

## CHAPTER 5

# REGULATORY REQUIREMENTS AND PERMITS

---

### 1. GENERAL

2

3 A. During the preparation of the contract documents and prior to constructing a project, the

4 Design Engineer is responsible for obtaining all required Federal, State, and Local

5 permits, licenses, encroachments, and easements necessary and incidental to the

6 project including payment of all associated fees.

7

8 B. It is the responsibility of the Design Engineer and/or Developer to verify which permits,

9 encroachments, and easements are applicable to the project and furnish proof of

10 acquisition of all necessary permits, encroachments, easements, and notices to

11 Charlotte Water prior to startup on any project.

12

### 13 2. PERMITS AND ENCROACHMENTS

14

15 A. North Carolina Department of Environmental Quality (NCDEQ) delegated authority to

16 Charlotte Water to permit all water distribution and transmission mains and sanitary

17 sewer gravity collection extensions following Chapter 23 of Charlotte City Code.

18

19 B. Projects not under this delegated authority, including pumping stations, low pressure

20 sewer systems, wells, treatment devices or facilities, and storage tanks are required to

21 be permitted by NCDEQ. Furthermore, Charlotte Water requires any designs and plans

22 that will be sent to NCDEQ for permitting, to be reviewed and approved by Charlotte

23 Water first prior to submittal to NCDEQ.

24

25 C. Design and permitting of erosion and sediment control devices shall be in accordance

26 with Charlotte Land Development Standards including the City of Charlotte Soil Erosion

27 and Sedimentation Control Ordinance for Developer-Donated projects. Charlotte Water

28 designed projects shall meet NCDEQ requirements, as outlined in the North Carolina

29 Erosion and Sediment Control Planning and Design Manual. Projects outside of

30 Mecklenburg County shall follow the appropriate county, town, and/or state

31 requirements.

32

33 D. Encroachment permits are required from the governing agency (CDOT, NCDOT, Towns,

34 CATS, CSX Corporation, Norfolk Southern Railway, NC Railroad, hydrocarbon

35 transmission pipelines, powerlines, natural gas lines, communication lines) and must be

36 between the City of Charlotte and the controlling agency.

37

38 E. Street Cut Permits and/or Right-of-Way Encroachments are required prior to any cutting

39 of pavement for installation or excavation in the road right-of-way within governing

40 jurisdictions (CDOT, Towns).

41

42 F. Blasting permits are required whenever blasting is required to remove rock. Permits may

43 be obtained from the Charlotte Fire Department when work is performed within the City

44 of Charlotte or from the Mecklenburg County Fire Marshal's Office for work within

45 Mecklenburg County.

46

1       G. If wetlands exist on a project or the project impacts any waters of the State, a wetlands  
2       permit must be obtained from the US Army Corp of Engineers (USACOE) in accordance  
3       with Section 404 of the Clean Water Act and a 401 water quality certification is required  
4       from the NC Division of Water Resources (NCDWR) in accordance with Section 401 of  
5       the Clean Water Act.

6  
7       H. The Design Engineer shall determine if the project meets the applicability requirements  
8       of the North Carolina (or state) Environmental Policy Act of 1971(SEPA) for review of the  
9       project's potential environmental effects. A SEPA review is required if the project  
10      includes state-provided funds, the use of public lands, or has an impact of greater than  
11      or equal to 10 acres of land.

12      **3. ENVIRONMENTAL PROTECTION**

13      A. The project must follow all local and state environmental and safety protections including  
14      but not limited to:

15  
16           a. Tree Ordinance per Chapter 21 of the City Code of Charlotte  
17  
18           b. Noise Ordinance per Chapter 15 of the City Code of Charlotte  
19  
20           c. Underground Utility Safety and Damage Prevention Act of NCGS Chapter 87  
21           Article 8A  
22  
23           d. Overhead High-Voltage Line Safety Act of NCGS Chapter 95 Article 19A