

**STATE OF WEST VIRGINIA
Department of Environmental Protection
Environmental Enforcement**

NOTICE OF VIOLATION

Violation No **W23-19-035-KRA**

To the Operator or Agent of:

Facility Name: **Blake Solar Project Permit No. WVR111837**

Permittee or Individual: **Horus West Virginia 1, LLC**

Located at or near: **Kabletown Road in Jefferson County**

Representative: **Luise Polo Gomez** Date: **9/26 & 9/27/2023** Time: **08:54 am (9/26/2023)**

Address / phone number: **110 FRONT STREET SUITE 300, Jupiter, Fl 33477 /561-277-0300**

Whereas, an inspection of the above named operation by the undersigned, duly authorized agent of the Secretary, at which the following described condition or practice exists, in violation of Chapter **22**, Article **11**, Section(s) **1 et. Seq.** of the Code of West Virginia and/or Section(s) **CSR47-2-3.2.b** of the Rules and Regulations and/or Section(s) **I, II, III, Appendix A. & Appendix B.** of the Permit referenced above promulgated thereunder in that you:

Have violated the following terms and conditions of WV/NPDES General Water Pollution Control Permit No. WV0115924, Registration No. WVR111837:

- 1. Appendix A.15.-**Horus West Virginia 1, LLC has failed to post an outlet marker at all permitted outlets from the construction site. No outlet markers on any of the Sediment Traps or Sediment Basins.
- 2.) Section I.D.2. -** Horus West Virginia 1, LLC failed to report noncompliance using the designated spill alert telephone number (800-642-3074). Sediment Basins 5 and 6 were overwhelmed during a recent, significant rain event and discharged sediment laden water. Evidence of offsite CNA deposits was discovered as a result and the permit holder failed to report the non-compliance.
- 3.) 1. Section I.G.-** Horus West Virginia 1, LLC has failed to prevent sediment-laden water from leaving the site without going through an appropriate device.
- 4.) Section III.A.3.-**Horus West Virginia 1, LLC failed to provide interim stabilization on areas where construction activities have temporarily ceased for more than 14 days. Areas where pylons have been driven and no excavation work is being performed. Numerous areas through the project area have been idle for greater than 30 days and lack temporary stabilization.
- 5.) Section II.H.1.d.-** Horus West Virginia 1, LLC has failed to provide an adequate stone access entrance/exit to reduce the tracking of sediment onto the public or private roads. Construction entrances need maintenance and stabilization per approved SWPPP.
- 6.) Section II.H.4.-** Horus West Virginia 1, LLC. has failed to inspect and clean all adjacent public and private roads of debris originating from the construction site. Track out on the public road was not being cleaned up in a timely manner.

7.) Section I.B.- Horus West Virginia 1, LLC failed to comply with the General Permit and approved Storm Water Pollution Prevention Plan (SWPPP). Sediment Basin 14 riser has been removed prior to all upstream disturbance being stabilized according to the approved SWPPP. Area above and in the drainage area of Sediment Basin 14 is not vegetated/stabilized. The basin was converted to stormwater management from a sediment trapping structure prematurely contrary to the approved SWPPP. This is causing sediment laden water to run off site into an ephemeral UNT of Evitts Run without going through an appropriate device.

8.) Section II.H.3.b.13- Horus West Virginia 1, LLC failed to protect the inlet of a sediment trapping structure to protect against erosion by an appropriate material such as riprap or other similar material. Sediment pond 5 and 6 inlets are not properly armored.

9). Appendix B.I.1. – Horus West Virginia 1, LLC failed to properly operate and maintain all activities and installed BMPs. Sediment basin 6 lacked maintenance at the time of inspection. The basin had accumulated deposits that were greater than 50% of the wet storage capacity and maintenance had not been conducted prior to this inspection.

Have violated the following WV Legislative Rules (Requirements Governing Water Quality Standards):

Title 47, Series 2, Section 3.2.b.- Horus West Virginia 1, LLC has caused conditions not allowable in waters of the State by allowing sediment deposits on the bottom of ephemeral UNT of Evitts Run (39° 15' 33.3189" X -77° 49' 30.6042") from sediment basin 6 and Evitts Run (39° 15' 17.2288" X -77° 49' 26.9350") from sediment basin 5.

The following corrective measures were discussed with you at the time of this inspection:

Take measures to correct the aforementioned violations.

Within **20** days provide a written response to the inspector named below, at the address indicated, detailing the actions taken to abate this violation.

Received by:

Sent Certified Mail

Signature

Title



Duly Authorized Agent /
Inspector

304-545-8114
Telephone

keith.r.allison@wv.gov
E-mail

Send Response to the Inspector at the address indicated below:

WV Department of Environmental Protection
Environmental Enforcement / WW
22288 Northwestern Pike Romney, WV 26757