

JOSH STEIN
Governor
D. REID WILSON
Secretary
TANCRED MILLER
Director



March 26, 2026

MEMORANDUM

CRC-26-61

TO: Coastal Resources Commission
FROM: Cameron Luck
SUBJECT: Septic Tank Updates – DHHS Stakeholder Meeting

Over the course of several commission meetings, staff have provided background on septic system siting, repair, and replacement within Ocean Hazard Areas of Environmental Concern and discussed potential amendments to 15A NCAC 07H .0306. However, based on continued Commission discussions, staff did not advance proposed rule language at the most recent February 2026 meeting to allow for additional coordination with the Department of Health and Human Services (DHHS) to better understand the scope of the issue and gauge interest in coordinated regulatory approaches.

As previously presented, septic system failures associated with shoreline erosion and storm impacts are occurring in multiple oceanfront communities, with a concentration in areas such as Buxton where high erosion rates coincide with heavy reliance on onsite wastewater systems. In these areas, systems that were originally compliant with applicable setbacks have become increasingly vulnerable to over wash and tidal inundation as shorelines migrate landward, resulting in recurring failures and the discharge of wastewater onto the public beach.

While DCM retains authority over the siting of development within Ocean Hazard AECs, DHHS maintains primary authority for permitting onsite wastewater systems. As a result, addressing septic system failures in these dynamic environments requires coordination between the two agencies to ensure that coastal management requirements and public health regulations are aligned and mutually implementable.

To support this effort, a DHHS stakeholder meeting is being held on March 30, 2026, in Buxton, with participation from Dare County, NC Homebuilders Association, NC Septic Tanks Association, Outer Banks Realtors Association, National Park Service, Southern Environmental Law Center, DCM, the North Carolina Coastal Federation, the National Park Service, and representatives of several local health departments. The purpose of this meeting is to discuss site-specific conditions and issues occurring in Buxton and Rodanthe, review the regulatory frameworks currently governing septic systems, and evaluate whether there is shared interest in pursuing coordinated rulemaking or other management approaches. There will also be a field trip to see some of the failed systems in person.



North Carolina Department of Environmental Quality | Division of Coastal Management
Morehead City Office | 400 Commerce Avenue | Morehead City, North Carolina 28557
252.515.5400

DCM staff continue to evaluate potential rule language focused on the relocation and replacement of septic systems in Ocean Hazard Areas, with the objective of reducing the occurrence of failed systems located on the public beach. As a reminder, these amendments are intended to build on the Commission's existing rules and address the challenges associated with previously compliant systems becoming exposed due to shoreline change.

At the April 2026 meeting, staff will not present proposed rule language but will instead provide the Commission with an update on the outcomes of the March 30 stakeholder meeting, including any identified next steps. This may include recommendations regarding future rulemaking efforts and any additional coordination needed between DCM and DHHS.

Staff will continue to keep the Commission informed as this effort progresses.

