west virginia department of environmental protection

Division of Water and Waste Management
601 57th Street SE
Charleston, WV 25304
Phone: (304) 926-0470
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Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
www.dep.wv.gov

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

TO: Kenny Pennington, Chairman
Pleasant View PSD
PO Box 295
Branchland, WV 25506

DATE: April 1, 2016

ORDER NO.: 8491

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 Pleasant View PSD (hereinafter "Pleasant View").

FINDINGS OF FACT

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

1. Pleasant View operates a wastewater collection system and treatment lagoons located in Branchland, Lincoln County, West Virginia. Pleasant View was reissued WV/NPDES Water Pollution Control Permit No. WV0027642 on October 15, 2012.

2. On March 25, 2014, West Virginia Department of Environmental Protection (WVDEP) and Pleasant View entered into Consent Order No. 7958. The Order was issued in response to multiple violations of the terms and conditions of the aforementioned WV/NPDES permit, including operation and maintenance deficiencies, failure to maintain records, failure to implement an inflow/infiltration identification/reduction program, failure to install an appropriate flow measurement device, and numerous Discharge Monitoring Report (DMR) exceedances.

3. On July 28, 2014, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of the terms and conditions of Pleasant View's WV/NPDES permit were observed and documented:

a. Section A.001-Pleasant View failed to install a flow measurement device capable of continuous measured flow.
b. Appendix A.II-Pleasant View failed to properly operate and maintain the facility. Specifically, Pleasant View failed to control duckweed on the polishing pond.
c. Appendix A.I.13-Pleasant View failed to post a permanent marker in accordance with WV Legislative Rule 47CSR11 Section 9.

4. On September 15, 2014, WVDEP personnel conducted a review of facility records from the time period of August 2013 through August 2014. During this review, the following violations of the terms and conditions of Pleasant View's WV/NPDES permit were observed:

    a. Section A.001– Twenty-four (24) exceedances of Pleasant View's permit parameters were observed and documented (Table 1). These exceedances can be further defined as:
        i. Minor violations-thirteen (13)
        ii. Moderate violations-five (5)
        iii. Major violations-six (6)

    As a result of the aforementioned violations, Notice of Violation (NOV) No. W14-22-083-CJN was issued to Pleasant View.

5. On September 15, 2014, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of the terms and conditions of Pleasant View's WV/NPDES permit were observed and documented:

    a. Section A.001-Pleasant View failed to install a flow measurement device capable of measured flow.
    b. Appendix A.II-Pleasant View failed to properly operate and maintain the facility. Specifically, Pleasant View failed to control duckweed on the polishing pond.
    c. Appendix A.I.13-Pleasant View failed to post a permanent marker in accordance with WV Legislative Rule 47CSR11 Section 9.

    As a result of the aforementioned violations, NOV Nos. W14-22-084-CJN, W14-22-085-CJN and W14-22-086-CJN were issued to Pleasant View.

6. On October 10, 2014, WVDEP personnel conducted an inspection of the facility. During the inspection, a violation of the following section of the terms and conditions of Pleasant View's WV/NPDES permit was observed and documented:

    a. Section C.3-Pleasant View failed to have the operation and maintenance of the sewage treatment facility performed or supervised by a certified operator possessing at least a Class I certificate for Waste Water Treatment Plants as issued by the State of West Virginia.

    As a result of the aforementioned violation, NOV No. W14-22-090-CJN was issued to Pleasant View.

7. On October 16, 2014, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of the terms and conditions of Pleasant View's WV/NPDES permit were observed and documented:

    a. Section A.001-Pleasant View failed to install a flow measurement device capable of continuous measured flow.
    b. Appendix A.I.13-Pleasant View failed to post a permanent marker in accordance with WV Legislative Rule 47CSR11 Section 9.

8. On January 13, 2015, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of the terms and conditions of Pleasant View's WV/NPDES permit and were observed and documented:

    a. Appendix A.II-Pleasant View failed to properly operate and maintain the facility. Specifically, the facility failed to keep chlorine tablets stocked in the chlorine feeder tubes and failed to maintain the pipe line that discharges the lagoon's wastewater into the chlorine contact chamber. The pipe line was in poor repair, allowing unchlorinated wastewater to discharge onto the ground surrounding the chlorine contact chamber.
    b. Section A.001-Pleasant View failed to install a flow measurement device capable of continuous measured flow.
    c. Section A.001-Upon review of September 2014 DMRs, two (2) exceedances of Pleasant View's permitted limits for Total Suspended Solids were observed and documented (Table One).
    d. Section A.001-An effluent sample collected by WVDEP personnel resulted in a Fecal Coliform level of 2,400 counts/100mL, which is above the maximum daily limit of 400 counts/100mL.

    As a result of the aforementioned violations, NOV Nos. W15-22-003-CJN, W15-22-004-CJN, W15-22-005-CJN, and W15-22-012-CJN were issued to Pleasant View.

9. On February 2, 2015, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of the terms and conditions of Pleasant View's WV/NPDES permit were observed and documented:

    a. Section C.02-Pleasant View failed to adequately protect the entire sewage treatment facility by fencing.
    b. Section C.20-Pleasant View failed to submit the second progress report for 2014, detailing what actions had been performed in relation to the implementation and accomplishments of the inflow and infiltration elimination program.

    As a result of the aforementioned violations, NOV Nos. W15-22-013-CJN and W15-22-014 were issued to Pleasant View.

10. On March 16, 2015, WVDEP personnel conducted an inspection of the facility. During the inspection, a violation of the following section of the terms and conditions of Pleasant View's WV/NPDES permit was observed and documented:

a. Appendix A.II-Pleasant View failed to properly operate and maintain the facility. Specifically, Pleasant View failed to keep chlorine and dechlor tablets stocked in the feeder tubes, and the pipe line that discharges the lagoon's wastewater into the chlorine contact chamber was in poor repair, allowing unchlorinated wastewater to discharge onto the ground surrounding the chlorine contact chamber.

As a result of the aforementioned violation, NOV No. W15-22-037-CJN was issued to Pleasant View.

11. On April 16, 2015, WVDEP personnel conducted an inspection of the facility. During the inspection, a violation of the following section of the terms and conditions of Pleasant View's WV/NPDES permit was observed and documented:

    a. Appendix A.II-Pleasant View failed to properly operate and maintain the facility. Specifically, Pleasant View failed to keep chlorine and dechlor tablets stocked in the feeder tubes, and the pipe line that discharges the lagoon's wastewater into the chlorine contact chamber was in poor repair, allowing unchlorinated wastewater to discharge onto the ground surrounding the chlorine contact chamber.

12. On June 3, 2015, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of the terms and conditions of Pleasant View's WV/NPDES permit were observed and documented:

    a. Appendix A.II-Pleasant View failed to properly operate and maintain the facility. Specifically, Pleasant View failed to maintain both pumps in the main lift station, failed to keep chlorine and dechlor tablets stocked in the feeder tubes, and failed to remove duck weed from the polishing pond.
    b. Section C.2-Pleasant View failed to adequately protect the entire sewage treatment facility by fencing.
    c. Section A.001-Pleasant View failed to install a flow measurement device capable of continuous measured flow.

    As a result of the aforementioned violations, NOV Nos. W15-22-062-CJN, W15-22-063-CJN and W15-22-065-CJN were issued to Pleasant View.

13. On August 10, 2015, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of the terms and conditions of Pleasant View's WV/NPDES permit were observed and documented:

    a. Appendix A.II-Pleasant View failed to properly operate and maintain the facility. Specifically, Pleasant View failed to keep chlorine and dechlor tablets stocked in the feeder tubes, failed to remove duck weed from the polishing pond, and the pipe line that discharges the lagoon's wastewater into the chlorine contact chamber was in poor repair, allowing unchlorinated wastewater to discharge onto the ground surrounding the chlorine contact chamber.
    b. Section C.2-Pleasant View failed to adequately protect the entire sewage treatment facility by fencing.

c. Section A.001-Pleasant View failed to install a flow measurement device capable of continuous measured flow.

As a result of the aforementioned violations, NOV No. W15-22-070-CJN was issued to Pleasant View.

14. On October 14, 2015, WVDEP personnel conducted a review of facility records from the time period of August 2013 through September 2015. During this review, the following violations of the terms and conditions of Pleasant View's WV/NPDES permit were observed:

    a. Section A.001–Thirty-five (35) exceedances of Pleasant View's permit parameters were documented (Table 1). These exceedances can be further defined as:
        i. Minor violations-nineteen (19)
        ii. Moderate violations-seven (7)
        iii. Major violations-nine (9)

15. On December 10, 2015, Pleasant View submitted a proposed plan of corrective action (POCA). The proposed POCA was subsequently denied by WVDEP, because it stated the manner by which violations had been corrected in the past, but it did not include any statements regarding the manner by which compliance would be maintained in the future.

16. On February 18, 2016, WVDEP personnel met with representatives of Pleasant View to discuss the terms and conditions of the Order.

17. On February 22, 2016, Pleasant View submitted financial documents to WVDEP. The information was used to perform an economic analysis which evaluated Pleasant View's ability to pay a civil administrative penalty.

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. Pleasant View shall immediately take all measures to initiate compliance with all terms and conditions of its WV/NPDES permit and pertinent laws and rules.

2. Within thirty (30) days of the effective date of this Order, Pleasant View shall submit for approval a proposed plan of corrective action and schedule, outlining action items and completion dates for how and when Pleasant View 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 No. WV0027642 and Order No. 8491. The plan of corrective action shall be submitted to:

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

Upon approval, the plan of corrective action and schedule shall be incorporated into and become part of this Order, as if fully set forth herein. Failure to submit an approvable plan of corrective action and schedule or failure to adhere to the approved schedule is a violation of this Order.

3. Because of Pleasant View's permit violations, Pleasant View shall be assessed a civil administrative penalty of two thousand five hundred dollars ($2,500) 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 $416.66 due on or before June 1, 2016.
   Payment 2 in the amount of $416.66 due on or before July 1, 2016.
   Payment 3 in the amount of $416.66 due on or before August 1, 2016.
   Payment 4 in the amount of $416.66 due on or before September 1, 2016.
   Payment 5 in the amount of $416.66 due on or before October 1, 2016.
   Payment 6 in the amount of $416.70 due on or before November 1, 2016.

   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. Pleasant View 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, Pleasant View 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, Pleasant View 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 Pleasant View 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, Pleasant View 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 Pleasant View becomes aware of such a delay, notification shall be provided to the Director/Chief Inspector and Pleasant View 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 Pleasant View 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 Pleasant View (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 Pleasant View 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 Pleasant View 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 Pleasant View, its successors and assigns.

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

Kenny Pennington, Chairman
Pleasant View PSD

4/12/16
Date

Public Notice begin:

Date

Public Notice end:

Date

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

Date

revised March 2013

RECEIVED
APR 15 2016
ENVIRONMENTAL
ENFORCEMENT

Table One: Pleasant View PSD DMR Exceedance Summary

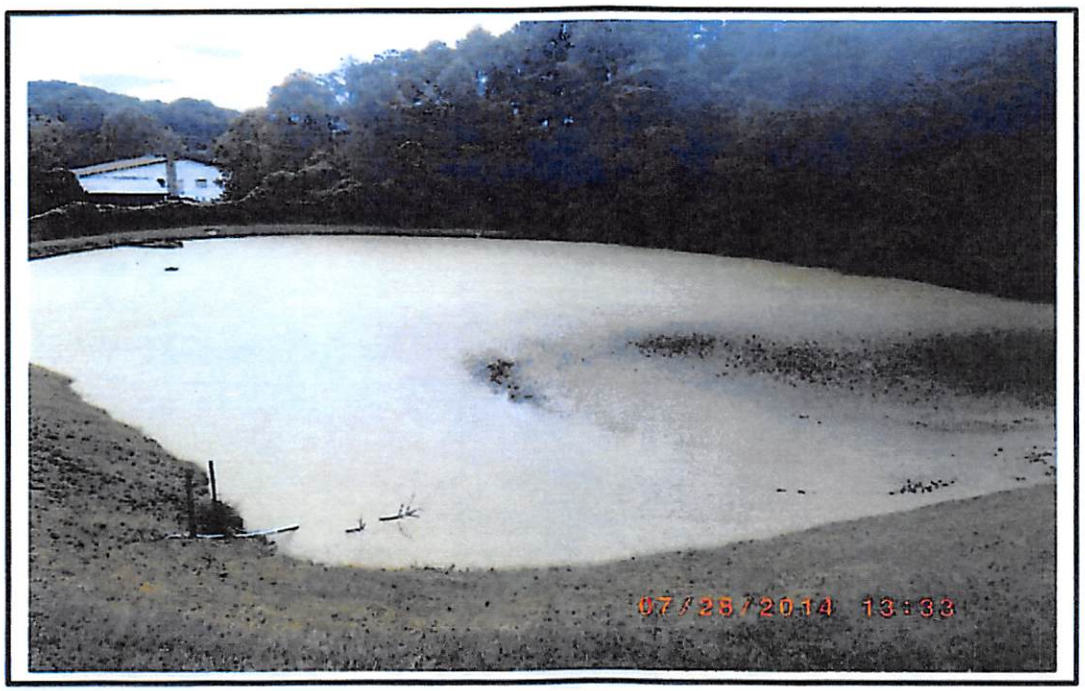
Outlet 001 DMR Exceedances - AVG. MONTHLY - August 2013 through September 2015						Degree of non-compliance		
Date	Parameter	Units	Permitted avg. monthly	Reported avg. monthly	% Exceedance	Min	Mod	Maj
8/31/2013	Total Suspended Solids	Lbs/Day	9	9.53	6%	X	-	-
8/31/2013	Total Suspended Solids	mg/l	30	33	10%	X	-	-
9/30/2013	Total Suspended Solids	Lbs/Day	9	11.5	28%	X	-	-
9/30/2013	Total Suspended Solids	mg/l	30	40	33%	X	-	-
2/28/2014	Total Suspended Solids	Lbs/Day	9	10.46	16%	X	-	-
6/30/2014	Coliform, Fecal	Cnts/100m	200	10000	4900%	-	-	X
6/30/2014	Total Suspended Solids	Lbs/Day	9	13.3	48%	-	X	-
6/30/2014	Total Suspended Solids	mg/l	30	37	23%	X	-	-
7/31/2014	BOD, 5-Day 20 Deg.C	Lbs/Day	9	10.5	17%	X	-	-
7/31/2014	Total Suspended Solids	Lbs/Day	9	28.6	218%	-	X	-
7/31/2014	Total Suspended Solids	mg/l	30	68	127%	-	X	-
8/31/2014	Total Suspended Solids	Lbs/Day	9	19.2	113%	-	X	-
8/31/2014	Total Suspended Solids	mg/l	30	50	67%	-	X	-
9/30/2014	Total Suspended Solids	Lbs/Day	9	14.61	62%	-	X	-
9/30/2014	Total Suspended Solids	mg/l	30	38	27%	X	-	-
12/31/2014	Nitrogen, Kjeldahl Total	Lbs/Day	5.4	8.44	56%	-	X	-
1/31/2015	Nitrogen, Kjeldahl Total	Lbs/Day	5.4	5.77	7%	X	-	-
6/30/2015	Chlorine, Total Residual	mg/l	0.028	5000	17857043%	-	-	X
6/30/2015	Total Suspended Solids	Lbs/Day	9	9.42	5%	X	-	-

Outlet 001 DMR Exceedances - MAX. DAILY - August 2013 through September 2015						Degree of non-compliance		
Date	Parameter	Units	Permitted max. daily	Reported max. daily	% Exceedance	Min	Mod	Maj
6/30/2014	Coliform, Fecal	Cnts/100m	400	10000	2400%	-	-	X
7/31/2014	Total Suspended Solids	Lbs/Day	18	28.6	59%	X	-	-
7/31/2014	Total Suspended Solids	mg/l	60	68	13%	X	-	-
8/31/2014	Total Suspended Solids	Lbs/Day	18	19.2	7%	X	-	-
6/30/2015	Chlorine, Total Residual	mg/l	0.057	5000	8771830%	-	-	X

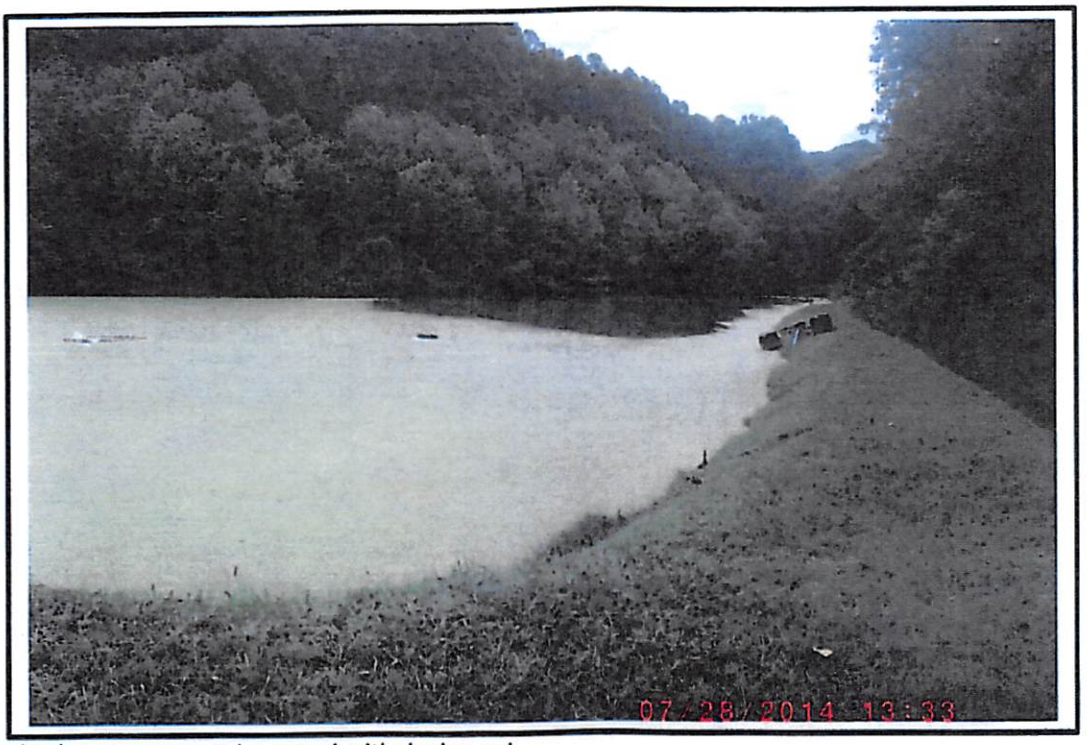
Outlet 001 Exceedances - Minimum 85% Removal - AVG. MONTHLY - August 2013 through September 201						Degree of non-compliance		
Date	Parameter	Units	Permitted Minimum % Removal	Reported % Removal	% Exceedance	Min	Mod	Maj
8/31/2013	BOD, % Removal	Percent	85.0	4.8	94.4%	-	-	X
8/31/2013	Suspended Solids, % Removal	Percent	85.0	8.3	90.2%	-	-	X
9/30/2013	BOD, % Removal	Percent	85.0	63	25.9%	X	-	-
9/30/2013	Suspended Solids, % Removal	Percent	85.0	79	7.1%	X	-	-
10/31/2013	BOD, % Removal	Percent	85.0	77.6	8.7%	X	-	-
10/31/2013	Suspended Solids, % Removal	Percent	85.0	0	100.0%	-	-	X
7/31/2014	Suspended Solids, % Removal	Percent	85.0	0	100.0%	-	-	X
8/31/2014	Suspended Solids, % Removal	Percent	85.0	78.3	7.9%	X	-	-
1/31/2015	Suspended Solids, % Removal	Percent	85.0	80.7	5.1%	X	-	-
7/31/2015	BOD, % Removal	Percent	85.0	25	70.6%	-	-	X
7/31/2015	Suspended Solids, % Removal	Percent	85.0	75	11.8%	X	-	-

