



NORTHCENTRAL REGIONAL OFFICE

December 7, 2017

**CERTIFIED MAIL NO. 7017 0190 0000 1780 2889**

Transcontinental Gas Pipeline Co., LLC  
Attention: Mr. Joseph Dean  
2800 Post Oak Blvd.  
Houston, TX 77251

Re: Notice of Violation  
Atlantic Sunrise Pipeline Project  
Permit No. ESG03000150001  
Spread #2 and Spread #4  
Columbia and Luzerne Counties

Dear Mr. Dean:

On November 27, 2017, the Columbia County Conservation District (District) inspected Spread #4 of the Atlantic Sunrise Pipeline Project (Pipeline). During the inspection, the District observed that trenching had occurred from the kickoff area to Austin Trail (Station 6100+00), which is approximately 10 miles. Clearing had progressed to Mall Road in Hemlock Township, totaling approximately 19 miles from the kickoff point. During this inspection, the District determined that the pipeline trench had been open for 30 days and was a violation of the E&S Permit.

It was recommended that Transcontinental Gas Pipeline Co., LLC (Transco) initiate the following:

- 1) Cease all clearing and grading until installation of the pipeline catches up to minimize the time between initial disturbance and final stabilization, and
- 2) Cease all trench excavation until such time as the pipe installation and backfilling operation make sufficient progress to assure that the time period between trench excavation and the beginning of final stabilization is thirty days or less, per the permit requirements.

On November 29, 2017, the District received a request from Co-Permitee Latex Construction to extend the backfilling window as defined within the Best Management Practices and Quantities Plan Set (Plan Set), Sheet 2 of 3, Item #26. Latex acknowledged that the pipeline trench was to be backfilled within 30 days of excavation. (Note, Item #22 of the Plan Set pertains to backfilling the trench within 30-days of excavation, not Item #26)

On November 30, 2017, the Department contacted Transco representatives to discuss the open trenches. It was orally confirmed that approximately 8 miles of trench were open at the time of the telephone call that would not be backfilled in the near future. By December 1, 2017 it was projected that approximately 3000 linear feet from the kickoff area forward would exceed the 30-day excavation / backfill window, and approximately 9000 feet by December 8, 2017. During the call, the Department requested that trenching be discontinued on Spread #4 and Spread #2 and Transco provide the following additional information:

- 1) Historic pipe trench excavation records,
- 2) A realistic “catch-up” plan and schedule to ensure trenches are backfilled within 30 days of excavation.
- 3) Further justification for the extension request, and
- 4) A description of additional BMPs to be implemented to protect those trenches open beyond 30 days.

On December 1, 2017, The Department inspected Spread #2 and #4. During the inspection, the Department observed or determined the following:

#### Spread #2

- 1) The trench was open to Station 453+00 (approximately 8 miles) and pipe was prepared for placement. The inspector determined that portions of the trench were open longer than 30 calendar days.
- 2) The rock construction entrance off SR4049 – Camp Lavigne Road, required maintenance as mud was present on the roadway.

#### Spread #4

- 1) Trenching was open to Station 5983+00 (approximately 11 miles). The inspector determined that portions of the trench were open longer than 30 calendar days.
- 2) Although pipe had not been placed within the open trench, backfilling and grading of the open trench was being conducted from Station 6602+00 to approximately Station 6595+00.

On December 1, 2017, the Department contacted Transco a second time regarding the trenches. During the telephone call, Transco staff confirmed that trenching had continued until approximately 8:00 AM CST (9 AM EST) that morning on Spread #2 and #4 and then was discontinued on Spread #4 soon after. Trenching reportedly continued on Spread #2. Transco also informed the Department that they intended to backfill all open trenches because a schedule for pipe installation could not be determined in the near future and that backfilling was intended as a temporary E&S control to minimize the threat of pollution. The Department reminded Transco that this was not consistent with the permitted Pipeline BMP Installation Sequence.

Based upon the above findings, the Department has determined the following violations of E&S Permit No. ESG03000150001, the Clean Streams Law, 35 P.S. § 691.1 et seq.:

- Exceeding the thirty (30) calendar day time period between the trench excavation to the beginning of disturbed area stabilization, constitutes a violation of E&S Permit No. ESG03000150001, Part C(XI).
- Failure to comply with all terms and conditions of the Permit constitutes a violation of E&S Permit No. ESG03000150001, Page 1, Item #2 and Part B(II)(A) and Section 402 (b) of the Clean Streams Law, 35 P.S. § 691.402.
- Failure to implement the approved Erosion and Sediment Control Plan (E&S Plan), including all BMPs contained therein, constitutes a violation of E&S Permit No. ESG03000150001, Part C(II)(A).
- Failure to properly implement the staging of earth disturbance activities contained in the approved Erosion and Sediment Control Plan (E&S Plan) constitutes a violation of E&S Permit No. ESG03000150001, Part C(II)(C).

Violations of the Clean Streams Law are subject to the penalties provided within the law and should be corrected immediately. Failure to initiate corrective actions may result in enforcement action.

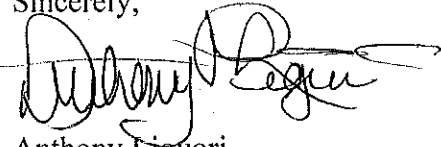
On or before December 15, 2017, the Department requests that you provide the following:

- 1) Historic pipe trench excavation records and trench logs indicating the start and stop dates of excavation and corresponding stations locations. These corresponding stations as marked in the field need to be consistent with the station numbers on the approved E&S plans.;
- 2) A realistic "catch-up" plan and schedule to ensure open trenches are backfilled in accordance with the approved plans and permit within 30 days of excavation;
- 3) Additional BMPs and measures to protect trenches that remain open beyond 30 days, and to reduce, eliminate, and prevent pollution, until compliance is established;
- 4) A summary outlining the periods of non-compliance, including dates, times, and stations;
- 5) A Corrective Action Plan identifying steps that Transco intends to take in order to gain compliance;
- 6) Steps being taken to ensure compliance will be maintained for future operations;

This Notice of Violation is neither an order nor any other final action of the Department of Environmental Protection. It neither imposes nor waives any enforcement action available to the Department under any of its statutes. If the Department determines that an enforcement action is appropriate, you will be notified of the action.

If you have any questions concerning this letter, or your obligations or responsibilities under the Clean Streams Law, please feel free to contact me at 570.327.3592.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony Liguori", with a long horizontal flourish extending to the right.

Anthony Liguori  
EP Compliance Specialist  
Watershed Management Program

cc: Columbia County Conservation District  
Luzerne County Conservation District  
D. Garg  
P. Havens  
D. Chuprinski  
A. Eldred  
J. Buczynski NERO  
L. Dorman  
File