

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 262*

Short Title: Nitrogen Limit for Certain Waters.

(Public)

Sponsors: Representatives Nichols; and Culp.

Referred to: Environment, if favorable, Appropriations.

February 17, 1997

A BILL TO BE ENTITLED

1 AN ACT TO IMPROVE THE WATER QUALITY OF THE SURFACE WATERS OF
2 THIS STATE BY FURTHER LIMITING THE AMOUNT OF NITROGEN THAT
3 CERTAIN LARGE FACILITIES DISCHARGE TO NUTRIENT SENSITIVE
4 WATERS WHERE NITROGEN IS A NUTRIENT OF CONCERN AND TO
5 AUTHORIZE THE USE OF UP TO TWENTY-FIVE PERCENT OF THE FUNDS
6 IN THE CLEAN WATER MANAGEMENT TRUST FUND FOR A PORTION OF
7 THE COSTS TO LOCAL GOVERNMENTS OF MODIFYING EXISTING
8 FACILITIES TO SATISFY THIS STRICTER LIMIT, AS RECOMMENDED BY
9 THE ENVIRONMENTAL REVIEW COMMISSION.
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11 The General Assembly of North Carolina enacts:

12 Section 1. G.S. 143-215.1 is amended by adding a new subsection to read:

13 "(c1) Any person who is required to obtain a permit under this section for a facility
14 discharging to surface waters of the State that have been classified as nutrient sensitive
15 waters under rules adopted by the Commission and where nitrogen is determined by the
16 Commission to be a nutrient of concern shall not discharge more nitrogen, on a permitted
17 annual average basis expressed as pounds per day, than would result from a discharge
18 having a concentration of three and one-half milligrams of nitrogen per liter (3.5 mg/l)
19 times the volume of discharge that the permit for that facility allows that person to
20 discharge during the year that ended 31 December 1995. Any person subject to this

1 subsection shall monitor the facility's discharge for nitrogen at least weekly. This
2 subsection does not apply to facilities that have a design capacity to discharge less than
3 five hundred thousand gallons per day (500,000 gal./day). The Commission may adopt
4 rules to implement this subsection."

5 Section 2. G.S. 143-215.6A(a) is amended by adding a new subdivision to
6 read:

7 "(10) Violates G.S. 143-215.1(c1) or a rule adopted pursuant to G.S. 143-
8 215.1(c1)."

9 Section 3. G.S. 113-145.3(c) is amended by adding a new subdivision to read:

10 "(10) To modify an existing permitted wastewater treatment facility that is
11 owned or operated by a unit of local government and that is subject to
12 G.S. 143-215.1(c1) to enable the unit of local government to comply
13 with G.S. 143-215.1(c1)."

14 Section 4. G.S. 113-145.3(d) reads as rewritten:

15 "~~(d) Limit on Operating and Administrative Expenses.~~Limitations on Uses of Fund. –
16 No more than two percent (2%) of the annual balance of the Fund on July 1 or a total sum
17 of eight hundred fifty thousand dollars (\$850,000), whichever is less, may be used each
18 fiscal year for administrative and operating expenses of the Board of Trustees and its
19 staff. No more than twenty-five percent (25%) of the amount credited to the Fund during
20 the year ending 30 June shall be used as provided by subdivision (10) of subsection (c) of
21 this section."

22 Section 5. G.S. 113-145.4(b) reads as rewritten:

23 "(b) Grant Matching Requirement. – The Board of Trustees shall establish
24 matching requirements for grants awarded under this Article. ~~The~~For all eligible projects
25 or activities other than projects eligible under G.S. 113-145.3(c)(10), the Board of
26 Trustees may require a match of up to twenty percent (20%) of the amount of the grant
27 awarded. For projects eligible under G.S. 113-145.3(c)(10), the Board of Trustees may
28 require a match of up to fifty percent (50%) of the amount of the grant awarded. This
29 requirement may be satisfied by the donation of land to a public or private nonprofit
30 conservation organization as approved by the Board of Trustees. The Board of Trustees
31 may also waive the requirement to match a grant pursuant to guidelines adopted by the
32 Board of Trustees."

33 Section 6. By November 1, 1997, the Environmental Management
34 Commission shall develop a schedule of dates between November 1, 1997, and January
35 1, 2005, by which existing facilities must comply with G.S. 143-215.1(c1), as enacted by
36 Section 1 of this act. The schedule of compliance dates shall follow as closely as
37 possible the dates on which permits for existing facilities must be renewed. New
38 facilities and expansions of existing facilities for which an application for a permit is
39 received by the Department of Environment, Health, and Natural Resources on behalf of
40 the Environmental Management Commission prior to the date this act becomes effective
41 shall be treated as existing facilities.

42 Section 7. This act is effective when it becomes law.