



west virginia department of environmental protection

Environmental Enforcement
601 57th Street SE
Charleston, WV 25304
Telephone: (304) 926-0470 Fax: (304) 926-0488

Harold D. Ward, Cabinet Secretary
dep.wv.gov

December 22, 2025

Horus West Virginia 1, LLC
Attn: Jose Antonio Gil Segura
615 Crescent Executive Court, Suite 130
Lake Mary, FL 32771

CERTIFIED RETURN RECEIPT REQUESTED

9489 0090 0027 6726 0206 01

Re: Plan of Corrective Action

Dear Jose Antonio Gil Segura:

West Virginia Department of Environmental Protection (WVDEP) has received your Plan of Corrective Action (POCA), dated October 9, 2025, as required by Item No. Two (2) under the Order for Compliance section of Order No. 10260.

WVDEP has determined that the enclosed POCA is not acceptable and has not been approved due to the deficiencies noted below:

- The proposed POCA includes claims that the provided photos are not access roads, however, they clearly depict access roads that have not been stabilized, or are being utilized as access roads onsite, as verified by inspections. Photo 31 on page 40 and photo 33 on page 41 clearly show access roads that have not been stabilized. On page 70, the Pond 16A access road photo depicts an access road that has not been stabilized, but the proposed POCA claims that it is not an access road by IFC layout, and an infiltration berm is defined in that area. On page 72, Block Road #02, also shows an access road that has not been stabilized. An approvable POCA would properly address areas that have been identified as access roads and provide provisions for action items and a schedule to correct the conditions, including updating plan layouts to reflect actual site conditions.
- Pages 76 and 77 of the proposed POCA state that the pictured erosion and sediment controls were not called for in the "SWMP," indicating there is not a responsibility to maintain the controls. Regardless as to whether controls are outlined in the Stormwater Pollution Prevention Plan (SWPPP), any controls installed, for whatever reason, are required to either be properly operated and maintained, or removed if not necessary for achieving compliance at the site. An approvable POCA would provide provisions for the proper operation and maintenance of all installed sediment and erosion controls.

- The proposed POCA does not adequately address all findings of fact in the Order, nor does it adequately describe the efforts that will be taken to bring the site into compliance. Additionally, the proposed POCA includes multiple references to what is included in the site plan despite the plan not reflecting actual site conditions. An approvable POCA would adequately address all findings of fact and provide provisions and a timeline for updating the site plan to reflect onsite conditions.
- On October 20, 2025, technical corrections were requested by WVDEP for the application for Modification No. 2 of the WV/NPDES Permit and it was deemed administratively incomplete. Additionally, the comments noted that a fee of one hundred dollars (\$100.00) must be provided with the resubmitted application per 47 CSR Section 26-3.4.2. To date, corrections have not been received. An approvable POCA would include a timeframe by which an administratively complete application and all required corrections will be submitted.

Within Ten (10) days of receipt of this correspondence, Horus of West Virginia 1, LLC shall submit a revised POCA that addresses the aforementioned deficiencies. Failure to submit an approvable POCA is a violation of the Order. The POCA shall be submitted to:

**Chief Inspector
Environmental Enforcement - Mail Code #031328
WVDEP
601 57th Street SE
Charleston, WV 25304**

Should you have any questions regarding this matter, please contact me at (304) 926-0470.

Sincerely,



Samantha Blair
Assistant Chief Inspector

Enclosure

cc: Brad Wright, Chief Inspector, EE (via e-mail)
 Gregory C. Morris, Assistant Chief Inspector, EE/WW (via e-mail)
 Tonya Mather, Environmental Resources Program Manager, EE/WW (via e-mail)
 Laura McGee, Environmental Resources Analyst, EE (via e-mail)
 Cindy Blugerman, Environmental Resources Specialist, EE (via e-mail)
 Amaris Elliott, Environmental Resources Specialist, EE (via e-mail)
 Tim Casto, Environmental Inspector Supervisor, EE/WW (via e-mail)
 Steve Cook, Environmental Inspector Specialist, EE/WW (via e-mail)
 Keith Allison, Environmental Inspector, EE/WW (via e-mail)
 Shaun P. Clark, Program Support, DWWM (via e-mail)
 Gustavo Pacual Palacio, OPDENERGY (via e-mail)