of shell fragments by volume; and the requirements of Rule .0909(c)(8) of this Subchapter, for the projected side slope of the fill are met, as determined beginning at a point six inches above the top edge of the bed.

(d) Bed systems receiving TS-I or TS-II effluent on sites with a DDF greater than 1,500 gpd and less than or equal to 3,000 gpd shall meet the following requirements:

(1) The soil and site shall meet the minimum following criteria:
  (A) Group I soils are present for 54 inches below the naturally occurring soil surface;
  (B) no SWC exists within the first 48 inches below the naturally occurring soil surface; and
  (C) vertical separation of 24 inches to any SWC is maintained below the bed bottom, unless a site-specific groundwater mounding analysis is performed and demonstrates a 12-inch separation or 18-inch minimum for a fill system in accordance with Rule .0909(c) of this Subchapter shall be maintained.

(2) Table XVII in Rule .0901(c) of this Subchapter shall be used to determine the initial LTAR for a bed system and shall be based on the most limiting, naturally occurring soil horizon within 36 inches of the naturally occurring soil surface or to a depth of 12 inches below the bed bottom, whichever is deeper. The minimum bed size shall be determined in accordance with the following:
  (A) the minimum number of square feet of bed bottom area shall be calculated by dividing the DDF by the LTAR;
  (B) the minimum bed size shall be reduced by up to 25 percent when the system is designed and approved to comply with TS-I or TS-II effluent standards and will be installed in naturally occurring soil; and
  (C) the minimum bed size may be reduced by up to 40 percent when all of the following criteria are met: the system is designed and approved to comply with TS-II effluent standards; the hydraulic assessment demonstrates that a 24-inch minimum vertical separation to a SWC is maintained after accounting for projected groundwater mounding; and there is 100 percent dispersal field repair area.

(3) A special site evaluation shall be submitted and approved in accordance with Rule .0510 of this Subchapter.

(4) No setback reductions shall be allowed in accordance with Table XXVIII of Rule .1202(d) of this Section. The following horizontal setbacks shall be met:
  (A) the minimum setback between initial and repair dispersal field areas serving a single system and facility shall be two feet of naturally occurring soil. Ten feet of naturally occurring soil shall separate the initial and repair dispersal field areas serving separate facilities when these bed systems are on a common site or tract of land;
  (B) when two beds are used, the minimum separation between two beds shall be 20 feet. When three or more beds are used, the minimum separation between beds shall be 10 feet; and
  (C) a 25-foot setback shall be maintained from edge of the bed to the property line unless a site-specific nitrogen migration analysis indicates that the nitrate-nitrogen concentration at the property line will not exceed 10 mg/L or TS-II or better effluent is produced by the approved system.

(5) Bed system installation shall be in accordance with Rule .0903(e) of this Subchapter and the following criteria:
  (A) two or more equally sized beds shall be used and the beds shall not be located beneath the advanced pretreatment components; and
  (B) effluent shall be distributed to the beds by a pressure dispersal system. A timed dosed system shall be used to distribute flow evenly to the beds over a 24-hour period.

(e) Bed systems receiving TS-I or TS-II quality effluent may be proposed for a site with existing fill that meets the requirements of Rule .0909(d) of this Subchapter under the following conditions:

(1) no SWC exists within 18 inches of the existing fill surface;
(2) 18 inches of vertical separation exists to the SWC;
(3) the DDF does not exceed 480 gpd; and
(4) pressure dispersal is used. The requirement for pressure dispersal shall not be required if the advanced pretreatment system PIA Approval allows for advanced pretreatment unit(s) to discharge directly to the underlying bed and for multiple units, where applicable, when the advanced pretreatment units are spaced at equal intervals across the entire bed area.

History Note: *Authority G.S. 130A-334; 130A-335; 130A-342; 130A-343.*

SECTION .1300 – OPERATION AND MAINTENANCE

15A NCAC 18E .1301 OPERATION AND MAINTENANCE OF WASTEWATER SYSTEMS

(a) Wastewater systems shall be operated and maintained in accordance with the conditions of the OP, PIA Approval, and the Rules of this Section, including the manufacturer's operation and maintenance instructions, as applicable. Dispersal field repair areas shall be maintained in accordance with the Rules of this Subchapter.

