



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

June 3, 2013

Steven L. Rhoton
Broad Lane Mobile Home Park
15336 Clear Spring Road
Williamsport, MD 21795

CERTIFIED RETURN RECEIPT REQUESTED

91 7199 9991 7032 6258 8681

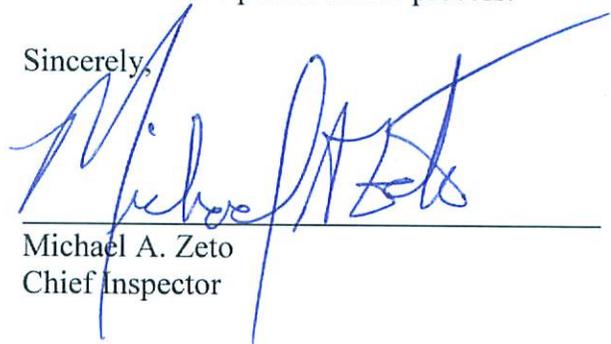
**RE: Violation of Chapter 22, Article 11
of the WV State Code**

Dear Mr. Rhoton:

Enclosed is revised CONSENT ORDER NUMBER 7620 dated June 3, 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 Steven L. Rhoton violating Chapter 22, Article 11 of the WV State Code at its facility located in Falling Waters, Berkeley County, West Virginia. This revision is based upon your recent meeting with David C. Simmons, Enforcement Hearing Officer, and your subsequent submittal of requested information. 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,



Michael A. Zeto
Chief Inspector

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)
Robin C. Dolly, Environmental Inspector Supervisor, EE/WW (via e-mail)
Sarah W. Woody, Environmental Inspector, EE/WW (via e-mail)
Shyrel Moellendick, MSSS, EE (via e-mail)



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
www.dep.wv.gov

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

TO: Steven L. Rhoton
Broad Lane Mobile Home Park
15336 Clear Spring Road
Williamsport, MD 21795

DATE: June 3, 2013

ORDER NO.: 7620

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 Steven L. Rhoton (hereinafter "Rhoton").

FINDINGS OF FACT

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

1. Rhoton operates an extended aeration package treatment plant at Broad Lane Mobile Home Park (MHP), located in Falling Waters, Berkeley County, West Virginia. Rhoton was issued WV/NPDES Water Pollution Control Permit No. WV0103110, Registration No. WVG550778, on September 25, 2010.
2. On July 10, 2009, West Virginia Department of Environmental Protection (WVDEP) personnel conducted an inspection of the facility. During the inspection, samples were collected and were subsequently analyzed at Reliance Laboratories of Martinsburg, West Virginia. Each exceedance (Table One) is a violation of the terms and conditions of Rhoton's WV/NPDES Permit (Section A). The exceedances resulting from these samples can be further defined as:
 - a. Minor violations - 2
 - b. Moderate violations - 2

Promoting a healthy environment.

3. On September 29, 2011, WVDEP personnel conducted an inspection of the facility. During the inspection, the following permit and WV Legislative Rule violations were observed and documented:
 - a. A gray discoloration of the stream was observed to originate at the discharge point. Algae growth was observed to increase beyond the discharge point. An odor was noted near the receiving stream. Visible solids were observed on the receiving stream bed. Creating conditions not allowable in waters of the State is a violation of WV Legislative Rule 47CSR2 Section 3.2.
 - b. Samples were collected by WVDEP personnel and were subsequently analyzed at Reliance Laboratories of Martinsburg, West Virginia. Each exceedance (Table Two) is a violation of the terms and conditions of Rhoton's WV/NPDES Permit (Section A). The exceedances resulting from these samples can be further defined as:
 - i. Minor Violations – 2
 - ii. Moderate Violations – 4
 - iii. Major Violations – 2

4. On April 4, 2012, WVDEP personnel conducted a review of facility records from 2nd Quarter, 2009 through 1st Quarter, 2012. During this review, the following violations of the terms and conditions of Mr. Rhoton's WV/NPDES Permit were observed:
 - a. Sixty (60) exceedances (Table 3) of Rhoton's permit parameters (Section A) were observed and documented. These exceedances can be further defined as:
 - i. Minor violations - 23
 - ii. Moderate violations - 28
 - iii. Major violations – 9
 - b. Rhoton failed to submit annual Sewage Sludge Management Reports.
 - c. Rhoton failed to properly use winter/summer Discharge Monitoring Reports (DMRs).
 - d. Rhoton failed to analyze for Nitrogen and Phosphorus during 2010 and 2011.

As a result of the aforementioned violations, Notices of Violation (NOV) Nos. W09-02-37-224, W09-02-57-224, W10-02-23-224, W10-02-71-224, W10-02-78-224, W10-02-91-224, W11-02-14-224, W11-02-62-224, W12-02-03-224, and W12-02-13-224 were issued to Rhoton.

5. On June 7, 2012, WVDEP personnel and Rhoton met to discuss the terms and conditions of this Order. During the meeting WVDEP personnel offered an ability to pay analysis, which would have determined whether Rhoton is unable to pay the assessed penalty. Rhoton, however, declined to submit financial documents necessary for completion of the analysis.

6. On April 1, 2013, WVDEP personnel and Rhoton discussed, by telephone, the terms and conditions of this Order. During the discussion, Rhoton agreed to submit an itemization

of money spent to upgrade the facility in preparation for the pending hookup to Berkeley County PSD. In addition, Rhoton agreed to include current DMRs in the submittal.

7. On April 8, 2013, pursuant to the April 1, 2013 telephone discussion, Rhoton submitted the requested itemization and DMRs. In the correspondence, Rhoton represented the following:
 - a. Rhoton has been working with Snyder Environmental Services plant operators since June, 2012, at which time the facility was immediately brought into compliance with effluent limits, as reflected in Rhoton's recent DMRs. Snyder Environmental Services' assistance with operation and maintenance of the plant will continue until such time that hookup to Berkeley County PSD occurs.
 - b. After line corrections and manhole work, all lines and manholes met with the approval of Berkeley County PSD.
 - c. Berkeley County PSD has tentatively verbally agreed to take over the facility by July 1, 2013.

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. Rhoton 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, Rhoton shall submit for approval a proposed Plan of Corrective Action and schedule, outlining action items and completion dates for how and when Rhoton will achieve compliance with all terms and conditions of its WV/NPDES permit and pertinent laws and rules. The Plan of Corrective Action shall be submitted to:

**WVDEP Environmental Inspector Supervisor
NE Regional Environmental Enforcement Office
HC63 Box 2545
Romney, WV 26757**

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 Rhoton's Legislative Rule and permit violations, Rhoton shall be assessed a civil administrative penalty of fifty-five thousand five hundred thirty dollars (\$55,530) to be paid to the West Virginia Department of Environmental Protection for deposit in the Water Quality Management Fund within thirty (30) days of the effective date of this Order. Payments made pursuant to this paragraph are not tax-deductible for purposes of State or federal law. **Payment shall be mailed to:**

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

OTHER PROVISIONS

1. Rhoton 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, Rhoton 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, Rhoton 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 Rhoton 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, Rhoton shall have the burden of proving that the delay was caused by circumstances beyond his 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 Rhoton 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 Rhoton 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 Rhoton (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 Rhoton 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 Rhoton 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 Rhoton, its successors and assigns.
7. This Order shall terminate upon Rhoton's notification of full compliance with the "Order for Compliance" and verification of this notification by WVDEP.



Steven L. Rhoton
Broad Lane Mobile Home Park

JUNE 6, 2013

Date

Public Notice begin:

Date

Public Notice end:

Date

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

Date

revised September 2011

RECEIVED

JUN 07 2013

ENVIRONMENTAL
ENFORCEMENT



Stream Appearance Upstream of Outlet 001, 9-29-2011



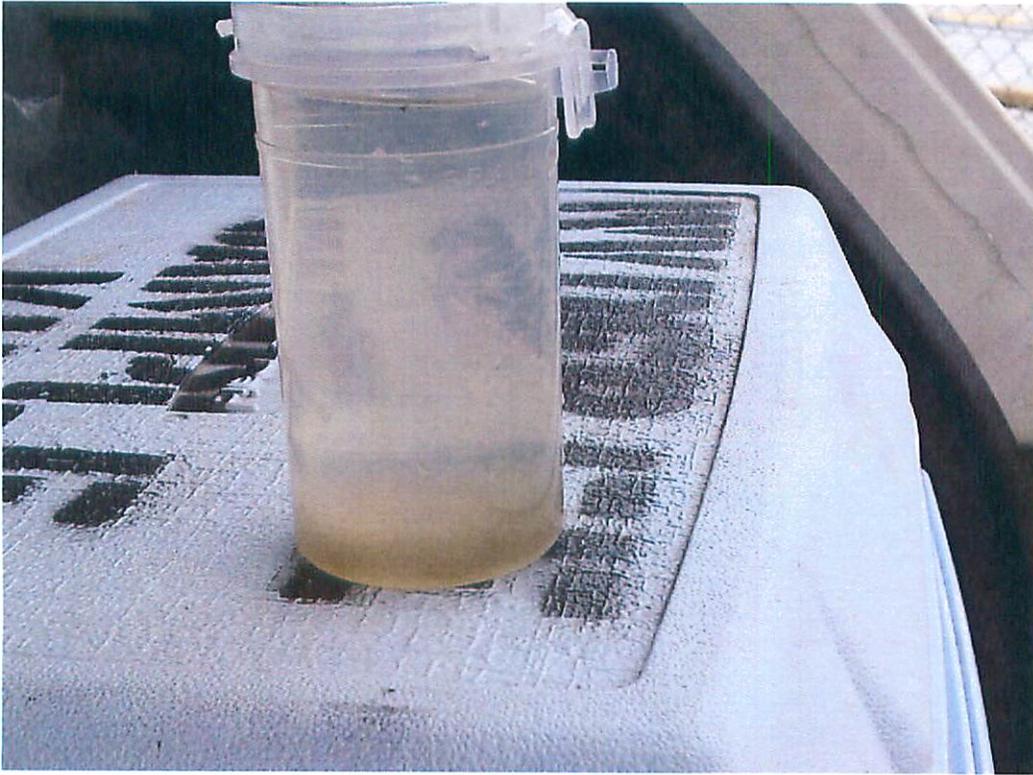
Stream Appearance Downstream of Outlet 001, 9-29-2011



Receiving Stream Beyond Outlet 001, 9-29-2011



Samples Collected at Outlet 001 on 9-29-2011



Samples Collected at Outlet 001 on 9-29-2011

Table One:
 Rhoton Exceedance Summary
 7/10/2009

Outlet 001 Exceedances - MAX. DAILY - Samples Collected on 7/10/2009						Degree of non-compliance		
Date	Parameter	Units	Permitted max. daily	Reported max. daily	% Exceedance	Min	Mod	Maj
7/10/2009	Ammonia Nitrogen	mg/l	6	24.4	307%	-	X	-
7/10/2009	BOD 5-Day	mg/l	10	13.4	34%	X	-	-

Outlet 001 DMR Exceedances - INSTANTANEOUS. MAX. - Samples Collected 7/10/2009						Degree of non-compliance		
Date	Parameter	Units	Permitted max. daily	Reported max. daily	% Exceedance	Min	Mod	Maj
7/10/2009	Ammonia Nitrogen	mg/l	7.5	24.4	225%	-	X	-
7/10/2009	BOD 5-Day	mg/l	12.5	13.4	7%	X	-	-

Outlet 001 Totals		Degree of non-compliance		
		Min	Mod	Maj
		2	2	0

Table Two:
Rhoton Exceedance Summary
9/29/2011

Outlet 001 Exceedances - MAX. DAILY - Samples from 9-29-2011						Degree of non-compliance		
Date	Parameter	Units	Permitted max. daily	Reported max. daily	% Exceedance	Min	Mod	Maj
						9-29-2011	Ammonia Nitrogen	mg/l
9-29-2011	BOD 5-Day	mg/l	10	32.4	224%	-	X	-
9-29-2011	Fecal Coliform	cnts/100ml	400	60000	14900%	-	-	X
9-29-2011	Total Suspended Solids	mg/l	60	104	73%	X	-	-

Outlet 001 Exceedances - INSTANTANEOUS. MAX. - Samples from 9-29-2011						Degree of non-compliance		
Date	Parameter	Units	Permitted max. daily	Reported max. daily	% Exceedance	Min	Mod	Maj
						9-29-2011	Ammonia Nitrogen	mg/l
9-29-2011	BOD 5-Day	mg/l	12.5	32.4	159%	-	X	-
9-29-2011	Fecal Coliform	cnts/100ml	500	60000	11900%	-	-	X
9-29-2011	Total Suspended Solids	mg/l	75	104	39%	X	-	-

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

Table Three:
Rhoton DMR Exceedance Summary

Outlet 001 DMR Exceedances - AVG. MONTHLY -06/2009 through 03/2012						Degree of non-compliance		
Date	Parameter	Units	Permitted avg. monthly	Reported avg. monthly	% Exceedance	Min	Mod	Maj
2nd Qt/2009	Ammonia Nitrogen	mg/l	3	21.7	623%	-	-	X
2nd Qt/2009	BOD-5 Day	mg/l	5	30.6	512%	-	-	X
2nd Qt/2009	Fecal Coliform	cnts/100ml	200	440	120%	-	X	-
3rd Qt/2009	Ammonia Nitrogen	mg/l	3	26.4	780%	-	-	X
3rd Qt/2009	BOD-5 Day	mg/l	5	10	100%	-	X	-
1st Qt/2010	Ammonia Nitrogen	mg/l	6	17.5	192%	-	X	-
2nd Qt/2010	Ammonia Nitrogen	mg/l	3	15.9	430%	-	-	X
2nd Qt/2010	BOD-5 Day	mg/l	5	12	140%	-	X	-
3rd Qt/2010	Ammonia Nitrogen	mg/l	3	19.4	547%	-	-	X
3rd Qt/2010	BOD-5 Day	mg/l	5	13.6	172%	-	X	-
4th Q/2010	Ammonia Nitrogen	mg/l	6	14.5	142%	-	X	-
4th Q/2010	BOD-5 Day	mg/l	10	10.7	7%	X	-	-
1st Qt/2011	Ammonia Nitrogen	mg/l	6	25.8	330%	-	-	X
1st Qt/2011	BOD-5 Day	mg/l	10	33.3	233%	-	X	-
1st Qt/2011	Fecal Coliform	cnts/100ml	200	280	40%	X	-	-
1st Qt/2011	Total Suspended Solids	mg/l	30	38	27%	X	-	-
2nd Qt/2011	Ammonia Nitrogen	mg/l	3	24.8	727%	-	-	X
2nd Qt/2011	BOD-5 Day	mg/l	5	18.7	274%	-	X	-
3rd Qt/2011	Ammonia Nitrogen	mg/l	3	12.5	317%	-	-	X
3rd Qt/2011	BOD-5 Day	mg/l	5	17.2	244%	-	X	-
4th Qt/2011	Ammonia Nitrogen	mg/l	6	19.8	230%	-	X	-
4th Qt/2011	BOD-5 Day	mg/l	10	29.9	199%	-	X	-
4th Qt/2011	Fecal Coliform	cnts/100ml	200	480	140%	-	X	-
1st Qt/2012	Ammonia Nitrogen	mg/l	6	24.6	310%	-	-	X
1st Qt/2012	BOD-5 Day	mg/l	10	10.9	9%	X	-	-

Outlet 001 DMR Exceedances - MAX. DAILY - 06/2009 through 03/2012						Degree of non-compliance		
Date	Parameter	Units	Permitted max. daily	Reported max. daily	% Exceedance	Min	Mod	Maj
2nd Qt/2009	Ammonia Nitrogen	mg/l	6	21.7	262%	-	X	-
2nd Qt/2009	BOD- 5 Day	mg/l	10	30.6	206%	-	X	-
2nd Qt/2009	Fecal Coliform	cnts/100ml	400	440	10%	X	-	-
3rd Qt/2009	Ammonia Nitrogen	mg/l	6	26.4	340%	-	X	-
1st Qt/2010	Ammonia Nitrogen	mg/l	12	17.5	46%	X	-	-
2nd Qt/2010	Ammonia Nitrogen	mg/l	6	15.9	165%	-	X	-
2nd Qt/2010	BOD- 5 Day	mg/l	10	12	20%	X	-	-
3rd Qt/2010	Ammonia Nitrogen	mg/l	6	19.4	223%	-	X	-
3rd Qt/2010	BOD- 5 Day	mg/l	10	13.6	36%	X	-	-
4th Q/2010	Ammonia Nitrogen	mg/l	12	14.5	21%	X	-	-
1st Qt/2011	Ammonia Nitrogen	mg/l	12	25.8	115%	-	X	-
1st Qt/2011	BOD- 5 Day	mg/l	10	33.3	233%	-	X	-
2nd Qt/2011	Ammonia Nitrogen	mg/l	10	24.8	148%	-	X	-
2nd Qt/2011	BOD- 5 Day	mg/l	10	18.7	87%	X	-	-
3rd Qt/2011	Ammonia Nitrogen	mg/l	6	12.5	108%	-	X	-
3rd Qt/2011	BOD- 5 Day	mg/l	10	17.2	72%	X	-	-
4th Qt/2011	Ammonia Nitrogen	mg/l	12	19.8	65%	X	-	-

