



August 27, 2026

*Proposed Amendments to 15A NCAC 07H .0306
Relocation/Replacement of Septic Systems (CR-26-75)*

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Background

The issue of septic systems on public trust beaches was initially identified through recurring septic system failures on oceanfront beaches in Rodanthe and Buxton.

- Shoreline erosion has resulted in properly permitted septic systems becoming:
 - Exposed on the public beach
 - Repeatedly inundated by ocean water
 - Vulnerable to storm and wave damage

Although the most documented examples have occurred in Dare County, similar conditions may occur anywhere along North Carolina's oceanfront.

Relocation/Replacement of Septic Systems - Current

Other Examples:



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?

- Septic systems are treated as part of the primary structure under .0210.
- Systems are eligible for sandbag protection under 07H .0308(b)(2)
- Replaced or relocated 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**.
- DHHS wastewater siting requirements also apply, including a 50' minimum setback from mean high water



Relocation/Replacement of Septic Systems - Current



Why septic systems remain on 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)
- Existing rules do not require immediate removal solely because a septic system becomes exposed on the beach.

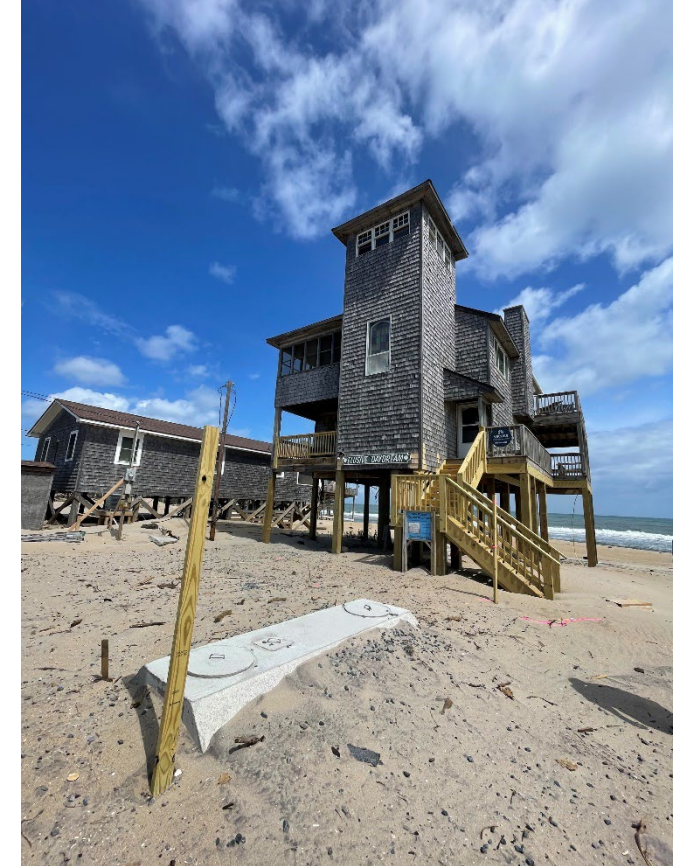
Rule Making History



Stakeholder Engagement Along the Way

Meeting Take Homes:

- Establish a clear threshold between routine maintenance and repair requiring a permit
- Avoid requiring CAMA permits for routine maintenance.
- Consider whether requirements should be coastwide or targeted to systems exposed on the ocean beach
- General agreement that action is needed to address repeated repair of failed systems on the public trust beach





Proposed Amendments



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

- Clarifies that under existing rule new septic systems meet the required ocean hazard setback
- Uses **G.S. 130A-334** to identify applicable wastewater system components

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:.....

Proposed Amendments

Relocation/Replacement- 07H .0306(f)

- Existing repair/replacement exemption remains landward of the applicable management line
- CAMA permit is required for repair or replacement once a system ends up oceanward of the applicable setback line
- Defines and continues to allow routine maintenance without a permit

15A NCAC 07H .0306(f)

- (f) The relocation or elevation of structures shall require permit approval. Notwithstanding 15A NCAC 07J .0210, for purposes of this Section, a CAMA permit is required for the repair or replacement of any septic tank, pump tank, or component of a ground absorption system when located oceanward of the vegetation line, measurement line, or pre-project vegetation line, as applicable. Only maintenance, as defined in this Section, may be performed without a CAMA permit. For purposes of this Section, "maintenance" means routine servicing activities performed to preserve the normal operation of an existing onsite wastewater system. Maintenance is limited to inspection, pumping, cleaning, replacement of effluent filters, and adjustment of system controls. Maintenance does not include replacement, alteration, relocation, or repair of any damaged component of a wastewater system.

Proposed Amendments

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, 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, measurement line, or pre-project line, as applicable. oceanward of the primary structure.



Proposed Amendments

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

- Require removal of all remaining structures once relocation (and effectively replacement) is completed.

15A NCAC 07H .0306(f)

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



Discussion

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