

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE DRS15212-SB-13 (03/09)

Short Title: Environmental Accountability and Info. Act. (Public)

Sponsors: Senator Kinnaird.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL
RESOURCES TO ESTABLISH AND MAINTAIN A DATABASE OF
VIOLATIONS AND ENFORCEMENT ACTIONS.

The General Assembly of North Carolina enacts:

SECTION 1. Part 1 of Article 7 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-279.13. List of chronic violators; enforcement database.

(a) As used in this section:

(1) 'Enforcement action' means an action taken by the Department of Environment and Natural Resources in response to a violation by a permittee or a licensee required to obtain a permit or license issued by the Department. Enforcement action includes a civil penalty, an injunction, a special order by consent, a restraining order, and a stopwork order. Enforcement action does not include a notice of violation.

(2) 'Violation' means any violation of a federal or State law, regulation, or rule for the protection of the environment and natural resources or any violation of a condition of a permit or license issued by the Department of Environment and Natural Resources.

(b) The Department of Environment and Natural Resources shall establish and maintain a database of violations and enforcement actions taken by the Department and shall make it available to the public by publishing it on the Web site of the Department. The enforcement database shall include all of the following:

(1) A list of each violation.

(2) The extent of each violation.

- 1 (3) Any enforcement action that is ongoing or that was taken in the
2 preceding two years.
- 3 (4) The number and date of any notices of violations sent by the
4 Department prior to its taking an enforcement action.
- 5 (5) The results of each enforcement action taken by the Department.
- 6 (c) Any permittee or licensee required to obtain a permit or license issued by the
7 Department of Environment and Natural Resources shall notify the Department within
8 30 days of being convicted of a crime regarding a violation.
- 9 (d) The database established pursuant to subsection (b) of this section shall
10 contain and be searchable by all of the following criteria:
- 11 (1) The name of the violator and its permit number.
- 12 (2) The name of the facility at which the violation occurred, if applicable.
- 13 (3) The location at which the violation occurred.
- 14 (4) The nature of the violation, including whether the violation involved a
15 discharge to air or water or onto land.
- 16 (e) The Department of Environment and Natural Resources shall adopt any rules
17 needed to implement this section."
- 18 **SECTION 2.** Nothing in this act shall be construed as limiting any remedy
19 for noncompliance available to the Department of Environment and Natural Resources
20 under existing law.
- 21 **SECTION 3.** This act becomes effective September 1, 2005.