

# Administrative Procedures – Final Proposed Rule Filing

## Instructions:

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the “Rule on Rulemaking” adopted by the Office of the Secretary of State, this filing will be considered complete upon filing and acceptance of these forms with the Office of the Secretary of State, and the Legislative Committee on Administrative Rules.

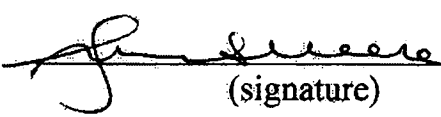
All forms requiring a signature shall be original signatures of the appropriate adopting authority or authorized person, and all filings are to be submitted at the Office of the Secretary of State, no later than 3:30 pm on the last scheduled day of the work week.

The data provided in text areas of these forms will be used to generate a notice of rulemaking in the portal of “Proposed Rule Postings” online, and the newspapers of record if the rule is marked for publication. Publication of notices will be charged back to the promulgating agency.

**PLEASE REMOVE ANY COVERSHEET OR FORM NOT REQUIRED WITH THE CURRENT FILING BEFORE DELIVERY!**

**Certification Statement:** As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

### Environmental Citations

 \_\_\_\_\_, on 03/20/2020  
(signature) (date)

Printed Name and Title:  
Julie S. Moore, Secretary  
Agency of Natural Resources

RECEIVED BY: \_\_\_\_\_

- Coversheet
- Adopting Page
- Economic Impact Analysis
- Environmental Impact Analysis
- Strategy for Maximizing Public Input
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)
- ICAR Minutes
- Copy of Comments
- Responsiveness Summary

Received 3/20/20

Final Proposed Coversheet

1. TITLE OF RULE FILING:

**Environmental Citations**

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

20P-001

3. ADOPTING AGENCY:

Agency of Natural Resources

4. PRIMARY CONTACT PERSON:

*(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).*

Name: John Beling

Agency: Agency of Natural Resources

Mailing Address: One National Life Drive - Davis 3,  
Montpelier, VT 05620

Telephone: 802 522 - 8024 Fax: -

E-Mail: john.beling@vermont.gov

Web URL *(WHERE THE RULE WILL BE POSTED)*:

5. SECONDARY CONTACT PERSON:

*(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).*

Name: Katelyn Ellermann

Agency: Agency of Natural Resources

Mailing Address: One National Life Drive - Davis 3,  
Montpelier, VT 05620

Telephone: 802 522 - 7125 Fax: -

E-Mail: katelyn.ellermann@vermont.gov

6. RECORDS EXEMPTION INCLUDED WITHIN RULE:

*(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE EXEMPTING IT FROM INSPECTION AND COPYING?)* No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

7. LEGAL AUTHORITY / ENABLING LEGISLATION:

Final Proposed Coversheet

*(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).*

10 V.S.A. § 8019

8. EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:

Section 8019 of Title 10 of the Vermont Statutes Annotated vests the Agency of Natural Resources with authority to adopt rules for the issuance of civil citations for violations of Agency statutes and rules, including the establishment of full, minimum, and waiver penalty amounts for each violation.

9. THE FILING HAS CHANGED SINCE THE FILING OF THE PROPOSED RULE.

10. THE AGENCY HAS INCLUDED WITH THIS FILING A LETTER EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER AND SECTION WHERE APPLICABLE.

11. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE NOT RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.

12. THE AGENCY HAS NOT INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.

13. THE AGENCY HAS NOT INCLUDED A LETTER EXPLAINING IN DETAIL THE REASONS FOR THE AGENCY'S DECISION TO REJECT OR ADOPT THEM.

14. CONCISE SUMMARY (150 WORDS OR LESS):

This rule amendment simplifies the penalty amounts for which a person may be issued a civil citation in association with their violation of Agency of Natural Resources laws and permits, establishing a consistent amount to be applied across Agency programs. The rule amendment also creates a distinction between the penalty amount that applies to non-responsive recipients of civil violations and those that apply to responsive recipients. In addition, the rule provides that where a recipient of a citation fails to conduct recordkeeping or reporting, there shall be a rebuttable presumption that such recipient failed to conduct the activity which was to be recorded and/or reported. The rule amendment also includes miscellaneous housekeeping

## Final Proposed Coversheet

edits, such as the removal of references to the Natural Resources Board ("Board"), which has adopted its own, independent citations rule.

### 15. EXPLANATION OF WHY THE RULE IS NECESSARY:

This rule amendment is necessary to simplify the Agency of Natural Resources' approach to civil citations in order to make the rule more understandable and the compliance tool of civil citations a more viable alternative to full civil enforcement proceedings.

### 16. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:

The penalty amounts established in this rule amendment are similar to penalty amounts that are currently in rule. The difference is that the proposed penalty amounts are consistent across programs rather than appearing as specialized amounts specific to individual programs. The distinction the rule amendment creates between the penalty amount that applies to non-responsive recipients of civil violations from that which applies to responsive recipients is consistent with how penalties typically are calculated in other legal contexts in which citations are compliance tools.

### 17. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:

Individuals or entities who violate Agency of Natural Resource laws and permits and the State of Vermont.

### 18. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):

Because the penalty amounts are not substantially changing, minimal to no economic impact is anticipated as a result of this rule amendment. To the extent programs within the Agency of Natural Resources are able to employ the compliance tool of civil citations more frequently as a result of this rule amendment, there may be a minor increase to the amount of penalties assessed, monies that are deposited into the General Fund. Given the penalty amounts are not being substantially changed, this amendment would not be the cause of any substantial change in monies collected.

### 19. A HEARING WAS HELD.

### 20. HEARING INFORMATION

Final Proposed Coversheet

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION.

Date: 2/7/2020

Time: 09:00 AM

Street Address: 1 National Life Drive, Davis Bldg 2<sup>nd</sup> Flr,  
Catamount Room, Montpelier, VT

Zip Code: 05620-3905

Date:

Time: AM

Street Address:

Zip Code:

Date:

Time: AM

Street Address:

Zip Code:

Date:

Time: AM

Street Address:

Zip Code:

21. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

2/21/2020

KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

citation

penalty

waiver

maximum penalty

violation

environmental

natural resources

**STATE OF VERMONT**  
**AGENCY OF NATURAL RESOURCES**  
**DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**CHAPTER 25 - ENVIRONMENTAL CITATIONS**

Description of Changes since Proposed Rule Filing

1. Deleted reference to "Compliance & Enforcement Division" in heading of Rule.

Explanation: This Division has since been renamed, and the Division reference is unnecessary and causes potential for the Rule to become outdated.

2. Added period to definition of "Citation" (§ 25-102(2))

Explanation: Correct punctuation.

3. Corrected spelling of "statutes" in definition of "Permit" (§ 25-102(3))

Explanation: Correct spelling.

4. Corrected annotated version of Rule to clearly show that the terms "Prohibited Act", "Recordkeeping", and "Reporting" are new defined terms. (§§ 25-102(5)-(7))

Drinking Water and Groundwater Protection Division  
(Formerly Water Supply Division)

10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21	Public Notification (Tier 1 for all rules); Failure to provide notice to all customers within 24 hours for acute violations and/or boil or do not drink notices	150		300	600	900
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21	Public Notification (Tier 2 all rules); Failure to provide notice to all customers within 30 days for non-acute violations	75		150	300	450
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21	Public Notification (Tier 2 all rules); Failure to provide timely public notification for all rules; Failure to provide timely failure to deliver a copy of the public notice with certification to the State	75		150	300	450
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21	Reporting (Stage 2 D/BPR); Failure to have a monitoring plan and/or failure to submit a complete initial distribution system evaluation	75		150	300	450
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21	Reporting (Tier 1); Failure to submit a complete source water monitoring plan	75		150	300	450
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21	Reporting (LT2); Failure to submit initial bin classification for approval	75		150	300	450
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21	Reporting (Stage 2 D/BPR); Failure to submit TDS report	75		150	300	450
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21	Reporting (Stage 2 D/BPR); Failure to conduct an operational evaluation and submit operational evaluation report	75		150	300	450
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21	Reporting (LCR); Failure to submit optimal corrosion control treatment and/or source water treatment recommendation	75		150	300	450
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21	Reporting/Pipeline Notification (LCR); Failure to issue required lead public education to all customers	150		300	600	900
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21	Reporting (LCR); Failure to provide notice of lead results to individual served by taps used for LCR monitoring	75		150	300	450
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21	Reporting CCR; Failure to produce and deliver any annual Consumer Confidence Report	150		300	300	450
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21	Reporting CCR; Failure to deliver a complete and accurate Consumer Confidence Report to all customers and/or failure to deliver a copy of the CCR with certification to the State	150		300	300	450
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21	Reporting (TCR and LCR); Failure to have a monitoring plan for TCR and LCR	75		150	300	450
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21	Reporting; Failure to submit Operations and Maintenance Manual	75		150	300	450
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21	Failure to submit Monthly Operators Report	150		300	300	450
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21	Failure to obtain Sanitary Survey and/or allow state to conduct survey	150		300	600	900
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21	Treatment (LT2 Unfiltered System); Failure to maintain Chloramination machine and/or take action to address increased contamination due to watershed changes	150		300	600	900
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21	Treatment (CWR); Failure to take corrective action in response to a positive source water sample	150		300	600	900

**Drinking Water and Groundwater Protection Division  
(Formerly Water Supply Division)**

10 V.S.A. § 1672 – EPR Chapter 21 WSR – Subchapter 21-6.3	Treatment (LT2 Filtered and Unfiltered Systems); Failure to meet treatment requirements	150		300	600	900
10 V.S.A. § 1672 – EPR Chapter 21 WSR – Subchapter 21-6.6.4	Treatment (GWR); System with deficiency fails to complete corrective action and/or be in compliance with a State approved corrective action plan and schedule	150		300	600	900
10 V.S.A. § 1672 – EPR Chapter 21 WSR – Subchapter 21-7.2	Treatment; Failure to have capability for continuous disinfection	150		300	600	900
10 V.S.A. § 1672 – EPR Chapter 21 WSR – Subchapter 21-6	Treatment (IESWTR/LT1); Failure to profile or consult with state before making a significant change to disinfection practice if required to develop a disinfection profile	150		300	600	900
10 V.S.A. § 1672 – EPR Chapter 21 WSR – Subchapter 21-6.11	Treatment (Filter Backwash Rule); Failure to properly recycle	150		300	600	900
10 V.S.A. § 1672 – EPR Chapter 21 WSR – Subchapter 21-6.6.4	Treatment (GWR); Failure to operate treatment with all compliance requirements, conduct applicable monitoring, and/or fails to maintain 4-log treatment of viruses and correct deficiency	150		300	600	900
10 V.S.A. § 1672 – EPR Chapter 21 WSR – Subchapter 21-6	Treatment (SWTR) Disinfection Concentration; Failure to meet the residual disinfectant concentration level for longer than the required period of time	150		300	600	900
10 V.S.A. § 1672 – EPR Chapter 21 WSR – Subchapter 21-6	Treatment (IESWTR/LT1); Failure to install and properly operate water treatment process which reliably achieve at least 99 percent (2-log) removal of Cryptosporidium	150		300	600	900
10 V.S.A. § 1672 – EPR Chapter 21 WSR – Subchapter 21-6	Treatment (SWTR); Failure to meet the filtered water turbidity standard for the specific treatment used	150		300	600	900
10 V.S.A. § 1672 – EPR Chapter 21 WSR – Subchapter 21-6	Treatment (SWTR); Failure to install filtration for unfiltered system required to filter	300	\$1,500	450	900	1350
10 V.S.A. § 1672 – EPR Chapter 21 WSR – Subchapter 21-6	Treatment (IESWTR/LT1); A conventional or direct filtration system that exceeds 1 NTU in filtered water and/or alternative technology filtration that exceed the standard set by the State (not to exceed 5 NTU) in filtered water	150		300	600	900
10 V.S.A. § 1672 – EPR Chapter 21 WSR – Subchapter 21-6	Treatment (IESWTR/LT1); A filtered system that fails to meet the turbidity requirements in at least 95% of the measurement taken each month	150		300	600	900
10 V.S.A. § 1672 – EPR Chapter 21 WSR – Subchapter 21-6.4	Treatment (Stage 1 D/DBP); Failure to meet the Total Organic Carbon removal value	150		300	600	900
10 V.S.A. § 1672 – EPR Chapter 21 WSR – Subchapter 21-6.6.4	Treatment (GWR); A system with a fecal indicator positive sample and after 120 days of receiving notice of the fecal indicator positive sample has failed to: 1) complete corrective action and/or 2) be in compliance with State approved corrective action plan	150		300	600	900
10 V.S.A. § 1672 – EPR Chapter 21 WSR – Subchapter 21-6.5	Treatment (LCR); Failure to install corrosion control treatment and/or source water treatment	150		300	600	900
10 V.S.A. § 1672 – EPR Chapter 21 WSR – Subchapter 21-6.6	Treatment (LCR); Failure to maintain optimal water quality parameter minimums or ranges	150		300	600	900
10 V.S.A. § 1672 – EPR Chapter 21 WSR – Subchapter 21-6.5	Treatment (LCR); Failure to replace the required amount of lead service lines	150		300	600	900
<b>10 V.S.A. Chapter 48 – Groundwater Protection – Well Drillers Licensing Rule (WDLR)</b>						
10 V.S.A. § 1395 & § 1395a – EPR Chapter 15 – Well Driller Licensing, Subchapter 15-302	Well Drilling; Drilling a well without a well driller license	300	\$1,500	450	900	1350



Drinking Water and Groundwater Protection Division  
 (Formerly Water Supply Division)

10 V.S.A. § 1395a & § 1396 - EPR Chapter 15 - Well Driller Licensing, Subchapter 15-701	Not submitting a well completion report within 90 days of drilling	150	300	300	450
10 V.S.A. § 1395a - EPR Chapter 15 - Well Driller Licensing, Subchapter 15-704	Well Drilling - Failure to tag a complete well within 30 days	75	150	450	450
10 V.S.A. § 1417 - EPR Chapter 21 - Groundwater Withdrawal Reporting and Permitting Rule, Subchapter 21-201	Not reporting a groundwater withdrawal of greater than 20,000 gpd	150	300	300	450
10 V.S.A. § 1418 - EPR Chapter 21 - Groundwater Withdrawal Reporting and Permitting Rule, Subchapter 21-201	Permit (Ground water withdrawal) - failure to have a permit for withdrawing groundwater greater than 57,600 GPD	750	900	1800	2700

Drinking Water and Groundwater Protection Division—Water and Wastewater System Permits  
(Formerly Wastewater Management Division)

	CITATION	VIOLATION	FINE	FULL/MAXIMUM	FINE	FINE	FINE
	10 V.S.A. Chapter 67, Potable Water & Wastewater System Permit						
	10 V.S.A. § 1973(a) 1-8	Failure to obtain the required permit	750		900	1800	2700
	10 V.S.A. § 1973(c)	Failure to submit installation certification	150		300	600	900
	10 V.S.A. § 1973—Permit # & Condition #	Violation of an operations and/or maintenance-related permit condition	150		300	600	900
	10 V.S.A. § 1973—Permit # & Condition #	Failure to comply with a permit condition not listed above	75	300	150	300	450

MINIMUM	FULL/MAXIMUM	WAIVER 1st Violation	Waiver 2nd Violation	Waiver 3rd Violation
75	\$200	150	300	450
150		300	600	900
300	\$1,500	450	900	1350
450	\$2,000	600	1200	1800
600		750	1500	2250
750		900	1800	2700

## Administrative Procedures – Adopting Page

### **Instructions:**

This form must accompany each filing made during the rulemaking process:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible, the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

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1. TITLE OF RULE FILING:

**Environmental Citations**

2. ADOPTING AGENCY:

Agency of Natural Resources

3. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW*):

- **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment as long as the rule is replaced with other text.
- **NEW RULE** - A rule that did not previously exist even under a different name.
- **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **AN AMENDMENT OF AN EXISTING RULE** .

4. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF THE LAST ADOPTION FOR THE EXISTING RULE*):

Secretary of State Rule Log #11-044, Environmental Citations, November 20, 2012

## **INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES**

**Meeting Date/Location:** December 9, 2019, Pavilion Building, 5<sup>th</sup> floor conference room, 109 State Street, Montpelier, VT 05609

**Members Present:** Chair Brad Ferland, Dirk Anderson, Jennifer Mojo, John Kessler, Shayla Livingston, Steve Knudson and Matt Langham (via phone)

**Members Absent:** Clare O'Shaughnessy, Diane Bothfeld, Ashley Berliner

**Minutes By:** Melissa Mazza-Paquette

- 2:00 p.m. meeting called to order, welcome and introductions.
- Review and approval of minutes from the November 13, 2019 meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- No public comments made.
- Presentation of Proposed Rules on pages 2 - 4 to follow.
  1. Environmental Citations, Agency of Natural Resources, page 2
  2. Lead Poisoned Children Rules, Department of Health, page 3
  3. Blood Lead Screening, Reporting and Response Rule, Department of Health, page 4
- Next scheduled meeting is January 13, 2020 at 2:00 p.m.
- 2:45 p.m. meeting adjourned.

**Proposed Rule: Environmental Citations, Agency of Natural Resources  
Presented by Katelyn Ellermann**

Motion made to accept the rule by John Kessler, seconded by Steve Knudson, and passed unanimously except for Jen Mojo who abstained, with the following recommendations:

1. Provide context regarding 'cost neutral' as stated.
2. Proposed Rule Coversheet, page 2, #4: Complete.
3. Proposed Rule Coversheet, page 3, #8: Note other edits being made and the reasoning as to why the Natural Resources Board is being removed.
4. Proposed Rule Coversheet, pages 4-5, #13-15: Hold a hearing and complete information.
5. Proposed Rule Coversheet, page 5, #16: Include words to narrow the context of 'citation' and 'penalty', such as 'environmental' and 'natural resources'.
6. Economic Impact Analysis, page 2, #6: Include a very broad level ballpark of total impact.
7. Public Input, page 1, #3-4: Include holding a hearing.

# Administrative Procedures – Economic Impact Analysis

## **Instructions:**

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn't appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.

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### 1. TITLE OF RULE FILING:

#### **Environmental Citations**

### 2. ADOPTING AGENCY:

Agency of Natural Resources

### 3. CATEGORY OF AFFECTED PARTIES:

*LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:*

Minimal to no economic impact is anticipated to individuals or entities who violate Agency of Natural Resource laws and permits because the penalty amounts are not substantially changing.

To the extent programs within the Agency of Natural Resources are able to employ the compliance tool of civil citations more frequently as a result of this

## Economic Impact Analysis

rule amendment, there may be a minor increase to the overall amount of penalties assessed, monies that are deposited into the General Fund.

Because the Agency's overall goal is a reduction in environmental violations (and a concomitant reduction in necessary enforcement), the Agency is not inclined to predict the amount of potential increase in penalties that will be assessed and collected based on potential increased use of this tool. However, the Agency is able to provide the following numbers to provide context on the number of citations issued and total penalty amounts:

Year	# of Citations	Assessed	Received
2013	20	\$8,300.00	\$6,800.00
2014	36	\$21,150.00	\$19,378.00
2015	31	\$15,800.00	\$14,300.00
2016	14	\$11,100.00	\$6,600.00
2017	24	\$14,300.00	\$12,260.00
2018	27	\$21,900.00	\$15,900.00
2019	35	\$22,050.00	\$10,050.00
Total	187	\$114,600.00	\$85,288.00

### 4. IMPACT ON SCHOOLS:

*INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS CLEARLY STATING ANY ASSOCIATED COSTS:*

No general economic impact is anticipated for schools. To the extent a school violates an Agency of Natural Resource law or permit, minimal to no economic impact is anticipated because the penalty amounts are not substantially changing.

### 5. ALTERNATIVES: *CONSIDERATION OF ALTERNATIVES TO THE RULE TO REDUCE OR AMELIORATE COSTS TO LOCAL SCHOOL DISTRICTS WHILE STILL ACHIEVING THE OBJECTIVE OF THE RULE.*

An alternatives analysis is unnecessary as no general economic impact is anticipated for schools.

### 6. IMPACT ON SMALL BUSINESSES:



## Economic Impact Analysis

*INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF):*

No general economic impact is anticipated for small businesses. To the extent a small business violates an Agency of Natural Resource law or permit, minimal to no economic impact is anticipated because the penalty amounts are not substantially changing.

**7. SMALL BUSINESS COMPLIANCE: *EXPLAIN WAYS A BUSINESS CAN REDUCE THE COST/BURDEN OF COMPLIANCE OR AN EXPLANATION OF WHY THE AGENCY DETERMINES THAT SUCH EVALUATION ISN'T APPROPRIATE.***

A small business that complies with Agency of Natural Resources laws and permits will not be impacted by this rule amendment.

**8. COMPARISON:**

*COMPARE THE IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:*

This rule amendment does not substantially change the penalty amounts for violations of Agency of Natural Resource laws and permits. In the alternative, were the Agency to reduce the penalty amounts, the reduction may result in lower compliance and prevent citations from being effective compliance tools. The Agency could also propose higher penalty amounts, but the Agency's goal was to identify an amount commensurate with the types of violations for which the Agency would issue a civil citation in lieu of full civil enforcement proceedings. The Agency believes the proposed amounts are sufficient to achieve deterrence while not being unreasonable.

**9. SUFFICIENCY: *EXPLAIN THE SUFFICIENCY OF THIS ECONOMIC IMPACT ANALYSIS.***

This economic analysis provides the Agency's best assessment of the economic impact of this rule amendment based on the information available.

# Administrative Procedures – Environmental Impact Analysis

## **Instructions:**

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
- Impacts on the discharge of pollutants to water
- Impacts on the arability of land
- Impacts on the climate
- Impacts on the flow of water
- Impacts on recreation
- Or other environmental impacts

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### 1. TITLE OF RULE FILING:

#### **Environmental Citations**

### 2. ADOPTING AGENCY:

Agency of Natural Resources

### 3. GREENHOUSE GAS: *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*

To the extent programs within the Agency of Natural Resources are able to employ the compliance tool of civil citations more frequently as a result of this rule amendment, and to the extent this serves as a deterrent to violating Agency of Resources laws concerning greenhouse gases, there may be a positive environmental impact in the area of greenhouse gases.

### 4. WATER: *EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):*

To the extent programs within the Agency of Natural Resources are able to employ the compliance tool of civil citations more frequently as a result of this rule amendment, and to the extent this serves as a

## Environmental Impact Analysis

deterrent to violating Agency of Resources laws concerning water quality, there may be a positive environmental impact in the area of water quality.

5. **LAND:** *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*

To the extent programs within the Agency of Natural Resources are able to employ the compliance tool of civil citations more frequently as a result of this rule amendment, and to the extent this serves as a deterrent to violating Agency of Resources laws concerning land uses regulated by the Agency, there may be a positive environmental impact in the area of land uses the Agency regulates.

6. **RECREATION:** *EXPLAIN HOW THE RULE IMPACT RECREATION IN THE STATE:*  
None anticipated.

7. **CLIMATE:** *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*  
None anticipated.

8. **OTHER:** *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*  
None anticipated.

9. **SUFFICIENCY:** *EXPLAIN THE SUFFICIENCY OF THIS ENVIRONMENTAL IMPACT ANALYSIS.*

This economic analysis provides the Agency's best assessment of the economic impact of this rule amendment based on the information available.

## Administrative Procedures – Public Input

### **Instructions:**

In completing the public input statement, an agency describes the strategy prescribed by ICAR to maximize public input, what it did do, or will do to comply with that plan to maximize the involvement of the public in the development of the rule.

This form must accompany each filing made during the rulemaking process:

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1. TITLE OF RULE FILING:

**Environmental Citations**

2. ADOPTING AGENCY:

Agency of Natural Resources

3. PLEASE DESCRIBE THE STRATEGY PRESCRIBED BY ICAR TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE:

The Agency held a public hearing, with no attendance, and emailed the stakeholders identified below.

4. PLEASE LIST THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:

During the public comment period the rule amendment was posted on the Agency's website and was distributed by email to the entities identified below.

5. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:

Conservation Law Foundation

Vermont Natural Resources Council

Associated Industries of Vermont

Vermont Chamber of Commerce

STATE OF VERMONT  
AGENCY OF NATURAL RESOURCES  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION ~~COMPLIANCE &~~  
~~ENFORCEMENT DIVISION~~

CHAPTER 25 - ENVIRONMENTAL CITATIONS

Effective date:

§ 25-101. Authority

This rule is adopted by the Secretary of the Agency of Natural Resources and the Natural Resources Board pursuant to the authority granted in 10 V.S.A. § 8019 that authorizes the Secretary and the Board to adopt rules for the issuance of civil complaints.

§ 25-102. Definitions

As used in this rule:

- (1) "ANR" means the Agency of Natural Resources.
- ~~(2)~~ "Board" means the Natural Resources Board.
- ~~(3)~~(2) "Citation" means a civil ~~complaint~~ citation pursuant to 10 V.S.A. § 8019.
- ~~(4)~~ "Continuing violation" means a violation that lasts for more than one calendar day.
- ~~(3)~~ "Permit" means any permit, license, certification or transitional operational authority issued under any of the statutes specified in Section 8003 of Title 10, including air pollution orders issued under chapter 23 of Title 10.
- ~~(5)~~(4) "Person" means any individual; partnership; company; corporation; association; joint venture; trust; municipality; the state of Vermont or any agency, department or subdivision of the state, any federal agency, or any other legal or commercial entity.
- ~~(6)~~(5) "Prohibited Act" means acts which are prohibited by any statute, rule, or regulation enforced by ANR.
- ~~(7)~~(6) "Recordkeeping" means the compilation and retention of records as required by any statute, rule, regulation, or permit enforced by ANR.
- ~~(8)~~(7) "Reporting" means the duty to report information required by any statute, rule, regulation, or permit enforced by ANR.
- ~~(9)~~ "Repeat violation" means the same violation has occurred during the within thirty six (36) months of a prior violation. To be considered a repeat violation, the previous violation must have been addressed either in a citation or in an administrative or civil action under 10 V.S.A. Chapters 201 or 211. Repeat violations are not continuing violations.

~~(10)~~(8) "Respondent" means a person who has been issued a citation.

~~(11)~~(9) "Secretary" means the Secretary of the Agency of Natural Resources or a duly authorized representative.

~~(12)~~(10) "Violation" means any noncompliance with any category of statute, rule, regulation, or permit listed in Table 1 of this rule.

~~(13)~~(11) "Waiver" or "Waiver penalty" means the penalty to be paid by the respondent if the citation is not contested ~~or a default judgment is entered.~~

### **25-103. Purpose**

It is the purpose of these rules to establish the use of citations as a tool to address environmental violations under the jurisdiction of the Secretary ~~and the Board~~. Further, this rule sets out the minimum, maximum and waiver penalty amounts for each violation for which a citation may be issued.

### **§ 25-104. Applicability**

These rules apply to any citation issued pursuant to 10 V.S.A. § 8019 for any category of violation listed in Table 1 of this rule.

Table 1 applies only to a citation issued pursuant to 10 V.S.A. § 8019 and is not applicable to calculations for any other penalty.

### **§ 25-105. Eligible violations and penalties**

- (a) A schedule of categories of violations for which a citation may be issued and associated penalties is attached as Table 1. Each listed violation category shall be enforceable as prescribed in 10 V.S.A. § 8019.
- (b) The maximum penalty for a single violation is established in Table 1 of this rule. In no case may a penalty for a single violation exceed \$3000 per respondent, excluding court fees. The maximum penalty shall be applied when a default judgment is entered.
- (c) The minimum penalty for a single violation is established in Table 1 of this rule. In no case may a penalty for a single violation be less than the minimum amount established by this rule, excluding court fees.
- (d) The waiver penalty for a single violation is established in Table 1 of this rule.
- (e) More than one respondent may be issued a citation for the same violation if multiple respondents are responsible and/or liable for the violation.
- ~~(f) Where a respondent fails to conduct recordkeeping or reporting, there shall be a~~ rebuttable presumption that the respondent failed to conduct the activity which was to be recorded and/or reported.

### **§ 25-106. Form of citations**

Citations issued under this rule shall be in the form approved by the court administrator.

**§ 25-107. Service of citations**

Citations may be served in accordance with Rule 4 of the Vermont Rules of Civil Procedure, or by any person authorized by the Secretary, or by first-class mail.

**§ 25-108. Effect of citation**

- (a) A citation issued under this section shall preclude the Secretary from seeking an additional monetary penalty for the violation specified in the citation when any one of the following occurs:
  - (1) The waiver penalty is paid.
  - (2) Judgment is entered after trial or appeal.
  - (3) A default judgment is entered.
- (b) Notwithstanding this preclusion, the Secretary:
  - (1) may issue additional citations or initiate an enforcement action under chapter 201, including a monetary penalty, when a violation is continuing or is repeated; and
  - (2) may also bring an enforcement action to obtain injunctive relief or remediation, and if such an action is brought the Secretary may recover the costs of bringing the additional action and the amount of any economic benefit the respondent obtained as a result of the underlying violation.

