

# Susquehanna River Basin Commission

*a water management agency serving the Susquehanna River Watershed*



Policy No. 96-01

March 14, 1996

## SRBC CIVIL PENALTY MATRIX Penalties Per Day of Violation\*

	<b>Minor: \$50-\$250</b>	<b>Moderate: \$251-\$750</b>	<b>Severe: \$751-\$1,000</b>
<b>Previous Violations</b>	No previous violations	One previous violation	Multiple previous violations
<b>Intent</b>	Non-willful, non negligent	Non-willful, negligent	Willful
<b>Adverse Environmental Impacts</b>	No adverse environmental impacts	Limited adverse environmental impacts	Major adverse environmental impacts
<b>Cooperation</b>	Excellent cooperation/quick response	General cooperation & some delay in compliance	Little or no cooperation/slow response
<b>Economic Benefit</b>	No economic benefit	Minor economic benefit	Substantial economic benefit

\* §15.17 of the Compact specifies that "... in the event of a continuing offense, each day of such violation, attempt, or conspiracy shall constitute a separate offense." In most cases, violations discovered by staff have continued for a substantial number of days, thus forcing the Commission to impose relatively high penalties in most cases, even where the violation resulted in virtually no other harm. Thus, in practice the Commission would most likely and most often offer a violator a settlement by agreement in lieu of penalty as we are authorized to do under §805.27 of our project review regulations. This would avoid the imposition of an unrealistically high penalty. Nevertheless, the above matrix can serve as a guide when we are faced with a case where the imposition of a penalty is appropriate.

## **DESCRIPTIONS OF MINOR, LIMITED AND SEVERE VIOLATIONS AS CLASSIFIED IN THE SRBC PENALTY MATRIX**

The categories of “previous violations,” “intent,” and “cooperation” are self-explanatory and need no further elaboration. The other categories require some further criteria.

### ***Adverse Environmental Impacts***

**Minor** – No impacts whatsoever.

**Limited** - (Examples) Small or limited impact on fauna or flora with little or no effect on habitat; small and temporary impairment of a neighboring source of water; small and temporary threat or harm to public health, safety or welfare.

**Severe** – (Examples) Major impact on flora and fauna such as massive fish kill or large scale destruction of habitat; large or permanent impairment of a neighboring source of water; large or permanent threat or harm to public health, safety or welfare.

### ***Economic Benefit to Violator\****

**Minor** - \$50-\$250

**Moderate** - \$251-\$750

**Severe** - \$751 or more

\* Tied directly to the penalty amounts specified in the Compact; i.e. \$50-\$1,000 per violation.