

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025**

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HOUSE BILL 376

Short Title: Various On-Site Wastewater & Well Provisions. (Public)

Sponsors: Representatives Brody, Zenger, and Riddell (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Housing and Development, if favorable, Agriculture and Environment, if favorable, Rules, Calendar, and Operations of the House

March 13, 2025

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS CHANGES TO ON-SITE WASTEWATER PROVISIONS,
TO ESTABLISH THE PRIVATE DRINKING WATER WELL TASK FORCE, AND TO
ALLOW CERTAIN CERTIFIED WELL CONTRACTORS TO PERFORM WELL SITE
EVALUATIONS.

The General Assembly of North Carolina enacts:

ON-SITE WASTEWATER BOARD CHANGES

SECTION 1.(a) G.S. 90A-73 reads as rewritten:

"§ 90A-73. Creation and membership of the Board.

(a) Creation and Appointments. – There is created the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board. The Board shall consist of nine members appointed to three-year terms as follows:

...

(j) Term Limits. – No member of the Board may serve more than two consecutive three-year terms."

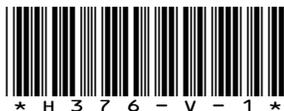
SECTION 1.(b) This section is effective when it becomes law and applies to Board terms beginning on or after July 1, 2026.

SECTION 2.(a) G.S. 90A-77, as amended by S.L. 2024-49, reads as rewritten:

"§ 90A-77. Certification requirements.

(a) Certification. – The Board shall issue a certificate to an applicant who satisfies all of the following conditions:

- (1) Is at least 18 years of age.
- (2) Submits a properly completed application with all required supporting documents for the certification being applied for to the Board.
- (3) For grade level II contractor certification, applicant shall satisfy the following conditions:
 - a. Complete the basic on-site wastewater education approved by the Board for any level.
 - b. Complete any additional class hours required for grade level II.
- (3a) For grade level IV contractor certification, applicant shall satisfy the following conditions:
 - a. Hold current and satisfactory certification of grade level II for a minimum of two years prior to application for grade level IV.



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- 1 b. Complete any additional class hours required for grade level IV.
 2 (3b) For inspector certification, applicant shall satisfy the following conditions:
 3 a. Complete the point-of-sale inspector education approved by the
 4 Board.
 5 b. Complete any additional class hours required for point-of-sale
 6 inspector certification.
 7 c. Hold current and satisfactory certification of grade level IV contractor,
 8 or Authorized On-Site Wastewater Evaluator or subsurface operator
 9 certification for a minimum of two years.
 10 d. In lieu of the experience requirements in this subdivision, an applicant
 11 may instead complete the approved education requirements for the
 12 grade IV contractor certification as required by the Board. This
 13 sub-subdivision shall not apply to a person certified as a grade II
 14 contractor.
 15 (3c) For Authorized On-Site Wastewater Evaluator, applicant shall complete the
 16 Authorized On-Site Wastewater Evaluator education approved by the Board.
 17 (3d) For Private Compliance Inspector, applicant shall satisfy the following
 18 conditions:
 19 a. Complete the Private Compliance Inspector education approved by the
 20 Board.
 21 b. Complete any additional class hours required by the Board for
 22 compliance inspector certification.
 23 c. Have a minimum of 5 years of experience as a certified contractor,
 24 Authorized On-Site Wastewater Evaluator, subsurface operator, or a
 25 registered environmental health specialist with experience in on-site
 26 wastewater matters.
 27 d. Not be employed by a local health department.
 28 (4) Repealed by Session Laws 2010-31, s. 13.2(l), effective July 1, 2010.
 29 (5) Completes any additional training program designed by the Board specific to
 30 the grade level for which the applicant is applying.
 31 (6) Pays the applicable fees set by the Board for the particular application.
 32 (7) Passes a written or oral examination that tests the applicant's proficiency in all
 33 of the following areas:
 34 a. Principles of public and environmental health associated with on-site
 35 wastewater systems.
 36 b. Principles of construction and safety.
 37 c. Technical and practical knowledge of on-site wastewater systems.
 38 d. Laws and rules related to the installation, construction, repair,
 39 point-of-sale inspection, evaluation, or private compliance inspection
 40 of on-site wastewater systems.
 41 (8) Holds sufficient general liability coverage and professional liability coverage
 42 for the project as well as errors and omissions coverage, where applicable.

43"

44 **SECTION 2.(b)** G.S. 90A-78 reads as rewritten:

45 **"§ 90A-78. Certification renewal.**

46 (a) Renewal. – All certifications shall expire on December 31 of each year unless they
 47 are renewed. To renew a certification, a contractor, inspector, Authorized On-Site Wastewater
 48 Evaluator, or Private Compliance Inspector must meet all of the following conditions:

- 49 (1) Submit an application for renewal on the form prescribed by the Board, which
 50 includes all supporting documents requested on the renewal ~~form~~ form, and

1 proof that the applicant holds sufficient liability coverage pursuant to
 2 G.S. 90A-77(a)(8).

