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HOUSE BILL 628
Committee Substitute Favorable 4/27/23
Senate Agriculture, Energy, and Environment Committee Substitute Adopted 6/14/23
Fourth Edition Engrossed 6/27/23

Short Title: Amend On-Site Wastewater/Environment Statutes. (Public)

Sponsors:

Referred to:

April 18, 2023

A BILL TO BE ENTITLED

AN ACT TO AMEND THE STATUTES GOVERNING ON-SITE WASTEWATER SYSTEMS, TO MAKE CERTAIN NC ON-SITE WASTEWATER CONTRACTORS AND INSPECTORS CERTIFICATION BOARD CHANGES, TO DIRECT THE BUILDING CODE COUNCIL TO CREATE AN ON-SITE WASTEWATER EXISTING SYSTEM AFFIDAVIT, TO MAKE CERTAIN WASTEWATER ELECTRICAL CHANGES, TO MAKE CERTAIN CHANGES TO PRIVATE DRINKING WATER WELL BUILDING INSPECTION AND INSTALLATION, TO PROHIBIT FORCED SEWER CONNECTIONS IN CERTAIN SITUATIONS, AND TO ESTABLISH A REGISTERED ENVIRONMENTAL HEALTH ASSOCIATE CERTIFICATION UNDER THE STATE BOARD OF ENVIRONMENTAL HEALTH SPECIALIST EXAMINERS.

The General Assembly of North Carolina enacts:

ON-SITE WASTEWATER CHANGES

SECTION 1. G.S. 130A-335 reads as rewritten:

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

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

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

(a2) Evaluations conducted by a licensed soil scientist or a licensed geologist pursuant to subsection (a1) of this section shall be used in developing design and construction features for a new proposed wastewater system or a proposed repair project for an existing wastewater system,



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1 including the addressing of any special hydrologic conditions that may be required under the
2 applicable rules for an ~~improvement permit~~ Improvement Permit or a ~~construction authorization,~~
3 Construction Authorization, shall be approved by the applicable permitting authorities under
4 G.S. 130A-336 provided both of the following conditions are met:

5 (1) ~~The evaluation of soil conditions, site features, or geologic and hydrogeologic~~
6 ~~conditions satisfies all requirements of this Article.~~ The evaluation shall not
7 cover areas outside the scope of the applicable license.

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

12 (a3) When an applicant for an ~~improvement permit~~ Improvement Permit submits to a local
13 health department an application ~~Improvement Permit application~~, the permit fee charged by the
14 local health department, the common form developed by the Department, and a soil evaluation
15 pursuant to subsection (a2) of this section, the local health department shall, within 10 ~~five~~
16 business days of receiving the application, take one of the following actions: ~~application, conduct~~
17 a completeness review of the submittal. A determination of completeness means that the
18 Improvement Permit includes all of the required components. If the local health department
19 determines that the Improvement Permit is incomplete, the local health department shall notify
20 the applicant of the components needed to complete the Improvement Permit. The applicant may
21 submit additional information to the local health department to cure the deficiencies in the
22 Improvement Permit. The local health department shall make a final determination as to whether
23 the Improvement Permit is complete within five business days after the local health department
24 receives the additional information from the applicant. If the local health department fails to act
25 within any period set out in this subsection, the applicant may treat the failure to act as a
26 determination of completeness. The Department shall develop a common form for use as the
27 Improvement Permit.

28 (1) ~~Issue the improvement permit.~~

29 (2) ~~Deny the permit application and provide a signed, written report to the~~
30 ~~applicant citing the applicable rule(s) for permit denial.~~

31 (3) ~~Notify the applicant that additional information is needed if the application is~~
32 ~~incomplete.~~

33 (a4) ~~If a local health department fails to act on an application for an improvement permit~~
34 ~~submitted pursuant to subsection (a3) of this section within 10 business days of receipt of a~~
35 ~~complete application, the local health department shall issue the improvement permit.~~ The
36 licensed soil scientist or licensed geologist submitting the evaluation pursuant to subsection (a2)
37 of this section shall have the right to request that the local health department revoke or suspend
38 the Improvement Permit for cause. Upon written request by the licensed soil scientist or licensed
39 geologist, the local health department shall suspend or revoke the Improvement Permit pursuant
40 to G.S. 130A-23.

41 (a5) When an applicant for a ~~construction authorization~~ Construction Authorization, or an
42 Improvement Permit and Construction Authorization together, submits an ~~application along with~~
43 a Construction Authorization, or an Improvement Permit and Construction Authorization
44 application together, the permit fee charged by the local health department, the common form
45 developed by the Department, and any necessary signed and sealed plans or evaluations, ~~as~~
46 ~~required by the local health department, evaluations~~ conducted by a person licensed pursuant to
47 Chapter 89C of the General Statutes as a licensed engineer or a person certified pursuant to
48 Article 5 of Chapter 90A of the General Statutes as an Authorized On-Site Wastewater Evaluator,
49 the local health department shall, within ~~10~~ five business days of receiving the application, ~~take~~
50 ~~one of the following actions:~~ conduct a completeness review of the submittal. A determination of
51 completeness means that the Construction Authorization or Improvement Permit and

1 Construction Authorization includes all of the required components. If the local health
2 department determines that the Construction Authorization or Improvement Permit and
3 Construction Authorization is incomplete, the local health department shall notify the applicant
4 of the components needed to complete the Construction Authorization or Improvement Permit
5 and Construction Authorization. The applicant may submit additional information to the local
6 health department to cure the deficiencies in the Construction Authorization or Improvement
7 Permit and Construction Authorization. The local health department shall make a final
8 determination as to whether the Construction Authorization or Improvement Permit and
9 Construction Authorization is complete within five business days after the local health
10 department receives the additional information from the applicant. If the local health department
11 fails to act within any period set out in this subsection, the applicant may treat the failure to act
12 as a determination of completeness. The applicant may apply for the building permit for the
13 project upon the decision of completeness of the Construction Authorization or Improvement
14 Permit and Construction Authorization by the local health department or if the local health
15 department fails to act within five business days. The Authorized On-Site Wastewater Evaluator
16 or licensed engineer submitting the evaluation pursuant to this subsection may request that the
17 local health department revoke or suspend the Construction Authorization or Improvement
18 Permit and Construction Authorization for cause. Upon written request of the Authorized On-Site
19 Wastewater Evaluator or licensed engineer, the local health department shall suspend or revoke
20 the Construction Authorization or Improvement Permit and Construction Authorization pursuant
21 to G.S. 130A-23. The Department shall develop a common form for use as the Construction
22 Authorization.

23 ~~(1) Approve the permit application.~~

24 ~~(2) Deny the permit application and provide a signed, written report to the~~
25 ~~applicant citing the applicable rule(s) for permit denial.~~

26 ~~(3) Notify the applicant that additional information is needed if the application is~~
27 ~~incomplete.~~

28 ~~(a6) If a local health department fails to act on an application for a construction~~
29 ~~authorization submitted pursuant to subsection (a5) of this section within 10 business days of~~
30 ~~receipt of a complete application, the local health department shall issue the construction~~
31 ~~authorization. The local health department may assess a fee for the Construction Authorization or~~
32 ~~the Improvement Permit/Construction Authorization combination permit of up to forty percent~~
33 ~~(40%) of the fee established for similar systems permitted by the local health department.~~

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

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

50 ~~(a8) The Department, the Department's authorized agents, and the local health departments~~
51 ~~shall be discharged and released from any liabilities, duties, and responsibilities imposed by~~

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

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

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

- 25 (1) Wastewater collection, treatment, and disposal systems designed to discharge
26 effluent to the land surface or surface waters.
- 27 (2) Wastewater systems designed for groundwater remediation, groundwater
28 injection, or landfill leachate collection and disposal.
- 29 (3) Wastewater systems designed for the complete recycle or reuse of industrial
30 process wastewater.
- 31 (4) Gray water systems as defined in G.S. 143-350.

