

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 627
Apr 17, 2023
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40287-BR-10

Short Title: On-Site Wastewater Rules Implementation. (Public)

Sponsors: Representative Brody.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO DIRECT THE COMMISSION FOR PUBLIC HEALTH TO IMPLEMENT ITS
3 ON-SITE WASTEWATER RULES DIFFERENTLY AND READOPT ITS RULES
4 CONSISTENT WITH THAT IMPLEMENTATION.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** Definitions. – For purposes of this section and its implementation,
7 "Applicability Rule" means 15A NCAC 18E .0102 (Applicability).

8 **SECTION 1.(b)** Applicability Rule. – Until the effective date of the revised
9 permanent rule that the Commission for Public Health is required to adopt pursuant to subsection
10 (d) of this section, the Commission shall implement the Applicability Rule as provided in
11 subsection (c) of this section.

12 **SECTION 1.(c)** Implementation. – The rules of 15A NCAC 18E shall not apply to
13 any wastewater system for which an Improvement Permit, Construction Authorization,
14 Operation Permit, Notice of Intent to Construct, Authorization to Operate, Certificate of
15 Completion, or an equivalent approval has been issued prior to January 1, 2024, unless the design
16 daily flow or wastewater strength is increased. Wastewater strength shall not be deemed
17 increased unless the facility is a commercial facility or becomes a commercial facility and the
18 wastewater strength is determined to meet the definition of high-strength effluent in accordance
19 with 15A NCAC 18E .0402. Wastewater systems permitted prior to January 1, 2024, shall
20 comply with the setback requirements in place at the time the Improvement Permit, Construction
21 Authorization, Operation Permit, Notice of Intent to Construct, Authorization to Operate,
22 Certificate of Completion, or equivalent was issued. Notwithstanding any other provision of law,
23 all wastewater systems installed prior to July 1, 1977, and existing wastewater systems with
24 permits that cannot be found, shall not be considered to meet the conditions of Rule 18E
25 .0302(c)(5) or (c)(6) of Subchapter E of Chapter 18 of Title 15A of the North Carolina
26 Administrative Code. All wastewater systems shall comply with Rule .1303(a)(1) of Subchapter
27 E of Chapter 18 of Title 15A of the North Carolina Administrative Code.

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



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

3 **SECTION 2.(a)** Definitions. – For purposes of this section and its implementation,
4 "Definitions Rule" means 15A NCAC 18E .0105 (Definitions).

5 **SECTION 2.(b)** Definitions Rule. – Until the effective date of the revised permanent
6 rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this
7 section, the Commission shall implement the Definitions Rule as provided in subsection (c) of
8 this section.

9 **SECTION 2.(c)** Implementation. – "Accessory dwelling unit" means a secondary
10 dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit,
11 whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on
12 the same lot. The design daily flow for an accessory dwelling unit shall be based on 120 gallons
13 per day per bedroom, or 60 gallons per day per person when occupancy exceeds two persons per
14 bedroom. "Applicant" means the individual who submits an application to the local health
15 department for an Improvement Permit, Construction Authorization, Operating Permit, Notice
16 of Intent to Construct, Authorization to Operate, or existing system authorization. "Serial
17 distribution" means a distribution method in which effluent is loaded into one trench and fills it
18 to a predetermined level before passing through a pipe to the succeeding trench at the same or a
19 lower elevation.

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

28 **SECTION 2.(e)** Sunset. – This section expires when permanent rules adopted as
29 required by subsection (d) of this section become effective.

30 **SECTION 3.(a)** Definitions. – For purposes of this section and its implementation,
31 "Application Rule" means 15A NCAC 18E .0202 (Application).

32 **SECTION 3.(b)** Application Rule. – Until the effective date of the revised permanent
33 rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this
34 section, the Commission shall implement the Application Rule as provided in subsection (c) of
35 this section.

36 **SECTION 3.(c)** Implementation. – An application for an Improvement Permit and
37 Construction Authorization shall be submitted by the applicant to the local health department
38 prior to construction, location, or relocation of a residence, place of business, place of public
39 assembly, or wastewater system or when an increase in the design daily flow or wastewater
40 strength is proposed for an existing wastewater system. An application for an existing system
41 authorization shall be submitted to the local health department prior to site modifications that
42 require the issuance of a building permit.

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

1 **SECTION 3.(e)** Sunset. – This section expires when permanent rules adopted as
2 required by subsection (d) of this section become effective.

3 **SECTION 4.(a)** Definitions. – For purposes of this section and its implementation,
4 "Improvement Permit Rule" means 15A NCAC 18E .0203 (Improvement Permit).

5 **SECTION 4.(b)** Improvement Permit Rule. – Until the effective date of the revised
6 permanent rule that the Commission for Public Health is required to adopt pursuant to subsection
7 (d) of this section, the Commission shall implement the Improvement Permit Rule as provided
8 in subsection (c) of this section.

9 **SECTION 4.(c)** Implementation. – When an authorized agent issues an improvement
10 permit for a site, the permit information shall include the usable depth to a limiting condition for
11 a long-term acceptance rate for initial and repair systems and percent slope.

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

20 **SECTION 4.(e)** Sunset. – This section expires when permanent rules adopted as
21 required by subsection (d) of this section become effective.

22 **SECTION 5.(a)** Definitions. – For purposes of this section and its implementation,
23 "Existing System Approvals for Reconnections and Property Additions Rule" means 15A NCAC
24 18E .0206 (Existing System Approvals for Reconnections and Property Additions).

25 **SECTION 5.(b)** Existing System Approvals for Reconnections and Property
26 Additions Rule. – Until the effective date of the revised permanent rule that the Commission for
27 Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall
28 implement the Existing System Approvals for Reconnections and Property Additions Rule as
29 provided in subsection (c) of this section.

30 **SECTION 5.(c)** Implementation. – The local health department, an Authorized
31 On-Site Wastewater Evaluator, or a certified inspector may issue an approval for an existing
32 system reconnection when the new or improved facility is within the same footprint of the
33 previous existing facility and when there is no increase in design daily flow or wastewater
34 strength. Prior to an increase in design daily flow or wastewater strength, or if the location of the
35 facility is not positioned in the same footprint of the previous existing facility, the applicant shall
36 obtain a Construction Authorization from the local health department or a Notice of Intent to
37 Construct from an Authorized On-Site Wastewater Evaluator certified by the North Carolina
38 On-Site Wastewater Certification Board before starting construction. The issuance of the existing
39 system approvals for modifications or expansions shall follow the provisions of this Rule. Prior
40 to the relocation of a structure or the expansion of an existing facility's footprint that requires the
41 issuance of a building permit but does not increase design daily flow or wastewater strength, an
42 approval shall be issued by an authorized agent or an Authorized On-Site Wastewater Evaluator
43 upon determination of the compliance of the proposed structure with setback requirements in
44 Rule .0600 of Subchapter E of Chapter 18 of Title 15A of the North Carolina Administrative
45 Code. For written documentation provided in connection with an approval issued pursuant to this
46 Rule, the documentation shall include the maximum number of occupants or people served and
47 any other information relating to the facility use, including showing the location of existing and
48 proposed structures. The applicant is responsible for providing the location of the property lines
49 and site modifications. When the existing wastewater system cannot be located, the applicant is
50 responsible for locating the existing wastewater system and providing that information to the
51 local health department, Authorized On-Site Wastewater Evaluator, or certified inspector. The

1 applicant is responsible for the accuracy of the information they provide and for ensuring that all
2 setback requirements in Rule .0600 of Subchapter E of Chapter 18 of Title 15A of the North
3 Carolina Administrative Code are met for the property addition. An authorized agent, Authorized
4 On-Site Wastewater Evaluator, or certified inspector shall provide to the applicant a signed,
5 written report describing the reason for denial when an approval cannot be issued pursuant to this
6 Rule.

