

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

H

D

HOUSE DRH70133-LD-22C (02/23)

Short Title: Functionally Equivalent Wastewater Systems. (Public)

Sponsors: Representatives Hilton and Gillespie (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE COMMISSION FOR PUBLIC HEALTH TO DESIGNATE
3 AS AN ACCEPTED ON-SITE SUBSURFACE WASTEWATER SYSTEM ANY
4 WASTEWATER SYSTEM THAT IS SHOWN BY THE CERTIFIED
5 DOCUMENTATION OF AN INDEPENDENT, THIRD-PARTY ENGINEERING OR
6 TESTING LABORATORY TO BE FUNCTIONALLY EQUIVALENT TO AN
7 ACCEPTED ON-SITE SUBSURFACE WASTEWATER SYSTEM.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** G.S. 130A-343(h) reads as rewritten:

10 "(h) Designation of Innovative Systems As Accepted Systems. – A manufacturer of an
11 innovative wastewater system that has been in general use in this State for more than five years
12 may petition the Commission to have the system designated as an accepted wastewater system
13 as provided in this subsection. The manufacturer shall provide the Commission with the data
14 and findings of all prior evaluations of the performance of the system. In addition, the
15 manufacturer shall provide the Commission with information sufficient to enable the
16 Commission to fully evaluate the performance of the system in this State for at least the
17 five-year period immediately preceding the petition. The Commission shall designate a
18 wastewater system as an accepted wastewater system only if it finds that there is clear,
19 convincing, and cogent evidence (i) to confirm the findings made by the Department at the time
20 the Department approved the system as an innovative wastewater system and (ii) that the
21 system performs in a manner that is equal or superior to a conventional wastewater system
22 under actual field conditions in this State. The Commission shall specify the circumstances in
23 which use of the system is appropriate and any conditions and limitations related to the use of
24 the system."

25 **SECTION 2.** G.S. 130A-343 is amended by adding a new subsection to read:

26 "(h1) Designation of Functionally Equivalent Systems As Accepted Systems. – A
27 manufacturer of a wastewater system that is functionally equivalent to an accepted wastewater
28 system may petition the Commission to have the system designated as an accepted wastewater
29 system as provided in this subsection. The manufacturer shall provide the Commission with the
30 data necessary to show that the wastewater system is functionally equivalent to a system that is
31 designated as an accepted system. In addition, the manufacturer shall provide the Commission
32 with specifications of the wastewater system and a certified statement from an independent,
33 third-party professional engineer or testing laboratory that, based upon verified documentation,
34 the system is functionally equivalent to an accepted wastewater system. The Commission shall
35 designate a wastewater system as an accepted wastewater system if it finds that there is clear,



1 convincing, and cogent evidence that the system is functionally equivalent to the accepted
2 wastewater system, and this designation shall not be conditioned on the manufacturer of the
3 wastewater system having operational systems installed in the State, unless the functionally
4 equivalent accepted system has been designated an accepted system for less than five years.
5 The Commission shall specify the same circumstances in which use of the functionally
6 equivalent system is appropriate as apply to the appropriate use of the accepted system. Further,
7 the Commission shall specify the same conditions and limitations related to the use of the
8 functionally equivalent system as apply to the use of the accepted system. Within the meaning
9 of this subsection, a wastewater system is functionally equivalent to an accepted wastewater
10 system if, based on the certification of the independent, third-party professional engineer or
11 testing laboratory, the performance characteristics of the wastewater system that is the subject
12 of the petition satisfy all of the following requirements:

- 13 (1) The materials of which the wastewater system is constructed are equal to or
14 superior in physical properties and chemical durability compared to the
15 materials of which the accepted wastewater system is constructed.
- 16 (2) The dimensions of the wastewater system are equal to or greater than the
17 dimensions of the accepted wastewater system.
- 18 (3) The wastewater system is analogous in its method and manner of function
19 for the conveyance and application of effluent to the accepted wastewater
20 system.
- 21 (4) The structural integrity of the wastewater system is equal to or superior to
22 the structural integrity of the accepted wastewater system.
- 23 (5) The available infiltrative surface area per linear foot of the bottom of the
24 wastewater system is equal to or greater than the available infiltrative
25 surface area per linear foot of the bottom of the accepted wastewater system.
- 26 (6) The storage capacity per linear foot that the wastewater system provides is
27 equal to or greater than the storage capacity per linear foot that the accepted
28 wastewater system provides."

29 **SECTION 3.** This act is effective when it becomes law and applies to wastewater
30 systems that are designated by the Commission for Public Health on or after that date.