

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

S

D

SENATE BILL 166
Agriculture, Energy, and Environment Committee Substitute Adopted 5/2/23
House Committee Substitute Favorable 5/1/24
PROPOSED HOUSE COMMITTEE SUBSTITUTE S166-PCS45463-BRF-30

Short Title: 2024 Bldg. Code Regulatory Reform.

(Public)

Sponsors:

Referred to:

February 28, 2023

A BILL TO BE ENTITLED

AN ACT TO AMEND VARIOUS DEVELOPMENT REGULATIONS; TO AMEND VARIOUS NORTH CAROLINA STATE BUILDING CODES; TO AMEND VARIOUS CONSTRUCTION CONTRACTORS AND DESIGN PROFESSIONALS REGULATIONS; TO AMEND VARIOUS ENVIRONMENT AND ENVIRONMENTAL HEALTH REGULATIONS; AND TO REORGANIZE THE BUILDING CODE COUNCIL.

The General Assembly of North Carolina enacts:

PART I. DEVELOPMENT REGULATIONS

PROHIBIT CERTAIN BACKFLOW PREVENTER INSTALLATIONS

SECTION 1.1.(a) Article 10 of Chapter 130A of the General Statutes is amended by adding a new section to read:

"§ 130A-330. Local authority to require backflow preventers.

(a) No public water system owned or operated by a local government unit, as that term is defined in G.S. 159G-20(13), shall require a customer to install a backflow preventer on an existing nonresidential or residential connection, including multifamily dwellings, not otherwise required by State or federal law except where the degree of hazard from the customer's connection is determined to be high by the Department.

(b) The limitation established in subsection (a) of this section shall not be construed to prohibit requirements for installation of backflow preventers pursuant to the North Carolina Plumbing Code or the North Carolina Fire Code due to retrofit or upfit/fit-up to the customer's plumbing, facility addition on the customer's property, or change in use of the property served by the connection. The single act of a retrofit or upfit/fit-up to the customer's plumbing limited to the service line between the home or building and the meter, and without a change in use or facility addition, does not necessitate a backflow preventer. An increase in the flow of water to the home or building, without a change in use or facility addition, does not necessitate a backflow preventer.

(c) A public water system owned or operated by a local government unit, and its employees, including the Cross Connection Control Operator in Responsible Charge, is immune from civil liability in tort from any loss, damage, or injury arising out of or relating to the backflow of water into potable water supply systems where a backflow preventer is not required by State or federal law, or where the degree of hazard from the customer's connection is not determined to be high by the Department.



* S 1 6 6 - P C S 4 5 4 6 3 - B R F - 3 0 *

1 (d) The Department shall determine whether the degree of hazard for a service connection
 2 is high when the installation of a backflow preventer is not otherwise required by State or federal
 3 law. The Department shall provide notice of such determinations on its website.

4 (e) Nothing in this section shall prohibit a public water system owned or operated by a
 5 local government unit from requiring the installation of a backflow preventer if the system pays
 6 all costs associated with the backflow preventer, including the device, installation, and
 7 appropriate landscaping.

8 (f) For purposes of this section, the following definitions apply:

9 (1) "Backflow preventer" means an assembly, device, or method that prohibits the
 10 backflow of water into potable water supply systems.

11 (2) "High hazard" means a cross-connection or potential cross-connection
 12 involving any substance that could, if introduced into the potable water
 13 supply, cause illness or death, spread disease, or have a high probability of
 14 causing such effects."

15 **SECTION 1.1.(b)** G.S. 150B-2 reads as rewritten:

16 **"§ 150B-2. Definitions.**

17 As used in this Chapter, the following definitions apply:

18 ...

19 (8a) Rule. – Any agency regulation, standard, or statement of general applicability
 20 that implements or interprets an enactment of the General Assembly or
 21 Congress or a regulation adopted by a federal agency or that describes the
 22 procedure or practice requirements of an agency. The term includes the
 23 establishment of a fee and the amendment or repeal of a prior rule. The term
 24 does not include the following:

25 ...

26 m. Determinations by the Department of Environmental Quality of high
 27 hazards pursuant to G.S. 130A-330.

28"

29 **SECTION 1.1.(c)** This section is effective when it becomes law and applies to
 30 requirements for installation of backflow preventers made by a public water supply on or after
 31 that date.

32
 33 **PROHIBIT DUPLICATIVE WATER SERVICE SHUT-OFF VALVE REQUIREMENTS**
 34 **IN CERTAIN RESIDENTIAL DWELLINGS**

35 **SECTION 1.2.(a)** Article 10 of Chapter 130A of the General Statutes is amended by
 36 adding a new section to read:

37 **"§ 130A-331. Prohibit duplicative water service shut-off valves.**

38 All persons and units of local government locating, constructing, altering, or operating, or
 39 intending to locate, construct, alter, or operate, a public water system, as defined in
 40 G.S. 130A-313, are prohibited from requiring the installation of a redundant inline water service
 41 shutoff or cutoff valve between a water service meter and a customer receiving water service
 42 within a dwelling subject to the North Carolina Residential Code. This section does not apply to
 43 (i) integrated valves attached or located within a water meter box for the purpose of water meter
 44 installation, repair, or replacement or (ii) valves installed as an accessible main shutoff valve near
 45 the entrance of water service as required by the North Carolina Residential Code."

46 **SECTION 1.2.(b)** This section becomes effective January 1, 2025.

47
 48 **BUILDING PERMIT FEES FOR INSPECTION DEPARTMENT CLARIFICATION**

49 **SECTION 1.3.(a)** G.S. 160D-402 reads as rewritten:

50 **"§ 160D-402. Administrative staff.**

1 (a) Authorization. – Local governments may appoint administrators, inspectors,
2 enforcement officers, planners, technicians, and other staff to develop, administer, and enforce
3 development regulations authorized by this Chapter.

4 (b) Duties. – Duties assigned to staff may include, but are not limited to, drafting and
5 implementing plans and development regulations to be adopted pursuant to this Chapter;
6 determining whether applications for development approvals are complete; receiving and
7 processing applications for development approvals; providing notices of applications and
8 hearings; making decisions and determinations regarding development regulation
9 implementation; determining whether applications for development approvals meet applicable
10 standards as established by law and local ordinance; conducting inspections; issuing or denying
11 certificates of compliance or occupancy; enforcing development regulations, including issuing
12 notices of violation, orders to correct violations, and recommending bringing judicial actions
13 against actual or threatened violations; keeping adequate records; and any other actions that may
14 be required in order adequately to enforce the laws and development regulations under their
15 jurisdiction. A development regulation may require that designated staff members take an oath
16 of office. The local government shall have the authority to enact ordinances, procedures, and fee
17 schedules relating to the administration and the enforcement of this Chapter. The administrative
18 and enforcement provisions related to building permits set forth in Article 11 of this Chapter shall
19 be followed for those permits.

20 (c) Alternative Staff Arrangements. – A local government may enter into contracts with
21 another city, county, or combination thereof under which the parties agree to create a joint staff
22 for the enforcement of State and local laws specified in the agreement. The governing boards of
23 the contracting parties may make any necessary appropriations for this purpose.

24 In lieu of joint staff, a governing board may designate staff from any other city or county to
25 serve as a member of its staff with the approval of the governing board of the other city or county.
26 A staff member, if designated from another city or county under this section, shall, while
27 exercising the duties of the position, be considered an agent of the local government exercising
28 those duties. The governing board of one local government may request the governing board of
29 a second local government to direct one or more of the second local government's staff members
30 to exercise their powers within part or all of the first local government's jurisdiction, and they
31 shall thereupon be empowered to do so until the first local government officially withdraws its
32 request in the manner provided in G.S. 160D-202.

33 A local government may contract with an individual, company, council of governments,
34 regional planning agency, metropolitan planning organization, or rural planning agency to
35 designate an individual who is not a city or county employee to work under the supervision of
36 the local government to exercise the functions authorized by this section. The local government
37 shall have the same potential liability, if any, for inspections conducted by an individual who is
38 not an employee of the local government as it does for an individual who is an employee of the
39 local government. The company or individual with whom the local government contracts shall
40 have errors and omissions and other insurance coverage acceptable to the local government.

41 (d) Financial Support. – The local government may appropriate for the support of the
42 staff any funds that it deems necessary. It shall have power to fix reasonable fees for support,
43 administration, and implementation of programs authorized by this Chapter, ~~and all such Chapter.~~
44 All fees collected by a building inspection department for the administration and enforcement of
45 provisions set forth in Article 11 of this Chapter shall be used for to support the administration
46 and operations of the building inspection department and for no other purposes. When an
47 inspection, for which the permit holder has paid a fee to the local government, is performed by a
48 marketplace pool Code-enforcement official upon request of the State Fire Marshal under
49 G.S. 143-151.12(9)a., the local government shall promptly return to the permit holder the fee
50 collected by the local government for such inspection. This subsection applies to the following

1 types of inspection: plumbing, electrical systems, general building restrictions and regulations,
2 heating and air-conditioning, and the general construction of buildings."

3 **SECTION 1.3.(b)** This section becomes effective July 1, 2024.
4

5 **RESIDENTIAL PLAN REVIEW FEE REIMBURSEMENT**

6 **SECTION 1.4.(a)** G.S. 160D-1110(b) reads as rewritten:

7 "(b) A building permit shall be in writing and shall contain a provision that the work done
8 shall comply with the North Carolina State Building Code and all other applicable State and local
9 laws. Nothing in this section requires a local government to review and approve residential
10 building plans submitted to the local government pursuant to the North Carolina Residential
11 Code, so long as the local government may review and approve the residential building plans as
12 it deems necessary. If a local government chooses to review residential building plans for any
13 structures subject to regulation under the North Carolina Residential Code, all initial reviews for
14 the building permit shall be performed within 15 business days of submission of the plans. A
15 local government that reviews residential building plans for the purpose of building permit
16 issuance shall perform its initial review concurrently with processes for project development
17 approvals required from other State, federal, and local agencies. If a local government does not
18 perform its initial review within 20 business days of submission of the plans, the local
19 government shall refund to the building permit applicant a portion of their total permit application
20 fee. That portion shall equal ten percent (10%) of the total permit application fee, for each
21 business day in which the local government does not perform its initial review, for a period not
22 to exceed 10 business days. A local government shall not require residential building plans for
23 one- and two-family dwellings to be sealed by a licensed engineer or licensed architect unless
24 required by the North Carolina State Building Code. No building permits shall be issued unless
25 the plans and specifications are identified by the name and address of their author. If the General
26 Statutes require that plans for certain types of work be prepared only by a licensed architect or
27 licensed engineer, no building permit shall be issued unless the plans and specifications bear the
28 North Carolina seal of a licensed architect or of a licensed engineer. When any provision of the
29 General Statutes or of any ordinance or development or zoning regulation requires that work be
30 done by a licensed specialty contractor of any kind, no building permit for the work shall be
31 issued unless the work is to be performed by a licensed contractor."

32 **SECTION 1.4.(b)** This section becomes effective July 1, 2024, and applies to permit
33 applications submitted on or after that date.
34

35 **CLARIFY PUBLIC SAFETY ISSUES FOR WITHHOLDING BUILDING PERMITS OR** 36 **CERTIFICATES OF OCCUPANCY**

37 **SECTION 1.5.** G.S. 160D-1110(h) reads as rewritten:

38 "(h) No local government shall withhold a building permit or certificate of occupancy that
39 otherwise would be eligible to be issued under this section to compel, with respect to another
40 property or parcel, completion of work for a separate permit or compliance with land-use
41 regulations under this Chapter unless otherwise authorized by law or unless the local government
42 reasonably determines the existence of a public safety issue directly related to the issuance of a
43 building permit or certificate of occupancy. For the purposes of this subsection, a "public safety
44 issue" shall not include improvement, installation, placement, repair, or replacement of any of
45 the following:

46 (1) Landscaping around dwellings subject to the North Carolina Residential Code
47 within individual lots.

48 (2) Landscaping within common areas within a subdivision development.

49 (3) Street lighting fixtures within common areas of a subdivision development.

50 If a developer has not, at the time of issuance of a certificate of occupancy, completed all
51 required site improvements as set forth in subdivisions (1) through (3) of this subsection, the

1 developer shall submit to the local government a signed affidavit detailing the reasons why the
2 required site improvements are not complete, the expected date of completion and compliance,
3 and a statement promising to complete the required site improvements."
4

5 **PROHIBIT UNRESTRICTED RIGHT OF ENTRY AS A CONDITION TO** 6 **DEVELOPMENT APPROVALS**

7 **SECTION 1.6.(a)** G.S. 160D-403(e) reads as rewritten:

8 "(e) Inspections. – Administrative staff may inspect work undertaken pursuant to a
9 development approval to assure that the work is being done in accordance with applicable State
10 and local laws and the terms of the approval. In exercising this power, staff may enter any
11 premises within the jurisdiction of the local government at all reasonable hours for the purposes
12 of inspection or other enforcement action, upon presentation of proper credentials, so long as the
13 appropriate consent has been given for inspection of areas not open to the public or an appropriate
14 inspection warrant has been secured. Administrative staff are prohibited from requiring
15 unrestricted written consent from a permit applicant to enter any premises or areas not open to
16 the public as a condition to accepting an application for, or the issuance of, development
17 approvals."

18 **SECTION 1.6.(b)** Local governments and administrative staff are prohibited from
19 acting upon unrestricted written consent from a permit applicant to enter any premises or areas
20 not open to the public as a condition to accepting an application for, or the issuance of,
21 development approvals, obtained prior to the effective date of this subsection (a) of this section.
22 This subsection shall not be construed to invalidate a validly issued administrative warrant,
23 administrative inspection warrant, administrative search warrant, or inspection warrant which
24 has been secured by local government or administrative staff pursuant to G.S. 160D-403(e) or
25 G.S. 15-27.2, or construed to prohibit periodic inspections authorized by G.S. 160D-1117 or
26 G.S. 160D-1207.

27 **PROHIBIT TECHNICAL CODE COMPLIANCE AFFIDAVITS**

28 **SECTION 1.7.** G.S. 160D-1104(c) reads as rewritten:

29 "(c) In performing the specific inspections required by the North Carolina State Building
30 Code, the inspector shall conduct all inspections requested by the permit holder for each
31 scheduled inspection. For each requested inspection, the inspector shall inform the permit holder
32 of instances in which the work inspected fails to meet the requirements of the North Carolina
33 State Building Code. An inspector is prohibited from requiring affidavits attesting that work is
34 in compliance with the North Carolina Residential Code in lieu of conducting inspections
35 required for work subject to the North Carolina Residential Code."
36
37

38 **LOCAL GOVERNMENT CURB AND GUTTER DESIGN STANDARDS**

39 **SECTION 1.8.(a)** G.S. 160D-804 is amended by adding a new subsection to read:

40 "(k) Curb and Gutter Design Standards. – Notwithstanding G.S. 160A-307 and
41 G.S. 160D-916, the regulation shall not limit, or prohibit the use of, curb and gutter design
42 standards adopted by the North Carolina Department of Transportation for subdivision roads
43 adjacent to, and serving, dwellings subject to the North Carolina Residential Code."

44 **SECTION 1.8.(b)** This section becomes effective October 1, 2024, and applies to
45 permit applications submitted on or after that date.
46

47 **MUNICIPAL PEDESTRIAN FACILITY REQUIREMENTS WITHIN ETJ FOR** 48 **SUBDIVISION STREETS DESIGNATED AS PUBLIC**

49 **SECTION 1.9.(a)** G.S. 160D-804(c) is amended by adding a new subdivision to
50 read:

"(5) A regulation adopted by a city shall not require a developer to design and construct pedestrian facilities, including sidewalks, within rights-of-way for new streets designated as public and to be submitted to the North Carolina Department of Transportation for review pursuant to G.S. 136-102.6, for small residential subdivisions located in areas subject to municipal planning and development regulation in an extraterritorial jurisdiction established pursuant to G.S. 160D-202, unless the city accepts long-term maintenance responsibilities by written agreement with the North Carolina Department of Transportation prior to construction of pedestrian facilities. For the purposes of this subdivision, "small residential subdivision" means a subdivision development that contains 20 individual lots or less."

SECTION 1.9.(b) A city that required a developer to design and construct pedestrian facilities on or after January 1, 2020, as described in G.S. 160D-804(c)(5) enacted by subsection (a) of this section, shall coordinate with the North Carolina Department of Transportation to accept long-term maintenance responsibilities by written agreement for those pedestrian facilities as required by G.S. 160D-804(c)(5). Nothing in this section shall be construed to affect any long-term maintenance agreements between a municipality and the North Carolina Department of Transportation for pedestrian facilities described in G.S. 160D-804(c)(5) in effect on the effective date of this section.

G.S. 160D-804 TECHNICAL CORRECTION

SECTION 1.10. G.S. 160D-804(j) reads as rewritten:

"(j) Private Driveway Pavement Design Standards. – The regulation shall not require pavement design standards for new private driveway construction that are more stringent than the minimum pavement design standards adopted by the North Carolina Department of Transportation. Notwithstanding any regulation adopted by the local government, the local government must accept engineered pavement design standards that do not meet minimum standards required by the Department of Transportation if the proposed design standard is signed and sealed by a duly licensed professional engineer, under Chapter 89C of the General Statutes, and meets vehicular traffic and fire apparatus access requirements. This subsection applies to construction of new privately owned driveways, parking lots, and driving areas associated with parking lots within a new development or subdivision that the developer designates as private and that are intended to remain privately owned after construction. If driveways, parking lots, and driving areas associated with parking lots are constructed to pavement design standards that do not meet minimum standards required by a regulation adopted by the local government, as authorized by this subsection, the developer must include disclosures to prospective buyers as outlined in G.S. 136-102.6(f) prior to entering into any agreement or any conveyance with any prospective buyer. A local government is discharged and released from any liabilities, duties, and responsibilities imposed by this Article, or in common law, from any claim arising out of, or attributed to, the plan review or acceptance of signed and sealed pavement design standards submitted pursuant to this subsection. Nothing in this ~~section~~-subsection limits the authority of local governments or the Department of Transportation to regulate private roads, driveways, or street connections to a public system, or to regulate transportation and utilities, pursuant to subsection (c) of this section, or as otherwise authorized by law."

CLARIFY REQUIREMENTS FOR MODEL HOMES

SECTION 1.11.(a) Chapter 160D of the General Statutes is amended by adding a new Article to read:

"Article 15.

"Miscellaneous Provisions.

"§ 160D-1501. Model homes within subdivision developments.

1 (a) Definition. – For the purposes of this section, a "model home" means a residential
2 dwelling built within a subdivision development constructed in compliance with the North
3 Carolina Residential Code which will be temporarily utilized to display the dwellings and
4 products offered, within the same subdivision development, to prospective purchasers.

5 (b) Temporary Mixed Occupancy; Temporary Certificate of Occupancy Issuance. – A
6 model home may include an area designated as a Business Group B occupancy, including for use
7 as a sales office and conducting development-related business with prospective purchasers. Upon
8 completing the construction of a model home, a local government may issue a temporary
9 certificate of occupancy pursuant to G.S. 160D-1116 if the permit holder, in their request for the
10 temporary certificate of occupancy, designates certain areas within the model home as a Business
11 Group B occupancy.

12 (c) Accessibility Requirements. – An area designated as, or leading to, Business Group
13 B occupancies within the model home must meet accessibility requirements as required by State
14 and federal law. Any other areas shall only be utilized for display purposes for prospective buyers
15 to view the developer's product and for no other purpose.

16 (d) Display Area Signage. – A permit holder receiving a temporary certificate of
17 occupancy for a model home pursuant to subsection (b) of this section must conspicuously post
18 and maintain signage at entrances to model home display areas specifying that the display area
19 is only for prospective buyers to view the developer's product and for no other purpose.

20 (e) Utility Connections to Model Homes. – All persons and units of local government
21 authorizing the connection of electrical, water, sewer, and any related utility services to a model
22 home must connect services requested by a permit holder upon issuance of a temporary certificate
23 of occupancy to a model home pursuant to subsection (b) of this section.

24 (f) Permit Holder to Disconnect Bathroom Facilities. – A permit holder receiving a
25 temporary certificate of occupancy for a model home pursuant to this section shall shut off all
26 water to bathroom facilities within a model home. Equitable bathroom facilities for accessibility
27 shall be provided on the premises."

28 **SECTION 1.11.(b)** The section becomes effective January 1, 2025, and applies to
29 applications for temporary certificates of occupancy submitted on or after that date.
30

31 **PERFORMANCE GUARANTEES FOR SUBDIVISIONS**

32 **SECTION 1.12.(a)** G.S. 160D-804.1 reads as rewritten:

33 **"§ 160D-804.1. Performance guarantees.**

34 To assure compliance with G.S. 160D-804 and other development regulation requirements,
35 a subdivision regulation may provide for performance guarantees to assure successful completion
36 of required improvements.

37 For purposes of this section, all of the following apply with respect to performance
38 guarantees:

- 39 (1) **Type.** – The type of performance guarantee shall be at the election of the
40 developer. The term "performance guarantee" means any of the following
41 forms of guarantee:
 - 42 a. Surety bond issued by any company authorized to do business in this
43 State.
 - 44 b. Letter of credit issued by any financial institution licensed to do
45 business in this State.
 - 46 c. Other form of guarantee that provides equivalent security to a surety
47 bond or letter of credit.

- 48 (1a) **Duration.** – The duration of the performance guarantee shall initially be one
49 year, unless the developer determines that the scope of work for the required
50 improvements necessitates a longer duration. In the case of a bonded
51 obligation, the completion date shall be set one year from the date the bond is

- 1 issued, unless the developer determines that the scope of work for the required
2 improvements necessitates a longer duration.
- 3 (1b) Extension. – A developer shall demonstrate reasonable, good-faith progress
4 toward completion of the required improvements that are secured by the
5 performance guarantee or any extension. If the improvements are not
6 completed to the specifications of the local government, and the current
7 performance guarantee is likely to expire prior to completion of the required
8 improvements, the performance guarantee shall be extended, or a new
9 performance guarantee issued, for an additional period. An extension under
10 this subdivision shall only be for a duration necessary to complete the required
11 improvements. If a new performance guarantee is issued, the amount shall be
12 determined by the procedure provided in subdivision (3) of this subsection
13 and shall include the total cost of all incomplete improvements.
- 14 (1c) Inspection. – A local government shall conduct an inspection of the
15 improvements subject to a performance guarantee within 30 days of a request
16 received from a developer and advise the developer whether the
17 improvements are completed to the required specifications. In the event a local
18 government and developer disagree whether a required improvement is
19 completed to the specifications of a local government, a developer may obtain
20 a certification under seal from a licensed professional engineer that the
21 required improvements have been completed to the specifications of the local
22 government.
- 23 (2) Release. – The performance guarantee shall be returned or released, as
24 appropriate, ~~in a timely manner within 30 days~~ upon the acknowledgement by
25 the local government that the improvements for which the performance
26 guarantee is being required are ~~complete~~. complete or upon receipt of a
27 certification under seal from a professional engineer that the required
28 improvements have been completed to the specification of the local
29 government. The local government shall return letters of credit or escrowed
30 funds within 30 days upon completion of the required improvements to its
31 specifications or upon acceptance of the required improvements, if the
32 required improvements are subject to local government acceptance. When
33 required improvements that are secured by a bond are completed to the
34 specifications of the local government, or are accepted by the local
35 government, if subject to its acceptance, upon request by the developer, the
36 local government shall timely provide written acknowledgement that the
37 required improvements have been completed.
- 38 (3) Amount. – The amount of the performance guarantee shall not exceed one
39 hundred twenty-five percent (125%) of the reasonably estimated cost of
40 completion at the time the performance guarantee is issued. The local
41 government may determine the amount of the performance guarantee or use a
42 cost estimate determined by the developer. The reasonably estimated cost of
43 completion shall include one hundred percent (100%) of the costs for labor
44 and materials necessary for completion of the required improvements. Where
45 applicable, the costs shall be based on unit pricing. The additional twenty-five
46 percent (25%) allowed under this subdivision includes inflation and all costs
47 of administration regardless of how such fees or charges are denominated. The
48 amount of any extension of any performance guarantee shall be determined
49 according to the procedures for determining the initial guarantee and shall not
50 exceed one hundred twenty-five percent (125%) of the reasonably estimated

- 1 cost of completion of the remaining incomplete improvements still
2 outstanding at the time the extension is obtained.
- 3 (3a) Timing. – A local government, at its discretion, may require the performance
4 guarantee to be posted either at the time the plat is recorded or at a time
5 subsequent to plat recordation.
- 6 (4) Coverage. – The performance guarantee shall only be used for completion of
7 the required improvements and not for repairs or maintenance after
8 completion. No performance guarantee, or other security, may be required for
9 maintenance of any improvement once the improvement is completed to the
10 specification of a local government or upon receipt of a certification under
11 seal from a professional engineer that the required improvements have been
12 completed to the specification of the local government.
- 13 (5) Legal responsibilities. – No person shall have or may claim any rights under
14 or to any performance guarantee provided pursuant to this subsection or in the
15 proceeds of any such performance guarantee other than the following:
- 16 a. The local government to whom the performance guarantee is provided.
17 b. The developer at whose request or for whose benefit the performance
18 guarantee is given.
19 c. The person or entity issuing or providing the performance guarantee
20 at the request of or for the benefit of the developer.
- 21 (6) Multiple guarantees. – The developer shall have the option to post one type of
22 a performance guarantee as provided for in subdivision (1) of this section, in
23 lieu of multiple bonds, letters of credit, or other equivalent security, for all
24 development matters related to the same project requiring performance
25 guarantees.
- 26 (7) Exclusion. – Performance guarantees associated with erosion control and
27 stormwater control measures are not subject to the provisions of this section."

28 **SECTION 1.12.(b)** This section becomes effective January 1, 2025, and applies to
29 permit applications submitted on or after that date.

30 31 **PART II. NORTH CAROLINA STATE BUILDING CODE**

32 33 **LOCAL FIRE PREVENTION CODE UNIFORMITY WITHIN DWELLINGS SUBJECT** 34 **TO THE NORTH CAROLINA RESIDENTIAL CODE**

35 **SECTION 2.1.** G.S. 143-138(e) reads as rewritten:

- 36 "(e) Effect upon Local Codes. – Except as otherwise provided in this section, the North
37 Carolina State Building Code shall apply throughout the State, from the time of its adoption.
38 Approved rules shall become effective in accordance with G.S. 150B-21.3. However, any
39 political subdivision of the State may adopt a fire prevention code and floodplain management
40 regulations within its jurisdiction. Provided a political subdivision shall not adopt local fire
41 prevention code provisions which apply to dwellings subject to the North Carolina Residential
42 Code which are not prescriptively required by the North Carolina Residential Code. The
43 territorial jurisdiction of any municipality or county for this purpose, unless otherwise specified
44 by the General Assembly, shall be as follows: Municipal jurisdiction shall include all areas within
45 the corporate limits of the municipality and extraterritorial jurisdiction areas established as
46 provided in G.S. 160D-202 or a local act; county jurisdiction shall include all other areas of the
47 county. No such code or regulations, other than floodplain management regulations and those
48 permitted by G.S. 160D-1128, shall be effective until they have been officially approved by the
49 Building Code Council as providing adequate minimum standards to preserve and protect health
50 and safety, in accordance with the provisions of subsection (c) above. Local floodplain
51 regulations may regulate all types and uses of buildings or structures located in flood hazard areas

1 identified by local, State, and federal agencies, and include provisions governing substantial
2 improvements, substantial damage, cumulative substantial improvements, lowest floor elevation,
3 protection of mechanical and electrical systems, foundation construction, anchorage, acceptable
4 flood resistant materials, and other measures the political subdivision deems necessary
5 considering the characteristics of its flood hazards and vulnerability. In the absence of approval
6 by the Building Code Council, or in the event that approval is withdrawn, local fire prevention
7 codes and regulations shall have no force and effect. Provided any local regulations approved by
8 the local governing body which are found by the Council to be more stringent than the adopted
9 statewide fire prevention code and which are found to regulate only activities and conditions in
10 buildings, structures, and premises that pose dangers of fire, explosion or related hazards, and
11 are not matters in conflict with the State Building Code, may be approved. Local governments
12 may enforce the fire prevention code of the State Building Code using civil remedies authorized
13 under G.S. 143-139, 153A-123, and 160A-175. If the Commissioner of Insurance or other State
14 official with responsibility for enforcement of the Code institutes a civil action pursuant to
15 G.S. 143-139, a local government may not institute a civil action under G.S. 143-139, 153A-123,
16 or 160A-175 based upon the same violation. Appeals from the assessment or imposition of such
17 civil remedies shall be as provided in G.S. 160D-1127.

18 A local government may not adopt any ordinance in conflict with the exemption provided by
19 subsection (c1) of this section. No local ordinance or regulation shall be construed to limit the
20 exemption provided by subsection (c1) of this section."
21

22 **FIRE-RESISTANCE REQUIREMENTS FOR TOWNHOUSE END UNITS**

23 **SECTION 2.2.(a)** Definitions. – For purposes of this section, "Code" means the
24 North Carolina State Building Code collection, and amendments to the Code, as adopted by the
25 Council. As used in this section, "Council" means the Building Code Council. On or after January
26 1, 2025, "Council" means the Residential Code Council.

27 **SECTION 2.2.(b)** Fire Resistance for Exterior Wall Rule. – Until the effective date
28 of the rules to amend the Code that the Council is required to adopt pursuant to this section, the
29 Council and local governments enforcing the Code shall follow the provisions of subsection (c)
30 of this section as it relates to Section R302 and Table R302.1 within the North Carolina
31 Residential Code.

32 **SECTION 2.2.(c)** Implementation. – Notwithstanding Section R302 and Table
33 R302.1 within the North Carolina Residential Code, a fire separation distance between the
34 exterior end wall of a townhouse building having a fire-resistance rating of 0 hours and the closest
35 interior lot line may be less than 3 feet when any exterior elements of an adjacent townhouse or
36 building are located at a distance equal to or greater than 6 feet. Any separation of an exterior
37 end wall of a townhouse building less than 6 feet shall provide a minimum cumulative
38 fire-resistance rating of 2 hours.

39 **SECTION 2.2.(d)** Additional Rulemaking Authority. – The Council shall adopt rules
40 to amend Section R302 and Table R302.1 to be consistent with subsection (c) of this section.
41 Notwithstanding G.S. 150B-19(4), the rule adopted by the Council pursuant to this section shall
42 be substantively identical to the provisions of subsection (c) of this section. Rules adopted
43 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General
44 Statutes. Rules adopted pursuant to this section shall become effective as provided in
45 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in
46 G.S. 150B-21.3(b2).

47 **SECTION 2.2.(e)** Sunset. – This section expires when permanent rules adopted as
48 required by subsection (d) of this section become effective.
49

50 **GROUND FAULT CIRCUIT-INTERRUPTER (GFCI) PROTECTION FOR SUMP** 51 **PUMPS LOCATED IN CRAWLSPACES AND BASEMENTS**

1 **SECTION 2.3.(a)** Definitions. – For purposes of this section, "Code" means the
2 North Carolina State Building Code collection, and amendments to the Code, as adopted by the
3 Council. As used in this section, "Council" means the Building Code Council. On or after January
4 1, 2025, "Council" means the Residential Code Council.

5 **SECTION 2.3.(b)** GFCI Rule. – Until the effective date of the rules to amend the
6 Code that the Council is required to adopt pursuant to this section, the Council and local
7 governments enforcing the Code shall follow the provisions of subsection (c) of this section as it
8 relates to Section 210.8 of the North Carolina Electrical Code.

9 **SECTION 2.3.(c)** Implementation. – For single-phase 15- and 20- ampere
10 receptacles supplied by a branch circuit dedicated to electric sump pumps to prevent flooding
11 installed in locations specified in Sections 210.8(A)(4) and 210.8(A)(5) that are required to have
12 ground-fault circuit interrupter protection for personnel, the ground-fault circuit interrupter
13 protection reset for those receptacles must be installed at a readily accessible location within the
14 dwelling unit, and with an indicator light, and clear descriptive labeling to indicate that the
15 receptacles are de-energized due to ground-fault protection application rendering the sump
16 pumps inoperable.

17 **SECTION 2.3.(d)** Additional Rulemaking Authority. – The Council shall adopt rules
18 to amend Section 210.8 of the North Carolina Electrical Code to be consistent with subsection
19 (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Council pursuant
20 to this section shall be substantively identical to the provisions of subsection (c) of this section.
21 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of
22 the General Statutes. Rules adopted pursuant to this section shall become effective as provided
23 in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided
24 in G.S. 150B-21.3(b2).

25 **SECTION 2.3.(e)** Sunset. – This section expires when permanent rules adopted as
26 required by subsection (d) of this section become effective.
27

28 **STAIRWAY ADJACENT GLAZING REQUIREMENTS**

29 **SECTION 2.4.(a)** Definitions. – For purposes of this section, "Code" means the
30 North Carolina State Building Code collection, and amendments to the Code, as adopted by the
31 Council. As used in this section, "Council" means the Building Code Council. On or after January
32 1, 2025, "Council" means the Residential Code Council.

33 **SECTION 2.4.(b)** Stairway Glazing Rule. – Until the effective date of the rules to
34 amend the Code that the Council is required to adopt pursuant to this section, the Council and
35 local governments enforcing the Code shall follow the provisions of subsection (c) of this section
36 as it relates to the Section R308.4 within the North Carolina Residential Code.

37 **SECTION 2.4.(c)** Implementation. – Notwithstanding Section R308.4, glazing
38 adjacent to a landing at the top of a stairway or ramp that is located more than 18 inches above
39 the landing shall not be considered to be a hazardous location.

40 **SECTION 2.4.(d)** Additional Rulemaking Authority. – The Council shall adopt rules
41 to amend Section R308.4 of the North Carolina Residential Code to be consistent with subsection
42 (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Council pursuant
43 to this section shall be substantively identical to the provisions of subsection (c) of this section.
44 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of
45 the General Statutes. Rules adopted pursuant to this section shall become effective as provided
46 in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided
47 in G.S. 150B-21.3(b2).

48 **SECTION 2.4.(e)** Sunset. – This section expires when permanent rules adopted as
49 required by subsection (d) of this section become effective.
50

51 **ELECTRIC WATER HEATER ELEVATION REQUIREMENTS**

1 **SECTION 2.5.(a)** Definitions. – For purposes of this section, "Code" means the
2 North Carolina State Building Code collection, and amendments to the Code, as adopted by the
3 Council. As used in this section, "Council" means the Building Code Council. On or after January
4 1, 2025, "Council" means the Residential Code Council.

5 **SECTION 2.5.(b)** Water Heater Rule. – Until the effective date of the rules to amend
6 the Code that the Council is required to adopt pursuant to this section, the Council and local
7 governments enforcing the Code shall follow the provisions of subsection (c) of this section as it
8 relates to the Section P2801.7 within the North Carolina Residential Code.

9 **SECTION 2.5.(c)** Implementation. – Notwithstanding Section P2801.7, elevation of
10 the ignition source is not required for electric water heaters.

11 **SECTION 2.5.(d)** Additional Rulemaking Authority. – The Council shall adopt rules
12 to amend Section P2801.7 of the North Carolina Residential Code to be consistent with
13 subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Council
14 pursuant to this section shall be substantively identical to the provisions of subsection (c) of this
15 section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter
16 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as
17 provided in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as
18 provided in G.S. 150B-21.3(b2).

19 **SECTION 2.5.(e)** Sunset. – This section expires when permanent rules adopted as
20 required by subsection (d) of this section become effective.

21 22 **IMPLEMENTATION OF CODE CHANGES FOR USE OF CERTAIN INSULATION IN** 23 **UNVENTED ATTIC AND ENCLOSED RAFTER ASSEMBLIES**

24 **SECTION 2.6.** Section 6 of S.L. 2023-108 reads as rewritten:

25 **"AMEND INSULATION REQUIREMENTS FOR UNVENTED ATTIC AND** 26 **ENCLOSED RAFTER ASSEMBLIES**

27 **"SECTION 6.(a)** Definitions. – As used in this section, "Code" means the current North
28 Carolina State Building Code collection, and amendments to the Code, as adopted by the Council.
29 For purposes of this section and its implementation, "R402 Rules" means provisions and tables
30 within Section 402, Building Thermal Envelope, North Carolina – Residential Provisions, of the
31 North Carolina Energy Conversation Code. As used in this section, "Council" means the Building
32 Code Council. On or after January 1, 2025, "Council" means the Building Code Council and the
33 Residential Code Council as created in Section 1 of this act.

34 **"SECTION 6.(b)** R402 Rules Amendment. – The Council shall amend R402 Rules to
35 include, as an optional alternative to residential ceiling insulation minimums, minimum
36 insulation requirements for the use of air-impermeable insulation in areas with unvented attic and
37 unvented enclosed rafter assemblies. Until the effective date of the rules to amend the Code that
38 the Council is required to adopt pursuant to this section, the Council and local governments
39 enforcing the Code shall follow the provisions of subsection (c) of this section as it relates to the
40 R402 rules within the North Energy Conservation Code.

41 **"SECTION 6.(c)** Implementation. – ~~The Council shall amend R402 Rules to include, as an~~
42 ~~optional alternative to residential ceiling insulation minimums, minimum insulation requirements~~
43 ~~for the use of air-impermeable insulation in unvented attic and unvented enclosed rafter~~
44 ~~assemblies. In developing this amendment, the Council shall include in that optional alternative~~
45 ~~that where~~ Where R402 Rules require R-38 insulation in the ceiling, installing air-impermeable
46 insulation, as follows, to the underside or directly above the roof deck shall be deemed to satisfy
47 the R-38 requirements: requirement in areas with unvented attic or unvented enclosed rafter
48 assemblies: (i) R-20 (equivalent U-factor 0.05) for climate zone 3; (ii) R-25 (equivalent U-factor
49 0.037) for climate zone 4; and (iii) R-25 (equivalent U-factor 0.037) for climate zone 5. These
50 air-impermeable insulation alternative R-value minimums apply in residences with areas with
51 unvented attic or unvented enclosed rafter assemblies and meeting the following criteria:

- 1 (1) The unvented attic or unvented enclosed rafter assemblies are constructed
2 under Section R806.5 of the North Carolina Residential Code.
- 3 (2) The residence contains a mechanical ventilation system that operates on a
4 positive, balanced, or hybrid pressure strategy.
- 5 (3) For residences with air-impermeable insulation installed below the roof deck,
6 exposed portions of the roof rafters are wrapped by a minimum of R-3
7 insulation unless directly covered by drywall or finished ceiling material. For
8 residences with air-impermeable insulation installed above the roof deck, roof
9 rafters do not require insulation wrapping if air-impermeable insulation
10 installed above the roof deck is continuous.
- 11 (4) The residence obtains an ACH50 blower door test result of less than 3.0.
- 12 (5) The residence contains heating, cooling, and ventilation equipment and
13 ductwork within thermal envelope.

14 **"SECTION 6.(d) Additional Rulemaking Authority.** – The Council shall adopt rules to
15 amend the R402 Rules to be consistent with subsection (c) of this section. Notwithstanding
16 G.S. 150B-19(4), the rule adopted by the Council pursuant to this section shall be substantively
17 identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section
18 are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted
19 pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1), as though 10
20 or more written objections had been received as provided in G.S. 150B-21.3(b2).

21 **"SECTION 6.(e) SECTION 6.(e)** Sunset. – This section expires when permanent rules
22 adopted as required by ~~subsection (b)~~ subsection (d) of this section become effective."
23

24 IMPLEMENTATION OF CODE REQUIREMENTS DURING INCORPORATION OF 25 3- AND 4- FAMILY DWELLINGS INTO THE RESIDENTIAL CODE

26 SECTION 2.7. Section 9 of S.L. 2023-108 reads as rewritten:

27 "AMEND THE RESIDENTIAL CODE TO INCLUDE THREE-AND FOUR-FAMILY 28 DWELLINGS

29 "SECTION 9.(a) Definitions. – As used in this section, "Code" means the current North
30 Carolina State Building Code collection and amendments to the Code, as adopted by the Council.
31 As used in this section, "Council" means the Building Code Council. On or after January 1, 2025,
32 "Council" means the Residential Code Council as created in Section 1 of this act. As used in this
33 section, a "three- and four-family dwelling" means a single building constructed with three- or
34 four-dwelling units within the building that is two or less stories above grade plane, located solely
35 on an individual lot.

36 "SECTION 9.(b) The Council shall adopt rules to amend the North Carolina Residential
37 Code to include ~~three-family (triplex) and four-family (quadplex)~~ three- and four-family
38 dwellings within its scope by modifying, transitioning, and establishing minimum prescriptive
39 requirements to address the design and construction of those dwellings and make conforming
40 changes to the Code in accordance with this section. In amending rules pursuant to this
41 subsection, section, the Council shall not require greater than a 2-hour fire resistance rating for
42 triplex and quadplex three- and four-family dwelling common wall, floor, and ceiling separation
43 assemblies or require automatic fire sprinkler systems within the North Carolina Residential
44 Code. Until the effective date of the rules to amend the Code that the Council is required to adopt
45 pursuant to this section, the Council and local governments enforcing the Code shall follow the
46 provisions of this section and subsection (c) of this section as it relates to the construction of
47 three- and four- family dwellings.

48 "SECTION 9.(c) Implementation. – Three- and four-family dwellings shall be constructed
49 in conformance with the North Carolina Residential Code, and in cases where the North Carolina
50 Residential Code does not address materials, design, or methods of construction unique to
51 three- and four-family dwellings, reasonable materials, design, or methods of construction shall

1 be utilized and approved when in compliance with the intent and provisions of this section, and
2 with reasonable extension of the provisions of the North Carolina Residential Code. Three- and
3 four-family dwellings shall (i) be required to have a 2-hour fire resistance rating for three- and
4 four-family dwelling common wall, floor, and ceiling separation assemblies; (ii) shall not be
5 required to have automatic fire sprinkler systems installed; and (iii) shall have exits located on
6 an exterior wall or through a common 2-hour fire resistant rated corridor to the public way.

7 "SECTION 9.(d) Additional Rulemaking Authority. – The Council shall adopt rules to
8 amend the Code to be consistent with subsection (c) of this section. Notwithstanding
9 G.S. 150B-19(4), the rule adopted by the Council pursuant to this section shall be substantively
10 identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section
11 are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted
12 pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1), as though 10
13 or more written objections had been received as provided in G.S. 150B-21.3(b2).

14 "SECTION 9.(e) Residential Contractor Classification Temporary Expansion. –
15 Notwithstanding G.S. 87-10(b)(1a), 21 NCAC 12A .0202, and G.S. 87-13, a person in the State
16 of North Carolina utilizing a residential contractor general contractor license classification may
17 engage in all construction and demolition activity pertaining to the construction of three- and
18 four-family dwellings, and the State Licensing Board for General Contractors shall not take
19 disciplinary action against a licensee for the unauthorized practice of contracting solely on the
20 basis of exceeding a residential contractor license classification pending the transition of the
21 three- and four-family dwellings to the North Carolina Residential Code pursuant to this section.

22 "SECTION 9.(e) SECTION 9.(f) Sunset. – This section expires when the permanent rules
23 adopted as required by ~~subsection (b)~~ subsection (d) of this section become effective.

24 "SECTION 9.(d) SECTION 9.(g) This section is effective when it becomes law."

25 26 **PART III. CONSTRUCTION CONTRACTORS AND DESIGN PROFESSIONALS**

27 28 **COURT AWARDS FOR CONTRACTOR VIOLATIONS**

29 **SECTION 3.1.(a)** G.S. 87-25.1 reads as rewritten:

30 **"§ 87-25.1. Board may seek injunctive relief.**

31 (a) Whenever it appears to the Board that any person, firm or corporation is violating any
32 of the provisions of this Article or of the rules and regulations of the Board promulgated under
33 this Article, the Board may apply to the superior court for a restraining order and injunction to
34 restrain the ~~violation; and the violation.~~ The superior courts have jurisdiction to grant the
35 requested relief, irrespective of whether or not criminal prosecution has been instituted or
36 administrative sanctions imposed by reason of the violation. ~~The court may award the Board its~~
37 reasonable costs associated with the investigation and prosecution of the violation.

38 (b) When the Board prevails in actions brought under this section, the court shall award
39 the Board its reasonable attorney's fee not to exceed five thousand dollars (\$5,000) plus the costs
40 associated with obtaining the relief and the investigation and prosecution of the violation.

41 (c) Examination applicants who have failed to pay a court award pursuant to subsection
42 (b) of this section shall not be allowed to take any examination offered by the Board until the
43 award has been satisfied."

44 **SECTION 3.1.(b)** G.S. 87-48 reads as rewritten:

45 **"§ 87-48. Penalty for violation of Article; powers of Board to enjoin violation.**

46 (a) Any person, partnership, firm, or corporation that violates any of the provisions of
47 this Article or that engages or offers to engage in the business of installing, maintaining, altering,
48 or repairing within North Carolina any electric wiring, devices, appliances, or equipment without
49 first having obtained a license under the provisions of this Article is guilty of a Class 2
50 misdemeanor.

(b) Whenever it shall appear to the State Board of Examiners of Electrical Contractors that any person, partnership, firm or corporation has violated, is violating, or threatens to violate any provisions of this Article, the Board may apply to the courts of the State for a restraining order and injunction to restrain such practices. If upon such application the court finds that any provision of this Article is being violated, or a violation thereof is threatened, the court shall issue an order restraining and enjoining such violations, and such relief may be granted regardless of whether criminal prosecution is instituted under the provisions of this Article. The venue for actions brought under this subsection shall be the superior court of any county in which such acts are alleged to have been committed or in the county where the defendants in such action reside.

(c) When the Board prevails in actions brought under this section, the court shall award the Board its reasonable attorney's fee not to exceed five thousand dollars (\$5,000) plus the costs associated with obtaining the relief and the investigation and prosecution of the violation.

(d) Examination applicants who have failed to pay a court award pursuant to subsection (c) of this section shall not be allowed to take any examination offered by the Board until the award has been satisfied."

SECTION 3.1.(c) This section is effective when it becomes law and applies to actions filed or commenced on or after that date.

AMEND ELECTRICAL CONTRACTOR LICENSURE REQUIREMENTS

SECTION 3.2.(a) G.S. 87-43.3(a)(1) reads as rewritten:

"(1) Limited, under which a licensee shall be permitted to engage in a single electrical contracting project of a value, as established by the Board, not in excess of one hundred thousand dollars (\$100,000) and on which the equipment or installation in the contract is rated at not more than ~~600~~1,000 volts. The limited classification and any special restricted classifications shall require no more than 3,000 hours of experience, of which, no less than 2,000 hours shall consist of primary experience gained by direct installation of electrical wiring and equipment governed by the National Electric Code."

SECTION 3.2.(b) This section becomes effective October 1, 2024.

FUEL GAS CODE REFERENCE FOR ELECTRICAL CONTRACTOR EXEMPTION

SECTION 3.3. G.S. 87-43.1(8) reads as rewritten:

"(8) To the bonding of corrugated stainless steel tubing (CSST) gas piping systems as required under Section 310.1.1 of the ~~2012 N.C.~~ North Carolina Fuel Gas Code."

CREATE A BUILDING CODE PERMIT TECHNICIAN CERTIFICATION

SECTION 3.4.(a) G.S. 143-151.12 reads as rewritten:

"§ 143-151.12. Powers.

In addition to powers conferred upon the Board elsewhere in this Article, the Board has the power to do the following:

...

(3a) Certify persons as being qualified under the provisions of this Article to be North Carolina State Building Code Permit Technicians.

...."

SECTION 3.4.(b) Article 9C of Chapter 143 of the General Statutes is amended by adding a new section to read:

"§ 143-151.22. North Carolina State Building Code Permit Technician; certification program; professional development requirements; renewal of certificates; fees; exam waivers.

1 (a) State Building Code Permit Technician Certification Program. – The Board shall
2 develop a North Carolina State Building Code Permit Technician certification program and North
3 Carolina State Building Code Permit Technician Certificate. To obtain a certificate, a person
4 must pass an examination, as prescribed by the Board, that is based on the North Carolina State
5 Building Code, administrative procedures applicable to permit administration, and relevant
6 topics in support of Code-enforcement officials and local inspection departments. The Board may
7 issue a certificate to each person who successfully completes the examination. The certificate
8 shall bear the signatures of the chairman and secretary of the Board.

9 (b) Professional Development Standards for Renewal. – The Board may establish
10 professional development requirements for North Carolina State Building Code Permit
11 Technicians as a condition of the renewal of their certificates. The purpose of these professional
12 development requirements is to assist in maintaining professional competence. A certificate
13 holder subject to this section shall present evidence to the Board at each certificate renewal after
14 initial certification that during the 12 months before the certificate expiration date, the certificate
15 holder has completed the required number of credit hours in courses approved by the Board.
16 Annual continuing education hour requirements shall be determined by the Board. The Board
17 may, for good cause shown, grant extensions of time to certificate holders to comply with these
18 requirements.

19 (c) Renewal Application. – A North Carolina State Building Code Permit Technician
20 Certificate must be renewed annually on or before the first day of July.

21 (d) Fee Authorization. – The Board shall establish a schedule of fees to be paid by each
22 applicant for initial certification and renewal certification as a North Carolina State Building
23 Code Permit Technician. A fee of not more than twenty dollars (\$20.00), as determined by the
24 Board, must be paid by any applicant to the Board for the issuance of an initial certification. A
25 fee of not more than ten dollars (\$10.00), as determined by the Board, must be paid by any
26 applicant to the Board for the issuance of a renewal certification. The Board is authorized to
27 charge an extra four dollar (\$4.00) late renewal fee for renewal applications made after the first
28 day of July each year.

29 (e) Qualified Code-Enforcement Official Exam Waiver. – The Board shall, without
30 requiring an examination, grant a certificate pursuant to this section to any person who, at the
31 time of application, possesses a Building Inspector standard certificate issued by the Board and
32 who is in good standing. The Board may assess a fee for a certificate issued pursuant to this
33 subsection, to the extent authorized by subsection (d) of this section for an initial certification.

34 (f) Comity. – The Board may, without requiring an examination, grant a certificate
35 pursuant to this section to any person who, at the time of application, is similarly certified as a
36 permit technician in good standing by a similar board of another jurisdiction or certified as a
37 permit technician in good standing by the International Code Council, where standards are
38 acceptable to the Board. The certificate granted under this subsection shall expire after one year
39 unless, within that time period, the holder completes a short course, as prescribed by the Board,
40 based on the North Carolina State Building Code and administrative procedures described in
41 subsection (a) of this section. The Board may assess a fee for a certificate issued pursuant to this
42 subsection, to the extent authorized by subsection (d) of this section for an initial certification."

43 **SECTION 3.4.(c)** This section becomes effective July 1, 2024.

44 45 **LOCAL GOVERNMENT REVIEW OF SEALS OF DESIGN**

46 **SECTION 3.6.** Article 1 of Chapter 160D of the General Statutes is amended by
47 adding a new section to read:

48 **"§ 160D-111. Local government review of affixed seals of design.**

49 Administrative staff, Code-enforcement officials, or other local government personnel
50 charged with reviewing plans required by this Chapter shall not make administrative decisions
51 on the appropriateness of the scope of work covered by architect or engineer seals of designs

1 affixed to work as required by Chapter 83A, Chapter 89C, the North Carolina State Building
2 Code, or as otherwise required by law. Nothing in this section should be construed to prevent a
3 local government from reviewing work to determine whether seals of design are required to be
4 affixed to work as required by law, or filing a complaint as outlined in G.S. 83A-14 or
5 G.S. 89C-22, as applicable."
6

7 **PART IV. ENVIRONMENT AND ENVIRONMENTAL HEALTH**

8

9 **CLARIFY SECTION 13(b) OF S.L. 2023-108, WHICH PROHIBITED LOCAL** 10 **GOVERNMENTS FROM REQUIRING PAYMENTS FROM OWNERS OF** 11 **STORMWATER CONTROL SYSTEMS FOR FUTURE MAINTENANCE OR** 12 **REPLACEMENT COSTS OF A SYSTEM**

13 **SECTION 4.1.** Section 13(b) of S.L. 2023-108 reads as rewritten:

14 **"SECTION 13.(b)** If, prior to the effective date of G.S. 160D-925(d1), as enacted by
15 subsection (a) of this section, a local government has required an owner of a privately owned and
16 maintained stormwater control project to make payments to the local government for the purpose
17 of ensuring assets are available for maintenance, repair, replacement, and reconstruction costs of
18 the owner's stormwater control project or other stormwater control projects within the local
19 government's jurisdiction, ~~in accordance with G.S. 160D-925(d1), as enacted by subsection (a)~~
20 ~~of this section,~~ the local government ~~shall~~ shall, upon request of the owner of the stormwater
21 control project, immediately refund the monies to the owner of the stormwater control project to
22 make such funds accessible to the owner to cover necessary maintenance, repair, replacement,
23 and reconstruction costs for the owner's stormwater control project. ~~project, in accordance with~~
24 G.S. 160D-925(d1). For stormwater control projects in residential communities, in the event
25 maintenance, repair, replacement or reconstruction of a project is needed, such funds shall be
26 exhausted before the local government may assess costs of the necessary work on individual
27 homeowners within the community, or any applicable owners' association."
28

29 **MODIFY RECORDATION REQUIREMENTS FOR OPERATION AND** 30 **MAINTENANCE AGREEMENTS FOR STORMWATER CONTROL MEASURES**

31 **SECTION 4.2.(a)** Definitions. – For purposes of this section, "Stormwater Control
32 Measure Rule" means 15A NCAC 02H .1050 (Minimum Design Criteria for All Stormwater
33 Control Measures).

