



west virginia department of environmental protection

Division of Water and Waste Management
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Charleston, WV 25304
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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**

TO: City of Ripley
Honororable Carolyn Rader, Mayor
203 S. Church St.,
Ripley, WV 25271

DATE: August 14, 2012
ORDER NO.: 7188

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 City of Ripley (hereinafter "Ripley").

FINDINGS OF FACT

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

City of Ripley

1. Ripley operates a sewage treatment pond located at Ripley, Jackson County, West Virginia. Ripley was reissued WV/NPDES Water Pollution Control Permit No. WV0045543 on March 19, 2008, with Administrative Order No. 6360.
2. West Virginia Department of Environmental Protection (WVDEP) personnel issued NOV No. W09-18-026-MAZ on April 22, 2009 and NOV No. W09-18-092-MAZ on August, 25, 2009 to Ripley for exceeding discharge limits (Section A of the WV/NPDES permit), and required a written response with a corrective action plan to achieve discharge limits. There has been no response to the NOV's.
3. On February 25 & 26, 2010, WVDEP personnel inspected the sewage treatment facility. Noted in the inspection, Ripley has failed to comply with Consent Order No. 6050 and Administrative Order No. 6360. Items noted as failing to comply with the terms and

Promoting a healthy environment.

conditions of the permit include an improper weir used in the flow metering system, discharge limitation exceedances, and no IUs listed in the permit (multiple car washes and a funeral home).

- a. Three notice of violations (NOV) were issued as a result of the inspection on March 2, 2010. NOV No. W10-18-027-MAZ and No. W10-18-028-MAZ were issued for failing to comply with an order (WV Code 22-11-15), and NOV No. W10-18-029-MAZ for failing to comply with terms and conditions of the permit (WV Legislative Rule 47CSR10.5.1.a.).
4. On March 15, 2012, WVDEP personnel reviewed Ripley's Discharge Monitoring Reports (DMRs), January 2009 through January 2012, and documented one hundred seventy-nine (179) exceedances.

These permit excursions are further described and detailed in attached Table No. 1. This table is summarized as follows:

- a. Eighty-four (84) minor exceedances of permitted discharge limitations.
 - b. Ninety-three (93) moderate exceedances of permitted discharge limitations.
 - c. Two (2) major exceedances of permitted discharge limitations.
5. The discharge of pollutants in quantities greater than set forth and granted in Section A (discharge limitations and monitoring requirements), is a violation of Appendix A.1, Duty to Comply, of Ripley's WV/NPDES permit.

City of Ripley - Evans Service Area (ESA)

6. ESA was issued a WV/NPDES Permit No. WV0027791, effective April 18, 2008 through March 18, 2013.
7. Administrative Order No. 6248 was issued on March 18, 2008 requiring a facility upgrade to meet permit requirements.
8. Order for Compliance No. 3, Attachment A of Order No. 6248, outlined a compliance schedule for the upgrade. The timeline has not been adhered to.
9. On August 17, 2011, West Virginia Department of Environmental Protection (WVDEP) personnel inspected ESA and issued a Notice of Violation (NOV) No. W11-18-038-MAZ, for failure to comply with Order No. 6248:
 - a. Failed to submit compliance report every six months to update agency of updates of accomplishments.
 - b. May 31, 2008 – contact WVDEP Construction Assistance Program to obtain preliminary instruction on the construction of the plant upgrade.
 - c. September 30, 2009 – submit initial set of plans and specification for the construction of the plant upgrade.
 - d. April 30, 2010 – submit the permit modification application for the plant upgrade.

- e. October 31, 2010 – obtain final approval for the plans and specifications for the plant upgrade.
 - f. June 30, 2011 – begin construction of the plant upgrade.
10. On August 17, 2011, WVDEP personnel inspected ESA and issued NOV No. W11-18-039-MAZ for violating Section A (discharge limits) of the permit.
11. On March 15, 2012, WVDEP personnel reviewed Ripley's DMRs for the Evans facility, January 2009 through January 2012, and documented one hundred forty-three (143) exceedances (Table Two).
 - a. Sixty (60) minor exceedances.
 - b. Sixty-two (62) moderate exceedances.
 - c. Twenty-one (21) major exceedances.
12. On June 28, 2012, in response to a complaint, WVDEP personnel conducted an investigation of Sycamore Creek, a tributary of Mill Creek, which flows into the Ohio River. During the investigation, WVDEP personnel observed and documented the following:
 - a. An approximately 250 yard section of Sycamore Creek was highly contaminated with sewage. The Creek was black and odorous, and it contained floating solids and grease. WVDEP personnel determined that leakage was emanating from a line failure at a Ripley sewage pipe crossing. It was ascertained that the leak had been occurring for at least one (1) week. Creating conditions not allowable in State waters is a violation of WV Legislative Rule 47CSR2 Section 3.2.
13. A meeting was held between WVDEP and Ripley on March 9, 2011 to discuss the terms of this Order. Ripley indicated that it had begun the process to evaluate its wastewater treatment system and had begun operation and maintenance procedures in an effort to correct its violations. Ripley submitted financial documents to WVDEP. The provided information was used to perform an economic analysis which evaluated Ripley's ability to pay a civil administrative penalty.
14. On July 28, October 12, and December 20, 2011, Ripley submitted documentation which described its on-going efforts toward achieving compliance with its WV/NPDES permit by interim measures. Ripley also submitted a plan of corrective action and schedule (POCA) which described its future timeline for achieving permit compliance.
15. On January 23, 2012, WVDEP responded to the Ripley POCA, indicating that additional efforts were required before approval of the POCA could be granted. Ripley agreed to address the issues regarding its POCA, as defined in the WVDEP letter of January 23, 2012, in an additional POCA submittal.
16. On April 23, 2012, Ripley submitted its required POCA, which was subsequently approved by WVDEP personnel.

17. The Cabinet Secretary recognizes extensive efforts by the City of Ripley to assemble a knowledgeable Sanitary Board. The Cabinet Secretary also acknowledges significant work by the Sanitary Board and the Mayor to immediately hire an engineering firm to develop information necessary to address Ripley's wastewater treatment needs, to educate customers of the need to quickly and aggressively address the longstanding, historic problems associated with Ripley's waste water treatment plant, and to pursue and implement an adequate rate structure to fund facility upgrades.

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. Ripley shall immediately take all measures to initiate compliance with all terms and conditions of its WV/NPDES permit and Order No. 6248.
2. Ripley's approved plan of corrective action and schedule (attached), dated April 23, 2012, outlines action items and completion dates for how and when Ripley will achieve compliance with all terms and conditions of its WV/NPDES permit and pertinent laws and rules. The plan of corrective action is incorporated into and has become part of this Order. Failure to adhere to the approved plan of corrective action and schedule is a violation of this Order.
3. Within thirty (30) days of the effective date of this Order, Ripley shall submit for approval a Standard Operating Procedure (SOP) for responding to complaints, investigating spills, and inspecting lift stations. The SOP shall include, but not be limited to, provisions for documenting all spill investigations and lift station inspections. The written reports shall include a description of any impacts to the environment and clean-up methods utilized and shall be made available for review by WVDEP personnel. The SOP shall be submitted to:

**WVDEP Environmental Inspector Supervisor
SW Regional Environmental Enforcement Office
PO Box 662
Teays, WV 25569**

4. Because of Ripley's permit and Order violations, Ripley shall be assessed a civil administrative penalty of thirty thousand thirty dollars (\$30,030) 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 \$1,251.25 due on or before October 1, 2012.
Payment 2 in the amount of \$1,251.25 due on or before November 1, 2012.
Payment 3 in the amount of \$1,251.25 due on or before December 1, 2012.
Payment 4 in the amount of \$1,251.25 due on or before January 1, 2013.
Payment 5 in the amount of \$1,251.25 due on or before February 1, 2013.
Payment 6 in the amount of \$1,251.25 due on or before March 1, 2013.

Payment 7 in the amount of \$1,251.25 due on or before April 1, 2013.
Payment 8 in the amount of \$1,251.25 due on or before May 1, 2013.
Payment 9 in the amount of \$1,251.25 due on or before June 1, 2013.
Payment 10 in the amount of \$1,251.25 due on or before July 1, 2013.
Payment 11 in the amount of \$1,251.25 due on or before August 1, 2013.
Payment 12 in the amount of \$1,251.25 due on or before September 1, 2013.
Payment 13 in the amount of \$1,251.25 due on or before October 1, 2013.
Payment 14 in the amount of \$1,251.25 due on or before November 1, 2013.
Payment 15 in the amount of \$1,251.25 due on or before December 1, 2013.
Payment 16 in the amount of \$1,251.25 due on or before January 1, 2014.
Payment 17 in the amount of \$1,251.25 due on or before February 1, 2014.
Payment 18 in the amount of \$1,251.25 due on or before March 1, 2014.
Payment 19 in the amount of \$1,251.25 due on or before April 1, 2014.
Payment 20 in the amount of \$1,251.25 due on or before May 1, 2014.
Payment 21 in the amount of \$1,251.25 due on or before June 1, 2014.
Payment 22 in the amount of \$1,251.25 due on or before July 1, 2014.
Payment 23 in the amount of \$1,251.25 due on or before August 1, 2014.
Payment 24 in the amount of \$1,251.25 due on or before September 1, 2014.

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

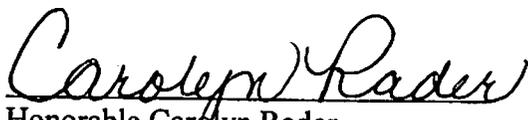
**Chief Inspector
Environmental Enforcement - Mail Code #031328
WV-DEP
601 57th Street SE
Charleston, WV 25304**

OTHER PROVISIONS

1. Ripley 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, Ripley 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, Ripley 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 Ripley 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, Ripley 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 Ripley 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 Ripley 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 Ripley (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 Ripley 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 Ripley 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 Ripley, its successors and assigns.
7. This Order shall terminate upon Ripley's notification of full compliance with the "Order for Compliance" and verification of this notification by WVDEP.



Honorable Carolyn Rader
Mayor, City of Ripley



Date

Public Notice begin: _____
Date

Public Notice end: _____
Date

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

Date

Table One:
Ripley WV0045543
DMR Exceedance Summary

Outlet 001 DMR Exceedances - AVG. MONTHLY - January 2009 through December 2011						Degree of non-compliance		
Date	Parameter	Units	Permitted avg. monthly	Reported avg. monthly	% Exceedance	Min	Mod	Maj
01/09	BOD	lbs/day	125.0	146	17%	X	-	-
	BOD	mg/L	30.0	33.3	11%	X	-	-
	NH3N	lbs/day	19.4	57	194%	-	X	-
	NH3N	mg/L	4.7	13.01	180%	-	X	-
	Total Rec. Copper	mg/L	0.0	0.0167	80%	-	X	-
	Total Rec. Zinc	mg/L	0.05	0.072	57%	-	X	-
02/09	BOD	lbs/day	125.00	153	22%	X	-	-
	BOD	mg/L	30.00	34.3	14%	X	-	-
	TSS	lbs/day	125.00	398	218%	-	X	-
	TSS	mg/L	30.00	89.3	198%	-	X	-
	NH3N	lbs/day	19.40	53	173%	-	X	-
	NH3N	mg/L	4.65	12	158%	-	X	-
03/09	BOD	lbs/day	125.00	253	102%	-	X	-
	BOD	mg/L	30.00	78	160%	-	X	-
	TSS	lbs/day	125.00	344	175%	-	X	-
	TSS	mg/L	30.00	106	253%	-	X	-
	NH3N	lbs/day	19.40	36	86%	-	X	-
	NH3N	mg/L	4.65	11	137%	-	X	-
	Total Rec. Zinc	mg/L	0.05	0.0562	23%	X	-	-
04/09	BOD	lbs/day	125.00	190	52%	-	X	-
	BOD	mg/L	30.00	39.5	32%	X	-	-
	TSS	lbs/day	125.00	162	30%	X	-	-
	TSS	mg/L	30.00	34.7	16%	X	-	-
	NH3N	lbs/day	19.40	69	256%	-	X	-
	NH3N	mg/L	4.65	14.32	208%	-	X	-
05/09	NH3N	lbs/day	19.40	29	49%	-	X	-
	NH3N	mg/L	4.65	11.52	148%	-	X	-
06/09	BOD	lbs/day	125.00	210	68%	-	X	-
	BOD	mg/L	30.00	41.2	37%	X	-	-
	TSS	lbs/day	125.00	316	153%	-	X	-
	TSS	mg/L	30.00	62	107%	-	X	-
	NH3N	lbs/day	19.40	21	8%	X	-	-
	Total Rec. Zinc	mg/L	0.05	0.0616	34%	X	-	-
07/09	TSS	mg/L	30.00	38	27%	X	-	-
	Total Rec. Zinc	mg/L	0.05	0.0528	15%	X	-	-
08/09	BOD	mg/L	30.00	34.2	14%	X	-	-
	TSS	lbs/day	125.00	143	14%	X	-	-
	TSS	mg/L	30.00	52	73%	-	X	-
	NH3N	mg/L	4.65	4.9	5%	X	-	-
09/09	BOD	mg/L	30.00	60.7	102%	-	X	-
	TSS	lbs/day	125.00	167	34%	X	-	-
	TSS	mg/L	30.00	83.3	178%	-	X	-
10/09	BOD	lbs/day	125.00	136	9%	X	-	-
	BOD	mg/L	30.00	65.1	117%	-	X	-
	Total Rec. Zinc	mg/L	0.05	0.0582	27%	X	-	-
11/09	BOD	lbs/day	125.00	126	1%	X	-	-
	BOD	mg/L	30.00	36.2	21%	X	-	-
	Total Rec. Zinc	mg/L	0.05	0.101	121%	-	X	-
12/09	BOD	lbs/day	125.00	133	6%	X	-	-

Table One:
Ripley WV0045543
DMR Exceedance Summary

	BOD	mg/L	30.00	32.3	8%	X	-	-
	NH3N	lbs/day	19.40	36	86%	-	X	-
	NH3N	mg/L	4.65	8.62	85%	-	X	-
	Total Rec. Copper	mg/L	0.01	0.0177	90%	-	X	-
	Total Rec. Zinc	mg/L	0.05	0.0613	34%	X	-	-
01/10	BOD	lbs/day	125.00	266	113%	-	X	-
	BOD	mg/L	30.00	65.4	118%	-	X	-
	NH3N	lbs/day	19.40	68.6	254%	-	X	-
	NH3N	mg/L	4.65	16.88	263%	-	X	-
	Total Rec. Copper	mg/L	0.01	0.016	72%	-	X	-
	Total Rec. Zinc	mg/L	0.05	0.0807	76%	-	X	-
02/10	BOD	lbs/day	125.00	358	186%	-	X	-
	BOD	mg/L	30.00	58.5	95%	-	X	-
	TSS	lbs/day	125.00	171	37%	X	-	-
	NH3N	lbs/day	19.40	93	379%	-	-	X
	NH3N	mg/L	4.65	15.18	226%	-	X	-
	Total Rec. Copper	mg/L	0.01	0.0131	41%	-	X	-
	Total Rec. Lead	mg/L	0.00	0.005	108%	-	X	-
	Total Rec. Zinc	mg/L	0.05	0.144	214%	-	X	-
03/10	BOD	lbs/day	125.00	218	74%	-	X	-
	TSS	lbs/day	125.00	231	85%	-	X	-
	BOD	mg/L	30.00	49.6	65%	-	X	-
	TSS	mg/L	30.00	52.5	75%	-	X	-
	NH3N	lbs/day	19.40	61.5	217%	-	X	-
	NH3N	mg/L	4.65	14.01	201%	-	X	-
	Total Rec. Zinc	mg/L	0.05	0.0726	59%	-	X	-
04/10	BOD	mg/L	30.00	38.4	28%	X	-	-
	TSS	mg/L	30.00	60	100%	-	X	-
	Total Rec. Zinc	mg/L	0.05	0.0585	28%	X	-	-
05/10	NH3N	lbs/day	19.40	45.3	134%	-	X	-
	NH3N	mg/L	4.65	12.66	172%	-	X	-
06/10	TSS	lbs/day	125.00	141	13%	X	-	-
	Total Rec. Zinc	mg/L	0.05	0.0514	12%	X	-	-
07/10	TSS	lbs/day	125.00	210	68%	-	X	-
	TSS	mg/L	30.00	63.3	111%	-	X	-
	Total Rec. Zinc	mg/L	0.05	0.192	319%	-	-	X
08/10	BOD	lbs/day	125.00	198	58%	-	X	-
	TSS	lbs/day	125.00	344	175%	-	X	-
	BOD	mg/L	30.00	51.8	73%	-	X	-
	TSS	mg/L	30.00	90	200%	-	X	-
09/10	BOD	mg/L	30	39.6	32%	X	-	-
	TSS	lbs/day	125	216	73%	-	X	-
	TSS	mg/L	30	63	110%	-	X	-
10/10	BOD	lbs/day	125.00	247	98%	-	X	-
	TSS	lbs/day	125.00	175	40%	X	-	-
	BOD	mg/L	30.00	67.8	126%	-	X	-
	TSS	mg/L	30.00	48	60%	-	X	-
11/10	BOD	lbs/day	125	209	67%	-	X	-
	BOD	mg/L	30	59.6	99%	-	X	-
	TSS	lbs/day	125	203	62%	-	X	-
	TSS	mg/L	30	58	93%	-	X	-
12/10	BOD	lbs/day	125	263	110%	-	X	-
	BOD	mg/L	30	60.4	101%	-	X	-
	TSS	lbs/day	125	139	11%	X	-	-
	TSS	mg/L	30	32	7%	X	-	-
	NH3N	lbs/day	19.4	20.1	4%	X	-	-

Table One:
Ripley WV0045543
DMR Exceedance Summary

	Tot. Rec. Zinc	mg/L	0.0458	0.0794	73%	-	X	-
	Tot. Rec. Copper	mg/L	0.0093	0.0153	65%	-	X	-
01/11	BOD	lbs/day	125	347	178%	-	X	-
	BOD	mg/L	30	77.3	158%	-	X	-
	NH3N	lbs/day	19.4	35.1	81%	-	X	-
	NH3N	mg/L	4.65	7.83	68%	-	X	-
	Tot. Rec. Zinc	mg/L	0.0458	0.08	75%	-	X	-
	Tot. Rec. Copper	mg/L	0.0093	0.019	104%	-	X	-
03/11	TSS	lbs/day	125	262	110%	-	X	-
	TSS	mg/L	30	50	67%	-	X	-
	NH3N	lbs/day	19.4	46.9	142%	-	X	-
	NH3N	mg/L	4.65	8.96	93%	-	X	-
	Tot. Rec. Zinc	mg/L	0.0458	0.0552	21%	X	-	-
04/11	TSS	lbs/day	125	252	102%	-	X	-
	TSS	mg/L	30	48	60%	-	X	-
05/11	NH3N	lbs/day	19.4	33.5	73%	-	X	-
	NH3N	mg/L	4.65	6.16	32%	X	-	-
	Tot. Rec. Zinc	mg/L	0.0458	0.0469	2%	X	-	-
07/11	TSS	lbs/day	125	226	81%	-	X	-
	TSS	mg/L	30	60	100%	-	X	-
08/11	TSS	lbs/day	125	145	16%	X	-	-
	TSS	mg/L	30	38.2	27%	X	-	-
09/11	BOD	lbs/day	125	149	19%	X	-	-
	BOD	mg/L	30	34.6	15%	X	-	-
	TSS	lbs/day	125	189	51%	-	X	-
	TSS	mg/L	30	44	47%	-	X	-
10/11	BOD	lbs/day	125	270	116%	-	X	-
	BOD	mg/L	30	58.2	94%	-	X	-
	TSS	lbs/day	125	381	205%	-	X	-
	TSS	mg/L	30	82	173%	-	X	-
11/11	TSS	lbs/day	125	131	5%	X	-	-
	TSS	mg/L	30	41.4	38%	X	-	-
12/11	NH3N	lbs/day	19.4	23.8	23%	X	-	-
	Tot. Rec. Zinc	mg/L	0.0458	0.0536	17%	X	-	-

Table One:
Ripley WV0045543
DMR Exceedance Summary

Outlet 001 DMR Exceedances - MAX. DAILY - January 2009 through December 2011						Degree of non-compliance		
Date	Parameter	Units	Permitted max. daily	Reported max. daily	% Exceedance	Min	Mod	Maj
01/09	NH3N	lbs/day	38.80	57	47%	X	-	-
	NH3N	mg/L	9.30	13.01	40%	X	-	-
02/09	TSS	lbs/day	250.00	398	59%	X	-	-
	TSS	mg/L	60.00	89.3	49%	X	-	-
03/09	NH3N	lbs/day	38.80	53	37%	X	-	-
	NH3N	mg/L	9.30	12	29%	X	-	-
	BOD	lbs/day	250.00	253	1%	X	-	-
	BOD	mg/L	60.00	78	30%	X	-	-
04/09	TSS	lbs/day	250.00	344	38%	X	-	-
	TSS	mg/L	60.00	106	77%	X	-	-
	NH3N	mg/L	9.30	11	18%	X	-	-
	NH3N	lbs/day	38.80	69	78%	X	-	-
05/09	NH3N	mg/L	9.30	14.32	54%	X	-	-
	NH3N	mg/L	9.30	11.52	24%	X	-	-
06/09	TSS	lbs/day	250.00	316	26%	X	-	-
	TSS	mg/L	60.00	62	3%	X	-	-
09/09	BOD	mg/L	60.00	60.7	1%	X	-	-
	TSS	mg/L	60.00	83.3	39%	X	-	-
10/09	BOD	mg/L	60.00	65.1	8%	X	-	-
	BOD	lbs/day	250.00	266	6%	X	-	-
01/10	BOD	mg/L	60.00	65.4	9%	X	-	-
	NH3N	lbs/day	38.80	68.6	77%	X	-	-
	NH3N	mg/L	9.30	16.88	82%	X	-	-
	BOD	lbs/day	250.00	358	43%	X	-	-
02/10	NH3N	lbs/day	38.80	93	140%	-	X	-
	NH3N	mg/L	9.30	15.18	63%	X	-	-
	Total Rec. Zinc	mg/L	0.12	0.144	23%	X	-	-
03/10	NH3N	lbs/day	38.80	61.5	59%	X	-	-
	NH3N	mg/L	9.30	14.01	51%	X	-	-
05/10	NH3N	lbs/day	38.80	45.3	17%	X	-	-
	NH3N	mg/L	9.30	12.66	36%	X	-	-
07/10	TSS	mg/L	60.00	63.3	6%	X	-	-
	Total Rec. Zinc	mg/L	0.12	0.192	64%	X	-	-
08/10	TSS	lbs/day	250.00	344	38%	X	-	-
	TSS	mg/L	60.00	90	50%	X	-	-
09/10	TSS	lbs/day	250	295	18%	X	-	-
	TSS	mg/L	60	63	5%	X	-	-
10/10	BOD	mg/L	60.00	67.8	13%	X	-	-
	BOD	lbs/day	250	263	5%	X	-	-
	BOD	mg/L	60	60.4	1%	X	-	-
	BOD	lbs/day	250	347	39%	X	-	-
01/11	BOD	mg/L	60	77.3	29%	X	-	-
	Tot. Rec. Copper	mg/L	0.0177	0.019	7%	X	-	-
03/11	TSS	lbs/day	250	262	5%	X	-	-
	NH3N	lbs/day	38.8	46.9	21%	X	-	-
04/11	TSS	lbs/day	250	252	1%	X	-	-
10/11	BOD	lbs/day	250	270	8%	X	-	-
	TSS	lbs/day	250	381	52%	X	-	-
	TSS	mg/L	60	82	37%	X	-	-

Table One:
Ripley WV0045543
DMR Exceedance Summary

Outlet 001 Exceedances - Minimum 85% Removal - AVG. MONTHLY - 1/09 -12/11						Degree of non-compliance		
Date	Parameter	Units	Permitted Minimum % Removal	Reported % Removal	% Exceedance	Min	Mod	Maj
Aug '10	BOD	mg/l	85.0	79.0	7.1%	X	-	-
Sept '10	BOD	mg/l	85.0	84	16%	X	-	-
Oct '10	BOD	mg/l	85.0	72	0%	X	-	-
Nov '10	BOD	mg/l	85.0	80	11%	X	-	-
Dec '10	BOD	mg/l	85.0	69	4%	X	-	-
Jan '11	BOD	mg/l	85.0	65	10%	X	-	-
March '11	BOD	mg/l	85.0	83	15%	X	-	-
Sept '11	BOD	mg/l	85.0	43	40%	-	X	-
Oct '11	BOD	mg/l	85.0	35	52%	-	X	-
Aug '10	TSS	mg/l	85.0	57	21%	X	-	-
Sept '10	TSS	mg/l	85.0	53	27%	X	-	-
Oct '10	TSS	mg/l	85.0	83	15%	X	-	-
Nov '10	TSS	mg/l	85.0	74	2%	X	-	-
Dec '10	TSS	mg/l	85.0	77	7%	X	-	-
Jan '11	TSS	mg/l	85.0	81	12%	X	-	-
March '11	TSS	mg/l	85.0	44	39%	-	X	-
April '11	TSS	mg/l	85.0	56	22%	X	-	-
June '11	TSS	mg/l	85.0	81	12%	X	-	-
July '11	TSS	mg/l	85.0	63	13%	X	-	-
Aug '11	TSS	mg/l	85.0	75	4%	X	-	-
Sept '11	TSS	mg/l	85.0	56	22%	X	-	-
Oct '11	TSS	mg/l	85.0	45	38%	-	X	-
Nov '11	TSS	mg/l	85.0	78	8%	X	-	-

Outlet 001 Totals	Degree of non-compliance		
	Min	Mod	Maj
	84	93	2

Table Two:
Ripley ESA WV0027791
DMR Exceedance Summary

Outlet 001 DMR Exceedances - AVG. MONTHLY - January 2009 through December 2011						Degree of non-compliance		
Date	Parameter	Units	Permitted avg. monthly	Reported avg. monthly	% Exceedance	Min	Mod	Max
Sept '09	BOD	lbs/day	19	26.77	41%	-	X	-
Dec '09	BOD	lbs/day	19	23.85	26%	X	-	-
Feb '10	BOD	lbs/day	19	21.44	13%	X	-	-
March '10	BOD	lbs/day	19	27.92	47%	-	X	-
May '10	BOD	lbs/day	19	25.41	34%	X	-	-
Nov '10	BOD	lbs/day	19	41.53	119%	-	X	-
Jan '11	BOD	lbs/day	19	59.13	211%	-	X	-
Feb '11	BOD	lbs/day	19	98.31	417%	-	-	X
March '11	BOD	lbs/day	19	32.09	69%	-	X	-
April '11	BOD	lbs/day	19	31.55	66%	-	X	-
May '11	BOD	lbs/day	19	51.22	170%	-	X	-
June '11	BOD	lbs/day	19	24.98	31%	X	-	-
Aug '11	BOD	lbs/day	19	23.41	23%	X	-	-
Aug '09	BOD	mg/L	30	31.5	5%	X	-	-
Sept '09	BOD	mg/L	30	64.2	114%	-	X	-
Oct '09	BOD	mg/L	30	32.4	8%	X	-	-
Aug '10	BOD	mg/L	30	33.6	12%	X	-	-
Nov '10	BOD	mg/L	30	42.2	41%	-	X	-
Jan '11	BOD	mg/L	30	33.6	12%	X	-	-
Feb '11	BOD	mg/L	30	53.1	77%	-	X	-
April '09	TSS	lbs/day	19	30.17	59%	-	X	-
Dec '09	TSS	lbs/day	19	41.2	117%	-	X	-
Jan '10	TSS	lbs/day	19	31.48	66%	-	X	-
Feb '10	TSS	lbs/day	19	43.67	130%	-	X	-
March '10	TSS	lbs/day	19	27.92	47%	-	X	-
May '10	TSS	lbs/day	19	25.62	35%	X	-	-
Aug '10	TSS	lbs/day	19	43.7	130%	-	X	-
Dec '10	TSS	lbs/day	19	45.97	142%	-	X	-
March '11	TSS	lbs/day	19	39.87	110%	-	X	-
April '11	TSS	lbs/day	19	85.87	352%	-	-	X
May '11	TSS	lbs/day	19	72.89	284%	-	X	-
June '11	TSS	lbs/day	19	21.35	12%	X	-	-
July '11	TSS	lbs/day	19	52.54	177%	-	X	-
Aug '11	TSS	lbs/day	19	61.43	223%	-	X	-
March '09	TSS	mg/L	30	36	20%	X	-	-
April '09	TSS	mg/L	30	54	80%	-	X	-
Aug '09	TSS	mg/L	30	33	10%	X	-	-
Sept '09	TSS	mg/L	30	45	50%	-	X	-
Dec '09	TSS	mg/L	30	38	27%	X	-	-
Jan '10	TSS	mg/L	30	34	13%	X	-	-
Feb '10	TSS	mg/L	30	44	47%	-	X	-
March '10	TSS	mg/L	30	40	33%	X	-	-
July '10	TSS	mg/L	30	32	7%	X	-	-
Aug '10	TSS	mg/L	30	99	230%	-	X	-
April '11	TSS	mg/L	30	44	47%	-	X	-
May '11	TSS	mg/L	30	38	27%	X	-	-
July '11	TSS	mg/L	30	50	67%	-	X	-
Aug '11	TSS	mg/L	30	58	93%	-	X	-
Dec '09	NH3N	lbs/day	8.23	15.61	90%	-	X	-
Jan '10	NH3N	lbs/day	8.23	10.37	26%	X	-	-
Nov '10	NH3N	lbs/day	8.23	11.61	41%	-	X	-
Dec '10	NH3N	lbs/day	8.23	24.93	203%	-	X	-
Jan '11	NH3N	lbs/day	8.23	29.92	264%	-	X	-
Feb '11	NH3N	lbs/day	8.23	29.25	255%	-	X	-
March '11	NH3N	lbs/day	8.23	15.03	83%	-	X	-
April '11	NH3N	lbs/day	8.23	8.33	1%	X	-	-
Dec '09	NH3N	mg/L	12.9	14.4	12%	X	-	-
Dec '10	NH3N	mg/L	12.9	14.1	9%	X	-	-
Jan '11	NH3N	mg/L	12.9	17.4	35%	X	-	-
Feb '11	NH3N	mg/L	12.9	15.8	22%	X	-	-
May '10	Total Rec. Copper	mg/L	0.0073	0.0498	582%	-	-	X

Table Two:
Ripley ESA WV0027791
DMR Exceedance Summary

June '10	Total Rec. Copper	mg/L	0.0073	0.0418	473%	-	-	X
July '10	Total Rec. Copper	mg/L	0.0073	0.167	2188%	-	-	X
Aug '10	Total Rec. Copper	mg/L	0.0073	0.065	790%	-	-	X
Sept '10	Total Rec. Copper	mg/L	0.0073	0.129	1667%	-	-	X
Nov '10	Total Rec. Copper	mg/L	0.0073	0.0862	1081%	-	-	X
Dec '10	Total Rec. Copper	mg/L	0.0073	0.108	1379%	-	-	X
Jan '11	Total Rec. Copper	mg/L	0.0073	0.129	1667%	-	-	X
Feb '11	Total Rec. Copper	mg/L	0.0073	0.12	1544%	-	-	X
March '11	Total Rec. Copper	mg/L	0.0073	0.055	653%	-	-	X
April '11	Total Rec. Copper	mg/L	0.0073	0.0384	426%	-	-	X
May '11	Total Rec. Copper	mg/L	0.0073	0.0338	363%	-	-	X
June '11	Total Rec. Copper	mg/L	0.0073	0.0448	514%	-	-	X
July '11	Total Rec. Copper	mg/L	0.0073	0.00834	14%	X	-	-
Aug '09	Fecal Coliform	Cnts/100m	200	720	260%	-	X	-
Sept '11	BOD	lbs/day	19	48.88	157%	-	X	-
Sept '11	TSS	lbs/day	19	88.87	368%	-	-	X
Sept '11	TSS	mg/L	30	48	60%	-	X	-
Sept '11	NH3N	lbs/day	8.23	10.94	33%	X	-	-
Oct '11	BOD	lbs/day	19	59.75	214%	-	X	-
Oct '11	BOD	mg/L	30	30.1	0%	X	-	-
Oct '11	TSS	lbs/day	19	51.61	172%	-	X	-
Oct '11	NH3N	lbs/day	8.23	12.9	57%	-	X	-
Nov '11	BOD	lbs/day	19	53.32	181%	-	X	-
Nov '11	TSS	lbs/day	19	40.7	114%	-	X	-
Dec '11	BOD	lbs/day	19	72.25	280%	-	X	-
Dec '11	TSS	lbs/day	19	150.12	690%	-	-	X
Dec '11	TSS	mg/L	30	48	60%	-	X	-
Dec '11	NH3N	lbs/day	8.23	10.57	28%	X	-	-
Jan '12	BOD	lbs/day	19	52.24	175%	-	X	-
Jan '12	TSS	lbs/day	19	38.03	100%	-	X	-
Jan '12	NH3N	lbs/day	8.23	14	70%	-	X	-

