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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  
Telephone: (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  
AND THE  
UNDERGROUND STORAGE TANK ACT  
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 17**

TO: Honorable Tim Killen, Mayor  
Town of Meadow Bridge  
P.O. Box 8  
Meadow Bridge, WV 25976

DATE: May 2, 2011

ORDER NO.: 5978

**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, Articles 11 and 17, Section 1 et seq. to the Town of Meadow Bridge (hereinafter "Meadow Bridge").

**FINDINGS OF FACT**

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

1. Meadow Bridge operates a wastewater treatment system located at Meadow Bridge, West Virginia, Fayette County. Meadow Bridge was issued WV/NPDES Water Pollution Control Permit No. WV 0082261 on March 19, 2004.
2. On April 13, 2006, Department of Environmental Protection (DEP) personnel inspected the wastewater treatment system and observed and documented that Meadow Bridge had failed to properly operate and maintain the wastewater treatment system and caused and/or allowed sewage sludge to discharge to waters of the State. Failure to properly operate and maintain is a violation of its WV/NPDES permit (Appendix A.II.1).
3. Meadow Bridge has reported the discharge of sludge to waters of the State due to excessive inflow and infiltration (I &I) on March 28, 2005, April 30, 2005, May 2, 2005, and July 8, 2005. Failure to properly operate and maintain (solids disposal) is a violation of its WV/NPDES Permit (Appendix A.II.1).

Promoting a healthy environment.

4. Meadow Bridge reported the discharge of sludge to waters of the State due to a malfunction of the "scope valve" on September 25, 2005, November 16, 2005, November 29, 2005, December 27, 2005 and January 18, 2006. Failure to properly operate and maintain (solids disposal) is a violation of its WV/NPDES Permit (Appendix A.II.1).
5. Meadow Bridge has reported the discharge of sludge to waters of the State due to accumulation of an excessive volume of sludge in the treatment units within the wastewater treatment plant on March 6, 2006, March 22, 2006, March 30, 2006, April 4, 2006, April 5, 2006, April 6, 2006 and April 8, 2006. Failure to properly operate and maintain (solids disposal) is a violation of its WV/NPDES permit (Appendix II.1).
6. Meadow Bridge is the Owner of various sites containing underground storage tanks named "Wastewater Lift Station" and numbered #1 through 6, and "Wastewater Treatment Plant" as detailed in the following table, located in and around the Town of Meadow Bridge, Fayette or Summers counties, West Virginia.

FACILITY NAME	UST ID #	LOCATION	COUNTY
Wastewater Lift Station #1	1010171	Backus Mountain Road	Fayette
Wastewater Lift Station #3	1010172	Claypool Road	Fayette
Wastewater Lift Station #4	4510173	Lockbridge Road	Summers
Wastewater Lift Station #5	4510174	'The Lane', an unnamed gravel road off Rt. 20	Summers
Wastewater Lift Station #2	1010175	Cowtown Road	Fayette
Wastewater Lift Station #6 Meadow Bridge High School	1010176	Meadow Camp Road	Fayette
Wastewater Treatment Plant	1010177	Backus Mountain Road	Fayette

7. On September 12, 2005, DEP personnel conducted a compliance inspection of the underground storage tank systems (hereinafter USTs) at the "Wastewater Lift Station" #1 through 6 and "Wastewater Treatment Plant". During this inspection, the following occurred:
  - a. Meadow Bridge was noted as having seven (7) UST facilities, each containing one (1) currently-in-use UST. The USTs are emergency generator tanks and as such are exempt from leak detection regulatory requirements.
  - b. All seven (7) USTs do not meet new UST system performance regulatory standards, the upgrading regulatory requirements, or closure regulatory requirements. By December 22, 1998, the Owner is required to comply with either the upgrading regulatory requirements in 40 CFR 280.21(a)(2) or the closure regulatory requirements in 40 CFR 280.21(a)(3), for all existing UST systems. The Owner did not upgrade or permanently close any of the seven (7) UST systems. Therefore, Notice of Noncompliance #0512-0573 was issued on December 28, 2005, to the Owner for not complying with the new UST system performance standards, the upgrading requirements, or closure requirements, in accordance with 40 CFR 280.21(a). Notice of Noncompliance #0512-0573 encompasses all seven (7) sites shown in the table above.
  - c. All seven (7) USTs do not meet financial responsibility regulatory requirements. The Owner is required to demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum USTs. The Owner did not demonstrate financial responsibility for any of the seven (7) UST systems. Therefore,

Notice of Noncompliance #0512-0572 was issued on December 28, 2005, to the Owner for failure to demonstrate financial responsibility in accordance with 40 CFR 280-Subpart H. Notice of Noncompliance #0512-0572 encompasses all seven (7) sites shown in the table above.

