

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H.B. 376
Mar 11, 2025
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30151-BR-1

Short Title: Various On-Site Wastewater & Well Provisions. (Public)

Sponsors: Representative Brody.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO ON-SITE WASTEWATER PROVISIONS,
3 TO ESTABLISH THE PRIVATE DRINKING WATER WELL TASK FORCE, AND TO
4 ALLOW CERTAIN CERTIFIED WELL CONTRACTORS TO PERFORM WELL SITE
5 EVALUATIONS.

6 The General Assembly of North Carolina enacts:

7
8 **ON-SITE WASTEWATER BOARD CHANGES**

9 **SECTION 1.(a)** G.S. 90A-73 reads as rewritten:

10 **"§ 90A-73. Creation and membership of the Board.**

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

14 ...

15 (j) Term Limits. – No member of the Board may serve more than two consecutive
16 three-year terms."

17 **SECTION 1.(b)** This section is effective when it becomes law and applies to Board
18 terms beginning on or after July 1, 2026.

19 **SECTION 2.(a)** G.S. 90A-77, as amended by S.L. 2024-49, reads as rewritten:

20 **"§ 90A-77. Certification requirements.**

21 (a) Certification. – The Board shall issue a certificate to an applicant who satisfies all of
22 the following conditions:

23 (1) Is at least 18 years of age.

24 (2) Submits a properly completed application with all required supporting
25 documents for the certification being applied for to the Board.

26 (3) For grade level II contractor certification, applicant shall satisfy the following
27 conditions:

28 a. Complete the basic on-site wastewater education approved by the
29 Board for any level.

30 b. Complete any additional class hours required for grade level II.

31 (3a) For grade level IV contractor certification, applicant shall satisfy the following
32 conditions:

33 a. Hold current and satisfactory certification of grade level II for a
34 minimum of two years prior to application for grade level IV.

35 b. Complete any additional class hours required for grade level IV.

36 (3b) For inspector certification, applicant shall satisfy the following conditions:



- 1 a. Complete the point-of-sale inspector education approved by the
- 2 Board.
- 3 b. Complete any additional class hours required for point-of-sale
- 4 inspector certification.
- 5 c. Hold current and satisfactory certification of grade level IV contractor,
- 6 or Authorized On-Site Wastewater Evaluator or subsurface operator
- 7 certification for a minimum of two years.
- 8 d. In lieu of the experience requirements in this subdivision, an applicant
- 9 may instead complete the approved education requirements for the
- 10 grade IV contractor certification as required by the Board. This
- 11 sub-subdivision shall not apply to a person certified as a grade II
- 12 contractor.
- 13 (3c) For Authorized On-Site Wastewater Evaluator, applicant shall complete the
- 14 Authorized On-Site Wastewater Evaluator education approved by the Board.
- 15 (3d) For Private Compliance Inspector, applicant shall satisfy the following
- 16 conditions:
- 17 a. Complete the Private Compliance Inspector education approved by the
- 18 Board.
- 19 b. Complete any additional class hours required by the Board for
- 20 compliance inspector certification.
- 21 c. Have a minimum of 5 years of experience as a certified contractor,
- 22 Authorized On-Site Wastewater Evaluator, subsurface operator, or a
- 23 registered environmental health specialist with experience in on-site
- 24 wastewater matters.
- 25 d. Not be employed by a local health department.
- 26 (4) Repealed by Session Laws 2010-31, s. 13.2(l), effective July 1, 2010.
- 27 (5) Completes any additional training program designed by the Board specific to
- 28 the grade level for which the applicant is applying.
- 29 (6) Pays the applicable fees set by the Board for the particular application.
- 30 (7) Passes a written or oral examination that tests the applicant's proficiency in all
- 31 of the following areas:
- 32 a. Principles of public and environmental health associated with on-site
- 33 wastewater systems.
- 34 b. Principles of construction and safety.
- 35 c. Technical and practical knowledge of on-site wastewater systems.
- 36 d. Laws and rules related to the installation, construction, repair,
- 37 point-of-sale inspection, evaluation, or private compliance inspection
- 38 of on-site wastewater systems.
- 39 (8) Holds sufficient general liability coverage and professional liability coverage
- 40 for the project as well as errors and omissions coverage, where applicable.

