

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 643

Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/4/95

House Committee Substitute Favorable 5/31/95

Short Title: Sewer System Moratorium Notice.

(Public)

Sponsors:

Referred to:

April 11, 1995

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR PRIOR NOTICE OF SEWER SYSTEM MORATORIA TO THE AFFECTED UNIT OF GOVERNMENT AND TO THE PUBLIC.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-215.67 reads as rewritten:

"§ 143-215.67. Acceptance of wastes to disposal systems and air-cleaning devices.

(a) No person subject to the provisions of G.S. 143-215.1, 143-215.108, or 143-215.109 shall willfully cause or allow the discharge of any wastes or air contaminants to a waste-disposal system or air-cleaning device in excess of the capacity of the disposal system or cleaning device or any wastes or air contaminants which the disposal system or cleaning device cannot adequately treat. This subsection does not prohibit the discharge of waste to a treatment works operated by a public utility or unit of local government in excess of the capacity of the treatment works by any person who holds a valid building permit issued prior to the date on which the public utility or unit of local government receives the notice required by subsection (c) of this section if the Commission finds that the discharge of waste will not result in any significant degradation in the quality of the waters ultimately receiving the discharge as provided in subsection (b) of this section.

1 (b) The Commission may authorize a unit of government subject to the provisions
2 of ~~G.S. 143-215.67(a)~~ subsection (a) of this section to accept additional wastes to its waste-
3 disposal system upon a finding by the Commission (i) that the unit of government has
4 secured a grant or has otherwise secured financing for planning, design, or construction
5 of a new or improved waste disposal system which will adequately treat the additional
6 waste, and (ii) the additional waste will not result in any significant degradation in the
7 quality of the waters ultimately receiving ~~such~~ the discharge. The Commission may
8 impose such conditions on permits issued under G.S. 143-215.1 as it deems necessary to
9 implement the provisions of this subsection, including conditions on the size, character,
10 and number of additional dischargers. Nothing in this subsection shall be deemed to
11 authorize a unit of government to violate water quality standards, effluent limitations or
12 the terms of any order or permit issued under Part 1 of this Article nor does anything
13 herein preclude the Commission from enforcing by appropriate means the provisions of
14 Part 1 of this Article.

15 (c) The Commission may impose a moratorium on the addition of waste to a
16 treatment works if the Commission determines that the treatment works is not capable of
17 adequately treating additional waste. The Commission shall give notice of its intention to
18 impose a moratorium at least 45 days prior to the effective date of the moratorium to any
19 person who holds a permit for a treatment works subject to the moratorium. Except to
20 the extent that the provisions of subsection (b) of this section apply, the Commission
21 shall not issue a permit for a sewer line that will connect to a treatment works that the
22 Commission has determined to be incapable of treating additional waste from the date on
23 which the Commission determines that the treatment works is incapable of adequately
24 treating additional waste until the moratorium on the addition of waste to the treatment
25 works is lifted.

26 (d) A public utility or unit of local government that operates a treatment works
27 shall give notice of a moratorium on the discharge of additional waste to the treatment
28 works within 15 days of the date on which the public utility or unit of local government
29 receives notice of the moratorium from the Commission. The public utility or unit of
30 local government shall give public notice of a moratorium by publication of the notice
31 one time in a newspaper having general circulation in the county in which the treatment
32 works is located. The Commission shall prescribe the form and content of the notice."

33 Sec. 2. This act becomes effective 1 October 1995.