

EFSEC Gravity Criteria Scoring Worksheet

The Gravity Criteria Scoring Worksheet is used to help determine the appropriate penalty amount for violations of any permit or site certification requirement by an entity regulated by EFSEC. When a continuing violation occurs, each day that the violation occurs may be calculated as a separate violation. The penalty amount generated through this worksheet constitutes the maximum gravity component of a penalty, which may be adjusted by EFSEC's discretion to achieve the purposes of applicable statutes and regulations. EFSEC will add any economic benefit gained from noncompliance to the penalty amount assessed.

1. Did the violator know, or reasonably should have known, about the requirement?
Yes – 5
No – 0

2. Is the violator a large business, small business, or an individual?
Large business – 5
Small Business - 3
Individual – 1

3. Does the violator have a history of violations?
Yes, same law or regulation – 5
Yes, laws or regulations other than the current violation that deal with the environment or natural resources or have a direct bearing on the violation being addressed – 3
No – 0

4. Did the violation result in a risk to the health, safety, welfare, the environment, property, a business and/or enjoyment of personal property?
Yes – 5
No – 0

5. Did the risk in Question #4 result in an impact or is it reasonably expected that an impact did occur?
Yes – 5
No - 0

6. What were the impacts in Question #5? (to determine the score, mark all impacts and add the scores together for the total points for this question)
A) Impacts to an individual's health, safety, or welfare – 5
B) Damage to the environment – 3
C) Impacts to an individual's enjoyment of personal property – 2
D) Damage to property or a business – 2

7. Did the violator take actions to correct the violation?
No, the violation could be corrected, but no actions were taken – 5

- No, the violation could not be corrected, and the violator was uncooperative – 5
- No, the violation could not be corrected, but the violator was cooperative – 3
- Yes, the violation could be corrected, but the violator delayed taking action – 3
- Yes, the violation could be corrected, and the violator took prompt action – 0

8. Was there an economic benefit to the violator from this violation, or did the violator expect an economic benefit was being derived from the violation?
- Yes – 3
 - No - 0

Penalty Matrix

Points	1-3	4-6	7-9	10-12	13-15	16-17	18-19	20-21	22-23	24-25
Penalty	\$500	1,000	1500	2000	2500	3000	3500	4000	4500	5000

Points	26	27	28	29	30	31	32	33	34	35-35+
Penalty	\$5500	6000	6500	7000	7500	8000	8500	9000	9500	10,000

Penalty Amount from Penalty Matrix: _____

Penalty Amount from All Other Violations: _____

Economic Benefit from Noncompliance: _____

Total Possible Penalty: _____