

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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HOUSE BILL 885  
Committee Substitute Favorable 5/11/21  
Committee Substitute #2 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~~



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 three months from the last date of the discharge.

14 d. Provide notice to the Chairs of the Environmental Review  
15 Commission.

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

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

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

49 (c) Publication of Notice of Discharge of Untreated Waste. – The owner or operator of  
50 any wastewater collection or treatment works, other than a wastewater collection or treatment

1 works the operation of which is primarily to collect or treat municipal or domestic wastewater,  
2 for which a permit is issued under this Part shall:

- 3 (1) In the event of a discharge of 1,000 gallons or more of untreated waste to the  
4 surface waters of the State, provide the following notifications within 24 hours  
5 of determining that the discharge has reached the surface waters of the State:  
6 a. ~~issue~~ Issue a press release to all print and electronic news media that  
7 provide general coverage in the county where the discharge occurred  
8 setting out the details of the discharge. The owner or operator shall  
9 issue the press release within 24 hours after the owner or operator has  
10 determined that the discharge has reached the surface waters of the  
11 State. The owner or operator shall retain a copy of the press release  
12 and a list of the news media to which it was distributed for at least one  
13 year after the discharge and shall provide a copy of the press release  
14 and the list of the news media to which it was distributed to any person  
15 upon request.  
16 b. Provide notice to the local health director, as that term is defined in  
17 G.S. 130A-2, for the county in which the discharge occurs.  
18 c. Provide notice to other interested parties by posting notice on the  
19 website of the system owner or operator. Notices shall be maintained  
20 on the website for a period of 12 months from the last date of the  
21 discharge.  
22 d. Provide notice to the Chairs of the Environmental Review  
23 Commission.
- 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) During extraordinary circumstances, including, but not limited to, major floods,  
6 named storms, or extreme weather, which the Secretary determines that it would be impracticable  
7 or unsafe to measure or to otherwise collect data regarding a discharge within the time periods  
8 required by this section, the Department may extend the time period for making, issuing, or  
9 publishing reports and follow-up reports required under this section."

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