



west virginia department of environmental protection

Division of Water and Waste Management
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Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
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**CONSENT ORDER
ISSUED UNDER THE
WATER POLLUTION CONTROL ACT
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 11**

TO: Boone County Board of Education
Josh A. Bacchus
69 Avenue B
Madison, WV 25130

DATE: August 26, 2015

ORDER NO.: 8417

INTRODUCTION

This Consent Order is issued by the Director of the Division of Water and Waste Management (hereinafter “Director”), under the authority of West Virginia Code, Chapter 22, Article 11, Section 1 et seq. to Boone County Board of Education (hereinafter “Boone BOE”).

FINDINGS OF FACT

In support of this Order, the Director hereby finds the following:

WVG551110

1. Boone BOE operates a sewer treatment facility at Ramage Elementary located in Ramage, Boone County, West Virginia. Boone BOE was reissued WV/NPDES Water Pollution Control Permit No. WV0103110, Registration No. WVG551110, on August 28, 2011.
2. On May 7, 2015, West Virginia Department of Environmental Protection (WVDEP) personnel conducted an inspection of Ramage Elementary. During the inspection, the following violation of Boone BOE’s WV/NPDES permit was observed and documented:
 - a. Section F.1 – Boone BOE failed to properly operate and maintain the facility. Specifically, solids were allowed to accumulate in the sampling box prior to discharge.

As a result of the aforementioned violation, Notice of Violation (NOV) No. W15-03-340-BMW was issued to Boone BOE.

3. On July 9, 2015, WVDEP personnel conducted a review of facility records from the time period of January 2013 through June 2015. During this review, the following violations of the terms and conditions of Boone BOE's WV/NPDES permit were observed:
 - a. Section A - Eight (8) exceedances of Boone BOE's permit parameters were observed and documented (Table 1). These exceedances can be further defined as:
 - i. Minor violations-two (2)
 - ii. Moderate violations-three (3)
 - iii. Major violations-three (3)

As a result of the aforementioned violations, NOV Nos. W14-03-164-BMW, W14-03-247-BMW, and W14-03-312-BMW were previously issued to Boone BOE.

WVG551111

4. Boone BOE operates a sewer treatment facility at the Boone County Career/Technical Center located near Danville, Boone County, West Virginia. Boone BOE was reissued WV/NPDES Water Pollution Control Permit No. WV0103110, Registration No. WVG551111, on August 28, 2011.
5. On May 7, 2015, WVDEP personnel conducted an inspection of Boone County Career/Technical Center. During the inspection, the following violation of Boone BOE's WV/NPDES permit was observed and documented:
 - a. Section F.1 – Boone BOE failed to properly operate and maintain the facility. Specifically, solids were allowed to accumulate in the sampling box prior to discharge.

As a result of the aforementioned violation, NOV No. W15-03-341-BMW was issued to Boone BOE.

6. On July 9, 2015, WVDEP personnel conducted a review of facility records from the time period of January 2013 through June 2015. During this review, the following violations of the terms and conditions of Boone BOE's WV/NPDES permit were observed:
 - a. Section A – Twenty-five (25) exceedances of Boone BOE's permit parameters were observed and documented (Table 2). These exceedances can be further defined as:
 - i. Minor violations-nine (9)
 - ii. Moderate violations-twelve (12)
 - iii. Major violations-four (4)

As a result of the aforementioned violations, NOV Nos. W13-03-145-BMW, W14-03-163-BMW, W14-03-202-BMW, and W14-03-243-BMW were previously issued to Boone BOE.

WVG551112

7. Boone BOE operates a sewer treatment facility at Sherman Junior and Senior High School located in Seth, Boone County, West Virginia. Boone BOE was reissued WV/NPDES Water Pollution Control Permit No. WV0103110, Registration No. WVG551112, on August 28, 2011.
8. On May 8, 2015, WVDEP personnel conducted an inspection of Sherman Junior and Senior High School. During the inspection, the following violation of Boone BOE's WV/NPDES permit was observed and documented:
 - a. Section F.1 – Boone BOE failed to properly operate and maintain the facility. Specifically, the chlorine contact chamber was short-circuiting, allowing entrance into the dechlorination chamber after less than five (5) minutes of contact time.

As a result of the aforementioned violation, NOV No. W15-03-342-BMW was issued to Boone BOE.

9. On July 9, 2015, WVDEP personnel conducted a review of facility records from the time period of January 2013 through March 2015. During this review, the following violations of the terms and conditions of Boone BOE's WV/NPDES permit were observed:
 - a. Section A – Twelve (12) exceedances of Boone BOE's permit parameters were observed and documented (Table 3). These exceedances can be further defined as:
 - i. Minor violations-three (3)
 - ii. Moderate violations-seven (7)
 - iii. Major violations-two (2)

As a result of the aforementioned violations, NOV No. W13-03-146-BMW was previously issued to Boone BOE.

WVG551113

10. Boone BOE operates a sewer treatment facility at Van Elementary located in Van, Boone County, West Virginia. Boone BOE was reissued WV/NPDES Water Pollution Control Permit No. WV0103110, Registration No. WVG551113, on August 28, 2011.
11. On March 27, 2013, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of the terms and conditions of Boone BOE's WV/NPDES permit were observed and documented:
 - a. Section H-Boone BOE failed to submit or maintain Sludge Monitoring Reports.

As a result of the aforementioned violations, NOV No. W13-03-110-BMW was issued to Boone BOE.

12. On May 7, 2015, WVDEP personnel conducted an inspection of Van Elementary. During the inspection, the following violation of Boone BOE's WV/NPDES permit was observed and documented:

- a. Section F.1 – Boone BOE failed to properly operate and maintain the facility. Specifically, solids were allowed to accumulate in the sampling box prior to discharge.

As a result of the aforementioned violation, NOV No. W15-03-343-BMW was issued to Boone BOE.

13. On July 9, 2015, WVDEP personnel conducted a review of facility records from the time period of January 2013 through June 2015. During this review, the following violations of the terms and conditions of Boone BOE's WV/NPDES permit were observed:

- a. Section A – Fourteen (14) exceedances of Boone BOE's permit parameters were observed and documented (Table 4). These exceedances can be further defined as:
 - i. Minor violations-two (2)
 - ii. Moderate violations-five (5)
 - iii. Major violations-six (6)

As a result of the aforementioned violations, NOV Nos. W14-03-165-BMW, W14-03-203-BMW, W14-03-244-BMW, W14-03-288-BMW, and W14-03-313-BMW were previously issued to Boone BOE.

WVG551114

14. Boone BOE operates a sewer treatment facility at Brookview Elementary located in Rock Creek, Boone County, West Virginia. Boone BOE was reissued WV/NPDES Water Pollution Control Permit No. WV0103110, Registration No. WVG551114, on August 28, 2011.

15. On March 27, 2013, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of the terms and conditions of Boone BOE's WV/NPES permit were observed and documented:

- a. Section H-Boone BOE failed to submit or maintain Sludge Monitoring Reports.
- b. Section F.1 – Boone BOE failed to properly operate and maintain the facility. Specifically, grease and sludge was allowed to accumulate in the chlorine contact chamber.

As a result of the aforementioned violations, NOV No. W13-03-111-BMW was issued to Boone BOE.

16. On May 7, 2015, WVDEP personnel conducted an inspection of Brookview Elementary. During the inspection, the following violation of Boone BOE's WV/NPDES permit was observed and documented:

- a. Section F.1 – Boone BOE failed to properly operate and maintain the facility. Specifically, solids were allowed to accumulate in the sampling box prior to discharge.

As a result of the aforementioned violation, NOV No. W15-03-344-BMW was issued to Boone BOE.

17. On July 9, 2015, WVDEP personnel conducted a review of facility records from the time period of January 2013 through June 2015. During this review, the following violations of the terms and conditions of Boone BOE's WV/NPDES permit were observed:
 - a. Section A – Eight (8) exceedances of Boone BOE's permit parameters were observed and documented (Table 5). These exceedances can be further defined as:
 - i. Minor violations-two (2)
 - ii. Moderate violations-two (2)
 - iii. Major violations-four (4)

As a result of the aforementioned violations, NOV Nos. W13-03-147-BMW and W14-03-314-BMW were previously issued to Boone BOE.

WVG551115

18. Boone BOE operates a sewer treatment facility at Nellis Elementary located in Nellis, Boone County, West Virginia. Boone BOE was reissued WV/NPDES Water Pollution Control Permit No. WV0103110, Registration No. WVG551115, on August 28, 2011.
19. On May 8, 2015, WVDEP personnel conducted an inspection of Nellis Elementary. During the inspection, the following violation of Boone BOE's WV/NPDES permit was observed and documented:
 - a. Section F.1 – Boone BOE failed to properly operate and maintain the facility. Specifically, solids were allowed to accumulate in the sampling box prior to discharge.

As a result of the aforementioned violation, NOV No. W15-03-345-BMW was issued to Boone BOE.

20. On July 9, 2015, WVDEP personnel conducted a review of facility records from the time period of January 2013 through June 2015. During this review, the following violations of the terms and conditions of Boone BOE's WV/NPDES permit were observed:
 - a. Section A – Thirty-one (31) exceedances of Boone BOE's permit parameters were observed and documented (Table 6). These exceedances can be further defined as:
 - i. Minor violations-seven (7)
 - ii. Moderate violations-eleven (11)
 - iii. Major violations-thirteen (13)

As a result of the aforementioned violations, NOV Nos. W13-03-148-BMW, W14-03-204-BMW, W14-03-245-BMW, W14-03-289-BMW, and W14-03-315-BMW were previously issued to Boone BOE.

WVG551116

21. Boone BOE operates a sewer treatment facility at Sherman Elementary located in Comfort, Boone County, West Virginia. Boone BOE was reissued WV/NPDES Water Pollution Control Permit No. WV0103110, Registration No. WVG551116, on August 28, 2011.
22. On May 8, 2015, WVDEP personnel conducted an inspection of Sherman Elementary. During the inspection, the following violation of Boone BOE's WV/NPDES permit was observed and documented:
 - a. Section F.1 – Boone BOE failed to properly operate and maintain the facility. Specifically, solids were allowed to accumulate in the sampling box prior to discharge.

As a result of the aforementioned violation, NOV No. W15-03-346-BMW was issued to Boone BOE.

23. On July 9, 2015, WVDEP personnel conducted a review of facility records from the time period of January 2013 through June 2015. During this review, the following violations of the terms and conditions of Boone BOE's WV/NPDES permit were observed:
 - a. Section A – Eighteen (18) exceedances of Boone BOE's permit parameters were observed and documented (Table 7). These exceedances can be further defined as:
 - i. Minor violations-seven (7)
 - ii. Moderate violations-six (6)
 - iii. Major violations-five (5)

As a result of the aforementioned violations, NOV Nos. W14-03-166-BMW, W14-03-205-BMW, W14-03-246-BMW, and W14-03-316-BMW were previously issued to Boone BOE.

24. On August 19, 2015, WVDEP personnel and representatives of Boone BOE met to discuss the terms and conditions of this Order. During the meeting, representatives of Boone BOE provided documentation that the aforementioned sampling boxes had been removed, and DMR results had improved since the removal.

ORDER FOR COMPLIANCE

Now, therefore, in accordance with Chapter 22, Article 11, Section 1 et seq. of the West Virginia Code, it is hereby agreed between the parties, and ORDERED by the Director:

1. Boone BOE shall immediately take all measures to initiate compliance with all terms and conditions of its WV/NPDES permit.
2. Within thirty (30) days of the effective date of this Order, Boone BOE shall submit for approval a proposed plan of corrective action and schedule, outlining action items and completion dates for how and when Boone BOE will achieve compliance with all terms

and conditions of its WV/NPDES permit. The plan of corrective action shall make reference to WV/NPDES Permit No. WV0103110 and the Registration Number for each of the seven sewer treatment facilities, and Order No. 8417. The plan of corrective action shall be submitted to:

**WVDEP Environmental Inspector Supervisor
SW Regional Environmental Enforcement Office
PO Box 662
Teays, WV 25569**

A copy of this plan shall be submitted to:

**Chief Inspector
Environmental Enforcement - Mail Code #031328
WVDEP
601 57th Street SE
Charleston, WV 25304**

Upon approval, the plan of corrective action and schedule shall be incorporated into and become part of this Order, as if fully set forth herein. Failure to submit an approvable plan of corrective action and schedule or failure to adhere to the approved schedule is a violation of this Order.

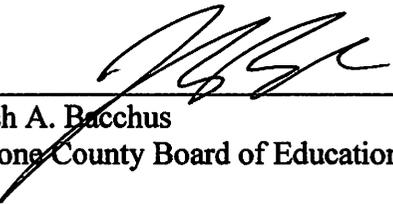
3. Because of Boone BOE's permit violations, Boone BOE shall be assessed a civil administrative penalty of fifty-six thousand thirty dollars (\$56,030) to be paid to the West Virginia Department of Environmental Protection for deposit in the Water Quality Management Fund within thirty (30) days of the effective date of this Order. Payments made pursuant to this paragraph are not tax-deductible for purposes of State or federal law. **Payment shall include a reference to the Order No. and shall be mailed to:**

