

§2619. Administrative remedy process

1. Notice of noncompliance. Except as otherwise provided in this subchapter, the commissioner shall issue a notice of noncompliance to a public water system within 30 days after the commissioner has determined that the public water system has committed a violation. The notice of noncompliance must contain the following information:

A. Identification of the violation; [PL 1993, c. 678, §4 (NEW).]

B. A compliance deadline; and [PL 1993, c. 678, §4 (NEW).]

C. The possible consequences of noncompliance if the requirements of the notice are not met by the specified date. [PL 1993, c. 678, §4 (NEW).]

[PL 1993, c. 678, §4 (NEW).]

2. Administrative consent order. If the public water system has failed to correct the violation as specified in the notice of noncompliance by the date specified in the notice, the commissioner and the public water system shall make a good faith effort to agree upon a settlement and, if agreement is reached, the commissioner shall issue an administrative consent order. An administrative consent order may not be changed without written consent by all parties to the agreement. An administrative consent order must include, but is not limited to, compliance schedules and milestones. If the public water system and the commissioner fail to reach an agreement, the commissioner may issue an administrative compliance order under subsection 3 or may refer the case to the Attorney General for relief under section 2617.

[PL 1993, c. 678, §4 (NEW).]

3. Administrative compliance order. If the public water system and the commissioner fail to reach an agreement under subsection 2, the commissioner may issue an administrative compliance order to the public water system to correct the violation in a manner and within a time frame that the commissioner determines appropriate. The administrative compliance order must contain a schedule that the public water system must follow to bring it into compliance. An administrative compliance order may include an administrative penalty that takes effect as early as the day that the parties ceased negotiating in good faith under subsection 2. The administrative compliance order must specify an administrative penalty that takes effect if the public water system fails to comply with the administrative compliance order.

[PL 1993, c. 678, §4 (NEW).]

4. Administrative penalty. If the public water system and the commissioner fail to reach an agreement under subsection 2, the commissioner may impose an administrative penalty that takes effect as early as the day that the parties ceased negotiating in good faith under subsection 2. If the public water system fails to comply with an administrative compliance order by the deadline in the compliance schedule, an administrative penalty may be assessed. A notice of penalty assessment may be issued in conjunction with or separate from an administrative compliance order, and must contain the following:

A. Identification of the violation for which it is issued; [PL 1993, c. 678, §4 (NEW).]

B. A citation of the law, rule or order being violated; [PL 1993, c. 678, §4 (NEW).]

C. The amount of the penalty; [PL 1993, c. 678, §4 (NEW).]

D. Notice of the right to an adjudicatory hearing pursuant to the Maine Administrative Procedure Act; and [PL 1993, c. 678, §4 (NEW).]

E. The procedure for paying the penalty. [PL 1993, c. 678, §4 (NEW).]

[PL 1993, c. 678, §4 (NEW).]

SECTION HISTORY

PL 1993, c. 678, §4 (NEW).

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