FINAL PROPOSED RULE # $\partial 0 - PC$

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

(signature)

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

03/10 on date)

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)
- Incorporated by Reference Statement (II applicable)
 Clean text of the rule (A monded text without emotion)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)
- ICAR Minutes
- Copy of Comments
- Responsiveness Summary

Revised Oct 25, 2018

Received 3/2/2

- 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:

(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

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 nonresponsive 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

Date:

(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.

2/7/2020 Time: 09:00 AM

Street Address: 1 National Life Drive, Davis Bldg 2nd 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)

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

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		10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21 7 .2	Treatment, Failure to have capability for continuous disinfection	159		300	500	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 protilec if required to develop a disinfection profile	150		د به دیک علاقہ میں <mark>309</mark> میں علاقہ میں	600 [.]	9 08
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÷		1 0 V-5 A. 5 1672 EPR Chapter 21 WSR Subchapter 21 5	Treatment (SWTR) Digitifection Concentration, Failure to meet the residual disinflectant concentration, level for longer than the required period of time	1 150		3 00	60 0	900
		10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchap ter 21- 6	Treatment (IESWTR/L71), Failure to install and properly operate water frequency process which relability schieve at least 99 percent (2-log) removal of Cryptospondium	150		300	60 0	900
		10 V.S.A. § 1672 - EPR Chapter 21 W5R - Subchapter 21 6	Treatment (SWTR), Failure to meet the fiftered water turbidity standard for the specific treatment used	159		309	600	900
		10 V.S.A. § 1672 -EPR Chopter 21 WSR - Subchapter 21 6	Treatment, (SWCR) Failure to install filtration for unfiltered system required to filter	309	\$1,500	450	96 9	1350
		10 V.S.A. § 1672 – FPR Chapter 21 WSR – Subchaptor 21 6	Treatment (IEDWTR/LT1), A conventional or direct filtration system that exceeds 1 NTU in filtration water and/or alternative tochnology filtration that exceed the standard set by the State (not to exceed 5 NTU) in filtered water	159		300	600	900
		10 V.S.A. § 1672, EPR Chopler 21 WSR – Subchapter 22 6	Treatment (IESWTR <mark>UTL); A filtered system that fails to meet</mark> 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 3) D/DBPR) 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 (CWR), A-system with a focal indicator positive sample and afters [20 days of receiving notice of the focal indicator positive sample has failed to: 1)complete carrective action and/or 2) be in compliance with State approved percentive action plan.	150		300 300	600	900
		10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21 §.5	Treatment (LCR) Failure to install corrosion control treatment and/or source water treatment	150 (1)		300	600	909
			Treatment (LCR), Failure to maintain optimal waler quality parameter minimums or ranges	15 0		309	609	900
		6 -5	Treatment (LCR) Failure to replace the regulred amount of lead service lines	150		300	600	900
	and the second second	10:V.S.A. Chopter 48: Groundwater Protect/8h. Well Drill	er s Licensing Rule (WDLR)	1990 1990				¥ 3
		10 V.S.A. § 1395 & § 1395a - EPR Chapter 15 - Wel l 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)

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

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		10 V.S.A. 5 1973(a) 1 8	Failure to obtain the required permit	750		900	1800	2700
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		10 V.S.A. § 1973 Permit # & Condition #	Violation of an operations and/or maintenance related permit condition	150		309	600	900
		10 V.S.A. § 1973 Permit-# & Condition #	Failure to comply with a permit condition not listed	75		150	300	450

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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.

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



State of Vermont Agency of Administration 109 State Street Montpelier, VT 05609-0201 www.aoa.vermont.gov [phone] 802-828-3322 [fax] 802-828-3320 Office of the Secretary

INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location:	December 9, 2019, Pavilion Building, 5 th 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.

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	# c	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

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:

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

Annotated Tort

STATE OF VERMONT

AGENCY OF NATURAL RESOURCES DEPARTMENT OF ENVIRONMENTAL CONSERVATION COMPLIANCE & ENFORCEMENT DIVISON

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 complaintcitation 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 <u>category of</u> 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 <u>category</u> 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

<u>Citations may be served in accordance with Rule 4 of the Vermont Rules of Civil Procedure, or</u> 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:
 - 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.

§25-108109. 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.

§ 25-109110. 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.

§ 25-110111. 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

MINIMUM	FULL/MAXIMUM	WAIVER	Category
\$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

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AQCD	AP166	10-V.S.A. § 554 APCR § 5 1103	Failure to comply with Environmental Performance Babel requirements applicable to new vehicles for sale in verment	75		150	300	450
AQCĐ	AP167	10 V.S.A. § 556 and 556a Permit # Condition #	Falluie to inspect source or source component as required by permit	450	101. (\$2 000	600	1200	1800
AQCĐ	AP168	10 V.S.A. § 556 and 556a Permit # Condition #	Failure to keep records as required by permit	75	BOD -	150	3 00	450
AQCD	AP169	10 Y.S.A. § 556 and 556a - Permit # Condition #	Failure to conduct testing of mo nitoring as required by permit	450	\$2,000	600	1200	1800
AQCD	AP170	10 V.S.A. § 556 and 556a - Permit # Condition #	Failure to submit only information, reports or certifications required by permit within 30 days of required date	150	ring. Ruma	300	600	900

Compliance and Enforcement Division

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Facilities Engineering Division

