

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

OFFICE OF COMPLIANCE & INSPECTION

**IN RE: KANTZ CORPORATION
Mokhtar Kattan**

FILE NO.: UST 2014-80-00305

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 Department of Environmental Management (the “Director” of “DEM”) has reasonable grounds to believe that the above-named parties (“Respondents”) have violated certain statutes and/or administrative regulations under the DEM's jurisdiction.

B. Administrative History

On 21 October 2014, the DEM issued a Letter of Noncompliance (“LNC”) to the Respondents by certified mail for the violations cited in this Notice of Violation (“NOV”). The LNC required specific actions to correct the violations. On 20 November 2014, the DEM received documents that addressed some (but not all) of the violations. On 21 January 2015, the DEM issued a letter to the Respondents by certified mail that identified the specific actions that were required to comply with the remaining violations in the LNC. On 16 February 2015, the DEM received additional documents by electronic correspondence from Nancy Kattan that addressed some (but not all) of the remaining violations. On 17 February 2015, the DEM sent electronic correspondence to Ms. Kattan that identified the specific actions that were still required to comply with the remaining violations in the LNC. On 9 March 2015, the DEM received one additional document that addressed one of the remaining violations. The DEM has received no further documents from the Respondents, and the Respondents have failed to fully comply with the LNC.

C. Facts

- (1) The property is located at 644 Oaklawn Avenue, Assessor’s Plat 16/1, Lot 822, in the city of Cranston (the “Property”). The Property includes a convenience store and a motor fuel filling station (the “Facility”).
- (2) The Respondents own the Property.
- (3) Mokhtar Kattan operates the Facility.

- (4) Underground storage tanks (“USTs” or “tanks”) are installed at the Facility that are used for storage of petroleum products and are subject to the DEM’s *Rules and Regulations for Underground Storage Facilities Used for Petroleum Products and Hazardous Materials* (the “UST Regulations”).
- (5) The Facility is registered with the DEM and is identified as UST Facility No. 00305.
- (6) The USTs are registered with DEM as follows:

UST ID No.	Date Installed	Capacity	Product Stored
002	14 March 1990	10000 gallons	Gasoline
004	14 March 1990	10000 gallons	Gasoline
006	14 March 1990	5000 gallons	Gasoline

- (7) On 16 October 2014, the DEM inspected the Facility. The inspection revealed the following:
 - (a) Inventory control records for the USTs, consistent with the requirements of Rules 8.08(A)(2) and 11.03 of the DEM's UST Regulations, were not available.
 - (b) The registered Class A/B UST Facility operator, Ms. Sarah Uzzaman, was no longer acting as the Class A/B UST Facility operator. The DEM inspector spoke to Mokhtar Kattan at the time of the inspection, and Mr. Kattan informed the DEM inspector that no certified Class A or Class B UST Facility operators are assigned to the Facility. Mr. Kattan stated that he took over operation of the Facility on or about 1 October 2014.
 - (c) Written verification that the Facility attendant on duty at the time of inspection had been trained as, at least, a Class C UST facility operator was not available. Upon information and belief, there were no trained UST Facility operators on duty at the time of inspection.
 - (d) Written verification that an International Code Council ("ICC") certified Class A or Class B UST Facility operator had conducted monthly on-site UST Facility inspections during each of the months of June 2014 through September 2014 was not available.
 - (e) Written verification that an ICC certified Class A or Class B UST Facility operator had conducted monthly inspections of the continuous monitoring system ("CMS") during each of the months of June 2014 through September 2014 was not available.
- (8) As of the date of this NOV, the Respondents have failed to comply with the DEM’s UST Regulations for the issues described in paragraph C(7) above.

D. Violation

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

- (1) **DEM's UST Regulations, Rules 8.08(A)(2) and 11.03** - requiring monthly inventory reconciliation and leak checks for UST systems.
- (2) **DEM's UST Regulations, Rule 8.15(E)** - requiring the registered Class A or Class B UST facility operator conduct a monthly inspection of the CMS.
- (3) **Rule 8.22(A) of the UST Regulations** - requiring all regulated UST facility owners/operators to have trained and certified UST facility operators assigned to their facility prior to 1 August 2012 and on duty at the facility during all operating hours and to submit a *Certified UST Facility Operators Registration Form* to the DEM to verify compliance.
- (4) **DEM's UST Regulations, Rule 8.22(A)(7)** - requiring UST facility owners/operators to compile and maintain a list of all of the Class C UST facility operators that have been trained and assigned to their facilities.
- (5) **DEM's UST Regulations, Rule 8.22(F)** - requiring the registered Class A or Class B UST facility operator to conduct monthly on-site UST facility inspections and record the results of those inspections on the requisite form.

