



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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Harold D. Ward, Cabinet Secretary
dep.wv.gov

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

TO: Town of Rowlesburg
ATTN: Eric Bautista, Mayor
P.O. Box 458
Rowlesburg, WV 26425

DATE: March 1, 2024

ORDER NO.: 10092

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 22-11-1 et seq. to Town of Rowlesburg (hereinafter "Rowlesburg").

FINDINGS OF FACT

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

1. Rowlesburg operates a collection system and a wastewater treatment facility located in Rowlesburg, Preston County, West Virginia. Rowlesburg was reissued WV/NPDES Water Pollution Control Permit No. WV0027481 on October 27, 2015 and November 9, 2020.
2. On March 11, 2020, West Virginia Department of Environmental Protection (WVDEP) issued Order No. 9088 to Rowlesburg in response to violations of the WV/NPDES permit at the aforementioned facility. In accordance with the requirements of the Order, Rowlesburg submitted a plan of corrective action, which was approved by WVDEP on February 4, 2021. Among other action items, the plan of corrective action included a schedule which outlined milestones for a wastewater treatment plant upgrade and an inflow/infiltration project. In accordance with the approved schedule, the project will be completed by October 2023.

Promoting a healthy environment.

3. On March 16, 2022, WVDEP personnel conducted an inspection of the facility. During the inspection, WVDEP personnel observed and documented that Rowlesburg created conditions not allowable in waters of the State. Specifically, sludge deposits that originated from Rowlesburg's sanitary sewer overflow (SSO) were present on the bottom of Cheat River, which is a violation of WV Legislative Rule 47CSR2 Section 3.2.b. In addition, WVDEP personnel observed and documented violations of the following sections of the WV/NPDES permit:
 - a. Section A.001 – Rowlesburg exceeded discharge limitations.
 - b. Appendix A.III.2 – Rowlesburg failed to submit all required sample results on the Discharge Monitoring Reports (DMRs). Specifically, Rowlesburg did not submit values for BOD % Removal.
4. On March 29, 2022, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of West Virginia Legislative Rules and the WV/NPDES permit were observed and documented:
 - a. 47CSR2 Sections 3.2.a, b, and c – Rowlesburg created conditions not allowable in waters of the State. Specifically, there were distinctly visible floating/settleable solids, there were sludge deposits, and there was an odor in Cheat River at the SSO. During the inspection, WVDEP personnel sampled the discharge, which yielded a fecal coliform result of >24,196 counts/100 ml.
 - b. Appendix A.IV.2 – Rowlesburg failed to report noncompliance which may have endangered health or the environment immediately after becoming aware of the circumstances. Specifically, Rowlesburg did not report the aforementioned discharge of sewage into waters of the State.

As a result of the aforementioned violations, Notice of Violation (NOV) No. W22-39-044-CCS was issued to Rowlesburg.

5. On May 25, 2022, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of West Virginia Legislative Rules and the WV/NPDES permit were observed and documented:
 - a. 47CSR2 Sections 3.2.a, b, and c – Rowlesburg created conditions not allowable in waters of the State. Specifically, there were distinctly visible floating/settleable solids, there were sludge deposits, and there was an odor in Cheat River at the SSO. During the inspection, WVDEP personnel conducted a dye test, which confirmed that the discharge originated from Rowlesburg's collection system.
 - b. Appendix A.IV.1 – Rowlesburg failed to report noncompliance which may have endangered health or the environment immediately after becoming aware of the circumstances. Specifically, Rowlesburg did not report the aforementioned discharge of sewage into waters of the State.
 - c. Appendix A.II.1 – Rowlesburg failed to properly maintain the collection system by failing to clear a blockage in the sewer line, which resulted in continuous flow of sewage into Cheat River.
 - d. Section A.001 – Rowlesburg exceeded discharge limitations.

As a result of the aforementioned violations, NOV Nos. W22-39-035-LCT, W22-39-036-LCT, and W22-39-037-LCT were issued to Rowlesburg.

6. On August 3, 2022, WVDEP personnel conducted an inspection of the facility. During the inspection, a violation of the following section of West Virginia Legislative Rules was observed and documented:
 - a. 47CSR2 Sections 3.2.a, b, and c – Rowlesburg created conditions not allowable in waters of the State. Specifically, there were distinctly visible floating/settleable solids, there were sludge deposits, and there was an odor in Cheat River at the SSO.

As a result of the aforementioned violation, NOV No. W22-39-078-LCT was issued to Rowlesburg.

7. On September 21, 2022, WVDEP personnel conducted an inspection of the facility. During the inspection, WVDEP personnel determined that construction associated with the improvement project had begun, in accordance with the schedule outlined in the approved plan of corrective action for Order No. 9088. The following violations of West Virginia Legislative Rules and the WV/NPDES permit were observed and documented:
 - a. Section A.001 – Rowlesburg exceeded discharge limitations.
 - b. Appendix A.III.2 – Rowlesburg failed to submit all required sample results on the DMRs. Specifically, Rowlesburg did not submit values for BOD % Removal.
 - c. Appendix A.II.1 – Rowlesburg failed to properly maintain the facility. Specifically, one of the ponds was approximately 80% covered with algae.
 - d. 47CSR2 Sections 3.2.a, b, and c – Rowlesburg created conditions not allowable in waters of the State. Specifically, there were distinctly visible floating/settleable solids, there were sludge deposits, and there was an odor in Cheat River at the SSO.
 - e. Appendix A.IV.1 – Rowlesburg failed to report noncompliance which may have endangered health or the environment immediately after becoming aware of the circumstances. Specifically, Rowlesburg did not report the aforementioned discharge of sewage into waters of the State.

As a result of the aforementioned violations, NOV Nos. W22-39-129-LCT and W22-39-130-LCT were issued to Rowlesburg.

8. On September 22, 2022, WVDEP personnel conducted a review of facility records from the time period of August 1, 2020 through July 31, 2022. During this review, the following violations of the terms and conditions of Rowlesburg's WV/NPDES permit were observed:
 - a. Appendix A.III.2 – Rowlesburg failed to submit all required sample results on the DMRs. Specifically:
 - i. Rowlesburg did not submit BOD % Removal values for the following ten (10) sampling periods: September 2020, November 2020, December

- 2020, May 2021, June 2021, August 2021, September 2021, January 2022, March 2022, and July 2022.
- ii. Rowlesburg did not submit Suspended Solids % Removal values for the following seven (7) sampling periods: November 2020, December 2020, February 2021, June 2021, September 2021, January 2022, and March 2022.
- b. Section A.001 – Thirty-two (32) exceedances of Rowlesburg’s permit parameters were observed and documented (Table 1). These exceedances can be further defined as:
- i. Minor violations – twelve (12)
 - ii. Moderate violations – eight (8)
 - iii. Major violations – twelve (12)
9. On December 14, 2022, WVDEP personnel and representatives of Rowlesburg met to discuss the terms and conditions of this Order.
10. On January 3, 2023, Rowlesburg submitted financial documents to WVDEP. The provided information was used to perform an economic analysis which evaluated Rowlesburg’s ability to pay a civil administrative penalty.

ORDER FOR COMPLIANCE

Now, therefore, in accordance with West Virginia State Code 22-11-1 et seq., it is hereby agreed between the parties, and ORDERED by the Director:


1. Rowlesburg shall immediately take all measures to initiate compliance with all terms and conditions of its WV/NPDES permit and pertinent laws and rules.
2. Because of Rowlesburg’s Legislative Rule and permit violations, Rowlesburg shall be assessed a civil administrative penalty of five thousand dollars (\$5,000) to 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. 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. Rowlesburg hereby waives its right to appeal this Order under the provisions of West Virginia State Code 22-11-21. Under this Order, Rowlesburg 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, Rowlesburg 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 Rowlesburg 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, Rowlesburg 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 Rowlesburg becomes aware of such a delay, notification shall be provided to the Director/Chief Inspector and Rowlesburg 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 Rowlesburg 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 Rowlesburg (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 Rowlesburg 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 Rowlesburg 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 Rowlesburg, its successors and assigns.

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



Eric Bautista, Mayor
Town of Rowlesburg



Date

Public Notice begin:

