

Maricopa County Enforcement

How Penalties are
Calculated -
Understanding the
Penalty Matrix



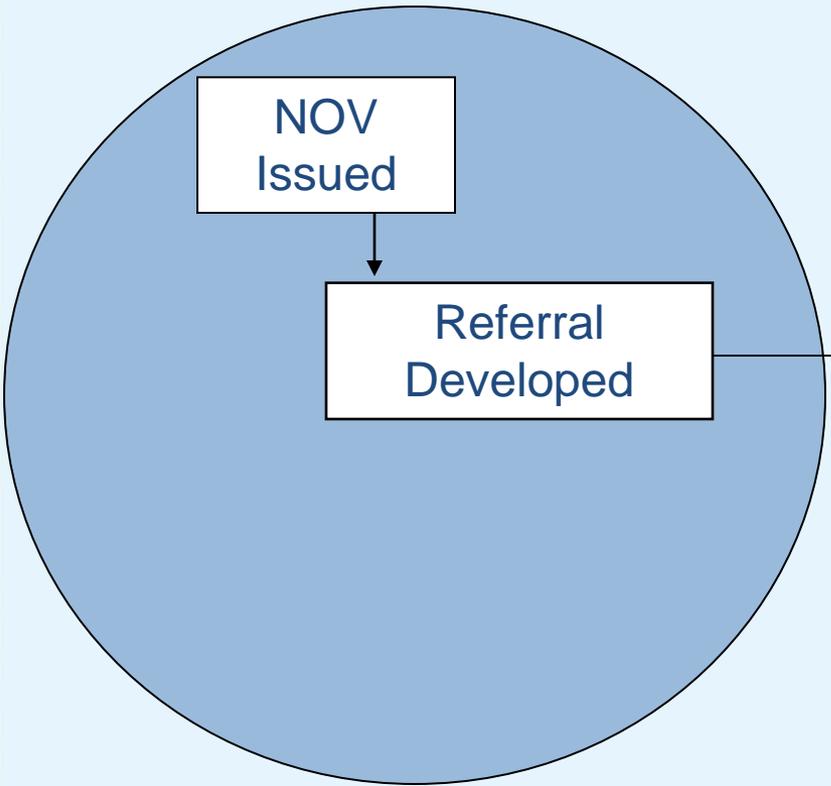
WALK MORE USE CFLS MORE CARPOOL MORE
BIKE MORE RAKE MORE TELECOMMUTE
MORE DRIVE HYBRIDS MORE CONSOLIDATE
ERRANDS MORE RIDE PUBLIC TRANSPORTATION
MORE USE ENERGY EFFICIENT APPLIANCES
MORE CARRY REUSABLE TOTE BAGS MORE
CONSIDER SOLAR MORE RUN COLD WATER
CYCLES MORE USE REUSABLE CONTAINERS
MORE CONSERVE ELECTRICITY MORE REDUCE
WOODBURNING MORE RECYCLE MORE USE
ELECTRIC LAWN AND GARDEN EQUIPMENT
MORE REFUEL AFTER DARK MORE RIDE
THE BUS MORE RIDE THE LIGHT RAIL MORE
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**CLEAN AIR
MAKE
MORE**

