

# NCOWCICB Current Version of Rules as of 1/1/16

## SECTION .1000 - NC ON-SITE WASTEWATER INSPECTOR STANDARDS OF PRACTICE

### 21 NCAC 39 .1001 DEFINITIONS

As used in this Section:

- (1) "Automatic safety controls" means devices designed and installed to protect systems and components from excessively high or low pressures and temperatures, excessive electrical current, loss of water, high water, fire, freezing, or other unsafe conditions.
- (2) "Component" means a readily accessible and observable part of an on-site wastewater system.
- (3) "Cross connection" means any physical connection or arrangement between potable water and the on-site wastewater system or any other source of contamination.
- (4) "Dangerous or adverse situations" means situations that pose a threat of injury to the inspector, or those situations that require the use of special protective clothing or safety equipment, such as personal protection equipment.
- (5) "Describe" means a written report of a condition found within the system or any observed component of the inspected system.
- (6) "Dismantle" means to take apart or remove any component, device or piece of equipment that is bolted, screwed, or fastened by other means and that would not be taken apart or removed by a homeowner or operator in the course of normal household maintenance.
- (7) "Enter" means to go into an area to inspect all readily accessible, readily openable, and readily visible components.
- (8) "Hydraulic Load Test" means the introduction of water or waste water into a system for the purposes of mimicking the system's peak flows.
- (9) "Inflow" means extraneous water directly entering a component, such as via a sump pump, foundation drain, condensate line, or infiltration.
- (10) "Normal operating controls" means certified operator or homeowner-operated devices.
- (11) "Normal wear and tear" means superficial blemishes or defects that do not interfere with the functionality of the component or system.
- (12) "Operate" means to cause systems or equipment to function.
- (13) "Readily accessible" means approachable or enterable for inspection without the risk of damage to any property or alteration of the accessible space, equipment, or opening.
- (14) "Readily openable access panel" means a panel provided for homeowner or certified operator maintenance and operation that has removable or operable fasteners or latch devices in order to be lifted off, swung open, or otherwise removed for inspection. This definition is limited to those wastewater system components not blocked by stored items, furniture, building components or landscaping.
- (15) "Readily visible" means seen by using natural or artificial light without the use of equipment or tools other than a probe, flashlight or mirror.
- (16) "Roof drainage systems" means gutters, downspouts, leaders, splash blocks, and similar parts used to carry water off a roof and away from a building.
- (17) "Shut down" means a condition or conditions wherein a piece of equipment or system cannot be operated by the device or control that a homeowner should normally use to operate it. If its safety switch or circuit breaker is in the "off" position, or its fuse is missing or blown, the inspector is not required to reestablish the circuit for the purpose of operating the equipment or system.
- (18) "Structural component" means a wastewater system component that supports non-variable forces or weights (dead loads) and variable forces or weights (live loads), such as a control panel support, septic tank, D-box, or manifold.

*History Note:* Authority G.S. 90A-71, 90A-74:  
Eff. October 1, 2011.

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

Inspectors shall:

- (1) Provide a written contract, signed by the client or client's representative, before the on-site wastewater system inspection is performed that:
  - (a) States that the on-site wastewater system inspection is conducted in accordance with Rules .1004, .1005, and .1006 of this Section; and
  - (b) Describes what services shall be provided and their cost.
- (2) Obtain written permission from the owner or owner's representative to perform the inspection.
- (3) Inspect readily openable and accessible installed systems and components listed in this Section.
- (4) Submit a written report to the client or client representative within 10 business days of the inspection that:
  - (a) Describes those systems and components required to be described in Rules .1005 through .1006 of this Section;
  - (b) States which systems and components designated for inspection in this Section have been inspected, and state any systems or components designated for inspection that were not inspected, and the reason for not inspecting. Failure to locate the system or components for inspection or "could not locate" shall not be the same as "not visible." If the system or component is not located, the written report shall state the failure to locate the system or components for inspection or "could not locate;"
  - (c) States any systems or components inspected that do not function as intended or harm the wastewater treatment system;
  - (d) States whether the condition reported requires repair or subsequent observation, or warrants further evaluation by the local health department. The statements shall describe the component or system and how the condition is defective, explain the consequences of the condition, and refer the recipient to the local health department or a certified on-site wastewater contractor; and
  - (e) States the name, license number, and signature of the certified inspector.
- (5) Maintain records for a period of seven years.

*History Note: Authority G.S. 90A-71; 90A-72; 90A-74;  
Eff. October 1, 2011;  
Amended Eff. January 1, 2016; April 1, 2014.*

## **21 NCAC 39 .1004 GENERAL EXCLUSIONS**

- (a) Inspectors shall not be required to report on:
  - (1) Life expectancy of any component or system;
  - (2) The causes of the need for a repair;
  - (3) The methods, materials, and costs of corrections;
  - (4) The suitability of the property for any specialized use;
  - (5) The market value of the property or its marketability;
  - (6) The advisability or inadvisability of purchase of the property; or
  - (7) Normal wear and tear to the system.
- (b) Inspectors shall not be required to:
  - (1) Identify property lines;
  - (2) Offer warranties or guarantees of any kind;
  - (3) Calculate the strength, adequacy, or efficiency of any system or component;
  - (4) Operate any system or component that does not respond to normal operating controls;
  - (5) Move excessive vegetation, structures, personal items, panels, furniture, equipment, snow, ice, or debris that obstruct access to or visibility of the system and any related components;
  - (6) Determine the presence or absence of any suspected adverse environmental condition or hazardous substance, including toxins, carcinogens, noise, and contaminants in the building or in soil, water, and air;
  - (7) Determine the effectiveness of any system installed to control or remove suspected hazardous substances;
  - (8) Predict future condition, including failure of components;
  - (9) Project operating costs of components;
  - (10) Evaluate acoustical characteristics of any system or component; or
  - (11) Inspect equipment or accessories that are not listed as components to be inspected in this Section.
- (c) Inspectors and Contractors shall not:
  - (1) Offer or perform any act or service contrary to Article 5 of G.S. 90A or the rules of this Chapter; or
  - (2) Offer or perform engineering, architectural, plumbing, electrical, pesticide or any other job function requiring an occupational license in the jurisdiction where the inspection, installation, or repair is taking place, unless

