

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III**

IN THE MATTER OF:

EQT Gathering, LLC  
625 Liberty Avenue, Suite 1700  
Pittsburgh, PA 15222,

Respondent.

EQT Gathering, LLC  
County Route 19/11  
West Union, WV 26456,

Facility.

**CLEAN WATER ACT SECTION 311 CLASS I  
CONSENT AGREEMENT  
AND FINAL ORDER  
UNDER 40 CFR §§ 22.13(b) AND 22.18(b)(2)**

Docket No. CWA-03-2014-0012

**RECEIVED**  
2013 DEC -3 AM 11:32  
REGIONAL HEARING OFFICE  
EPA REGION III, PHILA. PA

**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)(6)(B)(i) of the Clean Water Act (“Act”), as amended 33 U.S.C. § 1321(b)(6)(B)(i), and under the authority provided by 40 C.F.R. §§ 22.13(b) and 22.18(b)(2). 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. For the purpose of this proceeding, and with the exception of Paragraph 11, below, Respondent neither admits nor denies the following factual allegations and conclusions of law, but expressly waives its rights to contest said allegations.

3. Respondent is a corporation duly organized and existing under the laws of Pennsylvania with a place of business located at 625 Liberty Avenue, Suite 1700, Pittsburgh, Pennsylvania, 15222, and a mailing address of Post Office Box 23007, Pittsburgh, Pennsylvania, 15222. Respondent is a person within the meaning of Section 311(a)(7) of the Act, 33 U.S.C. § 1321(a)(7), and 40 C.F.R. § 112.2.

4. Respondent is the owner and operator of the West Virginia EQT Gathering Facility, where Respondent collects natural gas condensate from a natural gas pipeline and stores it in a 5000-gallon, above ground steel condensate (“the Facility”). The Facility is an onshore facility within the meaning of Section 311(a)(10) of the Act, 33 U.S.C. § 1321(a)(10), and 40 C.F.R. § 112.2. The Facility is located near County Route 19/11 in West Union, Doddridge County, West Virginia.

5. Section 311(b)(3) of the Act 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. 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.

7. On or about November 27, 2012, approximately eight and three tenths (8.3) barrels of petroleum condensate, or 350 gallons, were released from Respondent's above ground steel condensate tank at the Facility (the "discharge").

8. Approximately ten (10) gallons of the discharged petroleum condensate entered the waters of Dry Run, which is a tributary to the South Fork Hughes River, which further is a tributary to the Hughes River, and which is, in turn, a tributary to the Little Kanawha River, a navigable waterway of the United States as defined in Section 502(7) of the Act, 33 U.S.C. § 1362(7), and 40 C.F.R. § 110.1.

9. Respondent's discharge on or about November 27, 2012, from its Facility caused a sheen upon or discoloration of the surface of Dry Run, and, therefore, was in a quantity that has been determined may be harmful under 40 C.F.R. § 110.3, which implements Section 311(b)(3) and (b)(4) of the Act, 33 U.S.C. § 1321(b)(3) and (b)(4).

10. Respondent's discharge from its Facility into or upon Dry Run and the adjoining shoreline, in a quantity that has been determined may be harmful under 40 C.F.R. § 110.3, on or about November 27, 2012, 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:

11. Admits the jurisdictional allegations in this Consent Agreement and agrees not to contest EPA's jurisdiction with respect to the execution or enforcement of this Agreement.

12. Waives the right to a hearing under Section 311(b)(6)(B)(i) of the Act 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**

13. The Complainant proposes, and Respondent consents to, the assessment of a civil penalty of \$6,300.

**Payment Terms**

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

14. Within thirty days of the effective date of the Final Order, Respondent shall pay the amount of \$6,300 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](http://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-03-2014-0012" should be included in the "Court Order # or Bill #" field, and 3 should be included as the Region number.

15. 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:

Suzanne M. Parent  
Associate Regional Counsel (3RC42)  
U.S. Environmental Protection Agency – Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029  
(215) 814-2630

16. 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). In any such collection action, the validity, amount and appropriateness of the penalty agreed to herein shall not be subject to review.

**General Provisions**

17. The Final Order shall be binding upon Respondent and Respondent's officers, directors, agents, servants, employees, and successors or assigns.

18. The Final Order does not constitute a waiver, suspension or modification of the requirements of Section 311 of the Act, 33 U.S.C. § 1321, or any regulations promulgated thereunder, and does not affect the right of the Administrator or the United States to pursue any applicable injunctive or other equitable relief or criminal sanctions for any violation of law. Payment of the penalty pursuant to this Consent Agreement resolves only Respondent's liability for federal civil penalties for the violations of the Act alleged herein.

19. The undersigned officer of Respondent represents and warrants that he or she has the authority to bind EQT Gathering, LLC, and its successors or assigns to this Consent Agreement.

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

EQT GATHERING, LLC

Date: 11-12-13

Wesley A. Soyster

[Signature]

Wesley A. Soyster

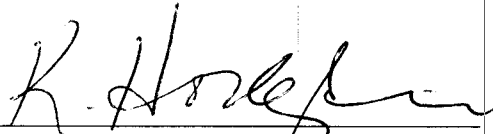
Name (print or type)

V.P. Operations North

Title

U.S. ENVIRONMENTAL PROTECTION AGENCY

Date: 11/26/2013



**Kathryn Hodgkiss, Acting Director  
Hazardous Site Cleanup Division**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
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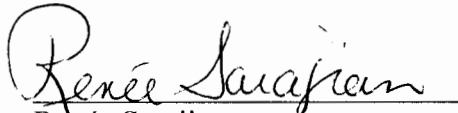
**FINAL ORDER**

1. Pursuant to Section 311(b)(6) of the Clean Water Act, as amended, 33 U.S.C. § 1321(b)(6), and in accordance with the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits," codified at 40 C.F.R. Part 22, the foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. Respondent is ordered to pay the \$6,300 penalty and otherwise comply with the terms of the Consent Agreement.

**Effective Date**

2. This Final Order shall become effective on the date it is filed with the Regional Hearing Clerk.

Date: 12/3/13

  
Renée Sarajian  
Regional Judicial Officer

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

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EPA Docket No.: CWA-03-2014-0012

Proceedings Pursuant to Section 311 of the  
Clean Water Act, 33 U.S.C. § 1321

REGIONAL HEARING CLERK  
EPA REGION III, PHILA, PA

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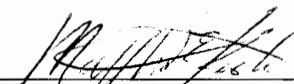
CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on the date provided below, I hand-delivered and filed the original plus one copy of the Consent Agreement and Final Order, along with any enclosures and/or attachments, for the above-referenced matter, with the Regional Hearing Clerk, EPA Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029, and that a true and correct copy of the Consent Agreement and Final Order, along with any enclosures and/or attachments, was sent to:

Via Overnight Mail

Stephanie K. Gallogly, Esq.  
Senior Attorney - Environmental  
EQT Corporation  
625 Liberty Avenue, Suite 1700  
Pittsburgh, PA 15222

12/3/13  
Date

  
Matthew E. Kaslow  
Law Clerk