

## **HARKERS ISLAND SANITARY DISTRICT AN ORDINANCE TO REQUIRE NOTICE OF SEWAGE SYSTEM CONSTRUCTION OR EXPANSION**

WHEREAS, the Harkers Island Sanitary District under Chapter 130A, Article 2, Part 2 of the General North Carolina (or a predecessor chapter) for the preserving and promoting the public health and Harkers Island, North Carolina; and was formed Statutes of purpose of welfare on

WHEREAS, the District owns and operates a potable water system serving much of Harkers Island; and

WHEREAS, one or more utilities regulated by the North Carolina Utilities Commission also provide potable water in other areas of the District; and

WHEREAS, private water wells serve multiple residences and/or non-residential uses on the island; and

WHEREAS, for older wells, there may be no public record of their location such that operators of sewer systems can accommodate those wells during the construction or expansion of a sewer system or components thereof; and

WHEREAS, it has been impractical for the District to build a sewage system to serve the island and a corporation or residents has or have built one or more sewage systems to serve multiple customers; and

WHEREAS, there is a potential for adverse impact between the installation and operation of sewage systems and the installation and operation of potable water systems or private wells; and

WHEREAS, to reduce the potential for these impacts the District's Board, pursuant to G.S. 130A-58, finds that the public health and welfare within the district will be promoted by a system of notification to property owners and operators of potable water systems whose wells and water lines may be impacted by the installation of new sewer lines or expansion of sewage treatment plants on Harkers Island.

NOW THEREFORE BE IT ORDAINED by the Board of the Harkers Island Sanitary District (the "District") that regulations are imposed as follows:

### **I.**

1. Definitions. As used in this ordinance:

- "Adverse impact" means a violation of the appropriate building, plumbing, utility, or environmental codes or regulations of North Carolina, Carteret County, or the United States or departure from generally accepted engineering standards, such that private or public potable water supplies, or the public health, on Harkers Island are threatened.
- "Plans and Specifications" means the plans and specifications for construction, installation, expansion, or extension of a Sewer System, or any component thereof, with such specificity that the District is able to discern the code requirements for such component relating to impacts on, or setback from, boundary lines, potable water lines, potable water wells, and/or public trust waters.
- "Sewage Utility" means any individual or business entity that owns or operates a Sewer System. A Sewage Utility may or may not be regulated by the North Carolina utilities Commission. Excluded from the definition of Sewage Utility is the owner of a septic tank system permitted by the Carteret County Health Department serving no more than three residential or non-residential uses.
- "Sewer System" means the components of a system that collects, conveys, treats, and/or disposes of sewage from, to, or within Harkers Island, North Carolina and that serves more than one residence or non-residential use.

2. Exemption. The replacement of existing components of an existing Sewer System that does not involve any land disturbing activity and that does not utilize more space on a property are exempted from the provisions of this Ordinance.

3. No Work until Compliance. No Sewage Utility shall begin construction, installation, expansion, or extension of a Sewer System until it has complied with the requirements hereof.

4. Filing of Plans and Specifications Each Sewage Utility shall file with the District the Plans and Specifications, and the site plan described in Section 5, at least 60 days prior to commencement of any physical work thereon. Such filing shall be made at the following name and address:

Harkers Island Sanitary District  
c/o Neil Whitford  
710 Arendell Street, Suite 105  
Morehead City, NC 28557

5. Site Plan to be filed with Plans and Specifications. At the same time the Plans and Specifications are filed, the Sewage Utility shall also file with the District a site plan showing the proposed physical location of all components of the Sewer System that are proposed for construction, installation, expansion, or extension. The site plan will identify all property boundaries, and the owners thereof, as well as any public trust waters, within 100 feet of the proposed construction, installation, expansion, or extension of any component of the Sewer System. In determining boundary lines, the Sewage Utility may utilize the geographic information system (“GIS”) maps prepared for Carteret County.

6. Request for Comment from Other Potable Water Operators. Upon receipt of the Plans and Specifications, if the District shall have reasonable grounds to believe that any component of the Plan or Specification will be constructed or installed in the service district of another potable water utility, the District shall submit such Plans and Specifications to such utility.

