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

TO:  EQT Production Company
      ATTN:  Dustin Teegarden
      400 Woodcliff Drive
      Canonsburg, PA 15317

DATE:  August 16, 2022
ORDER NO.:  10049

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 EQT Production Company.

FINDINGS OF FACT

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

Registration No. WVR311550 – Opry AST Pad
1. EQT Production Company is conducting land disturbance activity near Knob Fork, Wetzel County, West Virginia. On July 16, 2020, EQT Production Company was issued Water Pollution Control Permit No. WV0116815, Registration No. WVR311550, for Stormwater Associated With Oil and Gas Related Construction Activities.

2. On January 28, 2021, West Virginia Department of Environmental Protection (WVDEP) personnel conducted an inspection of the facility. During the inspection, a violation of the following section of the permit was observed and documented:

   a. Section B – EQT Production Company failed to comply with the approved Storm Water Pollution Prevention Plan (SWPPP). Several erosion control devices were not in place as detailed by the SWPPP. Temporary ditch checks were not installed in any of the roadside ditches, as required by the SWPPP. The access road to the proposed...
AST pad was not installed in accordance with the SWPPP from Station Marker 22+50 to Station Marker 50+82 after the site was cleared and grubbed. Culverts One (1) through Eight (8) were also not in place.

As a result of the aforementioned violation, Notice of Violation (NOV) No. W21-52-007-TGW was issued to EQT Production Company.

3. On February 24, 2021, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of West Virginia Legislative Rules and the permit were observed and documented:

a. Section B – EQT Production Company failed to comply with the approved SWPPP. Several erosion control devices were not in place as detailed by the SWPPP. Multiple ditch lines and rock check dams were not in place. Also, the proposed culverts and the access road were not constructed, even though benches were being built on the proposed AST pad.
b. Section G.4.e.2.C.vi. – EQT Production Company failed to maintain records that document inspections of erosion control devices and maintenance activities. The last documented inspection occurred on February 1, 2021.
c. Section G.4.e.2.A.ii.j – EQT Production Company failed to prevent sediment-laden water from leaving the site without going through an appropriate device.
d. Section G.4.e.2.A.ii.f. – EQT Production Company failed to protect fill slopes. There were multiple erosion gullies due to concentrated flows across non-stabilized surfaces.
e. Section G.4.e.1.D. – EQT Production Company failed to provide an adequate stone access entrance to reduce the tracking of sediment onto public or private roads. The construction entrance to the project was not stabilized. Wood chips were used, and track-out was present on a public roadway, State Route 7.
f. Section G.4.e.2. - EQT Production Company failed to properly implement controls. Compost filter sock installed at Station Marker 4+00 was not properly staked into the ground.
g. Section D.1. - EQT Production Company failed to properly operate and maintain all systems of treatment and controls. Multiple Best Management Practices (BMPs) and perimeter controls throughout the project were in need of maintenance.
h. Section G.4.e.2.A.i.b. - EQT Production Company failed to provide interim stabilization on the area of Roadside Ditches Nos. Seven (7) and Eight (8) where construction activities had temporarily ceased for more than twenty-one (21) days.
i. 47CSR2 Section 3.2.a.- EQT Production Company caused conditions not allowable by creating distinctly visible settleable solids in waters of the State at the following six (6) locations:
  i. At Station Marker 5+00, super silt fence and triple stacked compost filter sock were in need of maintenance. As a result, sediment laden water bypassed treatment, left the site, and was discharged into an ephemeral stream, the Unnamed Tributary (UNT) of Knob Fork (N 39°39’03.8”, W 80°32’07.1”).
  ii. At Station Marker 10+50, super silt fence was in need of maintenance. As a result, sediment laden water bypassed treatment, left the site, and was discharged into an ephemeral stream, the UNT of Knob Fork (N 39°38’58.8”, W 80°32’09.0”).
iii. At Station Marker 18+25, super silt fence and compost filter sock were in need of maintenance. As a result, sediment laden water bypassed treatment, left the site, and was discharged into an ephemeral stream, the UNT of Knob Fork (N 39°38’55.5”, W 80°32’14.0”).

iv. At Station Marker 24+75, super silt fence was in need of maintenance. As a result, sediment laden water bypassed treatment, left the site, and was discharged into an ephemeral stream, the UNT of Knob Fork (N 39°38’52.3”, W 80°32’22.2”).

v. At Station Marker 25+25, super silt fence was in need of maintenance. As a result, sediment laden water bypassed treatment, left the site, and was discharged into an ephemeral stream, the UNT of Knob Fork (N 39°38’52.0”, W 80°32’22.8”).

vi. At Station Marker 25+25, super silt fence was in need of maintenance. As a result, sediment laden water bypassed treatment, left the site, and was discharged into an ephemeral stream, the UNT of Knob Fork (N 39°38’52.0”, W 80°32’22.8”).

As a result of the aforementioned violations, NOV No. W21-52-012-TGW was issued to EQT Production Company.

4. On March 11, 2021, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of West Virginia Legislative Rules and the permit were observed and documented:

a. Section B – EQT Production Company failed to comply with the approved SWPPP. Multiple ditch lines and rock check dams were not in place, and the access road and proposed culverts had not been constructed.

b. Section G.4.e.2.A.ii.j. – EQT Production Company failed to prevent sediment-laden water from leaving the site without going through an appropriate device.

c. Section G.4.e.2.A.ii.f. – EQT Production Company failed to protect fill slopes. There were multiple erosion gullies due to concentrated flows going across non-stabilized surfaces.

d. Section G.4.e.2. – EQT Production Company failed to properly implement controls. Compost filter sock installed at Station Marker 4+00 was not properly staked into the ground.

e. Section D.1. – EQT Production Company failed to properly operate and maintain all systems of treatment and controls. Multiple BMPs and perimeter controls throughout the project were in need of maintenance.

f. 47CSR2 Section 3.2.b. - EQT Production Company caused conditions not allowable by creating sediment deposits in waters of the State at the following four (4) locations:

i. At Station Marker 5+00, super silt fence and triple stacked compost filter sock were in need of maintenance. As a result, sediment laden water bypassed treatment, left the site, and was discharged into an ephemeral stream, the UNT of Knob Fork (39°39’03.4349” N, 80°32’07.7546” W).

ii. At Station Marker 10+50, super silt fence was in need of maintenance. As a result, sediment laden water bypassed treatment, left the site, and was discharged into an ephemeral stream, the UNT of Knob Fork (39°38’58.9493” N, 80°32’10.0547” W).
iii. At Station Marker 18+25, super silt fence and compost filter sock were in need of maintenance. As a result, sediment laden water bypassed treatment, left the site, and was discharged into an ephemeral stream, the UNT of Knob Fork (39°38’55.4430” N, 80°32’14.6298” W).

iv. At Station Marker 25+25, super silt fence was in need of maintenance. As a result, sediment laden water bypassed treatment, left the site, and was discharged into an ephemeral stream, the UNT of Knob Fork (39°38’51.7783” N, 80°32’23.2800” W).

