

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2025

H

D

HOUSE BILL 381  
PROPOSED COMMITTEE SUBSTITUTE H381-PCS10354-BR-6

Short Title: On-Site Wastewater System Amendments.

(Public)

Sponsors:

Referred to:

March 13, 2025

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE ON-SITE SUBSURFACE WASTEWATER STATUTES AND TO  
3 MODIFY THE APPROVAL PROCESS FOR CERTAIN ADVANCED TREATMENT  
4 SYSTEMS AS INNOVATIVE WASTEWATER SYSTEMS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1.(a) G.S. 130A-334 reads as rewritten:

7 "§ 130A-334. Definitions.

8 The following definitions shall apply throughout this Article:

9 (1) "Accepted wastewater system" has the same meaning as in G.S. 130A-343.

10 (1a) "Advanced pretreatment" means any biological, chemical, or physical process  
11 or system used in addition to or in place of a septic tank system. Advanced  
12 pretreatment includes, but is not limited to, aeration, clarification, digestion,  
13 disinfection, filtration, separation, and settling. Advanced pretreatment  
14 effluent shall meet the treatment standards adopted by the Commission for  
15 better than septic tank effluent quality.

16 (1b) "Approved agency for special inspection" means an individual, corporation,  
17 company, association, or partnership that is objective, competent, and  
18 independent from the contractor who is responsible for the work that is  
19 inspected. The agency shall disclose possible conflicts of interest in a manner  
20 such that objectivity can be confirmed.

21 ~~(1b)~~(1c) "Approved special inspector" means a person who demonstrates  
22 competence to the satisfaction of the professional engineer who designed the  
23 wastewater system for the inspection of the construction or operation subject  
24 to special inspection.

25 ~~(1e)~~(1d) "Construction" means any work at the site of placement done for the  
26 purpose of preparing a residence, place of business or place of public assembly  
27 for initial occupancy, or subsequent additions or modifications which increase  
28 sewage flow.

29 ~~(1d)~~(1e) "Construction observation" means the visual observation of the  
30 construction and installation of the wastewater system for general  
31 conformance with the construction documents prepared by the professional  
32 engineer who designed the wastewater system. Construction observation that  
33 is conducted by the professional engineer who designed the wastewater  
34 system does not include or waive the requirement to conduct special  
35 inspections.



\* H 3 8 1 - P C S 1 0 3 5 4 - B R - 6 \*

1           ~~(4e)~~(1f) "Conventional wastewater system" has the same meaning as in  
2           G.S. 130A-343.

3           ~~(4f)~~(1g) "Department" means the Department of Health and Human Services.

4           ~~(4g)~~(1h) "Engineered option permit" means an on-site wastewater system that is  
5           permitted pursuant to the rules adopted by the Commission in accordance with  
6           this Article, meets the criteria established by G.S. 130A-336.1, and is  
7           designed by a professional engineer who is licensed under Chapter 89C of the  
8           General Statutes who has expertise in the design of on-site wastewater  
9           systems.

10          ~~(4h)~~(1i) "Ground absorption system" means a system of tanks, treatment units,  
11          nitrification fields, and appurtenances for wastewater collection, treatment,  
12          and subsurface disposal.

13          ...  
14          ~~(7b)~~ "~~Pretreatment" means any biological, chemical, or physical process or system~~  
15          ~~for improving wastewater quality and reducing wastewater constituents prior~~  
16          ~~to final treatment and disposal in a subsurface wastewater system and~~  
17          ~~includes, but is not limited to aeration, clarification, digestion, disinfection,~~  
18          ~~filtration, separation, and settling.~~

19          ...."

20          **SECTION 1.(b)** G.S. 130A-335(f) reads as rewritten:

