

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2025

H

D

HOUSE BILL 926  
Committee Substitute Favorable 4/29/25  
Committee Substitute #2 Favorable 5/6/25  
Committee Substitute #3 Favorable 6/17/25  
Fifth Edition Engrossed 6/24/25  
PROPOSED SENATE COMMITTEE SUBSTITUTE H926-PCS40612-BR-25

Short Title: Regulatory Reform Act of 2025.

(Public)

Sponsors:

Referred to:

April 14, 2025

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FURTHER REGULATORY RELIEF TO THE CITIZENS OF NORTH  
3 CAROLINA.

4 The General Assembly of North Carolina enacts:

5  
6 **ALLOW AUTHORIZED ON-SITE WASTEWATER EVALUATOR TO PREPARE A  
7 SITE DENIAL LETTER FOR SUBSURFACE WASTEWATER SYSTEMS**

8 **SECTION 1.(a)** Definitions. – For purposes of this section, "Application Submittal  
9 Rule" means 15A NCAC 02T .0604 (Application Submittal).

10 **SECTION 1.(b)** Application Submittal Rule. – Until the effective date of the revised  
11 permanent rule that the Environmental Management Commission is required to adopt pursuant  
12 to subsection (d) of this section, the Commission shall implement the Application Submittal Rule  
13 as provided in subsection (c) of this section.

14 **SECTION 1.(c)** Implementation. – A letter from either the local county health  
15 department or an Authorized On-Site Wastewater Evaluator certified pursuant to Article 5 of  
16 Chapter 90A of the General Statutes denying the site for all subsurface systems shall be submitted  
17 to the Division by the applicant.

18 **SECTION 1.(d)** Additional Rulemaking Authority. – The Commission shall adopt  
19 a rule to amend the Application Submittal Rule consistent with subsection (c) of this section.  
20 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section  
21 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted  
22 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General  
23 Statutes. Rules adopted pursuant to this section shall become effective as provided in  
24 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in  
25 G.S. 150B-21.3(b2).

26 **SECTION 1.(e)** Sunset. – This section expires when permanent rules adopted as  
27 required by subsection (d) of this section become effective.

28  
29 **SURVEYOR RIGHT OF ENTRY**

30 **SECTION 2.(a)** G.S. 89C-19.2 is repealed.

31 **SECTION 2.(b)** Article 22B of Chapter 14 of the General Statutes is amended by  
32 adding a new section to read:



\* H 9 2 6 - P C S 4 0 6 1 2 - B R - 2 5 \*

**"§ 14-159.15. Limited right of entry by professional land surveyors.**

(a) For the purposes of this section, the following terms are defined as follows:

(1) Critical infrastructure. – As defined in 42 U.S.C. § 5195c.

(2) Landowner. – The owner, lessee, or occupant of a parcel of land.

(3) Practice of land surveying. – As defined in G.S. 89C-3.

(4) Professional land surveyor. – As defined in G.S. 89C-3. For purposes of this section, this term includes any agents, employees, or personnel under the supervision of a professional land surveyor.

(b) A professional land surveyor shall have the right to enter upon the lands of others, if necessary to perform surveys for the practice of land surveying, including the location of property corners, boundary lines, rights-of-way, and easements, and may carry with them their customary equipment and vehicles. An entry by a professional land surveyor to perform the practice of land surveying under this section shall not constitute trespass under this Article or Article 22A of this Chapter and shall not cause the professional land surveyor to be subject to arrest or a civil action by reason of the entry.

(c) Nothing in this section shall be construed as giving authority to a professional land surveyor to destroy, injure, damage, or move anything on the lands of another without the written permission of the landowner, and nothing in this section shall be construed as removing civil liability for such damage.

(d) No professional land surveyor shall have a civil cause of action against a landowner for personal injury or property damage incurred while on the land for purposes consistent with those described in subsection (b) of this section, except when such damages and injury were willfully or deliberately caused by the landowner.

(e) Nothing in this section shall be construed as giving authority to a professional land surveyor to do the following:

(1) Enter lands traversed by an operating railroad or properties owned, held, used, or operated by a railroad or their subsidiaries.

(2) Enter lands containing critical infrastructure."

**SECTION 2.(c)** This section applies to acts on or after its effective date.

**PROHIBIT INSPECTION DEPARTMENTS FROM CHARGING FEES FOR CERTAIN INSPECTION CANCELLATIONS**

**SECTION 3.** G.S. 160D-1104 is amended by adding a new subsection to read:

"(d2) An inspection department shall not charge the permit holder a fee or fail an inspection of a building or structure subject to the North Carolina Residential Code, if the permit holder cancels a scheduled inspection more than one business day before the scheduled inspection."

**LIMIT DESIGN METHODOLOGY AND CONSTRUCTION STANDARDS FOR CERTAIN MUNICIPAL STREETS**

**SECTION 4.(a)** G.S. 160D-702 reads as rewritten:

**"§ 160D-702. Grant of power.**

...

(c) A zoning or other development regulation shall not do any of the following:

(1) Set a minimum square footage of any structures subject to regulation under the North Carolina Residential Code.

(2) Require a parking space to be larger than 9 feet wide by 20 feet long unless the parking space is designated for handicap, parallel, or diagonal parking.

(3) Require additional fire apparatus access roads into developments of one- or two-family dwellings that are not in compliance with the required number of fire apparatus access roads into developments of one- or two-family dwellings

1 set forth in the Fire Code of the North Carolina Residential Code for One- and  
2 Two-Family Dwellings.

3 (4) Establish or require pavement design standards for public roads or private  
4 roads that are more stringent than the minimum pavement design standards  
5 adopted by the Department of Transportation.

6 (d) For purposes of this section, the term "public road" shall mean any road, street,  
7 highway, thoroughfare, or other way of passage that is owned by a city or the Department of  
8 Transportation."

9 SECTION 4.(b) This section becomes effective January 1, 2026, and applies to  
10 projects initiated on or after that date.

## 11 12 LOCAL GOVERNMENT REQUIREMENTS FOR PEDESTRIAN FACILITIES AND 13 ROADWAY IMPROVEMENTS IN EXTRATERRITORIAL JURISDICTION

14 SECTION 5.(a) Article 15 of Chapter 160D of the General Statutes is amended by  
15 adding a new section to read:

16 "§ 160D-1504. Local government requirements for pedestrian facilities and roadway  
17 improvements within extraterritorial jurisdiction.