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		Failure to file a report or documentation as directed	Failure to file post construction certification and/or fee	Fallure to testablish and/ar-maintain escrow account or other fund as directed	Failure to complete project by construction completion date	Extraction of carth resources beyond date permitted	Extraction of carb resources in excess of quantity permitteet less than 100 ouble yards	Extraction of corth resources in excess of quantity permitted: 400 cubic yards or more	Failure to récloim site as directed	Failure to complete landscaping as directed	Follure to mointain vegetative buffer as directed	Fallure (Bring)tement and/or maintain 2005/on control manures as directed	Failure to maintain fighting as directed	Failure to ablice by approved hours of operation	Eccetion or maintenance of unpermitted sign or banner	Violation of permitted notes restrictions	Violation of an Act 250 full: or an Act 250 pormit
	Hile 10 V.S.A: Chap(dr) \$1 - Sute Land Use	10 V.S.A. § 6001 - 6093 LUP # Condition #	11 V.S.A. \$ 6001 - 5093 - LUP # Condition #	12.4,5.A. 5 6001 - 6003 - LUP # Condition #	13 V.S.A. § 6001 6093 LUP # Condition #	44 V.S.A. § 6001 6093 LUP # Condition #	15 V.S.A. 5 5001 6003 LUP # Condition # 10	# 10011000 # 101 - 2009 - 1009 - 31 - 2009 - 1009 - 31 - 2009 - 3009	17 V.S.A. § 6001 6093 1.UP # Condition #	18 4.5 A. 5 6001 6003 LUP # Condition #	19.4.5.4.5 6001 6003 LUP # Condition #	20 V.S.A. § 6001 6003 LUP # Condition #	21 V.S.A. 5 6001 6003 LUP # Condition #	5.5.7.2.4.609 - 6003 - 4.107 - 6003 - 4.107 - 6003 - 4.107 - 6003 - 4.107 - 6003 - 4.107 - 6.007 - 4.107 - 6.007 - 4.107 - 6.007 - 4.107 - 6.007 - 4.107 - 6.007 - 4.107 - 6.007 - 4.107 - 6.007 - 4.107 - 6.007 - 4.107 - 6.007 - 4.107 - 6.007 - 4.107 - 6.007 - 4.107 - 6.007 - 4.107 - 6.007 - 4.107 - 6.007 - 4.107 - 6.007 - 4.107 - 6.007 - 4.107 - 6.007 - 4.107 - 6.007 - 4.107 - 6.0	23 V.S.A. § 6001 6003 1UN # Condition #	24 V.S.N. 5 6001 6093 LUP # Condition #	25 V.S.A. 5 6001 6003 LUP # Condition # 1
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	\$\$\$ \$\$	NR100	101 21	NR102	NR103	NR104	ARLOS	NR106	NR107	Strates	NR109	NR110	NR111	NR112	NR113	NR114	STEXIN
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ußer		+	1 .			्रह केन्द्र - व	rai e. Ser a nte Ser s	+	ł	4	*	-	4	4	4	NRB.	NRB

Program Code	Violation Code	GITATION (201	VIOLATION		FULL/MAXIMUM	WAIVER 1st Evidation	Wawer-and	Water and Webter
W MD D1	₩M100	The 10 V.S.A. Chapter 159 : Waste Hamagement - 1 10 V.S.A. <u>§ 6603 - VHWR §</u> 7 104 & 7 304	ectroop pagarous yaste regulations for which a second state regulation of the second state of the second s	300	\$1,500	450	750	1350
WMD 01	Whios	10 v. S. A. 5 6603 - v HwR 5 7-105(a)(1)	Emergency Response, respondent folled to take required actions to prevent impact to human health or the environment when a release of hazerdous materials has occurrent	750		990	1 800	2700-1
WHD 01	WH102	10 V.S.A. § 6603 - VH WR § 7-105(a)(2)	Reporting; respondent failed to immediately report a release of hazardous materials	750		980	750	1350
₩₩D-81	₩M103	10 V.S.A. Ş 6603	HW Determination) respondent failed to make a hazardous waste determination	300	\$1,500	450	750	1350
WMD Ö1	WM104	10 V.S.A. § 6603 - VHW R § 7-302	Disposal prohibition; respondent illegally released a hazardous waste	750		900	1800	2709
₩₩₽ 01	WM105	10 Y.S.A. <u>5 6603 - V</u> HWR 5 7 206(e)(1)(C)	CEG; generator failed to conduct operations in a manner that minimizes threat of fire, explosion, or release	309	\$1,500	459 1000 - 1000 - 1000	750 750	1350
WMD-01	WM106	10 V.S.A. § 6603 - VHWR § 7 306(c)(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. 5 66 03 - VHWR 5 7 306(c)(1)	CEG; generator used a mainfest and failed to property follow-manifest instructions	300		450	750	1350
WHD-01	WM108	10 V.S.A. § 6603 - V HWR § 7/307(c)(2)	696; generator stored waste on site for more than 180 days	600 °	-	750	#500	2250
WMD 01.	WM109	10 V.S.A. 5 660 3 - VHWR 5 7 307(c)(9)	SQC; generator failed to have emergergency preparedness measures in place	600		750	1500	2250
WMD 01	WM110	10 V.S.A. § 6 603 - VHWR § 7 308(b)(8)	LQC; generator failed to submit a biennial report	150		300 	750	1350
WMD D1	WM111	10 V.S.A. § 6603 - VHWR § 7 308(b)(9)	LQC; generator failed to have written contengincy plan for releases of hazardous waste	309 309	<mark>\$1,599</mark>	450	750	1350
WMD 01	WM112	⁴ 10 v.S.A. <u>5</u> 6603 – vHWR <u>5</u> 7 308(b)(10)	LQ C, generator failed to have or faile d to implement a written training program for facility personnel	759		900	1 800	2709
WMD-01	WM113	10 V.S.A. § 5603 - VHWR § 7-309(a)	SQC and LQC; generation failed to operate in a manner that ininimumizes threats and is not prepared to respond to a threat from occurs	600		750	1500	2250
WMD 01	WM114	10 V.S.A. S 6603 ⁻ VHWR 5 7 309(b)	SQC and LQC; generator failed to properly offer waste for transportation	750		900	1800	2700
WMD 01	WN115	10 V.S.A. § 6603 - VHWR §,7 309(c)	SQG and LQC; generator failed to property close the facility	750		900	1800	2709
WM D 01	WM116	10 V.S.A. § 6603 - VHWR § 7-310(a)	SQG and LQC; generator failed to follow satclifte accumplation requirements	450	\$2;000	600	1200	1800
WMD-01	WM117	10 V.5.A. § 6603 - VHWR § 7 310(b)	SQC and LQC) generator failed to follow short term storage area accumulation regultements	450	\$2,000	600	1200	1800

sleitethe Management Division - Hazardous Materials

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COST	6021	009	660°25	855	SQC and LQC; failure to renew registration and pay ice	(ㅎ)802-2 § ₩₩₩ ٨ ~ 2099 § '¥'S'A 0 1	SCIMM	₹ 10.0WM
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eser OSET	05 4	420	005'1\$	• • 000	ຣຸກເວລາ ອິນເມີຍຊີ ອາຊາໂອລາຍ ປວລາ ດາ ອອກຍາ ເວ ຣວລາລາໄຟພອ ພຣິຊີ ກັບວັດແຕ່ ດາ ກວາງເຊິ່ງ ເວນເດີຍຂີ້ນ ອານີ້ ເວັ້ນ ເວີ້າ ເວັ້ນ ເວີ້າ ເວັ້ນ ເວີ້າ ເວັ້ນ ເວີ້າ ເວັ້ນ ເວີ້າ ເວັ້ນ	(<mark>ሮ)00৮ 2 5 ህለዝሉ - ୧୦୨୨ § '∀</mark> 'S'ለ 01	octime.	MWD 01
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60/2	0081	666		65 2	Honston to a subsect of the second matter waste without the second for the second second second second second s	אין גענע איז איז איז איז איז איז איז איז איז איז	MW152	to c ww
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120	908	0 51		5 ¢	and tode in angle ractory from the poly in a contraction and the c	(D)TTE 2 5 UMHA - 2099 \$ 'V'S'A OT	RW155	te dum
420	905	851		St.	2003 and LQC, failure to conduct daily inspections	(2)(P)TE / § UMHA - 2099 § -V-S A.DT	WHIFI	t 0 d₩M
05+	906	120		St.	alsew to visitional instantion of subject to mathematic to the SOS currently in storage	(T)(₽)TTE-2 5 UMHA - 2099 \$ 'V S'A OT	0 21WM	10 Clut
3 20 .	609	60 2		051	mrs) hole sith to redecoperoperoperoperoperoperoperoperoperoper	(9)[TE 2 5 UMHA - 2099 5 17 5 AUT	GTTWM	IO OWM
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Waste Management Division Hazardous Materials

WHD OI	₩ M138	10 Y.S.A. 5 6503 - VIIWR 5 7 806(d)	UC handlers; failed to properly manage AST9	300	\$1,500	450	750	1350
WMD-01	₩ M139	10 y.s.A. <u>5</u> 6603 - VIIWR 5 7 807	VO generators; failure to comply with proper transportation standards	150	《見》m	300	600	750
WMD 01	WM140	10 Y.S.A. 5 6603 - YHWR 5 7-80 9	UO marketers; failure to keep proper records, property operate; or property transport	300	\$1,500	450	750	1350
WMD-01	WM141	10 V.S.A. <u>5</u> 6603 - VIIWR 5 7,81 0	UD: collection facilities; failure to properly operate a collection facility and manage used oil	750		9 90 9 90	1800	2700
WMD-01	WM142	10 V.S.A. § 6603 - VIWR § 7 812	UO burning for energy recovery; failure to properly conduct energy recovery activites	300	\$1,509	450	750	1350
WMD 01	WM143	1 0 V.S.A. <u>5</u> 6603 - VHWR 5 7 912(b)	U <mark>W SQH and LQH; disposal or treatment of UW</mark>	600	т. 	750 750	1500	2250
₩ ₩₽-01	wmi44	10 V.S.A. § 6603 VHWR § 7-912(c)	UW LQH; failure to notify	300 and a	\$1,500	450	750	1350 - Start
WMD-D1	WM145	10 V.S.A. § 66 03 - VHWR § 7-912(d)	UW 5QH and LQH; failure to manage UW in accordance with wastespecific standards	150 ⁻¹		300	ن برب میں در بر میں اور	750
WMD 01	WM146	10 V.S.A. 5 6603 - VHWR 5 7-912(c)	uw 59H and LQH; failure to mark or label UW	300	\$1,500	450	750	1350
WMD 01	WM147	1 <mark>0 V.S.A. 5 6603 - VHŴR 5 7 912(f)</mark>	VW SQH and LQH; failure to abide by accumulation time limits	75		150	3 300	459
₩MÐ-01	<mark>₩M148</mark>	10 V.S.A. 5 6003 - VHWR 5-7 913(6)	UW transporters; failure to transport waste in accordance with management standards	600		750	1500	2250
₩MD 01	WHING	10 V.S.A. § 66 16	Release Prohibition	750		9 90	1800	2709
WMD 01	WM150	1 <mark>0 V.G.A. 5 6617</mark>	Person Responsible for Release, Notice to Agency	759	;	966	1800	2700

