

## PUBLIC NOTICE

The West Virginia Department of Environmental Protection (WVDEP) and Marion Docks, Inc. 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, Marion Docks, Inc. 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 January 17, 2022. 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 57<sup>th</sup> Street SE; Charleston, WV 25304; (304) 926-0499. Comments may also be submitted electronically to: [DEP.Comments@wv.gov](mailto: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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west virginia department of environmental protection

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Division of Mining and Reclamation  
601 57<sup>th</sup> 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: Marion Docks, Inc.  
200 Chapel Brook Drive  
Bridgeport, WV 26330

DATE: October 27, 2021  
ORDER NO.: M-20-334

**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 Marion Docks, Inc. (hereinafter "Marion").

**FINDINGS OF FACT**

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

1. Marion 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 WV0063321, WV1014013, WV1017683, WV1017713, WV1023284 and WV1025546 ("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. Marion 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").

Promoting a healthy environment.

4. Marion 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 Marion 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 2016 through September 2021 regarding Marion Permit(s), DMRs, and other related information, including information submitted by the Marion at the request of WVDEP, and has completed an evaluation of Marion 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 Attachment 2 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 3 which list the WVDEP NPDES Permits that have violations.
9. Based on its evaluation, the WVDEP has documented one (1) Single Event Violation of WV0063321.

### **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. Marion shall immediately take all measures to initiate compliance with all terms and conditions of the Permit(s).
2. Marion shall comply with the Compliance Schedule and reporting requirements contained in Attachment 1.
3. Because of Marion WVDEP NPDES violations of the Permit(s), Marion shall be assessed a Civil Administrative Penalty of \$25,000 (twenty five thousand dollars) to be paid to the Department of Environmental Protection according to Payment Agreement in Attachment 4. 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 \$25,000 (twenty five thousand dollars) shall be mailed to:**



**John Vernon, Assistant Deputy Director**  
**Division of Mining and Reclamation**  
**WV-DEP**  
**601 57<sup>th</sup> 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 2016 through September 2021 in relation to the specified Permits.
6. Stipulated Penalties
  - a. Beginning with the effective date of this Order, Marion 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 15<sup>th</sup> 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 16<sup>th</sup> through 30<sup>th</sup> 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 31<sup>st</sup> 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. Marion 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, Marion 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, Marion 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 Marion 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, Marion 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



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

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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**  
**Exceedances 10/01/2016 to 06/30/2021**

