



west virginia department of environmental protection

Division of Water and Waste Management
601 57th Street SE
Charleston, WV 25304
Phone: (304) 926-0470
Fax: (304) 926-0488

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
AND THE
GROUNDWATER PROTECTION ACT
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 12
AND THE
UNDERGROUND STORAGE TANK ACT
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 17**

TO: Harper's Old Country Store
Attn: Joe and Carolyn Harper
PO Box 9
Seneca Rocks, WV 26884

DATE: August 9, 2016

ORDER NO.: MM-16-06

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., Chapter 22, Article 12, Section 1 et seq., and Chapter 22, Article 17, Section 1 et seq. to Harper's Old Country Store (hereinafter "Harper").

FINDINGS OF FACT

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

1. Harper operates a convenience store and gas station called Harper's Old Country Store, located in Seneca Rocks, Pendleton County, West Virginia. Harper was issued underground storage tank (UST) facility ID No. 3607756 on February 15, 1991 to operate the USTs located at the aforementioned facility.
2. On September 3, 2015, Mr. Harper began smelling petroleum vapors in drinking water obtained from an on-site well for the store and restaurant. At 5:06 PM, the leak was

reported to the West Virginia Department of Environmental Protection (WVDEP) spill line.

3. On September 4, 2015, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of The Code of Federal Regulations, WV State Code and WV Legislative Rules were observed and documented:
 - a. 47CSR2 Section 3.2.a-Petroleum product from a failed UST leaked and migrated into nearby Seneca Creek, a trout stream, causing conditions not allowable, in the form of oily slicks, in waters of the State.
 - b. 22-17-14 and 40CFR280.61-Harper failed to take immediate action to prevent any further release of the regulated substance into the environment and failed to identify and mitigate fire, explosion, and vapor hazards.
 - c. 22-17-14 and 40CFR280.62(a)1, 2, 3, 5, and 6-Harper failed to perform the following abatement measures: 1) Remove as much of the regulated substance from the UST system as is necessary to prevent further release to the environment; 2) Visually inspect any exposed belowground releases and prevent further migration of the released substance into surrounding soils and ground water; 3) Continue to monitor and mitigate any additional fire and safety hazards posed by vapors or free product that have migrated from the UST excavation zone and entered into subsurface structures; 5) Measure for the presence of a release where contamination is most likely to be present at the UST site; and 6) Investigate to determine the possible presence of free product, and begin free product removal as soon as practicable and in accordance with 280.64.
 - d. 47CSR58 Section 7.1 - Harper allowed a product to escape from a storage tank and flow under the land surface in such a manner that could have impacted groundwater quality. Specifically, the aforementioned spill migrated into the potable water well supplying water to the store and restaurant.

As a result of the aforementioned violations, Notice of Violation (NOV) Nos. W15-036-110-2135 and W15-036-111-2135 and Notice of Non-Compliance (NON) Nos. 15-36-01 and 15-36-02 were issued to Harper.

4. On September 14, 2015 an information request was sent to Harper for the records from the automated tank gauge (ATG) and related alarms. A review of these records revealed that warning alarms were recorded on August 30, 2015 at 7:46AM and 8:00AM, August 31, 2015 at 3:47AM and 8:00AM, September 1, 2015 at 8:00AM, and September 2, 2015 at 8:00AM and 12:54PM. Violations of the following sections of WV State Code and WV Legislative Rules were observed and documented.
 - a. 22-17-14 and 40CFR280.50(c)-Harper failed to report to the implementing agency within twenty-four (24) hours after monitoring results from the automatic tank gauge indicated a release may have occurred.

As a result of the aforementioned violation, Notice of Non Compliance (NON) No. 15-36-03 was issued to Harper.

5. On September 23, 2015, WVDEP personnel conducted an inspection of the facility. During the inspection, a violation of the following section of the Code of Federal Regulations was observed and documented:
 - a. 40CFR280.31(b)(1)-Harper failed to have the cathodic protection system inspected for proper operation by a qualified cathodic protection tester within six (6) months of installation and at least every three (3) years thereafter.

As a result of the aforementioned violation, NOV No. 1509-1800 was issued to Harper.

6. On October 6, 2015, Harper obtained a passing test for the cathodic protection.
7. On October 15, 2015, WVDEP personnel issued an Inspection of Violation (IOV) abating NOV No. 1509-1800.
8. On February 11, 2016, WVDEP personnel and representatives of Harper met to discuss the terms and conditions of this Order.
9. On June 14, 2016, WVDEP personnel issued a Closure Authorization, which provided for closure of the aforementioned leaking tank between June 15, 2016 and September 15, 2016.
10. On June 21, 2016, WVDEP Office of Environmental Remediation (OER) issued a Review of Confirmed Release (RCR) in regard to the aforementioned spill. The RCR required that a Plan of Corrective Action (POCA) be submitted on or before October 21, 2016. The extension was provided so that groundwater data could be obtained during the month of August, 2016, the results of which could be included in the proposed POCA.

ORDER FOR COMPLIANCE

Now, therefore, in accordance with Chapter 22, Article 11, Section 1 et seq., Chapter 22, Article 12, Section 1 et seq., and Chapter 22, Article 17, Section 1 et seq. of the West Virginia Code, it is hereby agreed between the parties, and ORDERED by the Director:

1. Harper shall immediately take all measures to initiate compliance with all pertinent laws and rules.
2. On or before October 21, 2016, Harper shall submit for approval a proposed plan of corrective action and schedule, outlining action items and completion dates for how and when Harper will achieve compliance with all pertinent laws and rules. The plan of corrective action shall make reference to UST facility ID No. 3607756 and Order No. MM-16-06. The plan of corrective action shall include, but not be limited to, the following:
 - a. Proper closure of the leaking tank, in accordance with the aforementioned June 21, 2016 Closure Authorization.

- b. A subsurface investigation to determine the extent of the petroleum migration.
- c. Provisions for proper remediation of all soils and groundwater affected by petroleum product, in accordance with the remediation requirements of WV Legislative Rule 47CSR10 and 47CSR58, WV State Code 22-11, 12, and 17, and 40CFR280.65 (adopted by reference under 33CSR30 Section 2). This requirement shall include, but not be limited to, submittal to WVDEP OER of an approvable Plan of Corrective Action outlining the remediation proposal and continued monitoring during the remediation phase.
- d. Provisions for the proper disposal of petroleum contaminated liquids and solids generated by the spill, the investigation, and the remediation.
- e. Continued monitoring of Seneca Creek during tank closure and remediation activities to assure that any fuel discharges are contained.
- f. Continued monitoring of the groundwater wells in the vicinity to assure that contamination has not migrated or impacted those drinking water sources.

The plan of corrective action shall be submitted to:

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

A copy of this plan shall be submitted to:

**OER Program Manager
WVDEP
2301 Pleasant Valley Road
Fairmont, WV 26654**

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 Harper's Code of Federal Regulations, West Virginia Code, and Legislative Rule violations, Harper shall be assessed a civil administrative penalty of nine thousand nine hundred thirty dollars (\$9,930).

Three thousand nine hundred ninety dollars (\$3,990) of the penalty shall 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.

Five thousand nine hundred forty dollars (\$5,940) of the penalty shall be paid to the West Virginia Department of Environmental Protection for deposit in the Underground Storage Tank Administrative 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:**

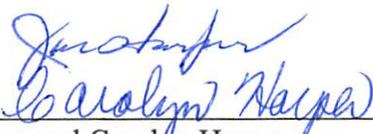
**Chief Inspector
Environmental Enforcement - Mail Code #031328
WV-DEP
601 57th Street SE
Charleston, WV 25304**

OTHER PROVISIONS

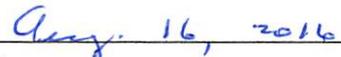
1. Harper hereby waives its right to appeal this Order under the provisions of Chapter 22, Article 11, Section 21, Chapter 22, Article 12, Section 11, and Chapter 22, Article 17, Section 18 of the Code of West Virginia. Under this Order, Harper agrees to take all actions required by the terms and conditions of this Order and consents to and will not contest the Director's jurisdiction regarding this Order. However, Harper 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 Harper 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, Harper 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 Harper becomes aware of such a delay, notification shall be provided to the Director/Chief Inspector and Harper 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 Harper 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 Harper (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 Harper 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 Harper 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 Harper, its successors and assigns.
7. This Order shall terminate upon Harper's notification of full compliance with the "Order for Compliance" and verification of this notification by WVDEP.



