforcement of these rules shall be conducted in accordance with N.C.G.S. 130A-24 (b) through (d).


SECTION XIII. 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 June 1, 2000. These rules and regulations were adopted on MAY 25, 2000.



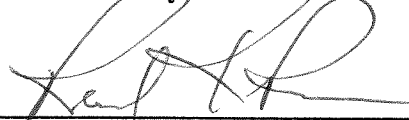
Greg Patterson, Chairman
Wake County Board of Human Services

MAY 25, 2000
Date



Maria Spaulding, Director
Wake County Human Services

5-25-2000
Date



Richard K. Rowe, Director
Wake County Environmental Services

5/25/2000
Date