

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

SESSION LAW 2023-77
HOUSE BILL 627

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).

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

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

SECTION 2.(b) Definitions 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 Definitions Rule as provided in subsection (c) of this section.

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

SECTION 2.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Definitions 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).

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

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

SECTION 3.(b) Application 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 Application Rule as provided in subsection (c) of this section.

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

SECTION 3.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Application 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).

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

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

SECTION 4.(b) Improvement Permit 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 Improvement Permit Rule as provided in subsection (c) of this section.

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

SECTION 4.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Improvement Permit 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).

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

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

SECTION 5.(b) Existing System Approvals for Reconnections and Property Additions 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 Existing System Approvals for Reconnections and Property Additions Rule as provided in subsection (c) of this section.

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

addition. An authorized agent, Authorized On-Site Wastewater Evaluator, or certified inspector shall provide to the applicant a signed, written report describing the reason for denial when an approval cannot be issued pursuant to this Rule.

SECTION 5.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Existing System Approvals for Reconnections and Property Additions 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).

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

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

SECTION 6.(b) Alternative Wastewater System Permitting Options 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 Alternative Wastewater System Permitting Options Rule as provided in subsection (c) of this section.

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

SECTION 6.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Alternative Wastewater System Permitting Options 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).

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

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

SECTION 7.(b) Owners 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 Owners Rule as provided in subsection (c) of this section.

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

SECTION 7.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Owners 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).

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

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

SECTION 8.(b) Licensed or Certified Professionals 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 Licensed or Certified Professionals Rule as provided in subsection (c) of this section.

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

SECTION 8.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Licensed or Certified Professionals 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).

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

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

SECTION 9.(b) Design Daily Flow 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 Design Daily Flow Rule as provided in subsection (c) of this section.

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

SECTION 9.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Design Daily Flow 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).

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

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

SECTION 10.(b) Septic Tank Effluent Characteristics 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 Septic Tank Effluent Characteristics Rule as provided in subsection (c) of this section.

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

SECTION 10.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Septic Tank Effluent Characteristics 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).

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

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

SECTION 11.(b) Soil Wetness Conditions 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 Soil Wetness Conditions Rule as provided in subsection (c) of this section.

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

SECTION 11.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Soil Wetness Conditions 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).

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

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

SECTION 12.(b) Saprolite 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 Saprolite Rule as provided in subsection (c) of this section.

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

SECTION 12.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Saproliite 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).

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

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

SECTION 13.(b) Available Space 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 Available Space Rule as provided in subsection (c) of this section.

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

SECTION 13.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Available Space 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).

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

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

SECTION 14.(b) Septic Tank Capacity Requirements 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 Septic Tank Capacity Requirements Rule as provided in subsection (c) of this section.

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

SECTION 14.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Septic Tank Capacity Requirements 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).

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

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

SECTION 15.(b) Tank Leak Testing and Installation Requirements 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 Tank Leak Testing and Installation Requirements Rule as provided in subsection (c) of this section.

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

SECTION 15.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Tank Leak Testing and Installation Requirements 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).

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

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

SECTION 16.(b) Bed Systems 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 Bed Systems Rule as provided in subsection (c) of this section.

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

SECTION 16.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Bed Systems 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).

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

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

SECTION 17.(b) Sand Lined Trench Systems 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 Sand Lined Trench Systems Rule as provided in subsection (c) of this section.

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

SECTION 17.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Sand Lined Trench Systems 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).

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

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

SECTION 18.(b) General Dosing System Requirements 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 General Dosing System Requirements Rule as provided in subsection (c) of this section.

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

SECTION 18.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the General Dosing System Requirements 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).

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

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

SECTION 19.(b) Owner Responsibilities for Wastewater System Operation and Maintenance 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 Owner Responsibilities for Wastewater System Operation and Maintenance Rule as provided in subsection (c) of this section.

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

SECTION 19.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Owner Responsibilities for Wastewater System Operation and Maintenance 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).

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

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

SECTION 20.(b) System Malfunction and Repair 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 System Malfunction and Repair Rule as provided in subsection (c) of this section.

SECTION 20.(c) Implementation. – Wastewater systems shall be repaired to eliminate public health hazards. The owner of the system may request, on a form provided by the Department, that the local health department, professional engineer, or Authorized On-Site Wastewater Evaluator use their best professional judgment to develop a repair that should enable the wastewater system to comply with Rule .1303(a)(1) of Subchapter E of Chapter 18 of Title 15A of the North Carolina Administrative Code. The local health department, professional engineer, or Authorized On-Site Wastewater Evaluator shall document, on the Department-provided form, the aspects of the rules being altered to achieve the repair. The owner of the wastewater system shall be liable for any damages caused by a system repaired in this manner and shall agree in writing to all terms and conditions set forth by the local health department, professional engineer, or Authorized On-Site Wastewater Evaluator that developed the repair, including any operation and maintenance requirements. This written agreement shall be attached to any Construction Authorization, Operation Permit, Notice of Intent to Construct, or Authorization to Operate, as applicable. Best professional judgment shall not be used when (i) the Improvement Permit, Construction Authorization, Notice of Intent to Construct, or Authorization to Operate indicates the repair area and system type, however, this does not preclude the owner from applying for a different wastewater system than the one specified on the permit as a repair, (ii) there are reductions in setback to drinking water wells less than what is required in Rule .0601 of Subchapter E of Chapter 18 of Title 15A of the North Carolina Administrative Code, (iii) there are reductions in setbacks to surface water bodies greater than fifty percent (50%) of the allowed setback as indicated in Rule .0601 of Subchapter E of Chapter 18 of Title 15A of the North Carolina Administrative Code, and (iv) there is no reasonable expectation that the repaired wastewater system will function to eliminate public health hazards.

SECTION 20.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the System Malfunction and Repair 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).

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

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

SECTION 21.(b) Local Health Department Responsibilities 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 Local Health Department Responsibilities Rule as provided in subsection (c) of this section.

SECTION 21.(c) Implementation. – Accepted systems shall be permitted in an equivalent manner to a conventional system and sized in accordance with the Accepted system approval without requiring a request by the owner.

SECTION 21.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Local Health Department Responsibilities 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).

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

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

In the General Assembly read three times and ratified this the 28th day of June, 2023.

s/ Phil Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Roy Cooper
Governor

Approved 12:52 p.m. this 7th day of July, 2023