(b) System management in accordance with Table XXXII shall be required for all systems installed or repaired after July 1, 1992. System management in accordance with Table XXXII shall also be required for all Type V and VI systems installed on or before July 1, 1992.

TABLE XXXII. Management responsibilities based on wastewater system classification type and description

System Classification Type and Description	LHD Compliance Inspection Frequency	Management Entity	Management Entity Minimum Maintenance Inspection Frequency
Ia – Privy or vault privy	N/A	Owner	N/A
Ib – Chemical toilet	N/A	Owner	N/A
Ic – Incinerating toilet	N/A	Owner	N/A
Id – Composing toilet system	N/A	Owner	N/A
Ie – Other toilet system	N/A	Owner	N/A
IIa – Conventional system for a single family or 480 gpd or less	N/A	Owner	N/A
IIb – Accepted wastewater gravity system	N/A	Owner	N/A
IIIa – Conventional wastewater system greater than 480 gpd excluding single family residences	N/A	Owner	N/A
IIIb – Wastewater system with a single pump or siphon	5 years N/A	Owner or Certified Operator	N/A 5 years
IIIc – Gravity fill system	N/A	Owner	N/A
IIId – Alternating dual fields with gravity distribution	N/A	Owner	N/A
IIIe – PPBPS gravity system	N/A	Owner	N/A
IIIf – LDP gravity system	N/A	Owner	N/A
IIIg – Other non-conventional systems	N/A	Owner	N/A
IIIh – Gravity groundwater lowering system	5 years	Owner	N/A
IVa – LPP distribution	3 years	Private Certified Operator or Public Management Entity with a Certified Operator	2/year
IVb – System with more than one pump or siphon	3 years	Private Certified Operator or Public Management Entity with a Certified Operator	2/year
IVc – Off-site system serving two or more facilities with any components under common or joint control	5 years	Private Certified Operator or Public Management Entity with a Certified Operator	1/year
IVd –Alternating dual fields with pressure dosed gravity distribution including off-site systems	3 years	Private Certified Operator or Public Management Entity with a Certified Operator	1/year
Va – Advanced pretreatment meeting NSF/ANSI 40, TS-I, or TS-II, approved under Section .1700 of this Subchapter, DDF ≤ 3,000 gpd	1/year	Private Certified Operator or Public Management Entity with a Certified Operator	≤ 1,500 gpd - 2/year* > 1,500 gpd and ≤ 3,000 gpd - 4/year
Vb – DSE wastewater systems > 3,000 gpd with dispersal field > 1,500 gpd	1/year	Private Certified Operator or Public Management Entity with a Certified Operator	> 3,000 and ≤ 10,000 gpd - monthly > 10,000 gpd flow - weekly
Vc – RWTS, approved under Section .1500 of this Subchapter, meeting NSF/ANSI 40, DDF ≤ 1,500 gpd	1/year	Private Certified Operator or Public Management Entity with a Certified Operator	≤ 1,500 gpd - 2year*
Vd – Anaerobic drip dispersal systems	1/year	Private Certified Operator or Public Management Entity with a Certified Operator	≤ 1,500 gpd - 2/year* > 1,500 gpd and ≤ 3,000 gpd - 4/year > 3,000 gpd and ≤ 10,000 gpd – 12/year > 10,000 gpd – 1/week