41"

42 **SECTION 2.(b)** G.S. 90A-78 reads as rewritten:

43 **"§ 90A-78. Certification renewal.**

44 (a) Renewal. – All certifications shall expire on December 31 of each year unless they

45 are renewed. To renew a certification, a contractor, inspector, Authorized On-Site Wastewater

46 Evaluator, or Private Compliance Inspector must meet all of the following conditions:

- 47 (1) Submit an application for renewal on the form prescribed by the Board, which
- 48 includes all supporting documents requested on the renewal ~~form~~ form, and
- 49 proof that the applicant holds sufficient liability coverage pursuant to
- 50 G.S. 90A-77(a)(8).
- 51 (2) Meet the following continuing education requirements:

- 1 a. Grade level II contractor: 3 hours per year.
- 2 b. Grade level IV contractor: 6 hours per year.
- 3 c. Point-of-sale inspector: 6 hours per year.
- 4 d. Authorized on-site wastewater evaluator: 12 hours per year.
- 5 e. Private compliance inspector: 12 hours per year.
- 6 f. For persons holding more than one certification issued by the Board,
- 7 the higher annual hours continuing education requirement of all
- 8 certificates held.
- 9 (3) Pay the certification renewal fee.
- 10 (4) Submit the ~~renewal~~ completed renewal package by November 15 annually.
- 11"

ON-SITE WASTEWATER SYSTEM CHANGES

SECTION 3.(a) G.S. 130A-335 reads as rewritten:

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

...

(c) A wastewater system subject to approval under rules of the Commission shall be reviewed and approved under rules of a local board of health in the following circumstances:

- (1) The local board of health, on its own motion, has requested the Department to review its proposed rules concerning wastewater systems; and
- (2) The local board of health has adopted by reference the wastewater system rules adopted by the Commission, with any more stringent modifications or additions deemed necessary by the local board of health to protect the public health. ~~Local boards of health shall use historical experience to establish modifications or additions to rules established by the Commission; and~~ A local board of health may not adopt any more stringent modifications or additions unless the local board of health has entered into an agreement with the Department pursuant to G.S. 143-300.8, and the Department has reviewed and approved the modification or addition; and
- (3) The Department ~~has~~ has, consistent with subsection (c3) of this section, found that the rules, including modifications or additions to the Commission's rules, of the local board of health concerning wastewater collection, treatment and disposal systems are at least as stringent as rules adopted by the Commission and are sufficient and necessary to safeguard the public health.

...

(c3) The Department shall adopt rules of evidence to determine the validity of proposals from local boards of health seeking modifications or additions to rules established by the Commission based solely on the necessity to protect the public health. In evaluating the validity of a local health department's proposed modifications or additions pursuant to subdivision (3) of subsection (c) of this section, the Department shall hold public hearings and notice those hearings the Department's webpage upon application for modification or addition of Commission rules by the local health department. The Department shall make its findings available to the public before approving or denying a proposed modification or addition.

(d) The Department may, upon its own motion, upon the request of a local board of health or upon the request of a citizen of an affected county, review its findings under subsection (c) of this section.

The Department shall review its findings under subsection (c) of this section upon modification by the Commission of the rules applicable to wastewater systems. The Department may deny, suspend, or revoke the approval of local board of health wastewater system rules upon a finding that the local wastewater rules are not as stringent as rules adopted by the Commission, are not sufficient and necessary to safeguard the public health, or are not being enforced.

1 Suspension and revocation of approval shall be in accordance with G.S. 130A-23. The
 2 Department shall review all approved rules adopted by a local health department pursuant to
 3 subsection (c) of this section every four years and shall rescind approval for any rule the
 4 Department finds is unnecessary to protect the public health.

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 was issued. Improvement
 20 permits for which a plat or site plan is provided shall be valid without expiration. ~~Improvement~~
 21 ~~permits for which a site plan is provided shall be valid for five years. The period of time for~~
 22 ~~which the permit is valid and a~~ A statement that the permit an Improvement Permit or a
 23 Construction Authorization is subject to revocation if the site plan or plat, whichever is
 24 applicable, or the intended use changes ~~revocation or amendment if the intended use, design daily~~
 25 flow, or site conditions change shall be displayed prominently on both the application form for
 26 the permit and the permit.

27"

28 **SECTION 3.(b)** G.S. 130A-336 reads as rewritten:

29 **"§ 130A-336. Improvement permit and construction authorization required.**

30 (a) Any proposed site for a residence, place of business, or place of public assembly in
 31 an area not served by an approved wastewater system shall be evaluated by either (i) the local
 32 health department in accordance with rules adopted pursuant to this Article or (ii) by a
 33 professional engineer, licensed soil scientist, or licensed geologist acting within the engineer's,
 34 soil scientist's, or geologist's scope of work, as applicable, and pursuant to the conditions of the
 35 engineered option permit in G.S. 130A-336.1 or the Authorized On-Site Wastewater Evaluator
 36 permit option in G.S. 130A-336.2. An improvement permit issued by a local health department
 37 shall include:

- 38 (1) ~~For permits that are valid without expiration, a plat, or, for permits that are~~
 39 ~~valid for five years, A plat or a site plan.~~
- 40 (2) A description of the facility the proposed site is to serve.
- 41 (3) The proposed wastewater system and its location.
- 42 (4) The design wastewater flow and characteristics.
- 43 (5) The conditions for any site modifications.
- 44 (6) Any other information required by the rules of the Commission.

