

15A NCAC 18A .1971 ENGINEERED OPTION PERMIT

(a) An owner choosing to use an Engineered Option Permit (EOP) for on-site wastewater systems pursuant to G.S. 130A-336.1 shall employ the services of a professional engineer licensed pursuant to G.S. 89C to prepare signed and sealed drawings, specifications, plans, and reports for the design, construction, operation, and maintenance of the wastewater system.

(b) **SITE EVALUATION:** Prior to the submittal of a Notice of Intent to Construct (NOI) for an EOP system, a soil scientist licensed pursuant to G.S. 89F or a geologist licensed pursuant to G.S. 89E shall conduct an evaluation of soil conditions and site features of the proposed site. This evaluation shall be in accordance with the rules of this Section.

(c) **NOTICE OF INTENT TO CONSTRUCT:** The NOI for an EOP System shall be submitted by the owner or a professional engineer authorized as the legal representative of the owner to the local health department in the county where the design unit is located. The NOI shall be submitted on the common form provided by the Department. The common form is available by accessing the Department's website at <http://ehs.ncpublichealth.com/oswp/docs/rules/EOPCommonFormNovember-1-2016.pdf>. It shall include all of the information specified in G.S. 130A-336.1(b) and the following:

- (1) The soil scientist's, geologist's, and on-site wastewater system contractor's name, license number, address, e-mail address, and telephone number;
- (2) Information required in Rules .1937(d) and .1937(e) of this Section for Improvement Permit and Construction Authorization 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 professional engineer shall reference any existing permit issued for a private drinking water supply, public water supply, or a wastewater system on both the subject and adjoining properties to provide documentation of compliance with setback requirements in Rule.1950 of this Section; and
- (4) Proof of insurance for the professional engineer, soil scientist, geologist, and on-site wastewater system contractor.

(d) **DESIGN PLANS AND SPECIFICATIONS:** The professional engineer design shall incorporate findings and recommendations on soil and site conditions, limitations, and any site modifications specified by the soil scientist or geologist, as applicable, and in accordance with G.S. 130A-336.1(k)(1). When the professional engineer chooses to employ pretreatment technologies not yet approved in this State, the engineering report shall specify the proposed technology, and the associated siting, installation, operation, maintenance, and monitoring requirements, including manufacturers endorsements associated with its proposed use.

(e) **CONSTRUCTION OF WASTEWATER SYSTEM:** No building permit for construction, location, or relocation shall be issued until after a decision of completeness of the NOI is made by the local health department, or the local health department fails to act within 15 business days. Construction of the wastewater system shall not commence until the system design plans and specifications have been provided to the on-site wastewater system contractor and the signed and dated statement by the contractor is provided to the owner. The owner shall be responsible for assuring no modifications or alterations to the site for the wastewater system or the system repair area are made as a result of any construction activities for the design unit before or after construction of the wastewater system, unless approved by the professional engineer, soil scientist, or geologist, as applicable.

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

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

The local health department shall use the common form for written confirmation.

(g) **OPERATION:** The owner of the wastewater system approved pursuant to the EOP 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) and Rule .1961 of this Section.

(h) **SYSTEM MALFUNCTION:** For repair of a malfunctioning EOP system, this Rule shall be followed in conjunction with Rule .1961 of this Section. The operator shall notify the local health department within 48 hours of the system malfunction.

(i) **DESIGN UNIT CHANGE OF USE:** The owner of an EOP system who wishes to change the use of the design unit shall contact the professional engineer, soil scientist, geologist, and on-site wastewater system contractor, to determine whether the current system would continue to meet the requirements of the rules of this Section for the proposed change of use. The professional engineer, soil scientist, geologist, or on-site wastewater system contractor shall determine what, if any, modifications shall be necessary for the wastewater system to continue to meet the requirements of the Rules of this Section following the proposed change of use. A NOI reflecting the change of use and any required modifications to the system shall be submitted to the local health department and follow the EOP permitting process.

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

- (1) File all EOP documentation consistent with current permit filing procedures at the local health department;
- (2) Submit a copy to the Department of the NOI common form and written confirmation of Authorization to Operate;
- (3) Review the performance and operation reports submitted in accordance with Table V(b) of Rule .1961 of this Section;
- (4) Perform on-site compliance inspections of the wastewater system in accordance with Table V(a) of Rule .1961 of this Section;
- (5) Investigate complaints regarding EOP systems;
- (6) Issue a notice of violation for systems determined to be malfunctioning in accordance with Rule .1961(a) of this Section. The local health department shall direct the owner to contact the professional engineer, soil scientist, geologist, and on-site wastewater system contractor, as appropriate, for determination of the reason of the malfunction and development of a NOI for repairs; and
- (7) Require an owner receiving a notice of violation to pump and haul sewage in accordance with Rule .1961(m) of this Section.

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

(l) Nothing in this Rule shall be construed as allowing any licensed professional to provide services for which he or she has neither the educational background, expertise, or license to perform, or is beyond his or her scope of work as provided for pursuant to G.S. 130A-336.1 and the applicable statutes for their respective professions.

*History Note: Authority G.S. 130A-335; 130A-336.1;
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