west virginia department of environmental protection

Division of Water and Waste Management
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Austin Caperton, Cabinet Secretary
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CONSENT ORDER
ISSUED UNDER THE
WATER POLLUTION CONTROL ACT
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 11

TO: Mountain Valley Pipeline, LLC
Robert J. Cooper
2200 Energy Drive
Canonsburg, PA 15317

DATE: December 17, 2020

ORDER NO.: 9925

INTRODUCTION

This Consent Order is issued by the Director of the Division of Water and Waste Management (hereinafter "Director"), under the authority of West Virginia Code, Chapter 22, Article 11, Section 1 et seq. to Mountain Valley Pipeline, LLC (hereinafter "MVP").

FINDINGS OF FACT

In support of this Order, the Director hereby finds the following:

1. MVP is conducting land disturbance activity associated with construction of the Mountain Valley Pipeline in Wetzel, Harrison, Doddridge, Lewis, Webster, Braxton, Nicholas, Fayette, Greenbrier, Summers, and Monroe Counties, West Virginia. On July 14, 2017, MVP was issued Water Pollution Control Permit No. WV0116815, Registration No. WVR310667, for Stormwater Associated with Oil and Gas Related Construction Activities.

2. On February 6, 2019, West Virginia Department of Environmental Protection (WVDEP) personnel conducted an inspection of the facility. During the inspection, violations of the following sections of West Virginia Legislative Rules and the permit were observed and documented:

   a. Section G.4.e.2.A.ii.j - MVP allowed sediment-laden water to leave the site without going through an appropriate device at the contractor yard in Beaver, West Virginia. As a result, sediment-laden water was entering an Unnamed Tributary (UNT) of Brammer Branch.

b. Section D.1 - MVP failed to properly operate and maintain all facilities and systems. Best Management Practices (BMPs) were not being maintained in and along a drainage ditch that flowed through the yard and terminated upslope of the UNT of Brammer Branch, causing distinctly visible settleable solids in waters of the State.
c. Section G.4. - MVP failed to comply with the approved Storm Water Pollution Prevention Plan (SWPPP). Erosion control devices near station 8816+00 were not in place as detailed by the SWPPP.
d. 47CSR2 Section 3.2.a. - MVP caused conditions not allowable in waters of the State by creating distinctly visible settleable solids in a UNT of Brammer Branch.

As a result of the aforementioned violations, Notice of Violation (NOV) No. W19-32-002-JTL was issued to MVP.

3. On February 11, 2019, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of the permit were observed and documented:

a. Section G.4.e.2 - MVP failed to implement controls appropriate for the project. Erosion was occurring in the waterbar, on slopes near station 6017+50, and on the slope at station 5960+50. Sediment-laden water was concentrated in wetland W-IJ-55, with the potential to migrate off-site.
b. Section D.1 - MVP failed to properly operate and maintain all facilities and systems. At station 5960+50, BMPs were not being maintained, causing sediment-laden water to be present in Wetland W-IJ-55.
c. Section G.4.e.2.A.ii.f. - MVP failed to protect fill slopes by failing to divert runoff away from the slope to a stable channel. At Station 5960+50 above Wetland W-IJ-55, erosion was occurring on the slope, and no diversion was in place to convey runoff to a stable channel.

As a result of the aforementioned violations, NOV No. W19-34-003-JTL was issued to MVP.

4. On April 22, 2019, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of West Virginia Legislative Rules and the permit were observed and documented:

a. Section D.1. - MVP failed to properly operate and maintain all systems of treatment. Controls implemented on the slope above stream S-T35(A) had sediment build-up in waterbars due to erosion occurring on the slope.
b. Section G.4.c - MVP failed to modify the SWPPP when it proved to be ineffective in achieving the general objective of controlling pollutants in stormwater discharges.
c. Section G.4.e.2.A.ii.j - MVP failed to prevent sediment-laden water from leaving the site without going through an appropriate device at station 8633+71. As a result, sediment-laden water and sediment deposits impacted Stream S-T35(A), a tributary of Lick Creek.
d. Section G.4.e.2. - MVP failed to properly implement controls appropriate for the project. Waterbars terminated on the Right of Way (ROW) at station 8633+71, causing erosion to occur on the ROW and sediment to impact Stream S-T35(A).

e. 47CSR2 Section 3.2.a. - MVP caused conditions not allowable in waters of the State by creating distinctly visible settleable solids in Stream S-T35(A), a tributary of Lick Creek.

