

~~(113)~~(114) "Underground utility" means any underground line, system, or infrastructure used for producing, storing, conveying, transmitting, identifying, locating, or distributing communication, electricity, gas, petroleum or petroleum products, hazardous liquids, water, steam, or sewage.

~~(114)~~(115) "Unstable slopes" means areas showing indications of mass downslope movement such as debris flows, landslides, and rock falls.

~~(115)~~(116) "Vertical separation" means the depth beneath the dispersal field infiltrative surface to a LC.

~~(116)~~(117) "Warming kitchen" means a kitchen that does not meet the requirements of North Carolina Food Code, Chapters 4-1 and 4-2.

~~(117)~~(118) "Water main standards" means design criteria for pipe and pipe joints and associated installation procedures used in potable water systems and that have been approved by North Carolina DEQ Public Water Supply Section in accordance with 15A NCAC 18C.

~~(118)~~(119) "Watertight" means that no water moves into or out of the structure or device, except through designated inlets and outlets. Watertight tanks shall demonstrate compliance with the leak testing requirements in Rule .0805 of this Subchapter.

History Note: Authority G.S. 130A-335(e) and ~~(f)~~ (f); S.L. 2023-77, s.2.

SECTION .0200 - PERMITS

15A NCAC 18E .0201 GENERAL

(a) All wastewater in any facility containing water-using fixtures connected to a water supply source shall discharge to a wastewater system approved by the Department in accordance with the Rules of this Subchapter.

(b) In order for a wastewater system to be approved:

- (1) the applicant shall submit an application in accordance with Rule .0202 of this Section;
- (2) an IP shall be issued in accordance with Rule .0203 of this Section;
- (3) a CA shall be issued in accordance with Rule .0204 of this Section; and
- (4) the authorized agent shall inspect the installation and issue an OP in accordance with Rule .0205 of this Section.

(c) Upon issuance of the CA, the applicant may obtain a building permit in accordance with G.S. 130A-338.

(d) Notwithstanding Paragraph (b) of this Rule, an applicant may choose to have a wastewater system approved under the provisions of G.S. 130A-336.1 or G.S. 130A-336.2 and in accordance with Rule .0207 of this Section.

(e) All documentation related to a wastewater system shall be maintained by the LHD in the county where the permit is issued and the property taxes are paid.

(f) Holding tanks shall not be considered an acceptable wastewater treatment and dispersal system. An IP shall not be issued for a holding tank for new construction or to serve a permanent facility.

History Note: Authority G.S. 130A-335; 130A-336; 130A-336.1; 130A-336.2; 130A-337; 130A-338.

15A NCAC 18E .0202 APPLICATION³

(a) An application for an IP, CA, and existing system authorization IP and CA shall be submitted by the applicant to the LHD, and approved in accordance with these Rules, for each site prior to the construction, location, or relocation of a residence, place of business, or place of public assembly. LHD:

- (1) prior to the construction, location, or relocation of a residence, place of business, or place of public assembly;
- (2) prior to the construction, location, or relocation of a wastewater system; or
- (3) when an increase in DDF or wastewater strength is proposed for an existing system.

(b) An application for an existing system approval shall be submitted to the LHD prior to site modifications that require the issuance of a building permit.

~~(b)~~(c) Prior to the repair of a wastewater system, an application for a CA shall be submitted to the LHD.

~~(e)~~(d) A pending application for an IP, CA, or existing system authorization for which the LHD is awaiting action by the applicant shall expire 12 months from the date of application.

~~(d)~~(e) When an IP, CA, or existing system authorization expires or is revoked, or an application for an IP or CA expires, a new application is required.

~~(e)~~(f) For a Type V or VI system as specified in Table XXXII of Rule .1301(b) of this Subchapter, a new application shall be submitted at least 30 days prior to the OP expiring.

