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west virginia department of environmental protection

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Division of Water and Waste Management  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304  
Phone: (304) 926-0495  
Fax: (304) 926-0463

Earl Ray Tomblin, Governor  
Randy C. Huffman, Cabinet Secretary  
[www.dep.wv.gov](http://www.dep.wv.gov)

**CONSENT ORDER  
ISSUED UNDER THE  
WATER POLLUTION CONTROL ACT  
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 11**

TO: City of Winfield  
Attn: Honorable Randy Barrett, Mayor  
P.O. Box 596  
Winfield, WV 25213

DATE: November 10, 2015

ORDER NO.: 8125

**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 City of Winfield (hereinafter "Winfield").

**FINDINGS OF FACT**

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

1. Winfield operates a sewage treatment plant located in Winfield, Putnam County, West Virginia. Winfield was reissued WV/NPDES Water Pollution Control Permit No. WV0024503 on June 29, 2007 and June 29, 2012.
2. On April 23, 2008, Winfield submitted a facility plan for the upgrade of its lift stations/collection system and removal of excess sludge from the wastewater lagoons.
3. On May 7, 2009, West Virginia Department of Environmental Protection (WVDEP) and Winfield entered into Order No. 6338, which required it to complete upgrades to the lift stations/collection system and remove excess sludge from the wastewater lagoons to obtain full compliance with final permit effluent limitations. The upgrade was completed; however, inflow and infiltration continues to be an issue. Sludge was removed from the lagoons; however, Winfield continues to violate ammonia nitrogen limits.
4. On April 18, 2011, WVDEP denied Winfield's WV/NPDES Permit Modification Application No. WV024503-C, dated October 7, 2010, for a temporary increase in

ammonia nitrogen effluent limitations. The effluent limits contained in the permit are protective of both technology-based and water quality-based requirements.

5. On April 7, 2014, Winfield advised WVDEP personnel that Chapman Technical had completed the Preliminary Engineering Report to determine available alternatives and analyze the cost and funding options for improvements necessary to achieve compliance. The WV Infrastructure and Jobs Development Council approved Winfield's plan on April 2, 2014 (attached). The anticipated project completion date is September 1, 2016.
6. On September 3, 2014, WVDEP personnel and representatives of Winfield met to discuss the terms and conditions of this Order.
7. On May 5, 2015, WVDEP personnel and representatives of Winfield met to discuss the terms and conditions of this Order.
8. On May 12 and 21, 2015, Winfield submitted financial documents to WVDEP. The provided information was used to perform an economic analysis which evaluated Winfield's ability to pay a civil administrative penalty.
9. On October 23, 2015, WVDEP personnel conducted a review of facility records from the time period of June 1, 2012 through September 30, 2015. During this review, the following violations of the terms and conditions of Winfield's WV/NPDES permit were observed:
  - a. Section A – Thirty-one (31) exceedances of Winfield's permit parameters were observed and documented (Table 1). These exceedances can be defined as:
    - i. Minor violations-seventeen (17)
    - ii. Moderate violations-thirteen (13)
    - iii. Major violations-one (1)

### **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. Winfield shall immediately take all measures to initiate compliance with all terms and conditions of its WV/NPDES permit and pertinent laws and rules.
2. Upon the effective date of this Order, Winfield shall commence submittal of monthly progress reports summarizing actions taken and proposed actions that will be taken to ensure compliance with the final permit effluent limitations for ammonia nitrogen.
3. Within thirty (30) days of the effective date of this Order, Winfield shall submit for approval a proposed plan of corrective action and schedule, outlining action items and completion dates for how and when Winfield will achieve compliance with all terms and conditions of its WV/NPDES permit and pertinent laws and rules. The plan of corrective action shall make reference to WV/NPDES Permit No. WV0024503 and Order No. 8125. 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 57<sup>th</sup> 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.

