January 5, 2018

CERTIFIED MAIL: 7016 2140 0000 2409 5939

Columbia Helicopters, Inc.
c/o National Registered Agents, Inc., Registered Agent
388 State Street, Suite 420
Salem, OR 97301

Re: Notice of Civil Penalty Assessment and Order
Case No. LQ/HW-WR-2017-044

This letter is to inform you that the Oregon Department of Environmental Quality (DEQ) has issued you a civil penalty of $27,600 for hazardous waste violations found at your facility in Aurora, Oregon in January 2017. These violations include failing to make hazardous waste determinations and failing to comply with multiple management requirements.

Improper management of hazardous wastes threatens public health and the environment. To protect public health and the environment, the legislature has enacted statutes and DEQ has adopted rules establishing strict requirements for the accumulation, storage, handling, treatment, and disposal of hazardous wastes. Your failure to comply with hazardous waste rules increases the risk that the public or the environment could be harmed by mismanagement of hazardous waste.

DEQ appreciates your efforts to correct the violations and considered these efforts when determining the amount of civil penalty.

If you wish to appeal this matter, DEQ must receive a request for a hearing within 20 calendar days from your receipt of this letter. The hearing request must be in writing. Send your request to DEQ Office of Compliance and Enforcement:
   Via mail – 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232
   Via email – DEQappeals@deq.state.or.us
   Via fax – 503-229-5100

Once DEQ receives your request, we will arrange to meet with you to discuss this matter. If DEQ does not receive a timely written hearing request, the penalty will become due. Alternatively, you can pay the penalty by sending a check or money order to the above address.

The attached Notice further details DEQ’s reasons for issuing the penalty and provides further instructions for appealing the penalty. Please review and refer to it when discussing this case with DEQ.

DEQ may allow you to resolve part of your penalty through the completion of a Supplemental Environmental Project (SEP). SEPs are environmental improvement projects that you sponsor instead of paying a penalty. Further information is available by calling the number below or at http://www.oregon.gov/deq/regulations/pages/sep.aspx
DEQ’s rules are available at http://www.oregon.gov/deq/Regulations/Pages/administrative-rules.aspx or by calling the number below.

If you have any questions, please contact Jeff Bachman at 503-229-5950 or toll free in Oregon at 800-452-4011, extension 5950.

Sincerely,

[Signature]

Sarah G. Wheeler, Acting Manager
Office of Compliance and Enforcement

Enclosures

cc:  Killian Condon, Western Region, Eugene Office, DEQ
     Brian Fuller, Western Region, Eugene Office, DEQ
     Shaumae Hall, Accounting, HQ, DEQ
BEFORE THE ENVIRONMENTAL QUALITY COMMISSION

OF THE STATE OF OREGON

IN THE MATTER OF:
COLUMBIA HELICOPTERS, INC., an Oregon corporation,

NOTICE OF CIVIL PENALTY ASSESSMENT AND ORDER
Respondent.

CASE NO. LQ/HW-WR-2017-044

I. AUTHORITY

The Department of Environmental Quality (DEQ) issues this Notice of Civil Penalty Assessment and Order (Notice) pursuant to Oregon Revised Statutes (ORS) 468.100, ORS 468.126 through 468.140, ORS 466.990, ORS Chapter 183 and Oregon Administrative Rules (OAR) Chapter 340, Divisions 011, 012, 100 and 102.

II. FINDINGS OF FACT

1. At all relevant times, Respondent operated a helicopter repair, maintenance and service facility at 14452 Arndt Road in Aurora, Oregon.

2. Respondent is a registered hazardous waste generator assigned United States Environmental Protection Agency (EPA) generator identification number ORD009673609.

3. At all relevant times, Respondent generated 2,200 pounds or more of hazardous waste per month.

4. Generators that generate 2,200 pounds or more of hazardous waste in a month are categorized by EPA and DEQ as “large quantity” generators.

