

BY THE COMMISSION FOR ADMINISTERING THE REGULATORY PROGRAM ESTABLISHED BY THE COMMISSION UNDER THIS SUBTITLE.

(B) THE FEE MAY NOT:

(1) EXCEED THE EXPENSES ATTRIBUTABLE TO THE INSPECTION AND EXAMINATION OF THE FACILITY; AND

(2) INCLUDE EXPENSES THAT WILL BE REIMBURSED BY THE FEDERAL GOVERNMENT.

11-205.

THE COMMISSION MAY BRING AN ACTION FOR INJUNCTIVE RELIEF IN A CIRCUIT COURT TO:

(1) ENJOIN A VIOLATION OF THIS SUBTITLE;

(2) ENJOIN THE TRANSPORTATION OF A HAZARDOUS LIQUID BY PIPELINE OR THE OPERATION OF A PIPELINE FACILITY; ~~AND~~ OR

(3) ENFORCE A STANDARD ESTABLISHED BY THE COMMISSION UNDER THIS SUBTITLE.

11-206.

(A) THE COMMISSION MAY IMPOSE ON A PERSON WHO VIOLATES THIS SUBTITLE OR A REGULATION ADOPTED IN ACCORDANCE WITH THIS SUBTITLE A CIVIL PENALTY THAT DOES NOT EXCEED THE MAXIMUM PENALTIES PROVIDED IN ~~TITLE 49 V.S.C.~~ U.S.C. CHAPTER 601 (HAZARDOUS LIQUID PIPELINE SAFETY ACT).

(B) EACH DAY A VIOLATION CONTINUES IS A SEPARATE VIOLATION UNDER THIS SECTION.

(C) TO DETERMINE THE AMOUNT OF A PENALTY IMPOSED UNDER THIS SECTION, THE COMMISSION SHALL CONSIDER:

(1) THE NATURE, CIRCUMSTANCES, AND GRAVITY OF THE VIOLATION;

(2) WITH RESPECT TO THE VIOLATOR:

(I) THE DEGREE OF CULPABILITY;

(II) ANY HISTORY OF PRIOR VIOLATIONS;

(III) THE ABILITY TO PAY;

(IV) ANY EFFECT ON THE ABILITY TO CONTINUE DOING BUSINESS;

AND

(V) GOOD FAITH IN ATTEMPTING TO COMPLY; AND

(3) OTHER MATTERS THAT JUSTICE REQUIRES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2001.