

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 381
Committee Substitute Favorable 4/2/25
Committee Substitute #2 Favorable 4/16/25

Short Title: On-Site Wastewater System Amendments.

(Public)

Sponsors:

Referred to:

March 13, 2025

A BILL TO BE ENTITLED
AN ACT TO AMEND THE ON-SITE SUBSURFACE WASTEWATER STATUTES AND TO
MODIFY THE APPROVAL PROCESS FOR CERTAIN ADVANCED TREATMENT
SYSTEMS AS INNOVATIVE WASTEWATER SYSTEMS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 130A-334 reads as rewritten:

"§ 130A-334. Definitions.

The following definitions shall apply throughout this Article:

(1) "Accepted wastewater system" has the same meaning as in G.S. 130A-343.

(1a) "Advanced pretreatment" means any biological, chemical, or physical process or system used in addition to or in place of a septic tank. Advanced pretreatment includes, but is not limited to, aeration, clarification, digestion, disinfection, filtration, separation, and settling. Advanced pretreatment effluent shall meet the treatment standards adopted by the Commission for better than septic tank effluent quality. Advanced pretreatment shall be part of a ground absorption system.

(1b) "Approved agency for special inspection" means an individual, corporation, company, association, or partnership that is objective, competent, and independent from the contractor who is responsible for the work that is inspected. The agency shall disclose possible conflicts of interest in a manner such that objectivity can be confirmed.

~~(1b)~~(1c) "Approved special inspector" means a person who demonstrates competence to the satisfaction of the professional engineer who designed the wastewater system for the inspection of the construction or operation subject to special inspection.

~~(1e)~~(1d) "Construction" means any work at the site of placement done for the purpose of preparing a residence, place of business or place of public assembly for initial occupancy, or subsequent additions or modifications which increase sewage flow.

~~(1d)~~(1e) "Construction observation" means the visual observation of the construction and installation of the wastewater system for general conformance with the construction documents prepared by the professional engineer who designed the wastewater system. Construction observation that is conducted by the professional engineer who designed the wastewater



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system does not include or waive the requirement to conduct special inspections.

(4e)(1f) "Conventional wastewater system" has the same meaning as in G.S. 130A-343.

(4f)(1g) "Department" means the Department of Health and Human Services.

(4g)(1h) "Engineered option permit" means an on-site wastewater system that is permitted pursuant to the rules adopted by the Commission in accordance with this Article, meets the criteria established by G.S. 130A-336.1, and is designed by a professional engineer who is licensed under Chapter 89C of the General Statutes who has expertise in the design of on-site wastewater systems.

(4h)(1i) "Ground absorption system" means a system of tanks, treatment units, nitrification fields, and appurtenances for wastewater collection, treatment, and subsurface disposal.

...
(7b) ~~"Pretreatment" means any biological, chemical, or physical process or system for improving wastewater quality and reducing wastewater constituents prior to final treatment and disposal in a subsurface wastewater system and includes, but is not limited to aeration, clarification, digestion, disinfection, filtration, separation, and settling.~~

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SECTION 1.(b) G.S. 130A-335(f) reads as rewritten:

"(f) The rules of the Commission and the rules of the local board of health shall classify systems of wastewater collection, treatment and disposal according to size, type of treatment and any other appropriate factors. The rules shall provide construction requirements, including advanced pretreatment and system control requirements, standards for operation, maintenance, monitoring, reporting, and ownership requirements for each classification of systems of wastewater collection, treatment and disposal in order to prevent, as far as reasonably possible, any contamination of the land, groundwater and surface waters. The Department and local health departments may impose conditions on the issuance of permits and may revoke the permits for failure of the system to satisfy the conditions, the rules, or this Article. Permits other than improvement permits shall be valid for a period prescribed by rule. Improvement permits shall be valid upon a showing satisfactory to the Department or the local health department that the site and soil conditions are unaltered, that the facility, design wastewater flow, and wastewater characteristics are not increased, and that a wastewater system can be installed that meets the permitting requirements in effect on the date the Improvement Permit was issued. Improvement permits for which a plat is provided shall be valid without expiration. Improvement permits for which a site plan is provided shall be valid for five years. The period of time for which the permit is valid and a statement that the permit is subject to revocation if the site plan or plat, whichever is applicable, or the intended use changes shall be displayed prominently on both the application form for the permit and the permit."

SECTION 1.(c) G.S. 130A-336.1(e)(1) reads as rewritten:

"(1) The professional engineer designing the proposed wastewater system shall use recognized principles and practices of engineering and applicable rules of the Commission in the calculations and design of the wastewater system. The investigations and findings of the professional engineer shall include, at a minimum, the information required in rules adopted by the Commission pursuant to G.S. 130A-335(e). The professional engineer may, at the engineer's discretion, employ advanced pretreatment technologies not yet approved in this State."

SECTION 2.(a) G.S. 130A-343(g) reads as rewritten:

"(g) Innovative Systems. – A manufacturer of a wastewater system for on-site subsurface use may apply for and be considered for innovative system status by the Department in one of the following ways:

- (1) If the wastewater system has been approved as a provisional wastewater system pursuant to subsection (f) of this section, the manufacturer may apply to have the system approved as an innovative wastewater system based on successful completion of the evaluation protocols established pursuant to subsection (d) of this section.
- (2) If the wastewater system has not been evaluated or approved as a provisional wastewater system pursuant to subsection (f) of this section, the manufacturer may apply to the Department to have the system approved as an innovative wastewater system on the basis of comparable research and testing conducted in other states. The manufacturer shall provide the Department with the data and findings of all evaluations of the performance of the system that have been conducted in any state by or on behalf of the manufacturer. The manufacturer shall also provide the Department with a summary of the data and findings of all other evaluations of the performance of the system that are known to the manufacturer.
- (3) If the ~~wastewater system~~ advanced pretreatment system has not been evaluated or approved as a provisional system pursuant to subsection (f) of this section, but has been evaluated and approved under protocol established by a nationally recognized certification ~~body for at least two consecutive years,~~ body, has been found to perform acceptably based on the criteria of the protocol, and is designed and will be installed in a manner consistent with the system evaluated and approved by the nationally recognized certification body, the manufacturer may apply to have the system approved as an innovative wastewater system, and the Department shall approve the application and issue an innovative wastewater system approval in accordance with rules adopted by the Commission upon verifying (i) the protocol testing dataset includes a minimum of 55 influent and effluent datasets that include the applicable constituents identified in rules adopted by the Commission and obtained from testing for a minimum of 26 weeks, with protocol sampling conducted during all weeks of the testing period, (ii) the protocol testing data complies with the applicable effluent standards identified in rules adopted by the Commission, (iii) the nationally recognized certification body's approval, and (iv) that the design and installation plans are consistent with that approval. When a separate disinfection process or system is proposed, fecal coliform datasets are not required if the disinfection technology is approved by a nationally recognized certified body. This subdivision shall not apply to a manufacturer requesting innovative approval as both an advanced pretreatment and dispersal system.

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SECTION 2.(b) The Commission for Public Health may adopt temporary and permanent rules to implement this section.

SECTION 3. This act is effective when it becomes law and applies to applications for innovative wastewater system approval filed with the Commission on or after that date.