

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE BILL 594  
Committee Substitute Favorable 5/12/11

Short Title: Functionally Equivalent Wastewater Systems.

(Public)

Sponsors:

Referred to:

April 5, 2011

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE COMMISSION FOR PUBLIC HEALTH TO APPROVE AS AN INNOVATIVE WASTEWATER SYSTEM ANY WASTEWATER TRENCH SYSTEM THAT IS DETERMINED BY THE COMMISSION TO BE FUNCTIONALLY EQUIVALENT TO AN ACCEPTED WASTEWATER TRENCH SYSTEM.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 130A-343 is amended by adding a new subsection to read:

"(g1) Approval of Functionally Equivalent Trench Systems as Innovative Systems. – A manufacturer of a wastewater trench system may petition the Commission to have the wastewater trench system approved as an innovative wastewater system as provided in this subsection.

(1) The Commission shall approve a wastewater trench system as an innovative wastewater system if it finds that there is clear, convincing, and cogent evidence that the wastewater trench system is functionally equivalent to a wastewater trench system that is approved as an accepted wastewater system. A wastewater trench system shall be considered functionally equivalent to an accepted wastewater trench system if the performance characteristics of the wastewater trench system satisfy all of the following requirements:

- a. The physical properties and chemical durability of the materials from which the wastewater trench system is constructed are equal to or superior to the physical properties and chemical durability of the materials from which the accepted wastewater trench system is constructed.
- b. The permeable sidewall area and bottom infiltrative area of the wastewater trench system are equal to or greater than the permeable sidewall area and bottom infiltrative area of the accepted wastewater trench system at a field-installed size.
- c. The wastewater trench system utilizes a similar method and manner of function for the conveyance and application of effluent as the accepted wastewater trench system.
- d. The structural integrity of the wastewater trench system is equal to or superior to the structural integrity of the accepted wastewater trench system.
- e. If the wastewater trench system contains synthetic aggregate, the aggregate density and field-installed system storage volume are equal



- 1                                    to or greater than the aggregate density and field-installed system  
2                                    storage volume of the accepted wastewater trench system.  
3                                    f.     The wastewater trench system holds all national certifications held  
4                                    by the accepted wastewater trench system.  
5                                    (2)   As part of its petition, the manufacturer shall provide to the Commission all  
6                                    of the following information:  
7                                    a.     Specifications of the wastewater trench system.  
8                                    b.     Data necessary to demonstrate that the wastewater trench system is  
9                                    functionally equivalent to a wastewater trench system that is  
10                                   approved as an accepted wastewater system.  
11                                   c.     A certified statement from an independent, third-party professional  
12                                   engineer or testing laboratory that, based on verified documentation,  
13                                   the wastewater trench system is functionally equivalent to an  
14                                   accepted wastewater system.  
15                                   (3)   Approval of a wastewater trench system as an innovative wastewater system  
16                                   shall not be conditioned on the manufacturer of the wastewater trench  
17                                   system having operational systems installed in the State.  
18                                   (4)   The Commission shall authorize the use of a wastewater trench system as an  
19                                   innovative wastewater system in the same applications as the accepted  
20                                   wastewater trench system.  
21                                   (5)   The Commission shall not include conditions and limitations in the approval  
22                                   of a wastewater trench system as an innovative wastewater system that are  
23                                   not included in the approval of the accepted wastewater trench system."

24                                   **SECTION 2.** This act is effective when it becomes law.