

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 687

Short Title: Improvement Permits/Sewage Systems.

(Public)

Sponsors: Senators Warren, Albertson, Martin of Guilford, Edwards, Dannelly, and Rand.

Referred to: Agriculture/Environment/Natural Resources

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(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, standards for operation 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 and authorizations shall be valid for a period prescribed by the rules, except that improvement permits shall be valid ~~for a period of five years, and may be renewed without expiration~~ upon a showing satisfactory to the Department or the local health department that the system is in compliance with the current rules and site and soil conditions are unaltered, the facility construction plans are not changed, the design wastewater flow of the facility is not increased and the wastewater characteristics are not

1 increased, and a wastewater system can be installed that meets the site permitting
2 requirements in effect on the date the improvement permit was issued and the provisions
3 of this Article. The period of time for which the permit is valid and a statement that the
4 permit is subject to revocation if site plans or the intended use change shall be displayed
5 prominently on both the application form for the permit and the permit."

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

7 **"§ 130A-336. Improvement permit and construction authorization required.**

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

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

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

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

1 **"§ 130A-337. Inspection; operation permit ~~or certificate of completion~~ required.**

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

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

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

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

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

35 **"§ 130A-338. ~~Improvement permit~~—Authorization for wastewater system**
36 **construction or authorization required before other permits to be issued.**

37 Where construction, location or relocation is proposed to be done upon a residence,
38 place of business or place of public assembly, no permit required for electrical, plumbing,
39 heating, air conditioning or other construction, location or relocation activity under any
40 provision of general or special law shall be issued until an ~~improvement permit~~
41 authorization for wastewater system construction has been issued under G.S. 130A-
42 336(a) or authorization has been obtained under G.S. 130A-337(c)."

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

1 **"§ 130A-339. Limitation on electrical service.**

2 No person shall allow permanent electrical service to a residence, place of business or
3 place of public assembly upon construction, location or relocation until the official
4 electrical inspector with jurisdiction as provided in G.S. 143-143.2 certifies to the
5 electrical supplier that the required improvement ~~permit~~permit, authorization for
6 wastewater system construction, and an operation ~~permit~~permit, a certificate of completion
7 or authorization under G.S. 130A-337(c) has been obtained. Temporary electrical service
8 necessary for constructing a residence, place of business or place of public assembly can
9 be provided upon compliance with G.S. 130A-338."

10 Sec. 6. This act is effective upon ratification.