Joe and Carolyn Harper
Harpers Old Country Store



Date

Public Notice begin:

Date

Public Notice end:

Date

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

Date

RECEIVED

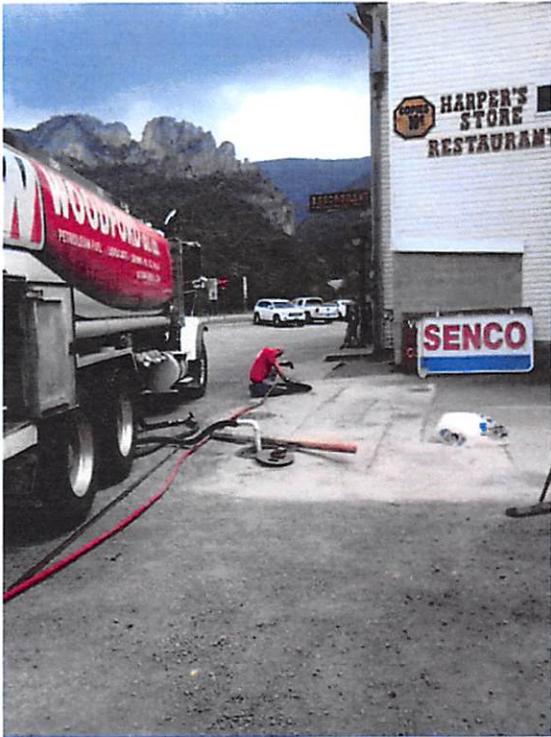
AUG 22 2016

ENVIRONMENTAL
ENFORCEMENT



Oily sheen in Seneca Creek. 9/4/15 2:58PM





Transferring product from faulty tank. 9/4/15 2:58PM





Baler with free product recovered on site from potable domestic well. 9/5/15 3:40PM

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		\$440
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	(\$440)
6.2.b.3 - Cooperation with the Secretary		10	(\$440)
6.2.b.5 - Ability to Pay			\$0
Penalty Adjustments			(\$410)
Penalty =			\$3,990

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:	



UST Settlement Summary

Order: **MM-16-06**

Company: **Harper's Old Country Store**

Date: **August 5, 2016**

Violation		Amount
1.	40CFR280.61-Harper failed to take immediate action to prevent any further release of the regulated substance.	\$1,485.00
2.	40CFR.280.62-Harper failed to perform abatement measures.	\$1,485.00
3.	40CFR.280.50-Harper failed to report monitoring results which indicated a release may have occurred.	\$1,485.00
4.	40CFR 280.31-Harper failed to have the cathodic protection system inspected.	\$1,485.00
5.	--	\$0.00
6.	--	\$0.00
7.	--	\$0.00
8.	--	\$0.00
9.	--	\$0.00
10.	--	\$0.00
Sub-Total:		\$5,940.00
Justification:		Penalty Adjustment:
		Total:
		\$5,940.00

Prepared by: **Laura McGee**



UST Settlement Calculation Worksheet

Data	Calculated	Comment
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Part 1- Background

Order Number:	MM-16-06	
Company:	Harper's Old Country Store	
Regulation Violated:	40CFR280.61-Harper failed to take immediate action to prevent any further release of the regulated substance.	
Previous Violations:	--	
A. Date of Requirement:		A.
B. Date of Inspection or Violation:	9/4/2015	B.
C. Date of Compliance:	9/5/2015	C.
1. Days of Noncompliance:	1	1 = C - B
2. Number of Tanks/Facilities:	1	2.

Part 2- Economic Benefit Component

D. Avoided Expenditures:		D.
E. Delayed Expenditure:		E.
F. Weighted Tax Rate:	34.0%	F. EPA Guidance Document, Large Company
G. Interest Rate:	11.9%	G. EPA BEN Model Memo, Aug. 2000
3. Calculated Avoided Cost:	\$0.00	3 = D + ((D x G x 1) / 365) x (1 - F)
4. Calculated Delayed Cost:	\$0.00	4 = (E x G x 1) / 365
5. Economic Benefit Component:	\$0.00	5 = 3 + 4

Part 3- Matrix Value for the Gravity-Based Component

6. Matrix Value:	\$1,650	H. Extent of Deviation:	MAJOR
7. Matrix Value x Number of Tanks/Facilities:	\$1,650.00	7 = 2 x 6	I. Potential for Harm: MAJOR
6, H, I: EPA Guidance Document, Appendix A			

Part 4- Violator-Specific Adjustments to Matrix Value

	Percentage Change	x Matrix Value = Dollar Adjustment	
		+ or (-)	
8. Degree of cooperation or noncooperation:	-20%	\$1,650.00	(\$330.00)
9. Degree of willfulness or negligence:	10%	\$1,650.00	\$165.00
10. History of noncompliance:	0%	\$1,650.00	\$0.00
11. Unique Factors:	0%	\$1,650.00	\$0.00
12. Adjusted Matrix Value:		\$1,485.00	12 = 7 + 8 + 9 + 10 + 11
8.			
9.			
10.			
11.			

Part 5- Gravity-Based Component

J. Level of Environmental Sensitivity:		J.
13. Environmental Sensitivity Multiplier:	1.0	13. Minor = 1.0 to 1.2, Moderate = 1.3 to 1.7, Major = 1.8 to 2.0
14. Days of Noncompliance Multiplier:	1.0	14. Formula from EPA Guidance Document
15. Gravity Based Component:	\$1,485.00	15 = 12 x 13 x 14

Part 6- Penalty

16. Economic Benefit Component:	\$0.00	16 = 5
17. Gravity-Based Component:	\$1,485.00	17 = 15
18. Penalty:	\$1,485.00	18 = 16 + 17

Prepared by:

Date:

Notes



UST Settlement Calculation Worksheet

Data	Calculated	Comment
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Part 1- Background

Order Number:	MM-16-06	
Company:	Harper's Old Country Store	
Regulation Violated:	40CFR.280.62-Harper failed to perform abatement measures.	
Previous Violations:	--	
A. Date of Requirement:		A.
B. Date of Inspection or Violation:	9/4/2015	B.
C. Date of Compliance:	9/5/2015	C.
1. Days of Noncompliance:	1	1 = C - B
2. Number of Tanks/Facilities:	1	2.

Part 2- Economic Benefit Component

D. Avoided Expenditures:		D.
E. Delayed Expenditure:		E.
F. Weighted Tax Rate:	34.0%	F. EPA Guidance Document, Large Company
G. Interest Rate:	11.9%	G. EPA BEN Model Memo, Aug. 2000
3. Calculated Avoided Cost:	\$0.00	3 = D + ((D x G x 1) / 365) x (1 - F)
4. Calculated Delayed Cost:	\$0.00	4 = (E x G x 1) / 365
5. Economic Benefit Component:	\$0.00	5 = 3 + 4

Part 3- Matrix Value for the Gravity-Based Component

6. Matrix Value:	\$1,650	H. Extent of Deviation:	MAJOR
7. Matrix Value x Number of Tanks/Facilities:	\$1,650.00	7 = 2 x 6	I. Potential for Harm: MAJOR
6, H, I: EPA Guidance Document, Appendix A			

Part 4- Violator-Specific Adjustments to Matrix Value

	Percentage Change	x Matrix Value = Dollar Adjustment		
				+ or (-)
8. Degree of cooperation or noncooperation:	-20%	\$1,650.00	(\$330.00)	
9. Degree of willfulness or negligence:	10%	\$1,650.00	\$165.00	
10. History of noncompliance:	0%	\$1,650.00	\$0.00	
11. Unique Factors:	0%	\$1,650.00	\$0.00	
12. Adjusted Matrix Value:			\$1,485.00	12 = 7 + 8 + 9 + 10 + 11
9.				
10.				
11.				

Part 5- Gravity-Based Component

J. Level of Environmental Sensitivity:		J.
13. Environmental Sensitivity Multiplier:	1.0	13. Minor = 1.0 to 1.2, Moderate = 1.3 to 1.7, Major = 1.8 to 2.0
14. Days of Noncompliance Multiplier:	1.0	14. Formula from EPA Guidance Document
15. Gravity Based Component:	\$1,485.00	15 = 12 x 13 x 14

Part 6- Penalty

16. Economic Benefit Component:	\$0.00	16 = 5
17. Gravity-Based Component:	\$1,485.00	17 = 15
18. Penalty:	\$1,485.00	18 = 16 + 17

Prepared by:

Date:

Notes

Penalty Policy: <http://www.epa.gov/OUST/directiv/od961012.htm> Inflation Adjustment: <http://earth2.epa.gov/oeca/ore/med/penpol1.txt>



UST Settlement Calculation Worksheet

Data	Calculated	Comment
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Part 1- Background

Order Number:	MM-16-06	
Company:	Harper's Old Country Store	
Regulation Violated:	40CFR.280.50-Harper failed to report monitoring results which indicated a release may have occurred.	
Previous Violations:	-	
A. Date of Requirement:		A.
B. Date of Inspection or Violation:	9/14/2015	B.
C. Date of Compliance:	9/15/2015	C.
1. Days of Noncompliance:	1	1 = C - B
2. Number of Tanks/Facilities:	1	2.

