



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATERWAYS ENGINEERING AND WETLANDS

COMPLIANCE ORDER



DEP DOCKET NO.

PERSON SUBJECT TO ORDER CNX GAS CO LLC		PHONE NO. 724.485.4000	
ADDRESS 1000 CONSOL ENERGY DRIVE, CANONSBURG, PA 15517-6536		MUNICIPALITY NORTH MAHONING TOWNSHIP	
PROJECT NAME OR DESCRIPTION MARCHAND 3 PIPELINE		COUNTY INDIANA	
PERMIT NO. ESG17-063-0005	DATE OF INSPECTION 3/29/2018	TIME OF INSPECTION FROM 12:30 P.M. TO 1:45 P.M. A.M. A.M.	
NAME AND TITLE OF RECIPIENT <i>Ted Meyers</i>			DATE OF SERVICE <i>3-30-18</i>

The Department of Environmental Protection ("Department") is the agency with the authority to administer and enforce the Clean Streams Law, the Act of June 22, 1937, P.L. 1987, as amended, 35 P.S. §691.1 et seq., and Section 1917-A of the Administrative Code, the Act of April 9, 1929, P.L. 177, as amended, 71 P.S. §510-17, and the Rules and Regulations of the Environmental Quality Board adopted thereunder.

The undersigned authorized representative of the Department has conducted an inspection of the above project on the above date and has determined that violations listed in this Compliance Order ("Order") exist. This Order constitutes a separate Order for each violation listed.

Pursuant to Sections 5, 316, 402, and 610 of the Clean Streams Law (35 P.S. §§691.5, 691.316, 691.402, and 691.610) and Section 1917-A of the Administrative Code, as amended, 71 P.S. §510-17, the Department hereby ORDERS that the person shall perform the remedial actions listed in this Order.

Failure to comply with this Order constitutes unlawful conduct under Section 611 of the Clean Streams Law (35 P.S. §691.611). Section 605 of the Clean Streams Law (35 P.S. §691.605) provides that the Department may assess a civil penalty of up to Ten Thousand Dollars (\$10,000) per day for each violation of this Order.

Nothing contained in this Order shall be construed to relieve or limit the obligations of the above-mentioned person to comply with the terms and conditions of any permit existing or hereafter issued by the Department to this person, or to limit any civil or criminal liability of this person. Additional requirements may be imposed in the future by subsequent Department Orders or other actions. Your prompt compliance with this Order will be considered when assessing a civil penalty for the violation(s) which is (are) the subject of this Order.

APPEAL NOTICE

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa. C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure are available at <http://ehb.courtapps.com/public/index.php> or may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717)787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

IF YOU WANT TO CHALLENGE THIS ACTION OF THE DEPARTMENT, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD; HOWEVER, BECAUSE IMPORTANT LEGAL RIGHTS ARE AT STAKE, YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE LEGAL REPRESENTATION. FOR MORE INFORMATION CONTACT THE SECRETARY TO THE BOARD AT (717) 787-3483.


DEPARTMENT REPRESENTATIVE PHONE NUMBER: (814) 472-1931	ACKNOWLEDGEMENT OF SERVICE The undersigned representative hereby acknowledges receipt of this order and attachment(s) hereto. This signature does not constitute an acknowledgement that any or all of the violations listed in the attachment(s) have occurred or continue to occur.
NAME: <u>SAMANTHA FOULK</u> (Print)	
TITLE: <u>WATER QUALITY SPECIALIST</u>	
ADDRESS: <u>286 INDUSTRIAL PARK ROAD</u> <u>EBENSBURG, PA 15931</u>	
SIGNATURE: <i>[Signature]</i> <u>3-30-18</u> (Date)	
SIGNATURE: <i>[Signature]</i> <u>3-30-18</u> DATE	

White - Recipient

Yellow - Conservation District



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATERWAYS ENGINEERING AND WETLANDS

Person(s) Subject to Order; CN/ Gas Company, LLC	
Project Name: MARCHAND 3 PRELINE	
Permit No.: ESG17-063-0005	

COMPLIANCE ORDER
Site Conditions: Descriptions and Violations

A. CAUSED OR ALLOWED EARTH DISTURBANCE ACTIVITY WITHOUT A NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM ("NPDES") PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES.

Commenced earth disturbance activity on one or more acres, prior to obtaining an NPDES Permit.

1. Description

Conducting earth disturbance activities without the authorization of an NPDES Permit.

2. Violation

Conducting an earth disturbance activity, without obtaining an NPDES Permit, in violation of 25 PA Code §102.5 and Sections 402 and 611 of the Clean Streams Law, 35 P.S. §§691.402, and 691.611.

B. CAUSED OR ALLOWED EARTH DISTURBANCE ACTIVITY WITHOUT AN EROSION AND SEDIMENT CONTROL PERMIT (E&S PERMIT) OR AN EROSION AND SEDIMENT CONTROL GENERAL PERMIT FOR EARTH DISTURBANCE ACTIVITIES ASSOCIATED WITH OIL AND GAS EXPLORATION, PRODUCTION, PROCESSING OR TREATMENT OPERATIONS OR TRANSMISSION FACILITIES (ESCGP).

Commenced timber harvesting or road maintenance earth disturbance activities involving twenty-five or more acres, prior to obtaining an E&S Permit.

Commenced oil and gas earth disturbance activities involving five or more acres, prior to obtaining an Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities.

1. Description

Conducting the earth disturbance activity specified above, prior to obtaining an E&S Permit or ESCGP permit.

2. Violation

Conducting an earth disturbance activity, without obtaining an E&S Permit or ESCGP permit, in violation of 25 PA Code §102.5 and Sections 402 and 611 of the Clean Streams Law, 35 P.S. §§691.402, and 691.611.

C. CAUSED OR ALLOWED EARTH DISTURBANCE ACTIVITY, WITHOUT AN EROSION AND SEDIMENT CONTROL PLAN (E&S PLAN), RESULTING IN:

POTENTIAL FOR POLLUTION TO WATERS OF THE COMMONWEALTH.

1. Description

Conducting an earth disturbance activity without developing an E&S Plan. Failure to develop, implement and maintain an effective E&S Plan has created the potential for sediment pollution to enter _____ water(s) of the Commonwealth.

2. Violation

Conducting an earth disturbance activity, without developing an E&S Plan, in violation of 25 PA Code §102.4, and Sections 402 and 611 of the Clean Streams Law, 35 P.S. §§691.402 and 691.611.


POLLUTION ENTERING WATERS OF THE COMMONWEALTH.

1. Description

Conducting an earth disturbance activity without developing an E&S Plan. Failure to develop, implement and maintain an effective E&S Plan has resulted in sediment pollution entering _____ water(s) of the Commonwealth.

2. Violation

Conducting an earth disturbance activity without an E&S Plan and causing sediment pollution to enter _____ water(s) of the Commonwealth, in violation of 25 PA Code §102.4, and Sections 401 and 611 of the Clean Streams Law, 35 P.S. §§691.401 and 691.611.

Person(s) Subject to Order: CNX Company, LLC	
Project Name: MARCHAND'S PIPELINE	
Permit No.: ESG17-063-0005	

COMPLIANCE ORDER
Site Conditions: Descriptions and Violations
(continued)

D. FAILURE TO IMPLEMENT OR MAINTAIN EFFECTIVE EROSION AND SEDIMENT CONTROL BEST MANAGEMENT PRACTICES (E&S BMPs), AS REQUIRED BY 25 PA CODE CHAPTER 102, THAT MINIMIZE THE POTENTIAL FOR ACCELERATED EROSION AND SEDIMENTATION, RESULTING IN:

POTENTIAL FOR POLLUTION TO WATERS OF THE COMMONWEALTH.

