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February 3, 2026

MEMORANDUM

CRC-26-47

TO: Coastal Resources Commission
FROM: Cameron Luck
SUBJECT: Proposed Amendments to 15A NCAC 7H .0306 – Septic Tanks Siting and Replacement

At the Commission's November 2025 meeting, staff presented proposed amendments to 15A NCAC 07H .0306 addressing the siting, repair, relocation, and replacement of oceanfront septic systems in Ocean Hazard Areas of Environmental Concern. During that discussion, Commission members requested additional information to better understand the scope of septic system failures due to tidal inundation occurring along the oceanfront, the extent to which coastal communities rely on septic systems versus centralized wastewater infrastructure, and how the rule making process intersects with the Department of Health and Human Service's (DHHS) permitting process. The Commission also requested that a representative from the DHHS participate in the discussion to provide additional context for wastewater system regulation at the coast. In response, this memorandum provides a summary of observed oceanfront septic system failures, an overview of North Carolina's oceanfront community wastewater infrastructure, and additional context to support the Commission's consideration of the proposed rule amendments.

Based on staff coordination with local governments and a review of recent correspondence, at least 22 oceanfront properties have experienced confirmed wastewater treatment system failures or washouts associated with erosion and storm impacts in recent years. These incidents are not evenly distributed along the coast and are instead concentrated in communities that both experience high, short-term erosion rates and rely heavily on private onsite septic systems. The majority of documented failures are located in unincorporated areas of Dare County, with Buxton accounting for at least 17 of the known incidents. Several of the affected properties include multi-unit structures. One identified failure occurred outside of unincorporated Dare County, in Nags Head. An inventory of affected property addresses, along with correspondence documenting these failures, is included as an attachment for the Commission's reference.

When considering how North Carolina's oceanfront municipalities currently treat their wastewater, reliance on private onsite septic systems generally decreases from north to south. Northern oceanfront areas, including much of Dare County, particularly unincorporated communities such as Rodanthe, Buxton, and Avon, remain heavily dependent on onsite septic systems and have been experiencing some of the most severe and persistent shoreline erosion along the coast. In central areas such as Bogue Banks in Carteret County, wastewater treatment is provided primarily through a combination of package treatment plants and private onsite septic



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systems. Farther south, especially in Brunswick County, most oceanfront communities are now served by centralized sewer systems, reducing reliance on septic infrastructure.

Under the Commission's current rules, new septic systems constructed in the Ocean Erodible AEC must meet the applicable setback. If a septic system in the Ocean Erodible AEC requires replacement or relocation, the property owner must consider the following:

1. If the septic system is replaced or relocated landward with public funds, the septic system must meet the applicable setback and other applicable AEC rules.
2. If the septic system is replaced or relocated landward with non-public funds and does not meet the current applicable setback, the septic system must be replaced or relocated the maximum feasible distance landward and must be landward of the primary structure.
3. 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.

The proposed amendments to 15A NCAC 07H .0306 are intended to address how existing ocean hazard rules apply to on-site septic systems as shorelines migrate landward, while continuing to operate in coordination with the DHHS which retains primary authority for permitting onsite wastewater systems statewide. The Commission's rules govern the placement of structures within the Ocean Hazard Area AECs and address where septic systems may be located when subject to repair or replacement. Under current repair/replacement rules, septic systems associated with an existing structure are often repaired/replaced when overwashed because they are treated as part of the principal structure and repair or replacement is less than 50% of the value of the home. In practice, this has led to recurring problems on highly eroded beaches, where severe shoreline erosion has caused previously conforming septic systems to become located on the public beach and repeatedly exposed to over wash and ocean wave action. Once exposed, these systems frequently fail which leads to sewage releases onto the beach. Although DHHS rules require septic systems to be set back at least 50 feet from Mean High Water (MHW), on severely eroded shorelines the system may meet the setback but continue to be over washed, limiting the effectiveness of that setback.

The proposed amendments address these issues by specifying that work to restore the functionality of a septic system located seaward of the vegetation line constitutes replacement rather than repair and therefore requires review under a CAMA permit. The amendments further specify that septic systems may not be relocated or replaced within areas that function as public trust beach, even where relocation landward of a structure might otherwise be allowed. In addition, the amendments establish expectations that abandoned infrastructure and associated debris (including septic tanks) be removed when structures or systems are relocated within the Ocean Hazard AEC.

