

**Appendix V-1: Administrative Fine Authority**

**RSA 125-C:15 (Air emissions)**

I-b. The commissioner of the department of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter, any rule adopted pursuant to this chapter, or any permit, compliance schedule, stop use order, or order of abatement, issued pursuant to this chapter; or upon any person who makes or certifies a material false statement relative to any document or information which is required to be submitted to the department pursuant to this chapter or any rule adopted pursuant to this chapter. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this paragraph shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines imposed pursuant to this paragraph shall be deposited in the general fund.

(a) Notice and hearing prior to the imposition of an administrative fine shall be in accordance with RSA 541-A and procedural rules adopted by the commissioner pursuant to RSA 541-A:16.

(b) The commissioner shall determine fines based on the following:

(1) For a minor deviation from a requirement causing minor potential for harm, the fine shall be not less than \$100 and not more than \$1,000.

(2) For a minor deviation from a requirement causing moderate potential for harm, the fine shall be not less than \$601 and not more than \$1,250.

(3) For a minor deviation from a requirement causing major potential for harm, the fine shall be not less than \$851 and not more than \$1,500.

(4) For a moderate deviation from a requirement causing minor potential for harm, the fine shall be not less than \$601 and not more than \$1,250.

(5) For a moderate deviation from a requirement causing moderate potential for harm, the fine shall be not less than \$851 and not more than \$1,500.

(6) For a moderate deviation from a requirement causing major potential for harm, the fine shall be not less than \$1,251 and not more than \$1,750.

(7) For a major deviation from a requirement causing minor potential for harm, the fine shall be not less than \$851 and not more than \$1,500.

(8) For a major deviation from a requirement causing moderate potential for harm, the fine shall be not less than \$1,251 and not more than \$1,750.

(9) For a major deviation from a requirement causing major potential for harm, the fine shall be not less than \$1,501 and not more than \$2,000.

(c) The commissioner may assess an additional fine for repeat violations.

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**RSA 125-D:4 (Acid Deposition)**

The commissioner of the department of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter, any rule adopted pursuant to this chapter, or any permit or order issued pursuant to this chapter; or upon any person who makes or certifies a material false statement relative to any document or information which is required to be submitted

to the department pursuant to this chapter or any rule adopted pursuant to this chapter. Rehearings and appeals from a decision of the commissioner under this section shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines imposed pursuant to this section shall be deposited in the general fund.

- I. Notice and hearing prior to the imposition of an administrative fine shall be in accordance with RSA 541-A and procedural rules adopted by the commissioner pursuant to RSA 541-A:16.
- II. The commissioner shall determine fines in accordance with RSA 125-C:15, I-b(b).
- III. The commissioner may assess an additional fine for repeat violations.

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**RSA 125-I:3-a (Air Toxics)**

The commissioner of the department of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter, any rule adopted pursuant to this chapter, or any permit or order issued pursuant to this chapter; or upon any person who makes or certifies a material false statement relative to any document or information which is required to be submitted to the department pursuant to this chapter or any rule adopted pursuant to this chapter. Rehearings and appeals from a decision of the commissioner under this section shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines imposed pursuant to this section shall be deposited in the general fund.

- I. Notice and hearing prior to the imposition of an administrative fine shall be in accordance with RSA 541-A and procedural rules adopted by the commissioner pursuant to RSA 541-A:16.
- II. The commissioner shall determine fines in accordance with RSA 125-C:15, I-b(b).
- III. The commissioner may assess an additional fine for repeat violations.

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**RSA 125-J:8 (Emissions Reduction Trading Program)**

I-a. The commissioner of the department of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter, any rule adopted pursuant to this chapter, or any permit, compliance schedule, stop use order, or order of abatement issued pursuant to this chapter; or upon any person who makes or certifies a material false statement relative to any document or information which is required to be submitted to the department pursuant to this chapter or any rule adopted pursuant to this chapter. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this paragraph shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines imposed pursuant to this paragraph shall be deposited in the general fund.

- (a) Notice and hearing prior to the imposition of an administrative fine shall be in accordance with RSA 541-A and procedural rules adopted by the commissioner pursuant to RSA 541-A:16.
- (b) The commissioner shall determine fines in accordance with RSA 125-C:15, I-b(b).
- (c) The commissioner may assess an additional fine for repeat violations.

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**RSA 141-E:15-a (Asbestos)**

II. The commissioner of the department of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of RSA 141-E:3, II or any rule adopted by the commissioner of the department of environmental services under this chapter; or upon any person who makes or certifies a material false statement relative to any document or information which is required to be submitted to the department of environmental services pursuant to this chapter or any rule adopted pursuant to this chapter. Rehearings and appeals from a decision of the commissioner of the department of environmental services under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this paragraph shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this paragraph shall be deposited by the commissioner of the department of environmental services in the fund established by RSA 141-E:12, II.

(a) Notice and hearing prior to the imposition of an administrative fine shall be in accordance with RSA 541-A and procedural rules adopted by the commissioner pursuant to RSA 541-A:16.

(b) The commissioner shall determine fines in accordance with RSA 125-C:15, I-b(b).

(c) The commissioner of the department of environmental services may assess an additional fine for repeat violations.

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**RSA 146-A:15 (Oil Spills, AST Program)**

I. The commissioner of the department of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter including any rule adopted under the provisions of this chapter. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The commissioner shall adopt rules, under RSA 541-A, relative to:

(a) A schedule of administrative fines which may be imposed under this section for violations as provided in paragraph I.

(b) Procedures for notice and hearing prior to the imposition of an administrative fine.

II. The proceeds of administrative fines levied pursuant to paragraph I shall be deposited by the commissioner into the oil pollution control fund established under this chapter.

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**RSA 146-C:10-a (UST Program)**

The commissioner of the department of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter including any rule adopted under the provisions of this chapter. Rehearings and appeals from a decision of the commissioner under this section shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not

preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this section shall be deposited by the commissioner in the oil pollution control fund established under RSA 146-A. The commissioner shall adopt rules, under RSA 541-A, relative to:

- I. A schedule of administrative fines which may be imposed under this section for violations of this chapter as provided above; and
- II. Procedures for notice and hearing prior to the imposition of an administrative fine.

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**RSA 147-A:17-a (Hazardous Waste)**

I. The commissioner of the department of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter including any rule adopted under the provisions of this chapter. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The commissioner shall adopt rules, under RSA 541-A, relative to:

- (a) A schedule of administrative fines which may be imposed under this paragraph for violations of this chapter as provided above.
- (b) Procedures for notice and hearing prior to the imposition of an administrative fine.

II. The proceeds of administrative fines levied pursuant to paragraph I shall be deposited by the commissioner into the hazardous waste cleanup fund established by RSA 147-B.

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**RSA 149-M:16 (Solid Waste)**

The commissioner, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter, including any rule adopted under the provisions of this chapter. Rehearings and appeals from a decision of the commissioner under this section shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The commissioner shall adopt rules, under RSA 541-A, relative to:

- I. A schedule of administrative fines which may be imposed under this section for violations of this chapter as provided above.
- II. Procedures for notice and hearing prior to the imposition of an administrative fine.

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**RSA 482:79-a (Lake Level Determinations)**

I. The commissioner, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 upon any dam owner who violates the directives of the department in management of the dam and water level. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. The commissioner shall adopt rules, under RSA 541-A, relative to:

- (a) A schedule of administrative fines which may be imposed under this paragraph for violation of this subdivision.
- (b) Procedures for notice and hearing prior to the imposition of an administrative fine.

II. The proceeds of administrative fines levied pursuant to paragraph I shall be deposited by the commissioner into the dam maintenance fund established in RSA 482:55, for the repair and maintenance of state-owned dams.

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**RSA 482:89 (Dam Safety)**

II. The commissioner, after notice and hearing pursuant to RSA 541-A, may impose upon any person who violates any provision of this chapter, or any rule adopted under this chapter an administrative fine not to exceed \$2,000 for each offense in addition to other remedies and penalties provided under this chapter. Rehearings and appeals under this paragraph shall be in accordance with RSA 541. The commissioner shall adopt rules, under RSA 541-A, relative to:

- (a) A schedule of administrative fines which may be imposed under this paragraph for violation of this chapter, or rules adopted under this chapter.
- (b) Procedures for notice and hearing prior to the imposition of an administrative fine.

III. The proceeds of administrative fines levied pursuant to paragraph II shall be deposited by the commissioner into the dam maintenance fund established in RSA 482:55, for the repair and maintenance of state-owned dams.

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**RSA 482-A:13 (Wetlands Program)**

The commissioner, after notice and hearing in accordance with the procedures set forth in RSA 541-A, is empowered to impose an administrative fine of up to \$2,000 for each offense upon any person who violates any provision of this chapter. This fine is appealable under RSA 541. Any administrative fine imposed under this section will not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this section shall be placed in the nonlapsing fund authorized in RSA 482-A:14, III.

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**RSA 482-B:16 (Water Well Contractors)**

II. The commissioner, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter, any rule adopted under this chapter, or any license or approval issued under this chapter, or who makes or certifies a material false statement relative to any document required by this chapter. The person may appeal the decision to the board within 30 days of the date of the decision. Following an appeal hearing, the board may uphold or overturn the decision or impose a lesser or greater fine. Rehearings and appeals from a decision of the board under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this

section shall not preclude the imposition of further penalties under this chapter. The commissioner shall adopt rules subject to the approval of the water well board, under RSA 541-A, relative to:

- (a) A schedule of administrative fines which may be imposed under this paragraph; and
- (b) Procedures for notice and hearing prior to the imposition of an administrative fine.

