

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 916

Short Title: Wastewater Advanced Treatment Units. (Public)

Sponsors: Representatives Brody, Moffitt, and Hanig (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Appropriations, if favorable, Rules, Calendar, and Operations of the House

May 11, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH STANDARDS FOR ADVANCED TREATMENT UNITS FOR
3 MUNICIPAL, COMMUNITY, OR PRIVATE WASTEWATER SYSTEMS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 130A-335 is amended by adding a new subsection to read:

6 "(f3) The Commission shall adopt rules establishing standards for discharge to surface
7 waters and for spray irrigation of highly treated wastewater. For purposes of this subsection,
8 "highly treated wastewater" means liquids discharged from a system designed to treat septage
9 through natural or mechanical processes to meet standards for carbonaceous biochemical oxygen
10 demand, total suspended solids, ammonia, total nitrogen, and fecal coliform as will be protective
11 of human health and the environment."

12 **SECTION 2.(a)** With the funds appropriated by this section, the Department of
13 Environmental Quality shall establish the Innovative Highly Treated Wastewater Pilot Program.
14 To implement the Program, the Department shall do the following:

- 15 (1) Identify areas of the State featuring either (i) a failure rate of septic tank
16 systems that is significantly higher than the State average or (ii) a wastewater
17 system that is a distressed unit, as defined by G.S. 159G-20.
18 (2) Work with the units of local government with jurisdiction over the areas
19 identified under subdivision (1) of this subsection to design, permit, and install
20 four wastewater treatment systems using wastewater treatment technologies
21 that produce highly treated wastewater prior to discharge or reuse. As part of
22 the permitting process for these systems, the Department shall require the
23 vendor of the wastewater treatment system within five days of issuance of the
24 permit for the system to file with the Department a performance bond or other
25 surety with a minimum term of five years to be executed in favor of the
26 permittee in the amount sufficient to cover system replacement.

27 **SECTION 2.(b)** There is appropriated from the General Fund to the Department of
28 Environmental Quality the sum of twenty million dollars (\$20,000,000) in nonrecurring funds
29 for the 2021-2022 fiscal year to be allocated to the Wastewater Reserve for the Innovative Highly
30 Treated Wastewater Pilot Program established by this section. The Department may use up to
31 one hundred fifty thousand dollars (\$150,000) of the funds appropriated by this subsection for
32 administrative costs.

33 **SECTION 2.(c)** This section becomes effective July 1, 2021.

34 **SECTION 3.(a)** The Commission for Health Services and the Department of Health
35 and Human Services shall adopt rules to streamline the approval process for wastewater treatment



1 system technologies under Article 11 of Chapter 130A of the General Statutes. These rules shall
2 include, at a minimum, the following:

- 3 (1) Wastewater treatment systems with certification from a nationally recognized
4 body, as defined in G.S. 130A-343(a), and demonstration of compliance with
5 the applicable treatment standard for a minimum of two years either with an
6 approved verification program from the body or from field testing of the
7 treatment technology from any state may apply for approval as an innovative
8 wastewater system under G.S. 130A-343.
- 9 (2) Wastewater treatment systems without certification from a nationally
10 recognized body may apply for provisional approval and conduct field testing
11 for a two-year period to demonstrate compliance with treatment standards in
12 order to qualify for approval as an innovative wastewater system.
- 13 (3) Reductions in horizontal and vertical restrictions to property lines or limiting
14 conditions that are proportional to the stringency of treatment standards the
15 system meets.
- 16 (4) Approval of designs that eliminate or reduce required repair areas in the case
17 of wastewater treatment technologies that discharge highly treated wastewater
18 to soil texture groups I and II.
- 19 (5) Standards for operator training and for tracking of system operation and
20 maintenance.
- 21 (6) Coordination with rules for discharges to surface waters, spray irrigation, or
22 drip dispersal of reclaimed wastewater adopted by the Environmental
23 Management Commission in a manner that will encourage consistency in the
24 oversight of discharges of highly treated wastewater for beneficial use.

25 **SECTION 3.(b)** The Commission and the Department of Health and Human
26 Services shall report quarterly on their implementation of this section beginning no later than
27 May 1, 2022, and continue until rulemaking activities required by this section have been
28 completed.

29 **SECTION 4.** Except as otherwise specified, this act is effective when it becomes
30 law.