As a result of the aforementioned violations, NOV No. W19-45-008-JTL was issued to MVP.

5. On May 13, 2019, WVDEP personnel conducted an inspection of the facility in response to a complaint. During the inspection, a violation of the following section of the permit was observed and documented:

   a. Section G.4. - MVP failed to comply with the approved SWPPP. Waterbar outlet controls near station 8399+10 were not in place as detailed by the SWPPP.

   As a result of the aforementioned violation, NOV No. W19-45-010-JTL was issued to MVP.

6. On May 24, 2019, WVDEP personnel conducted an inspection of the facility in response to a complaint. During the inspection, a violation of the following section of the permit was observed and documented:

   a. Section G.4. - MVP failed to comply with the approved SWPPP. Perimeter controls were not in place as detailed by the SWPPP detail sheets near station 8387+96.

   As a result of the aforementioned violations, NOV No. W19-45-015-JTL was issued to MVP.

7. On May 29, 2019, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of the permit were observed and documented:

   a. Section D.1 - MVP failed to properly operate and maintain all facilities and systems. At stations 4031+00 and 4027+00, controls were not being maintained, causing sediment to be transported past the Limits of Disturbance (LOD).
   b. Section G.4.e.2 - MVP failed to implement controls appropriate for the project. Erosion was occurring on the ROW, in waterbars, and on slopes near stations 4031+00 and 4027+00.
   c. Section G.4.e.2.A.ii.f. - MVP failed to protect fill slopes by failing to divert runoff away from the slope to a stable channel. At Stations 4030+00 and 4027+00, waterbars were terminating onto the fill slope, causing controls to be overwhelmed along the perimeter and sediment to be transported past the LOD.
   d. Section G.4.e.2.A.ii.j. - MVP failed to prevent sediment-laden water from leaving the site without going through an appropriate device. Sediment deposits from sediment-laden water leaving the site were observed at stations 4030+00 and 4027+00.

   As a result of the aforementioned violations, NOV No. W19-04-013-JTL was issued to MVP.

8. On May 30, 2019, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of the permit were observed and documented:

    a. Section D.1 - MVP failed to properly operate and maintain all facilities and systems. At stations 6474+16, 6478+48, 6508+30, 6510+10, and 6514+60, controls were not being maintained, causing sediment to be deposited past the LOD.
    b. Section G.4 - MVP failed to comply with the approved SWPPP. At station 6945+00, the ROW diversion had not been installed in accordance with the SWPPP. At station 6497+50, perimeter controls were not installed in accordance with the SWPPP.
    c. Section G.4.e.2.A.i.d. - MVP failed to stabilize clean water diversions above stream S-EE1 and at station 6485+10 prior to becoming functional.
    d. Section G.4.e.2 - MVP failed to implement controls appropriate for the project. Controls had not been enhanced and/or implemented at stations 6508+30, 6510+40 and 6514+60 to prevent sediment from being deposited past the LOD.
    e. Section G.4.e.2.A.ii.j - MVP allowed sediment-laden water to leave the site without going through an appropriate device at stations 6508+30, 6510+40, and 6514+60.

    As a result of the aforementioned violations, NOV No. W19-34-014-JTL was issued to MVP.

9. On June 5, 2019, WVDEP personnel conducted an inspection of the facility in response to a complaint. During the inspection, violations of the following sections of the permit were observed and documented:

    a. Section D.1 - MVP failed to properly operate and maintain all systems of treatment and control. The construction entrance at the Rt 82 crossing was not maintained to prevent sediment-laden water and sediment from being deposited past the permitted LOD.
    b. Section G.4.e.2.A.ii.j - MVP failed to prevent sediment-laden water from leaving the site without going through an appropriate device. At the Route 82 crossing, sediment deposits and sediment-laden water were observed past the LOD. Sediment deposits were observed in the roadside ditch that parallels Route 82 and downslope past a culvert outlet approximately five hundred (500) feet past the LOD.

    As a result of the aforementioned violations, NOV No. W19-51-015-JTL was issued to MVP.