Outlet 001 Totals	Degree of non-compliance		
	Min	Mod	Maj
	19	7	9

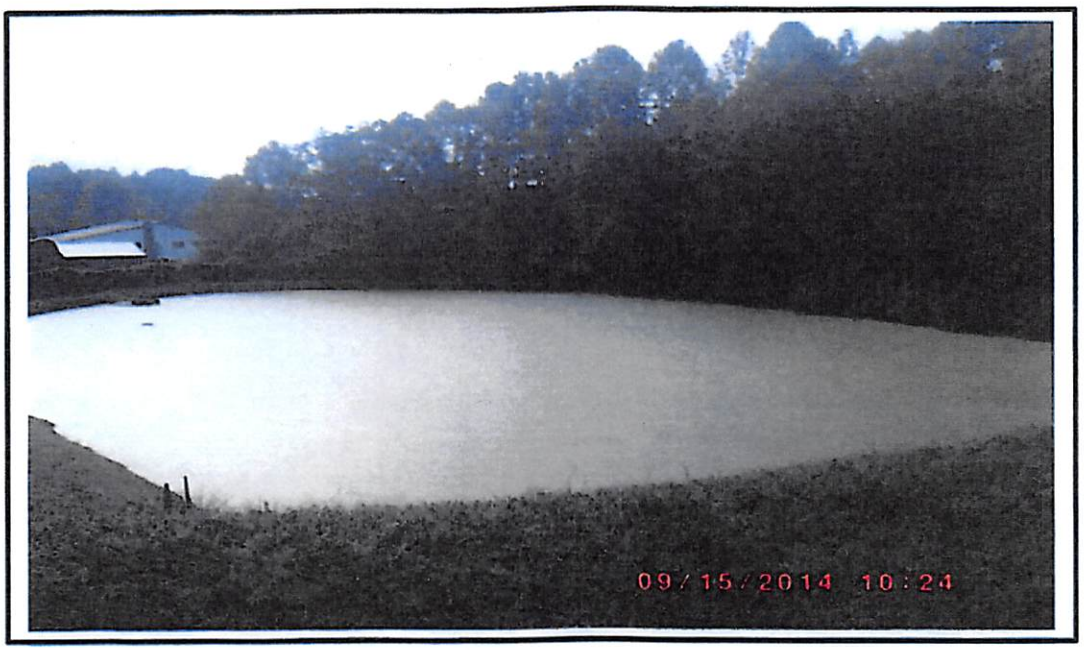
7/28/14-Outfall with no outfall marker.



7/28/14-Polishing pond covered in duckweed.



7/28/14-Lagoon pond covered with duckweed.

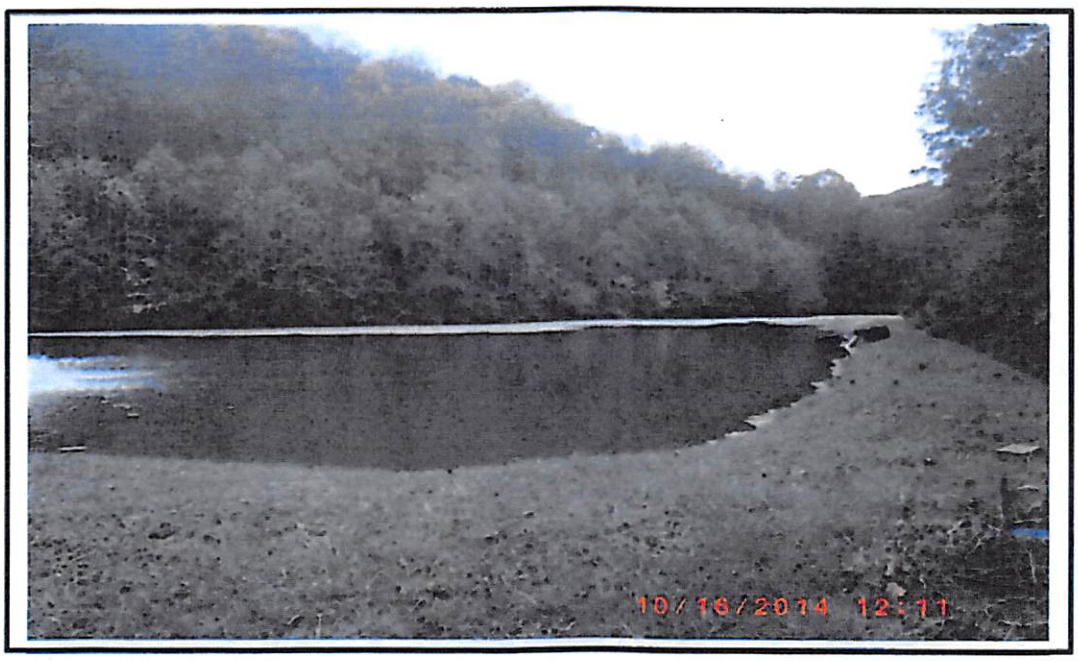


9/15/14-Polishing pond fully covered with duckweed.

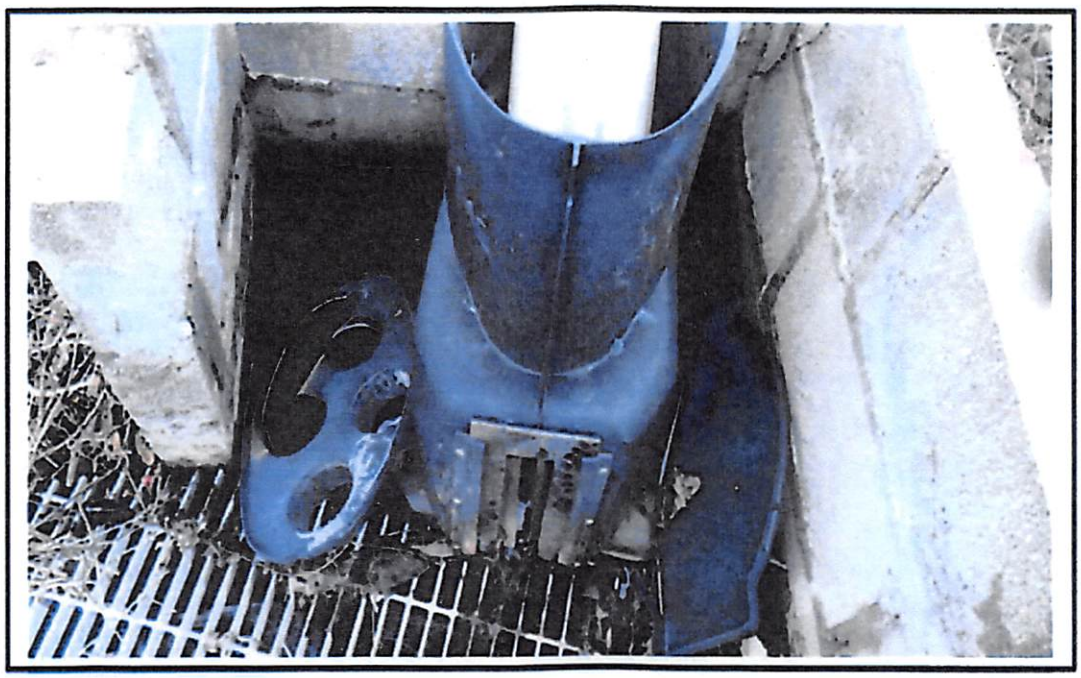
9/15/14-Lagoon pond.

10/16/14-Polishing pond.

10/16/14-Outfall with no outfall marker.



10/16/14-Lagoon pond.

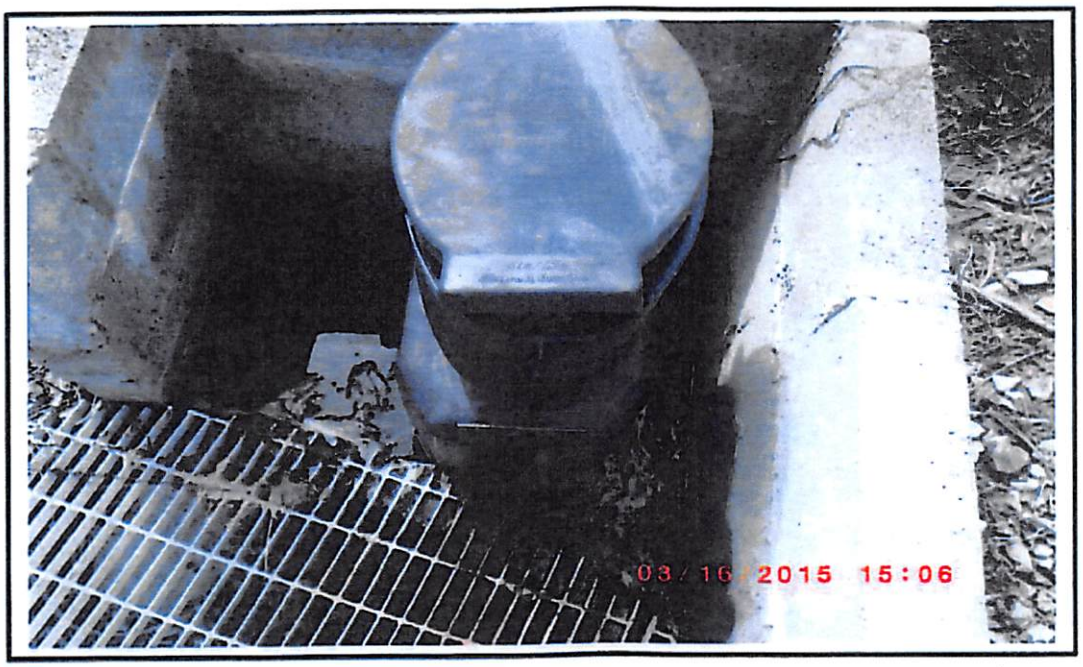


1/13/15-Chorine feeder with no chlorine tablets.

1/13/15-Unchlorinated wastewater discharging around chlorine contact chamber.

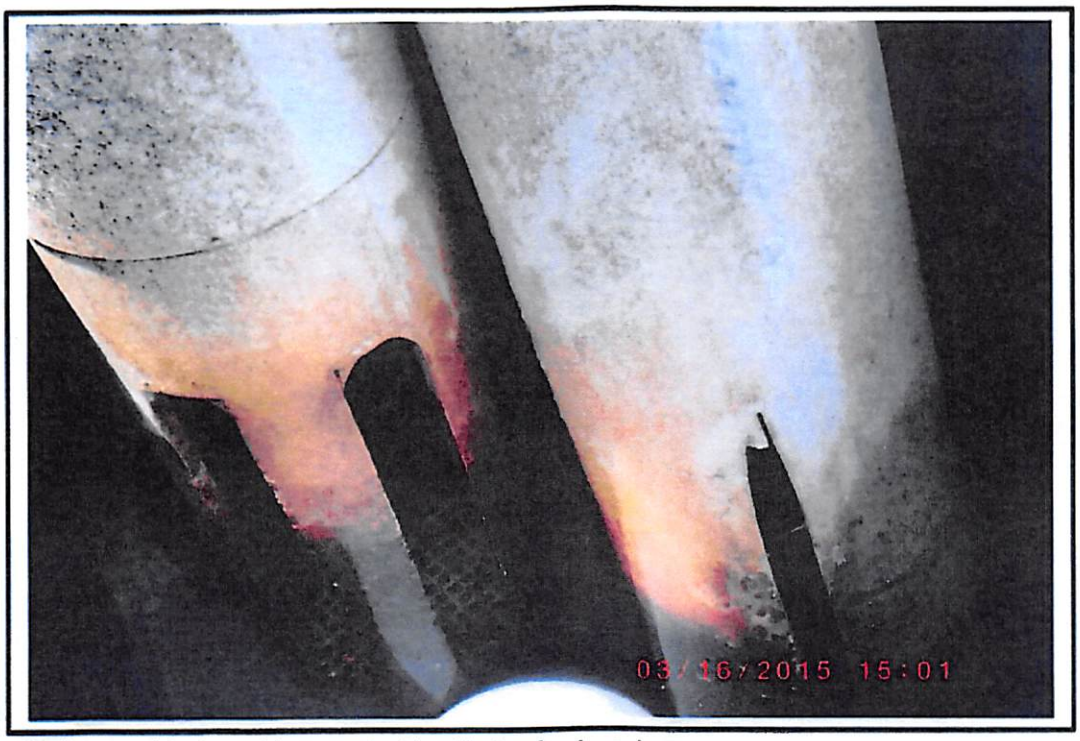
1/13/15- Wastewater not entering chlorine feeder.

3/16/15- Dechlor feeder with no dechlor tablets.

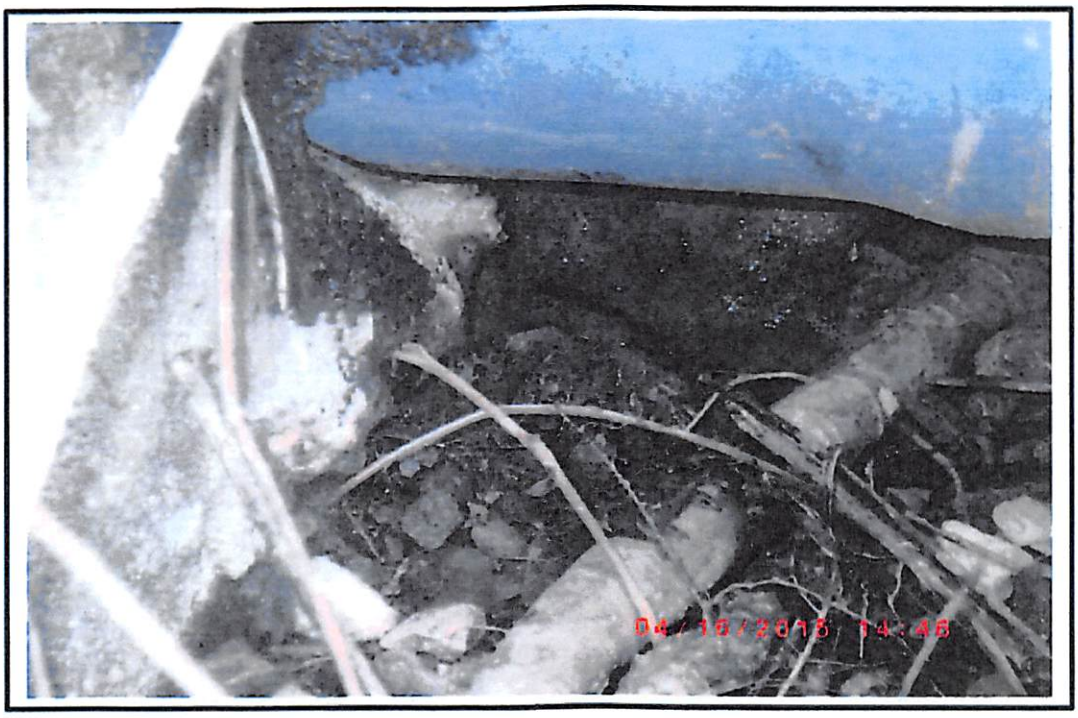


3/16/15-Wastewater bypassing chlorine feeder tubes and escaping through cracks in concrete wall.

3/16/15- Unchlorinated wastewater escaping from chlorine contact chamber.

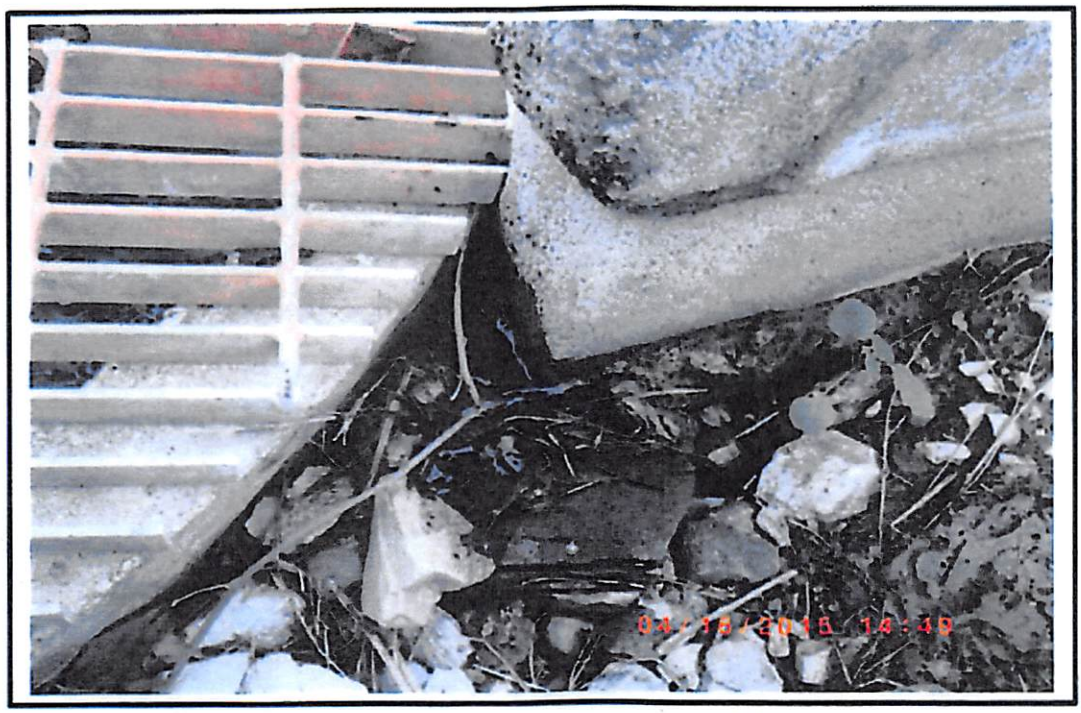


3/16/15-No chlorine tablets stocked in chlorine feeder tubes.



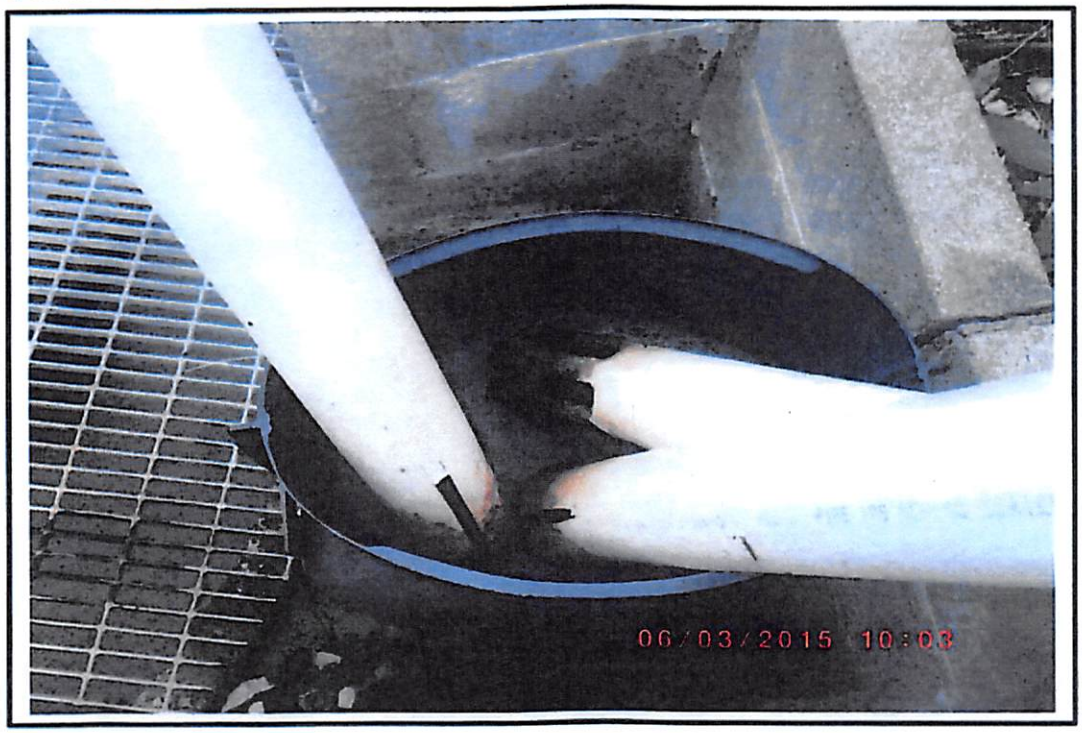
4/16/15-Unchlorinated wastewater escaping from chlorine contact chamber

4/16/15-Wastewater bypassing chlorine feeder tubes and escaping through cracks in concrete wall.



4/16/15-Unchlorinated wastewater escaping from chlorine contact chamber.

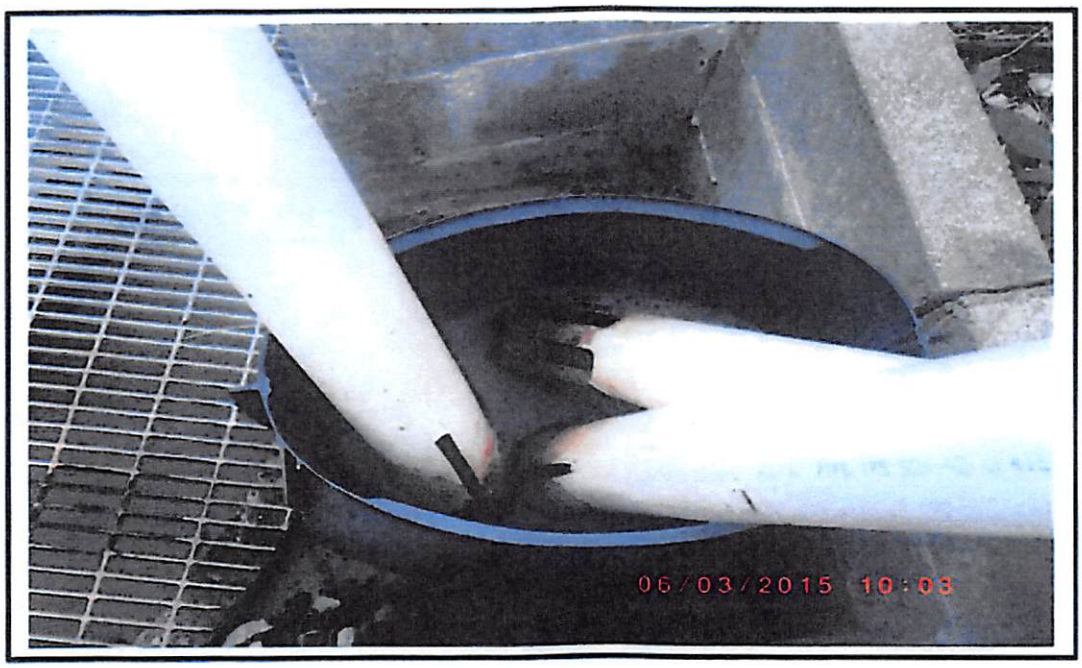
4/16/15-No chlorine tablets stocked in chlorine feeder tubes.



