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west virginia department of environmental protection

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Division of Water and Waste Management  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304  
Phone: (304) 926-0470  
Fax: (304) 926-0488

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

**CONSENT ORDER  
ISSUED UNDER THE  
WATER POLLUTION CONTROL ACT  
WEST VIRGINIA CODE CHAPTER 22, ARTICLE 11 and ARTICLE 12**

TO: Town of Worthington  
Attn: Melvin Lindsey, Mayor  
P.O. Box 265  
Worthington, WV 26591

DATE: October 17, 2024

ORDER NO.: 10174

**INTRODUCTION**

This Consent Order is issued by the Director of the Division of Water and Waste Management (hereinafter "Director"), under the authority of West Virginia Code 22-11-1 et seq. and 22-12-1 et seq. to the Town of Worthington (hereinafter "Worthington").

**FINDINGS OF FACT**

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

1. Worthington operates a wastewater treatment plant and collection system located in and around Worthington, Marion County, West Virginia. Worthington was reissued WV/NPDES Water Pollution Control Permit No. WV0100285 on March 24, 2020.
2. On November 18, 2021, West Virginia Department of Environmental Protection (WVDEP) personnel conducted an inspection of the facility. During the inspection, violations of the following sections of the WV/NPDES permit were observed and documented:
  - a. Section A – Worthington exceeded discharge limitations at Outlet No. 001.
  - b. Section C.12 – Worthington failed to submit a Plan of Action within ninety (90) days after issuance of the WV/NPDES permit.

Promoting a healthy environment.

- c. Section C.18 – Worthington failed to use EPA Test Method No. 200.8 during 2021.
- d. Section D.3 – Worthington failed to submit Sewage Sludge Monitoring Reports.
- e. Appendix A.II.1 – Worthington failed to properly operate and maintain the following:
  - i. Both clarifiers were turbid, and sludge was present in both effluent weirs.
  - ii. The chlorine contact chamber was turbid.
  - iii. Effluent discharging from Outlet No. 001 was turbid and tan. Sludge was present inside the Outlet No. 001 pipe and on the post aeration steps.

As a result of the aforementioned violations, Notice of Violation (NOV) No. W21-24-067-RNW was issued to Worthington.

- 3. On August 1, 2022, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of WV/NPDES permit and WV Legislative Rules were observed and documented:
  - a. Section A – Worthington exceeded discharge limitations at Outlet No. 001.
  - b. Appendix A.II.1 – Worthington failed to properly operate and maintain the following:
    - i. The mechanical bar screen was not in operation, and solids were present on the ground.
    - ii. The solid disposal drum had holes, allowing wastewater to drain onto the ground.
    - iii. Two of the aerators were not operational, and Worthington failed to have spare parts. Vegetation was growing in the aerators.
    - iv. Sludge was floating in the lagoon, and a portion of the baffle had fallen.
    - v. Both clarifiers were turbid. Sludge was present in both effluent weirs and was floating in the clarifiers.
    - vi. The sludge digester had overflowed. Dried sludge was present on the ground around the sludge digester and on the side of the sludge digester.
    - vii. Sludge was present in the chlorine contact chamber and was turbid and brown.
    - viii. Effluent discharging from Outlet No. 001 was turbid and tan. Sludge was present inside the Outlet No. 001 pipe.
  - c. Appendix A.IV.2.a – Upon review, WVDEP personnel determined that Worthington failed to immediately report spills that occurred on June 9, 2022; July 28, 2022; and July 29, 2022. In addition, Worthington failed to report the aforementioned sludge digester overflow and a spill at the surge pond wet well which was actively occurring during this inspection.
  - d. 47CSR58 Section 4.7.1 – Worthington failed to properly store fifty-five-gallon drums of caustic soda so that spills and leaks were contained. The drums were not stored within secondary containment.
  - e. Section C.23 – Worthington discharged from points other than permitted outfalls. Specifically, there was a ground seep of wastewater which resulted in a fecal coliform level of 2,550 counts/100ml. In addition, the wet well that receives flow from the surge pond was overflowing.

As a result of the aforementioned violations, NOV Nos. W22-24-036-RNW, W22-24-037-RNW and W22-24-038-RNW were issued to Worthington.

4. On January 12, 2023, WVDEP personnel conducted an inspection of the facility. During the inspection, the following violations of the WV/NPDES permit were observed and documented:
  - a. Appendix A.II.1 – Worthington failed to properly operate and maintain the following:
    - i. The step-down transformer was not functional.
    - ii. There was no spare step-down transformer.
    - iii. There was no 230-volt generator for the step-down transformer.
    - iv. The equilibrium pipe for the vacuum station tank/pump was broken.
  - b. Appendix A.IV.2.a – Worthington failed to immediately report noncompliance which may have endangered health and the environment. Specifically, Worthington failed to report a spill in the basement of the wastewater treatment plant. The spill occurred due to a control panel failure, resulting in an error in the drive which controls the lift station pumps that send partially treated wastewater from the aerated lagoon to the secondary clarifiers. Subsequently, the lift station overflowed into the basement, where a vacuum station is located. The equalization pipe on the vacuum station tank was damaged, which allowed wastewater to discharge into the basement. When the flood of wastewater reached the step-down transformer, it failed, and a portion of the vacuum system lost power. This spill was not reported until WVDEP personnel arrived at the facility and instructed Worthington to call the designated phone number.

As a result of the aforementioned violations, NOV No. W23-24-002-RNW was issued to Worthington.

5. On April 25, 2023, WVDEP personnel conducted a review of facility records from the time period of March 1, 2021 through February 28, 2023. During this review, the following violations of the terms and conditions of Worthington's WV/NPDES permit were observed:
  - a. Section A – Fifty-eight (58) exceedances of Worthington's permit parameters were observed and documented (Table 1). These exceedances can be further defined as:
    - i. Minor violations – Thirty-two (32)
    - ii. Moderate violations – Twenty-four (24)
    - iii. Major violations – Four (4)
  - b. Section D.3 – Worthington failed to submit any semi-annual Sewage Sludge Monitoring Reports.
6. On August 31, 2023, WVDEP personnel and representatives of Worthington met to discuss the terms and conditions of this Order.

7. On October 4, 2024, Worthington submitted financial documents to WVDEP. The provided information was used to perform an economic analysis which evaluated Worthington's ability to pay a civil administrative penalty.

### **ORDER FOR COMPLIANCE**

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

1. Worthington shall immediately take all measures to initiate compliance with all terms and conditions of its WV/NPDES permit and pertinent laws and rules.
2. Within twenty (20) days of the effective date of this Order, Worthington shall submit for approval a proposed plan of corrective action and schedule, outlining action items and completion dates for how and when Worthington will achieve compliance with all terms and conditions of its WV/NPDES permit and pertinent laws and rules. The plan of corrective action shall make reference to WV/NPDES Permit No. WV0100285 and Order No. 10174. The plan of corrective action shall be submitted to:

**Chief Inspector  
Environmental Enforcement - Mail Code #031328  
WVDEP  
601 57<sup>th</sup> 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 Worthington's WV/NPDES permit violations, Worthington shall be assessed a civil administrative penalty of nineteen thousand four hundred sixty-three dollars (\$19,463) to be paid to the West Virginia Department of Environmental Protection for deposit in the Water Quality Management Fund in accordance with the following twelve (12) month payment schedule: One thousand six hundred twenty-one dollars and ninety-one cents (\$1,621.91) shall be submitted within thirty (30) days after the effective date of this Order and by the first day of each month thereafter for the next ten (10) months. One thousand six hundred twenty-one dollars and ninety-nine cents (\$1,621.99) shall be submitted by the first day of the final month. 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 57<sup>th</sup> Street SE  
Charleston, WV 25304**

### **OTHER PROVISIONS**

1. Worthington hereby waives its right to appeal this Order under the provisions of West Virginia State Code 22-11-21 and 22-12-11. Under this Order, Worthington 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, Worthington 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 Worthington 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, Worthington 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 Worthington becomes aware of such a delay, notification shall be provided to the Director/Chief Inspector and Worthington 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 Worthington 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 Worthington (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 Worthington 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 Worthington 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 Worthington, its successors and assigns.

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

Deborah Heplin  
~~Melvin Lindsey~~, Mayor Deborah Heplin  
Town of Worthington

5-14-2025  
Date

Public Notice begin:

\_\_\_\_\_  
Date

Public Notice end:

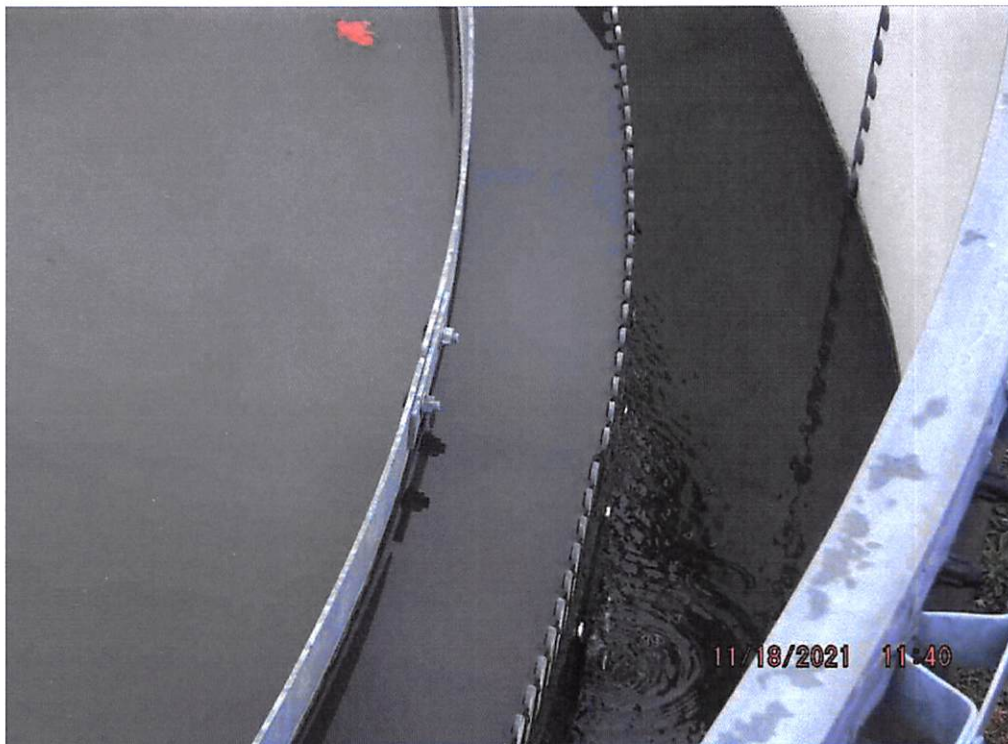
\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date



DSCF6037: River clarifier was turbid on November 18, 2021.

