

Rule reference # in 18E:	Letter reference for rule reference # selected: (Use N/A if no letter provided)	Please ask your question.	Previous Branch Response	Branch Response (Updated September 2025)
0.0101	N/A	Can the LHD do troubleshooting and repair (example: replacing a broken riser, tank, crushed drain line, etc) on a system written by a PE via EOP, AOWE, and/or an A2 permit?	Yes, LHD can do troubleshooting to determine if maintenance is needed. Please keep in mind that if a LHD will be issuing a repair permit for an EOP or AOWE permit, an IP and a CA is required for the repair since an IP was never issued for the property. LHDs cannot use BPJ to repair EOP and AOWE permits (GS 130A-336.1 & 130A-336.2, respectively). For (a2)s, the LHD would only need to issue the IP and/or CA based on what is being repaired. If a new IP is issued, the initial (a2)IP would need to be revoked. A new CA can be issued without revoking the initial (a2)CA.	NO CHANGE
0.0101	N/A	Need help with IP/CA/OP Soil sheets etc.	Please reach out to your Regional Soil Scientist for assistance.	NO CHANGE
0.0102	NA	As long as the drain field/overall system is not being changed then the updated control panel is not required, but if system is changing (flow/setbacks/etc.) then the updated panel is required?	Properly functioning components that comply with their current OP and are unaffected by the new permit, are not required to meet 18E.	UPDATED: Properly functioning components that comply with their current OP and are unaffected by the new permit, are not required to meet 18E. This is now addressed in .0102(g) and (h).
0.0102	N/A	If an IP is issued in 2023 but the CA isn't issued until 2024, which rules apply?	The CA goes with the IP. Thus, the CA shall comply with the .1900 rules. However, if the applicant/owner wishes to receive additional benefits from 18E, they can reapply with the LHD for a new IP/CA. UPDATED MARCH 2024: However, setbacks in 18E are applicable, since the CA or OP is issued after January 1, 2024, and Rule .0102(d) states that a permit shall meet the setbacks of the rules in place at the time the permit was issued.	NO CHANGE
0.0102	c	How can an OP be "revised" to place an existing system under the 18E rules without a new OP being issued?	An OP should be re-issued as needed.	NO CHANGE
0.0102	e	Does this now require type IV systems installed prior to 7/1/92?	No because Rule .0102(e) references Section .1300. Rule .1301(b) states " <i>System management in accordance with Table XXXII shall be required for all systems installed or repaired after July 1, 1992. System management in accordance with Table XXXII shall also be required for all Type V and VI systems installed on or before July 1, 1992.</i> "	NO CHANGE
0.0105	N/A	Can we add a definition for "Certified Operator" or "Private Certified Operator" please?		NEW: See Management Entity definition which refers to the applicable rules of the Water Pollution Control System Operators Certification Commission. G.S. 90A-46 (4) and (5) defines "operator" and "operator in responsible charge" respectively. Adding the definition will be considered in the future.
0.0202	g	Both the owner AND applicant have to physically sign applications?	Yes. The definition of owner also includes owner's representative (Rule .0105(73)).	UPDATED: Yes. The definition of owner also includes owner's representative Rule reference changed to .0105(74).
0.0202	g	Are the following documents still acceptable Power of Attorney, Real Estate Contract, Estate executor, Bankruptcy trustee, court ordered guardianship or does the owner have to physically sign the application? Are electronic signatures acceptable?	Owner means a person holding legal title to the facility, wastewater system, or property or his or her representative. The owner's representative is a person who holds power of attorney to act on an owner's behalf or an agent designated by letter or contract to act on the owner's behalf. Electronic signatures are acceptable.	UPDATED: Owner means a person holding legal title to the facility, wastewater system, or property or his or her representative. The owner's representative is a person who holds power of attorney to act on an owner's behalf or an agent designated by letter or contract to act on the owner's behalf. It is the applicant's responsibility to ensure that any documentation submitted gives them the authority to apply for and accept on-site wastewater permits. Electronic signatures are acceptable.
0.0202	(a)(9) signature applicant and owner	Can we still accept real estate contract as owner's legal representative?	Yes, if it meets the definition of "owner" in .0105. "Owner" is defined as a person holding legal title to the facility, wastewater system, or property or his or her representative. The owner's representative is a person who holds power of attorney to act on an owner's behalf or an agent designated by letter or contract to act on the owner's behalf.	UPDATED: Yes, if it meets the definition of "owner" in .0105. "Owner" is defined as a person holding legal title to the facility, wastewater system, or property or his or her representative. The owner's representative is a person who holds power of attorney to act on an owner's behalf or an agent designated by letter or contract to act on the owner's behalf. It is the applicant's responsibility to ensure that any documentation submitted gives them the authority to apply for and accept on-site wastewater permits.

0.0203	N/A	Can an AOWE issue a non compliance letter if necessary?	Rule .0203 refers to improvement permits. An improvement permit is either approved or denied. A non-compliance letter cannot be issued on an IP. If you are asking in general if an AOWE can issue a non-compliance letter like an authorized agent in accordance with Rule .0302(d), you need to ask the NCOWCICB.	NO CHANGE
0.0205	NA	How can an OP be "revised" to place an existing system under the 18E rules without a new OP being issued?	An OP should be re-issued as needed.	NO CHANGE
0.0205	f	Invalid OPs? What if there is not an OP? How to reconcile an invalid OP?	Invalid OPs need an intent-to-suspend or intent-to-revoke. If no OP, handle on a case-by-case basis.	UPDATED: Invalid OPs need an intent-to-suspend or intent-to-revoke. If no OP, refer to .0102(i). An application must be submitted to the LHD and the existing system will be evaluated at that time. For the purpose of a real estate transaction, refer clients to a certified inspector.
