

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015**

**SESSION LAW 2015-147
HOUSE BILL 705**

AN ACT TO (1) BROADEN THE TYPES OF SUBSURFACE WASTEWATER TREATMENT SYSTEMS THAT MAY SERVE AS THE BASIS FOR DESIGNATED REPAIR AREA REQUIREMENTS FOR REPLACEMENT WASTEWATER TREATMENT SYSTEMS AND (2) MAKE CAPACITY AND MANAGEMENT CHANGES FOR CERTAIN DISPERSAL SYSTEMS.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Definitions. – "Repair Reserve Rule" means 15A NCAC 18A .1945 (Available Space) for purposes of this section and its implementation.

SECTION 1.(b) Repair Reserve Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to Section 1(d) of this act, the Commission and the Department of Health and Human Services shall implement the Repair Reserve Rule, as provided in Section 1(c) of this act.

SECTION 1.(c) Implementation. – Notwithstanding the Repair Reserve Rule, the Commission shall allow a repair area that accommodates replacement systems described under 15A NCAC 18A .1955 (Design Installation Criteria for Conventional Sewage Systems), 15A NCAC 18A .1956 (Modifications to Septic Tank Systems), 15A NCAC 18A .1957 (Criteria for Design of Alternative Sewage Systems), and innovative or accepted systems approved under 15A NCAC 18A .1969 (Approval and Permitting of On-Site Subsurface Wastewater Systems, Technologies, Components, or Devices), provided that the designated repair area otherwise meets the requirements for those types of replacement systems. Nothing in this act is intended to repeal or amend existing portions of the Repair Reserve Rule granting exemptions from repair area requirements.

SECTION 1.(d) Additional Rule-Making Authority. – The Commission shall adopt a rule to amend the Repair Reserve Rule consistent with Section 1(c) of this act. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of Section 1(c) of this act. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by G.S. 150B-21.3(b2).

SECTION 1.(e) Sunset. – Section 1(c) of this act expires when permanent rules adopted as required by Section 1(d) of this act become effective.

SECTION 2.(a) Definitions. – "Sand Lined Trench System Rule" means 15A NCAC 18A .1956(7)(d) (Modifications to Septic Tank Systems: Sand Line Trench System) for purposes of this section and its implementation.

SECTION 2.(b) Sand Lined Trench System Rule. – Until the effective date of the revised permanent rules that the Commission for Public Health is required to adopt pursuant to Section 2(d) of this act, the Commission and the Department of Health and Human Services shall implement the Sand Lined Trench System Rule, as provided in Section 2(c) of this act.

SECTION 2.(c) Implementation. – Notwithstanding the Sand Lined Trench System Rule, a Public Management Entity with a Certified Operator, if required by Article 3 of Chapter 90A of the General Statutes, shall not be required for sand lined trench systems when drainage is utilized to lower the water table on a site.

SECTION 2.(d) Additional Rule-Making Authority. – The Commission shall adopt a rule to amend the Sand Lined Trench System Rule consistent with Section 2(c) of this act. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this



section shall be substantively identical to the provisions of Section 2(c) of this act. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided by G.S. 150B-21.3(b2).

SECTION 2.(e) Sunset. – Section 2(c) of this act expires when permanent rules adopted as required by Section 2(d) of this act become effective.

SECTION 3. The Department of Health and Human Services or the Commission for Public Health, as appropriate, shall repeal 15A NCAC 18A .1956(6)(c) (Modifications to Septic Tank Systems Rule: Saprolite System, Design Daily Flow) on or before December 1, 2015. Until the effective date of the repeal of the rule required pursuant to this section, the Secretary of Health and Human Services, the Department of Health and Human Services, the Commission for Public Health, local health departments, or any other political subdivision of the State shall not implement or enforce 15A NCAC 18A .1956(6)(c) (Modifications to Septic Tank Systems Rule: Saprolite System, Design Daily Flow).

SECTION 4. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 2nd day of July, 2015.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

s/ Pat McCrory
Governor

Approved 5:15 p.m. this 13th day of July, 2015