7 **SECTION 5.(d)** Additional Rulemaking Authority. – The Commission shall adopt
8 a rule to amend the Existing System Approvals for Reconnections and Property Additions Rule
9 consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted
10 by the Commission pursuant to this section shall be substantively identical to the provisions of
11 subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of
12 Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall
13 become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections
14 had been received as provided in G.S. 150B-21.3(b2).

15 **SECTION 5.(e)** Sunset. – This section expires when permanent rules adopted as
16 required by subsection (d) of this section become effective.

17 **SECTION 6.(a)** Definitions. – For purposes of this section and its implementation,
18 "Alternative Wastewater System Permitting Options Rule" means 15A NCAC 18E .0207
19 (Alternative Wastewater System Permitting Options).

20 **SECTION 6.(b)** Alternative Wastewater System Permitting Options Rule. – Until
21 the effective date of the revised permanent rule that the Commission for Public Health is required
22 to adopt pursuant to subsection (d) of this section, the Commission shall implement the
23 Alternative Wastewater System Permitting Options Rule as provided in subsection (c) of this
24 section.

25 **SECTION 6.(c)** Implementation. – An applicant may choose to use a professional
26 engineer in accordance with G.S. 130A-336.1 or an Authorized On-Site Wastewater Evaluator
27 in accordance with G.S. 130A-336.2 to obtain a wastewater system approval. For systems issued
28 as an Engineer Option Permit, the engineer may use technologies not approved in this State
29 provided the engineering report attached to the Authorization to Operate includes the
30 specification of the technology and the manufacturer's approval for the conditions of the site. The
31 applicant shall be responsible for preventing modifications or alterations of the site, including
32 the designated initial and repair dispersal areas, shall obtain written approval by the professional
33 engineer or Authorized On-Site Wastewater Evaluator prior to changes to design daily flow,
34 wastewater strength, or landscape positioning of the facility, and shall identify any drinking water
35 well, public water supply, or wastewater system on the property and adjoining properties if within
36 the setback requirements in Rule .0600 of Subchapter E of Chapter 18 of Title 15A of the North
37 Carolina Administrative Code. The applicant for a repair of a wastewater system may obtain an
38 Improvement Permit or a Construction Authorization from the local health department or a
39 Notice of Intent to Construct from an engineer or Authorized On-Site Wastewater Evaluator, as
40 applicable. In the case of a repaired wastewater system, a site is not required to have an additional
41 repair area. Wastewater systems issued under G.S. 130A-336.2 shall follow rules established by
42 the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board.

43 **SECTION 6.(d)** Additional Rulemaking Authority. – The Commission shall adopt
44 a rule to amend the Alternative Wastewater System Permitting Options Rule consistent with
45 subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the
46 Commission pursuant to this section shall be substantively identical to the provisions of
47 subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of
48 Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall
49 become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections
50 had been received as provided in G.S. 150B-21.3(b2).

1 **SECTION 6.(e)** Sunset. – This section expires when permanent rules adopted as
2 required by subsection (d) of this section become effective.

3 **SECTION 7.(a)** Definitions. – For purposes of this section and its implementation,
4 "Owners Rule" means 15A NCAC 18E .0301 (Owners).

5 **SECTION 7.(b)** Owners Rule. – Until the effective date of the revised permanent
6 rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this
7 section, the Commission shall implement the Owners Rule as provided in subsection (c) of this
8 section.

9 **SECTION 7.(c)** Implementation. – The entire initial wastewater system and repair
10 area shall not be required to be on property owned or controlled by the wastewater system owner.

11 **SECTION 7.(d)** Additional Rulemaking Authority. – The Commission shall adopt
12 a rule to amend the Owners Rule consistent with subsection (c) of this section. Notwithstanding
13 G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be
14 substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant
15 to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes.
16 Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1),
17 as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2).

