

OAR CHAPTER 333

Division 061

Effective 2/1/2006

333-061-0090 Penalties

- (1) Violation of these rules shall be punishable as set forth in ORS 448.990 which stipulates that violation of any section of these rules is a Class A misdemeanor.
- (2) Pursuant to ORS 448.280, 448.285 and 448.290, any person who violates these rules shall be subject to a civil penalty. Each and every violation is a separate and distinct offense, and each day's violation is a separate and distinct violation.
- (3) Under ORS 448.290, only the Administrator can impose penalties and the penalties shall not become effective until after the person is given an opportunity for a hearing.
- (4) The civil penalty for the following violations shall not exceed \$1,000 per day for each violation:
 - (a) Failure to obtain approval of plans prior to the construction of water system facilities;
 - (b) Failure to construct water system facilities in compliance with approved plans;
 - (c) Failure to take immediate action to correct maximum contaminant level violations;
 - (d) Failure to comply with sampling and analytical requirements;
 - (e) Failure to comply with reporting and public notification requirements;
 - (f) Failure to meet the conditions of a compliance schedule developed under a variance or permit;
 - (g) Failure to comply with cross connection control requirements;
 - (h) Failure to comply with the operation and maintenance requirements;
 - (i) Failure to comply with an order issued by the Administrator.
- (5) Civil penalties shall be based on the population served by public water systems and shall be in accordance with Table 34 below:

Table 34

Daily Population	Maximum Civil Penalty
10 to 100	\$ 50/day
101 to 300	\$ 100/day
301 to 1,500	\$ 250/day
1,501 to 10,000	\$ 500/day
over 10,000	\$1,000/day

333-061-0095 Severability

These rules are severable, if any rule or part thereof or the application of such rule to any person or circumstance is declared invalid, that invalidity shall not affect the validity of any remaining portion of these rules.