10. On June 11, 2019, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of the permit were observed and documented:

    a. Section D.1 - MVP failed to properly operate and maintain all facilities and systems. At stations 7590+00 through 7613+00 and at station 7636+00, controls were not being maintained, causing sediment to be transported past the LOD. Sediment-laden water and deposits were present past the LOD at the Wetland W-V6 crossing with AR-182.5.

b. Section G.4.e.2.A.ii.j. - MVP failed to prevent sediment-laden water from leaving the site without going through an appropriate device. Sediment deposits from sediment-laden water leaving the site were observed at stations 7590+00 through 7613+00 and at station No. 7636+00. Sediment-laden water and deposits were present past the LOD at the Wetland W-V6 crossing with AR-182.5.

As a result of the aforementioned violations, NOV No. W19-13-016-JTL was issued to MVP.

11. On June 12, 2019, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of the permit were observed and documented:

a. Section D.1 - MVP failed to properly operate and maintain all facilities and systems. At station No. 9780+00, controls had not been maintained, causing sediment to be deposited past the LOD.
b. Section G.4.e.2.A.ii.j - MVP allowed sediment-laden water to leave the site without going through and appropriate device. At station 9780+00, sediment-laden water had left the site, and there were sediment deposits and scouring present past controls and the LOD.

As a result of the aforementioned violations, NOV No. W19-32-17-JTL was issued to MVP.

12. On June 19, 2019, WVDEP personnel conducted an inspection of the facility. During the inspection, a violation of the following section of the permit was observed and documented:

a. Section G.4.e.2.A.ii.j - MVP allowed sediment-laden water to leave the site without going through an appropriate device. At station 6587+00, sediment-laden water had left the site, and sediment deposits were present past controls and the LOD above Stream S-L38.

As a result of the aforementioned violations, NOV No. W19-51-018-JTL was issued to MVP.

13. On July 9, 2019, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of West Virginia Legislative Rules and the permit were observed and documented:

a. Section G.4.e.2.A.ii.j - MVP allowed sediment-laden water to leave the site without going through an appropriate device. At station 8634+00, sediment-laden water left the site and impacted Stream S-T35A, resulting in off-site deposits past controls and the LOD.
b. 47CSR2 Section 3.2.b. - MVP caused conditions not allowable in waters of the State by creating sediment deposits on the bottom of Stream S-T35A, a UNT of Lick Creek at station 8634+00.

As a result of the aforementioned violations, NOV No. W19-45-021-JTL was issued to MVP.

14. On July 17, 2019, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of the permit were observed and documented:

    a. Section G.4.e.2.A.ii.f. - MVP failed to protect fill slopes. At station 3159+46, erosion on the slope was causing perimeter controls to be overwhelmed, and sediment deposits were observed past the LOD. Above stream S-H153, diversion berms were installed to run downslope on steep slopes, causing significant erosion and overwhelming controls, leading to impacts to Stream S-H153.
    b. Section G.4.e.2. - MVP failed to implement controls appropriate for the project. At station 3147+11, a pipe slope drain was installed in an unmaintained sump that was full of sediment due to erosion on the slope. Run-off was being conveyed across the ROW and past the LOD without going through any controls above Stream S-H153.
    c. Section G.4.e.2.A.ii.j. - MVP failed to prevent sediment-laden water from leaving the site without going through an appropriate device. Sediment-laden water was observed past the LOD due to control failures at stations 3159+46, 3151+47, 3149+00, 3147+00, 3146+00 (a UNT of Ben's Run - Stream S-H153), and 3136+00.

    As a result of the aforementioned violations, NOV No. W19-21-023-JTL was issued to MVP.

15. On July 17, 2019, WVDEP personnel conducted an inspection of the facility. During the inspection, a violation of the following section of the permit was observed and documented:

    a. Section G.4.e.2.A.ii.j. - MVP failed to prevent sediment-laden water from leaving the site without going through an appropriate device. Sediment-laden water was observed past the LOD due to control failures that impacted Stream S-UV12 and the UNT of Oil Creek at station 3192+50.

    As a result of the aforementioned violations, NOV No. W19-21-022-JTL was issued to MVP.

