

April 5, 2001

S 1037. NO AIR PERMIT UNTIL FACILITY/EQUIP OPERATIONAL. *TO CLARIFY THE EVENT THAT TRIGGERS THE REQUIREMENT TO OBTAIN AN AIR QUALITY PERMIT AND TO PREVENT A PERMIT APPLICANT'S OR A PERMITTEE'S FINANCIAL INVESTMENT IN SUCH FACILITY OR EQUIPMENT FROM BEING USED AS THE BASIS FOR CHALLENGING THE DECISION ON WHETHER TO ISSUE THE PERMIT IN A CONTESTED CASE REGARDING THE APPLICANT OR PERMITTEE OPERATING ITS FACILITY OR EQUIPMENT PRIOR TO OBTAINING THE PERMIT.* Amends GS 143-215.108(e) regarding challenges to a decision on a permit, for purpose indicated in title. Amends GS 143-215.108(a) to make clear that permits under that section are required at the time that an applicant operates a contaminate source or air cleaning device or enters a contract for operation of such a device or physically alters a source or cleaning device.

Intro. by Hoyle.

Ref. to Agriculture

GS 143

September 19, 2001

S 1037. NO AIR PMT. REQ. UNTIL FACILITY OPERATIONAL. Intro. 4/5/01. Senate committee substitute makes the following changes to 1st edition. Rewrites bill and changes title to *AN ACT TO PROVIDE THAT ANY PROSPECTIVE APPLICANT FOR AN AIR QUALITY PERMIT FOR A NEW FACILITY MAY COMMENCE CONSTRUCTION PRIOR TO OBTAINING THE AIR QUALITY PERMIT TO OPERATE THAT FACILITY IF THE PROSPECTIVE APPLICANT SUBMITS A NOTICE OF THE CONSTRUCTION AND THAT ANY CURRENT HOLDER OF AN AIR QUALITY PERMIT MAY COMPLETE NEW CONSTRUCTION AT AN EXISTING PERMITTED FACILITY PRIOR TO OBTAINING THE AIR QUALITY PERMIT TO OPERATE THAT FACILITY IF THE PROSPECTIVE APPLICANT SUBMITS A NOTICE OF THE CONSTRUCTION.* Adds GS 143-215.108A to provide that a person may construct components of new facility that may result in emission of an air contaminant before obtaining a permit so long as the components constructed are not related to the operation of the air contaminant system. Requires owner of facility to give notice to Comm'n at least 15 days before beginning construction of intent to proceed with construction. Allows person who holds air quality permit to apply for modification to allow alteration or expansion of the physical arrangement or operation of the air contaminant source or equipment and to construct or modify air contaminant source without new permit, but facility cannot operate equipment in a way that alters the emission of air contaminant until new permit is issued. Requires permittee to submit notice to Comm'n of intent to modify. Upon receipt of notice, if Comm'n determines that it is not likely that person will qualify for permit, Comm'n may request that plans be altered or may order that construction cease. Requires person submitting notice of construction to pay a \$200 fee for each notice submitted. Does not apply to any application for permit submitted to Comm'n before date on which act becomes law.

September 26, 2001

S 1037. NO AIR PMT. REQ. UNTIL FACILITY OPERATIONAL. Intro. 4/5/01. Senate committee substitute makes the following changes to 2nd edition. Adds to GS 143-215.108(f) a statement that nothing in the subsection shall be construed to affect the validity of any lawfully adopted franchise, local zoning, subdivision, or land-use planning ordinance or to affect the responsibility of any person to comply with any lawfully adopted franchise, local zoning, subdivision, or land-use planning ordinance. Adds new subsection to new GS 143-215.108A, making the same provision in regard to that section.

July 31, 2002

S 1037. NO AIR PMT.REQ. UNTIL FACILITY OPERATIONAL. Intro. 4/5/01. House committee substitute makes the following changes to 3rd edition. Provides that person may not construct or operate air contaminant source at a site where, at the time of construction, there is no other air contaminant source for which a permit is required without obtaining permit, but may construct a component of the facility that is not integral to operation if at least 30 days before beginning construction owner: (1) publishes notice of intent to construct facility in newspaper in county where facility located, which notice indicates public may submit comments to Comm'n; and (2) submits

notice to Comm'n. Makes similar change with regard to permittees wishing to modify air containment source. Does not relieve person from preconstruction or construction prohibition imposed by federal requirement and that does not apply to new facility for manufacture, sale, or distribution of asphalt until person acquires all permits.

August 8, 2002

S 1037. NO AIR PMT. REQ. UNTIL FACILITY OPERATIONAL. Intro. 4/05/02. House committee substitute makes the following changes to 4th edition. Changes language in proposed GS 143-215.108A to allow construction of any component that is *peripheral* to (was, "not integral to the operation of") the air contaminant source, equipment, or associated air cleaning device. Defines peripheral construction.