



1 utilization system, provided the system does not result in any violations of surface water or  
2 groundwater standards and there is no unpermitted direct discharge to surface waters.

3 **SECTION 2.(c)** Additional Rule-Making Authority. – The Commission shall adopt  
4 a rule to replace Permitting by Regulation Rule 15A NCAC 02U .0113. Notwithstanding  
5 G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be  
6 substantively identical to the provisions of Section 2(b) of this act. Rules adopted pursuant to  
7 this section are not subject to G.S. 150B-21.9 through G.S. 150B-21.14. Rules adopted  
8 pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1) as though 10  
9 or more written objections had been received as provided by G.S. 150B-21.3(b2).

10 **SECTION 3.(a)** Reclaimed Water Utilization Rule 15A NCAC 02U .0501. – Until  
11 the effective date of the revised permanent rule that the Commission is required to adopt  
12 pursuant to Section 3(c) of this act, the Commission and the Department shall implement the  
13 Reclaimed Water Utilization Rule 15A NCAC 02U .0501, as provided in Section 3(b) of this  
14 act.

15 **SECTION 3.(b)** Implementation. – Notwithstanding subsection (a) of Reclaimed  
16 Water Utilization Rule 15A NCAC 02U .0501, existing or proposed artificial lakes or ponds  
17 operated by customers of reclaimed water providers may be used for storage and irrigation of  
18 reclaimed water as part of a conjunctive use reclaimed water system as provided in this section.  
19 Setbacks specified in 15A NCAC 02U .0701(b) between reclaimed water storage ponds and  
20 property lines or wells under separate ownership may be waived by the adjoining property  
21 owner. A copy of the signed and notarized waiver shall be provided to the Department.  
22 Setbacks specified in 15A NCAC 02U .0701(b) between reclaimed water storage ponds and  
23 wells under the same ownership as the reclaimed water storage pond may be waived by the  
24 property owner. The criteria for liners specified in 15A NCAC 02U .0401(f) are not required,  
25 provided the effluent quality of the reclaimed water source is protective of the groundwater  
26 standard for nitrates established pursuant to Subchapter 2L of Title 15A of the North Carolina  
27 Administrative Code.

28 **SECTION 3.(c)** Additional Rule-Making Authority. – The Commission shall adopt  
29 a rule to replace Reclaimed Water Utilization Rule 15A NCAC 02U .0501. Notwithstanding  
30 G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be  
31 substantively identical to the provisions of Section 3(b) of this act. Rules adopted pursuant to  
32 this section are not subject to G.S. 150B-21.9 through G.S. 150B-21.14. Rules adopted  
33 pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1) as though 10  
34 or more written objections had been received as provided by G.S. 150B-21.3(b2).

35 **SECTION 4.** If a National Pollutant Discharge Elimination System permit is  
36 required for storage or irrigation of reclaimed water as part of a conjunctive use reclaimed  
37 water system, the Division of Water Quality in the Department of Environment and Natural  
38 Resources shall issue general permits for such activities in order to encourage the use of  
39 reclaimed water and to minimize the regulatory burden on users of reclaimed water.

40 **SECTION 5.** This act is effective when it becomes law.