



west virginia department of environmental protection

Environmental Enforcement
601 57th Street SE
Charleston, WV 25304
Telephone: (304) 926-0470 Fax: (304) 926-0488

Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
www.dep.wv.gov

January 3, 2012

Town of Reedy
c/o Hon. Sam Salvucci
118 Main St.
Reedy WV, 25270

91 7199 9991 7030 8755 8913
CERTIFIED RETURN RECEIPT REQUESTED

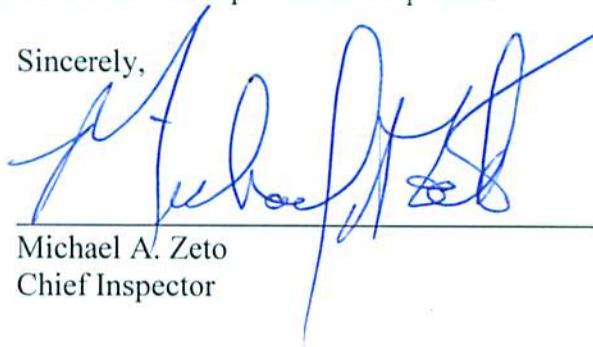
**RE: Violation of Chapter 22, Article 11
of the WV State Code**

Dear Mayor Salvucci:

Enclosed is 2nd revised CONSENT ORDER NUMBER 7210 dated January 3, 2012. This action is based upon the investigation and recommendation of the West Virginia Department of Environmental Protection's (WVDEP) Environmental Enforcement unit in response to the Town of Reedy violating Chapter 22, Article 11 of the WV State Code at its facility in Reedy, Roane County, West Virginia. This revision is based upon your recent meeting with David C. Simmons, Enforcement Hearing Officer. This administrative settlement is being offered on behalf of the director of the Division of Water and Waste Management.

Please review, sign and return the original copy of the revised ORDER to me within five (5) working days of receipt. Subsequently, WVDEP will initiate the public notice process.

Sincerely,



Michael A. Zeto
Chief Inspector

Enclosure

cc: Scott G. Mandirola, Director, DWWM (via e-mail)
Yogesh Patel, Asst. Director, DWWM/Permits
Joseph M. Hickman, Assistant Chief Inspector, EE/WW (via e-mail)
Jeremy Bandy, Assistant Chief Inspector, EE (via e-mail)
David C. Simmons, Enforcement Hearing Officer, EE (via e-mail)
Laura McGee, Environmental Resources Specialist, EE (via e-mail)
Cynthia Musser, Environmental Inspector Supervisor, EE/WW (via e-mail)
Marlan Zwoll, Environmental Inspector, EE/WW (via e-mail)
Shyrel Moellendick, MSSS, EE (via e-mail)

revised September 2011

Promoting a healthy environment.



west virginia department of environmental protection

Division of Water and Waste Management
601 57th Street SE
Charleston, WV 25304
Phone: (304) 926-0495
Fax: (304) 926-0463

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: The Town of Reedy
c/o Hon. Sam Salvucci
118 Main St.
Reedy, WV 25270

DATE: January 3, 2012

ORDER NO.: 7210

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 The Town of Reedy (hereinafter "Reedy").

FINDINGS OF FACT

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

1. Reedy operates a sewage treatment facility located in Reedy, Roane County, West Virginia. Reedy was issued WV/NPDES Water Pollution Control Permit No. WV0042692 on May 14, 2009.
2. On November 9, 2010, West Virginia Department of Environmental Protection (WVDEP) personnel observed a newspaper article reporting that one of Reedy's lift stations has been overflowing.
3. On November 10, 2010, WVDEP inspected and documented the overflowing lift station. Notice of Violation (NOV) No. W10-44-097-MAZ was issued for failure to report a bypass, a violation of Legislative Rule 47CSR10.5.12.e2.a and Appendix A.IV.1 of Reedy's WV/NPDES permit.
4. On November 11, 2010, the Town of Reedy called the WV Spill Hotline to report the bypass (HSEM Ref: 44-146987).

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5. On November 12, 2010, WVDEP personnel observed and documented that the bypass was ongoing. New employees of Reedy stated that a service company had been contacted to pump/transfer wastes from the collection system to the wastewater treatment plant to prevent the bypass.
6. On November 15 & 17, 2010, WVDEP personnel observed Reedy was hauling wastes by truck to the treatment plant. Through the process, there has also been a pump failure in the main lift station.
7. On January 4, 2011, WVDEP personnel conducted an inspection of the facility. During the inspection, the following violations of the terms and conditions of Reedy's WV/NPDES permit were observed and documented:
 - a. Permittee is failing to comply with the terms and conditions of the permit:
 - i. Failed to have a certified operator (Section C.3).
 - ii. Failed to properly operate and maintain the wastewater treatment plant (Section C & Appendix A).
 - iii. Failed to report a spill, a violation of Appendix A.IV.1 and Title 47, Series 11, Section 2 (Legislative Rule).

As a result of the aforementioned violations, NOVs No. W11-44-001-MAZ, No. W11-44-002-MAZ and No. W11-44-003-MAZ were issued.

8. On January 4, 2011, WVDEP personnel conducted a review of the facility's files from the time period of January 2008-October 2010. During this review, the following violations were observed:
 - a. From January 2009-October 2010, sixty-seven (67) exceedances of Reedy's permit parameters were observed and documented (See Table 1). Each exceedance is a violation of the terms and conditions of Reedy's WV/NPDES permit (Section A). These exceedances can be further defined as:
 - i. Minor violations - 31
 - ii. Moderate violations - 31
 - iii. Major violations - 5
 - b. Permittee failed to submit the required Discharge Monitoring Reports (DMR) for November and December 2010 (Section C.5).
9. On April 13, 2011, WVDEP personnel and representatives of Reedy met to discuss the terms and conditions of this Order.
10. On April 25, 2011, Reedy submitted financial documents to WVDEP. The provided information was insufficient to perform an economic analysis that would have determined Reedy's ability to pay the civil administrative penalty assessed in this Order.

11. On December 22, 2011, WVDEP personnel received financial documents needed to perform Reedy's economic analysis. It was determined that the Town of Reedy has a reduced ability to pay its 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. Reedy shall immediately take all measures to initiate compliance with all terms and conditions of its WV/NPDES permit.
2. Within thirty (30) days of entry of this Order, Reedy shall submit for approval a proposed plan of corrective action and schedule, outlining action items and completion dates for how and when Reedy will achieve compliance with all terms and conditions of its WV/NPDES permit and/or pertinent laws and rules. The plan of corrective action shall be submitted to:

**WVDEP Environmental Inspector Supervisor
SW Satellite Environmental Enforcement Office
2311 E Ohio Avenue
Parkersburg, WV 26101**

A copy of this plan shall be submitted to:

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

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

3. Because of Reedy's Legislative Rule and permit violations, Reedy shall be assessed a civil administrative penalty of one thousand thirty-seven dollars (\$1,037) 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 \$207.40 due on or before March 1, 2012.
Payment 2 in the amount of \$207.40 due on or before April 1, 2012.
Payment 3 in the amount of \$207.40 due on or before May 1, 2012.
Payment 4 in the amount of \$207.40 due on or before June 1, 2012.
Payment 5 in the amount of \$207.40 due on or before July 1, 2012.

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

Honorable Sam Salvucci
Town of Reedy

Date

Public Notice begin:

Date

Public Notice end:

