



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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AIR DIVISION
U.S. EPA, REGION 9

MEMORANDUM

SUBJECT: Final Revisions to the Asbestos Demolition and
Renovation Civil Penalty Policy Dated August 22, 1989

FROM: Michael S. Alushin *M. S. Alushin*
Enforcement Counsel for Air
Office of Enforcement

John Rasnic, Director *John B Rasnic*
Stationary Source Compliance Division
Office of Air Quality Planning and Standards

TO: Addressees

Attached is a copy of the revised Asbestos Demolition and Renovation Civil Penalty Policy for cases subject to the requirements of 40 C.F.R. Part 61, Subpart M. This policy replaces Appendix III to the Clean Air Act Stationary Source Civil Penalty Policy dated August 22, 1989 and is immediately effective in all civil enforcement actions, administrative and judicial, in which a penalty offer has not yet been made to the defendant.

Major changes from the August 22, 1989 policy include (1) application of the presumption of continuing violation to penalty calculations pursuant to Section 113 (e) (2) of the Clean Air Act; (2) changes to reflect the November 20, 1990 revisions to the asbestos NESHAP; (3) a factor in the gravity component for the size of the violator; and (4) changes as to when it is appropriate to escalate the penalty for a second or subsequent violation. In addition, we have attempted to clarify sections of the policy which commenters from the Regions deemed to be ambiguous.

In the process of revising this policy, we have received extensive, detailed comments and suggestions for improving the policy from the Regions. Many of the comments addressed concerns with application of the policy to new administrative cases. We have attempted to incorporate as many of the suggestions as possible into this final policy. As we gain more experience in applying this penalty in the administrative arena, we may choose to incorporate some of the comments which were not adopted in

this version. To that end, we encourage the Regions to share any problems they may encounter in using this policy.

Many Regions commented that escalation of a violation to a second or subsequent category within the context of a single demolition or renovation project could produce inequitable treatment of similarly situated defendants based solely on whether EPA had the resources to send an inspector to the site on multiple occasions. Several commenters also raised concerns that the escalation could result in penalties quickly reaching or exceeding the statutory maximum which would prevent these cases from being brought administratively or would inhibit the Regions' ability to enter into meaningful settlement negotiations with defendants. The policy now allows calculation of violations as second or subsequent violations only if the violation occurs in the context of a different demolition or renovation project or where the project was completed in stages or over a long period of time, which could be tantamount to a different project.

Several commenters expressed concern that the addition of a size of violator component in the gravity calculation would also raise the penalties for asbestos cases to the point where they could not be brought in the administrative forum. While addition of this factor may force some cases to be brought in federal court, we believe that use of the size of violator component serves an important deterrence goal, which had been lacking in the prior policy. We have given the Regions flexibility in determining the size of violator figure, given relative culpability of multiple defendants, which may address this concern in some instances.

Several commenters raised concerns that the policy required the Regions to use the entire amount of asbestos found at the facility for purposes of determining the number of units to use in calculating the gravity component of the penalty, even where there was evidence indicating that only part of the job was done in violation of the NESHP. The policy clarifies that the Region may base the number of units upon the amount of asbestos reasonably related to the violation.

Many of the Regions expressed concern with the concept of oral notification of a violation by on-site inspectors being sufficient notice to allow treatment of next violations as second or subsequent violations or to start the presumption of continuing violations accruing. We have not adopted the suggestion that only formal written notice be acceptable because it could severely inhibit the Regions' ability to seek penalties for days of violation after an initial inspection. However, we acknowledge that in some instances, relying on oral notice may present significant litigation risks, and therefore leave the

decision whether to include days of violation after oral notification to the discretion of the Region and the litigation teams.

One commenter suggested that the dollar amounts used for notification violations were too low and provided alternative figures for certain categories. This comment was not generally accepted and ran counter to most of the Regions' concerns that the policy would now create penalties that will be too high for purposes of the new administrative forum. At this time, we have not increased the penalty figures for notice violations.

Although one commenter suggested that we clarify how the policy will work in conjunction with the field citation program, it is impossible to do so until the field citation rules and guidance are further developed. Since any guidance developed for the field citation program will necessarily reference the general Stationary Source Penalty Policy and all of the separate appendices, we have not included a reference to it here.

