

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 924  
Committee Substitute Favorable 5/8/91

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

(Public)

Sponsors:

Referred to:

April 19, 1991

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE ISSUANCE OF CERTAIN PERMITS TO EMIT AIR  
CONTAMINANTS UNTIL EACH LOCAL GOVERNMENT HAVING  
JURISDICTION STATES THAT THE PROPOSED FACILITY IS CONSISTENT  
WITH LOCAL LAND-USE PLANS IF IT HAS SUCH A PLAN.

The General Assembly of North Carolina enacts:

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

"(b1) In addition to the requirements provided in subsection (b) of this section, the Commission shall not act upon an application for a permit pursuant to this section for a new facility or an expanding facility for which a previous permit was issued until it has received a written statement from each city and county government having jurisdiction over any part of the lands on which the current or proposed facility and its appurtenances are to be located which states whether the city or county has in effect a zoning or subdivision ordinance and, if such an ordinance is in effect, whether the facility is consistent with the ordinance. Subject to the provisions of this subsection, the Commission shall not approve a permit application for any facility which a city or county has determined to be inconsistent with its zoning or subdivision ordinance unless it determines that the approval of such application has statewide significance and is in the best interest of the State. An applicant for a permit shall request that each city and county government having jurisdiction issue the statement required by this subsection by mailing by certified mail, return receipt requested, a written request for such statement and a copy of the draft permit application to the clerk of the city or county. If a local government fails to mail the statement required by this subsection as evidenced

1 by a postmark, within 15 days after receiving and signing for the certified mail, the  
2 Commission may proceed to consider the permit application notwithstanding this  
3 subsection."

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