

**ALABAMA DEPARTMENT OF  
ENVIRONMENTAL MANAGEMENT**

IN THE MATTER OF:

**Pinnacle Manufacturing, LLC  
Boaz, Marshall County, Alabama  
USEPA Identification Number ALR000041061**

Consent Order No. 24-XXX-CHW

**PREAMBLE**

This Consent Order is made and entered into by the Alabama Department of Environmental Management (“the Department” or “ADEM”) and Pinnacle Manufacturing, LLC (“Pinnacle”) pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 to 22-22A-17, as amended, and the Alabama Hazardous Wastes Management and Minimization Act (“AHWMMA”), Ala. Code §§ 22-30-1 to 22-30-24, as amended, and the regulations promulgated pursuant thereto.

**STIPULATIONS**

1. Pinnacle operates a specialty tank and container manufacturing facility (the “Facility”) with EPA Identification Number ALR000041061, located at 512 West Henderson Road in Boaz, Marshall County, Alabama. Pinnacle, as a result of its operations at the Facility, was a large quantity generator of hazardous waste, as defined in ADEM Admin. Code Div. 14, at all times relevant to this action.

2. The Department is a duly constituted department of the State of Alabama pursuant to Ala. Code §§ 22-22A-1 to 22-22A-17, as amended.

3. Pursuant to Ala. Code § 22-22A-4(n), the Department is the state agency responsible for the promulgation and enforcement of solid and hazardous waste regulations in accordance with the federal Solid Waste Disposal Act §§ 1002 to 11012, 42 U.S.C. §§ 6901 to 6992k, as amended. In addition, the Department is authorized to administer and enforce the provisions of the AHWMMA, Ala. Code §§ 22-30-1 to 22-30-24, as amended.

## DEPARTMENT'S CONTENTIONS

4. On May 7, 2024, a representative of the Department's Industrial Hazardous Waste Branch conducted a compliance evaluation inspection ("CEI") of Pinnacle. The CEI and a review of Pinnacle's compliance showed the following:

(a) Pursuant to ADEM Admin. Code r. 335-14-3-.01(2), a person who generates a solid waste, as defined in 335-14-2-.01(2), must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable AHWMMMA regulations.

Pinnacle failed to make a waste determination on solvent-contaminated personal protective equipment and paint-related debris found in the general trash.

(b) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a), a large quantity generator may accumulate hazardous waste on site without a permit or interim status provided the generator accumulates hazardous waste on site for no more than 90 days, unless it has been granted an extension to the 90-day period. ADEM Admin. Code r. 335-14-8-.01(1)(c) requires a permit for the "treatment", "storage", and "disposal" of any "hazardous waste" as identified or listed in Chapter 335-14-2.

Pinnacle stored hazardous waste in the secondary containment system for Plant #2 Paint Kitchen for more than 90 days without a permit and without being granted an extension to the 90-day period.

(c) Pinnacle stored hazardous waste in the secondary containment system for Plant #2 Paint Kitchen, thereby operating the abovementioned secondary containment system as a hazardous waste storage tank. As a result, Pinnacle failed to comply with the following requirements:

(i) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)2. referencing ADEM Admin. Code r. 335-14-6-.10(2)(a), a large quantity generator must obtain and keep on file at the facility a written assessment reviewed and certified by a qualified professional engineer in accordance with 335-14-8-.02(2)(d) that attests to the tanks system's integrity.

Pinnacle failed to keep on file written assessments reviewed and certified by a qualified professional engineer attesting to the integrity of the secondary containment system located in Plant #2 Paint Kitchen.

(II) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)2. referencing ADEM Admin. Code r. 335- 14-6-.10(6)(b)2., a large quantity generator must inspect, at least once each operating day, aboveground portions of the tank system, if any, to detect corrosion or release of waste.

Pinnacle failed to inspect the secondary containment system located in Plant #2 Paint Kitchen at least once each operating day.

(III) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)5.(ii)a., a large quantity generator accumulating hazardous waste in tanks must mark or label its tanks with the words "Hazardous Waste" and the EPA hazardous waste number(s).

Pinnacle failed to mark or label the secondary containment system located in Plant #2 Paint Kitchen with the words "Hazardous Waste" and the EPA hazardous waste number(s).

(IV) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)5.(ii)b., a large quantity generator accumulating hazardous waste in tanks must mark or label its tanks with an indication of the hazards of the contents.

Pinnacle failed to mark or label the secondary containment system located in Plant #2 Paint Kitchen with an indication of the hazards of the contents.

(V) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)5.(ii)c., a large quantity generator accumulating hazardous waste in tanks must use inventory logs, monitoring equipment, or other records to demonstrate that hazardous waste has been emptied within 90 days of first entering the tank if using a batch process, or in the case of a tank with a continuous flow process, demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within 90 days of first entering; and keep inventory logs or records with the above information on site and readily available for inspection.

Pinnacle failed to provide for review inventory logs, monitoring equipment, or other records to demonstrate that hazardous waste has been emptied from the secondary containment system located in Plant #2 Paint Kitchen within 90 days of first entering the system.

(d) Pinnacle accumulated containers of hazardous waste, not in satellite accumulation, in Plant #1 Paint Kitchen, Plant #1 Dress Out, and Plant #2 Paint Kitchen, thereby creating central hazardous waste accumulation areas in the abovementioned areas. As a result, Pinnacle failed to comply with the following requirements:

(I) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)1.(v), at least weekly, the large quantity generator must inspect central accumulation areas. The large quantity generator must look for leaking containers and for deterioration of containers caused by corrosion or other factors. The large quantity generator must record inspections in an inspection log or summary. He must keep these records for at least three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

Pinnacle failed to conduct weekly inspections of the central hazardous waste accumulation areas in Plant #1 Paint Kitchen, Plant #1 Dress Out, and Plant #2 Paint Kitchen.

(II) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)1.(vi)b., "No Smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

Pinnacle failed to post "No Smoking" signs at the central hazardous waste accumulation areas in Plant #1 Paint Kitchen, Plant #1 Dress Out, and Plant #2 Paint Kitchen.

(III) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)1.(viii) referencing ADEM Admin. Code r. 335-14-6-.09(6)(a) , container storage areas must have a containment system that is designed and operated in accordance with 335-14-6-.09(6)(b), except as otherwise provided by 335-14-6-.09(6)(c).

Pinnacle failed to have secondary containment systems for the central hazardous waste accumulation areas in Plant #1 Paint Kitchen, Plant #1 Dress Out, and Plant #2 Paint Kitchen.

(IV) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)1.(viii) referencing ADEM Admin. Code r. 335-14-6-.09(6)(a), container storage areas must have a containment system that is designed and operated in accordance with 335-14-6-.09(6)(b), except as otherwise provided by 335-14-6-.09(6)(c). Furthermore, ADEM Admin. Code r. 335-14-6-.09(6)(b)(1) states that a base must underlie the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed.

Pinnacle failed to maintain an impervious coating on the floor of the central hazardous waste accumulation areas in Plant #1 Paint Kitchen, Plant #1 Dress Out, and Plant #2 Paint Kitchen.

(V) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)10., a large quantity generator must prevent unknowing entry, and minimize the possibility for unauthorized entry, of persons or livestock into the central accumulation area, unless physical contact with the waste, structures, or equipment will not injure unknowing or unauthorized persons or livestock which may enter the central accumulation area, and disturbance of the waste or equipment, by the unknowing or unauthorized entry of persons or livestock into the central accumulation area will not cause a violation of the requirements of 335-14-3.

Pinnacle failed to adequately restrict access to the central hazardous waste accumulation areas in Plant #1 Paint Kitchen, Plant #1 Dress Out, and Plant #2 Paint Kitchen.

