

NCSTA Board of Directors Meeting Minutes

Friday September 15, 2017

Sea Trail Convention Center Sunset Beach, NC 2:00 p.m.

2:00 p.m. Opening Prayer DAVID COOPER

Roll Call : ACE POTTER, CHRIS DOBBINS, LARRY BEAM, KEITH BLACKBURN, JIMMY SHOAF, DAVID WALLWORK, FRANK PEARCE, DAVID COOPER, TYLER JOLLEY, TIM WOOD, JEFF KERR, JERRY PEARCE, DOUG LASSITER, CONNIE STEPHENS, MONICA RHEA ON PHONE

Recognition of Proxies LATT MORETZ TO KEITH BLACKBURN, STANLEY MILLS TO DAVID COOPER, GABE DELLINGER NO PROXY, JOHN PEELE TO DAVID COOPER, SCOTT SIMMONS NOT HERE KEEP HIM YOUR PRAYERS

2:05 p.m. Review, addition/deletion and acceptance of minutes from previous meeting

MOTION TO ACCEPT MINUTES KEITH BLACKBURN, 2ND ACE POTTER, APPROVED

2:10 p.m. Remarks by President:

JERRY ADDRESSED THE BOARD. THIS MEETING HAS A LOT OF MATERIAL TO COVER YOU SHOULD HAVE REALIZED THAT WITH THE NEWSLETTER YOU RECEIVED. WE ARE GOING TO TRY TO COVER IT ALL TODAY. THANK YOU FOR YOUR ATTENDANCE AND TAKING TIME AWAY FROM YOUR BUSINESS WE ARE VERY APPRECIATIVE OF YOUR TIME. FRIDAY AFTERNOONS SEEM TO WORK GOOD FOR US.

YOUR PACKETS CONTAIN A LOT OF INFO WE GET TO THEM ONE BY ONE AND IT WILL BE VERY INVOLVED. WE ARE GOING TO TRY TO STAY ON SCHEDULE.

2:20 p.m. Treasurer's Report:

Presented by Jimmy Shoaf,

General Account AS OF 8/31 \$37,734.96

Suntrust plus money market 8/31/17 \$33,488.07

Education account \$10,761.49

JIMMY SAYS MAY WANT TO GO AHEAD AND PAY SCHOLARSHIP FROM THAT ACCOUNT OR MOVE THE MONEY TO GENERAL FUND, WE CAN DECIDE THAT LATER ON

MOTION TO ACCEPT TREASURER'S REPORT ACE POTTER, 2ND KEITH BLACKBURN, ACCEPTED, IF ANYONE EVER HAS QUESTIONS REFER TO JIMMY

2:30 p.m. Update from Administration

Memberships received since last meeting for Board approval:

Atlantic OBX

Waste Management

MOTION TO ACCEPT JEFF KERR, 2ND TYLER JOLLEY, ACCEPTED

2018 Convention:

The date for the 2018 convention is January 31 – February 2, 2018.

The vendor registration has been emailed to all past vendors and is posted on our website. We have received several vendor registrations already. The placement of vendors will be handled the same this year as in years past in that vendors that pay for sponsorship in addition to vendor fee will be given preferred spaces.

For those Board members that ordered shirts I will bring those to the convention MONICA NEEDS SHIRT , DAVID WALLWORK 2XL

At the last meeting it was discussed whether or not to move the vendor dinner from Iron Thunder due to overcrowding. I received a quote from the bowling alley the least expensive option they have is \$5700 and the quote from Crown Plaza is \$4200. Iron Thunder usually runs around \$1300. I need to know what direction the Board wants me to pursue. JERRY ASKED THE BOARD IF IT WOULD BE OK FOR CONNIE TO GET \$ TO CLOSE IRON THUNDER AND GET WITH EXECUTIVE COMMITTEE WITH AMOUNT

Doug is working on speakers for the convention and will have those confirmed by end of November

I will be discussing with Jeff the development of the computer class for a hands on training class as we get closer to convention date

The scholarship application has been updated and it now has the requirement that the application be mailed return receipt certified. This should head off any one claiming they mailed it by the deadline

MESSENGER BAG IS OK IF BACK PACK IS TOO EXPENSIVE

2:50 p.m.

Board Member Info:

DOUG WENT OVER THIS INFO WITH THE BOARD

The following Board members are up for re-election at the 2018 convention. Are each of you willing to continue to serve?

Gabe Dellinger, Chris Dobbins, Stanley Mills, Latt Moretz, John Peele, David Wallwork

DOUG WILL BE SPEAKING WITH EACH OF THESE TO SEE IF THEY STILL WANT TO SERVE

We do have an application for the position held by David Wallwork.

DAVID WALLWORK ADDRESSED THE BOARD, HE HAS SOLD THE BUSINESS, MOVED TO BLADENBORO A LOT HAS CHANGED IN HIS LIFE AND HE THINKS IT WOULD BE BEST FOR HIM TO NOT SEEK RE-ELCTION, HE IS DOING CONSULTANT WORK FOR WASTEWATER, HAS STARTED NEW COMPANY, HE WILL BE IN HICKORY, HAS BEEN AN ENJOYABLE AND POSITIVE EXPERIENCE WORKING WITH THIS BOARD AND WILL

STILL BE ABLE TO HELP OCCASSIONALLY, HIS PLATE IS FULL RIGHT NOW, HAS 40 YEARS OF EXPERIENCE, DEWATERING IS ONE OF HIS SPECIALITY, CONFINED SPACES TRAINING

Officers up for re-election are: Jerry Pearce, President, David Cooper, Vice-President, Jimmy Shoaf, Treasurer and Monica Rhea, Secretary, MOTION TO KEEP THE OFFICERS AS SLATED ACE POTTER, 2ND CHRIS DOBBINS, APPROVED

3:00 p.m. NCSTA By-Laws:

At the meeting in April it was decided to review/revise the current by-laws to bring them up to date. The last revision was ten years ago. Attached to the agenda are the current by-laws with proposed changes. The proposed deletions from the existing by-laws have been ~~lined through~~ and the proposed additions are underlined. Also attached is a clean copy of the by-laws as they would read with the proposed changes. Once approved by the Board the revised by-laws will be voted on by the General Membership at the business meeting in January.

JERRY ADDRESSED THE BOARD, THE LAST TIME WE ADDRESSED THE BY LAWS WAS IN 2007

Went over each section of bylaws, made some changes, motion to accept new bylaws and present for vote at annual meeting, Keith Blackburn, 2nd David Wallwork , APPROVED

4:00 p.m. Lobbyist/Executive Director Report and 1900 Proposed Rules Review

FOR COMPLETE DETAILS SEE LOBBYIST REPORT REGARDING DERRICKS AND CRANTS, SALES TAX EXEMPTION FOR ALL DISPERSAL PRODUCTS, SALES TAX ON WASTEWATER SYSTEM LABOR, ATTEMPTS IN LEGISLATION, INSURANCE PROPOSAL, LEGISLATIVE OPPORTUNITIES, AND MEMBERSHIP DRIVE ATTACHED TO AGENDA

Included with your newsletter a couple of weeks ago was a copy of the 1900 Proposed Rules Review now being called 18E. Public comment for this proposal ends 10/31/17. Doug, Jerry and Connie went over these line by line, the tank manufacturers have reviewed, soil scientist and engineers have reviewed. Attached to the agenda are suggested objections, comments and revisions. Once the Board has reviewed this summation the comments, if the Board so desires, shall be sent to the membership in a format that they can sign and submit to Onsite during the public comment period.

MEETINGS FOR PROPOSED RULES ARE 9/20 GREENVILLE, 10/2 RALEIGH, 10/4 ASHEVILLE, DOUG WILL BE ATTENDING ALL THE MEETINGS

DOUG WENT OVER PROPOSED RULES AND SUGGESTED COMMENTS/OBJECTIONS INFORMATION IS ATTACHED

LAST DAY FOR COMMENT IS 10/31/17

Motion from Ace Potter to distribute info to members an objection letter with cover letter info on how to act, 2nd David Cooper, opposed Jeff Kerr and Tim Wood. Jeff stated needs more info on the letter doesn't like the letter not having a lot of details. Motion passes.

7:00 p.m. The next Board meeting will be Wednesday January 31st at 5 p.m. in the Board room of the convention center. The Annual Business meeting will be at 5:30 p.m. at the Convention Center.

7:00 p.m. Meeting adjourn. Dinner reservations are at 8:30 p.m. MOTION TO ADJOURN, KEITH BLACKBURN, 2ND CHRIS DOBBINS, MEETING ADJOURNED

**BY-LAWS
OF
THE NORTH CAROLINA SEPTIC TANK ASSOCIATION**

ARTICLE I. NAME

This The Association shall be known as THE NORTH CAROLINA SEPTIC TANK ASSOCIATION, INC., a non-profit North Carolina Corporation. Hereafter referred to as “The Association”.

ARTICLE II. ~~OBJECTS~~ OBJECTIVES

The ~~objects~~ objectives of The Association are as follows:

- a. To advance the standards of ~~1) septic tank and grease interceptor manufacturing, 2) installation, repair, and service of septic tanks, grease interceptors, and portable toilets, and 3) onsite inspectors by working toward the establishment of a uniform state code containing standards for the design, installation and servicing of septic systems; the onsite wastewater industry in North Carolina and to create uniform rules for the protection of the environment, the public health and the investment of North Carolina citizens;~~
- b. To establish ~~throughout the state a relationship among all those concerned with the septage systems industry that will increase the flow of information, not only among members of this association, but among all organizations and agencies having allied objects and purposes; a network of communication with its members and allied organizations and agencies;~~
- c. To establish ~~on a statewide basis a liaison with governmental agencies so that legislation affecting the septage system industry can be enacted, based upon statistics, facts and actual experience; a relationship with the legislative and regulatory authorities that promotes the protection and the advancement of all aspects of onsite wastewater industry and septage disposal;~~
- d. To inform and educate the people of North Carolina as to the value and ~~safety~~ sustainability of septage systems of onsite wastewater systems and septage disposal;
- e. To protect ~~and maintain and advance the environment of the State of North Carolina through the use of sound ecological practices in the manufacturing, installation and servicing of septic systems. Sound technology and sound ecological practices in the establishment of regulations for all individuals involved in the onsite wastewater and septage disposal industry.~~

ARTICLE III. MEMBERSHIP

Section 1. Class of Membership

Membership shall consist of the following classifications and qualifications:

- a. General Membership. General members shall be any person representing a firm, association, corporation or other entity engaged ~~in whole or in part in~~ directly as the manufacture installation, repair, servicing, onsite inspection or maintenance of septic tank systems, grease interceptors, and/or portable toilets- (i) state approved tank manufacturer, (ii) certified installer, (iii) septage management firm permit holder, (iv) certified inspector of onsite wastewater systems. Only General members ~~will~~ shall have full voting privileges. General membership is also a requirement for election to the Board of Directors or Office.
- b. Associate Membership – Any person whose technical or professional expertise is deemed significant; such as professional engineers, licensed soil scientist, site evaluators, and/or site designers ~~involved in site evaluation or system design for onsite wastewater systems.~~ ~~Any person who is employed by local or state health departments will have full access to this Associate membership.~~ The Associate members will not have voting privileges.
- c. Honorary membership – The Association's Board of Directors ~~will~~ may from time to time nominate persons to honorary membership who have performed outstanding accomplishments. There shall be no voting privileges for Honorary members, and term of membership is life.
- d. Supplier Membership – Any person, firm, or corporation doing business with, but not limited to, the general members of The Association. Supplier members shall not have voting privileges.
- e. ~~Special Membership – The Association Board of Directors may create a special class of membership as conditions arise.~~

Section 2. Admission to Membership.

Application for all memberships shall be submitted, in a written form approved by the Board of Directors, to The Association business office. ~~Members Applicants shall be elected to membership or denied membership,~~ by a majority vote of the Board of Directors. All applications for membership shall be accompanied by payment of the required dues and no applications shall be referred to the Board of Directors for action ~~unless the same shall be accompanied by said check for dues or proof of deposit in the Association depository.~~ unless application is complete and accompanied by the proper payment for deposit.

Section 3. Proxies.

Any general member shall be permitted to vote ~~at any meeting~~ upon matters coming before the General membership by a proxy in writing, ~~submitted received by to the Secretary of the office before or at the time of the meeting~~ a minimum of seventy-two (72) hours prior to the meeting. ~~Such~~ Proxies shall be executed before two (2) witnesses.

Section 4. Suspension or Expulsion of Member.

~~—Any member failing to pay dues, or any installment thereupon, for more than ninety (90) days shall automatically be expelled from membership.~~ Any member charged with conduct detrimental to the objects and purposes of the association shall receive written notice of such charges, and shall receive fifteen (15) days' notice of hearing upon such charges before the Board of Directors. After such notice and hearing such member may be suspended or expelled from membership by majority vote of the

Board of Directors. Any members having been expelled from membership for any reason may make application for readmission to membership upon the same terms and conditions as any other applicant, and a two-thirds (2/3) vote of the Board of Directors shall be required to elect such former member to membership. In the event a member is expelled for conduct detrimental to the objects and purposes of the association, application for readmission may not be made sooner than twelve (12) months after date of being expelled.

ARTICLE IV. PRINCIPAL OFFICE

The principal office for ~~the conduct of business of the~~ The Association shall ~~not be at any set location~~ be selected by the Board of Directors and its physical location available on the Association's webpage. All mail for the business of The Association shall be received ~~for the Association at P. O. 35864 Greensboro, NC 27425 5864~~ at 1426 Peter Mabe Rd Danbury, NC 27016, or may at the discretion of the Board of Directors and may be changed from time to time as is necessary at the discretion of the Board of Directors.

ARTICLE V. MEETING OF MEMBERS

Section 1. Annual Meeting.

The annual meeting of the membership of this The Association shall be held in conjunction with the annual Convention at the discretion of the Board of Directors. Notice of the annual meeting shall be mailed to each member of The Association at least thirty (30) days prior to the date of the meeting designating the place at which the meeting shall be held. One of the purposes of the annual meeting shall be the election of the incoming Board of Directors for the ensuing time, all of whom shall take office immediately following the election.

Section 2. Special Meetings.

Special meetings may be held at the call of the President or by written request of a majority of the members of the Board of Directors. General members shall be notified of Special Meetings at least fifteen (15) days prior to the date of the Special Meeting and its location.

~~Section 3. Notice.~~

~~At least thirty (30) days notice in writing of the annual meeting, and at least fifteen (15) days notice in writing of any special meeting shall be mailed to each member of the The Association at their usual place of business or residence.~~

Section 4. Order of Business.

The order of business at the annual meeting of the membership ~~shall be~~ may include:

- a. Roll Call.
- b. ~~Reading of Notice of Meeting.~~
- c. ~~Reading~~ Approval of Minutes of Previous Meeting.
- d. Report of President.
- e. Report of Treasurer.
- f. Administrative Update
- g. Legislative and Regulatory Report.
- h. Reports of Committees.
- i. Report of Election of Officers
- j. Election of Directors.
- k. Transaction and Announcement of Other Business.
- l. Adjournment.

Section 5. Voting.

~~Every voting member~~ Each membership with voting rights of the The Association, in good standing, shall have the right and be entitled to one (1) vote, in person or by proxy, ~~upon every proposal properly submitted to vote at any meeting of the The Association~~ on matters coming before the Annual Meeting or at Special Meetings of the General Membership.

ARTICLE VI. BOARD OF DIRECTORS

Section 1. Number and Term of Directors.

The business, property, and affairs of The Association shall be managed by a Board of Directors composed of up to eighteen (18) persons who shall be general members of The Association. Each Director shall hold office for the term ~~for which he is elected~~ of two (2) years and until his successor is elected and qualified. ~~The Board of Directors shall serve a two year term, and may be re-elected at the end of their term.~~

Section 2. Classification of Directors.

There should be at least three (3) Directors elected by the members of the Association from each of the three (3) regions of North Carolina.

The three (3) regions of the State of North Carolina should be:

~~Region One~~ Mountain Region – Highway 77 to the Western tip of the state.

~~Region Two~~ Central Region – Highway 77 to Highway 95.

~~Region Three~~ Coastal Region – Highway 95 East to the Atlantic Ocean.

In electing the Board of Directors, an equal representation of all areas of the ~~septage onsite wastewater industry~~ should be sought after, both in physical location of the member company and in type of service offered by the member shall be sought whenever possible.

Section 3. Qualifications.

The Board of Directors shall be citizens of the United States of America, residents of the State of North Carolina, and general members of the The Association.

Section 4. Duties of the Board.

The Board of Directors shall transact all business of the The Association. ~~It~~ The Board of Directors shall determine the policies, fiscal matters, ~~employment of staff and other personnel policies~~ staffing, and in general assume responsibility for the guidance of the affairs of The Association.

Section 5. Quorum.

The presence of two-thirds (2/3) Directors, in person or by proxy, shall be necessary for any meeting to constitute a quorum to transact business. The act of a majority of Directors at a meeting when a quorum is present ~~shall be the act of the Board of Directors~~ shall enable the acts of the Board of Directors.

- a. Proxy shall be received by the Administrator a minimum of seventy-two (72) hours prior to the meeting.
- b. Proxy shall designate a voting Director
- c. Proxy shall be signed and notarized

Section 6. ~~Time of Meeting of the Board of Directors.~~

~~Annual meeting of the Board of Directors shall be held immediately prior to the annual meeting of the members each year, and a regular meeting shall be held at least once in each quarter thereafter upon thirty (30) days written notice to the Directors. Special meetings may be held upon the call of the President or by a majority of the Directors. Notice of each special meeting shall be given by the President to each Director not less than five (5) days before the meeting, unless each Director shall waive notice thereof before, at or after the meeting. The Board of Directors shall designate the time and place of regular and special meetings.~~

- a. The annual meeting of the Board of Directors shall be held immediately prior to the Annual Meeting of the members each year.
- b. Board of Directors shall meet a minimum of twice annually. The President shall designate the time and location of each meeting.
- c. The President shall at his/her discretion call a special meeting. The President shall designate the time and location of special meeting.
- d. Physical, video conferencing, and teleconferencing shall constitute a meeting

Section 7. Vacancies.

~~Vacancies in the Board of Directors shall be filled by election by the Board of Directors majority vote of the Board of Directors. Each person so elected to fill a vacancy filling a vacancy shall remain a Director until his successor has been elected by a vote of the membership present, who may make such election at their next annual meeting, or at any special meeting duly called for that purpose the Director's position is complete.~~

Section 8. Power to Elect Officers.

The Board of Directors shall biannually elect a President, a Vice President, a Secretary, and a Treasurer. The Board of Directors shall have the power ~~to appoint~~ elect such other officers ~~and employees~~ as the Board may deem necessary for the transaction of the business of The Association. The Board shall have the power to fill any vacancy in any office occurring for any reason. ~~whatsoever.~~

Section 9. Removal of Directors and Officers.

Any Director ~~of~~ or Officer may be removed by two-thirds (2/3) vote of the other members of the Board of Directors whenever, in the judgment of the Board, the best interest of The Association will be served thereby. No Director or Officer shall be so removed unless and until ~~he shall have had~~ there is due notice of the charges against the Director and opportunity to be heard by the Board of Directors.

Any Director or Officer that is absent from two (2) consecutive ~~quarterly~~ meetings shall be notified in writing that ~~his~~ their position ~~will~~ may be ~~presented for vote of removal~~ reviewed at the next meeting. ~~The Board of Directors shall at that meeting review the circumstances leading to the absences and shall take a vote for removal of said Director or Officer.~~

ARTICLE VII. OFFICERS

Section 1. Officers.

The Officers of the Board of Directors shall be the officers of The Association. They shall consist of the President, Vice President, Secretary, and Treasurer, all of whom shall be members of the Board of Directors. Each officer shall be elected to hold office for a period of two years with no maximum term limits.

Section 2. President Duties.

- a. A president may be elected from any region or any sector of the onsite wastewater industry allowing General Membership.
- b. The President shall:
 1. Preside at all meetings of the Board of Directors;
 2. Make all committee appointments;
 3. Be a member ex-officio of all committees;
 4. Perform all other duties usually pertaining to the office of President.

Section 3. Vice President.

The Vice President shall:

1. Preside at all of the meetings of the board of Directors in the absence of the President;
2. Perform all such other duties usually pertaining to the office of vice President.

Section 4. Secretary.

The Secretary shall:

1. Record the minutes of all meetings;
2. ~~Write up the minutes as soon as possible after each meeting;~~ Provide written minutes to the Administrator and President within fourteen business days after the meeting
3. ~~Confer with the President for possible omissions ;~~
4. ~~Have custody of the seal of the The Association;~~
5. ~~Give notices of all meetings required by statutes, by laws, and resolutions;~~
6. Take attendance record at meetings;
7. ~~Maintain committee reports;~~
8. ~~Carry on all necessary correspondence of the corporation;~~
9. Perform such other duties, as may be delegated to him/her by the Board of Directors.

Section 5. Treasurer.

- a. The Treasurer shall:
 1. Be custodian of all funds and securities of The Association and collect interest thereon;
 2. Keep a record of the accounts of The Association and report thereon at each regular meeting of the Board of Directors;
 3. Make reports at annual meetings and special reports when requested by a majority vote of the Board of Directors;
 4. Prepare checks for invoices and send out said payments
 5. ~~Deposit all monies of the The Association in the bank or banks designated by the Board of Directors, subject to withdrawal for authorized purposes, upon the joint signatures of two officers, one of whom shall be the Treasurer;~~
 6. Prepare and file reports and returns required by all governmental agencies.
- b. ~~The detailed bookkeeping of the The Association shall be performed by the Treasurer with periodic reports provided to the Board of Directors.~~
- e. The Treasurer's accounts and bookkeeping records ~~shall may~~ be studied ~~annually, at the direction of a majority vote of the Board of Directors~~ by an outside firm. as soon as possible after the end of the fiscal year, said study of financial activities to be completed and delivered to the Treasurer no later than September 15 of each year.
- d. It shall be the role of the ~~Consultant~~ Administrator to assist the Treasurer with all reports of any type and nature.

Section 6. Executive Committee

Executive committee shall be comprised of the Officers of the Board of Directors

Section 7. Regional Committees

Regional Committees may be established in each of the three (3) geographical areas defined in Article VI of these By-Laws at the discretion of the President.

Regional Committees shall:

- a. Organize and administrate meetings for the benefit of the Association in their respective areas.
- b. Integrate the information, proposals, and reports originating from the General Members in their area.
- c. Prepare a written report to the Board of Directors at the regular and specially called meetings.
- d. Prepare articles of information for the newsletters and webpage of the Association
- e. Work with the Legislative & Regulatory Liaison to prepare proposals for advancements of the objectives of the Association.

Section 8. Past President

Past President shall serve on the Board of Directors in an ex-officio capacity and shall participate in discussion, serve as mentor to Officers/Directors as needed and serve as ambassador for the Association promoting good public relations. Past President shall not have voting power.

ARTICLE VIII. STAFF

Section 1. Staff

- a. The Board of Directors may contract with an Administrator Consultant. The consultant Administrator shall report directly to the President. ~~shall be responsible to the Board of Directors for the performance of the duties connected with his office and shall be the administrative head responsible for all staff, subject to the approval of the Board of Directors.~~ In such capacity, the Consultant Administrator shall be responsible for the efficient operation of The Association, shall represent The Association at conferences and conventions and before governmental agencies, either with Board members or as the sole representative; shall be present at regular or specially called Board meetings. ~~without vote,~~ and shall give regular reports to the Board. All other staff members shall recognize their responsibility to the Consultant Administrator.
- b. The Administrator shall receive funds payable to the Association and shall deposit all funds of The Association in the bank or banks designated by the Board of Directors.
- c. The Board of Directors may contract with an Executive Director to serve as a Legislative and Regulatory Liaison for purposes of representing the Association at conferences, conventions, and before governmental agencies, either with a member of the Board of Directors or as the sole representative. The Executive Director shall report directly to the Executive Committee. In the duties of the Legislative and Regulatory Liaison, the person shall act to protect the Objectives defined in Article II of these By-Laws; to promote growth within the on-site wastewater industry; to prepare legislative and regulatory advancements; to assist in the development of the Annual Convention and regional meetings; to report at regular and specially called meetings.
- d. Compensation. Compensation of ~~all employees~~ all contractors including the Consultant Administrative Director and The Executive Director shall be reviewed and ~~decided upon the Board of Directors~~ and approved by the Board of Directors.

