

Revised Exhibit A

Town of Gardner
PUBLIC WATER SYSTEM IDENTIFICATION NUMBER: CO-0128300
HUERFANO COUNTY, COLORADO
ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET
(February 27, 2009)

Penalty Summary

Penalty Calculation -Violation Number 1 (Count 1) **\$440.00**
(Count 2)..... **\$440.00**

Violation: Failure to Monitor for Total Trihalomethanes and Haloacetic Acids (five)
Regulation Violated: 5 CCR 1003-1, §7.5

Penalty Calculation -Violation Number 2 (Count 1)..... **\$85.00**
(Counts 2 - 6) **\$425.00**

Violation: Failure to Measure and/or Report for Residual Disinfection Concentration,
Regulation Violated: 5 CCR 1003-1, §7.5

Penalty Calculation -Violations Number 3 **\$290.00**

Violation: Failure to Monitor for Volatile Organic Chemicals
Regulation Violated: 5 CCR 1003-1, §6.2.5

Penalty Calculation -Violation Number 4..... **\$1,400.00**

Violation: Failure to Monitor for Synthetic Organic Chemicals
Regulation Violated: 5 CCR 1003-1, §6.2.6

Penalty Calculation -Violation Number 5(Count 1) **\$320.00**
(Count 2) **\$370.00**

Violation: Failure to Monitor for Nitrate
Regulation Violated: 5 CCR 1003-1, §6.1.5

Penalty Calculation -Violation Number 6..... **\$365.00**

Violation: Failure to Monitor for Inorganic Chemicals
Regulation Violated: 5 CCR 1003-1, §6.1.5

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Penalty Calculation -Violation Number 7 (Count1)..... \$600.00
(Count 2)\$600.00

Violation: Failure to Comply with Formal Enforcement Order
Regulation Violated: 5 CCR 1003-1, §1.6.7(a)

Penalty Calculation -Violation Number 8 (Count 1).....\$259.50
(Count 2).....\$284.50

Violation: Failure to Monitor and/or Report for Gross Alpha Particle Activity, Uranium
and Radium 226
Regulation Violated: 5 CCR 1003-1, §6.3.2(a)(1)

TOTAL PENALTY.....\$5,879.00

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ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET

VIOLATION NUMBER: 1 (Count 1)

System Name: Town of Gardner **PWSID Number:** CO-0128300

Date of Enforcement Order: August 26, 2007 **Number:** DC-080826-2

Regulation Violated: Failure to Monitor for Total Trihalomethanes and Haloacetic Acids (five) - 5 CCR 1003-1.87.5 **Population Served:** 115

Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1:	Failure to Monitor for Total Trihalomethanes and Haloacetic Acids (five) – 2007	< 500 Served	\$100.00

Part II – Application of Aggravating or Mitigating Factors

	Aggravating/Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare <i>Justification: n/a</i>		\$0.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification: Town of Gardner was issued an Enforcement Order (DC-061130-4) on November 30, 2006 for its failure to monitor for TTHM and HAA5 in 2004 and 2005. The Town of Gardner was also issued an Enforcement Order (DC-070831-9) on August 31, 2007 for its failure to monitor for TTHM and HAA5 in 2006. Therefore, the Town of Gardner has demonstrated a history/pattern of not obeying or complying with its regulatory obligations, thereby revealing a level of disregard for regulatory programs. Town of Gardner's continued noncompliance with the same violation in 2007 supports an upward adjustment of 50%.</i>	+50%	\$50.00
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification: n/a</i>		\$0.00
Line 6	Factor E: Full and Prompt Cooperation <i>Justification: n/a</i>		\$0.00
Line 7	Factor F: Environmental Compliance Program <i>Justification: n/a</i>		\$0.00
Line 8	Factor G: Other Aggravating or Mitigating Circumstances		\$0.00

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	Aggravating/Mitigating Factors	Base Penalty/Increase or Decrease	Amount in Dollars
	<i>Justification: n/a</i>		
Line 9	Sum of Lines 2 through Line 8		\$50.00
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$150.00

Part III – Determination of Days of Violation

		Days of Violation
Line 11	Total Days of Violation	1
	<i>Justification: The Division has chosen to consider the failure to monitor for TTHM and HAA5 in 2007 violation as a single day violation.</i>	

Part IV – Determination of Multi-Day Penalty Amount

		Amount in Dollars
Line 12	Multi-Day Penalty Amount	\$150.00
	<i>Calculations:</i>	
	<i>Day 1 (\$150.00) = \$150.00</i>	

Part V – Economic Benefit Consideration

		Amount in Dollars
Line 13	Economic Benefit:	\$290.00
	<i>Justification: The Division believes that the Town of Gardner realized an economic benefit by failing to monitor since it avoided the cost of the test itself as well as the cost of the labor involved in obtaining sample bottles, conducting the testing, and transporting the samples to a lab.</i>	

Part VI – Violation Penalty Total

		Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)	\$440.00

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Part VII – Ability to Pay Adjustment

		Amount in Dollars
Line 15	Ability to Pay Reduction:	\$0.00
<i>Justification: Not Applicable. The Division does not have any documented information suggesting that the Town of Gardner has an inability to pay the assessed penalty amount.</i>		

