

PUBLIC NOTICE

The West Virginia Department of Environmental Protection (WVDEP) and Eagle Mining, LLC 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, Eagle Mining, LLC 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 May 28, 2021. Comments regarding this Administrative Order may be submitted to: 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>.



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

Harold Ward, Cabinet Secretary
dep.wv.gov

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

TO: Eagle Mining, LLC
4010 MacCorkle Avenue
Charleston, WV 25304

DATE: March 23, 2021
ORDER NO.: M-18-239

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 Eagle Mining, LLC (hereinafter “Eagle”).

FINDINGS OF FACT

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

1. Eagle 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 the WVDEP NPDES Permits is WV1015869 (“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. Eagle 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”), or through the submission of paper copies of DMRs.

4. Eagle 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”), or through the submission of paper copies of DMRs.
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 Eagle 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 October 2015 through December 2020 regarding Eagle Permit(s), DMRs, and other related information, including information submitted by the Eagle at the request of WVDEP, and has completed an evaluation of Eagle DMRs 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 3-A and 3-B which list the WVDEP NPDES Permits that have violations.
8. Based on its evaluation, the WVDEP has documented the failure to report Monthly DMRs information required by the WVDEP NPDES Permits. The results of this investigation are included in Attachment 2 which list the WVDEP NPDES Permits that have violations.

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. Eagle shall immediately take all measures to initiate compliance with all terms and conditions of the Permit(s).
2. Eagle shall comply with the Compliance Schedule and reporting requirements contained in Attachment 1.
3. Because of Eagle’s WVDEP NPDES violations of the Permit(s), Eagle shall be assessed a Civil Administrative Penalty of \$500.00 (five hundred dollars) to be paid to the Department of Environmental Protection within thirty (30) days of demand for penalty from WVDEP. The Civil Administrative Penalty has been revised after using the Environmental Protection Agency’s Financial and Penalty Model “ABEL”. 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.

4. **Total Payment in the amount of \$500.00 (five hundred dollars) shall be mailed to:**

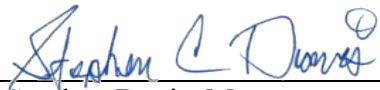
**John Vernon, Assistant Deputy Director
Division of Mining and Reclamation
WV-DEP
601 57th Street SE
Charleston, WV 25304**

5. 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 October 2015 through December 2020 in relation to the specified Permits.
6. Stipulated Penalties
- a. Beginning with the effective date of this Order, Eagle shall be liable for stipulated penalties for violations of items 2 through 4 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.

OTHER PROVISIONS

1. Eagle 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, Eagle 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, Eagle 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 Eagle 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, Eagle 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 Eagle 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 Eagle 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 Eagle (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 Eagle 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 Eagle 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 Eagle, its successors and assigns.
7. The effective date of this Order is the date it is signed by Eagle.
8. The final entry date of this Order shall be the date it is executed by WVDEP.
9. This Order shall terminate upon the verification of WVDEP that Eagle has met all requirements with the Order and is in full compliance.



Stephen Davis, Manager
Eagle Mining, LLC

April 12, 2021

Date

Public Notice begin:

_____ Date

Public Notice end:

_____ Date

Jonathan Rorrer, Acting Director
Division of Mining and Reclamation
Department of Environmental Protection

Date

Attachment 1

The Permittee shall achieve compliance with the requirements of the Order in accordance with the following schedule:

a. Submit Payment of Civil Administrative Base Penalty	Pursuant to Sections 3 and 4 of the 'Order for Compliance' of this Order
b. Continue to monitor all applicable permits/outlets/parameters per approved permit and submit per NPDES permit conditions	Monthly per Discharge Monitoring Report requirements

ATTACHMENT 2

Failures To Submit - Eagle Mining, LLC (M-18-239)

Permit	Outlet	Sampling	Month	Year
WV1015869	065	Quarterly	April, May June	2017
	069	Quarterly	April, May June	2017

