

Exhibit No.1
Discharger: EMWD

Penalty Methodology Decisions
ACL Complaint No. R9-2010-0085

Step 1: Potential Harm Factor				
Violations	Harm/Potential Harm to Beneficial Uses [0 - 5]	Physical, Chemical, Biological or Thermal Characteristics [0 - 4]	Susceptibility to Cleanup or Abatement [0 or 1]	Total Potential for Harm [0 - 10]
Sewage Spill	3	3	0	6

Step 2: Assessments for Discharge Violations						
Violations	Per Gallon Factor					Statutory or Policy Max per Gallon [\$]
	Potential for Harm [0 - 10]	Deviation from Requirement [minor, moderate, major]	High Volume Discharges [yes / no]	Gallons Discharged	Total Per Gallon Factor	
Sewage Spill	6	moderate	yes	1,600,000	0.15	\$2.00
Violations	Per Day Factor				Statutory Max per Day [section 13xxx]	
	Potential for Harm [0 - 10]	Deviation from Requirement [minor, moderate, major]	Total Per Day Factor	Days of Violation		
n/a	n/a	n/a	n/a	n/a	n/a	

Step 3: Per Day Assesments for Non-Discharge Violations					
Violations	Per Day Factor				Statutory/ Adjusted Max [section 13xxx]
	Potential for Harm [minor, moderate, major]	Deviation from Requirement [minor, moderate, major]	Total Per Day Factor	Days of Violation	
n/a	n/a	n/a	n/a	n/a	n/a

Initial Liability From Steps 1 - 3	\$480,000.00
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Step 4: Adjustments					
Violations	Culpability [0.5 - 1.5]	Cleanup and Cooperation [0.75 - 1.5]	History of Violations	Multiple Violations (Same Incident)	Adjusted Days of Violation
Sewage Spill	1.3	0.75	1.1	yes	n/a

Step 5: Total Base Liability Amount
(Per day Factor x statutory maximum) x (Step 4 Adjustments)
\$514,800

Step 6: Ability to Pay / Continue in Business
[Yes, No, Partly, Unknown]
yes

Step 7: Other Factors as Justice May Require	
Costs of Investigation and Enforcement	Other
\$10,000	n/a

Step 8: Economic Benefit
\$24,654

Step 9: Maximum and Minimum Liability Amounts	
Minimum	Maximum
Violation 1	\$27,199
	\$16,000,000

Step 10: Final Liability Amount
(total base liability) + (other factors)
\$524,800