



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

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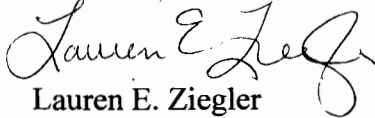
Lydia Guy
Regional Hearing Clerk (3RC00)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Re: **In the Matter of Williams Ohio Valley Midstream, LLC**
Docket No. CWA-03-2016-0045

Dear Ms. Guy:

Enclosed please find the original and one copy of the Consent Agreement and Final Order, along with a certificate of service, in the above indicated matter.

Sincerely,


Lauren E. Ziegler
Assistant Regional Counsel

Enclosures

cc: Ashley O'Neill, Counsel for Williams Ohio Valley Midstream, LLC



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

REGIONAL HEARING CLERK
EPA REGION III, PHILA. PA

<p>In the Matter of:</p> <p>Williams Ohio Valley Midstream, LLC 100 Teletech Drive Moundsville, WV 26041,</p> <p>Respondent.</p>	<p>) EPA Docket No.: CWA-03-2016-0045</p> <p>)</p> <p>)</p> <p>)</p> <p>) Proceeding Pursuant to Section 311(b)(3)</p> <p>) and 311(b)(6)(B)(i) of the Clean Water Act,</p> <p>) 33 U.S.C. § 1321(b)(3) and 1321(b)(6)(B)(i)</p> <p>)</p> <p>)</p> <p>)</p>
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LEGAL AUTHORITY

1. This Consent Agreement is proposed and entered into under the authority vested in the Administrator of the U.S. Environmental Protection Agency (“EPA”) by Section 311(b)(3) and 311(b)(6)(B)(i) of the Clean Water Act (“the CWA” or “the Act”), as amended, 33 U.S.C. § 1321(b)(3) and 1321(b)(6)(B)(i), and under the authority provided by 40 C.F.R. § 22.13(b), 22.18(b)(2) and (3), and 22.50(a)(1) and (b). The Administrator has delegated these authorities to the Regional Administrator of EPA, Region III, who has in turn delegated them to the Director of the Region’s Hazardous Site Cleanup Division (“Complainant”).

CONSENT AGREEMENT

Factual Allegations and Conclusions of Law

2. With the exception of Paragraph 17 below, Respondent neither admits or denies the following factual allegations and conclusions of law. For the purpose of this proceeding only, Respondent expressly waives its right to contest said allegations.

3. Williams Ohio Valley Midstream, LLC (“Respondent”), a subsidiary of The Williams Companies, Inc., is a Texas limited liability company with a place of business located at 100 Teletech Drive, Moundsville, WV 26041. Respondent is a person within the meaning of Section 311(a)(7) of the Act, 33 U.S.C. § 1321(a)(7).

4. Respondent is the owner and operator of a pipeline utilized for the transportation of natural gas condensate in Marshall County, West Virginia (“Pipeline” or “Facility”). The pipeline is an onshore facility within the meaning of Section 311(a)(10) of the Act, 33 U.S.C. § 1321(a)(10), and a facility as defined by the National Oil and Hazardous Substances Pollution Contingency Plan (“NCP”), 40 C.F.R. § 300.5.

5. Section 311(b)(3) of the Act, 33 U.S.C. § 1321(b)(3), prohibits the discharge of oil or hazardous substances into or upon the navigable waters of the United States or adjoining shorelines in such quantities that have been determined may be harmful to the public health or welfare or environment of the United States.

6. Section 311(a)(1) of the Act, 33 U.S.C. § 1321(a)(1), defines “oil” as “oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.”

7. For purposes of Section 311(b)(3) and (b)(4) of the Act, 33 U.S.C. § 1321(b)(3) and (b)(4), discharges of oil into or upon the navigable waters and adjoining shorelines of the United States in such quantities that have been determined may be harmful to the public health or welfare or environment of the United States are defined in 40 C.F.R. § 110.3 to include discharges of oil that violate applicable water quality standards or cause a film or a sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon the adjoining shorelines.

8. On May 5, 2015, pursuant to its authority under Section 308(a) of the Act, 33 U.S.C. § 1318(a), EPA sent Respondent an Information Request letter requesting information regarding Respondent's compliance with Section 311(b)(3) of the Act, 33 U.S.C. § 1321(b)(3) at its Pipeline in Marshall County, West Virginia.