~~(f)~~(g) An applicant may choose to contract with an LSS to conduct a soil and site evaluation in accordance with G.S. 130A-335(a2). The soil and site evaluation shall be submitted to the LHD as part of the application process.

~~(e)~~(h) The application for an IP shall contain the following information:

- (1) name, mailing address, and phone number of the applicant and owner;
- (2) type of permit requested:
 - (A) new;

³ Changed by S.L. 2023-77, Section 3

- (B) change of use;
- (C) expansion or increase in DDF; or
- (D) wastewater system relocation;
- (3) site plan or plat indicating the locations of the following:
 - (A) existing and proposed facilities, structures, appurtenances, and wastewater systems;
 - (B) proposed wastewater system showing setbacks to property line(s) or other fixed reference point(s);
 - (C) existing and proposed vehicular traffic areas;
 - (D) existing and proposed water supplies, wells, springs, and water lines; and
 - (E) surface water, drainage features, and all existing and proposed artificial drainage, as applicable;
- (4) location, parcel identification number, other property identification, 911 address if known, acreage, and general directions to the property;
- (5) description of existing and proposed facilities and wastewater systems;
- (6) information needed to determine DDF and effluent strength of the facility(s) served, including number and function of individual design units, number of bedrooms and occupants per bedroom, or number of occupants;
- (7) whether wastewater other than DSE will be generated;
- (8) notification if the property includes, or is subject to, any of the following:
 - (A) previously identified jurisdictional wetlands;
 - (B) existing or proposed easements, rights-of-way, encroachments, or other areas subject to legal restrictions; or
 - (C) approval by other public agencies; and
- (9) signature of applicant and owner.

(h)(i) The application for a CA shall contain:

- (1) the information required in Paragraph (g) of this Rule. A site plan or plat shall not be required with the application to repair a permitted wastewater system when the repairs will be accomplished on property owned and controlled by the owner and for which property lines are identifiable in the field;
- (2) identification of the proposed use of a grinder pump or sewage pump; and
- (3) the type of the proposed wastewater system specified by the applicant.

(i)(j) The application for an existing system authorization shall contain:

- (1) name, mailing address, and phone number of the applicant and owner;
- (2) a site plan or plat indicating the locations of the existing and proposed facilities, existing wastewater systems and repair areas, existing and proposed water supplies, easements, rights-of-way, encroachments, artificial drainage, and all appurtenances;
- (3) location, parcel identification number, other property identification, 911 address if known, acreage, and directions to the property;
- (4) for reconnections, information needed to determine DDF of the facility served, including number and function of individual design units, number of bedrooms and occupants per bedroom, or number of occupants; and
- (5) signature of applicant and owner(s).

(j)(k) Submittal of a signed application shall constitute right of entry to the property by an authorized agent.

History Note: Authority G.S. 130A-335; 130A-336; 130A-337; ~~130A-338~~; 130A-338; S.L. 2023-77, s.3.

15A NCAC 18E .0203 IMPROVEMENT PERMIT⁴

(a) Upon receipt of a complete application for an IP, an authorized agent shall evaluate the site to determine whether the site is suitable or unsuitable for the installation of a wastewater system in accordance with Section .0500 of this Subchapter. If the site is classified suitable, an IP shall be issued in accordance with this Subchapter. The authorized agent shall prepare dated, written documentation of the soil and site conditions required to be evaluated in Section .0500 of this Subchapter.

(b) When the site is classified suitable an authorized agent shall issue an IP for the site that includes the items contained in G.S. 130A-336(a)(1) through (6) and the following information:

- (1) DDF, number of bedrooms, maximum number of occupants or people served, and wastewater strength in accordance with Section .0400 of this Subchapter;
- (2) required effluent standard - DSE, HSE, NSF/ANSI 40, TS-I, TS-II, or RCW in accordance with Table III of Rule .0402(a), Table XXV of Rule .1201(a), or Rule .1002, of this Subchapter;
- (3) all applicable setbacks and requirements in accordance with Section .0600 of this Subchapter;
- (4) description of the facility, structures, vehicular traffic areas, and other proposed improvements;
- (5) description of existing and proposed public or private water supplies, including private drinking water wells and springs and associated water lines;
- (6) a site plan or plat as defined in G.S. 130A-334 showing the existing and proposed property lines with dimensions, the location of the facility and appurtenances, the site for the proposed wastewater system and repair area, and the location of water supplies and surface water;