Program Code	Violation Cade	CITATION	VIOLATION		I FULLYMANDAUP			
19.4	<u>, :] : X :]</u> #	Violation Codes may appear of	it of sequence DO NOT REARRANCE, the codes on	e onlered with a s	pecific purpose	2/82/11 17 12 12 12 12	1 (1) (1) (1) (1) (1) (1) (1) (1) (1) (1	
i estation	17*The like the	10 V.S.A. Chapter 53 Beverage Containers; De		14 By	业。1411 \$ \$ \$\$\$\$\$\$\$\$\$\$\$\$\$\$		- AST Caller 13	
WMD-06	WM200	10 V.S.A. § 1523	Mahüfatting or distributor relusal to pick up labeled degool continues from a retailer that sells its product or a certificit redemption center, of the kind, size, and brand sell by the manufacturer or distributor, or refuse to pay the retailer of a person operating a redemption	150		300	609 609	
			center				1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 -	
₩ ₩D-06	WM201	10 V.S.A. § 1523	Retailer refusal to accept empty beverage controlners, beled in accordance with 10 VSA\$1524, of the kind, size, and brand sold by the retailer	150		111 A.A.A.A.A.A.A.A.A.A.A.A.A.A.A.A.A.A.	690	900
WMD-06	WM202	10 V.S.A. §-1524(d)	Failure to label-deposit-beverage container	150		300	600 .	900
WMD-06	WM203	10 V.S.A. § 152 8	Sale of an unregistered beverage container by a manufacturer or distributor	150		300	600 - 500 - 500 - 500 - 500 - 500 - 500 - 500 - 500 - 500 - 500 - 500 - 500 - 500 - 500 - 500 - 500 - 500 - 500	900
	. 1 58 &	10 V.S.A. Chapter 159. Waster Management - W	siment Solid Waste Management Rules (SWMR)		1.14127742-345	e de la companya de la compa	1949) - A	
WMD 06	WM214	10 V.C.A. 5 6603 - SWMR 5 6 301(b)	Hauler permit violation failure to prevent the release of solid waste from vehicle	150		3 00	609	
WHID OG	WM215	10 V.S.A. 5 6603 SWMR 5 6 301(b)	Failure to deliver colid waste to a certified facility within 49 hours or next business day	300	\$1,500	450	900	1350
₩MÐ 06	WM216	10 V.S.A. S 6603 - SWMR S 6 302 (a)	Open burning less than 1CY of solid waste	75 75		±50	3 00	450
WMD-06	WH217	10 V.S.A. 5 6603 - SWMR 5.6.302 (a)	Open burning ICY to SCY of solid waste	150		300	600	1350
WMD 06	• WM218	10-V.S.A. 5 6603 (5WMR 5 6 302 (a)	Open burning SCY to 10CY of solid watte	4 5 0		609	1200	2250
WMD 06	WM219	10 V S.A. 5 6603 - SWMR 5 6 302 (a)	Open burning more than 10CY of solid waste	750 👬	1.00 C	909	1800	2700
WMD 06	₩ 4220	10 V.S.A. 5 6603 - SWMR 5 6 302(d)	Treatment, strorage or disposal of less than 1CY of solid waste outside of a certificit facility	75	450	150	300	.450
WMD-06	₩M 221	10 V.S.A. § 660 3 – SWMR § 6-302(d)	Trustment, stronge or disposal of 1CY to SCY's of solid waste outside of a certified facility	150	削減低。	300	600	1350
WMD 06	WM222	10 V.S.A. § 6603 SWMR § 6 302(d)	Treatment, strorage or disposal of SCY to 10CY's of solid waste outside of a certified facility	450	£14≤47 \$2,00 0 ±2	60 9	1200	2250
WMD-06	WM223	10 V.S.A. § 6603 - SWMR § 6 302(d)	Treatment, strorage or disposal of more than 10CY's solid waste outside of a certified facility	750		9999	1800	2700
WMD-06	₩₩ 22 4	10 V.S.A. § 6603 - SWMR § 6 402	Disposal or transfer of non-implemented waste	450	\$2,000 ••••••	690	1200	1800
WMD OF	WH225	10 V.S.A. § 6603 SWMR § 6 601(a); 6 1202	Failure to maintain a copy of the certification and a approved (actility management plan on site	450	\$2,000	600	1200	1800
WMD 06	WM226	10 V.S.A. § 6603 SWNR § 6 601(b)	Burning prohibited materials at a solid waste facility	4 150	\$2,000	600	1200	1800
WMD-06	WM227	10 V.S.A. § 6603 - SWMR § & 606(b)	Failure to comply with design standards for specific - facilities	150	42,000	600	1200	1890
WMD 06	WH228	10 V.S.A. 5 6603 - 5WMR 5 6 701	Foilure to adequately control dust	309	\$1,500	ager (450	9999	
WMD 06	₩4229	10 V.5.A. § 6603SWMR § 6-701(a)	Failure to maintain adequate personnel on site	450	\$2,000	600	1200	1800
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009F	1500	609	600-74	051	Mithou, Japansva l Collecting ho usehold hasake waske or CEG waste	(P))071 9 동 ህMNS - E099 5 'V'S'A QI	MW510	90 GWM
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006	069	606		0ST	HOUSENON HAZER WASE	10 A 2 Y 8 000 - 2 Minute (9)	802WM	90 GWM
0091	0021	069	00073	09 4	ເບດ ຮູ ເວດເຊ ັດເຊັດເຊັດເຊັດເຊັດເຊັດເຊັດເຊັດເຊັດເຊັດເຊ	10 A 2 Y 8 CC03 - 2 MWS - C030 8 'Y 5 A 0T	, WH307	MMD-09
006	609	008		05T	t o & Porcies and Datteries and cover & an	(후))9021 9 § ህ际MS - CO99 § · V S'A 01	907WM	MWD 00
. 6091	0021	. 009	THE READER	420	Follow to temore wate from the Nophra floor of the Part of the operating floor	(0)3021 9 \$.34MS 2009 \$ V.5'A OT		90 GWM
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0081	1500	609	A CONTRACTOR	490	Fallure to notify Agency within 5 days of any non-	(9) €02 9 § NMMS - €099 § 'V'S'A OT	265MW	90 GWM
006	00 9	602		957	engineering inspection, or other required reports Failure to submit required gas, water quality,	ርዕረ 9 § ህዙMS - E099 § -V S'ለ OT	TIZWM	MWD 06
	009	906		05 7	Fallure to submit quarterly or annual reports	€02-9 \$ ¥₩ MS = £0 59 \$ '∀'S'∆ 0T	0t7WM	90 GWM
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0 081	1500	0 09 833	06075	420	eallure to prevent control odors.	())10/ 95 UWMS - 2099 5 -V.S.A.O T	ŁEZWM	MWD 06
1800	4500	669	000'7\$	051 ⁄	(cines) 1992 (control (control of control of	(J)TOZ 9 5 NWAS _ E099 5 V/S/A O T	₩ ₩ 59€	90 GWM
0987	006	4 2 0	00545	006	Alline to coupol litter at a soliid waste facility	<mark>(;)10∠ 9 5</mark> \\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	set им	90 GWM
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0081	#500	069	000 ;7\$ j	05 •	zimil senete sie vo 10 sondesse	(?)102 9 \$ ∖\₩₩\$ - 2099 \$ 'V S'A 01	EEZWM	₩D 00
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008 1	0071	669	00072\$		Treatment, storage, or disposed of solid waste outside of approved areas	())107 8 8 MW2 - 5038 8 A.C. (c)	tezwM	HWD OC
006	009	906		051	ucinerse to since powerde appeare formado	(⊋)10∠ 9 \$ ₩₩\$ - £099 5 ₩5 ∧ 01	өесым	MWD 00

Waste Management Division - Solid Waste

WMD 06	WM211	10 V.S.A. § 6603 SWMR § 6 1206(d)	Improper storage or handling of HHW or CEG waste	600		750	1500	2250
WMD 06	₩M212	1 0 V.S.A. § 6603 - SWMR § 6 1206(g)	Failure to have refrigerants collected by qualified person	450	\$ 2'000 '	600	1200	1 800
WMD-06	WM213	i 10 V.S.A. § 6603 - SWMR § 6 1305(c) .	Failure to install and maintain adequate erosion controls of a solid waste facility	450		609	1200	1800
WMD-06	WM246	10 V.5.A. § 6605	Operating a solid waste facility following expiration of certification	600		750	1500	2250
* WMD 06	WM247	10 V.5.A. 5 6605(a)	Substantial alteration of a solid waste facility without first obtaining modification of a certification	750		9 00	1800	2700
WMD-06	WM248	10 V.S.A. 5 6605(a)	Construction or operation of a solid waste facility without a certification	750	· ·	9 90	1800	2700
WMD 06	WM2 49	1 0 V.S.A. § 6605(b)(5)	Failure to maintain a closed landfill property	300	\$1,500 *****		900	1350
₩ ₩Đ-Đ6	WM250	10 V.S.A. § 6605(b)(S)	Failure to comply with a post closure certification	450	100	في 600 مريدية	1200	1800
WMD-06	W M251	10 V.S.A. § .660 5 (b)(5)	Failure to obtain a post-closure certification	600		750	1500	2250
₩M D 06	WM252	10 V.S.A. § 6605(d);	Fai lure to maintain or operate the leachate collection system property	450 -	\$2,09 0	600	1200	1800
WMD-06	WM253	10 V.S.A. § 6605(1)	Failure to file post closure monitoring data (effective 7/1/11)	450	\$2,00 0	600	1200	1800
WMD 06	WH254	1 0 V.S.A. § 6621a(a)	Failure to prevent disposal of prohibited wastes - kindfill banned items (thes, point, mercury added, white goods e-warte, etc) under 10-VSA 6621a(a), source separated recyclabites	459	998 \$2,009 · · · · ·	600	99.50.50 1200 . (1997)	1800
WMD-06	WM255	<mark>10 V.S.A. S 7107(b)</mark>	Failure to post mercury prohibition signage at a solid waste facility	े : 150 - 1_{े क}		300	699	900
WMD 06	WH256	<mark>10 V.Б.А. Ş 7553</mark>	Failure of a manufacturor of a covered electronic device to register, pay fee, or label device sold or delivered for sale	60 0	2003. * 1. 1 #	750	1500	2250
	WM257	10 V.S.A. § 7553	Failure of a manufacturer to submit required e waste reperts	150		300	1200	1800
WMD 06	₩11258	10-V.S.A§-7556	Retail sale of covered electronic devices from an unregistered manufacturer	459	\$2,000	699	1209	1 80 0
WMD-95	WM259	10 V.S.A. § 7556	Retail sole of covered electronic devices without required signage	300	\$1,500	4 50	900	1350
WMD 06	WM260	10-V.5.A. § 7557	Failure of an e-waste recycler to register	450	\$2,009	60 9	1200	1800
WMD 06	. WM261	1 0 V.S.A. § 7557	Failure of an e-waste recycler to submit required e- waste reports	150		30 0	1200	1800
WMD-06	WM262	10 V.S.A. § 755 8	Failure of an a waste transporter to register	450	\$2,000 : : !	, 600	1200	1800

