A BILL TO BE ENTITLED
AN ACT TO ENHANCE PUBLIC NOTIFICATION OF DISCHARGES OF UNTREATED WASTEWATER FROM WASTEWATER COLLECTION OR TREATMENT WORKS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-215.1C reads as rewritten:

"§ 143-215.1C. Report to wastewater system customers on system performance; report discharge of untreated wastewater to the Department; publication of notice of discharge of untreated wastewater and waste.

(a) Report to Wastewater System Customers. – The owner or operator of any wastewater collection or treatment works, the operation of which is primarily to collect or treat municipal or domestic wastewater and for which a permit is issued under this Part and having an average annual flow greater than 200,000 gallons per day, shall provide to the users or customers of the collection system or treatment works and to the Department an annual report that summarizes the performance of the collection system or treatment works and the extent to which the collection system or treatment works has violated the permit or federal or State laws, regulations, or rules related to the protection of water quality. The report shall be prepared on either a calendar or fiscal year basis and shall be provided no later than 60 days after the end of the calendar or fiscal year.

(a1) Report Discharge of Untreated Wastewater to the Department. – The owner or operator of any wastewater collection or treatment works for which a permit is issued under this Part shall report a discharge of 1,000 gallons or more of untreated wastewater to the surface waters of the State 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. This reporting requirement shall be in addition to any other reporting requirements applicable to the owner or operator of the wastewater collection or treatment works.

(b) Publication of Notice of Discharge of Untreated Wastewater. – The owner or operator of any wastewater collection or treatment works, the operation of which is primarily to collect or treat municipal or domestic wastewater and for which a permit is issued under this Part shall:

(1) In the event of a discharge of 1,000 gallons or more of untreated wastewater to the surface waters of the State, provide the following notifications within 24 hours of determining that the discharge has reached the surface waters of the State:

a. 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. The owner or operator shall...
issue the press release within 24 hours after the owner or operator has determined that the discharge has reached the surface waters of the State. The owner or operator shall retain a copy of the press release and a list of the news media to which it was distributed for at least one year after the discharge and shall provide a copy of the press release and the list of the news media to which it was distributed to any person upon request.

b. Provide notice to the local health director, as that term is defined in G.S. 130A-2, for the county in which the discharge occurs.

c. Provide notice to customers of the wastewater collection or treatment works or other interested parties by posting notice on the website of the system. Notices shall be maintained on the website for a period of 12 months from the last date of the discharge.

(2) In the event of a discharge of 15,000 gallons or more of untreated wastewater to the surface waters of the State, in addition to the notices required by subdivision (1) of this subsection, provide the following additional notifications:

a. 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. The Secretary shall determine, at the Secretary's sole discretion, which counties are significantly affected by the discharge and shall approve the form and content of the notice and the newspapers in which the notice is to be published. The notice shall be captioned "NOTICE OF DISCHARGE OF UNTREATED SEWAGE-WASTEWATER". The owner or operator shall publish the notice within 10 days after the Secretary has determined the counties that are significantly affected by the discharge and approved the form and content of the notice and the newspapers in which the notice is to be published. The owner or operator shall file a copy of the notice and proof of publication with the Department within 30 days after the notice is published. Publication of a notice of discharge under this subdivision is in addition to the requirement to issue a press release under subdivision (1) of this subsection.

b. Provide notice to the local health director, as that term is defined in G.S. 130A-2, for each county downstream from the point of discharge that is significantly affected by the discharge. The Secretary shall determine, at the Secretary's sole discretion, which counties are significantly affected by the discharge and shall approve the form and content of the notice. The notice shall be captioned "NOTICE OF DISCHARGE OF UNTREATED WASTEWATER". The notice shall be provided as soon as practicable, but no later than 24 hours of the determination by the Secretary required by this sub-subdivision. The owner or operator shall file a copy of the notice and proof of publication with the Department within 30 days after the notice is distributed.

c. The owner or operator shall also include notice on or with the customer's wastewater bill within 60 days following discharge. The notice on or with the bill shall read "Notice of a Discharge of Untreated Wastewater available at (insert specific URL for the notice)".
Publication of Notice of Discharge of Untreated Waste. – The owner or operator of any wastewater collection or treatment works, other than a wastewater collection or treatment works the operation of which is primarily to collect or treat municipal or domestic wastewater, for which a permit is issued under this Part shall:

(1) In the event of a discharge of 1,000 gallons or more of untreated waste to the surface waters of the State, provide the following notifications within 24 hours of determining that the discharge has reached the surface waters of the State:

a. 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. The owner or operator shall issue the press release within 24 hours after the owner or operator has determined that the discharge has reached the surface waters of the State. The owner or operator shall retain a copy of the press release and a list of the news media to which it was distributed for at least one year after the discharge and shall provide a copy of the press release and the list of the news media to which it was distributed to any person upon request.

b. Provide notice to the local health director, as that term is defined in G.S. 130A-2, for the county in which the discharge occurs.

c. Provide notice to other interested parties by posting notice on the website of the system owner or operator. Notices shall be maintained on the website for a period of 12 months from the last date of the discharge.

(2) In the event of a discharge of 15,000 gallons or more of untreated waste to the surface waters of the State, in addition to the notices required by subdivision (1) of this subsection, provide the following additional notifications:

a. 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. The Secretary shall determine, at the Secretary's sole discretion, which counties are significantly affected by the discharge and shall approve the form and content of the notice and the newspapers in which the notice is to be published. The notice shall be captioned "NOTICE OF DISCHARGE OF UNTREATED WASTE". The owner or operator shall publish the notice within 10 days after the Secretary has determined the counties that are significantly affected by the discharge and approved the form and content of the notice and the newspapers in which the notice is to be published. The owner or operator shall file a copy of the notice and proof of publication with the Department within 30 days after the notice is published. Publication of a notice of discharge under this subdivision is in addition to the requirement to issue a press release under subdivision (1) of this subsection.

b. Provide notice to the local health director, as that term is defined in G.S. 130A-2, for each county downstream from the point of discharge that is significantly affected by the discharge. The Secretary shall determine, at the Secretary's sole discretion, which counties are significantly affected by the discharge and shall approve the form and content of the notice. The notice shall be captioned "NOTICE OF DISCHARGE OF UNTREATED WASTEWATER". The notice shall be provided as soon as practicable, but no later than 24 hours of the
determination by the Secretary required by this sub-subdivision. The owner or operator shall file a copy of the notice and proof of publication with the Department within 30 days after the notice is distributed.

(d) Electronic Mailing List for Notifications of Discharges of Untreated Wastewater and Untreated Waste. – With respect to all customers or interested parties that wish to receive notifications through electronic mail by opting into a discharge notification mailing list, an owner or operator of any wastewater collection or treatment works required to provide notice under subsection (b) or (c) of this section shall provide notice by any class of U.S. mail that is fully prepaid or by email within 60 days following the discharge. The owner or operator of a treatment works subject to notice requirements under subsection (b) of this section shall inform customers of the mailing list and provide an opportunity to sign up for an emailed notification when service begins, as well as at least once per year thereafter. Each owner or operator shall retain a record of all customers or other interested parties receiving the notification for a period of 36 months from the date of notice.

(e) During extraordinary circumstances, including, but not limited to, major floods, named storms, or extreme weather, which the Secretary determines that it would be impracticable or unsafe to measure or to otherwise collect data regarding a discharge within the time periods required by this section, the Department may extend the time period for making, issuing, or publishing reports and follow-up reports required under this section.

SECTION 2. This act becomes effective October 1, 2021.