

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 643
PROPOSED COMMITTEE SUBSTITUTE H643-CSSBf-12 [v.2]

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Short Title: Authorize Aquifer Storage of Reclaimed Water.

(Public)

Sponsors:

Referred to:

March 18, 2009

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE INJECTION OF RECLAIMED WATER INTO AN
AQUIFER FOR TEMPORARY STORAGE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-213 reads as rewritten:

"§ 143-213. **Definitions.**

Unless the context otherwise requires, the following terms as used in this Article and
Articles 21A and 21B of this Chapter are defined as follows:

...

(8a) The term "beneficial reuse" in reference to reclaimed water means a use that
protects the environment through the efficient allocation and conservation of
the potable water, groundwater, and surface water resources of the State.

...

(13a) The term "reclaimed water" means tertiary treated wastewater of a quality
that will enable the water to be used for a beneficial reuse."

SECTION 2. G.S. 143-214.2(b) reads as rewritten:

"(b) The discharge of any wastes to the subsurface or groundwaters of the State by
means of wells is prohibited. This section shall not be construed to prohibit the operation of any
of the following:

(1) ~~closed-loop~~ A closed-loop groundwater remediation systems—system in
accordance with G.S. 143-215.1A.

(2) An injection well as part of a reclaimed water aquifer storage and recovery
system in accordance with G.S. 143-215.1D."

SECTION 3. G.S. 143-215.1(a) reads as rewritten:

"(a) Activities for Which Permits Required. – No person shall do any of the following
things or carry out any of the following activities unless that person has received a permit from
the Commission and has complied with all conditions set forth in the permit:

...

(13) Construct, use, or operate any injection well for the purpose of control of
sources of water pollution.

(14) Alter, extend, or change the construction or method of operation of any
injection well for the purpose of control of sources of water pollution."

SECTION 4. G.S. 143-215.1(d) reads as rewritten:

1 "(d) Applications and Permits for Sewer Systems, Sewer System ~~Extensions~~
2 ~~and Extensions~~, Pretreatment Facilities, Land Application of Waste, Injection Wells for the
3 purpose of control of sources of water pollution, and ~~for~~ Wastewater Treatment Facilities Not
4 Discharging to the Surface Waters of the State. –

5 (1) All applications for new permits and for renewals of existing permits for
6 sewer systems, sewer system ~~extensions and forextensions~~, disposal systems,
7 ~~and for~~ land application of waste, ~~or~~ injection wells for the purpose of
8 control of sources of water pollution, and treatment works ~~which that~~ do not
9 discharge to the surface waters of the State, and all permits or renewals and
10 decisions denying any application for permit or renewal shall be in writing.
11 The Commission shall act on a permit application as quickly as possible.
12 The Commission may conduct any inquiry or investigation it considers
13 necessary before acting on an application and may require an applicant to
14 submit plans, specifications, and other information the Commission
15 considers necessary to evaluate the application. If the Commission fails to
16 act on an application for a permit, including a renewal of a permit, within 90
17 days after the applicant submits all information required by the Commission,
18 the application is considered to be approved. Permits and renewals issued in
19 approving such facilities pursuant to this subsection shall be effective until
20 the date specified therein or until rescinded unless modified or revoked by
21 the Commission. Local governmental units to whom pretreatment program
22 authority has been delegated shall establish, maintain, and provide to the
23 public, upon written request, a list of pretreatment applications received.

24 (2) An applicant for a permit to dispose of petroleum contaminated soil by land
25 application shall give written notice that he intends to apply for such a
26 permit to each city and county government having jurisdiction over any part
27 of the land on which disposal is proposed to occur. The Commission shall
28 not accept such a permit application unless it is accompanied by a copy of
29 the notice and evidence that the notice was sent to each such government by
30 certified mail, return receipt requested. The Commission may consider, in
31 determining whether to issue the permit, the comments submitted by local
32 governments."

33 **SECTION 5.** Part 1 of Article 21 of Chapter 143 of the General Statutes is
34 amended by adding a new section to read:

35 **"§ 143-215.1D. Reclaimed water aquifer storage and recovery systems allowed.**

36 (a) As used in this section, "reclaimed water aquifer storage and recovery system"
37 means a system and attendant process for the injection of reclaimed water into an aquifer for
38 temporary storage followed by recovery and beneficial reuse of the water.

39 (b) The Secretary may issue a permit for the siting, construction, and operation of a
40 reclaimed water aquifer storage and recovery system. Permits shall be issued in accordance
41 with G.S. 143-215.1 and applicable rules of the Commission.

