

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

D

HOUSE BILL 705
Committee Substitute Favorable 4/27/15
PROPOSED SENATE COMMITTEE SUBSTITUTE H705-PCS40478-TA-11

Short Title: Amend Septic Tank Requirements.

(Public)

Sponsors:

Referred to:

April 15, 2015

A BILL TO BE ENTITLED

1 AN ACT TO (1) BROADEN THE TYPES OF SUBSURFACE WASTEWATER
2 TREATMENT SYSTEMS THAT MAY SERVE AS THE BASIS FOR DESIGNATED
3 REPAIR AREA REQUIREMENTS FOR REPLACEMENT WASTEWATER
4 TREATMENT SYSTEMS AND (2) MAKE CAPACITY AND MANAGEMENT
5 CHANGES FOR CERTAIN DISPERSAL SYSTEMS.
6

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.(a)** Definitions. – "Repair Reserve Rule" means 15A NCAC 18A
9 .1945 (Available Space) for purposes of this section and its implementation.

10 **SECTION 1.(b)** Repair Reserve Rule. – Until the effective date of the revised
11 permanent rule that the Commission for Public Health is required to adopt pursuant to Section
12 1(d) of this act, the Commission and the Department of Health and Human Services shall
13 implement the Repair Reserve Rule, as provided in Section 1(c) of this act.

14 **SECTION 1.(c)** Implementation. – Notwithstanding the Repair Reserve Rule, the
15 Commission shall allow a repair area that accommodates replacement systems described under
16 15A NCAC 18A .1955 (Design Installation Criteria for Conventional Sewage Systems), 15A
17 NCAC 18A .1956 (Modifications to Septic Tank Systems), 15A NCAC 18A .1957 (Criteria for
18 Design of Alternative Sewage Systems), and innovative or accepted systems approved under
19 15A NCAC 18A .1969 (Approval and Permitting of On-Site Subsurface Wastewater Systems,
20 Technologies, Components, or Devices), provided that the designated repair area otherwise
21 meets the requirements for those types of replacement systems. Nothing in this act is intended
22 to repeal or amend existing portions of the Repair Reserve Rule granting exemptions from
23 repair area requirements.

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

32 **SECTION 1.(e)** Sunset. – Section 1(c) of this act expires when permanent rules
33 adopted as required by Section 1(d) of this act become effective.



1 **SECTION 2.(a)** Definitions. – "Sand Lined Trench System Rule" means 15A
2 NCAC 18A .1956(7)(d) (Modifications to Septic Tank Systems: Sand Line Trench System) for
3 purposes of this section and its implementation.

4 **SECTION 2.(b)** Sand Lined Trench System Rule. – Until the effective date of the
5 revised permanent rules that the Commission for Public Health is required to adopt pursuant to
6 Section 2(d) of this act, the Commission and the Department of Health and Human Services
7 shall implement the Sand Lined Trench System Rule, as provided in Section 2(c) of this act.

8 **SECTION 2.(c)** Implementation. – Notwithstanding the Sand Lined Trench
9 System Rule, a Public Management Entity with a Certified Operator, if required by Article 3 of
10 Chapter 90A of the General Statutes, shall not be required for sand lined trench systems when
11 drainage is utilized to lower the water table on a site.

12 **SECTION 2.(d)** Additional Rule-Making Authority. – The Commission shall
13 adopt a rule to amend the Sand Lined Trench System Rule consistent with Section 2(c) of this
14 act. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this
15 section shall be substantively identical to the provisions of Section 2(c) of this act. Rules
16 adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the
17 General Statutes. Rules adopted pursuant to this section shall become effective as provided in
18 G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by
19 G.S. 150B-21.3(b2).

20 **SECTION 2.(e)** Sunset. – Section 2(c) of this act expires when permanent rules
21 adopted as required by Section 2(d) of this act become effective.

22 **SECTION 3.(a)** Definitions. – "Saprolite System Rule" means 15A NCAC 18A
23 .1956(6) (Modifications to Septic Tank Systems: Saprolite System Rule) for purposes of this
24 section and its implementation.

25 **SECTION 3.(b)** Saprolite System Rule. – The Department of Health and Human
26 Services or the Commission for Public Health, as appropriate, shall repeal the Saprolite System
27 Rule on or before December 1, 2015. Until the effective date of the repeal of the rule required
28 pursuant to this section, the Secretary of Health and Human Services, the Department of Health
29 and Human Services, the Commission for Public Health, local health departments, or any other
30 political subdivision of the State shall not implement or enforce the Saprolite System Rule.

31 **SECTION 4.** This act is effective when it becomes law.