5. OAR 340-100-0002 states that “the [Environmental Quality] Commission adopts by reference, and requires every person subject to ORS 466.005 to 466.080 and 466.090 to 466.215, to comply with the rules and regulations governing the management of hazardous waste, including its generation, transportation, treatment, storage, recycling and disposal, as the United States Environmental Protection Agency prescribes in 40 [Code of Federal Regulations (CFR)] Parts 260 to 268, 270, 273 and Subpart A and Subpart B of Part 124, as enacted through June 30, 2015, except as modified below in sections (2), (3) and (4).
6. OAR 340-102-0011(2) states that a “person who generates a residue as defined in OAR 340-100-0010 must determine if that residue is a hazardous waste…”

7. OAR 340-100-0010(2)(ee) states that “residue” “means solid waste as defined in 40 C.F.R. § 261.2.”

8. On or about January 18, 2017, DEQ observed various containers of waste paints, waste corrosive liquids and waste aerosol cans stored in a yellow “flammables” storage cabinet outside the facility’s hazardous waste storage shed.

9. At the time of the DEQ’s inspection, Respondent had not performed hazardous waste determinations on any of the containers stored in the flammables cabinet.

10. On March 2, 2017, Respondent shipped off containers from the flammables closet and identified them as ignitability and methyl ethyl ketone toxicity (EPA Hazardous Waste Codes D001 and D035, respectively) characteristic hazardous wastes, corrosive characteristic (D002) hazardous waste or D001 wastes (40 CFR §§261.21, .22 and .24).

11. 40 CFR § 262.34(a)(3) states that a generator may store hazardous waste on site if “each container and tank is labeled or marked clearly with the words, ‘Hazardous Waste.’”

12. During inspections on January 18 and 23, 2017, DEQ observed that the following hazardous waste containers at Respondent’s facility were not labeled or marked with the words “Hazardous Waste”:

   a. The containers in the yellow flammables cabinet described in Paragraphs 8 through-10 above.

   b. Two open cardboard totes located on the loading dock of the hazardous waste shed containing wastes determined by Respondent to be hazardous for cadmium (D006) and chromium (D007) toxicity characteristics (40 CFR §261.24).

   c. Two plastic totes located outside the hazardous waste shed near the loading dock containing waste determined by Respondent to be hazardous as listed spent solvent (F002) and D007 chromium toxicity characteristic (40 CFR §§26.24 and 262.31).
d. The hazardous waste storage tank located in the finishing room in Building 1A containing waste determined by Respondent to be hazardous as F002 listed spent solvent and D007 chromium toxicity characteristic.

e. The satellite container located next to the parts washer in the finishing room, containing waste determined by Respondent to be hazardous as F002 listed spent solvent and D007 chromium toxicity characteristic.

f. The black 55-gallon pump drum in the finishing room containing waste determined by Respondent to be hazardous as D001 ignitability characteristic, D007 chromium toxicity characteristic, and F003 and F005 listed spent solvents (40 CFR §261.31).

g. The containment basin that is part of the military stripping table in Building 2 containing waste determined by Respondent to be hazardous as D006 cadmium toxicity characteristic, D007 chromium toxicity characteristic, and lead (D008) and selenium (D010) toxicity characteristic (40 CFR §261.24).

13. 40 CFR §262.34(a)(2) states that a generator may store hazardous waste on site if "The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container."

14. During inspections on January 18 and 23, 2017, DEQ observed that the following hazardous waste containers at Respondent's facility were not marked with the date upon which waste accumulation in the container began:

   a. The containers in the yellow flammables cabinet described in Paragraphs 8 through 10 above.

   b. Two closed cardboard totes located on the loading dock of the hazardous waste shed containing wastes determined by Respondent to be D006 cadmium toxicity characteristic and D007 chromium toxicity characteristic hazardous wastes.

   c. Two plastic totes located outside the hazardous waste storage shed near the loading dock described in Paragraph 12.e above.
d. A 30-gallon blue drum labeled “U-Line” located in the hazardous waste storage shed, containing waste determined by Respondent to be hazardous as D002 corrosivity characteristic.

e. A blue 55-gallon drum located in the hazardous waste storage shed containing waste determined by Respondent to be hazardous as a listed spent solvent (F002 and F005) (40 CFR §261.31).

f. A container labeled “Turco W0-1” located in the hazardous waste storage shed containing waste determined by Respondent to be hazardous as D002 corrosivity characteristic.

...continued...

