

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF VIOLATION AND FINDING OF VIOLATION

DATE: February 2, 2025

TO: HydroGreen Energy PLC
2500 Energy Plaza Drive
Dallas, TX 75201

FACILITY: Rio Grande Hydroelectric Project
Location: Mile Marker 247, Rio Grande River
Near Española, New Mexico
EPA ID: NMD000234567

LEGAL AUTHORITY: Clean Water Act, 33 U.S.C. § 1251 et seq.
National Pollutant Discharge Elimination System (NPDES)
Permit No. NM0028347

VIOLATIONS IDENTIFIED:

Based on EPA inspection conducted January 18-19, 2025, and review of facility records, EPA has identified the following violations:

1. DISCHARGE LIMIT EXCEEDANCES:

- Total Suspended Solids: 67 mg/L (limit: 30 mg/L)
- pH levels: 9.2 standard units (limit: 6.5-8.5)
- Temperature: 78°F (limit: 75°F)
- Dissolved oxygen depletion below state standards

2. MONITORING AND REPORTING FAILURES:

- Failed to collect required weekly water samples
- Late submission of Discharge Monitoring Reports
- Incomplete turbidity monitoring data
- Missing fish mortality reports

3. UNAUTHORIZED DISCHARGES:

- Construction runoff into Rio Grande River
- Sediment discharge during dam maintenance
- Equipment wash water discharge
- Concrete washout into waterway

4. SPILL PREVENTION PLAN VIOLATIONS:

- Inadequate secondary containment for fuel storage
- Missing spill response equipment
- Untrained personnel handling hazardous materials
- Expired emergency response plan

5. ENDANGERED SPECIES ACT COMPLIANCE:

- Fish ladder modifications without consultation
- Impacts to Rio Grande silvery minnow habitat
- Flow modifications during spawning season
- Failure to implement fish protection measures

ENVIRONMENTAL IMPACT: