

**STATE OF RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

OFFICE OF COMPLIANCE & INSPECTION

**IN RE: Jeff Cadieux D/B/A
J & S Scrap Metal & Recycling, Inc.**

**FILE NO.: OCI-WP-21-125
x-ref. RIPDES RIR50N015
RIPDES Referral No. 21-02**

NOTICE OF VIOLATION

A. INTRODUCTION

Pursuant to Sections 42-17.1-2(21) and 42-17.6-3 of the Rhode Island General Laws, as amended, (“R.I. Gen. Laws”) you are hereby notified that the Director of the Rhode Island Department of Environmental Management (“Director” of “RIDEM”) has reasonable grounds to believe that the above-named party (“Respondent”) has violated certain statutes and/or administrative regulations under RIDEM’s jurisdiction.

B. ADMINISTRATIVE HISTORY

On 25 February 2021, 1 September 2021, and 14 March 2022, RIDEM issued letters of non-compliance to Respondent for the violations that are the subject of this Notice of Violation (“NOV”). Respondent did not respond to or comply with the letters. On 20 April 2022, RIDEM issued an Expedited Citation Notice (“ECN”) to Respondent by certified mail, which was delivered on 23 April 2022. As of the date of the NOV, Respondent has not responded to or complied with the ECN.

C. FACTS

- (1) Respondent operates a metals recycling facility located at 36 Starr Street in Johnston, Rhode Island (“Facility”).
- (2) On 3 April 2001, J & S Scrap Metal & Recycling, Inc. was organized pursuant to the laws of the State of Rhode Island as a domestic profit corporation with a principal office located at 36 Starr Street in Johnston, Rhode Island. The purpose of J & S Scrap Metal & Recycling, Inc. was recycling of all scrap metal and other recyclable materials.
- (3) On 24 March 2016, RIDEM issued to Respondent Rhode Island Pollutant Discharge Elimination System Permit No. RIR50N015 (“Permit”), which was re-issued on 16 December 2019. The Permit authorizes Respondent to discharge stormwater associated with industrial activity from the Facility to Simmons Brook.

- (4) On 26 October 2016, the Rhode Island Secretary of State revoked the Certificate of Organization for J & S Scrap Metal & Recycling, Inc. Jeff Cadieux was listed as the president.
- (5) The Permit requires Respondent to:
- (a) summarize analytical monitoring results obtained during the previous six-month period and report those results to RIDEM by use of the United States Environmental Protection Agency’s electronic reporting system (“NeTDMR”) in a Discharge Monitoring Report (“DMR”) no later than the 15TH day of July for analytical results obtained during the months from January through June, and no later than the 15TH day of January for the analytical monitoring results obtained during the months from July through December.
 - (b) submit an annual report to RIDEM using NeTDMR (“Annual Report”) by January 30th for each year of permit coverage containing information generated from the past calendar year.
- (6) Respondent failed to timely submit the DMRs in accordance with the Permit for 4 six-month periods as summarized in the following table:

SIX-MONTH PERIOD	DUE DATE
July 1, 2020 – December 31, 2020	January 15, 2021
January 1, 2021 – June 30, 2021	July 15, 2021
July 1, 2021 – December 31, 2021	January 15, 2022
January 1, 2022 – June 30, 2022	July 15, 2022

- (7) Respondent failed to timely submit the Annual Reports in accordance with the Permit for 2 calendar years as summarized in the following table:

Calendar Year	DUE DATE
2020	January 30, 2021
2021	January 30, 2022

- (8) As of the date of the NOV, Respondent has failed to correct the noncompliances described above.

D. VIOLATION

Based on the foregoing facts, the Director has reasonable grounds to believe that you have violated the following statutes and/or regulations:

- (1) **R.I. Gen. Laws Section 46-12-5(b)** – requiring the discharge of any pollutant into waters of the State comply with the terms and conditions of a permit and applicable regulations.
- (2) **Rhode Island’s *Water Quality Regulations (250-RICR-150-05-1)*, Part 1.13(B)** – requiring the discharge of pollutants into the waters of the State comply with the terms and conditions of an approval issued by RIDEM.
- (3) **Rhode Island’s *Regulations for the Rhode Island Pollutant Discharge Elimination System (250-RICR-150-10-1)***
 - (a) **Part 1.14(B)(1)** – requiring the permittee to comply with all conditions of a permit issued by RIDEM.
 - (b) **Part 1.14(E)** – requiring the permittee to take all reasonable steps to minimize or prevent a discharge in violation of the permit.

