

PUBLIC NOTICE

The West Virginia Department of Environmental Protection (WVDEP) and Hutchinson Minerals, 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, Hutchinson Minerals, 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 29, 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: Hutchinson Minerals, LLC
119 Appalachian Drive
Beckley, WV 25801

DATE: March 4, 2021

ORDER NO.: M-19-295

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 Hutchinson Minerals, LLC (hereinafter “Hutchinson”).

FINDINGS OF FACT

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

1. Hutchinson 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 WV1014285 (“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. Hutchinson 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”).
4. 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

Promoting a healthy environment.

mining-related operations, including the information submitted by Hutchinson for the Permits (“the Database”). The Database has been used by the WVDEP to track compliance with WVDEP NPDES Permits for coal mining activities.

5. The WVDEP has evaluated agency records beginning with April 2016 through December 2020 regarding Hutchinson Permit(s), DMRs, and other related information, including information submitted by the Hutchinson at the request of WVDEP, and has completed an evaluation of Hutchinson DMRs compliance.
6. 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 Attachment 3-A and 3-B which list the WVDEP NPDES Permits that have violations.
7. Based on its evaluation, the WVDEP has documented 1 (one) Notice of Violation and 2 (two) Single Event Violations of WV1014285.

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. Hutchinson shall immediately take all measures to initiate compliance with all terms and conditions of the Permit.
2. Hutchinson shall comply with the Compliance Schedule and reporting requirements contained in Attachment 1.
3. Because of Hutchinson WVDEP NPDES violations of the Permit(s), Hutchinson shall be assessed a Civil Administrative Penalty of \$12,500 (twelve thousand five hundred dollars) to be paid to the Department of Environmental Protection pursuant to the Payment Agreement found in Attachment 2 of this Order. 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 \$12,500 (twelve thousand 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 April 2016 through December 2020 in relation to the specified Permit.

6. Stipulated Penalties

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



PRESIDENT

Company Representative, Representative Title
Hutchinson Minerals, LLC

04/20/2021

Date

Public Notice begin: _____
Date

Public Notice end: _____
Date

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

Date

ATTACHMENT 1

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

a. Payment of Base Penalty per Sections 5 and 6 of the "Order of Compliance" of this Order	Pursuant to the Payment Agreement found in Attachment 2 of this Order
b. Continue to monitor all applicable permits/outlets for per approved final effluent limits and submit per NPDES permit conditions	Monthly per Discharge Monitoring Report requirements

ATTACHMENT 2

**Payment Agreement
Hutchinson Minerals, LLC**

I. Introduction

This Payment Agreement is made between the West Virginia Department of Environmental Protection (hereafter "DEP") and Hutchinson Minerals, LLC (hereafter "Hutchinson"). The purpose of this Agreement is to resolve outstanding civil penalties incurred from violations issued to Hutchinson pursuant West Virginia Code, Chapter 22, Article 11, Section 1 et seq.

II. Background

Hutchinson incurred civil penalties based on enforcement action M-19-295. Hutchinson requested to be evaluated for their ability to pay through the EPA's ABEL program and enter into a payment agreement. Hutchinson and DEP negotiated a penalty amount of \$12,500.00.

III. Payment Terms

A. This Agreement shall become effective upon the date of the WVDEP Director's signature. Hutchinson agrees to pay \$2,500.00 as a down payment for all outstanding violations 10 (ten) days after receiving the demand for payment letter from the DEP. Then beginning 30 (thirty) days after the down payment is due, Hutchinson agrees to pay \$909.09 per month for 11 consecutive months. Said payments shall be paid by Cashier's Check or other payment form acceptable to DEP and are due every month until penalty is paid in full.

B. This Agreement is executed without any admission of fact or law as to the merits of any positions either taken or assumed by the parties hereto. This Agreement shall not be admissible in any administrative or judicial proceeding other than an action for enforcement of the Agreement.

C. Failure to meet the payment schedule contained herein will result in penalties being declared delinquent and Hutchinson may be subject to additional and escalating enforcement action.

