

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 446
HOUSE BILL 139

AN ACT TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT
COMMISSION TO PROTECT THE WATERS OF THE STATE AGAINST
POLLUTION FROM PACKAGE TREATMENT PLANTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-215.1 is amended by adding a new subsection (d1) between existing subsections (d) and (e), to read as follows:

"(d1) Each applicant under subsections (c) or (d) for a permit (or the renewal thereof) for the operation of a treatment works for a private multi-family or single family residential development, in which the owners of individual residential units are required to organize as a lawfully constituted and incorporated homeowners' association of a subdivision, condominium, planned unit development, or townhouse complex, shall be required to enter into an operational agreement with the Commission as a condition of any such permit granted. The agreement shall address, as necessary, construction, operation, maintenance, assurance of financial solvency, transfers of ownership and abandonment of the plant, systems, or works, and shall be modified as necessary to reflect any changed condition at the treatment plant or in the development. Where the Commission finds appropriate, it may require any other private residential subdivision, condominium, planned unit development or townhouse complex which is served by a private treatment works and does not have a lawfully constituted and incorporated homeowners' association, and for which an applicant applies for a permit or the renewal thereof under subsections (c) or (d), to incorporate as a lawfully constituted homeowners' association, and after such incorporation, to enter into an operational agreement with the Commission and the applicant as a condition of any permit granted under subsections (c) or (d). The local government unit or units having jurisdiction over the development shall receive notice of the application within an established comment period and prior to final decision."

Sec. 2. This act shall become effective January 1, 1986.

In the General Assembly read three times and ratified, this the 24th day of June, 1985.