- d. All seven (7) USTs do not meet the fee regulatory requirements. The Owner is required to pay annual registration and response fees on each of the seven (7) UST systems. The Owner did not pay any registration and response fees for any of the seven (7) UST systems. Therefore, Notice of Noncompliance #0512-0571 was issued on December 28, 2005, to the Owner for not complying with the fee regulatory requirements, in accordance with Chapter 22, Article 17, Section 6 of the Code of West Virginia, and Chapter 22, Article 17, Section 9(a) of the Code of West Virginia. Notice of Noncompliance #0512-0571 encompasses all seven (7) sites shown in the table above. Following issuance of the Notice of Noncompliance, balance due at such time as payment arrangements were set up was \$1,056.41 for each of the seven (7) UST systems, including back fees. Payments received and payment dates thus far, for each of the seven (7) UST systems, are April 11, 2006, \$342.41; May 2, 2006, \$40.00; May 30, 2006, \$40.00; June 26, 2006, \$40.00. Balance due currently for each of the seven (7) UST systems is \$594.00. Sum total of the balance due for fees for all seven (7) UST systems is \$4,158.00 (7 x \$594.00).
8. On November 8, 2006, WVDEP personnel met with representatives of Meadow Bridge to discuss the draft Order. Meadow Bridge indicated a desire to have the agency evaluate its ability to pay a civil administrative penalty. WVDEP personnel made numerous contacts with Meadow Bridge to obtain the necessary financial documentation.
9. On May 14, 2007, WVDEP issued correspondence to Meadow Bridge advising it that the evaluation had been completed and that Meadow Bridge had the ability to pay a civil administrative penalty of approximately \$140,000. Further, that Meadow Bridge should contact the agency within ten days to discuss the final resolution of this matter or provide additional financial information.
10. During May and June of 2007, representatives of Meadow Bridge contacted the agency to discuss the matter and agreed to submit additional financial information.
11. On August 27, 2007, WVDEP sent correspondence to Meadow Bridge requesting that it submit the additional financial documentation.
12. On September 7, 2007, Meadow Bridge sent a letter to WVDEP indicating that its failure to submit the additional financial documentation was due to personnel changes and the inability to locate the necessary documentation. Also, that the Town was meeting with an accountant and anticipated having the necessary financial documents after September 11, 2007.
13. On October 25, 2007, WVDEP personnel met with representatives of Meadow Bridge to discuss the draft Order and the necessary financial documentation that needed to be submitted for the agency's consideration of Meadow Bridge's ability to pay a civil administrative penalty. The Town was in the process of obtaining an independent audit of its accounts and agreed to submit it once completed.
14. On January 15, 2008, WVDEP sent correspondence to Meadow Bridge inquiring about the audit and the revised financial data request forms that Meadow Bridge was supposed to have submitted.

15. On January 18, 2008, Meadow Bridge replied that the audit wouldn't be completed until sometime in March.
16. On April 15, 2008, Meadow Bridge sent a letter which informed WVDEP that an accounting firm had been selected and that the audit should be completed by the end of May 2008.
17. On July 17, 2008, WVDEP sent correspondence to Meadow Bridge inquiring about the audit and the revised financial data request forms.
18. On August 6, 2008, Meadow Bridge sent a letter informing WVDEP that the approval of the Notice of Contract for the accounting firm was issued on June 12, 2008, that the contract was executed on or about July 21, 2008 and that the Town was trying to get all of the necessary information together for the audit and hoped to have it together by next week.
19. WVDEP personnel made numerous contacts with the Town regarding the audit and revised forms during the remainder of 2008 and into 2009.
20. On May 18, 2010, WVDEP sent correspondence to Meadow Bridge requesting updated financial information.
21. WVDEP personnel made numerous contacts with Meadow Bridge regarding the updated financial documentation.
22. On June 22, 2010, WVDEP received some updated financial documentation, but not all of the information necessary to complete an evaluation.
23. On September 10, 2010, WVDEP received the remaining financial documentation necessary to complete the ability to pay evaluation in accordance with United States Environmental Protection Agency economic models.
24. On October 12, 2010, WVDEP sent correspondence to Meadow Bridge informing it that agency staff had completed the analysis of the additional financial information provided and that the evaluation indicated Meadow Bridge has the ability to pay approximately \$36,500 of the proposed penalty. Further, that should Meadow Bridge have any additional financial documentation which would alter the evaluation, it should be provided by October 31, 2010 or a revised Consent Order would be prepared and forwarded to the Town for its consideration. Meadow Bridge did not provide any additional financial documentation which would alter its ability to pay a civil administrative penalty.
25. On March 7, 2011 a meeting was held between WVDEP and Meadow Bridge to discuss the terms of this Order. At that time, Meadow Bridge demonstrated that it had properly permanently closed its USTs and that its UST registration fees have been paid.

### **ORDER FOR COMPLIANCE**

Now, therefore, in accordance with Chapter 22, Articles 11 and 17, Section 1 et seq. of the West Virginia Code, it is hereby agreed between the parties, and ORDERED by the Director:

1. Meadow Bridge shall immediately take all measures to initiate compliance with all terms and conditions of its WV/NPDES permit.

2. Within thirty (30) days of entry of this Order, Meadow Bridge shall submit for approval a proposed corrective action plan and schedule, outlining how and when Meadow Bridge will achieve compliance with all terms and conditions of its WV/NPDES permit and/or pertinent laws and rules.
3. Meadow Bridge shall insure that its wastewater treatment system is under the supervision of a Class II certified operator during normal operating hours.
4. Meadow Bridge shall insure that sludge is wasted at a rate adequate to prevent upset of the wastewater treatment plant.
5. Because of Meadow Bridge's WV/NPDES permit and UST violations, Meadow Bridge shall be assessed a civil administrative penalty of thirty-six thousand four hundred seventy-eight dollars (\$36,478) to be paid to the West Virginia Department of Environmental Protection as follows: eight thousand two hundred ninety-one dollars and fifty cents (\$8,291.50) for deposit in the Water Quality Management Fund and twenty-eight thousand one hundred eighty-six dollars and fifty cents (\$28,186.50) for deposit in the Underground Storage Tank Administrative Fund, to be paid in accordance with the following payment schedule:

**FOR DEPOSIT IN THE UNDERGROUND STORAGE TANK ADMINISTRATIVE FUND**

- Payment 1 in the amount of \$1,519 due on or before July 1, 2011.
- Payment 2 in the amount of \$1,519 due on or before August 1, 2011.
- Payment 3 in the amount of \$1,519 due on or before September 1, 2011.
- Payment 4 in the amount of \$1,519 due on or before October 1, 2011.
- Payment 5 in the amount of \$1,519 due on or before November 1, 2011.
- Payment 6 in the amount of \$1,519 due on or before December 1, 2011.
- Payment 7 in the amount of \$1,519 due on or before January 1, 2012.
- Payment 8 in the amount of \$1,519 due on or before February 1, 2012.
- Payment 9 in the amount of \$1,519 due on or before March 1, 2012.
- Payment 10 in the amount of \$1,519 due on or before April 1, 2012.
- Payment 11 in the amount of \$1,519 due on or before May 1, 2012.
- Payment 12 in the amount of \$1,519 due on or before June 1, 2012.
- Payment 13 in the amount of \$1,519 due on or before July 1, 2012.
- Payment 14 in the amount of \$1,519 due on or before August 1, 2012.
- Payment 15 in the amount of \$1,519 due on or before September 1, 2012.
- Payment 16 in the amount of \$1,519 due on or before October 1, 2012.
- Payment 17 in the amount of \$1,519 due on or before November 1, 2012.
- Payment 18 in the amount of \$1,519 due on or before December 1, 2012.
- Payment 19 in the amount of \$844.50 due on or before January 1, 2013.

**FOR DEPOSIT IN THE WATER QUALITY MANAGEMENT FUND**

- Payment 20 in the amount of \$1,519 due on or before February 1, 2013.
- Payment 21 in the amount of \$1,519 due on or before March 1, 2013.
- Payment 22 in the amount of \$1,519 due on or before April 1, 2013.
- Payment 23 in the amount of \$1,519 due on or before May 1, 2013.
- Payment 24 in the amount of \$2,215.50 due on or before June 1, 2013.

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  
WVDEP  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304**

**OTHER PROVISIONS**

1. Meadow Bridge hereby waives its right to appeal this Order under the provisions of Chapter 22, Article 11, Section 21 and Chapter 22, Article 17, Section 18 of the Code of West Virginia. Under this Order, Meadow Bridge 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, Meadow Bridge 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 Meadow Bridge 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 she 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, Meadow Bridge 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 Town becomes aware of such a delay, notification shall be provided to the Director/Chief Inspector and 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 Meadow Bridge 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 Meadow Bridge (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 Town 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 Town 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 Meadow Bridge, its successors and assigns.
- 7. This Order shall terminate upon Meadow Bridge's notification of full compliance with the "Order for Compliance" and verification of this notification by WVDEP.

Timothy Z Killen  
Honorable Tim Killen  
Town of Meadow Bridge

5-16-11  
Date

Public Notice begin: \_\_\_\_\_  
Date

Public Notice end: \_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date



# Base Penalty Calculation

(pursuant to 47CSR1-6.1)

Responsible Party:

Town of Meadow Bridge

Receiving Stream:

Meadow Creek

Treatment System Design Maximum Flow: 0.138 MGD

Treatment System Actual Average Flow: unknown MGD (if known)

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

1)	Potential for Harm Factor	Factor Range	FOF#											
			3	4	5									
a)	Amount of Pollutant Released	1 to 3	1	1	1									
b)	Toxicity of Pollutant	0 to 3	2	2	2									
c)	Sensitivity of the Environment	0 to 3	3	3	3									
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>			1.6	1.6	1.6	No								
2)	Extent of Deviation Factor	Factor Range												
	Degree of Non-Compliance	1 to 3	2	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 increase)		\$56,338.50	(\$56,338.50)
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			\$0
6.2.b.5 - Ability to Pay			\$0.00
<b>Penalty Adjustments</b>			<b>(\$56,308.50)</b>
<b>Penalty =</b>			<b>\$8,291.50</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> Not Determined	



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west virginia department of environmental protection

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Order:

Company:

Date:

Violation		Amount
1.	40CFR280.21(a) Failure to comply w/new UST system performance stds, upgrading or cl	\$36,898.00
2.	40CFR280-Subpart H Failure to comply w/financial responsibility (FR) regulatory requirem	\$182,831.00
3.	\$	- \$0.00
4.	\$	- \$0.00
5.	\$	- \$0.00
<b>Sub-Total:</b>		\$219,729.00
Ability to Pay Reduction (Flat Monetary Decrease)		\$191,542.50
<b>Total:</b>		\$28,186.50

Prepared by: Rindy Clayton    Revised by David C. Simmons



west virginia department of environmental protection

## UST Settlement Calculation Worksheet

	Data	Calculated	Comment
<b>Part 1- Background</b>			
Order Number:	UST-06-005		
Company:	Town of Meadow Bridge		
Regulation Violated:	280.21(a) Failure to comply w/new UST system performance stds, upgrading or closure require		
Previous Violations:			
A. Date of Requirement:	12/22/1998		A. Date tanks should have met new UST performance stds, c
B. Date of Inspection or Violation:	12/22/1998		B. Date violation began
C. Date of Compliance:	9/12/2005		C. Date of inspection
1. Days of Noncompliance:	2456		1 = C - B
2. Number of Tanks/Facilities:	1		2. 7 facilities, 1 tank each facility

<b>Part 2- Economic Benefit Component</b>			
D. Avoided Expenditures:			D. N/A
E. Delayed Expenditure:	\$ 15,400.00		Cost of 7 closures, an avg of single clsr cost&multiple clsr co
F. Weighted Tax Rate:	15.0%		F. EPA Guidance Document, Very Small Co/Municipality
G. Interest Rate:	8.2%		G. EPA BEN Model Memo, Aug. 2000
3. Calculated Avoided Cost:	\$ -		3 = D + ((D x G x 1) / 365) x (1 - F)
4. Calculated Delayed Cost:	\$ 8,497		4 = (E x G x 1) / 365
5. Economic Benefit Component:	\$ 8,497		5 = 3 + 4

<b>Part 3- Matrix Value for the Gravity-Based Component</b>			
6. Matrix Value:	\$ 1,650.00		H. Extent of Deviation: Major
7. Matrix Value x Number of Tanks/Facilities:	\$ 1,650.00	7 = 2 x 6	I. Potential for Harm: Major
6, H, I: EPA Guidance Document, Appendix A			

<b>Part 4- Violator-Specific Adjustments to Matrix Value</b>			
	Percentage Change	x Matrix Value =	Dollar Adjustment
			+ or (-)
8. Degree of cooperation or noncooperation:	10%	\$ 1,650	\$ 165
9. Degree of willfulness or negligence:	25%	\$ 1,650	\$ 413
10. History of noncompliance:	0%	\$ 1,650	\$ -
11. Unique Factors:	0%	\$ 1,650	\$ -
12. Adjusted Matrix Value:			\$ 2,228
8. Owner ignored initial letter from DEP addressing defid			
9. Ownr failed to comply with 98 upgrade rqmnts in spite of wide publicity denoting rqmnts			
10. Owner has no previous UST history			
11.			