**~~§25-108~~109. Administration of the citation program**

- (a) The Secretary shall be responsible for the implementation and operation of the program established by this rule. The implementation and operation of this rule may be delegated by the Secretary. ~~The Secretary may enter into a memorandum of understanding with the Board to coordinate the operation and implementation of this rule.~~
- (b) The Secretary shall maintain a list of names of ANR and Board staff authorized to issue citations and the violations for which they are authorized to issue citations.
- (c) The Secretary shall adopt guidelines for the implementation of this rule by ANR staff. At a minimum, these guidelines shall include:
  - (1) The training required before individual staff are authorized to issue citations.
  - (2) The mechanics of drafting and issuing a citation.
  - (3) The internal review process that shall take place prior to the issuance of any citation. This internal review process shall include the approval of a supervisor prior to any citation being issued.
  - (4) The internal review process that shall take place prior to any citation being amended or dismissed.

**§ ~~25-109~~110. Appeal**

An appeal of a decision from a contested citation shall be to the Superior Court Environmental Division. The appeal shall be conducted as an on the record review.

**§ ~~25-110~~111. Severability**

The provisions of any section of these rules are severable. If any provision of these rules is found invalid by a court, or if any application of these rules to any person or circumstance is found invalid, the invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.



**Table 1: Citation Schedule**

<b>MINIMUM</b>	<b>FULL/MAXIMUM</b>	<b>WAIVER</b>	<b>Category</b>
\$250	\$1,000	\$500	Statute, Permit, or Rule Violation – Recordkeeping and Reporting
\$750	\$2,000	\$1,000	Statute, Permit, or Rule Violation - Other than Recordkeeping and Reporting
\$1,250		\$1,500	Permit not obtained or Prohibited Acts

**Air Quality Control Division**  
(Formerly Air Pollution Control Division)

Program Code	Violation Code	CITATION	VIOLATION	NO. OF VIOLATIONS	NO. OF DAYS	NO. OF DAYS	NO. OF DAYS	NO. OF DAYS
AGED	AP100	10 V.S.A. § 554 - APCR § 5-204	Open burning of less than 1CY of prohibited materials	75	150	300	450	600
AGED	AP101	10 V.S.A. § 554 - APCR § 5-201	Open burning 1CY to 5CY of prohibited materials	150	300	450	600	900
AGED	AP102	10 V.S.A. § 554 - APCR § 5-201	Open burning 5CY to 10CY of prohibited materials	450	900	1350	1800	2700
AGED	AP103	10 V.S.A. § 554 - APCR § 5-201	Open burning more than 10CY of prohibited materials	750	1500	2250	3000	4500
AGED	AP104	10 V.S.A. § 554 - APCR § 5-202(3)	Failure to submit fire-training exercise notification at least 14 days before exercise.	75	150	300	450	600
AGED	AP105	10 V.S.A. § 554 - APCR § 5-204(c)(3)	Burning of unapproved fuels in an outdoor wood boiler (OWB)	150	300	450	600	900
AGED	AP106	10 V.S.A. § 554 - APCR § 5-204(d)	Failure of OWB dealer to give buyer written notice of OWB type	75	150	300	450	600
AGED	AP107	10 V.S.A. § 554 - APCR § 5-204(d)	Failure of OWB dealer to send copy of signed "Notice to Buyer" to APCB	75	150	300	450	600
AGED	AP108	10 V.S.A. § 554 - APCR § 5-211	Excessive visible emissions from stationary source.	750	1500	2250	3000	4500
AGED	AP109	10 V.S.A. § 554 - APCR § 5-221	Sulfur in fuel & waste oil: Failure to conduct testing or monitoring as required by regulation	450	900	1350	1800	2700
AGED	AP110	10 V.S.A. § 554 - APCR § 5-252a	Large petroleum storage tanks: Failure to inspect source or source component as required by regulation	450	900	1350	1800	2700
AGED	AP111	10 V.S.A. § 554 - APCR § 5-252a	Large petroleum storage tanks: Failure to conduct testing or monitoring as required by regulation	450	900	1350	1800	2700
AGED	AP112	10 V.S.A. § 554 - APCR § 5-253-1	Large petroleum storage tanks: Failure to keep records as required by regulation	75	150	300	450	600
AGED	AP113	10 V.S.A. § 554 - APCR § 5-253-2	Bulk gasoline terminals: Failure to inspect source or source component as required by regulation	450	900	1350	1800	2700
AGED	AP114	10 V.S.A. § 554 - APCR § 5-253-2	Bulk gasoline terminals: Failure to conduct testing or monitoring as required by regulation	450	900	1350	1800	2700
AGED	AP115	10 V.S.A. § 554 - APCR § 5-253-2	Bulk gasoline terminals: Failure to keep records as required by regulation	75	150	300	450	600
AGED	AP116	10 V.S.A. § 554 - APCR § 5-253-3	Bulk gasoline plants: Failure to inspect source or source component as required by regulation	450	900	1350	1800	2700
AGED	AP117	10 V.S.A. § 554 - APCR § 5-253-3	Bulk gasoline plants: Failure to conduct testing or monitoring as required by regulation	450	900	1350	1800	2700
AGED	AP118	10 V.S.A. § 554 - APCR § 5-253-3	Bulk gasoline plants: Failure to keep records as required by regulation	75	150	300	450	600
AGED	AP119	10 V.S.A. § 554 - APCR § 5-253-4	Gasoline tank trucks: Failure to conduct testing or monitoring as required by regulation	450	900	1350	1800	2700
AGED	AP120	10 V.S.A. § 554 - APCR § 5-253-4	Gasoline tank trucks: Failure to keep records as required by regulation	75	150	300	450	600

**Air Quality Control Division**  
(Formerly Air Pollution Control Division)

AQED	AP121	10 V.S.A. § 554 - APER § 5-252.4	Case line tank trucks: Failure to submit any information, reports or certifications required by regulation within 30 days of required date.	150		300	600	900
AQED	AP122	10 V.S.A. § 554 - APER § 5-252.5	Failure to properly install or to maintain Stage I vapor recovery system in good working order and free from defects.	750		900	1800	2700
AQED	AP123	10 V.S.A. § 554 - APER § 5-252.5	Failure to maintain Stage I vapor recovery system to be vapor-tight and leak-free.	750		900	1800	2700
AQED	AP124	10 V.S.A. § 554 - APER § 5-252.5	Stage I vapor recovery: Failure to inspect source or source component as required by regulation.	450	\$2,000	600	1200	1800
AQED	AP125	10 V.S.A. § 554 - APER § 5-252.5	Stage I vapor recovery: Failure to keep records as required by regulation.	75		150	300	450
AQED	AP126	10 V.S.A. § 554 - APER § 5-252.7	Failure to properly install or to maintain Stage II vapor recovery system in good working order and free from defects.	750		900	1800	2700
AQED	AP127	10 V.S.A. § 554 - APER § 5-252.7	Failure to maintain Stage II vapor recovery system to be vapor-tight and leak-free.	750		900	1800	2700
AQED	AP128	10 V.S.A. § 554 - APER § 5-252.7	Stage II vapor recovery: Failure to inspect source or source component as required by regulation.	450	\$2,000	600	1200	1800
AQED	AP129	10 V.S.A. § 554 - APER § 5-252.7	Stage II vapor recovery: Failure to conduct testing or monitoring as required by regulation.	450	\$2,000	600	1200	1800
AQED	AP130	10 V.S.A. § 554 - APER § 5-252.7	Stage II vapor recovery: Failure to keep records as required by regulation.	75		150	300	450
AQED	AP131	10 V.S.A. § 554 - APER § 5-252.7	Stage II vapor recovery: Failure to submit any information, reports or certifications required by regulation within 30 days of required date.	150		300	600	900
AQED	AP132	10 V.S.A. § 554 - APER § 5-252.10	Paper Coating: Failure to conduct testing or monitoring as required by regulation.	450	\$2,000	600	1200	1800
AQED	AP133	10 V.S.A. § 554 - APER § 5-252.10	Paper Coating: Failure to keep records as required by regulation.	75		150	300	450
AQED	AP134	10 V.S.A. § 554 - APER § 5-252.10	Paper Coating: Failure to submit any information, reports or certifications required by regulation within 30 days of required date.	150		300	600	900
AQED	AP135	10 V.S.A. § 554 - APER § 5-252.11	Failure to properly operate, maintain or repair perchloroethylene dry cleaning machine.	750		900	1800	2700
AQED	AP136	10 V.S.A. § 554 - APER § 5-252.11	Allowing excessive emissions of perchloroethylene from dry cleaner waste materials.	450	\$2,000	600	1200	1800
AQED	AP137	10 V.S.A. § 554 - APER § 5-252.11	Perc dry cleaners: Failure to inspect source or source component as required by regulation.	450	\$2,000	600	1200	1800
AQED	AP138	10 V.S.A. § 554 - APER § 5-252.11	Perc dry cleaners: Failure to conduct testing or monitoring as required by regulation.	450	\$2,000	600	1200	1800
AQED	AP139	10 V.S.A. § 554 - APER § 5-252.11	Perc dry cleaners: Failure to keep records as required by regulation.	75	\$2,000	150	300	450

**Air Quality Control Division**  
(Formerly Air Pollution Control Division)

AGGD	AP140	10 V.S.A. § 554 - APGR § 5-252.12	Flat-wood paneling: Failure to conduct testing or monitoring as required by regulation	450	600	1200	1800
AGGD	AP141	10 V.S.A. § 554 - APGR § 5-252.12	Flat-wood paneling: Failure to keep records as required by regulation	75	150	300	450
AGGD	AP142	10 V.S.A. § 554 - APGR § 5-252.12	Flat-wood paneling: Failure to submit any information, reports or certifications required by regulation within 30 days of required date	150	300	600	900
AGGD	AP143	10 V.S.A. § 554 - APGR § 5-252.13	Misc. metal parts: Failure to conduct testing or monitoring as required by regulation	450	600	1200	1800
AGGD	AP144	10 V.S.A. § 554 - APGR § 5-252.13	Misc. metal parts: Failure to keep records as required by regulation	75	150	300	450
AGGD	AP145	10 V.S.A. § 554 - APGR § 5-252.13	Misc. metal parts: Failure to submit any information, reports or certifications required by regulation within 30 days of required date	150	300	600	900
AGGD	AP146	10 V.S.A. § 554 - APGR § 5-252.14	Solvent metal cleaning: Failure to conduct testing or monitoring as required by regulation	450	600	1200	1800
AGGD	AP147	10 V.S.A. § 554 - APGR § 5-252.14	Solvent metal cleaning: Failure to keep records as required by regulation	75	150	300	450
AGGD	AP148	10 V.S.A. § 554 - APGR § 5-252.14	Solvent metal cleaning: Failure to submit any information, reports or certifications required by regulation within 30 days of required date	150	300	600	900
AGGD	AP149	10 V.S.A. § 554 - APGR § 5-252.16	Wood furniture plants: Failure to inspect source of solvent component as required by regulation	450	600	1200	1800
AGGD	AP150	10 V.S.A. § 554 - APGR § 5-252.16	Wood furniture plants: Failure to conduct testing or monitoring as required by regulation	450	600	1200	1800
AGGD	AP151	10 V.S.A. § 554 - APGR § 5-252.16	Wood furniture plants: Failure to keep records as required by regulation	75	150	300	450
AGGD	AP152	10 V.S.A. § 554 - APGR § 5-252.16	Wood furniture plants: Failure to submit any information, reports or certifications required by regulation within 30 days of required date	150	300	600	900
AGGD	AP153	10 V.S.A. § 554 - APGR § 5-252.20	Other VOC sources: Failure to conduct testing or monitoring as required by regulation	450	600	1200	1800
AGGD	AP154	10 V.S.A. § 554 - APGR § 5-252.20	Other VOC sources: Failure to keep records as required by regulation	75	150	300	450
AGGD	AP155	10 V.S.A. § 554 - APGR § 5-252.20	Other VOC sources: Failure to submit any information, reports or certifications required by regulation within 30 days of required date	150	300	600	900
AGGD	AP156	10 V.S.A. § 554 - APGR § 5-402	Reports which request: Failure to submit any information, reports or certifications required by regulation within 30 days of required date	150	300	600	900
AGGD	AP157	10 V.S.A. § 554 - APGR § 5-404	General requirement to test: Failure to conduct testing or monitoring as required by regulation	450	600	1200	1800
AGGD	AP158	10 V.S.A. § 554 - APGR § 5-405	General requirement to monitor: Failure to conduct testing or monitoring as required by regulation	450	600	1200	1800

Air Quality Control Division  
(Formerly Air Pollution Control Division)

AQCD	AP159	10 V.S.A. § 554 - APCR § 5-405	General requirement to monitor: Failure to keep records as required by regulation	75		150	300	450
AQCD	AP160	10 V.S.A. § 554 - APCR § 5-405	General requirement to monitor: Failure to submit any information, reports or certifications required by regulation within 30 days of required date	150		300	600	900
AQCD	AP161	10 V.S.A. § 554 - APCR § 5-701	Removing, altering or rendering inoperative any required motor vehicle emission control device	600		750	1500	2250
AQCD	AP162	10 V.S.A. § 554 - APCR § 5-803	Failure to submit emissions or related data required for source registration, within 30 days of the required date	75		150	300	450
AQCD	AP163	10 V.S.A. § 554 - APCR § 5-803	Failure to submit the applicable fee required for source registration, within 30 days of the required date	75		150	300	450
AQCD	AP164	10 V.S.A. § 554 - APCR § 5-911	Motor vehicle air conditioning service: Failure to keep records as required by regulation	75		150	300	450
AQCD	AP165	10 V.S.A. § 554 - APCR § 5-1006(D)	Operating permit applicant's certification: Failure to submit any information, reports or certifications required by regulation within 30 days of required date	150		300	600	900
AQCD	AP166	10 V.S.A. § 554 - APCR § 5-1103	Failure to comply with Environmental Performance Label requirements applicable to new vehicles for sale in Vermont	75		150	300	450
AQCD	AP167	10 V.S.A. § 556 and 556a - Permit # Condition #	Failure to inspect source or source component as required by permit	450	\$2,000	600	1200	1800
AQCD	AP168	10 V.S.A. § 556 and 556a - Permit # Condition #	Failure to keep records as required by permit	75	\$500	150	300	450
AQCD	AP169	10 V.S.A. § 556 and 556a - Permit # Condition #	Failure to conduct testing or monitoring as required by permit	450	\$2,000	600	1200	1800
AQCD	AP170	10 V.S.A. § 556 and 556a - Permit # Condition #	Failure to submit any information, reports or certifications required by permit within 30 days of required date	150		300	600	900

