

# **WORKING COPY OF 15A NCAC 18E INCLUDING CHANGES FROM S.L. 2023-63 (S582), S.L. 2023-77 (H627), S.L. 2023-90 (H628), AND S.L. 2024-49 (S166)**

**Version 2.1 – September 30, 2024**

This working copy of 18E includes modifications to the rules from Session Laws 2023-63, 2023-77, 2023-90, and 2024-49. This working copy has been created to help provide a consistent interpretation of the Session Laws and how they merge into 18E prior to the formal incorporation of the Session Laws into 18E.

The changes in Session Laws 2023-63, Section 16, and 2023-77 become effective with 18E on January 1, 2024.

The changes in Session Law 2023-90 became effective July 10, 2023, and overrides the language in Rule .0207. We have incorporated these changes into Rule .0207 to try and help prevent confusion.

The changes in Session Law 2024-49 became effective September 11, 2024.

The changes made to 18E from Session Laws 2023-63, Section 16, 2023-77, and 2024-49 will be taken through the formal rule making process first. The On-Site Water Protection Branch (Branch) will ask the Commission for Public Health to start the rule making process for these changes. These changes will go out for public comment, but the Session Laws direct the Branch to keep the language substantively identical to the language in the Session Laws, so very few if any changes can be made to the proposed language. After the public comment period, the proposed rules changes will come to the Commission for Public Health for adoption. After being adopted by the Commission for Public Health, the rules will go the Legislature for review before becoming effective in the North Carolina Administrative Code. These rule changes do not have to be approved by the Rule Review Commission. The changes that will be taken through the formal rule making process first are the following:

Changes highlighted in yellow from Session Law 2023-77.

Changes highlighted in light blue from Session Law 2023-63.

Changes highlighted in purple from Session Law 2024-49.

The Branch will at a later meeting ask the Commission for Public Health to start the rule making process for the changes in Rule .0207 from Session Law 2023-90 and other changes in the rules that have come to our attention that need to be corrected immediately. These rules will go through a public comment period, be adopted by the Commission for Public Health, and go to the Rule Review Commission. There is no requirement in Session Law 2023-90 that the language has to be substantively identical, so we can make changes to the language based on public comment. Some of the changes that will be taken through the formal rule making process second are the following:

Changes highlighted in green from Session Law 2023-90.

## SECTION .1500 – APPROVAL AND USE OF RESIDENTIAL WASTEWATER TREATMENT SYSTEMS

### 15A NCAC 18E .1501 GENERAL

- (a) RWTS that comply with NSF International Standard 40 for Class I residential wastewater treatment systems shall be designed, constructed, and installed in accordance with this Section to serve facilities with a DDF less than or equal to 1,500 gpd.
- (b) RWTS shall only be used with DSE.
- (c) RWTS shall bear one of the following to certify that the product is in accordance with NSF/ANSI Standard 40:
  - (1) the NSF mark and the NSF listed model number; or
  - (2) the certification mark and listed model number of a third-party certification program accredited by ANSI to certify RWTS in accordance with NSF/ANSI Standard 40.
- (d) For approval of an RWTS as a PIA System, a manufacturer shall apply in accordance with Section .1700 of this Subchapter.

*History Note:* Authority G.S. 130A-342.  
Eff. January 1, 2024.

### 15A NCAC 18E .1502 APPLICATION

An application shall be submitted for RWTS approval in writing to the Department and shall include the following:

- (1) manufacturer's name, mailing address, phone number, email address, plant location(s), and contact information for distributors;
- (2) verification of NSF/ANSI Standard 40 Class I system approval and listing by NSF International or other ANSI-accredited third-party certification program;
- (3) manufacturer's identifying name or logo, listed model number(s) and treatment capacity in gpd to be imprinted on unit;
- (4) three copies of plans and specifications, including information required to evaluate any tanks as required in accordance with Rule .1401 of this Subchapter; and
- (5) fee payment as required by G.S. 130A-343(k)(6), by corporate check, money order or cashier's check made payable to: North Carolina On-Site Water Protection Account or North Carolina OSWW System Account, and mailed to the Department.

*History Note:* Authority G.S. 130A-342.  
Eff. January 1, 2024.

