



west virginia department of environmental protection

Division of Water and Waste Management
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Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
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**CONSENT ORDER
ISSUED UNDER THE
WATER POLLUTION CONTROL ACT
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 11**

TO: Preston County Sewer PSD
Martin D. Wotring, Chairman
PO Box 89
Bruceton Mills, WV 26525

DATE: August 9, 2016

ORDER NO.: 8269

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 Preston County Sewer PSD (hereinafter “Preston Sewer”).

FINDINGS OF FACT

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

1. Preston Sewer operates three wastewater treatment plants located in Bruceton Mills, Hazelton, and Valley Point, Preston County, West Virginia. Preston Sewer was reissued WV/NPDES Water Pollution Control Permit No. WV0025101 on June 23, 2011.
2. On September 19, 2014, West Virginia Department of Environmental Protection (WVDEP) personnel conducted an inspection of the facility. During the inspection, violations of the following sections of Preston Sewer’s WV/NPDES permit were observed and documented:
 - a. Section A – Upon a review of facility records from April 2013 through the time of inspection, exceedances of Preston Sewer’s permit parameters were observed and documented (Table 1).
 - b. Section B.1 – Preston Sewer failed to meet the terms of the Schedule of Compliance. Specifically, Preston Sewer failed to:
 - i. submit a plan of action by September 23, 2011 which outlined the measures the permittee would take to achieve its final effluent limitations for copper, lead, and zinc at Outlet Nos. 001 and 002.

- ii. submit a progress report by March 23, 2012 which summarized actions taken and any additional actions to be taken to achieve the final effluent limitations for copper, lead, and zinc at Outlet Nos. 001 and 002.
- iii. begin any necessary treatment upgrades by September 23, 2012 to meet final effluent limitations for copper, lead, and zinc at Outlet Nos. 001 and 002.
- iv. complete construction of any necessary treatment upgrades by June 23, 2013 and obtain compliance with final effluent limitations for copper, lead, and zinc at Outlet Nos. 001 and 002.

As a result of the aforementioned violations, Notice of Violation (NOV) Nos. W-14-39-12-202 and WV-14-39-41-202 were issued to Preston Sewer.

3. On January 30, 2015, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of WV Legislative Rules and Preston Sewer's WV/NPDES permit were observed and documented:
 - a. Section A – Upon review of facility records from September 2014 through the time of inspection, exceedances of Preston Sewer's permit parameters were observed and documented (Table 1).
 - b. Section B.1- Preston Sewer failed to meet terms of the Schedule of Compliance. None of the aforementioned deficiencies observed during the September 19, 2014 inspection had been resolved.
 - c. 47CSR2 Section 3.2.b-Preston Sewer caused conditions not allowable in waters of the State by creating sludge banks in the receiving stream.

As a result of the aforementioned violations, NOV Nos. W-14-39-12-202 and WV-14-39-41-202 were issued to Preston Sewer.

4. On June 23, 2015, WVDEP personnel and representatives of Preston Sewer met to discuss the terms and conditions of this Order.
5. On September 4, 2015, Preston Sewer submitted financial documents to WVDEP. The provided information was used to perform an economic analysis which evaluated Preston Sewer's ability to pay a civil administrative penalty.
6. On September 21, 2015, WVDEP personnel conducted a review of facility records from the time period of January 2013 through July 2015. During this review, the following violations of the terms and conditions of Preston Sewer's WV/NPDES permit were observed:
 - a. Section A – One hundred fifty-seven (157) exceedances of Preston Sewer's permit parameters were observed and documented (Table 1). These exceedances can be further defined as:
 - i. Minor violations-fifty-two (52)
 - ii. Moderate violations-sixty-nine (69)
 - iii. Major violations-thirty-six (36)

7. On November 10, 2015, and April 7, 2016, WVDEP personnel and representatives of Preston Sewer met to discuss the terms and conditions of this Order.
8. On July 6, 2016, correspondence to WVDEP personnel indicated Preston Sewer's willingness to complete a Supplemental Environmental Project (SEP). The SEP is an environmentally beneficial plan undertaken by Preston Sewer to mitigate a portion of the penalty assessed in this Order. The proposal consists of proper closure and remediation of the abandoned Glade Meadows sewage lagoon. Due to the cost of the SEP, Preston Sewer proposed that funding for the lagoon closure be included as an amendment to its existing Infrastructure and Jobs Development Council (IJDC) project (Number 2015S-1614). The IJDC project involves collection system upgrades and construction of a new wastewater treatment plant on or before October 31, 2018.

