ARTICLE 11 OF CHAPTER 130A
OF THE GENERAL STATUTES OF NORTH CAROLINA

WASTEWATER SYSTEMS.

§ 130A-333. Purpose.

The General Assembly finds and declares that continued installation, at a rapidly and constantly accelerating rate, of septic tank systems and other types of wastewater systems in a faulty or improper manner and in areas where unsuitable soil and population density adversely affect the efficiency and functioning of these systems, has a detrimental effect on the public health and environment through contamination of land, groundwater and surface waters. Recognizing, however, that wastewater can be rendered ecologically safe and the public health protected if methods of wastewater collection, treatment and disposal are properly regulated and recognizing that wastewater collection, treatment and disposal will continue to be necessary to meet the needs of an expanding population, the General Assembly intends to ensure the regulation of wastewater collection, treatment and disposal systems so that these systems may continue to be used, where appropriate, without jeopardizing the public health. (1973, c. 452, s. 3; 1981, c. 949, s. 3; 1983, c. 891, s. 2; 1991 (Reg. Sess., 1992), c. 944, ss. 1, 2.)

§ 130A-334. Definitions.

The following definitions shall apply throughout this Article:

(1) "Accepted wastewater system" has the same meaning as in G.S. 130A-343.

(1a) "Advanced pretreatment" means any biological, chemical, or physical process or system used in addition to or in place of a septic tank. Advanced pretreatment includes, but is not limited to, aeration, clarification, digestion, disinfection, filtration, separation, and settling. Advanced pretreatment effluent shall meet the treatment standards adopted by the Commission for better than septic tank effluent quality. Advanced pretreatment shall be part of a ground absorption system.

(1b) "Approved agency for special inspection" means an individual, corporation, company, association, or partnership that is objective, competent, and independent from the contractor who is responsible for the work that is inspected. The agency shall disclose possible conflicts of interest in a manner such that objectivity can be confirmed.

(1c) "Approved special inspector" means a person who demonstrates competence to the satisfaction of the professional engineer who designed the wastewater system for the inspection of the construction or operation subject to special inspection.

(1d) "Construction" means any work at the site of placement done for the purpose of preparing a residence, place of business or place of public assembly for initial occupancy, or subsequent additions or modifications which increase sewage flow.

(1e) "Construction observation" means the visual observation of the construction and installation of the wastewater system for general conformance with the construction documents prepared by the professional engineer who designed the wastewater system. Construction observation that is conducted by the professional engineer who designed the wastewater system does not include or waive the requirement to conduct special inspections.

(1f) "Conventional wastewater system" has the same meaning as in G.S. 130A-343.

(1g) "Department" means the Department of Health and Human Services.

(1h) "Engineered option permit" means an on-site wastewater system that is permitted pursuant to the rules adopted by the Commission in accordance with this Article, meets the criteria established by G.S. 130A-336.1, and is designed by a professional engineer who is licensed under Chapter 89C of the General Statutes who has expertise in the design of on-site wastewater systems.

(1i) "Ground absorption system" means a system of tanks, treatment units, nitrification fields, and appurtenances for wastewater collection, treatment, and subsurface disposal.

(2) Repealed by Session Laws 1985, c. 462, s. 18.

(2a) "Industrial process wastewater" means any water-carried waste resulting from any process of industry, manufacture, trade, or business.

(2b) "Licensed geologist" means a person who is licensed as a geologist under the provisions of Chapter 89E of the General Statutes.

(2c) "Licensed soil scientist" has the same meaning as in G.S. 89F-3.

(3) "Location" means the initial placement for occupancy of a residence, place of business or place of public assembly.

(3a) "Maintenance" means normal or routine maintenance including replacement of broken pipes, cleaning, or adjustment to an existing wastewater system.

(4), (5) Repealed by Session Laws 1985, c. 462, s. 18.

(6) "Place of business" means a store, warehouse, manufacturing establishment, place of amusement or recreation, service station, office building or any other place where people work.

(7) "Place of public assembly" means a fairground, auditorium, stadium, church, campground, theater or any other place where people assemble.

(7a) "Plat" means a property survey prepared by a registered land surveyor, drawn to a scale of one inch equals no more than 60 feet, that includes: the specific location of the proposed facility and appurtenances, the site for the proposed wastewater system, and the location of water supplies and surface waters. "Plat" also means, for subdivision lots approved by the local planning authority if a local planning authority exists at the time of application for a permit under this Article, a copy of the subdivision plat that has been recorded with the county register of deeds and is accompanied by a site plan that is drawn to scale.

(7b) Repealed by Session Law 2026-32, s. 9.(a).

(7c) "Professional engineer" has the same meaning as in G.S. 89C-3.

(8) "Public or community wastewater system" means a single system of wastewater collection, treatment and disposal owned and operated by a sanitary district, a metropolitan sewage district, a water and sewer authority, a county or municipality or a public utility.

(9) "Relocation" means the displacement of a residence or place of business from one site to another.

(9a) "Repair" means the extension, alteration, replacement, or relocation of existing components of a wastewater system. Replacement of a damaged gravity distribution box by an on-site wastewater contractor certified under Article 5 of Chapter 90A of the General Statutes shall not constitute a repair to a permitted wastewater system.

(10) "Residence" means a private home, dwelling unit in a multiple family structure, hotel, motel, summer camp, labor work camp, manufactured home, institution or any other place where people reside.

(10a) "Secretary" means the Secretary of Health and Human Services.

(11) Repealed by Session Laws 1992, c. 944, s. 3.

(12) "Septic tank system" means a subsurface wastewater system consisting of a settling tank and a subsurface disposal field.

(13) "Sewage" means the liquid and solid human body waste and liquid waste generated by water-using fixtures and appliances, including those associated with foodhandling. The term does not include industrial process wastewater or sewage that is combined with industrial process wastewater.

(13a) "Site plan" means a drawing not necessarily drawn to scale that shows the existing and proposed property lines with dimensions, the location of the facility and appurtenances, the site for the proposed wastewater system, and the location of water supplies and surface waters.

(13b) "Special inspection" means a required inspection of the materials, installation, fabrication, erection, or placement of components and systems that require special expertise to ensure compliance with referenced standards and the construction documents prepared by the professional engineer.

(14) "Wastewater" means any sewage or industrial process wastewater discharged, transmitted, or collected from a residence, place of business, place of public assembly, or other places into a wastewater system.

(14a) "Wastewater dispersal product" means a product approved by the Department for dispersing wastewater effluent within the subsurface dispersal field in a ground absorption system.

(15) "Wastewater system" means a system of wastewater collection, treatment, and disposal in single or multiple components, including a ground absorption system, privy, septic tank system, public or community wastewater system, wastewater reuse or recycle system, mechanical or biological wastewater treatment system, any other similar system, and any chemical toilet used only for human waste. (1973, c. 452, s. 4; 1981, c. 949, s. 3; 1983, c. 891, s. 2; 1985, c. 462, s. 18; c. 487, s. 9; 1987, c. 435; 1991, c. 256, s. 1; 1991 (Reg. Sess., 1992), c. 944, s. 3; c. 1028, s. 4;

1995, c. 285, s. 1; 1995 (Reg. Sess., 1996), c. 585, s. 1; 1996, 2nd Ex. Sess., c. 18, ss. 27.31(a), (b); 1997-443, s. 11A.82; 2011-145, s. 13.3(bbb); 2014-120, s. 40(a); 2015-241, s. 14.30(v); 2015-286, s. 4.14(a); 2017-139, s. 2; 2018-114, ss. 11(a), (b); 2026-32, s. 9.(a).)

§ 130A-335. Wastewater collection, treatment and disposal; rules.

(a) A person owning or controlling a residence, place of business or a place of public assembly shall provide an approved wastewater system. Except as may be allowed under another provision of law, all wastewater from water-using fixtures and appliances connected to a water supply source shall discharge to the approved wastewater system. A wastewater system may include components for collection, treatment and disposal of wastewater.

(a1) Any proposed site for a residence, place of business, or a place of public assembly located in an area that is not served by an approved wastewater system for which a new wastewater system is proposed or repair is necessary for compliance may be evaluated for soil conditions and site features by a person licensed pursuant to Chapter 89F of the General Statutes as a licensed soil scientist. For purposes of this subsection, "site features" include topography and landscape position; soil characteristics (morphology); soil wetness; soil depth; restrictive horizons; available space; and other applicable factors that involve accepted public health principles. A person licensed pursuant to Chapter 89E of the General Statutes as a licensed geologist may evaluate the proposed site or repair area, as applicable, for geologic and hydrogeologic conditions.

(a2) Evaluations conducted by a licensed soil scientist or a licensed geologist pursuant to subsection (a1) of this section shall be used in developing design and construction features for a new proposed wastewater system or a proposed repair project for an existing wastewater system, including the addressing of any special hydrologic conditions that may be required under the applicable rules for an Improvement Permit or a Construction Authorization, shall be approved by the applicable permitting authorities under G.S. 130A-336 provided both of the following conditions are met:

(1) The evaluation shall not cover areas outside the scope of the applicable license.

(2) The licensed soil scientist or licensed geologist conducting the evaluation maintains an errors and omissions liability insurance policy issued by an insurer licensed under Chapter 58 of the General Statutes in an amount commensurate with the risk.

(a3) When an applicant for an Improvement Permit submits to a local health department an Improvement Permit application, the permit fee charged by the local health department, the common form developed by the Department, and a soil evaluation pursuant to subsection (a2) of this section, the local health department shall, within five business days of receiving the application, conduct a completeness review of the submittal. A determination of completeness means that the Improvement Permit includes all of the required components. If the local health department determines that the Improvement Permit is incomplete, the local health department shall notify the applicant of the components needed to complete the Improvement Permit. The applicant may submit additional information to the local health department to cure the deficiencies in the Improvement Permit. The local health department shall make a final determination as to whether the Improvement Permit is complete within five business days after the local health department receives the additional information from the applicant. If the local health department fails to act within any period set out in the subsection, the applicant may treat the failure to act as a determination of completeness. The Department shall develop a common form for use as the Improvement Permit.

(a4) The licensed soil scientist or licensed geologist submitting the evaluation pursuant to subsection (a2) of this section shall have the right to request that the local health department revoke or suspend the Improvement Permit for cause. Upon written request by the licensed soil scientist or licensed geologist, the local health department shall suspend or revoke the Improvement Permit pursuant to G.S. 130A-23.

(a5) When an applicant for a Construction Authorization, or an Improvement Permit and Construction Authorization together, submits a Construction Authorization, or an Improvement Permit and Construction Authorization application together, the permit fee charged by the local health department, the common form developed by the Department, and any necessary signed and sealed plans or evaluations conducted by a person licensed pursuant to Chapter 89C of the General Statutes as a licensed engineer or a person certified pursuant to Article 5 of Chapter 90A of the General Statutes as an Authorized On-Site Wastewater Evaluator, the local health department shall, within five business days of receiving the application, conduct a completeness review of the submittal. A determination of completeness means that the Construction Authorization or Improvement Permit and Construction Authorization includes all of the required components. If the local health department determines that the Construction Authorization or Improvement Permit and Construction Authorization is incomplete, the local health department shall notify the applicant of the components needed to complete the Construction Authorization or Improvement Permit and Construction Authorization. The applicant may submit additional information to the local health department to cure the deficiencies in the Construction Authorization or Improvement Permit and

Construction Authorization. The local health department shall make a final determination as to whether the Construction Authorization or Improvement Permit and Construction Authorization is complete within five business days after the local health department receives the additional information from the applicant. If the local health department fails to act within any period set out in this subsection, the applicant may treat the failure to eat as a determination of completeness. The applicant may apply for the building permit for the project upon the decision of completeness of the Construction Authorization or Improvement Permit and Construction Authorization by the local health department or if the local health department fails to act within five business days. The Authorized On-Site Wastewater Evaluator or licensed engineer submitting the evaluation pursuant to this subsection may request that the local health department revoke or suspend the Construction Authorization or Improvement Permit and Construction Authorization for cause. Upon written request of the Authorized On-Site Wastewater Evaluator or licensed engineer, the local health department shall suspend or revoke the Construction Authorization or Improvement Permit and Construction Authorization pursuant to G.S. 130A-23. The Department shall develop a common form for use as the Construction Authorization.

(a6) The local health department may assess a fee for the Construction Authorization or the Improvement Permit/Construction Authorization combination permit of up to forty percent (40%) of the fee established for similar systems permitted by the local health department.

(a7) The wastewater system contractor shall notify the local health department, or professional engineer or Authorized On-Site Wastewater Evaluator, as applicable, prior to the start of construction of the proposed wastewater system by telephone or other electronic means. The local health department, professional engineer, or Authorized On-Site Wastewater Evaluator conducting the evaluation pursuant to subsection (a5) of this section shall retain the ability to delay construction until determination of site conditions, including soil wetness, grading or landscaping that damages the soil evaluation, soil compaction, or landscape position. The owner or certified on-site wastewater contractor shall notify the authorizing agent and is responsible for contacting the authorizing agent, as applicable, and the certified on-site wastewater contractor prior to the start of system construction of any known changes to the site that alter the site evaluation or conditions.

The wastewater system contractor certified under rules established by the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board shall notify the local health department of completion of the wastewater system for the inspection and issuance of the operation permit pursuant to G.S. 130A-337 after determination of compliance with the construction authorization.

(a8) The Department, the Department's authorized agents, and the local health departments shall be discharged and released from any liabilities, duties, and responsibilities imposed by statute or in common law from any claim arising out of or attributed to evaluations, submittals, or actions from a licensed soil scientist or licensed geologist pursuant to subsection (a2) of this section. The Department, the Department's authorized agents, and the local health departments shall be discharged and released from any liabilities, duties, and responsibilities imposed by statute or in common law from any claim arising out of or attributed to plans, evaluations, preconstruction conference findings, submittals, or actions from a person licensed pursuant to Chapter 89C of the General Statutes as a licensed engineer or a person certified pursuant to Article 5 of Chapter 90A of the General Statutes as an Authorized On-Site Wastewater Evaluator in subsections (a2), (a5), and (a7) of this section. The Department, the Department's authorized agents, and the local health departments shall be responsible and bear liability for their actions and evaluations and other obligations under State law or rule, including the issuance of the operations permit pursuant to G.S. 130A-337.

(a9) Proposed wastewater systems submitted to the local health department pursuant to this section shall not be required to meet the requirements of 15A NCAC 18A .1938(e) or 15A NCAC 18A .1938(f). Any proposals sent to the Department for review shall not be required to meet the time constraints set forth in this section.

(b) All wastewater systems shall either (i) be regulated by the Department under rules adopted by the Commission, (ii) conform with the engineered option permit criteria set forth in G.S. 130A-336.1 and under rules adopted by the Commission, or (iii) conform with the Authorized On-Site Wastewater Evaluator permit criteria pursuant to G.S. 130A-336.2 and rules adopted by the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board except for the following wastewater systems that shall be regulated by the Department of Environmental Quality under rules adopted by the Environmental Management Commission:

(1) Wastewater collection, treatment, and disposal systems designed to discharge effluent to the land surface or surface waters.

(2) Wastewater systems designed for groundwater remediation, groundwater injection, or landfill leachate collection and disposal.

(3) Wastewater systems designed for the complete recycle or reuse of industrial process wastewater.

(4) Gray water systems as defined in G.S. 143-350.

(c) A wastewater system subject to approval under rules of the Commission shall be reviewed and approved under rules of a local board of health in the following circumstances:

(1) The local board of health, on its own motion, has requested the Department to review its proposed rules concerning wastewater systems; and

(2) The local board of health has adopted by reference the wastewater system rules adopted by the Commission, with any more stringent modifications or additions deemed necessary by the local board of health to protect the public health; and

(3) The Department has, consistent with subsection (3c) of this section, found that the rules, including modifications or additions to the Commission's rules, of the local board of health concerning wastewater collection, treatment and disposal systems are at least as stringent as rules adopted by the Commission and are sufficient and necessary to safeguard the public health.

(c1) The rules adopted by the Commission for wastewater systems approved under the engineered option permit criteria pursuant to G.S. 130A-336.1 shall be, at a minimum, as stringent as the rules for wastewater systems established by the Commission.

(c2) Notwithstanding any other provision of law, a unit of local government shall not prohibit or regulate by ordinance or enforce an existing ordinance regulating the use of off-site wastewater systems or other systems approved by the Department under rules adopted by the Commission when the proposed system meets the specific conditions of the approval.

(c3) The Department shall determine the validity of proposals from local boards of health seeking modifications or additions to rules established by the Commission based on whether the rules are at least as stringent as rules adopted by the Commission and necessary to protect the public health. The Department shall hold public hearings and notice those hearings on the Department’s webpage upon application for modification or addition of Commission rules by the local health department. The Department shall make its findings available to the public before approving or denying a proposed modification or addition.

(d) The Department may, upon its own motion, upon the request of a local board of health or upon the request of a citizen of an affected county, review its findings under subsection (c) of this section.

The Department shall review its findings under subsection (c) of this section upon modification by the Commission of the rules applicable to wastewater systems. The Department may deny, suspend, or revoke the approval of local board of health wastewater system rules upon a finding that the local wastewater rules are not as stringent as rules adopted by the Commission, are not sufficient and necessary to safeguard the public health, or are not being enforced. Suspension and revocation of approval shall be in accordance with G.S. 130A-23.

(d1) The Department or owner of a wastewater system may file a written complaint with the North Carolina Board of Examiners for Engineers and Surveyors in accordance with rules and procedures adopted by the Board pursuant to Chapter 89C of the General Statutes citing failure of a professional engineer to adhere to the rules adopted by the Commission pursuant to this Article. The Department or owner of a wastewater system may file a written complaint with the North Carolina Board of Licensed Soil Scientists in accordance with rules and procedures adopted by the Board pursuant to Chapter 89F of the General Statutes citing failure of a licensed soil scientist to adhere to the rules adopted by the Commission pursuant to this Article. The Department or owner of a wastewater system may file a written complaint with the North Carolina Board for Licensing of Geologists in accordance with rules and procedures adopted by the Board pursuant to Chapter 89E of the General Statutes citing failure of a licensed geologist to adhere to the rules adopted by the Commission pursuant to this Article. The Department or owner of a wastewater system may file a written complaint with the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board in accordance with rules and procedures adopted by the Board pursuant to Article 5 of Chapter 90A of the General Statutes citing failure of a contractor to adhere to the rules adopted by the Commission pursuant to this Article or for failure of an Authorized On-Site Wastewater Evaluator to adhere to rules adopted by the Commission or the Board pursuant to this Article.

(e) The rules of the Commission and the rules of the local board of health shall address at least the following: Wastewater characteristics; Design unit; Design capacity; Design volume; Criteria for the design, installation, operation, maintenance and performance of wastewater collection, treatment and disposal systems; Soil morphology and drainage; Topography and landscape position; Depth to seasonally high water table, rock and water impeding formations; Proximity to water supply wells, shellfish waters, estuaries, marshes, wetlands, areas subject to frequent flooding, streams, lakes, swamps and other bodies of surface or groundwaters; Density of wastewater collection, treatment and disposal systems in a geographical area; Requirements for issuance, suspension and revocation of permits; and Other factors which affect the effective operation and performance of wastewater collection, treatment

and disposal systems. The rules regarding required design capacity and required design volume for wastewater systems shall provide that exceptions may be granted upon a showing that a system is adequate to meet actual daily water consumption.

(f) The rules of the Commission and the rules of the local board of health shall classify systems of wastewater collection, treatment and disposal according to size, type of treatment and any other appropriate factors. The rules shall provide construction requirements, including advanced pretreatment and system control requirements, standards for operation, maintenance, monitoring, reporting, and ownership requirements for each classification of systems of wastewater collection, treatment and disposal in order to prevent, as far as reasonably possible, any contamination of the land, groundwater and surface waters. The Department and local health departments may impose conditions on the issuance of permits and may revoke the permits for failure of the system to satisfy the conditions, the rules, or this Article. Permits other than improvement permits shall be valid for a period prescribed by rule. Improvement permits shall be valid upon a showing satisfactory to the Department or the local health department that the site and soil conditions are unaltered, that the facility, design wastewater flow, and wastewater characteristics are not increased, and that a wastewater system can be installed that meets the permitting requirements in effect on the date the Improvement Permit was issued. Improvement permits for which a plat is provided shall be valid without expiration. Improvement permits for which a site plan is provided shall be valid for five years. The period of time for which the permit is valid and a statement that the permit is subject to revocation if the site plan or plat, whichever is applicable, or the intended use changes shall be displayed prominently on both the application form for the permit and the permit.

(f1) A preconstruction conference with the owner or developer, or an agent of the owner or developer, and a representative of the local health department shall be required for any Construction Authorization issued with an Improvement Permit under G.S. 130A-336 when the authorization is greater than five years old. Following the conference, the local health department shall advise the owner or developer of any rule changes for wastewater system construction incorporating current technology that can reasonably be expected to improve the performance of the system. The local health department shall issue a revised Construction Authorization incorporating the rule changes upon the written request of the owner or developer.

(f2) For each septic tank system that is designed to treat 3,000 gallons per day or less of sewage, rules adopted pursuant to subsection (f) of this section shall require the use of an effluent filter to reduce the total suspended solids entering the drainfield and the use of an access device for each compartment of the septic tank to provide access to the compartment in order to facilitate maintenance of the septic tank. The Commission shall not adopt specifications for the effluent filter and access device that exceed the requirements of G.S. 130A-335.1. Neither this section nor G.S. 130A-335.1 shall be construed to prohibit the use of an effluent filter or access device that exceeds the requirements of G.S. 130A-335.1. The Department shall approve effluent filters that meet the requirements of this section, G.S. 130A-335.1, and rules adopted by the Commission.

(g) Prior to denial of an Improvement Permit, the local health department shall advise the applicant of possible site modifications or alternative systems, and shall provide a brief description of those systems. When an Improvement Permit is denied, the local health department shall issue the site evaluation in writing stating the reasons for the unsuitable classification. The evaluation shall also inform the applicant of the right to an informal review by the Department, the right to appeal under G.S. 130A-24, and to have the appeal held in the county in which the site for which the Improvement Permit was requested is located.

(h) Except as provided in this subsection, a chemical or portable toilet may be placed at any location where the chemical or portable toilet can be operated and maintained under sanitary conditions. A chemical or portable toilet shall not be used as a replacement or substitute for a water closet or urinal where a water closet or urinal connected to a permanent wastewater treatment system is required by the North Carolina State Building Code, except that a chemical or portable toilet may be used to supplement a water closet or urinal during periods of peak use. A chemical or portable toilet shall not be used as an alternative to the repair of a water closet, urinal, or wastewater treatment system. It shall be unlawful to discharge sewage or other waste from a chemical or portable toilet used for human waste except into a wastewater system that has been approved by the Department under rules adopted by the Commission or by the Environmental Management Commission or at a site that is permitted by the Department under G.S. 130A-291.1.

(i) The Department shall notify the Department of Revenue of all wastewater dispersal product approvals and revocations within 60 days of approval or revocation. (1957, c. 1357, s. 1; 1973, c. 471, s. 1; c. 476, s. 128; c. 860; 1977, c. 857, s. 1; 1979, c. 788, s. 2; 1981, c. 949, s. 3; c. 1127, s. 47; 1983, c. 891, s. 2; 1987, c. 267, ss. 1, 2; 1989, c. 727, s. 147; c. 764, ss. 6, 7; 1989 (Reg. Sess., 1990), c. 1075, s. 2; 1991 (Reg. Sess., 1992), c. 944, s. 4; 1993, c. 173, s. 5; 1995, c. 285, s. 1; 1995 (Reg. Sess., 1996), c. 585, s. 2; 1996, 2nd Ex. Sess., c. 18, s. 27.31(c); 1998-126, s. 1; 1998-217, s. 46(a); 2008-143, s. 13; 2011-394, s. 12(c); 2014-115, s. 10.1; 2014-120, s. 40(b); 2015-286, s.

4.14(b); 2017-139, s. 3; 2017-209, s. 18(a); 2018-114, s. 11(c); 2019-126, s. 1; 2019-131, s. 1; 2019-177, s. 7.1; 2022-11, s. 5(a); 2023-90, s. 1; 2026-32, s. 7.(a); 2026-32, s. 9.(b).)

§ 130A-335.1. Effluent filters and access devices for certain septic tank systems.

(a) The person who manufactures, installs, repairs, or pumps any septic tank to be installed in this State as a part of a septic tank system that is designed to treat 3,000 gallons per day or less of sewage shall provide an effluent filter approved by the Department pursuant to the requirements of G.S. 130A-335, this section, and rules adopted by the Commission. Any person who manufactures, installs, repairs, or pumps systems described in this section may purchase and install any approved filters on the systems. The person who installs the effluent filter shall install the effluent filter as a part of the septic tank system in accordance with the specifications provided by the manufacturer of the effluent filter. An effluent filter shall:

(1) Be made of materials that are capable of withstanding the corrosives to which septic tank systems are normally subject.
(2) Prevent solid material larger than one-sixteenth of an inch, as measured along the shortest axis of the material, from entering the drainfield.
(3) Be designed and constructed to allow for routine maintenance.
(4) Be designed and constructed so as not to require maintenance more frequently than once in any three-year period under normally anticipated use.

(b) The access device required by G.S. 130A-335(f) shall provide access to each compartment of a septic tank for inspection and maintenance either by means of an opening in the top of the septic tank or by a riser assembly and shall include an appropriate cover. The access device shall:

(1) Be of sufficient size to facilitate inspection and service.
(2) Be designed and constructed to equal or exceed the minimum loading specifications applicable to the septic tank.
(3) Prevent water entry.
(4) Come to within six inches of the finished grade. (1998-126, s. 2; 2006-255, s. 4; 2006-264, s. 63(a); 2023-90, s. 2.)

§ 130A-336. Improvement permit and construction authorization required.

(a) Any proposed site for a residence, place of business, or place of public assembly in an area not served by an approved wastewater system shall be evaluated by either (i) the local health department in accordance with rules adopted pursuant to this Article or (ii) by a professional engineer, licensed soil scientist, or licensed geologist acting within the engineer's, soil scientist's, or geologist's scope of work, as applicable, and pursuant to the conditions of the engineered option permit in G.S. 130A-336.1 or the Authorized On-Site Wastewater Evaluator permit option in G.S. 130A-336.2. An improvement permit issued by a local health department shall include:

(1) For permits that are valid without expiration, a plat, or, for permits that are valid for five years, a site plan.
(2) A description of the facility the proposed site is to serve.
(3) The proposed wastewater system and its location.
(4) The design wastewater flow and characteristics.
(5) The conditions for any site modifications.
(6) Any other information required by the rules of the Commission.

Neither the improvement permit nor the construction authorization shall be affected by change of ownership of the site for the wastewater system provided both the site for the wastewater system and the facility the system serves are unchanged and remain under the ownership or control of the person owning the facility. No person shall commence or assist in the construction, location, or relocation of a residence, place of business, or place of public assembly in an area not served by an approved wastewater system unless an improvement permit and a construction authorization are obtained from the local health department unless that person is acting in accordance with the conditions and criteria of an engineered option permit pursuant to G.S. 130A-336.1 or the Authorized On-Site Wastewater Evaluator permit option pursuant to G.S. 130A-336.2. This requirement shall not apply to a manufactured residence exhibited for sale or stored for later sale and intended to be located at another site after sale.

(b) The local health department shall issue a Construction Authorization authorizing work to proceed and the installation or repair of a wastewater system when it has determined after a field investigation that the system can be installed and operated in compliance with this Article and rules adopted pursuant to this Article. This Construction Authorization shall be valid for a period equal to the period of validity of the Improvement Permit. No person shall commence or assist in the installation, construction, or repair of a wastewater system unless an Improvement Permit

and a Construction Authorization have been obtained from the Department or the local health department unless that person is acting in accordance with the conditions and criteria of an engineered option permit pursuant to G.S. 130A-336.1 or the Authorized On-Site Wastewater Evaluator permit option pursuant to G.S. 130A-336.2. No Improvement Permit or Construction Authorization shall be required for maintenance of a wastewater system. The Department and the local health department may impose conditions on the issuance of an Improvement Permit and a Construction Authorization.

(b1) An improvement permit or construction authorization issued by a local health department from January 1, 2000, to January 1, 2015, which has not been acted on and would have otherwise expired, shall remain valid until January 1, 2020, without penalty, unless there are changes in the hydraulic flows or wastewater characteristics from the original local health department evaluation. Permits are transferrable with ownership of the property. Permits shall retain the site, soil evaluations, and construction conditions of the original permit. Site activities begun or completed pursuant to requirements from the local health department under the original permit, however, shall not be construed to be altered conditions and shall not constitute a basis for refusal of the permit extension. The property owner may contract with a person licensed pursuant to Chapter 89F of the General Statutes as a licensed soil scientist to conduct a site verification to determine whether the conditions of the original permit are unchanged. Written verification by the licensed soil scientist shall be accepted by the local health department, used in lieu of verification by the local health department, and be attached to the permit.

(c) Unless the Commission otherwise provides by rule, plans, and specifications for all wastewater systems designed for the collection, treatment, and disposal of industrial process wastewater shall be reviewed and approved by the Department prior to the issuance of a construction authorization by the local health department.

