

8/9/21

N.C. Rules Review Commission

6714 Mail Service Center

Raleigh, NC 27699-6700

Re: 15A NCAC 18E Rules Review and Adoption

Members of the Commission;

An Improvement Permit is has an infinite duration of validity if the issuance of the improvement permit is based on a system depicted on a "plat". An improvement permit has a 60 month duration of validity if it is drawn on a "Site Plan".

Under NCGS §130A-334 Definitions a "Plat" is defined as "...a property survey prepared by a registered land surveyor..."

This means that a "Site Plan" prepared by a North Carolina Licensed Professional Engineer (NC PE) using the exact AutoCAD file prepared by the North Carolina Licensed Professional Land Surveyor (NC PLS) depicting the "property survey" is only eligible for a 60 month life expectancy whereas a pencil sketch of a wastewater system drawn on a survey prepared by a NC PLS gets an infinite life expectancy.

An NC PE specializing in Civil Engineering is qualified to prepare a "site plan" depicting the configuration of a wastewater system that is exactly to scale and complies with the Laws and Rules for Sewage Treatment and Disposal Systems from a soil, sizing and siting criteria perspective. An NC PE can also take into account specific sizing and siting criteria for the myriad of Experimental, Controlled Demonstration and Innovative wastewater systems approved in North Carolina.

The proposed 15A NCAC 18E rules, like other sections of the NCAC, make countless cross-references to North Carolina General Statutes.

This criticism of the draft 15A NCAC 18E rules was made during the review process. The response by NCDHHS staff was that the draft 15A NCAC 18E rules were subject to the General Statutes and the language in the draft rules could not in turn be inconsistent with the cross-referenced definitions.

I understand this logic and the process but can we not approach the correction to the problem by modifying the language of the 15A NCAC 18E draft by saying that an Improvement Permit will have an infinite duration if shown on a plat or a "site plan"

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prepared by a NC PE and being based on a property survey prepared by a NC PLS. The issue appears to be a result of the definition of the word "plat". The definition of "plat" makes reference to a "Registered Land Surveyor". It has been over a decade since surveyors have been called "registered" and not "professional".

Another approach would be to modify the definition of "plat" as it occurs in the NCGS, on a parallel path, so that the inconsistency no longer exists.

The purpose of creating new rules and going through the rigorous and sometimes arduous review and approval process is to actual make improvements to the existing rules.

NC PE's are arguably the most qualified individuals to be designing and permitting onsite subsurface wastewater systems but we are being penalized in the failure of this draft set of rules to make an obvious correction.

The new 15A NCAC 18E rules should not be adopted and made effective until this issue is resolved.

In addition to this matter, language contained in the sections below require additional review at the legislative session:

15A NCAC 18E .0401 DESIGN DAILY FLOW

15A NCAC 18E .0402 SEPTIC TANK EFFLUENT CHARACTERISTICS

15A NCAC 18E .0403 ADJUSTMENTS TO DESIGN DAILY FLOW

15A NCAC 18E .0508 AVAILABLE SPACE

15A NCAC 18E .0509 SITE SUITABILITY AND CLASSIFICATION

15A NCAC 18E .0510 SPECIAL SITE EVALUATIONS

15A NCAC 18E .0601 LOCATION OF WASTEWATER SYSTEMS

15A NCAC 18E .0602 APPLICABILITY OF SETBACKS

15A NCAC 18E .0802 PUMP TANK CAPACITY REQUIREMENTS

15A NCAC 18E .0803 GREASE TANK CAPACITY REQUIREMENTS

15A NCAC 18E .0805 TANK LEAK TESTING AND INSTALLATION REQUIREMENTS

15A NCAC 18E .0905 PREFABRICATED PERMEABLE BLOCK PANEL SYSTEMS

15A NCAC 18E .0908 DRIP DISPERSAL SYSTEMS

15A NCAC 18E .1002 RECLAIMED WATER SYSTEMS

15A NCAC 18E .1101 GENERAL DOSING SYSTEM REQUIREMENTS

15A NCAC 18E .1102 PUMP DOSING

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15A NCAC 18E .1201 ADVANCED PRETREATMENT SYSTEM STANDARDS

15A NCAC 18E .1202 SITING AND SIZING CRITERIA FOR ADVANCED PRETREATMENT SYSTEMS WITH A DESIGN DAILY FLOW LESS THAN OR EQUAL TO 1,500 GALLONS/DAY

