

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

ORDER NO. R9-2011-0048

ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY  
AGAINST  
JACK EITZEN  
38175 VIA VISTA GRANDE, MURRIETA  
FOR  
VIOLATIONS OF  
WATER QUALITY CONTROL PLAN, SAN DIEGO BASIN (BASIN PLAN),  
AND STATE BOARD ORDER NO. 99-08-DWQ

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) having held a public hearing on October 12, 2011, to hear evidence and comments on the allegations contained in Administrative Civil Liability Complaint No. R9-2010-0084, dated September 28, 2010, and deliberating on the evidence presented at the public hearing and in the record, after determining the allegations contained in the Complaint to be true, having provided public notice thereof and not less than thirty (30) days for public comment and on the recommendation for administrative assessment of Civil Liability in the amount of \$381,450 finds as follows:

1. Jack Eitzen submitted a Notice of Intent to comply with the requirements of State Board Order No. 99-08-DWQ, *National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated With Construction Activity* on December 21, 2005, for the construction of a single family residence located at 38175 Via Vista Grande in Murrieta, California.
2. Jack Eitzen is required to comply with the requirements of Order No. 99-08-DWQ as well as the Waste Discharge Prohibitions contained in the Basin Plan during construction activities.
3. Waste Discharge Prohibition No. 1 of the Basin Plan states that the discharge of waste to waters of the state in a manner causing, or threatening to cause a condition of pollution, contamination or nuisance as defined in California Water Code section 13050, is prohibited.

Jack Eitzen

38175 Via Vista Grande, Murrieta

4. Waste Discharge Prohibition No. 14 of the Basin Plan states that the discharge of sand, silt, clay, or other earthen materials from any activity, including land grading and construction, in quantities which cause deleterious bottom depositions, turbidity or discoloration in waters of the state or which unreasonably affect, or threaten to affect, beneficial uses of such waters is prohibited.
5. Discharge Prohibition A.2 of Order No. 99-08-DWQ states that discharge of materials other than storm water which are not otherwise authorized by an NPDES permit to a municipal separate storm sewer system (MS4) or waters of the nation is prohibited, except as allowed in Special Provisions of Construction Activity, C.2.
6. Special Provision for Construction Activity C.2 states that all dischargers shall develop and implement a Storm Water Pollution Prevention Plan (SWPPP) in accordance with Section a: Storm Water Pollution Prevention Plan. The discharger shall implement controls to reduce pollutants in storm water discharges from their construction sites to the best available technology/best conventional pollutant control technology (BAT/BCT) performance standard.
7. On or before December 16, 2008, Jack Eitzen discharged waste including earthen materials into waters of the state during construction activities. The discharged material remained in state waters through the date the Complaint was issued. The number of days of violation (December 16, 2008 to September 28, 2010) is 645.
8. On January 28, 2008 and December 15, 2008, Jack Eitzen discharged sediment to the County of Riverside MS4 without using BAT/BCT during construction activities. The number of days of violation is 2.
9. Between October 19, 2007 and January 28, 2008 (102 days) and October 30, 2008 and December 16, 2008 (48 days), Jack Eitzen failed to have a SWPPP on site during construction activity and failed to implement adequate best management practices (BMPs) to reduce pollutants in storm water discharges. The number of days of violation is 150.
10. Issuance of this Order is an enforcement action taken by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act (CEQA) (pub. Resources Code, § 21000 et seq.) pursuant to section 15321(a)(2), Chapter 3, Title 14 of the California Code of Regulations. This action is also exempt from the provisions of CEQA in accordance with section 15061(b)(3) of Chapter 3, Title 14 of the California Code of Regulations because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Jack Eitzen

