

### Administrative Citations Process

If, following an investigation, the Department of Public Service has determined that a violation exists, it may elect to issue an administrative citation to the CPG holder ([30 V.S.A §§ 30](#)). The administrative citation shall state the nature of the violation, provide evidence supporting the existence of the violation, request that the CPG holder remediate the violation or pay a civil penalty (or both), and (if applicable) explain why remedial action is requested.

The Department shall provide a copy of the administrative citation to the CPG holder, each municipality in which the facility/project is located, each adjoining property owner, the complainant (if any), and each party to the proceeding in which the CPG was issued. The Department shall also file a copy with the Public Utility Commission and post the draft on the Department's website.

The public shall have an opportunity of 30 days for comment on the draft citation; this opportunity for comment shall be set forth on the citation.

After the public comment period closes, the Department:

- Shall provide the CPG holder and the Commission with a copy of each comment received
- May, within 15 days of the close of the comment period, file a revised draft citation with the Commission. The revised draft may be an agreed settlement between the CPG holder and the Department with a request for Commission approval

The Commission may open a proceeding to investigate the alleged violation. If so, the Commission shall open a proceeding within 25 days of the close of the comment period, or the filing of a revised draft citation, whichever is later.

If the Commission does not open an investigation, the Department may issue a final administrative citation to the CPG holder. Within 30 days of receipt, the CPG shall holder shall take one of the following actions:

- Request a hearing before the Commission
- Pay the civil penalty and, if remedial action is requested, agree to perform the remedial action and submit to the Department for approval a plan for compliance with the remedial action
- Decline to contest the existence of the alleged violation and request a hearing with the Commission on either the proposed penalty, the remedial action, or both. If this action is taken, the CPG holder may agree to either the penalty or remedial action and seek a hearing on the penalty or action it disagrees with

If a hearing is requested, the Commission shall open a proceeding and conduct a hearing on the alleged violation, remedial action and/or civil penalty. A penalty determined after such hearing shall not exceed \$5,000.00.

If the CPG holder pays the penalty, no further penalties shall be assessed for the same violation unless it is continuing or repeated. If the CPG holder agrees to take the remedial action but fails to do so, this shall constitute a separate violation.