



NC Drinking Water Protection Program

HB 894 – An Act to Improve SWP Planning

An overview of the legislation

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Protection and Enforcement Branch

NC Division of Water Resources



Charleston, West Virginia

- 4-MCHM spilled into the Elk River
- January 9, 2014



Our Water WV

Responding to the Freedom Industries chemical spill

[Home](#) [Events](#) [PSC Investigation](#) [Senate Bill 373](#) [Legislation](#) [Other resources](#) [Archive](#) [Background](#)

Senate Bill 373

In 2014, the WV Legislature passed Senate Bill 373 in response to the Freedom spill. Here are all of our posts related to the passage and implementation of 373:

- [DEP issues new guidance on SB 373 implementation \(9/10/14\)](#)
- [Governor and legislative leaders begin SB 373 rollback \(9/1/14\)](#)
- [Comments due July 31 on Bureau of Public Health's draft sourcewater protection rules \(7/20/14\)](#)
- [SB 373 already having a positive impact across WV \(6/21/14\)](#)
- [Industry seeks to reinstate exemptions into DEP tank regulations \(6/1/14\)](#)
- [DEP has above ground storage tank site up \(5/27/14\)](#)
- [WV DEP invites you to participate in storage tank emergency rules process \(4/21/14\)](#)
- [Gov Tomblin signs SB 373 \(4/3/14\)](#)
- [SB 373's secrecy provision \(3/13/14\)](#)
- [What's next for SB 373? \(3/12/14\)](#)
- [Final summary of SB 373 \(3/11/14\)](#)
- [WV Legislature passes SB 373 \(3/8/14\)](#)
- [House passes SB 373 \(3/6/14\)](#)
- [SB 373 weakened by Finance Committee\(3/4/14\)](#)
- [Judiciary Committee passes SB 373, votes down citizen suit provisions \(3/3/14\)](#)
- [Legislative wrap-up for the week \(2/28/14\)](#)
- [Legislative wrap-up for the week \(2/22/14\)](#)
- [Contact the House Judiciary Committee about SB 373 \(2/16/14\)](#)
- [Delegates and DEP Secretary push to rid SB 373 of Gov. Tomblin's industry-friendly exemptions \(2/14/14\)](#)
- [House Health & Human Resources Committee to hold vote on SB373 on Wednesday, 2/12/14 \(2/11/14\)](#)
- [Email Delegate Perdue, Ask Him to Strengthen SB373 \(2/10/14\)](#)
- [Public Hearing on SB373 in House Chamber at Capitol, 5:30 pm Monday \(1/30/14\)](#)
- [Unger/Governor bill passes Senate \(1/28/14\)](#)
- [Above ground tank regulation bill going to the WV Senate floor for vote \(1/24/14\)](#)
- [Governor's proposed water bill is a good start, but not nearly good enough \(1/21/14\)](#)

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investigation of WV
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[Passage and
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Bill 373](#)

Categories of Past Posts

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[Regulatory fail \(61\)](#)
[Taking action \(53\)](#)
[Uncategorized \(2\)](#)
[WV American Water \(61\)](#)
[WV Legislature \(27\)](#)