18 **SECTION 7.(e)** Sunset. – This section expires when permanent rules adopted as
19 required by subsection (d) of this section become effective.

20 **SECTION 8.(a)** Definitions. – For purposes of this section and its implementation,
21 "Licensed or Certified Professionals Rule" means 15A NCAC 18E .0303 (Licensed or Certified
22 Professionals).

23 **SECTION 8.(b)** Licensed or Certified Professionals Rule. – Until the effective date
24 of the revised permanent rule that the Commission for Public Health is required to adopt pursuant
25 to subsection (d) of this section, the Commission shall implement the Licensed or Certified
26 Professionals Rule as provided in subsection (c) of this section.

27 **SECTION 8.(c)** Implementation. – Notwithstanding Chapter 89C of the General
28 Statutes, the local health department may not require any system other than those specifically
29 identified in this rule to be designed by a professional engineer, regardless of system complexity
30 or the local health department's experience with the proposed system type.

31 **SECTION 8.(d)** Additional Rulemaking Authority. – The Commission shall adopt
32 a rule to amend the Licensed or Certified Professionals Rule consistent with subsection (c) of
33 this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to
34 this section shall be substantively identical to the provisions of subsection (c) of this section.
35 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of
36 the General Statutes. Rules adopted pursuant to this section shall become effective as provided
37 in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided
38 in G.S. 150B-21.3(b2).

39 **SECTION 8.(e)** Sunset. – This section expires when permanent rules adopted as
40 required by subsection (d) of this section become effective.

41 **SECTION 9.(a)** Definitions. – For purposes of this section and its implementation,
42 "Design Daily Flow Rule" means 15A NCAC 18E .0401 (Design Daily Flow).

43 **SECTION 9.(b)** Design Daily Flow Rule. – Until the effective date of the revised
44 permanent rule that the Commission for Public Health is required to adopt pursuant to subsection
45 (d) of this section, the Commission shall implement the Design Daily Flow Rule as provided in
46 subsection (c) of this section.

47 **SECTION 9.(c)** Implementation. – The minimum design daily flow for a
48 single-bedroom dwelling unit shall be 120 gallons per day per bedroom or 60 gallons per day per
49 person when occupancy exceeds two persons per bedroom, whichever is greater.

50 **SECTION 9.(d)** Additional Rulemaking Authority. – The Commission shall adopt
51 a rule to amend the Design Daily Flow Rule consistent with subsection (c) of this section.

1 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section
2 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted
3 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General
4 Statutes. Rules adopted pursuant to this section shall become effective as provided in
5 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in
6 G.S. 150B-21.3(b2).

7 **SECTION 9.(e)** Sunset. – This section expires when permanent rules adopted as
8 required by subsection (d) of this section become effective.

9 **SECTION 10.(a)** Definitions. – For purposes of this section and its implementation,
10 "Septic Tank Effluent Characteristics Rule" means 15A NCAC 18E .0402 (Septic Tank Effluent
11 Characteristics).

12 **SECTION 10.(b)** Septic Tank Effluent Characteristics Rule. – Until the effective
13 date of the revised permanent rule that the Commission for Public Health is required to adopt
14 pursuant to subsection (d) of this section, the Commission shall implement the Septic Tank
15 Effluent Characteristics Rule as provided in subsection (c) of this section.

16 **SECTION 10.(c)** Implementation. – The maximum nitrogen concentration for
17 domestic strength effluent shall not exceed 100 mg/L of Total Kjeldahl Nitrogen.

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

26 **SECTION 10.(e)** Sunset. – This section expires when permanent rules adopted as
27 required by subsection (d) of this section become effective.

28 **SECTION 11.(a)** Definitions. – For purposes of this section and its implementation,
29 "Soil Wetness Conditions Rule" means 15A NCAC 18E .0504 (Soil Wetness Conditions).

