

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023**

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**HOUSE BILL 627  
PROPOSED COMMITTEE SUBSTITUTE H627-PCS30340-BR-13**

Short Title: On-Site Wastewater Rules Implementation.

(Public)

Sponsors:

Referred to:

April 18, 2023

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

**SECTION 1.(c)** Implementation. – The rules of 15A NCAC 18E shall not apply to any wastewater system for which an Improvement Permit, Construction Authorization, Operation Permit, Notice of Intent to Construct, Authorization to Operate, Certificate of Completion, or an equivalent approval has been issued prior to January 1, 2024, unless the design daily flow or wastewater strength is increased. Wastewater strength shall not be deemed increased unless the facility is a commercial facility or becomes a commercial facility and the wastewater strength is determined to meet the definition of high-strength effluent in accordance with 15A NCAC 18E .0402. Wastewater systems permitted prior to January 1, 2024, shall comply with the setback requirements in place at the time the Improvement Permit, Construction Authorization, Operation Permit, Notice of Intent to Construct, Authorization to Operate, Certificate of Completion, or equivalent was issued. Notwithstanding any other provision of law, all wastewater systems installed prior to July 1, 1977, and existing wastewater systems with permits that cannot be found, shall not be considered to meet the conditions of Rule 18E .0302(c)(5) or (c)(6) of Subchapter E of Chapter 18 of Title 15A of the North Carolina Administrative Code. All wastewater systems shall comply with Rule .1300 of Subchapter E of Chapter 18 of Title 15A of the North Carolina Administrative Code.

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



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

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

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

9           **SECTION 2.(c)** Implementation. – "Accessory dwelling unit" means a secondary  
10 dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit,  
11 whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on  
12 the same lot. The design daily flow for an accessory dwelling unit shall be based on 120 gallons  
13 per day per bedroom, or 60 gallons per day per person when occupancy exceeds two persons per  
14 bedroom. The accessory dwelling unit shall not be considered a separate dwelling unit when  
15 sizing a septic tank for a primary and accessory dwelling unit. When in common ownership as  
16 the primary dwelling unit, the addition of an accessory dwelling unit shall not require a multiparty  
17 agreement. "Applicant" means the individual who submits an application to the local health  
18 department for an Improvement Permit, Construction Authorization, Operating Permit, Notice  
19 of Intent to Construct, Authorization to Operate, or existing system authorization. "Serial  
20 distribution" means a distribution method in which effluent is loaded into one trench and fills it  
21 to a predetermined level before passing through a pipe to the succeeding trench at the same or a  
22 lower elevation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 **SECTION 7.(c)** Implementation. – The entire initial wastewater system and repair  
12 area shall be required to be on property controlled by the wastewater system owner. Property is  
13 considered controlled by the wastewater system owner when the owner has an easement or  
14 encroachment agreement for the property where the wastewater system or repair area is located.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 **SECTION 15.(b)** Tank Leak Testing and Installation Requirements Rule. – Until  
21 the effective date of the revised permanent rule that the Commission for Public Health is required  
22 to adopt pursuant to subsection (d) of this section, the Commission shall implement the Tank  
23 Leak Testing and Installation Requirements Rule as provided in subsection (c) of this section.

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

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

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

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

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

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

50 **SECTION 16.(d)** Additional Rulemaking Authority. – The Commission shall adopt  
51 a rule to amend the Bed Systems Rule consistent with subsection (c) of this section.



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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