

19-3-109 Civil penalties -- Appeals.

- (1) A person who violates a provision of this part, a rule or order issued under the authority of this part, or the terms of a license, permit, or registration certificate issued under the authority of this part is subject to a civil penalty not to exceed \$10,000 for each violation.
- (2) The director may assess and make a demand for payment of a penalty under this section and may compromise or remit that penalty.
- (3) In order to make demand for payment of a penalty assessed under this section, the director shall issue a notice of agency action, specifying, in addition to the requirements for notices of agency action contained in Title 63G, Chapter 4, Administrative Procedures Act:
 - (a) the date, facts, and nature of each act or omission charged;
 - (b) the provision of the statute, rule, order, license, permit, or registration certificate that is alleged to have been violated;
 - (c) each penalty that the director proposes to impose, together with the amount and date of effect of that penalty; and
 - (d) that failure to pay the penalty or respond may result in a civil action for collection.
- (4) A person notified according to Subsection (3) may request an adjudicative proceeding.
- (5) Upon request by the director, the attorney general may institute a civil action to collect a penalty imposed under this section.
- (6)
 - (a) Except as provided in Subsection (6)(b), the department shall deposit all money collected from civil penalties imposed under this section into the General Fund.
 - (b) The department may reimburse itself and local governments from money collected from civil penalties for extraordinary expenses incurred in environmental enforcement activities.
 - (c) The department shall regulate reimbursements by making rules that:
 - (i) define qualifying environmental enforcement activities; and
 - (ii) define qualifying extraordinary expenses.

Amended by Chapter 330, 2013 General Session