

**From:** Wood, Nancy A.  
**Sent:** Tuesday, September 03, 2013 10:11 AM  
**To:** Justin Weist ([justinweist@durhamnc.gov](mailto:justinweist@durhamnc.gov))  
**Cc:** Eaton, Patrick  
**Subject:** Unrepairable septic system at 7227 Fayetteville Road  
**Importance:** High

Hello, Justin,

In response to your request for further clarification of the unrepairable septic system at situation at 7227 Fayetteville Road:

The complete language of 15A NCAC.1961(l) referred to in the Notice of Violation sent to Ms. Ellison on July 24, 2013, is as follows:

**“A sewage collection, treatment, and disposal system that creates or has created a public health hazard or nuisance by surfacing of effluent or discharge directly into groundwater or surface waters, or that is partially or totally destroyed shall be repaired within 30 days of notification by the state or local health department unless the notification otherwise specifies a repair period in writing. If a system described in the preceding sentence has for any reason been disconnected, the system shall be repaired prior to reuse. The state or local health department shall use its best professional judgment in requiring repairs that will reasonable enable the system to function properly. **If for any reason a sewage collection, treatment, and disposal system is found to be nonrepairable, or is no longer required, the system shall not be used, and may be required to have any contents removed, collapse any components and backfill, or otherwise secured as directed by the authorized agent to protect the public health and safety.**”**

The most immediate public health hazard was the septic tank, whose lid was broken in several pieces and was full of water at the ground surface. The accompanying leachfield had not allowed any of the accumulated water to drain into it, indicating that it was at least partially or totally destroyed as well. Installed in 1958, the leachfield area had numerous ruts and broken sections of pipe protruding from it, so putting in a new tank would not have restored the system to functionality. In addition, the lot at 7227 Fayetteville Road lacks sufficient space to install a new, replacement system for repair purposes.

I hope this is helpful; please let me know if you require any additional information.

Best regards,

Nancy

**Nancy A. Wood, REHS**  
**Environmental Health Division/Onsite Water Protection**



**Public Health**  
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**DURHAM COUNTY DEPARTMENT OF PUBLIC HEALTH**

Human Services Building

414 E. Main Street

Durham, NC 27701

Office 919.560.7867 Cell 919.698.9114 Fax 919.560.7830

[nwood@dconc.gov](mailto:nwood@dconc.gov)



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**NOTICE OF VIOLATION  
ONSITE WASTEWATER SYSTEM**

Owner(s): Helen Ellison  
100 Ellison Dr  
Durham, NC 27713

Property Location: 7227 Fayetteville Rd  
Durham, NC 27713

First Class Mail  
 Certified Mail

Dear Helen Ellison:

You are hereby notified that you are violating the Rules adopted by the North Carolina Commission for Health Services or Article 11 of Chapter 130A of the General Statutes of North Carolina by owning or controlling a residence, place of business, or place of public assembly which is not provided with an approved wastewater system. Your wastewater system is not in compliance.

On July 24, 2013 an inspection of the wastewater system by the Durham County Department of Public Health indicated the following violations:

<u>Violation</u>	<u>Law or Rule</u>
1) Septic tank is partially destroyed.	15A NCAC .1961(l)

**You are hereby ordered to bring your wastewater system into compliance by completing the following:**

Connect to municipal sewer **and** properly abandon the existing septic tank. Durham Public Works Engineering can be contacted at (919) 560-4326 for guidance on procedures for sewer connection. Permit for septic tank abandonment is attached.

**OR**

You may choose to vacate the residence and properly abandon the existing septic tank.

Environmental Health Division  
Human Services Building | 414 East Main Street, Durham, North Carolina 27701  
(919) 560-7800 | Fax (919) 560-7830 | [dconc.gov/publichealth](http://dconc.gov/publichealth)  
Equal Employment/Affirmative Action Employer

If the wastewater violation is not brought into compliance by August 24, 2013, appropriate legal action will be taken.

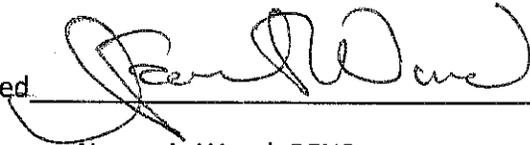
**Failure to comply with the laws, rules, and this notice will subject you to the following legal remedies; Injunction Relief [G.S. 130A-18], Administrative Penalties [G.S. 130-22(c)], Suspension or Revocation of Permits [G.S. 130-23], and Criminal Penalties [G.S. 130-25].**

You may contact our office at: 414 East Main Street, Durham, NC 27701.

Phone: 919-560-7800

Notice Issued July 24, 2013

Signed



Agent

Nancy A. Wood, REHS  
Environmental Health Specialist

Compliance \_\_\_\_\_ (date) Signed \_\_\_\_\_ Agent



Public Health

ENVIRONMENTAL HEALTH DIVISION
414 E. Main Street, Durham, NC 27701
Ph 919-560-7800 Fax 919-560-7830
healthinspector@dconc.gov

SEPTIC TANK ABANDONMENT RECORD

Owner: DAVID AGUILERA / HELEN ELLISON
Location: 7227 FOXETTSVILLE RD
Subdivision: ELLISON HEIGHTS
Tax Map Ref. No: - PIN#: 0718-04-4357 Parcel ID: 150121
Lot Size: 0.906
House [checked] Mobile Home Business Other

Tank/Tanks to be Abandoned
Septic Tank [checked] Pump Tank

Abandonment Permit by: NANCE A. WOOD
Date: 7/24/2013

Abandonment Inspection by: [Signature] and Tractor Date: 7/26/13

Tank Abandonment by: TERRY WOODS Date: 7/26/13

Pump tank or tanks, crush top and collapse sidewalls, apply powdered lime to tank hole, back-fill hole with soil material.

Notes: