GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H **D**

HOUSE BILL 705
PROPOSED COMMITTEE SUBSTITUTE H705-PCS40436-MH-9

Short Title: Amend Septic Tank Requirements. (Public)

Sponsors:

Referred to:

April 15, 2015

A BILL TO BE ENTITLED

AN ACT TO BROADEN THE TYPES OF SUBSURFACE WASTEWATER TREATMENT SYSTEMS THAT MAY SERVE AS THE BASIS FOR DESIGNATED REPAIR AREA REQUIREMENTS FOR REPLACEMENT WASTEWATER TREATMENT SYSTEMS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Definitions. – "Repair Reserve Rule" means 15A NCAC 18A .1945 (Available Space) for purposes of this section and its implementation.

SECTION 1.(b) Repair Reserve Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission and the Department of Health and Human Services shall implement the Repair Reserve Rule, as provided in subsection (c) of this section.

SECTION 1.(c) Implementation. – Notwithstanding the Repair Reserve Rule, the Commission shall allow a repair area that accommodates replacement systems described under 15A NCAC 18A .1955 (Design Installation Criteria for Conventional Sewage Systems), 15A NCAC 18A .1956 (Modifications to Septic Tank Systems), 15A NCAC 18A .1957 (Criteria for Design of Alternative Sewage Systems), and innovative or accepted systems approved under 15A NCAC 18A .1969 (Approval and Permitting of On-Site Subsurface Wastewater Systems, Technologies, Components, or Devices), provided that the designated repair area otherwise meets the requirements for those types of replacement systems. Nothing in this act is intended to repeal or amend existing portions of the Repair Reserve Rule granting exemptions from repair area requirements.

SECTION 1.(d) Additional Rule-Making Authority. – The Commission shall adopt a rule to amend the Repair Reserve Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by G.S. 150B-21.3(b2).

SECTION 1.(e) Sunset. – Subsection (c) of this section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 2. This act is effective when it becomes law.