(d) If a local health department repeatedly fails to issue or deny improvement permits for conventional or accepted septic tank systems within 60 days, or within 90 days for provisional or innovative systems, after receiving completed applications for the permits, then the Department of Health and Human Services may withhold public health funding from that local health department. (1973, c. 452, s. 5; c. 476, s. 128; 1981, c. 949, s. 3; 1983, c. 891, s. 2; 1985, c. 273; 1991, c. 256, s. 2; 1991 (Reg. Sess., 1992), c. 944, s. 5; 1995, c. 285, s. 1; 1995 (Reg. Sess., 1996), c. 585, s. 3; 1996, 2nd Ex. Sess., c. 18, s. 27.31(d)-(f); 1997-443, ss. 11A.83, 11A.119(a); 2014-120, s. 40(c); 2015-241, s. 14.30(u); 2015-286, s. 4.14(g); 2017-211, s. 19; 2018-114, s. 9; 2022-11, s. 5(b); 2026-32, s. 7.(b).)

§ 130A-336.1. Alternative process for wastewater system approvals.

(a) Engineered Option Permit Authorized. - A professional engineer licensed under Chapter 89C of the General Statutes may, at the direction of the owner of a proposed wastewater system who wishes to utilize the engineered option permit, prepare signed and sealed drawings, specifications, plans, and reports for the design, construction, operation, and maintenance of the wastewater system in accordance with this section and rules adopted thereunder.

(b) Notice of Intent to Construct. - Prior to commencing or assisting in the construction, siting, repair, or relocation of a wastewater system, the owner of a proposed wastewater system who wishes to utilize the engineered option permit, or a professional engineer authorized as the legal representative of the owner, shall submit to the local health department with jurisdiction over the location of the proposed wastewater system a Notice of Intent to Construct a wastewater system utilizing the Engineered Option Permit along with the fee required pursuant to subsection (n) of this section. The owner may apply for a building permit for the project upon submitting a complete Notice of Intent to Construct to the local health department. The owner shall notify the local health department upon completing installation of the wastewater system, adherence to the submitted Notice of Intent to Construct, and the submittal of the Authorization to Operate to the local health department. The Department shall develop a common form for use as the Notice of Intent to Construct that includes all of the following:

(1) The owner's name, address, email address, and telephone number.
(2) The professional engineer's name, license number, address, email address, and telephone number.
(3) For the professional engineer, the licensed soil scientist, the licensed geologist, and any on-site wastewater contractors, proof of errors and omissions insurance coverage or other appropriate liability insurance.
(4) A description of the facility the proposed site is to serve and any factors that would affect the wastewater load.
(5) The type of proposed wastewater system and its location.
(6) The design wastewater flow and characteristics.
(7) Any proposed landscape, site, drainage, or soil modifications.

(8) A soil evaluation that is conducted and signed and sealed by a either a licensed soil scientist or licensed geologist.

(9) A plat, as defined in G.S. 130A-334(7a), or a site plan, as defined in G.S. 130A-334(13a).

(c) Repealed by Session Law 2023-90, s. 3, effective July 10, 2023.

(d) Submission of Notice of Intent to Construct to Department for Certain Systems. - Prior to commencing in the construction, siting, repair, or relocation of a wastewater system designed (i) for the collection, treatment, and disposal of industrial process wastewater or (ii) to treat greater than 3,000 gallons per day, the owner of a proposed wastewater system who wishes to utilize the Engineered Option Permit, or a professional engineer authorized as the legal representative of the owner, shall provide to the Department a duplicate copy of the Notice of Intent to Construct submitted to the local health department required pursuant to subsection (b) of this section.

(e) Site Design, Construction, and Activities. -

(1) The professional engineer designing the proposed wastewater system shall use recognized principles and practices of engineering and applicable rules of the Commission in the calculations and design of the wastewater system. The investigations and findings of the professional engineer shall include, at a minimum, the information required in rules adopted by the Commission pursuant to G.S. 130A-335(e). The professional engineer may, at the engineer's discretion, employ advanced pretreatment technologies not yet approved in this State.

(2) Notwithstanding G.S. 130A-335(a1), the owner of the proposed wastewater system shall employ a person licensed pursuant to Chapter 89F of the General Statutes as a licensed soil scientist to conduct soil and site evaluations and, as applicable, a person licensed pursuant to Chapter 89E of the General Statutes as a licensed geologist to evaluate geologic and hydrogeologic conditions.

(3) The professional engineer designing the proposed wastewater system:

a. Shall be responsible for the engineer's scope of work, including all aspects of the design and any drawings, specifications, plans, or reports that are signed and sealed by the professional engineer.

b. Shall prepare a signed and sealed statement of special inspections that includes the following items:

1. The materials, systems, components, and work subject to special inspection or testing.

2. The type and extent of each special inspection and each test.

3. The frequency of each type of special inspection. For purposes of this sub-sub-subdivision, frequency of special inspections shall be required on either a continuous or periodic basis. Continuous special inspections mean the full-time observation of work requiring special inspection by an approved special inspector who is present in the area where the work is performed. Periodic special inspections mean the part-time or intermittent observation of work requiring a special inspection by an approved special inspector who is present in the area where the work is or has been performed and at the completion of the work.

c. May assist the owner of the proposed wastewater system with the selection of an on-site wastewater system contractor certified pursuant to Article 5 of Chapter 90A of the General Statutes.

(4) An on-site wastewater system contractor, licensed pursuant to Article 5 of Chapter 90A of the General Statutes, who is employed by the owner of the wastewater system, shall:

a. Be responsible for all aspects of the construction and installation of the wastewater system or components of the wastewater system, including adherence to the design, specifications, and any special inspections that are prepared, signed, and sealed by the professional engineer in accordance with all the applicable provisions of this section.

b. Submit a signed and dated statement of responsibility to the owner of the wastewater system, prior to the commencement of work, that contains acknowledgement and awareness of the requirements in the professional engineer's statement of special inspections.

(5) Repealed by Session Law 2023-90, s. 3, effective July 10, 2023.

(6) In addition to the requirements of this section, the owner, the professional engineer designing the proposed wastewater system, and any on-site wastewater system contractors employed to construct or install the wastewater system shall comply with applicable federal, State, and local laws, regulations, rules, and ordinances.

(f) No Public Liability. - The Department, the Department's authorized agents, or local health departments shall have no liability for wastewater systems designed, constructed, and installed pursuant to an Engineered Option Permit.

(g) Inspections, Construction Observations, and Reports. -

(1) Repealed by Session Law 2023-90, s. 3, effective July 10, 2023.

(2) Construction observations. - The professional engineer who designed the wastewater system shall make periodic visits to the site, at intervals appropriate to the stage of construction, to observe the progress and quality of the construction and to determine, generally, if the construction is proceeding in accordance with the engineer's plans and specifications.

(3) Special inspections. - The owner of the proposed wastewater system shall employ one or more approved special inspectors to conduct special inspections during the construction of the wastewater system. The professional engineer who designed the wastewater system, or the engineer's personnel, may function as an approved agency to conduct special inspections required by this subdivision. The professional engineer's personnel shall only operate as an approved agency for special inspections if the personnel can demonstrate competence and relevant experience or training. For purposes of this subdivision, experience or training shall be considered relevant when the documented experience or training is related in complexity to the same type of special inspection activities for projects of similar complexity and material qualities.

(4) Inspection reports. - Approved special inspectors shall maintain and furnish all inspection records to the professional engineer who designed the wastewater system. The records shall indicate whether the work inspected was completed in conformance with the engineer's design and specifications. Any discrepancies identified between the completed work and the engineer's design shall be brought to the immediate attention of the on-site wastewater system contractor for correction. If discrepancies are not corrected, they shall be brought to the attention of the professional engineer who designed the wastewater system prior to completion of work. A final inspection report documenting the required special inspections and the correction of any identified discrepancies shall be provided to the professional engineer and the owner of the wastewater system for review at the post-construction conference required pursuant to subsection (j) of this section.

(h) Local Authority. - This section shall not relieve the owner or operator of a wastewater system from complying with any and all modifications or additions to rules adopted by a local health department to protect public health pursuant to G.S. 130A-335(c) that are required at the time the owner or operator submits the Notice of Intent to Construct pursuant to G.S. 130A-336.1(b). The local health department shall notify the owner or operator of the wastewater system of any issues of compliance related to such modifications or additions.

(i) Operations and Management. -

(1) The professional engineer designing the wastewater system shall establish a written operations and management program based on the size and complexity of the wastewater system and shall provide the program to the owner.

(2) The owner shall enter into a contract with a water pollution control system operator certified pursuant to Part 1 of Article 3 of Chapter 90A of the General Statutes and who is selected from the list of certified operators maintained by the Division of Water Resources in the Department of Environment and Natural Resources for operation and maintenance of the wastewater system in accordance with rules adopted by the Commission.

(3) The owner of the wastewater system shall be responsible for the continued adherence to the operations and management program established by the professional engineer pursuant to subdivision (1) of this subsection.

(j) Post-Construction Conference. - The professional engineer designing the wastewater system shall hold a post-construction conference with the owner of the wastewater system; the licensed soil scientist or licensed geologist who performed the soils evaluation for the wastewater system; the on-site wastewater system contractor, certified pursuant to Article 5 of Chapter 90A of the General Statutes, who installed the wastewater system; and the certified operator of the wastewater system, if any. The post-construction conference shall include start-up of the

wastewater system and any required verification of system design or system components. The post-construction conference required by this subsection may be waived for Type I, II, and III wastewater systems, as listed in 15A NCAC 18A .1961 Table V(a), upon written request by the professional engineer and written approval by the owner of the wastewater system.

(k) Required Documentation. -

(1) At the completion of the post-construction conference conducted pursuant to subsection (j) of this section, the professional engineer who designed the wastewater system shall deliver to the owner signed, sealed, and dated copies of the engineer's report, which, for purposes of this subsection, shall include the following:

a. The evaluation of soil conditions and site features as prepared by either the licensed soil scientist or licensed geologist.

b. The drawings, specifications, plans, and reports of the wastewater system, including the statement of special inspections required pursuant to G.S. 130A-336.1(e)(3); the on-site wastewater system contractor's signed statement of responsibility required pursuant to G.S. 130A-336.1(e)(4); records of all special inspections; and the final inspection report documenting the correction of any identified discrepancies required pursuant to subsection (g) of this section.

c. The operator's management program manual that includes a copy of the contract with the certified water pollution control system operator required pursuant to subsection (i) of this section.

d. Any reports and findings related to the design and installation of the wastewater system.

e. A copy of the Authorization to Operate that can be used for the certificate of occupancy for the facility.

(2) Upon reviewing the professional engineer's report, the owner of the wastewater system shall sign the report confirming acceptance and receipt of the report.

(*l*) Reporting Requirements. -

(1) The owner of the wastewater system shall submit the following to the local health department prior to receiving a Certificate of Occupancy from the appropriate inspection department:

a. A copy of the professional engineer's report required pursuant to G.S. 130A-336.1(k)(1), including a signed document from the licensed soil scientist or licensed geologist releasing their soils report to be used in obtaining a permit pursuant to this section.

b. A copy of the operations and management program.

c. Repealed by Session Law 2023-90, s. 3, effective July 10, 2023.

d. A letter that documents the owner's acceptance of the system from the professional engineer.

e. A copy of the Authorization to Operate.

(2) The owner of any wastewater system that is subject to subsection (d) of this section shall deliver to the Department copies of the engineer's report, as described G.S. 130A-336.1(k)(1).

(3) The local health department shall date and stamp as received upon the delivery of the professional engineer's report described in G.S. 130A-336.1(k)(1) by the owner or the owner's legal representative. The local health department shall notify the appropriate inspections department of the acceptance of the professional engineer's report and a Certificate of Occupancy shall be issued.

(m) Repealed by Session Law 2023-90, s. 3, effective July 10, 2023.

(n) Fees. - The local health department may assess an administrative fee of no more than thirty-five dollars ($35.00) for filing costs.

(o) Change in System Ownership. - A wastewater system authorized pursuant to this section shall not be affected by change in ownership of the site for the wastewater system. A Notice of Intent to Construct shall not be transferrable to a new owner without the written consent of the professional engineer. A wastewater system's Authorization to Operate authorized pursuant to this section shall be transferred to a new owner.

(o1) Revocation. - A Notice of Intent to Construct or an Authorization to Operate issued by an engineer under this section may be revoked by the engineer that issued the Notice of Intent to Construct or the Authorization to Operate. The professional engineer shall send written notification of the revocation to the owner, the licensed soil scientist, the licensed geologist, if any, the certified contractor, the local health department, and the certified water

pollution control system operator, if any. The professional engineer shall cite the specific reason for the revocation in the written notification.

(o2) Repair of Malfunctioning Systems. – The owner may apply for an Improvement Permit and a Construction Authorization from the local health department or obtain a Notice of Intent to Construct to repair a malfunctioning wastewater system initially established under this section.

(p) Remedies. - Notwithstanding any other provision of this section or any other provision of law, owners; operators; professional engineers who utilize the engineered option permit, who prepare drawings, specifications, plans, and reports; licensed soil scientists; licensed geologists; and on-site wastewater system contractors employed for the construction or installation of the wastewater system shall be subject to the provisions and remedies provided to the Department and local health departments pursuant to Article 1 of this Chapter.

(p1) Recognition of Combined Capacity. – Capacity authorized by a permit issued under this section, and under a Department of Health and Human Services permit as described under G.S. 143-215.1D(a)(3), shall be recognized and credited as provided in G.S. 143-215.1D. The Department and the Commission for Public Health shall recognize and honor the treatment and discharge capacity authorized for a wastewater treatment facility under a permit issued by the Department of Environmental Quality as provided in G.S. 143-215.1D.

(p2) Large On-Site Wastewater Systems. – A subsurface wastewater dispersal system receiving effluent with a design daily flow greater than or equal to 25,000 gallons per day proposed to be constructed under this section is subject to all of the following:

(1) Department review. – Notwithstanding any other provision of this section, when a wastewater dispersal system receiving effluent is proposed with a design daily flow greater than or equal to 25,000 gallons per day, the Department shall conduct a compliance review of the proposed design to ensure compliance with all applicable laws and rules. The compliance review of the wastewater system may include all supporting engineering, modeling, operational, monitoring, soils, site, hydrogeologic, treatment, and disposal information, as determined by the Department. The Department may request any information or documentation necessary to complete its compliance review. If the submittal is incomplete or does not comply with the applicable laws and rules, the Department shall issue a letter specifically identifying all missing information or the laws and rules with which the submittal does not comply, including specific citations to the applicable laws or rules. The Department shall have 120 days to complete the compliance review, which period shall begin upon the Department's receipt of a completed application, and shall be tolled during periods in which the Department awaits additional information from an applicant necessary to complete the compliance review. If the Department fails to complete the review in the required time frame, the compliance review shall be deemed complete.

