



west virginia department of environmental protection

Environmental Enforcement
601 57th Street SE
Charleston, WV 25304
Telephone: (304) 926-0470 Fax: (304) 926-0488

Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
www.dep.wv.gov

October 25, 2013

Brettwald Corporation
John L. Fullmer, President
c/o Mark Gaydos
211 Rivercrest Drive
Morgantown, WV 26508

CERTIFIED RETURN RECEIPT REQUESTED
91 7199 9991 7032 6247 1952
**RE: Violation of Chapter 22, Article 11
of the WV State Code**

Dear Mr. Fullmer:

Enclosed is revised CONSENT ORDER NUMBER 7878 dated October 25, 2013. This action is based upon the investigation and recommendation of the West Virginia Department of Environmental Protection's (WVDEP) Environmental Enforcement unit in response to Brettwald Corporation violating Chapter 22, Article 11 of the WV State Code at its facility located in Morgantown, Monongalia County, West Virginia. This revision is based upon your recent meeting with David C. Simmons, Enforcement Hearing Officer. This administrative settlement is being offered on behalf of the director of the Division of Water and Waste Management.

Please review, sign and return the original copy of the revised ORDER to me within five (5) working days of receipt. Subsequently, WVDEP will initiate the public notice process.

Sincerely,

RECEIVED

DEC 23 2013

ENVIRONMENTAL
ENFORCEMENT

Enclosure

- cc: Scott G. Mandirola, Director, DWWM (via e-mail)
- Yogesh Patel, Asst. Director, DWWM/Permits (via e-mail)
- Joseph M. Hickman, Assistant Chief Inspector, EE/WW (via e-mail)
- Jeremy Bandy, Assistant Chief Inspector, EE (via e-mail)
- David C. Simmons, Enforcement Hearing Officer, EE (via e-mail)
- Laura McGee, Environmental Resources Specialist, EE (via e-mail)
- Brad Swiger, Environmental Inspector Supervisor, EE/WW (via e-mail)
- Chuck Joseph, Environmental Inspector, EE/WW (via e-mail)
- Shyrel Moellendick, MSSS, EE (via e-mail)

25/26th
2x missing

Michael A. Zeto
Chief Inspector

+ 1324



west virginia department of environmental protection

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

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: Brettwald Corporation
John L. Fullmer, President
c/o Mark Gaydos
211 Rivercrest Drive
Morgantown, WV 26508

DATE: October 25, 2013

ORDER NO.: 7878

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 Brettwald Corporation (hereinafter "Brettwald Corp.").

FINDINGS OF FACT

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

1. Brettwald Corp. operates a sewage disposal system located in Monongalia County, West Virginia. Brettwald Corp. was issued WV/NPDES Water Pollution Control Permit No. WV0103110, Registration No. WVG550925, on September 17, 1999. The WV/NPDES permit was reissued on August 7, 2004 and January 15, 2011.
2. On February 17, 2009, West Virginia Department of Environmental Protection (WVDEP) personnel conducted an inspection of the facility. During the inspection, violations of the following sections of WV Legislative Rule and Brettwald Corp.'s permit were observed and documented:
 - a. Section F.1-The Permittee failed to properly operate and maintain the facility. Specifically, the clarifier and weir were full of solids. The skimmer was not functioning in the clarifier, and the tertiary treatment was inoperable.

Promoting a healthy environment.

- b. Section A-A review of 3rd and 4th quarter 2008 Discharge Monitoring Reports (DMRs) revealed eight (8) exceedances of discharge limitations.
- c. 47CSR2 Section 3.2.f-The Permittee caused conditions not allowable in State waters. Specifically, settleable solids were distinctly visible in the receiving stream.

As a result of the aforementioned violations, Notice of Violations (NOVs) Nos. W-NW-KAP-021709-004, W-NW-KAP-021709-005 and W-NW-KAP-021709-006 were issued to Brettwald Corp.

