

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1545
Committee Substitute Favorable 6/17/92

Short Title: Subsurface Wastewater Reg. Consolidation.

(Public)

Sponsors:

Referred to:

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 title of Article 11 of Chapter 130A of the General Statutes
7 reads as rewritten:

8 "ARTICLE 11.

9 **SANITARY SEWAGE SYSTEMS.**
10 **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10 (2) Repealed by Session Laws 1985, c. 462, s. 18.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 (3) 'Location' means the initial placement for occupancy of a residence,
14 place of business or place of public assembly.

15 (3a) 'Maintenance' means normal or routine maintenance including
16 replacement of broken pipes, cleaning, or adjustment to an existing
17 sanitary-sewage-wastewater system.

18 (4), (5) Repealed by Session Laws 1985, c. 462, s. 18.

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

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

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

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

31 (9a) 'Repair' means the extension, alteration, replacement, or relocation of
32 existing components of a sanitary-sewage-wastewater system.

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

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

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

- 1 (12) 'Septic tank system' means a subsurface ~~sanitary sewage~~ wastewater
 2 system 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.
- 12 (15) 'Wastewater system' means a system of wastewater collection,
 13 treatment, and disposal including approved privies, septic tank
 14 systems, connection to public or community wastewater systems,
 15 wastewater reuse or recycle systems, mechanical or biological
 16 treatment systems, other such systems, or chemical toilets used only
 17 for human waste."

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

19 **"§ 130A-335. ~~Sanitary sewage~~ Wastewater collection, treatment and disposal; rules.**

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

24 (b) ~~Any public or community sanitary sewage system and any sanitary sewage~~
 25 ~~system which is designed to discharge effluent to the land surface or surface waters~~
 26 ~~shall be approved by the Department under rules adopted by the Environmental~~
 27 ~~Management Commission. The following wastewater systems shall be approved by the~~
 28 Department under rules adopted by the Environmental Management Commission:

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

35 All other ~~sanitary sewage~~ wastewater systems shall be approved by the Department under
 36 rules adopted by the Commission for Health Services.

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

- 40 (1) The local board of health, on its own motion, has requested the
 41 Department to review its proposed rules concerning ~~sanitary sewage~~
 42 wastewater systems; and
- 43 (2) The local board of health has adopted by reference the ~~sanitary sewage~~
 44 wastewater system rules adopted by the Commission, with any more

1 stringent modifications or additions deemed necessary by the local
2 board of health to protect the public health; and

3 (3) The Department has found that the rules of the local board of health
4 concerning ~~sanitary-sewage-wastewater~~ collection, treatment and
5 disposal systems are at least as stringent as ~~the Commission's rules, rules~~
6 adopted by the Commission and are sufficient and necessary to
7 safeguard the public health.

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

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

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

34 (f) The rules of the Commission and the rules of the local board of health shall
35 classify ~~sanitary~~-systems of ~~sewage-wastewater~~ collection, treatment and disposal
36 according to size, type of treatment and any other appropriate factors. The rules shall
37 provide construction requirements, standards for operation and ownership requirements
38 for each classification of ~~sanitary~~-systems of ~~sewage-wastewater~~ collection, treatment
39 and disposal in order to prevent, as far as reasonably possible, any contamination of the
40 land, groundwater and surface waters. The Department and local health departments
41 may impose conditions on the issuance of permits and may revoke the permits for
42 failure of the system to satisfy the conditions, the rules or this Article. The permits shall
43 be valid for a period prescribed by the rules, except that improvement permits shall be
44 valid for a period of five years, and may be renewed upon a showing satisfactory to the

1 Department or the local health department that the system is in compliance with the
2 current rules and this Article. The period of time for which the permit is valid and a
3 statement that the permit is subject to revocation if site plans or the intended use change
4 shall be displayed prominently on both the application form for the permit and the
5 permit.

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

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

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

19 **"§ 130A-336. Improvement permit required.**

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

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

37 (c) Plans and specifications for all wastewater systems designed for the
38 collection, treatment, and disposal of industrial process wastewater shall be reviewed
39 and approved by the Department prior to the issuance of an improvement permit by the
40 local health department. If the Commission determines that departmental review and
41 approval is not necessary for some or all of the wastewater systems, the Commission
42 may adopt rules that designate which systems require departmental approval."

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

44 **"§ 130A-337. Inspection; operation permit or certificate of completion required.**

1 (a) No ~~sanitary~~ system of ~~sewage-wastewater~~ collection, treatment and disposal
2 shall be covered or placed into use by any person until an inspection by the local health
3 department has determined that the system has been installed or repaired in accordance
4 with any conditions of the improvement permit, the 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, the local health department shall issue an operation permit authorizing
9 the residence, place of business or place of public assembly to be occupied and for the
10 system to be placed into use. However, if the system is limited to a single septic tank
11 system without a pump or other appurtenances serving a single one-family dwelling,
12 then a certificate of completion shall be issued instead of an operation permit; also, if
13 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
15 place of business or a place of public assembly and having a design daily flow of not
16 more than 480 gallons, then a certificate of completion shall be issued instead of an
17 operation permit. A certificate of completion shall be issued when the septic tank
18 system is properly installed or repaired and is capable of being operated in accordance
19 with the conditions of the improvement permit, the rules and this Article.

20 (c) Upon determination that an existing ~~sanitary-sewage-wastewater~~ system has a
21 valid operation permit or a valid certificate of completion and is operating properly in a
22 manufactured home park, the local health department shall issue authorization in writing
23 for a manufactured home to be connected to the existing system and to be occupied.
24 Notwithstanding G.S. 130A-336, an improvement permit is not required for the
25 connection of a manufactured home to an existing system with a valid operation permit
26 or a valid certificate of completion 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 ~~sanitary-sewage-wastewater~~ system into use or reuse for a residence,
29 place of business or place of public assembly until an operation permit or a certificate of
30 completion has been issued or authorization has been obtained pursuant to G.S. 130A-
31 337(c)."

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

33 "**§ 130A-341. Consideration of a site with existing fill.**

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

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

40 "**§ 130A-342. Aerobic systems.**

41 (a) Individual aerobic sewage treatment plants that are approved and listed in
42 accordance with the standards adopted by the ~~the~~ National Sanitation Foundation, Inc.
43 for Class I sewage treatment plants as set out in Standard 40, as amended, shall be
44 permitted under rules promulgated by the ~~Commission for Health Services~~. Commission.

1 The Commission ~~for Health Services~~ may establish standards in addition to those set by
2 the National Sanitation Foundation, Inc.

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

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

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

10 **"§ 130A-343. Experimental and innovative systems permitted.**

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

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

22 Sec. 10. G.S. 130A-39 reads as rewritten:

23 **"§ 130A-39. Powers and duties of a local board of health.**

24 (a) A local board of health shall have the responsibility to protect and promote
25 the public health. The board shall have the authority to adopt rules necessary for that
26 purpose.

27 (b) A local board of health may adopt a more stringent rule in an area regulated
28 by the Commission for Health Services or the Environmental Management Commission
29 where, in the opinion of the local board of health, a more stringent rule is required to
30 protect the public health; otherwise, the rules of the Commission for Health Services or
31 the rules of the Environmental Management Commission shall prevail over local board
32 of health rules. However, a local board of health may not adopt a rule concerning the
33 grading and permitting of food and lodging facilities as listed in Part 6 of Article 8 of
34 this Chapter and a local board of health may adopt rules concerning ~~sanitary sewage~~
35 wastewater collection, treatment and disposal systems which are not designed to
36 discharge effluent to the land surface or surface waters ~~and which are not public or~~
37 ~~community systems~~ only in accordance with G.S. 130A-335(c).

38 (c) The rules of a local board of health shall apply to all municipalities within the
39 local board's jurisdiction.