38175 Via Vista Grande, Murrieta

11. Water Code section 13350 provides that any person who violates any waste discharge requirement issued by a Regional Water Board shall be civilly liable. Water Code section 13350(e)(1) provides that civil liability on a per day basis may not exceed five thousand dollars (\$5,000) for each day the violation occurs or ten dollars (\$10) per gallon discharged, but not both. The discharge of waste to waters of the state in violation of Basin Plan Prohibitions 1 and 14 is subject to the provisions of Water Code section 13350.
12. Water Code section 13385 provides that any person who violations any waste discharge requirement issued by a Regional Water Board shall be civilly liable. Water Code section 13385(c)(1) and (2) provides that civil liability on a per day basis may not exceed ten thousand dollars (\$10,000) for each day the violation occurs and/or ten dollars (\$10) per gallon discharged but not cleaned up that exceeds 1,000 gallons. The discharge of sediment to an MS4 and failure to implement an adequate SWPPP in violation of State Board Order No. 99-08-DWQ are subject to the provisions of Water Code section 13385.
13. The amount of discretionary assessment proposed is based upon consideration of factors contained in Water Code section 13327. Section 13327 specifies the factors that the San Diego Water Board shall consider in establishing the amount of discretionary liability for the alleged violations, which include: the nature, circumstance, extent, and gravity of the violations, the ability to pay, the effect on the ability to continue in business, prior history of violation, the degree of culpability, economic benefit or savings, if any, resulting from the violation, and other matters as justice may require.
14. The penalty calculation methodology within section VI of the Water Quality Enforcement Policy incorporates the factors of Water Code section 13327. An analysis of the penalty calculation methodology for this matter is included in the Technical Analysis for the Complaint, and the Penalty Calculation Methodology is attached to this Order as Exhibit 1. Each of the three violations is calculated individually to determine the total penalty amount.

Violation 1: Discharges of Waste to Waters of the State

15. Step 1 determines the potential for harm from the discharge violation based on (1) the potential for harm to beneficial uses, (2) the degree of toxicity of the discharge, and (3) the discharge's susceptibility to cleanup or abatement. First, the San Diego Water Board finds that discharge of fill and construction materials to waters of the state resulted in major harm or potential harm to the beneficial uses of waters of the state. Therefore, a score of 5 is appropriate for this factor.

Jack Eitzen

38175 Via Vista Grande, Murrieta

16. Second, the San Diego Water Board considered the physical, chemical, biological, or thermal characteristics of the discharge. The materials discharged are inert, however they have diminished the physical quality of in-stream waterways and significantly impacted the existing riparian habitat for flora and fauna. A score of 2, representing a moderate risk or threat, is therefore appropriate for this factor.
17. Third, the susceptibility of the discharge to cleanup is given a score of 0 because the discharged materials remain on site and can be removed. After adding the total from the three factors for Step 1, the total potential for harm is 7.
18. Step 2 of the penalty calculation assesses the base liability amount for the discharge violations. This is determined using the potential for harm, the deviation from the requirement, the total per day factor, the days of violation, and the statutory maximum penalty per day. The potential for harm, as determined in Step 1 and shown in Findings 15-17, is 7.
19. The second factor is the deviation from the requirements, which reflects the extent to which the violation deviates from the specific requirement that was violated. The discharge of waste to waters of the state is a major deviation from the required standards (the Basin Plan Prohibitions). The San Diego Water Board finds that the category of "Major" is appropriate.
20. The Per Day Factor is determined from Table 2 in the Water Quality Enforcement Policy using the Potential for Harm and the Deviation from Requirement, a "7" and a "Major" as described above in Findings 15-17 and 19. Under Table 2, the Per Day Factor for this violation is 0.310.
21. There were 645 days of violation and the statutory maximum penalty per day is \$5,000 under Water Code section 13350(e)(1). The initial base liability is determined by multiplying the total per day factor (0.310) by the number of days of violation (645) by the statutory maximum penalty (\$5,000). Based on this equation, the Initial Base Liability for the discharge of wastes to waters of the state is \$999,750.
22. Step 4 involves adjusting the Initial Base Liability based on the discharger's culpability, the discharger's efforts to cleanup or cooperate, and the discharger's compliance history. First, the San Diego Water Board considered an adjustment factor based on the discharger's culpability. Jack Eitzen intentionally discharged waste to waters of the state while conducting grading activities associated with his parcel on Via Vista Grande. He also intentionally discharged wastes to waters of the state without filing a Report of Waste Discharge with the San Diego Water Board. Therefore, the appropriate adjustment for the culpability factor is 1.5.

23. Second, the San Diego Water Board finds the adjustment with regards to cleanup or cooperation is 1.5 because Jack Eitzen failed to cleanup the discharged sediment and rock and failed to cooperate with the San Diego Water Board. The San Diego Water Board notified Jack Eitzen numerous times of the violations, and he made no attempt to remove the discharged sediment and rock and correct the violations.
24. Third, the San Diego Water Board considered an adjustment factor for Jack Eitzen's history of violations. Jack Eitzen has no history of any violations, and therefore the appropriate adjustment factor is 1.
25. The San Diego Water Board also finds that an adjustment to the Initial Base Liability for the per-day basis for liability is appropriate for violations lasting more than 30 days because the violation resulted in no economic benefit from the illegal conduct that can be measured on a daily basis. Therefore, it is appropriate to use the alternate approach to penalty calculation recommended by the Prosecution Team in the Technical Analysis to assess penalties for a total of 48 days. The number of adjusted days of violation is greater than the minimum adjusted number of days allowed because the minimum number of days is not an adequate deterrent. The appropriate adjusted days of violation is determined by assessing a violation on the first day of the violation, an assessment for each five day period of the violation until the 30th day, and then an assessment for each fifteen (15) days of violation, which totals 48 days of violation.
26. Adjusting the Initial Base Liability as described in Findings 15-25 above, results in a Total Base Liability of \$167,400 for discharges of waste into waters of the state. Exhibit 1 details the calculations that involve the above-discussed factors in determining the Total Base Liability.
27. The record contains sufficient information that Jack Eitzen has the ability to pay the Total Base Liability amount. Therefore, the Total Base Liability is not reduced to reflect an inability to continue in business.
28. Staff costs associated with investigating the violations and preparing the enforcement action for all three violations total \$9,450 and as recommended in the Enforcement Policy, this amount is added to the liability amount. This addition is shown in Step 7 of the penalty calculation methodology in Exhibit 1.
29. The Enforcement Policy directs the San Diego Water Board to consider any economic benefit of the violations to the discharger. The Prosecution Team estimated that the economic benefit to Jack Eitzen for the violation of discharges of waste to waters of the state is \$5,663. This is the amount it

would have cost Jack Eitzen in equipment rental and labor costs to properly transport the sediment and rocks to an appropriate disposal site.

30. The Enforcement Policy also directs the San Diego Water Board to consider any maximum or minimum liability amount associated with a violation and recommends the board recover at least ten percent more than the economic benefit. Water Code 13350 does not require a minimum liability when there is a discharge but no cleanup and abatement order has been issued. The maximum penalty is \$5,000 per day of violation. The violation occurred for 645 days, and so the maximum liability amount is \$3,225,000. The minimum liability is economic benefit plus ten percent, which is \$6,229.
31. The penalty calculation methodology analysis described in the Technical Analysis, and discussed in Findings 15-30 above, together with the evidence received, supports an administrative civil liability against Jack Eitzen for discharging wastes to waters of the state in the amount of \$167,400, plus staff costs.

Violation 2: Discharges of Sediment to a Municipal Storm Sewer System (MS4) Tributary to Waters of the Nation

32. Step 1 determined the potential for harm from the discharge violation based on (1) the potential for harm to beneficial uses, (2) the degree of toxicity of the discharge, and (3) the discharge's susceptibility to cleanup or abatement. First, the San Diego Water Board finds that discharge of sediment to the County of Riverside's MS4 tributary to Murrieta Creek resulted in moderate harm or potential harm to beneficial uses. Therefore, a score of 3 or "Moderate" is appropriate for this factor.
33. Second, the San Diego Water Board considered the physical, chemical, biological, or thermal characteristics of the discharge. The discharged suspended sediment can cause a significant risk or threat to aquatic organisms. A score of 2, representing a moderate risk or threat, is therefore appropriate for this factor.
34. Third, the susceptibility of the discharge to cleanup is given a score of 1 because removal of all the discharged sediment is unfeasible since much of it washed away off site. After adding the total from the three factors for Step 1, the total potential for harm is 6.
35. Step 2 of the penalty calculation assesses the base liability amount for the discharge violations. This is determined using the potential for harm, the deviation from the requirement, the total per day factor, the days of violation, and the statutory maximum penalty per day. The potential for harm was determined in Step 1, as shown in Findings 32-34, and is 6.

