

**North Carolina Department of Environmental Quality
Divisions of Waste Management and Water Resources**

**Report on Implementation of G.S. 143-215.108 Amendments Provision on
Contested Cases for Air Permits (Sec. 4.17 of S.L. 2015-286)**

May 2018

Session Law 2015-286 Section 4.17 requires the North Carolina Department of Environmental Quality to study whether the changes to contested cases for air quality permits resulting from S.L. 2015-286 should be expanded into other programs administered by the Department to include water and solid waste permitting programs.

As noted in the General Assembly's summary of the legislation, Sec. 4.17 of S.L. 2015-286 amends the process for filing a contested case regarding an air quality permit decision of the Environmental Management Commission (EMC) by:

- Providing that the filing for a contested case by a permit applicant or permittee would stay the EMC's decision while the filing for a contested case by a person who is not the permit applicant or permittee would not automatically stay the EMC's decision.
- Limiting these contested case provisions to permit application decisions rather than other types of permit decisions, such as permit modification, suspension, or revocation.

The Division of Waste Management reviewed the changes to contested cases for air permits to determine if expanding those criteria to the solid waste permitting program are needed. At this juncture, there are no specific examples that indicate that the changes to contested cases for air quality permits resulting from S.L. 2015-286 need to be expanded to the solid waste permitting programs.

The Division of Water Resources reviewed the changes to contested cases for air permits to determine if expanding those criteria to the water permitting programs are needed. At this juncture, there are no specific examples that indicate that the changes to contested cases for air quality permits resulting from S.L. 2015-286 need to be expanded to the Division of Water Resources permitting programs.