

ATTACHMENT B

Penalty Calculation Methodology Worksheet - Version Date: 6/24/2010
 Password for Workbook Protection: enforcement

- Instructions**
1. Select Potential Harm for Discharge Violations
 2. Select Characteristics of the Discharge
 3. Select Susceptibility to Cleanup or Abatement
 4. Select Deviation from Standard
 5. Click "Determine Harm & per Gallon/Day."
 6. Enter Values into the Yellow highlighted fields

Select Item 3 Moderate
 Select Item 1 Discharged material poses minor risk
 Select Item 50% of Discharge Susceptible to Cleanup or A
 Select Item Major

Select Item Potential Harm for Discharge Violations
 Select Item Characteristics of the Discharge
 Select Item Susceptibility of Cleanup or Abatement
 Select Item Deviation from Requirement

Discharger Name/ID:		Richard Sykora - Red Ink Maid & Big Seam Mine	
Violation Category #1 - Unauthorized Discharges		Violation 1 - 19 April 2011	
Step 1	Potential Harm Factor (Generated from Button)	5	5
Step 2	Per Gallon Factor (Generated from Button)		
	Gallons		
	Statutory / Adjusted Max per Gallon (\$)		
	Total		\$
	Per Day Factor (Generated from Button)	0.15	0.15
	Days	1	1
	Statutory Max per Day	10000.00	10000.00
	Total		\$ 1,500
Step 3	Per Day Factor		
	Days		
	Statutory Max per Day		
	Total		\$
	Initial Amount of the ACL		\$ 1,500.00
Step 4	Culpability	1.4	1.4
	Cleanup and Cooperation	1.4	1.4
	History of Violations	1	1
Step 5	Total Base Liability Amount		\$ 2,940.00
Step 6	Ability to Pay & to Continue in Business	1	\$ 2,940.00
Step 7	Other Factors as Justice May Require	1	\$ 2,940.00
	Staff Costs*		\$ 2,940.00
Step 8	Economic Benefit		\$ 20,000
Step 9	Minimum Liability Amount		\$ 20,000
	Maximum Liability Amount		\$ 20,000
Step 10	Final Liability Amount		\$ 20,000.00
Add'l Factors			\$ 1,500.00
	Culpability	1.4	\$ 2,100.00
	Cleanup and Cooperation	1.4	\$ 2,940.00
	History of Violations	1	\$ 2,940.00
	Total		\$ 2,940.00
	Ability to Pay & to Continue in Business	1	\$ 2,940.00
	Other Factors as Justice May Require	1	\$ 2,940.00
	Staff Costs*		\$ 2,940.00
	Economic Benefit		\$ 20,000
	Minimum Liability Amount		\$ 20,000
	Maximum Liability Amount		\$ 20,000
	Final Liability Amount		\$ 20,000.00

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 2. Select Characteristics of the Discharge
 3. Select Susceptibility to Cleanup or Abatement
 4. Select Deviation from Standard
 5. Click "Determine Harm" & the Gallon/Day
 6. Enter Values into the yellow highlighted fields

Select Item Potential Harm for Discharge Violations
 Select Item Characteristics of the Discharge
 Select Item Susceptibility of Cleanup or Abatement
 Select Item Deviation from Requirement

Select Item Potential Harm for Discharge Violations
 Select Item Characteristics of the Discharge
 Select Item Susceptibility of Cleanup or Abatement
 Select Item Deviation from Requirement

Select Item Potential Harm for Discharge Violations
 Select Item Characteristics of the Discharge
 Select Item Susceptibility of Cleanup or Abatement
 Select Item Deviation from Requirement

