

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ADMINISTRATIVE CIVIL LIABILITY ORDER R5-2015-0037

IN THE MATTER OF

CARLOS AND BERNADETTE ESTACIO
SAN ISIDRO JERSEY DAIRY
STANISLAUS COUNTY

This Administrative Civil Liability Order (Order) is issued to Carlos and Bernadette Estacio (Discharger) based on findings that the Discharger violated provisions of Waste Discharge Requirements General Order for Existing Milk Cow Dairies, Order R5-2007-0035 (2007 General Order) and Reissued Waste Discharge Requirements General Order for Existing Milk Cow Dairies, Order R5-2013-0122 (2013 Reissued General Order). Provisions of California Water Code (Water Code) section 13268 authorize the imposition of administrative civil liability.

The Central Valley Regional Water Quality Control Board (Central Valley Water Board or Board) finds with respect to the Discharger's acts, or failure to act, the following:

1. The Discharger owns and operates the San Isidro Jersey Dairy (Dairy), located at 4413 South Prairie Flower Road, Turlock, California, County of Stanislaus.
2. The Dairy is currently regulated by the Reissued Waste Discharge Requirements General Order for Existing Milk Cow Dairies, Order R5-2013-0122 (2013 Reissued General Order) and accompanying Monitoring and Reporting Program (MRP), which was adopted by the Central Valley Water Board on 3 October 2013. The 2013 Reissued General Order replaces the Waste Discharge Requirements General Order for Existing Milk Cow Dairies, Order R5-2007-0035 (2007 General Order) and accompanying MRP.
3. The 2013 Reissued General Order and the 2007 General Order and accompanying MRPs contain reporting requirements for regulated dairies, including the submission of an annual report for the 2012 calendar year for regulated facilities by 1 July 2013 (2012 Annual Report) and the submission of an annual report for the 2013 calendar year for regulated facilities by 1 July 2014 (2013 Annual Report).

CHRONOLOGY OF EVENTS

4. On 22 August 2013, the Central Valley Water Board staff issued a Notice of

Violation, notifying the Discharger that the 2012 Annual Report with appurtenant components had not been received. The Notice of Violation also requested that the delinquent report be submitted as soon as possible to minimize potential liability.

5. On 19 June 2014, the Central Valley Water Board staff issued a pre-filing settlement letter notifying the Discharger that Central Valley Water Board staff was in the process of assessing civil liability for the failure to submit the 2012 Annual Report.
6. On 19 September 2014, the Central Valley Water Board staff issued a Notice of Intent to Issue a Complaint for Failure to File a 2012 Annual Report and Notice of Violation for Failure to File an Acceptable 2013 Annual Report, notifying the Discharger that the 2012 Annual Report had not been submitted where submittal of a document with the name, address, and signature does not constitute an Annual Report; and that the 2013 Annual Report was materially deficient because it was missing data regarding nitrogen and other nutrient applications to the crops, lab analyses for wastewater, groundwater, winter forage and soil samples.
7. While the Discharger has made attempts to submit the 2012 and 2013 annual reports, Central Valley Water Board staff deemed the reports as materially deficient because the reports did not contain the information necessary for Central Valley Water Board staff to attempt to assess the potential impacts to water quality from the Dairy's operations.

LEGAL AUTHORITY

8. An administrative civil liability may be imposed pursuant to the procedures described in Water Code section 13323. An administrative civil liability complaint alleges the act or failure to act that constitutes a violation of law, the provision of law authorizing administrative civil liability to be imposed, and the proposed administrative civil liability.
9. Water Code section 13267(b) authorizes the Regional Water Boards to require the submittal of technical and monitoring reports from any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge to waters of the state.
10. Pursuant to Water Code section 13268(b)(1), any person failing or refusing to furnish technical or monitoring program reports as required by Section 13267(b) may be subject to administrative civil liability in an amount which shall not exceed \$1,000 for each day in which the violation occurs.

11. Pursuant to Water Code section 13327, in determining the amount of any civil liability imposed, the Board is required to take into account the nature, circumstances, extent, and gravity of the violations, whether the discharges are susceptible to cleanup or abatement, the degree of toxicity of the discharges, and, with respect to the violator, the ability to pay, the effect on the violator's ability to continue business, any voluntary cleanup efforts undertaken, any prior history of violations, the degree of culpability, economic benefit or savings, if any, resulting from the violations, and other matters that justice may require.
12. On 17 November 2008 the State Water Resources Control Board adopted Resolution No. 2009-0083 amending the Water Quality Enforcement Policy (Enforcement Policy). The Enforcement Policy establishes a methodology for assessing discretionary administrative civil liability. Use of the methodology addresses the factors used to assess a penalty under Water Code section 13327. The required factors under Water Code section 13327 have been considered using the methodology in the Enforcement Policy as explained in detail in Attachment A to this Order and shown in the Penalty Calculation for Civil Liability spreadsheet in Attachment B of this Order. Attachments A and B are attached hereto and incorporated herein by reference.

