

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 221\*

Short Title: Nitrogen Limit for Certain Waters.

(Public)

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Sponsors: Senators Horton; Albertson and Cooper.

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Referred to: Agriculture/Environment/Natural Resources.

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February 24, 1997

A BILL TO BE ENTITLED

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2 AN ACT TO IMPROVE THE WATER QUALITY OF THE SURFACE WATERS OF  
3 THIS STATE BY FURTHER LIMITING THE AMOUNT OF NITROGEN THAT  
4 CERTAIN LARGE FACILITIES DISCHARGE TO NUTRIENT SENSITIVE  
5 WATERS WHERE NITROGEN IS A NUTRIENT OF CONCERN AND TO  
6 AUTHORIZE THE USE OF UP TO TWENTY-FIVE PERCENT OF THE FUNDS  
7 IN THE CLEAN WATER MANAGEMENT TRUST FUND FOR A PORTION OF  
8 THE COSTS TO LOCAL GOVERNMENTS OF MODIFYING EXISTING  
9 FACILITIES TO SATISFY THIS STRICTER LIMIT, AS RECOMMENDED BY  
10 THE ENVIRONMENTAL REVIEW COMMISSION.

11 The General Assembly of North Carolina enacts:

12 Section 1. G.S. 143-215.1 is amended by adding a new subsection to read:

13 "(c1) Any person who is required to obtain a permit under this section for a facility  
14 discharging to surface waters of the State that have been classified as nutrient sensitive  
15 waters under rules adopted by the Commission and where nitrogen is determined by the  
16 Commission to be a nutrient of concern shall not discharge more nitrogen, on a  
17 permitted annual average basis expressed as pounds per day, than would result from a  
18 discharge having a concentration of three and one-half milligrams of nitrogen per liter  
19 (3.5 mg/l) times the volume of discharge that the permit for that facility allows that  
20 person to discharge during the year that ended 31 December 1995. Any person subject  
21 to this subsection shall monitor the facility's discharge for nitrogen at least weekly. This  
22 subsection does not apply to facilities that have a design capacity to discharge less than  
23 five hundred thousand gallons per day (500,000 gal./day). The Commission may adopt  
24 rules to implement this subsection."

1 Section 2. G.S. 143-215.6A(a) is amended by adding a new subdivision to  
2 read:

3 "(10) Violates G.S. 143-215.1(c1) or a rule adopted pursuant to G.S. 143-  
4 215.1(c1)."

5 Section 3. G.S. 113-145.3(c) is amended by adding a new subdivision to  
6 read:

7 "(10) To modify an existing permitted wastewater treatment facility that is  
8 owned or operated by a unit of local government and that is subject to  
9 G.S. 143-215.1(c1) to enable the unit of local government to comply  
10 with G.S. 143-215.1(c1)."

11 Section 4. G.S. 113-145.3(d) reads as rewritten:

12 "~~(d) Limit on Operating and Administrative Expenses.~~ Limitations on Uses of Fund. –  
13 No more than two percent (2%) of the annual balance of the Fund on July 1 or a total  
14 sum of eight hundred fifty thousand dollars (\$850,000), whichever is less, may be used  
15 each fiscal year for administrative and operating expenses of the Board of Trustees and  
16 its staff. No more than twenty-five percent (25%) of the amount credited to the Fund  
17 during the year ending 30 June shall be used as provided by subdivision (10) of  
18 subsection (c) of this section."

19 Section 5. G.S. 113-145.4(b) reads as rewritten:

20 "(b) Grant Matching Requirement. – The Board of Trustees shall establish  
21 matching requirements for grants awarded under this Article. ~~The~~ For all eligible  
22 projects or activities other than projects eligible under G.S. 113-145.3(c)(10), the Board  
23 of Trustees may require a match of up to twenty percent (20%) of the amount of the  
24 grant awarded. For projects eligible under G.S. 113-145.3(c)(10), the Board of Trustees  
25 may require a match of up to fifty percent (50%) of the amount of the grant awarded.  
26 This requirement may be satisfied by the donation of land to a public or private  
27 nonprofit conservation organization as approved by the Board of Trustees. The Board of  
28 Trustees may also waive the requirement to match a grant pursuant to guidelines  
29 adopted by the Board of Trustees."

30 Section 6. By November 1, 1997, the Environmental Management  
31 Commission shall develop a schedule of dates between November 1, 1997, and January  
32 1, 2005, by which existing facilities must comply with G.S. 143-215.1(c1), as enacted  
33 by Section 1 of this act. The schedule of compliance dates shall follow as closely as  
34 possible the dates on which permits for existing facilities must be renewed. New  
35 facilities and expansions of existing facilities for which an application for a permit is  
36 received by the Department of Environment, Health, and Natural Resources on behalf of  
37 the Environmental Management Commission prior to the date this act becomes effective  
38 shall be treated as existing facilities.

39 Section 7. This act is effective when it becomes law.