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 complete the following remedial actions **within 60 days of receipt of the NOV**:

- (1) Submit to the DEM – Office of Compliance and Inspection (“OC&I”) written verification that you are now complying with the inventory control record-keeping requirements for the USTs, which are set forth in Rules 8.08(A)(2) and 11.03 of the DEM's UST Regulations.
- (2) Assign at least one trained and ICC certified Class A UST facility operator and at least one trained and ICC certified Class B UST facility operator to the Facility in accordance with Rule 8.22 of the DEM's UST Regulations. Written verification of compliance shall be submitted to the OC&I.
- (3) Train all Facility employees as (at least) Class C UST facility operators and compile a written list of all of the Class C UST facility operators that have been trained and assigned to the Facility, as per Rules 8.22 (A) and (D) of the DEM's UST Regulations. Written verification of compliance shall be submitted to the OC&I.

- (4) Submit a completed *Certified UST Facility Operators Registration Form* (copy enclosed) to the DEM – Office of Waste Management’s UST Management Program (235 Promenade Street, Suite 380, Providence, RI 02908-5767) in accordance with Rule 8.22(A)(4) of the DEM's UST Regulations along with copies of the Class A and Class B UST facility operators’ examination certificates. Copies of the form and certificates shall also be submitted to the OC&I.
- (5) Submit to the OC&I written verification that an ICC certified Class A and/or Class B UST facility operator is now performing monthly on-site UST Facility inspections and documenting the results of those inspections on the requisite form in accordance with Rules 8.22(F) and 8.15(E) of the DEM's UST Regulations.

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:

\$7,750

- (2) The proposed administrative penalty is calculated pursuant to the DEM’s *Rules and Regulations for Assessment of Administrative Penalties*, as amended, and must be paid to the DEM within 30 days of your receipt of this NOV. Payment shall be in the form of a certified check, cashiers check or money order made payable to the “General Treasury - Water & Air Protection Program Account” and shall be forwarded to the DEM Office of Compliance and Inspection, 235 Promenade Street, Suite 220, Providence, Rhode Island 02908-5767.
- (3) Penalties assessed against the Respondents in this 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 the DEM determines that reasonable efforts have been made to comply promptly with this 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 the DEM'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 the DEM's Administrative Adjudication Division, at the following address, within 20 days of your receipt of this NOV. See R.I. Gen. Laws Sections 42-17.1-2(21)(i) and 42-17.7-9:

Administrative Clerk
DEM - Administrative Adjudication Division
One Capitol Hill, 2ND Floor
Providence, RI 02903

- (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 Rule 7.00(b) of the DEM's *Administrative Rules of Practice and Procedure for the Administrative Adjudication Division for Environmental Matters*.
- (2) A copy of each request for hearing must also be forwarded to:

Joseph J. LoBianco, Esq.
DEM - Office of Legal Services
235 Promenade Street, Suite 425
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 the 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 with regard to any violation set forth herein, then this 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 (v) and 42-17.6-4(b) and (c).
- (5) Failure to comply with this NOV may subject each respondent to additional civil and/or criminal penalties.
- (6) An original signed copy of this NOV is being forwarded to the city of Cranston, wherein the Property is located, to be recorded in the Office of Land Evidence Records pursuant to R.I. Gen. Laws Chapter 34-13 and Section 42-17.1-2 (31), as amended.

(7) This 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) Joseph J. LoBianco at the DEM Office of Legal Services at (401) 222-6607. All other inquiries should be directed to Tracey Tyrrell of the DEM Office of Compliance and Inspection at (401) 222-1360 ext. 7407.

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

David E. Chopy, Chief
DEM Office of Compliance and Inspection

Date: _____

CERTIFICATION

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

Mokhtar Kattan
202 East Street
Cranston, RI 02920

KANTZ CORPORATION
c/o Khaled Kattan, Registered Agent
202 East Street
Cranston, RI 02920

by Certified Mail.



ADMINISTRATIVE PENALTY SUMMARY	
Program:	OFFICE OF COMPLIANCE AND INSPECTION, UST COMPLIANCE
File No.:	UST 2014-80-00305
Respondents:	Mokhtar Kattan and KANTZ CORPORATION

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) – Failure to compile and maintain inventory control records	Type II (\$ <u>12,500</u> Max. Penalty)*	Minor	\$1,500	1 violation	\$1,500
D (3) and D (4) – Failure to assign trained and certified Class A, Class B and Class C UST facility operators to the facility and submit a form certifying as such to the DEM	Type II (\$ <u>12,500</u> Max. Penalty)*	Moderate	\$5,000	1 violation	\$5,000
D (2) and D (5) – Failure to have a Class A or Class B UST facility operator perform monthly inspections	Type II (\$ <u>12,500</u> Max. Penalty)*	Minor	\$1,250	1 violation	\$1,250
SUB-TOTAL					\$7,750

*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 ARE IN COMPLIANCE. 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 the Respondents have either enjoyed no identifiable benefit from the non-compliance alleged in this enforcement action, that the amount of economic benefit that may have resulted cannot be quantified or that the amount of economic benefit was insignificant.

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 the 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 = \$7,750

PENALTY MATRIX WORKSHEET

CITATION: Failure to compile and maintain inventory control records

VIOLATION NO.: D (1)

TYPE

 TYPE I
DIRECTLY related to protecting health, safety, welfare or environment.

 X **TYPE II**
INDIRECTLY related to protecting health, safety, welfare or environment.

 TYPE III
INCIDENTAL to protecting health, safety, welfare or environment.

DEVIATION FROM THE STANDARD

THE DEGREE TO WHICH A PARTICULAR VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED.

FACTORS CONSIDERED:

Taken from Section 10(a)(2) of the DEM's *Rules and Regulations for Assessment of Administrative Penalties*

- (A) **The extent to which the act or failure to act was out of compliance:** The Respondents failed to provide to the DEM written verification that they have compiled inventory reconciliation and leak check records for the USTs in accordance with the DEM's UST Regulations. The inventory control leak detection method is expressly required by the regulations and is of importance to the regulatory program. Failure to comply would presumably reduce the likelihood of detecting leaks from the USTs.
- (B) **Environmental conditions:** The facility is located in a densely developed area with numerous potential vapor receptors including commercial and residential structures and underground utilities. The facility is located in a GB groundwater classification zone, which are groundwater resources presumed to be unsuitable for drinking water use without treatment. The facility is located in the Pawtuxet River watershed.
- (C) **Amount of the pollutant:** Considered, but not utilized for this calculation.
- (D) **Toxicity or nature of the pollutant:** The volatile nature of gasoline presents both a potential public health hazard (due to potential inhalation of benzene) and a potential public safety hazard (due to the potential for explosion). Gasoline is capable of causing significant soil and groundwater contamination if released to the environment.
- (E) **Duration of the violation:** 10 months - June 2014 to present. The DEM inspected the facility in May 2014 and did not identify a violation.
- (F) **Areal extent of the violation:** Considered, but not utilized for this calculation.

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- (G) **Whether the person took reasonable and appropriate steps to prevent and/or mitigate the non-compliance:** The Respondents failed to prevent the non-compliance by compiling and maintaining inventory control records. The Respondents failed to mitigate the non-compliance despite receiving several notices from the DEM, which required that they do so.
- (H) **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:** The Respondents were previously cited by the DEM for violations of the inventory control rules in letters dated 17 January 2001, 25 January 2002 and 26 December 2006; however, for several years after the issuance of the last notice, the Respondents had leased the operation of the facility to another company, and had only recently begun to operate the facility in 2014.
- (I) **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 the Respondents for the failure to comply immediately with the inventory control requirements set forth in the DEM's UST Regulations. As owners and operators of the facility, the Respondents had full control over the occurrence of the violation. The regulations expressly require inventory reconciliation and leak checks for UST systems.
- (J) **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
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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	\$1,250 to \$2,500 \$1,500	\$250 to \$1,250

PENALTY MATRIX WORKSHEET

CITATION:	Failure to assign trained and certified Class A, Class B and Class C UST facility operators to the facility and submit a form certifying as such to the DEM
VIOLATION NOS.:	D (3) and (4)

TYPE

<u> </u> TYPE I <u>DIRECTLY</u> related to protecting health, safety, welfare or environment.	<u> X </u> TYPE II <u>INDIRECTLY</u> related to protecting health, safety, welfare or environment.	<u> </u> TYPE III <u>INCIDENTAL</u> to protecting health, safety, welfare or environment.
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DEVIATION FROM THE STANDARD

THE DEGREE TO WHICH A PARTICULAR VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED.

FACTORS CONSIDERED:

Taken from Section 10 (a) (2) of the DEM's *Rules and Regulations for Assessment of Administrative Penalties*

- (A) **The extent to which the act or failure to act was out of compliance:** The Respondents failed to: assign trained and certified Class A and Class B UST facility operators and trained Class C UST facility operators to the facility; register new Class A and Class B UST facility operators with the DEM's Office of Waste Management; and present a list of Class C UST facility operators that have been assigned to the facility.
- (B) **Environmental conditions:** The facility is located in a densely developed area with numerous potential vapor receptors including commercial and residential structures and underground utilities. The facility is located in a GB groundwater classification zone, which are groundwater resources presumed to be unsuitable for drinking water use without treatment. The facility is located in the Pawtuxet River watershed.
- (C) **Amount of the pollutant:** Considered, but not utilized for this calculation.
- (D) **Toxicity or nature of the pollutant:** The volatile nature of gasoline presents both a potential public health hazard (due to potential inhalation of benzene) and a potential public safety hazard (due to the potential for explosion). Gasoline is capable of causing significant soil and groundwater contamination if released to the environment.
- (E) **Duration of the violation:** 7 months - October 2014 to present. Mokhtar Kattan informed the DEM inspector at the time of the 16 October 2014 inspection that he took over operation of the facility on or about 1 October 2014.
- (F) **Areal extent of the violation:** Considered, but not utilized for this calculation.

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- (G) **Whether the person took reasonable and appropriate steps to prevent and/or mitigate the noncompliance:** The Respondents failed to prevent the non-compliance by assigning new Class A and B UST facility operators to the facility before the previously-registered Class A/B UST facility operator left and training all facility attendants as at least Class C UST facility operators. The Respondents have yet to mitigate the non-compliance despite receiving several notices from the DEM, which required that they do so.
- (H) **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.
- (I) **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 the Respondents for the failure to comply immediately with the requirements set forth in Rule 8.22(A) of the DEM's UST Regulations. As owners and operators of the facility, the Respondents had full control over the occurrence of the violations. The UST facility operator training requirements are clearly established in the regulations.
- (J) **Any other factor(s) that may be relevant in determining the amount of a penalty:** Considered, but not utilized for this calculation.

MAJOR	<u> X </u> 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 \$5,000	\$1,250 to \$2,500
	MINOR	\$2,500 to \$6,250	\$1,250 to \$2,500	\$250 to \$1,250

PENALTY MATRIX WORKSHEET

CITATION:	Failure to have a Class A or Class B UST facility operator perform monthly inspections
VIOLATION NOS.:	D (2) and (5)

TYPE		
<u> </u> TYPE I <u>DIRECTLY</u> related to protecting health, safety, welfare or environment.	<u> X </u> TYPE II <u>INDIRECTLY</u> related to protecting health, safety, welfare or environment.	<u> </u> TYPE III <u>INCIDENTAL</u> to protecting health, safety, welfare or environment.

DEVIATION FROM THE STANDARD
 THE DEGREE TO WHICH A PARTICULAR VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED.

FACTORS CONSIDERED:

Taken from Section 10 (a) (2) of the DEM's *Rules and Regulations for Assessment of Administrative Penalties*

- (A) **The extent to which the act or failure to act was out of compliance:** The Respondents failed to have an ICC-certified Class A or Class B UST facility operator conduct monthly on-site UST facility inspections (including a continuous monitoring system inspection) in accordance with the DEM's UST Regulations. These monthly inspections are of importance to the regulatory program. Failure to perform these inspections and tests would presumably reduce the likelihood of preventing or detecting a leak or release from the UST systems.
- (B) **Environmental conditions:** The facility is located in a densely developed area with numerous potential vapor receptors including commercial and residential structures and underground utilities. The facility is located in a GB groundwater classification zone, which are groundwater resources presumed to be unsuitable for drinking water use without treatment. The facility is located in the Pawtuxet River watershed.
- (C) **Amount of the pollutant:** Considered, but not utilized for this calculation.
- (D) **Toxicity or nature of the pollutant:** The volatile nature of gasoline presents both a potential public health hazard (due to potential inhalation of benzene) and a potential public safety hazard (due to the potential for explosion). Gasoline is capable of causing significant soil and groundwater contamination if released to the environment.
- (E) **Duration of the violation:** 10 months - June 2014 to present.
- (F) **Areal extent of the violation:** Considered, but not utilized for this calculation.

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- (G) **Whether the person took reasonable and appropriate steps to prevent and/or mitigate the noncompliance:** The Respondents failed to prevent the non-compliance by having an ICC-certified Class A/B UST facility operator perform monthly inspections of the facility. The Respondents failed to mitigate the non-compliance despite receiving several notices from the DEM, which required that they do so.
- (H) **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.
- (I) **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 Respondents for the failure to comply immediately with the requirements set forth in Rules 8.22(F) and 8.15(E) of the DEM's UST Regulations. As owners and operators of the facility, the Respondents had full control over the occurrence of the violation. The monthly facility and tank monitor inspection requirements are clearly established in the regulations.
- (J) **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
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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	\$1,250 to \$2,500 \$1,250	\$250 to \$1,250