

# ENGAGe

## Civil Penalties

*Exploration, **N**on-aggregate, **G**as/oil, **A**ggregate, **G**eothermal*



## ENGAGe Feature: Introduction to Civil Penalties

**Did you know?** Since 2014 88% of Department Orders issued have been for administrative violations such as non-payment of renewal fees. Starting **July 1, 2019** MLRR will begin implementing civil penalties as part of the enforcement program. This first phase will be for non-payment of renewal fees in order to deter these violations.

**When will a civil penalty be assessed?** A civil penalty for non-payment of renewal fees [Class I violation per OAR 632-030-0070(5)(A)] will be assessed according to the streamlined renewal process detailed on the other side of this newsletter. In essence, if your renewal is 30 days past due you will be issued a Notice of Violation (NOV) and given an additional 30 days to pay your renewal. If you fail to comply with the NOV and your renewal reaches **60 days late** you will be assessed a **civil penalty**. Please take the time to read the back page of this newsletter for more information about our streamlined renewal process.

**How much are the civil penalties?** Class I violations have a maximum penalty of \$1,000 *per day per violation* with a median penalty of \$500 total *per violation*. For the first year of implementation the penalty amount assessed will depend on your history of non-payment violations. For example, if you *have not* been issued a Notice of Violation for non-payment of fees in the past three years, you may be assessed a lower penalty. If you *have* been issued one or more Notices of Violation for non-payment of fees in the past three years, you may be assessed a higher penalty. Thereafter, once you have been assessed a civil penalty for non-payment of renewal fees, additional violations will result in increased penalties.

**What happens to the penalties collected?** The penalties will be used to reimburse the agency for expenses incurred in order to process and issue the civil penalty. Remaining money will be set aside to fund our Voluntary Reclamation Program (OAR 632-038). This program may fund grants and incentives to permittees for superior environmental protection and exceeding minimum requirements for reclamation of their sites.

**What's next?** The next phase of implementing civil penalties will be focused on violators mining without a permit which, depending on the severity of the violation, could result in maximum penalties of **\$10,000 per day**.

Contact Us at 541-967-2039 [mlrr.info@oregon.gov](mailto:mlrr.info@oregon.gov)

<https://www.oregongeology.org/mlrr>

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Mineral Land Regulation & Reclamation

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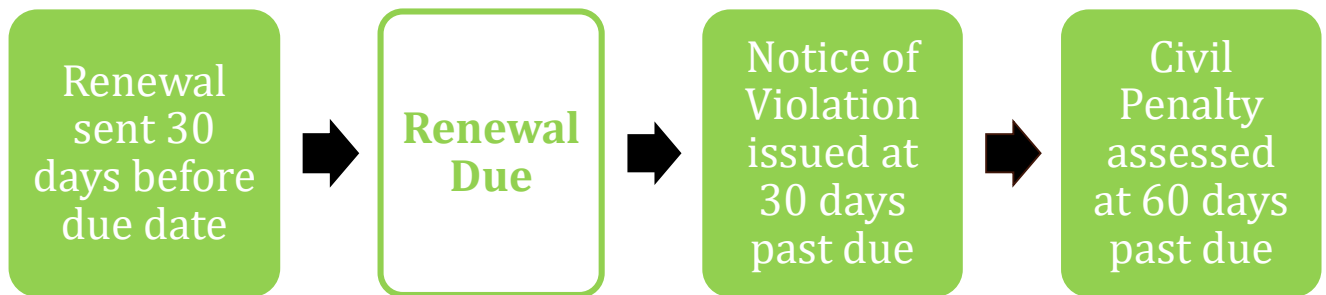
Photo by Cari Buchner - DOGAMI

## RENEWAL UPDATE:

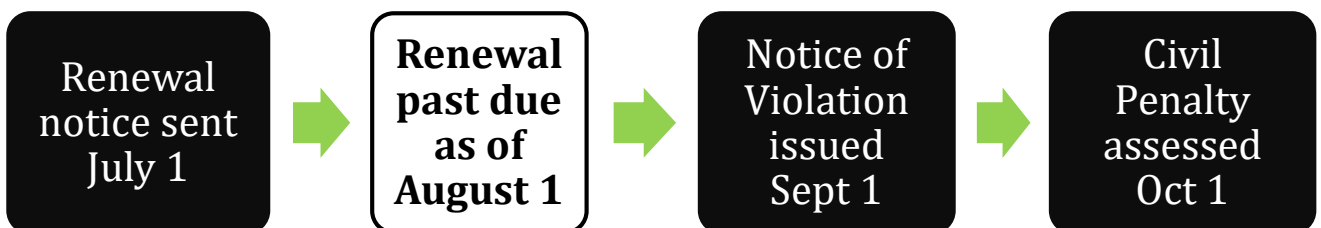
DOGAMI is reworking our renewal process! We've taken feedback from permittees, input from other state agencies and businesses in the aggregate industry, to revamp our renewal process. Previously, renewals were sent out 60 days before they were due. Permittees would then receive a second notice 15 days after the renewals became delinquent, notifying them that payment hadn't been received by DOGAMI. If the renewal was still not paid, a Notice of Violation was sent out 45 days after the second notice. Thirty days after the Notice of Violation was sent, came a Notice of Intent to pull the reclamation security. Thirty days after the Notice of Intent was sent to the permittee, a Demand for the security was sent to the bank – followed by DOGAMI pulling the reclamation security.

The new, streamlined renewal schedule will be as follows: renewals will be sent out 30 days before they are due. A Notice of Violation will follow at 30 days past due, with Civil Penalties being issued at 60 days past due. These changes provide a predictable and consistent schedule for the renewal process. If you have questions, please contact our Office Operations Assistant, Becky Johnson, at [mlrr.info@oregon.gov](mailto:mlrr.info@oregon.gov) or by phone at 541-967-2083.

## Revised Renewal Process:



Example schedule for a renewal that is due **August 1**:



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[listsmart.osl.state.or.us/mailman/listinfo/mlrr.newsletter](https://listsmart.osl.state.or.us/mailman/listinfo/mlrr.newsletter)*