Ve - Flow equalization	≤ 1,500 gpd – once every three years > 1,500 gpd – 1/year	Private Certified Operator or Public Management Entity with a Certified Operator	Based on equalized flow ≤ 1,500 gpd - 2/year > 1,500 and ≤ 3,000 gpd - 4/year > 3,000 gpd and ≤ 10,000 gpd – 12/year >10,000 gpd – 1/week
Vf – Sand lined trench system with no advanced pretreatment or drip dispersal	1/year	Private Certified Operator or Public Management Entity with a Certified Operator	1/year
Vg – Wastewater system with pump groundwater lowering systems	1/year	Private Certified Operator or Public Management Entity with a Certified Operator	2/year with one visit during the wet season
Vh – IPWW designed by a PE and reviewed by the Department and determined to be IPWW	1/year	Private Certified Operator or Public Management Entity with a Certified Operator	≤ 1,500 gpd - 2/year* > 1,500 gpd and ≤ 3,000 gpd - 4/year > 3,000 gpd and ≤ 10,000 gpd – 12/year > 10,000 gpd – 1/week
Vi – Permanent pump and haul	1/year	Private Certified Operator	1/month
VIa – Advanced pretreatment > 3,000 gpd meeting NSF/ANSI 40, TS-I, or TS-II	6 months	Private Certified Operator or Public Management Entity with a Certified Operator	Media filters > 3,000 gpd and ≤ 10,000 gpd - 12/year >10,000 gpd – 1/week All other advanced pretreatment > 3,000 gpd and ≤ 10,000 gpd - 12/year > 10,000 and ≤ 25,000 gpd - 2/week > 25,000 and ≤ 50,000 gpd - 3/week > 50,000 gpd - 5/week
VIb – Any system using RCW	6 months	Private Certified Operator or Public Management Entity with a Certified Operator	≤ 3,000 gpd - 12/year > 3,000 and ≤ 10,000 gpd - 1/week > 10,000 and ≤ 25,000 gpd - 2/week > 25,000 and ≤ 50,000 gpd - 3/week > 50,000 gpd - 5/week

*Quarterly Management Entity inspections shall be required for the first year. The quarterly inspections may be reduced to twice a year if the wastewater system is in compliance with all OP conditions after the first year.

(c) Wastewater systems with multiple components shall be classified by their highest or most complex system classification type in accordance with Table XXXII to determine LHD and Management Entity responsibilities.
(d) The Department shall classify wastewater systems not identified in Table XXXII after consultation with the Water Pollution Control Systems Operators Certification Commission.
(e) The site for the wastewater system shall be accessible for monitoring, maintenance, inspection, and repair.
(f) The system shall be maintained to comply with the effluent standards specified in Table XXV of Rule .1201(a) or Rule .1002 of this Subchapter and the OP, as applicable. Influent and effluent sampling may be required for food preparation or processing facilities, IPWW, and other systems as specified in the PIA Approval or OP.
(g) The owner may submit a written request to the LHD and Department to reduce the wastewater system effluent sampling frequency, effluent sampling constituents, or Management Entity inspection frequency. The written request shall include documentation showing that the wastewater system is compliant with its OP and Rule .1302(f) of this Section.
(h) The replacement of a specific component, except tanks and dispersal media, by an identical replacement component, including pipes, blowers, pumps, disinfection components, effluent filters, and control panels and appurtenances, shall be considered maintenance. When the replacement is performed as maintenance by the Management Entity, this activity shall be reported to the owner and LHD within 30 days of when the activity occurs.
(i) All residuals shall be removed as specified in the OP, the RWTS or PIA Approval, Rule .1303 of this Section, or as otherwise determined to be needed by the Management Entity. Residuals from the wastewater system shall be transported and disposed of in accordance with G.S. 130A, Article 9, and 15A NCAC 13B.

