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COMMITTEE REPORT

May 4, 2015

**H. 3646**

Introduced by Reps. Burns, Southard, Loftis, Ott and Dillard

S. Printed 5/4/15--S.

Read the first time February 26, 2015.

**THE COMMITTEE ON MEDICAL AFFAIRS**

To whom was referred a Bill (H. 3646) to amend Section 44‑55‑1310, Code of Laws of South Carolina, 1976, relating to definitions concerning passive soil‑based on‑site disposal systems, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, Section 44‑55‑133(A), as contained in SECTION 3, by deleting the subsection in its entirety and inserting:

/ ~~(2)~~(A) A passive soil‑based on‑site disposal system must be installed only by ~~certified~~ installation technicians ~~whom the manufacturer has submitted to the department and~~ who are licensed by the department under Regulation 61‑56.1 as an installer and certified by the manufacturer or a representative that has been duly authorized to administer licensed installer certification. ~~The manufacturer shall immediately notify the department when an installation technician’s certification has expired or has otherwise been rescinded or revoked.~~ /

Renumber sections to conform.

Amend title to conform.

HARVEY S. PEELER, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 44‑55‑1310, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING PASSIVE SOIL‑BASED ON‑SITE DISPOSAL SYSTEMS, SO AS TO ALLOW FOR NONGRAVITY‑BASED SOIL‑BASED ON‑SITE DISPOSAL SYSTEMS; TO AMEND SECTION 44‑55‑1320, RELATING TO WASTEWATER COLLECTION, TREATMENT, AND DISCHARGE, SO AS TO AUTHORIZE SINGLE OR MULTIPLE DWELLING UNITS TO USE A COMMUNITY OR COMMERCIAL PASSIVE SOIL‑BASED ON‑SITE DISPOSAL SYSTEM; TO AMEND SECTION 44‑55‑1330, RELATING TO SYSTEM INSTALLATION REQUIREMENTS, SO AS TO REMOVE CERTAIN REQUIREMENTS FOR A PASSIVE SOIL‑BASED ON‑SITE DISPOSAL SYSTEM AND TO SET DESIGNATIONS FOR THE TRENCH BOTTOM OF A DISPOSAL SYSTEM; TO AMEND SECTION 44‑55‑1350, RELATING TO TILE FIELD PRODUCT REGULATIONS, SO AS TO ADD THE REQUIREMENTS OF SECTION 44‑55‑1310 TO REGULATIONS PROMULGATED OVER PASSIVE SOIL‑BASED ON‑SITE DISPOSAL SYSTEMS; AND TO REPEAL SECTION 44‑55‑1340 RELATING TO FINANCIAL ASSURANCE.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 44‑55‑1310(1) of the 1976 Code, as added by Act 49 of 2003, is amended to read:

“(1) ‘Passive soil‑based on‑site disposal system’ means a nongravel, ~~gravity‑based,~~ nonmechanical, soil absorption trench used to collect, treat, and discharge, or reclaim wastewater or sewage from a ~~single family dwelling unit,~~ small on‑site wastewater system generating less than fifteen hundred gallons per day, large on‑site wastewater system generating equal to or greater than fifteen hundred gallons per day, or community, cluster, or commercial wastewater system, served by either gravity or pump distribution, without the use of communitywide sewers or a centralized treatment facility.”

SECTION 2. Section 44‑55‑1320 of the 1976 Code, as added by Act 49 of 2003, is amended to read:

“Section 44‑55‑1320. A passive soil‑based on‑site disposal system is authorized for use for collecting, treating, discharging, or reclaiming wastewater or sewage from a ~~single family dwelling unit~~ small on‑site wastewater system generating less than fifteen hundred gallons per day, large on‑site wastewater system generating equal to or greater than fifteen hundred gallons per day, or community, cluster, or commercial wastewater system, if the ~~system complies~~ systems comply with the requirements of this chapter and with ~~such~~ ordinances ~~as~~ a county or municipality ~~may establish~~ establishes consistent with this chapter.”

SECTION 3. Section 44‑55‑1330 of the 1976 Code, as added by Act 49 of 2003, is amended to read:

“Section 44‑55‑1330. ~~A passive soil‑based on‑site disposal system installed in this State must comply with the following:~~

~~(1)~~ ~~The passive soil‑based on‑site disposal system must have been manufactured by a manufacturer which has provided the following information to the department:~~

~~(a)~~ ~~written confirmation that the manufacturer will provide to each property owner and the department a written warranty on each new passive soil‑based on‑site disposal system installed. The warranty must extend for a minimum of five years from the date of installation and must apply to manufacturer’s design defects and any system failure to comply with manufacturer’s performance standards for systems installed, used, and maintained according to manufacturer’s specifications. The warranty must cover the costs of labor, materials, and installation for repair or replacement of the system, including the cost of pumping the septic tank when necessary. The warranty must qualify as an express warranty as defined under South Carolina law. Notwithstanding any other provision of statutory or case law, the warranty must automatically transfer to each subsequent owner of the property during the warranty period. The warranty may include such other terms consistent with this chapter and other applicable law; however, the warranty may not disclaim the implied warranties of merchantability or fitness for a particular purpose;~~