III. CONCLUSIONS

1. On or before January 18, 2017, Respondent violated OAR 340-102-0011(2) by failing to perform hazardous waste determinations on residues it generated at its facility as described in Section II, Paragraphs 6-10, above. These are Class I violations pursuant to OAR 340-012-0068(1)(a). DEQ assesses a $7,200 civil penalty for these violations.

2. On or about January 18 and 23, 2017, Respondent violated 40 CFR §262.34(a)(3) by failing to label hazardous waste containers at its facility with the words “hazardous waste” as described in Section II, Paragraphs 11-12, above. These are Class II violations pursuant to OAR 340-012-0068(2)(b). DEQ assesses a $9,000 civil penalty for these violations.

3. On or about January 18 and 23, 2017, Respondent violated 40 CFR §262.34(a)(2) by failing to mark hazardous waste containers at its facility with the date when accumulation of waste in the container began as described in Section II, Paragraphs 13-14, above. These are Class II violations pursuant to OAR 340-012-0068(2)(a). DEQ assesses a $9,000 civil penalty for these violations.

4. On or about September 28, 2014, and February 23, 2015, Respondent violated 40 CFR §262.34(b) by storing hazardous waste in excess of 90 days as described in Section II, Paragraph 15...
above. These are Class II violations pursuant to OAR 340-012-0068(2)(d). DEQ assesses a $2,400 civil penalty for these violations.

IV. ORDER TO PAY CIVIL PENALTY

Based upon the foregoing FINDINGS OF FACTS AND CONCLUSIONS, Respondent is hereby ORDERED TO: Pay a total civil penalty of $27,600. The determinations of the civil penalties are attached as Exhibits 1 through 4 and are incorporated as part of this Notice.

If you do not file a request for hearing as set forth in Section V below, your check or money order must be made payable to "State Treasurer, State of Oregon" and sent to the DEQ, Business Office, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232. Once you pay the penalty, the Findings of Fact, Conclusions and Order become final.

V. NOTICE OF RIGHT TO REQUEST A CONTESTED CASE HEARING

You have a right to a contested case hearing on this Notice, if you request one in writing. DEQ must receive your request for hearing within 20 calendar days from the date you receive this Notice. If you have any affirmative defenses or wish to dispute any allegations of fact in this Notice or attached exhibit(s), you must do so in your request for hearing, as factual matters not denied will be considered admitted, and failure to raise a defense will be a waiver of the defense. (See OAR 340-011-0530 for further information about requests for hearing.) You must send your request to: DEQ, Office of Compliance and Enforcement, 700 NE Multnomah Street, Suite 600, Portland, Oregon 97232, fax it to 503-229-5100, or email it to DEQappeals@deq.state.or.us. An administrative law judge employed by the Office of Administrative Hearings will conduct the hearing, according to ORS Chapter 183, OAR Chapter 340, Division 011 and OAR 137-003-0501 to 0700. You have a right to be represented by an attorney at the hearing, however you are not required to be. If you are an individual, you may represent yourself. If you are a corporation, partnership, limited liability company, unincorporated association, trust or government body, you must be represented by an attorney or a duly authorized representative, as set forth in OAR 137-003-0555.

Active duty service-members have a right to stay proceedings under the federal Service Members Civil Relief Act. For more information, please call the Oregon State Bar at 1-800-
If you fail to file a timely request for hearing, the Notice will become a final order by default without further action by DEQ, as per OAR 340-011-0535(1). If you do request a hearing but later withdraw your request, fail to attend the hearing or notify DEQ that you will not be attending the hearing, DEQ will issue a final order by default pursuant to OAR 340-011-0535(3). DEQ designates the relevant portions of its files, including information submitted by you, as the record for purposes of proving a prima facie case.

January 5, 2018

Sarah G. Wheeler, Acting Manager
Office of Compliance and Enforcement
EXHIBIT 1

FINDINGS AND DETERMINATION OF RESPONDENT'S CIVIL PENALTY
PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 340-012-0045


CLASSIFICATION: This is a Class I violation pursuant to OAR 340-012-0068(1)(a).

