

	<b>Water Quality Act</b>	<b>Hazardous Waste Act</b>	<b>Air Quality Control Act</b>	<b>Mining Act</b>	<b>Oil and Gas Act</b>	<b>HB 286</b>
<b>Administrative agency enforcement authority for violations of act</b>	NMED may issue COs <sup>1</sup> or file suit in district court	NMED may issue COs or file suit in district court	NMED may issue COs or file suit in district court	MMD or Mining Commission may assess penalties	None <sup>2</sup>	OCD or OCC may assess penalties
<b>Mense rea standard for proving civil violation</b>	None	None	None	None	Knowingly and willfully	None
<b>Civil penalty for violation of act, permit, rule or order</b>	\$10,000 or \$15,000 per day of non-compliance <sup>3</sup> and suspension/termination of permit	\$10,000 per day of non-compliance and suspension/revocation of permit	\$15,000 per day of non-compliance and suspension/revocation of permit	\$10,000 per day of non-compliance	\$1,000 maximum or \$1,000 for each day of continuing violation; No permit suspension/termination	\$1,000 per day of violation; no permit suspension/termination
<b>Civil penalty for violation causing unauthorized discharge of contaminant</b>	\$10,000 or \$15,000 per day of non-compliance and suspension/termination of permit	\$25,000 per day on non-compliance and suspension/revocation of permit	\$15,000 per day of non-compliance and suspension/revocation of permit	\$10,000 per day of non-compliance	\$1,000 maximum or \$1,000 for each day of continuing violation; no permit suspension/termination	\$10,000 per violation or \$10,000 for each day for unauthorized discharge; no permit suspension/termination
<b>Civil penalty for violating CO</b>	\$25,000 per day of non-compliance	\$10,000 per day of non-compliance	\$15,000 per day of non-compliance and suspension/revocation of permit	\$10,000 per day of non-compliance	\$1,000 maximum or \$1,000 for each day of continuing violation	\$1,000 maximum or \$1,000 for each day of continuing violation
<b>Criminal penalty</b>	2 <sup>nd</sup> to 4 <sup>th</sup> degree felonies, depending on violation	Misdemeanor to 2 <sup>nd</sup> to 4 <sup>th</sup> degree felonies, depending on violation; \$5,000 to \$250,000 penalties	Misdemeanor, 2 <sup>nd</sup> or 4 <sup>th</sup> degree felonies; \$10,000 to \$250,000 penalties	\$10,000 per day and/or 1 year prison	\$5,000 maximum and/or maximum 3 years prison	\$15,000 maximum and/or maximum 3 years prison

<sup>1</sup> Administrative compliance order.

<sup>2</sup> *Marbob Energy Corp. v. N.M. Oil Conservation Comm'n*, 2009-NMSC-013, ¶ 25, 146 N.M. 24, 206 P.3d 135 (“we hold that Section 70-2-28 requires the Attorney General to bring suit on behalf of the Division in court to impose civil penalties authorized by Section 70-2-31”).

<sup>3</sup> \$15,000 for permitting violations and \$10,000 for non-permitting and standards violations.