

Figure: 16 TAC §8.135(j)

Table 5. Penalty calculation worksheet

	Violations from Table 1	Typical Penalty Amounts from Table 1	Penalty Tally
1	16 TAC §3.70-Pipeline Permits Required	\$5,000	\$
2	16 TAC §8.1-General Applicability and Standards	\$5,000	\$
3	16 TAC §8.51-Organization Report	\$5,000	\$
4	16 TAC §8.101-Pipeline Integrity Assessment and Management Plans	\$5,000	\$
5	16 TAC §8.105-Records	\$5,000	\$
6	16 TAC §8.115-Construction Commencement Report	\$5,000	\$
7	16 TAC §8.201-Pipeline Safety and Regulatory Program Fees	10% of amt. due	\$
8	16 TAC §8.203-Supplemental Regulations	\$5,000	\$
9	16 TAC §8.205-Written Procedure for Handling Natural Gas Leak Complaints	\$5,000	\$
10	16 TAC §8.206- Risk Based Leak Survey Program	\$5,000	\$
11	16 TAC §8.207-Leak Grading and Repair	\$5,000	\$
12	16 TAC §8.208- Mandatory Removal and Replacement Program	\$5,000	\$
13	16 TAC §8.209- Distribution Facilities Replacements	\$5,000	\$
14	16 TAC §8.210-Reports	\$5,000	\$
15	16 TAC §8.215-Odorization of Gas	\$10,000	\$
16	16 TAC §8.220-Master Metered Systems	\$5,000	\$
17	16 TAC §8.225-Plastic Pipe Requirements	\$5,000	\$
18	16 TAC §8.230-School Piping Testing	\$5,000	\$
19	16 TAC §8.235-Natural Gas Pipelines Public Education and Liaison	\$5,000	\$
20	16 TAC §8.235-Proximity to Public Schools Located within 1,000 Feet	\$5,000	\$
21	16 TAC §8.240-Discontinuance of Service	\$10,000	\$
22	16 TAC §8.301-Records and Reporting	\$5,000	\$
23	16 TAC §8.305-Corrosion Control	\$2,500	\$
24	16 TAC §8.310-Hazardous Liquids and Carbon Dioxide Public Education and Liaison	\$5,000	\$
25	16 TAC §8.315-Hazardous Liquids and Carbon Dioxide Pipeline Located within 1,000 Feet of Public School	\$5,000	\$
26	49 CFR 192.613-Continuing surveillance	\$5,000	\$
27	49 CFR 192.619-Maximum allowable operating pressure	\$5,000	\$
28	49 CFR 192.625-Odorization of gas	\$5,000	\$
29	49 CFR 192 Subpart I- Requirements for Corrosion Control	\$5,000	\$
30	49 CFR 192 Subpart M-Maintenance	\$5,000	\$
31	49 CFR 192 Subpart N-Qualification of Pipeline Personnel	\$5,000	\$
32	49 CFR 192, Subpart O-Pipeline Integrity Management	\$5,000	\$
33	49 CFR 192, Subpart P- Gas Distribution Pipeline Integrity Management	\$5,000	\$
34	49 CFR Part 192-Transportation of Natural and Other Gas by Pipeline	\$1,000	\$
35	49 CFR Part 193-Liquefied Natural Gas Facilities: Federal Safety Standards	\$1,000	\$
36	49 CFR Part 195-Transportation of Hazardous Liquids by Pipeline	\$1,000	\$
37	49 CFR Part 195.401-General Requirements	\$5,000	\$
38	49 CFR Part 195.406-Maximum Operating Pressure	\$5,000	\$
39	49 CFR Part 195.440-Public Awareness	\$5,000	\$
40	49 CFR Part 195.452-Integrity Management	\$5,000	\$

	Violations from Table 1	Typical Penalty Amounts from Table 1	Penalty Tally
41	49 CFR Part 195 Subpart G-Qualification of Pipeline Personnel	\$5,000	\$
42	49 CFR Part 199-Drug and Alcohol Testing	\$1,000	\$
43	Subtotal of typical penalty amounts from Table 1 (lines 1-42, inclusive)		\$
44	Reduction for settlement before hearing: up to 50% of line 43 amt.	_____ %	\$
45	Subtotal: amount shown on line 43 less applicable settlement reduction from line 44		\$
Penalty enhancement amounts for threatened or actual pollution or safety hazard from Table 2			
46	Bay, estuary, or marine habitat	\$5,000-\$25,000	\$
47	Pollution resulting from the violation	\$5,000 to \$25,000	\$
48	Impact to a residential or public area	\$5,000 to \$25,000	\$
49	Hazardous material release	\$2,000-\$25,000	\$
50	Reportable incident or accident	\$5,000-\$25,000	\$
51	Exceeding pressure control limits	\$5,000 to \$25,000	\$
52	Any hazard to the health or safety of the public	\$5,000 to \$25,000	\$
Penalty enhancements for severity of violation from Table 2			
53	Affected area exceeds 100 square feet	\$10/square foot	\$
54	Subtotal: amount on line 45 plus all amounts on lines 46 through 53, inclusive		\$
Penalty enhancements for culpability of person charged from Table 2			
55	Reckless conduct of person charged	double line 54 amt.	\$
56	Intentional conduct of person charged	triple line 54 amt.	\$
Penalty enhancements for number of prior violations within past seven years from Table 3			
57	One	\$1,000	\$
58	Two	\$2,000	\$
59	Three	\$3,000	\$
60	Four	\$4,000	\$
61	Five or more	\$5,000	\$
Penalty enhancements for amount of penalties within past seven years from Table 4			
62	Less than \$10,000	\$1,000	\$
63	Between \$10,000 and \$25,000	\$2,500	\$
64	Between \$25,000 and \$50,000	\$5,000	\$
65	Between \$50,000 and \$100,00	\$10,000	\$
66	Over \$100,000	10% of total amt.	\$
67	Subtotal: amount on line 54 plus amounts on lines 55 and/or 56 plus the amount shown on any one line from 57 through 66, inclusive		\$
68	Reduction for demonstrated good faith of person charged		\$
69	TOTAL PENALTY AMOUNT: amount on line 67 less any amount shown on line 68		\$