ATTACHMENT 3-A

WV1015869; Outlet 046; DMR Exceedences - MAX. DAILY - 10/01/15-09/30/18									
Date	Parameter	Units	Permitted Max.		Reported Max.	% Exceedence	Degree of Non-Compliance		
			Daily	Daily			Min.	Mod.	Maj.
10/31/2015	00981 - Selenium, Total Recoverable	UG/L	8.2	12.82	12.82	56.34%	X		
11/30/2015	00981 - Selenium, Total Recoverable	UG/L	8.2	14.92	14.92	81.95%	X		
12/31/2015	00981 - Selenium, Total Recoverable	UG/L	8.2	15.58	15.58	90.00%	X		
1/31/2016	00981 - Selenium, Total Recoverable	UG/L	8.2	10.45	10.45	27.44%	X		
2/29/2016	00981 - Selenium, Total Recoverable	UG/L	8.2	13.58	13.58	65.61%	X		
3/31/2016	00981 - Selenium, Total Recoverable	UG/L	8.2	11.64	11.64	41.95%	X		
4/27/2016	00981 - Selenium, Total Recoverable	UG/L	8.2	9.55	9.55	16.46%	X		INSPECTOR NOV # 1
4/30/2016	00981 - Selenium, Total Recoverable	UG/L	8.2	9.09	9.09	10.85%	X		
5/31/2016	00981 - Selenium, Total Recoverable	UG/L	8.2	12.18	12.18	48.54%	X		
6/30/2016	00981 - Selenium, Total Recoverable	UG/L	8.2	9.76	9.76	19.02%	X		
7/31/2016	00981 - Selenium, Total Recoverable	UG/L	8.2	11.80	11.80	43.90%	X		
8/31/2016	00981 - Selenium, Total Recoverable	UG/L	8.2	8.94	8.94	9.02%	X		
9/30/2016	00981 - Selenium, Total Recoverable	UG/L	8.2	11.25	11.25	37.20%	X		
10/31/2016	00981 - Selenium, Total Recoverable	UG/L	8.2	10.27	10.27	25.24%	X		
11/10/2016	00981 - Selenium, Total Recoverable	UG/L	8.2	9.7	9.7	18.29%	X		INSPECTOR NOV # 3
11/30/2016	00981 - Selenium, Total Recoverable	UG/L	8.2	14.10	14.10	71.95%	X		
12/31/2016	00981 - Selenium, Total Recoverable	UG/L	8.2	16.63	16.63	102.80%		X	
1/31/2017	00981 - Selenium, Total Recoverable	UG/L	8.2	13.76	13.76	67.80%	X		
2/28/2017	00981 - Selenium, Total Recoverable	UG/L	8.2	14.28	14.28	74.15%	X		
3/31/2017	00981 - Selenium, Total Recoverable	UG/L	8.2	10.97	10.97	33.78%	X		
4/30/2017	00981 - Selenium, Total Recoverable	UG/L	8.2	10.00	10.00	21.95%	X		
5/31/2017	00981 - Selenium, Total Recoverable	UG/L	8.2	10.30	10.30	25.61%	X		
6/30/2017	00981 - Selenium, Total Recoverable	UG/L	8.2	10.05	10.05	22.56%	X		
7/31/2017	00981 - Selenium, Total Recoverable	UG/L	8.2	9.09	9.09	10.85%	X		
8/31/2017	00981 - Selenium, Total Recoverable	UG/L	8.2	10.85	10.85	32.32%	X		
9/30/2017	00981 - Selenium, Total Recoverable	UG/L	8.2	10.81	10.81	31.83%	X		
10/31/2017	00981 - Selenium, Total Recoverable	UG/L	8.2	9.98	9.98	21.71%	X		
11/30/2017	00981 - Selenium, Total Recoverable	UG/L	8.2	10.89	10.89	32.80%	X		
12/31/2017	00981 - Selenium, Total Recoverable	UG/L	8.2	10.70	10.70	30.49%	X		
1/31/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	13.76	13.76	67.80%	X		
2/28/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	12.38	12.38	50.98%	X		
3/31/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	10.99	10.99	34.02%	X		
4/30/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	9.86	9.86	20.24%	X		
5/31/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	11.98	11.98	46.10%	X		
6/30/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	11.85	11.85	44.51%	X		
8/31/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	10.46	10.46	27.56%	X		

