

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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**HOUSE BILL 482
Committee Substitute Favorable 4/14/11
PROPOSED SENATE COMMITTEE SUBSTITUTE H482-PCS30393-LH-7**

Short Title: Water Supply Lines/Water Violation Waivers.

(Public)

Sponsors:

Referred to:

March 29, 2011

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE ADDITIONAL CONNECTIONS TO WATER SUPPLY LINES
2 FUNDED BY THE CLEAN WATER AND NATURAL GAS CRITICAL NEEDS BOND
3 ACT OF 1998 AND TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND
4 NATURAL RESOURCES TO WAIVE THE PENALTY ASSESSED AGAINST
5 CERTAIN POOR COUNTIES FOR CERTAIN WATER QUALITY VIOLATIONS.
6

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Notwithstanding Section 5.1(b) of Session Law 1998-132, the
9 Secretary of Environment and Natural Resources shall grant a waiver to allow additional
10 connections to a bond-funded waterline within an area designated as WS-I or the critical area of
11 any area that has been designated as WS-II, WS-III, or WS-IV by the Environmental
12 Management Commission pursuant to G.S. 143-214.5, provided the design capacity and size of
13 the existing bond-funded waterline can accommodate the additional connections, and the
14 purpose of the additional connection is for either of the following reasons:

- 15 (1) To address an existing threat to public health or water quality.
16 (2) To provide water to a habitable structure located on a lot zoned for a
17 single-family residence. There is no requirement that the habitable structure
18 existed on the lot at the time of the construction of the bond-funded
19 waterline.

20 **SECTION 2.(a)** Notwithstanding any other provision of law, the Department of
21 Environment and Natural Resources shall remit any penalty assessed between June 1, 2010,
22 and July 1, 2011, against a poor county for any violations of the conditions of an NPDES
23 permit issued to the county, any violation of G.S. 143-215.1(a)(6) by the unauthorized
24 discharge of sludge into the waters of the State, and any violations of stream standards and
25 wetland standards under G.S. 143-215.1 and 15A NCAC 2B .0211(2) resulting from an
26 unauthorized discharge of sludge if the county satisfies all of the following conditions:

- 27 (1) The county promptly abated continuing environmental damage resulting
28 from the violation and it has been determined by the Department of
29 Environment and Natural Resources that the sludge removal resulting from
30 the violation is satisfactory and complete.
31 (2) The county has not been assessed civil penalties for any previous violations.



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- 1 (3) The county's water treatment plant was operated by a private contractor for
- 2 the majority of the plant's operating life and received no notice of any
- 3 violations during that time.
- 4 (4) The county agrees to pay to the Department of Environment and Natural
- 5 Resources the investigative costs regarding the violations.
- 6 (5) The county agrees that, if the penalty is remitted pursuant to this act, the
- 7 county will use funds in an amount equal to the lowest amount of the
- 8 proposed assessment for the violations to implement the remaining remedial
- 9 actions identified as necessary by the Department of Environment and
- 10 Natural Resources.

11 **SECTION 2.(b)** For purposes of this section, a poor county is a county (i) with an
12 unemployment rate on the date of the assessment of the penalty that is at least two and one-half
13 percent (2.5%) higher than the State average and (ii) in which, according to the 2008 US
14 Census, at least eighteen percent (18%) of the county residents are below the poverty level.

15 **SECTION 3.** This act is effective when it becomes law.