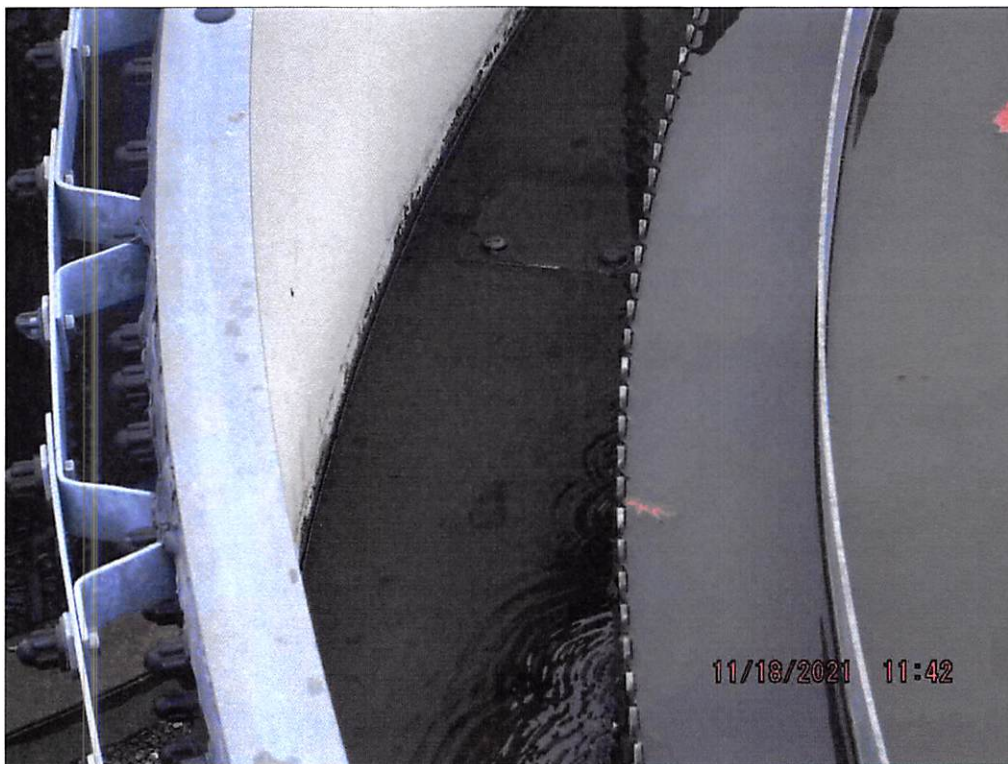


DSCF6039: Sludge was in the river clarifier's effluent weir.





DSCF6040: Trail clarifier was turbid.

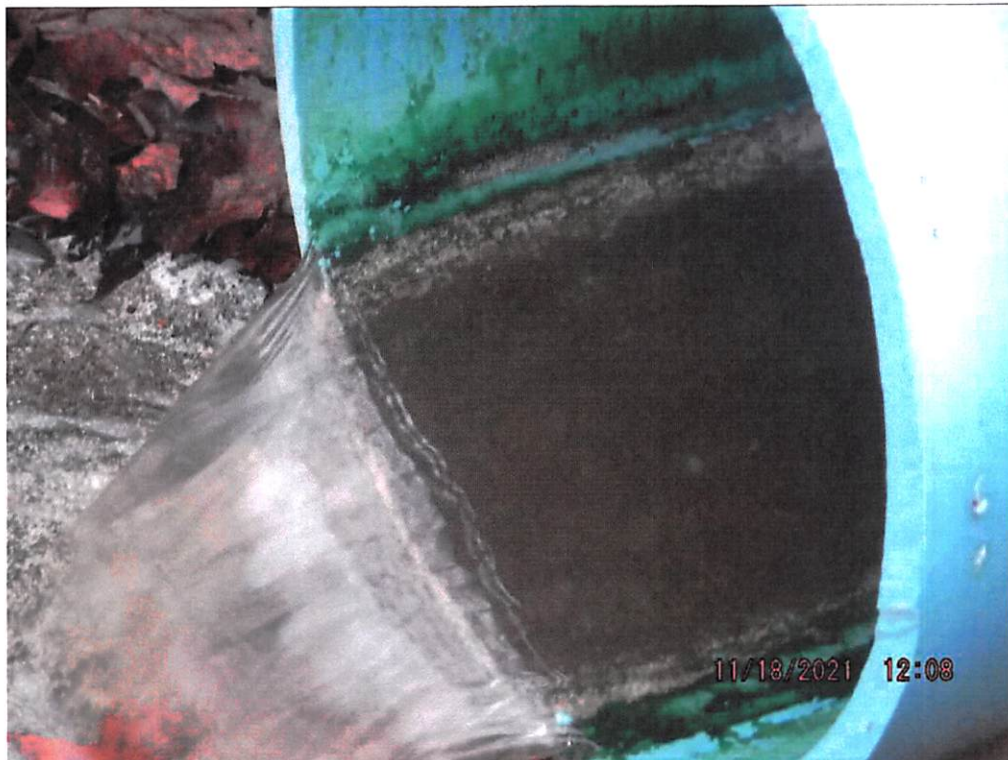


DSCF6041: Sludge was in the trail clarifier's effluent weir.





DSCF6050: The contact chamber was turbid.



DSCF6066: Sludge was observed in Outlet 001. The effluent was tan and turbid.



DSCF6069: Sludge was observed on the post aeration steps (blue arrow).



DSCF8744: Vacuum pit near 264 Main St., Worthington was not operating properly on June 9, 2022.





DSCF8747: Wastewater was in the basement at 264 Main St., Worthington on June 9, 2022.



DSCF9158: The vacuum pit located at Woodlands Assisted Living was overflowing on July 29, 2022. The area had been limed.



DSCF9161: On July 29, 2022, wastewater was spilling into a culvert that discharges to West Fork River.



DSCF9168: On August 1, 2022, floating sludge and vegetation was observed in the aerated lagoon.





DSCF9171: Vegetation was growing out of the aerators.