Date

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

Date

Table 1: Town of Reedy Exceedances

Outlet 001 DMR Exceedances - AVG. MONTHLY - January 2008 through October 2010						Degree of non-compliance		
Date	Parameter	Units	Permitted avg. monthly	Reported avg. monthly	% Exceedance	Min	Mod	Maj
Jan of 2008	BOD	lbs/day	0.31	0.98	216%			
		mg/L	1.75	4.5	157%			
	NH3N	lbs/day	0.24	0.47	96%			
		mg/L	1.35	2.17	61%			
Feb of 2008	BOD	lbs/day	0.31	0.5	61%			
	TSS	lbs/day	5.3	13.2	149%			
		mg/L	30	65.5	118%			
	TRC	ug/L	100	128	28%			
March of 2008	BOD	lbs/day	0.31	0.7	126%			
		mg/L	1.75	3.46	98%			
April of 2008	BOD	lbs/day	0.31	0.38	23%			
		mg/L	1.75	1.82	4%			
May of 2008	BOD	lbs/day	0.31	1.23	297%			
		mg/L	1.75	5.98	242%			
	TSS	lbs/day	5.3	24.6	364%			
		mg/L	30	119.5	298%			
July of 2008	BOD	lbs/day	0.31	1.37	342%			
		mg/L	1.75	6.85	291%			
	TRC	ug/L	100	130	30%			
Aug of 2008	BOD	lbs/Day	0.31	1.29	316%			
		mg/L	1.75	6.46	269%			
	TRC	ug/L	100	280	180%			
Sept of 2008	BOD	lbs/Day	0.31	1.06	242%			
		mg/L	1.75	5.69	225%			
	NH3N	mg/L	1.35	2.1	56%			
	TRC	ug/L	100	140	40%			
Oct of 2008	BOD	lbs/Day	0.31	1.4	352%			
		mg/L	1.75	7.5	329%			
Nov of 2008	BOD	lbs/Day	0.31	1.9	513%			
		mg/L	1.75	10.35	491%			
Dec of 2008	BOD	lbs/Day	0.31	2.56	726%			
		mg/L	1.75	12.57	618%			
	NH3N	lbs/Day	0.24	0.55	129%			
		mg/L	1.35	2.73	102%			
Jan of 2009	BOD	lbs/Day	0.31	0.82	165%		X	
		mg/L	1.75	4.41	152%		X	
Feb of 2009	BOD	lbs/Day	0.31	0.74	139%		X	
		mg/L	1.75	3.97	127%		X	
Mar of 2009	BOD	lbs/day	0.31	1.37	342%			X
		mg/L	1.75	7.33	319%			X
April of 2009	BOD	lbs/day	0.31	0.52	68%		X	
		mg/L	1.75	2.76	58%		X	
May of 2009	BOD	lbs/day	0.31	0.95	206%		X	

Table 1: Town of Reedy Exceedances

		mg/L	1.75	5.7	226%		X	
	NH3N	mg/L	1.35	1.47	9%	X		
June of 2009	BOD	lbs/day	0.53	2.41	355%			X
		mg/L	3	14.45	382%			X
July of 2009	BOD	lbs/day	0.53	0.78	47%		X	
		mg/L	3	4.66	55%		X	
	Copper	mg/L	0.0073	0.0138	89%		X	
Aug of 2009	TRC	ug/L	100	140	40%	X		
	Copper	mg/L	0.0073	0.0141	93%		X	
	Zinc	mg/L	0.0692	0.11	59%		X	
Sept of 2009	BOD	lbs/day	0.53	0.82	55%		X	
		mg/L	3	4.89	63%		X	
	NH3N	lbs/day	0.27	0.37	37%	X		
		mg/L	1.5	2.24	49%		X	
	TRC	ug/L	100	110	10%	X		
Oct of 2009	Copper	mg/L	0.0073	0.0091	25%	X		
	Zinc	mg/L	0.0692	0.0932	35%	X		
Jan of 2010	Copper	mg/L	0.0073	0.0076	4%	X		
	Lead	mg/L	0.0025	0.0032	28%	X		
Feb of 2010	BOD	mg/L	6	7.95	33%	X		
	NH3N	mg/L	3	3.85	28%	X		
March of 2010	TRC	ug/L	100	110	10%	X		
April of 2010	TRC	ug/L	100	150	50%		X	
	Zinc	mg/L	0.0692	0.0761	10%	X		
May of 2010	BOD	lbs/day	0.53	1.02	92%		X	
	BOD	mg/L	3	6.16	105%		X	
June of 2010	TRC	ug/L	100	320	220%		X	
	Zinc	mg/L	0.0692	0.667	864%			X
July of 2010	BOD	lbs/day	0.53	0.74	40%	X		
	BOD	mg/L	3	4.45	48%		X	
Aug of 2010	BOD	lbs/day	0.53	0.69	30%	X		
	BOD	mg/L	3	4.08	36%	X		
Sept of 2010	BOD	lbs/day	0.53	0.83	57%		X	
	BOD	mg/L	3	4.98	66%		X	

Outlet 001 DMR Exceedances - MAX. DAILY - January 2008 through October 2010						Degree of non-compliance		
Date	Parameter	Units	Permitted max. daily	Reported max. daily	% Exceedance	Min	Mod	Maj
Jan of 2008	BOD	lbs/day	0.62	0.98	58%			
		mg/L	3.5	4.5	29%			
Feb of 2008	TSS	lbs/day	10.6	13.2	25%			
		mg/L	60	65.5	9%			
	TRC	ug/L	100	128	28%			
March of 2008	BOD	lbs/day	0.62	0.7	13%			
May of 2008	BOD	lbs/day	0.62	1.23	98%			

Outlet 001 DMR Exceedances - pH MAX, DAILY (Min.) - January 2008 through October 2010						
Date	Parameter	Units	Permitted min. daily	Reported min. daily	% Exceedance	Degree of non-compliance
						Min Mod Maj
Jan of 2008	pH	S.U.	6	4.22	237.3%	
March of 2008	pH	S.U.	6	5.68	42.7%	
April of 2008	pH	S.U.	6	5.26	98.7%	
Feb of 2009	pH	S.U.	6	4.85	153.3%	X
Mar of 2009	pH	S.U.	6	4.85	153.3%	X

	TSS	lbs/day	10.6	24.6	132%	
July of 2008	BOD	lbs/day	0.62	1.37	121%	
		mg/L	60	119.5	99%	
		mg/L	3.5	6.85	96%	
	TRC	ug/L	100	130	30%	
Aug of 2008	BOD	lbs/Day	0.62	1.29	108%	
		mg/l	3.5	6.46	85%	
	TRC	ug/L	100	280	180%	
Sept of 2008	BOD	lbs/Day	0.62	1.06	71%	
		mg/l	3.5	5.69	63%	
	TRC	ug/L	100	140	40%	
Oct of 2008	BOD	lbs/Day	0.62	1.4	126%	
		mg/l	3.5	7.5	114%	
Nov of 2008	BOD	lbs/Day	0.62	1.9	206%	
		mg/l	3.5	10.35	196%	
Dec of 2008	BOD	lbs/Day	0.62	2.56	313%	
		mg/l	3.5	12.57	259%	
	NH3N	lbs/Day	0.48	0.55	15%	
		mg/l	2.7	2.73	1%	
Jan of 2009	BOD	lbs/Day	0.62	0.82	32%	X
		mg/l	3.5	4.41	26%	X
Feb of 2009	BOD	lbs/Day	0.62	0.74	19%	X
		mg/l	3.5	3.97	13%	X
Mar of 2009	BOD	lbs/day	0.62	1.37	121%	X
		mg/L	3.5	7.33	109%	X
May of 2009	BOD	lbs/day	0.62	0.95	53%	X
		mg/L	3.5	5.7	63%	X
June of 2009	BOD	lbs/day	1.06	2.41	127%	X
		mg/L	6	14.45	141%	X
Aug of 2009	TRC	ug/L	100	140	40%	X
Sept of 2009	TRC	ug/L	100	110	10%	X
March of 2010	TRC	ug/L	100	110	10%	X
April of 2010	TRC	ug/L	100	150	50%	X
May of 2010	BOD	mg/L	6	6.16	3%	X
June of 2010	TRC	ug/L	100	320	220%	X
	Zinc	mg/L	0.1388	0.667	381%	X

