

GENERAL ASSEMBLY OF NORTH CAROLINA
1997 SESSION

S.L. 1997-27
SENATE BILL 126

AN ACT TO REQUIRE THAT AN APPLICANT FOR A PERMIT UNDER THE STATUTES GOVERNING SOLID WASTE MANAGEMENT BE FINANCIALLY QUALIFIED AND DEMONSTRATE SUBSTANTIAL COMPLIANCE WITH ENVIRONMENTAL LAWS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-290 is amended by recodifying subdivision (1) as subdivision (1a), subdivision (1a) as subdivision (1b), subdivision (1b) as subdivision (1c), subdivision (41a) as subdivision (41b), and by adding three new subdivisions to read:

- "(1) 'Affiliate' has the same meaning as in 17 Code of Federal Regulations § 240.12b-2 (1 April 1996 Edition).
- (21a) 'Parent' has the same meaning as in 17 Code of Federal Regulations § 240.12b-2 (1 April 1996 Edition).
- (41a) 'Subsidiary' has the same meaning as in 17 Code of Federal Regulations § 240.12b-2 (1 April 1996 Edition)."

Section 2. G.S. 130A-294 is amended by adding two new subsections to read:

"(b2) The Department may require an applicant for a permit under this Article to satisfy the Department that the applicant, and any 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.
- (2) Has substantially complied with the requirements applicable to any solid waste management 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.

(b3) An applicant for a permit under this Article shall satisfy the Department that the applicant has met the requirements of subsection (b2) of this section before the Department is required to otherwise review the application. In order to continue to hold a permit under this Article, a permittee must remain financially qualified and must provide any information requested by the Department to demonstrate that the permittee continues to be financially qualified."

Section 3. This act is effective when it becomes law and applies to any application for a permit submitted on or after the date on which this act becomes law, provided that an applicant for the renewal or modification of a permit for an existing facility or for a permit for the expansion of an existing facility who satisfies G.S. 130A-309.06(b) shall not be required to satisfy G.S. 130A-294(b2)(2), as enacted by Section 2 of this act.

In the General Assembly read three times and ratified this the 10th day of April, 1997.

s/ Dennis A. Wicker
President of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 12:11 p.m. this 17th day of April, 1997