3. On February 18, 2009, WVDEP personnel collected effluent samples from Outlet 001 at the facility. Laboratory analysis of the samples revealed violations of the following section of Brettwald Corp.'s WV/NPDES permit:
 - a. Section A-Samples exceeded instantaneous discharge limits for BOD5, Total Suspended Solids (TSS), Ammonia Nitrogen, and Fecal Coliform.
4. On March 31, 2009, as a result of ongoing compliance issues and the facility's history of non-compliance, a pre-enforcement meeting was conducted between WVDEP personnel and representatives of Brettwald Corp. The meeting centered upon actions required to bring the facility into compliance and avoid future enforcement actions. As of this writing, several of the issues remain unresolved.
5. On May 21, 2009, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of Brettwald Corp.'s WV/NPDES permit and WV Legislative Rule were observed and documented:
 - a. Section F.1-The Permittee failed to properly operate and maintain the facility. Specifically, required tertiary treatment was inoperable.
 - b. 47CSR2 Section 3.2.f-Brettwald Corp. caused conditions not allowable in State waters. Specifically, settleable solids were distinctly visible in the receiving stream.

As a result of the aforementioned violations, NOV Nos. W-NW-KAP-052109-001 and W-NW-KAP-052109-002 were issued to Brettwald Corp.

6. On November 14, 2012, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of Brettwald Corp.'s WV/NPDES permit were observed and documented:
 - a. Section F.1-The Permittee failed to properly operate and maintain the facility. Specifically, required tertiary treatment was inoperable, post-aeration was not functioning, and the clarifier weir was not level.
 - b. Section F.3-The Permittee bypassed a required treatment device.
 - c. Section A-A review of DMRs from 4th quarter 2011 through 3rd quarter 2012 revealed twenty-nine (29) exceedances of discharge limitations for BOD5, Dissolved oxygen, Chlorine Residual, Ammonia Nitrogen, and Fecal Coliform.

As a result of the aforementioned violations, NOV Nos. W-NW-CJJ-111412-001, W-NW-CJJ-111412-002 and W-NW-CJJ-111412-003 were issued to Brettwald Corp.

7. On March 12, 2013, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of Brettwald Corp.'s WV/NPDES permit were observed and documented:
 - a. Section F.1-The Permittee failed to properly operate and maintain a permitted facility.
 - b. Section F.3-The Permittee bypassed a required treatment device.
 - c. Section C.3-The Permittee failed to give notice to the Director of planned physical alterations or additions to the permitted facility that may have affected the nature or quantity of the discharge.

As a result of the aforementioned violations NOV Nos. W-NW-CJJ-031213-002, W-NW-CJJ-031213-003 and W-NW-CJJ-031213-004 were issued to Brettwald Corp.

8. On March 18, 2013, WVDEP personnel conducted a review of facility records from the time period of 1st Quarter 2011 through 4th Quarter 2012. During this review, the following violations of the terms and conditions of Brettwald Corp.'s WV/NPDES permit were observed:
 - a. Section A-Thirty-seven (37) exceedances of Brettwald Corp.'s permit parameters were observed and documented (Table 1). These exceedances can be further defined as:
 - i. Minor violations-Ten (10)
 - ii. Moderate violations-Thirteen (13)
 - iii. Major violations-Fourteen (14)
9. On April 3, 2013, Brettwald Corp. submitted an application for WV/NPDES permit modification. Upon approval by WVDEP personnel, the proposed modification will allow connection of the existing 6,000 GPD plant and incorporation of the plant into Brettwald Corp.'s WV/NPDES permit. The proposed modification also seeks to extend the discharge point to the Monongahela River and allow Brettwald Corp. to obtain Treatment Category II discharge limitations.
10. On September 18, 2013, WVDEP personnel and representatives of Brettwald Corp. met to discuss the terms and conditions of this Order. Subsequent to the meeting, WVDEP personnel determined that Brettwald Corp. used a colorimeter, which has a low reliability in samples with low chlorine levels, to analyze Total Residual Chlorine in DMR samples.

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. Brettwald Corp. 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, Brettwald Corp. shall submit for approval a proposed plan of corrective action and schedule, outlining action items and completion dates for how and when Brettwald Corp. will achieve compliance with all terms and conditions of its WV/NPDES permit and pertinent laws and rules. The plan of

corrective action shall include, but not be limited to, all actions and schedules proposed in Brettwald Corp.'s April 3, 2013 application for WV/NPDES permit modification.

