



Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

4/23/2019

Equitrans Midstream Corporation
2400 Ansys Drive
Canonsburg, PA 15317

RE: Director's Final Findings & Orders
NPDES
Belmont County
DSW401185654

Ladies and Gentlemen:

Transmitted herewith is one copy of the Director's Final Findings & Orders in the referenced matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin J. Fowler".

Kevin J. Fowler, Supervisor
Permit Processing Unit
Division of Surface Water

KJF/dks

Enclosure

CERTIFIED MAIL

cc: L. Reeder, DSW
R. Demuth, DSW
L. Kaldy, DSW
B. Palmer, DSW
J. Martin, DSW
Fiscal
J. Witte, SEDO/DSW
M. McCarron, PIC
H. Griesmer, PIC
J. Lee, PIC
B. Fischbein, Legal
P. Simic, Legal
J. Dragovich, DEFA
Journal Room
File

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Equitrans Midstream Corporation	:	<u>Director's Final Findings</u>
(successor in interest to Rice Energy, Inc.)	:	<u>and Orders</u>
2400 Ansys Drive	:	
Canonsburg, PA 15317	:	
Respondent	:	

PREAMBLE

It is agreed by the Parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Equitrans Midstream Corporation (successor in interest to Rice Energy, Inc.) ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 6111.03 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in the composition of Respondent shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapters 6111 and 3745, and the rules promulgated thereunder.

IV. FINDINGS

The Director has made the following findings:

1. On November 13, 2017, Respondent closed on the acquisition of Rice Energy, Inc, Rice Olympus Midstream LLC, Strike Force East LLC and Strike Force South, LLC (collectively, "predecessor companies"). Respondent contacted the Ohio EPA Southeast District Office Division of Surface Water on December 5, 2017 to request a

meeting to discuss several self-identified slips or erosion issues on predecessor companies-related pipeline projects that had impacts to waters of the state. Respondent stated that it had reviewed the predecessor companies' portfolio, and it preferred to identify these issues in a proactive approach with Ohio EPA to ensure proper permitting and compliance measures were taken to rectify the issues. On January 12, 2018, Respondent met with SEDO-DSW to present its initial findings of the predecessor companies' portfolio violations.

2. Since the meeting, Respondent has regularly reported slips and violations on predecessor companies-related projects to Ohio EPA via email. A complete list of impacts to waters of the state can be found below. Ohio EPA has issued thirteen NOV's that encompass fill violations and/or storm water (sedimentation) violations since the January 12th meeting. The first NOV was issued on January 31, 2018 for 19 violations. The second NOV was issued on February 12, 2018 for 2 violations, a third NOV was issued on February 26, 2018 for 10 violations and a fourth NOV was issued on March 22, 2018 for 3 violations. On March 21, 2018, Ohio EPA received a detailed response to the first two NOV's.
3. On March 29, 2018, representatives of Respondent, Ohio EPA, and the U.S. Army Corps of Engineers held a conference call to discuss the submitted response package. Respondent was provided with comments to its March 21, 2018 response. Respondent indicated that with the exception of one area, all other areas had the sediment from the streams and/or wetland removed. Respondent indicated that full restoration would follow.
4. Nine additional NOV's (April 9th, April 27th, June 13th, July 2nd, July 27th, August 14th, August 30th, November 5th, and November 15th) have been issued since that time documenting numerous slips. On July 17, 2018, Respondent submitted a slip mitigation schedule for finalizing repair and restoration of the impacted streams/wetlands. As incidents occurred, slip mitigation plans were discussed with Ohio EPA and remediation schedules provided. To date, Respondent has stabilized approximately 90% of the sites where impacts to waters of the state as detailed below occurred.

Date	Pipeline Name	Type Impact	Water of the State	Impact Amount	County	Entity*
1/12/18	Belmont Bypass Pipeline 34	Fill	Bend Fork	49 LF	Belmont	Rice Olympus Midstream, LLC
1/12/18	Belmont Bypass	Fill	UNT to Bend Fork	39 LF	Belmont	Rice Olympus Midstream, LLC

