

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 2254

Short Title: Clarify Env. Permitting Requirement.

(Public)

Sponsors: Representative B. Ethridge.

Referred to: Basic Resources.

June 1, 1990

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE SCOPE OF THE FINANCIAL QUALIFICATION AND COMPLIANCE HISTORY REQUIREMENTS APPLICABLE TO APPLICANTS FOR WATER DISCHARGE AND AIR EMISSIONS PERMITS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-215.1(b)(4) reads as rewritten:

"(4) The Commission shall have the power:

- a. To grant a permit with such conditions attached as the Commission believes necessary to achieve the purposes of this Article.
- b. To require that an applicant satisfy the ~~Commission-Department~~ that the applicant, or any ~~parent or subsidiary corporation if the applicant is a corporation;~~ parent, subsidiary, or other affiliate of the applicant or parent if the applicant is a business entity:
 - 1. Is financially qualified to carry out the activity for which the permit is required under subsection (a) of this section; and
 - 2. Has substantially complied with the effluent standards and limitations and waste management treatment practices applicable to any activity in which the applicant has previously engaged, and has been in substantial compliance with other federal and state laws, regulations, and rules for the protection of the environment.

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- 1 c. To modify or revoke any permit upon not less than 60 days'
2 written notice to any person affected.
3 d. To designate certain classes of minor activities for which a
4 general permit may be issued, after considering:
5 1. The environmental impact of the activities;
6 2. How often the activities are carried out;
7 3. The need for individual permit oversight; and
8 4. The need for public review and comment on individual
9 permits.
10 e. To designate certain classes of minor activities for which:
11 1. Performance conditions may be established by rule; and
12 2. Individual or general permits are not required."

13 Sec. 2. G.S. 143-215.108(b)(5a) reads as rewritten:

14 "(5a) To require that an applicant satisfy the ~~Commission-Department~~ that the
15 applicant, or any ~~parent or subsidiary corporation if the applicant is a~~
16 ~~corporation; parent, subsidiary, or other affiliate of the applicant or~~
17 parent if the applicant is a business entity:

- 18 a. Is financially qualified to carry out the activity for which a
19 permit is required under subsection (a); and
20 b. Has substantially complied with the air quality and emission
21 control standards applicable to any activity in which the
22 applicant has previously engaged, and has been in substantial
23 compliance with federal and state laws, regulations, and rules
24 for the protection of the environment;"

25 ♦ Sec. 3. This act is effective upon ratification, and applies to any pending
26 application for a new permit and to any application to modify or renew a permit
27 currently in force.