

### **15A NCAC 18E .0508 AVAILABLE SPACE**

(a) Sites shall have available space to allow for the installation of the initial wastewater system and repair area for a system identified or approved in Sections .0900, .1500, or .1700 of this Subchapter. The available space provided shall meet all required setbacks in Sections .0600 or .1200 of the Subchapter and provide access to the wastewater system for operation and maintenance activities. A site with sufficient available space shall be suitable.

(b) If the site does not have available space for both an initial wastewater system and repair area it shall be unsuitable.

(c) The repair area requirement of Paragraph (a) of this Rule shall not apply to a lot or tract of land which meets the following:

- (1) described in a recorded deed or a recorded plat on or before January 1, 1983;
- (2) insufficient size to satisfy the repair area requirement of Paragraph (a) of this Rule, as determined by the authorized agent;
- (3) DDF is no more than 480 gallons for a single-family dwelling unit or a single facility; and
- (4) the proposed facility will generate DSE.

(d) Although a lot or tract of land may be exempt from the repair area requirement under Paragraph (c) of this Rule, the authorized agent shall determine if there is any available space for the repair area. The authorized agent shall determine the maximum feasible repair area available, and that repair area shall be specified on the IP, CA, and OP.

(e) If a site meets any of the following criteria, a repair area shall be required, even if the site is exempt from the repair area requirement of Paragraph (c) of this Rule:

- (1) proposed increase in flow or wastewater strength to an existing facility permitted under the exemption of Paragraph (c) of this Rule; or
- (2) any new initial wastewater system is proposed on a lot or tract of land on which the exemption in Paragraph (c) of this Rule was previously utilized.

(f) Notwithstanding the criteria for when a repair area is required in accordance with Paragraph (e) of this Rule, a site shall remain exempt from the repair area requirements of Paragraph (a) of this Rule when all of the following conditions are met:

- (1) an owner submits an application to the LHD for an increase in flow to an existing facility permitted in accordance with Paragraph (c) of this Rule and the facility DDF remains less than or equal to 480 gpd of DSE;
- (2) there is sufficient available space for the existing system to be modified pursuant to the Rules of this Subchapter;
- (3) the site for the existing system complies with the Rules of this Subchapter and the existing system is not malfunctioning in accordance with Rule .1303(a)(2) of this Subchapter; and
- (4) the conditions set forth in Paragraph (d) of this Rule are met.

(g) Prior to the issuance of the IP, the proposed dispersal field shall be field located and staked on-contour, as applicable, to verify that initial and repair wastewater systems can be installed in the area delineated. The dispersal field may be installed level but off contour if an authorized agent has determined that there is sufficient vertical separation to a LC along the entire trench length in accordance with Rule .0901(g)(2) of this Subchapter.

(h) The initial and repair area shall not be altered so that the wastewater system specified on the IP, CA, and OP cannot be installed and function as permitted.

(i) A wastewater system certified in accordance with NSF/ANSI Standard 350 or that has data from a two-year field demonstration documenting that the wastewater system meets NSF/ANSI Standard 350 or better may eliminate the requirement for a repair area when installed in Group I soils. The Department shall specify the information required for a wastewater system to be approved with a two-year field demonstration. A wastewater system that does not have a repair area in accordance with this Paragraph shall only be used to treat DSE, shall meet a TN effluent standard of 20 mg/L, and shall be classified as a Type VI(b) pursuant to Table XXXII of Rule .1301(b) of this Subchapter. Evidence of TN standards shall be provided by applicable NSF/ANSI testing or approval as a TS-II wastewater system in accordance with this Subchapter and included in the IP, CA, or NOI.

*History Note: Authority G.S. 130A-335(e) and (f); S.L. 2015-147, s.1; S.L. 2023-77, s.13; S.L. 2024-49, s.4.21; Eff. January 1, 2024.*