Part VIII – Final Adjusted Penalty

		Amount in Dollars
Line 16	Total Administrative Penalty: (Line 14 – Line 15)	\$440.00

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ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET
VIOLATION NUMBER: 1 (Count 2)

System Name: Town of Gardner	PWSID Number: CO-0128300
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Date of Amendment Number One to Enforcement Order DC-080826-2: February 27, 2009	Number: DC-080826-2
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Regulation Violated: Failure to Monitor for Total Trihalomethanes and Haloacetic Acids (five) - MCR 1003-L, §7.5	Population Served: 115
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Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1:	Failure to Monitor for Total Trihalomethanes and Haloacetic Acids (five) – 2008	< 500 Served	\$100.00

Part II – Application of Aggravating or Mitigating Factors

	Aggravating / Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare <i>Justification: n/a</i>		\$0.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification: Town of Gardner was issued an Enforcement Order (DC-061130-4) on November 30, 2006 for its failure to monitor for TTHM and HAA5 in 2004 and 2005. The Town of Gardner was also issued an Enforcement Order (DC-070831-9) on August 31, 2007 and Enforcement Order (DC-080826-2) on August 26, 2008 for its failure to monitor for TTHM and HAA5 in 2006 and 2007. Therefore, the Town of Gardner has demonstrated a history/pattern of not obeying or complying with its regulatory obligations, thereby revealing a level of disregard for regulatory programs. Town of Gardner's continued noncompliance with the same violation in 2008 supports an upward adjustment of 50%.</i>	+50%	\$50.00
Line 5	Factor D: Voluntary and Complete Disclosure of Violations		\$0.00

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	Aggravating/Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
	<i>Justification: n/a</i>		
Line 6	Factor E: Full and Prompt Cooperation		\$0.00
	<i>Justification: n/a</i>		
Line 7	Factor F: Environmental Compliance Program		\$0.00
	<i>Justification: n/a</i>		
Line 8	Factor G: Other Aggravating or Mitigating Circumstances		\$0.00
	<i>Justification: n/a</i>		
Line 9	Sum of Lines 2 through Line 8		\$50.00
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$150.00

Part III – Determination of Days of Violation

		Days of Violation
Line 11	Total Days of Violation	1
	<i>Justification: The Division has chosen to consider the failure to monitor for TTHM and HAA5 in 2008 violation as a single day violation.</i>	

Part IV – Determination of Multi-Day Penalty Amount

		Amount in Dollars
Line 12	Multi-Day Penalty Amount	\$150.00
	<i>Calculations:</i>	
	<i>Day 1 (\$150.00) = \$150.00</i>	

Part V – Economic Benefit Consideration

		Amount in Dollars
Line 13	Economic Benefit:	\$290.00
	<i>Justification: The Division believes that the Town of Gardner realized an economic benefit by failing to monitor since it avoided the cost of the test itself as well as the cost of the labor involved in obtaining sample bottles, conducting the testing, and transporting the samples to a lab.</i>	

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Part VI – Violation Penalty Total

			Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)		\$440.00

Part VII – Ability to Pay Adjustment

			Amount in Dollars
Line 15	Ability to Pay Reduction:		\$0.00
<i>Justification: Not Applicable. The Division does not have any documented information suggesting that the Town of Gardner has an inability to pay the assessed penalty amount.</i>			

Part VIII – Final Adjusted Penalty

			Amount in Dollars
Line 16	Total Administrative Penalty: (Line 14 – Line 15)		\$440.00

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ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET
VIOLATION NUMBER: 2 (Count 1)

System Name: Town of Gardner **PWSID Number:** CO-0128300

Date of Enforcement Order: August 26, 2008 **Number:** DC-080826-2

Regulation Violated: Failure to Measure and/or Report for Residual Disinfection Concentration, 5
 COR 1003-1, §7.5 **Population Served:** 115

Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1:	Failure to Measure and/or Report for Residual Disinfection Concentration – 2 nd quarter of 2007	< 500 Served	\$30.00

Part II – Application of Aggravating or Mitigating Factors

	Aggravating / Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare <i>Justification: n/a</i>		\$0.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification: Town of Gardner was issued an Enforcement Order (DC-061130-4) on November 30, 2006 for its failure to report residual disinfection concentration in 2006. Therefore, the Town of Gardner has demonstrated a history/pattern of not obeying or complying with its regulatory obligations, thereby revealing a level of disregard for regulatory programs. Town of Gardner's continued noncompliance with the same violation in 2007 supports an upward adjustment of 50%.</i>	+50%	\$15.00
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification: n/a</i>		\$0.00
Line 6	Factor E: Full and Prompt Cooperation <i>Justification: n/a</i>		\$0.00
Line 7	Factor F: Environmental Compliance Program <i>Justification: n/a</i>		\$0.00

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	Aggravating/Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 8	Factor G: Other Aggravating or Mitigating Circumstances		\$0.00
	<i>Justification: n/a</i>		
Line 9	Sum of Lines 2 through Line 8		\$15.00
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$45.00

Part III – Determination of Days of Violation

		Days of Violation
Line 11	Total Days of Violation	1
	<i>Justification: The Division has chosen to consider the failure to monitor for residual disinfectant concentration in the 2nd quarter of 2007 as a single day violation.</i>	

Part IV – Determination of Multi-Day Penalty Amount

		Amount in Dollars
Line 12	Multi-Day Penalty Amount	\$45.00
	$2^{\text{nd}} \text{ Quarter of 2007} \quad \text{Calculations:} \quad (\$45.00) \quad = \$45.00$	

Part V – Economic Benefit Consideration

		Amount in Dollars
Line 13	Economic Benefit:	\$40.00
	<i>Justification: The Division believes that the Town of Gardner realized an economic benefit by failing to report since the Town avoided the cost of the labor involved in calculating and compiling the information into the required reports.</i>	

Part VI – Violation Penalty Total

		Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)	\$85.00

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Part VII – Ability to Pay Adjustment

		Amount in Dollars
Line 15	Ability to Pay Reduction:	\$0.00
	<i>Justification: Not Applicable. The Division does not have any documented information suggesting that the Town of Gardner has an inability to pay the assessed penalty amount.</i>	

Part VIII – Final Adjusted Penalty

		Amount in Dollars
Line 16	Total Administrative Penalty: (Line 14 – Line 15)	\$85.00

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ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET

VIOLATION NUMBER: 2 (Counts 2 - 6)

System Name: Town of Gardner **PWSID Number:** 00-0128300

Date of Enforcement Order: August 26, 2008 **Number:** DC-080826-2

Regulation Violated: Failure to Measure and/or Report for Residual Disinfection Concentration, 5 CCR 100-1.57 **Population Served:** 5

Part I – Base Penalty Calculation

Violation Type	Population Range	Amount in Dollars
Line 1: Failure to Measure and/or Report for Residual Disinfection Concentration – 3 rd and 4 th quarters of 2007 and 1 st and 2 nd and 4 th quarters of 2008	< 500 Served	\$30.00

Part II – Application of Aggravating or Mitigating Factors

Aggravating / Mitigating Factors	Base Penalty Increase or Decrease	Amount in Dollars
Line 2: Factor A: Threat to Public Health and Welfare <i>Justification: n/a</i>		\$0.00
Line 3: Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4: Factor C: Recalcitrance or Recidivism <i>Justification: Town of Gardner was issued an Enforcement Order (DC-080826-2) on August 26, 2008 for its failure to report residual disinfection concentration in 2007 Therefore, the Town of Gardner has demonstrated a history/pattern of not obeying or complying with its regulatory obligations, thereby revealing a level of disregard for regulatory programs. Town of Gardner's continued noncompliance with the same violation in 2007 and 2008 supports an upward adjustment of 50%.</i>	+50%	\$15.00
Line 5: Factor D: Voluntary and Complete Disclosure of Violations <i>Justification: n/a</i>		\$0.00
Line 6: Factor E: Full and Prompt Cooperation <i>Justification: n/a</i>		\$0.00
Line 7: Factor F: Environmental Compliance Program		\$0.00

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	Aggravating/Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
	<i>Justification: n/a</i>		
Line 8	Factor G: Other Aggravating or Mitigating Circumstances		\$0.00
	<i>Justification: n/a</i>		
Line 9	Sum of Lines 2 through Line 8		\$15.00
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$45.00

Part III – Determination of Days of Violation

		Days of Violation
Line 11	Total Days of Violation	5
	<i>Justification: The Division has chosen to consider the failure to report for residual disinfection concentration violation as a single day violation for each quarter of violation.</i>	

Part IV – Determination of Multi-Day Penalty Amount

		Amount in Dollars
Line 12	Multi-Day Penalty Amount	\$225.00
	<i>Calculations:</i>	
	<i>Day 1 (3rd quarter 2007) (\$45.00) = \$45.00</i>	
	<i>Day 2 (4th quarter 2008) (\$45.00) = \$45.00</i>	
	<i>Day 3 (1st quarter 2008) (\$45.00) = \$45.00</i>	
	<i>Day 4 (2nd Quarter 2008) (\$45.00) = \$45.00</i>	
	<i>Day 5 (4th quarter 2008) (\$45.00) = \$45.00</i>	
	<i>Total = \$225.00</i>	

Part V – Economic Benefit Consideration

		Amount in Dollars
Line 13	Economic Benefit:	\$200.00
	<i>Justification: The Division believes that the Town of Gardner realized an economic benefit (\$40.00 per quarter) by failing to report since the Town avoided the cost of the labor involved in calculating and compiling the information into the required reports.</i>	

Part VI – Violation Penalty Total

		Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)	\$425.00

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Part VII – Ability to Pay Adjustment

			Amount in Dollars
Line 15	Ability to Pay Reduction:		\$0.00
	<i>Justification: Not Applicable. The Division does not have any documented information suggesting that the Town of Gardner has an inability to pay the assessed penalty amount.</i>		

Part VIII – Final Adjusted Penalty

			Amount in Dollars
Line 16	Total Administrative Penalty: (Line 14 – Line 15)		\$425.00

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ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET

VIOLATION NUMBER: 3

System Name: Town of Gardner	PWSID Number: CO-0128300
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Date of Enforcement Order: August 26, 2008	Number: DC-080826-2
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Regulation Violated: Failure to Monitor for Volatile Organic Chemicals, 5 CCR 1003-1. §6.2.5	Population Served: 115
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Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1:	Failure to Monitor for Volatile Organic Chemicals – Compliance Period January 1, 2005 through December 31, 2007	< 500 Served	\$100.00

Part II – Application of Aggravating or Mitigating Factors

	Aggravating / Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare <i>Justification: n/a</i>		\$0.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification: n/a</i>		\$0.00
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification: n/a</i>		\$0.00
Line 6	Factor E: Full and Prompt Cooperation <i>Justification: n/a</i>		\$0.00
Line 7	Factor F: Environmental Compliance Program <i>Justification: n/a</i>		\$0.00
Line 8	Factor G: Other Aggravating or Mitigating Circumstances <i>Justification: n/a</i>		\$0.00
Line 9	Sum of Lines 2 through Line 8		\$0.00

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	Aggravating / Mitigating Factors	Base Penalty (Increase or Decrease)	Amount in Dollars
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$100.00

Part III – Determination of Days of Violation

		Days of Violation
Line 11	Total Days of Violation	1
	<i>Justification: The Division has chosen to consider the failure to monitor for volatile organic chemicals violation as a single day violation.</i>	

Part IV – Determination of Multi-Day Penalty Amount

		Amount in Dollars
Line 12	Multi-Day Penalty Amount	\$100.00
	<i>Calculations:</i>	
	<i>Day 1 (\$100.00)</i>	<i>= \$100.00</i>

Part V – Economic Benefit Consideration

		Amount in Dollars
Line 13	Economic Benefit:	\$190.00
	<i>Justification: The Division believes that the Town of Gardner realized an economic benefit by failing to monitor since the town has avoided the cost for the tests as well as the cost of the labor involved in obtaining sample bottles, conducting the testing, and transporting the samples to a lab.</i>	

Part VI – Violation Penalty Total

		Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)	\$290.00

Part VII – Ability to Pay Adjustment

		Amount in Dollars
Line 15	Ability to Pay Reduction:	\$0.00
	<i>Justification: Not Applicable. The Division does not have any documented information suggesting that the Town of Gardner has an inability to pay the assessed penalty amount.</i>	

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Part VIII – Final Adjusted Penalty

		Amount in Dollars
Line 16	Total Administrative Penalty: (Line 14 - Line 15)	\$290.00

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ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET
VIOLATION NUMBER: 4

System Name: Town of Gardner **PWSID Number:** CO-0128300

Date of Enforcement Order: August 26, 2008 **Number:** DC-080826-2

Regulation Violated: Failure to Monitor for Synthetic Organic Chemicals, 5 CCR 1003-1.6.2.6 **Population Served:** 115

Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1:	Failure to Monitor for Synthetic Organic Chemicals - Compliance Period January 1, 2005 through December 31, 2007	< 500 Served	\$100.00

Part II – Application of Aggravating or Mitigating Factors

	Aggravating/Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare <i>Justification: n/a</i>		\$0.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification: n/a</i>		\$0.00
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification: n/a</i>		\$0.00
Line 6	Factor E: Full and Prompt Cooperation <i>Justification: n/a</i>		\$0.00
Line 7	Factor F: Environmental Compliance Program <i>Justification: n/a</i>		\$0.00
Line 8	Factor G: Other Aggravating or Mitigating Circumstances <i>Justification: n/a</i>		\$0.00
Line 9	Sum of Lines 2 through Line 8		\$0.00

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	Aggravating / Mitigating Factors	Base Penalty Increase or Decrease	Amount in Dollars
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$100.00

Part III – Determination of Days of Violation

		Days of Violation
Line 11	Total Days of Violation	1
	<i>Justification: The Division has chosen to consider the failure to monitor for synthetic organic chemicals violation as a single day violation.</i>	

Part IV – Determination of Multi-Day Penalty Amount

		Amount in Dollars
Line 12	Multi-Day Penalty Amount	\$100.00
	<i>Calculations:</i>	
	<i>Day 1 (\$100.00) = \$100.00</i>	

Part V – Economic Benefit Consideration

		Amount in Dollars
Line 13	Economic Benefit:	\$1,300.00
	<i>Justification: The Division believes that the Town of Gardner realized an economic benefit by failing to monitor since the town has avoided the cost for the tests as well as the cost of the labor involved in obtaining sample bottles, conducting the testing, and transporting the samples to a lab.</i>	

Part VI – Violation Penalty Total

		Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)	\$1,400.00

Part VII – Ability to Pay Adjustment

		Amount in Dollars
Line 15	Ability to Pay Reduction:	\$0.00
	<i>Justification: Not Applicable. The Division does not have any documented information suggesting that the Town of Gardner has an inability to pay the assessed penalty amount.</i>	

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Part VIII – Final Adjusted Penalty

		Amount in Dollars
Line 16	Total Administrative Penalty: (Line 14 - Line 15)	\$1,400.00

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ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET
VIOLATION NUMBER: 5 (Count 1)

System Name: Town of Gardner **PW/SID Number:** CO-0128300

Date of Enforcement Order: August 26, 2008 **Number:** DC-080826-2

Regulation Violated: Failure to Monitor for Nitrate -- 6CR 1003-1.56.1 **Population Served:** 115

Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1	Failure to Monitor for Nitrate -- Calendar Year 2007	< 500 Served	\$200.00

Part II – Application of Aggravating or Mitigating Factors

	Aggravating / Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare <i>Justification: n/a</i>		\$0.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification: The Town of Gardner failed to monitor for nitrate during calendar year 2003 and was issued a Compliance Advisory on May 5, 2004. In addition, the Town of Gardner failed to monitor for nitrate during calendar year 2004. The Department mailed the Town of Gardner a Compliance Reminder letter on July 9, 2004 informing the Town that nitrate monitoring needed to be performed during calendar year 2004. The Department's records show that the Town of Gardner did not submit any nitrate monitoring results for calendar year 2004. Therefore, the Town of Gardner has demonstrated a history/pattern of not obeying or complying with its regulatory obligations, thereby revealing a level of disregard for regulatory programs. Town of Gardner's continued noncompliance with the same violation in 2007 supports an upward adjustment of 25%.</i>	+25%	\$50.00
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification: n/a</i>		\$0.00
Line 6	Factor E: Full and Prompt Cooperation <i>Justification: n/a</i>		\$0.00
Line 7	Factor F: Environmental Compliance Program		\$0.00

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	Aggravating / Mitigating Factors	Violations Penalty Increase/Decrease	Amount in Dollars
	<i>Justification: n/a</i>		
Line 8	Factor G: Other Aggravating or Mitigating Circumstances		\$0.00
	<i>Justification: n/a</i>		
Line 9	Sum of Lines 2 through Line 8		\$0.00
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$250.00

Part III – Determination of Days of Violation

		Days of Violation
Line 11	Total Days of Violation	1
	<i>Justification: The Division has chosen to consider the 2007 failure to monitor for Nitrate violation as a single day violation.</i>	

Part IV – Determination of Multi-Day Penalty Amount

		Amount in Dollars
Line 12	Multi-Day Penalty Amount	\$250.00
	<i>Calculations:</i>	
	<i>Day 1 (\$250.00) = \$250.00</i>	

Part V – Economic Benefit Consideration

		Amount in Dollars
Line 13	Economic Benefit:	\$70.00
	<i>Justification: The Division believes that the Town of Gardner realized an economic benefit by failing to monitor since the Town avoided the cost of the test itself as well as the cost of the labor involved in obtaining sample bottles, conducting the testing, and transporting the samples to a lab.</i>	

Part VI – Violation Penalty Total

		Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)	\$320.00

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Part VII – Ability to Pay Adjustment

			Amount in Dollars
Line 15	Ability to Pay Reduction:		\$0.00
	<i>Justification: Not Applicable. The Division does not have any documented information suggesting that the Town of Gardner has an inability to pay the assessed penalty amount.</i>		

Part VIII – Final Adjusted Penalty

			Amount in Dollars
Line 16	Total Administrative Penalty: (Line 14 - Line 15)		\$320.00

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ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET

VIOLATION NUMBER: 5 (Count 2)

System Name: Town of Gardner	PWSID Number: CO-0128300
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Date of Enforcement Order: August 26, 2008	Number: DC-080826-2
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Regulation Violated: Failure to Monitor for Nitrate, 5 CCR 1003.01, §6.1.5	Population Served: 115
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Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1	Failure to Monitor for Nitrate – Calendar Year 2008	< 500 Served	\$200.00

Part II – Application of Aggravating or Mitigating Factors

	Aggravating / Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare <i>Justification: n/a</i>		\$0.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification: Town of Gardner was issued an Enforcement Order (DC-080826-2) on August 26, 2008 for its failure to monitor for Nitrate in 2007. Therefore, the Town of Gardner has demonstrated a history/pattern of not obeying or complying with its regulatory obligations, thereby revealing a level of disregard for regulatory programs. Town of Gardner's continued noncompliance with the same violation in 2008 supports an upward adjustment of 50%.</i>	+50%	\$100.00
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification: n/a</i>		\$0.00
Line 6	Factor E: Full and Prompt Cooperation <i>Justification: n/a</i>		\$0.00
Line 7	Factor F: Environmental Compliance Program <i>Justification: n/a</i>		\$0.00
Line 8	Factor G: Other Aggravating or Mitigating Circumstances <i>Justification: n/a</i>		\$0.00

Revised Exhibit A

	Aggravating or Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 9	Sum of Lines 2 through Line 8		\$0.00
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$300.00

Part III – Determination of Days of Violation

		Days of Violation
Line 11	Total Days of Violation	1
	<i>Justification: The Division has chosen to consider the 2008 failure to monitor for Nitrate violation as a single day violation.</i>	

Part IV – Determination of Multi-Day Penalty Amount

		Amount in Dollars
Line 12	Multi-Day Penalty Amount	\$300.00
	<i>Calculations:</i>	
	<i>Day 1 (\$300.00) = \$300.00</i>	

Part V – Economic Benefit Consideration

		Amount in Dollars
Line 13	Economic Benefit:	\$70.00
	<i>Justification: The Division believes that the Town of Gardner realized an economic benefit by failing to monitor since the Town avoided the cost of the test itself as well as the cost of the labor involved in obtaining sample bottles, conducting the testing, and transporting the samples to a lab.</i>	