VIOLATION

13. The Discharger violated Water Code section 13267(b) by failing to submit the annual reports for 2012 and 2013 as required by the 2007 General Order and the 2013 Reissued General Order, respectively.
14. On 20 January 2015, the Assistant Executive Officer, lead prosecutor for the Prosecution Team, issued Administrative Civil Liability Complaint (Complaint) No. R5-2015-0504 recommending that the Central Valley Water Board assess the Discharger an administrative civil liability in the amount of \$73,710 pursuant to Water Code section 13268 for the failure to submit the annual reports for 2012 and 2013.
15. Maximum Civil Liability: The maximum administrative civil liability that may be assessed pursuant to Water Code section 13268 is \$771,000.
16. Minimum Civil Liability: The minimum administrative civil liability according to the Enforcement Policy is equal to the economic benefit plus 10%, which is estimated to be \$2,108.
17. Issuance of this Order to enforce Water Code Division 7, Chapter 5.5 is exempt from the provisions of the California Environmental Quality Act (Pub. Resources Code § 21000 et seq.), in accordance with California Code of

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Regulations, title 14, section 15321(a)(2).

18. This Order is effective and final upon issuance by the Central Valley Water Board. Payment must be received by the Central Valley Water Board no later than thirty (30) days from the date on which this Order is issued.
19. In the event that the Discharger fails to comply with the requirements of this Order, the Executive Officer or her delegee is authorized to refer this matter to the Attorney General's Office for enforcement.
20. Any person aggrieved by this action of the Central Valley Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., 30 days after the date that this Order becomes final, except that if the thirtieth day following the date that this Order becomes final falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at: http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

IT IS HEREBY ORDERED THAT:

21. Pursuant to Water Code section 13323, Carlos and Bernadette Estacio shall be assessed administrative civil liability in the amount of seventy-three thousand seven hundred and ten dollars (\$73,710).
22. Payment shall be made in the form of a check made payable to the State Water Pollution Cleanup and Abatement Account no later than thirty days from the date of issuance of this Order.

I, Pamela C. Creedon, Executive Officer, do hereby certify that the foregoing is a full, true, correct copy of an Order issued by the California Regional Water Quality Control Board, Central Valley Region, and that such action occurred at the Board Meeting on 17 April 2015.

Original signed by

PAMELA C. CREEDON, Executive Officer

Attachment A: Specific Factors Considered for Administrative Civil Liability
Attachment B: Penalty Calculation for Civil Liability

Attachment A
Specific Factors Considered for Administrative Civil Liability
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The Central Valley Water Board alleges that the Discharger failed to submit the 2012 Annual Report required to be submitted by 1 July 2013 as required by the 2007 General Order, R5-2007-0035 and failed to submit the 2013 Annual Report by 1 July 2014 as required by the 2013 Reissued General Order, R5-2013-0122. For the purpose of applying the Enforcement Policy's administrative civil liability methodology, the alleged violation is a non-discharge violation. Each factor of the Enforcement Policy and its corresponding score for each violation are presented below:

I. Violation No. 1: Failure to submit 2012 Annual Report: In accordance with the Waste Discharge Requirements General Order for Existing Milk Cow Dairies, Order R5-2007-0035 (2007 General Order) and the accompanying Monitoring and Reporting Program (MRP), a 2012 Annual Report must be submitted for regulated facilities by 1 July 2013. Between 2 July 2014 and 7 August 2014, Carlos and Bernadette Estacio (hereinafter the Discharger) submitted four documents labeled "2012 Annual Report" for the San Isidro Jersey Dairy that contained no information other than the Discharger's name, address, and signature, and therefore was deemed materially deficient by Regional Board staff.

Penalty Calculation

Step 1. Potential for Harm for Discharge Violations

This step is not applicable because the violation is a not a discharge violation.

Step 2. Assessment for Discharge Violations

This step is not applicable because the violation is a not a discharge violation.

Step 3. Per Day Assessment for Non-Discharge Violations

The initial liability factor must take into consideration the Potential for Harm and the extent of deviation from applicable requirements.

The per day factor is 0.35.

This factor is determined using the potential for harm of the violation and the extent of the Discharger's deviation from requirements. The potential for harm was determined to be minor due to the following: The failure to submit the 2012 Annual Report did not increase the amount of pollution discharged or threatened to be discharged into waters of the State. However, failing to timely submit the Annual Report to the Central Valley Water Board hinders the Board's ability to follow-up with noncompliance. The Annual Report is a key means through which

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the Central Valley Water Board evaluates a Discharger's compliance with the Dairy General Order, including the assessment of proper manure application to fields and waste management in a dairy's production area. By failing to provide the information in the Annual Report, the Discharger frustrates the Regional Board's efforts to assess the potential impacts and risks to water quality posed by the Dairy, and circumvents the Regional Board's ability to take necessary enforcement action to correct any problems. The requirement and program are compromised when staff resources are directed to bringing the Discharger into compliance and those resources are not available for other program activities. Since the violation thwarts the Regional Board's ability to identify water quality risks, the violation has the potential to exacerbate the presence and accumulation of, and the related risks associated with, pollutants of concern. This in turn, presents a threat to beneficial uses. Therefore, the violation presents at least a minor potential for harm.

The deviation from requirements was determined to be major, as the requirement to submit the Annual Report has been rendered ineffective. While the Discharger submitted a report with its name, address, and signature, the report contained none of the required reporting information. Central Valley Water Board staff deemed the report as materially deficient. The submitted report lacked the required information such as, the total amount of manure and process wastewater generated, the total amount of manure and wastewater applied to land, the ratio of nitrogen applied to land, and lab analyses for wastewater, groundwater, winter forage and soil samples, information that is necessary for the Central Valley Water Board's efforts to prevent water quality degradation and implement the regulatory protective measures detailed in the Dairy General Order. Therefore, because the Discharger failed to submit an adequate report, the Discharger was assessed a major deviation from the requirement.

Initial Liability

A failure to submit an annual report is subject to civil liability under Water Code section 13268(b)(1) in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which the violation occurs. The Discharger failed to submit an adequate 2012 Annual Report by 1 July 2013 and is 568 days late as of issuance of this Complaint on 20 January 2015. Therefore, the Per Day Assessment is calculated as (0.35 factor from Table 3) X (568 days) X (\$1,000 per day). The Initial Liability Value is \$198,800.

Step 4. Adjustment Factors

The Enforcement Policy allows for multi-day violations to be consolidated provided specific criteria are satisfied. The Enforcement Policy also describes three factors related to the Discharger's conduct that should be considered for modification of the initial liability amount: the Discharger's culpability, the

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Discharger's efforts to clean up or cooperate with regulatory authorities after the violation, and the Discharger's history of violations. After each of these factors is considered for the violation alleged, the applicable factor should be multiplied by the proposed liability amount for the violation.

a) *Multiple Day Violations*

The Enforcement Policy provides that for violations lasting more than 30 days, the Central Valley Water Board may adjust the per-day basis for civil liability if certain findings are made and provided that the adjusted per-day basis is no less than the per-day economic benefit, if any, resulting from the violation.

The failure to submit the Annual Report does not result in an economic benefit that can be measured on a daily basis. The continuance of this violation does not result in an economic benefit that can be measured on a daily basis. The economic benefit is the one-time cost of submitting the Annual Report to the Central Valley Water Board, and not a per-day benefit during the entire period of violation.

The Prosecution Team recommends reducing the number of days of violation. The Enforcement Policy provides a floor in that the liability shall not be less than an amount that is calculated based on an assessment of the initial Total Base Liability Amount for the first day of the violation, plus an assessment for each five day period of violation until the 30th day, plus an assessment for each thirty (30) days of violation (Minimum Approach). However, because this approach generates a Total Base Liability Amount that is not a sufficient deterrent given the Discharger's unwillingness to comply with the Dairy General Order which undermines the Central Valley Water Board's ability to protect water quality through its regulatory program, the Prosecution Team has increased the number of days of violation above the Minimum Approach to a total number of 48 days of violation. The calculation of initial liability is revised to \$16,800 (0.35 per day factor X 48 adjusted days of violation X \$1,000 per day penalty).

b) *Culpability: 1.5*

Discussion: The Discharger was assessed a score of 1.5, which increases the fine. As an enrolled dairy, the Discharger is required to comply with the requirements of the 2007 General Order, including the requirement to submit annual reports. In addition, the Discharger was issued a Notice of Violation on 22 August 2013 and a pre-filing settlement letter on 19 June 2014, which requested that the Discharger submit the 2012 Annual Report as soon as possible to minimize liability. The Central Valley Water Board also issued a notice of intent to issue a complaint for the failure to file the 2012 Annual Report on 19 September 2014. Despite these efforts, the Discharger has failed to submit a 2012 Annual Report that the Central Valley Water Board staff deems adequate. The Discharger was well aware of the requirement to

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submit the 2012 Annual Report but instead waited nearly one year after the due date to submit a report which left blank all fields except the Discharger's name, address, and signature. A factor of 1.5 is appropriate where the Discharger's conduct amounted to intentional or negligent behavior, falling well below what a reasonable and prudent person would have done in similar circumstances.

c) *Cleanup and Cooperation: 1.3*

Discussion: The Discharger was assessed a score of 1.3, which increases the fine. Despite the fact that the Discharger received multiple notices regarding the requirements set forth in the 2007 General Order, the Discharger failed to comply. While the Discharger submitted multiple documents entitled the "2012 Annual Report", each document was substantially deficient and did not contain the information necessary for Regional Water Board staff to attempt to assess the potential impacts to water quality from Dairy operations. Therefore, a factor of at least a 1.3 should be assessed. The violation of Water Code section 13267(b), alleged herein, is a non-discharge violation, and thus cleanup is not applicable.

d) *History of Violations: 1.5*

Discussion: The Discharger was assessed the score of 1.5. The Central Valley Water Board adopted two prior stipulated orders and settlement agreements against this Discharger for nearly identical violations. The Discharger failed to file a 2008 Annual Report for another dairy, Supercross Jerseys, which they owned (Order No. R5-2014-0578), and a 2009 Annual Report for the San Isidro Jersey Dairy (Order No. R5-2014-0579).

Step 5. Determination of Total Base Liability Amount

The Total Base Liability is determined by applying the adjustment factors from Step 4 to the Initial Liability Amount determined in Step 3.

a) *Total Base Liability Amount: \$49,140* [Initial Liability (\$16,800) x Adjustments (1.5)(1.3)(1.5)].

II. Violation No. 2: Failure to submit the 2013 Annual Report: In accordance with the Reissued Waste Discharge Requirements General Order for Existing Milk Cow Dairies, Order R5-2013-0122 (2013 Reissued General Order) and the accompanying Monitoring and Reporting Program (MRP), a 2013 Annual Report must be submitted for regulated facilities by 1 July 2014. Between 1 July 2014 and 15 December 2014, the Discharger has submitted four documents labeled "2013 Annual Report" for the San Isidro Jersey Dairy. On 19 September 2014, Central Valley Regional Water Board staff notified the discharger the submitted reports were materially deficient and unacceptable.

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Calculation of Penalty for Failure to Submit an Acceptable 2013 Annual Report

Step 1. Potential for Harm for Discharge Violations

This step is not applicable because the violation is a not a discharge violation.

Step 2. Assessment for Discharge Violations

This step is not applicable because the violation is a not a discharge violation.

Step 3. Per Day Assessment for Non-Discharge Violations

As discussed in Step 3 for Violation 1, above, a per day factor of 0.35 is appropriate.

Initial Liability

A failure to submit annual reports is subject to civil liability under Water Code section 13268(b)(1) in an amount which shall not exceed one thousand dollars (\$1,000) for each day in which the violation occurs. The Discharger failed to submit an acceptable 2013 Annual Report by 1 July 2014 as required by the 2013 Reissued General Order and the MRP, which is now 203 days late. Therefore, the Per Day Assessment is calculated as (0.35 factor from Table 3) X (203 days) X \$1,000 per day). The Initial Liability Value is \$71,050.

Step 4. Adjustment Factors

The Enforcement Policy allows for multi-day violations to be consolidated provided specific criteria are satisfied. The Enforcement Policy also describes three factors related to the Discharger's conduct that should be considered for modification of the initial liability amount: the Discharger's culpability, the Discharger's efforts to clean up or cooperate with regulatory authorities after the violation, and the Discharger's history of violations. After each of these factors is considered for the violation alleged, the applicable factor should be multiplied by the proposed liability amount for the violation.

a) *Multiple Day Violations*

The Enforcement Policy provides that for violations lasting more than 30 days, the Central Valley Water Board may adjust the per-day basis for civil liability if certain findings are made and provided that the adjusted per-day basis is no less than the per-day economic benefit, if any, resulting from the violation.

The failure to submit the Annual Report does not result in an economic benefit that can be measured on a daily basis. The continuance of this violation does not result in an economic benefit that can be measured on a daily basis. The

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economic benefit is the one-time cost of submitting the Annual Report to the Central Valley Water Board, and not a per-day benefit during the entire period of violation.

The Prosecution Team recommends reducing the number of days of violation. The Enforcement Policy provides a floor in that the liability shall not be less than an amount that is calculated based on an assessment of the initial Total Base Liability Amount for the first day of the violation, plus an assessment for each five day period of violation until the 30th day, plus an assessment for each thirty (30) days of violation (Minimum Approach). However, because this approach generates a Total Base Liability Amount that is not a sufficient deterrent given the Discharger's unwillingness to comply with the Dairy General Order which undermines the Central Valley Water Board's ability to protect water quality through its regulatory program, the Prosecution Team has increased the number of days of violation above the Minimum Approach to a total number of 24 days of violation. The calculation of initial liability is revised to \$8,400 (0.35 per day factor X 24 adjusted days of violation X \$1,000 per day penalty).

b) Culpability: 1.5

Discussion: The Discharger was assessed a score of 1.5, which increases the fine. As an enrolled dairy, the Discharger is required to comply with the requirements of the 2013 Reissued General Order, including the requirement to submit annual reports. In addition, the Discharger was issued a Notice of Violation on 19 September 2014, which requested the Discharger submit the Annual Report as soon as possible to minimize liability. The Discharger had knowledge of the requirement to submit an acceptable Annual Report but failed to act as a reasonable and prudent person where the Discharger failed to include information such as the applied to removed ratios for nitrogen and the laboratory analysis for wastewater, groundwater, winter forage, and soil samples. Essentially, the submitted reports were of no value or utility for Central Valley Regional Water Board staff's assessment of potential impacts to water quality.

c) Cleanup and Cooperation: 1.3

Discussion: The Discharger was assessed a score of 1.3, which increases the fine. Despite the fact that the Discharger received multiple notices regarding the requirements set forth in the 2013 Reissued General Order, the Discharger has failed to submit an acceptable Annual Report. While the Discharger submitted multiple documents entitled the "2013 Annual Report", each document was substantially deficient and did not contain the information necessary for Regional Water Board staff to attempt to assess the potential impacts to water quality from dairy operations. Therefore, a factor of at least a 1.3 should be assessed. The violation of Water Code section 13267(b),

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alleged herein, is a non-discharge violation, and thus cleanup is not applicable.

d) History of Violations: 1.5

Discussion: The Discharger was assessed the score of 1.5. For an explanation of this factor, reference the History of Violations section for Violation 1.

Step 5. Determination of Total Base Liability Amount

The Total Base Liability is determined by applying the adjustment factors from Step 4 to the Initial Liability Amount determined in Step 3.

- a) Total Base Liability Amount: **\$24,570** [Initial Liability (\$8,400) x Adjustments (1.5)(1.3)(1.5)].

The follow penalty methodology steps apply to all prior violations.

Step 6. Ability to Pay and Continue in Business

The Enforcement Policy requires the consideration of the Discharger's ability to pay and continue in business.

- a) Adjusted Combined Total Base Liability Amount: **\$73,710** [Violation No. 1 Total Base Liability (\$49,140) + Violation No. 2 Total Base Liability (\$24,570)]

Discussion: The Prosecution Team conducted a preliminary asset search based on information available in the public record. The Discharger owns the property at 4413 S. Prairie Flower Road on which the dairy is located. This parcel has a total assessed value of \$695,311. Additionally, the Discharger operates a dairy, an ongoing business that potentially generates profit. Based on this initial assessment of information, the Discharger has the assets to pay the Total Base Liability. Based on the reasons discussed above, no reduction in liability is warranted.

Step 7. Other Factors as Justice May Require

- a) *Adjusted Combined Total Base Liability Amount:* \$73,710 + \$0 (Staff Costs) = **\$73,710.**
- b) *Discussion:* No adjustment to the Combined Total Base Liability Amount has been made based on "other factors as justice may require."

Step 8. Economic Benefit

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a) *Estimated Economic Benefit: \$1,917*

Discussion: The Discharger has received an economic benefit from the costs saved by not collecting the required samples and analytical data for manure, process wastewater, irrigation water, groundwater, soil, and plant tissue and from not timely preparing the 2012 Annual Report. This benefit is based on the estimated cost of \$1,500 for sampling and producing an Annual Report. The Discharger has received an economic benefit from the costs saved by not collecting the required samples and analytical data for process wastewater, groundwater, soil, and winter forage plant tissue analysis and not timely preparing an acceptable 2013 Annual Report. This benefit is based on the estimated cost of \$1,500 for sampling and procuring an Annual Report. The adjusted combined total base liability amount of \$73,710 is more than at least 10% higher than the economic benefit (\$1,917) as required by the Enforcement Policy.

Step 9. Maximum and Minimum Liability Amounts

a) *Minimum Liability Amount: \$2,108*

Discussion: The Enforcement Policy requires that the minimum liability amount imposed not fall below the economic benefit plus ten percent. As discussed above, the Central Valley Water Board Prosecution Team's estimate of the Discharger's economic benefit obtained from the alleged violation is \$1,917.

b) *Maximum Liability Amount: \$771,000*

Discussion: The maximum administrative liability amount is the maximum amount allowed by Water Code section 13368(b)(1): one thousand dollars (\$1,000) for each day in which the violation occurs. Without the benefit of the alternative approach for calculating liability for multiday violations under the Enforcement Policy, the Discharger could face penalties for the total number of days in violation (771 total days X \$1,000 per day).

The proposed liability falls within these maximum and minimum liability amounts.

Step 10. Final Liability Amount

Based on the foregoing analysis, and consistent with the Enforcement Policy, the final liability amount proposed for the failure to submit the 2012 and 2013 Annual Reports is **\$73,710**.

Instructions

1. Select Potential Harm for Discharge Violations
2. Select Characteristics of the Discharge
3. Select Susceptibility to Cleanup or Abatement
4. Select Deviation from Standard
5. Click "Determine Harm & per Gallon/Day..."
6. Enter Values into the Yellow highlighted fields

- Select Item **Potential Harm for Discharge Violations**
 Select Item **Characteristics of the Discharge**
 Select Item **Susceptibility of Cleanup or Abatement**
 Select Item **Deviation from Requirement**

- Select Item **Potential Harm for Discharge Violations**
 Select Item **Characteristics of the Discharge**
 Select Item **Susceptibility of Cleanup or Abatement**
 Select Item **Deviation from Requirement**

Discharger Name/ID: **Carlos and Bernadette Estacio-San Isidro Jersey/5B50NC00270**

		Violation 1 - Failure to File The 2012 AR		Violation 2 - Failure to File The 2013 AR		
Discharge Violations	Step 1	Potential Harm Factor (Generated from Button)				
	Step 2	Per Gallon Factor (Generated from Button)				
		Gallons				
		Statutory / Adjusted Max per Gallon (\$)				
		Total		\$ -	\$ -	
		Per Day Factor (Generated from Button)	0		0	
	Days					
	Statutory Max per Day					
	Total		\$ -	\$ -		
Non-Discharge Violations	Step 3	Per Day Factor	0.35	0.35		
		Days	48	24		
		Statutory Max per Day	\$ 1,000	\$ 1,000		
		Total		\$ 16,800.00	\$ 8,400.00	
Initial Amount of the ACL			\$ 16,800.00	\$ 8,400.00		
Add'l Factors	Step 4	Culpability	1.5	\$ 25,200.00	1.5	\$ 12,600.00
		Cleanup and Cooperation	1.3	\$ 32,760.00	1.3	\$ 16,380.00
		History of Violations	1.5	\$ 49,140.00	1.5	\$ 24,570.00
Step 5 Total Base Liability Amount			\$ 73,710.00			
Step 6	Ability to Pay & to Continue in Business	1	\$ 73,710.00			
Step 7	Other Factors as Justice May Require	1	\$ 73,710.00			
	Staff Costs		\$ 73,710.00			
Step 8	Economic Benefit	\$ 1,917	\$ 73,710.00			
Step 9	Minimum Liability Amount	\$ 2,108.70				
	Maximum Liability Amount	\$ 771,000				
Step 10	Final Liability Amount		\$ 73,710.00			

Penalty Day Range Generator

Start Date of Violation= 7/2/13
 End Date of Violation= 1/20/15

Maximum Days Fined (Steps 2 & 3) = 568 Days
 Minimum Days Fined (Steps 2 & 3) = 24 Days

Penalty Day Range Generator

Start Date of Violation= 7/2/14
 End Date of Violation= 1/20/15

Maximum Days Fined (Steps 2 & 3) = 203 Days
 Minimum Days Fined (Steps 2 & 3) = 12 Days