



west virginia department of environmental protection

Division of Water and Waste Management
601 57th 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**

TO: City of Ravenswood
Attn: Honorable Mayor, Josh Miller
1 Wall Street
Ravenswood, WV 26164

DATE: November 19, 2025

ORDER NO.: 10305

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 City of Ravenswood (hereinafter, “Ravenswood”).

FINDINGS OF FACT

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

1. Ravenswood operates a wastewater treatment facility located at Ravenswood, Jackson County, West Virginia. Ravenswood was reissued WV/NPDES Water Pollution Control Permit No. WV0021989 on September 26, 2017 and September 19, 2022.
2. On March 20, 2023, West Virginia Department of Environmental Protection (WVDEP) personnel conducted an inspection of the facility. During the inspection, violations of the following sections of the permit were observed and documented:
 - a. Appendix A.II.1 – Ravenswood failed to properly operate and maintain the facility. Specifically:
 - i. There was only one operational pump at the Soccer Field, Jackson Crossing, Utah Road, and Old Plant lift stations.

Promoting a healthy environment.

- ii. The park lift station had no fence or locks on the lift station cover.
- iii. The flow meter had not been calibrated since March 2021.
- iv. The automatic bar screen had been down since January 2023.
- v. Air leaks could be heard at several locations around the facility.
- vi. The baffle curtain came loose in cell 1 and was floating on the surface.
- b. Appendix A.III.2 – Ravenswood failed to submit Discharge Monitoring Reports (DMRs).
- c. Section A.001 – Ravenswood exceeded discharge limitations.
- d. Section C.25.b – Ravenswood failed to complete/submit core sampling of sludge blankets within six (6) months from the issuance date of the WV/NPDES permit.

As a result of the aforementioned violations, Notice of Violation (NOV) Nos. W23-18-050-GMP, W23-18-051-GMP, W23-18-052-GMP, and W23-18-053-GMP were issued to Ravenswood.

3. On March 13, 2024, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of the permit were observed and documented:
- a. Appendix A.II.1 – Ravenswood failed to properly operate and maintain the facility. There were broken air lines in pond 1, and the baffle curtain had come loose and was floating on the surface in a few locations.
 - b. Appendix A.III.2.d – The measurement frequency for Fecal Coliform was reported incorrectly on the March 2023 DMR.
 - c. Section C.6 – Ravenswood failed to submit DMRs within twenty-five (25) days following the end of the reporting period.
 - d. Section A.001 – Ravenswood exceeded discharge limitations.

As a result of the aforementioned violations, NOV No. W24-18-009-GMP was issued to Ravenswood.

4. On May 17, 2024, WVDEP personnel conducted a review of facility records from the time period of April 1, 2022 through March 31, 2024. During this review, the following violations of the terms and conditions of Ravenswood's WV/NPDES permit were observed:
- a. Section A.001 – Forty (40) exceedances of Ravenswood's permit parameters were observed and documented (Table 1). These exceedances can be further defined as:
 - i. Minor violations – Thirty (30)
 - ii. Moderate violations – Ten (10)
 - b. Section C.6 – Ravenswood failed to submit the following nine (9) DMRs within twenty-five (25) days following the end of the reporting period: April 2022 (submitted June 6, 2022), July 2022 (submitted August 26, 2022); August 2022 (submitted September 28, 2022); December 2022 (submitted January 26, 2023); February 2023 (submitted March 27, 2023); June 2023 (submitted August 9, 2023); September 2023 (submitted October 28, 2023); November 2023 (submitted December 28, 2023); and January 2024 (submitted February 28, 2024).

- c. Section C.5 – Ravenswood failed to submit sample results for the following parameters: May 2022 Dissolved Oxygen; and November 2022, January 2023, November 2023, and December 2023 Total Recoverable Copper.
5. On December 6, 2024, WVDEP personnel and representatives of Ravenswood met to discuss the terms and conditions of this Order.
6. On March 18, 2025, Ravenswood submitted financial documents to WVDEP. The provided information was used to perform an economic analysis which evaluated Ravenswood's ability to pay a civil administrative penalty.

ORDER FOR COMPLIANCE

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

1. Ravenswood shall immediately take all measures to initiate compliance with all terms and conditions of its WV/NPDES permit.
2. Within twenty (20) days of the effective date of this Order, Ravenswood shall submit for approval a proposed plan of corrective action and schedule, outlining action items and completion dates for how and when Ravenswood will achieve compliance with all terms and conditions of its WV/NPDES permit. The plan of corrective action shall make reference to WV/NPDES Permit No. WV0021989 and Order No. 10305. 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 Ravenswood's violations, Ravenswood shall be assessed a civil administrative penalty of forty-one thousand five hundred thirty dollars (\$41,530) 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: Three thousand four hundred sixty dollars and eighty-three cents (\$3,460.83) 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. Three thousand four hundred sixty dollars and eighty-seven cents (\$3,460.87) 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

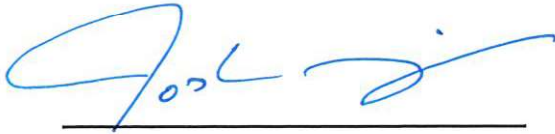
federal law. **Payment shall include a reference to the Order No. and shall be mailed to:**

**Chief Inspector
Environmental Enforcement – Mail Code #031328
WVDEP
601 57th Street SE
Charleston, WV 25304**

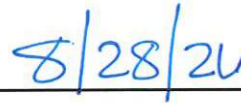
OTHER PROVISIONS

1. Ravenswood hereby waives its right to appeal this Order under the provisions of West Virginia State Code 22-11-21. Under this Order, Ravenswood 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, Ravenswood 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 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, Ravenswood 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 Ravenswood 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 Ravenswood 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 Ravenswood (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 Ravenswood 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 Ravenswood 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 Ravenswood, its successors and assigns.
7. This Order shall terminate upon Ravenswood's notification of full compliance with the "Order for Compliance" and verification of this notification by WVDEP.



Honorable Mayor, Josh Miller
City of Ravenswood



Date

Public Notice begin:

Date

Public Notice end:

Date

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

Date

**Photo Attachment
City of Ravenswood
March 20, 2023**



Nonoperational Automatic Bar Screen



Floating Baffle Curtain in Cell 1



Flow Meter Calibration Sticker (date 3-12-21)



Park Lift Station

March 13, 2024



P3130651 - Floating Liner Section in Pond 1



P3130650 - Another Floating Liner Section in Pond 1



P3130643 - Broken Air Lines in Pond 1

DMR Exceedance Summary

Responsible Party: City of Ravenswood

Date Range:	From:	4/1/2022	To:	3/31/2024
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AVG. MONTHLY							Degree of non-compliance		
Date	Outlet	Parameter	Units	Permitted avg. monthly	Reported avg. monthly	% Exceedance	Min	Mod	Maj
Feb-23	001	BOD	mg/l	30	36.4	21%	X	-	-
Mar-23	001	BOD	mg/l	30	72.7	142%	-	X	-
Jan-24	001	BOD	lbs/day	187.7	207.8	11%	X	-	-
Jan-24	001	BOD	mg/l	30	31.9	6%	X	-	-
May-22	001	TSS	mg/l	30	33	10%	X	-	-
Oct-22	001	TSS	lbs/day	187.7	380.9	103%	-	X	-
Apr-23	001	TSS	mg/l	30	51	70%	-	X	-
Jan-24	001	TSS	lbs/day	187.7	263.8	41%	-	X	-
Jan-24	001	TSS	mg/l	30	40.5	35%	X	-	-
Feb-24	001	TSS	mg/l	30	35	17%	X	-	-
Apr-22	001	Ammonia	lbs/day	29.2	52.9	81%	-	X	-
Apr-22	001	Ammonia	mg/l	4.67	15.7	236%	-	X	-
Jan-23	001	Ammonia	lbs/day	93.8	104.22	11%	X	-	-
Jan-23	001	Ammonia	mg/l	15	16	7%	X	-	-
Feb-23	001	Ammonia	mg/l	15	23.3	55%	-	X	-
Mar-23	001	Ammonia	mg/l	15	20.2	35%	X	-	-
Nov-23	001	Ammonia	mg/l	15	32.8	119%	-	X	-
Jan-24	001	Ammonia	lbs/day	93.8	122.85	31%	X	-	-
Jan-24	001	Ammonia	mg/l	15	18.86	26%	X	-	-
Feb-24	001	Ammonia	mg/l	15	20.3	35%	X	-	-
Mar-24	001	Ammonia	mg/l	15	27.2	81%	-	X	-
Jan-23	001	Fecal	cnts/100ml	200	201	1%	X	-	-
Jan-24	001	Fecal	cnts/100ml	200	301	51%	-	X	-

MAX. DAILY							Degree of non-compliance		
Date	Outlet	Parameter	Units	Permitted max. daily	Reported max. daily	% Exceedance	Min	Mod	Maj
Mar-23	001	BOD	mg/l	60	72.7	21%	X	-	-
Apr-22	001	Ammonia	mg/l	9.37	15.37	64%	X	-	-
Nov-23	001	Ammonia	mg/l	30	32.8	9%	X	-	-

Minimum 85% Removal - AVG. MONTHLY							Degree of non-compliance		
Date	Outlet	Parameter	Units	Permitted Minimum % Removal	Reported % Removal	% Exceedance			
							Min	Mod	Maj
Apr-22	001	BOD	%	85.0	74	12.9%	X	-	-
Jan-23	001	BOD	%	85.0	84	1.2%	X	-	-
Feb-23	001	BOD	%	85.0	74	12.9%	X	-	-
Mar-23	001	BOD	%	85.0	68	20.0%	X	-	-
Apr-23	001	BOD	%	85.0	82	3.5%	X	-	-
Jan-24	001	BOD	%	85.0	72	15.3%	X	-	-
Apr-22	001	SS	%	85.0	82	3.5%	X	-	-
Jan-23	001	SS	%	85.0	83	2.4%	X	-	-
Feb-23	001	SS	%	85.0	82	3.5%	X	-	-
Apr-23	001	SS	%	85.0	71	16.5%	X	-	-
May-23	001	SS	%	85.0	84	1.2%	X	-	-
Jan-24	001	SS	%	85.0	72	15.3%	X	-	-
Feb-24	001	SS	%	85.0	69	18.8%	X	-	-

D.O. INSTANTANEOUS. MIN.							Degree of non-compliance		
Date	Outlet	Parameter	Units	Permitted min. daily	Reported min. daily	% Exceedance			
							Min	Mod	Maj
6/30/2023	001	D.O.	mg/l	6.0	5.86	2.3%	X	-	-

Totals:							Degree of non-compliance		
							Min	Mod	Maj
							30	10	0

Base Penalty Calculation

(pursuant to 47CSR1-6.1)

Responsible Party:

City of Ravenswood

Receiving Stream:

Sandy Creek

Treatment System Design Maximum Flow: 0.75 MGD

Treatment System Actual Average Flow: 0.381 MGD (if known)

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

1)	Potential for Harm Factor	Factor Range	FOF#												
			2a	2d	3a	4ai	4aii	4b	4c						
a)	Amount of Pollutant Released	1 to 3	1	1	1	1	1	1	1						
b)	Toxicity of Pollutant	0 to 3	1	0	1	1	1	0	0						
c)	Sensitivity of the Environment	0 to 3	1	0	1	1	1	0	0						
d)	Length of Time	1 to 3	1	1	2	1	1	3	3						
e)	Actual Exposure and Effects thereon	0 to 3	1	0	1	1	1	0	0						
	Average Potential for Harm Factor		1	0.4	1.2	1	1	0.8	0.8	No	No	No	No	No	No
2)	Extent of Deviation Factor	Factor Range													
	Degree of Non-Compliance	1 to 3	3	3	3	1	2	1	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 $\leq 40\%$ for Avg. Monthly or $\leq 100\%$ for Daily Max., exceed numeric WQ standard by $\leq 100\%$, or report doesn't contain some minor information.

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

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

Narrative WQ standard violations - case-by-case.

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

[illegible]

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

FOF #	Potential for Harm	Extent of Deviation	Penalty	Multiple Factor	Base Penalty
2a	Minor	Major	\$2,000	1	\$2,000
2d	Minor	Major	\$1,700	1	\$1,700
3a	Moderate	Major	\$4,200	1	\$4,200
4ai	Minor	Minor	\$1,000	17	\$17,000
4aii	Minor	Moderate	\$1,500	10	\$15,000
4b	Minor	Minor	\$800	1	\$800
4c	Minor	Minor	\$800	1	\$800
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
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					\$41,500

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.

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		\$4,150
6.2.b.4 - Compliance/noncompliance history -			\$0
6.2.b.6 - Economic benefits - (flat monetary increase)			\$0
6.2.b.7 - Public Interest - (flat monetary increase)			\$0
6.2.b.8 - Loss of enjoyment - (flat monetary increase)			\$0
6.2.b.9 - Investigative costs - (flat monetary increase)			\$0
6.2.b.10 - Other factors (size of violator)			\$0
6.2.b.10 - Additional Other Factors - Increase (flat monetary increase)			\$0
6.2.b.10 - Additional Other Factors - Decrease (flat monetary decrease)			\$0
Public Notice Costs (flat monetary increase)	\$30		\$30
6.2.b.2 - Good Faith - Increase			\$0
6.2.b.2 - Good Faith - Decrease			\$0
6.2.b.3 - Cooperation with the Secretary		10	(\$4,150)
6.2.b.5 - Ability to Pay			\$0
Penalty Adjustments			\$30
Penalty =			\$41,530

Estimated Economic Benefit Item	Estimated Benefit (\$)
Monitoring & Reporting	
Installation & Maintenance of Pollution Control Equipment	
O&M expenses and cost of equipment/materials needed for compliance	
Permit Application or Modification	
Competitive Advantage	
Estimated Economic Benefit	\$0
Comments:	Economic benefit not warranted.