



**RESOLUTION TO SUPPORT MODIFICATIONS TO NC 15A NCAC SUBCHAPTER 18E -
WASTEWATER TREATMENT AND DISPERSAL SYSTEMS
SECTION .0100 - GENERAL, INCLUDING CHANGES FROM S.L. 2023-63 (S582),
S.L. 2023-77 (H627), AND S.L. 2023-90 (H628)**

WHEREAS, Nags Head is a coastal community where the vast majority of residential dwellings utilize on site wastewater treatment and dispersal systems; AND

WHEREAS, Nags Head is unique in the amount and type of land available and requires all avenues for consideration to best address on site wastewater system configurations and repair options; AND

WHEREAS, Nags Head does not have large, standardized, uniform subdivisions and instead has countless uniquely configured properties, with many small lots (i.e. 6,000+ sq. ft); AND

WHEREAS, Nags Head has passed local ordinances restricting the cutting down of oak trees and other vegetation which puts enforcement of the 2023 rule changes in conflict with town ordinances; AND

WHEREAS, complying with the 2023 rule changes may present undue financial hardships on numerous property owners which may discourage them from applying for repair permits to address damaged systems or potentially attempting other unapproved solutions which will be much worse environmentally; AND

WHEREAS, the Dare County Department of Health and Human Services employs professional, qualified Registered Environmental Health Specialists who are authorized by the State of North Carolina to evaluate onsite wastewater system installations and have used Best Professional Judgement for over 40 years to determine effective onsite system configurations and solutions.

THEREFORE, BE IT RESOLVED, that the Nags Head Board of Commissioners respectfully requests that the NC General Assembly modify NC 15A NCAC SUBCHAPTER 18E -WASTEWATER TREATMENT AND DISPERSAL SYSTEMS SECTION .0100 - GENERAL in the short session of 2024 by clearly stating that rules adopted in 2023 are not to be retroactive in any capacity, including malfunctions, and that the Registered Environmental Health Specialists have unrestricted Best Professional Judgement for addressing onsite wastewater system and wastewater system malfunction for which an IP, CA, OP, NOi, ATO, Certificate of Completion or any other equivalent approval has been issued prior to 01/01/24.

FURTHERMORE, BE IT RESOLVED, that professionals with the Dare County Department of Health and Human Services have identified a number of provisions in the 2023 rule changes which are impractical, severely restrictive, or overly cost burdensome, and that the NC General Assembly should undertake revisions to these regulations using local input in order to enable solutions that recognize the unique conditions of Nags Head and Dare County while protecting the environment and minimizing cost and land disturbance.

Adopted this the 6th day of March 2024.


Benjamin Cahoon, Mayor
Town of Nags Head

ATTEST:


Carolyn F. Morris, Town Clerk

For Reference:

- IP Improvement Permit
- CA Construction Authorization
- OP Operation Permit
- Noi Notice of Intent
- ATO Authorization to Operate

