



west virginia department of environmental protection

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

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

**CONSENT ORDER
ISSUED UNDER THE
ABOVEGROUND STORAGE TANK ACT
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 30**

TO: Town of Gilbert
P.O. Box 1360
Gilbert, WV 25621
Attn: Mayor Vivian Livingood

DATE: November 4, 2021

ORDER NO.: AST-21-004

INTRODUCTION

This Consent Order is issued by the Director of the Division of Water and Waste Management (hereinafter "Director"), under the authority of West Virginia Code, Chapter 22, Article 30, Section 1 et seq. to Town of Gilbert (hereinafter "Gilbert").

FINDINGS OF FACT

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

1. Gilbert is the owner/operator of a Level One (1) aboveground storage tank (AST) located at Gilbert, Mingo County, West Virginia. This facility operates under WV Identification No. 2014-0002916.
2. On August 24, 2017, West Virginia Department of Environmental Protection (WVDEP) personnel conducted an inspection of the facility. During the inspection, the following violations of WV State Code and WV Legislative Rules were observed and documented:
 - a. 22-30-10.a-Gilbert failed to notify local emergency responders of the type and quantity of fluids stored in the regulated AST.
 - b. 47CSR63 Section 5.6-Gilbert failed to ensure the AST was labeled.
 - c. 47CSR63 Section 10.2.a-Gilbert failed to ensure the AST had a secondary containment system.
 - d. 47CSR63 Section 5.1.a-Gilbert failed to inspect secondary containment at a minimum of every fourteen (14) days.

- e. 47CSR63 Section 5.1.b-Gilbert failed to visually inspect the AST at least once per month.
- f. 47CSR63 Section 10.3-Gilbert failed to monitor the AST for leak detection at least once per month.
- g. 47CSR63 Section 12.1.a-Gilbert failed to demonstrate financial responsibility.

As a result of these violations, Notice of Violation (NOV) Nos. 1708-2327, 1708-2328, 1708-2329, 1708-2330, 1708-2331, 1708-2332, and 1708-2333 were issued to Gilbert.

3. On September 9, 2020, WVDEP personnel conducted an inspection of the facility. During the inspection, the following violations of WV State Code and WV Legislative Rules were observed and documented:
- a. 22-30-10.a-Gilbert failed to notify local emergency responders of the type and quantity of fluids stored in the regulated AST.
 - b. 47CSR63 Section 5.6-Gilbert failed to ensure the AST was labeled.
 - c. 47CSR63 Section 10.2.a-Gilbert failed to ensure the AST had a secondary containment system.
 - d. 47CSR63 Section 5.1.a-Gilbert failed to inspect secondary containment at a minimum of every fourteen (14) days.
 - e. 47CSR63 Section 5.1.b-Gilbert failed to visually inspect the AST at least once per month.
 - f. 47CSR63 Section 10.3-Gilbert failed to monitor the AST for leak detection at least once per month.
 - g. 47CSR63 Section 12.1.a-Gilbert failed to demonstrate financial responsibility.
 - h. 47CSR63 Section 5.2.b.1-Gilbert failed to conduct initial inspections every third year.
 - i. 47CSR63 Section 5.2.b.3-Gilbert failed to certify annual inspections in intervening years.

As a result of these violations, NOV Nos. 2020-45216, 2020-45217, 2020-45218, 2020-45219, 2020-45220, 2020-45221, 2020-45222, 2020-45223, and 2020-45224 were issued to Gilbert.

4. On December 10, 2020, WVDEP personnel conducted a follow-up inspection of the facility. During the inspection, the following violations of WV State Code and WV Legislative Rules were observed and documented.
- a. 22-30-10.a-Gilbert failed to notify local emergency responders of the type and quantity of fluids stored in the regulated AST.
 - b. 47CSR63 Section 5.6-Gilbert failed to ensure the AST was labeled.
 - c. 47CSR63 Section 10.2.a-Gilbert failed to ensure the AST had a secondary containment system.
 - d. 47CSR63 Section 5.1.a-Gilbert failed to inspect secondary containment at a minimum of every fourteen (14) days.
 - e. 47CSR63 Section 5.1.b-Gilbert failed to visually inspect the AST at least once per month.
 - f. 47CSR63 Section 10.3-Gilbert failed to monitor the AST for leak detection at least once per month.

- g. 47CSR63 Section 12.1.a-Gilbert failed to demonstrate financial responsibility.
- h. 47CSR63 Section 5.2.b.1-Gilbert failed to conduct initial inspections every third year.
- i. 47CSR63 Section 5.2.b.3-Gilbert failed to certify annual inspections in intervening years.

As a result of these violations, Inspection of Violation (IOV) Nos. 2020-45216, 2020-45217, 2020-45218, 2020-45219, 2020-45220, 2020-45221, 2020-45222, 2020-45223, and 2020-45224 were issued to Gilbert.

- 5. August 25, 2021, WVDEP personnel and representatives of Gilbert met to discuss the terms and conditions of this Order.
- 6. September 2, 2021 and September 7, 2021, Gilbert submitted financial documents to WVDEP. The provided information was used to perform an economic analysis which evaluated Gilbert's ability to pay a civil administrative penalty.
- 7. On October 29, 2021, Gilbert submitted a closure plan for the aforementioned AST (attached), which was subsequently approved by WVDEP personnel. The plan included an anticipated AST closure date range from November 8, 2021 to December 8, 2021.

ORDER FOR COMPLIANCE

Now, therefore, in accordance with Chapter 22, Article 30, Section 1 et seq. of the West Virginia Code, it is hereby agreed between the parties, and ORDERED by the Director:


- 1. Gilbert shall immediately take all measures to initiate compliance with all pertinent laws and rules.
- 2. Upon the effective date of this Order, the aforementioned October 29, 2021 approved AST closure plan shall be incorporated into and become part of this Order. Failure to adhere to the approved closure plan and schedule is a violation of this Order.
- 3. Because of Gilbert's West Virginia Code and Legislative Rule violations, Gilbert shall be assessed a civil administrative penalty of five thousand dollars (\$5,000) to be paid to the West Virginia Department of Environmental Protection for deposit in the Aboveground Storage Tank Administrative Fund within thirty (30) days of the effective date of this Order. Payments made pursuant to this paragraph are not tax-deductible for purposes of State or federal law. **Payment shall include a reference to the Order No. and shall be mailed to:**

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

OTHER PROVISIONS

1. Gilbert hereby waives its right to appeal this Order under the provisions of Chapter 22, Article 30, Section 18 of the Code of West Virginia. Under this Order, Gilbert 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, Gilbert 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 Gilbert 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, Gilbert 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 Gilbert becomes aware of such a delay, notification shall be provided to the Director/Chief Inspector 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 Gilbert 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 Gilbert (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 Gilbert 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 Gilbert 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 Gilbert, its successors and assigns.

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



Mayor Vivian Livingood
Town of Gilbert

11/10/21

Date

Public Notice begin:

Date

Public Notice end:

Date

Katheryn Emery, P.E., Acting Director
Division of Water and Waste Management

Date

AST Closure Plan



Environmental Enforcement/Tanks
601 57th Street SE
Charleston, WV 25304
Telephone: 304-926-0470; Fax: 304-926-0452

West Virginia Department of Environmental Protection

Owners who are permanently closing aboveground storage tanks may use this form to notify of the intent to close their aboveground storage tanks and utilize this template for their closure plan. Additional guidance for closure can be found in the Corrective Action Guidance Document (CAGD) which can be found at <https://dep.wv.gov/WWE/ee/tanks/lustmain/Pages/default.aspx>.

PLEASE SUBMIT TO dep.ast@wv.gov USING FILE NAME FORMAT OF TANK Owner.County.YYYY.MM.DD

- This closure plan is being submitted for AST's located in the following county: Mingo
*Submit one plan per county. **You must attach a WVDEP AST Closure Spreadsheet to this plan.** The plan requires you to list all tanks being closed in the county and requires details for the closure that must be completed for the plan to be acceptable.*
- I am requesting a waiver of the thirty (30) day notification period: ☐ Yes ☒ No
- Closure plan submittal date: 10/29/2021
- Date range you anticipated tank closure(s): 11/8/2021-12/8/2021

5. Owner Information

Name: Town of Gilbert		Company Name:
Address: PO Box 1360		
County: Mingo		Phone: 304-664-9625
State: WV	Zip: 25621	E-Mail: thetownofgilbert@gmail.com

6. Operator Information ☒ same as owner

Name:		Company Name:
Address:		
County:		Phone:
State:	Zip:	E-Mail:

7. Facility Information ☐ Various locations throughout the county (check if your tank(s) are not associated with a distinct facility)

Name: Gilbert Wastewater Plant		
Address: Riverview Rd.		
County: Mingo	Zip: 25621	Phone: 304-664-5631

8. Certified person performing closure information

Name: David Rasnick/Josh Sharps	*PE: <input checked="" type="checkbox"/>	API: <input checked="" type="checkbox"/>	STI: <input type="checkbox"/>
Phone: 304-744-6410	Certification # WV9685		
E-mail: jsharps@summit-engr.com	Issued on: 03/06/1985	Expires on: 12/31/2021	

Notification of Closure - The certified closure person or company representative must contact the WVDEP Tank Unit (AST Inspector and CAU Program Manager) for the county in which the closure is taking place a minimum of 72-hours prior to commencing closure activities.

*PE "Professional engineer" means a person who has been duly registered or licensed as a professional engineer by the West Virginia Board of Registration for Professional Engineers, as set forth in W. Va. Code § 30-13-1, et seq.

AST Closure Plan

I. Closure Assessment

DEP Approved Sample Locations for all AST Closures (refer to AST/LAST Closure Guidance Memo for more information)

A. ASTs with diameter less than or equal to 25 feet

Soil samples shall be collected at twelve (12) inches below grade in native soil at the following locations:

- One (1) sample shall be collected from native soil below the center of the tank;
- One (1) sample shall be collected from the lowest elevation inside the secondary containment; and
- One (1) sample shall be taken from below the outfall/valve of the secondary containment drain; and
- When necessary, one (1) sample from all areas (inside or outside of containment) where obvious contamination is present from a release (e.g. stained soils, dead vegetation).

B. ASTs with diameter greater than 25 feet

Soil samples shall be collected at twelve (12) inches below grade in native soil at the following locations:

- Four (4) samples (one in each quadrant) shall be collected from native soil below the tank;
- One (1) sample shall be collected from the lowest elevation inside the secondary containment;
- One (1) sample shall be taken from below the outfall/valve of the secondary containment drain; and
- When necessary, one (1) sample from all areas (inside or outside containment) where obvious contamination is present from a release (e.g. stained soils, dead vegetation).

1. Will you collect samples using the appropriate DEP approved sample location criteria described above?

☒ Yes ☐ No

If no, complete section I of Attachment A and submit with your plan.

2. Describe below any field screening that will be utilized during sampling.

3. Are you using the DEP approved analysis method provided on one of the Attachments?

☒ Yes ☐ No

If yes, select which DEP approved attachment you will be using.

If no, complete section II of Attachment A and submit with your plan:

☒ Attachment B (DEP approved for Petroleum related compounds)

☐ Attachment C (DEP approved for Common Substances)

II. Attachments

Attach the following to this closure plan:

1. Tank closure spreadsheet (**Mandatory**, do not submit the plan without a completed spreadsheet).
2. Field Data collection sheets to be used, if any
3. Photos of the ASTs' secondary containment, piping, pumps, containment drains, etc., as necessary to clarify sampling locations, justify no sampling, or provide the Agency with information about the site.
4. Map showing sample locations
5. Any additional information you think the Agency needs to know to approve the plan.

ATTACHMENT A
OWNER PROPOSED SAMPLING LOCATIONS and PARAMETERS

I. Closure Sample Locations

Describe below the proposed sampling locations for each tank and justification why these sampling locations are more appropriate than the DEP approved locations. Provide as an attachment photos of the ASTs' secondary containment, piping, pumps, containment drains, etc., as necessary to clarify sampling locations, justify no sampling, or provide the Agency with information about the site.

II. Closure Sample Parameters

Describe below the analytical parameters, the lab method, sample containers, and preservatives that will be utilized for sample analysis.

Analytical Parameter	Lab Method	Sample Container	Preservatives
BTEX(Benzene, Toluene, Ethylbenzene, and Xylenes)	SW846 8260	(3) 40ml Vials	Sodium bisulfate, methanol, and cooled to <6 C
PAHs (Polynuclear Aromatic Hydrocarbons)	SW846 8270	4oz Wide Mouth Jar w/ Teflon Lid	Cooled to <6 C

NOTES: The following must be adhered to.

Soil Samples

Soil sampling protocol for volatile organics (such as BTEX, MTBE, and TBA) must follow the requirements of SW846 Method 5035 utilizing vials with preservatives for collection of VOCs. The lab can provide sampler and sample container.

NOTE: WVDEP Certified Laboratory must be used to analyze samples regardless of using recommended or proposed sampling criteria. WVDEP certified laboratories can be found at the following link:

<https://dep.wv.gov/WWE/Programs/lab/Pages/default.aspx>

The most recently promulgated version of the analytical method shall be utilized by the laboratory.

ATTACHMENT B (Petroleum Related Sampling Parameters)

For the regulated community's convenience due to the prevalence of petroleum related ASTs in WV, the analytical parameters and methods required for various petroleum products are listed below. Be advised that these are typical analytical parameters; however, the WVDEP may require additional analytical parameters based upon specific site situations as is necessary to properly protect public health and the environment.

Gasoline (leaded, unleaded, aviation, etc.)		Lab Method	Sample Container	Preservatives
MTBE/TBA/BTEX (Benzene, Toluene, Ethylbenzene, and Xylenes)		SW846 8260	3 - 40 ml vials	Sodium Bisulfate, methanol, cool to ≤6 C
Lead (only applicable for leaded fuels)		SW 846 6010	4oz wide mouth jar with Teflon lid	cool to ≤6 C
Diesel, Kerosene, Heating Oil		Lab Method	Sample Container	Preservatives
BTEX (Benzene, Toluene, Ethylbenzene, and Xylenes)		SW846 8260	3 - 40 ml vials	Sodium Bisulfate, methanol, cool to ≤6 C
PAHs (Polynuclear Aromatic Hydrocarbons)		SW846 8270	4oz wide mouth jar with Teflon lid	cool to ≤6 C
<u>Used Oils Only*</u>	RCRA metals (arsenic, barium, cadmium, lead, mercury, selenium, and silver)	SW846 6010	4oz wide mouth jar with Teflon lid	cool to ≤6 C
Crude Oil, Brine, and Condensates		Lab Method	Sample Container	Preservatives
BTEX (Benzene, Toluene, Ethylbenzene, and Xylenes)		SW846 8260	3 - 40 ml vials	Sodium Bisulfate, methanol, cool to ≤6 C
PAHs (Polynuclear Aromatics Hydrocarbons)		SW846 8270	4oz wide mouth jar with Teflon lid	cool to ≤6 C
Chloride		SW846 9056	4oz wide mouth jar with Teflon lid	cool to ≤6 C

***Used Oils**

For used oil, metals must be analyzed in addition to the other parameters listed above. Ethylene glycol or a chlorinated solvent scan may be required if the possibility that these compounds have been added to a used oil tank.

Soil Samples

Soil sampling protocol for volatile organics (such as BTEX, MTBE, and TBA) must follow the requirements of SW846 Method 5035 utilizing vials with preservatives for collection of VOCs. The lab can provide encore or terra core sampler and sample containers.

NOTE: WVDEP Certified Laboratory must be used to analyze samples regardless of using recommended or proposed sampling criteria. WVDEP certified laboratories can be found at the following link:

<https://dep.wv.gov/WWE/Programs/lab/Pages/default.aspx>

The most recently promulgated version of the analytical method shall be utilized by the laboratory.

ATTACHMENT C

(Common substances stored in ASTs)

For the regulated community's convenience due to the prevalence of common substances stored in ASTs in WV, the analytical parameters and methods required for various products are listed below. Be advised that these are typical analytical parameters; however, the WVDEP may require additional analytical parameters based upon specific site situations as is necessary to properly protect public health and the environment.

Sodium Hydroxide, Caustic Soda, Calcium Carbonate	Lab Method	Sample Container	Preservatives
pH	SW846 9045	4oz wide mouth jar with Teflon lid	cool to ≤6 C
Glycol(s) (Ethylene, Propylene, Diethylene, Diethylene)	Lab Method	Sample Container	Preservatives
Glycols	SW846 8321	4oz wide mouth jar with Teflon lid	cool to ≤6 C
Hydrochloric Acid	Lab Method	Sample Container	Preservatives
pH	SW846 9045	4oz wide mouth jar with Teflon lid	cool to ≤6 C

Soil Samples

Soil sampling protocol for volatile organics (such as BTEX, MTBE, and TBA) must follow the requirements of SW846 Method 5035 utilizing vials with preservatives for collection of VOCs. The lab can provide sampler and sample container.

NOTE: WVDEP Certified Laboratory must be used to analyze samples regardless of using recommended or proposed sampling criteria. WVDEP certified laboratories can be found at the following link:

<https://dep.wv.gov/WWE/Programs/lab/Pages/default.aspx>

The most recently promulgated version of the analytical method shall be utilized by the laboratory.