History Note: *Authority G.S. 130A-335(e) and (f); S.L. 2015-147, s.2;*

15A NCAC 18E .1302 OPERATION AND MAINTENANCE OF ADVANCED PRETREATMENT SYSTEMS

(a) This Rule shall apply to all advanced pretreatment systems approved in accordance with Sections .1500 and .1700 of this Subchapter.
(b) System management in accordance with Table XXXII of Rule .1301(b) of this Section shall be required for advanced pretreatment systems.
(c) Prior to the issuance or re-issuance of an OP for an advanced pretreatment system, the owner shall provide to the LHD documentation that a contract for operation and maintenance of the system is in place with a Management Entity. For proprietary advanced pretreatment systems, the contract shall be with either the manufacturer, manufacturer's representative, or a Management Entity authorized in writing by the manufacturer or manufacturer's representative to operate the system. For non-proprietary advanced pretreatment systems, the contract shall be with an operator certified in accordance with Rule .0303(e) of this Subchapter for the classification indicated on the OP.
(d) Operation and maintenance for advanced pretreatment shall be in accordance with the following:
(1) the Management Entity shall evaluate the performance of each system;
(2) minimum inspection, sampling, and reporting frequency shall be in accordance with this Section, the RWTS or PIA Approval, and conditions of the OP;
(3) the Management Entity shall inspect each system during one or more of the required Management Entity inspections while the system is in operation using a VIP specified by the manufacturer and included in the RWTS or PIA Approval. The VIP shall include the following:
(A) a visual inspection and evaluation of all critical treatment components and of the effluent in the field for solids, clarity, color, and odor. The VIP shall also include field tests of pH, turbidity, and dissolved oxygen content and, for TS-II systems, alkalinity, and any other tests proposed by the manufacturer and specified in the RWTS or PIA Approval;
(B) compliance criteria to determine system compliance status and proposed responses to conditions observed; and
(C) for systems serving vacation rentals subject to the North Carolina Vacation Rental Act, G.S. 42A, this visit shall be scheduled during the seasonal high use period and shall coincide with a water quality sampling event if required in accordance with Rule .1709 of this Subchapter;
(4) the actual flow shall be recorded in accordance with the RWTS or PIA Approval by the Management Entity prior to the visual inspection of the system in accordance with Subparagraph (d)(3) of this Rule and prior to any effluent sampling event required in accordance with Rule .1709 of this Subchapter; and
(5) sampling and resampling for an approved RWTS or PIA System shall be undertaken as required in accordance with Rule .1709 of this Subchapter and the following:
(A) all samples shall be collected, preserved, transported, and analyzed in compliance with 40 CFR 136;
(B) samples shall be taken to a certified laboratory, as defined in G.S. 130A-313(2), for analysis;
(C) documented chain of custody for each sample collected shall be maintained; and
(D) re-sampling at any site shall be performed as required in the RWTS or PIA Approval, Rule .1709 of this Subchapter, or as otherwise directed by the LHD or Department as part of an enforcement action. The owner, manufacturer, or manufacturer's representative may also re-sample a system to verify or refute sample results. A new complete data set for re-sampling conducted within 30 days of receipt of a non-compliant data set may be substituted to demonstrate compliance with the designed effluent quality standard in accordance with Table XXV of Rule .1201(a) of this Subchapter. All sample results collected shall be reported.
(e) The results of all sampling shall be reported by the Management Entity to the owner, LHD, Department, and the proprietary advanced pretreatment manufacturer.
(f) An individual advanced pretreatment system at a single site shall be considered compliant when the following conditions are met:
(1) annual VIP specified in the RWTS or PIA Approval indicates that the results of the VIP meet the requirements specified in the RWTS or PIA Approval; and
(2) the arithmetic mean for BOD_5, TSS, TKN, and TN and the geometric mean for Fecal Coliform from three or more consecutive sampling dates does not exceed the designated effluent standard in Table XXV in Rule .1201(a) of this Subchapter. A new complete data set for re-sampling conducted within 30 days of receipt of a non-compliant data set may be substituted to demonstrate compliance with the designed effluent quality standard in accordance with Table XXV of Rule .1201(a) of this Subchapter.
(g) Mass loading for BOD_5, TSS, or TN may be used to demonstrate site compliance with Subparagraph (f)(2) of this Rule for a wastewater system with a DDF less than or equal to 3,000 gpd. The mass loading to the wastewater system shall be based on site-specific water use data and effluent sampling results. At least one year of water use data shall be used in this calculation. The mass loading to the wastewater system shall be calculated as follows:

EML = Flow x EFF
AML = 0.6 x DDF x TS
If EML ≤ AML, the site is compliant

Where EML = effective mass loading
AML = allowable mass loading
Flow = average daily flow during the peak water use month or the average of the peak 30 consecutive day period during the prior year, in gpd
EFF = average of the results for the constituent from at least the two most recent complete data

sets, in mg/L

TS = the effluent limit based on the constituent and effluent standard in mg/L, from Table XXV in Rule .1201(a) of this Subchapter

(h) The Management Entity may record daily wastewater flow and may sample influent to the advanced pretreatment system as needed to determine compliance with this Rule and OP conditions.

History Note: *Authority G.S. 130A-335(e) and (f).*

15A NCAC 18E .1303 OWNER RESPONSIBILITIES FOR WASTEWATER SYSTEM OPERATION AND MAINTENANCE[21]

(a) Any person owning or controlling the property upon which a wastewater system is installed shall be responsible for the following items regarding the operation and maintenance of the system:

(1) the wastewater system shall be operated and maintained to protect North Carolina ground and surface water quality standards and to prevent the following conditions:
  (A) discharge of sewage or effluent to the surface of the ground, surface waters, or into groundwater at any time;
  (B) back-up of sewage or effluent into the facility, building drains, collection system, freeboard volume of the tanks, or distribution system; or
  (C) effluent within three inches of finished grade over one or more trenches based on two or more observations made not less than 24 hours apart, and greater than 24 hours after a rainfall event;

(2) the system shall be considered to be malfunctioning when one or more of the conditions of Subparagraph (a)(1) of this Rule occur or if it is necessary to remove the contents of the tank(s) at a frequency greater than once per month in order to prevent one or more of the conditions of Subparagraph (a)(1) of the Rule. The owner shall contact the LHD when the wastewater system is malfunctioning. ~~malfunctioning and implement remedies as directed by the LHD in accordance with Rule .1306 of this Section.~~ If the system was permitted under an EOP or AOWE permit, the owner shall also contact the PE or AOWE when the wastewater system is malfunctioning;

(3) wastewater systems shall be inspected, and the entire contents of all septic tank compartments shall be removed whenever the depth of both the scum and sludge is found to be more than one-third of the liquid depth in any compartment. The effluent filter shall be rinsed to remove accumulated solids that can cause the wastewater to back up into the facility or clog the system, or replaced as needed;

(4) residuals from the wastewater system shall be transported and disposed of in accordance with G.S. 130A, Article 9, and 15A NCAC 13B;

(5) grease traps and grease tanks shall be pumped as needed to prevent discharge of FOG from the trap or tank to the next treatment component, but no less than yearly. Grease traps and grease tanks shall be maintained in accordance with Rule .0803(h) of this Subchapter and the owner shall maintain a contract with a septage management firm. All pumping records shall be maintained on-site;

(6) site-specific vegetation shall be established and maintained over the wastewater system and repair area to stabilize slope and control erosion;

(7) activities that result in soil disturbance or soil compaction shall not occur over the initial and repair dispersal field area;

(8) maintaining the wastewater system in accordance with Rule .1301(a) of this Section; and

(9) turning the effluent flow diversion valve for alternating dual dispersal fields once a year or as specified by the PE, AOWE, or authorized designer.

(b) A contract for operation and maintenance of a wastewater system required to be maintained by a Management Entity, as specified in Table XXXII of Rule .1301(b) of this Section, shall be in effect for as long as the system is in use. A contract shall be executed between the system owner and a Management Entity prior to the issuance of an OP, unless the system owner and Management Entity are the same. The contract shall include:

(1) specific requirements for operation, maintenance, and associated reporting;

(2) responsibilities of the owner;

(3) responsibilities of the Management Entity;

(4) provisions for notification to the LHD by the owner and Management Entity upon termination of the contract; and

(5) other requirements for the continued performance of the system, as determined by the Management Entity, LHD, and Department, as applicable.

History Note: *Authority G.S. 130A-335(e) and ~~(f).~~ (f); S.L. 2023-77, s.19.*

15A NCAC 18E .1304 MANAGEMENT ENTITY RESPONSIBILITIES FOR WASTEWATER SYSTEM OPERATION AND MAINTENANCE

(a) When a Management Entity is required to be or to employ a certified operator as specified in Table XXXII in Rule .1301(b) of this Section, the operator shall, at a minimum, be certified as a subsurface operator in accordance with G.S. 90A, Article 3, and 15A NCAC

[21] Changed by S.L. 2023-77, Section 19

08G. Operators of systems classified as Type V or VI in Table XXXII in Rule .1301(b) of this Section may be required to have additional certifications by the Department in accordance with Rule .1301(d) of this Section and upon consultation with the Water Pollution Control Systems Operator Certification Commission, if required by G.S. 90A, Article 3.
(b) The Management Entity shall inspect the wastewater system at the frequency specified in Table XXXII in Rule .1301(b) of this Section or in accordance with the RWTS or PIA Approval.
(c) The Management Entity shall provide a copy of the inspection report, including results of the VIP with respect to compliance criteria as specified in the RWTS or PIA Approval and effluent sampling, to the owner, LHD, and manufacturer within 30 days of the system inspection.
(d) When inspections indicate the need for system repairs, the Management Entity shall notify the LHD within 48 hours.
(e) The Management Entity shall be responsible for conducting routine maintenance procedures and monitoring requirements in accordance with the conditions of the OP and the contract.
(f) The Management Entity shall notify the LHD and the proprietary advanced pretreatment manufacturer, as applicable, when the owner or the Management Entity chooses not to renew an operation and maintenance contract executed in accordance with this Rule.
(g) The Management Entity shall submit the inspection report to the Department centralized data management system.

History Note: *Authority G.S. 130A-335(e) and (f).*

15A NCAC 18E .1305 LOCAL HEALTH DEPARTMENT RESPONSIBILITIES FOR WASTEWATER SYSTEM OPERATION AND MAINTENANCE

(a) No IP, CA, or OP shall be issued for Type IV, V, or VI systems, unless a Management Entity of the type specified in Table XXXII in Rule .1301(b) of this Section is authorized and operational to carry out operation and maintenance requirements for the wastewater system as set forth in these Rules and the OP.
(b) An LHD may be the Management Entity only for systems classified Type IV, Va, Vb, Vc, Vd, Ve, Vf, and Vg and only when authorized by the local board of health.
(c) An authorized agent shall review the performance and inspection reports submitted in accordance with Rule .1304(c) of this Section and perform an on-site compliance inspection of the systems as required in Table XXXII in Rule .1301(b) of this Section. More frequent inspections may be performed by an authorized agent if requested by the system owner or the Management Entity, or specified in the PIA approval or OP.
(d) The LHD may provide the owner with the option for a private Management Entity, who is not the owner, to perform the on-site compliance inspection for Type IIIb and IIIh systems in accordance with Table XXXII in Rule .1301(b) of this Section instead of the LHD. The Management Entity shall provide to the owner and LHD a written compliance inspection report every five years. The report shall document that the wastewater system is compliant with this Subchapter, the performance standards in the OP or ATO, and conditions in the OP or the ATO.
(e) The authorized agent shall issue a written notice of non-compliance to the owner when the wastewater system is not malfunctioning in accordance with Rule .1303(a)(2) of this Section, but non-compliant with this Subchapter, the performance standards in the OP or ATO, or conditions in the OP or the ATO.
(f) The LHD shall investigate malfunctions in accordance with Rule .1306 of this Section.

History Note: *Authority G.S. 130A-335(e) and (f).*

15A NCAC 18E .1306 SYSTEM MALFUNCTION AND REPAIR[22]

(a) This Rule identifies the responsibilities of the LHD and the owner when a system is malfunctioning or otherwise determined to require repair.
(b) The LHD or Department shall issue a written NOV to the wastewater system owner in accordance with Rule .0302(c) of this Subchapter.
(c) The wastewater system shall be repaired within 30 days of the date on the NOV issued by the Department or LHD unless the NOV specifies a different time frame for the repair based on site-specific factors, such as the severity of the repair, wastewater backing up into a restaurant or discharging into SA waters, or adverse weather that delays construction of the repair. The following steps shall be followed to remedy a malfunctioning wastewater system:

(1) The owner shall apply for a repair in accordance with Section .0200 of this Subchapter, unless only maintenance is required to bring the wastewater system into compliance.

(2) ~~After investigating the malfunction, the Department or LHD shall require that~~ The wastewater system shall be repaired to ~~correct the malfunction and~~ eliminate any public health hazard. ~~The wastewater system shall be repaired so that it meets G.S. 130A, Article 11 and this Subchapter.~~ The owner of the system may request, on a form provided by the Department, that the authorized agent, AOWE, or PE ~~When it is not possible to bring the wastewater system into compliance with G.S. 130A, Article 11 and this Subchapter, the authorized agent shall~~ use their best professional judgement ~~judgement, based on education and experience,~~ to ~~require~~ develop a repair that should enable the wastewater system to function in a manner that complies with Rule .1303(a)(1) of this Section. The ~~LHD~~ LHD, AOWE, or PE shall document on the form the aspects of the rules that are being altered with the use of best

[22] Changed by S.L. 2023-77, Section 20

professional judgement to repair the wastewater system. 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 LHD, AOWE, or PE that developed the repair, including any operation and maintenance requirements. ~~shall document that the repair uses best professional judgement on the CA and OP.~~ This written agreement shall be attached to the CA, OP, NOI, or ATO, as applicable. Best professional judgement shall not be used when:

(A) the IP, CA, NOI, or ATO indicates the repair area and system type. This does not preclude the owner from applying for a different wastewater system than the one specified on the permit as a repair;

(B) there are reductions in setbacks to drinking water wells less than what is required in Rule .0601 of this Subchapter;

(C) there are reductions in setbacks to surface water bodies greater than 50 percent of the allowed setbacks as indicated in Rule .0601 of this Subchapter; or

(D) there is no reasonable expectation that the repaired wastewater system will function to eliminate public health hazards.

