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Citizen Suit Enforcement/Clean Water Act: Conservation Law Foundation Action Against New Hampshire Game and Fish Department for Alleged Fish Hatchery Violations

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The Conservation Law Foundation (“CLF”) filed a Complaint for Declaratory and Injunctive Relief and Civil Penalties (“Complaint”) in federal court against the New Hampshire Fish and Game Department (“Department”) alleging Clean Water Act violations by the agency’s Powder Mill State Fish Hatchery (“Hatchery”).

The Complaint is brought pursuant to the Section 505 Citizen Suit Provision of the Clean Water Act.

The Hatchery is stated to discharge wastewater into the Merrymeeting River pursuant to a Clean Water Act National Pollution Discharge Elimination System (“NPDES”) permit.

CLF alleges that the hatchery has discharged and continues to discharge wastewater associated with its fish production operations in violation of the NPDES permit’s:

1. effluent limitations prohibiting discharges that violate state water quality standards;
2. effluent limitations requiring that the receiving waters remain free of pollutants and non-natural effects that interfere with designated uses;
3. effluent limitations relative to formaldehyde;
4. effluent limitations in State Certification requirements relative to pH;
5. effluent limitations prohibiting the direct discharge of cleaning water; and
6. effluent limitations requiring implementation and maintenance of a Best Management Practices plan.

The Hatchery is owned and operated by the New Hampshire Game and Fish Department.

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