

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

SESSION LAW 1998-126
HOUSE BILL 1462

AN ACT TO DIRECT THE COMMISSION FOR HEALTH SERVICES TO REQUIRE THAT CERTAIN NEW SEPTIC TANK SYSTEMS INCLUDE AN EFFLUENT FILTER AND AN ACCESS DEVICE, DEVELOP STANDARDS FOR THESE FILTERS AND DEVICES, AND ADOPT THESE STANDARDS AS TEMPORARY RULES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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, 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~~ rules, or this Article. Permits other than improvement permits shall be valid for a period prescribed by rule. Improvement permits shall be valid 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. The period of time for which the permit is valid and a statement that the permit is subject to revocation if the site plan or plat, whichever is applicable, or the intended use changes shall be displayed prominently on both the application form for the permit and the permit.

(f1) For each septic tank system that is designed to treat 3,000 gallons per day or less of sewage, rules adopted pursuant to subsection (f) of this section shall require the use of an effluent filter to reduce the total suspended solids entering the drainfield and the use of an access device for each compartment of the septic tank to provide access to the compartment in order to facilitate maintenance of the septic tank. The Commission

shall not adopt specifications for the effluent filter and access device that exceed the requirements of G.S. 130A-335.1. Neither this section nor G.S. 130A-335.1 shall be construed to prohibit the use of an effluent filter or access device that exceeds the requirements of G.S. 130A-335.1. The Department shall approve effluent filters that meet the requirements of this section, G.S. 130A-335.1, and rules adopted by the Commission."

Section 2. Article 11 of Chapter 130A of the General Statutes is amended by adding a new section to read:

"§ 130A-335.1. Effluent filters and access devices for certain septic tank systems.

(a) The manufacturer of each septic tank to be installed in this State as a part of a septic tank system that is designed to treat 3,000 gallons per day or less of sewage shall provide an effluent filter approved by the Department pursuant to the requirements of G.S. 130A-335, this section, and rules adopted by the Commission. The person who installs the septic tank system shall install the effluent filter as a part of the septic tank system in accordance with the specifications provided by the manufacturer of the effluent filter. An effluent filter shall:

- (1) Be made of materials that are capable of withstanding the corrosives to which septic tank systems are normally subject.
- (2) Prevent solid material larger than one-sixteenth of an inch, as measured along the shortest axis of the material, from entering the drainfield.
- (3) Be designed and constructed to allow for routine maintenance.
- (4) Be designed and constructed so as not to require maintenance more frequently than once in any three-year period under normally anticipated use.

(b) The access device required by G.S. 130A-335(f) shall provide access to each compartment of a septic tank for inspection and maintenance either by means of an opening in the top of the septic tank or by a riser assembly and shall include an appropriate cover. The access device shall:

- (1) Be of sufficient size to facilitate inspection and service.
- (2) Be designed and constructed to equal or exceed the minimum loading specifications applicable to the septic tank.
- (3) Prevent water entry.
- (4) Come to within six inches of the finished grade.
- (5) Be visibly marked so that the access device can be readily located."

Section 3. The Commission for Health Services shall develop standards for effluent filters and access devices for septic tank systems required under G.S. 130A-335, as amended by Section 1 of this act, and shall adopt temporary rules to implement these standards no later than 1 December 1998. Temporary rules adopted under this section become effective on 1 January 1999. The requirements of G.S. 130A-335, as amended by Section 1 of this act, and the rules adopted as required by G.S. 130A-335 and this section shall apply to any septic tank system that is designed to treat 3,000 gallons per day or less of sewage for which a permit is issued on or after 1 January 1999.

Section 4. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 19th day of August, 1998.

s/ Dennis A. Wicker
President of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 5:52 p.m. this 28th day of August, 1998