

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 697
HOUSE BILL 1137

AN ACT TO ALLOW QUALIFIED UNITS OF LOCAL GOVERNMENTS TO ISSUE
PERMITS FOR APPROVAL FOR THE EXTENSION OF SEWER AND WATER
LINES IN LIEU OF STATE APPROVAL.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-317 is amended to add a new subsection to read:

"(d) Municipalities, counties, local boards or commissions, water and sewer authorities, or groups of municipalities and counties may establish and administer within their utility service areas their own approval program in lieu of State approval of water system plans required in subsection (c) of this section for construction or alteration of the distribution system of a proposed or existing public water system, subject to the prior certification of the Department. For purposes of this subsection, the service area of a municipality shall include only that area within the corporate limits of the municipality and that area outside a municipality in its extraterritorial jurisdiction where water service is already being provided to the permit applicant by the municipality or connection to the municipal water system is immediately available to the applicant; the service areas of counties and the other entities or groups shall include only those areas where water service is already being provided to the applicant by the permitting authority or connection to the permitting authority's system is immediately available. No later than the 180th day after the receipt of an approval program and statement submitted by any local government, commission, authority, or board, the Department shall certify any local program that:

- (1) Provides by ordinance or local law for requirements compatible with those imposed by this Article, and the standards and rules adopted pursuant to this Article;
- (2) Provides that the Department receives notice and a copy of each application for approval and that the Department receives copies of approved plans;
- (3) Provides that plans and specifications for all construction and alterations be prepared by or under the direct supervision of an engineer licensed to practice in this State;
- (4) Provides for the adequate enforcement of the program requirements by appropriate administrative and judicial process;
- (5) Provides for the adequate administrative organization, engineering staff, financial and other resources necessary to effectively carry out its plan review program;

- (6) Provides that the system is capable of interconnection at an appropriate time with an expanding municipal, county, or regional system;
- (7) Provides for the adequate arrangement for the continued operation, service, and maintenance of the public water system;
- (8) Provides that an approved system, as constructed or altered, will be capable of compliance with the drinking water rules; and
- (9) Is approved by the Department as adequate to meet the requirements of this Article and any applicable rules adopted pursuant to this Article.

The Department may deny, suspend, or revoke the certification of a local program upon a finding that a violation of the provisions in subsection (d) of this section has occurred. A local government administering an approval program shall be given notice that there has been a tentative decision to deny, suspend, or revoke certification and that an administrative hearing will be held in accordance with Chapter 150A of the General Statutes where the decision may be challenged. If a violation of the provisions in subsection (d) of this section presents an imminent hazard, certification may be suspended or revoked immediately. The Department shall give notice of the immediate suspension or revocation and notice that an administrative hearing will be held in accordance with Chapter 150A of the General Statutes where the decision may be challenged.

Notwithstanding any other provisions of this subsection, if the Department determines that a public water system is violating plan approval requirements of a local program and that the local government has not acted to enforce those approval requirements, the Department may, after written notice to the local government, take enforcement action in accordance with the provisions of this Article."

Sec. 2. G.S. 143-215.1 is amended to add a new subsection to read:

"(f) Local Permit Programs for Sewer Extension - Municipalities, counties, local boards or commissions, water and sewer authorities, or groups of municipalities and counties may establish and administer within their utility service areas their own general permit program in lieu of State permit required in G.S. 143-215.1(a)(2), (3), and (8) above, for construction, operation, alteration, extension, change of proposed or existing sewer system, subject to the prior certification of the Environment Management Commission. For purposes of this subsection, the service area of a municipality shall include only that area within the corporate limits of the municipality and that area outside a municipality in its extraterritorial jurisdiction where sewer service is already being provided by the municipality to the permit applicant or connection to the municipal sewer system is immediately available to the applicant; the service areas of counties and the other entities or groups shall include only those areas where sewer service is already being provided to the applicant by the permitting authority or connection to the permitting authority's system is immediately available. No later than the 180th day after the receipt of a program and statement submitted by any local government, commission, authority, or board the Environmental Management Commission shall certify any local program that:

- (1) Provides by ordinance or local law for requirements compatible with those imposed by Part I of Article 21 of this Chapter, and the standards, rules, and regulations adopted pursuant to that Part;
- (2) Provides that the Department of Natural Resources and Community Development receives notice and a copy of each application for a permit and that it receives copies of approved permits and plans;
- (3) Provides that plans and specifications for all construction, extensions, alterations, and changes be prepared by or under the direct supervision of an engineer licensed to practice in this State;
- (4) Provides for the adequate enforcement of the program requirements by appropriate administrative and judicial process;
- (5) Provides for the adequate administrative organization, engineering staff, financial and other resources necessary to effectively carry out its plan review program;
- (6) Provides that the system is capable of interconnection at an appropriate time with an expanding municipal, county, or regional system;
- (7) Provides for the adequate arrangement for the continued operation, service, and maintenance of the sewer system; and
- (8) Is approved by the Environmental Management Commission as adequate to meet the requirements of this Part and any applicable rules and regulations adopted pursuant to this Part.

The Environmental Management Commission may deny, suspend, or revoke certification of a local program upon a finding that a violation of the provisions in subsection (f) of this section has occurred. A local government administering an approval program shall be given notice that there has been a tentative decision to deny, suspend, or revoke certification and that an administrative hearing will be held in accordance with Chapter 150A of the General Statutes where the decision may be challenged. If a violation of the provisions in subsection (f) of this section presents an imminent hazard, certification may be suspended or revoked immediately. The Environmental Management Commission shall give notice of the immediate suspension or revocation and notice that an administrative hearing will be held in accordance with Chapter 150A of the General Statutes where the decision may be challenged.

Notwithstanding any other provision of this subsection, if the Environmental Management Commission determines that a sewer system, treatment works, or disposal system is operating in violation of the provisions of this Article and that the appropriate local authorities have not acted to enforce those provisions, the Environmental Management Commission may, after written notice to the appropriate local government, take enforcement action in accordance with the provisions of this Article."

Sec. 3. The Health Services Commission and Environmental Management Commission shall adopt rules, standards, and regulations to implement this act no later than January 1, 1986.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 11th day of July, 1985.