

BOARD MEETING AGENDA WITH MINUTES APPROVED 1/30/13
SEPTEMBER 7, 2012 10:00 A.M.
SWANSBORO, NC
LOCATION: HAMPTON INN CONFERENCE ROOM
215 OLD HAMMOCK RD SWANSBORO NC

10:00 a.m. CALL TO ORDER: RUSS DAVIS

OPENING PRAYER: JERRY PEARCE

ROLL CALL: ABSENT MARK BROOKS

RECOGNITION OF PROXY(IES):

READING OF ETHICS STATEMENT

ETHICS STATEMENT: In accordance with the State Government Ethics Act, it is the duty of every [Board] member to avoid both conflicts of interest and appearances of conflict.

Does any [Board] member have any known conflict of interest or appearance of conflict with respect to any matters coming before the [Board] today?

If so, please identify the conflict or appearance of conflict and refrain from any undue participation in the particular matter involved.

READ BY RUSS DAVIS,
DIANA RASHASH NCSU CLASSES
JERRY PEARCE AND JIM LANIER NCSTA CLASSES

10:05 a.m. RECOGNITION OF ANY ATTENDING PUBLIC AND REQUEST TO ADDRESS BOARD (PLEASE NOTE: PUBLIC MAY ADDRESS THE BOARD DURING THIS SECTION OF BOARD MEETING. BOARD WILL NOT RESPOND TO COMMENTS OR REQUEST MADE BY PUBLIC. REQUEST MADE BY PUBLIC DURING THIS SESSION WILL BE PLACED ON A FUTURE BOARD AGENDA FOR DISCUSSION. PUBLIC WILL BE ALLOWED MAXIMUM OF FIVE (5) MINUTES PER PERSON TO ADDRESS BOARD. PUBLIC WILL NOT BE ALLOWED COMMENT FOR REMAINDER OF BOARD MEETING.

DOUG LASSITER, NCSTA ON AGENDA TO SPEAK

10:15 a.m. Approval of Minutes from March 8, 2012 meeting (see minutes attached)

MOTION TO APPROVE JIM LANIER, 2ND SID GASKINS, MINUTES APPROVED

10:20 a.m.

Class Approval Request:

NCSU class approval request:

Installation of Construction Site Erosion & Sediment

Control Devices, 4 hours, all levels MOTION TO APPROVE SID GASKINS, 2ND RUSS AYERS CLASS APPROVED

Sediment, Erosion & Turbidity Control Workshop &

Field Day, 6 hours, all levels MOTION TO APPROVE JEFF KNIGHT 2ND JERRY PEARCE, CLASS APPROVED

Tech 450: Advances in Water Table Mgmt,

6 hours, all levels MOTION TO APPROVE GLENN HINES, 2ND SID GASKINS, CLASS APPROVED

Tech 550: Navigating Decentralized Reuse Rules & Tech

MOTION TO APPROVE JIM LANIER, 2ND SID GASKINS CLASS APPROVED

6 hours, all levels

Onsite Conference, 3 day event MOTION TO APPROVE JIM LANIER, 2ND GLENN HINES CLASS APPROVED PUT IN APPROVAL INFO ABOUT VERIFICATION OF ATTENDANCE

1st day, 6 hours, all levels

2nd day, 6 hours, all levels

3rd day, 3 hours, all levels

Soil Science Society of NC approval request:

Two day event held each January, 6 hours all levels

Each day MOTION TO APPROVE DIANA RASHASH 2ND SID GASKINS, CLASS APPROVED

NCSTA Annual Convention & Expo

“Tools for Success”, 2 day event

6 hours per day, all levels MOTION TO APPROVE, JEFF KNIGHT, 2ND DIANA RASHASH, CLASS APPROVED

10:45 a.m.

