



west virginia department of environmental protection

Division of Mining and Reclamation
601 57th Street, SE
Charleston, WV 25304
Telephone Number: (304) 926-0490
Fax Number: (304) 926-0456

Austin Caperton, Cabinet Secretary
dep.wv.gov

September 9, 2020

welchnews@frontiernet.net

Re: Class II Legal Advertisement

Attention: Legal Advertising Department

To Whom It May Concern:

Please publish the attached public notice as a Class II Legal Advertisement in 'Welch News' beginning on Friday, September 12, 2020 running two (2) consecutive weeks.

Send two (2) original affidavits of publication and one (1) original invoice to:

**West Virginia Department of Environmental Protection
Division of Mining and Reclamation
601 57th Street SE
Charleston, WV 25304
ATTN: John Vernon**

If you have any questions or need other information, please contact me at (304) 926-0499, extension 43727 or by e-mail at John.T.Vernon@wv.gov. You should receive a total of two (2) pages in this email.

Sincerely,

John Vernon
Assistant Deputy Director

Enclosures

PUBLIC NOTICE

The West Virginia Department of Environmental Protection (WVDEP) and Bluestone Coal Corporation have proposed a settlement of an Administrative Consent Order which resolves violation(s) of the West Virginia Water Pollution Control Act. In accordance with the proposed Consent Order, Bluestone Coal Corporation has agreed to pay administrative penalties and to comply with the Act. Final settlement is subject to comments received during the thirty (30) day period ending October 9, 2020. Further information about this Administrative Consent Order is available by contacting John Vernon, Assistant Deputy Director; West Virginia Department of Environmental Protection, Division of Mining and Reclamation, Inspection & Enforcement; 601 57th Street SE; Charleston, WV 25304; (304) 926-0499. Comments may also be submitted electronically to: DEP.Comments@wv.gov. The proposed settlement may be viewed at the following address: <http://www.dep.wv.gov/pio/Pages/Settlements,Ordersouttopublicnotice.aspx>.



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Division of Mining and Reclamation
601 57th Street, SE
Charleston, WV 25304
Telephone Number: (304) 926-0490
Fax Number: (304) 926-0456

Austin Caperton, Cabinet Secretary
dep.wv.gov

September 8, 2020

welchnews@frontiernet.net

Re: Class II Legal Advertisement

Attention: Legal Advertising Department

To Whom It May Concern:

Please publish the attached public notice as a Class II Legal Advertisement in 'Pineville Independent Herald' beginning on Thursday, September 11, 2020 running two (2) consecutive weeks.

Send two (2) original affidavits of publication and one (1) original invoice to:

**West Virginia Department of Environmental Protection
Division of Mining and Reclamation
601 57th Street SE
Charleston, WV 25304
ATTN: John Vernon**

If you have any questions or need other information, please contact me at (304) 926-0499, extension 43727 or by e-mail at John.T.Vernon@wv.gov. You should receive a total of two (2) pages in this email.

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west virginia department of environmental protection

Division of Mining and Reclamation
601 57th Street, SE
Charleston, WV 25304-2345
Phone: (304) 926-0490
Fax: (304) 926-0456

Austin Caperton, Cabinet Secretary
dep.wv.gov

September 2, 2020

Bluestone Coal Corporation
PO Box 2178
Beaver, WV 25813

Certified Mail
9489 0090 0027 6201 4005 84
Return Receipt Requested

ADMINISTRATIVE CIVIL PENALTY ASSESSMENT NOTICE

Dear Permittee,

Enclosed is **PROPOSED Consent Order Number M-19-283** dated the 2nd day of September 2020. This action is based upon the investigation and recommendation of the West Virginia Department of Environmental Protection's (WVDEP) Division of Mining and Reclamation in response to Bluestone Coal Corporation violating Chapter 22, Article 11, of the West Virginia State Code.

This Revised PROPOSED Consent Order is being offered pursuant to Chapter 22, Article 11, Section 22a of the West Virginia Code and Legislative Rule, Title 47, Series 30B (47CSR30B).

Please review the terms and conditions of the Revised PROPOSED Consent Order and respond within thirty (30) days of your receipt of this letter. You may accept these terms and conditions by signing and returning the Revised PROPOSED Consent Order to me at WVDEP; Division of Mining and Reclamation; Inspection and Enforcement; 601 57th Street SE Charleston, WV 25304. If you wish to request an Informal Hearing before an Assessment Officer, please respond to Michelle Sturey, in writing, at the above address within thirty (30) days of receipt of the PROPOSED Consent Order. Should you request an Informal Hearing, you will receive notice of its time, place, and location, at least fifteen (15) calendar days in advance.

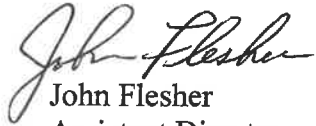
Upon conclusion of this proceeding and your reaching agreement with the WVDEP on a resolution of the violation(s) contained in the PROPOSED Consent Order, the PROPOSED Consent Order will be designated as a Draft Consent Order and will be subject to the Public Notice and comment requirements set forth in West Virginia Code Chapter 22-11-22a. This notice will identify the responsible party, the specific enforcement action to be taken and the Civil Administrative Penalty assessment. The WVDEP will consider all comments received during the thirty (30) day comment period and the Draft Consent Order may be subject to

Promoting a healthy environment.

change. Should the proposed settlement be modified after the comment period, you have the option of choosing not to enter into the Draft Consent Order.

Failure to respond to this correspondence as required shall be considered as your refusal to participate in this process.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Flesher".

John Flesher
Assistant Director
Enforcement Coordinator



west virginia department of environmental protection

Division of Mining and Reclamation
601 57th Street
Charleston, WV 25304
Phone: 304-926-0440/Fax: 304-926-0456

Austin Caperton, Cabinet Secretary
dep.wv.gov

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

TO: Bluestone Coal Corporation
P.O. Box 2178
Beaver, WV 25813

DATE: September 2, 2020

ORDER NO.: M-19-283

INTRODUCTION

This Consent Order is issued by the Director of the Division of Mining and Reclamation (hereinafter “Director”), under the authority of West Virginia Code, Chapter 22, Article 11, Section 1 et seq. to Bluestone Coal Corporation (hereinafter “Bluestone”).

FINDINGS OF FACT

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

1. Bluestone holds West Virginia National Pollution Discharge Permits (“NPDES”) issued by the West Virginia Department of Environmental Protection (“WVDEP”) for its mining and mining-related operations in West Virginia. Among those WVDEP NPDES Permits are WV1005979, WV1005995, WV1006304, WV1006347, WV1006479, WV1006614, WV1008552, WV1008838, WV1018698, WV1018736, WV1018965, WV1021095, WV1021079, WV1024159 (“Permits”).
2. The WVDEP NPDES Permits are issued pursuant to the WVDEP’s authority under the West Virginia Water Pollution Control Act pursuant to authority delegated to the WVDEP by the United States Environmental Protection Agency under the Federal Clean Water Act for the issuance of WVDEP NPDES Permits.

3. Bluestone has failed to submit required monthly Discharge Monitoring Reports (“DMRs”) information on its effluent discharge and other information to the WVDEP, pursuant to the terms and conditions of the WVDEP NPDES Permits. This Failure to Submit has occurred through not electronically filing the DMRs as prescribed by the Division of Mining and Reclamation (“the Division”).
4. Bluestone has reported the quality of its discharges and other information to the WVDEP, pursuant to the terms and conditions of the WVDEP NPDES Permits. This reporting has occurred through electronic filing of Discharge Monitoring Reports (“DMRs”) as prescribed by the Division of Mining and Reclamation (“the Division”).
5. The Division has developed and maintains a database which compiles the information submitted in DMRs by holders of WVDEP NPDES Permits issued for mining and mining-related operations, including the information submitted by Bluestone for the Permits (“the Database”). The Database has been used by the WVDEP to track compliance with WVDEP NPDES Permits for coal mining activities.
6. The WVDEP has evaluated agency records beginning with January 2016 through June 2020 regarding Bluestone Permit(s), DMRs, and other related information, including information submitted by the Bluestone at the request of WVDEP, and has completed an evaluation of Bluestone DMR compliance.
7. Based on its evaluation, the WVDEP has documented violations of the permitted effluent limits for the WVDEP NPDES Permits. The results of this investigation are included in Attachments 3A and 3B which list the WVDEP NPDES Permits that have violations.
8. Based on its evaluation, the WVDEP has documented the failure to report Monthly DMR information required by WVDEP NPDES Permit Nos. WV1006304 and WV1008552 which is documented in Attachment 4.
9. Based on its evaluation, the WVDEP has documented the failure to report Quarterly WET data as required by WVDEP NPDES Permit Nos. WV1021079 and WV1021095.
10. Based on its evaluation, the WVDEP has documented the failure to report Annual BAS monitoring data as required by WVDEP NPDES Permit Nos. WV1021079 and WV1021095.
11. Based on its evaluation, the WVDEP has documented 66 (sixty-six) failure to submit payments for WVNPDES Annual Permit Fees (Coal). These fees are addressed in the payment plan included in Consent Order M-19-273.
12. Based on its evaluation, the WVDEP has documented Notice of Violations (“NOV”) and Single Event Violations (“SEV”) of WV1005774, WV1005944, WV1005979, WV1005987, WV1005995, WV1006070, WV1006347, WV1006479, WV1006614, WV1008838, WV1012088, WV1018701, WV1018833, and WV1024124. These NOVs and SEVs were issued under the enforcement standard “Failure to Submit Timely Permit Renewal”. All Permit Renewals have since been submitted and Bluestone is working with WVDEP towards completion.

13. Bluestone is also subject to the terms and conditions of a consent decree entered into between The United States of America, et. al., and Southern Coal Corporation, et. al, Civil Action No. 7:16-cv-00462-GEC in the United States District Court for the Western District of Virginia, Roanoke Division dated September 30, 2016 (the “Federal Consent Decree”). That Consent Decree requires, among other things, the payment of stipulated penalties by Bluestone for violations of WVDEP NPDES permit conditions and effluent limits, inclusive of the NPDES Permits listed above.

