

1 CHAPTER 18 - ENVIRONMENTAL HEALTH

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3 SUBCHAPTER 18A – SANITATION

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5 SECTION .1900 - SEWAGE TREATMENT AND DISPOSAL SYSTEMS

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7 15A NCAC 18A .1971 is proposed for adoption as follows:

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9 **15A NCAC 18A.1971 ENGINEERED OPTION PERMIT**

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11 (a) An Engineered Option Permit (EOP) on-site wastewater system, as defined by G.S. 130A-334(1g)t provides an alternative process  
12 for the siting, design, construction, approval, and operation of a wastewater system without requiring the direct oversight or approval  
13 of the local health department. An owner choosing to use the EOP shall employ the services of a registered professional engineer  
14 licensed pursuant to G.S. 89C to prepare signed and sealed drawings, specifications, plans, and reports for the design, construction,  
15 operation, and maintenance of the wastewater system in accordance with G.S. 130A-336.1 and this Rule. Except as provided for in  
16 G.S. 130A-336.1 and in this Rule, an EOP system is subject to all applicable requirements of Article 11 of Chapter 130A of the  
17 General Statutes and all rules of this Section. Nothing in this Rule shall be construed as allowing any licensed professional to provide  
18 services for which he or she has neither the educational background, expertise, or license to perform, or is beyond his or her scope of  
19 work as provided for pursuant to G.S. 130A-336.1 and the applicable statutes for their respective profession.

20 (b) SITE EVALUATION: Prior to the preparation and submittal of a Notice of Intent to Construct (NOIC) an EOP system, pursuant  
21 to G.S. 130A-336.1(b), the owner shall employ a licensed soil scientist pursuant to G.S. 89F to conduct an evaluation of soil  
22 conditions and site features in the proposed initial and repair drainfield areas for the EOP system, pursuant to G.S. 130A-335(a1) and  
23 G.S. 130A-336.1(e)(2). The owner shall employ a licensed soil scientist or a licensed geologist pursuant to G.S. 89E to evaluate  
24 geologic or hydro-geologic features as may be appropriate for the proposed site. This evaluation and documenting report shall be in  
25 accordance with the rules of this Section, and adhere to accepted standards of practice applicable to the type and size of the EOP  
26 system.

27 (c) NOTICE OF INTENT TO CONSTRUCT: The NOIC for an EOP System is to be submitted by the owner or a registered  
28 professional engineer authorized as the legal representative of the owner to the local health department in the county where the facility  
29 is located. The NOIC shall be on the common form provided by the Department. It shall include all of the information specified in  
30 G.S. 130A-336.1(b) and the following:

- 31 (1) The licensed soil scientist's, licensed geologist's, and contractor's name, license number, address, e-mail address,  
32 and telephone number.
- 33 (2) Information required in Rules .1937(d) and .1937(e) of this Section for Improvement Permit and Construction  
34 Authorization applications;
- 35 (3) Identification and location on the site plan of existing or proposed potable water supplies, geothermal heating and  
36 cooling wells, groundwater monitoring wells, and sampling wells for the facility. The registered professional  
37 engineer shall specifically reference any existing permit issued for a private drinking water supply, public water  
38 supply, or a wastewater system on both the subject and adjoining properties to provide documentation of compliance  
39 with setback requirements in Rule.1950 of this Section;
- 40 (4) Documentation that the proposed wastewater system complies with applicable federal, State, and local laws,  
41 regulations, rules and ordinances in accordance with G.S. 130A-336.1(e)(6);
- 42 (5) Documentation that the ownership and control requirements of Rule .1938(j) of this Section and the requirements for  
43 a multi-party agreement in Rule .1937(h) of this Section shall be met, as applicable; and

1 (6) Proof of insurance for the registered professional engineer, licensed soil scientist, licensed geologist, and on-site  
2 wastewater contractor, as applicable.

3 (d) LOCAL HEALTH DEPARTMENT NOTICE OF INTENT COMPLETENESS REVIEW: The completeness review shall be  
4 performed by the authorized agent of the local health department pursuant to G.S. 130A-336.1(c). The local health department shall  
5 provide written confirmation of the completeness determination on the common form provided by the Department. If the local health  
6 department fails to act on an NOIC within 15 business days of receipt, the owner or registered professional engineer may treat the  
7 failure to act as a determination of completeness.

8 (e) DESIGN PLANS AND SPECIFICATIONS: The registered professional engineer design, plans, and specifications for the EOP  
9 system shall be in accordance with the rules of this Section and with adherence to accepted standards of practice applicable to the type  
10 and size of the EOP system. The registered professional engineer design shall incorporate findings and recommendations on soil and  
11 site conditions, limitations, and any site modifications specified by the licensed soil scientist or licensed geologist, as applicable.  
12 When the registered professional engineer chooses to employ pretreatment technologies not yet approved in this State, pursuant to  
13 G.S. 130A-336.1(e)(1), the engineering report shall specify the proposed technology, and the associated siting, installation, operation,  
14 maintenance, and monitoring requirements, including manufacturers endorsements associated with its proposed use.

