



# HOUSE BILL 259: 2023 Appropriations Act, Sec. 12.9: Discharges of Highly Treated Wastewater

2023-2024 General Assembly

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<b>Committee:</b>		<b>Date:</b>	December 5, 2023
<b>Introduced by:</b>		<b>Prepared by:</b>	Jennifer McGinnis Staff Attorney
<b>Analysis of:</b>	Sec. 12.9 of S.L. 2023-134		

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**OVERVIEW:** Section 12.9 of S.L. 2023-134 establishes a new statutory requirement that the Department of Environmental Quality (DEQ) permit discharges of highly treated domestic wastewater<sup>1</sup> to surface waters of the State where the 7Q10 flow or 30Q2 flow<sup>2</sup> of the receiving waterbody is estimated to be low flow or zero flow if the wastewater treatment system is capable of meeting specific water quality-based effluent limitations for nine listed parameters. Such discharges, however:

- Must be directed through buffer systems meeting standards as set forth in the section.
- Are generally prohibited to classified shellfish waters or outstanding resource waters.
- Are limited based on the ability of the receiving waters to hydraulically accept the proposed flow as determined through methods established in the section.

The section further provides that:

- Once an applicant has submitted data to demonstrate that a proposed discharge meets the requirements of this section, signed, and sealed by a professional engineer licensed in accordance with the provisions of Chapter 89C of the General Statutes, DEQ must deem the application complete for the purposes of DEQ's review.
- If rules are required in order to implement the requirements of this section, DEQ must adopt temporary rules no later than 60 days after this section becomes law. Any temporary rules adopted will remain in effect until permanent rules that replace the temporary rules become effective. Rules adopted cannot, however, impose additional requirements on permitting of the discharge of highly treated domestic wastewater over that established under this section.

This section became effective October 3, 2023, and applies to permits for new or expanded wastewater discharge facilities issued on or after that date.

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<sup>1</sup> Defined as “[w]astewater effluent from treatment systems that receive flows from sources of domestic wastewater that meet the effluent limitations as set forth ... [in the section].”

<sup>2</sup> Methods to calculate the minimum average flow of a receiving water.

Jeffrey Hudson  
Director



Legislative Analysis  
Division  
919-733-2578