



# HOUSE BILL 376: Various On-Site Wastewater & Well Provisions.

2025-2026 General Assembly

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<b>Committee:</b>	House Rules, Calendar, and Operations of the House	<b>Date:</b>	April 28, 2025
<b>Introduced by:</b>	Reps. Brody, Zenger, Riddell	<b>Prepared by:</b>	Kyle Evans
<b>Analysis of:</b>	Third Edition		Committee Counsel

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**OVERVIEW:** *House Bill 376 would make changes to the On-Site Wastewater Contractors and Inspectors Certification Board and statutes governing on-site wastewater permitting, and provide that local boards of health must implement the State-adopted private drinking water well program, rather than implement local programs.*

## CURRENT LAW & BILL ANALYSIS:

### ON-SITE WASTEWATER BOARD CHANGES

The On-Site Wastewater Contractors and Inspectors Certification Board (Board) regulates and certifies people who construct, install, repair, or inspect on-site wastewater systems. The Board is made up of 9 members, serving three-year terms.

**Section 1** would create term limits for Board members, such that no member may serve more than two consecutive terms. This section would be effective when it becomes law and apply to terms beginning on or after July 1, 2026.

**Section 2** would make changes to the certification requirements for on-site wastewater inspectors, including requiring that they hold sufficient liability coverage, clarifying that a grade II contractor cannot be certified as an inspector without the required experience requirements, and requiring that the complete renewal package is submitted by the annual renewal date. This section would become effective January 1, 2026, and applies to applications for certification or certificate renewal on or after that date.

### ON-SITE WASTEWATER SYSTEM CHANGES

On-site wastewater systems are regulated by the Commission for Public Health (Commission), but local boards of health are permitted, in some cases, to adopt modifications to rules adopted by the Commission.

**Section 3(a)** would require that any modifications to rules adopted by the Commission proposed by a local board of health be approved by the Department of Health and Human Services (DHHS) after noticing and holding a public hearing on the proposed rules. Local rules would need to be at least as stringent as rules adopted by the Commission and necessary to protect the public health.

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Before a Construction Authorization can be issued, G.S. 130A-336 requires that the local health department conduct a field investigation to verify that the site conditions allow the system to be installed pursuant to the Article governing on-site wastewater systems and rules adopted by the Commission pursuant to that authority.

**Section 3(b)** would provide that DHHS, the local health department, or an Authorized On-Site Wastewater Evaluator (AOWE) must conduct the site verification before a Construction Authorization can be issued, and that DHHS, the local health department, or the AOWE can delay the start of construction until a site verification can be conducted after the issuance of the Construction Authorization to verify that the system can be installed pursuant to the conditions in the Construction Authorization. This section would also require DHHS to create a standard form for site verifications and make changes to the information required for verifications. Additionally, this section would allow a site owner to waive the site verification visit before the start of construction by submitting a verification waiver form to the local health department. DHHS, the local health department, or the AOWE, as applicable, would be released from liability for site condition changes after the issuance of a Construction Authorization.

**Section 3(c)** would provide that licensed engineers can conduct any verifications or inspections required for an on-site wastewater system Operation Permit, and streamline the issuance of an Operation Permit if the conditions in the Improvement Permit and Construction Authorization are met and the installation complies with all applicable laws and rules.

This section would become effective when it becomes law and would apply to permits applied for on or after that date.

## **PRIVATE DRINKING WATER WELL PROGRAM CHANGES**

The Environmental Management Commission (EMC) has authority to adopt rules governing the location, construction, repair, and abandonment of large private drinking water wells. All other private drinking water wells are subject to permitting and inspection by the local health department as provided in G.S. 87-97. There are approximately 10 counties that operate a local well program.

**Section 4** would eliminate the authority for local health departments to operate a local well program and instead would require local health departments to implement the private drinking water well program established by the EMC. Local health departments would, however, be permitted to continue testing private drinking water wells pursuant to approved local rules. This section would also require a local health department to decide on a permit application for a private drinking water well within 10 days of receipt of the application, if the application is accompanied by a Notice of Intent to Construct an on-site wastewater system issued by a professional engineer or AOWE pursuant to G.S. 130A-336.1 or G.S. 130A-336.2.

**EFFECTIVE DATE:** Except as otherwise provided, this act would be effective when it becomes law.