If you have any questions regarding this policy, please contact Scott Throwe of the Stationary Source Compliance Division at (703) 308-8699 or Kathryn Smith of the Office of Enforcement at (202) 260-3899.

Attachment :

Addressees:

Regional Counsels
Regions I-X

Regional Counsel Air Contacts
Regions I-X

Air and Waste Management Directors
Regions I, II, and IX

Air, Radiation and Toxics Division Director
Region III

Air and Radiation Division Director
Region V

Air, Pesticides, and Toxics Management Division Directors
Regions IV and VI

Air and Toxics Division Directors
Regions VII, VIII, and X

Air Compliance Branch Chiefs
Regions I-X

Alan Eckert
Office of General Counsel

John C. Cruden, Chief
Environmental Enforcement Section
U.S. Department of Justice

APPENDIX III

ASBESTOS DEMOLITION AND RENOVATION CIVIL PENALTY POLICY Revised: May 5, 1992

The Clean Air Act Stationary Source Civil Penalty Policy ("General Penalty Policy") provides guidance for determining the amount of civil penalties EPA will seek in pre-trial settlement of civil judicial actions under Section 113 (b) of the Clean Air Act ("the Act"). In addition, the General Penalty Policy is used by the Agency in determining an appropriate penalty in administrative penalty actions brought under Section 113 (d)(1) of the Act. Due to certain unique aspects of asbestos demolition and renovation cases, this Appendix provides separate guidance for determining the gravity and economic benefit components of the penalty. Adjustment factors should be treated in accordance with the General Penalty Policy.

This Appendix is to be used for settlement purposes in civil judicial cases involving asbestos NESHAP demolition and renovation violations, but the Agency retains the discretion to seek the full statutory maximum penalty in all civil judicial cases which do not settle. In addition, for administrative penalty cases, the Appendix is to be used in conjunction with the General Penalty Policy to determine an appropriate penalty to be pled in the administrative complaint, as well as serving as guidance for settlement amounts in such cases. If the Region is referring a civil action under Section 113(b) against a demolition or renovation source, it should recommend a minimum civil penalty settlement amount in the referral. For administrative penalty cases under Section 113 (d)(1), the Region will plead the calculated penalty in its complaint. In both instances, consistent with the General Penalty Policy, the Region should determine a "preliminary deterrence amount" by assessing an economic benefit component and a gravity component. This amount may then be adjusted upward or downward by consideration of other factors, such as degree of willfulness and/or negligence, history of noncompliance,¹ ability to pay, and litigation risk.

The "gravity" component should account for statutory criteria such as the environmental harm resulting from the violation, the importance of the requirement to the regulatory

¹ As discussed in the General Penalty Policy, history of noncompliance takes into account prior violations of all environmental statutes. In addition, the litigation team should consider the extent to which the gravity component has already been increased for prior violations by application of this Appendix.

scheme, the duration of the violation, and the size of the violator. Since asbestos is a hazardous air pollutant, the penalty policy generates an appropriately high gravity factor associated with substantive violations (i.e., failure to adhere to work practices or to prevent visible emissions from waste disposal). Also, since notification is essential to Agency enforcement, a notification violation may also warrant a high gravity component, except for minor violations as set forth in the chart for notification violations on page 15.

I. GRAVITY COMPONENT

The chart on pages 15-16 sets forth penalty amounts to be assessed for notification and waste shipment violations as part of the gravity component of the penalty settlement figure. The chart on page 17 sets forth a matrix for calculating penalties for work-practice, emission and other violations of the asbestos NESHAP.

A. Notice Violations

1. No Notice

The figures in the first line of the Notification and Waste Shipment Violations chart (pp. 15-16) apply as a general rule to failure to notify, including those situations in which substantive violations occurred and those instances in which EPA has been unable to determine if substantive violations occurred.

If EPA does not know whether substantive violations occurred, additional information, such as confirmation of the amount of asbestos in the facility obtained from owners, operators, or unsuccessful bidders, may be obtained by using section 114 requests for information or administrative subpoenas. If there has been a recent purchase of the facility, there may have been a pre-sale audit of environmental liabilities that might prove useful. Failure to respond to such a request should be assessed an additional penalty in accordance with the General Penalty Policy. The reduced amounts in the second line of the chart apply only if the Agency can conclude, from its own inspection, a State inspection, or other reliable information, that the source probably achieved compliance with all substantive requirements.