7. Notice to Property Owners. At least 60 days before beginning construction, installation, expansion, or extension of any component of the Sewer System (the “work” herein), the Sewage Utility shall give written notice to the owner of each property within 100 feet of any aspect of the proposed work which notice will include:

- (a) a general description of the intended work that will take place within 100 feet of the owner’s property,
- (b) a statement that the property owner may identify the exact location of any potable water well he maintains within 100 feet of the intended work to the Sewage Utility in order that the Sewer Utility can verify that there will be no adverse impact on such owner’s water well,
- (c) a statement that information may be available from the Environmental Health Division of the Carteret County Health 100 feet of a water well if you have questions concerning the protection of private wells during installation and operation of sanitary sewer systems. The contact information for these agencies is:

Environmental Health Division  
Carteret County Health Department  
3820 Bridges Street, Suite A  
Morehead City, NC 28557  
Phone: 252-728 8499

Division of Water Resources  
NC Department of Environment & Natural Resources  
127 Cardinal Drive Extension  
Wilmington, NC 28405  
Phone: 910-796-7215

The notice required in this section shall be sent by the Sewage Utility to each property owner by United States Postal Service certified mail, return receipt requested, or by an express delivery service, such as Federal Express, where the recipient is required to sign a receipt upon delivery.

For purposes of identifying property owners the Sewage Utility may rely on Carteret County’s GIS mapping system and the listing of property owners as maintained by the Carteret County Tax Office.

The Sewage Utility must file with the District a copy of the notice required by this section and each mailing receipt within 10 days of sending such notice.

8. Review. Within 45 days after the Plans and Specifications and site plans are filed with the District, the District's Board's designee will review the plans for any Adverse Impact on the District's potable water lines or water wells.

9. Notification of Concerns. After its review of the Plans and Specifications and the site plans, if the District has a reasonable suspicion that there could be an Adverse Impact on its water supply lines or wells the District shall give the Sewage Utility a Notice of Concern and request written assurance that there will be no such Adverse Impact or that the Plans and Specifications will be changed to eliminate an Adverse Impact. The District shall have the authority to require the Sewage Utility to make changes to the Plans and Specifications to alleviate an established Adverse Impact.

10. Approval. After its review of the Plans and Specifications and the site plans, if the District finds that the construction, installation, expansion, or extension of any component of the Sewer System will have no Adverse Impact on the District's water supply lines or wells, the District will give a notice of approval to the Sewage Utility. Notice of Approval will be deemed given on the 46<sup>th</sup> day after the Sewage Utility has filed its Plans and Specifications with the District unless the District gives the Sewage Utility a Notice of Concern as described in Section 9 hereof. A Notice of Concern will extend the time for the District's approval until the matters raised in Notice of Concern are addressed to the reasonable satisfaction of the District and a notice of approval given.

11. Approvals by Other Environmental Agencies. All notices of approval given by the District are conditioned on proper permitting of the construction, installation, expansion, or extension of any component of the Sewer System by the Division of Water Resources of the North Carolina Department of Environment and Natural Resources, any other state or federal agency with jurisdiction, and/or the Carteret County Health Department. Notwithstanding approval by the District, no Sewage Utility is authorized to commence construction, installation, expansion, or extension of any component of a Sewer System until all federal, state, and local permits necessary for the work have been issued. The Sewage Utility shall file such permits with the District as soon as practical after their issuance.

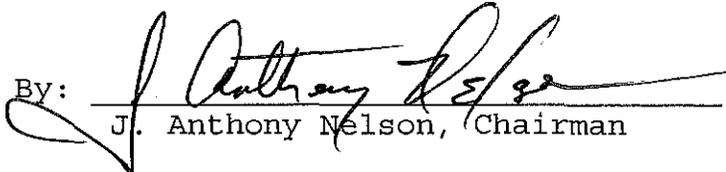
12. No Water Service Until Permits Filed. No potable water system, including the District's water system, is authorized to provide water service, including water for pressure tests, to a Sewage Utility in connection with the construction, installation, expansion, or extension of a Sewer System, or any component thereof, until all required federal, state, and local permits necessary for the work have been filed with the District.

## II.

This Ordinance is effective immediately. However, this Ordinance will not apply to the expansion or extension of a Sewer System for which applications have been filed for required permits for such expansion or extension prior to the adoption hereof with either the Division of Water Resources or the North Carolina Department of Environment and Natural Resources and/or the Carteret County Health Department.

This the 15<sup>th</sup> day of June, 2015.

Harkers Island Sanitary District

By:   
J. Anthony Nelson, Chairman

Attest: Cheryl N. Slater  
Clerk