34 **SECTION 4.2.(b)** Stormwater Control Measure Rule. – Until the effective date of
35 the revised permanent rule that the Environmental Management Commission is required to adopt
36 pursuant to subsection (d) of this section, the Commission shall implement the Stormwater
37 Control Measure Rule as provided in subsection (c) of this section.

38 **SECTION 4.2.(c)** Implementation. – The Commission shall eliminate the
39 requirement that an Operation and Management (O&M) Agreement be referenced on the final
40 plat and recorded with the county Register of Deeds upon final plat approval. In lieu, the
41 Commission shall require that an O&M Agreement be referenced upon any instrument of title
42 recorded with the county Register of Deeds. For the purposes of this subsection, "instrument of
43 title" means any recorded instrument that affects title or constitutes the chain of title to real
44 property, including, but not limited to, all deeds, wills, estate documents evidencing transfer of
45 title, plats, surveys, easements, rights-of-way, outstanding mortgages and deeds of trust, judicial
46 orders or decrees, and documents evidencing intestate succession.

47 **SECTION 4.2.(d)** Additional Rulemaking Authority. – The Commission shall adopt
48 a rule to amend the Stormwater Control Measure Rule consistent with subsection (c) of this
49 section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this
50 section shall be substantively identical to the provisions of subsection (c) of this section. Rules
51 adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the

1 General Statutes. Rules adopted pursuant to this section shall become effective as provided in
2 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in
3 G.S. 150B-21.3(b2).

4 **SECTION 4.2.(e)** Sunset. – This section expires when permanent rules adopted as
5 required by subsection (d) of this section become effective.

6 7 **AMEND NCDEQ FAST TRACK SEWER CERTIFICATIONS**

8 **SECTION 4.3.(a)** G.S. 143-215.1(d) reads as rewritten:

9 "(d) Applications and Permits for Sewer Systems, Sewer System Extensions and
10 Pretreatment Facilities, Land Application of Waste, and for Wastewater Treatment Facilities Not
11 Discharging to the Surface Waters of the State. –

12 (1) All applications for new permits and for renewals of existing permits for sewer
13 systems, sewer system extensions and for disposal systems, and for land
14 application of waste, or treatment works which do not discharge to the surface
15 waters of the State, and all permits or renewals and decisions denying any
16 application for permit or renewal shall be in writing. Where the Commission
17 has provided a digital submission option, the submission shall constitute a
18 written submission. The Commission shall act on a permit application as
19 quickly as possible. The Commission may conduct any inquiry or
20 investigation it considers necessary before acting on an application and may
21 require an applicant to submit plans, specifications, and other information the
22 Commission considers necessary to evaluate the application. ~~If the~~
23 ~~Commission fails to act on an application for a permit, including a renewal of~~
24 ~~a permit, within 90 days after the applicant submits all information required~~
25 ~~by the Commission, the application is considered to be approved.~~ Permits and
26 renewals issued in approving such facilities pursuant to this subsection shall
27 be effective until the date specified therein or until rescinded unless modified
28 or revoked by the Commission. Prior to acting on a permit application for the
29 land application of bulk residuals resulting from the operation of a wastewater
30 treatment facility, the Commission shall provide notice and an opportunity for
31 comment from the governing board of the county in which the site of the land
32 application of bulk residuals is proposed to be located. Local governmental
33 units to whom pretreatment program authority has been delegated shall
34 establish, maintain, and provide to the public, upon written request, a list of
35 pretreatment applications received. If the Commission fails to act on an
36 application for a permit or for a renewal of a permit as specified in this
37 subdivision after the applicant submits all information required by the
38 Commission, the application shall be deemed approved.

39 a. Fast-track sewer extensions. – Where a professional engineer provides
40 certification that the design meets or exceeds Minimum Design
41 Criteria developed by the Department applicable to the project, the
42 Commission shall perform a review of a new application for a sewer
43 system extension permit, including a renewal of a permit for a sewer
44 system extension, within 30 working days of receipt of the application
45 to determine if the application is approved. If approved, the
46 Commission shall issue a receipt letter or electronic response stating
47 that the application is approved. If additional information is required
48 to complete the review, the application shall be deemed incomplete,
49 and the Commission shall issue a request for additional information
50 letter or electronic response identifying the information required to
51 complete the application package before the application is approved.

When the required information is received, the Commission shall then issue a receipt letter or electronic response specifying that it is complete within 10 working days of the date of the Department received all required information. After issuing a letter or electronic response requesting additional information under this subdivision, the Commission shall not subsequently request additional information that was not previously identified as missing or required in that additional information letter or electronic response. Within 10 working days of receiving all necessary certifications from a professional engineer that the sewer system extension complies with all applicable rules and Minimum Design Criteria, the certifications shall be deemed approved and the Commission shall issue the permit or permit renewal, as applicable.

b. All other permits. – If the Commission fails to act on an application for any other permit, including a renewal of any other permit, within 90 working days after the applicant submits all information required by the Commission, the application shall be deemed approved.

(2) An applicant for a permit to dispose of petroleum contaminated soil by land application shall give written notice that he intends to apply for such a permit to each city and county government having jurisdiction over any part of the land on which disposal is proposed to occur. The Commission shall not accept such a permit application unless it is accompanied by a copy of the notice and evidence that the notice was sent to each such government by certified mail, return receipt requested. The Commission may consider, in determining whether to issue the permit, the comments submitted by local governments."

SECTION 4.3.(b) The Commission shall adopt amendments to its relevant permitting rules to reflect the statutory changes made by subsection (a) of this section.

SECTION 4.3.(c) Subsections (a) and (b) of this section become effective July 1, 2024.

ON-SITE WASTEWATER CONTRACTORS AND INSPECTORS BOARD CHANGES

SECTION 4.4.(a) Article 5 of Chapter 90A of the General Statutes reads as rewritten:

"Article 5.

"Certification of On-Site Wastewater Contractors and Inspectors.

"§ 90A-70. Purpose.

It is the purpose of this Article to protect the environment and public health, safety, and welfare by ensuring the integrity and competence of on-site wastewater ~~contractors~~ Authorized On-Site Wastewater Evaluators, private compliance inspectors, and point-of-sale inspectors; to require the examination of on-site wastewater ~~contractors~~ Authorized On-Site Wastewater Evaluators, private compliance inspectors, and point-of-sale inspectors and the certification of their competency to supervise or conduct the construction, installation, ~~repair,~~ repair, evaluation, or inspection of on-site wastewater systems; to establish minimum standards for ethical conduct, responsibility, training, experience, and continuing education for on-site wastewater system ~~contractors~~ Authorized On-Site Wastewater Evaluators, private compliance inspectors, and point-of-sale inspectors; and to provide appropriate enforcement procedures for rules adopted by the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board.

"§ 90A-71. Definitions.

The following definitions apply in this Article:

- 1 (1) "Authorized On-Site Wastewater Evaluator" is as defined in
2 G.S. 130A-336.2(a).
- 3 (2) "Board" means the North Carolina On-Site Wastewater Contractors and
4 Inspectors Certification Board.
- 5 ~~(2)~~(3) "Contractor" means a person who constructs, installs, or repairs, or offers to
6 construct, install, or repair an on-site wastewater system in the State.
- 7 ~~(3)~~(4) "Conventional wastewater system" ~~has the same meaning as is~~ as defined in
8 G.S. 130A-343(a)(3).
- 9 ~~(4)~~(5) "Department" means the Department of Health and Human Services.
- 10 ~~(4a)~~(6) "Inspection" means an examination of an on-site wastewater system permitted
11 under the provisions of Article 11 of Chapter 130A of the General Statutes
12 that satisfies all of the following criteria:
- 13 a. Is requested by a lending institution, realtor, prospective homebuyer,
14 or other impacted party as a condition of sale, refinancing, or transfer
15 of title.
- 16 b. Meets the minimum requirements established by the Board.
- 17 ~~(5)~~(7) "Inspector" means a person who conducts an inspection in accordance with
18 rules adopted by the Board.
- 19 ~~(6)~~(8) "On-site wastewater system" means any wastewater system permitted under
20 the provisions of Article 11 of Chapter 130A of the General Statutes that does
21 not discharge to a treatment facility or the surface waters of the State.
- 22 ~~(7)~~(9) "Person" means all persons, including individuals, firms, partnerships,
23 associations, public or private institutions, municipalities, or political
24 subdivisions, governmental agencies, or private or public corporations
25 organized and existing under the laws of this State or any other state or
26 country.
- 27 (10) "Private Compliance Inspector" means a person who is hired by the owner of
28 a wastewater system, contractor, professional engineer, or Authorized On-Site
29 Wastewater Evaluator to perform a compliance inspection of a new on-site
30 wastewater system or for the repair of an existing on-site wastewater system
31 permitted under the provisions of Article 11 of Chapter 130A of the General
32 Statutes. The owner or applicant for the wastewater system being constructed
33 or repaired shall sign a Board-approved document accepting the Private
34 Compliance Inspector.
- 35 ~~(8)~~(11) "Wastewater treatment facility" means a mechanical or chemical treatment
36 facility serving a site with multiple wastewater sources.

37 **"§ 90A-72. Certification required; applicability.**

38 (a) Certification Required. – No person shall construct, install, or repair or offer to
39 construct, install, or repair an on-site wastewater system permitted under Article 11 of Chapter
40 130A of the General Statutes without being certified as a contractor at the required level of
41 certification for the specified system. No person shall conduct an inspection or offer to conduct
42 an inspection of an on-site wastewater system as permitted under Article 11 of Chapter 130A of
43 the General Statutes without being certified in accordance with the provisions of this Article. No
44 person shall conduct an evaluation or offer to conduct the services authorized in
45 G.S. 130A-336.2(a) without being certified as an Authorized On-Site Wastewater Evaluator. No
46 person shall conduct or offer to conduct a private compliance inspection of an on-site wastewater
47 system for compliance with the designs of a Construction Authorization issued pursuant to
48 G.S. 130A-335(a5) or a Notice of Intent to Construct issued pursuant to G.S. 130A-336.1 or
49 G.S. 130A-336.2 unless certified as a Private Compliance Inspector or pursuant to
50 G.S. 130A-337(a1). The Private Compliance Inspector shall obtain written consent from the

1 professional engineer pursuant to G.S. 130A-336.1 or the Authorized On-Site Wastewater
2 Evaluator pursuant to G.S. 130A-336.2 prior to conducting the compliance inspection.

3 (b) Applicability. – This Article does not apply to the following:

- 4 (1) A person who is employed by a certified contractor or inspector in connection
5 with the construction, installation, repair, or inspection of an on-site
6 wastewater system performed under the direct and personal supervision of the
7 certified contractor or inspector in charge.
- 8 (2) A person who constructs, installs, or repairs an on-site wastewater system
9 described as a single septic tank with a gravity-fed gravel trench dispersal
10 media when located on land owned by that person and that is intended solely
11 for use by that person and members of that person's immediate family who
12 reside in the same dwelling.
- 13 (3) A person licensed under Article 1 of Chapter 87 of the General Statutes who
14 constructs or installs an on-site wastewater system ancillary to the building
15 being constructed or who provides corrective services and labor for an on-site
16 wastewater system ancillary to the building being constructed.
- 17 (4) A person who is certified by the Water Pollution Control System Operators
18 Certification Commission and contracted to provide necessary operation and
19 maintenance on the permitted on-site wastewater system.
- 20 (5) A person permitted under Article 21 of Chapter 143 of the General Statutes
21 who is constructing a water pollution control facility necessary to comply with
22 the terms and conditions of a National Pollutant Discharge Elimination
23 System (NPDES) permit.
- 24 ~~(6) A person licensed under Article 1 of Chapter 87 of the General Statutes as a~~
25 ~~licensed public utilities contractor who is installing or expanding a wastewater~~
26 ~~treatment facility, including a collection system, designed by a registered~~
27 ~~professional engineer.~~
- 28 (7) A plumbing contractor licensed under Article 2 of Chapter 87 of the General
29 Statutes, so long as the plumber is not performing plumbing work that includes
30 the installation or repair of a septic tank or similar depository, such as a
31 treatment or pretreatment tank or system, or lines, tanks, or appurtenances
32 downstream from the point where the house or building sewer lines from the
33 plumbing system meet the septic tank or similar depository. This subdivision
34 shall not be construed to require a plumbing contractor to become certified as
35 a contractor pursuant to this section to install or repair a grease trap,
36 interceptor, or separator upstream from a septic tank or similar depository that
37 complies with the requirements of the local health department.
- 38 (8) A person employed by the Department, a local health department, or a local
39 health district, when conducting a regulatory inspection of an on-site
40 wastewater system for purposes of determining compliance.

41 ...

42 **"§ 90A-75. Expenses and fees.**

43 (a) Expenses. – All salaries, compensation, and expenses incurred or allowed for the
44 purposes of carrying out this Article shall be paid by the Board exclusively out of the funds
45 received by the Board as authorized by this Article. No salary, expense, or other obligations of
46 the Board may be charged against the General Fund of the State. Neither the Board nor any of its
47 members or employees may incur any expense, debt, or financial obligation binding upon the
48 State.

49 (b) Contributions. – The Board may accept grants, contributions, devises, and gifts that
50 shall be kept in the same account as the funds deposited in accordance with this Article and other
51 provisions of the law.

(c) Fees. – All fees shall be established in rules adopted by the Board. The Board shall establish fees sufficient to pay the costs of administering this Article, but in no event shall the Board charge a fee at an annual rate in excess of the following:

(1)	Application for basic certification <u>grade level II</u>	\$150.00 <u>\$200.00</u>
(2)	Application for each <u>grade level IV</u>	\$50.00 <u>\$300.00</u>
(3)	Certification renewal <u>for:</u>	<u>\$100.00</u>
	<u>a. Contractor or point-of-sale inspector</u>	<u>\$75.00</u>
	<u>b. Authorized On-Site Wastewater Evaluator</u>	<u>\$100.00</u>
	<u>c. Private Compliance Inspector</u>	<u>\$100.00</u>
(4)	Reinstatement of revoked or suspended Certification	\$500.00
(5)	Application for on-site wastewater system inspector	\$200.00
(6)	Application for authorized on-site wastewater evaluator	\$300.00 <u>\$300.00</u>
(7)	<u>Application for Private Compliance Inspector</u>	<u>\$300.00</u>

(c1) Use of Fees. – All fees collected pursuant to this Article shall be held by the Board and used by the Board for the sole purpose of administering this Article.

(d) Audit. – The Board is subject to the oversight of the State Auditor under Article 5A of Chapter 147 of the General Statutes.

...

"§ 90A-77. Certification requirements.

(a) Certification. – The Board shall issue a certificate ~~of the appropriate grade level~~ 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) ~~Completes the basic on-site wastewater education program approved by the Board for the specific grade level.~~ 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.
 - b. Complete any additional class hours required for grade level IV.
- (3b) For inspector certification, applicant shall satisfy the following conditions:
 - a. Complete the point-of-sale inspector education approved by the Board.
 - b. Complete any additional class hours required for point-of-sale inspector certification.
 - c. Hold current and satisfactory certification of grade level IV contractor, or Authorized On-Site Wastewater Evaluator or subsurface operator certification for a minimum of two years.
 - d. In lieu of the experience requirements in this subdivision, an applicant may instead complete the approved education requirements for the grade IV contractor certification as required by the Board.
- (3c) For Authorized On-Site Wastewater Evaluator, applicant shall complete the Authorized On-Site Wastewater Evaluator education approved by the Board.

- 1 (3d) For Private Compliance Inspector, applicant shall satisfy the following
2 conditions:
3 a. Complete the Private Compliance Inspector education approved by the
4 Board.
5 b. Complete any additional class hours required by the Board for
6 compliance inspector certification.
7 c. Have a minimum of 5 years of experience as a certified contractor,
8 Authorized On-Site Wastewater Evaluator, subsurface operator, or a
9 registered environmental health specialist with experience in on-site
10 wastewater matters.
11 d. Not be employed by a local health department.
12 (4) Repealed by Session Laws 2010-31, s. 13.2(l), effective July 1, 2010.
13 (5) Completes any additional training program designed by the Board specific to
14 the grade level for which the applicant is applying.
15 (6) Pays the applicable fees set by the Board for the particular ~~application and~~
16 ~~grade level application.~~
17 (7) ~~For the specific grade level, as determined by the Board, passes~~ Passes a
18 written or oral examination that tests the applicant's proficiency in all of the
19 following areas:
20 a. Principles of public and environmental health associated with on-site
21 wastewater systems.
22 b. Principles of construction and safety.
23 c. Technical and practical knowledge of on-site wastewater ~~systems~~
24 ~~typical to the specified grade level systems.~~
25 d. Laws and rules related to the installation, construction, repair, ~~or~~
26 ~~inspection point-of-sale inspection, evaluation, or private compliance~~
27 ~~inspection of the specified on-site wastewater system systems.~~
28 (b) Location of Examinations. – The Board shall provide a minimum of three
29 examinations each year; one each in the eastern, central, and western regions of the State.
30 **(b1) Any applicant for an exam shall submit the complete package to the Board no later**
31 **than 15 business days prior to the exam date to be considered eligible for the exam.**
32 (c) Approval of Certification Programs. – The Board may issue a certificate ~~at the~~
33 ~~appropriate grade level~~ to an applicant who has completed an approved training or continuing
34 education program.
35 (d) No Degree Required. – An applicant shall not be required to hold or obtain an
36 educational diploma or degree to obtain a certificate. An applicant that meets all the conditions
37 for certification except for passage of the Board examination may take the examination on three
38 successive occasions without having to file for a new application, pay an additional application
39 fee, or repeat any applicable training program. If the applicant fails to pass the Board examination
40 on three successive occasions, the applicant must reapply to the Board, pay an additional
41 application fee, and repeat the training program.
42 (e) Certificate. – The certification shall show the full name of the certificate holder. The
43 certificate shall provide a unique identification number and shall be signed by the Chair. Issuance
44 of the certificate by the Board shall be prima facie evidence that the person named therein is
45 entitled to all the rights and privileges of a certified contractor ~~or inspector,~~ at the grade level
46 specified on the ~~certificate,~~ certificate, inspector, Authorized On-Site Wastewater Evaluator, or
47 Private Compliance Inspector while the certificate remains in effect.
48 (f) Replacement Certificate. – A new certificate to replace one lost, destroyed, or
49 mutilated shall be issued subject to rules adopted by the Board and with the payment of a fee set
50 by the Board. The fee for a duplicate or replacement certificate shall not exceed twenty-five
51 dollars (\$25.00).

"§ 90A-78. Certification renewal.

(a) ~~Renewal. – All certifications shall expire at intervals determined by the Board on December 31 of each year unless they are renewed. In no event may the interval determined by the Board be less than one year. To renew a certification, a contractor or inspector contractor, inspector, Authorized On-Site Wastewater Evaluator, or Private Compliance Inspector must meet all of the following conditions:~~

- ~~(1) Submit an application for renewal on the form prescribed by the Board. Board, which includes all supporting documents requested on the renewal form.~~
- ~~(2) Meet the following continuing education requirements prescribed by the Board requirements:~~
 - ~~a. Grade level II contractor: 3 hours per year.~~
 - ~~b. Grade level IV contractor: 6 hours per year.~~
 - ~~c. Point-of-sale inspector: 6 hours per year.~~
 - ~~d. Authorized on-site wastewater evaluator: 12 hours per year.~~
 - ~~e. Private compliance inspector: 12 hours per year.~~
 - ~~f. For persons holding more than one certification issued by the Board, the higher annual hours continuing education requirement of all certificates held.~~
- ~~(3) Pay the certification renewal fee.~~
- ~~(4) Submit the renewal by November 15 annually.~~

~~(b) Late Fee. – A contractor or inspector with an expired certificate may renew the certification within 90 days of its expiration upon payment of a late fee set by the Board. The late fee shall not exceed twenty-five dollars (\$25.00). If a certification is not renewed within 90 days of its expiration, the certification shall not be renewed, and the holder must apply for a new certificate. Late fees shall be payable for any renewable fee paid after the due date.~~

~~(c) Renewal Process for Expired Certifications. – The renewal process for expired certificates for contractors, point-of-sale inspectors, Authorized On-Site Wastewater Evaluators, and Private Compliance Inspectors shall be as follows:~~

- ~~(1) Within 90 days of its expiration, an expired certificate may be renewed upon payment of the certification renewal fee in G.S. 90A-75(c)(3) and the late fee established pursuant to subsection (b) of this section.~~
- ~~(2) Between 91 days and 24 months of its expiration, an expired certificate may be renewed upon submittal of an application for recertification, the certification renewal fee in G.S. 90A-75(c)(3), total of continuing education required annually for certificate, and passing grade for exam required for certificate.~~
- ~~(3) After 24 months of its expiration, no certificate may be renewed. The holder of a certificate expired for more than 24 months shall apply for a new certificate.~~

"§ 90A-79. Continuing education.

(a) ~~Requirements. – The Board shall require continuing education as a condition of certification and renewal. The Board shall determine the number of hours, based on grade levels applied for, certifications held, up to a maximum of 12 hours per year, and the subject material for the specified grade level. The Board shall maintain records of continuing education coursework successfully completed by each certified contractor or inspector.~~

(b) ~~Approval of Continuing Education Programs. – The Board may approve a continuing education program or course if the Board finds that the program or course provides useful educational information or experience that will enhance the construction, installation, repair, repair, evaluation, or inspection of on-site wastewater systems. Request for approval of continuing education programs or courses shall be submitted to the Board for review no later than two weeks prior to a regularly scheduled Board meeting and prior to the class being held.~~

1 The Board shall not issue retroactive approvals for any continuing education program or course.
2 Approvals shall be granted on an annual calendar year basis. The Board may develop and offer
3 continuing education programs.

4 **"§ 90A-80. Investigation of complaints.**

5 (a) Misconduct. – A person may refer to the Board charges of fraud, deceit, negligence,
6 incompetence, or misconduct against any certified contractor or inspector. The charges shall be
7 in writing and sworn to by the complainant and submitted to the Board. These charges, unless
8 dismissed without a hearing by the Board as unfounded or trivial, shall be heard and determined
9 by the Board in accordance with the provisions of Chapter 150B of the General Statutes. An
10 association that receives professional recognition of its own certification process by the Board
11 shall be responsible for the conduct and competency of its members.

12 (b) Records. – The Board shall establish and maintain detailed records regarding
13 complaints concerning each certified ~~contractor~~ contractor, Authorized On-Site Wastewater
14 Evaluator, Private Compliance Inspector, or point-of-sale inspector. The records shall include
15 those certified by recognized associations. The records shall also detail the ~~levels of certification~~
16 held by each ~~contractor~~ contractor, Authorized On-Site Wastewater Evaluator, Private
17 Compliance Inspector, or point-of-sale inspector.

18 (c) Notification. – The Board shall provide local health departments with notification of
19 changes in certifications, complaints, suspensions, or reinstatements under this Article. This
20 requirement may be satisfied electronically via the Environmental Health Listserv maintained by
21 the Department.

22 **"§ 90A-81. Remedies.**

23 (a) Denial, Suspension, and Revocation of Certification. – The Board may deny, suspend,
24 or revoke a certificate under this Article for:

- 25 (1) A violation of this Article or a rule of the Board.
- 26 (2) The use of fraud or deceit in obtaining or renewing a certificate.
- 27 (3) Any act of gross negligence, incompetence, or misconduct in the construction,
28 installation, repair, or inspection of an on-site wastewater system.
- 29 (4) Failure to satisfactorily complete continuing education requirements
30 prescribed by the Board.

31 (b) Arbitration. – The Board may establish a voluntary arbitration procedure to resolve
32 complaints concerning a certified contractor or inspector or any work performed by a certified
33 contractor or inspector, or conflicts involving any certified contractor or inspector and the
34 Division of Public Health of the Department or a local health department.

35 (c) Injunction. – The Board may in its own name seek an injunction to restrain any
36 person, firm, partnership, or corporation from violating the provisions of this Article or rules
37 adopted by the Board. The Board may bring an action for an injunction in the superior court of
38 any county in which the violator resides or the violator's principal place of business is located. In
39 any proceedings for an injunction, it shall not be necessary to allege or prove either that an
40 adequate remedy at law does not exist, or that substantial or irreparable damage would result
41 from the continued violation. Members of the Board shall not be personally or professionally
42 liable for any act or omission pursuant to this subsection. The Board shall not be required to post
43 a bond in connection with any action to obtain an injunction.

44 (d) Offenses. – A person who commits any one or more of the following offenses is guilty
45 of a Class 2 misdemeanor:

- 46 (1) Engages in or offers to engage in the construction, installation, ~~repair, repair,~~
47 evaluation, or inspection of an on-site wastewater system without the
48 appropriate ~~certificate for the grade level of on-site wastewater~~
49 system certification.
- 50 (2) Gives false or forged evidence of any kind in obtaining a certificate.

(3) Falsely impersonates a certified ~~contractor~~ contractor, Authorized On-Site Wastewater Evaluator, Private Compliance Inspector, or point-of-sale inspector."

SECTION 4.4.(b) This section becomes effective January 1, 2025.

ALLOW PRIVATE COMPLIANCE INSPECTORS TO INSPECT CERTAIN ON-SITE WASTEWATER SYSTEMS

SECTION 4.5.(a) G.S. 130A-337 is amended by adding two new subsections to read:

"(a2) Notwithstanding subsection (a) or (a1) of this section, an applicant may contract with a Private Compliance Inspector certified pursuant to Article 5 of Chapter 90A of the General Statutes to conduct any required verifications or inspections of an on-site wastewater system for compliance with the designs of a Construction Authorization issued pursuant to G.S. 130A-335(a5) or a Notice of Intent to Construct issued pursuant to G.S. 130A-336.1 or G.S. 130A-336.2 when all of the following criteria are met:

(1) The Private Compliance Inspector is not the contractor of the on-site wastewater system being inspected or employed by the contractor of the on-site wastewater system being inspected.

(2) The Private Compliance Inspector holds sufficient errors and omissions and general liability insurance for the project being inspected.

(3) The Private Compliance Inspector obtains written approval from the professional engineer or Authorized On-Site Wastewater Evaluator prior to conducting the compliance inspection.

(4) The Private Compliance Inspector documents the compliance inspection with the common form developed or approved by the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board. The compliance inspection document shall show any as-builts as approved at the site and conveyed to the owner or authorized agency.

(5) The Private Compliance Inspector delivers the completed compliance inspection form to the owner of the on-site wastewater system being inspected, professional engineer, or Authorized On-Site Wastewater Evaluator, as applicable. The local health department shall issue the Operation Permit or Authorization to Operate upon receipt of the completed compliance inspection document.

(a3) The Department, the Department's authorized agents, and the local health department shall be discharged and released from any liabilities, duties, and responsibilities imposed by statute or common law from any claim arising out of or attributed to an on-site wastewater system inspected pursuant to subsection (a2) of this section."

SECTION 4.5.(b) This section becomes effective January 1, 2025.

INCREASE FEES FOR LICENSED SOIL SCIENTISTS

SECTION 4.6. G.S. 89F-25 reads as rewritten:

"§ 89F-25. Fees.

(a) The Board shall determine fees for the following services that shall not exceed the amounts specified in this section:

Application	\$ 50.00 \$80.00
<u>Application for corporate certificate of licensure</u>	<u>\$100.00</u>
<u>Renewal of corporate certificate of licensure</u>	<u>\$100.00</u>
License	85.00 \$185.00
Renewal	85.00 \$180.00
Restoration	110.00 \$125.00

1	Replacement license	50.00\$100.00
2	Seal	30.00.\$75.00.
3	(b) The Board may charge the applicant the actual cost of preparation, administration,	
4	and grading of examinations for soil scientists, in addition to its other fees."	
5		

6 **REGISTERED ENVIRONMENTAL HEALTH SPECIALISTS DEFENSE AND**
7 **LIABILITY**

8 **SECTION 4.7.** G.S. 143-300.8 reads as rewritten:

9 "**§ 143-300.8. Defense of ~~local sanitarians~~registered environmental health specialists,**
10 **registered environmental health specialist interns, and registered environmental**
11 **health associates.**

12 (a) The following definitions apply in this section:

13 (1) Department. – The Department of Health and Human Services.

14 (2) Local health department. – Defined in G.S. 130A-2(5).

15 (3) Registered environmental health associate. – Defined in G.S. 90A-51(2d).

16 (4) Registered environmental health specialist. – Defined in G.S. 90A-51(4).

17 (5) Registered environmental health specialist intern. – Defined in
18 G.S. 90A-51(5).

19 (b) All local health departments shall enter into an annual agreement with the Department
20 to provide environmental health services in accordance with Chapter 130A of the General
21 Statutes. The annual agreement shall include a requirement for quality assurance for all
22 environmental health services.

23 (c) Any local health department ~~sanitarian~~ Except as provided in subsections (d) and (e)
24 of this section, any registered environmental health specialist, registered environmental health
25 specialist intern, or registered environmental health associate enforcing rules of the Commission
26 for Public Health under the ~~supervision~~ authority of the Department of Health and Human
27 Services pursuant to G.S. 130A-4 shall be defended by the Attorney General, subject to the
28 provisions of G.S. 143-300.4, and shall be protected from liability in accordance with the
29 provisions of this Article in any civil or criminal action or proceeding brought against the
30 ~~sanitarian in his~~ registered environmental health specialist, registered environmental health
31 specialist intern, or registered environmental health associate in their official or individual
32 capacity, or both, on account of an act done or omission made in the scope and course of
33 enforcing the rules of the Commission for Public Health. The Department of Health and Human
34 Services shall pay half of any judgment against the ~~sanitarian, registered environmental health~~
35 specialist, registered environmental health specialist intern, or registered environmental health
36 associate, or any settlement made on his-their behalf, subject to the provisions of G.S. 143-300.6.
37 The local health department employing or contracting with the registered environmental health
38 specialist, registered environmental health specialist intern, or registered environmental health
39 associate at the time of the underlying act or omission giving rise to the judgment or settlement
40 shall pay half of the judgment or settlement.

41 (d) Any registered environmental health specialist, registered environmental health
42 specialist intern, or registered environmental health associate contracted to work for a local health
43 department that has not entered into an annual agreement as required by subsection (b) of this
44 section shall not be defended by the Attorney General or have their judgement or settlement paid
45 by the Department. The local health department shall be required to pay any judgement against
46 the registered environmental health specialist, registered environmental health specialist intern,
47 or registered environmental health associate or any settlement on their behalf for any act or
48 omission made in the scope and course of enforcing the rules of the Commission for Public
49 Health.

50 (e) A registered environmental health specialist, registered environmental health
51 specialist intern, or registered environmental health associate shall not be defended by the

1 Attorney General or protected from liability for any claim arising from an act or omission made
2 in the scope and course of enforcing a local rule adopted pursuant to G.S. 130A-335(c)."

4 **WATER SUPPLY WELL SETBACK CHANGES**

5 **SECTION 4.8.(a)** Definitions. – For purposes of this section and its implementation,
6 "Construction Standards Rule" means 15A NCAC 02C .0107 (Standards of Construction: Water
7 Supply Wells).

8 **SECTION 4.8.(b)** Construction Standards Rule. – Until the effective date of the
9 revised permanent rule that the Environmental Management Commission is required to adopt
10 pursuant to subsection (d) of this section, the Commission shall implement the Construction
11 Standards Rule as provided in subsection (c) of this section.

12 **SECTION 4.8.(c)** Implementation. – The horizontal separation between a water
13 supply well and potential sources of groundwater contamination that exist at the time the well is
14 constructed shall be no less than 50 feet for any single-family dwelling with a septic tank and
15 drainfield, including the drainfield repair area in sapolite system as described in the 15A NCAC
16 18E rules.

17 **SECTION 4.8.(d)** Additional Rulemaking Authority. – The Commission shall adopt
18 a rule to amend the Construction Standards Rule consistent with subsection (c) of this section.
19 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section
20 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted
21 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General
22 Statutes. Rules adopted pursuant to this section shall become effective as provided in
23 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in
24 G.S. 150B-21.3(b2).

25 **SECTION 4.8.(e)** Sunset. – This section expires when permanent rules adopted as
26 required by subsection (d) of this section become effective.

28 **CLARIFY CHANGES TO ON-SITE WASTEWATER STATUTES**

29 **SECTION 4.9.(a)** If Senate Bill 508, 2023 Regular Session, becomes law, then
30 G.S. 130A-336.1(l), as amended by Section 3.9(a) of that act, reads as rewritten:

31 "(l) Reporting Requirements. –

- 32 (1) The owner of the wastewater system shall submit the following to the local
33 health department prior to receiving a Certificate of Occupancy from the
34 appropriate inspection department:
- 35 a. A copy of the professional engineer's report required pursuant to
36 G.S. 130A-336.1(k)(1).G.S. 130A-336.1(k)(1), including a signed
37 document from the licensed soil scientist or licensed geologist
38 releasing their soils report to be used in obtaining a permit pursuant to
39 this section.
 - 40 b. A copy of the operations and management program.
 - 41 c. Repealed by Session Laws 2023-90, s. 3, effective July 10, 2023.
 - 42 d. A letter that documents the owner's acceptance of the system from the
43 professional engineer.
 - 44 e. A copy of the Authorization to Operate.
- 45 (2) The owner of any wastewater system that is subject to subsection (d) of this
46 section shall deliver to the Department copies of the engineer's report, as
47 described G.S. 130A-336.1(k)(1).
- 48 (3) ~~Within two business days of receiving the documentation required pursuant~~
49 ~~to subdivision (1) of this subsection, the local health department shall notify~~
50 ~~the appropriate inspections department. If the local health department fails to~~
51 ~~notify the inspections department within two business days, the owner of the~~

1 wastewater system may submit the Authorization to Operate to the appropriate
2 inspections department and receive a Certificate of Occupancy. The local
3 health department shall date and stamp as received upon the delivery of the
4 professional engineer's report described in G.S. 130A-336.1(k)(1) by the
5 owner or the owner's legal representative. The local health department shall
6 notify the appropriate inspections department of the acceptance of the
7 professional engineer's report and a Certificate of Occupancy shall be issued."

8 **SECTION 4.9.(b)** If Senate Bill 508, 2023 Regular Session, becomes law,
9 G.S. 130A-336.2, as amended by Section 3.9(b) of that act, reads as rewritten:

10 "**§ 130A-336.2. Alternative wastewater system approvals for nonengineered systems.**

11 ...

12 (l) After reviewing the Authorized On-Site Wastewater Evaluator's report, the owner
13 shall sign confirming acceptance and receipt of the report. The owner shall then submit the
14 following to the local health department prior to receiving a Certificate of Occupancy from the
15 appropriate inspection department:

- 16 (1) A copy of the Authorized On-Site Wastewater Evaluator's report, including
17 the Authorization to Operate.
- 18 (2) A copy of the operations and management program established for the system
19 by the Authorized On-Site Wastewater Evaluator.
- 20 (3) Repealed.
- 21 (4) A copy of the document confirming acceptance and receipt of the report by
22 the owner.

23 (l) ~~Within two business days of receiving the documentation required pursuant to~~
24 ~~subsection (l) of this section, the local health department shall notify the appropriate inspections~~
25 ~~department. If the local health department fails to notify the inspections department within two~~
26 ~~business days, the owner of the wastewater system may submit the Authorization to Operate to~~
27 ~~the appropriate inspections department and receive a Certificate of Occupancy. The local health~~
28 ~~department shall date and stamp as received upon delivery of the documentation required~~
29 ~~pursuant to subsection (l) of this section by the owner or the owner's legal representative. The~~
30 ~~local health department shall notify the appropriate inspections department of the acceptance of~~
31 ~~the documentation and a Certificate of Occupancy shall be issued.~~

32"

33 **SECTION 4.9.(c)** If Senate Bill 508, 2023 Regular Session, becomes law, then
34 G.S. 130A-336.1(o), as amended by Section 3.9(c) of that act, reads as rewritten:

35 "(o) Change in System Ownership. – A wastewater system authorized pursuant to this
36 section shall not be affected by change in ownership of the site for the wastewater system. A
37 Notice of Intent to Construct shall not be transferrable to a new owner without the written consent
38 of the professional engineer. A wastewater system's Authorization to Operate authorized
39 pursuant to this section shall be transferred to a new owner."

40 **SECTION 4.9.(d)** If Senate Bill 508, 2023 Regular Session, becomes law, then
41 G.S. 130A-336.2(o), as amended by Section 3.9(d) of that act, reads as rewritten:

42 "(o) Change in System Ownership. – A wastewater system authorized pursuant to this
43 section shall not be affected by change of ownership of the site for the wastewater system. A
44 Notice of Intent to Construct shall not be transferrable to a new owner without the written consent
45 of the Authorized On-Site Wastewater Evaluator. A wastewater system's Authorization to
46 Operate authorized pursuant to this section shall be transferred to a new owner."

47 **SECTION 4.9.(e)** This section is effective retroactively to July 10, 2023.

49 AMEND 18E ON-SITE WASTEWATER RULES

50 **SECTION 4.10.(a)** Definitions. – For purposes of this section and its
51 implementation, "Applicability Rule" means 15A NCAC 18E .0102 (Applicability).

1 **SECTION 4.10.(b)** Applicability Rule. – Until the effective date of the revised
2 permanent rule that the Commission for Public Health is required to adopt pursuant to subsection
3 (d) of this section, the Commission shall implement the Applicability Rule as provided in
4 subsection (c) of this section.

5 **SECTION 4.10.(c)** Implementation. – The provisions of 15A NCAC 18E .0206 shall
6 apply to any wastewater system for which an operation permit, authorization to operate,
7 certificate of completion, or an equivalent approval has been issued prior to January 1, 2024.
8 Wastewater systems permitted on or after July 1, 1977, shall comply with the setback
9 requirements in 15A NCAC 18E. When a wastewater system that was installed on or after July
10 1, 1977, is expanded, modified, or repaired, and the wastewater strength is not increasing, any
11 existing wastewater system components that are not crushed, broken, damaged, or otherwise
12 rendered unusable or ineffective so that the component will not function as designed shall not be
13 required to meet the requirements of 15A NCAC 18E. All components shall comply with the
14 setback requirements in 15A NCAC 18E. When a wastewater system that was installed prior to
15 July 1, 1977, is expanded, modified, or repaired, and the wastewater strength is not increasing,
16 any existing wastewater system components that are not crushed, broken, damaged, or otherwise
17 rendered unusable or ineffective so that the component will not function as designed shall not be
18 required to meet the requirements of 15A NCAC 18E except as follows: setbacks to drinking
19 water wells shall not be reduced; and setbacks to surface water bodies specified in 15A NCAC
20 18E .0601. shall not be reduced by more than 50 percent. Existing wastewater systems for which
21 no permit can be found and with no evidence that the wastewater system was installed in violation
22 of Article 11 of Chapter 130A of the General Statutes and the rules in effect at the time of
23 installation shall be considered to have an operation permit or its equivalent in accordance with
24 this Rule.

25 **SECTION 4.10.(d)** Additional Rulemaking Authority. – The Commission shall
26 adopt a rule to amend the Applicability Rule consistent with subsection (c) of this section.
27 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section
28 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted
29 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General
30 Statutes. Rules adopted pursuant to this section shall become effective as provided in
31 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in
32 G.S. 150B-21.3(b2).

33 **SECTION 4.10.(e)** Sunset. – This section expires when permanent rules adopted as
34 required by subsection (d) of this section become effective.

35 **SECTION 4.11.(a)** Definitions. – For purposes of this section and its
36 implementation, "Definitions Rule" means 15A NCAC 18E .0105 (Definitions).

37 **SECTION 4.11.(b)** Definitions Rule. – Until the effective date of the revised
38 permanent rule that the Commission for Public Health is required to adopt pursuant to subsection
39 (d) of this section, the Commission shall implement the Definitions Rule as provided in
40 subsection (c) of this section.

41 **SECTION 4.11.(c)** Implementation. – "Artificial drainage systems" shall include
42 foundation drains with cuts greater than two feet. "Collection sewer" shall not include any
43 appurtenances used to transport waste within a wastewater system. "Full kitchen" means a
44 kitchen that contains either domestic or commercial equipment and is used for cooking or
45 preparing foods onsite. "Normal water level" means the water level within a pond, lake, or other
46 type of impoundment, natural or man-made, at the elevation of the outlet structure or spillway,
47 such as the elevation of the permanent pool. "Warming kitchen" means a kitchen that contains
48 domestic equipment and is used for plating or dispensing food prepared or cooked at another
49 local. The definition of "Stream" shall be deleted. "Intermittent stream" means a well-defined
50 channel that contains water for only part of the year, typically during winter and spring when the
51 aquatic bed is below the perched or seasonal high water table. The flow of an intermittent stream

1 may be supplemented by stormwater runoff. "Perennial stream" means a well-defined channel
2 that contains water year round during a year of normal rainfall with the aquatic bed located below
3 the perched or seasonal high water table for most of the year. Groundwater is the primary source
4 of water for a perennial stream, but perennial streams may also carry stormwater runoff.

5 **SECTION 4.11.(d)** Additional Rulemaking Authority. – The Commission shall
6 adopt a rule to amend the Definitions Rule consistent with subsection (c) of this section.
7 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section
8 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted
9 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General
10 Statutes. Rules adopted pursuant to this section shall become effective as provided in
11 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in
12 G.S. 150B-21.3(b2).

13 **SECTION 4.11.(e)** Sunset. – This section expires when permanent rules adopted as
14 required by subsection (d) of this section become effective.

15 **SECTION 4.12.(a)** Definitions. – For purposes of this section and its
16 implementation, "Application Rule" means 15A NCAC 18E .0202 (Application).

17 **SECTION 4.12.(b)** Application Rule. – Until the effective date of the revised
18 permanent rule that the Commission for Public Health is required to adopt pursuant to subsection
19 (d) of this section, the Commission shall implement the Application Rule as provided in
20 subsection (c) of this section.

21 **SECTION 4.12.(c)** Implementation. – Prior to the repair of a wastewater system, an
22 application shall be submitted to the local health department.

23 **SECTION 4.12.(d)** Additional Rulemaking Authority. – The Commission shall
24 adopt a rule to amend the Application Rule consistent with subsection (c) of this section.
25 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section
26 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted
27 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General
28 Statutes. Rules adopted pursuant to this section shall become effective as provided in
29 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in
30 G.S. 150B-21.3(b2).

31 **SECTION 4.12.(e)** Sunset. – This section expires when permanent rules adopted as
32 required by subsection (d) of this section become effective.

33 **SECTION 4.13.(a)** Definitions. – For purposes of this section and its
34 implementation, "Improvement Permit Rule" means 15A NCAC 18E .0203 (Improvement
35 Permit).

36 **SECTION 4.13.(b)** Improvement Permit Rule. – Until the effective date of the
37 revised permanent rule that the Commission for Public Health is required to adopt pursuant to
38 subsection (d) of this section, the Commission shall implement the Improvement Permit Rule as
39 provided in subsection (c) of this section.

40 **SECTION 4.13.(c)** Implementation. – An improvement permit shall be applicable
41 to both initial and repair dispersal field areas identified and approved on the improvement permit.

42 **SECTION 4.13.(d)** Additional Rulemaking Authority. – The Commission shall
43 adopt a rule to amend the Improvement Permit Rule consistent with subsection (c) of this section.
44 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section
45 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted
46 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General
47 Statutes. Rules adopted pursuant to this section shall become effective as provided in
48 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in
49 G.S. 150B-21.3(b2).

50 **SECTION 4.13.(e)** Sunset. – This section expires when permanent rules adopted as
51 required by subsection (d) of this section become effective.

1 **SECTION 4.14.(a)** Definitions. – For purposes of this section and its
2 implementation, "Construction Authorization Rule" means 15A NCAC 18E .0204 (Construction
3 Authorization).

4 **SECTION 4.14.(b)** Construction Authorization Rule. – Until the effective date of
5 the revised permanent rule that the Commission for Public Health is required to adopt pursuant
6 to subsection (d) of this section, the Commission shall implement the Construction Authorization
7 Rule as provided in subsection (c) of this section.

8 **SECTION 4.14.(c)** Implementation. – The construction authorization shall also
9 specify the initial water system type and layout, location of all initial wastewater system
10 components, and design details and specifications for supply lines and force mains.

11 **SECTION 4.14.(d)** Additional Rulemaking Authority. – The Commission shall
12 adopt a rule to amend the Construction Authorization Rule consistent with subsection (c) of this
13 section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this
14 section shall be substantively identical to the provisions of subsection (c) of this section. Rules
15 adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the
16 General Statutes. Rules adopted pursuant to this section shall become effective as provided in
17 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in
18 G.S. 150B-21.3(b2).

19 **SECTION 4.14.(e)** Sunset. – This section expires when permanent rules adopted as
20 required by subsection (d) of this section become effective.

21 **SECTION 4.15.(a)** Definitions. – For purposes of this section and its
22 implementation, "Existing System Approvals for Reconnections and Property Additions Rule"
23 means 15A NCAC 18E .0206 (Existing System Approvals for Reconnections and Property
24 Additions).

25 **SECTION 4.15.(b)** Existing System Approvals for Reconnections and Property
26 Additions Rule. – Until the effective date of the revised permanent rule that the Commission for
27 Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall
28 implement the Existing System Approvals for Reconnections and Property Additions Rule as
29 provided in subsection (c) of this section.

30 **SECTION 4.15.(c)** Implementation. – The local health department, an Authorized
31 On-Site Wastewater Evaluator, or a certified inspector may issue an existing system approval
32 when there is no increase in design daily flow or wastewater strength for the following: 1) a
33 reconnection for a new or improved facility, or 2) a site modification that requires a building
34 permit, such as a swimming pool or storage shed. Existing system approvals as described in
35 Paragraph (a) of this Rule shall be issued by an authorized agent, Authorized On-Site Wastewater
36 Evaluator, or certified inspector upon determination of the following: 1) there is no current or
37 past uncorrected malfunction of the system as described in 15A NCAC .1303(a)(2); 2) the design
38 daily flow and wastewater strength for the proposed facility do not exceed that of the existing
39 system; and 3) the proposed facility or site modification meets the setbacks in 15A NCAC .0600.
40 The existing system approval expires one year after the date of issuance. When an approval
41 cannot be issued in accordance with this Rule, a signed, written report shall be provided by the
42 authorized agent, Authorized On-Site Wastewater Evaluator, or certified inspector, as applicable,
43 to the applicant describing the reasons for the denial, citing the applicable rule. The local health
44 department shall include notice of the right to appeal under G.S. 130A-24 and Chapter 150B of
45 the General Statutes. Notwithstanding this Rule, the owner of a wastewater system may elect to
46 utilize the Affidavit for Existing Wastewater System Approval offered pursuant to
47 G.S. 160D-1110(h1) to obtain a wastewater system approval and any necessary permits.

48 **SECTION 4.15.(d)** Additional Rulemaking Authority. – The Commission shall
49 adopt a rule to amend the Existing System Approvals for Reconnections and Property Additions
50 Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule
51 adopted by the Commission pursuant to this section shall be substantively identical to the

1 provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject
2 to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this
3 section shall become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written
4 objections had been received as provided in G.S. 150B-21.3(b2).

5 **SECTION 4.15.(e)** Sunset. – This section expires when permanent rules adopted as
6 required by subsection (d) of this section become effective.

7 **SECTION 4.16.(a)** Definitions. – For purposes of this section and its
8 implementation, "Alternative Wastewater System Permitting Options Rule" means 15A NCAC
9 18E .0207 (Alternative Wastewater System Permitting Options).

10 **SECTION 4.16.(b)** Alternative Wastewater System Permitting Options Rule. – Until
11 the effective date of the revised permanent rule that the Commission for Public Health is required
12 to adopt pursuant to subsection (d) of this section, the Commission shall implement the
13 Alternative Wastewater System Permitting Options Rule as provided in subsection (c) of this
14 section.

15 **SECTION 4.16.(c)** Implementation. – An Engineer Option Permit may be used if
16 the wastewater system design requires a professional engineer in accordance with 15A NCAC
17 .0303(a). The Notice of Intent submitted pursuant to this Rule shall include the signed and sealed
18 signature of the licensed soil scientist or licensed geologist releasing the soils report to be used
19 in the issuance of the Notice of Intent.

20 **SECTION 4.16.(d)** Additional Rulemaking Authority. – The Commission shall
21 adopt a rule to amend the Alternative Wastewater System Permitting Options Rule consistent
22 with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the
23 Commission pursuant to this section shall be substantively identical to the provisions of
24 subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of
25 Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall
26 become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections
27 had been received as provided in G.S. 150B-21.3(b2).

28 **SECTION 4.16.(e)** Sunset. – This section expires when permanent rules adopted as
29 required by subsection (d) of this section become effective.

30 **SECTION 4.17.(a)** Definitions. – For purposes of this section and its
31 implementation, "Owners Rule" means 15A NCAC 18E .0301 (Owners).

32 **SECTION 4.17.(b)** Owners Rule. – Until the effective date of the revised permanent
33 rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this
34 section, the Commission shall implement the Owners Rule as provided in subsection (c) of this
35 section.

36 **SECTION 4.17.(c)** Implementation. – An easement or encroachment agreement
37 shall be required for the permitting of any of the following installations: (1) any part of the
38 wastewater system is located in a common area with other wastewater systems; (2) any part of
39 the wastewater system is located in an area with multiple or third-party ownership or control; (3)
40 any part of the wastewater system is proposed to be in an off-site area; or (4) any part of the
41 wastewater system and the facility are located on different lots or tracts of land and cross a
42 property line or right-of-way. Any necessary easements, rights-of-ways, or encroachment
43 agreements shall specify in a deed by metes and bounds description the area or site required for
44 the wastewater system and repair area, including force mains and supply lines.

45 **SECTION 4.17.(d)** Additional Rulemaking Authority. – The Commission shall
46 adopt a rule to amend the Owners Rule consistent with subsection (c) of this section.
47 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section
48 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted
49 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General
50 Statutes. Rules adopted pursuant to this section shall become effective as provided in

1 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in
2 G.S. 150B-21.3(b2).

3 **SECTION 4.17.(e)** Sunset. – This section expires when permanent rules adopted as
4 required by subsection (d) of this section become effective.

5 **SECTION 4.18.(a)** Definitions. – For purposes of this section and its
6 implementation, "Local Health Department and Department Rule" means 15A NCAC 18E .0302
7 (Local Health Department and Department).

8 **SECTION 4.18.(b)** Local Health Department and Department Rule. – Until the
9 effective date of the revised permanent rule that the Commission for Public Health is required to
10 adopt pursuant to subsection (d) of this section, the Commission shall implement the Local
11 Health Department and Department Rule as provided in subsection (c) of this section.

12 **SECTION 4.18.(c)** Implementation. – When a local health department issues a
13 notice of violation to an owner of a wastewater system pursuant to this rule, the local health
14 department may pursue legal remedies no sooner than 30 days after the date of the notice of
15 violation, unless the notice of violation specifies a shorter time frame. The local health
16 department shall issue a notice of violation to the owner when an individual advanced
17 pretreatment system at a single site is out of compliance in accordance with 15A NCAC 18E
18 .1302(f). The authorized agent shall issue a written notice of non-compliance to the owner when
19 the wastewater system is non-compliant with Article 11 of Chapter 130A of the General Statutes,
20 the Rules of this Subchapter, or conditions in the operation permit or authorization to operate.
21 The local health department shall submit a monthly activity report to the Department every month
22 on a form provided by the Department. The monthly activity report collects information on the
23 numbers and types of permits issued by the local health department. The local health department
24 shall adhere to Article 11 of Chapter 130A of the General Statutes, the Rules of this Subchapter,
25 and all written guidance and interpretations from the Department.

26 **SECTION 4.18.(d)** Additional Rulemaking Authority. – The Commission shall
27 adopt a rule to amend the Local Health Department and Department Rule consistent with
28 subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the
29 Commission pursuant to this section shall be substantively identical to the provisions of
30 subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of
31 Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall
32 become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections
33 had been received as provided in G.S. 150B-21.3(b2).

34 **SECTION 4.18.(e)** Sunset. – This section expires when permanent rules adopted as
35 required by subsection (d) of this section become effective.

36 **SECTION 4.19.(a)** Definitions. – For purposes of this section and its
37 implementation, "Licensed or Certified Professionals Rule" means 15A NCAC 18E .0303
38 (Licensed or Certified Professionals).

39 **SECTION 4.19.(b)** Licensed or Certified Professionals Rule. – Until the effective
40 date of the revised permanent rule that the Commission for Public Health is required to adopt
41 pursuant to subsection (d) of this section, the Commission shall implement the Licensed or
42 Certified Professionals Rule as provided in subsection (c) of this section.

43 **SECTION 4.19.(c)** Implementation. – A local health department shall not require a
44 North Carolina Professional Engineer to design either of the following: (i) pressure dispersal
45 systems or pressure dosed gravity systems with a design daily flow greater than 600 gallons per
46 day serving a single design unit or (ii) two or more septic tanks or advanced pretreatment units,
47 each serving a separate design unit and served by a common dosing tank. Prior to the issuance of
48 an Improvement Permit or Construction Authorization, a signed and sealed consent from the
49 licensed soil scientist or licensed geologist required by this Rule shall be attached to the plans
50 and specifications submitted to the local health department.

1 **SECTION 4.19.(d)** Additional Rulemaking Authority. – The Commission shall
2 adopt a rule to amend the Licensed or Certified Professionals Rule consistent with subsection (c)
3 of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant
4 to this section shall be substantively identical to the provisions of subsection (c) of this section.
5 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of
6 the General Statutes. Rules adopted pursuant to this section shall become effective as provided
7 in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided
8 in G.S. 150B-21.3(b2).

