



# HOUSE BILL 705: Amend Septic Tank Requirements

2015-2016 General Assembly

**Committee:**

**Introduced by:**

**Analysis of:** S.L. 2015-147

**Date:**

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Legislative Analyst

**SUMMARY:** *S.L. 2015-147 both (i) broadens the types of septic tank systems that may serve as a replacement system in the case of failure of the original system to include innovative and accepted systems that are approved by rule and subject to certain conditions, and (ii) directs the Commission for Public Health to amend discrete rules for sand lined trench systems and the daily design flow for Saproliite systems.*

*This act became effective July 13, 2015.*

## **PRIOR LAW and ANALYSIS:**

Under current law, when a septic tank system is sited, the area of the siting must include an additional "repair area" for the siting of a replacement system in case the original system fails. The types of systems that are currently allowed as replacement systems are systems described under the following septic tank systems rules:

- 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)

Current law authorizes modifications to septic tank systems or sites which may be utilized singly or in combination to overcome selected soil or site limitations. The types of modifications that are allowed are articulated in 15A NCAC 18A .1956 (Modifications to Septic Tank Systems) and include detailed provisions for design, installation, and operational management for each authorized modification.

**Section 1** of the act broadens the types of septic tank systems that may serve as a replacement system to include innovative and 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.

**Section 2** of the act directs the Commission for Public Health (Commission) to amend 15A NCAC 18A .1956(7)(d) (Modifications to Septic Tank Systems: Sand Lined Trench System Rule) to repeal the requirement that a Public Management Entity with a Certified Operator is required for sand lined trench systems when drainage is utilized to lower the water table on a site.

**Section 3** of the act directs the Department of Health and Human Services or the Commission to repeal 15A NCAC 18A .1956(6)(c) (Modifications to Septic Tank Systems: Saproliite System Rule, Design Daily Flow) on or before December 1, 2015, and provides that until such time as the rule is repealed, no agency of the State or local government can implement or enforce the rule.

**EFFECTIVE DATE:** This act became effective July 13, 2015.

*Jeff Hudson, counsel to the House Committee on Regulatory Reform, substantially contributed to this summary.*

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Director



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