

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 628

Agriculture/Environment/Natural Resources Committee Substitute Adopted 6/7/11

Short Title: WQ Permitting/Withheld Information.

(Public)

Sponsors:

Referred to:

April 19, 2011

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A CRIMINAL PENALTY FOR THE INTENTIONAL WITHHOLDING OF INFORMATION MATERIAL TO A DETERMINATION CONCERNING A WATER QUALITY PERMIT OR CERTIFICATION, AND TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO DENY A WATER QUALITY PERMIT OR CERTIFICATION IF AN APPLICANT INTENTIONALLY WITHHOLDS INFORMATION OR KNOWINGLY PROVIDES FALSE INFORMATION THAT IS MATERIAL TO A DETERMINATION CONCERNING A WATER QUALITY PERMIT OR CERTIFICATION.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 143-215.6B(i) reads as rewritten:

"(i) Any person ~~who~~ who (i) intentionally withholds or omits information that is material to a permitting or certification determination made pursuant to this Article or a rule implementing this Article; (ii) knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Article or a rule implementing this Article; ~~or who~~ (iii) knowingly makes a false statement of a material fact in a rulemaking proceeding or contested case under this Article; or ~~who~~ (iv) falsifies, tampers with, or knowingly renders inaccurate any recording or monitoring device or method required to be operated or maintained under this Article or rules of the Commission implementing this Article shall be guilty of a Class 2 misdemeanor which may include a fine not to exceed ten thousand dollars (\$10,000). If information that is material to a permitting or certification determination is intentionally withheld, or if a false statement, representation, or certification is knowingly made in an application to the Commission for a permit or certification or in any data, plan, or other document submitted in support of an application for a permit or certification, then in addition to all other penalties imposed by this Article, the Commission shall deny the permit or certification. For purposes of this subsection, information is material to a permitting or certification determination if the information relates to the ability of the Commission or the ability of the Department, as applicable, to (i) evaluate the impacts to natural resources caused by the activity for which the permit or certification is sought; (ii) implement applicable statutes or rules governing the evaluation of the permit or certification application; or (iii) evaluate appropriate conditions that may be required in the permit or certification to reduce, mitigate, or eliminate impacts to natural resources affected by the activity for which the permit or certification is sought."

**SECTION 2.** This act is effective when it becomes law and applies to applications for permits or certifications submitted on or after that date.

