



Macon County
Public Health

**MACON COUNTY BOARD OF HEALTH
MINUTES
9/25/2023**

Members: Mitchell Bishop, Engineer; Paul Higdon, County Commissioner; Vacant, Optometrist; Roy Lenzo, Veterinarian; Vacant, Pharmacist; Vacant, Dentist; Ellen Shope, Nurse Representative and Vice Chair; Michael Dupuis, Physician; Members of General Public, Jerry Hermanson Chair, Dr. Charlie Vargas; Vacant, General Member

Members Absent: Jerry Hermanson, Michael Dupuis

Staff Present: Kathy McGaha, Jennifer Garrett, Jonathan Fouts, Jeremy Pless, Jessica Baucum, Amanda Cowart

Guests: None

Media: Mia Overton, Franklin Press

Call to Order: Ellen Shope called the meeting to order at 6:20 p.m.

**Welcome/Intro/
Departures/
Recognition/
Announcements:** Kathy McGaha began the meeting by announcing departures of employees: Danielle Miller as WIC Director, Jade Ferguson in Animal Services, Sean Sullivan as Preparedness Coordinator. She introduced new employees: Lauren Powell as Nutritionist in WIC, Bonnie Morgan as Breastfeeding Peer Counselor/WIC, Alexis Arvey as Clerical Support/WIC, Trinity Norton as Clerical Support/Molar Roller, Mercy Avila as Interpreter. Tiffany Radecki has moved from full-time to a part-time position. Lynn Jenkins has taken Tiffany's position, which leaves a position open at the window in Environmental Health. Amanda Cowart is Kathy's new Administrative Assistant.

Kathy recognized Mitchell Bishop with an Award of Appreciation for 6 years of service on the Macon County Board of Health, from 2017-2023.

Public Comment: None

Agenda Approval: Kathy announced an addition to the Agenda, under 4d: Environmental Health will also speak on rule changes.

Mitchell Bishop made a motion to approve the Agenda. Dr. Charles Vargas seconded the motion. Motion passed unanimously.

Presentation: Jennifer Garrett, Nursing Director presented the 2023-2024 Flu Report. See Report below:

Flu/Covid Plan On Jun 27, 2023 – CD Director adopted the 2023-2024 Advisory Committee on Immunization Practices recommendations on annual flu vaccination for everyone 6 months and older in the United States.

Small changes were made including an acknowledgement of the updated flu vaccine composition for 23-24 and a change in recommendations for vaccination of people with egg allergies.

Vaccination Timing

- Recommended timing of vaccination has not changed – Sept and Oct. are best times for most people to be vaccinated.
- Flu vaccination in July and August is not recommended for most people, but there is consideration for specific groups of people.
 - Adults (especially 65 years old and older) and pregnant people in the first and second trimester should only be vaccinated in July and August unless it won't be possible in September and October.
 - Pregnant people who are in their third trimester can get vaccinated in July and August to ensure babies are protected from the flu after birth when they are too young to be vaccinated.
 - Children who need 2 doses of flu should get their vaccinations as soon as vaccine becomes available.
The second dose should be given at least 4 weeks after the first.
 - July or August vaccinations for children can be considered if the child has a doctor visit in these months and there might not be another opportunity to vaccinate them.
- CDC continues to recommend vaccination as long as flu viruses pose a threat, and in some states this can be as late as May or June.

Composition of Vaccine

The 23-24 season will contain an updated influenza A (H1N1) pdm09 component:

- A/Victoria/4897/2022 (H1N1) pdm09-like virus for egg-based vaccines and
- A/Wisconsin/67/2022 (H1N1) pdm09-like virus for cell-based or recombinant vaccines

Preliminary estimates show that last season, people who were vaccinated for the flu were about 40%-70% less likely to be hospitalized because of flu illness or related complications.

People with Egg Allergies

The main change in the flu vaccine recommendations is related to giving flu vaccine to people with egg allergies. Most flu vaccines today continue to be produced using an egg based manufacturing process and therefore contain a small amount of egg protein such as ovalbumin.

The ACIP voted that people with egg-allergy may receive any flu vaccine (egg-based or non-egg based) that is otherwise appropriate for their age and health status. Additional safety

measures are no longer recommended for flu vaccination beyond those recommended for receipt of any vaccine.

MCPH is offering 4 drive through vaccination clinics for the public. We have done two other clinics – one for MCH and one for the County Employees and School Employees.