Date	Parameter	Units	Permitted Avg. Monthly	Reported Avg. Monthly	% Exceedance	Min.	Mod.	Maj.
9/30/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	13.04	59.02%	X		
WW1015869; Outlet 046; DMR Exceedances - AVG. MONTHLY - 10/01/15-09/30/18								
10/31/2015	00981 - Selenium, Total Recoverable	UG/L	4.7	12.13	158.09%		X	
11/30/2015	00981 - Selenium, Total Recoverable	UG/L	4.7	14.395	206.28%		X	
12/31/2015	00981 - Selenium, Total Recoverable	UG/L	4.7	12.95	175.53%		X	
1/31/2016	00981 - Selenium, Total Recoverable	UG/L	4.7	9.89	110.43%		X	
2/29/2016	00981 - Selenium, Total Recoverable	UG/L	4.7	13.58	188.94%		X	
3/31/2016	00981 - Selenium, Total Recoverable	UG/L	4.7	11.64	147.66%		X	
4/30/2016	00981 - Selenium, Total Recoverable	UG/L	4.7	8.53	81.49%		X	
5/31/2016	00981 - Selenium, Total Recoverable	UG/L	4.7	10.35	120.21%		X	
6/30/2016	00981 - Selenium, Total Recoverable	UG/L	4.7	8.955	90.53%		X	
7/31/2016	00981 - Selenium, Total Recoverable	UG/L	4.7	10.945	132.87%		X	
8/31/2016	00981 - Selenium, Total Recoverable	UG/L	4.7	8.125	72.87%		X	
9/30/2016	00981 - Selenium, Total Recoverable	UG/L	4.7	10.915	132.23%		X	
10/31/2016	00981 - Selenium, Total Recoverable	UG/L	4.7	9.365	99.26%		X	
11/30/2016	00981 - Selenium, Total Recoverable	UG/L	4.7	11.585	146.49%		X	
12/31/2016	00981 - Selenium, Total Recoverable	UG/L	4.7	13.17	180.21%		X	
1/31/2017	00981 - Selenium, Total Recoverable	UG/L	4.7	12.77	171.70%		X	
2/28/2017	00981 - Selenium, Total Recoverable	UG/L	4.7	12.545	166.91%		X	
3/31/2017	00981 - Selenium, Total Recoverable	UG/L	4.7	10.97	133.40%		X	
4/30/2017	00981 - Selenium, Total Recoverable	UG/L	4.7	9.085	93.30%		X	
5/31/2017	00981 - Selenium, Total Recoverable	UG/L	4.7	9.95	111.70%		X	
6/30/2017	00981 - Selenium, Total Recoverable	UG/L	4.7	8.325	77.13%		X	
7/31/2017	00981 - Selenium, Total Recoverable	UG/L	4.7	8.545	81.81%		X	
8/31/2017	00981 - Selenium, Total Recoverable	UG/L	4.7	9.74	107.23%		X	
9/30/2017	00981 - Selenium, Total Recoverable	UG/L	4.7	10.715	127.98%		X	
10/31/2017	00981 - Selenium, Total Recoverable	UG/L	4.7	9.225	96.28%		X	
11/30/2017	00981 - Selenium, Total Recoverable	UG/L	4.7	9.67	105.74%		X	
12/31/2017	00981 - Selenium, Total Recoverable	UG/L	4.7	10.61	125.74%		X	
1/31/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	13.76	192.77%		X	
2/28/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	11.79	150.85%		X	
3/31/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	10.875	131.38%		X	
4/30/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	9.085	93.30%		X	
5/31/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	11.775	150.53%		X	
6/30/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	11.545	145.64%		X	
7/31/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	6.68	42.13%		X	
8/31/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	9.27	97.23%		X	

9/30/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	10.68	127.23%	X
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WV1015869; Outlet 047; DMR Exceedences - MAX. DAILY - 10/01/15-09/30/18						
Date	Parameter	Units	Permitted Max. Daily	Reported Max. Daily	% Exceedence	Degree of Non-Compliance
2/29/2016	00981 - Selenium, Total Recoverable	UG/L	8.2	14.77	80.12%	X
4/30/2016	00981 - Selenium, Total Recoverable	UG/L	8.2	9.51	15.98%	X
5/31/2016	00981 - Selenium, Total Recoverable	UG/L	8.2	13.44	63.90%	X
7/31/2016	00981 - Selenium, Total Recoverable	UG/L	8.2	15.85	93.29%	X
8/31/2016	00981 - Selenium, Total Recoverable	UG/L	8.2	11.74	43.17%	X
1/31/2017	00981 - Selenium, Total Recoverable	UG/L	8.2	14.61	78.17%	X
3/31/2017	00981 - Selenium, Total Recoverable	UG/L	8.2	14.60	78.05%	X
4/30/2017	00981 - Selenium, Total Recoverable	UG/L	8.2	15.75	92.07%	X
5/31/2017	00981 - Selenium, Total Recoverable	UG/L	8.2	16.74	104.15%	X
6/30/2017	00981 - Selenium, Total Recoverable	UG/L	8.2	11.21	36.71%	X
8/31/2017	00981 - Selenium, Total Recoverable	UG/L	8.2	12.95	57.93%	X
11/30/2017	00981 - Selenium, Total Recoverable	UG/L	8.2	11.98	46.10%	X
2/28/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	16.55	101.83%	X
3/31/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	17.21	109.88%	X
4/30/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	14.01	70.85%	X
5/31/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	19.10	132.93%	X
6/30/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	22.21	170.85%	X
7/31/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	10.75	31.10%	X
8/31/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	17.51	113.54%	X
9/30/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	18.61	126.95%	X

WV1015869; Outlet 047; DMR Exceedences - AVG. MONTHLY - 10/01/15-09/30/18						
Date	Parameter	Units	Permitted Avg. Monthly	Reported Avg. Monthly	% Exceedence	Degree of Non-Compliance
2/29/2016	00981 - Selenium, Total Recoverable	UG/L	4.7	14.77	214.26%	X
4/30/2016	00981 - Selenium, Total Recoverable	UG/L	4.7	9.51	102.34%	X
5/31/2016	00981 - Selenium, Total Recoverable	UG/L	4.7	12.67	169.57%	X
7/31/2016	00981 - Selenium, Total Recoverable	UG/L	4.7	14.885	216.70%	X
8/31/2016	00981 - Selenium, Total Recoverable	UG/L	4.7	11.74	149.79%	X
1/31/2017	00981 - Selenium, Total Recoverable	UG/L	4.7	13.965	197.13%	X
3/31/2017	00981 - Selenium, Total Recoverable	UG/L	4.7	14.60	210.64%	X
4/30/2017	00981 - Selenium, Total Recoverable	UG/L	4.7	13.49	187.02%	X
5/31/2017	00981 - Selenium, Total Recoverable	UG/L	4.7	14.34	205.11%	X
6/30/2017	00981 - Selenium, Total Recoverable	UG/L	4.7	9.53	102.77%	X
8/31/2017	00981 - Selenium, Total Recoverable	UG/L	4.7	12.95	175.53%	X

11/30/2017	00981 - Selenium, Total Recoverable	UG/L	4.7	11.98	154.89%				X	
2/28/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	16.42	249.36%				X	
3/31/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	16.395	248.83%				X	
4/30/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	13.605	189.47%				X	
5/31/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	19.10	306.38%				X	
6/30/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	22.21	372.55%				X	
7/31/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	10.75	128.72%				X	
8/31/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	17.51	272.55%				X	
9/30/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	16.975	261.17%				X	

WV1015869; Outlet 048; DMR Exceedences - MAX. DAILY - 10/01/15-09/30/18										
Date	Parameter	Units	Permitted Max.		% Exceedence	Reported Max.		Degree of Non-Compliance		
			Daily	Daily		Daily	Daily	Min.	Mod.	Maj.
10/31/2015	00981 - Selenium, Total Recoverable	UG/L	8.2	31.31	281.83%				X	
11/30/2015	00981 - Selenium, Total Recoverable	UG/L	8.2	21.21	158.66%				X	
12/31/2015	00981 - Selenium, Total Recoverable	UG/L	8.2	22.23	171.10%				X	
1/31/2016	00981 - Selenium, Total Recoverable	UG/L	8.2	19.07	132.56%				X	
2/29/2016	00981 - Selenium, Total Recoverable	UG/L	8.2	14.27	74.02%			X		
3/31/2016	00981 - Selenium, Total Recoverable	UG/L	8.2	26.99	229.15%				X	
4/27/2016	00981 - Selenium, Total Recoverable	UG/L	8.2	41.4	404.88%				X	
4/30/2016	00981 - Selenium, Total Recoverable	UG/L	8.2	20.92	155.12%				X	
5/31/2016	00981 - Selenium, Total Recoverable	UG/L	8.2	35.67	335.00%				X	
6/30/2016	00981 - Selenium, Total Recoverable	UG/L	8.2	19.73	140.61%				X	
7/31/2016	00981 - Selenium, Total Recoverable	UG/L	8.2	19.93	143.05%				X	
8/31/2016	00981 - Selenium, Total Recoverable	UG/L	8.2	24.24	195.61%				X	
9/30/2016	00981 - Selenium, Total Recoverable	UG/L	8.2	20.29	147.44%				X	
10/31/2016	00981 - Selenium, Total Recoverable	UG/L	8.2	22.05	168.90%				X	
11/10/2016	00981 - Selenium, Total Recoverable	UG/L	8.2	40.1	389.02%				X	
11/30/2016	00981 - Selenium, Total Recoverable	UG/L	8.2	15.14	84.63%			X		
12/31/2016	00981 - Selenium, Total Recoverable	UG/L	8.2	23.17	182.56%				X	
1/31/2017	00981 - Selenium, Total Recoverable	UG/L	8.2	35.03	327.20%				X	
2/28/2017	00981 - Selenium, Total Recoverable	UG/L	8.2	29.92	264.88%				X	
3/31/2017	00981 - Selenium, Total Recoverable	UG/L	8.2	28.46	247.07%				X	
4/30/2017	00981 - Selenium, Total Recoverable	UG/L	8.2	30.85	276.22%				X	
5/31/2017	00981 - Selenium, Total Recoverable	UG/L	8.2	21.99	168.17%				X	
6/30/2017	00981 - Selenium, Total Recoverable	UG/L	8.2	18.60	126.83%				X	
7/31/2017	00981 - Selenium, Total Recoverable	UG/L	8.2	25.07	205.73%				X	
8/31/2017	00981 - Selenium, Total Recoverable	UG/L	8.2	16.85	105.49%				X	
9/30/2017	00981 - Selenium, Total Recoverable	UG/L	8.2	15.08	83.90%			X		
10/31/2017	00981 - Selenium, Total Recoverable	UG/L	8.2	27.08	230.24%				X	

INSPECTOR NOV # 1

11/30/2017	00981 - Selenium, Total Recoverable	UG/L	8.2	20.86	154.39%			X	
12/31/2017	00981 - Selenium, Total Recoverable	UG/L	8.2	15.95	94.51%		X		
1/31/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	19.50	137.80%			X	
2/28/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	31.88	288.78%			X	
3/31/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	26.42	222.20%			X	
4/30/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	19.98	143.66%			X	
5/31/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	30.67	274.02%			X	
6/30/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	30.55	272.56%			X	
7/31/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	16.03	95.49%		X		
8/31/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	47.30	476.83%			X	
9/30/2018	00981 - Selenium, Total Recoverable	UG/L	8.2	23.95	192.07%			X	

WV1015869; Outlet 048; DMR Exceedences - AVG. MONTHLY - 10/01/15-09/30/18									
Date	Parameter	Units	Permitted Avg. Monthly	Reported Avg. Monthly	% Exceedence	Min.	Mod.	Maj.	Degree of Non-Compliance
10/31/2015	00981 - Selenium, Total Recoverable	UG/L	4.7	29.865	535.43%			X	
11/30/2015	00981 - Selenium, Total Recoverable	UG/L	4.7	21.21	351.28%			X	
12/31/2015	00981 - Selenium, Total Recoverable	UG/L	4.7	16.455	250.11%		X		
1/31/2016	00981 - Selenium, Total Recoverable	UG/L	4.7	19.07	305.74%			X	
2/29/2016	00981 - Selenium, Total Recoverable	UG/L	4.7	10.745	128.62%		X		
3/31/2016	00981 - Selenium, Total Recoverable	UG/L	4.7	26.99	474.26%			X	
4/30/2016	00981 - Selenium, Total Recoverable	UG/L	4.7	17.465	271.60%		X		
5/31/2016	00981 - Selenium, Total Recoverable	UG/L	4.7	28.305	502.23%			X	
6/30/2016	00981 - Selenium, Total Recoverable	UG/L	4.7	15.77	235.53%		X		
7/31/2016	00981 - Selenium, Total Recoverable	UG/L	4.7	19.69	318.94%			X	
8/31/2016	00981 - Selenium, Total Recoverable	UG/L	4.7	18.19	287.02%		X		
9/30/2016	00981 - Selenium, Total Recoverable	UG/L	4.7	16.74	256.17%		X		
10/31/2016	00981 - Selenium, Total Recoverable	UG/L	4.7	20.675	339.89%			X	
11/30/2016	00981 - Selenium, Total Recoverable	UG/L	4.7	13.665	190.74%		X		
12/31/2016	00981 - Selenium, Total Recoverable	UG/L	4.7	20.83	343.19%			X	
1/31/2017	00981 - Selenium, Total Recoverable	UG/L	4.7	29.68	531.49%			X	
2/28/2017	00981 - Selenium, Total Recoverable	UG/L	4.7	24.63	424.04%			X	
3/31/2017	00981 - Selenium, Total Recoverable	UG/L	4.7	28.46	505.53%			X	
4/30/2017	00981 - Selenium, Total Recoverable	UG/L	4.7	25.645	445.64%			X	
5/31/2017	00981 - Selenium, Total Recoverable	UG/L	4.7	18.43	292.13%		X		
6/30/2017	00981 - Selenium, Total Recoverable	UG/L	4.7	17.84	279.57%		X		
7/31/2017	00981 - Selenium, Total Recoverable	UG/L	4.7	20.745	341.38%			X	
8/31/2017	00981 - Selenium, Total Recoverable	UG/L	4.7	16.125	243.09%		X		
9/30/2017	00981 - Selenium, Total Recoverable	UG/L	4.7	10.58	125.11%		X		
10/31/2017	00981 - Selenium, Total Recoverable	UG/L	4.7	21.785	363.51%			X	

11/30/2017	00981 - Selenium, Total Recoverable	UG/L	4.7	17.455	271.38%			X	
12/31/2017	00981 - Selenium, Total Recoverable	UG/L	4.7	12.955	175.64%			X	
1/31/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	19.50	314.89%				X
2/28/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	31.16	562.98%				X
3/31/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	25.685	446.49%				X
4/30/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	18.29	289.15%			X	
5/31/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	28.695	510.53%				X
6/30/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	26.84	471.06%				X
7/31/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	15.395	227.55%			X	
8/31/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	31.665	573.72%				X
9/30/2018	00981 - Selenium, Total Recoverable	UG/L	4.7	21.245	352.02%				X

WV1015869; Outlet 049; DMR Exceedences - MAX. DAILY - 10/01/15-09/30/18

Date	Parameter	Units	Permitted Max.		% Exceedence	Degree of Non-Compliance		
			Daily	Reported Max. Daily		Min.	Mod.	Maj.
2/29/2016	00981 - Selenium, Total Recoverable	UG/L	8.2	17.12	108.78%		X	
3/31/2016	00981 - Selenium, Total Recoverable	UG/L	8.2	15.70	91.46%	X		
5/23/2016	00981 - Selenium, Total Recoverable	UG/L	8.2	15	82.93%	X		
5/31/2016	00981 - Selenium, Total Recoverable	UG/L	8.2	13.78	68.05%	X		
1/31/2017	00981 - Selenium, Total Recoverable	UG/L	8.2	8.82	7.56%	X		
5/31/2017	00981 - Selenium, Total Recoverable	UG/L	8.2	13.00	58.54%	X		
6/30/2017	00981 - Selenium, Total Recoverable	UG/L	8.2	10.74	30.98%	X		

INSPECTOR NOV # 2

WV1015869; Outlet 049; DMR Exceedences - AVG. MONTHLY - 10/01/15-09/30/18

Date	Parameter	Units	Permitted Avg. Monthly		% Exceedence	Degree of Non-Compliance		
			Monthly	Reported Avg. Monthly		Min.	Mod.	Maj.
2/29/2016	00981 - Selenium, Total Recoverable	UG/L	4.7	17.12	264.26%		X	
3/31/2016	00981 - Selenium, Total Recoverable	UG/L	4.7	15.70	234.04%		X	
5/31/2016	00981 - Selenium, Total Recoverable	UG/L	4.7	11.48	144.26%		X	
1/31/2017	00981 - Selenium, Total Recoverable	UG/L	4.7	8.82	87.66%		X	
5/31/2017	00981 - Selenium, Total Recoverable	UG/L	4.7	13.00	176.60%		X	
6/30/2017	00981 - Selenium, Total Recoverable	UG/L	4.7	10.74	128.51%		X	
8/31/2017	00981 - Selenium, Total Recoverable	UG/L	4.7	7.98	69.79%		X	

WV1015869 non pH Totals	Degree of non-compliance		
	Min.	Mod.	Maj.
	60	118	23

plus pH	0	0	0
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WV1015869 Totals	Degree of non-compliance	
	Min.	Maj.
	60	23

