



west virginia department of environmental protection

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

Jim Justice, Governor
Austin Caperton, Cabinet Secretary
www.dep.wv.gov

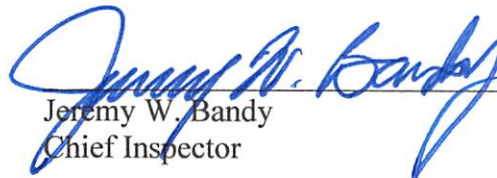
July 17, 2017

Rover Pipeline LLC
Attn: Buffy Thomason
1300 Main Street
Houston, TX 77002

CERTIFIED RETURN RECEIPT REQUESTED

91 7199 9991 7037 0933 8497

Enclosed is Order No. 8749 dated July 17, 2017. This Order is issued to Rover Pipeline LLC by the director of the Division of Water and Waste Management under the authority of Chapter 22, Article 11, Section 12 of the Code of West Virginia. This Order contains notification of the right of appeal under the provisions of Chapter 22, Article 11, Section 21.



Jeremy W. Bandy
Chief Inspector

cc: Scott G. Mandirola, Director, DWWM (via e-mail)
Yogesh Patel, Asst. Director, DWWM/Permits (via e-mail)
Robin C. Dolly, Assistant Chief Inspector, EE/WW (via e-mail)
David C. Simmons, Assistant Chief Inspector, EE (via e-mail)
Christopher M. Gatens, Enforcement Hearing Officer, EE (via e-mail)
Debora J. Peters, Environmental Resources Specialist, EE (via e-mail)
Laura McGee, Environmental Resources Specialist (via e-mail)
John Hendley, Environmental Inspector Supervisor, EE/WW (via e-mail)
Tim Casto, Environmental Inspector, EE/WW (via e-mail)
Shyrel Moellendick, MSSS, EE (via e-mail)
Lisa Trakis, US EPA, Region III (via e-mail)



west virginia department of environmental protection

Division of Water and Waste Management
601 57th Street SE
Charleston, WV 25304
Phone: (304) 926-0470
Fax: (304) 926-0488

Jim Justice, Governor
Austin Caperton, Cabinet Secretary
www.dep.wv.gov

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

TO: Rover Pipeline LLC
Attn: Buffy Thomason
1300 Main Street
Houston, TX 77002

DATE: July 17, 2017

ORDER NO.: 8749

INTRODUCTION

The following findings are made and Order issued to Rover Pipeline LLC pursuant to the authority vested in the Director of the Division of Water and Waste Management under Chapter 22, Article 11, Section 1 et seq. of the Code of West Virginia.

FINDINGS OF FACT

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

1. Rover Pipeline LLC is conducting land disturbance activity in Doddridge and Tyler Counties, West Virginia. Rover Pipeline LLC was issued Water Pollution Control Permit No. WV0116815, Registration No. WVR310726 on December 15, 2016.
2. On April 26, 2017, West Virginia Department of Environmental Protection (WVDEP) personnel conducted an inspection of the facility. During the inspection, violations of the following sections of WV Legislative Rules and the permit were observed and documented:
 - a. 47CSR2 Section 3.2.b - Rover Pipeline LLC caused conditions not allowable in waters of the State by creating sediment deposits on the bottom of Eibscamp Run and the Unnamed Tributary (UNT) of Buckeye Creek.
 - b. Section G.4.e.2 – The Permittee failed to properly implement controls. Specifically, silt fence and perimeter controls at the compressor site were improperly installed/maintained.
 - c. Section D.1- The Permittee failed to operate and maintain all erosion control devices at the compressor site.

Promoting a healthy environment.

- d. Section G.4.c - The Permittee failed to modify its Storm Water Pollution Prevention Plan (SWPPP) when the SWPPP proved to be ineffective for achieving the general objectives of controlling pollutants in storm water discharges at the compressor site.
- e. Section B - The Permittee failed to comply with the approved SWPPP. Several erosion control devices were not in place on the pipeline right of way as detailed by the SWPPP.
- f. Section G.4.e.2.A.ii.j - The Permittee failed to prevent sediment-laden water from leaving the site without going through an appropriate device. Off site and in stream sediment deposits were noted on the compressor site as well as the pipeline right of way.

As a result of the aforementioned violations, Notice of Violation (NOV) No. W17-09-019-TJC was issued to Rover Pipeline LLC.