Table 1: Town of Reedy Exceedances

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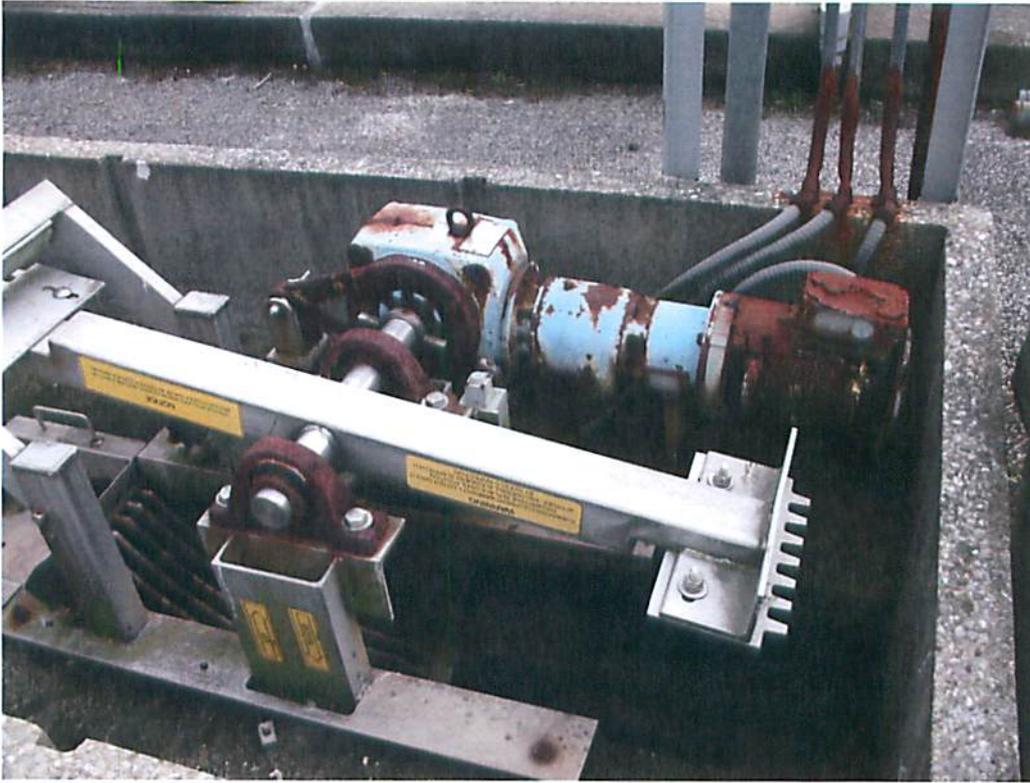
May of 2009	pH	S.U.	6	5.47	70.7%	X		
Aug of 2009	pH	S.U.	6	5.82	24.0%	X		
Sept of 2009	pH	S.U.	6	5.78	29.3%	X		
Dec of 2009	pH	S.U.	6	5.84	21.3%	X		
Jan of 2010	pH	S.U.	6	5.79	28.0%	X		

Outlet 001 DMR Exceedances - pH MAX. DAILY (Max.) - January 2008 through October 2010						Degree of non-compliance		
Date	Parameter	Units	Permitted max. daily	Reported max. daily	% Exceedance	Min	Mod	Maj
Feb of 2008	pH	S.U.	9	10.3	173.3%			
May of 2008	pH	S.U.	9	10.63	217.3%			

Outlet 001 DMR Exceedances - D.O. INSTANTANEOUS. MIN. - January 2008 through October 2010						Degree of non-compliance		
Date	Parameter	Units	Permitted min. daily	Reported min. daily	% Exceedance	Min	Mod	Maj
June of 2009	D.O.	mg/l	7.25	6.25	14.3%			
July of 2009	D.O.	mg/l	7.25	7.5	3.4%			
Sept of 2009	D.O.	mg/l	7.25	6.02	17.0%			
Oct of 2009	D.O.	mg/l	7.25	6.29	13.2%			
Aug of 2010	D.O.	mg/l	7.25	6.86	5.4%			
Sept of 2010	D.O.	mg/l	7.25	6.35	12.4%			

