

April 15, 1999

H 1160. EXTEND ANIMAL WASTE PILOT (=S 1084). *TO EXTEND THE PILOT PROGRAM UNDER WHICH THE DIVISION OF SOIL AND WATER CONSERVATION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES CONDUCTS ALL INSPECTIONS OF ANIMAL WASTE MANAGEMENT SYSTEMS IN CERTAIN COUNTIES.*

Identical to S 1084, introduced 4/15/99.

Intro. by Hackney.

Ref. to Environment

GS 143

July 7, 1999

H 1160. CLEAN WATER ACT OF 1999. Intro. 4/15/99. House committee substitute makes the following changes to 1st edition. Changes bill to AN ACT TO ENACT THE CLEAN WATER ACT OF 1999.

Animal waste changes. Amends SL 1997-458 to extend moratoria on construction or expansion of hog farms to July 1, 2001. Amends SL 1997-443 to extend pilot program for inspection of animal waste management systems to July 1, 2001 (was, Jan. 31, 2000) and to add Brunswick County to program. Requires DENR to develop an inventory of all inactive animal waste lagoons, as defined in the bill, by March 1, 2000.

Civil penalty increases. Effective for violations that occur after Oct. 1, 1999, increases civil penalties for violations of water quality laws by amending GS 143-215.6A. Raises maximum possible penalty from \$10,000 to \$25,000. Permits DENR Sec'y to assess a civil penalty of more than \$10,000 only if a violator has been assessed a civil penalty within the five years preceding the violation. Permits such penalties for failure to submit documents, data, or reports only if the Sec'y determines the violation to be intentional. Permits multiplying of maximum possible civil penalties, based on repeated previous assessments of civil penalties and according to a schedule laid out in the statute.

Changes in Wetlands Restoration Fund and Conservation Reserve Enhancement Fund. Amends GS 143-214.12 to permit DENR to distribute funds from the Wetlands Restoration Fund directly to a federal or state agency, a local government, or a private, nonprofit conservation organization to acquire, manage, and maintain real property or an interest in real property for purposes set out in statute. Requires that a recipient of funds grant a conservation easement to the Dep't. Similarly, permits Dep't to convey real property or an interest in real property acquired under the Wetlands Restoration Program to same kinds of entities; recipient must grant a conservation easement to the Dep't. Amends GS 143-214.13 to require Dep't to maintain an inventory of all property held, managed, maintained, etc., under the Wetlands Restoration Program. Amends GS 113A-235 (conservation easements) to permit soil and water conservation districts to acquire easements under the Conservation Reserve Enhancement Program. Also permits Dep't to convey real property or interest in real property acquired under the Conservation Reserve Enhancement Program to a federal or state agency, a local government, or a private, nonprofit conservation organization for purposes set out in the statute. Requires that a recipient grant a conservation easement to the Dep't in a form acceptable to the Dep't. Requires that Dep't maintain an inventory of its conservation easements and report that inventory to the Environmental Review Comm'n each year.

Temporary rules to protect Cape Fear, Catawba, and Tar-Pamlico River Basins. Permits temporary rulemaking for river basins named in title.

Wastewater system performance reporting and notice of discharge of untreated human or animal waste. Amends GS 143-215.1 to require that an owner or operator of a municipal or domestic wastewater collection system or treatment facility with a permit provide to its users or customers, and to the Dep't, an annual report summarizing its performance and any violations of water quality laws or regulations. Requires that the report be provided no later than sixty days after either the calendar or fiscal year concludes. Requires that owners or operators of domestic or municipal wastewater collection systems or treatment works issue a press release in the event of the discharge of 1000 gallons or more of untreated wastewater to the surface waters of the

State and also publish a notice of discharge in a general circulation newspaper for the counties affected if the discharge is 10,000 gallons or more. In the latter instance, provides that DENR Sec'y determines which counties are affected and approves the form and content of the notice. Requires that the notice be captioned "NOTICE OF DISCHARGE OF RAW SEWAGE." Outlines requirements for keeping track of press releases and time periods in which notices must be published. Amends GS 143-215.10C to provide the same requirements of press release and published notice for owners or operators of animal waste management systems, triggered by the same levels of discharge of animal waste.

Pilot program for inspecting municipal and domestic wastewater treatment works. Requires DENR to develop such a program no later than Jan. 1, 2000 and to terminate it on July 1, 2001. Purpose is to inspect and provide technical assistance to municipal and domestic wastewater treatment works for which a permit is required under GS Ch. 143, Art. 21, Pt. 1. Program will operate in a single county, selected by Dep't, in which there is located a representative cross section of the types of municipal and domestic wastewater treatment works. Outlines reporting requirements for the pilot program.

Issuance of permits for new or expanded municipal or domestic wastewater works that discharge into the waters of the State. Effective for any permit applications made on or after Oct. 1, 1999, amends GS 143-215.1(b) to provide that Comm'n may issue such permits only if the applicant has prepared and considered an engineering, environmental, and fiscal analysis of alternatives to the proposed facility, and the applicant is in compliance with the permit program of the Comm'n for such collection systems. Describes reporting requirements.

Environmental Management Comm'n to develop engineering standards and implement a permit program for municipal and domestic wastewater collections. Requires development of engineering standards that will allow interconnection of such systems on a regional basis. Requires implementation of permit program over a five-year period beginning July 1, 2000, issuing permits for approximately 20% of affected systems each calendar year. Requires that Comm'n give priority to those collection systems that serve the largest populations, those under moratorium, and those for which DENR has issued a notice of violation for the discharge of untreated wastewater. Describes reporting requirements.

Clarify that DENR may limit to \$2 million rather than \$3 million the maximum amount of clean water grants to local gov't units with high bond ratings, and, for clean water loans from bond funds, to change the time by which a local gov't unit must satisfy the requirements for holding a public hearing and filing a petition for a vote prior to disbursement of the loan funds. Amends GS 159G-3 to add a definition for bond rating. Amends GS 159G-6(a) to list limits on clean water grants as described in title. Permits DENR to limit maximum principal amount of a grant to \$2 million, or 2/3 of the eligible project cost, whichever is less, when the bond rating of the local gov't is 75 or higher and when \$1 million or 1/3 of the eligible project cost, whichever is less, is available to the local gov't unit as a loan from any source. Amends SL 1998-132, Sec. 10, to permit a local gov't to hold a public hearing required under the law at any time prior to the disbursement of clean water loan funds, and to permit a local gov't to file a petition for a vote by the voters of the local government unit within 15 days after the required public hearing.

Studies and reports. Outlines reporting requirements for the following: (1) progress of State Wetlands Stream Mgt. Advisory Committee, (2) DENR analysis of discharges of untreated and partially treated municipal and domestic wastewater to determine causes of the discharges; (3) study of whether and under what circumstances a privately owned wastewater collection system or treatment works may be required to connect to a publicly owned treatment works in order to protect public health or the environment; (4) progress on implementation of the Lagoon Conversion Plan, and (5) proper maintenance of septic tank systems.

July 8, 1999

H 1160. CLEAN WATER ACT OF 1999. Intro. 4/14/99. Senate amendment makes the following changes to 2nd edition. Deletes proposed GS 143-215.6A(b2) that would have increased the civil penalties for repeat violations of water quality laws based on the frequency of recent violations. Adds language providing that the development and implementation of basinwide water quality management plans shall not be invalidated by the proposed provisions authorizing the Environmental Management Comm'n to adopt temporary rules to protect designated river basins.

Amends provisions regarding notice of an untreated wastewater or animal waste discharge to require that such notice be published ten days after the Sec'y of DENR has determined the counties that are affected by the discharge and has approved the form and content of the notice and the newspaper in which the notice will be published. Requires owner or operator of the system to file a copy of the notice and proof of publication with DENR.

July 15, 1999

H 1160. CLEAN WATER ACT OF 1999. Intro. 4/15/99. Conference report recommends the following changes to 3rd edition to reconcile matters in controversy.

Civil penalties for violations of water quality laws. Effective Oct. 1, 1999, amends GS 143-215.6A to provide that Sec'y may assess penalty of more than \$10,000 only if civil penalty has been imposed against same violator within two years preceding the violation (was, within five years). Extends this period by one year in each subsequent year through 2002 so that effective Oct. 1, 2002, \$10,000 penalty may be imposed if penalty has previously been imposed within previous five years.

Reports and publication of notice of discharges required. Adds provision requiring publication of notice of discharge of untreated waste by non-municipal, non-domestic operators. Adds requirement that wastewater treatment operators must issue press release within 48 hours after determining that discharge has reached surface waters of the state. Provides that discharge of 15,000 gallons or more (was, 10,000 gallons) requires newspaper notice of discharge of untreated sewage.