

SESSION LAW 2019-151



HISTORY

- AFTER 25 YEARS, THE RULES CONCERNING ONSITE WASTEWATER SYSTEMS FOUND IN 15A-NCAC .1900 WERE REVIEWED AS A BODY OF RULES.
- THE RULES WERE RE-FORMATTED TO FORM 15A NCAC 18E. THE NEW FORMAT IS DIVIDED INTO 99 SECTIONS.
- AFTER THE DRAFTS OF THE NEW RULES WERE GIVEN PUBLIC COMMENT AND PUBLIC MEETING, THE 18E RULES WERE PRESENTED TO THE COMMISSION FOR PUBLIC HEALTH AND ADOPTED IN AUGUST, 2018.
- THE 18E RULES WENT TO THE RULES REVIEW COMMISSION IN TWO PARTS: IN OCTOBER, THEN NOVEMBER, 2018.

HISTORY...PART 2

- **ACCORDING TO GENERAL STATUTE, A PERSON CAN SUBMIT A "LETTER OF OBJECTION" TO ANY SPECIFIC RULE, REQUESTING LEGISLATIVE REVIEW.**
- **IF A MINIMUM OF 10 LETTERS OF OBJECTION ARE RECEIVED TO ANY SPECIFIC RULE, THE RULE GOES TO THE GENERAL ASSEMBLY.**
- **UNDER GENERAL STATUTES, LEGISLATION HAS TO BE INTRODUCED WITHIN 30 DAYS OF THE START OF THE SESSION, AND THERE MUST BE ACTION BY THE END OF SESSION. INABILITY TO MEET THESE DEADLINES MEAN THE IMMEDIATE EFFECTIVE DATE OF THE 18E RULES AS ADOPTED.**

DISAPPROVED SECTIONS

- .0103 Incorporation by Reference
- .0105 Definitions
- .0303 Licensed or Certified Professionals
- .0401 Design Daily Flow **(BY S.L. 2013-413 AND S.L. 2014-120)**
- .0402 Septic Tank Effluent Characteristics **(BY S.L. 2013-413 AND S.L. 2014-120)**
- .0403 Adjustments to Design Daily Flow **(BY S.L. 2013-413 AND S.L. 2014-120)**
- .0505 Soil Depth
- .0508 Available Space **(BY S.L. 2015-147)**
- .0805 Tank Leak Testing & Installation Req.
Plans for Prefabricated Tanks
- .1401 Tank Design and Construction
- .1402 Plans, Specs for Risers, Filters, Boots

DISAPPROVED SECTIONS...

PART 2

- .1002 Reclaimed Water Systems
- .1101 General Dosing System Requirements
- .1102 Pump Dosing
- .1104 Siphon Dosing
- .1105 Timed Dosing
- .1106 Pressure Dosed Gravity Dist. Devices
- .1202 Siting and Sizing Criteria, Adv. Treatment for <1500 gpd
- .1203 Siting and Sizing Criteria, Adv. Treatment for >1500 gpd and <3000 gpd

DISAPPROVED SECTIONS

PART 3

- .1204 Advanced Pretreat, Drip Dispersal
- .1205 Advanced Pretreat, Sand Lined Trench
- .1206 Advanced Pretreat, Bed Systems
- .1301 O & M for Wastewater Systems **(BY S.L. 2015-147)**
- .1303 Owner Responsibilities, O & M
- .1304 Mgt. Entity Responsibilities
- .1305 LHD Responsibilities, O & M
- .1306 System Malfunction & Repair
- .1307 Wastewater System Abandonment
- .1701 General
- .1702 Application

DISAPPROVED SECTIONS

PART 4

- .1703 Dept. & Commission Application Review
- .1704 Approval of Provisional Systems
- .1705 Approval of Innovative Systems
- .1706 Approval of Accepted Systems
- .1707 Design & Installation of PIA Approvals
- .1708 Modifications, Suspension of Approvals **(BY S.L. 2014-120)**
- .1709 Sampling Requirements for Adv. Systems
- .1710 Compliance Criteria for Adv. Systems
- .1711 PIA Renewals
- .1712 Auth. Designers, Installers, Mfr. Reps.
- .1713 LHD Responsibilities

SO BEGAN HOUSE 268...



**CREATE A 10
MEMBER TASK FORCE
OF INDUSTRY
PROFESSIONALS, NOT
LEGISLATIVE
MEMBERS, TO REVIEW
AND SEEK
RESOLUTION TO THE
“DISAPPROVED”
SECTIONS.**

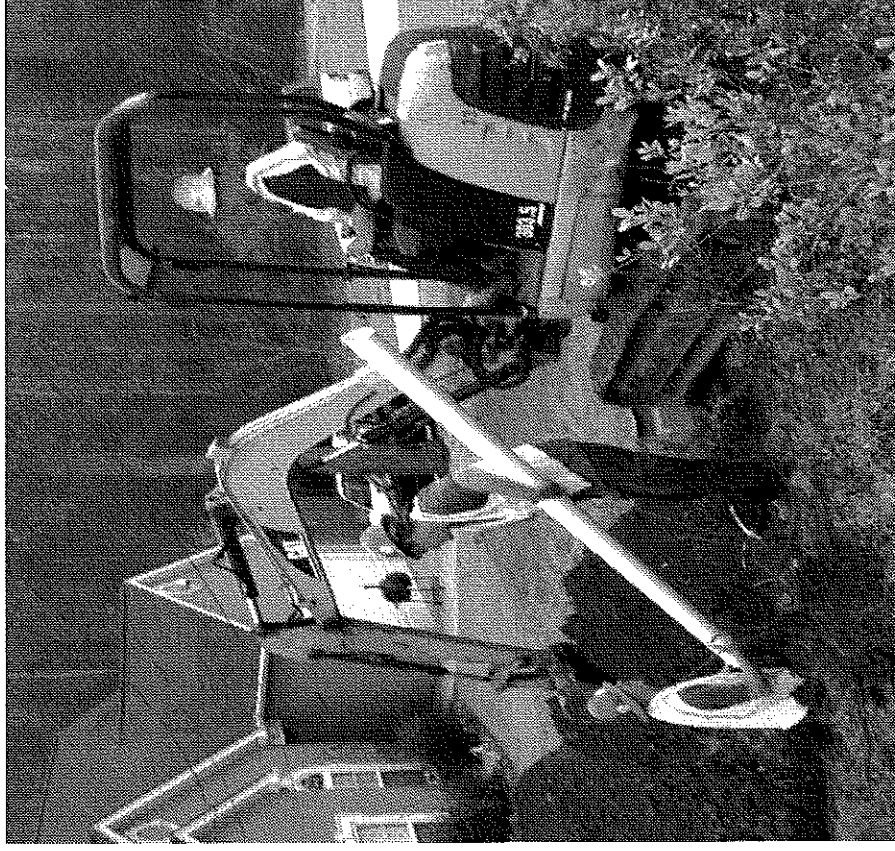
AUTHORITY GIVEN

SECTION 9

- Recommend New Rules to replace the 18E rules passed by the Commission
- Includes **any rule** that was in the adopted 18E rules
- Recommend New rules to prevent the implementation of rules and ordinances and enforcement against the use of onsite systems in non-sewered areas.

AUTHORITY GIVEN

- SECTION 10:
- PREPARE A RECOMMENDATION REPORT FOR THE COMMISSION AND GENERAL ASSEMBLY COMMITTEES.
- RECOMMENDATION REPORT MUST BE TRANSMITTED NO LATER THAN FEB. 1, 2020.
- OTHERWISE THE 18E RULES AS ADOPTED WILL BECOME IMMEDIATELY EFFECTIVE.



“RECOMMENDATIONS ONLY”

- The Session Law only allows the Task Force to make Recommendations. OUR RECOMMENDATIONS ARE NOT A MANDATE TO THE COMMISSION FOR PUBLIC HEALTH.
- After receiving our Report, the Commission continues to have Rule-Making Authority on the on-site wastewater rules.
- The Commission can adopt new rules in favor of our Recommendations to replace the adopted rules.
- The Commission can refuse to change the adopted Rules in favor of our Recommendations.

SHORT WINDOW OF OPPORTUNITY

- By Session Law 2019-151, the Recommendations Report must be to the Commission and committees within the General Assembly by Feb.1, 2020.
- **SHORT LIFE SPAN**
- Approved by the Governor on July 22 2019
- Expires Feb.1, 2020.
- 193 days, including weekends.
- We are on Day 77

QUESTIONS?

- **SUGGESTIONS:**

MAKE RECOMMENDATIONS ON EACH INDIVIDUAL SECTION.

PRIORITIZE EFFORTS ON DISSAPPROVED SECTIONS AND THEN INVESTIGATE OTHER SECTIONS AS TIME ALLOWS.

LIMIT THE NUMBER OF ACTUAL PHYSICAL LOCATION MEETINGS

COMMUNICATE WITH YOUR REPRESENTED BODY IMMEDIATELY. HAVE RECOMMENDATIONS IN WRITTEN FORM.