**Chief Inspector
Environmental Enforcement - Mail Code #031328
WV-DEP
601 57th Street SE
Charleston, WV 25304**

OTHER PROVISIONS

1. Boone BOE hereby waives its right to appeal this Order under the provisions of Chapter 22, Article 11, Section 21 of the Code of West Virginia. Under this Order, Boone BOE agrees to take all actions required by the terms and conditions of this Order and consents to and will not contest the Director's jurisdiction regarding this Order. However, Boone BOE does not admit to any factual and legal determinations made by the Director and reserves all rights and defenses available regarding liability or responsibility in any proceedings regarding Boone BOE other than proceedings, administrative or civil, to enforce this Order.
2. The Director reserves the right to take further action if compliance with the terms and conditions of this Order does not adequately address the violations noted herein and reserves all rights and defenses which he may have pursuant to any legal authority, as well as the right to raise, as a basis for supporting such legal authority or defenses, facts other than those contained in the Findings of Fact.
3. If any event occurs which causes delay in the achievement of the requirements of this Order, Boone BOE shall have the burden of proving that the delay was caused by circumstances beyond its reasonable control which could not have been overcome by due diligence (i.e., force majeure). Force majeure shall not include delays caused or contributed to by the lack of sufficient funding. Within three (3) working days after Boone BOE becomes aware of such a delay, notification shall be provided to the Director/Chief Inspector and Boone BOE shall, within ten (10) working days of initial notification, submit a detailed written explanation of the anticipated length and cause of the delay, the measures taken and/or to be taken to prevent or minimize the delay, and a timetable by which Boone BOE intends to implement these measures. If the Director agrees that the delay has been or will be caused by circumstances beyond the reasonable control of Boone BOE (i.e., force majeure), the time for performance hereunder shall be extended for a period of time equal to the delay resulting from such circumstances. A force majeure amendment granted by the Director shall be considered a binding extension of this Order and of the requirements herein. The determination of the Director shall be final and not subject to appeal.
4. Compliance with the terms and conditions of this Order shall not in any way be construed as relieving Boone BOE of the obligation to comply with any applicable law, permit, other order, or any other requirement otherwise applicable. Violations of the terms and conditions of this Order may subject Boone BOE to additional penalties and injunctive relief in accordance with the applicable law.
5. The provisions of this Order are severable and should a court or board of competent jurisdiction declare any provisions to be invalid or unenforceable, all other provisions shall remain in full force and effect.
6. This Order is binding on Boone BOE, its successors and assigns.

7. This Order shall terminate upon Boone BOE's notification of full compliance with the "Order for Compliance" and verification of this notification by WVDEP.



Josh A. Bacchus
Boone County Board of Education

8-31-15

Date

Public Notice begin:

Date

Public Notice end:

Date

Scott G. Mandirola, Director
Division of Water and Waste Management

Date

revised March 2013

RECEIVED

SEP 28 2015

**ENVIRONMENTAL
ENFORCEMENT**

Table One: WVG551110 DMR Exceedance Summary

Outlet 001 DMR Exceedances - AVG. MONTHLY - Jan/2013 through June/2015						Degree of non-compliance		
Date	Parameter	Units	Permitted avg. monthly	Reported avg. monthly	% Exceedance	Min	Mod	Maj
						-	X	-
Dec 2013	BOD	mg/L	20	38	90%	-	X	-
June 2014	BOD	mg/L	10	71	610%	-	-	X
June 2014	Fecal Coliform Bacteri	col/100ml	200	780	290%	-	X	-
Dec 2014	BOD	mg/L	20	21	5%	X	-	-
Dec 2014	Fecal Coliform Bacteri	col/100ml	200	3800	1800%	-	-	X

Outlet 001 DMR Exceedances - MAX. DAILY - Jan/2013 through June/2015						Degree of non-compliance		
Date	Parameter	Units	Permitted max. daily	Reported max. daily	% Exceedance	Min	Mod	Maj
						-	X	-
June 2014	BOD	mg/L	20	71	255%	-	X	-
June 2014	Fecal Coliform Bacteri	col/100ml	400	780	95%	X	-	-
Dec 2014	Fecal Coliform Bacteri	col/100ml	400	3800	850%	-	-	X

Outlet 001 Totals		Degree of non-compliance		
		Min	Mod	Maj
		2	3	3

Table Two: WVG551111 DMR Exceedance Summary

Outlet 001 DMR Exceedances - AVG. MONTHLY - Jan/2013 through June/2015						Degree of non-compliance		
Date	Parameter	Units	Permitted avg. monthly	Reported avg. monthly	% Exceedance	Min	Mod	Maj
						-	-	X
March 2013	BOD	mg/L	10	75	650%	-	-	X
March 2013	Ammonia Nitrogen	mg/L	6	25	317%	-	-	X
March 2013	Fecal Coliform Bacteri	col/100ml	200	210	5%	X	-	-
June 2013	BOD	mg/L	5	26	420%	-	-	X
June 2013	Fecal Coliform Bacteri	col/100ml	200	527	164%	-	X	-
Dec 2013	BOD	mg/L	10	38	280%	-	X	-
March 2014	BOD	mg/L	10	16	60%	-	X	-
March 2014	TSS	mg/L	30	41	37%	X	-	-
June 2014	BOD	mg/L	5	11	120%	-	X	-
June 2014	Fecal Coliform Bacteri	col/100ml	200	570	185%	-	X	-
Dec 2014	BOD	mg/L	10	24	140%	-	X	-
March 2015	BOD	mg/L	10	78	680%	-	-	X
June 2015	BOD	mg/L	5	7.8	56%	-	X	-
March 2015	TSS	mg/L	30	58	93%	-	X	-
June 2015	Fecal Coliform Bacteri	col/100ml	200	220	10%	X	-	-

Outlet 001 DMR Exceedances - MAX. DAILY - Jan/2013 through June/2015						Degree of non-compliance		
Date	Parameter	Units	Permitted max. daily	Reported max. daily	% Exceedance	Min	Mod	Maj
						-	X	-
March 2013	BOD	mg/L	20	75	275%	-	X	-
March 2013	Ammonia Nitrogen	mg/L	12	25	108%	-	X	-
June 2013	BOD	mg/L	10	26	160%	-	X	-
June 2013	Fecal Coliform Bacteri	col/100ml	400	527	32%	X	-	-
Dec 2013	BOD	mg/L	20	38	90%	X	-	-
June 2014	BOD	mg/L	10	11	10%	X	-	-
June 2014	Fecal Coliform Bacteri	col/100ml	400	570	43%	X	-	-
Dec 2014	BOD	mg/L	20	24	20%	X	-	-
March 2015	BOD	mg/L	20	78	290%	-	X	-

Outlet 001 DMR Exceedances - D.O. INSTANTANEOUS. MIN. - Jan/2013 through June/2015						Degree of non-compliance		
Date	Parameter	Units	Permitted min. daily	Reported min. daily	% Exceedance	Min	Mod	Maj
						X	-	-
Sept 2013	D.O.	mg/l	6.0	5.7	5.0%	X	-	-

Outlet 001 Totals	Degree of non-compliance		
	Min	Mod	Maj
	9	12	4

Table Three: WVG551112 DMR Exceedance Summary

Outlet 001 DMR Exceedances - AVG. MONTHLY - Jan/2013 through March/2015						Degree of non-compliance		
Date	Parameter	Units	Permitted avg. monthly	Reported avg. monthly	% Exceedance	Min	Mod	Maj
						-	-	X
June 2013	Fecal Coliform Bacteri	col/100ml	200	982	391%	-	-	X
Sept 2013	Fecal Coliform Bacteri	col/100ml	200	380	90%	-	X	-
June 2014	Fecal Coliform Bacteri	col/100ml	200	530	165%	-	X	-
June 2014	BOD	mg/L	30	59	97%	-	X	-
Sept 2014	Fecal Coliform Bacteri	col/100ml	200	1800	800%	-	-	X
March 2015	BOD	mg/L	30	74	147%	-	X	-
March 2015	Fecal Coliform Bacteri	col/100ml	200	513	157%	-	X	-

