



SENATE BILL 240: Permit Choice/Certain Airport Authorities.

2023-2024 General Assembly

Committee:		Date:	December 12, 2023
Introduced by:		Prepared by:	Aaron McGlothlin Staff Attorney
Analysis of:	S.L. 2023-53		

OVERVIEW: *S.L. 2023-53 allows certain airport authorities to elect to be regulated under the permitting authority of a local erosion and sedimentation control program.*

This act became effective October 1, 2023.

BACKGROUND:

The Sedimentation Pollution Control Act of 1973 (SPCA or Act) requires a person conducting a land-disturbing activity involving the uncovering of more than one acre to have an erosion and sedimentation control plan approved by the North Carolina Sedimentation Control Commission (Commission) prior to initiating the activity. Pursuant to authority delegated by the United States Environmental Protection Agency under the federal Clean Water Act, the Department of Environmental Quality (DEQ) administers the National Pollutant Discharge Elimination System (NPDES) permitting program for stormwater discharges from construction activities by implementing these requirements through SPCA and the rules adopted thereunder.

A local government can establish its own erosion and sedimentation control program to approve plans and enforce the Act, if determined by the Commission that the local program has standards that equal or exceed those of the Act. The Commission retains concurrent jurisdiction with local programs to review local approvals and compliance activities.

Prior to the enactment of S.L. 2023-53, local erosion and sedimentation control programs lacked jurisdiction over land-disturbing activities conducted by local governments and other entities having the power of eminent domain, among others.

BILL ANALYSIS:

S.L. 2023-53 authorizes airport authorities operating in a county with a population greater than 250,000 to elect to be regulated under the permitting authority of a local erosion and sedimentation control program. In order for an airport authority to elect this option, the governing board of the local government operating the local erosion and sedimentation control program must adopt a resolution accepting jurisdiction over the airport authority. Existing permits remain under the authority of the Commission until an airport authority has submitted a permit modification request to transfer the permit to the local erosion and sedimentation control program.

EFFECTIVE DATE: This act became effective October 1, 2023.

Jeffrey Hudson
Director



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