IN-KIND PENALTY AUTHORIZATION

XXXX DISTRICT

Investigator: Name

Date Submitted:

1. VIOLATOR:
2. LOCATION OF VIOLATION:
3. NATURE OF VIOLATION:
4. Program Area: [XXX]
5. Consent Order: OGC No.
6. Consent Order Effective Date:
7. Violation Type:
8. PENALTY:

|  |  |
| --- | --- |
| **Calculation Parameters** | **Cost** |
| Penalty amount assessed in consent order | $XX.00 |
| Minimum required in-kind amount (1.5 x the penalty amount) | $XX.00 |
| Estimated cost of proposed project | $XX.00 |

1. RESPONSIBLE PARTY:

[ ]  Government entity

[ ]  Private party proposing an environmental restoration or enhancement project

[ ]  Private party proposing a project for a penalty over $50K (not an environmental restoration or enhancement project)

1. PROJECT TYPE (See DEP Directive 923 for specific requirements under each category):

[ ]  Material and/or labor support for Environmental Enhancement or Restoration Projects

[ ]  Environmental Information/Education Projects

[ ]  Capital or Facility Improvements

[ ]  Property

1. COMMENTS/JUSTIFICATION:

The project is in addition to the requirements of the Consent Order

[Government entity] attests that the proposed in-kind project is beyond the normal operation and maintenance needed for the system to maintain compliance.

1. PENALTY RECOMMENDATION:

District recommends approval of the proposed In-Kind project.

[Link to proposed project]

**OGC Review is required:**

[ ]  Unique case identified by Division or District Director

[ ]  Case involves a proposed cash penalty of $25,000 or more to be satisfied with an in-kind proposal that does not involve environmental enhancement or restoration

[ ]  NA – OGC review is not required because case does not meet threshold for OGC review outlined in DEP 923.

Name

Director

XXX District

 APPROVED DISAPPROVED

Deputy General Counsel

Date: