

Agenda Item Number:

**ORANGE COUNTY BOARD OF HEALTH
AGENDA ITEM SUMMARY**

Meeting Date: March 25, 2015

Agenda Item Subject: Letter to State Regarding WTMP Inspection

Attachment(s): Draft Letter for BOH approval

Staff or Board Member Reporting:

Purpose: Action
 Information only
 Information with possible action

Summary Information:

Review and approve letter to NC Division of Water Resources Raleigh Regional Office to maintain the operation and maintenance schedule of state (NC DENR – DWR) permitted septic systems. These systems will no longer be inspected by Orange County Environmental Health staff as a result of the Osborne-Phillips v. Orange County case. This letter reflects the importance the Orange County Board of Health places on septic system maintenance and monitoring to DWR staff and reinforces their commitment to protecting public health and clean water.

Recommended Action: Approve
 Approve & forward to Board of Commissioners for action
 Approve & forward to NC DENR - DWR
 Accept as information
 Revise & schedule for future action
 Other (detail):



March 25, 2015

NCDENR Division of Water Resources Raleigh Regional Office
1628 Mail Service Center
Raleigh, NC 27699-1628
Attn.: Danny Smith and Rick Bolich

RE: Inspection of state permitted septic systems

Dear Mr. Smith and Mr. Bolich,

At the September 21, 2011 Orange County Board of Health meeting, the Board discussed the Wastewater Treatment Management Program (WTMP) and inspection fees charged to the owners of residential NPDES and surface discharge septic systems that are permitted by the NC Division of Water Quality (now Resources).

The Board concluded that there was no compelling reason to reduce the number of inspections that the county provides considering:

- these are higher risk systems with regard to protection of public health,
- certified operators are not required by the state,
- they require ongoing maintenance for proper operation and disinfection,
- inspection results show that wastewater disinfection is often neglected, and
- inspections conducted by the state are not mandated.

Since that meeting, the courts (*Osborne-Phillips v. Orange County*) have determined that Orange County does not have the authority to inspect systems permitted under Chapter 143 Section 15A Subchapter 2T. The Board still shares the concerns raised at the September 2011 meeting, but given the recent ruling, the Board of Health had no choice but to remove these systems from their local WTMP Rules. Consequently, the Board would like to request that your staff conduct regular and routine inspections of the residential NPDES and surface discharge systems permitted in Orange County and pursue enforcement of items found to be non-compliant. Staff inspections of the surface discharge systems (1/1/09 – 12/31/12) found that 45% were non-compliant. Staff inspections of the NPDES systems (1/1/09 – 12/31/12) found that 35% were non-compliant. Particular items found during staff inspections give us concern including:

- Wetted areas not fenced,
- Wetted areas bisected with driveways,
- Pretreatment devices not functional,
- Chlorine contact chambers without chlorine tablets,

- Non-functional spray heads,
- Pumps and alarms disabled, and
- Septic tanks and pump tanks in need of pumping.

The Orange County Board of Health feels strongly that these systems should be inspected at the frequency stipulated in the notarized Operation and Maintenance Agreement and as outlined in the Operation and Maintenance Plan for each system. Please feel free to contact Alan Clapp, Orange County Health Department Environmental Health Division Director if you have any questions.

Sincerely,

Susan Elmore, DVM
Chair, Orange County Board of Health

Colleen M Bridger, MPH, PhD
Orange County Health Director