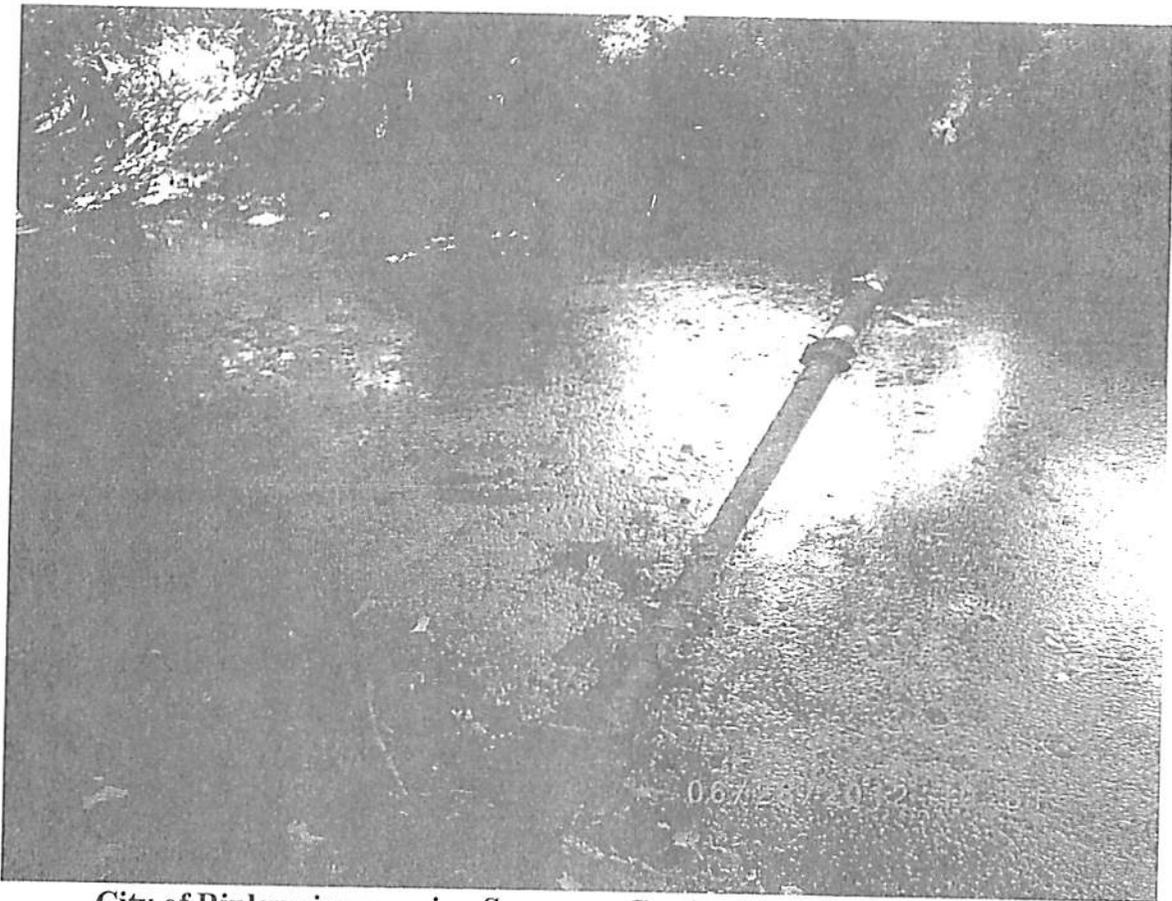
Table Two:
Ripley ESA WV0027791
DMR Exceedance Summary

Outlet 001 DMR Exceedances - MAX. DAILY - January 2009 through December 2011						Degree of non-compliance		
Date	Parameter	Units	Permitted max. daily	Reported max. daily	% Exceedance	Min	Mod	Maj
Nov '10	BOD	lbs/day	38	41.53	9%	X	-	-
Jan '11	BOD	lbs/day	38	59.13	56%	X	-	-
Feb '11	BOD	lbs/day	38	98.31	159%	-	X	-
May '11	BOD	lbs/day	38	51.22	35%	X	-	-
Sept '09	BOD	mg/L	60	64.2	7%	X	-	-
Dec '09	TSS	lbs/day	38	41.2	8%	X	-	-
Feb '10	TSS	lbs/day	38	43.67	15%	X	-	-
Aug '10	TSS	lbs/day	38	43.7	15%	X	-	-
Dec '10	TSS	lbs/day	38	45.97	21%	X	-	-
March '11	TSS	lbs/day	38	39.87	5%	X	-	-
April '11	TSS	lbs/day	38	85.87	126%	-	X	-
May '11	TSS	lbs/day	38	72.89	92%	X	-	-
July '11	TSS	lbs/day	38	52.54	38%	X	-	-
Aug '11	TSS	lbs/day	38	61.43	62%	X	-	-
Aug '10	TSS	mg/L	60	99	65%	X	-	-
May '10	Total Rec. Copper	mg/L	0.0177	0.0498	181%	-	X	-
June '10	Total Rec. Copper	mg/L	0.0177	0.0418	136%	-	X	-
July '10	Total Rec. Copper	mg/L	0.0177	0.167	844%	-	-	X
Aug '10	Total Rec. Copper	mg/L	0.0177	0.065	267%	-	X	-
Sept '10	Total Rec. Copper	mg/L	0.0177	0.129	629%	-	-	X
Nov '10	Total Rec. Copper	mg/L	0.0177	0.0862	387%	-	X	-
Dec '10	Total Rec. Copper	mg/L	0.0177	0.108	510%	-	X	-
Jan '11	Total Rec. Copper	mg/L	0.0177	0.129	629%	-	-	X
Feb '11	Total Rec. Copper	mg/L	0.0177	0.12	578%	-	X	-
March '11	Total Rec. Copper	mg/L	0.0177	0.055	211%	-	X	-
April '11	Total Rec. Copper	mg/L	0.0177	0.0384	117%	-	X	-
May '11	Total Rec. Copper	mg/L	0.0177	0.0338	91%	X	-	-
June '11	Total Rec. Copper	mg/L	0.0177	0.0448	153%	-	X	-
Aug '09	Fecal Coliform	Cnts/100m	400	720	80%	X	-	-
Aug '11	TSS	lbs/day	38	61.43	62%	X	-	-
Sept '11	BOD	lbs/day	38	48.88	29%	X	-	-
Sept '11	TSS	lbs/day	38	88.87	134%	-	X	-
Oct '11	BOD	lbs/day	38	59.75	57%	X	-	-
Oct '11	TSS	lbs/day	38	51.61	36%	X	-	-
Nov '11	BOD	lbs/day	38	53.32	40%	X	-	-
Nov '11	TSS	lbs/day	38	40.7	7%	X	-	-
Dec '11	BOD	lbs/day	38	72.25	90%	X	-	-
Dec '11	TSS	lbs/day	38	150.12	295%	-	X	-
Jan '12	BOD	lbs/day	38	52.24	37%	X	-	-
Jan '12	TSS	lbs/day	38	38.03	0%	X	-	-