Waste Management Division - Solid Waste

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Failure of an e-waste collecto r to register	F ailus: of a collector or bransporter to sub mit require d a wate reports
10 V.S.A. § 7558	10 <mark>'V C V S 7558</mark>
692	WA264
90 GWM	90-OW

Waste Management Division - Underground Storage Tanks

Program Code	Violation Code	100-0558 Chapter - 50 - Undergrößend Lagued Storage Tanks	L X AND		112.52			10 10 10 10 10 10 10 10 10 10 10 10 10 1
MMD 04	WM300	10 V.S.A. 5 1021 8 6600 USTR 5 4103		750		866	808F	5700
10 CIMM	TOEWM	10V.S.A. 5 1921 & 6603 USTR 5 8-103	Fallure to notify of unusual operation condition	250		886	19990	5700
10 CIMM	WH302 DO NOT USE, INVALID CETATION	10V.S.A. 5 1221 & 6003 USTR 5 8 302(c)	Foilure to notify of change of ownership	651	900(14	886	750	86
b0 CIMM		10.72.7 8 1071 8 6603 17211 8 9 301	Operation of a category one tank without a permit	8		300	852	606
HO-GWM	WW304	10 V.S.A. 5 1921 & 6603 USTR 5 8 304	Non-payment of permit fee	150		308	65 £	005 -
WMD-04	002	10 V.S.A. 5 1921 & 6603 USTR 5 8 205(b)	Non payment of assess ment			300 (* 1997)	65£	606
MMD-04	м тур (МИАЗОБ МИАЗОБ	19 V.S.N. § 1921 & 6603 USTR § 8 405 (e)	Shicar valves missing	0 52		966	1890	5709
MMD-04	<u>205MW</u>	10 V.S.A. 5 1921 & 6603 USTR \$ 8 405(E)	Shoar valves not traced	1.000 (1.000) 1.000 (1.000) 1.000 (1.000)		86	0081	370 0
10 GWM		10 V.S.A. 5 1924 & 6603 USTR 5 8 406	Hole Orsciack in split bucket	609		654	985F	2250
50 GWM	MH309	10 V.S.A. 5 1121 8-8603 ULTR 5-8 106(b)	No overfill device	05 2		906	808 1	2709
Den VO-CIWIM de la com	WM310	10 V.S.A. § 1921 & 6603 - USTR§ & 502(c); 8-504(c)	No catholic protection test records	6009		est.	1500	2250
DO CIMAN	WH311	10 V.S.A. 5 1921 & 6603 - USTR 5 8-502(6);8 505(h)	No tank fook detection records	750		999	1800	2709
NH GHW	MM312 Constraints	10 Y.5.A. S 1921 & 6603 USTR \$ 8 502(e); 8 507	No. piping leak detection records	450		866	1809	2700
60 CIMM	WM313 Set	10/15/4- 5 1921 & 6603- USTRIS-8 503	Incompatible overfill (1997)	750		606	1800	5700
b0 ClwM	VIEWW	10 X-2 Y 5 1011 8 (2003 - 101 K 5 6 203 (9)	No.5the cliegram	150 150		300	052	006
0- ⊡₩ ₩	MH315	10 V.S.A. 5 1021 & 6603 USTR 5 8-502(e)	Spill buckets not emoty	600		750	1500	2250
60 CIMM	9TEWM	10 V.S.A. 5 1921 & 6603 USTR 5 8 503	Failure to mark or Jober All Pipes			309	956	906
vê qi mm	Lieww	105-8-5 1150 (609) 8 1261 5 VIS-NOT	Failure to notify of failed extinctic protection test	05,		886	1980	5700
NO CIMM	WH318	(9)905 8 5005 0 000 000 000 000 000 000 000	No inventery records	11111111111111111111111111111111111111		886	808F	90/2
MMD-04	OFENN	10V.5A.5 1021 & 6603 USTR 5 8 506(c)	Vot conducting mainual 1M	899		052	1500	1. 2259
NO CHAN	02CMM	10 V.S.A. 5 1921 & 6603 USTR 5 8 506(c)	<mark>No: Confucting clearane IN</mark>	689		05±	1500	2250
<mark>40-04</mark>	WH323	10 45.4.5 4 5002 USTR 5 8 507	Failure to notify of foiled oping leak-test	952		866	180 0	्रें 664 2
WMD-04	WM322	10 X:54 5 1321 & 6603 USTRS 6 500	No seff certification flics	150 C		300	85	606
PO-CIMW	WM323	10 V.S.A. § 1921 & 6603 USTR' § 8 50 9	Late self contribution	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		200 200	852	806
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Waste Management Division - Salvage Yards (Formerly Compliance and Enforcement Division)

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8 06	6 69	886		05 1	s igns of fesk age F allure to di nin fluids -immediately when v enicle has		907.kS .	ZO GWM
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Watershed Management Division - Wetlands (Formerly Water Quality Division)

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085	009	900		05 7	notices on the pression without a permit, on restoration Alteration	6 5 8MA - 5209 5 W.S.A. 0F	2015M	90 GWSM
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5550	0051	05 2		r : 069	restored in more the days Alteration of a <u>Wetland without a p</u> ermit, that can be fully	해배리 :C 등 UMA - S709 중 '상영'A OF	tot s M	90 dws#
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Watershed Management Division Encroachment (Formerly Water Quality Division)

