

1 21 NCAC 39 .0101 is amended with changes, as published in 30:02 NCR 175 as follows:

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3 **21 NCAC 39 .0101 DEFINITIONS**

4 ~~As used in~~ In addition to the terms defined in Article 5 of Chapter 90A of the General Statutes, the  
5 following definitions apply to the rules in this Chapter:

- 6 (1) "Ancillary" means an on-site wastewater system that is included in a primary construction project.
- 7 (2) "Building being constructed" means primary construction of a site-built single family residence.
- 8 ~~(2)~~ (3) "College course" means a semester unit or quarter based unit based of instruction given at a  
9 college or university, university that is relevant to on-site wastewater contractor or inspector  
10 activities activities, and is pre-approved by the board as set out in these Rules. Rule 21 NCAC 39  
11 .0603 of this Subchapter.
- 12 ~~(3)~~ (4) "Course/activity" "Course or Activity" means any course or activity with a clear purpose and  
13 objective that will maintain, improve improve, or expand skills and knowledge relevant to the  
14 practice of on-site wastewater contractor or inspector activities and pre-approved by the board.
- 15 ~~(4)(5)~~ "Employee" means a person who receives an Internal Revenue Service W2 form Form W 2 as a  
16 record of compensation.
- 17 ~~[(6)]~~ "Inspection" means an inspection as defined in G.S. 90A-71(4A).
- 18 ~~[(7)]~~ (5) "Personally supervise" means to direct and control all on-site wastewater contractor or inspector  
19 activities during the time those activities are being conducted.
- 20 ~~[(8)]~~ (6) "Professional development hour" or "PDH" means an hour of instruction or presentation and is the  
21 basic unit of credit for all courses or activities related to satisfying continuing education  
22 requirements.
- 23 ~~[(9)]~~ (7) "Repair" means repair construction activity or alteration to an existing on-site wastewater system  
24 that is necessary to comply with a Construction Authorization for a repair permit issued by the  
25 Local Health Department.
- 26 ~~[(10)]~~ (8) "Wastewater Treatment Facility" means a wastewater treatment facility as defined in G.S. 90A-  
27 71(8).

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29 *History Note:* Authority G.S. 90A-71; 90A-72; 90A-74;  
30 Eff. February 1, 2011;  
31 Amended Eff. January 1, 2016; January 1, 2013.  
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1 21 NCAC 39 .0301 is amended, with changes, as published in 30:02 NCR 176 as follows:

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3 **21 NCAC 39 .0301 SCHEDULE OF CERTIFICATION FEES**

4 (a) Application fees are:

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Grade Level	Initial Fee	Renewal Fee
I	\$150.00	\$75.00
II	\$200.00	\$75.00
III	\$250.00	\$75.00
IV	\$300.00	\$75.00
Inspector <u>Certificate</u>	\$200.00	\$75.00
Combination <u>Level IV/ Inspector Contractor Certification Grade Level &amp; Level and Inspector Certificate</u>	<del>\$500.00</del> <u>Sum of individual fees</u>	\$125.00

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7 (b) Application fees shall not be pro-rated.

8 ~~(c) The fee for a contractor grade level upgrade is fifty dollars (\$50.00) per level.~~

9 ~~(d)~~ (c) The fee for re-instatement of a revoked or suspended certification is five hundred dollars (\$500.00).

10 ~~(e)~~ (d) The fee for certificate replacement or duplication is twenty-five dollars (\$25.00).

11 ~~(f)~~ (e) The fee for late renewal is twenty-five dollars (\$25.00). This fee is charged if the renewal request is received after December 31.

13 ~~(g)~~ (f) The fee for each returned check is twenty-five dollars (\$25.00).

14 ~~(h)~~ (g) All fees are non-refundable.

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16 *History Note:* Authority G.S. 25-3-506; G.S. ~~90A-72~~ 90A-72(a); 90A-74; 90A-75; GS 90A-77(f); GS 90A-78(b);

17 *Eff. February 1, 2011; 2011;*

18 *Amended Eff. January 1, 2016.*

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1 21 NCAC 39 .0401 is amended **with changes**, as published in 30:02 NCR 176 as follows:

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3 **21 NCAC 39 .0401 ON-SITE WASTEWATER CONTRACTOR OR INSPECTOR EXAMINATIONS**

4 (a) On-site wastewater contractor or inspector examinations shall be comprehensive examinations that are  
5 standardized statewide.

6 (b) The exam questions shall be based on the **certification** **grade** levels.