Outlet 001 Exceedances - Minimum 85% Removal - AVG. MONTHLY - January 2008 through October 2010						Degree of non-compliance		
Date	Parameter	Units	Reported influent concentration	Reported effluent concentration	% Exceedance	Min	Mod	Maj
Feb of 2008	TSS	mg/l	192	66	60%			
May of 2008	TSS	mg/l	256	120	45%			
July of 2008	TSS	mg/l	3	3	18%			
Jan of 2009	TSS	mg/l	6	9	76%			
Feb of 2009	TSS	mg/l	38	18	44%			
Nov of 2009	TSS	mg/l	50	11	74%			
Dec of 2009	TSS	mg/l	58	20	60%			
Feb of 2010	TSS	mg/l	29	8	70%			
March of 2010	TSS	mg/l	58	13	74%			
June of 2010	BOD	mg/l	4.23	2	42%			
July of 2010	TSS	mg/l	38	7	80%			
Sept of 2010	TSS	mg/l	72	16	74%			

Outlet 001 Totals		Degree of non-compliance		
		Min	Mod	Maj
		31	31	5



January 2008 – Bar screen not working



January 2008 – neither skimmer working properly



January 2008 – Sludge in chlorine contact tank



October 2009 – Bar screen still not operational



October 2009 – Skimmer / Clarifier



October 2009 - Flow meter unable to record, continues to be nonoperational



October 2009 – Apparent sludge/waste trailing from plant to Rt. 14.



October 2009 – High water alarm on car wash lift station



11/10/10 – Lift Station overflowing



11/10/10



11/12/10 – bypass still going on



11/17/10 – Bypass stopped, pumping and trucking waste from lift station



11/17/10 – Lime used on waste that was on ground below lift station



Jan 2011 - Waste water flowing from manhole on Lattimer Street



Jan 2011 - Waste water flowing from manhole to valve that fills town's public water tank



Jan 2011 - Mechanical bar screen – out of service for more than five years



Jan 2011 - Solids in clarifier



Jan 2011 - Chlorine contact tank full



Jan 2011 - Solids built up around tablet dispenser

Base Penalty Calculation

(pursuant to 47CSR1-6.1)

Responsible Party:

Town of Reedy

Receiving Stream:

Middle Fork of Reedy

Treatment System Design Maximum Flow: 0.04 MGD

Treatment System Actual Average Flow: 0.02 (estimated) MGD (if known)

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

1)	Potential for Harm Factor	Factor Range	FOF#											
			3	7.a.i	7.a.ii	7.a.iii	8.a.i	8.a.ii	8.a.iii	8.b				
a)	Amount of Pollutant Released	1 to 3	1	1	1	1	1	1	1	1				
b)	Toxicity of Pollutant	0 to 3	0	0	0	0	1	1	1	0				
c)	Sensitivity of the Environment	0 to 3	1	0	1	2	1	1	1	0				
d)	Length of Time	1 to 3	1	1	1	2	1	1	1	1				
e)	Actual Exposure and Effects thereon	0 to 3	1	0	2	1	1	1	1	0				
Average Potential for Harm Factor			0.8	0.4	1	1.2	1	1	1	0.4	No	No	No	No
2)	Extent of Deviation Factor	Factor Range												
	Degree of Non-Compliance	1 to 3	3	3	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.

		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
3	Minor	Major	\$1,900	1	\$1,900
7.a.i	Minor	Major	\$1,700	1	\$1,700
7.a.ii	Minor	Major	\$2,000	1	\$2,000
7.a.iii	Moderate	Major	\$4,200	1	\$4,200
8.a.i	Minor	Minor	\$1,000	31	\$31,000
8.a.ii	Minor	Moderate	\$1,500	31	\$46,500
8.a.iii	Minor	Major	\$2,000	5	\$10,000
8.b	Minor	Major	\$1,700	2	\$3,400
0	FALSE	FALSE	FALSE		\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
Total Base Penalty					\$100,700

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			\$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)		30	(\$30,210)
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			\$0
6.2.b.3 - Cooperation with the Secretary		10	(\$10,070)
6.2.b.5 - Ability to Pay		59	(\$59,413)
Penalty Adjustments			(\$99,663)
Penalty =			\$1,037

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:	