9 **SECTION 4.19.(e)** Sunset. – This section expires when permanent rules adopted as
10 required by subsection (d) of this section become effective.

11 **SECTION 4.20.(a)** Definitions. – For purposes of this section and its
12 implementation, "Design Daily Flow Rule" means 15A NCAC 18E .0401 (Design Daily Flow).

13 **SECTION 4.20.(b)** Design Daily Flow Rule. – Until the effective date of the revised
14 permanent rule that the Commission for Public Health is required to adopt pursuant to subsection
15 (d) of this section, the Commission shall implement the Design Daily Flow Rule as provided in
16 subsection (c) of this section.

17 **SECTION 4.20.(c)** Implementation. – In calculating design daily flow, the designer
18 is not required to use the maximum building occupancy assigned by the local fire marshal. The
19 design daily flow for a recreational park trailer or park model trailer 400 square feet or less in a
20 recreational vehicle park is 120 gallons per space. The design daily flow for a food establishment
21 with multiuse articles is 25 gallons per seat open 6 hours per day or less, or 40 gallons per seat
22 when open 6 to 16 hours per day and shall not be based on square footage of floor space. The
23 design daily flow for a food establishment with single service articles is 20 gallons per seat open
24 6 hours per day or less, or 30 gallons per seat when open 6 to 16 hours per day and shall not be
25 based on square footage of floor space. The design daily flow for rest homes, assisted living
26 homes, group homes, and nursing homes shall increase by 60 gallons per day per resident
27 employee, regardless of the presence of laundry facilities. The design daily flow for drug
28 rehabilitation, mental health, and other care institutions shall be 12 gallons per day per employee
29 working an 8-hour shift or less or 60 gallons per day per resident employee, increasing by 2
30 gallons per employee per hour when an employee works more than an 8-hour shift. The design
31 daily flow for fitness center, spas, karate, dance, and exercise shall be 5 gallons per person,
32 increasing by 10 gallons per person if the facility includes showers. The design daily flow for
33 day schools with a gymnasium only shall be 9 gallons per day per student. Day care facilities
34 shall be reclassified as "family child care home or child care centers."

35 **SECTION 4.20.(d)** Additional Rulemaking Authority. – The Commission shall
36 adopt a rule to amend the Design Daily Flow Rule consistent with subsection (c) of this section.
37 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section
38 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted
39 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General
40 Statutes. Rules adopted pursuant to this section shall become effective as provided in
41 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in
42 G.S. 150B-21.3(b2).

43 **SECTION 4.20.(e)** Sunset. – This section expires when permanent rules adopted as
44 required by subsection (d) of this section become effective.

45 **SECTION 4.21.(a)** Definitions. – For purposes of this section and its
46 implementation, "Available Space Rule" means 15A NCAC 18E .0508 (Available Space).

47 **SECTION 4.21.(b)** Available Space Rule. – Until the effective date of the revised
48 permanent rule that the Commission for Public Health is required to adopt pursuant to subsection
49 (d) of this section, the Commission shall implement the Available Space Rule as provided in
50 subsection (c) of this section.

1 **SECTION 4.21.(c)** Implementation. – The repair area requirement of Paragraph (a)
2 of this Rule shall not apply to a lot of tract of land if that lot or tract is described in a recorded
3 deed or a recorded plat on or before January 1, 1983. The Department of Health and Human
4 Services shall specify the information required for a wastewater system to be approved with a
5 two-year field demonstration. Wastewater systems with a rated capacity greater than 1,500
6 gallons per day that have a letter from NSF International stating that the system will comply with
7 NSF/ANSI Standard 350 may eliminate the requirement for a repair area when installed in Group
8 I soils.

9 **SECTION 4.21.(d)** Additional Rulemaking Authority. – The Commission shall
10 adopt a rule to amend the Available Space Rule consistent with subsection (c) of this section.
11 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section
12 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted
13 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General
14 Statutes. Rules adopted pursuant to this section shall become effective as provided in
15 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in
16 G.S. 150B-21.3(b2).

17 **SECTION 4.21.(e)** Sunset. – This section expires when permanent rules adopted as
18 required by subsection (d) of this section become effective.

19 **SECTION 4.22.(a)** Definitions. – For purposes of this section and its
20 implementation, "Location of Wastewater Systems Rule" means 15A NCAC 18E .0601
21 (Location of Wastewater Systems).

22 **SECTION 4.22.(b)** Location of Wastewater Systems Rule. – Until the effective date
23 of the revised permanent rule that the Commission for Public Health is required to adopt pursuant
24 to subsection (d) of this section, the Commission shall implement the Location of Wastewater
25 Systems Rule as provided in subsection (c) of this section.

26 **SECTION 4.22.(c)** Implementation. – The minimum setback for a private drinking
27 water well or upslope spring serving a single-family dwelling unit from a wastewater system
28 permitted or installed in saprolite shall be 50 feet. Building foundation and any structural supports
29 requiring a footing or other load bearing construction in the North Carolina Building Code shall
30 have a horizontal setback of five feet. Appurtenant structures, stairs, or landing structures
31 designed specifically to be set directly on the ground and do not require footings; sidewalks;
32 pavers; lighting fixtures; or signage shall have a horizontal setback of one foot. Top of slope of
33 embankment or cuts of two feet or more vertical height with a slope less than or equal to 33
34 percent are not required to have a horizontal setback. Downslope interceptor or foundation drains
35 and surface water diversions with a vertical cut of more than two feet, as measured on the ground
36 surface from the edge of the feature shall have a horizontal setback of 15 feet. Upslope and
37 sideslope interceptor or foundation drains and surface water diversions with a vertical cut of more
38 than two feet, as measured on the ground surface from the edge of the feature shall have a
39 horizontal setback of 10 feet. There shall be no horizontal setbacks from underground utilities.
40 Collection sewers, force mains, and supply lines shall be located the minimum setbacks to site
41 features shown in Table IX of this Rule, unless a different minimum setback is specified in Table
42 XII of this Rule. If a supply line or force main is installed under areas subject to vehicular traffic
43 or areas subject to soil disturbance or compaction, one of the following pipe materials shall be
44 used: ductile iron pipe; a minimum of Schedule 40 Polyvinyl Chloride, Polyethylene, or
45 Acrylonitrile-Butadiene-Styrene pipe sleeved in ductile iron pipe; a minimum of Schedule 40
46 Polyvinyl Chloride, Polyethylene, or Acrylonitrile-Butadiene-Styrene pipe sleeved in
47 Department of Transportation traffic rated culvert pipe; a minimum of Schedule 40 Polyvinyl
48 Chloride, Polyethylene, or Acrylonitrile-Butadiene-Styrene pipe with 30 inches of compacted
49 material provided over the crown of the pipe; or other pipe materials may be proposed when
50 designed, inspected, and certified by a Professional Engineer and approved by the local health
51 department. When a reduced setback to a collection sewer, force main, or supply line is utilized,

1 the piping requirements for the reduced setback shall be extended to comply with the unreduced
2 setback. Table XII in this Rule shall be renamed Minimum setbacks from collection sewers, force
3 mains, and supply lines to site features. Force main or supply line shall be added with collection
4 sewer in 15A NCAC 18E .0601(l), (m), (n), (o), (p), and Table XII. Wastewater systems may be
5 located closer than 100 feet but never less than 50 feet from water supply wells or an upslope
6 spring for repairs, space limitations, and other site-planning considerations when one of the
7 following conditions is met: 1) the well was constructed prior to July 1, 1993, in accordance with
8 15A NCAC 18A .1720; or 2) a variance for a reduced well setback has been issued in accordance
9 with one of the following: a) 15A NCAC 02C .0118 for a shared water supply well or for a
10 transient non-community public water supply well; or b) 15A NCAC 18C .0203(b) for a
11 non-transient non-community public water system.

12 **SECTION 4.22.(d)** Additional Rulemaking Authority. – The Commission shall
13 adopt a rule to amend the Location of Wastewater Systems Rule consistent with subsection (c)
14 of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant
15 to this section shall be substantively identical to the provisions of subsection (c) of this section.
16 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of
17 the General Statutes. Rules adopted pursuant to this section shall become effective as provided
18 in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided
19 in G.S. 150B-21.3(b2).

20 **SECTION 4.22.(e)** Sunset. – This section expires when permanent rules adopted as
21 required by subsection (d) of this section become effective.

22 **SECTION 4.23.(a)** Definitions. – For purposes of this section and its
23 implementation, "Collection Sewers Rule" means 15A NCAC 18E .0701 (Collection Sewers).

24 **SECTION 4.23.(b)** Collection Sewers Rule. – Until the effective date of the revised
25 permanent rule that the Commission for Public Health is required to adopt pursuant to subsection
26 (d) of this section, the Commission shall implement the Collection Sewers Rule as provided in
27 subsection (c) of this section.

28 **SECTION 4.23.(c)** Implementation. – Collection sewers for wastewater systems
29 with a design daily flow greater than 3,000 gallons per day shall be designed and constructed in
30 accordance with the criteria established in this Rule.

31 **SECTION 4.23.(d)** Additional Rulemaking Authority. – The Commission shall
32 adopt a rule to amend the Collection Sewers Rule consistent with subsection (c) of this section.
33 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section
34 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted
35 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General
36 Statutes. Rules adopted pursuant to this section shall become effective as provided in
37 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in
38 G.S. 150B-21.3(b2).

39 **SECTION 4.23.(e)** Sunset. – This section expires when permanent rules adopted as
40 required by subsection (d) of this section become effective.

41 **SECTION 4.24.(a)** Definitions. – For purposes of this section and its
42 implementation, "Raw Sewage Lift Stations Rule" means 15A NCAC 18E .0702 (Raw Sewage
43 Lift Stations).

44 **SECTION 4.24.(b)** Raw Sewage Lift Stations Rule. – Until the effective date of the
45 revised permanent rule that the Commission for Public Health is required to adopt pursuant to
46 subsection (d) of this section, the Commission shall implement the Raw Sewage Lift Stations
47 Rule as provided in subsection (c) of this section.

48 **SECTION 4.24.(c)** Implementation. – Raw sewage lift stations for wastewater
49 systems with a design daily flow greater than 3,000 gallons per day shall meet all setbacks for
50 wastewater systems in accordance with Table IX of Rule 15A NCAC 18E .0601. Raw sewage

1 lift stations for wastewater systems with a design daily flow greater than 3,000 gallons per day
2 shall be designed and constructed in accordance with the criteria established in this Rule.

3 **SECTION 4.24.(d)** Additional Rulemaking Authority. – The Commission shall
4 adopt a rule to amend the Raw Sewage Lift Stations Rule consistent with subsection (c) of this
5 section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this
6 section shall be substantively identical to the provisions of subsection (c) of this section. Rules
7 adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the
8 General Statutes. Rules adopted pursuant to this section shall become effective as provided in
9 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in
10 G.S. 150B-21.3(b2).

11 **SECTION 4.24.(e)** Sunset. – This section expires when permanent rules adopted as
12 required by subsection (d) of this section become effective.

13 **SECTION 4.25.(a)** Definitions. – For purposes of this section and its
14 implementation, "Pipe Materials Rule" means 15A NCAC 18E .0703 (Pipe Materials).

15 **SECTION 4.25.(b)** Pipe Materials Rule. – Until the effective date of the revised
16 permanent rule that the Commission for Public Health is required to adopt pursuant to subsection
17 (d) of this section, the Commission shall implement the Pipe Materials Rule as provided in
18 subsection (c) of this section.

19 **SECTION 4.25.(c)** Implementation. – The gravity pipe between a septic tank,
20 gravity distribution device, and the dispersal field shall have a minimum fall of 1/8-inch per foot
21 if the installation requirements of Paragraph (b) of this Rule are met.

22 **SECTION 4.25.(d)** Additional Rulemaking Authority. – The Commission shall
23 adopt a rule to amend the Pipe Materials Rule consistent with subsection (c) of this section.
24 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section
25 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted
26 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General
27 Statutes. Rules adopted pursuant to this section shall become effective as provided in
28 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in
29 G.S. 150B-21.3(b2).

30 **SECTION 4.25.(e)** Sunset. – This section expires when permanent rules adopted as
31 required by subsection (d) of this section become effective.

32 **SECTION 4.26.(a)** Definitions. – For purposes of this section and its
33 implementation, "Septic Tank Capacity Requirements Rule" means 15A NCAC 18E .0801
34 (Septic Tank Capacity Requirements).

35 **SECTION 4.26.(b)** Septic Tank Capacity Requirements Rule. – Until the effective
36 date of the revised permanent rule that the Commission for Public Health is required to adopt
37 pursuant to subsection (d) of this section, the Commission shall implement the Septic Tank
38 Capacity Requirements Rule as provided in subsection (c) of this section.

39 **SECTION 4.26.(c)** Implementation. – The minimum septic tank capacity serving
40 two or more dwelling units shall be sized in accordance with Table XV of this Rule. This Rule
41 shall not include any requirements that conflict with the 2018 North Carolina Plumbing Code.

42 **SECTION 4.26.(d)** Additional Rulemaking Authority. – The Commission shall
43 adopt a rule to amend the Septic Tank Capacity Requirements Rule consistent with subsection
44 (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission
45 pursuant to this section shall be substantively identical to the provisions of subsection (c) of this
46 section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter
47 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as
48 provided in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as
49 provided in G.S. 150B-21.3(b2).

50 **SECTION 4.26.(e)** Sunset. – This section expires when permanent rules adopted as
51 required by subsection (d) of this section become effective.

1 **SECTION 4.27.(a)** Definitions. – For purposes of this section and its
2 implementation, "Tank Leak Testing and Installation Requirements Rule" means 15A NCAC
3 18E .0805 (Tank Leak Testing and Installation Requirements).

4 **SECTION 4.27.(b)** Tank Leak Testing and Installation Requirements Rule. – Until
5 the effective date of the revised permanent rule that the Commission for Public Health is required
6 to adopt pursuant to subsection (d) of this section, the Commission shall implement the Tank
7 Leak Testing and Installation Requirements Rule as provided in subsection (c) of this section.

8 **SECTION 4.27.(c)** Implementation. – Tanks shall be leak tested when required in
9 the approved plans and specifications for a wastewater system designed by a professional
10 engineer or an Authorized On-Site Wastewater Evaluator, or when the tank is constructed in
11 place at the jobsite by a person not approved by the Department as a tank manufacturer using
12 bricks, blocks, or poured in place in concrete. The local health department shall be required to
13 document the observation of the leak testing. The septic tank outlet pipe shall be inserted through
14 the outlet pipe penetration boot, creating a watertight joint, and extending beyond the septic tank
15 outlet by any amount, with no minimum extension required. The septic tank outlet pipe and pump
16 tank outlet pipe shall be placed on undisturbed soil, compacted soil, or bedded in accordance
17 with 15A NCAC 18E .0703(b) to prevent differential settling of the pipe.

18 **SECTION 4.27.(d)** Additional Rulemaking Authority. – The Commission shall
19 adopt a rule to amend the Tank Leak Testing and Installation Requirements Rule consistent with
20 subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the
21 Commission pursuant to this section shall be substantively identical to the provisions of
22 subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of
23 Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall
24 become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections
25 had been received as provided in G.S. 150B-21.3(b2).

26 **SECTION 4.27.(e)** Sunset. – This section expires when permanent rules adopted as
27 required by subsection (d) of this section become effective.

28 **SECTION 4.28.(a)** Definitions. – For purposes of this section and its
29 implementation, "General Design and Installation Criteria for Subsurface Dispersal Systems
30 Rule" means 15A NCAC 18E .0901 (General Design and Installation Criteria for Subsurface
31 Dispersal Systems).

32 **SECTION 4.28.(b)** General Design and Installation Criteria for Subsurface
33 Dispersal Systems Rule. – Until the effective date of the revised permanent rule that the
34 Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the
35 Commission shall implement the General Design and Installation Criteria for Subsurface
36 Dispersal Systems Rule as provided in subsection (c) of this section.

37 **SECTION 4.28.(c)** Implementation. – The minimum required infiltrative surface
38 area and trench length shall be calculated when high strength effluent is proposed to be
39 discharged to a dispersal field with no advanced pretreatment as required in 15A NCAC
40 .0402(b)(1) or has not been reclassified as domestic strength effluent in accordance with 15A
41 NCAC .0402(c), a licensed professional, if required by Chapters 89C, 89E, or 89F, shall calculate
42 the adjusted long term acceptance rate in accordance with 15A NCAC .0402(b)(2). Wastewater
43 system installation for serial and sequential distribution shall be approved by the authorized agent
44 when the step-down or drop box in an individual trench is constructed to allow full utilization of
45 the upstream trench prior to overflowing to the next downslope trench in accordance with the
46 following criteria: 1) step-downs shall be constructed of a minimum of two feet of undisturbed
47 soil, bedding material, or concrete and the effluent shall be conveyed over the step-down through
48 Schedule 40 Polyvinyl Chloride or other pipe approved in accordance with 15A NCAC .0703(f).
49 Nonperforated corrugated polyethylene tubing may be used on sites with slopes greater than 25%.
50 The installer shall demonstrate that the step-downs perform as designed. The authorized agent
51 shall approve the step-downs when the installation and elevations have been verified in

1 accordance with the construction authorization; or drop boxes shall be separated from the trench
2 by a minimum of two feet of undisturbed soil and constructed to allow for full utilization of the
3 upstream trench prior to overflowing to the next lower drop box. The installer shall demonstrate
4 that the drop boxes perform as designed. The authorized agent shall approve the drop boxes when
5 the installation and elevations have been verified in accordance with the construction
6 authorization.

7 **SECTION 4.28.(d)** Additional Rulemaking Authority. – The Commission shall
8 adopt a rule to amend the General Design and Installation Criteria for Subsurface Dispersal
9 Systems Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4),
10 the rule adopted by the Commission pursuant to this section shall be substantively identical to
11 the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not
12 subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant
13 to this section shall become effective as provided in G.S. 150B-21.3(b1), as though 10 or more
14 written objections had been received as provided in G.S. 150B-21.3(b2).

15 **SECTION 4.28.(e)** Sunset. – This section expires when permanent rules adopted as
16 required by subsection (d) of this section become effective.

17 **SECTION 4.29.(a)** Definitions. – For purposes of this section and its
18 implementation, "Conventional Wastewater Systems Rule" means 15A NCAC 18E .0902
19 (Conventional Wastewater Systems).

20 **SECTION 4.29.(b)** Conventional Wastewater Systems Rule. – Until the effective
21 date of the revised permanent rule that the Commission for Public Health is required to adopt
22 pursuant to subsection (d) of this section, the Commission shall implement the Conventional
23 Wastewater Systems Rule as provided in subsection (c) of this section.

24 **SECTION 4.29.(c)** Implementation. – Aggregate used in trenches shall be clean,
25 washed gravel or crushed stone and graded or sized in accordance with size numbers 4, 467M,
26 5, 6, 57, or 67 of ASTM D448.

27 **SECTION 4.29.(d)** Additional Rulemaking Authority. – The Commission shall
28 adopt a rule to amend the Conventional Wastewater Systems Rule consistent with subsection (c)
29 of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant
30 to this section shall be substantively identical to the provisions of subsection (c) of this section.
31 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of
32 the General Statutes. Rules adopted pursuant to this section shall become effective as provided
33 in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided
34 in G.S. 150B-21.3(b2).

35 **SECTION 4.29.(e)** Sunset. – This section expires when permanent rules adopted as
36 required by subsection (d) of this section become effective.

37 **SECTION 4.30.(a)** Definitions. – For purposes of this section and its
38 implementation, "Large Diameter Pipe Systems Rule" means 15A NCAC 18E .0904 (Large
39 Diameter Pipe Systems).

40 **SECTION 4.30.(b)** Large Diameter Pipe Systems Rule. – Until the effective date of
41 the revised permanent rule that the Commission for Public Health is required to adopt pursuant
42 to subsection (d) of this section, the Commission shall implement the Large Diameter Pipe
43 Systems Rule as provided in subsection (c) of this section.

44 **SECTION 4.30.(c)** Implementation. – Large diameter pipe systems shall not be used
45 with food service establishments or other facilities where the fats, oils, and grease exceed the
46 limit of domestic strength effluent when measured as it enters the dispersal product. Backfill shall
47 not be limited to Soil Groups I, II, or III.

48 **SECTION 4.30.(d)** Additional Rulemaking Authority. – The Commission shall
49 adopt a rule to amend the Large Diameter Pipe Systems Rule consistent with subsection (c) of
50 this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to
51 this section shall be substantively identical to the provisions of subsection (c) of this section.

1 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of
2 the General Statutes. Rules adopted pursuant to this section shall become effective as provided
3 in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided
4 in G.S. 150B-21.3(b2).

5 **SECTION 4.30.(e)** Sunset. – This section expires when permanent rules adopted as
6 required by subsection (d) of this section become effective.

7 **SECTION 4.31.(a)** Definitions. – For purposes of this section and its
8 implementation, "Prefabricated Permeable Block Panel Systems Rule" means 15A NCAC 18E
9 .0905 (Prefabricated Permeable Block Panel Systems).

10 **SECTION 4.31.(b)** Prefabricated Permeable Block Panel Systems Rule. – Until the
11 effective date of the revised permanent rule that the Commission for Public Health is required to
12 adopt pursuant to subsection (d) of this section, the Commission shall implement the
13 Prefabricated Permeable Block Panel Systems Rule as provided in subsection (c) of this section.

14 **SECTION 4.31.(c)** Implementation. – Prefabricated permeable block panel systems
15 shall not be used with food service establishments or other facilities where the fats, oil, and grease
16 exceed the limit of domestic strength effluent when measured as it enters the dispersal product.

17 **SECTION 4.31.(d)** Additional Rulemaking Authority. – The Commission shall
18 adopt a rule to amend the Prefabricated Permeable Block Panel Systems Rule consistent with
19 subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the
20 Commission pursuant to this section shall be substantively identical to the provisions of
21 subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of
22 Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall
23 become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections
24 had been received as provided in G.S. 150B-21.3(b2).

25 **SECTION 4.31.(e)** Sunset. – This section expires when permanent rules adopted as
26 required by subsection (d) of this section become effective.

27 **SECTION 4.32.(a)** Definitions. – For purposes of this section and its
28 implementation, "Sand Lined Trench Systems Rule" means 15A NCAC 18E .0906 (Sand Lined
29 Trench Systems).

30 **SECTION 4.32.(b)** Sand Lined Trench Systems Rule. – Until the effective date of
31 the revised permanent rule that the Commission for Public Health is required to adopt pursuant
32 to subsection (d) of this section, the Commission shall implement the Sand Lined Trench Systems
33 Rule as provided in subsection (c) of this section.

34 **SECTION 4.32.(c)** Implementation. – There shall be no depth requirement for the
35 naturally occurring receiving permeable horizon for any soil or site, nor shall advanced
36 pretreatment be required if the receiving permeable horizon is greater than 60 inches below the
37 naturally occurring soil surface.

38 **SECTION 4.32.(d)** Additional Rulemaking Authority. – The Commission shall
39 adopt a rule to amend the Sand Lined Trench Systems Rule consistent with subsection (c) of this
40 section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this
41 section shall be substantively identical to the provisions of subsection (c) of this section. Rules
42 adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the
43 General Statutes. Rules adopted pursuant to this section shall become effective as provided in
44 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in
45 G.S. 150B-21.3(b2).

46 **SECTION 4.32.(e)** Sunset. – This section expires when permanent rules adopted as
47 required by subsection (d) of this section become effective.

48 **SECTION 4.33.(a)** Definitions. – For purposes of this section and its
49 implementation, "Low Pressure Pipe Systems Rule" means 15A NCAC 18E .0907 (Low Pressure
50 Pipe Systems).

1 **SECTION 4.33.(b)** Low Pressure Pipe Systems Rule. – Until the effective date of
2 the revised permanent rule that the Commission for Public Health is required to adopt pursuant
3 to subsection (d) of this section, the Commission shall implement the Low Pressure Pipe Systems
4 Rule as provided in subsection (c) of this section.

5 **SECTION 4.33.(c)** Implementation. – The minimum required dispersal field area
6 and trench length shall be calculated when high strength effluent is proposed to be discharge to
7 a low pressure pipe field with no advanced pretreatment as required in 15A NCAC 18E
8 .0402(b)(1) or has not been reclassified as domestic strength effluent in accordance with 15A
9 NCAC .0402(c), a licensed professional, if required by Chapters 89C, 89E, or 89F of the General
10 Statutes, shall calculate the long term acceptance rate in accordance with 15A NCAC 18E
11 .0402(b)(2).

12 **SECTION 4.33.(d)** Additional Rulemaking Authority. – The Commission shall
13 adopt a rule to amend the Low Pressure Pipe Systems Rule consistent with subsection (c) of this
14 section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this
15 section shall be substantively identical to the provisions of subsection (c) of this section. Rules
16 adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the
17 General Statutes. Rules adopted pursuant to this section shall become effective as provided in
18 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in
19 G.S. 150B-21.3(b2).

20 **SECTION 4.33.(e)** Sunset. – This section expires when permanent rules adopted as
21 required by subsection (d) of this section become effective.

22 **SECTION 4.34.(a)** Definitions. – For purposes of this section and its
23 implementation, "Drip Dispersal Systems Rule" means 15A NCAC 18E .0908 (Drip Dispersal
24 Systems).

25 **SECTION 4.34.(b)** Drip Dispersal Systems Rule. – Until the effective date of the
26 revised permanent rule that the Commission for Public Health is required to adopt pursuant to
27 subsection (d) of this section, the Commission shall implement the Drip Dispersal Systems Rule
28 as provided in subsection (c) of this section.

29 **SECTION 4.34.(c)** Implementation. – Drip dispersal systems receiving domestic
30 strength effluent shall meet the soil and site criteria identified in 15A NCAC .0908(c).

31 **SECTION 4.34.(d)** Additional Rulemaking Authority. – The Commission shall
32 adopt a rule to amend the Drip Dispersal Systems Rule consistent with subsection (c) of this
33 section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this
34 section shall be substantively identical to the provisions of subsection (c) of this section. Rules
35 adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the
36 General Statutes. Rules adopted pursuant to this section shall become effective as provided in
37 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in
38 G.S. 150B-21.3(b2).

39 **SECTION 4.34.(e)** Sunset. – This section expires when permanent rules adopted as
40 required by subsection (d) of this section become effective.

41 **SECTION 4.35.(a)** Definitions. – For purposes of this section and its
42 implementation, "Fill Systems Rule" means 15A NCAC 18E .0909 (Fill Systems).

43 **SECTION 4.35.(b)** Fill Systems Rule. – Until the effective date of the revised
44 permanent rule that the Commission for Public Health is required to adopt pursuant to subsection
45 (d) of this section, the Commission shall implement the Fill Systems Rule as provided in
46 subsection (c) of this section.

47 **SECTION 4.35.(c)** Implementation. – New fill systems shall only be installed on
48 sites with uniform slopes less than 15 percent.