3. On May 24, 2017, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of WV Legislative Rules and the permit were observed and documented:

- a. 47CSR2 Section 3.2.b- Rover Pipeline LLC caused conditions not allowable in waters of the State by creating sediment deposits on the bottom of Eibscamp Run and the UNT of Buckeye Creek.
- b. Section G.4.e.2 - The Permittee failed to properly implement controls. Specifically, silt fence/controls were improperly installed on the Sherwood Lateral Pipeline, most notably at the pipeline crossing at the UNT of Buckeye Creek.
- c. Section D.1 - The Permittee failed to operate and maintain all erosion control devices at the compressor site.
- d. Section G.4.c - The Permittee failed to modify its SWPPP when the SWPPP proved to be ineffective for achieving the general objectives of controlling pollutants in storm water discharges at the compressor site.
- e. Section B - The Permittee failed to comply with the approved SWPPP. Erosion control devices at the outlets of water bars were not in place on the pipeline right of way as detailed by the SWPPP.
- f. Section G.4.e.2.A.ii.j - The Permittee failed to prevent sediment-laden water from leaving the site without going through an appropriate device. Off site and in stream sediment deposits were noted on the compressor site as well as the pipeline right of way.

As a result of the aforementioned violations, NOV No. W17-09-028-TJC was issued to Rover Pipeline LLC.

4. On June 2 and 6, 2017, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of WV Legislative Rules and the permit were observed and documented:

- a. 47CSR2 Section 3.2.b- Rover Pipeline LLC caused conditions not allowable in waters of the State by creating sediment deposits on the bottom of UNT of

Jockeycamp Run, UNT of Morgans Run, UNT of Nutter Fork and ephemeral UNT of Nutter Fork.

- b. Section G.4.e.2 - The Permittee failed to properly implement controls. Specifically, silt fence was improperly installed on the Sherwood Lateral Pipeline from Rock Run to Elija Smith Road and west of Nutter Fork. Water bars were improperly installed throughout the inspected area. Water bar outlets lacked proper treatment throughout the inspected area. Bridges were improperly installed at Rock Run and the UNT of Morgans Run. No perimeter controls were in place from Access 10-B to 470+00.
- c. Section D.1 - The Permittee failed to operate and maintain all erosion control devices. Specifically, areas of silt fence were in need of maintenance throughout the inspected area. Water bars were damaged and/or eroded throughout the inspected area.
- d. Section B - The Permittee failed to comply with the approved SWPPP. Erosion control devices at the outlets of water bars were not in place on the Sherwood Lateral pipeline right of way throughout the inspected area as detailed by the SWPPP. Controls were improperly installed from Rock Run to Elija Smith Road and west of Nutter Fork. No perimeter controls were in place from access 10-B to 470+00.
- e. Section G.4.e.2.A.ii.j - The Permittee failed to prevent sediment-laden water from leaving the site without going through an appropriate device. Off site and in stream sediment deposits were noted at the UNT of Jockeycamp Run, UNT of Morgans Run, UNT of Nutter Fork, ephemeral UNT of Nutter Fork 100+00 and 84+00.

As a result of the aforementioned violations, NOV No. W17-09-030-TJC was issued to Rover Pipeline LLC.

- 5. On July 12, 2017, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of WV Legislative Rules and the permit were observed and documented:
 - a. 47CSR2 Section 3.2.b- Rover Pipeline LLC caused conditions not allowable in waters of the State by creating sediment deposits at the following eight (8) locations: England's Run, UNT of Buckeye Creek, UNT of Jockeycamp Run, UNT of Morgan's Run, ephemeral UNT of Morgan's Run, UNT of Rock Run, UNT of Nutter Fork, and Nutter Fork.
 - b. 47CSR2 Section 3.2.a- Rover Pipeline LLC caused conditions not allowable in waters of the State by creating distinctly visible settleable solids in the UNT of Buckeye Creek and the UNT of Rock Run.
 - c. Section G.4.e.2 - The Permittee failed to properly implement controls. Specifically, sheet flow Best Management Practices (BMPs) were being utilized in areas of concentrated flow.
 - d. Section D.1 - The Permittee failed to operate and maintain all erosion control devices. Specifically, areas of silt fence, filter sock, and water bar sumps were in need of maintenance throughout the inspected area.
 - e. Section B - The Permittee failed to comply with the approved SWPPP. Specifically, multiple water bars throughout the inspected area were not installed

as designed in the SWPPP. The storm water that is handled by the water bars was not being diverted off the Limits of Disturbance (LOD), resulting in concentrated flow traveling down-slope and overwhelming sheet flow BMPs at the base of the hill.

