



HOUSE BILL 268: Amend On-Site Wastewater Laws.

2019-2020 General Assembly

Committee:	Senate Agriculture/Environment/Natural Resources. If favorable, re-refer to Rules and Operations of the Senate	Date:	June 19, 2019
Introduced by:	Reps. Brody, Wray	Prepared by:	Kyle Evans
Analysis of:	PCS to Third Edition H268-CSBR-21		Committee Counsel

OVERVIEW: *The Proposed Committee Substitute for House Bill 268 would disapprove certain wastewater rules adopted by the North Carolina Commission for Public Health, create a task force to study and recommend new wastewater rules to the Commission, amend the approval process for wastewater dispersal systems, and allow soil scientists to approve non-engineered wastewater systems.*

BILL ANALYSIS:

The Proposed Committee Substitute to H268 would amend on-site wastewater laws and rules as follows:

Sections 1–4 would disapprove certain on-site wastewater treatment and dispersal rules adopted by the Commission for Public Health (Commission) in 2018.

Sections 5–10 would establish an On-Site Wastewater Task Force (Task Force) and direct it to study and issue a report to recommend new on-site wastewater rules to the Commission no later than February 1, 2020.

Section 11 would keep the on-site wastewater rules found in Chapter 18A of Title 15A of the North Carolina Administrative Code in effect until the Commission takes action on the rules recommended by the Task Force.

Section 12 would keep certain on-site wastewater rules not otherwise disapproved in Sections 1–4 of this bill from becoming effective if the rules in Sections 1–4 of this bill are disapproved.

Section 13 would amend the statutes regarding approval of on-site wastewater systems to require that evidence of system performance is based on actual field surveys and county reports, and make other technical changes.

Section 14 would add a new section to Chapter 130A to establish an alternative program for the approval of non-engineered wastewater systems by licensed and certified soil scientists. The Department of Health and Human Services would be required to report on the implementation and operation of this program to the Environmental Review Commission and the Joint Legislative Oversight Committee on Health and Human Services by January 1, 2020 and then annually thereafter.

EFFECTIVE DATE: This act would be effective when it becomes law.

BACKGROUND: Pursuant to G.S. 150B-21.3(b1), any member of the General Assembly may file a bill to disapprove a rule adopted by an executive agency before the thirty-first legislative day of the legislative session beginning after the rule was adopted. If the disapproval bill is ratified, the disapproved rules will not become effective. If the disapproval bill is not ratified, the rules will become effective on the date of

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unfavorable final legislative action is taken against the bill or the date the General Assembly adjourns its session, whichever comes first.

Jason Moran-Bates, Staff Attorney, contributed significantly to this summary.