The plan of corrective action shall be submitted to:

**WVDEP Environmental Inspector Supervisor
NW Regional Environmental Enforcement Office
2031 Pleasant Valley Road
Fairmont, WV 26554**

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 Brettwald Corp.'s WV Legislative Rule and permit violations, Brettwald Corp. shall be assessed a civil administrative penalty of thirty-two thousand one hundred thirty dollars (\$32,130) 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 \$2,677.50 due on or before January 1, 2014.
Payment 2 in the amount of \$2,677.50 due on or before February 1, 2014.
Payment 3 in the amount of \$2,677.50 due on or before March 1, 2014.
Payment 4 in the amount of \$2,677.50 due on or before April 1, 2014.
Payment 5 in the amount of \$2,677.50 due on or before May 1, 2014.
Payment 6 in the amount of \$2,677.50 due on or before June 1, 2014.
Payment 7 in the amount of \$2,677.50 due on or before July 1, 2014.
Payment 8 in the amount of \$2,677.50 due on or before August 1, 2014.
Payment 9 in the amount of \$2,677.50 due on or before September 1, 2014.
Payment 10 in the amount of \$2,677.50 due on or before October 1, 2014.
Payment 11 in the amount of \$2,677.50 due on or before November 1, 2014.
Payment 12 in the amount of \$2,677.50 due on or before December 1, 2014.

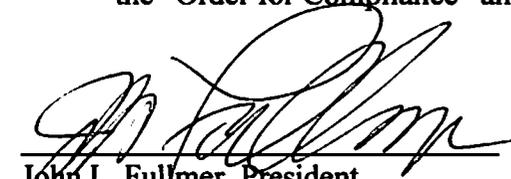
Payments made pursuant to this paragraph are not tax-deductible for purposes of State or federal law. **Payment shall be mailed to:**

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

OTHER PROVISIONS

1. Brettwald Corp. 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, Brettwald Corp. 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, Brettwald Corp. 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 Brettwald Corp. 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, Brettwald Corp. 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 Brettwald Corp. 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 Brettwald Corp. 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 Brettwald Corp. (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 Brettwald Corp. 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 Brettwald Corp. 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 Brettwald Corp., its successors and assigns.

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



John L. Fullmer, President
Brettwald Corporation

12-17-13

Date

Public Notice begin:

Date

Public Notice end:

Date

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

Date

revised September 2011

Table One:
Brettwald Corp. DMR Exceedance Summary

Outlet 001 DMR Exceedances - AVG. MONTHLY - 1st Qtr 2011 through 4th Qtr 2012						Degree of non-compliance		
Date	Parameter	Units	Permitted avg. monthly	Reported avg. monthly	% Exceedance	Min	Mod	Maj
1st Q 2011	BOD5	Lbs/Day	10.00	17.10	71%	-	X	-
1st Q 2011	Fecal Coliform	Cnts/100ml	200.00	6000.00	2900%	-	-	X
2nd Q 2011	BOD-5	Lbs/Day	5.00	36.60	632%	-	-	X
2nd Q 2011	TSS	Lbs/Day	30.00	56.00	87%	-	X	-
2nd Q 2011	Fecal Coliform	Cnts/100ml	200.00	17000.00	8400%	-	-	X
3rd Q 2011	BOD-5	Lbs/Day	5.00	6.00	20%	X	-	-
3rd Q 2011	Chlorine, Total Resid.	ug/ml	28.00	1340.00	4686%	-	-	X
4th Q 2011	BOD-5	Lbs/Day	10.00	10.10	1%	X	-	-
4th Q 2011	Chlorine, Total Resid.	ug/ml	28.00	140.00	400%	-	-	X
1st Q 2012	BOD-5	Lbs/Day	10.00	15.40	54%	-	X	-
1st Q 2012	Chlorine, Total Resid.	ug/ml	28.00	370.00	1221%	-	-	X
2nd Q 2012	BOD-5	Lbs/Day	5.00	8.00	60%	-	X	-
2nd Q 2012	Fecal Coliform	Cnts/100ml	200.00	1600.00	700%	-	-	X
2nd Q 2012	NH3-N	Lbs/Day	3.00	19.00	533%	-	-	X
2nd Q 2012	Chlorine, Total Resid.	ug/ml	28.00	90.00	221%	-	X	-
3rd Q 2012	BOD-5	Lbs/Day	5.00	5.60	12%	X	-	-
3rd Q 2012	NH3-N	Lbs/Day	3.00	22.20	640%	-	-	X
3rd Q 2012	Chlorine, Total Resid.	ug/ml	28.00	2200.00	7757%	-	-	X

