

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 39

Short Title: Nonsurface Discharge Permit/Notice.

(Public)

Sponsors: Representatives Bowman, B. Ethridge; R. Thompson, Chapin, Stamey, and Anderson.

Referred to: Basic Resources.

January 19, 1989

A BILL TO BE ENTITLED

1
2 AN ACT TO REQUIRE THAT PUBLIC NOTICE BE GIVEN OF AN APPLICATION
3 FOR A PERMIT OR FOR RENEWAL OF A PERMIT FOR CERTAIN TYPES OF
4 NONSURFACE DISCHARGES AND TO PROVIDE FOR A PUBLIC HEARING
5 CONCERNING THE ISSUANCE OR RENEWAL OF SUCH A PERMIT IF THE
6 ENVIRONMENTAL MANAGEMENT COMMISSION DETERMINES THAT
7 THERE IS A SIGNIFICANT INTEREST IN HOLDING SUCH A HEARING.

8 The General Assembly of North Carolina enacts:

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

10 "(d) Applications and Permits for Sewer Systems, Sewer System Extensions and
11 Pretreatment Facilities, and for Wastewater Treatment Facilities Not Discharging to the
12 Surface Waters of the State. –

13 (1) All applications for new permits and for renewals of existing permits
14 for sewer systems, sewer system extensions and for disposal systems
15 or treatment works which do not discharge to the surface waters of the
16 State, and all permits or renewals and decisions denying any
17 application for permit or renewal shall be in writing. The Commission
18 shall act on permit applications as quickly as possible. The
19 Commission may conduct any inquiry or investigation it considers
20 necessary before acting on an application and may require an applicant
21 to submit plans, specifications, and other information the Commission
22 considers necessary to evaluate the application. If the Commission
23 fails to act on an application for a permit, including a renewal of a

1 permit, within 90 days after the applicant submits all information
2 required by the Commission, the application is considered to be
3 ~~approved.~~ approved, unless provided otherwise by this subsection.
4 Permits and renewals issued in approving such facilities pursuant to
5 this subsection (d) shall be effective until the date specified therein or
6 until rescinded unless modified or revoked by the Commission. Local
7 governmental units to whom pretreatment program authority has been
8 delegated shall establish, maintain, and provide to the public, upon
9 written request, a list of pretreatment applications received.

10 (2) Upon receipt of a complete application by the Department for a permit
11 for any of the following, the Department shall give 14 days notice with
12 an opportunity for written comments prior to any final action granting
13 or denying the permit. Public notice shall be given by publication of
14 the notice one time in a newspaper having general circulation within
15 the county.

16 a. A wastewater spray irrigation system for a single family
17 residence;

18 b. A sewer line, interceptor, or collector with a design flow equal
19 to or greater than one hundred thousand gallons per day and a
20 total length equal to or greater than one mile; or

21 c. A pump station equal to or greater than one hundred thousand
22 gallons per day.

23 (3) The Department shall refer each application for permit, or renewal of
24 an existing permit for any of the following to its staff for written
25 evaluation and proposed determination with regard to issuance or
26 denial of the permit. When the Commission receives a determination
27 from its staff regarding the issuance or denial of a permit or renewal of
28 a permit for any of the following, the Commission shall give notice of
29 the application and the proposed determination to the proper State,
30 interstate, and federal agencies, to interested persons, and to the public.

31 a. A new wastewater treatment plant or a plant expansion equal to
32 or greater than thirty thousand gallons per day;

33 b. Any wastewater spray irrigation system, that is not to be used
34 for a single family residence;

35 c. Any sludge disposal site;

36 d. Any smaller project that would affect water or lands with
37 special environmental designations such as outstanding
38 resource waters, designated natural areas, wildlife refuges, or
39 State parks;

40 e. Any smaller project with strong public interest as shown by
41 letters or other written materials and specifically designated by
42 the Commission; or

43 f. Any smaller project which has severe, unusual, or precedent-
44 making impacts as determined by the Commission,

1 The Commission shall also provide any other data it considers
2 appropriate to those notified. The Commission shall prescribe the
3 form and content of the notice.

4 The notice shall be given at least 45 days prior to any final action
5 granting or denying the permit. Public notice shall be given by
6 publication of the notice one time in a newspaper having general
7 circulation within the county.

8 (4) If any person desires a public meeting on any application for permit or
9 renewal of an existing permit provided for in this subsection, he shall
10 request one in writing to the Commission within 30 days following
11 date of the notice of application. The Commission shall consider all
12 such requests for meeting, and if the Commission determines that there
13 is a significant public interest in holding such meeting, at least 30 days'
14 notice of such meeting shall be given to all persons to whom notice of
15 application was sent and to any other person requesting notice. At least
16 30 days prior to the date of meeting, the Commission shall also have a
17 copy of the notice of the meeting published at least one time in a
18 newspaper having general circulation in such county. The Commission
19 shall prescribe the form and content of the notices.

20 The Commission shall prescribe the procedures to be followed in
21 such meetings. If the meeting is not conducted by the Commission,
22 detailed minutes of the meeting shall be kept and shall be submitted,
23 along with any other written comments, exhibits or documents
24 presented at the meeting, to the Commission for its consideration prior
25 to final action granting or denying the permit.

26 (5) Not later than 60 days following notice of application or, if a public
27 hearing is held, within 90 days following consideration of the matters
28 and things presented at such hearing, the Commission shall grant or
29 deny any application for issuance of a new permit or for renewal of an
30 existing permit. All permits or renewals issued by the Commission and
31 all decisions denying application for permit or renewal shall be in
32 writing."

33 Sec. 2. This act shall become effective July 1, 1989, and shall apply to
34 permits and renewals applied for on or after that date.