

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 1137

Short Title: Reporting and Notice of Wastewater Spills. (Public)

Sponsors: Representatives McGrady, Samuelson, Hager, and Catlin (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Environment.

May 21, 2014

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE REPORTING AND PUBLIC NOTICE REQUIREMENTS
3 APPLICABLE TO DISCHARGES OF WASTEWATER TO WATERS OF THE STATE,
4 AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 143-215.1C reads as rewritten:

7 "§ 143-215.1C. **Report to wastewater system customers on system performance; report**
8 **discharge of untreated wastewater to the Department; publication of notice of**
9 **discharge of untreated wastewater and waste.**

10 (a) Report to Wastewater System Customers. – The owner or operator of any
11 wastewater collection or treatment works, the operation of which is primarily to collect or treat
12 municipal or domestic wastewater and for which a permit is issued under this Part and having
13 an average annual flow greater than 200,000 gallons per day, shall provide to the users or
14 customers of the collection system or treatment works and to the Department an annual report
15 that summarizes the performance of the collection system or treatment works and the extent to
16 which the collection system or treatment works has violated the permit or federal or State laws,
17 regulations, or rules related to the protection of water quality. The report shall be prepared on
18 either a calendar or fiscal year basis and shall be provided no later than 60 days after the end of
19 the calendar or fiscal year.

20 (a1) Report Discharge of Untreated Wastewater to the Department. – The owner or
21 operator of any wastewater collection or treatment works for which a permit is issued under
22 this Part shall report a discharge of 1,000 gallons or more of untreated wastewater to the
23 surface waters of the State to the Department within 24 hours after the owner or operator has
24 determined that the discharge has reached the surface waters of the State. This reporting
25 requirement shall be in addition to any other reporting requirements applicable to the owner or
26 operator of the wastewater collection or treatment works.

27 (b) Publication of Notice of Discharge of Untreated Wastewater. – The owner or
28 operator of any wastewater collection or treatment works, the operation of which is primarily to
29 collect or treat municipal or domestic wastewater and for which a permit is issued under this
30 Part shall:

- 31 (1) In the event of a discharge of 1,000 gallons or more of untreated wastewater
32 to the surface waters of the State, issue a press release to all print and
33 electronic news media that provide general coverage in the county where the
34 discharge occurred setting out the details of the discharge. The owner or
35 operator shall issue the press release within ~~48~~24 hours after the owner or



1 operator has determined that the discharge has reached the surface waters of
2 the State. The owner or operator shall retain a copy of the press release and a
3 list of the news media to which it was distributed for at least one year after
4 the discharge and shall provide a copy of the press release and the list of the
5 news media to which it was distributed to any person upon request.

- 6 (2) In the event of a discharge of 15,000 gallons or more of untreated
7 wastewater to the surface waters of the State, publish a notice of the
8 discharge in a newspaper having general circulation in the county in which
9 the discharge occurs and in each county downstream from the point of
10 discharge that is significantly affected by the discharge. The Secretary shall
11 determine, at the Secretary's sole discretion, which counties are significantly
12 affected by the discharge and shall approve the form and content of the
13 notice and the newspapers in which the notice is to be published. The notice
14 shall be captioned "NOTICE OF DISCHARGE OF UNTREATED
15 SEWAGE". The owner or operator shall publish the notice within 10 days
16 after the Secretary has determined the counties that are significantly affected
17 by the discharge and approved the form and content of the notice and the
18 newspapers in which the notice is to be published. The owner or operator
19 shall file a copy of the notice and proof of publication with the Department
20 within 30 days after the notice is published. Publication of a notice of
21 discharge under this subdivision is in addition to the requirement to issue a
22 press release under subdivision (1) of this subsection.

23 (c) Publication of Notice of Discharge of Untreated Waste. – The owner or operator of
24 any wastewater collection or treatment works, other than a wastewater collection or treatment
25 works the operation of which is primarily to collect or treat municipal or domestic wastewater,
26 for which a permit is issued under this Part shall:

- 27 (1) In the event of a discharge of 1,000 gallons or more of untreated waste to the
28 surface waters of the State, issue a press release to all print and electronic
29 news media that provide general coverage in the county where the discharge
30 occurred setting out the details of the discharge. The owner or operator shall
31 issue the press release within ~~48~~24 hours after the owner or operator has
32 determined that the discharge has reached the surface waters of the State.
33 The owner or operator shall retain a copy of the press release and a list of the
34 news media to which it was distributed for at least one year after the
35 discharge and shall provide a copy of the press release and the list of the
36 news media to which it was distributed to any person upon request.

- 37 (2) In the event of a discharge of 15,000 gallons or more of untreated waste to
38 the surface waters of the State, publish a notice of the discharge in a
39 newspaper having general circulation in the county in which the discharge
40 occurs and in each county downstream from the point of discharge that is
41 significantly affected by the discharge. The Secretary shall determine, at the
42 Secretary's sole discretion, which counties are significantly affected by the
43 discharge and shall approve the form and content of the notice and the
44 newspapers in which the notice is to be published. The notice shall be
45 captioned "NOTICE OF DISCHARGE OF UNTREATED WASTE". The
46 owner or operator shall publish the notice within 10 days after the Secretary
47 has determined the counties that are significantly affected by the discharge
48 and approved the form and content of the notice and the newspapers in
49 which the notice is to be published. The owner or operator shall file a copy
50 of the notice and proof of publication with the Department within 30 days
51 after the notice is published. Publication of a notice of discharge under this

1 subdivision is in addition to the requirement to issue a press release under
2 subdivision (1) of this subsection."
3 **SECTION 2.** This act is effective when it becomes law.