UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

JAN 11 2005

MEMORANDUM

SUBJECT: Revised Penalty Matrices for the RCRA Civil Penalty Policy

FROM: Rosemarie Kelley, Director Rosemarie Kelley
RCRA Enforcement Division
Office of Regulatory Enforcement

TO: Addressees List

This memorandum transmits updated penalty matrices for the 2003 RCRA Civil Penalty Policy ("RCRA Policy"). The matrices were updated to reflect the change to the RCRA Policy made by the Memorandum from Thomas Skinner, dated September 21, 2004, implementing the Civil Monetary Penalty Inflation Adjustment Rule which was effective on March 15, 2004.

The rule adjusted the maximum civil penalties that can be imposed by the Agency by 17.23%. The Skinner Memorandum adjusted all the Agency's penalty policies by that same amount, effective October 1, 2004. The attached matrices reflect that adjustment. It is important to remember that the attached matrices apply to penalties calculated for violations that occur after March 15, 2004. For violations that occurred before that date, the Regions should use the matrices that were provided in the RCRA Policy issued on June 23, 2003.

Any questions concerning this matter can be directed to Pete Raack of the RCRA Enforcement Division at (202) 564-4075 or by email at raack.pete@epa.gov.

Addressees List:

Region I:	Andrea Simpson
	Ken Rota
Region II:	George Meyer
	William Sawyer
	Joel Golumbek
Region III:	Carol Amend
	Mary Coe
	Wayne Naylor
	Diane Ajl
Region IV:	Jeff Pallas
	Narindar Kumar
	Anne Heard
	Frank Ney
	Doug McCurry
Region V:	Joe Boyle
	Leverett Nelson
	Lorna Jereza
	Paul Little
Region VI:	Carol Peters
	Mark Potts
	Terry Sykes
	Samuel Tates
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	Leslie Humphrey
	Donald Toensing
Region VIII:	David Janik
	Marvin Frye
	Sharon Kercher
Region IX:	Loren Henning
	Michael Hingerty
	Rich Vaille
Region X:	Andrew Boyd
	Betty Wiese

CC:	Region I:	Ken Moraff
	Region II:	Barbara McGarry
	Region III:	Samantha Fairchild
	Region IV:	Becky Allenbach
		Larry Lamberth
	Region V:	Tinka Hyde
	Region VI:	Connie Overbay
	Region VII:	Mark Hague
	Region VIII:	Eddie Sierra

	Chuck Figur
Region IX:	Jim Grove
Region X:	Deborah Flood

Office of Compliance:	Emily Chow
	Walter Derieux
	Tom Ripp
	James Edward

Office of Site Remediation Enforcement: Peter Neves

Office of General Counsel: Mary Beth Gleaves

GRAVITY MATRIX

Extent of Deviation from Requirement

Potential for Harm	MAJOR	MODERATE	MINOR
MAJOR	$32,500 to 25,791	$25,790 to 19,343	$19,342 to 14,185
MODERATE	$14,184 to 10,316	$10,315 to 6,448	$6,447 to 3,869
MINOR	$3,868 to 1,934	$1,933 to 645	$644 to 129

Note: The total applicable gravity-based penalty should be rounded to the nearest unit of 100 as required by the Memorandum from Thomas Skinner, dated September 21, 2004, implementing the Civil Monetary Penalty Inflation Adjustment Rule.

MULTI-DAY MATRIX OF MINIMUM DAILY PENALTIES

Extent of Deviation from Requirement

Potential for Harm

	MAJOR	MODERATE	MINOR
MAJOR	$6,448 to 1,290	$5,158 to 967	$3,869 to 709
MODERATE	$2,837 to 516	$2,063 to 322	$1,290 to 193
MINOR	$774 to 129	$387 to 129	$129

Note: The total applicable gravity-based penalty should be rounded to the nearest unit of 100 as required by the Memorandum from Thomas Skinner, dated September 21, 2004, implementing the Civil Monetary Penalty Inflation Adjustment Rule.