



**DURHAM COUNTY HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH DIVISION**

APPLICATION FOR IMPROVEMENTS PERMIT

Name of Owner _____ Home Phone _____

Address _____ Work Phone _____

Property Location _____

Tax Map Number _____ - _____ - _____ Subdivision _____

Lot Dimensions _____ No. of Acres _____

Facility to be Served: House _____ Mobile Home _____ Church _____ Business _____

Water Supply: Individual Well _____ Community Well _____ Municipal Water _____

Estimated Sewage Flow (120 gpd/bedroom) _____ gallons

Business Property: Number of Employees _____ Number of Shifts _____

Employees per Shift: 1st _____ 2nd _____ 3rd _____

Estimated Sewage Flow _____ gallons

Facility to be Served: House _____ Mobile Home _____ Modular home _____

Church _____ Business _____

Estimated Sewage Flow (120 gpd/bedroom) _____ gallons

Business Property: Number of Employees _____ Number of Shifts _____

Employees per Shift: 1st _____ 2nd _____ 3rd _____

Estimated Sewage Flow _____ gallons

INSTRUCTIONS FOR APPLICATION FOR IMPROVEMENTS PERMIT

- 1) Each page is to be completed by property owner/authorized agent, signed and dated.
- 2) All property lines and corner irons shall be property marked in the field prior to the site evaluation.
- 3) A proposed house site shall be staked on the lot prior to the site evaluation.
- 4) The applicant shall submit, with the application, a site plan on a copy of the surveyed and/or recorded plat showing:
 - a) House location - including house, with garage and porch, if any; dimensions and distance from front property line and nearest sidelines
 - b) Proposed location of driveway and parking areas (including dimensions)
 - c) Location and dimensions of any other building or structure (storage sheds, swimming pools, etc.)

The Owner/Authorized Agent Signature indicates this material has been read and understood.

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- *A proposed house site shall be staked on the lot prior to the site evaluation.*
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 - a) House location - including house, with garage and porch, if any; dimensions and distance from front property line and nearest sidelines*
 - b) Proposed location of driveway and parking areas (including dimensions)*
 - c) Location and dimensions of any other building or structure (storage sheds, swimming pools, etc.)*

The Owner/Authorized Agent Signature indicates G.S. 130A-340, G.S. 130A-24 and .1957 and .1969 have been read and understood.

Date _____ Owner/Authorized Agent _____

Subdivision plats recorded in Durham County have contained some information on the suitability for septic systems of the lots comprising that subdivision. From this information it was inferred by some that this meant that the lot was formally approved by the Health Department for the construction of any type of home. This is not the case.

According to North Carolina law, formal approval for construction and replacement of a septic system does not and cannot occur until the Health Department issues an Improvements Permit, commonly called a Septic Tank Permit. The process of obtaining this permit requires a detailed analysis by Health Department Environmental Health Specialists of the soil characteristics of the lot in question, in compliance with State-approved standards. Such elements as soil structure and texture, clay mineralogy, topography, landscape position, soil wetness, soil depth, restrictive horizons and available space are considered in this analysis. The results of this test determine whether an Improvements Permit can be obtained, the number of bedrooms a house can have, and the location of the house and the well serving it.

Another factor that is taken into consideration is whether changes may have occurred in the regulations governing on-site sewage systems since the lot was platted. From time to time, the State Legislature and/or the State Health Services Commission have enacted amendments to these regulations for installing septic systems; in some cases, this can mean that a lot that was in compliance with the regulations at the time it was platted might not be at the time the owner wishes to develop it. There is no "grandfather" provision for such lots, and formal approval of them is subject to the State-approved regulations in effect at the time the application for the Improvement Permit is made.

Once the Improvements Permit is issued, however, the owner is protected (for a period of five years) from subsequent changes in the rules governing septic tank systems unless alterations are made to the property which damages the area designated for the septic tank installation and/or the intended use changes. In this way, the Improvements Permit is the closest thing to a "guarantee" that the lot can be developed using a septic system. If the septic system is not installed within that five-year period, the owner must re-apply for an Improvements Permit and will be subject to any regulatory changes that may have transpired in the intervening five years.

