

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 155

Marine Resources & Wildlife Committee Substitute Adopted 4/26/89

Third Edition Engrossed 4/27/89

House Committee Substitute Favorable 7/11/90

Fifth Edition Engrossed 7/13/90

Short Title: Clarify Penalties for Certain Discharges.

(Public)

Sponsors:

Referred to:

February 14, 1989

A BILL TO BE ENTITLED

AN ACT TO REQUIRE CERTAIN MUNICIPALITIES WHICH VIOLATE THE CONDITIONS OF COURT ORDERS REGARDING THE DISCHARGE OF WATER FROM A WASTEWATER TREATMENT PLANT OPERATED BY SUCH MUNICIPALITIES TO PAY FULL AMOUNT OF THE PENALTIES SPECIFIED IN SUCH ORDERS, TO AMEND OTHER LAWS RELATING TO EFFLUENT OR EMISSION STANDARDS AND LIMITATIONS, AND TO REQUIRE THAT CERTAIN MUNICIPALITIES NOTIFY DOWNSTREAM UNITS OF LOCAL GOVERNMENT WHENEVER THEIR WASTEWATER TREATMENT PLANT EXCEEDS APPLICABLE EFFLUENT LIMITATIONS OR WHEN UNTREATED OR PARTIALLY TREATED WASTEWATER IS DIVERTED SO AS TO BYPASS THE WASTEWATER TREATMENT PLANT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-215.6(a) is amended by adding a new subdivision to read:

"(6) As used in this subdivision, 'municipality' refers to any unit of local government which operates a wastewater treatment plant. As used in this subdivision, 'unit of local government' has the same meaning as in G.S. 130A-290. The provisions of this subdivision shall apply whenever a municipality that operates a wastewater treatment plant

1           with an influent bypass diversion structure and with a permitted  
2           discharge of 10 million gallons per day or more into any of the surface  
3           waters of the State that have been classified as nutrient sensitive waters  
4           (NSW) under rules adopted by the Commission is subject to a court  
5           order which specifies (i) a schedule of activities with respect to the  
6           treatment of wastewater by the municipality; (ii) deadlines for the  
7           completion of scheduled activities; and (iii) stipulated penalties for  
8           failure to meet such deadlines. A municipality as specified herein that  
9           violates any provision of such order for which a penalty is stipulated  
10           shall pay the full amount of such penalty as provided in the order  
11           unless such penalty is modified, remitted, or reduced by the court."

12           Sec. 2. A new section is added to Part 1 of Article 21 of Chapter 143 of the  
13 General Statutes to read:

14 **"§ 143-215.6A. Additional requirements applicable to certain municipal**  
15 **wastewater treatment facilities.**

16           (a) As used in this section, 'municipal' and 'municipality' refer to any unit of  
17 local government which operates a wastewater treatment plant. As used in this section,  
18 'unit of local government' has the same meaning as in G.S. 130A-290.

19           (b) A municipality that operates a wastewater treatment plant with an influent  
20 bypass diversion structure and with a permitted discharge of five million gallons per day  
21 or more into any of the surface waters of the State shall maintain a notification list of  
22 units of local government which have requested to be on such list. Any unit of local  
23 government with territorial jurisdiction over or adjacent to any part of the surface waters  
24 of the State located within 100 miles downstream from the point of discharge from a  
25 municipal wastewater treatment plant to which this section applies as measured along  
26 the path of the stream, and any unit of local government which withdraws water from  
27 such surface waters to supply water to the public, may request the municipality  
28 operating the wastewater treatment plant to include the names of appropriate officials of  
29 the unit of local government on the notification list required by this subsection. The  
30 municipality operating such municipal wastewater treatment plant shall give notice of  
31 each instance when untreated or partially treated wastewater is diverted so as to bypass  
32 the wastewater treatment plant to each person on the notification list at least 24 hours  
33 before any such instance which is planned or anticipated and within 24 hours after any  
34 such instance which is unplanned or unanticipated."

35           Sec. 3. This act is effective upon ratification, and applies with respect to any  
36 court order in effect on the date this act becomes effective.