



2025-2026 General Assembly

HOUSE BILL 376: Water/Wastewater Affordability & Capacity Act, Secs. 9-10: Approve Certain Advanced Pretreatment Systems as Innovative Wastewater Systems

Analysis of: S.L. 2026-32, Secs. 9-10

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Sec. 9 of S.L. 2026-32 (House Bill 376) redefines, for the purposes of wastewater system approval, "pretreatment" as "advanced pretreatment," and clarifies that advanced pretreatment systems can be used in addition to or in place of a septic tank and requires that the advanced pretreatment effluent meets the Commission-set standards for better than septic tank effluent quality. This section also makes various conforming changes, including clarifying that the system is part of a ground absorption system.

Sec. 10 of S.L. 2026-32 (House Bill 376) narrows the innovative system approval process for systems approved based on evaluation established by a nationally recognized certification body to apply only to advanced pretreatment systems. This section provides that advanced pretreatment systems can be approved as innovative if the system has been approved under protocol established by a nationally recognized certification body, and the Department of Health and Human Services has verified that testing data meets certain requirements, the national body has approved the system, and the design and installation of the system are consistent with the approval.

The Commission for Public Health is authorized to adopt temporary and permanent rules to implement these sections.

Sections 9 and 10 became effective July 2, 2026, and apply to applications for innovative wastewater system approval filed with the Commission on or after that date.

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