Compliance and Enforcement Division

VIOLATION	PER/MAXIMUM					
10 V.S.A. Chapter 47 - Water Pollution Control						
10 V.S.A. §1259(a)	450	\$1,500		300	Prohibited Discharges	
10 V.S.A. § 1272 - Condition #	600	\$2,000		450	Failure to comply with any condition of § 1272 order	
10 V.S.A. Chapter 201 - Environmental Enforcement						
10 V.S.A. Chapter 201 - Environmental Enforcement						
Judicial Order, Administrative Order, Assurance of Discontinuance, Emergency Order - Condition #	900			750	Failure to comply with any condition of an applicable order	
	1800					2700

Facilities Engineering Division

Program Code	Violation Code	VIOLATION	MINIMUM	FINE/MAXIMUM	WATER FEE	WATER FEE
FEB	FE100	10 V.S.A. § 1082	750	900	1800	2700
FEB	FE101	10 V.S.A. § 1086 - Permit # Condition #	450	600	1200	1800
FEB	FE102	10 V.S.A. § 1086 - Permit # Condition #	450	600	1200	1800

Act 250

Program Code	Violation Code	Citation	Violation	Minimum	Fine	Days	Points
NRB	NR100	10 V.S.A. § 6091 - 6093 - LUP # Condition #	Failure to file a report or documentation as directed	150		300	900
NRB	NR101	11 V.S.A. § 6091 - 6093 - LUP # Condition #	Failure to file post-construction certification and/or fees	300	\$1,500	450	1350
NRB	NR102	12 V.S.A. § 6091 - 6093 - LUP # Condition #	Failure to establish and/or maintain escrow account on other fees as directed	450	\$2,000	600	1800
NRB	NR103	13 V.S.A. § 6091 - 6093 - LUP # Condition #	Failure to complete project by construction completion date	300	\$1,500	450	1350
NRB	NR104	14 V.S.A. § 6091 - 6093 - LUP # Condition #	Extraction of earth resources beyond date permitted	450	\$2,000	600	1800
NRB	NR105	15 V.S.A. § 6091 - 6093 - LUP # Condition #	Extraction of earth resources in excess of quantity permitted - less than 100 cubic yards	450	\$2,000	600	1800
NRB	NR106	16 V.S.A. § 6091 - 6093 - LUP # Condition #	Extraction of earth resources in excess of quantity permitted - 100 cubic yards or more	750		900	2700
NRB	NR107	17 V.S.A. § 6091 - 6093 - LUP # Condition #	Failure to reclaim site as directed	250		900	2700
NRB	NR108	18 V.S.A. § 6091 - 6093 - LUP # Condition #	Failure to complete landscaping as directed	450	\$2,000	600	1800
NRB	NR109	19 V.S.A. § 6091 - 6093 - LUP # Condition #	Failure to maintain vegetative buffer as directed	450	\$2,000	600	1800
NRB	NR110	20 V.S.A. § 6091 - 6093 - LUP # Condition #	Failure to implement and/or maintain erosion control measures as directed	250		900	2700
NRB	NR111	21 V.S.A. § 6091 - 6093 - LUP # Condition #	Failure to maintain lighting as directed	450		600	1800
NRB	NR112	22 V.S.A. § 6091 - 6093 - LUP # Condition #	Failure to abide by approved hours of operation	450	\$2,000	600	1800
NRB	NR113	23 V.S.A. § 6091 - 6093 - LUP # Condition #	Erection or maintenance of unpermitted sign or banner	300	\$1,500	450	1350
NRB	NR114	24 V.S.A. § 6091 - 6093 - LUP # Condition #	Violation of permitted noise restrictions	300	\$1,500	450	1350
NRB	NR115	25 V.S.A. § 6091 - 6093 - LUP # Condition #	Violation of an Act 250 file or an Act 250 permit	300	\$1,500	450	1350



## Waste Management Division—Hazardous Materials

Program Code	Violation Code	CITATION	VIOLATION	MIN	FULL/MAXIMUM	WAIVER—1st Violation	Waiver—2nd Violation	Waiver—3rd Violation
		Title 10 V.S.A. Chapter 159, Waste Management—Vermont Hazardous Waste Regulations (VHWR)						
WMD-01	WM100	10 V.S.A. § 6603—VHWR § 7-104 & 7-304	Notification; hazardous waste generators, transporters, or facility failed to notify the Agency of their activity	300	\$1,500	450	750	1350
WMD-01	WM101	10 V.S.A. § 6603—VHWR § 7-105(a)(1)	Emergency Response; respondent failed to take required actions to prevent impact to human health or the environment when a release of hazardous materials has occurred	750		900	1800	2700
WMD-01	WM102	10 V.S.A. § 6603—VHWR § 7-105(a)(2)	Reporting; respondent failed to immediately report a release of hazardous materials	750		900	750	1350
WMD-01	WM103	10 V.S.A. § 6603—VHWR § 7-202	HW Determination; respondent failed to make a hazardous waste determination	300	\$1,500	450	750	1350
WMD-01	WM104	10 V.S.A. § 6603—VHWR § 7-302	Disposal prohibition; respondent illegally released a hazardous waste	750		900	1800	2700
WMD-01	WM105	10 V.S.A. § 6603—VHWR § 7-306(e)(1)(C)	CEG; generator failed to conduct operations in a manner that minimizes threat of fire, explosion, or release	300	\$1,500	450	750	1350
WMD-01	WM106	10 V.S.A. § 6603—VHWR § 7-306(e)(1)(D)	CEG; generator failed to properly close, label, or manage containers for compatibility	300	\$1,500	450	750	1350
WMD-01	WM107	10 V.S.A. § 6603—VHWR § 7-306(e)(1)	CEG; generator used a manifest and failed to properly follow manifest instructions	300	\$1,500	450	750	1350
WMD-01	WM108	10 V.S.A. § 6603—VHWR § 7-307(e)(2)	SQG; generator stored waste on site for more than 180 days	600		750	1500	2250
WMD-01	WM109	10 V.S.A. § 6603—VHWR § 7-307(e)(9)	SQG; generator failed to have emergency preparedness measures in place	600		750	1500	2250
WMD-01	WM110	10 V.S.A. § 6603—VHWR § 7-308(b)(8)	LQG; generator failed to submit a biennial report	150		300	750	1350
WMD-01	WM111	10 V.S.A. § 6603—VHWR § 7-308(b)(9)	LQG; generator failed to have written contingency plan for releases of hazardous waste	300	\$1,500	450	750	1350
WMD-01	WM112	10 V.S.A. § 6603—VHWR § 7-308(b)(10)	LQG; generator failed to have or failed to implement a written training program for facility personnel	750		900	1800	2700
WMD-01	WM113	10 V.S.A. § 6603—VHWR § 7-309(a)	SQG and LQG; generator failed to operate in a manner that minimizes threats and is not prepared to respond to a threat if one occurs	600		750	1500	2250
WMD-01	WM114	10 V.S.A. § 6603—VHWR § 7-309(b)	SQG and LQG; generator failed to properly offer waste for transportation	750		900	1800	2700
WMD-01	WM115	10 V.S.A. § 6603—VHWR § 7-309(c)	SQG and LQG; generator failed to properly close the facility	750		900	1800	2700
WMD-01	WM116	10 V.S.A. § 6603—VHWR § 7-310(a)	SQG and LQG; generator failed to follow satellite accumulation requirements	450	\$2,000	600	1200	1800
WMD-01	WM117	10 V.S.A. § 6603—VHWR § 7-310(b)	SQG and LQG; generator failed to follow short-term storage area accumulation requirements	450	\$2,000	600	1200	1800

Waste Management Division - Hazardous Materials

WMD-01	WM118	10 V.S.A. § 6603 - VHW 5-7-31(e)	500	300	600	750	500 and LQG; short term storage over improperly designed
WMD-01	WM119	10 V.S.A. § 6603 - VHW 5-7-31(f)	150	300	600	750	500 and LQG; improper operation of the short term storage area
WMD-01	WM120	10 V.S.A. § 6603 - VHW 5-7-31(f)(1)	75	150	300	450	500 and LQG; failure to maintain inventory of waste correctly in storage
WMD-01	WM121	10 V.S.A. § 6603 - VHW 5-7-31(f)(2)	75	150	300	450	500 and LQG; failure to conduct daily inspections
WMD-01	WM122	10 V.S.A. § 6603 - VHW 5-7-31(f)	75	300	300	450	500 and LQG; failure to post proper signs in short term storage area
WMD-01	WM123	10 V.S.A. § 6603 - VHW 5-7-31(f)	150	300	600	750	500 and LQG; failure to properly manage containers
WMD-01	WM124	10 V.S.A. § 6603 - VHW 5-7-31(g)	300	450	750	1350	500 and LQG; failure to properly manage tanks
WMD-01	WM125	10 V.S.A. § 6603 - VHW 5-7-404	750	900	1800	2700	Transporter; failure to obtain approval or improper operation of a transfer facility
WMD-01	WM126	10 V.S.A. § 6603 - VHW 5-7-405	600	750	1500	2250	Transporter; transporter undertook a prohibited activity (e.g. transferring a leaking or unlabeled container; accepting waste without a manifest)
WMD-01	WM127	10 V.S.A. § 6603 - VHW 5-7-406	750	900	1800	2700	Transporter; person transports hazardous waste without a permit
WMD-01	WM128	10 V.S.A. § 6603 - VHW 5-7-408	300	450	750	1350	Transporter; a transporter accepted waste from a generator who does not have an EPA ID number
WMD-01	WM129	10 V.S.A. § 6603 - VHW 5-7-409(a)	300	450	750	1350	Transporter; the transporter failed to properly train employees or failed to keep adequate training records
WMD-01	WM130	10 V.S.A. § 6603 - VHW 5-7-410	300	450	750	1350	Transporter; the transporter failed to carry liability insurance
WMD-01	WM131	10 V.S.A. § 6603 - VHW 5-7-702	450	600	1200	1800	500 and LQG; failure to properly manifest hazardous waste
WMD-01	WM132	10 V.S.A. § 6603 - VHW 5-7-703	450	600	1200	1800	Transporter; failure to properly manifest hazardous waste
WMD-01	WM133	10 V.S.A. § 6603 - VHW 5-7-704	450	600	1200	1800	Designated facilities; failure to properly manifest hazardous waste
WMD-01	WM134	10 V.S.A. § 6603 - VHW 5-7-707	450	300	1200	1800	Failure to report failure to receive manifest within appropriate timeframe
WMD-01	WM135	10 V.S.A. § 6603 - VHW 5-7-708(e)	450	600	1200	1800	500 and LQG; failure to renew registration and pay fee
WMD-01	WM136	10 V.S.A. § 6603 - VHW 5-7-803	750	900	1800	2700	Respondent undertook a prohibited activity (e.g. using used oil for dust suppression; burning used oil for fire suppression training)
WMD-01	WM137	10 V.S.A. § 6603 - VHW 5-7-806(f)	150	300	600	750	UO handlers; failed to properly manage containers

## Waste Management Division – Hazardous Materials

WMD-01	WM138	10 V.S.A. § 6603 – VHWR § 7-806(d)	UO handlers; failed to properly manage ASTs	300	\$1,500	450	750	1350
WMD-01	WM139	10 V.S.A. § 6603 – VHWR § 7-807	UO generators; failure to comply with proper transportation standards	150		300	600	750
WMD-01	WM140	10 V.S.A. § 6603 – VHWR § 7-809	UO marketers; failure to keep proper records, properly operate, or properly transport	300	\$1,500	450	750	1350
WMD-01	WM141	10 V.S.A. § 6603 – VHWR § 7-810	UO collection facilities; failure to properly operate a collection facility and manage used oil	750		900	1800	2700
WMD-01	WM142	10 V.S.A. § 6603 – VHWR § 7-812	UO burning for energy recovery; failure to properly conduct energy recovery activities	300	\$1,500	450	750	1350
WMD-01	WM143	10 V.S.A. § 6603 – VHWR § 7-912(b)	UW SQH and LQH; disposal or treatment of UW	600		750	1500	2250
WMD-01	WM144	10 V.S.A. § 6603 – VHWR § 7-912(e)	UW LQH; failure to notify	300	\$1,500	450	750	1350
WMD-01	WM145	10 V.S.A. § 6603 – VHWR § 7-912(d)	UW SQH and LQH; failure to manage UW in accordance with waste specific standards	150		300	600	750
WMD-01	WM146	10 V.S.A. § 6603 – VHWR § 7-912(e)	UW SQH and LQH; failure to mark or label UW	300	\$1,500	450	750	1350
WMD-01	WM147	10 V.S.A. § 6603 – VHWR § 7-912(f)	UW SQH and LQH; failure to abide by accumulation time limits	75		150	300	450
WMD-01	WM148	10 V.S.A. § 6603 – VHWR § 7-913(e)	UW transporters; failure to transport waste in accordance with management standards	600		750	1500	2250
WMD-01	WM149	10 V.S.A. § 6616	Release Prohibition	750		900	1800	2700
WMD-01	WM150	10 V.S.A. § 6617	Person Responsible for Release; Notice to Agency	750		900	1800	2700

