

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 613
Committee Substitute Favorable 5/2/89

Short Title: Water Pollution Control Permits.

(Public)

Sponsors:

Referred to:

March 15, 1989

A BILL TO BE ENTITLED

AN ACT TO REGULATE MINOR ACTIVITIES THROUGH GENERAL PERMIT APPROVAL OR THROUGH CONDITIONS IN RULES, AND TO ELIMINATE UNNECESSARY MONITORING AND REPORTING FOR CERTAIN PERMITS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-215.1(b) reads as rewritten:

"(b) Commission's Power as to Permits. – The Commission shall act on all permits so as to prevent, so far as reasonably possible, considering relevant standards under State and federal laws, any significant increase in pollution of the waters of the State from any new or enlarged sources.

The Commission shall have the power:

(1) To grant a permit with such conditions attached as the Commission believes necessary to achieve the purposes of this Article;

(1a) To require that an applicant satisfy the Commission that the applicant, or any parent or subsidiary corporation if the applicant is a corporation:

a. Is financially qualified to carry out the activity for which the permit is required under subsection (a); and

b. Has substantially complied with the effluent standards and limitations and waste management treatment practices applicable to any activity in which the applicant has previously engaged, and has been in substantial compliance with other

- 1 federal and state laws, regulations, and rules for the protection
2 of the environment;
- 3 (3) To modify or revoke any permit upon not less than 60 days' written
4 notice to any person affected.
- 5 (4) To designate certain classes of minor activities for which a general
6 permit may be issued, after considering:
7 a. The environmental impact of the activities;
8 b. How often the activities are carried out;
9 c. The need for individual permit oversight; and
10 d. The need for public review and comment on individual permits.
11 General permits may be issued using the rule-making procedures of
12 Chapter 150B of the General Statutes. Thereafter, appropriate
13 individual activities may be covered under the general permit
14 according to the conditions outlined in the adopted rules. All
15 individuals covered under general permits shall be subject to the same
16 enforcement remedies as those individuals covered under individual
17 permits.
- 18 (5) To designate certain classes of minor activities for which:
19 a. Performance conditions may be established by rule; and
20 b. Individual or general permits are not required.

21 No permit shall be denied and no condition shall be attached to the permit, except
22 when the Commission finds such denial or such conditions necessary to effectuate the
23 purposes of this Article.

24 (b1) The Commission shall adopt rules which exempt the filter backwash facilities
25 of swimming pools and spas from:

- 26 (1) The application and notice requirements of this section;
27 (2) The reporting requirements of G.S. 143-215.65 and the monitoring
28 requirements of G.S. 143-215.66; and
29 (3) The requirements of G.S. 143-215.1(a) for the Department of Human
30 Resource's review and approval of each individual facility."

31 Sec. 2. G.S. 143-215.65 reads as rewritten:

32 "**§ 143-215.65. Reports required.**

33 All persons subject to the provisions of G.S. 143-215.1 who discharge wastes to the
34 waters or emit air contaminants to the outdoor atmosphere of this State shall file at such
35 frequencies as the Commission may specify and at least quarterly reports with the
36 Commission setting forth the volume and characteristics of wastes discharged or air
37 contaminants emitted daily or such other period of time as may be specified by the
38 Commission in its rules. Such reports may be required less frequently than quarterly
39 for any permit for a minor activity as defined in G.S. 143-215.1(b)(4) and (5). Such
40 reports shall be filed on forms provided by the Department and approved by the
41 Commission and shall include such pertinent data with reference to the total and
42 average volume of wastes or air contaminants discharged, the strength and amount of
43 each waste substance or air contaminant discharged, the type and degree of treatment
44 such wastes or air contaminants received prior to discharge and such other information

1 as may be specified by the Commission in its rules. The information shall be used by
2 the Commission only for the purpose of air and water pollution control. The
3 Department shall provide proper and adequate facilities and procedures and the
4 Commission shall adopt rules to safeguard the confidentiality of proprietary
5 manufacturing processes except that confidentiality shall not extend to wastes
6 discharged or air contaminants emitted."

7 Sec. 3. This act is effective upon ratification.