7 (c) Combination certification shall require taking and passing the individual component exams.

8 ~~(d)~~ A grade on the examination of 70 percent or more shall be passing. Results of the examination shall be  
9 reported as either passing or failing.

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11 *History Note: Authority G.S. 90A-72; 90A-74; 90A-77;*

12 *Eff. February 1, ~~2011~~, 2011;*

13 *Amended Eff. January 1, 2016.*

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21 NCAC 39 .0601 is amended **with changes**, as published in 30:02 NCR 176 as follows:

**21 NCAC 39 .0601 REQUIREMENTS**

(a) Every certified on-site wastewater contractor or inspector shall obtain Professional Development Hours (PDH) units during the renewal period as described in the following **Table: table:**

Level	Annual PDH Units Required
I	<del>(3)</del> 3
II	<del>(3)</del> 3
III	<del>(6)</del> 6
IV	<del>(6)</del> 6
Inspector	<del>(6)</del> 6
<u>Inspector/Grade IV Combo Combination Contractor Grade Level &amp; Level and Inspector</u>	<del>(6)</del> 6

(b) The certified on-site wastewater contractor **or inspector** shall select courses and activities that have been approved as set out in 21 NCAC 39 .0602.

(c) Professional Development Hours (PDH) shall be accepted by the Board for approved courses pursuant to 21 NCAC 39 .0603. Hours for all other courses **must shall** be submitted by providers to the Board for approval **pursuant to 21 NCAC 39 .0602**. If not approved, no PDH shall be granted for the course.

(d) The class provider or authorized representative of the class provider **must shall** certify that each class attendee was present for at least 85 percent of the class. Any attendee present for less time shall not receive credit for the class.

*History Note:* Authority G.S. 90A-72; 90A-74; 90A-77; 90A-78; 90A-79;  
Eff. February 1, 2011;  
Amended Eff. **January 1, 2016; January 1, 2013.**

1 21 NCAC 39 .0602 is amended **with changes**, as published in 30:02 NCR 176 as follows:

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3 **21 NCAC 39 .0602 APPROVAL OF CONTINUING EDUCATION COURSES**

4 (a) All continuing education courses **must shall** be approved by the Board before PDH can be granted.

5 (b) All continuing education courses **must shall** be approved on an annual basis.

6 (c) The Board shall approve courses that instruct on on-site wastewater contractor or inspector activities and the use  
7 of on-site wastewater contractor or inspector equipment, products, and materials. The Board **must shall** determine  
8 that courses and activities contain a clear purpose and objective and result in the maintenance, improvement, or  
9 expansion of skills and knowledge related to the practice of on-site wastewater contractor or inspector activities.

10 **Providers may request Requests for approval of courses or activities that shall include the following information**  
11 **from the Board by obtaining and completing a form available on the Board's website ([www.ncowcicb.info](http://www.ncowcicb.info)) or by a**  
12 **written request to the Board that provides the following information:**

- 13 (1) Course content;
- 14 (2) Course schedule;
- 15 (3) Level of instruction provided (Level 1, 2, 3, 4, Inspector, or ~~level 4/Inspector~~); Combination  
16 Contractor Grade Level & Level and Inspector);
- 17 (4) Qualifications of instructors (including both education and experience); and
- 18 (5) Materials provided, field experiences, and other activities available in connection with the  
19 course(s).

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21 *History Note: Authority G.S. 90A-72; 90A-74; 90A-77; 90A-78; 90A-79;*

22 *Eff. February 1, ~~2011~~, 2011;*

23 *Amended Eff. January 1, 2016.*

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1 21 NCAC 39 .0701 is amended with changes, as published in 30:02 NCR 177 as follows:

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3 **21 NCAC 39 .0701 REVOCATION, OR SUSPENSION OF CERTIFICATION**

4 (a) The Board may revoke or suspend the certification of an on-site wastewater contractor or inspector in  
5 accordance with the provisions of G.S. 90A-80, 90A-81 and Article 3A of Chapter of 150B of the NC General  
6 Statutes. For holders of the Combination Contractor Grade ~~Level & Level~~ and Inspector certifications, the Board  
7 may revoke or suspend either or both certifications.

8 (b) A certificate holder may relinquish a certificate ~~Certification may be relinquished~~ by submission to the Board of  
9 the original certificate and a notarized statement of relinquishment.

