

# Environmental Health Services

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## SL 2014-120 REPORT

### **PART 1A: Onsite Water Protection Section of the LHD: Standardize Certain Regulatory Review Procedures**

*Reference Session Law 2014-120. Section 29.(b)*

Background: The Onsite Water Protection Section of ARHS (Onsite Section) receives Regulatory Submittals for review under multiple scenarios as provided for in statute and rule. The processes for each type of review are described below.

- I. Systems with unsuitable soil characteristics requiring drainage systems serving two or more lots [15A NCAC 18A .1938 (c)] or for systems with a design daily flow < 3,000 total gallons per day [15A NCAC 18A .1938 (d) (2)].
  - A. Application submittal
    1. The local health dept (LHD) Onsite Section receives an application for a system that requires review in accordance with Rule .1938 (c) or (d) as applicable.
    2. The LHD assigns the project to an Environmental Health Specialist (EHS) for review.
  - B. Optional Initial Meeting: The owner or their consulting Professional Engineer (PE) may request a meeting with the LHS staff to review the preliminary project information based on submittal rules, procedures, and requirements.
  - C. Soil and Site Evaluation Review
    1. The LHD receives copies of reports of soil and site evaluations independently performed by the applicant's private licensed soil scientist consultant (LSS) where applicable.
    2. The assigned EHS reviews the soils reports and site data submitted by the LSS for concurrence. The EHS may consult with an Onsite Section Supervisor of the LHD or the State Regional Soils Scientist (State RSS) for review and concurrence.
    3. If the LSS report contains data for an area not previously evaluated by the LHD a site visit by the Onsite LHD Supervisor or State RSS may be performed for concurrence of the LSS data.
    4. Upon review completion of LSS report of the long-term acceptance rate (LTAR), configuration and installation depths of drainfield(s), treatment standard, and any other design requirements dictated by the soil and site conditions. If further investigation or hydraulic assessments is needed this is discussed between the LHD and the LSS for concurrence.

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5. If the LSS and LHD determine further investigation is needed the LSS will submit the agreed upon data to the LHD for review by the LHD Onsite Supervisor and/or State RSS.
6. Once the LSS and LHD have concurred on the site and soil conditions confirmation notice is provided to the PE and the Daily Design Flow and Preliminary Site Plan Review Process can be reviewed upon submittal.

D. Daily Design Flow and Preliminary Site Plan Review Process:

1. The Onsite Section receives the application submittal and the project is assigned to an EHS for review.
2. The applicant PE submits a site plan showing system location, configuration, and layout based on the LSS report, where applicable.
3. The EHS reviews the proposed daily design flow for the proposed facility along with the site plan and layout including all product specific design information as it relates to specific Approvals issued by the State Onsite Water Protection Section. The appropriate approvals for Controlled Demonstration Products (CDW) and Innovative Waste Water Products (IWWS) are reviewed for concurrence with the PE's design, where applicable.
4. Upon completion of review the EHS will issue one of the following types of letters to the PE:
  - a. Approval of the daily design flow and site plan.
  - b. A request for revisions may include:
    - i. A section detailing any required revisions with citation of the applicable statute, rule, or product specific approval.
    - ii. A section detailing any suggested or recommended revisions based upon current knowledge base (guidance, manuals, or standards of practice).
5. If the daily design flow and preliminary site plan is approved the LHD can now issue the Improvement Permit (IP)
6. If the daily design flow and preliminary site plan is not approved and the required revision and/or additional information identified by the EHS is submitted, then the proposal is reviewed again.
7. If the daily design flow and preliminary site plan is not approved and the Submitting Party declines to make the required revisions and/or provide the required additional information identified by the EHS, then the Submitting Party may request an Informal Internal Review.

E. System Engineering Plans and Specifications Review

1. LHD receives the system engineering plans and specifications.
2. The EHS assigned reviews system engineering plans and specifications.
3. Upon completion of review the EHS will issue one of the following types of letters to the PE:
  - a. Approval of the system engineering plans and specifications (See section F)
  - b. A request for revisions may include:

- i. A section detailing any required revisions with citation of the applicable statute, rule, or product specific approval.
  - ii. A section detailing any suggested or recommended revisions based upon current knowledge base (guidance, manuals, or standards of practice).
- 4. If the system engineering plans and specifications is not approved and the required revision and/or additional information identified by the EHS are submitted, then the proposal is reviewed again.
- 5. If the system engineering plans and specifications is not approved and the Submitting Party declines to make the required revisions and/or provide the required additional information identified by the EHS, then the reviewing EHS will issue a denial letter of the project submittal to the PE and other applicable parties.
- 6. The Submitting Party may request an Informal Internal Review
- 7. Nothing in this procedure prevents the applicant from submitting the Soil and Site Evaluation Review, Daily Design Flow and Preliminary Site Plan Review, and/or System Engineering Plans and Specifications Review concurrently if the applicant so desires.