45 Neither the improvement permit nor the construction authorization shall be affected by change
 46 of ownership of the site for the wastewater system provided both the site for the wastewater
 47 system and the facility the system serves are unchanged and remain under the ownership or
 48 control of the person owning the facility. No person shall commence or assist in the construction,
 49 location, or relocation of a residence, place of business, or place of public assembly in an area
 50 not served by an approved wastewater system unless an improvement permit and a construction
 51 authorization are obtained from the local health department unless that person is acting in

1 accordance with the conditions and criteria of an engineered option permit pursuant to
2 G.S. 130A-336.1 or the Authorized On-Site Wastewater Evaluator permit option pursuant to
3 G.S. 130A-336.2. This requirement shall not apply to a manufactured residence exhibited for sale
4 or stored for later sale and intended to be located at another site after sale.

5 (b) The local health department shall issue a construction authorization authorizing work
6 to proceed and the installation or repair of a wastewater system when it has determined after a
7 field investigation that the system can be installed and operated in compliance with this Article
8 and rules adopted pursuant to this Article. This construction authorization shall be valid for a
9 period equal to the period of validity of the improvement permit and may be issued at the same
10 time the improvement permit is issued. No person shall commence or assist in the installation,
11 construction, or repair of a wastewater system unless an improvement permit and a construction
12 authorization have been obtained from the Department or the local health department unless that
13 person is acting in accordance with the conditions and criteria of an engineered option permit
14 pursuant to G.S. 130A-336.1 or the Authorized On-Site Wastewater Evaluator permit option
15 pursuant to G.S. 130A-336.2. No improvement permit or construction authorization shall be
16 required for maintenance of a wastewater system. The Department and the local health
17 department may impose conditions on the issuance of an improvement permit and a construction
18 authorization. The Department or the local health department may delay the start of construction
19 of any system until a verification shows that site conditions are unchanged from the issuance of
20 the improvement permit, except that the verification shall not include a geological soil
21 assessment. The owner of the proposed wastewater system may accept or decline the findings of
22 a reassessment of the soils on the site.

23"

24 **SECTION 3.(c)** G.S. 130A-337 reads as rewritten:

25 "**§ 130A-337. Inspection; operation permit required.**

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

30 (a1) Notwithstanding subsection (a) of this section, an applicant may contract with an
31 Authorized On-Site Wastewater Evaluator certified pursuant to Article 5 of Chapter 90A of the
32 General Statutes or an engineer licensed pursuant to Chapter 89C of the General Statutes to
33 conduct any required verifications or inspections. The evaluator or engineer shall provide the
34 applicant with written verification that all conditions of the Improvement Permit and
35 Construction Authorization have been met, including an as-built drawing meeting the standards
36 and scale of the local health department issuing the Construction Authorization as certified by
37 the ~~evaluator.~~ evaluator or engineer. The applicant may cover the system and place it into
38 operation upon receipt of the ~~evaluator's~~ written verification and shall submit the verification to
39 the local health department within two business days of receipt of the verification. The
40 Department, the Department's authorized agents, and the local health department shall be
41 discharged and released from any liabilities, duties, and responsibilities imposed by statute or
42 common law from any claim arising out of or attributed to the on-site wastewater system
43 installation.

44 ...

45 (b) ~~Upon determining that the system is properly installed or repaired and that the system~~
46 ~~is capable of being operated in installation or repair of a wastewater system in~~ accordance with
47 ~~the conditions of the Improvement Permit, the rules, this Article and any conditions to be imposed~~
48 ~~in the operation permit, Permit and the Construction Authorization, including any site~~
49 ~~modification conditions noted in the Improvement Permit or Construction Authorization, as~~
50 ~~applicable,~~ applicable, or upon receipt of written verification submitted pursuant to subsection
51 (a1) or (a2) of this section, the local health department shall issue an operation permit authorizing

1 the residence, place of business or place of public assembly to be occupied and for the system to
2 be placed into use or reuse. A local health department may not withhold issuance of an operation
3 permit if the wastewater system was installed or repaired pursuant to the Improvement Permit,
4 Construction Authorization, and any conditions noted in either permit at the time of issuance
5 unless the wastewater system owner agrees, in writing, to additional conditions in the operation
6 permit. Any additional conditions in the operation permit agreed to by the wastewater system
7 owner shall be recorded in the operation permit.