Outlet 001 DMR Exceedances - MAX. DAILY - Jan/2013 through March/2015						Degree of non-compliance		
Date	Parameter	Units	Permitted max. daily	Reported max. daily	% Exceedance	Min	Mod	Maj
						-	-	-
June 2013	Fecal Coliform Bacteri	col/100ml	400	982	146%	-	X	-
June 2014	Fecal Coliform Bacteri	col/100ml	400	530	33%	X	-	-
Sept 2014	Fecal Coliform Bacteri	col/100ml	400	1800	350%	-	X	-
March 2015	BOD	mg/L	60	74	23%	X	-	-
March 2015	Fecal Coliform Bacteri	col/100ml	400	513	28%	X	-	-

Outlet 001 Totals		Degree of non-compliance		
		Min	Mod	Maj
		3	7	2

Table Four: WVG551113 DMR Exceedance Summary

Outlet 001 DMR Exceedances - AVG. MONTHLY - Jan/2013 through June/2015						Degree of non-compliance		
Date	Parameter	Units	Permitted avg. monthly	Reported avg. monthly	% Exceedance	Min	Mod	Maj
						-	X	-
March 2013	BOD	mg/L	30	48	60%	-	X	-
Dec 2013	Fecal Coliform Bacteri	col/100ml	200	230	15%	X	-	-
March 2014	BOD	mg/L	30	60	100%	-	X	-
March 2014	Fecal Coliform Bacteri	col/100ml	200	2100	950%	-	-	X
June 2014	Fecal Coliform Bacteri	col/100ml	200	6000	2900%	-	-	X
Sept 2014	Fecal Coliform Bacteri	col/100ml	200	460	130%	-	X	-
Dec 2014	Fecal Coliform Bacteri	col/100ml	200	6000	2900%	-	-	X
March 2015	Fecal Coliform Bacteri	col/100ml	200	2700	1250%	-	-	X

Outlet 001 DMR Exceedances - MAX. DAILY - Jan/2013 through June/2015						Degree of non-compliance		
Date	Parameter	Units	Permitted max. daily	Reported max. daily	% Exceedance	Min	Mod	Maj
						-	X	-
March 2013	Fecal Coliform Bacteri	col/100ml	400	2100	425%	-	X	-
June 2014	Fecal Coliform Bacteri	col/100ml	400	6000	1400%	-	-	X
Sept 2014	Fecal Coliform Bacteri	col/100ml	400	460	15%	X	-	-
Dec 2014	Fecal Coliform Bacteri	col/100ml	400	6000	1400%	-	-	X
March 2015	Fecal Coliform Bacteri	col/100ml	400	2700	575%	-	X	-

Outlet 001 Totals	Degree of non-compliance		
	Min	Mod	Maj
	2	5	6

Table Five: WVG551114 DMR Exceedance Summary

Outlet 001 DMR Exceedances - AVG. MONTHLY - Jan/2013 through June/2015						Degree of non-compliance		
Date	Parameter	Units	Permitted avg. monthly	Reported avg. monthly	% Exceedance	Min	Mod	Maj
						-	-	X
March 2013	Fecal Coliform Bacteri	col/100ml	200	5300	2550%	-	-	X
June 2013	Fecal Coliform Bacteri	col/100ml	200	534	167%	-	X	-
Dec 2014	Fecal Coliform Bacteri	col/100ml	200	540	170%	-	X	-
March 2015	Fecal Coliform Bacteri	col/100ml	200	6000	2900%	-	-	X

Outlet 001 DMR Exceedances - MAX. DAILY - Jan/2013 through June/2015						Degree of non-compliance		
Date	Parameter	Units	Permitted max. daily	Reported max. daily	% Exceedance	Min	Mod	Maj
						-	-	X
March 2013	Fecal Coliform Bacteri	col/100ml	400	5300	1225%	-	-	X
June 2013	Fecal Coliform Bacteri	col/100ml	400	534	34%	X	-	-
Dec 2014	Fecal Coliform Bacteri	col/100ml	400	540	35%	X	-	-
March 2015	Fecal Coliform Bacteri	col/100ml	400	6000	1400%	-	-	X

Outlet 001 Totals	Degree of non-compliance		
	Min	Mod	Maj
	2	2	4

Table Six: WVG551115 DMR Exceedance Summary

Outlet 001 DMR Exceedances - AVG. MONTHLY - Jan/2013 through June/2015						Degree of non-compliance		
Date	Parameter	Units	Permitted avg. monthly	Reported avg. monthly	% Exceedance	Min	Mod	Maj
						-	-	X
March 2013	BOD	mg/L	20	110	450%	-	-	X
March 2013	TSS	mg/L	30	130	333%	-	-	X
March 2013	Ammonia Nitrogen	mg/L	15	37	147%	-	X	-
March 2013	Fecal Coliform Bacteri	col/100ml	200	6000	2900%	-	-	X
June 2013	Fecal Coliform Bacteri	col/100ml	200	944	372%	-	-	X
Sept 2013	BOD	mg/L	10	24	140%	-	X	-
March 2014	BOD	mg/L	20	110	450%	-	-	X
March 2014	TSS	mg/L	30	38	27%	X	-	-
March 2014	Ammonia Nitrogen	mg/L	15	48	220%	-	X	-
March 2014	Fecal Coliform Bacteri	col/100ml	200	1200	500%	-	-	X
June 2014	BOD	mg/L	10	33	230%	-	X	-
June 2014	Fecal Coliform Bacteri	col/100ml	200	6000	2900%	-	-	X
Sept 2014	BOD	mg/L	10	12	20%	X	-	-
Sept 2014	Fecal Coliform Bacteri	col/100ml	200	5500	2650%	-	-	X
Dec 2014	Fecal Coliform Bacteri	col/100ml	200	5900	2850%	-	-	X

Outlet 001 DMR Exceedances - MAX. DAILY - Jan/2013 through June/2015						Degree of non-compliance		
Date	Parameter	Units	Permitted max. daily	Reported max. daily	% Exceedance	Min	Mod	Maj
						-	X	-
March 2013	BOD	mg/L	40	110	175%	-	X	-
March 2013	TSS	mg/L	60	130	117%	-	X	-
March 2013	Ammonia Nitrogen	mg/L	30	37	23%	X	-	-
March 2013	Fecal Coliform Bacteri	col/100ml	400	6000	1400%	-	-	X
June 2013	Fecal Coliform Bacteri	col/100ml	400	944	136%	-	X	-
Sept 2013	BOD	mg/L	20	24	20%	X	-	-
March 2014	BOD	mg/L	40	110	175%	-	X	-
March 2014	Ammonia Nitrogen	mg/L	30	48	60%	X	-	-
March 2014	Fecal Coliform Bacteri	col/100ml	400	1200	200%	-	X	-
June 2014	BOD	mg/L	20	33	65%	X	-	-
June 2014	Fecal Coliform Bacteri	col/100ml	400	6000	1400%	-	-	X
Sept 2014	Fecal Coliform Bacteri	col/100ml	400	5500	1275%	-	-	X
Dec 2014	Fecal Coliform Bacteri	col/100ml	400	5900	1375%	-	-	X

