



STATE OF NORTH CAROLINA  
DEPARTMENT OF HEALTH AND HUMAN SERVICES

ROY COOPER  
GOVERNOR

MANDY COHEN, MD, MPH  
SECRETARY

February 28, 2020

**SENT VIA ELECTRONIC MAIL**

The Honorable Joyce Krawiec, Chair  
Joint Legislative Oversight Committee on  
Health and Human Services  
North Carolina General Assembly  
Room 308, Legislative Office Building  
Raleigh, NC 27603-5925

The Honorable Josh Dobson, Chair  
Joint Legislative Oversight Committee on  
Health and Human Services  
North Carolina General Assembly  
Room 307B, Legislative Office Building  
Raleigh, NC 27603-5925

The Honorable Donny Lambeth, Chair  
Joint Legislative Oversight Committee on  
Health and Human Services  
North Carolina General Assembly  
Room 303, Legislative Office Building  
Raleigh, NC 27603

Dear Chairmen:

Session Law 2019-151, Section 14, requires the Department of Health and Human Services to report annually to the Environmental Review Commission and the Joint Legislative Oversight Committee on Health and Human Services, on the efficiency and effectiveness of the Authorized On-Site Wastewater Evaluator (AOWE) permit option established in Session Law 2019-151. Pursuant to the provisions of law, the Department is pleased to provide the attached report.

Should you have any questions about this report, please contact Jon Fowlkes at 919-707-5875, or at [jon.fowlkes@dhhs.nc.gov](mailto:jon.fowlkes@dhhs.nc.gov).

Sincerely,

Mandy Cohen, MD, MPH  
Secretary

cc:	Kody Kinsley	Susan G. Perry	Dave Richard	Ben Money
	Tara Myers	Rob Kindsvatter	Marjorie Donaldson	Zack Wortman
	Matt Gross	Hattie Gawande	Joyce Jones	Lisa Wilks
	Katherine Restrepo	Jared Simmons	Deborah Landry	Luke MacDonald
	Erin Matteson	Theresa Matula	Mark Collins	Jessica Meed
	Mark Benton	Jon Fowlkes	<a href="mailto:reports@ncleg.net">reports@ncleg.net</a>	

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GOVERNOR

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SECRETARY

February 28, 2020

**SENT VIA ELECTRONIC MAIL**

The Honorable Jimmy Dixon, Chair  
Environmental Review Commission  
North Carolina General Assembly  
Room 2226, Legislative Building  
Raleigh, NC 27601

The Honorable Chuck McGrady, Chair  
Environmental Review Commission  
North Carolina General Assembly  
Room 304, Legislative Office Building  
Raleigh, NC 27603

Dear Chairmen:

Session Law 2019-151, Section 14, requires the Department of Health and Human Services to report annually to the Environmental Review Commission and the Joint Legislative Oversight Committee on Health and Human Services, on the efficiency and effectiveness of the Authorized On-Site Wastewater Evaluator (AOWE) permit option established in Session Law 2019-151. Pursuant to the provisions of law, the Department is pleased to provide the attached report.

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# **Progress Report on Authorized Onsite Wastewater Evaluator Permit Option**

**Session Law 2019-151, Section 14**



**Report to the  
Environmental Review Commission and  
Joint Legislative Oversight Committee  
on Health and Human Services**

**by**

**NC Department of Health and Human Services**

**February 28, 2020**

## **REPORTING REQUIREMENT**

Session Law 2019-151, Section 14 requires reporting by the Department for Health and Human Services (DHHS) to the Environmental Review Commission and the Joint Legislative Oversight Committee on Health and Human Services beginning January 1, 2020, and every year thereafter, on the efficiency and effectiveness of the Authorized On-Site Wastewater Evaluator (AOWE) permit option established in Session Law 2019-151.

The legislation directs DHHS to report on the following items regarding the AOWE program:

- The efficiency and effectiveness of the program;
- Whether the program aided in reducing the length of time in issuing permits;
- Wastewater systems developed under the program (from activity reports from the local health departments obtained by DHHS); and
- Any suggestions for improvement, including adequate and appropriate insurance coverage, operator reporting requirements, or fee allowance.

## **BACKGROUND**

The AOWE permit option provides homeowners with an alternative process which can help expedite the permitting process when Local Health Departments (LHDs) have permitting backlogs. The AOWE permit option process contains two steps, a Notice of Intent to Construct (NOI) and an Authorization to Operate (ATO).

- The NOI is similar to the improvement permit issued by the LHD and contains the results of the soil and site evaluation for the site which indicate that an on-site wastewater treatment and disposal system can be sited, sized, and installed on the property in accordance with Article 11 of Chapter 130A and 15A NCAC 18A .1900.
- The ATO is like the operation permit issued by the LHD and includes the on-site wastewater system design and the results of the final inspection.
- A building permit can be issued after the NOI has been determined to be complete and a certificate of occupancy can be issued after an ATO has been determined to be complete.

## **DATA COLLECTION AND FINDINGS**

Currently, the AOWE permit option is not available to homeowners. Rules must be adopted by the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board, and licensed soil scientists must complete the requirements for certification as an AOWE before any permits can be issued.

## **FUTURE REPORTING**

DHHS will report on progress of implementation of the AOWE permit option annually per the requirements of Session Law 2019-151 and in its quarterly report titled “*Progress Report of Adoption or Amendment of On-Site Wastewater Rules, Session Law 2015-286, Section 4.15. (c).*”