



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 600

AMENDMENT NO.
(to be filled in by
Principal Clerk)

H600-ABR-40 [v.2]

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Amends Title [NO]
Fourth Edition

Date ,2023

Senator

moves to amend the bill on page 5, lines 39-47, by rewriting the lines to read:

"SECTION 6.(b) G.S. 113-170.3(f), as enacted by subsection (a) of this section, reads as rewritten:

"(f) Violation of subsection (d) or (e) of this section shall only be punishable by a verbal warning. issuance of a warning ticket pursuant to G.S. 113-140. Notwithstanding G.S. 113-140(c), a marine fisheries inspector may issue additional warning tickets for repeat violations of subsection (d) or (e) of this section."

SECTION 6.(c) G.S. 113-170.3(f), as enacted by subsection (b) of this section, reads as rewritten:

"(f) Violation of subsection (d) or (e) of this section shall only be punishable by issuance of a warning ticket pursuant to G.S. 113-140. Notwithstanding G.S. 113-140(e), a marine fisheries inspector may issue additional warning tickets for repeat violations of subsection (d) or (e) of this section. be an infraction as provided in G.S. 14-3.1, punishable by a fine of thirty-five dollars (\$35.00). A person responsible for an infraction under this subsection shall not be assessed court costs, but the Fisheries Director of the North Carolina Division of Marine Fisheries is authorized to revoke or refuse to issue a commercial or recreational fishing license for any individual guilty of an infraction for violations of subsection (d) or (e) of this section for two consecutive years or upon failure to pay outstanding infraction fines when required to do so.";

and on page 6, lines 7-50, by rewriting those lines to read:

"DEQ TO REQUEST NOAA APPROVAL TO AMEND THE COASTAL AREA MANAGEMENT ACT TO ELIMINATE DEQ AUTHORITY TO DENY APPLICATIONS FOR DREDGE OR FILL PERMITS IN UNITED STATES COAST GUARD MARKED NAVIGATIONAL CHANNELS OR FEDERALLY AUTHORIZED CHANNELS BASED ON CERTAIN FACTORS, AND ELIMINATE DEQ AUTHORITY TO CONDITION SUCH PERMITS WITH REQUIREMENTS FOR APPLICANTS TO TAKE WHATEVER MEASURES ARE REASONABLY NECESSARY TO PROTECT THE PUBLIC INTEREST WITH RESPECT TO THOSE FACTORS

SECTION 7.(a) G.S. 113-229 reads as rewritten:

"§ 113-229. Permits to dredge or fill in or about estuarine waters or State-owned lakes.



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1 (a) Except as hereinafter provided before any excavation or filling project is begun in any
2 estuarine waters, tidelands, marshlands, or State-owned lakes, the party or parties desiring to do
3 such shall first obtain a permit from the Department. Granting of the State permit shall not relieve
4 any party from the necessity of obtaining a permit from the United States Army Corps of
5 Engineers for work in navigable waters, if the same is required. The Department shall continue
6 to coordinate projects pertaining to navigation with the United States Army Corps of Engineers.

7 ...

8 (e) Applications for permits except special emergency permit applications shall be
9 circulated by the Department among all State agencies and, in the discretion of the Secretary,
10 appropriate federal agencies having jurisdiction over the subject matter which might be affected
11 by the project so that such agencies will have an opportunity to raise any objections they might
12 have. Except for permit applications for activities in a United States Coast Guard marked
13 navigation channel or a federally authorized channel, ~~The~~ Department may deny an application
14 for a dredge or fill permit upon finding: (1) that there will be significant adverse effect of the
15 proposed dredging and filling on the use of the water by the public; or (2) that there will be
16 significant adverse effect on the value and enjoyment of the property of any riparian owners; or
17 (3) that there will be significant adverse effect on public health, safety, and welfare; or (4) that
18 there will be significant adverse effect on the conservation of public and private water supplies;
19 or (5) that there will be significant adverse effect on wildlife or fresh water, estuarine or marine
20 fisheries. In the absence of such findings, a permit shall be granted. Except for permit applications
21 for activities in a United States Coast Guard marked navigation channel or a federally authorized
22 channel, ~~Such~~ permit may be conditioned upon the applicant amending his proposal to take
23 whatever measures are reasonably necessary to protect the public interest with respect to the
24 factors enumerated in this subsection. Permits may allow for projects granted a permit the right
25 to maintain such project for a period of up to 10 years. The right to maintain such project shall
26 be granted subject to such conditions as may be reasonably necessary to protect the public
27 interest. The Coastal Resources Commission shall coordinate the issuance of permits under this
28 section and G.S. 113A-118 and the granting of variances under this section and G.S. 113A-120.1
29 to avoid duplication and to create a single, expedited permitting process. The Coastal Resources
30 Commission may adopt rules interpreting and applying the provisions of this section and rules
31 specifying the procedures for obtaining a permit under this section. Maintenance work as defined
32 in this subsection shall be limited to such activities as are required to maintain the project
33 dimensions as found in the permit granted. The Department shall act on an application for permit
34 within 75 days after the completed application is filed, provided the Department may extend such
35 deadline by not more than an additional 75 days if necessary to properly ~~to~~ consider the
36 application, except for applications for a special emergency permit, in which case the Department
37 shall act within two working days after an application is filed, and failure to so act shall
38 automatically approve the application.

