

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 =

NOTES:

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 =

NOTES:

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 =

NOTES:

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- b. "possibly" if the facility has an O&M, DCP, PPP, or TESC plan or manual but it is out of date or inadequate.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 obtain 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:

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

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