



CHAPTER 143
ARTICLE 21A - OIL POLLUTION AND HAZARDOUS SUBSTANCES CONTROL

N.C.G.S. § 143-215.88A.

Enforcement procedures: civil penalties.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 1998-215, s. 67(a) — ninth act in the lineage	21 September 2026, 02:21 UTC	5478a3a68d24204614a63116 - b0f84a96f31d84071707a8de - 8ba760295b99fbc4

§ 143-215.88A(a) Any person who intentionally or negligently discharges oil or other hazardous substances, or knowingly causes or permits the discharge of oil in violation of this Part or fails to report a discharge as required by G.S. 143-215.85 or who fails to comply with the requirements of G.S. 143-215.84(a) or orders issued by the Commission as a result of violations thereof, shall incur, in addition to any other penalty provided by law, a penalty in an amount not to exceed five thousand dollars (\$5,000) for every such violation, the amount to be determined by the Secretary after taking into consideration the factors set out in G.S. 143B-282.1(b), the amount expended by the violator in complying with the provisions of G.S. 143-215.84, and the estimated damages attributed to the violator under G.S. 143-215.90. Every act or omission which causes, aids or abets a violation of this subsection shall be considered a violation under the provisions of this subsection and subject to the penalty herein provided. The procedures set out in G.S. 143-215.6 and G.S. 143B-282.1 shall apply to civil penalties assessed under this section. The penalty herein provided for shall become due and payable when the person incurring the penalty receives a notice in writing from the Commission describing the violation with reasonable particularity and advising such person that the penalty is due. A person may contest a penalty by filing a petition for a contested case under G.S. 150B-23 within 30 days after receiving notice of the penalty. If any civil penalty has not been paid within 30 days after notice of assessment has been served on the violator, the Secretary shall request the Attorney General to institute a civil action in the Superior Court of any county in which the violator resides or has his or its principal place of business to recover the amount of the assessment, unless the violator contests the assessment as provided in this subsection, or requests remission of the assessment in whole or in part. If any civil penalty has not been paid within 30

days after the final agency decision or court order has been served on the violator, the Secretary shall request the Attorney General to institute a civil action in the Superior Court of any county in which the violator resides or has his or its principal place of business to recover the amount of the assessment. Notification received pursuant to this subsection or information obtained by the exploitation of such notification shall not be used against any person in any criminal case, except as prosecution for perjury or for giving a false statement.

§ 143-215.88A(b) The civil penalties provided by this section, except the civil penalty for failure to report, shall not apply to the discharge of a pesticide regulated by the North Carolina Pesticide Board, if such discharge would constitute a violation of the North Carolina Pesticide Law and if such discharge has not entered the surface waters of the State.

§ 143-215.88A(c) The clear proceeds of civil penalties provided for in this section shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with G.S. 115C-457.2.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
9 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

1973		1986		1998
TICK HEIGHT = ACTS IN THAT YEAR		DASHED = RECODIFICATION, NOT AMENDMENT		
Nº	YEAR	ACT	CHARACTER	
01	1973	c. 534, s. 1	ENACTED	
02	1973	c. 1262, s. 23	AMENDED	
03	1979	c. 535, ss. 25, 26	AMENDED	
04	1987	c. 270	AMENDED	
05	1987	c. 827, ss. 154, 197	AMENDED	
06	1987	1989 (Reg. Sess., 1990), c. 1036, s. 6	AMENDED	
07	1987	c. 1045, s. 7	AMENDED	
08	1987	c. 1075, s. 8	AMENDED	
09	1998	S.L. 1998-215, s. 67(a)	AMENDED	

APPARATUS II
9 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. 143-215.85	(a)	<i>"report a discharge as required by"</i>
G.S. 143-215.84(a)	(a)	<i>"to comply with the requirements of"</i>
G.S. 143B-282.1(b)	(a)	<i>"consideration the factors set out in"</i>
G.S. 143-215.84	(a)	<i>"in complying with the provisions of"</i>
G.S. 143-215.90	(a)	<i>"damages attributed to the violator under"</i>
G.S. 143-215.6	(a)	<i>"provided. The procedures set out in"</i>
G.S. 143B-282.1	(a)	<i>"set out in G.S. 143-215.6 and"</i>
G.S. 150B-23	(a)	<i>"petition for a contested case under"</i>
G.S. 115C-457.2	(c)	<i>"and Forfeiture Fund in accordance with"</i>

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 143-215.88A (1998).

PINPOINT

N.C. Gen. Stat. § 143-215.88A(a) (1998).

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.

COLOPHON

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1973, c. 534, s. 1; 1973, c. 1262, s. 23; 1979, c. 535, ss. 25, 26; 1987, c. 270; c. 827, ss. 154, 197; 1989 (Reg. Sess., 1990), c. 1036, s. 6; c. 1045, s. 7; c. 1075, s. 8; 1998-215, s. 67(a).)

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