- f. Section G.4.e.2.A.ii.j - The Permittee failed to prevent sediment-laden water from leaving the site without going through an appropriate device. Offsite and/or in stream sediment deposits were noted in the following locations: Camp Mistake Run, England's Run, UNT of Buckeye Creek, UNT of Jockeycamp Run, UNT of Morgan's Run, Ephemeral UNT of Morgan's Run, UNT of Rock Run, UNT of Nutter Fork, and Nutter Fork.
- g. Section G.4.e.1.D - The Permittee failed to provide an adequate stone access entrance/exit to reduce the tracking of sediment onto Morgan's Run Road.
- h. Section G.4.e.2.D.i - The Permittee failed to inspect and clean debris from Morgan's Run Road.

As a result of the aforementioned violations, NOV No. W17-09-038-TJC was issued to Rover Pipeline LLC.

ORDER FOR COMPLIANCE

And now, this day of July 17, 2017, Rover Pipeline LLC is hereby ORDERED by the Director as follows:

1. Rover Pipeline LLC shall immediately **cease & desist** any further land development activity until such time when compliance with the terms and conditions of its permit and all pertinent laws and rules is achieved. Rover Pipeline LLC shall contact WVDEP to arrange an inspection prior to restarting development activities. Environmental Enforcement may be contacted at:

**WVDEP Environmental Inspector Supervisor
Construction Stormwater Environmental Enforcement
1159 Nick Rahall Greenway
Fayetteville, WV 25840
(304) 574-4471**

2. Within twenty (20) days of the effective date of this Order, Rover Pipeline LLC shall submit for approval a proposed plan of corrective action and schedule, outlining action items and completion dates for how and when Rover Pipeline LLC will achieve compliance with the terms and conditions of its permit and all pertinent laws and rules. The plan of corrective action shall make reference to Order No. 8749. The plan of corrective action shall be submitted to:

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

Upon approval, the plan of corrective action and schedule shall be incorporated into and become part of this Order, as if fully set forth herein. Failure to submit an approvable plan of corrective action and schedule or failure to adhere to the approved schedule is a violation of this Order.

3. Rover Pipeline LLC shall immediately install and maintain necessary storm water and sediment/erosion control devices to prevent the release of sediment-laden water into waters of the State. All disturbed areas shall immediately be temporarily mulched until such time when compliance with the terms and conditions of its permit and all pertinent laws and rules is achieved, an approvable plan of correction action is submitted in accordance with Order For Compliance Item No. Two (2) of this Order, and land development activity resumes in accordance with Order For Compliance No. One (1) of this Order.

OTHER PROVISIONS

1. Compliance with the terms and conditions of this Order shall not in any way be construed as relieving Rover Pipeline LLC of the obligation to comply with any applicable law, permit, other order, or any other requirement otherwise applicable. Violations of the terms and conditions of this Order may subject Rover Pipeline LLC to additional enforcement action in accordance with the applicable law.
2. 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.
3. This Order is binding on Rover Pipeline LLC, its successors and assigns.
4. This Order shall terminate upon Rover Pipeline LLC's notification of full compliance with the "Order for Compliance" and verification of this notification by WVDEP.

RIGHT OF APPEAL

Notice is hereby given of your right to appeal the terms and conditions of this Order which you are aggrieved to the Environmental Quality Board by filing a NOTICE of APPEAL on the form prescribed by such Board, in accordance with the provisions of Chapter 22, Article 11, Section 21 of the Code of West Virginia within thirty (30) days after receipt of this Order.

This Order shall become effective upon receipt.



Scott G. Mandirola, Director
Division of Water and Waste Management



Improperly maintained silt fence at Sherwood Compressor.



Maintenance issues and improperly installed controls (spacing and method of staking of filter sock) at Sherwood Compressor.



Maintenance issues at Sherwood Compressor.



