



STATE OF NORTH CAROLINA
DEPARTMENT OF HEALTH AND HUMAN SERVICES

ROY COOPER
GOVERNOR

KODY H. KINSLEY
SECRETARY

May 1, 2022

SENT VIA ELECTRONIC MAIL

The Honorable Donny Lambeth, Chair
Joint Legislative Oversight Committee on
Health and Human Services
North Carolina General Assembly
Room 620, Legislative Office Building
Raleigh, NC 27603

The Honorable Jim Burgin, Chair
Joint Legislative Oversight Committee on
Health and Human Services
North Carolina General Assembly
Room 308, Legislative Office Building
Raleigh, NC 27603


The Honorable Larry Potts, Chair
Joint Legislative Oversight Committee on
Health and Human Services
North Carolina General Assembly
Room 307B1, Legislative Office Building
Raleigh, NC 27603

Dear Chairmen:

Session Law 2021-180, Section 8.26.(f) requires the Commission for Public Health and the Department of Health and Human Services to report quarterly on their implementation of the pilot program for highly treated wastewater, beginning no later than May 1, 2022, and shall continue quarterly reporting until required rulemaking activities have been completed. Pursuant to the provisions of law, the Department is pleased to submit the attached report.

Should you have any questions regarding this report, please contact John Furnari, Program/Policy Analyst, at John.Furnari@dhhs.nc.gov.

Sincerely,

DocuSigned by:

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Kody H. Kinsley
Secretary

cc: Mark Collins Joyce Jones Katherine Restrepo Lisa Wilks Amy Jo Johnson
Jessica Meed Theresa Matula Luke MacDonald Nathan Babcock reports@ncleg.gov

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May 1, 2022

SENT VIA ELECTRONIC MAIL

The Honorable Jimmy Dixon, Chair
Environmental Review Commission
North Carolina General Assembly
Room 2226, Legislative Building
Raleigh, NC 27601

The Honorable Norman Sanderson, Chair
Environmental Review Commission
North Carolina General Assembly
Room 309, Legislative Office Building
Raleigh, NC 27603

The Honorable Pat McElraft, Chair
Environmental Review Commission
North Carolina General Assembly
Room 634, Legislative Office Building
Raleigh, NC 27603

The Honorable Edward Goodwin, Chair
Environmental Review Commission
North Carolina General Assembly
Room 2217, Legislative Building
Raleigh, NC 27601

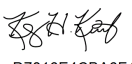
The Honorable Larry Yarborough, Chair
Environmental Review Commission
North Carolina General Assembly
Room 1229, Legislative Building
Raleigh, NC 27601

Dear Chairmen:

Session Law 2021-180, Section 8.26.(f) requires the Commission for Public Health and the Department of Health and Human Services to report quarterly on their implementation of the pilot program for highly treated wastewater, beginning no later than May 1, 2022, and shall continue quarterly reporting until required rulemaking activities have been completed. Pursuant to the provisions of law, the Department is pleased to submit the attached report.

Should you have any questions regarding this report, please contact John Furnari, Program/Policy Analyst, at John.Furnari@dhhs.nc.gov.

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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 Environmental Review Commission

and

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

by

**NC Department of Health and Human Services
on Behalf of the Commission for Public Health**

May 1, 2022

BACKGROUND

Beginning no later than May 1, 2022 and every quarter thereafter, Session Law 2021-180, Section 8.26.(f), as amended by Session Law 2022-6, Section 2.12, requires the Commission for Public Health and Department of Health and Human Services 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, Division of Public Health on behalf of the Commission for Public Health.

Status of Rulemaking Activities

On August 4, 2021, the Commission for Public Health 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

The Division of Public Health and the Commission for Public Health will continue to work in collaboration to ensure that these rules are updated timely, 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.