

**WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
WV OIL AND GAS CONSTRUCTION STORMWATER PERMIT**

<b>FACILITY NAME:</b>	Atlantic Coast Pipeline			<b>REG. #</b>	<b>EXPIRE DATE:</b>
<b>PERMITTEE</b>	DOMINION ENERGY TRANSMISSION, INC.			WVR310820	12/31/2018
<b>ADDRESS/PHONE:</b>	Attn: LESLIE HARTZ, VICE PRES 707 E. MAIN ST. RICHMOND, VA 23219 8047714468				
<b>LOCATION:</b>	CR 22 / Buckhannon River			<b>Entry Date/Time:</b>	6/28/2018 @ 10:00
<b>COUNTY:</b>	Upshur			<b>Exit Date/Time:</b>	6/28/2018 @ 17:35
<b>Site Representative /Phone</b>	Derek Loftis / (931)644-7377			<b>PHOTOS</b> <input checked="" type="checkbox"/>	
<b>CO-PERMITTEE:</b>				<b>ADDRESS:</b>	
<b>SITE OPERATOR:</b>	Michels Pipeline Construction			<b>ADDRESS:</b>	817 Main St., Brownsville WI 53006
<b>PERMITTED ACREAGE</b>	2497	<b>WEATHER:</b>	Sunny	<b>LAST INSPECTION:</b>	5/24/2018
<b>RECEIVING STREAM(S)</b>	Buckhannon River/ Trubie Run/ Grassy Run/ Gravel Run/ Laurel Run				<b>NOV: W18-49-074-TJC</b>
<b>Regular Mail</b> <input type="checkbox"/> <b>Certified Mail</b> <input checked="" type="checkbox"/>		<b>Tracking # 70180040000047936016</b>			
<b>OVERALL FACILITY RATING:</b>		Unsatisfactory		<b>COMPLIANCE OUTCOME</b>	Not Immediately Corrected

**PERMIT / SITE EVALUATION**

S-Satisfactory	U-Unsatisfactory	N/A-Not Applicable	N/O-Not Observed	N/D Not Determined	M-Marginal	Y-Yes	N-No
1. PERIMETER CONTROLS	M	9. HOUSEKEEPING/SOLID WASTE	S	17. CONCRETE WASHOUT	N/A		
2. DIVERSIONS/DITCH CHECKS	U	10. RECORDS, REPORTS & PLANS ON SITE	N/O	18. PUBLIC NOTICE SIGN	S		
3. SEDIMENT TRAPS/BASINS	N/A	11. STABLE CONSTRUCTION ENTRANCE	S	19. SEDIMENT LADEN WATER LEAVING SITE	U		
4. OUTLET MARKERS	N/A	12. MUD ON ROADWAY/DUST	S	20. CONDITIONS NOT ALLOWABLE	U		
5. WASTE/BORROW SITES	N/A	13. APPROPRIATE BMP'S IMPLEMENTED	M	21. SWPPP/ GPP/PERMIT COMPLIANCE	U		
6. OPERATIONS & MAINTENANCE	U	14. FILL SLOPE PROTECTION	U	22. ORDER COMPLIANCE	N/A		
7. WATER BARS	U	15. DEVICES INSTALLED IN TIMELY MANNER	M	23. OTHER:	N/A		
8. STABILIZATION PRACTICES	S	16 DROP INLET PROTECTION	N/A	24. OTHER:	N/A		

**COMMENTS DEFICIENCIES AND RECOMMENDATIONS**

**COMMENTS:**

This inspection was a result of two citizen complaints regarding the project. A partial inspection of spread 2-1 was conducted. Areas inspected include:

- 1). Project area from the kickoff point adjacent to the Buckhannon River (CR 22 crossing) to the project area adjacent to Laurel Run (1924+00).