30 **SECTION 11.(b)** Soil Wetness Conditions Rule. – Until the effective date of the
31 revised permanent rule that the Commission for Public Health is required to adopt pursuant to
32 subsection (d) of this section, the Commission shall implement the Soil Wetness Conditions Rule
33 as provided in subsection (c) of this section.

34 **SECTION 11.(c)** Implementation. – Color value shall be determined based on a
35 chroma 2 or less using the Munsell Soil Color Book.

36 **SECTION 11.(d)** Additional Rulemaking Authority. – The Commission shall adopt
37 a rule to amend the Soil Wetness Conditions Rule consistent with subsection (c) of this section.
38 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section
39 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted
40 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General
41 Statutes. Rules adopted pursuant to this section shall become effective as provided in
42 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in
43 G.S. 150B-21.3(b2).

44 **SECTION 11.(e)** Sunset. – This section expires when permanent rules adopted as
45 required by subsection (d) of this section become effective.

46 **SECTION 12.(a)** Definitions. – For purposes of this section and its implementation,
47 "Saprolite Rule" means 15A NCAC 18E .0506 (Saprolite).

48 **SECTION 12.(b)** Saprolite Rule. – Until the effective date of the revised permanent
49 rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this
50 section, the Commission shall implement the Saprolite Rule as provided in subsection (c) of this
51 section.

1 **SECTION 12.(c)** Implementation. – Saprolite shall be evaluated for suitability by
2 the local health department using pits at locations approved by the authorized agent. For saprolite
3 sites evaluated for suitability by a licensed soil scientist, other than a licensed soil scientist
4 employed as an authorized agent, the evaluation may be made using borings or pits to evaluate
5 saprolite.

6 **SECTION 12.(d)** Additional Rulemaking Authority. – The Commission shall adopt
7 a rule to amend the Saprolite Rule consistent with subsection (c) of this section. Notwithstanding
8 G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be
9 substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant
10 to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes.
11 Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1),
12 as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2).

13 **SECTION 12.(e)** Sunset. – This section expires when permanent rules adopted as
14 required by subsection (d) of this section become effective.

15 **SECTION 13.(a)** Definitions. – For purposes of this section and its implementation,
16 "Available Space Rule" means 15A NCAC 18E .0508 (Available Space).

17 **SECTION 13.(b)** Available Space Rule. – Until the effective date of the revised
18 permanent rule that the Commission for Public Health is required to adopt pursuant to subsection
19 (d) of this section, the Commission shall implement the Available Space Rule as provided in
20 subsection (c) of this section.

21 **SECTION 13.(c)** Implementation. – A wastewater system certified in accordance
22 with NSF International Standard 350 or that has data from a two-year field demonstration
23 documenting that the wastewater system meets NSF International Standard 350 or better may
24 eliminate the requirement for repair area when installed in Group I soils. The wastewater system
25 shall only be used to treat domestic strength effluent and shall also meet a Total Nitrogen effluent
26 standard of 20 mg/L.

27 **SECTION 13.(d)** Additional Rulemaking Authority. – The Commission shall adopt
28 a rule to amend the Available Space Rule consistent with subsection (c) of this section.
29 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section
30 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted
31 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General
32 Statutes. Rules adopted pursuant to this section shall become effective as provided in
33 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in
34 G.S. 150B-21.3(b2).

35 **SECTION 13.(e)** Sunset. – This section expires when permanent rules adopted as
36 required by subsection (d) of this section become effective.

37 **SECTION 14.(a)** Definitions. – For purposes of this section and its implementation,
38 "Tank Leak Testing and Installation Requirements Rule" means 15A NCAC 18E .0805 (Tank
39 Leak Testing and Installation Requirements).

40 **SECTION 14.(b)** Tank Leak Testing and Installation Requirements Rule. – Until
41 the effective date of the revised permanent rule that the Commission for Public Health is required
42 to adopt pursuant to subsection (d) of this section, the Commission shall implement the Tank
43 Leak Testing and Installation Requirements Rule as provided in subsection (c) of this section.

