



west virginia department of environmental protection

Division of Water and Waste Management
601 57th Street SE
Charleston, WV 25304
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Harold D. Ward, Cabinet Secretary
dep.wv.gov

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

TO: City of McMechen
Attn: Representative of McMechen
325 Logan Street
McMechen, WV 26040

DATE: August 18, 2026

ORDER NO.: 10292

INTRODUCTION

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

FINDINGS OF FACT

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

WV0020141 – Wastewater Treatment Plant and Combined Sewer System

1. McMechen operates a wastewater treatment plant and combined sewer system located in Marshall County, West Virginia. McMechen was reissued WV/NPDES Water Pollution Control Permit No. WV0020141 on May 19, 2020 and June 10, 2025.
2. On January 3, 2019, West Virginia Department of Environmental Protection (WVDEP) issued Order No. 8928 to McMechen. The Order was issued in response to a flash flood that significantly damaged the wastewater collection system and treatment plant on July 28, 2017. The Order required McMechen to proceed with implementation of its Plan of Corrective Action for bringing the facility into compliance, which included provisions for installing a temporary wastewater treatment plant, then dewatering/inspecting/repairing the existing wastewater treatment plant.

Promoting a healthy environment.

3. On February 26, 2024, West Virginia Department of Environmental Protection (WVDEP) personnel conducted an inspection of the wastewater treatment plant. During the inspection, WVDEP personnel noted that a temporary wastewater treatment plant had not been constructed, and the existing wastewater treatment plant had not been dewatered/inspected/repared, as described in Order No. 8928. In addition, violations of the following sections of the WV/NPDES permit were observed and documented:
 - a. Section A.001 – McMechen exceeded discharge limitations.
 - b. Appendix A.III.2.c – McMechen failed to specify the number of analyzed samples that exceeded the allowable permit conditions in the columns labeled "N.E." (i.e., number exceeding). Multiple columns had been incorrectly marked on the Discharge Monitoring Reports (DMRs).
 - c. Section A.001 – Eight-hour composite samples were being collected but were not being flow proportioned.
 - d. Section C.16 – McMechen reported average flows in excess of 0.27 million gallons per day (MGD) for four consecutive months from May 2022 through August 2022, but no plan of action or alternative information was submitted to WVDEP.
 - e. Appendix A.II.1 – McMechen failed to properly operate and maintain all facilities and systems of treatment and control. Specifically:
 - i. The rake and scum removal arms in the modified clarigester were not operational.
 - ii. The sludge pumps were not able to send sludge to the belt press for dewatering.
 - iii. Sludge had not been removed from the facility since 2017, and sludge monitoring reports had not been submitted.
 - iv. The northern secondary clarifier had broken chains/flights and was out of service.
 - v. The ultrasonic flow meter was due for recalibration on August 3, 2023, but had not been calibrated since August 3, 2022.
 - vi. There was no backup power generator.

As a result of the aforementioned violations, Notice of Violation (NOV) No. W24-26-010-CTD was issued to McMechen.

4. On March 7, 2024, WVDEP personnel conducted an inspection of the Combined Sewer Overflow (CSO) program. During the inspection, violations of the following sections of the WV/NPDES permit were observed and documented:
 - a. Section E.2 – McMechen failed to properly implement the Nine Minimum Controls (NMCs). Specifically:
 - i. Section E.2.a – McMechen was not properly conducting operation and maintenance programs, including:
 1. Failing to maintain an Operation and Maintenance Manual (OMM) (E.2.a.1 and E.2.a.2).
 2. Failing to conduct employee training (E.2.a.4).
 3. Failing to document areas of special concern (E.2.a.5).