Table Two:
 Ripley ESA WV0027791
 DMR Exceedance Summary

Outlet 001 Exceedances - Minimum 85% Removal - AVG. MONTHLY - 1/09-12/11						Degree of non-compliance		
Date	Parameter	Units	Permitted Minimum % Removal	Reported % Removal	% Exceedance	Mfn	Mod	Maj
Aug '11	BOD	mg/l	85.0	84.1	1.1%	X	-	-
Sept '11	BOD	mg/l	85.0	77	7%	X	-	-
Oct '11	BOD	mg/l	85.0	66.7	8%	X	-	-
Dec '11	BOD	mg/l	85.0	62.38	14%	X	-	-
Jan '12	BOD	mg/l	85.0	16.88	77%	-	-	X
Aug '11	TSS	mg/l	85.0	57	21%	X	-	-
Sept '11	TSS	mg/l	85.0	48	34%	-	X	-
Oct '11	TSS	mg/l	85.0	60.7	16%	X	-	-
Nov '11	TSS	mg/l	85.0	37	49%	-	X	-
Dec '11	TSS	mg/l	85.0	57.1	21%	X	-	-
Jan '12	TSS	mg/l	85.0	78.89	9%	X	-	-

Outlet 001 Totals	Degree of non-compliance		
	Mfn	Mod	Maj
	60	62	21



City of Ripley pipe crossing Sycamore Creek with surrounding sewage



Sycamore Creek, black with floating grease

DRAFT FACILITY PLAN SCHEDULE (REVISED)

April 23, 2012

1. Set In-Stream Flow Monitor (Phase I & Phase II) July 2012
2. Collection System Evaluation/Inflow & Infiltration Study August 2012
 - a. Develop Sewer System Mapping
 - b. Evaluate Drainage Areas
 - c. Evaluate Pump Station
3. Complete Draft Facility Plan (Phase I) September 2012
(I&I Improvements/Pump Station Improvements)
4. Public Meeting September 2012
5. Finalize Facility Plan (Phase I) November 2012
6. Submit IJDC Application (Phase I) December 2012
7. Review Flow Data with WVDEP (Permits) December 2012
8. Finalize Waste Load Allocation/Real-Time Permit Limits with WVDEP (Phase II) March 2013
9. Submit Plans to WVDEP (Phase I) July 2013
10. Evaluate Sites/Alternatives For New WWTP/Discharge Point Determine if Plant Will Be Regional (Phase II) August 2013
11. Obtain Final Funding (Phase I) November 2013
12. Apply for NPDES Permit Modification(Phase I) December 2013
13. Submit to PSC (Phase I) December 2013
14. Advertise for Bids (Phase I) May 2014
15. Award Construction (Phase I) September 2014
16. End Construction (Phase I) June 2015

- | | |
|---|----------------------|
| 17. Submit Facility Plan (Phase II) | July 2015 |
| 18. Monitor Flows/Assess Results | November 2015 |
| 19. Begin Facility Plan Phase II (Combined Ripley/Evans Plant) | December 2015 |

R:\020-1151 Ripley Waste Water Improvements\Documents\Correspondence\DRAFT FACILITY PLAN SCHEDULE-Revised_4-17-2012.docx

Base Penalty Calculation

(pursuant to 47CSR1-6.1)

Responsible Party: City of Ripley Receiving Stream: Mill CreekTreatment System Design Maximum Flow: 0.5 MGDTreatment System Actual Average Flow: .55425 (2009) MGD (if known)

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

1)	Potential for Harm Factor	Factor Range	FOF#													
			3a	4a	4b	4c	9	11a	11b	11c	12a					
a)	Amount of Pollutant Released	1 to 3	1	1	1	1	1	1	1	1	1	2				
b)	Toxicity of Pollutant	0 to 3	1	1	1	1	0	1	1	1	1	1				
c)	Sensitivity of the Environment	0 to 3	1	1	1	1	0	1	1	1	1	1				
d)	Length of Time	1 to 3	3	1	1	1	1	1	1	1	1	1				
e)	Actual Exposure and Effects thereon	0 to 3	2	1	1	1	0	1	1	1	1	2				
Average Potential for Harm Factor			1.6	1	1	1	0.4	1	1	1	1	1.4	No	No	No	No
2)	Extent of Deviation Factor	Factor Range														
	Degree of Non-Compliance	1 to 3	3	1	2	3	3	1	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.

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	25		\$108,300
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)		\$30,000	(\$30,000)
Public Notice Costs (flat monetary increase)	\$30		\$30
6.2.b.2 - Good Faith - Increase			\$0
6.2.b.2 - Good Faith - Decrease		10	(\$43,320)
6.2.b.3 - Cooperation with the Secretary		10	(\$43,320)
6.2.b.5 - Ability to Pay		91.1495	(\$394,860)
Penalty Adjustments			(\$403,170)
Penalty =			\$30,030

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:	