

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 594
Committee Substitute Favorable 5/12/11
PROPOSED SENATE COMMITTEE SUBSTITUTE H594-PCS11242-SB-48

Short Title: Functionally Equivalent Wastewater Systems.

(Public)

Sponsors:

Referred to:

April 5, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE COMMISSION FOR PUBLIC HEALTH TO APPROVE AS
3 AN INNOVATIVE WASTEWATER SYSTEM ANY WASTEWATER TRENCH
4 SYSTEM THAT IS DETERMINED BY THE COMMISSION TO BE FUNCTIONALLY
5 EQUIVALENT TO AN ACCEPTED WASTEWATER TRENCH SYSTEM.

6 The General Assembly of North Carolina enacts:

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

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

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

20 a. The physical properties and chemical durability of the materials from
21 which the wastewater trench system is constructed are equal to or
22 superior to the physical properties and chemical durability of the
23 materials from which the accepted wastewater trench system is
24 constructed.

25 b. The permeable sidewall area and bottom infiltrative area of the
26 wastewater trench system are equal to or greater than the permeable
27 sidewall area and bottom infiltrative area of the accepted wastewater
28 trench system at a field-installed size.

29 c. The wastewater trench system utilizes a similar method and manner
30 of function for the conveyance and application of effluent as the
31 accepted wastewater trench system.



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

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