0.0206		I think I have the right rule. But regarding ESA, if we are not evaluating the whole lot then how are we finding things off the property of the structure they are seeking is no where close to the property line? If we are looking at the whole lot and we find it and we issue NOV and making them bring it back into their control (if an easement cannot be created) then the whole system now falls under 18E?	This will depend on what is applied for. Reconnections: Systems must be located to ensure compliance with the system's OP, that the system is being operated and maintained as specified in G.S. 130A, Article 11, 18E, and permit conditions, the facility meets the setbacks in Rule .0600, and there are no current or past uncorrected malfunctions. No flow additions (storage sheds, pools, decks, etc.): Only the compliance of the proposed addition with .0600 setbacks is evaluated. Depending on the issues found during either of these inspections, a denial of the ESA, ITR, ITS, NOV, or NONC may be the appropriate action. If the system crosses a property line, only the new parts of the system that are relocated must meet 18E. Properly functioning components of the existing system that comply with their current OP and are unaffected by the new permit, are not required to meet 18E.	UPDATED: .0206(b)(3) makes it clear that the proposed facility or site modifications must meet the setbacks in .0600. Reconnections and property additions are now treated the same. Depending on the issues found during either of these inspections, a denial of the ESA, ITR, ITS, NOV, or NONC may be the appropriate action. If the system crosses a property line, only the new parts of the system that are relocated must meet 18E. Properly functioning components of the existing system that comply with their current OP and are unaffected by the new permit, are not required to meet 18E. This is now addressed in .0102(g) and (h).
0.0206	N/A	SL 2023-90DIRECT THE BUILDING CODE COUNCIL TO CREATE AN ON SITE WASTEWATER EXISTING SYSTEM AFFIDAVIT Section 8.1(a) refers to an affidavit instead of an existing system inspection. as in 18E .0206. Do we inform the person of the affidavit and let them decide whether they use it or have us do an existing system inspection?	There is no obligation for Environmental Health to inform owners of the affidavit.	NEW: Rule reference to affidavit is listed in Rule .0206(h).
0.0206	c	Does the affidavit that was passed in Session Law affect additions as well as reconnections on Jan 1 2024?	Yes, anything that requires a building permit, and the project does not propose to increase the DDF or wastewater strength.	NO CHANGE
0.0206	a	There are plenty of "shalls" in .0206 a & b however this is contrary to SL2023-90 and also SL2023-77	The working copy of 18E merged the Session Law changes with the adopted version of 18E.	NO CHANGE
0.0206	c	Is the affidavit still accepted if footprint of home changes but daily design flow stays the same?	If the project requires a building permit and the project does not propose to increase the DDF or wastewater strength, building inspections shall not delay a building permit if affidavit is submitted.	NO CHANGE
0.0206	N/A	With ESA that is done by an aowe, are they required to submit paperwork to the health department informing us that an ESA was issued by them?	No requirement, but recommended.	NO CHANGE
0.0206	a	Can you explain the difference between rule .0206 (a) and .0206 (b)?	Rule .0206(a) states who may do the approvals for a reconnection and what type of reconnection. Rule .0206(b) specifies the criteria that must be met to approve the reconnection.	UPDATED: Rule .0206(a) states who may do the approvals for a reconnection and site modifications that requires a building permit. Rule .0206(b) specifies the criteria that must be met to approve the reconnection or site modification.
0.0206	e	(3) What is the intent of this rule. Is this for the replacement of an entire building (single-wide mobile home removed and double wide set up or burns), additions to existing houses, detached structures such as gazebos, sheds? Are these changes in locations to existing facilities and require a CA? When would CAs be issued vs. ESA? Our CAs are going to be blank forms because there will be no construction or alterations of the septic system. Yes?		NEW: Rule reference changed to .0206(d). This is not the same CA that we issue after an IP. This is a stand alone ESA CA that complies with the rule. The ESA template addresses this CA at the top of the form with a checkbox. This is only used for .0206(d)(3) which occurs when a facility is reconnected to an existing wastewater system but not contained within the same footprint as the previous facility. A traditional IP/CA would be required if .0206(d)(1) and/or (2) are applicable.

0.0207	N/A	.0207 and G.S. 130A-336.1 concerning the use of the EOP and the turnaround time and fees established only address the applications that come in from the EOP. Please clarify that a submission by a PE caused by .0303 features but not submitted as an EOP would not have the same turnaround time or the fee reduction.	That is correct. Only EOPs must meet the fees and turnaround times established in Session Law 2023-90 (which made changes to G.S. 130A 336.1)	NO CHANGE
0.0207	a	If an A2 hybrid IP is prepared by a LSS/AOWE & approved by the given county health dept/NCDHHS and it is noted in the A2 IP that a wastewater engineer is needed for the design, can a wastewater engineer use that A2 IP as the soil scientist portion of an EOP submittal/permit? Would the A2 hybrid CA permitting route and/or traditional CA permitting routes be options too?	No, unless the PE gets the approval from the LSS/AOWE to use their work for an EOP. The IP would need to be revoked if a PE is submitting an EOP in this scenario. The (a2) CA (PE does the work for the CA) or traditional CA permitting routes are options.	NO CHANGE
0.0207	c	Where is the updated 18E EOP form located?	Will be up soon. Thank you for pointing this out.	Updated EOP common form is on the webpage.