- 3 (2) Meet the following continuing education requirements:
 - 4 a. Grade level II contractor: 3 hours per year.
 - 5 b. Grade level IV contractor: 6 hours per year.
 - 6 c. Point-of-sale inspector: 6 hours per year.
 - 7 d. Authorized on-site wastewater evaluator: 12 hours per year.
 - 8 e. Private compliance inspector: 12 hours per year.
 - 9 f. For persons holding more than one certification issued by the Board,
 10 the higher annual hours continuing education requirement of all
 11 certificates held.
- 12 (3) Pay the certification renewal fee.
- 13 (4) Submit the ~~renewal~~ completed renewal package by November 15 annually.

14"

15
 16 **ON-SITE WASTEWATER SYSTEM CHANGES**

17 **SECTION 3.(a)** G.S. 130A-335 reads as rewritten:

18 **"§ 130A-335. Wastewater collection, treatment and disposal; rules.**

19 ...

20 (c) A wastewater system subject to approval under rules of the Commission shall be
 21 reviewed and approved under rules of a local board of health in the following circumstances:

- 22 (1) The local board of health, on its own motion, has requested the Department to
 23 review its proposed rules concerning wastewater systems; and
- 24 (2) The local board of health has adopted by reference the wastewater system
 25 rules adopted by the Commission, with any more stringent modifications or
 26 additions deemed necessary by the local board of health to protect the public
 27 health. ~~Local boards of health shall use historical experience to establish~~
 28 ~~modifications or additions to rules established by the Commission; and~~ A local
 29 board of health may not adopt any more stringent modifications or additions
 30 unless the local board of health has entered into an agreement with the
 31 Department pursuant to G.S. 143-300.8, and the Department has reviewed and
 32 approved the modification or addition; and
- 33 (3) The Department ~~has~~ has, consistent with subsection (c3) of this section, found
 34 that the rules, including modifications or additions to the Commission's rules,
 35 of the local board of health concerning wastewater collection, treatment and
 36 disposal systems are at least as stringent as rules adopted by the Commission
 37 and are sufficient and necessary to safeguard the public health.

38 ...

39 (c3) The Department shall adopt rules of evidence to determine the validity of proposals
 40 from local boards of health seeking modifications or additions to rules established by the
 41 Commission based solely on the necessity to protect the public health. In evaluating the validity
 42 of a local health department's proposed modifications or additions pursuant to subdivision (3) of
 43 subsection (c) of this section, the Department shall hold public hearings and notice those hearings
 44 the Department's webpage upon application for modification or addition of Commission rules by
 45 the local health department. The Department shall make its findings available to the public before
 46 approving or denying a proposed modification or addition.

47 (d) The Department may, upon its own motion, upon the request of a local board of health
 48 or upon the request of a citizen of an affected county, review its findings under subsection (c) of
 49 this section.

50 The Department shall review its findings under subsection (c) of this section upon
 51 modification by the Commission of the rules applicable to wastewater systems. The Department

1 may deny, suspend, or revoke the approval of local board of health wastewater system rules upon
2 a finding that the local wastewater rules are not as stringent as rules adopted by the Commission,
3 are not sufficient and necessary to safeguard the public health, or are not being enforced.
4 Suspension and revocation of approval shall be in accordance with G.S. 130A-23. The
5 Department shall review all approved rules adopted by a local health department pursuant to
6 subsection (c) of this section every four years and shall rescind approval for any rule the
7 Department finds is unnecessary to protect the public health.

8 ...

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

30"

31 **SECTION 3.(b)** G.S. 130A-336 reads as rewritten:

32 **"§ 130A-336. Improvement permit and construction authorization required.**

33 (a) Any proposed site for a residence, place of business, or place of public assembly in
34 an area not served by an approved wastewater system shall be evaluated by either (i) the local
35 health department in accordance with rules adopted pursuant to this Article or (ii) by a
36 professional engineer, licensed soil scientist, or licensed geologist acting within the engineer's,
37 soil scientist's, or geologist's scope of work, as applicable, and pursuant to the conditions of the
38 engineered option permit in G.S. 130A-336.1 or the Authorized On-Site Wastewater Evaluator
39 permit option in G.S. 130A-336.2. An improvement permit issued by a local health department
40 shall include:

- 41 (1) ~~For permits that are valid without expiration, a plat, or, for permits that are~~
42 ~~valid for five years, A plat or a site plan.~~
- 43 (2) A description of the facility the proposed site is to serve.
- 44 (3) The proposed wastewater system and its location.
- 45 (4) The design wastewater flow and characteristics.
- 46 (5) The conditions for any site modifications.
- 47 (6) Any other information required by the rules of the Commission.