16. On July 18, 2019, WVDEP personnel conducted an inspection of the facility in response to a complaint. During the inspection, violations of the following sections of West Virginia Legislative Rules and the permit were observed and documented:

    a. Section D.1. - MVP failed to properly operate and maintain all systems of treatment and controls. Along AR-MVP-WB-119, multiple controls had not been maintained, creating sediment deposits past the LOD. At station 4559+96, sediment deposits were observed in a ditch that was located along AR-WB-119. At stations 4559+96 and 4539+00, controls had not been maintained, leading to controls becoming overwhelmed and sediment and sediment-laden water being observed past the LOD.
    b. Section G.4.e.2.A.ii.j - MVP allowed sediment-laden to leave the site without going through an appropriate device. At station No. 4559+96, and at several locations along

AR-MVP-WB-119, sediment-laden water left the site, and sediment was deposited past controls and the LOD downslope of AR-MVP-WB-119. At and near station 4539+00, sediment-laden water was leaving the ROW, flowing past controls, entering the roadside ditch that flows downslope towards the ROW crossing with AR-MVP-WB-119, and continuing downslope through a culvert inlet/outlet approximately four hundred (400) feet past the LOD towards Fall Run, a tributary of the Holly River.

c. 47CSR2 Section 3.2.a. - MVP caused conditions not allowable in waters of the State by creating distinctly visible settleable solids in a conveyance/ephemeral stream that becomes Fall Run, a tributary of the Holly River.

As a result of the aforementioned violations, NOV No. W19-51-024-JTL was issued to MVP.

17. On August 1, 2019, WVDEP personnel conducted an inspection of the facility in response to a complaint. During the inspection, violations of the following sections of the permit were observed and documented:

    a. Section D.1. - MVP failed to properly operate and maintain all systems of treatment and controls. At Access Roads BR-095, BR-097, and BR-099, and at stations 3831+00 through 3829+00, controls had not been implemented correctly and/or were not being maintained, causing erosion and sediment to be deposited past the LOD.
    b. Section G.4.e.2.A.ii.f. - MVP failed to protect fill slopes. At stations 3831+00 through 3829+00 fill slope erosion was occurring between waterbars, causing controls to be overwhelmed and sediment deposits to be present in the ditch that parallels US 19/HWY 4 and past the LOD at station No. 3831+00.
    c. Section G.4.e.2. - MVP failed to implement controls appropriate for the project. At stations 3831+00 through 3829+00, waterbars were terminating onto the ROW, causing erosion to occur on the slope, which resulted in control failures above US19/HWY 4.
    d. Section G.4.e.2.A.ii.j. - MVP failed to prevent sediment-laden water from leaving the site without going through an appropriate device. Sediment deposits were observed past the LOD at station 3831+00 and in a roadside ditch that parallels US 19/HWY 4 at station 3829+00. At Access Road MVP-BR-097, sediment deposits were present past the LOD. In the Roadside ditch near station 3897+75 downslope of MVP-BR-099, sediment deposits were observed above Stream S-K34/35. Sediment deposits were observed past the LOD due to a waterbar failure South of BR-099 on the ROW. Sediment deposits were present past the LOD at BR-097.

    As a result of the aforementioned violations, NOV No. W19-04-025-JTL was issued to MVP.

18. On August 7, 2019, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of West Virginia Legislative Rules and the permit were observed and documented:

    a. Section D.1. - MVP failed to properly operate and maintain all systems of treatment and controls. At stations 8951+00 through 8956+00, erosion was present in waterbars. Several waterbar outlets had no controls, causing erosion to occur below

the termini. Sumps below the waterbar termini were overwhelmed with sediment and were not functioning as designed. Erosion was present on slopes near station 8946+00, causing controls to be overwhelmed with sediment and not function as designed.

b. Section G.4.e.2.A.ii.f. - MVP failed to protect fill slopes. At stations 8951+00 through 8956+00, waterbars were terminating onto a steep slope, causing erosion, and leading to sediment deposits overwhelming controls. At station No. 8946+00, erosion was present in multiple locations on the fill slope which resulted in overwhelmed perimeter controls.
c. Section G.4.e.2.A.ii.j.- MVP failed to prevent sediment-laden water from leaving the site without going through an appropriate device. Sediment deposits were observed past the LOD at station No. 8956+00.
d. 47CSR2 Section 3.2.b. - MVP caused conditions not allowable in waters of the State by creating sediment deposits on the bottom of Stream S-K16, a UNT of Hungard Creek near station 8929+00.