(3) When necessary to protect the public health, the Department or LHD shall require the owner of a malfunctioning system to pump and haul sewage to an approved wastewater system during the time needed to repair the wastewater system. This requirement shall be included in the NOV issued to the owner.

(d) If no repair options are available for the wastewater system in accordance with Paragraph (c), the LHD may issue a CA and OP for a permanent pump and haul system. The applicant shall submit an application to the LHD for the permanent pump and haul system. The application and permanent pump and haul system shall meet the following conditions:

(1) The owner shall provide the following information as part of the application:
   (A) a report that the system cannot be repaired by connection to a system approved under this Section or a system approved under G.S. 143, Article 21;
   (B) a contract with a septage management firm permitted in accordance with G.S. 130A-291.1 to pump and haul the sewage;
   (C) documentation that the wastewater system has been approved under this Subchapter or in accordance with 15A NCAC 02H or 15A NCAC 02T to accept sewage; and
   (D) documentation from the facility receiving the sewage confirming that the facility has the capacity for the additional sewage and agrees to accept it.

(2) The LHD shall design the pump and haul system based on the following criteria:
   (A) tankage with a minimum of five days storage capacity and two days emergency storage capacity;
   (B) high-water alarm set to go off with two days of emergency storage capacity left in the tankage; and
   (C) telemetry unit that contacts the septage management firm.

(3) The owner of a non-residential facility may request a reduction in the five day storage requirement, if the owner can document the ability to have the tanks pumped out with only 24 hours' notice. The total tank capacity shall never be less than the minimum required septic tank and pump tank capacity required by Section .0800 of this Subchapter.

(4) Tanks shall be approved by the LHD for permanent pump and haul if shown to be structurally sound, watertight, and of a capacity needed based on the DDF and projected pumping frequency. Existing tanks may be used for permanent pump and haul if the tanks meet the requirements in this Subparagraph.

(5) Prior to issuing the OP, the LHD shall receive from the owner a contract with a Management Entity for inspection and maintenance of the system.

(6) A non-transferrable OP, valid for a period of five years, shall be issued to the pump and haul system owner.

(e) A malfunctioning wastewater system that has been disconnected from the facility for any reason shall be repaired prior to reuse.

(f) If the dispersal field in a malfunctioning wastewater system is found to be nonrepairable, the dispersal field shall not be used. The system owner shall be required to abandon the system to protect the public health and safety as specified in Rule .1307 of this Section.

(g) For facilities with a malfunctioning wastewater system installed prior to July 1, 1977, the authorized agent shall use their best professional judgement, based on education and experience, to repair the system.

(h) For facilities with a wastewater disposal method installed prior to July 1, 1977, which has been in continual use and acts as the sole source of wastewater disposal, the authorized agent shall use their best professional judgement, based on education and experience, to repair the wastewater disposal method.

(i) Legal remedies may be pursued, in accordance with G.S. 130A, Article 1, Part 2, after an authorized agent has observed and documented one or more malfunctioning conditions and issued an NOV.

History Note: *Authority G.S. 130A-291.1; 130A-291.2; 130A-335(e) and ~~(f).~~ (f); S.L. 2023-77, s.20.*

15A NCAC 18E .1307 WASTEWATER SYSTEM ABANDONMENT

If a wastewater system is abandoned or is otherwise no longer in use, the tanks shall:

(1) have the contents removed by a septage management firm permitted in accordance with G.S. 130A-291.1;
(2) be removed, collapsed, or otherwise rendered unable to retain liquid, and backfilled; and
(3) have the electrical components de-energized and above ground components removed.

History Note: *Authority G.S. 130A-335.*