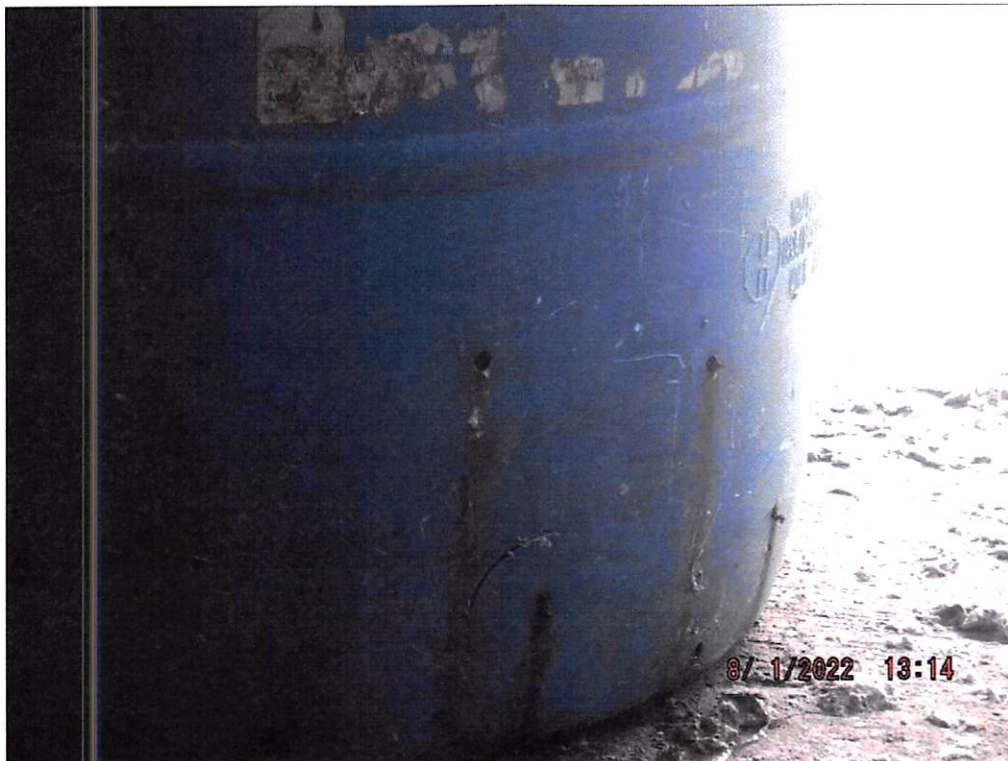


DSCF9176: A portion of the baffle (blue arrow) was down.





DSCF9180: Solids were present on the ground beneath the mechanical bar screen.



DSCF9179: The drum used for solids disposal had holes drilled into it to drain wastewater onto the ground.



DSCF9185: Fifty-five-gallon drums filled with caustic soda were stored on the ground.



DSCF9190: Dried sludge was on a ledge near the top of the sludge digester.





DSCF9174: Dried sludge was on the sides of the sludge digester.



DSCF9222: Dried sludge was present on the ground beside the sludge digester.



DSCF9198: Sludge was in the weir of the trail clarifier. Partially treated wastewater was turbid and brown in the center of the clarifier (blue arrow).



DSCF9210: Sludge was in the weir of the river clarifier.



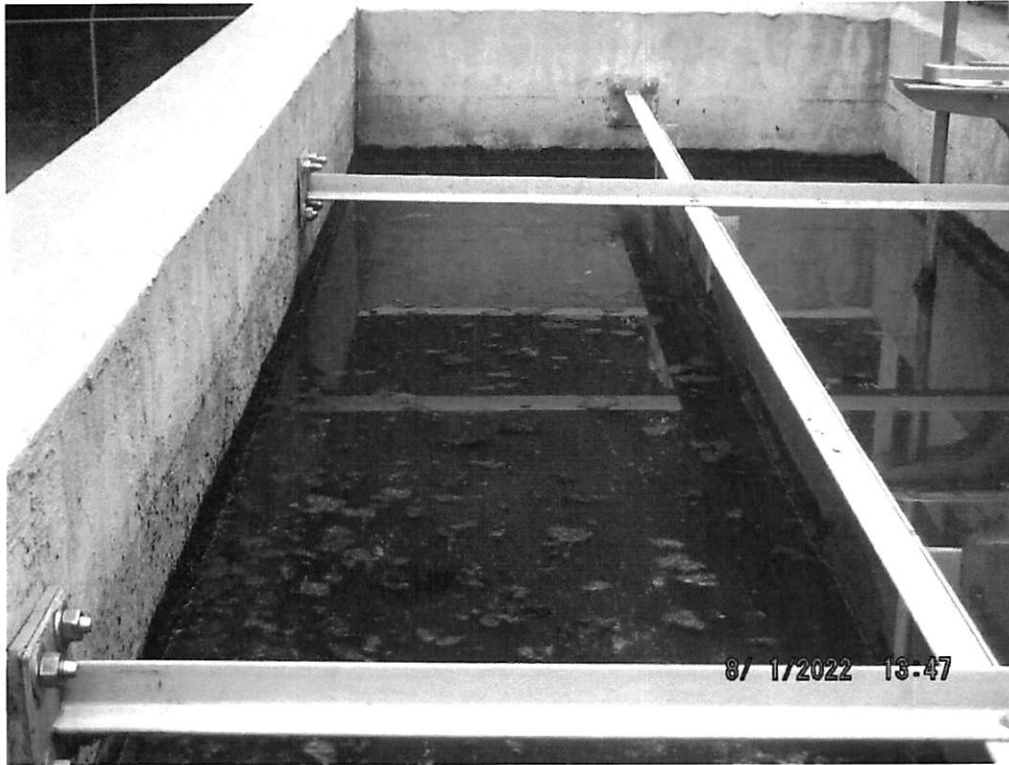


DSCF9217: Sludge was floating in the river clarifier. Wastewater was turbid and brown.

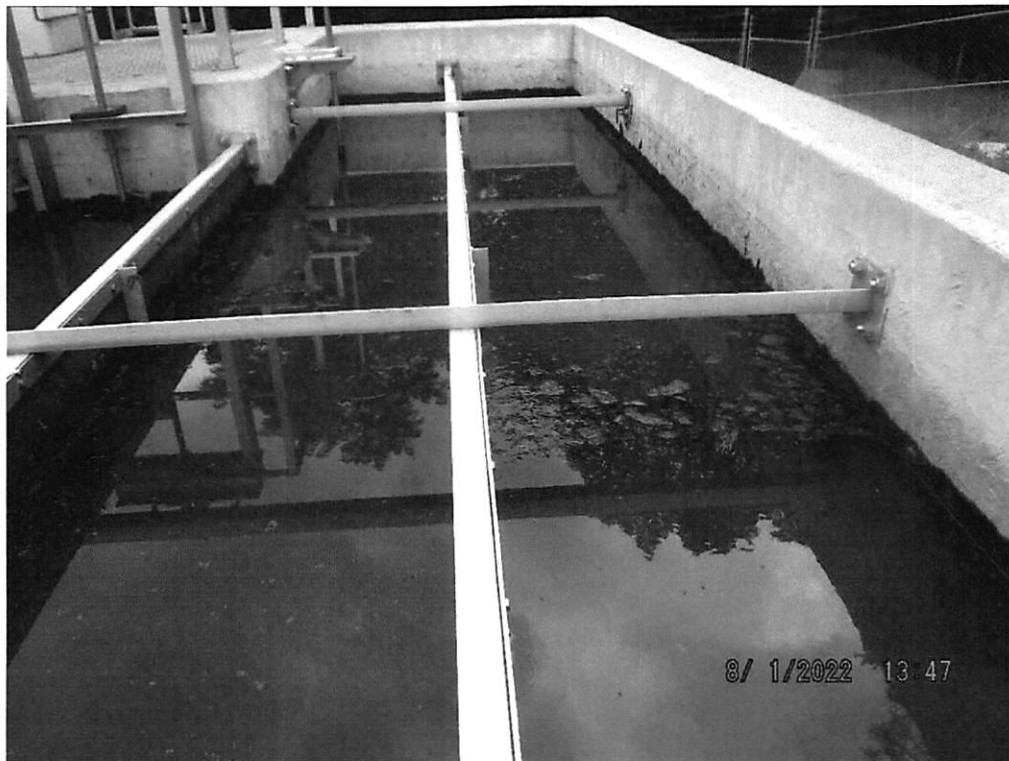


DSCF9231: Sludge was in the contact chamber. Wastewater was turbid and brown.





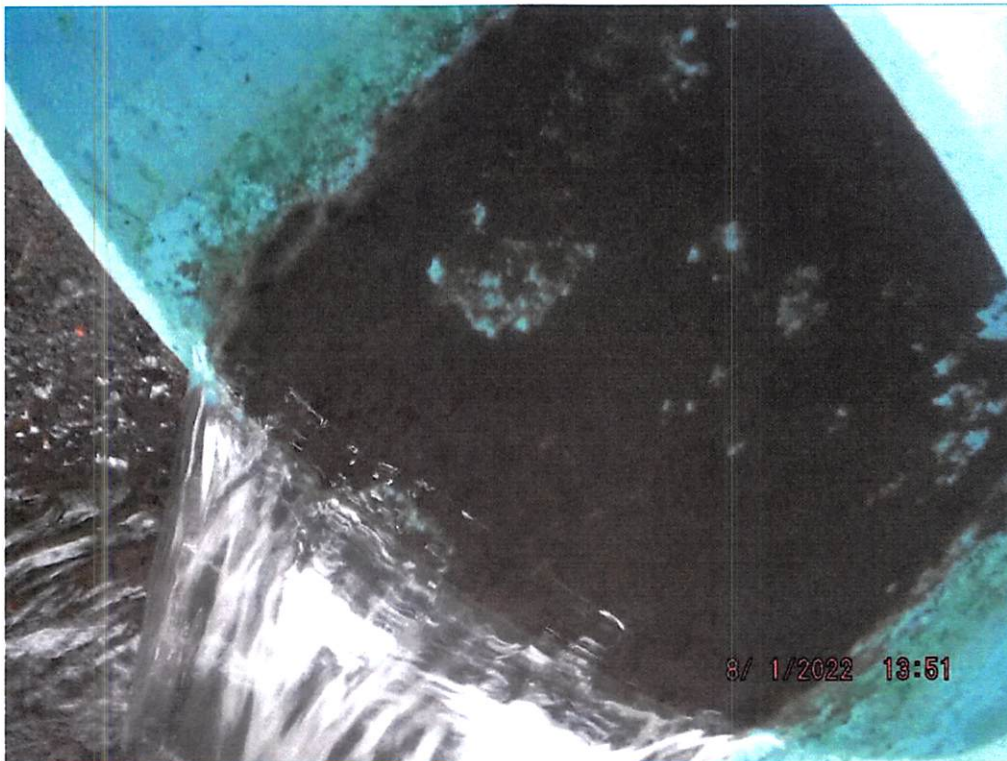
DSCF9232: Contact chamber.



DSCF9235: Right side of the contact chamber.



DSCF9240: The wet well for the surge pond was overflowing during the inspection.

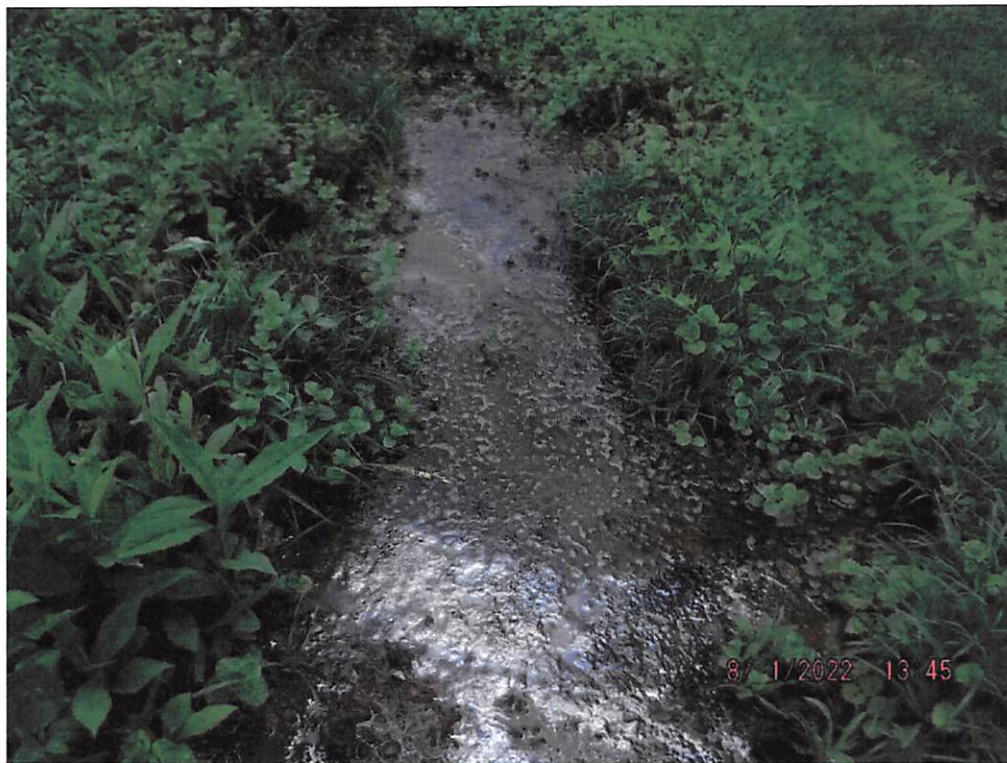


DSCF9244: Sludge was present in the Outlet No. 001 discharge pipe.





DSCF9246: The vacuum pit located at the WWTP had a broken lid.

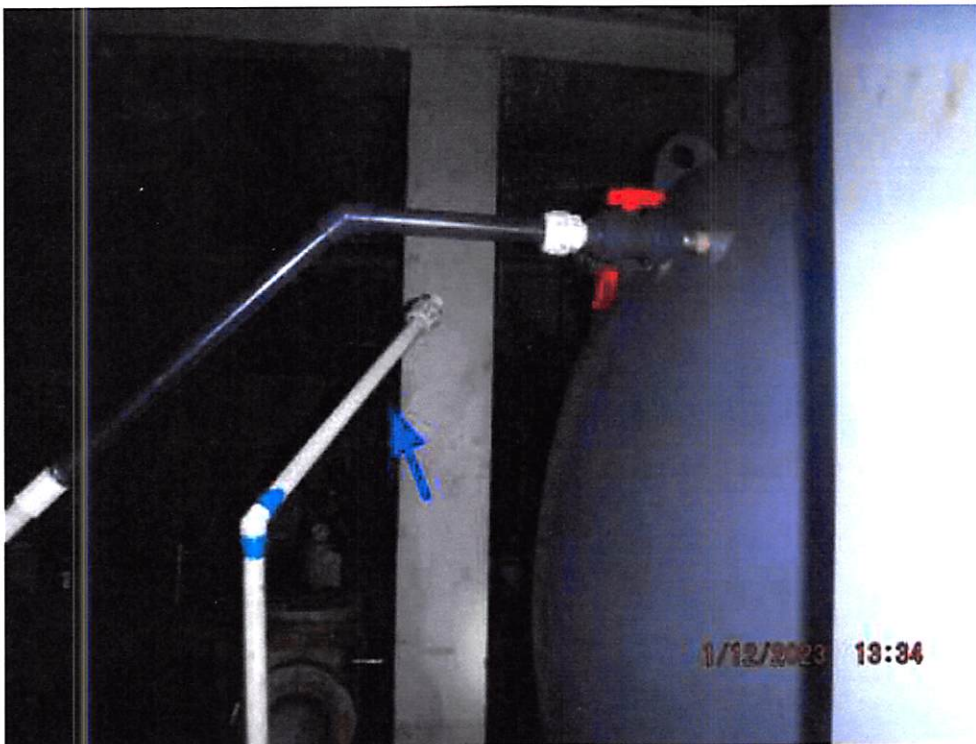


DSCF9228: Wastewater downhill from the sludge digester and clarifiers.

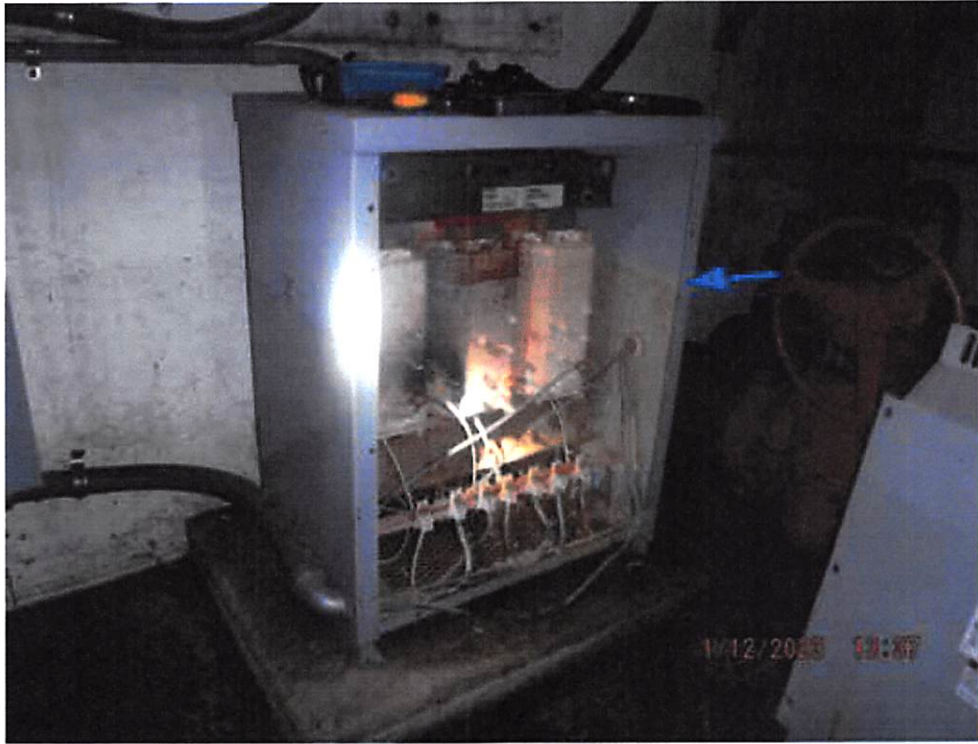




Blue arrow indicates the conduit that leads to the basement.



Blue arrow indicates the broken equilibrium pipe for the vacuum system.



Blue arrow indicates the extent of flooding in relation to the step down transformer.



Table One: Town of Worthington DMR Exceedance Summary

Outlet 001 DMR Exceedances - AVG. MONTHLY - March 2021 through February 2023						Degree of non-compliance		
Date	Parameter	Units	Permitted avg. monthly	Reported avg. monthly	% Exceedance	Min	Mod	Maj
July 2021	BOD	mg/L	30	62.9	110%	-	X	-
September 2021	BOD	mg/L	30	35.2	17%	X	-	-
February 2022	BOD	mg/L	30	50.6	69%	-	X	-
June 2022	BOD	mg/L	30	80.9	170%	-	X	-
July 2022	BOD	mg/L	30	39.7	32%	X	-	-
August 2022	BOD	mg/L	30	39.8	33%	X	-	-
October 2022	BOD	mg/L	30	81.2	171%	-	X	-
January 2023	BOD	Lbs/Day	88	115.9	32%	X	-	-
January 2023	BOD	mg/L	30	70.9	136%	-	X	-
February 2023	BOD	mg/L	30	47.9	60%	-	X	-
July 2021	TSS	mg/L	30	132	340%	-	-	X
December 2021	TSS	mg/L	30	35	17%	X	-	-
February 2022	TSS	mg/L	30	74	147%	-	X	-
July 2022	TSS	mg/L	30	35	17%	X	-	-
October 2022	TSS	mg/L	30	41.5	38%	X	-	-
January 2023	TSS	Lbs/Day	88	107.89	23%	X	-	-
January 2023	TSS	mg/L	30	66	120%	-	X	-
February 2023	TSS	mg/L	30	60	100%	-	X	-
November 2021	Ammonia-N	mg/L	14	24.1	72%	-	X	-
December 2021	Ammonia-N	mg/L	14	31	121%	-	X	-
February 2022	Ammonia-N	mg/L	14	23.1	65%	-	X	-
March 2022	Ammonia-N	mg/L	14	17.1	22%	X	-	-
August 2022	Ammonia-N	mg/L	14	23.6	69%	-	X	-
September 2022	Ammonia-N	mg/L	14	34.2	144%	-	X	-
October 2022	Ammonia-N	mg/L	14	32.7	134%	-	X	-
January 2023	Ammonia-N	mg/L	14	23.8	70%	-	X	-
February 2023	Ammonia-N	mg/L	14	28.3	102%	-	X	-
February 2022	Fecal Coliform	Cnts/100ml	200	24196	11998%	-	-	X
February 2023	Fecal Coliform	Cnts/100ml	200	2046	923%	-	-	X

Outlet 001 DMR Exceedances - MAX. DAILY - March 2021 through February 2023						Degree of non-compliance		
Date	Parameter	Units	Permitted max. daily	Reported max. daily	% Exceedance	Min	Mod	Maj
July 2021	BOD	mg/l	60	62.9	5%	X	-	-
June 2022	BOD	mg/l	60	80.9	35%	X	-	-
October 2022	BOD	mg/l	60	81.2	35%	X	-	-
January 2023	BOD	mg/l	60	70.9	18%	X	-	-
July 2021	TSS	mg/L	60	132	120%	-	X	-
February 2022	TSS	mg/L	60	74	23%	X	-	-
January 2023	TSS	mg/L	60	66	10%	X	-	-
December 2021	Ammonia-N	mg/L	29	31	7%	X	-	-
September 2022	Ammonia-N	mg/L	29	34.2	18%	X	-	-
October 2022	Ammonia-N	mg/L	29	32.7	13%	X	-	-
February 2022	Fecal Coliform	Cnts/100mL	400	24196	5949%	-	-	X
February 2023	Fecal Coliform	Cnts/100mL	400	2046	412%	-	X	-

Table One: Town of Worthington DMR Exceedance Summary

Outlet 001 DMR Exceedances - pH MAX. DAILY (Min.) - March 2021 through February 2023						Degree of non-compliance		
Date	Parameter	Units	Permitted min. daily	Reported min. daily	% Exceedance	Min	Mod	Maj
March 2021	pH	S.U.	6.0	5.4	80.0%	X		
April 2021	pH	S.U.	6.0	4.6	186.7%		X	
May 2021	pH	S.U.	6.0	5.4	80.0%	X		
June 2021	pH	S.U.	6.0	5.4	80.0%	X		

Outlet 001 Exceedances - Minimum 85% Removal - March 2021 through February 2023						Degree of non-compliance		
Date	Parameter	Units	Permitted Minimum % Removal	Reported % Removal	% Exceedance	Min	Mod	Maj
July 2021	BOD	mg/l	85.0	66.2	22.1%	X	-	-
December 2021	BOD	mg/l	85.0	73.4	13.6%	X	-	-
February 2022	BOD	mg/l	85.0	82.3	3.2%	X	-	-
June 2022	BOD	mg/l	85.0	82.8	2.6%	X	-	-
October 2022	BOD	mg/l	85.0	76.5	10.0%	X	-	-
January 2023	BOD	mg/l	85.0	45.9	46.0%	-	X	-
February 2023	BOD	mg/l	85.0	83.5	1.8%	X	-	-
June 2021	TSS	mg/l	85.0	82.9	2.5%	X	-	-
July 2021	TSS	mg/l	85.0	46.17	45.7%	-	X	-
November 2021	TSS	mg/l	85.0	61.9	27.2%	X	-	-
December 2021	TSS	mg/l	85.0	55.7	34.5%	-	X	-
February 2022	TSS	mg/l	85.0	50.3	40.8%	-	X	-
March 2022	TSS	mg/l	85.0	83.5	1.8%	X	-	-
January 2023	TSS	mg/l	85.0	65.8	22.6%	X	-	-
February 2023	TSS	mg/l	85.0	67	21.2%	X	-	-

Outlet 001 Totals		Degree of non-compliance		
		Min	Mod	Maj
		32	24	4



## Base Penalty Calculation

(pursuant to 47CSR1-6.1)

**Responsible Party:** Town of Worthington **Receiving Stream:** West Fork River

**Treatment System Design Maximum Flow:** 0.35 MGD

**Treatment System Actual Average Flow:** 0.0800417 MGD (if known)

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

1)	Potential for Harm Factor	Factor Range	FOF#													
			2b	2c	2e	3b	3c, 4b	3e	4a	5ai	5aii	5aiii	5b			
a)	Amount of Pollutant Released	1 to 3	1	1	1	1	1	1	1	1	1	1	1			
b)	Toxicity of Pollutant	0 to 3	0	0	1	1	0	1	1	1	1	1	1	0		
c)	Sensitivity of the Environment	0 to 3	0	0	1	1	0	1	1	1	1	1	1	0		
d)	Length of Time	1 to 3	1	1	1	2	3	1	3	1	1	1	1	1		
e)	Actual Exposure and Effects thereon	0 to 3	0	0	1	1	0	1	1	1	1	1	1	0		
	Average Potential for Harm Factor		0.4	0.4	1	1.2	0.8	1	1.4	1	1	1	1	0.4	No	No
2)	Extent of Deviation Factor	Factor Range														
	Degree of Non-Compliance	1 to 3	3	1	3	3	3	3	3	1	2	3	1			

### Potential for Harm Factors:

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

### Examples/Guidance:

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

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

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

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

Narrative WQ standard violations - case-by-case.

**Continue rating Findings of Facts (FOF) here, if necessary. Otherwise, continue on Page 3.**

[illegible]

		Extent of Deviation from Requirement		
		Major	Moderate	Minor
<b>Potential for Harm to Human Health</b>	<b>Major</b>	\$10,000	\$6,000 to \$8,000	\$5,000 to \$6,000
	<b>Moderate</b>	\$5,000	\$3,000 to \$4,000	\$2,000 to \$3,000
	<b>Minor</b>	\$2,000	\$1,000 to \$1,500	Up to \$1,000

FOF #	Potential for Harm	Extent of Deviation	Penalty	Multiple Factor	Base Penalty
2b	Minor	Major	\$1,700	1	\$1,700
2c	Minor	Minor	\$400	1	\$400
2e	Minor	Major	\$2,000	1	\$2,000
3b	Moderate	Major	\$4,200	1	\$4,200
3c, 4b	Minor	Major	\$1,900	1	\$1,900
3e	Minor	Major	\$2,000	1	\$2,000
4a	Moderate	Major	\$4,400	1	\$4,400
5ai	Minor	Minor	\$1,000	21	\$21,000
5aii	Minor	Moderate	\$1,500	20	\$30,000
5aiii	Minor	Major	\$2,000	4	\$8,000
5b	Minor	Minor	\$400	4	\$1,600
	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
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0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
<b>Total Base Penalty</b>					<b>\$77,200</b>



## **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)	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	Adjustments
6.2.b.1 - Willfulness and/or negligence -	10		\$7,720
6.2.b.4 - Compliance/noncompliance history			\$0
6.2.b.6 - Economic benefits - (flat monetary increase)	\$800		\$800
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)		5	(\$3,860)
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	(\$7,720)
6.2.b.5 - Ability to Pay		70.864	(\$54,707)
<b>Penalty Adjustments</b>			<b>(\$57,737)</b>
<b>Penalty =</b>			<b>\$19,463</b>

Estimated Economic Benefit Item	Estimated Benefit (\$)
Monitoring & Reporting	\$800
Installation & Maintenance of Pollution Control Equipment	
O&M expenses and cost of equipment/materials needed for compliance	
Permit Application or Modification	
Competitive Advantage	
<b>Estimated Economic Benefit</b>	<b>\$800</b>
<b>Comments:</b> Avoided cost of sampling/analyzing four (4) semi-annual Sludge Monitoring Reports.	