

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

OFFICE OF COMPLIANCE & INSPECTION

IN RE: City of Warwick

**File No.: OCI-WP-19-50
X-ref RIPDES RI0100234**

NOTICE OF VIOLATION

A. Introduction

You are hereby notified that the Director of the Department of Environmental Management (the “Director” of “DEM”) has reasonable grounds to believe that the above-named party (“Respondent”) has violated certain statutes and/or administrative regulations under DEM’s jurisdiction.

B. Facts

- (1) Respondent owns a wastewater collection and treatment system (the “Facility”).
- (2) On 30 September 2008, DEM issued to Respondent Rhode Island Pollutant Discharge Elimination System (“RIPDES”) Permit No. RI0100234 (the “Permit”), which became effective on 1 December 2008.
- (3) The Permit authorizes Respondent to discharge treated wastewater from the Facility to the Pawtuxet River through outfall 001A.
- (4) The Permit does not authorize Respondent to discharge wastewater from the Facility to any other waters of the State or from any location other than outfall 001A.
- (5) The Permit requires Respondent to:
 - (a) Take all reasonable steps to minimize or prevent any discharge which has a reasonable likelihood of adversely affecting human health or the environment; and
 - (b) Properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used to achieve compliance.

Cedar Swamp Road Wastewater Overflow

- (6) On or about 29 August 2018, DEM received a written report from Respondent. The report stated that:
 - (a) On 26 August 2018, Respondent’s operator observed wastewater overflowing from the collection system on Cedar Swamp Road;
 - (b) The overflow was caused by a collapsed section of sewer pipe (the “Oakland Beach Interceptor”);
 - (c) Respondent’s operators set up pumps to bypass the collapsed section of the Oakland Beach Interceptor; and

- (d) The overflow resulted in the discharge of 300,000 gallons of wastewater to Cedar Swamp and Buckeye Brook.
- (7) The overflow required DEM to implement a shellfish closure in Upper Narragansett Bay.
- (8) DEM and the Department of Health issued an advisory to the public to refrain from contact recreation, fishing and boating in Buckeye Brook from Cedar Swamp Road to areas downstream, including Buckeye Brook, Old Mill Creek and Mill Cove Beach.
- (9) Buckeye Brook is classified in the Rhode Island Code of Regulations titled *Water Quality Regulations (250-RICR-150-05-1)* (the “Water Quality Regulations”) as Class B. Class B waters are designated for primary and secondary contact recreational activities and fish and wildlife habitat and have good aesthetic value. Primary contact recreational activities may be impacted due to pathogens from approved wastewater discharges.
- (10) Old Mill Creek and Upper Narragansett Bay are classified in the Water Quality Regulations as Class SA. Class SA waters are designated for shellfish harvesting for direct human consumption, primary and secondary contact recreational activities, and fish and wildlife habitat and have good aesthetic value.
- (11) Buckeye Brook, Old Mill Creek and Upper Narragansett Bay do not meet their assigned water quality designations according to DEM’s *2014 Integrated Water Quality Monitoring and Assessment List Final May 2015*. Among the causes of the impairments are pathogens and fecal coliform bacteria, which are associated with wastewater.
- (12) The overflow further degraded the water quality of Buckeye Brook, Old Mill Creek and Upper Narragansett Bay.
- (13) On 4 October 2018 and 10 May 2019, DEM received electronic correspondence from Respondent. The correspondence included the following
- (a) The Oakland Beach Interceptor was constructed in the 1980s;
 - (b) On 17 September 2018, the repair to the collapsed section of the Oakland Beach Interceptor (approximately 200 feet) was completed;
 - (c) On 17 September 2018, an inspection of the immediate upstream section of the Oakland Beach Interceptor (191 linear feet) revealed infiltration (described as “gushing”), circumferential fracture, and exposed rebar. Debris prevented further inspection;
 - (d) On 11 January 2019, the repair to a 2ND section of the Oakland Beach Interceptor (approximately 150 linear feet) was completed under emergency conditions due to catastrophic collapse;
 - (e) In February 2019, the repair to a 3RD section of the Oakland Beach Interceptor (approximately 738 linear feet) was completed;

- (f) On or about May 2019, the repair to a 4TH section of the Oakland Beach Interceptor (approximately 737 linear feet) was completed; and
 - (g) Repairs to the remaining sections of the Oakland Beach Interceptor are proposed.
- (14) Upon information and belief, no inspections were performed of the Oakland Beach Interceptor prior to 17 September 2018.