[illegible]

AST Registered Location



Photo 1



Photo 2

AST Registered Location



Photo 3




Photo 4

Soil Samples GWWD1

WVDEP Tank ID 030-00000812

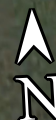
Legend

 Soil Sample Location

Guyandotte River

Sample 1
Sample 2
Sample 3
Sample 4

Google Earth



100 ft

Aboveground Storage Tank Base Penalty Calculation

Pursuant to WV Legislative Rule 47CSR65 Section 6

Responsible Party:

Town of Gilbert

**Registration/
Permit Number:**

2014-0002916

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

1)	Potential for Harm Factor	Factor Range	FOF#											
			3a, 4a	3b, 4b	3c, 4c	3d, 4d	3e, 4e	3f, 4f	3g, 4g	3h, 4h	3i, 4i			
a)	Length of Time	1 to 3	3	3	3	3	3	3	3	3	3			
b)	Actual Exposure and Effects thereon	0 to 3	0	0	0	0	0	0	0	0	0			
c)	Potential Seriousness of Contamination	1 to 3	1	1	3	1	1	3	1	1	1			
	Average Potential for Harm Factor		1.3	1.3	2	1.3	1.3	2	1.3	1.3	1.3	No	No	No
2)	Extent of Deviation Factor	Factor Range												
	Degree of Non-Compliance	1 to 3	3	3	3	3	3	3	3	3	3			

Potential for Harm Factors

1a. - Length of time

- Total length of time the violation has occurred will be considered

1b. - Actual Exposure - factors to be considered include but are not limited to: evidence of a release, failure to perform corrosion protection, and adequacy of provisions for detecting and preventing a release

1c. - Potential Seriousness of Contamination - factors to consider include but are not limited to quantity and toxicity of substances (potentially) released, likelihood or fact of transport by way of environmental media (e.g. air, groundwater, and surface water), and existence, size and proximity of receptor populations (e.g. public water intakes, local residents, fish, wildlife) and sensitive environmental media (e.g. surface waters and aquifers.)

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

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

[illegible]

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

FOF #	Potential for Harm	Extent of Deviation	Penalty	Multiple Factor	Base Penalty
3a, 4a	Moderate	Major	\$4,330	1	\$4,330
3b, 4b	Moderate	Major	\$4,330	1	\$4,330
3c, 4c	Moderate	Major	\$5,000	1	\$5,000
3d, 4d	Moderate	Major	\$4,330	1	\$4,330
3e, 4e	Moderate	Major	\$4,330	1	\$4,330
3f, 4f	Moderate	Major	\$5,000	1	\$5,000
3g, 4g	Moderate	Major	\$4,330	1	\$4,330
3h, 4h	Moderate	Major	\$4,330	1	\$4,330
3i, 4i	Moderate	Major	\$4,330	1	\$4,330
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
Total Base Penalty					\$40,310

Penalty Adjustment Factors

Penalty Adjustment Factors

- 6.2.b.1 - Good faith efforts to comply or lack of good faith - 10% decrease to 10% increase
- 6.2.b.2 - Degree of Willfulness and / or Negligence - 0% to 30% increase
- 6.2.b.3 - Cooperation with the Secretary - 0% to 10% decrease
- 6.2.b.4 - History of Non-Compliance - 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
- 6.2.b.5 - Ability to pay a civil administrative penalty - 0% to 100% decrease
- 6.2.b.6 - Economic Benefit of non-compliance
- 6.2.b.7 - Staff Investigative Costs
- 6.2.b.8 - Other relevant factors determined on a case-by-case basis

Base Penalty Adjustments

Penalty Adjustment Factor	% Increase	% Decrease	Base Penalty Adjustments
6.2.b.1 - Good Faith - Increase			\$0
6.2.b.1 - Good Faith - Decrease		10	(\$4,031)
6.2.b.2 - Willfulness and/or negligence	10		\$4,031
6.2.b.3 - Cooperation with the Secretary		10	(\$4,031)
6.2.b.4 - Compliance/noncompliance history			\$0
6.2.b.5 - Ability to Pay an Administrative Penalty		88.835	(\$35,809)
6.2.b.6 - Economic Benefit (flat monetary increase)	\$4,500		\$4,500
6.2.b.7 - Staff Investigative Costs (flat monetary increase)			\$0
6.2.b.8 - Additional Other Factors - Increase (flat monetary increase)			\$0
6.2.b.8 - Additional Other Factors - Decrease (flat monetary decrease)			\$0
Public Notice Cost (flat monetary increase)	\$30		\$30
Penalty Adjustments			(\$35,310)
Penalty =			\$5,000

Estimated Economic Benefit Item	Estimated Benefit (\$)
Monitoring & Reporting	\$1,000
Installation & Maintenance of Corrosion or Leak Detection Equipment	\$1,000
O&M expenses and cost of equipment/materials needed for compliance	\$2,500
Permit Application or Modification	
Competitive Advantage	
Estimated Economic Benefit	\$4,500
Comments:	Avoided cost of inspection certification by certified individual (\$1,000), corrosion/leak detection equipment (\$1,000), and secondary containment construction (\$2,500).