



NC DEPARTMENT OF  
**HEALTH AND  
HUMAN SERVICES**

ROY COOPER • Governor  
KODY H. KINSLEY • Secretary  
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SUSAN KANSAGRA • Assistant Secretary for Public Health  
Division of Public Health

**Application for Innovative Approval under 15A NCAC 18E .1700**

**PRODUCT NAME:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**CONTACT INFORMATION:**

Applicant: _____	Contact: _____
Company: _____	
Mailing Address: _____	
City: _____	State: _____ Zip: _____
Phone #: _____	Email: _____
Company Website Address (if applicable): _____	

**SYSTEM INFORMATION:**

System Description: _____
Materials Used in Construction: _____
Proposed Use: _____

**The application shall include the following information:**

Plans and specifications for the system, including the following:

- description of the system;
- materials used in construction;
- proposed use of system;
- system design criteria;
- system design and drawings;
- installation manual;
- operation and maintenance manual, including a checklist for documentation of inspection and maintenance activities and the VIP;
- influent and effluent sampling locations for advanced pretreatment systems while the system remains in operation;
- method for automatically measuring and recording daily wastewater flow dispersed to the dispersal field for advanced pretreatment systems; and
- start-up requirements and information;

**NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF PUBLIC HEALTH**

LOCATION: 5605 Six Forks Road, Building 3, Raleigh, NC 27609  
MAILING ADDRESS: 1642 Mail Service Center, Raleigh, NC 27699-1642  
www.ncdhhs.gov • TEL: 919-707-5854 • FAX: 919-845-3972

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

- product specific literature;
- published research;
- previous experience and performance with the system;

Results of any available testing, research or monitoring of pilot systems or full-scale operational systems including:

- identification of the third-party research or testing organization that conducted the testing, research, or monitoring provided;
  - Documentation that the protocol or evaluation used in the testing, research, or monitoring is:
    - established by a nationally recognized certification body;
    - a listed protocol that has been approved by the Department in accordance with G.S. 130A-343(d);
    - a comparable evaluation protocol used for system approval in other states. The comparable evaluation protocol shall include information on relevant conditions such as wastewater system design, soil types, climate, and hydrology and be reviewed by the Department; or
    - in accordance with an alternative performance evaluation protocol proposed by the manufacturer for approval;
- documentation that the system is tested, certified, and listed by a nationally recognized certification body and complies with an ongoing verification program administered by that certification body, as applicable; and
- documentation that the system can be sampled in compliance with 40 CFR 136 and that the method for system sampling monitors system compliance with effluent standards;
- verification that the product submitted for Provisional Approval is the same as the certified, listed, or tested product, and if not, identification of any modifications made to the submitted product;
- notification of any proprietary or trade secret information, system, component, or device. All documents received are considered Public Records in accordance with G.S. 132-1, unless they meet the criteria for classification as a trade secret as defined in G.S. 66-152(3);
- draft written Innovative Approval that includes criteria for site selection, installation requirements, operation and maintenance procedures including a VIP protocol with compliance criteria, system classification, frequency of system inspection and monitoring in accordance with Table XXXII of Rule .1301(b) of this Subchapter, and minimum certification or licensing requirements as set forth in applicable certification and licensing rules and statutes for designers, installers, and Management Entities;
- fee payment as required by G.S. 130A-343(k), by corporate check, money order or cashier's check made payable to: North Carolina On-Site Water Protection System Account or North Carolina OSWW System Account

**For dispersal systems, the application shall also include following information:**

Documentation that the following criteria have been met:

- the performance requirements for an Innovative System identified in G.S. 130A-343(a)(5) and (g) have been met;
- materials used in construction are equal or superior in physical properties, chemical durability, and structural integrity compared to materials used for similar proposed systems described in 15A NCAC 18E;
- the system has been demonstrated to perform equal or superior to a system that is described in 15A NCAC 18E or to an Innovative or Accepted System previously approved in accordance with Section .1700, based upon controlled pilot-scale research studies or statistically valid monitoring of full-scale operational systems;
- the system has met one of the following criteria:
  - the system has completed an evaluation protocol as a Provisional System in accordance with Rule .1704;
  - the manufacturer has provided comparable third-party research and testing conducted in other states, with the data and findings of all evaluations of the system performance, that support the

- proposed use of the system. The comparable research shall include information on relevant conditions, such as wastewater system design, soil and site conditions, climate, and hydrology; or
- the system has been evaluated in accordance with G.S. 130A-343(g)(3);
  - the following documentation is provided:
    - load testing that demonstrates the structural integrity to be comparable to a conventional trench system, including subjecting the trench system to an axle load of 16,000 pounds when covered with 12 inches of compacted soil and an axle load of 4,000 pounds when covered with six inches of compacted soil without collapsing, fracturing, or breaking;
    - a minimum of 100 installations operational and in use for a minimum of one year. The 100 installations sites may include any combination of systems installed in conjunction with an approved Provisional System evaluation completed in North Carolina and systems in other states; and
    - system hydraulic performance and rate of malfunction is equal or superior to the demonstrated performance of a conventional trench system.

