



**Lexington-Fayette Urban County Government
Department of Environmental Quality & Public Works
Division of Environmental Services**

PENALTY CALCULATION WORKSHEET - EROSION SEDIMENT CONTROL

Background

Location of Violation/Incident:

Responsible Party Name:

Address:

Phone:

E-mail:

Permit or other regulatory ID# (if applicable):

Referring Inspector and Agency:

Ordinance(s) or Requirement(s) Violated:

Date(s) of Inspection(s) (attach copy of inspection report(s) and/or NOV):

Number of Days of Noncompliance:

Comments/Explanation:



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Civil Penalty Matrix

A civil penalty is calculated by determining a base penalty dependent on the severity and duration of the violation and adjusting the base amount for certain adjustment factors. The base penalty evaluates the relationship between the potential harm to human health or the environment and the extent of deviation from applicable regulatory requirements.

Less than 1 Acre (16-101)

Violation	Minor		Moderate		Major	
	1	2				
Working w/o Permit; w/ESC Measures	1	2				
Working w/Permit; w/o ESC Measures				4	5	
Working w/o Permit; w/o ESC Measures					5	6
Small sediment volume but reasonable likely to move/wash into roadside gutter, storm water or waterway	1	2				
Small Volume but has moved/washed into roadside gutter, storm water or waterway		2	3			
Large sediment volume but reasonable likely to move/wash into roadside gutter, storm water or waterway		2	3			
Large Volume but has moved/washed into roadside gutter, storm water or waterway			3	4		

Greater than 1 Acre (16-104)

Violation	Minor		Moderate		Major	
Working w/o Permit; w/ESC Measures		2	3			
Working w/Permit; w/o ESC Measures					5	6
Working w/o Permit; w/o ESC Measures					5	6
Small sediment volume but reasonable likely to move/wash into roadside gutter, storm water or waterway		2	3			
Small Volume but has moved/washed into roadside gutter, storm water or waterway			3	4		
Large sediment volume but reasonable likely to move/wash into roadside gutter, storm water or waterway				4	5	
Large Volume but has moved/washed into roadside gutter, storm water or waterway					5	6



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Circumstantial Modifiers

First Citation	0	Land Disturbance >5 acres	1
Second Citation	1	Land Disturbance >10 acres	2
Third Citation	2	Land Disturbance >20 acres	3
Fourth Citation	3	Evidence of Environmental Damage	2-6
Fifth Citation	6	Encroached on Aquatic Buffer	1-6
Sixth Citation	9		
Seventh Citation	12		

**Citations within a rolling 12 month period.

Points Calculated: _____

Total Points = Penalty Amount

1= \$500	11= \$3,500	21= \$6,500	31= \$9,500
2= \$800	12= \$3,800	22= \$6,800	32= \$9,800
3= \$1,100	13= \$4,100	23= \$7,100	33= \$10,100
4= \$1,400	14= \$4,400	24= \$7,400	34= \$10,400
5= \$1,700	15= \$4,700	25= \$7,700	35= \$10,700
6= \$2,000	16= \$5,000	26= \$8,000	36= \$11,000
7= \$2,300	17= \$5,300	27= \$8,300	37= \$11,300
8= \$2,600	18= \$5,600	28= \$8,600	38= \$11,600
9= \$2,900	19= \$5,900	29= \$8,900	39= \$11,900
10= \$3,200	20= \$6,200	30= \$9,200	40= \$12,200

Lack of Paperwork

SWPPP Not Maintained/On-Site	\$100
Inspection Not Maintained/On-Site	\$100
Land Disturbance Permit Expired/Not On-Site	\$100

Total Penalty Amount: _____

Approvals

Signed: _____ Date: _____
 (Enforcement Specialist)

Approved: _____ Date: _____
 (Compliance & Enforcement Program)