As a result of the aforementioned violations, NOV No. W21-52-016-TGW was issued to EQT Production Company.

5. On April 8, 2021, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of West Virginia Legislative Rules and the permit were observed and documented:

a. Section B – EQT Production Company failed to comply with the approved SWPPP. Multiple roadside ditches, rock check dams, and proposed culverts were not in place, and the access road had not been fully constructed.

b. Section G.4.e.2.A.ii.j. – EQT Production Company failed to prevent sediment-laden water from leaving the site without going through an appropriate device. Sediment laden water was leaving the site without treatment due to a lack of maintenance of SSF-29; the triple stack compost filter sock at Station Marker 18+25; SSF-16 at Station Marker 20+75; and triple stack compost filter sock and compost filter sock at Station Marker 5+00.

c. Section D.1. – EQT Production Company failed to properly operate and maintain all systems of treatment and controls. The following items were in need of maintenance: the triple stack compost filter sock and compost filter sock at Station Marker 5+00; SSF-63 and triple stack compost filter sock at Station Marker 6+75; the rock line channel at Station Marker 5+00; SSF-15; SSF-16 at Station Marker 20+75; triple stack compost filter sock at Station Marker 18+25; SSF-22 near Station Marker 24+75; SSF-29; and the super silt fence near SSF-12.

d. Section G.4.e.2. – EQT Production Company failed to properly implement controls. SSF-63 and SSF-12 were not properly merged or toed-in. At SSF-22, near Station Marker 25+25, a piece of silt fence fabric was improperly merged to the existing super silt fence, and sediment laden water could bypass treatment. Near SSF-11, compost filter sock was not properly staked into the ground.

e. 47CSR2 Section 3.2.b.- EQT Production Company caused conditions not allowable by creating sediment deposits in waters of the State at the following two (2) locations:
   i. At Station Marker 18+25, triple stack compost filter sock was in need of maintenance, allowing sediment laden water to leave the site and discharge into an ephemeral stream, the UNT of Knob Fork (39°38’55.2234” N, 80°32’14.4894” W).
   ii. At Station Marker 20+75, SSF-16 had holes and had been overwhelmed, allowing sediment laden water to leave the site and discharge into an ephemeral stream, the UNT of Knob Fork (39°38’55.9506” N, 80°32’17.9237” W).
As a result of the aforementioned violations, NOV No. W21-52-029-TGW was issued to EQT Production Company.

6. On May 5, 2021, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of West Virginia Legislative Rules and the permit were observed and documented:

   a. Section G.4.e.2.A.ii.j – EQT Production Company failed to prevent sediment-laden water from leaving the site without going through an appropriate device. SSF-8; SSF-11; SSF-21; and SSF-22 were in need of maintenance, allowing sediment laden water to bypass treatment and leave the site.

   b. Section G.4.e.2.A.ii.f. – EQT Production Company failed to protect fill slopes. Erosion gullies had formed at the ends of rip-rap channels installed at the outlets of the proposed culverts due to concentrated flows going across non-stabilized surfaces. In addition, multiple erosion rills had formed on the site.

   c. Section D.1. – EQT Production Company failed to properly operate and maintain all systems of treatment and controls. SSF-7; SSF-8; SSF-11; SSF-21; and SSF-22 were in need of maintenance.

   d. 47CSR2 Section 3.2.a. - EQT Production Company caused conditions not allowable by creating distinctly visible settleable solids in the waters of the State. As a result of the lack of maintenance of SSF-11, sediment laden water was bypassing treatment, leaving the site, and discharging into the UNT of Knob Fork (39°38’58.9493” N, -80°32’09.9647’’ W).

   e. 47CSR2 Section 3.2.b. - EQT Production Company caused conditions not allowable by creating sediment deposits in waters of the State. As a result of the lack of maintenance of SSF-22, sediment laden water bypassed treatment, left the site, and was discharged into the UNT of Knob Fork (39°38’52.5091” N, -80°32’23.0533 W).

As a result of the aforementioned violations, NOV No. W21-52-035-TGW was issued to EQT Production Company.

7. On June 24, 2021, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of West Virginia Legislative Rules and the permit were observed and documented:

   a. Section G.4.e.2. – EQT Production Company failed to properly implement controls, namely SSF-63.

   b. Section B – EQT Production Company failed to comply with the approved SWPPP. When repaired, SSF-22 was reinstalled above the original location, which allowed sediment laden water to leave the site.

   c. Section G.4.e.2.A.ii.j. – EQT Production Company failed to prevent sediment-laden water from leaving the site without going through an appropriate device. SSF-15 was being overwhelmed and was in need of maintenance, resulting in sediment laden water leaving the site. SSF-11 and an extra piece of super silt fence were in need of maintenance, resulting in sediment laden water leaving the site. When repaired, SSF-22 was reinstalled above the original location, which allowed sediment laden water to leave the site.
d. Section D.1. – EQT Production Company failed to properly operate and maintain all systems of treatment and controls. SSF-11, SSF-15, and SSF-22 were in need of maintenance.

e. Section G.4.e.2.A.ii.f. – EQT Production Company failed to protect fill slopes. Erosion gullies had formed due to concentrated flows going across non-stabilized surfaces.

f. Section F.2.a. – EQT Production Company failed to report sediment laden water that had left the site.

g. 47CSR2 Section 3.2.b. - EQT Production Company caused conditions not allowable by creating sediment deposits in waters of the State at the following two (2) locations: the UNT of Knob Fork (N 39°38’52.0”, W 80°32’22.4”) and the UNT of Knob Fork (N 39°38’55.6”, W -80°32’13.8”).

As a result of the aforementioned violations, NOV No. W21-52-052-TGW was issued to EQT Production Company.

8. On February 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 Section 3.2.a.- EQT Production Company caused conditions not allowable by creating distinctly visible settleable solids in waters of the State. Sediment laden water left the site through SSF-22 and discharged into an ephemeral stream, the UNT of Knob Fork (39° 38’51.69” N, 80° 32’23.63” W).

As a result of the aforementioned violation, NOV No. W22-52-005-TGW was issued to EQT Production Company.

**Registration No. WVR311507 – Pribble Slip Repair**

9. EQT Production Company is conducting land disturbance activity near Huff Ridge Rd., New Martinsville, Wetzel County, West Virginia. On May 12, 2020, EQT Production Company was issued Water Pollution Control Permit No. WV0116815, Registration No. WVR311507, for Stormwater Associated With Oil and Gas Related Construction Activities.

10. On August 31, 2021, 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 Section 3.2.b. - EQT Production Company caused conditions not allowable by creating sediment deposits in waters of the State. As a result of the lack of maintenance to silt fence, sediment laden water left the site and entered the UNT of Haynes Run (39.684309° N, -80.823647° W).

As a result of the aforementioned violation, NOV No. W21-52-063-TGW was issued to EQT Production Company.
11. On September 30, 2021, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of the permit were observed and documented:

   a. Section D.1. – EQT Production Company failed to properly operate and maintain all systems of treatment and controls. Perimeter controls installed on the western and southern portions of the site were in need of maintenance.

   b. Section B – EQT Production Company failed to comply with the approved SWPPP. Diversion Ditch No. One (1) had not been installed on the Northern portion of the site.

   c. Section G.4.e.2.A.ii.j. – EQT Production Company failed to prevent sediment-laden water from leaving the site without going through an appropriate device. Perimeter controls installed on the western portion of the site were in need of maintenance, allowing sediment laden water to leave the site.

   d. Section G.4.e.2. – EQT Production Company failed to properly implement controls. Smart fence that was installed on the northern and southern portions of the site were not properly toed into the ground. On the southern portion of the site, smart fence was not properly merged.

   As a result of the aforementioned violations, NOV No. W21-52-077-TGW was issued to EQT Production Company.

12. On February 3, 2022, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of West Virginia Legislative Rules and the permit were observed and documented:

   a. Section B – EQT Production Company failed to comply with the approved SWPPP. Several erosion control devices were not in place as detailed by the SWPPP. EQT Production Company failed to use temporary water bars on the temporary haul road that was constructed to remediate the slip on the northern portion of the site. As a result, an erosion gully formed through the middle of the haul road.

   b. Section G.4.e.2.A.ii.j. – EQT Production Company failed to prevent sediment-laden water from leaving the site without going through an appropriate device. Smart fence was not properly merged, resulting in sediment laden water leaving portions of the site.

   c. Section G.4.e.2.A.ii.f. – EQT Production Company failed to protect fill slopes. An erosion gully formed on the southern portion of the site due to concentrated flow going across the non-stabilized surface.

   d. Section D.1. – EQT Production Company failed to properly operate and maintain all systems of treatment and controls. The installed smart fences near the northern portion of the site were in need of maintenance.

   e. Section G.4.e.2. - EQT Production Company failed to properly implement controls. Smart fence was not properly merged, allowing sediment laden water to leave portions of the site.

   f. 47CSR2 Section 3.2.a. - EQT Production Company caused conditions not allowable by creating distinctly visible settleable solids in waters of the State. Smart fences near the northern portion of the site were in need of maintenance, resulting in sediment laden water leaving the site and discharging into the UNT of Haynes Run (39° 41’06.15” N, -80° 49’23.07” W).
As a result of the aforementioned violations, NOV No. W22-52-007-TGW was issued to EQT Production Company.

Registration No. WVR311600 – Opry to Jolliffe Waterline
13. EQT Production Company is conducting land disturbance activity near Knob Fork, Wetzel County, West Virginia. On November 13, 2020, EQT Production Company was issued Water Pollution Control Permit No. WV0116815, Registration No. WVR311600, for Stormwater Associated With Oil and Gas Related Construction Activities.

14. On September 30, 2021, WVDEP personnel conducted an inspection of the facility. During the inspection, a violation of the following section of the permit was observed and documented:

   a. Section B – EQT Production Company failed to comply with the approved SWPPP. Multiple water bars did not have outlet protection, as stated in the SWPPP.

As a result of the aforementioned violation, NOV No. W21-52-076-TGW was issued to EQT Production Company.

15. On February 3, 2022, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following section of West Virginia Legislative Rules were observed and documented:

   a. 47CSR2 Section 3.2.a.- EQT Production Company caused conditions not allowable by creating distinctly visible settleable solids in the waters of the state at the following four (4) locations:
      i. At Station Marker 160+00, BSRF P2 was installed, instead of the required P1, resulting in sediment laden water leaving the site and discharging into an ephemeral stream, the UNT of Knob Fork (39° 39’25.44” N, -80° 33’17.60 W).
      ii. At Station Marker 155+00, the installed BSRF P2 was in need of maintenance, resulting in sediment laden water leaving the site and discharging into an ephemeral stream, the UNT of Knob Fork (39° 39’26.40” N, -80° 33’11.04” W).
      iii. At Station Marker 50+00, sediment laden water left the site and entered an ephemeral stream, the UNT of Sugar Run (39° 39’17.91” N, -80° 32’07.48” W).
      iv. At Station Marker 48+50, sediment laden water left the site and entered an ephemeral stream, the UNT of Sugar Run (39° 39’17.27” N, -80° 32’08.45” W).

As a result of the aforementioned violations, NOV No. W22-52-006-TGW was issued to EQT Production Company.

Registration No. WVR311617 – Murray RO to Elliott Waterline
16. EQT Production Company is conducting land disturbance activity near Dents Run Rd., Mannington, Marion County, West Virginia. On January 15, 2021, EQT Production
Company was issued Water Pollution Control Permit No. WV0116815, Registration No. WVR311617, for Stormwater Associated With Oil and Gas Related Construction Activities.

17. On October 20, 2021, WVDEP personnel conducted an inspection of the facility. During the inspection, a violation of the following section of the permit was observed and documented:

a. Section G.4.e.2. - EQT Production Company failed to properly implement controls. Ditch checks were improperly installed and maintained. Drop inlets had not been installed or had been installed improperly. Water bars did not extend across the entire disturbed right of way and terminated prior to the installed perimeter silt fence, allowing concentrated flow on an unprotected fill slope. The water bars at 18+00 to 25+00 were installed on steep slopes and were too shallow.

As a result of the aforementioned violations, NOV No. W21-24-012-JHH was issued to EQT Production Company.

18. On July 14, 2022, WVDEP personnel and representatives of EQT Production Company met 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. of the West Virginia Code, it is hereby agreed between the parties, and ORDERED by the Director:

1. EQT Production Company shall immediately take all measures to initiate compliance with all terms and conditions of its permit and pertinent laws and rules.

2. Within twenty (20) days of the effective date of this Order, EQT Production Company shall submit for approval a proposed plan of corrective action and schedule, outlining action items and completion dates for how and when EQT Production Company will achieve compliance with all terms and conditions of its permit and pertinent laws and rules. The plan of corrective action shall include, but not be limited to, provisions for proper remediation of all areas identified in this Order where conditions not allowable were observed and documented in waters of the State, as defined in WV Legislative Rule 47CSR2 Section 3.2. In addition, the plan of corrective action shall include, but not be limited to, provisions for submittal of a report which documents that proper remediation of the aforementioned areas has occurred. The plan of corrective action shall make reference to Permit No. WV0116815, Registration Nos. WVR311550, WVR311507, WVR311600, and WVR311617 and Order No. 10049. The plan of corrective action shall be submitted to:

Chief Inspector
Environmental Enforcement - Mail Code #031328
WVDEP
601 57th Street SE
Charleston, WV 25304
Upon approval, the plan of corrective action and schedule shall be incorporated into and become part of this Order, as if fully set forth herein. Failure to submit an approvable plan of corrective action and schedule or failure to adhere to the approved schedule is a violation of this Order.

3. Because of EQT Production Company’s Legislative Rule and permit violations, EQT Production Company shall be assessed a civil administrative penalty of one hundred forty-five thousand five hundred thirty dollars ($145,530) 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. EQT Production Company 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, EQT Production Company 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, EQT Production Company 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 EQT Production Company 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, EQT Production Company 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 EQT Production Company becomes aware of such a delay, notification shall be provided to the Director/Chief Inspector and EQT Production Company 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 EQT Production Company 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 EQT Production Company (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 EQT Production Company 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 EQT Production Company 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 EQT Production Company, its successors and assigns.

7. This Order shall terminate upon EQT Production Company’s notification of full compliance with the “Order for Compliance” and verification of this notification by WVDEP.

Michael Lauderbaugh  
EQT Production Company  

08-25-2022  
Date

Public Notice begin:  

Date

Public Notice end:  

Date

Katheryn Emery, P.E., Director  
Division of Water and Waste Management  

Date
Station marker 22+50 - Start of the non-stabilization to the access road.

Access road.
No temporary rock checks in Roadside Ditch #10 as indicated by the orange arrow. The blue arrow indicates non-stabilization to the access road.

Culverts #6 and #7 not installed in accordance with the SWPPP.
Culvert #5 not installed in accordance with the SWPPP. Roadside Ditches #7 and #8 are missing temporary rock checks.
A non-stabilized construction entrance leading to track-out on a public roadway (State Route 7).

A non-stabilized construction entrance leading to track-out on a public roadway (State Route 7).
Roadside Ditch #1 not installed in accordance with the SWPPP.

Compost filter sock that was not properly implemented on the site. As a result, sediment laden water is bypassing treatment.
Compost filter sock is in need of maintenance.
Sediment laden water bypassing treatment due to a lack of maintenance near the proposed access road.
Erosion gully.

Compost filter sock that has been overwhelmed.
Compost filter sock that has been overwhelmed.

Super silt fence is in need of maintenance.
Super silt fence is in need of maintenance. As a result, sediment laden water is bypassing treatment.
Sediment laden water undermining the super silt fence.
Triple stack compost filter sock being overwhelmed on the site. As a result, sediment laden water left the site at Station Marker 5+00.

A visible plume (Conditions Not Allowable) in an ephemeral stream, UNT of Knob Fork (N 39º39'03.8", W 80º32'07.1").
A downstream photo of the Conditions Not Allowable.

A downstream photo of the Conditions Not Allowable.
The confluence of the two ephemeral streams. The ephemeral stream with the clean water is traveling into the stream with the visible plume of sediment laden water (N 39° 39’02.3”, W 80°32’23.5”).

The confluence of the two separate ephemeral streams. The ephemeral stream with the clean water is traveling into the stream with the visible plume of sediment laden water (N 39° 39’02.3”, W 80°32’23.5”).
An upstream photo of the ephemeral stream with clean water.

Super silt fence is in need of maintenance. As a result, sediment laden water is bypassing treatment and leaving the site at Station Marker 10+50.
A visible plume (Conditions Not Allowable) in an ephemeral stream, UNT of Knob Fork (N 39°38’58.8”, W 80°32’09.0”).

A downstream photo of the Conditions Not Allowable.
Another downstream photo of the Conditions Not Allowable.

Erosion gully.
Super silt fence is in need of maintenance. As a result, sediment laden water is bypassing treatment and leaving the site at Station Marker 13+00.
Sediment laden water bypassing treatment due to a lack of maintenance.
Erosion gully.

Compost filter sock is in need of maintenance. Sediment laden water is bypassing treatment.
Super silt fence is in need of maintenance. As a result, sediment laden water is bypassing treatment and leaving the site.
The red arrow indicates sediment laden water bypassing the super silt fence. The blue arrow indicates sediment laden water bypassing the compost filter sock and leaving the site.

Sediment laden water left the site due to the lack of maintenance to the super silt fence and the compost filter sock.
Super silt fence is in need of maintenance. As a result, sediment laden water is bypassing treatment.
Compost filter sock is in need of maintenance. As a result, sediment laden water is bypassing treatment and leaving the site at Station Marker 18+25.
A visible plume (Conditions Not Allowable) in an ephemeral stream, UNT of Knob Fork (N 39°38’55.5”, W 80°32’14.0”).
Super silt fence is in need of maintenance. As a result, sediment laden water is bypassing treatment.
Super silt fence is in need of maintenance. As a result, sediment laden water is bypassing treatment and leaving the site at Station Marker 19+00.
Sediment laden water that has left the site.

