

# ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 600

AMENDMENT NO. A1  
(to be filled in by  
Principal Clerk)

H600-ABR-46 [v.19]

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Amends Title [NO]  
Fifth Edition

Date \_\_\_\_\_, 2023

Senator Sanderson

1 moves to amend the bill on page 2, lines 43–49, by rewriting the lines to read:

2  
3 "(b5) An applicant for a new stormwater permit, or the reissuance of a permit due to  
4 transfer, modification, or renewal, shall have the option to submit a permit application for  
5 processing to a unit of local government with permitting authority in whose jurisdiction the  
6 project to be permitted is located, or , where a unit of local government with permitting authority  
7 in whose jurisdiction the project to be permitted is located has established a joint program with  
8 one or more units of local government pursuant to subsection (c) of this section, other local  
9 governments in the joint program.";

10  
11 and on page 4, lines 26–27, by rewriting those lines to read:

12  
13 **"SECTION 4.(c) Implementation.** – Public linear transportation projects undertaken  
14 by an entity other than the North Carolina Department of Transportation or a unit of local  
15 government, which are part of a common ";

16  
17 and on page 6, lines 4–8, by rewriting those lines to read:

18  
19 "court costs, but the Fisheries Director of the North Carolina Division of Marine Fisheries is  
20 authorized to suspend, revoke, or refuse to issue a commercial or recreational fishing license for  
21 any individual guilty of an infraction for violations of subsection (d) or (e) of this section pursuant  
22 to G.S. 113-171. The Executive Director of the Wildlife Resources Commission is authorized to  
23 revoke or refuse to issue a recreational fishing license issued by the Wildlife Resources  
24 Commission for any individual guilty of an infraction for violations of subsection (d) or (e) of  
25 this section for two consecutive years or upon failure to pay outstanding infraction fines when  
26 required to do so."";

27  
28 and on page 6, line 19, through page 7, line 4, by rewriting the lines to read:

29  
30 **"ESTABLISH CERTAIN REQUIREMENTS FOR ISSUANCE OF 401**  
31 **CERTIFICATIONS BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY FOR**



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1 **PROJECTS INVOLVING THE DISTRIBUTION OR TRANSMISSION OF ENERGY**  
2 **OR FUEL**

3 **SECTION 7.1.(a)** Article 21 of Chapter 143 of the General Statutes is amended by  
4 adding a new section to read:

5 **"§ 143-214.1A. Water quality certification requirements for certain projects.**

6 The following requirements shall govern applications for certification filed with the  
7 Department pursuant to section 401 of the Clean Water Act, 33 U.S.C. § 1341(a)(1) for projects  
8 involving the distribution or transmission of energy or fuel, including natural gas, diesel,  
9 petroleum, or electricity:

10 (1) Within 30 days of the filing of such application, a supplemental application,  
11 or a supplemental information on a pending application, the Department shall  
12 (i) determine whether or not the application is complete and notify the  
13 applicant accordingly and (ii), if the Department determines an application is  
14 incomplete, specify all such deficiencies in the notice to the applicant. The  
15 applicant may file an amended application or supplemental information to  
16 cure the deficiencies identified by the Department for the Department's  
17 review. An application may be deemed incomplete only if it does not provide  
18 sufficient information necessary for the Department to determine if the  
19 proposed discharges into navigable waters will comply with State water  
20 quality requirements. If the Department fails to issue a notice as to whether or  
21 not the application is complete within the requisite 30-day period, the  
22 application shall be deemed complete. As used in this section, State water  
23 quality requirements means water quality standards approved by the United  
24 States Environmental Protection Agency pursuant to 33 U.S.C. § 1313(c)(3)  
25 and in effect for purposes of the federal Clean Water Act.

26 (2) Within 5 days of the date the application is deemed complete, the Department  
27 shall issue a public notice soliciting comment on the application. Within 60  
28 days of the date the application is deemed complete, the Department shall  
29 either approve or deny the application. Failure of the Department to act within  
30 the requisite 60-day period shall result in a waiver of the certification  
31 requirement by the State, unless the applicant agrees, in writing, to an  
32 extension of time, which shall not exceed one year from the State's receipt of  
33 the application for certification. The 60-day review period established by this  
34 subdivision shall constitute the "reasonable period of time" for State action on  
35 an application for purposes of 33 U.S.C. § 1341(a)(1), absent a negotiated  
36 agreement with the federal permitting or licensing authority to extend that  
37 time frame for a period not to exceed one year.

38 (3) The Department shall issue a certification upon determining that the proposed  
39 discharges into navigable waters will comply with State water quality  
40 requirements. The Department shall include as conditions in a certification  
41 any applicable effluent limitations or other limitations necessary to assure the  
42 proposed discharges into navigable waters will comply with State water

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1 quality requirements. The Department shall not impose any other conditions  
2 in a certification.

3 (4) The Department shall deny a certification application only if it determines that  
4 no reasonable conditions would provide assurance that the proposed  
5 discharges into navigable waters will comply with State water quality  
6 requirements. The denial shall include a statement explaining why the  
7 Department determined the proposed discharges into navigable waters will  
8 not comply with the State water quality requirements.

9 (5) The Department may grant, deny, or waive certification, but shall not require  
10 an applicant to withdraw an application."