As a result of the aforementioned violations, NOV No. W19-45-026-JTL was issued to MVP.

19. On August 14, 2019, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of the permit were observed and documented:

a. Section G.4.e.2. - MVP failed to properly implement controls. Improperly installed water bars, water bars that were installed at steep angles (> 12%), water bars that were installed at varying angles, water bars that did not extend across the entire disturbed right of way and terminated prior to the installed perimeter silt fence, and water bars that discharged stormwater over unprotected fill slopes were noted throughout the inspected area. Six improperly installed water bars on the project area adjacent to 2768+00 were discharging into a stabilized diversion. The installed diversion carried the stormwater to the base of the hill where it was being treated with two pieces of perimeter silt fence. The amount of stormwater being directed at the installed perimeter controls overwhelmed the BMPs and caused a significant amount of offsite sediment deposits adjacent to Cove Run. Improperly installed timber mat equipment bridges were noted at the Clover Run, Oil Creek, and Cove Run (S-K-45) crossings. The installed perimeter controls were not properly merged with the installed timber mat equipment bridges, which caused areas where sediment-laden water could bypass treatment. An improperly installed straw bale dewatering structure was noted in the Cove Run watershed adjacent to 2770+00. The dewatering structure had a layer of impermeable plastic inside of the geotextile fabric, which caused the structure to not function as designed.
b. Section D.1. - MVP failed to properly operate and maintain all erosion control devices. Perimeter controls in need of maintenance were noted throughout the inspected area. This deficiency caused sediment-laden water to bypass treatment and led to offsite sediment-laden water adjacent to 2919+50, which occurred due to a dewatering operation.

c. Section G.4.e.2.A.ii.j. - MVP failed to prevent sediment-laden water from leaving the site without going through an appropriate device. Sediment-laden water bypassed treatment due to improperly installed and poorly maintained BMPs.

As a result of the aforementioned violations, NOV No. W19-21-074-TJC was issued to MVP.

20. On August 14, 2019, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of West Virginia Legislative Rules and the permit were observed and documented:

a. Section D.1. - MVP failed to properly operate and maintain all erosion control devices. A culvert on access road MVP-BR-092.01 was plugged and in need of maintenance, allowing concentrated flow stormwater to flow from the top of the slope to the base of the slope, causing offsite sediment deposits. A water bar terminus BMP in inspected area 3 (adjacent to 3760+00) was inundated with sediment and in need of maintenance.
b. Section G.4.e.2.A.ii.j. - MVP failed to prevent sediment-laden water from leaving the site without going through an appropriate device. This deficiency was a result of poorly maintained BMPs, which allowed sediment-laden water to bypass treatment.
c. Section B - MVP failed to comply with the SWPPP. The approved SWPPP indicates the need for ditch checks in the upslope ditch of all access roads and rock outlet protection and a sediment control device at the outlets of the installed culverts. The access road lacked the proposed ditch checks, rock outlet protection, and an installed sediment control device at the outlet of the installed culverts.
d. 47CSR2 Section 3.2.b. - MVP caused conditions not allowable in waters of the State by creating sediment deposits on the bottom of Keith Run (38° 47.179’ X 80° 31.816’) in two locations.

As a result of the aforementioned violations, NOV No. W19-04-073-TJC was issued to MVP.

21. On August 26, 2019, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of the permit were observed and documented:

a. Section D.1. - MVP failed to properly operate and maintain all systems of treatment and controls. At stations 1833+50 and 1730+00, controls were not being maintained, leading to perimeter controls being overwhelmed with sediment, causing them not to function as designed.
b. Section G.4.e.2.A.ii.j. - MVP failed to prevent sediment-laden water from leaving the site without going through an appropriate device. Sediment deposits were present past the LOD due to control failures at Stations 1833+00 and 1730+00.

As a result of the aforementioned violations, NOV No. W19-09-028-JTL was issued to MVP.

