

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1545

Short Title: Subsurface Wastewater Reg. Consolidation.

(Public)

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Sponsors: Representatives Hackney; Luebke and Stamey.

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Referred to: Environment.

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June 3, 1992

1 A BILL TO BE ENTITLED  
2 AN ACT TO CONSOLIDATE THE REGULATION OF WASTEWATER  
3 COLLECTION, TREATMENT, AND DISPOSAL SYSTEMS DESIGNED TO  
4 DISCHARGE BELOW THE GROUND SURFACE.

5 The General Assembly of North Carolina enacts:

6 Section 1. The catch line to Article 11 of Chapter 130A of the General  
7 Statutes reads as rewritten:

8 "ARTICLE 11.

9 **~~SANITARY SEWAGE SYSTEMS.~~**

10 **SUBSURFACE DISCHARGE WASTEWATER MANAGEMENT SYSTEMS."**

11 Sec. 2. G.S. 130A-333 reads as rewritten:

12 "**§ 130A-333. Purpose.**

13 The General Assembly finds and declares that continued installation, at a rapidly and  
14 constantly accelerating rate, of septic tank systems and other types of ~~sanitary sewage~~  
15 wastewater systems in a faulty or improper manner and in areas where unsuitable soil  
16 and population density adversely affect the efficiency and functioning of these systems,  
17 has a detrimental effect on the public health and environment through contamination of  
18 land, groundwater and surface waters. Recognizing, however, that ~~sewage wastewater~~  
19 can be rendered ecologically safe and the public health protected if methods of ~~sewage~~  
20 wastewater collection, treatment and disposal are properly regulated and recognizing  
21 that ~~sanitary sewage wastewater~~ collection, treatment and disposal will continue to be  
22 necessary to meet the needs of an expanding population, the General Assembly intends  
23 to ensure the regulation of ~~sewage wastewater~~ collection, treatment and disposal systems

1 so that these systems may continue to be used, where appropriate, without jeopardizing  
2 the public health."

3 Sec. 3. G.S. 130A-334 reads as rewritten:

4 **"§ 130A-334. Definitions.**

5 The following definitions shall apply throughout this Article:

6 (1) 'Construction' means any work at the site of placement done for the  
7 purpose of preparing a residence, place of business or place of public  
8 assembly for initial occupancy, or subsequent additions or  
9 modifications which increase sewage flow.

10 (2) Repealed by Session Laws 1985, c. 462, s. 18.

11 (2a) 'Industrial process wastewater' means any water-carried waste  
12 resulting from any process of industry, manufacture, trade, or business.  
13 The term does not include wastewater resulting from groundwater  
14 remediation or landfill leachate collection and disposal.

15 (3) 'Location' means the initial placement for occupancy of a residence,  
16 place of business or place of public assembly.

17 (3a) 'Maintenance' means normal or routine maintenance including  
18 replacement of broken pipes, cleaning, or adjustment to an existing  
19 sanitary-sewage-wastewater system.

20 (4), (5) Repealed by Session Laws 1985, c. 462, s. 18.

21 (6) 'Place of business' means a store, warehouse, manufacturing  
22 establishment, place of amusement or recreation, service station, office  
23 building or any other place where people work.

24 (7) 'Place of public assembly' means a fairground, auditorium, stadium,  
25 church, campground, theater or any other place where people  
26 assemble.

27 (8) 'Public or community ~~sewage-wastewater~~ system' means a single  
28 system of ~~sewage-wastewater~~ collection, treatment and disposal owned  
29 and operated by a sanitary district, a metropolitan sewage district, a  
30 water and sewer authority, a county or municipality or a public utility.

31 (9) 'Relocation' means the displacement of a residence or place of business  
32 from one site to another.

33 (9a) 'Repair' means the extension, alteration, replacement, or relocation of  
34 existing components of a sanitary-sewage-wastewater system.

35 (10) 'Residence' means a private home, dwelling unit in a multiple family  
36 structure, hotel, motel, summer camp, labor work camp, manufactured  
37 home, institution or any other place where people reside.

38 (11) ~~'Sanitary sewage system'—sewage collection, treatment and disposal~~  
39 ~~including approved privies, septic tank systems, connection to public~~  
40 ~~or community sewage systems, sewage reuse or recycle systems,~~  
41 ~~mechanical or biological treatment systems, or other such systems.~~

42 ~~Properly managed chemical toilets used only for human waste~~  
43 ~~at mass gatherings, construction sites and labor work camps are~~  
44 ~~considered sanitary sewage systems.~~

- 1 (12) 'Septic tank system' means a subsurface sanitary sewage system  
 2 consisting of a settling tank and a subsurface disposal field.
- 3 (13) 'Sewage' means the liquid and solid human body waste and liquid  
 4 waste generated by water-using fixtures and appliances, including  
 5 those associated with foodhandling. The term does not include  
 6 industrial process wastewater or sewage that is combined with  
 7 industrial process wastewater.
- 8 (14) 'Wastewater' means any sewage or industrial process wastewater  
 9 discharged, transmitted, or collected from a residence, place of  
 10 business, place of public assembly, or other places into a wastewater  
 11 system from which the effluent is designed to be discharged beneath  
 12 the surface of the ground.
- 13 (15) 'Wastewater system' means a system of wastewater collection,  
 14 treatment, and disposal including approved privies, septic tank  
 15 systems, connection to public or community wastewater systems,  
 16 wastewater reuse or recycle systems, mechanical or biological  
 17 treatment systems, other such systems, or chemical toilets used only  
 18 for human waste at mass gatherings, construction sites, or labor work  
 19 camps."