6/3/15-No chlorine tablets stocked in chlorine feeder tubes.

6/3/15- No dechlor tablets stocked in feeder tubes

6/3/15-Polishing pond covered in duckweed.

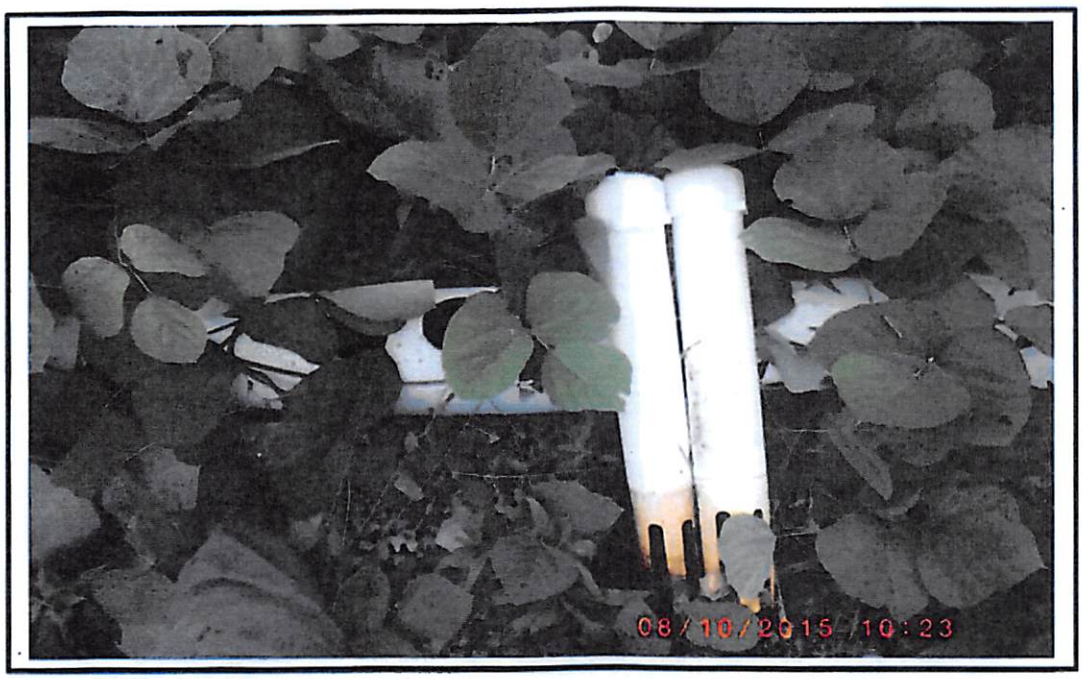


6/3/15- No chlorine tablets stocked in chemical feeders.

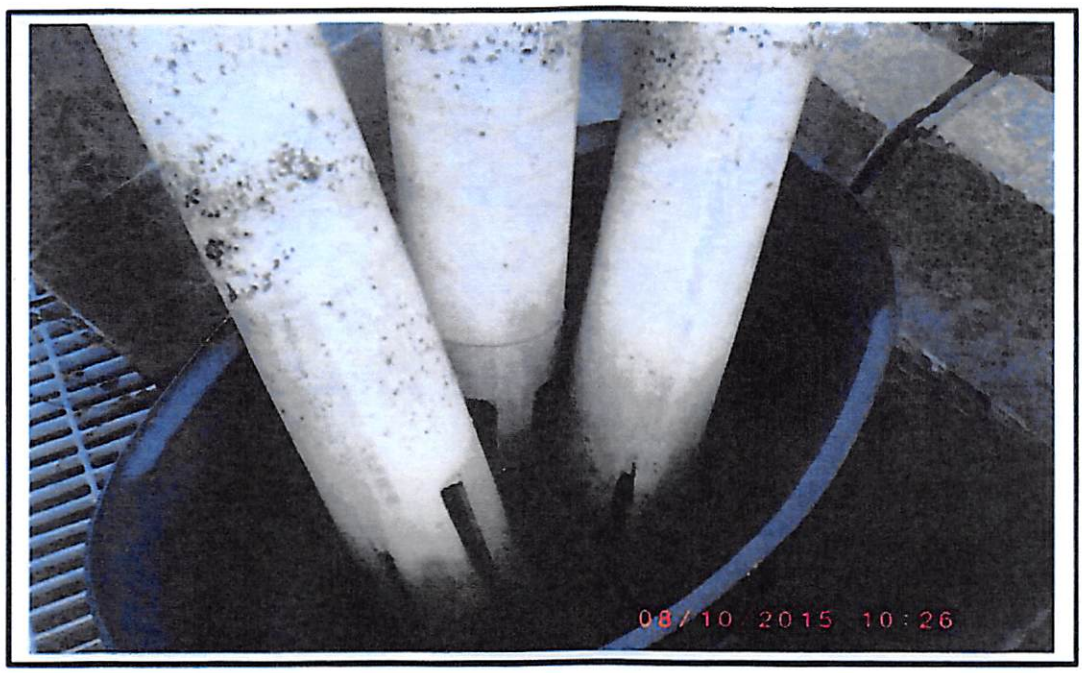
6/3/15-No dechlor tablets stocked in chemical feeders.

6/3/15-Main lift station bypass into unnamed tributary (Staley Branch) of Guyandotte River.