Part 2- Economic Benefit Component

D. Avoided Expenditures:		D.
E. Delayed Expenditure:		E.
F. Weighted Tax Rate:	34.0%	F. EPA Guidance Document, Large Company
G. Interest Rate:	11.9%	G. EPA BEN Model Memo, Aug. 2000
3. Calculated Avoided Cost:	\$0.00	3 = D + ((D x G x 1) / 365) x (1 - F)
4. Calculated Delayed Cost:	\$0.00	4 = (E x G x 1) / 365
5. Economic Benefit Component:	\$0.00	5 = 3 + 4

Part 3- Matrix Value for the Gravity-Based Component

6. Matrix Value:	\$1,650	H. Extent of Deviation:	MAJOR
7. Matrix Value x Number of Tanks/Facilities:	\$1,650.00	7 = 2 x 6	I. Potential for Harm: MAJOR
6, H, I: EPA Guidance Document, Appendix A			

Part 4- Violator-Specific Adjustments to Matrix Value

	Percentage Change	Matrix Value = Dollar Adjustment + or (-)	
8. Degree of cooperation or noncooperation:	-20%	\$1,650.00	(\$330.00)
9. Degree of willfulness or negligence:	10%	\$1,650.00	\$165.00
10. History of noncompliance:	0%	\$1,650.00	\$0.00
11. Unique Factors:	0%	\$1,650.00	\$0.00
12. Adjusted Matrix Value:		\$1,485.00	12 = 7 + 8 + 9 + 10 + 11
8, 9, 10, 11.			

Part 5- Gravity-Based Component

J. Level of Environmental Sensitivity:		J.
13. Environmental Sensitivity Multiplier:	1.0	13. Minor = 1.0 to 1.2, Moderate = 1.3 to 1.7, Major = 1.8 to 2.0
14. Days of Noncompliance Multiplier:	1.0	14. Formula from EPA Guidance Document
15. Gravity Based Component:	\$1,485.00	15 = 12 x 13 x 14

Part 6- Penalty

16. Economic Benefit Component:	\$0.00	16 = 5
17. Gravity-Based Component:	\$1,485.00	17 = 15
18. Penalty:	\$1,485.00	18 = 16 + 17

Prepared by: Laura McGee

Date: August 5, 2016

Notes



UST Settlement Calculation Worksheet

Data	Calculated	Comment
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Part 1- Background

Order Number:	MM-16-06	
Company:	Harper's Old Country Store	
Regulation Violated:	40CFR 280.31-Harper failed to have the cathodic protection system inspected.	
Previous Violations:	--	
A. Date of Requirement:		A.
B. Date of Inspection or Violation:	9/23/2015	B.
C. Date of Compliance:	9/24/2015	C.
1. Days of Noncompliance:	1	1 = C - B
2. Number of Tanks/Facilities:	1	2.

Part 2- Economic Benefit Component

D. Avoided Expenditures:		D.
E. Delayed Expenditure:		E.
F. Weighted Tax Rate:	34.0%	F. EPA Guidance Document, Large Company
G. Interest Rate:	11.9%	G. EPA BEN Model Memo, Aug. 2000
3. Calculated Avoided Cost:	\$0.00	3 = D + ((D x G x 1) / 365) x (1 - F)
4. Calculated Delayed Cost:	\$0.00	4 = (E x G x 1) / 365
5. Economic Benefit Component:	\$0.00	5 = 3 + 4

Part 3- Matrix Value for the Gravity-Based Component

6. Matrix Value:	\$1,650	H. Extent of Deviation:	MAJOR
7. Matrix Value x Number of Tanks/Facilities:	\$1,650.00	7 = 2 x 6	I. Potential for Harm: MAJOR
6, H, I: EPA Guidance Document, Appendix A			

Part 4- Violator-Specific Adjustments to Matrix Value

	Percentage Change	x Matrix Value = Dollar Adjustment	
		+ or (-)	
8. Degree of cooperation or noncooperation:	-20%	\$1,650.00	(\$330.00)
9. Degree of willfulness or negligence:	10%	\$1,650.00	\$165.00
10. History of noncompliance:	0%	\$1,650.00	\$0.00
11. Unique Factors:	0%	\$1,650.00	\$0.00
12. Adjusted Matrix Value:		\$1,485.00	12 = 7 + 8 + 9 + 10 + 11
9.			
10.			
11.			

Part 5- Gravity-Based Component

J. Level of Environmental Sensitivity:		J.
13. Environmental Sensitivity Multiplier:	1.0	13. Minor = 1.0 to 1.2, Moderate = 1.3 to 1.7, Major = 1.8 to 2.0
14. Days of Noncompliance Multiplier:	1.0	14. Formula from EPA Guidance Document
15. Gravity Based Component:	\$1,485.00	15 = 12 x 13 x 14

Part 6- Penalty

16. Economic Benefit Component:	\$0.00	16 = 5
17. Gravity-Based Component:	\$1,485.00	17 = 15
18. Penalty:	\$1,485.00	18 = 16 + 17

Prepared by: Laura McGee

Date: August 5, 2016

Notes