

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

**OFFICE OF COMPLIANCE & INSPECTION**

**IN RE: D&L Service, Inc.  
Robert Gervasio  
Diane Gervasio**

**FILE NOs.: OWTS CI 11-118  
and HW 2011-37**

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 DEM's jurisdiction.

B. Administrative History

DEM issued an informal written notice to Robert Gervasio and Diane Gervasio on August 22, 2011 for the septic system violation. The notice required that specific actions be taken to correct the violation. Robert Gervasio and Diane Gervasio failed to comply with the notice.

C. Facts

- (1) The subject property is located at 30 Kowal Court, Assessor's Plat 35, Lot 2 in the town of Coventry, Rhode Island (the “Property”).
- (2) Robert Gervasio and Diane Gervasio own the Property (the “Owners”).
- (3) D&L Service, Inc. (“D&L”) conducts business on the Property.
- (4) DEM issued a septage waste transporter permit (No. RI-311) to D&L on April 20, 2010 (the “Permit”). The Permit authorized D&L to transport septage in accordance with the DEM’s *Rules and Regulations for Hazardous Waste Management*. The Permit expired on June 30, 2011.
- (5) DEM inspected the Property on August 10, 2011. The inspection revealed that the onsite wastewater treatment system (“OWTS”) at the Property has failed and sewage was discharged from the OWTS to the surface of the ground as evidenced by:
  - (a) Observation of black soil and lush green vegetation in the area around the OWTS.
  - (b) Detection of odors associated with sewage in the area around the OWTS.

- (c) Photographs showing lush green vegetation in the area around the OWTS.
- (6) On August 13, 2011, Officer Aires H. Medeiros, Jr. of the Coventry Police Department inspected the Property in response to a citizen complaint of sewage dumping at the Property. Officer Medeiros observed and photographed sewage on the surface of the ground that had been discharged from a D&L septage hauling truck. During the inspection, Mr. Gervasio informed Officer Medeiros that he had just cleaned out his septage hauling truck and that he normally cleans out his truck at the grass line on the side of his building.
- (7) On November 21, 2011, Officer Erica Novak of the Coventry Police Department inspected the Property in response to a citizen complaint of sewage dumping at the Property. Officer Novak observed and photographed sewage on the surface of the ground that had been discharged from a D&L septage hauling truck.
- (8) On February 24, 2012, Mark Dennen of DEM's Office of Waste Management called D&L by telephone and asked if they would pump out his cesspool to which the receptionist answered "yes" and asked for an address.
- (9) As of the date of this Notice of Violation ("NOV"), the Owners have failed to comply with the DEM's *Rules Establishing Minimum Standards Relating to Location, Design, Construction and Maintenance of Onsite Wastewater Treatment Systems* (the "OWTS Regulations").
- (10) As of the date of this NOV, D&L does not have a DEM permit to transport sewage.

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) DEM's OWTS Regulations
  - (a) **Rule 8.8** – prohibiting the discharge of wastewater to the surface of the ground.
  - (b) **Rule 17.7** – requiring submittal of a repair application for a failed OWTS.
- (2) DEM's *Rules and Regulations for Hazardous Waste Management*
  - (a) **Rule 6.1A** – prohibiting transporting septage without a DEM issued septage transporter permit.
  - (b) **Rule 6.03N** – requiring septage transporters to dispose of all collected septage at a properly licensed publicly owned sewage treatment facility.

E. Order

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

- (1) **IMMEDIATELY** take steps to reduce the discharge of sewage to the OWTS, such as through the installation and use of water conservation devices and fixtures, and arrange to have the OWTS pumped by a permitted septage transporter as frequently as necessary to prevent the OWTS from overflowing or breaking out onto the surface of the ground. A list of permitted septage transporters can be obtained by contacting the DEM's Office of Waste Management at 222-4700 or from the DEM's web page at: [www.dem.ri.gov/programs/benviron/waste/transpor/septage.pdf](http://www.dem.ri.gov/programs/benviron/waste/transpor/septage.pdf).
- (2) **Within thirty (30) days of receipt of this NOV**, submit a written proposal for a permanent solution to the violation, that must include an inspection of the OWTS by a licensed OWTS designer to determine the cause of the failure (the "System Assessment"). The System Assessment must be signed by the licensed designer who inspected the OWTS, must identify the size and location of the OWTS components, must set forth the probable cause(s) for the failure, and propose a plan, including a proposed timetable, for any repair work for the correction of the failure. If it is determined that the OWTS needs repair and public sewers will not be available for connection within one (1) year, a formal application and plan must be submitted to the DEM in accordance with the OWTS Regulations (the "Application"). **Any repairs or modifications to the OWTS require the prior approval of the DEM.** The list of licensed OWTS designers can be obtained by contacting Deb Knauss at 222-4700, Ext. 7612 or from the DEM's web page at: [www.dem.ri.gov/programs/benviron/water/licenses/OWTS/pdfs/deslist.pdf](http://www.dem.ri.gov/programs/benviron/water/licenses/OWTS/pdfs/deslist.pdf).
- (3) The Application shall be subject to DEM review and approval. Upon review, the DEM shall provide written notification to you either granting formal approval or stating the deficiencies therein. Within fourteen (14) days (unless a longer time is specified) of receiving a notification of deficiencies in the Application, you must submit to the DEM a modified proposal or additional information necessary to correct the deficiencies.
- (4) Commence work on the project in accordance with the method approved by the Director within twenty (20) days of approval (unless otherwise expressly authorized by the Director in writing to commence work at a later time), and complete such work within one hundred twenty (120) days of said approval or other date specified by the Director.

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

- (1) **IMMEDIATELY** cease the transportation of septage until a DEM septage transporter permit is obtained.
- (2) Upon receipt of a DEM permit to transport septage, at all times dispose of all collected septage at a properly licensed publicly owned sewage treatment facility.

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:
  - (a) **Robert Gervasio and Diane Gervasio for One Thousand Four Hundred Dollars (\$1,400.00)**
  - (b) **D&L for Twelve Thousand Five Hundred Dollars (\$12,500.00)**
- (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 twenty (20) 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's 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 Director 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 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 DEM's Administrative Adjudication Division, at the following address, within twenty (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, 2<sup>nd</sup> 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 *Administrative Rules of Practice and Procedure for the Administrative Adjudication Division of Environmental Matters*.
- (2) A copy of each request for hearing must also be forwarded to:

Gary Powers, Esquire  
DEM - Office of Legal Services  
235 Promenade Street, 4<sup>TH</sup> 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 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 town of Coventry 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(13), 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) Gary Powers at the DEM Office of Legal Services at (401) 222-6607 ext. 2308. All other inquiries should be directed to Patrick Hogan of the DEM Office of Compliance and Inspection at (401) 222-1360 ext. 7119.

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

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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:

D&L Service, Inc.  
C/o Peter D. Nolan, Esq., Registered Agent  
1070 Main Street  
Coventry, RI 02816

Robert Gervasio  
42 Kiley Way  
Coventry, RI 02816

Diane Gervasio  
42 Kiley Way  
Coventry, RI 02816

by Certified Mail.

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# ADMINISTRATIVE PENALTY SUMMARY

Program: OFFICE OF COMPLIANCE AND INSPECTION, OWTS and Hazardous Waste

File Nos.: CI 11-118 & 2011-37

Respondents: D&L Service, Inc., Robert Gervasio and Diane Gervasio

<b>GRAVITY OF VIOLATION</b>					
<small>SEE ATTACHED "PENALTY MATRIX WORKSHEETS."</small>					
VIOLATION No. & CITATION	APPLICATION OF MATRIX		PENALTY CALCULATION		AMOUNT
	Type	Deviation	Penalty from Matrix	Number or Duration of Violations	
D(1)(a)– Discharge of sewage to the surface of the ground (from the OWTS)	Type I (\$1,000 Max. Penalty)*	Moderate	\$600	1 violation	\$600.00
D(1)(b) – Failure to submit an application for a failed septic system	Type I (\$1,000 Max. Penalty)*	Moderate	\$600	1 violation	\$600.00
D(2)(a) – Transporting septage without a permit	Type I (\$25,000 Max. Penalty)*	Moderate	\$6,250	1 violation	\$6,250.00
D(2)(b) – Failure to dispose of septage at a properly licensed publicly owned sewage treatment facility	Type I (\$25,000 Max. Penalty)*	Moderate	\$6,250	1 violation	\$6,250.00
<b>SUB-TOTAL</b>					<b>\$13,700.00</b>

\*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.

<i><b>DESCRIPTION OF BENEFIT</b></i>	<i><b>CALCULATION</b></i>	<i><b>AMOUNT</b></i>
Cost of septic system pumping	1 occurrence @ \$200 each pumping	\$200.00
<i><b>SUB-TOTAL</b></i>		<i><b>\$200.00</b></i>

**TOTAL PENALTY PROPOSED UNDER PENALTY REGULATIONS = \$13,900.00**

# PENALTY MATRIX WORKSHEET

CITATION: Discharge of sewage to the surface of the ground (from the OWTS)

VIOLATION NO.: D(1)(a)

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;">_____ 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 PARTICULAR VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED.		
<p><b><u>FACTORS CONSIDERED:</u></b></p> <p>Taken from Section 10 (a) (2) of the DEM <i>Rules and Regulations for Assessment of Administrative Penalties</i></p> <p>(A) <b>The extent to which the act or failure to act was out of compliance:</b> Sewage was discharged to the ground surface from a failed OWTS. Preventing the discharge of sewage to the surface of the ground is a primary objective of the regulations and a major objective of the regulatory program.</p> <p>(B) <b>Environmental conditions:</b> The property includes a commercial garage in a moderately populated neighborhood.</p> <p>(C) <b>Amount of the pollutant:</b> The volume of the sewage overflow is unknown.</p> <p>(D) <b>Toxicity or nature of the pollutant:</b> Sewage 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.</p> <p>(E) <b>Duration of the violation:</b> Unknown. The violation was first observed by DEM on August 10, 2011.</p> <p>(F) <b>Areal extent of the violation:</b> Unknown.</p> <p>(G) <b>Whether the person took reasonable and appropriate steps to prevent and/or mitigate the noncompliance:</b> Robert Gervasio and Diane Gervasio failed to have the system pumped as necessary to prevent discharge to the ground surface.</p> <p>(H) <b>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:</b> Not utilized for this calculation.</p> <p>(I) <b>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:</b> Robert Gervasio and Diane Gervasio had full control over the violation. The violation was foreseeable.</p> <p>(J) <b>Any other factor(s) that may be relevant in determining the amount of a penalty:</b> The notice issued on August 22, 2011 stated the penalty could be up to \$1,000.00 per violation.</p>		
MAJOR	<u>  X  </u> MODERATE	MINOR

Penalty Matrix where the applicable statute provides for a civil penalty up to \$1,000		TYPE I	TYPE II	TYPE III
DEVIATION FROM STANDARD	MAJOR	\$800 to \$1,000	\$600 to \$800	\$400 to \$600
	<b>MODERATE</b>	\$600 to \$800 <b>\$600</b>	\$400 to \$600	\$200 to \$400
	MINOR	\$400 to \$600	\$200 to \$400	\$100 to \$200

# PENALTY MATRIX WORKSHEET

CITATION: Failure to submit an application for a failed septic system  
 VIOLATION NO.: D(1)(b)

TYPE		
<u>  X  </u> TYPE I DIRECTLY related to protecting health, safety, welfare or environment.	___ TYPE II INDIRECTLY related to protecting health, safety, welfare or environment.	___ TYPE III INCIDENTAL to protecting health, safety, welfare or environment.
<b>DEVIATION FROM THE STANDARD</b> THE DEGREE TO WHICH A PARTICULAR VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED.		
<p><b>FACTORS CONSIDERED:</b></p> <p>Taken from Section 10 (a) (2) of the DEM <i>Rules and Regulations for Assessment of Administrative Penalties</i></p> <p>(A) <b>The extent to which the act or failure to act was out of compliance:</b> Robert Gervasio and Diane Gervasio failed to submit a repair application for the failed septic system. The repair of failed septic systems is a primary objective of the regulations and a major objective of the regulatory program.</p> <p>(B) <b>Environmental conditions:</b> The property includes a commercial garage in a moderately populated neighborhood.</p> <p>(C) <b>Amount of the pollutant:</b> Not utilized for this calculation.</p> <p>(D) <b>Toxicity or nature of the pollutant:</b> Not utilized for this calculation.</p> <p>(E) <b>Duration of the violation:</b> Unknown, but is at least 4 months.</p> <p>(F) <b>Areal extent of the violation:</b> Not utilized for this calculation.</p> <p>(G) <b>Whether the person took reasonable and appropriate steps to prevent and/or mitigate the noncompliance:</b> Robert Gervasio and Diane Gervasio failed to retain a licensed designer to evaluate the system and prepare and submit a repair application despite receiving notice from DEM on August 25, 2011 requiring that they do so.</p> <p>(H) <b>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:</b> Not utilized for this calculation.</p> <p>(I) <b>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:</b> Robert Gervasio and Diane Gervasio had full control over the violation. Robert Gervasio and Diane Gervasio are fully aware of the necessary actions to correct the violation.</p> <p>(J) <b>Any other factor(s) that may be relevant in determining the amount of a penalty:</b> The notice issued on August 22, 2011 stated the penalty could be up to \$1,000.00 per day for each violation.</p>		
MAJOR	<u>  X  </u> MODERATE	MINOR

Penalty Matrix where the applicable statute provides for a civil penalty up to \$1,000	TYPE I	TYPE II	TYPE III
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DEVIATION FROM STANDARD	MAJOR	\$800 to \$1,000	\$600 to \$800	\$400 to \$600
	<b>MODERATE</b>	\$600 to \$800 <b>\$600</b>	\$400 to \$600	\$200 to \$400
	MINOR	\$400 to \$600	\$200 to \$400	\$100 to \$200

# PENALTY MATRIX WORKSHEET

CITATION: Transporting septage without a permit

VIOLATION NO.: D(2)(a)

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;">_____ 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 PARTICULAR VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED.		
<p><b><u>FACTORS CONSIDERED:</u></b></p> <p>Taken from Section 10 (a) (2) of the DEM <i>Rules and Regulations for Assessment of Administrative Penalties</i></p> <p>(A) <b>The extent to which the act or failure to act was out of compliance:</b> D&amp;L transported septage without having an active DEM permit. The requirement that septage haulers obtain a DEM septage transporter permit is of major importance to the regulatory program.</p> <p>(B) <b>Environmental conditions:</b> Not utilized for this calculation.</p> <p>(C) <b>Amount of the pollutant:</b> Not utilized for this calculation.</p> <p>(D) <b>Toxicity or nature of the pollutant:</b> Not utilized for this calculation.</p> <p>(E) <b>Duration of the violation:</b> Five months and ongoing since July 1, 2011.</p> <p>(F) <b>Areal extent of the violation:</b> Not utilized for this calculation.</p> <p>(G) <b>Whether the person took reasonable and appropriate steps to prevent and/or mitigate the noncompliance:</b> D&amp;L did not take any steps to prevent or mitigate this violation. D&amp;L failed to renew its septage transporter permit.</p> <p>(H) <b>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:</b> Not utilized for this calculation.</p> <p>(I) <b>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:</b> D&amp;L has full control over the violation. D&amp;L is fully aware of the necessary actions to correct the violation.</p> <p>(J) <b>Any other factor(s) that may be relevant in determining the amount of a penalty:</b> Not utilized for this calculation.</p>		
MAJOR	<u>  X  </u> MODERATE	MINOR

Penalty Matrix where the applicable statute provides for a civil penalty up to \$25,000		<b>TYPE I</b>	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 <b>\$6,250</b>	\$2,500 to \$6,250	\$1,250 to \$2,500
	<b>MINOR</b>	\$2,500 to \$6,250	\$1,250 to \$2,500	\$250 to \$1,250

# PENALTY MATRIX WORKSHEET

CITATION: Failure to dispose of septage at a properly licensed publicly owned sewage treatment facility  
 VIOLATION NO.: D(2)(b)

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;">_____ 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 PARTICULAR VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED.		
<p><b><u>FACTORS CONSIDERED:</u></b></p> <p>Taken from Section 10 (a) (2) of the DEM <i>Rules and Regulations for Assessment of Administrative Penalties</i></p> <p>(A) <b>The extent to which the act or failure to act was out of compliance:</b> D&amp;L discharged sewage to the surface of the ground instead of disposing of the sewage at a properly licensed publicly owned sewage treatment facility. The requirement that septage haulers dispose of the collected sewage properly is a major objective of the regulatory program.</p> <p>(B) <b>Environmental conditions:</b> The sewage was discharged to the surface of the ground at a commercial property located in moderately populated neighborhood.</p> <p>(C) <b>Amount of the pollutant:</b> Unknown.</p> <p>(D) <b>Toxicity or nature of the pollutant:</b> Sewage 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.</p> <p>(E) <b>Duration of the violation:</b> Unknown. The violation was observed by a Coventry Police officer on November 21, 2011.</p> <p>(F) <b>Areal extent of the violation:</b> Not utilized for this calculation.</p> <p>(G) <b>Whether the person took reasonable and appropriate steps to prevent and/or mitigate the noncompliance:</b> D&amp;L did not take any steps to prevent or mitigate this violation.</p> <p>(H) <b>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:</b> Not utilized for this calculation.</p> <p>(I) <b>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:</b> D&amp;L had full control over the violation. The violation was willful.</p> <p>(J) <b>Any other factor(s) that may be relevant in determining the amount of a penalty:</b> Not utilized for this calculation.</p>		
MAJOR	<u>  X  </u> MODERATE	MINOR



Penalty Matrix where the applicable statute provides for a civil penalty up to \$25,000		<b>TYPE I</b>	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 <b>\$6,250</b>	\$2,500 to \$6,250	\$1,250 to \$2,500
	<b>MINOR</b>	\$2,500 to \$6,250	\$1,250 to \$2,500	\$250 to \$1,250