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. Bluestone shall immediately take all measures to initiate compliance with all terms and conditions of the Permit(s), Outlets(s) and Parameter(s) indicated in Table A below:

| PERMIT | OUTLET(s) | PARAMETER |
|-----------|--------------------|------------------------|
| WV1005995 | 001 | Aluminum, total |
| WV1006304 | 005, 006, 007, 008 | Selenium, total |
| WV1006347 | 001 | Aluminum, total |
| WV1018698 | 001, 002 | Aluminum, total |
| “ | 001 | Total Suspended Solids |
| WV1018736 | 002 | Iron, total |
| WV1018965 | 004, 005, 007, 010 | Aluminum, total |
| WV1024159 | 003 | Aluminum, total |

2. Bluestone shall comply with the Compliance Schedule and reporting requirements contained in Attachment 1.
3. In accordance with the time limits specified below, Bluestone shall submit for the Division’s approval a proposed Corrective Action Plan (CAP) with schedule and possible applications for modification(s), outlining how and when Bluestone will achieve compliance with Permit(s) limits for which compliance cannot be immediately achieved. This CAP shall address the Permit(s) listed in Table A of this Order. The CAP will include costs of construction, maintenance, and operation.
- Permits WV1006304 and WV1018965, within 45 days of final entry of this Order;
 - Permits WV1005995, WV1006347, and WV1018698, within 60 days of final entry of this Order; and
 - Permits WV1018736 and WV1024159, within 90 days of final entry of this Order.

With respect to Permit WV106304, Bluestone currently has pending draft NPDES permit reissuance NPR 6, which proposes to assign semi-annual Selenium fish tissue compliance monitoring for Outlets 005, 007 and 008; and Bluestone has otherwise demonstrated Selenium compliance at Outlet 006. Should WV106304 NPR6 be approved by the

Division prior to the final entry of this Order, Bluestone shall not be required to submit a CAP for Permit WV106304.

4. The Division shall review the proposed CAP and promptly notify Bluestone of any comments it may have with the proposed CAP. The parties agree to work together to resolve any issues related by the Division with regards to the CAP. Within 30 days of receipt of the Division's approval of the CAP, Bluestone shall begin the implementation of the plan in accordance with the scheduled provided therein. Upon approval, the CAP shall be considered a part of this Order.
5. Because of Bluestone's WVDEP NPDES violations of the Permit(s), Bluestone shall be assessed a Civil Administrative Penalty of **\$125,000 (one hundred twenty-five thousand dollars)** to be paid to the Department of Environmental Protection in accordance with the Payment Schedule contained in Attachment 2. The penalty amount will be deposited in the Mining and Reclamation Operations Fund. Payments made pursuant to this paragraph are not tax-deductible for purposes of State or Federal Law.
6. **All payments shall be mailed (or sent by wire transfer subject to WVDEP approval with email notification) to:**

**John Vernon, Assistant Deputy Director
Division of Mining and Reclamation
WV-DEP
601 57th Street SE
Charleston, WV 25304**

7. The Order for Compliance of this Order satisfies any claim WVDEP has or may have for penalties under the West Virginia Water Pollution Control Act for violations of the effluent limits for outlets which occurred January 2016 through June 2020 in relation to the specified Permits. Any violations that occur between the last day of June 2020 and the date of the Draft Order shall be considered part of the Civil Administrative Penalty.
8. Stipulated Penalties
 - a. Beginning with the date of the Draft Order, Bluestone shall be liable for stipulated penalties for the following violations of the permits listed in Table A of Order for Compliance number 1. These penalties shall accrue as follows:
 - i. For each reporting period for each of the Permits for which Bluestone fails to submit required WET, Fish Tissue, or BAS data and/or reports, Bluestone will be liable for a stipulated penalty of \$10,000 per associated outlet.
 - b. Beginning with the date of the Draft Order, Bluestone shall be liable for stipulated penalties for violations of items 2, 3, and 5 of the Order for Compliance of this Order. These stipulated penalties shall be effective until termination of this Order. These stipulated penalties accrue as follows:

- i. The first through the 15th day of failing to comply with all terms and conditions of this Order shall result in payment of a stipulated penalty of \$1,000 per day per violation.
 - ii. The 16th through 30th days of failing to comply with all terms and conditions of this Order shall result in payment of a stipulated penalty of \$2,000 per day per violation.
 - iii. The 31st day and all additional days of failing to comply with all terms and conditions of this Order shall result in payment of a stipulated penalty of \$3,000 per day per violation.
- c. For the period beginning on the date of the Draft Order through the termination date of this Order, Bluestone shall be liable for stipulated penalties for non-compliances for Permit(s), Outlet(s) and Parameter(s) specified in Table A in the following amounts:
 - i. \$1,000 for each violation of a daily maximum limit;
 - ii. \$3,000 for each violation of a monthly average limit;
 - iii. \$10,000 for each month for each of the Permits for which Bluestone fails to submit a required discharge monitoring report for one or more outlets with limits.
 - iv. \$10,000 for each violation of Fish Tissue limits for each monitoring site for selenium.
- d. It is agreed that for any stipulated penalty under part c above , Bluestone shall be entitled to offset the amount of any such stipulated penalty assessed by WVDEP by the amount of any stipulated penalty paid by Bluestone under the Federal Consent Decree for the same NPDES violation - up to a maximum of 10% of the individual stipulated penalty assessed by WVDEP. Bluestone shall have the burden to document any such applicable stipulated payment under the Federal Consent Decree. This offset shall not apply to stipulated penalties for failure to submit discharge monitoring reports under iii or violation of Fish Tissue limits under iv in part c above.

OTHER PROVISIONS

1. Bluestone 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, Bluestone 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, Bluestone 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 Bluestone other than proceedings, Administrative or Civil, to enforce this Order. It is further agreed that once this Order becomes final, enforcement of the terms and conditions thereof may be sought by either party in the Circuit Court of Kanawha County, West Virginia except as it applies to payment of the Civil Administrative Penalty under Attachment 2 and any demanded Stipulated Penalties.
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, Bluestone 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 Bluestone becomes aware of such a delay, notification shall be provided to the Acting Assistant Deputy Director and 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 Bluestone 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 Bluestone (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 Bluestone 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 Bluestone 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 Bluestone, its successors and assigns.
7. For Permits covered under this Order but not listed in Table A, this Order shall terminate upon the receipt of full payment of the Civil Administrative Penalty specified above. For Permits listed in Table A, this Order shall terminate upon the verification of WVDEP that Bluestone has met all requirements of the Order and is in full compliance thereof; provided however, that Bluestone may request and the Division may grant termination of this Order on a permit by permit basis.
8. The effective date of the Draft Order shall be the date this Order is executed by Bluestone.
9. The effective final date of this Order shall be the date this Order is executed by the West Virginia Department of Environmental Protection.

Company Representative, Representative Title
Bluestone Coal Corporation

Date

Public Notice begin:

Date

Public Notice end:

Date

Harold D. Ward, Director
Division of Mining and Reclamation
Deputy Secretary
Department of Environmental Protection

Date

Attachment 1

The Permittee shall achieve compliance with the requirements of the Order in accordance with the following schedule for all permits listed in Table A of Order for Compliance:

| | |
|--|---|
| a. Submit required Corrective Action Plan. | As specified in the Order for Compliance - 3 of this Order. |
| b. Submit a Quarterly Status Report to the Assistant Deputy Director, Permit Inspector and NPDES Supervisor for each listed Permit. | Beginning October 30, 2020 and by the 30 th day of the first month of each calendar quarter through termination of Order. |
| c. Approval of applications for Permit Reissuance. | Within 180 days of final date of this Order. |
| d. Continue to monitor all applicable permits/outlets per approved final effluent limits and submit per NPDES permit conditions. | Monthly per Discharge Monitoring Report requirements |
| e. Comply with final effluent limits for all Permits/Outlets/Parameters | As soon as possible but no later than 1 (one) year from the effective date of this Order, or when a permit application specifying new final limits has been approved, whichever occurs first. |

Attachment 2

Payment Schedule

1. Payment of 20% of Civil Administrative Penalty to be paid within 30 days of execution of Order by the Director-\$25,000.00
2. Payment of \$10,000.00 by October 30, 2020
3. Payment of \$10,000.00 by November 30, 2020
4. Payment of \$10,000.00 by December 30, 2020
5. Payment of \$10,000.00 by January 30, 2021
6. Payment of \$10,000.00 by February 30, 2021
7. Payment of \$10,000.00 by March 30, 2021
8. Payment of \$10,000.00 by April 30, 2021
9. Payment of \$10,000.00 by May 30, 2021
10. Payment of \$10,000.00 by June 30, 2021
11. Payment of \$10,000 by July 30, 2021

| * WV1005979; Outlet 001; DMR Exceedances - MAX: DAILY - 01/01/2016-12/31/18 | | | | | | | | | |
|---|---------------------------------|-------|------------------------|-----------------------|--------------|------|------|------|--------------------------|
| Date | Parameter | Units | Permitted Max. Daily | Reported Max. Daily | % Exceedance | Min. | Mod. | Maj. | Degree of Non-Compliance |
| 10/31/2017 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 1.09600 | 46.13% | X | | | |
| 7/31/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 1.55 | 106.67% | | X | | |
| 7/31/2018 | 01045 - Iron, Total (as Fe) | MG/L | 2.46 | 2.60 | 5.69% | X | | | |
| * WV1005979; Outlet 001; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18 | | | | | | | | | |
| Date | Parameter | Units | Permitted Avg. Monthly | Reported Avg. Monthly | % Exceedance | Min. | Mod. | Maj. | Degree of Non-Compliance |
| 12/31/2016 | 01105 - Aluminum, Total (as Al) | MG/L | .43 | 0.56700 | 31.86% | X | | | |
| 7/31/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .43 | 1.55 | 260.47% | | X | | |

| Degree of non-compliance | | |
|--------------------------|------|------|
| Min. | Mod. | Maj. |
| 3 | 2 | 0 |

| | | | |
|---------|---|---|---|
| plus pH | 0 | 0 | 0 |
|---------|---|---|---|

| Degree of non-compliance | | |
|--------------------------|------|------|
| Min. | Mod. | Maj. |
| 3 | 2 | 0 |

| WV1005995; Outlet 001; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18 | | | | | | | | | | Degree of Non-Compliance | | |
|---|---------------------------------|-------|----------------------|---------------------|--------------|------|------|------|--|--------------------------|--|--|
| Date | Parameter | Units | Permitted Max. Daily | Reported Max. Daily | % Exceedance | Min. | Mod. | Maj. | | | | |
| 4/30/2016 | 01045 - Iron, Total (as Fe) | MG/L | 2.46 | 2.54900 | 3.62% | X | | | | | | |
| 5/31/2016 | 01045 - Iron, Total (as Fe) | MG/L | 2.46 | 2.65400 | 7.89% | X | | | | | | |
| 6/30/2018 | 01045 - Iron, Total (as Fe) | MG/L | 2.46 | 2.8800 | 17.07% | X | | | | | | |
| 9/27/2018 | 01045 - Iron, Total (as Fe) | MG/L | 2.46 | 8.68 | 252.85% | | X | | | | | |
| 5/31/2016 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 0.89600 | 19.47% | X | | | | | | |
| 7/31/2017 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 0.87600 | 16.80% | X | | | | | | |
| 10/31/2017 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 1.08800 | 45.07% | X | | | | | | |
| 6/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 1.8000 | 140.00% | | X | | | | | |
| 9/27/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 5.51 | 634.67% | | | X | | | | |
| 11/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 1.18 | 57.33% | X | | | | | | |
| 5/31/2016 | 00530 - Total Suspended Solids | MG/L | 70 | 73.00000 | 4.29% | X | | | | | | |
| 6/30/2018 | 00530 - Total Suspended Solids | MG/L | 70 | 98.00000 | 40.00% | X | | | | | | |

| WV1005995; Outlet 001; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18 | | | | | | | | | | Degree of Non-Compliance | | |
|---|---------------------------------|-------|------------------------|-----------------------|--------------|------|------|------|--|--------------------------|--|--|
| Date | Parameter | Units | Permitted Avg. Monthly | Reported Avg. Monthly | % Exceedance | Min. | Mod. | Maj. | | | | |
| 4/30/2016 | 01045 - Iron, Total (as Fe) | MG/L | 1.42 | 1.48250 | 4.40% | X | | | | | | |
| 5/31/2016 | 01045 - Iron, Total (as Fe) | MG/L | 1.42 | 1.54450 | 8.77% | X | | | | | | |
| 6/30/2018 | 01045 - Iron, Total (as Fe) | MG/L | 1.42 | 1.5900 | 11.97% | X | | | | | | |
| 5/31/2016 | 01105 - Aluminum, Total (as Al) | MG/L | .43 | 0.51450 | 19.65% | X | | | | | | |
| 7/31/2017 | 01105 - Aluminum, Total (as Al) | MG/L | .43 | 0.49900 | 16.05% | X | | | | | | |
| 2/28/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .43 | 0.43850 | 1.98% | X | | | | | | |
| 6/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .43 | 1.0100 | 134.88% | | X | | | | | |
| 11/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .43 | 0.48 | 11.63% | X | | | | | | |
| 5/31/2016 | 00530 - Total Suspended Solids | MG/L | 35 | 40.00000 | 14.29% | X | | | | | | |
| 6/30/2018 | 00530 - Total Suspended Solids | MG/L | 35 | 54.50000 | 55.71% | | X | | | | | |

| | | | |
|--------------------------------|--------------------------|------|------|
| WV1005995 non pH Totals | Degree of non-compliance | | |
| | Min. | Mod. | Maj. |
| | 17 | 4 | 1 |

| | | | |
|---------|---|---|---|
| plus pH | 0 | 0 | 0 |
|---------|---|---|---|

| | | | |
|------------------|--------------------------|------|------|
| WV1005995 Totals | Degree of non-compliance | | |
| | Min. | Mod. | Maj. |
| | 17 | 4 | 1 |

| WV1006304; Outlet 001; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18 | | | | | | | | | |
|---|-------------------------------------|-------|----------------------|---------------------|--------------|------|------|------|--------------------------|
| Date | Parameter | Units | Permitted Max. Daily | Reported Max. Daily | % Exceedance | Min. | Mod. | Maj. | Degree of Non-Compliance |
| 1/31/2016 | 00981 - Selenium, Total Recoverable | UG/L | 8.2 | 8.42000 | 2.68% | X | | | |
| 12/31/2016 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 0.93400 | 24.53% | X | | | |
| 3/31/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 2.99800 | 299.73% | | X | | |
| 12/31/2016 | 00530 - Total Suspended Solids | MG/L | 70 | 73.00000 | 4.29% | X | | | |
| 3/31/2018 | 00530 - Total Suspended Solids | MG/L | 70 | 136.00000 | 94.29% | X | | | |
| 3/31/2018 | 01045 - Iron, Total (as Fe) | MG/L | 2.46 | 4.66700 | 89.72% | X | | | |

| WV1006304; Outlet 001; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18 | | | | | | | | | |
|---|-------------------------------------|-------|------------------------|-----------------------|--------------|------|------|------|--------------------------|
| Date | Parameter | Units | Permitted Avg. Monthly | Reported Avg. Monthly | % Exceedance | Min. | Mod. | Maj. | Degree of Non-Compliance |
| 1/31/2016 | 00981 - Selenium, Total Recoverable | UG/L | 4.7 | 6.33500 | 34.79% | X | | | |
| 8/31/2017 | 00981 - Selenium, Total Recoverable | UG/L | 4.7 | 4.74500 | 0.96% | X | | | |
| 3/31/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .43 | 0.67967 | 58.06% | | X | | |
| 6/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .43 | 0.5300 | 23.26% | X | | | |
| 3/31/2018 | 00530 - Total Suspended Solids | MG/L | 35 | 39.25000 | 12.14% | X | | | |

| WV1006304; Outlet 002; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18 | | | | | | | | | |
|---|---------------------------------|-------|----------------------|---------------------|--------------|------|------|------|--------------------------|
| Date | Parameter | Units | Permitted Max. Daily | Reported Max. Daily | % Exceedance | Min. | Mod. | Maj. | Degree of Non-Compliance |
| 2/29/2016 | 00530 - Total Suspended Solids | MG/L | 70 | 83.00000 | 18.57% | X | | | |
| 8/31/2017 | 00530 - Total Suspended Solids | MG/L | 70 | 2568.00000 | 3568.57% | | | X | |
| 3/31/2018 | 00530 - Total Suspended Solids | MG/L | 70 | 179.00000 | 155.71% | | X | | |
| 10/31/2018 | 00530 - Total Suspended Solids | MG/L | 70 | 1024.00 | 1362.86% | | | X | |
| 8/31/2017 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 20.85000 | 2680.00% | | | X | |
| 3/31/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 2.60000 | 246.67% | | X | | |
| 10/31/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 9.14 | 1118.67% | | | X | |
| 8/31/2017 | 01045 - Iron, Total (as Fe) | MG/L | 2.46 | 30.17000 | 1126.42% | | | X | |
| 3/31/2018 | 01045 - Iron, Total (as Fe) | MG/L | 2.46 | 3.59400 | 46.10% | X | | | |
| 10/31/2018 | 01045 - Iron, Total (as Fe) | MG/L | 2.46 | 18.17 | 638.62% | | | X | |

| WV1006304; Outlet 002; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18 | | | | | | | | | |
|---|---------------------------------|-------|------------------------|-----------------------|--------------|------|------|------|--------------------------|
| Date | Parameter | Units | Permitted Avg. Monthly | Reported Avg. Monthly | % Exceedance | Min. | Mod. | Maj. | Degree of Non-Compliance |
| 2/29/2016 | 00530 - Total Suspended Solids | MG/L | 70 | 83.00000 | 18.57% | X | | | |
| 8/31/2017 | 00530 - Total Suspended Solids | MG/L | 70 | 2568.00000 | 3568.57% | | | X | |
| 3/31/2018 | 00530 - Total Suspended Solids | MG/L | 70 | 179.00000 | 155.71% | | X | | |
| 10/31/2018 | 00530 - Total Suspended Solids | MG/L | 70 | 1024.00 | 1362.86% | | | X | |
| 8/31/2017 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 20.85000 | 2680.00% | | | X | |
| 3/31/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 2.60000 | 246.67% | | X | | |
| 10/31/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 9.14 | 1118.67% | | | X | |
| 8/31/2017 | 01045 - Iron, Total (as Fe) | MG/L | 2.46 | 30.17000 | 1126.42% | | | X | |
| 3/31/2018 | 01045 - Iron, Total (as Fe) | MG/L | 2.46 | 3.59400 | 46.10% | X | | | |
| 10/31/2018 | 01045 - Iron, Total (as Fe) | MG/L | 2.46 | 18.17 | 638.62% | | | X | |

| Date | Parameter | Units | Permitted Avg. Monthly | Reported Avg. Monthly | % Exceedance | Min. | Mod. | Maj. |
|------------|---------------------------------|-------|------------------------|-----------------------|--------------|------|------|------|
| 2/29/2016 | 00530 - Total Suspended Solids | MG/L | 35 | 43.00000 | 22.86% | X | | |
| 8/31/2017 | 00530 - Total Suspended Solids | MG/L | 35 | 858.66667 | 2353.33% | | | X |
| 3/31/2018 | 00530 - Total Suspended Solids | MG/L | 35 | 93.66667 | 167.62% | | X | |
| 10/31/2018 | 00530 - Total Suspended Solids | MG/L | 35 | 184.00 | 425.71% | | | X |
| 8/31/2017 | 01105 - Aluminum, Total (as Al) | MG/L | .43 | 6.99000 | 1525.58% | | | X |
| 3/31/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .43 | 0.86360 | 100.84% | | X | |
| 10/31/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .43 | 1.68 | 290.70% | | X | |
| 8/31/2017 | 01045 - Iron, Total (as Fe) | MG/L | 1.42 | 10.13367 | 613.64% | | | X |
| 10/31/2018 | 01045 - Iron, Total (as Fe) | MG/L | 1.42 | 3.24 | 128.17% | | X | |

| WV1006304; Outlet 003; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18 | | | | | | | | |
|---|-------------------------------------|-------|------------------------|-----------------------|--------------|------|------|------|
| Date | Parameter | Units | Permitted Avg. Monthly | Reported Avg. Monthly | % Exceedance | Min. | Mod. | Maj. |
| 4/30/2018 | 00981 - Selenium, Total Recoverable | UG/L | 4.7 | 5.46500 | 16.28% | X | | |
| 6/30/2018 | 00981 - Selenium, Total Recoverable | UG/L | 4.7 | 4.7200 | 0.43% | X | | |

| WV1006304; Outlet 005; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18 | | | | | | | | |
|---|-------------------------------------|-------|----------------------|---------------------|--------------|------|------|------|
| Date | Parameter | Units | Permitted Max. Daily | Reported Max. Daily | % Exceedance | Min. | Mod. | Maj. |
| 5/31/2016 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 0.79800 | 6.40% | X | | |
| 10/31/2017 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 1.41900 | 89.20% | X | | |
| 10/31/2017 | 01045 - Iron, Total (as Fe) | MG/L | 2.46 | 2.99700 | 21.83% | X | | |
| 10/31/2017 | 00530 - Total Suspended Solids | MG/L | 70 | 118.00000 | 68.57% | X | | |
| 1/31/2018 | 00530 - Total Suspended Solids | MG/L | 70 | 97.00000 | 38.57% | X | | |
| 7/31/2018 | 00981 - Selenium, Total Recoverable | UG/L | 8.2 | 8.30 | 1.22% | X | | |

| WV1006304; Outlet 005; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18 | | | | | | | | |
|---|---------------------------------|-------|------------------------|-----------------------|--------------|------|------|------|
| Date | Parameter | Units | Permitted Avg. Monthly | Reported Avg. Monthly | % Exceedance | Min. | Mod. | Maj. |
| 10/31/2017 | 01105 - Aluminum, Total (as Al) | MG/L | .43 | 0.50400 | 17.21% | X | | |
| 10/31/2017 | 00530 - Total Suspended Solids | MG/L | 35 | 37.40000 | 6.86% | X | | |
| 12/31/2017 | 00530 - Total Suspended Solids | MG/L | 35 | 37.66667 | 7.62% | X | | |

| | | | | | | | |
|------------|-------------------------------------|------|-----|---------|--------|---|---|
| 1/31/2018 | 00530 - Total Suspended Solids | MG/L | 35 | 35.3300 | 0.94% | X | |
| 6/30/2018 | 00981 - Selenium, Total Recoverable | UG/L | 4.7 | 7.2200 | 53.62% | | X |
| 7/31/2018 | 00981 - Selenium, Total Recoverable | UG/L | 4.7 | 7.46 | 58.72% | | X |
| 8/31/2018 | 00981 - Selenium, Total Recoverable | UG/L | 4.7 | 6.42 | 36.60% | X | |
| 9/30/2018 | 00981 - Selenium, Total Recoverable | UG/L | 4.7 | 5.96 | 26.81% | X | |
| 10/31/2018 | 00981 - Selenium, Total Recoverable | UG/L | 4.7 | 6.13 | 30.43% | X | |
| 11/30/2018 | 00981 - Selenium, Total Recoverable | UG/L | 4.7 | 6.20 | 31.91% | X | |
| 12/31/2018 | 00981 - Selenium, Total Recoverable | UG/L | 4.7 | 5.61 | 19.36% | X | |

| WV1006304; Outlet 006; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18 | | | | | | | |
|---|-------------------------------------|-------|----------------------|---------------------|--------------|--------------------------|------|
| Date | Parameter | Units | Permitted Max. Daily | Reported Max. Daily | % Exceedance | Degree of Non-Compliance | |
| 7/31/2018 | 00981 - Selenium, Total Recoverable | UG/L | 8.2 | 8.87 | 8.17% | Min. | Maj. |

| WV1006304; Outlet 006; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18 | | | | | | | |
|---|-------------------------------------|-------|------------------------|-----------------------|--------------|--------------------------|------|
| Date | Parameter | Units | Permitted Avg. Monthly | Reported Avg. Monthly | % Exceedance | Degree of Non-Compliance | |
| 6/30/2018 | 00981 - Selenium, Total Recoverable | UG/L | 4.7 | 6.7200 | 42.98% | Min. | Maj. |
| 7/31/2018 | 00981 - Selenium, Total Recoverable | UG/L | 4.7 | 7.18 | 52.77% | | X |
| 8/31/2018 | 00981 - Selenium, Total Recoverable | UG/L | 4.7 | 5.62 | 19.57% | X | |
| 9/30/2018 | 00981 - Selenium, Total Recoverable | UG/L | 4.7 | 6.05 | 28.72% | X | |
| 10/31/2018 | 00981 - Selenium, Total Recoverable | UG/L | 4.7 | 5.79 | 23.19% | X | |
| 11/30/2018 | 00981 - Selenium, Total Recoverable | UG/L | 4.7 | 6.24 | 32.77% | X | |
| 12/31/2018 | 00981 - Selenium, Total Recoverable | UG/L | 4.7 | 5.44 | 15.74% | X | |

| WV1006304; Outlet 007; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18 | | | | | | | |
|---|-------------------------------------|-------|----------------------|---------------------|--------------|--------------------------|------|
| Date | Parameter | Units | Permitted Max. Daily | Reported Max. Daily | % Exceedance | Degree of Non-Compliance | |
| 5/31/2016 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 1.18800 | 58.40% | Min. | Maj. |
| 5/31/2016 | 01045 - Iron, Total (as Fe) | MG/L | 2.46 | 2.69800 | 9.67% | X | |
| 5/31/2016 | 00530 - Total Suspended Solids | MG/L | 70 | 75.00000 | 7.14% | X | |
| 6/30/2018 | 00981 - Selenium, Total Recoverable | UG/L | 8.2 | 13.0000 | 58.54% | X | |
| 7/31/2018 | 00981 - Selenium, Total Recoverable | UG/L | 8.2 | 13.92 | 69.76% | X | |
| 8/31/2018 | 00981 - Selenium, Total Recoverable | UG/L | 8.2 | 14.23 | 73.54% | X | |

| | | | | | | | |
|------------|-------------------------------------|------|-----|-------|--------|---|--|
| 9/30/2018 | 00981 - Selenium, Total Recoverable | UG/L | 8.2 | 13.06 | 59.27% | X | |
| 10/31/2018 | 00981 - Selenium, Total Recoverable | UG/L | 8.2 | 12.78 | 55.85% | X | |
| 11/30/2018 | 00981 - Selenium, Total Recoverable | UG/L | 8.2 | 14.05 | 71.34% | X | |
| 12/31/2018 | 00981 - Selenium, Total Recoverable | UG/L | 8.2 | 12.45 | 51.83% | X | |

| WV1006304; Outlet 007; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18 | | | | | | | |
|---|-------------------------------------|-------|------------------------|-----------------------|--------------|--------------------------|---|
| Date | Parameter | Units | Permitted Avg. Monthly | Reported Avg. Monthly | % Exceedance | Degree of Non-Compliance | |
| 5/31/2016 | 01105 - Aluminum, Total (as Al) | MG/L | .43 | 0.63250 | 47.09% | | |
| 5/31/2016 | 01045 - Iron, Total (as Fe) | MG/L | 1.42 | 1.42800 | 0.56% | X | |
| 5/31/2016 | 00530 - Total Suspended Solids | MG/L | 35 | 39.50000 | 12.86% | X | |
| 6/30/2018 | 00981 - Selenium, Total Recoverable | UG/L | 4.7 | 11.3400 | 141.28% | | X |
| 7/31/2018 | 00981 - Selenium, Total Recoverable | UG/L | 4.7 | 8.72 | 85.53% | | X |
| 8/31/2018 | 00981 - Selenium, Total Recoverable | UG/L | 4.7 | 10.13 | 115.53% | | X |
| 9/30/2018 | 00981 - Selenium, Total Recoverable | UG/L | 4.7 | 10.45 | 122.34% | | X |
| 10/31/2018 | 00981 - Selenium, Total Recoverable | UG/L | 4.7 | 8.88 | 88.94% | | X |
| 11/30/2018 | 00981 - Selenium, Total Recoverable | UG/L | 4.7 | 10.22 | 117.45% | | X |
| 12/31/2018 | 00981 - Selenium, Total Recoverable | UG/L | 4.7 | 9.74 | 107.23% | | X |

| WV1006304; Outlet 008; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18 | | | | | | | |
|---|-------------------------------------|-------|----------------------|---------------------|--------------|--------------------------|--|
| Date | Parameter | Units | Permitted Max. Daily | Reported Max. Daily | % Exceedance | Degree of Non-Compliance | |
| 6/30/2018 | 00981 - Selenium, Total Recoverable | UG/L | 8.2 | 11.1700 | 36.22% | X | |
| 7/31/2018 | 00981 - Selenium, Total Recoverable | UG/L | 8.2 | 14.02 | 70.98% | X | |
| 8/31/2018 | 00981 - Selenium, Total Recoverable | UG/L | 8.2 | 12.41 | 51.34% | X | |
| 9/30/2018 | 00981 - Selenium, Total Recoverable | UG/L | 8.2 | 11.93 | 45.49% | X | |
| 10/31/2018 | 00981 - Selenium, Total Recoverable | UG/L | 8.2 | 12.02 | 46.59% | X | |
| 11/30/2018 | 00981 - Selenium, Total Recoverable | UG/L | 8.2 | 11.72 | 42.93% | X | |
| 12/31/2018 | 00981 - Selenium, Total Recoverable | UG/L | 8.2 | 9.77 | 19.15% | X | |

| WV1006304; Outlet 008; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18 | | | | | | | |
|---|-------------------------------------|-------|------------------------|-----------------------|--------------|--------------------------|---|
| Date | Parameter | Units | Permitted Avg. Monthly | Reported Avg. Monthly | % Exceedance | Degree of Non-Compliance | |
| 6/30/2018 | 00981 - Selenium, Total Recoverable | UG/L | 4.7 | 11.1200 | 136.60% | | X |

| | | | | | | | | |
|------------|-------------------------------------|------|-----|------|---------|--|--|---|
| 7/31/2018 | 00981 - Selenium, Total Recoverable | UG/L | 4.7 | 7.59 | 61.49% | | | X |
| 8/31/2018 | 00981 - Selenium, Total Recoverable | UG/L | 4.7 | 9.86 | 109.79% | | | X |
| 9/30/2018 | 00981 - Selenium, Total Recoverable | UG/L | 4.7 | 9.56 | 103.40% | | | X |
| 10/31/2018 | 00981 - Selenium, Total Recoverable | UG/L | 4.7 | 9.41 | 100.21% | | | X |
| 11/30/2018 | 00981 - Selenium, Total Recoverable | UG/L | 4.7 | 8.67 | 84.47% | | | X |
| 12/31/2018 | 00981 - Selenium, Total Recoverable | UG/L | 4.7 | 8.08 | 71.91% | | | X |

| WV1006304; Outlet 045; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18 | | | | | | | | |
|---|---------------------------------|-------|----------------------|---------------------|--------------|------|------|------|
| Date | Parameter | Units | Permitted Max. Daily | Reported Max. Daily | % Exceedance | Min. | Mod. | Maj. |
| 3/31/2017 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 6.63000 | 784.00% | | | X |
| 3/31/2017 | 00530 - Total Suspended Solids | MG/L | 70 | 186.00000 | 165.71% | | X | |
| 3/31/2017 | 01045 - Iron, Total (as Fe) | MG/L | 5.26 | 6.47000 | 23.00% | X | | |

| WV1006304; Outlet 045; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18 | | | | | | | | |
|---|---------------------------------|-------|------------------------|-----------------------|--------------|------|------|------|
| Date | Parameter | Units | Permitted Avg. Monthly | Reported Avg. Monthly | % Exceedance | Min. | Mod. | Maj. |
| 5/31/2016 | 01105 - Aluminum, Total (as Al) | MG/L | .43 | 0.49850 | 15.93% | X | | |
| 3/31/2017 | 01105 - Aluminum, Total (as Al) | MG/L | .43 | 2.23567 | 419.92% | | | X |
| 3/31/2017 | 00530 - Total Suspended Solids | MG/L | 35 | 64.66667 | 84.76% | | X | |
| 5/31/2016 | 00530 - Total Suspended Solids | MG/L | 35 | 36.50000 | 4.29% | X | | |

| | | | |
|-------------------------|--------------------------|------|------|
| WV1006304 non pH Totals | Degree of non-compliance | | |
| | Min. | Mod. | Maj. |
| | 57 | 29 | 12 |

| | | | |
|---------|---|---|---|
| plus pH | 0 | 0 | 0 |
|---------|---|---|---|

| | | | |
|------------------|--------------------------|------|------|
| WV1006304 Totals | Degree of non-compliance | | |
| | Min. | Mod. | Maj. |
| | 57 | 29 | 12 |

| WV1006347; Outlet 001; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18 | | | | | | | | | |
|---|---------------------------------|-------|----------------------|---------------------|--------------|------|------|------|--------------------------|
| Date | Parameter | Units | Permitted Max. Daily | Reported Max. Daily | % Exceedance | Min. | Mod. | Maj. | Degree of Non-Compliance |
| 4/30/2017 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 0.81900 | 9.20% | X | | | |
| 10/31/2017 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 1.19700 | 59.60% | X | | | |
| 6/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 1.6600 | 121.33% | | X | | |
| 9/27/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 0.939 | 25.20% | X | | | |
| 11/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 1.31 | 74.67% | X | | | |
| 6/30/2018 | 00530 - Total Suspended Solids | MG/L | 70 | 94.0000 | 34.29% | X | | | |
| 11/30/2018 | 00530 - Total Suspended Solids | MG/L | 70 | 74.00 | 5.71% | X | | | |
| 6/30/2018 | 01045 - Iron, Total (as Fe) | MG/L | 2.46 | 2.9000 | 17.89% | X | | | |

| WV1006347; Outlet 001; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18 | | | | | | | | | |
|---|---------------------------------|-------|------------------------|-----------------------|--------------|------|------|------|--------------------------|
| Date | Parameter | Units | Permitted Avg. Monthly | Reported Avg. Monthly | % Exceedance | Min. | Mod. | Maj. | Degree of Non-Compliance |
| 6/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .43 | 0.9600 | 123.26% | | X | | |
| 9/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .43 | 0.44 | 2.33% | X | | | |
| 11/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .43 | 0.55 | 27.91% | X | | | |
| 6/30/2018 | 00530 - Total Suspended Solids | MG/L | 35 | 52.0000 | 48.57% | | X | | |
| 6/30/2018 | 01045 - Iron, Total (as Fe) | MG/L | 1.42 | 1.6200 | 14.08% | X | | | |

| | | | |
|-------------------------|--------------------------|------|------|
| WV1006347 non pH Totals | Degree of non-compliance | | |
| | Min. | Mod. | Maj. |
| | 10 | 3 | 0 |

| | | | |
|---------|---|---|---|
| plus pH | 0 | 0 | 0 |
|---------|---|---|---|

| | | | |
|------------------|--------------------------|------|------|
| WV1006347 Totals | Degree of non-compliance | | |
| | Min. | Mod. | Maj. |
| | 10 | 3 | 0 |

| WV1006479; Outlet 002; DMR Exceedances - MAX: DAILY - 01/01/2016-12/31/18 | | | | | | |
|---|--------------------------------|-------|----------------------|---------------------|--------------|--------------------------|
| Date | Parameter | Units | Permitted Max. Daily | Reported Max. Daily | % Exceedance | Degree of Non-Compliance |
| 6/30/2017 | 00530 - Total Suspended Solids | MG/L | 70 | 87 | 24.29% | Min. X Mod. Maj. |

| WV1006479 non pH Totals | | |
|--------------------------|------|------|
| Degree of non-compliance | | |
| Min. | Mod. | Maj. |
| 1 | 0 | 0 |

| | | | |
|---------|---|---|---|
| plus pH | 0 | 0 | 0 |
|---------|---|---|---|

| WV1006479 Totals | | |
|--------------------------|------|------|
| Degree of non-compliance | | |
| Min. | Mod. | Maj. |
| 1 | 0 | 0 |

| WV1006614; Outlet 001; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18 | | | | | | | | | |
|---|---------------------------------|-------|------------------------|-----------------------|--------------|--------------------------|------|------|--|
| Date | Parameter | Units | Permitted Max. Daily | Reported Max. Daily | % Exceedance | Degree of Non-Compliance | | | |
| | | | | | | Min. | Mod. | Maj. | |
| 2/28/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 1.25400 | 67.20% | X | | | |
| 6/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 0.8300 | 10.67% | X | | | |
| WV1006614; Outlet 001; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18 | | | | | | | | | |
| Date | Parameter | Units | Permitted Avg. Monthly | Reported Avg. Monthly | % Exceedance | Degree of Non-Compliance | | | |
| | | | | | | Min. | Mod. | Maj. | |
| 2/28/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .43 | 0.76000 | 76.74% | | X | | |
| 6/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .43 | 0.5000 | 16.28% | X | | | |

| WV1006614 non pH Totals | | | |
|--------------------------|------|------|--|
| Degree of non-compliance | | | |
| Min. | Mod. | Maj. | |
| 3 | 1 | 0 | |

| | | | |
|---------|---|---|---|
| plus pH | 0 | 0 | 0 |
|---------|---|---|---|

| WV1006614 Totals | | | |
|--------------------------|------|------|--|
| Degree of non-compliance | | | |
| Min. | Mod. | Maj. | |
| 3 | 1 | 0 | |

| WV1008838; Outlet 001; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18 | | | | | | | Degree of Non-Compliance | | |
|---|---------------------------------|-------|------------------------|-----------------------|--------------|------|--------------------------|------|--|
| Date | Parameter | Units | Permitted Max. Daily | Reported Max. Daily | % Exceedance | Min. | Mod. | Maj. | |
| 4/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 1.27700 | 70.27% | X | | | |
| WV1008838; Outlet 001; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18 | | | | | | | Degree of Non-Compliance | | |
| Date | Parameter | Units | Permitted Avg. Monthly | Reported Avg. Monthly | % Exceedance | Min. | Mod. | Maj. | |
| 4/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .43 | 1.27700 | 196.98% | | X | | |
| 4/30/2018 | 00530 - Total Suspended Solids | MG/L | 35 | 64.00000 | 82.86% | | X | | |

| | | | |
|-------------------------|--------------------------|------|------|
| WV1008838 non pH Totals | Degree of non-compliance | | |
| | Min. | Mod. | Maj. |
| | 1 | 2 | 0 |

| | | | |
|----------|---|---|---|
| plus pH: | 0 | 0 | 0 |
|----------|---|---|---|

| | | | |
|------------------|--------------------------|------|------|
| WV1008838 Totals | Degree of non-compliance | | |
| | Min. | Mod. | Maj. |
| | 1 | 2 | 0 |

| WV1018698; Outlet 001; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18 | | | | | | | | | |
|---|---------------------------------|-------|------------------------|-----------------------|--------------|--------------------------|------|------|--|
| Date | Parameter | Units | Permitted Max. Daily | Reported Max. Daily | % Exceedance | Degree of Non-Compliance | | | |
| | | | | | | Min. | Mod. | Maj. | |
| 2/28/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 3.21700 | 328.93% | | X | | |
| 3/31/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 3.40000 | 353.33% | | X | | |
| 5/31/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 5.8000 | 673.33% | | | X | |
| 6/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 2.4900 | 232.00% | | X | | |
| 10/31/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 0.85 | 13.33% | X | | | |
| 11/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 0.87 | 16.00% | X | | | |
| 12/17/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 1.48 | 97.33% | X | | | |
| 12/31/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 1.53 | 104.00% | | X | | |
| 2/28/2018 | 00530 - Total Suspended Solids | MG/L | 70 | 184.00000 | 162.86% | | X | | |
| 3/31/2018 | 00530 - Total Suspended Solids | MG/L | 70 | 204.00000 | 191.43% | | X | | |
| 5/31/2018 | 00530 - Total Suspended Solids | MG/L | 70 | 300.0000 | 328.57% | | X | | |
| 6/30/2018 | 00530 - Total Suspended Solids | MG/L | 70 | 165.0000 | 135.71% | | X | | |
| 12/31/2018 | 00530 - Total Suspended Solids | MG/L | 70 | 83.00 | 18.57% | X | | | |
| 3/31/2018 | 01045 - Iron, Total (as Fe) | MG/L | 5.26 | 5.39800 | 2.62% | X | | | |
| 5/31/2018 | 01045 - Iron, Total (as Fe) | MG/L | 5.26 | 9.5800 | 82.13% | X | | | |
| WV1018698; Outlet 001; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18 | | | | | | | | | |
| Date | Parameter | Units | Permitted Avg. Monthly | Reported Avg. Monthly | % Exceedance | Degree of Non-Compliance | | | |
| | | | | | | Min. | Mod. | Maj. | |
| 2/28/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .43 | 1.04767 | 143.64% | | X | | |
| 3/31/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .43 | 0.96720 | 124.93% | | X | | |
| 5/31/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .43 | 1.5100 | 251.16% | | X | | |
| 6/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .43 | 2.4900 | 479.07% | | | X | |
| 9/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .43 | 0.49 | 13.95% | X | | | |
| 10/31/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .43 | 0.56 | 30.23% | X | | | |
| 12/31/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .43 | 0.63 | 46.51% | | X | | |
| 2/28/2018 | 00530 - Total Suspended Solids | MG/L | 35 | 60.62500 | 73.21% | | X | | |
| 3/31/2018 | 00530 - Total Suspended Solids | MG/L | 35 | 54.40000 | 55.43% | | X | | |
| 5/31/2018 | 00530 - Total Suspended Solids | MG/L | 35 | 77.0000 | 120.00% | | X | | |
| 6/30/2018 | 00530 - Total Suspended Solids | MG/L | 35 | 165.0000 | 371.43% | | X | | |
| 12/31/2018 | 00530 - Total Suspended Solids | MG/L | 35 | 40.50 | 15.71% | X | | | |

