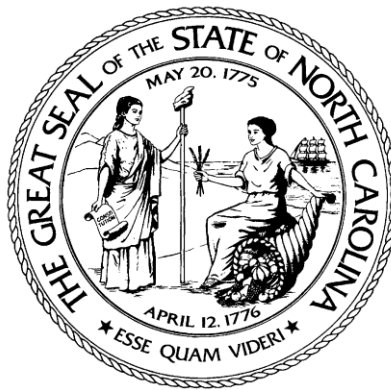


**Progress Report on Temporary and  
Permanent On-Site Wastewater Rules for  
Treatment System Applications**

**Session Law 2021-180  
Section 8.26.(f), as amended by  
Session Law 2022-6, Section 2.12**



**Report to**

**The Joint Legislative Oversight Committee on Health and  
Human Services**

**by**

**NC Department of Health and Human Services  
Commission for Public Health**

**August 1, 2022**

## **BACKGROUND**

Beginning no later than May 1, 2022 and every quarter thereafter, Session Law (S.L.) 2021-180, Section 8.26.(f), as amended by S.L. 2022-6, Section 2.12, requires the Commission for Public Health (CPH) and Department of Health and Human Services (NCDHHS) to report on progress to adopt rules to provide for approval of treatment system applications for use in the State and create benefits for systems producing higher wastewater treatment levels that are proportional and graduated.

This report is submitted by the Department of Health and Human Services (DHHS) Division of Public Health (DPH) on behalf of CPH.

### **Status of Rulemaking Activities**

On August 4, 2021, CPH repealed the existing on-site wastewater regulatory framework at 15A NCAC 18A Section .1900 and adopted a new on-site wastewater regulatory framework at 15A NCAC 18E. The on-site wastewater treatment system rules have not been updated as a complete package since 1990. In the intervening years, the industry has seen many technological advances, terminology has been standardized, and practical knowledge has been enhanced. The new proposed rules update, clarify, and align the state's on-site wastewater rules with current practice and law, facilitate innovation, standardize terminology, and improve organization and consistency of application across the state.

The Rules Review Commission approved these rule actions on September 16, 2021. However, the rules are delayed pending legislative review during the upcoming short legislative session.

As the rules that would need to be amended under S.L. 2021-180, Section 8.26.(e) are the same as those that are currently pending legislative review, further action on these rules is paused at this time.

### **Next Steps for Implementation**

DPH and CPH are awaiting action by the General Assembly to determine next steps in implementation of Section 8.26.(e). DPH and CPH will work in collaboration to ensure that these rules are timely updated in accordance with Section 8.26.(e) following this legislative review process. The majority of the changes required by Section 8.26.(e) have already been addressed in 15A NCAC 18E and only minor amendments would need to be made. However, significant changes would need to be made to 15A NCAC 18A Section .1900 to address Section 8.26.(e), if 15A NCAC 18E were ultimately not to go into effect.