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. Preston Sewer shall immediately take all measures to initiate compliance with all pertinent laws and rules and the terms and conditions of its WV/NPDES permit.
2. Within twenty (20) days of the effective date of this Order, Preston Sewer shall submit for approval a proposed plan of corrective action and schedule, outlining action items and completion dates for how and when Preston Sewer will achieve compliance with all pertinent laws and rules and the terms and conditions of its WV/NPDES permit. The plan of corrective action shall make reference to WV/NPDES Permit No. WV0025101 and Order No. 8269. 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. Within thirty (30) days of the effective date of this Order, Preston Sewer shall submit for approval a proposed SEP plan and schedule, which shall include a project completion date of no later than October 31, 2018. Upon approval, the SEP plan and schedule shall be incorporated into and become part of this Order, as if fully set forth herein. Failure to submit an approvable SEP plan is a violation of this Order.
4. Within thirty (30) days after completion of the SEP, Preston Sewer shall submit an SEP Completion Report, listing expenditures and detailing all actions performed in regard to the SEP. Failure to complete the SEP in accordance with the approved plan and schedule is a violation of this Order, and Preston Sewer shall be required to pay the penalties stipulated in Order for Compliance No. Five (5).
5. Because of Preston Sewer's WV Legislative Rules and WV/NPDES permit violations, Preston Sewer shall be assessed a civil administrative penalty of seventy-three thousand two hundred dollars (\$73,200) to be paid as follows:

- a. Four thousand eight hundred forty dollars (\$4,840) 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.
- b. The remaining sixty-eight thousand three hundred sixty dollars (\$68,360) shall be applied to the aforementioned approved SEP. In the event that the SEP is not completed as proposed, the entire value placed upon the SEP shall become due and payable upon demand by WVDEP.

Payments made pursuant to this paragraph are not tax-deductible for purposes of State or federal law.

All payments and documents required by this Order 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. Preston Sewer 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, Preston Sewer 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, Preston Sewer 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 Preston Sewer 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, Preston Sewer 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 Preston Sewer becomes aware of such a delay, notification shall be provided to the Director/Chief Inspector and Preston Sewer 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 Preston Sewer 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 Preston Sewer (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 Preston Sewer 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 Preston Sewer 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 Preston Sewer, its successors and assigns.
7. This Order shall terminate upon Preston Sewer's notification of full compliance with the "Order for Compliance" and verification of this notification by WVDEP.


Martin D. Wotring, Chairman
Preston County Sewer PSD

8-15-16
Date

Public Notice begin:

Date

Public Notice end:

Date

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

Date

revised March 2013

RECEIVED

AUG 25 2016

ENVIRONMENTAL
ENFORCEMENT

Table One: Preston Sewer DMR Exceedance Summary

Outlet 001 (Bruceton Mills) - AVG. MONTHLY - 1/13 through 7/15						Degree of non-compliance		
Date	Parameter	Units	Permitted avg. monthly	Reported avg. monthly	% Exceedance	Min	Mod	Max
01/2013	Fecal Coliform	Cnts/100m	200	2900	1350%	-	-	X
03/2013	Total Kjeldahl Nitrogen	mg/l	3.13	5.66	81%	-	X	-
03/2013	Total Kjeldahl Nitrogen	Lbs/Day	1.83	2.31	26%	X	-	-
04/2013	BOD	mg/l	14	62.3	345%	-	-	X
04/2013	BOD	Lbs/Day	8.18	19.22	135%	-	X	-
04/2013	Total Suspended Solids	mg/l	30	222	640%	-	-	X
04/2013	Total Suspended Solids	Lbs/Day	17.53	68.5	291%	-	X	-
04/2013	Fecal Coliform	Cnts/100m	200	2500	1150%	-	-	X
04/2013	Total Kjeldahl Nitrogen	mg/l	3.13	16.9	440%	-	-	X
04/2013	Total Kjeldahl Nitrogen	Lbs/Day	1.83	5.21	185%	-	X	-
05/2013	Total Kjeldahl Nitrogen	mg/l	3.13	13.7	338%	-	-	X
05/2013	Total Kjeldahl Nitrogen	Lbs/Day	1.83	6.39	249%	-	X	-
06/2013	BOD	mg/l	14	51.1	265%	-	X	-
06/2013	BOD	Lbs/Day	8.18	17.89	119%	-	X	-
06/2013	Total Suspended Solids	mg/l	30	84	180%	-	X	-
06/2013	Total Suspended Solids	Lbs/Day	17.53	29.42	68%	-	X	-
06/2013	Fecal Coliform	Cnts/100m	200	940	370%	-	-	X
06/2013	Total Kjeldahl Nitrogen	mg/l	3.13	24.1	670%	-	-	X
06/2013	Total Kjeldahl Nitrogen	Lbs/Day	1.83	8.44	361%	-	-	X
07/2013	Total Kjeldahl Nitrogen	mg/l	3.13	3.81	22%	X	-	-
07/2013	Total Recoverable Coppe	mg/l	0.0048	0.035	629%	-	-	X
08/2013	Total Kjeldahl Nitrogen	mg/l	3.13	14	347%	-	-	X
08/2013	Total Kjeldahl Nitrogen	Lbs/Day	1.83	6.7	266%	-	X	-
09/2013	BOD	mg/l	14	18.8	34%	X	-	-
09/2013	Total Kjeldahl Nitrogen	mg/l	3.13	20.6	558%	-	-	X
09/2013	Total Kjeldahl Nitrogen	Lbs/Day	1.83	6.7	266%	-	X	-
10/2013	Total Kjeldahl Nitrogen	mg/l	3.13	12.7	306%	-	-	X
10/2013	Total Kjeldahl Nitrogen	Lbs/Day	1.83	3.49	91%	-	X	-
12/2013	Fecal Coliform	Cnts/100m	200	600	200%	-	X	-
1/2014	Fecal Coliform	Cnts/100m	200	600	200%	-	X	-
02/2014	Total Kjeldahl Nitrogen	mg/l	3.13	3.7	18%	X	-	-
4/2014	Total Kjeldahl Nitrogen	mg/l	3.13	12.3	293%	-	X	-
4/2014	Total Kjeldahl Nitrogen	Lbs/Day	1.83	5.02	174%	-	X	-
5/2014	BOD	mg/l	14	117	736%	-	-	X
05/2014	BOD	Lbs/Day	8.18	73.1	794%	-	-	X
05/2014	Total Suspended Solids	mg/l	30	292	873%	-	-	X
05/2014	Total Suspended Solids	Lbs/Day	17.53	182	938%	-	-	X
05/2014	Total Kjeldahl Nitrogen	mg/l	3.13	16.2	418%	-	-	X
05/2014	Total Kjeldahl Nitrogen	Lbs/Day	1.83	10.1	452%	-	-	X
05/2014	Total Recoverable Zinc	mg/l	0.05	0.054	8%	X	-	-
05/2014	Total Recoverable Coppe	mg/l	0.0048	0.03	525%	-	-	X
05/2014	Fecal Coliform	Cnts/100m	200	6000	2900%	-	-	X
06/2014	Total Kjeldahl Nitrogen	mg/l	3.13	4.2	34%	X	-	-
07/2014	Fecal Coliform	Cnts/100m	200	600	200%	-	X	-
08/2014	Total Kjeldahl Nitrogen	mg/l	3.13	11.7	274%	-	X	-
08/2014	Total Kjeldahl Nitrogen	Lbs/Day	1.83	4.78	161%	-	X	-
10/2014	Total Kjeldahl Nitrogen	mg/l	3.13	6.4	104%	-	X	-
10/2014	Total Kjeldahl Nitrogen	Lbs/Day	1.83	3.3	80%	-	X	-
11/2014	Total Recoverable Coppe	mg/l	0.0048	0.03	525%	-	-	X
1/31/2015	Coliform, Fecal	Cnts/100m	200	1200	500%	-	-	X
3/31/2015	Nitrogen, Kjeldahl Total	mg/l	3.13	4.98	59%	-	X	-
4/30/2015	Copper, Total Recoverab	mg/l	0.0048	0.032	567%	-	-	X
4/30/2015	Nitrogen, Kjeldahl Total	mg/l	3.13	8.57	174%	-	X	-
5/31/2015	BOD, 5-Day 20 Deg. C	mg/l	14	19.6	40%	X	-	-
5/31/2015	Copper, Total Recoverab	mg/l	0.0048	0.116	2317%	-	-	X
5/31/2015	Nitrogen, Kjeldahl Total	mg/l	3.13	24.9	696%	-	-	X
5/31/2015	Total Suspended Solids	mg/l	30	104	247%	-	X	-
5/31/2015	Zinc, Total Recoverable	mg/l	0.05	0.149	198%	-	X	-
6/30/2015	Total Recoverable Coppe	mg/l	0.0048	0.043	796%	-	-	X
3/31/2015	Nitrogen, Kjeldahl Total	Lbs/Day	1.83	2.07	13%	X	-	-
4/30/2015	Nitrogen, Kjeldahl Total	Lbs/Day	1.83	3.5	91%	-	X	-
5/31/2015	Nitrogen, Kjeldahl Total	Lbs/Day	1.83	9.3	408%	-	-	X
5/31/2015	Total Suspended Solids	Lbs/Day	17.53	39	122%	-	X	-
7/31/2015	Nitrogen, Kjeldahl Total	mg/l	3.13	4.82	54%	-	X	-
7/31/2015	Copper, Total Recoverab	mg/l	0.0048	0.05	942%	-	-	X
7/31/2015	Lead, Total Recoverable	mg/l	0.0028	0.01	257%	-	X	-

Table One: Preston Sewer DMR Exceedance Summary

Outlet 002 (Hazelton) - AVG. MONTHLY - 1/13 through 7/15						Degree of non-compliance		
Date	Parameter	Units	Permitted avg. monthly	Reported avg. monthly	% Exceedance	Min	Mod	Maj
07/2013	Total Recoverable Coppe	mg/l	0.004	0.014	250%	-	X	-
10/2013	Total Recoverable Coppe	mg/l	0.004	0.01	150%	-	X	-
04/2014	Total Recoverable Coppe	mg/l	0.004	0.01	150%	-	X	-
05/2014	BOD	mg/l	11	12	9%	X	-	-
07/2014	Total Recoverable Coppe	mg/l	0.004	0.02	400%	-	-	X
09/2014	BOD	mg/l	11	12	9%	X	-	-
09/2014	BOD	Lbs/Day	45.87	50.34	10%	X	-	-
10/2014	BOD	mg/l	11	20.8	89%	-	X	-
10/2014	Total Recoverable Coppe	mg/l	0.004	0.009	125%	-	X	-
10/2014	BOD	Lbs/Day	45.87	89.34	95%	-	X	-
12/2014	BOD	mg/l	11	21.4	95%	-	X	-
12/2014	Total Recoverable Coppe	mg/l	0.004	0.011	175%	-	X	-
12/2014	BOD	Lbs/Day	45.87	87.99	92%	-	X	-
1/31/2015	Copper, Total Recoverab	mg/l	0.004	0.0077	93%	-	X	-
3/31/2015	Copper, Total Recoverab	mg/l	0.004	0.01	150%	-	X	-
4/30/2015	Copper, Total Recoverab	mg/l	0.004	0.012	200%	-	X	-
5/31/2015	Copper, Total Recoverab	mg/l	0.004	0.018	350%	-	-	X
7/31/2015	Copper, Total Recoverab	mg/l	0.004	0.017	325%	-	-	X
7/31/2015	Zinc, Total Recoverable	mg/l	0.032	0.036	13%	X	-	-

Outlet 001 (Bruceton Mills) - MAX. DAILY - 1/13 through 7/15						Degree of non-compliance		
Date	Parameter	Units	Permitted max. daily	Reported max. daily	% Exceedance	Min	Mod	Maj
01/2013	Fecal Coliform	cnts/100ml	400	2900	625%	-	-	X
04/2013	BOD	mg/l	28	62.3	123%	-	X	-
04/2013	BOD	Lbs/Day	16.36	19.22	17%	X	-	-
04/2013	Total Suspended Solids	mg/l	60	222	270%	-	X	-
04/2013	Total Suspended Solids	Lbs/Day	35.06	68.5	95%	X	-	-
04/2013	Fecal Coliform	cnts/100ml	400	2500	525%	-	X	-
04/2013	Total Kjeldahl Nitrogen	mg/l	6.26	16.9	170%	-	X	-
04/2013	Total Kjeldahl Nitrogen	Lbs/Day	3.66	5.21	42%	X	-	-
05/2013	Total Kjeldahl Nitrogen	mg/l	6.26	13.7	119%	-	X	-
05/2013	Total Kjeldahl Nitrogen	Lbs/Day	3.66	6.39	75%	X	-	-
06/2013	BOD	mg/l	28	51.1	83%	X	-	-
06/2013	BOD	Lbs/Day	16.36	17.89	9%	X	-	-
06/2013	Total Suspended Solids	mg/l	60	84	40%	X	-	-
06/2013	Fecal Coliform	cnts/100ml	400	940	135%	-	X	-
06/2013	Total Kjeldahl Nitrogen	mg/l	6.26	24.1	285%	-	X	-
06/2013	Total Kjeldahl Nitrogen	Lbs/Day	3.66	8.44	131%	-	X	-
07/2013	Total Recoverable Coppe	mg/l	0.0156	0.035	124%	-	X	-
08/2013	Total Kjeldahl Nitrogen	mg/l	6.26	14	124%	-	X	-
08/2013	Total Kjeldahl Nitrogen	Lbs/Day	3.66	6.7	83%	X	-	-
09/2013	Total Kjeldahl Nitrogen	mg/l	6.26	20.6	229%	-	X	-
09/2013	Total Kjeldahl Nitrogen	Lbs/Day	3.66	6.7	83%	X	-	-
10/2013	Total Kjeldahl Nitrogen	mg/l	6.26	12.7	103%	-	X	-
12/2013	Fecal Coliform	cnts/100ml	400	600	50%	X	-	-
1/2014	Fecal Coliform	cnts/100ml	400	600	50%	X	-	-
04/2014	Total Kjeldahl Nitrogen	mg/l	6.26	12.3	96%	X	-	-
4/2014	Total Kjeldahl Nitrogen	Lbs/Day	3.66	5.02	37%	X	-	-
5/2014	BOD	mg/l	28	117	318%	-	X	-
05/2014	BOD	Lbs/Day	16.36	73.1	347%	-	X	-
05/2014	Total Suspended Solids	mg/l	60	292	387%	-	X	-
05/2014	Total Suspended Solids	Lbs/Day	35.06	182	419%	-	X	-
05/2014	Total Kjeldahl Nitrogen	mg/l	6.26	16.2	159%	-	X	-
05/2014	Total Kjeldahl Nitrogen	Lbs/Day	3.66	10.1	176%	-	X	-
05/2014	Total Recoverable Coppe	mg/l	0.0156	0.03	92%	X	-	-
05/2014	Fecal Coliform	cnts/100ml	400	6000	1400%	-	-	X
07/2014	Fecal Coliform	cnts/100ml	400	600	50%	X	-	-
08/2014	Total Kjeldahl Nitrogen	mg/l	6.26	11.7	87%	X	-	-
08/2014	Total Kjeldahl Nitrogen	Lbs/Day	3.66	4.78	31%	X	-	-
10/2014	Total Kjeldahl Nitrogen	mg/l	6.26	6.4	2%	X	-	-
11/2014	Total Recoverable Coppe	mg/l	0.0156	0.03	92%	X	-	-
1/31/2015	Coliform, Fecal	cnts/100ml	400	1200	200%	-	X	-
4/30/2015	Copper, Total Recoverab	mg/l	0.0156	0.032	105%	-	X	-
4/30/2015	Nitrogen, Kjeldahl Total	mg/l	6.26	8.57	37%	X	-	-
5/31/2015	Copper, Total Recoverab	mg/l	0.0156	0.116	644%	-	-	X
5/31/2015	Nitrogen, Kjeldahl Total	mg/l	6.26	24.9	298%	-	X	-
5/31/2015	Total Suspended Solids	mg/l	60	104	73%	X	-	-
5/31/2015	Zinc, Total Recoverable	mg/l	0.132	0.149	13%	X	-	-
6/30/2015	Total Recoverable Coppe	mg/l	0.0156	0.043	176%	-	X	-
5/31/2015	Nitrogen, Kjeldahl Total	Lbs/Day	3.66	9.3	154%	-	X	-
5/31/2015	Total Suspended Solids	Lbs/Day	35.06	39	11%	X	-	-
7/31/2015	Copper, Total Recoverab	mg/l	0.0156	0.05	221%	-	X	-
7/31/2015	Lead, Total Recoverable	mg/l	0.0066	0.01	52%	X	-	-

Table One: Preston Sewer DMR Exceedance Summary

Outlet 002 (Hazelton) - MAX. DAILY - 1/13 through 7/15						Degree of non-compliance		
Date	Parameter	Units	Permitted max. daily	Reported max. daily	% Exceedance	Min	Mod	Maj
07/2013	Total Recoverable Coppe	mg/l	0.0115	0.014	22%	X	-	-
07/2014	Total Recoverable Coppe	mg/l	0.0115	0.02	74%	X	-	-
4/30/2015	Total Recoverable Coppe	mg/l	0.0115	0.012	4%	X	-	-
5/31/2015	Total Recoverable Coppe	mg/l	0.0115	0.018	57%	X	-	-
7/31/2015	Total Recoverable Coppe	mg/l	0.0115	0.017	48%	X	-	-

Outlet 001 (Bruceton Mills) - Minimum 85% Removal - AVG. MONTHLY - 1/13 through 7/15						Degree of non-compliance		
Date	Parameter	Units	Permitted Minimum % Removal	Reported % Removal	% Exceedance	Min	Mod	Maj
04/2013	BOD % Removal	%	85.0	80.6	5.2%	X	-	-
04/2013	TSS % Removal	%	85.0	48	34%	-	X	-
05/2013	TSS % Removal	%	85.0	72.9	1%	X	-	-
06/2013	BOD % Removal	%	85.0	63.5	12%	X	-	-
06/2013	TSS % Removal	%	85.0	10	86%	-	-	X
09/2013	TSS % Removal	%	85.0	46	36%	-	X	-
12/2013	TSS % Removal	%	85.0	55	24%	X	-	-
1/2014	TSS % Removal	%	85.0	55	24%	X	-	-
2/2014	TSS % Removal	%	85.0	76	5%	X	-	-
2/2014	BOD % Removal	%	85.0	82	13%	X	-	-
5/2014	BOD % Removal	%	85.0	35	52%	-	X	-
5/2014	TSS % Removal	%	85.0	51	29%	X	-	-
12/2014	TSS % Removal	%	85.0	78	8%	X	-	-
5/31/2015	TSS % Removal	%	85.0	31.5	56%	-	X	-

Outlet 002 (Hazelton) - Minimum 85% Removal - AVG. MONTHLY - 1/13 through 7/15						Degree of non-compliance		
Date	Parameter	Units	Permitted Minimum % Removal	Reported % Removal	% Exceedance	Min	Mod	Maj
05/2014	BOD % Removal	mg/l	85.0	81.0	4.7%	X	-	-

Outlet 001 (Bruceton Mills) - D.O. INSTANTANEOUS, MIN. - 1/13 through 7/15						Degree of non-compliance		
Date	Parameter	Units	Permitted min. daily	Reported min. daily	% Exceedance	Min	Mod	Maj
5/2014	D.O.	mg/l	6.0	5.2	13.3%	X	-	-

Outlet 001 and 002 Totals						Degree of non-compliance		
						Min	Mod	Maj
						52	69	36