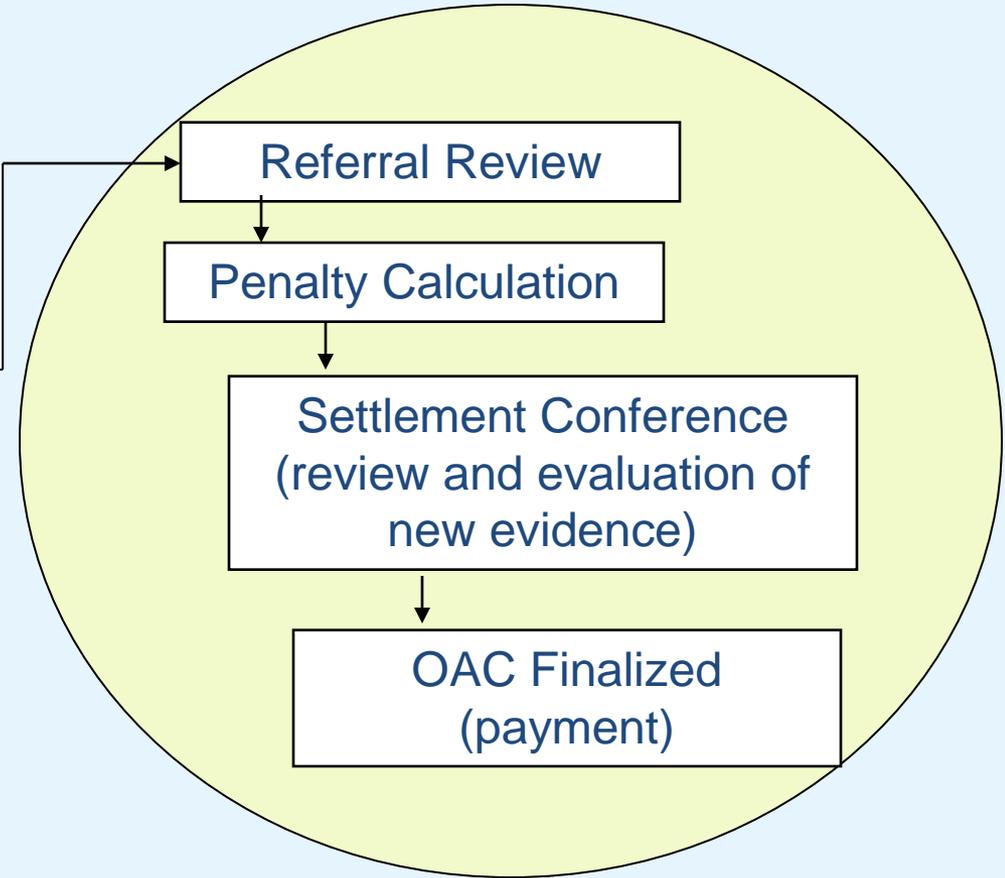


The Compliance-Enforcement Process

Compliance Division



Enforcement Division



Penalties in Maricopa County

- Penalties imposed to deter future violations and encourage compliance.
- Penalties consistent and appropriate to establish a **level playing field** for all sources.
- In order to be effective, penalties must be punitive.

**CLEAN AIR
MAKE
MORE**

WALK MORE USE CFLS MORE
ERRANDS MORE RIDE PUBLIC
MORE CONSIDER SOLAR MORE
REDUCE WOODBURNING MORE
MORE RIDE THE BUS MORE

Also...

USE MORE CONSOLIDATE
REUSABLE TOTE BAGS
CONSERVE ELECTRICITY MORE
REFUEL AFTER DARK
RIKE MORE RAKE MORE

- **Penalties are publicized** – Negative publicity is an added deterrent.
- Enforcement settlements are posted on our website and are available to the public.



DRIVE HYBRIDS MORE CONSOLIDATE ERRANDS MORE RIDE PUBLIC TRANSPORTATION MORE USE ENERGY EFFICIENT APPLIANCES MORE CARRY REUSABLE TOTE BAGS MORE CONSIDER SOLAR MORE RUN COLD WATER CYCLES MORE USE REUSABLE CONTAINERS MORE CONSERVE ELECTRICITY MORE REDUCE WOODBURNING MORE RECYCLE MORE USE ELECTRIC LAWN AND GARDEN EQUIPMENT MORE REFUEL AFTER DARK MORE RIDE THE BUS MORE WALK MORE

Gravity Component

A. Potential for Harm

1. Level of Violation
2. Toxicity of Pollutant
3. Risk to Environment (i.e. HPA Day)
4. Risk to Population
5. Size of Violator

B. Extent of Deviation (from the requirement)

- Major
- Moderate
- Minor



Penalty Considerations

Gravity Component Matrix

		Extent of Deviation		
		Major	Moderate	Minor
Potential for Harm	Major	10,000-8,000	8,000-6,000	6,000-4,400
	Moderate	4,400-3,200	3,200-2,000	2,000-1,200
	Minor	1,200-600	600-200	200



Penalty Considerations

Gravity Component

Multi-Day Violations

Day	Discount	Rate	# of Days	Subtotal
0-1	0%	1.00		
2-15	15%	0.85		
16-30	30%	0.70		
>30	50%	0.50		

Gravity Component

Adjustments

- Degree of Willfulness or Negligence
- Degree of Cooperation
- History of Non-Compliance

History of Noncompliance

- +5% : Similar past violation.
- +10%: Violation within the past year.
- +5% : Violation within the past 5-years.
- +5% : For each past violation.



Penalty Considerations

Economic Benefit Component

- Delayed Costs
- Avoided Costs
- Illegal Profits

Cost Recovery for Enforcement Efforts

Mitigating Factors

- Ability to Pay
- Litigation Risks



What Happens if No Settlement?

- The case may be referred to the county attorney's office for filing complaint in superior court.
- Referral to USEPA is also an option.
- Hearing officer and the Office of the Ombudsman.



Maricopa County Air Quality Department

Questions?

**CLEAN AIR
MAKE
MORE**



Maricopa County
Air Quality Department

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