11 **SECTION 7.1.(b)** This section is effective when it becomes law and applies to  
12 applications for 401 Certification pending or submitted on or after that date.";

13  
14 and on page 8, lines 1–15, by rewriting those lines to read:

15  
16 **"DIRECT DEPARTMENT OF ENVIRONMENTAL QUALITY TO PREPARE A**  
17 **HUMAN HEALTH RISK ASSESSMENT FOR 1,4-DIOXANE IN DRINKING WATER**  
18 **AND EVALUATE COMMERCIALY AVAILABLE TECHNOLOGY TO REMOVE 1,4**  
19 **DIOXANE FROM WASTEWATER EFFLUENT**

20 **SECTION 7.3.(a)** The Department of Environmental Quality shall prepare a human  
21 health risk assessment of 1,4-dioxane in drinking water supported by peer-reviewed scientific  
22 studies. The Department shall deliver the assessment to the Joint Legislative Commission on  
23 Governmental Operations no later than October 1, 2023.

24 **SECTION 7.3.(b)** The Department of Environmental Quality shall evaluate the  
25 technologies that are commercially available to remove 1,4-dioxane from wastewater effluent at  
26 facilities at various flow volumes, including at flow volumes of greater than 1 million gallons  
27 per day. The Department shall report its findings of the technical and economic feasibility and  
28 limitations of each treatment technology and a cost benefit analysis to the Joint Legislative  
29 Commission on Governmental Operations no later than January 15, 2024.";

30  
31 and on page 8, lines 47–48, by inserting between those lines:

32  
33 "(b2) Invoice Approval Required. – Any invoices submitted to the Secretary for  
34 reimbursement or payment from the Fund for projects undertaken for the purpose set forth in  
35 subdivision (1) of subsection (b) of this section shall be signed by the representative of unit of  
36 local government sponsoring the project."

37  
38 and on page 11, lines 48–50, by rewriting those lines to read:

39  
40 "(g) State guidelines adopted pursuant to this section shall be made available to the public  
41 on the Department's website by posting: (i) the guidelines in their entirety; or (ii) a link to the  
42 guidelines in the North Carolina Administrative Code on the Office of Administrative Hearings

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1 website. As required by G.S. 150B-21.19(1), each guideline shall cite the law under which the  
2 rule was adopted."";

3  
4 and on page 15, lines 20–25, by rewriting those lines to read:

5  
6 "(g) No nutrient offset bank approved by the Department and owned by a unit of local  
7 government, as defined in G.S. 143-214.11, shall sell nutrient offset credits to an entity other  
8 than a government entity or a unit of local government, as those terms are defined in  
9 G.S. 143-214.11."

10 **SECTION 13.(b)** This section is effective when it becomes law and applies to  
11 nutrient offset banks owned by a unit of local government and approved by the Department of  
12 Environmental Quality on or after that date, except that this section shall not apply to a unit of  
13 local government that has a nutrient offset banking instrument approved by the Department prior  
14 to the effective date of this section.";

15  
16 and on page 15, lines 27–51, by rewriting those lines to read:

17  
18 **"SHORTEN SEPTAGE MANAGEMENT PERMITTING REVIEW AND CLARIFY**  
19 **PUMPER TRUCK FEE**

20 **SECTION 13.5.** G.S. 130A-291.1 reads as rewritten:

21 **"§ 130A-291.1. Septage management program; permit fees.**

22 ...

23 (c) No septage management firm shall commence or continue operation that does not  
24 have a permit issued by the Department. The permit shall be issued only when the septage  
25 management firm satisfies all of the requirements of the rules adopted by the Commission.  
26 Within ~~90~~60 business days of receiving a complete permit application, the Department shall  
27 grant or deny the permit in accordance with G.S. 130A-294(a)(4). If the permit application is  
28 denied, the Department shall return the permit application citing the reasons for the denial in  
29 writing. If the Department does not act on a complete permit application for a new septage  
30 management firm within 60 business days, the septage management firm is deemed permitted  
31 and may begin operation if all other applicable requirements of this section, G.S. 130A-291.3,  
32 and the rules adopted by the Commission are met. A septage management firm that commences  
33 operation without first having obtained a permit shall cease to operate until the firm obtains a  
34 permit under this section and shall pay an initial annual fee equal to twice the amount of the  
35 annual fee that would otherwise be applicable under subsection (e) of this section.

36 ...

37 (e) A septage management firm that operates one pumper truck shall pay an annual fee  
38 of five hundred fifty dollars (\$550.00) to the Department. A septage management firm that  
39 operates two or more pumper trucks shall pay an annual fee of eight hundred dollars (\$800.00)  
40 to the Department. For the purposes of determining the fee assessed pursuant to this subsection,  
41 the number of trucks operated by a septage management firm shall be limited to only those  
42 pumper trucks and vehicles used in the transportation, containment, or consolidation of liquid  
43 septage that transport septage on State-maintained roads.";

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and on page 16, line 11, through page 17, line 42, by rewriting the lines to read:

**"AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO  
AMEND WASTEWATER DESIGN FLOW RATE RULES CONSISTENT WITH S.L.  
2023-55**

**SECTION 15.** The Environmental Management Commission shall amend 15A  
NCAC 02T .0114 (Wastewater Design Flow Rates) as it applies to dwelling units to be consistent  
with the wastewater flow rate in G.S. 143-215.1(f3), as enacted by Session Law 2023-55.";

and on page 25, line 26, through page 27, line 19, by deleting those lines;

and on page 32, lines 9–16, by rewriting the lines to read:

"Child care does not include the following:

...

- i. Cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment. This exemption shall include arrangements between a group of parents, regardless of whether the parents are working, to provide for the ~~instructional needs~~ academic instruction of their school age children, provided the arrangement occurs in the home of one of the cooperative participants, who meet the requirements of G.S. 115C-364;".

SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

**The official copy of this document, with signatures  
and vote information, is available in the  
Senate Principal Clerk's Office**