

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 394*

Environmental & Natural Resources Committee Substitute Adopted 4/6/89

Short Title: Environmental Compliance Bonding.

(Public)

Sponsors:

Referred to:

March 13, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE POSTING OF A BOND OR OTHER SECURITY TO ENSURE COMPLIANCE WITH SPECIAL ORDERS OF THE ENVIRONMENTAL MANAGEMENT COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-215.110 is amended by adding a new subsection to read:

"(e) Compliance Bonds. – A special order or other instrument authorized by this section may provide that a bond or other surety be posted to ensure compliance. In determining the amount of such bond the Commission shall consider the degree and extent of harm which may result if the person to whom the special order is directed fails to comply with the terms of the order, the cost of rectifying such harm, the economic consequences to the person to whom the special order is directed if the special order is issued as compared to the consequences of a denial, suspension, or revocation of the special order or permit, and the person's history of compliance with pollution control requirements, other special orders, history of payment of any penalties which may have been previously assessed by the Commission. In the event of noncompliance with the special order or other instrument, the bond shall be forfeited and the entire amount of the bond shall be deposited in the General Fund."

Sec. 2. This act is effective upon ratification.