

15A NCAC 18C .1605 PUBLIC HEARINGS ON VARIANCES AND SCHEDULES

(a) Before a variance or a schedule proposed by the Secretary pursuant to Rule.1604 of this Section may take effect, the Secretary shall provide notice and opportunity for public hearing on the variance or schedule. Such notice may cover the granting of more than one variance, and a hearing held pursuant to such notice shall include each of the variances covered by that notice.

(b) Public notice of an opportunity for hearing on a variance or schedule shall be circulated in a manner designed to inform interested and potentially interested persons of the proposed variance or schedule and shall include the following minimum requirements:

- (1) posting of a notice in the principal post office of each municipality or area served by the public water system, and publishing of a notice in a newspaper or newspapers of general circulation in the area served by the public water system;
- (2) mailing of a notice to the Public Water Supply Section, Division of Water Resources and to other appropriate state or local agencies at the Department's discretion; and
- (3) such notice shall include a summary of the proposed variance or schedule and shall inform interested persons that they may request a public hearing on the proposed variance or schedule.

(c) Requests for hearing may be submitted by any interested person. Frivolous or insubstantial requests for hearing may be denied by the Secretary. Requests shall be submitted to the Secretary within 30 days after issuance of the public notice provided for in Paragraph (b) of this Rule. Such requests shall include the following information:

- (1) the name, address and telephone number of the individual, organization or other entity requesting a hearing;
- (2) a brief statement of the interest of the individual, organization or other entity making the request in the proposed variance or schedule and of information that the requestor intends to submit at such hearing; and
- (3) the signature of the individual making the request or if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

(d) Any hearing held pursuant to a request submitted by an individual, organization or other entity or on the Secretary's own motion shall be conducted in the manner set forth in G.S. 150B-22 through 150B-37.

History Note: Authority G.S. 130A-315; 130A-321; P.L. 93-523; 40 C.F.R. 142; Eff. September 1, 1979; Transferred and Recodified from 10 NCAC 10D .2505 Eff. April 4, 1990; Amended Eff. April 1, 2014; September 1, 1991; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. November 23, 2015.