8"
9

10 PRIVATE DRINKING WATER WELL TASK FORCE

11 **SECTION 4.(a)** There is established the Private Drinking Water Well Task Force
12 (Task Force). The Task Force shall consist of seven members, as follows:

- 13 (1) A representative of the North Carolina Department of Health and Human
14 Services, Division of Public Health, Environmental Health Section.
- 15 (2) A representative of the Department of Environmental Quality, Division of
16 Water Resources, Groundwater Resources Section.
- 17 (3) A representative of the North Carolina Environmental Health Supervisors
18 Association.
- 19 (4) A person recommended by the North Carolina On-Site Wastewater
20 Contractors and Inspectors Certification Board.
- 21 (5) A person recommended by the Well Contractors Certification Commission
22 and actively conducting business constructing private wells.
- 23 (6) A representative of the North Carolina Groundwater Association who
24 currently holds a Level A certification.
- 25 (7) A representative of the North Carolina Groundwater Association who
26 currently holds a Level C certification.

27 **SECTION 4.(b)** The first meeting of the Task Force shall be held no later than June
28 1, 2025. The Task Force member from the Department of Health and Human Services shall chair
29 the first meeting of the Task Force. The permanent chair of the Task Force shall be elected by a
30 majority of the members of the Task Force present and voting at the first meeting. A majority of
31 the Task Force members shall constitute a quorum for the transaction of business. No action may
32 be taken except by a majority vote at a meeting at which a quorum is present.

33 **SECTION 4.(c)** The Task Force shall conduct a study and issue a report to
34 recommend streamlining private drinking water well rules to the Environmental Management
35 Commission. In conducting this study, the Task Force may collaborate with any stakeholders it
36 deems appropriate. The report must make recommendations for all of the following:

- 37 (1) Streamlining existing regulations for the installation, construction,
38 maintenance, and repair of private drinking water wells.
- 39 (2) Whether to eliminate local drinking water well programs, in favor of a uniform
40 statewide program.
- 41 (3) Whether to consolidate authority and oversight of drinking water wells within
42 one rulemaking body or agency.
- 43 (4) Whether to allow certified well contractors to install interior well filtration
44 units when also constructing a private water well on site, providing that
45 certified well contractors shall not hold themselves out as licensed plumbers
46 when conducting this installation.
- 47 (5) Any other recommendations the Task Force considers relevant to this section.

48 **SECTION 4.(d)** The Task Force shall transmit its report to the Joint Legislative
49 Oversight Committee on Agriculture and Natural and Economic Resources, the Environmental
50 Review Commission, the Joint Legislative Oversight Committee on Health and Human Services,

1 and the Environmental Management Commission no later than December 31, 2025. The Task
2 Force will terminate on the earlier of the date it transmits its report or December 31, 2025.

3
4 **PRIVATE DRINKING WATER WELL PROGRAM**

5 **SECTION 5.** G.S. 87-97 reads as rewritten:

6 "**§ 87-97. Permitting and testing of private drinking water wells.**

7 ...

8 (d) Well Site Evaluation. – The local health department or a person certified both as a
9 well contractor pursuant to Article 7A of this Chapter and as either a Level IV contractor,
10 inspector, or Authorized On-Site Wastewater Evaluator pursuant to Article 5 of Chapter 90A of
11 the General Statutes shall conduct a field investigation to evaluate the site on which a private
12 drinking water well is proposed to be located before issuing a permit pursuant to this section. The
13 well contractor of record for a proposed well site cannot perform the field investigation required
14 by this subsection. The field investigation shall determine whether there is any abandoned well
15 located on the site, and if so, the construction permit shall be conditioned upon the proper closure
16 of all abandoned wells located on the site in accordance with the requirements of this Article and
17 rules adopted pursuant to this Article. If a private drinking water well is proposed to be located
18 on a site on which a wastewater system subject to the requirements of Article 11 of Chapter 130A
19 of the General Statutes is located or proposed to be located, the application for a construction
20 permit shall be accompanied by a plat or site plan, as defined in G.S. 130A-334.

21 If the well location marked on the map submitted with an application to a local well program
22 is also marked with a stake or similar marker on the property, then the local well program may
23 not require the contractor to be on site during the on-site predrill inspection, as long as the
24 contractor is available by telephone to answer questions.

25 The Department, the Department's authorized agents, or local health departments shall have
26 no liability for site evaluations performed by a certified well contractor pursuant to this
27 subsection.

28"

29
30 **EFFECTIVE DATE**

31 **SECTION 6.** Except as otherwise provided, this act is effective when it becomes
32 law.