Severe and ongoing shoreline erosion has caused buildings and septic systems that were previously conforming with applicable setbacks and siting requirements to become located on ocean beaches. Existing Ocean Hazard Area rules effectively regulate new development, but currently allow septic systems exposed to over wash and related stressors to be replaced in areas subject to tidal inundation. Assuming these conditions continue and to protect public health and



public trust resources, addressing how previously compliant systems are managed once they are compromised is being presented for your consideration.

Staff look forward to discussing this topic at your upcoming meeting.



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15A NCAC 07H .0306 GENERAL USE STANDARDS FOR OCEAN HAZARD AREAS

(a) In order to protect life and property, all development not otherwise specifically exempted or allowed by law or elsewhere in the Coastal Resources Commission's rules shall be located according to whichever of the following is applicable:

- (1) The ocean hazard setback for development shall be measured in a landward direction from the vegetation line, the pre-project vegetation line, or the measurement line, whichever is applicable.
- (2) The ocean hazard setback shall be determined by both the size of development and the shoreline long term erosion rate as defined in Rule .0304 of this Section. "Development size" is defined by total floor area for structures and buildings or total area of footprint for development other than structures and buildings. Total floor area includes the following:
 - (A) The total square footage of heated or air-conditioned living space;
 - (B) The total square footage of parking elevated above ground level; and
 - (C) The total square footage of non-heated or non-air-conditioned areas elevated above ground level, excluding attic space that is not designed to be load-bearing.Decks, roof-covered porches, and walkways shall not be included in the total floor area unless they are enclosed with material other than screen mesh or are being converted into an enclosed space with material other than screen mesh.
- (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:
 - (A) A building or other structure less than 5,000 square feet requires a minimum setback of 60 feet or 30 times the shoreline erosion rate, whichever is greater;
 - (B) A building or other structure greater than or equal to 5,000 square feet but less than 10,000 square feet requires a minimum setback of 120 feet or 60 times the shoreline erosion rate, whichever is greater;
 - (C) A building or other structure greater than or equal to 10,000 square feet but less than 20,000 square feet requires a minimum setback of 130 feet or 65 times the shoreline erosion rate, whichever is greater;
 - (D) A building or other structure greater than or equal to 20,000 square feet but less than 40,000 square feet requires a minimum setback of 140 feet or 70 times the shoreline erosion rate, whichever is greater;
 - (E) A building or other structure greater than or equal to 40,000 square feet but less than 60,000 square feet requires a minimum setback of 150 feet or 75 times the shoreline erosion rate, whichever is greater;
 - (F) A building or other structure greater than or equal to 60,000 square feet but less than 80,000 square feet requires a minimum setback of 160 feet or 80 times the shoreline erosion rate, whichever is greater;
 - (G) A building or other structure greater than or equal to 80,000 square feet but less than 100,000 square feet requires a minimum setback of 170 feet or 85 times the shoreline erosion rate, whichever is greater;
 - (H) A building or other structure greater than or equal to 100,000 square feet requires a minimum setback of 180 feet or 90 times the shoreline erosion rate, whichever is greater;
 - (I) Infrastructure that is linear in nature, such as roads, bridges, pedestrian access such as boardwalks and sidewalks, and utilities providing for the transmission of electricity, water, telephone, cable television, data, storm water, and sewer requires a minimum setback of 60 feet or 30 times the shoreline erosion rate, whichever is greater;
 - (J) Parking lots greater than or equal to 5,000 square feet require a setback of 120 feet or 60 times the shoreline erosion rate, whichever is greater;
 - (K) Notwithstanding any other setback requirement of this Subparagraph, construction of a new building or other structure greater than or equal to 5,000 square feet in a community



with an unexpired static line exception or Beach Management Plan approved by the Commission in accordance with 15A NCAC 07J .1200 requires a minimum setback of 120 feet or 60 times the shoreline erosion rate in place at the time of permit issuance, whichever is greater. The setback shall be measured landward from either the vegetation line or measurement line, whichever is farthest landward; and

(L) Notwithstanding any other setback requirement of this Subparagraph, replacement of a structure with a total floor area no greater than 10,000 square feet shall be allowed provided that the structure meets the following criteria:

- (i) the structure is in a community with an unexpired static line exception, Beach Management Plan approved by the Commission, or was originally constructed prior to August 11, 2009;
- (ii) the structure as replaced does not exceed the original footprint or square footage;
- (iii) it is not possible for the structure to be rebuilt in a location that meets the ocean hazard setback criteria required under Subparagraph (a)(5) of this Rule;
- (iv) the structure as replaced meets the minimum setback required under Part (a)(5)(A) of this Rule; a minimum setback of 60 feet or 30 times the shoreline erosion rate, whichever is greater; and
- (v) the structure is rebuilt as far landward on the lot as feasible.

(4) If a primary dune exists in the AEC, on or landward of the lot where the development is proposed, the development shall be landward of the applicable ocean hazard setback and the crest of the primary dune. For existing lots where setting the development landward of the crest of the primary dune would preclude any practical use of the lot, development may be located oceanward of the primary dune. In such cases, the development may be located landward of the ocean hazard setback, and shall not be located on or oceanward of a frontal dune. For the purposes of this Rule, "existing lots" shall mean a lot or tract of land that, as of June 1, 1979, is specifically described in a recorded plat and cannot be enlarged by combining the lot or tract of land with a contiguous lot or tract of land under the same ownership.

(5) If no primary dune exists, but a frontal dune does exist in the AEC on or landward of the lot where the development is proposed, the development shall be set landward of the frontal dune or ocean hazard setback, whichever is farthest from the vegetation line, pre-project vegetation line, or measurement line, whichever is applicable.

(6) Structural additions or increases in the footprint or total floor area of a building or structure represent expansions to the total floor area and shall meet the setback requirements established in this Rule and 15A NCAC 07H .0309(a). New development landward of the applicable setback may be cosmetically but not be structurally attached to an existing structure that does not conform with current setback requirements.

(7) Established common law and statutory public rights of access to and use of public trust lands and waters in ocean hazard areas shall not be eliminated or restricted, nor shall such development increase the risk of damage to public trust areas. Development shall not encroach upon public accessways, nor shall it limit the intended use of the accessways.

(8) Development setbacks in areas that have received large-scale beach fill as defined in 15A NCAC 07H .0305 shall be measured landward from the pre-project vegetation line as defined in this Section, unless an unexpired static line exception or Beach Management Plan approved by the Commission has been approved for the local jurisdiction by the Coastal Resources Commission in accordance with 15A NCAC 07J .1200.

(9) A local government, group of local governments involved in a regional beach fill project, or qualified "owners' association" as defined in G.S. 47F-1-103(3) that has the authority to approve the locations of structures on lots within the territorial jurisdiction of the association and has jurisdiction over at least one mile of ocean shoreline, may petition the Coastal Resources Commission for approval of a "Beach Management Plan" in accordance with 15A NCAC 07J.1200. If the request for a Beach Management Plan is approved, the Coastal Resources Commission shall allow development setbacks to be measured from a vegetation line that is oceanward of the pre-project vegetation line under the following conditions:

- (A) Development meets all setback requirements from the vegetation line defined in Subparagraphs (a)(1) and (a)(3) of this Rule;
- (B) Development setbacks shall be calculated from the shoreline erosion rate in place at the time of permit issuance;



- (C) No portion of a building or structure, including roof overhangs and elevated portions that are cantilevered, knee braced, or otherwise extended beyond the support of pilings or footings, extends oceanward of the landward-most adjacent habitable building or structure. The alignment shall be measured from the most oceanward point of the adjacent building or structure's roof line, including roofed decks, if applicable. An "adjacent" property is one that shares a boundary line with the site of the proposed development. When no adjacent buildings or structures exist, or the configuration of a lot, street, or shoreline precludes the placement of a building or structure in line with the landward-most adjacent building or structure, an average line of construction shall be determined by the Director of the Division of Coastal Management based on an approximation of the average seaward-most positions of the rooflines of adjacent structures along the same shoreline, extending 500 feet in either direction. If no structures exist within this distance, the proposed structure must meet the applicable setback from the Vegetation Line and will not be held to the landward-most adjacent structure or an average line of structures.
- (D) With the exception of swimming pools, the exceptions defined in Rule .0309(a) of this Section shall be allowed oceanward of the pre-project vegetation line.
 - (b) Development shall not cause irreversible damage to historic architectural or archaeological resources as documented by the local historic commission, the North Carolina Department of Natural and Cultural Resources, or the National Historical Registry.
 - (c) Mobile homes shall not be placed within the high hazard flood area unless they are within mobile home parks existing as of June 1, 1979.
 - (d) Development proposals shall incorporate measures to avoid or minimize adverse impacts of the project. These measures shall be implemented at the applicant's expense and may include actions that:
 - (1) minimize or avoid adverse impacts by limiting the magnitude or degree of the action;
 - (2) restore the affected environment; or
 - (3) compensate for the adverse impacts by replacing or providing substitute resources.
 - (e) Prior to the issuance of any permit for development in the ocean hazard AECs, there shall be a written acknowledgment from the applicant to the Division of Coastal Management that the applicant is aware of the risks associated with development in this hazardous area and the limited suitability of this area for permanent structures. The acknowledgement shall state that the Coastal Resources Commission does not guarantee the safety of the development and assumes no liability for future damage to the development.
 - (f) The relocation or elevation of structures shall require permit approval.

Notwithstanding 15A NCAC 7J .0210, for the purposes of this Section, any work required to restore the functionality of any septic tank, pump tank, or component of a ground absorption system, as defined in G.S. 130A-334, located seaward of the Vegetation Line or Measurement line, whichever is applicable, is considered replacement and requires a CAMA permit.

 - 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 within public trust areas of ocean beaches as defined in G.S. 77-20. oceanward of the primary structure.
 - 3) Existing structures shall not be elevated if any portion of the structure is located seaward of the vegetation line.



(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.

(g) Permits shall include the condition that any structure shall be relocated or dismantled when it becomes imminently threatened by changes in shoreline configuration as defined in 15A NCAC 07H .0308(a)(2)(B). Any such structure shall be relocated or dismantled within eight years of the time when it becomes imminently threatened, and in any case upon its collapse or subsidence. However, if natural shoreline recovery or beach fill takes place within eight years of the time the structure becomes imminently threatened, so that the structure is no longer imminently threatened, then it need not be relocated or dismantled. This permit condition shall not affect the permit holder's right to seek authorization of temporary protective measures allowed pursuant to 15A NCAC 07H.0308(a)(2).

History Note: Authority G.S. 113A-107; 113A-113(b)(6); 113A-124; Eff. September 9, 1977; Amended Eff. December 1, 1991; March 1, 1988; September 1, 1986; December 1, 1985; RRC Objection due to ambiguity Eff. January 24, 1992; Amended Eff. March 1, 1992; RRC Objection due to ambiguity Eff. May 21, 1992; Amended Eff. February 1, 1993; October 1, 1992; June 19, 1992; RRC Objection due to ambiguity Eff. May 18, 1995; Amended Eff. August 11, 2009; April 1, 2007; November 1, 2004; June 27, 1995; Temporary Amendment Eff. January 3, 2013; Amended Eff. September 1, 2017; February 1, 2017; April 1, 2016; September 1, 2013; Readopted Eff. December 1, 2020; Amended Eff. August 1, 2022; December 1, 2021.





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From: [Renaldi, Ronald](#)
To: [Luck, Cameron A](#)
Subject: FW: [External] Fwd: Wash out list
Date: Friday, January 23, 2026 5:01:42 PM
Attachments: [image001.png](#)

See below

Ron Renaldi

District Manager, Northeastern District
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From: Noah Gillam <noah.gillam@darenc.gov>
Sent: Friday, January 23, 2026 4:56 PM
To: Renaldi, Ronald <ronald.renaldi@deq.nc.gov>
Subject: [External] Fwd: Wash out list

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----- Forwarded message -----

From: **Robert Preston** <robert.preston@darenc.gov>
Date: Fri, Jan 23, 2026 at 4:55 PM
Subject: Wash out list
To: Noah Gillam <noah.gillam@darenc.gov>

So as you know this list is very fluid. We haven't done a lot of repairs in Buxton since the last storms, but that could change here very soon when the Spring rolls around. Plus as

you know we are moving houses quite a bit which could change the list as well. But as of today the washed out systems are as follows;

- 219 E Altoona St; Nags Head (Only one outside of unincorporated Dare Co. but thought CRC may want to know)

Buxton:

- 46025 Cottage Ave
- 46020 Ocean Dr
- 46219 Tower Cir
- 46677 NC 12 (Lighthouse View Motel) This address has two units with newly washed out septic systems. (Units 235 and 295)
- 46226 Oramar Dr
- 46224 Oramar Dr
- Cape Hatteras Motel Buildings A & B
- 46283 Old Lighthouse Rd
- 46285 Old Lighthouse Rd
- 46201 Tower Cir
- 46221 Tower Cir
- 46029 Ocean Dr
- 46215 Tower Cir
- 46010 Ocean Dr
- 46000 Ocean Dr
- 24211 Ocean Dr

Rodanthe

- 22035 Seagull St
- 23017 GA Kohler
- 23237 Sea Oats Dr
- 24225 Ocean Dr

There may be one or two missing from Rodanthe from many years ago where they never repaired the system and back then we didn't track it like we do now but that is the complete list we have now.

--
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Noah Gillam

Planning Director

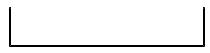
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