ATTACHMENT 3-B

Exceedences 09/01/18 to 12/31/20

responsible_party_name	assoc_permid	inspector_unit_code	chemical_report_date	chem	ppt_average	ppt_maximum	ppt_average	ppt_maximum	limt_units	noncompliance	Degree of noncompliance	
											% Exceed	MOD
EAGLE MINING, LLC	WV1015869	046	9/30/2018 0:00	0981 - Selenium, Total Recoverable	10.68	13.04	4.7	13.04	UG/L	010 - Exceeds Concentration Maximum	59%	X
EAGLE MINING, LLC	WV1015869	046	10/31/2018 0:00	0981 - Selenium, Total Recoverable	6.88	10.24	4.7	10.24	UG/L	010 - Exceeds Concentration Maximum	25%	X
EAGLE MINING, LLC	WV1015869	046	11/30/2018 0:00	0981 - Selenium, Total Recoverable	6.24	9.56	4.7	9.56	UG/L	010 - Exceeds Concentration Maximum	17%	X
EAGLE MINING, LLC	WV1015869	046	4/30/2019 0:00	0981 - Selenium, Total Recoverable	6.24	11.17	4.7	11.17	UG/L	010 - Exceeds Concentration Maximum	36%	X
EAGLE MINING, LLC	WV1015869	046	5/31/2019 0:00	0981 - Selenium, Total Recoverable	6.24	11.163	4.7	11.163	UG/L	010 - Exceeds Concentration Maximum	36%	X
EAGLE MINING, LLC	WV1015869	046	9/30/2018 0:00	0981 - Selenium, Total Recoverable	10.3765	18.61	4.7	18.61	UG/L	010 - Exceeds Concentration Maximum	127%	X
EAGLE MINING, LLC	WV1015869	047	10/31/2018 0:00	0981 - Selenium, Total Recoverable	10.3765	11.71	4.7	11.71	UG/L	010 - Exceeds Concentration Maximum	43%	X
EAGLE MINING, LLC	WV1015869	047	11/30/2018 0:00	0981 - Selenium, Total Recoverable	10.3765	12.53	4.7	12.53	UG/L	010 - Exceeds Concentration Maximum	53%	X
EAGLE MINING, LLC	WV1015869	048	5/31/2019 0:00	0981 - Selenium, Total Recoverable	10.3765	23.95	4.7	23.95	UG/L	010 - Exceeds Concentration Maximum	192%	X
EAGLE MINING, LLC	WV1015869	048	10/31/2018 0:00	0981 - Selenium, Total Recoverable	6.24	19.28	4.7	19.28	UG/L	010 - Exceeds Concentration Maximum	135%	X
EAGLE MINING, LLC	WV1015869	048	11/30/2018 0:00	0981 - Selenium, Total Recoverable	6.24	20.28	4.7	20.28	UG/L	010 - Exceeds Concentration Maximum	147%	X
EAGLE MINING, LLC	WV1015869	048	12/31/2018 0:00	0981 - Selenium, Total Recoverable	6.24	10.00	4.7	10.00	UG/L	010 - Exceeds Concentration Maximum	22%	X
EAGLE MINING, LLC	WV1015869	048	1/31/2019 0:00	0981 - Selenium, Total Recoverable	6.24	13.03	4.7	13.03	UG/L	010 - Exceeds Concentration Maximum	59%	X
EAGLE MINING, LLC	WV1015869	048	2/28/2019 0:00	0981 - Selenium, Total Recoverable	6.24	11.46	4.7	11.46	UG/L	010 - Exceeds Concentration Maximum	40%	X
EAGLE MINING, LLC	WV1015869	048	3/31/2019 0:00	0981 - Selenium, Total Recoverable	6.24	22.93	4.7	22.93	UG/L	010 - Exceeds Concentration Maximum	180%	X
EAGLE MINING, LLC	WV1015869	048	4/30/2019 0:00	0981 - Selenium, Total Recoverable	6.24	33.16	4.7	33.16	UG/L	010 - Exceeds Concentration Maximum	304%	X
EAGLE MINING, LLC	WV1015869	048	5/31/2019 0:00	0981 - Selenium, Total Recoverable	6.24	35.688	4.7	35.688	UG/L	010 - Exceeds Concentration Maximum	335%	X
EAGLE MINING, LLC	WV1015869	046	9/30/2018 0:00	0981 - Selenium, Total Recoverable	10.68	10.68	4.7	10.68	UG/L	030 - Exceeds Concentration Average	127%	X
EAGLE MINING, LLC	WV1015869	046	10/31/2018 0:00	0981 - Selenium, Total Recoverable	6.88	9.575	4.7	9.575	UG/L	030 - Exceeds Concentration Average	104%	X
EAGLE MINING, LLC	WV1015869	046	11/30/2018 0:00	0981 - Selenium, Total Recoverable	6.24	6.88	4.7	6.88	UG/L	030 - Exceeds Concentration Average	46%	X
EAGLE MINING, LLC	WV1015869	046	1/31/2019 0:00	0981 - Selenium, Total Recoverable	6.24	6.24	4.7	6.24	UG/L	030 - Exceeds Concentration Average	33%	X
EAGLE MINING, LLC	WV1015869	046	2/28/2019 0:00	0981 - Selenium, Total Recoverable	6.24	6.165	4.7	6.165	UG/L	030 - Exceeds Concentration Average	31%	X
EAGLE MINING, LLC	WV1015869	046	4/30/2019 0:00	0981 - Selenium, Total Recoverable	6.24	10.3765	4.7	10.3765	UG/L	030 - Exceeds Concentration Average	121%	X
EAGLE MINING, LLC	WV1015869	046	5/31/2019 0:00	0981 - Selenium, Total Recoverable	6.24	10.161	4.7	10.161	UG/L	030 - Exceeds Concentration Average	116%	X
EAGLE MINING, LLC	WV1015869	047	9/30/2018 0:00	0981 - Selenium, Total Recoverable	16.975	16.975	4.7	16.975	UG/L	030 - Exceeds Concentration Average	261%	X
EAGLE MINING, LLC	WV1015869	047	10/31/2018 0:00	0981 - Selenium, Total Recoverable	11.71	11.71	4.7	11.71	UG/L	030 - Exceeds Concentration Average	149%	X
EAGLE MINING, LLC	WV1015869	047	11/30/2018 0:00	0981 - Selenium, Total Recoverable	12.53	12.53	4.7	12.53	UG/L	030 - Exceeds Concentration Average	167%	X
EAGLE MINING, LLC	WV1015869	047	1/31/2019 0:00	0981 - Selenium, Total Recoverable	6.22	6.22	4.7	6.22	UG/L	030 - Exceeds Concentration Average	25%	X
EAGLE MINING, LLC	WV1015869	047	2/28/2019 0:00	0981 - Selenium, Total Recoverable	6.22	6.22	4.7	6.22	UG/L	030 - Exceeds Concentration Average	32%	X
EAGLE MINING, LLC	WV1015869	047	5/31/2019 0:00	0981 - Selenium, Total Recoverable	13.401	13.401	4.7	13.401	UG/L	030 - Exceeds Concentration Average	185%	X
EAGLE MINING, LLC	WV1015869	048	9/30/2018 0:00	0981 - Selenium, Total Recoverable	21.245	21.245	4.7	21.245	UG/L	030 - Exceeds Concentration Average	352%	X
EAGLE MINING, LLC	WV1015869	048	10/31/2018 0:00	0981 - Selenium, Total Recoverable	16.845	16.845	4.7	16.845	UG/L	030 - Exceeds Concentration Average	258%	X
EAGLE MINING, LLC	WV1015869	048	11/30/2018 0:00	0981 - Selenium, Total Recoverable	13.79	13.79	4.7	13.79	UG/L	030 - Exceeds Concentration Average	193%	X
EAGLE MINING, LLC	WV1015869	048	12/31/2018 0:00	0981 - Selenium, Total Recoverable	6.315	6.315	4.7	6.315	UG/L	030 - Exceeds Concentration Average	34%	X
EAGLE MINING, LLC	WV1015869	048	1/31/2019 0:00	0981 - Selenium, Total Recoverable	11.025	11.025	4.7	11.025	UG/L	030 - Exceeds Concentration Average	135%	X
EAGLE MINING, LLC	WV1015869	048	2/28/2019 0:00	0981 - Selenium, Total Recoverable	9.60	9.60	4.7	9.60	UG/L	030 - Exceeds Concentration Average	104%	X
EAGLE MINING, LLC	WV1015869	048	3/31/2019 0:00	0981 - Selenium, Total Recoverable	22.93	22.93	4.7	22.93	UG/L	030 - Exceeds Concentration Average	388%	X
EAGLE MINING, LLC	WV1015869	048	4/30/2019 0:00	0981 - Selenium, Total Recoverable	29.284	29.284	4.7	29.284	UG/L	030 - Exceeds Concentration Average	523%	X
EAGLE MINING, LLC	WV1015869	048	5/31/2019 0:00	0981 - Selenium, Total Recoverable	31.9215	31.9215	4.7	31.9215	UG/L	030 - Exceeds Concentration Average	579%	X
TOTALS											16	20

