

21 NCAC 39 .0103 is adopted with changes as published in 33:14 NCR 1502-1504 as follows:

**21 NCAC 39 .0103            ANNUAL REPORTS**

(a) On or before October 31 of each year, the Board shall prepare and file reports required pursuant to G.S. 93B-2.

The Board shall file reports in the manner requested by receiving agency or committee.

(b) The Board shall maintain an escrow account at the financial institution used regularly for deposits and checks.

Fees tendered during a period of suspension under G.S. 93B-2(d) shall be deposited into this escrow account.

*History Note:*     *Authority G.S. 93B-2; 90A-74;*

*Eff. July 1, 2019.*

21 NCAC 39 .0803 is adopted with changes as published in 33:14 NCR 1502-1504 as follows:

**21 NCAC 39 .0803            DELEGATING TO THIRD-PARTY SERVICE PROVIDERS**

(a) If a certificate holder delegates service requested by a client to another certificate holder, he or she must give notice to the client on or before the date of ~~service that said work is being delegated to another certificate holder.~~  
service.

~~(b) The certificate holder who delegates service as indicated above shall be jointly and severably responsible for all aspects of the service provided to the client.~~

(b) The certificate holder who delegates service as set forth in this Rule shall continue to be responsible for the delegated service provided to the client.

*History Note:     Authority G.S. 90A-74(6);*

*Eff. July 1, 2019.*

21 NCAC 39 .0901 is adopted with changes as published in 33:14 NCR 1502-1504 as follows:

## SECTION .0900 – RULEMAKING PROCEDURES

### 21 NCAC 39 .0901 PETITION FOR RULE-MAKING

(a) Any person submitting a petition to adopt, amend, or repeal a rule by the Board shall address a petition to the Chairman at the Board office as follows: Post Office Box 132, Lawsonville, North Carolina 27022.

~~(1)~~(b) The petition shall contain the following:

~~(a)~~(1) for petitions to adopt or amend a rule, a draft of the proposed rule or amendment;

~~(b)~~(2) a statement of the effect of the requested rule change; and

~~(c)~~(3) the name and address of the petitioner.

~~(2)~~(c) The petition may contain the following:

~~(a)~~(1) the reason for the proposal;

~~(b)~~(2) the effect of the new rule on existing rules; or

~~(c)~~(3) any data supporting the rule proposal.

*History Note: Authority G.S. 150B-20; 90A-74;*

*Eff. July 1, 2019.*

21 NCAC 39 .1005 is amended with changes as published in 33:14 NCR 1502-1504 as follows:

**21 NCAC 39 .1005 ON-SITE WASTEWATER SYSTEM COMPONENTS**

(a) When inspecting an on-site wastewater system the inspector shall inspect and describe the following in a report ~~described~~ as set forth in Rule .1002 of this Chapter:

- (1) ~~Any~~ any part of the system located more than five feet from the primary structure that is part of the operations permit;
- (2) ~~Septic~~ septic tanks;
- (3) ~~Pump~~ pump tanks;
- (4) ~~Distribution~~ distribution devices;
- (5) ~~Dispersal~~ dispersal fields;
- (6) ~~Treatment~~ treatment units;
- (7) ~~Control~~ control panels;
- (8) ~~Any~~ any other components required as part of on-site wastewater system permit, including drainage; and
- (9) ~~Any~~ any vegetation and grading with respect only to their effect on the condition of the system or system components.

(b) The inspector shall:

- (1) ~~Uncover~~ uncover tank lids and distribution devices so as to gain access, unless blocked as described in Rule .1004(b)(5) of this Section. The distribution box may remain covered if the inspector has an alternate method of observing its condition;
- (2) ~~Probe~~ probe system components where deterioration is suspected;
- (3) ~~Report~~ report the methods used to inspect the on-site wastewater system;
- (4) ~~Open~~ open readily accessible and readily openable components as defined in Rule .1001 of this Chapter; and
- (5) ~~Report~~ report signs of abnormal or harmful water entry into or out of the system or ~~components.~~ components; and
- (6) conduct the inspection using the rules promulgated under Article 11 of Chapter 130A in effect at the time of the initial construction or renovation of the system, whichever occurs later, and any subsequent installation or replacement of any system or component of the system.

(c) The inspector ~~is~~ shall not ~~be~~ required to:

- (1) ~~Conduct~~ conduct dosing volume calculations;
- (2) ~~Evaluate~~ evaluate soil conditions beyond saturation or ponding;
- (3) ~~Evaluate~~ evaluate for the presence or condition of buried fuel storage tanks;
- (4) ~~Evaluate~~ evaluate the system for proper sizing, design, or use of ~~proper~~ approved materials pursuant to Article 11 of Chapter 130A and the rules promulgated therefrom; or
- (5) ~~Perform~~ perform a hydraulic load test on the system.

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*History Note:* Authority G.S. 90A-72; 90A-74;  
Eff. October 1, 2011;  
Amended Eff. January 1, 2013;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 9,  
~~2018.~~ 2018;  
Amended Eff. July 1, 2019.