~~(b)~~ ~~financial assurance information as set forth in Section 44‑55‑1340;~~

~~(c)~~ ~~a system design and installation manual; and~~

~~(d)~~ ~~a plan for the manufacturer’s certification of installation technicians. The manufacturer shall maintain a continuously updated list of certified installation technicians and shall make that list available to the department through its web site or by other appropriate means.~~

~~Within sixty days of receipt of the information required to be provided pursuant to this item, the department shall certify to the manufacturer in writing that the manufacturer has complied with the requirements of this item or shall notify the manufacturer in writing as to any information which the manufacturer has failed to submit in compliance with this item. If additional information is necessary, the manufacturer shall have an additional sixty days, from the receipt of the notice, to submit the additional information. The department shall certify in writing that the manufacturer has complied with the requirements of this item within sixty days of receipt of the manufacturer’s additional information.~~

~~(2)~~(A) A passive soil‑based on‑site disposal system must be installed only by ~~certified~~ installation technicians ~~whom the manufacturer has submitted to the department and~~ who are licensed by the department under Regulation 61‑56.1 as an installer. ~~The manufacturer shall immediately notify the department when an installation technician’s certification has expired or has otherwise been rescinded or revoked.~~

~~(3)~~(B) A passive soil‑based on‑site disposal system must be sized and installed according to these minimum standards:

~~(a)~~(1) The storage capacity of the system must be at least that available in a conventional gravel system below the invert. ~~Each~~ A manufacturer shall provide its product’s storage capacity as determined by a recognized third party testing company.

~~(b)~~(2) The total trench bottom area of the passive soil‑based on‑site disposal system, measured as the area bounded by the trench width and length ~~outermost limits of the system projected to the trench bottom and reported by a recognized third‑party testing company,~~ must be at least ~~two‑thirds~~ seventy‑five percent of that required for a conventional gravel system. The system must not be less than three hundred square feet, measured as the area bounded by the trench width and length, for soils in all classifications. In addition to the above requirement, the system must provide an unobstructed open bottom area equal to at least one‑half the total bottom area of a conventional gravel system. ~~or provide delivery of effluent over the entire projected trench bottom.~~ The system must have a projected product width that fills the trench width within two inches. The system also must have a reserve area at least equal to fifty percent of the size of the installed system.

~~(c)~~(3) The absorption area must comply with all other appropriate separation distances, trench location, trench depth, and contour orientation as prescribed in Regulation 61‑56. The permitting procedure for these systems will be the same as conventional systems to include site evaluation and final inspection.

~~(d)~~(4) The entire absorption area must be shown on a set of ‘as built’ diagrams prepared by the department at the time of final inspection to include information identifying the name of the installer, the name of the product manufacturer, and the type or model number of the installed product.

~~(e)~~(5) Lateral trench runs must be as long as practical within the limits of the approved site so as to minimize the linear loading rate. Wastewater may be distributed to a lateral trench run either by gravity flow or by pump.

~~(4)~~ ~~Before installation, the property owner must be provided with a copy of the warranty described in item (1)(a), notification of the type of passive soil‑based on‑site disposal system to be installed on the property, the current telephone number of the passive soil‑based on‑site disposal system manufacturer, and notice that the manufacturer has complied with the financial assurance requirements set forth in Section 44‑55‑1340.~~”

SECTION 4. Section 44‑55‑1350 of the 1976 Code, as added by Act 49 of 2003, is amended to read:

“Section 44‑55‑1350. The department shall promulgate regulations regarding alternative tile field products to include passive soil‑based on‑site disposal systems in accordance with the following:

(1) Regulations must conform to the requirements of Sections 44‑55‑1310, 44‑55‑1320 and 44‑55‑1330. When the department submits the proposed regulations to the General Assembly for approval ~~in accordance with~~ pursuant to the Administrative Procedures Act, in addition to the information which must be filed pursuant to Section 1‑23‑120, the department shall include an explanation for each change proposed from the requirements of Sections 44‑55‑1310, 44‑55‑1320 and 44‑55‑1330.

(2) When the regulations promulgated by the department are approved by the General Assembly and become effective by publication in the State Register, the provisions of ~~Section~~ Sections 44‑55‑1310, 44‑55‑1320 and ~~Section~~ 44‑55‑1330 are repealed and no longer have the force and effect of law.”

SECTION 5. Section 44‑55‑1340 is repealed.

SECTION 6. Except as otherwise provided for in SECTION 4, this act takes effect upon approval of the Governor.

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