

Environmental Reform: Tiered Enforcement

Issue: “Tiered enforcement” is another example where regulatory reform makes good sense and would provide NC businesses the certainty they need to keep and create jobs.

Reform: Currently DENR policies encourage issuance of a “Notice of Violation” (NOV) for all environmental infractions – even when there is no real, or even potential, environmental harm. Many NC businesses have received NOV’s for very minor administrative errors. When our facilities in NC appear to be receiving more than their sister facilities in other states where NOV’s are not issues for administrative errors, it makes NC look bad, not only to the corporate leaders of current NC companies, but also to other businesses looking to bring jobs to our state.

Position: The North Carolina Chamber believes it is important to provide certainty and fairness around enforcement of environmental violations to ensure that only significant environmental infractions result in a formal NOV. The legislature should direct DENR to modify its enforcement policies to establish a “tiered” enforcement approach – one that requires that the level of regulatory response to match the degree to which an environmental infraction causes or could cause harm to the environment.

Example: One of our state’s manufacturers was attempting to renew a retention pond permit, but the permit was late due to inadequate postage. As a result, the manufacturer received a Notice of Violation from DENR for an environmental infraction. This minor administrative error was not a threat to the environment, but it resulted in major headaches for the plant manager. A tiered enforcement approach would provide a more balanced system, with only significant environmental violations resulting in a formal Notice of Violation.

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