§2620. Provisions governing administrative penalties

Administrative penalties imposed under this subchapter are governed by the following provisions. [PL 1993, c. 678, §4 (NEW).]

1. Maximum penalty. An administrative penalty may not be greater than $750 for each violation, except that for public water systems serving more than 10,000 people, an administrative penalty may not be less than $1,000 for each violation. Each day that a violation remains uncorrected may be counted as a separate violation.
[PL 1997, c. 705, §9 (AMD).]

2. Schedule of penalties. The commissioner shall adopt rules in accordance with Title 5, chapter 375 establishing a schedule of administrative penalties. Factors that may be considered include but are not limited to:

A. The nature and duration of the violation; [PL 1993, c. 678, §4 (NEW).]

B. The level of assessment necessary to ensure immediate and continued compliance; [PL 1993, c. 678, §4 (NEW).]

C. Whether steps were taken by the public water system to prevent the violation; [PL 1993, c. 678, §4 (NEW).]

D. Whether steps were taken by the public water system to remediate or mitigate damage resulting from the violation; [PL 1993, c. 678, §4 (NEW).]

E. Whether the public water system has a history of violations; [PL 1993, c. 678, §4 (NEW).]

F. The financial condition of the public water system; [PL 1993, c. 678, §4 (NEW).]

G. Whether or not compliance is less costly than committing the violation; [PL 1993, c. 678, §4 (NEW).]

H. Deterrence of future noncompliance; and [PL 1993, c. 678, §4 (NEW).]

I. The best interest of the public. [PL 1993, c. 678, §4 (NEW).]
[PL 1993, c. 678, §4 (NEW).]

3. Payment of penalty. Administrative penalties must be paid within 30 days of the issuance of notice of administrative penalty or, if appealed, within 30 days of the appeal decision. The commissioner shall deposit administrative penalties received into the Public Drinking Water Fund established in section 2660-F.
[PL 1993, c. 678, §4 (NEW).]

4. Enforcement. Further prosecution of a person who fails to pay the full penalty imposed pursuant to this chapter must be referred to the Attorney General for appropriate action. A person who fails to pay the full penalty imposed pursuant to this chapter is liable for all fines and penalties allowed under this subchapter and all costs, interest and fees incurred by the State, including attorney's fees.
[PL 1993, c. 678, §4 (NEW).]

SECTION HISTORY

PL 1993, c. 678, §4 (NEW). PL 1997, c. 705, §9 (AMD).

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