STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1410 N Hilton Street, Boise, ID 83706
(208) 373-0502

Brad Little, Governor
Jess Byrne, Director

August 25, 2022

By email: lana@monarchtrans.com

Lana Semenyuk
Owner
Davis Aquaculture Facility
31194 State Highway 51
Bruneau, Idaho 83604

RE: Notice of Violation, Davis Aquaculture Idaho Pollutant Discharge Elimination System (IPDES) Permit IDG131012

Dear Ms. Semenyuk:

The Idaho Department of Environmental Quality (DEQ) administers programs to ensure that businesses and individuals comply with specific rules and statutes designed to protect human health and the environment throughout the state. Based on available information, DEQ believes that Davis Aquaculture violated IPDES Permit IDG131012. Enclosed you will find a Notice of Violation (NOV) describing the violations.

You are advised to request a compliance conference with DEQ to explain the violations and discuss entering into a Consent Order. A Consent Order is an agreement that includes a plan to remedy any damage caused by a violation, pay an assessed penalty, and assure future compliance. To arrange a compliance conference, contact DEQ within fifteen (15) business days of receipt of this NOV. The compliance conference must be held within twenty (20) business days of receipt of this NOV unless a later date is agreed upon between the parties. Failure to arrange and attend a compliance conference or reach agreement on a Consent Order within sixty (60) calendar days after receipt of this NOV may result in a civil action pursuant to Idaho Code § 39-108(3)(a)(vi) of the Idaho Environmental Protection and Health Act for injunctive relief, expenses, attorney fees, and other appropriate relief.

Arrangements to meet should be made by contacting Nicole Deinarowicz at (208) 373-0591 or nicole.deinarowicz@deq.idaho.gov.

Thank you in advance for your prompt attention to this matter. DEQ is confident that we can work cooperatively to resolve these issues.

Sincerely,

Mary Anne Nelson, PhD
Surface and Wastewater Division Administrator

man/nd/as

enc: 1. Notice of Violation (2021FAV78)
2. Penalty Assessment Worksheet (2022FAV78)

c: Lyn VanSchoiack, Manager, Davis Aquaculture (lyn.tandemfishfarm@gmail.com)
Brent King, Deputy Attorney General
Troy Smith, IPDES Bureau Chief, DEQ State Office
Aaron Scheff, Regional Administrator, DEQ Boise Regional Office
Valerie Greear, Regional Engineer, DEQ Boise Regional Office
Brynn Lacabanne, IPDES Compliance & Enforcement Supervisor, DEQ State Office
Brian Levo, NPDES Enforcement Coordinator, EPA Region 10
Maria Lopez, Compliance Officer, EPA Region 10
2019FAD190[v2]

Notice of Violation

Issued to: Davis Aquaculture
Lana Semenyuk, Owner
31194 State Highway 51
Bruneau, Idaho 83604

Background:

Davis Aquaculture, owned by Tandem Fish Farm, is a minor, warm-water fish hatchery located in Bruneau, Idaho. Davis Aquaculture was formerly referred to as Ace Hatchery when it was operated by SeaPac of Idaho in 2014. In December of 2015, permit coverage was transferred to the J.R. Simplot Company (J.R. Simplot), and the name changed to Davis Aquaculture. There was no fish production while J.R. Simplot operated Davis Aquaculture, and they were granted temporary inactive status on June 5, 2018, according to EPA's Integrated Compliance Information System; therefore, J.R. Simplot was not required to conduct monitoring under Permit IDG130123.

On May 27, 2020, transfer documents were signed by J.R. Simplot and Tandem Fish Farm. However, the signed documents received by DEQ on June 5, 2020, were not processed until September 10, 2020, as which time permit coverage was officially transferred.

On August 3, 2020, Tandem Fish Farm placed approximately 10,000 tilapia into one of the raceways at Davis Aquaculture, triggering the hatchery to become active. Once active, Tandem Fish Farm was required to provide an updated quality assurance project plan (QAPP) reflecting the change in operations, initiate the required effluent and receiving water monitoring, and submit monthly discharge monitoring reports.

On August 11, 2020, DEQ conducted a Compliance Evaluation Inspection at Davis Aquaculture. During the inspection, DEQ identified violations related to the QAPP and required monitoring of the effluent and receiving water outlined in the facility's Permit IDG131012.

Timeline:

The following is a summary timeline of DEQ's correspondence with Davis Aquaculture to verify and provide compliance assistance to ensure Davis Aquaculture is meeting its permit requirements:

- August 11, 2020 – A DEQ IPDES compliance officer conducted a Compliance Evaluation Inspection of Davis Aquaculture. The inspection identified four violations and one area of concern. Two of the violations were associated with updating the QAPP to include minimum requirements, and the other two violations were associated with conducting the required monitoring (continuous temperature monitoring and receiving water monitoring). The area of concern was for the QAPP not reflecting current information.

- September 10, 2020 – Cover letter forwarded to Steve Maggard and Lyn VanSchoiack. Mr. Maggard was the environmental manager at Davis Aquaculture when the facility was operated by J.R. Simplot, and Ms. VanSchoiack is the current manager now that Davis Aquaculture is being operated by Tandem Fish Farm. DEQ requested that Ms. VanSchoiack submit the following information to DEQ by October 23, 2020:
    - Updated QAPP to include the following:
        - The type and number of quality assurance field samples
        - Flow measuring devices, methods used to measure influent and/or effluent flow at each point, and calculations used to convert to flow units
        - Receiving water monitoring procedures now that the Facility is active
        - The current Permit ID and monitoring frequencies as outlined in Part V of the Permit
    - Temperature Monitoring Information Sheet in Appendix C of the Permit
    - Commence temperature monitoring in accordance with all requirements in Part V.B of the Permit
- October 26, 2020 – IPDES compliance officer emailed Ms. VanSchoiack to schedule a call to discuss the development of the QAPP, current operations, and scheduled submissions.
- October 27, 2020 – Ms. VanSchoiack replied that she had availability on October 28, 2020.
- October 28, 2020 – IPDES compliance officer contacted Ms. VanSchoiack for a status update on the development of the QAPP and submittal of the Temperature Monitoring Information Sheet. The IPDES compliance officer also inquired about a reasonable due date for these items to be completed and submitted to DEQ. Ms. VanSchoiack stated that both items were currently being worked on and could be ready for submittal to DEQ by December 4, 2020.
- November 2, 2020 – DEQ issued a Notice of Noncompliance to Ms. VanSchoiack for not providing a response to DEQ's Compliance Evaluation Inspection cover letter by October 23, 2020. DEQ requested a response by December 4, 2020.
- November 24, 2020 – IPDES compliance officer, Ms. VanSchoiack, and an IPDES Permit Writer, conducted a Zoom meeting to discuss Davis Aquaculture and Arraina Hatchery (not associated with this enforcement action). After the Zoom meeting, the IPDES permit writer provided Ms. VanSchoiack clarification via email on the temperature monitoring requirements outlined in Parts V.B.1 and VI.C.2 of Permit IDG131000.
- December 1, 2020 – Ms. VanSchoiack emailed the IPDES compliance officer with additional questions on placement of thermistors for continuous temperature recordings on Jacks Creek and clarification on the due date for the QAPP. The IPDES compliance officer responded with an outline of the documentation necessary to resolve the violations associated with Davis Aquaculture. Ms. VanSchoiack informed The IPDES compliance officer that there was too much to do to complete the QAPP by December 4, 2020.
- December 8, 2020 – The IPDES compliance officer emailed Ms. VanSchoiack requesting that she submit the requested items outlined in the Inspection Cover Letter dated September 10, 2020, and reiterated in the Notice of Noncompliance issued on November 2, 2020, that these must be submitted through the IPDES E-Permitting System despite Ms. VanSchoiack stating the items were included with the facility's Notice of Intent, submitted on December 2, 2020.