18 A local government that requires a developer to construct pedestrian facilities or roadway  
19 improvements, which include improvements within public right-of-way located outside of a  
20 construction project boundary, to standards or with attributes which would preclude a pedestrian  
21 facility or roadway improvement from acceptance by the North Carolina Department of  
22 Transportation, shall coordinate with the Department to enter into agreements for the local  
23 government to assume maintenance and repair responsibilities for the portions of pedestrian  
24 facilities or street improvements precluded from acceptance by the Department. This section  
25 applies to projects located within an extraterritorial jurisdiction established pursuant to Article 2  
26 of this Chapter."

27 SECTION 5.(b) This section becomes effective January 1, 2026, and applies to  
28 projects initiated on or after that date.

## 29 30 EXEMPT MODEL HOMES FROM FIRE PROTECTION WATER SUPPLY 31 REQUIREMENT DURING CONSTRUCTION

32 SECTION 6.(a) Definitions. – For the purposes of this section, the following  
33 definitions apply:

- 34 (1) Code. – The North Carolina State Building Code, and amendments to the  
35 Code, as adopted by the Councils.  
36 (2) Councils. – The Building Code Council and Residential Code Council.  
37 (3) Model home. – As defined in G.S. 160D-1501(a).  
38 (4) Water Supply Rules. – Section 3312.1, when required, of the North Carolina  
39 Fire Code, and Section 3313.1, where required, of the North Carolina Building  
40 Code.

41 SECTION 6.(b) Water Supply Rules. – Until the effective date of the rules to amend  
42 Water Supply Rules, the Office of the State Fire Marshal, the Councils, and State and local  
43 governments enforcing the Code shall implement Water Supply Rules as provided in subsection  
44 (c) of this section.

45 SECTION 6.(c) Implementation. – Notwithstanding Water Supply Rules, the fire  
46 code official is authorized to reduce the fire-flow requirements for an isolated model home at a  
47 subdivision project site where development of full-fire flow requirements is impractical or  
48 pending.

49 SECTION 6.(d) Additional Rulemaking Authority. – The Council shall adopt rules  
50 to amend Water Supply Rules to be consistent with subsection (c) of this section.  
51 Notwithstanding G.S. 150B-19(4), the rules adopted by the Council pursuant to this section shall

1 be substantively identical to the provisions of subsection (c) of this section. Rules adopted  
2 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General  
3 Statutes. Rules adopted pursuant to this section shall become effective as provided in  
4 G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided in  
5 G.S. 150B-21.3(b2).

6 **SECTION 6.(e)** Additional Residential Code Council Rulemaking Authority. – The  
7 Residential Code Council shall adopt rules to amend the 2024 North Carolina State Building  
8 Code volumes specified within G.S. 143-138(a)(1) through (10) to make conforming changes to  
9 codes applicable to residential construction consistent with rules adopted by the Building Code  
10 Council as required by subsection (d) of this section. Rules adopted pursuant to this subsection  
11 are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted  
12 pursuant to this subsection shall become effective as provided in G.S. 150B-21.3(b1) as though  
13 10 or more written objections had been received as provided in G.S. 150B-21.3(b2).

14 **SECTION 6.(f)** Sunset. – This section expires when permanent rules adopted as  
15 required by subsections (d) and (e) of this section become effective.

## 16 17 **ADVANCED TEACHING ROLES – LIMITED CLASS SIZE EXCEPTION AND** 18 **TRACK ROLES IN STUDENT INFORMATION SYSTEM**

19 **SECTION 7.(a)** Notwithstanding G.S. 115C-301 and G.S. 115C-310.7, for any ATR  
20 unit that received its final year of grant funding under G.S. 115C-310.11 in the 2024-2025 school  
21 year, the State Board of Education may authorize ATR schools within the ATR unit to exceed  
22 the maximum class size requirements for kindergarten through third grade for the 2025-2026 and  
23 2026-2027 school years. For the purposes of this subsection, "ATR unit" and "ATR school" are  
24 as defined in G.S. 115C-310.3.

25 **SECTION 7.(b)** G.S. 115C-310.15 is amended by adding a new subsection to read:  
26 "(d) The Department of Public Instruction shall create designations for teachers serving in  
27 advanced teaching roles in the student information system."

28 **SECTION 7.(c)** This section is effective when it becomes law.

## 29 30 **END DUAL LICENSURE REQUIREMENTS FOR AUDIOLOGISTS**

31 **SECTION 8.(a)** G.S. 93D-14 reads as rewritten:  
32 "**§ 93D-14. Persons not affected.**

33 (a) Nothing in this Chapter shall apply to a physician licensed to practice medicine or  
34 surgery in the State of North Carolina.

35 (b) Any person who meets the requirements of ~~having both a doctoral degree in~~  
36 ~~Audiology and~~ holding a valid ~~permanent-unrestricted~~ license as an audiologist under Article 22  
37 of Chapter 90 of the General Statutes of North Carolina is exempt from licensure under this  
38 Chapter. ~~A person who does not meet both requirements of having a doctoral degree in Audi~~  
39 ~~and holding a valid permanent license as an audiologist under Article 22 of Chapter 90 of the~~  
40 ~~General Statutes of North Carolina must become a registered apprentice or be licensed by the~~  
41 ~~Board before fitting or selling hearing aids in the State of North Carolina.~~

42 (c) ~~Nothing in this Chapter shall be construed to exempt an audiology assistant or~~  
43 ~~certified technician, working under the supervision of a licensee or a person exempt from~~  
44 ~~licensure under this Chapter, from being subject to the provisions of this Chapter. Such a person,~~  
45 ~~before engaging in fitting or selling hearing aids, as defined in this Chapter, must be registered~~  
46 ~~as an apprentice under a Registered Sponsor or be licensed by the Board.~~

47 (d) The provisions of this Chapter shall not apply to the activities and services of an  
48 audiology student pursuing a course of study in an accredited college or university, if these  
49 activities and services constitute a part of such person's course of study."

50 **SECTION 8.(b)** This section is effective when it becomes law.

51

1 **LOCKED HEARING AID DISCLOSURES FOR HEARING AID FITTERS, DEALERS,**  
2 **AND AUDIOLOGISTS**

3 **SECTION 9.(a)** Chapter 93D of the General Statutes is amended by adding a new  
4 section to read:

5 **"§ 93D-7.1. Disclosure of locked hearing aid software; additional disclosures and record**  
6 **keeping.**

7 (a) Definitions. – The following definitions apply in this section:

8 (1) Locked hearing aid. – A prescription hearing aid or an over-the-counter  
9 hearing aid that uses either proprietary programming software or locked,  
10 nonproprietary programming software that restricts programming or servicing  
11 of the device to specific facilities or providers.