0.0302	c	Does c3 apply to cracked septic tanks?	Yes for a crack that affects the structural integrity of the tank or if the tank is not watertight due to the crack.	NO CHANGE
0.0302	a	Can an NOV be issued if O&M contract not maintained where one is required?	No, a letter of non-compliance should be issued, or an intent-to-suspend on the OP.	NO CHANGE
0.0303	a	Please clarify "serving a single design unit". So a 6 bedroom house using a pump would require an engineer. How about two 3 bedroom houses with a pump system? Thanks	Yes, design features will have either a common dosing tank or collection sewer based .0303(a)(9) "two or more septic tanks or advanced pretreatment units, each serving a separate design unit, and served by a common dosing tank" or .0303(a)(13) "the system includes a collection sewer prior to the septic tank or other pretreatment system serving two or more design units, except for systems governed by the North Carolina Plumbing Code."	UPDATED: Yes, design features will have either a common dosing tank or collection sewer. However, .0303(a)(9) was struck and a PE is not required for "two or more septic tanks or advanced pretreatment units, each serving a separate design unit, and served by a common dosing tank." Rule .0303(a)(11) replaced (13) but still applies to a collection sewer: "the system includes a collection sewer prior to the septic tank or other pretreatment system serving two or more design units, except for systems governed by the North Carolina Plumbing Code."
0.0401	a	If there is no septic record on an existing house/system. What are we going to call the system size? A 1 or 2 bedroom size?	Anything believed to have been installed prior to 1/1/24, we default to 240 gpd (2 BR) for residences, and 100 gpd for non-residential. After this date, we should have better records to show the number of bedrooms.	UPDATED: We have developed a guidance document entitled "Procedures for Determining DDF Without a Septic Permit." It may be found on our website under the section for Rule Interpretations and Guidance.
0.0401	b	Is the RV park memo no longer valid?	The memo is still valid come January 1, 2024.	UPDATED: The memo is still valid and was updated to reflect 18E. Additional questions have been raised and the memo is in the process of being updated again. The update will be distributed on the listserv.
0.0401	b	What do we use for the DDF for fire stations, EMS stations where employees work 24 shifts?		NEW: Start with the design flow of 60 gpd/person and adjust that flow based on activities. For example, if no laundry is done at the facility, instead of 60 gpd/person we would recommend using 45 gpd/person. The breakdown for the 60 gpd/person for food, toilets, showers, and laundries is detailed in the Camps/Campgrounds portion of Table II in Rule .0401(b). Review plans for floor drains and decontamination rooms that may require them to submit an application for IPWW.
0.0402	N/A	How does HSE effect the requirement for a PE?	A PE will be required for HSE when specified in the PIA advanced pretreatment approval or as required in Rule .0402(b)(2).	NO CHANGE
0.0402	N/A	1) If a facility is described as having potential to generate HSE per table II, is it assumed to generate HSE unless proven otherwise? 2) How do we address HSE for facilities with less than 1500 gpd such as a small church? Is a licensed professional required?	1) Yes 2) No licensed professional required. However, you need to follow the criteria we have used in the past, i.e., mean of the LTAR (Rule .0901(c)(5) and .0907(c)(4)), and no 25% reduction (Rule .1713(5) and (6)). UPDATED MARCH 2024: Additionally, a PE, LG, or LSS will need to determine the adjusted LTAR in accordance with Rule .0901(d)(5).	UPDATED: 1) Yes 2) No licensed professional required. However, you need to follow the criteria we have used in the past, i.e., mean of the LTAR (Rule .0901(c)(5) and .0907(c)(4)), and no 25% reduction (Rule .1713(5) and (6)). If the DDF is under 1,500 gpd, <u>NO</u> PE, LG, or LSS will be needed to determine the adjusted LTAR.
0.0402	N/A	How is HSE addressed for systems with <1500 gpd ddf? The rule only prescribes how to address for systems >1500 gpd.	Follow the criteria we have used in the past, i.e., mean of the LTAR and no 25% reduction. Rules .0901(c)(5) and .0907(c)(4) require the use of the mean of the LTAR for HSE, and Rule .1713(5) and (6) specifies no 25% reduction for HSE. UPDATED MARCH 2024: Additionally, a PE, LG, or LSS will need to determine the adjusted LTAR in accordance with Rule .0901(d)(5).	UPDATED: Follow the criteria we have used in the past, i.e., mean of the LTAR and no 25% reduction. Rules .0901(c)(5) and .0907(c)(4) require the use of the mean of the LTAR for HSE, and Rule .1713(5) and (6) specifies no 25% reduction for HSE. If the DDF is under 1,500 gpd <u>NO</u> PE, LG, or LSS will be needed to determine the adjusted LTAR.

0.0403	N/A	Can the LHD or Dept. disapprove--ie, not grant--a proposal for reducing DDF? The rule (and session laws 2013-413 and 2014-120)) do not indicate that we have to approve these proposals.	If the flow reduction is proposed in accordance with Paragraph (e), you accept this proposal. The Session Law doesn't explicitly state that we have to approve them, but it does state that a wastewater system shall be exempt from the flow rates determined by the Department when a reduced flow rate is provided by a PE. Thus, the Session Law implies that we must accept the proposal. If the flow reduction is proposed in accordance with Paragraphs (b), (c), or (d), and you do not approve it, you need to have a valid reason for denying the flow reduction that is supported by rule.	NO CHANGE
0.0403	d	How is a proposal for reduced DDF supposed to account for increased effluent strength, esp for <1500 gpd systems? How is increased effluent strength calculated/determined?	If the facility the reduced DDF is being proposed for is not indicated to have the potential for HSE as identified in Table II, then you do not have to account for increased strength. If the facility is one that is indicated to have the potential for HSE and is under 1,500 gpd, the requirements of Rule .0402(b)(1)(C) will need to be followed. Rule .0402(b)(1)(C) is for any proposed flow reduction for a facility that may generate HSE.	UPDATED: If the facility has a DDF greater than 1,500 gpd and is HSE, if the DDF is greater than 1,500 gpd and a flow reduction is being proposed, or if the facility generates HSE, a licensed professional will need to address the issue of wastewater strength. That can be done by using advanced pretreatment, sampling of the existing system to document that the effluent is not HSE, or other options that will be evaluated by the Branch on a case by case basis.
