



2023-2024 General Assembly

HOUSE BILL 600: Regulatory Reform Act of 2023, Sec. 8: Environmental Management Commission to Study Narrative Water Quality Standards

Committee:
Introduced by:
Analysis of: Sec. 8 of S.L. 2023-137

Date: December 11, 2023
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Staff Attorney

OVERVIEW: *Section 8 of S.L. 2023-137 requires the Environmental Management Commission (EMC) to review its rules to determine if the standards and methodologies for establishment of numeric water quality standards for specific pollutants included in the rule are scientifically sound, protective of human health and the environment, and result in water quality criteria that are technologically achievable without placing undue economic burdens on publicly-owned treatment works and their ratepayers.*

This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023. The EMC's report is due to the General Assembly no later than June 1, 2024.

CURRENT LAW & BILL ANALYSIS:

The [federal Clean Water Act requires states to establish water quality standards for regulated water bodies within their jurisdiction](#). Water quality standards can consist of numeric or narrative criteria designed to protect designated uses of the waterbody in question.

[15A NCAC 02B .0208](#) (Standards for Toxic Substances and Temperature) sets forth narrative water quality standards for toxic substances, and includes methodologies by which the Department of Environmental Quality can establish numeric water quality standards for specific pollutants.

Section 8 requires the EMC to review 15A NCAC 02B .0208 to determine if the standards and methodologies for establishment of numeric water quality standards for specific pollutants included in the rule are scientifically sound, protective of human health and the environment, and result in water quality criteria that are technologically achievable without placing undue economic burdens on publicly-owned treatment works and their ratepayers. In its review, the EMC must examine: (i) other states' narrative water quality standards, and identify other states with more stringent and less stringent narrative standards; and (ii) requirements established by USEPA for development of narrative and numeric water quality standards by states, as well as any discretion given to states to set these standards. The Commission must report its findings to the Joint Legislative Commission on Governmental Operations no later than June 1, 2024.

EFFECTIVE DATE: This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This bill was vetoed by the Governor on October 2, 2023, and that veto was overridden by the General Assembly on October 10, 2023. This section became effective on October 10, 2023.

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