



2014 Schedule of Fines Rule

- Published March 14, 2014 in the D.C. Register
- Comment Period ends on April 14, 2014
- After careful consideration of all comments properly received, the proposed rules, or an amended version of the proposed rules based on public comments received, will be transmitted to the Council of the District of Columbia for review and approval.

Background



Comprehensive revision to the DDOE Schedule of Fines applies to violations in eight separate programs:

- Air Quality
- Pesticides
- Lead-Based Paint Activities
- Hazardous Waste
- Underground Storage Tanks
- Water Quality
- Soil Erosion and Sediment Control
- Aquatic Animal Protection & Fishing

Department of Health & Department of the Environment

- Fines established for civil infractions of laws regulated by DOH and DDOE have both been codified in Chapter 36 of Title 16 of the DCMR.
- The proposed rulemaking removes the fines for environmental civil infractions from Chapter 36 and relocates them in a new Chapter 40 of Title 16.

Civil Infractions Act

- D.C. Official Code §§ 2-1801-1803.03
- Enforcement actions begin by issuing a notice of infraction (NOI) for an alleged violation to the respondent.
- The monetary penalty for each infraction is based on the schedule of fines.
- The respondent may:
 - Admit the violation and pay the fine or admit the violation with an explanation and seek a settlement through DDOE's internal NOI process; or
 - Deny the alleged violation and request a hearing with the D.C. Office of Administrative Hearings (OAH).

Classes of Violations (16 DCMR § 3200)

Class 1 - Egregious infractions that result from flagrant, fraudulent, or willful conduct, or unlicensed activity, or that are imminently dangerous to the health, safety, or welfare of persons within the District of Columbia;

Class 2 - Other serious infractions that result from flagrant, fraudulent, or willful conduct, or unlicensed activity, or that are imminently dangerous to the health, safety, or welfare of persons within the District of Columbia;

Class 3 - Infractions that involve a failure to comply with a law or rule requiring periodic renewal of licenses or permits, or infractions that are serious and have an immediate, substantial impact on the health, safety, or welfare of persons within the District of Columbia;

Class 4 - Infractions that involve a failure to post required licenses or permits, or infractions that are minor, but have the potential to be hazardous to the health, safety, or welfare of persons within the District of Columbia; and

Class 5 - Infractions that collectively create a nuisance but individually do not pose a threat to the health, safety, or welfare of persons within the District of Columbia.



Summary of Proposed Changes

Pesticides, Underground Storage Tanks, Water Quality, and Aquatic Animal & Fishing

- Primarily correct various errors, such as duplicate, conflicting, and improperly cited infractions, as well as provide more accurate descriptions of the nature of the violations in the parentheticals used for that purpose.
- Many of the infractions have been re-classified to better align with the nature of the violations.

Air Quality

- New and substantially amended air quality regulations pertaining to volatile organic compounds (see 58 DCR 11286 (December 30, 2011); codified at 20 DCMR Chapter 7).
- New and substantially amended air quality regulations pertaining to new source review (see 59 DCR 13044 (November 16, 2012); codified at 20 DCMR Chapter 2).

Stormwater & Soil Erosion and Sediment Control

- New and substantially amended stormwater management and soil erosion and sediment control regulations (see 60 DCR 10640 (July 19, 2013); codified at 21 DCMR Chapter 5; see *also* Notices of Emergency Rulemaking to Amend the Schedule of Fines, 60 DCR 13604 (October 4, 2013)) and 61 DCR 730 (January 24, 2014).

Lead-Based Paint Activities

- New lead-based paint regulations (see 60 DCR 10909 (July 26, 2013); codified at 20 DCMR Chapter 33).

Hazardous Waste

- Substantially amended hazardous waste regulations (see 60 DCR 385 (January 18, 2013); to be codified at 20 DCMR Chapters 42 and 43).

Resources

- Website: <http://ddoe.dc.gov/scheduleoffines>
- E-mail: SOF.2014@dc.gov
- DDOE Headquarters: 1200 First Street, NE, Washington, DC 20002, 5th Floor
- DC Register: <http://dcregs.dc.gov/>
 - “Browse through DCR Issues...”
 - Click “Go”
 - Click “March 14, 2014 - Vol 61/11”



Comments