1. Description

Conducting earth disturbance activities without implementing or maintaining E&S BMPs that minimize the potential for accelerated erosion and sedimentation. Failure to implement or maintain effective E&S BMPs has resulted in the potential for sediment pollution to enter UNT to Mudlick Run water(s) of the Commonwealth.

2. Violation

Failure to implement or maintain E&S BMPs that minimize the potential for accelerated erosion and resulting in the potential for sediment pollution to UNT to Mudlick Run water(s) of the Commonwealth, in violation of 25 PA Code §102.4, and Sections 402 and 611 of the Clean Streams Law, 35 P.S. §§691.402 and 691.611.

POLLUTION ENTERING WATERS OF THE COMMONWEALTH.

1. Description

Conducting an earth disturbance activity without implementing or maintaining E&S BMPs that minimize the potential for accelerated erosion and sedimentation. The failure to implement or maintain effective E&S BMPs has resulted in sediment pollution entering UNT to Mudlick Run water(s) of the Commonwealth.

2. Violation

Failure to implement E&S plan of ESCGP-2 as outlined (installation of unapproved culvert resulting in sediment-laden pollution entering an UNT)
Failure to implement or maintain E&S BMPs resulting in sediment pollution entering UNT to Mudlick Creek water(s) of the Commonwealth, in violation of 25 PA Code §102.4, and Sections 401 and 611 of the Clean Streams Law, 35 P.S. §§691.401 and 691.611.

E. FAILURE TO IMPLEMENT OR MAINTAIN EFFECTIVE POST-CONSTRUCTION STORMWATER MANAGEMENT BMPs (PCSM BMPs), AS REQUIRED BY 25 PA CODE CHAPTER 102, THAT TREAT AND MANAGE STORMWATER RUNOFF, RESULTING IN:

POTENTIAL FOR POLLUTION TO WATERS OF THE COMMONWEALTH.

1. Description

Conducting 25 PA Code Chapter 102 permitted activities without implementing or maintaining the associated PCSM BMPs that treat and manage stormwater runoff. Failure to implement or maintain effective PCSM BMPs to treat and manage stormwater runoff has resulted in the potential for sediment pollution to enter _____ water(s) of the Commonwealth.

2. Violation

Failure to implement or maintain PCSM BMPs that treat and manage stormwater runoff, resulting in the potential for sediment pollution to enter _____ water(s) of the Commonwealth, in violation of 25 PA Code §102.4, and Sections 402 and 611 of the Clean Streams Law, 35 P.S. §§691.402 and 691.611.

POLLUTION ENTERING WATERS OF THE COMMONWEALTH.

1. Description

Conducting 25 PA Code Chapter 102 permitted activities without implementing or maintaining PCSM BMPs that treat and manage stormwater runoff. The failure to implement or maintain effective PCSM BMPs has resulted in sediment pollution entering _____ water(s) of the Commonwealth.

Person(s) Subject to Order; CNX Company, LLC	
Project Name: MARCHAND 3 PIPELINE	
Permit No.: ESG17-063-0005	

COMPLIANCE ORDER
Site Conditions: Descriptions and Violations
(continued)

2. Violation

Failure to implement or maintain PCSM BMPs that treat and manage stormwater, resulting in sediment pollution entering _____ water(s) of the Commonwealth, in violation of 25 PA Code §102.8, and Sections 401 and 611 of the Clean Streams Law, 35 P.S. §§691.401 and 691.611.

F. FAILURE TO PROVIDE PERMANENT STABILIZATION, AS REQUIRED BY 25 PA CODE CHAPTER 102, TO PROTECT FROM ACCELERATED EROSION AND SEDIMENTATION, RESULTING IN:

POTENTIAL FOR POLLUTION TO WATERS OF THE COMMONWEALTH.

1. Description

Failure to provide permanent stabilization to protect from accelerated erosion and sedimentation, upon final completion of earth disturbance activities, has resulted in the potential for sediment pollution to enter _____ water(s) of the Commonwealth.

2. Violation

Failure to provide permanent stabilization of earth disturbance activities has resulted in the potential for sediment pollution to enter _____ water(s) of the Commonwealth, in violation of 25 PA Code §102.22, and Sections 402 and 611 of the Clean Streams Law, 35 P.S. §§691.402 and 691.611.

POLLUTION ENTERING WATERS OF THE COMMONWEALTH.

1. Description

Failure to provide permanent stabilization to protect from accelerated erosion and sedimentation, upon final completion of earth disturbance activities, has resulted in sediment pollution entering _____ water(s) of the Commonwealth.

2. Violation

Failure to provide permanent stabilization of earth disturbance activities has resulted in sediment pollution entering _____ water(s) of the Commonwealth, in violation of 25 PA Code §102.22, and Sections 401 and 611 of the Clean Streams Law, 35 P.S. §§691.401 and 691.611.

G. FAILURE TO PROVIDE TEMPORARY STABILIZATION, AS REQUIRED BY 25 PA CODE CHAPTER 102, UPON TEMPORARY CESSATION OF EARTH DISTURBANCE ACTIVITIES, RESULTING IN:

POTENTIAL FOR POLLUTION TO WATERS OF THE COMMONWEALTH.

1. Description

Failure to provide temporary stabilization to protect from accelerated erosion and sedimentation, upon temporary cessation of earth disturbance activities, has resulted in the potential for sediment pollution to enter UNT to Mudlick Run water(s) of the Commonwealth.


2. Violation

Failure to provide temporary stabilization, upon temporary cessation of earth disturbance activities, has resulted in the potential for sediment pollution to enter UNT to Mudlick Run water(s) of the Commonwealth, in violation of 25 PA Code §102.22, and Sections 402 and 611 of the Clean Streams Law, 35 P.S. §§691.402 and 691.611.

POLLUTION ENTERING WATERS OF THE COMMONWEALTH.

1. Description

Failure to provide temporary stabilization to protect from accelerated erosion and sedimentation, upon temporary cessation of earth disturbance activities, has resulted in the potential for sediment pollution to enter UNT to Mudlick Run water(s) of the Commonwealth.

Person(s) Subject to Order: CNX Company, LLC	
Project Name: WARDHAND 3 PIPELINE	
Permit No.: ESG17-005-0005	

COMPLIANCE ORDER
Site Conditions: Descriptions and Violations
 (continued)

2. Violation

Failure to provide temporary stabilization, upon temporary cessation of earth disturbance activities, has resulted in the potential for sediment pollution to enter UNT to Mudlick Run water(s) of the Commonwealth, in violation of 25 PA Code §102.22, and Sections 401 and 611 of the Clean Streams Law, 35 P.S. §§691.401 and 691.611.

H.

FAILURE TO SUBMIT A NOTICE OF TERMINATION (NOT) AS REQUIRED BY 25 PA CODE CHAPTER 102, UPON PERMANENT STABILIZATION OF THE EARTH DISTURBANCE ACTIVITIES, IMPLEMENTATION OF PCSM BMPS AND REMOVAL OF E&S BMPS.

1. Description

Failing to submit an NOT upon permanent stabilization of the earth disturbance activities, per 25 PA Code §102.22(a)(2); implementation of PCSM BMPs per the approved PCSM Plan or site restoration/reclamation via the approved Reclamation/Restoration Plan; and removal of all E&S BMPs per the approved E&S Plan.

2. Violation

Failing to submit an NOT, upon permanent stabilization of the earth disturbance activities, implementation of the PCSM BMPs and removal of E&S BMPs, in violation of 25 PA Code §102.7, and Sections 402 and 611 of the Clean Streams Law, 35 P.S. §§691.402 and 691.611.

I.

FAILURE TO FILE AN INSTRUMENT WITH THE RECORDER OF DEEDS AND PROVIDE LANDOWNER NOTICE AS NECESSARY.

