

15A NCAC 18E .0102 APPLICABILITY

- (a) The rules of this Subchapter shall not apply to any wastewater system for which an IP, CA, OP, NOI, ATO, certificate of completion, or an equivalent approval has been issued prior to January 1, 2024, unless the DDF or wastewater strength increases. Wastewater systems that are malfunctioning in accordance with Rule .1303(a)(2) of this Subchapter shall adhere to the rules of this Subchapter. The provisions of Rule .0206 of this Subchapter shall apply to any wastewater system for which an OP, ATO, certificate of completion, or an equivalent approval has been issued prior to January 1, 2024.
- (b) For purposes of this Rule, wastewater strength shall not be determined to be increased unless the facility is a commercial facility or becomes a commercial facility and the wastewater strength is determined to meet the definition of HSE in accordance with Rule .0402 of this Subchapter.
- (c) Prior to any increase in DDF or wastewater strength for an existing facility, the owner shall submit an application in accordance with Rule .0202 of this Subchapter.
- (d) Wastewater systems permitted on or after July 1, 1977, shall comply with the setback requirements in this Subchapter.
- (e) Wastewater systems installed prior to July 1, 1977, and existing wastewater systems for which a permit cannot be found are not considered to meet the conditions of Rules .0302(c)(5) or .0302(c)(6) of this Subchapter.
- (f) Notwithstanding Paragraph (a) of this Rule, all wastewater systems shall comply with Section .1300 of this Subchapter.
- (g) When a wastewater system that was installed on or after July 1, 1977, is expanded, modified, or repaired, and the wastewater strength is not increasing, any existing wastewater system components that are not crushed, broken, damaged, or otherwise rendered unusable or ineffective so that the component will not function as designed shall not be required to meet the requirements of this Subchapter. All components shall comply with the setback requirements in this Subchapter.
- (h) When a wastewater system that was installed prior to July 1, 1977, is expanded, modified, or repaired, and the wastewater strength is not increasing, any existing wastewater system components that are not crushed, broken, damaged, or otherwise rendered unusable or ineffective so that the component will not function as designed shall not be required to meet the requirements of this Subchapter except as follows:
- (1) Setbacks to drinking water wells shall not be reduced; and
 - (2) Setbacks to surface water bodies specified in Rule .0601 of this Subchapter shall not be reduced by more than 50 percent.
- (i) Existing wastewater systems for which no permit can be found and with no evidence that the wastewater system was installed in violation of G.S. 130A, Article 11 and the rules in effect at the time of installation shall be considered to have an OP or its equivalent in accordance with this Rule.

History Note: Authority G.S. 130A-335(e); S.L. 2023-77, s.1; S.L. 2024-49, s.4.10;
Eff. January 1, 2024;
Amended Eff. June 1, 2026.