

# Citizen Suit Enforcement/Clean Water Act: Conservation Law Foundation and New Hampshire Fish and Game Department Enter into Consent Decree



**Walter Wright, Jr.**  
wwright@mwlaw.com  
(501) 688.8839

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The Conservation Law Foundation (“CLF”) and New Hampshire Fish and Game Department (“Fish and Game”) entered into a September 8th Consent Decree (“CD”) addressing alleged violations of the Clean Water Act. See Civil No. 1:18-cv-00996-PB.

The United States Department of Justice and Environmental Protection Agency were also signatories as they had intervened in the previously filed CLF Clean Water Act citizen suit action.

The CO addresses the Fish and Game Powder Mill State Fish Hatchery (“Hatchery”) in New Durham, New Hampshire.

CLF had filed suit against Fish and Game in 2018 and alleged violations of the Hatchery’s Clean Water Act National Pollutant Discharge Elimination System (“NPDES”) permit including:

- Narrative prohibition against water quality violations caused by phosphorus discharges
- Exceedances of NPDES permit’s numerical phosphorus limits

The CD requires that Fish and Game undertake upgrades to the Hatchery with the objective of increasing phosphorus removal to meet NPDES permit limits which include:

- Constructing new wastewater treatment systems
- Reconfiguring the Hatchery’s tanks to promote the settling of solids containing phosphorus
- Implement best management practices such as adding a neutralizing agent and increasing frequency of removal of solids

Fish and Game is also required to undertake the following:

- Water quality assessment addressing downstream waterbodies
- Study options for remediating harmful effects of accumulated phosphorus in the river and settlements

A copy of the CD can be downloaded [here](#).