

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 382
Finance Committee Substitute Adopted 5/19/11
House Committee Substitute Favorable 6/25/12

Short Title: Amend Water Supply/Water Quality Laws.

(Public)

Sponsors:

Referred to:

March 22, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE WATER AND SEWER SERVICE IN A DESIGNATED URBAN GROWTH AREA AND TO DELAY THE IMPLEMENTATION DEADLINE FOR LOCAL STORMWATER MANAGEMENT PROGRAMS UNDER THE JORDAN LAKE NEW DEVELOPMENT RULE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 16 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-329. Provision of water and sewer service in a designated urban growth area.

A city that extends water and sewer service to a designated urban growth area outside its corporate limits may not deny water and sewer service to a property owner that the city includes in that urban growth area for reasons not applied equally to property owners within the corporate limits. The city may charge the property owner in the urban growth area up to twice the rate for water and sewer services that the city charges property owners within the corporate limits and may charge the property owner in the urban growth area for the cost of infrastructure improvements necessary to provide the water and sewer services outside the corporate limits. If the city subsequently annexes some or all of the urban growth area to which the city has provided water and sewer services, then the city may no longer charge a different rate for the provision of the water and sewer services for those annexed areas."

SECTION 2.(a) Definition. – As used in this act, "New Development Rule 15A NCAC 02B .0265" means 15A NCAC 02B .0265 (Jordan Water Supply Nutrient Strategy: Stormwater Management for New Development) adopted by the Commission on May 8, 2008, and approved by the Rules Review Commission on November 20, 2008.

SECTION 2.(b) New Development Rule 15A NCAC 02B .0265. – Until the effective date of the revised permanent rule that the Commission is required to adopt pursuant to Section 2(d) of this act, the Commission and the Department shall implement New Development Rule 15A NCAC 02B .0265, as provided in Section 2(c) of this act.

SECTION 2.(c) Implementation. – Notwithstanding sub-subdivision (d) of subdivision (4) of New Development Rule 15A NCAC 02B .0265, by August 10, 2013, within three months after the Commission's approval of a local program, or upon the Division's first renewal of a local government's NPDES stormwater permit, whichever occurs later, the affected local government shall complete adoption of and implement its local stormwater management program.

SECTION 2.(d) Additional Rule-Making Authority. – The Commission shall adopt a rule to replace New Development Rule 15A NCAC 02B .0265. Notwithstanding



1 G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be
2 substantively identical to the provisions of Section 2(c) of this act. Rules adopted pursuant to
3 this section are not subject to G.S. 150B-21.8 through G.S. 150B-21.14. Rules adopted
4 pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1) as though 10
5 or more written objections had been received as provided by G.S. 150B-21.3(b2).

6 **SECTION 2.(e)** Sunset. – Section 2(c) of this act expires on the date that rules
7 adopted pursuant to Section 2(d) of this act become effective.

8 **SECTION 3.** This act is effective when it becomes law.