Table Three:
Rhoton DMR Exceedance Summary

4th Qt/2011	BOD- 5 Day	mg/l	20	29.9	50%	X	-	-
4th Qt/2011	Fecal Coliform	cnts/100ml	400	480	20%	X	-	-
1st Qt/2012	Ammonia Nitrogen	mg/l	12	24.6	105%	-	X	-

Outlet 001 DMR Exceedances - INSTANTANEOUS. MAX. -06/2009 through 03/2012						Degree of non-compliance		
Date	Parameter	Units	Permitted max. daily	Reported max. daily	% Exceedance	Min	Mod	Maj
2nd Qt/2009	Ammonia Nitrogen	mg/l	7.5	21.7	189%	-	X	-
2nd Qt/2009	BOD-5 Day	mg/l	12.5	30.6	145%	-	X	-
3rd Qt/2009	Ammonia Nitrogen	mg/l	7.5	26.4	252%	-	X	-
1st Qt/2010	Ammonia Nitrogen	mg/l	15	17.5	17%	X	-	-
2nd Qt/2010	Ammonia Nitrogen	mg/l	7.5	15.9	112%	-	X	-
3rd Qt/2010	Ammonia Nitrogen	mg/l	7.5	19.4	159%	-	X	-
3rd Qt/2010	BOD-5 Day	mg/l	12.5	13.6	9%	X	-	-
1st Qt/2011	Ammonia Nitrogen	mg/l	15	25.8	72%	X	-	-
1st Qt/2011	BOD-5 Day	mg/l	25	33.3	33%	X	-	-
2nd Qt/2011	Ammonia Nitrogen	mg/l	7.5	24.8	231%	-	X	-
3rd Qt/2011	Ammonia Nitrogen	mg/l	7.5	12.5	67%	X	-	-
3rd Qt/2011	BOD-5 Day	mg/l	12.5	17.2	38%	X	-	-
4th Qt/2011	Ammonia Nitrogen	mg/l	15	19.8	32%	X	-	-
4th Qt/2011	BOD-5 Day	mg/l	25	29.9	20%	X	-	-
1st Qt/2012	Ammonia Nitrogen	mg/l	15	24.6	64%	X	-	-

Outlet 001 Totals	Degree of non-compliance		
	Min	Mod	Maj
	23	28	9

Base Penalty Calculation

(pursuant to 47CSR1-6.1)

Responsible Party: Steven L. Rhoton (Broad Lane MHP) **Receiving Stream:** Magruder Run

Treatment System Design Maximum Flow: 0.027 **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#												
			3a	3bi	3bii	3biii	4ai	4aii	4aiii						
a)	Amount of Pollutant Released	1 to 3	1	1	1	1	1	1	1						
b)	Toxicity of Pollutant	0 to 3	1	1	1	1	1	1	1						
c)	Sensitivity of the Environment	0 to 3	1	1	1	1	1	1	1						
d)	Length of Time	1 to 3	1	1	1	1	1	1	1						
e)	Actual Exposure and Effects thereon	0 to 3	1	1	1	1	1	1	1						
Average Potential for Harm Factor			1	1	1	1	1	1	1	No	No	No	No	No	No
2)	Extent of Deviation Factor	Factor Range													
	Degree of Non-Compliance	1 to 3	2	1	2	3	1	2	3						

Potential for Harm Factors:

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

Examples/Guidance:

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

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

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

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

Narrative WQ standard violations - case-by-case.

Penalty Adjustment Factors

(pursuant to 47CSR1-6.2)

Penalty Adjustment Factor

6.2.b.1 - Degree of or absence of willfulness and/or negligence - 0% to 30% increase

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

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

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

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

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

6.2.b.10 - Other factors

Size of Violator: 0 - 50% decrease

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

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

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

Public Notice Costs (cost for newspaper advertisement)

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

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

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

Base Penalty Adjustments

(pursuant to 47CSR1-6.2)

Penalty Adjustment Factor	% Increase	% Decrease	Base Penalty Adjustments
6.2.b.1 - Willfulness and/or negligence -	10		\$5,550
6.2.b.4 - Compliance/noncompliance history	10		\$5,550
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	(\$5,550)
6.2.b.3 - Cooperation with the Secretary		10	(\$5,550)
6.2.b.5 - Ability to Pay			\$0
Penalty Adjustments			\$30
Penalty =			\$55,530

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:	