0.0503	b	Do these notifications to the LHD, chain of custody, etc. still apply if you are doing a private option permit?	There is no obvious or practical need to notify the LHD before, nor for the LHD to be present while, samples are taken.	NO CHANGE
0.0504	a	Can you provide clarification on the lithochromic features? Also, what do the values of Chroma 2 and 3 mean in regards to the Munsell Soil Color book for soil wetness?	There is a definition for lithochromic in Rule .0105. Chromas of 2 or less remain unsuitable.	NO CHANGE
0.0504	b	less than 18 inches if more than six inches of Group I soils are present, shall be considered unsuitable with respect to SWC. These sites are not unsuitable in the current rule. Group I soil with a SWC less than 12 inches are classified unsuitable.	Rule .0509(b)(1) allows these sites to be reclassified to suitable.	NO CHANGE
0.0504	e	Does this imply we would need modeling any time we propose artificial drainage (interceptor drain) in group III/IV soils or just when a SWC is present with group III/IV soils and artificial drainage is proposed	Modeling is not required when using an interceptor drain to address laterally moving water.	NO CHANGE
0.0505	c	If depth to saprolite is <18 inches, is it always unsuitable? Could it be evaluated with a pit and used if it is good saprolite?	No, it is not always unsuitable. Rule .0506(a) says sites can be reclassified to suitable.	NO CHANGE
0.0506	b	What happened to being able to use sandy clay loam saprolite?	Sandy clay loam saprolite was not allowed in .1900 unless advanced pretreatment was used with either drip or LPP. It's also not allowed in 18E, but sandy clay loam saprolite is allowed in 18E with the use of advanced pretreatment.	UPDATED: Sandy clay loam saprolite was not allowed in .1900 unless advanced pretreatment was used with either drip or LPP. It's also not allowed in 18E, but sandy clay loam saprolite is allowed in 18E with the use of advanced pretreatment. It is now clearly stated in Rules .1202(e), and .1203(f) and (g) that sandy clay loam saprolite can be used with advanced pretreatment. Sandy clay loam saprolite is also approved for use with advanced pretreatment and drip irrigation in Rule .1204(b)(4), Table XXX.
0.0508	c	Can a repair exempt lot with a single system (proposed entirely on the lot with a properly recorded easement) retain it's repair exemption even if it serves a facility located off the property?		New: Yes, if the property with the facility is unsuitable and the other lot qualifies for the repair exemption in Rule .0508, then a properly recorded easement could be utilized to place the wastewater system on the repair exempt lot.

0.0508	c	I am needing some advice on how to proceed with a couple of lots I have been working on. All three lots are repair exempt and I am permitting lots 1 and 2 separately. Lot 3 will not have a house on it. Because of space constraints, I am needing to do an easement for lots 1 and 2 to extend the systems onto lot 3. Each system will start on lot 1 or 2 and extend over the property line onto lot 3. Will lots 1 and 2 still have a repair exemption or does the easement eliminate the repair exemption?	In accordance with Rule .0508, if a lot is not “described in a recorded deed or a recorded plat on January 1, 1983”, the lot is not repair exempt. Thus, if the metes and bounds description of the recorded lot does not change after January 1, 1983, the lot retains its repair exemption. If the easement in any way alters the metes and bounds description of the lot, the repair exemption is lost. However, if the metes and bounds description of the easement is an addendum to the recorded deed, the lot remains repair exempt.	UPDATED: In accordance with Rule .0508, if a lot is not “described in a recorded deed or a recorded plat on January 1, 1983”, the lot is not repair exempt. The offsite lot has one repair exemption if it meets the recorded deed date. However, the unsuitable lot has no repair exemption to “share” with another lot that crosses a property line regardless of an easement unless it is entirely located on a repair exempt lot (see answer above). If the offsite lot has been developed and used the repair exemption, any additional system must have initial and repair. If the offsite lot is without an existing system, unpermitted (IP, CA, OP, NOI or ATO) and otherwise meets the requirements, it maintains one repair exemption.
0.0508	f	Situation: an existing grandfathered 3-bedroom wants to add a bedroom. Previous practice has been to add lines and repair to current code for that extra bedroom only. Existing system still good for the original three bedrooms, even if it doesn't meet current code. Is this still true? Thanks.	Rule .0508(f) allows a wastewater system on a lot deeded prior to 1983 to be expanded up to 480 gpd without the requirement for additional repair area. Properly functioning components of the existing system that comply with their current OP and are unaffected by the new permit, are not required to meet 18E. Only new components are required to meet 18E.	UPDATED: Rule .0508(f) allows a wastewater system on a lot deeded prior to 1983 to be expanded up to 480 gpd without the requirement for additional repair area. Properly functioning components of the existing system that comply with their current OP and are unaffected by the new permit, are not required to meet 18E. This is now addressed in .0102(g) and (h). Only new components are required to meet 18E.