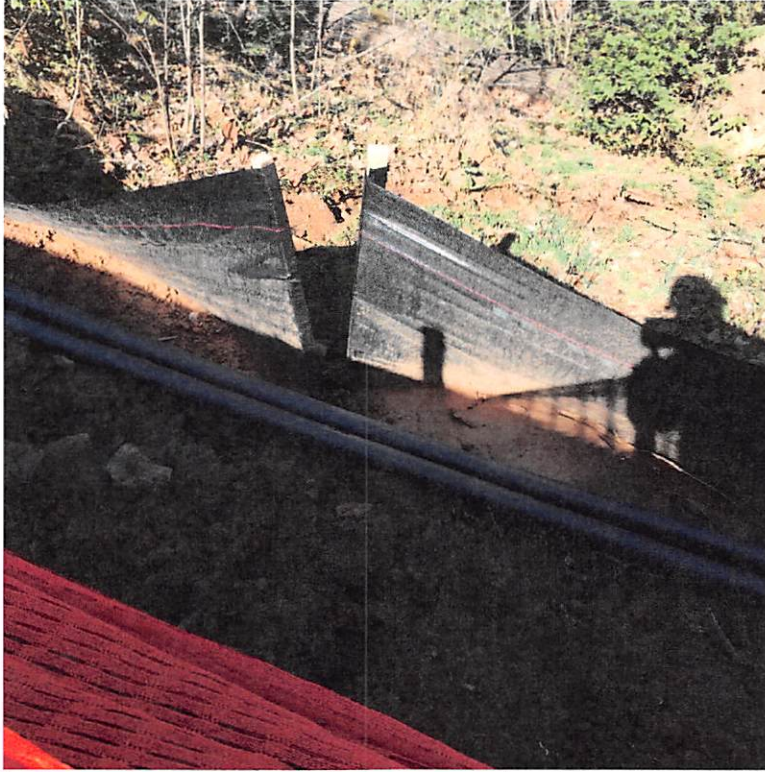
Maintenance issues at Sherwood Compressor.



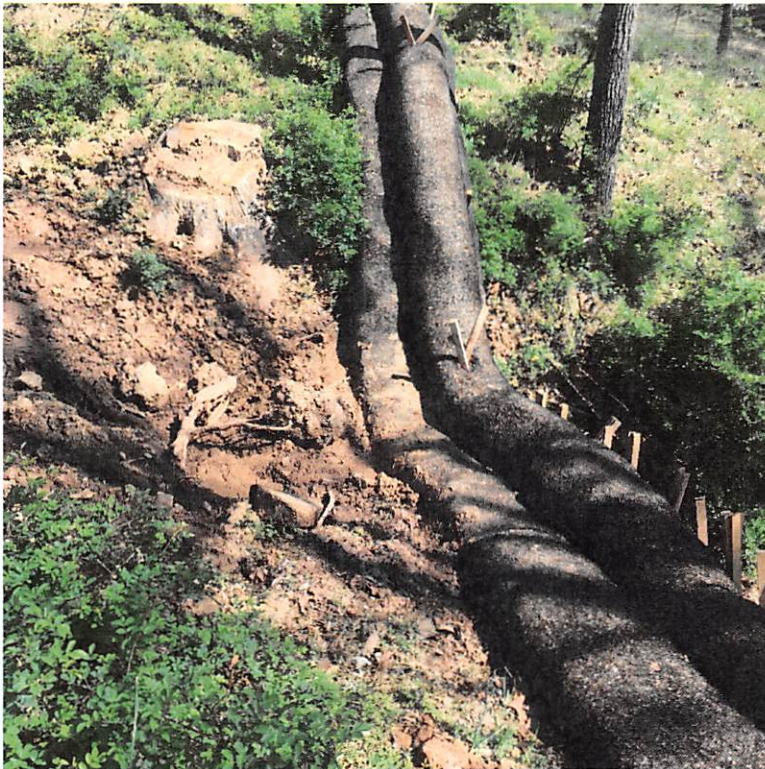
Improperly installed controls (removal of section of filter sock) at Sherwood Compressor.



Maintenance issues at Sherwood Compressor.



Sediment leaving site on the western side of compressor pad.



One of the areas at Sherwood Compressor where triple stack filter sock was used in concentrated flow that allowed sediment laden water to leave site.



Sediment leaving site at Sherwood Compressor.



Sediment leaving site at Sherwood Compressor.