Dates for the Public Clinics are:

9/25 – Public Clinic Drive through 1-4:30pm

10/5 – Public Clinic Drive through 1-4:30pm

10/10 – Public Clinic Drive through 1-4:30pm

10/12 – Public Clinic Drive through 8:30-11:45am

After these drive through clinics, flu shots will be offered by appointment in the clinic and in the Maternal Health clinics.

The cost of the regular flu vaccine is \$43.00 and high dose is \$86.00.

We have given 148 Regular doses and 30 High dose shots to date.

Ellen Shope asked about the Covid Plan.

Jennifer Garrett informed the group that we have not received the Covid vaccine yet. All of the paperwork and consents in line. They have applied for a bridge waiver for Covid vaccines. There is a charge for the Covid vaccine this year, which is different than previous years. For children that are uninsured or underinsured they will get the state vaccine, insured will get the private vaccine. Adults are not usually given the state vaccine, however, the bridge waiver will allow uninsured and underinsured adults the state vaccine.

We have not set a price for the Covid Vaccine yet, it is extremely expensive and we will not be ordering a lot. Jennifer does not foresee having clinics for the Covid Vaccine, those will be given by appointment.

Ellen Shope asked if most insurances will pay for the vaccine, including Medicare.

Jennifer and Kathy both agreed, they expect them to. Kathy added that pharmacies will have supplies also.

**Approval of
Previous Meeting**

Minutes:

Mitchell Bishop made a motion to accept the previous minutes. Dr. Charles Vargas seconded the motion. Motion passed unanimously.

Old Business:

**2017-2023
Accreditation
Update**

Kathy McGaha, informed the group that MCPH had Accreditation Site Visit on September 7, 2023. Thursday of last week we were formally notified that we have been officially re-accredited. We will move forward as an Accredited Agency for the next 4 years. We only missed three out of 147 items. The items missed were expected. All three were components of tracking continuing education for all employees, which is challenging. However, this allows for

the opportunity to make improvements to our system. Kathy commended the staff for doing great work.

Ellen Shope gave praise for doing so well in spite of going through the pandemic.

**Update Regarding
Physician II
Position**

Kathy McGaha spoke on Dr. Dewhurst retiring. The county has approved for this to be a full-time position. Posting for this position has closed. There should be an offer made to a candidate within the next few weeks.

Ellen Shope asked about Dr. Dewhurst's last day.

Kathy responded that Dr. Dewhurst would like his time left to overlap with the new physician in an effort to help with the transition.

New Business:

**Committees and
Members**

Kathy McGaha explained the list of Committees and Members to the Board. She said that we would like to add Board Members and the committees they serve on. If any of them would like to be added, they may contact Amanda Cowart.

**Appointment for
Health Director
Evaluation
Committee**

Kathy McGaha informed the Board it was time to form the Health Director Evaluation Committee. She added that Jerry Hermanson would be on the committee since he is Chair. After a short discussion, Dr. Charles Vargas volunteered. Kathy then stated, Dr. Michael Dupuis was previously on the committee and she would ask him to do it again.

**Meeting Schedule
for 2024**

Dr. Charles Vargas made a motion to approve the 2024 Meeting Schedule. Mitchell Bishop seconded the motion. Motion passed unanimously.

**Technology
Upgrades and
Rule Changes in
Environmental
Health**

Jonathan Fouts addressed the Board and introduced Jeremy Pless. He began by passing out information on a reclassification/changes of qualifications for Health Inspectors due to Session Law effective October 1, 2023. Health Inspectors have been required to have a Bachelor's Degree, an additional 3yrs in the field, followed by oral exam, written essay and pass the National Environmental Health Association Exam (NEHA). However, it has recently been approved to accept an Associate's Degree. The Associate's Degree would be followed by 5 years in the field before being eligible to take the NEHA. He urged the group to think about possible new job classifications and pay scale. He also emphasized the liability and responsibility that comes with being a Health Inspector.

Jonathan proceeded to inform the group of rule changes for the Environmental Health Department, along with items for discussion.

- Between now and December the fee schedule must be changed due to new laws that create new types of permits for which we have no fee schedule by January 1, 2024. Example: Since 1983 a 1BR septic permit has not been allowed. After October 1, 2023, a 1BR septic permit is allowed.
- New forms must be implemented by January 1, 2024.

- Check with county attorney – we are assuming it would require ordinances for the following items that pose liability to the department moving forward under new law.