| Date | Parameter | Units | Permitted Max. Daily | Reported Max. Daily | % Exceedance | Min. | Mod. | Maj. |
|--|---------------------------------|-------|----------------------|---------------------|--------------|------|------|------|
| 5/31/2018 | 01045 - Iron, Total (as Fe) | MG/L | 3 | 3.0200 | 0.67% | | X | |
| 6/30/2018 | 01045 - Iron, Total (as Fe) | MG/L | 3 | 4.1400 | 38.00% | | X | |
| WV1018698; Outlet 002; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18 | | | | | | | | |
| 6/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 1.9700 | 162.67% | | X | |
| 7/31/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 0.84 | 12.00% | X | | |
| 8/31/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 1.33 | 77.33% | X | | |
| 9/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 2.54 | 238.67% | | X | |
| 6/30/2018 | 00530 - Total Suspended Solids | MG/L | 70 | 75.0000 | 7.14% | X | | |

| Date | Parameter | Units | Permitted Avg. Monthly | Reported Avg. Monthly | % Exceedance | Min. | Mod. | Maj. |
|-----------|---------------------------------|-------|------------------------|-----------------------|--------------|------|------|------|
| 7/31/2017 | 01105 - Aluminum, Total (as Al) | MG/L | .43 | 0.66300 | 54.19% | | X | |
| 6/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .43 | 1.1800 | 174.42% | | X | |
| 9/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .43 | 0.90 | 109.30% | | X | |
| 6/30/2018 | 00530 - Total Suspended Solids | MG/L | 35 | 43.0000 | 22.86% | X | | |

| Date | Parameter | Units | Permitted Max. Daily | Reported Max. Daily | % Exceedance | Min. | Mod. | Maj. |
|------------|---------------------------------|-------|----------------------|---------------------|--------------|------|------|------|
| 10/10/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 0.912 | 21.60% | X | | |

| Degree of non-compliance | | | |
|--------------------------|------|------|---|
| Min. | Mod. | Maj. | |
| 16 | 20 | 3 | 3 |

| | | | | |
|---------|---|---|---|---|
| plus pH | 0 | 0 | 0 | 0 |
|---------|---|---|---|---|

| Degree of non-compliance | | | |
|--------------------------|------|------|--|
| Min. | Mod. | Maj. | |
| | | | |

WV1018698 Totals

| | | | |
|--|----|----|---|
| | 16 | 20 | 3 |
|--|----|----|---|

| WV1018736; Outlet 001; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18 | | | | | | | | | |
|---|----------------------------------|-------|------------------------|-----------------------|--------------|------|------|------|--------------------------|
| Date | Parameter | Units | Permitted Avg. Monthly | Reported Avg. Monthly | % Exceedance | Min. | Mod. | Maj. | Degree of Non-Compliance |
| 1/31/2016 | 01055 - Manganese, Total (as Mn) | MG/L | 2 | 2.14700 | 7.35% | X | | | |
| 4/30/2016 | 01055 - Manganese, Total (as Mn) | MG/L | 2 | 2.10650 | 5.33% | X | | | |
| 6/30/2016 | 01055 - Manganese, Total (as Mn) | MG/L | 2 | 2.45150 | 22.58% | X | | | |
| 8/31/2016 | 01055 - Manganese, Total (as Mn) | MG/L | 2 | 2.14450 | 7.22% | X | | | |

| WV1018736; Outlet 002; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18 | | | | | | | | | |
|---|---------------------------------|-------|----------------------|---------------------|--------------|------|------|------|--------------------------|
| Date | Parameter | Units | Permitted Max. Daily | Reported Max. Daily | % Exceedance | Min. | Mod. | Maj. | Degree of Non-Compliance |
| 8/26/2016 | 01055 - Manganese, Total | MG/L | 3.47 | 7.94 | 128.82% | | X | | |
| 9/9/2016 | 01055 - Manganese, Total | MG/L | 3.47 | 5.04 | 45.24% | X | | | |
| 9/9/2016 | 01105 - Aluminum, Total (as Al) | MG/L | 0.75 | 0.775 | 3.33% | X | | | |
| 9/9/2016 | 01045 - Iron, Total (as Fe) | MG/L | 2.46 | 4.64 | 88.62% | X | | | |
| 9/30/2016 | 01045 - Iron, Total (as Fe) | MG/L | 2.46 | 6.70400 | 172.52% | | X | | |
| 11/30/2016 | 01045 - Iron, Total (as Fe) | MG/L | 2.46 | 2.63700 | 7.20% | X | | | |
| 1/31/2017 | 01045 - Iron, Total (as Fe) | MG/L | 2.46 | 2.95900 | 20.28% | X | | | |
| 12/31/2017 | 01045 - Iron, Total (as Fe) | MG/L | 2.46 | 2.70600 | 10.00% | X | | | |
| 11/2/2018 | 01045 - Iron, Total (as Fe) | MG/L | 2.46 | 2.89 | 17.48% | X | | | |
| 11/2/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 1.43 | 90.67% | X | | | |

| WV1018736; Outlet 002; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18 | | | | | | | | | |
|---|-----------------------------|-------|------------------------|-----------------------|--------------|------|------|------|--------------------------|
| Date | Parameter | Units | Permitted Avg. Monthly | Reported Avg. Monthly | % Exceedance | Min. | Mod. | Maj. | Degree of Non-Compliance |
| 7/31/2016 | 01045 - Iron, Total (as Fe) | MG/L | 1.42 | 1.44250 | 1.58% | X | | | |
| 9/30/2016 | 01045 - Iron, Total (as Fe) | MG/L | 1.42 | 4.63450 | 226.37% | | X | | |
| 11/30/2016 | 01045 - Iron, Total (as Fe) | MG/L | 1.42 | 2.07400 | 46.06% | | X | | |
| 7/31/2017 | 01045 - Iron, Total (as Fe) | MG/L | 1.42 | 1.53650 | 8.20% | X | | | |
| 8/31/2018 | 01045 - Iron, Total (as Fe) | MG/L | 1.42 | 1.51 | 6.34% | X | | | |
| 9/30/2018 | 01045 - Iron, Total (as Fe) | MG/L | 1.42 | 1.64 | 15.49% | X | | | |

WV1018736 Non-NU Total

Degree of non-compliance

WV1018736 Totals

| Min. | Mod. | Maj. |
|------|------|------|
| 16 | 4 | 0 |

plus pH

| | | |
|---|---|---|
| 0 | 0 | 0 |
|---|---|---|

WV1018736 Totals

| Degree of non-compliance | | |
|--------------------------|------|------|
| Min. | Mod. | Maj. |
| 16 | 4 | 0 |

| WV1018965; Outlet 002; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18 | | | | | | | | | | |
|---|----------------------------------|-------|------------------------|-----------------------|--------------|------|------|------|--------------------------|--|
| Date | Parameter | Units | Permitted Max. Daily | Reported Max. Daily | % Exceedance | Min. | Mod. | Maj. | Degree of Non-Compliance | |
| 7/31/2017 | 00530 - Total Suspended Solids | MG/L | 70 | 86.00000 | 22.86% | X | | | | |
| 7/31/2017 | 01055 - Manganese, Total (as Mn) | MG/L | 1.73 | 2.02300 | 16.94% | X | | | | |
| 7/31/2017 | 01045 - Iron, Total (as Fe) | MG/L | 2.46 | 6.21600 | 152.68% | | X | | | |
| 9/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .14 | 0.15 | 7.14% | X | | | | |
| WV1018965; Outlet 003; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18 | | | | | | | | | | |
| Date | Parameter | Units | Permitted Max. Daily | Reported Max. Daily | % Exceedance | Min. | Mod. | Maj. | Degree of Non-Compliance | |
| 5/31/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .14 | 0.1600 | 14.29% | X | | | | |
| 10/31/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .14 | 0.16 | 14.29% | X | | | | |
| WV1018965; Outlet 003; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18 | | | | | | | | | | |
| Date | Parameter | Units | Permitted Avg. Monthly | Reported Avg. Monthly | % Exceedance | Min. | Mod. | Maj. | Degree of Non-Compliance | |
| 10/31/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .08 | 0.09 | 12.50% | X | | | | |
| WV1018965; Outlet 004; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18 | | | | | | | | | | |
| Date | Parameter | Units | Permitted Max. Daily | Reported Max. Daily | % Exceedance | Min. | Mod. | Maj. | Degree of Non-Compliance | |
| 5/31/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .14 | 0.1500 | 7.14% | X | | | | |
| 6/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .14 | 0.1700 | 21.43% | X | | | | |
| 9/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .14 | 0.27 | 92.86% | X | | | | |
| 11/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .14 | 0.22 | 57.14% | X | | | | |
| 12/31/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .14 | 0.19 | 35.71% | X | | | | |
| WV1018965; Outlet 004; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18 | | | | | | | | | | |
| Date | Parameter | Units | Permitted Avg. Monthly | Reported Avg. Monthly | % Exceedance | Min. | Mod. | Maj. | Degree of Non-Compliance | |
| 11/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .08 | 0.11 | 37.50% | X | | | | |
| 12/31/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .08 | 0.16 | 100.00% | | X | | | |