Once the Improvements Permit is issued, however, the owner is protected from subsequent changes in the rules governing septic tank systems unless alterations are made to the property which damages the area designated for the septic tank installation and/or the intended use changes. After the Improvements Permit is issued but before construction can begin an Authorization for Wastewater System Construction must be issued. If construction does not occur within 5 years of issuance then another Authorization for Wastewater System Construction must be obtained before construction can commence.

In summary, under the law a preliminary indication on a recorded plat that a lot is either "buildable" or "approved" for platting purposes constitutes no guarantee that a septic system may be located on the lot. Developers, builders, property owners and potential property buyers who wish to develop a lot which will be dependent upon an on-site sewage disposal (septic) system can be assured that the lot is developable only by obtaining an Improvements Permit from the Environmental Health Division of the Durham County Health Department. Also note that the Planning Department should be consulted about zoning and/or building regulations.

APPLICATION FOR IMPROVEMENTS PERMIT

G.S. 130A-340. Review Procedures and Appeals, Section 6. G.S. 130A-335(g), "Prior to denial of an improvements permit, the local health department shall advise the applicant of possible site modifications or alternative systems, and shall provide a brief description of those systems. When an improvement permit is denied, the local health department shall issue the site evaluation in writing stating the reasons for the unsuitable classification. The evaluation shall also inform the applicant of the right to an informal review by the Department, the right to appeal under G.S. 130A-24 and to have the appeal held in the county in which the site for which the improvement permit was requested is located.

G.S. 130A-24 Appeals Procedure

(a) Appeals concerning the interpretation and enforcement of rules adopted by the Commission, concerning the suspension and revocation of permits and program participation of the Secretary and concerning the imposition of administrative penalties by the Secretary shall be governed by Chapter 150A of the General Statutes, the Administrative Procedure Act, except that judicial review of the imposition of administrative penalties shall be de novo by the superior court without a jury.

.1957 Design Criteria for Design of Alternative Sewage Systems

(c) A site classified as UNSUITABLE which cannot be approved for a system in accordance with Rule .1956, and Paragraphs (a) or (b) of this Rule may be used for a ground absorption sewage treatment and disposal system if written documentation, including engineering, hydrogeologic, geologic, or soil studies, indicates to the local health department that the proposed system can reasonably be expected to function satisfactorily. Such sites shall be reclassified as PROVISIONALLY SUITABLE if the local health department determines that the adequate substantiating data indicates that:

- (1) a ground absorption system can be installed so that the effluent will receive adequate treatment;
- (2) the effluent will not contaminate ground water or surface water; and
- (3) the effluent will not be exposed on the ground surface or be discharged to surface waters where it could come in contact with people, animals, or vectors;

The State shall review the substantiating data if requested by the local health department.

****NOTE:** The undersigned person hereby makes application for an Improvement Permit/Soil Evaluation of the property described above and agrees that the contents of this form are true. The issuance of a permit by health department does not relieve the owner from compliance with the county building and zoning ordinances and the undersigned is aware that he/she should contact the local zoning and building offices. This application represents the maximum facilities to be placed on the property referenced above. If the maximum is exceeded, the permit shall become null and void and the undersigned shall become subject to all recourse provided by law. This is not an Improvements Permit. The undersigned person has been informed of all appeal rights. The undersigned owner/authorized agent has been informed and understands that an request for a site and soil evaluation of any type and for any purpose entitles the applicant only to an opinion as to the site and soil characteristics based upon provisions of Section .1900 of the State Sewage Rules governing septic tank systems. The opinion and soil findings in no way represents any form of governmental approval. Reports should not be used and relied upon as being any form of governmental approval. Approval of property for septic tank system installation occurs only when an Improvements Permit has been issued by the Durham County Health Department.