Outlet 001 DMR Exceedances - D.O. INSTANTANEOUS. MIN. - Jan/2013 through June/2015						Degree of non-compliance		
Date	Parameter	Units	Permitted min. daily	Reported min. daily	% Exceedance	Min	Mod	Maj
						-	X	-
June 2013	D.O.	mg/l	6.0	4	33.3%	-	X	-
Sept 2013	D.O.	mg/l	6.0	2.1	65.0%	-	X	-
Dec 2014	D.O.	mg/l	6.0	5.9	1.7%	X	-	-

Outlet 001 Totals		Degree of non-compliance		
		Min	Mod	Maj
		7	11	13

Table Seven: WVG551116 DMR Exceedance Summary

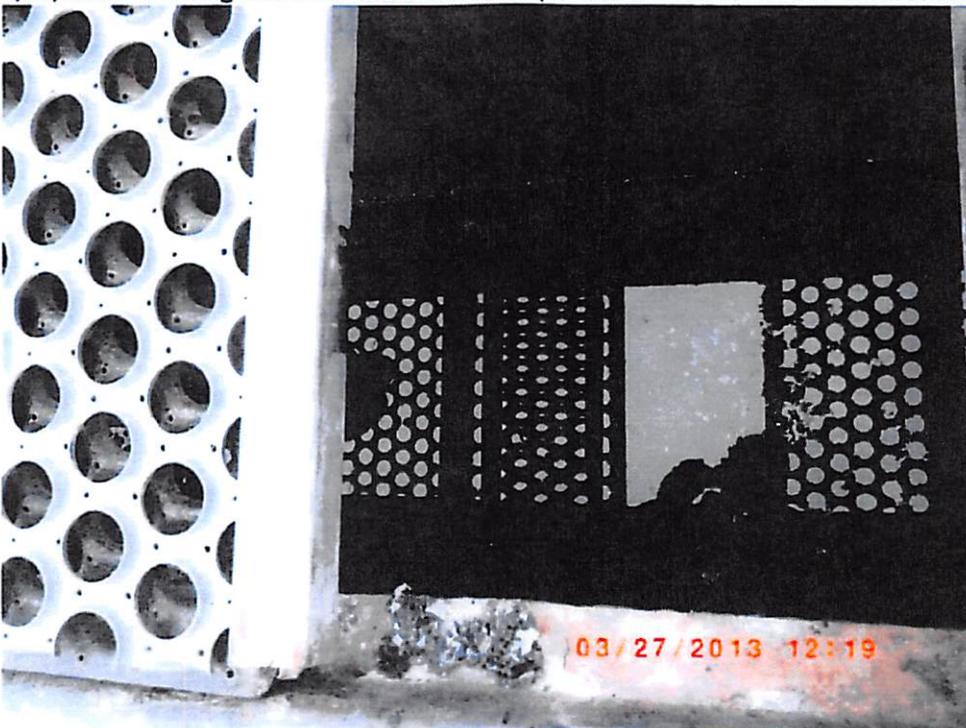
Outlet 001 DMR Exceedances - AVG. MONTHLY - Jan/2013 through June/2015						Degree of non-compliance		
Date	Parameter	Units	Permitted avg. monthly	Reported avg. monthly	% Exceedance	Min	Mod	Maj
						-	-	X
March 2013	BOD	mg/L	30	140	367%	-	-	X
March 2013	TSS	mg/L	30	88	193%	-	X	-
Sept 2013	BOD	mg/L	30	40	33%	X	-	-
Sept 2013	TSS	mg/L	30	34	13%	X	-	-
Dec 2013	Fecal Coliform Bacteri	col/100ml	200	6000	2900%	-	-	X
March 2014	Fecal Coliform Bacteri	col/100ml	200	410	105%	-	X	-
June 2014	BOD	mg/L	30	33	10%	X	-	-
June 2014	Fecal Coliform Bacteri	col/100ml	200	570	185%	-	X	-
Dec 2014	Fecal Coliform Bacteri	col/100ml	200	6000	2900%	-	-	X
March 2015	BOD	mg/L	30	100	233%	-	X	-
March 2015	TSS	mg/L	30	52	73%	-	X	-

Outlet 001 DMR Exceedances - MAX. DAILY - Jan/2013 through June/2015						Degree of non-compliance		
Date	Parameter	Units	Permitted max. daily	Reported max. daily	% Exceedance	Min	Mod	Maj
						-	-	X
March 2013	BOD	mg/L	60	140	133%	-	X	-
March 2013	TSS	mg/L	60	88	47%	X	-	-
Dec 2013	Fecal Coliform Bacteri	col/100ml	400	6000	1400%	-	-	X
March 2014	Fecal Coliform Bacteri	col/100ml	400	410	3%	X	-	-
June 2014	Fecal Coliform Bacteri	col/100ml	400	570	43%	X	-	-
Dec 2014	Fecal Coliform Bacteri	col/100ml	400	6000	1400%	-	-	X
March 2015	BOD	mg/L	60	100	67%	X	-	-

Outlet 001 Totals	Degree of non-compliance		
	Min	Mod	Maj
	7	6	5

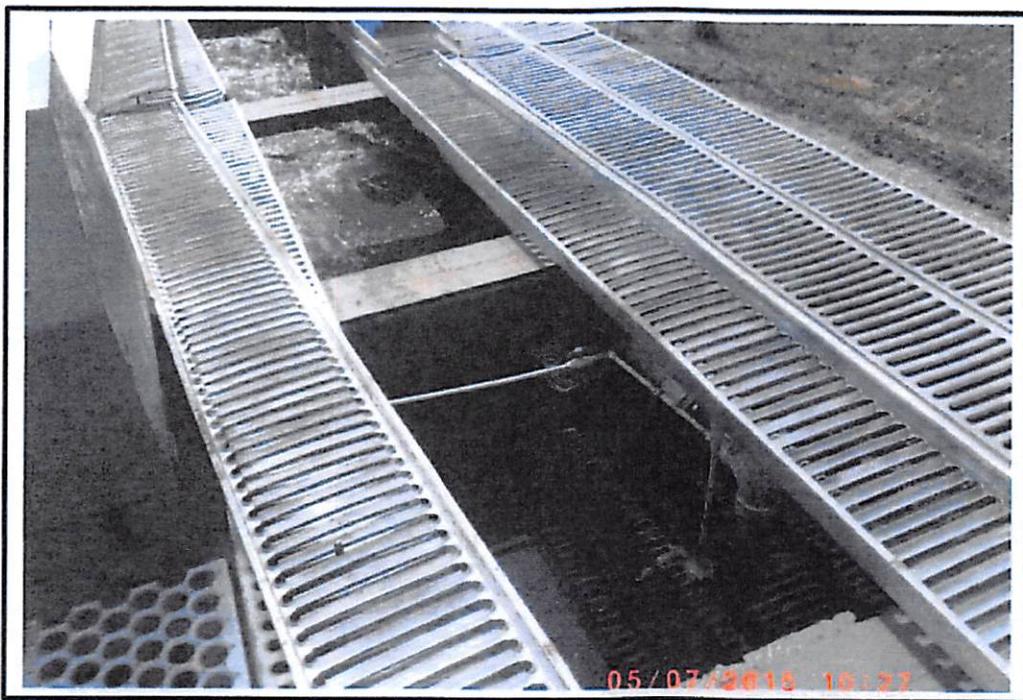


3/27/2013 – Floating and settleable solids buildup in the Brookview chlorine contact chamber