Waste Management Division—Solid Waste

Program Code	Violation Code	CITATION	VIOLATION	CLASS	FINE/INJUNCTION	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM
<b>Violation Codes may appear out of sequence. DO NOT REARRANGE, the codes are ordered with a specific purpose.</b>									
<b>10 V.S.A. Chapter 53—Beverage Containers; Deposit Redemption System</b>									
WMD-06	WM200	10 V.S.A. § 1523	Manufacturer or distributor refusal to pick up labeled deposit containers from a retailer that sells its product or a certified redemption center, of the kind, size, and brand sold by the manufacturer or distributor, or refuse to pay the retailer or a person operating a redemption center	150		300	600	900	
WMD-06	WM201	10 V.S.A. § 1523	Retailer refusal to accept empty beverage containers, labeled in accordance with 10 V.S.A. § 1524, of the kind, size, and brand sold by the retailer	150		300	600	900	
WMD-06	WM202	10 V.S.A. § 1524(e)	Failure to label deposit beverage container	150		300	600	900	
WMD-06	WM203	10 V.S.A. § 1528	Sale of an unregistered beverage container by a manufacturer or distributor	150		300	600	900	
<b>10 V.S.A. Chapter 159—Waste Management—Vermont Solid Waste Management Rules (SWMR)</b>									
WMD-06	WM214	10 V.S.A. § 6603—SWMR § 6-301(b)	Hauler permit violation—failure to prevent the release of solid waste from vehicle	150		300	600	900	
WMD-06	WM215	10 V.S.A. § 6603—SWMR § 6-301(b)	Failure to deliver solid waste to a certified facility within 48 hours or next business day	300	\$1,500	450	900	1350	
WMD-06	WM216	10 V.S.A. § 6603—SWMR § 6-302 (a)	Open burning—less than 1CY of solid waste	75		150	300	450	
WMD-06	WM217	10 V.S.A. § 6603—SWMR § 6-302 (a)	Open burning 1CY to 5CY of solid waste	150		300	600	1350	
WMD-06	WM218	10 V.S.A. § 6603—SWMR § 6-302 (a)	Open burning 5CY to 10CY of solid waste	450	\$2,000	600	1200	2250	
WMD-06	WM219	10 V.S.A. § 6603—SWMR § 6-302 (a)	Open burning more than 10CY of solid waste	750		900	1800	2700	
WMD-06	WM220	10 V.S.A. § 6603—SWMR § 6-302(d)	Treatment, storage or disposal of less than 1CY of solid waste outside of a certified facility	75	450	150	300	450	
WMD-06	WM221	10 V.S.A. § 6603—SWMR § 6-302(e)	Treatment, storage or disposal of 1CY to 5CY's of solid waste outside of a certified facility	150		300	600	1350	
WMD-06	WM222	10 V.S.A. § 6603—SWMR § 6-302(e)	Treatment, storage or disposal of 5CY to 10CY's of solid waste outside of a certified facility	450	\$2,000	600	1200	2250	
WMD-06	WM223	10 V.S.A. § 6603—SWMR § 6-302(e)	Treatment, storage or disposal of more than 10CY's solid waste outside of a certified facility	750		900	1800	2700	
WMD-06	WM224	10 V.S.A. § 6603—SWMR § 6-402	Disposal or transfer of non-implemented waste	450	\$2,000	600	1200	1800	
WMD-06	WM225	10 V.S.A. § 6603—SWMR § 6-601(a); 6-1202	Failure to maintain a copy of the certification and approved facility management plan on-site	450	\$2,000	600	1200	1800	
WMD-06	WM226	10 V.S.A. § 6603—SWMR § 6-601(b)	Burning prohibited materials at a solid waste facility	150	\$2,000	600	1200	1800	
WMD-06	WM227	10 V.S.A. § 6603—SWMR § 6-606(b)	Failure to comply with design standards for specific facilities	150	\$2,000	600	1200	1800	
WMD-06	WM228	10 V.S.A. § 6603—SWMR § 6-701	Failure to adequately control dust	300	\$1,500	450	900	1350	
WMD-06	WM229	10 V.S.A. § 6603—SWMR § 6-701(a)	Failure to maintain adequate personnel on-site	450	\$2,000	600	1200	1800	

Waste Management Division—Solid Waste

WM200	WM200	10 V.S.A. § 6603—SWMR § 6-701(e)	Operating outside approved hours of operation	150	300	600	1800
WM201	WM201	10 V.S.A. § 6603—SWMR § 6-701(c)	Treatment, storage, or disposal of solid waste outside of approved areas	450	600	600	1800
WM202	WM202	10 V.S.A. § 6603—SWMR § 6-701(c)	Exceedance of annual tonnage limits	600	750	750	2250
WM203	WM203	10 V.S.A. § 6603—SWMR § 6-701(c)	Exceedance of on-site storage limits	450	600	600	1800
WM204	WM204	10 V.S.A. § 6603—SWMR § 6-701(c)	Exceedance of daily tonnage limits	450	600	600	1800
WM205	WM205	10 V.S.A. § 6603—SWMR § 6-701(f)	Failure to control litter at a solid waste facility	300	450	450	1350
WM206	WM206	10 V.S.A. § 6603—SWMR § 6-701(f)	Failure to control vectors (bird, rodent or insect issue)	450	600	600	1800
WM207	WM207	10 V.S.A. § 6603—SWMR § 6-701(f)	Failure to prevent/control odors	450	600	600	1800
WM208	WM208	10 V.S.A. § 6603—SWMR § 6-701(h)	Failure to maintain access control (gate unlocked after hrs or no gate)	450	300	300	900
WM209	WM209	10 V.S.A. § 6603—SWMR § 6-702(d)	Inadequate daily cover	450	600	600	1800
WM210	WM210	10 V.S.A. § 6603—SWMR § 6-703	Failure to submit quarterly or annual reports	450	300	300	900
WM211	WM211	10 V.S.A. § 6603—SWMR § 6-703	Failure to submit required gas, water quality, engineering inspection, or other required reports	450	300	300	900
WM212	WM212	10 V.S.A. § 6603—SWMR § 6-703 (b)	Failure to notify agency within 5 days of any non-compliance	450	600	600	1800
WM213	WM213	10 V.S.A. § 6603—SWMR § 6-802	Improper handling or disposal of asbestos	450	600	600	1800
WM214	WM214	10 V.S.A. § 6603—SWMR § 6-802(b)	Disposal of regulated medical wastes which does not comply with SWMR	450	600	600	1800
WM215	WM215	10 V.S.A. § 6603—SWMR § 6-901	Failure to maintain required financial assurance	450	600	600	1800
WM204	WM204	10 V.S.A. § 6603—SWMR § 6-1202	Failure to follow approved facility Management Plan at a solid waste facility	450	600	600	1800
WM205	WM205	10 V.S.A. § 6603—SWMR § 6-1206(a)	Failure to remove waste from the tipping floor at the end of the operating day	450	600	600	1800
WM206	WM206	10 V.S.A. § 6603—SWMR § 6-1206(e)	Failure to store lead acid batteries under cover & on impervious surface	450	300	300	900
WM207	WM207	10 V.S.A. § 6603—SWMR § 6-1206(e)	Failure to store lead acid batteries under cover & on impervious surface resulting in release	450	600	600	1800
WM208	WM208	10 V.S.A. § 6603—SWMR § 6-1206(e)	Household hazardous/CEG Waste	450	300	300	900
WM209	WM209	10 V.S.A. § 6603—SWMR § 6-1206(f)	Improper storage or handling of HHW or CEG waste	450	600	600	1800
WM210	WM210	10 V.S.A. § 6603—SWMR § 6-1206(g)	Collecting household hazardous waste or CEG waste without approval	450	600	600	1800

Waste Management Division—Solid Waste

WMD-06	WM211	10 V.S.A. § 6602—SWMR § 6-1206(d)	Improper storage or handling of HHW or CEG waste resulting in a release	600		750	1500	2250
WMD-06	WM212	10 V.S.A. § 6603—SWMR § 6-1206(g)	Failure to have refrigerants collected by qualified person	450	\$2,000	600	1200	1800
WMD-06	WM213	10 V.S.A. § 6603—SWMR § 6-1305(e)	Failure to install and maintain adequate erosion controls at a solid waste facility	450	\$2,000	600	1200	1800
WMD-06	WM216	10 V.S.A. § 6605	Operating a solid waste facility following expiration of certification	600		750	1500	2250
WMD-06	WM217	10 V.S.A. § 6605(a)	Substantial alteration of a solid waste facility without first obtaining modification of a certification	750		900	1800	2700
WMD-06	WM218	10 V.S.A. § 6605(a)	Construction or operation of a solid waste facility without a certification	750		900	1800	2700
WMD-06	WM219	10 V.S.A. § 6605(b)(5)	Failure to maintain a closed landfill properly	300	\$1,500	450	900	1350
WMD-06	WM250	10 V.S.A. § 6605(b)(5)	Failure to comply with a post-closure certification	450	\$2,000	600	1200	1800
WMD-06	WM251	10 V.S.A. § 6605(b)(5)	Failure to obtain a post-closure certification	600		750	1500	2250
WMD-06	WM252	10 V.S.A. § 6605(d)	Failure to maintain or operate the leachate collection system properly	450	\$2,000	600	1200	1800
WMD-06	WM253	10 V.S.A. § 6605(f)	Failure to file post-closure monitoring data (effective 7/1/11)	450	\$2,000	600	1200	1800
WMD-06	WM254	10 V.S.A. § 6671a(a)	Failure to prevent disposal of prohibited wastes—landfill banned items (tires, paint, mercury added, white goods e-waste, etc) under 10 VSA 6621a(a); source-separated recyclables	450	\$2,000	600	1200	1800
WMD-06	WM255	10 V.S.A. § 7107(b)	Failure to post mercury prohibition signage at a solid waste facility	150		300	600	900
WMD-06	WM256	10 V.S.A. § 7553	Failure of a manufacturer of a covered electronic device to register, pay fee, or label device sold or delivered for sale	600		750	1500	2250
WMD-06	WM257	10 V.S.A. § 7553	Failure of a manufacturer to submit required e-waste reports	150		300	1200	1800
WMD-06	WM258	10 V.S.A. § 7556	Retail sale of covered electronic devices from an unregistered manufacturer	450	\$2,000	600	1200	1800
WMD-06	WM259	10 V.S.A. § 7556	Retail sale of covered electronic devices without required signage	300	\$1,500	450	900	1350
WMD-06	WM260	10 V.S.A. § 7557	Failure of an e-waste recycler to register	450	\$2,000	600	1200	1800
WMD-06	WM261	10 V.S.A. § 7557	Failure of an e-waste recycler to submit required e-waste reports	150		300	1200	1800
WMD-06	WM262	10 V.S.A. § 7558	Failure of an e-waste transporter to register	450	\$2,000	600	1200	1800

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WM-D-06	WM263	10 V.E.A. - \$ 7558	Failure of an e-waste collector to register	450	4,100	600	4200	1800
WM-B-06	WM264	10 V.E.A. - \$ 7558	Failure of a collector or transporter to submit required e-waste reports	450		500	4200	4800

Waste Management Division—Underground Storage Tanks

Program Code	Violation Code	CEQA/CalEIR	Regulation	Penalty	Days	Maximum
WM04	WM200	10 V.S.A. § 1921 & 6603	Underground Storage Tanks (USTs)	Failure to investigate, report, or respond to a release of a regulated substance	750	900
WM04	WM201	10 V.S.A. § 1921 & 6603	USTs	Failure to notify of unusual operation condition	750	900
WM04	WM202 - DO NOT REWARD CERTIFICATION	10 V.S.A. § 1921 & 6603	USTs	Failure to notify of change of ownership	150	300
WM04	WM203	10 V.S.A. § 1921 & 6603	USTs	Operation of a category one tank without a permit	150	300
WM04	WM204	10 V.S.A. § 1921 & 6603	USTs	Non-payment of permit fee	150	300
WM04	WM205	10 V.S.A. § 1921 & 6603	USTs	Non-payment of assessment	150	300
WM04	WM206	10 V.S.A. § 1921 & 6603	USTs	Shear valves missing	750	900
WM04	WM207	10 V.S.A. § 1921 & 6603	USTs	Shear valves not braced	750	900
WM04	WM208	10 V.S.A. § 1921 & 6603	USTs	Hole or crack in spill bucket	600	750
WM04	WM209	10 V.S.A. § 1921 & 6603	USTs	No overflow device	750	900
WM04	WM210	10 V.S.A. § 1921 & 6603	USTs	No cathodic protection test records	600	750
WM04	WM211	10 V.S.A. § 1921 & 6603	USTs	No tank leak detection records	750	900
WM04	WM212	10 V.S.A. § 1921 & 6603	USTs	No piping leak detection records	750	900
WM04	WM213	10 V.S.A. § 1921 & 6603	USTs	Incompatible overflow	750	900
WM04	WM214	10 V.S.A. § 1921 & 6603	USTs	No SPC diagram	150	300
WM04	WM215	10 V.S.A. § 1921 & 6603	USTs	Spill buckets not empty	600	750
WM04	WM216	10 V.S.A. § 1921 & 6603	USTs	Failure to mark or label fill pipes	150	300
WM04	WM217	10 V.S.A. § 1921 & 6603	USTs	Failure to notify of failed cathodic protection test	750	900
WM04	WM218	10 V.S.A. § 1921 & 6603	USTs	No inventory records	750	900
WM04	WM219	10 V.S.A. § 1921 & 6603	USTs	Not conducting manual IM	600	750
WM04	WM220	10 V.S.A. § 1921 & 6603	USTs	Not conducting electronic IM	600	750
WM04	WM221	10 V.S.A. § 1921 & 6603	USTs	Failure to notify of failed piping leak test	750	900
WM04	WM222	10 V.S.A. § 1921 & 6603	USTs	No self-certification filed	150	300
WM04	WM223	10 V.S.A. § 1921 & 6603	USTs	Late self-certification	150	300
WM04	WM224	10 V.S.A. § 1921 & 6603	USTs	Failure to notify of change of tank status reactive to OOS (and vice versa)	150	300



Waste Management Division—Salvage Yards  
(Formerly Compliance and Enforcement Division)

Program Code	Violation Code	VIOLATION	FEES/ MAXIMUM	WAVES	WAVES	WAVES	WAVES
WMD-02	SV200	10 V.S.A. Chapter 61 - Regulatory Provisions 10 V.S.A. § 7408 - Compliance mercury management					
WMD-02	SV201	10 V.S.A. § 7408 - Compliance mercury management	75				
WMD-02	SV202	24 V.S.A. Chapter 61 - Regulatory Provisions 24 V.S.A. § 2248 - Failure to collect mercury-containing switches	150				450
WMD-02	SV203	24 V.S.A. Chapter 61 - Regulatory Provisions 24 V.S.A. § 2248 - Operator of an unlicensed salvage yard	150				900
WMD-02	SV204	24 V.S.A. Chapter 61 - Regulatory Provisions 24 V.S.A. § 2248 - Operator of a mobile crusher at an unlicensed salvage yard	450				1800
WMD-02	SV205	24 V.S.A. Chapter 61 - Regulatory Provisions 24 V.S.A. § 2248 - Crushing without proper fluid containment	450				1800
WMD-02	SV206	24 V.S.A. Chapter 61 - Regulatory Provisions 24 V.S.A. § 2248 - Failure to drain fluids immediately when vehicle has signs of leakage	150				900
WMD-02	SV207	24 V.S.A. Chapter 61 - Regulatory Provisions 24 V.S.A. § 2248 - Permit # & Condition # - Failure to comply with a permit condition - permit # & condition #	300				1350
WMD-02	SV208	24 V.S.A. Chapter 61 - Regulatory Provisions 24 V.S.A. § 2257 - Failure to install or maintain screening (from roads/vehicles)	150				900
WMD-02	SV209	10 V.S.A. Chapter 159 - Waste Management 10 V.S.A. § 6603 - SWMR § 6-1206(e) - Failure to store lead acid batteries under cover & on impervious surface	150				900

Watershed Management Division - Wetlands  
(Formerly Water Quality Division)