(VI) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)10.(ii), a sign with the legend, "Danger – Unauthorized Personnel Keep Out", must be posted at each entrance to the central accumulation area, and at other locations, in sufficient numbers to be seen from any approach to this active portion. The legend must be written in English and in any other language predominant in the workplace and the area surrounding the facility and must be legible from a distance of at least 25 feet.

Pinnacle failed to post "Danger – Unauthorized Personnel Keep Out" signs at the central hazardous waste accumulation areas in Plant #1 Paint Kitchen, Plant #1 Dress Out, and Plant #2 Paint Kitchen.

(e) Pinnacle did not properly label containers of hazardous waste located in Plant #1 Paint Kitchen, Plant #1 Dress Out, and Plant #1 Paint Kitchen. As a result, Pinnacle failed to comply with the following requirements:

(I) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)5.(i)c., a large quantity generator must mark or label its containers with the date upon which each period of accumulation begins clearly visible for inspection on each container.

Pinnacle failed to mark containers of hazardous waste in the abovementioned central hazardous waste accumulation areas with accumulation start dates.

(II) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)5.(i)a., a large quantity generator must mark or label its containers with the words "Hazardous Waste".

Pinnacle failed to label containers of hazardous waste in the abovementioned central hazardous waste accumulation areas with the words "Hazardous Waste".

(III) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)5.(i)b., a large quantity generator must mark or label its containers with an indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic).

Pinnacle failed to mark containers of hazardous waste in the abovementioned central hazardous waste accumulation areas with an identification of the hazards.

(IV) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)5.(i)d., a large quantity generator must mark or label its containers with all appropriate EPA hazardous waste numbers associated with the hazardous waste as specified in 335-14-2-.03 and 335-14-2-.04.

Pinnacle failed to mark or label containers of hazardous waste in the abovementioned central hazardous waste accumulation areas with the appropriate EPA hazardous waste numbers.

(f) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)1.(iv), a container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste.

Pinnacle failed to keep closed containers of hazardous waste in Plant #1 Paint Kitchen, Plant #1 Dress Out, and Plant #2 Paint Kitchen.

(g) Pursuant to ADEM Admin. Code r. 335-14-3-.14(6), a large quantity generator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

Pinnacle failed to maintain aisle space for inspections and movement of emergency equipment in the central hazardous waste accumulation area.

(h) Pinnacle did not properly label multiple satellite accumulation containers of hazardous waste. As a result, Pinnacle failed to comply with the following requirements:

(I) Pursuant to ADEM Admin. Code r. 335-14-3-.01(5)(a)5.(i), a generator must mark or label its satellite accumulation containers with the words "Hazardous Waste".

Pinnacle failed to mark or label satellite accumulation containers with the words "Hazardous Waste".

(II) Pursuant to ADEM Admin. Code r. 335-14-3-.01(5)(a)5.(ii), a generator must mark or label its satellite accumulation containers with an indication of the hazards of the contents.

Pinnacle failed to mark or label satellite accumulation containers with an indication of the hazards of the contents.

(i) Pursuant to ADEM Admin. Code r. 335-14-3-.01(5)(a)4., a container holding hazardous waste must be closed at all times during accumulation, except when adding, removing, or consolidating waste.

Pinnacle failed to keep closed multiple satellite accumulation containers of hazardous waste.

(j) Pinnacle did not make certain records available for review at the time of the inspection. As a result, Pinnacle failed to comply with the following requirements:

(I) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)7.(i)a, facility personnel must successfully complete a program of classroom instruction, online training (e.g., computer-based or electronic), or on-the-job training that teaches them to perform their duties in a way that ensures compliance with 335- 14-3. The large quantity generator must ensure that this program includes all the elements described in the document required under 335-14-3-.01(7)(a)7.(iv).

Pinnacle failed to provide for review documentation that hazardous waste management training had been provided to an employee that handles hazardous waste.

(II) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)7.(iv)a., the large quantity generator must maintain the job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job.