22. On September 4, 2019, MVP and WVDEP entered into Order No. 8951. The Order was issued in response to MVP's violations of WV Legislative Rule and Permit No. WV0116815, Registration No. WVR310667, from the time period of April 3, 2018 to November 30, 2018.

23. On September 9, 2019, WVDEP personnel conducted an inspection of the facility in response to a complaint. During the inspection, violations of the following sections of the permit were observed and documented:

    a. Section D.1. - MVP failed to properly operate and maintain all systems of treatment and controls. At the Route 21/Indian Fork crossing (Station No. 3089+00), controls had not been maintained or enhanced, resulting in sediment-laden water leaving the ROW and entering a roadside ditch that conveys to Indian Fork (S-H159).
    b. Section G.4.e.2.A.ii.j. - MVP failed to prevent sediment-laden water from leaving the site without going through an appropriate device. Sediment deposits were present past the LOD, in the roadside ditch that parallels CR21 and coveys to Indian Fork (S-H159)/(Station No. 3089+00).

    As a result of the aforementioned violations, NOV No. W19-21-029-JTL was issued to MVP.

24. On September 11, 2019, WVDEP personnel conducted an inspection of the facility. During the inspection, violations of the following sections of West Virginia Legislative Rules and the permit were observed and documented:

    a. Section D.1. - MVP failed to properly operate and maintain all systems of treatment and controls. At station No. 645+35, the dewatering structure used for the Stream S-B75 bore was not being maintained and operated properly, causing the structure to not function as designed, resulting in conditions not allowable in Stream S-B75 (Goose Run).
    b. Section G.4.e.2.A.ii.j. - MVP failed to prevent sediment-laden water from leaving the site without going through an appropriate device. Sediment-laden water was leaving a dewatering structure used to bore under Stream S-B75 (Goose Run).
    c. Section G.4.e.2.A.i.b. - MVP failed to provide interim stabilization on areas where construction activities had temporarily ceased for more than twenty-one (21) days. At station No. 645+00, slopes had not been reseeded or re-stabilized after winter stabilization measures were no longer adequate.
    d. 47CSR2 Section 3.2.a - MVP caused conditions not allowable in waters of the State by creating distinctly visible settleable solids in Stream S-B75 (Goose Run), a tributary of Big Elk Creek.

    As a result of the aforementioned violations, NOV No. W19-17-030-JTL was issued to MVP.

25. On November 6, 2019, WVDEP personnel conducted an inspection of the facility in response to a complaint. During the inspection, violations of the following sections of the permit were observed and documented:

a. Section D.1 - MVP failed to properly operate and maintain all facilities and systems. At station 4364+00, controls were not being maintained, causing sediment to be transported past the LOD and into a conveyance of Oddlick Creek.
b. Section G.4.e.2. - MVP failed to implement controls appropriate for the project. Above Stream S-S2 near station No. 4364+00, erosion was occurring on AR-114 and causing sediment to overwhelm bridge controls upslope of Oddlick Creek.
c. Section G.4.e.2.A.ii.j. - MVP failed to prevent sediment-laden water from leaving the site without going through an appropriate device. Sediment deposits from sediment-laden water leaving the site were observed near station No. 4364+00, approximately two hundred (200) feet past the LOD, and were deposited on the bank of Oddlick Creek.

As a result of the aforementioned violations, NOV No. W19-04-033-JTL was issued to MVP.

26. On November 7, 2019, WVDEP personnel conducted an inspection of the facility in response to a complaint. During the inspection, violations of the following sections of West Virginia Legislative Rules and the permit were observed and documented:

a. Section F.1. - MVP failed to immediately notify the spill alert telephone number of noncompliance which may have endangered health or the environment. Specifically, MVP failed to report conditions not allowable which were created in Elliott Run/Stream S-L49.
b. Section G.4.e.2. - MVP failed to implement controls appropriate for the project. A waterbar above the slip that impacted Elliott Run at station No. 3946+00 was terminating onto the ROW and had no outlet controls present.
c. 47CSR2 Section 3.2.b - MVP caused conditions not allowable in waters of the State by creating sediment deposits on the bottom of Stream S-L49 (Elliott Run), a tributary of Little Kanawha River, at station No. 3946+00. In addition, deposits of erosion controls pellets were present on the bottom of Elliott Run (Stream S-L49) and Stream S-H117.