48 Neither the improvement permit nor the construction authorization shall be affected by change
49 of ownership of the site for the wastewater system provided both the site for the wastewater
50 system and the facility the system serves are unchanged and remain under the ownership or
51 control of the person owning the facility. No person shall commence or assist in the construction,

1 location, or relocation of a residence, place of business, or place of public assembly in an area
2 not served by an approved wastewater system unless an improvement permit and a construction
3 authorization are obtained from the local health department unless that person is acting in
4 accordance with the conditions and criteria of an engineered option permit pursuant to
5 G.S. 130A-336.1 or the Authorized On-Site Wastewater Evaluator permit option pursuant to
6 G.S. 130A-336.2. This requirement shall not apply to a manufactured residence exhibited for sale
7 or stored for later sale and intended to be located at another site after sale.

8 (b) The local health department shall issue a construction authorization authorizing work
9 to proceed and the installation or repair of a wastewater system when it has determined after a
10 field investigation that the system can be installed and operated in compliance with this Article
11 and rules adopted pursuant to this Article. This construction authorization shall be valid for a
12 period equal to the period of validity of the improvement permit and may be issued at the same
13 time the improvement permit is issued. No person shall commence or assist in the installation,
14 construction, or repair of a wastewater system unless an improvement permit and a construction
15 authorization have been obtained from the Department or the local health department unless that
16 person is acting in accordance with the conditions and criteria of an engineered option permit
17 pursuant to G.S. 130A-336.1 or the Authorized On-Site Wastewater Evaluator permit option
18 pursuant to G.S. 130A-336.2. No improvement permit or construction authorization shall be
19 required for maintenance of a wastewater system. The Department and the local health
20 department may impose conditions on the issuance of an improvement permit and a construction
21 authorization. The Department or the local health department may delay the start of construction
22 of any system until a verification shows that site conditions are unchanged from the issuance of
23 the improvement permit, except that the verification shall not include a geological soil
24 assessment. The owner of the proposed wastewater system may accept or decline the findings of
25 a reassessment of the soils on the site.

26"

27 **SECTION 3.(c)** G.S. 130A-337 reads as rewritten:

28 "**§ 130A-337. Inspection; operation permit required.**

29 (a) No system of wastewater collection, treatment and disposal shall be covered or placed
30 into use by any person until an inspection by the local health department has determined that the
31 system has been installed or repaired in accordance with any conditions of the Improvement
32 Permit, the rules, and this Article.

33 (a1) Notwithstanding subsection (a) of this section, an applicant may contract with an
34 Authorized On-Site Wastewater Evaluator certified pursuant to Article 5 of Chapter 90A of the
35 General Statutes or an engineer licensed pursuant to Chapter 89C of the General Statutes to
36 conduct any required verifications or inspections. The evaluator or engineer shall provide the
37 applicant with written verification that all conditions of the Improvement Permit and
38 Construction Authorization have been met, including an as-built drawing meeting the standards
39 and scale of the local health department issuing the Construction Authorization as certified by
40 the ~~evaluator~~ evaluator or engineer. The applicant may cover the system and place it into
41 operation upon receipt of the ~~evaluator's~~ written verification and shall submit the verification
42 to the local health department within two business days of receipt of the verification. The
43 Department, the Department's authorized agents, and the local health department shall be
44 discharged and released from any liabilities, duties, and responsibilities imposed by statute or
45 common law from any claim arising out of or attributed to the on-site wastewater system
46 installation.

47 ...

48 (b) ~~Upon determining that the system is properly installed or repaired and that the system~~
49 ~~is capable of being operated in installation or repair of a wastewater system in accordance with~~
50 ~~the conditions of the Improvement Permit, the rules, this Article and any conditions to be imposed~~
51 ~~in the operation permit, Permit and the Construction Authorization, including any site~~

1 modification conditions noted in the Improvement Permit or Construction Authorization, as
2 applicable, applicable, or upon receipt of written verification submitted pursuant to subsection
3 (a1) or (a2) of this section, the local health department shall issue an operation permit authorizing
4 the residence, place of business or place of public assembly to be occupied and for the system to
5 be placed into use or reuse. A local health department may not withhold issuance of an operation
6 permit if the wastewater system was installed or repaired pursuant to the Improvement Permit,
7 Construction Authorization, and any conditions noted in either permit at the time of issuance
8 unless the wastewater system owner agrees, in writing, to additional conditions in the operation
9 permit. Any additional conditions in the operation permit agreed to by the wastewater system
10 owner shall be recorded in the operation permit.