4. Upon the effective date of this Order, Winfield shall be placed on alternate interim limits for Ammonia Nitrogen for Outlet No. 001, in accordance with the attached Discharge Monitoring Report. The alternate interim limits shall expire on September 1, 2018, at which time Winfield shall achieve compliance with the Ammonia Nitrogen limit contained within its WV/NPDES permit.
5. Upon the effective date of this Order, Winfield agrees to the following stipulated penalties for each future violation of its permitted Ammonia Nitrogen limits. Stipulated penalties shall be paid automatically, without demand, to the West Virginia Department of Environmental Protection for deposit in the Water Quality Management Fund within ten (10) days of reporting of violations of daily maximum and/or monthly average Ammonia Nitrogen values on its discharge monitoring reports. Stipulated penalties shall expire on September 1, 2018.

**Violations of Ammonia Nitrogen**

Minor (≤100% exceedance)	Moderate (101-600% exceedance)	Major (>600% exceedance)
\$1000	\$1500	\$2000

Payments made pursuant to this paragraph are not tax-deductible for purposes of State or federal law. Payment shall be mailed to:

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

6. Because of Winfield's permit violations, Winfield shall be assessed a civil administrative penalty of nineteen thousand three hundred eighty dollars (\$19,380) to be paid to the West Virginia Department of Environmental Protection for deposit in the Water Quality Management Fund in accordance with the following schedule:

Payment 1 in the amount of \$1,615 due on or before January 1, 2016.

Payment 2 in the amount of \$1,615 due on or before February 1, 2016.

Payment 3 in the amount of \$1,615 due on or before March 1, 2016.

Payment 4 in the amount of \$1,615 due on or before April 1, 2016.

Payment 5 in the amount of \$1,615 due on or before May 1, 2016.

Payment 6 in the amount of \$1,615 due on or before June 1, 2016.

Payment 7 in the amount of \$1,615 due on or before July 1, 2016.

Payment 8 in the amount of \$1,615 due on or before August 1, 2016.

Payment 9 in the amount of \$1,615 due on or before September 1, 2016.

Payment 10 in the amount of \$1,615 due on or before October 1, 2016.

Payment 11 in the amount of \$1,615 due on or before November 1, 2016.

Payment 12 in the amount of \$1,615 due on or before December 1, 2016.

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:**

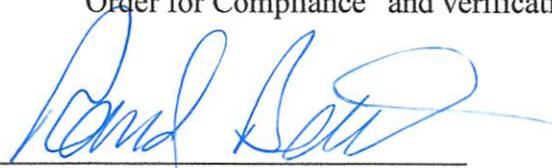
**Chief Inspector  
Environmental Enforcement - Mail Code #031328  
WV-DEP  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304**

#### **OTHER PROVISIONS**

1. Winfield 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, Winfield 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, Winfield 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 Winfield 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, Winfield 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 Winfield becomes aware of such a delay, notification shall be provided to the Director/Chief Inspector and Winfield 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 Winfield 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 Winfield (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 Winfield 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 Winfield 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 Winfield, its successors and assigns.
7. This Order shall terminate upon Winfield's notification of full compliance with the "Order for Compliance" and verification of this notification by WVDEP.



Honorable Randy Barrett, Mayor  
City of Winfield



Date

Public Notice begin:



NOV 23 2015

Date

Public Notice end:

ENVIRONMENTAL  
ENFORCEMENT

Date

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

\_\_\_\_\_  
Date

Table One: Winfield DMR Exceedance Summary

Outlet 001 DMR Exceedances - AVG. MONTHLY - 6/1/12 through 9/30/15						Degree of non-compliance		
Date	Parameter	Units	Permitted avg. monthly	Reported avg. monthly	% Exceedance	Min	Mod	Maj
12/31/12	Ammonia Nitrogen	mg/l	15	23.6	57%	-	X	-
1/31/13	Ammonia Nitrogen	mg/l	15	19.9	33%	X	-	-
2/28/13	Ammonia Nitrogen	mg/l	15	19.8	32%	X	-	-
3/31/13	Ammonia Nitrogen	mg/l	15	27.2	81%	-	X	-
3/31/13	Ammonia Nitrogen	lbs/day	37.6	50.5	34%	X	-	-
4/30/13	Ammonia Nitrogen	mg/l	15	20.6	37%	X	-	-
5/31/13	Ammonia Nitrogen	mg/l	15	28.5	90%	-	X	-
6/30/13	Ammonia Nitrogen	mg/l	15	23.8	59%	-	X	-
7/31/13	Ammonia Nitrogen	mg/l	15	16.3	9%	X	-	-
8/31/13	Ammonia Nitrogen	mg/l	15	23.9	59%	-	X	-
9/30/13	Ammonia Nitrogen	mg/l	15	27.2	81%	-	X	-
12/31/13	Ammonia Nitrogen	mg/l	15	20.9	39%	X	-	-
1/31/14	Ammonia Nitrogen	mg/l	15	17.1	14%	X	-	-
2/28/14	Ammonia Nitrogen	mg/l	15	16.2	8%	X	-	-
3/31/14	Ammonia Nitrogen	mg/l	15	17.2	15%	X	-	-
4/30/14	Ammonia Nitrogen	mg/l	15	22	47%	-	X	-
5/31/14	Ammonia Nitrogen	mg/l	15	22.2	48%	-	X	-
7/31/14	Ammonia Nitrogen	mg/l	15	29.5	97%	-	X	-
12/31/14	Ammonia Nitrogen	mg/l	15	22.4	49%	-	X	-
1/31/15	Ammonia Nitrogen	mg/l	15	27.4	83%	-	X	-
1/31/15	Ammonia Nitrogen	lbs/day	37.6	42.9	14%	X	-	-
2/28/15	Ammonia Nitrogen	mg/l	15	23.7	58%	-	X	-
2/28/15	Ammonia Nitrogen	lbs/day	37.6	57.5	53%	-	X	-
4/30/15	Ammonia Nitrogen	mg/l	15	15.2	1%	X	-	-
6/30/15	Ammonia Nitrogen	mg/l	15	17.9	19%	X	-	-
8/31/15	Ammonia Nitrogen	mg/l	15	19.2	28%	X	-	-
2/28/15	BOD, 5-Day 20 Deg. C	mg/l	30	33	10%	X	-	-
2/28/15	BOD, 5-Day 20 Deg. C	lbs/day	75.1	80	7%	X	-	-

Outlet 001 DMR Exceedances - MAX. DAILY - 6/1/12 through 9/30/15						Degree of non-compliance		
Date	Parameter	Units	Permitted max. daily	Reported max. daily	% Exceedance	Min	Mod	Maj
10/31/13	Fecal Coliform	cnts/100ml	400	3000	650%	-	-	X

Outlet 001 Exceedances - Minimum 85% Removal - AVG. MONTHLY - 6/1/12 through 9/30/15						Degree of non-compliance		
Date	Parameter	Units	Permitted Minimum % Removal	Reported % Removal	% Exceedance	Min	Mod	Maj
2/28/15	Suspended Solids % Rem	%	85.0	79.3	6.7%	X	-	-
6/30/15	Suspended Solids % Rem	%	85.0	80.4	5.4%	X	-	-

Outlet 001 Totals						Degree of non-compliance		
						Min	Mod	Maj
						17	13	1

STATE OF WEST VIRGINIA  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
DISCHARGE MONITORING REPORT

FACILITY NAME: (CITY OF WINFIELD) WINFIELD, CITY OF CERTIFIED LABORATORY NAME: \_\_\_\_\_  
 LOCATION OF FACILITY: WINFIELD; Putnam County CERTIFIED LABORATORY ADDRESS: \_\_\_\_\_  
 PERMIT NO.: WV0024503 OUTLET NO.: 001 \_\_\_\_\_  
 WASTELOAD FOR THE MONTH OF: \_\_\_\_\_ INDIVIDUAL PERFORMING ANALYSIS: \_\_\_\_\_