Part VI – Violation Penalty Total

		Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)	\$370.00

Revised Exhibit A

Part VII – Ability to Pay Adjustment

			Amount in Dollars
Line 15	Ability to Pay Reduction:		\$0.00
	<i>Justification: Not Applicable. The Division does not have any documented information suggesting that the Town of Gardner has an inability to pay the assessed penalty amount.</i>		

Part VIII – Final Adjusted Penalty

			Amount in Dollars
Line 16	Total Administrative Penalty: (Line 14 - Line 15)		\$370.00

Revised Exhibit A

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET
VIOLATION NUMBER: 6

System Name: Town of Gardner **PWSID Number:** CO-0128300

Date of Enforcement Order: August 26, 2008 **Number:** DC-080826-2

Regulation Violated: Failure to Monitor for Inorganic Chemicals, 5 CCR 1003-1, §6.1.5 **Population Served:** 115

Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1:	Failure to Monitor for Inorganic Chemicals – Compliance Period January 1, 2005 through December 31, 2007	< 500 Served	\$100.00

Part II – Application of Aggravating or Mitigating Factors

	Aggravating / Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare <i>Justification: n/a</i>		\$0.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification: n/a</i>		\$0.00
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification: n/a</i>		\$0.00
Line 6	Factor E: Full and Prompt Cooperation <i>Justification: n/a</i>		\$0.00
Line 7	Factor F: Environmental Compliance Program <i>Justification: n/a</i>		\$0.00
Line 8	Factor G: Other Aggravating or Mitigating Circumstances <i>Justification: n/a</i>		\$0.00
Line 9	Sum of Lines 2 through Line 8		\$0.00
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$100.00

Revised Exhibit A

Part III – Determination of Days of Violation

		Days of Violation
Line 11	Total Days of Violation	1
	<i>Justification: The Division has chosen to consider the failure to monitor for inorganic chemicals violation as a single day violation.</i>	

Part IV – Determination of Multi-Day Penalty Amount

		Amount in Dollars
Line 12	Multi-Day Penalty Amount	\$100.00
	<i>Calculations:</i>	
	<i>Day 1 (\$100.00) = \$100.00</i>	

Part V – Economic Benefit Consideration

		Amount in Dollars
Line 13	Economic Benefit:	\$265.00
	<i>Justification: The Division believes that the Town of Gardner realized an economic benefit by failing to monitor since the town has avoided the cost for the tests as well as the cost of the labor involved in obtaining sample bottles, conducting the testing, and transporting the samples to a lab.</i>	

Part VI – Violation Penalty Total

		Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)	\$365.00

Part VII – Ability to Pay Adjustment

		Amount in Dollars
Line 15	Ability to Pay Reduction:	\$0.00
	<i>Justification: Not Applicable. The Division does not have any documented information suggesting that the Town of Gardner has an inability to pay the assessed penalty amount.</i>	

Revised Exhibit A

Part VIII – Final Adjusted Penalty

		Amount in Dollars
Line 16	Total Administrative Penalty: (Line 14 - Line 15)	\$365.00

Revised Exhibit A

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET
VIOLATION NUMBER: 7 (Count 1)

System Name: Town of Gardner **PWSID Number:** CO-0128800

Date of Enforcement Order: August 26, 2008 **Number:** DC-080826-2

Regulation Violated: Failure to Comply with a Formal Enforcement Order, 5 CCR 1003-1, Article 1 **Population Served:** 115

Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1:	Failure to Comply with a Formal Enforcement Order (DC-061130-4)	< 500 Served	\$400.00

Part II – Application of Aggravating or Mitigating Factors

	Aggravating / Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare <i>Justification: n/a</i>		\$0.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification: The Town of Gardner was issued an Enforcement Order (DC-061130-4) on November 30, 2006. The System has not complied with the Order and continues to incur violations of the same Regulation(s) cited in the Order. Therefore, the Town of Gardner has demonstrated a history/pattern of not obeying or complying with its regulatory obligations and Enforcement Orders, thereby revealing a level of disregard for regulatory programs. The Town of Gardner's continued noncompliance with the same violation supports an upward adjustment of 50%.</i>	+ 50%	\$200.00
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification: n/a</i>		\$0.00
Line 6	Factor E: Full and Prompt Cooperation <i>Justification: n/a</i>		\$0.00
Line 7	Factor F: Environmental Compliance Program <i>Justification: n/a</i>		\$0.00
Line 8	Factor G: Other Aggravating or Mitigating Circumstances		\$0.00

Revised Exhibit A

	Aggravating / Mitigation Factors	Base Penalty Increase or Decrease	Amount in Dollars
	<i>Justification: n/a</i>		
Line 9	Sum of Lines 2 through Line 8		\$200.00
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$600.00

Part III – Determination of Days of Violation

		Days of Violation
Line 11	Total Days of Violation	1
	<i>Justification: The Division has chosen to consider the failure to comply with a formal enforcement order violation as a single day violation.</i>	

Part IV – Determination of Multi-Day Penalty Amount

		Amount in Dollars
Line 12	Multi-Day Penalty Amount	\$600.00
	<i>Calculations:</i> <i>Day 1 (\$600.00) = \$600.00</i>	

