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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  
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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: Mason County Board of Education  
Attn: Jack Cullen  
1200 Main St.  
Pt. Pleasant, WV 25515

DATE: April 2, 2015

ORDER NO.: 8116

**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 Mason County Board of Education (hereinafter "Mason BOE").

**FINDINGS OF FACT**

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

1. Mason BOE operates three sewage treatment plants located in Mason County, West Virginia. On July 19, 2011, Mason BOE was reissued WV/NPDES Water Pollution Control Permit No. WV0103110, Registration No. WVG551209, for Ashton Elementary. On July 21, 2011, Mason BOE was reissued WV/NPDES Water Pollution Control Permit No. WV0103110, Registration No. WVG551210, for Beale Elementary. On July 21, 2011, Mason BOE was reissued WV/NPDES Water Pollution Control Permit No. WV0103110, Registration No. WVG551211, for Roosevelt Elementary.
2. On July 17, 2012, West Virginia Department of Environmental Protection (WVDEP) and Mason BOE entered into Consent Order No. 7449. The Order was issued in response to repeated Discharge Monitoring Report (DMR) exceedances at the aforementioned sites.
3. On May 29, 2014, WVDEP personnel conducted an inspection of the facilities. During the inspection, violations of the following sections of WV Legislative Rules and Mason BOE's WV/NPDES permits were observed and documented:

Promoting a healthy environment.

- a. Section F.1 (WVG551209)-Mason BOE failed to properly operate and maintain all facilities and systems of treatment and control at Ashton Elementary. Specifically, the flow equalization basin was not properly utilized, thus allowing solids to be wasted out of the plant.
- b. Section F.1 (WVG551211)-Mason BOE failed to properly operate and maintain all facilities and systems of treatment and control at Roosevelt Elementary. Specifically, the blowers were not properly set, the clarifier was covered with solids, the sand filters had excessive solids, and the chlorine contact chamber had scum build-up.
- c. 47CSR2 Section 3.2.b -Mason BOE caused conditions not allowable in waters of the State by creating deposits/sludge banks on the bottom of the receiving stream at Roosevelt Elementary.

As a result of the aforementioned violations, Notice of Violation (NOV) Nos. W14-26-389-KWS, W14-26-388-KWS, and W14-26-390-KWS were issued to Mason BOE.

4. On June 5, 2014, WVDEP personnel conducted a review of facility records from the time period of June 2012 through June 2014. During this review, the following violations of the terms and conditions of Mason BOE's WV/NPDES permits were observed:
  - a. Section A (WVG551209) - Fourteen (14) exceedances of Mason BOE's permit parameters were observed and documented at Ashton Elementary (Table 1). These exceedances can be further defined as:
    - i. Minor violations- Six (6)
    - ii. Moderate violations- Seven (7)
    - iii. Major violations- One (1)
  - b. Section A (WVG551210) - Twenty (20) exceedances of Mason BOE's permit parameters were observed and documented at Beale Elementary (Table 2). These exceedances can be further defined as:
    - i. Minor violations- Five (5)
    - ii. Moderate violations- Ten (10)
    - iii. Major violations- Five (5)
  - c. Section A (WVG551211) - Twelve (12) exceedances of Mason BOE's permit parameters were observed and documented at Roosevelt Elementary (Table 3). These exceedances can be further defined as:
    - i. Minor violations- Four (4)
    - ii. Moderate violations- Eight (8)
5. On September 4 and November 7, 2014, WVDEP personnel and representatives of Mason BOE met to discuss the terms and conditions of this Order.
6. On September 24, 2014 and December 26, 2014, Mason BOE submitted financial documents to WVDEP. The provided information was used to perform an economic analysis which evaluated Mason BOE's ability to pay a civil administrative penalty.
7. On February 8, 2015, WVDEP personnel conducted a review of facility records from the time period of June 2012 through December 2014. During this review, the following

violations of the terms and conditions of Mason BOE's WV/NPDES permits were observed:

- a. Section A (WVG551209) – Eighteen (18) exceedances of Mason BOE's permit parameters were observed and documented at Ashton Elementary (Table 1). These exceedances can be further defined as:
  - i. Minor violations- Eight (8)
  - ii. Moderate violations- Nine (9)
  - iii. Major violations- One (1)
- b. Section A (WVG551210) – Twenty-five (25) exceedances of Mason BOE's permit parameters were observed and documented at Beale Elementary (Table 2). These exceedances can be further defined as:
  - i. Minor violations- Five (5)
  - ii. Moderate violations- Thirteen (13)
  - iii. Major violations- Seven (7)
- c. Section A (WVG551211) – Twenty-two (22) exceedances of Mason BOE's permit parameters were observed and documented at Roosevelt Elementary (Table 3). These exceedances can be further defined as:
  - i. Minor violations- Six (6)
  - ii. Moderate violations- Twelve (12)
  - iii. Major violation- Four (4)

### **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. Mason BOE shall immediately take all measures to initiate compliance with all terms and conditions of its WV/NPDES permit and pertinent laws and rules.
2. Within thirty (30) days of the effective date of this Order, Mason BOE shall submit for approval a proposed plan of corrective action and schedule, outlining action items and completion dates for how and when Mason BOE 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 Water Pollution Control Permit No. WV0103110, Registration Nos. WVG551209, WVG551210, and WVG551211 and Order No. 8116. 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.

3. Because of Mason BOE's Legislative Rule and permit violations, Mason BOE shall be assessed a civil administrative penalty of sixteen thousand nine hundred five dollars (\$16,905) to be paid to the West Virginia Department of Environmental Protection for deposit in the Water Quality Management Fund in 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 57<sup>th</sup> Street SE  
Charleston, WV 25304**

### **OTHER PROVISIONS**

1. Mason 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, Mason 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, Mason 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 Mason 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, Mason 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

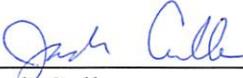
diligence (i.e., force majeure). Force majeure shall not include delays caused or contributed to by the lack of sufficient funding. Within three (3) working days after Mason BOE becomes aware of such a delay, notification shall be provided to the Director/Chief Inspector and Mason BOE shall, within ten (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 Mason 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 Mason 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 Mason 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 Mason 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 Mason BOE, its successors and assigns.
7. This Order shall terminate upon Mason BOE's notification of full compliance "Order for Compliance" and verification of this notification by WVDEP.

**RECEIVED**

APR 13 2015

**ENVIRONMENTAL  
ENFORCEMENT**

  
\_\_\_\_\_  
Jack Cullen  
Mason County Board of Education

4/9/15  
\_\_\_\_\_  
Date

Public Notice begin:

\_\_\_\_\_  
Date

Public Notice end:

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

Table One: DMR Exceedance Summary  
Ashton Elementary (WVG551209)

Outlet 001 DMR Exceedances - AVG. MONTHLY - June 2012 through December 2014						Degree of non-compliance		
Date	Parameter	Units	Permitted avg. monthly	Reported avg. monthly	% Exceedance	Min	Mod	Maj
						3-31-13	Ammonia Nitrogen	mg/L
9-30-13	Ammonia Nitrogen	mg/L	3	9	200%	-	X	-
3-31-14	Ammonia Nitrogen	mg/L	6	19	217%	-	X	-
6-30-14	Ammonia Nitrogen	mg/L	3	12.6	320%	-	X	-
3-31-13	BOD	mg/L	10	48	380%	-	-	X
3-31-14	BOD	mg/L	10	33	230%	-	X	-
6-30-14	BOD	mg/L	5	8	60%	X	-	-
3-31-14	Total Suspended Solids	mg/L	30	33	10%	X	-	-

Outlet 001 DMR Exceedances - MAX. DAILY - June 2012 through December 2014						Degree of non-compliance		
Date	Parameter	Units	Permitted max. daily	Reported max. daily	% Exceedance	Min	Mod	Maj
						3-31-13	Ammonia Nitrogen	mg/L
9-30-13	Ammonia Nitrogen	mg/L	6	11.1	85%	X	-	-
3-31-14	Ammonia Nitrogen	mg/L	12	19	58%	X	-	-
6-30-14	Ammonia Nitrogen	mg/L	6	20.9	248%	-	X	-
3-31-13	BOD	mg/L	20	78	290%	-	X	-
3-31-14	BOD	mg/L	20	33	65%	X	-	-
6-30-14	BOD	mg/L	10	16	60%	X	-	-
6-30-12	Flow	mgd	0.0032	0.0037	16%	X	-	-
9-30-12	Flow	mgd	0.0032	0.0034	6%	X	-	-

Outlet 001 DMR Exceedances - D.O. INSTANTANEOUS. MIN. - June 2012 through December 2014						Degree of non-compliance		
Date	Parameter	Units	Permitted min. daily	Reported min. daily	% Exceedance	Min	Mod	Maj
						6-30-13	D.O.	mg/l

Outlet 001 Totals	Degree of non-compliance		
	Min	Mod	Maj
	8	9	1

Table Two: DMR Exceedance Summary  
Beale Elementary (WVG551210)

Outlet 001 DMR Exceedances - AVG. MONTHLY - June 2012 through December 2014						Degree of non-compliance		
Date	Parameter	Units	Permitted avg. monthly	Reported avg. monthly	% Exceedance	Min	Mod	Maj
6-30-12	Ammonia Nitrogen	mg/L	3	17	467%	-	-	X
6-30-13	Ammonia Nitrogen	mg/L	3	7.88	163%	-	X	-
9-30-13	Ammonia Nitrogen	mg/L	3	13.4	347%	-	-	X
6-30-14	Ammonia Nitrogen	mg/L	3	7.4	147%	-	X	-
6-30-12	BOD	mg/L	5	22	340%	-	-	X
6-30-13	BOD	mg/L	5	18.5	270%	-	X	-
9-30-13	BOD	mg/L	5	9.5	90%	-	X	-
6-30-12	Fecal Coliform	cnts/100mL	200	774	287%	-	X	-
9-30-12	Fecal Coliform	cnts/100mL	200	742	271%	-	X	-
12-31-14	Fecal Coliform	cnts/100mL	200	4000	1900%	-	-	X

Outlet 001 DMR Exceedances - MAX. DAILY - June 2012 through December 2014						Degree of non-compliance		
Date	Parameter	Units	Permitted max. daily	Reported max. daily	% Exceedance	Min	Mod	Maj
6-30-12	Ammonia Nitrogen	mg/L	6	34	467%	-	X	-
6-30-13	Ammonia Nitrogen	mg/L	6	15.2	153%	-	X	-
9-30-13	Ammonia Nitrogen	mg/L	6	16.3	172%	-	X	-
6-30-14	Ammonia Nitrogen	mg/L	6	14.2	137%	-	X	-
6-30-12	BOD	mg/L	10	41	310%	-	X	-
6-30-13	BOD	mg/L	10	35	250%	-	X	-
9-30-13	BOD	mg/L	10	11	10%	X	-	-
6-30-12	Fecal Coliform	cnts/100mL	400	60000	14900%	-	-	X
9-30-12	Fecal Coliform	cnts/100mL	400	55000	13650%	-	-	X
6-30-14	Fecal Coliform	cnts/100mL	400	1182	196%	-	X	-
12-31-14	Fecal Coliform	cnts/100mL	400	4000	900%	-	-	X
6-30-12	Flow	mgd	0.004	0.0043	8%	X	-	-
9-30-12	Flow	mgd	0.004	0.0043	8%	X	-	-

Outlet 001 DMR Exceedances - D.O. INSTANTANEOUS. MIN. - June 2012 through December 2014						Degree of non-compliance		
Date	Parameter	Units	Permitted min. daily	Reported min. daily	% Exceedance	Min	Mod	Maj
6-30-13	D.O.	mg/l	6.0	5.53	78.3%	X		
9-30-13	D.O.	mg/l	6.0	5.9	16.7%	X		

Outlet 001 Totals		Degree of non-compliance		
		Min	Mod	Maj
		5	13	7

Table Three: DMR Exceedance Summary  
Roosevelt Elementary (WVG551211)

Outlet 001 DMR Exceedances - AVG. MONTHLY - June 2012 through December 2014						Degree of non-compliance		
Date	Parameter	Units	Permitted avg. monthly	Reported avg. monthly	% Exceedance	Min	Mod	Maj
						-	X	-
6-30-12	Ammonia Nitrogen	mg/L	3	8.15	172%	-	X	-
6-30-13	Ammonia Nitrogen	mg/L	3	7.23	141%	-	X	-
3-31-14	Ammonia Nitrogen	mg/L	6	8.83	47%	-	X	-
6-30-14	Ammonia Nitrogen	mg/L	3	8.4	180%	-	X	-
9-30-14	Ammonia Nitrogen	mg/L	3	3.69	23%	X	-	-
6-30-12	BOD	mg/L	5	19	280%	-	X	-
3-31-14	BOD	mg/L	10	21	110%	-	X	-
6-30-14	BOD	mg/L	5	22	340%	-	-	X
6-30-14	Fecal Coliform	Cnts/100m	200	774.6	287%	-	X	-
9-30-14	Fecal Coliform	Cnts/100m	200	60000	29900%	-	-	X
12-31-14	Fecal Coliform	Cnts/100m	200	230	15%	X	-	-

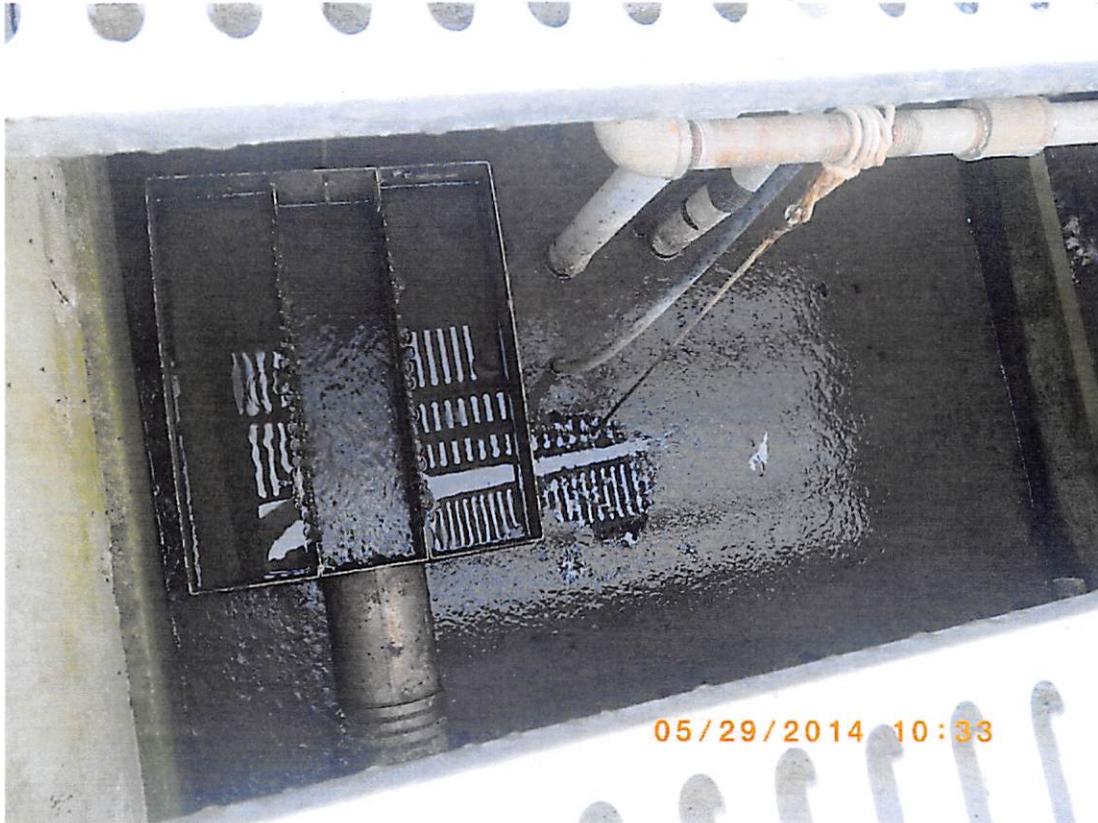
Outlet 001 DMR Exceedances - MAX. DAILY - June 2012 through December 2014						Degree of non-compliance		
Date	Parameter	Units	Permitted max. daily	Reported max. daily	% Exceedance	Min	Mod	Maj
						-	X	-
6-30-12	Ammonia Nitrogen	mg/L	6	15.8	163%	-	X	-
6-30-13	Ammonia Nitrogen	mg/L	6	13.9	132%	-	X	-
6-30-14	Ammonia Nitrogen	mg/L	6	12.3	105%	-	X	-
6-30-12	BOD	mg/L	10	36	260%	-	X	-
3-31-14	BOD	mg/L	20	21	5%	X	-	-
6-30-14	BOD	mg/L	10	45	350%	-	X	-
6-30-14	Fecal Coliform	Cnts/100m	400	60000	14900%	-	-	X
9-30-14	Fecal Coliform	Cnts/100m	400	60000	14900%	-	-	X
6-30-12	Flow	mgd	0.0025	0.0032	28%	X	-	-
9-30-12	Flow	mgd	0.0025	0.0032	28%	X	-	-

Outlet 001 DMR Exceedances - D.O. INSTANTANEOUS. MIN. - June 2012 through December 2014						Degree of non-compliance		
Date	Parameter	Units	Permitted min. daily	Reported min. daily	% Exceedance	Min	Mod	Maj
						X	-	-
9-30-13	D.O.	mg/l	6.0	5.62	63.3%	X	-	-

Outlet 001 Totals	Degree of non-compliance		
	Min	Mod	Maj
	6	12	4



Ashton Elementary sand bed overflowing



Roosevelt Elementary clarifier



Roosevelt Elementary sand bed



Roosevelt Elementary deposits in receiving stream

## Base Penalty Calculation

(pursuant to 47CSR1-6.1)

Responsible Party:

Mason County BOE

Receiving Stream:

Treatment System Design Maximum Flow:

MGD

Treatment System Actual Average Flow:

MGD

(if known)

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

1)	Potential for Harm Factor	Factor Range	FOF#												
			3a	3b	3c	4ai	4aii	4aiii	4bi	4bii	4biii	4ci	4cii		
a)	Amount of Pollutant Released	1 to 3	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		
c)	Sensitivity of the Environment	0 to 3	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		
e)	Actual Exposure and Effects thereon	0 to 3	1	1	1	1	1	1	1	1	1	1	1		
<b>Average Potential for Harm Factor</b>			1	1	1	1	1	1	1	1	1	1	1	No	No
2)	<b>Extent of Deviation Factor</b>	<b>Factor Range</b>													
	Degree of Non-Compliance	1 to 3	1	1	1	1	2	3	1	2	3	1	2		

**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.



		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
3a	Minor	Minor	\$1,000	1	\$1,000
3b	Minor	Minor	\$1,000	1	\$1,000
3c	Minor	Minor	\$1,000	1	\$1,000
4ai	Minor	Minor	\$1,000	6	\$6,000
4aii	Minor	Moderate	\$1,500	7	\$10,500
4aiii	Minor	Major	\$2,000	1	\$2,000
4bi	Minor	Minor	\$1,000	5	\$5,000
4bii	Minor	Moderate	\$1,500	10	\$15,000
4biii	Minor	Major	\$2,000	5	\$10,000
4ci	Minor	Minor	\$1,000	4	\$4,000
4cii	Minor	Moderate	\$1,500	8	\$12,000
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
<b>Total Base Penalty</b>					<b>\$67,500</b>

## 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 -	20		\$13,500
6.2.b.4 - Compliance/noncompliance history	25		\$16,875
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		10	(\$6,750)
6.2.b.3 - Cooperation with the Secretary		10	(\$6,750)
6.2.b.5 - Ability to Pay		100	(\$67,500)
<b>Penalty Adjustments</b>			<b>(\$50,595)</b>
<b>Penalty =</b>			<b>\$16,905</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>	