| WV1018965; Outlet 005; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18 | | | | | | | | | | |
|---|---------------------------------|-------|------------------------|-----------------------|--------------|------|------|------|--------------------------|--|
| Date | Parameter | Units | Permitted Max. Daily | Reported Max. Daily | % Exceedance | Min. | Mod. | Maj. | Degree of Non-Compliance | |
| 5/31/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .14 | 0.2800 | 100.00% | X | | | | |
| 6/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .14 | 0.3200 | 128.57% | | X | | | |
| 9/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .14 | 0.47 | 235.71% | | X | | | |
| 11/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .14 | 0.32 | 128.57% | | X | | | |
| WV1018965; Outlet 005; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18 | | | | | | | | | | |
| Date | Parameter | Units | Permitted Avg. Monthly | Reported Avg. Monthly | % Exceedance | Min. | Mod. | Maj. | Degree of Non-Compliance | |
| 6/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .08 | 0.0900 | 12.50% | X | | | | |
| 9/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .08 | 0.16 | 100.00% | | X | | | |
| 11/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .08 | 0.17 | 112.50% | | X | | | |
| WV1018965; Outlet 006; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18 | | | | | | | | | | |
| Date | Parameter | Units | Permitted Max. Daily | Reported Max. Daily | % Exceedance | Min. | Mod. | Maj. | Degree of Non-Compliance | |
| 9/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .14 | 0.22 | 57.14% | X | | | | |
| WV1018965; Outlet 006; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18 | | | | | | | | | | |
| Date | Parameter | Units | Permitted Avg. Monthly | Reported Avg. Monthly | % Exceedance | Min. | Mod. | Maj. | Degree of Non-Compliance | |
| 9/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .08 | 0.12 | 50.00% | | X | | | |
| WV1018965; Outlet 007; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18 | | | | | | | | | | |
| Date | Parameter | Units | Permitted Max. Daily | Reported Max. Daily | % Exceedance | Min. | Mod. | Maj. | Degree of Non-Compliance | |
| 7/31/2017 | 00530 - Total Suspended Solids | MG/L | 70 | 116.00000 | 65.71% | X | | | | |
| 7/31/2017 | 01045 - Iron, Total (as Fe) | MG/L | 2.46 | 4.98100 | 102.48% | | X | | | |
| 10/31/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .14 | 0.22 | 57.14% | X | | | | |
| 11/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .14 | 0.24 | 71.43% | X | | | | |
| 12/31/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .14 | 0.24 | 71.43% | X | | | | |

| WV1018965; Outlet 007; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18 | | | | | | | | | |
|---|---------------------------------|-------|------------------------|-----------------------|--------------|------|------|------|--------------------------|
| Date | Parameter | Units | Permitted Avg. Monthly | Reported Avg. Monthly | % Exceedance | Min. | Mod. | Maj. | Degree of Non-Compliance |
| 9/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .08 | 0.09 | 12.50% | X | | | |
| 11/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .08 | 0.16 | 100.00% | | X | | |
| 12/31/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .08 | 0.13 | 62.50% | | X | | |

| WV1018965; Outlet 010; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18 | | | | | | | | | |
|---|---------------------------------|-------|----------------------|---------------------|--------------|------|------|------|--------------------------|
| Date | Parameter | Units | Permitted Max. Daily | Reported Max. Daily | % Exceedance | Min. | Mod. | Maj. | Degree of Non-Compliance |
| 6/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .14 | 0.2500 | 78.57% | X | | | |
| 7/31/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .14 | 0.29 | 107.14% | | X | | |
| 8/31/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .14 | 0.53 | 278.57% | | X | | |
| 9/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .14 | 0.68 | 385.71% | | X | | |

| WV1018965; Outlet 010; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18 | | | | | | | | | |
|---|---------------------------------|-------|------------------------|-----------------------|--------------|------|------|------|--------------------------|
| Date | Parameter | Units | Permitted Avg. Monthly | Reported Avg. Monthly | % Exceedance | Min. | Mod. | Maj. | Degree of Non-Compliance |
| 6/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .08 | 0.0900 | 12.50% | X | | | |
| 7/31/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .08 | 0.10 | 25.00% | X | | | |
| 8/31/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .08 | 0.11 | 37.50% | X | | | |
| 9/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .08 | 0.23 | 187.50% | | X | | |
| 11/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .08 | 0.09 | 12.50% | X | | | |

| | | | |
|--------------------------------|--------------------------|------|------|
| WV1018965 non pH Totals | Degree of non-compliance | | |
| | Min. | Mod. | Maj. |
| | 25 | 15 | 0 |

| | | | |
|----------------|---|---|---|
| plus pH | 0 | 0 | 0 |
|----------------|---|---|---|

| | | | |
|-------------------------|--------------------------|------|------|
| WV1018965 Totals | Degree of non-compliance | | |
| | Min. | Mod. | Maj. |
| | 25 | 15 | 0 |

| WV1021095; Outlet 001; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18 | | | | | | | | | |
|---|---------------------------------|-------|----------------------|---------------------|--------------|------|------|------|--------------------------|
| Date | Parameter | Units | Permitted Max. Daily | Reported Max. Daily | % Exceedance | Min. | Mod. | Maj. | Degree of Non-Compliance |
| 1/31/2016 | 01045 - Iron, Total (as Fe) | MG/L | 2.46 | 3.49400 | 42.03% | X | | | |
| 2/29/2016 | 01045 - Iron, Total (as Fe) | MG/L | 2.46 | 2.58100 | 4.92% | X | | | |
| 7/31/2017 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 1.05500 | 40.67% | X | | | |
| 12/31/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 0.88 | 17.33% | X | | | |
| 7/31/2017 | 00530 - Total Suspended Solids | MG/L | 70 | 104.00000 | 48.57% | X | | | |

| WV1021095; Outlet 001; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18 | | | | | | | | | |
|---|-----------------------------|-------|------------------------|-----------------------|--------------|------|------|------|--------------------------|
| Date | Parameter | Units | Permitted Avg. Monthly | Reported Avg. Monthly | % Exceedance | Min. | Mod. | Maj. | Degree of Non-Compliance |
| 1/31/2016 | 01045 - Iron, Total (as Fe) | MG/L | 1.42 | 1.97350 | 38.98% | X | | | |
| 3/31/2016 | 01045 - Iron, Total (as Fe) | MG/L | 1.42 | 1.48700 | 4.72% | X | | | |

| WV1021095; Outlet 004; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18 | | | | | | | | | |
|---|---------------------------------|-------|----------------------|---------------------|--------------|------|------|------|--------------------------|
| Date | Parameter | Units | Permitted Max. Daily | Reported Max. Daily | % Exceedance | Min. | Mod. | Maj. | Degree of Non-Compliance |
| 1/31/2017 | 01045 - Iron, Total (as Fe) | MG/L | 2.46 | 11.94000 | 385.37% | | X | | |
| 2/28/2017 | 01045 - Iron, Total (as Fe) | MG/L | 2.46 | 2.65600 | 7.97% | X | | | |
| 1/31/2017 | 00530 - Total Suspended Solids | MG/L | 70 | 320.00000 | 357.14% | | X | | |
| 1/31/2017 | 01105 - Aluminum, Total (as Al) | MG/L | 1.7 | 3.05900 | 79.94% | X | | | |

| WV1021095; Outlet 004; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18 | | | | | | | | | |
|---|-----------------------------|-------|------------------------|-----------------------|--------------|------|------|------|--------------------------|
| Date | Parameter | Units | Permitted Avg. Monthly | Reported Avg. Monthly | % Exceedance | Min. | Mod. | Maj. | Degree of Non-Compliance |
| 1/31/2017 | 01045 - Iron, Total (as Fe) | MG/L | 1.42 | 2.34647 | 65.24% | | X | | |

| | | | | | | | | | |
|-------------------------|--|--|--|--|--|--------------------------|------|------|--|
| WV1021095 non pH Totals | | | | | | | | | |
| | | | | | | Degree of non-compliance | | | |
| | | | | | | Min. | Mod. | Maj. | |
| | | | | | | 9 | 3 | 0 | |

| | | | | | | | | | |
|---------|--|--|--|--|--|------|------|------|--|
| plus pH | | | | | | | | | |
| | | | | | | Min. | Mod. | Maj. | |
| | | | | | | 1 | 0 | 0 | |

| | | | |
|-------------------------|--------------------------|------|------|
| WV1021095 Totals | Degree of non-compliance | | |
| | Min. | Mod. | Maj. |
| | 10 | 3 | 0 |

| | | | | | | |
|--|------------------|--------------|-------------------------------|------------------------------|---------------------|---------------------------------|
| WV1021095; Outlet 001; DMR Exceedances - pH Min - 02/19/16-12/31/18 | | | | | | |
| Date | Parameter | Units | Permitted Avg. Monthly | Reported Avg. Monthly | % Exceedance | Degree of Non-Compliance |
| 2/28/2017 | 00400 - pH | Std Units | 6 | 5.82 | 24.00% | X |
| | | | | | | Maj. |

| WV1024159; Outlet 002; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18 | | | | | | | | | |
|---|---------------------------------|-------|----------------------|---------------------|--------------|--------------------------|------|------|--|
| Date | Parameter | Units | Permitted Max. Daily | Reported Max. Daily | % Exceedance | Degree of Non-Compliance | | | |
| | | | | | | Min. | Mod. | Maj. | |
| 10/10/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 0.912 | 21.60% | X | | | |
| WV1024159; Outlet 003; DMR Exceedances - MAX. DAILY - 01/01/2016-12/31/18 | | | | | | | | | |
| Date | Parameter | Units | Permitted Max. Daily | Reported Max. Daily | % Exceedance | Degree of Non-Compliance | | | |
| | | | | | | Min. | Mod. | Maj. | |
| 6/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 1.9700 | 162.67% | | X | | |
| 7/31/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 0.84 | 12.00% | X | | | |
| 8/31/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 1.33 | 77.33% | X | | | |
| 9/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .75 | 2.54 | 238.67% | | X | | |
| 6/30/2018 | 00530 - Total Suspended Solids | MG/L | 70 | 75.0000 | 7.14% | X | | | |

| WV1024159; Outlet 003; DMR Exceedances - AVG. MONTHLY - 01/01/16-12/31/18 | | | | | | | | | |
|---|---------------------------------|-------|------------------------|-----------------------|--------------|--------------------------|------|------|--|
| Date | Parameter | Units | Permitted Avg. Monthly | Reported Avg. Monthly | % Exceedance | Degree of Non-Compliance | | | |
| | | | | | | Min. | Mod. | Maj. | |
| 9/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .43 | 0.90 | 109.30% | | X | | |
| 7/31/2017 | 01105 - Aluminum, Total (as Al) | MG/L | .43 | 0.66300 | 54.19% | | X | | |
| 6/30/2018 | 01105 - Aluminum, Total (as Al) | MG/L | .43 | 0.9600 | 123.26% | | X | | |
| 6/30/2018 | 00530 - Total Suspended Solids | MG/L | 35 | 36.3300 | 3.80% | X | | | |

| WV1024159 non pH Totals | | | | Degree of non-compliance | | |
|-------------------------|--|--|--|--------------------------|------|------|
| | | | | Min. | Mod. | Maj. |
| | | | | 5 | 5 | 0 |

| | | | |
|---------|---|---|---|
| plus pH | 0 | 0 | 0 |
|---------|---|---|---|