Part V – Economic Benefit Consideration

		Amount in Dollars
Line 13	Economic Benefit:	\$0.00
	<i>Justification: The Division believes that the Town of Gardner realized an economic benefit from its ongoing noncompliance. However, the Division believes it has adequately recovered the economic benefit through the recovery of economic benefit within each penalty for the underlying individual violations.</i>	

Part VI – Violation Penalty Total

		Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)	\$600.00

Revised Exhibit A

Part VII – Ability to Pay Adjustment

			Amount in Dollars
Line 15	Ability to Pay Reduction:		\$0.00
<i>Justification: Not Applicable. The Division does not have any documented information suggesting that the Town of Gardner has an inability to pay the assessed penalty amount.</i>			

Part VIII – Final Adjusted Penalty

			Amount in Dollars
Line 16	Total Administrative Penalty: (Line 14 – Line 15)		\$600.00

Revised Exhibit A

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET
VIOLATION NUMBER: 7 (Count 2)

System Name: Town of Gardner	PWSID Number: 00-0128300
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Date of Enforcement Order: August 26, 2008	Number: DC-080826-2
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Regulation Violated: Failure to Comply with a Formal Enforcement Order, 5 CCR 1003-1, Article 1	Population Served: 15
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Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1:	Failure to Comply with a Formal Enforcement Order (DC-070831-9)	< 500 Served	\$400.00

Part II – Application of Aggravating or Mitigating Factors

	Aggravating / Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare <i>Justification: n/a</i>		\$0.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification: The Town of Gardner was issued an Enforcement Order (DC-070831-9) on August 31, 2009. The System has not complied with the Order and continues to incur violations of the same Regulation(s) cited in the Order. Therefore, the Town of Gardner has demonstrated a history/pattern of not obeying or complying with its regulatory obligations and Enforcement Orders, thereby revealing a level of disregard for regulatory programs. The Town of Gardner's continued noncompliance with the same violation supports an upward adjustment of 50%.</i>	+ 50%	\$200.00
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification: n/a</i>		\$0.00
Line 6	Factor E: Full and Prompt Cooperation <i>Justification: n/a</i>		\$0.00
Line 7	Factor F: Environmental Compliance Program <i>Justification: n/a</i>		\$0.00
Line 8	Factor G: Other Aggravating or Mitigating Circumstances <i>Justification: n/a</i>		\$0.00

Revised Exhibit A

	Aggravating / Mitigating Factors	% Base Penalty Increase or Decrease	Amount in Dollars
Line 9	Sum of Lines 2 through Line 8		\$200.00
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$600.00

Part III – Determination of Days of Violation

		Days of Violation
Line 11	Total Days of Violation	1
	<i>Justification: The Division has chosen to consider the failure to comply with a formal enforcement order violation as a single day violation.</i>	

Part IV – Determination of Multi-Day Penalty Amount

		Amount in Dollars
Line 12	Multi-Day Penalty Amount	\$600.00
	<i>Calculations:</i> <i>Day 1 (\$600.00) = \$600.00</i>	

Part V – Economic Benefit Consideration

		Amount in Dollars
Line 13	Economic Benefit:	\$0.00
	<i>Justification: The Division believes that the Town of Gardner realized an economic benefit from its ongoing noncompliance. However, the Division believes it has adequately recovered the economic benefit through the recovery of economic benefit within each penalty for the underlying individual violations.</i>	

Part VI – Violation Penalty Total

		Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)	\$600.00

Revised Exhibit A

Part VII – Ability to Pay Adjustment

			Amount in Dollars
Line 15	Ability to Pay Reduction:		\$0.00
	<i>Justification: Not Applicable. The Division does not have any documented information suggesting that the Town of Gardner has an inability to pay the assessed penalty amount.</i>		

Part VIII – Final Adjusted Penalty

			Amount in Dollars
Line 16	Total Administrative Penalty: (Line 14 – Line 15)		\$600.00

Revised Exhibit A

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET
VIOLATION NUMBER: 8 (Count 1)

System Name: Town of Gardner	PWSID Number: CO-0128300
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Date of Amendment Number One to Enforcement Order DC-080826-2; February 27, 2009	Number: DC-080826-2
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Regulation Violated: Failure to Monitor and/or Report for Gross Alpha Particle Activity, Uranium and Radium 226; CCR 1003-1, §65-26(1)(9)	Population Served: 0
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Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1:	Failure to Monitor and/or Report for Gross Alpha Particle Activity, Uranium and Radium 226– 2007	< 500 Served	\$100.00

Part II – Application of Aggravating or Mitigating Factors

	Aggravating / Mitigating Factors	% Base Penalty Increase / Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare <i>Justification: n/a</i>		\$0.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification: n/a</i>		\$0.00
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification: n/a</i>		\$0.00
Line 6	Factor E: Full and Prompt Cooperation <i>Justification: n/a</i>		\$0.00
Line 7	Factor F: Environmental Compliance Program <i>Justification: n/a</i>		\$0.00

Revised Exhibit A

	Aggravating Factors	Mitigating Factors	Base Penalty Increase or Decrease	Amount in Dollars
Line 8	Factor G: Other Aggravating or Mitigating Circumstances			\$0.00
	<i>Justification: n/a</i>			
Line 9	Sum of Lines 2 through Line 8			\$50.00
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)			\$100.00