39 "

40 **SECTION 7.(b)** No later than September 1, 2023, the Department of Environmental
41 Quality shall prepare and submit to the National Oceanic and Atmospheric Administration and
42 the Secretary of the United State Department of Commerce for approval by that agency proposed
43 changes to G.S. 113-229, as amended by subsection (a) of this section.

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1 **SECTION 7.(c)** Subsection (a) of this section becomes effective on the later of the
2 following dates:

3 (1) July 1, 2024.

4 (2) The first day of a month that is 60 days after the Secretary of the Department
5 of Environmental Quality certifies to the Revisor of Statutes that the Secretary
6 of the United State Department of Commerce has approved an amendment to
7 G.S. 113-229, as amended by subsection (a) of this section, as required by
8 subsection (b) of this section. The Secretary shall provide this notice along
9 with the effective date of this act on its website.

10 **SECTION 7.(d)** The Department of Environmental Quality shall report to the Joint
11 Legislative Commission on Government Operations on the status of their activities pursuant to
12 subsection (c) of this section quarterly, beginning October 1, 2023, until such time as the General
13 Assembly repeals this reporting requirement.";

14
15 and on page 8, lines 8–12, by rewriting those lines to read:

16
17 "(c) Except as required by section 402(o) of the federal Clean Water Act (33 U.S.C. §
18 1342(o)), or upon waiver by a permittee in the permittee's sole discretion, no numeric water-
19 quality based effluent limitation for a pollutant shall be included in a wastewater discharge permit
20 issued pursuant to this Article unless a numeric water quality standard for the pollutant has been
21 established by rule in compliance with the requirements of Article 2A of Chapter 150B of the
22 General Statutes. This subsection does not apply to technology-based effluent permit limitations
23 established by State or federal rule.";

24
25 and on page 17, line 50, and page 18, line 1, by inserting between those lines:

26
27 **"WASTEWATER DESIGN FLOW RATE RULE CHANGE**

28 **SECTION 15.5.(a)** Definitions. – For purposes of this section and its
29 implementation, "Dwelling Wastewater Design Flow Rate Rule" means 15A NCAC 02T .0114
30 (Wastewater Design Flow Rates) as it applies to dwelling units.

31 **SECTION 15.5.(b)** Dwelling Wastewater Design Flow Rate Rule. – Until the
32 effective date of the revised permanent rule that the Environmental Management Commission is
33 required to adopt pursuant to subsection (d) of this section, the Commission shall implement the
34 Dwelling Wastewater Design Flow Rate Rule as provided in subsection (c) of this section.

35 **SECTION 15.5.(c)** Implementation. – In determining the volume of sewage from
36 dwelling units, the flow rate shall be 75 gallons per day per bedroom. The minimum volume of
37 sewage from each dwelling unit shall be 75 gallons per day, and each additional bedroom shall
38 increase the volume by 75 gallons per day. The Department of Environmental Quality may
39 approve a flow rate lower than 75 gallons per day per bedroom on a case-by-case basis at its
40 discretion.

41 **SECTION 15.5.(d)** Additional Rulemaking Authority. – The Commission shall
42 adopt a rule to amend the Dwelling Wastewater Design Flow Rate Rule consistent with
43 subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the

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1 Commission pursuant to this section shall be substantively identical to the provisions of
2 subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of
3 Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall
4 become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections
5 had been received as provided in G.S. 150B-21.3(b2).

6 **SECTION 15.5.(e)** Applicability and Sunset. – This section and rules adopted
7 pursuant to this section apply to all dwelling units sewer system permits issued on or after August
8 1, 2023. This section expires when permanent rules adopted as required by subsection (d) of this
9 section become effective.";

10
11 and on page 19, lines 4–6, by rewriting those lines to read:

12
13 "for reuse, are incapable of being recycled, and do not meet the definition of hazardous waste
14 shall be properly disposed of in (i) an industrial landfill or (ii) a municipal solid waste landfill.
15 PV modules that meet the definition of a hazardous waste shall comply with hazardous waste
16 requirements for recycling and disposal, as applicable. For purposes of this";

17
18 and on page 26, line 17, by rewriting the line to read:

19
20 "development fee charged as set forth in G.S. 162A-207(c).

21 f. A charge or fee paid by one local government unit to another local
22 government unit for capacity in, or reserve capacity supplied by,
23 capital improvements or facilities."".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____