32 ...

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

37 ...

38 (d1) The Department or owner of a wastewater system may file a written complaint with
39 the North Carolina Board of Examiners for Engineers and Surveyors in accordance with rules
40 and procedures adopted by the Board pursuant to Chapter 89C of the General Statutes citing
41 failure of a professional engineer to adhere to the rules adopted by the Commission pursuant to
42 this Article. The Department or owner of a wastewater system may file a written complaint with
43 the North Carolina Board of Licensed Soil Scientists in accordance with rules and procedures
44 adopted by the Board pursuant to Chapter 89F of the General Statutes citing failure of a licensed
45 soil scientist to adhere to the rules adopted by the Commission pursuant to this Article. The
46 Department or owner of a wastewater system may file a written complaint with the North
47 Carolina Board for Licensing of Geologists in accordance with rules and procedures adopted by
48 the Board pursuant to Chapter 89E of the General Statutes citing failure of a licensed geologist
49 to adhere to the rules adopted by the Commission pursuant to this Article. The Department or
50 owner of a wastewater system may file a written complaint with the North Carolina On-Site
51 Wastewater Contractors and Inspectors Certification Board in accordance with rules and

1 procedures adopted by the Board pursuant to Article 5 of Chapter 90A of the General Statutes
2 citing failure of a contractor to adhere to the rules adopted by the Commission pursuant to this
3 ~~Article~~-Article or for failure of an Authorized On-Site Wastewater Evaluator to adhere to rules
4 adopted by the Commission or the Board pursuant to this Article.

5 ...

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

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

34 ...

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

43"

44 **SECTION 2.** G.S. 130A-335.1 reads as rewritten:

45 "**§ 130A-335.1. Effluent filters and access devices for certain septic tank systems.**

46 ...

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

51 (1) Be of sufficient size to facilitate inspection and service.

- 1 (2) Be designed and constructed to equal or exceed the minimum loading
- 2 specifications applicable to the septic tank.
- 3 (3) Prevent water entry.
- 4 (4) Come to within six inches of the finished grade.
- 5 (5) ~~Be visibly marked so that the access device can be readily located."~~

6 **SECTION 3.** G.S. 130A-336.1 reads as rewritten:

7 **"§ 130A-336.1. Alternative process for wastewater system approvals.**

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

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

- 26 (1) The owner's name, address, e-mail address, and telephone number.
- 27 (2) The professional engineer's name, license number, address, e-mail address,
28 and telephone number.
- 29 (3) For the professional engineer, the licensed soil scientist, the licensed
30 geologist, and any on-site wastewater contractors, proof of errors and
31 omissions insurance coverage or other appropriate liability insurance.
- 32 (4) A description of the facility the proposed site is to serve and any factors that
33 would affect the wastewater load.
- 34 (5) The type of proposed wastewater system and its location.
- 35 (6) The design wastewater flow and characteristics.
- 36 (7) Any proposed landscape, site, drainage, or soil modifications.
- 37 (8) A soil evaluation that is conducted and signed and sealed by a either a licensed
38 soil scientist or licensed geologist.
- 39 (9) A plat, as defined in G.S. 130A-334(7a), or a site plan, as defined in
40 G.S. 130A-334(13a).

41 (c) ~~Completeness Review for Notice of Intent to Construct.~~ ~~The local health department~~
42 ~~shall determine whether a notice of intent to construct, as required pursuant subsection (b) of this~~
43 ~~section, is complete within 15 business days after the local health department receives the notice~~
44 ~~of intent to construct. A determination of completeness means that the notice of intent to construct~~
45 ~~includes all of the required components. If the local health department determines that the notice~~
46 ~~of intent to construct is incomplete, the department shall notify the owner or the professional~~
47 ~~engineer of the components needed to complete the notice. The owner or professional engineer~~
48 ~~may submit additional information to the department to cure the deficiencies in the notice. The~~
49 ~~local health department shall make a final determination as to whether the notice of intent to~~
50 ~~construct is complete within 10 business days after the department receives the additional~~
51 ~~information from the owner or professional engineer. If the department fails to act within any~~

1 ~~time period set out in this subsection, the owner or professional engineer may treat the failure to~~
2 ~~act as a determination of completeness.~~

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

11 (e) Site Design, Construction, and Activities. –

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

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

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

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

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

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

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

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

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

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

- 1 a. Be responsible for all aspects of the construction and installation of the
2 wastewater system or components of the wastewater system, including
3 adherence to the design, specifications, and any special inspections
4 that are prepared, signed, and sealed by the professional engineer in
5 accordance with all the applicable provisions of this section.
- 6 b. Submit a signed and dated statement of responsibility to the owner of
7 the wastewater system, prior to the commencement of work, that
8 contains acknowledgement and awareness of the requirements in the
9 professional engineer's statement of special inspections.
- 10 ~~(5) Where the professional engineer's designs, plans, and specifications call for
11 the installation of a conventional wastewater system, such designs, plans, and
12 specifications shall allow for the installation of an accepted system in lieu of
13 a conventional system in accordance with the accepted system approval.~~
- 14 (6) In addition to the requirements of this section, the owner, the professional
15 engineer designing the proposed wastewater system, and any on-site
16 wastewater system contractors employed to construct or install the wastewater
17 system shall comply with applicable federal, State, and local laws, regulations,
18 rules, and ordinances.
- 19 (f) No Public Liability. – The Department, the Department's authorized agents, or local
20 health departments shall have no liability for wastewater systems designed, constructed, and
21 installed pursuant to ~~a engineered option permit.~~ an Engineered Option Permit.
- 22 (g) Inspections, Construction Observations, and Reports. –
- 23 ~~(1) Site visits. – The local health department may, at any time, conduct a site visit
24 of the wastewater system.~~
- 25 (2) Construction observations. – The professional engineer who designed the
26 wastewater system shall make periodic visits to the site, at intervals
27 appropriate to the stage of construction, to observe the progress and quality of
28 the construction and to determine, generally, if the construction is proceeding
29 in accordance with the engineer's plans and specifications.
- 30 (3) Special inspections. – The owner of the proposed wastewater system shall
31 employ one or more approved special inspectors to conduct special
32 inspections during the construction of the wastewater system. The
33 professional engineer who designed the wastewater system, or the engineer's
34 personnel, may function as an approved agency to conduct special inspections
35 required by this subdivision. The professional engineer's personnel shall only
36 operate as an approved agency for special inspections if the personnel can
37 demonstrate competence and relevant experience or training. For purposes of
38 this subdivision, experience or training shall be considered relevant when the
39 documented experience or training is related in complexity to the same type
40 of special inspection activities for projects of similar complexity and material
41 qualities.
- 42 (4) Inspection reports. – Approved special inspectors shall maintain and furnish
43 all inspection records to the professional engineer who designed the
44 wastewater system. The records shall indicate whether the work inspected was
45 completed in conformance with the engineer's design and specifications. Any
46 discrepancies identified between the completed work and the engineer's
47 design shall be brought to the immediate attention of the on-site wastewater
48 system contractor for correction. If discrepancies are not corrected, they shall
49 be brought to the attention of the professional engineer who designed the
50 wastewater system prior to completion of work. A final inspection report
51 documenting the required special inspections and the correction of any

1 identified discrepancies shall be provided to the professional engineer and the
2 owner of the wastewater system for review at the post-construction conference
3 required pursuant to subsection (j) of this section.

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

10 ...

11 (j) Post-Construction Conference. – The professional engineer designing the wastewater
12 system shall hold a post-construction conference with the owner of the wastewater system; the
13 licensed soil scientist or licensed geologist who performed the soils evaluation for the wastewater
14 system; the on-site wastewater system contractor, certified pursuant to Article 5 of Chapter 90A
15 of the General Statutes, who installed the wastewater system; and the certified operator of the
16 wastewater system, if any; ~~and representatives from the local health department and, as~~
17 ~~applicable, the Department.~~ any. The post-construction conference shall include start-up of the
18 wastewater system and any required verification of system design or system components. The
19 post-construction conference required by this subsection may be waived for Type I, II, and III
20 wastewater systems, as listed in 15A NCAC 18A.1961 Table V(a), upon written request by the
21 professional engineer and written approval by the owner of the wastewater system.

22 (k) Required Documentation. –

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

- 28 a. The evaluation of soil conditions and site features as prepared by either
29 the licensed soil scientist or licensed geologist.
- 30 b. The drawings, specifications, plans, and reports of the wastewater
31 system, including the statement of special inspections required
32 pursuant to G.S. 130A-336.1(e)(3); the on-site wastewater system
33 contractor's signed statement of responsibility required pursuant to
34 G.S. 130A-336.1(e)(4); records of all special inspections; and the final
35 inspection report documenting the correction of any identified
36 discrepancies required pursuant to subsection (g) of this section.
- 37 c. The operator's management program manual that includes a copy of
38 the contract with the certified water pollution control system operator
39 required pursuant to subsection (i) of this section.
- 40 d. Any reports and findings related to the design and installation of the
41 wastewater system.
- 42 e. A copy of the authorization to operate that can be used for the
43 certificate of occupancy for the facility.

44 (2) Upon reviewing the professional engineer's report, the owner of the
45 wastewater system shall sign ~~and notarize the report as having been~~
46 ~~received.~~ the report confirming acceptance and receipt of the report.

47 (l) Reporting Requirements. –

- 48 (1) The owner of the wastewater system shall submit the following to the local
49 health department:
 - 50 a. A copy of the professional engineer's report required pursuant to
51 G.S. 130A-336.1(k)(1).

- 1 b. A copy of the operations and management program.
- 2 e. ~~The fee required pursuant to subsection (n) of this section.~~
- 3 d. ~~A notarized letter that documents the owner's acceptance of the system~~
- 4 from the professional engineer.
- 5 e. A copy of the Authorization to Operate.
- 6 (2) The owner of any wastewater system that is subject to subsection (d) of this
- 7 section shall deliver to the Department copies of the engineer's report, as
- 8 described G.S. 130A-336.1(k)(1).
- 9 (m) ~~Authorization to Operate.— Within 15 business days of receipt of the documents and~~
- 10 ~~fees required pursuant to G.S. 130A-336.1(l)(1), the local health department shall issue the owner~~
- 11 ~~a letter of confirmation that states the documents and information contained therein have been~~
- 12 ~~received and that the wastewater system may operate in accordance with rules adopted by the~~
- 13 ~~Commission.~~
- 14 (n) Fees. – ~~The local health department may assess a~~an administrative fee for the
- 15 ~~engineered option permit of up to thirty percent (30%) of the cumulative total of the fees the~~
- 16 ~~department has established to obtain an improvement permit, an authorization to construct, and~~
- 17 ~~an operations permit for wastewater systems under its jurisdiction. The fee shall only be used by~~
- 18 ~~the department in support of its work pursuant to this section to conduct site inspections; support~~
- 19 ~~the department's staff participation at post-construction conference meetings; and archive the~~
- 20 ~~engineered permit with the county register of deeds or other recordation of the wastewater system~~
- 21 ~~as required of no more than thirty-five dollars (\$35.00) for filing costs.~~
- 22 (o) Change in System Ownership. – ~~A wastewater system authorized pursuant to this~~
- 23 ~~section shall not be affected by change in ownership of the site for the wastewater system,~~
- 24 ~~provided both the site for the wastewater system and the facility the system serves are unchanged~~
- 25 ~~and remain under the ownership or control of the person owning the facility.~~be transferrable to a
- 26 new owner with the consent of the professional engineer. The new owner and the professional
- 27 engineer shall enter a contract for the wastewater system.
- 28 (o1) Revocation. – A Notice of Intent to Construct or an Authorization to Operate issued
- 29 by an engineer under this section may be revoked by the engineer that issued the Notice of Intent
- 30 to Construct or the Authorization to Operate. The professional engineer shall send written
- 31 notification of the revocation to the owner, the licensed soil scientist, the licensed geologist, if
- 32 any, the certified contractor, the local health department, and the certified water pollution control
- 33 system operator, if any. The professional engineer shall cite the specific reason for the revocation
- 34 in the written notification.
- 35 (o2) Repair of Malfunctioning Systems. – The owner may apply for an Improvement
- 36 Permit and a Construction Authorization from the local health department or obtain a Notice of
- 37 Intent to Construct to repair a malfunctioning wastewater system initially established under this
- 38 section.
- 39 (p) Remedies. – Notwithstanding any other provision of this section or any other
- 40 provision of law, owners; operators; professional engineers who utilize the engineered option
- 41 permit, who prepare drawings, specifications, plans, and reports; licensed soil scientists; licensed
- 42 geologists; and on-site wastewater system contractors employed for the construction or
- 43 installation of the wastewater system shall be subject to the provisions and remedies provided to
- 44 the Department and local health departments pursuant to Article 1 of this Chapter.
- 45 (q) Rule Making. – The Commission shall adopt rules to implement the provisions of this
- 46 section.
- 47 (r) ~~Reports.— The Department shall report to the Environmental Review Commission~~
- 48 ~~and the Joint Legislative Oversight Committee on Health and Human Services on or before~~
- 49 ~~January 1, 2017, and annually thereafter, on the implementation and effectiveness of this section.~~
- 50 ~~For the report due on or before January 1, 2017, the Department shall specifically study (i)~~
- 51 ~~whether the engineered option permit resulted in a reduction in the length of time improvement~~

1 permits or authorizations to construct are pending; (ii) whether the engineered option permit
 2 resulted in increased system failures or other adverse impacts; (iii) if the engineered option permit
 3 resulted in new or increased environmental or public health impacts; (iv) an amount of errors and
 4 omissions insurance or other liability sufficient for covering professional engineers, licensed soil
 5 scientists, licensed geologists, and contractors who employ the engineered option permit; and (v)
 6 the fees charged by local health departments to administer the engineered option permit pursuant
 7 to subsection (n) of this section. The Department may include recommendations, including any
 8 legislative proposals, in its reports to the Commission and Committee."

9 **SECTION 4.** G.S. 130A-336.2 reads as rewritten:

10 **"§ 130A-336.2. Alternative wastewater system approvals for nonengineered systems.**

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

20 (b) Notice of Intent to Construct. – Prior to commencing or assisting in the construction,
 21 siting, relocation, or repair of a wastewater system, the owner of a proposed wastewater system
 22 who wishes to use an Authorized On-Site Wastewater Evaluator shall submit a ~~notice of intent~~
 23 ~~to construct~~ complete Notice of Intent to Construct a wastewater system using an Authorized
 24 On-Site Wastewater Evaluator to the local health department with jurisdiction over the location
 25 of the proposed wastewater system. The owner may apply for a building permit for the project
 26 upon submitting a complete Notice of Intent to Construct and the fee required pursuant to
 27 subsection (n) of this section to the local health department. ~~The Department of Health and~~
 28 ~~Human Services~~ North Carolina On-Site Wastewater Contractors and Inspectors Certification
 29 Board shall develop a common form for use as a ~~notice of intent to construct that includes all of~~
 30 ~~the following:~~ Notice of Intent to Construct.

