Order	No.	

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
			•	1,937,147			_			\$38,756.82

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
		•		4			•			\$363.00

Order No.

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
				7						\$21,175

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
				10					·	\$50,050

Order No.

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
				8						\$24,200

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
				8						\$24,200

Order No.

Violation 6 – Failure to Apply Linear Sediment Controls

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
12/10/2015	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	
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
				11						\$33.275

Order No.

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
				8						\$40,040

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
·	·	·		2		·	·	·		¢44 04E

3 Total Violation Days 55

	\$14,015
Maximum	Final
Liability	Liability
Amount	Amounts
\$4,464,294	\$247,074.82

Ability to Pay & Continue in Business

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

Total Liability plus staff costs

Other Factors as Justice May Require

Costs of Investigation & Enforcement Other \$0 N/A

\$247,074.82