

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

**OFFICE OF COMPLIANCE & INSPECTION**

**IN RE: COASTAL RECYCLING, INC.  
765 GREAT ROAD, LLC  
COMPLETE WASTE AND RECYCLING SERVICES, LLC**

**FILE NO.: SW 2013-74**

**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. Facts**

- (1) The subject property is located at 761 – 765 Great Road, Assessor’s Plat 5, Lot 29 in the town of North Smithfield, Rhode Island (the “Property”).
- (2) 765 GREAT ROAD, LLC (“Great Road”) owns the Property.
- (3) Coastal Recycling, Inc. (“Coastal”) formerly operated a solid waste hauling and recycling business on the Property.
- (4) COMPLETE WASTE AND RECYCLING SERVICES, LLC (“Complete Waste”) currently operates a solid waste hauling and recycling business on the Property.
- (5) On 23 September 2013 and 26 September 2013, the DEM Office of Compliance and Inspection (“OC&I”) inspected the Property and observed the following:
  - (a) Solid waste deposited on the ground, which consisted of leaves, yard waste, paper bags, tree waste, construction and demolition (“C & D”) debris, cardboard, plastic containers, household refuse, wooden pallets, wood waste, metal waste, gypsum wall board, a cathode ray tube television set and other mixed solid waste. The OC&I inspector estimated that about 694 cubic yards of solid waste was present on 26 September 2013;
  - (b) The television set stored on the ground, exposed to the weather and not labeled;

- (c) Roll-off containers (“Containers”) filled with mixed solid waste including household refuse, used tires, carpeting, PVC piping, used mattresses, weathered cardboard and paper, bottles and cans, adulterated wood waste, Styrofoam, C & D debris, fiberglass insulation, plastic containers, plastic or rubber hose, furniture, plastic waste, metal waste and other mixed solid waste. The OC&I inspector counted 9 Containers and estimated that the Containers held about 192 cubic yards of solid waste on 26 September 2013;
  - (d) Some of the materials in the Containers were recyclables that were exposed to the weather and co-mingled with non-recyclables; and
  - (e) The solid waste in the Containers had been stored on the Property for more than 72 hours.
- (6) During the 23 September 2013 inspection the OC&I inspector spoke with Bill Duckworth, who identified himself as the controller for Complete Waste. Mr. Duckworth stated the following:
- (a) Coastal is moving out and his company is moving in;
  - (b) Great Road now owns the Property; and
  - (c) The last day for Coastal on the Property is 27 September 2013.
- (7) During the 23 September 2013 inspection the OC&I inspector spoke with Anthony Davidson, who identified himself as the owner of the Property and the former manager of Coastal. Mr. Davidson stated the following:
- (a) Coastal sold all of its accounts;
  - (b) He evicted Coastal from the Property;
  - (c) A bank has been repossessing Coastal’s vehicles and containers from the Property and the repossession company has been dumping the contents of the containers onto the ground; and
  - (d) He is trying to get the repossession company to remove the waste it has dumped onto the ground and that he is willing to do it himself if the DEM wants him to.
- (8) During the 26 September 2013 inspection the OC&I inspector spoke with Mr. Duckworth. Mr. Duckworth stated that Complete Waste has been picking up the solid waste that was dumped on the Property and also emptying the Containers. The OC&I inspector observed employees picking up the solid waste on the paved surface to the rear of the building and putting the waste into the Containers. By the time the OC&I inspector left the Property, all the solid waste previously disposed on the paved surface was put into the Containers.

