

15A NCAC 07J .0208 PERMIT CONDITIONS

(a) Each of the several state review agencies may submit specific recommendations regarding the manner in which the requested work should be carried out and suggest reasonable limitations on the work in order to protect the public interest with respect to the factors enumerated in G.S. 113A-120 and/or G.S. 113-229(c). The several state review agencies also may submit specific recommendations regarding limitations to be placed on the operation and/or maintenance of the completed project, as necessary to ensure continued protection of the public interest with respect to those factors. Such limitations may be recommended by the Department or commission to be imposed on the project in the form of "permit conditions". Upon the failure of the applicant to appeal a permit condition, the applicant will be deemed to have amended his permit to conform to the conditions imposed by the Department. Compliance with operational and/or maintenance conditions must continue for the life of the project.

(b) The local permit officer may condition a minor development permit upon amendment of the proposed project to take whatever measures may be reasonably necessary to protect the public interest with respect to the factors enumerated in G.S. 113A-120. The applicant must sign the conditioned grant as an indication of amendment of the proposed project in a manner consistent with the conditions set out by the local permit officer before the permit shall become effective.

(c) Failure to comply with permit conditions constitutes a violation of an order of the Commission under G.S. 113A-126.

*History Note: Authority G.S. 113-229; 113A-120(b); 113A-124(a)(1); 113A-127;
Eff. March 15, 1978;
Amended Eff. March 1, 1985; November 1, 1984;
RRC objection Eff. September 17, 2022 and rule returned to agency on October 5, 2023;
Codifier determined that agency's findings of need did not meet criteria for emergency rule on
December 20, 2023;
Emergency Adoption Eff. January 3, 2024;
Emergency Rule Exp. Eff. May 13, 2024;
Returned to Code pursuant to order of Wake County Superior Court, currently under appeal, Eff.
March 3, 2025.*