



STATE OF NORTH CAROLINA  
DEPARTMENT OF HEALTH AND HUMAN SERVICES

ROY COOPER  
GOVERNOR

KODY H. KINSLEY  
SECRETARY

November 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](mailto:John.Furnari@dhhs.nc.gov).

Sincerely,

DocuSigned by:  
A handwritten signature in blue ink, appearing to read "Kody H. Kinsley".  
D7816E4CBA6F4A8...  
Kody H. Kinsley  
Secretary

cc:	Mark Collins	Joyce Jones	Katherine Restrepo	Lisa Wilks
	Jessica Meed	Theresa Matula	Amy Jo Johnson	Luke MacDonald
	Nathan Babcock	Francisco Celis Villagrana		

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

November 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

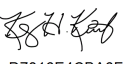
The Honorable Larry Yarborough, Chair  
Environmental Review Commission  
North Carolina General Assembly  
Room 1229, Legislative Building  
Raleigh, NC 27601

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](mailto:John.Furnari@dhhs.nc.gov).

Sincerely,

DocuSigned by:  
  
D7816E4CBA6F4A8...  
Kody H. Kinsley  
Secretary

cc: Mark Collins                      Joyce Jones                      Katherine Restrepo                      Lisa Wilks  
Jessica Meed                      Theresa Matula                      Amy Jo Johnson                      Luke MacDonald  
Nathan Babcock                      Francisco Celis Villagrana

[WWW.NCDHHS.GOV](http://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**

**November 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 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 were delayed pending legislative review during FY2022 short session. During the short session, Session Law 2022-11, Section 2 was passed, delaying the effective date of the 15A NCAC 18E rules until January 1, 2024 and keeping the 15A NCAC 18A .1900 rules in the code until this delayed effective date.

The rules that would need to be amended under S.L. 2021-180, Section 8.26.(e) are the same as those rules with a delayed effective date under Session Law 2022-11, Section 2.

### **Next Steps for Implementation**

DPH and CPH will work in collaboration to ensure that the 15A NCAC 18E rules are timely updated in accordance with Section 8.26.(e) when they become effective on January 1, 2024. It is expected that only minor amendments would need to be made, as the majority of the changes required by Section 8.26.(e) have already been addressed in the 15A NCAC 18E rules.