- (9) On 29 January 2014 the OC&I received electronic mail and photographs of the Property from Michael Johnson, the building official for the town of North Smithfield. The photographs show greater than 3 cubic yards of solid waste comprised of C & D debris, metal, tires, plastics and other mixed solid waste deposited on the ground near the building and in the Containers.
- (10) The abandoned television set is a universal waste cathode ray tube (“UWCRT”) as per Rule 13.2 of the DEM’s *Rules and Regulations for Hazardous Waste Management* (the “Hazardous Waste Regulations”).
- (11) The recyclables in the Containers do not comply with the Rhode Island Resource Recovery Corporation’s *Material Specifications and Delivery Standards for the Commercial Single Stream Recycling Program* and the DEM’s *Rules and Regulations for Reduction and Recycling of Commercial and Non-Municipal Residential Solid Waste*. As such, the recyclables are considered solid waste.
- (12) The Respondents have neither sought nor obtained an approval, permit or license from the DEM to operate a solid waste management facility on the Property.
- (13) As of the date of this Notice of Violation (“NOV”), the Respondents have failed to cease the disposal of solid waste on the Property.
- (14) As of the date of this NOV, the Respondents have failed to cease the operation of the solid waste management facility on the Property.

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 23-18.9-5** – prohibiting the disposal of solid waste at other than a solid waste management facility.
- (2) **R.I. Gen. Laws Section 23-18.9-8** – prohibiting the operation of a solid waste management facility or construction and demolition debris processing facility unless a license is obtained from the DEM.
- (3) **DEM’s Solid Waste Regulation No. 1, Section 1.4.01** – prohibiting any person from constructing, developing, establishing, managing, owning or maintaining a solid waste management facility without first having obtaining approval from the DEM.
- (4) **DEM’s Solid Waste Regulation No. 1, Section 1.4.01** – prohibiting any person from operating a solid waste management facility without first having obtained a license or registration to operate from the DEM.

- (5) **DEM's Hazardous Waste Regulations, Rule 13.5 (H)(1)** – requiring that universal waste used cathode ray tubes be stored inside an enclosed weatherproof structure.
- (6) **DEM's Hazardous Waste Regulations, Rule 13.5(I)(1)** – requiring that stored universal waste cathode ray tubes be labeled or clearly marked with either of the phrases “Universal Waste-Cathode Ray Tubes”, “Waste Cathode Ray Tubes” or “Used Cathode Ray Tubes”.
- (7) **DEM's Hazardous Waste Regulations, Rule 13.5 and Title 40 of the Code of Federal Regulations 273.15** – requiring universal waste handlers to be able to demonstrate the length of time that universal waste has been accumulated and restricting storage time to 1 year or less.

D. Order

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

- (1) **IMMEDIATELY** dispose of the UWCRT at a licensed solid waste management facility or universal waste handling facility.
- (2) **Within 60 days of receipt of the NOV**, remove all solid waste from the Property and dispose of it at a licensed solid waste management facility. The solid waste shall not be burned or buried.
- (3) **Within 10 days of completion of the removal of the solid waste**, submit to the OC&I written verification that the solid waste and universal waste has been disposed of at a licensed solid waste management facility.

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:

**Twenty-Seven Thousand Five Hundred Dollars (\$27,500.00)**

- (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 30 days of your receipt of the NOV. Payment shall be in the form of a certified check, cashiers check or money order made payable to the “General Treasury - Environmental Response Fund,” 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.

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 the DEM 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 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, 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:

Joseph J. LoBianco, Esquire  
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 town of North Smithfield, 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 23-18.9-13, as is or 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 D'Amadio 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 F 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:

Coastal Recycling, Inc.  
c/o Anthony Davidson, Registered Agent  
761 Great Road  
North Smithfield, RI 02896

765 GREAT ROAD, LLC  
c/o Gary R. Alger, Esq., Registered Agent  
519 Mendon Road  
P.O. Box 8000  
Cumberland, RI 02864

COMPLETE WASTE AND RECYCLING SERVICES, LLC  
c/o Wayne Davidson, Registered Agent  
48 Thomas Street  
Woonsocket, RI 02895

by Certified Mail.

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## ADMINISTRATIVE PENALTY SUMMARY

Program: OFFICE OF COMPLIANCE AND INSPECTION, SOLID WASTE

File No.: SW 2013 – 74

Respondent: Coastal Recycling, Inc., GREAT ROAD, LLC and COMPLETE WASTE AND RECYCLING SERVICES, LLC

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) and C(3) – Disposal of solid waste at other than a licensed solid waste management facility	Type I (\$ <u>25,000</u> Max. Penalty)*	Major	\$12,500.00	1 violation	\$12,500.00
C (2) and C(4) – Operation of a solid waste management facility without obtaining a license from the DEM	Type I (\$ <u>25,000</u> Max. Penalty)*	Major	\$15,000.00	1 violation	\$15,000.00
<b>SUB-TOTAL</b>					<b>\$27,500.00</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.

A review of the record in this matter has revealed that the Respondents have 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 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= \$27,500.00**

# PENALTY MATRIX WORKSHEET

CITATION: Disposal of solid waste at other than a licensed solid waste management facility  
 VIOLATION NO.: C (1)

TYPE		
<p style="text-align: center;"><u>  X  </u> <b>TYPE I</b></p> <p style="text-align: center;"><u>DIRECTLY</u> related to protecting health, safety, welfare or environment.</p>	<p style="text-align: center;"><u>      </u> <b>TYPE II</b></p> <p style="text-align: center;"><u>INDIRECTLY</u> related to protecting health, safety, welfare or environment.</p>	<p style="text-align: center;"><u>      </u> <b>TYPE III</b></p> <p style="text-align: center;"><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>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> The Respondents disposed of or allowed for the disposal of solid waste on the property. Prohibiting the disposal of solid waste at other than a licensed solid waste management facility is of importance to the regulatory program. Unlawful disposal of solid waste bypasses the public health and safety and environmental safeguards obtained by limiting disposal of solid waste to compliantly operated solid waste management facilities.</p> <p>(B) <b>Environmental conditions:</b> The property is located in a GAA groundwater classification zone, which are groundwater resources designated as suitable for drinking water use without treatment and which are located in groundwater reservoirs and portions of their recharge areas, wellhead protection areas for community water supply wells and groundwater dependent areas. The property is located in a non-community, non-transient water supply wellhead protection area. The solid waste has been deposited proximate to the Branch River and its associated riverbank wetlands.</p> <p>(C) <b>Amount of the pollutant:</b> About 886 cubic yards of solid waste have been disposed of on the property as of 26 September 2013.</p> <p>(D) <b>Toxicity or nature of the pollutant:</b> Much of the solid waste deposited on the property is combustible, which presents a fire hazard. The stockpiles of solid waste may provide harborage to rodents or disease vectors. One of the containers held putrescible waste that was emitting an objectionable odor. Construction and demolition debris and other solid waste materials may contain hazardous contaminants that could potentially impact the ground and surface waters of the State.</p> <p>(E) <b>Duration of the violation:</b> Total duration unknown. The DEM first observed the waste on 23 September 2013.</p> <p>(F) <b>Areal extent of the violation:</b> Considered, but not utilized for this calculation.</p>		
(continued)		

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- (G) **Whether the person took reasonable and appropriate steps to prevent and/or mitigate the non-compliance:** The Respondents did not take reasonable and appropriate steps to prevent and/or mitigate the noncompliance.
- (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:** Each of the companies cited in this NOV are owned by or controlled by Anthony Davidson. The DEM issued a Notice of Violation to Coastal Recycling, Inc. on 31 August 2007 (2007 NOV) for failing to comply with an approval issued by the DEM to operate a solid waste management facility at its former facility on Allens Avenue in the city of Providence, Rhode Island. The 2007 NOV included a penalty of \$68,750. The company filed an appeal of the 2007 NOV to AAD. A hearing was held and the AAD issued a Decision and Order on 17 August 2012 denying the company's appeal. The company filed an appeal of the Decision and Order to Superior Court, which is still pending. The DEM issued a Notice of Violation to Coastal Recycling on 7 January 2013 (2013 NOV) for altering wetlands on its former property on Great Road in the town of North Smithfield, Rhode Island that is the subject of this NOV. The 2013 NOV included a penalty of \$5,000. The company filed an appeal of the 2013 NOV to AAD. A hearing is still pending at AAD.
- (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 Rhode Island's solid waste statute. The Respondents, as owners of the property and/or operators of the facility, had complete control over the occurrence of the violation. Disposal of solid waste at other than a licensed solid waste management facility is expressly prohibited by the General Laws of Rhode Island.
- (J) **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	<b>MAJOR</b>	\$12,500 to \$25,000 <b>\$12,500</b>	\$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: Operation of a solid waste management facility without a license from the DEM  
 VIOLATION NO.: C (2)

TYPE		
<p style="text-align: center;"><u>  X  </u> <b>TYPE I</b></p> <p style="text-align: center;"><u>DIRECTLY</u> related to protecting health, safety, welfare or environment.</p>	<p style="text-align: center;"><u>      </u> <b>TYPE II</b></p> <p style="text-align: center;"><u>INDIRECTLY</u> related to protecting health, safety, welfare or environment.</p>	<p style="text-align: center;"><u>      </u> <b>TYPE III</b></p> <p style="text-align: center;"><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>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> The Respondents operated or allowed for the operation of a solid waste management facility without applying for and obtaining a license from the DEM. Licensing the operation of solid waste management facilities is of significant importance to the regulatory program. Unlawful operation of a solid waste management facility bypasses the public health and safety and environmental safeguards obtained by limiting disposal of solid waste to licensed, compliantly-operated solid waste management facilities.</p> <p>(B) <b>Environmental conditions:</b> The property is located in a GAA groundwater classification zone, which are groundwater resources designated as suitable for drinking water use without treatment and which are located in groundwater reservoirs and portions of their recharge areas, wellhead protection areas for community water supply wells and groundwater dependent areas. The property is located in a non-community, non-transient water supply wellhead protection area. The solid waste has been deposited proximate to the Branch River and its associated riverbank wetlands.</p> <p>(C) <b>Amount of the pollutant:</b> About 886 cubic yards of solid waste was present on the property as of 26 September 2013.</p> <p>(D) <b>Toxicity or nature of the pollutant:</b> Much of the solid waste on the property is combustible, which presents a fire hazard. The stockpiles of solid waste may provide harborage to rodents or disease vectors. One of the containers held putrescible waste that was emitting an objectionable odor. Construction and demolition debris and other solid waste materials may contain hazardous contaminants that could potentially impact the ground and surface waters of the State.</p> <p>(E) <b>Duration of the violation:</b> Total duration unknown. The DEM first observed the waste on 23 September 2013.</p> <p>(F) <b>Areal extent of the violation:</b> Considered, but not utilized for this calculation.</p>		
(continued)		

(continued from the previous page)

- (G) **Whether the person took reasonable and appropriate steps to prevent and/or mitigate the noncompliance:** The Respondents did not take reasonable and appropriate steps to prevent and/or mitigate the noncompliance.
- (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:** Each of the companies cited in this NOV are owned by or controlled by Anthony Davidson. The DEM issued a Notice of Violation to Coastal Recycling, Inc. on 31 August 2007 (2007 NOV) for failing to comply with an approval issued by the DEM to operate a solid waste management facility at its former facility on Allens Avenue in the city of Providence, Rhode Island. The 2007 NOV included a penalty of \$68,750. The company filed an appeal of the 2007 NOV to AAD. A hearing was held and the AAD issued a Decision and Order on 17 August 2012 denying the company's appeal. The company filed an appeal of the Decision and Order to Superior Court, which is still pending. The DEM issued a Notice of Violation to Coastal Recycling on 7 January 2013 (2013 NOV) for altering wetlands on its former property on Great Road in the town of North Smithfield, Rhode Island that is the subject of this NOV. The 2013 NOV included a penalty of \$5,000. The company filed an appeal of the 2013 NOV to AAD. A hearing is still pending at AAD.
- (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 Rhode Island's solid waste statute. The Respondents, as owners of the property and/or operators of the facility, had complete control over the occurrence of the violations. Operation of a solid waste management facility without a license from the DEM is expressly prohibited by the General Laws of Rhode Island.
- (J) **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 <b>\$15,000</b>	\$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