40 (d) Not less than 10 days before the adoption, amendment or repeal of any local
41 board of health rule, the proposed rule shall be made available at the office of each
42 county clerk within the board's jurisdiction, and a notice shall be published in a
43 newspaper having general circulation within the area of the board's jurisdiction. The
44 notice shall contain a statement of the substance of the proposed rule or a description of

1 the subjects and issues involved, the proposed effective date of the rule and a statement
2 that copies of the proposed rule are available at the local health department. A local
3 board of health rule shall become effective upon adoption unless a later effective date is
4 specified in the rule.

5 (e) Copies of all rules shall be filed with the secretary of the local board of
6 health.

7 (f) A local board of health may, in its rules, adopt by reference any code,
8 standard, rule or regulation which has been adopted by any agency of this State, another
9 state, any agency of the United States or by a generally recognized association. Copies
10 of any material adopted by reference shall be filed with the rules.

11 (g) A local board of health may impose a fee for services to be rendered by a
12 local health department, except where the imposition of a fee is prohibited by statute or
13 where an employee of the local health department is performing the services as an agent
14 of the State. Notwithstanding any other provisions of law, a local board of health may
15 impose cost-related fees for services performed pursuant to Article 11 of this Chapter,
16 "~~Sanitary Sewage Systems,~~" 'Wastewater Management Systems,' and services performed
17 pursuant to Part 10, Article 8 of this Chapter, 'Public Swimming Pools.' Fees shall be
18 based upon a plan recommended by the local health director and approved by the local
19 board of health and the appropriate county board or boards of commissioners. The fees
20 collected under the authority of this subsection are to be deposited to the account of the
21 local health department so that they may be expended for public health purposes in
22 accordance with the provisions of the Local Government Budget and Fiscal Control
23 Act."

24 Sec. 11. G.S. 130A-22 reads as rewritten:

25 **"§ 130A-22. Administrative penalties.**

26 (a) The Secretary may impose an administrative penalty on a person who violates
27 Article 9 of this Chapter, rules adopted by the Commission pursuant to Article 9, or any
28 order issued under Article 9. Each day of a continuing violation shall constitute a
29 separate violation. The penalty shall not exceed five thousand dollars (\$5,000) per day
30 in the case of a violation involving nonhazardous waste. The penalty shall not exceed
31 twenty-five thousand dollars (\$25,000) per day in case of a first violation involving
32 hazardous waste as defined in G.S. 130A-290 or involving the disposal of medical
33 waste as defined in G.S. 130A-290 in or upon water in a manner that results in medical
34 waste entering waters or lands of the State; and shall not exceed fifty thousand dollars
35 (\$50,000) per day for a second or further violation involving the disposal of medical
36 waste as defined in G.S. 130A-290 in or upon water in a manner that results in medical
37 waste entering waters or lands of the State. If a person fails to pay a civil penalty within
38 60 days after the final agency decision or court order has been served on the violator,
39 the Secretary shall request the Attorney General to institute a civil action in the superior
40 court of any county in which the violator resides or has his or its principal place of
41 business to recover the amount of the assessment. Such civil actions must be filed
42 within three years of the date the final agency decision or court order was served on the
43 violator.

1 (a1) Part 5 of Article 21A of Chapter 143 of the General Statutes shall apply to the
2 determination of civil liability or penalty pursuant to subsection (a) of this section.

3 (b) The Secretary may impose an administrative penalty on a person who violates
4 G.S. 130A-325. Each day of a continuing violation shall constitute a separate violation.
5 The penalty shall not exceed twenty-five thousand dollars (\$25,000) for each day the
6 violation continues.