responsible_party_name	assoc_permit_id	inspectable_unit_code	chemical_report_date	chem	rpt_average	rpt_maximum	rpt_average	rpt_maximum	mt_average	mt_maximum	mt_average	mt_maximum	units	noncompliances	% Exceedance	Degree of noncompliance		SEV #1
																MIN	MOD	
MARION DOCKS, INC.	WV0063321	001	9/30/2017 0:00	01105 - Aluminum, Total (as Al)	2.16	7.54	7.54	7.54	7.5	7.5	7.5	7.5	MG/L	010 - Exceeds Concentration Maximum	148%	X	X	
MARION DOCKS, INC.	WV0063321	001	9/30/2017 0:00	00530 - Total Suspended Solids	174	526	526	526	70	70	70	70	MG/L	010 - Exceeds Concentration Maximum	149%	X	X	
MARION DOCKS, INC.	WV0063321	001	9/30/2017 0:00	01045 - Iron, Total (as Fe)	7.54	2.01	2.01	2.01	7.5	7.5	7.5	7.5	MG/L	010 - Exceeds Concentration Maximum	43%	X	X	
MARION DOCKS, INC.	WV0063321	002	9/30/2017 0:00	01045 - Iron, Total (as Fe)	6.81	173	173	173	70	70	70	70	MG/L	010 - Exceeds Concentration Maximum	169%	X	X	
MARION DOCKS, INC.	WV0063321	002	9/30/2017 0:00	01105 - Aluminum, Total (as Al)	2.01	7.4	7.4	7.4	7.5	7.5	7.5	7.5	MG/L	010 - Exceeds Concentration Maximum	14%	X	X	
MARION DOCKS, INC.	WV0063321	003	9/30/2017 0:00	00530 - Total Suspended Solids	196	2.11	2.11	2.11	7.5	7.5	7.5	7.5	MG/L	010 - Exceeds Concentration Maximum	180%	X	X	
MARION DOCKS, INC.	WV0063321	003	9/30/2017 0:00	01045 - Iron, Total (as Fe)	7.4	1.09	1.09	1.09	7.5	7.5	7.5	7.5	MG/L	010 - Exceeds Concentration Maximum	41%	X	X	
MARION DOCKS, INC.	WV0063321	003	9/30/2017 0:00	01105 - Aluminum, Total (as Al)	2.11	0.877	0.877	0.877	7.5	7.5	7.5	7.5	MG/L	010 - Exceeds Concentration Maximum	181%	X	X	
MARION DOCKS, INC.	WV0063321	003	10/31/2019 0:00	01105 - Aluminum, Total (as Al)	1.09	0.877	0.877	0.877	7.5	7.5	7.5	7.5	MG/L	010 - Exceeds Concentration Maximum	45%	X	X	
MARION DOCKS, INC.	WV1014013	002	6/30/2019 0:00	00530 - Total Suspended Solids	76	70	70	70	70	70	70	70	MG/L	010 - Exceeds Concentration Maximum	17%	X	X	
MARION DOCKS, INC.	WV1014013	007	9/30/2017 0:00	01105 - Aluminum, Total (as Al)	1.21	7.5	7.5	7.5	7.5	7.5	7.5	7.5	MG/L	010 - Exceeds Concentration Maximum	9%	X	X	
MARION DOCKS, INC.	WV0063321	001	9/30/2017 0:00	00530 - Total Suspended Solids	174	35	35	35	70	70	70	70	MG/L	030 - Exceeds Concentration Average	307%	X	X	
MARION DOCKS, INC.	WV0063321	001	9/30/2017 0:00	01105 - Aluminum, Total (as Al)	2.16	43	43	43	7.5	7.5	7.5	7.5	MG/L	030 - Exceeds Concentration Average	402%	X	X	
MARION DOCKS, INC.	WV0063321	001	9/30/2017 0:00	01045 - Iron, Total (as Fe)	7.54	3	3	3	7.5	7.5	7.5	7.5	MG/L	030 - Exceeds Concentration Average	151%	X	X	
MARION DOCKS, INC.	WV0063321	001	4/30/2019 0:00	01105 - Aluminum, Total (as Al)	0.51	43	43	43	7.5	7.5	7.5	7.5	MG/L	030 - Exceeds Concentration Average	19%	X	X	
MARION DOCKS, INC.	WV0063321	002	9/30/2017 0:00	00530 - Total Suspended Solids	173	35	35	35	70	70	70	70	MG/L	030 - Exceeds Concentration Average	304%	X	X	
MARION DOCKS, INC.	WV0063321	002	9/30/2017 0:00	01105 - Aluminum, Total (as Al)	2.01	43	43	43	7.5	7.5	7.5	7.5	MG/L	030 - Exceeds Concentration Average	36%	X	X	
MARION DOCKS, INC.	WV0063321	002	9/30/2017 0:00	01045 - Iron, Total (as Fe)	6.81	3	3	3	7.5	7.5	7.5	7.5	MG/L	030 - Exceeds Concentration Average	127%	X	X	
MARION DOCKS, INC.	WV0063321	003	9/30/2017 0:00	01045 - Iron, Total (as Fe)	7.4	3	3	3	7.5	7.5	7.5	7.5	MG/L	030 - Exceeds Concentration Average	147%	X	X	
MARION DOCKS, INC.	WV0063321	003	9/30/2017 0:00	00530 - Total Suspended Solids	196	35	35	35	70	70	70	70	MG/L	030 - Exceeds Concentration Average	460%	X	X	
MARION DOCKS, INC.	WV0063321	003	9/30/2017 0:00	01105 - Aluminum, Total (as Al)	2.11	43	43	43	7.5	7.5	7.5	7.5	MG/L	030 - Exceeds Concentration Average	391%	X	X	
MARION DOCKS, INC.	WV0063321	003	10/31/2017 0:00	01105 - Aluminum, Total (as Al)	1.09	43	43	43	7.5	7.5	7.5	7.5	MG/L	030 - Exceeds Concentration Average	153%	X	X	
MARION DOCKS, INC.	WV1017683	003	4/30/2021 0:00	01055 - Manganese, Total (as Mn)	3.87	2	2	2	7.5	7.5	7.5	7.5	MG/L	030 - Exceeds Concentration Average	94%	X	X	
MARION DOCKS, INC.	WV1017713	003	11/30/2017 0:00	01105 - Aluminum, Total (as Al)	0.72	154	154	154	7.5	7.5	7.5	7.5	MG/L	030 - Exceeds Concentration Average	33%	X	X	
<b>TOTALS</b>															9	11	6	



**ATTACHMENT 3**

**Failures to Submit 10/01/2016 to 09/30/2021**

responsible_party_name	permit_id	chemical_report_date	inspectable_unit_code	dmr_type_ind	sampler_code
MARION DOCKS, INC.	WV0063321	2/28/2018 0:00	001	NODMR	LAB
MARION DOCKS, INC.	WV0063321	3/31/2018 0:00	001	NODMR	LAB
MARION DOCKS, INC.	WV0063321	2/28/2018 0:00	002	NODMR	LAB
MARION DOCKS, INC.	WV1014013	2/28/2018 0:00	001	NODMR	LAB
MARION DOCKS, INC.	WV1014013	3/31/2018 0:00	001	NODMR	LAB
MARION DOCKS, INC.	WV1014013	2/28/2018 0:00	002	NODMR	LAB
MARION DOCKS, INC.	WV1017683	2/28/2018 0:00	001	NODMR	LAB
MARION DOCKS, INC.	WV1017683	3/31/2018 0:00	001	NODMR	LAB
MARION DOCKS, INC.	WV1017683	10/31/2020 0:00	001	NODMR	LAB
MARION DOCKS, INC.	WV1017683	11/30/2020 0:00	001	NODMR	LAB
MARION DOCKS, INC.	WV1017713	2/28/2018 0:00	001	NODMR	LAB
MARION DOCKS, INC.	WV1017713	3/31/2018 0:00	001	NODMR	LAB
MARION DOCKS, INC.	WV1023284	2/28/2018 0:00	002	NODMR	LAB
MARION DOCKS, INC.	WV1023284	3/31/2018 0:00	002	NODMR	LAB
MARION DOCKS, INC.	WV1025546	2/28/2018 0:00	001	NODMR	LAB
MARION DOCKS, INC.	WV1025546	3/31/2018 0:00	001	NODMR	LAB
<b>TOTALS</b>					<b>16</b>

ATTACHMENT 4

# Payment Agreement Marion Docks, Inc.

## I. Introduction

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

## II. Background

Marion incurred civil penalties based on enforcement action M-20-334. Marion requested to be evaluated for their ability to pay through the EPA’s ABEL program and enter into a payment agreement. Marion and DEP negotiated a penalty amount of \$25,000.

## III. Payment Terms

A. This Agreement shall become effective upon the date of the WVDEP Director’s signature. Marion agrees to pay \$5,000.00 as a down payment for all outstanding violations thirty days after receiving the demand for payment letter from the DEP. Then beginning 30 days after the down payment is due, Marion agrees to pay \$2,200.00 per month for 8 consecutive months, with the payment due during the 9<sup>th</sup> month being \$2,400.00. 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 Marion may be subject to additional and escalating enforcement action.

## Base Penalty Calculation

(pursuant to 47CSR1-6.1)

**Responsible Party:**

Marion Docks, Inc.

**WVNPDES No.:**

WV0063321, WV1014013, WV1017683,  
WV1017713, WV1023284, WV1025546

**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	T AI	T AI	T AI	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	
<b>Average Potential for Harm Factor</b>			1	1	1.2	1.4	1.4	1.6	1.8	1.8	2	1.2	1.2	1.4	No
2)	<b>Extent of Deviation Factor</b>	<b>Factor Range</b>													
	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	9	\$9,000
No T	Minor	Moderate	\$1,500	11	\$16,500
No T	Moderate	Major	\$4,200	6	\$25,200
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	16	\$160,000
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
0	FALSE	FALSE	FALSE	1	\$0
0	FALSE	FALSE	FALSE	1	\$0
<b>Total Base Penalty</b>					<b>\$210,700</b>

## 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 -	20		\$42,140
6.2.b.4 - Compliance/noncompliance history -	10		\$21,070
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)	(\$254,970)
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
<b>Penalty Adjustments</b>			<b>(\$185,700)</b>
<b>Penalty =</b>			<b>\$25,000</b>

Estimated Economic Benefit Item	Estimated Benefit (\$)
Monitoring & Reporting	\$2,000
Installation & Maintenance of Pollution Control Equipment	
O&M expenses and cost of equipment/materials needed for compliance	
Permit Application or Modification	
Competitive Advantage	\$4,000
<b>Estimated Economic Benefit</b>	<b>\$6,000</b>
<b>Comments:</b>	Competitive advantage: Effluent violations @ \$1,000/quarter x 4 quarters = \$4,000 Monitoring & Reporting: Failure to Submit DMR @ \$1,000/quarter x 2 quarters = \$2,000