Update from Administrator:

- Renewal invoices for 2013 will be going out by end of September Renewals are due in by November 15th of each year to be considered on time
- In order to process the ID cards for 2013 efficiently a software update is needed. The software update purchase price is \$499. Without this update information for the cards will need to be entered individually and printed individually. Request is hereby made for the expenditure for the software. RUSS AYERS STATED THAT THE BOARD HAS ALREADY APPROVED THAT EXECUTIVE COMMITTEE HAS AUTHORITY TO ACT ON SALARIES, AND ADMINISTRATIVE EXPENSES RUSS AYERS ASKED TO MAKE MOTION TO APPROVE OFFICE SPACE LEASE AND CONTINUE WITH THE EXECUTIVE COMMITTEE TO HAVE AUTHORITY TO MAKE PURCHASING DECISIONS UP TO \$2000 MONTHLY CAP OF EXPENDITURES ON OFFICE SPACE COMMITMENT 2ND JEFF KNIGHT APPROVED
- ID cards for Board members as requested have been presented to Board members at this meeting
- NCOWCICB is required to undergo an annual audit. The audit for fiscal year ending June 30, 2012 has been completed. As was the case last year,

the audit sheds a favorable light on NCOWCICB with no violations or negative comments being received.

- During presentations to real estate groups, LEH meetings, etc administrator has given out hard copies of NCOWCICB G.S. and current rules these have been well received. This information is available on our website however having a hard copy of the information is a useful tool to those in the industry. Requests have been received from installers and inspectors for a hard copy like this. I would like to provide each certification holder with a copy. This would be done after the latest rules go in effect January 1, 2013 and mailed out latter part of January to each current person. Request is hereby made to make the expenditure for this item.

RUSS AYERS MADE MOTION TO HAVE PRINTOUT BOUND WITH VINYL COVER AND MAIL WITH NEW CARD AND DO LIST SERV TO COUNTIES PDF FORMAT AND ALSO PLACE ON WEB 2ND
DIANA RASHASH, MOTION APPROVED

- Board members are required to submit an annual Statement of Economic Interest. Keep in mind this must be filed on time or you may be charged a penalty. This penalty is not charged to NCOWCICB but the individual Board member. The SEI is due no later than April 15 each year. You may qualify to file a no change form which is shorter. The forms and detailed information is available at:
www.ethicscommission.nc.gov/sei/blankForm.aspx
- Information for required Ethics training for Board members can be found at
<http://www.ethicscommission.nc.gov/education/default.aspx>
- During the March 8, 2012 meeting request was made for administrator to investigate the requirements for certification in state of Virginia and to discover ways to ease the process for individuals to become certified in that state. According to G.S 90A-70 resources of this board are to be used solely for the purpose of administration of this board, therefore this investigation should be performed by the private sector. It is suggested that parties seeking this information should contact an association or other entity to assist in gathering this information.
- I have spoken to the Attorney about setting up a page on the web that will disclose complaints received, the name on the complaint, the nature of the complaint and the status of the complaint and she assures me this would be legal and even encouraged. Request is hereby made to set up a complaint page on the web.
RUSS DAVIS STATED THAT GC AND REALTOR BOARD ALSO DO NEWSLETTER THAT LIST VIOLATIONS AND COMPLAINTS AND OUTCOME OF COMPLAINT, ETC INFO IS ALSO AVAILABLE ON WEB
RUSS DAVIS SAID TO ASK ANNA IF LIST UPON COMPLAINT RECEIVED OR AFTER ACTION TAKEN BY BOARD,
CSS EXPLAINED IT WOULD NOT BE POSTED UNTIL REVIEWED BY BOARD FOR ACTION,

RUSS AYERS MADE MOTION TO POST TO WEB ONCE THE BOARD HAS DETERMINED THAT THERE WAS LIGITIMATE VIOLATION MADE AND ACTION TAKEN BOARD AND/OR COURT VIOLATION WILL BE POSTED 2ND JERRY PEARCE, MOTION APPROVED

RUSS AYERS ASKED IF WE COULD ALSO DO HARD COPY EACH YEAR TO SEND TO EACH CERTIFICATION HOLDER, DISCUSSION WAS HELD ABOUT WHETHER OR NOT TO DO HARD COPY, EFFECTIVE END OF 2013 BOARD ACTIONS, VIOLATIONS , ETC, MEETING INFO AND ACTIVITIES OF YEAR WILL BE PUT IN NEWSLETTER FORMAT AND MAILED TO EACH PERSON WITH THEIR 2014 CARD

- Two complaints have gone thru the Attorney for prosecution. These complaints have been settled below is the summary of these complaints. This information is public information and can be disclosed on the website and in the minutes.