(2) Compliance review determination. – Upon completion of a compliance review pursuant to subdivision (1) of this subsection, if the Department finds that the proposed wastewater system complies with all applicable requirements, the Department shall issue written confirmation acknowledging that the proposed design meets all applicable laws and rules. A determination by the Department that a proposed wastewater system does not comply with applicable laws or rules constitutes a final agency decision subject to appeal under G.S. 130A-24 and Article 3 of Chapter 150B of the General Statutes. The provisions of subsection (f) of this section remain effective for systems reviewed by the Department pursuant to this subsection.

(3) Continuing oversight authority. – Recognition of capacity pursuant to subsection (p1) of this section shall not be construed to limit, waive, impair, or extinguish the authority of the Department under this Article, rules adopted pursuant to this Article, or a Department of Health and Human Services permit as described under G.S. 143-215.1D(a)(3). The Department shall retain authority to inspect, investigate, review, require corrective action, modify, suspend, revoke, rescind, invalidate, or otherwise enforce any permit, approval, authorization, engineered option permit, or capacity determination as authorized by law.

(4) Previously issued permits and authorizations. – Any Department of Health and Human Services permit as described under G.S. 143-215.1D(a)(3) that is relied upon for purposes of establishing combined permitted capacity in accordance with Article 21 of Chapter 143 of the General Statutes shall remain subject to review by the Department of Health and Human Services. The Department may require submission of records, engineering analyses, operational data, monitoring results, maintenance records, and other information reasonably necessary to verify compliance and available capacity.

(5) Condition of capacity recognition. – Capacity authorized under this Article shall not be credited toward combined permitted capacity unless the Department determines that the permit or authorization remains valid and that the system is operating in substantial compliance with applicable permit conditions, operational requirements, and public health protections."

(q) Rulemaking. - The Commission shall adopt rules to implement the provisions of this section.

(r) Repealed by Session Law 2023-90, s. 3, effective July 10, 2023. (2015-286, s. 4.14(c); 2017-209, s. 18(b); 2021-117, s. 12A; 2022-11, s. 5(c).; 2023-90, s. 3.; 2024-01, s. 3.9.(a), 2024-01, s 3.9.(c); 2024-49, s. 4.9.(a); 2024-49, s. 4.9.(c); 2025-25, s. 29(1), (6); 2026-32 s. 9.(c); 2026-59, s. 29.(b).)

§ 130A-336.2. Alternative wastewater system approvals for nonengineered systems.

(a) Authorized On-Site Wastewater Evaluator. - An individual licensed as a soil scientist pursuant to Chapter 89F of the General Statutes and further certified under conditions developed and administered by the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board may, at the direction of the owner of a proposed wastewater system, prepare signed and sealed soil and site evaluations, specifications, plans, and reports for the site layout, construction, operation, and maintenance of a wastewater system in accordance with this section and rules adopted pursuant to this section. An Authorized On-Site Wastewater Evaluator shall not perform any of the functions performed by a professional engineer for engineered wastewater systems described in G.S. 130A-336.1.

(b) Notice of Intent to Construct. - Prior to commencing or assisting in the construction, siting, relocation, or repair of a wastewater system, the owner of a proposed wastewater system who wishes to use an Authorized On-Site Wastewater Evaluator shall submit a Notice of Intent to Construct a wastewater system using an Authorized On-Site Wastewater Evaluator to the local health department with jurisdiction over the location of the proposed wastewater system. The owner may apply for a building permit for the project upon submitting a complete Notice of Intent to Construct and the fee required pursuant to subsection (n) of this section to the local health department. The North Carolina On-Site Wastewater Contractors and Inspectors Certification Board shall develop a common form for use as a Notice of Intent to Construct.

(c) Repealed by Session Law 2023-90, s. 4, effective July 10, 2023.

(d) Soil and Site Evaluation, Construction, and Activities. -

(1) The Authorized On-Site Wastewater Evaluator shall use standards incorporated in recognized soil and siting practices in North Carolina. The evaluation and findings shall include, at a minimum, the information required in rules adopted by the Commission pursuant to G.S. 130A-335(e). An Authorized On-Site Wastewater Evaluator shall not form a direct business relationship with any technology that may result in a conflict of interest.

(2) The Authorized On-Site Wastewater Evaluator shall prepare a signed and sealed statement of special inspections that includes the following items:

a. The materials, systems, components, and work subject to special inspections and testing.

b. The type, frequency, and extent of each special inspection and each test. For the purposes of this subdivision, "special inspection" means any continuous or intermittent inspection or visitation performed by the Authorized On-Site Wastewater Evaluator at the construction site on behalf of the owner.

(3) The Authorized On-Site Wastewater Evaluator shall assist the owner in the selection of an on-site wastewater system contractor who shall be under contractual obligation to the owner of the system and have sufficient errors and omissions, liability, or other insurance for the system constructed.

(4) The Authorized On-Site Wastewater Evaluator may assist in the construction, siting, relocation, or repair of any wastewater system described in G.S. 130A-343.

(5) Repealed by Session Law 2023-90, s. 4, effective July 10, 2023.

(e) Responsibilities of the On-Site Wastewater System Contractor. - The on-site wastewater system contractor retained by the site owner shall do all of the following:

(1) Be certified pursuant to Article 5 of Chapter 90A of the General Statutes.

(2) Be responsible for all aspects of the construction and installation of the wastewater system and its components, including adherence to specifications and any special inspections that are prepared, signed, and sealed by the Authorized On-Site Wastewater Evaluator.

(3) Submit a signed and dated statement of responsibility to the owner of the wastewater system, prior to commencement of work, that contains acknowledgement of the requirements of the on-site wastewater system specified by the Authorized On-Site Wastewater Evaluator.

(f) No Public Liability. - The Department, the Department's authorized agents, and local health departments shall have no liability for wastewater systems developed by the Authorized On-Site Wastewater Evaluator; however, nothing in this section shall relieve the Department, the Department's authorized agents, and local health departments from any of their other obligations under State law or administrative rule.

(g) Inspections, Construction Observations, and Reports. -

(1) Repealed by Session Law 2023-90, s. 4, effective July 10, 2023.

(2) An Authorized On-Site Wastewater Evaluator shall make periodic visits to the site to observe the progress and quality of the construction.

(3) An Authorized On-Site Wastewater Evaluator may employ independent inspectors to observe and direct the construction of the wastewater system. Authorized On-Site Wastewater Evaluators shall be liable for any errors or omissions made by independent inspectors they employ or contract with.

(4) All construction and inspection reports shall be signed by the authorized inspector or Authorized On-Site Wastewater Evaluator. Copies shall be furnished to the owner and the certified contractor and shall be included in the submittal package to the local health department.

(h) Local Authority. - Nothing in this section shall relieve the owner of the wastewater system from complying with all rules adopted by a local health department pursuant to G.S. 130A-335(c) that are in effect at the time the owner submits the Notice of Intent to Construct described in subsection (b) of this section. The local health department shall notify the owner of the wastewater system of any issues of compliance related to such modifications or additions.

(i) Operation and Management. -

(1) An Authorized On-Site Wastewater Evaluator shall establish a written operation and management program based on the rules established for similar wastewater systems and shall provide this information to the owner of the system.

(2) If necessary to comply with rules adopted by the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board, the owner shall enter into a contract with a water pollution control system operator certified pursuant to Part 1 of Article 3 of Chapter 90A of the General Statutes.

(3) The owner shall be responsible for the continued adherence to the operations and management program established by the Authorized On-Site Wastewater Evaluator pursuant to subdivision (1) of this subsection.

(j) Post-Construction Conference. - The Authorized On-Site Wastewater Evaluator shall hold a post-construction conference with the owner, the certified contractor, and the certified water pollution control system operator, if any. The post-construction conference shall include start-up and any required verification of system components.

(k) Required Documents. - At the post-construction conference, the Authorized On-Site Wastewater Evaluator shall provide the owner with the following documents:

(1) A signed and sealed copy of reports on soil conditions and site features, layouts, drawings, specifications, justification on any proposed design daily flow reductions, and any special inspection reports or corrections made during the construction of the system.

(2) The owner's operation and management program established for the specific wastewater system under subdivision (1) of subsection (i) of this section.

(3) Any reports and findings related to the evaluation, siting, and construction of the wastewater system.

(4) The Authorization to Operate to be used for the certificate of occupancy for the facility.

(*l*) After reviewing the Authorized On-Site Wastewater Evaluator's report, the owner shall sign confirming acceptance and receipt of the report. The owner shall then submit the following to the local health department prior to receiving a Certificate of Occupancy from the appropriate inspection department:

(1) A copy of the Authorized On-Site Wastewater Evaluator's report, including the Authorization to Operate.

(2) A copy of the operations and management program established for the system by the Authorized On-Site Wastewater Evaluator.

(3) Repealed by Session Law 2024-01, s. 3.9.(b), effective May 15, 2024.

(4) A copy of the document confirming acceptance and receipt of the report by the owner.

(*l*1) The local health department shall date and stamp as received upon delivery of the documentation required pursuant to subsection (l) of this section by the owner or the owner's legal representative. The local health department shall notify the appropriate inspections department of the acceptance of the document and a Certificate of Occupancy shall be issued.

(m) Repealed by Session Law 2023-90, s. 4, effective July 10, 2023.

(n) Fees. - The local health department may assess an administrative fee of no more than thirty-five dollars ($35.00) for filing costs.

(o) Change in System Ownership. - A wastewater system authorized pursuant to this section shall not be affected by change of ownership for the site for the wastewater system. A Notice of Intent to Construct shall not be transferrable to a new owner without the written consent of the Authorized On-Site Wastewater Evaluator. A wastewater system's Authorization to Operate authorized pursuant to this section shall be transferred to a new owner.

(o1) Revocation. - A Notice of Intent to Construct or an Authorization to Operate issued by an Authorized On-Site Wastewater Evaluator under this section may be revoked by the Authorized On-Site Wastewater Evaluator that issued the Notice of Intent to Construct or the Authorization to Operate. The Authorized On-Site Wastewater Evaluator shall send written notification of the revocation to the owner, the licensed soil scientist, if applicable, the licensed geologist, if any, the certified contractor, the local health department, and the certified water pollution control system operator, if any. The Authorized On-Site Wastewater Evaluator shall cite the specific reason for the revocation in the written notification.

(o2) Repair of Malfunctioning Systems. – The owner may apply for an Improvement Permit and a Construction Authorization from the local health department or obtain a Notice of Intent to Construct to repair a malfunctioning wastewater system initially established under this section.

(p) Remedies. - Notwithstanding any other provision of law to the contrary, Authorized On-Site Wastewater Evaluators, certified contractors described in subsection (e) of this section, and certified water pollution control systems operators described in subdivision (2) of subsection (i) of this section shall be subject only to the disciplinary authority of their individual certifying boards.

(q) Rulemaking. -

(1) The North Carolina On-Site Wastewater Contractors and Inspectors Certification Board shall have the power to adopt rules to implement the provisions of this section.

(2) Notwithstanding any provision of law to the contrary, the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board shall have the exclusive authority to promulgate rules regarding certification of Authorized On-Site Wastewater Evaluators where review and seal of a professional engineer is not necessary pursuant to this section.

(3) The rules adopted by the Board for wastewater systems approved under the alternative wastewater system approvals for nonengineered system criteria pursuant to G.S. 130A-336.2 shall be, at a minimum, as stringent as the rules for wastewater systems established by the Commission.

(r) Repealed by Session Law 2023-90, s. 4, effective July 10, 2023. (2019-151, s. 14.; 2022-11 s. 5(d).; 2023-90, s. 4; 2024-01, s. 3.9.(b), 2024-01, s. 3.9.(d); 2024-49, ss. 4.9(b), (d); 2025-25, s.29(6).)

§ 130A-337. Inspection; operation permit required.

(a) No system of wastewater collection, treatment and disposal shall be covered or placed into use by any person until an inspection by the local health department has determined that the system has been installed or repaired in accordance with any conditions of the Improvement Permit, the Construction Authorization, the rules, and this Article.

(a1) Notwithstanding subsection (a) of this section, an applicant may contract with an Authorized On-Site Wastewater Evaluator certified pursuant to Article 5 of Chapter 90A of the General Statutes or an engineer licensed pursuant to Chapter 89C of the General Statutes to conduct any required verifications or inspections. The evaluator or engineer shall provide the applicant with written verification that all conditions of the Improvement Permit and Construction Authorization have been met, including an as-built drawing meeting the standards and scale of the local health department issuing the Construction Authorization as certified by the evaluator or engineer. The applicant may cover the system and place it into operation upon receipt of the written verification and shall submit the verification to the local health department within two business days of receipt of the verification. The Department, the Department's authorized agents, and the local heal department shall be discharged and released from any liabilities, duties, and responsibilities imposed by statute or common law from any claim arising out of or attributed to the on-site wastewater system installation.

(a2) Notwithstanding subsection (a) or (a1) of this section, an applicant may contract with a Private Compliance Inspector certified pursuant to Article 5 of Chapter 90A of the General Statutes to conduct any required verifications or inspections of an on-site wastewater system for compliance with the designs of a Construction Authorization issued pursuant to G.S. 130A-335(a5) or a Notice of Intent to Construct issued pursuant to G.S. 130A-336.1 or G.S. 130A-336.2 when all of the following criteria are met:

(1) The Private Compliance Inspector is not the contractor of the on-site wastewater system being inspected or employed by the contractor of the on-site wastewater system being inspected.

(2) The Private Compliance Inspector holds sufficient errors and omissions and general liability insurance for the project being inspected.

(3) The Private Compliance Inspector obtains written approval from the professional engineer or Authorized On-Site Wastewater Evaluator prior to conducting the compliance inspection.

(4) The Private Compliance Inspector documents the compliance inspection with the common form developed or approved by the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board. The compliance inspection document shall show any as-builts as approved at the site and conveyed to the owner or authorized agency.

(5) The Private Compliance Inspector delivers the completed compliance inspector form to the owner of the on-site wastewater system being inspected, professional engineer, or Authorized On-Site Wastewater evaluator, as applicable.

(a3) The Department, the Department's authorized agents, and the local health department shall be discharged and released from any liabilities, duties, and responsibilities imposed by statute or common law from any claim arising out of or attributed to an on-site wastewater system inspected pursuant to subsection (a2) of this section.

(b) Upon installation or repair of a wastewater system in accordance with the conditions of the Improvement Permit and the Construction Authorization, including any site modifications noted in the Improvement Permit or Construction Authorization, as applicable, or upon receipt of written verification submitted pursuant to subsection (a1) or (a2) of this section, the local health department shall issue an operation permit authorizing the residence, place of business or place of public assembly to be occupied and for the system to be placed into use or reuse. A local health department shall not withhold issuance of an Operation Permit if all conditions specified in the Improvement Permit and Construction Authorization have been met, and the installation complies with all applicable laws and rules. Conditions added to the Operation Permit shall be consistent with the applicable rules and are enforceable as requirements of the permit.