### 15A NCAC 18E .1503 DESIGN AND CONSTRUCTION STANDARDS

RWTS shall meet the following design and construction standards:

- (1) No blockouts or openings shall be permitted below the liquid level of the RWTS.
- (2) RWTS shall be watertight, corrosion resistant structures, with all components requiring maintenance accessible to the Management Entity. Access openings shall be provided in the RWTS top. Access shall be provided for:
  - (a) cleaning or rodding out the inlet pipe;
  - (b) cleaning or clearing the air or gas passage space above any partition;
  - (c) pumping of each compartment required to be pumped;
  - (d) sampling the effluent; and
  - (e) repairing and maintaining any system components.
- (3) Tanks used in RWTS designed to hold sewage or effluent shall comply with all tank requirements in accordance with Section .1400 of this Subchapter.
- (4) RWTS shall bear an imprint identifying the manufacturer, the RWTS serial number assigned to the manufacturer's model approved by the Department, and the liquid or working capacity of the unit. The imprint shall be located on the outlet end of the tank within 24 inches of the top of the tank.
- (5) The design, construction, and operation of RWTS shall prevent bypass of wastewater.
- (6) The manufacturer shall ensure that the system can be sampled in compliance with 40 CFR 136 and shall specify the recommended method for effluent sampling.
- (7) Control panels provided by the manufacturer shall comply with the requirements for control panels in accordance with Rule .1103 of this Subchapter.
- (8) The RWTS shall have an alarm device or devices to warn the user or Management Entity of a unit malfunction or a high-water condition in accordance with Rule .1103 of this Subchapter.
- (9) The control panel shall include a method to automatically measure and record daily wastewater flow dispersed to the dispersal field in accordance with Rule .1702(a)(2)(I) of this Subchapter.
- (10) The blower location shall be shown on the plans and detail proposed corrosion-resistant blower enclosures, if applicable.
- (11) A settling tank shall be required prior to or as an integral part of the design of the RWTS. The liquid capacity of the settling tank shall be a minimum of half of the DDF of the RWTS, or as otherwise specified by the manufacturer,

whichever is larger. The settling tank may either be an integral chamber of the RWTS tank, a septic tank approved in accordance with Section .1400 of this Subchapter, or another tank designed for an individual system and approved by the Department as a part of the plans for the RWTS.

*History Note:* Authority G.S. 130A-342.  
Eff. January 1, 2024.

**15A NCAC 18E .1504 SAMPLING REQUIREMENTS FOR RESIDENTIAL WASTEWATER TREATMENT SYSTEMS**

Effluent from an approved RWTS shall be grab or 24-hour composite sampled annually for all effluent standards listed in Table XXV of Rule .1201(a) of this Subchapter for NSF/ANSI 40 systems, unless adjusted sampling requirements have been requested and granted in accordance with Rules .1301 and .1709 of this Subchapter.

*History Note:* Authority G.S. 130A-342.  
Eff. January 1, 2024.

**15A NCAC 18E .1505 RESIDENTIAL WASTEWATER TREATMENT SYSTEM APPROVAL RENEWAL**

(a) All RWTS Approvals shall expire on December 31 of each year. RWTS manufacturers who wish to continue product approval shall submit annually a proprietary product renewal form provided by the Department no later than November 30 of each year.

(b) The renewal form shall include the following updated elements:

- (1) manufacturers' name, mailing address, phone and fax numbers, email address, and manufacturer's point of contact;
- (2) model number(s) approved;
- (3) a notarized statement that the product has not changed from the previous year without prior approval from the Department; and
- (4) verification of the manufacturer's continued certification and listing by a nationally recognized certification body, including compliance with NSF/ANSI Standard 40.

(c) The Department shall notify the manufacturer of the pending RWTS Approval expiration in writing no later than September 30 of each year. The notification shall include information on how to request RWTS Approval renewal.

(d) The RWTS approval shall be deemed renewed upon receipt of a renewal form that contains all of the elements set out in Paragraph (b) of this Rule.

(e) The Department shall suspend or revoke a system approval upon a finding that the system fails to perform in compliance with established effluent standards in Table XXV of Rule .1201(a) of this Subchapter or as provided for in Rule .1708(b) of this Subchapter.

*History Note:* Authority G.S. 130A-342.  
Eff. January 1, 2024.