

**SUBCHAPTER 01D - PROJECT CERTIFICATION RELATING TO INDUSTRIAL AND PRIVATE
POLLUTION CONTROL REVENUE BONDS**

This Subchapter 1D of Title 15A of the North Carolina Administrative Code (T15A.01D); PROJECT CERTIFICATION RELATING TO INDUSTRIAL AND POLLUTION CONTROL REVENUE BONDS; has been transferred and recodified from Subchapter 1E of Title 15 of the North Carolina Administrative Code (T15.01E), effective November 1, 1989.

SECTION .0100 - PURPOSE AND DEFINITIONS

15A NCAC 01D .0101 PURPOSE

History Note: Authority G.S. 159C-7;
Eff. June 16, 1977;
Amended Eff. March 1, 1990; July 1, 1988;
Expired Eff. May 1, 2017 pursuant to G.S. 150B-21.3A.

15A NCAC 01D .0102 DEFINITIONS OF TERMS

The terms used in this Subchapter shall be as defined in G.S. 159C-3 and as follows:

- (1) "DEQ" means the Department of Environmental Quality.
- (2) "Secretary" means the Secretary of DEQ or his or her appointed designee.
- (3) "Project certification" means a written statement by the Secretary, that a proposed industrial project will meet the criteria contained in Rule .0302 of this Subchapter, a proposed pollution control project will meet the criteria contained in Rule .0303 of this Subchapter, or a proposed hazardous waste facility will meet the criteria contained in Rule .0305 of this Subchapter.

History Note: Authority G.S. 159C-7(d);
Eff. June 16, 1977;
Amended Eff. March 1, 1990; July 1, 1988;
Readopted Eff. May 1, 2022.

SECTION .0200 - CERTIFICATION PROCEDURES

- 15A NCAC 01D .0201 PURPOSE**
15A NCAC 01D .0202 REQUEST FROM THE SECRETARY OF THE DEPARTMENT OF ECD
15A NCAC 01D .0203 FORMAL PROJECT CERTIFICATION: ISSUANCE
15A NCAC 01D .0204 FORMAL PROJECT CERTIFICATION: DENIAL
15A NCAC 01D .0205 REIMBURSEMENT OF EXTRAORDINARY EXPENSES

History Note: Authority G.S. 159C-7;
Eff. June 16, 1977;
Amended Eff. March 1, 1990; July 1, 1988;
Expired Eff. May 1, 2017 pursuant to G.S. 150B-21.3A.

SECTION .0300 - CERTIFICATION CRITERIA

15A NCAC 01D .0301 GENERAL

History Note: Authority G.S. 159C-7;
Eff. June 16, 1977;
Expired Eff. May 1, 2017 pursuant to G.S. 150B-21.3A.

15A NCAC 01D .0302 PROPOSED INDUSTRIAL PROJECT

In the case where the Secretary of the Department of Commerce requests a project certification for a proposed industrial project or for a proposed industrial project that includes a pollution control project, the Secretary shall

certify that the project will not have a materially adverse effect on the environment if the Secretary determines that no applicable State and federal environmental laws, rules, standards, or limitations will be violated, that use of water by the proposed industrial project will not substantially affect other users, and that the proposed project will have no other materially adverse effect on the environment. Issuance to the operator of the proposed project of the required environmental permits indicates that certain environmental impacts of the proposed project were evaluated, and the Secretary may consider such evaluations in making a certification decision.

History Note: Authority G.S. 159C-7(d);
Eff. June 16, 1977;
Amended Eff. March 1, 1990; July 1, 1988;
Readopted Eff. May 1, 2022.

15A NCAC 01D .0303 PROPOSED POLLUTION CONTROL PROJECT

In the case where the Secretary of the Department of Commerce requests a project certification for a proposed pollution control project, the Secretary shall certify that the proposed project will have a materially favorable impact on the environment or will prevent or diminish materially the impact of the pollution that would otherwise occur, as set forth in G.S. 159C-7(d), if the Secretary determines that: the proposed project meets all applicable State and federal emission control standards, water effluent limitations, pretreatment standards, new source performance standards, and toxic substances emission effluent limitations; does not contravene ambient air or water quality standards; and has an otherwise materially favorable impact on the environment. Issuance to the operator of the proposed project of the required environmental permits indicates that certain environmental impacts of the proposed project were evaluated, and the Secretary may consider such evaluations in making a certification decision.

History Note: Authority G.S. 159C-7(d);
Eff. June 16, 1977;
Amended Eff. March 1, 1990; July 1, 1988;
Readopted Eff. May 1, 2022.

15A NCAC 01D .0304 RESPONSIBILITY FOR PROVIDING INFORMATION

History Note: Authority G.S. 159C-7;
Eff. June 16, 1977;
Amended Eff. March 1, 1990; July 1, 1988;
Expired Eff. May 1, 2017 pursuant to G.S. 150B-21.3A.

15A NCAC 01D .0305 PROPOSED HAZARDOUS WASTE FACILITY

In the case where the Secretary of the Department of Commerce requests a project certification for a hazardous waste facility, the Secretary shall certify that the proposed project is environmentally sound, will not have an adverse effect on public health, and will further the waste management goals of North Carolina, in accordance with G.S. 159C-7(d), if the Secretary determines that the proposed project meets applicable State and federal laws and regulations, has applied for and received the required environmental permits, including those outlined in G.S. 130A-295, 130A-295.01, and 130A-295.04 for hazardous waste facilities, and meets the current and anticipated waste management needs of the State. Issuance to the operator of the proposed project of the required environmental permits indicates that certain environmental impacts of the proposed project were evaluated, and the Secretary may consider such evaluations in making a certification decision.

History Note: Authority G.S. 159C-7(d);
Eff. May 1, 2022.