



STATE OF NORTH CAROLINA
DEPARTMENT OF HEALTH AND HUMAN SERVICES

ROY COOPER
GOVERNOR

KODY H. KINSLEY
SECRETARY

February 1, 2024

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 Joyce Krawiec, 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:

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

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

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February 1, 2024

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

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**

February 1, 2024

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 2022 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 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. Only minor amendments were needed to the 15A NCAC 18E rules to effectuate this provision, 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, made further changes to the onsite wastewater requirements in 15A NCAC 18E. The changes are effective simultaneous with 15A NCAC 18E, but direct CPH to memorialize the changes in rule. In particular, the changes S.L. 2023-77, Sec. 13 made to 15A NCAC 18E, effective January 1, 2024, complete the implementation of S.L. 2021-180, Section 8.26(e). CPH is anticipated to commence rulemaking to memorialize these updates in rule in 2024.

Next Steps for Implementation

The requirements S.L. 2021-180, Section 8.26(e) are fully implemented as of the date of this report. This concludes the reporting obligation from S.L. 2021-180, Section 8.26.(f), as amended by S.L. 2022-6, Section 2.12. and no further reports will be submitted.