

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 126*

Short Title: Solid Waste Mgt. Permit Requirements.

(Public)

Sponsors: Senators Odom; Albertson, Cooper, Horton, Kinnaird, and Martin of Pitt.

Referred to: Agriculture/Environment/Natural Resources.

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.