



To: Ms. Lori K. Devereux, [Lori.k.devereux@wv.gov](mailto:Lori.k.devereux@wv.gov), West Virginia  
Department of Environmental Protection  
From: Ohio Valley Environmental Advocates  
Re: WV0023281 - Empire Trimodal Stormwater Permit  
Date: February 25th, 2026

Dear Ms. Devereux:

We at the Ohio Valley Environmental Advocates (OVEA) respectfully submit the following comments:

1. A public hearing should be held to better inform the public and those living near the proposed operations of the project's impacts.
2. Extend the public comment period for permit WV 0023281 (hereafter the "Permit") to March 23, 2026, making it a full 30 day extension from the original deadline of February 23, 2026, and thus offer communities and other stakeholders a meaningful opportunity to learn about the proposed permit modification and implications in order to make informed comments.
3. Deny the permit application as Empire Trimodal is a serial violator of the law and cannot be trusted with a new permit. Empire has violated its current stormwater permit over 90 times in the last 3 years.
4. Empire has demonstrated financial instability, more specifically the failure to make payments on a \$26 million dollar bond issuance from the Economic Development Authority. The taxpayers of West Virginia should not be burdened for the cost of cleanup when the company ultimately violates its permit and fails to remediate its pollution. See: [https://www.wvgazettemail.com/news/energy\\_and\\_environment/financial-woes-mounting-for-wv-backed-arch2-partner-amid-multimillion-dollar-debts/article\\_2cdc335b-da81-428f-8403-9bda7f492bc5.html](https://www.wvgazettemail.com/news/energy_and_environment/financial-woes-mounting-for-wv-backed-arch2-partner-amid-multimillion-dollar-debts/article_2cdc335b-da81-428f-8403-9bda7f492bc5.html)
5. Enforce long overdue requirements to any renewal of the Applicant's Permit for the Applicant to use proper environmental testing methods as described by federal law and for the Applicant to include a plan to effectively reduce the release of known pollutants with protective, evidence-based public health standards in mind.



Our role in the communities we serve is to inform and empower them for the benefit of public health. We believe that an extended public comment period and the scheduling of a public hearing would be beneficial to improve public trust in the WV DEP. Upon the WV DEP's review of the facts, it will be clear that the WV DEP should deny the application.

Sincerely,

Warren Hilsbos  
Community Liaison  
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