

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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**HOUSE BILL 388
Committee Substitute Favorable 5/9/11**

Short Title: Reclaimed Water Cross-Connection Control.

(Public)

Sponsors:

Referred to:

March 16, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW THE USE OF DIRECT CROSS-CONNECTIONS BETWEEN
3 RECLAIMED WATER AND POTABLE WATER SYSTEMS WHEN SUCH DIRECT
4 CROSS-CONNECTIONS HAVE BEEN PREVIOUSLY APPROVED BY THE
5 DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Definitions. – The following definitions apply to this act and its
8 implementation:

- 9 (1) The definitions set out in G.S. 143-212 and G.S. 143-213.
10 (2) The definitions set out in 15A NCAC 02T .0103 (Waste Not Discharged to
11 Surface Waters: Definitions).
12 (3) The definitions set out in 15A NCAC 02U .0103 (Reclaimed Water:
13 Definitions).
14 (4) "Design Criteria for Distribution Lines Rule 15A NCAC 02U .0403" means
15 15A NCAC 02U .0403 (Design Criteria for Distribution Lines) as adopted
16 by the Environmental Management Commission on November 18, 2010, and
17 approved by the Rules Review Commission on December 16, 2010.

18 **SECTION 2.(a)** Design Criteria for Distribution Lines Rule 15A NCAC 02U
19 .0403. – Until the effective date of the revised permanent rule that the Commission is required
20 to adopt pursuant to Section 2(c) of this act, the Commission and the Department shall
21 implement the Design Criteria for Distribution Lines Rule 15A NCAC 02U .0403, as provided
22 in Section 2(b) of this act.

23 **SECTION 2.(b)** Implementation. – Notwithstanding subsection (f) of Design
24 Criteria for Distribution Lines Rule 15A NCAC 02U .0403, there shall be no direct
25 cross-connections between the reclaimed water and potable water systems, unless such
26 connection has been approved by the Department pursuant to 15A NCAC 18C .0406
27 (Distribution Systems) prior to the effective date of this act.

28 **SECTION 2.(c)** Additional Rule-Making Authority. – The Commission shall adopt
29 a rule to replace Design Criteria for Distribution Lines Rule 15A NCAC 02U .0403.
30 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section
31 shall be substantively identical to the provisions of Section 2(b) of this act. Rules adopted
32 pursuant to this section are not subject to G.S. 150B-21.9 through G.S. 150B-21.14. Rules
33 adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1) as
34 though 10 or more written objections had been received as provided by G.S. 150B-21.3(b2).

35 **SECTION 3.** This act is effective when it becomes law.