(c) Upon determination that an existing wastewater system has a valid operation permit and is operating properly in a manufactured home park, the local health department shall issue authorization in writing for a manufactured home to be connected to the existing system and to be occupied. Notwithstanding G.S. 130A-336, an Improvement Permit is not required for the connection of a manufactured home to an existing system with a valid operation permit in a manufactured home park.

(d) No person shall occupy a residence, place of business or place of public assembly, or place a wastewater system into use or reuse for a residence, place of business or place of public assembly until an operation permit has been issued or authorization has been obtained pursuant to G.S. 130A-337(c). (1973, c. 452, s. 6; 1981, c. 949, s. 3; 1983, c. 891, s. 2; 1985, c. 487, s. 9; 1991 (Reg. Sess., 1992), c. 944, s. 6; 1995, c. 285, s. 1.; 2023-90, s. 5; 2024-49, s. 4.5.(a); 2026-32, s. 7.(c).)

§ 130A-338. Construction authorization required before other permits to be issued.

Where construction, location or relocation is proposed to be done upon a residence, place of business or place of public assembly, no permit required for electrical, plumbing, heating, air conditioning or other construction, location or relocation activity under any provision of general or special law shall be issued until a construction authorization has been issued under G.S. 130A-336, or authorization has been obtained under G.S. 130A-337(c), or a decision on the completeness of the notice of intent to construct is made by the local health department pursuant to G.S. 130A-336.1(c) or G.S. 130A-336.2(c). (1973, c. 452, s. 7; 1981, c. 949, s. 3; 1983, c. 891, s. 2; 1995, c. 285, s. 1; 2015-286, s. 4.14(d); 2022-11, s. 5(e).)

§ 130A-339. Limitation on electrical service.

No person shall allow permanent electrical service to a residence, place of business or place of public assembly upon construction, location or relocation until the official electrical inspector with jurisdiction as provided in G.S. 143-143.2 certifies to the electrical supplier that the required improvement permit, construction authorization, or authorization under G.S. 130A-337(c) or the letter of confirmation authorizing wastewater system operation under

G.S. 130A-336.1(m) has been obtained. Temporary electrical service necessary for constructing a residence, place of business or place of public assembly can be provided upon compliance with G.S. 130A-338. (1973, c. 452, s. 8; 1981, c. 949, s. 3; 1983, c. 891, s. 2; 1995, c. 285, s. 1; 2015-286, s. 4.14(e); 2022-11, s. 5(f).)

§ 130A-340. Review procedures and appeals.

The Department, upon request by an applicant for an improvement permit, shall provide a technical review of any scientific data and system design submitted by the applicant. The data and system design shall be evaluated by professional peers of those who prepared the data and system design. The results of the technical review shall be available prior to a decision by the local health department and shall not affect an applicant's right to a contested hearing under Chapter 150B of the General Statutes. (1989, c. 764, s. 5.)

§ 130A-341. Consideration of a site with existing fill.

Upon application to the local health department, a site that has existing fill, including one on which fill material was placed prior to July 1, 1977, and that has sand or loamy sand for a depth of at least 36 inches below the existing ground surface, shall be evaluated for an on-site wastewater system. The Commission shall adopt rules to implement this section. (1989, c. 764, s. 8; 1991 (Reg. Sess., 1992), c. 944, s. 7.)

§ 130A-342. Residential wastewater treatment systems.

(a) Individual residential wastewater treatment systems that are approved and listed in accordance with the standards adopted by the National Sanitation Foundation, Inc. for Class I residential wastewater treatment systems, as set out in Standard 40 of the National Sanitation Foundation, Inc., (as approved 13 January 2001) as amended, shall be permitted under rules adopted by the Commission. The Commission may establish standards in addition to those set by the National Sanitation Foundation, Inc.

(b) A permitted system with a design flow of less than 1,500 gallons per day shall be operated by a person who is a Subsurface Water Pollution Control System Operator as certified by the Water Pollution Control System Operators Certification Commission and authorized by the manufacturer of the individual residential wastewater treatment system. The Commission may, in addition to the requirement for a certified Subsurface Water Pollution Control System Operator, establish additional standards for wastewater systems with a design flow of 1,500 gallons or greater per day.

(c) Each county, in which one or more residential wastewater treatment systems permitted pursuant to this section are in use, shall document the performance of each system and report the results to the Department annually. (1989, c. 727, s. 223(b); c. 764, s. 9; 1989 (Reg. Sess., 1990), c. 1004, ss. 12, 37; 1991 (Reg. Sess., 1992), c. 944, s. 8; 1995, c. 285, s. 1; 1997-443, ss. 11A.84, 11A.119(a); 2001-505, s. 2.1; 2015-286, s. 4.14(j).)

§ 130A-343. Approval of on-site subsurface wastewater systems.

(a) Definitions. - As used in this section:

(1) "Accepted wastewater dispersal system" means any subsurface wastewater dispersal system, other than a conventional wastewater system, that: (i) has been previously approved as an Innovative wastewater dispersal system or is a wastewater dispersal system specifically identified in a rule adopted by the Commission; (ii) has been in general use in this State as a wastewater dispersal system for more than five years; and (iii) has been approved by the Commission for general use or use in one or more specific applications. An Accepted wastewater dispersal system may be approved for use in applications for which a conventional wastewater system is unsuitable. The Commission may impose design, operation, maintenance, monitoring, and management requirements on the use of an Accepted wastewater dispersal system that it determines to be appropriate.

(2) Recodified as subdivision (a)(7).

(3) "Conventional wastewater system", "conventional sewage system", or "conventional septic tank system" means a subsurface wastewater system that consists of a traditional septic or settling tank and a gravity-fed subsurface dispersal field that uses washed natural stone or gravel of approved size and grade and piping to distribute effluent to soil in one or more nitrification trenches and that does not include any other appurtenance.

(4) Repealed by Session Laws 2015-286, s. 4.15(a), effective October 22, 2015.

(5) "Innovative wastewater system" means any wastewater system, other than a conventional wastewater system or a provisional wastewater system, or any technology, device, or component of a wastewater system that: (i) has been demonstrated to perform in a manner equal

or superior to a conventional wastewater system; (ii) is constructed of materials whose physical and chemical properties provide the strength, durability, and chemical resistance to allow the system to withstand loads and conditions as required by rules adopted by the Commission; and (iii) has been approved by the Department for general use or for one or more specific applications. An innovative wastewater system may be approved for use in applications for which a conventional wastewater system is unsuitable. The Department may impose any design, operation, maintenance, monitoring, and management requirements on the use of an innovative wastewater system that it determines to be appropriate. A wastewater system approved by a nationally recognized certification body and in compliance with the ongoing verification program of such body may submit a sampling protocol for innovative system approval that reduces the data sets required for such approval by fifty percent (50%). Such an application shall include all of the data associated with the nationally recognized certification body's verification of the system's performance.

(6) "Nationally recognized certification body" means a third-party certification body for wastewater systems or system components that is accredited by an entity widely recognized in the United States such as the American National Standards Institute, the Standards Council of Canada, or the International Accreditation Service, Inc.

(7) "Provisional wastewater system" means any wastewater system or any technology, device, or component of a wastewater system that, on the basis of (i) research acceptable to the Department or (ii) approval of the wastewater system by a nationally recognized certification body for a period that exceeds one year for research, testing, or trial use under actual field conditions in this State pursuant to a protocol that has been approved by the Department.

(8) "Prefabricated permeable block panel system" is a series of units for onsite wastewater dispersal manufactured of cementitious materials of coarse and fine lightweight expanded shale aggregate along with Portland cement, connected together by plastic pipe. The unit shall be of rigid design, constructed and installed to withstand load requirements without collapse, compression, or deflection.

(b) Adoption of Rules Governing Approvals. - The Commission shall adopt rules for the approval and permitting of innovative, conventional, provisional, and accepted wastewater systems. The rules shall address the criteria to be considered prior to issuing an approval for a system, requirements for preliminary design plans and specifications that must be submitted, methodology to be used, standards for monitoring and evaluating the system, research evaluation of the system, the plan of work for monitoring system performance and maintenance, and any additional matters the Commission determines are necessary for verification of the performance of a wastewater system or system component.

(c) Procedure for Modifications or Revocations. - The Department may modify, suspend, or revoke the approval of a wastewater system if the Department determines that the approval is based on false, incomplete, or misleading information or if the Department finds that modification, suspension, or revocation is necessary to protect public health, safety, or welfare. The Department shall provide a listing of all approved innovative, provisional, and accepted wastewater systems to the local health departments annually, and notify the local health departments within 30 days of any modification or revocation of an approval of a wastewater system or system component.

(d) Evaluation Protocols. - The Department shall approve one or more nationally recognized protocols for the evaluation of wastewater systems. Any protocol approved by the Department shall specify a minimum number of sites that must be evaluated and the duration of the evaluation period. At the request of a manufacturer of a wastewater system, the Department may approve an alternative protocol for use in the evaluation of the performance of the manufacturer's wastewater system. A protocol for the evaluation of a wastewater system approved by the Department pursuant to this section is a scientific standard within the meaning of G.S. 150B-2(8a)h.

(e) Repealed by Session Laws 2015-286, s. 4.15(a), effective October 22, 2015.

(f) Provisional Systems. - A manufacturer of a wastewater system may apply to the Department to have the system provisionally approved for use in this State. Any wastewater system approved based on its approval by a nationally recognized certification body must be designed and installed in a manner consistent with the system evaluated and approved by the nationally recognized certification body. The manufacturer shall submit a proposal for evaluation of the system to the Department. The proposal shall contain procedures for obtaining specified information necessary to achieve innovative status upon completion of the provisional status. The proposal for evaluation shall include the design of the system, a description of any laboratory or field research or testing that will be used to evaluate the system, a description of the research or testing protocol, and the credentials of the independent laboratory, consultant, or other entity that will be conducting the research or testing on the system. The proposal may include an

evaluation of research and testing conducted in other states to the extent that the research and testing involves soil types, climate, hydrology, and other relevant conditions that are comparable to conditions in this State and if the research or testing was conducted pursuant to a protocol acceptable to the Department. The manufacturer shall enter into a contract for an evaluation of the performance of the controlled demonstration wastewater system with an independent laboratory, consultant, or other entity that has expertise in the evaluation of wastewater systems and that is approved by the Department. The manufacturer may install up to 200 provisional wastewater systems on sites that are suitable for a conventional wastewater system and that have a repair area of sufficient size to allow installation of a conventional wastewater system, an approved innovative wastewater system, or an accepted wastewater system if the provisional wastewater system fails to perform properly. If the provisional wastewater system is intended for use on sites that are not suitable for a conventional wastewater system, the Department may approve the installation of the provisional wastewater system if the Department determines that the manufacturer can provide an acceptable alternative method for collection, treatment, and dispersal of the wastewater. The Department shall approve applications for provisional systems based on approval by a nationally recognized certification body within 90 days of receipt of a complete application. A manufacturer that chooses to remove its product from the nationally recognized standard during the provisional approval may continue its application in this State pursuant to requirements and procedures established by the Department.

(g) Innovative Systems. - A manufacturer of a wastewater system for on-site subsurface use may apply for and be considered for innovative system status by the Department in one of the following ways:

(1) If the wastewater system has been approved as a provisional wastewater system pursuant to subsection (f) of this section, the manufacturer may apply to have the system approved as an innovative wastewater system based on successful completion of the evaluation protocols established pursuant to subsection (d) of this section.

(2) If the wastewater system has not been evaluated or approved as a provisional wastewater system pursuant to subsection (f) of this section, the manufacturer may apply to the Department to have the system approved as an innovative wastewater system on the basis of comparable research and testing conducted in other states. The manufacturer shall provide the Department with the data and findings of all evaluations of the performance of the system that have been conducted in any state by or on behalf of the manufacturer. The manufacturer shall also provide the Department with a summary of the data and findings of all other evaluations of the performance of the system that are known to the manufacturer.

(3) If the advanced pretreatment system has not been evaluated or approved as a provisional system pursuant to subsection (f) of this section, but has been approved under protocol established by a nationally recognized certification body, has been found to perform acceptably based on the criteria of the protocol, and is designed and will be installed in a manner consistent with the system evaluated and approved by the nationally recognized certification body, the manufacturer may apply to have the system approved as an innovative wastewater system, and the Department shall approve the application and issue an innovative wastewater system approval in accordance with rules adopted by the Commission upon verifying (i) the protocol testing dataset includes a minimum of 55 influent and effluent datasets that include the applicable constituents identified in rules adopted by the Commission and obtained from testing for a minimum of 26 weeks, with protocol sampling conducted during all weeks of the testing period, (ii) the protocol testing data complies with the applicable effluent standards identified in rules adopted by the Commission, (iii) the nationally recognized certification body's approval, and (iv) that the design and installation plans are consistent with that approval. When a separate disinfection process or system is proposed, fecal coliform datasets are not required if the disinfection technology is approved by a nationally recognized certified body. This subdivision all not apply to a manufacturer requesting innovative approval as both an advanced pretreatment and dispersal system.

Within 30 days of receipt of the initial application, the Department shall either (i) notify the manufacturer of any items necessary to complete the application or (ii) notify the manufacturer that its application is complete. The Department shall publish a notice that the manufacturer has submitted an application under this subsection in the North Carolina Register and may provide additional notice to the public via the internet or by other means. The Department shall receive public comment on the application for at least 30 days after the date the notice is published in the North Carolina Register. In making a determination under this subsection, the Department shall consider the data, findings, and recommendations submitted by the manufacturer and all public comment. The Department may also consider any other information that the Department determines to be relevant. The Department shall determine: (i) whether the

system performs in a manner equal or superior to a conventional wastewater system, in terms of structural integrity, treatment, and hydraulic performance; (ii) whether the system is constructed of materials whose physical and chemical properties provide the strength, durability, and chemical resistance to allow the system to withstand loads and conditions as required by rules adopted by the Commission; (iii) the circumstances in which use of the system is appropriate; and (iv) any conditions and limitations related to the use of the system. The Department shall make the determinations required by this subsection and approve or deny the application within 90 days after the Department receives a complete application from a manufacturer. If the Department fails to act on the application within 90 days of the notice of receipt of the complete application, the manufacturer may treat the application as denied and challenge the denial by filing a contested case as provided in Article 3 of Chapter 150B of the General Statutes. If the Department approves an innovative wastewater system, the Department shall notify the manufacturer of the approval and specify the circumstances in which use of the system is appropriate and any conditions and limitations related to the use of the system.

(g1) Approval of Functionally Equivalent Trench Systems as Innovative Systems. - A manufacturer of a wastewater trench system may petition the Commission to have the wastewater trench system approved as an innovative wastewater system as provided in this subsection.