Discharger Name/ID:		ATTACHMENT B		
Richard Sykora - Red Ink Mtd & Big Seam Mine		Violation 1 - 2009 Facility Inspection Report	Violation 2 - 2010 Facility Inspection Report	Violation 3 - 2011 Facility Inspection Report
Step 1	Potential Harm Factor (Generated from Button)			
Step 2	Per Gallon Factor (Generated from Button)			
	Gallons			
	Statutory / Adjusted Max per Gallon (\$)			
	Total	\$	\$	\$
	Per Day Factor (Generated from Button)			
	Days			
	Statutory Max per Day			
	Total	\$	\$	\$
Step 3	Per Day Factor	0.3	0.3	0.3
	Days	18	18	11
	Statutory Max per Day	\$ 1,000	\$ 1,000	\$ 1,000
	Total	\$ 5,400.00	\$ 5,400.00	\$ 3,300.00
Step 4	Culpability			
	Cleanup and Cooperation			
	History of Violations			
Step 5	Total Base Liability Amount	\$ 20,304.00	\$ 20,304.00	\$ 20,304.00
Step 6	Ability to Pay & to Continue in Business	\$ 20,304.00	\$ 20,304.00	\$ 20,304.00
Step 7	Other Factors as Justice May Require	\$ 20,304.00	\$ 20,304.00	\$ 20,304.00
Step 8	Staff Costs	\$ 2,625	\$ 2,625	\$ 2,625
Step 9	Economic Benefit	\$ 2,888	\$ 2,888	\$ 2,888
	Minimum Liability Amount	\$ 901,000	\$ 901,000	\$ 901,000
Step 10	Final Liability Amount	\$ 20,304.00	\$ 20,304.00	\$ 20,304.00

Penalty Day Range Generator

Start Date of Violation= 11/16/09
 End Date of Violation= 11/15/10

Maximum Days Fined (Steps 2 & 3) = 365 Days
 Minimum Days Fined (Steps 2 & 3) = 18 Days

Penalty Day Range Generator

Start Date of Violation= 11/16/10
 End Date of Violation= 11/15/11

Maximum Days Fined (Steps 2 & 3) = 365 Days
 Minimum Days Fined (Steps 2 & 3) = 18 Days

Penalty Day Range Generator

Start Date of Violation= 11/16/11
 End Date of Violation= 5/4/12

Maximum Days Fined (Steps 2 & 3) = 171 Days
 Minimum Days Fined (Steps 2 & 3) = 11 Days

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- Instructions**
1. Select Potential Harm for Discharge Violations
 2. Select Characteristics of the Discharge
 3. Select Susceptibility to Cleanup or Abatement
 4. Select Deviation from Standard
 5. Click "Determine Harm & per Gallon/Day"
 6. Enter Values into the yellow highlighted fields

Select Item Potential Harm for Discharge Violations
 Select Item Characteristics of the Discharge
 Select Item Susceptibility of Cleanup or Abatement
 Select Item Deviation from Requirement

Select Item Potential Harm for Discharge Violations
 Select Item Characteristics of the Discharge
 Select Item Susceptibility of Cleanup or Abatement
 Select Item Deviation from Requirement

Select Item Potential Harm for Discharge Violations
 Select Item Characteristics of the Discharge
 Select Item Susceptibility of Cleanup or Abatement
 Select Item Deviation from Requirement

Discharger Name/ID:		ATTACHMENT B		
Violation Category #4 - ISW Annual Reports		Violation 1 - 2008-2009 ISW Annual Report	Violation 2 - 2009-2010 ISW Annual Report	Violation 3 - 2010-2011 ISW Annual Report
Step 1	Potential Harm Factor (Generated from Button)			
Step 2	Per Gallon Factor (Generated from Button)			
	Gallons			
	Statutory / Adjusted Max per Gallon (\$)			
	Total			
	Per Day Factor (Generated from Button)			
	Days			
	Statutory Max per Day			
	Total			
Step 3	Per Day Factor	0.3	0.3	0.3
	Days	18	18	16
	Statutory Max per Day	\$ 10,000	\$ 10,000	\$ 10,000
	Total	\$ 54,000.00	\$ 54,000.00	\$ 48,000.00
	Initial Amount of the ACL	\$ 54,000.00	\$ 54,000.00	\$ 48,000.00
Step 4	Culpability	1.3	1.3	1.3
	Cleanup and Cooperation	1.3	1.3	1.3
	History of Violations	1	1	1
Step 5	Total Base Liability Amount	\$ 263,640.00	\$ 263,640.00	\$ 263,640.00
Step 6	Ability to Pay & to Continue in Business	\$ 263,640.00	\$ 263,640.00	\$ 263,640.00
Step 7	Other Factors as Justice May Require	\$ 263,640.00	\$ 263,640.00	\$ 263,640.00
	Staff Costs*			
Step 8	Economic Benefit	\$ 7,080	\$ 7,080	\$ 7,080
Step 9	Minimum Liability Amount	\$ 7,788	\$ 7,788	\$ 7,788
	Maximum Liability Amount	\$ 1,038,000	\$ 1,038,000	\$ 1,038,000
Step 10	Final Liability Amount	\$ 263,640.00	\$ 263,640.00	\$ 263,640.00