⁴ Changed by S.L. 2023-77, Section 4

- (7) the proposed initial wastewater system and repair system areas and types, including usable depth to a LC, LTARs for each system, LTARs, and maximum trench depth that considers percent slope; and
 - (8) permit conditions, such as site-specific site modifications, installation requirements, maintenance of the groundwater lowering system, etc.
- (c) When the site is classified unsuitable, a signed, written report shall be provided to the applicant describing the unsuitable site characteristics and citing the applicable rule(s). If modifications or alternatives are available to support site reclassification to suitable this information shall be included in the report.
- (d) The period of validity for the permit in accordance with G.S. 130A-335(f) shall be stated on the IP.
- (e) The IP shall be transferable subject to the conditions set forth in G.S. 130A-336(a).
- (f) An IP shall be suspended or revoked if:
- (1) the information submitted in the application is found to be incomplete, false, or incorrect;
 - (2) the site is altered and the permitted system cannot be installed or operated as permitted;
 - (3) conditions of the IP or the Rules of this Subchapter cannot be met;
 - (4) a new IP is issued for the same design unit on the same property; or
 - (5) an NOI is issued in accordance with G.S. 130A-336.1(b) or G.S. 130A-336.2(b) for the same design unit on the same property.
- (g) An IP shall be applicable to both initial and repair dispersal field areas identified and approved on the IP and only a CA shall be issued if wastewater system repairs are necessary.

History Note: Authority G.S. 130A-335; ~~130A-336~~; 130A-336; S.L. 2023-77, s.4.
Eff. October 1, 2021.

15A NCAC 18E .0204 CONSTRUCTION AUTHORIZATION

- (a) The applicant shall obtain a CA after an IP has been issued and prior to the construction, location, or relocation of a facility, or the construction or repair of a wastewater system.
- (b) Conditions of an IP shall be completed prior to the issuance of a CA. A CA shall be issued by an authorized agent for wastewater system installation when it is found that the IP conditions and Rules of this Subchapter are met.
- (c) A CA may be issued at the same time as the IP if no conditions on the IP are required to be completed prior to CA issuance.
- (d) Any necessary easements, rights-of-way, or encroachment agreements shall be obtained prior to the issuance of a CA.
- (e) The CA shall specify the following:
 - (1) all information required in Rule .0203(b) of this Section;
 - (2) the initial wastewater system type and layout, location of all initial wastewater system components, and design details and specifications for the following, as applicable:
 - (A) tanks;
 - (B) collection sewers;
 - (C) pump requirements;
 - (D) advanced pretreatment;
 - (E) distribution devices; and
 - (F) trench width, length, and depth on the downslope side of the trench;
 - (3) the nature of the Management Entity required and the minimum operation and maintenance requirements in accordance with Section .1300 of this Subchapter; and
 - (4) permit conditions, such as site-specific installation requirements, maintenance of the groundwater lowering system, etc.
- (f) A CA shall be issued for each wastewater system serving a facility. Separate CAs may be issued for individual components. A building permit shall not be issued for a design unit until CAs for all components of the wastewater system serving that design unit have been issued.
- (g) Prior to the issuance of a CA for a system where all or part of the system will be under common or joint control, a draft multi-party agreement between the developer and an incorporated owners' association shall be submitted to and its conditions approved by the LHD. The draft multi-party agreement shall include and address the following, as applicable:
 - (1) ownership;
 - (2) transfer of ownership;
 - (3) maintenance;
 - (4) operation;
 - (5) wastewater system repairs; and
 - (6) designation of fiscal responsibility for the continued satisfactory performance of the wastewater system and repair or replacement of collection, treatment, dispersal, and other components.
- (h) Systems or components under common or joint control include the following:
 - (1) wastewater system serving a condominium or other multiple-ownership development; or
 - (2) off-site systems serving two or more facilities where any components are under common or joint ownership or control.
- (i) The CA shall be valid for a period equal to the period of validity of the IP and stated on the permit.
- (j) The CA shall be transferable subject to the conditions set forth in G.S. 130A-336(a).

- (k) A CA shall be suspended or revoked if:
- (1) the information submitted in the application is found to be incomplete, false, or incorrect;
 - (2) the site is altered and the permitted system cannot be installed or operated as permitted;
 - (3) conditions of the CA or the Rules of this Subchapter cannot be met;
 - (4) a new CA is issued for the same design unit on the same property; or
 - (5) an NOI is issued in accordance with G.S. 130A-336.1(b) or G.S. 130A-336.2(b) for the same design unit on the same property.

History Note: Authority G.S. 130A-335; 130A-336; 130A-338.

15A NCAC 18E .0205 OPERATION PERMIT

- (a) The applicant shall obtain an OP after the wastewater system has been installed or repaired and the authorized agent has inspected the system. The inspection shall occur prior to the system being covered with soil. The authorized agent shall determine that the system has been installed in accordance with this Subchapter and any conditions of the IP and CA.
- (b) During the wastewater system inspection, the authorized agent shall notify the installer of items that do not meet the Rules of this Subchapter and conditions described in the IP and CA. Corrections shall be made to bring the system into compliance with this Subchapter by the installer. If corrections cannot be made, an authorized agent shall not issue an OP, the system shall not be placed into use, and the authorized agent making the determination shall prepare a written report referencing deficiencies in the system installation, citing the applicable rule(s) and IP and CA conditions, and include a letter of Intent to Suspend or Revoke the IP and CA or the CA. A copy of the report shall be provided to the applicant and the installer.
- (c) The OP shall include:
- (1) the initial system and designated repair system type in accordance with Table XXXII of Rule .1301(b) of this Subchapter and the unique code assigned under Rule .1713(10) of this Subchapter;
 - (2) facility description including number of bedrooms and maximum occupancy, maximum number of occupants or people served, DDF, and wastewater strength;
 - (3) a site plan or plat as defined in G.S. 130A-334 showing the property lines with dimensions, the location of the facility and appurtenances, the site for the wastewater system and repair area including location and dimensions, and the location of water supplies and surface water;
 - (4) dispersal field design including trench or bed length, width, depth, and location;
 - (5) the tank(s) location, capacity, and ID numbers;
 - (6) groundwater monitoring well locations, sampling frequency, and characteristics sampled, as applicable;
 - (7) conditions for system performance, operation, monitoring, influent and effluent sampling requirements, and reporting, including the requirement for a contract with a Management Entity, as applicable;
 - (8) a statement specifying that best professional judgement was used to repair the malfunctioning wastewater system, if applicable; and
 - (9) approved engineered plans, specifications, and record drawings if required in Rule .0303(g) of this Subchapter.
- (d) Prior to the issuance of an OP for a system requiring a multi-party agreement, the multi-party agreement shall be executed between the developer and an incorporated owners' association and filed with the local register of deeds.
- (e) When a wastewater system is required to be designed by an authorized designer or PE, the PE or authorized designer shall provide a written statement to the applicant and authorized agent specifying that construction is complete and in accordance with approved plans, specifications, and modifications. The written statement shall be provided prior to issuance of the OP.
- (f) An OP shall be valid and remain in effect for a system provided:
- (1) wastewater strength and DDF remain unchanged;
 - (2) the system is operated and maintained in accordance with Section .1300 of this Subchapter;
 - (3) no malfunction is found as defined in Rule .1303(a)(2) of this Subchapter;
 - (4) the system has not been abandoned in accordance with Rule .1307 of this Subchapter;
 - (5) the system complies with the condition(s) of the OP; and
 - (6) the OP has not expired or been revoked.
- (g) For a Type V or VI system as specified in Table XXXII of Rule .1301(b) of this Subchapter, the OP shall expire five years after being issued.
- (h) An authorized agent shall modify, suspend, or revoke the OP or seek other remedies under G.S. 130A, Article 2, if it is determined that the system is not being operated and maintained in accordance with Section .1300 of this Subchapter and all conditions imposed by the OP.
- (i) When an OP expires in accordance with Paragraph (g) of this Rule a new application shall be required prior to issuance of a new OP to confirm that the previously approved facility has not changed and that the system remains in compliance with permit conditions.
- (j) When an OP is revoked due to facility non-compliance, such as additional wastewater flow or increased wastewater strength, a new application shall be required prior to evaluation for a new IP, CA, and OP.
- (k) An OP shall be revoked prior to an ATO being issued for the same design unit on the same property.