Parameter		Quantity				Other Units					Measurement Frequency	Sample Type	
				Units	N.E.				CEL*	Units			N.E.
50050 (ML-1) RF-A Flow, in Conduit or thru plant Year Round	Reported												
	Permit Limits	N/A	N/A			N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	N/A	mgd		Continuous	measured
00310 (ML-A) RF-A BOD, 5-Day 20 Deg.C Year Round	Reported												
	Permit Limits	75.1 Avg. Monthly	150.2 Max. Daily	Lbs/Day		N/A	30 Avg. Monthly	60 Max. Daily	N/A	mg/l		1/month	8 hr comp
00530 (ML-A) RF-A Total Suspended Solids Year Round	Reported												
	Permit Limits	112.6 Avg. Monthly	225.2 Max. Daily	Lbs/Day		N/A	45 Avg. Monthly	90 Max. Daily	N/A	mg/l		1/month	8 hr comp
81010 (ML-K) RF-A BOD, % Removal Year Round	Reported												
	Permit Limits	N/A	N/A			85 Month. Avg. Min.	N/A	N/A	N/A	Percent		1/month	Calculated
81011 (ML-K) RF-A Suspended Solids, % Removal Year Round	Reported												
	Permit Limits	N/A	N/A			85 Month. Avg. Min.	N/A	N/A	N/A	Percent		1/month	Calculated
74055 (ML-A) RF-A Coliform, Fecal Year Round	Reported												
	Permit Limits	N/A	N/A			N/A	200 Mon. Geo. Mean	400 Max. Daily	N/A	Cnts/100m		1/month	Grab
00400 (ML-A) RF-A pH Year Round	Reported												
	Permit Limits	N/A	N/A			6 Inst. Min.	N/A	9 Inst. Max.	N/A	S.U.		1/month	Grab
00610 (ML-A) RF-A Ammonia Nitrogen Year Round	Reported												
	Order Limits	75.2 Avg. Monthly	75.2 Max. Daily	Lbs/Day		N/A	30 Avg. Monthly	30 Max. Daily	N/A	mg/l		1/month	8 hr comp

\* CEL = Compliance Evaluation Level

Name of Principal Executive Officer	I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of a fine and imprisonment for knowing violations.	Date Completed	
Title of Officer		Signature of Principal Executive Officer or Authorized Agent	

STATE OF WEST VIRGINIA  
 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
 DISCHARGE MONITORING REPORT

FACILITY NAME: (CITY OF WINFIELD) WINFIELD, CITY OF CERTIFIED LABORATORY NAME: \_\_\_\_\_  
 LOCATION OF FACILITY: WINFIELD; Putnam County CERTIFIED LABORATORY ADDRESS: \_\_\_\_\_  
 PERMIT NO.: WV0024503 OUTLET NO.: 001 \_\_\_\_\_  
 WASTELOAD FOR THE MONTH OF: \_\_\_\_\_ INDIVIDUAL PERFORMING ANALYSIS: \_\_\_\_\_

Parameter		Quantity				Other Units					Measurement Frequency	Sample Type	
				Units	N.E.				CEL*	Units			N.E.
50060 (ML-A) RF-A Chlorine, Total Residual Year Round	Reported												
	Permit Limits	N/A	N/A			N/A	0.028 Avg. Monthly	0.057 Max. Daily	N/A	mg/l		1/month	Grab
01119 (ML-A) RF-B Copper, Total Recoverable Year Round	Reported												
	Permit Limits	N/A	N/A			N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	N/A	mg/l		1/quarter	8 hr comp
01114 (ML-A) RF-D Lead, Total Recoverable Year Round	Reported												
	Permit Limits	N/A	N/A			N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	N/A	mg/l		1/year	8 hr comp
01094 (ML-A) RF-B Zinc, Total Recoverable Year Round	Reported												
	Permit Limits	N/A	N/A			N/A	Rpt Only Avg. Monthly	Rpt Only Max. Daily	N/A	mg/l		1/quarter	8 hr comp
									N/A				
									N/A				
									N/A				
									N/A				

