



ADMINISTRATIVE RULES OF MONTANA



4.10.1012 REMEDIAL ACTION IN LIEU OF CIVIL PENALTIES

- (1) A person subject to a civil penalty or charged with a violation may submit a written application to conduct remedial action (80-8-306(3) , MCA) in lieu of all or part of a civil penalty. The department will consider remedial actions that exceed the requirements of statute, rules or orders and that:
 - (a) correct harm caused by pesticides to human health, agricultural commodities, livestock, or the environment;
 - (b) prevent the occurrence of harm; and
 - (c) benefit the public.
- (2) The department will consider applications upon receipt of a written application or plan that describes in detail the remedial action, procedures, costs, the benefits of the remedial action, responsible persons, dates and schedules.
- (3) The department may require that the persons submit written confirmation upon satisfactory completion of the action.
- (4) Upon demonstration by the charged person that remedial actions are completed as approved by the department, the civil penalty or a portion thereof may be dismissed.

Authorizing statute(s): Sec. 80-8-105, MCA

Implementing statute(s): Sec. 80-8-306, MCA

History: NEW, 1999 MAR p. 404, Eff. 3/12/99.