12 (2) Locked, nonproprietary programming software. – Software that any provider  
13 or seller can render inaccessible to other hearing aid programmers.

14 (3) Proprietary programming software. – Software used to program hearing aids  
15 that is supplied by a hearing aid distributor or manufacturer for exclusive use  
16 by affiliated providers or sellers. This software is locked and inaccessible to  
17 nonaffiliated providers or sellers.

18 (b) Disclosure of Locked, Nonproprietary or Proprietary Programming Software. – To  
19 the extent not inconsistent with federal law, any person licensed under this Chapter who engages  
20 in fitting or selling of locked hearing aids shall, at the time of purchase of any locked hearing aid,  
21 provide the purchasing patient with a written notice, in 12-point type or larger, stating:

22 "The locked hearing aid being purchased uses locked, nonproprietary or proprietary  
23 programming software and can only be serviced or programmed at specific facilities or  
24 locations."

25 The purchasing patient shall sign the notice at the time of purchase with physical or electronic  
26 signature. The licensee shall retain a copy of the signed notice in the patient's file for at least  
27 three years, subject to the conditions of subsection (d) of this section.

28 (c) Written Receipt of Sale. – Upon consummation of a sale of a locked hearing aid, in  
29 addition to complying with G.S. 93D-7, the licensee shall give to the purchasing patient a written  
30 receipt signed, with physical or electronic signature, by or on behalf of the licensee and the  
31 patient, containing all of the following information:

32 (1) The date of consummation of the sale.

33 (2) The make, model number, and serial number of the hearing aid sold.

34 (3) Whether the locked hearing aid is new, used, or reconditioned.

35 (4) The licensee's name and license number, and the name and license number of  
36 any other hearing aid dispenser, apprentice, temporary licensee, or trainee  
37 licensee who provided any recommendation or consultation regarding the  
38 purchase.

39 (5) The address of the principal place of business of the licensee, and the address  
40 and office hours at which the licensee shall be available for fitting or  
41 post-fitting adjustments and servicing of the hearing aid sold.

42 (6) The terms of any guarantee or written warranty made to the purchasing patient  
43 with respect to the locked hearing aid.

44 If multiple locked hearing aids are sold in a single transaction, a single written notice under  
45 subsection (b) of this section and a single written receipt under this subsection may be used to  
46 satisfy the requirements of this section, provided that the required information for each locked  
47 hearing aid sold is documented.

48 (d) Record Keeping. – The licensee shall maintain, for a period of at least three years  
49 after the sale of a locked hearing aid, the following records for each locked hearing aid  
50 transaction:

- 1           (1) A copy of the written notice described in subsection (b) of this section as  
2           signed by the purchasing patient.
- 3           (2) A copy of the written receipt described in subsection (c) of this section.
- 4           (3) The results of any audiologic tests or measurements performed as part of the  
5           fitting and dispensing of the locked hearing aid or aids.
- 6           (4) A copy of any written recommendations prepared as part of the fitting and  
7           dispensing of the locked hearing aid or aids.

8           These records shall be kept at the licensee's principal place of practice and shall be made  
9           available for inspection by the Board."

10           **SECTION 9.(b)** The North Carolina State Hearing Aid Dealers and Fitters Board  
11           may adopt rules to implement subsection (a) of this section.

12           **SECTION 9.(c)** This section becomes effective October 1, 2025.

13           **SECTION 9.1.(a)** Article 22 of Chapter 90 of the General Statutes is amended by  
14           adding a new section to read:

15           **"§ 90-308. Disclosure of locked hearing aid software by audiologists; receipt and record**  
16           **requirements.**

17           (a) Disclosure of Locked, Nonproprietary or Proprietary Programming Software. – To  
18           the extent not inconsistent with federal law, a licensed audiologist who engages in the fitting or  
19           selling of locked hearing aids, as defined in G.S. 93D-7.1(a)(1), shall, at the time of purchase of  
20           any locked hearing aid, provide the purchasing patient with a written notice in at least 12-point  
21           type stating:

22           "The locked hearing aid being purchased uses locked, nonproprietary or proprietary  
23           programming software and can only be serviced or programmed at specific facilities or  
24           locations."

25           The purchasing patient shall sign the notice at the time of purchase with physical signature  
26           or electronic signature. The audiologist shall retain a copy of the signed notice in the patient's  
27           file in addition to the record requirements of subsection (c) of this section.

28           (b) Written Receipt of Sale. – Upon the consummation of a sale of a locked hearing aid,  
29           in addition to complying with G.S. 93D-7, the audiologist shall give the purchasing patient a  
30           written receipt signed, with physical or electronic signature, by or on behalf of the audiologist  
31           and the patient, containing all of the following information:

- 32           (1) The date of consummation of the sale.
- 33           (2) The make, model, and serial number of the locked hearing aid sold.
- 34           (3) Whether the hearing aid is new, used, or reconditioned.
- 35           (4) The audiologist's name and license number. If any other hearing care  
36           professionals licensed under this Article, such as another audiologist or  
37           temporary licensee, provided any recommendation or consultation for the  
38           purchase, their name and applicable license number shall also be noted.
- 39           (5) The address of the principal place of business of the audiologist, and the  
40           address and office hours at which the audiologist shall be available for fitting  
41           or post-fitting adjustments and servicing of the hearing aid sold.
- 42           (6) The terms of any guarantee or written warranty made to the purchasing patient  
43           with respect to the locked hearing aid.

44           If multiple locked hearing aids are sold in a single transaction, a single written notice under  
45           subsection (a) of this section and a single written receipt under this subsection may be used to  
46           satisfy the requirements of this section, provided that the required information for each locked  
47           hearing aid sold is documented.

48           (c) Record Keeping. – A licensed audiologist shall maintain, for a period of at least three  
49           years after the sale of a locked hearing aid, the following records for each locked hearing aid  
50           transaction:

- 1           (1) A copy of the written notice described in subsection (a) of this section as  
2                 signed by the purchasing patient.
- 3           (2) A copy of the written receipt described in subsection (b) of this section.
- 4           (3) The results of any audiologic tests or measurements performed as part of the  
5                 fitting and dispensing of the locked hearing aid or aids.
- 6           (4) A copy of any written recommendations prepared as part of the fitting and  
7                 dispensing of the hearing aid or aids.

8           These records shall be kept at the audiologist's principal place of practice and shall be made  
9           available for inspection by the Board."

10           **SECTION 9.1.(b)** The North Carolina Board of Examiners for Speech and Language  
11 Pathologists and Audiologists may adopt rules to implement subsection (a) of this section.

12           **SECTION 9.1.(c)** This section becomes effective October 1, 2025.

### 13

### 14 **ALLOW BUYER'S AGENT COMPENSATION TO BE INCLUDED IN THE OFFER TO**

### 15 **PURCHASE**

16           **SECTION 10.(a)** Definitions. – For purposes of this section, "Offer and Sales  
17 Contracts Rule" means 21 NCAC 58A .0112 (Offer and Sales Contracts).

18           **SECTION 10.(b)** Offer and Sales Contracts Rule. – Until the effective date of the  
19 revised permanent rule that the Real Estate Commission is required to adopt pursuant to  
20 subsection (d) of this section, the Commission shall implement the Offer and Sales Contracts  
21 Rule as provided in subsection (c) of this section.

22           **SECTION 10.(c)** Implementation. – A broker acting as an agent in a real estate  
23 transaction may use a preprinted offer or sales contract form containing provisions concerning  
24 the payment of a commission or compensation, including the forfeiture of earnest money, to a  
25 broker or firm.

26           **SECTION 10.(d)** Additional Rulemaking Authority. – The Commission shall adopt  
27 a rule to amend the Offer and Sales Contracts Rule consistent with subsection (c) of this section.  
28 Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section  
29 shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted  
30 pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General  
31 Statutes. Rules adopted pursuant to this section shall become effective as provided in  
32 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in  
33 G.S. 150B-21.3(b2).

34           **SECTION 10.(e)** Sunset. – This section expires when permanent rules adopted as  
35 required by subsection (d) of this section become effective.

### 36

### 37 **PROHIBIT WAITING PERIODS FOR REILING OF DEVELOPMENT**

### 38 **APPLICATIONS**

39           **SECTION 11.** G.S. 160D-601 is amended by adding a new subsection to read:

40           "(e) **Withdrawn or Denied Applications.** – A development regulation or unified  
41 development ordinance may not include waiting periods prohibiting a landowner, developer, or  
42 applicant from reiling a denied or withdrawn application for a zoning map amendment, text  
43 amendment, development application, or request for development approval."

### 44

### 45 **LIMIT LOCAL GOVERNMENT AUTHORITY TO REGULATE THE DISPLAY OF**

### 46 **AMERICAN FLAGS ON PRIVATE PROPERTY**

47           **SECTION 12.(a)** Article 8 of Chapter 160A of the General Statutes is amended by  
48 adding a new section to read:

49           "§ 160A-205.8. **Limitations on regulations of display of certain flags on private property.**

50           (a) **No city shall adopt or enforce an ordinance that prohibits or restricts, or has the effect**  
51 of prohibiting or restricting, a property owner from displaying a flag of the United States of

1 America or the State of North Carolina, including prohibiting or restricting the size of the flag or  
2 the height of any associated flagpole, on the property owner's property.

3 (b) A city may adopt an ordinance to reasonably regulate the manner and placement of  
4 the display of a flag of the United States of America or the State of North Carolina only when  
5 necessary to protect public health and safety; provided, however, enforcement of the ordinance  
6 as to a particular property shall require evaluation of and written findings of fact documenting  
7 the public health and safety concerns justifying enforcement of the ordinance at that particular  
8 property. If a city asserts a traffic-based justification concerning a flag on a particular property,  
9 a site study conducted by the Department of Transportation shall be performed to evaluate  
10 whether traffic concerns will actually arise with manner or placement of the display of the flag  
11 at the particular location, and a flag shall only be prohibited if the Department of Transportation  
12 determines traffic concerns would in fact arise."

13 **SECTION 12.(b)** This section is effective when it becomes law, and any citation,  
14 fine, penalty, action, proceeding, or litigation pending on that date which has resulted from  
15 application of an ordinance contrary to the provisions of this section is abated by this section.  
16

### 17 **ALLOW OFF-SITE FOOD SERVICE FOR WORKPLACE EVENTS**

18 **SECTION 13.** G.S. 130A-248 is amended by adding a new subsection to read:

19 "(c4) Notwithstanding any provision of this Part, a permitted food establishment may serve  
20 food or drink in a workplace setting at an off-site location for the employees of that designated  
21 workplace and their invited guests. Food may be sold individually to employees or guests of the  
22 designated workplace. The food establishment shall notify the local health department before  
23 initiating off-site service at a designated workplace. The food establishment shall provide an  
24 off-site location schedule to the local health department upon the request of the local health  
25 department. The food establishment shall comply with all of the following requirements, and if  
26 the local health department inspects the off-site location, only these requirements shall be  
27 assessed:

- 28 (1) All food served at the off-site location shall be prepared and cooked at the  
29 permitted food establishment. Food may be assembled during service at the  
30 off-site location with no further cooking.
- 31 (2) Assembling and serving food or drink shall only take place indoors.
- 32 (3) Food or drink shall be protected from contamination during transportation,  
33 display, assembling, and service.
- 34 (4) Utensils used during food service shall be returned to the permitted food  
35 establishment to be washed, rinsed, and sanitized. The permitted food  
36 establishment shall provide extra serving utensils from the food establishment  
37 to the off-site location.
- 38 (5) The food establishment shall utilize Time as a Public Health Control as  
39 required in Section 3-501.19 of the NC Food Code.
- 40 (6) No permitted food establishment shall operate in the same location for more  
41 than three days in a seven-day period.
- 42 (7) Food employees shall be employed by the holder of the food establishment  
43 permit and at least one food employee shall always be present from the time  
44 food or drink leaves the permitted establishment until the end of the serving  
45 period at the off-site location.
- 46 (8) One food employee present at the off-site establishment location shall be a  
47 certified food protection manager as required in Section 2-102.12 in the NC  
48 Food Code.
- 49 (9) Handwashing facilities shall be conveniently located, easily accessible, and  
50 supplied with water, soap, and single-use towels at the off-site location.



