

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H.B. 824  
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10504-MH-99

Short Title: Wastewater Grant Amendments. (Public)

Sponsors: Representative Yarborough.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE PRIORITY CONSIDERATIONS FOR LOANS OR GRANTS  
3 FROM THE WASTEWATER RESERVE OR DRINKING WATER RESERVE.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 159G-23 reads as rewritten:

6 "§ 159G-23. Priority consideration for loan or grant from Wastewater Reserve or Drinking  
7 Water Reserve.

8 The considerations for priority in this section apply to a loan or grant from the Wastewater  
9 Reserve or the Drinking Water Reserve. The Division of Water Infrastructure must consider the  
10 following items when evaluating applications:

- 11 (1) Public necessity. – A project that promotes public health and protects the  
12 environment, improves a system that is not in compliance with permit  
13 requirements or is under orders from the Department, enables a moratorium  
14 to be lifted, or replaces failing septic tanks with a wastewater collection  
15 system.
- 16 (2) Effect on impaired waters. – A project that improves designated impaired  
17 waters of the ~~State~~ State, with greater priority given to projects which improve  
18 designated impaired waters of the State that serve as a public water supply for  
19 a large public water system. For purposes of this subdivision, a large public  
20 water system is one serving more than 500,000 customers.
- 21 (3) Efficiency. – A project that achieves efficiencies in meeting the State's water  
22 infrastructure needs or reduces vulnerability to drought consistent with Part  
23 2A of Article 21 and Article 38 of Chapter 143 of the General Statutes by one  
24 of the following methods:
- 25 a. The combination of two or more wastewater or public water systems  
26 into a regional wastewater or public water system by merger,  
27 consolidation, or another means.
- 28 b. Conservation or reuse of water, including bulk water reuse facilities  
29 and waterlines to supply reuse water for irrigation and other approved  
30 uses.
- 31 c. Construction of an interconnection between water systems intended  
32 for use in drought or other water shortage emergency.
- 33 d. Repair or replacement of leaking waterlines to improve water  
34 conservation and efficiency or to prevent contamination.
- 35 e. Replacement of meters and installation of new metering systems.



- 1 (4) Comprehensive land-use plan. – A project that is located in a city or county  
2 that has adopted or has taken significant steps to adopt a comprehensive  
3 land-use plan under Article 18 of Chapter 153A of the General Statutes or  
4 Article 19 of Chapter 160A of the General Statutes. The existence of a plan  
5 has more priority than steps taken to adopt a plan, such as adoption of a zoning  
6 ordinance. A plan that exceeds the minimum State standards for protection of  
7 water resources has higher priority than one that does not. A project is  
8 considered to be located in a city or county if it is located in whole or in part  
9 in that unit. A land-use plan is not considered a comprehensive land-use plan  
10 unless it has provisions that protect existing water uses and ensure compliance  
11 with water quality standards and classifications in all waters of the State  
12 affected by the plan.
- 13 (5) Flood hazard ordinance. – A project that is located in a city or county that has  
14 adopted a flood hazard prevention ordinance under G.S. 143-215.54A. A plan  
15 that exceeds the minimum standards under G.S. 143-215.54A for a flood  
16 hazard prevention ordinance has higher priority than one that does not. A  
17 project is considered to be located in a city or county if it is located in whole  
18 or in part in that unit. If no part of the service area of a project is located within  
19 the 100-year floodplain, the project has equal consideration under this  
20 subdivision as if it were located in a city or county that has adopted a flood  
21 hazard prevention ordinance. The most recent maps prepared pursuant to the  
22 National Flood Insurance Program or approved by the Department determine  
23 whether an area is within the 100-year floodplain.
- 24 (6) Sound management. – A project submitted by a local government unit that has  
25 demonstrated a willingness and ability to meet its responsibilities through  
26 sound fiscal policies and efficient operation and management.
- 27 (6a) Asset management plan. – A project submitted by a local government unit  
28 with more than 1,000 service connections that has developed and is  
29 implementing an asset management plan.
- 30 (7) Capital improvement plan. – A project that implements the applicant's capital  
31 improvement plan for the wastewater system or public water system it  
32 manages, so long as the capital improvement plan sets out the applicant's  
33 expected water infrastructure needs for at least 10 years.
- 34 (8) Coastal habitat protection. – A project that implements a recommendation of  
35 a Coastal Habitat Protection Plan adopted by the Environmental Management  
36 Commission, the Coastal Resources Commission, and the Marine Fisheries  
37 Commission pursuant to G.S. 143B-279.8. If no part of the service area of a  
38 project is located within a county subject to that Plan, the project has equal  
39 priority under this subdivision with a project that receives priority under this  
40 subdivision.
- 41 (9) Affordability. – The relative affordability of a project for a community  
42 compared to other communities in North Carolina.
- 43 (10) Merger and Regionalization. – A project to provide for the planning of  
44 regional public water and wastewater systems, to provide for the orderly  
45 coordination of local actions relating to public water and wastewater systems,  
46 or to help realize economies of scale in regional public water and wastewater  
47 systems through consolidation, management, merger, or interconnection of  
48 public water and wastewater systems. If an applicant demonstrates that it is  
49 not feasible for the project to include regionalization, the funding agency shall  
50 assign the project the same priority under this subdivision as a project that  
51 includes regionalization.

- 1 (11) ~~State water supply plan.~~ Improve regional coordination. – A project that  
2 addresses a potential conflict between local plans or implements a measure in  
3 which local water supply plans could be better ~~coordinated, as identified in~~  
4 ~~the State water supply plan pursuant to G.S. 143-355(m).~~ coordinated.
- 5 (12) Water conservation measures for drought. – A project that includes adoption  
6 of water conservation measures by a local government unit that are more  
7 stringent than the minimum water conservation measures required pursuant to  
8 G.S. 143-355.2.
- 9 (13) Low-income residents. – A project that is located in an area annexed by a  
10 municipality under Article 4A of Chapter 160A of the General Statutes in  
11 order to provide water or sewer services to low-income residents.
- 12 (14) Disproportionate burden to protect water supply of higher-wealth neighboring  
13 local government unit. – Wastewater system improvements made by a local  
14 government unit in order to protect or preserve the water supply of a  
15 neighboring local government unit that has a lower poverty rate, lower utility  
16 bills, higher population growth, higher median household incomes, and lower  
17 unemployment."

18 **SECTION 2.** This act becomes effective July 1, 2019, and applies to applications  
19 for loans or grants from the Wastewater Reserve or the Drinking Water Reserve received by the  
20 Division on or after that date.