E. ORDER

Based upon the violations alleged above and pursuant to R.I. Gen. Laws Section 42-17.1-2(21), you are hereby ORDERED to:

- (1) **IMMEDIATELY** implement procedures that ensure timely submission of all required DMRs and Annual Reports in the future.
- (2) **Within 30 days of receipt of the NOV**, using NeTDMR, submit the DMRs for the periods from July 1, 2020 – December 31, 2020, January 1, 2021 – June 30, 2021, July 1, 2021 – December 31, 2021, and January 1, 2022 – June 30, 2022.
- (3) **Within 30 days of receipt of the NOV**, using NeTDMR, submit the Annual Reports for calendar years 2020 and 2021.

F. PENALTY

- (1) Pursuant to R.I. Gen. Laws Section 42-17.6-2, the following administrative penalty, as more specifically described in the attached penalty summary and worksheets, is hereby ASSESSED, jointly and severally, against each named respondent:

\$8,000

- (2) The proposed administrative penalty is calculated pursuant to Rhode Island's *Rules and Regulations for Assessment of Administrative Penalties* (250-RICR-130-00-1) ("Penalty Regulations") and must be paid to RIDEM within 30 days of your receipt of the NOV. Penalty payments shall be by one of two methods:
 - (a) By certified check, cashier's check, or money order made payable to the **General Treasury – Water and Air Protection Program** and forwarded to:

Administrator, RIDEM Office of Compliance and Inspection
235 Promenade Street, Suite 220
Providence, RI 02908-5767.
 - (b) By wire transfer in accordance with instructions provided by RIDEM.
- (3) Penalties assessed against Respondent in the NOV are penalties payable to and for the benefit of the State of Rhode Island and are not compensation for actual pecuniary loss.
- (4) If any violation alleged herein shall continue, then each day during which the violation occurs or continues shall constitute a separate offense and the penalties and/or costs for that violation shall continue to accrue in the manner set forth in the attached penalty summary and worksheets. The accrual of additional penalties and costs shall be suspended if RIDEM determines that reasonable efforts have been made to comply promptly with the NOV.

G. RIGHT TO ADMINISTRATIVE HEARING

- (1) Pursuant to R.I. Gen. Laws Chapters 42-17.1, 42-17.6, 42-17.7 and 42-35, each named respondent is entitled to request a hearing before RIDEM's Administrative Adjudication Division regarding the allegations, orders and/or penalties set forth in Sections B through F above. All requests for hearing MUST:
 - (a) Be in writing. See R.I. Gen. Laws Sections 42-17.1-2(21)(i) and 42-17.6-4(b).

- (b) Be **RECEIVED** by RIDEM's Administrative Adjudication Division, at the following address, within 20 days of your receipt of the NOV. See R.I. Gen. Laws Sections 42-17.1-2(21)(i) and 42-17.7-9:

Administrative Clerk
RIDEM - Administrative Adjudication Division
235 Promenade Street, Room 350
Providence, RI 02908-5767

- (c) Indicate whether you deny the alleged violations and/or whether you believe that the administrative penalty is excessive. See R.I. Gen. Laws Section 42-17.6-4(b).
- (d) State clearly and concisely the specific issues which are in dispute, the facts in support thereof and the relief sought or involved, if any. See Part 1.7(B) of Rhode Island's *Rules and Regulations for the Administrative Adjudication Division* (250-RICR-10-00-1).
- (2) A copy of each request for hearing must also be forwarded to:

Christina Hoefsmit, Esquire
RIDEM - Office of Legal Services
235 Promenade Street, 4TH Floor
Providence, RI 02908-5767

- (3) Each named respondent has the right to be represented by legal counsel at all administrative proceedings relating to this matter.
- (4) Each respondent must file a separate and timely request for an administrative hearing before RIDEM's Administrative Adjudication Division as to each violation alleged in the written NOV. If any respondent fails to request a hearing in the above-described time or manner regarding any violation set forth herein, then the NOV shall automatically become a Final Compliance Order enforceable in Superior Court as to that respondent and/or violation and any associated administrative penalty proposed in the NOV shall be final as to that respondent. See R.I. Gen. Laws Sections 42-17.1-2(21)(i) and (vi) and 42-17.6-4(b) and (c).
- (5) Failure to comply with the NOV may subject each respondent to additional civil and/or criminal penalties.
- (6) The NOV does not preclude the Director from taking any additional enforcement action nor does it preclude any other local, state, or federal governmental entities from initiating enforcement actions based on the acts or omissions described herein.