- 1                    Portable or plumbed handwashing facilities may be used. Handwashing  
2                    facilities for food employees shall not be located in a restroom.  
3                    (10) Customers or guests shall not be allowed to serve themselves."  
4

## 5 EXTEND NOTICE REQUIRED BEFORE CONTESTED CASE HEARINGS

6                    **SECTION 14.(a)** G.S. 150B-23(b) reads as rewritten:

7                    "(b) ~~The parties to a contested case shall be given a notice of hearing not less than 15 days~~  
8 ~~before the hearing by the Office of Administrative Hearings. Not less than 30 days before the~~  
9 ~~initial hearing date, the Office of Administrative Hearings shall give notice of the week and~~  
10 ~~county in which the hearing will be held to the parties to a contested case. Not less than 15 days~~  
11 ~~before the hearing, formal notice of the hearing shall be given to the parties in writing by the~~  
12 ~~Office of Administrative Hearings. If prehearing statements have been filed in the case, the notice~~  
13 ~~shall state the date, hour, and place of the hearing. If prehearing statements have not been filed~~  
14 ~~in the case, the notice shall state the date, hour, place, and nature of the hearing, shall list the~~  
15 ~~particular sections of the statutes and rules involved, and shall give a short and plain statement~~  
16 ~~of the factual allegations. A party may waive notice in writing as to their notice."~~

17                    **SECTION 14.(b)** G.S. 150B-38 reads as rewritten:

18 **"§ 150B-38. Scope; hearing required; notice; venue.**

19                    (a) The provisions of this Article shall apply to:

- 20                    (1) Occupational licensing agencies.  
21                    (2) The State Banking Commission, the Commissioner of Banks, and the Credit  
22                    Union Division of the Department of Commerce.  
23                    (3) The Department of Insurance and the Commissioner of Insurance.  
24                    (4) The State Chief Information Officer in the administration of the provisions of  
25                    Article 15 of Chapter 143B of the General Statutes.  
26                    (5) The North Carolina State Building Code Council.  
27                    (5a) The Office of the State Fire Marshal and the State Fire Marshal.  
28                    (6) Repealed by Session Laws 2018-146, s. 4.4(b), effective December 27, 2018.

29                    (b) Prior to any agency action in a contested case, the agency shall give the parties in the  
30 case an opportunity for a hearing without undue delay and notice not less than ~~15 days~~ 30 days  
31 before the hearing. Notice to the parties shall include all of the following:

- 32                    (1) A statement of the date, hour, place, and nature of the hearing.  
33                    (2) A reference to the particular sections of the statutes and rules involved.  
34                    (3) A short and plain statement of the facts alleged.

35                    ...."

## 37 ENCOURAGE ARTICLE 3A AGENCIES TO NEGOTIATE INFORMALLY

38                    **SECTION 15.** G.S. 150B-22 reads as rewritten:

39 **"§ 150B-22. Settlement; contested case.**

40                    (a) It is the policy of this State that any dispute between an agency and another person  
41 that involves the person's rights, duties, or privileges, including licensing or the levy of a  
42 monetary penalty, should be settled through informal procedures. In trying to reach a settlement  
43 through informal procedures, the agency may not conduct a proceeding at which sworn testimony  
44 is taken and witnesses may be cross-examined.

45                    (b) If the agency and the other person do not agree to a resolution of the dispute through  
46 informal procedures, either the agency or the person may commence an administrative  
47 proceeding to determine the person's rights, duties, or privileges, at which time the dispute  
48 becomes a "contested case." A party or person aggrieved shall not be required to petition an  
49 agency for rule making or to seek or obtain a declaratory ruling before commencing a contested  
50 case pursuant to G.S. 150B-23.

1 (c) This section applies to agencies covered under both this Article and Article 3A of this  
2 Chapter."

#### 4 SWIMMING POOL AMENDMENTS

5 SECTION 16. G.S. 130A-39(b) reads as rewritten:

6 "(b) A local board of health may adopt a more stringent rule in an area regulated by the  
7 Commission for Public Health or the Environmental Management Commission where, in the  
8 opinion of the local board of health, a more stringent rule is required to protect the public health;  
9 otherwise, the rules of the Commission for Public Health or the rules of the Environmental  
10 Management Commission shall prevail over local board of health rules. However, a local board  
11 of health may not adopt a rule concerning a private pool serving a single family dwelling  
12 otherwise exempt from regulation pursuant to G.S. 130A-280 or a rule concerning the grading,  
13 operating, and permitting of food and lodging facilities as listed in Part 6 of Article 8 of this  
14 Chapter and as defined in G.S. 130A-247(1), and a local board of health may adopt rules  
15 concerning wastewater collection, treatment and disposal systems which are not designed to  
16 discharge effluent to the land surface or surface waters only in accordance with  
17 G.S. 130A-335(c)."

18 SECTION 17. G.S. 130A-280 reads as rewritten:

#### 19 "§ 130A-280. ~~Scope.~~Scope and definitions.

20 (a) ~~This Article Part provides for the regulation of public swimming pools in the State as~~  
21 ~~they may affect the public health and safety. As used in this Article, the term "public swimming~~  
22 ~~pool" means any structure, chamber, or tank containing an artificial body of water used by the~~  
23 ~~public for swimming, diving, wading, recreation, or therapy, together with buildings,~~  
24 ~~appurtenances, and equipment used in connection with the body of water, regardless of whether~~  
25 ~~a fee is charged for its use. The term includes municipal, school, hotel, motel, apartment,~~  
26 ~~boarding house, athletic club, or other membership facility pools and spas, spas operating for~~  
27 ~~display at temporary events, and artificial swimming lagoons. As used in this Article, an~~  
28 ~~"artificial swimming lagoon" means any body of water used for recreational purposes with more~~  
29 ~~than 20,000 square feet of surface area, an artificial liner, and a method of disinfectant that results~~  
30 ~~in a disinfectant residual in the swimming zone that is protective of the public health. This Article~~  
31 ~~Part does not apply to any of the following:~~

32 (1) A private pool serving a single family dwelling and used only by the residents  
33 of the dwelling and their ~~guests~~guests, regardless of whether their guests gain  
34 use of the private pool through a sharing economy platform or pay a fee for  
35 its use. In all cases in which a fee is exchanged for access to a private pool  
36 serving a single family dwelling that is used only by the residents of the  
37 dwelling and their guests, the private pool shall be maintained in good and  
38 safe working order.