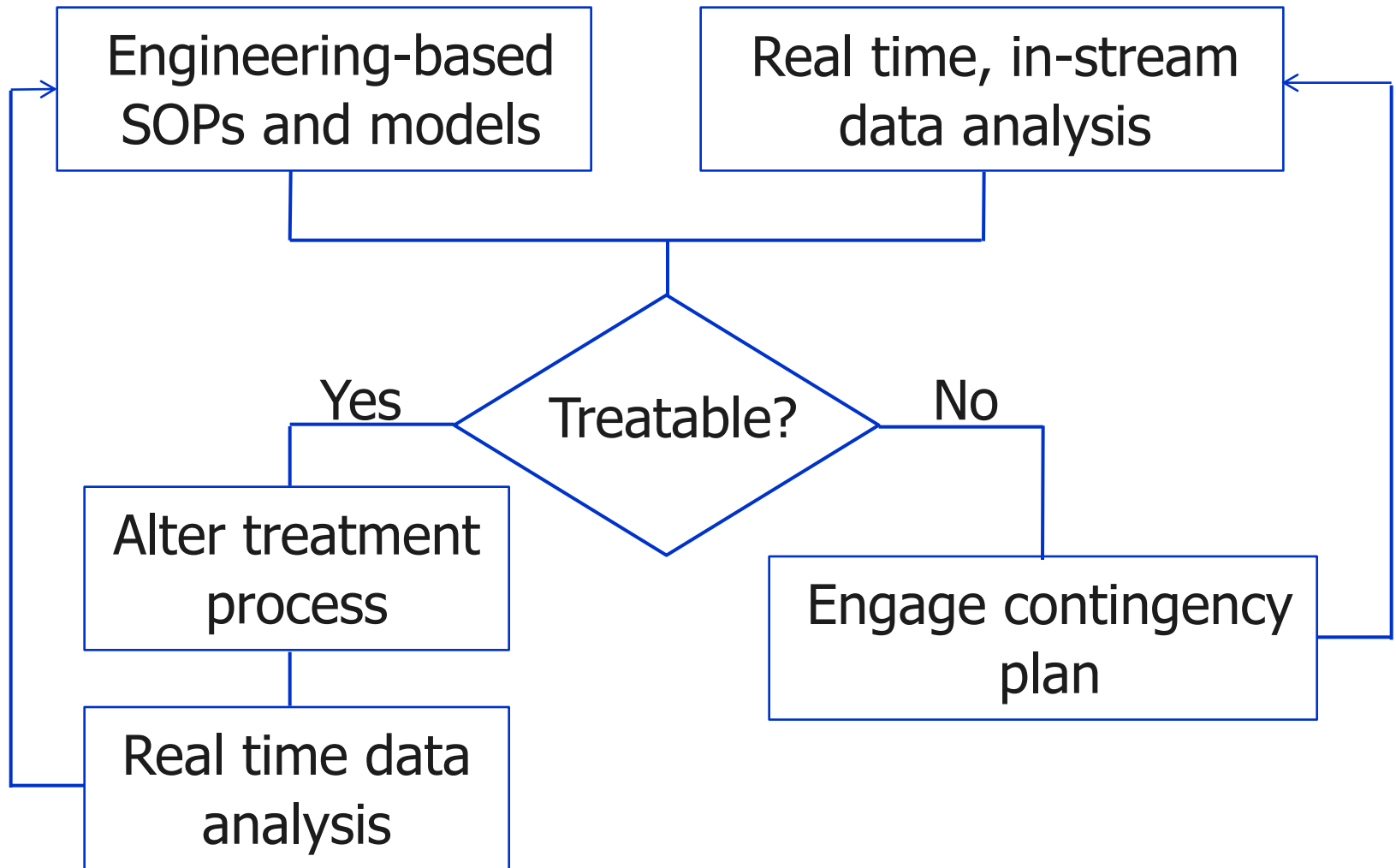


Eden, North Carolina

- Coal ash spill into the Dan River
- February 2, 2014



A "reactive" model for SWP planning



AN ACT TO IMPROVE SOURCE WATER PROTECTION PLANNING

Original - HB 894, signed 6/30/2014

Technical Corrections - HB 1133, signed 8/11/2014

§ 130A-320 (c)

Every supplier of water operating a public water system and furnishing water from unfiltered surface supplies shall create and implement a source water protection plan (SWPP).