History Note: Authority G.S. 130A-335; 130A-337; 130A-338.

15A NCAC 18E .0206 EXISTING SYSTEM APPROVALS FOR RECONNECTIONS AND PROPERTY ADDITIONS⁵

(a) The LHD, an AOWE, 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 DDF or wastewater strength. Approval by an authorized agent shall be issued prior to any of the following:

- (1) a facility being reconnected to an existing system; or
- (2) other site modifications as described in Paragraph (e) of this Rule.

(b) Approvals for reconnecting a facility shall be issued by an authorized agent, AOWE, or certified inspector upon determination of the following:

- (1) the site complies with its OP or the wastewater system was in use prior to July 1, 1977;
- (2) there is no current or past uncorrected malfunction of the system as described in Rule .1303(a)(2) of this Subchapter;
- (3) the DDF and wastewater strength for the proposed facility do not exceed that of the existing system;
- (4) the facility meets the setbacks in Section .0600 of this Subchapter; and
- (5) the existing system is being operated and maintained as specified in G.S. 130A, Article 11, this Subchapter, and permit conditions.

(c) The issuance of the existing system approvals for modifications or expansions shall follow the provisions of this Rule.

~~(e)~~(d) Prior to construction, the relocation of a structure, structure or the expansion of an existing facility's footprint, footprint or other site modifications that require requires the issuance of a building permit, but that ~~de~~ does not increase DDF or wastewater strength, an approval shall be issued by an authorized agent or an AOWE upon determination of the compliance of the proposed structure with setback requirements in Section .0600 of this Subchapter.

(e) An applicant shall obtain a CA from the LHD or an NOI from an AOWE prior to starting construction for any of the following:

- (1) an increase in DDF;
- (2) an increase in wastewater strength; or
- (3) the location of the facility is not within the same footprint as the previous existing facility.

~~(d)~~(f) For approvals issued in accordance with this Rule the authorized agent, agent, AOWE, or certified inspector shall provide written documentation of the approval to the applicant. The written documentation of the approval 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, describe the site modification, system use, DDF, wastewater strength, number of bedrooms, and number of occupants, and shall include a site plan showing the location, dimensions, and setbacks of existing and proposed structures to the existing system and repair area.

~~(e)~~(g) When an approval cannot be issued in accordance with this Rule, a signed, written report shall be provided by the authorized agent, agent, AOWE, or certified inspector, as applicable, to the applicant describing the reasons for the denial, the applicable rule(s), and including notice of the right to appeal under G.S. 130A-24 and 150B.

(h) 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 LHD, AOWE, or certified inspector. The owner is responsible for the accuracy of the information provided on the application. The owner is responsible for ensuring that all setback requirements in Section .0600 of this Subchapter are met for the property addition.

History Note: Authority G.S. 130A-335; 130A-337(c) and ~~(d)~~ (d); S.L. 2023-77, s.5.

15A NCAC 18E .0207 ALTERNATIVE WASTEWATER SYSTEM PERMITTING OPTIONS^{6, 7}

(a) The owner of a wastewater system may obtain an IP or a CA from the LHD or an NOI from a PE or AOWE, as applicable.

~~(a)~~(b) An applicant owner may choose to use an EOP for wastewater systems in accordance with G.S. 130A-336.1 or an AOWE in accordance with G.S. 130A-336.2, 130A-336.2 to obtain a wastewater system approval. The EOP shall be used if the wastewater system design requires a PE in accordance with Rule .0303(a) of this Subchapter.

(c) For an EOP, a PE may use pretreatment technologies not approved in the State provided the engineering report attached to the ATO specifies that pretreatment technology and includes the manufacturer's approval for use of the pretreatment technology for the conditions at that site.

~~(b)~~(d) Prior to the submittal of an NOI for an EOP or an AOWE system as required by G.S. 130A-336.1(b) or G.S. 130A-336.2(b), respectively, a soil and site evaluation shall be conducted in accordance these Statutes and the Rules of this Subchapter.

(e) The owner of an EOP system or an AOWE system shall be responsible for the following:

- (1) preventing modifications or alterations on the site, including the designated initial and repair dispersal areas;
- (2) obtaining written approval from the PE or AOWE prior to making changes to the DDF, wastewater strength, or landscape position of the facility; and
- (3) identifying any drinking water wells, public water supplies, or wastewater systems on the property and on adjoining property if within the setback requirements found in Section .0600 of this Subchapter.

⁵ Changed by S.L. 2023-77, Section 5

⁶ Changed by S.L. 2023-77, Section 6, and S.L. 2023-90, Sections 3 and 4.

⁷ Changes highlighted in yellow are associated with S.L. 2023-77, Section 6. Changes highlighted in green are associated with S.L. 2023-90, Sections 3 and 4. The changes in green override the current language in Rule .0207.

~~(e)(f)~~ The NOI for an EOP or AOWE system shall be submitted to the LHD in the county where the facility is located by the applicant, owner, PE authorized as the legal representative of the owner, or AOWE authorized as the legal representative of the owner. The NOI shall be submitted on the common form for EOP **provided by the Department** or the common form for AOWE provided by the **Department. North Carolina On-Site Wastewater Contractor Inspector Certification Board**. The common forms are available by accessing the Department's website at <https://ehs.ncpublichealth.com/oswp/>. The **forms EOP common form** shall include all the information specified in G.S. 130A-336.1(b) **or 130A-336.2(b)** and the following:

- (1) the LSS's, **and LG's LG's, and installer's** name, license number, address, e-mail address, and telephone number, as **applicable; applicable. The installer's name, license number, address, e-mail address, and telephone number shall be provided on the EOP common form;**
- (2) information required in Rule .0202 of this Section for IP and CA applications;
- (3) identification and location on the site plan of existing or proposed potable water supplies, geothermal heating and cooling wells, and groundwater monitoring wells for the proposed site. The PE or AOWE shall reference any existing permit issued for a private drinking water well, public water system as defined in G.S. 130A-313(10), or a wastewater system on both the subject and adjoining properties to provide documentation of compliance with setback requirements in Section .0600 of this Subchapter; and
- (4) proof of insurance for the PE, LSS, **and LG, and installer,** as applicable. **Proof of insurance for the installer shall be provided with the NOI.**

~~(d)(g)~~ The PE or AOWE design shall incorporate findings and recommendations on soil and site conditions, limitations, site modifications, and geologic and hydrogeologic conditions specified by the LSS or LG, as applicable, and in accordance with G.S. 130A-336.1(b)(8) or G.S. 130A-336.2(b)(9), respectively. **For an EOP, when the PE chooses to employ pretreatment technologies not approved in this State, the engineering report shall specify the proposed technology and the associated siting, installation, operation, maintenance, and monitoring requirements, including written manufacturer's endorsement of the proposed use.**