39 (2) ~~A private pool serving a single family dwelling meeting the minimum~~  
40 ~~requirements of this subdivision which is offered to, and used by, individuals~~  
41 ~~on a temporary basis utilizing a sharing economy platform. For the purposes~~  
42 ~~of this subdivision, a sharing economy platform means an online platform~~  
43 ~~used to facilitate peer-to-peer transactions to acquire, provide, or share access~~  
44 ~~to goods and services. For the purposes of this subdivision, a pool must meet~~  
45 ~~all of the following minimum requirements:~~

46 a. ~~Pools must have proper fencing and barriers to prevent unsupervised~~  
47 ~~access, especially by children. The fence should be at least 4 feet high~~  
48 ~~with a self-latching gate.~~

49 b. ~~Pools must have clear and conspicuous signage posted around the pool~~  
50 ~~area specifying pool rules, depth markers, and any potential hazards.~~

- 1 e. Pools must be equipped with basic lifesaving equipment, including life  
 2 rings and reaching poles.  
 3 d. Pool decks and surrounding areas must have non-slip surfaces.  
 4 e. Pools must have properly fitted covers for all submerged suction  
 5 outlets.  
 6 f. Pools must be well-maintained with proper chemical balance and  
 7 cleanliness to ensure safe and healthy swimming conditions.

8 (3) Therapeutic pools used in physical therapy programs operated by medical  
 9 facilities licensed by the Department or operated by a licensed physical  
 10 therapist, nor to therapeutic chambers drained, cleaned, and refilled after each  
 11 individual use.

12 (b) Definitions. – The following definitions apply in this Part:

- 13 (1) Artificial swimming lagoon. – Any body of water used for recreational  
 14 purposes with more than 20,000 square feet of surface area, an artificial liner,  
 15 and a method of disinfectant that results in a disinfectant residual in the  
 16 swimming zone that is protective of the public health.  
 17 (2) Public swimming pool. – Any structure, chamber, or tank containing an  
 18 artificial body of water used by the public for swimming, diving, wading,  
 19 recreation, or therapy, together with buildings, appurtenances, and equipment  
 20 used in connection with the body of water, regardless of whether a fee is  
 21 charged for its use. The term includes municipal, school, hotel, motel,  
 22 apartment, boarding house, athletic club, or other membership facility pools  
 23 and spas, spas operating for display at temporary events, and artificial  
 24 swimming lagoons.  
 25 (3) Sharing economy platform. – An online platform used to facilitate  
 26 peer-to-peer transactions to acquire, provide, or share access to goods and  
 27 services."

## 29 ZONING REGULATIONS/UNIVERSITY PROPERTY

30 SECTION 18. G.S. 160D-913 reads as rewritten:

### 31 "§ 160D-913. Public buildings.

32 (a) Except as provided in G.S. 143-345.5 and this section, local government zoning and  
 33 development regulations are applicable to the erection, construction, and use of buildings by the  
 34 State of North Carolina and its political subdivisions.

35 (b) Except as provided in G.S. 143-345.5, this Chapter shall not apply to the construction,  
 36 erection, alteration, enlargement, renovation, substantial repair, movement to another site,  
 37 demolition, or use of any building or property by the State of North Carolina, ~~including if the~~  
 38 project is managed by the State Construction Office, or The University of North Carolina or any  
 39 of its constituent institutions, if the project is managed or authorized by The University of North  
 40 Carolina, and the project is located in whole or in part in Buncombe, Watauga, or Wake County  
 41 and the project is managed by the State Construction Office.County.

42 (c) Except as provided in G.S. 143-345.5, this Chapter shall not apply to the construction,  
 43 erection, alteration, enlargement, renovation, substantial repair, movement to another site,  
 44 demolition, or use of any building or property when the project is managed by the Legislative  
 45 Services Commission.

46 (d) Notwithstanding the provisions of any general or local law or ordinance, except as  
 47 provided in Part 4 of Article 9 of this Chapter, no land owned by the State of North Carolina may  
 48 be included within an overlay district or a conditional zoning district without approval of the  
 49 Council of State or its delegate.

1 (e) For properties exempt from this Chapter under subsection (b) or (c) of this section,  
2 the State Construction Office or the Legislative Services Commission shall consult with the  
3 appropriate county or city with jurisdiction with regard to all of the following:

- 4 (1) Water and sewer services to be provided to the project.
- 5 (2) Stormwater implications of the project.
- 6 (3) Impacts on traffic patterns and parking.
- 7 (4) Perimeter buffering, landscaping, tree protection, and riparian buffer  
8 requirements.
- 9 (5) Local environmental regulations adopted under Part 2 of Article 9 of this  
10 Chapter."

## 11 12 **DOWNSTREAM INUNDATION MAPS**

13 **SECTION 19.** G.S. 143-215.31 reads as rewritten:

14 "**§ 143-215.31. Supervision over maintenance and operation of dams.**

15 ...

16 (a1) The owner of a dam classified by the Department as a high-hazard dam or an  
17 intermediate-hazard dam shall develop an Emergency Action Plan for the dam as provided in this  
18 subsection:

19 ...

- 20 (6) Information included in an Emergency Action Plan that constitutes sensitive  
21 public security information, as provided in G.S. 132-1.7, shall be maintained  
22 as confidential information and shall not be subject to disclosure under the  
23 Public Records Act. For purposes of this section, "sensitive public security  
24 information" ~~shall include~~ includes Critical Energy Infrastructure Information  
25 protected from disclosure under rules adopted by the Federal Energy  
26 Regulatory Commission in ~~18 C.F.R. § 388.112~~ 18 C.F.R. § 388.112, but does  
27 not include Emergency Action Plans or downstream inundation maps  
28 associated with impoundments or dams not regulated by the Federal  
29 Emergency Regulatory Commission.

30 ...."

