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west virginia department of environmental protection

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Division of Water and Waste Management  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304  
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Harold D. Ward, Cabinet Secretary  
dep.wv.gov

**CONSENT ORDER  
ISSUED UNDER THE  
WATER POLLUTION CONTROL ACT  
WEST VIRGINIA CODE CHAPTER 22, ARTICLE 11**

TO: City of Huntington  
Brian Bracey, Huntington Sanitary Board Exec. Dir.  
555 7<sup>th</sup> Ave  
Huntington, WV 25701

DATE: April 10, 2026  
ORDER NO.: 10426

**INTRODUCTION**

This Consent Order is issued by the Director of the Division of Water and Waste Management (hereinafter “Director”), under the authority of West Virginia Code 22-11-1 et seq. to City of Huntington (hereinafter “Huntington”).

**FINDINGS OF FACT**

In support of this Order, the Director hereby finds the following:

1. Huntington operates a wastewater collection system and treatment plant located in Huntington, Wayne County, West Virginia. Huntington was reissued WV/NPDES Water Pollution Control Permit No. WV0023159 on December 10, 2020. The WV/NPDES permit was administratively extended until September 30, 2026.
2. On January 4, 2022, West Virginia Department of Environmental Protection (WVDEP) and Huntington entered into Administrative Consent Order No. 8753, which was issued in response to violations that were observed and documented at the aforementioned facility. To fulfill the terms and conditions of the Order and achieve compliance, Huntington submitted an approvable Plan of Corrective Action (POCA) that, among other items, included provisions for completing facility upgrades.
3. On January 6, 2026, a representative of Huntington requested a meeting with WVDEP personnel to discuss chlorination/dechlorination at the wastewater treatment plant during the upcoming construction of facility upgrades. Specifically, it was represented that one (1) of the two (2) chlorination/dechlorination tanks will be taken offline during a portion

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of the project, which is necessary for installing a UV disinfection structure and an effluent metering and pumping station. During this installation period, all flow will pass through a single chlorination/dechlorination tank, resulting in reduced contact time and diminished disinfection during high flows. Due to the anticipated decrease in treatment capacity during the installation period, Huntington expressed concern that Fecal Coliform effluent limits, as outlined in Section A.001 of the WV/NPDES permit, may be exceeded when average daily flows exceed 9.4 MGD or peak flows exceed 25 MGD.

4. On February 6, 2026, in response to the aforementioned request, WVDEP personnel and representatives of Huntington met to discuss the planned facility upgrades.
5. On February 19, 2026, Huntington submitted a written request to enter into an administrative consent order with WVDEP, which would provide interim limits for Fecal Coliform at Outlet No. 001 during the portion of the upgrade project when it is necessary for one of the chlorine contact tanks to be taken out of service. Huntington requested that these interim limits remain in effect through completion of the UV disinfection system, which is scheduled for May 2028.

### **ORDER FOR COMPLIANCE**

Now, therefore, in accordance with West Virginia State Code 22-11-1 et seq., it is hereby agreed between the parties, and ORDERED by the Director:

1. Huntington shall immediately take all measures to initiate compliance with all terms and conditions of its WV/NPDES permit.
2. Huntington shall be placed on interim limits at Outlet No. 001, as detailed below, in accordance with the following stipulations:
  - a. At least thirty (30) days prior, Huntington shall submit written notification to WVDEP of the calendar date that the chlorine contact tank will be taken out of service, as required for completion of the wastewater treatment plant upgrades.
  - b. At least thirty (30) days prior, Huntington shall submit written notification to WVDEP of the calendar date that installation of the UV disinfection system will be completed.
  - c. The interim limits provided herein shall become effective on the date that the chlorine contact tank is taken out of service and shall expire either on the date that the UV disinfection system is completed, or on May 31, 2028, whichever should occur first.
  - d. Upon completion of the UV disinfection system, or on June 1, 2028, whichever should occur first, Huntington shall achieve compliance with all limits as detailed within the WV/NPDES permit.

<b>Parameter</b>	<b>Interim Average Monthly Limit</b>	<b>Interim Max Daily Limit</b>
Fecal Coliform	2,000 (Cnts/100mL)	Report Only (Cnts/100mL)

All other parameter limits contained within the WV/NPDES permit shall remain in full force and effect.

All notifications required by this Order shall be mailed to the following address:

**Chief Inspector  
Environmental Enforcement - Mail Code #031328  
WV-DEP  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304**

**OTHER PROVISIONS**

1. Huntington hereby waives its right to appeal this Order under the provisions of West Virginia State Code 22-11-21. Under this Order, Huntington agrees to take all actions required by the terms and conditions of this Order and consents to and will not contest the Director's jurisdiction regarding this Order. However, Huntington does not admit to any factual and legal determinations made by the Director and reserves all rights and defenses available regarding liability or responsibility in any proceedings regarding Huntington other than proceedings, administrative or civil, to enforce this Order.
2. The Director reserves the right to take further action if compliance with the terms and conditions of this Order does not adequately address the violations noted herein and reserves all rights and defenses which he may have pursuant to any legal authority, as well as the right to raise, as a basis for supporting such legal authority or defenses, facts other than those contained in the Findings of Fact.
3. If any event occurs which causes delay in the achievement of the requirements of this Order, Huntington shall have the burden of proving that the delay was caused by circumstances beyond its reasonable control which could not have been overcome by due diligence (i.e., force majeure). Force majeure shall not include delays caused or contributed to by the lack of sufficient funding. Within three (3) working days after Huntington becomes aware of such a delay, notification shall be provided to the Director/Chief Inspector and Huntington shall, within ten (10) working days of initial notification, submit a detailed written explanation of the anticipated length and cause of the delay, the measures taken and/or to be taken to prevent or minimize the delay, and a timetable by which Huntington intends to implement these measures. If the Director agrees that the delay has been or will be caused by circumstances beyond the reasonable control of Huntington (i.e., force majeure), the time for performance hereunder shall be extended for a period of time equal to the delay resulting from such circumstances. A force majeure amendment granted by the Director shall be considered a binding extension of this Order and of the requirements herein. The determination of the Director shall be final and not subject to appeal.
4. Compliance with the terms and conditions of this Order shall not in any way be construed as relieving Huntington of the obligation to comply with any applicable law, permit, other order, including Administrative Consent Order No. 8753, or any other requirement otherwise applicable. Violations of the terms and conditions of this Order may subject Huntington to additional penalties and injunctive relief in accordance with the applicable law.

5. The provisions of this Order are severable and should a court or board of competent jurisdiction declare any provisions to be invalid or unenforceable, all other provisions shall remain in full force and effect.
6. This Order is binding on Huntington, its successors and assigns.
7. This Order shall terminate upon Huntington's notification of full compliance with the "Order for Compliance" and verification of this notification by WVDEP.

*Brian Bracey*

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Brian Bracey, Huntington Sanitary Board Exec. Dir.  
City of Huntington

*4/24/2026*

\_\_\_\_\_  
Date

Public Notice begin:

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Date

Public Notice end:

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Date

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Jeremy W. Bandy, Director  
Division of Water and Waste Management

\_\_\_\_\_  
Date