ARTICLE IX. FISCAL YEAR

The fiscal year of The Association shall ~~begin on August 1 and end on July 31 of the following year~~ be the calendar year.

ARTICLE X. LIMMITATION OF EXPENDITURES, CONTRACTS AND OBLIGATIONS

Section 1. Treasurer.

Any expenditure over \$5,000.00 for any non-budgeted item shall be approved by the Board of Directors.

ARTICLE XI. DUES AND ASSESSMENTS

Section 1. General Members, Associate Members, and Supplier Members

~~General members of The Association~~ shall pay minimum dues of \$300.00 per year.

~~Section 2. Associate Members.~~

~~Associate members shall not pay less than \$100.00.~~

~~Section 3. Supplier Members.~~

~~Supplier members shall not pay less than \$300.00.~~

Section 2. Honorary Members.

Honorary members shall pay no dues, and honorary membership will be awarded to persons who assist the industry.

~~Section 5. Special Members.~~

~~The Board of Directors may create a special class of membership and set an annual fee as conditions arrive.~~

~~Section 6. Assessments.~~

~~Assessments of general members shall be uniform. Taking into consideration of each member's degree of participation in the septic tank industry, contribution to the objects and purposes of the The Association, and such other matters and things as the Board of Directors shall deem proper.~~

Section 7. Amendment of Dues.

Board of Directors shall review ~~amounts assessed for membership on a bi-annual basis and shall make adjustments to the amounts based on current economic situations~~ dues structures. Board of Directors shall have the authority to change, either increasing or decreasing, the said ~~assessment of dues at its sole discretion~~ structure.

Section 8. Membership Period.

Membership shall be effective from NCSTA annual conference to NCSTA annual conference.

Amended at Board of Directors and Annual Members Meeting September 15, 2017.

LOBBYIST REPORT

SEPTEMBER 15, 2017

DERRICKS AND CRANES

After a long time struggle, the NCSTA received word from Washington DC and OSHA that there had been a decision made on the requirement of certification for Monorail delivery trucks under the Derricks and Cranes rule. On June 30, Dean McKenzie, Director of Construction issued a memorandum that while OSHA recognizes that there are workplace hazards involved with this particular equipment, they intend to exercise their enforcement discretion by NOT citing employers for failing to achieve compliance with the crane standards. The Employers must continue to use the outriggers, etc. that are prescribed by the equipment manufacturer, must continue to train their employees on the equipment and qualify each operator to safe operation, and must continue to comply with all other OSHA rules. In light of this ruling, it would be in the best interest of the NCSTA to include the training provided by the NCDOL per general construction rules. This will be included in the 28th Annual Convention. This is not an exclusion to the Rules, but in light of the nature of the equipment still remaining under the Derricks and Cranes rules, the policy of the Feds is as good as we should hope for. Without a doubt, this is a huge win for the septic tank industry. THANKS TO ALL THE MEMBERS WHO PARTICIPATED WITH THIS EFFORT AND THE MEMBERS OF THE NORTH CAROLINA CONGRESSIONAL DELEGATION WHO CONTACTED OSHA ON OUR BEHALF.

SALES TAX EXEMPTION FOR ALL DISPERSAL PRODUCTS

On July 20, 2017, House Bill 548 was signed by the Governor. The new law ends the sales tax exemption for Accepted Products and gives tax exemption to sales of ALL wastewater dispersal products listed by the Onsite Water Protection Branch. The list can be found on the website for the Onsite Water Protection Branch. The Seller is NOT responsible for obtaining forms from their customers, and only has to make reasonable substantiation that the product is, in fact, on the list. In certain cases, the Buyer does not have to attest that the products will even be used in a wastewater system. In most cases, things like chamber, polystyrene products, T & J, and wrapped Large Diameter Pipe are used almost always in septic tank systems, but there are a few products listed that may have varied uses. This Law was an effort by the NCSTA, Infiltrator Water Systems, and Crumpler Plastic Pipe to make the sales tax exemption equal for all wastewater dispersal products. The sales tax exemption is estimated to reduce the funds to the State of North Carolina by two million dollars (\$2,000,000) annually.

SALES TAX ON WASTEWATER SYSTEM LABOR

During the last Session, Senate Bill 628 was passed that, once again, sought to clarify the sales tax on labor. While the wastewater industry is mentioned, it's the "interpretation" and "policy statements" by the NC Dept. of Revenue that are to be reckoned with. There are few changes in the actual wording of the law; there are attempts to clarify the law's impact and the scope of work that is taxed or not taxed. Like most other business lobbyists, we are constantly asking the "what if" questions. The NC Homebuilders Association, for example, is giving a special presentation at their Convention in October as it concerns their contractors and subcontractors. The latest Newsletter has a listing of septic tank activities that would be exempt and some that are taxable. Even as clear as we tried to make this scope of work comparison, some of the activities still lack clarity. This isn't specific to our industry. On Sept. 6, the DOR

issued another document that gives a Grace Period for persons that, in error, did not pay the appropriate tax. We are still trying to get written clarification for our cloudy issues.

ATTEMPTS IN LEGISLATION

During the last Session, several issues arose that brought us into the legislative process. Some were very controversial and arose because of the tension between certain local health departments and the Onsite Water Protection Branch. These attempts were mostly removed from consideration, but should be on the record. Here's what was tried:

- Change definition of "Repair" where the activity did NOT include the replacement of a damaged distribution device. The OSWP fought against this, as well as certain LHDs.
- Issue the OP upon written release by the certified Installer that all the conditions of the CA have been met. The OSWP and others thought this was interfering with the authority of the LHD.
- Make the IP and CA conditions that were required by the LHD and installed by the Installer the determining factor for approval. Currently the LHD can deny the issuance of the OP if the next LHD agent says the permit shouldn't have been issued and insists on corrections at the Owner's expense. The OSWP and certain LHDs fought against this proposal, wanting to retain the ability to second-guess their own employees.
- The proposal was to give the LHDs the ability to use their own "historical experience" to provide flexibility in administration to the State rules. The OSWP and certain LHDs fought aggressively against this, saying it weakened State rules. In reality, there are only 3 counties with local rules, leaving the rest of the State to supposedly follow the State rules. Everyone knows that LHDs are already giving their own opinions and interpretations as they see fit. They just seem to not want to make it official. Even when the proposal said the Department must find these modifications to be sufficient to safeguard public health. Interestingly, the rules allow the LHDs to use "Best Professional Judgement" when repairs have to be done to malfunctioning systems, but they refuse to offer "Best Professional Judgement" to new permits.
- The proposed legislation wanted the rules for evaluating soils types and establishing limitations to NOT be based solely on gallons per day. Some LHDs wanted this cap lifted, saying it was not a matter of hydraulics but of adequate space.
- Certain LHDs want to remove the requirement of the site having sufficient room for a 100% replacement system for sites of 480 gpd or less. This was proposed by a local health department along the coast, and while this is a burden to development, especially where land is high and sites are small, it has to be seen that sites in the Piedmont or the Mountains may need the replacement area. It is a safeguard for the homeowner, many of who abuse their systems and cause early malfunction.
- Legislation was put into action that would give a permit extension to sites with permits that had expired due to the Recession. This legislation said that permits written from January 1, 2000 to January 1, 2015 would be good until January 1, 2020 as they were originally permitted. The OSWP and certain LHDs fought against this but the language was removed and reinserted into a Bill that passed. The Governor vetoed the Bill, saying the LHD's should have the ability to "revisit wastewater permits." The General Assembly did not place this on the calendar for addressing this veto. The reasons given by the OSWP and LHDs were addressed in the legislation but the bottom line is that they wanted the ability to receive new application fees and to perhaps re-evaluate the property in case errors were made in the first permit.

Obviously, some of these and others will be brought up again. Once the final proposed Rules changes are in place (or not), we will have a clearer path of a legislative agenda.

INSURANCE PROPOSAL

The NCSTA has been repeatedly asked by our members about the possibility of getting better deals on insurance. I met with a representative from Rakestraw Insurance, who had been recommended by members and other industry groups. They are preparing a presentation for the Board of Directors. If the Board chooses to receive this presentation and accept Rakestraw Insurance as our preferred provider (so to speak), the effective date would be January 1, 2018. As soon as the offer is prepared (they are farming the coverage out to multiple insurance companies), they will discuss the proposal with the Board of Directors. As a preferred provider of the NCSTA, the premium reimbursement back to the Association would be one percent (1%) of the total premiums. If the NCSTA membership has less than target Loss Ratio, there would be additional reimbursement. This would be an added benefit for being a member of the NCSTA and could provide greater membership. The reimbursement could be used for scholarships, legislative efforts, or anything else that is approved by the Board.

LEGISLATIVE OPPORTUNITIES

Opening doors with elected officials is easy: (1) Know more about your industry than they do, (2) Know how to present what you want in the terms of how it would help their constituents, (3) be honest, protect your reputation, and (4) get the right ones elected. It takes money to get them elected and more importantly re-elected. All votes are important, but being in good with the leadership and Committee chairmen is really important. Right now, the General Assembly has a majority of Republicans in the House and Senate, but some of our biggest supporters are not coming back. The Senator that led the way for Sales Tax Exemption for all wastewater dispersal products has resigned, the House member that led the way on the Engineer Option Permit has resigned. Two other Senators have announced they will not file for re-election. Bottom line, we need to identify our friends and get to their fundraisers. It costs money to make this happen, but it works. Two Senators will have fundraisers soon: Senator Tom McInnis is having an event in Lexington at Claybreakers in September; Senator Brent Jackson will have a major event in Sampson County in October. McInnis is Chair of the Senate Transportation Committee; Jackson is the big Agriculture Senator and one of the Senate Budget Chairs. In the House, Rep. Dean Arp in Union County is also a structural engineer that is well positioned and knowledgeable. Obviously any contributions to House and Senate leadership would help them recognize our industry.

MEMBERSHIP

In light of everything that the NCSTA does for the wastewater industry in North Carolina, especially during the last two years, and the progress we can hopefully continue, we should begin a Membership drive immediately, starting with the remaining regional classes. We have as members most of the tank manufacturers and they have the ability to reach out to their customers in a relationship that promotes the NCSTA. The Value of membership should be emphasized and the Investment in a Trade Association to help their individual businesses profit must not be overlooked. With the numbers of small to medium size businesses in North Carolina, there should be over 1000 members in the NCSTA. Our \$300 a year membership is less than \$1 a day.

RULES PROPOSAL 15A NCAC 18E

Please see immediate comments. We have sent notices to our friends in the Soil Science and Engineering fields, as well as the Manufacturers of Treatment Products.

At the last meeting of the Commission for Public Health, Nancy Deal and Tricia Angoli presented the Fiscal Note for the latest Draft of the proposed Rules. I had prepared and delivered to the Commission the concern that the industry had not seen the latest Draft and to ask the Commission to vote to accept the Fiscal Note without having the ability to inspect the document side-by-side with the text should be unacceptable. I was asked by Larry Michael, Nancy Deal's immediate superior, and John Barkley, attorney for the AG's office assigned to the Commission, to have a private discussion. Along with Nancy Deal, Tricia Angoli, Mr. Michael and Mr. Barkley, I was informed that the procedure was necessary to move forward with the proposed Rules essentially that the Fiscal Note had to be approved before the text could be put into the North Carolina Register. I still found that hard to believe, but agreed knowing that the timetable was going to start sometime and we had to move forward with this proposal. I agreed to let the Commission move forward and the Fiscal Note was voted on and accepted. The text was included in the Sept. 1 issuance from the NC Register.

There have been two "listening" meetings and one "real" public hearing set for these proposed Rules.

- Sept. 20 Pitt County Cooperative Extension Agricultural Auditorium,
403 Government Circle, Greenville, NC (Occupancy 190)(Listening)
- Oct. 2 Division of Public Health, Cardinal Room, 5605 Six Forks
Rd., Raleigh, NC (Occupancy 70)(Public Hearing)
- Oct. 4 AB Tech Asheville Ferguson Auditorium, 340 Victoria Rd.,
Asheville, NC (Occupancy 400)(Listening)

The immediate first-round concerns are mentioned in the attachment. I plan to be at all 3 meetings.

Written comments go to Chris Hoke, legal counsel for the Commission for Public Health, and may continue until Oct. 31, 2017.

Please refer to attachment 150B-21.3 for procedures for Letters of Objection and Legislative Review.

Proposed Rules to Replace 1900 Rules Comments, Suggestions and Objections

COMMENT I:

15A NCAC 18E .0105

Page 12 Line 20 (70) “Septic Tank” means a watertight covered receptacle designed for primary treatment of wastewater and constructed to:

COMMENT: The septic tank was once defined more accurately as a watertight and structurally sound. This has disappeared for no apparent reason and should be added back into the definition.

SUGGESTION: (70) “Septic tank” means a watertight, structurally sound, covered receptacle designed for primary treatment of wastewater and constructed to:

COMMENT II:

15ANCAC18E .0105

Page 13 Line 32 (86) “Third-party” means a person or body engaged in testing or evaluation that may be compensated for their work product that is independent of the parties for whom testing or evaluation is performed and does not otherwise benefit regardless of the outcome. The third-party person or body had knowledge of the subject area based upon relevant training and experience.

COMMENT: The question of third parties and third party reports that are prepared to fulfill requirements of laws or rules have been constantly addressed. It’s a fine line between independence and relationships that cloud the ability of the person to fulfill their obligation. IF the proposed Rules are installed into Permanent Rules of North Carolina, the Department should write into the Rules the ability to review the Third-Party Report and be informed of ALL the testing sampling and evaluations, not just the ones entered into the report.

SUGGESTION: ADD TO END OF DEFINITION: The Department shall be notified of all sampling and test data within 30 days of the testing by the Third Party and shall review the Annual Report for compliance with existing rules. The Department may suspend an approval if testing or evaluation fails to meet minimum standards within these Rules until such time as subsequent reports are reviewed.

COMMENT III:

15A NCAC 18E .0202

Page 15 Line 3

(c) A complete application for an IP, CA or existing system authorization shall expire 12 months from the date of application.

COMMENT:

Unnecessary and burdensome: In proposal 15A NCAC 18E .0203 (a) Upon receipt of a complete application for an IP, an authorized agent shall evaluate the site to determine whether the site is suitable... . This correctly indicates that the LHD, upon receipt of a complete application will act on it accordingly. The owner would not turn in a complete application unless they wanted action on it. And if the LHD were not to be able to act on a complete application in a 12 month window, this should not be cause for the application to expire.

SUGGESTION:

Eliminate (c). Unnecessary. A complete Application should be acted upon by the local health department.

COMMENT IV:

15A NCAC 18E . 0202

Page 15 Line 37

Eliminate in (2) identification of the proposed use of a ~~garbage disposal~~ grinder pump or sewage pump, and

COMMENT:

This inclusion of a garbage disposal in the household is noted for action here and on Page 63 where the proposal calls for an increase in the size of the septic tank. This potential increase in solids (which is a matter of use of the garbage disposal) is a matter of increased maintenance more than it is increase size capacity. This additional information is unnecessary.

AND ELSEWHERE

Page 63 Line 8

Eliminate Table Column for additional tank volume with garbage disposal.

