

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 627

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

Sponsors: Representatives Brody, Dahle, N. Jackson, and Cairns (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Local Government - Land Use, Planning and Development, if favorable, Rules, Calendar, and Operations of the House

April 18, 2023

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE COMMISSION FOR PUBLIC HEALTH TO IMPLEMENT ITS ON-SITE WASTEWATER RULES DIFFERENTLY AND READOPT ITS RULES CONSISTENT WITH THAT IMPLEMENTATION.

The General Assembly of North Carolina enacts:

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

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

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

SECTION 1.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Applicability 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



1 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in
2 G.S. 150B-21.3(b2).

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

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

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

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

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

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

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

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

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

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

1 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in
2 G.S. 150B-21.3(b2).

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

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

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

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

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

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

24 **SECTION 5.(a)** Definitions. – For purposes of this section and its implementation,
25 "Existing System Approvals for Reconnections and Property Additions Rule" means 15A NCAC
26 18E .0206 (Existing System Approvals for Reconnections and Property Additions).

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

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

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

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

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

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

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

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

45 **SECTION 6.(d)** Additional Rulemaking Authority. – The Commission shall adopt
46 a rule to amend the Alternative Wastewater System Permitting Options Rule consistent with
47 subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the
48 Commission pursuant to this section shall be substantively identical to the provisions of
49 subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of
50 Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall

1 become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections
2 had been received as provided in G.S. 150B-21.3(b2).

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

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

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

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

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

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

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

25 **SECTION 8.(b)** Licensed or Certified Professionals Rule. – Until the effective date
26 of 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 Licensed or Certified
28 Professionals Rule as provided in subsection (c) of this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

50 **SECTION 12.(b)** Saprolite Rule. – Until the effective date of the revised permanent
51 rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this

1 section, the Commission shall implement the Saprolite Rule as provided in subsection (c) of this
2 section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 **SECTION 15.(d)** Additional Rulemaking Authority. – The Commission shall adopt
21 a rule to amend the Bed Systems 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 15.(e)** Sunset. – This section expires when permanent rules adopted as
29 required by subsection (d) of this section become effective.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 fifty percent (50%) of the allowed setback as indicated in Rule .0601 of Subchapter E of Chapter
2 18 of Title 15A of the North Carolina Administrative Code, and (iv) there is no reasonable
3 expectation that the repaired wastewater system will function to eliminate public health hazards.

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

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

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