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NOV 15 2013

west virginia department of environmental protection **WV Dep**
DWWM/Env. E&E/UST & HW

Division of Water and Waste Management
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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
AND THE
SOLID WASTE MANAGEMENT ACT
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 15**

TO: Central Supply Company
Dwayne McCartney
PO Box 968
Clarksburg, WV 26301

DATE: November 6, 2013

ORDER NO.: MM-14-05

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. and Chapter 22, Article 15, Section 1 et seq. to Central Supply Company (hereinafter "CSC").

FINDINGS OF FACT

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

Saltwell Facility, Harrison County, WVG610331

1. CSC operates a concrete plant, known as the Saltwell facility, located near Shinnston, Harrison County, West Virginia. CSC was reissued WV/NPDES Water Pollution Control Permit No. WV0111457, Registration No. WVG610331, on August 20, 2009.
2. On October 18, 2010, West Virginia Department of Environmental Protection (WVDEP) personnel conducted an inspection of the facility. During the inspection, the following violations of the terms and conditions of CSC's WV/NPDES permit were observed and documented:

- a. Section B.17.A.a.1.A - The Storm Water Pollution Prevention Plan (SWPPP) and Groundwater Protection Plan (GPP) did not contain a site map showing storm water flow.
- b. Section B.17.A.a.2.H-I - Storm water training and quarterly inspections were not documented.
- c. Appendix A.II.I - CSC failed to properly operate and maintain the facility. Drums were improperly stored without secondary containment.
- d. Appendix A.II.I - CSC failed to properly operate and maintain the facility. The impoundment had excessive solids that needed to be removed.

As a result of the aforementioned violations, a warning was issued to CSC.

3. On October 21, 2010, WVDEP personnel conducted an investigation of the Saltwell facility. During the investigation, a violation of the following section of WV Legislative Rules was observed and documented:
 - a. 33CSR1 Section 1.6.a - CSC improperly disposed of an industrial waste. Specifically, CSC disposed of green concrete and wash out water from its concrete truck at a site near West Virginia Highway 131 near McAlpin in Harrison County, West Virginia.

As a result of the aforementioned violation, Notice of Violation (NOV) No. NW-JME-102110-001 was issued to CSC.

4. On November 15, 2011, WVDEP personnel conducted an investigation of the Saltwell facility. During the investigation, a violation of the following section of WV Legislative Rules was observed and documented:
 - a. 47CSR2 Section 3.2.a - CSC caused conditions not allowable in waters of the State by allowing process water to flow from an unpermitted impoundment into an Unnamed Tributary (UT) of Thomas Fork. The resulting discharge caused a crisp white foam and brown turbid water in the receiving stream.

As a result of the aforementioned violation, NOV No. NW-JME-111511-001 was issued to CSC.

5. On November 8, 2012, WVDEP personnel conducted an inspection of the Saltwell facility. During the inspection, violations of the following sections of WV Legislative Rules were observed and documented:
 - a. 47CSR2 Section 3.2.b - CSC caused conditions not allowable in waters of the State by allowing industrial wastewater to discharge from its wastewater treatment system. The wastewater flowed into an unpermitted inline impoundment to a UT of Thomas Fork, creating deposits and/or sludge banks on the stream bottom.
 - b. 33CSR1 Section 1.6.a - CSC improperly disposed of industrial waste. Specifically, CSC disposed of concrete sludge at a location on Saltwell Road in Harrison County, West Virginia.

As a result of the aforementioned violations, NOV Nos. NW-MAP-110812-001 and NW-MAP-110812-002 were issued to CSC.

6. On December 17, 2012, WVDEP personnel conducted a visit of the Saltwell facility. During the visit, violations of the following sections of WV Legislative Rules were observed and documented:
 - a. 47CSR2 Section 3.2.a - CSC caused conditions not allowable in waters of the State by allowing process water to flow from an unpermitted impoundment into an Unnamed Tributary (UT) of Thomas Fork. The resulting discharge caused a visible plume in the UT and Thomas Fork for several hundred yards.

7. On February 12, 2013, WVDEP personnel conducted an inspection of the Saltwell facility. During the inspection, violations of the following sections of the terms and conditions of CSC's WV/NPDES permit and WV Legislative Rules were observed and documented:
 - a. Section B.2 - CSC allowed a non-stormwater discharge to flow into the facility's stormwater collection system. The discharge flowed through an unpermitted inline impoundment to Thomas Fork.
 - b. Appendix A.II.I - CSC failed to properly operate and maintain the facility. An inline impoundment behind the washout pits was used as a settling pond.
 - c. 33CSR1 Section 1.6.a - CSC improperly disposed of an industrial waste. There was no plan in place for disposal of concrete sludge. Specifically, stockpiled sludge was becoming a housekeeping issue and a plan to handle the waste stream was needed.
 - d. Appendix A.II.I - CSC failed to properly operate and maintain the facility. The oil water separator by the maintenance garage was not functioning as designed. Specifically, the "T pipes" were not present, allowing oil and grease to leave the site.
 - e. Appendix A.I.8 - No records of employee training were kept on site. A comprehensive employee training programs needed to be implemented and documented.

As a result of the aforementioned violations, NOV No. W-NW-TJK-021213-001 was issued to CSC.

Meadowbrook Facility, Harrison County, WVG611582

8. CSC operates a concrete plant, known as the Meadowbrook facility, located near Bridgeport, Harrison County, West Virginia. CSC was issued WV/NPDES Water Pollution Control Permit No. WV0111457, Registration No. WVG611582, on July 10, 2012.

9. On December 20, 2012, WVDEP personnel conducted an inspection of the Meadowbrook facility. During the inspection, violations of the following sections of WV Legislative Rule were observed and documented:

- a. 47CSR2 Section 3.2.f - CSC caused conditions not allowable in State waters by creating a visible plume in the receiving stream. Specifically, turbid stormwater was observed leaving the site and entering an unnamed tributary of Simpson Creek of West Fork River.
- b. 47CSR10 Section 5.5 - CSC failed to at all times operate and maintain all facilities and systems of treatment and control. Specifically, silt fencing was not maintained, allowing sediment-laden water to pass under the silt fence and over a fill slope.
- c. 47CSR11 Section 2.2.a - CSC failed to report any noncompliance which may have endangered health or the environment immediately after becoming aware of the circumstances by using the Department's designated spill alert telephone number. Specifically, the spill hotline was not notified immediately by CSC when it became aware of the spill. The spill was reported after WVDEP personnel arrived onsite.
- d. 47CSR11 Section 2.2.c - CSC failed to maintain a Material Safety Data Sheet (MSDS) for the spilled material onsite.
- e. 47CSR11 Section 2.5 - CSC failed to immediately take any and all measures necessary to contain the spill, clean up/remove the spill, and otherwise render the spill or discharge harmless to waters of the State.

As a result of the aforementioned violations, NOV Nos. W-NW-TWH-122012-001, W-NW-TWH-122012-002, W-NW-TWH-122012-003, and W-NW-TWH-122012-004 were issued to CSC.

10. On February 12, 2013, WVDEP personnel conducted an inspection of the Meadowbrook facility. During the inspection, the following deficiencies were observed and documented:
 - a. Appendix A.I.8 - No documentation could be provided at the time of inspection showing that employees were being trained and that the facility was being inspected. All inspections should have been documented.
 - b. Appendix A.II.I - CSC failed to properly operate and maintain the facility. Chemicals were found being stored without secondary containment. All chemicals stored outdoors should have been provided with secondary containment.
 - c. 47CSR11 Section 9.2 - No outlet marker could be identified. A permanent outlet marker should have been posted.
 - d. Section B.17 - No Storm Water Pollution Prevention Plan (SWPPP) was provided at the time of inspection. Each facility permitted by WVDEP should have a SWPPP and a Groundwater Protection Plan (GPP). The permittee should have made plan(s) available, upon request, to the director or authorized representative.
 - e. Section B.2 - Discharges from the facility were discovered to be composed not entirely of storm water. All discharges should have been composed entirely of storm water, except for those listed in the permit.

Morgantown Industrial Park Facility, Monongalia County, WVG611167

11. CSC operates a concrete plant, known as the Morgantown Industrial Park facility, located in Morgantown, Monongalia County, West Virginia. CSC was reissued WV/NPDES

Water Pollution Control Permit No. WV0111457, Registration No. WG611167, on August 25, 2009.

12. On May 22, 2012, WVDEP personnel conducted an inspection of the Morgantown Industrial Park facility. During the inspection, violations of the following sections of the terms and conditions of CSC's WV/NPDES permit were observed and documented:
 - a. Appendix A.II.5 - CSC disposed of solids, sludge, or other pollutants (removed in the course of treatment or control of waste) in a manner and at a site subject to the approval of the Director without said approval.
 - b. Section B.2 - CSC allowed a discharge not composed entirely of stormwater from the facility's washout pits to overflow and discharge into Morgantown Industrial Park's stormwater system. The system flows into the Monongahela River.

As a result of the aforementioned violations, NOV Nos. W-NW-CJJ-052213-001 and W-NW-CJJ-052212-002 were issued to CSC.

