

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 924

Short Title: Air Permits/Local Land-Use Plans.

(Public)

Sponsors: Representatives Judy Hunt; Colton and H. Hunter.

Referred to: Environment.

April 19, 1991

A BILL TO BE ENTITLED

1 AN ACT TO PROHIBIT THE ISSUANCE OF A PERMIT TO EMIT AIR
2 CONTAMINANTS UNTIL EACH LOCAL GOVERNMENT HAVING
3 JURISDICTION STATES THAT THE PROPOSED FACILITY IS CONSISTENT
4 WITH LOCAL LAND-USE PLANS IF IT HAS SUCH A PLAN.
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6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 143-215.108 is amended by adding a new subsection to read:

8 "(b1) In addition to the requirements provided in subsection (b) of this section, the
9 Commission shall not act upon an application for a permit pursuant to this section until
10 it has received a written statement from each city and county government having
11 jurisdiction over any part of the lands on which the current or proposed facility and its
12 appurtenances are to be located which states whether the city or county has in effect a
13 zoning or subdivision ordinance and, if such an ordinance is in effect, whether the
14 facility is consistent with the ordinance. The Commission shall not approve a permit
15 application for any facility which a city or county has determined to be inconsistent with
16 its zoning or subdivision ordinance unless it determines that the approval of such
17 application has statewide significance and is in the best interest of the State. An
18 applicant for a permit shall request that each city and county government having
19 jurisdiction issue the statement required by this subsection by mailing by certified mail,
20 return receipt requested, a written request for such statement and a copy of the draft
21 permit application to the clerk of the city or county. If a local government fails to mail
22 the statement required by this subsection as evidenced by a postmark, within 15 days
23 after receiving and signing for the certified mail, the Commission may proceed to
24 consider the permit application notwithstanding this subsection."

1 Sec. 2. This act becomes effective October 1, 1991, and applies to permits
2 issued on or after that date.