MAGNITUDE: The magnitude of the violation is moderate pursuant to OAR 340-012-0135(4)(a)(B) because Respondent failed to make determinations on three waste streams.

CIVIL PENALTY FORMULA: The formula for determining the amount of penalty of each violation is: 

\[ BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB \]

"BP" is the base penalty, which is $6,000 for a Class I, moderate magnitude violation in the matrix listed in OAR 340-012-0140(2)(b)(A)(ii) and applicable pursuant to OAR 340-012-0140(2)(a)(M)(i) because Respondent is a large quantity generator of hazardous waste.

"P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent, and receives a value of 2 according to OAR 340-012-0145(2)(a), because Respondent has a prior significant action consisting of one Class I equivalent violation stemming from Expedited Enforcement Offer No. LQ/HW-0125, which was issued on August 25, 2014, and accepted on September 22, 2014.

"H" is Respondent's history of correcting prior significant actions, and receives a value of -1 pursuant to OAR 340-012-145(3)(a) and (d) because while Respondent corrected its prior violations the efforts did not constitute extraordinary efforts to correct or minimize the effects of the violation.

"O" is whether the violation was repeated or ongoing, and receives a value of 0 according to OAR 340-012-0145(4)(a) because DEQ has insufficient information on which to base a finding under paragraphs (4)(b) through (4)(d).

"M" is the mental state of the Respondent, and receives a value of 4 according to OAR 340-012-0145(5)(c) because Respondent's conduct was negligent. As a large quantity generator, Respondent is subject to the strictest regulatory requirements imposed on hazardous waste generators. Having previously complied with this requirement, Respondent knows it must perform hazardous waste determinations on its waste. Respondent's failure to take the steps necessary to ensure timely determinations on the containers in the flammables cabinet constitutes a failure to take reasonable care to avoid the foreseeable risk of committing the violation.
"C"  is Respondent's efforts to correct or mitigate the violation, and receives a value of -3 according to OAR 340-012-0145(6)(c) because Respondent took reasonable affirmative efforts to minimize the effects of the violation. Respondent performed waste determinations on the containers in the flammables cabinet promptly after DEQ’s inspection.

"EB"  is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent’s noncompliance. It is designed to “level the playing field” by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, “EB” receives a value of $0. DEQ has insufficient evidence to determine whether Respondent delayed any compliance costs by failing to timely perform waste determinations.

PENALTY CALCULATION: Penalty = BP + [(0.1 x BP) x (P + H + O + M + C)] + EB
= $6,000 + [(0.1 x $6,000) x (2 + (-)1 + 0 + 4 + (-)3)] + $0
= $6,000 + ($600 x 2) + $0
= $6,000 + $1,200 + $0
= $7,200
EXHIBIT 2

FINDINGS AND DETERMINATION OF RESPONDENT’S CIVIL PENALTY
PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 340-012-0045

VIOLATION 2: Failing to label hazardous waste containers with the words “hazardous waste” in violation of 40 CFR §262.34(a)(3).

CLASSIFICATION: This is a Class II violation pursuant to OAR 340-012-0068(2)(b).

MAGNITUDE: The magnitude of the violation is major pursuant to OAR 340-012-0135(4)(c)(A)(i) because Respondent failed to label containers containing more than 6,000 pounds of hazardous waste.

CIVIL PENALTY FORMULA: The formula for determining the amount of penalty of each violation is:

\[ BP + \left[ (0.1 \times BP) \times (P + H + O + M + C) \right] + EB \]

"BP" is the base penalty, which is $6,000 for a Class II, major magnitude violation in the matrix listed in OAR 340-012-0140(2)(b)(B)(i) and applicable pursuant to OAR 340-012-0140(2)(a)(M)(i) because Respondent is a large quantity generator of hazardous waste.

"P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent, and receives a value of 2 according to OAR 340-012-0145(2)(a), because Respondent has a prior significant action consisting of one Class I equivalent violation stemming from Expedited Enforcement Offer No. LQ/HW-0125, which was issued on August 25, 2014, and accepted on September 22, 2014.

"H" is Respondent’s history of correcting prior significant actions, and receives a value of -1 pursuant to OAR 340-012-145(3)(a) and (d) because while Respondent corrected its prior violations, the efforts did not constitute extraordinary efforts to correct or minimize the effects of the violation.