## 31 32 **NO SECOND BITE FOR STORMWATER PERMITTING REVIEW**

33 **SECTION 20.** G.S. 143-214.7(b6) reads as rewritten:

34 "(b6) Permitting under the authority granted to the Commission by this section shall comply  
35 with the procedures and time lines set forth in this subsection. For any development necessitating  
36 stormwater measures subject to this section, applications for new permits, permit modifications,  
37 permit transfers, permit renewals, and decisions to deny an application for a new permit, permit  
38 modification, transfer, or renewal shall be in writing. Where the Commission has provided a  
39 digital submission option, such submission shall constitute a written submission. The  
40 Commission shall act on a permit application as quickly as possible. The Commission may  
41 conduct any inquiry or investigation it considers necessary before acting on an application and  
42 may require an applicant to submit plans, specifications, and other information the Commission  
43 considers necessary to evaluate the application. If the Commission fails to act on an application  
44 for a permit or for a renewal of a permit as specified in this subsection after the applicant submits  
45 all information required by the Commission, the application shall be deemed approved without  
46 modification. ~~[The following provisions apply:]~~ The following provisions apply:

- 47 (1) The Commission shall perform an administrative review of a new application  
48 and of a resubmittal of an application determined to be incomplete under  
49 subdivision (3) of this subsection within 10 working days of receipt to  
50 determine if the information is administratively complete. If complete, the  
51 Commission shall issue a receipt letter or electronic response stating that the

1 application is complete and that a 70-calendar day technical review period has  
2 started as of the original date the application was received. If required items  
3 or information is not included, the application shall be deemed incomplete,  
4 and the Commission shall issue an application receipt letter or electronic  
5 response identifying the information required to complete the application  
6 package before the technical review begins. When the required information is  
7 received, the Commission shall then issue a receipt letter or electronic  
8 response specifying that it is complete and that the 70-calendar day review  
9 period has started as of the date of receipt of all required information. The  
10 Commission shall develop an application package checklist identifying the  
11 items and information required for an application to be considered  
12 administratively complete. After issuing a letter or electronic response  
13 requesting additional information based on the original submittal under this  
14 subdivision, the Commission shall not subsequently request additional  
15 information that was not previously identified as missing or required in that  
16 additional information letter or electronic response from the original  
17 submittal. The Commission may, however, respond to subsequent additional  
18 information letters or electronic responses with a request for additional  
19 information limited to information missing from that subsequent additional  
20 information letter or electronic response.

21 ...."

22  
23 **MODIFY THE FALLS RESERVOIR WATER SUPPLY NUTRIENT STRATEGY**  
24 **RULES TO EXEMPT NEW RESIDENTIAL DEVELOPMENT DISTURBING LESS**  
25 **THAN 1 ACRE**

26 **SECTION 21.(a)** Definitions. – For purposes of this section and its implementation,  
27 "Falls Lake New Development Rule" means 15A NCAC 02B .0277 (Falls Reservoir Water  
28 Supply Nutrient Strategy: Stormwater Management for New Development).

29 **SECTION 21.(b)** Falls Lake New Development Rule. – Until the effective date of  
30 the revised permanent rule that the Environmental Management Commission (Commission) is  
31 required to adopt pursuant to subsection (d) of this section, the Commission shall implement the  
32 Falls Lake New Development Rule as provided in subsection (c) of this section.

33 **SECTION 21.(c)** Implementation. – Except as required pursuant to federal law or  
34 permit, no stormwater permit, management plan, or post-construction stormwater controls shall  
35 be required under the Falls Lake New Development Rule or local ordinances adopted thereunder  
36 for single family and duplex residential dwellings that cumulatively disturb less than 1 acre,  
37 which is not part of a larger common plan of development. Notwithstanding any authority granted  
38 under the Falls Lake New Development Rule or pursuant to other statute or rule, no local  
39 government may establish requirements more restrictive than that established by this subsection.

40 **SECTION 21.(d)** Additional Rulemaking Authority. – The Commission shall adopt  
41 a rule to amend the Falls Lake New Development Rule consistent with subsection (c) of this  
42 section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this  
43 section shall be substantively identical to the provisions of subsection (c) of this section. Rules  
44 adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the  
45 General Statutes. Rules adopted pursuant to this section shall become effective as provided in  
46 G.S. 150B-21.3(b1), as though 10 or more written objections had been received as provided in  
47 G.S. 150B-21.3(b2).

48 **SECTION 21.(e)** Sunset. – This section expires when permanent rules adopted as  
49 required by subsection (d) of this section become effective.

50  
51 **MINING PERMIT PROCESS MODIFICATIONS**

1           **SECTION 22.(a)** G.S. 74-49 reads as rewritten:

2   "**§ 74-49. Definitions.**

3       Wherever used or referred to in this Article, unless a different meaning clearly appears from  
4 the context:

5       ...

6       (7)   "Mining" means any of the following: (i) the breaking of the surface soil in  
7 order to facilitate or accomplish the extraction or removal of minerals, ores,  
8 or other solid matter; (ii) any activity or process constituting all or part of a  
9 process for the extraction or removal of minerals, ores, soils, and other solid  
10 matter from their original location; or (iii) the preparation, washing, cleaning,  
11 or other treatment of minerals, ores, or other solid matter so as to make them  
12 suitable for commercial, industrial, or construction use.

13       "Mining" does not include:

14       ...

15       h.    Activities undertaken at any time within the mine permit boundaries  
16           for the production and harvesting of timber and timber products and  
17           conducted in accordance with standards defined by the Forest Practice  
18           Guidelines Related to Water Quality, as adopted by the Department of  
19           Agriculture and Consumer Services.

20       ...."

21           **SECTION 22.(b)** G.S. 74-50 reads as rewritten:

22   "**§ 74-50. Permits – General.**

23       ...

24       (b2)   The notice shall inform the owners of record and chief administrative officers of the  
25 opportunity to submit written comments to the Department regarding the proposed new or  
26 modified mining operation that adds land to the permitted area and the opportunity to request a  
27 public hearing regarding the proposed new or modified mining operation. Requests for public  
28 hearing shall be made within 30 days of issuance of the ~~notice~~notice, or receipt of the application  
29 by the Department, whichever is later.

30       ...

31       (c)    No permit shall become effective until the operator has deposited with the Department  
32 an acceptable performance bond or other security pursuant to G.S. 74-54.

33       (1)    If at any time the bond or other security, or any part thereof, shall lapse for  
34 any reason other than a release by the Department, and the lapsed bond or  
35 security is not replaced by the operator within 30 days after notice of the lapse,  
36 the permit to which the lapsed bond or security pertains shall be automatically  
37 revoked.

38       (2)    If the Department is noticed of pending cancellation of a bond by the surety  
39           pursuant to G.S. 74-54(a) and the bond is not replaced within 45 days of the  
40           Department's receipt of the notice, the permit to which the bond or security  
41           pertains shall be automatically revoked.

42       ...