Program Code	Violation Code	CITATION	REGULATION	WATER QUALITY/MAINTENANCE	WATER QUALITY/MAINTENANCE	WATER QUALITY/MAINTENANCE	WATER QUALITY/MAINTENANCE
WSMD-06	WS101	10 V.S.A. § 6025 - WWR 5-9-Permits	Allocation of a wetland without a permit, that can be fully restored in more than 90 days.	600	750	1500	2250
WSMD-06	WS102	10 V.S.A. § 6025 - WWR 5-9-Permits	Allocation of a wetland without a permit, that can be fully restored in under 90 days.	450	600	1200	1800
WSMD-06	WS103	10 V.S.A. § 6025 - WWR 5-9-Permits	Allocation of a wetland without a permit, no restoration required.	150	300	600	900
WSMD-06	WS104	10 V.S.A. § 6025 - WWR 5-9-Permits	Permanent alteration of wetland buffer zone without a permit.	600	750	1500	2250
WSMD-06	WS105	10 V.S.A. § 6025 - WWR 5-9-Permits	Alteration of a wetland buffer zone without a permit, that can be fully restored in more than 90 days.	450	600	1200	1800
WSMD-06	WS106	10 V.S.A. § 6025 - WWR 5-9-Permits	Alteration of a wetland buffer zone without a permit, that can be fully restored in under 90 days.	300	450	900	1350
WSMD-06	WS107	10 V.S.A. § 6025 - WWR 5-9-Permits	Alteration of a wetland buffer zone without a permit, no restoration required.	75	150	300	450
WSMD-06	WS108	10 V.S.A. § 6025 - WWR 5-9-Permits	Failure to comply with a permit condition - Work outside of permitted limit of disturbance in a wetland.	750	900	1500	1800
WSMD-06	WS109	10 V.S.A. § 6025 - WWR 5-9-Permits	Failure to comply with a permit condition - Lack of effective erosion control measures in a wetland.	300	450	900	1350
WSMD-06	WS110	10 V.S.A. § 6025 - WWR 5-9-Permits	Failure to comply with permit condition - Lawn encroachment into a wetland.	300	450	900	1350
WSMD-06	WS111	10 V.S.A. § 6025 - WWR 5-9-Permits	Failure to comply with a permit condition - Lack of effective erosion control measures in a buffer zone.	150	300	600	900
WSMD-06	WS112	10 V.S.A. § 6025 - WWR 5-9-Permits	Failure to comply with a permit condition - Lawn encroachment into a buffer zone.	150	300	600	900
WSMD-06	WS113	10 V.S.A. § 6025 - WWR 5-9-Permits	Failure to comply with allowed Use BMPs.	75	150	300	450
WSMD-06	WS114	10 V.S.A. § 6025 - WWR 5-9-Permits	Failure to record permit with town.	75	150	300	450
WSMD-06	WS115	10 V.S.A. § 6025 - WWR 5-9-Permits	Failure to comply with a permit condition.	75	150	300	450
<b>WS108 DOES NOT EXIST</b>							
10 V.S.A. Chapter 327 - Wetlands and Conservation Water Resource Management & 10 V.S.A. Chapter 151 - State Land Use - VT Wetlands Rules (WWR)							



**Watershed Management Division – Multi-Sector General Permit  
(Formerly Water Quality Division)**

Program Code	Violation Code	CITATION	VIOLATION		FULL/MAXIMUM	Waiver 1st Violation	Waiver 2nd Violation	Waiver 3rd Violation
		9 V.S.A. Chapter 51 – Natural Resources						
WSMD-02	WS300	9 V.S.A. § 2922(j)(2)(B)	Failure to pay annual operating fee	450	\$2,000	600	1200	1800
		10 V.S.A. Chapter 47 – Water Pollution Control – Multi-Sector General Permit (MSGP 3-9003)						
WSMD-02	WS301	10 V.S.A. § 1263 & 1264 – MSGP 3-9003 § 1.4.1	Failure to submit Stormwater Pollution Prevention Plan (SWPPP)	750		900	1800	2700
WSMD-02	WS302	10 V.S.A. § 1263 & 1264 – MSGP 3-9003 § 1.6	Failure to submit No Exposure Conditional Exclusion without submitting NOI and implementing SWPPP (NOX)	750		900	1800	2700
WSMD-02	WS303	10 V.S.A. § 1263 & 1264 – MSGP 3-9003 § 1.6.2.2	Using, storing or cleaning industrial machinery or equipment, and areas where residuals from using, storing or cleaning industrial machinery or equipment remain and are exposed to stormwater (NOX)	450	\$2,000	600	1200	1800
WSMD-02	WS304	10 V.S.A. § 1263 & 1264 – MSGP 3-9003 § 1.6.2.2	Materials or residuals on the ground exposed to precipitation or in stormwater inlets from spills/leaks (NOX)	450	\$2,000	600	1200	1800
WSMD-02	WS305	10 V.S.A. § 1263 & 1264 – MSGP 3-9003 § 1.6.2.2	Materials or products from past industrial activity exposed to precipitation (NOX)	450	\$2,000	600	1200	1800
WSMD-02	WS306	10 V.S.A. § 1263 & 1264 – MSGP 3-9003 § 1.6.2.2	Material handling equipment exposed to precipitation (NOX)	450	\$2,000	600	1200	1800
WSMD-02	WS307	10 V.S.A. § 1263 & 1264 – MSGP 3-9003 § 1.6.2.2	Materials or products during loading/unloading or transporting activities exposed to precipitation (NOX)	450	\$2,000	600	1200	1800
WSMD-02	WS308	10 V.S.A. § 1263 & 1264 – MSGP 3-9003 § 1.6.2.2	Materials or products stored outdoors exposed to precipitation (NOX)	450	\$2,000	600	1200	1800
WSMD-02	WS309	10 V.S.A. § 1263 & 1264 – MSGP 3-9003 § 1.6.2.2	Materials contained in open, deteriorated or leaking storage drums, barrels, tanks, and similar containers exposed to precipitation (NOX)	450	\$2,000	600	1200	1800
WSMD-02	WS310	10 V.S.A. § 1263 & 1264 – MSGP 3-9003 § 1.6.2.2	Materials or products handled/stored on roads or railways owned or maintained by the discharger exposed to precipitation (NOX)	450	\$2,000	600	1200	1800
WSMD-02	WS311	10 V.S.A. § 1263 & 1264 – MSGP 3-9003 § 1.6.2.2	Waste material exposed to precipitation (NOX)	450	\$2,000	600	1200	1800
WSMD-02	WS312	10 V.S.A. § 1263 & 1264 – MSGP 3-9003 § 1.6.2.2	Application or disposal of process wastewater exposed to precipitation (NOX)	450	\$2,000	600	1200	1800
WSMD-02	WS313	10 V.S.A. § 1263 & 1264 – MSGP 3-9003 § 1.6.2.2	Particulate matter or visible deposits of residuals from roof stacks/vents not otherwise regulated and evident in the stormwater outflow (NOX)	450	\$2,000	600	1200	1800
WSMD-02	WS314	10 V.S.A. § 1263 & 1264 – MSGP 3-9003 § 2	Failure to implement Control Measures and Effluent Limits	750		900	1800	2700
WSMD-02	WS315	10 V.S.A. § 1263 & 1264 – MSGP 3-9003 § 2.1.2.1	Failure to comply with permit condition – Minimize Exposure	300	\$1,500	450	900	1350
WSMD-02	WS316	10 V.S.A. § 1263 & 1264 – MSGP 3-9003 § 2.1.2.2	Failure to comply with permit condition – Good Housekeeping	300	\$1,500	450	900	1350
WSMD-02	WS317	10 V.S.A. § 1263 & 1264 – MSGP 3-9003 § 2.1.2.3	Failure to comply with permit condition – Maintenance	300	\$1,500	450	900	1350
WSMD-02	WS318	10 V.S.A. § 1263 & 1264 – MSGP 3-9003 § 2.1.2.4	Failure to comply with permit condition – Spill Prevention and Response Procedures	300	\$1,500	450	900	1350
WSMD-02	WS319	10 V.S.A. § 1263 & 1264 – MSGP 3-9003 § 2.1.2.5	Failure to comply with permit condition – Erosion and Sediment Controls	300	\$1,500	450	900	1350
WSMD-02	WS320	10 V.S.A. § 1263 & 1264 – MSGP 3-9003 § 2.1.2.6	Failure to comply with permit condition – Management of Runoff	300	\$1,500	450	900	1350
WSMD-02	WS321	10 V.S.A. § 1263 & 1264 – MSGP 3-9003 § 2.1.2.7	Failure to comply with permit condition – Salt Storage Pile management	300	\$1,500	450	900	1350

Watershed Management Division—Multi-Sector General Permit  
(Formerly Water Quality Division)

WSMD-02	WS222	10-V.S.A. § 1263 & 1264—MSGP 3-9003 § 2.2.2.8	Failure to comply with permit condition—Sector Specific non-hazardous effluent limits	300	\$1,500	450	900	1350
WSMD-02	WS223	10-V.S.A. § 1263 & 1264—MSGP 3-9003 § 2.2.2.9	Failure to comply with permit condition—Employee Training	300	\$1,500	450	900	1350
WSMD-02	WS224	10-V.S.A. § 1263 & 1264—MSGP 3-9003 § 2.2.2.13	Failure to comply with permit condition—Vehicle or Equipment Washing	300	\$1,500	450	900	1350
WSMD-02	WS225	10-V.S.A. § 1263 & 1264—MSGP 3-9003 § 3	Failure to take corrective actions	150		900	1800	2700
WSMD-02	WS226	10-V.S.A. § 1263 & 1264—MSGP 3-9003 § 3.1	Failure to revert or reverse to eliminate problem	750		900	1800	2700
WSMD-02	WS227	10-V.S.A. § 1263 & 1264—MSGP 3-9003 §§ 3.2 & 3.4	Failure to document corrective actions	300	\$1,500	450	900	1350
WSMD-02	WS228	10-V.S.A. § 1263 & 1264—MSGP 3-9003 § 4.1	Failure to complete routine facility inspections	300	\$1,500	450	900	1350
WSMD-02	WS229	10-V.S.A. § 1263 & 1264—MSGP 3-9003 § 4.2.1	Failure to complete quarterly visual assessment	150		300	600	900
WSMD-02	WS230	10-V.S.A. § 1263 & 1264—MSGP 3-9003 § 4.3	Failure to complete an Annual Comprehensive Site Inspection	150		300	600	900
WSMD-02	WS231	10-V.S.A. § 1263 & 1264—MSGP 3-9003 § 5.1.6.1	Failure to document Endangered Species determination	150		300	600	900
WSMD-02	WS232	10-V.S.A. § 1263 & 1264—MSGP 3-9003 § 5.2	Failure to modify SWPPP	150		300	600	900
WSMD-02	WS233	10-V.S.A. § 1263 & 1264—MSGP 3-9003 § 6.2.1.2	Failure to complete quarterly benchmark monitoring	150		300	600	900
WSMD-02	WS234	10-V.S.A. § 1263 & 1264—MSGP 3-9003 § 6.2.2	Failure to complete effluent limitation monitoring	150		300	600	900
WSMD-02	WS235	10-V.S.A. § 1263 & 1264—MSGP 3-9003 § 6.2.3	Failure to complete impaired waters monitoring	150		300	600	900
WSMD-02	WS236	10-V.S.A. § 1263 & 1264—MSGP 3-9003 § 6.2.4	Failure to complete additional required monitoring	150		300	600	900
WSMD-02	WS237	10-V.S.A. § 1263 & 1264—MSGP 3-9003 § 6.3	Failure to conduct follow-up actions	300	\$1,500	450	900	1350
WSMD-02	WS238	10-V.S.A. § 1263 & 1264—MSGP 3-9003 § 7.1	Failure to submit Discharge Monitoring Report (DMR)	150		300	1200	1800
WSMD-02	WS239	10-V.S.A. § 1263 & 1264—MSGP 3-9003 § 7.2	Failure to submit annual report	150		300	1500	1800
WSMD-02	WS240	10-V.S.A. § 1263 & 1264—MSGP 3-9003 § 7.4	Failure to file additional reporting	150		300	1500	1800

**Watershed Management Division—Stormwater Construction  
(Formerly Water Quality Division)**

Program Code	Violation Code	SECTION	DESCRIPTION	MINIMUM	FULL MAXIMUM	FEE
WS4B-02	WS400	10 V.S.A. Chapter 17—Water Pollution Control § 17-263 & 17-264—GP-3-9020 § 1-5	Failure to install or implement the Required Elements of the Low-Risk Site Handbook for Erosion Prevention and Sediment Control (LRSH)	750		1800
WS4B-02	WS401	10 V.S.A. § 17-263 & 17-264—GP-3-9020 § 1-3	Failure to properly install or implement installation of a Required Element of the LRSH equipment	450	\$2,000	1800
WS4B-02	WS402	10 V.S.A. § 17-263 & 17-264—GP-3-9020 § 1-7	Failure to comply with requirements for permitting and risk scoring of phased projects	150	\$2,500	1800
WS4B-02	WS403	10 V.S.A. § 17-263 & 17-264—GP-3-9020 § 3-1	Failure to undertake construction in accordance with the permit application or Notice of Intent	450	\$2,000	1800
WS4B-02	WS404	10 V.S.A. § 17-263 & 17-264—GP-3-9020 § 2-1, § 3-1	Failure to obtain permit coverage prior to construction	750		2700
WS4B-02	WS405	10 V.S.A. § 17-263 & 17-264—GP-3-9020 § 2-6, § 3-6	Failure to record permit in-bid records	75		450
WS4B-02	WS406	10 V.S.A. § 17-263 & 17-264—GP-3-9020 § 4-1	Failure to install or implement the approved Erosion Prevention Sediment Control (EPSC) plan	750		2700
WS4B-02	WS407	10 V.S.A. § 17-263 & 17-264—GP-3-9020 § 4-1	Failure to properly install or implement EPSC plan requirement component	450	\$2,000	1800
WS4B-02	WS408	10 V.S.A. § 17-263 & 17-264—GP-3-9020 § 4-2	Failure to follow permit requirements related to the On-Site Plan Coordinator	450	\$2,000	1800
WS4B-02	WS409	10 V.S.A. § 17-263 & 17-264—GP-3-9020 § 4-3	Failure to provide notice of winter construction	300	\$1,500	1350
WS4B-02	WS410	10 V.S.A. § 17-263 & 17-264—GP-3-9020 § 4-4	Failure to fulfill record keeping requirements	300	\$1,500	1350
WS4B-02	WS411	10 V.S.A. § 17-263 & 17-264—GP-3-9020 § 4-5	Failure to maintain required plans on-site	150	\$2,000	1800
WS4B-02	WS412	10 V.S.A. § 17-263 & 17-264—GP-3-9020 § 4-5	Failure to post notice of permit coverage	75		450
WS4B-02	WS413	10 V.S.A. § 17-263 & 17-264—GP-3-9020 § 4-5	Failure to make plans available to AHE requirements upon request	450	\$2,000	1800
WS4B-02	WS414	10 V.S.A. § 17-263 & 17-264—GP-3-9020 § 6	Failure to comply with reporting requirements	300	\$1,500	1350
WS4B-02	WS415	10 V.S.A. § 17-263 & 17-264—GP-3-9020 § 6	Failure to comply with inspection or monitoring requirements	450	\$2,000	1800
WS4B-02	WS416	10 V.S.A. § 17-263 & 17-264—GP-3-9020 § 6	Failure to comply with requirements to notify DEC	450	\$2,000	1800
WS4B-02	WS417	10 V.S.A. § 17-263 & 17-264—GP-3-9020 § 6	Failure to take required corrective action	450	\$2,000	1800
WS4B-02	WS418	10 V.S.A. § 17-263 & 17-264—GP-3-9020 § 6.1, § 6.3	Failure to implement corrective actions identified by DEC to correct a discharge	450	\$2,000	1800
WS4B-02	WS419	10 V.S.A. § 17-263 & 17-264—GP-3-9020 § 7-1	Failure to transfer permit	75		450
WS4B-02	WS420	10 V.S.A. § 17-263 & 17-264—GP-3-9020 § 7-2	Failure to comply with requirements related to adding and subtracting co-permittees	75		450
WS4B-02	WS421	10 V.S.A. § 17-263 & 17-264—GP-3-9020 § 7-3, § 7-4	Failure to submit a notice of termination	300	\$1,500	1350
WS4B-02	WS422	10 V.S.A. § 17-263 & 17-264—GP-3-9020 § App. D-14	Disposal of Unacceptable Waste	750		2700