Base Penalty Calculation

(pursuant to 47CSR1-6.1)

Responsible Party:

Eagle Mining, LLC

WVNPDES No.:

WV1015869

Treatment System Design Maximum Flow: _____ MGD

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

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

1)	Potential for Harm Factor	Factor Range	FOF#												
			No T	No T	No T	T	T	T	T AI	T AI	T AI	T I	T I	T I	
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	76	\$76,000
No T	Minor	Moderate	\$1,500	137	\$205,500
No T	Moderate	Major	\$4,200	27	\$113,400
T	Moderate	Minor	\$2,400		\$0
T	Moderate	Moderate	\$3,400		\$0
T	Moderate	Major	\$4,600		\$0
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		\$0
T I	Moderate	Moderate	\$3,200		\$0
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
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					\$394,900

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		\$118,470
6.2.b.4 - Compliance/noncompliance history -	40		\$157,960
6.2.b.6 - Economic benefits - (flat monetary increase)	\$12,000		\$12,000
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 due to ABEL (Ability to Pay)	\$682,890
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			(\$394,400)
Penalty =			\$500

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	\$12,000
Estimated Economic Benefit	\$12,000
Comments:	~Competitive advantage @ \$1,000/Quarter x 12 Quarters = \$12,000 *6.2.B.10 - Decrease to \$125,000 per WV Code Chapter 22-Article 11-22(b)(1); resulted in decrease of \$451,630