

## Appendix A

State of Delaware

### CURRENT CIVIL PENALTY PROVISIONS IN DE MAJOR ENVIRONMENTAL LAWS

Time Value of Money Considerations

Chapter/Violation	Fine Amt Range Minimum	Fine Amt Range Maximum	Date Established	Inflation Factor (a)	Present Value Range Minimum	Present Value Range Maximum	Lost Value Min	Lost Value Max
<b><u>Chapter 60 – Environmental Control Act</u></b>								
6005(b)(1) – civil penalty imposed by Superior Court of not less than \$1,000 nor more than \$10,000 for each completed violation. Each day of continued violation shall be considered as a separate violation.	\$1,000	\$10,000	1973	476.80%	\$5,768	\$57,680	\$4,768	\$47,680
6005(b)(3) – In his or her discretion, the Secretary may impose an administrative penalty of not more than \$10,000 for each day of violation	\$1	\$10,000	1987	125.40%	\$2	\$22,540	\$1	\$12,540
<b><u>Chapter 62 – Oil Pollution Liability</u></b>								
6205(a) – violator liable in any court of competent jurisdiction for a civil penalty of not less than \$1,000 nor more than \$10,000 for each day of violation	\$1,000	\$10,000	1986	133.70%	\$2,337	\$23,370	\$1,337	\$13,370
<b><u>Chapter 63 – Hazardous Waste Management</u></b>								
6309(a) – if Secretary makes determination of violation, and operator fails to take corrective action within time specified in Secretary’s Order, he or she shall be liable for a civil penalty of not more than \$25,000 for each day of continued noncompliance	\$1	\$25,000	1980	210.80%	\$3	\$77,700	\$2	\$52,700
6309(b) – no compliance order under (a), violator shall be liable for a civil penalty of not less than \$1,000 nor more than \$25,000 for each day of violation. Superior Court has jurisdiction.	\$1,000	\$25,000	1980	210.80%	\$3,108	\$77,700	\$2,108	\$52,700

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<b><u>Chapter 66 – Wetlands</u></b>								
6617 – violator shall be subject to enforcement in accordance with 6005	\$1,000	\$10,000	2013	9.90%	\$1,099	\$10,990	\$99	\$990
<b><u>Chapter 70 – Coastal Zone Act</u></b>								
7011 – Any person who violates this chapter shall be fined not more than \$50,000 for each offense. The continuance of an activity prohibited by this chapter during any part of a day shall constitute a separate Superior Court has exclusive jurisdiction over offenses under this Chapter	\$1	\$50,000	1971	532.30%	\$6	\$316,150	\$5	\$266,150
<b><u>Chapter 71 – Noise Pollution</u></b>								
7108(h) – violator shall be punished by a fine of not less than \$25 nor more than \$500 for each violation. Each day of violation shall be considered as a separate violation.	\$25	\$500	1982	165.40%	\$66	\$1,327	\$41	\$827
<b><u>Chapter 72 – Subaqueous Lands</u></b>								
7214 – violators shall be subject to enforcement in accordance with 6005 (2013)	\$1,000	\$10,000	2013	9.90%	\$1,099	\$10,990	\$99	\$990
<b><u>Chapter 74 – Underground Storage Tanks</u></b>								
7411(a) – if Secretary makes determination of violation, and operator fails to take corrective action within time specified in Secretary’s Order, he or she shall be liable for a civil penalty of not more than \$25,000 for each day of continued noncompliance	\$1	\$25,000	1985	138%	\$2	\$59,500	\$1	\$34,500
7411(b) – no compliance order under (a), violator shall be liable for a civil penalty of not less than \$1,000 nor more than \$25,000 for each day of violation.	\$1,000	\$25,000	1985	138%	\$2,380	\$59,500	\$1,380	\$34,500

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Superior Court has jurisdiction.								
<b><u>Chapter 74A – Aboveground Storage Tanks</u></b>								
7410A – chapter subject to enforcement pursuant to Chapter 60	\$1,000	\$10,000	2002	42.40%	\$1,424	\$14,240	\$424	\$4,240
<b><u>Chapter 91 – Hazardous Substances Control Act</u></b>								
9109(h) – if Secretary brings action to collect costs or for party’s refusal to comply with cleanup order, a civil penalty of up to \$10,000 per day for each day the person refuses to comply. Period of noncompliance shall run from the day of Secretary’s decision until full compliance with terms of order is achieved.	\$1	\$10,000	1990	95.90%	\$2	\$19,590	\$1	\$9,590

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