3/27/2013 – Floating and settleable solids buildup in the Brookview chlorine contact chamber

WVG551110 - Ramage



5/7/2015 – Aeration basin and clarifier



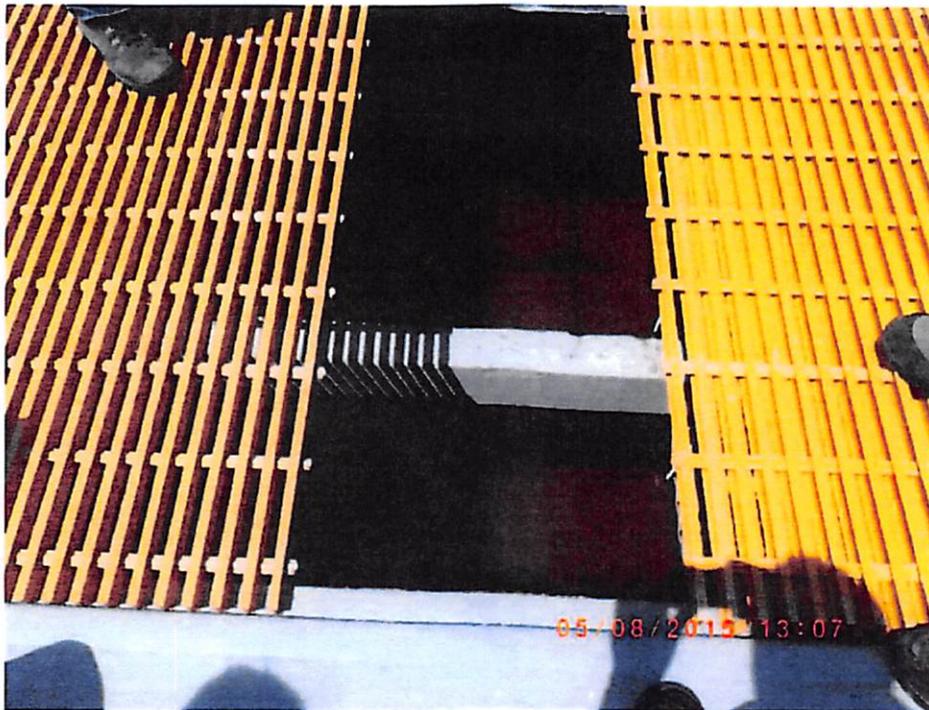
5/7/2015 – Sampling box prior to the discharge with visible turbidity

WVG551111 - Boone Technical/Career Center



5/7/2015 – Sampling box with concentrated solids after dechlorination

WVG551112 - Sherman



5/8/15 - Filter



5/8/15 - Chlorine contact chamber followed by dechlorination to the right, note barrier in photo center overtopped by water in chlorine contact chamber