- December 9, 2020 – Ms. VanSchoiack emailed the IPDES compliance officer thanking him for his assistance and keeping them on track and that the documents would be submitted. Ms. VanSchoiack never submitted the documents through the IPDES E-Permitting System.
- December 11, 2020 – Ms. VanSchoiack emailed the IPDES compliance officer asking what steps need to be taken or who needs to be contacted to gain permission to place three temperature loggers in Jacks Creek. Ms. VanSchoiack also asked what necessary documentation needs to be completed for the placement of three temperature loggers in Jacks Creek.
- December 14, 2020 – The IPDES compliance officer responded to Ms. VanSchoiack's email from December 11, 2020, stating that a Water Quality Standards Analyst at the DEQ State Office could suggest appropriate and representative locations for collecting temperature monitoring data on Jacks Creek. IPDES compliance officer also informed Ms. VanSchoiack that the Temperature Monitoring information found in Appendix C of Permit IDG131000 Fact Sheet still needed to be submitted.
- December 15, 2020 – The IPDES compliance officer emailed Ms. VanSchoiack again requesting that the documentation outlined in the Inspection Cover Letter dated September 10, 2020, be submitted through the IPDES E-Permitting System. The IPDES compliance officer mentioned that the Water Quality Standards Analyst might have some insight on representative monitoring locations on Jacks Creek. The IPDES compliance officer also asked Ms. VanSchoiack to submit Davis Aquaculture's proposed monitoring locations. Ms. VanSchoiack responded that the requested documentation was submitted to DEQ last week. The IPDES compliance officer informed Ms. VanSchoiack that he did not see the documentation in the IPDES E-Permitting System and asked what 'document type' she selected when she uploaded the documentation in the IPDES E-Permitting System and that it could be one that he does not have access to. In addition, the IPDES compliance officer requested that they schedule a call for the morning of December 16, 2020, to discuss the QAPP and the Temperature Monitoring Information Sheet submittals for troubleshooting purposes and to discuss monitoring locations.
- December 16, 2020 – Ms. VanSchoiack emailed the IPDES compliance officer stating that she had selected "other" when submitting the requested documentation in the IPDES E-Permitting System. Ms. VanSchoiack stated that she would email the IPDES compliance officer the documentation later that night. The IPDES compliance officer also suggested scheduling a Zoom call to discuss the monitoring locations recommended by the Water Quality Standards Analyst. Ms. VanSchoiack never responded to the request nor submitted the documentation to the IPDES compliance officer.
- December 30, 2020 – After several attempts with assisting Ms. VanSchoiack with the submittal of the QAPP through the IPDES E-Permitting System, Ms. VanSchoiack successfully submitted the QAPP to DEQ. However, the QAPP did not include all the minimum requirements outlined in Part VI.A of the Permit. In addition, Ms. VanSchoiack did not provide DEQ the requested Temperature Monitoring Information Sheet.
- January 5, 2021 – DEQ issued a Notice of Deficiency to the owner of Davis Aquaculture, Lana Semenyuk, for not providing the requested documentation outlined in the Notice of Noncompliance issued November 2, 2020, by December 4, 2020. DEQ requested a corrective action by February 4, 2020.

- January 5, 2021 – In response to the Notice of Deficiency Ms. VanSchoiack emailed the Water Quality Standards Analyst and copied the IPDES compliance officer requesting information for installing thermistors to monitor temperature on Jacks Creek.
- January 6, 2021 – Ms. VanSchoiack began working with the Water Quality Standards Analyst to determine appropriate receiving water monitoring locations on Jacks Creek. Ms. VanSchoiack provided temperature data she recorded in the raceways using a YSI Pro.
- January 7, 2021 – DEQ re-issued the Notice of Deficiency that was issued on January 5, 2021, to Ms. Semenyuk after realizing that the original due date reflected 2020 and not 2021. The re-issued Notice of Deficiency contained a new due date of February 8, 2021. DEQ did not receive a corrective action from Ms. Semenyuk by the due date of February 8, 2021.
- January 19, 2021 – Ms. VanSchoiack forwarded a confirmation email to the IPDES compliance officer that five thermistors had been ordered and were scheduled to be shipped on February 1, 2021.
- February 17, 2021 – DEQ issued a Notice of Intent to Enforce to Ms. Semenyuk. This was DEQ's final notice to complete the necessary corrective actions to address the noncompliance with their Permit. DEQ requested a response by March 22, 2021.
- Mach 2, 2021 –DEQ issued a Notice of Noncompliance to Ms. Semenyuk for failure to submit an Annual Report of operations for calendar year 2020, and failure to submit discharge monitoring reports for October 2020-December 2020 by January 20, 2021. DEQ requested the documentation be submitted by April 2, 2021.
- March 4, 2021 – The IPDES compliance officer emailed Ms. VanSchoiack a list of items that needed to be addressed and the respective due dates for each item. The items included:
    - Quality Assurance Plan that meets requirements outlined in Part VI.A of the Permit must be submitted by March 22, 2021
    - Temperature Monitoring Information Sheet in Appendix C of the Permit Fact Sheet must be submitted
    - Temperature monitoring in accordance with all requirements in Part V.B of the Permit must commence by March 22, 2021
    - A monitoring plan that includes pictures of the monitoring locations, the temperature monitoring sheet, and a map depicting the monitoring locations
    - An annual report of operations in accordance with Part VII.E of the Permit must be submitted by April 2, 2021
    - An annual progress report outlining the progress made towards reaching final effluent limitations for total phosphorus and total suspended solids in accordance with Part VI.C.3 of the Permit must be submitted the 20th of the month following the first year after effective date of discharge authorization and annually thereafter
    - The discharge monitoring report associated with the monitoring period of October 2020 – December 2020 was due January 20, 2021. The Notice of Noncompliance issued on March 2, 2021, required that the monitoring data be submitted by April 2, 2021, through NetDMR
    - Quality Assurance Plan annual review certification statement in accordance with Part VI.A.4 of the Permit is due January 20 of each year

