



STATE OF NORTH CAROLINA
DEPARTMENT OF HEALTH AND HUMAN SERVICES

ROY COOPER
GOVERNOR

KODY H. KINSLEY
SECRETARY

August 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:

A handwritten signature in black ink, appearing to read "Kody H. Kinsley".

D7816E4CBA6F4A8...

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

WWW.NCDHHS.GOV

TEL 919-855-4800 • FAX 919-715-4645

LOCATION: 101 BLAIR DRIVE • ADAMS BUILDING • RALEIGH, NC 27603

MAILING ADDRESS: 2001 MAIL SERVICE CENTER • RALEIGH, NC 27699-2000

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER



STATE OF NORTH CAROLINA
DEPARTMENT OF HEALTH AND HUMAN SERVICES

ROY COOPER
GOVERNOR

KODY H. KINSLEY
SECRETARY

August 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

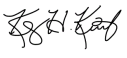
The Honorable Larry Yarborough, Chair
Environmental Review Commission
North Carolina General Assembly
Room 1229, Legislative Building
Raleigh, NC 27601

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.

Sincerely,

DocuSigned by:

D7816E4CBA6F4A8...
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

WWW.NCDHHS.GOV

TEL 919-855-4800 • FAX 919-715-4645

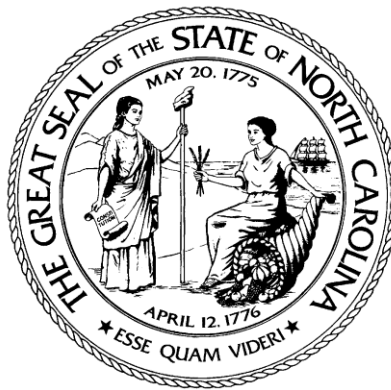
LOCATION: 101 BLAIR DRIVE • ADAMS BUILDING • RALEIGH, NC 27603

MAILING ADDRESS: 2001 MAIL SERVICE CENTER • RALEIGH, NC 27699-2000

AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

**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.