.1969 EXPERIMENTAL AND INNOVATIVE SYSTEMS, COMPONENTS, OR DEVICES

Experimental and innovative (E & I) systems are any wastewater systems, system components or devices that are not specifically described in Rules .1955, .1956, .1957 or .1958 of this Section, including any system for which reductions are proposed in the minimum horizontal or vertical separation requirements or increases are proposed to the maximum long-term acceptance rates of this Section. This Rule shall provide for the approval and permitting of E & I systems.

- (1) An application shall be submitted in writing to the State for an E & I system. The application shall include the following, as applicable:
 - (a) specification of the type of approval requested as either innovative, experimental or both;
 - (b) description of the system, including materials used in construction, and its proposed use;
 - (c) summary of pertinent literature, published research, and previous experience and performance with the system;
 - (d) results of any available testing, research or monitoring of pilot systems or full-scale operational systems conducted by a third party research or testing organization;
 - (e) identity and qualifications of any proposed research or testing organization and the principal

investigators, and an affidavit certifying that the organization and principal investigators have no conflict of interest and do not stand to gain financially from the sale of the E & I system;

(f) objectives, methodology, and duration of any proposed research or testing;

(g) specification of the number of systems proposed to be installed, the criteria for site selection, and system monitoring and reporting procedures;

(h) operation and maintenance procedures, system classification, proposed management entity and system operator;

(i) procedure to address system malfunction and replacement or premature termination of any proposed research or testing; and

(j) notification of any proprietary information, system, component, or device.

(2) The State shall review all applications submitted and evaluate at least the following:

(a) The completeness of the application and whether additional information is needed to continue the review;

(b) whether the system meets the standards of an innovative system under Paragraph (3) of this Rule, or whether the system meets the standards of an experimental system under Paragraph (4) of this Rule, as applicable.

(3) INNOVATE SYSTEMS: Innovative systems shall be reviewed and approved by the State, and the local health department may permit innovative systems in accordance with the following:

(a) The State shall approve the system as an innovative system if the following standards have been met;

(i) The system, shall have been demonstrated to perform equal or superior to a system, which is described in Rules .1955, .1956, .1957 or .1958, based upon controlled pilot-scale research studies or statistically-valid monitoring of full-scale operational systems.

(ii) Materials used in construction shall be equal or superior in physical properties and chemical durability, compared to materials used for similar proposed systems, specifically described in Rules .1955, .1956, .1957, or .1958.

(b) When a system is approved as innovative by the State, the applicant shall be notified in writing. Such notice shall include any conditions for use, monitoring and operation.

(c) A local health department shall issue an Improvement Permit for any innovative system approved by the State upon a finding that the provisions of this Rule including any conditions are met. Use of an innovative system and any conditions shall be described on the Improvement Permit and the Certificate of Completion or Operation Permit.

(4) EXPERIMENTAL SYSTEMS: A system may be approved for use as an experimental system as part of research or testing program which has been approved by the State. The research or testing revocation.

(e) Prior to expiration of the ESOP and based upon satisfactory system performance as determined during the research or testing program, the local health department shall issue an Operation Permit, Premature termination of the research or testing program shall be grounds for ESOP suspension or revocation.

f) Upon completion of monitoring, research and testing, the research or testing organization shall prepare a final report including recommendations on future use of the system. If the State determines that the results indicate that the standards of Paragraph (3) of this Rules are met, the State shall approve the use as an innovative system.

(5) Any proposed changes or modifications in the E & I system shall be submitted for review and approval by the State.

(6) The State shall suspend or revoke the approval of an E & I system upon a finding as follows:

(a) the information submitted in the application is falsified.

(b) subsequent experience with the system results in altered conclusions about system performance or design.

(7) Suspension or revocation of an E & I system approval shall not affect systems previously installed pursuant to the approval.

History Note: Statutory Authority G.S. 130A-335(e) and (f); 130A-343 (Eff. April 1, 1993.)

Effective July 1, 1993

Page 1 - Revised 1/93