31 (1) ~~The owner's name, e-mail address, mailing address, and phone number.~~

32 (2) ~~The Authorized On-Site Wastewater Evaluator's name, certification number,~~
 33 ~~mailing address, e-mail address, and telephone number.~~

34 (3) ~~The physical location of proposed site.~~

35 (4) ~~Proof of errors and omissions, liability, or other insurance adequate for the~~
 36 ~~proposed wastewater system.~~

37 (5) ~~A description of the facility the proposed site is to serve and any factors that~~
 38 ~~would affect the wastewater load.~~

39 (6) ~~The type of wastewater system proposed.~~

40 (7) ~~The estimated wastewater flow and wastewater characteristics.~~

41 (8) ~~Any proposed landscape, site, drainage, or soil modifications.~~

42 (9) ~~An evaluation of soil conditions and site features that is conducted and signed~~
 43 ~~and sealed by a licensed soil scientist or for geologic or hydrogeologic~~
 44 ~~conditions by a licensed geologist.~~

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

47 (c) Completeness Review for Notice of Intent to Construct. – The local health department
 48 shall determine whether the notice of intent to construct required pursuant to subsection (b) of
 49 this section is complete within five business days after receiving the notice of intent to construct.
 50 A determination of completeness means that the notice of intent to construct includes all of the
 51 required components. If the local health department determines that the notice of intent to

1 construct is incomplete, the local health department shall notify the owner and list the information
2 needed to complete the notice. The owner may then submit additional information to the local
3 health department to cure the deficiencies in the initial notice. The local health department shall
4 make a final determination as to whether the notice of intent to construct is complete within five
5 business days after the department receives the additional information. If the local health
6 department fails to act within any time period set out in this subsection, the owner may treat the
7 failure to act as a determination of completeness. The owner shall be able to apply for the building
8 permit for the project upon the decision of completeness of the notice of intent by the local health
9 department or if the local health department fails to act within the five business day time period.

10 (d) Soil and Site Evaluation, Construction, and Activities. –

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

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

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

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

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

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

33 ~~(5) Where the Authorized On-Site Wastewater Evaluator's designs, plans, and~~
34 ~~specifications call for the installation of a conventional wastewater system,~~
35 ~~those designs, plans, and specifications shall allow for the installation of an~~
36 ~~Accepted system in lieu of a conventional system in accordance with the~~
37 ~~Accepted system approval.~~

38 ...

39 (g) Inspections, Construction Observations, and Reports. –

40 ~~(1) A local health department may, at any time, conduct a site visit of the~~
41 ~~wastewater system.~~

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

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

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

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

7 (i) Operation and Management. –

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

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

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

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

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

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

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

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

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

35 (l) After reviewing the Authorized On-Site Wastewater Evaluator's report, the owner
36 shall sign ~~and notarize a document~~ confirming acceptance and receipt of the report. The owner
37 shall then submit the following to the local health department:

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

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

42 (3) The fee established pursuant to subsection (n) of this section.

43 (4) ~~A notarized letter that documents the owner's acceptance of the system.~~A copy
44 of the document confirming acceptance and receipt of the report by the owner.

45 (m) ~~Authorization to Operate. Within five business days of receipt of the required~~
46 ~~documents and fees described in subsection (l) of this section, the local health department shall~~
47 ~~issue the owner an authorization to operate confirming all the requirements of this section have~~
48 ~~been met and all rules adopted by the Commission pertaining to nonengineered on site~~
49 ~~wastewater systems have been complied with.~~

50 (n) Fees. – The local health department may assess ~~a~~an administrative fee for the system
51 ~~developed by the Authorized On-Site Wastewater Evaluator of up to thirty percent (30%) of the~~

1 ~~emulative total of the fees established for similar systems permitted by the local health~~
2 ~~department. The fee shall only be used by the local health department in support of its work~~
3 ~~pursuant to duties established by this section of no more than thirty-five dollars (\$35.00) for filing~~
4 ~~costs.~~

5 (o) ~~Change in System Ownership. – A wastewater system authorized pursuant to this~~
6 ~~section shall not be affected by change of ownership of the site for the wastewater system,~~
7 ~~provided both the site for the wastewater system and the type of facility the system serves are~~
8 ~~unchanged, be transferrable to a new owner with the consent of the Authorized On-Site~~
9 ~~Wastewater Evaluator. The new owner and the Authorized On-Site Wastewater Evaluator shall~~
10 ~~enter a contract for the wastewater system.~~

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

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

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

28 (q) ~~Rule Making. –~~

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

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

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

41 (r) ~~Reports.—The Department shall report to the Environmental Review Commission~~
42 ~~and the Joint Legislative Oversight Committee on Health and Human Services by January 1,~~
43 ~~2020, and annually thereafter, on the program established under this section. The Department~~
44 ~~shall specifically include the efficiency and effectiveness of the program developed under this~~
45 ~~section and whether the program aided in reducing the length of time in issuing permits. The~~
46 ~~Department shall obtain activity reports from the local health departments showing the~~
47 ~~wastewater systems developed under this section. The annual report shall include any suggestions~~
48 ~~for the improvement of this section, including adequate and appropriate insurance coverage,~~
49 ~~operator reporting requirements, or fee allowance."~~

50 **SECTION 5.** G.S. 130A-337 reads as rewritten:

51 **"§ 130A-337. Inspection; operation permit required.**

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

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

17 (b) Upon determining that the system is properly installed or repaired and that the system
18 is capable of being operated in accordance with the conditions of the ~~improvement permit~~,
19 Improvement Permit, the rules, this Article and any conditions to be imposed in the operation
20 permit, as applicable, the local health department shall issue an operation permit authorizing the
21 residence, place of business or place of public assembly to be occupied and for the system to be
22 placed into use or reuse.

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

29 (d) No person shall occupy a residence, place of business or place of public assembly, or
30 place a wastewater system into use or reuse for a residence, place of business or place of public
31 assembly until an operation permit has been issued or authorization has been obtained pursuant
32 to G.S. 130A-337(c)."

33 **SECTION 6.(a)** G.S. 130A-343 reads as rewritten:

34 "**§ 130A-343. Approval of on-site subsurface wastewater systems.**

35 ...

