

notice in which to make written application for a hearing before the commission. [1989 c.618 §2; 1991 c.734 §50]

**Note:** See note under 536.900.

**536.910 Amount of penalty; rules.** After public hearing, the Water Resources Commission by rule shall adopt a schedule establishing the civil penalty that may be imposed under ORS 536.900 and the time allowed to correct each violation. However, the civil penalty may not exceed \$5,000 for each violation. [1989 c.618 §3]

**Note:** See note under 536.900.

**536.915 Remission or reduction of penalty.** A civil penalty imposed under ORS 536.900 may be remitted or reduced upon such terms and conditions as the Water Resources Commission considers proper and consistent with the public health and safety and protection of the public interest in the waters of this state. [1989 c.618 §4]

**Note:** See note under 536.900.

**536.920 Factors to be considered in imposition of penalty.** In imposing a penalty pursuant to the schedule adopted pursuant to ORS 536.910, the Water Resources Commission shall consider the following factors:

(1) The past history of the person incurring a penalty in taking all feasible steps or procedures necessary or appropriate to correct any violation.

(2) Any prior violations of statutes, rules or orders pertaining to water use.

(3) The economic and financial conditions of the person incurring the penalty, including any financial gains resulting from the violation.

(4) The immediacy and extent to which the violation threatens other rights to the use of water or the public health or safety or the public interest in the waters of this state. [1989 c.618 §5]

**Note:** See note under 536.900.

**536.925** [1989 c.618 §12; repealed by 1991 c.734 §122]

**536.930 Consequence of failure to follow order.** Any owner or operator who fails without sufficient cause to take corrective action as required by an order of the Water Resources Commission shall be liable for damages not to exceed the amount of all expenses incurred by the Water Resources Department in carrying out the department's enforcement duties related to the corrective action. [1989 c.618 §7; 1991 c.734 §51]

**Note:** See note under 536.900.

**536.935 Disposition of penalties; appropriation.** All penalties recovered under ORS 536.930 shall be paid into the State Treasury and credited to an account of the Water Resources Department. Such moneys are continuously appropriated to the department to carry out the provisions of ORS chapters 536 to 543A. [1989 c.618 §8; 1999 c.873 §22]

**Note:** See note under 536.900.