

## Article 5.

### Certification of On-Site Wastewater Contractors and Inspectors.

#### § 90A-70. Purpose.

It is the purpose of this Article to protect the environment and public health, safety, and welfare by ensuring the integrity and competence of on-site wastewater contractors and inspectors; to require the examination of on-site wastewater contractors and inspectors and the certification of their competency to supervise or conduct the construction, installation, repair, or inspection of on-site wastewater systems; to establish minimum standards for ethical conduct, responsibility, training, experience, and continuing education for on-site wastewater system contractors and inspectors; and to provide appropriate enforcement procedures for rules adopted by the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board. (2006-82, s. 1.)

#### § 90A-71. Definitions.

The following definitions apply in this Article:

- (1) "Board" means the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board.
- (2) "Contractor" means a person who constructs, installs, or repairs, or offers to construct, install, or repair an on-site wastewater system in the State.
- (3) "Conventional wastewater system" has the same meaning as in G.S. 130A-343(a)(3).
- (4) "Department" means the Department of Health and Human Services.
- (4a) "Inspection" means an examination of an on-site wastewater system permitted under the provisions of Article 11 of Chapter 130A of the General Statutes that satisfies all of the following criteria:
  - a. Is requested by a lending institution, realtor, prospective homebuyer, or other impacted party as a condition of sale, refinancing, or transfer of title.
  - b. Meets the minimum requirements established by the Board.
- (5) "Inspector" means a person who conducts an inspection in accordance with rules adopted by the Board.
- (6) "On-site wastewater system" means any wastewater system permitted under the provisions of Article 11 of Chapter 130A of the General Statutes that does not discharge to a treatment facility or the surface waters of the State.
- (7) "Person" means all persons, including individuals, firms, partnerships, associations, public or private institutions, municipalities, or political subdivisions, governmental agencies, or private or public corporations organized and existing under the laws of this State or any other state or country.

(8) "Wastewater treatment facility" means a mechanical or chemical treatment facility serving a site with multiple wastewater sources. (2006-82, s. 1; 2010-31, s. 13.2(e); 2011-145, s. 13.3(II).)

§ 90A-72. Certification required; applicability.

(a) Certification Required. – No person shall construct, install, or repair or offer to construct, install, or repair an on-site wastewater system permitted under Article 11 of Chapter 130A of the General Statutes without being certified as a contractor at the required level of certification for the specified system. No person shall conduct an inspection or offer to conduct an inspection of an on-site wastewater system as permitted under Article 11 of Chapter 130A of the General Statutes without being certified in accordance with the provisions of this Article.

(b) Applicability. – This Article does not apply to the following:

(1) A person who is employed by a certified contractor or inspector in connection with the construction, installation, repair, or inspection of an on-site wastewater system performed under the direct and personal supervision of the certified contractor or inspector in charge.

(2) A person who constructs, installs, or repairs an on-site wastewater system described as a single septic tank with a gravity-fed gravel trench dispersal media when located on land owned by that person and that is intended solely for use by that person and members of that person's immediate family who reside in the same dwelling.

(3) A person licensed under Article 1 of Chapter 87 of the General Statutes who constructs or installs an on-site wastewater system ancillary to the building being constructed or who provides corrective services and labor for an on-site wastewater system ancillary to the building being constructed.

(4) A person who is certified by the Water Pollution Control System Operators Certification Commission and contracted to provide necessary operation and maintenance on the permitted on-site wastewater system.

(5) A person permitted under Article 21 of Chapter 143 of the General Statutes who is constructing a water pollution control facility necessary to comply with the terms and conditions of a National Pollutant Discharge Elimination System (NPDES) permit.

(6) A person licensed under Article 1 of Chapter 87 of the General Statutes as a licensed public utilities contractor who is installing or expanding a wastewater treatment facility, including a collection system, designed by a registered professional engineer.

(7) A plumbing contractor licensed under Article 2 of Chapter 87 of the General Statutes, so long as the plumber is not performing plumbing work that includes the installation or repair of a septic tank or similar depository, such as a treatment or pretreatment tank or system, or lines, tanks, or appurtenances downstream from the point where the house or building sewer lines from the plumbing system meet the septic tank or similar depository. This subdivision shall not be construed to require a plumbing contractor to become certified as a contractor pursuant to this section to install or repair a grease trap, interceptor, or separator upstream from a septic tank or similar depository that complies with the requirements of the local health department.

