



August 5, 2026

MEMORANDUM

CRC-26-75

TO: Coastal Resources Commission
FROM: Cameron Luck
SUBJECT: Amendments to 15A NCAC 07H .0306 for Septic Tank Relocation/Repair within the Ocean Hazard Areas of Environmental Concern

Background

Over the course of several years, DCM staff have worked with the Commission to develop rule language intended to address oceanfront septic systems in Ocean Hazard Areas of Environmental Concern (AECs). The issue was first identified through recurring septic system failures observed in the villages of Rodanthe and Buxton, where significant shoreline erosion has caused septic systems to become exposed on the public beach or repeatedly inundated by ocean waters. While these communities have experienced the most well-documented examples of the issue to date, similar conditions have the potential to occur anywhere along North Carolina's oceanfront where private onsite wastewater systems are affected by shoreline migration and storm-induced erosion.

As shorelines migrate landward through chronic erosion and storm events, septic tanks and associated wastewater infrastructure that were originally constructed in compliance with applicable setbacks can become exposed on the active ocean beach or repeatedly inundated by ocean waters. Once these systems become located at or seaward of the vegetation line, they are susceptible to repeated damage and failure, resulting in the release of untreated wastewater onto public trust beaches and creating public health, environmental, and public safety concerns. In many cases, septic tanks also become fully exposed above the beach surface, presenting physical hazards to beach users in addition to risks associated with wastewater releases.

Under the current regulatory framework, septic systems located within the Ocean Hazard AEC may, in certain circumstances, continue to be repaired in place under the Department of Health and Human Services' (DHHS) onsite wastewater rules without CAMA review. While these repairs may restore the functionality of an individual system, they do not provide a mechanism for evaluating whether the system should instead be relocated landward after becoming located within the active beach environment. As a result, systems that have already been compromised by shoreline migration may remain in highly vulnerable locations where they are repeatedly exposed to wave action, tidal inundation, and over-wash, leading to recurring failures and repeated wastewater releases onto the public beach.



The intent of the various amendments, including the most recent version provided below, has not been to prohibit repair of functioning septic systems generally, but rather to establish a point at which continued in-place repair is no longer appropriate because the system has migrated onto the ocean beach.

Rulemaking History

An early version of the currently proposed amendments was originally presented to, and approved by, the Coastal Resources Commission in April 2023. During this same period, DCM participated in a broader interagency effort, led jointly with the National Park Service, to evaluate long-term approaches for managing erosion-threatened oceanfront structures. Through a series of workshops beginning in 2023, representatives from federal, state, and local agencies examined the public health, environmental, legal, and regulatory challenges associated with shoreline erosion and ultimately developed the *Managing Threatened Oceanfront Structures: Ideas from an Interagency Work Group* report, published in 2024 (attached). The discussions and recommendations from that effort reinforced the need for proactive regulatory approaches to address erosion-threatened infrastructure, including septic systems, and informed the continued refinement of these proposed amendments. However, because rulemaking was delayed following approval, a significant period of elapsed time with substantial turnover in Commission membership has taken place, and a request from the North Carolina Coastal Federation for rule-making continuation on the subject was submitted.

At the Commission's November 2025 meeting, staff presented the proposed amendments and the rationale for addressing oceanfront septic systems that become exposed as shorelines migrate landward. During that discussion, Commissioners requested additional information regarding the extent of documented septic system failures, the reliance of North Carolina's oceanfront communities on onsite wastewater systems versus centralized sewer infrastructure, and the relationship between the Commission's proposed amendments and DHHS's authority over onsite wastewater permitting. Commissioners also requested additional coordination with DHHS before the rulemaking effort proceeded.

Stakeholder Coordination

Following the November meeting, staff coordinated with DHHS to better understand the scope of the issue and evaluate opportunities for a coordinated regulatory approach. DHHS staff also presented at the February meeting to provide background on their program and discuss how their program overlaps with DCM's. Staff also participated in a stakeholder meeting in Dare County with representatives from the federal and local governments, health departments, industry organizations, environmental organizations, and other interested parties to discuss the proposed rule language, review site-specific conditions affecting oceanfront septic systems, and solicit stakeholder feedback regarding implementation. The outcomes of these discussions were presented to the Commission during the April 2026 meeting.

Proposed Amendments

The attached amendments to 15A NCAC 07H .0306 are intended to address the recurring failure of oceanfront septic systems that have become located within the active beach environment due



to shoreline migration, while maintaining consistency with DHHS's authority over onsite wastewater permitting. The amendments do not establish new siting requirements for septic systems, nor do they change the Commission's existing standards governing new development within Ocean Hazard Areas. Instead, the amendments establish a regulatory framework for addressing septic systems that were originally lawfully constructed but subsequently become vulnerable as shorelines migrate landward.

Consistent with stakeholder feedback, the proposed rule language has been revised to more clearly distinguish routine maintenance from repair and replacement activities. Routine maintenance of septic tanks, pump tanks, and components of ground absorption systems will continue to be allowed without a CAMA permit in the same manner as under the current regulatory framework. This revision reflects stakeholder concerns regarding the regulation of ordinary maintenance while recognizing that systems located on the active beach present substantially different public health, public safety, and coastal management considerations than systems located landward of the vegetation line. Additionally, requiring CAMA permit review once a system is waterward of the vegetation line, measurement line, or pre-project line not automatically require relocation or prohibit repair of the system. Rather, it provides the Division with a mechanism to evaluate site-specific conditions and determine the most appropriate course of action under the Commission's Ocean Hazard rules.

Collectively, the proposed amendments are intended to interrupt the current cycle in which septic systems become exposed on the public beach, are repeatedly repaired in place following storm damage or tidal inundation and subsequently fail again during future erosion, tidal, and storm events. Over time, the proposed amendments are expected to reduce the frequency of wastewater releases onto public beaches, facilitate the relocation of vulnerable septic systems away from the active beach as opportunities arise, and better protect public health, public safety, and public trust resources while remaining coordinated with DHHS's administration of North Carolina's onsite wastewater program.

Attachment: Managing Threatened Oceanfront Structures: Ideas from an Interagency Work Group (2024)



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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 acknowledgment 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 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.
- (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, shall not be relocated or replaced waterward of the

vegetation line, measurement line, or pre-project line, 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, 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.

- (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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