0.0510	c	.0510(c)(3)(D) appears to require a special site evaluation for any drip system with domestic strength effluent with limiting condition within 24". This would apply to any site in Union County that we would be prescribing drip for. This seems ridiculously limiting. What is the reason for this rule? Have there been failures? This will increase dramatically the number of turndown lots in Union County.	We know there are concerns with this language, and we hope to address this in the future.	UPDATED: This has been reviewed and the Branch has determined that no changes to the language are needed. Since this applies to Group IV soils "encountered within 18 inches of the naturally occurring soil surface and the depth from the naturally occurring soil surface to any LC is less than 24 inches," both criteria must be present and are important considerations. Therefore, the special site evaluation is warranted.
0.0510	c	.0510(c)(4)(C) states that a special site evaluation is required if advanced pretreatment is proposed with an increased LTAR in group III or IV soils. An increased LTAR from what?	Increased from what would be assigned by the LHD based on DSE (this language is in Section .1200).	NO CHANGE
0.0601	a	"supporting post or pilings" How are we looking at this? Difference in porch and deck?	"Patio, porch, stoop, lighting fixtures, or signage, including supporting structures such as posts or pilings" must meet the setback of one foot. This refers to signage posts or pilings only. Any other subsurface support must meet the setback of five feet.	UPDATED: Language was changed in S.L. 2024-49 to clarify the distinctions. "Building foundation and any structural supports requiring a footing or other load bearing construction in the North Carolina Building Code" is a five foot setback. In addition, "Appurtenant structures such as stairs, or landing structures designed specifically to be set directly on the ground and do not require footings; sidewalks; pavers; lighting fixtures; or signage" changed to one foot setback.
0.0601	d	Utility setbacks. I see this as a blanket setback of 5', what happens if we need to cross a utility? is that never allowed? I know the water line crossing has been defined, but what about power, gas, communication, low voltage lighting, underground dog fence?	Crossing a utility is not addressed in the rules. We will need to address how to handle those in future rulemaking efforts. Our current interpretation is that they need to be five feet away. One option is to have the utility rerouted to meet the five foot setback. UPDATED MARCH 2024: An encroachment agreement from the utility being crossed is needed. Another option is for owner to have the utility relocated to meet the five foot setback.	UPDATED: The underground utility setback was removed in S.L. 2024-49. However, if a utility easement exists, an encroachment agreement from the utility being crossed is required. Furthermore, utility transmission and distribution line poles and towers, including guy wires, are required to meet the five foot setback unless a greater setback is required by the utility company. Ground-surface mounted utility transformers are required to meet the five foot setback.
0.0601	a	What is the difference between deck and porch?	These rules are interpreted as: deck or porch supports, 5' setback. Prefab porches that do not go subsurface and signage, 1' setback.	UPDATED: See answer above.
0.0601	N/A	The 5 ft setback from a single power utility line, is that setback from the edge of the easement or from the line itself (unless the easement is more	The line itself unless a greater setback is required by the utility provider.	NO CHANGE
0.0601	k	Do collection sewers / supply lines have a setback from footers/foundations?	Yes, 5' unless there's a basement, cellar, or in-ground swimming pool which requires 10' setback.	NO CHANGE
0.0601	a	What is the setback to a ditch or concave area that carries stormwater only? Including "ephemeral" in the definition of stream seems to open up just about anything to 50' setback, and appears to contradict some of the other stormwater setbacks mentioned in the rule. Thanks.	No setback to a ditch or concave area unless there is a vertical cut of 2' or more, then it must meet the appropriate setback in Rule .0601. These would not be considered ephemeral streams.	UPDATED: No setback to a ditch or concave area unless there is a vertical cut of two feet or more, then it must meet the appropriate setback in Rule .0601. These would not be considered ephemeral streams. S.L. 2024-49 removed the stream definition and only perennial and intermittent streams are now defined. Therefore, ephemeral streams no longer require a setback. If you are unsure of the stream designation and cannot maintain a 50 foot setback, it is advised that the owner contact the DEQ regional office to make the stream determination.

0.0701	a	(a)(5) Do supply lines have to be placed 3' deep now? This appears to say so as they are included in definition of "collection sewers"	No. This is intended for gravity collection sewers prior to the septic tank. Different design criteria are for different types of collection sewers. This language came from our previous rules in .1955(o).	UPDATED: The definition of collection sewers was modified by S.L. 2023-77 to remove the language 'within' a wastewater system. This now clarifies that supply lines are not required to be installed three feet deep. Additionally, Rule .0701(a) was changed to explain that this rule only applies to collection sewers as part of a system with a DDF greater than 3,000 gpd. The language in Section .0600 has been changed by S.L. 2024-49 to identify collection sewers, force mains, and supply lines separately, as needed.