13. On February 12, 2013, WVDEP personnel conducted an inspection of the Morgantown Industrial Park facility. During the inspection, deficiencies and violations of the following sections of WV Legislative Rules and CSC's WV/NPDES permit were observed and documented:
 - a. Section B.2 - CSC allowed industrial wastewater not composed entirely of stormwater to discharge into Morgantown Industrial Park's stormwater collection system. The combined industrial wastewater and stormwater flows to the Monongahela River.
 - b. 47CSR10 Section 3 - CSC made, caused, or permitted to be made an outlet, or substantially enlarged or added to the load of an existing outlet, for the discharge of sewage, industrial wastes or other wastes, or effluent therefrom, into the waters of the State. Specifically, an unpermitted discharge originating from the wash out pits at the back side of the facility was observed. Any and all discharges should have been documented.
 - c. 33CSR1 Section 1.6.a - There was no plan in place for the disposal of concrete sludge. A disposal plan should have been put in place and approved by WVDEP.
 - d. Appendix A.II.I - CSC failed to properly operate and maintain the facility. A used oil container was observed leaking on to the ground with no secondary containment in place. All containers holding chemicals or oils should have been provided with secondary containment.

As a result of the aforementioned violations, NOV Nos. W-NW-TJK-021213-003 and W-NW-TJK-02121-004 were issued to CSC.

Hornbeck Road Facility, Monongalia County, WV0114341

14. CSC operates a concrete plant, known as the Hornbeck Road facility, located near Morgantown, Monongalia County, West Virginia. WV/NPDES Water Pollution Control Permit No. WV0114341 was transferred to CSC on February 8, 2013.

15. On December 7, 2012, WVDEP personnel conducted a visit of the Hornbeck Road facility. During the visit, a violation of the following section of CSC's WV/NPDES permit were observed and documented:
 - a. Appendix A.II.I - CSC failed to properly operate and maintain the facility. Specifically, CSC allowed the muriatic acid drip, used for pH neutralization of process water prior to discharge, to become non-functional. As a result, untreated industrial wastewater entered Jolliet Run.

16. On February 12, 2013, WVDEP personnel conducted an inspection of the Hornbeck Road facility. During the inspection, violations of the following sections of the terms and conditions of CSC's WV/NPDES permit were observed and documented:
 - a. Appendix A.II.I - CSC failed to properly operate and maintain the facility. Specifically, CSC allowed the muriatic acid drip, used for pH neutralization of process water prior to discharge, to become non-functional. As a result, untreated industrial wastewater entered Jolliet Run.
 - b. Appendix A.II.I - The water "recycling ponds" were filled to capacity, potentially resulting in an overflow during a rain event. This issue should have been addressed in the water management plan.
 - c. Appendix A.II.I - An unused water well was observed on site. This well should have been abandoned to prevent groundwater contamination.
 - d. Appendix A.II.I - The drain that directs water to the collection area was not functioning and was allowing the collection to short circuit. This deficiency should have been repaired to ensure proper stormwater collection.

As a result of the aforementioned violations, NOV No. W-NW-TJK-021213-002 was issued to CSC.

Buckhannon Concrete Facility, Upshur County, WV0112283

17. CSC operates a concrete plant, known as the Buckhannon Concrete facility, located near Buckhannon, Upshur County, West Virginia. CSC was reissued WV/NPDES Water Pollution Control Permit No. WV0112283 on May 31, 2012.

18. On February 13, 2013, WVDEP personnel conducted an inspection of the Buckhannon Concrete facility. During the inspection, the following was observed and documented:
 - a. CSC is utilizing an in-stream impoundment for treatment associated with its concrete washout facility. CSC may also be using a small stream for treatment purposes near the maintenance garage.

Concrete Sludge Dumping

19. On November 1, 2012, WVDEP personnel conducted an inspection of a fill site on Route 131, Harrison County, West Virginia. During the inspection, the following deficiency was observed and documented:

- a. 33CSR1 Section 1.6.a - CSC improperly disposed of an industrial waste product. Specifically, concrete sludge was used as fill material at an unpermitted site. Concrete sludge should have been disposed of at approved facilities only.
20. On November 28, 2012, WVDEP personnel conducted an inspection of a fill site on Goshen Road, Monongalia County, West Virginia. During the inspection the following deficiency was observed and documented:
- a. 33CSR1 Section 1.6.a - CSC improperly disposed of an industrial waste product. Specifically, concrete sludge was used as fill material at an unpermitted site. Concrete sludge should have been disposed of at approved facilities only.
21. On September 26, 2013, WVDEP personnel and representatives of CSC met to discuss the terms and conditions of this Order.
22. On October 10, 2013, subsequent to the September 26, 2013 administrative meeting, CSC submitted information concerning actions taken and responses to this Order. In the correspondence, CSC represented the following:
- a. CSC secured a dedicated staff to manage trainings and inspections.
 - b. CSC provided secondary containment, constructed diversions, and properly installed silt fencing to prevent future water quality violations.
 - c. CSC changed its strategy to address the aforementioned disposal concerns. CSC is reducing concrete waste by-products by drying and beneficially reusing the material removed from the truck wash out ponds for fill in an Ohio facility. CSC also represents that it will purchase a crusher for hardened concrete, which will be sold for fill material or reintroduced back into the industrial process. In addition, CSC is using block forms for excess concrete, which can be sold for use by the general public.
 - d. In 2014, a water transfer truck will be purchased, allowing CSC to transfer process water either to a plant where sufficient freeboard exists in the truck wash basins or to an approved disposal facility, thus preventing any future discharges of process water.
 - e. The SWPPP and GPP at each facility will be reviewed for accuracy, revised as necessary, and implemented.
 - f. More information will be gathered regarding the pond receiving storm water at the Saltwell Facility to determine whether it should be designated as an in-stream impoundment.

ORDER FOR COMPLIANCE

Now, therefore, in accordance with Chapter 22, Article 11, Section 1 et seq. and Chapter 22, Article 15, Section 1 et seq. of the West Virginia Code, it is hereby agreed between the parties, and ORDERED by the Director:

1. CSC shall immediately take all measures to initiate compliance with all terms and conditions of its WV/NPDES permits and pertinent laws and rules.

2. Upon the effective date of this Order, CSC shall immediately cease and desist any and all discharges not covered under its WV/NPDES permits.
3. Upon the effective date of this Order, CSC shall immediately begin sampling for and submitting required DMRs at all facilities.
4. Within ten (10) days of the effective date of this Order, CSC shall develop and submit for approval a permanent plan to properly dispose of concrete sludge and other industrial wastes. The plan 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**

5. Within thirty (30) days of the effective date of this Order, CSC shall develop and submit for approval a Storm Water Pollution Prevention Plan (SWPPP) for each facility that it operates. This plan shall incorporate, but not be limited to, schedules and timelines for recordkeeping, employee training, and facility inspections. The plan 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**

6. Within thirty (30) days of the effective date of this Order, CSC shall develop and submit for approval a water management plan for each facility. This plan shall include, but not be limited to, the following:
 - a. a detailed explanation of the methods for treatment and disposal of process water.
 - b. a site map and flow chart for water movement.

- c. a comprehensive strategy for water storage.
- d. a prevention and action plan for overflows and methodology to dispose of excess water.
- e. a physical measurement device at each water storage sump in excess of one thousand (1000) gallons.
- f. a permanent marker displayed within the sump to indicate maximum storage whereupon the methodology to dispose of excess water shall be activated.

The plan 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**

7. Within thirty (30) days of the effective date of this Order, CSC shall develop a plan to delineate and identify the inline impoundments at both the Saltwell Road and Buckhannon facilities, as well as articulate its intentions to mitigate. The plan 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**

8. Upon the effective date of this Order, all low concentration waivers shall be immediately revoked at all facilities, and monitoring shall immediately begin in accordance with the requirements of Section A of the applicable WV/NPDES Permit.
9. Within sixty (60) days of the effective date of this Order, CSC shall submit for approval a proposed plan of corrective action and schedule, outlining action items and completion

dates for how and when CSC will achieve compliance with all terms and conditions of its WV/NPDES permit and pertinent laws and rules. The plan of corrective action shall make reference to WV/NPDES Permit Nos. WVG610331, WVG611582, WVG611167, WV0114341, and WV0112283, and Order No. MM-14-05. 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.

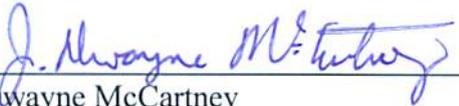
10. Because of CSC's Legislative Rule and permit violations, CSC shall be assessed a civil administrative penalty of thirty-nine thousand three hundred sixty dollars (\$39,360) to be paid to the West Virginia Department of Environmental Protection for deposit in the Water Quality Management Fund within 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 include a reference to the Order No. and shall be mailed to:**

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

OTHER PROVISIONS

1. CSC hereby waives its right to appeal this Order under the provisions of Chapter 22, Article 11, Section 21 and/or Chapter 22, Article 15, Section 16 of the Code of West Virginia. Under this Order, CSC 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, CSC 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 CSC 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, CSC 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 CSC becomes aware of such a delay, notification shall be provided to the Director/Chief Inspector and CSC 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 CSC 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 CSC (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 CSC 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 CSC 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 CSC, its successors and assigns.

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



Dwayne McCartney
Central Supply Company

11-8-13

Date

Public Notice begin:

Date

Public Notice end:

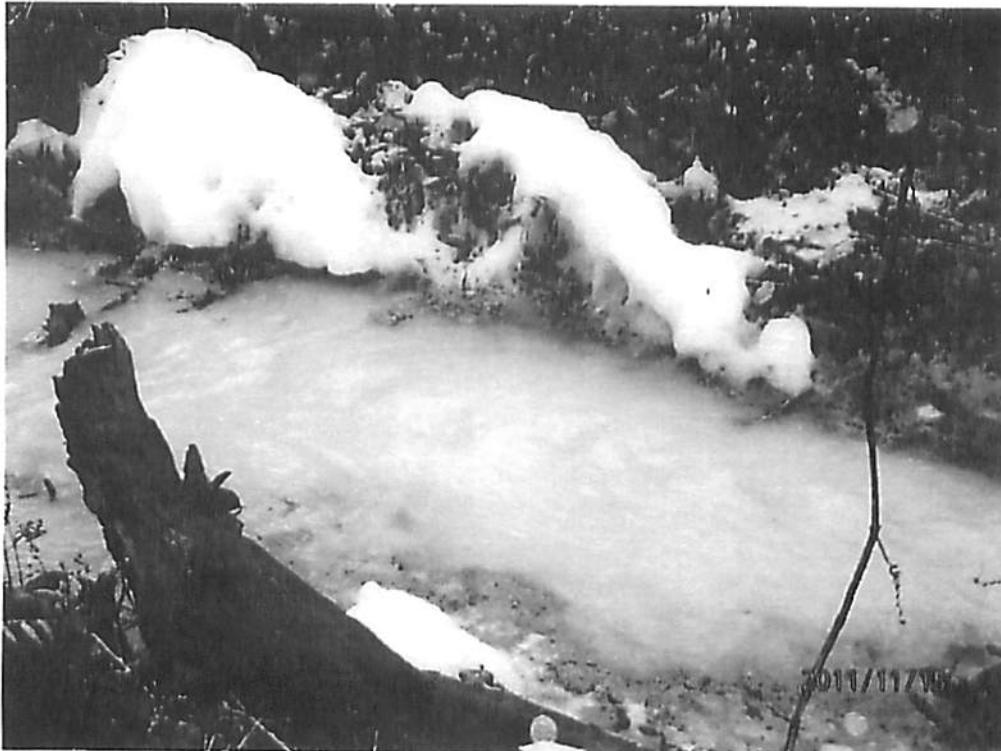
Date

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

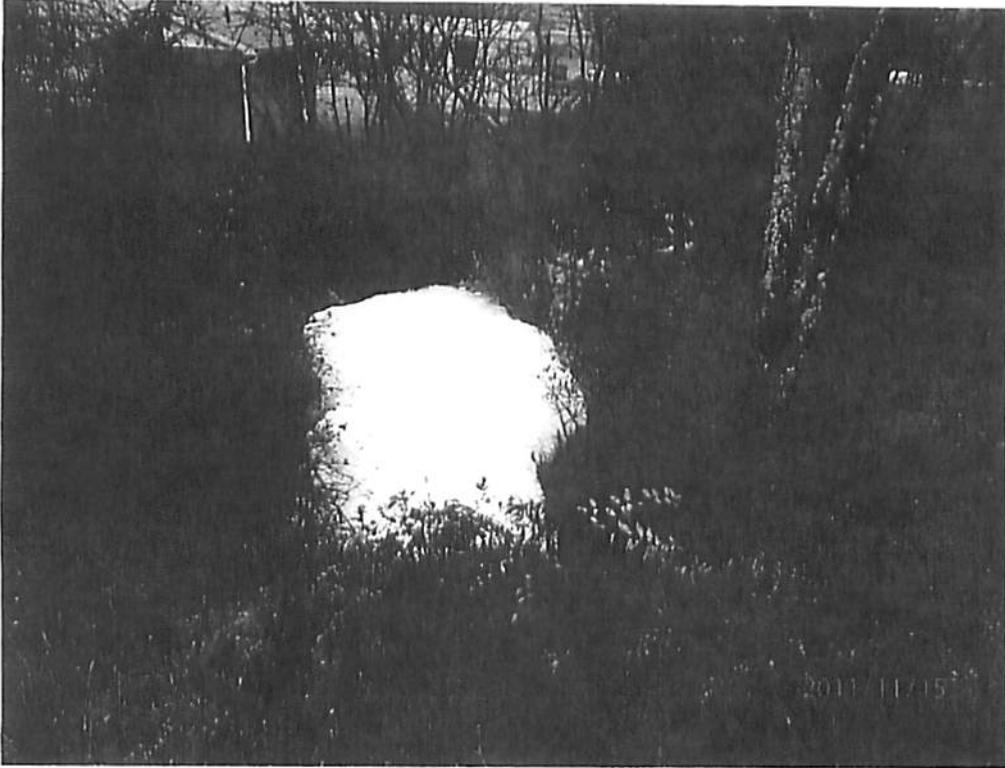
Date

Central Supply Saltwell 11/15/11



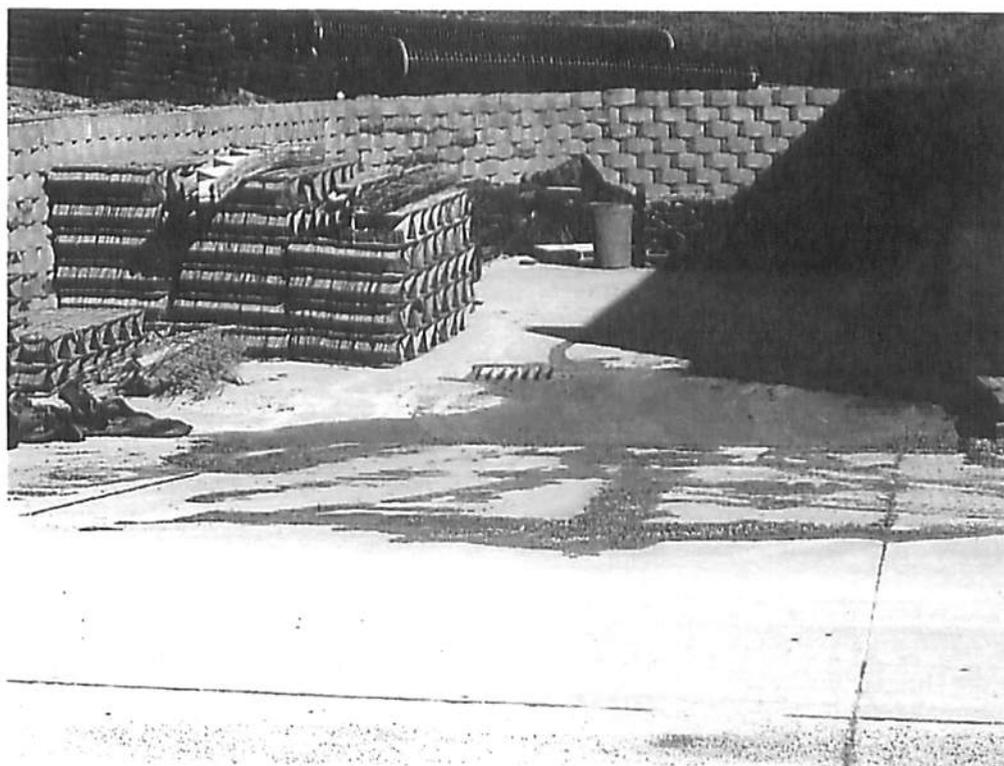


Central Supply Saltwell 11/15/11



Central Supply Saltwell 11/8/12





Central Supply Saltwell 11/8/12





Central Supply Saltwell 11/8/12

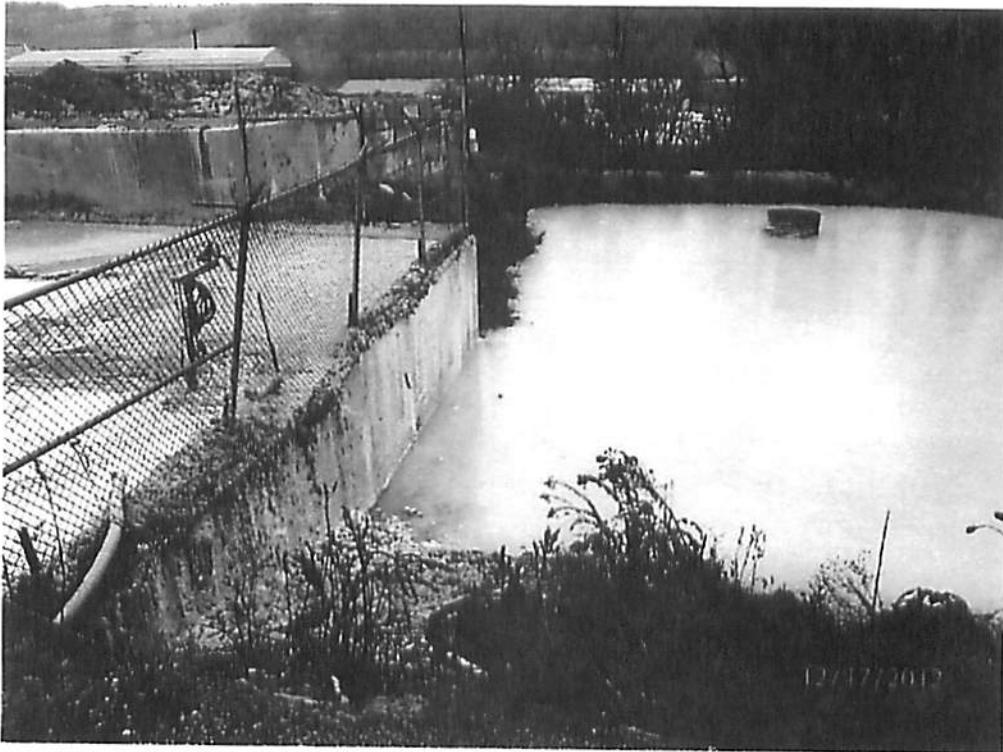


Central Supply Saltwell 12/17/12





Central Supply Saltwell 12/17/12



Central Supply Saltwell 12/17/12





Drop inlet receiving industrial waste water



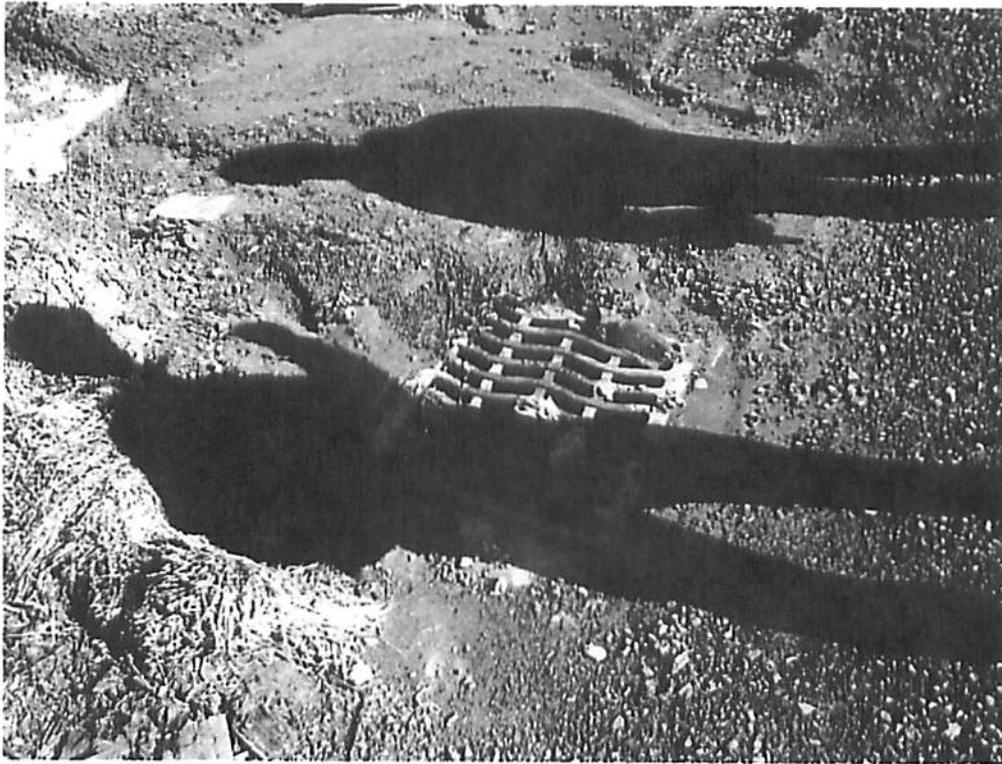
Inline impoundment that is not on the SWPPP



Concrete sludge appears to have overtopped the washout basin



Staining on the ground on the back side of the facility



Sediment entering a drop inlet which drains to state waters



Oil spill on the back side of the facility



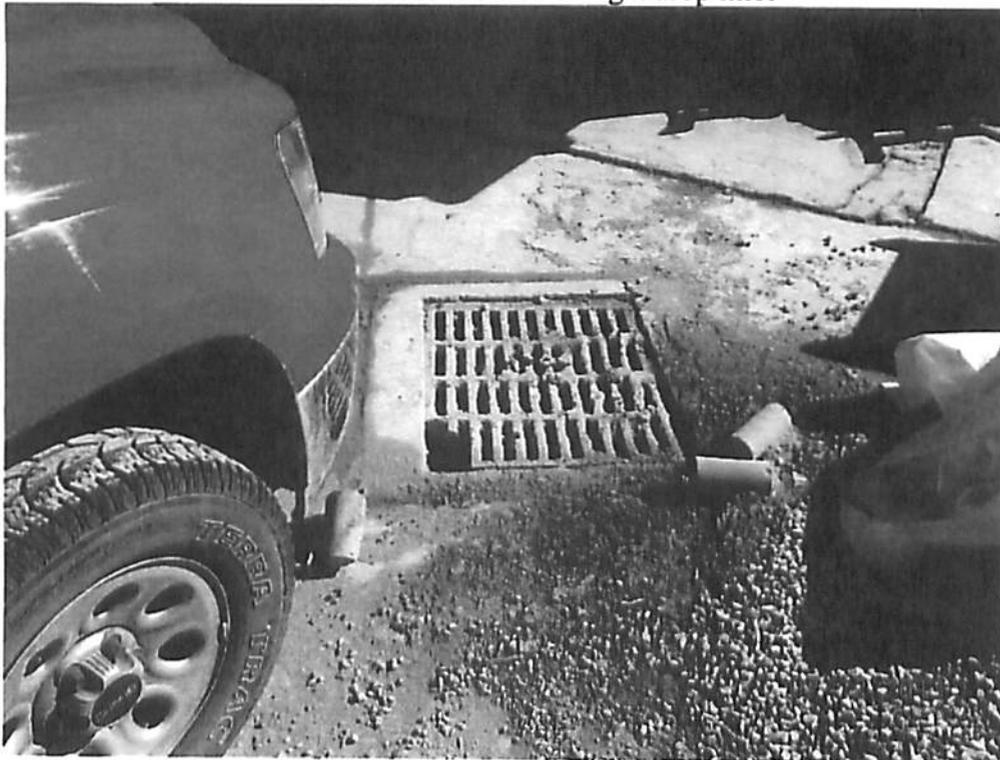
Unmarked containers filled with an unknown substance



Oil/Water separator not functioning as engineered



Industrial waste water entering a drop inlet



Evidence of concrete entering a drop inlet



Central Supply Meadowbrook 12/20/12



Central Supply Meadowbrook 12/20/12



Central Supply Meadowbrook 12/20/12



Central Supply Meadowbrook 12/20/12



Central Supply Meadowbrook 12/20/12



Central Supply Meadowbrook 12/20/12

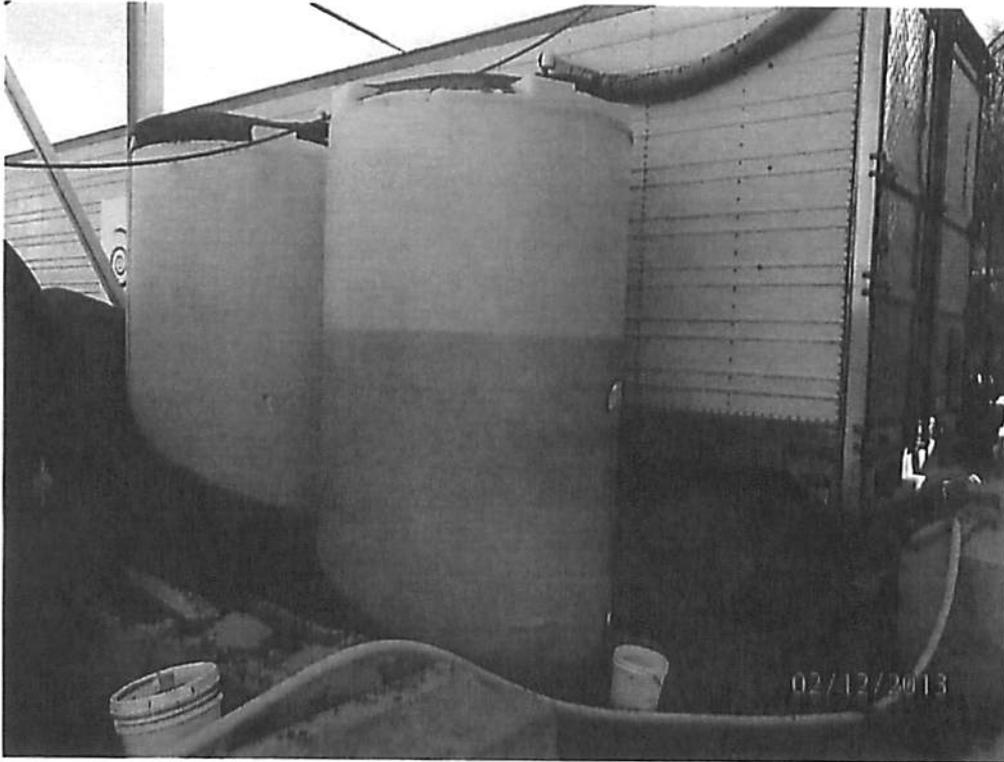




Pieces of concrete that are too large to effectively stabilize the outfall channel



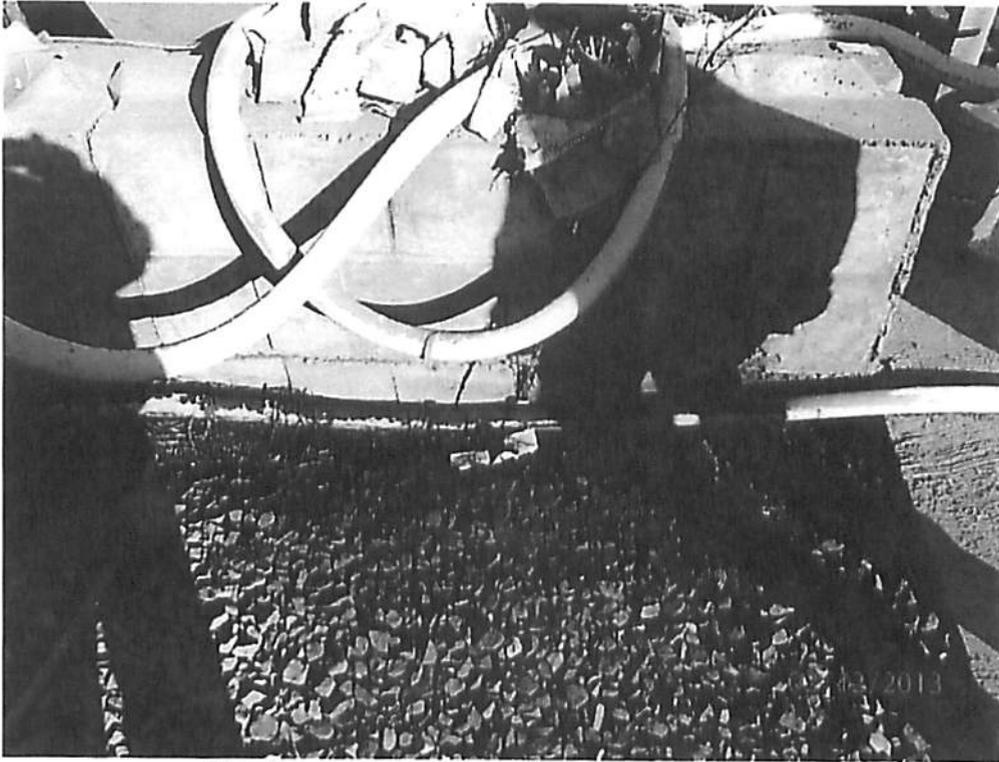
Ponding water that has a high pH due to concrete sludge



Chemical storage tanks with no secondary containment



Chemical storage with no secondary containment



Staining on the ground near the diesel fuel tank



Stockpiled concrete sludge overflowing its containment



Washout pits filled to capacity with industrial waste water and concrete sludge



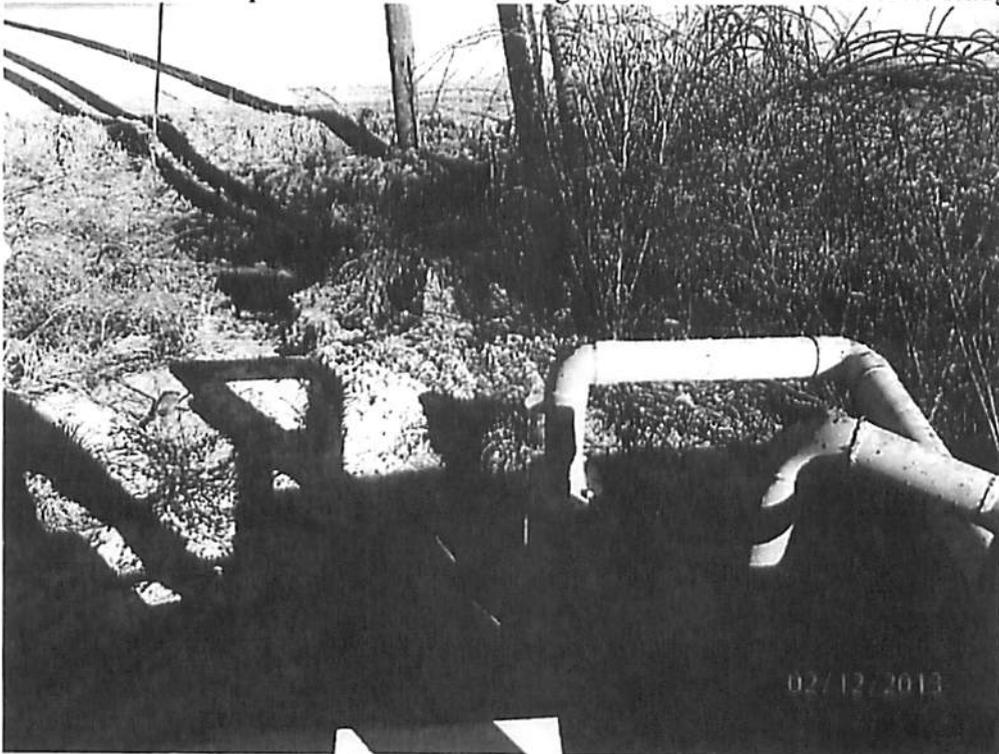
A breach in the wall of the concrete washout pits



Ditch full of industrial waste water that has leaked from the washout pits



Outlet from washout pits that shows a discharge of concrete and/or concrete sludge



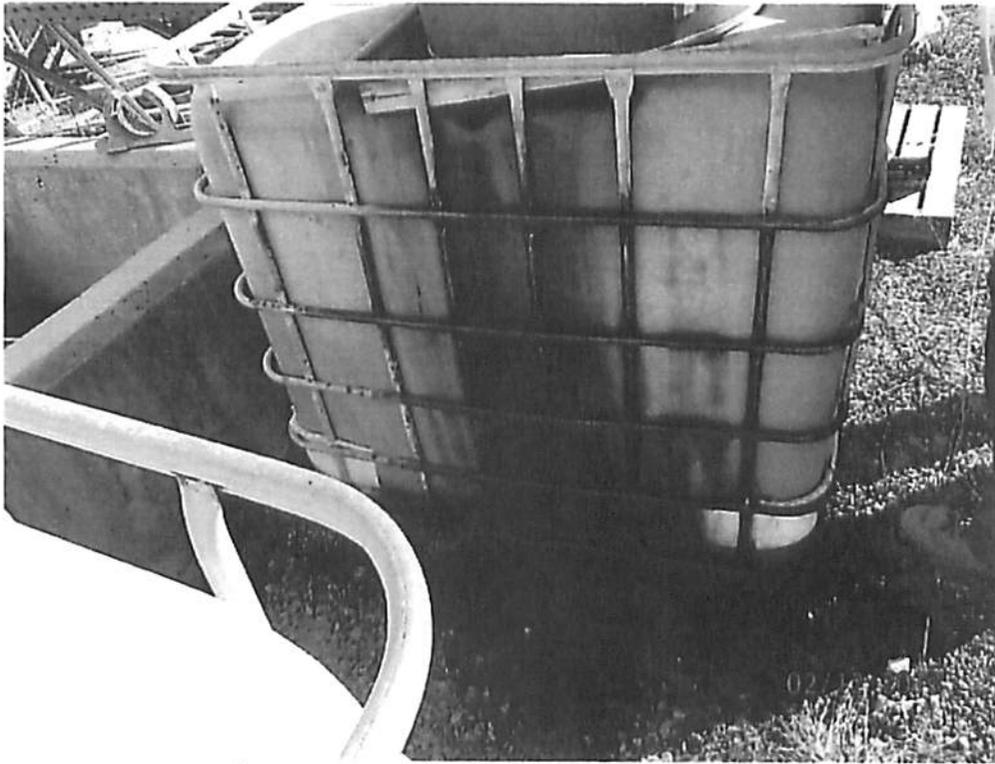
Discharge lines from washout pit



Concrete and/or concrete sludge discharged from the washout pits



Sediment leaving the site

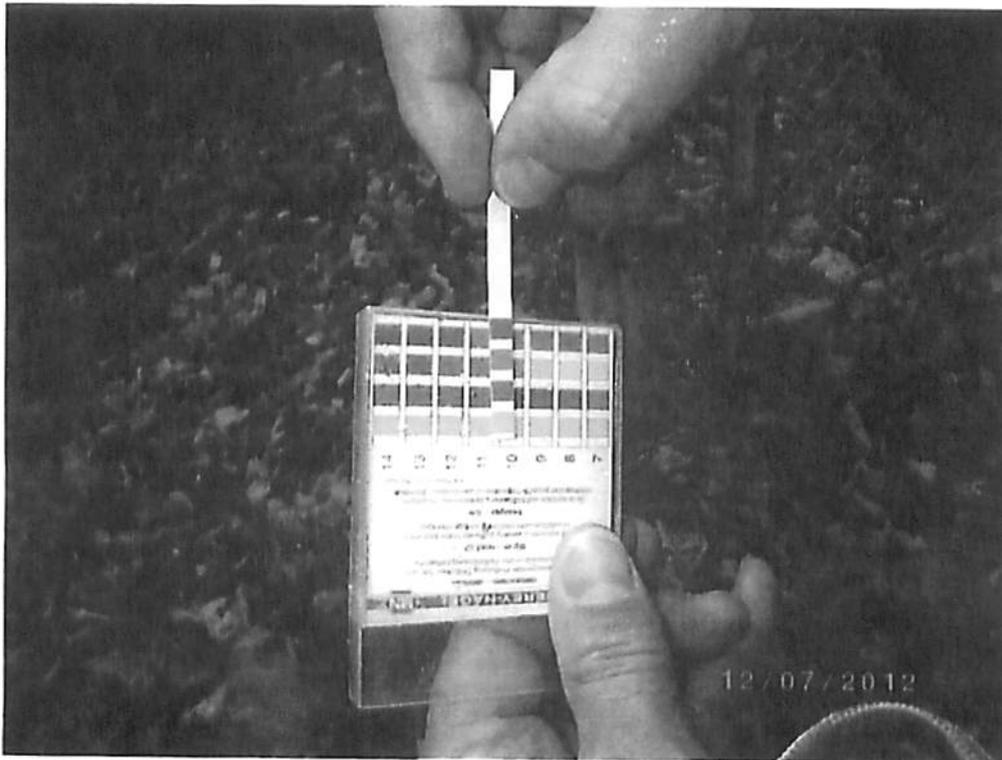
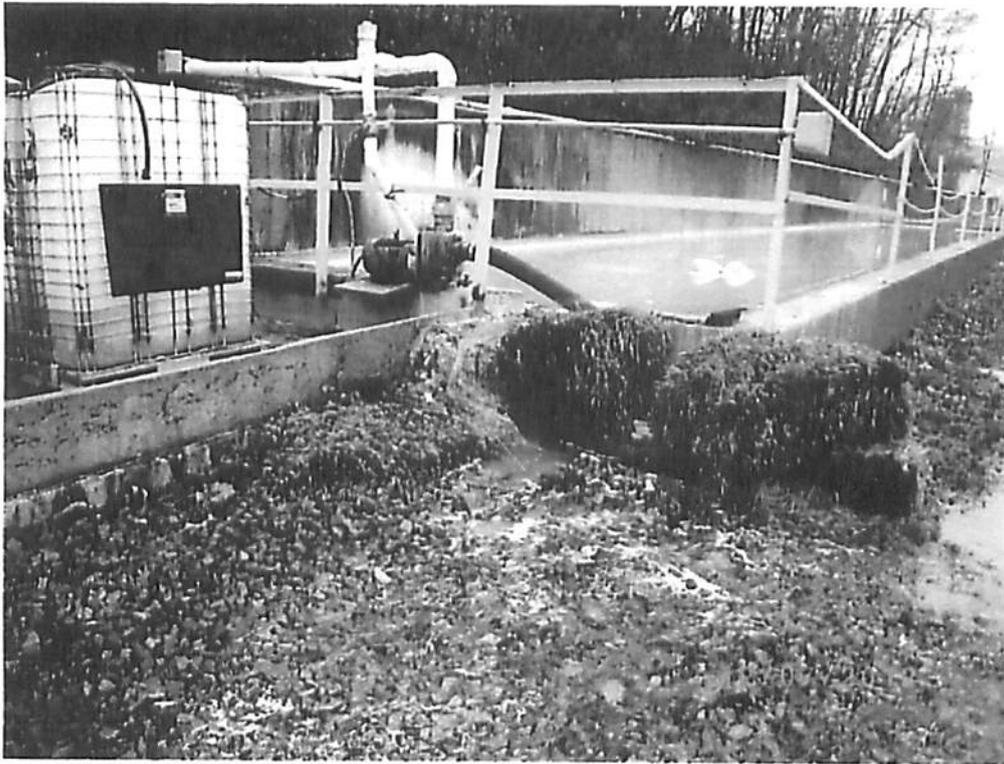


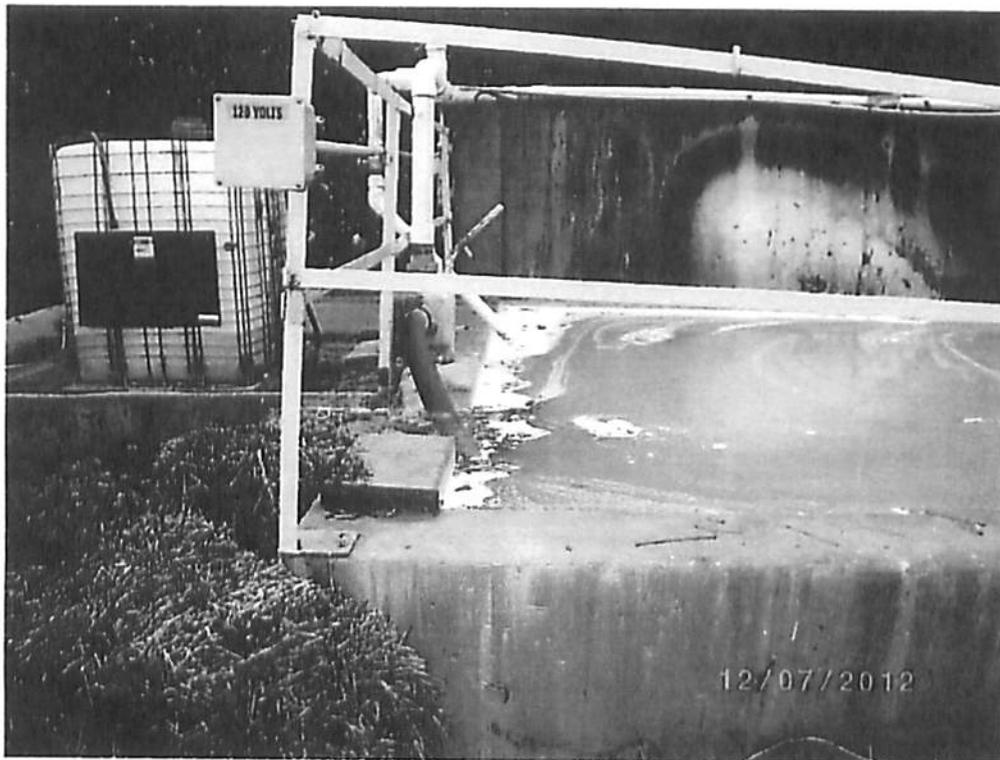
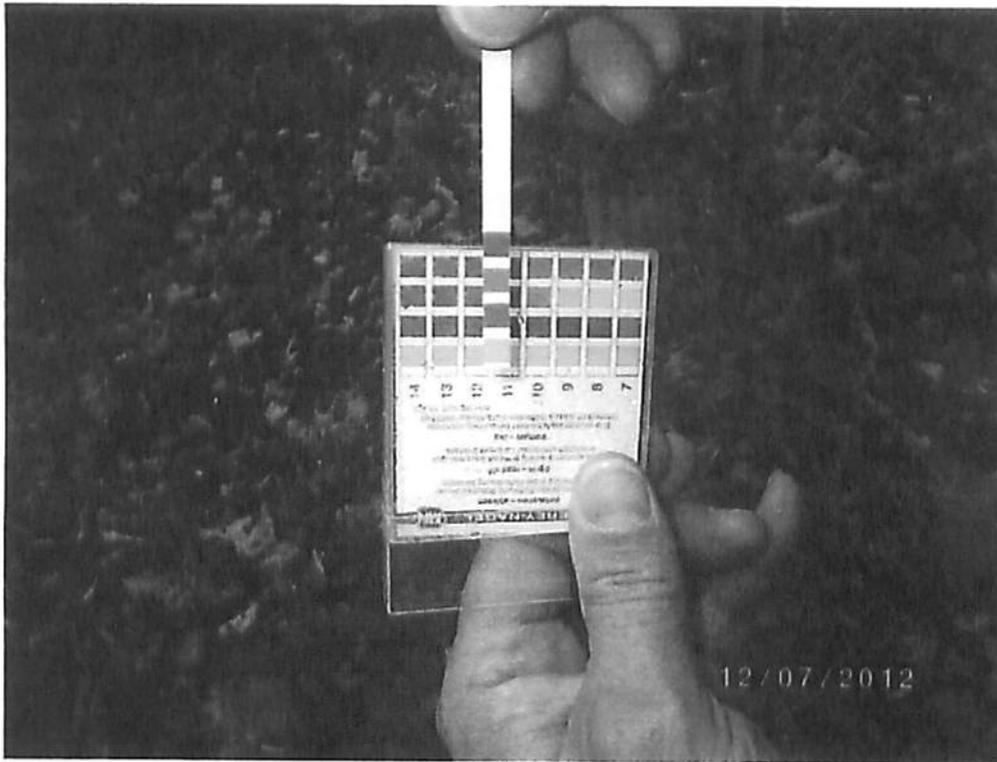
A storage container leaking onto the ground



The same leaking storage container referenced above showing that it is marked "oil"

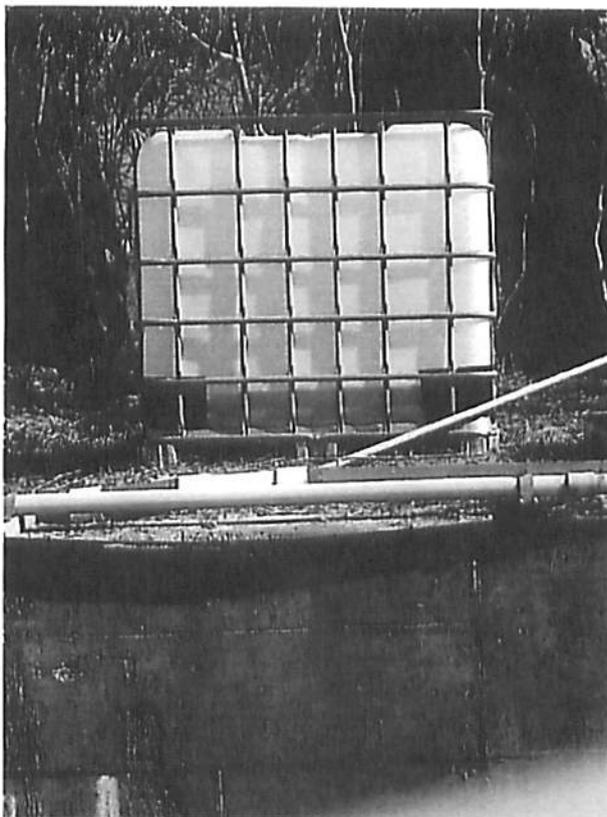
Central Supply Hornbeck 12/7/12





Central Supply Hornbeck 12/7/12

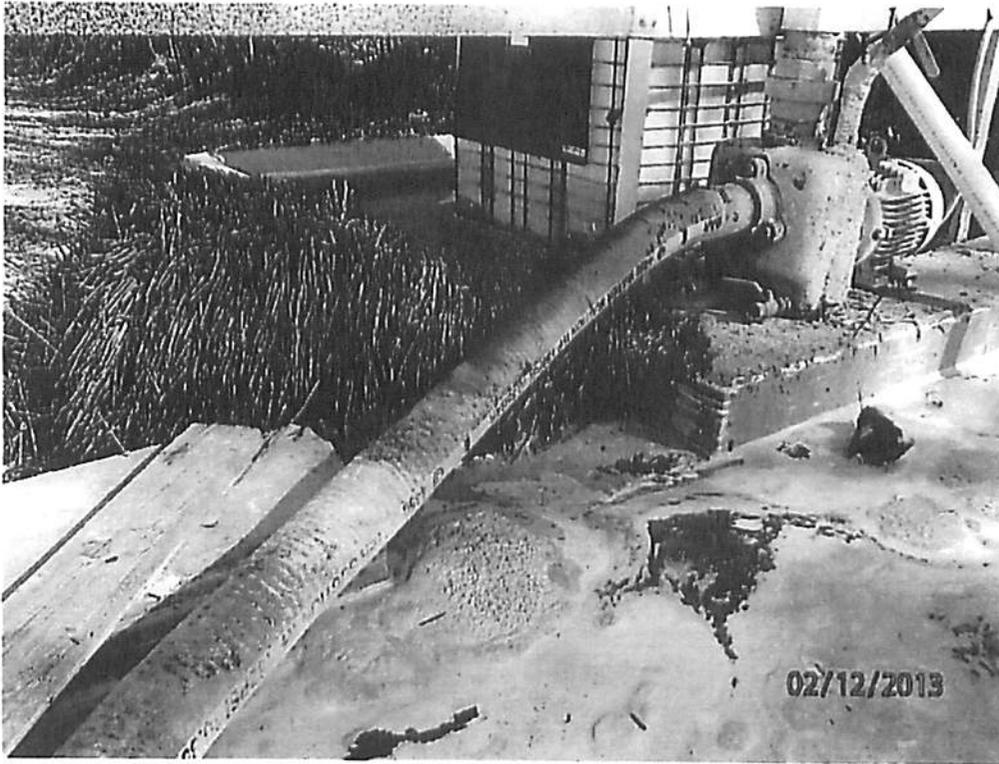




Chemical storage tank sitting on the grass with no secondary containment



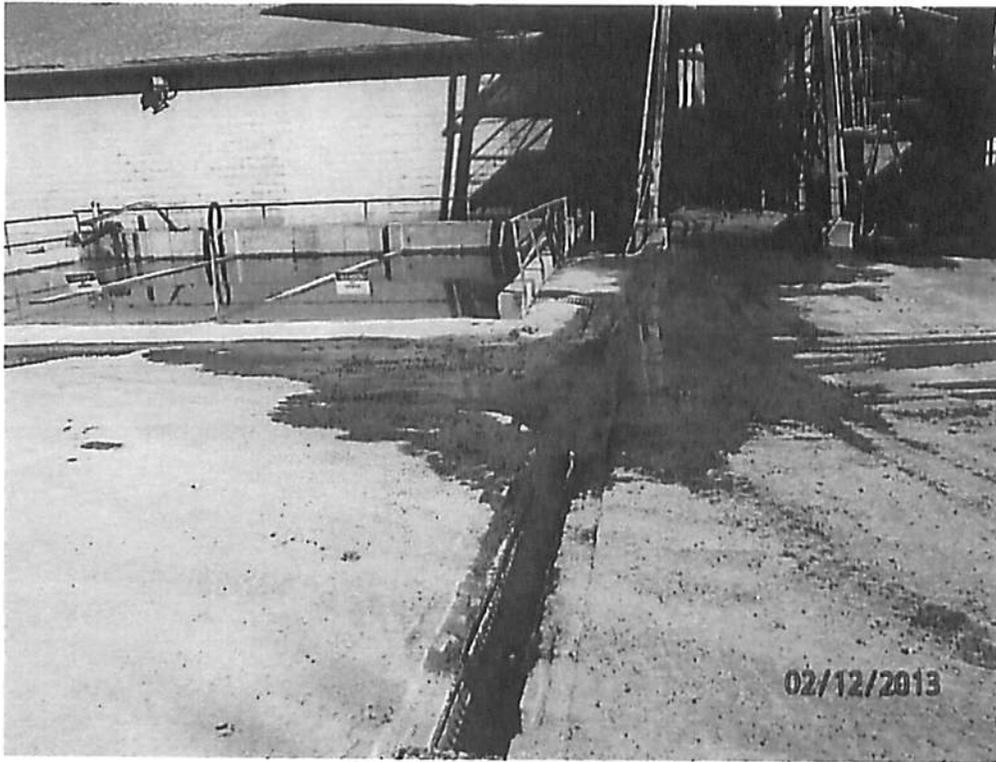
Batteries improperly stored on the ground outdoors



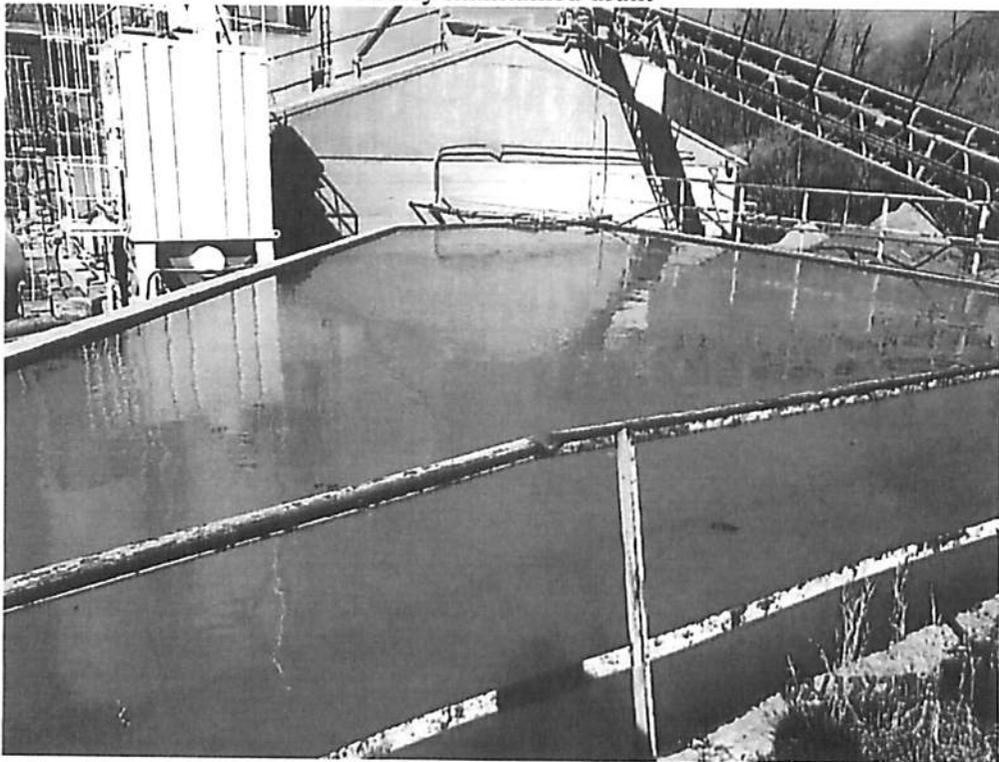
Evidence of concrete washout overflowing its containment



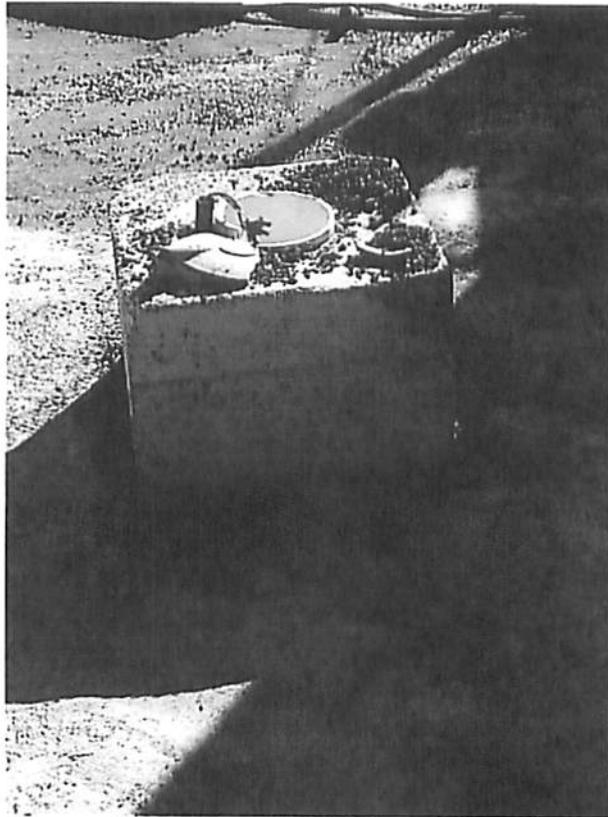
Pits filled to capacity



Poorly maintained drain



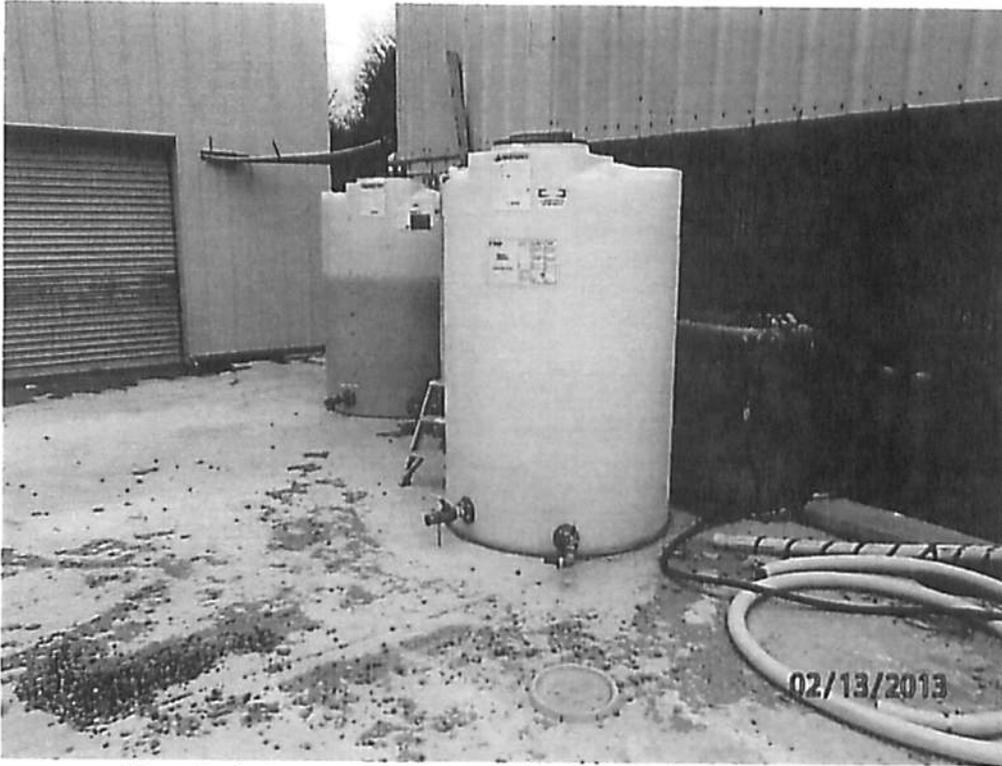
Water storage filled to capacity



Unused water well on property that needs to be abandoned to avoid groundwater contamination



