

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 687

Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/4/95

Short Title: Improvement Permits/Sewage Systems.

(Public)

Sponsors:

Referred to:

April 13, 1995

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR IMPROVEMENT PERMITS FOR SEWAGE DISPOSAL SYSTEMS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-335 reads as rewritten:

"§ 130A-335. Wastewater collection, treatment and disposal; rules.

(a) A person owning or controlling a residence, place of business or a place of public assembly shall provide a an approved wastewater system. A wastewater system may include components for collection, treatment and disposal of wastewater.

(b) All wastewater systems shall be regulated by the Department under rules adopted by the Commission except for the following wastewater systems that shall be regulated by the Department under rules adopted by the Environmental Management Commission:

- (1) Wastewater collection, treatment, and disposal systems designed to discharge effluent to the land surface or surface waters.
- (2) Wastewater systems designed for groundwater remediation, groundwater injection, or landfill leachate collection and disposal.
- (3) Wastewater systems designed for the complete recycle or reuse of industrial process wastewater.

1 (c) A wastewater system subject to approval under rules of the Commission shall  
2 be reviewed and approved under rules of a local board of health in the following  
3 circumstances:

- 4 (1) The local board of health, on its own motion, has requested the  
5 Department to review its proposed rules concerning wastewater  
6 systems; and  
7 (2) The local board of health has adopted by reference the wastewater  
8 system rules adopted by the Commission, with any more stringent  
9 modifications or additions deemed necessary by the local board of  
10 health to protect the public health; and  
11 (3) The Department has found that the rules of the local board of health  
12 concerning wastewater collection, treatment and disposal systems are at  
13 least as stringent as rules adopted by the Commission and are sufficient  
14 and necessary to safeguard the public health.

15 (d) The Department may, upon its own motion, upon the request of a local board  
16 of health or upon the request of a citizen of an affected county, review its findings under  
17 subsection (c) of this section.

18 The Department shall review its findings under subsection (c) of this section upon  
19 modification by the Commission of the rules applicable to wastewater systems. The  
20 Department may deny, suspend, or revoke the approval of local board of health  
21 wastewater system rules upon a finding that the local wastewater rules are not as stringent  
22 as rules adopted by the Commission, are not sufficient and necessary to safeguard the  
23 public health, or are not being enforced. Suspension and revocation of approval shall be  
24 in accordance with G.S. 130A-23.

25 (e) The rules of the Commission and the rules of the local board of health shall  
26 address at least the following: Wastewater characteristics; Design unit; Design capacity;  
27 Design volume; Criteria for the design, installation, operation, maintenance and  
28 performance of wastewater collection, treatment and disposal systems; Soil morphology  
29 and drainage; Topography and landscape position; Depth to seasonally high water table,  
30 rock and water impeding formations; Proximity to water supply wells, shellfish waters,  
31 estuaries, marshes, wetlands, areas subject to frequent flooding, streams, lakes, swamps  
32 and other bodies of surface or groundwaters; Density of wastewater collection, treatment  
33 and disposal systems in a geographical area; Requirements for issuance, suspension and  
34 revocation of permits; and Other factors which affect the effective operation and  
35 performance of wastewater collection, treatment and disposal systems. The rules  
36 regarding required design capacity and required design volume for wastewater systems  
37 shall provide that exceptions may be granted upon a showing that a system is adequate to  
38 meet actual daily water consumption.

39 (f) The rules of the Commission and the rules of the local board of health shall  
40 classify systems of wastewater collection, treatment and disposal according to size, type  
41 of treatment and any other appropriate factors. The rules shall provide construction  
42 requirements, including pretreatment and system control requirements, standards for  
43 operation-operation, maintenance, monitoring, reporting, and ownership requirements for

1 each classification of systems of wastewater collection, treatment and disposal in order to  
2 prevent, as far as reasonably possible, any contamination of the land, groundwater and  
3 surface waters. The Department and local health departments may impose conditions on  
4 the issuance of permits and may revoke the permits for failure of the system to satisfy the  
5 conditions, the rules or this Article. The permits shall be valid for a period prescribed by  
6 the rules, except that improvement permits shall be valid ~~for a period of five years, and may~~  
7 ~~be renewed~~ without expiration upon a showing satisfactory to the Department or the local  
8 health department that the ~~system is in compliance with the current rules and this Article. site~~  
9 ~~and soil conditions are unaltered, that the facility, design wastewater flow, and~~  
10 ~~wastewater characteristics are not increased, and that a wastewater system can be~~  
11 ~~installed that meets the permitting requirements in effect on the date the improvement~~  
12 ~~permit was issued. The period of time for which the permit is valid and a~~ A statement shall  
13 be displayed prominently on both the application form for the permit and the permit that  
14 states that the permit is subject to revocation if site plans or the intended use ~~change~~  
15 ~~change. shall be displayed prominently on both the application form for the permit and the~~  
16 ~~permit.~~

