

Felman Production, LLC
NOTICE OF INTENT TO FILE CONSENT AGREEMENT AND FINAL ORDER
ASSESSING ADMINISTRATIVE PENALTY
AND OPPORTUNITY FOR PUBLIC COMMENT

U.S. ENVIRONMENTAL PROTECTION AGENCY MID-ATLANTIC REGION
Enforcement & Compliance Assurance Division (3ED32)
1600 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103

Date of Notice: April 5, 2024

Permit No.: WV0000426

Docket Number: CWA-03-2024-0077

Comments will be accepted until May 15, 2024.

In accordance with Section 309(g) of the Clean Water Act (CWA), 33 U.S.C. § 1319(g) AND 40 CFR § 22.45, notice is hereby given that the U.S. Environmental Protection Agency Region 3 (EPA Mid-Atlantic Region), is proposing to file a Consent Agreement and Final Order (CAFO) assessing an administrative civil penalty in the amount of two hundred ninety thousand, seven hundred seventy-three dollars (\$290,773.00) against the Respondent named below for alleged violations of Section 301 of the CWA and its National Pollutant Discharge Elimination System (NPDES) permit.

RESPONDENT:

Felman Production, LLC
4442 Graham Station Road
Letart, WV 25253

SUMMARY OF VIOLATIONS: EPA Mid-Atlantic Region alleges the following violations of Section 301(a) of the CWA and of NPDES Permit No. WV0000426 (Permit), which were discovered during 2020 and 2021 information request actions at the facility located at 4442 Graham Station Road, Letart, WV 25253:

1. Seventy-two effluent limit exceedances for nitrogen, aluminum, fecal coliform, cadmium, lead, pH, iron, zinc, chromium, and total suspended solids.

These failures constitute a violation of Section 301(a) of the CWA, 33 U.S.C. §§ 1311(a) and the NPDES permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

OPPORTUNITY FOR COMMENT: Persons wishing to comment on the Consent Agreement and Final Order are invited to submit via email a statement to the EPA Mid-Atlantic Region Enforcement and Compliance Assurance Division Director. This statement should be emailed directly to the Regional Hearing Clerk (email below) within 40 days of the date of this public notice. Comments received within this 40-day period will be considered. All comments must include the name, address, and telephone number of the writer and a concise statement of the basis for any comment and any relevant facts on which it is based.

All comments should either be emailed to:

EPA Region 3 Regional Hearing Clerk: r3_hearing_clerk@epa.gov

OR

Mailed/Submitted to:

U. S. Environmental Protection Agency, Region 3
Regional Hearing Clerk – Mail Code 3RC00
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103

AVAILABILITY OF INFORMATION: Information relevant to the Consent Agreement 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 their 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 representatives to learn more about this action.

Angela Weisel
U.S. Environmental Protection Agency
215-814-2124
weisel.angela@epa.gov

or

Promy Tabassum
Office of Regional Counsel

U.S. Environmental Protection Agency
215-814-2665
tabassum.promy@epa.gov