

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 938
Committee Substitute Favorable 5/16/13
Senate Agriculture/Environment/Natural Resources Committee Substitute Adopted
7/25/13

Short Title: Clarify Wetlands Permitting.

(Public)

Sponsors:

Referred to:

April 15, 2013

A BILL TO BE ENTITLED
AN ACT TO PROVIDE THAT A WATER QUALITY PERMIT IS NOT REQUIRED FOR
ACTIVITIES IN WETLANDS THAT ARE NOT WATERS OF THE UNITED STATES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 143-212 reads as rewritten:
"§ 143-212. Definitions.

...

- (6) "Waters" means any stream, river, brook, swamp, lake, sound, tidal estuary, bay, creek, reservoir, waterway, or other body or accumulation of water, whether surface or underground, public or private, or natural or artificial, that is contained in, flows through, or borders upon any portion of this State, including any portion of the Atlantic Ocean over which the State has jurisdiction. Wetlands classified as waters are restricted to waters of the United States."

SECTION 2. G.S. 143-215.1 reads as rewritten:
"§ 143-215.1. Control of sources of water pollution; permits required.

(a) Activities for Which Permits Required. – Except as provided in ~~subsection (a6)~~ subsections (a6) and (a7) of this section, 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:

- (1) Make any outlets into the waters of the State.
- (2) Construct or operate any sewer system, treatment works, or disposal system within the State.
- (3) Alter, extend, or change the construction or method of operation of any sewer system, treatment works, or disposal system within the State.
- (4) Increase the quantity of waste discharged through any outlet or processed in any treatment works or disposal system to any extent that would result in any violation of the effluent standards or limitations established for any point source or that would adversely affect the condition of the receiving waters to the extent of violating any applicable standard.
- (5) Change the nature of the waste discharged through any disposal system in any way that would exceed the effluent standards or limitations established for any point source or that would adversely affect the condition of the receiving waters in relation to any applicable standards.



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- 1 (6) Cause or permit any waste, directly or indirectly, to be discharged to or in
2 any manner intermixed with the waters of the State in violation of the water
3 quality standards applicable to the assigned classifications or in violation of
4 any effluent standards or limitations established for any point source, unless
5 allowed as a condition of any permit, special order or other appropriate
6 instrument issued or entered into by the Commission under the provisions of
7 this Article.
- 8 (7) Cause or permit any wastes for which pretreatment is required by
9 pretreatment standards to be discharged, directly or indirectly, from a
10 pretreatment facility to any disposal system or to alter, extend or change the
11 construction or method of operation or increase the quantity or change the
12 nature of the waste discharged from or processed in that facility.
- 13 (8) Enter into a contract for the construction and installation of any outlet, sewer
14 system, treatment works, pretreatment facility or disposal system or for the
15 alteration or extension of any such facility.
- 16 (9) Dispose of sludge resulting from the operation of a treatment works,
17 including the removal of in-place sewage sludge from one location and its
18 deposit at another location, consistent with the requirement of the Resource
19 Conservation and Recovery Act and regulations promulgated pursuant
20 thereto.
- 21 (10) Cause or permit any pollutant to enter into a defined managed area of the
22 State's waters for the maintenance or production of harvestable freshwater,
23 estuarine, or marine plants or animals.
- 24 (11) Cause or permit discharges regulated under G.S. 143-214.7 that result in
25 water pollution.
- 26 (12) Construct or operate an animal waste management system, as defined in
27 G.S. 143-215.10B, without obtaining a permit under either this Part or Part
28 1A of this Article.

29 ...
30 (a7) No permit shall be required under this section for activities in wetlands that are not
31 waters of the United States.

32"

33 **SECTION 3.** This act is effective when it becomes law.