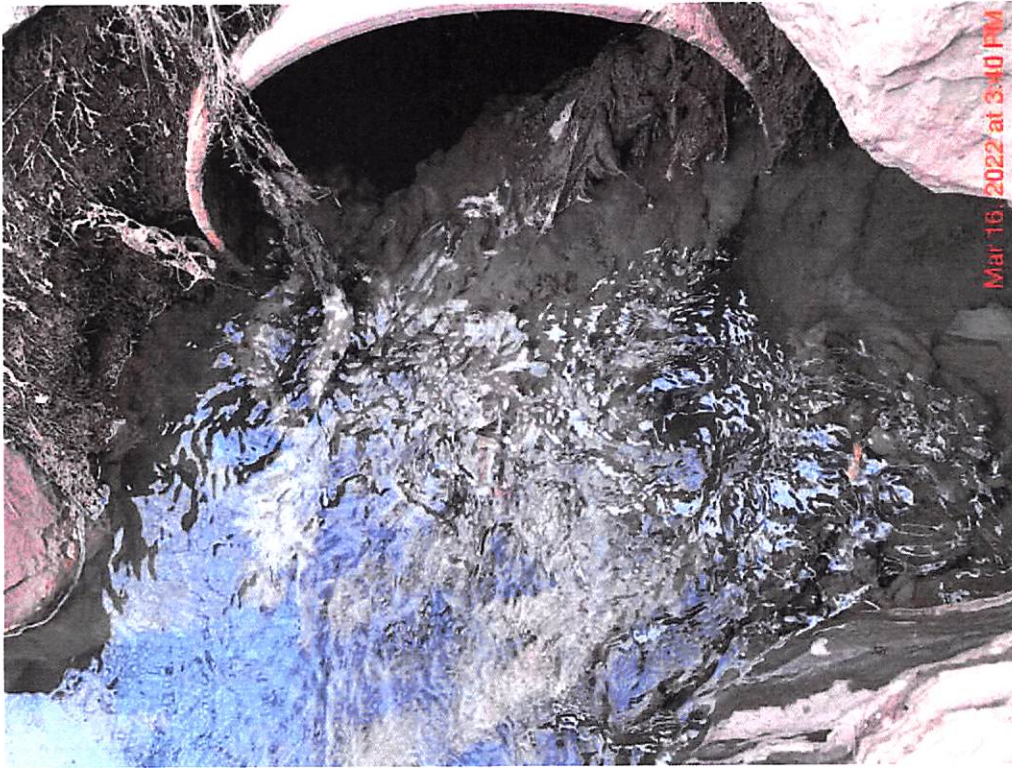
Date

Public Notice end:

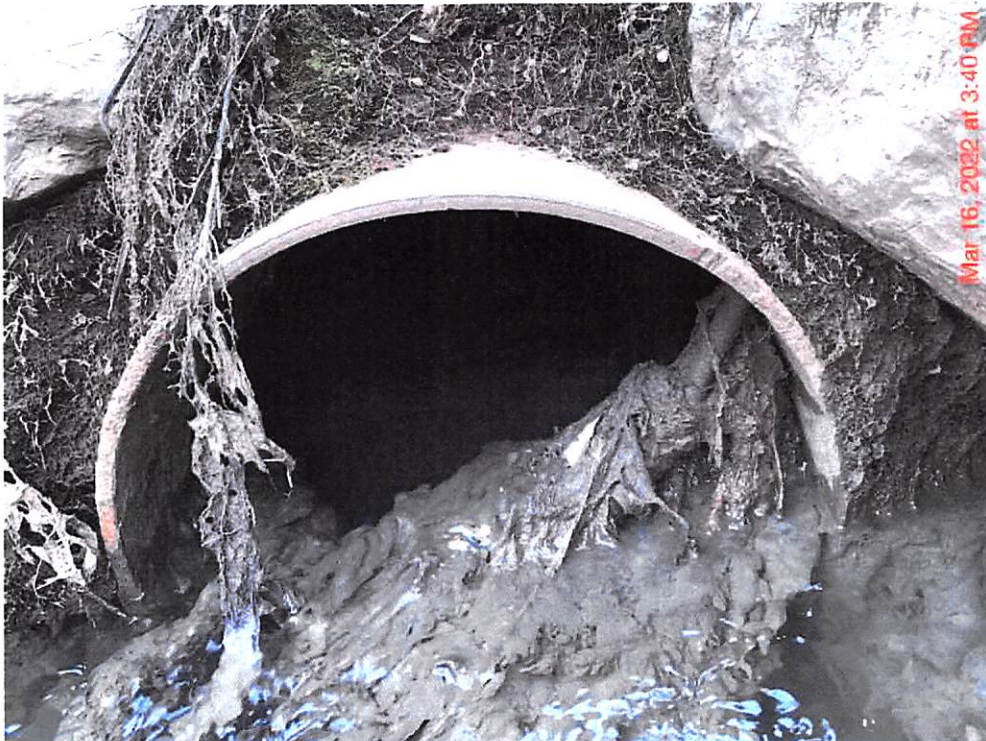
Date

Jeremy W. Bandy, Director
Division of Water and Waste Management

Date



03/16/22 – Sludge banks on the bottom of the river.



03/16/22 – Distinctly visible floating and settleable solids.



03/29/22 – Sludge banks on the bottom of the river.



03/29/22 – Sludge banks on the bottom of the river.



03/29/22 – Distinctly visible floating and settleable solids.



03/29/22 – Sludge banks on the bottom of the river.



03/29/22 – Sludge banks on the bottom of the river.



03/29/22 – Distinctly visible floating and settleable solids.



05/25/22 – Sludge banks on the bottom of the river. Distinctly visible floating and settleable solids.



05/25/22 – Sludge banks on the bottom of the river. Distinctly visible floating and settleable solids.



05/25/22 – Sludge banks on the bottom of the river. Distinctly visible floating and settleable solids.



05/25/22 – Manhole directly before the sanitary sewer overflow.



05/25/22 – Smaller pipe in top right of picture is the pipe that frequently gets clogged.



05/25/22 – Inspector putting dye in manhole.



05/25/22 – Dye discharging from sanitary sewer overflow pipe.



05/25/22 – Dye discharging from sanitary sewer overflow pipe.



08/03/22 – Sludge banks on the bottom of the river. Distinctly visible floating and settleable solids.



08/03/22 – Sludge banks on the bottom of the river. Distinctly visible floating and settleable solids.



09/21/22 – Sewage discharging into the Cheat River.



09/21/22 – Solids, sludge, and scum in the Cheat River.



09/21/22 – Solids, sludge, and scum in the Cheat River.



09/21/22 – Suspended and settleable solids from SSO.



09/21/22 – Suspended and settleable solids from SSO.



09/21/22 – Suspended and settleable solids from SSO.



09/21/22 – Construction at WWTP.



09/21/22 – Pond approximately 80% covered by algae.

DMR Exceedance Summary
Responsible Party: Town of Rowlesburg

Date Range: From: 8/1/2020 To: 7/31/2022

AVG. MONTHLY							Degree of non-compliance		
Date	Outlet	Parameter	Units	Permitted avg. monthly	Reported avg. monthly	% Exceedance	Min	Mod	Maj
Mar-22	001	TOTAL SUSPENDED SOLIDS	LBS/DAY	29	36.8	27%	X	-	-
Mar-22	001	TOTAL SUSPENDED SOLIDS	MG/L	30	38	27%	X	-	-
Nov-20	001	TOTAL RESIDUAL CHLORINE	MG/L	0.028	1.37	4793%	-	-	X
Sep-20	001	FECAL COLIFORM	CNTS/100 ML	200	866.4	333%	-	-	X
Dec-20	001	FECAL COLIFORM	CNTS/100 ML	200	272.3	36%	X	-	-
Sep-21	001	FECAL COLIFORM	CNTS/100 ML	200	410.6	105%	-	X	-

MAX. DAILY							Degree of non-compliance		
Date	Outlet	Parameter	Units	Permitted max. daily	Reported max. daily	% Exceedance	Min	Mod	Maj
Nov-20	001	TOTAL RESIDUAL CHLORINE	MG/L	0.057	1.37	2304%	-	-	X
Sep-20	001	FECAL COLIFORM	CNTS/100 ML	400	866.4	117%	-	X	-
Sep-21	001	FECAL COLIFORM	CNTS/100 ML	400	410.6	3%	X	-	-