7 (c) The Secretary may impose an administrative penalty on a person who
8 willfully violates Article 11 of this Chapter, rules adopted by the Commission pursuant
9 to Article 11 or any condition imposed upon a permit issued under Article 11. An
10 administrative penalty may not be imposed upon a person who establishes that neither
11 the site nor the system may be improved or a new system installed so as to comply with
12 Article 11 of this Chapter. Each day of a continuing violation shall constitute a separate
13 violation. The penalty shall not exceed fifty dollars (\$50.00) per day in the case of a
14 ~~sewage-wastewater~~ collection, treatment and disposal system with a design daily flow of
15 no more than 480 gallons or in the case of any system serving a single one-family
16 dwelling. The penalty shall not exceed three hundred dollars (\$300.00) per day in the
17 case of a ~~sewage-wastewater~~ collection, treatment and disposal system with a design
18 daily flow of more than 480 gallons which does not serve a single one-family dwelling.

19 (c1) The Secretary may impose a monetary penalty on a vendor who violates rules
20 adopted by the Commission pursuant to Article 13 of this Chapter when the Secretary
21 determines that disqualification would result in hardship to participants in the Women,
22 Infants, and Children (WIC) program. The penalty shall be calculated using the
23 following formula: multiply five percent (5%) times the average dollar amount of the
24 vendor's monthly redemptions of WIC food instruments for the 12-month period
25 immediately preceding disqualification, then multiply that product by the number of
26 months of the disqualification period determined by the Secretary.

27 (d) In determining the amount of the penalty in subsections (a), (b) and (c), the
28 Secretary shall consider the degree and extent of the harm caused by the violation and
29 the cost of rectifying the damage.

30 (e) A person contesting a penalty shall, by filing a petition pursuant to G.S.
31 150B-23(a) not later than 30 days after receipt by the petitioner of the document which
32 constitutes agency action, be entitled to an administrative hearing and judicial review in
33 accordance with Chapter 150B of the General Statutes, the Administrative Procedure
34 Act.

35 (f) The Commission shall adopt rules concerning the imposition of
36 administrative penalties under this section.

37 (g) The Secretary may bring a civil action in the superior court of the county
38 where the violation occurred or where the defendant resides to recover the amount of
39 the administrative penalty whenever a person:

- 40 (1) Who has not requested an administrative hearing in accordance with
41 subsection (e) of this section fails to pay the penalty within 60 days
42 after being notified of the penalty; or

1 (2) Who has requested an administrative hearing fails to pay the penalty
2 within 60 days after service of a written copy of the final agency
3 decision.

4 (h) A local health director may impose an administrative penalty on any person
5 who willfully violates the ~~sewage-wastewater~~ collection, treatment, and disposal rules of
6 the local board of health adopted pursuant to G.S. 130A-335(c) or who willfully violates
7 a condition imposed upon a permit issued under the approved local rules. An
8 administrative penalty may not be imposed upon a person who establishes that neither
9 the site nor the system may be improved or a new system installed so as to comply with
10 Article 11 of this Chapter. The local health director shall establish and recover the
11 amount of the administrative penalty in accordance with subsections (d) and (g). Each
12 day of a continuing violation shall constitute a separate violation. The penalty shall not
13 exceed fifty dollars (\$50.00) per day in the case of a ~~sewage-wastewater~~ collection,
14 treatment and disposal system with a design daily flow of no more than 480 gallons or
15 in the case of any system serving a single one-family dwelling. The penalty shall not
16 exceed three hundred dollars (\$300.00) per day in the case of a ~~sewage-wastewater~~
17 collection, treatment and disposal system with a design daily flow of more than 480
18 gallons which does not serve a single one-family dwelling. A person contesting a
19 penalty imposed under this subsection shall be entitled to an administrative hearing and
20 judicial review in accordance with G.S. 130A-24. A local board of health shall adopt
21 rules concerning the imposition of administrative penalties under this subsection."

22 Sec. 12. G.S. 143-215.1 is amended by adding a new subsection to read:

23 "(a1) This section shall not apply to activities permitted in accordance with rules
24 adopted by the Commission for Health Services pursuant to Article 11 of Chapter 130A
25 of the General Statutes."

26 Sec. 13. This act is effective upon ratification.