

15A NCAC 02A .0105 DELEGATIONS OF AUTHORITY

(a) The N.C. Environmental Management Commission therefore resolves that:

- (1) Whenever in these resolutions and rules there exists a delegation of authority to the Director, Office of Water and Air Resources (now the Division of Environmental Management), it shall become and read as a delegation of authority to the Secretary of the Department of Environment, Health, and Natural Resources to act on behalf of the N.C. Environmental Management Commission; and
- (2) The Secretary of the Department of Environment, Health, and Natural Resources, in addition to the delegations mentioned in Paragraph (a)(1) of this Rule, is hereby delegated the authority to issue permits for the Environmental Management Commission as provided in N.C. General Statutes 143-215.1, 143-215.108, 143-215.109, 143-215.15, 143-215.28, and 87-88, and to approve the use of chemicals or other dispersants or treatment materials as provided in G.S. 143-215.84(a), and the Secretary or his delegate shall report all such issuances or approvals to the Commission; and
- (3) The Secretary of the Department of Environment, Health, and Natural Resources may delegate such of these authorities to any qualified employee of the Department of Environment, Health, and Natural Resources upon a finding by the Secretary of necessity in order to effectively and efficiently administer and enforce the rules of the N.C. Environmental Management Commission.

(b) Power to Enter Operational Agreements. The Commission authorizes the Secretary, on behalf of the Commission, to enter into any future operational agreements among the Commission, the developer of a condominium project or projects, and the condominium homeowners' association. The purpose of the operational agreement is to provide for an orderly transfer of permits issued to condominium project developers by the Commission; to identify the party to whom the developer will transfer the permit; and to guarantee that transferee homeowners' associations will comply with conditions of permits issued developers.

(c) Therefore, the Environmental Management Commission hereby resolves that: The Secretary, Department of Environment, Health, and Natural Resources is authorized to:

- (1) determine eligibility of applicants in accordance with Rule .0201, State Grants, found in Subchapter 2F of this Title;
- (2) give public notice of each eligible application as required in Rule .0201, State Grants, found in Subchapter 2F of this Title;
- (3) notify the applicant of the Commissions' recommended grant award as required in Rule .0201, State Grants, found in Subchapter 2F of this Title;
- (4) notify the applicant of a determination by the Commission of failure to qualify for a grant award as required in Rule .0201, State Grants, found in Subchapter 2F of this Title;
- (5) forward to the Department of Administration a Certificate of Eligibility for each grant award as required in Rule .0201, State Grants, found in Subchapter 2F of this Title;
- (6) prepare and file the annual report as required in Rule .0201, State Grants, found in Subchapter 2F of this Title;
- (7) redelegate any or all of the above duties to employees of the Division of Environmental Management.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.3(a)(4);
Eff. February 1, 1976;
Amended Eff. March 1, 1993; July 1, 1988; November 1, 1978;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. January 3, 2017.*