

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

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**HOUSE BILL 627
Committee Substitute Favorable 4/27/23**

Short Title: On-Site Wastewater Rules Implementation.

(Public)

Sponsors:

Referred to:

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 .1300 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
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).



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. The accessory dwelling unit shall not be considered a separate dwelling unit when
15 sizing a septic tank for a primary and accessory dwelling unit. When in common ownership as
16 the primary dwelling unit, the addition of an accessory dwelling unit shall not require a multiparty
17 agreement. "Applicant" means the individual who submits an application to the local health
18 department for an Improvement Permit, Construction Authorization, Operating Permit, Notice
19 of Intent to Construct, Authorization to Operate, or existing system authorization. "Serial
20 distribution" means a distribution method in which effluent is loaded into one trench and fills it
21 to a predetermined level before passing through a pipe to the succeeding trench at the same or a
22 lower elevation.

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

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

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

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

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

46 **SECTION 3.(d)** Additional Rulemaking Authority. – The Commission shall adopt
47 a rule to amend the Application Rule consistent with subsection (c) of this section.
48 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section
49 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted
50 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General
51 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 maximum trench depth that
14 considers percent slope.

15 **SECTION 4.(d)** Additional Rulemaking Authority. – The Commission shall adopt
16 a rule to amend the Improvement Permit Rule consistent with subsection (c) of this section.
17 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section
18 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted
19 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General
20 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 4.(e)** Sunset. – This section expires when permanent rules adopted as
24 required by subsection (d) of this section become effective.

25 **SECTION 5.(a)** Definitions. – For purposes of this section and its implementation,
26 "Existing System Approvals for Reconnections and Property Additions Rule" means 15A NCAC
27 18E .0206 (Existing System Approvals for Reconnections and Property Additions).

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

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

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

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

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

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

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

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

46 **SECTION 6.(d)** Additional Rulemaking Authority. – The Commission shall adopt
47 a rule to amend the Alternative Wastewater System Permitting Options Rule consistent with
48 subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the
49 Commission pursuant to this section shall be substantively identical to the provisions of
50 subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of
51 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 be required to be on property controlled by the wastewater system owner. Property is
13 considered controlled by the wastewater system owner when the owner has an easement or
14 encroachment agreement for the property where the wastewater system or repair area is located.

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

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

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

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

31 **SECTION 8.(c)** Implementation. – Notwithstanding Chapter 89C of the General
32 Statutes, the local health department may not require any system other than those specifically
33 identified in this rule to be designed by a professional engineer, regardless of system complexity
34 or the local health department's experience with the proposed system type. Wastewater systems
35 with adjusted design daily flow in accordance with Rule .0403 shall be designed by a professional
36 engineer if used in combination with another condition listed in this rule.

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

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

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

49 **SECTION 9.(b)** Design Daily Flow Rule. – Until the effective date of the revised
50 permanent rule that the Commission for Public Health is required to adopt pursuant to subsection

1 (d) of this section, the Commission shall implement the Design Daily Flow Rule as provided in
2 subsection (c) of this section.

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

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

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

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

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

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

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

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

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

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

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

43 **SECTION 11.(d)** Additional Rulemaking Authority. – The Commission shall adopt
44 a rule to amend the Soil Wetness Conditions 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 11.(e)** Sunset. – This section expires when permanent rules adopted as
2 required by subsection (d) of this section become effective.

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

5 **SECTION 12.(b)** Saprolite 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 Saprolite Rule as provided in subsection (c) of this
8 section.

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

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

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

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

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

29 **SECTION 13.(c)** Implementation. – A wastewater system certified in accordance
30 with NSF International Standard 350 or that has data from a two-year field demonstration
31 documenting that the wastewater system meets NSF International Standard 350 or better may
32 eliminate the requirement for repair area when installed in Group I soils and that include
33 classification as a Type VI(b) pursuant to 15A NCAC 18E .1301. The wastewater system shall
34 only be used to treat domestic strength effluent and shall also meet a Total Nitrogen effluent
35 standard of 20 mg/L.

36 **SECTION 13.(d)** Additional Rulemaking Authority. – The Commission shall adopt
37 a rule to amend the Available Space 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 13.(e)** Sunset. – This section expires when permanent rules adopted as
45 required by subsection (d) of this section become effective.

46 **SECTION 14.(a)** Definitions. – For purposes of this section and its implementation,
47 "Septic Tank Capacity Requirements Rule" means 15A NCAC 18E .0801 (Septic Tank Capacity
48 Requirements).

49 **SECTION 14.(b)** Septic Tank Capacity Requirements Rule. – Until the effective
50 date of the revised permanent rule that the Commission for Public Health is required to adopt

1 pursuant to subsection (d) of this section, the Commission shall implement the Septic Tank
2 Capacity Requirements Rule as provided in subsection (c) of this section.

3 **SECTION 14.(c)** Implementation. – Septic tanks for multiple dwelling units shall
4 not be required to be sized in accordance with Table XV of Rule .0801. The minimum septic tank
5 capacity serving two or more dwelling units shall be based on the total design daily flow of 120
6 gallons per day per bedroom or 60 gallons per day per occupant for all dwelling units.

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

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

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

20 **SECTION 15.(b)** Tank Leak Testing and Installation Requirements 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 Tank
23 Leak Testing and Installation Requirements Rule as provided in subsection (c) of this section.

24 **SECTION 15.(c)** Implementation. – For a hydrostatic test, the tank shall be filled
25 with water to the underside of the top of the tank or, for corrugated tanks, to the bottom of the
26 uppermost corrugation that forms the top of the tank. For vacuum tests, a tank manufacturer may
27 choose to test the tanks using a negative pressure of five inches of mercury for two minutes with
28 a loss of vacuum less than or equal to two-fifths of one inch or a negative pressure of two and
29 one-half inches of mercury for five minutes with a loss of vacuum less than or equal to one-fifth
30 of one inch.

31 **SECTION 15.(d)** Additional Rulemaking Authority. – The Commission shall adopt
32 a rule to amend the Tank Leak Testing and Installation Requirements Rule consistent with
33 subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the
34 Commission pursuant to this section shall be substantively identical to the provisions of
35 subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of
36 Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall
37 become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections
38 had been received as provided in G.S. 150B-21.3(b2).

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

41 **SECTION 16.(a)** Definitions. – For purposes of this section and its implementation,
42 "Bed Systems Rule" means 15A NCAC 18E .0903 (Bed Systems).

43 **SECTION 16.(b)** Bed Systems 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 Bed Systems Rule as provided in
46 subsection (c) of this section.

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

50 **SECTION 16.(d)** Additional Rulemaking Authority. – The Commission shall adopt
51 a rule to amend the Bed Systems 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 16.(e)** Sunset. – This section expires when permanent rules adopted as
8 required by subsection (d) of this section become effective.

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

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

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

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

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

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

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

40 **SECTION 18.(c)** Implementation. – Dosing system tests may be conducted by the
41 installer of the on-site wastewater system. The installer of the system shall give the local health
42 department, licensed soil scientist, authorized designer, Authorized On-Site Wastewater
43 Evaluator, or professional engineer, as applicable, the option to witness the test. Professional
44 engineers and Authorized On-Site Wastewater Evaluators shall be authorized to witness the
45 dosing tests for systems they have designed and for local health department permits upon a signed
46 acceptance of responsibility for the verification of the dosing system. Documentation of the test
47 shall be submitted to the local health department, professional engineer, or Authorized On-Site
48 Wastewater Evaluator for attachment to the permit or Notice of Intent to Construct, as applicable.

49 **SECTION 18.(d)** Additional Rulemaking Authority. – The Commission shall adopt
50 a rule to amend the General Dosing System Requirements Rule consistent with subsection (c) of
51 this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to

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

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

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

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

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

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

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

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

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

36 **SECTION 20.(c)** Implementation. – Wastewater systems shall be repaired to
37 eliminate public health hazards. The owner of the system may request, on a form provided by the
38 Department, that the local health department, professional engineer, or Authorized On-Site
39 Wastewater Evaluator use their best professional judgment to develop a repair that should enable
40 the wastewater system to comply with Rule .1303(a)(1) of Subchapter E of Chapter 18 of Title
41 15A of the North Carolina Administrative Code. The local health department, professional
42 engineer, or Authorized On-Site Wastewater Evaluator shall document, on the
43 Department-provided form, the aspects of the rules being altered to achieve the repair. The owner
44 of the wastewater system shall be liable for any damages caused by a system repaired in this
45 manner and shall agree in writing to all terms and conditions set forth by the local health
46 department, professional engineer, or Authorized On-Site Wastewater Evaluator that developed
47 the repair, including any operation and maintenance requirements. This written agreement shall
48 be attached to any Construction Authorization, Operation Permit, Notice of Intent to Construct,
49 or Authorization to Operate, as applicable. Best professional judgment shall not be used when (i)
50 the Improvement Permit, Construction Authorization, Notice of Intent to Construct, or
51 Authorization to Operate indicates the repair area and system type, however, this does not

1 preclude the owner from applying for a different wastewater system than the one specified on the
2 permit as a repair, (ii) there are reductions in setback to drinking water wells less than what is
3 required in Rule .0601 of Subchapter E of Chapter 18 of Title 15A of the North Carolina
4 Administrative Code, (iii) there are reductions in setbacks to surface water bodies greater than
5 fifty percent (50%) of the allowed setback as indicated in Rule .0601 of Subchapter E of Chapter
6 18 of Title 15A of the North Carolina Administrative Code, and (iv) there is no reasonable
7 expectation that the repaired wastewater system will function to eliminate public health hazards.

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

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

18 **SECTION 21.(a)** Definitions. – For purposes of this section and its implementation,
19 "Local Health Department Responsibilities Rule" means 15A NCAC 18E .1713 (Local Health
20 Department Responsibilities).

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

25 **SECTION 21.(c)** Implementation. – The local health department shall permit
26 systems designated as Accepted in an equivalent manner to a conventional system without the
27 owner having to request the equivalent treatment from the local health department.

28 **SECTION 21.(d)** Additional Rulemaking Authority. – The Commission shall adopt
29 a rule to amend the Local Health Department Responsibilities Rule consistent with subsection
30 (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission
31 pursuant to this section shall be substantively identical to the provisions of subsection (c) of this
32 section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter
33 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as
34 provided in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as
35 provided in G.S. 150B-21.3(b2).

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

38 **SECTION 22.** This act becomes effective January 1, 2024.