20 Sec. 4. G.S. 130A-335 reads as rewritten:

21 "**§ 130A-335. Sanitary sewage Wastewater collection, treatment and disposal; rules.**

22 (a) A person owning or controlling a residence, place of business or a place of  
 23 public assembly shall provide a ~~sanitary sewage~~ wastewater system. A ~~sanitary sewage~~  
 24 wastewater system may include components for collection, treatment and disposal of  
 25 ~~sewage~~ wastewater.

26 (b) Any ~~public or community sanitary sewage system and any sanitary sewage~~  
 27 wastewater system which is designed to discharge effluent to the land surface or surface  
 28 waters shall be approved by the Department under rules adopted by the Environmental  
 29 Management Commission. All other ~~sanitary sewage~~ wastewater systems shall be  
 30 approved by the Department under rules adopted by the Commission for Health  
 31 Services.

32 (c) A ~~sanitary sewage~~ wastewater system subject to approval under rules of the  
 33 Commission shall be reviewed and approved under rules of a local board of health in  
 34 the following circumstances:

- 35 (1) The local board of health, on its own motion, has requested the  
 36 Department to review its proposed rules concerning ~~sanitary sewage~~  
 37 wastewater systems; and
- 38 (2) The local board of health has adopted by reference the ~~sanitary sewage~~  
 39 wastewater system rules adopted by the Commission, with any more  
 40 stringent modifications or additions deemed necessary by the local  
 41 board of health to protect the public health; and
- 42 (3) The Department has found that the rules of the local board of health  
 43 concerning ~~sanitary sewage~~ wastewater collection, treatment and  
 44 disposal systems are at least as stringent as ~~the Commission's rules, rules~~

1                    adopted by the Commission and are sufficient and necessary to  
2                    safeguard the public health.

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

6            The Department shall review its findings under subsection (c) of this section  
7 upon modification by the Commission of the ~~Commission's sanitary sewage system rules.~~  
8 rules applicable to wastewater systems. The Department may deny, suspend, or revoke  
9 the approval of local board of health ~~sanitary sewage wastewater~~ system rules upon a  
10 finding that the local sewage rules are not as stringent as ~~the Commission's rules, rules~~  
11 adopted by the Commission, are not sufficient and necessary to safeguard the public  
12 health, or are not being enforced. Suspension and revocation of approval shall be in  
13 accordance with G.S. 130A-23.

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

29           (f)    The rules of the Commission and the rules of the local board of health shall  
30 classify ~~sanitary~~ systems of ~~sewage wastewater~~ collection, treatment and disposal  
31 according to size, type of treatment and any other appropriate factors. The rules shall  
32 provide construction requirements, standards for operation and ownership requirements  
33 for each classification of ~~sanitary~~ systems of ~~sewage wastewater~~ collection, treatment  
34 and disposal in order to prevent, as far as reasonably possible, any contamination of the  
35 land, groundwater and surface waters. The Department and local health departments  
36 may impose conditions on the issuance of permits and may revoke the permits for  
37 failure of the system to satisfy the conditions, the rules or this Article. The permits shall  
38 be valid for a period prescribed by the rules, except that improvement permits shall be  
39 valid for a period of five years, and may be renewed upon a showing satisfactory to the  
40 Department or the local health department that the system is in compliance with the  
41 current rules and this Article. The period of time for which the permit is valid and a  
42 statement that the permit is subject to revocation if site plans or the intended use change  
43 shall be displayed prominently on both the application form for the permit and the  
44 permit.

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

9 (h) It shall be unlawful to discharge sewage or other waste from chemical or  
10 portable toilets used for human waste at places of public assembly, construction sites, or  
11 labor camps except into a ~~sanitary sewage wastewater~~ system which has been approved  
12 by the Department."

13 Sec. 5. G.S. 130A-336 reads as rewritten:

14 **"§ 130A-336. Improvement permit required.**

15 (a) No person shall commence or assist in the construction, location, or  
16 relocation of a residence, place of business, or place of public assembly in an area not  
17 served by an approved ~~sanitary sewage wastewater~~ system unless an improvement permit  
18 is obtained from the local health department. This requirement shall not apply to a  
19 residence exhibited for sale or stored for later sale and intended to be located at another  
20 site after sale.

