



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
AND THE
GROUNDWATER PROTECTION ACT
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 12**

TO: Dominion Transmission Inc.
Brian C. Sheppard, Vice President of Pipeline Operations
445 W. Main St. 2nd Floor
Clarksburg, WV 26301

DATE: October 1, 2014
ORDER NO.: 8078

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., and Chapter 22, Article 12, Section 1 et seq. to Dominion Transmission Inc. (hereinafter "Dominion").

FINDINGS OF FACT

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

1. Dominion is a natural gas gathering, transmission and processing company that offers services to a variety of customers.
2. On October 1, 2012, West Virginia Department of Environmental Protection (WVDEP) personnel conducted a partial inspection of the Dominion G-150 pipeline. During the inspection, a violation of the following section of WV Legislative Rules was observed and documented:

- a. 47CSR2 Section 3.2.b-Dominion caused conditions not allowable in waters of the State by creating sediment deposits in an Unnamed Tributary (UT) of Battle Run at or near N 40° 06.535' W 80° 35.297'.

As a result of the aforementioned violation, Notice of Violation (NOV) No.W-NW-TAM-100112-002 was issued to Dominion.

3. On October 2, 2012, WVDEP personnel conducted a partial inspection of the Dominion G-150 pipeline. During the inspection, a violation of the following section of WV Legislative Rules was observed and documented:

- a. 47CSR2 Section 3.2.b-Dominion caused conditions not allowable in waters of the State by creating sediment deposits in a UT of Battle Run at or near N 40° 06.535' W 80° 35.297'.

As a result of the aforementioned violation, NOV No.W-NW-TAM-100212-001 was issued to Dominion.

4. On November 8, 2012 and November 9, 2012, WVDEP personnel conducted a partial inspection of several slip areas impacting waters of the State on the Dominion G-150 pipeline. The slips were reported to WVDEP personnel by Dominion representatives. During the inspection, violations of the following sections of WV Legislative Rules were observed and documented:

- a. 47CSR2 Section 3.2.b-Dominion caused conditions not allowable in waters of the State by creating sediment deposits at the following locations:
 - i. Sims Run located at or near N 39° 45.816" W 80° 50.473".
 - ii. A UT of Little Tribble Creek (SWV-JSL-030) located at or near N 39.827821° W 80.768483°.
 - iii. A UT of Little Tribble Creek (SWV-JSL-037) located at or near N 39.834616° W 80.763886°.
 - iv. A UT of Grave Creek located at or near N 39° 50.976' W 80° 43.974'.
 - v. Bartletts Run located at or near N 39° 52.454' W 80° 41.072'.
 - vi. A UT of Leach Run located at or near N 39° 54.629' W 80° 40.966'.
 - vii. A UT of Little Toms Run located at or near N 39° 53.953' W 80° 41.256'.
 - viii. A UT of Grave Creek located at or near N 39° 57.424' W 80° 39.624'.

As a result of the aforementioned violations, warnings and NOV No.W-NW-TAM-110912-001 were issued to Dominion. As a condition of the warnings, the following was requested:

- a. Submittal of a Plan of Corrective Action which described procedures for all slip repairs noted in this inspection, including a comprehensive timeline for the repairs.
- b. Submittal of all inspections of these slips conducted after this inspection until a final restoration inspection conducted by WVDEP personnel is completed.

- c. Ensure that sediment was removed from and controlled at Sims Run, the UTs of Little Tribble Creek (SWV-JSL-030 and SWV-JSL-037), the UT of Grave Creek, Bartletts Run, the UT of Little Toms Run, and the UT of Grave Creek.
5. On March 11, 2013, WVDEP personnel conducted a partial inspection of an earthen slip area observed during a flight conducted on December 17, 2012 of the G-150 pipeline. During the inspection, a violation of the following section of WV Legislative Rules was observed and documented:
 - a. 47CSR2 Section 3.2.b-Dominion caused conditions not allowable in waters of the State by creating sediment deposits in Sims Run located at or near N 39° 45.816" W 80° 50.473".

As a result of the aforementioned violation, NOV No.W-NW-TAM-031113-001 was issued to Dominion.

6. On March 13, 2013, WVDEP personnel conducted a partial inspection of earthen slip areas observed during a flight conducted on December 17, 2012 of an unknown Dominion right of way. During the inspection, violations of the following section of WV Legislative Rules were observed and documented:
 - a. 47CSR2 Section 3.2.b- Dominion caused conditions not allowable in waters of the State by creating sediment deposits at the following locations:
 - i. A UT of Long Run located at or near N39°47'20.92" W80°48'27.00".
 - ii. A UT of Little Tribble Creek located at or near N39°49'38.71" W80°46'08.17". Sediment controls were also observed in the UT.
 - iii. A UT of Little Tribble Creek located at or near N39°50'00.92" W80°45'50.36". Sediment controls were also observed in the UT.

As a result of the aforementioned violations, NOV Nos. W-NW-TJK-031313-003, W-NW-TJK-031313-001, and W-NW-TJK-031313-002 were issued to Dominion.

7. On March 18, 2013, WVDEP personnel conducted a partial inspection of a slip area on the Dominion TL-589 Pipeline Replacement Project. During the inspection, a violation of the following section of WV Legislative Rules was observed and documented:
 - a. 47CSR2 Section 3.2.a- Dominion caused conditions not allowable in waters of the State by creating distinctly visible settleable solids in Middle Run located at or near N39°16'05.90" W80°48'14.89".

As a result of the aforementioned violation, NOV No.W-NW-JGT-031813-002 was issued to Dominion.

8. On May 14, 2013, WVDEP personnel conducted a partial inspection of an earthen slip area on the G-150 pipeline. During the inspection, a violation of the following section of WV Legislative Rules was observed and documented:

- a. 47CSR2 Section 3.2.b- Dominion caused conditions not allowable in waters of the State by creating sediment deposits in Bartletts Run at or near N39°52.3772' W80°41.1271'. Sediment control devices were also observed in the stream.

As a result of the aforementioned violation, NOV No. I13-25-178-GSR was issued to Dominion.

9. On June 12, 2013, WVDEP personnel met with representatives of Dominion. During the meeting, Dominion agreed to open communications with WVDEP personnel and to submit information requested by WVDEP regarding slips, remediation efforts, and maps for a notice of termination submitted by Dominion.
10. On October 4, 2013, WVDEP personnel again requested from Dominion, via e-mail, a complete list of all earthen slips with GPS coordinates.
11. On December 5, 2013, WVDEP personnel sent a Request for Information letter by certified mail. The following information was requested within twenty (20) days of receipt:
 - a. Coordinates for all slips which occurred on a pipeline right of way, compressor station, gas processing plant or any other oil and gas related project from June 1, 2012 to present. A brief description should have accompanied each slip, including closest body of water.
 - b. A comprehensive timeline indicating when repairs and restoration would be made and completed.
 - c. A monthly updated list of slips with descriptions and an estimated date for repair.
12. On January 8, 2014, WVDEP personnel received correspondence, dated January 6, 2014, providing slip coordinates, brief descriptions of individual slips, and an estimated date for remediation for the G-150 pipeline project. Correspondence was not comprehensive for all Dominion oil and gas related projects, as requested.
13. On January 13, 2014, WVDEP requested, via e-mail, that Dominion submit the requested information which specified all slips within the Dominion system.
14. On January 15, 2014, WVDEP received a Spill Report (HSEM Ref No. 2116-A) regarding produced water leaking from an undetermined location at the Lightburn Compressor Station near Lightburn, West Virginia. As a result of the investigation, it was determined that underground pipelines associated with the plant were leaking outside of secondary containment. To date, remediation is on-going, and Dominion is in the process of submitting a sampling plan to WVDEP. Dominion represents that it has a Groundwater Protection Plan for the Lightburn Compressor Station, which is kept on-site and available.
15. On February 5, 2014, WVDEP received an e-mail from West Virginia Division of Highways (WVDOH) personnel regarding a pipeline that was ruptured by a WVDOH snow plow. It was then determined that a Spill Report had been generated by Chris Todd of Dominion on February 5, 2014 for a spill that occurred on February 4, 2014. During

the investigation, violations of the following sections of WV Legislative Rules were observed and documented:

- a. 47CSR2 Section 3.2.a-Dominion caused conditions not allowable in waters of the State by creating distinctly visible settleable solids. Specifically, a break in pipeline H-3904 located at or near GPS coordinates 39° 11.3163' N, 80° 35.2317' W released crude oil and produced water into Dry Fork. Dominion and/or a contractor under its guidance and/or direction failed to provide sufficient protection to prevent crude oil and produced water from entering Dry Fork.
- b. 47CSR11 Section 2.2.a-Dominion failed to report to the Office of Water Resources' Emergency Notification Number any non-compliance which may have endangered health or the environment immediately after becoming aware of the circumstances.
- c. 47CSR11 Section 2.5-Dominion failed to immediately take all measures to contain the spill caused by the H-3904 pipeline break.

As a result of the aforementioned violations, NOV Nos. W-NW-JGT-020414-001, W-NW-JGT-020414-002, and W-NW-JGT-020414-003 were issued to Dominion.

16. On February 28, 2014, WVDEP personnel conducted a partial inspection of the Dominion G-150 pipeline. During the inspection, a violation of the following section of WV Legislative Rules was observed and documented:

- a. 47CSR2 Section 3.2.b- Dominion caused conditions not allowable in waters of the State by creating sediment deposits in a UT of Grave Creek at or near N 39° 50.7328' W 80° 44.0825'.

As a result of the aforementioned violation, NOV No. W-NW-TAM-022814-001 was issued to Dominion.

17. On May 14, 2014, WVDEP personnel and representatives of Dominion met to discuss the terms and conditions of this Order.
18. On August 11, 2014 and September 24, 2014, WVDEP personnel and representatives of Dominion met, by telephone, to discuss the terms and conditions of this Order.

ORDER FOR COMPLIANCE

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

1. Dominion shall immediately take all measures to initiate compliance with pertinent laws and rules.
2. Upon the effective date of this Order, for all Dominion pipeline construction projects actively covered under a Water Pollution Control Stormwater Permit Associated with

Oil and Gas Construction Activities (“actively permitted pipeline construction projects”), Dominion shall immediately commence exclusive use of best management practices and sediment and erosion controls as described in either the approved Storm Water Pollution Prevention Plan (SWPPP) or the West Virginia Erosion and Sediment Control Best Management Practice Manual recognized by WVDEP Division of Water and Waste Management.

3. Within ninety (90) days of the effective date of this Order, Dominion shall provide WVDEP with a Groundwater Protection Plan (GPP) for the facility referenced in paragraph No. Fourteen (14) of the Findings of Fact (Lightburn Compressor Station), which addresses deficiencies detailed in this Order. The GPP shall include information outlining employee training, at all levels of responsibility, for spill identification, notification, remediation procedures and all other requirements outlined by WV Legislative Rule 47CSR58 Section 4.11. The GPP shall remain onsite at the Lightburn facility and be made available for review by WVDEP.
4. Within thirty (30) days of the effective date of this Order, Dominion shall submit for approval a proposed plan of corrective action and schedule, outlining action items and completion dates for how and when Dominion will achieve compliance with all pertinent laws and rules. The plan of corrective action shall make reference to Order No. 8078. The plan of corrective action shall be submitted to:

**WVDEP Environmental Inspector Supervisor
NW Regional Environmental Enforcement Office
2031 Pleasant Valley Road
Fairmont, WV 26554**

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.

5. Within sixty (60) days of the effective date of this Order, Dominion shall submit a written inventory of all slips recorded at Dominion actively permitted pipeline construction projects, which shall not include the G-150 pipeline no longer owned by Dominion. Dominion shall submit the cumulative slip inventory to WVDEP on or before the first Monday of each month for a period of eighteen (18) months. The inventory shall include:

- a. GPS coordinates for all recorded earthen slips recorded during monitoring inspections performed in accordance with a Water Pollution Control Stormwater Permit Associated with Oil and Gas Construction Activities.
- b. A brief description of each slip, including closest body of water.
- c. A comprehensive timeline indicating when repairs and restoration will be made and completed or otherwise describing why repairs or restoration would be ineffective.
- d. A prioritization of slips using the attached guidance document prepared by and utilized by WVDEP.

The slip inventory shall be submitted to:

**WVDEP Environmental Inspector Supervisor
NW Regional Environmental Enforcement Office
2031 Pleasant Valley Road
Fairmont, WV 26554**

6. Within sixty (60) days of the effective date of this Order, Dominion shall submit geo-referenced line work and placement data in either SHP or KMZ format for all Dominion pipeline projects that are actively permitted or in the restoration phase, excluding the G-150 pipeline no longer owned by Dominion. For a period of eighteen (18) months following the effective date of this Order, geo-referenced line work and placement data shall be submitted for all future projects which are required to obtain a Water Pollution Control Stormwater Permit Associated with Oil and Gas Construction Activities. Geo-referenced line work and placement data shall be submitted during the permitting process electronically to:

**WVDEP Environmental Inspector Supervisor
Bradley Swiger
Bradley.C.Swiger@wv.gov**

7. Upon the effective date of this Order, Dominion shall give immediate notification to the Office of Water Resources' Emergency Notification Number, 1-800-642-3074, of all Priority 1 and Priority 2 slips, as described in the attached guidance document, occurring on Dominion actively permitted pipeline construction projects. Information given to Office of Water Resources shall include slip prioritization in accordance with the aforementioned guidance document.
8. Within one hundred twenty (120) days of the effective date of this Order, Dominion shall conduct a geotechnical analysis to define the root cause(s) of historical pipeline right-of-way failures. The analysis shall investigate all aspects of construction activity including, but not limited to, construction sequence, right-of-way selection, reclamation protocol, employee training, operational management, engineering design standards, management functionality, and other accountability elements. As part of the analysis, Dominion shall prepare and provide a written report to WVDEP of its findings and a plan of corrective actions to address the root cause(s) of pipeline right-of-way failures.

9. Within ninety (90) days of completion of the geotechnical analysis and associated written report, Dominion shall develop and implement a written policy and procedure for slips. This policy and procedure shall remain onsite at all Dominion actively permitted pipeline construction projects and shall be made available to WVDEP personnel upon request. The policy and procedures shall be consistent with all pertinent laws and rules. The policy and procedure shall include, but not be limited to:
- a. A method of identifying potential slip sources.
 - b. Preventative measures.
 - c. A method of protecting waterbodies from slip material and runoff.
 - d. Containment procedures for slip material.
 - e. Remediation procedures.
10. Because of Dominion's Legislative Rule violations, Dominion shall be assessed a civil administrative penalty of fifty-five thousand four hundred seventy dollars (\$55,470) 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. Dominion hereby waives its right to appeal this Order under the provisions of Chapter 22, Article 11, Section 21, and/or Chapter 22, Article 12, Section 11 of the Code of West Virginia. Under this Order, Dominion 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, Dominion 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 Dominion 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, Dominion 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 Dominion becomes aware of such a delay, notification shall be provided to the Director/Chief Inspector and Dominion 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 Dominion 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 Dominion (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 Dominion 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 Dominion 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 Dominion, its successors and assigns.
7. This Order shall terminate upon Dominion's notification of full compliance with the "Order for Compliance" and verification of this notification by WVDEP.

Brian C. Sheppard
Brian C. Sheppard, Vice President of Pipeline Operations
Dominion Transmission Inc.

10-30-2014
Date

Public Notice begin:

RECEIVED

Date

Public Notice end:

OCT 31 2014

Date

ENVIRONMENTAL
ENFORCEMENT

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

Date

SLIP PRIORITY GUIDANCE

Priority 1 Slip:

Definition: A slip which has caused an immediate danger to human health and/or the environment. This type of slip requires an emergency response.

Criteria:

- Compromises or threatens other utilities.
- Active and/or functional pipeline is broken or detached.
- A public roadway which may be used for emergency vehicles is blocked.
- A fish kill has been observed and/or reported in the general vicinity.
- Release of aqueous phase hydrocarbons (i.e. condensate).

If any one of these criteria exists, it is a Priority 1 Slip.

Actions:

- Contact West Virginia 811 (formerly Miss Utility).
- Contact Emergency Services.
- Contact Division of Highways (DOH).
- Contact Division of Natural Resources (DNR).
- Notify WVDEP Emergency Spill Line (1-800-642-3074), pursuant to West Virginia Legislative Rule 47CSR11 Section 2.
- Contact responsible party.
- Contact any other outside agencies for emergency purposes.

At least one of these actions must be taken for a Priority 1 Slip.

Priority 2 Slip:

Definition: A slip, slide, or associated migration of sediment and/or debris, which has reached a waterway causing Conditions Not Allowable in state waters.

Criteria:

- Slip material or sediment laden runoff has entered water body.
- A pipeline is exposed but not broken.

If any one of these criteria exists, it is a Priority 2 Slip.

Priority 3 Slip:

Definition: A slip, slide or associated migration of sediment and/or debris that has not yet reached jurisdictional state waters.

Criteria:

- Impact to the water body appears imminent.

Action:

- Notify responsible party of slip.

Priority 4 Slip:

Definition: A slip that possess little or no environmental threat.

Criteria:

- No water body in the immediate area.
- Low/no probability of Conditions Not Allowable.
- Pipeline is not in danger of exposure, severing, detaching or rupture.

Action:

- Notify responsible party, if applicable.



Photo 1: N39°47'20.92" W80°48'27.00" Stream channeled filled. Long Run.



Photo 2: N39°47'20.92" W80°48'27.00" Slip on Long Run.



Photo 3: N 39° 52.3772' W 80° 41.1271' Bartletts Run. Flume pipe, sand bags and slip material in stream.



Photo 4: N 40° 06.535' W 80° 35.297' Sediment blanket in Battle Run.

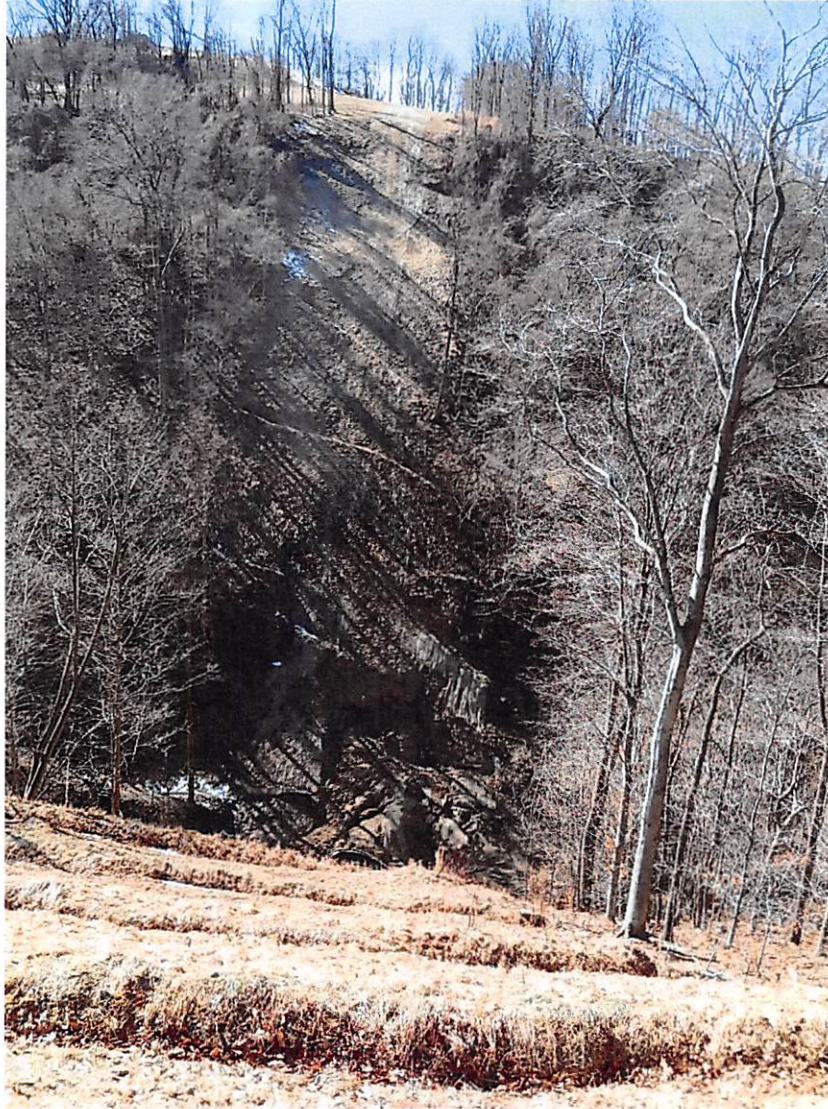


Photo 5: At or Near N39°50.7328' W80°44.0825' Slip impacting UT of Grave Creek.



Photo 6: At or Near N39°50.7328' W80°44.0825' Slip impacting Grave Creek.



Photo 7: N 39° 45.816' W 80° 50.473' Simms Run Slip.



Photo 8: N 39° 45.816' W 80° 50.473' Simms Run Slip.



Photo 9: N 39° 50.976 W 80° 43.974' UT of Grave Creek.



Photo 10: N 39° 50.976' W 80° 43.974' UT of Grave Creek.



Photo 11: N 39° 54.629' W 80° 40.966' UT of Leach Run.

Base Penalty Calculation

(pursuant to 47CSR1-6.1)

Responsible Party: Dominion Transmission Inc. Receiving Stream:

Treatment System Design Maximum Flow: N/A MGD

Treatment System Actual Average Flow: N/A MGD (if known)

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

1)	Potential for Harm Factor	Factor Range	FOF#												
			2.a	3.a	4.a.vi	5.a	6.a.i	6.a.ii	6.a.iii	7.a	8.a	15.a	15.b	15.c	16.a
a)	Amount of Pollutant Released	1 to 3	1	1	3	3	1	1	1	2	3	2	1	1	1
b)	Toxicity of Pollutant	0 to 3	1	1	1	1	1	1	1	1	1	2	0	1	1
c)	Sensitivity of the Environment	0 to 3	1	1	1	1	1	1	1	1	1	1	0	1	1
d)	Length of Time	1 to 3	1	1	1	1	1	1	1	1	1	1	1	1	1
e)	Actual Exposure and Effects thereon	0 to 3	1	1	2	2	1	1	1	1	2	1	0	1	1
	Average Potential for Harm Factor		1	1	1.6	1.6	1	1	1	1.2	1.6	1.4	0.4	1	1
2)	Extent of Deviation Factor	Factor Range													
	Degree of Non-Compliance	1 to 3	2	2	3	3	2	2	2	3	3	2	3	2	2

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 of 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
2.a	Minor	Moderate	\$1,500	1	\$1,500
3.a	Minor	Moderate	\$1,500	1	\$1,500
4.a.vi	Moderate	Major	\$4,600	1	\$4,600
5.a	Moderate	Major	\$4,600	1	\$4,600
6.a.i	Minor	Moderate	\$1,500	1	\$1,500
6.a.ii	Minor	Moderate	\$1,500	1	\$1,500
6.a.iii	Minor	Moderate	\$1,500	1	\$1,500
7.a	Moderate	Major	\$4,200	1	\$4,200
8.a	Moderate	Major	\$4,600	1	\$4,600
15.a	Moderate	Moderate	\$3,400	1	\$3,400
15.b	Minor	Major	\$1,700	1	\$1,700
15.c	Minor	Moderate	\$1,500	1	\$1,500
16.a	Minor	Moderate	\$1,500	1	\$1,500
0	FALSE	FALSE	FALSE		\$0
0	FALSE	FALSE	FALSE		\$0
0	FALSE	FALSE	FALSE		\$0
0	FALSE	FALSE	FALSE		\$0
0	FALSE	FALSE	FALSE		\$0
0	FALSE	FALSE	FALSE		\$0
0	FALSE	FALSE	FALSE		\$0
0	FALSE	FALSE	FALSE		\$0
0	FALSE	FALSE	FALSE		\$0
0	FALSE	FALSE	FALSE		\$0
0	FALSE	FALSE	FALSE		\$0
0	FALSE	FALSE	FALSE		\$0
0	FALSE	FALSE	FALSE		\$0
0	FALSE	FALSE	FALSE		\$0
0	FALSE	FALSE	FALSE		\$0
Total Base Penalty					\$33,600

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 -	20		\$6,720
6.2.b.4 - Compliance/noncompliance history	55		\$18,480
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	(\$3,360)
6.2.b.5 - Ability to Pay			\$0
Penalty Adjustments			\$21,870
Penalty =			\$55,470

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:	