

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 885

Short Title: Modernize Sewer Overflow Notification. (Public)

Sponsors: Representatives Farkas, Harrison, and A. Baker (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Environment, if favorable, Rules, Calendar, and Operations of the House

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~~



1 issue the press release within 24 hours after the owner or operator has
2 determined that the discharge has reached the surface waters of the
3 State. The owner or operator shall retain a copy of the press release
4 and a list of the news media to which it was distributed for at least one
5 year after the discharge and shall provide a copy of the press release
6 and the list of the news media to which it was distributed to any person
7 upon request.

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

10 c. Provide notice to customers of the wastewater collection or treatment
11 works or other interested parties by posting notice on the website of
12 the system. Notices shall be maintained on the website for a period of
13 12 months from the last date of the discharge.

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

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

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

47 c. The owner or operator shall also include notice on or with the
48 customer's wastewater bill within 60 days following discharge. The
49 notice on or with the bill shall read "Notice of a Discharge of Untreated
50 Wastewater available at (insert specific URL for the notice)".

1 (c) Publication of Notice of Discharge of Untreated Waste. – The owner or operator of
2 any wastewater collection or treatment works, other than a wastewater collection or treatment
3 works the operation of which is primarily to collect or treat municipal or domestic wastewater,
4 for which a permit is issued under this Part shall:

5 (1) In the event of a discharge of 1,000 gallons or more of untreated waste to the
6 surface waters of the State, provide the following notifications within 24 hours
7 of determining that the discharge has reached the surface waters of the State:

8 a. ~~issue~~ Issue a press release to all print and electronic news media that
9 provide general coverage in the county where the discharge occurred
10 setting out the details of the discharge. The owner or operator shall
11 issue the press release within 24 hours after the owner or operator has
12 determined that the discharge has reached the surface waters of the
13 State. The owner or operator shall retain a copy of the press release
14 and a list of the news media to which it was distributed for at least one
15 year after the discharge and shall provide a copy of the press release
16 and the list of the news media to which it was distributed to any person
17 upon request.

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

20 c. Provide notice to other interested parties by posting notice on the
21 website of the system owner or operator. Notices shall be maintained
22 on the website for a period of 12 months from the last date of the
23 discharge.

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

27 a. ~~publish~~ Publish a notice of the discharge in a newspaper having
28 general circulation in the county in which the discharge occurs and in
29 each county downstream from the point of discharge that is
30 significantly affected by the discharge. The Secretary shall determine,
31 at the Secretary's sole discretion, which counties are significantly
32 affected by the discharge and shall approve the form and content of
33 the notice and the newspapers in which the notice is to be published.
34 The notice shall be captioned "NOTICE OF DISCHARGE OF
35 UNTREATED WASTE". The owner or operator shall publish the
36 notice within 10 days after the Secretary has determined the counties
37 that are significantly affected by the discharge and approved the form
38 and content of the notice and the newspapers in which the notice is to
39 be published. The owner or operator shall file a copy of the notice and
40 proof of publication with the Department within 30 days after the
41 notice is published. Publication of a notice of discharge under this
42 subdivision is in addition to the requirement to issue a press release
43 under subdivision (1) of this subsection.

44 b. Provide notice to the local health director, as that term is defined in
45 G.S. 130A-2, for each county downstream from the point of discharge
46 that is significantly affected by the discharge. The Secretary shall
47 determine, at the Secretary's sole discretion, which counties are
48 significantly affected by the discharge and shall approve the form and
49 content of the notice. The notice shall be captioned "NOTICE OF
50 DISCHARGE OF UNTREATED WASTEWATER". The notice shall
51 be provided as soon as practicable, but no later than 24 hours of the

1 determination by the Secretary required by this sub-subdivision. The
2 owner or operator shall file a copy of the notice and proof of
3 publication with the Department within 30 days after the notice is
4 distributed.

5 (d) Electronic Mailing List for Notifications of Discharges of Untreated Wastewater and
6 Untreated Waste. – With respect to all customers or interested parties that wish to receive
7 notifications through electronic mail by opting into a discharge notification mailing list, an owner
8 or operator of any wastewater collection or treatment works required to provide notice under
9 subsection (b) or (c) of this section shall provide notice by any class of U.S. mail that is fully
10 prepaid or by email within 60 days following the discharge. The owner or operator of a treatment
11 works subject to notice requirements under subsection (b) of this section shall inform customers
12 of the mailing list and provide an opportunity to sign up for an emailed notification when service
13 begins, as well as at least once per year thereafter. Each owner or operator shall retain a record
14 of all customers or other interested parties receiving the notification for a period of 36 months
15 from the date of notice.

16 (e) During extraordinary circumstances, including, but not limited to, major floods,
17 named storms, or extreme weather, which the Secretary determines that it would be impracticable
18 or unsafe to measure or to otherwise collect data regarding a discharge within the time periods
19 required by this section, the Department may extend the time period for making, issuing, or
20 publishing reports and follow-up reports required under this section."

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