

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

**SESSION LAW 2011-261
HOUSE BILL 594**

AN ACT TO AUTHORIZE THE COMMISSION FOR PUBLIC HEALTH TO APPROVE AS AN INNOVATIVE WASTEWATER SYSTEM ANY WASTEWATER TRENCH SYSTEM THAT IS DETERMINED BY THE COMMISSION TO BE FUNCTIONALLY EQUIVALENT TO AN ACCEPTED WASTEWATER TRENCH SYSTEM.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 130A-343 is amended by adding a new subsection to read:

"(g1) Approval of Functionally Equivalent Trench Systems as Innovative Systems. – A manufacturer of a wastewater trench system may petition the Commission to have the wastewater trench system approved as an innovative wastewater system as provided in this subsection.

- (1) The Commission shall approve a wastewater trench system as an innovative wastewater system if it finds that there is clear, convincing, and cogent evidence that the wastewater trench system is functionally equivalent to a wastewater trench system that is approved as an accepted wastewater system. A wastewater trench system shall be considered functionally equivalent to an accepted wastewater trench system if the performance characteristics of the wastewater trench system satisfy all of the following requirements:
 - a. The physical properties and chemical durability of the materials from which the wastewater trench system is constructed are equal to or superior to the physical properties and chemical durability of the materials from which the accepted wastewater trench system is constructed.
 - b. The permeable sidewall area and bottom infiltrative area of the wastewater trench system are equal to or greater than the permeable sidewall area and bottom infiltrative area of the accepted wastewater trench system at a field-installed size.
 - c. The wastewater trench system utilizes a similar method and manner of function for the conveyance and application of effluent as the accepted wastewater trench system.
 - d. The structural integrity of the wastewater trench system is equal to or superior to the structural integrity of the accepted wastewater trench system.
 - e. The wastewater trench system shall provide a field installed system storage volume equal to or greater than the field installed system storage volume of the accepted wastewater trench system.
- (2) As part of its petition, the manufacturer shall provide to the Commission all of the following information:
 - a. Specifications of the wastewater trench system.
 - b. Data necessary to demonstrate that the wastewater trench system is functionally equivalent to a wastewater trench system that is approved as an accepted wastewater system.
 - c. A certified statement from an independent, third-party professional engineer or testing laboratory that, based on verified documentation, the wastewater trench system is functionally equivalent to an accepted wastewater system.



- (3) Approval of a wastewater trench system as an innovative wastewater system shall not be conditioned on the manufacturer of the wastewater trench system having operational systems installed in the State.
- (4) The Commission shall authorize the use of a wastewater trench system as an innovative wastewater system in the same applications as the accepted wastewater trench system.
- (5) The Commission shall not include conditions and limitations in the approval of a wastewater trench system as an innovative wastewater system that are not included in the approval of the accepted wastewater trench system."

SECTION 2. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 16th day of June,

2011.

s/ Walter H. Dalton
President of the Senate

s/ Thom Tillis
Speaker of the House of Representatives

s/ Beverly E. Perdue
Governor

Approved 1:58 p.m. this 23rd day of June, 2011