

Order No. \_\_\_\_\_

**Enforcement Policy Calculation Methodology**

**Table No. 2 Penalty Calculator**

**Discharge Violation: Potential for Harm**

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 – Unauthorized Discharge of Sediments	0, 1	0, 1	0	0, 2

**Discharge Violation**

**Violation 1 – Unauthorized Discharge of Sediment (Per Gallon)**

Date	Total Potential for Harm (0 – 10)	Deviation from Requirement (minor, moderate, major)	Total per Gal.	Gallons Discharged	Statutory Max per (WC §13385)	Culpability (0.5 – 1.5)	Cleanup and Cooperation (0.75 – 1.5)	History of Violations	Liability Amounts	Final Liability Amounts
8/15/2015	0	moderate	0.0	335,580	\$2	1.1	1.1	1.0	\$0	\$0
12/22/2015	2	moderate	0.01	313,418	\$2	1.1	1.1	1.0	\$7,584.72	\$7,584.72
1/5/2016	2	moderate	0.01	1,028,552	\$2	1.1	1.1	1.0	\$24,890	\$24,890
1/6/2016	2	moderate	0.01	250,591	\$2	1.1	1.1	1.0	\$6,282.10	\$6,282.10
				<b>1,937,147</b>						<b>\$38,756.82</b>

**Violation 1 – Unauthorized Discharge of Sediment (Per Day)**

Date	Total Potential for Harm (0 – 10)	Deviation from Requirement (minor, moderate, major)	Total per Day	Days of Violations	Statutory Max per (WC §13385)	Culpability (0.5 – 1.5)	Cleanup and Cooperation (0.75 – 1.5)	History of Violations	Liability Amounts	Final Liability Amounts
8/15/2015	0	major	0.00	1	\$10,000	1.1	1.1	1.0	\$0	\$0
12/22/2015	2	major	0.01	1	\$10,000	1.1	1.1	1.0	\$121	\$121
1/5/2016	2	major	0.01	1	\$10,000	1.1	1.1	1.0	\$121	\$121
1/6/2016	2	major	0.01	1	\$10,000	1.1	1.1	1.0	\$121	\$121
				<b>4</b>						<b>\$363.00</b>

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**Enforcement Policy Calculation Methodology**

**Non-Discharge Violations**

**Violation 2 - Failure to Implement Construction Material Stockpile BMPs**

Date	Total Potential for Harm (moderate, minor, major)	Deviation from Requirement (minor, moderate, major)	Total per Day	Days of Violations	Statutory Max per (WC §13385)	Culpability (0.5 – 1.5)	Cleanup and Cooperation (0.75 – 1.5)	History of Violations	Liability Amounts	Final Liability Amounts
12/18/2015	minor	moderate	0.25	1	\$10,000	1.1	1.1	1.0	\$3,025	\$3,025
12/22/2015	minor	moderate	0.25	1	\$10,000	1.1	1.1	1.0	\$3,025	\$3,025
1/19/2016	minor	moderate	0.25	1	\$10,000	1.1	1.1	1.0	\$3,025	\$3,025
1/20/2016	minor	moderate	0.25	1	\$10,000	1.1	1.1	1.0	\$3,025	\$3,025
1/25/2016	minor	moderate	0.25	1	\$10,000	1.1	1.1	1.0	\$3,025	\$3,025
3/14/2016	minor	moderate	0.25	1	\$10,000	1.1	1.1	1.0	\$3,025	\$3,025
3/21/2016	minor	moderate	0.25	1	\$10,000	1.1	1.1	1.0	\$3,025	\$3,025
				<b>7</b>						<b>\$21,175</b>

