

15A NCAC 13B .0702 STANDARDS

In determining the amount of the administrative penalty, the Division shall consider the following standards:

- (1) Nature of the violation and the degree and extent of the harm, including at least the following:
 - (a) For a violation of the Solid Waste Management Act, Article 9 of Chapter 130A of the North Carolina General Statutes, and the rules adopted thereunder:
 - (i) type of violation;
 - (ii) type of waste involved;
 - (iii) duration of the violation;
 - (iv) cause (whether resulting from a negligent, reckless or intentional act or omission);
 - (v) potential effect on public health and the environment;
 - (vi) effectiveness of responsive measures taken by the violator;
 - (vii) damage to private property.
 - (b) For a violation of an order issued under the Solid Waste Management Act, Article 9 of Chapter 130A of the North Carolina General statutes:
 - (i) subject matter of order;
 - (ii) duration of the violation;
 - (iii) cause (whether resulting from a negligent, reckless or intentional act or omission);
 - (iv) type of violation, if any;
 - (v) potential effect on public health and the environment;
 - (vi) effectiveness of responsive measures taken by violator.
 - (c) For refusing to allow an authorized representative of the Commission for Public Health, any local board of health, or the Department a right of entry as provided for in G.S. 130A-17:
 - (i) type of previous violation or other violation found after entry, if any;
 - (ii) duration of refusal;
 - (iii) potential effect on public health and the environment;
 - (iv) type of waste handled by violator at the solid waste management facility.
- (2) Cost of rectifying any damage.
- (3) The violator's previous record in complying or not complying with the Solid Waste Management Act and the regulations promulgated thereunder.

History Note: Authority G.S. 130A-22(f);
Eff. April 1, 1982;
Amended Eff. September 1, 1990; October 1, 1984.