As a result of the aforementioned violations, NOV No. W19-04-032-JTL was issued to MVP.

27. On December 12, 2019, WVDEP personnel conducted an inspection of the facility in response to a complaint. During the inspection, a violation of the following section of the permit was observed and documented:

a. Section D.1. - MVP failed to properly operate and maintain all systems of treatment and controls. At station 8433+50, run-on from a seep and improper tracking of the slope caused downslope controls to be overwhelmed with sediment-laden water and sediment deposits, leading to sediment-laden water being observed past the LOD and controls.

As a result of the aforementioned violations, NOV No. W19-45-034-JTL was issued to MVP.

28. On August 11, 2020, WVDEP personnel conducted an inspection of the facility in response to a complaint. During the inspection, violations of the following sections of the permit were observed and documented:

    a. Section D.1 - MVP failed to properly operate and maintain all facilities and systems. Specifically, erosion was occurring on fill slopes from Station No. 6482+90 to Station No. 6485+50. Waterbars were terminating onto fill slopes, causing enhanced erosion to occur.
    b. Section G.4.c - MVP failed to modify the SWPPP when it proved to be ineffective in achieving the objective of controlling pollutants in stormwater discharges.
    c. Section G.4.e.2.A.i.c. – MVP failed to reseed where the seed failed to germinate adequately (uniform perennial vegetative cover with a density of 70%) within thirty (30) days. Specifically, reseeding had not occurred from Station No. 6482+90 to Station No. 6485+50 at the Route 39 crossing and fill slopes south of the crossing at Station No. 6485+50.
    d. Section G.4.e.2.A.ii.f. - MVP failed to protect fill slopes. At Station No. 6482+90, fill slopes had erosion rills and gullies, controls were overwhelmed, and sediment deposits were present past the LOD.
    e. Section G.4.e.2.A.ii.j. - MVP failed to prevent sediment-laden water from leaving the site without going through an appropriate device. Sediment deposits were present past the LOD at Station No. 6485+50, because controls in waterbars and fill slopes had been overwhelmed with sediment.

    As a result of the aforementioned violations, NOV No. W20-34-003-JTL was issued to MVP.

29. On August 17, 2020, WVDEP personnel conducted an inspection of the facility in response to a complaint. During the inspection, violations of the following sections of the permit were observed and documented:

    a. Section D.1 - MVP failed to properly operate and maintain all facilities and systems. At Station No. 6613+00, a waterbar was terminating onto the fill slope, causing significant erosion downslope of the outlet leading to controls that needed maintained and/or enhanced.
    b. Section G.4.c - MVP failed to modify the SWPPP when it proved to be ineffective in achieving the objective of controlling pollutants in stormwater discharges.
    c. Section G.4.e.2.A.i.c. – MVP failed to reseed at Station No. 6613+00 where the seed failed to germinate adequately (uniform perennial vegetative cover with a density of 70%) within thirty (30) days.
    d. Section G.4.e.2.A.ii.f. - MVP failed to protect fill slopes. At Station No. 6613+00, fill slopes had erosion due to a waterbar terminating onto the slope, resulting in sediment being deposited into waterbars and associated sumps above Stream S-L35. Run-on was causing erosion, which resulted in sediment being deposited in waterbars downslope of the side cut.

    As a result of the aforementioned violations, NOV No. W20-34-004-JTL was issued to MVP.

30. On September 3, 2020, WVDEP personnel conducted an inspection of the facility in response to reports of spills which occurred after a rain event. During the inspection, violations of the following sections of the permit were observed and documented:

    a. Section D.1 - MVP failed to properly operate and maintain all facilities and systems. Specifically, a sump at the terminus of a waterbar that was discharging onto the right-of-way, an overwhelmed silt fence, and an inadequate silt sock resulted in sediment-laden water leaving the site near Stout Run.
    b. Section G.4.e.2.A.ii.j. - MVP failed to prevent sediment-laden water from leaving the site without going through an appropriate device near Stout Run.

    As a result of the aforementioned violations, NOV No. W20-52-065-RDD was issued to MVP.