    - Best Management Practice Plan annual review certification statement in accordance with Part VI.A.4 of the Permit is due January 20 of each year
- March 9, 2021 – The IPDES compliance officer contacted Ms. VanSchoiack to inquire on the progress of the Facility's QAPP and Temperature Monitoring Information Sheet. Ms. VanSchoiack informed Mr. Hermes that she has been very busy and has not had much time to work on the submittals.
- March 22, 2021 – Ms. VanSchoiack submitted the QAPP and Temperature Monitoring Information Sheet to DEQ through the IPDES E-Permitting System. However, the QAPP did not include all the minimum requirements outlined in Part VI.A of the Permit, and the Temperature Monitoring Information Sheet did not include coordinates for monitoring locations or the name of the receiving water.
- April 8, 2021 –DEQ issued a Notice of Deficiency to Ms. Semenyuk for not providing the requested documentation outlined in the Notice of Noncompliance issued March 2, 2021, by April 2, 2021. DEQ requested the documentation to be submitted by May 10, 2021.
- May 11, 2021 – Ms. VanSchoiack submitted the Annual Report of operations through the IPDES E-Permitting System in response to the Notice of Noncompliance issued on March 2, 2021. However, Ms. VanSchoiack did not submit the requested DMR for monitoring period October 2020-December 2020.
- June 1, 2021 –DEQ issued a Notice of Noncompliance to Ms. Semenyuk for failure to submit an annual progress report outlining the progress made towards achieving final effluent limitations for total phosphorus and total suspended solids by February 20, 2021. In addition, for failure to submit a complete monitoring plan for the Facility's receiving water monitoring that was to be submitted within six months from the effective date of the authorization to discharge. DEQ requested the documentation be submitted by June 28, 2021.
- September 20, 2021 - DEQ issued a Notice of Noncompliance to Ms. Semenyuk for failure to submit a DMR for monitoring period April 2021-June 2021, which was due July 20, 2021.
- October 21, 2021 - Davis Aquaculture failed to submit a DMR for monitoring period July 2021-September 2021. Several NetDMR system generated notice of non-receipts were forwarded to Davis Aquaculture after the DMR due date of October 20, 2021.
- January 21, 2022 – Davis Aquaculture failed to submit a DMR for monitoring period October 2021-December 2021. Several NetDMR system generated notice of non-receipts were forwarded to Davis Aquaculture after the DMR due date of January 20, 2022.

Pursuant to the Idaho Environmental Protection and Health Act, Idaho Code §39-108, DEQ alleges that the following violations have occurred at the Facility.

Violations

Violation Number 1

- 364 days of no continuous temperature monitoring were originally cited; however, based on an administrative decision, 184 days were removed and only 180 days were used to calculate the assessed penalty

Legal provisions violated: Part V.A of the IPDES Permit IDG131012

This legal provision states in part the following:

"Table 4 summarizes influent and effluent monitoring requirements for all facilities. All facilities must monitor flow, TSS, and TP…The frequency of TSS and TP monitoring depends on the annual aquatic animal production volume (see Table 6)."

