GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2021

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HOUSE BILL 885 Committee Substitute Favorable 5/11/21

	Short Title:	Moderniz	e Sewer Overflow Notification.	(Public)		
	Sponsors:					
	Referred to:					
			May 5, 2021			
1			A BILL TO BE ENTITLED			
2	AN ACT TO) ENHAN(CE PUBLIC NOTIFICATION OF DISCHA	RGES OF UNTREATED		
3			OM WASTEWATER COLLECTION OR 7			
4			of North Carolina enacts:			
5		•	• G.S. 143-215.1C reads as rewritten:			
6	"§ 143-215.1	C. Repor	t to wastewater system customers on sys	tem performance; report		
7		-	untreated wastewater to the Department			
8	di	ischarge of	untreated wastewater and waste.			
9	(a) R	eport to Wa	stewater System Customers. – The owner or	operator of any wastewater		
10			vorks, the operation of which is primarily to c			
11	domestic was	stewater an	d for which a permit is issued under this P	art and having an average		
12		annual flow greater than 200,000 gallons per day, shall provide to the users or customers of the				
13	collection system or treatment works and to the Department an annual report that summarizes					
14	-	the performance of the collection system or treatment works and the extent to which the				
15	•		tment works has violated the permit or federa	-		
16			tection of water quality. The report shall be pa			
17	-	basis and	shall be provided no later than 60 days after	the end of the calendar or		
18	fiscal year.					
19		-	harge of Untreated Wastewater to the Dep			
20			ter collection or treatment works for which a			
21			arge of 1,000 gallons or more of untreated			
22			e Department as soon as practicable, but no l			
23			etermined that the discharge has reached the			
24	-		ent shall be in addition to any other reporting			
25 26		-	the wastewater collection or treatment work f Notice of Discharge of Untreated Wastewat			
26 27			tion or treatment works, the operation of whi	1		
28			stic wastewater and for which a permit is issu			
20 29	(1		event of a discharge of 1,000 gallons or mo			
30	(1	,	surface waters of the State, provide the following			
31			urs of determining that the discharge has rea			
32		the St				
33		<u>a.</u>	issue <u>Issue</u> a press release to all print and	electronic news media that		
34			provide general coverage in the county wh			
35			setting out the details of the discharge. The	-		
36			issue the press release within 24 hours afte	-		



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L			determined that the discharge has rea	
2 3			State. The owner or operator shall ret and a list of the news media to which i	1. 1
1			year after the discharge and shall prov	vide a copy of the press release
5			and the list of the news media to which	
5			upon request.	<i>v</i> 1
7		<u>b.</u>	Provide notice to the local health dire	ector, as that term is defined in
			G.S. 130A-2, for the county in which	
		<u>c.</u>	Provide notice to customers of the wa	stewater collection or treatment
			works or other interested parties by p	osting notice on the website of
			the system. Notices shall be maintaine	ed on the website for a period of
			three months from the last date of the	-
	(2)		event of a discharge of 15,000 gallons of	
			surface waters of the State, in addit	
			vision (1) of this subsection, prov	ide the following additional
		<u>notific</u>	eations:	
		<u>a.</u>	publish Publish a notice of the disc	• • • •
			general circulation in the county in wh	-
			each county downstream from the	
			significantly affected by the discharge	•
			at the Secretary's sole discretion, w	. .
			affected by the discharge and shall a	-
			the notice and the newspapers in which	-
			The notice shall be captioned "NO	
			UNTREATED SEWAGE". WASTEW	-
			shall publish the notice within 10 determined the counties that are signifi	
			and approved the form and content of	
			in which the notice is to be published.	
			a copy of the notice and proof of pu	-
			within 30 days after the notice is publi	1
			discharge under this subdivision is in	
			issue a press release under subdivision	1
		<u>b.</u>	Provide notice to the local health dire	
			G.S. 130A-2, for each county downstr	
			that is significantly affected by the	
			determine, at the Secretary's sole of	liscretion, which counties are
			significantly affected by the discharge	
			content of the notice. The notice sha	all be captioned "NOTICE OF
			DISCHARGE OF UNTREATED WA	STEWATER." The notice shall
			be provided as soon as practicable, but	
			determination by the Secretary require	-
			owner or operator shall file a copy	=
			publication with the Department with	hin 30 days after the notice is
			distributed.	
	. ,		f Notice of Discharge of Untreated Wa	±
	•		n or treatment works, other than a was	
	works the ope	eration of w	which is primarily to collect or treat mut	nicipal or domestic wastewater,

49 for which a permit is issued under this Part shall:

1 (1) In the event of a discharge of 1,000 gallons or more of untreated waste to the surface waters of the State, provide the following notifications within 24 hours of determining that the discharge, has reached the surface waters of the State a issue-Issue a press release to all print and electronic news media the provide general coverage in the county where the discharge courts setting out the details of the discharge. The owner or operator shater issue the press release within 24 hours after the owner or operator shater the issue the press release within 24 hours after the owner or operator shater the issue the press release and the discharge and a copy of the press release and the list of the news media to which it was distributed for at least or year after the discharge and shall provide a copy of the press release upon request. 14 b. Provide notice to the local health director, as that term is defined G.S. 130A-2, for the county in which the discharge occurs. 16 c. Provide notice to other interested parties by posting notice on the website of the system owner or operator. Notices shall be maintain on the website for a period of 12 months from the last date of the discharge. 18 on the event of a discharge of 15.000 gallons or more of untreated waste to the surface waters of the discharge in a newspaper having general circulation in the county in which the discharge share shall be aptioned. 17 general circulation in the county in which the discharge occurs and each county downstream from the point of discharge that significantly affected by the discharge. The Secretary shall determing dencharion in the county in which the discharge occurs. 16 c. Provide notice o	Gene	eral Asseml	oly Of N	North Carolina	Session 2021
4 a. issue Jsue a press release to all print and electronic news media th 5 provide general coverage in the county where the discharge occurre 6 setting out the details of the discharge. The owner or operator shall 7 issue the press release within 24 hours after the owner or operator shall 9 State. The owner or operator shall retain a copy of the press releas 10 and a list of the news media to which it was distributed for at least or 11 year after the discharge and shall provide a copy of the press releas 12 and the list of the news media to which it was distributed to any perso 13 upon request. 14 b. Provide notice to the local health director, as that term is defined. 15 G.S. 130A-2, for the county in which the discharge occurs. 16 c. Provide notice to other intersted parties by posting notice on the 18 on the website for a period of 12 months from the last date of the 19 discharge. 20 (2) In the event of a discharge of 15,000 gallons or more of untreated waste to discharge occurs and 21 surface waters of the State, in addition to the notices required by subdivisit 22 (1) of this subsection, provide the following additional notification	2	(1)	surfac	e waters of the State, provide the following n	otifications within 24 hours
5 provide general coverage in the county where the discharge occurred 6 setting out the details of the discharge. The owner or operator shat 7 issue the press release within 24 hours after the owner or operator shat 8 determined that the discharge has reached the surface waters of th 9 State. The owner or operator shall retain a copy of the press releas 10 and a list of the news media to which it was distributed for at least or 11 year after the discharge and shall provide a copy of the press releas 12 and the list of the news media to which it was distributed to any perso 13 upon request. 14 b Provide notice to the local health director, as that term is defined. 15 C. Provide notice to other interested parties by posting notice on th 17 website of the system owner or operator. Notices shall be maintaint 18 on the website for a period of 12 months from the last date of th 19 discharge. 20 (2) In the event of a discharge of 15,000 gallons or more of untreated waste to th 21 surface waters of the State, in addition to the notices required by subdivisition of the scharge and shall aprove the form and content of 22 (1) of this subsection, provide the follow			of det	ermining that the discharge has reached the	surface waters of the State:
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9 State. The owner or operator shall retain a copy of the press releat and a list of the news media to which it was distributed for at least on year after the discharge and shall provide a copy of the press releat and the list of the news media to which it was distributed to any perse upon request. 14 b. Provide notice to the local health director, as that term is defined G.S. 130A-2, for the county in which the discharge occurs. 15 c. Provide notice to other interested parties by posting notice on th website of the system owner or operator. Notices shall be maintain on the website for a period of 12 months from the last date of 14 discharge. 19 (2) 10 In the event of a discharge of 15,000 gallons or more of untreated waste to th surface waters of the State, in addition to the notices required by subdivisit (1) of this subsection, provide the following additional notifications: 20 (2) 11 significantly affected by the discharge in a newspaper havin general circulation in the county in which the discharge occurs and each county downstream from the point of discharge that significantly affected by the discharge. The Secretary shall determin at the Secretary's sole discretion, which counties are significant affected by the discharge and approve the form and content the notice shall be captioned "NOTICE OF DISCHARGE C 10 UNTREATED WASTE". The owner or operator shall publish the notice is published. The owner or operator shall file a copy of the notice is be published. The owner or operator shall file a copy of the notice is published. The bince of a notice of discharge under the subdivision is in addition to the requirement to issue a				issue the press release within 24 hours after	er the owner or operator has
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4 <u>significantly affected by the discharge and shall approve the form an</u>					
45 content of the notice. The notice shall be captioned "NOTICE C					
6 DISCHARGE OF UNTREATED WASTEWATER." The notice sha					-
be provided as soon as practicable, but no later than 24 hours of the					
48 determination by the Secretary required by this sub-subdivision. The	8				
9 <u>owner or operator shall file a copy of the notice and proof</u>	.9				-
0 publication with the Department within 30 days after the notice	0				-
51 <u>distributed.</u>	1			distributed.	

General Assembly Of North Carolina

1	<u>(d)</u>	During extraordinary circumstances, including, but not limited to, major floods,
2	named sto	orms, or extreme weather, which the Secretary determines that it would be impracticable
3	or unsafe	to measure or to otherwise collect data regarding a discharge within the time periods
4	required	by this section, the Department may extend the time period for making, issuing, or
5	publishin	g reports and follow-up reports required under this section."
6	×	SECTION 2. This act becomes effective October 1, 2021.