**DEFICIENCIES:**

- 1). (1, 13, 15, 19 & 21) (Marginal) The project area from the Laurel Run crossing to 1904+00 was disturbed to mineral soil by mechanical clearing and lacked treatment at the terminus of water bars as indicated on the SWPPP. Perimeter silt fence (BSRF) was indicated in the SWPPP for upland areas of this section and it was not in place as described in the plan. As a result, small amounts of offsite sediment deposits were noted.
- 2). (1, 13, 15, 19 & 21) (Marginal) There is an ephemeral stream that is not delineated in the approved SWPPP adjacent to 1878+00 that does not have adequate controls in place. The SWPPP should be modified and additional BMPs installed in order to prevent sediment laden water from leaving the site.
- 3). (7, 14 & 21) (Marginal) Temporary slope breakers did not extend past the installed perimeter silt fence from 1789+00 to 1794+00. The installed slope breakers did not shed stormwater off of the LOD as designed and caused concentrated flow to be directed over the fill slope.

4). (2, 6, 19 & 20) The responsible party modified their plan and installed additional controls in the roadside ditch along Our Mills Road (1794+61). The installed controls (compost filter sock) were not properly operated, which allowed sediment laden water to bypass the installed BMP. Conditions Not Allowable (CNA) deposits were noted in ephemeral UNT Grassy Run (Offsite) (38° 54.205' X 80° 12.194') as a result.

5). (6, 7, 14, 19 & 21) Temporary slope breakers that were installed at steep angles were noted in areas scattered throughout the inspected area. This condition caused excessive erosion of the fill slope at the BMP. The sediment produced by the erosion caused the installed treatment at the terminus of the slope breakers to be overwhelmed. Offsite sediment deposits were noted as a result. The responsible party had seeded and mulched a portion of the offsite sediment deposits, but they had failed to correct the cause of the erosion.

**WARNINGS: Immediately take all measures necessary to comply with all terms and conditions of the WV/NPDES general permit. Section B: Install all BMPs that are indicated in the SWPPP in all disturbed areas of the project. Section G.4.c: Modify the approved SWPPP and install additional controls at the ephemeral stream crossing adjacent to 1878+00. Section G.4.e.2.: Install all BMPs as designed.**

INSPECTOR: Tim Casto



Telephone: (304)288-6219

Modified: 10/13/2017 JHH

**STATE OF WEST VIRGINIA**  
**Department of Environmental Protection**  
**Environmental Enforcement**  
**NOTICE OF VIOLATION**

Violation No **W18-49-074-TJC**

To the Operator or Agent of:

Facility Name: **Atlantic Coast Pipeline** Permit No. **WVR310820**

Permittee or Individual: **DOMINION ENERGY TRANSMISSION, INC.**

Located at or near: **Tallmansville,** in **Upshur** County

Representative: **LESLIE HARTZ, VICE PRES** Date: **6/28/2018** Time: **10:00**

Address / phone number: **707 E. MAIN ST., RICHMOND, VA 23219 / 8047714468**

Whereas, an inspection of the above named operation by the undersigned, duly authorized agent of the Secretary, at which the following described condition or practice exists, in violation of Chapter **22**, Article **11**, Section(s) **1 et. Seq.** of the Code of West Virginia and/or Section(s) **Title 47, Series 2, Section 3.2.b.** of the Rules and Regulations and/or Section(s) **D & G** of the Permit referenced above promulgated thereunder in that you:

**Have violated the following terms and conditions of WV/NPDES General Water Pollution Control Permit No. WV0116815, Registration No. WVR310820:**

**1. Section D.1.- failed to operate and maintain all erosion control devices. Compost filter sock was installed in the roadside ditch along Our Mills Road (1974+61). The installed BMP was not properly operated, which allowed sediment laden water to bypass the BMP.**

**Temporary slope breakers were not properly operated in areas scattered throughout the inspected area. The slope breakers were installed at steep angles, which caused excessive erosion of the fill slope at the BMP.**

**2. Section G.4.e.2.A.ii.j: Failed to prevent sediment-laden water from leaving the site without going through an appropriate device. Offsite sediment deposits were noted in areas scattered throughout the inspected area as a result of the deficiencies outlined in item number 1 of the notice of violation.**

**Have violated the following WV Legislative Rules (Requirements Governing Water Quality Standards):**

**3. Title 47, Series 2, Section 3.2.b.-Caused conditions not allowable in waters of the State by allowing sediment deposits on the bottom of UNT Grassy Run (38° 54.205' X 80° 12.194').**

The following corrective measures were discussed with you at the time of this inspection:

**Take measures to correct the aforementioned violations.**

Within **20** days provide a written response to the inspector named below, at the address indicated, detailing the actions taken to abate this violation.

Received by:

**Sent Certified Mail--70180040000047936016**

Signature

Title



Duly Authorized Agent /  
Inspector

**(304)288-6219**  
Telephone

**tim.j.casto@wv.gov**  
E-mail

**Send Response to the Inspector at the address indicated below:**

WV Department of Environmental Protection  
Environmental Enforcement / WW  
2031 Pleasant Valley Road; Fairmont, WV 26554





Temporary slope breaker that lacks treatment at the outlet adjacent to 1912+18 and the associated offsite sediment deposits. Marginal deficiencies in site evaluation item numbers 1, 13, 15, 19 & 21 pictured.





Project area at 1906+00 showing disturbed soil and a lack of treatment at the terminus of the temporary slope breakers and a lack of perimeter silt fence (BSRF) as indicated in the approved SWPPP. Marginal deficiencies in site evaluation item numbers 1, 13, 15, 19 & 21 pictured.





Ephemeral stream adjacent to 1878+00 showing the need for modification of the approved SWPPP for additional BMPs. Marginal deficiencies in site evaluation item numbers 1, 13, 15, 19 & 21 pictured.





Temporary slope breakers that do not extend past the installed perimeter silt fence from 1789+00 to 1794+00. Marginal deficiencies in site evaluation item numbers 7, 14 & 21 pictured.





Installed compost filter sock in the roadside ditch along Our Mills Road (1974+61) that is not being properly operated. Deficiencies in site evaluation item numbers 2, 6, 19 & 20 pictured.





Offsite sediment deposits in UNT Grassy Run (38° 54.205' X 80° 12.194') that originate from the site. Deposits originate from roadside ditch along Our Mills Road. Deficiencies in site evaluation item numbers 19 & 20 pictured.





Temporary slope breaker terminus treatment that has been overwhelmed due to excessive erosion at the slope breaker and the associated offsite sediment deposits in the UNT Buckhannon River watershed.

Deficiencies in site evaluation item numbers 6, 7, 14, 19 & 21 pictured.





Temporary slope breaker terminus treatment that has been overwhelmed due to excessive erosion at the slope breaker and the associated offsite sediment deposits in the UNT Buckhannon River watershed. Deficiencies in site evaluation item numbers 6, 7, 14, 19 & 21 pictured.





Temporary slope breakers that are installed at a steep angle in the Grassy Run watershed. Deficiencies in site evaluation item numbers 6, 7, 14, 19 & 21 pictured.





Temporary slope breakers that are installed at a steep angle in the Buckhannon River watershed showing excessive erosion. Deficiencies in site evaluation item numbers 6, 7, 14, 19 & 21 pictured.



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**Dominion Energy Transmission**  
**Attn: Leslie Hartz**  
**707 E. Main St.**  
**Richmond, VA 23219**



9590 9402 3080 7124 9867 41

2. Article Number (Transfer from service label)

7018 0040 0000 4793 6016

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

*[Handwritten Signature]*

- ☒ Agent
- ☐ Addressee

B. Received by (Printed Name)

*[Handwritten: L. Hartz]*

C. Date of Delivery

*[Handwritten: 7/20/18]*

D. Is delivery address different from item 1?

If YES, enter delivery address below:

- ☐ Yes
- ☒ No

JUL 23 2018

**FAYETTEVILLE**

3. Service Type

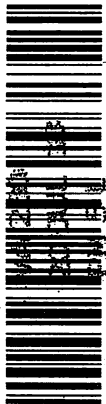
- |  |   |
|--|---|
| <input type="checkbox"/> Adult Signature                         | <input type="checkbox"/> Priority Mail Express®                     |
| <input type="checkbox"/> Adult Signature Restricted Delivery     | <input type="checkbox"/> Registered Mail™                           |
| <input type="checkbox"/> Certified Mail®                         | <input type="checkbox"/> Registered Mail Restricted Delivery        |
| <input type="checkbox"/> Certified Mail Restricted Delivery      | <input type="checkbox"/> Return Receipt for Merchandise             |
| <input type="checkbox"/> Collect on Delivery                     | <input type="checkbox"/> Signature Confirmation™                    |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |

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10)



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**WV DEP  
Environmental Enforcement  
1159 Nick Rahall Greenway  
Fayetteville, WV 25840**