Thomas Eric Neal and Affordable Septic and Grease Pumping, Inc.
(Forsyth County, 12 CVS 400)

On June 28, 2012, Forsyth County Superior Court entered a Consent Judgment which enjoined Thomas Eric Neal and Affordable Septic and Grease Pumping, Inc. (“Defendants”) from engaging or offering to engage in the construction, installation, or repair of an on-site wastewater system in North Carolina unless and until such time as Defendants are properly certified.

In 2010, Defendants contracted with a property owner in Rural Hall, North Carolina and informed the property owner that Defendants could fix problems she was having with her septic system. Defendants attempted to do so by putting in a new distribution box and a line with pipe and rock. Additionally, on or around January 27, 2010, Defendants were hired to pump a septic system located in Rural Hall, North Carolina. Defendants also informed the property owner that, in addition to pumping, his system needed to be excavated, the main sewer line needed to be replaced, and the distribution box needed to be repaired. Defendants excavated the septic tank, subsequently abandoned the projected, and charged the property owner \$2,250.00 for their services.

Tommy Brothers d/b/a Brothers Septic Tanks, Pasquotank County, 12 CVS 39

On January 17, 2012, the Board filed a Complaint and Application for Injunctive Relief in Pasquotank County alleging that Tommy Brothers d/b/a Brothers Septic Tanks (Defendant) engaged or offered to engage in the construction, installation, or repair of an on-site wastewater system without first being certified by the Board. Specifically, the Complaint alleged as follows:

1. In July of 2009, Defendant installed and/or repaired a septic tank and distribution box in Shiloh, North Carolina; and
2. In November of 2009, Defendant assisted with the installation of a septic tank in Elizabeth City, North Carolina.

On July 27, 2012, the parties entered into a Settlement Agreement wherein Defendant acknowledged the allegations described above. In the Agreement, Defendant agreed not to engage or offer to engage in the construction, installation, or repair of an on-site wastewater system in North Carolina unless and until such time as Defendant is properly certified. Defendant also agreed that if the Board subsequently obtains evidence that Defendant has engaged in such practice without first obtaining Board certification, he shall submit to the Board \$1,500.00 in the event the Board files a complaint and prevails in establishing Defendant's liability.

- The comment period for proposed rules ended on August 14, 2012 only a few comments were received and they were all in favor of the proposed rules. The public comment meeting was held August 1, 2012 Doug Lassiter was the only attendee. No comments were received at meeting.
- On July 13th, Anna Choi, Board Attorney and I met with Rule Review Committee. This meeting was request by Anna to go over the set of proposed rules. Each proposed rule was reviewed in detail and suggestions made for changes to proposed rules that would hopefully make the process of getting the rules passed without any issues. The suggested changes were not considered to change the intent significantly. After review of the final draft of the proposed rules at this meeting the Board will either need to approved or disapprove the proposed rules. If approved the rules then go to RRC for final approval. Proposed rules are attached in revised format. SEE THE END OF EACH RULE FOR BOARD VOTE AND DECISION
- During the next set of rule writing the following items need to be addressed. These need to better defined i.e clarified.
 1. Class providers should be required to present attendance records to NCOWCICB within 2 weeks after class is held. We have providers that often go several months before submitting attendance records and this leads to numerous calls and complaints from certification holders especially during the renewal period because our records don't show them receiving the required c/e hours

RUSS DAVIS SAID WE DON'T NEED THIS IN A RULE THAT WHEN WE SEND APPROVAL TO PROVIDER TO ADVISE PROVIDERS THAT ATTENDANCE SHEETS MUST BE SENT WITHIN 15 DAYS AFTER CLASS IS HELD AND THAT FAILURE TO COMPLY WITH THIS REQUEST MAY JEOPARDIZE FUTURE CLASS APPROVALS, MOTION DIANA RASHASH, 2ND SID GASKINS, MOTION APPROVED

2. Definition of "readily accessible" NCAC 39 .1001 (13) and also NCAC 39 .1004 (b) (4)

The problem with the way this is currently written is that we have inspectors that say if the tank lid is covered it is not accessible even if it's only a couple inches of cover. Also the way this is written, if someone gets technical with the definition a person could have seasonal furniture sitting over the area and it couldn't be moved to access the lids or components