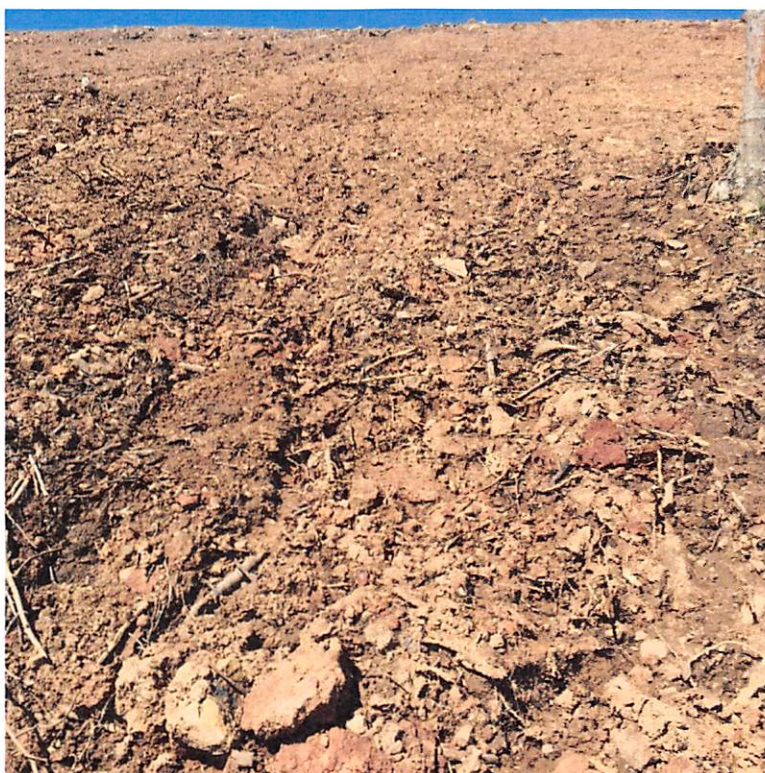
Sediment deposits in Eibscamp Run that have left site (Sherwood Compressor).



Sediment deposits in Eibscamp Run that have left site (Sherwood Compressor).



Sediment leaving site behind barn at Sherwood Compressor site.



Fill slope lacking stabilization with erosion gullies (Sherwood Compressor).



Areas of disturbed soil lacking E&S controls on Sherwood Lateral pipeline ROW.



Areas of disturbed soil lacking E&S controls on Sherwood Lateral pipeline ROW.



Ephemeral stream that has had equipment in channel. Soil has been disturbed with no E&S controls in place.



Ephemeral stream that has had equipment in channel. Soil has been disturbed with no E&S controls in place.



UNT of Buckeye Creek (Sherwood Lateral Pipeline ROW). Disturbed soil with no controls in place and sediment deposits in stream.



UNT of Buckeye Creek (Sherwood Lateral Pipeline ROW). Disturbed soil with no controls in place and sediment deposits in stream.



Portion of filter sock downslope of compressor site near Eibscamp Run that is improperly installed.



Silt fence on the western perimeter of the compressor site that needs to be extended.



Perimeter controls below access road on compressor site.



Perimeter controls below compressor site near Eibscamp Run.



Perimeter controls west of compressor station in need of maintenance.



Offsite sediment deposits below upper picture.



Area below compressor access road where concentrated flow is being treated with sheet flow controls. This area is consistently being overwhelmed which is causing sediment laden water to leave the site.



Area below compressor access road where concentrated flow is being treated with sheet flow controls. This area is consistently being overwhelmed which is causing sediment laden water to leave the site.



Area below access road near compressor site where construction activity has gone past LOD and compromised controls.



Area below access road near compressor site where construction activity has gone past LOD and compromised controls.



Confluence of Eibscamp Run and Meathouse Fork showing sediment plume from compressor site as well as Eibscamp Road Improvement project.



Confluence of UNT of Eibscamp Run & Eibscamp Run showing clean water from UNT coming into muddy water in Eibscamp Run.



Sediment deposits / muddy water in Eibscamp Run just below compressor site.



Head of Eibscamp Run near compressor site showing muddy water / sediment deposits.



Water bar outlets that have no treatment, which is causing sediment laden water to leave site.



Water bar outlets that have no treatment, which is causing sediment laden water to leave site. The above pictures are representative of all water bars for the portion of the pipeline inspected.



Improperly installed controls on Sherwood Lateral pipeline.



Improperly installed controls on Sherwood Lateral pipeline. Bottom picture is at stream crossing of UNT of Buckeye Creek.



