



HOUSE BILL 600: Regulatory Reform Act of 2023, Sec. 18-18.2: Wastewater Design Flow Rate Modifications

2023-2024 General Assembly

Committee:		Date:	December 11, 2023
Introduced by:		Prepared by:	Kyle Evans Staff Attorney
Analysis of:	Sec. 18-18.2 of S.L. 2023-137		

OVERVIEW: Sections 18, 18.1, and 18.2 of S.L. 2023-137 make further clarifications to statutes and rules concerning the wastewater design daily flow rate for new dwelling units, amended earlier in this session by S.L. 2023-55 to reduce the design flow rate from 120 gallons per day per dwelling to 75 gallons per day per dwelling. Section 18.1 directs the Environmental Management Commission (EMC) to implement its existing rules consistent with the clarification made by Section 18, and Section 18.2 directs the EMC to study whether it is appropriate to change the design flow rates for other buildings.

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

CURRENT LAW & BILL ANALYSIS:

As a part of its NPDES wastewater permit, a wastewater treatment system must meet certain minimum design and capacity requirements, including a requirement that the system can handle the proposed flow of the various users and uses of the system. For new dwelling units, the current "daily design flow" is 120 gallons per day per bedroom with a minimum flow rate per dwelling unit of 240 gallons per day. S.L. 2023-55 provided that the permittee for a wastewater treatment system can calculate its wastewater flows for new dwelling units at 75 gallons per day per bedroom, or at a lower rate approved by the Department of Environmental Quality (DEQ).

Section 18 amends G.S. 143-215.1(f3), as amended by S.L. 2023-55, to provide that the minimum flow rate for a dwelling unit is 75 gallons per day, consistent with a 1-bedroom dwelling unit, and further provide that the permittee for a wastewater system must calculate its wastewater flow rate for new dwelling units discharging to systems serving two or more dwelling units that have yet to be connected and for which the permittee has not allocated capacity at 75 gallons per day, and sets the minimum flow rate for those dwelling units at 75 gallons per day.

Section 18.1 directs the EMC to implement its existing rules for wastewater design flow rates and demonstration of future wastewater treatment capacities, which are authorized pursuant to G.S. 143-215.1, consistent with changes to that statute made in S.L. 2023-55 and Section 18 of this act, and to adopt permanent rules consistent with that implementation.

Section 18.2 directs the EMC to study whether to amend its rules regarding the design flow rates for schools, charter schools, boarding schools, preschools, and day care facilities, including schools with or without cafeterias, gyms, and showers, to consider reduced water consumption associated with new plumbing fixtures and appliances.

EFFECTIVE DATE: This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

Jeffrey Hudson
Director



Legislative Analysis
Division
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