AN ACT TO IMPROVE SOURCE WATER PROTECTION PLANNING

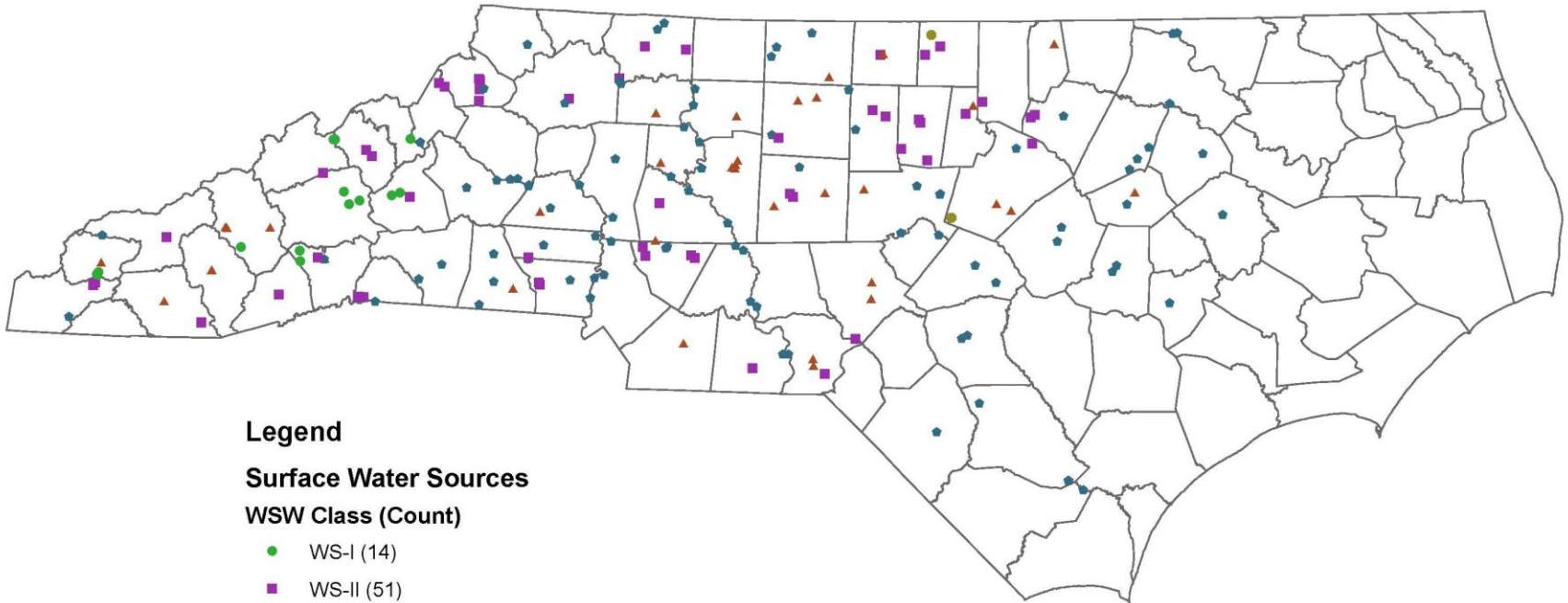
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§ 130A-320 (c)

Every supplier of water operating a public water system treating and furnishing water from unfiltered surface supplies shall create and implement a source water protection plan (SWPP).

Surface Water Sources by WSW Class



Legend

Surface Water Sources

WSW Class (Count)

- WS-I (14)
- WS-II (51)
- ▲ WS-III (36)
- WS-IV (93)
- WS-V (3)
- County Boundaries



NC Drinking Water Protection Program

Implement – to put into effect

...create and *implement a SWPP*

...schedules for ...*implementing mandatory provisions in a SWPP*

Is implementation counterproductive?

AN ACT TO IMPROVE SOURCE WATER PROTECTION PLANNING

The Commission shall adopt rules that provide:

§ 130A-320 (c)

- (1) Standardized SWP planning formats and elements
- (2) Schedules for creating, implementing and updating
- (3) Reporting requirements to DWR

§ 130A-320 (c) (1)