Overview of pipeline stream crossing of UNT of Buckeye Creek. Sheet flow controls being used in concentrated flow of ephemeral stream causing sediment deposits in stream. Silt fence being utilized in place of super silt fence.



Overview of pipeline stream crossing of UNT of Buckeye Creek. Sheet flow controls being used in concentrated flow of ephemeral stream causing sediment deposits in stream. Silt fence being utilized in place of super silt fence.



Stream channel upstream of pipeline crossing of UNT of Buckeye Creek.



Stream channel downstream of pipeline crossing of UNT of Buckeye Creek showing sediment deposits.



Water bars with no treatment at outlets.



Water bars with no treatment at outlets.



Water bar outlet that goes into ephemeral stream that leads off site with no controls in place.



Water bar with no treatment at outlets.



Water bars that have been damaged and were not maintained. Several areas on the project showed similar damage with no repairs even though it was evident that the damage had taken place several days prior to this inspection.



Water bars that have been damaged and were not maintained. Several areas on the project showed similar damage with no repairs even though it was evident that the damage had taken place several days prior to this inspection.



Pipeline section to the east of Englands Run where water bars were installed improperly which caused concentrated flow to be treated by sheet flow BMP's at the bottom of the hill near the receiving stream. An offsite ephemeral stream flows onto ROW which is also treated at pictured controls.



Pipeline section to the east of Englands Run where water bars were installed improperly which caused concentrated flow to be treated by sheet flow BMP's at the bottom of the hill near the receiving stream. An offsite ephemeral stream flows onto ROW which is also treated at pictured controls.



Offsite sediment deposits at 100+00 as a result of poor maintenance on controls.



Offsite sediment deposits at 100+00 as a result of poor maintenance on controls.



Sediment deposits in ephemeral UNT of Jockeycamp Run near 200+00.



Sediment deposits in ephemeral UNT of Jockeycamp Run near 200+00.



Sediment deposits in UNT of Morgans Run as a result of improper bridge installation and controls being overwhelmed due to improper water bar installation.



Sediment deposits in UNT of Morgans Run as a result of improper bridge installation and controls being overwhelmed due to improper water bar installation.



Sediment deposits in UNT of Morgans Run downstream of previously pictured bridge.



Sediment deposits in UNT of Morgans Run downstream of previously pictured bridge. Picture is taken below LOD.



UNT of Nutter Fork with sediment deposits. Controls not in place as indicated in SWPPP.



UNT of Nutter Fork with sediment deposits. Controls not in place as indicated in SWPPP.



UNT of Nutter Fork with sediment deposits. Pictures taken downstream of LOD.



UNT of Nutter Fork with sediment deposits. Pictures taken downstream of LOD.



Ephemeral UNT of Nutter Fork with sediment deposits. Sheet flow BMP being used in concentrated flow.



Ephemeral UNT of Nutter Fork with sediment deposits. Sheet flow BMP being used in concentrated flow.



Improperly installed bridge on Rock Run, which is allowing sediment to get past control.



Improperly installed bridge on Rock Run, which is allowing sediment to get past control.



Areas of pipeline with no controls in place.



Areas of pipeline with no controls in place.



Areas of pipeline with no controls in place.



Areas of pipeline with no controls in place.



Improperly installed controls.



Improperly installed controls.



Improperly installed controls.



Improperly installed controls.



Concentrated flow from water bar that is following silt fence trench to the bottom of the hill near Rock Run.



Concentrated flow from water bar that is following silt fence trench to the bottom of the hill near Rock Run.



Concentrated flow from water bar that is following silt fence trench to the bottom of the hill near UNT Nutter Fork.



Concentrated flow from water bar that is following silt fence trench to the bottom of the hill near UNT Nutter Fork.



Silt fence in need of maintenance near UNT of Morgans Run.



Silt fence in need of maintenance near UNT of Morgans Run.



ROW with pipe trench near UNT of Buckeye creek. Water bars not in place and functioning as indicated in SWPPP.



ROW with pipe trench near UNT of Buckeye creek. Water bars not in place and functioning as indicated in SWPPP.



Sediment build-up at base of pipe trench.



ROW near Morgan's Run showing lack of effective water bars, which caused storm water to follow pipe trench / ROW to the base of the hill.



Area near England's Run where water is not being diverted off of ROW with effective water bars.



Area near Camp Mistake where water bars end prior to exiting perimeter silt fence.