Super silt fence is in need of maintenance.
Sediment laden water bypassing treatment due to a lack of maintenance to the super silt fence. As a result, sediment laden water left the site at Station Marker 24+75.
Sediment laden water leaving the site.

Super silt fence is in need of maintenance.
Super silt fence near Station Marker 24+75 is in need of maintenance.
A visible plume (Conditions Not Allowable) in an ephemeral stream, UNT of Knob Fork (N 39°38’52.3”, W 80°32’22.2”).
Erosion gully.

Erosion gully.
Super silt fence is in need of maintenance. As a result, sediment laden water is bypassing treatment and leaving the site near Station Marker 25+25.
Sediment deposits off the LOD at Station Marker 25+25.

Sediment deposits off the LOD.
Sediment deposits (Conditions Not Allowable) in the adjacent ephemeral stream, UNT of Knob Fork (N 39°38'52.0", W 80°32'22.8").
Visible plume (Conditions Not Allowable) in the ephemeral stream, UNT of Knob Fork (N 39°38′52.0″, W 80°32′22.8″).

Super silt fence is in need of maintenance at Station Marker 25+25.
Super silt fence is in need of maintenance.

Erosion gully.
Secondary containment is in need of maintenance.

Benches constructed around the proposed Opry AST Pad. Step 5 of the SWPPP (constructing the access road, roadside ditches, culverts, and rock check dams) was skipped.
Roadside Ditch #9 not installed.

Roadside Ditch #10 not installed.
Roadside Ditches #7 and #8 with no temporary stabilization.
Roadside Ditches #7 and #8 from a previous inspection conducted on January 28, 2021. It has been more than 14 days since construction has temporarily ceased, and no measures have been taken to temporarily stabilize the disturbed area.

The last documented inspection.
Roadside Ditch #1 not in place, as indicated in the SWPPP.

Compost filter sock was not properly implemented. As a result, sediment laden water can bypass treatment.
Compost filter sock is in need of maintenance at Station Marker 3+75.

Erosion gully.
Compost filter sock is in need of maintenance. As a result, sediment laden water is bypassing treatment at Station Marker 4+75.
Compost filter sock is in need of maintenance.

Compost filter sock is in need of maintenance.
Super silt fence is in need of maintenance. As a result, sediment laden water is bypassing treatment.
Super silt fence is in need of maintenance.

Compost filter sock is in need of maintenance.
Overwhelmed compost filter sock. As a result, sediment laden water is bypassing treatment and leaving the site.

Sediment deposits (Conditions Not Allowable) in UNT of Knob Fork (39°39’03.4349” N, 80°32’07.7546” W).
Compost filter sock and super silt fence in need of maintenance.

Super silt fence and compost filter sock are in need of maintenance.
Super silt fence.

Evidence of sediment laden water bypassing treatment.
Erosion gullies.

Erosion gullies.
Super silt fence is in need of maintenance. As a result, sediment laden water is leaving the site at Station Marker 10+50.
Sediment deposits in UNT of Knob Fork (39°38'58.9493" N, 80°32'10.0547" W).
Compost filter sock in need of maintenance. As a result, sediment laden water is bypassing treatment.
Super silt fence and compost filter sock are in need of maintenance. Sediment laden water is bypassing treatment at Station Marker 18+25.

Compost filter sock has been overwhelmed. As a result, sediment laden water is bypassing treatment.
Sediment deposits off the site.

Sediment deposits in the bottom of UNT of Knob Fork (39°38’55.4430” N, 80°32’14.6298” W).
Super silt fence is in need of maintenance.
Super silt fence is in need of maintenance. Sediment laden water can bypass treatment at Station Marker 25+25.
Due to a lack of maintenance to the super silt fence, sediment laden water left the site and entered the UNT of Knob Fork (39°38′51.7783″ N, 80°32′23.2800″ W).
Access road that is being constructed.
Triple stack compost filter sock is in need of maintenance. As a result, sediment laden water is bypassing treatment at Station Marker 18+75.
Conditions Not Allowable - sediment deposits in the ephemeral stream, UNT of Knob Fork (39°38’55.2234” N, 80°32’14.4894” W), off Station Marker 18+25.

Evidence of SSF-16 being overwhelmed.
Sediment laden water that had overwhelmed SSF-16 and left the site without treatment.
Sediment laden water leaving the site.

Conditions Not Allowable - Sediment deposits in the ephemeral stream, UNT of Knob Fork (39°38'55.9506" N, 80°32'17.9237" W).
Sediment deposits in the ephemeral stream.

Triple stack compost filter sock is in need of maintenance at Station Marker 5+00.
Triple stack compost filter sock is in need of maintenance at Station Marker 5+00.

Compost filter sock is in need of maintenance at Station Marker 5+00.
Rock lined channel is in need of maintenance, and an accumulation of sediment has started to form.

The access road being actively worked, but not installed as stated in the SWPPP.
At SSF-63, the new piece of silt fence fabric needed maintenance and was not properly merged to the existing control or properly toed into the ground at Station Marker 6+75. Triple stack compost filter sock is in need of maintenance.
Evidence of sediment laden water bypassing treatment under the triple stack compost filter sock.

Compost filter sock not properly implemented near SSF-11.
Compost filter sock that was not properly implemented on the site near SSF-11.

Compost filter sock that was not properly implemented near SSF-11.
At SSF-12, a new piece of silt fence fabric was improperly merged to the existing super silt fence.

Super silt fence near SSF-12 is in need of maintenance.
SSF-15 in need of maintenance, and sediment laden water is bypassing treatment.
SSF-16 is in need of maintenance.

SSF-22, near Station Marker 24+75, needs maintenance.
SSF-22.

Silt fence fabric not properly implemented at SSF-22 near Station Marker 25+25.
Sediment laden water can pass through without being treated due to the improper merging of the new silt fence fabric to the existing super silt fence.

SSF-29 needed maintenance, and sediment laden water is bypassing treatment and leaving the site.
Sediment laden water leaving the site.

Sediment laden water leaving the site.
Roadside Ditch #9 not installed as stated in the SWPPP.

Roadside Ditch #7 and #8 not installed as stated in the SWPPP.
The orange arrow indicates where Culvert #4 is not installed, and the red arrow indicates where Roadside Ditch #6 is not installed.
SSF-7 is in need of maintenance.

Erosion rills formed due to a concentrated flow going across a non-stabilized surface.
SSF-8 needed maintenance. Sediment laden water is bypassing treatment.

Sediment laden water leaving the site.
Sediment laden water bypassing treatment and leaving the site.

Erosion gullies that have formed at the end of the rip rap channel.
Erosion gullies that have formed at the end of the rip rap channel.

Erosion gullies.
SSF-11 needed maintenance. Sediment laden water is bypassing treatment.

Sediment laden water bypassing treatment at SSF-11.
The backside of SSF-11.

Sediment laden water leaving the site.
Settleable solids (Conditions Not Allowable) in UNT of Knob Fork (39°38'58.9493" N, -80°32'09.9647" W).

Little turbidity in ephemeral stream, UNT of Knob Fork (39°39'02.9311" N, -80°32'14.9615" W).
Ephemeral stream.

An erosion gully that has formed at the end of the rip rap channel.
Erosion rills.

SSF-21 needed maintenance.
Evidence of sediment laden water bypassing treatment and leaving the site at SSF-21.

SSF-22 needed maintenance.
Evidence of sediment laden water bypassing treatment and leaving the site.

Sediment deposits (Conditions Not Allowable) in UNT of Knob Fork (39°38’52.5091” N, -80°32’23.0533 W).
Sediment deposits in UNT of Knob Fork.

Erosion rills.
Erosion rills and a lack of temporary stabilization.
Extra super silt fence installed below SSF-11 is in need of maintenance.
SSF-11 is in need of maintenance.

Evidence of sediment laden water leaving the site.
Sediment deposits off the site, due to SSF-11 needing maintenance.

SSF-15 needed maintenance. As a result, sediment laden water is bypassing treatment.
Control with evidence of being overwhelmed.

Evidence of sediment laden water bypassing SSF-15 due to being overwhelmed.
Sediment deposits entered UNT of Knob Fork (N 39°38’55.6”, W -80°32’13.8”).

Sediment laden water bypassing SSF-22.
The trail of sediment laden water that bypassed SSF-22.

The trail of sediment laden water.
Sediment laden water leaving the site without going through an appropriate BMP.

Sediment laden water entering UNT of Knob Fork, and sediment deposits (Conditions Not Allowable) were in the bottom of the stream (N 39°38’52.0”, W 80°32’22.4”) at Station Marker 25+25.
Erosion gully.

Erosion gullies.
Erosion gullies.

SSF-63 that was not properly implemented.
Silt fence around UNT of Haynes Run not implemented, as stated in the SWPPP.

No silt fence installed around UNT of Haynes Run.
Silt fence needed maintenance.

Silt fence installed in a concentrated flow area.
Sediment laden water bypassing treatment due to the lack of maintenance of the installed compost filter sock.

Evidence of sediment laden water bypassing treatment.
Erosion rill formed due to a concentrated flow going across a non-stabilized surface.

Evidence of sediment laden water bypassing the improperly installed silt fence.
Silt fence was not properly implemented, and sediment laden water bypassed treatment.

Compost filter sock needed maintenance. As a result, sediment laden water can bypass treatment.
Sediment laden water can bypass treatment at the compost filter sock.

An improperly implemented silt fence. As a result, sediment laden water can bypass treatment.
Silt fence where sediment laden water can bypass treatment.

Silt fence is in need of maintenance.
Silt fence is in need of maintenance, and sediment laden water can bypass treatment and leave the site.

Backside of the silt fence. Sediment laden water has bypassed the control and left the site untreated.
Silt fence is in need of maintenance.

Compost filter sock is in need of maintenance.
Compost filter socks were not properly implemented and were missing wooden stakes.

Silt fence needed maintenance. As a result, sediment laden water left the site untreated.
Silt fence is in need of maintenance. The red arrow represents the trail of sediment laden water that has gone off the site.

The sediment and sediment laden water entering UNT of Haynes Run.
Conditions Not Allowable in UNT of Hayne Run for sediment deposits in the bottom of the stream (39.684309° N, -80.823647° W).

Fresh sediment deposits in the stream.
Silt fence needed maintenance. As a result, sediment laden water left the site untreated.

Sediment and sediment laden water left the site as a result of a lack of maintenance to the silt fence.
The red arrow represents an erosion gully. The orange arrow represents compost filter sock that is in need of maintenance.

Silt fence that was not properly toed into the ground.
Erosion rills formed due to a concentrated flow going across a non-stabilized surface.
A perimeter control on the western portion of the site needed maintenance.

Perimeter control in need of maintenance.
Sediment laden water bypassing treatment due to a lack of maintenance to the perimeter control.

Smart fence that was not properly toed into the ground on the Southern portion of the site.
Smartfence located on the southern portion of the site that was not properly toed-in.

A perimeter control on the southern portion of the site needed maintenance.
Sediment laden water can bypass treatment and leave the site.

An improper merge of smart fence, where sediment laden water can bypass treatment.
Backside of the control that was not properly merged.

Smart fence that was not properly toed into the ground on the northern portion of the site.
Diversion Ditch #1 not installed on the site as stated in the SWPPP.
The outlet of the installed water bar that is lacking the required outlet protection (sump and 18” filter sock or priority 1 silt saver fence).

Multiple water bars lacking the required outlet protection.
Water bar lacking the required outlet protection.

A portion of the site where water bars were not installed near Station Marker 308+50.
Station Marker 51+00, lacking the required water bar.

Station Marker 52+00, lacking the required water bar.
Water bars did not go all the way across the right of way, allowing water to run down the fill slope.

Per the SWPPP, five water bars that should have been installed, but there were only two.
Water bar does not meet the requirement of the SWPPP (minimum of 12 inches on the upslope side of the dike).

Shallow water bar on steep slope (43%).
Outlet for a shallow water bar.
Sediment laden water bypassing treatment at SSF-22.

Sediment laden water leaving the site.
EQT PRODUCTION COMPANY, WVR311550, Opry AST Pad, 2/3/2022

Sediment laden water entering the ephemeral stream (UNT of Knob Fork).

Visible plume (Conditions Not Allowable) (39° 38’ 51.69” N, 80° 32’ 23.63” W).
Affected stream.

Visible plume in the stream.
Adjacent ephemeral stream (UNT of Knob Fork) with little to no turbidity (39° 38’51.69” N, 80° 32’24.09” W).

Unaffected ephemeral stream.
An area of slough near the entrance with no temporary stabilization.

SSF-11 needed maintenance.
SSF installed behind SSF-11 needed maintenance. As a result, sediment laden water is bypassing treatment and leaving the site.

Sediment laden water leaving the site.
Sediment laden water bypassing treatment at SSF-11.

Sediment laden water bypassing treatment.
Sediment laden water bypassing SSF-12 as a result of a lack of maintenance.

SSF-12.
SSF-11 (red arrow) and SSF-12 (orange arrow).

SSF-15, where sediment laden water is leaving the site.
Sediment laden water from SSF-15.

Sediment laden water bypassing treatment.
Sediment laden water has entered an ephemeral stream (UNT of Knob Fork).

Downstream of UNT of Knob Fork.
SSF in a concentrated flow area at the terminus of the rip-rap channel of Culvert #4.

SSF in a concentrated flow area at the terminus of the rip-rap channel of Culvert #7.
Sediment laden water bypassing the installed SSF at Culvert #7.

Sediment laden water bypassing SSF-30 due to a lack of maintenance.
Sediment laden water bypassing treatment and leaving the site.
Trail of sediment laden water that has left the site.

Dewatering bag needed maintenance. Water being pumped into the bag is discharging out of the bag instead of filtering and then discharging.
A concentrated flow area going across a non-stabilized surface.

Flow traveling into P2.
BSRF P2 near Station Marker 160+00 was implemented on the site instead of the required P1. As a result, sediment laden water has bypassed the installed control and left the site.

Water bypassing the installed control.
Visible plume (Conditions Not Allowable) in an ephemeral stream (UNT of Knob Fork)  
(39° 39’25.44” N, -80° 33’17.60 W).

BSRF P2 needed maintenance at Station Marker 155+00.
Evidence of sediment laden water leaving the site.

Visible plume (Conditions Not Allowable) in an ephemeral stream (UNT of Knob Fork) (39° 39’26.40” N, -80° 33’11.04” W).
Unaffected ephemeral stream (UNT of Knob Fork).

Unaffected ephemeral stream with little to no turbidity (39° 39′26.56″ N, -80° 33′10.91″ W).
Visible plume (Conditions Not Allowable) in the UNT of Sugar Run (39° 39’ 17.91” N, -80° 32’07.48” W) at Station Marker 50+00.

Entry point of sediment laden water into the culvert.
Downstream of the ephemeral stream.

Culvert where sediment laden water is leaving site and entering ephemeral stream (UNT of Sugar Run).
Entry point of sediment laden water into culvert.

Sediment laden water entering the culvert.
At Station Marker 48+50, there was evidence of sediment laden water leaving the site, entering an ephemeral stream (UNT of Sugar Run), causing a visible plume (Conditions Not Allowable) (39° 39’17.27” N, -80° 32’08.45” W) at Station Marker 48+50.

BSRF near Station Marker 9+50 needed maintenance.
BSRF near Station Marker 12+00 needed maintenance.

BSRF needed maintenance at Station Marker 15+00. As a result, sediment laden water was leaving the site.
BSRF in need of maintenance. The orange arrow represents sediment laden water that has left the site.

BSRF installed at Station Marker 162+50 was not properly merged.
Sediment laden water leaving the site due to a lack of maintenance to the installed BSRF at Station Marker 164+00.

Sediment laden water bypassing treatment.
EQT PRODUCTION COMPANY, WVR311600, Opry to Jolliffe Waterline, 2/3/2022

Sediment laden water leaving the site.

Installation of BSRF P2 instead of the required BSRF P1 at Station Marker 153+00.
Marker indicating that P1 should have been installed in the area.

BSRF P1 needed maintenance at Station Marker 125+00.
At Station Marker 127+00, CFS was not installed, and the water bar discharges within the right of way, rather than offsite.

At Station Marker 128+50, CFS was not installed, and the water bar discharges within the right of way, rather than offsite.
At Station Marker 132+10, 18” CFS (orange arrow) was not used in tandem with the installed water bar (red arrow), as indicated in the SWPPP.

18” CFS was not used in tandem with the installed water bar.
CFS outlet treatment needed maintenance at Station Marker 140+00. Sediment laden water is undermining the installed control.

Sediment laden water leaving the site.
BSRF P2 installed near Station Marker 97+50, where BSRF P1 was the required/approved control.

Cracking where the waterline was installed.
Improperly installed water bar (orange arrow) was not extended to the edge of the right of way (green arrow). No sump in place (red arrow) near Station Marker 89+50.

Result of the improperly implemented water bar. Water flows back into the right of way.
Improperly installed water bar.

Sediment laden water bypassing the compost filter sock outlet at Station Marker 88+50.
Discharge of the underdrain caused an erosion rill due to a concentrated flow going across a non-stabilized surface.
Sediment laden water bypassing the installed BSRF.

Improperly installed water bar near Station Marker 86+50.
Water bar discharging within the right of way.

Erosion rill through the water bar, which was not installed at a minimum of 18” in, as stated in the SWPPP.
Water bar needed maintenance. Sediment laden water is bypassing treatment.

The orange arrow shows where sediment laden water is bypassing treatment at the terminus of the water bar and leaving the site.
BSRF P1 being bypassed at Station Marker 85+00.

BSRF near Station Marker 80+00 needed maintenance.
At Station Marker 78+00, water bars were improperly installed, resulting in the discharge of water back onto the right of way.

At Station Marker 67+50, the water bar (orange arrow) was not properly implemented, because it would not discharge clean water off site (red arrow).
Improperly implemented water bars between Station Markers 50+00 and 55+00 did not discharge clean water off site (red arrow).

Water discharged from the installed water bar can integrate with the disturbed areas on the site.
At Station Marker 50+00, BSRF P2 was installed in areas where BSRF P1 was to be installed.

Water bars were not installed as stated in the SWPPP between Station Markers 310+17 and 309+50. As a result, erosion gullies formed.
At Station Marker 308+50, compost filter sock at the terminus of the installed water bar was overwhelmed. As a result, sediment laden water was leaving the site.

Sediment laden water leaving the site.
Temporary water bars are not being utilized on the haul road.

A concentrated flow of sediment laden water is traversing down the installed haul road.
Smart fence needed maintenance. As a result, sediment laden water is undermining the installed perimeter control and leaving the site.