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

Program Code	Violation Code	CITATION	VIOLATION		FULL/MAXIMUM	WAIVER 1st	Waiver 2nd	Waiver 3rd Violation
WSMD-02	W5300	B V.S.A. Gaptor, 51 Natural Resources	Failure to pay annual operating fee	450	179 (1 727000	6 00	1200	1 800
Second of Stores	clours of the management	10 V.S.A. Chapter 17 Water Pollution Control Multi Se	ctor General Permit (MSGP 3-9003)		THE REAL PROPERTY OF	S. 1878. 34		25 12 10 10 10 10 10
WSMD-02	WEJO1	10 V.S.A. § 1263 & 1264 MEGP 3 9003 § 1.4.1	Failure to submit Stormwater Pollution Prevention Plan (SWPPP)	750		900	1800	2700
W5MĐ-02	W5302	10 V.5 A. § 1263 & 1264 MSCP 3 D003 § 1.6	Failure to submit No Exposure Conditional Exclusion without submitting NOI and implementing SWPPP (NOX)	750		909	1800	2700
WSMD 02	W5303	10 V.S.A. § 1263 & 1264 - MSGP 3 9003 § 1.6.2.2	Using, storing or deaning industrial machinery or equipment, and preas where residuals from using, storing or cleaning industrial machinery or equipment remain and are exposed to storinwater (NOX)	450 450	\$2,000 \$	600	1200	1800
₩5MD 02	W5304	10 V.5.A. § 1263 & 1264 MSGP 3 2003 § 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	₩5305	10 V.S.A. § 1263 & 1264 - MSCP 3 2003 § 1.6.2.2	Materials or products from past industrial activity exposed to precipitation (NOX)	450	14 52,000	600	1200	1800
WSMD 02	₩ 530 6	10 V.S.A. § 1263 & 1264 MSGP 3-9003 § 1.6.2.2	Material handling equipment exposed to precipitation (NOX)	³¹ . 450	\$2,00 0	600	1200	1800
WSMD 02	₩5307	10 V.S.A. § 1263 & 1264 MSGP 3-9003 § 1.6.2.2	Materials of products during loading/unloading of transporting activities exposed to precipitation (NOX)	450	\$2,000	680	1200	1800
WSMD 02	WS308	10 V 5A. § 1263 & 1261 MSGP 3 9003 § 1.6.2.2	Materials or products stored outploors exposed to precipitation (NOX)	450	š . \$2,000	690	1200	1800
WEMD 02	W530 9	10 VIGA: §-1263 & 1264 HISCP 3 9003 § 1.6.2.2	Material's contained in open, deteriorated by leaking storage dramy, Darrels, tanks, and similar containers exposed to precipitation (NOX)	450	\$ 2,000	600	1200	1800
₩5MÐ-02.	W5310	10 V.S.A. § 1263 & 1264 MSGP 3 9003 § 1.6.2.2	Materials or products handled/stored on roads or railways owned or molnialized by the discharger exposed to precipitation (NOX)	450	\$2,000	600	1200	1800
WSMD-02	W5311	10 V.S.A. § 1263 & 1264 MSCP 3 9003 § 1.6.2.2	Waste material exposed to precipitation (NOX)	450	\$2,000	600 ₀₋₁₀₀	1200	1800
W54D-02	W5317	10 M.S.A. § 1263 & 1264 MSCP 3 9003 § 1.6.2.2	Application of disposal of process wastewater exposed to predpitation (NOX)	150 / / / / / / / / / / / / / / / / / / /	142 Harris	600	1200	1890
WSMD,02	WS13	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 stornwater outflow (NOX)	450	\$2,0 00	**************************************	1200	1800
W5M D-0 2	W5314	10 V.S.A. § 1269 & 1264 MSCP 3 0003 § 2	Failure to implement Control Measures and Effluent Limits	750		900	1800	2700
WSMD 02	₩ 5315	10 V.S.A. § 1263 & 1264 MSCP 3 0003 § 2.3.2.4	Failure to comply with permit condition. Minimize Exposure	300	\$1,500	150	909	1350
₩5 ₩0 02	W53 16	10 V.S.A. § 1263 & 1264 MCCP 3 2003 5 2.1.2.2	Follure to comply with permit condition Cood Housekceping	309	\$1,500	458	990	_ 1350
WSMD 02	₩5317	10 V.S.A. 5 1263 & 1261 MSGR 3 9003 5 2 1 2 3	Failure to comply with permit condition Meintenance	300	\$1,500	450	900	1350 .
W5MD 02	W5318	10 V.S.A., §-1263 & 1261 MSGP 3 0003 § 2.1.2.4	Follore to comply with bermit condition - Spill Prevention and Response Procedures	300	\$1,500	4 50	900	1350
WSMD 02 .	W5319	10 V.5 A 5 1263 & 1264 MSGP 3 0003 5 21125	Failure to comply with permit condition. Erosion and Sedment Controls	300	\$ 1;500	450	900	1350
₩5₩ D-02	w532 0	10 V.S.A. § 1263 & 1264 - MSCP 3 9003 § 2.1. 2.6	Faflure to comply with permit condition Management of Runoff	300	\$1;500	45 0	9 00	1350
WSMD 02	W5321	10 V.S.A. 5 1263 & 1264 - MSGP 3 9003 5 2 1.2.7	Fallure to comply with permit condition - Salt Storage Pile monagement	300	\$1,500	450	900	1350

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

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taining to comply with particle condition - 50000 - 5000116 non-	Relivice to comply with permit condition Employee Training	Failure to comply with permit condition - Vehicle of Equipment. Washing	<mark>failure to take corrective actions</mark>	failu re is nevely and revise to eliminate problem	Fallure to document corrective actions	Failure to complete routine facility inspections	Fáilure to complete quarterly visual assessment	Failure to complete an Annual Comprehensive Site inspection	Föllure to document Entangreed Species datermination	follure to motify SWPP	Fäilure to complete quarterly tenchmark monitoring	Foilure to complete cifluent limitation monitoring	Fallure to complete Impaired waters -monitoring	Fallure to complete additional required monitoring	Fallure to conduct follow up actions	Failure to submit Discharge Honitoring Report (DMR)	Failure to submit amulal report	Failure to file additional reportion
10 V.S.M. § 1263 & 1264 MSCP 3 9003 § 2.1.2.8	10 V.S.A. 5 1263 8 1261 145CP 3 9003 5 12.2.9	M E12172 \$ 6000 E USAN 1921 8 6921 \$ 757 01	40 VISA: <u>5</u> 1263 & 1264 - NSCP 3 2003 <u>5</u> 3	10 V.S.M. 5 1263 & 1261 MSCP 3-0003 5 3.1	1000 1000 1000 1000 1000 1000 1000 100	10 V.5.A. \$ 1263 & 1261 MSGP 3 9003 \$ 1.1	H	W5330 34 40 V.S.A. 5 1263 & 1264 MSCP 3 - 9003 5 4.3	10 V.S.A. 5 1263 & 1264 MSCP 3 9003 5 5.1.6.1	H 707	W5333 **********************************	1 120 120 120 120 120 120 120 120 120 12	H	A 10 VISA, 5 1263 & 1264 NSOP 3 9003 \$ 6.2.4	10 V.S.A. 5 1263 & 1264 NSCh 3 9003 5 6.3	10 V.C.A. 5 1263 & 1264 MSCP 3 9003 5 71	10 V 54 5 1 163 & 1264 - M5GP 3 1083 5 7.2	10 V.C.A. \$ 1263 8 1264 WSCP 3 9003 \$ 7.4
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Watershed Management Division - Stormwater Construction (Formerly Water Quality Division)

