



Pamlico County Health Department

203 North Street

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County Health Director: Scott D. Lenhart

Board of Health Chair: Sheri Rettew

Notice of Intent to SUSPEND Improvement Permit

_____ Date _____

_____ address _____

Subject: Notice of Intent to Suspend IP

Dear: _____

The Pamlico County Health Department (the “Department”) reviewed the file for the on-site wastewater system located at _____

for compliance with the Laws (Article 11 of Chapter 130A of the North Carolina General Statutes), Rules (15A NCAC 18A .1900 et seq.), and Improvement Permit conditions. As a result of this review, the Department has determined the following violations:

Violation:

1. G.S. 130A-336(a) and 15A NCAC 18A .1937 (c) and (d): An application for an Improvement Permit or Construction Authorization, as applicable, shall be submitted to the local health department for each site prior to the construction, location, or relocation of a residence, place of business, or place of public assembly. The Department does not have an application for an Improvement Permit, including a site plan or plat, for this property.

2. G.S. 130A-336(b) and 15A NCAC 18A .1937(m): An authorized agent shall prepare a written report with reference to the site and soil conditions required to be evaluated pursuant

to this Section. The Department has no soil and site evaluation documentation to determine site suitability for this property.

3. 15A NCAC 18A .1938(j): The entire wastewater sewage system shall be on the property owned or controlled by the person owning or controlling the system. Necessary easements, right of ways, or encroachment agreements, as applicable, shall be obtained prior to the issuance of a Construction Authorization for the system installation or repair. The Department does not have copies of applicable legal agreements (e.g. tri-party agreement, perpetual easement, encroachment, right-of-way, declaration of restrictive covenants, etc.) for this property or the Windmill Pointe residential subdivision.

4. 15A NCAC 18A .1938(b), (c), (d)(6), and (g), (h), (i);1956 (7)(m): For wastewater systems required to be designed by an engineer in these rules, engineered plans and specifications shall be provided. All required drainage components are considered to be a part of the wastewater system and subject to ownership and easement requirements in Sub-item (2)(d) of .1956 and Paragraphs (c) and (j) of Rule .1938. The Department does not have copies of the engineered plans or certification for the wastewater system or the drainage system for this property or the Windmill Pointe residential subdivision.

This letter is to notify you that based on these violations, the Department intends to suspend your Improvement Permit 30 days from the date of this notice. If the Department determines that all the violations have been corrected before the thirty (30) days expire, the suspension will not go into effect. If the Permit is suspended, the Department must determine that the violations have been corrected before the suspension will be lifted.

You have a right to an informal review of the site. You may request an informal review by the NC Department of Health and Human Services Regional Soil Scientist. A request for informal review must be made in writing to the Department.

You also have a right to a formal appeal of this decision. To pursue a formal appeal, you must file a petition for a contested case hearing with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6714. You may write the Office of Administrative Hearings, call the office at (919) 431-3000 or get a copy of the petition form from the OAH web site. The petition for a contested case hearing must be filed in accordance with the provision of North Carolina General Statutes 130A-24 and 150B-23 and all other applicable provisions of Chapter 150B.

If you wish to pursue a formal appeal, you must file the petition form with the Office of Administrative Hearings WITHIN 30 DAYS OF THE DATE OF THIS LETTER. The date of this letter is _____. Meeting the 30-day deadline is critical to your formal appeal.

If you file a petition for a contested case hearing with the Office of Administrative Hearings, you are required by law (NC General Statute 150B-23) to serve a copy of your petition on Lisa G. Corbett, General Counsel, NC Department of Health and Human Services, 2001 Mail Service Center, Raleigh, NC 27699-2001.

DO NOT SERVE THE PETITION ON THE PAMLICO COUNTY HEALTH DEPARTMENT OR ITS PERSONNEL. Sending a copy of your petition to the Pamlico County Health Department will not satisfy the requirement in NC General Statute 150B-23 that you serve a copy to the NC Department of Health and Human Services. You may contact our office at (252) 745-5634 (phone) or (252) 745-3096 (fax), if you have any questions.

Sincerely,

Signature of DHHS Authorized Agent
Agent

Signature of DHHS Authorized