36. The second factor is the deviation from the requirements, which reflects the extent to which the violation deviates from the specific requirement that was violated. Jack Eitzen's discharges of waste from construction activities to an MS4 tributary to waters of the nation indicated a total disregard for the requirements and renders them ineffective. The San Diego Water Board finds that the category of "Major" is appropriate.
37. The Per Day Factor is determined from Table 2 in the Water Quality Enforcement Policy using the Potential for Harm and the Deviation from Requirement, a "6" and a "Major" as described above in Findings 32-34 and 36. Under Table 2, the Per Day Factor for this violation is 0.220.
38. There were 2 days of violation and the statutory maximum penalty per day is \$10,000 under Water Code section 13385(c)(1) and (2). Therefore the initial liability from Steps 1 and is determined by multiplying the total per day factor (0.220) by the number of days of violation (2) by the statutory maximum penalty (\$10,000). Based on this equation, the Initial Base Liability for the discharge of wastes to waters of the state is \$4,400.
39. Step 4 involves adjusting the Initial Base Liability based on the discharger's culpability, the discharger's efforts to cleanup or cooperate, and the discharger's compliance history. First, the San Diego Water Board considered an adjustment factor based on the discharger's culpability. Jack Eitzen intentionally and repeatedly ignored the County's demands to install adequate BMPs at the construction site while continuing with mass grading activities on a steep slope. Therefore, the appropriate adjustment for the culpability factor is 1.5.
40. Second, the San Diego Water Board finds the adjustment with regards to cooperation is 1.0 because Jack Eitzen did voluntarily cleanup sediment discharged to downstream properties and the exposed portion of the MS4.
41. Third, the San Diego Water Board considered an adjustment factor for Jack Eitzen's history of violations. Jack Eitzen has no history of any violations, and therefore the appropriate adjustment factor is 1.
42. The Prosecution Team only had evidence indicating two days of discharges of sediment from the construction site, and so the reduction for multiple days of violation does not apply to this violation.
43. Adjusting the Initial Base Liability as described in Findings 32-42 above, results in a Total Base Liability of \$6,600 for discharges of sediment to a MS4 tributary to waters of the nation. Exhibit 1 details the calculations that involve the above-discussed factors in determining the Total Base Liability.

44. The record contains sufficient information that Jack Eitzen has the ability to pay the Total Base Liability amount. Therefore, the Total Base Liability is not reduced to reflect an inability to continue in business.
45. Staff costs associated with investigating the violations and preparing the enforcement action for all three violations total \$9,450 and as recommended in the Enforcement Policy, this amount is added to the liability amount. This addition is shown in Step 7 of the penalty calculation methodology in Exhibit 1.
46. The Enforcement Policy directs the San Diego Water Board to consider any economic benefit of the violations to the discharger. The Prosecution Team determined that Jack Eitzen derived no economic benefit from discharging sediment to an MS4 tributary to waters of the nation.
47. The Enforcement Policy also directs the San Diego Water Board to consider any maximum or minimum liability amount associated with a violation and recommends the board recover at least ten percent more than the economic benefit. There is no minimum penalty since there was no economic benefit derived from discharging the sediment to the MS4 tributary to waters of the nation. The maximum penalty is \$10,000 per day of violation. The violation occurred for 2 days, and so the maximum liability amount is \$20,000.
48. The penalty calculation methodology analysis described in the Technical Analysis, and discussed in Findings 32-47 above, together with the evidence received, supports an administrative civil liability against Jack Eitzen for discharging sediment to the MS4 tributary to waters of the nation in the amount of \$6,600, plus staff costs.

Violation 3: Failure to Develop and Implement an Adequate  
Storm Water Pollution Protection Plan (SWPPP)

49. As shown in the penalty calculation methodology, Steps 1 and 2 of the Analysis do not apply to the failure to develop and implement an adequate SWPPP because they are non-discharge violations.
50. In determining Step 3, the San Diego Water Board considered the potential for harm and the deviation from requirements to determine the total per day factor. First, the potential for harm is "moderate" because failure to develop and implement a SWPP caused at least two massive discharges of sediment to the MS4 tributary to waters of the nation. The impacts to beneficial uses from the discharge and deposition of large amounts of sediment can be substantial.



51. Second, the deviation from requirements is "Major" in this case. Order No. 99-08-DWQ requires all dischargers to develop and implement a SWPP and failure to implement an adequate SWPP is a significant deviation from the requirement.
52. Based on the potential for harm as "moderate" and the deviation from requirements as "major," Table 3 in the Water Quality Enforcement Policy states that the per day factor is 0.55. Using the per day factor of 0.55 multiplied by the total days of violation (150 days), multiplied by the statutory maximum liability of \$10,000 per day of violation, the Initial Base Liability under Step 3 of the Analysis is \$825,000.
53. Step 4 involves adjusting the Initial Base Liability based on the discharger's culpability, the discharger's efforts to cleanup or cooperate, and the discharger's compliance history. First, the San Diego Water Board considered an adjustment factor based on the discharger's culpability. Jack Eitzen began mass grading operations at a construction site located on a steep slope at the beginning of the rainy season with inadequate BMPs and failed to comply with repeated directives to implement adequate and effective BMPs. Therefore, the appropriate adjustment for the culpability factor is 1.5.
54. Second, the San Diego Water Board finds the adjustment with regards to cooperation is 1.5 because Jack Eitzen failed to comply with repeated directives by the County and San Diego Water Board to install and maintain adequate BMPs for effective sediment and erosion control.
55. Third, the San Diego Water Board considered an adjustment factor for Jack Eitzen's history of violations. Jack Eitzen has no history of any violations, and therefore the appropriate adjustment factor is 1.
56. The San Diego Water Board also finds that an adjustment to the Initial Base Liability for the per-day basis for liability is appropriate for violations lasting more than 30 days because the violation resulted in no economic benefit from the illegal conduct that can be measured on a daily basis. Therefore, it is appropriate to use the alternate approach to penalty calculation recommended by the Prosecution Team in the Technical Analysis to assess penalties for 16 days of violation for failing to develop and implement an adequate SWPP rather than 150 days.
57. Adjusting the Initial Base Liability as described in Findings 49-56 above, results in a Total Base Liability of \$198,000 for failure to develop and implement an adequate SWPP. Exhibit 1 details the calculations that involve the above-discussed factors in determining the Total Base Liability.

Jack Eitzen

38175 Via Vista Grande, Murrieta

58. The record contains sufficient information that Jack Eitzen has the ability to pay the Total Base Liability amount. Therefore, the Total Base Liability is not reduced to reflect an inability to continue in business.
59. Staff costs associated with investigating the violations and preparing the enforcement action for all three violations total \$9,450 and as recommended in the Enforcement Policy, this amount is added to the liability amount. This addition is shown in Step 7 of the penalty calculation methodology in Exhibit 1.
60. The Enforcement Policy directs the San Diego Water Board to consider any economic benefit of the violations to the discharger. The total economic benefit to Jack Eitzen is estimated at \$45,000. The Prosecution Team calculated that adequate BMPs on the three-acre site would have been \$15,000 a year, and that the construction site lacked adequate BMPs for two years, bringing the total cost for BMPs to \$30,000. Because of the unusually steep slopes at the site, BMPs would be more extensive and expensive than a typical construction site, and so an adjustment factor of 1.5 is appropriate, making the total economic benefit that Jack Eitzen received by not implementing appropriate and adequate BMPs to control erosion and sediment \$45,000.
61. The Enforcement Policy also directs the San Diego Water Board to consider any maximum or minimum liability amount associated with a violation and recommends the board recover at least ten percent more than the economic benefit. The maximum liability for failure to develop and implement an adequate SWPPP for 150 days is \$1,500,000. The minimum liability is the estimated economic benefit discussed in Finding 60, plus ten percent, which is \$49,500.
62. The penalty calculation methodology analysis described in the Technical Analysis, and discussed in Findings 49-61 above, together with the evidence received, supports an administrative civil liability against Jack Eitzen for failure to develop and implement an adequate SWPP in the amount of \$198,000, plus staff costs.

**IT IS HEREBY ORDERED**, pursuant to Water Code sections 13350 and 13385, that civil liability be imposed upon Jack Eitzen in the amount of \$381,450 for the discharge of earthen material into waters of the state between December 16, 2008 and September 21, 2010, the discharge of sediment to an MS4 on January 8, 2008 and December 15, 2008, and failure to develop and implement an adequate SWPPP between October 19, 2007 and January 28, 2008, and October 30, 2008 and December 16, 2008.

