

GENERAL ASSEMBLY OF NORTH CAROLINA  
1989 SESSION

CHAPTER 1037  
HOUSE BILL 2254

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:
  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.

As used in this subdivision, the words 'affiliate,' 'parent,' and 'subsidiary' have the same meaning as in 17 Code of Federal Regulations § 240.12b-2 (1 April 1990 Edition).

- c. To modify or revoke any permit upon not less than 60 days' written notice to any person affected.
- d. To designate certain classes of minor activities for which a general permit may be issued, after considering:
  1. The environmental impact of the activities;
  2. How often the activities are carried out;
  3. The need for individual permit oversight; and
  4. The need for public review and comment on individual permits.

- e. To designate certain classes of minor activities for which:
  - 1. Performance conditions may be established by rule; and
  - 2. Individual or general permits are not required."

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

"(5a) 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:

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

As used in this subdivision, the words 'affiliate,' 'parent,' and 'subsidiary' have the same meaning as in 17 Code of Federal Regulations § 240.12b-2 (1 April 1990 Edition);".

Sec. 3. This act is effective upon ratification. This act shall not be interpreted to express any legislative intent with regard to any pending permit application, or whether any pending permit application should be granted or denied.

In the General Assembly read three times and ratified this the 27th day of July, 1990.