17 (f1) A preconstruction conference with the owner or developer, or an agent of the  
18 owner or developer, and a representative of the local health department shall be required  
19 for any authorization for wastewater system construction issued with an improvement  
20 permit under G.S. 130-336 when the authorization is greater than five years old.  
21 Following the conference, the local health department shall issue a revised authorization  
22 for wastewater system construction that includes current technology that can reasonably  
23 be expected to improve the performance of the system.

24 (g) Prior to denial of an improvement permit, the local health department shall  
25 advise the applicant of possible site modifications or alternative systems, and shall  
26 provide a brief description of those systems. When an improvement permit is denied, the  
27 local health department shall issue the site evaluation in writing stating the reasons for the  
28 unsuitable classification. The evaluation shall also inform the applicant of the right to an  
29 informal review by the Department, the right to appeal under G.S. 130A-24, and to have  
30 the appeal held in the county in which the site for which the improvement permit was  
31 requested is located.

32 (h) Except as provided in this subsection, a chemical or portable toilet may be  
33 placed at any location where the chemical or portable toilet can be operated and  
34 maintained under sanitary conditions. A chemical or portable toilet shall not be used as a  
35 replacement or substitute for a water closet or urinal where a water closet or urinal  
36 connected to a permanent wastewater treatment system is required by the North Carolina  
37 State Building Code, except that a chemical or portable toilet may be used to supplement  
38 a water closet or urinal during periods of peak use. A chemical or portable toilet shall not  
39 be used as an alternative to the repair of a water closet, urinal, or wastewater treatment  
40 system. It shall be unlawful to discharge sewage or other waste from a chemical or  
41 portable toilet used for human waste except into a wastewater system that has been  
42 approved by the Department under rules adopted by the Commission or by the

1 Environmental Management Commission or at a site that is permitted by the Department  
2 under G.S. 130A-291.1."

3 Sec. 2. G.S. 130A-336 reads as rewritten:

4 "**§ 130A-336. Improvement permit and authorization for wastewater system**  
5 **construction required.**

6 (a) Any proposed site for a residence, place of business, or place of public  
7 assembly in an area not served by an approved wastewater system shall be evaluated by  
8 the local health department in accordance with rules adopted pursuant to this Article. An  
9 improvement permit issued in compliance with the rules adopted pursuant to this Article  
10 shall include: a description of the facility the proposed site is to serve; the proposed  
11 wastewater system; the design wastewater flow and characteristics; a plat of the property  
12 showing the specific location of the facility, the site for the proposed wastewater system,  
13 property lines, water supplies, surface waters; the conditions for any site modifications;  
14 and any other information required by the rules of the Commission. The improvement  
15 permit shall not be affected by change in ownership of the site for the wastewater system  
16 provided both the site for the wastewater system and the facility the system serves are  
17 unchanged and remain under the ownership or control of the person owning the facility.  
18 No person shall commence or assist in the construction, location, or relocation of a  
19 residence, place of business, or place of public assembly in an area not served by an  
20 approved wastewater system unless an improvement permit and an authorization for  
21 wastewater system construction are ~~is~~ obtained from the local health department. This  
22 requirement shall not apply to a manufactured residence exhibited for sale or stored for  
23 later sale and intended to be located at another site after sale.

24 (b) The local health department shall issue an ~~improvement permit~~ authorization for  
25 wastewater system construction authorizing work to proceed and the installation or repair  
26 of a wastewater system when it has determined after a field investigation that the system  
27 can be installed and operated in compliance with this Article and rules adopted pursuant  
28 to this Article. This authorization for wastewater system construction shall be valid for a  
29 period of five years and may be issued at the same time the improvement permit is  
30 issued. No person shall commence or assist in the installation, construction, or repair of a  
31 wastewater system unless an improvement permit and an authorization for wastewater  
32 system construction have ~~has~~ been obtained from the Department or the local health  
33 department. No improvement permit or authorization for wastewater system  
34 construction shall be required for maintenance of a wastewater system. The Department  
35 and the local health department may impose conditions on the issuance of an  
36 improvement ~~permit~~ permit and an authorization for wastewater system construction.

