



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

ROY COOPER • Governor
KODY H. KINSLEY • Secretary
MARK BENTON • Chief Deputy Secretary for Health
KELLY KIMPLE • Acting Director, Division of Public Health

MEMORANDUM

DATE: December 12, 2024

TO: Environmental Health Directors, Supervisors, Coordinators, Specialists, and the Regulated Community

FROM: On-Site Water Protection Branch

RE: Septic System Permit Extensions, Temporary Water Supplies, and Temporary Housing connections.

I. Background

Senate Bill 382 (S.L. 2024-57) enacts legislation aimed at addressing disaster recovery needs following Hurricane Helene. The act includes modifications and additional appropriations for disaster recovery efforts, as well as updates to the 2023 Current Operations Appropriations Act. Key provisions include the extension of certain septic system permits, temporary water supplies, and allowances for the connections of temporary housing to existing septic systems through an affidavit process.

These provisions apply to the 25 counties and the Eastern Band of Cherokee Indians identified in the Federal Disaster Declaration. This includes Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Catawba, Clay, Cleveland, Gaston, Haywood, Henderson, Jackson, Lincoln, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Transylvania, Watauga, Wilkes, and Yancey Counties as well as the Eastern Band of Cherokee Indians.

Senate Bill 382 (S.L. 2024-57) is attached for your review, and this guidance document summarizes the relevant sections for your reference.

II. EXTEND THE VALIDITY OF CERTAIN SEPTIC SYSTEM PERMITS WITHIN THE AFFECTED AREA

Sections 1D.4.(a) and 1D.4.(b): The legislation extends the validity of Improvement Permits, Construction Authorizations, Operations Permits, and Notices of Intent for on-site wastewater systems in areas affected by Hurricane Helene. These permits, which would otherwise expire, will now remain valid for up to 10 years from their original issuance date. However, this extension does not exempt permit holders from complying with other applicable laws and rules, including required inspections and enforcement for noncompliance. The extension applies to permits that were current or valid at any point from January 1, 2024, until the law's effective date, December 11, 2024. For example, an IP/CA that expired on 2/1/24, is now valid until 2/1/29. Furthermore, an IP issued on 2/1/24, is now valid until 2/1/34.

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Local Health Departments in affected counties must adhere to this extension while continuing to enforce all other relevant regulations.

III. TEMPORARY PUBLIC WATER SYSTEM APPROVAL IN DISASTER AREAS

Sections 1D.5.(a), 1D.5.(b), 1D.5.(c), 1D.5.(e): This enacted provision permits the temporary operation of transient non-community public water systems in disaster-affected areas to address urgent public health or safety needs. As defined by 40 CFR 141.2, a *transient non-community water system* or *TWS* means a non-community water system that does not regularly serve at least 25 of the same persons over six months per year. Water suppliers may operate without a permit for up to 59 days if they submit a temporary operation notice to the Department of Environmental Quality (DEQ) with details about the system, treatment techniques, and intended duration. Suppliers must notify DEQ at least 24 hours before starting operations, allowing the Department to object if necessary, and DEQ may inspect systems to ensure compliance with public health standards.

Operating requirements include ensuring contamination-free water sources, applying basic treatment methods, and conducting regular water quality testing, such as daily checks for chlorine residuals and weekly testing for coliform bacteria. Suppliers must inform users of any identified water quality risks and cease operations within 59 days or sooner if DEQ identifies a public health risk, with notification to DEQ required within seven days of stopping operations. DEQ retains authority to revoke temporary authorization if the system poses an imminent threat to public health or safety. This legislation provides critical flexibility for emergency water supply needs while maintaining safeguards to protect public health.

IV. RIGHT TO CONNECT TEMPORARY HOUSING TO WASTEWATER TREATMENT SYSTEM

Section 1D.9.(a) and 1D.9.(b): This statutory change prohibits local health departments in disaster-affected areas from denying homeowners the ability to connect temporary housing to an existing subsurface wastewater treatment and dispersal system, provided the homeowner signs an affidavit developed by the Department of Health and Human Services. This affidavit allows the temporary connection for up to 12 months or until permanent housing is established, whichever comes first. Furthermore, the legislation protects the Department, its employees, agents, and contractors from any legal claims or actions by the homeowner or any other individuals residing on or visiting the property related to the homeowner's decision to connect to the existing wastewater system.

The attached affidavit is provided for your reference, with this section set to expire on June 1, 2025.