1. Jack Eitzen shall submit a check to the San Diego Water Board in the amount of three hundred eighty one thousand four hundred fifty dollars (\$381,450) payable to the "State Water Resources Control Board" for deposit into the Waste Discharge Permit Fund and Cleanup and Abatement Account within thirty (30) days of adoption of this Order.
2. Fulfillment of Jack Eitzen's obligations under this Order constitutes full and final satisfaction of any and all liability for each allegation in Complaint No. R9-2010-0084.
3. The Executive Officer is authorized to refer this matter to the Office of the Attorney General for collection or other enforcement if Jack Eitzen fails to comply with payment of the liability as detailed in paragraph 1.

I, David W. Gibson, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order imposing civil liability assessed by the California Regional Water Quality Control Board, San Diego Region October 12, 2011.



DAVID W. GIBSON  
Executive Officer

Exhibit 1: Penalty Methodology Decisions for ACL Order No. R9-2011-0048

Place ID: 755683  
Reg. Msr: 402035  
SMARTS AppID: 288214  
SMARTS Enf. ID: 402035

**Step 1: Potential Harm Factor**

Violations	Harm/Potential Harm to Beneficial Uses [ 0 - 5 ]	Physical, Chemical, Biological or Thermal Characteristics [ 0 - 4 ]	Susceptibility to Cleanup or Abatement [ 0 or 1 ]	Total Potential for Harm [ 0 - 10 ]
Violation 1-Discharge of fill to waters of the state	5	2	0	7
Violation 2-Discharge of sediment to MS4	3	2	1	6
Violation 3-Failure to implement adequate SWPPP				

**Step 2: Assessments for Discharge Violations-No Per Gallon Discharge Violations**

Violations	Per Day Factor				Statutory Max per Day [ section 13xxx ]
	Potential for Harm [ 0 - 10 ]	Deviation from Requirement [ minor, moderate, major ]	Total Per Day Factor	Days of Violation	
Violation 1	7	Major	0.31	645	\$5,000
Violation 2	6	Major	0.22	2	\$10,000

**Step 3: Per Day Assessments for Non-Discharge Violations**

Violations	Per Day Factor				Statutory/ Adjusted Max [ section 13xxx ]
	Potential for Harm [ minor, moderate, major ]	Deviation from Requirement [ minor, moderate, major ]	Total Per Day Factor	Days of Violation	
Violation 3	Moderate	Major	0.55	150	\$10,000

**Initial Liability From Steps 1 - 3**

Violation 1: $(.31) \times (645) \times (5,000) = \$999,750$
Violation 2: $(0.22) \times (2) \times (\$10,000) = \$4,400$
Violation 3: $(0.55) \times (150) \times (\$10,000) = \$825,000$

**Step 4: Adjustments**

Violations	Culpability [ 0.5 - 1.5 ]	Cleanup and Cooperation [ 0.75 - 1.5 ]	History of Violations	Multiple Violations (Same Incident)	Adjusted Days of Violation
Violation 1	1.5	1.5	1	n/a	48
Violation 2	1.5	1	1	n/a	n/a
Violation 3	1.5	1.5	1	n/a	16

**Step 5: Total Base Liability Amount**

(Per day Factor x statutory maximum) x (Step 4 Adjustments)
Violation 1: $(0.31) \times (\$5,000) \times (1.5) \times (1.5) \times (1) \times (48) = \$167,400$
Violation 2: $(0.22) \times (\$10,000) \times (1.5) \times (1) \times (1) \times (2) = \$6,600$
Violation 3: $(0.55) \times (\$10,000) \times (1.5) \times (1.5) \times (1) \times (16) = \$198,000$

**Step 6: Ability to Pay / Continue in Business**

[ Yes, No, Partly, Unknown ]
Yes

**Step 7: Other Factors as Justice May Require**

Costs of Investigation and Enforcement	Other
\$9,450	n/a

**Step 8: Economic Benefit**

Violation 1: \$5,663
Violation 2: \$0
Violation 3: \$45,000

**Step 9: Maximum and Minimum Liability Amounts**

Violations	Minimum	Maximum
Violation 1	\$6,229	\$3,225,000
Violation 2	\$0	\$20,000
Violation 3	\$49,500	\$1,500,000

**Step 10: Final Liability Amount**

(total base liability) + (other factors)
$(\$372,000) + (\$9,450) = \$381,450$