10 (c) The Board may ~~issue a written reprimand to~~ restrict the certificate of an on-site wastewater contractor or  
11 inspector. ~~The reprimand~~ Written notice of the restriction shall be delivered in accordance with the provisions of  
12 service in G.S. 150B-42. A copy of the letter shall be kept in the on-site wastewater contractor or inspector's file.  
13 The on-site wastewater contractor or inspector shall be given the opportunity to put a letter of rebuttal into the file.  
14 The letter ~~must~~ shall be received by the Board within 30 days of receipt of ~~reprimand,~~ the written notice.

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16 *History Note: Authority G.S. 90A-72; 90A-74; 90A-80; 90A-81;*

17 *Eff. February 1, ~~2011~~ 2011;*

18 *Amended Eff. January 1, 2016.*

1 21 NCAC 39 .0801 is amended **with changes**, as published in 30:02 NCR 177 as follows:

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3 **21 NCAC 39 .0801 CODE OF ETHICS**

4 (a) Contractors and inspectors shall at all times recognize their primary obligation is to protect the public in the  
5 performance of their professional duties and shall conduct the practice of those duties in a manner that protects the  
6 public health, safety and welfare.

7 (b) Opinions expressed by contractors and inspectors in the discharge of their duties shall only be based on their  
8 ~~education, experience, and honest convictions.~~ **education and experience.**

9 (c) Neither a contractor nor an inspector shall disclose any information about the results of an inspection without the  
10 approval of the client for whom the inspection was performed, or the client's designated representative, except as  
11 required by law.

12 (d) No contractor or inspector shall accept compensation or any other consideration from more than one interested  
13 party for the same service without the consent of all interested parties.

14 (e) No contractor or inspector shall accept or offer commissions or allowances, directly or indirectly, from or to  
15 other parties dealing with the client in connection with work for which the licensee is responsible.

16 (f) No contractor or inspector shall provide an appraisal nor express an opinion of the market value of the inspected  
17 property during an inspection or in the inspection report.

18 (g) Before the execution of a contract to perform an on-site wastewater system inspection, an inspector shall  
19 disclose to the client any interest the inspector has in a business that may affect the client. No licensee shall allow  
20 his or her interest in any business to affect the quality or results of the inspection work that the inspector may be  
21 called upon to perform.

22 (h) Before the execution of a contract to perform an on-site wastewater system installation, a contractor shall  
23 disclose to the client any interest a contractor has in a business that may affect the client. No licensee shall allow his  
24 or her interest in any business to affect the quality or results of the installation work that the contractor may be called  
25 upon to perform.

26 (i) Contractors shall not knowingly or willfully install a non-permitted system.

27 (j) Contractors shall not knowingly or willfully install a system or any part of a system other than what is specified  
28 in the permit by the local health department.

29 (k) Contractors and inspectors shall not engage in false or misleading ~~advertising~~ advertising, documentation, and  
30 reporting or otherwise misrepresent any matters to the public.

31 (l) Contractors and inspectors shall discharge their duties in accordance with Article 5 of Chapter 90A of the North  
32 Carolina General Statutes and the rules of the Board.

33 (m) No inspector shall subcontract with another inspector for an on-site wastewater system inspection without the  
34 knowledge and signed consent of the client.

35 (n) The contractor of record shall be the responsible party for the on-site wastewater system installation or repair.

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37 *History Note: Authority G.S. 90A-72; 90A-74;*

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*Eff. November 1, 2011.*

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*Amended Eff. January 1, 2016.*



1 21 NCAC 39 .1002 is amended with changes, as published in 30:02 NCR 177, 178 as follows:

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3 **21 NCAC 39 .1002 GENERAL REQUIREMENTS**

4 Inspectors shall:

- 5 (1) Provide a written contract, signed by the client or client's representative, before the on-site  
6 wastewater system inspection is performed that:
- 7 (a) States that the on-site wastewater system inspection is conducted in accordance with  
8 Rules .1004, .1005, and .1006 of this Section; ~~the Standards of Practice of the North~~  
9 ~~Carolina On-site Wastewater Contractors and Inspectors Certification Board;~~ and
- 10 (b) Describes what services shall be provided and their cost.
- 11 (2) Obtain written permission from the owner or owner's representative to perform the inspection.  
12 ~~[inspection and its various elements, such as digging to open the tank.]~~
- 13 ~~(2)~~ (3) Inspect readily openable and readily accessible installed systems and components listed in this  
14 Section; and Section.
- 15 ~~(3)~~ (4) Submit a written report to the client or client representative within 10 business days of the  
16 inspection that:
- 17 (a) Describes those systems and components required to be described in Rules .1005 through  
18 .1006 of this Section;
- 19 (b) States which systems and components designated for inspection in this Section have been  
20 inspected, and state any systems or components designated for inspection that were not  
21 inspected, and the reason for not ~~inspecting;~~ inspecting. ~~[As a reason for not inspecting,~~  
22 ~~“could not locate” is not synonymous with “not visible”. If a component could not be~~  
23 ~~found, that must be sated as such;]~~ Failure to locate the system or components for  
24 inspection or “could not locate” shall not be the same as “not visible.” If the system or  
25 component is not located, the written report shall state the failure to locate the system or  
26 components for inspection or “could not locate;”
- 27 (c) States any systems or components inspected that do not function as intended or adversely  
28 affect harm the wastewater treatment system;
- 29 (d) States whether the condition reported requires repair or subsequent observation, or  
30 warrants further evaluation by the local health department. The statements shall describe  
31 the component or system and how the condition is defective, explain the consequences of  
32 the condition, and refer the recipient to the local health department or a certified on-site  
33 wastewater contractor; and
- 34 (e) States the name, license number, and signature of the certified inspector.
- 35 (5) Maintain records for a period of seven years.
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1 21 NCAC 39 .1004 is amended **with changes**, as published in 30:02 NCR 178 as follows:

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3 **21 NCAC 39 .1004 GENERAL EXCLUSIONS OF AN INSPECTION**

4 (a) Inspectors **are not shall not be** required to report on:

- 5 (1) Life expectancy of any component or system;
- 6 (2) The causes of the need for a repair;
- 7 (3) The methods, materials, and costs of corrections;
- 8 (4) The suitability of the property for any specialized use;
- 9 (5) The market value of the property or its marketability;
- 10 (6) The advisability or inadvisability of purchase of the property; or
- 11 (7) Normal wear and tear to the system.

12 (b) Inspectors **are not shall not be** required to:

- 13 (1) Identify property lines;
- 14 (2) Offer warranties or guarantees of any kind;
- 15 (3) Calculate the strength, adequacy, or efficiency of any system or component;
- 16 (4) Operate any system or component that does not respond to normal operating controls;
- 17 (5) Move excessive vegetation, structures, personal items, panels, furniture, equipment, snow, ice, or
- 18 debris that obstruct access to or visibility of the system and any related components;
- 19 (6) Determine the presence or absence of any suspected adverse environmental condition or hazardous
- 20 substance, including toxins, carcinogens, noise, and contaminants in the building or in soil, water,
- 21 and air;
- 22 (7) Determine the effectiveness of any system installed to control or remove suspected hazardous
- 23 substances;
- 24 (8) Predict future condition, including failure of components;
- 25 (9) Project operating costs of components;
- 26 (10) Evaluate acoustical characteristics of any system or component; or
- 27 (11) Inspect equipment or accessories that are not listed as components to be inspected in this Section.

28 (c) Inspectors and Contractors shall not:

- 29 (1) Offer or perform any act or service contrary to **law or rule; Article 5 of G.S. 90A or the rules of**
- 30 **this Chapter;** or
- 31 (2) Offer or perform engineering, architectural, plumbing, electrical, pesticide or any other job
- 32 function requiring an occupational license in the jurisdiction where the ~~inspection~~ inspection,
- 33 installation, or repair is taking place, unless the on-site wastewater system inspector or contractor
- 34 holds a valid occupational license in that field, in which case the inspector or contractor shall
- 35 inform the client that the inspector or contractor is so licensed.
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37 *History Note: Authority G.S. 90A-72; 90A-74;*

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*Eff. October 1, ~~2011~~ 2011;*  
*Amended Eff. January 1, 2016.*

1 21 NCAC 39 .1006 is amended **with changes**, as published in 30:02 NCR 178, 179 as follows:

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3 **21 NCAC 39 .1006 MINIMUM ON-SITE WASTEWATER SYSTEM INSPECTION**

4 (a) The inspector shall **attempt to** obtain, evaluate, describe, or determine the following during the inspection:

- 5 (1) Advertised number of bedrooms as stated in the realtor Multiple Listing Service information or by  
6 a sworn statement of owner or owner's representative; **and**  
7 (2) Designed system size (gallons per day or number of bedrooms) as stated in available local health  
8 department information, such as the current operation permit or the current repair **permits permit**.  
9 ~~(3) Requirement for a certified subsurface water pollution control system operator pursuant to G.S.~~  
10 ~~90A 44, current certified operator's name, and most recent performance, operation and~~  
11 ~~maintenance reports (if applicable and available);~~  
12 ~~(4) Type of water supply, such as well, spring, public water, or community water;~~

13 (b) The inspector shall obtain, evaluate, describe, or determine the following during the inspection:

- 14 (1) Requirement for a certified subsurface water pollution control system operator pursuant to G.S.  
15 90A-44, current certified operator's name, and most recent performance, operation and  
16 maintenance reports (if applicable and available);  
17 (2) Type of water supply, such as well, spring, public water, or community **water, water;**  
18 ~~(3)~~ (3) Location of septic tank and septic tank details:  
19 (A) Distance from house or other structure;  
20 (B) Distance from well, if applicable;  
21 (C) Distance from water line, if applicable and readily visible;  
22 (D) Distance from property line, if said property lines are known;  
23 (E) Distance from finished grade to top of tank or access riser;  
24 (F) Presence and type of access risers;  
25 (G) Condition of tank lids;  
26 (H) Condition of tank baffle wall;  
27 (I) Water level in tank relative to tank outlet;  
28 (J) Condition of outlet tee;  
29 (K) Presence and condition of outlet filter, if applicable;  
30 (L) Presence and extent of roots in the tank;  
31 (M) Evidence of tank leakage;  
32 (N) Evidence of inflow non-permitted connections, such as from downspouts or sump pumps;  
33 (O) Connection present from house to tank;  
34 (P) Connection present from tank to next component;  
35 (Q) Date tank was last pumped, if known; and  
36 (R) Percentage of solids (sludge and scum) in tank;  
37 ~~(S) The inspection form shall contain the statement:~~

1 "Client requesting this inspection has been advised that for a complete inspection to be  
2 performed, the tank needs to be pumped. Client has declined to have the tank pumped at  
3 inspection and hereby acknowledges they have so declined." A space shall be provided  
4 for the client signature and date.

5 ~~(6)~~(4) Location of pump tank and pump tank details:

- 6 (A) Distance from house or other structure;
- 7 (B) Distance from well or spring, if applicable;
- 8 (C) Distance from water line, if applicable;
- 9 (D) Distance from property line, if said property lines are known;
- 10 (E) Distance from finished grade to top of tank or access riser;
- 11 (F) Distance from septic tank;
- 12 (G) Presence and type of access risers;
- 13 (H) Condition of tank lids;
- 14 (I) Location of control panel;
- 15 (J) Condition of control panel;
- 16 (K) Audible and visible alarms (as applicable) work;
- 17 (L) Pump turns on, and effluent is delivered to next component; and
- 18 (M) Lack of electricity at time of inspection prevented complete evaluation;

19 ~~(7)~~(5) Location of dispersal field and dispersal field details:

- 20 (A) Type of dispersal field;
- 21 (B) Distance from property line, if said property lines are known;
- 22 (C) Distance from septic tank and also pump tank if a pump tank exists;
- 23 (D) Number of lines;
- 24 (E) Length of lines;
- 25 (F) Evidence of past or current surfacing at time of inspection;
- 26 (G) Evidence of traffic over the dispersal field;
- 27 (H) Vegetation, grading, and drainage with respect only to their effect on the condition of the
- 28 system or system components; and
- 29 (I) Confirmation that system effluent is reaching the drainfield; and

30 ~~(8)~~(6) Conditions that prevented or hindered the ~~inspection.~~ inspection or determination of Subparagraph  
31 (b)(1) through ~~(b)(4)~~ (b)(5) of this Rule.

32 (c) If a client declines to allow a tank to be pumped, the inspection form shall contain the statement:

33 "Client requesting this inspection has been advised that for a complete inspection to be  
34 performed, the tank needs to be pumped. Client has declined to have the tank pumped at  
35 inspection and hereby acknowledges they have so declined." A space shall be provided  
36 for the client signature and date.

37 ~~(b)~~~~(c)~~ (d) The inspector ~~is not required to:~~ shall not:

- 1           (1)     Insert any tool, probe, or testing device inside **pump system** control panels; or
- 2           (2)     Dismantle any electrical device or control other than to remove the covers of the main and
- 3                     auxiliary control panels.

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*History Note:     Authority G.S. 90A-72; 90A-74;*  
*Eff. October 1, 2011;*  
*Amended Eff. **January 1, 2016;** April 1, **2014.***