Tropical Storm Helene has caused conditions that the Department has determined to constitute an IMMINENT HAZARD as set forth in G.S. 130A-23 and that the imminent hazard requires emergency action in order to protect the public health. According to NC Food Code 8-404.11(A), food service permit holders are required to cease operations and notify the local health department in the event of a flood, extended interruption of power or water supplies, or sewage backup, or other circumstances that may endanger public health. **Food establishments (without an approved emergency water plan) with permits or transitional permits issued by the Henderson County Health Department where these conditions occurred are hereby IMMEDIATELY SUSPENDED in accordance with G.S. 130A-23(d).** The permit cannot be reinstated until the facility no longer meets the conditions of the imminent hazard. **YOU MUST CEASE OPERATIONS IMMEDIATELY AND CANNOT OPERATE YOUR ESTABLISHMENT WHILE YOUR PERMIT IS SUSPENDED**. Operation of your establishment without a permit or while the permit is suspended or revoked may lead to civil action to require you to cease operation, or criminal charges in accordance with G.S. 130A-25, or both.

Prior to reopening, your food establishment must satisfy the requirements of Sections 15A NCAC 18A .2600, .3200, .1000, .3500, or .3600, et seq. as applicable. The following conditions must be met, as determined by the local health department:

1. Discard any time/temperature control for safety (TCS) food that was out of temperature control (>41F) for more than 4 hours;
2. The capability to provide food (that has been maintained in temperature control) from an approved source and provide invoices that show source of the food;
3. The capability to provide adequate water that is available for cleaning and handwashing;
4. The capability to provide functioning refrigeration equipment, with adequate cold holding storage capacity to maintain foods at 41F or below;
5. Clean and sanitize any areas that may have been in contact with contaminated water, including sinks, ice machines, soda fountains, coffee makers, etc;
6. Flush pipes, faucets, and equipment with water line connections per water authority’s recommendations;
7. Flush hot water heater per water authority’s recommendations;
8. Clean and sanitize all food contact surfaces that were contaminated with flood waters;
9. Discard any single service utensils or packaged food items contaminated with flood waters;
10. An approved and functioning wastewater system as required; and
11. An approved structure and facility as required.

**You have a right to a formal appeal for this decision**. To pursue a formal appeal, you must file a petition for a contested case hearing with the Office of Administrative Hearings, 1711 New Hope Church Road, Raleigh, NC 27609. To get a copy of a petition form, you may write the Office of Administrative Hearings, call the office at 984-236-1850, or download it from the OAH website at <https://www.oah.nc.gov/>. The petition for a contested case hearing must be filed in accordance with the provisions of North Carolina General Statutes 130A-24 and 150B-23 and all other applicable provisions of Chapter 150B.

**PLEASE NOTE**: If you wish to pursue a formal appeal, you must file the petition form with the Office of Administrative Hearings **WITHIN 30 DAYS OF THE DATE OF THIS LETTER**. The date of this letter is \_\_\_\_\_\_. Meeting the 30-day deadline is critical to your appeal. **FILING A FORMAL APPEAL DOES NOT AUTOMATICALLY STAY AN IMMEDIATE PERMIT SUSPENSION OR REVOCATION**.

If you file a petition for a contested case hearing with the Office of Administrative Hearings, you are required by law (NC General Statute 150B-23) to serve a copy of your petition on the Office of General Counsel, NC Department of Health and Human Services, 2001 Mail Service Center, Raleigh, NC 27699-2001.

**Do not serve the petition on your local health department**. Sending a copy of your petition to the local health department will not satisfy the legal requirement in General Statute 150B-23 that you send a copy to the Office of General Counsel, Department of Health and Human Services.