

Virginia Department of Agriculture and Consumer Services

Civil Penalties Matrix for the Agricultural Stewardship Act Program (Authority: Section 10.1-559.7 of the Code of Virginia)

VIOLATIONS

Any person violating Section 10.1-559.4 or Section 10.1-559.5 shall be subject to a civil penalty not to exceed \$5,000 for every violation assessed by the Commissioner of Agriculture and Consumer Services. Each day the violation continues shall constitute a separate offense. (Section 10.1-559.7(A) of the Code of Virginia)

1. The following are violations of Section 10.1-559.4 of the Code of Virginia:
 1. The owner or operator fails to submit an Agricultural Stewardship Plan after the Commissioner has issued a Corrective Order (Authority: Section 10.1-559.4(A) of the Code of Virginia);
(Base civil penalty \$200)
 2. The owner or operator fails to begin actively implementing an Agricultural Stewardship Plan after the Commissioner has issued a Corrective Order (Authority: Section 10.1-559.4(A) of the Code of Virginia);
(Base civil penalty \$500)
 3. The owner or operator fails to complete the implementation of an Agricultural Stewardship Plan after the Commissioner has issued a Corrective Order (Authority: Section 10.1-559.4(A) of the Code of Virginia);
(Base civil penalty \$500)
 4. The owner or operator fails to maintain the required stewardship measures after the Commissioner has issued a Corrective Order (Authority: Section 10.1-559.4(A) of the Code of Virginia);
(Base civil penalty \$250) and
 1. The owner or operator fails to comply with an Emergency Corrective Order (Authority: Section 10.1-559.4(D) of the Code of Virginia).
(Base civil penalty \$500)
2. The following are violations of Section 10.1-559.5 of the Code of Virginia:

The owner or operator denies the Commissioner or his designee the right of entry

(Authority: Section 10.1-559.5(A) of the Code of Virginia).

(Base civil penalty \$500)

FACTORS TO BE CONSIDERED, PURSUANT TO SECTION 10.1-559.7(B) OF THE CODE OF VIRGINIA

The following factors shall be considered in determining the amount of any civil penalty:

1. If there is willfulness of violation, **add \$500 to the base civil penalty;**
2. If there is history of noncompliance with Agricultural Stewardship Act, **add \$1000 to the base civil penalty;**
3. If there is failure of owner in notifying, containing and cleaning up any discharge, **add \$1000 to the base civil penalty;**
4. If there is damage or injury to state waters or the impairment of its uses, **add \$1500 to the base civil penalty;** and
5. When the injury is of such a nature and degree as to interfere with general health, welfare and property, **add \$1500 to the base civil penalty.**