

## SECTION .0300 - RESPONSIBILITIES

### 15A NCAC 18E .0301 OWNERS

(a) The owner of a wastewater system shall:

- (1) comply with G.S. 130A, Article 11, the rules of this Subchapter, and permit conditions regarding wastewater system location, including repair area;
- (2) identify property lines and fixed reference points in the field prior to the LHD site evaluation;
- (3) make the site accessible for the site evaluation described in Rule .0501 of this Subchapter;
- (4) field stake or otherwise mark the proposed facility location and all associated appurtenances, such as vehicular traffic areas, garage, swimming pool, shed, entryways, decks, etc.;
- (5) provide for pits with excavated steps or a ramp in the pit that allow for ingress and egress when necessary for a soil and site evaluation at the site as determined by the LHD or the Department in accordance with Rule .0501 of this Subchapter;
- (6) provide for system operation, maintenance, monitoring, and reporting, including access for system maintenance;
- (7) maintain artificial drainage systems, as applicable;
- (8) prevent encroachment on the initial wastewater system and repair area by utilities, structures, vehicular traffic areas, etc.;
- (9) provide documentation supporting an exemption from the minimum setback requirements in Rule .0601(a) of this Subchapter to the LHD, as applicable;
- (10) establish and maintain site-specific vegetation over the dispersal field and repair area; and
- (11) repair a malfunctioning system as necessary in accordance with this Subchapter.

(b) The entire initial wastewater system and repair area shall be on property owned or controlled by the wastewater system owner. An easement or encroachment agreement shall be required for the permitting of any of the following installations:

- (1) any part of the wastewater system is located in a common area with other wastewater systems;
- (2) any part of the wastewater system is located in an area with multiple or third-party ownership or control;
- (3) any part of the wastewater system is proposed to be in an off-site area; or
- (4) any part of the wastewater system and the facility are located on different lots or tracts of land and cross a property line or right-of-way.

(c) Any necessary easements, rights-of-way, or encroachment agreements shall be obtained prior to the issuance of a CA. The easement, right-of-way, or encroachment agreement shall meet the following conditions:

- (1) be appurtenant to specifically described property and run with the land;
- (2) not be affected by change of ownership or control;
- (3) remain valid for as long as the wastewater system is required for the facility that it is designed to serve;
- (4) include a description of the uses being granted and shall include ingress, egress, and regress, system installation, operation, maintenance, monitoring, and repairs and any other activity required to remain in compliance with this Subchapter, including that the easement, right-of-way, or encroachment remain free of structures, landscaping, or any other activities that would interfere with the use of the easement or encroachment for its intended purpose;
- (5) specify in a deed by metes and bounds description the area or site required for the wastewater system and repair area, including collection sewers, tanks, raw sewage lift stations, distribution devices, and dispersal fields; and
- (6) be recorded with the register of deeds in the county where the system and facility are located.

(d) Prior to OP issuance for a system required to be designed by an authorized designer or PE, the owner shall submit to the LHD a statement signed by the authorized designer or PE specifying that the system has been installed in accordance with the permitted design. For systems designed by a PE, the statement shall be affixed with the PE seal.

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