

**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On August 4, 2021, CPH repealed the existing on-site wastewater regulatory framework at 15A NCAC 18A Section .1900 and adopted a new on-site wastewater regulatory framework at 15A NCAC 18E.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.