(8) A person employed by the Department, a local health department, or a local health district, when conducting a regulatory inspection of an on-site wastewater system for purposes of determining compliance. (2006-82, s. 1; 2010-31, s. 13.2(f).)

§ 90A-73. Creation and membership of the Board.

(a) Creation and Appointments. – There is created the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board. The Board shall consist of nine members appointed to three-year terms as follows:

(1) One member appointed by the Governor who, at the time of appointment, is engaged in the construction, installation, repair, or inspection of on-site wastewater systems, to a term that expires on 1 July of years that precede by one year those years that are evenly divisible by three.

(2) One member appointed by the Governor who, at the time of appointment, is a certified water pollution control system operator pursuant to Article 3 of this Chapter, to a term that expires on 1 July of years evenly divisible by three.

(3) One member appointed by the Governor who is a registered professional engineer licensed under Chapter 89C of the General Statutes and whose work experience includes the design of on-site wastewater systems to a term that expires on 1 July of years that follow by one year those years that are evenly divisible by three.

(4) One member appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate who, at the time of appointment, is engaged in the construction, installation, repair, or inspection of on-site wastewater systems, to a term that expires on 1 July of years that follow by one year those years that are evenly divisible by three.

(5) One member appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate who, at the time of appointment, is engaged in the business of inspecting on-site wastewater systems, to a term that expires on 1 July of years that precede by one year those years that are evenly divisible by three.

(6) One member appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate upon the recommendation of the North Carolina Home Builders Association, to a term that expires on 1 July of years evenly divisible by three.

(7) One member appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives who, at the time of appointment, is engaged in the construction, installation, repair, or inspection of on-site wastewater systems, to a term that expires on 1 July of years evenly divisible by three.

(8) One member appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives who, at the time of appointment, is (i) employed as an environmental health specialist, and (ii) engaged primarily in the inspection and permitting of on-site wastewater systems, to a term that expires on 1 July of years that follow by one year those years that are evenly divisible by three.

(9) One member appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives who, at the time of appointment, is (i) employed by the North Carolina

Cooperative Extension Service, and (ii) is knowledgeable in the area of on-site wastewater systems, to a term that expires on 1 July of years that precede by one year those years that are evenly divisible by three.

(b) Vacancies. – An appointment to fill a vacancy on the Commission created by the resignation, dismissal, disability, or death of a member shall be for the balance of the unexpired term. Vacancies in appointments made by the General Assembly shall be filled as provided in G.S. 120-122.

(c), (d) Repealed by Session Laws 2010-31, s. 13.2(h), effective July 1, 2010.

(e) Officers. – The Board shall elect a Chair from among its members. The Chair shall serve from the time of election until 30 June of the following year, or until a successor is elected.

(f) Compensation. – Board members who are State employees shall receive no per diem compensation for serving on the Board but shall be reimbursed for their expenses in accordance with G.S. 138-6. All other Board members shall receive per diem compensation and reimbursement in accordance with the compensation rate established in G.S. 93B-5.

(g) Quorum. – A majority of the members of the Board constitutes a quorum for the transaction of business.

(h) Meetings. – The Board shall meet at least twice each year and may hold special meetings at the call of the Chair or a majority of the members of the Board.

(i) Repealed by Session Laws 2010-31, s. 13.2(h), effective July 1, 2010. (2006-82, s. 1; 2010-31, ss. 13.2(g), (h); 2011-145, s. 13.3(mm).)

§ 90A-74. Powers and duties of the Board.

The Board shall have the following general powers and duties:

- (1) To adopt rules in the manner prescribed by Chapter 150B of the General Statutes to govern its actions and to implement the provisions of this Article.
- (2) To determine the eligibility requirements for persons seeking certification pursuant to this Article.
- (3) To establish grade levels of certifications based on design capacity, complexity, projected costs, and other features of approved on-site wastewater systems.
- (4) To develop and administer examinations for specific grade levels of certification as approved by the Board. The Board may approve applications by recognized associations for certification of its members after a review of the requirements of the association to ensure that they are equivalent to the requirements of the Board.
- (5) To issue, renew, deny, restrict, suspend, or revoke certifications and to carry out any of the other actions authorized by this Article.
- (6) To establish, publish, and enforce rules of professional conduct of persons who are certified pursuant to this Article.