- Engineering requirements for permitting drip systems and other complex systems designs that require large amounts of time and experience and should fall to a LPE with errors and omissions types of insurance.
- Consideration of requirements for large development applications, such as, more than 3 RV sites creating a commercial type park. More than 2-3 homes on a parcel should be considered past normal home construction and more of a development project that should require more planning and regulations.
 - (Example: See handout “Regulations Governing Wastewater Treatment and Dispersal Systems in Macon County”, section II (5) on page 3 for example verbiage)
- These changes would help to save LARGE amounts of time, save time and money, and greatly reduce liability to larger development projects that are much more time consuming than normal permit application requests.
- Need to approve administrative penalties, which are already established in GS 130A 22(H)
- NOV needs “teeth” to actually obtain the legal resolution
- Example: Crissy Lane NOV (years of complaints). It would be helpful if a law was passed to give the Health Director the authority to issue fines. Otherwise, violations will continue to happen.
- Due to inflation, an increase in pump and haul permit issuance may pose a large need to dumping capacities at the local sewage treatment plant. This will require a multiple department conversation and understanding with good planning.

Jonathan presented a document that Jeremy Pless has been working on. The document titled, “Regulations Governing Wastewater Treatment and Dispersal Systems in Macon County”, is a work in progress; lists examples of administrative penalties and regulations to help address issues the Environmental Health Department is facing. He added, some of the 2024 rule changes will also put more responsibility on the homeowners and realtors.

Jonathan continued his presentation with an update on the new GIS Environmental Health On-site Wastewater Computer Program.

He stated, Jackson County has a really good system that he has previously worked on. Through meetings with Derek Roland, Kathy McGaha and others, they are working towards a system that easily provides information on a particular lot. In 2011, a friend of Jonathan’s named Kevin who is an engineer and programmer, left the GIS program in Jackson County and started his own consulting firm. He figured out a way to use Laserfiche, GIS, the permitting process and real-time data from the field into a working program. Examples of program capabilities are below:

- Creates digital templates with drop down menus for permit issuance. Reduces redundant manual entries and streamlines the permitting process for consistency amongst inspectors.
- GIS integration into the components of a septic system or well location in the field which can be transferred to the permit and the GIS server, if desired, to use as a potential new layer for public access.
- Speeds up permitting process, real time data in the field (besides hard tape measurements) no post data corrections required by inspectors, improves accuracy and quality of permits due to each line requiring (auto-block) a comment before being able to move forward.

Jonathan added, they are at the mercy of whichever program drives the building office inspections, while waiting on which one will be implemented and how to link that to the new OSWW program. If decisions are made soon then Kevin (creator of this program) can program a possible interface before his project is done. However, they are closer to arriving at scheduling training in the next week or so to test drive.

Kathy McGaha asked Paul Higdon if he had heard of new software for Building Inspections.

Paul replied that he had not.

Jonathan ended by saying that if anyone had questions, he and Jeremy would be available.

Ellen Shope asked for clarification on the type of Associates Degree that will be accepted. Jeremy explained it could be any Associates Degree with an additional 15hrs in science courses.

Ellen asked if Jonathan anticipated community colleges would begin offering Environmental Health Degrees.

Mitchell Bishop spoke about his education and a conversation he had with a president of a local community college. He was told the community college is not opposed to over those types of programs, but the interest is not there.

Kathy mentioned the need for a local ordinance to promote consistency in making determinations on the more complex systems. She asked if it would be okay to approach Eric Ridenour, the County Attorney about steps that need to be taken.

Paul Higdon said there had been some previous discussion, but agreed Kathy should get in touch with Eric.

**Board of Health
Training Item:**

N/A

Closed Session:

Mitchell Bishop made a motion to go into Closed Session at 7:19 p.m. Dr. Roy Lenzo seconded the motion. Motion passed unanimously.

Paul Higdon made a motion to go back into Public Session at 7:37 p.m. Mitchell Bishop seconded the motion. Motion passed unanimously.

Ellen Shope made a motion to recommend for approval to the County Commissioners the following Board of Health Candidates: Matthew G. Corbin, Ruth Hensz Stilwell and Garrett Higdon. Dr. Roy Lenzo seconded the motion. Motion passed unanimously.

Next Meeting

Date:

The next meeting will be November 14, 2023

Announcements:

None

Adjournment:

Paul Higdon made the motion to adjourn at 7:39 p.m. Mitchell Bishop seconded the motion. Motion passed unanimously.

