

KOKOSING CONSTRUCTION COMPANY, INC.
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 and Compliance Assurance Division (3ED32)
1600 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103

Date of Notice: June 23, 2026

Permit Number: WVR110581

Docket Number: CWA-03-2026-0078

Comments will be accepted until: August 3, 2026

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 (the EPA Mid-Atlantic Region) is proposing to file a Consent Agreement and Final Order (CAFO) assessing an administrative civil penalty in the amount of ninety-eight thousand dollars (\$98,000.00) against the Respondent named below for alleged violations of the CWA.

RESPONDENT:

Kokosing Construction Company, Inc.
6235 Westerville Road
Westerville, Ohio 43081

SITE:

Jefferson Road Project
WV 601 (Jefferson Road) intersecting with US 119, progressing north to WV 60 (MacCorkle Avenue)
South Charleston, Kanawha County,
West Virginia 25309

SUMMARY OF VIOLATIONS:

The EPA Mid-Atlantic Region alleges the following violations of West Virginia Department of Environmental Protection National Pollutant Discharge Elimination System Permit No. WVR110581, issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, which were discovered at WV 601 (Jefferson Road) intersecting with US 119, progressing north to WV 60 (MacCorkle Avenue), South Charleston, Kanawha County, West Virginia 25309:

1. Failure to Maintain an Accurate Stormwater Pollution Prevention Plan ("SWPPP")
On or before May 14, 2024 through June 17, 2024, Respondent violated Part II.H.1.a and Part II.H.1.d of the WV/ National Pollutant Discharge Elimination System ("NPDES") Construction Stormwater General Permit No. WVR110581 (the "Permit") by failing to maintain an accurate SWPPP.

2. Failure to Maintain Inlet and Outlet Protection
On or before May 14, 2024 through July 30, 2024 and on or before March 4, 2025 through April 10, 2025, Respondent violated Part II.H.3.b.13 of the Permit by failing to properly maintain inlet and outlet protection.
3. Failure to Properly Operate and Maintain Best Management Practices (“BMPs”)
On or before May 14, 2024 through July 30, 2024 and on or before March 4, 2025 through April 10, 2025, Respondent violated Appendix C.I, Part II.F., and Appendix B, Part I.1 of the Permit by failing to properly maintain BMPs.
4. Failure to Stabilize Areas with Construction Activity
On or before May 14, 2024 through July 23, 2025, Respondent violated Part III.A.3 and Part II.H.1.e.1 of the Permit by failing to stabilize portions of the Site as required.
5. Failure to Maintain Vegetative Buffer Adjacent to Waterway
On or before May 14, 2024 through July 23, 2025, Respondent violated Part II.H.3.b.8 of the Permit by failing to maintain a vegetative buffer adjacent to Davis Creek.

Each of the above described failures constitute a violation of the CWA and the NPDES permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342. As a result of each of the above described failures, Respondent is subject to an assessment of civil penalties pursuant to Section 309(g) of CWA, 33 U.S.C. § 1319(g).

OPPORTUNITY FOR COMMENT: Persons wishing to comment on the CAFO are invited to submit a statement, in accordance with the following directions, to the EPA Mid-Atlantic Region Enforcement and Compliance Assurance Division Director. Any statement must be submitted directly to the Regional Hearing Clerk within forty (40) calendar days of the date of this public notice. Comments received within this forty-day period will be considered. Each submission 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 be submitted via:

Email to:

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

OR

Mail:

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.

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