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W54001 4 3 40 V.S.A. 5 1263 & 1264 CP 3 9020 5 13
10 V.S.A. 5 1263 & 1261 Ch 3 9020 § 1.3
10 VIS.N. § 1263 & 1264 - CP-3 9020 § 1.7
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10 VSAc 5 1263 & 1264 - Ch ¹ 2 9020 5 24, 5 3A
907579 2 1563 8 1564 Cb 3 3050 2 502 4
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10 V.S.A. <mark>5 1263 & 1264 CP 3 9820 <u>5</u> 12</mark> .
10 V.S. <mark>A. § 1263 & 1264 C.P.3 3020 § 43</mark>
10 V.S.N. § 1263 & 1264 CP 3 9020 5 414
<mark>40 V.S.A. § -1263 & 1264 CP -3 9020 § 415</mark> C
10 V.S.A. § 1263 & 1264 - CP 2 9020 § 4.5
10 VSA 5 1263 8 1261 CP 3 5920 5 15
40 V.S.A. <u>5-1263 8-1264 - Cr-3-1020 5 6</u>
40 V.5.A. § 1263 & 1261 - 6P 3-9920 § 6
10 V.S.A. 5 1263 & 1261 6P 3 9020 5 6
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10 V.S.A. § 1263 & 1261 CP 3 9020 § 6.1, § 6.3
10 V 5.A. 5 1263 & 1261 601 3 7020 5 7.1
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Watershed Management Division - Stormwater Post Construction

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0027	0081	665		09/	εσιμουένς μαίβικε το biobeut, justal, stormwater peoptuent system	Condition # 4 himtod laudividual pormit # &	1255M	20 GWSM
9022	0081	605		05 2	Patric to install stomwater licatment system	Condition # 10 Y.S.A. § 1263 & 1264 - Individual permit # &	ecsew.	, 20 GWS M
002 2	0091	005		09ź	Salure to perform required maintenance	Coudition * 10 4/2 Y - 8 1563 & 1564 Individual permit * 8	M2255	70 GWSM
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0 06	05ź	4 2 0;	605'1 \$	005	Follar to transfer permit to new land owners	'ው' 	BTSSM	20 OWSM
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0027	1809	806		0 5 2	impervious surface Pailure to obtain permit coverage prior to construction of	₩ <mark>₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩₩</mark>	Meeto	20 GWSM
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:0 00	05 £	65 7	005Ԡ\$	300	Fallure to record permit in Iond records	'W'IA ዝዌ <mark>ብ በ106- ር</mark>	6055M	20 GWSM
006	092	051/	005' 1\$	668	ວວງ ຕົບນຸຍອອດ ເຂົ້າເປັນ ແລະ ການແຮງ	9 <mark>11 14 1000-2 1594 - Cb-3-1010</mark>	8055M	Mewb 05
806	65£	651	005'14	908	e ranve brai van di jimaq natere di anligi	10 A 2 Y 3 1 2 C 3 0 10 L 4 A 2 O 10 A 2 O 10 A 2 O 10 A 2	2055M	20 OMSM
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5,00	0061	006		05/	railure b perform required mainterance	ቸው እንደ ም 1503 ም 1504 - ር৮ 3-3010 በጣ ለ. ም	IOSSM	70,0WSM
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Watershed Management Division - Stormwater Post Construction (Formerly Water Quality Division)

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459	1 59	8 5	300	806
905-74	\$1.500	61,500	\$1,000	
308	308	80E	150	954 - 1 20
Failure to record pormit in land records	Railure to transfer permit to new land owners	failure to pby annual operating fee	Failure to comply with tessified requirements	Fabrication of Designer's Certification
WS222 WS222 Cendition # 100 1263 4 1264 - Individual permit: # 2010	wsspaces and the state of the s	ws <u>529</u> ws <u>529</u> Cenarcon # 1263 & 1264 - Individual Pennik # B	W55500 11 10 20 V.5.A. 5 1263 & 1264 - Individual permit # & W55500 10 10 10 10 10 10 10 10 10 10 10 10 1	W5534 40 V.S.A 5 1263 & 1264 Individual Permit # &
WSMB-02	20 GMSW	W <mark>SMD-02</mark>	20-GWSW	WSMD 02

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

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	ATOW WE AND A CONTRACT OF A	Commercing work without a permit	Failure to comply with permit conditions	Measures exceed miniumum necessary to alleviate the temergeney	Ne prior approval from municipal legislative body	Follure to report to the Secretary within 72 hours	Removal of gravel from a watereourse for other than the owner's use on the owner's property.	Removal of gravet from a watercourse below the waterline	Failure to provide 72 thour prior notification of 50 eublic yard or less gravel resitional	Removal of more than 10 cubic yards of gravel from an Outstanding Resource Water	Operating a suction dredge in 2 waterco urse	Failure to obtain approval to operate a slutce box	Failure to obtain tandowner permission on private fand	Failure to comply with mineral prospecting approval conditions	Failure to apply fig. a permit	failu <u>ne to file eapy</u> of permit application with tewn clerk Jand 61 aujoinens	il <mark>lare le c</mark> emply with tion rejucting criteria	Lite: to provide appropriate notification to the agener y
CINIDAN N	Regulation of Stree	Ð									and a second			14 . Φ		<u>4-</u> 10		
and a contra	2022.5.A. Chapter 11- Regulation of Stream Flow	(0)7574-5 1021(0)	10 V.S.A. § 1021(a)	10 V.S.A. § 1021(b)	10 V.S.A. § 1021(b)	+ 10 V.S.A. § 1021(b)	10 V.S.A. § 1021(d)	10 V.S.A. § 1021(d)	10 V.S.A. § 1021(d)	10 V.S.A. § 1021(d)	10 V.S.A. § 1024(h). 2014	10 V.S.A. § 1021(h).	10 V.S.A. § 1021(h).	<u> 10 V.S.A. § 1021(h).</u>	10 V.S.A. §1022	10 V.S.A. 51022	<u>40 V.S.A. §1022</u>	W3646 ***********************************
Violation Code	122254 · · · · · · · · · · · · · · · · · · ·	66953W	MiS601	W56023	#1 5033W	W5604	WS605	90 90 90	W5607	9095M	10000000000000000000000000000000000000	019SM	F195M	W5612	W5613	4.5814	STORE A	9795M
24.38	1 Den Martin Bar	weither it	wsite 50	SO CINSM	SO CWSM	90-CMSM	Se ciwsw	WSMD-05	SO GMSW	50 CIMSM	MSWD 02	SO GWSM	WSMD 05	A WEND OF	50 AWSM	SO GWSW	WSMD-05	50:CMSM

