

4H Farm, LLC, Trenton, LLC, and ELF, LLC

**NOTICE OF INTENT TO ASSESS ADMINISTRATIVE PENALTY
AND
OPPORTUNITY FOR PUBLIC COMMENT**

**U.S. ENVIRONMENTAL PROTECTION AGENCY – MID-ATLANTIC REGION
Environmental Assessment and Innovation Division (3EA30)
1650 Arch Street
Philadelphia, Pennsylvania 19103**

**Date of Notice: August 29, 2018
DOCKET NUMBER: CWA-03-2018-0090**

Comments will be accepted until October 8, 2018.

In accordance with Section 309(g) of the Clean Water Act (CWA), 33 U.S.C. § 1319(g), notice is hereby given that the U.S. Environmental Protection Agency (EPA), Mid-Atlantic Region, is proposing an administrative civil penalty against the Respondents, named below, for alleged violations at the facility, listed below.

RESPONDENTS:

4H Farm, LLC, ELF, LLC, and Trenton, LLC
Ritchie County School Road, Ellenboro,
Ritchie County, West Virginia

SITE LOCATION:

Ritchie County School Road
Ellenboro, Ritchie County,
West Virginia 26346
39.263°, -81.072°

SUMMARY OF VIOLATIONS: Respondent violated the Clean Water Act, specifically, Section 404 by operating equipment which discharged dredged and/or fill material to waters of the United States located at the Site, rerouting and placing rock channel protection into tributaries to Hushers Run, and impacting a total of approximately 2,014 linear feet without first acquiring a permit from the U.S. Army Corps of Engineers (Corps) as required by the statute. The Consent Agreement and Final Order (CAFO) alleges these same violations of Sections 301(a) and 404 of the CWA, 33 U.S.C. §§ 1311(a) and 1344, which were discovered during a flyover of the Site and subsequent Site visit.

PROPOSED ADMINISTRATIVE PENALTY: Based on the foregoing and having taken into account the penalty factors set forth in Section 309(g) of the CWA, 33 U.S.C. § 1319(g), EPA Mid-Atlantic Region proposes to assess an administrative civil penalty against 4H Farms, LLC, ELF, LLC, and Trenton Energy, LLC, in the amount of \$10,000. The total proposed penalty is consistent with 40 C.F.R. Part 19.

OPPORTUNITY FOR COMMENT: Persons wishing to comment on the amount or basis of the proposed assessment are invited to submit a statement to the EPA Regional Administrator, addressed to the attention of the Regional Hearing Clerk (address below), within forty (40) days of the date of this public notice. Comments received within this forty (40)-day period will be considered in the formulation of the final penalty assessment order. All comments must include the name, address, and telephone number of the writer, a concise statement of the basis for any comment, and any and all relevant facts on which it is based.

All comments should be addressed to:

Regional Hearing Clerk (3RC00)
U.S. EPA, Mid-Atlantic Region
1650 Arch Street
Philadelphia, PA 19103-2029

AVAILABILITY OF INFORMATION: Information relevant to the proposed penalty assessment may be requested through the Regional Hearing Clerk.

REGISTRY OF INTERESTED PERSONS: Any person interested in a particular case, or group of cases, may leave his/her name, address, and telephone number on a registry of interested persons which will be maintained in each file. The list of names will be maintained as a means for persons with an interest in the case to contact others with the same interest.

FOR FURTHER INFORMATION. Interested parties may contact the following EPA representative to learn more about this action.

Pamela J. Lazos (3RC20)
Sr. Asst. Regional Counsel, U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103-2029
215-814-2656
lazos.pamela@epa.gov

Stephanie Kubico, Environmental Scientist
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103-2029
215-814-2762
kubico.stephanie@epa.gov