

Wastewater System Pilot Program

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2011 Annual Report to the North Carolina General Assembly

Presented By:

Environmental Health Section

Division of Public Health

N.C. Department of Health and Human Services

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Background:

Session Law 2006-136 (House Bill 1094) established a pilot program (August 1, 2006 to July 1, 2011) to streamline the process for the issuance of an improvement permit or an authorization to construct for an on-site wastewater system through the use of licensed soil scientists to complete soil and site evaluations. Cherokee County remains the only county that has met the criteria for participation in this pilot program.

The legislation for this pilot program mandates that all participating licensed soil scientists (LSS) register with the health department prior to submitting completed soil and site evaluations. Licensed soil scientists from three companies have been approved to participate in the pilot program.

All LSS must maintain licensure in accordance with G. S. 89F-3. The LSS registered with the county to participate in the program must have errors and omissions coverage or other appropriate liability insurance with limits of not less than one million dollars per claim. The insurance coverage must remain in force for at least six years after the date the improvement permit is issued.

In order to determine the effectiveness of the pilot program, all application packages submitted to the local health department by LSS and all improvement permits issued based upon work performed by LSS are tracked by the local health department.

Findings:

The following activity report is based on information provided by the Cherokee County Health Department (CCHD) staff and the Environmental Health Section staff, as of October 31, 2011.

Reporting Period Activity

- No application proposals have been submitted for this program during the period from September 30, 2010 through October 31, 2011.
- Ten of the systems permitted as part of the pilot program were installed between September 30, 2010 and October 31, 2011.

Initial to Present Activity

- Improvement Permits / Construction Authorizations have been issued for 226 projects since May 17, 2007 under the pilot program. Eighty-six of the proposals submitted were reviewed by the Onsite-Water Protection (OSWP) Branch staff during a period when the Cherokee County Health Department lacked personnel with adequate training and experience to provide peer review of the submittals. The remainder were reviewed by CCHD staff.

- All properly-completed proposals that were submitted have been approved.
- Approximately 25 proposals were not permitted or were withdrawn from the program by the applicant.
- Only 25 of the 226 Construction Authorizations issued have been installed and received operation permits over the course of the program.
- Two permitted systems were denied Operation Permits by the health department's staff due to inaccurate soil evaluations.

The backlog of permit applications in Cherokee County has been eliminated, and the number of new applications has dropped significantly. The decrease in applications is primarily due to reduced home construction in the county. The two health department staff members assigned to on-site wastewater are currently able to respond to applications for permits within one to two weeks, which meets the health department's goal. The use of LSS in conducting site evaluations helped reduce the original backlog of approximately 900 applications; however, the reduction can also be attributed to the increase in health department staff between 2006 through early 2008. With the backlog eliminated there is no incentive for participating in this pilot process, which is typically more costly.

Very few (25) of the systems permitted through this pilot program have been installed. The few systems that have been installed have not shown evidence of failure, but these systems have not been in use for a period sufficient to assess any long-term failures or environmental impacts.

Summary:

The improvement permit backlog in Cherokee County has been essentially eliminated due to a combination of a temporary increase in the number of local health department staff and significant reduction of applications received.

Since 2007, 226 improvement permits have been issued by Cherokee County Health Department's environmental health staff using this pilot process. Between November 1, 2009 and October 31, 2011, no construction authorizations were issued under the pilot program, which indicates a lack of demand for the second step of the permitting process.

The primary purpose of this pilot program was to reduce the time period between the application and issuance of wastewater permits. Since the goal of one to two weeks for responding to these permit requests has been achieved, it will be impossible to assess the success of the program in reducing a backlog when a backlog no longer exists. Due

to reduced housing construction, continued evaluation of this pilot program cannot be performed.

Recommendations:

The Environmental Health Section recommends the following:

1. The Cherokee County Health Department should maintain sufficient, well-trained staff to review applications and issue permits.
2. The Cherokee County Health Department staff should continue to track permits issued based on a licensed soil scientist's report. With such tracking in place, the Environmental Health Section will be able to determine the dates of installation and success rates of those permitted systems. Without such information, it is difficult to assess the long-term effectiveness of the program.
3. Based on the numbers outlined above, the economy, and general lack of activity in the program over the last two years, this pilot program should be discontinued.