Minimum 85% Removal - AVG. MONTHLY							Degree of non-compliance		
Date	Outlet	Parameter	Units	Permitted Minimum % Removal	Reported % Removal	% Exceedance	Min	Mod	Maj
Aug-20	001	BOD % REMOVAL	%	65.0	28.4	56.3%	-	X	-
Jan-21	001	BOD % REMOVAL	%	65.0	55.9	14.0%	X	-	-
Feb-21	001	BOD % REMOVAL	%	65.0	52	20.0%	X	-	-
Mar-21	001	BOD % REMOVAL	%	65.0	23.5	63.8%	-	X	-
Jul-21	001	BOD % REMOVAL	%	65.0	63.8	1.8%	X	-	-
Oct-21	001	BOD % REMOVAL	%	65.0	62.4	4.0%	X	-	-
Nov-21	001	BOD % REMOVAL	%	65.0	17.1	73.7%	-	-	X
Feb-22	001	BOD % REMOVAL	%	65.0	19.3	70.3%	-	-	X
Apr-22	001	BOD % REMOVAL	%	65.0	13.5	79.2%	-	-	X
May-22	001	BOD % REMOVAL	%	65.0	1	98.5%	-	-	X
Jun-22	001	BOD % REMOVAL	%	65.0	25.6	60.6%	-	X	-
Aug-20	001	SUSPENDED SOLIDS % REMOVA	%	65.0	11.1	82.9%	-	-	X
Sep-20	001	SUSPENDED SOLIDS % REMOVA	%	65.0	44.4	31.7%	X	-	-
Oct-20	001	SUSPENDED SOLIDS % REMOVA	%	65.0	53.3	18.0%	X	-	-
Mar-21	001	SUSPENDED SOLIDS % REMOVA	%	65.0	41.9	35.5%	-	X	-
May-21	001	SUSPENDED SOLIDS % REMOVA	%	65.0	47.6	26.8%	X	-	-
Aug-21	001	SUSPENDED SOLIDS % REMOVA	%	65.0	43.5	33.1%	-	X	-
Nov-21	001	SUSPENDED SOLIDS % REMOVA	%	65.0	12.5	80.8%	-	-	X
Dec-21	001	SUSPENDED SOLIDS % REMOVA	%	65.0	48.4	25.5%	X	-	-
Feb-22	001	SUSPENDED SOLIDS % REMOVA	%	65.0	33.3	48.8%	-	X	-
Apr-22	001	SUSPENDED SOLIDS % REMOVA	%	65.0	12.5	80.8%	-	-	X
May-22	001	SUSPENDED SOLIDS % REMOVA	%	65.0	12.5	80.8%	-	-	X
Jul-22	001	SUSPENDED SOLIDS % REMOVA	%	65.0	20	69.2%	-	-	X

Totals:	Degree of non-compliance		
	Min	Mod	Maj
	12	8	12

Base Penalty Calculation

(pursuant to 47CSR1-6.1)

Responsible Party:

Town of Rowlesburg

Receiving Stream:

Treatment System Design Maximum Flow: MGD

Treatment System Actual Average Flow: MGD (if known)

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

1)	Potential for Harm Factor	Factor Range	FOF#												
			4a	4b	5a	5b	5c	6a	7c	7d	7e	8a	8bi	8bii	8biii
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	1	0	1	0	1	1	1	1	0	0	1	1	1
c)	Sensitivity of the Environment	0 to 3	1	0	1	0	1	1	1	1	0	0	1	1	1
d)	Length of Time	1 to 3	1	1	1	2	1	1	2	1	3	1	1	1	1
e)	Actual Exposure and Effects thereon	0 to 3	1	0	1	0	1	1	1	1	0	0	1	1	1
	Average Potential for Harm Factor		1	0.4	1	0.6	1	1	1.2	1	0.8	0.4	1	1	1
2)	Extent of Deviation Factor	Factor Range													
	Degree of Non-Compliance	1 to 3	3	3	3	3	3	3	3	3	3	1	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 $\leq 40\%$ for Avg. Monthly or $\leq 100\%$ for Daily Max., exceed numeric WQ standard by $\leq 100\%$, or report doesn't contain some minor information.

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

Major = exceedance of permit limit by $\geq 301\%$ for Avg. Monthly, $\geq 601\%$ for Daily Max., exceed numeric WQ standard by $\geq 601\%$, 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.

[illegible]

		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
4a	Minor	Major	\$2,000	1	\$2,000
4b	Minor	Major	\$1,700	1	\$1,700
5a	Minor	Major	\$2,000	1	\$2,000
5b	Minor	Major	\$1,800	1	\$1,800
5c	Minor	Major	\$2,000	1	\$2,000
6a	Minor	Major	\$2,000	1	\$2,000
7c	Moderate	Major	\$4,200	1	\$4,200
7d	Minor	Major	\$2,000	1	\$2,000
7e	Minor	Major	\$1,900	1	\$1,900
8a	Minor	Minor	\$400	11	\$4,400
8bi	Minor	Minor	\$1,000	4	\$4,000
8bii	Minor	Moderate	\$1,500	2	\$3,000
8biii	Minor	Major	\$2,000	3	\$6,000
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					\$37,000

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		\$3,700
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			\$0
6.2.b.3 - Cooperation with the Secretary		10	(\$3,700)
6.2.b.5 - Ability to Pay		86.568	(\$32,030)
Penalty Adjustments			(\$32,000)
Penalty =			\$5,000

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: Economic benefit not warranted.	