

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 240

Short Title: Permit Choice/Certain Airport Authorities. (Public)

Sponsors: Senator Moffitt (Primary Sponsor).

Referred to: Rules and Operations of the Senate

March 9, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE CHOICE OF EROSION AND SEDIMENTATION CONTROL
3 PERMITTING AUTHORITY FOR CERTAIN AIRPORT AUTHORITIES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 113A-52 is amended by adding a new subdivision to read:

6 "(1b) "Airport authority" means an authority created under Chapter 63 of the
7 General Statutes or by local act of the General Assembly for the purposes of
8 operating an airport."

9 **SECTION 2.** G.S. 113A-56 reads as rewritten:

10 **"§ 113A-56. Jurisdiction of the Commission.**

11 (a) The Commission shall have jurisdiction, to the exclusion of local governments, to
12 adopt rules concerning land-disturbing activities that are:

- 13 (1) Conducted by the State.
14 (2) Conducted by the United States.
15 (3) Conducted by persons having the power of eminent domain other than a local
16 ~~government~~ government, except for an airport authority as set forth in
17 subsection (a1) of this section.
18 (4) Conducted by a local ~~government~~ government, except for an airport authority
19 as set forth in subsection (a1) of this section.
20 (5) Funded in whole or in part by the State or the United States.

21 (a1) An airport authority operating an airport located wholly or in part in a county with a
22 population greater than 250,000 according to the latest certified population totals of the State
23 demographer may elect to be regulated under the jurisdiction of a local program authorized under
24 G.S. 113A-60. An airport authority to which this subsection applies that is located in more than
25 one county may elect to be regulated under local programs authorized under G.S. 113A-60 in
26 each county for property of the airport authority located in each county. An airport authority
27 making a local program election under this subsection shall be subject to the following
28 requirements:

- 29 (1) The governing board of the local government operating the local program
30 must enact a resolution accepting jurisdiction over the airport authority.
31 (2) The airport authority must provide notice to the Commission that includes (i)
32 a certified copy of the resolution required by subdivision (1) of this subsection
33 and (ii) specification of a date not less than 90 days after the date of the notice
34 on which the local program will assume jurisdiction.
35 (3) Any existing erosion and sedimentation control permits issued by the
36 Commission shall, despite assumption of permitting authority by a local



1 government, remain under the jurisdiction of the Commission until the airport
2 authority has submitted a permit modification request consistent with this
3 Article to transfer the permit to the local program.

4 (b) The Commission may delegate the jurisdiction conferred by G.S. 113A-56(a), in
5 whole or in part, to any other State agency that has submitted an erosion and sedimentation
6 control program to be administered by it, if the program has been approved by the Commission
7 as being in conformity with the general State program.

8 (c) The Commission shall have concurrent jurisdiction with local governments that
9 administer a delegated erosion and sedimentation control program over all other land-disturbing
10 activities. In addition to the authority granted to the Commission in G.S. 113A-60(c), the
11 Commission has the following authority with respect to a delegated erosion and sedimentation
12 control program:

- 13 (1) To review erosion and sedimentation control plan approvals made by a
14 delegated erosion and sedimentation control program and to require a revised
15 plan if the Commission determines that a plan does not comply with the
16 requirements of this Article or the rules adopted pursuant to this Article.
17 (2) To review the compliance activities of a delegated erosion and sedimentation
18 control program and to take appropriate compliance action if the Commission
19 determines that the local government has failed to take appropriate
20 compliance action."

21 **SECTION 3.** This act becomes effective October 1, 2023.