

April 19, 2005

**H 1283. IMPROVE ENVIRONMENTAL ENFORCEMENT (=S 1019).** *TO IMPROVE THE ENFORCEMENT OF VARIOUS ENVIRONMENTAL LAWS, TO AUTHORIZE THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES TO ISSUE ADMINISTRATIVE ORDERS, AND TO ESTABLISH A PILOT PROGRAM THAT ALLOWS THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO DETERMINE AND RETAIN THE ACTUAL COSTS OF COLLECTING CIVIL PENALTIES, FINES, AND FORFEITURES.* Identical to S 1019, introduced 3/24/05.

**Intro. by Culpepper.**

Ref. to Finance

GS 113A, 130A, 143

July 28, 2005

**H 1283. IMPROVE ENVIRONMENTAL ENFORCEMENT.** Intro. 4/19/05. House committee substitute makes the following changes to 1st edition. (1) Amends GS 113A-64(a)(1) to require the existence of one of the following factors before a \$10,000 penalty for the first day of a violation is assessed: that violation was knowing and willful, that off-site sedimentation has eliminated or severely degraded a use in a lake or natural watercourse or has caused severe damage to adjacent land, or that the land-disturbing activity is being conducted without an approved plan. (2) Enacts new GS 113A-64(c) to provide that a single violation may be subject to an enforcement action under either Article 13 of GS Chapter 113A (sedimentation control) or Article 21 of GS Chapter 143 (water and air resources), but not both, and that separate violations at the same site may be enforced under either Article. (3) Revises proposed amendments to GS 130A-22(a) to increase proposed maximum daily penalty for violations involving hazardous waste from \$27,500 to \$32,500. (4) Enacts new GS 130A-22(j) to authorize the Secretary of Environment and Natural Resources to collect the reasonable costs of any investigation, inspection, or monitoring that resulted in the assessment of a civil penalty. (5) Modifies proposed GS 143-215.6F to limit to four hours the amount of time the Secretary may require that a person either attend an environmental education course or perform community service and to provide that Secretary may require publication of a notice of a violation only once. Further modifies proposed section to limit Secretary's authority to delegate power and duties under section. Makes technical and conforming changes.

August 22, 2005

**H 1283. IMPROVE ENVIRONMENTAL ENFORCEMENT.** Intro. 4/19/05. House committee substitute makes the following changes to 2nd edition. Rewrites proposed new GS 143-215.6F. The previous version authorized the Secretary of Environment and Natural Resources to issue an order directing a person who violates GS 143-215.6A (regarding permitting and operation of wastewater systems) to take certain actions, such as attending educational offerings or providing community service, in lieu of or in addition to other enforcement actions. The committee substitute permits a person who is subject to a civil penalty under GS 143-215.6A to request that the Secretary enter into such an order (called an administrative consent order), and makes the decision to enter into the order voluntary on the part of the person subject to the penalty. Provides for civil penalties for a person who enters but then fails to comply with an administrative consent order. Deletes provision requiring the Department to develop a pilot program in consultation with the NC School Boards Association to determine the amount and retain the actual costs of collecting civil penalties, fines, and forfeitures assessed by the Department.

August 22, 2005

**H 1283. IMPROVE ENVIRONMENTAL ENFORCEMENT.** Intro. 4/19/05. House amendment makes the following changes to 3rd edition. Makes technical change only.