3. NCAC 39 .1006 (6) (J) Electrical connections in place and properly grounded. Much comment has been received on this rule. The argument is that only an electrician should and can determine if the component is properly grounded.
4. I have received several comments about ethical issues the most common being installers that do not pay suppliers. RUSS DAVIS SUGGEST THAT WE PUT INFO ON RENEWAL INVOICE FROM GC RENEWAL ABOUT NO OUTSTANDING LIENS OR JUDGEMENTS, RUSS SUGGESTED THAT WE CONTACT ATTORNEY ASK IF WE CAN DO THIS OR NOT, RUSS SUGGEST THAT WE ADD "I CERTIFY THAT THE INFORMATION CONTAINED IN THIS RENEWAL IS TRUE, ETC. ETC AND SIGN RENEWAL INFO BOARD SAID GO WITH WHATEVER ATTORNEY SAYS WE CAN PUT ON RENEWAL INVOICE
5. G.S. 93B 15.1 effective 7/24/12 requires occupational licensing boards to implement procedures to allow license to military individuals and their spouses trained and experienced in the area of license (attached is G.S. 93B 15.1) the wording from the G.S. can be modified to be specific to this board and the requirements. By law the Board must have this practice in effect by 7/24/13.

12:00 p.m. Treasurer's Report by Jerry Pearce, Treasurer
Financial Report as of July 31, 2012

Monies on hand:

North State Bank Operating Account	\$227,995.82
Select Bank*	\$227,712.45
Bank of Oak Ridge*	\$226,534.36
New Bridge Bank*	<u>\$200,202.30</u>
Total Monies on hand	\$882,444.93

(*CD held for future enforcement)

See detailed YTD Financial Report Attached

MOTION TO APPROVE JEFF KNIGHT, 2ND GLENN HINES,
APPROVED

12:15 p.m. Adjourn for Lunch Break

1:15 p.m. Re-adjourn from Lunch

1:15 p.m.

12:48 P.M. NO LUNCH TAKEN

Board requested at March 8, 2012 meeting that Doug Lassiter, NCSTA Executive Director gather information regarding master license held in other states, details and requirements and present information back to board at this meeting. Mr. Lassiter is present to make this presentation to the Board.

Notes: PRESENTATION WAS MADE BY DOUG LASSITER FOR MASTER LICENSE PROGRAM. THIS IS A PROGRAM THAT WOULD MOST LIKELY TAKE AROUND 3 TO 5 YEARS TO IMPLEMENT

TASK FORCE TO WORK JOINTLY WITH NCSTA IN PURSUING MASTER INSTALLATION PROGRAM RUSS DAVIS ASKED JEFF KNIGHT TO TAKE LEAD ON THIS TASK FORCE MOTION JERRY PEARCE, 2ND GLENN HINES, MOTION TO FORM TASK FORCE APPROVED

1:15 p.m. Formation of next rule writing committee

MOTION BY RUSS AYERS THAT DIANA RASHASH WILL CHAIR RULE WRITING COMMITTEE AND ASK FOR PARTICIPATION IN NEXT RULE SET, 2ND GLENN HINES, APPROVED

1:25 p.m.

Board shall enter Executive Session for discussion of complaints received

Notes: MOTION TO GO INTO EXECUTIVE SESSION JERRY PEARCE, 2ND DIANA RASHASH

2:00 p.m.

Board shall re-enter regular session MOTION TO REENTER REGULAR SESSION RUSS AYERS, 2ND DIANA RASHASH, BOARD SHALL RE-ENTER REGULAR SESSION

2:05 p.m.

Other Business:

Election of Officers for 2012-2013

Current Officers: Chairman, Russ Davis
Vice-Chair, Russ Ayers
Treasurer, Jerry Pearce

MOTION BY JEFF KNIGHT TO LEAVE OFFICERS AS SLATED
2ND GLENN HINES, MOTION APPROVED

Mark your calendars for next regular Board meeting January 30, 2012
Hickory Metro Convention Center Hickory, NC 8:00 A.M.

