



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
WATER POLLUTION CONTROL ACT
WEST VIRGINIA CODE CHAPTER 22, ARTICLE 11**

TO: Burnsville Public Utilities
Ms. Terri Smith, Board Chairman
PO Box 306
Burnsville, WV 26335

DATE: August 19, 2025

ORDER NO.: 10336

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 22-11-1 et seq. to Burnsville Public Utilities (hereinafter “BPU”).

FINDINGS OF FACT

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

1. BPU operates a wastewater treatment lagoon located in Burnsville, Braxton County, West Virginia. BPU was reissued WV/NPDES Water Pollution Control Permit No. WV0024945 on June 18, 2019 and May 1, 2024.
2. On October 21, 2019, West Virginia Department of Environmental Protection (WVDEP) issued Order No. 9037 to BPU. The Order, which became effective on October 24, 2019, was issued in response to violations of BPU’s WV/NPDES permit at the aforementioned facility. Specifically, BPU exceeded permitted effluent limits, failed to properly operate and maintain the facility, failed to implement an inflow and infiltration program, failed to submit a Plan of Action to address flow exceedances, and failed to submit sludge blanket core sample results. On April 30, 2020, WVDEP approved BPU’s Plan of Corrective Action, which was submitted to fulfill the requirement included in Order No. 9037. The

Promoting a healthy environment.

Plan of Corrective Action outlined action items and completion dates for achieving compliance at the facility.

3. On March 21, 2023, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of West Virginia State Code and the WV/NPDES permit were observed and documented:
 - a. Appendix A.II.1 – BPU failed to properly operate and maintain the facility. Specifically, the flow meter was not designed / installed correctly to measure flow. The large aerator was not in operation.
 - b. 22-11-1 et seq – BPU failed to comply with the terms and condition of Order No. 9037 by failing to adhere to the schedule outlined in the approved Plan of Corrective Action (POCA), which was submitted to fulfill the requirement of Order for Compliance Item No. Two (2). Specifically, BPU failed to bid an upgrade project in the summer of 2020, which would have included replacement of the flow meter, among other items. Furthermore, BPU failed to ensure that the larger aerator was maintained at all times.
 - c. Section C.11 – BPU failed to submit a Plan of Action after reporting monthly average flows that exceeded 90% of the design flow for more than three (3) consecutive months. The flow exceeded or reached 0.09 MGD consecutively in November 2022, December 2022, January 2023, February 2023 and March 2023; however, a Plan of Action had not been submitted.
 - d. Section A.001 – WVDEP personnel collected a sample at Outlet No. 001 that resulted in a Total Residual Chlorine level of 0.38 mg/L, which is a major exceedance of BPU's permitted limit of 0.057 mg/L.
 - e. Section C.21 – Inflow and Infiltration reports had not been submitted.
 - f. Section C.24 – BPU failed to perform core sampling of sludge blankets within six (6) months after issuance of the WV/NPDES permit and every two (2) years thereafter. There had not been a sludge profile completed since the reissuance of the WV/NPDES permit on June 18, 2019.
 - g. Section A.001 – BPU exceeded discharge limitations.

As a result of the aforementioned violations, Notice of Violation (NOV) Nos. W23-04-030-MAZ, W23-04-031-MAZ, W23-04-032-MAZ, and W23-04-033-MAZ were issued to BPU.

4. On January 24, 2024, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of West Virginia State Code and the WV/NPDES permit were observed and documented:
 - a. Appendix A.II.1 – BPU failed to properly operate and maintain the facility. The flow meter had not been calibrated for a couple of years. The large aerator was not in operation. One of the four mixers was not in operation.
 - b. 22-11-1 et seq – BPU failed to comply with the terms and condition of Order No. 9037 by failing to adhere to the schedule outlined in the approved POCA, which was submitted to fulfill the requirement of Order for Compliance Item No. Two (2). Specifically, BPU failed to bid an upgrade project in the summer of 2020, which would have included replacement of the flow meter, among other items.

Furthermore, BPU failed to ensure that the larger aerator was maintained at all times.

