



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

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CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Mark Reaser, Director  
Gas Environmental Services  
Dominion Transmission, Inc.  
445 West Main Street  
Clarksburg, WV 26301

Re: Final Administrative Order with Penalty; Dominion Transmission, Inc.  
EPA Docket No. SDWA-03-2008-0026-DU

Dear Mr. Reaser:

On November 21, 2007, the U.S. Environmental Protection Agency (EPA) issued Dominion Transmission, Incorporated (Dominion) a Notice of Violation and a proposed Order for violations of the Safe Drinking Water Act (SDWA) and the Underground Injection Control (UIC) regulations. Dominion failed to provide prior notification to EPA of the plugging and abandonment of injection well CW-1 located on their Tioga Storage facility in Tioga County, Pennsylvania. In addition, Dominion failed to follow the procedures of the plugging plan as specified in its permit. The proposed Order provided for the payment of a \$6,000 penalty.

On December 19, 2007, EPA received payment of the \$6,000 penalty from Dominion. Enclosed is a copy of the final Order, documenting that Dominion has complied in full with the provisions of the proposed Order. The issuance of an Order under the SDWA requires public notice of the proposed Order for a period of thirty (30) days. This was done on December 3, 2007. We did not receive any comments. Therefore, this final Order will become effective thirty (30) days from the time you receive this package. EPA appreciates your cooperation in resolving this matter. If you have any questions, please contact Stephen Platt of my staff at (215) 814-5464.

Sincerely,

Jon M. Capacasa, Director  
Water Protection Division

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III

IN THE MATTER OF: ) Docket No. SDWA-03-2008-0026DU  
)  
Dominion Transmission, Inc. )  
Tioga Gas Storage Facility ) FINDINGS OF VIOLATION  
Tioga County, Pennsylvania ) AND FINAL ORDER  
P.O. Box 2450 )  
Clarksburg, WV 26302-2450 ) Proceedings under Section 1423 (c) of the Safe  
) Drinking Water Act, 42 U.S.C. § 300h-2 (c)

STATUTORY AUTHORITY

This Final Order ("Order") is issued under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") pursuant to Section 1423 (c) of the Safe Drinking Water Act ("SDWA"), 42 U.S.C. § 300h-2(c), and the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits* ("*Consolidated Rules*"), 40 C.F.R. Part 22. This Order concludes this action pursuant to 40 C.F.R. §§ 22.18 and 22.45. The Administrator has delegated the authority to take these actions to the Regional Administrator for EPA, Region III, who in turn has delegated them to the Water Protection Division Director of EPA, Region III ("Director").

FINDINGS

1. Section 1422 (c) of the SDWA, 42 U.S.C. § 300h-1(c), requires EPA to administer the Underground Injection Control ("UIC") program in states which do not have approved state programs. The Commonwealth of Pennsylvania has not acquired primacy over the UIC program. Therefore, on June 25, 1984, EPA Region III began direct implementation of the UIC program in Pennsylvania. According to 40 C.F.R. § 144.31, except for owners/operators by rule, all UIC wells are prohibited unless authorized by permit. 40 C.F.R. § 144.51 requires that the permittee must comply with all conditions of the permit. Any permit noncompliance constitutes a violation of the Safe Drinking Water Act and is grounds for enforcement.

2. Dominion Transmission, Incorporated ("Respondent") is a corporation authorized to do business in the Commonwealth of Pennsylvania and, as such, is a "person" within the meaning of Section 1401(12) of the SDWA, 42 U.S.C. § 300f(12).

3. In 1998, EPA transferred UIC permit PAS3G934BTIO ("permit") from N. E. Hub Partners, L.P, to Respondent. This permit authorizes Respondent to construct and operate up to 10 Class IIIG solution mining injection wells ("injection wells") on the Tioga Storage Project ("facility")

inspector was present during the final stages of the plugging and confirmed that the well was plugged properly.

13. On December 19, 2007, EPA received a letter from Respondent, confirming that payment of the \$6,000 penalty had been made. Respondent indicated that it would not contest the findings of the proposed Order and that it would waive its right to a hearing.

FINAL ORDER

14. This Final Order formally documents that based on information described in paragraphs 12 and 13, Respondent has resolved the violations described in paragraphs 9 and 10, thereby fully complying with the terms of the proposed Order.

GENERAL PROVISIONS

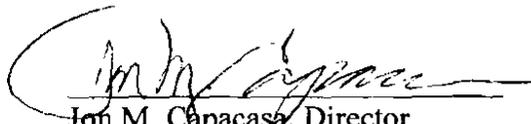
15. This ORDER does not constitute a waiver, suspension, or modification of the terms and conditions of the SDWA, the UIC regulations, or any permit issued thereunder. Issuance of this ORDER is not an election by EPA to forgo any civil or criminal action otherwise authorized.

16. Violation of the terms of this ORDER after its effective date or date of final judgment in the event of an appeal as described in Section 1423(c)(6) of the SDWA, 42 U.S.C. § 300h-2 (6), may subject Respondent to further enforcement actions, including a civil action for enforcement of this ORDER and penalties for violations of the compliance terms of this ORDER under Section 1423(b) of the SDWA, 42 U.S.C. § 300h-2(b).

EFFECTIVE DATE

Issuance of an ORDER occurs as provided by Section 1423(c)(3) (A) of the SDWA, 42 U.S.C. § 300h-2(c)(3)(A). Pursuant to Section 1423(c)(3)(D) of the SDWA, 42 U.S.C. § 300h-2(c)(3)(D), this ORDER becomes effective thirty (30) days from issuance unless an appeal is taken pursuant to Section 1423(c)(6) of the SDWA, 42 U.S.C. § 300h-2(c)(6).

Issued this 29<sup>th</sup> day of January, 2008.

  
Jan M. Capacasa, Director  
Water Protection Division