(1) The Commission shall approve a wastewater trench system as an innovative wastewater system if it finds that there is clear, convincing, and cogent evidence that the wastewater trench system is functionally equivalent to a wastewater trench system that is approved as an accepted wastewater system. A wastewater trench system shall be considered functionally equivalent to an accepted wastewater trench system if the performance characteristics of the wastewater trench system satisfy all of the following requirements:
   a. The physical properties and chemical durability of the materials from which the wastewater trench system is constructed are equal to or superior to the physical properties and chemical durability of the materials from which the accepted wastewater trench system is constructed.
   b. The permeable sidewall area and bottom infiltrative area of the wastewater trench system are equal to or greater than the permeable sidewall area and bottom infiltrative area of the accepted wastewater trench system at a field-installed size.
   c. The wastewater trench system utilizes a similar method and manner of function for the conveyance and application of effluent as the accepted wastewater trench system.
   d. The structural integrity of the wastewater trench system is equal to or superior to the structural integrity of the accepted wastewater trench system.
   e. The wastewater trench system shall provide a field installed system storage volume equal to or greater than the field installed system storage volume of the accepted wastewater trench system.
(2) As part of its petition, the manufacturer shall provide to the Commission all of the following information:
   a. Specifications of the wastewater trench system.
   b. Data necessary to demonstrate that the wastewater trench system is functionally equivalent to a wastewater trench system that is approved as an accepted wastewater system.
   c. A certified statement from an independent, third-party professional engineer or testing laboratory that, based on verified documentation, the wastewater trench system is functionally equivalent to an accepted wastewater system.
(3) Approval of a wastewater trench system as an innovative wastewater system shall not be conditioned on the manufacturer of the wastewater trench system having operational systems installed in the State.
(4) The Commission shall authorize the use of a wastewater trench system as an innovative wastewater system in the same applications as the accepted wastewater trench system.
(5) The Commission shall not include conditions and limitations in the approval of a wastewater trench system as an innovative wastewater system that are not included in the approval of the accepted wastewater trench system.

(h) Accepted Wastewater Dispersal Systems. - A manufacturer of an Innovative wastewater dispersal system or other approved trench dispersal system specifically identified in a rule adopted by the Commission that has been in general use in this State for a minimum of five years may petition the Commission to have the system designated as an Accepted wastewater system as provided in this subsection. The manufacturer shall provide the Commission with

the data and findings of all prior evaluations of the performance of the system in this State and other states referenced in the petition, including disclosure of any conditions found to result in unacceptable structural integrity, treatment, or hydraulic performance. In addition, the manufacturer shall provide the Commission with information sufficient to enable the Commission to fully evaluate the performance of the system in this State for at least the five-year period immediately preceding the petition. The Commission shall designate a wastewater dispersal system as an Accepted wastewater system only if it finds that there is clear, convincing, and cogent evidence based on actual field surveys and county activity reports (i) to confirm the findings made by the Department at the time the Department approved the system as a wastewater dispersal system and (ii) that the system performs in a manner that is equal or superior to a conventional or Accepted wastewater system under actual field conditions in this State. The Commission shall specify the circumstances in which use of the system is appropriate and any conditions and limitations related to the use of the system. If the Commission designates a wastewater dispersal system as an Accepted wastewater system pursuant to this section, the following shall apply:

(1) The approval shall be limited to the manufacturer who submitted the petition and received the Accepted status from the Commission.

(2) Neither the Commission, the Department, or any local health department shall condition, delay, or deny the substitution of any Accepted wastewater system based on location of nitrification lines when all parts of the dispersal field can be installed within the approved initial dispersal field area while complying with all Commission rules.

(i) Nonproprietary Wastewater Systems. - The Department may initiate a review of a nonproprietary wastewater system and approve the system for use as a provisional wastewater system or an innovative wastewater system without having received an application from a manufacturer.

(j) Repealed by Session Law 2015-286, s. 4.15(a), effective October 22, 2015.

(j1) Clarification With Respect to Certain Dispersal Media. - In considering the application by a manufacturer of a wastewater system utilizing expanded polystyrene synthetic aggregate particles as a septic effluent dispersal medium for approval of the system under this section, neither the Commission nor the Department may condition, delay, or deny the approval based on the particle or bulk density of the expanded polystyrene material. With respect to approvals already issued by the Department or Commission that include conditions or requirements related to the particle or bulk density of expanded polystyrene material, the Commission or Department, as applicable, shall promptly reissue all such approvals with the conditions and requirements relating to the density of expanded polystyrene material permanently deleted while leaving all other terms and conditions of the approval intact.

(j2) Clarification of Use of Native Backfill. – In considering the use of backfill material in subsurface trench dispersal products, neither the Commission nor the Department shall condition, delay or deny the approval of a subsurface trench dispersal product based on a non-native backfill material requirement without the prior approval of the manufacturer. With respect to approvals already issued by the Department or the Commission that include conditions or requirements specifying the use of non-native backfill material, the Department or Commission, as applicable, shall reissue those approvals, at the written request of the manufacturer, without conditions or requirements relating to the use of non-native backfill material.

(j3) Authorize Certain Subsurface Dispersal Products for Use in Traffic-Rated Areas Under Private Option Permits. – A wastewater dispersal product approved pursuant to this section shall be approved for use in wastewater storage and dispersal under areas subject to vehicular traffic and traffic-bearing loads if a professional engineer, licensed pursuant to Chapter 89C of the General Statutes, certifies that the product has been designed with a compatible load rating and the product manufacturer has approved the product for use in traffic-rated areas. Wastewater permits issued pursuant to this subsection shall be issued by a professional engineer, licensed pursuant to Chapter 89C of the General Statutes, under G.S. 130A-336.1, or by an Authorized On-Site Wastewater Evaluator under G.S. 130A-336.2. For the purposes of this section, "traffic-rated areas" does not include Department of Transportation rated areas but does include driveways and private parking areas with impervious or pervious pavement areas.

(k) Fees. - The Department shall collect the following fees under this section:

(1)	Review of an alternative protocol under subsection (d) of this section	$1,000.00
(2)	Repealed by Session Laws 2015-286, s. 4.15(a), effective October 22, 2015.	
(3)	Review of a provisional system	$3,000.00
(4)	Review of an innovative system	$3,000.00
(5)	Review of an accepted system	$3,000.00
(6)	Review of a residential wastewater treatment system pursuant to G.S. 130A-342	$1,500.00
(7)	Review of a component or device required of a system	$ 100.00

(8) Modification to approved accepted, provisional, or innovative system $1,000.00

(*l*) On-Site Wastewater System Account. - The On-Site Wastewater System Account is established as a nonreverting account within the Department. Fees collected pursuant to this section shall be placed in the On-Site Wastewater System Account and shall be applied only to the costs of implementing this section. (1989, c. 764, s. 10; 1991 (Reg. Sess., 1992), c. 944, s. 9; 1995, c. 285, s. 1; 2001-505, s. 2.2; 2011-261, s. 1; 2014-120, s. 28(a); 2015-286, s. 4.15(a); 2018-114, s. 12; 2019-151, s. 13; 2021-117, s. 12.1; 2023-63, s. 17(a); 2023-90, s. 6.(a), 10.2; 2025-25, s.29(3); 2025-94, s. 30; 2026-32, s. 10.(a).)

§ 130A-343.1. Transfer of ownership of provisionally approved septic tanks and innovative septic tank systems to joint agency in certain counties; inspection fees in those counties.

(a) As used in this section, "provisionally approved septic tank or innovative septic tank system" means a septic tank system located in soil that is classified as provisionally suitable or an innovative septic tank system, as those terms are used in Subchapter 18A of Chapter 18 of Title 15A of the North Carolina Administrative Code, G.S. 130A-343, and any applicable local rules or ordinances.

(b) As used in this subsection, "unit of local government" has the same meaning as in G.S. 160A-460. One or more units of local government located in the Counties of Camden, Chowan, Currituck, Gates, Hertford, Pasquotank, Perquimans, Tyrrell, and Washington may establish a joint agency for the purpose of owning and operating a provisionally approved septic tank or innovative septic tank system as provided in Article 20 of Chapter 160A of the General Statutes. Bertie County may join any joint agency established under this subsection. The owner of any provisionally approved septic tank or innovative septic tank system may, upon acceptance by a joint agency established under this subsection, transfer ownership of any real or personal property or interest therein that is a part of or used in connection with the provisionally approved septic tank or innovative septic tank system to the joint agency. Notwithstanding G.S. 160A-462(a), a joint agency created pursuant to this subsection may hold real property necessary to the undertaking. Any county named in this subsection may accept real or personal property described in this subsection from the owner of the property for transfer to a joint agency established as provided in this subsection.

(c) The Counties of Bertie, Camden, Chowan, Currituck, Gates, Hertford, Pasquotank, Perquimans, Tyrrell, and Washington may adopt an ordinance providing that any fee for the inspection, maintenance, and repair of a provisionally approved septic tank or other innovative septic tank system may be billed as property taxes, may be payable in the same manner as property taxes, and in the case of nonpayment, may be collected in any manner by which property taxes can be collected. If the ordinance states that delinquent fees can be collected in the same manner as delinquent real property taxes, the delinquent fees are a lien on the real property described on the bill that includes the fee. (1999-288, ss. 1-3; 2001-78, ss. 1-3.)

§ 130A-344: Repealed by Session Laws 1995, c. 285, s. 2.

§ 130A-345. Disposal of liquid condensate from residential heating and cooling systems.

Notwithstanding any other provision of law, every public or community wastewater system, as defined in G.S. 130A-334(8), shall provide for the collection of liquid condensate from residential heating and cooling systems by the public or community wastewater system. (2015-207, s. 6.)

ADDITIONAL RELEVANT STATUTES

Chapter 90A Article 5 of the North Carolina General Statutes

Article 5.
Certification of On-Site Wastewater Contractors and Inspectors.

§ 90A-70. Purpose.

It is the purpose of this Article to protect the environment and public health, safety, and welfare by ensuring the integrity and competence of on-site wastewater contractors, Authorized On-Site Wastewater Evaluators, private compliance inspectors, and point-of-sale inspectors; to require the examination of on-site wastewater contractors, Authorized On-Site Wastewater Evaluators, private compliance inspectors, and point-of-sale inspectors and the certification of their competency to supervise or conduct the construction, installation, repair, evaluation, or inspection of on-site wastewater systems; to establish minimum standards for ethical conduct, responsibility, training, experience, and continuing education for on-site wastewater system contractors, Authorized On-Site Evaluators, private compliance inspectors, and point-of-sale inspectors; and to provide appropriate enforcement procedures for rules adopted by the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board. (2006-82, s. 1; 2024-49, s. 4.4.(a))

§ 90A-71. Definitions.

The following definitions apply in this Article:

(1) "Authorized On-Site Wastewater Evaluator" is as defined in G.S. 130A-336.2(a).

(2) "Board" means the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board.

(3) "Contractor" means a person who constructs, installs, or repairs, or offers to construct, install, or repair an on-site wastewater system in the State.

(4) "Conventional wastewater system" is as defined in G.S. 130A-343(a)(3).

(5) "Department" means the Department of Health and Human Services.

(6) "Inspection" means an examination of an on-site wastewater system permitted under the provisions of Article 11 of Chapter 130A of the General Statutes that satisfies all of the following criteria:

a. Is requested by a lending institution, realtor, prospective homebuyer, or other impacted party as a condition of sale, refinancing, or transfer of title.

b. Meets the minimum requirements established by the Board.

(7) "Inspector" means a person who conducts an inspection in accordance with rules adopted by the Board.

(8) "On-site wastewater system" means any wastewater system permitted under the provisions of Article 11 of Chapter 130A of the General Statutes that does not discharge to a treatment facility or the surface waters of the State.

(9) "Person" means all persons, including individuals, firms, partnerships, associations, public or private institutions, municipalities, or political subdivisions, governmental agencies, or private or public corporations organized and existing under the laws of this State or any other state or country.

(10) "Private Compliance Inspector" means a person who is hired by the owner of a wastewater system, contractor, professional engineer, or Authorized On-Site Wastewater Evaluator to perform a compliance inspection of a new on-site wastewater system or for the repair of an existing on-site wastewater system permitted under the provisions of Article 11 of Chapter 130A of the General Statutes. The owner or applicant for the wastewater system being constructed or repaired shall sign a Board-approved document accepting the Private Compliance Inspector.

(11) "Wastewater treatment facility" means a mechanical or chemical treatment facility serving a site with multiple wastewater sources. (2006-82, s. 1; 2010-31, s. 13.2(e); 2011-145, s. 13.3(ll); 2024-49, s. 4.4.(a).)

§ 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. No person shall conduct an evaluation or offer to conduct the services authorized in G.S. 130A-336.2(a) without being certified as an

Authorized On-Site Wastewater Evaluator. No person shall conduct or offer to conduct a private compliance inspection of an on-site wastewater system for compliance with the designs of a Constructed Authorization issued pursuant to G.S. 130A-335(a5) or a Notice of Intent to Construct issued pursuant to G.S. 130A-336.1 or G.S. 130A-336.2, unless certified as a Private Compliance Inspector or pursuant to G.S. 130A-337(a1). The Private Compliance Inspector shall obtain written consent from the professional engineer pursuant to G.S. 130A-336.1 or the Authorized On-Site Wastewater Evaluator pursuant to G.S. 130A-336.2 prior to conducting the compliance inspection. No person conducting any project requiring certification pursuant to this Article shall do so without holding sufficient general liability coverage for the project, as well as any additional liability coverage that may be required for systems completed pursuant to G.S. 130A-336.1 or G.S. 130A-336.2.

(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.

(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) Repealed by Session Law 2024-49, s. 4.4.(a), effective January 1, 2025.

(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); 2015-286, s. 4.14A; 2024-49, s. 4.4.(a); 2026-32, s. 6.(a).)

§ 90A-73. Creation and membership of the Board.

(a) Creation and Appointments. – There is created the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board. The Board shall consist of nine members appointed to three-year terms as follows:

(1) One member appointed by the Governor who, at the time of appointment, is engaged in the construction, installation, repair, or inspection of on-site wastewater systems, to a term that expires on 1 July of years that precede by one year those years that are evenly divisible by three.

(2) One member appointed by the Governor who, at the time of appointment, is a certified water pollution control system operator pursuant to Article 3 of this Chapter, to a term that expires on 1 July of years evenly divisible by three.

(3) One member appointed by the Governor who is a registered professional engineer licensed under Chapter 89C of the General Statutes and whose work experience includes the design of on-site wastewater systems to a term that expires on 1 July of years that follow by one year those years that are evenly divisible by three.

(4) One member appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate who, at the time of appointment, is engaged in the construction, installation, repair, or inspection of on-site wastewater systems, to a term that expires on 1 July of years that follow by one year those years that are evenly divisible by three.

