## GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2005

H HOUSE DRH30262-SB-15 (04/13)

	Short Title:	Regulate Nutrient Trading Among Dischargers. (Public)
	Sponsors:	Representative Underhill.
	Referred to:	•
	Keleffed to.	
1		A BILL TO BE ENTITLED
2	AN ACT TO REGULATE THE ALLOCATION OF DISCHARGE LIMITS AMONG	
3	THE INDIVIDUAL DISCHARGERS OF A COOPERATIVE GROUP OF	
4	DISCHARGERS.	
5	The General Assembly of North Carolina enacts:	
6	<b>SECTION 1.</b> G.S. 143-215.1(a) is amended by adding a new subdivision to	
7	read:	
8	"(a) A	ctivities for Which Permits Required No person shall do any of the
9	following things or carry out any of the following activities unless that person has	
10	received a permit from the Commission and has complied with all conditions set forth in	
11	the permit:	
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13	<u>(1</u>	3) Cause or permit any waste, directly or indirectly, to be discharged to or
14		in any manner intermixed with the waters of the State in violation of
15		the water quality standards applicable to the assigned classifications or
16		in violation of any effluent standards or limitations established for the
17		discharger as a member a cooperative group of dischargers permitted
18		pursuant to subdivision (6) of subsection (b) of this section."
19	S	ECTION 2. G.S. 143-215.1(b) is amended by adding a new subdivision to
20	read:	
21	"(b) Commission's Power as to Permits. –	
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23	<u>(6</u>	The Commission may issue a permit to a group of dischargers as
24		provided in this subdivision.

subdivision only if the permit:

The Commission may issue a permit pursuant to this

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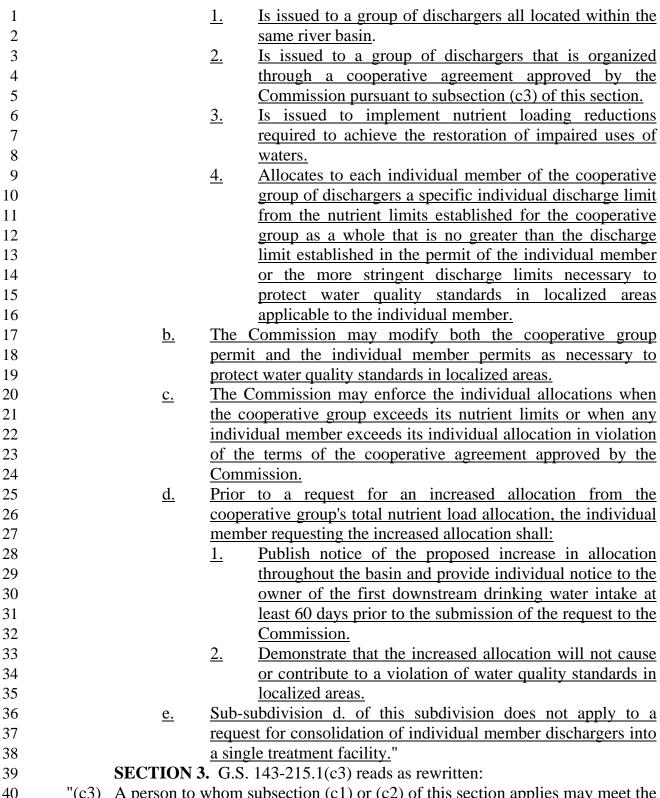
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<u>a.</u>

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"(c3) A person to whom subsection (c1) or (c2) of this section applies may meet the limits established under those subsections either individually or on the basis of a cooperative agreement with other persons who hold individual wastewater permits if the cooperative agreement is approved by the Commission. To be eligible for approval, the cooperative agreement shall include binding and enforceable provisions that require

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each individual member of the cooperative group to comply with its individual discharge limits established by the permit allocation within a reasonable time after the individual becomes a member of the cooperative group and that impose sanctions equal to or greater than the sanctions provided in G.S. 143-215.6A for a discharge in excess of an individual discharger's allocation that results in, causes, or contributes to a violation of water quality standards otherwise applicable in localized areas. The clear proceeds of any monitory sanction assessed against a member of a cooperative group pursuant to a cooperative agreement shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2. A person to whom subsection (c1) or (c2) of this section applies whose agreement to accept consolidate with another wastewater treatment facility by accepting wastewater from another wastewater treatment facility that discharges into the same water body and that results in the elimination of the discharge from that wastewater treatment facility shall be allowed to increase the average annual mass load of total nitrogen and total phosphorus that person discharges by the average annual mass load of total nitrogen and total phosphorus of the wastewater treatment facility that is eliminated. If the wastewater treatment facility that is eliminated has a permitted flow of less than 500,000 gallons per day, the average annual mass load of total nitrogen or phosphorus shall be calculated from the most recent available data. This average annual load of nitrogen or phosphorous shall be assigned to the wastewater discharge allocation of the wastewater treatment facility that accepts the wastewater. A person to whom this subsection applies shall comply with nitrogen and phosphorus discharge monitoring requirements and the individual allocations from the cooperative group permit established by the Commission. Commission in the cooperative group permit. Consistent with the limitations established in subdivision (6) of subsection (b) of this section, the cooperative group may request that the Commission modify the allocations made to the individual members of the cooperative group in the permit issued to the cooperative group. This average annual load of nitrogen or phosphorus shall be assigned to the wastewater discharge allocation of the wastewater treatment facility that accepts the wastewater."

**SECTION 4.** This act is effective when it becomes law and applies retroactively to any cooperative agreement entered into pursuant to G.S. 143-215.1(c3) and to any permit previously issued to any group of dischargers.

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