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SUBCHAPTER 4C - SEDIMENTATION CONTROL CIVIL PENALTIES

15A NCAC 04C .0101 PURPOSE AND SCOPE

History Note: Authority G.S. 113A-54(b); 113A-64(a);
Eff. February 1, 1976;
Amended Eff. November 1, 1984; October 5, 1980;
Repealed Eff. August 1, 1988.

15A NCAC 04C .0102 DEFINITIONS

History Note: Authority G.S. 143B-10;
Eff. February 1, 1976;
Amended Eff. January 31, 1979; September 3, 1976;
Repealed Eff. November 1, 1984.

15A NCAC 04C .0103 WHO MAY ASSESS

History Note: Authority G.S. 113A-55; 113A-64; 143B-10;
Eff. February 1, 1976;
Amended Eff. November 1, 1984;
Repealed Eff. June 1, 2020.

15A NCAC 04C .0104 WHEN ASSESSABLE

History Note: Authority G.S. 113A-64;
Eff. February 1, 1976;
Amended Eff. November 1, 1984;
Repealed Eff. August 1, 1988.

15A NCAC 04C .0105 AMOUNT OF ASSESSMENT

History Note: Authority G.S. 113A-64;
Eff. February 1, 1976;
Repealed Eff. November 1, 1984.

15A NCAC 04C .0106 CRITERIA

History Note: Authority G.S. 113A-54(b); 113A-55; 113A-64(a);
Eff. February 1, 1976;
Amended Eff. November 1, 1984; April 1, 1978;
Repealed Eff. June 1, 2020.

15A NCAC 04C .0107 PROCEDURES: NOTICES

(a) The notice of violation shall describe the violation, request that all illegal activity cease, and inform the violator that a civil penalty may be assessed pursuant to G.S. 113A-64. If particular actions need to be taken to comply with the Sedimentation Pollution Control Act, the notice shall specify the actions to be taken, specify a time period for compliance, and state that upon failure to comply within the allotted time, the person shall become subject to the assessment of a civil penalty for each day of the continuing violation beginning with the date of the violation.

(b) The stop-work order provided in G.S. 113A-65.1 shall serve as the notice of violation for purposes of the assessment of a civil penalty pursuant to G.S. 113A-64(a)(1). Copies of the stop-work order shall be served upon persons the Department has reason to believe may be responsible for the violation pursuant to G.S. 1A-1, Rule 4.

History Note: Authority G.S. 113A-54; 113A-61.1; 113A-64; 113A-65.1;
Eff. February 1, 1976;
Amended Eff. May 1, 1990; November 1, 1984;
Temporary Amendment Eff. January 14, 1992 for a period of 180 days to expire on July 11, 1992;
Amended Eff. August 1, 2000; October 1, 1995; April 1, 1992;
Temporary Amendment Eff. August 1, 2000;
Amended Eff. April 1, 2001;
Readopted Eff. April 1, 2020.

15A NCAC 04C .0108 REQUESTS FOR ADMINISTRATIVE HEARING

History Note: Authority G.S. 113A-64; 143B-10; 150B-23;
Eff. February 1, 1976;
Amended Eff. October 1, 1995; October 1, 1988; October 5, 1980; April 1, 1978;
Repealed Eff. April 1, 2020.

15A NCAC 04C .0109 TENDER OF PAYMENT

History Note: Authority G.S. 113A-55; 143B-10;
Eff. February 1, 1976;
Amended Eff. October 5, 1980; April 1, 1978;
Expired Eff. March 1, 2016 pursuant to G.S. 150B-21.3A.

15A NCAC 04C .0110 ADMINISTRATIVE HEARING

15A NCAC 04C .0111 FURTHER REMEDIES

History Note: Authority G.S. 113A-54; 113A-55; 113A-60; 113A-64 through 113A-66; 150B-22 et seq.;
Eff. February 1, 1976;
Amended Eff. October 1, 1995; August 1, 1988; November 1, 1984; October 5, 1980;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. February 2, 2016;
Repealed Eff. April 1, 2020.