44 **SECTION 14.(c)** Implementation. – For a hydrostatic test, the tank shall be filled
45 with water to the underside of the top of the tank or, for corrugated tanks, to the bottom of the
46 uppermost corrugation. For vacuum tests, a tank manufacturer may choose to test the tanks using
47 a negative pressure of five inches of mercury for two minutes with a loss of vacuum less than or
48 equal to two-fifths of one inch or a negative pressure of two and one half inches of mercury for
49 five minutes with a loss of vacuum less than or equal to one-fifth of one inch.

50 **SECTION 14.(d)** Additional Rulemaking Authority. – The Commission shall adopt
51 a rule to amend the Tank Leak Testing and Installation Requirements Rule consistent with

1 subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the
2 Commission pursuant to this section shall be substantively identical to the provisions of
3 subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of
4 Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall
5 become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections
6 had been received as provided in G.S. 150B-21.3(b2).

7 **SECTION 14.(e)** Sunset. – This section expires when permanent rules adopted as
8 required by subsection (d) of this section become effective.

9 **SECTION 15.(a)** Definitions. – For purposes of this section and its implementation,
10 "Bed Systems Rule" means 15A NCAC 18E .0903 (Bed Systems).

11 **SECTION 15.(b)** Bed Systems Rule. – Until the effective date of the revised
12 permanent rule that the Commission for Public Health is required to adopt pursuant to subsection
13 (d) of this section, the Commission shall implement the Bed Systems Rule as provided in
14 subsection (c) of this section.

15 **SECTION 15.(c)** Implementation. – Sites for bed systems must have a soil texture
16 of Group I, II, or III to a depth of 48 inches below the naturally occurring soil surface or to a
17 depth of 12 inches below the infiltrative surface, whichever is deeper.

18 **SECTION 15.(d)** Additional Rulemaking Authority. – The Commission shall adopt
19 a rule to amend the Bed Systems Rule consistent with subsection (c) of this section.
20 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section
21 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted
22 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General
23 Statutes. Rules adopted pursuant to this section shall become effective as provided in
24 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in
25 G.S. 150B-21.3(b2).

26 **SECTION 15.(e)** Sunset. – This section expires when permanent rules adopted as
27 required by subsection (d) of this section become effective.

28 **SECTION 16.(a)** Definitions. – For purposes of this section and its implementation,
29 "Prefabricated Permeable Block Panel Systems Rule" means 15A NCAC 18E .0905
30 (Prefabricated Permeable Block Panel Systems).

31 **SECTION 16.(b)** Prefabricated Permeable Block Panel Systems Rule. – Until the
32 effective date of the revised permanent rule that the Commission for Public Health is required to
33 adopt pursuant to subsection (d) of this section, the Commission shall implement the
34 Prefabricated Permeable Block Panel Systems Rule as provided in subsection (c) of this section.

35 **SECTION 16.(c)** Implementation. – Prefabricated permeable block panel system
36 trenches shall be located a minimum of three times the trench width or 8 feet on center. When
37 used in sand lined trench systems, bed, or fill systems prefabricated permeable block panel
38 systems shall use the equivalent trench width of 6 feet to calculate the minimum trench length.

39 **SECTION 16.(d)** Additional Rulemaking Authority. – The Commission shall adopt
40 a rule to amend the Prefabricated Permeable Block Panel Systems Rule consistent with
41 subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the
42 Commission pursuant to this section shall be substantively identical to the provisions of
43 subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of
44 Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall
45 become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections
46 had been received as provided in G.S. 150B-21.3(b2).

47 **SECTION 16.(e)** Sunset. – This section expires when permanent rules adopted as
48 required by subsection (d) of this section become effective.

49 **SECTION 17.(a)** Definitions. – For purposes of this section and its implementation,
50 "Sand Lined Trench Systems Rule" means 15A NCAC 18E .0906 (Sand Lined Trench Systems).

