

Utilities Interruption Action Plan



Catawba County Health Department
Environmental Health Division

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Definitions

"Imminent Hazard" means a situation likely to cause an immediate threat to human life, an immediate threat of serious physical injury, an immediate threat of serious adverse health effects, or a serious risk of irreparable damage to the environment if no immediate action is taken.

"Operating requirements" means those requirements contained in the section of the North Carolina Administrative Code under which a facility is permitted.

"Permit to operate" means a permit issued by the Environmental Health Division of the Public Health Department pursuant to Public Health Law or the North Carolina Administrative Codes.

"Person" means an individual, corporation, company, association, partnership, unit of local government, or other legal entity.

"Utilities Interruption" means, with regard to water supply, sewer service, natural or propane gas service, or electrical service, the absence of service or service insufficient to meet the operating requirements of a facility which holds a permit to operate issued by the Environmental Health Division.

Nature of Utility Interruption

- **Scope:** Establishments located in any area of the county. An interruption of a public utility could affect many or no facilities, depending on the area affected.
- **Type:** Utility interruptions which require action are water service, electrical service, sewer service, propane or natural gas service, or failure of water heating equipment.
- **Length:** A utility interruption of any length is of concern, however, short, transient interruptions are frequent and may have already been resolved by the time notification is received by the Environmental Health Division. Utility interruptions greater than 30 minutes will be reported to the Environmental Health Division by the Public Utilities.
- **Corrective Action:** The type and length of the utility interruption will determine the corrective action to be taken by the establishment and the Catawba County Health Department. Many of the decisions concerning the utility interruptions are made on a case-by-case basis, with consideration given to the unique circumstances of the individual situation. The absence of utility service constitutes an Imminent Health Hazard, and every affected facility is required to cease operation until service is restored. An exception, in the event of a Water Supply interruption *only*, would be the sale of wrapped products prepared prior to the water interruption sold at a drive thru or for take out service.

- **Resolution:** Resolution of the interruption will require restoration of the utility supply sufficient to meet the operating requirements of the facility, or correction of the sewage violation problem.

Communications From Public Utilities

- **Criteria for Action:** Upon planning an interruption of utility service which affect establishments under Environmental Health inspection when the interruption will exceed 30 minutes, the public utility should notify the Environmental Health Division. Upon learning of an unplanned utility interruption, the public utility should notify the Environmental Health Division when the interruption is expected to exceed 30 minutes, or when the interruption time has reached 30 minutes and the time of resolution is unknown. The Environmental Health Division can be reached Monday through Friday from 8:00am till 5:00pm at (828) 465-8270. After normal working hours, contact the Communication Center at 464-3112, which maintains a current list of Environmental Health Staff contact phone numbers.

Responsibility of the Establishment

- **Criteria for Action:** Major destruction of an establishment by fire, flood, or other disaster, absence of utility service, absence of hot water, sewage backing up in a kitchen, traffic coming into the establishment passing through sewage outside of the building, or two consecutive fecal coliform positive samples from the water supply constitutes an imminent health hazard.
- **Corrective Action:** The facility is required to cease operation until the situation is corrected. It is the responsibility of the owner or management to immediately cease operation upon the loss of running water under pressure, absence of hot water, sewage backing up in the kitchen, or if traffic coming into the establishment passes through sewage outside of the building.
- **Notification:** The owner, manager, or other person in charge, must immediately notify the Environmental Health Division upon any utility interruption. The restaurant owner or manager is responsible for posting the Utility Interruption Placard provided by the Environmental Health Division which lists actions required during a Utility Interruption in a visible location accessible to employees.

Responsibility of the Environmental Health Division

- **Criteria for Action:** Notification of a utility service interruption, by a Public Utility or the owner, manager or person in charge of an establishment which holds a permit to operate issued by the Environmental Health Division.
- **Corrective Action:** The Environmental Health Staff will determine whether the facility may continue to operate. This decision will be based upon degree of utility interruption at the facility and the impact upon the facility's operation. If an establishment is allowed to

continue limited operation, conditions imposed must be presented in writing by Environmental Health Staff to the owner, manager, or person in charge

- **Documentation:** Proper documentation will be kept of each site visit and the conditions noted during the inspection. If conditions warrant closure **DENR form 4009** must be completed and presented to owner, manager or other person in charge. Conversations with personnel at the establishment, county legal department, State Division personnel, media personnel, and public utility providers will be documented. If the establishment is closed and follow up water samples are required prior to recommencing operation, these actions and requirements must be documented and presented to owner, manager, or person in charge. Water samples may be collected only by an Environmental Health Specialist authorized in Food and Lodging.
- **Staff Assignment:** Upon notification that utility service interruption has taken place, Environmental Health Staff will be directed to respond and provide surveillance. If the interruption occurs after regular operating hours, staff will be notified by an Environmental Health Supervisor or Environmental Health Program Administrator to report for duty. Environmental Health Staff will wear visible photo identification badges during inspection visits.
- **Right of Appeal:** Upon issuance of a suspension due to a utility interruption, Environmental Health Staff must inform the owner, manager, or person in charge, of the right of the facility to appeal the suspension or revocation of a permit by filing a Petition for a Contested Case Hearing with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, N.C. 27699-6714. The Office of Administrative Hearings (OAH) may be contacted by telephone at (919) 733-2698 to request a petition form. The petition must be filed with the Office of Administrative Hearing in accordance with G.S. 130A-24 and 150B-23 within thirty days of the date of the permit suspension or revocation. The permit will remain suspended or revoked during the appeal process.
- **Possible Legal Action:** If upon issuance of a permit suspension or revocation due to a utility interruption, the owner, manager or person in charge declines to cease operation, Environmental Health Staff shall seek an Order of Abatement, issued by the Catawba County Staff Attorney and signed by the Catawba County Health Director. An injunction requiring the facility to cease operation shall then be obtained and enforced by the Environmental Health Division in co-operation with the Catawba County Sheriff's Department.
- **Resolution.** Upon the correction of the utility interruption and resulting imminent hazard, the permit suspension will be lifted.

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