36 (h) Accepted Wastewater Dispersal Systems. – A manufacturer of an Innovative
37 wastewater dispersal system or other approved trench dispersal system specifically identified in
38 a rule adopted by the Commission that has been in general use in this State for a minimum of
39 five years may petition the Commission to have the system designated as an Accepted wastewater
40 system as provided in this subsection. The manufacturer shall provide the Commission with the
41 data and findings of all prior evaluations of the performance of the system in this State and other
42 states referenced in the petition, including disclosure of any conditions found to result in
43 unacceptable structural integrity, treatment, or hydraulic performance. In addition, the
44 manufacturer shall provide the Commission with information sufficient to enable the
45 Commission to fully evaluate the performance of the system in this State for at least the five-year
46 period immediately preceding the petition. The Commission shall designate a wastewater
47 dispersal system as an Accepted wastewater system only if it finds that there is clear, convincing,
48 and cogent evidence based on actual field surveys and county activity reports (i) to confirm the
49 findings made by the Department at the time the Department approved the system as a wastewater
50 dispersal system and (ii) that the system performs in a manner that is equal or superior to a
51 conventional or Accepted wastewater system under actual field conditions in this State. The

1 Commission shall specify the circumstances in which use of the system is appropriate and any
2 conditions and limitations related to the use of the system. If the Commission designates a
3 wastewater dispersal system as an Accepted wastewater system pursuant to this section, the
4 following shall apply:

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

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

12 (i) Nonproprietary Wastewater Systems. – The Department may initiate a review of a
13 nonproprietary wastewater system and approve the system for use as a provisional wastewater
14 system or an innovative wastewater system without having received an application from a
15 manufacturer. ~~The Department may recommend that the Commission designate a nonproprietary~~
16 ~~wastewater system as an accepted wastewater system without having received a petition from a~~
17 ~~manufacturer.~~

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

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

29"

30 **SECTION 6.(b)** This section is effective when it becomes law and applies
31 retroactively to any wastewater system approvals issued by the Commission for Public Health or
32 the Department of Health and Human Services.

33 34 **NC ON-SITE WASTEWATER CONTRACTORS AND INSPECTORS** 35 **CERTIFICATION BOARD CHANGES**

36 **SECTION 7.(a)** G.S. 90A-73 reads as rewritten:

37 **"§ 90A-73. Creation and membership of the Board.**

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

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

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

48 (3) One member appointed by the Governor who is a registered professional
49 engineer licensed under Chapter 89C of the General Statutes and whose work
50 experience includes the design of on-site wastewater systems to a term that

- 1 expires on 1 July of years that follow by one year those years that are evenly
2 divisible by three.
- 3 (4) One member appointed by the General Assembly upon recommendation of
4 the President Pro Tempore of the Senate who, at the time of appointment, is
5 engaged in the construction, installation, repair, or inspection of on-site
6 wastewater systems, to a term that expires on 1 July of years that follow by
7 one year those years that are evenly divisible by three.
- 8 (5) One member appointed by the General Assembly upon recommendation of
9 the President Pro Tempore of the Senate who, at the time of appointment, is
10 engaged in the business of inspecting on-site wastewater systems, to a term
11 that expires on 1 July of years that precede by one year those years that are
12 evenly divisible by three.
- 13 (6) One member appointed by the General Assembly upon recommendation of
14 the President Pro Tempore of the Senate upon the recommendation of the
15 North Carolina Home Builders Association, to a term that expires on 1 July of
16 years evenly divisible by three.
- 17 (7) One member appointed by the General Assembly upon recommendation of
18 the Speaker of the House of Representatives who, at the time of appointment,
19 is engaged in the construction, installation, repair, or inspection of on-site
20 wastewater systems, to a term that expires on 1 July of years evenly divisible
21 by three.
- 22 (8) One member appointed by the General Assembly upon recommendation of
23 the Speaker of the House of Representatives who, at the time of appointment,
24 is (i) ~~employed as an a registered~~ environmental health specialist, and (ii)
25 engaged primarily in the inspection ~~and permitting~~ of on-site wastewater
26 ~~systems, systems pursuant to Article 5 of this Chapter, and the operation of~~
27 on-site wastewater systems, to a term that expires on 1 July of years that
28 follow by one year those years that are evenly divisible by three.
- 29 (9) One member appointed by the General Assembly upon recommendation of
30 the Speaker of the House of Representatives who, at the time of appointment,
31 is ~~a soil scientist licensed under Chapter 89F of the General Statutes with~~
32 ~~experience in soil and site evaluation for on site wastewater systems, an~~
33 Authorized On-Site Wastewater Evaluator certified pursuant to Article 5 of
34 this Chapter, to a term that expires on 1 July of years that precede by one year
35 those years that are evenly divisible by three.
- 36 (b) Vacancies. – An appointment to fill a vacancy on the Commission created by the
37 resignation, dismissal, disability, or death of a member shall be for the balance of the unexpired
38 term. Vacancies in appointments made by the General Assembly shall be filled as provided in
39 G.S. 120-122.
- 40 (c), (d) Repealed by Session Laws 2010-31, s. 13.2(h), effective July 1, 2010.
- 41 (e) Officers. – The Board shall elect a Chair from among its members. The Chair shall
42 serve from the time of election until 30 June of the following year, or until a successor is elected.
- 43 (f) Compensation. – Board members who are State employees shall receive no per diem
44 compensation for serving on the Board but shall be reimbursed for their expenses in accordance
45 with G.S. 138-6. All other Board members shall receive per diem compensation and
46 reimbursement in accordance with the compensation rate established in G.S. 93B-5.
- 47 (g) Quorum. – A majority of the members of the Board constitutes a quorum for the
48 transaction of business.
- 49 (h) Meetings. – The Board shall meet at least twice each year and may hold special
50 meetings at the call of the Chair or a majority of the members of the Board.
- 51 (i) Repealed by Session Laws 2010-31, s. 13.2(h), effective July 1, 2010."

1 **SECTION 7.(b)** This section is effective when it becomes law and applies to terms
2 beginning on or after that date.

3 **SECTION 8.** G.S. 90A-74 reads as rewritten:

4 "**§ 90A-74. Powers and duties of the Board.**

5 The Board shall have the following general powers and duties:

- 6 (1) To adopt rules in the manner prescribed by Chapter 150B of the General
7 Statutes to govern its actions and to implement the provisions of this
8 ~~Article.~~Article, as well as the provisions of G.S. 130A-336.2.
- 9 (2) To determine the eligibility requirements for persons seeking certification
10 pursuant to this Article.
- 11 (3) To establish grade levels of certifications based on design capacity,
12 complexity, projected costs, and other features of approved on-site wastewater
13 systems.
- 14 (4) To develop and administer examinations for specific grade levels of
15 certification as approved by the Board. The Board may approve applications
16 by recognized associations for certification of its members after a review of
17 the requirements of the association to ensure that they are equivalent to the
18 requirements of the Board.
- 19 (5) To issue, renew, deny, restrict, suspend, or revoke certifications and to carry
20 out any of the other actions authorized by this Article.
- 21 (6) To establish, publish, and enforce rules of professional conduct of persons
22 who are certified pursuant to this Article.
- 23 (7) To maintain a record of all proceedings and make available to persons
24 certified under this Article, and to other concerned parties, an annual report of
25 all Board action.
- 26 (8) To establish reasonable fees for application, certification, and renewal, and
27 other services provided by the Board.
- 28 (9) To conduct investigations to determine whether violations of this Article or
29 grounds for disciplining persons certified under this Article exist.
- 30 (10) To adopt a common seal containing the name of the Board for use on all
31 certificates and official reports issued by the Board.
- 32 (10a) To employ staff necessary to carry out the provisions of this Article and to
33 determine the compensation, duties, and other terms and conditions of
34 employment of its staff.
- 35 (10b) To employ professional, clerical, investigative, or special personnel necessary
36 to carry out the provisions of this Article.
- 37 (10c) To acquire, hold, convey, rent, encumber, alienate, and otherwise deal with
38 real property in the same manner as a private person or corporation, subject
39 only to the approval of the Governor and Council of State. The rents, proceeds,
40 and other revenues and benefits of the ownership of real property shall inure
41 to the Board. Collateral pledged by the Board for any encumbrance of real
42 property shall be limited to the assets, income, and revenues of the Board.
- 43 (11) To conduct other services necessary to carry out the purposes of this Article."
- 44

45 **DIRECT THE BUILDING CODE COUNCIL TO CREATE AN ON-SITE**
46 **WASTEWATER EXISTING SYSTEM AFFIDAVIT**

47 **SECTION 8.1.(a)** G.S. 160D-1110 is amended by adding a new subsection to read:

48 "**(h1)** No local government may withhold a building permit under this section where the
49 project does not propose to increase the design daily flow or wastewater strength of the existing
50 system, and the property owner submits an on-site wastewater existing system inspection

1 exemption affidavit. The property owner shall affirm that any modifications will meet local and
2 State on-site wastewater system setback requirements pursuant to G.S. 130A-335."