2. Late, Incomplete or Inaccurate Notice

Where notification is late, incomplete or inaccurate, the Region should use the figures in the chart, but has discretion to insert appropriate figures in circumstances not addressed in the matrix. The important factor is the impact the company's action has on the Agency's ability to monitor substantive compliance.

B. Work-Practice, Emission and Other Violations

Penalties for work-practice, emissions and other violations are based on the particular regulatory requirements violated. The figures on the chart (page 17) are for each day of documented violations, and each additional day of violation in the case of continuing violations. The total figure is the sum of the penalty assigned to a violation of each requirement. Apply the matrix for each distinct violation of sub-paragraphs of the regulation that would constitute a separate claim for relief if applicable (e.g., § 61.145(c)(6)(i), (ii), and (iii)).

The gravity component also depends on the amount of asbestos involved in the operation, which relates to the potential for environmental harm associated with improper removal and disposal. There are three categories based on the amount of asbestos, expressed in "units," a unit being the threshold for applicability of the substantive requirements.² If a job involves friable asbestos on pipes and other facility components, the amounts of linear feet and square feet should each be separately converted to units, and the numbers of units should be added together to arrive at a total. Where the only information on the amount of asbestos involved in a particular demolition or renovation is in cubic dimensions (volume), 35 cubic feet is the applicability limit which is specified in § 61.145(a)(1)(ii).

Where the facility has been reduced to rubble prior to the inspection, information on the amount of asbestos can be sought from the notice, the contract for removal or demolition, unsuccessful bidders, depositions of the owners and operators or maintenance personnel, or from blueprints if available. The Region may also make use of § 114 requests and § 307 subpoenas to gather information regarding the amount of asbestos at the facility. If the Region is unable to obtain specific information on the amount of asbestos involved at the site from the source, the Region should use the maximum unit range for which it has adequate evidence.

Where there is evidence indicating that only part of a demolition or renovation project involved improper stripping, removal, disposal or handling, the Region may calculate the number of units based upon the amount of asbestos reasonably related to such improper practice. For example, if improper

² This applicability threshold is prescribed in 61.145(a)(1) as the combined amount of regulated-asbestos containing material (RACM) on at least 80 linear meters (260 linear feet) of pipes, or at least 15 square meters (160 square feet) on other facility components, or at least 1 cubic meter (35 cubic feet) off facility components.

removal is observed in one room of a facility, but it is apparent that the removal activities in the remainder of the facility are done in full compliance with the NESHAP, the Region may calculate the number of units for the room, rather than the entire facility.

C. Gravity Component Adjustments

1. Second and Subsequent Violations

Gravity components are adjusted based on whether the violation is a first, second, or subsequent (i.e., third, fourth, fifth, etc.) offense.³ A "second" or "subsequent" violation should be determined to have occurred if, after being notified of a violation by the local agency, State or EPA at a prior demolition or renovation project, the owner or operator violates the Asbestos NESHAP regulations during another project, even if different provisions of the NESHAP are violated. This prior notification could range from simply an oral or written warning to the filing of a judicial enforcement action. Such prior notification of a violation is sufficient to trigger treatment of any future violations as second or subsequent violations; there is no need to have an admission or judicial determination of liability.

Violations should be treated as second or subsequent offenses only if the new violations occur at a different time and/or a different jobsite. Escalation of the penalty to the second or subsequent category should not occur within the context of a single demolition or renovation project unless the project is accomplished in distinct phases or is unusually long in duration. Escalation of the violation to the second or subsequent category is required, even if the first violation is deemed to be "minor".

A violation of a § 113(a) administrative order (AO) will generally be considered a "second violation" given the length of time usually taken before issuing an AO and should be assessed a separate penalty in accordance with the General Penalty Policy.

If the case involves multiple potential defendants and any one of them is involved in a second or subsequent offense, the penalty should be derived based on the second or subsequent offense. In such instance, the Government should try to get the prior-offending party to pay the extra penalties attributable to this factor. (See discussion below on apportionment of the penalty).