| WV1024159 Totals | | | | Degree of non-compliance | | |
|------------------|--|--|--|--------------------------|------|------|
| | | | | Min. | Mod. | Maj. |
| | | | | 5 | 5 | 0 |

| | | | |
|-------------------|--------------------------|------|------|
| NoT Totals | Degree of non-compliance | | |
| | Min. | Mod. | Maj. |
| | 72 | 41 | 4 |

| | | | |
|---------------------|--------------------------|------|------|
| Trout Totals | Degree of non-compliance | | |
| | Min. | Mod. | Maj. |
| | 57 | 29 | 12 |

| | | | |
|--------------------------|--------------------------|------|------|
| Trout+Iron Totals | Degree of non-compliance | | |
| | Min. | Mod. | Maj. |
| | 35 | 18 | |

| Company | Sample ID | Date | Parameter | Value | Unit | Limit | Exceeds | Average | Max |
|----------------------------|-----------|-----------------|---------------------------------|-------|------|-------|---------------|---------|-----|
| BLUESTONE COAL CORPORATION | 010 | 2/28/2019 0:00 | 01105 - Aluminum, Total (as Al) | 0.197 | MG/L | 0.08 | 030 - Exceeds | 146% | |
| BLUESTONE COAL CORPORATION | 010 | 3/31/2019 0:00 | 01105 - Aluminum, Total (as Al) | 0.288 | MG/L | 0.08 | 030 - Exceeds | 260% | |
| BLUESTONE COAL CORPORATION | 010 | 4/30/2019 0:00 | 01105 - Aluminum, Total (as Al) | 0.158 | MG/L | 0.08 | 030 - Exceeds | 96% | |
| BLUESTONE COAL CORPORATION | 010 | 5/31/2019 0:00 | 01105 - Aluminum, Total (as Al) | 0.607 | MG/L | 0.08 | 030 - Exceeds | 659% | |
| BLUESTONE COAL CORPORATION | 010 | 6/30/2019 0:00 | 01105 - Aluminum, Total (as Al) | 0.607 | MG/L | 0.08 | 030 - Exceeds | 659% | |
| BLUESTONE COAL CORPORATION | 002 | 2/28/2019 0:00 | 00530 - Total Suspended Solids | 80 | MG/L | 70 | 010 - Exceeds | 14% | |
| BLUESTONE COAL CORPORATION | 002 | 7/31/2019 0:00 | 01105 - Aluminum, Total (as Al) | 0.890 | MG/L | .75 | 010 - Exceeds | 19% | |
| BLUESTONE COAL CORPORATION | 002 | 10/31/2019 0:00 | 01105 - Aluminum, Total (as Al) | 1.120 | MG/L | .75 | 010 - Exceeds | 49% | |
| BLUESTONE COAL CORPORATION | 002 | 12/31/2019 0:00 | 01105 - Aluminum, Total (as Al) | 1.920 | MG/L | .75 | 010 - Exceeds | 156% | |
| BLUESTONE COAL CORPORATION | 002 | 2/29/2020 0:00 | 01105 - Aluminum, Total (as Al) | 0.840 | MG/L | .75 | 010 - Exceeds | 12% | |
| BLUESTONE COAL CORPORATION | 002 | 7/31/2019 0:00 | 01105 - Aluminum, Total (as Al) | 0.590 | MG/L | .43 | 030 - Exceeds | 37% | |
| BLUESTONE COAL CORPORATION | 002 | 10/31/2019 0:00 | 01105 - Aluminum, Total (as Al) | 1.120 | MG/L | .43 | 030 - Exceeds | 160% | |
| BLUESTONE COAL CORPORATION | 002 | 12/31/2019 0:00 | 01105 - Aluminum, Total (as Al) | 1.020 | MG/L | .43 | 030 - Exceeds | 137% | |

| | | | |
|-------------------|------------|-----------|-----------|
| Non-Trout Totals | 39 | 44 | 12 |
| Trout Totals | 0 | 0 | 0 |
| Trout+Iron Totals | 63 | 37 | 0 |
| ALL TOTALS | 102 | 81 | 12 |

Attachment 4

Failure To Submits - Bluestone Coal Corporation (M-19-283)

| Permit | Outlet | Sampling | Month | Year |
|-----------|--------------|--------------|--------------------------------------|------|
| WV1006304 | 037 | Semi-Monthly | April, May, June | 2016 |
| | DRF | Semi-Monthly | September, October, November | 2016 |
| WV1008552 | 003 | Semi-Monthly | January, February, March, April, May | 2016 |
| WV1021079 | BAS-PCDS-001 | Quarterly | March (Error - Reported in Jan) | 2017 |
| | BAS-PCDS-008 | Quarterly | March (Error - Reported in Jan) | 2017 |
| | BAS-PCUS-001 | Quarterly | March (Error - Reported in Jan) | 2017 |
| | BAS-PCUS-008 | Quarterly | March (Error - Reported in Jan) | 2017 |

Base Penalty Calculation

(pursuant to 47CSR1-6.1)

Responsible Party: Bluestone Coal Corporation M-19-283 **WVNPDES No.:** _____

WV1005979, WV1005995,
 WV1006304, WV1006347,
 WV1006479, WV1006614,
 WV1008838, WV1018698,
 WV18736, WV1018965,
 WV1021095, WV1024159,
 WV1008552, WV1021079

Treatment System Design Maximum Flow: N/A **MGD**

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

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

| 1) | Potential for Harm Factor | Factor Range | FOF# | | | | | | | | | | | | |
|--|-------------------------------------|---------------------|------|------|------|-----|-----|-----|-----|-----|-----|-----|-----|-----|----|
| | | | No T | No T | No T | T | T | T | TAI | TAI | TAI | TI | TI | TI | |
| a) | Amount of Pollutant Released | 1 to 3 | 1 | 1 | 2 | 1 | 1 | 2 | 1 | 1 | 2 | 1 | 1 | 2 | |
| b) | Toxicity of Pollutant | 0 to 3 | 1 | 1 | 1 | 1 | 1 | 1 | 3 | 3 | 3 | 1 | 1 | 1 | |
| c) | Sensitivity of the Environment | 0 to 3 | 1 | 1 | 1 | 3 | 3 | 3 | 3 | 3 | 3 | 2 | 2 | 2 | |
| d) | Length of Time | 1 to 3 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | |
| e) | Actual Exposure and Effects thereon | 0 to 3 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | |
| Average Potential for Harm Factor | | | 1 | 1 | 1.2 | 1.4 | 1.4 | 1.6 | 1.8 | 1.8 | 2 | 1.2 | 1.2 | 1.4 | No |
| 2) | Extent of Deviation Factor | Factor Range | | | | | | | | | | | | | |
| | Degree of Non-Compliance | 1 to 3 | 1 | 2 | 3 | 1 | 2 | 3 | 1 | 2 | 3 | 1 | 2 | 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.

| | | 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 |
|---------------------------|--------------------|---------------------|----------|-----------------|--------------------|
| No T | Minor | Minor | \$1,000 | 111 | \$111,000 |
| No T | Minor | Moderate | \$1,500 | 85 | \$127,500 |
| No T | Moderate | Major | \$4,200 | 16 | \$67,200 |
| T | Moderate | Minor | \$2,400 | 57 | \$136,800 |
| T | Moderate | Moderate | \$3,400 | 29 | \$98,600 |
| T | Moderate | Major | \$4,600 | 12 | \$55,200 |
| T AI | Moderate | Minor | \$2,800 | | \$0 |
| T AI | Moderate | Moderate | \$3,800 | | \$0 |
| T AI | Moderate | Major | \$5,000 | | \$0 |
| T I | Moderate | Minor | \$2,200 | 98 | \$215,600 |
| T I | Moderate | Moderate | \$3,200 | 55 | \$176,000 |
| T I | Moderate | Major | \$4,400 | | \$0 |
| 0 | FALSE | FALSE | FALSE | | \$0 |
| TIAL | Moderate | Minor | \$2,600 | | \$0 |
| TIAL | Moderate | Moderate | \$3,600 | | \$0 |
| TIAL | Moderate | Major | \$4,800 | | \$0 |
| 0 | FALSE | FALSE | FALSE | 1 | \$0 |
| FTS | Major | Major | \$10,000 | | \$0 |
| WET | FALSE | FALSE | \$10,000 | 24 | \$240,000 |
| BAS | FALSE | FALSE | \$10,000 | 8 | \$80,000 |
| 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 | | | | | \$1,307,900 |

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 - | 30 | | \$392,370 |
| 6.2.b.4 - Compliance/noncompliance history - | 30 | | \$392,370 |
| 6.2.b.6 - Economic benefits - (flat monetary increase) | \$56,000 | | \$56,000 |
| 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) | | Decrease to \$125,000 per 22-11- 22a (b)(1) | \$2,023,700 |
| Public Notice Costs (flat monetary increase) | \$60 | | \$60 |
| 6.2.b.2 - Good Faith - Increase | | | \$0 |
| 6.2.b.2 - Good Faith - Decrease | | | \$0 |
| 6.2.b.3 - Cooperation with the Secretary | | | \$0 |
| 6.2.b.5 - Ability to Pay | | | \$0 |
| Penalty Adjustments | | | (\$1,182,900) |
| Penalty = | | | \$125,000 |

| Estimated Economic Benefit Item | Estimated Benefit (\$) |
|--|------------------------|
| Monitoring & Reporting | \$44,000 |
| Installation & Maintenance of Pollution Control Equipment | |
| O&M expenses and cost of equipment/materials needed for compliance | |
| Permit Application or Modification | |
| Competitive Advantage | \$12,000 |
| Estimated Economic Benefit | \$56,000 |
| <p>Comments:</p> <p>*Competitive Advantage: Non-compliances @ \$1,000/quarter x 12 quarters = \$12,000</p> <p>*Monitoring & Reporting: Failure to Submit DMR @\$1,000/reporting frequency: WV1006304 - Outlet 037 April, May, June (\$3,000); WV1008552 - Outlet 003 January, February, March, April, May (\$5,000) = \$8,000; Failure to Submit WET @\$1,000/reporting frequency: WV1021079(outlet 008) & WV1021095 (outlet 004)- 2016, 2017 & 2018 - total 24 missed = \$24,000; Failure to submit BAS @ \$1,500/reporting frequency: WV1021079 (outlet 008 x 2) & WV1021095 (outlet 004 x 2) - 2017 & 2018 - total 8 missed = \$12,000</p> | |