- (7) To maintain a record of all proceedings and make available to persons certified under this Article, and to other concerned parties, an annual report of all Board action.
- (8) To establish reasonable fees for application, certification, and renewal, and other services provided by the Board.
- (9) To conduct investigations to determine whether violations of this Article or grounds for disciplining persons certified under this Article exist.
- (10) To adopt a common seal containing the name of the Board for use on all certificates and official reports issued by the Board.
- (10a) To employ staff necessary to carry out the provisions of this Article and to determine the compensation, duties, and other terms and conditions of employment of its staff.
- (10b) To employ professional, clerical, investigative, or special personnel necessary to carry out the provisions of this Article.
- (11) To conduct other services necessary to carry out the purposes of this Article. (2006-82, s. 1; 2010-31, s. 13.2(i).)

§ 90A-75. Expenses and fees.

- (a) Expenses. – All salaries, compensation, and expenses incurred or allowed for the purposes of carrying out this Article shall be paid by the Board exclusively out of the funds received by the Board as authorized by this Article. No salary, expense, or other obligations of the Board may be charged against the General Fund of the State. Neither the Board nor any of its members or employees may incur any expense, debt, or financial obligation binding upon the State.
- (b) Contributions. – The Board may accept grants, contributions, devises, and gifts that shall be kept in the same account as the funds deposited in accordance with this Article and other provisions of the law.
- (c) Fees. – All fees shall be established in rules adopted by the Board. The Board shall establish fees sufficient to pay the costs of administering this Article, but in no event shall the Board charge a fee at an annual rate in excess of the following:

(1)	Application for basic certification	\$150.00
(2)	Application for each grade level	\$50.00
(3)	Certification renewal	\$100.00
(4)	Reinstatement of revoked or suspended certification	\$500.00
(5)	Application for on-site wastewater system inspector	\$200.00

- (c) Use of Fees. – All fees collected pursuant to this Article shall be held by the Board and used by the Board for the sole purpose of administering this Article.

(d) Audit. – The Board is subject to the oversight of the State Auditor under Article 5A of Chapter 147 of the General Statutes. (2006-82, s. 1; 2010-31, s. 13.2(j); 2011-284, s. 66.)

§ 90A-76: Repealed by Session Laws 2010-31, s. 13.2(k), effective July 1, 2010.

§ 90A-77. Certification requirements.

(a) Certification. – The Board shall issue a certificate of the appropriate grade level to an applicant who satisfies all of the following conditions:

- (1) Is at least 18 years of age.
  - (2) Submits a properly completed application to the Board.
  - (3) Completes the basic on-site wastewater education program approved by the Board for the specific grade level.
  - (4) Repealed by Session Laws 2010-31, s. 13.2(l), effective July 1, 2010.
  - (5) Completes any additional training program designed by the Board specific to the grade level for which the applicant is applying.
  - (6) Pays the applicable fees set by the Board for the particular application and grade level.
  - (7) For the specific grade level, as determined by the Board, passes a written or oral examination that tests the applicant's proficiency in all of the following areas:
    - a. Principles of public and environmental health associated with on-site wastewater systems.
    - b. Principles of construction and safety.
    - c. Technical and practical knowledge of on-site wastewater systems typical to the specified grade level.
    - d. Laws and rules related to the installation, construction, repair, or inspection of the specified on-site wastewater system.
- (b) Location of Examinations. – The Board shall provide a minimum of three examinations each year; one each in the eastern, central, and western regions of the State.

(c) Approval of Certification Programs. – The Board may issue a certificate at the appropriate grade level to an applicant who has completed an approved training or continuing education program.

(d) No Degree Required. – An applicant shall not be required to hold or obtain an educational diploma or degree to obtain a certificate. An applicant that meets all the conditions for certification except for passage of the Board examination may take the examination on three successive occasions without having to file for a new application, pay an additional application fee, or repeat any applicable training program. If the applicant fails to pass the Board examination on three successive occasions, the applicant must reapply to the Board, pay an additional application fee, and repeat the training program.