49 **SECTION 4.35.(d)** Additional Rulemaking Authority. – The Commission shall
50 adopt a rule to amend the Fill Systems Rule consistent with subsection (c) of this section.
51 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section

1 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted
2 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General
3 Statutes. Rules adopted pursuant to this section shall become effective as provided in
4 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in
5 G.S. 150B-21.3(b2).

6 **SECTION 4.35.(e)** Sunset. – This section expires when permanent rules adopted as
7 required by subsection (d) of this section become effective.

8 **SECTION 4.36.(a)** Definitions. – For purposes of this section and its
9 implementation, "Siting and Sizing Criteria for Advanced Pretreatment Systems with a Design
10 Daily Flow Less Than or Equal to 1,500 Gallons/Day Rule" means 15A NCAC 18E .1202 (Siting
11 and Sizing Criteria for Advanced Pretreatment Systems with a Design Daily Flow Less Than or
12 Equal to 1,500 Gallons/Day).

13 **SECTION 4.36.(b)** Siting and Sizing Criteria for Advanced Pretreatment Systems
14 with a Design Daily Flow Less Than or Equal to 1,500 Gallons/Day Rule. – Until the effective
15 date of the revised permanent rule that the Commission for Public Health is required to adopt
16 pursuant to subsection (d) of this section, the Commission shall implement the Siting and Sizing
17 Criteria for Advanced Pretreatment Systems with a Design Daily Flow Less Than or Equal to
18 1,500 Gallons/Day Rule as provided in subsection (c) of this section.

19 **SECTION 4.36.(c)** Implementation. – Sandy clay loam saprolite may be used with
20 advanced pretreatment meeting NSF/ANSI 40, Treatment Standard I, or Treatment Standard II
21 effluent standards.

22 **SECTION 4.36.(d)** Additional Rulemaking Authority. – The Commission shall
23 adopt a rule to amend the Siting and Sizing Criteria for Advanced Pretreatment Systems with a
24 Design Daily Flow Less Than or Equal to 1,500 Gallons/Day Rule consistent with subsection (c)
25 of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant
26 to this section shall be substantively identical to the provisions of subsection (c) of this section.
27 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of
28 the General Statutes. Rules adopted pursuant to this section shall become effective as provided
29 in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided
30 in G.S. 150B-21.3(b2).

31 **SECTION 4.36.(e)** Sunset. – This section expires when permanent rules adopted as
32 required by subsection (d) of this section become effective.

33 **SECTION 4.37.(a)** Definitions. – For purposes of this section and its
34 implementation, "Siting and Sizing Criteria for Advanced Pretreatment Systems with a Design
35 Daily Flow Greater Than 1,500 Gallons/Day and Less Than or Equal to 3,000 Gallons/Day Rule"
36 means 15A NCAC 18E .1203 (Siting and Sizing Criteria for Advanced Pretreatment Systems
37 with a Design Daily Flow Greater Than 1,500 Gallons/Day and Less Than or Equal to 3,000
38 Gallons/Day).

39 **SECTION 4.37.(b)** Siting and Sizing Criteria for Advanced Pretreatment Systems
40 with a Design Daily Flow Greater Than 1,500 Gallons/Day and Less Than or Equal to 3,000
41 Gallons/Day Rule. – Until the effective date of the revised permanent rule that the Commission
42 for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission
43 shall implement the Siting and Sizing Criteria for Advanced Pretreatment Systems with a Design
44 Daily Flow Greater Than 1,500 Gallons/Day and Less Than or Equal to 3,000 Gallons/Day Rule
45 as provided in subsection (c) of this section.

46 **SECTION 4.37.(c)** Implementation. – Sandy clay loam saprolite may be used with
47 advanced pretreatment meeting NSF/ANSI 40, Treatment Standard I, or Treatment Standard II
48 effluent standards, or with advanced pretreatment with a design daily flow greater than 3,000
49 gallons per day.

50 **SECTION 4.37.(d)** Additional Rulemaking Authority. – The Commission shall
51 adopt a rule to amend the Siting and Sizing Criteria for Advanced Pretreatment Systems with a

1 Design Daily Flow Greater Than 1,500 Gallons/Day and Less Than or Equal to 3,000
2 Gallons/Day Rule consistent with subsection (c) of this section. Notwithstanding
3 G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be
4 substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant
5 to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes.
6 Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1),
7 as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2).

8 **SECTION 4.37.(e)** Sunset. – This section expires when permanent rules adopted as
9 required by subsection (d) of this section become effective.

10 **SECTION 4.38.(a)** Definitions. – For purposes of this section and its
11 implementation, "Advanced Pretreatment Sand Lined Trench Systems Rule" means 15A NCAC
12 18E .1205 (Advanced Pretreatment Sand Lined Trench Systems).

13 **SECTION 4.38.(b)** Advanced Pretreatment Sand Lined Trench Systems Rule. –
14 Until the effective date of the revised permanent rule that the Commission for Public Health is
15 required to adopt pursuant to subsection (d) of this section, the Commission shall implement the
16 Advanced Pretreatment Sand Lined Trench Systems Rule as provided in subsection (c) of this
17 section.

18 **SECTION 4.38.(c)** Implementation. – Trench length for trench dispersal products
19 approved with a specific dispersal field reduction in area or trench length when receiving
20 domestic strength effluent in accordance with this Subchapter or a provisional Innovative or
21 Accepted approval shall be calculated in accordance with this Subchapter or the provisional
22 Innovative or Accepted approval.

23 **SECTION 4.38.(d)** Additional Rulemaking Authority. – The Commission shall
24 adopt a rule to amend the Advanced Pretreatment Sand Lined Trench Systems Rule consistent
25 with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the
26 Commission pursuant to this section shall be substantively identical to the provisions of
27 subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of
28 Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall
29 become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections
30 had been received as provided in G.S. 150B-21.3(b2).

31 **SECTION 4.38.(e)** Sunset. – This section expires when permanent rules adopted as
32 required by subsection (d) of this section become effective.

33 **SECTION 4.39.(a)** Definitions. – For purposes of this section and its
34 implementation, "Operation and Maintenance of Wastewater Systems Rule" means 15A NCAC
35 18E .1301 (Operation and Maintenance of Wastewater Systems).

36 **SECTION 4.39.(b)** Operation and Maintenance of Wastewater Systems Rule. –
37 Until the effective date of the revised permanent rule that the Commission for Public Health is
38 required to adopt pursuant to subsection (d) of this section, the Commission shall implement the
39 Operation and Maintenance of Wastewater Systems Rule as provided in subsection (c) of this
40 section.

41 **SECTION 4.39.(c)** Implementation. – System Classification Type IIa shall be
42 described as a conventional system with 750 linear feet of trench or less. System Classification
43 Type IIIa shall be deleted.

44 **SECTION 4.39.(d)** Additional Rulemaking Authority. – The Commission shall
45 adopt a rule to amend the Operation and Maintenance of Wastewater Systems Rule consistent
46 with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the
47 Commission pursuant to this section shall be substantively identical to the provisions of
48 subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of
49 Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall
50 become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections
51 had been received as provided in G.S. 150B-21.3(b2).

1 **SECTION 4.39.(e)** Sunset. – This section expires when permanent rules adopted as
2 required by subsection (d) of this section become effective.

3 **SECTION 4.40.(a)** Definitions. – For purposes of this section and its
4 implementation, "Local Health Department Responsibilities for Wastewater System Operation
5 and Maintenance Rule" means 15A NCAC 18E .1305 (Local Health Department Responsibilities
6 for Wastewater System Operation and Maintenance).

7 **SECTION 4.40.(b)** Local Health Department Responsibilities for Wastewater
8 System Operation and Maintenance Rule. – Until the effective date of the revised permanent rule
9 that the Commission for Public Health is required to adopt pursuant to subsection (d) of this
10 section, the Commission shall implement the Local Health Department Responsibilities for
11 Wastewater System Operation and Maintenance Rule as provided in subsection (c) of this
12 section.

13 **SECTION 4.40.(c)** Implementation. – The authorized agent shall issue a written
14 notice of non-compliance to the owner when the wastewater system is not malfunctioning in
15 accordance with 15A NCAC 18E .1303(a)(2), but non-compliant with the performance standards
16 in the operation permit or the authorization to operate.

17 **SECTION 4.40.(d)** Additional Rulemaking Authority. – The Commission shall
18 adopt a rule to amend the Local Health Department Responsibilities for Wastewater System
19 Operation and Maintenance Rule consistent with subsection (c) of this section. Notwithstanding
20 G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be
21 substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant
22 to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes.
23 Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1),
24 as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2).

25 **SECTION 4.40.(e)** Sunset. – This section expires when permanent rules adopted as
26 required by subsection (d) of this section become effective.

27 **SECTION 4.41.(a)** Definitions. – For purposes of this section and its
28 implementation, "System Malfunction and Repair Rule" means 15A NCAC 18E .1306 (System
29 Malfunction and Repair).

30 **SECTION 4.41.(b)** System Malfunction and Repair Rule. – Until the effective date
31 of the revised permanent rule that the Commission for Public Health is required to adopt pursuant
32 to subsection (d) of this section, the Commission shall implement the System Malfunction and
33 Repair Rule as provided in subsection (c) of this section.

34 **SECTION 4.41.(c)** Implementation. – This Rule identifies the responsibilities of the
35 local health department and the owner when a system is malfunctioning, totally or partially
36 destroyed, or otherwise determined to require repair. Best professional judgment may be used
37 when the improvement permit, construction authorization, notice of intent to construct, or
38 authorization to operate indicates the repair area and system type. The authorized agent,
39 Authorized On-Site Wastewater Evaluator, or Professional Engineer may use their best
40 professional judgment to repair facilities with either a malfunctioning wastewater system
41 installed prior to July 1, 1977 or a wastewater disposal method installed prior to July 1, 1977, if
42 the method has been in continual use and acts as the sole source of wastewater disposal.

43 **SECTION 4.41.(d)** Additional Rulemaking Authority. – The Commission shall
44 adopt a rule to amend the System Malfunction and Repair Rule consistent with subsection (c) of
45 this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to
46 this section shall be substantively identical to the provisions of subsection (c) of this section.
47 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of
48 the General Statutes. Rules adopted pursuant to this section shall become effective as provided
49 in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided
50 in G.S. 150B-21.3(b2).

1 **SECTION 4.41.(e)** Sunset. – This section expires when permanent rules adopted as
2 required by subsection (d) of this section become effective.

3 **SECTION 4.42.(a)** Definitions. – For purposes of this section and its
4 implementation, "Plans for Prefabricated Tanks Rule" means 15A NCAC 18E .1401 (Plans for
5 Prefabricated Tanks).

6 **SECTION 4.42.(b)** Plans for Prefabricated Tanks Rule. – Until the effective date of
7 the revised permanent rule that the Commission for Public Health is required to adopt pursuant
8 to subsection (d) of this section, the Commission shall implement the Plans for Prefabricated
9 Tanks Rule as provided in subsection (c) of this section.

10 **SECTION 4.42.(c)** Implementation. – No documentation of proof of design for a
11 tank shall be required prior to approval of the tank by the Department.

12 **SECTION 4.42.(d)** Additional Rulemaking Authority. – The Commission shall
13 adopt a rule to amend the Plans for Prefabricated Tanks Rule consistent with subsection (c) of
14 this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to
15 this section shall be substantively identical to the provisions of subsection (c) of this section.
16 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of
17 the General Statutes. Rules adopted pursuant to this section shall become effective as provided
18 in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided
19 in G.S. 150B-21.3(b2).

20 **SECTION 4.42.(e)** Sunset. – This section expires when permanent rules adopted as
21 required by subsection (d) of this section become effective.

22 **SECTION 4.43.(a)** Definitions. – For purposes of this section and its
23 implementation, "Tank Design and Construction Rule" means 15A NCAC 18E .1402 (Tank
24 Design and Construction).

25 **SECTION 4.43.(b)** Tank Design and Construction Rule. – Until the effective date
26 of the revised permanent rule that the Commission for Public Health is required to adopt pursuant
27 to subsection (d) of this section, the Commission shall implement the Tank Design and
28 Construction Rule as provided in subsection (c) of this section.

29 **SECTION 4.43.(c)** Implementation. – The location of the tank shall not be required
30 to be visible at finished grade when the top of the septic tank or access riser is below the finished
31 grade.

32 **SECTION 4.43.(d)** Additional Rulemaking Authority. – The Commission shall
33 adopt a rule to amend the Tank Design and Construction Rule consistent with subsection (c) of
34 this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to
35 this section shall be substantively identical to the provisions of subsection (c) of this section.
36 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of
37 the General Statutes. Rules adopted pursuant to this section shall become effective as provided
38 in G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided
39 in G.S. 150B-21.3(b2).

40 **SECTION 4.43.(e)** Sunset. – This section expires when permanent rules adopted as
41 required by subsection (d) of this section become effective.

42 **SECTION 4.44.(a)** Definitions. – For purposes of this section and its
43 implementation, "Tank Material Requirements Rule" means 15A NCAC 18E .1403 (Tank
44 Material Requirements).

45 **SECTION 4.44.(b)** Tank Material Requirements Rule. – Until the effective date of
46 the revised permanent rule that the Commission for Public Health is required to adopt pursuant
47 to subsection (d) of this section, the Commission shall implement the Tank Material
48 Requirements Rule as provided in subsection (c) of this section.

49 **SECTION 4.44.(c)** Implementation. – Reinforced precast concrete tanks shall
50 achieve a minimum 28-day compressive strength of 4,000 pounds per square inch. The concrete
51 shall meet a compressive strength of 3,500 pounds per square inch prior to removal of the tank

1 from the place of manufacture. The delivery of the tank to the jobsite is considered the
2 certification by the tank manufacturer of these conditions. Authorized agents, professional
3 engineers, or Authorized On-Site Wastewater Evaluators shall follow Department guidance on
4 any subsequent testing to verify this certification. Readings from a rebound hammer shall not be
5 used to reject a tank at the jobsite. The local health department, professional engineer, or
6 authorized on-site wastewater evaluator shall report test readings under those allowed in the
7 Department guidance document to the On-Site Water Protection Branch and shall be used to
8 schedule a future random inventory verification by the Department. Rebound hammers shall be
9 used in accordance with the following when checking the strength of a precast concrete tank: 1)
10 the surface of the concrete tank tested should be smooth, dry, and free of honeycombing; 2) the
11 concrete to be tested must be at least four inches thick, readings should be taken around the edges
12 of the tank , tests should not be on trowelled surfaces, and the test locations should be at least
13 one inch from the edge of the tank or the location of another test point. The procedure for testing
14 a tank with a rebound hammer shall be as follows: 1) take a total of 12 readings from around the
15 tank; 2) the rebound hammer shall be directly perpendicular to the surface of the tank; 3) the
16 readings should be from different sides of the concrete tank; 4) take readings from at least two
17 different edges on each tank side, if possible; 5) eliminate the highest and lowest readings taken;
18 6) average the remaining ten readings and use that average to determine the concrete compressive
19 strength from the conversion chart on the rebound hammer; and 6) adjust the concrete
20 compressive strength by $\pm 25\%$ to account for the rebound hammer's $\pm 25\%$ error in the reading.
21 The rebound hammer should be calibrated annually.

22 **SECTION 4.44.(d)** Additional Rulemaking Authority. – The Commission shall
23 adopt a rule to amend the Tank Material Requirements Rule consistent with subsection (c) of this
24 section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this
25 section shall be substantively identical to the provisions of subsection (c) of this section. Rules
26 adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the
27 General Statutes. Rules adopted pursuant to this section shall become effective as provided in
28 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in
29 G.S. 150B-21.3(b2).

30 **SECTION 4.44.(e)** Sunset. – This section expires when permanent rules adopted as
31 required by subsection (d) of this section become effective.

32 **SECTION 4.45.(a)** Definitions. – For purposes of this section and its
33 implementation, "Plans and Specifications for Risers, Effluent Filters, and Pipe Penetration Boots
34 Rule" means 15A NCAC 18E .1404 (Plans and Specifications for Risers, Effluent Filters, and
35 Pipe Penetration Boots).

36 **SECTION 4.45.(b)** Plans and Specifications for Risers, Effluent Filters, and Pipe
37 Penetration Boots Rule. – Until the effective date of the revised permanent rule that the
38 Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the
39 Commission shall implement the Plans and Specifications for Risers, Effluent Filters, and Pipe
40 Penetration Boots Rule as provided in subsection (c) of this section.

41 **SECTION 4.45.(c)** Implementation. – Subsections (a), (b), (c), (d), and (g) of this
42 Rule shall apply to risers, effluent filters, or pipe penetration boots made from plastic or
43 fiberglass. Concrete risers and riser lids shall be able to withstand a minimum uniform live
44 loading of 300 pounds per square foot or a minimum 1,500-pound load applied in a 10 inch by
45 10 inch area centered on the lid, in addition to all loads to which a riser is normally subjected,
46 such as dead weight of the material and soil cover and active soil pressure on riser walls.
47 Concrete risers shall meet the following requirements: septic tank risers shall have a secondary
48 lid, concrete plug, or other safety device that shall be provided inside the riser for security and to
49 prevent accidental entry; and pump tank risers shall have a secondary safety mechanism that shall
50 be provided with the riser. The secondary safety mechanism shall be a secondary lid, concrete
51 plug, or other safety device to be provided inside the pump tank riser.

1 **SECTION 4.45.(d)** Additional Rulemaking Authority. – The Commission shall
2 adopt a rule to amend the Plans and Specifications for Risers, Effluent Filters, and Pipe
3 Penetration Boots Rule consistent with subsection (c) of this section. Notwithstanding
4 G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be
5 substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant
6 to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes.
7 Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1),
8 as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2).

9 **SECTION 4.45.(e)** Sunset. – This section expires when permanent rules adopted as
10 required by subsection (d) of this section become effective.

11 **SECTION 4.46.(a)** Definitions. – For purposes of this section and its
12 implementation, "Risers, Effluent Filters, and Pipe Penetration Boots Approval Renewal Rule"
13 means 15A NCAC 18E .1405 (Risers, Effluent Filters, and Pipe Penetration Boots Approval
14 Renewal).

15 **SECTION 4.46.(b)** Risers, Effluent Filters, and Pipe Penetration Boots Approval
16 Renewal Rule. – Until the effective date of the revised permanent rule that the Commission for
17 Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall
18 implement the Risers, Effluent Filters, and Pipe Penetration Boots Approval Renewal Rule as
19 provided in subsection (c) of this section.

20 **SECTION 4.46.(c)** Implementation. – This Rule shall only apply to risers, effluent
21 filters, or pipe penetration boots made from plastic or fiberglass.

22 **SECTION 4.46.(d)** Additional Rulemaking Authority. – The Commission shall
23 adopt a rule to amend the Risers, Effluent Filters, and Pipe Penetration Boots Approval Renewal
24 Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule
25 adopted by the Commission pursuant to this section shall be substantively identical to the
26 provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject
27 to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this
28 section shall become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written
29 objections had been received as provided in G.S. 150B-21.3(b2).

30 **SECTION 4.46.(e)** Sunset. – This section expires when permanent rules adopted as
31 required by subsection (d) of this section become effective.

32 **SECTION 4.47.(a)** Definitions. – For purposes of this section and its
33 implementation, "Local Health Department Responsibilities Rule" means 15A NCAC 18E .1713
34 (Local Health Department Responsibilities).

35 **SECTION 4.47.(b)** Local Health Department Responsibilities Rule. – Until the
36 effective date of the revised permanent rule that the Commission for Public Health is required to
37 adopt pursuant to subsection (d) of this section, the Commission shall implement the Local
38 Health Department Responsibilities Rule as provided in subsection (c) of this section.

39 **SECTION 4.47.(c)** Implementation. – The local health department shall not be
40 required to include in its monthly activity reports to the Department the number of new system
41 operations permits for Provisional, Innovative, or Accepted systems, the number of construction
42 authorizations issued for Provisional systems, including system type, for repairs of Provisional,
43 Innovative, Accepted systems, including system type being repaired, or repairs of Accepted
44 systems, including system type being repaired, or repair system type.

45 **SECTION 4.47.(d)** Additional Rulemaking Authority. – The Commission shall
46 adopt a rule to amend the Local Health Department Responsibilities Rule consistent with
47 subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the
48 Commission pursuant to this section shall be substantively identical to the provisions of
49 subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of
50 Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall

1 become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections
2 had been received as provided in G.S. 150B-21.3(b2).

3 **SECTION 4.47.(e)** Sunset. – This section expires when permanent rules adopted as
4 required by subsection (d) of this section become effective.

5
6 **CLARIFY THE APPLICABILITY OF STATUTORY BUILT-UPON AREA**
7 **REQUIREMENTS FOR STATE AND LOCAL GOVERNMENT STORMWATER**
8 **PROGRAMS AND SPECIFY THAT CERTAIN ARTIFICIAL TURF IS NOT**
9 **BUILT-UPON AREA**

10 **SECTION 4.48.(a)** G.S. 143-214.7(b2) reads as rewritten:

11 ~~"(b2) For purposes of implementing stormwater programs, "built-upon area" means~~
12 ~~impervious surface and partially impervious surface to the extent that the partially impervious~~
13 ~~surface does not allow water to infiltrate through the surface and into the subsoil. "Built-upon~~
14 ~~area" does not include a slatted deck; the water area of a swimming pool; a surface of number 57~~
15 ~~stone, as designated by the American Society for Testing and Materials, laid at least four inches~~
16 ~~thick over a geotextile fabric; a trail as defined in G.S. 113A-85 that is either unpaved or paved~~
17 ~~as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters~~
18 ~~per second (1.41 inches per hour); or landscaping material, including, but not limited to, gravel,~~
19 ~~mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on~~
20 ~~portions of driveways and parking areas that will not be compacted by the weight of a vehicle,~~
21 ~~such as the area between sections of pavement that support the weight of a vehicle. The owner~~
22 ~~or developer of a property may opt out of any of the exemptions from "built-upon area" set out~~
23 ~~in this subsection. For State stormwater programs and local stormwater programs approved~~
24 ~~pursuant to subsection (d) of this section, all of the following shall apply:~~

- 25 (1) The volume, velocity, and discharge rates of water associated with the
26 one-year, 24-hour storm and the difference in stormwater runoff from the
27 predevelopment and postdevelopment conditions for the one-year, 24-hour
28 storm shall be calculated using any acceptable engineering hydrologic and
29 hydraulic methods.
- 30 (2) Development may occur within the area that would otherwise be required to
31 be placed within a vegetative buffer required by the Commission pursuant to
32 G.S. 143-214.1 and this section provided the stormwater runoff from the
33 entire impervious area of the development is collected, treated, and discharged
34 so that it passes through a segment of the vegetative buffer and is managed so
35 that it otherwise complies with all applicable State and federal stormwater
36 management requirements. For the purpose of this subdivision, the entire
37 impervious area of the development shall not include any portion of a project
38 that is within a North Carolina Department of Transportation or municipal
39 right-of-way.
- 40 (3) The requirements that apply to development activities within one-half mile of
41 and draining to Class SA waters or within one-half mile of Class SA waters
42 and draining to unnamed freshwater tributaries shall not apply to development
43 activities and associated stormwater discharges that do not occur within
44 one-half mile of and draining to Class SA waters or are not within one-half
45 mile of Class SA waters and draining to unnamed freshwater tributaries."

46 **SECTION 4.48.(b)** Article 21 of Chapter 143 of the General Statutes is amended by
47 adding a new section to read:

48 **"§ 143-214.7D. Limitations on built-upon area requirements.**

49 (a) As used in this section, the term "built-upon area" means impervious surface and
50 partially impervious surface to the extent that the partially impervious surface does not allow
51 water to infiltrate through the surface and into the subsoil.

1 (b) For the purposes of implementing State or local government stormwater programs,
 2 none of the following surfaces shall be considered "built-upon area" or an impervious or partially
 3 impervious surface:

4 (1) A slatted deck.

5 (2) The water area of a swimming pool.

6 (3) A surface of number 57 stone, as designated by the American Society for
 7 Testing and Materials, laid at least four inches thick over a geotextile fabric.

8 (4) A trail as defined in G.S. 113A-85 that is either unpaved or paved as long as
 9 the pavement is porous with a hydraulic conductivity greater than 0.001
 10 centimeters per second (1.41 inches per hour).

11 (5) Landscaping material, including, but not limited to, gravel, mulch, sand, and
 12 vegetation, placed on areas that receive pedestrian or bicycle traffic or on
 13 portions of driveways and parking areas that will not be compacted by the
 14 weight of a vehicle, such as the area between sections of pavement that support
 15 the weight of a vehicle.

16 (6) Artificial turf, installed over a pervious surface according to the
 17 manufacturer's specifications.

18 (c) The owner or developer of a property may opt out of any of the exemptions from
 19 "built-upon area" set out in subsection (b) of this section.

20 (d) Except as specifically required by federal law, a local government may not enact,
 21 implement, or enforce a local government ordinance, comprehensive plan, or stormwater
 22 program that establishes a definition of "built-upon area" or impervious surface that does not
 23 comply with subsection (b) of this section. This limitation shall apply regardless of any authority
 24 granted by G.S. 143-214.5, G.S. 143-214.7, or Chapters 153A, 160A, or 160D of the General
 25 Statutes.

26 (e) The Commission may adopt rules to implement this section."

27 **SECTION 4.48.(c)** Each unit of local government that operates a stormwater
 28 program shall update its program to be consistent with G.S. 143-214.7D, as enacted by
 29 subsection (b) of this section.

30 **SECTION 4.48.(d)** This section is effective when it becomes law.