the on-site wastewater system inspector or contractor holds a valid occupational license in that field, in which case the inspector or contractor shall inform the client that the inspector or contractor is so licensed.

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

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

- (a) When inspecting an on-site wastewater system the inspector shall inspect and describe:
- (1) Any part of the system located more than five feet from the primary structure that is part of the operations permit;
  - (2) Septic tanks;
  - (3) Pump tanks;
  - (4) Distribution devices;
  - (5) Dispersal fields;
  - (6) Treatment units;
  - (7) Control panels;
  - (8) Any other components required as part of on-site wastewater system permit, including drainage; and
  - (9) 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 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 system components where deterioration is suspected;
  - (3) Report the methods used to inspect the on-site wastewater system;
  - (4) Open readily accessible and readily openable components; and
  - (5) Report signs of abnormal or harmful water entry into or out of the system or components.
- (c) The inspector is not required to:
- (1) Conduct dosing volume calculations;
  - (2) Evaluate soil conditions beyond saturation or ponding;
  - (3) Evaluate for the presence or condition of buried fuel storage tanks;
  - (4) Evaluate the system for proper sizing, design, or use of proper materials; or
  - (5) Perform a hydraulic load test on the system.

*History Note: Authority G.S. 90A-72; 90A-74;  
Eff. October 1, 2011;  
Amended Eff. January 1, 2013.*

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

- (a) The inspector shall obtain, evaluate, describe, or determine the following during the inspection:
- (1) Advertised number of bedrooms as stated in the realtor Multiple Listing Service information or by a sworn statement of owner or owner's representative; and
  - (2) Designed system size (gallons per day or number of bedrooms) as stated in available local health department information, such as the current operation permit or the current repair permit.
- (b) The inspector shall obtain, evaluate, describe, or determine the following during the inspection:
- (1) Requirement for a certified subsurface water pollution control system operator pursuant to G.S. 90A-44, current certified operator's name, and most recent performance, operation and maintenance reports (if applicable and available);
  - (2) Type of water supply, such as well, spring, public water, or community water;
  - (3) Location of septic tank and septic tank details:
    - (A) Distance from house or other structure;
    - (B) Distance from well, if applicable;
    - (C) Distance from water line, if applicable and readily visible;
    - (D) Distance from property line, if said property lines are known;
    - (E) Distance from finished grade to top of tank or access riser;
    - (F) Presence and type of access risers;
    - (G) Condition of tank lids;
    - (H) Condition of tank baffle wall;

- (I) Water level in tank relative to tank outlet;
  - (J) Condition of outlet tee;
  - (K) Presence and condition of outlet filter, if applicable;
  - (L) Presence and extent of roots in the tank;
  - (M) Evidence of tank leakage;
  - (N) Evidence of inflow non-permitted connections, such as from downspouts or sump pumps;
  - (O) Connection present from house to tank;
  - (P) Connection present from tank to next component;
  - (Q) Date tank was last pumped, if known; and
  - (R) Percentage of solids (sludge and scum) in tank;
- (4) Location of pump tank and pump tank details:
- (A) Distance from house or other structure;
  - (B) Distance from well or spring, if applicable;
  - (C) Distance from water line, if applicable;
  - (D) Distance from property line, if said property lines are known;
  - (E) Distance from finished grade to top of tank or access riser;
  - (F) Distance from septic tank;
  - (G) Presence and type of access risers;
  - (H) Condition of tank lids;
  - (I) Location of control panel;
  - (J) Condition of control panel;
  - (K) Audible and visible alarms (as applicable) work;
  - (L) Pump turns on, and effluent is delivered to next component; and
  - (M) Lack of electricity at time of inspection prevented complete evaluation;
- (5) Location of dispersal field and dispersal field details:
- (A) Type of dispersal field;
  - (B) Distance from property line, if said property lines are known;
  - (C) Distance from septic tank and also pump tank if a pump tank exists;
  - (D) Number of lines;
  - (E) Length of lines;
  - (F) Evidence of past or current surfacing at time of inspection;
  - (G) Evidence of traffic over the dispersal field;
  - (H) Vegetation, grading, and drainage with respect only to their effect on the condition of the system or system components; and
  - (I) Confirmation that system effluent is reaching the drainfield; and
- (6) Conditions that prevented or hindered the inspection or determination of Subparagraph (b)(1) through (b)(5) of this Rule.
- (c) If a client declines to allow a tank to be pumped, the inspection form shall contain the statement:  
 "Client requesting this inspection has been advised that for a complete inspection to be performed, the tank needs to be pumped. Client has declined to have the tank pumped at inspection and hereby acknowledges they have so declined." A space shall be provided for the client signature and date.
- (d) The inspector shall not:
- (1) Insert any tool, probe, or testing device inside pump system control panels; or
  - (2) Dismantle any electrical device or control other than to remove the covers of the main and auxiliary control panels.

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