

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 585
SENATE BILL 687

AN ACT TO PROVIDE FOR IMPROVEMENT PERMITS FOR A WASTEWATER SYSTEM THAT ARE VALID FOR FIVE YEARS IN ADDITION TO THE IMPROVEMENT PERMITS THAT ARE VALID WITHOUT EXPIRATION UNDER CURRENT LAW.

The General Assembly of North Carolina enacts:

Section 1. G. S. 130A-334 reads as rewritten:

"§ 130A-334. Definitions.

The following definitions shall apply throughout this Article:

- (1) 'Construction' means any work at the site of placement done for the purpose of preparing a residence, place of business or place of public assembly for initial occupancy, or subsequent additions or modifications which increase sewage flow.
- (2) Repealed by Session Laws 1985, c. 462, s. 18.
- (2a) 'Industrial process wastewater' means any water-carried waste resulting from any process of industry, manufacture, trade, or business.
- (3) 'Location' means the initial placement for occupancy of a residence, place of business or place of public assembly.
- (3a) 'Maintenance' means normal or routine maintenance including replacement of broken pipes, cleaning, or adjustment to an existing wastewater system.
- (4),(5) Repealed by Session Laws 1985, c. 462, s. 18.
- (6) 'Place of business' means a store, warehouse, manufacturing establishment, place of amusement or recreation, service station, office building or any other place where people work.
- (7) 'Place of public assembly' means a fairground, auditorium, stadium, church, campground, theater or any other place where people assemble.
- (7a) 'Pretreatment' means any biological, chemical, or physical process or system for improving wastewater quality and reducing wastewater constituents prior to final treatment and disposal in a subsurface wastewater system and includes, but is not limited to aeration, clarification, digestion, disinfection, filtration, separation, and settling.
- (7b) 'Plat' means a property survey prepared by a registered land surveyor, drawn to a scale of one inch equals no more than 60 feet, that includes: the specific location of the proposed facility and appurtenances, the

site for the proposed wastewater system, and the location of water supplies and surface waters.

- (8) 'Public or community wastewater system' means a single system of wastewater collection, treatment and disposal owned and operated by a sanitary district, a metropolitan sewage district, a water and sewer authority, a county or municipality or a public utility.
- (9) 'Relocation' means the displacement of a residence or place of business from one site to another.
- (9a) 'Repair' means the extension, alteration, replacement, or relocation of existing components of a wastewater system.
- (10) 'Residence' means a private home, dwelling unit in a multiple family structure, hotel, motel, summer camp, labor work camp, manufactured home, institution or any other place where people reside.
- (11) Repealed by Session Laws 1992, c. 944, s. 3.
- (12) 'Septic tank system' means a subsurface wastewater system consisting of a settling tank and a subsurface disposal field.
- (13) 'Sewage' means the liquid and solid human body waste and liquid waste generated by water-using fixtures and appliances, including those associated with foodhandling. The term does not include industrial process wastewater or sewage that is combined with industrial process wastewater.
- (13a) 'Site plan' means a drawing that shows the location of the facility and appurtenances, the site for the proposed wastewater system, and the location of water supplies and surface waters.
- (14) 'Wastewater' means any sewage or industrial process wastewater discharged, transmitted, or collected from a residence, place of business, place of public assembly, or other places into a wastewater system.
- (15) 'Wastewater system' means a system of wastewater collection, treatment, and disposal in single or multiple components, including a privy, septic tank system, public or community wastewater system, wastewater reuse or recycle system, mechanical or biological wastewater treatment system, any other similar system, and any chemical toilet used only for human waste."

Sec. 2. G.S. 130A-335(f) reads as rewritten:

"(f) The rules of the Commission and the rules of the local board of health shall classify systems of wastewater collection, treatment and disposal according to size, type of treatment and any other appropriate factors. The rules shall provide construction requirements, including pretreatment and system control requirements, standards for operation, maintenance, monitoring, reporting, and ownership requirements for each classification of systems of wastewater collection, treatment and disposal in order to prevent, as far as reasonably possible, any contamination of the land, groundwater and surface waters. The Department and local health departments may impose conditions on the issuance of permits and may revoke the permits for failure of the system to satisfy

the conditions, the rules or this Article. ~~The permits~~ Permits other than improvement permits shall be valid for a period prescribed by the rules, except that improvement rule. Improvement permits shall be valid without expiration upon a showing satisfactory to the Department or the local health department that the site and soil conditions are unaltered, that the facility, design wastewater flow, and wastewater characteristics are not increased, and that a wastewater system can be installed that meets the permitting requirements in effect on the date the improvement permit was issued. Improvement permits for which a plat is provided shall be valid without expiration. Improvement permits for which a site plan is provided shall be valid for five years. A statement shall be displayed prominently on both the application form for the permit and the permit that states that the permit is subject to revocation if site plans or the intended use change."

Sec. 3. G.S. 130A-336(a) reads as rewritten:

"(a) Any proposed site for a residence, place of business, or place of public assembly in an area not served by an approved wastewater system shall be evaluated by the local health department in accordance with rules adopted pursuant to this Article. An improvement permit shall be issued in compliance with the rules adopted pursuant to this ~~Article~~ Article. An improvement permit shall include: a description of the facility the proposed site is to serve; the proposed wastewater system; the design wastewater flow and characteristics; a plat of the property showing the specific location of the facility, the site for the proposed wastewater system, property lines, water supplies, surface waters; the conditions for any site modifications; and any other information required by the rules of the Commission.

- (1) For permits that are valid without expiration, a plat or, for permits that are valid for five years, a site plan.
- (2) A description of the facility the proposed site is to serve.
- (3) The proposed wastewater system.
- (4) The design wastewater flow and characteristics.
- (5) The conditions for any site modifications.
- (6) Any other information required by the rules of the Commission.

The improvement permit shall not be affected by change in ownership of the site for the wastewater system provided both the site for the wastewater system and the facility the system serves are unchanged and remain under the ownership or control of the person owning the facility. No person shall commence or assist in the construction, location, or relocation of a residence, place of business, or place of public assembly in an area not served by an approved wastewater system unless an improvement permit and an authorization for wastewater system construction are obtained from the local health department. This requirement shall not apply to a manufactured residence exhibited for sale or stored for later sale and intended to be located at another site after sale."

Sec. 4. This act is effective upon ratification and applies to all applications filed on or after that date.

In the General Assembly read three times and ratified this the 20th day of June, 1996.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives