

Southwest Clean Air Agency

Asbestos Civil Penalty Worksheet and Recommendation

NOV No.: _____ Date of Violation: _____

Facility/Name: _____ Prop. Owner? (Yes, No) _____

Property Address: _____

Mailing Address: _____

The following procedure shall be employed in making a recommendation for assessment of civil penalties for violations of Agency asbestos regulations and/or breaches of a removal/encapsulation permit. Each violation shall include a gravity component to the civil penalty, as determined from the table below. Violations involving demonstrable economic benefit to the violator shall include a benefit component also. A component for records violations shall be determined from the table on the back of this form and added to the gravity and benefit components to determine the total civil penalty assessment.

Gravity Criteria

	No (0)	Possibly (1)	Probably (2)	Definitely (3)
1. Did the violation result in a public health risk or property damage?				
<u>2. Was the work performed at a public, commercial or institutional building?</u>				
<u>3. Was this a willful or knowing violation?</u>				
<u>4. Was the material known to contain asbestos or a common suspected asbestos containing material?</u>				
<u>5. Did the violator not unresponsive to correcting the violation or taking corrective actions?</u>				
<u>6. Were corrections not timely or effective?</u>				
<u>7. Did the violator have a history of similar violations? Was this a repeat violation?</u>				
<u>8. Was this a multiday violation?</u>				
<u>9. Did the violator benefit economically from non-compliance?</u>				

Total Gravity Criteria Rating: _____

Gravity Component Penalty

Rating:	1-3	4-6	7-8	9-10	11-12	13+
Penalty:	\$65	\$125	\$315	\$625	\$1,250	\$3,125

Homeowner/Contractor or Business:

Rating:	1-3	4-6	7-9	10-13	13-16	17+
Penalty:	\$65/\$130	\$125/\$250	\$315/\$630	\$625/\$1,250	\$1,250/\$2,500	\$3,125/\$6,300

Gravity Component Penalty: _____

Benefit Component Penalty

If the answer to question #98 in the Table "Gravity Criteria" is "definitely", the dollar amount of economic benefit estimated from the current inspection/abatement/disposal charges is \$0.00. Were the necessary permit fees avoided? No If yes, how much? \$0.00

Comments:

Records Violations Component Penalty

Type	Residential by Owner	Commercial or Asbestos Contractor
1. No notification	\$35.50	\$315 <u>\$630</u>
2. Other recordkeeping violation	\$35.50	\$190 <u>\$380</u>

Previous NOV's:

NOV No.	NOV Date	Violation	Civil Penalty

Penalty Components

Gravity Penalty Component:	<u>\$0.00</u>
Benefit Penalty Component:	<u>\$0.00</u>
Records Violations Component:	<u>\$0.00</u>
Civil Penalty Recommendation:	<u>\$0.00</u>

Evaluator: _____
 Date: _____