**Minutes Recorded
by:**

Amanda Cowart

New Forms for Environmental Health by January 1, 2023

OSWW

- Septic Application
- Septic Voluntary Relinquishment
- Septic NOI: Revocation/Suspension (IP, CA, OP)
- Request for Pits
- Septic Denial
- Existing System Authorization
- Improvement Permit
- Construction Authorization
- Operations Permit (Basic)
- Operations Permit (Renewing)
- Notice of Violation
- Notice of Non-Compliance
- NOV Tracking and Compliance
- Site Plan Worksheet
- Site Plan Example
- Site Plan Sketch
- Septic FH

PDWW

- Well Application
- Well Certificate of Construction
- Well Inspection Record
- Water Sample Request
- Well FH
- Variance
- Regulated Establishment Inspection

MISC.

- Migrant Housing Renewal

CLERICAL

- Application Denial
- Complaint Log
- Research Request
- Legal Rep Form
- Utilities Agreement for Existing Lots

REGULATIONS GOVERNING WASTEWATER TREATMENT AND DISPERSAL SYSTEMS IN MACON COUNTY

WHEREAS, the Macon County Board of Health finds it necessary to protect and advance the public health and safety of Macon County Citizens, visitors, and other community members by preventing the spread of diseases associated with failing wastewater treatment and dispersal systems; to educate the public about proper operation and maintenance of wastewater treatment and dispersal systems; and to promote water quality by reducing contaminated runoff from failed or poorly maintained wastewater treatment and dispersal systems and by ensuring that wastewater treatment and dispersal systems are properly operated, regularly inspected, and routinely maintained, that said Board regulates the installation of wastewater treatment and dispersal systems, to wit:

- 1. The relatively high density of wastewater treatment and dispersal systems,**
- 2. The requisite to provide for long-term sustainability of these systems**
- 3. Areas where population density have adverse impacts on the operations of such systems;**

NOW, THEREFORE, BE IT RESOLVED by the Macon County Board of Health that the Laws and Rules for Sewage Treatment and Disposal Systems, codified at 15A NCAC 18A Section .1900, as amended, are adopted by reference and shall apply to wastewater treatment and dispersal systems throughout Macon County, except as modified by these more stringent local regulations adopted pursuant to GS §§ 130A-39, 130A-43, 130A-335, 130A-336, 130A-337 and 130A-338 of the North Carolina General Statutes which shall also apply to wastewater treatment and dispersal systems throughout Macon County for the protection and promotion of the public health and safety of the citizens of Macon County.

SECTION I: DEFINITIONS

The following definitions shall apply throughout this Section:

- The definitions contained in G.S. § 130A-334, G.S. § 130A-343, and 15A NCAC 18A .1935 are incorporated by reference including any subsequent amendments to those definitions.**
- The definitions contained in 15A NCAC 18C .0102 are incorporated by reference including any subsequent amendments to those definitions.**
- “Certified Contractor” means a person authorized to construct, install or repair a wastewater treatment and dispersal system in accordance with Article 5 of G.S. § 90A and any applicable rules of the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board.**
- “Certified Inspector” means a person authorized to inspect a wastewater treatment and dispersal system in accordance with Article 5 of G.S. § 90A and who conducts an inspection of an on-site wastewater system at any time after the local health department has issued an Operation Permit pursuant to G.S. 130A-337.**

