

NORTH CAROLINA GENERAL ASSEMBLY
1979 SESSION

CHAPTER 929
SENATE BILL 641

AN ACT TO AMEND G.S. 143-214.3 SO AS TO REVISE THE WATER QUALITY STANDARDS.

The General Assembly of North Carolina enacts:

Section 1. A new section is added to Chapter 143 of the General Statutes to read as follows:

"§ 143-214.3. **Revision to water quality standard** — (a) Any person subject to the provisions of G.S. 143-215.1 may petition the Environmental Management Commission for a hearing pursuant to G.S. 143-215.4 for a revision to water quality standards adopted pursuant to G.S. 143-214.1 as such water quality standards may apply to a specific stream segment into which the petitioner discharges or proposes to discharge.

- (b) Upon a finding by the Environmental Management Commission that:
- (1) natural background conditions in the stream segment preclude the attainment of the applicable water quality standards; or
 - (2) irretrievable and uncontrollable man-induced conditions preclude the attainment of the applicable water quality standards; or
 - (3) application of effluent limitations for existing sources established or proposed pursuant to G.S. 143-215.1 more restrictive than those effluent standards and limitations determined or promulgated by the United States Environmental Protection Agency pursuant to Section 301 of the Federal Water Pollution Control Act in order to achieve and maintain applicable water quality standards would result in adverse social and economic impact, disproportionate to the benefits to the public health, safety or welfare as a result of maintaining the standards; and
 - (4) there exists no reasonable relationship between the cost to the petitioner of achieving the effluent limitations necessary to comply with applicable water quality standards to the benefits, including the incremental benefits to the receiving waters, to be obtained from the application of the said effluent limitations;

Then the Environmental Management Commission shall revise the standard or standards, as such standard may apply to the petitioner, provided that such revised standards shall be no less stringent than that which can be achieved by the application of the highest level of treatment which will result in benefits, including the incremental benefits to the receiving waters, having a reasonable relationship to the cost to the petitioner to apply such treatment, as determined by the evidence; provided, however, in no event shall these standards be less stringent than the level attainable with the application by the petitioner of those effluent standards and limitations determined or promulgated by the United States Environmental Protection Agency pursuant to Section 301 of the Federal Water Pollution Control Act; provided, further, that no revision shall be granted which would endanger human health or safety."

Sec. 2. There is appropriated from the General Fund to the Department of Natural Resources and Community Development forty-five thousand dollars (\$45,000) for the 1979-80

fiscal year and forty-five thousand dollars (\$45,000) for the 1980-81 fiscal year, in addition to all other appropriations, for the purpose of carrying out the provisions of this act.

Sec. 3. This act shall become effective July 1, 1979.

In the General Assembly read three times and ratified, this the 8th day of June, 1979.