GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

HOUSE BILL 426

Short Title:	Revise Aquaculture General Permit.	(Public)
Sponsors:	Representatives Gillespie, Clampitt, D. Hall, and Pless (Primary Sponsors). *For a complete list of sponsors, refer to the North Carolina General Assembly web site.*	
Referred to:	Regulatory Reform, if favorable, Rules, Calendar, and Operations of the House	

March 22, 2023

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE ENVIRONMENTAL MANAGEMENT COMMISSION TO WITHDRAW THE 2021 NPDES GENERAL PERMIT FOR AQUACULTURE AND REVISE IT TO BE SUBSTANTIVELY IDENTICAL TO THE PREVIOUS GENERAL PERMIT.

The General Assembly of North Carolina enacts:

SECTION 1.(a) Definitions. – The following definitions apply in this section:

(1) Aquaculture Permit. – The National Pollutant Discharge Elimination System (NPDES) General Permit NCG530000 for discharges from seafood packing and rinsing, aquatic animal operations, and similarly designated wastewaters that took effect on December 1, 2021.

(2) Commission. – The Environmental Management Commission.

(3) Department. – The Department of Environmental Quality.

(4) Prior Aquaculture Permit. – The National Pollutant Discharge Elimination System (NPDES) General Permit NCG530000 for discharges from seafood packing and rinsing, aquatic animal operations, and similarly designated wastewaters that expired on March 30, 2021, and was subsequently replaced by the Aquaculture Permit.

SECTION 1.(b) Aquaculture Permit Reopener. – Pursuant to its authority under G.S. 143-215.1(b)(3), no later than 180 days after the effective date of this act the Commission and the Department shall reopen and modify the Aquaculture Permit as described in subsection (c) of this section.

SECTION 1.(c) Aquaculture Permit Modification. – The Commission and Department shall modify the Aquaculture Permit to be substantively identical to the Prior Aquaculture Permit. For purposes of this subsection, "substantively identical" includes, at a minimum, that species monitoring, discharge characteristic provisions, and best management practice (BMP) requirements are no more stringent than and impose no requirements in addition to those in the Prior Aquaculture Permit.

SECTION 2. This act is effective when it becomes law and expires when the Commission revises the Aquaculture Permit as set forth in Section 1 of this act and notifies the Revisor of Statutes that it has done so.