³ Continuing violations are treated differently than second or subsequent violations. See, Duration of Violation, below.

2. Duration of the Violation

The Region should enhance the gravity component of the penalty according to the chart (p. 17) to reflect the duration of the violation. Where the Region has evidence of the duration of a violation or can invoke the benefit of the presumption of continuing violation pursuant to Section 113(e)(2) of the Act, the gravity component of the penalty should be increased by the number of additional days of violation multiplied by the corresponding number on the chart.

In order for the presumption of continuing noncompliance to apply, the Act requires that the owner or operator has been notified of the violation by EPA or a state pollution control agency and that a prima facie showing can be made that the conduct or events giving rise to the violation are likely to have continued or recurred past the date of notice. When these requirements have been met, the length of violation should include the date of notice and each day thereafter until the violator establishes the date upon which continuous compliance was achieved.

When there is evidence of an ongoing violation and facts do not indicate when compliance was achieved, presume the longest period of noncompliance for which there is any credible evidence and calculate the duration of the violation based on that date. This period should include any violations which occurred prior to the notification date if there is evidence to support such violations. However, if the violations are based upon the statutory presumption of continuing violation, only those dates after notification may be included. When the presumption of continuing noncompliance can be invoked and there is no evidence of compliance, the date of completion of the demolition or renovation should be used as the date of compliance. (U.S. v. Tzavah Urban Renewal Corp., 696 F. Supp. 1013 (D.N.J. 1988))⁴ Where there has been no compliance and the demolition or renovation activities are ongoing, the penalty should be calculated as of the date of the referral and revised upon a completion date or the date upon which correction of the violation occurs.

Successive violations exist at the same facility when there is evidence of violations on separate days, but no evidence (or presumption) that the violations were continuing during the

⁴ The court in Tzavah held that for purposes of asbestos NESHAP requirements, a demolition or renovation project has not been completed until the NESHAP has been complied with and all asbestos waste has been properly disposed. 696 F. Supp. at 1019.

intervening days. For example, where there has been more than one inspection and no evidence of a continuing violation, violations uncovered at each inspection should be calculated as separate successive violations. As discussed in Section C (1) above, successive violations occurring at a single demolition or renovation project will each be treated as first violations, unless they are initially treated as second or subsequent violations based upon a finding of prior violations at a different jobsite or because they warrant escalation based upon the fact that the current job is done in distinct phases or is unusually long in duration. The chart on page 16 reflects that additional days of violation for which there is inspection evidence are assessed the full substantive penalty amount while additional days based upon the presumption of continuing violation are assessed only ten percent of the substantive penalty per day.

Since asbestos projects are usually short-lived, any correction of substantive violations must be prompt to be effective. Therefore, EPA expects that work practice violations brought to the attention of an owner or operator will be corrected promptly, thus ending the presumption of continuing violation. This correction should not be a mitigating factor, rather this policy recognizes that the failure to promptly correct the environmental harm and the attendant human health risk implicitly increases the gravity of the violation. In particularly egregious cases the Region should consider enhancing the penalty based on the factors set forth in the General Penalty Policy.

3. Size of the Violator

An increase in the gravity component based upon the size of the violator's business should be calculated in accordance with the General Penalty Policy. Where there are multiple defendants, the Region has discretion to base the size of the violator calculation on any one or all of the defendants' assets. The Region may choose to use the size of the more culpable defendant if such determination is warranted by the facts of the case or it may choose to calculate each defendant's size separately and apportion this part of the penalty (see discussion of apportionment below).

II. ECONOMIC BENEFIT COMPONENT

This component is a measure of the economic benefit accruing to the operator (usually a contractor), the facility owner, or both, as a result of noncompliance with the asbestos regulations. Information on actual economic benefit should be used if available. It is difficult to determine actual economic benefit,

but a comparison of unsuccessful bids with the successful bid may provide an initial point of departure. A comparison of the operator's actual expenses with the contract price is another indicator. In the absence of reliable information regarding a defendant's actual expenses, the attached chart provides figures which may be used as a "rule of thumb" to determine the costs of stripping, removing, disposing of and handling asbestos in compliance with § 61.145(c) and §61.150. The figures are based on rough cost estimates of asbestos removal nationwide. If any portion of the job is done in compliance, the economic benefit should be based only on the asbestos improperly handled. It should be assumed, unless there is convincing evidence to the contrary, that all stripping, removal, disposal and handling was done improperly if such improper practices are observed by the inspector.

III. APPORTIONMENT OF THE PENALTY

This policy is intended to yield a minimum settlement penalty figure for the case as a whole. In many cases, more than one contractor and/or the facility owner will be named as defendants. In such instances, the Government should generally take the position of seeking a sum for the case as a whole, which the multiple defendants can allocate among themselves as they wish. On the other hand, if one party is particularly deserving of punishment so as to deter future violations, separate settlements may ensure that the offending party pays the appropriate penalty.

It is not necessary in applying this penalty policy to allocate the economic benefit to each of the parties precisely. The total benefit accruing to the parties should be used for this component. Depending on the circumstances, the economic benefit may actually be split among the parties in any combination. For example, if the contractor charges the owner fair market value for compliance with asbestos removal requirements and fails to comply, the contractor has derived an economic benefit and the owner has not. If the contractor underbids because it does not factor in compliance with asbestos requirements, the facility owner has realized the full amount of the financial savings. (In such an instance, the contractor may have also received a benefit which is harder to quantify - obtaining the contract by virtue of the low bid.)

There are circumstances in which the Government may try to influence apportionment of the penalty. For example, if one party is a second offender, the Government may try to assure that such party pays the portion of the penalty attributable to the second offense. If one party is known to have realized all or most of the economic benefit, that party may be asked to pay for

that amount. Other circumstances may arise in which one party appears more culpable than others. We realize, however, that it may be impractical to dictate allocation of the penalties in negotiating a settlement with multiple defendants. The Government should therefore adopt a single "bottom line" sum for the case and should not reject a settlement which meets the bottom line because of the way the amount is apportioned.

Apportionment of the penalty in a multi-defendant case may be required if one party is willing to settle and others are not. In such circumstances, the Government should take the position that if certain portions of the penalty are attributable to such party (such as economic benefit or second offense), that party should pay those amounts and a reasonable portion of the amounts not directly assigned to any single party. However, the Government should also be flexible enough to mitigate the penalty for cooperativeness in accordance with the General Penalty Policy. If a case is settled as to one defendant, a penalty not less than the balance of the settlement figure for the case as a whole should be sought from the remaining defendants. This remainder can be adjusted upward, in accordance with the general Civil Penalty Policy, if the circumstances warrant it. Of course, the case can also be litigated against the remaining defendants for the maximum attainable penalty. In order to assure that the full penalty amount can be collected from separate settlements, it is recommended that the litigation team use ABEL calculations, tax returns, audited financial statements and other reliable financial documents for all defendants prior to making settlement offers.

IV. OTHER CONSIDERATIONS

The policy seeks substantial penalties for substantive violations and repeat violations. Penalties should generally be sought for all violations which fit these categories. If a company knowingly violates the regulations, particularly if the violations are severe or the company has a prior history of violations, the Region should consider initiating a criminal enforcement action.

The best way to prevent future violations of notice and work practice requirements is to ensure that management procedures and training programs are in place to maintain compliance. Such injunctive relief, in the nature of environmental auditing and compliance certification or internal asbestos control programs, are desirable provisions to include in consent decrees settling asbestos violations.

ARIZONA ASBESTOS NESHAP CIVIL PENALTY POLICY COMPUTATION WORKSHEET

Case Number:
 NESHAP Number:
 AZAIRS Number:

Calculated by:
 Date Prepared:

GRAVITY COMPONENT

EPA PENALTY

ADEQ PENALTY

() A1-Failure to Notify		
« 1st Time	() \$ 15,000	() \$ 10,000
« 2nd Time	() \$ 20,000	() \$ 10,000
« 3rd Time	() \$ 25,000	() \$ 10,000
() A2-No notification, but probable substantive compliance.		
« 1st Time	() \$ 5,000	() \$ 5,000
« 2nd Time	() \$ 15,000	() \$ 10,000
« 3rd Time	() \$ 25,000	() \$ 10,000