WVG551113 - Van

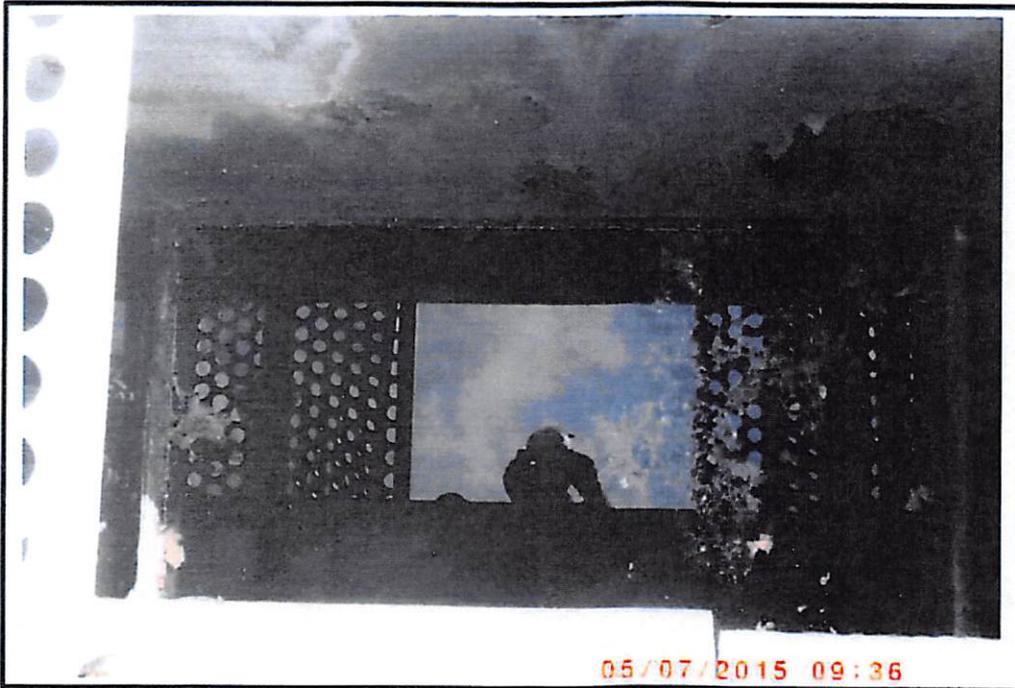


5/7/2015 – Scum in the chlorine contact tank and turbidity in the clarifier



5/7/2015 – Sampling box with concentrated solids after dechlorination

WVG551114 - Brookview

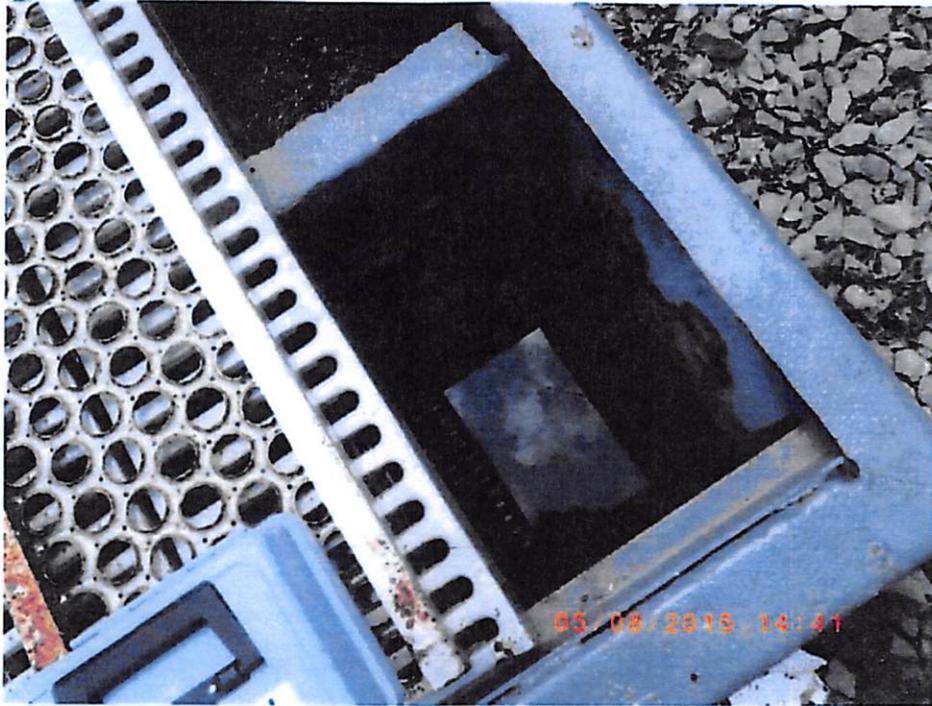


5/7/2015 – Solids and debris in the chlorine contact chamber

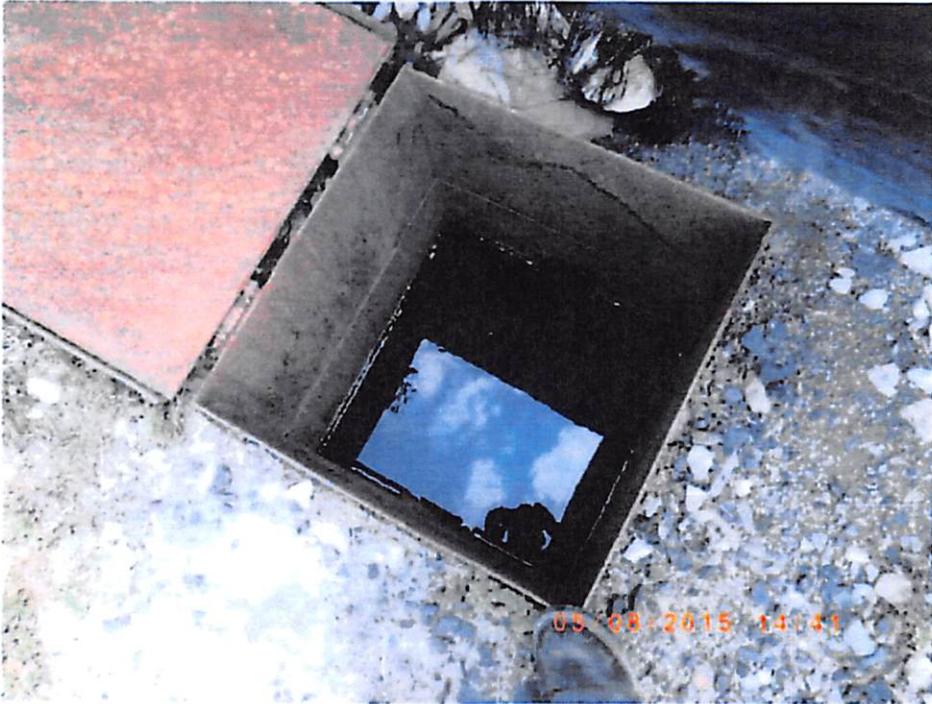


5/7/2015 – Sampling box with concentrated solids after dechlorination

WVG551115 - Nellis

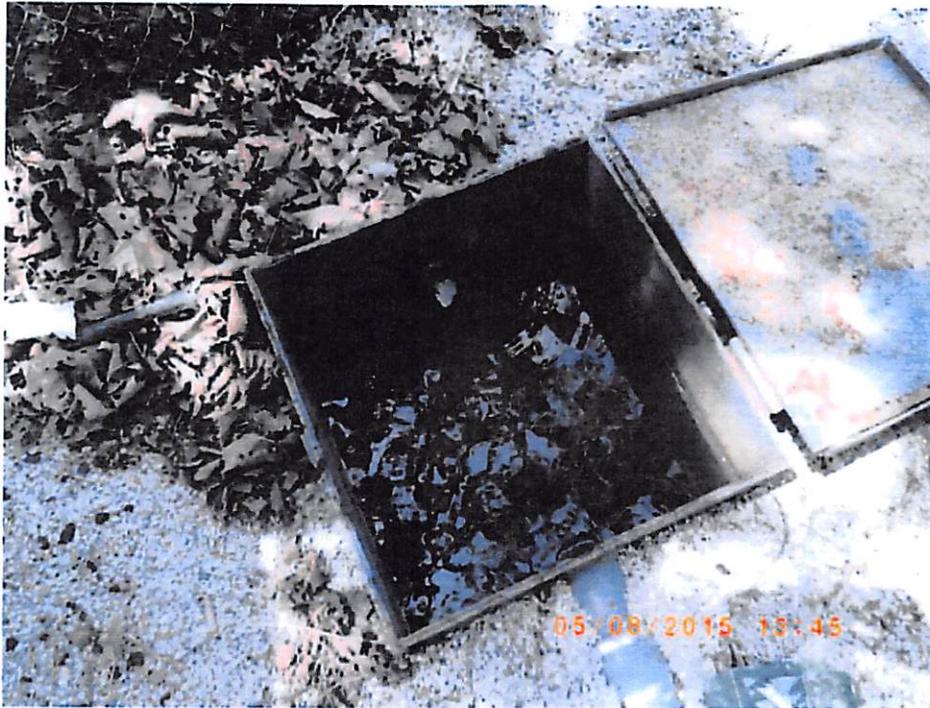


5/8/15 - Last section of the chlorine contact chamber



5/8/15 - Sampling box

WVG551116 - Sherman



5/8/15 - Box after dechlorination and prior to discharge

Base Penalty Calculation

(pursuant to 47CSR1-6.1)

Responsible Party: Boone County Board of Education Receiving Stream:

Treatment System Design Maximum Flow: .01,.006 .0085,.009,.0045,.0015,.006 MGD

Treatment System Actual Average Flow: .0016,.0032,.0063,.0039,.0033,.0012,.0039 MGD

Enter FOF# and rate each finding as to Potential and Extent.

1)	Potential for Harm Factor	Factor Range	FOF#												
			2a,5a,8a,12a,16a,19a,22a	3ai	3aii	3aiii	6ai	6aii	6aiii	9ai	9aii	9aiii	13ai	13aii	13aiii
a)	Amount of Pollutant Released	1 to 3	1	1	1	1	1	1	1	1	1	1	1	1	1
b)	Toxicity of Pollutant	0 to 3	1	1	1	1	1	1	1	1	1	1	1	1	1
c)	Sensitivity of the Environment	0 to 3	1	1	1	1	1	1	1	1	1	1	1	1	1
d)	Length of Time	1 to 3	1	1	1	1	1	1	1	1	1	1	1	1	1
e)	Actual Exposure and Effects thereon	0 to 3	1	1	1	1	1	1	1	1	1	1	1	1	1
Average Potential for Harm Factor			1	1	1	1	1	1	1	1	1	1	1	1	1
2)	Extent of Deviation Factor	Factor Range													
	Degree of Non-Compliance	1 to 3	3	1	2	3	1	2	3	1	2	3	1	2	3

Potential for Harm Factors:

- 1)c - Sensitivity of the Environment Potentially Affected (0 for "dead" stream)
- 1)d - Length of Time of Violation
- 1)e - Actual Human/Environmental Exposure and Resulting Effects thereon

Examples/Guidance:

Note: Rate as 1 for Minor, 2 for Moderate and 3 for Major. Rate as 0 if it does not apply.