0.0702	a	Grinder pumps used to be not permitted by HD. Are they now permitted and inspected by us? Or only under some circumstances (if outside of structure, for example)	Grinder pumps used prior to the septic tank are not permitted by the LHD.	NO CHANGE
0.0801	c	A REHS issues an IP and AC for a gravity fed IIA wastewater system. The wastewater system is installed by a NC Onsite Wastewater Contractor in accordance with the AC. The wastewater system is inspected by a REHS and approved. The Operation Permit is signed by the REHS. The owner/builder decides to construct the house 8 months later; however, the plumbing is set low in the slab or the plumbing comes out at the opposite side of the house than the septic system, and the plumber cannot maintain gravity flow to the gravity IIA system that was installed and approved months earlier. The plumber decides to utilize a grinder pump, through the plumbing code, and also installs a 4" sch. 40 10' deaccelerator pipe prior to the septic tank. The proposed 18E rules require for the septic tank to be double capacity in this situation but the OP has already been signed off. If the Local Health Department becomes aware of this situation and the septic tank capacity is not doubled, should the LHD take permit action on this wastewater system?	Issue a Notice of Non-Compliance	UPDATED: S.L. 2024-49 allows the use of four inch Sch 40 smooth wall pipe for 10 feet prior to the septic tank as an option in accordance with NC Plumbing Code. The other is to use the two septic tanks in series after a grinder pump. Suggested language for permitting: <i>If a grinder pump or sewage lift pump is installed prior to the septic tank, the required septic tank liquid capacity specified in Rule .0801 shall be doubled. The minimum liquid capacity may be met by installing two or more septic tanks in series, each tank containing two compartments. The minimum liquid capacity of each tank shall be 1,000 gallons. The installation of two septic tanks in series is not required if the grinder pump or sewage lift pump discharges into 10 feet of four-inch pipe, as specified by the North Carolina Plumbing Code.</i>
0.0801	c	This rule is in direct conflict with Plumbing Code, so how is it supposed to be enforced?	Our rules say two septic tanks in series after a grinder pump. We don't follow Plumbing Code.	UPDATED: S.L. 2024-49 allows the use of four inch Sch. 40 smooth wall pipe for 10 feet prior to the septic tank as an option in accordance with NC Plumbing Code. The other is to use the two septic tanks in series after a grinder pump.
0.0805	a	When do we leak test tanks, every site or on the whim of the local EHS or authorized agent?	Rule .0805(a) identifies when tanks shall be leak tested.	UPDATED: Rule .0805(a) identifies when tanks shall be leak tested. S.L. 2024-49 also clarified that a leak test is required "when the tank is constructed in place at the jobsite by a person not approved by the Department as a tank manufacturer using bricks, blocks, or poured in place concrete".
0.0805	d	The pipe leaving the septic tank is to be on an undisturbed earth dam. Think of this scenario, I have a pump tank 3' from a septic tank, I'm not sure it's possible to leave 3' of undisturbed earth in a 6-7' deep excavation on both sides? Even to a distribution box, everyone over digs the tank excavation to be able to remove the tank lifting chains, depending on soil characteristics it may be impossible to keep solid earth within 2' of a tank. I have read the work around in section 703 for undisturbed earth. Are we going to need mechanical compaction equipment, a 1' wide bucket, plus a 1/2 load of stone? Maybe I'm just reading it wrong, but the procedure is not clear to me. Maybe we need a demonstration of some type.	The purpose of the undisturbed earth was to try and prevent the shifting of the effluent filter after installation. We have already been advised that this is going to be problematic and plan to modify this language as soon as we can.	UPDATED: S.L. 2024-49 includes compacted soil as another option. Rule reference was changed to .0805(f). It also clarifies that the "pump tank outlet pipe shall be level for a minimum of two feet after exiting the tank."
0.0805	N/A	How is the calibration of vacuum testing equipment to be verified and subsequently documented in the file?	Still researching this one.	NO CHANGE
0.0805	a	For pump tanks, is it required to auger/dig pits in proposed location (prior to permitting) to verify presence/absence of SWC? Does CA need to specify that leak testing MAY be required IF conditions are observed? Are contractors to allow tank hole to be inspected/evaluated prior to setting the tank?	If using a mid-seam pump tank, the location of the tank should be evaluated. CA should specify that leak testing may be required if SWC are observed. Contractors are not required to allow the tank hole to be inspected prior to setting the tank. An auger boring can verify SWC.	NO CHANGE
0.0903	b	Will "Brunswick" bed/fill septic systems still be allowed with 18E rules and if so how/where has the IWW-95-1 approval been incorporated into 18E?	Yes they will still be allowed under 18E. At this time, the approval has not been incorporated into 18E.	NO CHANGE

0.0904	b	Does the change in Sept. 30 draft mean that LDP is now acceptable for normal HSE RV effluent without pretreatment?		NEW: S.L. 2024-49 modified the language in Rule .0904 so that LDP can't be used with wastewater high in fats, oil, and grease, going back to the language that was in Rule .1956(3). LDP can now be used with RV wastewater and the RV Guidance document is being modified to reflect this.
0.0908	N/A	When is a pbbps system a sand lined trench?	We need more information to answer this question. Your rule reference (.0908) is for drip dispersal.	NO CHANGE
0.1002	N/A	If using reclaimed water for landscape irrigation, do the soils in this area have to be Suitable?	Yes	NO CHANGE
0.1101	N/A	When a PE or AOWE inspect the pump dosing for the LHD to issue an OP, are they just looking at the dosing system or the entire system include drainfield installation?	Just inspecting the pump dosing system. Rule .1101(g) includes the requirements for the pump dosing test.	NO CHANGE
0.1101	g	Who is responsible for determining the elevation of the pump control floats?	The professional that designed the system that the CA/NOI is based on is responsible for providing the dose volume. The professional that inspects the dosing test is responsible for ensuring that part of the system is installed according to the design.	NO CHANGE
0.1101	N/A	What part of the pump test does the installer perform? What about alarm and electrical connections?	Rule .1101 lists the requirements for the dosing test. The installer can wire the pump to the control panel now under Session Law 2023- 90.	NO CHANGE
0.1102	e	Does a check valve constitute an isolation valve? If not, what valves can be used as an isolation valve?	No. Isolation valves would be ball, gate, and globe valves.	NO CHANGE
0.1103	N/A	This is saying as long as the drain field/overall system is not being changed then the updated control panel is not required, but if system is changing (flow/setbacks/etc.) then the updated panel is required?	Properly functioning components that comply with their current OP and are unaffected by the new permit, are not required to meet 18E.	UPDATED: See Rule .0102 (g) and (h). Properly functioning components that comply with their current OP and are unaffected by the new permit are not required to meet 18E.