- **“Certified Operator”** means a person authorized to operate a wastewater treatment and dispersal system in accordance with G.S. § 90A, Article 3 and applicable rules of the Water Pollution Control System Operators Certification Commission.
- **“Director”** means the administrative head of Macon County Public Health, appointed pursuant to G.S. § 153A-77(e); or the Director’s Authorized Delegate.
- **“Owner or Owner’s representative”** means a person who holds legal title to the property or a person who is authorized to represent the legal interest of the owner. The owner’s representative shall also mean an agent specifically designated by letter or contract to act on the owner’s behalf to obtain permits.
- **“Suitable or provisionally suitable area”** means a specific area of soils which are classified or reclassified as suitable or provisionally suitable according to the provisions of 15A NCAC 18A Section .1900. For the purpose of Section IV of these regulations, the square footage of area suitable or provisionally suitable for the installation of a wastewater treatment and dispersal system shall not include areas where the installation of such system is expressly forbidden (i.e. easements, right-of-ways, area within 100 feet of a Class I or Class II reservoir, area within 50 feet of a stream or other impoundment, designated wetlands, any temporary or permanent erosion or storm water device, etc.).
- **“Supply line”** means a watertight pipe used to convey effluent from the septic tank or pump tank to the distribution device or dispersal field.
- **“Supply Line Network”** means two or more supply lines serving multiple facilities installed in a single easement.
- **“System”** means the wastewater treatment and dispersal system referred to in that section.
- **“Wastewater system,”** as defined by NCGS 130A-334(15), means a system of wastewater collection, treatment, and disposal in single or multiple components, including a ground absorption system, privy, septic tank system, public or community wastewater system, wastewater reuse or recycle system, mechanical or biological wastewater treatment system, any other similar system, and any chemical toilet used only for human waste. A wastewater system located on multiple adjoining lots or tracts of land under common ownership or control shall be a single system for purposes of permitting under these Regulations.
- **“Watershed”** means the natural area of drainage to a Class I, Class II or Class III reservoir as established by 15A NCAC 18C .0102 (C) and includes all contributing tributaries.

SECTION II: SPECIFIC REQUIREMENTS FOR PERMITS TO CONSTRUCT OR REPAIR WASTEWATER TREATMENT AND DISPERSAL SYSTEMS

- **The Authorized Agent may not perform a final inspection nor issue approval of a wastewater treatment and dispersal system installation unless a representative of the contracting firm is present. It shall be the responsibility of the said representative to aid in the inspection and to make such corrections as required by the Authorized Agent pursuant to State and local rules. The representative shall be an employee of the contracting firm, and**

shall provide verification of employment if asked by the Authorized Agent. If the representative cannot provide verification of employment, the Authorized Agent may not perform an inspection nor issue approval, at their discretion.

- **The Authorized Agent may prohibit the installation of any wastewater treatment and dispersal system trenches during periods of wet soil conditions that may affect the integrity or performance of the permitted system.**
- **When a property is to be served by any wastewater system which is required to be maintained by a Certified Operator on a routine basis pursuant to state regulations, the owner must record a description of the wastewater system and a general maintenance schedule at the Macon County Register of Deeds prior to issuance of the Operations Permit for the system.**
- **Wastewater treatment and dispersal systems where the design daily flow exceeds 720 gallons must be designed by a professional engineer currently licensed in the State of North Carolina. Long-term acceptance rates, design flow, and location of such systems shall be reviewed and approved by the Authorized Agent. Plans and specifications for such systems, including methods of operation and maintenance, shall be reviewed and approved by the Authorized Agent prior to issuance of the Construction Authorization. An Operation Permit will not be issued until the design engineer certifies that the system has been installed in accordance with the approved plans and specifications**
- **Wastewater treatment and dispersal systems for properties containing more than 3 residential dwelling units/structures, or more than 2 independent septic systems, must be designed by a professional engineer currently licensed in the State of North Carolina. Long-term acceptance rates, design flow, and location of such systems shall be reviewed and approved by the Authorized Agent. Plans and specifications for such systems, including methods of operation and maintenance, shall be reviewed and approved by the Authorized Agent prior to issuance of the Construction Authorization. An Operation Permit will not be issued until the design engineer certifies that the system has been installed in accordance with the approved plans and specifications.**
- **Site plans submitted with applications must clearly identify all structures, appurtenances and the like, on the property. The site plan shall include, but not be limited to the following:**
 - **Entire property with dimensions,**
 - **Location of the property;**
 - **Structural dimensions of all structures, existing and proposed;**
 - **Dimensional location of proposal(s) to at least 3 property lines measured perpendicular to the property lines;**
 - **Driveways;**
 - **Easements and rights of way;**
 - **Buffers; and**
 - **A North arrow**

- The site for which an application for a wastewater treatment and disposal system has been submitted shall be prepared in advance of the site evaluation. Preparation shall include, but not be limited to the following:
 - Removal of all brush, trip hazards, and obstructions within the proposed septic area and from within an additional 25 feet surrounding the proposed area;
 - Placement of flags or stakes at corners of proposed structure(s) and driveways; along easements and rights of way; at proposed water supplies; and, where applicable, along underground utility lines;
 - Property lines must be marked by a licensed surveyor, with easily identifiable marks no further than 25 feet apart; and
 - In the case of being granted an expedited status pertaining to real estate transactions: special evaluations shall be mandatory, requiring test units be excavated within the proposed septic area and designated repair area. If, at the time of site evaluation, test pits are not made available and/or the site has not been prepared as stated in this Section, the prescribed expedited status shall become forfeit and the submitted application placed at the rear of the Department's work stack. A site visit fee shall be assessed.

