



North Carolina Department of Health and Human Services
Division of Public Health

Pat McCrory
Governor

Richard O. Brajer
Secretary

Daniel Staley
Division Director

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POSITION STATEMENT: Certification Requirements for Contractors Who Install or Repair Grease Traps, Tanks, Interceptors or Separators

PURSUANT TO: Session Law 2015-286 Section 4.14A

SOURCE: Nancy Deal, Onsite Water Protection Branch Head

ISSUE: Clarification of Amendment to §90A-72 (a)(7)

Session Law (SL) 2015-286 became effective October 22, 2015. The purpose of this memorandum is to summarize Section 4.14A of the law and provide guidance on its implementation. The relevant section of this Session Law in its entirety including the amended (underlined) language is as follows:

S.L. 2015-286: REFORM ON-SITE WASTEWATER REGULATION

SECTION 4.14. (j) G.S. 90A-72 reads as rewritten:

90A-72. Certification required; applicability.

(a) Certification Required. - No person shall construct, install, or repair or offer to construct, install, or repair an on-site wastewater system permitted under Article 11 of Chapter 130A of the General Statutes without being certified as a contractor at the required level of certification for the specified system. No person shall conduct an inspection or offer to conduct an inspection of an on-site wastewater system as permitted under Article 11 of Chapter 130A of the General Statutes without being certified in accordance with the provisions of this Article.

(b) Applicability. - This Article does not apply to the following:

- (1) A person who is employed by a certified contractor or inspector in connection with the construction, installation, repair, or inspection of an on-site wastewater system performed under the direct and personal supervision of the certified contractor or inspector in charge.*
- (2) A person who constructs, installs, or repairs an on-site wastewater system described as a single septic tank with a gravity-fed gravel trench dispersal media when located on land owned by that person and that is intended solely for use by that person and members of that person's immediate family who reside in the same dwelling.*
- (3) A person licensed under Article 1 of Chapter 87 of the General Statutes who constructs or installs an on-site wastewater system ancillary to the building being constructed or who provides corrective services and labor for an on-site wastewater system ancillary to the building being constructed.*
- (4) A person who is certified by the Water Pollution Control System Operators Certification Commission and contracted to provide necessary operation and maintenance on the permitted on-site wastewater system.*

www.ncdhhs.gov É www.publichealth.nc.gov

Tel 919-707-5854 ÉFax 919-845-3973

Location: 5605 Six Forks Road ÉRaleigh, NC 27609

Mailing Address: 1931 Mail Service Center ÉRaleigh, NC 27699-1931

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- (5) *A person permitted under Article 21 of Chapter 143 of the General Statutes who is constructing a water pollution control facility necessary to comply with the terms and conditions of a National Pollutant Discharge Elimination System (NPDES) permit.*
- (6) *A person licensed under Article 1 of Chapter 87 of the General Statutes as a licensed public utilities contractor who is installing or expanding a wastewater treatment facility, including a collection system, designed by a registered professional engineer.*
- (7) *A plumbing contractor licensed under Article 2 of Chapter 87 of the General Statutes, so long as the plumber is not performing plumbing work that includes the installation or repair of a septic tank or similar depository, such as a treatment or pretreatment tank or system, or lines, tanks, or appurtenances downstream from the point where the house or building sewer lines from the plumbing system meet the septic tank or similar depository. This subdivision shall not be construed to require a plumbing contractor to become certified as a contractor pursuant to this section to install or repair a grease trap, interceptor, or separator upstream from a septic tank or similar depository that complies with the requirements of the local health department.*
- (8) *A person employed by the Department, a local health department, or a local health district, when conducting a regulatory inspection of an on-site wastewater system for purposes of determining compliance. (2006-82, s. 1; 2010-31, s. 13.2(f).)*

INTERPRETATION AND DISCUSSION

A contractor engaged in plumbing activities as defined in G.S. 87-21(a) and licensed by the North Carolina State Board of Examiners of Plumbing, Heating, and Fire Sprinkler Contractors (Plumbing Board) may install a grease trap included as a component in a system permitted under 15A NCAC 18A .1900 without having been certified as an On-site Wastewater System Contractor by the NC On-site Wastewater Contractors and Inspectors Certification Board (NCOWCICB) pursuant to G.S. 90A-72.

G.S. 87-21(b)(1) establishes Class I and Class II licenses for plumbing contractors. Class I licensure includes all plumbing, heating, and fire sprinkler systems for all structures and Class II licensure covers plumbing and heating systems in single-family detached residential dwellings. The vast majority of grease traps/tanks, interceptors or separators are installed as part of a commercial operation and will thus require a Class I license. In the event these components are installed in a residential setting, a contractor holding a Class II license may install a grease trap/tank, interceptor or separator. The exemption applies only to the grease trap/tank, interceptor or separator. Installation of any other system component requires certification by the NCOWCIC at the appropriate level pursuant to 21 NCAC 39 .0102. In all cases, the local health department (LHD) has jurisdiction over sizing, permitting and inspection of the installation of these components.

It is important to note that Building Inspections must issue a permit for the entire plumbing system for a facility, which would include a grease trap if a licensed plumbing contractor installs it. Thus, the Plumbing Code Inspector will also have inspection responsibilities relative to installations performed by a licensed plumbing contractor. As with all other cross-jurisdictional issues, communication and cooperation between the LHD and Building Inspections is essential and should begin at the permitting stage or at least during the pre-construction conference.

QUESTIONS AND RESPONSES:

Q: Is the Local Health Department (LHD) responsible for specifying the grease trap if it is installed by a properly licensed Plumbing contractor?

A: Yes. The grease trap/tank, interceptor or separator shall be sized, located, permitted and inspected by the LHD in accordance with 15A NCAC 18A .1955 and .1961.

Q: Is the grease trap/tank, interceptor or separator still considered part of the wastewater system and required to meet the horizontal setbacks specified in 15A NCAC 18A .1950 or .1951?

A: Yes

Q: Which individuals licensed by the Plumbing Board are exempt from additional licensing requirements as described in G.S. 90A-72(a)(7) as amended by SL 2014-286 Section 4.14A?

A: The exemption applies as follows: A plumbing contractor with a Class I license as defined in G.S. 87-21(b)(1) may install a grease trap/tank, interceptor or separator upstream of the septic tank for any facility or design unit. Installations at single-family detached residential dwelling units may be performed by a Plumbing contractor holding a Class II license.

Q: May a contractor licensed by the NCOWCICB still install a grease trap/tank, interceptor or separator external to the facility?

A: Yes, in accordance with the requirements for a wastewater system permitted by the LHD. Note that a grease interceptor or separator located inside the structure shall be installed by a licensed plumbing contractor.

Q: How should the LHD determine whether an onsite wastewater contractor or a plumbing contractor holds the correct certification or licensure to perform this work?

A: Both Boards have this information available online and LHDs should verify credentials and document that information on their inspection record. To verify certifications granted by the NCOWCICB, go to their website at www.ncowcicb.info and click on the link to the list of certified individuals.

The local plumbing code inspector must permit and inspect work performed by a plumbing contractor. This includes verifying that the contractor has the necessary certification granted by the Plumbing Board. The LHD should communicate with Building Inspections to ensure the contractor holds the proper certification. The Plumbing Board website includes a search tool accessible at this link:

<https://onlineweb.nclicensing.org/lookup/licenselookup.aspx>

REFERENCES

S.L. 2015-286Section 4.14A
NCGS 90A-72

NOTE: Position statements are policy documents intended to clarify how to interpret or enforce a law or rule. They are not enforceable on their own, but are intended to promote uniform interpretation and enforcement of the underlying law or rule.