1. Description

Failing to submit an instrument with the recorder of deeds within 45 days of permit authorization or issuance, per condition 14f. of the general permit for discharges of stormwater associated with construction and condition 15f. of the individual permit for discharges of stormwater associated with construction; failing to submit an instrument with the recorder of deeds at permit termination, per condition 25 PA Code 102.8(m)(2); and failure to provide landowner notice, per 25 PA Code 102.8(m)(2).

2. Violation

Failing to submit an instrument with the recorder of deeds and provide landowner notice, in violation of 25 PA Code § 102.8(m)(2), and Sections 402 and 611 of the Clean Stream Law, 35 P.S. §§691.402 and 691.611.

J.

FAILURE TO OBTAIN THE FINAL CERTIFICATION OF A LICENSED PROFESSIONAL FOR POST CONSTRUCTION STORMWATER BMPS.


1. Description

Failing to obtain the certification of a licensed professional to assure correct installation of post construction stormwater BMPs, per 25 PA Code 102.8(1).

2. Violation

Failing to obtain the certification of a licensed professional to assure correct installation of post construction stormwater BMPs, in violation of 25 PA Code §102.8(1) and Sections 402 and 611 of the Clean Streams Law, 35 P.S. §§691.402 and 691.611.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WATERWAYS ENGINEERING AND WETLANDS

Person(s) Subject to Order:	
Project Name: MARCHAND 3 PIPELINE	
Permit No.: ESC17-063-0005	

COMPLIANCE ORDER
Remedial Actions

- Except as required by this Order, immediately cease all earth disturbance activities at the site until the Department provides you with written authorization to resume earth disturbance activities.
- Begin implementing and/or maintaining the following best management practice(s) at the site in order to minimize the potential for accelerated erosion and sedimentation and control post construction stormwater: immediately cease sediment laden discharges to the unnamed tributaries to Mudlick Run (40.8534283, -79.0293972), High Quality waters of the Commonwealth. The site shall be temporarily stabilized in accordance with the requirements of 25 PA Code Section 102.22(b). For any disturbed area and upon temporary cessation of an earth disturbance activity or any stage or phase of an activity where cessation of earth disturbance activities will exceed 4 days, the site shall be immediately seeded, mulched, or otherwise protected from accelerated erosion and sedimentation pending future earth disturbance activities. For an earth disturbance activity or any stage or phase of an activity to be considered temporary stabilized, the disturbed areas shall be covered with a minimum uniform coverage of mulch and seed, with a density capable of resisting accelerated erosion and sedimentation. *See Below*

Complete implementation of the above-referenced best management practice(s) by April 3, 2018

- Develop an E & S Plan, that minimizes accelerated erosion and sedimentation, per 25 PA Code §102.4, by _____ and subsequently submit that Plan to the following office(s): _____

- Develop a Post-Construction Stormwater Management Plan, per 25 PA Code §102.8, by _____ and subsequently file the Plan with the following office(s): _____

- Immediately begin implementing and maintaining erosion and sediment control post-construction stormwater management best management practices, as detailed in the Erosion and Sediment Control Plan Post-Construction Stormwater Management Plan; including, but not limited to: _____

Complete implementation and maintenance of the above-referenced best management practice(s) by _____

- Submit a full and complete Erosion and Sediment Control Notice of Intent for NPDES Stormwater Discharges Associated with Construction Activities permit application, as specified, by _____, to the following office(s): _____

- Submit a full and complete Notice of Termination (NOT), per 25 PA Code §102.7, by _____ and subsequently submit the NOT to the following office(s): _____

- Submit a receipt from the recorder of deeds, per 25 PA Code §102.8, by _____, and subsequently submit the receipt to the following office(s): _____

- Submit landowner notices, per 25 PA Code §102.8, by _____, and subsequently submit the receipt to the following office(s): _____

In accordance with 25 PA Code Section 102.2, Operator shall implement ETS plan/ESCOP as approved by the Department; therefore, Operator shall remove unpermitted culvert at Temporary crossing 2 to eliminate the discharge of sediment-laden pollution to an UNT to Mudlick Run

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White - Recipient Yellow - Conservation District Pink - Region