Watershed Management Division - Stormwater Post Construction  
(Formerly Water Quality Division)

Program Code	Violation Code	STATION	VIOLATION	FULL/MAXIMUM				
WSMD-02	W5500	10 V.S.A. § 1263 & 1264 - GP 3-9010 Part II.A.	Failure to obtain permit coverage prior to construction of impervious surface	750	900	1800	2700	
WSMD-02	W5501	10 V.S.A. § 1263 & 1264 - GP 3-9010 Part V.A.	Failure to perform required maintenance	750	900	1800	2700	
WSMD-02	W5502	10 V.S.A. § 1263 & 1264 - GP 3-9010 Part V.A.	Failure to install stormwater treatment system	750	900	1800	2700	
WSMD-02	W5503	10 V.S.A. § 1263 & 1264 - GP 3-9010 Part V.A.	Failure to properly install stormwater treatment system component	750	900	1800	2700	
WSMD-02	W5504	10 V.S.A. § 1263 & 1264 - GP 3-9010 Part V.B.	Disposal of un-authorized waste into stormwater system	750	900	1800	2700	
WSMD-02	W5505	10 V.S.A. § 1263 & 1264 - GP 3-9010 Part V.C.	Failure to perform required inspection	300	450	750	900	
WSMD-02	W5506	10 V.S.A. § 1263 & 1264 - GP 3-9010 Part V.C.	Failure to comply with reporting requirements	150	300	450	900	
WSMD-02	W5507	10 V.S.A. § 1263 & 1264 - GP 3-9010 Part V.D.	Failure to transfer permit to new land owners	300	450	750	900	
WSMD-02	W5508	10 V.S.A. § 1263 & 1264 - GP 3-9010 Part V.G.	Failure to pay annual operating fee	300	450	750	900	
WSMD-02	W5509	10 V.S.A. § 1263 & 1264 - GP 3-9010 Part VI.M.	Failure to record permit in hand records	300	450	750	900	
WSMD-02	W5510	10 V.S.A. § 1263 & 1264 - GP 3-9015 Part II.A.	Failure to obtain permit coverage prior to construction of impervious surface	750	900	1800	2700	
WSMD-02	W5511	10 V.S.A. § 1263 & 1264 - GP 3-9015 Part V.A.	Failure to perform required maintenance	750	900	1800	2700	
WSMD-02	W5512	10 V.S.A. § 1263 & 1264 - GP 3-9015 Part V.A.	Failure to install stormwater treatment system	750	900	1800	2700	
WSMD-02	W5513	10 V.S.A. § 1263 & 1264 - GP 3-9015 Part V.A.	Failure to properly install stormwater treatment system component	750	900	1800	2700	
WSMD-02	W5514	10 V.S.A. § 1263 & 1264 - GP 3-9015 Part V.B.	Disposal of un-authorized waste into stormwater system	750	900	1800	2700	
WSMD-02	W5515	10 V.S.A. § 1263 & 1264 - GP 3-9015 Part V.C.	Failure to perform required inspection	300	450	750	900	
WSMD-02	W5516	10 V.S.A. § 1263 & 1264 - GP 3-9015 Part V.C.	Failure to comply with reporting requirements	300	450	750	900	
WSMD-02	W5517	10 V.S.A. § 1263 & 1264 - GP 3-9015 Part V.D.	Qualification of Designer's Certification	750	900	1800	2700	
WSMD-02	W5518	10 V.S.A. § 1263 & 1264 - GP 3-9015 Part V.D.	Failure to transfer permit to new land owners	300	450	750	900	
WSMD-02	W5519	10 V.S.A. § 1263 & 1264 - GP 3-9015 Part VI.H.	Failure to pay annual operating fee	300	450	750	900	
WSMD-02	W5520	10 V.S.A. § 1263 & 1264 - GP 3-9015 Part VI.N.	Failure to record permit in hand records	300	450	750	900	
WSMD-02	W5521	10 V.S.A. § 1263 & 1264 - Individual Permit # & Condition #	Failure to obtain permit coverage prior to construction of impervious surface	750	900	1800	2700	
WSMD-02	W5522	10 V.S.A. § 1263 & 1264 - Individual Permit # & Condition #	Failure to perform required maintenance	750	900	1800	2700	
WSMD-02	W5523	10 V.S.A. § 1263 & 1264 - Individual Permit # & Condition #	Failure to install stormwater treatment system	750	900	1800	2700	
WSMD-02	W5524	10 V.S.A. § 1263 & 1264 - Individual Permit # & Condition #	Failure to properly install stormwater treatment system component	750	900	1800	2700	
WSMD-02	W5525	10 V.S.A. § 1263 & 1264 - Individual Permit # & Condition #	Disposal of un-authorized waste into stormwater system	750	900	1800	2700	
WSMD-02	W5526	10 V.S.A. § 1263 & 1264 - Individual Permit # & Condition #	Failure to perform required inspection	300	450	750	900	

Watershed Management Division—Stormwater Post-Construction  
(Formerly Water Quality Division)

WQMD-02	WS522	10.V.S.A. § 1263 & 1264—Individual permit # & Condition #	Failure to receive permit in bond records	300	\$1,500	450	750	900
WQMD-02	WS529	10.V.S.A. § 1263 & 1264—Individual permit # & Condition #	Failure to transfer permit to new bond owners	300	\$1,500	450	750	900
WQMD-02	WS529	10.V.S.A. § 1263 & 1264—Individual permit # & Condition #	Failure to pay annual operating fee	300	\$1,500	450	750	900
WQMD-02	WS530	10.V.S.A. § 1263 & 1264—Individual permit # & Condition #	Failure to comply with reporting requirements	150	\$1,000	300	750	900
WQMD-02	WS534	10.V.S.A. § 1263 & 1264—Individual permit # & Condition #	Fabrication of Designer's Certification	750		900	1800	2700



Watershed Management Division—River Corridor  
(Formerly Water Quality Division)

Program Code	Violation Code	Statute	Description	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days
WSMD-05	WS600	10 V.S.A. § 1021(b)	Commencing work without a permit	450	900	1500	1800						
WSMD-05	WS601	10 V.S.A. § 1021(c)	Failure to comply with permit conditions	300	450	750	900						
WSMD-05	WS602	10 V.S.A. § 1021(d)	Measures exceed minimum necessary to alleviate the emergency	300	450	750	900						
WSMD-05	WS603	10 V.S.A. § 1021(b)	No. prior approval from municipal legislative body	75	150	300	450						
WSMD-05	WS604	10 V.S.A. § 1021(b)	Failure to report to the Secretary within 72 hours	150	300	450	600						
WSMD-05	WS605	10 V.S.A. § 1021(e)	Removal of gravel from a watercourse for other than the owner's use on the owner's property	75	150	300	450						
WSMD-05	WS606	10 V.S.A. § 1021(e)	Removal of gravel from a watercourse below the waterline	75	150	300	450						
WSMD-05	WS607	10 V.S.A. § 1021(e)	Failure to provide 72-hour prior notification of 50-cubic yard or less gravel removal	75	150	300	450						
WSMD-05	WS608	10 V.S.A. § 1021(e)	Removal of more than 10 cubic yards of gravel from an Outstanding Resource Water	75	150	300	450						
WSMD-05	WS609	10 V.S.A. § 1021(b)	Operating a suction dredge in a watercourse	150	300	450	600						
WSMD-05	WS610	10 V.S.A. § 1021(f)	Failure to obtain approval to operate a sluice box	75	150	300	450						
WSMD-05	WS611	10 V.S.A. § 1021(b)	Failure to obtain landowner permission on private land	75	150	300	450						
WSMD-05	WS612	10 V.S.A. § 1021(b)	Failure to comply with mineral prospecting approval conditions	300	450	750	900						
WSMD-05	WS613	10 V.S.A. § 1022	Failure to apply for a permit	750	900	1500	1800						
WSMD-05	WS614	10 V.S.A. § 1022	Failure to file copy of permit application with town clerk and/or neighbors	75	150	300	450						
WSMD-05	WS615	10 V.S.A. § 1022	Failure to comply with non-reporting criteria	750	900	1500	1800						
WSMD-05	WS616	10 V.S.A. § 1022	Failure to provide appropriate notification to the agency	750	900	1500	1800						

Watershed Management Division Discharge Permits  
(Formerly Water Quality Division)

Program Code	Violation Code	CEATION	VIOLATION	DESCRIPTION	MINIMUM	FULL PROGRAM	WATER	PERMIT	VIOLATION
WQMD-09	W5700	10 V.S.A. Chapter 17 - Water Pollution Control Regulations	10 V.S.A. § 1263 & Permit # & Condition #	Late reporting - sampling results/ monitoring results/ reports/certifications required by permit not submitted within 30 days of required date	75	150	300	300	450
WQMD-09	W5701	10 V.S.A. § 1263 & Permit # & Condition #	10 V.S.A. § 1263 & Permit # & Condition #	Failure to conduct sampling/monitoring as required by permit	150	300	600	600	900
WQMD-09	W5702	10 V.S.A. § 1263 & Permit # & Condition #	10 V.S.A. § 1263 & Permit # & Condition #	Failure to inspect facility or facility components as required by permit	600	750	1500	1500	2250
WQMD-09	W5703	10 V.S.A. § 1263 & Permit # & Condition #	10 V.S.A. § 1263 & Permit # & Condition #	Failure to comply with other permit condition not listed above	75	150	300	300	450

**Drinking Water and Groundwater Protection Division  
(Formerly Water Supply Division)**

CITATION	VIOLATION	MINIMUM	FULL/MAXIMUM	Waiver - 1st Violation	Waiver - 2nd Violation
10 V.S.A. Chapter 56 - Public Water Supply - Water Supply Rules (WSR)					
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21-6	Monitoring Major, Failure to conduct all routine water quality monitoring	150		300	600
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21-6	Monitoring Minor, Conducts some but not all water quality monitoring	75		150	300
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21-6	Monitoring Major, Failure to collect any check, repeat and/or confirmation sample(s)	150		300	600
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21-6	Monitoring Minor, Conducts some but not all check, repeat and/or confirmation sample(s)	75		150	300
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21-6	Monitoring Major (TCR), Failure to collect any required routine samples at sites approved in the sampling plan	150		300	600
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21-6	Monitoring Minor (TCR), Collects some but not all of routine samples at sites approved in the sampling plan	75	300	150	300
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21-6	Monitoring Repeat Major (TCR), Failure to collect any repeat samples	150		300	600
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21-6	Monitoring Repeat Minor (TCR), Collects some but not all of the required repeat samples	75		150	300
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21-6	Monitoring Routine (Stage 1 D/DBPR) Failure to comply with monitoring and reporting requirements, and/or monitor according to sampling plan	150		300	600
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21-6.4	Monitoring (Stage 1 D/DBPR) - Failure to have sampling plan	75		150	300
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21-7.9	Monitoring (IESWTR/LT1 SWTR) Failure to conduct required Comprehensive Performance Evaluation and/or failure to produce filter assessment	150		300	600
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21-6.4	Monitoring (Stage 2 D/DBPR), Failure to conduct standard monitoring and/or failure to conduct ongoing annual or quarterly monitoring	150		300	600
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21-6.6.4	Monitoring/Reporting (GWR), Failure to monitor or report residual disinfectant concentration required per the GWR	75		150	300
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21-6.2	Monitoring/Reporting (SWTR-unfiltered systems) - unfiltered systems fail to monitor and report parameters/information required per the SWTR	150		300	600
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21-6.3	Monitoring Source (LT2), Failure to collect any source water samples and report results	150		300	600
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21-6.6.4	Monitoring - Source (GWR), Failure to conduct all required triggered source water monitoring and other monitoring per the Ground Water Rule	150		300	600
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21-6.2	Monitoring (SWTR), Filtered systems fail to collect and/or report turbidity, entry point disinfectant residual and distribution system disinfectant concentrations	150		300	600
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21-6.3	Monitoring Major (IESWTR/LT1), Failure to collect and/or report any required combined filter effluent and/or any individual filter turbidity within 10 days after the end of the month and/or failure to report that the system exceeded 1 NTU or maximum Turbidity level set by the State	150		300	600
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21-6.3	Monitoring Minor (IESWTR/LT1), Collects some and/or reports some but not all of the required combined filter effluent and all individual filter turbidity within 10 days after the end of the month	75		150	300
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21-6.5	Monitoring (LCR), Failure to conduct initial tap sampling	150		300	600

Drinking Water and Groundwater Protection Division  
(Formerly Water Supply Division)

