



CHAPTER 113A

ARTICLE 4 - SEDIMENTATION POLLUTION CONTROL ACT OF 1973

N.C.G.S. § 113A-64.2.

Remission of civil penalties.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	No amendment history on record	21 September 2026, 06:15 UTC	18291d61993917836fc64ee9 - 715d6fd05d280eafacc07f5d - 37e3dce9c38059f5

§ 113A-64.2(a) A request for remission of a civil penalty imposed under G.S. 113A-64 may be filed with the Commission within 30 days of receipt of the notice of assessment. A remission request must be accompanied by a waiver of the right to a contested case hearing pursuant to Chapter 150B of the General Statutes and a stipulation of the facts on which the assessment was based.

§ 113A-64.2(b) The following factors shall be considered in determining whether a civil penalty remission request will be approved:

- (1) Whether one or more of the civil penalty assessment factors in G.S. 113A-64(a)(3) were wrongly applied to the detriment of the petitioner.
- (2) Whether the petitioner promptly abated continuing environmental damage resulting from the violation.
- (3) Whether the violation was inadvertent or a result of an accident.
- (4) Whether the petitioner had been assessed civil penalties for any previous violations.
- (5) Whether payment of the civil penalty will prevent payment for necessary remedial actions or would otherwise create a significant financial hardship.
- (6) The assessed property tax valuation of the petitioner's property upon which the violation occurred, excluding the value of any structures located on the property.

§ 113A-64.2(c)

The petitioner has the burden of providing information concerning the financial impact of a civil penalty on the petitioner and the burden of showing the petitioner's financial hardship.

§ 113A-64.2(d) The Commission may remit the entire amount of the penalty only when the petitioner has not been assessed civil penalties for previous violations and payment of the civil penalty will prevent payment for necessary remedial actions.

§ 113A-64.2(e) The Commission may not impose a penalty under this section that is in excess of the civil penalty imposed by the Department. (2015-241, s. 14.26(c); 2021-158, s. 5(a).)

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS II
2 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 113A-64	(a)	"of a civil penalty imposed under"
G.S. 113A-64(a)(3)	(b)(1)	"the civil penalty assessment factors in"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 113A-64.2 (2026).

PINPOINT

N.C. Gen. Stat. § 113A-64.2(a) (2026).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

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