

CHAPTER 5 REGULATORY REQUIREMENTS AND PERMITS

1. GENERAL

- A. During the preparation of the contract documents and prior to constructing a project, the Design Engineer is responsible for obtaining all required Federal, State, and Local permits, licenses, encroachments, and easements necessary and incidental to the project including payment of all associated fees.
- B. It is the responsibility of the Design Engineer and/or Developer to verify which permits, encroachments, and easements are applicable to the project and furnish proof of acquisition of all necessary permits, encroachments, easements, and notices to Charlotte Water prior to startup on any project.

2. PERMITS AND ENCROACHMENTS

- A. North Carolina Department of Environmental Quality (NCDEQ) delegated authority to Charlotte Water to permit all water distribution and transmission mains and sanitary sewer gravity collection extensions following Chapter 23 of Charlotte City Code.
- B. Projects not under this delegated authority, including pumping stations, low pressure sewer systems, wells, treatment devices or facilities, and storage tanks are required to be permitted by NCDEQ. Furthermore, Charlotte Water requires any designs and plans that will be sent to NCDEQ for permitting, to be reviewed and approved by Charlotte Water first prior to submittal to NCDEQ.
- C. Design and permitting of erosion and sediment control devices shall be in accordance with Charlotte Land Development Standards including the City of Charlotte Soil Erosion and Sedimentation Control Ordinance for Developer-Donated projects. Charlotte Water designed projects shall meet NCDEQ requirements, as outlined in the North Carolina Erosion and Sediment Control Planning and Design Manual. Projects outside of Mecklenburg County shall follow the appropriate county, town, and/or state requirements.
- D. Encroachment permits are required from the governing agency (CDOT, NCDOT, Towns, CATS, CSX Corporation, Norfolk Southern Railway, NC Railroad, hydrocarbon transmission pipelines, powerlines, natural gas lines, communication lines) and must be between the City of Charlotte and the controlling agency.
- E. Street Cut Permits and/or Right-of-Way Encroachments are required prior to any cutting of pavement for installation or excavation in the road right-of-way within governing jurisdictions (CDOT, Towns).
- F. Blasting permits are required whenever blasting is required to remove rock. Permits may be obtained from the Charlotte Fire Department when work is performed within the City of Charlotte or from the Mecklenburg County Fire Marshal's Office for work within Mecklenburg County.

- 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.
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- 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.
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13 **3. ENVIRONMENTAL PROTECTION**

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- 15 A. The project must follow all local and state environmental and safety protections including
16 but not limited to:
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- 18 a. Tree Ordinance per Chapter 21 of the City Code of Charlotte
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 - 20 b. Noise Ordinance per Chapter 15 of the City Code of Charlotte
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 - 22 c. Underground Utility Safety and Damage Prevention Act of NCGS Chapter 87
23 Article 8A
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 - 25 d. Overhead High-Voltage Line Safety Act of NCGS Chapter 95 Article 19A