Outlet 001 DMR Exceedances - MAX. DAILY - 1st Qtr 2011 through 4th Qtr 2012						Degree of non-compliance		
Date	Parameter	Units	Permitted max. daily	Reported max. daily	% Exceedance	Min	Mod	Maj
1st Q 2011	Fecal Coliform	Cnts/100ml	400.00	6000.00	1400%	-	-	X
2nd Q 2011	BOD-5	mg/l	10.00	36.60	266%	-	X	-
2nd Q 2011	Fecal Coliform	Cnts/100ml	400.00	17000.00	4150%	-	-	X
2nd Q 2011	Chlorine, Total Resid.	ug/ml	57.00	70.00	23%	X	-	-
3rd Q 2011	Chlorine, Total Resid.	ug/ml	57.00	1340.00	2251%	-	-	X
4th Q 2011	Chlorine, Total Resid.	ug/ml	57.00	140.00	146%	-	X	-
1st Q 2012	Chlorine, Total Resid.	ug/ml	57.00	370.00	549%	-	X	-
2nd Q 2012	Fecal Coliform	Cnts/100ml	400.00	1600.00	300%	-	X	-
2nd Q 2012	NH3-N	mg/l	6.00	19.00	217%	-	X	-
2nd Q 2012	Chlorine, Total Resid.	ug/ml	57.00	90.00	58%	X	-	-
3rd Q 2012	NH3-N	mg/l	6.00	22.20	270%	-	X	-
3rd Q 2012	Chlorine, Total Resid.	ug/ml	57.00	2200.00	3760%	-	-	X

Outlet 001 DMR Exceedances - D.O. INSTANTANEOUS. MIN. - 1st Qtr 2011 through 4th Qtr 2012						Degree of non-compliance		
Date	Parameter	Units	Permitted min. daily	Reported min. daily	% Exceedance	Min	Mod	Maj
1st Q 2011	D.O.	mg/l	6.0	4.9	18.3%	X	-	-
2nd Q 2011	D.O.	mg/l	6.0	4.0	32.7%	X	-	-
3rd Q 2011	D.O.	mg/l	6.0	4.0	33.3%	-	X	-
4th Q 2011	D.O.	mg/l	6.0	5.5	8.8%	X	-	-
1st Q 2012	D.O.	mg/l	6.0	4.7	22.3%	X	-	-
2nd Q 2012	D.O.	mg/l	6.0	4.0	33.3%	-	X	-
3rd Q 2012	D.O.	mg/l	6.0	5.0	16.7%	X	-	-

Outlet 001 Totals						Degree of non-compliance		
						Min	Mod	Maj
						10	13	14

Base Penalty Calculation

(pursuant to 47CSR1-6.1)

Responsible Party:

Brettwald Corp.

Receiving Stream:

UT of Monongahela River

Treatment System Design Maximum Flow: 20,000 gpd 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#												
			6a	6b	7a	7b	7c	8ai	8aii	8aiii					
a)	Amount of Pollutant Released	1 to 3	1	1	1	1	1	1	1	1					
b)	Toxicity of Pollutant	0 to 3	1	1	1	1	0	1	1	1					
c)	Sensitivity of the Environment	0 to 3	1	1	1	1	0	1	1	1					
d)	Length of Time	1 to 3	1	1	2	2	1	1	1	1					
e)	Actual Exposure and Effects thereon	0 to 3	0	0	0	0	0	1	1	1					
Average Potential for Harm Factor			0.8	0.8	1	1	0.4	1	1	1	No	No	No	No	No
2)	Extent of Deviation Factor	Factor Range													
	Degree of Non-Compliance	1 to 3	3	3	3	3	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.

		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
6a	Minor	Major	\$1,900	1	\$1,900
6b	Minor	Major	\$1,900	1	\$1,900
7a	Minor	Major	\$2,000	1	\$2,000
7b	Minor	Major	\$2,000	1	\$2,000
7c	Minor	Major	\$1,700	1	\$1,700
8ai	Minor	Minor	\$1,000	7	\$7,000
8aii	Minor	Moderate	\$1,500	10	\$15,000
8aiii	Minor	Major	\$2,000	11	\$22,000
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
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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
Total Base Penalty					\$53,500

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)		20	(\$10,700)
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	(\$5,350)
6.2.b.3 - Cooperation with the Secretary		10	(\$5,350)
6.2.b.5 - Ability to Pay			\$0
Penalty Adjustments			(\$21,370)
Penalty =			\$32,130

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:	