

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1993**

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**SENATE BILL 1295**

Short Title: Study School Sewer Systems.

(Public)

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Sponsors: Senator Daniel.

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Referred to: Rules and Operation of the Senate.

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July 5, 1993

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO  
STUDY THE BURDEN OF COMPLIANCE WITH WASTEWATER  
DISCHARGE REQUIREMENTS AT PUBLIC SCHOOLS.

Whereas, local boards of education and boards of county commissioners face significant needs in the area of school construction and renovation; and

Whereas, the State is likewise challenged to supplement existing levels of funding for public education in order to ensure that our children are adequately equipped to meet the challenges of the workplace of tomorrow; and

Whereas, many school administrative units have conventional sewage systems which involve surface discharge of treated wastewater ("conventional systems"), which systems are permitted and regulated by the Division of Environmental Management of the Department of Environment, Health, and Natural Resources; and

Whereas, the Division of Environmental Management is currently enforcing a requirement that all school administrative units with conventional systems must upgrade their wastewater treatment systems where the minimum average flow in a receiving stream is estimated to be zero for a period of seven consecutive days in any 10-year time span ("zero flow"); and

Whereas, as many as 60 school administrative units (with multiple schools per system) are affected by this requirement, with an estimated statewide cost of upgrade between 50 and 75 million dollars; and

Whereas, the Division of Environmental Management is requiring school administrative units to enter into special orders of consent which establish timetables for improvements to the wastewater treatment system at each affected school within the

1 unit, and provide for fines to be levied by the Division of Environmental Management  
2 in the event that the various deadlines are not met; and

3           Whereas, zero flow as it is being imposed by the Division of Environmental  
4 Management is not mandated by the federal Clean Water Act, and has become a  
5 significant financial burden which may negatively affect the educational mission of the  
6 schools; and

7           Whereas, there is a difference of scientific opinion as to whether the currently  
8 functioning and monitored conventional systems at public schools pose such a threat to  
9 surface water quality that they should be effectively prohibited without regard to the  
10 cost of doing so; Now, therefore,

11 The General Assembly of North Carolina enacts:

12           Section 1. The Legislative Research Commission may study the issue of  
13 compliance with State wastewater discharge requirements by school administrative  
14 units, the financial burden placed on these units by the State requirements, and any other  
15 topics relevant to those issues. The study shall include a cost-benefit analysis of the  
16 continued enforcement of zero flow with regard to school administrative units, and  
17 consideration of the State funding needed to enable school administrative units to make  
18 wastewater treatment improvements that will be required if State wastewater discharge  
19 requirements are not modified.

20           Sec. 2. The Legislative Research Committee may make an interim report of  
21 the results of this study, including legislative recommendations, to the 1993 General  
22 Assembly, Regular Session 1994, and shall make a final report to the 1995 General  
23 Assembly.

24           Sec. 3. There is appropriated from the General Fund to the Legislative  
25 Research Commission the sum of twenty-five thousand dollars (\$25,000) for the 1993-  
26 94 fiscal year and the sum of twenty-five thousand dollars (\$25,000) for the 1994-95  
27 fiscal year to implement this study.

28           Sec. 4. Enforcement of zero flow and existing special orders of consent  
29 applicable to school administrative units due to their failure to comply with zero flow  
30 shall be suspended pending completion of this study except that the Division of  
31 Environmental Management may continue during this period to maintain water quality  
32 at local schools as it did before the imposition of zero flow requirements.

33           Sec. 5. This act is effective upon ratification.