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# **House Bill 1094 Pilot Project**

## **2008 Annual Report to the North Carolina General Assembly**

Terry L. Pierce, Director | Division of Environmental Health

# Background

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- Several counties experienced backlogs because of an increase in development
- Cherokee County had largest backlog for Improvement Permits with a 6-to-8 month waiting period
- One proposed solution - Use licensed soil scientists (LSS) to assist with permitting process

# Proposal

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- “Establish[ed] a pilot program to streamline the process for the issuance of an improvement permit or an authorization to construct for an on-site subsurface wastewater system in certain counties by authorizing local health departments, authorized agents of the Department of Environment and Natural Resources, and **licensed soil scientist to complete soil and site evaluations** in the participating counties.”

# Criteria for Selection

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- A county must meet three criteria to participate in the pilot program:
  1. The population of the county must not exceed 25,000 according to the most recent federal decennial census.
  2. The county must have more than 900 applications for improvement permits or authorizations to construct that are pending before the local health department on the effective date of this act.
  3. The board of county commissioners and the local board of health for the county must both approve a resolution requesting to participate in the pilot program.

# Process

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- Cherokee County met the criteria for the pilot project; remains only county to meet this criteria
- DEH staff provides:
  - Technical assistance;
  - Orientation
  - Interpretation
- LSSs required to:
  - Register with the health department
  - Provide proof of liability insurance

# Process

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- LSS must supply the appropriate information, including the site review, to the health department for the issuance of an Improvement Permit (IP).
- Upon review of application package for accuracy/completeness, the LHD issues an IP.

# Findings

Based on information provided by  
Cherokee County Health Department

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- Backlog has essentially been eliminated.
- Currently, there are five full-time Cherokee County employees assigned to on-site wastewater activities.
- Construction Authorizations issued between May 17, 2007 and Oct. 1, 2007 – 152
- Construction Authorizations issued between Oct. 1, 2007 and Nov. 1, 2008 – 72
- Fifteen of the permits were installed and received operation permits.

# Findings

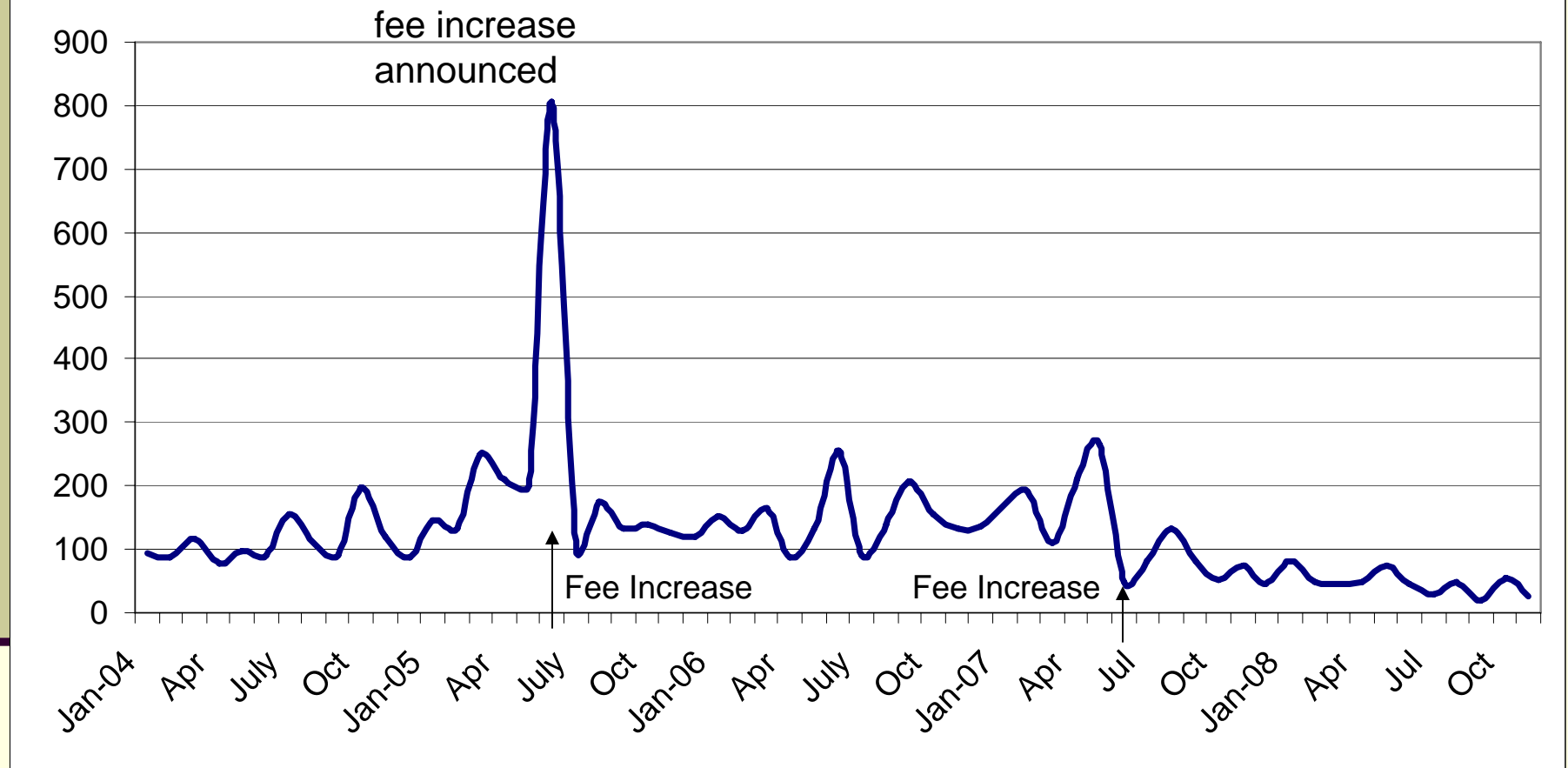
Based on information provided by  
Cherokee County Health Department