\* CEL = Compliance Evaluation Level

Name of Principal Executive Officer	I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of a fine and imprisonment for knowing violations.	Date Completed	
Title of Officer		Signature of Principal Executive Officer or Authorized Agent	



1009 Bullitt Street, Charleston, West Virginia 25301 T. 304.414.6501 F. 304.414.0866

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**I. General Project**

West Virginia Infrastructure and Jobs Development  
Engineer Preliminary Application Form  
All fields marked with an \* are required for submission

<b>Sponsor:</b>	Winfield Sanitary Board	<b>Expiration Date:</b>	
<b>Type:</b>	Sewer	<b>Secondary County:</b>	
<b>Category:</b>	New Plant/Line Upgrade	<b>Secondary Project Area:</b>	
<b>Project Number:</b>	2014S-1491	<b>Primary County:</b>	PUTNAM
<b>Prior Project Number:</b>		<b>Primary Project Area:</b>	WINFIELD
<b>Description:</b>	Proposed new Wastewater Treatment Facility and Lift Station Upgrades		

**III. Project Schedule to Construction**

Milestones	MM/DD/YYYY
Professional Services Acquired	03/01/2014
All Agreements Executed & Approves, excluding Const.	06/01/2014
Plans & Specs Submitted to Applicable Agencies	01/01/2015
All Permits Submitted	12/01/2014
Final Plans & Specs Approved	02/01/2015
Rule 42 Completed	12/01/2014
Municipal Rate Ordinance Completed	12/31/2014
Request for All Binding Commitments	11/01/2014
File PSC Certificate Case	11/01/2014
80% ROWS & Easements, and 100% Land Acq. Recorded	12/01/2014
Request Authorization to Bid	03/01/2015
Advertise for Bids	04/01/2015
Bid Opening	05/01/2015
100% ROWS, Easements & Land Acquisitions Recorded	04/01/2015
All Permits and Clearances Obtained	12/31/2014
PSC Certificate Final	05/01/2015
Loan Closing / Award Contracts	08/01/2015
Start Construction	09/01/2015
Project Completion	09/01/2016

Submission Date: 01/21/2014

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# Base Penalty Calculation

(pursuant to 47CSR1-6.1)

**Responsible Party:** City of Winfield      **Receiving Stream:** Kanawha River

**Treatment System Design Maximum Flow:** 0.3 MGD

**Treatment System Actual Average Flow:** N/D MGD (if known)

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

1)	Potential for Harm Factor	Factor Range	FOF#											
			9ai	9aia	9aiii									
a)	Amount of Pollutant Released	1 to 3	1	1	1									
b)	Toxicity of Pollutant	0 to 3	1	1	1									
c)	Sensitivity of the Environment	0 to 3	1	1	1									
d)	Length of Time	1 to 3	1	1	1									
e)	Actual Exposure and Effects thereon	0 to 3	1	1	1									
<b>Average Potential for Harm Factor</b>			1	1	1	No								
2)	<b>Extent of Deviation Factor</b>	<b>Factor Range</b>												
	Degree of Non-Compliance	1 to 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.





## 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 -			\$0
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)			\$0
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			\$0
6.2.b.3 - Cooperation with the Secretary		10	(\$2,150)
6.2.b.5 - Ability to Pay			\$0
<b>Penalty Adjustments</b>			<b>(\$2,120)</b>
<b>Penalty =</b>			<b>\$19,380</b>

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	
<b>Estimated Economic Benefit</b>	<b>\$0</b>
<b>Comments:</b>	