

GUIDELINES FOR SCORING MITIGATION FACTORS

Factor	Meaning	Guidelines For Scoring (Business)	Guidelines For Scoring (Residential)
Degree & Record Of Maintenance (<i>Prevention</i>)	Any maintenance related to air pollution	<p>N/A = what is required by rules, normal standard of care, or permit</p> <p>Low = exceeds what is required by rules, normal standard of care, or the permit</p> <p>Medium = greatly exceeds what is required by rules, normal standard of care, or the permit</p> <p>High = extraordinary measures employed to maintain compliance</p>	<p>Low = normal standard of care</p> <p>Medium = exceeds what is required by the rules, normal standard of care</p> <p>High = greatly exceeds what is required by the rules, normal standard of care</p>
Factors Associated With Control Equipment (<i>Innovation</i>)	Above what is normal, use of experimental equipment	<p>N/A = not innovative</p> <p>Low = only one other example in use in the state</p> <p>Medium = no other examples in use in the state and capital outlay for equipment is > \$50,000, but ≤ \$100,000</p> <p>High = no other examples in use in the nation and capital outlay for the equipment is ≥ \$100,000</p>	<p>N/A = no control equipment</p> <p>Low = use of older control equipment</p> <p>Medium = use of newer control equipment</p> <p>High = use of state of the art control equipment</p>
Action Taken To Mitigate Violation (<i>Restitution</i>)	Actions taken <i>after</i> the source is notified of a violation; related to clean up or improvements for the prevention of future violations.	<p>N/A = actions taken were minimal, a return to compliance</p> <p>Low = actions beyond what is required to comply</p> <p>Medium = clean up at great cost, beyond what is required, or complete equipment replacement – beyond the damaged component – for the purpose of preventing future violations</p> <p>High = extraordinary efforts beyond what is required to clean up after the violation or installing additional control equipment for the purpose of preventing future violations or permanently terminating the activity, process or equipment (and the associated permits) which caused the violation</p>	<p>N/A = no action taken</p> <p>Low = actions beyond what is required to comply</p> <p>Medium = actions beyond what is required to comply with the purpose of preventing future violations</p> <p>High = extraordinary efforts beyond what is required to comply or prevent future violations, or permanently terminating the activity</p>
Good Faith Effort To Comply (<i>Diligence</i>)	Actions taken <i>prior</i> to the NOV. Designed to ensure compliance. Actions must relate to the violation.	<p>N/A = some effort but below what is required by the permit or rule</p> <p>Low = what is required by the rule or permit, including self-reporting, breakdown notifications, variance applications submitted prior to NOV, and source testing</p> <p>Medium = efforts above and beyond what is required to comply with the permit or rule</p> <p>High = extraordinary efforts above and beyond what is necessary to comply with the permit or rule, including self-reported violations (provided that self-reporting is not already required by permit, rule, or any other regulation)</p>	<p>Low = established behavior of complying with the rule</p> <p>Medium = established behavior of exceeding compliance with the rule</p> <p>High = established behavior of greatly exceeding compliance with the rule</p>
Financial Burden To Violator (<i>Financial Impact</i>)	Burden of the penalty to the violator. For cases involving multiple NOVs, cumulative burden may be considered if the violations constitute a single case.	<p>Proposed settlements may be adjusted for financial burden only after demonstration of a burden through submittal of credible evidence. Warranted adjustments will be made based on percentage of gross income as follows:</p> <p>N/A = < 1.0%</p> <p>Low = 1.0% - 2.4%</p> <p>Medium = 2.5% - 7.4%</p> <p>High = > 7.4%</p>	<p>Proposed settlements may be adjusted for financial burden only after demonstration of a burden through submittal of credible evidence. Warranted adjustments will be made as follows:</p> <p>Low = meets low income Home Energy Assistance Program (HEAP) guidelines or is on limited fixed income</p> <p>Medium = meets low income HEAP guidelines and demonstrates medium need for financial relief</p> <p>High = meets low income HEAP guidelines and demonstrates great need for financial relief</p>