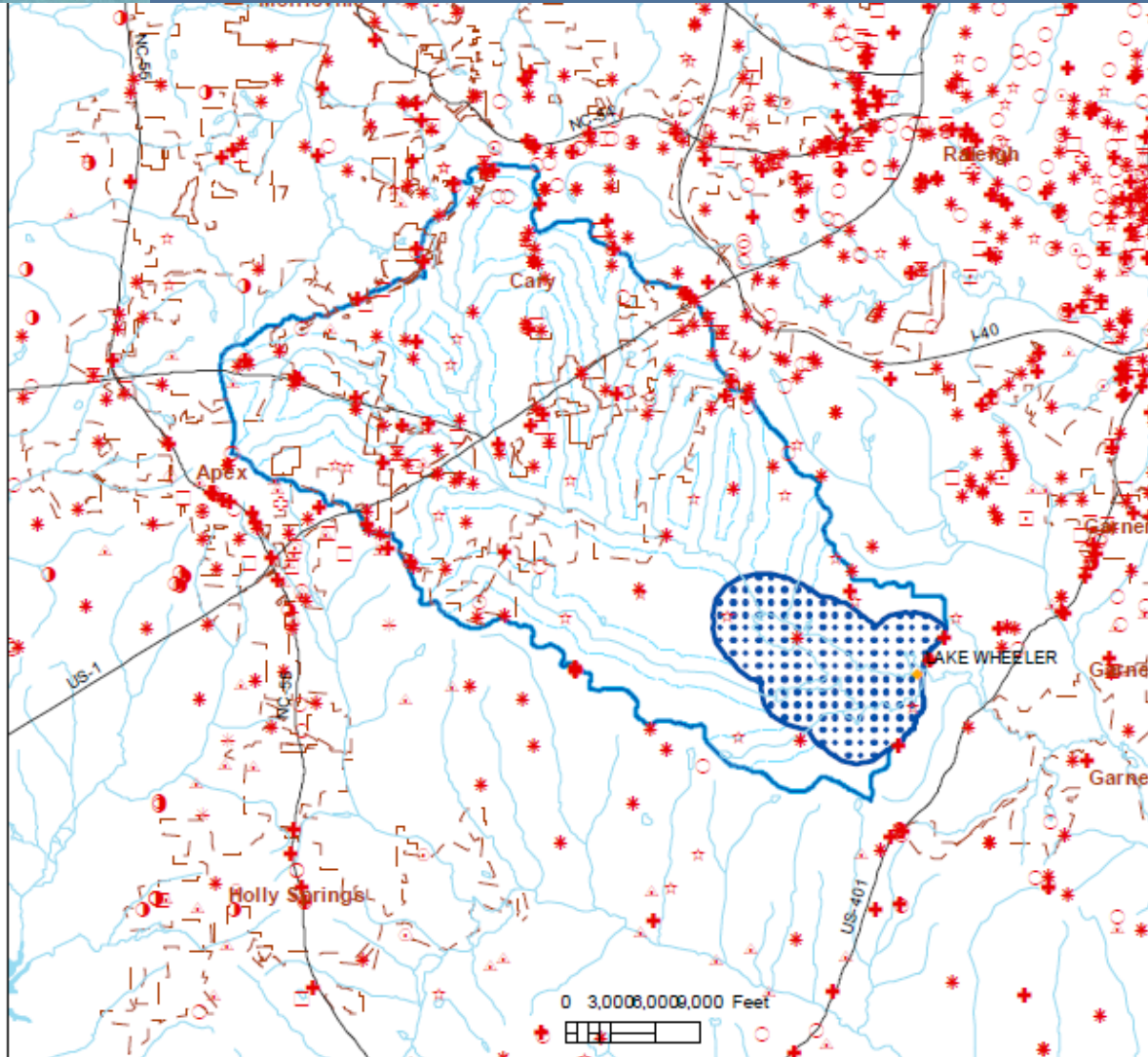
The Commission shall adopt rules that provide:

A standardized format for use by suppliers of water in creating their SWPP. The Commission may create different formats and required plan elements for public water systems based on the system type, watershed classification, population served, source susceptibility to contamination, proximity of potential contamination sources to the intake, lack of water supply alternatives, or other characteristics the Commission finds to be relevant.

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MAP 2. DELINEATED AREA AND PCS MAP