~~(e)~~ **The PE or AOWE shall allow for the use of Accepted Systems in accordance with G.S. 130A-336.1(c)(5) or G.S. 130A-336.2(d)(5), respectively.**

~~(f)~~ **No building permit for construction, location, or relocation shall be issued until after a decision of completeness of the NOI is made by the LHD. If the LHD fails to act within 15 business days for an EOP or within five business days for an AOWE, the common form is deemed complete.**

~~(g)(h)~~ If there are any changes in the site plan that can impact the wastewater system, such as moving the house or driveway, site alterations, or if the applicant chooses to change the DDF or the wastewater strength prior to wastewater system construction, a new NOI shall be submitted to the LHD. The applicant shall request in writing that the PE or AOWE invalidate the prior NOI with a signed and sealed letter sent to the applicant and LHD.

~~(h)(i)~~ Construction of the wastewater system shall not commence until the system design plans and specifications have been provided to the installer and the signed and dated statement by the installer is provided to the applicant as required by G.S. 130A-336.1(e)(4)(b) or G.S. 130A-336.2(e)(3). The applicant shall be responsible for preventing modifications or alterations of the site for the wastewater system and the system repair area before, during, and after any construction activities for the facility, unless approved by the licensed professionals.

~~(i)~~ **Prior to the LHD providing written confirmation on the common form for the ATO completeness, the applicant, owner, PE, or AOWE shall submit the following to the LHD:**

- (1) **documentation that all reporting requirements identified in G.S. 130A-336.1(f) or 130A-336.2(f) have been met;**
- (2) **information set forth in Rule .0301(d) of this Subchapter;**
- (3) **system start-up documentation, including applicable baseline operating parameters for all components;**
- (4) **documentation by the applicant that all necessary legal agreements, including easements, encroachments, multi-party agreements, and other documents have been prepared, executed, and recorded in accordance with Rule .0301(b) and (c) of this Subchapter;**
- (5) **installer's name, license number, address, e-mail address, telephone number, and proof of insurance for AOWE only; and**
- (6) **record drawings.**

(j) The owner of a wastewater system approved in accordance with this Rule shall be responsible for maintaining the wastewater system in accordance with the written operation and management program required in G.S. 130A-336.1(i)(1) or 130A-336.2(i)(1) and Section .1300 of this Subchapter.

~~(k)~~ **For repair of a malfunctioning EOP or AOWE system, an NOI shall be submitted in accordance with this Rule. Rule .1306 of this Subchapter shall be followed for repair of a malfunctioning system. The Management Entity shall notify the LHD within 48 hours of the system malfunction.**

~~(l)(k)~~ The applicant of an EOP or AOWE system who proposes to change the use of the facility shall contact the licensed professionals on the NOI to determine whether the current system would continue to comply with the Rules of this Subchapter for the proposed change of use. The licensed professionals shall determine what, if any, modifications shall be necessary for the wastewater system to continue to comply with the Rules of this Subchapter following the proposed change of use. An NOI reflecting the change of use and any required modifications to the system shall be submitted to the LHD. The permitting process set forth in this Rule shall be followed.

~~(m)(l)~~ For EOP and AOWE systems, the LHD shall:

- (1) file all EOP and AOWE documentation consistent with current permit filing procedures at the LHD;