15 (f) CONSTRUCTION OF WASTEWATER SYSTEM: No building permit for construction, location, or relocation shall be issued  
16 until after a decision of completeness of the (NOIC) is made by the local health department, or the local health department fails to act  
17 within 15 business days, pursuant to G.S. 130A-336.1(c). Construction of the wastewater system shall not commence until the system  
18 design, plans, and specifications have been provided to the on-site wastewater system contractor and the signed and dated statement  
19 by the contractor is provided to the owner, pursuant to G.S. 130A-336.1(e)(4)(b). The owner is responsible for assuring no  
20 modifications or alterations to the site for the wastewater system or the system repair area are made as a result of any construction  
21 activities for the facility before or after construction of the wastewater system, unless specifically approved by the registered  
22 professional engineer, licensed soil scientist, or licensed geologist, as applicable.

23 (g) POST CONSTRUCTION CONFERENCE: Attendance of the Post-Construction Conference required pursuant to G.S. 130A-  
24 336.1(j) by the authorized agent of the local health department and by the Department (for systems designed for the collection,  
25 treatment, and disposal of industrial process wastewater or to treat greater than 3,000 gallons per day) is for the purpose of observing  
26 the location of the system and start-up conditions.

27 (h) AUTHORIZATION TO OPERATE: Prior to providing written confirmation for Authorization to Operate, the local health  
28 department shall receive the following:

- 29 (1) Documentation that all reporting requirements identified in G.S. 130A-336.1(l) have been met;
- 30 (2) Information set forth in Rule .1938(h) of this Section;
- 31 (3) System start-up documentation, including applicable baseline operating parameters for all components;
- 32 (4) Documentation by the owner or their legal representative that all necessary legal agreements, including easements,  
33 encroachments, multi-party agreements, and other documents have been properly prepared, executed and recorded  
34 in accordance with Rules .1937(h) and .1938(j) of this Section; and
- 35 (5) Record drawings.

36 The local health department shall use the State-approved form for written confirmation.

37 (i) OPERATION: The owner of the wastewater system approved pursuant to the EOP is responsible for maintaining the wastewater  
38 system in accordance with the written operation and management program required in G.S. 130A-336.1(i)(1) and Rule .1961 of this  
39 Section.

- 40 (1) The operation and management program shall identify the system classification in accordance with Table V(a) of  
41 Rule .1961 of this Section.

1 (2) The operator required pursuant to G.S. 130A-336.1(i)(2) shall inspect the system and submit reports in accordance  
2 with Rule .1961(f) of this Section and the written operations and management program provided by the design  
3 professional engineer.

4 (3) The owner shall notify the local health department and the registered professional engineer who designed and  
5 certified the system permitted under this Rule of any site changes, changes in the operator or operator' duties, or any  
6 changes in ownership.

7 (j) SYSTEM MALFUNCTION: For systems permitted under this Rule, the owner shall contact the registered professional engineer,  
8 licensed soil scientist, licensed geologist, and contractor, as appropriate, for determination of the cause of system malfunction in  
9 accordance with Rule .1961(a) of this Section. For repair of a malfunctioning EOP system, this Rule shall be followed in conjunction  
10 with Rule .1961(l) of this Section. The operator shall notify the local health department within 48 hours of the system malfunction in  
11 accordance with Rule .1961(f) of this Section.

12 (k) SYSTEM CHANGE OF USE: For systems permitted under this Rule, the owner shall contact the registered professional  
13 engineer, licensed soil scientist, licensed geologist, and contractor, as appropriate, for determination as to whether or not the current  
14 systems meets all the requirements of this Section for a proposed facility change of use. The registered professional engineer, licensed  
15 soil scientist, licensed geologist, and contractor, as appropriate, shall determine modifications, if any, that shall be made to the  
16 wastewater system to meet all requirements of this Section based on the proposed change of use. A new NOIC shall be submitted to  
17 the local health department in accordance with Paragraph (c) of this Rule for any proposed system modifications.

18 (l) LOCAL HEALTH DEPARTMENT RESPONSIBILITIES: The local health department is responsible for the following activities  
19 related to the EOP system:

- 20 (1) Perform a completeness review of the NOIC and provide written verification of completeness determination;
- 21 (2) Attend the post-construction conference to observe location of system components and start-up conditions;
- 22 (3) Provide written confirmation of Authorization to Operate upon receipt of complete information required by this  
23 Rule;
- 24 (4) File all EOP documentation consistent with current permit filing procedures at the local health department;
- 25 (5) Submit a copy of the final NOI common form and written confirmation of Authorization to Operate to the  
26 Department;
- 27 (6) Review the performance and operation reports submitted in accordance with Table V(b) of Rule .1961 of this  
28 Section;
- 29 (7) Perform on-site compliance inspections of the wastewater system in accordance with Table V(a) of Rule .1961 of  
30 this Section;
- 31 (8) Investigate EOP system complaints;
- 32 (9) Issue a notice of violation for systems determined to be malfunctioning in accordance with Rule .1961(a) of this  
33 Section. The local health department shall direct the owner to contact the registered professional engineer, licensed  
34 soil scientist, licensed geologist, and contractor, as appropriate, for determination of the reason of the malfunction  
35 and development of a NOI for repairs; and
- 36 (10) Require an owner receiving a notice of violation to pump and haul sewage in accordance with Rule .1961(m) of this  
37 Section.

38 (m) CHANGE IN LICENSED PROFESSIONALS: The Owner may contract with another licensed professional to complete an EOP  
39 project. An updated (NOIC) shall be submitted to the local health department.

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41 *Authority G.S. 130A-335; 130A-336.1.*