



2025-2026 General Assembly

HOUSE BILL 768: Emergency Communications Exemptions/Sanitary Board/Section 401 Certifications.

Analysis of: S.L. 2025-50

Date: August 25, 2025

Prepared by: Legislative Analysis
Division Staff

S.L. 2025-50 (House Bill 768) does the following:

- Exempts certain buildings and structures from emergency responder communications coverage requirements found within the North Carolina Fire Code, requires the Building Code Council to adopt rules in accordance with the act, and directs the Building Code Council and local governments to follow the requirements of the act until the effective date of permanent rules.
- Provides that vacancies on a sanitary district board that provides water and sewer service and that lies solely within a county with more than 17 municipalities that lie wholly within that county, shall be filled by the remaining sanitary district board members until the next election for board members with a resident from the same residency district of the vacating sanitary district board member.
- Establishes statutory requirements for the Department of Environmental Quality's (DEQ) handling of applications under Section 401 of the Clean Water Act for projects that are eligible for a Nationwide Permit or Regional General Permit issued by the United States Army Corps of Engineers. DEQ is required to:
 - Notify an applicant of the required fee within 5 days of receipt of an application. DEQ's review period begins on the date the fee is paid. The fee is waived if DEQ does not notify an applicant of the fee within 5 days of receipt of the application.
 - Within 30 days of the beginning of the review period, DEQ must (i) determine whether the application is complete and notify the applicant accordingly and, (ii) if DEQ determines an application is incomplete, specify all deficiencies in a notice to the applicant. Review of amended applications or supplemental information responses provided by the applicant must occur within 20 business days of receipt. If DEQ fails to issue a notice that the application is incomplete within the requisite initial 30-day period, or the supplemental 20 day review period, the application is deemed complete.
 - Either approve or deny an application within (i) 10 business days of the date the application is deemed complete if no public hearing is held or (ii) 15 business days of the close of the record if a public hearing is held and no additional information is required. Failure of DEQ to approve or deny the application within the requisite time results in a waiver of the certification requirement by the State, unless the applicant agrees, in writing, to an extension of time, which must not exceed one year from the State's receipt of the application for certification.

Kara McCraw
Director



Legislative Analysis
Division
919-733-2578

House Bill 768

Page 2

- Issue a certification, with or without conditions or limitations, upon determining that the proposed discharges into navigable waters subject to the federal Clean Water Act will comply with State water quality requirements. DEQ can include as conditions or limitations in a certification any effluent limitations or other limitations necessary to assure the proposed discharges into navigable waters subject to the federal Clean Water Act will comply with State water quality requirements. DEQ must not impose any other conditions or limitations in a certification.
- DEQ can deny a certification application only if it determines that no reasonable conditions or limitations would provide assurance that the proposed discharges into navigable waters subject to the federal Clean Water Act will comply with State water quality requirements.

The section of the act pertaining to buildings and structures exempt from emergency responder communications coverage requirements expires when permanent rules adopted as required by the act become permanent. The section of the act pertaining to the filling of a vacancy in a sanitary district board became effective July 2, 2025. The section of the act pertaining to applications under Section 401 of the Clean Water Act became effective October 1, 2025.