

15A NCAC 18E .0205 OPERATION PERMIT

(a) The applicant shall obtain an OP after the wastewater system has been installed or repaired and the authorized agent has inspected the system. The inspection shall occur prior to the system being covered with soil. The authorized agent shall determine that the system has been installed in accordance with this Subchapter and any conditions of the IP and CA.

(b) During the wastewater system inspection, the authorized agent shall notify the installer of items that do not meet the rules of this Subchapter and conditions described in the IP and CA. Corrections shall be made to bring the system into compliance with this Subchapter by the installer. If corrections cannot be made, an authorized agent shall not issue an OP, the system shall not be placed into use, and the authorized agent making the determination shall prepare a written report referencing deficiencies in the system installation, citing the applicable rule(s) and IP and CA conditions, and include a letter of Intent to Suspend or Revoke the IP and CA or the CA. A copy of the report shall be provided to the applicant and the installer.

(c) The OP shall include:

- (1) the initial system and designated repair system type in accordance with Table XXXII of Rule .1301(b) of this Subchapter and the unique code assigned under Rule .1713(10) of this Subchapter;
- (2) facility description including number of bedrooms and maximum occupancy, maximum number of occupants or people served, DDF, and wastewater strength;
- (3) a site plan or plat as defined in G.S. 130A-334 showing the property lines with dimensions, the location of the facility and appurtenances, the site for the wastewater system and repair area including location and dimensions, and the location of water supplies and surface water;
- (4) dispersal field design including trench or bed length, width, depth, and location;
- (5) the tank(s) location, capacity, and ID numbers;
- (6) groundwater monitoring well locations, sampling frequency, and characteristics sampled, as applicable;
- (7) conditions for system performance, operation, monitoring, influent and effluent sampling requirements, and reporting, including the requirement for a contract with a Management Entity, as applicable;
- (8) a statement specifying that best professional judgement was used to repair the malfunctioning wastewater system, if applicable; and
- (9) approved engineered plans, specifications, and record drawings if required in Rule .0303(g) of this Subchapter.

(d) Prior to the issuance of an OP for a system requiring a multi-party agreement, the multi-party agreement shall be executed between the developer and an incorporated owners' association and filed with the local register of deeds.

(e) When a wastewater system is required to be designed by an authorized designer or PE, the PE or authorized designer shall provide a written statement to the applicant and authorized agent specifying that construction is complete and in accordance with approved plans, specifications, and modifications. The written statement shall be provided prior to issuance of the OP.

(f) An OP shall be valid and remain in effect for a system provided:

- (1) wastewater strength and DDF remain unchanged;
- (2) the system is operated and maintained in accordance with Section .1300 of this Subchapter;
- (3) no malfunction is found as defined in Rule .1303(a)(2) of this Subchapter;
- (4) the system has not been abandoned in accordance with Rule .1307 of this Subchapter;
- (5) the system complies with the condition(s) of the OP; and
- (6) the OP has not expired or been revoked.

(g) For a Type V or VI system as specified in Table XXXII of Rule .1301(b) of this Subchapter, the OP shall expire five years after being issued.

(h) An authorized agent shall modify, suspend, or revoke the OP or seek other remedies under G.S. 130A, Article 2, if it is determined that the system is not being operated and maintained in accordance with Section .1300 of this Subchapter and all conditions imposed by the OP.

(i) When an OP expires in accordance with Paragraph (g) of this Rule a new application shall be required prior to issuance of a new OP to confirm that the previously approved facility has not changed and that the system remains in compliance with permit conditions.

(j) When an OP is revoked due to facility non-compliance, such as additional wastewater flow or increased wastewater strength, a new application shall be required prior to evaluation for a new IP, CA, and OP.

(k) An OP shall be revoked prior to an ATO being issued for the same design unit on the same property.

*History Note: Authority G.S. 130A-335; 130A-337; 130A-338;
Eff. January 1, 2024.*