(e) Certificate. – The certification shall show the full name of the certificate holder. The certificate shall provide a unique identification number and shall be signed by the Chair. Issuance of the certificate by the Board shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a certified contractor or inspector, at the grade level specified on the certificate, while the certificate remains in effect.

(f) Replacement Certificate. – A new certificate to replace one lost, destroyed, or mutilated shall be issued subject to rules adopted by the Board and with the payment of a fee set by the Board. The fee for a duplicate or replacement certificate shall not exceed twenty-five dollars (\$25.00). (2006-82, s. 1; 2010-31, s. 13.2(l).)

#### § 90A-78. Certification renewal.

(a) Renewal. – All certifications shall expire at intervals determined by the Board unless they are renewed. In no event may the interval determined by the Board be less than one year. To renew a certification, a contractor or inspector must meet all of the following conditions:

- (1) Submit an application for renewal on the form prescribed by the Board.
- (2) Meet the continuing education requirements prescribed by the Board.
- (3) Pay the certification renewal fee.

(b) Late Fee. – A contractor or inspector with an expired certificate may renew the certification within 90 days of its expiration upon payment of a late fee set by the Board. The late fee shall not exceed twenty-five dollars (\$25.00). If a certification is not renewed within 90 days of its expiration, the certification shall not be renewed, and the holder must apply for a new certificate. (2006-82, s. 1.)

#### § 90A-79. Continuing education.

(a) Requirements. – The Board shall require continuing education as a condition of certification and renewal. The Board shall determine the number of hours, based on grade levels applied for, up to a maximum of 12 hours per year, and the subject material for the specified grade level. The Board shall

maintain records of continuing education coursework successfully completed by each certified contractor or inspector.

(b) Approval of Continuing Education Programs. – The Board may approve a continuing education program or course if the Board finds that the program or course provides useful educational information or experience that will enhance the construction, installation, repair, or inspection of on-site wastewater systems. The Board may develop and offer continuing education programs. (2006-82, s. 1.)

§ 90A-80. Investigation of complaints.

(a) Misconduct. – A person may refer to the Board charges of fraud, deceit, negligence, incompetence, or misconduct against any certified contractor or inspector. The charges shall be in writing and sworn to by the complainant and submitted to the Board. These charges, unless dismissed without a hearing by the Board as unfounded or trivial, shall be heard and determined by the Board in accordance with the provisions of Chapter 150B of the General Statutes. An association that receives professional recognition of its own certification process by the Board shall be responsible for the conduct and competency of its members.

(b) Records. – The Board shall establish and maintain detailed records regarding complaints concerning each certified contractor or inspector. The records shall include those certified by recognized associations. The records shall also detail the levels of certification held by each contractor or inspector.

(c) Notification. – The Board shall provide local health departments with notification of changes in certifications, complaints, suspensions, or reinstatements under this Article. (2006-82, s. 1.)

§ 90A-81. Remedies.

(a) Denial, Suspension, and Revocation of Certification. – The Board may deny, suspend, or revoke a certificate under this Article for:

- (1) A violation of this Article or a rule of the Board.
- (2) The use of fraud or deceit in obtaining or renewing a certificate.
- (3) Any act of gross negligence, incompetence, or misconduct in the construction, installation, repair, or inspection of an on-site wastewater system.
- (4) Failure to satisfactorily complete continuing education requirements prescribed by the Board.

(b) Arbitration. – The Board may establish a voluntary arbitration procedure to resolve complaints concerning a certified contractor or inspector or any work performed by a certified contractor or inspector, or conflicts involving any certified contractor or inspector and the Division of Public Health of the Department or a local health department.

(c) Injunction. – The Board may in its own name seek an injunction to restrain any person, firm, partnership, or corporation from violating the provisions of this Article or rules adopted by the Board. The Board may bring an action for an injunction in the superior court of any county in which the violator resides or the violator's principal place of business is located. In any proceedings for an injunction, it shall not be necessary to allege or prove either that an adequate remedy at law does not exist, or that substantial



or irreparable damage would result from the continued violation. Members of the Board shall not be personally or professionally liable for any act or omission pursuant to this subsection. The Board shall not be required to post a bond in connection with any action to obtain an injunction.

