

**441—106.16 (237C) Sanitation, water, and waste disposal.** In the case of a conflict between rules and standards adopted pursuant to this chapter and local rules and standards, the more stringent requirement applies.

**106.16(1) Bathroom facilities.**

- a. Bathrooms shall have an adequate supply of hot and cold running water.
- b. Each bathroom shall be properly equipped with toilet tissue, towels, soap, and other items required for personal hygiene unless children are individually given these items. Paper towels, when used, and toilet tissue shall be in dispensers.
- c. Toilets and baths or showers shall provide for individual privacy.
- d. There shall be a shower or tub for each ten children or portion thereof.
- e. Tubs and showers shall have slip-proof surfaces.
- f. At least one toilet and one lavatory shall be provided for each six children or portion thereof.
- g. Toilet facilities shall be provided with natural or artificial ventilation capable of removing odors and moisture.
- h. Toilet facilities adjacent to a food preparation area shall be separated completely by an enclosed solid door.
- i. All toilet facilities shall be kept clean.
- j. When more than one stool is used in one bathroom, partitions providing privacy shall be used.
- k. Toilets, wash basins, and other plumbing or sanitary facilities shall be maintained in good operating condition.

**106.16(2) Food preparation and storage.**

- a. Cracked dishes and utensils shall not be used in the preparation, serving, or storage of food.
- b. Storage areas for perishable foods shall be kept at 45 degrees Fahrenheit or below.
- c. Storage areas for frozen foods shall be kept at 0 degrees Fahrenheit or below.
- d. Food that is to be served hot shall be maintained at 140 degrees Fahrenheit or above.
- e. Food that is to be served cold shall be maintained at 45 degrees Fahrenheit or below.
- f. The kitchen and food storage areas shall be kept clean and neat. Foods shall not be stored on the floor.
- g. The floor and walls shall be of smooth construction and in good repair.

**106.16(3) Personnel handling food.** Personnel who handle food shall:

- a. Be free of infection.
- b. Be clean and neatly groomed.
- c. Wear clean clothes.
- d. Not use tobacco in any form while preparing or serving food.

**106.16(4) Dishwashing facilities.**

- a. Manual dishwashing will be allowed in facilities that normally serve 15 or fewer people at one meal.
- b. Commercial dishwashers shall be used in facilities serving more than 15 people at one meal and shall meet the following criteria:
  - (1) When chemicals are added for sanitation purposes, they shall be automatically dispensed.
  - (2) Machines using hot water for sanitizing must maintain wash water at a temperature of at least 150 degrees Fahrenheit and rinse water at a temperature of at least 180 degrees Fahrenheit or a single temperature machine at 165 degrees Fahrenheit for both wash and rinse.
  - (3) All machines shall be thoroughly cleaned and sanitized at least once each day or more often if necessary to maintain satisfactory operating condition.
- c. Soiled and clean dish table areas shall be of adequate size to accommodate the dishes for one meal.

*d.* All handheld food preparation and serving equipment shall be cleaned and sanitized following each meal. Dispensers, urns, and similar equipment shall be cleaned and sanitized daily.

**106.16(5)** *Foods not prepared at site of serving.*

*a.* The place where food is prepared for off-site serving shall conform to all requirements for on-site food preparation.

*b.* Food shall be transported in covered containers or completely wrapped or packaged so as to be protected from contamination.

*c.* During transportation, and until served, hot foods shall be maintained at 140 degrees Fahrenheit or above and cold food shall be maintained at 45 degrees Fahrenheit or below.

**106.16(6)** *Milk supply.* When fluid milk is used, it shall be pasteurized Grade A.

**106.16(7)** *Public water supply.* The water supply is approved when the water is obtained from a public water supply system, as regulated by the department of natural resources.

**106.16(8)** *Private water supplies.* Any facility that serves at least 25 people for at least 60 days during the year and is supplied by its own well meets the definition of a public water supply and must be regulated by the department of natural resources.

*a.* Each privately operated water supply shall be maintained and operated in a manner that ensures safe drinking water. Each water supply used as part of a facility shall be annually inspected and evaluated for deficiencies that may allow contaminants access to the well interior. Items such as open or loose well caps, missing or defective well vents, poor drainage around the wells, and the nearby storage of potential contaminants shall be evaluated. All deficiencies shall be corrected within 30 days of discovery by a well contractor certified by the state.

*b.* Evaluation and water testing. As part of the inspection and evaluation, water samples shall be collected and submitted by the local health sanitarian or a well contractor certified by the state to the state hygienic laboratory or other laboratory certified for drinking water analysis by the department of natural resources. The minimum yearly water analysis shall include coliform bacteria and nitrate (NO<sub>3</sub>-) content. Total arsenic testing shall be performed once every three years. The water shall be deemed safe when there are no detectible coliform bacteria, when nitrate levels are less than 10 mg/L as nitrogen, and when total arsenic levels are 10 µg/L or less. A copy of the laboratory analysis report shall be provided to the department within 72 hours of receipt by the water supply.

*c.* Multiple wells supplying water. When the water supply obtains water from more than one well, each well connected to the water distribution system shall meet all of the requirements of these rules.

*d.* Deficiencies. When no apparent deficiencies exist with the well or its operations and the water supply is proven safe by meeting the minimum sampling and analysis requirements, water safety requirements have been met. Wells with deficiencies that result in unsafe water analysis require corrective actions through the use of a well contractor certified by the state.

*e.* When water is proven unsafe. When the water supply is proven unsafe by sampling and analysis, the facility shall immediately provide a known source of safe drinking water for all water users and hang notification at each point of water use disclosing the water is not safe to consume. In addition, the facility shall provide a written statement to the department disclosing the unsafe result and detail a plan on how the water supply deficiencies will be corrected and the supply brought back into a safe and maintained condition. The statement shall be submitted to the department within 10 days of the laboratory notice. All corrective work shall be performed and the water supply sampled and analyzed again within 45 days from any water test analysis report that indicates the water supply is unsafe for drinking water uses.

*f.* Water obtained from another source through hauling and storage must meet the requirements of the department of natural resources.

**106.16(9)** *Heating or storage of hot water.* Each tank used for the heating or storage of hot water shall be provided with a pressure and temperature relief valve.

**106.16(10)** *Sewage treatment.*

- a.* A children's residential facility shall be connected to a public sewer system where available.
- b.* Private disposal systems shall be designed, constructed, and maintained so that no unsanitary or nuisance conditions exist, such as surface discharge of raw or partially treated sewage or failure of the sewer lines to convey sewage properly.

**106.16(11)** *Garbage storage and disposal.*

- a.* A sufficient number of garbage and rubbish containers shall be provided to properly store all material between collections.
- b.* Containers shall be insect-, rodent-, and leakproof and shall be maintained in a sanitary condition.

[ ARC 3007C , IAB 3/29/17, effective 5/3/17]