11"

13 PRIVATE DRINKING WATER WELL TASK FORCE

14 **SECTION 4.(a)** There is established the Private Drinking Water Well Task Force
15 (Task Force). The Task Force shall consist of seven members, as follows:

- 16 (1) A representative of the North Carolina Department of Health and Human
17 Services, Division of Public Health, Environmental Health Section.
- 18 (2) A representative of the Department of Environmental Quality, Division of
19 Water Resources, Groundwater Resources Section.
- 20 (3) A representative of the North Carolina Environmental Health Supervisors
21 Association.
- 22 (4) A person recommended by the North Carolina On-Site Wastewater
23 Contractors and Inspectors Certification Board.
- 24 (5) A person recommended by the Well Contractors Certification Commission
25 and actively conducting business constructing private wells.
- 26 (6) A representative of the North Carolina Groundwater Association who
27 currently holds a Level A certification.
- 28 (7) A representative of the North Carolina Groundwater Association who
29 currently holds a Level C certification.

30 **SECTION 4.(b)** The first meeting of the Task Force shall be held no later than June
31 1, 2025. The Task Force member from the Department of Health and Human Services shall chair
32 the first meeting of the Task Force. The permanent chair of the Task Force shall be elected by a
33 majority of the members of the Task Force present and voting at the first meeting. A majority of
34 the Task Force members shall constitute a quorum for the transaction of business. No action may
35 be taken except by a majority vote at a meeting at which a quorum is present.

36 **SECTION 4.(c)** The Task Force shall conduct a study and issue a report to
37 recommend streamlining private drinking water well rules to the Environmental Management
38 Commission. In conducting this study, the Task Force may collaborate with any stakeholders it
39 deems appropriate. The report must make recommendations for all of the following:

- 40 (1) Streamlining existing regulations for the installation, construction,
41 maintenance, and repair of private drinking water wells.
- 42 (2) Whether to eliminate local drinking water well programs, in favor of a uniform
43 statewide program.
- 44 (3) Whether to consolidate authority and oversight of drinking water wells within
45 one rulemaking body or agency.
- 46 (4) Whether to allow certified well contractors to install interior well filtration
47 units when also constructing a private water well on site, providing that
48 certified well contractors shall not hold themselves out as licensed plumbers
49 when conducting this installation.
- 50 (5) Any other recommendations the Task Force considers relevant to this section.

1 **SECTION 4.(d)** The Task Force shall transmit its report to the Joint Legislative
2 Oversight Committee on Agriculture and Natural and Economic Resources, the Environmental
3 Review Commission, the Joint Legislative Oversight Committee on Health and Human Services,
4 and the Environmental Management Commission no later than December 31, 2025. The Task
5 Force will terminate on the earlier of the date it transmits its report or December 31, 2025.

6
7 **PRIVATE DRINKING WATER WELL PROGRAM**

8 **SECTION 5.** G.S. 87-97 reads as rewritten:

9 **"§ 87-97. Permitting and testing of private drinking water wells.**

10 ...

11 (d) Well Site Evaluation. – The local health department or a person certified both as a
12 well contractor pursuant to Article 7A of this Chapter and as either a Level IV contractor,
13 inspector, or Authorized On-Site Wastewater Evaluator pursuant to Article 5 of Chapter 90A of
14 the General Statutes shall conduct a field investigation to evaluate the site on which a private
15 drinking water well is proposed to be located before issuing a permit pursuant to this section. The
16 well contractor of record for a proposed well site cannot perform the field investigation required
17 by this subsection. The field investigation shall determine whether there is any abandoned well
18 located on the site, and if so, the construction permit shall be conditioned upon the proper closure
19 of all abandoned wells located on the site in accordance with the requirements of this Article and
20 rules adopted pursuant to this Article. If a private drinking water well is proposed to be located
21 on a site on which a wastewater system subject to the requirements of Article 11 of Chapter 130A
22 of the General Statutes is located or proposed to be located, the application for a construction
23 permit shall be accompanied by a plat or site plan, as defined in G.S. 130A-334.

24 If the well location marked on the map submitted with an application to a local well program
25 is also marked with a stake or similar marker on the property, then the local well program may
26 not require the contractor to be on site during the on-site predrill inspection, as long as the
27 contractor is available by telephone to answer questions.

28 The Department, the Department's authorized agents, or local health departments shall have
29 no liability for site evaluations performed by a certified well contractor pursuant to this
30 subsection.

31 "

32
33 **EFFECTIVE DATE**

34 **SECTION 6.** Except as otherwise provided, this act is effective when it becomes
35 law.