Watershed Management Division -- Discharge Permits (Formerly Water Quality Division)

450	908	05	St	Follure to comply with other permit condition not listed above	*.roblbro3-8-#.jjmi-1-8-5551-8-iA.2.401	EOZSM	6 0 UNSM
5520 - 201	0051	092	00 9	Dermit Failure to vigpert fighty or fadlity comparent as required by	10-63 77, 5-1563 & # 1 00-8 & C901 00-*	20/SM	60-8WSM
806	669	908	091	Hwood Ag poundouse of Surjourow/Surjdwes ponpues of Surjey	10 A.S. 5-75-9 & James & Condition #	tozsm	60 dH5M
05 7	300	851	51	days of required date reports/scruftestions required by permit not submitted within 30 and required date	10 V.S.A. 5 1263 & Tome * & Condition *	00/34 -	60 clwSM
				NOTIVIDA A ANTE	CETATION OF COMPACT OF	Alalarion Code	

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

CHANTION ST 10 V.S.A. Chapter 56. Public Walk Suppy - Waler Supp	VIOLATION		FULL/MAXIMUM		Walver 2000 Victoria	Waiver Set
	Montaing Major, Failure to conduct all routine water quality	150		309	680	900
10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21 6	Monibing Minor, Conducts some but not all water quality	75		., 150	300	450
19 Y.S.A. § 1672 EPR Chapter 21 WSR – Subchapter 21 6	Monitoring Major, Failure to collect any check, repeat and/or confirmation sample(s)	150	, I	309	600	900
10 Y 5 A. 5 1672 - EPR Chapter 21 WSR - Subshapter 21 6	Monitoring Minor, Conducts some but not all check, repeat and/br confirmation sample(s)	75		150	300	459
10 V.S.A. § 1672 FPR Chapter 21 WSR - Subdiapter 21 6	Menitoring Major (TCR), Failure to collect any required routine samples at sites approved in the sampling plan menitoring	150		300	600	900 1
10 V.5.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	500	150	300	450
10 V.S.A. § 1672 EPR Chapter 21 WSR Eubchapter 21. 6	Monitoring Repeat Major (TCR), Failure to collect thy repeat.	150	- Serginshigh	309	600	900
10 V.S.A. § 1672 - EPR Chapter-21 WSR - Subchapter 21 6	Monitoring Reposit Minor (TCR), Collects some but not all of the required repeat samples.	75		150	300	450
10 V.5.A. § 1672 EPR Chapter 21 W5R Subchapter 21 6	Monitoring Routine (Stage 1 D/DBPR) Failure to comply with monitoring and reporting requirements, and/or monitor according to sampling plan	¹²¹	 	300	600	900 ·
10-V - S.A., <u>5, 1572 - EPR Chapter 21 WSR - Subchaptor 21</u> 6-4	Monitoring (Stage 1 D/DBPR), Failure to have sampling plan		(4 8)	150 150	300	450
10 V.S.A. \$ 1672 - EPR Cha ptor 21 WSR - Subchapter 21 7-9	Monitoring (165WTR/LT1 SWTR) Failure to conduct required Comprehensive Reformance Evaluation and/or failure to produce filter assessment	150	那時時 。 注於	si 300	600	909
10 V 5 A . § . 1672 - EPR Gljopter 21 WSR - Subchapter 21 6-4	Monitoring, (Stage 2 D/DBPR), Follows to conduct slandard monitoring and/or failure to conduct angoing annual or quarterly monitoring	150 150		309	600	900
10 V.S.A. 5 1672 EPR Chapter 21 WSR - Subchapter 21 6.6.4	Monitoring/Reporting, (CWR), Foilure to monitor or report residual disinfectant.concentration required particle CWR	75		150	300	450
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10 V.G.A. § 1672 - EPR Chopter 21 W5R - Subchapter 21- 6.64	Monitoring, Source (GWR), Failure to conduct all required Griggerial source water monitoring and other monitoring par the Ground Water Rule	150		300	600	900
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10 V.S.A. § 1672 - EPR Chapter 21 WSR - Subchapter 21- 6-3	Monitoring Major (IFCWTR/L71), 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	150		300	699	900
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10 Y.C.A. § 16 72—EPR-Chapter 21 WSR—Subchapter 27 6-3	Monitoring Minor (IESWTR/ETI)) Callects some and/or reports some but not all of the required combined filter effluent and all individual filter turbleity within 10 days effer the end of the month	75		150	300	450
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Drinking Water and Groundwater Protection Division. (Formerly Water Supply Division)

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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 l 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

MINIMUM	FULL/MAXIMUM	WAIVER	Category
\$250	set (\$1,000 * erecent	\$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.)



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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

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Website Address:	https://dec.vermont.gov/enforcement/rules
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Level:	Secondary
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Agency:	Agency of Natural Resources
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Keyword Information

Keywords:

citation penalty waiver maximum penalty violation environmental natural resources

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	Vermont Lawyer (hunter.press.vermont@gmail.com)	Attn: Will Hunter

RE: The "Proposed State Rules " ad copy to run on		January 16, 2020	
PAGES INCLUDING THIS COVER MEMO:	2		

NOTE 8-pt font in body. 12-pt font max. for headings - single space body. Please include dashed lines where they appear in ad copy. Otherwise minimize the use of white space. Exceptions require written approval.

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 <u>louise.corliss@vermont.gov</u>, Thanks.

PROPOSED STATE RULES

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).

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: <u>john.beling@vermont.gov</u> URL: <u>http://dec.vermont.gov/enforcement/rules</u>.

FOR COPIES: Katelyn Ellermann, Agency of Natural Resources, One National Life Drive - Davis 3, Montpelier, VT 05620 Tel: 802-522-7125 Email: <u>katelyn.ellermann@vermont.gov</u>.