#### F. Review Approval

- 1. The EHS sends approval letter to the PE and other applicable parties.
- 2. The EHS will verify that all applicable fees and/or any Management Entity, Tri-Party Agreement, Hold Harmless, or other paperwork has been properly completed and received by the LHD.
- 3. The LHD can now issues the Construction Authorization (CA) upon:
  - a. Confirmation that any site modifications required in the IP are complete, inspected or reviewed, and approved by the LHD. [G.S. 130A-336 ( b )]
  - b. Field verification that the drainfield and repair areas have not been otherwise altered since IP issuance (unless the IP/CA is concurrently issued) and re-confirmation that the drainfield layout is acceptable per approved plans.
  - c. Review and approval of legal documentation as necessary, e.g.:
    - i. Draft Tri-party agreements [15A NCAC 18A .1937 ( h )];
    - ii. Final (recorded) easement agreement(s) and encroachment agreement(s) [15A NCAC 18A .1938 ( j )] and;
    - iii. Final (recorded) encroachment agreement(s).

G. Optional Preconstruction Meeting: The LHD strongly recommends a preconstruction meeting and will attend upon request by any party.

#### H. System Start-Up Inspection.

- 1. The PE and the LHD determine that the system construction is complete.
- 2. The PE, LHD, operator, and other parties (as requested) conduct a system start-up inspection to document baseline performance parameters.
  - a. All parties document any deficiencies in the installation and develop plans to correct them.

- b. The parties either agree to meet on the site again to document correction of deficiencies or allow the PE to independently oversee correction and provide documentation to that effect.
  - 3. The LHD issues the Operation Permit (OP) upon:
    - a. Receipt of certifications by all licensed professionals, including record (“as-built”) drawings if significant changes to the system design occurred during installation [15A NCAC 18A .1938 0 h)];
    - b. Receipt of updated Operation and Maintenance (O&M) procedures and manual prepared by the PE, incorporating O&M requirements specific to the equipment provided by the system component manufactures [15A NCAC 18A .1939 ( i ) ( 4 )];
    - c. Confirmed execution and recordation of all required legal documents [15A NCAC 18A .1937 ( h ), 15A NCAC 18A .1938 ( j )];
    - d. Receipt of copy of contract with an operator [15A NCAC 18A .1961 ( e )] certified by the Water Pollution Control System Operators Certification Commission to operate and maintain this system (G.S. 90A-46) and;
    - e. Confirmation that any requirements listed in the IP and CA are complete, inspected or reviewed, and approved by the LHD.
- II. The LHD Regulatory Review Procedures with systems with design daily flow > 3,000 total gallons per day [15A NCAC 18A .1938 ( e )] or for treatment of industrial process wastewater (IPWW) [15A NCAC 18A .1938 ( f )]: State Review Required.

A. Application Submittal:

- 1. The LHD receives a Request for Review. The LHD conveys the Regulatory Submittal and Request to Review to the State Onsite Water Protection office (OSWP).
- 2. OSWP reviewers: An engineer and/or RSS are assigned to the review, as applicable.
- 3. The OSWP the follows the procedures as outlined in SL2014-120 Report by DHHS DPH EHS.
- 4. The LHD will assist the State OSWP office with the process as needed and/or requested by the OSWP and as outlined in the SL2014-120 Report by DHHS DPH EHS.

- III. The LHD Regulatory Review Procedures as it relates to [15A NCAC 18A .1938 ( f )]: Other Systems Specified by the LHD. (This is typically an engineered design that does not specifically require State review based on Design Flow < 3,000 gpd. The depth and nature of State Review for such projects will vary based on relative LHD need).

A. Application Submittal

- 1. The LHD fills a Request for Review. The LHD conveys the Regulatory Submittal and Request to Review to the State Onsite Water Protection office (OSWP).
- 2. OSWP reviewers: An engineer and/or RSS are assigned to the review, as applicable.
- 3. The OSWP the follows the procedures as outlined in SL2014-120 Report by DHHS DPH EHS.

4. The LHD will assist the State OSWP office with the process as needed and/or requested by the OSWP and as outlined in the SL2014-120 Report by DHHS DPH EHS.

IV. Design plans and specifications pursuant to Rule .1948 ( d ) (Proposals intended to overcome an UNSUITABLE classification)

A. Application Submittal

1. The LHD fills a Request for Review. The LHD conveys the Regulatory Submittal and Request to Review to the State Onsite Water Protection office (OSWP).
2. OSWP reviewers: An engineer and/or RSS are assigned to the review, as applicable.
3. The LHD will assist the State OSWP office with the process as needed and/or requested by the OSWP and as outlined in the SL2014-120 Report by DHHS DPH EHS.

V. Design plans and specifications for flow reduction utilizing low-flow fixtures or low-flow technologies pursuant to Session Law 2013-413 or 2014-120. (These submittals may be submitted to the State OSWP office on a case-by-case basis).