0.1106	b	So if the volume of the device must be capable of handling the dose volume when delivered does that mean that if the dose volume is 180 gallons then the volume of the distribution box must be 180 gallons or greater? Thanks!	No. The distribution device must be able to disseminate the effluent quickly enough so that it doesn't overflow. A pump test should be able to check if the distribution device will not overflow.	NO CHANGE
0.1106	a	Could you provide a schematic or describe how to visually verify the flow to each lateral?	Ports or clear piping will both work. There may be other options proposed that will allow for visual verification of the flow to each line. The above two mentioned may not be the only options. We will see what we can put together for a schematic.	NO CHANGE
0.1106	a	Can the pipe from a pressure manifold be 2" to the laterals?		NEW: Yes, but there must be sufficient slope so that the effluent will not back up into the pressure manifold. Therefore, the minimum 1/8 inch fall per foot required for a supply line would be increased for a 2 inch line. For 2 feet of pressure head, 1/2 inch taps need at least 1/4 inch fall per foot, for 3/4 inch taps at least 3/8 inch fall per foot. For other pressure heads outside of this, please contact your state engineer.
0.1206	c	When TS-1 or TS-2 beds that have been reduced 25%, in accordance with .1206(c)(2)(D), can all of the reduced setbacks for TS-1 and TS-2 in table XXVIII be used?	Only reduced setbacks to artificial drainage are allowed.	NO CHANGE
0.1301	b	Will all current ORC contracts under .1961 have to be re-issued and reference 18E .1301 beginning 1/1/2024?	No	NO CHANGE
0.1301	b	If there is a single family dwelling (SFD) single pump system with a pressure manifold with accepted product drain lines, would the system be classified under Table XXXII as a IIIb or IIIbg system? How about a SFD alternating dual drainfields with pressure manifolds & PPBPS, IIIbde or something else?	First question: IIIbg Second question: IIIbde	NO CHANGE
0.1306	NA	When a system is repaired after January 1, 2024, and the existing system has a piggyback, does the repair need to have a control panel or can they continue to use their piggyback as long as the piggyback is okay to use? If the piggyback or control panel needs to be replaced, does the replacement need to meet 18E? Or can they replace it with a piggyback or control panel that is identical to what was already there?	Properly functioning components that comply with their current OP and are unaffected by the new permit, are not required to meet 18E.	UPDATED: Properly functioning components that comply with their current OP and are unaffected by the new permit, are not required to meet 18E. A piggyback that no longer functions will be required to be replaced with a control panel that meets 18E. See Rule .0102(g) and (h).

0.1306	c	In a situation where BPJ is the only option and local regulations (county septic regulations, local watershed regulations, and/or UDO regulations) cannot be met. Do the local regulations that cannot be met with the new BPJ septic design have to be listed within the BPJ form by the REHS, PE, or AOWE?	Only the 18E rules that cannot be met are required on the BPJ form.	NO CHANGE
0.1306	N/A	If line spacing were reduced from 9 foot on center to 8 foot on center for a repair, does a form by the homeowner need to be signed for us to use our BPJ in that situation?	Yes, BPJ cannot be used without the BPJ form signed by the homeowner.	NO CHANGE
0.1306	N/A	What if we disagree with the soils calls on the previously permitted repair area?	If you disagree, another type of system that meets 18E can be permitted. If BPJ must be used, it can be if the owner submits a signed BPJ form.	UPDATED: Repair area and system type designated on the previous IP, CA, NOI, or ATO does not prevent the use of BPJ. That language was struck from .1306(c)(2) in S.L. 2024-49. BPJ shall not be used when: there are reductions in setbacks to drinking water wells less than what is required in Rule .0601 of this Subchapter; there are reductions in setbacks to surface water bodies greater than 50 percent of the allowed setbacks as indicated in Rule .0601 of this Subchapter; or there is no reasonable expectation that the repaired wastewater system will function to eliminate public health hazards.
0.1306	N/A	Who decides if the repair area is compromised when evaluating for a repair?	The permitting professional determines this.	NO CHANGE
0.1306	c	"When necessary to protect public health..." - At what point do we consider the temporary P&H order? Is this based on time or severity of failure?	This is based on the severity of the issue. These are to be handled on a case-by-case basis, and please contact your Regional Soil Scientist for guidance.	NO CHANGE
0.1306	c	During our meeting on 10/10/23, it was stated that we (LHD) must use the designated repair area if identified and shown on the permit. Currently, I do not see this statement in our rules. If not, then is this guidance instead of a rule? Also, it mentions BPJ will be documented but it does not specify exactly when its applicable. Based on the recent commentary, can this be clarified?	No, this is not guidance. This is law. Session Law 2023-77 is very clear by limiting the use of BPJ: <i>"Best professional judgment shall not be used when (i) the Improvement Permit, Construction Authorization, Notice of Intent to Construct, or Authorization to Operate indicates the repair area and system type, however, this does not preclude the owner from applying for a different wastewater system than the one specified on the permit as a repair,..."</i> Further, Session Law 2023-77 states <i>"The local health department, professional engineer, or Authorized On-Site Wastewater Evaluator shall document, on the Department-provided form, the aspects of the rules being altered to achieve the repair."</i>	UPDATED: Repair area and system type designated on the previous IP, CA, NOI, or ATO does not prevent the use of BPJ. That language was struck from .1306(c)(2) by S.L. 2024-49. BPJ shall not be used when: there are reductions in setbacks to drinking water wells less than what is required in Rule .0601 of this Subchapter; there are reductions in setbacks to surface water bodies greater than 50 percent of the allowed setbacks as indicated in Rule .0601 of this Subchapter; or there is no reasonable expectation that the repaired wastewater system will function to eliminate public health hazards.