NCOWCICB TO DO BOOTH AT ONSITE FOR ONE DAY

2:10 p.m. Meeting Adjourn RUSS AYERS MOTION 2ND JIM LANIER

NCOWCICB Financial Report as of July 31, 2012

Monies on hand:

North State Bank Operating Account	\$227,995.82
Select Bank*	\$227,712.45
Bank of Oak Ridge*	\$226,534.36
New Bridge Bank*	<u>\$200,202.30</u>
Total Monies on hand	\$882,444.93

(*CD held for future enforcement)

YTD Receipts**

Fees Received	\$ 1,200.00
Interest Income	<u>\$ 608.49</u>
Total Receipts	\$ 1,808.49

YTD Expenditures**

Postage	\$ 0
Printing	\$ 0
Travel – Board	\$ 0
Travel – Staff	\$ 287.20
Telephone	\$ 137.92
Misc Expense	\$ 0
Bank Charges	\$ 0
Accounting	\$ 0
Contract Labor	\$ 6066.67
Legal Fees	<u>\$ 593.11</u>
Total Expenditures	\$ 7084.90

(**YTD July 1, 2012 – July 31, 2012)

(Note: Statements for end of August had not been received by date of meeting)

AN ACT TO ALLOW LICENSURE BY ENDORSEMENT FOR MILITARY PERSONNEL AND MILITARY SPOUSES.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 93B of the General Statutes is amended by adding a new section to read:

"§ 93B-15.1. Licensure for individuals with military training and experience; licensure by endorsement for military spouses; temporary license.

(a) Notwithstanding any other provision of law, an occupational licensing board, as defined in G.S. 93B-1, shall issue a license, certification, or registration to a military-trained applicant to allow the applicant to lawfully practice the applicant's occupation in this State if, upon application to an occupational licensing board, the applicant satisfies the following conditions:

- (1) Has been awarded a military occupational specialty and has done all of the following at a level that is substantially equivalent to or exceeds the requirements for licensure, certification, or registration of the occupational licensing board from which the applicant is seeking licensure, certification, or registration in this State: completed a military program of training, completed testing or equivalent training and experience as determined by the board, and performed in the occupational specialty.
- (2) Has engaged in the active practice of the occupation for which the person is seeking a license, certification, or permit from the occupational licensing board in this State for at least two of the five years preceding the date of the application under this section.
- (3) Has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension, or revocation of a license to practice that occupation in this State at the time the act was committed.
- (4) Pays any fees required by the occupational licensing board for which the applicant is seeking licensure, certification, or registration in this State.

(b) Notwithstanding any other provision of law, an occupational licensing board, as defined in G.S. 93B-1, shall issue a license, certification, or registration to a military spouse to allow the military spouse to lawfully practice the military spouse's occupation in this State if, upon application to an occupational licensing board, the military spouse satisfies the following conditions:

- (1) Holds a current license, certification, or registration from another jurisdiction, and that jurisdiction's requirements for licensure, certification, or registration are substantially equivalent to or exceed the requirements for licensure, certification, or registration of the occupational licensing board for which the applicant is seeking licensure, certification, or registration in this State.
- (2) Can demonstrate competency in the occupation through methods as determined by the Board, such as having completed continuing education units or having had recent experience for at least two of the five years preceding the date of the application under this section.
- (3) Has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension, or revocation of a license to practice that occupation in this State at the time the act was committed.
- (4) Is in good standing and has not been disciplined by the agency that had jurisdiction to issue the license, certification, or permit.
- (5) Pays any fees required by the occupational licensing board for which the applicant is seeking licensure, certification, or registration in this State.

(c) All relevant experience of a military service member in the discharge of official duties or, for a military spouse, all relevant experience, including full-time and part-time experience, regardless of whether in a paid or volunteer capacity, shall be credited in the calculation of years of practice in an occupation as required under subsection (a) or (b) of this section.

(d) A nonresident licensed, certified, or registered under this section shall be entitled to the same rights and subject to the same obligations as required of a resident licensed, certified, or registered by an occupational licensing board in this State.

(e) Nothing in this section shall be construed to apply to the practice of law as regulated under Chapter 84 of the General Statutes.

(f) An occupational licensing board may issue a temporary practice permit to a military-trained applicant or military spouse licensed, certified, or registered in another jurisdiction while the military-trained applicant or military spouse is satisfying the requirements for licensure under subsection (a) or (b) of this section if that jurisdiction has licensure, certification, or registration standards substantially equivalent to the standards for licensure, certification, or registration of an occupational licensing board in this State. The military-trained applicant or military spouse may practice under the temporary permit until a license, certification, or registration is granted or until a notice to deny a license, certification, or registration is issued in accordance with rules adopted by the occupational licensing board.

(g) An occupational licensing board may adopt rules necessary to implement this section.

(h) Nothing in this section shall be construed to prohibit a military-trained applicant or military spouse from proceeding under the existing licensure, certification, or registration requirements established by an occupational licensing board in this State.

(i) For the purposes of this section, the State Board of Education shall be considered an occupational licensing board when issuing teacher licenses under G.S. 115C-296.

(j) For the purposes of this section, the North Carolina Medical Board shall not be considered an occupational licensing board."

SECTION 2. Within one year from the effective date of this act, each occupational licensing board regulating an occupation in this State and subject to the provisions of Chapter 93B of the General Statutes shall implement the requirements of G.S. 93B-15.1, as enacted by Section 1 of this act.

SECTION 3. The Legislative Research Commission shall study the issue of allowing licensure by the North Carolina Medical Board for individuals with military training and experience, for military spouses by endorsement, and for temporary licenses for military-trained applicants or military-spouse applicants. The Commission shall make a report on this issue, including any recommendations or legislative proposals, to the 2013 Regular Session of the General Assembly upon its convening.

SECTION 4. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 2nd day of July, 2012.

s/ Walter H. Dalton

President of the Senate

s/ Thom Tillis

Speaker of the House of Representatives

s/ Beverly E. Perdue

Governor

Approved 11:14 a.m. this 24th day of July, 2012

21 NCAC 39 .0101 is amended, with changes, as published in 26:24 NCR 1988 as follows:

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21 NCAC 39 .0101 DEFINITIONS

3 As used in Article 5 of Chapter 90A of the General Statutes and the rules in this Chapter:

4 (a) "Inspection" means an inspection as defined in G.S. 90A-71(5a).

5 (1) "Ancillary" means an on-site wastewater system that is included or auxiliary in a primary construction
6 project.

7 (2) "College course" means a semester unit or quarter based unit of instruction given at a college or
8 university, that is relevant to on-site wastewater contractor or inspector activities and is pre-approved by
9 the board.

10 (3) "Course/activity" means any course or activity with a clear purpose and objective that will maintain,
11 improve or expand skills and knowledge relevant to the practice of on-site wastewater contractor or
12 inspector activities and pre-approved by the board.

13 (4) "Employee" means a person who receives an Internal Revenue Service W2 form as a record of
14 compensation.

15 (5) "Inspection" means an inspection as defined in G.S. 90A-71(4A).

16 (6) "Personally supervise" means to direct and control all on-site wastewater contractor or inspector
17 activities during the time those activities are being conducted.

18 (7) "Professional development hour" or "PDH" means an hour of instruction or presentation and is
19 the basic unit of credit for all courses or activities related to satisfying continuing education
20 requirements.

21(b) (8) "Repair" means repair construction activity or alteration to an existing onsite wastewater system that
22 is necessary to comply with a Construction Authorization for a repair permit issued by the Local Health
23 Department.

24 (c) (9) "Wastewater Treatment Facility" means a wastewater treatment facility as defined in G.S. 90A-
25 71(8).

26 (d) "College course" means a semester unit or quarter based unit of instruction given at a college or university,
27 which is relevant to on-site wastewater contractor or inspector activities and pre-approved by the board.

28 (e) "Course/activity" means any course of activity with a clear purpose and objective that will maintain, improve or
29 expand skills and knowledge relevant to the practice of on-site wastewater contractor or inspector activities and pre-
30 approved by the board.

31 (f) "Personally supervise" means the direction and control of all on-site wastewater contractor or inspector activities
32 during the time those activities are being conducted.

33 (g) "Professional development hour" or "PDH" means a nominal contact hour of instruction or presentation that is
34 the basic unit of credit for all courses or activities related to satisfying continuing education requirements.

35 (h) "Employee" means a person who receives an Internal Revenue Service W2 form for record of compensation.

36 [(i) "Ancillary" means an on-site wastewater system that is included or auxiliary to a primary construction project.]
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38 *History Note: Authority G.S. 90A-71; 90A-72; 90A-74;*

39 *Eff. February 1, 2011.*

40 *Amended Eff. January 1, 2013.*

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MOTION TO APPROVED AS REVISED AND WRITTEN ABOVE JERRY PEARCE, 2ND RUSS AYERS,
APPROVED

21 NCAC 39 .0202 is adopted, with changes, as published in 26:24 NCR 1988 as follows:

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2 **21 NCAC 39 .0202 BUSINESS SUCCESSION**