21          "(f) The rules of the Commission and the rules of the local board of health shall classify  
22          systems of wastewater collection, treatment and disposal according to size, type of treatment and  
23          any other appropriate factors. The rules shall provide construction requirements, including  
24          advanced pretreatment and system control requirements, standards for operation, maintenance,  
25          monitoring, reporting, and ownership requirements for each classification of systems of  
26          wastewater collection, treatment and disposal in order to prevent, as far as reasonably possible,  
27          any contamination of the land, groundwater and surface waters. The Department and local health  
28          departments may impose conditions on the issuance of permits and may revoke the permits for  
29          failure of the system to satisfy the conditions, the rules, or this Article. Permits other than  
30          improvement permits shall be valid for a period prescribed by rule. Improvement permits shall  
31          be valid upon a showing satisfactory to the Department or the local health department that the  
32          site and soil conditions are unaltered, that the facility, design wastewater flow, and wastewater  
33          characteristics are not increased, and that a wastewater system can be installed that meets the  
34          permitting requirements in effect on the date the Improvement Permit was issued. Improvement  
35          permits for which a plat is provided shall be valid without expiration. Improvement permits for  
36          which a site plan is provided shall be valid for five years. The period of time for which the permit  
37          is valid and a statement that the permit is subject to revocation if the site plan or plat, whichever  
38          is applicable, or the intended use changes shall be displayed prominently on both the application  
39          form for the permit and the permit."

40          **SECTION 1.(c)** G.S. 130A-336.1(e)(1) reads as rewritten:

41          "(1) The professional engineer designing the proposed wastewater system shall use  
42          recognized principles and practices of engineering and applicable rules of the  
43          Commission in the calculations and design of the wastewater system. The  
44          investigations and findings of the professional engineer shall include, at a  
45          minimum, the information required in rules adopted by the Commission  
46          pursuant to G.S. 130A-335(e). The professional engineer may, at the  
47          engineer's discretion, employ advanced pretreatment technologies not yet  
48          approved in this State."

49          **SECTION 2.(a)** G.S. 130A-343(g) reads as rewritten:

1 "(g) Innovative Systems. – A manufacturer of a wastewater system for on-site subsurface  
2 use may apply for and be considered for innovative system status by the Department in one of  
3 the following ways:

4 (1) If the wastewater system has been approved as a provisional wastewater  
5 system pursuant to subsection (f) of this section, the manufacturer may apply  
6 to have the system approved as an innovative wastewater system based on  
7 successful completion of the evaluation protocols established pursuant to  
8 subsection (d) of this section.

9 (2) If the wastewater system has not been evaluated or approved as a provisional  
10 wastewater system pursuant to subsection (f) of this section, the manufacturer  
11 may apply to the Department to have the system approved as an innovative  
12 wastewater system on the basis of comparable research and testing conducted  
13 in other states. The manufacturer shall provide the Department with the data  
14 and findings of all evaluations of the performance of the system that have been  
15 conducted in any state by or on behalf of the manufacturer. The manufacturer  
16 shall also provide the Department with a summary of the data and findings of  
17 all other evaluations of the performance of the system that are known to the  
18 manufacturer.

19 (3) If the ~~wastewater system~~ advanced pretreatment system has not been  
20 evaluated or approved as a provisional system pursuant to subsection (f) of  
21 this section, but has been ~~evaluated~~ approved under protocol established by a  
22 nationally recognized certification ~~body for at least two consecutive years,~~  
23 body, has been found to perform acceptably based on the criteria of the  
24 protocol, and is designed and will be installed in a manner consistent with the  
25 system evaluated and approved by the nationally recognized certification  
26 body, the manufacturer may apply to have the system approved as an  
27 innovative wastewater ~~system~~ system, and the Department shall approve the  
28 application and issue an innovative wastewater system approval in accordance  
29 with rules adopted by the Commission upon verifying (i) the protocol testing  
30 dataset includes a minimum of 55 influent and effluent datasets that include  
31 the applicable constituents identified in rules adopted by the Commission and  
32 obtained from testing for a minimum of 26 weeks, with protocol sampling  
33 conducted during all weeks of the testing period, (ii) the protocol testing data  
34 complies with the applicable effluent standards identified in rules adopted by  
35 the Commission, (iii) the nationally recognized certification body's approval,  
36 and (iv) that the design and installation plans are consistent with that approval.  
37 When a separate disinfection process or system is proposed, fecal coliform  
38 datasets are not required if the disinfection technology is approved by a  
39 nationally recognized certified body. This subdivision shall not apply to a  
40 manufacturer requesting innovative approval as both an advanced  
41 pretreatment and dispersal system.

42 ...."

43 **SECTION 2.(b)** The Commission for Public Health may adopt temporary and  
44 permanent rules to implement this section.

45 **SECTION 3.** This act is effective when it becomes law and applies to applications  
46 for innovative wastewater system approval filed with the Commission on or after that date.