37 (c) Unless the Commission otherwise provides by rule, plans, and specifications  
38 for all wastewater systems designed for the collection, treatment, and disposal of  
39 industrial process wastewater shall be reviewed and approved by the Department prior to  
40 the issuance of an ~~improvement permit~~ authorization for wastewater system construction  
41 by the local health department."

42 Sec. 3. G.S. 130A-337 reads as rewritten:

43 "**§ 130A-337. Inspection; operation permit** ~~or certificate of completion~~ **required.**

1 (a) No system of wastewater collection, treatment and disposal shall be covered or  
2 placed into use by any person until an inspection by the local health department has  
3 determined that the system has been installed or repaired in accordance with any  
4 conditions of the improvement permit, the ~~rules~~ rules, and this Article.

5 (b) Upon determining that the system is properly installed or repaired and that the  
6 system is capable of being operated in accordance with the conditions of the  
7 improvement permit, the rules, this Article and any conditions to be imposed in the  
8 operation permit, as applicable, the local health department shall issue an operation  
9 permit authorizing the residence, place of business or place of public assembly to be  
10 occupied and for the system to be placed into ~~use~~ use or reuse. ~~However, if the system is~~  
11 ~~limited to a single septic tank system without a pump or other appurtenances serving a single~~  
12 ~~one-family dwelling, then a certificate of completion shall be issued instead of an operation~~  
13 ~~permit; also, if the system is limited to a single septic tank system without a pump or other~~  
14 ~~appurtenances serving a single residence other than a one-family dwelling, or serving a place of~~  
15 ~~business or a place of public assembly and having a design daily flow of not more than 480~~  
16 ~~gallons, then a certificate of completion shall be issued instead of an operation permit. A~~  
17 ~~certificate of completion shall be issued when the septic tank system is properly installed or~~  
18 ~~repaired and is capable of being operated in accordance with the conditions of the improvement~~  
19 ~~permit, the rules and this Article.~~

20 (c) Upon determination that an existing wastewater system has a valid operation  
21 permit ~~or a valid certificate of completion~~ and is operating properly in a manufactured home  
22 park, the local health department shall issue authorization in writing for a manufactured  
23 home to be connected to the existing system and to be occupied. Notwithstanding G.S.  
24 130A-336, an improvement permit is not required for the connection of a manufactured  
25 home to an existing system with a valid operation permit ~~or a valid certificate of completion~~  
26 in a manufactured home park.

27 (d) No person shall occupy a residence, place of business or place of public  
28 assembly, or place a wastewater system into use or reuse for a residence, place of  
29 business or place of public assembly until an operation permit ~~or a certificate of completion~~  
30 has been issued or authorization has been obtained pursuant to G.S. 130A-337(c)."

31 Sec. 4. G.S. 130A-338 reads as rewritten:

32 "**§ 130A-338. Improvement permit or authorization—Authorization for wastewater**  
33 **system construction required before other permits to be issued.**

34 Where construction, location or relocation is proposed to be done upon a residence,  
35 place of business or place of public assembly, no permit required for electrical, plumbing,  
36 heating, air conditioning or other construction, location or relocation activity under any  
37 provision of general or special law shall be issued until an ~~improvement permit~~  
38 authorization for wastewater system construction has been issued under G.S. 130A-336  
39 or authorization has been obtained under G.S. 130A-337(c)."

40 Sec. 5. G.S. 130A-339 reads as rewritten:

41 "**§ 130A-339. Limitation on electrical service.**

42 No person shall allow permanent electrical service to a residence, place of business or  
43 place of public assembly upon construction, location or relocation until the official  
44 electrical inspector with jurisdiction as provided in G.S. 143-143.2 certifies to the

1 electrical supplier that the required improvement permit authorization for wastewater  
2 system construction and an operation ~~permit, a certificate of completion permit~~ or  
3 authorization under G.S. 130A-337(c) has been obtained. Temporary electrical service  
4 necessary for constructing a residence, place of business or place of public assembly can  
5 be provided upon compliance with G.S. 130A-338."

6           Sec. 6. This act becomes effective October 1, 1995, and applies to all  
7 improvement permits and authorizations to construct issued on or after the effective date  
8 of this act.