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**RSA 483-B:18 (Shoreland Protection)**

III. Persons violating the provisions of this chapter shall be subject to the following:

(c) The commissioner, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine of up to \$5,000 for each offense upon any person who violates this chapter. Rehearings and appeals relating to such fines shall be governed by RSA 541. Imposition of an administrative fine under this section shall not preclude the imposition of further civil or criminal penalties under this chapter.

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**RSA 485:58 (Public Water Supplies)**

IV. The commissioner of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter including any rule adopted under the provisions of this chapter. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this paragraph shall be deposited by the department in the general fund. The commissioner shall adopt rules, under RSA 541-A, relative to:

- (a) A schedule of administrative fines which may be imposed under this paragraph for violations of this chapter as provided above.
- (b) Procedures for notice and hearing prior to the imposition of an administrative fine.

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**RSA 485-A:22 (Surface Water Quality Protection, including Site Specific, Septage/Sludge)**

V. The commissioner of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this subdivision or, RSA 485-A:4-6, any rule adopted under this subdivision or RSA 485-A:4-6, or any permit issued under the authority of this subdivision or RSA 485-A:4-6. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this paragraph shall be deposited by the department in the general fund. The commissioner shall adopt rules, under RSA 541-A, relative to:

(a) A schedule of administrative fines which may be imposed under this paragraph for violations of this chapter, rules adopted under this chapter, and permits issued under this chapter, as provided above.

(b) Procedures for notice and hearing prior to the imposition of an administrative fine.

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**RSA 485-A:28 (Youth Camps, Public Bathing Places)**

II. The commissioner, after notice and hearing, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this subdivision [§§23-28], any rule adopted under this subdivision, or any license or approval issued under this subdivision. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this paragraph shall be deposited in the general fund. The commissioner shall adopt rules, under RSA 541-A, relative to:

(a) A schedule of administrative fines which may be imposed under this paragraph; and

(b) Procedures for notice and hearing prior to the imposition of an administrative fine.

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**RSA 485-A:43 (Septic Systems, Subdivisions)**

V. The commissioner of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this subdivision including any rule adopted under the provisions of this chapter. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this subdivision. The proceeds of administrative fines levied pursuant to this paragraph shall be deposited by the department in the general fund. The commissioner shall adopt rules, under RSA 541-A, relative to:

(a) A schedule of administrative fines which may be imposed under this paragraph for violations of this subdivision as provided above.

(b) Procedures for notice and hearing prior to the imposition of an administrative fine.

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**RSA 485-A:54 (WRBP)**

V. The commissioner of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this subdivision, any rule adopted under this subdivision, or any permit or contract entered into under the authority of this subdivision. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this subdivision. The proceeds of administrative fines levied pursuant to this

paragraph shall be deposited by the department in the replacement fund established pursuant to RSA 485-A:51. The commissioner shall adopt rules, under RSA 541-A, relative to:

- (a) A schedule of administrative fines which may be imposed under this paragraph for violations of this chapter as provided above.
- (b) Procedures for notice and hearing prior to the imposition of an administrative fine.

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**RSA 485-C:18 (Groundwater Protection)**

The commissioner, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense upon any person who violates any provision of this chapter or any rule, permit or order adopted or issued under this chapter. Rehearings and appeals from a decision of the commissioner under this section shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The commissioner shall adopt rules, under RSA 541-A, relative to:

- I. A schedule of administrative fines which may be imposed under this section for violation of this chapter.
- II. Procedures for notice and hearing prior to the imposition of an administrative fine.

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**RSA 487:7 (Marine Toilets, Exotic Weed Control)**

II. The commissioner of environmental services, after notice and hearing pursuant to RSA 541-A, may impose an administrative fine not to exceed \$2,000 for each offense, upon any person who violates any provision of this chapter, any lawful rule of the department adopted under this chapter, or any lawful order issued by the department pursuant to this chapter. Rehearings and appeals from a decision of the commissioner under this paragraph shall be in accordance with RSA 541. Any administrative fine imposed under this section shall not preclude the imposition of further penalties under this chapter. The proceeds of administrative fines levied pursuant to this paragraph shall be deposited by the department in the general fund. The commissioner shall adopt rules, under RSA 541-A, relative to:

- (a) A schedule of administrative fines which may be imposed under this paragraph for violations of this chapter.
- (b) Procedures for notice and hearing prior to the imposition of an administrative fine.