

**State of North Carolina
Department of Environment
and Natural Resources
Division of Water Quality**

**James B. Hunt, Jr., Governor
Bill Holman, Secretary
Kerr T. Stevens, Director**



October 19, 1999

Dear Wastewater System Owner or Operator,

House Bill 1160, the Clean Water Act of 1999, was ratified by the North Carolina General Assembly on July 20 and signed into law by the Governor on July 21, 1999. This legislation has placed significant, new reporting requirements on those entities that own or operate wastewater treatment and collection systems. This letter is provided as guidance to assist you in meeting this aspect of the new reporting requirements.

Spill Notification

One of the new requirements that became effective October 1, 1999 for all wastewater facilities that collect or treat wastewater is that they must notify the public of wastewater spills. Wastewater facility owners or operators must issue a press release after a discharge to surface waters of **1,000** gallons within 48 hours of first knowledge of the spill by the owner/operator. The law requires that the press release must be issued to "all electronic and print news media outlets that provide general coverage in the county where the discharge occurred." A copy of the press release must be maintained for one year by the owner/operator. This press release is required in addition to the permit requirement of contacting the North Carolina Division of Water Quality (DWQ). A list of media outlets, sorted by County, and a sample press release are attached for your reference.

If a discharge of **15,000** gallons or more reaches surface water, a public notice is required in addition to the press release. The public notice must be placed in a newspaper having general circulation in the County in which the discharge occurred **and** the county immediately downstream. A sample public notice format is also enclosed for your reference. If a discharge of **1,000,000** gallons of wastewater or more reaches surface waters, the DWQ regional office must be contacted to determine in what additional counties, if any, a public notice must be published. A copy of all public notices and proof of publication must be sent to the DWQ to the attention of "NDCEU" at the letterhead address within 30 days of publication. A sample public notice is attached for your reference. The minimum content of the notice is the location of the discharge, estimated volume, water body affected, steps taken to prevent future discharges and a phone number and contact name.

Annual Report

Another new requirement is that the owner or operator of any wastewater treatment works or wastewater collection systems that treats or collects primarily domestic or municipal waste must provide an annual report to its users or customers and to the Department of Environment and Natural Resources that summarizes the treatment works' or collection system's performance over a 12 month period. The following is provided as guidance to assist you in meeting this aspect of the new reporting requirements.

The new law states the above mentioned report shall summarize the performance of the treatment works or collection system and state the extent to which any terms of its permit, federal laws, or any State laws, regulations or rules related to the protection of water quality have been violated. In order to meet the spirit of this law, it is strongly suggested that, at a minimum, the report contain the following information:

I. General Information

- Name of regulated entity

- Responsible entity, person or contact with phone number or address
- Listing of applicable permit(s)
- Description of collection or treatment system or process

II. Performance

- Description of overall 12 month performance, noting highlights and deficiencies.
- By month, list of the number and type of any violations of permit conditions, environmental regulations or environmental laws, including (but not limited to):
 - Permit Limit Violations
 - Monitoring and Reporting Violations
 - (Illegal) Bypass of treatment facilities*
 - Sanitary Sewer Overflows*

*Note estimated total monthly volumes and locations of events in which more than 1,000 gallons of waste reached surface waters.
- Description of any known environmental impact of violations
- Description of corrective measures taken to address violations or deficiencies

III. Notification

- Statement as to how users or customers have been provided access to the report.

IV. Certification

- Statement by a responsible official certifying the report is accurate and complete

It shall be left to the individual applicable entities to decide both how much detail above minimum they wish to provide in the report and how they will provide the report to their users or customers. This law was established to provide a mechanism for public oversight (and hopefully, to instill public confidence). Those entities that fall under the scope of this part of the law are encouraged to be forthcoming in their report and they should provide its readers a contact where they may view more detailed information. To satisfy the Departmental-reporting requirement, three copies of the report should be submitted to the following address:

System Performance Annual Report
North Carolina Division of Water Quality
1617 Mail Service Center
Raleigh, NC 27699-1617

Annual reports must be submitted within 60 days of the end of the applicable 12-month review period. You may base your report on either a calendar year or a fiscal year (July 1 – June 30) time frame. Initial reports must be prepared and submitted for either the 1999 calendar year or the 2000 (beginning July 1, 1999) fiscal year. A sample format has been provided to you as an attachment to this letter.

As was noted at the beginning of this letter, there are several new reporting requirements as a result of the Clean Water Act of 1999. As a stakeholder in environmental regulation, you are encouraged to review the entire scope of the Act to see if other part apply to your operations. A copy of the Act can be viewed on the North Carolina General Assembly's web site at <http://www.ncga.state.nc.us/html1999/bills/ratified/house/hbil1160.full.html>.

If you have any questions, please contact your DWQ Regional Office or (919) 733-5083 ask for the Non-Discharge Compliance and Enforcement Unit for the spill notice requirements or the Point Source Compliance and Enforcement Unit for the Annual Report requirement.

Sincerely,

Kerr T. Stevens

