



**REGION 3**

PHILADELPHIA, PA 19103

**December 17, 2024**

**VIA UPS & EMAIL**

Jim Hedrick, Hatchery Program Manager  
Elkins Operation Center  
West Virginia Division of Natural Resources  
1988 Spring Run Road, Unit 1  
Petersburg, West Virginia 26847  
[jim.d.hedrick@wv.gov](mailto:jim.d.hedrick@wv.gov)

**Re: In the Matter of: West Virginia Division of Natural Resources  
Docket No. CWA-03-2025-0019DN**

Dear Mr. Hedrick:

Enclosed please find a true and correct copy of the ***Administrative Order on Consent ("AOC")***, which was filed with the U.S. Environmental Protection Agency, Region 3 (the "EPA") Regional Hearing Clerk on the date that has been electronically stamped on the AOC.

The EPA is issuing this AOC to West Virginia Division of Natural Resources under the authority of Section 309(a) of the CWA, 33 U.S.C. § 1319(a), for alleged violations at the fish hatchery located at 1988 Spring Run Road, Unit 1, Petersburg, WV 26847 (the "Hatchery"). The AOC requires West Virginia Division of Natural Resources to complete the following:

- Within 60 days of the Effective Date of this AOC: Replace the current refrigerated sampler with a new updated model at the Hatchery and provide pictures of this new updated model of the refrigerated sampler to the EPA.
- Within 60 days of the Effective Date of this AOC: Investigate the feasibility and logistics associated with installing an automatic composite sampler at Outlets 008 and 011 and provide documentation of this investigation to the EPA. Based on the results of the investigation, Respondent shall install an automatic composite sampler for all industrial discharge outlets at the Hatchery. If installed, Respondent shall provide to the EPA pictures of all the automatic composite samplers installed at the Hatchery.

- On a biannual basis on December 31st and June 30th from the Effective Date of this AOC until WVDEP's final modification to the Permit: Provide data from monitoring and collection of water chemistry samples from an unpermitted outlet consistent with instruction and guidance by WVDEP while waiting for a modification to the Permit.
- Within 10 days of the Permit modification approval by WVDEP: Submit to the EPA WVDEP's final modification to the Permit which will include the unpermitted outlet.
- Within 10 days of the Permit modification approval by WVDEP: Update the Storm Water Pollution Plan and the BMP document to incorporate the final modification to the Permit and send the updated documents to the EPA.
- On a biannual basis on December 31st and June 30th until the termination of this AOC: Provide to the EPA copies of the training, inspection, and maintenance logs.
- Within 90 days of the Effective Date of the AOC: Provide to the EPA for review a Corrective Action Plan that shall include the following:
  - A report that identifies and briefly explains all the potential sources of pollutants that may be causing the nitrogen nitrite exceedances.
  - An evaluation of potential solutions for the nitrogen nitrite exceedances, including permitting strategies, pollutant minimization, and treatment options.
  - A plan and schedule to implement the potential solution(s) the Respondent will undertake to address the nitrogen nitrite exceedances and achieve compliance with the Permit effluent limits within 2 years of the Effective Date of the AOC.

Please note that the Effective Date of the AOC is today, the date of your receipt of a fully executed copy of the AOC.

If you have any questions regarding the AOC, please contact Dominic Cotton of the Enforcement Section at (215) 814-2046 or [cotton.dominic@epa.gov](mailto:cotton.dominic@epa.gov), or have your attorney contact Promy Tabassum, the attorney assigned to this matter, at (215) 814-2665 or [tabassum.promy@epa.gov](mailto:tabassum.promy@epa.gov).

Sincerely,

Regional Hearing Clerk  
U.S. EPA, Region 3

Enclosures:

1. Administrative Order on Consent, Docket No. CWA-03-2025-0019DN

cc: Dominic Cotton ([cotton.dominic@epa.gov](mailto:cotton.dominic@epa.gov))  
Promy Tabassum ([tabassum.promy@epa.gov](mailto:tabassum.promy@epa.gov))