

City of Marion

Violation 1: Effluent Violations

Date of Violation: June 30, 2008 thru June 30, 2011 Findings of Fact, Paragraph 4

Reg 7, Section 9 subpart	factors	range	points
A	The seriousness of the noncompliance and its effect on the environment, including the degree of potential or actual risk or harm to the public health caused by the violation. Permit limit violations may cause pollution because the limits are based on water quality standards and are meant to protect the water environment.	0 to 15	10
B	Whether the cause of the noncompliance was an unavoidable accident. The cause of the noncompliance does not appear to be an unavoidable accident.	-5 to 10	8
C	The violator's cooperativeness and expeditious efforts to correct the violation. The Permittee has not been cooperative in efforts to correct the effluent violations.	0 to 10	6
D	The violator's history in taking all reasonable steps or procedures necessary or appropriate to correct any noncompliance. The Permittee has a history of continuing non-compliance of this violation since June 30, 2008.	0 to 10	6
E	The violator's history of previous documented violations regardless of whether or not other administrative, civil, or criminal proceedings were commenced therefore. The Permittee has a history of violations with the Department documented in a CAO executed on September 17, 2001, and an inspection conducted on October 26 and 27, 2009.	0 to 10	3
F	Whether the cause of the violation was an intentional act or omission on the part of the violator. The cause of the violation could be considered an omission on the part of the Permittee.	0 to 15	7
G	Whether the noncompliance has resulted in an economic benefit or pecuniary gain to the violator, including but not limited to cost avoidance. The precise economic benefit gained by the Permittee for not correcting the violations can not be calculated, however it is significant.	0 to 10	5
H	Whether the pursuit and the execution of the enforcement action has resulted in unusual or extraordinary costs to the Department or public. The pursuit and execution of the enforcement action has not resulted in unusual or extraordinary costs to the Department.	0 to 10	0
I	Whether any part of the noncompliance is attributable to the action or inaction of the State government. The noncompliance was not caused by any action or inaction on the part of State government.	-5 to 0	0
J	Whether the violator has delayed corrective action. By not correcting the conditions that cause the effluent violations, the Permittee has delayed corrective action.	0 to 10	5
<b>POINT TOTAL</b>			<b>50</b>

Total Points ÷ 100 X \$10,000 = Civil Penalty

**\$5,000.00**