42 (c) A permit for a reclaimed water aquifer storage and recovery system shall specify the
43 location and depth at which reclaimed water is to be injected and shall specify design,
44 construction, operation, and well abandonment requirements for the reclaimed water aquifer
45 storage and recovery system necessary to ensure that the treated reclaimed water will be
46 captured by the recovery system. The Secretary may impose any additional permit conditions
47 or limitations necessary to:

48 (1) Specify or limit the distance between the point at which reclaimed water is
49 injected into the groundwater and the point at which reclaimed water is
50 recovered for beneficial reuse.

- 1 (2) Specify the minimum or maximum gradients between the point at which
2 reclaimed water is injected into the groundwater and the point at which
3 reclaimed water is recovered for beneficial reuse.
4 (3) Specify or limit the chemical, physical, or biological treatment processes that
5 may be used.
6 (4) Protect the environment, natural resources, or public health.
7 (d) The Commission shall adopt rules to implement this section."

8 **SECTION 6.** G.S. 143-215.3D(a) reads as rewritten:

- 9 "(a) Annual fees for discharge and nondischarge permits under G.S. 143-215.1. –
10 (1) Major Individual NPDES Permits. – The annual fee for an individual permit
11 for a point source discharge of 1,000,000 or more gallons per day, a publicly
12 owned treatment works (POTW) that administers a POTW pretreatment
13 program, as defined in 40 Code of Federal Regulations § 403.3 (1 July 1996
14 Edition), or an industrial waste treatment works that has a high toxic
15 pollutant potential is three thousand four hundred forty dollars (\$3,440).
16 (2) Minor Individual NPDES Permits. – The annual fee for an individual permit
17 for a point source discharge other than a point source discharge to which
18 subdivision (1) of this subsection applies is eight hundred sixty dollars
19 (\$860.00).
20 (3) Single-Family Residence. – The annual fee for a certificate of coverage
21 under a general permit for a point source discharge or an individual
22 nondischarge permit from a single-family residence is sixty dollars (\$60.00).
23 (4) Stormwater and Wastewater Discharge General Permits. – The annual fee
24 for a certificate of coverage under a general permit for a point source
25 discharge of stormwater or wastewater is one hundred dollars (\$100.00).
26 (5) Recycle Systems. – The annual fee for an individual permit for a recycle
27 system nondischarge permit is three hundred sixty dollars (\$360.00).
28 (6) Major Nondischarge Permits. – The annual fee for an individual permit for a
29 nondischarge of 10,000 or more gallons per day or requiring 300 or more
30 acres of land is one thousand three hundred ten dollars (\$1,310).
31 (7) Minor Nondischarge Permits. – The annual fee for an individual permit for a
32 nondischarge of less than 10,000 gallons per day or requiring less than 300
33 acres of land is eight hundred ten dollars (\$810.00).
34 (8) Animal Waste Management Systems. – The annual fee for animal waste
35 management systems is as set out in G.S. 143-215.10G.
36 (9) Major Reclaimed Water System Permits. – The annual fee for an individual
37 permit for a reclaimed water system of 10,000 or more gallons per day shall
38 be one thousand three hundred ten dollars (\$1,310).
39 (10) Major Reclaimed Water System Permits with Reclaimed Water Aquifer
40 Storage and Recovery systems. – The annual fee for an individual permit for
41 a reclaimed water system with reclaimed water aquifer storage and recovery
42 system of 10,000 or more gallons per day of reclaimed water generated,
43 stored or utilized shall be two thousand one hundred twenty dollars (\$2,120).
44 (11) Minor Reclaimed Water System Permits. – The annual fee for an individual
45 permit for a reclaimed water system of less than 10,000 gallons per day shall
46 be eight hundred ten dollars (\$810).

- 1 (12) Minor Reclaimed Water Permits with Reclaimed Water Aquifer Storage and
2 Recovery Systems. – The annual fee for an individual permit for a reclaimed
3 water system with reclaimed water aquifer storage and recovery system of
4 less than 10,000 gallons per day of reclaimed water generated, stored or
5 utilized shall be one thousand six hundred twenty dollars (\$1,620).
6 (13) In-situ Groundwater Remediation Injection Well Permits. – The annual fee
7 for an individual permit for an injection well or well system shall be eight
8 hundred ten dollars (\$810).
9 (14) Reclaimed Water Aquifer Storage and Recovery Injection Systems - The
10 annual fee for an individual permit for a reclaimed water aquifer storage and
11 recovery well system shall be eight hundred ten dollars (\$810)."

12 **SECTION 7.** This act is effective when it becomes law.