OTHER NOTIFICATION PENALTIES

() B1-Notice submitted after asbestos removal or demolition completed.	() \$ 15,000	() \$ 10,000
() B2-Notice submitted while asbestos removal or demolition in progress.	() \$ 2,000	() \$ 4,000
() B3-Notice submitted late, but still prior to asbestos removal/demo start date.	() \$ 2,000	() \$ 2,000
() B4-Failure to provide telephone and written notice when start date changes.	() \$ 2,000	() \$ 2,000
() B5-Failure to update notice when RACM amount changes by 20% or more, or ending date changes by 20% or more.	() \$ 2,000	() \$ 2,000
() B6-Amount of asbestos in notice is missing, improper, or for multiple facilities.	() \$ 2,000	() \$ 2,000
() B7-Notice lacks either owner or contractor information.	() \$ 2,000	() \$ 1,000
() B8-Notice lacks facility location information.	() \$ 2,000	() \$ 2,000
() B9-Notice lacks removal start and completion dates.	() \$ 2,000	() \$ 2,000
() B10-Notice lacks removal starting date or completion date, but not both.	() \$ 1,000	() \$ 1,000
() B11-Notice lacks other required information on ORG/REV notifications. Calculate \$500 x # of omissions _____ =	() \$ _____	() \$ _____

EPA

ADEQ

NOTIFICATION VIOLATIONS SUB-TOTAL: _____

Case Number:
 NESHAP Number:
 AZAIRS Number

Calculated by:
 Date Prepared:

WORK-PRACTICE, EMISSION AND OTHER SUBSTANTIVE VIOLATIONS FOR 10 TO < 50 UNITS
 Cause of Violation: () Wetting () Transport () Disposal

ENTER SQ FT (ONLY IF 160 SQ FT OR GREATER) _____ = _____ Units

ENTER LN FT (ONLY IF 260 LN FT OR GREATER) _____ = _____ Units

		EPA			ADEQ
« 1st Time/First Day of Violation	()	\$ 10,000	()	\$	4,000
Additional days of violation: _____ times	()	\$ 1,000	()	\$	400
SUB-TOTAL:					
« 2nd Time/First Day of Violation	()	\$ 20,000	()	\$	8,000
Additional days of violation: _____ times	()	\$ 2,000	()	\$	800
SUB-TOTAL:					
« 3rd Time/First Day of Violation	()	\$ 25,000	()	\$	10,000
Additional days of violation: _____ times	()	\$ 2,500	()	\$	1,000
SUB-TOTAL:					
		EPA			ADEQ

SUBSTANTIVE EMISSIONS CONTROL VIOLATION TOTAL: _____

WORK-PRACTICE, EMISSION AND OTHER SUBSTANTIVE VIOLATIONS FOR > 50 UNITS
 Cause of Violation: () Wetting () Transport () Disposal

ENTER SQ FT (ONLY IF 160 SQ FT OR GREATER) _____ = _____ Units

ENTER LN FT (ONLY IF 260 LN FT OR GREATER) _____ = _____ Units

		EPA			ADEQ
« 1st Time/First Day of Violation	()	\$ 15,000	()	\$	6,000
Additional days of violation: _____ times	()	\$ 1,500	()	\$	600
SUB-TOTAL:					
« 2nd Time/First Day of Violation	()	\$ 25,000	()	\$	10,000
Additional days of violation: _____ times	()	\$ 2,500	()	\$	1,000
SUB-TOTAL:					
« 3rd Time/First Day of Violation	()	\$ 25,000	()	\$	10,000
Additional days of violation: _____ times	()	\$ 2,500	()	\$	1,000
SUB-TOTAL:					
		EPA			ADEQ

SUBSTANTIVE EMISSIONS CONTROL VIOLATION TOTAL: _____

Case Number:
 NESHAP Number:
 AZAIRS Number:

Calculated by:
 Date Prepared:

BENEFIT COMPONENT - LESS EXPENSIVE ABATEMENTS (<= \$5,000 OR <= 2 DAY PROJECT)

RACM FROM PIPES MEASURED IN LINEAR FEET WHEN QUANTITY KNOWN

Wetting and packaging in containment or glovebag operation:

	EPA	ADEQ
« \$ 3.00/ln ft times quantity _____ =	_____	_____
During transport and disposal:		
« \$ 1.00/ln ft times quantity _____ =	_____	_____