(d) Offenses. – A person who commits any one or more of the following offenses is guilty of a Class 2 misdemeanor:

(1) Engages in or offers to engage in the construction, installation, repair, or inspection of an on-site wastewater system without the appropriate certificate for the grade level of on-site wastewater system.

(2) Gives false or forged evidence of any kind in obtaining a certificate.

# RULES

## CHAPTER 39 - ON-SITE WASTEWATER CONTRACTORS AND INSPECTORS CERTIFICATION BOARD

### SECTION .0100 - DUTIES AND DEFINITIONS

#### 21 NCAC 39 .0101 DEFINITIONS

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

- (1) "Ancillary" means an on-site wastewater system that is included in a primary construction project.
- (2) "Building being constructed" means primary construction of a site-built single family residence.
- (3) "College course" means a semester unit or quarter unit based instruction given at a college or university that is relevant to on-site wastewater contractor or inspector activities, and is pre-approved by the board as set out in Rule .0603 of this Chapter.
- (4) "Course or Activity" means any course or activity with a clear purpose and objective that will maintain, improve, or expand skills and knowledge relevant to the practice of on-site wastewater contractor or inspector activities and pre-approved by the board.
- (5) "Personally supervise" means to direct and control all on-site wastewater contractor or inspector activities during the time those activities are being conducted.
- (6) "Professional development hour" or "PDH" means an hour of instruction or presentation and is the basic unit of credit for all courses or activities related to satisfying continuing education requirements.
- (7) "Repair" means construction activity or alteration to an existing on-site wastewater system that is necessary to comply with a Construction Authorization for a repair permit issued by the Local Health Department.
- (8) "Wastewater Treatment Facility" as defined in G.S. 90A-71(8).

*History Note: Authority G.S. 90A-71; 90A-72; 90A-74;  
Eff. February 1, 2011;  
Amended Eff. January 1, 2016; January 1, 2013.*

#### 21 NCAC 39 .0102 TYPES OF CERTIFICATION

(a) The following levels of certification for certified on-site wastewater contractors are:

Level	Description of Activities
I	Single Septic Tank, Conventional (Gravel) Gravity System
II	Grade I, plus: Multiple tanks, Grease Traps, Single Pump or Single Siphon, Fill Systems, Sand Lined Trench, and any approved gravity or single pump dispersal system not specified in Grade Level III or Grade Level IV
III	Grade II, plus: Dual pumps or Dual Siphons, Systems of >1500 gpd to <3000 gpd, Low-Pressure Dispersal, Flow Equalization, and any system requiring ground water lowering with a pump
IV	Grade III, plus: Systems >3000 gpd, Multiple Off-Site Systems, Industrial Process Wastewater, Residential Wastewater Treatment Systems(RWTS), TS-I and TS-II System, Drip Dispersal Systems, and Wastewater Reuse Systems or any Pretreatment Component.

(b) Inspectors shall be certified to inspect all grade levels of on-site wastewater systems referenced in Paragraph (a).

*History Note: Authority G.S. 90A-72; 90A-74; 90A-77;  
Eff. February 1, 2011.*

### SECTION .0200 - CERTIFICATION OF ON-SITE WASTEWATER CONTRACTOR OR INSPECTORS

#### 21 NCAC 39 .0201 APPLICATION REQUIREMENTS FOR CERTIFICATION

(a) Applications for certification or renewal of certification shall be submitted annually on forms provided by the Board. Applications shall include:

- (1) Applicant's name;
- (2) Business address;
- (3) Phone number;

- (4) Date of birth;
- (5) Email address, if available;
- (6) Business or employer name and address;
- (7) Business phone number;
- (8) County where company is located;
- (9) If the certification is for contractor or inspector;
- (10) The contractor certification level requested;
- (11) Certification number, if renewal;
- (12) Required annual fee for level of certification;
- (13) Dates, locations, hours, and providers of required education and training; and
- (14) Applicant signature.

(b) The Board shall determine whether an application is complete. Incomplete applications and applications not accompanied by an appropriate fee shall not be processed and shall be returned to the applicant.

(c) The Board shall not schedule an applicant to take the required examination until their application has been reviewed and approved and the applicant has met all other conditions for certification, which, for new applicants includes an 18 hour new installer course.

