



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103-2852

September 14, 2022

SENT VIA ELECTRONIC SERVICE

Mr. Mr. Dustin Fisher, Secretary and
Mr. Charles Mull, Field Superintendent
Kokosing Construction Company
17531 Waterford Road Fredericktown, OH 43019
gdr@kokosing.biz; cjm2@kokosing.biz

Re: Administrative Order for Compliance
National Pollutant Discharge Elimination System ("NPDES") Program
Corridor H Highway Project
H1 Site - Kerens to Parsons, WV and H2 Site - US219 to WV72
Docket No. CWA-03-2022-0084DN

Dear Mr. Fisher and Mr. Mull:

The United States Environmental Protection Agency, Region III ("EPA") has reviewed the compliance of Kokosing Construction Company ("Kokosing" or "Respondent") with the Administrative Order for Compliance ("Order"), referenced above, which was issued to the Respondent and filed on May 11, 2022. The Order required that the Respondent implement site corrections and provide documentation of corrections to EPA. Based on EPA's review of documentation you provided to EPA, dated May 24, 2022, the Respondent has complied with all actions required by the Order, and EPA is therefore terminating the Order.

Please note, however, that Respondent must continue to comply with any applicable Clean Water Act ("CWA") requirements and applicable National Pollutant Discharge Elimination System ("NPDES") permit(s). Any noncompliance with the CWA or a current or future NPDES permit could result in the initiation of an additional enforcement action pursuant to the federal enforcement provisions set forth in Section 309 of the CWA, 33 U.S.C. § 1319. EPA is in receipt of an Inspection Report, dated May 27, 2022, in which the West Virginia Department of Environmental Protection ("WVDEP") alleges additional violations of the CWA at the Corridor H Highway Project, Kerens to Parson. We look forward to your cooperation with WVDEP on rectifying any deficiencies.

Thank you for your attention to this matter. If you have any questions, please contact Chuck Schadel of my staff at 215-341-1560 or schadel.chuck@epa.gov, or have your attorney contact Natalie Katz, Senior Assistant Regional Counsel, at 215-814-2615 or katz.natalie@epa.gov.

Sincerely,

Richard A. Rogers Digitally signed by Richard A. Rogers
Date: 2022.09.14 17:31:14 -04'00'

Richard A. Rogers, Chief
Water Branch
Enforcement and Compliance Assurance Division

cc: EPA R3, Regional Hearing Clerk (R3_Hearing_Clerk@epa.gov)
Chuck Schadel, EPA, (schadel.chuck@epa.gov)
Katelyn Almeter, EPA (almeter.katelyn@epa.gov)
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