**Violation 3 – Failure to Implement Vehicle Fluid Leak BMPs**

Date	Total Potential for Harm (moderate, minor, major)	Deviation from Requirement (minor, moderate, major)	Total per Day	Days of Violations	Statutory Max per (WC §13385)	Culpability (0.5 – 1.5)	Cleanup and Cooperation (0.75 – 1.5)	History of Violations	Liability Amounts	Final Liability Amounts
10/8/2015	minor	major	0.35	1	\$10,000	1.3	1.1	1.0	\$5,005	\$5,005
11/3/2015	minor	major	0.35	1	\$10,000	1.3	1.1	1.0	\$5,005	\$5,005
11/23/2015	minor	major	0.35	1	\$10,000	1.3	1.1	1.0	\$5,005	\$3,025
11/30/2015	minor	major	0.35	1	\$10,000	1.3	1.1	1.0	\$5,005	\$5,005
12/9/2015	minor	major	0.35	1	\$10,000	1.3	1.1	1.0	\$5,005	\$5,005
12/10/2015	minor	major	0.35	1	\$10,000	1.3	1.1	1.0	\$5,005	\$5,005
1/5/2016	minor	major	0.35	1	\$10,000	1.3	1.1	1.0	\$5,005	\$5,005
1/7/2016	minor	major	0.35	1	\$10,000	1.3	1.1	1.0	\$5,005	\$5,005
1/19/2016	minor	major	0.35	1	\$10,000	1.3	1.1	1.0	\$5,005	\$5,005
2/8/2016	minor	major	0.35	1	\$10,000	1.3	1.1	1.0	\$5,005	\$5,005
				<b>10</b>						<b>\$50,050</b>

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**Enforcement Policy Calculation Methodology**

**Violation 4 – Failure to Implement Erosion Control BMPs in Inactive Areas**

Date	Total Potential for Harm (moderate, minor, major)	Deviation from Requirement (minor, moderate, major)	Total per Day	Days of Violations	Statutory Max per (WC §13385)	Culpability (0.5 – 1.5)	Cleanup and Cooperation (0.75 – 1.5)	History of Violations	Liability Amounts	Final Liability Amounts
10/6/2015	minor	moderate	0.25	1	\$10,000	1.1	1.1	1.0	\$3,025	\$3,025
10/7/2015	minor	moderate	0.25	1	\$10,000	1.1	1.1	1.0	\$3,025	\$3,025
10/12/2015	minor	moderate	0.25	1	\$10,000	1.1	1.1	1.0	\$3,025	\$3,025
10/19/2015	minor	moderate	0.25	1	\$10,000	1.1	1.1	1.0	\$3,025	\$3,025
10/26/2015	minor	moderate	0.25	1	\$10,000	1.1	1.1	1.0	\$3,025	\$3,025
1/19/2016	minor	moderate	0.25	1	\$10,000	1.1	1.1	1.0	\$3,025	\$3,025
3/14/2016	minor	moderate	0.25	1	\$10,000	1.1	1.1	1.0	\$3,025	\$3,025
3/21/2016	minor	moderate	0.25	1	\$10,000	1.1	1.1	1.0	\$3,025	\$3,025
				<b>8</b>						<b>\$24,200</b>

**Violation 5 – Failure to Implement Erosion Control BMPs in Active Areas**

Date	Total Potential for Harm (moderate, minor, major)	Deviation from Requirement (minor, moderate, major)	Total per Day	Days of Violations	Statutory Max per (WC §13385)	Culpability (0.5 – 1.5)	Cleanup and Cooperation (0.75 – 1.5)	History of Violations	Liability Amounts	Final Liability Amounts
9/15/2015	minor	moderate	0.25	1	\$10,000	1.1	1.1	1.0	\$3,025	\$3,025
10/6/2015	minor	moderate	0.25	1	\$10,000	1.1	1.1	1.0	\$3,025	\$3,025
10/12/2015	minor	moderate	0.25	1	\$10,000	1.1	1.1	1.0	\$3,025	\$3,025
10/19/2015	minor	moderate	0.25	1	\$10,000	1.1	1.1	1.0	\$3,025	\$3,025
10/26/2015	minor	moderate	0.25	1	\$10,000	1.1	1.1	1.0	\$3,025	\$3,025
12/10/2015	minor	moderate	0.25	1	\$10,000	1.1	1.1	1.0	\$3,025	\$3,025
12/22/2015	minor	moderate	0.25	1	\$10,000	1.1	1.1	1.0	\$3,025	\$3,025
3/15/2016	minor	moderate	0.25	1	\$10,000	1.1	1.1	1.0	\$3,025	\$3,025
				<b>8</b>						<b>\$24,200</b>

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**Enforcement Policy Calculation Methodology**

