

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 613

Committee Substitute Favorable 5/2/89

Environment & Natural Resources Senate Committee Substitute Adopted 6/15/89

Short Title: Water Pollution Control Permits.

(Public)

Sponsors:

Referred to:

March 15, 1989

A BILL TO BE ENTITLED

AN ACT TO REGULATE MINOR ACTIVITIES THROUGH GENERAL WATER POLLUTION CONTROL PERMITS AND TO ELIMINATE UNNECESSARY MONITORING AND REPORTING FOR CERTAIN PERMITS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-215.1(b) as amended by Section 2 of Chapter 51 of the 1989 Session Laws reads as rewritten:

"(b) Commission's Power as to Permits. –

(1) The Commission shall act on all permits so as to prevent, so far as reasonably possible, considering relevant standards under State and federal laws, any significant increase in pollution of the waters of the State from any new or enlarged sources. No permit shall be denied and no condition shall be attached to the permit, except when the Commission finds such denial or such conditions necessary to effectuate the purposes of this Article.

(2) The Commission shall also act on all permits so as to prevent violation of water quality standards due to the cumulative effects of permit decisions. Cumulative effects are impacts attributable to the collective effects of a number of projects and include the effects of additional projects similar to the requested permit in areas available for development in the vicinity. All permit decisions shall require that the

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1 practicable waste treatment and disposal alternative with the least
2 adverse impact on the environment be utilized.

3 (3) General permits may be issued under rules adopted pursuant to
4 Chapter 150B of the General Statutes. Such rules may provide that
5 minor activities may occur under a general permit issued in accordance
6 with conditions set out in such rules. All persons covered under
7 general permits shall be subject to all enforcement procedures and
8 remedies applicable under this Article.

9 (4) The Commission shall have the power:

10 ~~(1)~~a. To grant a permit with such conditions attached as the
11 Commission believes necessary to achieve the
12 purposes of this ~~Article~~; Article.

13 ~~(1a)~~b. To require that an applicant satisfy the Commission
14 that the applicant, or any parent or subsidiary
15 corporation if the applicant is a corporation:

16 a.1. Is financially qualified to carry out the
17 activity for which the permit is required
18 under subsection ~~(a)~~; ~~(a)~~ of this section;
19 and

20 b.2. Has substantially complied with the
21 effluent standards and limitations and
22 waste management treatment practices
23 applicable to any activity in which the
24 applicant has previously engaged, and
25 has been in substantial compliance with
26 other federal and state laws, regulations,
27 and rules for the protection of the
28 ~~environment~~; environment.

29 ~~(3)~~c. To modify or revoke any permit upon not less than 60
30 days' written notice to any person affected.

31 d. To designate certain classes of minor activities for which a
32 general permit may be issued, after considering:

33 1. The environmental impact of the activities;

34 2. How often the activities are carried out;

35 3. The need for individual permit oversight; and

36 4. The need for public review and comment on individual
37 permits.

38 e. To designate certain classes of minor activities for which:

39 1. Performance conditions may be established by rule; and

40 2. Individual or general permits are not required.

41 ~~No permit shall be denied and no condition shall be attached to the permit, except~~
42 ~~when the Commission finds such denial or such conditions necessary to effectuate the~~
43 ~~purposes of this Article."~~

44 Sec. 2. G.S. 143-215.1 is amended by adding a new subsection to read:

1 "(b1) The Commission shall adopt rules which exempt the filter backwash facilities
2 of swimming pools and spas from the:

3 (1) Application and notice requirements of this section;

4 (2) Reporting requirements of G.S. 143-215.65;

5 (3) Monitoring requirements of G.S. 143-215.66; and

6 (4) Requirements of subsection (a) of this section that the Department of
7 Human Resources review and approval of each individual facility."

8 Sec. 3. G.S. 143-215.65 reads as rewritten:

9 "**§ 143-215.65. Reports required.**

10 All persons subject to the provisions of G.S. 143-215.1 who discharge wastes to the
11 waters or emit air contaminants to the outdoor atmosphere of this State shall file at such
12 frequencies as the Commission may specify and at least quarterly reports with the
13 Commission setting forth the volume and characteristics of wastes discharged or air
14 contaminants emitted daily or such other period of time as may be specified by the
15 Commission in its rules. Such reports may be required less frequently than quarterly for
16 any permit for a minor activity as defined in G.S. 143-215.1(b)(4)d. and e. Such reports
17 shall be filed on forms provided by the Department and approved by the Commission
18 and shall include such pertinent data with reference to the total and average volume of
19 wastes or air contaminants discharged, the strength and amount of each waste substance
20 or air contaminant discharged, the type and degree of treatment such wastes or air
21 contaminants received prior to discharge and such other information as may be specified
22 by the Commission in its rules. The information shall be used by the Commission only
23 for the purpose of air and water pollution control. The Department shall provide proper
24 and adequate facilities and procedures and the Commission shall adopt rules to
25 safeguard the confidentiality of proprietary manufacturing processes except that
26 confidentiality shall not extend to wastes discharged or air contaminants emitted."

27 Sec. 4. This act is effective upon ratification.