



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.

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:

Ms. Joan Ferber
DTSC
Environmental Analysis and Regulations Section
P.O. Box 806
Sacramento, CA 95812-0806
916-322-6409
jferber@dtsc.ca.gov

For technical assistance, please contact:

Ms. Nikole Pearson
DTSC
Statewide Compliance Division
P.O. Box 806
Sacramento, CA 95812-0806
916-324-2858
npearson@dtsc.ca.gov

State of California



California Environmental Protection Agency

