

**Item Title:** Review and Recommendations for Wake County Septic System Rules

**Specific Action Requested:**

**That the Board of Commissioners provides review and refers the proposed revisions to the county's septic system regulations to the Human Services Board for adoption.**

**Item Summary:**

**Purpose:** The Board of Commissioners must review ordinances to be adopted by the Human Services Board.

**Background:** In recent years, more County homes are using off-site septic systems when the soil around the home will not accommodate a septic system. Wake County's rules regarding septic systems were last amended in 2011. Updating these rules is necessary to adapt to changes in state regulations and better understanding of off-site septic system easements in the County.

County staff convened a review subcommittee consisting of representatives of the Wake County Public Health Committee, Wake County Water Partnership, homebuilders, and well contractor community to provide input on the rules. Following that review, staff solicited additional input from the NC Department of Health and Human Services. Staff request the Board of Commissioners approve the proposed rule changes before seeking adoption from the Human Services Board.

**Board Goal:** Updating and improving these regulations supports the board goals of Great Governance and Community Health.

**Fiscal Impact:** The proposed changes do not set new minimum standards but grant additional options for compliance with existing rules. The change will not result in significant increases in the cost of permitting for customers or for Wake County.

**Additional Information:**

Wake County enacted and adopted local rules governing off-site septic system easements permitting, construction, and testing in 2011, making it the first county in North Carolina to do so. The program operates under rules of the Wake County Human Services Board and is implemented by the Wake County Department of Environmental Services (DES). The program governs the construction and inspection of septic systems. The County permits approximately 1,150 new systems annually.

As the County moves toward build-out, lots become more valuable and many easy-to-develop lots have been built upon already, requiring new and innovative methods to of disposal method for waste. These lots have less available soil that are suitable for installing a drain field. One innovative method is to install a septic system on a separate lot from the house. This involves running a supply line from the tank, through easements, to the parcel that contains the drainfield. These supply lines, and their easements, are usually installed and recorded as part of the subdivision recordation process.

The Human Services Board rules for the septic system permitting program were last revised in 2011. Over the intervening 9 years, projects were installed under the first version of the Wake County rules for off-site easements. Experience permitting these systems Wake County has substantially increased its knowledge of how these systems can best be installed and maintained. In 2017 NCDHHS created the first set of state rules to govern these systems. Due to the increase in knowledge, and the addition of state regulations governing these systems, DES convened a stakeholder group in 2017 to examine the existing septic rules and develop revisions to them.

The stakeholder group consisted of representatives from the Wake County Public Health Committee and Human Services Board, Wake County Water Partnership, Homebuilders Association of Raleigh-Wake County, DHHS, Developers, Licensed Soil Scientist and Professional Engineers within the septic system design industry. The participants in the stakeholder group were:

<b>Name</b>	<b>Affiliation at the time of subcommittee meeting</b>
Terry Stevens	Creedmoor Partners
Dale Werenko, PE	Withers and Ravenel
Jason Hall, LSS	Central Carolina Soils Consulting
Margaret Ann Raynor	Wake County Human Services Board
Tom Anhut	Anhut Properties
Suzanne Harris	Wake County Water Partnership; HBA of Raleigh-Wake County
Tom Hankins	Marquis Homes
Ricky Pontello	Soil & Environmental Consultants
Tim Donnelly	Water Partnership
Mitch Woodward	Water Partnership
Sharon Foster, M.D	Wake County Human Services Board
Scott Greene	DHHS Regional Specialist

John H Myhre, R. PH	Wake County Human Services Board
James R Smith	Wake County Human Services Board

The stakeholder group met seven times in 2017: June 9, June 29, July 20, August 17, August 31, September 14, and October 5. During these meetings, the group reviewed the all current, local regulations pertaining to off-site septic system easements, the new state regulations. The group then revised the local regulations to accommodate the new state regulations, and improve design of the systems, while improving the rules for installation and maintenance of the systems.

Following the stakeholder process, the proposed revisions were submitted to the County Attorney's office for review and comment. The rules were then presented to the Public Health Committee, Human Services Board, and Wake County Water Partnership for review and comment.

The rules were then circulated to staff in the following state agencies for comment:

- NC Department of Health and Human Services (DHHS), Division of Public Health (DPH):
  - Onsite Water Protection Section

Following review and comment by these agencies, the rules were presented to the Water Partnership on August 9, 2019.

The next step in this review process is review and comment by the Board of Commissioners followed by notice and comment and adoption by the Human Services Board.

The resulting proposed revisions can be categorized under the following major headings:

#### Updated State Rules

Revisions to reflect updated statewide rules include the following:

- Removed duplicate rules
- Reorganized regulations to mirror organization of state rules
- Ensured local regulations are not less strict than state rules

#### Clarification and Specification

- Added definitions clarifying complex terminology and standards of practice
- Clarified responsibilities

#### Historical Knowledge and Professional Expertise

- Allow for variations meeting intent of rules
- Provide more specific guidance for design and permitting
- Provide incentives based on design and installation

#### Next Steps

- Review and address comments from Board of Commissioners

- 30-day public comment period
- Presentation to Human Services Board for adoption

**Attachments:**

1. Presentation
2. Draft Offsite Easement Rules