

Initial Penalty Matrix – Hazardous Materials Business Plan Program

	ACTUAL OR POTENTIAL HARM	Major	Moderate	Minimal
EXTENT OF DEVIATION				
Major		Maximum \$2,000 (\$5,000) Average \$1,600 (\$4,000) Minimum \$1,200 (\$3,000)	\$1,200 (\$3,000) \$1,000 (\$2,500) \$800 (\$2,000)	\$800 (\$2,000) \$600 (\$1,500) \$400 (\$1,000)
Moderate		Maximum \$1,200 (\$3,000) Average \$1,000 (\$2,500) Minimum \$800 (\$2,000)	\$800 (\$2,000) \$600 (\$1,500) \$400 (\$1,000)	\$400 (\$1,000) \$300 (\$750) \$200 (\$500)
Minimal		Maximum \$800 (\$2,000) Average \$600 (\$1,500) Minimum \$400 (\$1,000)	\$400 (\$1,000) \$300 (\$750) \$200 (\$500)	\$200 (\$500) \$100 (\$250) \$0 (\$0)

25514.5. (a) Notwithstanding Section 25514, any business that violates this article is liable to an administering agency for an administrative penalty not greater than two thousand dollars (\$2,000) for each day in which the violation occurs.

If the violation results in, or significantly contributes to, an emergency, including a fire or health or medical problem requiring toxicological, health, or medical consultation, the business shall also be assessed the full cost of the county, city, fire district, local EMS agency designated pursuant to Section 1797.200, or poison control center as defined by Section 1797.97, emergency response, as well as the cost of cleaning up and disposing of the hazardous materials, or acutely hazardous materials.

(b) Notwithstanding Section 25514, any business that knowingly violates this article after reasonable notice of the violation is liable for an administrative penalty, in an amount which shall be set by the governing body of the administering agency, but not greater than five thousand dollars (\$5,000) for each day in which the violation occurs.

(c) When an administering agency issues an enforcement order or assesses an administrative penalty, or both, for a violation of this article, the administering agency shall utilize the administrative enforcement procedures specified in Sections 25404.1.1 and 25404.1.2.

Initial Penalty Matrix – Underground Storage Tanks

	ACTUAL OR POTENTIAL HARM	Major	Moderate	Minimal
EXTENT OF DEVIATION				
Major		Maximum \$5,000 Average \$4,000 Minimum \$3,000	\$3,000 \$2,500 \$2,000	\$2,000 \$1,500 \$1,000
Moderate		Maximum \$3,000 Average \$2,500 Minimum \$2,000	\$2,000 \$1,500 \$1,000	\$1,000 \$750 \$500
Minimal		Maximum \$2,000 Average \$1,500 Minimum \$1,000	\$1,000 \$750 \$500	\$500

Underground Storage Tanks – H&SC section 25299.

- (a) Any operator of an underground tank system shall be liable for a civil penalty of not less than five hundred dollars (\$500) or more than five thousand dollars (\$5,000) for each underground storage tank for each day of violation for any of the following violations:
- (1) Operating an underground tank system which has not been issued a permit, in violation of this chapter.
 - (2) Violation of any of the applicable requirements of the permit issued for the operation of the underground tank system.
 - (3) Failure to maintain records, as required by this chapter.
 - (4) Failure to report an unauthorized release, as required by Sections 25294 and 25295.
 - (5) Failure to properly close an underground tank system, as required by Section 25298.
 - (6) Violation of any applicable requirement of this chapter or any regulation adopted by the board pursuant to Section 25299.3.
 - (7) Failure to permit inspection or to perform any monitoring, testing, or reporting required pursuant to Section 25288 or 25289.
 - (8) Making any false statement, representation, or certification in any application, record, report, or other document submitted or required to be maintained pursuant to this chapter.
 - (9) Tampering with or otherwise disabling automatic leak detection devices or alarms.
- (b) Any owner of an underground tank system shall be liable for a civil penalty of not less than five hundred dollars (\$500) or more than five thousand dollars (\$5,000) per day for each underground storage tank, for each day of violation, for any of the following violations:
- (1) Failure to obtain a permit as specified by this chapter.
 - (2) Failure to repair or upgrade an underground tank system in accordance with this chapter.
 - (3) Abandonment or improper closure of any underground tank system subject to this chapter.
 - (4) Violation of any applicable requirement of the permit issued for operation of the underground tank system.
 - (5) Violation of any applicable requirement of this chapter or any regulation adopted by the board pursuant to Section 25299.3.
 - (6) Failure to permit inspection or to perform any monitoring, testing, or reporting required pursuant to Section 25288 or 25289.
 - (7) Making any false statement, representation, or certification in any application, record, report, or other document submitted or required to be maintained pursuant to this chapter.

Initial Penalty Matrix – Unreported Spills or Releases

	ACTUAL OR POTENTIAL HARM	Major	Moderate	Minimal
EXTENT OF DEVIATION				
Major		Maximum \$2,000 Average \$1,800 Minimum \$1,600	\$1,600 \$1,400 \$1,200	\$1,200 \$1,000 \$800
Moderate		Maximum \$1,600 Average \$1,400 Minimum \$1,200	\$1,200 \$1,000 \$800	\$800 \$600 \$400
Minimal		Maximum \$1,200 Average \$1,000 Minimum \$800	\$800 \$600 \$400	\$400 \$200 \$0

H&SC 25514.5. Civil liability; administrative civil penalty

(a) Notwithstanding Section 25514, any business that violates this article is liable to an administering agency for an administrative penalty not greater than two thousand dollars (\$2,000) for each day in which the violation occurs. If the violation results in, or significantly contributes to, an emergency, including a fire or health or medical problem requiring toxicological, health, or medical consultation, the business shall also be assessed the full cost of the county, city, fire district, local EMS agency designated pursuant to Section 1797.200, or poison control center as defined by Section 1797.97, emergency response, as well as the cost of cleaning up and disposing of the hazardous materials, or acutely hazardous materials.