0.1307	N/A	How long does a system have to be unused before it is considered abandoned? Since we get so many requests for reconnection, when should we consider issuing an abandonment order (assuming we're meant to do that)?	Most abandonments are in conjunction with other permits (repairs, expansions, reconnections, well siting). In those cases the abandonment will be a condition of the permit.	UPDATED: There is no established timeframe in the rules concerning the functionality of a system that is unused and this is determined on a case-by-case basis. Contact your Regional Soil Scientist for questions. Most abandonments are in conjunction with other permits (repairs, expansions, reconnections, well siting). In those cases the abandonment will be a condition of the permit.
0.1401	h	How will campground RV/camper sewer dump stations wastewater design flows be calculated if there are no sewer hook ups at the individual camp sites and a public bath house is available for campers to use? Would the dump station be based on all the camp sites that can support a RV or camper?	RV dump station flow needs to be determined by a PE.	NO CHANGE
0.1402	d	Are concrete septic tanks for which a CA was issued prior to 1/1/24 required to be marked with the date of manufacture?	No	NO CHANGE
0.1404	N/A	How is the plumbing accessible in a pump tank riser if there is a secondary lid? For instance if 36" of risers are on the tank to bring it above grade?	The secondary lid has to be removable within the opening of the riser.	NO CHANGE
0.1404	d	Does the "secondary lid" requirement apply to concrete risers? It is required for the pump piping (union disconnect, ball valve, etc) to be within 18" from the top of the riser. At this time I do not know of any secondary lids/kid catchers that are pre-fabricated to fit in tall concrete risers. I know that the pump tank access lid could potentially be used as a secondary lid for short risers; however, the problem is going to be trying to retrofit some "kid catcher" for tall concrete risers.	Yes it applies to all risers. Plastic riser approvals currently have this information included in their riser approval. The Branch will work with concrete tank and form manufacturers to develop alternative secondary lids for the concrete risers.	UPDATED: S.L. 2024-49 clarified the language in Rule .1404 that concrete risers for both septic tanks and pump tanks require a secondary safety mechanism.

HOAs- Regarding Tri- Party Agreement	N/A	Good morning, I did have a question regarding off-site lots and how to repair them when the HOA dissolves? The issue comes into play that these are large community systems or individual lots with supply line easements. I had an issue where it took months to determine who was responsible for a broken supply line because the HOA dissolved. Moving forward, how does the state want to address the issue of responsibility of HOA dissolutions because plot plans or site plan show supply lines locations, but not necessarily which supply line goes to what house. It makes it harder for LHD to determine how to locate these systems.	We certainly understand the difficulties of these situations. Ultimately, the homeowner is responsible for their malfunction. We must handle these on a case-by-case basis.	NO CHANGE
NA	NA	I have a follow up question of sorts regarding right of way acquisition parcels and 18E. I'm trying to figure out when NCDOT buys a portion of a property and the property lines are changing (reducing overall) at what point would 18E rules kick in. If there is no previous septic permit for a parcel and a portion of the drainfield is in the acquisition area, would that push them into 18E requirements for a new drainfield since eventually a new lot is going to be platted once they complete their acquisition process? If this is correct, how much of the old system would need to be brought into 18E (ie. 1000 gallon tank, new setbacks, panel requirements, etc.) If there is an existing permit, I assume any new replacement drainfield, pump tank (if needed), etc. would still fall under the .1900 rules?	The system being relocated due to the land acquisition by DOT would require that the new components of the drainfield meet 18E. Properly functioning components of the existing system that comply with their current OP and are unaffected by the new permit, are not required to meet 18E. Same answer as above for 2nd question.	NO CHANGE
NA	NA	What about tanks already in production that get installed after the rules take effect, will they need to meet the new criteria? Most manufacturers have 30-40 days inventory on normal tanks (not a huge deal), but on large tanks or traffic rated tanks, we produce mid sections and bottoms for use 12-36 months later.	We anticipate that tanks manufactured before January 1, 2024, will be installed after January 1, 2024, and since they were manufactured before January 1, 2024, will not need to meet 18E.	NO CHANGE
Not sure	N/A	Scenario: grinder pump used with residential home. Does the settling tank have to be the same size as the septic tank? For example, five-bedroom 1500 gallon septic tank, can settling tank be 1000 gallon.	The minimum capacity of the septic tank must be doubled. Your example is correct because a five bedroom requires a 1,250 gallon septic tank. Thus, doubling this would be 2,500 gallons. As long as your different tank capacities meet this 2,500 gallons (excluding the pump tank and/or grease tank), this meets the rule.	UPDATED: S.L. 2024-49 allows the four inch Sch. 40 smooth wall pipe for 10 feet prior to the septic tank as an option in accordance with NC Plumbing Code. The other is to use the two septic tanks in series after a grinder pump. The minimum capacity of the septic tank must be doubled. Your example is correct because a five bedroom requires a 1,250 gallon tank. Thus, doubling this would be 2,500 gallons. As long as your different tank capacities meet this 2,500 gallons (excluding the pump tank and/or grease tank), this meets the rule.
NOV	N/A	If conditions that warrant NOV's are being expanded, what is the state doing to assist the county's legal task/labor in taking legal action?	The Branch is planning on working with LHDs to apply administrative penalties in the future. In-person support from the Branch may be provided on a case-by-case basis, especially for those LHDs that don't have experience with enforcement.	NO CHANGE