COMMENT:

This Column requires a substantial increase in septic tank capacity. There is a possibility of additional food solids going into the septic tank when a garbage disposal is added to the kitchen routine, but there will be little way for the LHD to verify the information and affect the proposed change. And the added food solids in the septic tank will result in increased maintenance, especially since there is a requirement of an effluent filter in all septic tanks.

COMMENT V:

15A NCAC 18E .0204

Page 18 Line 28

(j) Upon written request of the owner, revised CAs shall be issued for the sites where the CA is greater than five years old and current technology can be expected to improve the wastewater system performance.

COMMENT:

First, if the CA is greater than five years old, this site must have been applied for with a plat, which is good without expiration. If the owner does NOT request a re-evaluation of the site, regardless of the LHD information that there is current technology that can be expected to improve the wastewater system performance, is it within the authority of the LHD to withhold the OP if the installation follows the construction conditions of the existing CA? If the LHD can withhold the issuance of the OP because

there is, in their opinion, newer technology that can improve the system performance without regard to additional cost to the owner, then the permit with a plat (without expiration) isn't really without expiration.

Suggestion: (j) Upon written request and acceptance of the owner, revised Cas shall be issued for the sites where the CA is greater than five years old and current technology can be expected to improve the wastewater system performance.

COMMENT VI:

15A NCAC 18E .0205

Page 19 Line 3 this Subchapter and any conditions of the IP, CA.

COMMENT: This is a continuing problem for the property owner. A much too recurring story across North Carolina is that the IP and CA is issued by an authorized agent, the system is installed per the conditions of the IP and CA, and then another authorized agent comes to the site and threatens to deny the OP unless changes are made, sometimes saying that the IP or CA should never have been issued. The Owner is forced to invest more money into the project or lose the project. While no person is expected to never make a mistake in the site evaluation, there should be remedies that are available to the Owner instead of (1) making the necessary corrections at their sole cost, (2) Request the arbitration by the regional specialist from the OWPB, or (3) hire a lawyer. All three options require additional costs to the owner, with no apparent responsibility on the part of the authorized agent. It may be as simple a solution as assignment of an authorized agent for all permit visits. There has been noted reasons by the OWPB that "errors may have been made" which is true.

Solution: ~~this Subchapter and any conditions of the IP and CA.~~

COMMENT VII:

15A NCAC 18E .0205

Page 20 Line 2 (h) For a Type V or VI systems as specified in Table XXXI of Rule .1301 of this Subchapter, the OP shall expire five years after being issued.

COMMENT: *This is an unusual approach to verifying the performance of Type V and VI systems, or any treatment systems that has been capitalized and providing wastewater service. Simply, what does five years have to do with it? The systems are to have a frequent inspection and sampling program in place, and the local health departments should be receiving Operator reports and lab samples. So the verification program should not have a finite date of expiration, instead the consistent and constant operator program should give all the information needed to have ongoing performance. Is this a method of funding for the local government? The legislation for Periodic Review and Elimination of Rules was not passed to provide a method of raising fees.*

SUGGESTION: Eliminate (h) as it sets a finite expiration of the permit, whether the system is working or not. Instead, make sure the current Operator program, with the local health department and the Department receiving the required reports and lab reports is supported.

COMMENT VIII:

15A NCAC 18E .0205

Page 20 Line 10 (k) When an OP expires or is revoked a new application shall be required prior to evaluation for a new IP, CA, OP, or existing system authorization.

COMMENT: *This appears to refer to Page 20 Line 2 where Type V and VI systems would expire in five years. As suggested above, if the system is functioning in compliance with the permit, why should the system permit expire.*

SUGGESTION: *Eliminate (h). The system should not have an expiration date, and a system that is revoked due to non-compliance, then the site would have to have a new permit anyway, as noted in other parts of this Subchapter.*

COMMENT IX:

15A NCAC 18E .0207

Page 22 Line 30(l) The LHD is responsible for the following activities related to the EOP system:

COMMENT: *The responsibilities listed for the LHD does not appear to have attendance at the Post-Construction Meeting.*

SUGGESTION: *Verify that this attendance is continued to be required by Rule.*

COMMENT X:

15A NCAC 18E .0401

Page 32 Line 3 (h) HVAC machine or ice machine condensate, gutter or sump pump discharge, or similar incidental flows shall not discharge to the wastewater system.

COMMENT: The specific items mentioned should include the machine that maybe impacts the wastewater system the most, the back flush from the water softener.

SUGGESTION: *ADD: water treatment system back flush line.*

COMMENT XI:

15A NCAC 18E .0601

Page 54 Line 1 (a) Every wastewater system shall be located the minimum setbacks from the site features specified in Table IX.

COMMENT: *While most of these site features are to be expected at the site prior to the IP or CA being designed and sited on the property, why is the wastewater system to respect the location of things like the well location or the location of a geothermal system? Most logic would indicate that the site should be placing the location of the wastewater system as the priority and then the well and geothermal system meet a setback to the wastewater system.*

SUGGESTION: *Re-examine the site features in Table XI and make sure the proper order of locating water/wastewater features is met. Since the owner is not to infringe on the repair area, this would extend to the repair area as well.*

COMMENT XII:

15A NCAC 18E .0801

Page 63 Line 8 TABLE XIII

COMMENT: *This table for septic tank sizing includes a column for the required increase in septic tank size when the site includes a garbage disposal. This is an unfounded expense to the homeowner. As stated in the comments from page 15 Line 37, the issue is more of maintenance than septic tank sizing. The*

Department cannot verify the amount of use of the garbage disposal. As a maintenance issue, the owner would be liable for the amount of use, if any, in the household.

SUGGESTION

Eliminate the column for increase size for garbage disposals.

COMMENT XIII:

15A NCAC 18E .0802

Page 64 Line 21

(2) Equal to two-thirds of the septic tank capacity in Groups I, II, or III soils; or

COMMENT:

This is a new sizing formula and creates some confusion. How does this apply to the configuration necessary for the items in (3).

SUGGESTION:

Eliminate (2).

COMMENT XIV:

15A NCAC 188E .0805

Page 67 Line 14 15A NCAC 18E.0805 TANK STRUCTURAL INTEGRITY & LEAK-TESTING REQUIREMENTS

COMMENTS:

On (a) the Quality Control Program proposed to be required by the Department develops the ability to select a QA verification by material of manufacture, not as a method of performance to be equally applied to ALL tanks. This has been one of the basic requirements for the North Carolina Septic Tank Association in approaching the Periodic Review and Elimination of Rules. Specifically:

Page 67 Line 14

(a) Ten percent of all tanks installed in each county shall be tested for structural integrity on the job site or at the tank yard using a method approved by the State for the specific material used construction.

COMMENTS:

This deliberately establishes separate methods of Quality Assurance for the type of materials used in manufacture. And in the case of (1) creates a system most likely to be used by North Carolina manufacturers using precast concrete, where 10% of the tanks in every county shall be tested for structural integrity. Under this language, does 10% mean that the 1st tank or the 10th tank delivered to the county meets the requirement? And this is the only QA program listed that would be able to be verified by an authorized agent of the Department. A proposed third-party QA program may be the most appropriate for a manufacturer of tanks marketing in many locations across the United States and the most cost-effective. However, it would still be impossible for this to be considered equal to 10% in every county of North Carolina. The Department continues to offer instruction to their authorized agents on how to verify structural integrity for precast concrete tank, while the Department personnel has maintained that neither the local government nor the Department has the expertise or the equipment to verify the structural integrity of the thermoplastic or fiberglass tanks. The bottom line is that the Department acknowledges to its authorized agents to only test precast concrete tanks.

SUGGESTIONS:

While increasing the quality program for tank manufacturers could actually be a good thing for the industry, the Department has not only failed to propose a program that produces equal performance; they seem to have proposed a scenario that purposely offers a verification program that will only affect tank manufacturers within North Carolina whose tanks are manufactured with concrete. THE SUGGESTION IS TO ELIMINATE ALL OF (a).