3 (a) A non-certified person who wishes to replace the current and living Certified Contractor or Inspector within a
4 certified firm may do so by satisfying the following conditions: be certified pursuant to G.S. 90A-77(c) by:

5 (1) A person who is in continued employment and able of providing supporting Providing the Board
6 documentation of being supervised by and employed full time with a certified contractor or
7 inspector such as Wage and Tax information of a firm certified under NCOWCICB for a
8 minimum of the past three years;

9 (2) Provides Providing the Board three affidavits from local health department, engineers, or
10 customers that show integral involvement with the installation of the business onsite
11 wastewater systems;

12 (3) Provides Providing NCOWCICB the Board with an application for certification Application for
13 Certification, including appropriate initial fees;

14 (4) Provides Providing NCOWCICB the Board with proof of attendance at approved classes
15 continuing education courses for a minimum of two years; and

16 (5) Passes Passing the applicable test for the level requested; and requested.

17 [6] Provides a notarized statement from the current Certified Person requesting the transfer and
18 instructing the NCOWCICB to retire their own certification.

19 (b) The only exclusion is the requirement of the approved Basic Onsite Wastewater Education program.

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

22 *Eff. January 1, 2013.*

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MOTION TO APPROVE AS WRITTEN ABOVE DIANA RASHASH, 2ND GLENN HINES, APPROVED

21 NCAC 39 .0601 is amended, with changes, as published in 26:24 NCR 1988 as follows:

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2 21 NCAC 39 .0601 REQUIREMENTS

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

5

6 Level	Annual PDH Units Required
I	3
II	6 (3)
III	9 (6)
IV	12 (6)
Inspector	12 (6)
Inspector/Grade IV	12 (6)
Combo	

MOTION TO APPROVE AS WRITTEN ABOVE JIM LANIER, 2ND SID GASKINS, APPROVED

21 NCAC 39 .1005 is amended, with changes, as published in 26:24 NCR 1988,1989 as follows:

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2 **21 NCAC 39 .1005 ON-SITE WASTEWATER SYSTEM COMPONENTS**

3 (a) When inspecting an on-site wastewater system The the inspector shall inspect on-site wastewater system components including:

4 and describe:

5 (1) Any part of the system located more than five feet from the primary structure that is part of the operations permit;

6 (2) Septic tank; tanks;

7 (3) Pump tank; tanks;

8 (4) Distribution device; devices;

9 (5) Dispersal field; fields;

10 (6) Treatment unit; units;

11 (7) Control panel; panels;

12 (8) Any Other other component(s) components required as part of on-site wastewater system permit, including drainage;

13 and

14 (9) Any Vegetation vegetation and grading with respect only to their effect on the condition of the system or system

15 components.

16 (b) The inspector shall describe:

17 (1) Any part of the system located more than five feet from the primary structure that is part of the operations permit;

18 (2) Septic tank;

19 (3) Pump tank;

20 (4) Distribution device; THIS SECTION WILL BE REMOVED

21 (5) Dispersal field;

22 (6) Treatment unit;

23 (7) Control panel;

24 (8) Other component(s) required as part of on-site wastewater system permit, including drainage; and

25 (9) Vegetation and grading with respect only to their effect on the condition of the system or system components.

26 (c) (b) The inspector shall:

27 (1) Uncover tank lids and distribution devices so as to gain access, unless blocked as described in Rule .1004(b)(5).

28 .1004(b)(5) of the section. The distribution box may remain uncovered covered if the inspector has an alternate

29 method of observing its condition;

30 (2) Probe system components where deterioration is suspected;

31 (3) Report the methods used to inspect the on-site wastewater system;

32 (4) Open readily accessible and readily openable components except when access is obstructed or when access could

33 damage the system or property; components; and

34 (5) Report signs of abnormal or harmful water entry into or out of the system or components.

35 (d) (c) The inspector is not required to:

36 (1) Conduct dosing volume calculations;

37 (2) Evaluate soil conditions beyond saturation or ponding;

38 (3) Evaluate for the presence or condition of buried fuel storage tanks;

39 (4) Evaluate the system for proper sizing, design, or use of proper materials; or

40 (5) Perform a hydraulic load test on the system.

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

43 *Eff. October 1, 2011.*

44 *Amended Eff. January 1, 2013.*

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MOTION TO APPROVE AS WRITTEN ABOVE, DIANA RASHASH, 2ND JERRY PEARCE,
APPROVED