

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

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

\$5,000.00