

August 2001

Assessment of Administrative Penalties



Department Adopts New Regulations

*It is DTSC's
mission to protect
public health
and the
environment
from
harmful exposure
to hazardous
substances.*

State of California



California
Environmental
Protection Agency



The California Environmental Protection Agency's Department of Toxic Substances Control has adopted regulations that provide a standard and systematic approach to the assessment of administrative penalties based on the violation's potential harm and the extent of deviation from hazardous waste management requirements. The regulations became effective August 24, 2001.

Important Features

- Initial penalty is calculated according to the violation's potential harm and extent of deviation from hazardous waste management requirements.
- Adjustments to the initial penalty are based on the violator's intent and any economic benefit gained or cost of compliance avoided by the violator.
- Includes the option of assessing a single initial penalty for the same or similar multiple violations.
- Includes directions for calculating penalties for violations that continue for more than one day.
- Provides for potential adjustments to the base penalty for the violator's cooperation, compliance history and ability to pay.
- Provides for a potential adjustment to the base penalty to ensure a prophylactic effect on both the violator and the regulated community.

To Obtain a Copy of the Regulations

The regulations are located in the California Code of Regulations, Title 22, commencing with Section 66272.60. An electronic copy is available from DTSC's website at <http://www.dtsc.ca.gov>, by selecting "Current Events" or by contacting:

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The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demands and cut your energy costs, see our website at www.dtsc.ca.gov.