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Date	Pipeline Name	Type Impact	Water of the State	Impact Amount	County	Entity*
1/12/18	Marauder Phase 3	Fill	Big Run	132 LF	Belmont	Strike Force East, LLC
1/12/18	Marauder Phase 3	Fill	Lockwood Run	21 LF	Belmont	Strike Force East, LLC
1/12/18	Marauder Phase 3	Fill	UNT to Pipe Creek	74 LF	Belmont	Strike Force East, LLC
1/12/18	Marauder Phase 3	Fill	Emergent Wetland	.023 acre	Belmont	Strike Force East, LLC
1/12/18	Marauder Phase 3	Fill	UNT to Narrows Run	135 LF	Belmont	Strike Force East, LLC
1/12/18	Monster Mutt Pipeline	Fill	UNT to Cat Run	150 LF	Belmont	Rice Olympus Midstream, LLC
1/12/18	Bonanza to Rodger	Fill	UNT to Rich Fork	53 LF	Monroe	Strike Force East, LLC
1/24/18	Switz 16 to Loki Valve	Fill	UNT to Paine Run	95 LF	Monroe	Strike Force East, LLC
1/24/18	Horsemill-Marauder Phase 3	Fill	UNT to Pipe Creek	44 LF	Belmont	Strike Force East, LLC
1/24/18	Marauder Phase 3	Fill	UNT to Pipe Creek	30 LF	Belmont	Strike Force East, LLC
1/24/18	Dominator-Smashosaurus	Fill	Moore	82 LF	Belmont	Rice Olympus Midstream, LLC
1/24/18	Switz 7 Well Spur	Fill	UNT to Cat Run	97 LF	Belmont	Strike Force East, LLC
1/24/18	Marauder Phase 3	Sediment	UNT to Pipe Creek	Unknown	Belmont	Strike Force East, LLC
1/24/18	Dominator-Smashosaurus	Sediment	Rocky Fork	52 LF	Belmont	Rice Olympus Midstream, LLC
1/25/18	Baumberger Valve to Titan	Fill	UNT to Cat Run	40 LF	Belmont	Strike Force South, LLC
1/25/18	Baumberger Valve to Titan	Sediment	UNT to Cat Run	30 LF	Belmont	Strike Force South, LLC
1/30/18	Prometheus Pipeline	Sediment	UNT to Sunfish Creek	20 LF	Belmont	Strike Force South, LLC
1/31/18	Switz 6 to Zeus Pipeline	Fill	UNT to Cat Run	94 LF	Monroe	Strike Force East, LLC
2/6/18	Dorsey to Empire	Fill	McMonies	50 LF	Belmont	Strike Force

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Date	Pipeline Name	Type Impact	Water of the State	Impact Amount	County	Entity*
	Pipeline		Run			East, LLC
1/12/18	Athena to Walters Pipeline	Fill	UNT to Anderson Run	0 LF	Belmont	Rice Olympus Midstream, LLC
1/12/18	Clagus to Potter	Fill	UNT to Cranenest Fork	17.7 LF	Monroe	Strike Force South, LLC
1/19/18	Prometheus Station	Fill	UNT to Laurel Run	34.4 LF	Monroe	Strike Force South, LLC
2/13/18	Titan to Gallagher at 129+50	Sediment	UNT to Cat Run	67 LF	Belmont	Strike Force East, LLC
2/16/18	Clagus to Potter	Sediment	UNT to Laurel Run		Monroe	Strike Force South, LLC
2/16/18	Dominator-Smashosaurus	Sediment	UNT to Moore Run	30.7 LF	Belmont	Rice Olympus Midstream, LLC
2/16/18	Prometheus Trunk Line	Fill	UNT to Laurel Run	96.7 LF	Monroe	Strike Force South, LLC
2/16/18	Marauder Phase 2	Fill	UNT to Captina Creek	30 LF	Belmont	Strike Force East, LLC
2/20/18	Barton to Dorsey	Sediment	HW of UNT to McMonies Run	11 LF	Belmont	Strike Force East, LLC
2/20/18	Dorsey to Empire	Fill	UNT to McMonies Run	20.1 LF	Belmont	Strike Force East, LLC
2/20/18	Cobra to Dominator	Sediment	UNT to Anderson Run	340 LF	Belmont	Rice Olympus Midstream, LLC
2/23/18	Dominator-Smashosaurus 184+80	Fill	UNT to Rocky Fork	39 LF	Belmont	Rice Olympus Midstream, LLC
2/27/18	Dominator-Smashosaurus	Fill	UNT to Anderson Run	52 LF	Belmont	Rice Olympus Midstream, LLC
2/27/18	Marauder Phase 2	Fill	UNT to Captina Creek		Belmont	Strike Force East, LLC
3/8/18	Dominator-Smashosaurus 274+00	Fill	Farm pond abutting UNT to Moore	82 LF	Belmont	Rice Olympus Midstream, LLC