<b>Part 5- Gravity-Based Component</b>			
J. Level of Environmental Sensitivity:			J.
13. Environmental Sensitivity Multiplier:	1.5		13. Minor = 1, Moderate = 1.5, Major = 2
14. Days of Noncompliance Multiplier:	8.5		14. Formula from EPA Guidance Document
15. Gravity Based Component:	\$ 28,401		15 = 12 x 13 x 14

<b>Part 6- Penalty</b>			
16. Economic Benefit Component:	\$ 8,497		16 = 5
17. Gravity-Based Component:	\$ 28,401		17 = 15
18. Penalty:	\$ 36,898		18 = 16 + 17

Prepared by: Rindy Clayton

Date: June 27, 2006

### Notes



## UST Settlement Calculation Worksheet

Data	Calculated	Comment
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### Part 1- Background

Order Number:	5978	
Company:	Town of Meadow Bridge.	
Regulation Violated:	40CFR280-Subpart H Failure to comply w/financial responsibility (FR) regulatory	
Previous Violations:	--	
A. Date of Requirement:	12/31/1993	A. Date tanks should have met FR regulatory requirements
B. Date of Inspection or Violation:	12/31/1993	B. Date violation began
C. Date of Compliance:	9/12/2005	C. Date of inspection
1. Days of Noncompliance:	4273	1 = C - B
2. Number of Tanks/Facilities:	1	2. 7 facilities, 1 tank each facility

### Part 2- Economic Benefit Component

D. Avoided Expenditures:	\$92,400	D. Ttl cost pollut.liab.ins.7 USTs/12 yrs@\$1100/UST/yr
E. Delayed Expenditure:		E. N/A
F. Weighted Tax Rate:	15.0%	F. EPA Guidance Document, Very Small Co/Municipality
G. Interest Rate:	8.2%	G. EPA BEN Model Memo, Aug. 2000
3. Calculated Avoided Cost:	\$ 167,795	3 = D + ((D x G x 1) / 365) x (1 - F)
4. Calculated Delayed Cost:	\$ -	4 = (E x G x 1) / 365
5. Economic Benefit Component:	\$ 167,795	5 = 3 + 4

### Part 3- Matrix Value for the Gravity-Based Component

6. Matrix Value:	\$825	H. Extent of Deviation:	Major
7. Matrix Value x Number of Tanks/Facilities:	\$ 825.00	7 = 2 x 6	I. Potential for Harm: Moderate
6, H, I: EPA Guidance Document, Appendix A			

### Part 4- Violator-Specific Adjustments to Matrix Value

	Percentage Change	x Matrix Value = Dollar Adjustment		+ or (-)
8. Degree of cooperation or noncooperation:	10%	\$ 825	\$ 83	
9. Degree of willfulness or negligence:	25%	\$ 825	\$ 206	
10. History of noncompliance:	0%	\$ 825	\$ -	
11. Unique Factors:	0%	\$ 825	\$ -	
12. Adjusted Matrix Value:		\$ 1,114		12 = 7 + 8 + 9 + 10 + 11
8. Ownr ignored initial DEP letter addressing deficiencies				
9. Ownr failed to comply with FR rqmnts in spite of wide publicity denoting rqmnts				
10. Owner has no previous UST history				
11.				

### Part 5- Gravity-Based Component

J. Level of Environmental Sensitivity:	1.0	J. 13. Minor = 1, Moderate = 1.5, Major = 2
13. Environmental Sensitivity Multiplier:		14. Formula from EPA Guidance Document
14. Days of Noncompliance Multiplier:	13.5	
15. Gravity Based Component:	\$ 15,036	15 = 12 x 13 x 14

### Part 6- Penalty

16. Economic Benefit Component:	\$ 167,795	16 = 5
17. Gravity-Based Component:	\$ 15,036	17 = 15
18. Penalty:	\$ 182,831	18 = 16 + 17

Prepared by: Rindy Clayton

Date: July 20, 2006

### Notes