September 2014-sludge thickening at Bruceton Mills plant

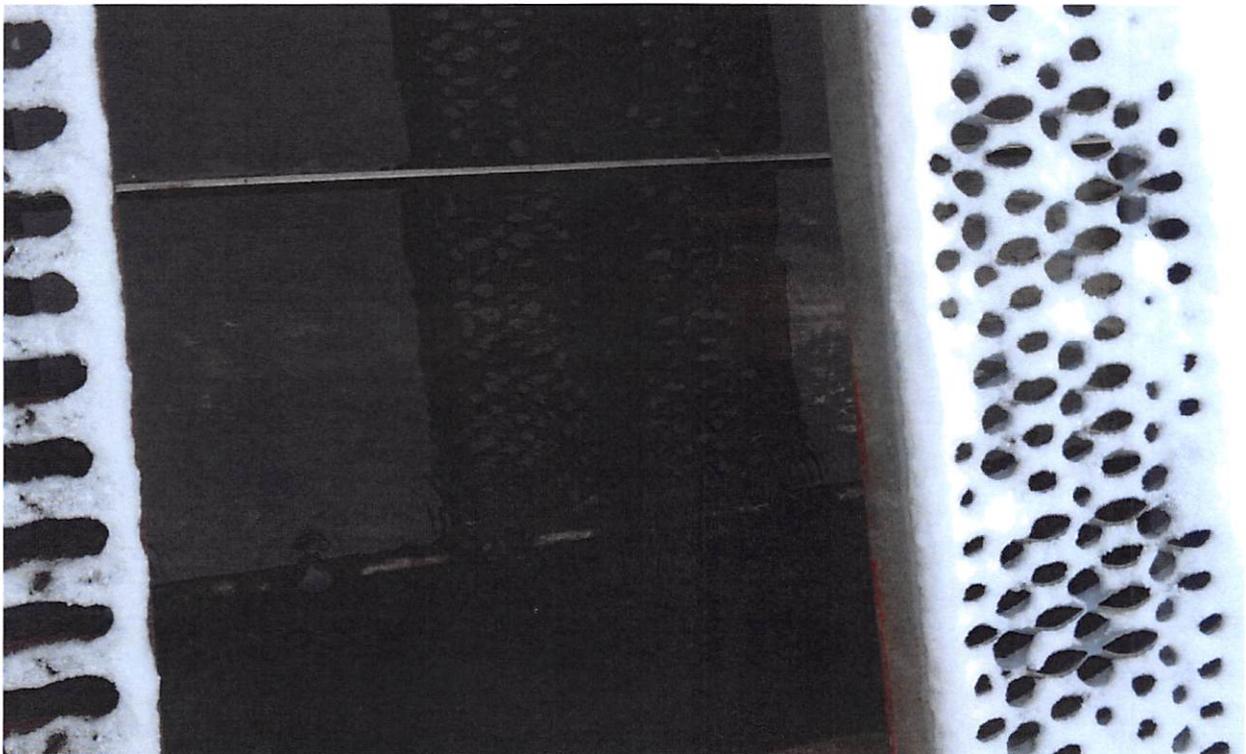


September 2014- weir and clarifier at Bruceton Mills plant

Photo Attachment
Preston County Sewer PSD
WV0025101



January 30, 2015-bar screen at Bruceton Mills plant



January 30, 2015- weir and clarifier at Bruceton Mills plant



January 30, 2015-sludge beds in receiving stream near Bruceton Mills discharge



January 30, 2015-sludge beds in receiving stream near Bruceton Mills discharge

Base Penalty Calculation

(pursuant to 47CSR1-6.1)

Responsible Party: Preston County Sewer PSD Receiving Stream: _____

Treatment System Design Maximum Flow: 0.07 MGD

Treatment System Actual Average Flow: 0.22 MGD (if known)

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

1)	Potential for Harm Factor	Factor Range	FOF#												
			2b	3b	3c	6ai	6aii	6aiii							
a)	Amount of Pollutant Released	1 to 3	1	1	1	1	1	1							
b)	Toxicity of Pollutant	0 to 3	1	1	1	1	1	1							
c)	Sensitivity of the Environment	0 to 3	1	1	1	1	1	1							
d)	Length of Time	1 to 3	3	3	1	1	1	1							
e)	Actual Exposure and Effects thereon	0 to 3	1	1	1	1	1	1							
Average Potential for Harm Factor			1.4	1.4	1	1	1	1	No						
2)	Extent of Deviation Factor	Factor Range													
	Degree of Non-Compliance	1 to 3	3	3	3	1	2	3							

Potential for Harm Factors:

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

Examples/Guidance:

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

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

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

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

Narrative WQ standard violations - case-by-case.

Penalty Adjustment Factors

(pursuant to 47CSR1-6.2)

Penalty Adjustment Factor

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

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

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

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

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

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

6.2.b.10 - Other factors

Size of Violator: 0 - 50% decrease

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

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

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

Public Notice Costs (cost for newspaper advertisement)

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

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

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

Base Penalty Adjustments

(pursuant to 47CSR1-6.2)

Penalty Adjustment Factor	% Increase	% Decrease	Base Penalty Adjustments
6.2.b.1 - Willfulness and/or negligence -	10		\$8,130
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	(\$8,130)
6.2.b.3 - Cooperation with the Secretary		10	(\$8,130)
6.2.b.5 - Ability to Pay			\$0
Penalty Adjustments			(\$8,100)
Penalty =			\$73,200

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: No economic benefit warranted.	