

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 643

Short Title: Authorize Aquifer Storage of Reclaimed Water. (Public)

Sponsors: Representative Tucker.

Referred to: Water Resources and Infrastructure, if favorable, Environment and Natural Resources, if favorable, Finance.

March 18, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE INJECTION OF RECLAIMED WATER INTO AN
3 AQUIFER FOR TEMPORARY STORAGE.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 143-214.2(b) reads as rewritten:

6 "(b) The discharge of any wastes to the subsurface or groundwaters of the State by
7 means of wells is prohibited. This section shall not be construed to prohibit the operation of any
8 of the following:

9 (1) ~~elosed loop~~A closed-loop groundwater remediation ~~systems~~system in
10 accordance with G.S. 143-215.1A.

11 (2) A reclaimed water aquifer storage and recovery system in accordance with
12 G.S. 143-215.1D."

13 **SECTION 2.** G.S. 143-215.1(a) reads as rewritten:

14 "(a) Activities for Which Permits Required. – No person shall do any of the following
15 things or carry out any of the following activities unless that person has received a permit from
16 the Commission and has complied with all conditions set forth in the permit:

17 ...
18 (13) Construct, use, or operate any well for recharge, injection, or disposal
19 purposes.

20 (14) Alter, extend, or change the construction or method of operation of any
21 injection well."

22 **SECTION 3.** G.S. 143-215.1(d) reads as rewritten:

23 "(d) Applications and Permits for Sewer Systems, Sewer System ~~Extensions~~
24 ~~and Extensions,~~ Pretreatment Facilities, Land Application of Waste, Injection Wells, and ~~for~~
25 ~~Wastewater Treatment Facilities Not Discharging to the Surface Waters of the State. –~~

26 (1) All applications for new permits and for renewals of existing permits for
27 sewer systems, sewer system ~~extensions and forextensions,~~ disposal systems,
28 ~~and for~~ land application of waste, ~~or~~ injection wells, and treatment works
29 ~~which that~~ do not discharge to the surface waters of the State, and all permits
30 or renewals and decisions denying any application for permit or renewal
31 shall be in writing. The Commission shall act on a permit application as
32 quickly as possible. The Commission may conduct any inquiry or
33 investigation it considers necessary before acting on an application and may
34 require an applicant to submit plans, specifications, and other information
35 the Commission considers necessary to evaluate the application. If the
36 Commission fails to act on an application for a permit, including a renewal



1 of a permit, within 90 days after the applicant submits all information
2 required by the Commission, the application is considered to be approved.
3 Permits and renewals issued in approving such facilities pursuant to this
4 subsection shall be effective until the date specified therein or until
5 rescinded unless modified or revoked by the Commission. Local
6 governmental units to whom pretreatment program authority has been
7 delegated shall establish, maintain, and provide to the public, upon written
8 request, a list of pretreatment applications received.

- 9 (2) An applicant for a permit to dispose of petroleum contaminated soil by land
10 application shall give written notice that he intends to apply for such a
11 permit to each city and county government having jurisdiction over any part
12 of the land on which disposal is proposed to occur. The Commission shall
13 not accept such a permit application unless it is accompanied by a copy of
14 the notice and evidence that the notice was sent to each such government by
15 certified mail, return receipt requested. The Commission may consider, in
16 determining whether to issue the permit, the comments submitted by local
17 governments."

18 **SECTION 4.** Part 1 of Article 21 of Chapter 143 of the General Statutes is
19 amended by adding a new section to read:

20 **"§ 143-215.1D. Reclaimed water aquifer storage and recovery systems allowed.**

21 (a) As used in this section, "reclaimed water aquifer storage and recovery system"
22 means a system and attendant process for the injection of reclaimed water into an aquifer for
23 temporary storage followed by recovery and beneficial reuse of the water.

24 (b) The Secretary may issue a permit for the siting, construction, and operation of a
25 reclaimed water aquifer storage and recovery system. Permits shall be issued in accordance
26 with G.S. 143-215.1 and applicable rules of the Commission.

27 (c) A permit for a reclaimed water aquifer storage and recovery system shall specify the
28 location and depth at which groundwater is to be injected and shall specify design,
29 construction, operation, and well abandonment requirements for the reclaimed water aquifer
30 storage and recovery system necessary to ensure that the treated reclaimed water will be
31 captured by the recovery system. The Secretary may impose any additional permit conditions
32 or limitations necessary to:

33 (1) Specify or limit the distance between the point at which reclaimed water is
34 injected into the groundwater and the point at which reclaimed water is
35 recovered for beneficial reuse.

36 (2) Specify the minimum or maximum gradients between the point at which
37 reclaimed water is injected into the groundwater and the point at which
38 reclaimed water is recovered for beneficial reuse.

39 (3) Specify or limit the chemical, physical, or biological treatment processes that
40 may be used.

41 (4) Protect the environment, natural resources, or public health.

42 (d) The Commission shall adopt rules to implement this section."

43 **SECTION 5.** G.S. 143-215.3D(a) reads as rewritten:

44 "(a) Annual fees for discharge and nondischarge permits under G.S. 143-215.1. –

- 45 (1) Major Individual NPDES Permits. – The annual fee for an individual permit
46 for a point source discharge of 1,000,000 or more gallons per day, a publicly
47 owned treatment works (POTW) that administers a POTW pretreatment
48 program, as defined in 40 Code of Federal Regulations § 403.3 (1 July 1996
49 Edition), or an industrial waste treatment works that has a high toxic
50 pollutant potential is three thousand four hundred forty dollars (\$3,440).

- 1 (2) Minor Individual NPDES Permits. – The annual fee for an individual permit
2 for a point source discharge other than a point source discharge to which
3 subdivision (1) of this subsection applies is eight hundred sixty dollars
4 (\$860.00).
- 5 (3) Single-Family Residence. – The annual fee for a certificate of coverage
6 under a general permit for a point source ~~discharge or discharge~~, an
7 individual nondischarge ~~permit~~ permit, or an individual injection well or
8 well system permit from a single-family residence is sixty dollars (\$60.00).
- 9 (4) Stormwater and Wastewater Discharge General Permits. – The annual fee
10 for a certificate of coverage under a general permit for a point source
11 discharge of stormwater or wastewater is one hundred dollars (\$100.00).
- 12 (5) Recycle Systems. – The annual fee for an individual permit for a recycle
13 system nondischarge permit is three hundred sixty dollars (\$360.00).
- 14 (6) Major Nondischarge Permits. – The annual fee for an individual permit for a
15 nondischarge of 10,000 or more gallons per day or requiring 300 or more
16 acres of land is one thousand three hundred ten dollars (\$1,310).
- 17 (7) Minor Nondischarge Permits. – The annual fee for an individual permit for a
18 nondischarge of less than 10,000 gallons per day or requiring less than 300
19 acres of land is eight hundred ten dollars (\$810.00).
- 20 (7a) Major Reclaimed Water Permits. – The annual fee for an individual permit
21 for reclaimed water of 10,000 or more gallons per day shall be one thousand
22 three hundred ten dollars (\$1,310).
- 23 (7b) Minor Reclaimed Water Permits. – The annual fee for an individual permit
24 for reclaimed water of less than 10,000 gallons per day shall be eight
25 hundred ten dollars (\$810).
- 26 (8) Animal Waste Management Systems. – The annual fee for animal waste
27 management systems is as set out in G.S. 143-215.10G.
- 28 (9) Injection Well Permits. – The annual fee for an individual permit for an
29 injection well or well system shall be eight hundred ten dollars (\$810)."
- 30 **SECTION 6.** This act is effective when it becomes law.