

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

**HOUSE BILL 388  
RATIFIED BILL**

AN ACT TO ALLOW THE USE OF DIRECT CROSS-CONNECTIONS BETWEEN RECLAIMED WATER AND POTABLE WATER SYSTEMS WHEN SUCH DIRECT CROSS-CONNECTIONS HAVE BEEN PREVIOUSLY APPROVED BY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES.

The General Assembly of North Carolina enacts:

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

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

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

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

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



**SECTION 3.** This act is effective when it becomes law.  
In the General Assembly read three times and ratified this the 15<sup>th</sup> day of June,

2011.

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Walter H. Dalton  
President of the Senate

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Thom Tillis  
Speaker of the House of Representatives

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Beverly E. Perdue  
Governor

Approved \_\_\_\_\_ .m. this \_\_\_\_\_ day of \_\_\_\_\_, 2011