

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 885
Committee Substitute Favorable 5/11/21

Short Title: Modernize Sewer Overflow Notification.

(Public)

Sponsors:

Referred to:

May 5, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO ENHANCE PUBLIC NOTIFICATION OF DISCHARGES OF UNTREATED
3 WASTEWATER FROM WASTEWATER COLLECTION OR TREATMENT WORKS.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 143-215.1C reads as rewritten:

6 "**§ 143-215.1C. Report to wastewater system customers on system performance; report**
7 **discharge of untreated wastewater to the Department; publication of notice of**
8 **discharge of untreated wastewater and waste.**

9 (a) Report to Wastewater System Customers. – The owner or operator of any wastewater
10 collection or treatment works, the operation of which is primarily to collect or treat municipal or
11 domestic wastewater and for which a permit is issued under this Part 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 collection system or treatment works has violated the permit or federal or State laws, regulations,
16 or rules related to the protection of water quality. The report shall be prepared on either a calendar
17 or fiscal year basis and shall be provided no later than 60 days after the end of the calendar or
18 fiscal year.

19 (a1) Report Discharge of Untreated Wastewater to the Department. – The owner or
20 operator of any wastewater collection or treatment works for which a permit is issued under this
21 Part shall report a discharge of 1,000 gallons or more of untreated wastewater to the surface
22 waters of the State to the Department as soon as practicable, but no later than 24 hours after the
23 owner or operator has determined that the discharge has reached the surface waters of the State.
24 This reporting requirement shall be in addition to any other reporting requirements applicable to
25 the owner or operator of the wastewater collection or treatment works.

26 (b) Publication of Notice of Discharge of Untreated Wastewater. – The owner or operator
27 of any wastewater collection or treatment works, the operation of which is primarily to collect or
28 treat municipal or domestic wastewater and for which a permit is issued under this Part shall:

29 (1) In the event of a discharge of 1,000 gallons or more of untreated wastewater
30 to the surface waters of the State, provide the following notifications within
31 24 hours of determining that the discharge has reached the surface waters of
32 the State:

33 a. ~~issue~~ Issue a press release to all print and electronic news media that
34 provide general coverage in the county where the discharge occurred
35 setting out the details of the discharge. ~~The owner or operator shall~~
36 ~~issue the press release within 24 hours after the owner or operator has~~



1 ~~determined that the discharge has reached the surface waters of the~~
2 ~~State.~~ The owner or operator shall retain a copy of the press release
3 and a list of the news media to which it was distributed for at least one
4 year after the discharge and shall provide a copy of the press release
5 and the list of the news media to which it was distributed to any person
6 upon request.

7 b. Provide notice to the local health director, as that term is defined in
8 G.S. 130A-2, for the county in which the discharge occurs.

9 c. Provide notice to customers of the wastewater collection or treatment
10 works or other interested parties by posting notice on the website of
11 the system. Notices shall be maintained on the website for a period of
12 three months from the last date of the discharge.

13 (2) In the event of a discharge of 15,000 gallons or more of untreated wastewater
14 to the surface waters of the State, in addition to the notices required by
15 subdivision (1) of this subsection, provide the following additional
16 notifications:

17 a. ~~publish~~ Publish a notice of the discharge in a newspaper having
18 general circulation in the county in which the discharge occurs and in
19 each county downstream from the point of discharge that is
20 significantly affected by the discharge. The Secretary shall determine,
21 at the Secretary's sole discretion, which counties are significantly
22 affected by the discharge and shall approve the form and content of
23 the notice and the newspapers in which the notice is to be published.
24 The notice shall be captioned "NOTICE OF DISCHARGE OF
25 UNTREATED SEWAGE"-WASTEWATER." The owner or operator
26 shall publish the notice within 10 days after the Secretary has
27 determined the counties that are significantly affected by the discharge
28 and approved the form and content of the notice and the newspapers
29 in which the notice is to be published. The owner or operator shall file
30 a copy of the notice and proof of publication with the Department
31 within 30 days after the notice is published. Publication of a notice of
32 discharge under this subdivision is in addition to the requirement to
33 issue a press release under subdivision (1) of this subsection.

34 b. Provide notice to the local health director, as that term is defined in
35 G.S. 130A-2, for each county downstream from the point of discharge
36 that is significantly affected by the discharge. The Secretary shall
37 determine, at the Secretary's sole discretion, which counties are
38 significantly affected by the discharge and shall approve the form and
39 content of the notice. The notice shall be captioned "NOTICE OF
40 DISCHARGE OF UNTREATED WASTEWATER." The notice shall
41 be provided as soon as practicable, but no later than 24 hours of the
42 determination by the Secretary required by this sub-subdivision. The
43 owner or operator shall file a copy of the notice and proof of
44 publication with the Department within 30 days after the notice is
45 distributed.

46 (c) Publication of Notice of Discharge of Untreated Waste. – The owner or operator of
47 any wastewater collection or treatment works, other than a wastewater collection or treatment
48 works the operation of which is primarily to collect or treat municipal 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
2 surface waters of the State, provide the following notifications within 24 hours
3 of determining that the discharge has reached the surface waters of the State:
4 a. ~~issue~~Issue a press release to all print and electronic news media that
5 provide general coverage in the county where the discharge occurred
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 has
8 determined that the discharge has reached the surface waters of the
9 State. The owner or operator shall retain a copy of the press release
10 and a list of the news media to which it was distributed for at least one
11 year after the discharge and shall provide a copy of the press release
12 and the list of the news media to which it was distributed to any person
13 upon request.
14 b. Provide notice to the local health director, as that term is defined in
15 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
17 website of the system owner or operator. Notices shall be maintained
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 the
21 surface waters of the State, in addition to the notices required by subdivision
22 (1) of this subsection, provide the following additional notifications:
23 a. ~~publish~~Publish a notice of the discharge in a newspaper having
24 general circulation in the county in which the discharge occurs and in
25 each county downstream from the point of discharge that is
26 significantly affected by the discharge. The Secretary shall determine,
27 at the Secretary's sole discretion, which counties are significantly
28 affected by the discharge and shall approve the form and content of
29 the notice and the newspapers in which the notice is to be published.
30 The notice shall be captioned "NOTICE OF DISCHARGE OF
31 UNTREATED WASTE". The owner or operator shall publish the
32 notice within 10 days after the Secretary has determined the counties
33 that are significantly affected by the discharge and approved the form
34 and content of the notice and the newspapers in which the notice is to
35 be published. The owner or operator shall file a copy of the notice and
36 proof of publication with the Department within 30 days after the
37 notice is published. Publication of a notice of discharge under this
38 subdivision is in addition to the requirement to issue a press release
39 under subdivision (1) of this subsection.
40 b. Provide notice to the local health director, as that term is defined in
41 G.S. 130A-2, for each county downstream from the point of discharge
42 that is significantly affected by the discharge. The Secretary shall
43 determine, at the Secretary's sole discretion, which counties are
44 significantly affected by the discharge and shall approve the form and
45 content of the notice. The notice shall be captioned "NOTICE OF
46 DISCHARGE OF UNTREATED WASTEWATER." The notice shall
47 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
49 owner or operator shall file a copy of the notice and proof of
50 publication with the Department within 30 days after the notice is
51 distributed.

1 (d) During extraordinary circumstances, including, but not limited to, major floods,
2 named storms, 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 publishing reports and follow-up reports required under this section."

6 **SECTION 2.** This act becomes effective October 1, 2021.