



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

State Fish Hatchery/Clean Water Act Enforcement: Conservation Law Foundation Notice of Intent to Sue New Hampshire Fish and Game Department for Alleged Violations

08/06/2018

The Conservation Law Foundation (“CLF”) sent an August 2nd document to the New Hampshire Fish and Game Department and others (collectively “NH Department”) titled:

Notice of Violations and Intent to File Suit under the Clean Water Act (“Notice”)

The Notice states that CLF intends to file suit pursuant to Section 505 (i.e., the Citizen Suit Provision) of the Clean Water Act against NH Department and others for alleged past and ongoing violations of the Clean Water Act caused by the Powder Mill State Fish Hatchery (“Hatchery”).

The Notice states that the Hatchery is located in New Durham, New Hampshire. It is described in the Notice as a Concentrated Aquatic Animal Production facility regulated by the Clean Water Act.

The Hatchery is stated to hold a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit.

The Notice alleges that past and ongoing violations of the Hatchery of the NPDES permit and applicable Clean Water Act regulations include:

1. violating the Permit’s effluent limitation prohibiting discharges that violate state water quality standards;
2. violating the NPDES Permit’s effluent limitation requiring that the receiving waters remain free of pollutants and non-natural effects that interfere with designated uses;
3. violating the NPDES Permit’s effluent limitations relative to formaldehyde;
4. violating the NPDES Permit’s effluent limitations and the State of New Hampshire’s Certification requirement relative to pH;
5. violating the NPDES Permit’s effluent limitation prohibiting the direct discharge of cleaning water; and
6. violating the NPDES Permit’s narrative effluent limitation requirement to implement and maintain a Best Management Practices (BMP)

A [copy of the Notice](#) can be found here.