

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2017

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HOUSE BILL 271

Short Title: Repeal Plastic Bag Ban. (Public)

Sponsors: Representatives Boswell, J. Bell, and Bradford (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Environment

March 8, 2017

A BILL TO BE ENTITLED

AN ACT TO REPEAL THE BAN ON PLASTIC BAGS IN CERTAIN COASTAL AREAS.

Whereas, the General Assembly finds that large retailers were prohibited in September 2009 from supplying plastic bags on the barrier islands of the Outer Banks as a pilot program; and

Whereas, the General Assembly finds that the purpose of this pilot program was to change consumer behavior with regard to the use of plastic bags and to create incentives for the use of reusable shopping bags; and

Whereas, the General Assembly finds that the ban was expanded in October 2010 to apply to all businesses in the affected area; and

Whereas, the General Assembly finds that businesses were required to pay consumers for bringing reusable shopping bags to stores; and

Whereas, the General Assembly finds that businesses have expended substantial capital to comply with this prohibition during a difficult economy when this capital could have been utilized to hire additional employees or expand their businesses; and

Whereas, the General Assembly finds that this prohibition impacts North Carolina businesses large and small, located not only in the Outer Banks but throughout North Carolina, and hinders their ability to create jobs; and

Whereas, the General Assembly finds it is in the best interest of the citizens of this entire State to reduce the distribution and use of plastic bags through recycling, reuse, and the use of reusable bags; and

Whereas, the General Assembly finds that the states of Texas, Florida, and Virginia have developed similar successful voluntary educational programs to educate the public about the importance of the recycling of plastic bags; and

Whereas, the General Assembly finds that a voluntary educational program informing North Carolina citizens of the availability of recycling sites throughout the entire State benefits every citizen; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Part 2G of Article 9 of Chapter 130A of the General Statutes is repealed.

SECTION 2. G.S. 130A-22 reads as rewritten:

"§ 130A-22. **Administrative penalties.**

(a) The Secretary of Environmental Quality may impose an administrative penalty on a person who violates Article 9 of this Chapter, rules adopted by the Commission pursuant to Article 9, or any term or condition of a permit or order issued under Article 9. Each day of a continuing violation shall constitute a separate violation. The penalty shall not exceed fifteen



1 thousand dollars (\$15,000) per day in the case of a violation involving nonhazardous waste. The
2 penalty shall not exceed thirty-two thousand five hundred dollars (\$32,500) per day in the case of
3 a first violation involving hazardous waste as defined in G.S. 130A-290 or involving the disposal
4 of medical waste as defined in G.S. 130A-290 in or upon water in a manner that results in medical
5 waste entering waters or lands of the State; and shall not exceed fifty thousand dollars (\$50,000)
6 per day for a second or further violation involving the disposal of medical waste as defined in
7 G.S. 130A-290 in or upon water in a manner that results in medical waste entering waters or lands
8 of the State. The penalty shall not exceed thirty-two thousand five hundred dollars (\$32,500) per
9 day for a violation involving a voluntary remedial action implemented pursuant to
10 G.S. 130A-310.9(c) or a violation of the rules adopted pursuant to G.S. 130A-310.12(b). ~~The~~
11 ~~penalty shall not exceed one hundred dollars (\$100.00) for a first violation; two hundred dollars~~
12 ~~(\$200.00) for a second violation within any 12-month period; and five hundred dollars (\$500.00)~~
13 ~~for each additional violation within any 12-month period for any violation of Part 2G of Article 9~~
14 ~~of this Chapter.~~ For violations of Part 7 of Article 9 of this Chapter and G.S. 130A-309.10(m): (i)
15 a warning shall be issued for a first violation; (ii) the penalty shall not exceed two hundred dollars
16 (\$200.00) for a second violation; and (iii) the penalty shall not exceed five hundred dollars
17 (\$500.00) for subsequent violations. If a person fails to pay a civil penalty within 60 days after the
18 final agency decision or court order has been served on the violator, the Secretary of
19 Environmental Quality shall request the Attorney General to institute a civil action in the superior
20 court of any county in which the violator resides or has his or its principal place of business to
21 recover the amount of the assessment. Such civil actions must be filed within three years of the
22 date the final agency decision or court order was served on the violator.

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24 **SECTION 3.** Section 13.10(c) of S.L. 2010-31 is repealed.

25 **SECTION 4.** This act becomes effective July 1, 2017.