



# HOUSE BILL 885: Modernize Sewer Overflow Notification.

2021-2022 General Assembly

<b>Committee:</b>	House Energy and Public Utilities. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	May 10, 2021
<b>Introduced by:</b>	Reps. Farkas, Harrison, A. Baker	<b>Prepared by:</b>	Jennifer McGinnis
<b>Analysis of:</b>	PCS to First Edition H885-CSRI-16		Committee Counsel

**OVERVIEW:** *The Proposed Committee Substitute (PCS) for House Bill 885 would:*

- *Add new reporting requirements for discharges of untreated wastewater to the surface waters of the State to: (i) local health directors; and (ii) customers of wastewater treatment collection or treatment works and other interested parties via notification at a system's website.*
- *Provide authority for Department of Environmental Quality (DEQ) to extend the time period for any required notice of discharge during extraordinary circumstances, including major floods, named storms, or extreme weather, if the Secretary determines that it would be impracticable or unsafe to measure or to otherwise collect data regarding a discharge within the required time periods.*

*The PCS would modify the First Edition of the bill by:*

- *Decreasing the period of time for which notices of discharge must be maintained on an owner or operator's website from twelve months to three months from the last date of discharge.*
- *Deleting a requirement for discharges of 15,000 gallons or more of untreated wastewater that would have required notice on or with a customer's wastewater bill within 60 days following discharge (applicable only to wastewater collection or treatment works where the operation is primarily for the collection or treatment of municipal or domestic wastewater).*
- *Deleting a requirement that an owner or operator provide electronic notice of discharges of untreated wastewater and untreated waste to all customers or interested parties that have opted into a discharge notification mailing list.*

**CURRENT LAW:** G.S. 143-215.1C establishes various reporting and notification requirements for discharges from wastewater collection or treatment works of wastewater to waters of the State, including:

- For discharges of 1,000 gallons or more of untreated wastewater to the surface waters of the State, an owner or operator of any wastewater collection or treatment works must report the discharge to DEQ as soon as practicable, but no later than 24 hours after the owner or operator has determined that the discharge has reached the surface waters of the State. In addition, the owner or operator must issue a press release to all print and electronic news media that provide general coverage in the county where the discharge occurred setting out the details of the discharge.

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- For discharges of 15,000 gallons or more of untreated wastewater to the surface waters of the State, in addition to notifying DEQ and issuing a press release to all print and electronic news media in the applicable county, the owner or operator must also publish a notice of the discharge in a newspaper having general circulation in the county in which the discharge occurs and in each county downstream from the point of discharge that is significantly affected by the discharge.

**BILL ANALYSIS:** House Bill 885 would add new reporting requirements for discharges of untreated wastewater to the surface waters of the State, including:

- For discharges of 1,000 gallons or more of untreated wastewater, the owner or operator of any wastewater collection or treatment works must:
  - Provide notice to the local health director for the county in which the discharge occurred.
  - Provide notice to customers of the wastewater collection or treatment works or other interested parties by posting notice on the website of the system owner or operator.
- For discharges of 15,000 gallons or more of untreated wastewater, the owner or operator of any wastewater collection or treatment works must, in addition to the notice requirements for discharges of 1,000 gallons or more, provide notice to the local health director for each county downstream from the point of discharge that is significantly affected by the discharge, as identified by the Secretary of Environmental Quality.

The bill would also provide authority for DEQ to extend the time period for any required notice of discharge during extraordinary circumstances, including major floods, named storms, or extreme weather, if the Secretary determines that it would be impracticable or unsafe to measure or to otherwise collect data regarding a discharge within the required time periods.

**EFFECTIVE DATE:** This bill would become effective October 1, 2021.