Part III – Determination of Days of Violation

		Days of Violation
Line 11	Total Days of Violation	1
	<i>Justification: The Division has chosen to consider the failure to monitor and/or report for Gross Alpha Particle Activity, Uranium and Radium 226 violation in 2007 as a single day violation.</i>	

Part IV – Determination of Multi-Day Penalty Amount

		Amount in Dollars
Line 12	Multi-Day Penalty Amount	\$100.00
	<i>Calculations:</i>	
	<i>Day 1 (\$100.00) = \$100.00</i>	

Part V – Economic Benefit Consideration

		Amount in Dollars
Line 13	Economic Benefit:	\$159.50
	<i>Justification: The Division believes that the Town of Gardner realized an economic benefit by failing to monitor since it avoided the cost of the test itself as well as the cost of the labor involved in obtaining sample bottles, conducting the testing, and transporting the samples to a lab.</i>	

Revised Exhibit A

Part VI – Violation Penalty Total

			Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)		\$259.50

Part VII – Ability to Pay Adjustment

			Amount in Dollars
Line 15	Ability to Pay Reduction:		\$0.00
<i>Justification: Not Applicable. The Division does not have any documented information suggesting that the Town of Gardner has an inability to pay the assessed penalty amount.</i>			

Part VIII – Final Adjusted Penalty

			Amount in Dollars
Line 16	Total Administrative Penalty: (Line 14 – Line 15)		\$259.50

Revised Exhibit A

ADMINISTRATIVE PENALTY COMPUTATION WORKSHEET
VIOLATION NUMBER: 8 (Count 2)

System Name: Town of Gardner	PW Number: CO-0128300
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Date of Amendment Number One to Enforcement Order DC-080826-2: February 2009	Number: DC-080826-2-1
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Regulation Violated: Failure to Monitor and/or Report for Gross Alpha Particle Activity, Uranium and Radium 226, 5 CCR 1003-1. §6.5-2.0(1)	Population Served: 115
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Part I – Base Penalty Calculation

	Violation Type	Population Range	Amount in Dollars
Line 1:	Failure to Monitor and/or Report for Gross Alpha Particle Activity, Uranium and Radium 226–2008	< 500 Served	\$100.00

Part II – Application of Aggravating or Mitigating Factors

	Aggravating/Mitigating Factors	Base Penalty Increase/Decrease	Amount in Dollars
Line 2	Factor A: Threat to Public Health and Welfare <i>Justification: n/a</i>		\$0.00
Line 3	Factor B: Intentional, Reckless, or Negligent Actions <i>Justification: n/a</i>		\$0.00
Line 4	Factor C: Recalcitrance or Recidivism <i>Justification: Town of Gardner failed to monitor for Gross Alpha Particle Activity, Uranium and Radium 226 in 2007. Therefore, the Town of Gardner has demonstrated a history/pattern of not obeying or complying with its regulatory obligations, thereby revealing a level of disregard for regulatory programs. Town of Gardner's continued noncompliance with the same violation in 2008 supports an upward adjustment of 25%.</i>	+25%	\$25.00
Line 5	Factor D: Voluntary and Complete Disclosure of Violations <i>Justification: n/a</i>		\$0.00
Line 6	Factor E: Full and Prompt Cooperation		\$0.00

Revised Exhibit A

	Aggravating / Mitigating Factor	Base Penalty Increase or Decrease	Amount in Dollars
	<i>Justification: n/a</i>		
Line 7	Factor F: Environmental Compliance Program		\$0.00
	<i>Justification: n/a</i>		
Line 8	Factor G: Other Aggravating or Mitigating Circumstances		\$0.00
	<i>Justification: n/a</i>		
Line 9	Sum of Lines 2 through Line 8		\$50.00
Line 10	Adjusted Base Penalty (Sum of Line 1 + Line 9)		\$125.00

Part III – Determination of Days of Violation

		Days of Violation
Line 11	Total Days of Violation	1
	<i>Justification: The Division has chosen to consider the failure to monitor and/or report for Gross Alpha Particle Activity, Uranium and Radium 226 violation in 2008 as a single day violation.</i>	

Part IV – Determination of Multi-Day Penalty Amount

		Amount in Dollars
Line 12	Multi-Day Penalty Amount	\$125.00
	<i>Calculations:</i>	
	<i>Day 1 (\$100.00) = \$100.00</i>	

Part V – Economic Benefit Consideration

		Amount in Dollars
Line 13	Economic Benefit:	\$159.50
	<i>Justification: The Division believes that the Town of Gardner realized an economic benefit by failing to monitor since it avoided the cost of the test itself as well as the cost of the labor involved in obtaining sample bottles, conducting the testing, and transporting the samples to a lab.</i>	

Revised Exhibit A

Part VI – Violation Penalty Total

			Amount in Dollars
Line 14	Total Administrative Penalty: (Line 12 + Line 13)		\$284.50

Part VII – Ability to Pay Adjustment

			Amount in Dollars
Line 15	Ability to Pay Reduction:		\$0.00
	<i>Justification: Not Applicable. The Division does not have any documented information suggesting that the Town of Gardner has an inability to pay the assessed penalty amount.</i>		

Part VIII – Final Adjusted Penalty

			Amount in Dollars
Line 16	Total Administrative Penalty: (Line 14 – Line 15)		\$284.50