ATTACHMENT 3-A

WV1014285; Outlet 003; DMR Exceedances - MAX. DAILY - 04/01/2016-03/31/19										
Date	Parameter	Units	Permitted Max.		Reported Max. Daily	% Exceedance	Degree of Non-Compliance			
			Daily	Monthly			Min.	Mod.	Maj.	
7/15/2016	01105 - Aluminum, Total (as Al)	MG/L	.75		1.14	52.00%	X			Inspector NOV#1
2/28/2018	01105 - Aluminum, Total (as Al)	MG/L	.75		2.26	201.33%	X			
10/10/2018	01105 - Aluminum, Total (as Al)	MG/L	.75		1	33.33%	X			Inspector SEV#1
12/31/2018	01105 - Aluminum, Total (as Al)	MG/L	.75		2.94	292.00%	X			
1/31/2019	01105 - Aluminum, Total (as Al)	MG/L	.75		0.9	20.00%	X			
WV1014285; Outlet 003; DMR Exceedances - AVG. MONTHLY - 04/01/16-03/31/19										
Date	Parameter	Units	Permitted Avg.		Reported Avg. Monthly	% Exceedance	Degree of Non-Compliance			
			Monthly	Monthly			Min.	Mod.	Maj.	
2/28/2018	01105 - Aluminum, Total (as Al)	MG/L	.43		2.26	425.58%	X			
2/28/2018	01055 - Manganese, Total (as Mn)	MG/L	2		2.64	32.00%	X			
3/31/2018	01105 - Aluminum, Total (as Al)	MG/L	.43		0.442	2.79%	X			
4/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.43		0.602	40.00%	X			
5/31/2018	01105 - Aluminum, Total (as Al)	MG/L	.43		0.542	26.05%	X			
11/30/2018	01105 - Aluminum, Total (as Al)	MG/L	.43		0.446	3.72%	X			
12/31/2018	01105 - Aluminum, Total (as Al)	MG/L	.43		1.7	295.35%	X			
1/31/2019	01105 - Aluminum, Total (as Al)	MG/L	.43		0.742	72.56%	X			
2/28/2019	01105 - Aluminum, Total (as Al)	MG/L	.43		0.504	17.21%	X			
WV1014285; Outlet 004; DMR Exceedances - MAX. DAILY - 04/01/2016-03/31/19										
Date	Parameter	Units	Permitted Max.		Reported Max. Daily	% Exceedance	Degree of Non-Compliance			
			Daily	Monthly			Min.	Mod.	Maj.	
3/31/2017	01105 - Aluminum, Total (as Al)	MG/L	.75		0.766	2.13%	X			
3/8/2018	01055 - Manganese, Total (as Mn)	MG/L	4		9.42	135.50%	X			Inspector SEV#1
3/31/2018	01055 - Manganese, Total (as Mn)	MG/L	4		9.25	131.25%	X			
4/30/2018	01055 - Manganese, Total (as Mn)	MG/L	4		6.08	52.00%	X			
2/28/2019	01105 - Aluminum, Total (as Al)	MG/L	.75		0.796	6.13%	X			
WV1014285; Outlet 004; DMR Exceedances - AVG. MONTHLY - 04/01/16-03/31/19										
Date	Parameter	Units	Permitted Avg.		Reported Avg. Monthly	% Exceedance	Degree of Non-Compliance			
			Monthly	Monthly			Min.	Mod.	Maj.	
5/31/2016	01055 - Manganese, Total (as Mn)	MG/L	2		2.52	26.00%	X			
2/28/2018	01055 - Manganese, Total (as Mn)	MG/L	2		3.46	73.00%	X			
3/31/2018	01055 - Manganese, Total (as Mn)	MG/L	2		8.2	310.00%	X			
4/30/2018	01055 - Manganese, Total (as Mn)	MG/L	2		6.08	204.00%	X			
2/28/2019	01105 - Aluminum, Total (as Al)	MG/L	.43		0.796	85.12%	X			

WV1014285 non pH Totals	Degree of non-compliance	
	Min.	Mod.
	24	0

plus pH	4	6	0
---------	---	---	---

WV1014285 Totals	Degree of non-compliance	
	Min.	Mod.
	28	6

WV1014285; Outlet 003; DMR Exceedances - pH Min - 04/01/16-03/31/19									
Date	Parameter	Units	Permitted Min. Monthly	Reported Min. Monthly	% Exceedance	Min.	Mod.	Maj.	
4/30/2016	00400 - pH	Std Units	6	5.86	18.70%	X			
6/30/2016	00400 - pH	Std Units	6	5.68	42.70%		X		
7/31/2016	00400 - pH	Std Units	6	5.76	32.00%	X			
5/31/2018	00400 - pH	Std Units	6	5.06	125.30%		X		
10/31/2018	00400 - pH	Std Units	6	5.31	92.00%		X		
11/30/2018	00400 - pH	Std Units	6	5.45	73.30%		X		
12/31/2018	00400 - pH	Std Units	6	5.71	38.70%	X			
1/31/2019	00400 - pH	Std Units	6	5.63	49.30%		X		
2/28/2019	00400 - pH	Std Units	6	5.41	78.70%		X		
3/31/2019	00400 - pH	Std Units	6	5.41	78.70%				

WV1014285; Outlet 004; DMR Exceedances - pH Max - 04/01/16-03/31/19									
Date	Parameter	Units	Permitted Min. Monthly	Reported Min. Monthly	% Exceedance	Min.	Mod.	Maj.	
1/31/2017	00400 - pH	Std Units	9	9.68	90.70%	X			

* All exceedances changed to MINOR per Assessment Officer after 09/02/20 Informal Hearing

ATTACHMENT 3-B													
Exceedances 04/01/2019 to 12/31/2020													
responsible_party_name	assoc_permit_id	impactable_unit_code	chemical_report_date	chem	test_minimum	test_average	test_maximum	test_minimum	test_average	test_maximum	int_units	noncompliance	Degree of noncompliance
HUTCHINSON MINERALS, LLC	WV1014285	003	2/25/2020 0:00	01105 - Aluminum, Total (as A)	0.608	0.698	0.698	R/O	43	70	MGL	030 - Exceeds Concentration Average	41% X
HUTCHINSON MINERALS, LLC	WV1014285	003	2/29/2020 0:00	00530 - Total Suspended Solids	37	37	37	R/O	35	70	MGL	030 - Exceeds Concentration Average	6% X
HUTCHINSON MINERALS, LLC	WV1014285	003	3/31/2020 0:00	01105 - Aluminum, Total (as A)	0.616	0.616	0.616	R/O	43	75	MGL	030 - Exceeds Concentration Average	6% X
HUTCHINSON MINERALS, LLC	WV1014285	004	2/28/2020 0:00	01105 - Aluminum, Total (as A)	0.467	0.467	0.467	R/O	43	75	MGL	030 - Exceeds Concentration Average	9% X
HUTCHINSON MINERALS, LLC	WV1014285	003	4/30/2019 0:00	00400 - pH	5.63	6.66	6.66	8	9	9	Std Units	031 - Below Concentration Minimum	48.3% X
HUTCHINSON MINERALS, LLC	WV1014285	003	5/31/2019 0:00	00400 - pH	5.44	5.45	5.45	8	9	9	Std Units	031 - Below Concentration Minimum	5.44
HUTCHINSON MINERALS, LLC	WV1014285	003	6/30/2019 0:00	00400 - pH	5.73	5.77	5.81	8	9	9	Std Units	031 - Below Concentration Minimum	5.79
HUTCHINSON MINERALS, LLC	WV1014285	003	3/31/2020 0:00	00400 - pH	5.37	5.37	5.37	8	9	9	Std Units	031 - Below Concentration Minimum	5.37
											TOTALS	8	0

* All exceedances changed to MINOR per Assessment Officer after 09/02/20 Informal Hearing

Base Penalty Calculation

(pursuant to 47CSR1-6.1)

Responsible Party:

Hutchinson Minerals, LLC

WVNPDES No.:

WV1014285

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	42	\$42,000
No T	Minor	Moderate	\$1,500	0	\$0
No T	Moderate	Major	\$4,200	0	\$0
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
0	FALSE	FALSE	FALSE	1	\$0
Total Base Penalty					\$42,000

Penalty Adjustment Factors

(pursuant to 47CSR1-6.2)

Penalty Adjustment Factor

- 6.2.b.1 - Degree of or absence of willfulness and/or negligence - 0% to 30% increase
- 6.2.b.4 - Previous compliance/noncompliance history - 0% to 100% increase - based upon review of last three (3) years - Warning = maximum of 5% each, N.O.V. = maximum of 10% each, previous Order = maximum of 25% each - Consistent DMR violations for <1 year = 10% maximum, for >1 year but <2 years = 20% maximum, for >2 years but <3 years = 30% maximum, for >3 years = 40 % maximum
- 6.2.b.6 - Economic benefits derived by the responsible party (increase to be determined)
- 6.2.b.7 - Public Interest (increase to be determined)
- 6.2.b.8 - Loss of enjoyment of the environment (increase to be determined)
- 6.2.b.9 - Staff investigative costs (increase to be determined)
- 6.2.b.10 - Other factors

Size of Violator: 0 - 50% decrease

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

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

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

- Public Notice Costs (cost for newspaper advertisement)
- 6.2.b.2 - Good Faith - 10% decrease to 10% increase
- 6.2.b.3 - Cooperation with the Secretary - 0% to 10% decrease
- 6.2.b.5 - Ability to pay a civil penalty - 0% to 100% decrease

Base Penalty Adjustments

(pursuant to 47CSR1-6.2)

Penalty Adjustment Factor	% Increase	% Decrease	Base Penalty Adjustments
6.2.b.1 - Willfulness and/or negligence -	10		\$4,200
6.2.b.4 - Compliance/noncompliance history -	10		\$4,200
6.2.b.6 - Economic benefits - (flat monetary increase)	\$6,000		\$6,000
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)	\$43,960
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			(\$29,500)
Penalty =			\$12,500

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	\$6,000
Estimated Economic Benefit	\$6,000
Comments:	Competitive advantage: Effluent violations @ \$1,000/quarter x 6 quarters = \$6,000