(5) One member appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate who, at the time of appointment, is engaged in the business of inspecting on-site wastewater systems, to a term that expires on 1 July of years that precede by one year those years that are evenly divisible by three.

(6) One member appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate upon the recommendation of the North Carolina Home Builders Association, to a term that expires on 1 July of years evenly divisible by three.

(7) One member appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives who, at the time of appointment, is engaged in the construction, installation, repair, or inspection of on-site wastewater systems, to a term that expires on 1 July of years evenly divisible by three.

(8) One member appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives who, at the time of appointment, is (i) a registered environmental health specialist, and (ii) engaged primarily in the inspection of on-site wastewater systems pursuant to Article 5 of this Chapter, and the operation of on-site wastewater systems, to a term that expires on 1 July of years that follow by one year those years that are evenly divisible by three.

(9) One member appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives who, at the time of appointment, is an Authorized On-Site Wastewater Evaluator certified pursuant to Article of this Chapter, to a term that expires on 1 July of years that precede by one year those years that are evenly divisible by three.

(b) Vacancies. – An appointment to fill a vacancy on the Commission created by the resignation, dismissal, disability, or death of a member shall be for the balance of the unexpired term. Vacancies in appointments made by the General Assembly shall be filled as provided in G.S. 120-122.

(c) , (d) Repealed by Session Laws 2010-31, s. 13.2(h), effective July 1, 2010.

(e) Officers. – The Board shall elect a Chair from among its members. The Chair shall serve from the time of election until 30 June of the following year, or until a successor is elected.

(f) Compensation. – Board members who are State employees shall receive no per diem compensation for serving on the Board but shall be reimbursed for their expenses in accordance with G.S. 138-6. All other Board members shall receive per diem compensation and reimbursement in accordance with the compensation rate established in G.S. 93B-5.

(g) Quorum. – A majority of the members of the Board constitutes a quorum for the transaction of business.

(h) Meetings. – The Board shall meet at least twice each year and may hold special meetings at the call of the Chair or a majority of the members of the Board.

(i) Repealed by Session Laws 2010-31, s. 13.2(h), effective July 1, 2010. (2006-82, s. 1; 2010-31, s. 13.2(g), (h); 2011-145, s. 13.3(mm); 2021-38, s. 1.)

§ 90A-74. Powers and duties of the Board.

The Board shall have the following general powers and duties:

(1) To adopt rules in the manner prescribed by Chapter 150B of the General Statutes to govern its actions and to implement the provisions of this Article, as well as the provisions of G.S. 130A-336.2.

(2) To determine the eligibility requirements for persons seeking certification pursuant to this Article.

(3) To establish grade levels of certifications based on design capacity, complexity, projected costs, and other features of approved on-site wastewater systems.

(4) To develop and administer examinations for specific grade levels of certification as approved by the Board. The Board may approve applications by recognized associations for certification of its members after a review of the requirements of the association to ensure that they are equivalent to the requirements of the Board.

(5) To issue, renew, deny, restrict, suspend, or revoke certifications and to carry out any of the other actions authorized by this Article.
(6) To establish, publish, and enforce rules of professional conduct of persons who are certified pursuant to this Article.
(7) To maintain a record of all proceedings and make available to persons certified under this Article, and to other concerned parties, an annual report of all Board action.
(8) To establish reasonable fees for application, certification, and renewal, and other services provided by the Board.
(9) To conduct investigations to determine whether violations of this Article or grounds for disciplining persons certified under this Article exist.
(10) To adopt a common seal containing the name of the Board for use on all certificates and official reports issued by the Board.
(10a) To employ staff necessary to carry out the provisions of this Article and to determine the compensation, duties, and other terms and conditions of employment of its staff.
(10b) To employ professional, clerical, investigative, or special personnel necessary to carry out the provisions of this Article.
(11) To conduct other services necessary to carry out the purposes of this Article. (2006-82, s. 1; 2010-31, s. 13.2(i).)

§ 90A-75. Expenses and fees.

(a) Expenses. – All salaries, compensation, and expenses incurred or allowed for the purposes of carrying out this Article shall be paid by the Board exclusively out of the funds received by the Board as authorized by this Article. No salary, expense, or other obligations of the Board may be charged against the General Fund of the State. Neither the Board nor any of its members or employees may incur any expense, debt, or financial obligation binding upon the State.

(b) Contributions. – The Board may accept grants, contributions, devises, and gifts that shall be kept in the same account as the funds deposited in accordance with this Article and other provisions of the law.

(c) Fees. – All fees shall be established in rules adopted by the Board. The Board shall establish fees sufficient to pay the costs of administering this Article, but in no event shall the Board charge a fee at an annual rate in excess of the following:

(1)	Application for grade level II	$200.00
(2)	Application for grade level IV	$300.00
(3)	Certification renewal for:	
	a. Contractor or point-of-sale inspector	$75.00
	b. Authorized On-Site Wastewater Evaluator	$100.00
	c. Private Compliance Inspector	$100.00
(4)	Reinstatement of revoked or suspended Certification	$500.00
(5)	Application for on-site wastewater system inspector	$200.00
(6)	Application for authorized on-site wastewater evaluator	$300.00
(7)	Application for Private Compliance Inspector	$300.00.

(c1) Use of Fees. – All fees collected pursuant to this Article shall be held by the Board and used by the Board for the sole purpose of administering this Article.

(d) Audit. – The Board is subject to the oversight of the State Auditor under Article 5A of Chapter 147 of the General Statutes. (2006-82, s. 1; 2010-31, s. 13.2(j); 2011-284, s. 66, 2020-74, s. 1A; 2024-49, s. 4.4.(a).)

§ 90A-76: Repealed by Session Laws 2010-31, s. 13.2(k), effective July 1, 2010.

§ 90A-77. Certification requirements.

(a) Certification. – The Board shall issue a certificate of the appropriate grade level to an applicant who satisfies all of the following conditions:

(1) Is at least 18 years of age.

(2) Submits a properly completed application with all required supporting documents for certification being applied for to the Board.

(3) For grade level II contractor certification, applicant shall satisfy the following conditions:
   a. Complete the basic on-site wastewater education approved by the Board for any level.
   b. Complete any additional class hours required for grade level II.

(3a) For grade level IV contractor certification, applicant shall satisfy the following conditions:
   a. Hold current and satisfactory certification of grave level II for a minimum of two years prior to application for grade level IV.
   b. Complete any additional class hours required for grade level IV.

(3b) For inspector certification, applicant shall satisfy the following conditions:
   a. Complete the point-of-sale inspector education approved by the Board.
   b. Complete any additional class hours required for point-of-sale inspector certification.
   c. Hold current and satisfactory certification of grade level IV contractor, or Authorized On-Site Wastewater Evaluator or subsurface operator certification for a minimum of two years.
   d. In lieu of the experience requirement in this subdivision, an applicant may instead complete the approved education requirements for the grade IV contractor certification as required by the Board. This sub-subdivision shall not apply to a person certified as a grade II contractor.

(3c) For Authorized On-Site Wastewater Evaluator, applicant shall complete the Authorized On-Site Wastewater Evaluator education approved by the Board.

(3d) For Private Compliance Inspector, applicant shall satisfy the following conditions:
   a. Complete the Private Compliance Inspector education approved by the Board.
   b. Complete any additional class hours required by the Board for compliance inspector certification.
   c. Have a minimum of 5 years of experience as a certified contractor, Authorized On-Site Wastewater Evaluator, subsurface operator, or a registered environmental health specialist with experience in on-site wastewater matters.
   d. Not be employed by a local health department.

(4) Repealed by Session Laws 2010-31, s. 13.2(l), effective July 1, 2010.

(5) Completes any additional training program designed by the Board specific to the grade level for which the applicant is applying.

(6) Pays the applicable fees set by the Board for the particular application.

(7) Passes a written or oral examination that tests the applicant's proficiency in all of the following areas:
   a. Principles of public and environmental health associated with on-site wastewater systems.
   b. Principles of construction and safety.
   c. Technical and practical knowledge of on-site wastewater systems.
   d. Laws and rules related to the installation, construction, repair, point-of-sale inspection, evaluation, or private compliance inspector of on-site wastewater systems.

(b) Location of Examinations. – The Board shall provide a minimum of three examinations each year; one each in the eastern, central, and western regions of the State.

(b1) Any applicant for an exam shall submit the complete package to the Board no later than 15 business days prior to the exam date to be considered eligible for the exam.

(c) Approval of Certification Programs. – The Board may issue a certificate to an applicant who has completed an approved training or continuing education program.

(d) No Degree Required. – An applicant shall not be required to hold or obtain an educational diploma or degree to obtain a certificate. An applicant that meets all the conditions for certification except for passage of the Board examination may take the examination on three successive occasions without having to file for a new application, pay an additional application fee, or repeat any applicable training program. If the applicant fails to pass the Board examination on three successive occasions, the applicant must reapply to the Board, pay an additional application fee, and repeat the training program.

(e) Certificate. – The certification shall show the full name of the certificate holder. The certificate shall provide a unique identification number and shall be signed by the Chair. Issuance of the certificate by the Board shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a certified contractor

at the grade level specified on the certificate, inspector, Authorized On-Site Wastewater Evaluator or Private Compliance Inspector while the certificate remains in effect.

(f) Replacement Certificate. – A new certificate to replace one lost, destroyed, or mutilated shall be issued subject to rules adopted by the Board and with the payment of a fee set by the Board. The fee for a duplicate or replacement certificate shall not exceed twenty-five dollars ($25.00). (2006-82, s. 1; 2010-31, s. 13.2(l); 2024-49, s. 4.4.(a); 2026-32, s. 6.(b).)

§ 90A-78. Certification renewal.

(a) Renewal. – All certifications shall expire on December 31 of each year unless they are renewed. To renew a certification, a contractor, inspector, Authorized On-Site Wastewater Evaluator, or Private Compliance Inspector must meet all of the following conditions:

(1) Submit an application for renewal on the form prescribed by the Board, which includes all supporting documents required on the renewal form.

(2) Meet the following education requirements:

a.	Grade level II contractor:	3 hours per year
b.	Grade level IV contractor:	6 hours per year
c.	Point-of-sale inspector:	6 hours per year
d.	Authorized On-Site Wastewater Evaluator	12 hours per year
e.	Private compliance inspector	12 hours per year

f. For persons holding more than one certification issued by the Board, the higher annual hours continuing education requirement of all certificates held.

(3) Pay the certification renewal fee.

(4) Submit the completed renewal package by November 15 annually.

(b) Late Fee. –The late fee shall not exceed twenty-five dollars ($25.00). Late fees shall be payable for any renewal fee paid after the due date.

(c) Renewal Process for Expired Certifications. – The renewal process for expired certificates for contractors, point-of-sale inspectors, Authorized On-Site Wastewater Evaluators, and Primate Compliance Inspectors shall be as follows:

(1) Within 90 days of its expiration, an expired certificate may be renewed upon payment of the certification renewal fee in G.S. 90A-75(c)(3) and the late fee established pursuant to subsection (b) of this section.

(2) Between 91 days and 24 months of its expiration, an expired certificate may be renewed upon submittal of an application for recertification, the certification renewal fee in G.S. 90A-75(c)(3), total of continuing education required annually for certificate, and passing grade for exam required for certificate.

(3) After 24 months of its expiration, no certificate may be renewed. The holder of a certificate expired for more than 24 months shall apply for a new certificate.

(2006-82, s. 1; 2024-49, s. 4.4.(a); 2026-32 s. 6.(c).)

§ 90A-79. Continuing education.

(a) Requirements. – The Board shall require continuing education as a condition of certification and renewal. The Board shall determine the number of hours, based on certification held, up to a maximum of 12 hours per year, and the subject material for the specified grade level. The Board shall maintain records of continuing education coursework successfully completed by each certified contractor or inspector.

(b) Approval of Continuing Education Programs. – The Board may approve a continuing education program or course if the Board finds that the program or course provides useful educational information or experience that will enhance the construction, installation, repair, evaluation, or inspection of on-site wastewater systems. Request for approval of continuing education programs or courses shall be submitted to the Board for review no later than two weeks prior to a regularly scheduled Board meeting and prior to the class being held. The Board shall not issue retroactive approvals for any continuing education program or course. Approvals shall be granted on an annual calendar year basis. The Board may develop and offer continuing education programs. (2006-82, s. 1; 2024-49, s. 4.4.(a).)

§ 90A-80. Investigation of complaints.

(a) Misconduct. – A person may refer to the Board charges of fraud, deceit, negligence, incompetence, or misconduct against any certified contractor, Authorized On-Site Wastewater Evaluator, Private Compliance Inspector, or point-of-sale inspector. The charges shall be in writing and sworn to by the complainant and submitted to the Board. These charges, unless dismissed without a hearing by the Board as unfounded or trivial, shall be heard and determined by the Board in accordance with the provisions of Chapter 150B of the General Statutes. An association that receives professional recognition of its own certification process by the Board shall be responsible for the conduct and competency of its members.

(b) Records. – The Board shall establish and maintain detailed records regarding complaints concerning each certified contractor or inspector. The records shall include those certified by recognized associations. The records shall also detail the certification held by each contractor, Authorized On-Site Wastewater Evaluator, Private Compliance Inspector, or point-of-sale inspector.

(c) Notification. – The Board shall provide local health departments with notification of changes in certifications, complaints, suspensions, or reinstatements under this Article. This requirement may be satisfied electronically via the Environmental Health Listserv maintained by the Department. (2006-82, s. 1; 2024-49, s. 4.4.(a).)

§ 90A-81. Remedies.

(a) Denial, Suspension, and Revocation of Certification. – The Board may deny, suspend, or revoke a certificate under this Article for:

(1) A violation of this Article or a rule of the Board.

(2) The use of fraud or deceit in obtaining or renewing a certificate.

(3) Any act of gross negligence, incompetence, or misconduct in the construction, installation, repair, or inspection of an on-site wastewater system.

(4) Failure to satisfactorily complete continuing education requirements prescribed by the Board.

(b) Arbitration. – The Board may establish a voluntary arbitration procedure to resolve complaints concerning a certified contractor or inspector or any work performed by a certified contractor or inspector, or conflicts involving any certified contractor or inspector and the Division of Public Health of the Department or a local health department.

(c) Injunction. – The Board may in its own name seek an injunction to restrain any person, firm, partnership, or corporation from violating the provisions of this Article or rules adopted by the Board. The Board may bring an action for an injunction in the superior court of any county in which the violator resides or the violator's principal place of business is located. In any proceedings for an injunction, it shall not be necessary to allege or prove either that an adequate remedy at law does not exist, or that substantial or irreparable damage would result from the continued violation. Members of the Board shall not be personally or professionally liable for any act or omission pursuant to this subsection. The Board shall not be required to post a bond in connection with any action to obtain an injunction.