4. Failing to prepare a list of critical CSO equipment (E.2.a.8).
 5. Failing to conduct grease trap inspections (E.2.a.10).
 6. Failing to track customer complaints (E.2.a.11).
 - ii. Section E.2.b – McMechen failed to identify and document procedures for maximizing the use of storage in the collection system, such as pre-storm drawdowns of lift station wet wells and interceptor collection lines that could provide additional wet weather storage capacity.
 - iii. Section E.2.c – McMechen failed to review and modify its pretreatment program. Specifically, McMechen failed to:
 1. Develop procedures used to inspect and evaluate the necessity of pretreatment for indirect non-domestic wastewater dischargers to minimize impacts on CSO discharges.
 2. Maintain a list of non-domestic dischargers to the combined collection systems.
 3. Evaluate the necessity to require dischargers to reduce or cease discharges during wet weather periods when CSO discharges are occurring.
 4. Develop and submit a summary of pretreatment inspections as part of the CSO Summary Report (CSR).
 - iv. Section E.2.d – McMechen failed to maximize flow for treatment by failing to evaluate and document procedures such as raising control devices, comparing flow rates to pump design capacity, and comparing wet weather to dry weather flow rates.
 - v. Section E.2.e – McMechen failed to conduct annual evaluations of measures for eliminating CSOs during dry weather, including methods of detecting dry weather overflows, remediation procedures for dry weather overflows, and potential environmental impacts.
 - vi. Section E.2.f – McMechen failed to evaluate and implement technologies to control solids and floatable materials, including screens, netting, and booms, and document these evaluations and controls in the OMM and CSRs.
 - vii. Section E.2.g – McMechen failed to summarize any pollution prevention activity in the CSR, conduct annual evaluations, and recommend corrective actions.
 - viii. Section E.2.h – McMechen failed to make available to the public a logbook of CSO dischargers and CSO pamphlets.
 - ix. Section E.2.i – McMechen failed to monitor and characterize CSO impacts to receiving streams and determine the efficiency of CSO controls by implementing and documenting measures such as correlating rainfall data with CSO discharges and evaluating the total number of CSO discharges.
- b. Section E.6 – McMechen had not submitted a semi-annual CSR detailing actions taken to meet CSO policy requirement since March 2022.
- c. Appendix A.I.13 – CSO markers were incorrectly listed as Outlets 002, 003 and 004, instead of Outlets C002, C003, and C004.
- d. Appendix A.II.1 – McMechen failed to properly operate and maintain the facility. Specifically:

- i. The main pumps were down in the lift station at Outlet No. C002. A submersible pump on a chain had been hanging in this wet well since at least June 2020.
 - ii. McMechen did not have back-up pumps.
 - iii. Rags were deposited on the ground around the wet well, indicating an overflow from Outlet No. C002.
- e. 22-11-1 et seq – McMechen failed to comply with the terms and conditions of Amendment No. One (1) of Order No. 6705 by failing to submit a complete Long Term Control Plan (LTCP) no later than July 21, 2016. On June 16, 2016, McMechen submitted an updated LTCP. On August 10, 2018, McMechen was notified by WVDEP that there were deficiencies in the proposed LTCP, and it was not approvable until the deficiencies were addressed. As of the date of inspection, McMechen had not made the corrections requested by WVDEP.

As a result of the aforementioned violations, NOV Nos. W24-26-014-CTD and W24-26-018-CTD were issued to McMechen.

- 5. On June 12, 2024, WVDEP personnel conducted a review of facility records from the time period of May 1, 2022 through April 30, 2024. During this review, the following violations of the terms and conditions of McMechen's WV/NPDES permit were observed:
 - a. Section A.001 – Thirty-two (32) exceedances of McMechen's permit parameters were observed and documented (Table 1). These exceedances can be further defined as:
 - i. Minor violations – Fifteen (15)
 - ii. Moderate violations – Sixteen (16)
 - iii. Major violations – One (1)
- 6. On March 24, 2025, WVDEP personnel conducted a compliance assistance visit at the facility in response to McMechen's request. During the visit, WVDEP personnel discussed several aspects of the wastewater treatment system and potential sources of funding.
- 7. On July 29, 2025, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of the WV/NPDES permit and WV Legislative Rules were observed and documented:
 - a. Section C.03 – Operation and maintenance of the facility was not being performed by certified Class I Wastewater System Operator.
 - b. Section C.21 – McMechen discharged from unpermitted points. Sewage was discharging from the 12th St. lift station to the Ohio River and from the 21st St. lift station to Jim Run.
 - c. Appendix A.II.1 – McMechen failed to properly operate and maintain the facility. Specifically:
 - i. Both lift station pumps were inoperable.
 - ii. The rake and skimmer arm of the clarigester were out of service.

- iii. The clarigester was full of solids, and the pumps to waste sludge from this unit had not been operable for many years.
- iv. The clarigester was covered in overgrown vegetation.
- v. The main electrical panel was malfunctioning.
- vi. The secondary clarifier was out of service with broken flights.
- vii. Only two of the four trickling filter arms were dosing.
- viii. The surface of the in-service clarifier and the chlorine contact chamber were covered in duckweed.
- d. Section A.001 – McMechen exceeded discharge limitations.
- e. Appendix A.III.2.c – McMechen failed to properly specify on its DMRs the number of samples that exceeded allowable permit conditions. Multiple BOD, fecal coliform, and ammonia nitrogen results were reported above discharge limitations but were not marked as exceedances. Multiple total recoverable copper results were marked as exceedances but were reported below discharge limitations.
- f. 47CSR2 Section 3.2.b – McMechen caused conditions now allowable by creating sludge deposits in waters of the State. A sludge bank was present in Jim Run due to the dry weather overflow at Outlet No. C003.

As a result of the aforementioned violations, NOV Nos. W25-26-019-CTD and W25-26-020-CTD were issued to McMechen.

8. On August 26, 2025, WVDEP personnel conducted an inspection of the combined sewer system. During the inspection, violations of the following sections of the WV/NPDES permit and WV Legislative Rules were observed and documented:
- a. Appendix A.II.1 – McMechen failed to properly operate and maintain the facility. Specifically, both lift station pumps were inoperable.
 - b. Section C.21 – McMechen discharged from unpermitted points. Sewage was discharging from the 12th St. lift station to the Ohio River and from the 21st St. lift station to Jim Run.
 - c. 47CSR2 Section 3.2.b – McMechen caused conditions now allowable by creating sludge deposits in waters of the State. A sludge bank was present in Jim Run due to the dry weather overflow at Outlet No. C003.
 - d. 47CSR11 Section 2.5 – McMechen failed to contain, clean up, remove, or render harmless the aforementioned spills into waters of the State, which had been ongoing for over a month.

As a result of the aforementioned violations, NOV No. W25-26-022-CTD was issued to McMechen.

9. On September 22, 2025, WVDEP personnel conducted an inspection of the combined sewer system. During the inspection, violations of the following sections of the WV/NPDES permit and WV Legislative Rules were observed and documented:
- a. Appendix A.II.1 – McMechen failed to properly operate and maintain the facility. Specifically, both lift station pumps were inoperable.

- b. Section C.21 – McMechen discharged from unpermitted points. Sewage was discharging from the 12th St. lift station to the Ohio River and from the 21st St. lift station to Jim Run.
- c. 47CSR2 Section 3.2.b – McMechen caused conditions now allowable by creating sludge deposits in waters of the State. A sludge bank was present in Jim Run due to the dry weather overflow at Outlet No. C003.
- d. 47CSR11 Section 2.5 – McMechen failed to contain, clean up, remove, or render harmless the aforementioned spills into waters of the State, which had been ongoing for over a month.

As a result of the aforementioned violations, NOV No. W25-26-024 was issued to McMechen.

10. On April 14, 2026, WVDEP personnel conducted a review of facility records from the time period of May 1, 2024 through December 31, 2025. During this review, the following violations of the terms and conditions of McMechen's WV/NPDES permit were observed:
- a. Section A.001 – Forty-two (42) exceedances of McMechen's permit parameters were observed and documented (Table 2) and can be further defined as:
 - i. Minor violations – Twenty-one (21)
 - ii. Moderate violations – Sixteen (16)
 - iii. Major violations – Five (5)
 - b. Section C.6 – McMechen failed to submit DMRs no later than twenty-five (25) days following the end of the reporting period. Specifically, McMechen had not submitted July 2025, August 2025, and September 2025 DMRs.
 - c. Appendix A.III.2 – McMechen failed to submit required sample results. Specifically, values for Total Recoverable Lead and Total Recoverable Copper had not been submitted on the October 2025 DMR.

WVR030036 – Municipal Separate Storm Sewer System (MS4)

11. McMechen operates an MS4 located in Marshall County, West Virginia. McMechen was reissued WV/NPDES MS4 Permit No. WV0116025, Registration No. WVR030036, on January 23, 2017.
12. On March 13, 2024, WVDEP personnel conducted an audit of the MS4 program. During the inspection, violations of the following sections of the MS4 permit were observed and documented:
- a. Part IV.A.4.a – McMechen failed to submit Annual Stormwater Management Program Reports for 2022 and 2023.
 - b. Appendix A.III.2 – Semi-annual DMRs for Outlet No. 001 had not been submitted for the previous two (2) years.
 - c. Part II.C.1 – McMechen failed to implement and continue Best Management Practices (BMPs) specific to the Storm Water Management Plan (SWMP). The following provisions of the SWMP were not being implemented:

- i. Section 14.b states, “The City will test streams with Total Maximum Daily Load (TMDLs) twice (2) a year to monitor the TMDLs of Fecal Coliform and Iron.” No testing of streams with TMDLs had been conducted.
- ii. Section 4.d states, “The City will post an outlet marker at the representative outfall and all other outfalls that the City intends to sample for the 303d TMDL BMP effectiveness evaluation.” There was no marker at Outlet No. 001 or at the sampling location for TMDLs in Jim Run.
- iii. Section 15.h states, “The City will distribute educational information to the target audience via flyers and fact sheets at City Hall and within any construction contracts.” These flyers had not been developed and were not available at City Hall.
- iv. Section 15.m states, “The City will undertake education and outreach efforts targeting engineers, contractors, developers, review staff and land use planners.” No education and outreach efforts targeting engineers, contractors, developers, review staff or land use planners had been developed or distributed.
- v. Section 15.p states, “The City will track the number of website views, number of hotline calls, and number of flyers and fact sheets distributed. The City will also review and document survey feedback. The City will document, file, and provide all information in the City’s Annual Report.” The website included a view tracker, but no other information was being documented or provided in the Annual Report.
- vi. Section 16.j.1 states, “The City will post the Annual Report on the website.” No Annual Reports were posted on the website.
- vii. Section 17.ee states, “The City will perform mapping updates annually. The City will conduct training annually as well as within six (6) months for newly hired employees directly responsible for tasks within the storm water management plan for the City. The Ordinance will be reviewed annually.” Annual mapping updates, employee training, and ordinance review were not being conducted.
- viii. Section 18.k states, “An Erosion and Sediment Control (ESC) ordinance will be developed and implemented no later than one (1) year after WVDEP approval of the City’s SWMP.” No ESC ordinance had been developed or implemented.
- ix. Section 19.j states, “The Stormwater Management (SWM) ordinance revision will be implemented no later than one (1) year after DEP approval of the City’s SWMP and will include the six watershed protection elements.” SWM Ordinance MS4-001-2006 had not been amended to include the six watershed protection elements.
- x. Section 19.k states, “The City will review and update the SWM Ordinance annually, keep a record of the number of plans reviewed and sites inspected, and track/document the number of structural stormwater control systems (dry pond, wet pond, infiltration trenches, etc.).” McMechen was not annually revising the SWM Ordinance, recording the number of plans reviewed/sites inspected, or tracking the number of structural stormwater control systems.
- xi. Section 20.i states, “The City will develop a pollution prevention plan and spill procedure plan for use in daily municipal operations no later than one

(1) year after approval of the City's SWMP. The City will conduct annual staff training on the Stormwater Pollution Prevention Plan (SWPPP), following approval of the City's SWMP." McMechen had not developed a SWPPP or spill procedure plan for the municipal operations and had not conducted annual SWPPP training.

As a result of the aforementioned violations, NOV No. W24-26-017-CTD was issued to McMechen.

13. On April 27, 2026, WVDEP personnel conducted a review of facility records from the time period of March 14, 2024 through April 27, 2026. During this review, the following deficiencies were noted:
 - a. McMechen had not submitted Annual Stormwater Management Program Reports while the WV/NPDES Permit Registration was active, a violation of Part IV.A.4.a.
 - b. No semi-annual DMRs had been submitted for Outlet No. 001 while the WV/NPDES Permit Registration was active, a violation of Appendix A.III.2 of the WV/NPDES permit.
 - c. WV/NPDES MS4 Permit No. WV0116025 was reissued on September 8, 2025, with an effective date of October 8, 2025. To continue coverage, Sections E and G of the reissued WV/NPDES Permit required submission of a Notice of Intent (NOI) no later than January 6, 2026. During the record review, WVDEP personnel determined that McMechen had not submitted the required NOI. Therefore, McMechen was operating without WV/NPDES Permit authorization for regulated discharges from McMechen's MS4.
14. On June 16, 2026, McMechen was reissued WV/NPDES MS4 Permit No. WV0116025, Registration No. WVR030036.

General Information

15. On August 13, 2024, WVDEP personnel and representatives of McMechen met to discuss the terms and conditions of this Order.
16. On September 13, 2024, McMechen submitted financial documents to WVDEP. The provided information was used to perform an economic analysis which evaluated McMechen's ability to pay a civil administrative penalty.
17. On August 7, 2025, McMechen again submitted financial documents to WVDEP. The provided information was used to perform an economic analysis which evaluated McMechen's ability to pay a civil administrative penalty.
18. On November 7, 2025, WVDEP issued Order No. 10404 to McMechen.
19. On May 14, 2026, WVDEP personnel and representatives of McMechen met again to discuss the terms and conditions of this Order.

20. On June 15, 2026, McMechen submitted updated financial documents to WVDEP. The provided information was used to perform an economic analysis which evaluated McMechen's ability to pay a civil administrative penalty.

ORDER FOR COMPLIANCE

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

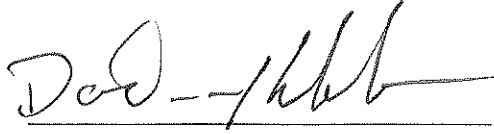
1. McMechen shall immediately take all measures to initiate compliance with all terms and conditions of its WV/NPDES permits and pertinent laws and rules.
2. Because of McMechen's violations, McMechen shall be assessed a civil administrative penalty of fifty-eight thousand thirty dollars (\$58,030) to be paid to the West Virginia Department of Environmental Protection for deposit in the Water Quality Management Fund in accordance with the following schedule: Two thousand four hundred seventeen dollars and ninety-two cents (\$2,417.92) 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 twenty-two (22) months. Two thousand four hundred seventeen dollars and eighty-four cents (\$2,417.84) 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
WVDEP
601 57th Street SE
Charleston, WV 25304**

OTHER PROVISIONS

1. McMechen hereby waives its right to appeal this Order under the provisions of West Virginia State Code 22-11-21. Under this Order, McMechen 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, McMechen 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 McMechen 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, McMechen 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 becomes aware of such a delay, notification shall be provided to the Director/Chief Inspector and McMechen 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 McMechen 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 (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 McMechen 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 McMechen 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 McMechen, its successors and assigns.
7. This Order shall terminate upon McMechen's notification of full compliance with the "Order for Compliance" and verification of this notification by WVDEP.



Representative of McMechen
City of McMechen

8-21-2026

Date

Public Notice begin:

Date

Public Notice end:

Date

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

Date

DMR Exceedance Summary: Table One

Responsible Party: City of McMechen

Date Range:	From:	5/1/2022	To:	4/30/2024
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AVG. MONTHLY							Degree of non-compliance		
Date	Outlet	Parameter	Units	Permitted avg. monthly	Reported avg. monthly	% Exceedance	Min	Mod	Maj
Nov-22	001	BOD	mg/l	30	30.7	2%	X	-	-
Jul-23	001	BOD	mg/l	30	37	23%	X	-	-
May-22	001	TSS	lbs/day	75	77.2	3%	X	-	-
Jan-23	001	TSS	lbs/day	75	99.07	32%	X	-	-
Jan-23	001	TSS	mg/l	30	54	80%	-	X	-
May-22	001	Copper	mg/l	0.015	0.029	93%	-	X	-
Jun-22	001	Copper	mg/l	0.015	0.027	80%	-	X	-
Aug-22	001	Copper	mg/l	0.015	0.024	60%	-	X	-
Sep-22	001	Copper	mg/l	0.015	0.023	53%	-	X	-
Oct-22	001	Copper	mg/l	0.015	0.052	247%	-	X	-
Nov-22	001	Copper	mg/l	0.015	0.027	80%	-	X	-
Jan-23	001	Copper	mg/l	0.015	0.04	167%	-	X	-
Feb-23	001	Copper	mg/l	0.015	0.101	573%	-	-	X
Jun-23	001	Copper	mg/l	0.015	0.053	253%	-	X	-
Aug-23	001	Copper	mg/l	0.015	0.0304	103%	-	X	-
Oct-23	001	Copper	mg/l	0.015	0.06	300%	-	X	-
Nov-23	001	Copper	mg/l	0.015	0.019	27%	X	-	-
Dec-23	001	Copper	mg/l	0.015	0.029	93%	-	X	-
Jan-24	001	Copper	mg/l	0.015	0.0355	137%	-	X	-
Feb-24	001	Copper	mg/l	0.015	0.023	53%	-	X	-
Mar-24	001	Copper	mg/l	0.015	0.038	153%	-	X	-
Apr-24	001	Copper	mg/l	0.015	0.021	40%	X	-	-

MAX. DAILY							Degree of non-compliance		
Date	Outlet	Parameter	Units	Permitted max. daily	Reported max. daily	% Exceedance	Min	Mod	Maj
Oct-22	001	Copper	mg/l	0.044	0.052	18%	X	-	-
Feb-23	001	Copper	mg/l	0.044	0.101	130%	-	X	-
Jun-23	001	Copper	mg/l	0.044	0.053	20%	X	-	-
Oct-23	001	Copper	mg/l	0.044	0.06	36%	X	-	-

Minimum 85% Removal - AVG. MONTHLY							Degree of non-compliance		
Date	Outlet	Parameter	Units	Permitted Minimum % Removal	Reported % Removal	% Exceedance			
							Min	Mod	Maj
Oct-22	001	BOD	%	85.0	84.0	1.2%	X	-	-
Nov-22	001	BOD	%	85.0	74.0	12.9%	X	-	-
Jun-22	001	SS	%	85.0	63	25.9%	X	-	-
Nov-22	001	SS	%	85.0	59	30.6%	X	-	-
Dec-22	001	SS	%	85.0	84	1.2%	X	-	-
Jan-23	001	SS	%	85.0	83.5	1.8%	X	-	-

Totals:							Degree of non-compliance		
							Min	Mod	Maj
							15	16	1

DMR Exceedance Summary: Table Two

Responsible Party: City of McMechen

Date Range:	From:	5/1/2024	To:	12/31/2025
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AVG. MONTHLY							Degree of non-compliance		
Date	Outlet	Parameter	Units	Permitted avg. monthly	Reported avg. monthly	% Exceedance	Min	Mod	Maj
May-24	001	Copper	mg/l	0.015	0.024	60%	-	X	-
Jun-24	001	Copper	mg/l	0.015	0.017	13%	X	-	-
Jul-24	001	Copper	mg/l	0.015	0.022	47%	-	X	-
Aug-24	001	Copper	mg/l	0.015	0.045	200%	-	X	-
Sep-24	001	Copper	mg/l	0.015	0.051	240%	-	X	-
Oct-24	001	Copper	mg/l	0.015	0.1	567%	-	-	X
Dec-24	001	Copper	mg/l	0.015	0.064	327%	-	-	X
Jan-25	001	Copper	mg/l	0.015	0.042	180%	-	X	-
Feb-25	001	Copper	mg/l	0.015	0.036	140%	-	X	-
Mar-25	001	Copper	mg/l	0.015	0.016	7%	X	-	-
Apr-25	001	Copper	mg/l	0.015	0.02	33%	X	-	-
Jun-25	001	Copper	mg/l	0.015	0.017	13%	X	-	-
Nov-25	001	Copper	mg/l	0.019	0.107	463%	-	-	X
May-24	001	BOD, 5-Day 20 Deg. C	mg/l	30	37.4	25%	X	-	-
Jul-24	001	BOD, 5-Day 20 Deg. C	mg/l	30	47.22	57%	-	X	-
Aug-24	001	BOD, 5-Day 20 Deg. C	mg/l	30	34.8	16%	X	-	-
Nov-24	001	BOD, 5-Day 20 Deg. C	mg/l	30	45.9	53%	-	X	-
Jan-25	001	BOD, 5-Day 20 Deg. C	mg/l	30	31.2	4%	X	-	-
May-25	001	BOD, 5-Day 20 Deg. C	mg/l	30	37.6	25%	X	-	-
Jun-25	001	BOD, 5-Day 20 Deg. C	mg/l	30	40.7	36%	X	-	-
Oct-25	001	BOD, 5-Day 20 Deg. C	lbs/day	75	118.7	58%	-	X	-
Oct-25	001	BOD, 5-Day 20 Deg. C	mg/l	30	177	490%	-	-	X
Nov-24	001	Total Suspended Solids	mg/l	30	45.9	53%	-	X	-
Oct-24	001	Ammonia Nitrogen	mg/l	15	16.5	10%	X	-	-
Nov-24	001	Ammonia Nitrogen	mg/l	15	19.7	31%	X	-	-
Apr-25	001	Ammonia Nitrogen	lbs/day	38	45.07	19%	X	-	-
Apr-25	001	Ammonia Nitrogen	mg/l	15	21.28	42%	-	X	-
Jun-25	001	Ammonia Nitrogen	mg/l	15	23.24	55%	-	X	-
Oct-24	001	Fecal Coliform	cnts/100mL	200	2419.6	1110%	-	-	X

MAX. DAILY							Degree of non-compliance		
Date	Outlet	Parameter	Units	Permitted max. daily	Reported max. daily	% Exceedance			
Aug-24	001	Copper	mg/l	0.044	0.045	2%	X	-	-
Sep-24	001	Copper	mg/l	0.044	0.051	16%	X	-	-
Oct-24	001	Copper	mg/l	0.044	0.1	127%	-	X	-
Dec-24	001	Copper	mg/l	0.044	0.064	45%	X	-	-
Nov-25	001	Copper	mg/l	0.043	0.107	149%	-	X	-
Oct-25	001	BOD, 5-Day 20 Deg. C	mg/l	60	177	195%	-	X	-
Oct-24	001	Fecal Coliform	cnts/100mL	400	2419.6	505%	-	X	-

Minimum 85% Removal - AVG. MONTHLY							Degree of non-compliance		
Date	Outlet	Parameter	Units	Permitted Minimum % Removal	Reported % Removal	% Exceedance			
Oct-24	001	BOD % Removal	%	85.0	80	5.9%	X	-	-
Nov-24	001	BOD % Removal	%	85.0	75	11.8%	X	-	-
Feb-25	001	BOD % Removal	%	85.0	79	7.1%	X	-	-
Mar-25	001	BOD % Removal	%	85.0	84	1.2%	X	-	-
May-25	001	BOD % Removal	%	85.0	78	8.2%	X	-	-
Jun-25	001	BOD % Removal	%	85.0	79	7.1%	X	-	-

Totals:	Degree of non-compliance		
	Min	Mod	Maj
	21	16	5

McMechen Photo Log



9/22/2025 - IMG_6101 Dry weather overflow from Outfall C002.



9/22/2025 - IMG_6103 Dry weather overflow from Outfall C003, causing a sludge blanket in waters of the State.

McMechen Photo Log



8/26/2025 - IMG_6025 Dry weather discharge from Outfall C002



8/26/2025 - IMG_6022 Dry weather discharge from Outfall C003, causing a sludge bank in waters of the State.

McMechen Photo Log



7/29/2025 - P7292027 - Outlet C002 discharging in Dry Weather



7/29/2025 - P7292029 - Outlet C003 discharging in dry weather, causing a sludge bank in waters of the State.

McMechen Photo Log



7/29/2025 - P7292007 - Mechanical Bar Screen with Solids Buildup



7/29/2025 - P7292008 - Clarigester with Excess Solids and Vegetation

McMechen Photo Log



7/29/2025 - P7292011 - Broken North Clarifier Covered in Duckweed



7/29/2025 - P7292017 – Only Two Arms of the Trickling Filter Operational

McMechen Photo Log



7/29/2025 - P7292020 - Chlorine Contact Chamber Covered in Duckweed



2/26/2024 IMG_3665 Modified clarigester that did not have operational rake and scum removal arms.

McMechen Photo Log



2/26/2024 IMG_3671 The secondary clarifier was out of service.



2/26/2024 IMG_3672 Expired flow meter calibration sticker

McMechen Photo Log



2/26/2024 IMG_3704 Well at C002 pump station had a submersible pump.



2/26/2024 IMG_3073 Pump station at C002 with evidence of overflow.

Base Penalty Calculation

(pursuant to 47CSR1-6.1)

Responsible Party:

City of McMechen

Receiving Stream:

Ohio River

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

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

1)	Potential for Harm Factor	Factor Range	FOF#												
			3b	3c	3d	3e	4ai	4aii	4aiii	5a	5b	5d	5e	7a	7b
a)	Amount of Pollutant Released	1 to 3	1	1	1	1	1	1	1	1	1	1	1	1	1
b)	Toxicity of Pollutant	0 to 3	0	0	0	1	1	1	1	0	0	1	0	0	0
c)	Sensitivity of the Environment	0 to 3	0	0	0	1	1	1	1	0	0	1	0	0	0
d)	Length of Time	1 to 3	1	1	1	1	1	1	1	1	3	1	1	3	1
e)	Actual Exposure and Effects thereon	0 to 3	0	0	0	1	1	1	1	0	0	1	0	0	0
	Average Potential for Harm Factor		0.4	0.4	0.4	1	1	1	1	0.4	0.8	1	0.4	0.8	0.4
2)	Extent of Deviation Factor	Factor Range													
	Degree of Non-Compliance	1 to 3	1	1	3	3	1	2	3	3	3	3	3	3	3

Potential for Harm Factors:

1)c - Sensitivity of the Environment Potentially Affected (0 for "dead" stream)

1)d - Length of Time of Violation

1)e - Actual Human/Environmental Exposure and Resulting Effects thereon

Examples/Guidance:**Note:** Rate as 1 for Minor, 2 for Moderate and 3 for Major. Rate as 0 if it does not apply.Minor = exceedance of permit limit by <=40% for Avg. Monthly or <=100% for Daily Max., exceed numeric WQ standard by <= 100%, or report doesn't contain some minor information.Moderate = exceedance of permit limit by >= 41% and <= 300% for Avg. Monthly, >= 101% and <= 600% for Daily Max., exceed numeric WQ standard by >= 101% and <= of 600% or report doesn't fully address intended subject matter.Major = exceedance of permit limit by >= 301% for Avg. Monthly, >= 601% for Daily Max., exceed numeric WQ standard by >= 601%, failure to submit a report, failure to obtain a permit, failure to report a spill, etc. Note that a facility in SNC should be rated as major for length of time and degree of non-compliance.

Narrative WQ standard violations - case-by-case.

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
3b	Minor	Minor	\$400	1	\$400
3c	Minor	Minor	\$400	1	\$400
3d	Minor	Major	\$1,700	1	\$1,700
3e	Minor	Major	\$2,000	1	\$2,000
4ai	Minor	Minor	\$1,000	9	\$9,000
4aii	Minor	Moderate	\$1,500	16	\$24,000
4aiii	Minor	Major	\$2,000	1	\$2,000
5a	Minor	Major	\$1,700	1	\$1,700
5b	Minor	Major	\$1,900	1	\$1,900
5d	Minor	Major	\$2,000	1	\$2,000
5e	Minor	Major	\$1,700	1	\$1,700
7a	Minor	Major	\$1,900	1	\$1,900
7b	Minor	Major	\$1,700	4	\$6,800
7c	Minor	Major	\$1,700	1	\$1,700
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
Total Base Penalty					\$57,200

Penalty Adjustment Factors

(pursuant to 47CSR1-6.2)

Penalty Adjustment Factor

6.2.b.1 - Degree of or absence of willfulness and/or negligence - 0% to 30% increase

6.2.b.4 - Previous compliance/noncompliance history - 0% to 100% increase - based upon review of last three (3) years - Warning = maximum of 5% each, N.O.V. = maximum of 10% each, previous Order = maximum of 25% each - Consistent DMR violations for <1 year = 10% maximum, for >1 year but <2 years = 20% maximum, for >2 years but <3 years = 30% maximum, for >3 years = 40 % maximum

6.2.b.6 - Economic benefits derived by the responsible party (increase to be determined)

6.2.b.7 - Public Interest (increase to be determined)

6.2.b.8 - Loss of enjoyment of the environment (increase to be determined)

6.2.b.9 - Staff investigative costs (increase to be determined)

6.2.b.10 - Other factors

Size of Violator: 0 - 50% decrease

NOTE: This factor is not available to discharges that are causing a water quality violation. This factor does not apply to a commercial or industrial facility that employees or is part of a corporation that employees more than 100 individuals.

Avg. Daily WW Discharge Flow (gpd)	% Reduction Factor
< 5,000	50
5,000 to 9,999	40
10,000 to 19,999	30
20,000 to 29,999	20
30,000 to 39,999	10
40,000 to 99,999	5
> 100,000	0

Additional Other factors to be determined for increases or decreases on a case-by-case basis.

Public Notice Costs (cost for newspaper advertisement)

6.2.b.2 - Good Faith - 10% decrease to 10% increase

6.2.b.3 - Cooperation with the Secretary - 0% to 10% decrease

6.2.b.5 - Ability to pay a civil penalty - 0% to 100% decrease

Base Penalty Adjustments

(pursuant to 47CSR1-6.2)

Penalty Adjustment Factor	% Increase	% Decrease	Base Penalty Adjustments
6.2.b.1 - Willfulness and/or negligence -	10		\$5,720
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)			\$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	(\$5,720)
6.2.b.5 - Ability to Pay			\$0
Penalty Adjustments			\$830
Penalty =			\$58,030

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	
Estimated Economic Benefit	\$800
Comments:	Avoided cost of sampling/submitting DMRs for the previous two (2) years for the MS4 permit.