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Date	Pipeline Name	Type Impact	Water of the State	Impact Amount	County	Entity*
			Run			
3/16/18	Dreamweaver Pipeline Spur	Fill	UNT to Moore Run		Belmont	Rice Olympus Midstream, LLC
4/4/18	Ironwarrior Well Pad	Sediment	Belmont farm pond	0 LF (sed)	Belmont	Rice Olympus Midstream, LLC
4/6/18	Marauder Phase 3	Fill	UNT to Big Run		Belmont	Strike Force East, LLC
4/18/18	Marauder 3B Pipeline 200+50	Sediment	UNT to Big Run	30 LF	Belmont	Strike Force East, LLC
4/19/18	Marauder Phase 3 at 469+00	Fill	Narrows Run	164 LF	Belmont	Strike Force East, LLC
4/20/18	Thompson to Zeus at 141+25	Fill	Peavine Creek	79 LF	Belmont	Rice Olympus Midstream, LLC
6/7/18	Switz 6 to Zeus Pipeline	Fill	UNT-6 to Cat Run	50 LF	Monroe	Strike Force East, LLC
6/7/18	Switz 6 to Zeus Pipeline	Fill	Emergent wetland	<0.1 acre	Monroe	Strike Force East, LLC
6/7/18	Switz 6 to Zeus Pipeline	Fill	UNT-3 to Cat Run	100 LF	Monroe	Strike Force East, LLC
6/27/18	Marauder IIIB - Krupa to Dilles 121+00	Fill	Stream T2 UNT to Big Run	15 LF	Belmont	Strike Force East, LLC
6/27/18	Marauder IIIB - Krupa to Dilles 142+00	Fill	Stream T6 UNT to Big Run	25 LF	Belmont	Strike Force East, LLC
6/27/18	Marauder IIIB - Krupa to Dilles 154+00	Fill	Stream T5 UNT to Big Run	25 LF	Belmont	Strike Force East, LLC
6/27/18	Marauder IIIB - Krupa to Dilles 178+00	Sediment	Stream T10 UNT to Big Run	0 LF (sed)	Belmont	Strike Force East, LLC
6/27/18	Marauder IIIB - Krupa to Dilles 225+00	Sediment	Stream T31 UNT to Big Run	62 LF	Belmont	Strike Force East, LLC
6/27/18	Marauder IIIB - Krupa to Dilles 200+50	Fill	Stream T13 UNT to Big Run	55 LF	Belmont	Strike Force East, LLC
7/17/18	Iron Warrior Well Pad	Sediment	Farm pond	0 LF (sed)	Belmont	Rice Olympus Midstream, LLC
7/17/18	Switz 7 at 105+60	Fill	Stream SG2 UNT to Big Run	116 LF	Monroe	Strike Force East, LLC
7/17/18	Skyhawk to Monster	Sediment	Wetland 6	0.001	Belmont	Rice Olympus

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Date	Pipeline Name	Type Impact	Water of the State	Impact Amount	County	Entity*
	Jam			acre		Midstream, LLC
8/7/18	Ohio Valley Connector	Fill	Johnson Run	25 LF	Monroe	Equitrans
10/30/18	Ohio Valley Connector	Fill	Johnson Run		Monroe	Equitrans
11/13/18	Sundance Looping Project	Fill	UNT to Paine Run		Monroe	Strike Force South, LLC
12/27/18	Marauder Phase 3	Fill	Big Run	7 CYD	Monroe	Strike Force East, LLC
1/24/19	Marauder Phase 2	Fill/Sediment	UNT to Captina Creek	10 CYD	Belmont	
2/8/19	Switz 16 to Loki Pipeline	Fill/Sediment	UNT to Paine Run	15 CYD	Monroe	
2/9/19	Switz 9 Pipeline	Fill/Sediment	UNT to Little Run	1 CYD	Monroe	

*Entity – Company who originally constructed the pipeline

5. Pursuant to 40 C.F.R. 122.26, anyone who undergoes construction activities resulting in storm water discharges must obtain a NPDES permit. Pursuant to OAC 3745-39-04, discharges that contribute to a violation of an Ohio water quality standard or that are significant contributors of pollutants to surface waters of the state must be covered by an Ohio NPDES permit. Respondent's construction activities have collectively impacted numerous stream segments and wetlands. Respondent has violated 40 C.F.R. 122.26 and OAC 3745-39-04(A)(1)(e).
6. Pursuant to Sections 401 and 404 of the federal Clean Water Act, anyone who wishes to discharge dredge or fill material into waters of the United States, must obtain a section 404 permit from the Corps and a section 401 water quality certification from Ohio EPA. Pursuant to ORC § 6111.04, no person shall place or discharge, or cause to be placed or discharged, in any waters of the state any sewage, sludge, sludge materials, industrial waste, or other wastes without a valid, unexpired permit. Respondent has caused pollution by placing fill into waters of the state under federal jurisdiction without a 401/404 permit.
7. Pursuant to ORC § 6111.07(A), no person shall violate or fail to perform any duty imposed by ORC §§ 6111.01 to 6111.08 or violate any order, rule, or term or condition of a permit issued or adopted by the Director of Ohio EPA pursuant to those sections. Each day of violation is a separate offense.
8. The Director has given consideration to, and based her determination on, evidence relating to the technical feasibility and economic reasonableness of complying with

these Orders and to evidence relating to conditions calculated to result from compliance with these Orders, and its relation to the benefits to the people of the State to be derived from such compliance in accomplishing the purpose of ORC Chapter 6111.

V. ORDERS

1. Respondent has submitted restoration plans on March 15th, April 26th, May 8th, June 1st, July 13th, August 23rd, December 5th, and December 10th, 2018. Ohio EPA has approved the permits as necessary for these plans. Respondent shall ensure all remediation/stabilization efforts in these plans are successfully implemented and completed.
2. Within thirty (30) days after the effective date of these Orders, Respondent shall submit to Ohio EPA for review and approval a restoration and stabilization plan for all remaining streams and wetlands not restored upon the issuance of these Orders.
3. Ohio EPA will review the plan and may establish additional requirements if the plan is deemed deficient. After review of the plan, Ohio EPA may approve the plan as submitted, or approve the plan with additional conditions. Upon the approval of the plan by Ohio EPA, Respondent shall implement the plan and complete all necessary remediation required by the plan within eighteen (18) months from the date Ohio EPA approves the plan. Should Respondent require additional time to complete any necessary remediation, Respondent shall request an extension in writing to the Director.
4. Respondent shall pay to the Ohio EPA the amount of one hundred eighty seven thousand and five hundred dollars (\$187,500.00) in settlement of Ohio EPA's claim for civil penalties, which may be assessed pursuant to ORC § 6111.09. Payment shall be made by tendering an official check made payable to "Treasurer, State of Ohio" for the amount of \$75,000.00 of the total amount within thirty (30) days of the effective date of these Orders. The check shall be mailed to the following address: Ohio EPA, Office of Fiscal Administration, P.O. Box 1049, Columbus, Ohio 43216-1049, together with a letter identifying Respondent, to:

Office of Fiscal Administration
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, OH 43216-1049

A copy of the check shall be sent to Larry Reeder, Environmental Manager, Enforcement Section, or his successor, at the following address:

Ohio EPA
Division of Surface Water
P.O. Box 1049
Columbus, OH 43216-1049

5. In lieu of paying the remaining civil penalty, Respondent shall, within thirty (30) days of the effective date of these Orders or as otherwise specified below, fund the following supplemental environmental projects ("SEPs"):
 - a contribution in the amount of \$150,000.00 to Ohio EPA's Surface Water Improvement Fund in accordance with ORC Section 6111.0382 to aid in the rehabilitation of Mentor Marsh. Respondent shall tender an official check made payable to "Treasurer, State of Ohio" for that amount and in accordance with the instructions listed in Order 4.
 - A contribution in the amount of \$75,000.00 to fund a SEP that will provide funding for water quality improvement projects in the Captina Creek watershed in Belmont County. Respondent shall, within thirty (30) days of being directed in writing by Ohio EPA, remit \$75,000.00 to a recipient or recipients designated by Ohio EPA. Respondent shall provide a copy of the check to Larry Reeder, Environmental Manager, or his successor, at the address listed above in Order 4.
6. Should Respondent fail to fund the SEPs within the required time frames set forth in Order No. 5, Respondent shall immediately pay to Ohio EPA the remaining \$112,500.00 of civil penalty in accordance with the procedures in Order No. 4.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA's Division of Surface Water acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of the Respondent. For purposes of these Orders, a responsible official is as defined in Ohio Administrative Code Rule 3745-33-03.

VII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

VIII. MODIFICATIONS

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

IX. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges, defenses and causes of action, except as specifically waived in Section XI of these Orders.

X. NOTICE

Unless otherwise specified, all documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency
Southeast District Office
2195 Front Street
Logan, Ohio 43138
Attn: 401 Section
Division of Surface Water

XI. WAIVER

In order to resolve disputed claims, without admission of law, fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and

service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.


XII. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

XIII. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

**IT IS SO ORDERED AND AGREED:
Ohio Environmental Protection Agency**



Laurie A. Stevenson
Director

4/22/19

Date

**IT IS SO AGREED:
Equitrans Midstream Corporation**



Signature

3/19/19

Date

**Ralph D. Deer
Sr. Vice President**

Printed or Typed Name

Title