1 **SECTION 17.(b)** Sand Lined Trench Systems Rule. – Until the effective date of the
2 revised permanent rule that the Commission for Public Health is required to adopt pursuant to
3 subsection (d) of this section, the Commission shall implement the Sand Lined Trench Systems
4 Rule as provided in subsection (c) of this section.

5 **SECTION 17.(c)** Implementation. – Sand lined trench systems receiving domestic
6 strength effluent may be used when the design daily flow is less than or equal to 1500 gallons
7 per day. Trench length for trench dispersal products approved with a specific dispersal field
8 reduction in area or trench length when receiving domestic strength effluent in accordance with
9 Subchapter E of Chapter 18 of Title 15A of the North Carolina Administrative Code or a
10 Provisional, Innovative, and Accepted approval shall be calculated in accordance with
11 Subchapter E of Chapter 18 of Title 15A of the North Carolina Administrative Code or the
12 applicable approval.

13 **SECTION 17.(d)** Additional Rulemaking Authority. – The Commission shall adopt
14 a rule to amend the Sand Lined Trench Systems Rule consistent with subsection (c) of this
15 section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this
16 section shall be substantively identical to the provisions of subsection (c) of this section. Rules
17 adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the
18 General Statutes. Rules adopted pursuant to this section shall become effective as provided in
19 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in
20 G.S. 150B-21.3(b2).

21 **SECTION 17.(e)** Sunset. – This section expires when permanent rules adopted as
22 required by subsection (d) of this section become effective.

23 **SECTION 18.(a)** Definitions. – For purposes of this section and its implementation,
24 "General Dosing System Requirements Rule" means 15A NCAC 18E .1101 (General Dosing
25 System Requirements).

26 **SECTION 18.(b)** General Dosing System Requirements Rule. – Until the effective
27 date of the revised permanent rule that the Commission for Public Health is required to adopt
28 pursuant to subsection (d) of this section, the Commission shall implement the General Dosing
29 System Requirements Rule as provided in subsection (c) of this section.

30 **SECTION 18.(c)** Implementation. – Dosing system tests may be conducted by the
31 installer of the on-site wastewater system and shall not be required to be witnessed by the local
32 health department. The installer of the system shall give the licensed soil scientist, authorized
33 designer, Authorized On-Site Wastewater Evaluator, or professional engineer, as applicable, the
34 option to witness the test. The local health department must witness tests for dosing systems
35 permitted by the local health department. Professional engineers and Authorized On-Site
36 Wastewater Evaluators shall be authorized to witness the dosing tests for systems they have
37 designed and for local health department permits upon a signed acceptance of responsibility for
38 the verification of the dosing system. Documentation of the test shall be submitted to the local
39 health department, professional engineer, or Authorized On-Site Wastewater Evaluator for
40 attachment to the permit or Notice of Intent to Construct, as applicable.

41 **SECTION 18.(d)** Additional Rulemaking Authority. – The Commission shall adopt
42 a rule to amend the General Dosing System Requirements Rule consistent with subsection (c) of
43 this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to
44 this section shall be substantively identical to the provisions of subsection (c) of this section.
45 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of
46 the General Statutes. Rules adopted pursuant to this section shall become effective as provided
47 in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided
48 in G.S. 150B-21.3(b2).

49 **SECTION 18.(e)** Sunset. – This section expires when permanent rules adopted as
50 required by subsection (d) of this section become effective.

1 **SECTION 19.(a)** Definitions. – For purposes of this section and its implementation,
2 "Owner Responsibilities for Wastewater System Operation and Maintenance Rule" means 15A
3 NCAC 18E .1303 (Owner Responsibilities for Wastewater System Operation and Maintenance).

4 **SECTION 19.(b)** Owner Responsibilities for Wastewater System Operation and
5 Maintenance Rule. – Until the effective date of the revised permanent rule that the Commission
6 for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission
7 shall implement the Owner Responsibilities for Wastewater System Operation and Maintenance
8 Rule as provided in subsection (c) of this section.

9 **SECTION 19.(c)** Implementation. – The owner of a malfunctioning wastewater
10 system shall contact the local health department, regardless of whether the system was permitted
11 using an Engineer Option Permit or an Authorized On-Site Wastewater Evaluator Permit Option.

12 **SECTION 19.(d)** Additional Rulemaking Authority. – The Commission shall adopt
13 a rule to amend the Owner Responsibilities for Wastewater System Operation and Maintenance
14 consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted
15 by the Commission pursuant to this section shall be substantively identical to the provisions of
16 subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of
17 Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall
18 become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections
19 had been received as provided in G.S. 150B-21.3(b2).

20 **SECTION 19.(e)** Sunset. – This section expires when permanent rules adopted as
21 required by subsection (d) of this section become effective.

22 **SECTION 20.(a)** Definitions. – For purposes of this section and its implementation,
23 "System Malfunction and Repair Rule" means 15A NCAC 18E .1306 (System Malfunction and
24 Repair).

25 **SECTION 20.(b)** System Malfunction and Repair Rule. – Until the effective date of
26 the revised permanent rule that the Commission for Public Health is required to adopt pursuant
27 to subsection (d) of this section, the Commission shall implement the System Malfunction and
28 Repair Rule as provided in subsection (c) of this section.

29 **SECTION 20.(c)** Implementation. – When it is not possible to repair a wastewater
30 system into compliance with the Rules of Subchapter E of Chapter 18 of Title 15A of the North
31 Carolina Administrative Code, the owner of the system may request, on a form provided by the
32 Department, that the local health department, professional engineer, or Authorized On-Site
33 Wastewater Evaluator use their best professional judgment to develop a repair that should enable
34 the wastewater system to comply with Rule .1303(a)(1) of Subchapter E of Chapter 18 of Title
35 15A of the North Carolina Administrative Code. The local health department, professional
36 engineer, or Authorized On-Site Wastewater Evaluator shall document, on the
37 Department-provided form, the aspects of the rules being altered to achieve the repair. The owner
38 of the wastewater system shall be liable for any damages caused by a system repaired in this
39 manner and shall agree in writing to all terms and conditions set forth by the local health
40 department, professional engineer, or Authorized On-Site Wastewater Evaluator that developed
41 the repair, including any operation and maintenance requirements. This written agreement shall
42 be attached to any Construction Authorization, Operation Permit, Notice of Intent to Construct,
43 or Authorization to Operate, as applicable. Best professional judgment shall not be used when (i)
44 the Improvement Permit, Construction Authorization, Notice of Intent to Construct, or
45 Authorization to Operate indicates the repair area and system type, however, this does not
46 preclude the owner from applying for a different wastewater system than the one specified on the
47 permit as a repair, (ii) there are reductions in setback to drinking water wells less than what is
48 required in Rule .0601 of Subchapter E of Chapter 18 of Title 15A of the North Carolina
49 Administrative Code, (iii) there are reductions in setbacks to surface water bodies greater than
50 fifty percent (50%) of the allowed setback as indicated in Rule .0601 of Subchapter E of Chapter

1 18 of Title 15A of the North Carolina Administrative Code, and (iv) there is no reasonable
2 expectation that the repaired wastewater system will function to eliminate public health hazards.

3 **SECTION 20.(d)** Additional Rulemaking Authority. – The Commission shall adopt
4 a rule to amend the System Malfunction and Repair Rule consistent with subsection (c) of this
5 section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this
6 section shall be substantively identical to the provisions of subsection (c) of this section. Rules
7 adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the
8 General Statutes. Rules adopted pursuant to this section shall become effective as provided in
9 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in
10 G.S. 150B-21.3(b2).

11 **SECTION 20.(e)** Sunset. – This section expires when permanent rules adopted as
12 required by subsection (d) of this section become effective.

13 **SECTION 21.** This act becomes effective January 1, 2024.