

SECTION .0700 - FAILURE TO ENFORCE AND ADMINISTER A LOCAL IMPLEMENTATION AND ENFORCEMENT PLAN

15A NCAC 07I .0701 SANCTION FOR VIOLATIONS BY THE LOCAL PERMIT-LETTING AGENCY

(a) When the local permit-letting agency fails to administer or enforce the local implementation and enforcement plan submitted to and approved by the Commission, the Commission shall:

- (1) notify the local permit-letting agency in writing that it is in violation of the provisions of its local implementation and enforcement plan and specify the grounds for such charges of violations;
- (2) inform the local permit-letting agency of specific deficiencies in administration and enforcement;
- (3) inform the local permit-letting authority of its opportunity to request a hearing before the Commission at which time it may make any presentation or present any arguments relevant to the issue raised in the Commission letter to the local agency. The Commission may at its sole discretion allow for public comment at the hearing.

(b) If the deficiencies in administration and enforcement are not remedied or corrected within 90 days after receipt of Commission notification of such violation, the Commission shall assume the duties of the local permit-letting agency until the local permit-letting agency indicates to the Commission in writing its willingness and ability to perform in conformance with its approved local implementation and enforcement plan. Any changes in circumstances affecting the agency's willingness and ability to properly administer the local implementation and enforcement plan also shall be substantiated in writing to the Commission.

*History Note: Authority G.S. 113A-117(d); 113A-124;
Eff. November 1, 1984;
Readopted Eff. October 1, 2022.*