COMMENT XV:

(B) Allow the tank to sit for 24 hours if the tank is made of materials that absorb water (such as concrete) and refill to the tank outlet.

COMMENT:

This language is unnecessary and burdensome to the specific material mentioned (concrete) and purposely omits the knowledge that active leaks (VISIBLE FLOWING AS DESCRIBED IN (E) OF THIS SUBSECTION) will immediately be noticed by the authorized agent. Most likely, the Department has allowed that proposed rule to be written by tank manufacturers other than concrete manufacturers. This language is new for the proposals and was not noted in past Drafts or discussions with tank manufacturers or in the comments sent by stakeholders in past comment period.

SUGGESTION:

ELIMINATE (B).

COMMENT XVI:

2.5 inches of mercury.

COMMENT:

If a tank is to be test for structural integrity, it should be verified that the initial approval for the tank is being followed. This is NOT 2.5 inches which amounts to only an approximate 144 pounds per square foot, not the required 300 pounds per square foot. This proposal is NOT a verification for structural integrity and the Department should be questioned as to where this proposal originated from, certainly not a qualified engineer.

SUGGESTION:

~~2.5~~ five inches of mercury for two minutes.

The rules of 300 pounds per square foot in addition to all loads to which an underground tank is normally subjected, as noted in this proposal in 15A NCAC 18E .1403, has been the historical standard. Five inches of mercury for two minutes is the closest rate of vacuum pressure to achieve this. Per our figures, four inches of mercury equals 288 psf, five inches of mercury equals 360 psf. So if the historic structural verification standard is 300 psf, in addition to all other loads to which an underground tank is normally subjected, then the five inches of mercury for two minutes should be the standard. AGAIN, WHERE DID THIS PROPOSAL ORIGINATE FROM AND WHY DOES THE DEPARTMENT CONSIDER THIS A STRUCTURAL STANDARD?

COMMENT XVII:

(d) The control panel shall be mounted 36 inches above finished grade, within 50 yards of and in direct view of the pump tank. The control panel shall always be accessible.

COMMENT:

The increase in height from 12 inches above finished grade to 36 inches above finished grade will be easier for the Operator, which is semi-annually for most systems, just a few hours each year. This proposal means the homeowner is faced with the obstruction 24/7/365 and will not be accepted by the majority of the homeowners. The added distance of the control panel to the pump tank is unnecessary, just say adjacent.

SUGGESTION:

(d) The control panel shall be mounted ~~36-~~ 12 inches above finished grade , ~~within 50 yard of and in direct view of the pump tank.~~ and adjacent to the pump tank.

COMMENT XVIII:

15A NCAC 18E .1103

Page 94 Line 14 (1) 18 inches of effluent shall be maintained in the bottom of the pump tank.

COMMENT: Where does 18 inches come from? The subsequent requirements give the actual depth of the pump tank for the sake of the pump. His language says 18 inches, not a minimum of 18 inches or anything that would differentiate between the pump design.

SUGGESTION: (1) ~~18~~ A minimum of 12 inches of effluent shall be maintained in the bottom of the pump tank.

COMMENT XIX:

15A NCAC 18E .0901

Page 72 Line 16(13) appropriate site-specific vegetation shall be established over the wastewater system and repair area.

COMMENT: This is not a responsibility of the installer, but the Owner's. This sub-section is under Installation Criteria.

SUGGESTION: Eliminate (13) and if necessary place it under Owner Responsibility.

COMMENT XX:

15A NCAC 18E .0902

Page 73 Line 6 (5) aggregate shall be accompanied by a bill of lading labeled as drainfield aggregates which certifies that the aggregate meets the requirements of this Rule. The installer shall provide a copy of the bill of lading as documentation of the type and quantity of aggregates installed.

COMMENTS: This is unnecessary and burdensome and proves nothing. This is another attempt by manufacturers of other dispersal products to add hurdles to the installer choosing to use rock and pipe. In fact, installers order natural aggregates by tonnage, and the tonnage is dependent on the specific gravity of the aggregate from the specific quarry. So, the amount of square footage needed in the drainfields cannot be accurately related to tonnage.

SUGGESTION: Eliminate (5). It is not worthy of even being in the proposed Draft, however its very inclusion in the Department's proposal is another indication that the Department is allowing certain product manufacturers to influence decisions.

COMMENT XXI:

15A NCAC 18E .1401

Page 121 Line 21 (1) structural testing of a tank to a vacuum of four inches of mercury for five minutes

COMMENT: Structural testing of 300 psf in addition to all other loads that an underground structure may be subject to (in plain English greater than 300 psf) would be five inches of mercury, not four. This has been the standard set by the Department for over a decade. It is apparent that a thermoplastic tank manufacturer has commented (during the stakeholder comment period) that they were "concerned with the safety of their employees if they were required to test their tanks to five inches of mercury" and more interesting, that their literature used for their approval

states that the tanks are not to be subject to over four inches of mercury. This means that the Department approved a product that did not meet the standards set for other like products. To make the initial design structural testing protocol more curious is that, by normal engineering standards, an initial design test is the standard (five inches of mercury) times a Safety factor, usually 1.4 to 1.5, meaning the design test should be seven inches of mercury.

SUGGESTION: (1) structural testing of a tank to a vacuum of ~~four~~ five inches of mercury for five minutes

COMMENT XXII

15A NCAC 18E .1401

Page 121 Line 24 (2) After completion of the vacuum test requirement in Subparagraph (f)(1) of this rule, the tank shall be subject to a water test...

COMMENT: Unnecessary and burdensome. Once the structural test of application of a vacuum is completed successfully, the design is adequately found to be structurally sound, but also sealed, since a vacuum cannot be achieved if the tank were leaking.

SUGGESTION: Eliminate (2).

COMMENT XXIII:

5A NCAC 18E .1402

Page 122 Line 9 (a) Tanks shall be watertight and not subject to excessive corrosion or decay.

COMMENT: As per suggestion in Definitions (page 7 line 20), add “structurally sound”

SUGGESTION: (a) Tanks shall be watertight, structurally sound, and not subject to excessive corrosion or decay.

COMMENT XXIV:

15A NCAC 18E .1402

Page 122 Line 26 (7) Inlet and outlet pipe penetrations shall be through a resilient, watertight, sealed, non-corrodible and flexible connective sleeve. The connective sleeve shall meet ASTM C 1644.

COMMENT: The addition of a flexible, connective sleeve as described to inlet pipe penetration is without a doubt an added benefit to the installer or plumber, but one that is realistically burdensome on a vast majority of tank manufacturers who will be forced to modify their tank forms to accommodate the addition. The cost of this addition was noted by the Department in their Fiscal Note to the Commission to be only the material cost of the flexible sleeves, not the actual costs of retrofitting the forms. Since the rules concerning the development of the Fiscal Note include that errors in the Fiscal Note do not necessarily invalidate the Fiscal Note, the error by the Department to not consider this expense may not cause the process to stop.

The addition of the flexible sleeve to the outlet port came about because of the requirement of the effluent filter. It was realized that the added weight of the effluent filter plus the pressures caused by the removal and replacement of the filter during service would perhaps cause the cemented outlet pipe to loosen. It was also realized that the location of the outlet pipe, right at the level of the wastewater, would cause leakage if that seal were to break. In the case of the inlet, there is no effluent filter to add weight, no pressures from service, and the inlet invert is two inches above the level of the wastewater.

SUGGESTION: Eliminate (7) and return to just the requirement on the outlet end detailed in (10).

If this is not reconciled, the Department should be required to offer at least two alternatives to this proposal, especially to the tank manufacturers in the Eastern part of North Carolina who use sloop-top tanks. The addition of the inlet sleeves to any side (not the end) is not possible without costly modifications. The proposal that the Manufacturer could have different inventories for sites needing side entry is not plausible, so this should not be under consideration.

COMMENT XXV:

15A NCAC 18E .1402

Page 123 Line 5(B) the partition shall be designed to remain in position when subjected to a liquid capacity in one compartment.

