

STATE OF NORTH CAROLINA  
DEPARTMENT OF HEALTH AND HUMAN SERVICES

ROY COOPER  
GOVERNOR

KODY H. KINSLEY  
SECRETARY

February 1, 2022

**SENT VIA ELECTRONIC MAIL**

The Honorable Donny Lambeth, Chair  
Joint Legislative Oversight Committee on  
Health and Human Services  
North Carolina General Assembly  
Room 620, Legislative Office Building  
Raleigh, NC 27603

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

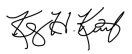
The Honorable Larry Potts, Chair  
Joint Legislative Oversight Committee on  
Health and Human Services  
North Carolina General Assembly  
Room 307B1, Legislative Office Building  
Raleigh, NC 27603

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 On-Site Wastewater Evaluator program and whether the program aided in reducing the length of time in issuing permits. Pursuant to the provisions of law, the Department is pleased to submit the attached report.

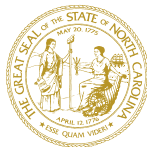
Should you have any questions regarding this report, please contact John Furnari, Program/Policy Analyst, at [John.Furnari@dhhs.nc.gov](mailto:John.Furnari@dhhs.nc.gov).

Sincerely,

DocuSigned by:  
  
D7816E4CBA6F4A8...  
Kody H. Kinsley  
Secretary

cc: Mark Collins Joyce Jones Katherine Restrepo Lisa Wilks Amy Jo Johnson  
Jessica Meed Theresa Matula Luke MacDonald Nathan Babcock [reports@ncleg.gov](mailto:reports@ncleg.gov)

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**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 Norman Sanderson, Chair  
Environmental Review Commission  
North Carolina General Assembly  
Room 309, Legislative Office Building  
Raleigh, NC 27603

The Honorable Pat McElraft, Chair  
Environmental Review Commission  
North Carolina General Assembly  
Room 634, Legislative Office Building  
Raleigh, NC 27603

The Honorable Edward Goodwin, Chair  
Environmental Review Commission  
North Carolina General Assembly  
Room 2217, Legislative Building  
Raleigh, NC 27601


The Honorable Larry Yarborough, Chair  
Environmental Review Commission  
North Carolina General Assembly  
Room 1229, Legislative Building  
Raleigh, NC 27601

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 On-Site Wastewater Evaluator program and whether the program aided in reducing the length of time in issuing permits. Pursuant to the provisions of law, the Department is pleased to submit the attached report.

Should you have any questions regarding this report, please contact John Furnari, Program/Policy Analyst, at [John.Furnari@dhhs.nc.gov](mailto:John.Furnari@dhhs.nc.gov).

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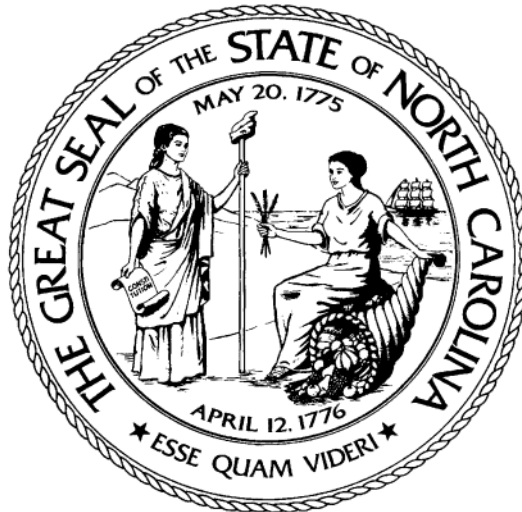
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# **Progress Report on Authorized Onsite Wastewater Evaluator Permit Option**

**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 1, 2022**

## **REPORTING REQUIREMENTS**

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.

The legislation directs DHHS to report upon six items regarding the AOWE and its efficiency and effectiveness. The six items are as follows:

- (i) Whether the program aided in reducing the length of time in issuing permits;
- (ii) Wastewater systems developed under this law;
- (iii) Suggestions for improvements in the law;
- (iv) Suggestions regarding adequate and appropriate insurance coverage;
- (v) Suggestions regarding operator reporting requirements; and
- (vi) Suggestions regarding the fees collected by the local health departments.

## **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 similar to 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.

## **PROGRESS**

There is no progress to report at this time because there have not yet been any AOWEs authorized to issue permits. The North Carolina On-Site Wastewater Contractors and Inspectors Certification Board establishes and administers the training, classes, and examinations necessary to become an authorized AOWE. The North Carolina On-Site Wastewater Contractors and Inspectors Certification Board recently adopted rules for the AOWE certification process that became effective on June 1, 2021.

The North Carolina On-Site Wastewater Contractors and Inspectors Certification Board has approved the North Carolina Septic Tank Association as the only provider of the AOWE classes. One AOWE class was offered during the end of 2021 for licensed soil scientists (LSS)

to complete before taking an exam. A total of 13 LSS took the class. A second class will be offered in 2022, but the date has not been determined yet. More classes will be offered if needed. The first exam will be offered on January 29, 2022. The Board will offer exams four times a year, but dates beyond the exam on January 29, 2022, have not yet been determined. The exams will occur at the following times: January at the annual North Carolina Septic Tank Association meeting, at the coast during the spring, in the piedmont during August, and in Cary, North Carolina, in November. Once LSS have passed the exam to become an AOWE, they can begin to issue permits.

**(i) Has the program aided in reducing the length of time in issuing permits?**

No AOWEs have been authorized yet, therefore the program is not yet able to reduce the length of time in issuing permits.

**(ii) Wastewater systems that have been developed under this law.**

No AOWEs have been authorized yet, therefore no permits have been issued. Therefore, there have been no wastewater systems developed under this law yet.

**(iii) Suggestions for improvements in the law.**

No AOWEs have been authorized yet, therefore there are no suggestions for improvements in the law at this time.

**(iv) Suggestions regarding adequate and appropriate insurance coverage.**

No AOWEs have been authorized yet, therefore there are no suggestions regarding adequate and appropriate insurance coverage at this time.

**(v) Suggestions regarding operator reporting requirements.**

No AOWEs have been authorized yet, therefore there are no suggestions regarding operator reporting requirements at this time.

**(vi) Suggestions regarding the fees collected by the local health departments.**

No AOWEs have been authorized yet, therefore there are no suggestions regarding the fees collected by the local health departments at this time.