Initial Penalty Matrix – Cal-ARP Program

	ACTUAL OR POTENTIAL HARM	Major	Moderate	Minimal
EXTENT OF DEVIATION				
Major		Maximum \$2,000 (\$25,000) Average \$1,600 (\$20,000) Minimum \$1,200 (\$15,000)	\$1,200 (\$15,000) \$1,000 (\$12,500) \$800 (\$10,000)	\$800 (\$10,000) \$600 (\$7,500) \$400 (\$5,000)
Moderate		Maximum \$1,200 (\$15,000) Average \$1,000 (\$12,500) Minimum \$800 (\$10,000)	\$800 (\$10,000) \$600 (\$7,500) \$400 (\$5,000)	\$400 (\$5,000) \$300 (\$3,750) \$200 (\$2,500)
Minimal		Maximum \$800 (\$10,000) Average \$600 (\$7,500) Minimum \$400 (\$5,000)	\$400 (\$5,000) \$300 (\$3,750) \$200 (\$2,500)	\$200 (\$2,500) \$100 (\$1,250) \$0 (\$0)

25540. (a) Any person or stationary source that violates this article shall be civilly liable to the administering agency in an amount of not more than two thousand dollars (\$2,000) for each day in which the violation occurs. If the violation results in, or significantly contributes to, an emergency, including a fire, the person or stationary source shall also be assessed the full cost of the county or city emergency response, as well as the cost of cleaning up and disposing of the hazardous materials.

(b) Any person or stationary source that knowingly violates this article after reasonable notice of the violation shall be civilly liable to the administering agency in an amount not to exceed twenty-five thousand dollars (\$25,000) for each day in which the violation occurs. If the violation results in, or significantly contributes to, an emergency, including a fire, the person or stationary source shall also be assessed the full cost of the county or city emergency response, as well as the cost of cleaning up and disposing of any hazardous materials.

(c) When an administering agency issues an enforcement order or assesses an administrative penalty, or both, for a violation of this article, the administering agency shall utilize the administrative enforcement procedures, including the hearing procedures, specified in Sections 25404.1.1 and 25404.1.2.

Initial Penalty Matrix – Above Ground Storage Tank

	ACTUAL OR POTENTIAL HARM	Major	Moderate	Minimal
EXTENT OF DEVIATION				
Major		Maximum \$5,000 (\$10,000) Average \$4,000 (\$8,000) Minimum \$3,000 (\$6,000)	\$3,000 (\$6,000) \$2,500 (\$5,000) \$2,000 (\$4,000)	\$2,000 (\$4,000) \$1,500 (\$3,000) \$1,000 (\$2,000)
Moderate		Maximum \$3,000 (\$6,000) Average \$2,500 (\$5,000) Minimum \$2,000 (\$4,000)	\$2,000 (\$4,000) \$1,500 (\$3,000) \$1,000 (\$2,000)	\$1,000 (\$2,000) \$750 (\$1,500) \$500 (\$1,000)
Minimal		Maximum \$2,000 (\$4,000) Average \$1,500 (\$3,000) Minimum \$1,000 (\$2,000)	\$1,000 (\$2,000) \$750 (\$1,500) \$500 (\$1,000)	\$500 (\$1,000) \$250 (\$500) \$0 (\$0)

Above Ground Storage Tank Program. 25270.12.

(a) Any owner or operator of a tank facility who fails to prepare a spill prevention control and countermeasure plan in compliance with subdivision (a) of Section 25270.4.5, to file a tank facility statement pursuant to subdivision (a) of Section 25270.6, to submit the fee required by subdivision (b) of Section 25270.6, to report spills as required by Section 25270.8, or otherwise to comply with the requirements of this chapter, is subject to a civil penalty of not more than five thousand dollars (\$5,000) for each day on which the violation continues. If the owner or operator commits a second or subsequent violation, a civil penalty of not more than ten thousand dollars (\$10,000) for each day on which the violation continues may be imposed.

(b) (1) The civil penalties provided by this section may be assessed and recovered in a civil action brought by the city attorney or district attorney on behalf of the UPA.

(2) Fifty percent of all penalties assessed and recovered in a civil action brought on behalf of a UPA pursuant to this subdivision shall be deposited into a unified program account established by the UPA for the purpose of carrying out the functions of the unified program and 50 percent shall be paid to the office of the city attorney or district attorney, whoever brought that action.

(c) (1) The civil penalties provided in this section may be assessed and recovered in a civil action brought by the Attorney General on behalf of the board or a regional board, or on behalf of the people of the State of California.

(2) All penalties assessed and recovered in a civil action brought pursuant to this subdivision shall be deposited in the Waste Discharge Permit Fund. These moneys shall be separately accounted for, and shall be expended by the board, upon appropriation by the Legislature, to assist regional boards and other public agencies with authority to clean up waste or abate the effects of the waste, in cleaning up or abating the effects of the waste on waters of the state, or for the purposes authorized in Section 13443.

(d) The city attorney, district attorney, or the Attorney General may seek to enjoin, in any court of competent jurisdiction, any person believed to be in violation of this chapter.

(e) The penalties specified in this section are in addition to any other penalties provided by law.