COMMENT: This requirement does not fulfill the requirement of this subsection as it speaks to design and construction. There is also an unusual standard set. The partition is later described to have a 4 inch slot or equivalent located from 25% to 50% of the liquid depth, and there is the 2/3 to 1/3 compartment design. So a partition could pass this requirement by subjecting it to liquid capacity found in 1/3 the liquid depth of a 1000 gallon tank (333 gallons) when the partition is 25% of the total interior height (.25 x 333 gallons). So the minimum would be .25 x 333 x 8.33 (weight of water per gallon) = about 693 pounds. Not exactly a structurally sound partition, not 300 psf.

SUGGESTION: (B) the partition shall be designed, manufactured, and installed to remain in position and shall be constructed to withstand a pressure of 300 psf.

This will make sure there will be a sustained two-compartment design throughout the life of the septic tank and the service of the septic tank.

COMMENT XXVI:

15A NCAC 18E .1301

Page 113 Line 24 TABLE XXXI

<u>Va</u>	<u>Fixed Media Advanced Pretreatment</u>	Oper. Visit 2/yr.
<u>Vc</u>	<u>RWTS</u>	Oper. Visit 4/yr.

COMMENT: This appears to be an attempt by the Department to add costs to the RWTS technologies as they favor the fixed media advanced pretreatment systems.

SUGGESTION: Make this requirement consistent for the Pretreatment technologies, at least of the systems of <1500 gpd to the 2 visits per year. Currently in .1961, they are a Type V system along with sand filter technologies (fixed media) and are 2 times a year. It appears that the Department is attempting a backdoor hurdle against aerobic treatment and in favor of fixed media.

COMMENT XXVII:

15A NCAC 18E .1402

Page 123 Line 18 (H) other methods for designing partitions showing performance identical to those designed in accordance with Paragraph shall be considered for approval by the State on an individual basis.

COMMENT: This clause may be appropriate for consideration, as the Department should be available to judge alternative designs for identical performance. The suspicion, unfortunately, is that the Department cannot stand behind "identical performance" in this particular design feature. There are two types of

partitions; monolithic and post-construction insertions. If the Department really chooses to judge on identical performance, the suggested language in (B) above would provide the performance guidelines.

COMMENT XXVIII:

15A NCAC 18E .1403

Page 125 Line 2

(a) Tanks designed to hold sewage shall be constructed of materials capable of resisting corrosion from sewage and sewage gasses, and the active and passive loads on tank walls. Tanks and tank lids shall be able to withstand a uniform live loading of 300 pounds per square foot in addition to all loads to which an underground tank is normally subjected, such as dead weight of the material and soil cover, active soil pressure on tank walls, and the uplifting force of groundwater.

COMMENT:

As mentioned in other parts of this proposal, the first rule should be to be consistent with the language describing the underground structure, its design, and its construction. This paragraph should be reworked to be consistent in other parts of the Draft.

SUGGESTION

(a) Tanks shall be watertight, structurally sound, and not subject to excessive corrosion or decay. Tanks and tank lids shall be approved upon a demonstration of its ability to withstand a minimum uniform live load of 300 pounds per square foot in addition to all loads to which an underground tank is normally subjected, such as dead weight of the material and soil cover, active soil pressure on tank walls, and the uplifting force of groundwater.

COMMENT XXIX:

15A NCAC 18E .1403

Page 125 Line 7

(b), (c), and (d) Material specific specifications

COMMENT:

These paragraphs further indicate the lengths that the Department separates the design and manufacture of tanks of different materials. Paragraph (a) for reinforced precast concrete tanks is prescriptive and offer the authorized agents the description of how to inspect the precast concrete tank. Paragraphs (b) and (c) is an approval by reference, with no description of how to verify the quality of these tanks. The Department has also informed the authorized agents that they lack the expertise or equipment to test these tanks. When does the Department anticipate that this unequal treatment should be remedied and there is education for the authorized agents in training?

COMMENT XXX:

15A NCAC 18E .1403

Page 125 Line 19

(5) the concrete shall achieve a minimum compressive strength of 4000 psi prior to removal of the tank from the place of manufacture.

COMMENT:

One of the problems facing the quality of precast concrete tank manufacturers is the transporting of insufficiently cured tanks. While it is a fact that the authorized agents could test any tank at the site they feel does not meet the current 3500 psi @28 day standard, this responsibility is not being adequately done. In other words, the current rule is sufficient but the rules are not being enforced. The tank yards should be routinely inspected for tank quality, including sufficient inventory to indicate that proper curing is being achieved. This visit is not being done in most of the counties, and the Department has not instituted an equal program of inspection.

SUGGESTION:

Place in the "Responsibility" subsection the development of an equal inspection program for all manufacturers by the Department, in conjunction with the local health departments. This Program should include the pre-inspection of tanks at the place of manufacture by local health departments or by approved QA programs.

COMMENT XXXI:

15A NCAC 18E . 1403

Page 125 Line 27 (7) Tank lids and riser covers shall have a handle of steel equivalent in strength to a No. 3 reinforcing rod (rebar).

COMMENT: This sentence needs to be reworked.

SUGGESTION: (7) Tank lids and riser covers shall have a durable handle made of materials resistant to decay and capable of pull capacity for the weight of the lid or cover

COMMENT XXXII:

15A NCAC 18E .1405

Page 127 Line 12 15A NCAC 18E .1405 RE-APPROVALS OF RISERS, EFFLUENT FILTERS, AND PIPE PENETRATIONS

COMMENT: This is unnecessary. The Approvals for Risers, Effluent Filters, and Pipe Penetrations should be non-expiring. The manufacturer should update their approval when changes are made to their product. The Approvals would be suspended or revoked if the product is altered or found defective. The protocol of setting expiration limits and re-approval procedures would be tasking the staff whose efforts should be directed into more important areas. According to the Fiscal Note from the Department, this Renewal protocol adds on average less than \$500 (Five hundred dollars) annually to the State.

SUGGESTION: Eliminate 15A NCAC 18E .1405

COMMENT XXXIII:

15A NCAC 18E .1505

Page 130 Line 18 15A NCAC 18E .1505 RWTS APPROVAL RENEWAL

COMMENT: The proposal appears to follow the Department's determination to set expiration and renewal requirements on products and systems in North Carolina. All products and systems approved in North Carolina should not have to follow such a protocol. The current system of Approvals, with Operator and Authorized Agent reports on the wastewater systems should be sufficient. The Approvals already instruct the Manufacturer to amend their approval with any changes prior to sale, and gives the procedures for Suspension and Revocation. With the reported short-staffing and stretched manpower that the Department insists they work with, the Renewal of Approvals are just adding to their problems. See Fiscal Note information on COMMENT XXXI.

SUGGESTION: ELIMINATE 15A NCAC 18E .1505

COMMENT XXXIV:

15A NCAC 18E .1711

Page 147 Line 18 15A NCAC 18E .1711 PROVISIONAL AND INNOVATIVE APPROVAL RENEWALS

COMMENT: As with the COMMENTS on the Riser, Effluent Filter, and Pipe Penetration products and the COMMENTS for RWTS products, this proposal to set an expiration date and renewal requirement is unnecessary. The Approvals of these products, along with the mandatory reporting of the Provisional and Innovative Systems should give the Department adequate information and ammunition to correct any inappropriate or non-compliance issue. One

question is why there appears to be no Approval Renewal for Accepted Products? The benefit to the Department cited in the Fiscal Note for the Renewal of Approvals for RWTS and P & I Systems is \$11,700 (Eleven thousand seven hundred dollars) annually. This proposal must be considered a new fee structure, but it is unknown if the actual benefit after the added drain to existing manpower would be worth the administrative burden to the RWTS and P & I Manufacturer.

SUGGESTION: ELIMINATE 15A NCAC 18E .1711

COMMENT XXXV: 15A NCAC 18E .1713

Page 147 Line 34 (2) Notify the Department of all IPs, CAs, and OPs issued for Provisional Systems.

COMMENT: The LHD should be compiling this information for Innovative Systems as well as Provisional. It's the only way to adequately track the all the types of systems

SUGGESTION: (2) Notify the Department of all IPs, CAs, and Ops issued for Provisional and Innovative Systems.