DWGPB-01	DW120	10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21	Monitoring (LCR). Failure to collect adequate number of samples, and/or provide all monitoring information	150	300	600	900
DWGPB-01	DW121	10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21	Monitoring (LCR). Failure to provide notification to State of change in treatment or addition of new source	150	300	600	900
DWGPB-02	DW122	10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21	Monitoring (LCR). Failure to collect and/or report all water quality parameters, and/or failure to meet state approved sampling plan	150	300	600	900
DWGPB-03	DW123	10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21	Monitoring (LCR). Failure to collect required number of source samples and/or report results	150	300	600	900
DWGPB-03	DW124	10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21	Monitoring (Ground Water Under the Direct Influence). Failure to make CWUDI determination and/or complete required monitoring	300	450	900	1350
DWGPB-03	DW125	10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21	Operational. Failure to have a certified Class 2,3,4, or 5 Operator	150	300	600	900
DWGPB-03	DW126	10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21	Operational. Failure to have a certified Class 1B Operator	75	150	300	450
DWGPB-01	DW127	10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21	Notification (CWR). Failure to notify the State of any time system fails to meet any state specific requirement, and/or notify the state within 30 days of completing a corrective action, and/or failure to provide documentation that system met State criteria for exception to the triggered source water monitoring requirements	75	150	300	450
DWGPB-01	DW128	10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21	Public Notification (Temporary Operating Permit). Failure to provide notice of temporary operating permit significant deficiencies to all customers	75	150	300	450
DWGPB-03	DW129	10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21	Temporary Operating Permit. Failure to comply with	150	300	600	900
DWGPB-03	DW130	10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21	Permit (Source/Construction Permit). Failure to obtain required permit prior to connecting and operating a source for transient non-community water system	300	450	900	1350
DWGPB-01	DW131	10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21	Permit (Source or Source/Construction Permit). Failure to obtain required permit before connecting and operating a source for community water system, and/or domestic bottled water	750	900	1800	2700
DWGPB-01	DW132	10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21	Permit (Construction Permit). Failure to obtain required permit for community water system, and/or domestic bottled water facility	750	900	1800	2700
DWGPB-03	DW133	10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21	Permit (Construction Permit). Failure to obtain required construction permit for transient non-community water system	300	450	900	1350
DWGPB-01	DW134	10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21	Permit (Construction). Failure to submit as-built drawings	75	150	300	450
DWGPB-01	DW135	10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21	Permit (Operating). Failure to obtain Operating Permit for Community Water System, Non-Transient Non-Community Water System, and/or Domestic Bottled Water (in state)	750	900	1800	2700
DWGPB-01	DW136	10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21	Permit (Opening). Failure to obtain Operating Permit for Transient Non-Community Water System	300	450	900	1350

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**STATE OF VERMONT**  
**AGENCY OF NATURAL RESOURCES**  
**DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**CHAPTER 25 - ENVIRONMENTAL CITATIONS**

**Effective date:**

**§ 25-101. Authority**

This rule is adopted by the Secretary of the Agency of Natural Resources pursuant to the authority granted in 10 V.S.A. § 8019 that authorizes the Secretary to adopt rules for the issuance of civil complaints.

**§ 25-102. Definitions**

As used in this rule:

- (1) "ANR" means the Agency of Natural Resources.
- (2) "Citation" means a civil citation pursuant to 10 V.S.A. § 8019.
- (3) "Permit" means any permit, license, certification or transitional operational authority issued under any of the statutes specified in Section 8003 of Title 10, including air pollution orders issued under chapter 23 of Title 10.
- (4) "Person" means any individual; partnership; company; corporation; association; joint venture; trust; municipality; the state of Vermont or any agency, department or subdivision of the state, any federal agency, or any other legal or commercial entity.
- (5) "Prohibited Act" means acts which are prohibited by any statute, rule or regulation enforced by ANR.
- (6) "Recordkeeping" means the compilation and retention of records as required by any statute, rule, regulation, or permit enforced by ANR.
- (7) "Reporting" means the duty to report information required by any statute, rule, regulation, or permit enforced by ANR.
- (8) "Respondent" means a person who has been issued a citation.
- (9) "Secretary" means the Secretary of the Agency of Natural Resources or a duly authorized representative.
- (10) "Violation" means any noncompliance with any category of statute, rule, regulation, or permit listed in Table 1 of this rule.
- (11) "Waiver" or "Waiver penalty" means the penalty to be paid by the respondent if the citation is not contested.

**25-103. Purpose**

It is the purpose of these rules to establish the use of citations as a tool to address environmental violations under the jurisdiction of the Secretary. Further, this rule sets out the minimum, maximum and waiver penalty amounts for each violation for which a citation may be issued.

**§ 25-104. Applicability**

These rules apply to any citation issued pursuant to 10 V.S.A. § 8019 for any category of violation listed in Table 1 of this rule.

Table 1 applies only to a citation issued pursuant to 10 V.S.A. § 8019 and is not applicable to calculations for any other penalty.

**§ 25-105. Eligible violations and penalties**

- (a) A schedule of categories of violations for which a citation may be issued and associated penalties is attached as Table 1. Each listed violation category shall be enforceable as prescribed in 10 V.S.A. § 8019.
- (b) The maximum penalty for a single violation is established in Table 1 of this rule. In no case may a penalty for a single violation exceed \$3000 per respondent, excluding court fees. The maximum penalty shall be applied when a default judgment is entered.
- (c) The minimum penalty for a single violation is established in Table 1 of this rule. In no case may a penalty for a single violation be less than the minimum amount established by this rule, excluding court fees.
- (d) The waiver penalty for a single violation is established in Table 1 of this rule.
- (e) More than one respondent may be issued a citation for the same violation if multiple respondents are responsible and/or liable for the violation.
- (f) Where a respondent fails to conduct recordkeeping or reporting, there shall be a rebuttable presumption that the respondent failed to conduct the activity which was to be recorded and/or reported.

**§ 25-106. Form of citations**

Citations issued under this rule shall be in the form approved by the court administrator.

**§ 25-107. Service of citations**

Citations may be served in accordance with Rule 4 of the Vermont Rules of Civil Procedure, or by any person authorized by the Secretary, or by first-class mail.

**§ 25-108. Effect of citation**

- (a) A citation issued under this section shall preclude the Secretary from seeking an additional monetary penalty for the violation specified in the citation when any one of the following occurs:
  - (1) The waiver penalty is paid.
  - (2) Judgment is entered after trial or appeal.
  - (3) A default judgment is entered.

- (b) Notwithstanding this preclusion, the Secretary:
  - (1) may issue additional citations or initiate an enforcement action under chapter 201, including a monetary penalty, when a violation is continuing or is repeated; and
  - (2) may also bring an enforcement action to obtain injunctive relief or remediation, and if such an action is brought the Secretary may recover the costs of bringing the additional action and the amount of any economic benefit the respondent obtained as a result of the underlying violation.

**§25-109. Administration of the citation program**

- (a) The Secretary shall be responsible for the implementation and operation of the program established by this rule. The implementation and operation of this rule may be delegated by the Secretary.
- (b) The Secretary shall maintain a list of names of ANR staff authorized to issue citations and the violations for which they are authorized to issue citations.
- (c) The Secretary shall adopt guidelines for the implementation of this rule by ANR staff. At a minimum, these guidelines shall include:
  - (1) The training required before individual staff are authorized to issue citations.
  - (2) The mechanics of drafting and issuing a citation.
  - (3) The internal review process that shall take place prior to the issuance of any citation. This internal review process shall include the approval of a supervisor prior to any citation being issued.
  - (4) The internal review process that shall take place prior to any citation being amended or dismissed.

**§ 25-110. Appeal**

An appeal of a decision from a contested citation shall be to the Superior Court Environmental Division. The appeal shall be conducted as an on the record review.

**§ 25-111. Severability**

The provisions of any section of these rules are severable. If any provision of these rules is found invalid by a court, or if any application of these rules to any person or circumstance is found invalid, the invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

**Table 1: Citation Schedule**

<b>MINIMUM</b>	<b>FULL/MAXIMUM</b>	<b>WAIVER</b>	<b>Category</b>
\$250	\$1,000	\$500	Statute, Permit, or Rule Violation – Recordkeeping and Reporting
\$750	\$2,000	\$1,000	Statute, Permit, or Rule Violation - Other than Recordkeeping and Reporting
\$1,250		\$1,500	Permit not obtained or Prohibited Acts



VERMONT **GENERAL ASSEMBLY**

## The Vermont Statutes Online

### Title 10 : Conservation And Development

#### Chapter 201 : Administrative Environmental Law Enforcement

##### Subchapter 003 : Enforcement

(Cite as: 10 V.S.A. § 8019)

#### § 8019. Civil citations

(a) The Secretary and the Board each shall have the authority to adopt rules for the issuance of civil citations for violations of their respective enabling statutes or rules adopted under those statutes that are enforceable in the Environmental Division. Any proposed rule under this section shall include the full, minimum, and waiver penalty amounts for each violation. The maximum civil penalty for any violation brought under this section shall not exceed \$3,000.00 exclusive of court fees.

(b) A civil citation issued under this section shall preclude the issuing entity from seeking an additional monetary penalty for the violation specified in the citation when any one of the following occurs: the waiver penalty is paid, judgment is entered after trial or appeal, or a default judgment is entered. Notwithstanding this preclusion, the Agency and the Board may issue additional citations or initiate an action under chapter 201 of this title, including a monetary penalty when a violation is continuing or is repeated, and may also bring an enforcement action to obtain injunctive relief or remediation and, in such additional action, may recover the costs of bringing the additional action and the amount of any economic benefit the respondent obtained as a result of the underlying violation in accordance with subdivisions 8010(b)(7) and (c)(1) of this title.

(c) The Secretary or Board Chair and his or her duly authorized representative shall have the authority to amend or dismiss a citation by so marking the citation and returning it to the Environmental Division or by notifying the hearing officer or judge at the hearing.

(d) Subsequent to the issuance of a civil citation under this section and the conclusion of any hearing and appeal regarding that citation, the following shall be considered part of the respondent's record of compliance when calculating a penalty under section 8010 of this title:

- (1) the respondent's payment of the full or waiver penalty stated in the citation;
  - (2) the respondent's commission of a violation after the hearing before the Environmental Division on the citation;
  - (3) the respondent's failure to appear or answer the citation resulting in the entry of a default judgment;
  - (4) a finding, after appeal, that the respondent committed a violation.
- (e) Penalties assessed under this section shall be deposited in the General Fund. (Added

2009, No. 54, § 57, eff. June 1, 2009; amended 2011, No. 73 (Adj. Sess.), § 5; 2013, No. 11, §§ 20, 25.)



# Proposed Rules Postings

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### Deadline For Public Comment

Deadline: Feb 21, 2020

Please submit comments to the agency or primary contact person listed below, before the deadline.

### Rule Details

Rule Number: 20P001  
Title: Environmental Citations.  
Type: Standard  
Status: Proposed  
Agency: Agency of Natural Resources  
Legal Authority: 10 V.S.A. § 8019

Summary: This rule amendment simplifies the penalty amounts for which a person may be issued a civil citation in association with their violation of Agency of Natural Resources laws and permits, establishing a consistent amount to be

Address: 1 National Life Drive, Davis 3  
 City: Montpelier  
 State: VT  
 Zip: 05620  
 Telephone: 802-522-8024  
 Fax:  
 Email: john.beling@vermont.gov  
 Website Address: https://dec.vermont.gov/enforcement/rules

**Information for Contact # 2**

Level: Secondary  
 Name: Katelyn Ellermann  
 Agency: Agency of Natural Resources  
 Address: 1 National Life Drive, Davis 3  
 City: Montpelier  
 State: VT  
 Zip: 05620  
 Telephone: 802-522-7125  
 Fax:  
 Email: Katelyn.Ellermann@vermont.gov

**Keyword Information**

Keywords:

citation  
 penalty  
 waiver  
 maximum penalty  
 violation  
 environmental  
 natural resources



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	The Islander ( <a href="mailto:islander@vermontislander.com">islander@vermontislander.com</a> )	Tel: 802-372-5600 FAX: 802-372-3025
	Vermont Lawyer ( <a href="mailto:hunter.press.vermont@gmail.com">hunter.press.vermont@gmail.com</a> )	Attn: Will Hunter

**FROM:** Louise Corliss, APA Clerk

**Date of Fax:** January 7, 2020

**RE:** The "Proposed State Rules " ad copy to run on

**January 16, 2020**

**PAGES INCLUDING THIS COVER MEMO:**

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If you have questions, or if the printing schedule of your paper is disrupted by holiday etc. please contact Louise Corliss at 802-828-2863, or E-Mail [louise.corliss@vermont.gov](mailto:louise.corliss@vermont.gov), Thanks.

## PROPOSED STATE RULES

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By law, public notice of proposed rules must be given by publication in newspapers of record. The purpose of these notices is to give the public a chance to respond to the proposals. The public notices for administrative rules are now also available online at <https://secure.vermont.gov/SOS/rules/> . The law requires an agency to hold a public hearing on a proposed rule, if requested to do so in writing by 25 persons or an association having at least 25 members.

To make special arrangements for individuals with disabilities or special needs please call or write the contact person listed below as soon as possible.

To obtain further information concerning any scheduled hearing(s), obtain copies of proposed rule(s) or submit comments regarding proposed rule(s), please call or write the contact person listed below. You may also submit comments in writing to the Legislative Committee on Administrative Rules, State House, Montpelier, Vermont 05602 (802-828-2231).

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### Environmental Citations.

Vermont Proposed Rule: 20P001

AGENCY: Agency of Natural Resources, Environmental Conservation

CONCISE SUMMARY: This rule amendment simplifies the penalty amounts for which a person may be issued a civil citation in association with their violation of Agency of Natural Resources laws and permits, establishing a consistent amount to be applied across Agency programs. The rule amendment also creates a distinction between the penalty amount that applies to non-responsive recipients of civil violations and those that apply to responsive recipients. In addition, the rule provides that where a recipient of a citation fails to conduct recordkeeping or reporting, there shall be a rebuttable presumption that such recipient failed to conduct the activity which was to be recorded and/or reported. The rule amendment also includes miscellaneous housekeeping edits, such as the removal of references to the Natural Resources Board ("Board"), which has adopted its own, independent citations rule.

FOR FURTHER INFORMATION, CONTACT: John Beling, Agency of Natural Resources, One National Life Drive - Davis 3, Montpelier, VT 05620 Tel: 802-522-8024 Email: [john.beling@vermont.gov](mailto:john.beling@vermont.gov) URL: <http://dec.vermont.gov/enforcement/rules>.

FOR COPIES: Katelyn Ellermann, Agency of Natural Resources, One National Life Drive - Davis 3, Montpelier, VT 05620 Tel: 802-522-7125 Email: [katelyn.ellermann@vermont.gov](mailto:katelyn.ellermann@vermont.gov).

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