Minor = exceedance of permit limit by <=40% for Avg. Monthly or <=100% for Daily Max., exceed numeric WQ standard by <= 100%, or report doesn't contain some minor information.

Moderate = exceedance of permit limit by >= 41% and <= 300% for Avg. Monthly , >= 101% and <= 600% for Daily Max., exceed numeric WQ standard by >= 101% and <= of 600% or report doesn't fully address intended subject matter.

Major = exceedance of permit limit by >= 301% for Avg. Monthly, >= 601% for Daily Max., exceed numeric WQ standard by >= 601%, failure to submit a report, failure to obtain a permit, failure to report a spill, etc. Note that a facility in SNC should be rated as major for length of time and degree of non-compliance.

Narrative WQ standard violations - case-by-case.

Continue rating Findings of Facts (FOF) here, if necessary. Otherwise, continue on Page 3.

1)	Potential for Harm Factor	Factor Range	FOF#													
			17ai	17aii	17aiii	20ai	20aii	20aiii	23ai	23aii	23aiii					
a)	Amount of Pollutant Released	1 to 3	1	1	1	1	1	1	1	1	1	1				
b)	Toxicity of Pollutant	0 to 3	1	1	1	1	1	1	1	1	1	1				
c)	Sensitivity of the Environment	0 to 3	1	1	1	1	1	1	1	1	1	1				
d)	Length of Time	1 to 3	1	1	1	1	1	1	1	1	1	1				
e)	Actual Exposure and Effects thereon	0 to 3	1	1	1	1	1	1	1	1	1	1				
Average Potential for Harm Factor				1	1	1	1	1	1	1	1	1	No	No	No	No
2)	Extent of Deviation Factor	Factor Range														
	Degree of Non-Compliance	1 to 3	1	2	3	1	2	3	1	2	3					

		Extent of Deviation from Requirement		
		Major	Moderate	Minor
Potential for Harm to Human Health or the Environment	Major	\$8,000 to \$10,000	\$6,000 to \$8,000	\$5,000 to \$6,000
	Moderate	\$4,000 to \$5,000	\$3,000 to \$4,000	\$2,000 to \$3,000
	Minor	\$1,500 to \$2,000	\$1,000 to \$1,500	Up to \$1,000

FOF #	Potential for Harm	Extent of Deviation	Penalty	Multiple Factor	Base Penalty
2a,5a,8a,12a,16a,19a,22a	Minor	Major	\$2,000	7	\$14,000
3ai	Minor	Minor	\$1,000	2	\$2,000
3aii	Minor	Moderate	\$1,500	3	\$4,500
3aiii	Minor	Major	\$2,000	3	\$6,000
6ai	Minor	Minor	\$1,000	7	\$7,000
6aii	Minor	Moderate	\$1,500	8	\$12,000
6aiii	Minor	Major	\$2,000	1	\$2,000
9ai	Minor	Minor	\$1,000	3	\$3,000
9aii	Minor	Moderate	\$1,500	7	\$10,500
9aiii	Minor	Major	\$2,000	2	\$4,000
13ai	Minor	Minor	\$1,000	2	\$2,000
13aii	Minor	Moderate	\$1,500	3	\$4,500
13aiii	Minor	Major	\$2,000	6	\$12,000
17ai	FALSE	Minor	FALSE	1	\$0
17aii	Minor	Moderate	\$1,500	1	\$1,500
17aiii	Minor	Major	\$2,000	2	\$4,000
20ai	Minor	Minor	\$1,000	6	\$6,000
20aii	Minor	Moderate	\$1,500	6	\$9,000
20aiii	Minor	Major	\$2,000	8	\$16,000
23ai	Minor	Minor	\$1,000	6	\$6,000
23aii	Minor	Moderate	\$1,500	4	\$6,000
23aiii	Minor	Major	\$2,000	4	\$8,000
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
Total Base Penalty					\$140,000

Penalty Adjustment Factors

(pursuant to 47CSR1-6.2)

Penalty Adjustment Factor

6.2.b.1 - Degree of or absence of willfulness and/or negligence - 0% to 30% increase
 6.2.b.4 - Previous compliance/noncompliance history - 0% to 100% increase - based upon review of last three (3) years - Warning = maximum of 5% each, N.O.V. = maximum of 10% each, previous Order = maximum of 25% each - Consistent DMR violations for <1 year = 10% maximum, for >1 year but <2 years = 20% maximum, for >2 years but <3 years = 30% maximum, for >3 years = 40 % maximum

6.2.b.6 - Economic benefits derived by the responsible party (increase to be determined)

6.2.b.7 - Public Interest (increase to be determined)

6.2.b.8 - Loss of enjoyment of the environment (increase to be determined)

6.2.b.9 - Staff investigative costs (increase to be determined)

6.2.b.10 - Other factors

Size of Violator: 0 - 50% decrease

NOTE: This factor is not available to discharges that are causing a water quality violation. This factor does not apply to a commercial or industrial facility that employees or is part of a corporation that employees more than 100 individuals.

Avg. Daily WW Discharge Flow (gpd)	% Reduction Factor
< 5,000	50
5,000 to 9,999	40
10,000 to 19,999	30
20,000 to 29,999	20
30,000 to 39,999	10
40,000 to 99,999	5
> 100,000	0

Additional Other factors to be determined for increases or decreases on a case-by-case basis.

Public Notice Costs (cost for newspaper advertisement)

6.2.b.2 - Good Faith - 10% decrease to 10% increase

6.2.b.3 - Cooperation with the Secretary - 0% to 10% decrease

6.2.b.5 - Ability to pay a civil penalty - 0% to 100% decrease

Base Penalty Adjustments

(pursuant to 47CSR1-6.2)

Penalty Adjustment Factor	% Increase	% Decrease	Base Penalty Adjustments
6.2.b.1 - Willfulness and/or negligence -	10		\$14,000
6.2.b.4 - Compliance/noncompliance history			\$0
6.2.b.6 - Economic benefits - (flat monetary increase)			\$0
6.2.b.7 - Public Interest - (flat monetary increase)			\$0
6.2.b.8 - Loss of enjoyment - (flat monetary increase)			\$0
6.2.b.9 - Investigative costs - (flat monetary increase)			\$0
6.2.b.10 - Other factors (size of violator)		50	(\$70,000)
6.2.b.10 - Additional Other Factors - Increase (flat monetary increase)			\$0
6.2.b.10 - Additional Other Factors - Decrease (flat monetary decrease)			\$0
Public Notice Costs (flat monetary increase)	\$30		\$30
6.2.b.2 - Good Faith - Increase			\$0
6.2.b.2 - Good Faith - Decrease		10	(\$14,000)
6.2.b.3 - Cooperation with the Secretary		10	(\$14,000)
6.2.b.5 - Ability to Pay			\$0
Penalty Adjustments			(\$83,970)
Penalty =			\$56,030

Estimated Economic Benefit Item	Estimated Benefit (\$)
Monitoring & Reporting	
Installation & Maintenance of Pollution Control Equipment	
O&M expenses and cost of equipment/materials needed for compliance	
Permit Application or Modification	
Competitive Advantage	
Estimated Economic Benefit	\$0
Comments: No economic benefit warranted.	