21 (b) The local health department shall issue an improvement permit authorizing  
22 work to proceed and the installation or repair of a ~~sanitary sewage wastewater~~ system  
23 when it has determined after a field investigation that the system can be installed and  
24 operated in compliance with this Article and rules adopted pursuant to this Article. No  
25 person shall commence or assist in the installation, construction, or repair of a ~~sanitary~~  
26 ~~sewage system, other than a connection to an approved public or community sewage system or~~  
27 ~~maintenance of a sanitary sewage system, wastewater system, subject to approval under~~  
28 rules of the Commission, unless an improvement permit has been obtained from the  
29 local health department. No improvement permit shall be required for maintenance of a  
30 wastewater system. The Department and the local health department may impose  
31 conditions on the issuance of an improvement permit.

32 (c) Unless the Commission otherwise requires by rule, plans and specifications  
33 for all wastewater systems designed for the collection, treatment and disposal of  
34 industrial process wastewater shall be reviewed by the Department prior to issuance of  
35 an improvement permit by the local health department."

36 Sec. 6. G.S. 130A-337 reads as rewritten:

37 **"§ 130A-337. Inspection; operation permit or certificate of completion required.**

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

42 (b) Upon determining that the system is properly installed or repaired and that the  
43 system is capable of being operated in accordance with the conditions of the  
44 improvement permit, the rules, this Article and any conditions to be imposed in the

1 operation permit, the local health department shall issue an operation permit authorizing  
2 the residence, place of business or place of public assembly to be occupied and for the  
3 system to be placed into use. However, if the system is limited to a single septic tank  
4 system without a pump or other appurtenances serving a single one-family dwelling,  
5 then a certificate of completion shall be issued instead of an operation permit; also, if  
6 the system is limited to a single septic tank system without a pump or other  
7 appurtenances serving a single residence other than a one-family dwelling, or serving a  
8 place of business or a place of public assembly and having a design daily flow of not  
9 more than 480 gallons, then a certificate of completion shall be issued instead of an  
10 operation permit. A certificate of completion shall be issued when the septic tank  
11 system is properly installed or repaired and is capable of being operated in accordance  
12 with the conditions of the improvement permit, the rules and this Article.

13 (c) Upon determination that an existing ~~sanitary-sewage-wastewater~~ system has a  
14 valid operation permit or a valid certificate of completion and is operating properly in a  
15 manufactured home park, the local health department shall issue authorization in writing  
16 for a manufactured home to be connected to the existing system and to be occupied.  
17 Notwithstanding G.S. 130A-336, an improvement permit is not required for the  
18 connection of a manufactured home to an existing system with a valid operation permit  
19 or a valid certificate of completion in a manufactured home park.

20 (d) No person shall occupy a residence, place of business or place of public  
21 assembly, or place a ~~sanitary-sewage-wastewater~~ system into use or reuse for a residence,  
22 place of business or place of public assembly until an operation permit or a certificate of  
23 completion has been issued or authorization has been obtained pursuant to G.S. 130A-  
24 337(c)."

25 Sec. 7. G.S. 130A-341 reads as rewritten:

26 "**§ 130A-341. Consideration of a site with existing fill.**

27 Upon application to the local health department, a site that has existing fill,  
28 including one on which fill material was placed prior to July 1, 1977, and that has sand  
29 or loamy sand for a depth of at least 36 inches below the existing ground surface, shall  
30 be evaluated for an on-site ~~sewage-wastewater~~ system. The Commission for Health  
31 Services shall adopt rules to implement this section."

32 Sec. 8. G.S. 130A-342 reads as rewritten:

33 "**§ 130A-342. Aerobic systems.**

34 (a) Individual aerobic sewage treatment plants that are approved and listed in  
35 accordance with the standards adopted by the ~~the~~ National Sanitation Foundation, Inc.  
36 for Class I sewage treatment plants as set out in Standard 40, as amended, shall be  
37 permitted under rules promulgated by the ~~Commission for Health Services~~ Commission.  
38 The ~~Commission for Health Services~~ may establish standards in addition to those set by  
39 the National Sanitation Foundation, Inc.

40 (b) A permitted plant shall be operated and maintained by a certified wastewater  
41 treatment facility operator employed by or under contract to the county in which the  
42 plant is located.

1 (c) The performance of individual aerobic treatment plants is to be documented  
2 by the counties and sent to the Department of Environment, Health, and Natural  
3 Resources."

4 Sec. 9. G.S. 130A-343 reads as rewritten:

5 "**§ 130A-343. Experimental and innovative systems permitted.**

6 (a) The Commission ~~for Health Services~~ shall adopt rules for the approval and  
7 permitting of experimental and innovative ~~sanitary sewage~~ wastewater systems. The  
8 rules shall address the criteria to be considered prior to issuing a permit for such a  
9 system, requirements for preliminary design plans and specifications that must be  
10 submitted, methodology to be used, standards for monitoring and evaluating the system,  
11 research evaluation of the system, the plan of work for monitoring system performance  
12 and maintenance, and any additional matters the Commission ~~for Health Services~~ deems  
13 appropriate.

14 (b) The Commission ~~for Health Services~~ shall adopt rules governing the operation  
15 and maintenance of experimental and innovative ~~sanitary sewage~~ wastewater systems  
16 approved and permitted under subsection (a) of this section."

17 Sec. 10. This act is effective upon ratification.