3 **SECTION 8.1.(b)** The North Carolina Building Code Council, with assistance from
4 the North Carolina Department of Insurance, shall create an on-site wastewater existing system
5 inspection exemption affidavit for distribution to all building inspection departments throughout
6 the State. The on-site wastewater existing system inspection exemption affidavit shall inform the
7 property owner of their ability to consult with an authorized on-site wastewater evaluator
8 certified by the North Carolina On-Site Wastewater Contractors and Inspectors Certification
9 Board or an inspector, as defined in G.S. 90A-71(5), to locate the on-site wastewater existing
10 system and verify system setback requirements prior to executing the affidavit at the option of
11 the property owner. The property owner shall not be required to consult with an authorized on-site
12 wastewater evaluator or an inspector to submit an on-site wastewater existing system inspection
13 exemption affidavit to a local health department.

14 **SECTION 8.1.(c)** The Building Code Council shall create and distribute the affidavit
15 required by subsection (b) of this section no later than October 1, 2023.

17 **WASTEWATER ELECTRICAL CHANGES**

18 **SECTION 9.** G.S. 87-43.1 reads as rewritten:

19 **"§ 87-43.1. Exceptions.**

20 The provisions of this Article shall not apply:

21 ...

22 (11) To the installation, construction, maintenance, or repair of electrical wiring or
23 devices, appliances, or equipment by a person who is an on-site wastewater
24 contractor certified pursuant to Article 5 of Chapter 90A of the General
25 Statutes when the contractor is wiring the wastewater pump to the control
26 panel for the wastewater system."

28 **REPEAL OPTIONAL BUILDING INSPECTION FOR PRIVATE DRINKING WATER** 29 **WELLS AND MODIFY PERMIT AUTHORIZATION**

30 **SECTION 9.5.** G.S. 87-97 reads as rewritten:

31 **"§ 87-97. ~~Permitting, inspection, Permitting~~ and testing of private drinking water wells.**

32 (a) Mandatory Local Well Programs. – Each county, through the local health department
33 that serves the county, shall implement a private drinking water well permitting, inspection, and
34 testing program. The local health department shall be the exclusive authority for the permitting
35 of wells and well systems as described in G.S. 143-138(b17)(2). Local health departments shall
36 administer the program and enforce the minimum well construction, permitting, inspection,
37 repair, and testing requirements set out in this Article and rules adopted pursuant to this Article.
38 No person shall unduly delay or refuse to permit a well that can be constructed or repaired and
39 operated in compliance with the requirements set out in this Article and rules adopted pursuant
40 to this Article.

41 ...

42 (b1) ~~Inspections.—When a permit is issued under this section, the local health department~~
43 ~~shall be responsible for notifying the appropriate building inspector of the issuance of the well~~
44 ~~permit. The appropriate building inspector may request from the local health department the~~
45 ~~opportunity to inspect the activities authorized by the permit. The inspection must be performed~~
46 ~~prior to the final inspection performed by the local health department, and the well contractor~~
47 ~~shall not be required to be onsite for the inspection by the building inspector. If an inspection by~~
48 ~~a building inspector after the final inspection has been performed by the local health department~~
49 ~~is determined to be necessary for the protection of public health, safety, or welfare, the local~~
50 ~~building inspections department shall be responsible for (i) the additional costs for the inspection~~

1 ~~and related activities necessary for the inspection and (ii) any damages to the well system caused~~
 2 ~~during the inspection.~~

3 (b2) Permit to Include Authorization for Piping and Electrical. – A permit issued under
 4 this section shall also be deemed to include authorization for all of the following:

- 5 (1) The installation, construction, maintenance, or repair of electrical wiring,
 6 devices, appliances, or equipment by a person certified as a well contractor
 7 under Article 7A of this Chapter when running electrical wires from the well
 8 pump to the pressure switch.
- 9 (2) The installation, construction, maintenance, or repair of water pipes by a
 10 person certified as a well contractor under Article 7A of this Chapter when
 11 running water pipes from the well to the water tank.
- 12 (3) The installation of both water pipes and electrical wiring in a single ditch by
 13 a person certified as a well contractor under Article 7A of this Chapter when
 14 running electrical wires from the well pump to the pressure switch or other
 15 pressure sensing device and water pipes from the well to the water tank. The
 16 ditch shall be as deep as the minimum cover requirements for either electrical
 17 wiring or water pipes, whichever is greater. The ditch shall be covered by a
 18 person certified as a well contractor under Article 7A of this Chapter upon the
 19 completion of the activities conducted pursuant to this subsection.

20 This subsection shall not be interpreted to prohibit any person licensed by an independent
 21 occupational licensing board from performing any authorized services within the scope of
 22 practice of the person's license.

23"

24
 25 **PROHIBIT FORCED SEWER CONNECTIONS IN CERTAIN SITUATIONS**

26 **SECTION 10.(a)** G.S. 160A-317(a) reads as rewritten:

27 "**§ 160A-317. Power to require connections to water or sewer service and the use of solid**
 28 **waste collection services.**

29 (a) Connections. – ~~A~~Except as provided in subdivisions (1) and (2) of this subsection, a
 30 city may require an owner of developed property on which there are situated one or more
 31 residential dwelling units or commercial establishments located within the city limits and within
 32 a reasonable distance of any water line or sewer collection line owned, leased as lessee, or
 33 operated by the city or on behalf of the city to connect the owner's premises with the water or
 34 sewer line or both, and may fix charges for the connections. In lieu of requiring connection under
 35 this subsection and in order to avoid hardship, the city may require payment of a periodic
 36 availability charge, not to exceed the minimum periodic service charge for properties that are
 37 connected. The following provisions apply to a city's authority to require connection of an
 38 owner's premises to a water or sewer line:

- 39 (1) A property owner shall be exempt from mandatory connection to a city's sewer
 40 if:
 - 41 a. The city has inadequate capacity to transport and treat the proposed
 42 new wastewater from the premises at the time of connection.
 - 43 b. The costs of connection, including the costs of underground piping and
 44 connections to the dwelling or building, exceed the costs of installing
 45 an on-site wastewater system authorized pursuant to Article 11 of
 46 Chapter 130A of the General Statutes. Determination of the
 47 comparative costs of connection shall be assessed by (i) a licensed soil
 48 scientist, as defined in G.S. 89F-3, (ii) an on-site wastewater
 49 contractor certified under Article 5 of Chapter 90A of the General
 50 Statutes, or (iii) a plumbing contractor licensed under Article 2 of
 51 Chapter 87 of the General Statutes. If a property owner elects to install

1 an on-site wastewater system in lieu of connection to the city's sewer
 2 system pursuant to this subdivision, (i) the on-site wastewater system
 3 shall comply with all applicable requirements of Article 11 of Chapter
 4 130A of the General Statutes, and rules adopted thereunder, and (ii)
 5 the owner shall have sole responsibility for the system and its use and
 6 performance.

