

**STATE OF NC LICENSED SOIL SCIENTIST COVID-19 PERMIT OPTION  
INSTRUCTIONS FOR USE OF THE COMMON FORM FOR NON-ENGINEERED SYSTEMS**

**GENERAL INFORMATION**

This State form is required for submittal of documentation of a Licensed Soil Scientist (LSS) COVID-19 Permit pursuant to S.L. 2020-3, Section 4.18 and G.S. 130A-336.2.

Three separate actions are addressed in this form:

1. Notice of Intent to Construct (NOI) (and resubmittal of missing information);
2. Local Health Department (LHD) Completeness Review of the NOI as submitted by the owner and written confirmation of same; and,
3. Review of information submitted by the owner for Authorization to Operate (ATO) and written confirmation of same.

**PART 1: Notice of Intent to Construct (NOI)**

**Content (as submitted by the Owner and LSS) for the NOI**

The Owner or LSS completes Part 1 of the form through item 18 and signs and dates it to confirm that the information provided meets the requirements of G.S. 130A-336.2 and S.L 2020-3, Section 4.18.

**Form received by LHD**

The form shall be submitted to the LHD by the Owner. The LHD enters the date that the initial NOI is received. The LHD enters the reference number for the LSS COVID-19 permit at the top of each page.

The LHD verifies that the LSS attested to the content submitted by signing and dating as appropriate. If not signed by the LSS, the NOI is INCOMPLETE.

**PART 2: LHD Completeness Review of the Notice of Intent**

This section is designed for the LHD to document receipt of the required items. The LHD has no liability for the site evaluation, design plans and specifications, and the construction of the system. Thus, the completeness review is based upon information that the LSS provides and attests to on the NOI, not based on review of the submitted items.

**Items 1 through 5:** The LHD verifies that the LSS provided contact information for the Owner as well as for professionals who will participate in the design, permitting, installation and inspection process. Without contact information for the owner, LSS, and an Onsite System Contractor (at a minimum), the NOI is INCOMPLETE.

**Item 6 through 19:** LHD verifies that the LSS:

6. States on the form that “proof of errors and omissions or other liability Insurance” is attached for each professional and that the submitted information includes the name of the insurer, the name of the insured individual and the effective dates of coverage. *[Note that, at a minimum, the LSS must check boxes for “LSS” and attach Proof of Insurance in accordance with G.S. 130A-336.2(b)(4) and S.L. 2020-3, Section 4.18(d)].*
7. Provides a physical location of the property. If a 911 address is not yet assigned, other identifying information must be provided such as a PIN or Subdivision name/Phase or Section/Lot number.
8. Provides a facility description (e.g., “Single family residence”, “Office space” or “Dog kennel”) and the basis for the flow projection required in Number 11. Note that for residences, Number of occupants is required. For businesses and places of public assembly, the LSS must indicate the specific basis for flow projection (Number of seats, occupancy load, etc.).
9. Describes any factors that “would affect the wastewater load” on the form.

10. Designates a System Type (per Rule.1961) and rough system location (“Right rear of property as viewed from the road” or similar).
  11. States the projected wastewater flow and the projected wastewater strength. *(For high strength and industrial process wastewater, a Professional Engineer licensed in accordance with G.S. 89C shall design the on-site wastewater system.)*
  12. States that a Plat as defined in 130A-334(7a) is included in the submittal.
  13. States that the Owner owns or controls the property on which the system is located [15A NCAC 18A .1938(j)].
  14. Indicated whether easements or encroachment agreements are required, and if YES, lists the County, Deed book and Page number where they are recorded.\*
  15. Indicates whether multi-party agreements are required, and if YES, lists the County, Deed book and Page number where they are recorded.\*
  16. States that any proposed setbacks to all water supplies and appurtenances are compliant with 15A NCAC 18A .1950.
  17. States that a soils and site evaluation in accordance with G.S. 130A-335(a1) signed and sealed by an LSS is attached.
  18. States that an evaluation of geologic and hydrogeologic conditions in accordance with G.S. 130A-335(a1) signed and sealed by a LG is attached, if applicable.
  19. States whether plans for proposed landscape, site, drainage or soil modifications are included.
- \* *Must be recorded at this stage so the Owner can apply for building permits once the NOI is determined to be complete.*

#### **Documentation of Completeness Review**

The LHD must complete the initial review and respond to the LSS and Owner within 5 business days of receipt of the initial submittal. If the LHD fails to respond, the Owner or LSS may treat the failure to act as a determination of completeness.

- The LHD verifies that the LSS signed and dated this section to attest to the integrity of the information.
- INCOMPLETE: Check this box if appropriate.
  - LHD enters the item number(s) in the space provided.
  - LHD indicates the date and method by which notification was conveyed to the Owner and the LSS.

*NOTE: The Owner may re-submit missing information using Page 5 of the common form.*
- COMPLETE – Check this box if appropriate.
  - LHD indicates that notification was sent to the Owner and LSS. *The LHD retains the original document.*
- LHD shall note the date a copy of the final NOI and tracking documentation is sent to the Department as required.

#### **Resubmittals**

The LHD must review and respond within 5 days of re-submittal of missing information. If the LHD fails to respond, the owner or LSS may treat the failure to act as a determination of completeness.

- The LHD enters the date the resubmitted information is received and verifies that the LSS signed and dated this section to attest to the nature of the resubmitted information.
- Proceed as described in the previous section depending upon whether the NOI is INCOMPLETE or COMPLETE.

***Note: Once the NOI is deemed complete, please refer interested parties to the text included below the LHD signature line regarding the issuance of building permits pursuant to 130A-338.***

### **PART 3: Authorization to Operate (ATO)**

#### **Documentation required for the ATO and attestation by the LSS**

When construction of the system is complete, the owner shall submit documentation to the LHD as required in 130A-336.2(l).

- The LHD enters the date the information was received.
- The Owner indicates on this form what information they have submitted to the LHD by indicating “Yes” or “No” next to each required item.
- The Owner signs and dates this section to attest that the listed information is attached.
- The LHD verifies that the Owner signed this section attesting to the integrity of the information.

#### **LHD Review of information submitted by the Owner**

The LHD shall respond to the LSS and Owner within 5 days of receipt the information for the ATO. Again, the LHD shall not conduct a qualitative review of submitted information but will simply document that the Owner attests that the information required by Statute and Rule has been provided.

- INCOMPLETE: Check this box if any of the boxes in this section are checked “No”.
  - LHD enters the item number(s) in the space provided.
  - LHD indicates the date and method by which notification was conveyed to the Owner and the LSS.
  - The Owner shall re-submit missing information.
- COMPLETE – Check this box if appropriate.
  - The LHD indicates that notification was sent to the Owner and LSS. *The LHD retains the original document.*
  - LHD notes when and how a copy of the complete NOI, ATO and tracking documentation is sent to the Department as required.

***Note: Once the ATO information is deemed complete, please refer interested parties to the text included below the LHD signature line regarding the statutory language allowing issuance of permanent power and certificate of occupancy pursuant to 130A-339.***

S.L. 2020-3, Section 4.18(d) states that:

*“The Department of Health and Human Services, the Department's authorized agents, and local health departments shall have no liability for wastewater systems developed, constructed, installed, or approved by a licensed soil scientist acting pursuant to the authority granted in this section; however, nothing in this section shall relieve the Department, the Department's authorized agents, and local health departments from any of their other obligations under State law or administrative rule.”*

The LSS is fully responsible for the on-site wastewater system siting, design, and construction, as well as for development of an appropriate management plan. Thus, the Owner attests that the information required by Statute and Rule has been provided. LHD review is limited to a review of information provided by the Owner and LSS on the form.

### LSS COVID-19 Permit Option Tracking information

The LHD completes this form for each NOI/ATO submitted to their offices. The LHD updates this information and re-sends it throughout the process as appropriate. The Department will use this data to draft required legislative reports on implementation of the LSS COVID-19 permitting process.

#### Tracking information for LSS COVID-19 permits (Required)

County	
LHD Reference Number	
Permitting backlog as of date of NOI submittal (# days)	
Number of days to process the NOI (# days)	
Number of days to process re-submitted NOI (# days or "NA")	
Facility type	
Domestic, High Strength or IPWW	
Design Daily Flow	
Residential or Commercial	
System type (per Rule .1961)	
Date of Post-construction conference	
Date Authorization to Operate issued	
Fee charged for LSS COVID-19	
Is fee sufficient to cover LHD costs?	
Date LHD notified of LSS COVID-19 malfunction	
Date LHD notified of Owner complaint	