

MEMORANDUM

DATE: October 18, 2016

TO: Local Health Department delegated agents and other interested parties

FROM: Nancy Deal, Onsite Water Protection Branch Head

RE: Approved configuration for Prefabricated Permeable Panel Block Systems (PPPBS) pursuant to 15A NCAC 18A .1956(3)(a)(ii)

The Department received multiple inquiries in the recent past regarding use of the of the technology referenced above in a horizontal configuration. Based upon review of all available documentation from the period in which the manufacturer petitioned the (then) Commission for Health Services to adopt this rule, we find that the process that resulted in PPBPS systems being added to 15A NCAC 18A .1956 did not include its use in a horizontal orientation. Information available in our records includes multiple technical papers, demonstration testing reports, field installation inspections, and manufacturer's literature and installation recommendations and drawings. All sources reference 16-inch panels (with some reference also to a larger 24-inch model) in a vertical configuration only. The vertical configuration was also an important factor considered by scientists engaged on the company's behalf to support sizing criteria that were ultimately incorporated in the PPBPS Rule. The Department requested that any further supporting information for the horizontal configuration be provided by the company, but has received none as of this writing.

Since the Department cannot approve this significant design modification without supporting documentation, we notified the company of their options. These include: submitting an application for Provisional Approval in accordance with G.S. 130A-343 and Rule 15A NCAC 18A .1969; submitting language for inclusion in the draft Rules currently under consideration along with substantiating documentation; or, separately petitioning the Commission for Public Health for rulemaking to clarify this Rule to include the alternate configuration.

We have encouraged the company to exercise one of the above options to broaden the available options for trench media approved for use in the state. However, unless and until they do so, be advised that use of PPPBS is approved only in a vertical orientation and configuration.