Penalty Day Range Generator

Start Date of Violation= 7/2/09
 End Date of Violation= 7/1/10

Maximum Days Fined (Steps 2 & 3) = 365 Days
 Minimum Days Fined (Steps 2 & 3) = 18 Days

Penalty Day Range Generator

Start Date of Violation= 7/2/10
 End Date of Violation= 7/1/11

Maximum Days Fined (Steps 2 & 3) = 365 Days
 Minimum Days Fined (Steps 2 & 3) = 18 Days

Penalty Day Range Generator

Start Date of Violation= 7/2/11
 End Date of Violation= 5/4/12

Maximum Days Fined (Steps 2 & 3) = 308 Days
 Minimum Days Fined (Steps 2 & 3) = 16 Days

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- Instructions**
1. Select Potential Harm for Discharge Violations
 2. Select Characteristics of the Discharge
 3. Select Susceptibility of Cleanup or Abatement
 4. Select Deviation from Standard
 5. Click "Determine Harm & per Gallon/Day"
 6. Enter Values into the yellow highlighted fields

Select Item Potential Harm for Discharge Violations
 Select Item Characteristics of the Discharge
 Select Item Susceptibility of Cleanup or Abatement
 Select Item Deviation from Requirement

Select Item Potential Harm for Discharge Violations
 Select Item Characteristics of the Discharge
 Select Item Susceptibility of Cleanup or Abatement
 Select Item Deviation from Requirement

Select Item Potential Harm for Discharge Violations
 Select Item Characteristics of the Discharge
 Select Item Susceptibility of Cleanup or Abatement
 Select Item Deviation from Requirement

Discharger Name/ID:		ATTACHMENT B		
Richard Sykora - Red Ink Maid & Big Seam Mine		Violation 1 - 2008 Annual Fee	Violation 2 - 2010 Annual Fee	Violation 3 - 2011 Annual Fee
Step 1	Potential Harm Category #5 - WDR Annual Fee			
Step 2	Per Gallon Factor (Generated from Button)			
	Gallons			
	Statutory / Adjusted Max per Gallon (\$)			
	Total	\$	\$	\$
	Per Day Factor (Generated from Button)			
	Days			
	Statutory Max per Day			
	Total	\$	\$	\$
Step 3	Per Day Factor	0.3	0.3	0.3
	Days	18	18	8
	Statutory Max per Day	\$ 1,000	\$ 1,000	\$ 1,000
	Total	\$ 5,400.00	\$ 5,400.00	\$ 2,400.00
	Initial Amount of the ACL	\$ 5,400.00	\$ 5,400.00	\$ 2,400.00
Step 4	Culpability	\$ 7,020.00	\$ 7,020.00	\$ 3,120.00
	Cleanup and Cooperation	\$ 9,126.00	\$ 9,126.00	\$ 4,056.00
	History of Violations	\$ 1	\$ 1	\$ 1
Step 5	Total Base Liability Amount	\$ 22,308.00	\$ 22,308.00	\$ 9,126.00
Step 6	Ability to Pay & to Continue in Business	\$ 22,308.00	\$ 22,308.00	\$ 9,126.00
Step 7	Other Factors as Justice May Require	\$ 22,308.00	\$ 22,308.00	\$ 9,126.00
	Staff Costs	\$ 7,508	\$ 7,508	\$ 7,508
Step 8	Economic Benefit	\$ 89,256	\$ 89,256	\$ 89,256
Step 9	Minimum Liability Amount	\$ 819,000	\$ 819,000	\$ 819,000
Step 10	Final Liability Amount	\$ 22,308.00	\$ 22,308.00	\$ 9,126.00

Penalty Day Range Generator

Start Date of Violation= 12/29/08
 End Date of Violation= 12/28/09

Maximum Days Fined (Steps 2 & 3) = 365 Days
 Minimum Days Fined (Steps 2 & 3) = 18 Days

Penalty Day Range Generator

Start Date of Violation= 12/17/10
 End Date of Violation= 12/16/10

Maximum Days Fined (Steps 2 & 3) = 365 Days
 Minimum Days Fined (Steps 2 & 3) = 18 Days

Penalty Day Range Generator

Start Date of Violation= 2/6/12
 End Date of Violation= 5/4/12

Maximum Days Fined (Steps 2 & 3) = 89 Days
 Minimum Days Fined (Steps 2 & 3) = 8 Days

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- Instructions**
1. Select Potential Harm for Discharge Violations
 2. Select Characteristics of the Discharge
 3. Select Susceptibility to Cleanup or Abatement
 4. Select Deviation from Standard
 5. Click Determine Harm & per Gallon/Day
 6. Enter Values into the yellow highlighted fields

Select Item Potential Harm for Discharge Violations
 Select Item Characteristics of the Discharge
 Select Item Susceptibility of Cleanup or Abatement
 Select Item Deviation from Requirement

Select Item Potential Harm for Discharge Violations
 Select Item Characteristics of the Discharge
 Select Item Susceptibility of Cleanup or Abatement
 Select Item Deviation from Requirement

Discharger Name/ID: Richard Sykora - Red Ink Mait & Big Seam Mine		ATTACHMENT B	
Violation Category #6 - ISW Annual Fee		Violation 1 - 2010 Annual Fee	Violation 2 - 2011 Annual Fee
Step 1	Potential Harm Factor (Generated from Button)		
Step 2	Per Gallon Factor (Generated from Button)		
	Gallons		
	Statutory / Adjusted Max per Gallon (\$)		
	Total	\$	\$
	Per Day Factor (Generated from Button)		
	Days		
	Statutory Max per Day		
	Total	\$	\$
Step 3	Per Day Factor	0.3	
	Days	18	
	Statutory Max per Day	\$ 1,000	\$
	Total	\$ 5,400.00	\$ 3,300.00
	Initial Amount of the ACL	\$ 5,400.00	\$ 3,300.00
Step 4	Culpability	1.2	
	Cleanup and Cooperation	1.3	
	History of Violations	1	
Step 5	Total Base Liability Amount	\$ 13,572.00	\$ 8,424.00
Step 6	Ability to Pay & to Continue in Business	\$ 13,572.00	\$ 3,960.00
Step 7	Other Factors as Justice May Require	\$ 13,572.00	\$ 5,148.00
	Staff Costs*	\$	\$
Step 8	Economic Benefit	\$ 2,367	\$
Step 9	Minimum Liability Amount	\$ 2,603	\$
	Maximum Liability Amount	\$ 527,000	\$
Step 10	Final Liability Amount	\$ 13,572.00	\$ 5,148.00

Penalty Day Range Generator

Start Date of Violation=	11/27/10
End Date of Violation=	11/26/11
Maximum Days Fined (Steps 2 & 3) =	365 Days
Minimum Days Fined (Steps 2 & 3) =	18 Days

Penalty Day Range Generator

Start Date of Violation=	11/24/11
End Date of Violation=	6/4/12
Maximum Days Fined (Steps 2 & 3) =	162 Days
Minimum Days Fined (Steps 2 & 3) =	11 Days