

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 39
Committee Substitute Favorable 3/2/89

Short Title: Nonsurface Discharge Permit/Notice.

(Public)

Sponsors:

Referred to:

January 19, 1989

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE THAT PUBLIC NOTICE BE GIVEN OF AN APPLICATION
2 FOR A PERMIT FOR CERTAIN TYPES OF TREATMENT WORKS NOT
3 DISCHARGING TO SURFACE WATERS AND TO PROVIDE FOR A PUBLIC
4 MEETING CONCERNING THE ISSUANCE OF SUCH A PERMIT IF THE
5 ENVIRONMENTAL MANAGEMENT COMMISSION DETERMINES THAT
6 THERE IS A SIGNIFICANT INTEREST IN HOLDING SUCH A MEETING.
7

8 The General Assembly of North Carolina enacts:

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

10 "(c) Applications for Permits and Renewals for Facilities Discharging to the
11 Surface Waters.

12 (1) All applications for permits and for renewal of existing permits for
13 outlets and point sources and for treatment works and disposal systems
14 discharging to the surface waters of the State shall be in writing, and
15 the Commission may prescribe the form of such applications. All
16 applications shall be filed with the Commission at least 180 days in
17 advance of the date on which it is desired to commence the discharge
18 of wastes or the date on which an existing permit expires, as the case
19 may be. The Commission shall act on a permit application as quickly
20 as possible. The Commission may conduct any inquiry or investigation
21 it considers necessary before acting on an application and may require

1 an applicant to submit plans, specifications, and other information the
2 Commission considers necessary to evaluate the application.

- 3 (2) a. The Department shall refer each application for permit, or renewal
4 of an existing permit, for outlets and point sources and treatment
5 works and disposal systems discharging to the surface waters of the
6 State to its staff for written evaluation and proposed determination
7 with regard to issuance or denial of the permit. If the Commission
8 concurs in the proposed determination, it shall cause notice of the
9 application and of the proposed determination, along with any other
10 data that the Commission may determine appropriate, to be given to
11 the appropriate State, interstate and federal agencies, to interested
12 persons, and to the public. The Commission shall prescribe the form
13 and content of the notice.

14 The notice required herein shall be given at least 45 days
15 prior to any proposed final action granting or denying the
16 permit. Public notice shall be given by publication of the notice
17 one time in a newspaper having general circulation within the
18 county.

- 19 b. Repealed by Session Laws 1987, c. 734.
20 (3) If any person desires a public meeting on any application for permit or
21 renewal of an existing permit provided for in this subsection, he shall
22 so request in writing to the Commission within 30 days following date
23 of the notice of application. The Commission shall consider all such
24 requests for meeting, and if the Commission determines that there is a
25 significant public interest in holding such meeting, at least 30 days'
26 notice of such meeting shall be given to all persons to whom notice of
27 application was sent and to any other person requesting notice. At least
28 30 days prior to the date of meeting, the Commission shall also cause a
29 copy of the notice thereof to be published at least one time in a
30 newspaper having general circulation in such county. The Commission
31 shall prescribe the form and content of the notices.

32 The Commission shall prescribe the procedures to be followed in
33 such meetings. If the meeting is not conducted by the Commission,
34 detailed minutes of the meeting shall be kept and shall be submitted,
35 along with any other written comments, exhibits or documents
36 presented at the meeting, to the Commission for its consideration prior
37 to final action granting or denying the permit.

- 38 (4) Not later than 60 days following notice of application or, if a public
39 ~~hearing-meeting~~ is held, within 90 days following consideration of the
40 matters and things presented at such ~~hearing-meeting~~, the Commission
41 shall grant or deny any application for issuance of a new permit or for
42 renewal of an existing permit. All permits or renewals issued by the
43 Commission and all decisions denying application for permit or
44 renewal shall be in writing.

1 (5) No permit issued pursuant to this subsection (c) shall be issued or
2 renewed for a term exceeding five years."

3 ♦ Sec. 2. G.S. 143-215.1(d) reads as rewritten:

4 "(d) Applications and Permits for Sewer Systems, Sewer System Extensions and
5 Pretreatment Facilities, and for Wastewater Treatment Facilities Not Discharging to the
6 Surface Waters of the State.