Sheet flow BMPs in need of maintenance and being used in concentrated flow areas near UNT of Buckeye Creek



Sheet flow BMPs in need of maintenance and being used in concentrated flow areas near UNT of Buckeye Creek.



Sheet flow BMPs in need of maintenance and being used in concentrated flow areas near UNT of Buckeye Creek.



BMPs in need of maintenance near UNT of Buckeye Creek.



BMPs at water bar outlet near Camp Mistake Run in need of maintenance.



BMPs at water bar outlet near Camp Mistake Run in need of maintenance.



UNT of Buckeye Creek.



UNT of Buckeye Creek.



UNT of Morgan's Run (intermittent).



UNT of Morgan's Run (intermittent).



Insufficient BMPs causing conditions not allowable in UNT of Morgan's Run



UNT of Morgan's Run (ephemeral near HDD pad).



Area upslope of UNT of England's Run.



UNT of England's Run.



UNT of England's Run



UNT of England's Run – In-stream sediment depth in excess of six inches (6") indicated by notebook.



Sediment laden water leaving site at UNT of Jockey Camp Run.



Sediment laden water leaving site at UNT of Jockey Camp Run due to concentrated flow damaging controls.



Sediment laden water leaving the site and migrating toward receiving stream adjacent to UNT of Jockey Camp Run.



Sediment laden water leaving the site and migrating toward receiving stream adjacent to UNT of Jockey Camp Run.



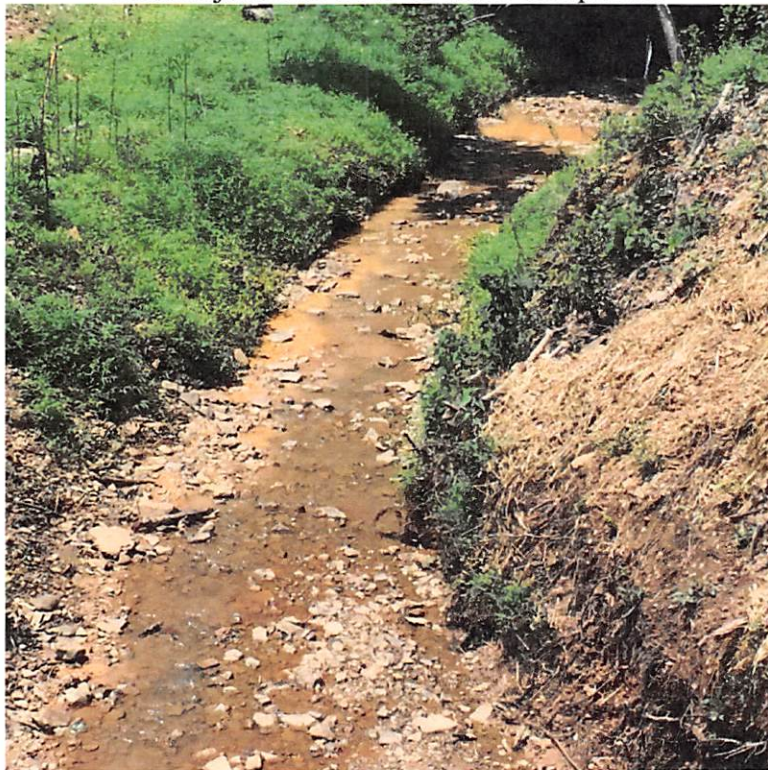
Sediment deposits downstream of LOD on UNT of Jockey Camp Run.



Sediment deposits downstream of LOD on UNT of Jockey Camp Run.



Area adjacent to UNT of Rock Camp Run.



UNT of Rock Run - Sediment laden water flowing sub surface prior to entering receiving stream.



Sediment deposits (rollers) in Nutter Fork.



Offsite sediment deposits adjacent to Nutter Fork.



Area above offsite sediment deposits near Nutter Fork



Offsite sediment deposits near Nutter Fork.



Damaged bridge at UNT of Nutter Fork.



Damaged bridge at UNT of Nutter Fork.



Hole in filter fabric at UNT of Nutter Fork causing sediment laden water to leave site.



Offsite sediment deposits at UNT of Nutter Fork.



Area upslope of offsite sediment deposits at Camp Mistake Run.



Offsite sediment deposits at Camp Mistake Run.



Unstable construction entrance causing mud to be tracked out onto Morgan's Run Road



Unstable construction entrance causing mud to be tracked out onto Morgan's Run Road.