"O" is whether the violation was repeated or ongoing, and receives a value of 3 according to OAR 340-012-0145(4)(c) because Respondent failed to label seven or more but less than 28 containers.

"M" is the mental state of the Respondent, and receives a value of 4 according to OAR 340-012-0145(5)(c) because Respondent’s conduct was negligent. As a large quantity generator, Respondent is subject to the strictest regulatory requirements imposed on hazardous waste generators. As Respondent previously accepted an Expedited Enforcement Offer for this violation, it knows that it must to label hazardous waste containers. Respondent’s failure to take the steps necessary to ensure that containers were labeled constitutes a failure to take reasonable care to avoid the foreseeable risk of committing the violation.
"C" is Respondent's efforts to correct or mitigate the violation, and receives a value of -3 according to OAR 340-012-0145(6)(c) because Respondent took reasonable affirmative efforts to minimize the effects of the violation. Respondent labeled all unlabeled containers identified by DEQ during the inspection.

"EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent's noncompliance. It is designed to "level the playing field" by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, "EB" receives a value of $0. DEQ has insufficient evidence to determine whether Respondent delayed any compliance costs by failing to timely label hazardous waste containers.

**PENALTY CALCULATION:**

\[
\text{Penalty} = BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB
\]

\[
= $6,000 + [(0.1 \times $6,000) \times (2 + (-1) + 3 + 4 + (-3))] + $0
\]

\[
= $6,000 + ($600 \times 5) + $0
\]

\[
= $6,000 + $3,000 + $0
\]

= $9,000
EXHIBIT 3
FINDINGS AND DETERMINATION OF RESPONDENT'S CIVIL PENALTY PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 340-012-0045

VIOLATION 3: Failing to mark hazardous waste containers with accumulation start dates in violation of 40 CFR §262.34(a)(2).

CLASSIFICATION: This is a Class II violation pursuant to OAR 340-012-0068(2)(a).

MAGNITUDE: The magnitude of the violation is major pursuant to pursuant to OAR 340-012-0135(4)(c)(A)(i) because Respondent failed to date containers containing more than 6,000 pounds of hazardous waste.

CIVIL PENALTY FORMULA: The formula for determining the amount of penalty of each violation is: BP + [(0.1 x BP) x (P + H + O + M + C)] + EB

"BP" is the base penalty, which is $6,000 for a Class II, major magnitude violation in the matrix listed in OAR 340-012-0140(2)(b)(B)(i) and applicable pursuant to OAR 340-012-0140(2)(a)(M)(i) because Respondent is a large quantity generator of hazardous waste.

"P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent, and receives a value of 2 according to OAR 340-012-0145(2)(a), because Respondent has a prior significant action consisting of one Class I equivalent violation stemming from Expedited Enforcement Offer No. LQ/HW-0125, which was issued on August 25, 2014, and accepted on September 22, 2014.

"H" is Respondent's history of correcting prior significant actions, and receives a value of -1 pursuant to OAR 340-012-145(3)(a) and (d) because while Respondent corrected its prior violations, the efforts did not constitute extraordinary efforts to correct or minimize the effects of the violation.

"O" is whether the violation was repeated or ongoing, and receives a value of 3 according to OAR 340-012-0145(4)(b) because Respondent failed to date seven or more but less than 28 containers.

"M" is the mental state of the Respondent, and receives a value of 4 according to OAR 340-012-0145(5)(c) because Respondent's conduct was negligent. As a large quantity generator, Respondent is subject to the strictest regulatory requirements imposed on hazardous waste generators. Having previously complied with this requirement, Respondent knows it must mark hazardous waste containers with accumulation start dates. Respondent's failure to take the steps necessary to ensure that containers were marked constitutes a failure to take reasonable care to avoid the foreseeable risk of committing the violation.
"C" is Respondent's efforts to correct or mitigate the violation, and receives a value of -3 according to OAR 340-012-0145(6)(c) because Respondent took reasonable affirmative efforts to minimize the effects of the violation. Respondent marked all undated containers identified by DEQ during the inspection.

"EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent's noncompliance. It is designed to "level the playing field" by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, "EB" receives a value of $0. DEQ has insufficient evidence to determine whether Respondent delayed any compliance costs by failing to date hazardous waste containers.

**PENALTY CALCULATION:**

\[
Penalty = BP + [(0.1 \times BP) \times (P + H + O + M + C)] + EB \\
= $6,000 + [(0.1 \times $6,000) \times (2 + (-)1 + 3 + 4 + (-)3)] + $0 \\
= $6,000 + ($600 \times 5) + $0 \\
= $6,000 + $3,000 + $0 \\
= $9,000
\]
EXHIBIT 4

FINDINGS AND DETERMINATION OF RESPONDENT'S CIVIL PENALTY
PURSUANT TO OREGON ADMINISTRATIVE RULE (OAR) 340-012-0045

VIOLATION 4: Storing hazardous waste in excess of 90 days, in violation of 40 CFR 262.34(b).

CLASSIFICATION: This is a Class II violation pursuant to OAR 340-012-0068(2)(d).

MAGNITUDE: The magnitude of the violation is minor pursuant to pursuant to OAR 340-012-0135(4)(c)(i) because the violation involved less than 1,500 pounds of hazardous waste.

CIVIL PENALTY FORMULA: The formula for determining the amount of penalty of each violation is: BP + [(0.1 x BP) x (P + H + O + M + C)] + EB

"BP" is the base penalty, which is $1,500 for a Class II, minor magnitude violation in the matrix listed in OAR 340-012-0140(2)(b)(B)(iii) and applicable pursuant to OAR 340-012-0140(2)(a)(M)(i) because Respondent is a large quantity generator of hazardous waste.

"P" is whether Respondent has any prior significant actions, as defined in OAR 340-012-0030(19), in the same media as the violation at issue that occurred at a facility owned or operated by the same Respondent, and receives a value of 2 according to OAR 340-012-0145(2)(a), because Respondent has a prior significant action consisting of one Class I equivalent violation stemming from Expedited Enforcement Order No. LQ/HW-0125, which was issued on August 25, 2014, and accepted on September 22, 2014.

"H" is Respondent's history of correcting prior significant actions, and receives a value of -1 pursuant to OAR 340-012-145(3)(a) and (d) because while Respondent corrected its prior violations the efforts did not constitute extraordinary efforts to correct or minimize the effects of the violation.

"O" is whether the violation was repeated or ongoing, and receives a value of 4 according to OAR 340-012-0145(4)(d) because the violation continued for more than 28 days.

"M" is the mental state of the Respondent, and receives a value of 4 according to OAR 340-012-0145(5)(c) because Respondent's conduct was negligent. As a large quantity generator, Respondent is subject to the strictest regulatory requirements imposed on hazardous waste generators. Having previously complied with the requirement, Respondent knows it must not store hazardous waste containers more than 90 days. Respondent's failure to take the steps necessary to ensure that containers were timely transported off site constitutes a failure to take reasonable care to avoid the foreseeable risk of committing the violation.

"C" is Respondent's efforts to correct or mitigate the violation, and receives a value of -3 according to OAR 340-012-0145(6)(c) because Respondent took reasonable affirmative
efforts to correct or minimize the effects of the violation. Respondent shipped off the containers shortly after the inspection.

"EB" is the approximate dollar value of the benefit gained and the costs avoided or delayed as a result of the Respondent’s noncompliance. It is designed to “level the playing field” by taking away any economic advantage the entity gained and to deter potential violators from deciding it is cheaper to violate and pay the penalty than to pay the costs of compliance. In this case, “EB” receives a value of $0. DEQ has insufficient evidence to determine whether Respondent delayed any compliance costs by failing to timely ship off the hazardous waste containers.

**PENALTY CALCULATION:**

\[
\text{Penalty} = \text{BP} + [(0.1 \times \text{BP}) \times (P + H + O + M + C)] + \text{EB} \\
= $1,500 + [(0.1 \times $1,500) \times (2 + (-)1 + 4 + 4 + (-)3)] + $0 \\
= $1,500 + ($150 \times 6) + $0 \\
= $1,500 + $900 + $0 \\
= $2,400
\]