

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 643

Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/4/95

Short Title: Sewer System Moratorium Notice.

(Public)

Sponsors:

Referred to:

April 11, 1995

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR PRIOR NOTICE OF SEWER SYSTEM MORATORIA TO THE AFFECTED UNIT OF GOVERNMENT AND TO THE PUBLIC.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-215.67 reads as rewritten:

"§ 143-215.67. Acceptance of wastes to disposal systems and air-cleaning devices.

(a) No person subject to the provisions of G.S. 143-215.1, 143-215.108, or 143-215.109 shall willfully cause or allow the discharge of any wastes or air contaminants to a waste-disposal system or air-cleaning device in excess of the capacity of the disposal system or cleaning device or any wastes or air contaminants which the disposal system or cleaning device cannot adequately treat. This subsection does not prohibit the discharge of waste to a treatment works operated by a public utility or unit of local government in excess of the capacity of the treatment works by any person who holds a valid building permit issued prior to the publication of the notice required by subsection (d) of this section.

(b) The Commission may authorize a unit of government subject to the provisions of G.S. 143-215.67(a) to accept additional wastes to its waste-disposal system upon a finding by the Commission (i) that the unit of government has secured a grant or has otherwise secured financing for planning, design, or construction of a new or improved

1 waste disposal system which will adequately treat the additional waste, and (ii) the  
2 additional waste will not result in any significant degradation in the quality of the waters  
3 ultimately receiving such discharge. The Commission may impose such conditions on  
4 permits issued under G.S. 143-215.1 as it deems necessary to implement the provisions of  
5 this subsection, including conditions on the size, character, and number of additional  
6 dischargers. Nothing in this subsection shall be deemed to authorize a unit of government  
7 to violate water quality standards, effluent limitations or the terms of any order or permit  
8 issued under Part 1 of this Article nor does anything herein preclude the Commission  
9 from enforcing by appropriate means the provisions of Part 1 of this Article.

10 (c) The Commission may impose a moratorium on the addition of waste to a  
11 treatment works if the Commission determines that the treatment works is not capable of  
12 adequately treating additional waste. The Commission shall give notice of a pending  
13 moratorium at least 45 days prior to the effective date of the moratorium to any person  
14 who holds a permit for a treatment works and who is affected by the moratorium.

15 (d) A public utility or unit of local government that operates a treatment works  
16 shall give notice of a moratorium on the discharge of additional waste to the treatment  
17 works within 15 days of the date on which the public utility or unit of local government  
18 receives notice of the moratorium from the Commission. The public utility or unit of  
19 local government shall give public notice of a moratorium by publication of the notice  
20 one time in a newspaper having general circulation in the county in which the treatment  
21 works is located. The Commission shall prescribe the form and content of the notice."

22 Sec. 2. This act becomes effective 1 October 1995.