(d) Offenses. – A person who commits any one or more of the following offenses is guilty of a Class 2 misdemeanor:

(1) Engages in or offers to engage in the construction, installation, repair, evaluation, or inspection of an on-site wastewater system without the appropriate certification.

(2) Gives false or forged evidence of any kind in obtaining a certificate.

(3) Falsely impersonates a certified contractor, Authorized On-Site Wastewater Evaluator, Private Compliance Inspector, or point-of-sale inspector. (2006-82, s. 1; 2010-31, s. 13.2(m); 2011-145, s. 13.3(nn); 2024-49, s. 4.4.(a).)

Chapter 105, Article 5 of the North Carolina General Statutes

§ 105-164.13. Retail sales and use tax.

The sale at retail and the use, storage, or consumption in this State of the following tangible personal property, digital property, and services are specifically exempted from the tax imposed by this Article:

(68) Sales of wastewater dispersal products approved by the Department of Health and Human Services under Article 11 of Chapter 130A of the General Statutes.

Chapter 130A, Article 9, Part 2 of the North Carolina General Statutes

§ 130A-291.2. Temporary domestic wastewater holding tanks.

When a permanent domestic wastewater collection and treatment system is not available at a construction site or a temporary special event, a temporary wastewater holding tank of adequate capacity to prevent overflow may be used under a mobile or modular office to accommodate domestic wastewater from a commode and sink. The wastewater shall be removed often enough to prevent the temporary domestic wastewater holding tank from overflowing. The owner or lessee of a temporary construction trailer shall contract with a registered septage management firm or registered portable toilet sanitation firm for the removal of domestic waste. The wastewater shall be removed from the temporary domestic wastewater holding tank by a septage management firm holding a current permit to operate a septage firm. (2001-505, s. 1.2.)

Chapter 143, Article 21 of the North Carolina General Statutes

§ 143-215.1. Control of sources of water pollution; permits required.

(a5) For purposes of this subsection, "agricultural products" means horticultural, viticultural, forestry, dairy, livestock, poultry, bee, and any farm products. Notwithstanding subsection (a) of this section, a permit shall not be required for a wastewater management system for the treatment and disposal of wastewater produced from activities related to the processing of agricultural products if all of the following conditions are met:

(1) The activities related to the processing of the agricultural products are carried out by the owner of the agricultural products.
(2) The activities related to the processing of the agricultural products produce no more than 1,000 gallons of wastewater per day.
(3) The wastewater is not generated by an animal waste management system as defined in G.S. 143-215.10B.
(4) The wastewater is disposed of by land application.
(5) No wastewater is discharged to surface waters.
(6) The disposal of the wastewater does not result in any violation of surface water or groundwater standards.

§ 143-215.1. Control of sources of water pollution; permits required.

(i) Any person subject to the requirements of this section who is required to obtain an individual permit from the Commission for a disposal system under the authority of G.S. 143-215.1 or Chapter 130A of the General Statutes shall have a compliance boundary as may be established by rule or permit for various categories of disposal systems and beyond which groundwater quality standards may not be exceeded. Multiple contiguous properties under common ownership and permitted for use as a disposal system shall be treated as a single property with regard to determination of a compliance boundary and setbacks to property lines.

(k) Where operation of a disposal system permitted under this section results in exceedances of the groundwater quality standards at or beyond the compliance boundary, the Commission shall require the permittee to undertake corrective action, without regard to the date that the system was first permitted, to restore the groundwater quality by assessing the cause, significance, and extent of the violation of standards and submit the results of the investigation and a plan and proposed schedule for corrective action to the Secretary. The permittee shall implement the plan as approved by, and in accordance with, a schedule established by the Secretary. In establishing a schedule the Secretary shall consider any reasonable schedule proposed by the permittee.

§ 143-215.1D. Recognition of combined treatment and disposal capacity; coordinated permitting for facilities served by both the Department and the Department of Health and Human Services disposal pathways.

(a) Definitions. – The following definitions apply to this section:

(1) Combined permitted capacity. – The sum of the treatment and combined discharge and disposal capacity authorized for a single wastewater treatment facility under all permits, approvals, authorizations, or discharge capacity issued or authorized for that facility by the Department and by the Department of Health and Human Services, including capacity authorized under a permit issued under G.S. 143-215.1, or a Department of Health and Human Services permit, and any permit issued under rules adopted by the Environmental Management Commission or the Commission for Public Health.
(2) Combined wastewater treatment facility. – A treatment facility, the effluent from which is discharged, in whole or in part, through a Department permit and, in whole or in part, through a Department of Health and Human Services permit.

(3) Department of Health and Human Services permit. – Any permit, authorization, written confirmation under G.S. 130A-336.1(p2)(2), or process issued or authorized pursuant to Article 11 of Chapter 130A of the General Statutes by the Department of Health and Human Services.

(4) Department permit. – Any permit or authorization issued by the Department under this Article.

(b) Reciprocal Recognition of Permitted Capacity. – For all purposes under this Article and Article 11 of Chapter 130A of the General Statutes, the Department and the Department of Health and Human Services, and the Commission and the Commission for Public Health, shall each recognize and honor a Department permit and a Department of Health and Human Services permit for a combined wastewater treatment facility. Neither Department nor Commission shall disregard, exclude, or decline to credit capacity authorized under a permit issued by the other department, including a Department of Health and Human Services permit, when determining the total permitted treatment and disposal capacity of a wastewater treatment facility, including in any determination of available capacity, any allocation of capacity, any authorization of a sewer system extension, or any imposition or continuation of a sewer system moratorium under G.S. 143-215.1, including subsections (f4) and (f5) of that section. The Department shall recognize and credit capacity attributable to a wastewater dispersal system as described under G.S. 130A-336.1(p2) only upon issuance of written confirmation by the Department of Health and Human Services that the proposed design meets all applicable laws and rules pursuant to that subsection.

(c) Jointly Regulated Wastewater Treatment Facilities with Combined Capacity. – Upon the written request of the owner or operator of a combined wastewater treatment facility that is discharging under a Department of Health and Human Services permit or Department permit, or owner or operator of a wastewater treatment facility that seeks to discharge under a Department of Health and Human Services permit, a permit issued under G.S. 143-215.1, or both, the Department and the Department of Health and Human Services shall authorize a combined permitted capacity equal to the sum of the capacities approved under a Department of Health and Human Services permit or G.S. 143-215.1, less the combined permitted capacity attributable to shared treatment and conveyance components for both systems that may limit the combined system capacity to less than the total capacity authorized for the two systems. The Department shall issue its permit in accordance with applicable laws, and the Department of Health and Human Services shall issue a Department of Health and Human Services permit in accordance with Article 11 of Chapter 130A of the General Statutes and rules adopted thereunder. Permits and authorizations for jointly regulated wastewater treatment facilities shall be subject to all of the following:

(1) Division of regulatory authority. – Each permitting authority shall be responsible only for those portions of the permit that it is authorized by law to regulate. The Department and the Department of Health and Human Services, issuing or authorizing a permit under Article 11 of Chapter 130A of the General Statutes, including a Department of Health and Human Services permit, or G.S. 143-215.1, as applicable, shall have equal and independent regulatory authority within their respective jurisdictions. Neither permitting authority is subordinate to the other, neither has jurisdiction over the other, and neither may permit, regulate, inspect, or enforce in place of the other.

(2) Delineation of jurisdiction. – Each permit shall identify and reference the corresponding permit issued by the other permitting authority and shall clearly delineate the conditions, components, processes, and portions of the permit that are subject to its jurisdiction and enforcement.

(3) No encroachment. – Neither permitting authority shall encroach upon, assert, or exercise the jurisdiction or enforcement authority of the other. The permitting, compliance, inspection, and enforcement authority of each permitting authority is limited to the portions of the facility and conditions of the permit subject to its jurisdiction.

(4) Severability of permits and conditions. – The conditions of each permit subject to this section are severable from the conditions of the permit issued by the other permitting authority. The enforcement, modification, suspension, revocation, or invalidation of one permit, or of any condition or provision of one permit, shall not affect, invalidate, impair, or render unenforceable the other permit or any condition or provision of the other permit, which shall remain in full force and effect according to its terms.

(5) Construction. – Nothing in this subsection shall be construed to authorize the issuance of a single permit in lieu of the permits otherwise required by law, nor shall it be construed to alter, limit, expand, or transfer the permitting, compliance, inspection, enforcement, or approval authority of the Department or the Department of Health and Human Services.

(d) Substantive Authority Preserved. – Each discharge or disposal shall remain subject to the substantive permitting authority, standards, and rules of the department and commission with jurisdiction over that discharge or disposal.

(e) Sewer System Extension Permits. – The Department shall issue permits, certificates of coverage, and authorizations for the extension of a sewer system to a combined wastewater treatment facility on the basis of the combined permitted capacity of that facility. In determining whether adequate treatment and disposal capacity exists to authorize a sewer system extension, the Department shall credit the full combined permitted capacity of the facility and shall not deny, limit, delay, or condition the permit, certificate of coverage, authorization, or deemed-permitted status on the basis that capacity authorized under a Department of Health and Human Services permit is excluded from, or not counted toward, the available capacity of the facility. This subsection applies to all sewer system extension permits, certificates of coverage, authorizations, and deemed-permitted determinations issued under this Article and under rules adopted by the Commission, including 15A NCAC 02T, and applies to any capacity allocation, capacity-use, or moratorium determination on which authorization of the extension depends.

(f) Standards Preserved. – Nothing in this section authorizes the Department, the Department of Health and Human Services, the Commission, or the Commission for Public Health to reduce, waive, or modify any treatment standard, effluent limitation, groundwater or surface water quality standard, design criterion, setback, or operational requirement otherwise applicable to either disposal pathway. Each discharge authorized under a permit issued pursuant to this section remains subject to the standards, rules, monitoring, and reporting requirements applicable to that discharge.

(g) Coordination. – The Department and the Department of Health and Human Services shall enter into a memorandum of agreement establishing procedures for the reciprocal recognition of capacity required by subsection (b) of this section and for the issuance of permits under subsection (c) of this section, including the allocation of application review responsibilities, fees, and ongoing compliance oversight.

(h) Rules. – The Commission and the Commission for Public Health may adopt temporary and permanent rules to implement this section. Rules adopted under this subsection shall be consistent with the reciprocal recognition required by subsection (b) of this section and shall not impose any requirement that would prevent or delay the crediting of capacity authorized under a permit issued by the other Department.

Chapter 160A, Article 16 of the North Carolina General Statutes

§160A-317. Power to require connections to water or sewer service and the use of solid waste collection services.

(a) Connections. – Except as provided in subdivisions (1) and (2) of this subsection, a city may require an owner of developed property on which there are situated one or more residential dwelling units or commercial establishments located within the city limits and within a reasonable distance of any water line or sewer collection line owned, leased as lessee, or operated by the city or on behalf of the city to connect the owner's premises with the water or sewer line or both, and may fix charges for the connections. In lieu of requiring connection under this subsection and in order to avoid hardship, the city may require payment of a periodic availability charge, not to exceed the minimum periodic service charge for properties that are connected. A city may only require connection of an owner's premises to a sewer line, however, if the city has adequate capacity to transport and treat the proposed new wastewater from the premises at the time of connection. The following provisions apply to a city's authority to require connection of an owner's premises to a water or sewer line:

(1) A property owner shall be exempt from mandatory connection to a city's sewer if:

a. The city has inadequate capacity to transport and treat the proposed new wastewater from the premises at the time of connection.

b. The costs of connection, including the costs of underground piping and connections to the dwelling or building, exceed the costs of installing an on-site wastewater system authorized pursuant to Article 11 of Chapter 130A of the General Statutes. Determination of the comparative costs of connection shall be assessed by (i) a licensed soil scientist, as defined in G.S. 89F-3, (ii) an on-site wastewater contractor certified under Article 5 of Chapter 90A of the General Statutes, or (iii) a plumbing contractor licensed under Article 2 of Chapter 87 of the General Statutes. If a property owner elects to install an on-site wastewater system in lieu of connection to the city's sewer system pursuant to this subdivision, (i) the on-site wastewater system shall comply with all applicable requirements of Article 11 of Chapter 130A of the

General Statutes, and rules adopted thereunder, and (ii) the owner shall have sole responsibility for the system and its use and performance.

(2) A property owner shall be exempt from a mandatory connection to a city's water supply if adequate water pressure cannot be achieved using the same piping size as the meter provides to the owner's premises. A city is prohibited from requiring a property owner to install a larger meter and corresponding larger piping connection, or imposing an increased fee, to achieve adequate water pressure. For purposes of this subdivision, the term "adequate water pressure" shall mean the average water pressure delivered to all connected customers within a one-quarter mile radius in either direction of the owner's point of connection. In order to establish the adequacy or inadequacy of water pressure for purposes of this subdivision, a property owner shall submit to the city a determination of [the] same prepared by a professional engineer, licensed in accordance with the provisions of Chapter 89C of the General Statutes. In the event water pressure is determined to be inadequate, a property owner may elect, in lieu of connection to the city's water supply, to install a private drinking water well, as that term is defined under G.S. 87-85, which well shall be approved by the city if the well meets the requirements of Chapter 87 of the General Statutes and rules adopted thereunder. A city, however, shall have no liability for the quality or quantity of water, or water pressure, from a private drinking water well installed pursuant to this subdivision.

Chapter 160D, Article 11 of the North Carolina General Statutes

§ 160D-1110. Building permits.

(h1) No local government may withhold a building permit under this section where the project does not propose to increase the design daily flow or wastewater strength of the existing system, and the property owner submits an on-site wastewater existing system inspection exemption affidavit. The property owner shall affirm that any modifications will meet local and State on-site wastewater system setback requirements pursuant to G.S. 130A-335.

ADDITIONAL RELEVANT SESSION LAWS

Session Law 2025-94 (H926, signed into Law October 6, 2025)

AN ACT TO PROVIDE FURTHER REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA.

ALLOW AUTHORIZED ON-SITE WASTEWATER EVALUATOR TO PREPARE A SITE DENIAL LETTER FOR SUBSURFACE WASTEWATER SYSTEMS

SECTION 1.(a) Definitions. – For purposes of this section, "Application Submittal Rule" means 15A NCAC 02T .0604 (Application Submittal).

SECTION 1.(b) Application Submittal Rule. – Until the effective date of the revised permanent rule that the Environmental Management Commission is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Application Submittal Rule as provided in subsection (c) of this section.

SECTION 1.(c) Implementation. – A letter from either the local county health department or an Authorized On-Site Wastewater Evaluator certified pursuant to Article 5 of Chapter 90A of the General Statutes denying the site for all subsurface systems shall be submitted to the Division by the applicant.

SECTION 1.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Application Submittal Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2).

SECTION 1.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.