7 (1) All applications for new permits and for renewals of existing permits
8 for sewer systems, sewer system extensions and for disposal systems
9 or treatment works which do not discharge to the surface waters of the
10 State, and all permits or renewals and decisions denying any
11 application for permit or renewal shall be in writing. The Commission
12 shall act on permit applications as quickly as possible. The
13 Commission may conduct any inquiry or investigation it considers
14 necessary before acting on an application and may require an applicant
15 to submit plans, specifications, and other information the Commission
16 considers necessary to evaluate the application. If the Commission
17 fails to act on an application for a permit, including a renewal of a
18 permit, within 90 days after the applicant submits all information
19 required by the Commission, the application is considered to be
20 ~~approved.~~ approved, unless provided otherwise by this subsection.
21 Permits and renewals issued in approving such facilities pursuant to
22 this subsection (d) shall be effective until the date specified therein or
23 until rescinded unless modified or revoked by the Commission. Local
24 governmental units to whom pretreatment program authority has been
25 delegated shall establish, maintain, and provide to the public, upon
26 written request, a list of pretreatment applications received. The
27 requirements for public notice and public meeting contained in this
28 subsection shall not apply to permits issued for pretreatment facilities
29 that discharge into publicly-owned wastewater treatment facilities.

30 (2) Upon receipt of a complete application by the Department for a permit
31 under this subdivision, the Department shall give 14 days notice with
32 an opportunity for written comments prior to any final action granting
33 or denying the permit. Public notice shall be given by publication of
34 the notice one time in a newspaper having general circulation within
35 the county. This subdivision applies to the following:

36 a. A new wastewater spray irrigation system for a single family
37 residence;

38 b. A sewer line, interceptor, or collector with a design flow equal
39 to or greater than 100,000 gallons per day and a total length
40 equal to or greater than one mile; or

41 c. A pump station equal to or greater than 100,000 gallons per
42 day.

43 (3) The Department shall refer each application for permit for any of the
44 following to its staff for written evaluation and proposed determination

1 with regard to issuance or denial of the permit. When the Commission
2 receives a determination from its staff regarding the issuance or denial
3 of a permit or renewal of a permit for any of the following, the
4 Commission shall give notice of the application and the proposed
5 determination to the proper State, interstate, and federal agencies, to
6 interested persons, and to the public.

- 7 a. Any new wastewater treatment plant or plant expansion equal to
8 or greater than 30,000 gallons per day;
9 b. Any new or expanding wastewater spray irrigation system or
10 rapid infiltration system as defined by the Environmental
11 Management Commission, that is not to be used for a single
12 family residence;
13 c. Any new or expanding sludge disposal site;
14 d. Any smaller project that would adversely affect water or lands
15 with special environmental designations such as outstanding
16 resource waters, designated natural areas, wildlife refuges, or
17 State parks;
18 e. Any smaller project with strong public interest as shown by
19 letters or other written materials and specifically designated by
20 the Commission; or
21 f. Any smaller project which has severe, unusual, or precedent-
22 making impacts as determined by the Commission.

23 The Commission shall also provide any other data it considers
24 appropriate to those notified. The Commission shall prescribe the
25 form and content of the notice.

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

- 30 (4) If any person desires a public meeting on any application for permit
31 provided for in subdivision (3) of this subsection, they shall request
32 one in writing to the Commission within 30 days following date of the
33 notice of application. The Commission shall consider all such requests
34 for meeting, and if the Commission determines that there is a
35 significant public interest in holding such meeting, at least 30 days'
36 notice of such meeting shall be given to all persons to whom notice of
37 application was sent and to any other person requesting notice. At least
38 30 days prior to the date of meeting, the Commission shall also have a
39 copy of the notice of the meeting published at least one time in a
40 newspaper having general circulation in such county. The Commission
41 shall prescribe the form and content of the notices.

42 The Commission shall prescribe the procedures to be followed in
43 such meetings. If the meeting is not conducted by the Commission,
44 detailed minutes of the meeting shall be kept and shall be submitted,

1 along with any other written comments, exhibits or documents
2 presented at the meeting, to the Commission for its consideration prior
3 to final action granting or denying the permit.

4 (5) Not later than 60 days following notice of application or, if a public
5 meeting is held, within 90 days following consideration of the matters
6 and things presented at such meeting, the Commission shall grant or
7 deny any application for issuance of a new permit. All permits issued
8 by the Commission and all decisions denying application for permit
9 shall be in writing."

10 Sec. 3. This act shall become effective July 1, 1989, and shall apply to
11 permits applied for on or after that date, provided, however, G.S. 143-215.1(d)(3)(c) as
12 enacted by Section 2 of this act shall become effective January 1, 1990, and shall apply
13 to permits applied for on or after that date.