Sandy Lane Wastewater Overflow

- (15) On or about 28 November 2018, Respondent submitted a written report to DEM. The report stated that:
- (a) On 21 November 2018, Respondent’s operator observed wastewater overflowing from the collection system on Sandy Lane;
 - (b) The overflow was caused by a partially collapsed section of sewer pipe (the “Sandy Lane Sewer”);
 - (c) Respondent’s operators set up pumps to bypass the partially collapsed section of the Sandy Lane Sewer; and
 - (d) The overflow resulted in the discharge of 26,000 gallons of wastewater to Little Pond.
- (16) Little Pond is classified in the *Water Quality Regulations* as Class B. These waters are designated for fish and wildlife habitat, primary and secondary contact recreational activities, and to have good aesthetic value.

C. 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(a)** – prohibiting the placement of any pollutant in a location where it is likely to enter the waters of the State.
- (2) **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.
- (3) **Water Quality Regulations**
 - (a) **Part 1.11(A)** – prohibiting the discharge of pollutants into any waters of the State or any activity alone or in combination which DEM determines will likely result in the violation of any State water quality criterion or interfere with one or more of the existing or designated uses assigned to the receiving waters.
 - (b) **Part 1.11(B)** – prohibiting the discharge of pollutants in concentrations that will further degrade the water quality of an impaired waterbody.

- (c) **Part 1.13(B)** – requiring the discharge of pollutants into the waters of the State comply with the terms and conditions of a permit issued by DEM.
 - (d) **Part 1.15(A)** – prohibiting the discharge of any pollutant into or conducting any activity which will likely cause or contribute pollution to the waters of the State.
 - (e) **Part 1.18(A)** – mandating compliance with all terms, conditions, management practices and operation and maintenance requirements set forth in a permit.
- (4) **Rhode Island Code of Regulations titled *Regulations for the Rhode Island Pollutant Discharge Elimination System (250-RICR-150-10-1)***
- (a) **Rule 14.02(a) [recently amended to Part 1.14(B)(1)]** – requiring the permittee to comply with all conditions of the permit.
 - (b) **Rule 14.05 [recently amended to Part 1.14(E)]** – requiring the permittee to take all reasonable steps to minimize or prevent a discharge in violation of the permit.
 - (c) **Rule 14.06 [recently amended to Part 1.14(F)]** – requiring the permittee to maintain in good working order and operate as efficiently as possible all treatment works to achieve compliance with the permit.
- (5) **Rhode Island Code of Regulations titled *Rules and Regulations for the Operation and Maintenance of Wastewater Treatment Facilities (250-RICR-150-10-4)*, Part 4.5(A)** – requiring a facility to be maintained in good working order and operated as efficiently as possible.

D. 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) **Within 60 days of receipt of this Notice of Violation (“NOV”)**, submit a comprehensive program and schedule for the inspection and maintenance of all components of the sanitary sewerage collection system for the Facility. The schedule shall prioritize the identification and inspection of components that will most likely need repair and are at the greatest risk of failure. The schedule must include:
 - (a) Aggressive deadlines for the repair/replacement of any sewer lines found to need repair or replacement;
 - (b) Assurances of funding and other components and resources necessary for implementation; and

- (c) Adequate staffing to meet the needs of Respondent's Capacity, Management, Operations & Maintenance program and to accomplish the above requirements. Staffing and resources must not be taken from wastewater treatment in a way that would adversely impact operation and maintenance.
- (2) The program and schedule required in subsection D (1) above shall be subject to DEM's review and approval. Upon review, DEM shall provide written notification either granting formal approval or stating the deficiencies therein. Within 14 days (unless a longer time is specified) of receiving a notification of deficiencies, submit to DEM additional information necessary to correct the deficiencies.

E. 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:

\$27,500

- (2) The proposed administrative penalty is calculated pursuant to the Rhode Island Code of Regulations titled *Rules and Regulations for Assessment of Administrative Penalties (250-RICR-130-00-1)* and must be paid to DEM within 30 days of your receipt of the NOV. Payment shall be in the form of a certified check, cashier's check or money order made payable to the "General Treasury - Water & Air Protection Program" and shall be forwarded to DEM's Office of Compliance and Inspection, 235 Promenade Street, Suite 220, Providence, Rhode Island 02908-5767.
- (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.

F. 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 DEM's Administrative Adjudication Division regarding the allegations, orders and/or penalties set forth in Sections B through E 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 DEM'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
DEM - 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); **AND**
- (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 the Rhode Island Code of Regulations titled *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
DEM - 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 DEM'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 DEM 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 DEM's Office of Legal Services at (401) 222-6607. All other inquiries should be directed to David E. Chopy of DEM's Office of Compliance and Inspection at (401) 222-1360 ext. 7400.

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 F above.

FOR THE DIRECTOR

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

Dated: _____

CERTIFICATION

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

City of Warwick
c/o Earl W. Bond, Interim Executive Director
Warwick Sewer Authority
125 Arthur W. Devine Boulevard
Warwick, RI 02886

by Certified Mail.



ADMINISTRATIVE PENALTY SUMMARY

Program: OFFICE OF COMPLIANCE AND INSPECTION, Water Pollution
 File No.: OCI-WP-19-50, x-ref RIPDES No. RI0100234
 Respondent: City of Warwick

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	
C (1) – C (5) Cedar Swamp Road Wastewater Overflow	Type I (\$25,000 Max. Penalty) *	Major	\$25,000	1 violation	\$25,000
C (1), C(2), C(3)(c), C(3)(d) and C(4)(c) Sandy Lane Wastewater Overflow	Type I (\$25,000 Max. Penalty) *	Minor	\$2,500	1 violation	\$2,500
SUB-TOTAL					\$27,500

*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.

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 DEM 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 = \$27,500

PENALTY MATRIX WORKSHEET

CITATION: Cedar Swamp Road Wastewater Overflow
 VIOLATION NO.: C (1) – C (5)

TYPE		
<p style="text-align: center;">___ X ___ 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;">___ TYPE III</p> <p><u>INCIDENTAL</u> to protecting health, safety, welfare or environment.</p>
DEVIATION FROM THE STANDARD		
THE DEGREE TO WHICH A VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED.		
<p><u>FACTORS CONSIDERED:</u></p> <p>Taken from Part 1.10(A)(1)(b) of the Rhode Island Code of Regulations titled <i>Rules and Regulations for Assessment of Administrative Penalties (250-RICR-130-00-1)</i>.</p> <ol style="list-style-type: none"> (1) The extent to which the act or failure to act was out of compliance: A wastewater overflow from the collection system on Cedar Swamp Road entered Cedar Swamp and Buckeye Brook in violation of the Permit. The cause of the overflow was a collapsed section of the Oakland Beach Interceptor. Protection of designated and existing water quality uses is a major objective of the RIPDES Regulations and the Water Quality Regulations and is of major importance to the regulatory program. (2) Environmental conditions: The overflow impacted Buckeye Brook, Old Mill Creek, and Upper Narragansett Bay. Buckeye Brook is classified in the Water Quality Regulations as Class B. Class B waters are designated for primary and secondary contact recreational activities and fish and wildlife habitat and have good aesthetic value. Old Mill Creek and Upper Narragansett Bay are classified in the Water Quality Regulations as Class SA. Class SA waters are designated for shellfish harvesting for direct human consumption, primary and secondary contact recreational activities, and fish and wildlife habitat and have good aesthetic value. Buckeye Brook, Old Mill Creek and Upper Narragansett Bay do not meet their assigned water quality designations according to DEM's <i>2014 Integrated Water Quality Monitoring and Assessment List Final May 2015</i>. Among the causes of the impairments are pathogens and fecal coliform bacteria, which are associated with wastewater. Upper Narragansett Bay is managed as a conditionally approved shellfish area. The overflow resulted in the closure in Upper Narragansett Bay. The shellfish closure was implemented for 14½ days beginning at 1:00 pm on 27 August 2018 and ending at sunrise on 11 September 2018. (3) Amount of the pollutant: Approximately 300,000 gallons. (4) Toxicity or nature of the pollutant: Wastewater contains many kinds of bacteria, viruses, and parasites that can cause serious or fatal diseases in both humans and animals, as well as being the source of extremely objectionable odors. Also, the wastewater collection system includes waste from commercial and industrial operations, which can contain toxics (metal and organic compounds), phosphorous and nitrogen. (5) Duration of the violation: Approximately 7 hours – the overflow began around 4:00 pm on 26 August 2018 and ended around 11:00 pm on 26 August 2018. 		
(continued)		

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- (6) **Areal extent of the violation:** Buckeye Brook, Old Mill Creek and Upper Narragansett Bay.
- (7) **Whether the person took reasonable and appropriate steps to prevent and/or mitigate the noncompliance:** Respondent failed to take reasonable and appropriate steps to prevent the noncompliance by properly maintaining the Oakland Beach Interceptor. Respondent took reasonable and appropriate steps to mitigate the noncompliance by repairing the collapsed section of the Oakland Beach Interceptor in September 2018 and promptly acting to cease the overflow.
- (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:** In August 2007, EPA issued to Respondent an Administrative Order for unpermitted discharges of untreated sewage from Respondent's collection system. As a result of this Order, in January 2008, Respondent submitted to EPA a *Wastewater Collection System CMOM Program Self-Assessment Checklist* that in part identified that Respondent has "several pumping station force mains that generate hydrogen sulfide as a result of long detention times due to low flow conditions." This was followed by a May 2008 submittal of a *CMOM Program Corrective Action Plan* by Respondent to EPA. In part, this corrective action plan included assurances by Respondent to establish "plans to prioritize routine line maintenance and inspections," to better assess "collection system maintenance expenses and ensure sufficient funds in the future for routine maintenance of collection system as well as major repairs, rehabilitations and replacements," and other tasks related to the proper operation and maintenance of sewer collection systems.
- (10) **Any other factor(s) that may be relevant in determining the amount of a penalty:** For August 2018, shellfish landings in Upper Narragansett Bay totaled \$439,258 (or \$14,642 per day). The shellfish closure affected 3,197 acres of the 9,391 total acres in Upper Narragansett Bay (or 34%). The loss to the shellfishermen for the closure was approximately \$22,402 [calculated as \$14,642 x 4.5 x .34].

<u> X </u> MAJOR	MODERATE	MINOR
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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 \$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

PENALTY MATRIX WORKSHEET

CITATION: Sandy Lane Wastewater Overflow

VIOLATION NO.: C (1), C(2), C(3)(c), C(3)(d) and C(4)(c)

TYPE		
<p style="text-align: center;"><u> X </u> TYPE I</p> <p><u>DIRECTLY</u> related to protecting health, safety, welfare or environment.</p>	<p style="text-align: center;"><u> </u> TYPE II</p> <p><u>INDIRECTLY</u> related to protecting health, safety, welfare or environment.</p>	<p style="text-align: center;"><u> </u> TYPE III</p> <p><u>INCIDENTAL</u> to protecting health, safety, welfare or environment.</p>
DEVIATION FROM THE STANDARD		
THE DEGREE TO WHICH A VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED.		
<p><u>FACTORS CONSIDERED:</u></p> <p>Taken from Part 1.10(A)(1)(b) of the Rhode Island Code of Regulations titled <i>Rules and Regulations for Assessment of Administrative Penalties (250-RICR-130-00-1)</i>.</p> <ol style="list-style-type: none"> (1) The extent to which the act or failure to act was out of compliance: A wastewater overflow from the collection system on Sandy Lane entered Little Pond in violation of the Permit. The cause of the overflow was a collapsed section of the Sandy Lane Sewer. Protection of designated and existing water quality uses is a major objective of the RIPDES Regulations and the Water Quality Regulations and is of major importance to the regulatory program. (2) Environmental conditions: The overflow impacted Little Pond. Little Pond is classified in the Water Quality Regulations as Class B. Class B waters are designated for primary and secondary contact recreational activities and fish and wildlife habitat and have good aesthetic value. (3) Amount of the pollutant: Approximately 26,000 gallons. (4) Toxicity or nature of the pollutant: Wastewater contains many kinds of bacteria, viruses, and parasites that can cause serious or fatal diseases in both humans and animals, as well as being the source of extremely objectionable odors. Also, the wastewater collection system includes waste from commercial and industrial operations, which can contain toxics (metal and organic compounds), phosphorous and nitrogen. (5) Duration of the violation: Approximately 2 hours – the overflow began around 8:10 am on 21 November 2018 and ended around 10:20 am on 21 November 2018. (6) Areal extent of the violation: Little Pond. 		
(continued)		

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- (7) **Whether the person took reasonable and appropriate steps to prevent and/or mitigate the noncompliance:** DEM has no information whether Respondent took reasonable and appropriate steps to prevent the noncompliance by properly maintaining the Sandy Lane Sewer. Respondent took reasonable and appropriate steps to mitigate the noncompliance by repairing the collapsed section of the Sandy Lane Sewer by January 11, 2019 and promptly acting to cease the overflow.
- (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:** In August 2007, EPA issued to Respondent an Administrative Order for unpermitted discharges of untreated sewage from Respondent's collection system. As a result of this Order, in January 2008, Respondent submitted to EPA a *Wastewater Collection System CMOM Program Self-Assessment Checklist* that in part identified that Respondent has "several pumping station force mains that generate hydrogen sulfide as a result of long detention times due to low flow conditions." This was followed by a May 2008 submittal of a *CMOM Program Corrective Action Plan* by Respondent to EPA. In part, this corrective action plan included assurances by Respondent to establish "plans to prioritize routine line maintenance and inspections," to better assess "collection system maintenance expenses and ensure sufficient funds in the future for routine maintenance of collection system as well as major repairs, rehabilitations and replacements," and other tasks related to the proper operation and maintenance of sewer collection systems.
- (10) **Any other factor(s) that may be relevant in determining the amount of a penalty:** Considered, but not utilized for this calculation.

<u> X </u> MAJOR	MODERATE	MINOR
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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 \$2,500	\$1,250 to \$2,500	\$250 to \$1,250