- c. Section C.21 – Inflow and Infiltration reports had not been submitted.
- d. Section C.24 – BPU failed to perform core sampling of sludge blankets within six (6) months after issuance of the WV/NPDES permit and every two (2) years thereafter. There had not been a sludge profile completed since the reissuance of the WV/NPDES permit on June 18, 2019.
- e. Section A.001 – BPU exceeded discharge limitations.

As a result of the aforementioned violations, NOV Nos. W24-04-005-MAZ, W24-04-006-MAZ, W24-04-007-MAZ, and W24-04-008-MAZ were issued to BPU.

5. On October 29, 2024, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of West Virginia State Code and the WV/NPDES permit were observed and documented:

- a. Appendix A.II.1 – BPU failed to properly operate and maintain the facility. The flow approach was improperly designed to accurately measure flow. Areas of the dike were sloughing off into the lagoon. The liner was pulling away from the edge of the lagoon, allowing water to get between the lagoon and the bottom. One of the four mixers was not in operation, and the large aerator was also out of service. One of the two chlorine tablet dispensers was empty. The de-chlor tablet dispenser was empty.
- b. 22-11-1 et seq – BPU failed to comply with the terms and condition of Order No. 9037, by failing to adhere to the schedule outlined in the approved POCA, which was submitted to fulfill the requirement of Order for Compliance Item No. Two (2). Specifically, BPU failed to bid an upgrade project in the summer of 2020, which would have included replacement of the flow meter, among other items. Furthermore, BPU failed to ensure that the larger aerator was maintained at all times.
- c. Section C.21 – Inflow and Infiltration reports had not been submitted.
- d. Section A.001 – BPU exceeded discharge limitations.

As a result of the aforementioned violations, NOV Nos. W24-04-136-MAZ, W24-04-137-MAZ, W24-04-138-MAZ, and W24-04-139-MAZ were issued to BPU.

6. On December 12, 2024, WVDEP personnel conducted a review of facility records from the time period of December 1, 2022 through November 30, 2024. During this review, the following violations of the terms and conditions of BPU's WV/NPDES permit were observed:

- a. Section A.001 – Nine (9) exceedances of BPU's permit parameters were observed and documented (Table 1). These exceedances can be further defined as:
 - i. Minor violations – Five (5)
 - ii. Moderate violations – Two (2)
 - iii. Major violations – Two (2)
- b. Section C.21 – Inflow and Infiltration reports had not been submitted for the previous eight (8) quarters.

7. On March 18, 2025, WVDEP personnel and representatives of BPU met to discuss the terms and conditions of this Order.
8. On April 7, 2025, BPU submitted financial documents to WVDEP. The provided information was used to perform an economic analysis which evaluated BPU's ability to pay a civil administrative penalty.
9. On August 8, 2025, BPU submitted a plan of corrective action (POCA) that outlined action items and completion dates for how and when BPU would achieve compliance with all terms and conditions of the WV/NPDES permit and all permit laws and rules. The POCA was subsequently approved by WVDEP personnel.

ORDER FOR COMPLIANCE

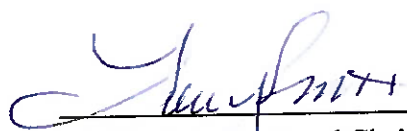
Now, therefore, in accordance with West Virginia State Code 22-11-1 et seq., it is hereby agreed between the parties, and ORDERED by the Director:

1. BPU shall immediately take all measures to initiate compliance with all terms and conditions of its WV/NPDES permit and pertinent laws and rules.
2. Upon the effective date of this Order, BPU shall begin complying with the aforementioned approved POCA and schedule, dated August 8, 2025. The POCA and schedule have been incorporated into and become part of this Order. Failure to adhere to the approved POCA and schedule is a violation of this Order.
3. Because of BPU's violations, BPU 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 Water Quality Management Fund in accordance with the following schedule: Four hundred sixteen dollars and sixty-six cents (\$416.66) shall be submitted within thirty (30) days after the effective date of this Order and by the first day of each month thereafter for the next ten (10) months. Four hundred sixteen dollars and seventy-four cents (\$416.74) shall be submitted by the first day of the final month. 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
WVDEP
601 57th Street SE
Charleston, WV 25304**

OTHER PROVISIONS

1. BPU hereby waives its right to appeal this Order under the provisions of West Virginia State Code 22-11-21. Under this Order, BPU 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, BPU 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 BPU 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, BPU 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 BPU becomes aware of such a delay, notification shall be provided to the Director/Chief Inspector and BPU 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 BPU 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 BPU (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 BPU 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 BPU 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 BPU, its successors and assigns.
7. This Order shall terminate upon BPU's notification of full compliance with the "Order for Compliance" and verification of this notification by WVDEP.



Ms. Terri Smith, Board Chairman
Burnsville Public Utilities

9/17/2025
Date

Public Notice begin:

Date

Public Notice end:

Date

Jeremy W. Bandy, Director
Division of Water and Waste Management

Date

DMR Exceedance Summary

Responsible Party: Burnsville Public Utilities

Date Range:	From:	12/1/2022	To:	11/30/2024
--------------------	-------	-----------	-----	------------

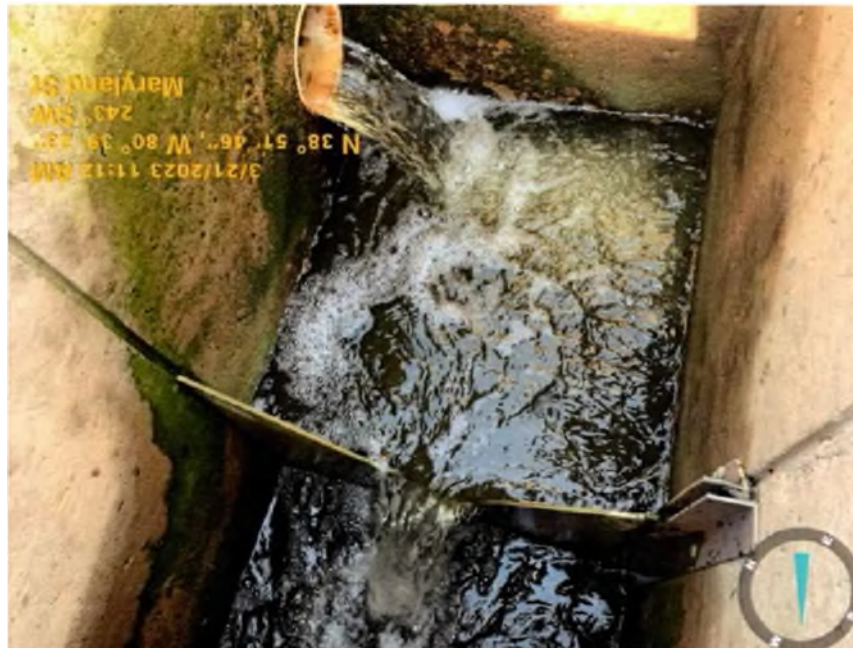
AVG. MONTHLY							Degree of non-compliance		
Date	Outlet	Parameter	Units	Permitted avg. monthly	Reported avg. monthly	% Exceedance	Min	Mod	Maj
Jul-23	001	TSS	mg/l	30	54.7	82%	-	X	-
Jul-23	001	Fecal Coliform	Cnts/100ml	200	1553	677%	-	-	X

MAX. DAILY							Degree of non-compliance		
Date	Outlet	Parameter	Units	Permitted max. daily	Reported max. daily	% Exceedance	Min	Mod	Maj
Jul-23	001	Fecal Coliform	Cnts/100ml	400	1553	288%	-	X	-

Minimum 85% Removal - AVG. MONTHLY							Degree of non-compliance		
Date	Outlet	Parameter	Units	Permitted Minimum % Removal	Reported % Removal	% Exceedance	Min	Mod	Maj
Jan-24	001	BOD	%	65.0	53.0	18.5%	X	-	-
Mar-24	001	BOD	%	65.0	1	98.5%	-	-	X
Jan-23	001	TSS	%	65.0	56	13.8%	X	-	-
May-23	001	TSS	%	65.0	63	3.1%	X	-	-
Jun-24	001	TSS	%	65.0	63	3.1%	X	-	-
Jul-24	001	TSS	%	65.0	63	3.1%	X	-	-

Totals:	Degree of non-compliance		
	Min	Mod	Maj
	5	2	2

BPU Photo Log



3/21/2023 – Inlet to the flow meter



3/21/2023 – Flow meter

BPU Photo Log



3/21/2023 – Large aerator was not functioning, and two mixers were in operation.

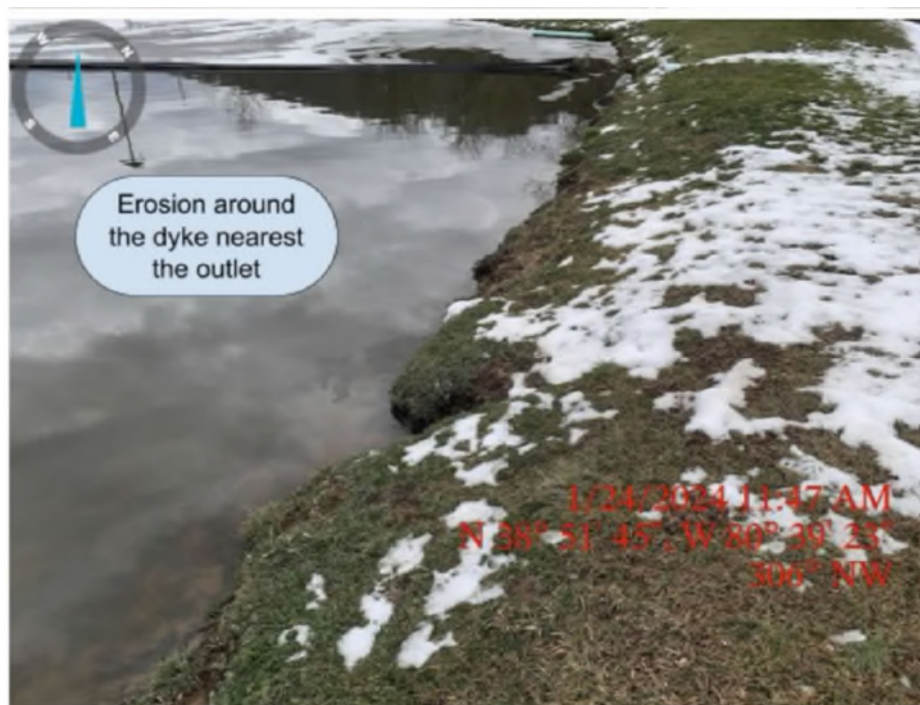


3/21/2023 – Large aerator was not functioning.

BPU Photo Log



3/21/2023 – Effluent Total Residual Chlorine of 0.38 mg/L



1/24/2024 – Erosion.



1/24/2024 – One mixer out of service and large aerator out of service.



10/29/2024 – Mixer #4 was out of service, and the large aerator (circled) was not functioning.



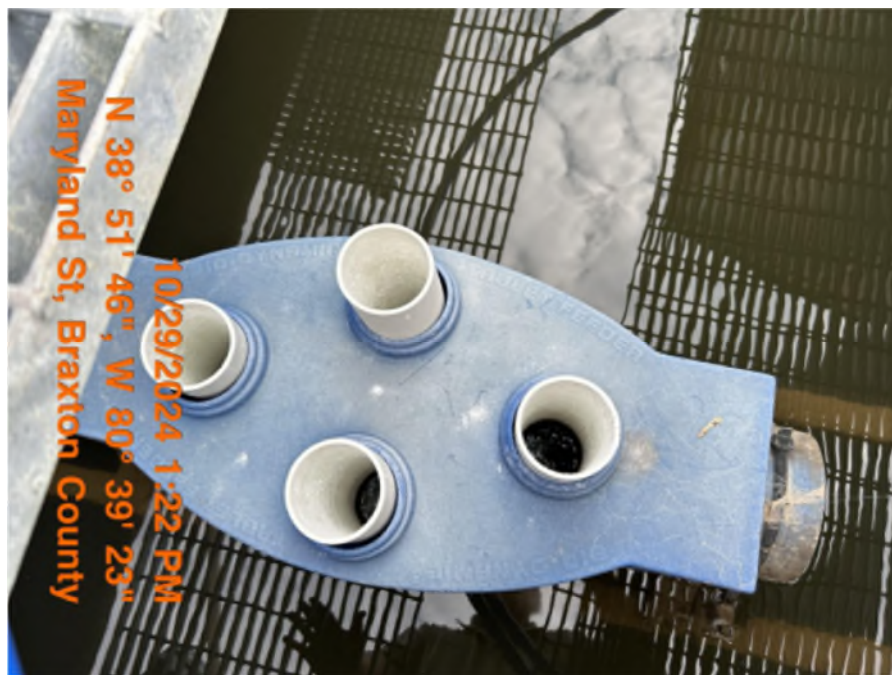
10/29/2024 – One of multiple areas where the dike was sloughing off into the lagoon.



