

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 268

Short Title: Disapprove Certain Onsite Wastewater Rules. (Public)

Sponsors: Representatives Brody and Wray (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Regulatory Reform, if favorable, Health, if favorable, Rules, Calendar, and Operations of the House

March 6, 2019

A BILL TO BE ENTITLED

1 AN ACT TO DISAPPROVE CERTAIN WASTEWATER TREATMENT AND DISPERSAL
2 RULES ADOPTED BY THE NORTH CAROLINA COMMISSION FOR PUBLIC
3 HEALTH.
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5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Pursuant to G.S. 150B-21.3(b1), the following rules, as adopted by the
7 North Carolina Commission for Public Health on August 8, 2018, and approved by the Rules
8 Review Commission on October 18, 2018, are disapproved:

9 15A NCAC 18E .0103 (Incorporation by Reference)

10 15A NCAC 18E .0105 (Definitions)

11 15A NCAC 18E .0303 (Licensed or Certified Professionals)

12 15A NCAC 18E .0401 (Design Daily Flow)

13 15A NCAC 18E .0402 (Septic Tank Effluent Characteristics)

14 15A NCAC 18E .0403 (Adjustments to Design Daily Flow)

15 15A NCAC 18E .0505 (Soil Depth)

16 15A NCAC 18E .0805 (Tank Leak Testing and Installation Requirements)

17 15A NCAC 18E .1401 (Plans for Prefabricated Tanks)

18 15A NCAC 18E .1402 (Tank Design and Construction)

19 15A NCAC 18E .1404 (Plans and Specifications for Risers, Effluent Filters, and Pipe
20 Penetration Boots)

21 **SECTION 2.** Pursuant to G.S. 150B-21.3(b1), the following rules, as adopted by the
22 North Carolina Commission for Public Health on August 8, 2018, and approved by the Rules
23 Review Commission on November 15, 2018, are disapproved:

24 15A NCAC 18E .1002 (Reclaimed Water Systems)

25 15A NCAC 18E .1101 (General Dosing System Requirements)

26 15A NCAC 18E .1102 (Pump Dosing)

27 15A NCAC 18E .1104 (Siphon Dosing)

28 15A NCAC 18E .1105 (Timed Dosing)

29 15A NCAC 18E .1106 (Pressure Dosed Gravity Distribution Devices)

30 15A NCAC 18E .1202 (Siting and Sizing Criteria for Advanced Pretreatment Systems with
31 a Design Daily Flow Less Than or Equal to 1,500 Gallons/Day)

32 15A NCAC 18E .1203 (Siting and Sizing Criteria for Advanced Pretreatment Systems with
33 a Design Daily Flow Greater Than 1,500 Gallons/Day and Less Than or Equal to 3,000
34 Gallons/Day)



- 1 15A NCAC 18E .1204 (Advanced Pretreatment Drip Dispersal Systems)
2 15A NCAC 18E .1205 (Advanced Pretreatment Sand Lined Trench Systems)
3 15A NCAC 18E .1206 (Advanced Pretreatment Bed Systems)
4 15A NCAC 18E .1303 (Owner Responsibilities for Wastewater System Operation and
5 Maintenance)
6 15A NCAC 18E .1304 (Management Entity Responsibilities for Wastewater System
7 Operation and Maintenance)
8 15A NCAC 18E .1305 (Local Health Department Responsibilities for Wastewater System
9 Operation and Maintenance)
10 15A NCAC 18E .1306 (System Malfunction and Repair)
11 15A NCAC 18E .1307 (Wastewater System Abandonment)
12 15A NCAC 18E .1701 (General)
13 15A NCAC 18E .1702 (Application)
14 15A NCAC 18E .1703 (Department and Commission Application Review)
15 15A NCAC 18E .1704 (Approval Criteria for Provisional Systems)
16 15A NCAC 18E .1705 (Approval Criteria for Innovative Systems)
17 15A NCAC 18E .1706 (Approval Criteria for Accepted Systems)
18 15A NCAC 18E .1707 (Design and Installation Criteria for Provisional, Innovative, and
19 Accepted Approvals)
20 15A NCAC 18E .1709 (Wastewater Sampling Requirements for Advanced Pretreatment
21 Systems)
22 15A NCAC 18E .1710 (Compliance Criteria for Advanced Pretreatment Systems)
23 15A NCAC 18E .1711 (Provisional and Innovative Approval Renewal)
24 15A NCAC 18E .1712 (Authorized Designers, Installers, and Management Entities)
25 15A NCAC 18E .1713 (Local Health Department Responsibilities)

26 **SECTION 3.** Pursuant to G.S. 150B-21.3(b1) and S.L. 2015-147, the following
27 rules, as adopted by the North Carolina Commission for Public Health on August 8, 2018, are
28 disapproved:

- 29 15A NCAC 18E .0508 (Available Space)
30 15A NCAC 18E .1301 (Operation and Maintenance of Wastewater Systems)

31 **SECTION 4.** Pursuant to G.S. 150B-21.3(b1) and S.L. 2014-120, Section 47, the
32 following rule, as adopted by the North Carolina Commission for Public Health on August 8,
33 2018, is disapproved:

- 34 15A NCAC 18E .1708 (Modification, Suspension, and Revocation of Approvals)

35 **SECTION 5.** This act is effective when it becomes law.