- (2) revoke an IP or CA for a wastewater system **prior to issuing written confirmation of the NOI** for the same design unit on the same property, if applicable;
- (3) revoke an OP for a wastewater system **prior to issuing written confirmation of an ATO** for the same design unit on the same property, if applicable;
- ~~(4) submit a copy to the Department of the common form indicating written confirmation of NOI and ATO completeness;~~
- ~~(5) participate in a post construction conference in accordance with G.S. 130A-336.1(j) or G.S. 130A-336.2(j);~~
- ~~(6)(4) review the performance and operation reports submitted and perform on-site compliance inspections of the wastewater system in accordance with Rule .1305(c) and Table XXXII of Rule .1301(b) of this Subchapter;~~
- ~~(7)(5) investigate complaints regarding EOP and AOWE systems;~~
- ~~(8)(6) issue a NOV for systems determined to be malfunctioning in accordance with Rule .1303(a)(2) of this Subchapter. The LHD shall direct the owner to contact the PE, LSS, LG, and installer, as applicable, for determination of the reason of the malfunction and development of an NOI for repairs; Subchapter;~~ and
- ~~(9)(7) require an owner receiving a NOV to pump and haul sewage in accordance with Rule .1306 of this Subchapter.~~
- ~~(n)(m) The applicant may contract with different licensed professionals than those originally identified on the initial NOI to complete an EOP or AOWE project. When the applicant contracts with different licensed professionals, a revised NOI reflecting the new licensed professionals and proof of insurance shall be submitted to the LHD.~~
- ~~(o)(n) The applicant and all licensed professionals shall comply with all applicable federal, State, and local laws, rules, and ordinances.~~
- ~~(o) A wastewater system that has been repaired is not required to have an additional repair area.~~
- ~~(p) A wastewater system permitted in accordance with G.S. 130A-336.2 shall follow the rules established by the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board.~~

History Note: Authority G.S. 130A-335; 130A-336.1; 130A-336.2; S.L. 2019-151, ~~s.14~~ s.14; S.L. 2023-77, s.6; **S.L. 2023-90, s.3 and 4.**

SECTION .0300 - RESPONSIBILITIES

15A NCAC 18E .0301 OWNERS⁸

(a) The owner of a wastewater system shall:

- (1) comply with G.S. 130A, Article 11, the Rules of this Subchapter, and permit conditions regarding wastewater system location, including repair area;
- (2) identify property lines and fixed reference points in the field prior to the LHD site evaluation;
- (3) make the site accessible for the site evaluation described in Rule .0501 of this Subchapter;
- (4) field stake or otherwise mark the proposed facility location and all associated appurtenances, such as vehicular traffic areas, garage, swimming pool, shed, entryways, decks, etc.;
- (5) provide for pits with excavated steps or a ramp in the pit that allow for ingress and egress when necessary for a soil and site evaluation at the site as determined by the LHD or the Department in accordance with Rule .0501 of this Subchapter;
- (6) provide for system operation, maintenance, monitoring, and reporting, including access for system maintenance;
- (7) maintain artificial drainage systems, as applicable;
- (8) prevent encroachment on the initial wastewater system and repair area by utilities, structures, vehicular traffic areas, etc.;
- (9) provide documentation supporting an exemption from the minimum setback requirements in Rule .0601(a) of this Subchapter to the LHD, as applicable;
- (10) establish and maintain site-specific vegetation over the dispersal field and repair area; and
- (11) repair a malfunctioning system as necessary in accordance with this Subchapter.

~~(b) The entire initial wastewater system and repair area shall be on property owned or controlled by the wastewater system owner. The entire initial wastewater system and repair area shall 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.~~ An easement or encroachment agreement shall be required for the permitting of any of the following installations:

- (1) any part of the wastewater system is located in a common area with other wastewater systems;
- (2) any part of the wastewater system is located in an area with multiple or third-party ownership or control;
- (3) any part of the wastewater system is proposed to be in an off-site area; or
- (4) any part of the wastewater system and the facility are located on different lots or tracts of land and cross a property line or right-of-way.

(c) Any necessary easements, rights-of-way, or encroachment agreements shall be obtained prior to the issuance of a CA. The easement, right-of-way, or encroachment agreement shall meet the following conditions:

- (1) be appurtenant to specifically described property and run with the land;

⁸ Changed by S.L. 2023-77, Section 7