

222.45 TOXIC SUBSTANCES, DUMPING. FELONY.

The defendant has been charged with dumping toxic substances.

For you to find the defendant guilty of this offense, the State must prove four things beyond a reasonable doubt:

First, that the defendant [deposited] [placed] [dumped] [discharged] [spilled] [released] [burned] [incinerated] [disposed of] a substance [into the atmosphere] [in the waters] [on land].

Second, that the substance was [a toxic substances]¹ [radioactive material]².

Third, that the [deposit] [placement] [dumping] [discharge] [spill] [release] [burning] [incineration] [disposal] was not conducted pursuant to federal or State law, regulation, or permit.³

And Fourth, that the defendant acted knowingly.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date that the defendant knowingly [deposited] [placed] [dumped] [discharged] [spilled] [released] [burned] [incinerated] [disposed of] a substance [into the atmosphere] [in the waters] [on land], that the substance was [a toxic substance] [radioactive material], and that the [deposit] [placement] [dumping] [discharge] [spill] [release] [burning] [incineration] [disposal] was not conducted pursuant to federal or State law, regulation, or permit, then it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, then it would be your duty to return a verdict of not guilty.

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TOXIC SUBSTANCES, DUMPING. FELONY.
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N.C. Gen. Stat. § 14-284.2

1. The statute defines toxic substances as the following heavy metals and halogenated hydrocarbons: (1) Heavy metals: mercury, plutonium, selenium, thallium and uranium; (2) Halogenated hydrocarbons: polychlorinated biphenyls, kepone.

2. Radioactive materials are defined in N.C. Gen. Stat. § 104E-5.

3. The statute provides that the phrase "law, regulation or permit" includes controls over equipment or machinery that emits substances into the atmosphere, in waters, or on land (such as federal or State controls over motor vehicle emissions) and controls over sources of substances that are publicly consumed (such as drinking water standards), as well as controls over substances directly released into the atmosphere, in waters, or on land (such as pesticide controls and water pollution controls).