

1 HB393
2 191065-1
3 By Representative Butler
4 RFD: State Government
5 First Read: 08-FEB-18

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8 SYNOPSIS: Under existing law, the Department of Public
9 Health adopts rules regulating the design,
10 construction, installation, operation, and
11 maintenance of onsite sewage treatment and disposal
12 systems.

13 This bill would require all rules adopted by
14 the Department of Public Health relating to onsite
15 sewage treatment and disposal systems to be applied
16 uniformly and to focus on performance and
17 functionality rather than requiring material
18 specifications that restrict the use of technology
19 used in this state prior to March 2017.

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21 A BILL
22 TO BE ENTITLED
23 AN ACT

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25 Relating to the regulation of onsite sewage
26 treatment and disposal systems by the Department Public of
27 Health; to require rules to be based on performance and

1 functionality of any system without regard to materials used
2 for the treatment and dispersal of effluents; and to repeal
3 rules in conflict with this act.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. The intent and purpose of this act is to
6 address the significant adverse effects on competition,
7 innovation, and the ability of individual consumers to make
8 their own decisions without regulatory burdens that inevitably
9 result from the Department of Public Health's implementation
10 or enforcement of rules relating to onsite sewage treatment
11 and disposal systems that are applied based on the different
12 types of materials or media used during the treatment and
13 dispersal of effluents instead of rules uniformly based on the
14 performance and functionality of the system.

15 Section 2. (a) All rules adopted by the Department
16 of Public Health relating to onsite sewage treatment and
17 disposal systems shall be applied uniformly based on the
18 performance and functionality of the system.

19 (b) The Department of Public Health shall not seek
20 to implement or enforce any rule relating to the design,
21 construction, installation, operation, or maintenance of
22 onsite sewage treatment and disposal systems, nor restrict any
23 systems that have already proven to successfully work in this
24 state under the regulatory scheme in place prior to March
25 2017, when the rule is based on the different types of
26 materials or media used during the treatment and dispersal of
27 effluents without a technical justification.

1 (c) Any rule of the department that became effective
2 in March 2017 that is applied based on the type of material or
3 media used during the treatment or dispersal of effluents is
4 specifically void and superseded.

5 Section 3. This act shall become effective
6 immediately following its passage and approval by the
7 Governor, or its otherwise becoming law.