10/29/2024 – Metal framing exposed where liner pulled away. Bunched liner visible in lagoon.



10/29/2024 – Empty chlorine tablet dispensers.



10/29/2024 – Empty de-chlor tablet dispensers.



10/29/2024 – Flow measurement did not meet design standards, creating improper flow measurement.

August 8, 2025

Chief Inspector
WVDEP Environmental Enforcement
601 57th Street SE
Charleston, WV 25304

Re: Consent Order No. 10336 Dated January 14, 2025
NPDES Permit No. WV0024945

The Burnsville Public Utility Board and its employees have been working with the engineers of E.L. Robinson and Beth Fletcher, Wastewater Technician with West Virginia Rural Water Association to address the following violations.

- The pond flow meter was calibrated on 3/12/2025 and will continue to be done yearly as per permit requirements. A redesign of the meter pit is outlined in the upcoming project in order to redirect flow and position the meter in a better position allowing for a more accurate reading.
- Lift stations are checked regularly and degreaser is added as needed to prevent grease buildup. Inspection logs are kept onsite/at the plant.
- The unworking pond blower was pulled from the water, repaired and placed back in on April 14th but blew up 20 minutes later. A new one has been purchased and delivery is expected by August 31, 2025. Installation is to be completed by September 15, 2025.
- Mixer #4 has not been used due to improper positioning upon installation. When pulled for repositioning it was found to be inoperable. A new motor has been purchased, received, and installation is to be completed by August 31, 2025.
- A generator is to be installed at LS#1 as outlined within the project specifications.
- The existing butterfly valves at the pond are to be replaced with gate valves during the project in order to help with flow control and flooding during heavy rain events.
- The most current project timeline was provided by EL Robinson and has been outlined within this email.
- A plan of corrective action for average flow exceeding 90% of design for more than three consecutive months (0.09 or higher) during the months of Nov 2022 thru March 2023 was submitted onto the ESS page on April 30, 2025. Higher than normal flows are caused by sources of I&I entering the sanitary lines. Excess rainfall and that raises the river level often allows excess water to enter into the sewers that are located along its shores. This has also happened during times the lake is being lowered and excess water is being released through the dam. These lines along the banks are outlined in the scope of the project and are being relocated to higher ground above the river levels.

- Chlorine and dechlor tablet dispensers are checked daily and kept full.
- I&I reports for 2023 and 2024 were submitted into the ESS page on April 28, 2025. The first quarter 2025 report was submitted with the March 2025 eDMR on April 9, 2025 and the second quarter 2025 on July 25, 2025 along with the June 2025 eDMR. All future reports will be completed and submitted per permit requirements.
- A sludge profile of the pond was completed on 3/12/2025 and the results were entered into the ESS page on April 9, 2025. Future profiles will be completed and reported every 2 years per permit requirements.
- All necessary precautions and changes in operations are being done to prevent future parameter exceedances from happening. Much of the work outlined within the scope of the upcoming project is to eliminate sources of I&I and to help prevent wash outs, short circuiting and control excessive flows all of which can contribute to these violations. In the event violations do occur in the future, operators will comment the cause and actions being taken on the eDMRs.
- Operators have been working to make repairs along the outer edge of the pond where eroding has occurred and it is to be complete by August 31, 2025. The upcoming project also outlines repairs to be made by adding rip rap to damaged areas.

The Burnsville Public Utility Board is working diligently to address all violations they can beyond the scope of the upcoming project and to minimize those to be addressed with its until completion. All work is being done to prevent future violations as well.

We will continue to use all resources and assistance available to us in order to obtain permit compliance from here forward.

Respectively submitted.

Terry Smith, Burnsville Public Utility Board Chairman

On Thu, Apr 10, 2025 at 6:58 PM Terry Smith <TSmith@gomart.com> wrote:

Hello Laura,

The Burnsville Public Utility response to Order Number: 10336.

