

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015**

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HOUSE BILL 705

Short Title: Amend Septic Tank Requirements. (Public)

Sponsors: Representative Brody (Primary Sponsor).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Regulatory Reform.

April 15, 2015

A BILL TO BE ENTITLED

1 AN ACT TO BROADEN THE TYPES OF SUBSURFACE WASTEWATER TREATMENT
2 SYSTEMS THAT MAY SERVE AS THE BASIS FOR DESIGNATED REPAIR AREA
3 REQUIREMENTS FOR REPLACEMENT WASTEWATER TREATMENT SYSTEMS.
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5 The General Assembly of North Carolina enacts:

6 **SECTION 1.(a)** Definitions. – "Repair Reserve Rule" means 15A NCAC 18A
7 .1945 (Available Space) for purposes of this section and its implementation.

8 **SECTION 1.(b)** Repair Reserve Rule. – Until the effective date of the revised
9 permanent rule that the Commission for Public Health is required to adopt pursuant to Section
10 1(c) of this act, the Commission and the Department of Health and Human Services shall
11 implement the Repair Reserve Rule, as provided in Section 1(c) of this act.

12 **SECTION 1.(c)** Implementation. – Notwithstanding the Repair Reserve Rule, the
13 Commission shall allow a repair area that accommodates replacement systems described under
14 15A NCAC 18A .1955 (Design Installation Criteria for Conventional Sewage Systems), 15A
15 NCAC 18A .1956 (Modifications to Septic Tank Systems), 15A NCAC 18A .1957 (Criteria for
16 Design of Alternative Sewage Systems), and 15A NCAC 18A .1969 (Approval and Permitting
17 of On-Site Subsurface Wastewater Systems, Technologies, Components, or Devices), provided
18 that the designated repair area otherwise meets the requirements for those types of replacement
19 systems.

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

27 **SECTION 1.(e)** Effective Date. – Subsection (b) of this section expires when
28 permanent rules to replace subsection (b) of this section have become effective, as provided by
29 subsection (c) of this section.

30 **SECTION 2.** This act is effective when it becomes law.