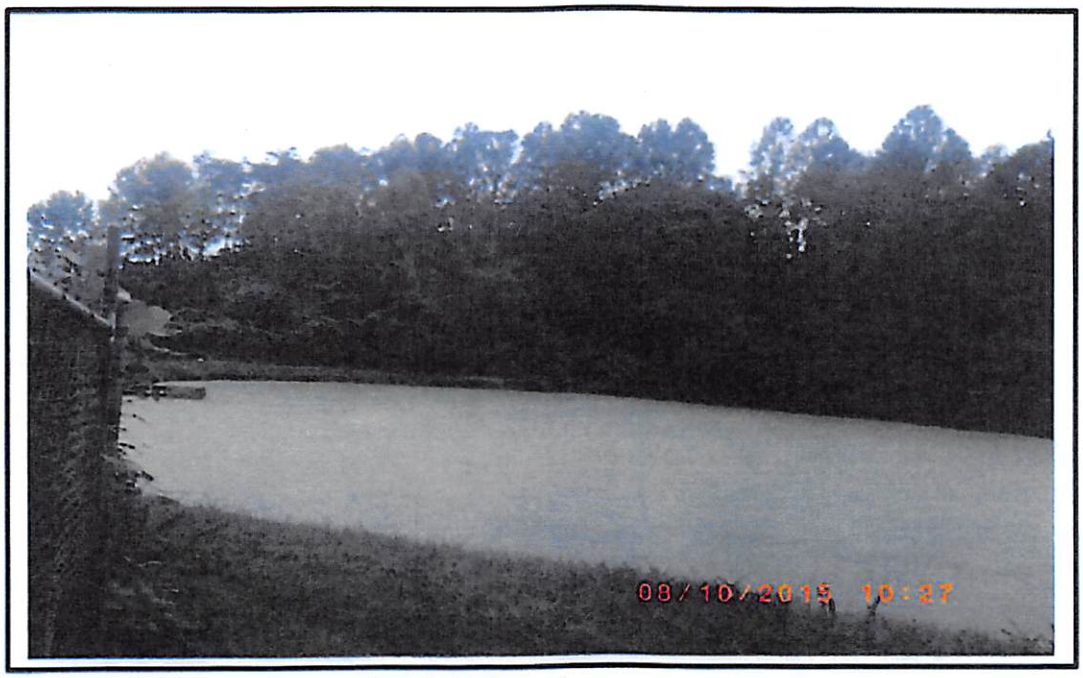
6/3/15-Downstream from bypass in unnamed tributary (Staley Branch) of Guyandotte River.



8/10/15-Dechlor feeder with no dechlor tablets.



8/10/15-Chlorine feeder tubes with no chlorine tablets.



8/10/15-Polishing pond covered with duckweed.

8/10/15-Wastewater bypassing chlorine feeder tubes and escaping through cracks in concrete wall.

8/10/15-Unchlorinated wastewater escaping from chlorine contact chamber.

Base Penalty Calculation

(pursuant to 47CSR1-6.1)

Responsible Party: Pleasant View PSD **Receiving Stream:**

Treatment System Design Maximum Flow: 0.036 **MGD**

Treatment System Actual Average Flow: 0.041 **MGD** (if known)

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

1)	Potential for Harm Factor	Factor Range	FOF# 3a	3b	3c	5a	5b	5c	6a	7a	7b	8a	8b	8d	9a
a)	Amount of Pollutant Released	1 to 3	1	1	1	1	1	1	1	1	1	1	1	1	1
b)	Toxicity of Pollutant	0 to 3	0	1	0	0	1	0	1	0	0	1	0	1	0
c)	Sensitivity of the Environment	0 to 3	0	1	0	0	1	0	1	0	0	1	0	1	0
d)	Length of Time	1 to 3	1	1	1	2	2	2	1	3	3	3	3	1	1
e)	Actual Exposure and Effects thereon	0 to 3	0	1	0	0	1	0	1	0	0	1	0	1	0
	Average Potential for Harm Factor		0.4	1	0.4	0.6	1.2	0.6	1	0.8	0.8	1.4	0.8	1	0.4
2)	**Extent of Deviation Factor**	**Factor Range**													
	Degree of Non-Compliance	1 to 3	3	3	1	3	3	1	3	3	1	3	3	2	3

Potential for Harm Factors:

1)c - Sensitivity of the Environment Potentially Affected (0 for "dead" stream)

1)d - Length of Time of Violation

1)e - Actual Human/Environmental Exposure and Resulting Effects thereon

Examples/Guidance:

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

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

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

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

Narrative WQ standard violations - case-by-case.

Continue rating Findings of Facts (FOF) here, if necessary. Otherwise, continue on Page 3.

1)	Potential for Harm Factor	Factor Range	FOF# 9b	10a	11a	12a	12b	12c	13a	13b	13c	14ai	14aii	14aiii	
a)	Amount of Pollutant Released	1 to 3	1	1	1	1	1	1	1	1	1	1	1	1	
b)	Toxicity of Pollutant	0 to 3	0	1	1	1	0	0	1	0	0	1	1	1	
c)	Sensitivity of the Environment	0 to 3	0	1	1	1	0	0	1	0	0	1	1	1	
d)	Length of Time	1 to 3	1	3	3	3	2	3	3	3	3	1	1	1	
e)	Actual Exposure and Effects thereon	0 to 3	0	1	1	1	0	0	1	0	0	1	1	1	
	Average Potential for Harm Factor		0.4	1.4	1.4	1.4	0.6	0.8	1.4	0.8	0.8	1	1	1	No
2)	**Extent of Deviation Factor**	**Factor Range**													
	Degree of Non-Compliance	1 to 3	3	3	3	3	3	3	3	3	3	1	2	3	

		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
3a	Minor	Major	$1,700	1	$1,700
3b	Minor	Major	$2,000	1	$2,000
3c	Minor	Minor	$400	1	$400
5a	Minor	Major	$1,800	1	$1,800
5b	Moderate	Major	$4,200	1	$4,200
5c	Minor	Minor	$600	1	$600
6a	Minor	Major	$2,000	1	$2,000
7a	Minor	Major	$1,900	1	$1,900
7b	Minor	Minor	$800	1	$800
8a	Moderate	Major	$4,400	1	$4,400
8b	Minor	Major	$1,900	1	$1,900
8d	Minor	Moderate	$1,500	1	$1,500
9a	Minor	Major	$1,700	1	$1,700
9b	Minor	Major	$1,700	1	$1,700
10a	Moderate	Major	$4,400	1	$4,400
11a	Moderate	Major	$4,400	1	$4,400
12a	Moderate	Major	$4,400	1	$4,400
12b	Minor	Major	$1,800	1	$1,800
12c	Minor	Major	$1,900	1	$1,900
13a	Moderate	Major	$4,400	1	$4,400
13b	Minor	Major	$1,900	1	$1,900
13c	Minor	Major	$1,900	1	$1,900
14ai	Minor	Minor	$1,000	13	$13,000
14aii	Minor	Moderate	$1,500	7	$10,500
14aiii	Minor	Major	$2,000	7	$14,000
0	FALSE	FALSE	FALSE	1	$0
Total Base Penalty					$89,200

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 -	5		$4,460
6.2.b.4 - Compliance/noncompliance history	10		$8,920
6.2.b.6 - Economic benefits - (flat monetary increase)	$990		$990
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)		5	($4,460)
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		5	($4,460)
6.2.b.3 - Cooperation with the Secretary		5	($4,460)
6.2.b.5 - Ability to Pay		98.341	($87,720)
Penalty Adjustments			**($86,700)**
Penalty =			**$2,500**

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	$990
Permit Application or Modification	
Competitive Advantage	
Estimated Economic Benefit	**$990**

Comments: Avoided cost of chlorination/dechlorination tablets.