



This Bill Analysis reflects the contents of the bill as it was presented in committee.

HOUSE BILL 571: Discharge of Highly Treated Wastewater.

2023-2024 General Assembly

Committee: House Energy and Public Utilities. **Date:** April 18, 2023
favorable, re-refer to Rules, Calendar, and
Operations of the House

Introduced by: Reps. Arp, Brody, D. Hall, Crutchfield **Prepared by:** Kyle Evans
Analysis of: PCS to First Edition Committee Counsel
H571-CSBR-9

OVERVIEW: *The Proposed Committee Substitute to House Bill 571 (PCS) would authorize permitted discharges of highly treated domestic wastewater to low flow and zero flow waterbodies when the discharged wastewater meets certain effluent limitations and other criteria.*

The PCS makes a technical change.

CURRENT LAW & BILL ANALYSIS:

Pursuant to the federal Clean Water Act, any person that discharges or proposes to discharge waste to regulated surface waters must obtain a National Pollution Discharge Elimination System (NPDES) permit prior to the initiation of such discharge. Such permits establish limits for flow (quantity discharged), conventional pollutants (BOD, pH, TSS, fecal coliform, oil & grease, etc.), toxicants (metals, volatile organics, etc.), and non-conventional pollutants such as ammonia and nutrients. The Department of Environmental Quality has been delegated authority from the United States Environmental Protection Agency (USEPA) to administer the NPDES program within North Carolina.

Section 1.(a) would direct the Department to authorize permitted discharges of highly treated domestic wastewater to surface waters of the State, including wetlands, perennial streams, and unnamed tributaries of named and classified streams, where the minimum average flow estimates for the receiving waterbody are estimated to be low or zero flow, as determined by the United States Geological Survey, from wastewater treatment systems capable of meeting certain effluent limitations as follows:

- Biological oxygen demand (BOD₅), 5mg/L.
- NH₃, 0.5mg/L monthly average, 1.0 mg/L daily maximum.
- Total nitrogen, 4mg/L monthly average.
- Total phosphorus, 1.0mg/L monthly average, 2.0mg/L daily maximum.
- Fecal coliforms, 14 colonies/100mL.
- Dissolved oxygen, 6mg/L, or 1mg/L more than the BOD₅ concentration.
- Turbidity, 1 Nephelometric Turbidity Units.
- Total suspended solids, 5mg/L monthly average.
- Nitrate, 1mg/L monthly average.

Further, discharges authorized pursuant to this section must meet the following requirements:

- No discharge may be permitted to classified shellfish waters or outstanding resource waters.

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- The limitation of flow for any wastewater discharge must be no more than 1/10th of the flow generated by the one-year, 24-hour storm event given the drainage area based on a rational method calculation.
- Discharges may be limited based on the ability of the receiving waters to hydraulically accept the proposed flow.
- All discharges shall be directed to buffer systems that utilize low-energy methodologies.

Section 1.(b) would direct the Department, if needed, to adopt temporary rules no later than 60 days of the effective date of the act, and provides that those temporary rules shall remain in effect until permanent rules can be adopted to replace them.

EFFECTIVE DATE: This act would be effective when it becomes law and would apply to permits for new or expanded wastewater discharge facilities issued on or after that date.