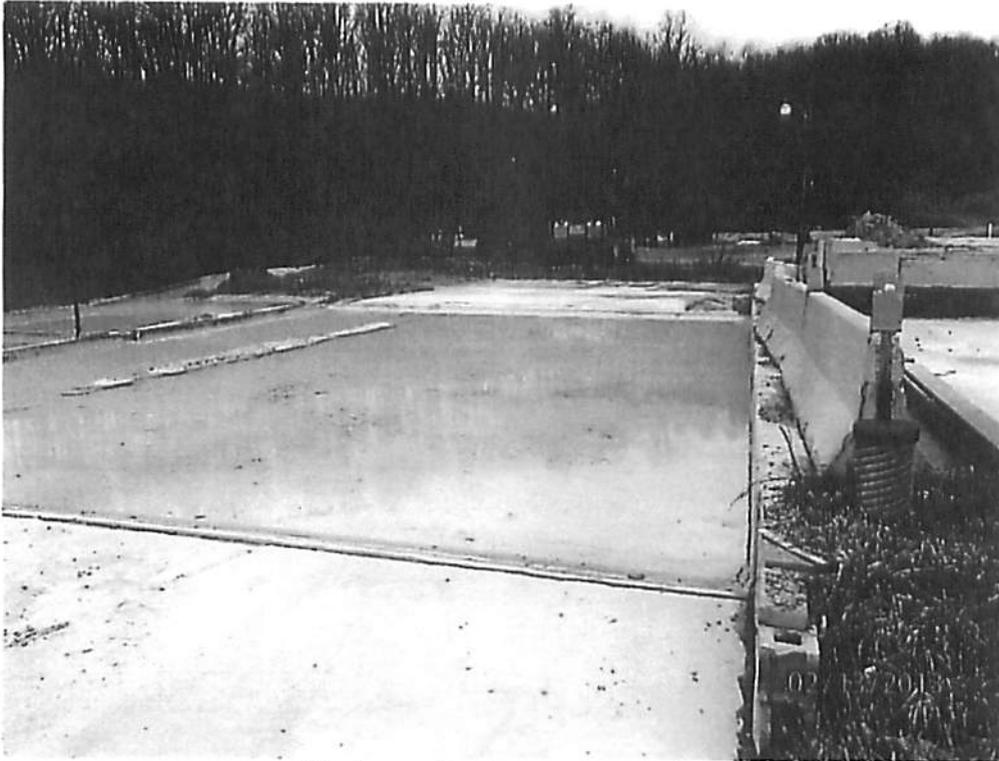
A "burn barrel" was observed on site containing solid waste



Chemical storage containers with no secondary containment



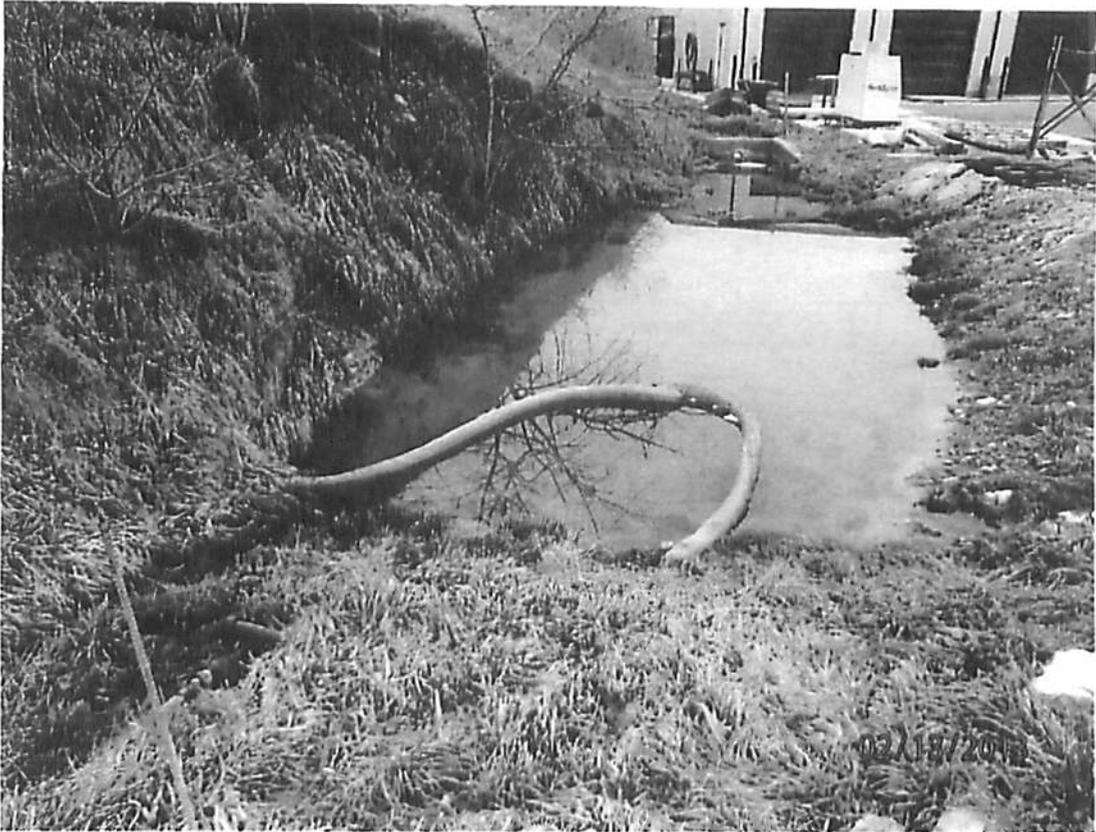
Chemical storage containers with no secondary containment



Washout pits at or near capacity



An inline impoundment being used as a treatment device



Inline impoundment



WV0112283 –Buckhannon Concrete Facility



Inline impoundment



Base Penalty Calculation

(pursuant to 47CSR1-6.1)

Responsible Party: Central Supply 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#												
			4a	5a	6a	7a	9a	9b	9c	9d	9e	12a	12b	13a	18a
a)	Amount of Pollutant Released	1 to 3	3	3	3	3	3	1	1	1	1	2	2	3	3
b)	Toxicity of Pollutant	0 to 3	1	1	1	1	1	1	0	0	1	1	1	1	1
c)	Sensitivity of the Environment	0 to 3	1	1	1	1	1	1	0	0	1	1	1	1	1
d)	Length of Time	1 to 3	1	1	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	0	0	0	0	1	1	1	1
Average Potential for Harm Factor			1.4	1.4	1.4	1.4	1.4	0.8	0.4	0.4	0.8	1.2	1.2	1.4	1.4
2)	Extent of Deviation Factor	Factor Range													
	Degree of Non-Compliance	1 to 3	3	3	3	3	3	1	2	1	1	3	2	3	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
4a	Moderate	Major	\$4,400	1	\$4,400
5a	Moderate	Major	\$4,400	1	\$4,400
6a	Moderate	Major	\$4,400	1	\$4,400
7a	Moderate	Major	\$4,400	1	\$4,400
9a	Moderate	Major	\$4,400	1	\$4,400
9b	Minor	Minor	\$800	1	\$800
9c	Minor	Moderate	\$1,200	1	\$1,200
9d	Minor	Minor	\$400	1	\$400
9e	Minor	Minor	\$800	1	\$800
12a	Moderate	Major	\$4,200	1	\$4,200
12b	Moderate	Moderate	\$3,200	1	\$3,200
13a	Moderate	Major	\$4,400	1	\$4,400
18a	Moderate	Major	\$4,400	1	\$4,400
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
Total Base Penalty					\$41,400

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 -	15		\$6,210
6.2.b.4 - Compliance/noncompliance history			\$0
6.2.b.6 - Economic benefits - (flat monetary increase)			\$0
6.2.b.7 - Public Interest - (flat monetary increase)			\$0
6.2.b.8 - Loss of enjoyment - (flat monetary increase)			\$0
6.2.b.9 - Investigative costs - (flat monetary increase)			\$0
6.2.b.10 - Other factors (size of violator)			\$0
6.2.b.10 - Additional Other Factors - Increase (flat monetary increase)			\$0
6.2.b.10 - Additional Other Factors - Decrease (flat monetary decrease)			\$0
Public Notice Costs (flat monetary increase)	\$30		\$30
6.2.b.2 - Good Faith - Increase			\$0
6.2.b.2 - Good Faith - Decrease		10	(\$4,140)
6.2.b.3 - Cooperation with the Secretary		10	(\$4,140)
6.2.b.5 - Ability to Pay			\$0
Penalty Adjustments			(\$2,040)
Penalty =			\$39,360

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:	