

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 667

Short Title: Nonsurface Discharge Permit/Notice.

(Public)

Sponsors: Representatives Jack Hunt; and Lutz.

Referred to: Environment.

April 10, 1991

A BILL TO BE ENTITLED

AN ACT TO REQUIRE AN APPLICANT SEEKING A PERMIT NOT DISCHARGING TO THE SURFACE WATERS OF THE STATE TO PROVIDE NOTICE TO THE CLERK OF EACH CITY AND COUNTY GOVERNMENT HAVING JURISDICTION OVER THE PROPOSED PERMIT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-215.1(d) reads as rewritten:

"§ 143-215.1. Control of sources of water pollution; permits required.

(d) Applications and Permits for Sewer Systems, Sewer System Extensions and Pretreatment Facilities, Land Application of Waste, and for Wastewater Treatment Facilities Not Discharging to the Surface Waters of the State.

(1) All applications for new permits and for renewals of existing permits for sewer systems, sewer system ~~extensions and for extensions,~~ disposal ~~systems-systems,~~ and for land application of waste, or treatment works which do not discharge to the surface waters of the State, and all permits or renewals and decisions denying any application for permit or renewal shall be in writing. The Commission shall act on a permit application as quickly as possible. The Commission may conduct any inquiry or investigation it considers necessary before acting on an application and may require an applicant to submit plans, specifications, and other information the Commission considers necessary to evaluate the application. If the Commission fails to act on an application for a permit, including a renewal of a permit, within 90 days after the applicant submits all information required by the

1 Commission, the application is considered to be ~~approved~~-approved,  
2 unless provided otherwise in this section. Permits and renewals issued  
3 in approving such facilities pursuant to this subsection (d) shall be  
4 effective until the date specified therein or until rescinded unless  
5 modified or revoked by the Commission. Local governmental units to  
6 whom pretreatment program authority has been delegated shall  
7 establish, maintain, and provide to the public, upon written request, a  
8 list of pretreatment applications received.

9 (2) The Commission shall not act upon an application for a permit under  
10 this section until it has received a written statement from each city and  
11 county government having jurisdiction over any part of the proposed  
12 permit which states whether the city or county has in effect a zoning or  
13 subdivision ordinance and, if such an ordinance is in effect, whether  
14 the proposed permit is consistent with the ordinance. The Commission  
15 shall not approve a permit application for any facility which a city or  
16 county has determined to be inconsistent with its zoning or subdivision  
17 ordinance unless it determines that the approval of such application  
18 has statewide significance and is in the best interest of the State. An  
19 applicant for a permit shall mail by certified mail, return receipt  
20 requested, a written request for the statement required by this  
21 subdivision, and a copy of the draft permit application to the clerk of  
22 each city and county having jurisdiction. If a local government fails to  
23 mail the statement required by this subdivision, as evidenced by a  
24 postmark, within 15 days after receiving and signing for the certified  
25 mail, the Commission may proceed to consider the permit application.  
26 This subdivision does not apply to permit applications for single-  
27 family residences."

28 Sec. 2. This act is effective upon ratification.