Pinnacle failed to provide for review job titles for each position that handles hazardous waste.

(III) Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)7.(iv)b., the large quantity generator must maintain a written job description for each position listed under 335-14-3-.01(7)(a)7.(iv)a. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position.

Pinnacle failed to provide for review job descriptions for each position that handles hazardous waste.

(IV) Pursuant to ADEM Admin. Code r. 35-14-3-.01(7)(a)7.(iv)c., the large quantity generator must maintain a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under 335-3-.01(7)(a)7.(iv)a.



Pinnacle failed to provide for review written descriptions of the type and amount of training needed for each employee that handles hazardous waste.

(V) Pursuant to ADEM Admin. Code r. 335-14-3-.04(1)(a), a generator must keep a copy of each manifest signed in accordance with 335-14-3-.02(4)(a) for three years or until he receives a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.

Pinnacle failed to provide for review the final signed manifests for multiple shipments of hazardous waste.

(VI) Pursuant to ADEM Admin. Code r. 335-14-3-.14(10)(a), a large quantity generator must submit a copy of the contingency plan and all revisions to all local emergency responders (i.e., law enforcement agencies, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services).

Pinnacle failed to provide for review documentation that the facility's contingency plan and all revisions had been submitted to all local emergency responders.

(VII) Pursuant to ADEM Admin. Code r. 335-14-3-.14(10)(b), a large quantity generator must submit a quick reference guide of the contingency plan to the local emergency responders or, as appropriate, the Local Emergency Planning Committee.

Pinnacle failed to provide for review documentation that the facility had developed a quick reference guide for their contingency plan and that a copy had been sent to all local emergency responders.

5. On July 12, 2024, the Department issued a Notice of Violation to Pinnacle, which cited violations of the hazardous waste regulations that were discovered during the CEI.

6. On August 30, 2024, the Department received Pinnacle's response to the aforementioned Notice of Violation.

7. Pursuant to Ala. Code § 22-22A-5(18), as amended, in determining the amount of any penalty, the Department must give consideration to the seriousness of the violation(s), including any irreparable harm to the environment and any threat to the health or safety of the

public; the standard of care manifested by such person; the economic benefit which delayed compliance may confer upon such person; the nature, extent, and degree of success of such person's efforts to minimize or mitigate the effects of such violation(s) upon the environment; such person's history of previous violations; and the ability of such person to pay such penalty. Any civil penalty assessed pursuant to this authority shall not exceed \$25,000.00 for each violation, provided however, that the total penalty assessed in an order issued by the department shall not exceed \$250,000.00. Each day such a violation continues shall constitute a separate violation. In arriving at this civil penalty, the Department has considered the following:

(a) **SERIOUSNESS OF THE VIOLATION(S):** In determining the seriousness of the violations, the Department considered the general nature and magnitude of the violations along with the available evidence of irreparable harm to the environment and threat to the health or safety of the public.

(b) **STANDARD OF CARE:** In considering the standard of care manifested by Pinnacle, the Department noted that the violations described above were non-technical and easily avoidable. Consequently, Pinnacle failed to exhibit a standard of care commensurate with the applicable regulatory standards.

(c) **ECONOMIC BENEFIT WHICH DELAYED COMPLIANCE MAY HAVE CONFERRED:** The Department has determined that no significant economic benefit was gained by Pinnacle as a result of the violations referenced herein.

(d) **EFFORTS TO MINIMIZE OR MITIGATE THE EFFECTS OF THE VIOLATION(S) UPON THE ENVIRONMENT:** There are no known environmental effects to mitigate as a result of the alleged violations.

(e) **HISTORY OF PREVIOUS VIOLATIONS:** Based on a review of Department records, Pinnacle has a history of similar violations and the civil penalty reflects that history.

(f) **ABILITY TO PAY:** The Department does not have any evidence indicating that Pinnacle is unable to pay the civil penalty.