RACM ON OTHER FACILITY COMPONENTS MEASURED IN SQUARE FEET WHEN QUANTITY KNOWN

Wetting and packaging in containment including packaging in containers:

	EPA	ADEQ
« \$ 3.50/sq ft times quantity _____ =	_____	_____
During transport and disposal:		
« \$.50/sq ft times quantity _____ =	_____	_____

RACM OFF FACILITY COMPONENTS WHEN LN FT OR SQ FT UNKNOWN FOR PROJECT

	EPA	ADEQ
« \$10.00/cu ft times quantity _____ =	_____	_____
« \$20.00/bag times # of bags _____ =	_____	_____

EPA ADEQ

TOTAL FOR LESS EXPENSIVE ABATEMENT PROJECTS: _____

Case Number:
 NESHAP Number:
 AZAIRS Number:

Calculated by:
 Date Prepared:

BENEFIT COMPONENT - MORE EXPENSIVE ABATEMENTS (>\$5,000 OR > 2 DAY PROJECT).

RACM FROM PIPES MEASURED IN LINEAR FEET WHEN QUANTITY KNOWN

Wetting and packaging in containment or glovebag operation:

	EPA	ADEQ
« \$20.00/ln ft times quantity _____ =	_____	_____
During transport and disposal:		
« \$ 8.00/ln ft times quantity _____ =	_____	_____

RACM ON OTHER FACILITY COMPONENTS MEASURED IN SQUARE FEET WHEN QUANTITY KNOWN

Wetting and packaging in containment including packaging in containers:

	EPA	ADEQ
« \$10.00/sq ft times quantity _____ =	_____	_____
During transport and disposal:		
« \$ 4.00/sq ft times quantity _____ =	_____	_____

RACM OFF FACILITY COMPONENTS WHEN LN FT OR SQ FT UNKNOWN FOR PROJECT

	EPA	ADEQ
« \$20.00/cu ft times quantity _____ =	_____	_____
« \$40.00/bag times # of bags _____ =	_____	_____

	EPA	ADEQ
TOTAL FOR MORE EXPENSIVE ABATEMENT PROJECTS:	_____	_____

Case Number:
 NESHAP Number:
 AZAIRS Number:

Calculated by:
 Date Prepared:

PRELIMINARY DETERRENCE AMOUNT

	EPA	ADEQ
NOTIFICATION VIOLATIONS SUB-TOTAL (Page 1):	_____	_____
WASTE SHIPMENT RECORDS AND VEHICLE MARKING (Page 2):	_____	_____
SUBSTANTIVE EMISSIONS CONTROL <=10 UNITS (Page 2):	_____	_____
SUBSTANTIVE EMISSIONS CONTROL 10-50 UNITS (Page 3):	_____	_____
SUBSTANTIVE EMISSIONS CONTROL >50 UNITS (Page 3):	_____	_____
BENEFIT COMPONENT FOR <=\$5,000 PROJECTS (Page 4):	_____	_____
BENEFIT COMPONENT FOR >\$5,000 PROJECTS (Page 5):	_____	_____

SUB-TOTAL FOR PRELIMINARY DETERRENCE AMOUNT: _____

ADD - SIZE OF VIOLATOR PENALTY:

« Under \$100,000 net worth = \$ 800	_____	_____
« \$100,001 - \$1,000,000 net worth = \$2,000	_____	_____
« \$1,000,001 - \$5,000,000 net worth = \$ 4,000	_____	_____
« \$5,000,001 - \$20,000,000 net worth = \$ 8,000	_____	_____
« \$20,000,001 - \$40,000,000 net worth = \$14,000	_____	_____
« \$40,000,001 - \$70,000,000 net worth = \$20,000	_____	_____
« \$70,000,001 - \$100,000,000 net worth = \$28,000	_____	_____
« Over \$100,000,000 = \$28,000 + \$10,000 for every additional \$30,000 or fraction thereof.	_____	_____

EPA ADEQ

TOTAL MINIMUM PENALTY REQUESTED: _____

DATE RECEIVED: ____/____/____ AMOUNT RECEIVED: _____

ARIZONA ATTORNEY GENERAL'S ASSIGNMENT: _____