

CFPUA Enforcement Response Plan - Civil Penalty Assessment Form

Industry Name: SIU 2
Time Period: January-June 2022

Assign rank with 0 being least significant and 5 being most significant

			Violation		ERP Points
			NOV Flow Daily Limit 1/2/22		2
			NOV Total Solids Daily Limit 2/9/22		2
			NOV Failure to notify permit violation for Total Solids Daily Limit Feb 2022		3
			NOV COD Daily Limit 4/22/22		2
			NOV COD Daily Limit TRC 5/6/22		3
			Total=		12
Range of Assessment	SUO Criteria	Guidelines	NOV Description	Degree of Assessment	Justification
0 - 5	The degree and extent of the harm to the natural resources, to the public health, or to public or private property resulting from the violation	1 = minimal	NOV Flow Daily Limit 1/2/22	0	No NDPES limit violation.
		3 = moderate	NOV Total Solids Daily Limit 2/9/22	0	No NDPES limit violation.
		5 = maximum	NOV Failure to notify permit violation for Total Solids Daily Limit Feb 2022	0	No NDPES limit violation.
			NOV COD Daily Limit 4/22/22	0	No NDPES limit violation.
			NOV COD Daily Limit TRC 5/6/22	0	No NDPES limit violation.
0 - 5	The duration and gravity of the violation	1 = minimal	NOV Flow Daily Limit 1/2/22	1	No known harm
		3 = moderate	NOV Total Solids Daily Limit 2/9/22	1	No known harm.
		5 = maximum	NOV Failure to notify permit violation for Total Solids Daily Limit Feb 2022	1	No known harm.
			NOV COD Daily Limit 4/22/22	1	No known harm.
			NOV COD Daily Limit TRC 5/6/22	2	No known harm. TRC violation
0 - 5	The effect on ground or surface water quantity or quality or on air quality	1 = minimal	NOV Flow Daily Limit 1/2/22	0	Unknown at this time.
		3 = moderate	NOV Total Solids Daily Limit 2/9/22	0	Unknown at this time.
		5 = maximum	NOV Failure to notify permit violation for Total Solids Daily Limit Feb 2022	0	Unknown at this time.
			NOV COD Daily Limit 4/22/22	0	Unknown at this time.
			NOV COD Daily Limit TRC 5/6/22	0	Unknown at this time.
0 - 5	The cost of rectifying the damage	1 = minimal	NOV Flow Daily Limit 1/2/22	0	Unknown at this time.
		3 = moderate	NOV Total Solids Daily Limit 2/9/22	0	Unknown at this time.
		5 = maximum	NOV Failure to notify permit violation for Total Solids Daily Limit Feb 2022	0	Unknown at this time.
			NOV COD Daily Limit 4/22/22	0	Unknown at this time.
			NOV COD Daily Limit TRC 5/6/22	0	Unknown at this time.
0 - 5	The amount of money saved by noncompliance	1 = minimal	NOV Flow Daily Limit 1/2/22	0	None.
		3 = moderate	NOV Total Solids Daily Limit 2/9/22	0	None.
		5 = maximum	NOV Failure to notify permit violation for Total Solids Daily Limit Feb 2022	0	None.
			NOV COD Daily Limit 4/22/22	0	None.
			NOV COD Daily Limit TRC 5/6/22	0	None.
0 - 5	Whether the violation was committed willfully or intentionally	1 = minimal	NOV Flow Daily Limit 1/2/22	1	SIU aware of permit requirements.
		3 = moderate	NOV Total Solids Daily Limit 2/9/22	0	Not willful.
		5 = maximum	NOV Failure to notify permit violation for Total Solids Daily Limit Feb 2022	1	SIU aware of permit requirements.
			NOV COD Daily Limit 4/22/22	0	Not willful.
			NOV COD Daily Limit TRC 5/6/22	0	Not willful.
0 - 5	The prior record of the violator in complying or failing to comply with the pretreatment program. (Includes present 6-month period and may include the previous 6 - 12 month time period for similar violations)	1 = minimal	NOV Flow Daily Limit 1/2/22	2	TSS daily limit Dec 2021
		3 = moderate	NOV Total Solids Daily Limit 2/9/22	3	TSS daily limit Dec 2021, Flow daily limit Jan 2022
		5 = maximum	NOV Failure to notify permit violation for Total Solids Daily Limit Feb 2022	3	TSS daily limit Dec 2021, Flow daily limit Jan 2022
			NOV COD Daily Limit 4/22/22	4	TSS daily limit Dec 2021, Flow daily limit Jan 2022, Total Solids daily limit Feb 2022, Failure to Notify Feb 2022
			NOV COD Daily Limit TRC 5/6/22	5	TSS daily limit Dec 2021, Flow daily limit Jan 2022, Total Solids daily limit Feb 2022, Failure to Notify Feb 2022, COD daily limit April 2022
0 - 5	The costs of enforcement to CFPUA	1 = minimal	NOV Flow Daily Limit 1/2/22	1	Staff time issuing NOV and assessing civil penalty.
		3 = moderate	NOV Total Solids Daily Limit 2/9/22	1	Staff time issuing NOV and assessing civil penalty.
		5 = maximum	NOV Failure to notify permit violation for Total Solids Daily Limit Feb 2022	1	Staff time issuing NOV and assessing civil penalty.
			NOV COD Daily Limit 4/22/22	1	Staff time issuing NOV and assessing civil penalty.
			NOV COD Daily Limit TRC 5/6/22	1	Staff time issuing NOV and assessing civil penalty.

Total possible points per violation = 40

Violations = 5

Total Points = 200

Degree of assessment points = 30

% of possible points = 15.0

Civil Penalty Range for 12 points = \$2,000-\$12,000

Degree of assessment value = \$1,500

Total Civil Penalty = \$3,500

Calculations:

Penalty Range for 12 points is \$2,000 - \$12,000

Minimum Penalty is \$2,000

Remaining Penalty is \$12,000 - \$2,000 = \$10,000

% of possible points = 15.0

Degree of assessment value calculation .150 X 10,000 = \$1500

Minimum penalty plus degree of assessment value = total penalty \$2,000 + \$1,500

Environmental Compliance Officer/Date: _____

Environmental Compliance Supervisor/Date: _____

Environmental Compliance Manager/Date: _____

Environmental Management Director/Date: _____