9. On June 3, 2015, Williams submitted to EPA a response to EPA's May 5, 2015 Information Request letter ("Response").

10. According to the Response, approximately 132 barrels of natural gas condensate were discharged from Respondent's Pipeline on April 9, 2015 when the four-inch pipeline ruptured in Marshall County, West Virginia; the rupture point is located at latitude 39° 57' 09.06348" N, and longitude 80° 41' 22.19341" W ("the discharge").

11. Natural gas condensate is oil within the meaning of Section 311(a)(1) of the Act, 33 U.S.C. § 1321(a)(1).

12. According to the Response, the discharge entered an unnamed tributary, which flows into Wilson Run, a tributary which flows into Little Grave Creek. Little Grave Creek is a tributary of the Ohio River, a navigable water of the United States, as defined by Section 502(7) of the Act, 33 U.S.C. § 1362(7).

13. According to the Response, immediately following the Pipeline rupture, a sheen was observed on the surface of the unnamed tributary, Wilson Run, and Little Grave Creek.

14. Respondent's discharge on April 9, 2015 from the Pipeline caused a sheen upon the surface of the unnamed tributary, Wilson Run, and Little Grave Creek.

15. Respondent's discharge on April 9, 2015 from the Pipeline was in a quantity that has been determined may be harmful under 40 C.F.R § 110.3(b), which implements Section 311(b)(3) and (b)(4) of the Act, 33 U.S.C. § 1321(b)(3) and (b)(4).

16. Respondent's discharge from its Pipeline into or upon the unnamed tributary, Wilson Run, and Little Grave Creek, or adjoining shorelines in a quantity that has been determined may be harmful under 40 C.F.R. § 110.3 violated Section 311(b)(3) of the Act, 33 U.S.C. § 1321(b)(3).

Waiver of Rights

For the purpose of this proceeding, Respondent:

17. Admits the jurisdictional allegations in this Consent Agreement and agrees not to contest EPA's jurisdiction with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, and the enforcement of this Consent Agreement and the accompanying Final Order.

18. Waives the right to a hearing under Section 311(b)(6)(B)(i) of the Act, 33 U.S.C. § 1321(b)(6)(B)(i), and to appeal any Final Order in this matter under Section 311(b)(6)(G)(i) of the Act, 33 U.S.C. § 1321(b)(6)(G)(i), and consents to the issuance of a Final Order without further adjudication.

Penalty

19. Section 311(b)(6) of the Act, as amended, 33 U.S.C. §1321(b)(6), authorizes EPA to assess administrative penalties for violations of Section 311(b)(3) of the Act. Complainant proposes, and Respondent consents to, the assessment of a civil penalty of \$14,440. The civil penalty is based upon Complainant's consideration of a number of factors including the penalty criteria set forth in Section 311(b)(8) of the Act, 33 U.S.C. § 1321(b)(8), and has been calculated in accordance with Section 311(b)(6)(B)(i) of the Act, 33 U.S.C. § 1321(b)(6)(B)(i), as amended by the Debt Collection Improvement Act of 1996, as implemented by Adjustment of Civil

Monetary Penalties for Inflation, 40 C.F.R. Part 19, and with EPA's *Civil Penalty Policy For Section 311(b)(3) and Section 311(j) of the Clean Water Act*, dated August 1998.

Payment Terms

Based on the foregoing, the parties, in their own capacity or by their attorneys or authorized representatives, hereby agree that:

20. Within thirty days of the effective date of the Final Order, Respondent shall pay the amount of \$14,440 by means of a cashier's or certified check, or by electronic funds transfer (EFT). If paying by check, Respondent shall submit a cashier's or certified check, payable to "Environmental Protection Agency," and bearing the notation "OSLTF – 311." If Respondent sends payment by the U.S. Postal Service, the payment shall be addressed to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000
Contact: Heather Russell, (513) 487-2044

If Respondent sends payment by a private delivery service, the payment shall be addressed to:

U.S. Bank
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101
Attn: Heather Russell, (513) 487-2044

If paying by EFT, Respondent shall transfer the payment to:

Federal Reserve Bank of New York
ABA 021030004
Account 68010727
Swift Address FRNYUS33
33 Liberty Street
New York, NY 10045

If paying by EFT, field tag 4200 of the Fedwire message shall read: (D 68010727 Environmental Protection Agency).

If paying through the Department of Treasury's Online Payment system, please access www.pay.gov, and enter sfo 1.1 in the search field. Open the form and complete the required fields to make the payment. Note that the type of payment is "civil penalty," the docket number "CWA-03-2016-0045" should be included in the "Court Order # or Bill #" field, and 3 should be included as the Region number.

21. If paying by check, Respondent shall note on the penalty payment check the title and docket number of this case. Respondent shall submit a copy of the check (or, in the case of an EFT transfer, a copy of the EFT confirmation) to the following person:

Lydia Guy
Regional Hearing Clerk (3RC00)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Respondent must also provide a copy of its check or EFT confirmation to the attorney representing EPA in this matter at the following address:

Lauren E. Ziegler
Assistant Regional Counsel (3RC42)
U.S. Environmental Protection Agency – Region III
1650 Arch Street
Philadelphia, PA 19103-2029
ziegler.lauren@epa.gov

22. Failure by Respondent to pay the penalty assessed by the Final Order in full by its due date may subject Respondent to a civil action to collect the assessed penalty, plus interest, attorney's fees, costs and an additional quarterly nonpayment penalty pursuant to Section 311(b)(6)(H) of the Act, 33 U.S.C. § 1321(b)(6)(H), and 40 C.F.R. § 13.11. In any such

collection action, the validity, amount, and appropriateness of the penalty agreed to herein shall not be subject to review.

General Provisions

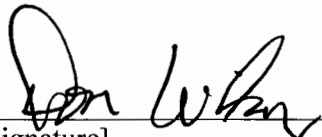
23. The provisions of the CAFO shall be binding upon Respondent, its officers, directors, agents, servants, employees, and successors or assigns. By his or her signature below, the person signing this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized by the party represented to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of the Consent Agreement and accompanying Final Order.

24. This CAFO resolves only the civil penalty claims for the specific violations alleged in this Consent Agreement. This settlement is subject to all limitations on the scope of resolution and the reservation of rights set forth in 40 C.F.R. § 22.18(c) and does not affect the rights of Complainant or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law. Further, Complainant reserves any rights and remedies available to it under Section 311 of the Act, 33 U.S.C. § 1321, the regulations promulgated thereunder, and any other federal laws or regulations for which Complainant has jurisdiction, to enforce the provisions of this Consent Agreement and accompanying Final Order following its filing with the Regional Hearing Clerk.

25. Each party to this action shall bear its own costs and attorney's fees.

WILLIAMS OHIO VALLEY MIDSTREAM, LLC

Date: FEB. 4, 2016



[Signature]

DON WICBURG

Name (print or type)

VP

Title

U.S. ENVIRONMENTAL PROTECTION AGENCY

Date: **FEB 24 2016**



Karen Melvin, Acting Director
Hazardous Site Cleanup Division

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BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

REGIONAL HEARING CLERK
EPA REGION III PHILA. PA

REGION III

<p>In the Matter of:</p> <p>Williams Ohio Valley Midstream, LLC 100 Teletech Drive Moundsville, WV 26041,</p> <p style="text-align: center;">Respondent.</p>	<p>) EPA Docket No.: CWA-03-2016-0045</p> <p>)</p> <p>)</p> <p>) FINAL ORDER</p> <p>)</p> <p>) Proceeding Pursuant to Section 311(b)(3) and 311(b)(6)(B)(i) of the Clean Water Act, 33 U.S.C. § 1321(b)(3) and 1321(b)(6)(B)(i)</p> <p>)</p>
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FINAL ORDER

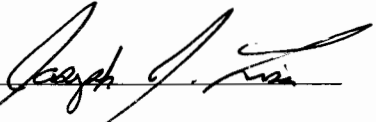
Complainant, the Acting Director of the Hazardous Site Cleanup Division, U.S. Environmental Protection Agency, Region III, and Respondent, Williams Ohio Valley Midstream, LLC, have executed a document entitled "Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 (with specific reference to Sections 22.13(b), 22.18(b)(2) and (3), and 22.50(a)(1) and (b)). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

Based on the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, *inter alia*, EPA's *Civil Penalty Policy for Section 311(b)(3) and Section 311(j) of the Clean Water Act* (August 1998) and the statutory factors set forth in Section 311(b)(8) of the Clean Water Act, 33 U.S.C. § 1321(b)(8).

NOW, THEREFORE, PURSUANT TO Section 311(b)(6)(B)(i) of the Clean Water Act, 33 U.S.C. § 1321(b)(6)(B)(i), and the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a penalty of **FOURTEEN THOUSAND FOUR HUNDRED FORTY DOLLARS (\$14,440)**, plus any applicable interest, as specified in the Consent Agreement, and comply with the terms and conditions of the Consent Agreement.

The effective date of the attached Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

Feb. 24, 2016
Date



Joseph J. Lisa
Regional Judicial and Presiding Officer
U.S. EPA Region III