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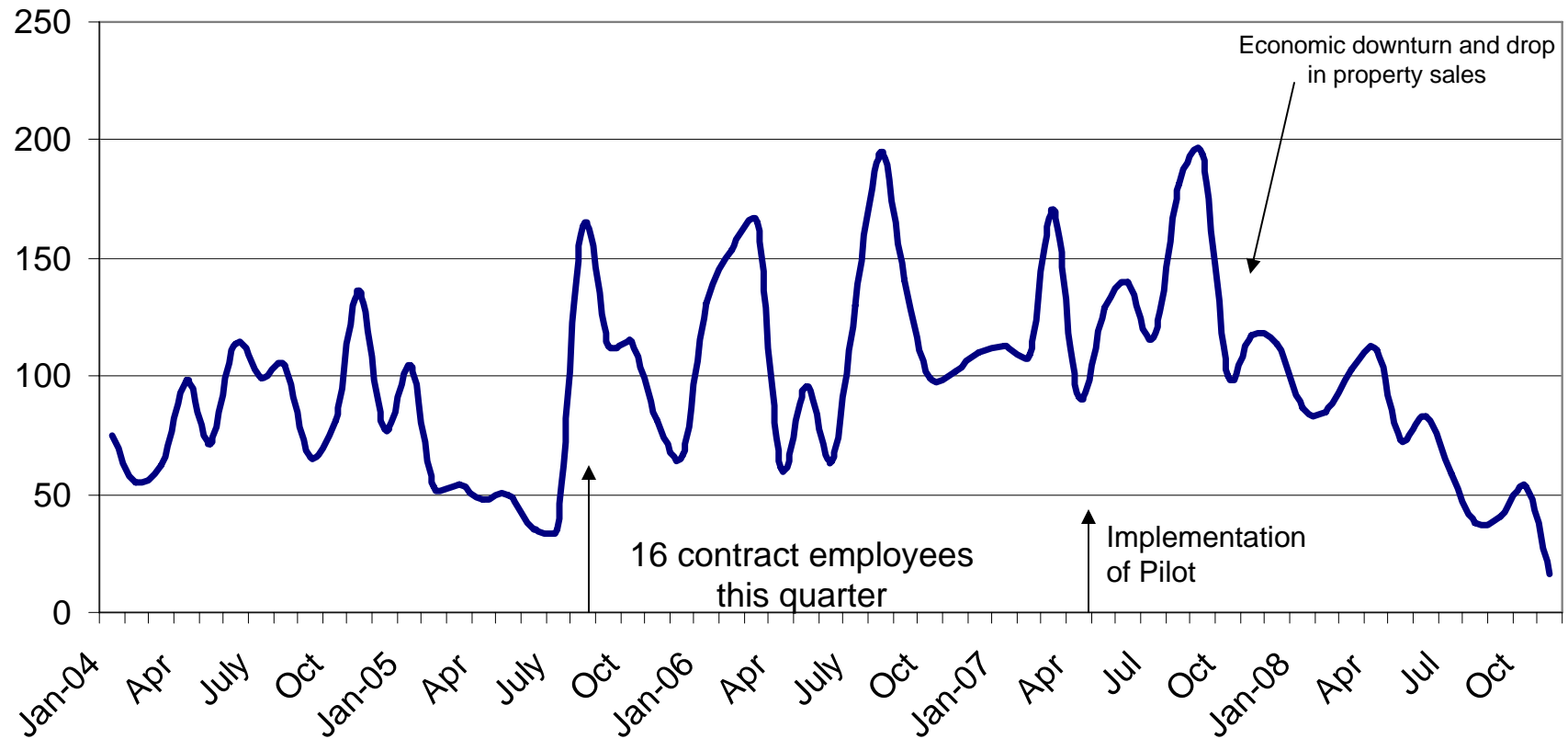
- All proposals have been approved.
  - Approximately 25 proposals have not received permits or were withdrawn from the program by the applicant.
- The last 86 proposals received were reviewed by OSWPS staff, since the health department lacked personnel with adequate training and experience to provide peer review.
- Two systems that received permits were denied at installation by the health department's staff due to inaccurate soil evaluations.



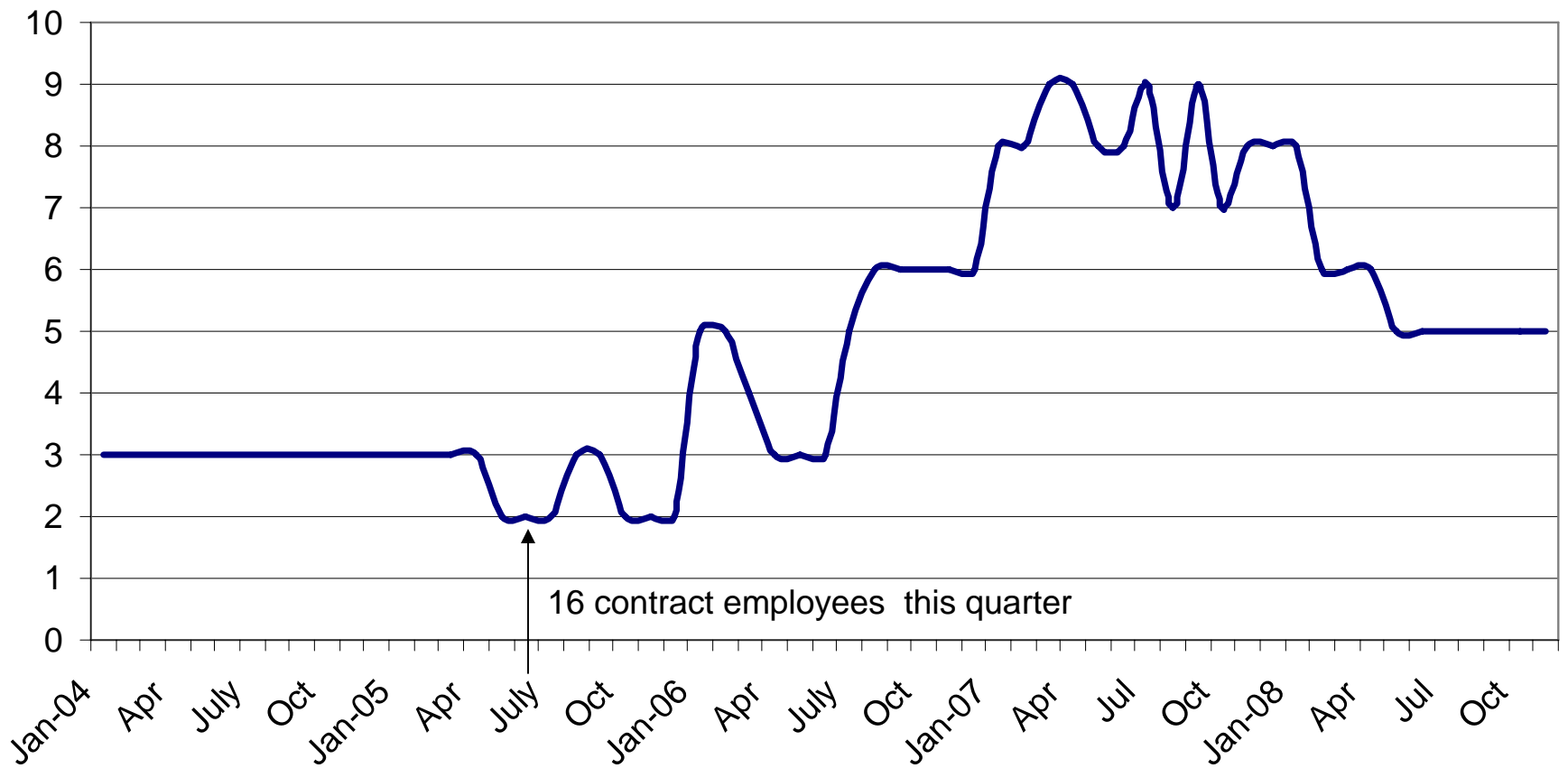
# DEMAND



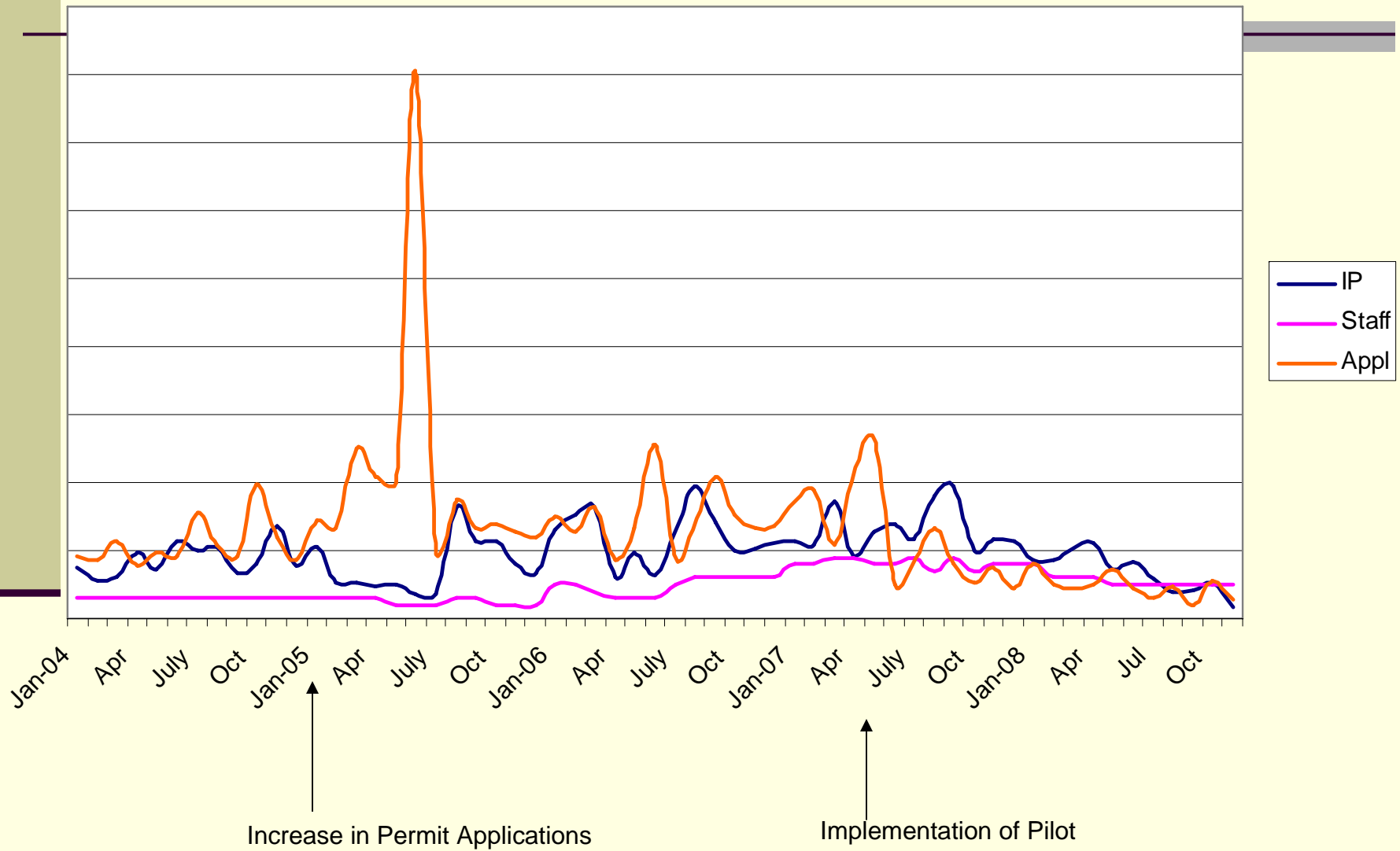
# PRODUCTIVITY of CHEROKEE COUNTY HD



# CAPACITY



## TRENDS and OBSERVATIONS



# Concerns

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## ■ Staff

- The Cherokee County Health Department needs to maintain staff with adequate training and experience to review LSS proposals.

## ■ Effectiveness of the insurance required.

- Only valid for six years from the date of the permit.
- Many of these lots were apparently purchased for speculation or for later use.
- Result: systems may not be installed until after the insurance expires.

# Evaluation – Criteria

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- Three criteria (per legislation)

- i. “the program resulted in a reduction in the length of time improvement permits or authorizations to construct are pending in the participating counties;
- ii. the program resulted in increased system failures or other adverse impacts; and
- iii. the program resulted in new or increased environmental impacts.”

# Evaluation – Results

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- Effectiveness of this program in reducing the backlog that existed remains unclear.
  - Current staff levels are at five.
  - Number of applications has been reduced due to the economic situation and the decrease in building.
- Very few of the systems permitted through this pilot program have been installed.
- The few systems that have been installed have not been in use for a period sufficient to assess any failures or environmental impacts.

# Recommendations

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- While the OSWP Section has been conducting proposal reviews, the Cherokee County Health Department now has in its employment a person with the experience to assume this responsibility.
- The Cherokee County Health Department staff should continue tracking permits issued based on a licensed soil scientist's report.
  - Without such information, it is hard to determine the project's long-term effectiveness.



# Summary

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- Since its inception last year, licensed soil scientists having experience with submitting proposals and continued educational efforts have resulted in the percent approved initially being increased to approximately 90 percent.
- Two hundred twenty-four (224) permits have been issued by Cherokee County Health Department's environmental health staff using this pilot process.

# Summary

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- Number of applications for improvement permits has dropped significantly during 2008.
- As of Dec. 4, no active permit application backlog exists for Cherokee County.

# Summary

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- The goal of two to three weeks for responding to these permit requests has been achieved, so it will be impossible to assess the success of the project in reducing a backlog which no longer exists.
- Unless economic conditions become more favorable, evaluation of this pilot project will continue to be extremely difficult.

# Questions?

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