43       (e)    Public comment periods and time frames for conducting public hearings as  
44           established by this Article shall not be extended nor altered by the Department. When the  
45           Department holds a public hearing pursuant to G.S. 74-51(c), the 60-day technical review period  
46           established in G.S. 74-51(b1) shall not conclude until either 30 days following the public hearing,  
47           or the original 60-day technical review period, whichever is later."

48           **SECTION 22.(c)** G.S. 74-51 reads as rewritten:

49   "**§ 74-51. Permits – Application, granting, conditions.**

50       ...

1 (b) Before deciding whether to grant a new permit, the Department shall circulate copies  
2 of a notice of application for review and comment as it deems advisable. The Department shall  
3 grant or deny the permit requested as expeditiously as possible, ~~but in no event later than 60 days~~  
4 ~~after the application form and any relevant and material supplemental information reasonably~~  
5 ~~required shall have been filed with the Department, or if a public hearing is held, within 30 days~~  
6 ~~following the hearing and the filing of any relevant and material supplemental information~~  
7 ~~reasonably required by the Department. possible.~~ Priority consideration shall be given to  
8 applicants who submit evidence that the mining proposed will be for the purpose of supplying  
9 materials to the Board of Transportation. In accordance with G.S. 143B-279.18, except to the  
10 extent required by federal or State law, the Department shall not refuse to accept an application  
11 for, nor refuse to issue, a new, modified, or transferred mining permit based solely on the failure  
12 of an applicant to obtain another permit, authorization, or certification required for the same  
13 project. For purposes of this section, failure to obtain a permit, authorization, or certification shall  
14 not include denial of the permit, authorization, or certification by the Department based on the  
15 standards for approval of the permit, authorization, or certification provided by law.

16 (b1) The Department shall act on a permit application as quickly as possible. The  
17 Department may conduct any inquiry or investigation it considers necessary before acting on an  
18 application and may require an applicant to submit plans, specifications, and other information  
19 the Department considers necessary to evaluate the application. If the Department fails to act on  
20 an application for a new, modified, or transferred mining permit as specified in this subsection  
21 after the applicant submits all information required by the Department, the application shall be  
22 deemed approved without modification. The following provisions apply:

23 (1) The Department shall perform an administrative review of an application and  
24 of a resubmittal of an application determined to be incomplete under  
25 subdivision (3) of this subsection within 10 working days of receipt to  
26 determine if the information is administratively complete. If complete, the  
27 Department shall issue a receipt letter or electronic response stating that the  
28 application is complete and that a 60-calendar day technical review period has  
29 started as of the original date the application was received. If required items  
30 or information is not included, the application shall be deemed incomplete,  
31 and the Department shall issue an application receipt letter or electronic  
32 response identifying the information required to complete the application  
33 package before the technical review begins. When the required information is  
34 received, the Department shall then issue a receipt letter or electronic response  
35 specifying that it is complete and that the 60-calendar day review period has  
36 started as of the date of receipt of all required information. The Department  
37 shall develop an application package checklist identifying the items and  
38 information required for an application to be considered administratively  
39 complete.

40 (2) If, during the 60-calendar day technical review period, the Department  
41 determines that the application meets the standards for issuance of a new,  
42 modified, or transferred mining permit, it shall approve the application.

43 (3) If, during the 60-calendar day technical review period, the Department  
44 determines that additional information is required to continue processing the  
45 application, the Department and the applicant shall comply with the following:

46 a. The Department shall issue a letter or electronic response with a list of  
47 the additional information required to issue the permit.

48 b. The applicant shall have up to 180 calendar days from the date the  
49 letter or electronic response is sent to submit the additional  
50 information to the Department.

- 1           c.     If the applicant is unable to provide the required information within
- 2                     the time frame specified in sub-subdivision b. of this subdivision, the
- 3                     applicant may request, with good cause, that a one-year extension be
- 4                     granted by the Department; if the one year extension granted by the
- 5                     Department is insufficient, the applicant may then request another
- 6                     one-year extension granted by the Mining Commission.
- 7           d.     If the applicant fails to provide the required information within 180
- 8                     calendar days or within any extensions granted by the Department and
- 9                     Commission pursuant to sub-subdivision c. of this subdivision, the
- 10                    Department shall return the application to the applicant, the
- 11                    application is deemed denied, and the applicant must resubmit a
- 12                    complete application with a new application fee before the project may
- 13                    be reviewed.
- 14           e.     Upon receipt of the required information from the applicant, the
- 15                     Department shall have 45 calendar days to complete the subsequent
- 16                     technical review and issue the permit, issue the permit with
- 17                     modifications, deny the permit, or issue a letter or electronic response
- 18                     with a list of additional information required to continue processing
- 19                     the application, and the review process will proceed in accordance
- 20                     with sub-subdivision b. or c. of this subdivision, as applicable.
- 21           f.     After issuing a letter or electronic response requesting additional
- 22                     information under this subdivision, the Department shall not
- 23                     subsequently request additional information that was not previously
- 24                     identified as missing or required in that additional information letter
- 25                     or electronic response. The Department may, however, request
- 26                     additional information if required for the technical review based on
- 27                     any new information, changed circumstances, or changed designs
- 28                     provided by the applicant in a response provided pursuant to
- 29                     sub-subdivision b. or c. of this subdivision, as applicable.
- 30           g.     Where the Department identifies information that should have been
- 31                     requested, the Department may address this information by including
- 32                     conditions in or modifications to the permit upon issuance but shall
- 33                     not deny the permit because of the missing information. This
- 34                     prohibition on permit denial shall not apply where an application was
- 35                     deemed denied under sub-subdivision d. of this subdivision.

36           ...  
 37       (d)     The Department may deny the permit upon finding:

- 38           ...
- 39           (7)    That the applicant or any parent, subsidiary, or other affiliate of the applicant
- 40                    or parent has not been in substantial compliance with this Article, rules
- 41                    adopted under this Article, or other laws or rules of this State for the protection
- 42                    of the environment or has not corrected all violations that the applicant or any
- 43                    parent, subsidiary, or other affiliate of the applicant or parent may have
- 44                    committed under this Article or rules adopted under this Article and that
- 45                    resulted in:
- 46                    a.     Revocation of a permit,
- 47                    b.     Forfeiture of part or all of a bond or other security,
- 48                    c.     Conviction of a misdemeanor under G.S. 74-64,
- 49                    d.     Any other court order issued under G.S. 74-64, or
- 50                    e.     Final assessment of a civil penalty under G.S. 74-64, [or]