**For dispersal systems applying for innovative approval in accordance with G.S. 130A-343(g1), the application shall also include following information:**

Documentation that the following criteria have been met:

- the physical properties and chemical durability of the material from which the wastewater trench system is constructed are equal to or superior to the physical properties and chemical durability of the material from which the accepted wastewater trench system is constructed;
- the permeable sidewall area and bottom infiltrative area of the wastewater trench system are equal to or greater than the permeable sidewall area and bottom infiltrative area of the accepted wastewater trench system at a field-installed size;
- the wastewater trench system utilizes a similar method and manner of function for the conveyance and application of effluent as the accepted wastewater trench system;
- the structural integrity of the wastewater trench system is equal to or superior to the structural integrity of the accepted wastewater trench system;
- the wastewater trench system shall provide a field installed system storage volume equal to or greater than the field installed system storage volume of the accepted wastewater trench system; and
- the following information has also been provided:
  - specifications of the wastewater trench system;
  - data necessary to demonstrate that the wastewater trench system is functionally equivalent to a wastewater trench system that is approved as an accepted wastewater system; and
  - a certified statement from an independent, third-party professional engineer or testing laboratory that, based on verified documentation, the wastewater trench system is functionally equivalent to an accepted wastewater system.

**For advanced pretreatment systems, the application shall include the following information:**

Documentation that the following criteria have been met:

- the performance requirements for an Innovative System identified in G.S. 130A-343(a)(5) and (g) have been met;
- materials used in construction are equal or superior in physical properties, chemical durability, and structural integrity compared to materials used for similar proposed systems described in 15A NCAC 18E;
- the system has been demonstrated to perform equal or superior to a system that is described in 15A NCAC 18E or to an Innovative or Accepted System previously approved in accordance with Section .1700, based upon controlled pilot-scale research studies or statistically valid monitoring of full-scale operational systems;
- the system has met one of the following criteria:

- the system has completed an evaluation protocol as a Provisional System in accordance with Rule .1704;
- the manufacturer has provided comparable third-party research and testing conducted in other states, with the data and findings of all evaluations of the system performance, that support the proposed use of the system. The comparable research shall include information on relevant conditions, such as wastewater system design, soil and site conditions, climate, and hydrology; or
- the system has been evaluated in accordance with G.S. 130A-343(g)(3);
- Documentation of one of the following:
  - for a system that has been certified and listed by a nationally recognized certification body, as defined by G.S. 130A-343(a)(6) for a period that exceeds two consecutive years, a minimum of 50 complete third-party field verification data sets from a minimum of 15 sites in operation for a minimum of six months, including all constituents necessary to verify compliance with the applicable effluent standard. Two to five data sets may be from the same site if collected a minimum of three months apart, with no data excluded from the field sampling sites. The data may be collected from systems in-state or out-of-state. The data sets shall demonstrate compliance with TS-I, TS-II, or RCW effluent standards in accordance with Rule .1710; or
  - a minimum of 150 complete third-party field verification data sets from a minimum of 50 sites in operation for a minimum of six months, including all constituents necessary to verify compliance with the applicable effluent standard. Two to five data sets may be from the same site if collected a minimum of three months apart, with no data excluded from the field sampling sites. The 50 sites may include a combination of sites monitored in conjunction with an approved Provisional System evaluation completed in North Carolina and sites in other states. The data sets shall demonstrate compliance with TS-I, TS-II, or RCW effluent standards in accordance with Rule .1710.

Initially submit two copies of all requested materials to Tricia Angoli, Onsite Water Protection Branch, 1642 Mail Service Center, Raleigh, NC 27699-1642. Please include the fee payment in accordance with G.S. 130A-343(k), shown below. Corporate check, money order, or cashier’s check shall be made payable to: NC OSWW System Account.

<i>The Applicant hereby certifies that, to the best of his/her abilities and belief, complete and factual representations of the information requested above have been provided.</i>	
_____	_____
<b>Applicant’s signature</b>	<b>Date</b>

**G.S. 130A-343(k) Fees.** - *The Department shall collect the following fees under this section:*

(1)	<i>Review of an alternative protocol under subsection (d) of this section</i>	\$1,000.00
(2)	<i>Repealed by Session Law 2015-286, s. 4.15(a), effective October 22, 2015.</i>	
(3)	<i>Review of a provisional system</i>	\$3,000.00
(4)	<i>Review of an innovative system</i>	\$3,000.00
(5)	<i>Review of an accepted system</i>	\$3,000.00
(6)	<i>Review of a residential wastewater treatment system pursuant to G.S. 130A-342</i>	\$1,500.00
(7)	<i>Review of a component or device required of a system</i>	\$100.00
(8)	<i>Modification to approved accepted, provisional, or innovative system</i>	\$1,000.00