

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 453
HOUSE BILL 613

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 practicable waste treatment and disposal alternative with the least adverse impact on the environment be utilized.
- (3) General permits may be issued under rules adopted pursuant to Chapter 150B of the General Statutes. Such rules may provide that minor activities may occur under a general permit issued in accordance with conditions set out in such rules. All persons covered under general permits shall be subject to all enforcement procedures and remedies applicable under this Article.
- (4) The Commission shall have the power:
 - ~~(1)~~a. To grant a permit with such conditions attached as the Commission believes necessary to achieve the purposes of this ~~Article;~~ Article.
 - ~~(1a)~~b. To require that an applicant satisfy the Commission that the applicant, or any parent or subsidiary corporation if the applicant is a corporation:

- a.1. Is financially qualified to carry out the activity for which the permit is required under subsection ~~(a)~~; (a) of this section; and
- b.2. Has substantially complied with the effluent standards and limitations and waste management treatment practices applicable to any activity in which the applicant has previously engaged, and has been in substantial compliance with other federal and state laws, regulations, and rules for the protection of the ~~environment~~; environment.
- ~~(3)~~c. To modify or revoke any permit upon not less than 60 days' written notice to any person affected.
- d. To designate certain classes of minor activities for which a general permit may be issued, after considering:
 - 1. The environmental impact of the activities;
 - 2. How often the activities are carried out;
 - 3. The need for individual permit oversight; and
 - 4. The need for public review and comment on individual permits.
- e. To designate certain classes of minor activities for which:
 - 1. Performance conditions may be established by rule; and
 - 2. Individual or general permits are not required.

~~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."~~

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

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

- (1) Application and notice requirements of this section;
- (2) Reporting requirements of G.S. 143-215.65;
- (3) Monitoring requirements of G.S. 143-215.66; and
- (4) Requirements of subsection (a) of this section that the Department of Human Resources review and approval of each individual facility."

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

"§ 143-215.65. Reports required.

All persons subject to the provisions of G.S. 143-215.1 who discharge wastes to the waters or emit air contaminants to the outdoor atmosphere of this State shall file at such frequencies as the Commission may specify and at least quarterly reports with the Commission setting forth the volume and characteristics of wastes discharged or air contaminants emitted daily or such other period of time as may be specified by the Commission in its rules. Such reports may be required less frequently than quarterly for any permit for a minor activity as defined in G.S. 143-215.1(b)(4)d. and e. Such reports shall be filed on forms provided by the Department and approved by the Commission and shall include such pertinent data with reference to the total and average volume of

wastes or air contaminants discharged, the strength and amount of each waste substance or air contaminant discharged, the type and degree of treatment such wastes or air contaminants received prior to discharge and such other information as may be specified by the Commission in its rules. The information shall be used by the Commission only for the purpose of air and water pollution control. The Department shall provide proper and adequate facilities and procedures and the Commission shall adopt rules to safeguard the confidentiality of proprietary manufacturing processes except that confidentiality shall not extend to wastes discharged or air contaminants emitted."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 26th day of June, 1989.