A. Application Submittal to the State OSWP office

1. The LHD fills a Request for Review. The LHD conveys the Regulatory Submittal and Request to Review to the State Onsite Water Protection office (OSWP).
2. OSWP reviewers: An engineer and/or RSS are assigned to the review, as applicable.
3. The OSWP follows the procedures as outlined in SL2014-120 Report by DHHS DPH EHS. The LHD will assist the State OSWP office with the process as needed and/or requested by the OSWP and as outlined in the SL2014-120 Report by DHHS DPH EHS.

B. Application Submittal to be reviewed by the LHD

1. The local health dept (LHD) Onsite Section receives an application for a system review.
2. The LHD assigns the project to an Environmental Health Specialist (EHS) for review.
3. Once the review is completed by the EHS the applicant will receive a response that may include:
  - a. An approval of the system engineering plans and specifications, or
  - b. A request for revisions that include:
    - i. A section detailing any required revisions with citation of applicable statute or rule(s);
    - ii. A section detailing any suggested or recommended revisions based upon current knowledge base (guidance, manuals or standards of practice).
  - c. A request for additional information that includes:

- i. A section detailing any required additional information with citations of applicable statute or rule(s) and;
- ii. A section detailing any suggested additional information based upon current knowledge base (guidance, manuals, or standards of practice).

**PART 1B: Food Protection and Facilities Section of the LHD: Standardize Certain Regulatory Review Procedures**

*Reference Session Law 2014-120. Section 29.( b)*

- I. Background: The LHD Food Protection and Facilities section reviews plan submittals for non-prototype food establishments that are not franchised in multiple counties. Local EHS act as authorized agents of the Department reviewing individual food establishment plans. Plan submittals for prototype food establishments to be franchised in multiple counties are forwarded to the State Food Protection and Facilities Branch (FPF). Plans for construction of public swimming pools are also reviewed by LHD staff acting as agents of the Department with technical assistance from the FPF staff. Plan review checklists are used to assure uniform review for compliance with the rules.
  - A. A Food Service Plan review Application form and guidance are provided to assure all needed information is in order for approval.
  - B. A Public Swimming Pool Plan review Checklist is used to check pool plans to assure all safety requirements and circulation system components are able to meet the water quality requirements.

**PART 2A: Onsite Water Protection Section of the LHD: Informal Internal Review Processes and Procedures to Develop and Maintain a List of Review Engineers**

*Reference Session Law 2014-120. Section 29 ( c )*

- I. If a Submitting Party requests and Informal Internal Review of an engineered design, the request will be forwarded to the State OSWP office in accordance with Part 2A Section III of the SL2014-120 Report by DHHS DPH EHS.
- II. A list of PE's available for Informal Internal Reviews will be developed in accordance with Part 2A Section IV of the SL2014-120 Report by DHHS DPH EHS.

**PART 2B: Food Protection and Facilities Section of the LHD: Informal Internal Review Process and Procedures to Develop and Maintain a List of Review Engineers**

*Reference Session Law 2014-120. Section 29.( c )*

- I. If a Submitting Party request an Informal Internal Review of an engineered design, the request will be forwarded to the State FPF office in accordance with Part 2B Section II of the SL2014-120 Report by DHHS DPH EHS.

- II. A list of PE's available for Informal Internal Reviews will be developed in accordance with Part 2B Section III of the SL2014-120 Report by DHHS DPH EHS.

**PART 3A: Onsite Water Protection Section of the LHD: Review of Working Job Titles.**

*Reference Session Law 2014-120. Section 29.(h)*

- I. ARHS Human Resource Department provided a review of all job titles for current Environmental Health Staff positions within the LHD. Currently there are no staff positions with a title of "engineer". Existing staff titles are Environmental Health Specialist, Environmental Health Program Specialist, Environmental Health Supervisor, and Environmental Health Director.

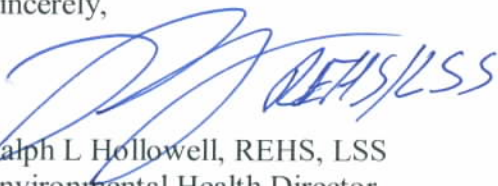
**PART 3B: Food Protection Facilities Section of the LHD: Review of Working Job Titles.**

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- I. ARHS Human Resource Department provided a review of all job titles for current Environmental Health Staff positions within the LHD. Currently there are no staff positions with a title of "engineer". Existing staff titles are Environmental Health Specialist, Environmental Health Program Specialist, Environmental Health Supervisor, and Environmental Health Director.

This report is being submitted pursuant to SL 2014-120. If you have any questions upon receiving this report or need any further information please do not hesitate to contact me at 252-338-4490 or by email at: [rhollowell@arhs-nc.org](mailto:rhollowell@arhs-nc.org)

Sincerely,



Ralph L. Hollowell, REHS, LSS  
Environmental Health Director