Enforcement Penalty Matrix

NOV Issued to: ____________________________________________
NOV #: 2018 Xxx

Case Summary:
See case summary in NOV 2018 Xxx

1. Did the violation pose a public health risk?
   a. "no" - there is no evidence to support a claim of public health risk or adverse health effects.
   b. "possibly" - evidence supports a claim of public health risk and there is a plausible connection between this violation and health effect.
   c. "probably" - evidence supports a claim of public health risk and there is a likely connection between this violation and health effect.
   d. "definitely" - there is direct evidence linking public health risk or adverse effects with the violation.

   Answer = ____________________________

   NOTES:

   ______________________________________

2. Did the violation result in environmental damage or adversely impact infrastructure?
   a. "no" if there is no evidence to support a claim of environmental or infrastructure damage.
   b. "possibly" if environmental or infrastructure damage can be inferred from evidence or knowledge of the effects of the violation.
   c. "probably" if there is evidence to support a claim of environmental or infrastructure damage and there is a likely connection between the violation and the damage/impairment.
   d. "definitely" if there is direct evidence linking environmental or infrastructure damage with the violation.

   Answer = ____________________________
3. Was the action a willful and knowing violation?
   a. “no” if the violator obviously did not know that the action or inaction constituted a violation.
   b. “possibly” if the violator should have known.
   c. “probably” if it is likely the violator knew.
   d. “definitely” if the violator clearly knew or was previously informed by the probing inspectors.

   Answer = [ ]

4. Was the responsible party unresponsive in correcting the violation?
   a. “no” if the violation was corrected as soon as the responsible party learned of it.
   b. “possibly” if the violation was corrected in a less timely and cooperative fashion.
   c. “probably” if the responsible person made some attempt to correct the problem, but did not correct it.
   d. “definitely” if the responsible party made no attempt to correct the

   Answer = [ ]
5. Was the violation a result of improper operation or inadequate maintenance? (I.e. TESC1 plans, PPP2, O&M3 manual, DCP4).
   a. "no" if the violation was not the result of improper operation or inadequate maintenance.
   b. "possibly" if the facility has an O&M, DCP, PPP, or TESC plan or manual but it is out of date or inadequate.
   c. "probably" if there is no O&M, DCP, PPP, or TESC plan or manual and the violation would have been less severe if the plan were developed and followed.
   d. "definitely" if the facility has no plans or did not follow its plan AND the violation was clearly the result of improper operation or maintenance.

   Answer = 

   NOTES:

   

6. Did the responsible party fail to obtain and comply with the necessary permits, certifications and approvals from the agency with jurisdiction to operate at the time of the violation?
   a. "no" if the paperwork was complete and appropriate for the job or task that caused the violation.
   b. "possibly" if the responsible party obtained and received approval for some but not all of the required permit(s).
   c. "probably" if the responsible party obtained some but not all of the required permit(s) and did not receive approvals for the job or task that caused the violation.
   d. "definitely" if the responsible party either did not obtain the necessary permits or did obtain permits but did not comply with their conditions.

   Answer = 

   NOTES:
7. Did anyone benefit economically from non-compliance?
   a. “no” if it is clear that no one gained an economic benefit.
   b. “possibly” if someone might have benefited.
   c. “probably” if anyone benefited, but the benefit is not quantifiable.
   d. “definitely” if the economic benefit is quantifiable.

Answer = 

NOTES:

8. Is this violation a repeat violation²?
   a. “no” to indicate that there have been no prior violations.
   b. “possibly” to indicate that there has been one prior violation.
   c. “probably” to indicate that there have been two prior violations.
   d. “definitely” to indicate that there have been three or more prior violations.

Answer = 

NOTES:
<table>
<thead>
<tr>
<th>Enforcement Evaluation Criterion</th>
<th>SCORE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1  Public Health Risk?</td>
<td>NA</td>
</tr>
<tr>
<td>2  Environmental Damage or Adversely Impacting Infrastructure?</td>
<td>NA</td>
</tr>
<tr>
<td>3  Willful or Knowing Violation?</td>
<td>NA</td>
</tr>
<tr>
<td>4  Unresponsive in Correcting Action?</td>
<td>NA</td>
</tr>
<tr>
<td>5  Improper Operation or Maintenance?</td>
<td>NA</td>
</tr>
<tr>
<td>6  Failure to Obtain Necessary Permits and Approval?</td>
<td>NA</td>
</tr>
<tr>
<td>7  Economic Benefit to Non-Compliance?</td>
<td>NA</td>
</tr>
<tr>
<td>8  Repeat Violation?</td>
<td>NA</td>
</tr>
</tbody>
</table>

Total Score: 0

Penalty Points Rating and Corresponding Penalty Amount

Rating Penalty
1-2 $250
3-4 $500
5-8 $1,000
9-11 $1,500
12-14 $2,000
15 $2,500
16 $3,000
17 $3,500
18 $4,000
19 $4,500
20 $5,000

Penalty Amount: #N/A