31 **PART V. REORGANIZE BUILDING CODE COUNCIL**

32 **SECTION 5.1.(a)** G.S. 143-136 reads as rewritten:

33 **"§ 143-136. Building Code Council created; membership, committees.**

34 ~~(a) Creation; Membership; Terms. Creation.~~ – There is hereby created a Building Code
 35 Council, which shall be composed of ~~17~~13 members appointed ~~by the Governor, consisting of~~
 36 ~~the following:~~ as follows:

37 ~~(1) Two licensed architects.~~

38 ~~(2) One licensed general contractor.~~

39 ~~(3) One licensed general contractor specializing in residential construction.~~

40 ~~(4) One licensed general contractor specializing in coastal residential~~
 41 ~~construction.~~

42 ~~(5) One licensed engineer practicing structural engineering.~~

43 ~~(6) One licensed engineer practicing mechanical engineering.~~

44 ~~(7) One licensed engineer practicing electrical engineering.~~

45 ~~(8) One licensed plumbing and heating contractor.~~

46 ~~(9) One municipal or county building inspector.~~

47 ~~(10) One licensed liquid petroleum gas dealer/contractor involved in the design of~~
 48 ~~natural and liquid petroleum gas systems who has expertise and experience in~~
 49 ~~natural and liquid petroleum gas piping, venting and appliances.~~

- 1 ~~(11) One representative of the public who is not a member of the building~~
2 ~~construction industry.~~
- 3 ~~(12) One licensed electrical contractor.~~
- 4 ~~(13) One licensed engineer on the engineering staff of a State agency charged with~~
5 ~~approval of plans of State owned buildings.~~
- 6 ~~(14) One municipal elected official or city manager.~~
- 7 ~~(15) One county commissioner or county manager.~~
- 8 ~~(16) One active member of the North Carolina fire service with expertise in fire~~
9 ~~safety, as recommended by the North Carolina State Firefighters' Association.~~
- 10 (1) One member appointed by the General Assembly upon the recommendation
11 of the Speaker of the House of Representatives who shall hold an unlimited
12 general contractor license under Chapter 87 of the General Statutes and
13 specializes in multifamily construction.
- 14 (2) One member appointed by the General Assembly upon the recommendation
15 of the President Pro Tempore of the Senate who shall hold a license as a
16 professional engineer under Chapter 89C of the General Statutes and
17 specializes in structural engineering.
- 18 (3) One member appointed by the General Assembly upon the recommendation
19 of the Speaker of the House of Representatives who shall hold an unlimited
20 general contractor license under Chapter 87 of the General Statutes and
21 specializes in commercial construction.
- 22 (4) One member appointed by the General Assembly upon the recommendation
23 of the President Pro Tempore of the Senate who shall hold a license as a
24 professional engineer under Chapter 89C of the General Statutes and
25 specializes in electrical engineering.
- 26 (5) One member appointed by the General Assembly upon the recommendation
27 of the Speaker of the House of Representatives who shall hold a license as an
28 attorney-at-law under Chapter 84 of the General Statutes and specializes in
29 construction law.
- 30 (6) One member appointed by the General Assembly upon the recommendation
31 of the President Pro Tempore of the Senate who shall hold an unlimited
32 electrical contractor license under Chapter 87 of the General Statutes.
- 33 (7) One member appointed by the Governor subject to confirmation in accordance
34 with Section 5(8) of Article III of the North Carolina Constitution who shall
35 hold a general contractor license under Chapter 87 of the General Statutes and
36 specializes in the construction of buildings greater than 75 feet in height.
- 37 (8) One member appointed by the Governor subject to confirmation in accordance
38 with Section 5(8) of Article III of the North Carolina Constitution who shall
39 hold a license as a professional engineer under Chapter 89C of the General
40 Statutes and specializes in mechanical engineering.
- 41 (9) One member appointed by the Governor subject to confirmation in accordance
42 with Section 5(8) of Article III of the North Carolina Constitution who shall
43 hold an unlimited plumbing and heating contractor license under Chapter 87
44 of the General Statutes and specializes in plumbing contracting.
- 45 (10) One member appointed by the Governor subject to confirmation in accordance
46 with Section 5(8) of Article III of the North Carolina Constitution who shall
47 hold an unlimited plumbing and heating contractor license under Chapter 87
48 of the General Statutes and specializes in mechanical contracting.
- 49 (11) One member appointed by the Governor subject to confirmation in accordance
50 with Section 5(8) of Article III of the North Carolina Constitution who shall

1 be a Level III Code-enforcement official employed by a municipality or
2 county.

3 (12) One member appointed by the Governor subject to confirmation in accordance
4 with Section 5(8) of Article III of the North Carolina Constitution who shall
5 be a North Carolina certified Level III Fire Code Official.

6 (13) One member appointed by the Governor subject to confirmation in accordance
7 with Section 5(8) of Article III of the North Carolina Constitution as a
8 representative of the fuel-gas industry.

9 ~~(a1) In selecting the municipal and county members, preference should be given to~~
10 ~~members who qualify as either a licensed architect, licensed engineer, or licensed general~~
11 ~~contractor. Terms; Removal; Vacancies; Chair. – Of the members initially appointed by the~~
12 ~~General Assembly upon the recommendation of the Speaker of the House of Representatives,~~
13 ~~one shall serve for a term of two years, one shall serve for a term of four years, and one shall~~
14 ~~serve for a term of six years. Of the members initially appointed by the General Assembly upon~~
15 ~~the recommendation of the President Pro Tempore of the Senate, one shall serve for a term of~~
16 ~~two years, one shall serve for a term of four years, and one shall serve for a term of six years. Of~~
17 ~~the members initially appointed by the Governor, three shall serve for terms of two years each,~~
18 ~~three two shall serve for terms of four years each, and three two shall serve for terms of six years~~
19 ~~each. Thereafter, all appointments shall be for terms of six years. The Governor may remove~~
20 ~~appointive members at any time. Neither the architect nor any~~ Each appointing authority may
21 remove any member of the Council appointed by that appointing authority from office for
22 misfeasance, malfeasance, or nonfeasance. Appointments by the General Assembly shall be
23 made in accordance with G.S. 120-121, and vacancies in those appointments shall be filled in
24 accordance with G.S. 120-122. Vacancies in appointments made by the Governor shall be filled
25 by the Governor subject to confirmation in accordance with Section 5(8) of Article III of the
26 North Carolina Constitution. The Governor shall designate one member of the Council as chair.
27 None of the above named engineers shall be engaged in the manufacture, promotion or sale of
28 any building material, and any member who shall, during ~~his~~their term, cease to meet the
29 qualifications for original appointment (through ceasing to be a practicing member of the
30 profession indicated or otherwise) shall thereby forfeit ~~his~~their membership on the Council. In
31 making new appointments or filling vacancies, the Governor shall ensure that minorities and
32 women are represented on the Council.

33 ~~The Governor may make appointments to fill the unexpired portions of any terms vacated by~~
34 ~~reason of death, resignation, or removal from office. In making such appointment, he shall~~
35 ~~preserve the composition of the Council required above.~~

36 (a2) Process for Appointments by the Governor. – The Governor shall transmit to the
37 presiding officers of the Senate and the House of Representatives, within four weeks of the
38 convening of the session of the General Assembly in the year for which the terms in question are
39 initially appointed or are to expire, the names of the persons to be appointed by the Governor and
40 submitted to the General Assembly for confirmation by joint resolution. If an appointment is
41 required pursuant to this subsection when the General Assembly is not in session, the member
42 may be appointed and serve on an interim basis pending confirmation by the General Assembly.
43 For the purpose of this subsection, the General Assembly is not in session only (i) prior to
44 convening of the regular session, (ii) during any adjournment of the regular session for more than
45 10 days, or (iii) after sine die adjournment of the regular session.

46 (b) Compensation. – Members of the Building Code Council other than any who are
47 employees of the State shall receive seven dollars (\$7.00) per day, including necessary time spent
48 in traveling to and from their place of residence within the State to any place of meeting or while
49 traveling on official business of the Council. In addition, all members shall receive mileage and
50 subsistence according to State practice while going to and from any place of meeting, or when
51 on official business of the Council.

1 (c) Repealed by Session Laws 2023-108, s. 1(b), effective January 1, 2025.

2 (d) ~~Building Code Committee Created; Duties. – Within the Building Code Council, there~~
3 ~~is hereby created a Building Code Committee for all structures except those subject to the North~~
4 ~~Carolina Residential Building Code. The committee shall be composed of the following nine~~
5 ~~members of the Building Code Council:~~

6 (1) ~~One of the licensed architects appointed by the chairman of the Building Code~~
7 ~~Council.~~

8 (2) ~~The licensed engineer practicing mechanical engineering.~~

9 (3) ~~The licensed engineer practicing electrical engineering.~~

10 (4) ~~The licensed engineer practicing structural engineering.~~

11 (5) ~~The municipal elected official.~~

12 (6) ~~The fire service representative.~~

13 (7) ~~The municipal or county building inspector.~~

14 (8) ~~The State agency engineer.~~

15 (9) ~~The licensed general contractor.~~

16 ~~The chairman of the Building Code Council shall call the first meeting of the Committee, at~~
17 ~~which meeting the Committee shall elect a chairman from among the members of the Committee~~
18 ~~as the first order of business. Thereafter, the Committee The Building Code Council shall meet~~
19 ~~upon the call of the chairman to review and consider any proposal for revision or amendment to~~
20 ~~the North Carolina State Building Code, including provisions applicable to the North Carolina~~
21 ~~Energy Conservation Code, the North Carolina Electrical Code, the North Carolina Fuel Gas~~
22 ~~Code, the North Carolina Plumbing Code, the North Carolina Mechanical Code, the North~~
23 ~~Carolina Existing Building Code, Code volumes, as specified in G.S. 143-138(a), and any other~~
24 ~~code applicable to commercial or multi-family construction, and no revision or amendment to~~
25 ~~any of these codes applicable to commercial or multi-family construction may be considered by~~
26 ~~the Building Code Council unless recommended by this committee. This committee construction.~~
27 ~~The Council shall also oversee the process by which the Council conducts its revision of the~~
28 ~~codes as specified in G.S. 143-138(a) and applicable to commercial or multi-family construction~~
29 ~~pursuant to G.S. 143-138(d). This committee The Council shall also consider any appeal or~~
30 ~~interpretation arising under G.S. 143-141 pertaining to codes Code volumes, as set forth in~~
31 ~~G.S. 143-138(a), and codes applicable to commercial or multi-family construction and make a~~
32 ~~recommendation to the Building Code Council for disposition of the appeal or issue an~~
33 ~~interpretation. In considering the recommendations of the committee related to revisions and~~
34 ~~amendments of the Building Code, nothing in this subsection shall prevent the Building Code~~
35 ~~Council from accepting, rejecting, or amending the recommendation, provided that any~~
36 ~~amendment to the recommendation must be germane."~~

37 **SECTION 5.1.(b)** In order to establish overlapping terms, initial appointments
38 pursuant to G.S. 143-136(a), as amended by subsection (a) of this section, shall be made effective
39 January 1, 2025, or as soon as feasible thereafter, and expire as follows:

40 (1) The initial appointments made by the Governor:

41 a. Pursuant to G.S. 143-136(a)(7) shall expire January 1, 2027.

42 b. Pursuant to G.S. 143-136(a)(8) shall expire January 1, 2027.

43 c. Pursuant to G.S. 143-136(a)(9) shall expire January 1, 2027.

44 d. Pursuant to G.S. 143-136(a)(10) shall expire January 1, 2029.

45 e. Pursuant to G.S. 143-136(a)(11) shall expire January 1, 2029.

46 f. Pursuant to G.S. 143-136(a)(12) shall expire January 1, 2031.

47 g. Pursuant to G.S. 143-136(a)(13) shall expire January 1, 2031.

48 (2) The initial appointments made by the General Assembly upon
49 recommendation of the Speaker of the House of Representatives:

50 a. Pursuant to G.S. 143-136(a)(1) shall expire January 1, 2027.

51 b. Pursuant to G.S. 143-136(a)(3) shall expire January 1, 2029.

- 1 c. Pursuant to G.S. 143-136(a)(5) shall expire January 1, 2031.
- 2 (3) The initial appointments made by the General Assembly upon
- 3 recommendation of the President Pro Tempore of the Senate:
- 4 a. Pursuant to G.S. 143-136(a)(2) shall expire January 1, 2027.
- 5 b. Pursuant to G.S. 143-136(a)(4) shall expire January 1, 2029.
- 6 c. Pursuant to G.S. 143-136(a)(6) shall expire January 1, 2031.

7 **SECTION 5.1.(c)** G.S. 143-137 reads as rewritten:

8 "**§ 143-137. Organization of Building Code Council; rules; meetings; staff; fiscal affairs.**

9 (a) First Meeting; Organization; Rules. – Within 30 days after its appointment, the

10 Building Code Council shall meet on call of the State Fire Marshal. ~~The Council shall elect from~~

11 ~~its appointive members a chairman and such other officers as it may choose, for such terms as it~~

12 ~~may designate in its rules.~~ The Council shall adopt such rules ~~not inconsistent herewith~~ as it may

13 deem necessary for the proper discharge of its duties. The ~~chairman~~ chair may establish and

14 appoint members to such committees as the work of the Council may require. In addition, the

15 ~~chairman shall chair~~ may establish and appoint ad hoc code revision committees to consider and

16 prepare revisions and amendments to the Code volumes. ~~volumes, as specified in~~

17 G.S. 143-138(a). Each ad hoc committee shall consist of members of the Council, licensed

18 contractors, and design professionals most affected by the Code volume for which the ad hoc

19 committee is responsible, and members of the public. ~~The subcommittees~~ Ad hoc committees

20 shall meet upon the call of their respective chairs and shall report their recommendations to the

21 Council.

22 (b) Meetings. – The Council shall meet regularly, at least once every six months, at places

23 and dates to be determined by the Council. Special meetings may be called by the ~~chairman~~ chair

24 ~~on his own initiative~~ and must be called by ~~him~~ the chair at the request of two or more members

25 of the Council. All members shall be notified by the ~~chairman~~ chair in writing of the time and

26 place of regular and special meetings at least seven days in advance of such meeting. ~~Seven~~

27 ~~members shall constitute a quorum.~~ All meetings shall be open to the public.

28 (c) Staff. – Personnel of the Division of Engineering of the Department of Insurance shall

29 serve as a staff for the ~~Council.~~ Council, and have the duties of following duties:

- 30 (1) Keeping an accurate and complete record of all meetings, hearings,
- 31 correspondence, laboratory studies, and technical work performed by or for
- 32 the Council, and making these records available for public inspection at all
- 33 reasonable ~~times;~~ times.
- 34 (2) Handling correspondence for the Council.

35 (d) Fiscal Affairs of the Council. – All funds for the operations of the Council and its

36 staff shall be appropriated to the Department of Insurance for the use of the Council. All such

37 funds shall be held in a separate or special account on the books of the Department of Insurance,

38 with a separate financial designation or code number to be assigned by the Department of

39 Insurance or its agent. Expenditures for staff salaries and operating expenses shall be made in the

40 same manner as the expenditure of any other Department of Insurance funds. The Office of the

41 State Fire Marshal may hire such additional personnel as may be necessary to handle the work

42 of the Building Code Council, within the limits of funds appropriated to the Department of

43 Insurance for the Council and with the approval of the Council.

44 (e) Quorum; Voting; No Proxy Vote. – Nine members shall constitute a quorum for the

45 transaction of business and an affirmative vote of nine members present shall be necessary to

46 approve any action of the Building Code Council, including any amendment or revision to Code

47 volumes, as specified in G.S. 143-138(a). No member may vote by proxy."

48 **SECTION 5.1.(d)** This section becomes effective January 1, 2025.

49

50 **MISCELLANEOUS CHANGES TO IMPLEMENT BUILDING CODE COUNCIL AND**

51 **RESIDENTIAL CODE COUNCIL REORGANIZATION**

1 **SECTION 5.2.(a)** G.S. 143-136.1 reads as rewritten:

2 "**§ 143-136.1. Residential Code Council created; membership.**

3 (a) Creation; Membership. – There is hereby created a Residential Code Council, which
4 consists of 13 members appointed as follows:

- 5 (1) One member appointed by the General Assembly upon the recommendation
6 of the Speaker of the House of Representatives who shall hold an unlimited
7 general contractor license under Chapter 87 of the General Statutes and
8 specializes in residential construction.
- 9 (2) One member appointed by the General Assembly upon the recommendation
10 of the President Pro Tempore of the Senate who shall hold an unlimited or
11 intermediate general contractor license under Chapter 87 of the General
12 Statutes and specializes in residential construction.
- 13 (3) One member appointed by the General Assembly upon the recommendation
14 of the Speaker of the House of Representatives who shall hold a plumbing
15 contractor license under Chapter 87 of the General Statutes and specializes in
16 residential construction.
- 17 (4) One member appointed by the General Assembly upon the recommendation
18 of the President Pro Tempore of the Senate who shall hold a heating contractor
19 license under Chapter 87 of the General Statutes and specializes in residential
20 construction.
- 21 (5) One member appointed by the General Assembly upon the recommendation
22 of the Speaker of the House of Representatives who shall hold an unlimited,
23 intermediate, or limited general contractor license under Chapter 87 of the
24 General Statutes and specializes in coastal construction.
- 25 (6) One member appointed by the General Assembly upon the recommendation
26 of the President Pro Tempore of the Senate who shall hold an unlimited,
27 intermediate, or limited general contractor license under Chapter 87 of the
28 General Statutes and specializes in residential construction.
- 29 (7) One member appointed by the Governor subject to confirmation in accordance
30 with Section 5(8) of Article III of the North Carolina Constitution, who shall
31 hold an electrical contractor license under Chapter 87 of the General Statutes.
- 32 (8) One member appointed by the Governor subject to confirmation in accordance
33 with Section 5(8) of Article III of the North Carolina Constitution, who shall
34 be a licensed professional engineer under Chapter 89C of the General Statutes
35 and specializes in residential construction.
- 36 (9) One member appointed by the Governor subject to confirmation in accordance
37 with Section 5(8) of Article III of the North Carolina Constitution, who shall
38 be a Level I or Level II Code-enforcement official employed by a municipality
39 or county.
- 40 (10) One member appointed by the Governor subject to confirmation in accordance
41 with Section 5(8) of Article III of the North Carolina Constitution, who shall
42 be a member of the public-at-large.
- 43 (11) One member appointed by the Governor subject to confirmation in accordance
44 with Section 5(8) of Article III of the North Carolina Constitution, who shall
45 be a representative of the natural gas industry.
- 46 (12) One member appointed by the Governor subject to confirmation in accordance
47 with Section 5(8) of Article III of the North Carolina Constitution, who shall
48 be a fire service representative.
- 49 (13) One member appointed by the Governor subject to confirmation in accordance
50 with Section 5(8) of Article III of the North Carolina Constitution, who shall

1 hold a general contractor license under Chapter 87 of the General Statutes and
2 specializes in residential foundations or concrete placement.

3 (b) Terms; Removal; Vacancies; Chair. – Of the members initially appointed by the
4 General Assembly upon the recommendation of the Speaker of the House of Representatives,
5 one shall serve for a term of two years, one shall serve for a term of four years, and one shall
6 serve for a term of six years. Of the members initially appointed by the General Assembly upon
7 the recommendation of the President Pro Tempore of the Senate, one shall serve for a term of
8 two years, one shall serve for a term of four years, and one shall serve for a term of six years. Of
9 the members initially appointed by the Governor, two shall serve for a term of two years, two
10 shall serve for a term of four years, and three shall serve for a term of six years. Thereafter, all
11 appointments shall be for terms of six years. Each appointing authority may remove any member
12 of the Council appointed by that appointing authority from office for misfeasance, malfeasance,
13 or nonfeasance. Appointments by the General Assembly shall be made in accordance with
14 G.S. 120-121, and vacancies in those appointments shall be filled in accordance with
15 G.S. 120-122. Vacancies in appointments made by the Governor shall be filled by the Governor
16 subject to confirmation in accordance with Section 5(8) of Article III of the North Carolina
17 Constitution. The Governor shall designate one member of the Council as chair.

18 (b1) Process for Appointments by the Governor. – The Governor shall transmit to the
19 presiding officers of the Senate and the House of Representatives, within four weeks of the
20 convening of the session of the General Assembly in the year for which the terms in question are
21 initially appointed or are to expire, the names of the persons to be appointed by the Governor and
22 submitted to the General Assembly for confirmation by joint resolution. If an appointment is
23 required pursuant to this subsection when the General Assembly is not in session, the member
24 may be appointed and serve on an interim basis pending confirmation by the General Assembly.
25 For the purpose of this subsection, the General Assembly is not in session only (i) prior to
26 convening of the regular session, (ii) during any adjournment of the regular session for more than
27 10 days, or (iii) after sine die adjournment of the regular session.

28 (c) Compensation. – Members of the Residential Code Council, other than any who are
29 employees of the State, shall receive seven dollars (\$7.00) per day, including necessary time
30 spent in traveling to and from their place of residence within the State to any place of meeting or
31 while traveling on official business of the Council. In addition, all members shall receive mileage
32 and subsistence according to State practice while going to and from any place of meeting, or
33 when on official business of the Council.

34 (d) Duties. – The Residential Code Council shall review and consider any proposal for
35 revision or amendment to the North Carolina Residential Code, ~~including applicable provisions~~
36 ~~from the North Carolina Energy Conservation Code, North Carolina Electrical Code, North~~
37 ~~Carolina Fuel Gas Code, North Carolina Plumbing Code, North Carolina Mechanical Code,~~
38 ~~North Carolina Existing Building Code, and any other code applicable to residential construction.~~
39 This construction as set forth in G.S. 143-138(a). The Council shall oversee revision of the North
40 Carolina Residential Code and codes applicable to dwellings subject to the North Carolina
41 Residential Code pursuant to G.S. 143-138(d). The Council shall also consider any appeal or
42 interpretation arising under G.S. 143-141 pertaining to the North Carolina Residential Code
43 volumes, as specified in G.S. 143-138(a), and make disposition of the appeal or issue an
44 interpretation."

45 **SECTION 5.2.(b)** G.S. 143-137.1 reads as rewritten:

46 **"§ 143-137.1. Organization of Residential Code Council; rules; meetings; staff; fiscal**
47 **affairs; quorum.**

48 (a) First Meeting; Organization; Rules. – Within 30 days after its appointment, the
49 Residential Code Council shall meet on call of the State Fire Marshal. The Council shall adopt
50 rules it may deem necessary for the proper discharge of its duties. The chair may establish and
51 appoint members to any committees the work of the Council may require. In addition, the chair

1 may establish and appoint ~~an~~ ad hoc code revision ~~committee~~ committees to consider and prepare
2 revisions and amendments to the North Carolina Residential Code. ~~The~~ Each ad hoc committee
3 shall consist of members of the Council, licensed contractors, and design professionals most
4 affected by the North Carolina Residential Code, and members of the public. Committees shall
5 meet upon the call of their respective chairs and shall report their recommendations to the
6 Council.

7 (b) Meetings. – The Residential Code Council shall meet regularly, at least once every
8 six months, at places and dates to be determined by the Council. Special meetings may be called
9 by the chair and must be called by the chair at the request of two or more members of the Council.
10 All members shall be notified by the chair in writing of the time and place of regular and special
11 meetings at least seven days in advance of such meeting. All meetings shall be open to the public.

12 (c) Staff. – Personnel of the Division of Engineering of the Department of Insurance shall
13 serve as ~~a~~ staff for the Residential Code ~~Council~~. ~~This staff shall~~ Council, and have the following
14 duties:

15 (1) Keeping an accurate and complete record of all meetings, hearings,
16 correspondence, laboratory studies, and technical work performed by or for
17 the Council, and making these records available for public inspection at all
18 reasonable times.

19 (2) Handling correspondence for the Council.

20 (d) Fiscal Affairs of the Council. – All funds for the operations of the Residential Code
21 Council and its staff shall be appropriated to the Department of Insurance for the use of the
22 Council. These funds shall be held in a separate or special account on the books of the Department
23 of Insurance, with a separate financial designation or code number to be assigned by the
24 Department of Insurance or its agent. Expenditures for staff salaries and operating expenses shall
25 be made in the same manner as the expenditure of any other Department of Insurance funds. The
26 Department of Insurance may hire any additional personnel necessary to handle the work of the
27 Council, within the limits of funds appropriated for the Council and with the approval of the
28 Council.

29 (e) Quorum; Voting; No Proxy Vote. – Nine members shall constitute a quorum for the
30 transaction of business and an affirmative vote of nine members present shall be necessary to
31 approve any action of the Council, including any amendment or revision to ~~the North Carolina~~
32 ~~Residential Code~~. Code volumes, as specified in G.S. 143-138(a). No member may vote by
33 proxy."

34 **SECTION 5.2.(c)** G.S. 143-138 reads as rewritten:

35 **"§ 143-138. North Carolina State Building Code.**

36 (a) Preparation and Adoption. – The Building Code Council and Residential Code
37 Council may prepare and adopt, in accordance with the provisions of this Article, a North
38 Carolina State Building Code. The Building Code Council shall oversee codes applicable to
39 commercial or multi-family construction and contained in Code volumes, as specified in
40 subdivisions (1) through (9) of this subsection, that apply to commercial and multi-family
41 construction. The Residential Code Council shall oversee codes applicable to residential
42 construction and contained in Code volumes, as specified in subdivisions (1) through (10) of this
43 subsection, that apply to residential construction. Before the adoption of any volume of the Code,
44 or any part of the Code, the responsible Council shall hold at least one public hearing. A notice
45 of the public hearing shall be published in the North Carolina Register at least 15 days before the
46 date of the hearing. Notwithstanding G.S. 150B-2(8a)h., any volume, or any part, of the North
47 Carolina State Building Code as adopted by the Building Code Council or Residential Code
48 Council is a rule within the meaning of G.S. 150B-2(8a) and shall be adopted in accordance with
49 the procedural requirements of Article 2A of Chapter 150B of the General Statutes. For the
50 purposes of this Article, "North Carolina State Building Code" or "Code" shall collectively refer
51 to all Code volumes, as revised or amended, prepared and adopted by the Building Code Council

1 or Residential Code Council pursuant to this ~~Article, including Article~~. The North Carolina State
 2 Building Code shall consist of the following Code volumes:

- 3 (1) North Carolina Administrative Code and Policies.
- 4 (2) North Carolina Building Code.
- 5 (3) North Carolina Electrical Code.
- 6 (4) North Carolina Energy Conservation Code.
- 7 (5) North Carolina Existing Building Code.
- 8 (6) North Carolina Fire Code.
- 9 (7) North Carolina Fuel Gas Code.
- 10 (8) North Carolina Mechanical Code.
- 11 (9) North Carolina Plumbing Code.
- 12 (10) North Carolina Residential Code.

13 ...

14 (d) Amendments of the Code. – The Building Code Council and Residential Code
 15 Council may periodically revise and amend those parts of the North Carolina State Building Code
 16 for which those Councils are responsible, either on their own motion or upon application from
 17 any citizen, State agency, or political subdivision of the State. In addition to the periodic revisions
 18 or amendments made by the responsible Council, the Residential Code Council shall perform a
 19 comprehensive review and revise or amend the North Carolina Residential Code, ~~including~~
 20 ~~provisions applicable to dwellings covered by the North Carolina Residential Code, from the~~
 21 ~~North Carolina Energy Conservation Code, North Carolina Electrical Code, North Carolina Fuel~~
 22 ~~Gas Code, North Carolina Plumbing Code, and North Carolina Mechanical Code~~ only every six
 23 years, to become effective the first day of January of the following year, with at least six months
 24 between adoption and effective date. The first six-year revision by the Residential Council under
 25 this subsection shall be adopted to become effective January 1, 2031, and every six years
 26 thereafter. After its appointment pursuant to G.S. 143-136.1, the Residential Code Council shall
 27 review the North Carolina Energy Conservation Code, the North Carolina Fuel Gas Code, and
 28 the North Carolina Mechanical Code as applicable to residential construction and may amend ~~the~~
 29 those codes and any relevant chapters of the North Carolina Residential Code, affected by that
 30 review, by January 1, 2026. Following the adoption of amendments to the North Carolina
 31 Residential Code affected by that review, the North Carolina Residential Code shall also be
 32 subject to the first six-year revision under this subsection. In adopting any amendment, the
 33 Building Code Council and Residential Code Council shall comply with the same procedural
 34 requirements and the same standards for adoption of the Code. The Building Code Council and
 35 Residential Code Council, through the Office of the State Fire Marshal, shall publish in the North
 36 Carolina Register all appeal decisions made by the responsible Code Council and all formal
 37 opinions at least semiannually. The Building Code Council and Residential Code Council,
 38 through the Office of the State Fire Marshal, shall also publish at least semiannually in the North
 39 Carolina Register a statement providing the accurate website address and information on how to
 40 find additional commentary and interpretation of the Code.