(d) The Board may request verification of education and training.

(e) All certified contractors or inspectors shall submit a renewal application by November 15 of each year. If a renewal applicant's renewal application is not received by the Board until after December 31 of that calendar year, the renewal applicant shall pay a late fee of twenty-five dollars (\$25.00) in accordance with G.S. 90A-78(b). If a renewal application is received by the Board after December 31, it will not be processed until the late fee is received.

(f) If the renewal application is postmarked more than 90 days after December 31, the person must meet the requirements for re-certification.

(g) Applications for new certifications requiring testing must be received by the Board at least 15 days prior to the scheduled date of the examination.

(h) Applications for certification level upgrades must be received at least 24 hours prior to the scheduled date of the examination.

(i) In cases where the applicant is ineligible for examination, the applicant shall be notified by letter and advised of the reason for ineligibility.

(j) Applicants who have supplied false information must wait 12 months before resubmitting an application for certification or renewal and must forfeit all fees paid.

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

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

(a) A person may be certified pursuant to G.S. 90A-77(c) by:

- (1) Providing the Board documentation of being supervised by and employed full time with a certified contractor or inspector for the past three years;
- (2) Providing the Board three affidavits from local health department, engineers, or customers that show integral involvement with the installation of on-site wastewater systems;
- (3) Providing the Board with an application for certification, including appropriate initial fees;
- (4) Providing the Board with proof of attendance at approved continuing education courses for a minimum of two years; and
- (5) Passing the applicable test for the level requested.

*History Note: Authority G.S. 90A-74; 90A-77;  
Eff. January 1, 2013.*

**SECTION .0300 - ONSITE WASTEWATER CONTRACTOR OR INSPECTOR FEES**

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

(a) Application fees are:

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 Certificate	\$200.00	\$75.00
Combination Contractor Certification Grade Level and Inspector Certificate	Sum of individual fees	\$125.00

- (b) Application fees shall not be pro-rated.
  - (c) The fee for re-instatement of a revoked or suspended certification is five hundred dollars (\$500.00).
  - (d) The fee for certificate replacement or duplication is twenty-five dollars (\$25.00).
  - (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.
  - (f) The fee for each returned check is twenty-five dollars (\$25.00).
- 0All fees are non-refundable.

*History Note: Authority G.S. 25-3-506; 90A-72(a); 90A-74; 90A-75; 90A-77(f); 90A-78(b); Eff. February 1, 2011; Amended Eff. January 1, 2016.*

**SECTION .0400 - CERTIFICATION BY EXAMINATION**

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

- (a) On-site wastewater contractor or inspector examinations shall be comprehensive examinations that are standardized statewide.
- (b) The exam questions shall be based on the grade levels.
- (c) Combination certification shall require taking and passing the individual component exams.
- (d) A grade on the examination of 70 percent or more shall be passing. Results of the examination shall be reported as either passing or failing.

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

**21 NCAC 39 .0402 TIME AND PLACE OF EXAMINATION**

- (a) The Board may schedule on-site wastewater contractor or inspector examinations in addition to the statutorily required examinations given at least three times a year, at least once in the Eastern, Central, and Western regions of the state. Additional examinations may be scheduled by the Board if the Board determines that the three scheduled examinations are insufficient due to the number of applicants for examination or the time between examinations. Information regarding the date, time, and place shall be made available on the Board's web site or upon request.
- (b) The Board shall notify each applicant filing for examination in writing of the date, time and place of the examination.

*History Note: Authority G.S. 90A-72; 90A-74; 90A-77; Eff. February 1, 2011.*

**21 NCAC 39 .0403 CONDUCTING AND GRADING EXAMINATIONS**

- (a) Examinations shall be conducted and graded under the supervision of a representative of the Board.
- (b) Applicants shall identify themselves by way of a driver's license or other form of photographic identification issued by a state or federal government agency and the identification number shall be recorded on the face of the examination paper.
- (c) Applicants shall not cheat or attempt to cheat on an examination by any means, including both giving and receiving assistance, and shall not communicate in any manner for any purpose other than with an examination supervisor during an

examination. Applicants shall not deliberately disrupt the quiet and orderly administration of an examination in any manner. Violation of this Paragraph is cause for dismissal from the examination, invalidation of examinations scores, denial of certification and revocation of certification if the person is certified.

*History Note: Authority G.S. 90A-72; 90A-74; 90A-77; 90A-81;  
Eff. February 1, 2011.*

#### **21 NCAC 39 .0404 ISSUANCE OF CERTIFICATES**

- (a) After an examination grading, the applicant shall be informed in writing by the Board or its authorized representatives as to the results of their examination. The Board shall not respond to oral or other requests for exam results.
- (b) Upon successful completion of the examination and all requirements for certification the applicant shall be issued a certification card.
- (c) Questions by the applicant concerning the examination must be made in writing to the Board within six months of the notification date.
- (d) An applicant who fails to pass an examination shall be entitled to and notified of the privilege to review his examination in the presence of one or more Board members or its authorized representative at a location approved by the Board.
- (e) Each certified on-site wastewater contractor or inspector shall be assigned a unique certification number. Certification numbers are not transferable and shall not be used by another onsite wastewater contractor or inspector.

*History Note: Authority G.S. 90A-72; 90A-74; 90A-77;  
Eff. February 1, 2011.*

#### **21 NCAC 39 .0405 LICENSURE FOR MILITARY-TRAINED APPLICANT; LICENSURE FOR MILITARY SPOUSE**

- (a) Licensure for a military-trained applicant. Upon receipt of a request for licensure pursuant to G.S. 93B-15.1 from a military-trained applicant, the Board shall issue a license upon the applicant's satisfying the following conditions:
  - (1) Submit a complete Application for Certification;
  - (2) Submit a license fee in accordance with G.S. 90A-27;
  - (3) Provide documentation to satisfy conditions set out in G.S. 93B-15.1(a)(1) and (2); and
  - (4) Provide documentation that the applicant has not committed any act in any jurisdiction that would constitute grounds for refusal, suspension, or revocation of a license in North Carolina at the time the act was committed,
- (b) Licensure for a military spouse. Upon receipt of a request for licensure pursuant to G.S. 93B-15.1 from a military spouse, the Board shall issue a license upon the applicant's satisfying the following conditions:
  - (1) Submit a complete Application for Certification;
  - (2) Submit a license fee in accordance with G.S. 90A-27;
  - (3) Submit documentation demonstrating that the applicant is married to an active member of the U.S. military;
  - (4) Provide documentation to satisfy conditions set out in G.S. 93B-15.1(b)(1) and (2); and
  - (5) Provide documentation that the applicant has not committed any act in any jurisdiction that would constitute grounds for refusal, suspension, or revocation of a license in North Carolina at the time the act was committed.

*History Note: Authority: G.S. 90A-74; 93B-15.1  
Eff. April 1, 2014.*

### **SECTION .0500 - CERTIFICATION RENEWAL**

#### **21 NCAC 39 .0501 CONDITIONS AND LIMITATIONS FOR RENEWAL OF CERTIFICATIONS**

- (a) Certifications shall expire on December 31 of each year.
- (b) A renewal shall not be granted if the applicant's certification is suspended or revoked until the period for such suspension or revocation has expired.
- (c) Certified individuals under this program shall notify the Board within 30 days in writing of any changes to their name, company name, company address, phone number, or email address.

*History Note: Authority G.S. 90A-72; 90A-74; 90A-77;  
Eff. February 1, 2011.*

**SECTION .0600 - CONTINUING EDUCATION REQUIREMENTS  
REQUIREMENTS**

**21 NCAC 39 .0601**

(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:

Level	Annual PDH Units Required
I	3
II	3
III	6
IV	6
Inspector	6
Combination Contractor Grade Level and Inspector	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 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 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.*

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

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

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

(c) The Board shall approve courses that instruct on on-site wastewater contractor or inspector activities and the use of on-site wastewater contractor or inspector equipment, products, and materials. The Board shall determine that courses and activities contain a clear purpose and objective and result in the maintenance, improvement, or expansion of skills and knowledge related to the practice of on-site wastewater contractor or inspector activities. Providers may request approval of courses or activities 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 written request to the Board that provides the following information:

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

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

*Eff. February 1, 2011;*

*Amended Eff. January 1, 2016.*

**21 NCAC 39 .0603 DETERMINATION OF CREDIT**

The Board has final authority with respect to approval of courses credit, PDH values for courses, and other methods of earning credit. Courses or activities must maintain, improve or expand the skills and knowledge related to the practice of on-site wastewater contractor or inspector activities in order for an on-site wastewater contractor or inspector to receive credit. The Board shall award the stated hours of credit (PDH) for any acceptable and successfully completed activity in each of the following categories:

- (1) Credit for college or community college courses shall be a maximum of 12 PDH for receipt of a passing grade in the course;
- (2) Credit for continuing education correspondence courses provided through television, videotapes, audiotapes, or other short courses/tutorial materials that provide a completion certificate shall be one PDH unit for each hour of attendance or contact time, up to a maximum of 12 PDH; and

- (3) Credit for teaching or presenting in Item (2) of this Rule are double the stated credits. Credit for teaching or presenting is available only for the first time that an on-site wastewater contractor or inspector teaches such a course or makes such a presentation.

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

#### **21 NCAC 39 .0604 RECORDKEEPING**

The responsibility of maintaining records to be used to support credits claimed is the responsibility of the contractor. Records required include;

- (1) A log showing the type of activity claimed, sponsoring organization, location, duration, instructors or speakers name and PDH credits earned; or
- (2) Attendance verification records in the form of completion certificates or other documents supporting evidence of attendance.

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

#### **21 NCAC 39 .0605 SPECIAL PROVISIONS FOR CONTINUING EDUCATION**

(a) An on-site wastewater contractor or inspector serving on active duty in the uniformed services of the United States for a period of time exceeding 180 consecutive days in a year shall be granted an extension of time in which to obtain the professional development hours required during that renewal period. The extension shall allow the requesting on-site wastewater contractor or inspector 12 months from the date the extension is granted to correct the deficiency in professional development hours (PDH) for the renewal period in issue.

(b) If an on-site wastewater contractor or inspector experiences a long term disability or illness he may petition the board for an extension of time to obtain professional development hours required during that renewal period. The petition shall provide documentation including verification from a medical doctor of illness, with proof of disability. The extension of time shall not exceed 90 days into the following renewal year.

*History Note: Authority G.S. 90A-72; 90A-74; 90A-77; 90A-78; 90A-79; 93B-15;  
Eff. February 1, 2011.*

### **SECTION .0700 - PROCEDURES FOR DISCIPLINARY ACTIONS**

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

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

(b) A certificate holder may relinquish a certificate by submission to the Board of the original certificate and a notarized statement of relinquishment.

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

*History Note: Authority G.S. 90A-72; 90A-74; 90A-80; 90A-81;  
Eff. February 1, 2011;  
Amended Eff. January 1, 2016.*

#### **21 NCAC 39 .0702 CERTIFICATION FOLLOWING REVOCATION OR VOLUNTARY SURRENDER OF CERTIFICATION**

(a) If a certification is revoked or voluntarily surrendered the person may not apply for a new certification for a period of at least 12 months.

(b) An individual whose certification was revoked or voluntarily surrendered may apply to the Board for reinstatement after the 12 month period has ended.

(c) An individual approved by the Board to apply for reinstatement, must then meet all the requirements for a new applicant as specified in Article 5 of G.S. 90A and the rules adopted by the Board.

(d) Applicants denied reinstatement by the Board may appeal the decision pursuant to the procedures contained in G.S. 150B, Article 3A.

*History Note: Authority G.S. 90A-72; 90A-74; 90A-80; 90A-81;  
Eff. February 1, 2011.*

**21 NCAC 39 .0703 PENALTIES**

A person who violates any rule of this Section is subject to the penalties of G.S. 90A-81.

*History Note: Authority G.S. 90A-72; 90A-74; 90A-80; 90A-81;  
Eff. February 1, 2011.*

**SECTION .0800 – ONSITE WASTEWATER CONTRACTOR OR INSPECTORS CODE OF ETHICS**

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

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

(b) Opinions expressed by contractors and inspectors in the discharge of their duties shall only be based on their education and experience.

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

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

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

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

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

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

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

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

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

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

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

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

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

**21 NCAC 39 .0900 reserved for future codification**

**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.*