

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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SENATE DRS85093-MH-104A (03/13)

Short Title: 401 Certification Clarification. (Public)

Sponsors: Senators Daniel and Brock (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO DECLARE THAT THE DEPARTMENT OF ENVIRONMENT AND  
3 NATURAL RESOURCES HAS WAIVED ITS RIGHT TO ISSUE A 401  
4 CERTIFICATION AFTER PASSAGE OF A CERTAIN TIME AND TO FORBID THE  
5 DEPARTMENT FROM REQUIRING OR ISSUING A CERTIFICATION IN THAT  
6 CASE.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** The General Assembly finds that, as set forth in federal law, the  
9 failure of the Department of Environment and Natural Resources to act on a request for  
10 certification under section 401(a)(1) of the Clean Water Act, 33 U.S.C. § 1341 within a  
11 reasonable time not to exceed one year constitutes a waiver of the certification requirement.

12 **SECTION 2.** Article 21 of Chapter 143 of the General Statutes is amended by  
13 adding a new section to read:

14 "**§ 143-214.15. Waiver of Water Quality Certification.**

15 The Department shall not require or issue any water quality certification under the  
16 provisions of section 401 of the Clean Water Act, 33 U.S.C. § 1341, if it fails or refuses to act  
17 on a request for certification within one year after receipt of such request. In such cases, the  
18 certification requirement shall be deemed waived."

19 **SECTION 3.** This act becomes effective July 1, 2013.



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