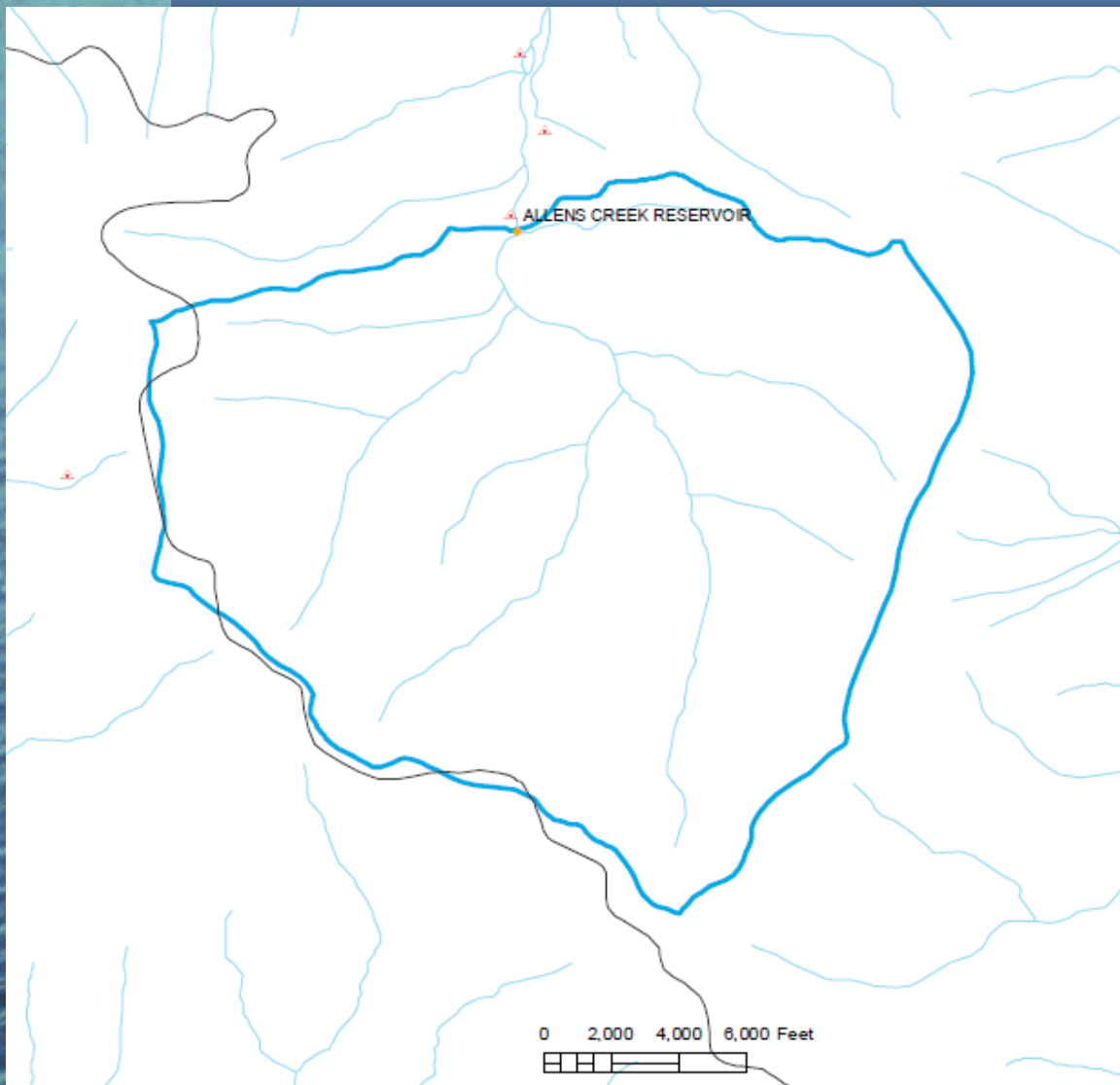
PCS Types

- | | | |
|---|--|--|
| <ul style="list-style-type: none"> ☐ Animal Operations ☐ CERCLIS Sites ☐ RCRA Gen. / Trans. Facilities ● Non Discharge Permits ▲ NPDES Permits ★ National Priority List Sites ⊙ PCB Sites ○ Pollution Incidents | <ul style="list-style-type: none"> ○ Septage Disposal Sites ○ Soil Remediation Sites ★ Solid Waste Facilities ★ Tier II Sites ⊙ RCRA TSD Facilities ⊙ Old Landfill Sites ★ UIC Permits ★ UST Permits | <ul style="list-style-type: none"> — Roads — Rivers and Streams — Major Hydrology ☐ Municipal Boundaries — Watershed Zones ☐ Critical Area (NA for WS-I) ☐ Protected Area Boundary (WS-IV, V only) — Stream Zone |
|---|--|--|

WS – 3

Mixed land use

PCSs exist



MAP 2. DELINEATED AREA AND PCS MAP

PCS Types

- | | | |
|-------------------------------|------------------------|---|
| Animal Operations | Septage Disposal Sites | Roads |
| CERCLIS Sites | Soil Remediation Sites | Rivers and Streams |
| RCRA Gen. / Trans. Facilities | Solid Waste Facilities | Major Hydrology |
| Non Discharge Permits | Tier II Sites | Municipal Boundaries |
| NPDES Permits | RCRA TSD Facilities | Watershed Zones |
| National Priority List Sites | Old Landfill Sites | Critical Area (NA for WS-4) |
| PCB Sites | UIC Permits | Protected Area Boundary (WS-IV, V only) |
| Pollution Incidents | UST Permits | Stream Zone |

WS – 1

Deciduous forest

No development

No PCSs

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Legislation Overview Recap:

- What events prompted HB 894?
- What is a primary concern?
- What does the legislation require?

Questions?