

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 671*

Short Title: Wastewater Improvement Permits/AB.

(Public)

Sponsors: Senators Albertson; Hoyle, Jordan, Martin of Pitt, Odom, Warren, and Weinstein.

Referred to: Agriculture/Environment/Natural Resources.

April 2, 1997

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE LOCAL BOARDS OF HEALTH TO ESTABLISH LOCAL
2 PROGRAMS THAT PROVIDE FOR PRELIMINARY EVALUATIONS OF
3 PROPOSED SITES FOR WASTEWATER SYSTEMS THAT ARE NOT BINDING
4 ON THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL
5 RESOURCES OR THE LOCAL HEALTH DEPARTMENT AND TO PROHIBIT
6 ANY OTHER PRELIMINARY SITE EVALUATIONS.
7

8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 130A-336(a) reads as rewritten:

10 "(a) Any proposed site for a residence, place of business, or place of public
11 assembly in an area not served by an approved wastewater system shall be evaluated by
12 the local health department in accordance with rules adopted pursuant to this Article.
13 The local health department shall not perform an evaluation of a proposed site until an
14 application for an improvement permit for a specific site is submitted in accordance with
15 rules adopted by the Commission. When conducting an evaluation of a proposed site, the
16 local health department shall not review or assess acreage and shall not conduct soil
17 mapping. The local health department shall evaluate each individual site and either issue
18 or deny the improvement permit. Except as provided in G.S. 130A-335(c1), a
19 preliminary or a provisional evaluation shall not be performed. An improvement permit

1 shall be issued in compliance with the rules adopted pursuant to this Article. An
2 improvement permit shall include:

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

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

19 Section 2. G.S. 130A-335 is amended by adding a new subsection to read:

20 "(c1) A local board of health may adopt local rules to establish a local program that
21 provides for preliminary or provisional site evaluations of proposed sites. Any such local
22 program is not a part of the Department's program regarding wastewater systems under
23 this Article. Any preliminary or provisional site evaluation provided pursuant to such
24 local rules does not satisfy the requirements to obtain an improvement permit, and an
25 authorization for wastewater system construction under G.S. 130A-336, does not give
26 any assurance of approval or denial of a future improvement permit, and is not binding on
27 the Department or its agents. Subsection (c) of this section does not apply to any such
28 local rules."

29 Section 3. This act is effective when it becomes law and applies only to
30 applications for improvement permits filed on or after that date.