41"

42 **SECTION 5.2.(d)** In performing its review of the North Carolina State Building
 43 Code to amend relevant chapters of the North Carolina Residential Code after its appointment
 44 pursuant to G.S. 143-136.1, as required by G.S. 143-138(d), the Residential Code Council shall
 45 include relevant provisions from the North Carolina Administrative Code and Policies volume,
 46 as appropriate and modified by the Residential Code Council, in its amendment to the Residential
 47 Code.

48 **SECTION 5.2.(e)** G.S. 143-139 reads as rewritten:

49 "**§ 143-139. Enforcement of Building Code.**

50 ...

(b1) Remedies. – In case any building or structure is maintained, erected, constructed, or reconstructed or its purpose altered, so that it becomes in violation of this Article or of the North Carolina State Building Code, either the local enforcement officer or the State Fire Marshal or other State official with responsibility under this section may, in addition to other remedies, institute any appropriate action or proceeding to: (i) prevent the unlawful maintenance, erection, construction, or reconstruction or alteration of purpose, or overcrowding, (ii) restrain, correct, or abate the violation, or (iii) prevent the occupancy or use of the building, structure, or land until the violation is corrected. In addition to the civil remedies set out in G.S. 160A-175 and G.S. 153A-123, a county, city, or other political subdivision authorized to enforce the North Carolina State Building Code within its jurisdiction may, for the purposes stated in (i) through (iii) of this subsection, levy a civil penalty for violation of the ~~fire prevention code~~ North Carolina Fire Code of the North Carolina State Building Code, which penalty may be recovered in a civil action in the nature of debt if the offender does not pay the penalty within a prescribed period of time after the offender has been cited for the violation. If the State Fire Marshal or other State official institutes an action or proceeding under this section, a county, city, or other political subdivision may not institute a civil action under this section based upon the same violation. Appeals from the imposition of any remedy set forth herein, including the imposition of a civil penalty by a county, city, or other political subdivision, shall be as provided in G.S. 160D-1127.

...."

SECTION 5.2.(f) G.S. 143-140 reads as rewritten:

"§ 143-140. Hearings before enforcement agencies as to questions under the North Carolina State Building Code.

(a) Any person desiring to raise any question under this Article or under the North Carolina State Building Code shall be entitled to a technical interpretation from the appropriate enforcement agency, as designated in ~~the preceding section.~~ G.S. 143-139. Upon request in writing by any such person, the enforcement agency through an appropriate official shall within a reasonable time provide a written interpretation, setting forth the facts found, the decision reached, and the reasons therefor. In the event of dissatisfaction with such decision, the person affected shall have the options of:

(1) ~~Appealing to the Building Code Council or the Residential Code Council.~~ Appealing to the responsible Code Council for the subject matter or code provision in question.

(2) Appealing directly to the Superior Court, as provided in G.S. 143-141.

(b) If an interpretation under this section or under G.S. 143-141(b) changes after a building permit is issued, the permit applicant may choose which version of the interpretation will apply to the permit, unless such a choice would cause harm to life or property."

SECTION 5.2.(g) G.S. 87-10 reads as rewritten:

"§ 87-10. Application for license; examination; certificate; renewal.

...

(b) An applicant shall identify an individual who has successfully passed an examination approved by the Board who, for purposes of this section, shall be known as the "qualifier" or the "qualifying party" of the applicant. If the qualifier or the qualifying party seeks to take an examination, the examination shall establish (i) the ability of the applicant to make a practical application of the applicant's knowledge of the profession of contracting; (ii) the qualifications of the applicant in reading plans and specifications, knowledge of relevant matters contained in the North Carolina State Building Code, knowledge of estimating costs, construction, ethics, and other similar matters pertaining to the contracting business; (iii) the knowledge of the applicant as to the responsibilities of a contractor to the public and of the requirements of the laws of the State of North Carolina relating to contractors, construction, and liens; and (iv) the applicant's knowledge of requirements of the Sedimentation Pollution Control Act of 1973, Article 4 of Chapter 113A of the General Statutes, and the rules adopted pursuant to that Article. If the

1 qualifier or qualifying party passes the examination, upon review of the application and all
 2 relevant information, the Board shall issue a license to the applicant to engage in general
 3 contracting in the State of North Carolina, which may be limited as follows:

- 4 (1) Building contractor, which shall include private, public, commercial,
 5 industrial and residential buildings of all types.
- 6 (1a) Residential contractor, which shall include any general contractor
 7 constructing only residences which are required to conform to the ~~residential~~
 8 ~~building code~~ North Carolina Residential Code adopted by the ~~Building~~
 9 Residential Code Council pursuant to G.S. 143-138.
- 10 (2) Highway contractor.
- 11 (3) Public utilities contractors, which shall include those whose operations are the
 12 performance of construction work on the following subclassifications of
 13 facilities:
- 14 a. Water and sewer mains, water service lines, and house and building
 15 sewer lines as defined in the North Carolina State Building Code, and
 16 water storage tanks, lift stations, pumping stations, and appurtenances
 17 to water storage tanks, lift stations, and pumping stations.
- 18 b. Water and wastewater treatment facilities and appurtenances thereto.
- 19 c. Electrical power transmission facilities, and primary and secondary
 20 distribution facilities ahead of the point of delivery of electric service
 21 to the customer.
- 22 d. Public communication distribution facilities.
- 23 e. Natural gas and other petroleum products distribution facilities;
 24 provided the General Contractors Licensing Board may issue license
 25 to a public utilities contractor limited to any of the above
 26 subclassifications for which the general contractor qualifies.
- 27 (4) Specialty contractor, which shall include those whose operations as such are
 28 the performance of construction work requiring special skill and involving the
 29 use of specialized building trades or crafts, but which shall not include any
 30 operations now or hereafter under the jurisdiction, for the issuance of license,
 31 by any board or commission pursuant to the laws of the State of North
 32 Carolina.

33"

34 **SECTION 5.2.(h)** G.S. 130A-248 reads as rewritten:

35 "**§ 130A-248. Regulation of food and lodging establishments.**

36 ...

37 (g) All hotels, motels, tourist homes, and other establishments that provide lodging for
 38 pay shall comply with the requirements of G.S. 143-138(b2)(2). Upon notification of a violation
 39 of G.S. 143-138(b2)(2) by the code official responsible for enforcing the ~~NC State Building~~
 40 North Carolina Fire Code (Fire Prevention) in accordance with G.S. 143-138(b2)(4), the local
 41 health department is authorized to suspend a permit issued pursuant to this section in accordance
 42 with G.S. 130A-23."

43 **SECTION 5.2.(i)** G.S. 143-151.8 reads as rewritten:

44 "**§ 143-151.8. Definitions.**

- 45 (a) The following definitions apply in this Article:
- 46 (1) Board. – The North Carolina Code Officials Qualification Board.
- 47 (2) Code. – Consists of all of the following:
- 48 a. The North Carolina State Building Code adopted by the Building Code
 49 Council and Residential Code Council under G.S. 143-138.
- 50 b. Local building rules approved by the Building Code ~~Council~~ Council
 51 and Residential Code Council.

- 1 c. Any resolution adopted by a federally recognized Indian Tribe in
2 which the Tribe adopts the North Carolina State Building Code and
3 related local building rules.
- 4 d. The standards adopted by the State Fire Marshal under
5 G.S. 143-143.15(a).
- 6 (3) Code enforcement. – The examination and approval of plans and
7 specifications, the inspection of the manner of construction, workmanship,
8 and materials for construction of buildings and structures and their
9 components, or the enforcement of fire code regulations by any of the
10 following, to assure compliance with the North Carolina State Building Code
11 and related local building rules:
- 12 a. An employee of the State or local government, except an employee of
13 the State Department of Labor engaged in the administration and
14 enforcement of sections of the Code that pertain to boilers and
15 elevators.
- 16 b. An employee of a federally recognized Indian Tribe employed to
17 perform inspections on tribal lands.
- 18 c. An individual contracting with the State, a local government, or a
19 federally recognized Indian Tribe to perform inspections on tribal
20 lands.
- 21 d. An individual who is employed by a company contracting with a
22 county or a city to conduct inspections.
- 23 e. A person who is contracting with a local government to perform
24 third-party plan review under G.S. 160D-1110.1(d).
- 25 f. A person who is contracting with a permit applicant to perform
26 third-party plan review under G.S. 160D-1110.1(e).
- 27 (4) Local inspection department. – The agency or agencies of local government,
28 or any government agency of a federally recognized Indian Tribe, with
29 authority to make inspections of buildings and to enforce the Code and other
30 laws, ordinances, and rules enacted by the State, a local government, or a
31 federally recognized Indian Tribe.
- 32 (5) Qualified Code-enforcement official. – A person qualified under this Article
33 to engage in the practice of Code enforcement.
- 34 (b) For purposes of this Article, the population of a city or county is determined according
35 to the most current federal census, unless otherwise specified.
- 36 (c) For purposes of this Article, "willful misconduct, gross negligence, or gross
37 incompetence" in addition to the meaning of those terms under other provisions of the General
38 Statutes or at common law, includes any of the following:
- 39 (1) Enforcing a Code requirement in areas or circumstances not specified in the
40 requirement.
- 41 (2) Refusing to accept an alternative design or construction method that has been
42 appealed under G.S. 143-140.1 and found by the Office of the State Fire
43 Marshal to comply with the Code under the conditions or circumstances set
44 forth in the Office of the State Fire Marshal's decision for that appeal.
- 45 (3) Refusing to allow an alternative construction method currently included in the
46 Building Code under the conditions or circumstances set forth in the Code for
47 that alternative method.
- 48 (4) Enforcing a requirement that is more stringent than or otherwise exceeds the
49 Code requirement.

- (5) Refusing to implement or adhere to an interpretation of the North Carolina State Building Code issued by the Building Code ~~Council~~ Council, Residential Code Council, or the Office of the State Fire Marshal.
- (6) Habitually failing to provide requested inspections in a timely manner.
- (7) Enforcing a Code official's preference in the method or manner of installation of heating ventilation and air-conditioning units, appliances, or equipment if it is not required by the State Building Code and is in contradiction of a manufacturer's installation instructions or specifications."

SECTION 5.2.(j) G.S. 143-151.13 reads as rewritten:

"§ 143-151.13. Required standards and certificates for Code-enforcement officials.

...
 (f) The Board shall issue a standard certificate to any person who is currently licensed to practice as a(n):

- (1) Architect, registered pursuant to Chapter 83A;
- (2) General contractor, licensed pursuant to Article 1 of Chapter 87;
- (3) Plumbing or heating contractor, licensed pursuant to Article 2 of Chapter 87;
- (4) Electrical contractor, licensed pursuant to Article 4 of Chapter 87; or,
- (5) Professional engineer, registered pursuant to Chapter 89C;

provided the person successfully completes a short course, as prescribed by the Board, relating to the North Carolina State Building Code regulations and Code-enforcement administration. The standard certificate shall authorize the person to practice as a qualified Code-enforcement official in a particular type of position at the level determined by the Board, based on the type of license or registration held in any profession specified above.

...."

SECTION 5.2.(k) G.S. 143-151.14 reads as rewritten:

"§ 143-151.14. Comity.

...
 (c) The certificates granted under subsections (a) and (b) of this section shall expire after three years unless within that time period the holder completes a short course, as prescribed by the Board, relating to the North Carolina State Building Code regulations and Code-enforcement administration.

...."

SECTION 5.2.(l) G.S. 143-151.17 reads as rewritten:

"§ 143-151.17. Grounds for disciplinary actions; investigation; administrative procedures.

(a) The Board has the power to suspend, revoke, demote to a lower level, or refuse to grant a certificate issued under this Article to any person to whom any of the following applies:

- (1) Has been convicted of a felony against this State or the United States, or convicted of a felony in another state that would also be a felony if it had been committed in this State.
- (2) Has obtained certification through fraud, deceit, or perjury.
- (3) Has knowingly aided or abetted any person practicing contrary to the provisions of this Article or the North Carolina State Building Code or any building codes adopted by a federally recognized Indian Tribe.
- (4) Has defrauded the public or attempted to do so.
- (5) Has affixed his or her signature to a report of inspection or other instrument of service if no inspection has been made by him or her or under his or her immediate and responsible direction.
- (6) Has been guilty of willful misconduct, gross negligence, or gross incompetence.

...."

SECTION 5.2.(m) G.S. 153A-123 reads as rewritten:

1 **"§ 153A-123. Enforcement of ordinances.**

2 ...
3 (c1) An ordinance may provide for the recovery of a civil penalty by the county for
4 violation of the ~~fire prevention code~~ North Carolina Fire Code of the North Carolina State
5 Building Code as authorized under G.S. 143-139.

6"

7 **SECTION 5.2.(n)** G.S. 160A-175 reads as rewritten:

8 **"§ 160A-175. Enforcement of ordinances.**

9 ...
10 (c1) An ordinance may provide for the recovery of a civil penalty by the city for violation
11 of the ~~fire prevention code~~ North Carolina Fire Code of the North Carolina State Building Code
12 as authorized under G.S. 143-139.

13"

14 **SECTION 5.2.(o)** G.S. 58-6-25 reads as rewritten:

15 **"§ 58-6-25. Insurance regulatory charge.**

16 ...
17 (d) Use of Proceeds. – The Insurance Regulatory Fund is created as an interest-bearing
18 special fund to which the proceeds of the charge levied in this section and all fees collected under
19 Articles 69 through 71 of this Chapter and under Articles 9 and 9C of Chapter 143 of the General
20 Statutes shall be credited. Moneys in the Fund may be spent only pursuant to appropriation by
21 the General Assembly, and the Fund is subject to the provisions of the State Budget Act. All
22 money credited to the Fund shall be used to reimburse the General Fund for the following:

23 ...

24 (7) Money appropriated to the Department of Insurance to pay its expenses
25 incurred in connection with providing staff support for State boards and
26 commissions, including the North Carolina Manufactured Housing Board,
27 State Fire and Rescue Commission, North Carolina Building Code Council,
28 North Carolina Residential Code Council, North Carolina Code Officials
29 Qualification Board, Public Officers and Employees Liability Insurance
30 Commission, North Carolina Home Inspector Licensure Board, and the
31 Volunteer Safety Workers' Compensation Board.

32"

33 **SECTION 5.2.(p)** G.S. 58-78A-1 reads as rewritten:

34 **"§ 58-78A-1. Office of the State Fire Marshal.**

35 ...

36 (b) The Office of the State Fire Marshal shall be responsible for all of the following:

- 37 (1) State Fire and Rescue Commission, Article 78 of this Chapter.
- 38 (2) Investigation of Fires and Inspection of Premises, Article 79 of this Chapter.
- 39 (3) State Volunteer Fire Department, Article 80 of this Chapter.
- 40 (4) Pyrotechnics Training and Permitting, Article 82A of this Chapter.
- 41 (5) Management of Aqueous Film-Forming Foams, Article 82B of this Chapter.
- 42 (6) Local Firefighters' Relief Funds, Article 84 of this Chapter.
- 43 (7) Statewide Firefighters' Relief Fund, Article 85 of this Chapter.
- 44 (8) State Fire Protection Grant Fund, Article 85A of this Chapter.
- 45 (9) North Carolina Firefighters' and Rescue Squad Workers' Pension Fund,
46 Article 86 of this Chapter.
- 47 (10) Volunteer Safety Workers Assistance, Article 87 of this Chapter.
- 48 (11) Rescue Squad Workers' Relief Fund, Article 88 of this Chapter.
- 49 (12) Building Code Council and ~~Building Code~~, Residential Code Council, Article
50 9 of Chapter 143 of the General Statutes.

- 1 (13) North Carolina Manufactured Housing Board-Manufactured Home
 2 Warranties, [Article 9A of Chapter 143 of the General Statutes].
 3 (14) Uniform Standards Code for Manufactured Homes, Article 9B of this Chapter
 4 [Article 9B of Chapter 143 of the General Statutes].
 5 (15) North Carolina Code Officials Qualification Board, Article 9C of this Chapter
 6 [Article 9C of Chapter 143 of the General Statutes].
 7 (16) North Carolina Home Inspector Licensure Board, Article 9F of this Chapter
 8 [Article 9F of Chapter 143 of the General Statutes].
 9 (17) Engineering and Building Codes Division in the Department of Insurance.
 10 (18) Risk Management Division in the Department of Insurance.
 11 (19) Community Risk Reduction Division in the Department of Insurance.

12"

13 **SECTION 5.2.(q)** G.S. 58-78A-16 reads as rewritten:

14 "**§ 58-78A-16. State Fire Marshal to inspect State property.**

15 (a) The State Fire Marshal shall, as often as is required in the ~~fire code~~ North Carolina
 16 Fire Code adopted by the North Carolina Building Code Council or more often if the State Fire
 17 Marshal considers it necessary, visit, inspect, and thoroughly examine every State property to
 18 analyze and determine its protection from fire, including the property's occupants or contents.
 19 The State Fire Marshal shall notify in writing the agency or official in charge of the property of
 20 any defect noted by the State Fire Marshal or any improvement considered by the State Fire
 21 Marshal to be necessary, and a copy of that notice shall be forwarded by the State Fire Marshal
 22 to the Department of Administration.

23 (b) No agency or person authorized or directed by law to select a plan or erect a building
 24 comprising 20,000 square feet or more for the use of any county, city, or school district shall
 25 receive and approve of the plan until it is submitted to and approved by the State Fire Marshal as
 26 to the safety of the proposed building from fire, including the property's occupants or contents.

27 (c) Repealed by Session Laws 2009-474, s. 1, effective October 1, 2009."

28 **SECTION 5.2.(r)** G.S. 150B-21.5 reads as rewritten:

29 "**§ 150B-21.5. Circumstances when notice and rule-making hearing not required;**
 30 **circumstances when submission to the Commission not required.**

31 (a) Amendment. – An agency is not required to publish a notice of text in the North
 32 Carolina Register, hold a public hearing, or submit the amended rule to the Commission for
 33 review when it proposes to amend a rule to do one of the following:

- 34 (1) Reletter or renumber the rule or subparts of the rule.
 35 (2) Substitute one name for another when an organization or position is renamed.
 36 (3) Correct a citation in the rule to another rule or law when the citation has
 37 become inaccurate since the rule was adopted because of the repeal or
 38 renumbering of the cited rule or law.
 39 (4) Change information that is readily available to the public, such as an address,
 40 email address, a telephone number, or a Web site.
 41 (5) Correct a typographical error.
 42 (6) Repealed by Session Laws 2019-140, s. 1(a), effective July 19, 2019.

43 (a1) Response to Commission. – An agency is not required to publish a notice of text in
 44 the North Carolina Register or hold a public hearing when it proposes to change the rule in
 45 response to a request or an objection by the Commission, unless the Commission determines that
 46 the change is substantial.

47 (b) Repeal. – An agency is not required to publish a notice of text in the North Carolina
 48 Register or hold a public hearing when it proposes to repeal a rule as a result of any of the
 49 following:

- 50 (1) The law under which the rule was adopted is repealed.

1 (2) The law under which the rule was adopted or the rule itself is declared
2 unconstitutional.

3 (3) The rule is declared to be in excess of the agency's statutory authority.

4 (c) Repealed by Session Laws 2023-134, s. 21.2(e), effective October 3, 2023 and
5 applicable to rules adopted on or after that date.

6 (d) North Carolina State Building Code. – The Building Code Council ~~is or Residential~~
7 Code Council, as applicable, is not required to publish a notice of text in the North Carolina
8 Register when it proposes to adopt a rule that concerns the North Carolina State Building Code.
9 The Building Code Council ~~is or Residential Code Council, as applicable, is~~ required to publish
10 a notice in the North Carolina Register when it proposes to adopt a rule that concerns the North
11 Carolina State Building Code. The notice must include all of the following:

12 (1) A statement of the subject matter of the proposed rule making.

13 (2) A short explanation of the reason for the proposed action.

14 (3) A citation to the law that gives the agency the authority to adopt a rule on the
15 subject matter of the proposed rule making.

16 (4) The person to whom questions or written comments may be submitted on the
17 subject matter of the proposed rule making.

18 The Building Code Council ~~is or Residential Code Council, as applicable, is~~ required to
19 submit to the Commission for review a rule for which notice of text is not required under this
20 subsection. In adopting a rule, the responsible Council shall comply with the procedural
21 requirements of G.S. 150B-21.3.

22 (e) An agency that adopts or amends a rule pursuant to subsection (a) of this section shall
23 notify the Codifier of Rules of its actions. When notified of an agency action taken pursuant to
24 subsection (a) of this section, the Codifier of Rules shall make the appropriate change to the
25 North Carolina Administrative Code."

26 **SECTION 5.2.(s)** G.S. 150B-21.21 reads as rewritten:

27 "**§ 150B-21.21. Publication of rules of North Carolina State Bar, Building Code Council,**
28 **Residential Code Council, and exempt agencies.**

29 (a) State Bar. – The North Carolina State Bar must submit a rule adopted or approved by
30 it and entered in the minutes of the North Carolina Supreme Court to the Codifier of Rules for
31 inclusion in the North Carolina Administrative Code. The State Bar must submit a rule within 30
32 days after it is entered in the minutes of the Supreme Court. The Codifier of Rules must compile,
33 make available for public inspection, and publish a rule included in the North Carolina
34 Administrative Code under this subsection in the same manner as other rules in the Code.

35 (a1) Building Code Council and Residential Code Council. – The Building Code Council
36 and Residential Code Council, as applicable, shall publish the North Carolina State Building
37 Code as provided in G.S. 143-138(g). The Codifier of Rules is not required to publish the North
38 Carolina State Building Code in the North Carolina Administrative Code.

39 (b) Exempt Agencies. – Notwithstanding any other provision of law, an agency that is
40 exempted from this Article by G.S. 150B-1 or any other statute must submit a temporary or
41 permanent rule adopted by it to the Codifier of Rules for inclusion in the North Carolina
42 Administrative Code. These exempt agencies must submit a rule to the Codifier of Rules within
43 30 days after adopting the rule.

44 (c) Publication. – A rule submitted to the Codifier of Rules under this section must be in
45 the physical form specified by the Codifier of Rules. The Codifier of Rules must compile, make
46 available for public inspection, and publish a rule submitted under this section in the same manner
47 as other rules in the North Carolina Administrative Code."

48 **SECTION 5.2.(t)** G.S. 150B-38 reads as rewritten:

49 "**§ 150B-38. Scope; hearing required; notice; venue.**

50 (a) The provisions of this Article shall apply to:

51 (1) Occupational licensing agencies.

- 1 (2) The State Banking Commission, the Commissioner of Banks, and the Credit
2 Union Division of the Department of Commerce.
- 3 (3) The Department of Insurance and the Commissioner of Insurance.
- 4 (4) The State Chief Information Officer in the administration of the provisions of
5 Article 15 of Chapter 143B of the General Statutes.
- 6 (5) The North Carolina State Building Code ~~Council~~ Council and Residential
7 Code Council, Article 9 of Chapter 143 of the General Statutes.
- 8 (5a) The Office of the State Fire Marshal and the State Fire Marshal.
- 9 (6) Repealed by Session Laws 2018-146, s. 4.4(b), effective December 27, 2018.
- 10 (b) Prior to any agency action in a contested case, the agency shall give the parties in the
11 case an opportunity for a hearing without undue delay and notice not less than 15 days before the
12 hearing. Notice to the parties shall include all of the following:
- 13 (1) A statement of the date, hour, place, and nature of the hearing.
- 14 (2) A reference to the particular sections of the statutes and rules involved.
- 15 (3) A short and plain statement of the facts alleged.
- 16 (c) Notice shall be given by one of the methods for service of process under G.S. 1A-1,
17 Rule 4(j) or Rule 4(j3). If given by registered or certified mail, by signature confirmation as
18 provided by the United States Postal Service, or by designated delivery service authorized
19 pursuant to 26 U.S.C. § 7502(f)(2) with delivery receipt, notice shall be deemed to have been
20 given on the delivery date appearing on the return receipt, copy of proof of delivery provided by
21 the United States Postal Service, or delivery receipt. If notice cannot be given by one of the
22 methods for service of process under G.S. 1A-1, Rule 4(j) or Rule 4(j3), then notice shall be
23 given in the manner provided in G.S. 1A-1, Rule 4(j1).
- 24 (d) A party that has been served with a notice of hearing may file a written response with
25 the agency. If a written response is filed, a copy of the response shall be mailed to all other parties
26 not less than 10 days before the date set for the hearing.
- 27 (e) All hearings conducted under this Article shall be open to the public. A hearing
28 conducted by the agency shall be held in the county where the agency maintains its principal
29 office. A hearing conducted for the agency by an administrative law judge requested under
30 G.S. 150B-40 shall be held in a county in this State where any person whose property or rights
31 are the subject matter of the hearing resides. If a different venue would promote the ends of
32 justice or better serve the convenience of witnesses, the agency or the administrative law judge
33 may designate another county. A person whose property or rights are the subject matter of the
34 hearing waives an objection to venue by proceeding in the hearing.
- 35 (f) Any person may petition to become a party by filing with the agency or hearing officer
36 a motion to intervene in the manner provided by G.S. 1A-1, Rule 24. In addition, any person
37 interested in a contested case under this Article may intervene and participate to the extent
38 deemed appropriate by the agency hearing officer.
- 39 (g) When contested cases involving a common question of law or fact or multiple
40 proceedings involving the same or related parties are pending before an agency, the agency may
41 order a joint hearing of any matters at issue in the cases, order the cases consolidated, or make
42 other orders to reduce costs or delay in the proceedings.
- 43 (h) Every agency shall adopt rules governing the conduct of hearings that are consistent
44 with the provisions of this Article.
- 45 (i) Repealed by Session Laws 2021-88, s. 16(c), effective July 22, 2021."
- 46 **SECTION 5.2.(u)** This section becomes effective January 1, 2025.
- 47

48 PART VI. SEVERABILITY CLAUSE AND EFFECTIVE DATE

49 SEVERABILITY CLAUSE

50

1 **SECTION 6.1.** If any section or provision of this act is declared unconstitutional or
2 invalid by the courts, it does not affect the validity of this act as a whole or any part other than
3 the part declared to be unconstitutional or invalid.
4

5 **EFFECTIVE DATE**

6 **SECTION 6.2.** Except as otherwise provided, this act is effective when it becomes
7 law.