15A NCAC 18E .1203 SITING AND SIZING CRITERIA FOR ADVANCED PRETREATMENT SYSTEMS WITH A DESIGN DAILY FLOW GREATER THAN 1,500 GALLONS/DAY AND LESS THAN OR EQUAL TO 3,000 GALLONS/DAY

15A NCAC 18E .1204 ADVANCED PRETREATMENT DRIP DISPERSAL SYSTEMS

15A NCAC 18E .1205 ADVANCED PRETREATMENT SAND LINED TRENCH SYSTEMS

15A NCAC 18E .1206 ADVANCED PRETREATMENT BED SYSTEMS

15A NCAC 18E .1301 OPERATION AND MAINTENANCE OF WASTEWATER SYSTEMS

15A NCAC 18E .1304 MANAGEMENT ENTITY RESPONSIBILITIES FOR WASTEWATER SYSTEM OPERATION AND MAINTENANCE

15A NCAC 18E .1305 LOCAL HEALTH DEPARTMENT RESPONSIBILITIES FOR WASTEWATER SYSTEM OPERATION AND MAINTENANCE

15A NCAC 18E .1306 SYSTEM MALFUNCTION AND REPAIR

15A NCAC 18E .1501 GENERAL

15A NCAC 18E .1502 APPLICATION

15A NCAC 18E .1504 SAMPLING REQUIREMENTS FOR RESIDENTIAL WASTEWATER TREATMENT SYSTEMS

15A NCAC 18E .1505 RESIDENTIAL WASTEWATER TREATMENT SYSTEM APPROVAL RENEWAL

15A NCAC 18E .1602 DESIGN AND CONSTRUCTION STANDARDS

15A NCAC 18E .1701 GENERAL

15A NCAC 18E .1702 APPLICATION

15A NCAC 18E .1703 DEPARTMENT AND COMMISSION APPLICATION REVIEW

15A NCAC 18E .1704 APPROVAL CRITERIA FOR PROVISIONAL SYSTEMS

15A NCAC 18E .1705 APPROVAL CRITERIA FOR INNOVATIVE SYSTEMS

15A NCAC 18E .1706 APPROVAL CRITERIA FOR ACCEPTED SYSTEMS

15A NCAC 18E .1707 DESIGN AND INSTALLATION CRITERIA FOR PROVISIONAL, INNOVATIVE, AND ACCEPTED APPROVALS

15A NCAC 18E .1708 MODIFICATION, SUSPENSION, AND REVOCATION OF APPROVALS

15A NCAC 18E .1709 WASTEWATER SAMPLING REQUIREMENTS FOR ADVANCED PRETREATMENT SYSTEMS, INCLUDING REDUCED SAMPLING REQUIREMENTS

15A NCAC 18E .1710 COMPLIANCE CRITERIA FOR ADVANCED PRETREATMENT SYSTEMS

15A NCAC 18E .1711 PROVISIONAL AND INNOVATIVE APPROVAL RENEWAL

15A NCAC 18E .1712 AUTHORIZED DESIGNERS, INSTALLERS, AND MANAGEMENT ENTITIES

15A NCAC 18E .1713 LOCAL HEALTH DEPARTMENT RESPONSIBILITIES

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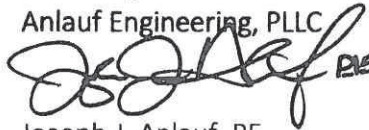
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Thank you for your consideration.

Please call with any questions at (252)489-7143.

Sincerely,

Anlauf Engineering, PLLC

 PE. 8/9/21

Joseph J. Anlauf, PE