

March 24, 2005

S 1019. IMPROVE ENVIRONMENTAL ENFORCEMENT. *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 DEDUCT AND RETAIN THE ACTUAL COSTS OF COLLECTING CIVIL PENALTIES, FINES, AND FORFEITURES.* Makes the following changes regarding environmental penalties: (1) Amends the civil penalties in GS 113A-64(a) for the Sedimentation Pollution Control Act to provide the following exception to the maximum \$5,000 penalty: for the purpose of deterrence, the Secretary may assess a penalty of up to \$10,000 for the first day of a violation. (2) Amends the civil penalties for Coastal Area Management by (a) increasing the minor development violation maximum from \$250 to \$1,000 and the major development maximum from \$2,500 to \$1,000, (b) allowing the Secretary to consider, in determining the amount of the penalty, the duration and gravity of the violation, the effect on the environment, the amount of money the violator saved by noncompliance, whether the violation was willful or intentional, the prior record of the violator, and the cost of the State of enforcement proceedings, and (c) authorizing the Commission to assess the violator the costs of investigation, inspection, and monitoring. (3) Amends GS 130A-18(a) to extend the availability of injunctive relief under the Public Health Law to violations of any order pursuant to the law or rules. (4) Amends GS 130A-22(a) to increase administrative penalties for violation of the Solid Waste Management law from a maximum of \$5,000 to \$10,000 a day for nonhazardous waste and a maximum of \$25,000 to \$27,500 for other violations (but not more than \$25,000 for the first day). (5) Amends GS 130A-22(c) to increase administrative penalties for violation of the Wastewater Systems law from \$50 to \$100 per day for smaller violations and from \$400 to \$5,000 per day for larger violations, and to provide that these maximums apply separately to multiple violations on the same day. (6) Amends GS 130A-26.2 to extend the penalty for false reporting under the Solid Waste law to include false reporting under the Drinking Water Act.

Enacts new GS 143-215.6F to authorize administrative orders, as title indicates. In addition to other remedies, orders may require violators to attend environmental education courses, publish notice of the violation, and perform community services. Creates pilot program during period October 1, 2005, through April 1, 2008, for DENR to retain actual costs of collecting civil penalties, fines, and forfeitures to improve assessment and collection. DENR is to report on the pilot program by March 1, 2007, and April 1, 2008.

All provisions except pilot program are effective for violations and offenses committed on or after December 1, 2005.

Intro. by Clodfelter.

Ref. to Agriculture

GS 113A, 130A, 143