If you have any legal questions, you may contact (or if you are represented by an attorney, please have your attorney contact) Christina Hoefsmit of RIDEM's Office of Legal Services at (401) 222-6607 extension 2772023 or at christina.hoefsmit@dem.ri.gov. All other inquiries should be

directed to Patrick J. Hogan of RIDEM's Office of Compliance and Inspection at (401) 222-1360 extension 2777119 or at patrick.hogan@dem.ri.gov.

Please be advised that any such inquiries do not postpone, eliminate, or otherwise extend the need for a timely submittal of a written request for a hearing, as described in Section G above.

FOR THE DIRECTOR:

By: _____
David E. Chopy, Administrator
RIDEM Office of Compliance and Inspection

Dated: _____

CERTIFICATION

I hereby certify that on the _____ day of _____
the within Notice of Violation was forwarded to:

Jeff Cadieux D/B/A
J & S Scrap Metal & Recycling, Inc.
36 Starr Street
Johnston, RI 02919

by Certified Mail.



ADMINISTRATIVE PENALTY SUMMARY

Program: Water Pollution
 File No.: OCI-WP-21-125
 Respondent: Jeff Cadieux D/B/A/ J & S Scrap Metal & Recycling, Inc.

GRAVITY OF VIOLATION					
SEE ATTACHED "PENALTY MATRIX WORKSHEETS."					
VIOLATION No. & CITATION	APPLICATION OF MATRIX		PENALTY CALCULATION		AMOUNT
	Type	Deviation	Penalty from Matrix	Number or Duration of Violations	
D (1) – D (3) – Failure to submit DMRs (due on 15 January 2021, 15 July 2021 & 15 January 2022)	Type III (\$6,250 Max. Penalty) *	Moderate	\$1,250	3 violations	\$3,750
D (1) – D (3) – Failure to submit DMR (due on 15 July 2022)	Type III (\$6,250 Max. Penalty) *	Minor	\$500	1 violation	\$500
D (1) – D (3) – Failure to submit the 2020 Annual Report (due on 30 January 2021)	Type III (\$6,250 Max. Penalty) *	Moderate	\$2,500	1 violation	\$2,500
D (1) – D (3) – Failure to submit the 2021 Annual Report (due on 30 January 2022)	Type III (\$6,250 Max. Penalty) *	Minor	\$1,250	1 violation	\$1,250
SUB-TOTAL					\$8,000

*Maximum Penalties represent the maximum penalty amounts per day, per violation.

ECONOMIC BENEFIT FROM NONCOMPLIANCE

COSTS OF COMPLIANCE, EQUIPMENT, O&M, STUDIES OR OTHER DELAYED OR AVOIDED COSTS, INCLUDING INTEREST AND/OR ANY COMPETITIVE ADVANTAGE DERIVED OVER ENTITIES THAT COMPLY. NOTE: ECONOMIC BENEFIT MUST BE INCLUDED IN THE PENALTY UNLESS:

- THERE IS NO IDENTIFIABLE BENEFIT FROM NONCOMPLIANCE, OR
- THE AMOUNT OF ECONOMIC BENEFIT CAN NOT BE QUANTIFIED.

A review of the record in this matter has revealed that Respondent has either enjoyed no identifiable benefit from the noncompliance alleged in this enforcement action or that the amount of economic benefit that may have resulted cannot be quantified.

ADMINISTRATIVE PENALTY SUMMARY (continued)

COST RECOVERY

ADDITIONAL OR EXTRAORDINARY COSTS INCURRED BY THE DIRECTOR DURING THE INVESTIGATION, ENFORCEMENT AND RESOLUTION OF AN ENFORCEMENT ACTION (EXCLUDING NON-OVERTIME PERSONNEL COSTS), FOR WHICH THE STATE IS NOT OTHERWISE REIMBURSED.

A review of the record in this matter has revealed that RIDEM has not incurred any additional or extraordinary costs during the investigation, enforcement, and resolution of this enforcement action (excluding non-overtime personnel costs), for which the State is not otherwise reimbursed.

TOTAL PENALTY PROPOSED UNDER PENALTY REGULATIONS = \$8,000

PENALTY MATRIX WORKSHEET

CITATION: Failure to submit DMRs (due on 15 January 2021, 15 July 2021, and 15 January 2022)

VIOLATION NOS.: D (1) – D (3)

TYPE		
<p style="text-align: center;">___ TYPE I</p> <p><u>DIRECTLY</u> related to protecting health, safety, welfare, or environment.</p>	<p style="text-align: center;">___ TYPE II</p> <p><u>INDIRECTLY</u> related to protecting health, safety, welfare, or environment.</p>	<p style="text-align: center;">___ X TYPE III</p> <p><u>INCIDENTAL</u> to protecting health, safety, welfare, or environment.</p>
DEVIATION FROM THE STANDARD		
<p>THE DEGREE TO WHICH A PARTICULAR VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED.</p>		
<p>FACTORS CONSIDERED:</p> <p>Taken from Part 1.10(A)(1)(b) of the Penalty Regulations.</p> <ol style="list-style-type: none"> (1) The extent to which the act or failure to act was out of compliance: Respondent failed to submit the DMRs by the due date specified in the permit. The timely submission of the DMRs is important to the program. (2) Environmental conditions: Considered, but not utilized for this calculation. (3) Amount of the pollutant: Considered, but not utilized for this calculation. (4) Toxicity or nature of the pollutant: Considered, but not utilized for this calculation. (5) Duration of the violation: For the DMRs due on 15 January 2021, 15 July 2021, and 15 January 2022, the duration of the violation was greater than 6 months, which timeframe extends beyond the subsequent reporting period. (6) Areal extent of the violation: Considered, but not utilized for this calculation. <p style="text-align: right;">(continued)</p>		

(continued from the previous page)

- (7) **Whether the person took reasonable and appropriate steps to prevent and/or mitigate the noncompliance:** Respondent did not take steps to prevent or mitigate the non-compliance.
- (8) **Whether the person has previously failed to comply with any regulations, order, statute, license, permit, or approval issued or adopted by the Department, or any law which the Department has the authority or responsibility to enforce:** Considered, but not utilized for this calculation.
- (9) **The degree of willfulness or negligence, including but not limited to, how much control the violator had over the occurrence of the violation and whether the violation was foreseeable:** Negligence is attributable to Respondent. Respondent had complete control over the violation and the violation was foreseeable.
- (10) **Any other factor(s) that may be relevant in determining the amount of a penalty:** Respondent was issued Non-Compliance Letters by RIDEM on 25 February 2021, 1 September 2021, and 14 March 2022 for failure to timely submit the DMRs due on 15 January 2021, 15 July 2021, and 15 January 2022 (respectively). EPA's NeTDMR application sent electronic mail notifications to Respondent on 22 January 2021, 29 January 2021, 5 February 2021, and 22 July 2021 for the overdue DMR submittals. Additionally, RIDEM communicated the need to timely submit the DMRs with Respondent by electronic mail on 9 June 2021. RIDEM informed Respondent through the Non-Compliance Letters and electronic mail that continued late submission of the DMRs would result in a referral for formal enforcement.

MAJOR	<u> X </u> MODERATE	MINOR
--------------	------------------------------	--------------

Penalty Matrix where the applicable statute provides for a civil penalty up to \$25,000		TYPE I	TYPE II	TYPE III
DEVIATION FROM STANDARD	MAJOR	\$12,500 to \$25,000	\$6,250 to \$12,500	\$2,500 to \$6,250
	MODERATE	\$6,250 to \$12,500	\$2,500 to \$6,250	\$1,250 to \$2,500 \$1,250
	MINOR	\$2,500 to \$6,250	\$1,250 to \$2,500	\$250 to \$1,250

PENALTY MATRIX WORKSHEET

CITATION: Failure to submit DMR (due on 15 July 2022)

VIOLATION NOs.: D (1) – D (3)

TYPE		
<p>___ TYPE I</p> <p><u>DIRECTLY</u> related to protecting health, safety, welfare, or environment.</p>	<p>___ TYPE II</p> <p><u>INDIRECTLY</u> related to protecting health, safety, welfare, or environment.</p>	<p><u>X</u> TYPE III</p> <p><u>INCIDENTAL</u> to protecting health, safety, welfare, or environment.</p>
DEVIATION FROM THE STANDARD		
<p>THE DEGREE TO WHICH A PARTICULAR VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED.</p>		
<p>FACTORS CONSIDERED:</p> <p>Taken from Part 1.10(A)(1)(b) of the Penalty Regulations.</p> <ol style="list-style-type: none"> (1) The extent to which the act or failure to act was out of compliance: Respondent failed to submit the DMR by the due date specified in the permit. The timely submission of the DMRs is important to the program. (2) Environmental conditions: Considered, but not utilized for this calculation. (3) Amount of the pollutant: Considered, but not utilized for this calculation. (4) Toxicity or nature of the pollutant: Considered, but not utilized for this calculation. (5) Duration of the violation: The DMR was due on 15 July 2022. The duration of the violation is less than 6 months, which timeframe does not extend beyond the subsequent reporting period. (6) Areal extent of the violation: Considered, but not utilized for this calculation. <p style="text-align: right;">(continued)</p>		

(continued from the previous page)

- (7) **Whether the person took reasonable and appropriate steps to prevent and/or mitigate the noncompliance:** Respondent did not take steps to prevent or mitigate the non-compliance.
- (8) **Whether the person has previously failed to comply with any regulations, order, statute, license, permit, or approval issued or adopted by the Department, or any law which the Department has the authority or responsibility to enforce:** Considered, but not utilized for this calculation.
- (9) **The degree of willfulness or negligence, including but not limited to, how much control the violator had over the occurrence of the violation and whether the violation was foreseeable:** Negligence is attributable to Respondent. Respondent had complete control over the violation and the violation was foreseeable.
- (10) **Any other factor(s) that may be relevant in determining the amount of a penalty:** Considered, but not utilized for this calculation.

MAJOR	MODERATE	<u> X </u> MINOR
--------------	-----------------	---------------------------

Penalty Matrix where the applicable statute provides for a civil penalty up to \$25,000		TYPE I	TYPE II	TYPE III
DEVIATION FROM STANDARD	MAJOR	\$12,500 to \$25,000	\$6,250 to \$12,500	\$2,500 to \$6,250
	MODERATE	\$6,250 to \$12,500	\$2,500 to \$6,250	\$1,250 to \$2,500
	MINOR	\$2,500 to \$6,250	\$1,250 to \$2,500	\$250 to \$1,250 \$500

PENALTY MATRIX WORKSHEET

CITATION: Failure to submit the 2020 Annual Report (due on 30 January 2021)

VIOLATION NOs.: D (1) – D (3)

TYPE		
<p style="text-align: center;">___ TYPE I</p> <p><u>DIRECTLY</u> related to protecting health, safety, welfare, or environment.</p>	<p style="text-align: center;">___ TYPE II</p> <p><u>INDIRECTLY</u> related to protecting health, safety, welfare, or environment.</p>	<p style="text-align: center;">___ X TYPE III</p> <p><u>INCIDENTAL</u> to protecting health, safety, welfare, or environment.</p>
DEVIATION FROM THE STANDARD		
THE DEGREE TO WHICH A PARTICULAR VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED.		
<p>FACTORS CONSIDERED:</p> <p>Taken from Part 1.10(A)(1)(b) of the Penalty Regulations.</p> <ol style="list-style-type: none"> (1) The extent to which the act or failure to act was out of compliance: Respondent failed to submit the 2020 Annual Report by the due date specified in the permit. The timely submission of the Annual Report is important to the program. (2) Environmental conditions: Considered, but not utilized for this calculation. (3) Amount of the pollutant: Considered, but not utilized for this calculation. (4) Toxicity or nature of the pollutant: Considered, but not utilized for this calculation. (5) Duration of the violation: The 2020 Annual Report was due on 30 January 2021. The duration of the violation is greater than 1 year, which timeframe extends beyond the subsequent reporting period. (6) Areal extent of the violation: Considered, but not utilized for this calculation. <p style="text-align: right; margin-top: 20px;">(continued)</p>		

(continued from the previous page)

- (7) **Whether the person took reasonable and appropriate steps to prevent and/or mitigate the noncompliance:** Respondent did not take steps to prevent or mitigate the non-compliance.
- (8) **Whether the person has previously failed to comply with any regulations, order, statute, license, permit, or approval issued or adopted by the Department, or any law which the Department has the authority or responsibility to enforce:** Considered, but not utilized for this calculation.
- (9) **The degree of willfulness or negligence, including but not limited to, how much control the violator had over the occurrence of the violation and whether the violation was foreseeable:** Negligence is attributable to Respondent. Respondent had complete control over the violation and the violation was foreseeable.
- (10) **Any other factor(s) that may be relevant in determining the amount of a penalty:** EPA's NeTDMR application sent an electronic mail notification to Respondent on 14 February 2021 for the overdue 2020 Annual Report submittal. Additionally, Respondent was issued a Non-Compliance Letter by RIDEM on 25 February 2021 for failure to timely submit the 2020 Annual Report.

MAJOR	<u> X </u> MODERATE	MINOR
-------	-----------------------	-------

Penalty Matrix where the applicable statute provides for a civil penalty up to \$25,000		TYPE I	TYPE II	TYPE III
DEVIATION FROM STANDARD	MAJOR	\$12,500 to \$25,000	\$6,250 to \$12,500	\$2,500 to \$6,250
	MODERATE	\$6,250 to \$12,500	\$2,500 to \$6,250	\$1,250 to \$2,500 \$2,500
	MINOR	\$2,500 to \$6,250	\$1,250 to \$2,500	\$250 to \$1,250

PENALTY MATRIX WORKSHEET

CITATION: Failure to submit the 2021 Annual Report (due on 30 January 2022)

VIOLATION NOs.: D (1) – D (3)

TYPE		
<p>___ TYPE I</p> <p><u>DIRECTLY</u> related to protecting health, safety, welfare, or environment.</p>	<p>___ TYPE II</p> <p><u>INDIRECTLY</u> related to protecting health, safety, welfare, or environment.</p>	<p>___ X TYPE III</p> <p><u>INCIDENTAL</u> to protecting health, safety, welfare, or environment.</p>
DEVIATION FROM THE STANDARD		
<p>THE DEGREE TO WHICH A PARTICULAR VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED.</p>		
<p>FACTORS CONSIDERED:</p> <p>Taken from Part 1.10(A)(1)(b) of the Penalty Regulations.</p> <ol style="list-style-type: none"> (1) The extent to which the act or failure to act was out of compliance: Respondent failed to submit the 2020 Annual Report by the due date specified in the permit. The timely submission of the Annual Report is important to the program. (2) Environmental conditions: Considered, but not utilized for this calculation. (3) Amount of the pollutant: Considered, but not utilized for this calculation. (4) Toxicity or nature of the pollutant: Considered, but not utilized for this calculation. (5) Duration of the violation: The 2021 Annual Report was due on 30 January 2022. The duration of the violation is less than 1 year, which timeframe does not extend beyond the subsequent reporting period. (6) Areal extent of the violation: Considered, but not utilized for this calculation. <p style="text-align: right;">(continued)</p>		

(continued from the previous page)

- (7) **Whether the person took reasonable and appropriate steps to prevent and/or mitigate the noncompliance:** Respondent did not take steps to prevent or mitigate the non-compliance.
- (8) **Whether the person has previously failed to comply with any regulations, order, statute, license, permit, or approval issued or adopted by the Department, or any law which the Department has the authority or responsibility to enforce:** Considered, but not utilized for this calculation.
- (9) **The degree of willfulness or negligence, including but not limited to, how much control the violator had over the occurrence of the violation and whether the violation was foreseeable:** Negligence is attributable to Respondent. Respondent had complete control over the violation and the violation was foreseeable.
- (10) **Any other factor(s) that may be relevant in determining the amount of a penalty:** EPA's NeTDMR application sent an electronic mail notification to Respondent on 14 February 2021 for the overdue 2020 Annual Report submittal. Additionally, Respondent was issued a Non-Compliance Letter by RIDEM on 25 February 2021 for failure to timely submit the 2020 Annual Report.

MAJOR	MODERATE	<u> X </u> MINOR
--------------	-----------------	----------------------------------

Penalty Matrix where the applicable statute provides for a civil penalty up to \$25,000		TYPE I	TYPE II	TYPE III
DEVIATION FROM STANDARD	MAJOR	\$12,500 to \$25,000	\$6,250 to \$12,500	\$2,500 to \$6,250
	MODERATE	\$6,250 to \$12,500	\$2,500 to \$6,250	\$1,250 to \$2,500
	MINOR	\$2,500 to \$6,250	\$1,250 to \$2,500	\$250 to \$1,250 \$1,250