

§490-BB. Enforcement and penalties

The department shall administer and enforce the provisions of this article. [PL 1995, c. 700, §35 (NEW).]

1. Stop-work order. The department may order the owner or operator of a quarry that is not operating in compliance with this article to cease operations until the noncompliance is corrected. [PL 1995, c. 700, §35 (NEW).]

2. Penalty. A person who violates a provision of this article commits a civil violation and is subject to the penalties established under section 349. Penalties assessed for enforcement actions taken by the State are payable to the State. [PL 1995, c. 700, §35 (NEW).]

3. Reclamation. If, after an opportunity for a hearing, the commissioner determines that the owner of an excavation site or the person who was engaged in the excavation activity at the excavation site has violated this article, the commissioner shall direct the department staff or contractors under the supervision of the commissioner to enter on the property and carry out the necessary reclamation. The person engaged in mining or any affiliated person who guarantees performance at the excavation site is liable for the reasonable expenses of this necessary reclamation. The commissioner may use the bond or other security paid under section 490-Z, subsection 13, paragraph F to meet the reasonable expenses of reclamation. [PL 1995, c. 700, §35 (NEW).]

SECTION HISTORY

PL 1995, c. 700, §35 (NEW).

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