



North Carolina Department of Health and Human Services
Division of Public Health

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March 15, 2016

POSITION STATEMENT: Revision to Residential Wastewater Systems (RWTS) Operator Requirements

PURSUANT TO: Session Law 2015-286, Section 4.14(j): Amendment to §130A-342 (b)

SOURCE: Nancy Deal, Onsite Water Protection Branch Head

Session Law (SL) 2015-286 became effective October 22, 2015. The purpose of this document is to summarize Section 4.14(j) of this law and provide guidance on its implementation.

The relevant section of this Session Law in its entirety including the amended language is as follows:

S.L. 2015-286: REFORM ON-SITE WASTEWATER REGULATION

SECTION 4.14. (j) G.S. 130A-342 reads as rewritten:

130A-342. Residential wastewater treatment systems.

(b) A permitted system with a design flow of less than 1,500 gallons per day shall be operated ~~and maintained by a certified wastewater treatment facility operator~~ by a person who is a Subsurface Water Pollution Control System Operator as certified by the Water Pollution Control System Operators Certification Commission and authorized by the manufacturer of the individual residential wastewater treatment system. The Commission may, in addition to the requirement for a certified Subsurface Water Pollution Control System Operator, establish additional standards for wastewater systems with a design flow of 1,500 gallons or greater per day.

INTERPRETATION AND DISCUSSION:

Individual Residential Wastewater Treatment Systems (RWTS) are systems approved and listed in accordance with the standards adopted by NSF International (NSF) for Class I residential wastewater treatment systems, as set out in NSF/ANSI (American National Standards Institute) Standard 40. A manufacturer of a RWTS may apply to the State for approval pursuant to applicable rules adopted by the Commission for Public Health. A RWTS with design daily flow less than 1500 gallons per day (gpd) may now be operated by a manufacturer-authorized Certified Subsurface System Operator. The law no longer requires RWTS operators to have a Grade II Biological Water Pollution Control Treatment certification.

The questions and responses below may not address all issues related to this topic. If you have additional questions, please contact your Regional Soil Scientist for assistance.

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QUESTIONS AND RESPONSES:

Q: Is this retroactive to existing systems and operation requirements?

A: Yes. The law references "permitted" systems and thus applies to both existing and new installations.

Q: Does this amendment remove the requirement for a contract with an operator?

A: No. These systems still require a valid contract with a certified individual.

Q: Must an operator who holds a Subsurface (SS) certification through the Water Pollution Control System Operators Certification Commission obtain additional training prior to operating a RWTS?

A: No. However, they must be authorized to perform operation and maintenance by the manufacturer of the individual RWTS.

Q: Will the requirements for additional certification (e.g., a Grade II Biological Water Pollution Control Treatment certificate) apply to systems with a design flow of 1,500 gallons per day or greater?

A: Yes. However, to qualify as an RWTS under this section of the Statutes requires the system to be approved and listed in accordance with NSF/ANSI Standard 40. Currently, Standard 40 is applicable only to systems with a design flow of 400 to 1500 gallons per day.

REFERENCES:

NCGS 130A-342 (b)

NOTE: Position statements are policy documents to clarify how to interpret or enforce a law or rule. They are not enforceable on their own, but are intended to promote uniform interpretation and enforcement of the underlying law or rule.