SECTION III: SPECIFIC CRITERIA FOR THE DESIGN AND CONSTRUCTION OF WASTEWATER TREATMENT AND DISPERSAL SYSTEMS

- The surface of the wastewater treatment and dispersal field must be shaped to prevent ponding of surface water, and runoff of surface water (storm water) must be diverted away from the field [Ref. 15A NCAC 18A .1955(i)]. Thus, storm water devices must be designed and installed so as not to discharge directly onto or spread water over the initial dispersal field and dispersal field repair area. Storm water runoff that is not treated by a storm water device, such as sheet flow from driveways or roof leaders, shall not concentrate or pond on the initial septic dispersal field or the dispersal field repair area.
- General Statutes [GS 130A-336] provide for specification of permit conditions with respect to wastewater treatment and dispersal system installation and site modifications. All Authorization for Wastewater System Construction Permits in Macon County shall include, by default unless stated to the contrary, conditions:
 - prohibiting site alteration (compaction/trafficking, cutting, filling, and/or grading), installation of underground utilities, water lines, or irrigation sprinkler systems within the original wastewater system installation and repair areas, and
 - making compulsory the employ of a NC-certified septic contractor to facilitate the installation of the wastewater treatment and dispersal system for the duration, overseeing the process from excavation to cover. This contractor must meet the level requirements for the system to be installed, as laid out by the North Carolina Onsite Wastewater Contractor Inspector Certification Board. An exemption shall be granted if owner is self-installing a gravel-based system.

Failure to meet these conditions will result in a denial of an Operation Permit, and may result in the assessment of Administrative Penalties, as outlined in Section XI of these regulations, if deemed an instance of gross malfeasance or nonfeasance.

SECTION IV: MINIMUM REQUIREMENTS FOR PERMITTING AND OPERATION OF WASTEWATER TREATMENT AND DISPERSAL SYSTEMS

- **No Improvement Permit shall be issued for the installation of a wastewater treatment and dispersal system designed to serve a single family residence, place of business or place of public assembly on any lot which contains less than 6534 square feet of suitable or provisionally suitable area for the installation of such system, unless exempted under Section V of these Regulations.**
- **No Improvement Permit shall be issued for the installation of a wastewater treatment and dispersal system on any lot to be utilized for a multiple family dwelling with two or more dwelling units unless the lot contains at least 13068 square feet of suitable or provisionally suitable area for the initial dwelling unit, and an additional 6534 square feet of suitable or provisionally suitable area for each additional dwelling unit in the same structure, unless exempted under Section V of these Regulations.**
- **No Improvement Permit shall be issued for the installation of a wastewater treatment and dispersal system unless a minimum of 40,000 square feet of area is provided for each 1,250 gallons, or portion thereof, of wastewater anticipated to be generated per day based on 15A NCAC 18A.1949.**
- **The requirements of this Section are minimum requirements. Each lot must contain sufficient available space for the installation of two complete sanitary wastewater treatment and dispersal systems that meet the requirements set out in these Regulations.**

SECTION V: POSSIBLE EXEMPTIONS TO ADDRESS SELECTED SITE LIMITATIONS:

- **Based on site specific conditions, certain lots may be exempted from the provisions of Section IV (A) and (B) of these regulations if so doing does not constitute potential adverse impact on public health and if all of the following conditions are met:**
- **All other requirements set out in these Regulations are met and,**
- **There is sufficient space available for the installation of two complete wastewater treatment and dispersal systems meeting the requirements set out in these Regulations.**
- **The applicant may be required to have a Licensed Soil Scientist, Professional Geologist, Professional Land Surveyor, Professional Engineer, or Registered Environmental Health Specialist if required by G.S. 89C, 89E, 89F and 90A, Article 4, to prepare information that demonstrates conformance to the minimum requirements of these rules. This demonstration may include but not be limited to:**
 - **A survey of the lot;**
 - **A proposed site plan;**
 - **Designation of wastewater treatment and dispersal site on site plan;**
 - **Written evaluation of the site;**
 - **Written justification of proposed application rate;**
 - **Calculations of drainfield requirements using proposed design unit volume; and**

- **Field staking of location for the structure, tanks, property lines, drainfield lines etc.**

Upon finding the site suitable or provisionally suitable, and that a system can be installed in accordance with these rules, the Authorized Agent will issue an Improvements Permit in accordance with 15A NCAC 18A .1937 (c) or when the permit is denied, the Authorized Agent will prepare a written report in accordance with 15A NCAC 18A .1937 (i).

