

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 226\*

Short Title: Solid Waste Mgt. Permit Requirements.

(Public)

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Sponsors: Representative Hackney.

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Referred to: Environment.

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February 17, 1997

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE THAT AN APPLICANT FOR A PERMIT UNDER THE  
2 STATUTES GOVERNING SOLID WASTE MANAGEMENT BE FINANCIALLY  
3 QUALIFIED AND DEMONSTRATE SUBSTANTIAL COMPLIANCE WITH  
4 ENVIRONMENTAL LAWS, AS RECOMMENDED BY THE ENVIRONMENTAL  
5 REVIEW COMMISSION.  
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7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 130A-290 is amended by recodifying subdivision (1) as  
9 subdivision (1a), subdivision (1a) as subdivision (1b), subdivision (1b) as subdivision  
10 (1c), subdivision (41a) as subdivision (41b), and by adding three new subdivisions to  
11 read:

12 "(1) 'Affiliate' has the same meaning as in 17 Code of Federal Regulations §  
13 240.12(b)-2 (1 June 1993 Edition), which defines 'affiliate' as a person  
14 that directly, or indirectly through one or more intermediaries, controls,  
15 is controlled by, or is under common control of another person.

16 (21a) 'Parent' has the same meaning as in 17 Code of Federal Regulations §  
17 240.12(b)-2 (1 June 1993 Edition), which defines 'parent' as an affiliate  
18 that directly, or indirectly through one or more intermediaries, controls  
19 another person.

1           (41a) 'Subsidiary' has the same meaning as in 17 Code of Federal Regulations  
2           § 240.12(b)-2 (1 June 1993 Edition), which defines 'subsidiary' as an  
3           affiliate that is directly, or indirectly through one or more  
4           intermediaries, controlled by another person."

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

6           "(b2) An applicant for a permit under this Article shall satisfy the Department that  
7           the applicant, and any parent, subsidiary, or other affiliate of the applicant or parent:

8           (1) Is financially qualified to carry out the activity for which the permit is  
9           required.

10           (2) Has substantially complied with the requirements applicable to any solid  
11           waste management activity in which the applicant has previously  
12           engaged, and has been in substantial compliance with federal and state  
13           laws, regulations, and rules for the protection of the environment.

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

20           Section 3. This act is effective when it becomes law.