The current timeline for the sewer project is outline below.

April 30, 2025 - File at Public Service Commission (Glover)

July 31, 2025 - PSC staff comments and enough assurance that certificate will be issued to request authorization to bid.

August 31, 2025 - Advertise Project

September 30, 2025 - Bid Opening

November 30, 2025 - Closing, Pre-Construction and Notice to Proceed to the contractor.

July 31, 2026 - Project Completion

Base Penalty Calculation

(pursuant to 47CSR1-6.1)

Responsible Party:

Burnsville Public Utilities

Receiving Stream:

Little Kanawha River

Treatment System Design Maximum Flow: 0.062 MGD

Treatment System Actual Average Flow: 0.064 MGD (if known)

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

1)	Potential for Harm Factor	Factor Range	FOF#											
			3a	3b	3c	3d	3f, 4d	4a	4b	5a	5b	6aii	6aiii	6b
a)	Amount of Pollutant Released	1 to 3	1	1	1	1	1	1	1	1	1	1	1	1
b)	Toxicity of Pollutant	0 to 3	1	1	0	1	0	1	1	1	1	1	1	0
c)	Sensitivity of the Environment	0 to 3	1	1	0	1	0	1	1	1	1	1	1	0
d)	Length of Time	1 to 3	1	1	1	1	3	2	2	3	3	1	1	3
e)	Actual Exposure and Effects thereon	0 to 3	1	1	0	1	0	1	1	1	1	1	1	0
	Average Potential for Harm Factor		1	1	0.4	1	0.8	1.2	1.2	1.4	1.4	1	1	0.8
2)	Extent of Deviation Factor	Factor Range												
	Degree of Non-Compliance	1 to 3	3	3	3	3	3	3	3	3	3	2	3	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 $\leq 40\%$ for Avg. Monthly or $\leq 100\%$ for Daily Max., exceed numeric WQ standard by $\leq 100\%$, or report doesn't contain some minor information.

Moderate = exceedance of permit limit by $\geq 41\%$ and $\leq 300\%$ for Avg. Monthly, $\geq 101\%$ and $\leq 600\%$ for Daily Max., exceed numeric WQ standard by $\geq 101\%$ and $\leq 600\%$ or report doesn't fully address intended subject matter.

Major = exceedance of permit limit by $\geq 301\%$ for Avg. Monthly, $\geq 601\%$ for Daily Max., exceed numeric WQ standard by $\geq 601\%$, 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.

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	Minor	Major	\$2,000	1	\$2,000
3b	Minor	Major	\$2,000	1	\$2,000
3c	Minor	Major	\$1,700	1	\$1,700
3d	Minor	Major	\$2,000	1	\$2,000
3f, 4d	Minor	Major	\$1,900	1	\$1,900
4a	Moderate	Major	\$4,200	1	\$4,200
4b	Moderate	Major	\$4,200	1	\$4,200
5a	Moderate	Major	\$4,400	1	\$4,400
5b	Moderate	Major	\$4,400	1	\$4,400
6aii	Minor	Moderate	\$1,500	2	\$3,000
6aiii	Minor	Major	\$2,000	3	\$6,000
6b	Minor	Major	\$1,900	1	\$1,900
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					\$37,700

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		\$3,770
6.2.b.4 - Compliance/noncompliance history -			\$0
6.2.b.6 - Economic benefits - (flat monetary increase)			\$0
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)		5	(\$1,885)
6.2.b.10 - Additional Other Factors - Increase (flat monetary increase)			\$0
6.2.b.10 - Additional Other Factors - Decrease (flat monetary decrease)			\$0
Public Notice Costs (flat monetary increase)	\$30		\$30
6.2.b.2 - Good Faith - Increase			\$0
6.2.b.2 - Good Faith - Decrease		10	(\$3,770)
6.2.b.3 - Cooperation with the Secretary		10	(\$3,770)
6.2.b.5 - Ability to Pay		71.816	(\$27,075)
Penalty Adjustments			(\$32,700)
Penalty =			\$5,000

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	
Estimated Economic Benefit	\$0
Comments: Economic benefit not warranted.	