

APPENDIX A: SAMPLE PENALTY CALCULATION WORKSHEET

Company:	Sample Company	Calculations by:	Staff
Facility:	Sample Facility	Reviewed by:	Manager
NOV #:	SAM-0000-0501	Date of Calculation:	Sample Date
Permit #:	None	Source Class:	Minor

Sample Penalty Calculation

20.2.72.200.A and 200.E NMAC, Construction Permits: Operating a 225 TPH portable rock crusher facility without a permit.

VIOLATION 1

A. Gravity Component

	Potential for Harm Significant	Extent of Deviation Major	Quantity 1	Penalty \$4,000.00
Basis:	The Potential for Harm is Significant and the Extent of Deviation is Major, as detailed in the Bureau's Civil Penalty Policy Sections C.1.a, C.1.b, and Appendix F.			
	(More specific details about the gravity component of the violation can be included here.)			

B. Multi-Day Component

	Number of Days 60	Multiplier 220.00	Quantity 1	Penalty \$13,200.00
Basis:	The violation continued between January 01, 2004 and January 10, 2005 for a total of 375 days. At the Bureau's discretion, 60 days were used for calculating the multi-day component of the penalty. (More specific details about the multi-day component of the violation can be included here.)			

C. Adjustment Factors

Basis:	I. Effort to Comply	Cooperation		0.0
	The Bureau has no information to aggravate or mitigate this adjustment factor.			
Basis:	II. Negligence/Willfulness	Negligent		0.2
	The company violated a clear condition of the New Mexico Administrative Code (NMAC) and/or Permit None. The Department considers such a violation to be negligent in that the company is reasonably presumed to have knowledge of these conditions.			
Basis:	III. History of Non-Compliance	No History of Non-Compliance		0.0
	No history of non-compliance within the most recent five (5) years.			
Basis:	IV. Financial Condition	Gross Sales Between \$1,000,000-\$5,000,000		0.2
	Most Recent Reference USA Report			
Basis:	V. Unique Adjustment			1.0
	N/A			

Factor Total = (1+ I+II+III+IV) * V = 1.4

D. Economic Benefit

Basis:	The Bureau reserves the right to assess an economic benefit if one is found to exist.		\$0.00
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Violation Total:	\$24,080.00
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