



STATE OF NORTH CAROLINA
DEPARTMENT OF HEALTH AND HUMAN SERVICES

ROY COOPER
GOVERNOR

KODY H. KINSLEY
SECRETARY

November 1, 2023

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

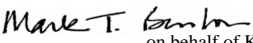
The Honorable Larry Potts, Chair
Joint Legislative Oversight Committee on
Health and Human Services
North Carolina General Assembly
Room 307B1, Legislative Office Building
Raleigh, NC 27603

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 Karen Wade, Director of Policy, at Karen.Wade@dhhs.nc.gov.

Sincerely,

DocuSigned by:

65A1EF320AD6419...
on behalf of Kody H. Kinsley
Kody H. Kinsley
Secretary

cc:	Mark Collins	Joyce Jones	Lisa Wilks	Susie Camilleri
	Theresa Matula	Katherine Restrepo	Amy Jo Johnson	Luke MacDonald
	Nathan Babcock	Francisco Celis Villagrana	Fred Aikens	Todd Barlow
	Darryl Childers	Melissa Roark	Marissa Doctrove	Tai Rochelle



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SECRETARY

November 1, 2023

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

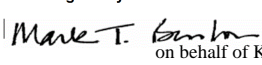
The Honorable Edward Goodwin, Chair
Environmental Review Commission
North Carolina General Assembly
Room 2217, Legislative Building
Raleigh, NC 27601

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.

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**Quarterly 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
on Behalf of the Commission for Public Health**

November 1, 2023

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 the FY2022 short session. During the short session, S.L. 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 S.L. 2022-11, Section 2.

Next Steps for Implementation

DPH and CPH will work in collaboration to ensure that the 15A NCAC 18E rules are updated in a timely manner 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.

Session Laws 2023-77 and 2023-63, passed in the recent session, make further changes to onsite wastewater requirements and direct CPH to adopt these changes in rule. It is anticipated that rulemaking will commence in 2024.