

February 17, 2009

**H 171. CERTAIN ENV'AL VIOLATIONS/ENTRY/1ST PENALTY.** Filed 2/17/09. *TO REQUIRE THAT RIGHT OF ENTRY REQUESTS TO CONDUCT ROUTINE INSPECTIONS RELATED TO ENFORCING ARTICLE 9 OF CHAPTER 130A OF THE GENERAL STATUTES BE MADE TO PERSONS WHO OWN THE BUSINESS LOCATED ON THE PREMISES OR HAVE CONTROL OVER THE BUSINESS LOCATED ON THE PREMISES AND TO REQUIRE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ASSESS NO CIVIL PENALTY FOR CERTAIN FIRST-TIME VIOLATIONS UNDER THIS SAME ARTICLE.*

Amends GS 130A-17 to provide that any person seeking to enter the premises to conduct a routine inspection related to enforcing the provisions of Article 9 (Solid Waste Management) of GS Chapter 130A must request entry from the person who owns or has control of the business located on the premises. Amends GS 130A-22(d) to require when determining penalty amounts under subsections (a) (concerning violations of Article 9, Solid Waste Management), (b) (concerning violations of GS 130A-325, prohibited acts within the Drinking Water Act), and (c) (concerning violations of Article 11, Wastewater Systems) that the entire penalty for violations of the statute be remitted when the violator: (1) employs no more than 100 employees; (2) has not been assessed any civil penalty for previous violations under any program over which the Department of Environment and Natural Resources has regulatory authority; and (3) has voluntarily come into compliance regarding each violation under (a), (b), or (c) of this statute. Also adds violations of (c) (was, only (a) and (b)) to those for which the Secretary of Health and Human Services and the Secretary of Environment and Natural Resources must consider the degree and extent of the harm caused by the violation and the cost of rectifying the damage when determining the penalty amount. Effective for notices of assessments of civil penalties that are issued on or after the date that the act becomes law.

**Intro. by Holliman.**

GS 130A