



# SENATE BILL 547: Interconnection of Public Water Systems

2015-2016 General Assembly

<b>Committee:</b>	Senate Re-ref to State and Local Government.	<b>Date:</b>	April 14, 2015
	If fav, re-ref to Agriculture/Environment/Natural Resources		
<b>Introduced by:</b>	Sen. Hartsell	<b>Prepared by:</b>	Brad Krehely
<b>Analysis of:</b>	PCS to First Edition S547-CSRN-11		Committee Counsel

**SUMMARY:** *Senate Bill 547 would require the interconnection of public water systems or wastewater systems to regional systems located within the same sub-basin when necessary to promote public health, protect the environment, and to ensure compliance with applicable rules. It also would require systems to analyze all reasonable alternatives before constructing or altering a public water or sewer system. The Proposed Committee Substitute consists of one technical change on page 2, line 26, to ensure that portions of the statute were not inadvertently omitted.*

**CURRENT LAW:** The Department of Environment and Natural Resources (Department), before issuing a permit for construction or expansion of a local water system or before certifying a local approval program, is required to determine whether the local *water system*<sup>i</sup> is capable of interconnection at an appropriate time with expanding municipal, county, or regional systems. The Environmental Management Commission (EMC) is required to do the same for *sewer systems*.<sup>ii</sup> No authority, however, is provided to the Department or the EMC to require interconnection.

### BILL ANALYSIS:

**Section 1** would: (1) authorize the Department to require public water systems to interconnect with municipal, county, or regional systems located in the same sub-basin if necessary to promote the public health, protect the environment, or to ensure compliance with drinking water rules; and (2) provide that before approving any proposed project for the construction of or alteration to a public water system, the Department must determine if an analysis, including a financial analysis, has been performed of all reasonable alternatives and that the analysis indicates that the proposed construction or alteration is appropriate.

**Section 2** would provide that to receive the Department's approval, a local program that seeks to administer its own approval program for construction or alteration of the distribution system of a proposed or existing public water system would need to: (1) require interconnection of a water system with municipal, county, or regional systems within the same sub-basin when the Department determines interconnection is necessary to promote the public health, protection the environment, or ensure compliance with drinking water rules; and (2) require an analysis, including a financial analysis, of the reasonable alternatives to any proposed project for construction of or alteration to a public water system, which indicates that the proposed construction or alteration project is appropriate.



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**Section 3** would authorize the EMC to require interconnection with municipal, county, or regional wastewater systems located in the same sub-basin if necessary to promote the public health, protect the environment, or to ensure compliance with water quality rules.

**Section 4** would provide that to receive the EMC's approval, a local program that seeks to administer its own permitting program for construction, operation, alteration, extension, or change of proposed or existing sewer systems would need to: (1) require interconnection of a sewer system with municipal, county, or regional systems within the same sub-basin when the EMC determines interconnection is necessary in order to promote the public health, protection the environment, or ensure compliance with water quality rules; and (2) require an analysis, including a financial analysis, of the reasonable alternatives to any proposed project for construction of or alteration to a public sewer system, which indicates that the proposed construction or alteration project is appropriate.

**Section 5** would provide that before the EMC issues a permit to construct a new or expanded municipal or non-municipal wastewater treatment system for human waste, the applicant must show all of the following:

- A plan has been adopted by the system to reduce or eliminate stormwater or groundwater infiltration or intrusion into collection lines.
- An analysis has been conducted, including a financial analysis, of all alternatives to the proposed expansion, including consideration of the use of created wetlands and treated wastewater for non-drinking water purposes.
- The applicant can demonstrate that the proposed construction or expansion will be designed to accommodate future interconnection with adjoining or regional waste treatment systems.

**Section 6** would require the Commission for Public Health and the Environmental Management Commission, as applicable, to adopt rules to implement the provisions of the act by October 1, 2015.

**EFFECTIVE DATE:** The bill would become effective when it becomes law.

Jeff Hudson, Staff Attorney for the Research Division, contributed substantially to this summary.

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<sup>i</sup> G.S. 130A-317(c)(3).

<sup>ii</sup> G.S. 143-215.1(f).