Back side of the smart fence, where sediment laden water is bypassing treatment and leaving the site.
Sediment laden water entered the ephemeral stream (UNT of Haynes Run).

Smart fence installed on the northern portion of the site needed maintenance. As a result, sediment laden water is leaving the site.
Sediment laden water entered UNT of Haynes Run, causing a visible plume (Conditions Not Allowable) (39° 41’06.15” N, -80° 49’23.07” W).

Unaffected ephemeral stream (UNT of Haynes Run) with little to no turbidity.
Confluence of the unaffected ephemeral stream with the affected ephemeral stream (39° 41’05.68” N, -80° 49’24.47” W).

Ephemeral stream (UNT of Haynes Run) with little to no turbidity.
Confluence of the unaffected ephemeral stream and the affected ephemeral stream.

Significant difference in turbidity and quality between the unaffected ephemeral stream and affected ephemeral stream.
Smart fence needed maintenance.

Smart fence was not properly merged.
Evidence of sediment laden water leaving the site as a result of the improper merge of the smart fence.

Smart fence that was not properly merged.
Smart fence that was not properly merged.

Fill slope erosion on the southern portion of the site due to a concentrated flow going across a non-stabilized surface.
Erosion gully.
## Base Penalty Calculation
(pursuant to 47CSR1-6.1)

### Responsible Party: EQT Production Company

### Receiving Stream: MGD

### Treatment System Design Maximum Flow: MGD

### Treatment System Actual Average Flow: MGD

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

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| Average Potential for Harm Factor | | 1 | 1.2 | 0.4 | 1 | 1 | 1 | 1 | 1 | 1.4 | 1.2 | 1.2 | 1.2 |

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<td>Degree of Non-Compliance</td>
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### Potential for Harm Factors:
1)\(c\) - Sensitivity of the Environment Potentially Affected (0 for "dead" stream)
2)\(d\) - Length of Time of Violation
3)\(e\) - 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 <= 600%, or report doesn't fully address intended subject matter.

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

Narrative WQ standard violations - case-by-case.
Continue rating Findings of Facts (FOF) here, if necessary. Otherwise, continue on Page 3.

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<td>1.4</td>
<td>1.4</td>
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<td>2)</td>
<td>Extent of Deviation Factor</td>
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</tr>
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<td></td>
<td>Degree of Non-Compliance</td>
<td>1 to 3</td>
<td>3</td>
<td>3</td>
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<tr>
<td>Potential for Harm to Human Health or the Environment</td>
<td>Extent of Deviation from Requirement</td>
<td>Potential for Harm to Human Health or the Environment</td>
<td>Extent of Deviation</td>
<td>Penalty</td>
<td>Multiple Factor</td>
<td>Base Penalty</td>
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<tr>
<td>-----------------------------------------------------</td>
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<tr>
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<td>Major</td>
<td>$2,000</td>
<td>3</td>
<td>$6,000</td>
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<td>Major</td>
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<td>$13,200</td>
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<td>Major</td>
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<td>3</td>
<td>$13,200</td>
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</tbody>
</table>

Total Base Penalty: $145,500
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.

<table>
<thead>
<tr>
<th>Avg. Daily WW Discharge Flow (gpd)</th>
<th>% Reduction Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 5,000</td>
<td>50</td>
</tr>
<tr>
<td>5,000 to 9,999</td>
<td>40</td>
</tr>
<tr>
<td>10,000 to 19,999</td>
<td>30</td>
</tr>
<tr>
<td>20,000 to 29,999</td>
<td>20</td>
</tr>
<tr>
<td>30,000 to 39,999</td>
<td>10</td>
</tr>
<tr>
<td>40,000 to 99,999</td>
<td>5</td>
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<tr>
<td>&gt; 100,000</td>
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</table>

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)

<table>
<thead>
<tr>
<th>Penalty Adjustment Factor</th>
<th>% Increase</th>
<th>% Decrease</th>
<th>Base Penalty Adjustments</th>
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</thead>
<tbody>
<tr>
<td>6.2.b.1 - Willfulness and/or negligence -</td>
<td>10</td>
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<td>$14,550</td>
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<tr>
<td>6.2.b.4 - Compliance/noncompliance history</td>
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<tr>
<td>6.2.b.6 - Economic benefits - (flat monetary increase)</td>
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<tr>
<td>6.2.b.7 - Public Interest - (flat monetary increase)</td>
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<td>$0</td>
</tr>
<tr>
<td>6.2.b.8 - Loss of enjoyment - (flat monetary increase)</td>
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<td></td>
<td>$0</td>
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<tr>
<td>6.2.b.9 - Investigative costs - (flat monetary increase)</td>
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<td>$0</td>
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<tr>
<td>6.2.b.10 - Other factors (size of violator)</td>
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<td>$0</td>
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<tr>
<td>6.2.b.10 - Additional Other Factors - Increase (flat monetary increase)</td>
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<tr>
<td>6.2.b.10 - Additional Other Factors - Decrease (flat monetary decrease)</td>
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</tr>
<tr>
<td>Public Notice Costs (flat monetary increase)</td>
<td>$30</td>
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<td>$30</td>
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<tr>
<td>6.2.b.2 - Good Faith - Increase</td>
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<td>$0</td>
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<tr>
<td>6.2.b.2 - Good Faith - Decrease</td>
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<td>$0</td>
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<tr>
<td>6.2.b.3 - Cooperation with the Secretary</td>
<td>10</td>
<td>($14,550)</td>
<td>$0</td>
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<tr>
<td>6.2.b.5 - Ability to Pay</td>
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</table>

**Penalty Adjustments**

$30

**Penalty =**

$145,530

---

**Estimated Economic Benefit**

<table>
<thead>
<tr>
<th>Item</th>
<th>Estimated Benefit ($)</th>
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</thead>
<tbody>
<tr>
<td>Monitoring &amp; Reporting</td>
<td></td>
</tr>
<tr>
<td>Installation &amp; Maintenance of Pollution Control Equipment</td>
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</tr>
<tr>
<td>O&amp;M expenses and cost of equipment/materials needed for compliance</td>
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<tr>
<td>Permit Application or Modification</td>
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</tr>
<tr>
<td>Competitive Advantage</td>
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</tbody>
</table>

**Estimated Economic Benefit**

$0

**Comments:** Economic benefit not warranted.