Legal provisions violated: Part V.B of the IPDES Permit IDG131012

This legal provision states in part the following:

Year-round temperature monitoring of effluent and receiving water for the first two years of the permit term in which continuous temperature monitoring at one-hour intervals must be conducted using a thermistor. Table 7 footnote 2 in Part V.B of the Permit states, *"Monitoring is only required at Ace at times when effluent is being discharged to Jacks Creek."*

Penalty assessed for this violation: $36,000

Violation Number 2

- Minimum Requirements Missing from the QAPP
    - The type and number of quality assurance field samples
    - Flow measuring devices, methods used to measure influent and/or effluent flow at each point, and calculations used to convert to flow units
    - Receiving water monitoring procedures now that the Facility is active
    - The current Permit ID and monitoring frequencies as outlined in Part V of the Permit

Legal provisions violated: Part VI.A of the IPDES Permit IDG131012

This legal provision states in part the following:

"Permittees with an existing QAP must ensure it is updated and signed, and submit the certification statement in Appendix C with the NOI to certify that a QAP has been developed and is being implemented. If continuous temperature monitoring is required but will not be conducted during the first year of permit coverage, the QAP may be amended with the relevant information during an annual update prior to initiation of temperature monitoring."

In addition, the following subsections of Part VI.A have been violated:

- Legal provisions violated: Part VI.A.1.c.1 of the IPDES Permit IDG131012

  This legal provision states in part the following:

  The Quality Assurance Project Plan (QAPP) must include at a minimum *"…type and number of quality assurance field samples…"*

  Legal provisions violated: Part VI.A.1.c.2 of the IPDES Permit IDG131012

- This legal provision states in part the following:

"Description of flow measuring devices or methods used to measure influent and/or effluent flow at each point, calibration procedures, and calculations used to convert to flow units."

Legal provisions violated: Part VI.A.3 of the IPDES Permit IDG131012

This legal provision states the following:

"The Permittee must amend the QAP whenever there is a change in the facility or in the operation of the facility which materially increases the generation of pollutants or their release or potential release to surface water. With any change in operator, the QAP must be reviewed and modified, if necessary."

Penalty assessed for this violation: $2,000

Violation Number 3

- Temperature monitoring information and receiving water monitoring plan

Legal provisions violated: Part V.B.5 of the IPDES Permit IDG131012

This legal provision states the following:

"Permittees must complete and submit the information shown on monitoring info sheet in Appendix C of the Fact Sheet to the EPA & the Regional IDEQ Office prior to initiating continuous temperature monitoring and follow the IDEQ protocol for thermistor deployment (http://www.deq.idaho.gov/media/487602wq_monitoring_protocols_report10.pdf)."

Penalty assessed for this violation: $500

Legal provisions violated: Part VI.C.2 of the IPDES Permit IDG131012

This legal provision states the following:

"*Ace Hatchery must submit a monitoring plan for review and approval to the DEQ Boise Regional office within 6 months from the effective date of the authorization to discharge. The monitoring plan must include monitoring for upstream and downstream conditions.*"

Penalty assessed for this violation: $500

Violation Number 4

- Two Missing Annual Reports
    - 2020
    - 2021

Legal provisions violated: Part VI.C.3 of the IPDES Permit IDG131012

This legal provision states the following:

"*Ace Hatchery must submit an Annual Progress Report which outlines the progress made towards reaching the final effluent limitations for TP and TSS.*"

Penalty assessed for this violation: $4,000

Violation Number 5

- Two Missing CAAP Annual Report of Operations
    - 2020
    - 2021

Legal provisions violated: Part VII.E of the IPDES Permit IDG131012

This legal provision states the following:

"During the term of this permit, the Permittee must prepare and submit an Annual Report of operations by January 20th of each year to the EPA and IDEQ or Tribe (if applicable) (see Part VII.A.). A copy of the Annual Report and the data used to compile it must be available to the EPA and IDEQ or Tribe (if applicable) upon request and during inspections. The report must include the information specified in Appendix B."

Penalty assessed for this violation: $4,000

Violation Number 6

- Five Missing Discharge Monitoring Reports
    - 001-A Outfall 001 Interim Biannual Monitoring Period August 2020
    - 001-Q Effluent Quarterly Monitoring Period January-March 2021
    - 001-Q Effluent Quarterly Monitoring Period April -June 2021
    - 001-Q Effluent Quarterly Monitoring Period July-September 2021
    - 001-Q Effluent Quarterly Monitoring Period October-December 2021

Legal provisions violated: Part VIII.B of the IPDES Permit IDG131012

This legal provision states the following:

"*The Permittee must submit monitoring data and other reports electronically using NetDMR*."

Penalty assessed for this violation: $10,000

Total Penalty Assessed: $57,000

Adjustment Factor

Davis Aquaculture is classified as a minor fish hatchery; therefore, is subject to a flow reduction adjustment factor of 25%. A 25% reduction equates to $14,250.

Total Adjusted Penalty: $42,750

Timetable

You are advised to request a compliance conference with DEQ to explain the violations and discuss entering into a Consent Order. A Consent Order is an agreement that includes a plan to remedy any

damage caused by a violation, pay an assessed penalty, and assure future compliance. To arrange a compliance conference, you must contact DEQ within fifteen (15) days of receipt of this Notice of Violation. The compliance conference shall be held within twenty (20) days of the date of receipt of this Notice of Violation unless a later date is agreed upon between the parties. Failure to request a compliance conference within fifteen (15) days or reach agreement on a Consent Order within sixty (60) days of receipt of this Notice of Violation may result in a civil enforcement action in district court for penalties, injunctive relief, and costs, including attorney fees.

Inquiries or correspondence concerning this Notice of Violation shall be directed to the following:

Nicole Deinarowicz
IPDES Compliance and Enforcement Officer
Idaho Department of Environmental Quality
1410 North Hilton
Boise, Idaho 83706

DATED THIS 26th day of August 2022

Jess Byrne

Jess Byrne
Director
Idaho Department of Environmental Quality

STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1410 North Hilton • Boise, ID 83706 • (208) 373-0502

Brad Little, Governor
Jess Byrne, Director

Penalty Assessment Worksheet

Facility Name:	Davis Aquaculture	IPDES Permit:	IDG131012
Responsible Person and Title:	Lana Semenyuk, Owner		
Mailing Address:	30957 State Highway 51 Bruneau, Idaho 83604		
Penalty Assessment			
Matrix Penalty Amount and Number of Days in Violation:[1&2]	$200 * 180 days		
Matrix Penalty Total:[3]	$36,000		
Adjustment Factors[4]			
Submissions	$21,000		
Total Adjustment (±):[7]	25% reduction = $14,250		
Total penalty:[8]	$36,000 + $21,000 = $57,000 (-$14,250) = $42,750		

[1] Matrix penalty amount is determined by the seriousness of a violation, consisting of two factors: Harm to Human Health and the Environment (potential and actual likelihood and degree of exposure to harmful pollutants), which are comprised of four Rating Factors: 1) potential toxicity and amount of any pollutant emitted, discharged, released, or spilled; 2) sensitivity of environment; 3) duration; 4) location. Second factor is the Extent of Deviation from Requirements (the degree to which the requirement or condition has been violated), comprised of three Classifications: 1) Major—substantial deviation from statutory requirements; 2) Moderate—significant deviation; 3) Minor—somewhat deviates.

[2] Number of days in violation, taken from section 2.

[3] Calculated as: Matrix penalty x Number of days in violation.

[4] Adjustment Factors: 1) Intent of Alleged Violator—Degree or absence of willfulness and negligence by the alleged violator, and other unavoidable factors prior to and at the time the violation occurred; 2) History of Noncompliance—the alleged violator's history of noncompliance.

[5] ±Intent of Alleged Violator x Matrix Penalty Total. Intent of Alleged Violator is comprised of six Rating Factors: 1) extent of violator's direct or indirect control over the events; 2) foreseeability of the events; 3) whether reasonable precautions were taken to prevent the events; 4) whether violator promptly reported the noncompliance; 5) whether prompt corrective actions were taken; 6) whether violator knew or should have known of the violations.

[6] History of Noncompliance x Matrix Penalty Total. History of Noncompliance is comprised of four Rating Factors: 1) similarity to previous violations; 2) how recent the violations are; 3) number of previous violations, 4) violator's efforts and/or success in correcting previous violations.

[7] Total Adjustment = History of Noncompliance product ± Intent of Alleged Violator product

[8] Total Penalty = Matrix Penalty Total ± Total adjustment