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

26 **SECTION 10.(b)** G.S. 153A-284 reads as rewritten:

27 **"§ 153A-284. Power to require connections.**

28 (a) A county may require the owner of developed property on which there are situated
 29 one or more residential dwelling units or commercial establishments located so as to be served
 30 by a water line or sewer collection line owned, leased as lessee, or operated by the county or on
 31 behalf of the county to connect the owner's premises with the water or sewer line and may fix
 32 charges for these connections. A county may only require connection of an owner's premises to
 33 a sewer line, however, if the county has adequate capacity to transport and treat the proposed
 34 new wastewater from the premises at the time of connection.

35"

36
 37 **ESTABLISH A REGISTERED ENVIRONMENTAL HEALTH ASSOCIATE**
 38 **CERTIFICATION**

39 **SECTION 10.1.(a)** Subdivisions (2a) and (2b) of G.S. 90A-51 are recodified as
 40 subdivisions (2b) and (2c) of G.S. 90A-51.

41 **SECTION 10.1.(b)** Article 4 of Chapter 90A of the General Statutes, as amended by
 42 subsection (a) of this section, reads as rewritten:

43 "Article 4.

44 "Registrations of Environmental Health Specialists.

45 ...

46 **"§ 90A-51. Definitions.**

47 The words and phrases defined below shall when used in this Article have the following
 48 meaning unless the context clearly indicates otherwise:

49 (1) ~~"Board" means the Board.~~ – The Board of Environmental Health Specialist
 50 Examiners.

- 1 (2) ~~"Certificate of registration" means a~~ Certificate of registration. – A document
2 issued by the Board as evidence of registration and qualification to practice as
3 a registered environmental health specialist or a registered environmental
4 health specialist intern under this Article. The certificate shall bear the
5 designation "Registered Environmental Health Specialist" or "Registered
6 Environmental Health Specialist Intern" and show the name of the person,
7 date of issue, serial number, seal, and signatures of the members of the Board.
- 8 (2a) Environmental health associate. – A public health professional who meets the
9 educational requirements under this Article, has attained specialized training,
10 and reports directly to a registered environmental health specialist.
- 11 (2b) ~~"Environmental health practice" means the~~ Environmental health practice. –
12 The provision of environmental health services, including administration,
13 organization, management, education, enforcement, and consultation
14 regarding environmental health services provided to or for the public. These
15 services are offered to prevent environmental hazards and promote and protect
16 the health of the public in the following areas: food, lodging, and institutional
17 sanitation; on-site wastewater treatment and disposal; public swimming pool
18 sanitation; childhood lead poisoning prevention; well permitting and
19 inspection; tattoo parlor sanitation; and all other areas of environmental health
20 requiring the delegation of authority by the Division of Public Health of the
21 Department of Health and Human Services to State and local environmental
22 health professionals to enforce rules adopted by the Commission for Public
23 Health. The definition also includes local environmental health professionals
24 enforcing rules of local boards of health for on-site wastewater systems and
25 wells.
- 26 (2c) ~~"Environmental health specialist" means a~~ Environmental health specialist. –
27 A public health professional who meets the educational requirements under
28 this Article and has attained specialized training and acceptable environmental
29 health field experience effectively to plan, organize, manage, provide,
30 execute, and evaluate one or more of the many diverse elements comprising
31 the field of environmental health practice.
- 32 (2d) Registered environmental health associate. – An environmental health
33 associate registered in accordance with the provisions of this Article.
- 34 (3) Repealed by Session Laws 2009-443, s. 2, effective August 7, 2009.
- 35 (4) ~~"Registered environmental health specialist" means an~~ Registered
36 environmental health specialist. – An environmental health specialist
37 registered in accordance with the provisions of this Article.

38 For purposes of this Article the following are not included within the
39 definition of "registered environmental health specialist" unless the person is
40 working as an environmental health specialist:

- 41 a. A person teaching, lecturing, or engaging in research.
- 42 b. A person who is a sanitary engineer, public health engineer, public
43 health engineering assistant, registered professional engineer,
44 industrial hygienist, health physicist, chemist, epidemiologist,
45 toxicologist, geologist, hydrogeologist, waste management specialist,
46 or soil scientist.
- 47 c. A public health officer or public health department director.
- 48 d. A person who holds a North Carolina license to practice medicine,
49 veterinary medicine, or nursing.
- 50 e. Laboratory personnel when performing or supervising the
51 performance of sanitation related laboratory functions.

- 1 (5) ~~"Registered environmental health specialist intern" means a Registered~~
 2 environmental health specialist intern. – A person who possesses the
 3 necessary educational qualifications as prescribed in G.S. 90A-53, but who
 4 has not completed the experience and specialized training requirements in the
 5 field of public health sanitation as required for registration.

6 **"§ 90A-52. Practice without certificate unlawful.**

7 (a) In order to safeguard life, health and the environment, it shall be unlawful for any
 8 person to practice as an environmental health specialist or an environmental health specialist
 9 intern in the State of North Carolina or use the title "registered environmental health specialist"
 10 or "registered environmental health specialist intern" unless the person shall have obtained a
 11 certificate of registration from the Board. No person shall offer services as a registered
 12 environmental health specialist or registered environmental health specialist intern or use,
 13 assume or advertise in any way any title or description tending to convey the impression that the
 14 person is a registered environmental health specialist or registered environmental health
 15 specialist intern unless the person is the holder of a current certificate of registration issued by
 16 the Board.

17 (b) ~~Notwithstanding the provisions of~~ The following limited exceptions apply to the
 18 practice prohibitions in subsection (a) of this section, a section:

- 19 (1) A person may practice as an environmental health specialist intern for a period
 20 not to exceed ~~three~~ two years from the date of the initial registration, provided
 21 the person has obtained a temporary certificate of registration from the Board.
 22 (2) A registered environmental health associate, directly reporting to a registered
 23 environmental health specialist, may perform all of the following duties in
 24 accordance with the rules adopted by the Commission for Public Health:
 25 a. Permitting and inspections of private water wells.
 26 b. Inspections of Category I food establishments, temporary food
 27 establishments, and limited food service establishments.
 28 c. Inspections of lodging establishments.
 29 d. Permitting and inspections of any Type II or Type III on-site
 30 wastewater systems, including system layouts and existing wastewater
 31 systems.
 32 e. Inspections of migrant housing.
 33 f. Inspections of private, public, and religious schools.
 34 g. Inspections of local confinement facilities.
 35 h. Inspections of residential care facilities.

36 **"§ 90A-53. Qualifications and examination for registration as an environmental health**
 37 **specialist or environmental health specialist intern.**

38 (a) The Board shall issue a certificate to a qualified person as a registered environmental
 39 health specialist or a registered environmental health specialist intern. A certificate as a registered
 40 environmental health specialist or a registered environmental health specialist intern shall be
 41 issued to any person upon the Board's determination that the ~~person~~ person meets the following
 42 criteria:

- 43 (1) Has made application to the Board on a form prescribed by the Board and paid
 44 a fee not to exceed one hundred dollars (\$100.00);
 45 (2) Is of good moral and ethical character and has signed an agreement to adhere
 46 to the Code of Ethics adopted by the Board;
 47 (3) Meets any of the following ~~combinations of~~ education and practice experience
 48 standards:
 49 a. Graduated from a baccalaureate or with a bachelor's degree or a
 50 postgraduate degree from a program that is accredited by the National
 51 Environmental Health Science and Protection Accreditation Council

- 1 ~~(EHAC) and has one or more years of experience in the field of~~
 2 ~~environmental health practice; or (EHAC).~~
 3 b. ~~Graduated from a baccalaureate or postgraduate degree program that~~
 4 ~~is accredited by an accrediting organization recognized by the United~~
 5 ~~States Department of Education, Council for Higher Education~~
 6 ~~Accreditation (CHEA) and meets both of the following: with a~~
 7 ~~bachelor's degree or a postgraduate degree in public health and has one~~
 8 ~~or more years of experience in the field of environmental health~~
 9 ~~practice.~~
 10 1. ~~Earned a minimum of 30 semester hours or its equivalent in the~~
 11 ~~physical or biological sciences; and~~
 12 2. ~~Has two or more years of experience in the field of~~
 13 ~~environmental health practice.~~
 14 c. ~~Graduated from a baccalaureate program rated as acceptable by the~~
 15 ~~Board and meets both of the following:~~
 16 1. ~~Earned with a bachelor's degree or postgraduate degree, has~~
 17 ~~earned a minimum of 30 semester hours or its equivalent or 45~~
 18 ~~quarter hours in the physical or biological sciences; and~~
 19 2. ~~Has two physical, biological, natural, life, or health sciences~~
 20 ~~and has one or more years of experience in the field of~~
 21 ~~environmental health practice.~~
 22 d. Has worked five or more continuous years as a registered
 23 environmental health associate.
 24 (4) Has satisfactorily completed a course in specialized instruction and training
 25 approved by the Board in the practice of environmental ~~health;~~health.
 26 (5) Repealed by Session Laws 2009-443, s. 4, effective August 7, 2009.
 27 (6) Has passed an examination administered by the Board designed to test for
 28 competence in the subject matters of environmental health sanitation. The
 29 examination shall be in a form prescribed by the Board and may be oral,
 30 written, or both. The examination for applicants shall be held annually or more
 31 frequently as the Board may by rule prescribe, at a time and place to be
 32 determined by the Board. A person shall not be registered if such person fails
 33 to meet the minimum grade requirements for examination specified by the
 34 Board. Failure to pass an examination shall not prohibit such person from
 35 being examined at subsequent times and places as specified by the ~~Board;~~
 36 ~~and Board.~~
 37 (7) Has paid a fee set by the Board not to exceed the cost of purchasing the
 38 examination and an administrative fee not to exceed one hundred fifty dollars
 39 (\$150.00).

40 (b) The Board may issue a certificate to a person serving as a registered environmental
 41 health specialist intern without the person meeting the full requirements for experience of a
 42 registered environmental health specialist for a period not to exceed ~~three~~two years from the date
 43 of initial registration as a registered environmental health specialist intern, provided, the person
 44 meets the educational requirements in G.S. 90A-53 and is in the field of environmental health
 45 practice.

46 **"§ 90A-53.1. Qualifications for registration as an environmental health associate.**

47 The Board shall issue a certificate to a qualified person as a registered environmental health
 48 associate upon the Board's determination that the person satisfies all of the following criteria:

- 49 (1) Has made application to the Board on a form prescribed by the Board and paid
 50 a fee not to exceed one hundred dollars (\$100.00).

- 1 (2) Is of good moral and ethical character and has signed an agreement to adhere
- 2 to the Code of Ethics adopted by the Board.
- 3 (3) Possesses one or more of the following educational qualifications:
- 4 a. Graduated with an associate, bachelor's, or postgraduate degree from
- 5 a program that is accredited by the National Environmental Health
- 6 Science and Protection Accreditation Council (EHAC) and
- 7 satisfactorily completed general and specialized instruction and
- 8 training in environmental health approved by the Department.
- 9 b. Graduated with an associate, bachelor's, or postgraduate degree and
- 10 earned a minimum of 15 semester hours in the physical, biological,
- 11 natural, life, or health sciences and satisfactorily completed general
- 12 and specialized instruction and training in environmental health
- 13 approved by the Department.

14 **"§ 90A-53.2. Revocation or suspension of a registered environmental health associate.**

15 The authorization of a registered environmental health associate by the Department under the
16 authority provided in G.S. 130A-4(b) may be suspended or revoked as set forth in rules adopted
17 by the Department.

18 ...

19 **"§ 90A-63. Renewal of certificates.**

20 (a) A certificate as a registered environmental health ~~specialist or specialist~~, registered
21 ~~environmental health specialist intern-intern~~, or registered environmental health associate issued
22 pursuant to the provisions of this Article will expire on the thirty-first day of December of the
23 current year and must be renewed annually on or before the first day of January. Each application
24 for renewal must be accompanied by a renewal fee to be determined by the Board, but not to
25 exceed one hundred twenty-five dollars (\$125.00). However, for renewals postmarked before
26 January 1 of each year, the renewal fee shall not exceed one hundred dollars (\$100.00).

27 (b) Registrations expired for failure to pay renewal fees may be reinstated under the rules
28 and regulations adopted by the Board.

29 (c) A registered environmental health ~~specialist-specialist~~, registered environmental
30 ~~health intern~~, or registered environmental health associate shall complete any continuing
31 education requirements specified by the Board for renewal of a certificate.

32 ...

33 **"§ 90A-65. Representing oneself as a registered environmental health specialist or**
34 **specialist, registered environmental health specialist intern-intern, or registered**
35 **environmental health associate.**

36 A holder of a current certificate of registration may append to his or her name the letters,
37 "R.E.H.S." or "R.E.H.S.I." "R.E.H.S.," "R.E.H.S.I.," or "R.E.H.A."
38"

39 **SECTION 10.1.(c)** The Board of Environmental Health Specialist Examiners shall
40 amend its rules consistent with this act.

41 **SECTION 10.1.(d)** Subsections (a) and (b) of this section become effective May 1,
42 2024. The remainder of this section is effective when it becomes law.

43
44 **WASTEWATER APPROVAL AUTHORITY TECHNICAL CORRECTION**

45 **SECTION 10.2.** If Senate Bill 582, 2023 Regular Session, becomes law, then
46 G.S. 130A-343(h), as amended by Section 17(a) of that act and as amended by Section 6(a) of
47 this act, reads as rewritten:

48 "(h) Accepted Wastewater Dispersal Systems. – A manufacturer of an Innovative
49 wastewater dispersal system or other approved trench dispersal system specifically identified in
50 a rule adopted by the Commission that has been in general use in this State for a minimum of
51 five years may petition the Commission to have the system designated as an Accepted wastewater

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

- 17 (1) The approval shall be limited to the manufacturer who submitted the petition
18 and received the Accepted status from the Commission.
- 19 (2) Neither the Commission, the Department, or any local health department shall
20 condition, delay, or deny the substitution of any Accepted wastewater system
21 based on location of nitrification lines when all parts of the dispersal field can
22 be installed within the approved initial dispersal field area while complying
23 with all Commission rules."
24

25 SEVERABILITY CLAUSE

26 **SECTION 11.** If any section or provision of this act is declared unconstitutional or
27 invalid by the courts, it does not affect the validity of this act as a whole or any part other than
28 the part declared to be unconstitutional or invalid.
29

30 EFFECTIVE DATE

31 **SECTION 12.** Fees assessed pursuant to G.S. 130A-335(a6), as amended by Section
32 1 of this act, fees assessed pursuant to G.S. 130A-336.1(n), as amended by Section 3 of this act,
33 and fees assessed pursuant to G.S. 130A-336.2(n), as amended by Section 4 of this act, shall
34 become effective September 1, 2023. Except as otherwise provided, this act is effective when it
35 becomes law.