(g) **OTHER FACTORS:** It should be noted that this Consent Order is a negotiated settlement and, therefore, the Department has compromised the amount of the penalty

that is warranted in the spirit of cooperation and the desire to resolve this matter amicably without incurring the unwarranted expense of litigation (see Attachment A, which is made a part of the Department's Contentions).

8. The Department neither admits nor denies Pinnacle's Contentions, which are set forth below. The Department has agreed to the terms of this Consent Order in an effort to resolve the alleged violation(s) cited herein without the unwarranted expenditure of State resources in further prosecuting the alleged violation(s). The Department has determined that the terms contemplated in this Consent Order are in the best interest of the citizens of Alabama.

#### **PINNACLE'S CONTENTIONS**

9. Pinnacle neither admits nor denies the Department's Contentions. Pinnacle consents to abide by the terms of this Consent Order and to pay the civil penalty assessed herein.

#### **ORDER**

Therefore, without admitting that it has violated any statutes or regulations, Pinnacle, along with the Department, desires to resolve and settle the alleged violation(s) cited above. The Department has carefully considered the facts available to it and has considered the six penalty factors enumerated in Ala. Code § 22-22A-5(18)c., as amended, as well as the need for timely and effective enforcement. The Department believes that the following conditions are appropriate to address the violation(s) alleged herein. Therefore, the Department and Pinnacle agree to enter into this Consent Order with the following terms and conditions:

A. Pinnacle agrees to pay to the Department a civil penalty in the amount of \$29,080, according to the payment schedule described below, in settlement of the violations alleged herein. Pinnacle shall pay this civil penalty as follows: an initial payment of \$10,000 shall be paid within forty-five days of the effective date of this Consent Order. Within one month following the initial payment, a second payment of a minimum of \$10,000 shall be paid to the Department. Within one month of the second payment, a third payment of the full amount of the remainder of the civil penalty shall be paid to the Department. The civil penalty must be fully paid according to the

above payment schedule within 105 days of the effective date of the Consent Order. Failure to pay the civil penalty in accordance with the above schedule may result in the Department's filing a civil action in the Circuit Court of Montgomery County to recover the civil penalty.

B. Pinnacle agrees that all penalties due pursuant to this Consent Order shall be made payable to the Alabama Department of Environmental Management by certified or cashier's check or other payment methods acceptable to the Department and shall be remitted to:

Office of General Counsel  
Alabama Department of Environmental Management  
P.O. Box 301463  
Montgomery, Alabama 36130-1463

Any payment submitted to the Department pursuant to this Consent Order shall reference Pinnacle's name and address, and the ADEM Consent Order Number of this action.

C. Pinnacle agrees to comply with all terms, conditions, and limitations of the AHWMMA and the regulations promulgated pursuant thereto immediately upon the effective date of this Order and continuing every day thereafter.

D. The Department and Pinnacle ("Parties") agree that this Consent Order shall apply to and be binding upon both parties, and both parties shall direct their directors, officers, and employees implementing this Consent Order to comply with its provisions. Each signatory to this Consent Order certifies that he or she is fully authorized by the party he or she represents to enter into the terms and conditions of this Consent Order, to execute the Consent Order on behalf of the party represented, and to legally bind such party.

E. The Parties agree that, subject to the terms of these provisions and subject to provisions otherwise provided by statute, this Consent Order is intended to operate as a full resolution of the alleged violations cited herein.

F. Pinnacle agrees that it is not relieved from any liability if it fails to comply with any provision of this Consent Order.

G. For purposes of this Consent Order only, Pinnacle agrees that the Department may properly bring an action to compel compliance with the terms and conditions contained herein in the Circuit Court of Montgomery County.

H. The Parties agree that the sole purpose of this Consent Order is to resolve and dispose of all allegations and contentions stated herein concerning the factual circumstances referenced herein. Should additional facts and circumstances be discovered in the future which would constitute possible violations not addressed in this Consent Order, then such future violations may be addressed in orders as may be issued by the Director, litigation initiated by the Department, or such other enforcement actions as may be appropriate. Pinnacle agrees not to object to such future orders, litigation, or enforcement actions based on the issuance of this Consent Order if future orders, litigation, or other enforcement actions address new matters not raised in this Consent Order.

I. The Parties agree that this Consent Order shall be considered final and effective immediately upon signature of all parties. This Consent Order shall not be appealable, and Pinnacle does hereby waive any hearing on the terms and conditions of this Consent Order.

J. The Parties agree that this Consent Order shall not affect Pinnacle's obligation to comply with any federal, State, or local laws or regulations.

K. The Parties agree that final approval and entry into this Consent Order are subject to the requirements that the Department give notice of proposed orders to the public, and that the public have at least thirty days within which to comment on the Order.

L. The Parties agree that, should any provision of this Consent Order be declared by a court of competent jurisdiction or the Environmental Management Commission to be inconsistent with federal or State law and therefore unenforceable, the remaining provisions hereof shall remain in full force and effect.

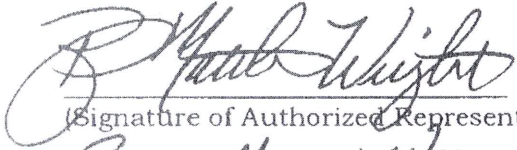
M. The Parties agree that any modifications of this Consent Order must be agreed to in writing signed by both parties.

N. The Parties agree that, except as otherwise set forth herein, this Consent Order is not and shall not be interpreted to be a permit or modification of an existing permit under federal, State, or local law, and shall not be construed to waive or relieve Pinnacle of its obligations to comply in the future with any permit.

Executed in duplicate, with each part being an original.

PINNACLE MANUFACTURING, LLC

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT



(Signature of Authorized Representative)

PHILLIP MATTHEW WRIGHT

(Printed Name)

CFO

(Printed Title)

2/17/25

(Date Signed)

\_\_\_\_\_  
Lance R. LeFleur  
Director

\_\_\_\_\_  
(Date Executed)

**Attachment A**

Pinnacle Manufacturing, LLC  
 Boaz, Marshall County  
 Facility ID No. ALR000041061

<b>Violation</b>	<b>Number of Violations*</b>	<b>Seriousness of Violation*</b>	<b>Standard of Care*</b>	<b>History of Previous Violation*</b>
(a) Failure to make a proper waste determination	1	\$2,500	\$250	\$0
(b) Storage of hazardous waste for greater than 90 days without a permit	1	\$10,000	\$1,000	\$1,000
(c) Failure to meet applicable hazardous waste storage tank requirements	5	\$2,000	\$200	\$0
(d) Failure to meet applicable central hazardous waste accumulation area requirements	6	\$4,200	\$1,700	\$1,500
(e) Failure to properly mark or label containers of hazardous waste	4	\$1,000	\$500	\$400
(f) Failure to keep containers of hazardous waste closed	1	\$400	\$200	\$200
(g) Failure to maintain adequate aisle space	1	\$100	\$50	\$0
(h) Failure to properly mark or label satellite accumulation containers	2	\$800	\$400	\$400

(i) Failure to keep satellite accumulation containers closed	1	\$400	\$200	\$200	
(j) Failure to provide records for review	7	\$4,100	\$1,350	\$1,300	<b>Total of Three Factors</b>
<b>TOTAL PER FACTOR</b>		\$25,500	\$5,850	\$5,000	\$36,350

**Adjustments to Amount of Initial Penalty**

Economic Benefit (+)	\$0	Amount of Initial Penalty	\$36,350
Mitigating Factors (-)	\$0	Total Adjustments (+/-)	-\$7,270
Ability to Pay (-)	\$0	<b>FINAL PENALTY</b>	\$29,080
Other Factors (+/-)	-\$7,270		

Footnotes

*\* See the "FINDINGS" portion of the Order for a detailed description of each violation and the penalty factors.*