



February 26, 2026

*Proposed Amendments to 15A NCAC 07H .0306
Relocation/Replacement of Septic Systems (CR-26-47)*

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Oceanfront Septic Systems in Ocean Hazard Areas

- At the Commission's November 2025 meeting, staff presented proposed amendments to 15A NCAC 07H .0306
- Commissioners requested additional information on:
 - The scope of septic failures occurring due to tidal inundation and erosion
 - The extent to which oceanfront communities rely on septic vs centralized wastewater systems
 - How CRC rules intersect with DHHS wastewater permitting authority
- Staff have since met with DHHS and are continuing coordination prior to returning to CRC for further action

Documented Oceanfront Septic Failures

- Staff coordination with local governments confirm at least 22 oceanfront septic failures or washouts currently.
- Failures are concentrated in communities with:
 - High short-term erosions rates
 - Heavy reliance on private onsite septic systems
- Buxton accounts for at least 17 documented incidents
- Several failures involved multi-unit structures



Buxton Feb 2026, Photo: Daniel Pullen

Community Reliance on Septic vs. Sewer

- Reliance on private onsite septic systems generally decreases north to south
- Northern oceanfront areas (especially unincorporated Dare Co.) remain heavily septic dependent
- Central coast communities rely on a mix of package plants and septic systems
- Southern Beaches (New Hanover/Brunswick) are now largely served by centralized sewer systems

Relocation/Replacement of Septic Systems - Current

Relevant rules that address OHA Septic Systems

- 07H .0306 General Use Standards for Ocean Hazard Areas
- 07H .0308 Specific Use Standards for Ocean Hazard Areas
- 07J .0210 Replacement of Existing Structures

What is generally allowed?

- Replaced or relocated landward with public funds must be **fully compliant**
- Replacement or relocation with non-public funds must occur the **maximum feasible distance** landward and must not be **oceanward of the primary structure**.
- If the septic system can be repaired in accordance with 15A NCAC 7J .0210, even if the home has lost its Certificate of Occupancy, it can be repaired in place.



Relocation/Replacement of Septic Systems - Current



What are the issues?

- Septic tanks are treated as part of the structure under 07J .0210, so often no permit is required (even for repairs to systems now on the ocean beach)
- A structure must be “relocated or dismantled within eight years of the time when it becomes imminently threatened, and in any case upon its collapse or subsidence.” – 07H .0306(g)
- Public vs. non-public projects follow separate criteria for relocating structures/septic systems



Relocation/Replacement of Septic Systems - Proposed

New Septic Systems - 07H .0306(a)(3)

- Clarifies that new structures must meet the oceanfront setback
- Adds reference to Public Health General Statute (G.S. 130A-334) definition

15A NCAC 07H .0306(a)(3)

(3) With the exception of those types of development defined in 15A NCAC 07H .0309(a), no development, including any portion of a building or structure, **including septic tanks, pump tanks, or components of a ground absorption system, as defined in G.S. 130A-334**, shall extend oceanward of the ocean hazard setback. This includes roof overhangs and elevated structural components that are cantilevered, knee braced, or otherwise extended beyond the support of pilings or footings. The ocean hazard setback shall be established based on the following criteria:.....

Relocation/Replacement of Septic Systems - Proposed

Relocation/Replacement- 07H .0306(f)

- Specifies that septic system repair/replacement is not evaluated under 07J .0210 and instead requires a CAMA permit for replacement of any septic tank, pump tank, or ground absorption system component.

15A NCAC 07H .0306(f)

- (f) The relocation or elevation of structures shall require permit approval. Notwithstanding 15A NCAC 7J .0210, for the purposes of this Section, the replacement of any septic tank, pump tank, or component of a ground absorption system, as defined in G.S. 130A-334, requires a CAMA permit.

Relocation/Replacement of Septic Systems - Proposed

Relocation/Replacement- 07H .0306(f) – Con't

- Public funds must still meet oceanfront setbacks and applicable rules
- Non-public funds (incl. NFIP) – maintain maximum feasible distance landward, but cannot replace or relocate systems waterward of the vegetation line.

15A NCAC 07H .0306(f)

- (1) Structures relocated landward with public funds shall comply with the applicable ocean hazard setbacks and other applicable AEC rules.
- (2) Structures relocated **landward** entirely with non-public funds **and** that do not meet current applicable ocean hazard setbacks **may shall** be relocated the maximum feasible distance landward of its present location. **Septic tanks tanks, pump tanks, or components of a ground absorption system, as defined in G.S. 130A-334, shall not be relocated or replaced waterward of the vegetation line. oceanward of the primary structure.**

Relocation/Replacement of Septic Systems - Proposed



Relocation/Replacement- 07H .0306(f) – Con't

- If a home or septic system is relocated, all remaining debris – including original septic system is required to be removed as well.

15A NCAC 07H .0306(f)

(4) When structures are relocated within the Ocean Hazard Area of Environmental Concern, all remaining debris, ancillary structures, or infrastructure shall be removed from the original location.

On going coordination with DHHS

February 18th meeting

- NCCF, DCM, Dare County, and DHHS staff met in Durham to discuss:
 - Current local and state rules that address compromised on-site septic systems along the oceanfront.
 - DCM staff's currently proposed amendments to CRC rules.
 - Alignment between DHHS and CRC rules.

Outcome: DCM and DHHS will schedule a Stakeholder meeting to further discuss options to address septic tank failures on the oceanfront.



Questions?

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