**Violation 6 – Failure to Apply Linear Sediment Controls**

<b>Date</b>	<b>Total Potential for Harm</b> (moderate, minor, major)	<b>Deviation from Requirement</b> (minor, moderate, major)	<b>Total per Day</b>	<b>Days of Violations</b>	<b>Statutory Max per (WC §13385)</b>	<b>Culpability (0.5 – 1.5)</b>	<b>Cleanup and Cooperation (0.75 – 1.5)</b>	<b>History of Violations</b>	<b>Liability Amounts</b>	<b>Final Liability Amounts</b>
12/10/2015	minor	moderate	0.25	1	\$10,000	1.1	1.1	1.0	\$3,025	\$3,025
12/22/2015	minor	moderate	0.25	1	\$10,000	1.1	1.1	1.0	\$3,025	\$3,025
1/5/2016	minor	moderate	0.25	1	\$10,000	1.1	1.1	1.0	\$3,025	\$3,025
1/11/2016	minor	moderate	0.25	1	\$10,000	1.1	1.1	1.0	\$3,025	\$3,025
1/13/2016	minor	moderate	0.25	1	\$10,000	1.1	1.1	1.0	\$3,025	\$3,025
1/14/2016	minor	moderate	0.25	1	\$10,000	1.1	1.1	1.0	\$3,025	\$3,025
1/20/2016	minor	moderate	0.25	1	\$10,000	1.1	1.1	1.0	\$3,025	\$3,025
1/21/2016	minor	moderate	0.25	1	\$10,000	1.1	1.1	1.0	\$3,025	\$3,025
1/26/2016	minor	moderate	0.25	1	\$10,000	1.1	1.1	1.0	\$3,025	\$3,025
2/3/2016	minor	moderate	0.25	1	\$10,000	1.1	1.1	1.0	\$3,025	\$3,025
3/14/2016	minor	moderate	0.25	1	\$10,000	1.1	1.1	1.0	\$3,025	\$3,025
				<b>11</b>						<b>\$33,275</b>

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**Enforcement Policy Calculation Methodology**

**Violation 7 – Failure to Properly Store Chemicals**

Date	Total Potential for Harm (moderate, minor, major)	Deviation from Requirement (minor, moderate, major)	Total per Day	Days of Violations	Statutory Max per (WC §13385)	Culpability (0.5 – 1.5)	Cleanup and Cooperation (0.75 – 1.5)	History of Violations	Liability Amounts	Final Liability Amounts
10/7/2015	minor	major	0.35	1	\$10,000	1.3	1.1	1.0	\$5,005	\$5,005
11/3/2015	minor	major	0.35	1	\$10,000	1.3	1.1	1.0	\$5,005	\$5,005
11/23/2015	minor	major	0.35	1	\$10,000	1.3	1.1	1.0	\$5,005	\$3,025
11/30/2015	minor	major	0.35	1	\$10,000	1.3	1.1	1.0	\$5,005	\$5,005
12/10/2015	minor	major	0.35	1	\$10,000	1.3	1.1	1.0	\$5,005	\$5,005
1/19/2016	minor	major	0.35	1	\$10,000	1.3	1.1	1.0	\$5,005	\$5,005
3/14/2016	minor	major	0.35	1	\$10,000	1.3	1.1	1.0	\$5,005	\$5,005
3/21/2016	minor	major	0.35	1	\$10,000	1.3	1.1	1.0	\$5,005	\$5,005
				<b>8</b>						<b>\$40,040</b>

**Violation 8 – Failure to Prevent Discharge of Concrete Waste to Ground**

Date	Total Potential for Harm (moderate, minor, major)	Deviation from Requirement (minor, moderate, major)	Total per Day	Days of Violations	Statutory Max per (WC §13385)	Culpability (0.5 – 1.5)	Cleanup and Cooperation (0.75 – 1.5)	History of Violations	Liability Amounts	Final Liability Amounts	
1/5/2016	minor	major	0.35	1	\$10,000	1.3	1.1	1.0	\$5,005	\$5,005	
2/8/2016	minor	major	0.35	1	\$10,000	1.3	1.1	1.0	\$5,005	\$5,005	
3/21/2016	minor	major	0.35	1	\$10,000	1.3	1.1	1.0	\$5,005	\$3,025	
				<b>3</b>						<b>\$14,015</b>	
				<b>Total Violation Days</b>						<b>Maximum Liability Amount</b>	<b>Final Liability Amounts</b>
				<b>55</b>						<b>\$4,464,294</b>	<b>\$247,074.82</b>

**Ability to Pay & Continue in Business**

(Yes, No, Partly, Unknown)  
 N/A

Other  
 N/A

**Total Liability plus staff costs**

**Other Factors as Justice May Require**

Costs of Investigation & Enforcement  
 \$0

Other  
 N/A

**\$247,074.82**

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