

10.3 (455B) Assessment of administrative penalties.

Except for operator discipline, administrative penalties shall be assessed through issuance of an administrative order of the director which recites the facts and the legal requirements which have been violated, and a general rationale for the prescribed penalty. The order may include cumulative penalties up to \$10,000 for multiple violations. The order also may be combined with any other order authorized by statute for mandatory or prohibitory injunctive conditions, and is subject to normal contested case and appellate review. Operator discipline is governed by 567—Chapter 81, Iowa Administrative Code.

10.3(1) Minimum penalty. No penalty may be assessed unless the cumulative amount is \$50 or more.

10.3(2) Determination of amount. The amount of penalty for each day of violation shall be determined from evaluation of the factors outlined in 10.2(1) to 10.2(6). The actual or reasonably estimated economic benefit shall always be assessed. An additional amount up to \$3,000 shall be assessed depending on the gravity factors, 10.2(2) and 10.2(4), and an additional amount of up to \$3,000 shall be assessed depending on the culpability factor, 10.2(3). The penalty may be increased or discounted up to \$1,000 due to aggravating or mitigating factors, respectively. Notwithstanding the foregoing statements, the statutory penalty level shall not be exceeded.

These rules are intended to implement Iowa Code section 455B.109.

567-10.3

EPA Rulemakings

CFR: 40 C.F.R. 70, Appendix A, Iowa (a)
FRM: 60 FR 45671 (9/1/95)
PRM: 60 FR 20465 (4/26/95)
State Submission: 11/10/93
State Proposal: N/A
State Final: IAC 9/16/92 (Effective 10/21/92)
APDB File: IA-36
Description: The EPA approved a new chapter "Administrative Penalties." This chapter describes the policies and procedures for assessing penalties for violation of Iowa Code chapter 455B or rules, permits and orders promulgated or issued pursuant to 455B. This chapter was approved in conjunction with Title V rules.

Difference Between the State and EPA-Approved Regulation

None.