SECTION VI: SUSPENSION AND REVOCATION OF PERMITS

- **The Authorized Agent may suspend or revoke an Improvement Permit, Authorization to Construct or Operation Permit previously issued upon finding that a violation of the applicable provisions of these rules and regulations or a condition imposed upon the permit has occurred. A permit may also be suspended or revoked upon a finding that its issuance was based upon incorrect or inadequate information that materially affected the decision to issue the permit.**
- **The Applicant/Owner shall be given notice that there has been a tentative decision to suspend or revoke the permit, at which time the Applicant/Owner may challenge the tentative decision as provided in Section VII of these rules and regulations.**
- **If a violation of the regulations presents an imminent hazard, a permit may be suspended or revoked immediately. The Authorized Agent shall immediately give notice of the revocation to the Applicant/Owner, at which time the Applicant/Owner may challenge the decision as provided in Section VII of these regulations.**

SECTION VII: APPEAL PROCEDURE

Appeals concerning the interpretation and enforcement of these rules and regulations shall be conducted in compliance with G.S. 130A-24 as amended.

SECTION VIII: SEVERABILITY

If any provisions of these regulations or the application thereof to any person or circumstances is held invalid, the remainder of the regulations and the application of such provisions to other persons or circumstances shall not be affected thereby.

SECTION IX: PENALTIES

Any person who violates any of these regulations or fails to perform any acts required by these regulations shall be guilty of a misdemeanor and shall be subject to punishment as provided in G.S. 130A-25 as well as civil remedies set forth in Part 2, Article 1 of General Statutes Chapter 130A.

SECTION X: ADMINISTRATIVE PENALTIES

- **Definitions - as used in this section the term:**
 - **“Delegate” means any person to whom the Director has delegated authority in writing to act in relation to administrative penalties;**
 - **“Hearing Officer” means the Director or Director’s Authorized Representative;**

- **“Respondent” means the person against whom a penalty has been assessed;**

- **Administrative Penalties**

The following rules concern the imposition of administrative penalties imposed by the Director pursuant to G.S. 130A-22 (H).

- **Who May Assess Penalties**

Administrative penalties may be assessed by the Director or Director’s Delegate.

- **When Penalties May Be Assessed**

Administrative penalties may be assessed against any person for violations of Article 11 of G.S. Chapter 130A; or the Regulations Governing Wastewater Treatment and Dispersal Systems in Macon County, and/or any conditions imposed upon a permit issued under these regulations.

- **Amount of Penalty Assessment**

- **The penalty shall not exceed fifty dollars (\$50.00) per day in the case of a wastewater treatment and dispersal system with a design daily flow of no more than 480 gallons or in the case of any system serving a single one-family dwelling. The penalty shall not exceed three hundred dollars (\$300.00) per day in the case of a wastewater treatment and dispersal system with a design daily flow of more than 480 gallons not serving a single one-family dwelling.**
- **Each day of a continuing violation shall constitute a separate violation.**
- **Each violation of a specific provision of Article 11 of G.S. Chapter 130A, or of these Regulations adopted by the Macon County Board of Health pursuant to Article 11, or a condition imposed upon a permit issued under Article 11, shall be a separate violation.**

- **Procedure For Assessment**

- **A notice of assessment shall be sent to the respondent by registered or certified mail. If the registered or certified notice is refused or unclaimed by the respondent at his last known legal address, first class mail to the respondent at his last known legal address will be lawful and sufficient service under these regulations. The notice shall describe the nature of the violation with reasonable particularity, state the amount of the penalty for each violation, advise that each day of a continuing violation constitutes a separate violation, advise that the penalty is now due or continues to accrue, and advise the**

respondent of his rights of appeal as specified in SECTION VII of these Regulations.

- **The Director may modify a penalty upon finding that additional or different facts should have been considered in determining the amount of the assessment.**
- **The Department may seek enforcement, suspend and revoke permits, issue administrative and civil penalties, and order corrective action in accordance with law. The Department shall have the authority to suspend civil penalties if the violations of this regulation are corrected in a period of time established by the Department.**