31. On September 16, 2020, WVDEP personnel conducted an inspection of the facility in response to a complaint. During the inspection, violations of the following sections of the permit were observed and documented:

    a. Section D.1 - MVP failed to properly operate and maintain all facilities and systems. Specifically, at Station Nos. 6657+00 through 6450+76 and at Station Nos. 6707+00 through 6698+00, erosion was occurring between and within the waterbars on slopes conveying run-off onto fill slopes, causing erosion downslope of the waterbar outlets. Controls were either not being properly implemented or maintained to reduce sheet flow rates.
    b. Section G.4.e.2.A.i.c. – MVP failed to reseed in areas at Station Nos. 6657+00 through 6450+76 and at Stations Nos. 6707+00 through 6698+00 where the seed failed to germinate adequately (uniform perennial vegetative cover with a density of 70%) within thirty (30) days. Lack of reseeding in these areas resulted in slopes becoming destabilized, causing erosion to occur.
    c. Section G.4.e.2.A.ii.f. - MVP failed to protect fill slopes. Specifically, at Station Nos. 6657+00 through 6450+76 and at Stations Nos. 6707+00 through 6698+00, fill slopes were eroded due to the lack of stabilization measures being implemented within the LOD.

    As a result of the aforementioned violations, NOV No. W20-34-005-JTL was issued to MVP.

ORDER FOR COMPLIANCE

Now, therefore, in accordance with Chapter 22, Article 11, Section 1 et seq. of the West Virginia Code, it is hereby agreed between the parties, and ORDERED by the Director:

1. MVP shall immediately take all measures to initiate compliance with all terms and conditions of its permit and pertinent laws and rules.

2. Within thirty (30) days of the effective date of this Order, MVP shall submit for approval a proposed plan of corrective action and schedule, outlining action items and completion dates for how and when MVP will achieve compliance with all terms and conditions of

its permit and pertinent laws and rules. The plan of corrective action shall include, but not be limited to, provisions for proper remediation of all areas identified in this Order where conditions not allowable were observed and documented in waters of the State, as defined in WV Legislative Rule 47CSR2 Section 3.2. In addition, the plan of corrective action shall include, but not be limited to, provisions for submittal of a report which documents that proper remediation of the aforementioned areas has occurred. The plan of corrective action shall make reference to Permit No. WV0116815, Registration No. WVR310667, and Order No. 9925. The plan of corrective action shall be submitted to:

Chief Inspector
Environmental Enforcement - Mail Code #031328
WVDEP
601 57th Street SE
Charleston, WV 25304

Upon approval, the plan of corrective action and schedule shall be incorporated into and become part of this Order, as if fully set forth herein. Failure to submit an approvable plan of corrective action and schedule or failure to adhere to the approved schedule is a violation of this Order.

3. Because of MVP's Legislative Rule and permit violations, MVP shall be assessed a civil administrative penalty of three hundred three thousand seven hundred six dollars ($303,706) to be paid to the West Virginia Department of Environmental Protection for deposit in the Water Quality Management Fund within thirty (30) days of the effective date of this Order. Payments made pursuant to this paragraph are not tax-deductible for purposes of State or federal law. **Payment shall include a reference to the Order No. and shall be mailed to:**

Chief Inspector
Environmental Enforcement - Mail Code #031328
WV-DEP
601 57th Street SE
Charleston, WV 25304

OTHER PROVISIONS

1. MVP hereby waives its right to appeal this Order under the provisions of Chapter 22, Article 11, Section 21 of the Code of West Virginia. Under this Order, MVP agrees to take all actions required by the terms and conditions of this Order and consents to and will not contest the Director's jurisdiction regarding this Order. However, MVP does not admit to any factual and legal determinations made by the Director and reserves all rights and defenses available regarding liability or responsibility in any proceedings regarding MVP other than proceedings, administrative or civil, to enforce this Order.

2. The Director reserves the right to take further action if compliance with the terms and conditions of this Order does not adequately address the violations noted herein and reserves all rights and defenses which he may have pursuant to any legal authority, as well as the right to raise, as a basis for supporting such legal authority or defenses, facts other than those contained in the Findings of Fact.

3. If any event occurs which causes delay in the achievement of the requirements of this Order, MVP shall have the burden of proving that the delay was caused by circumstances beyond its reasonable control which could not have been overcome by due diligence (i.e., force majeure). Force majeure shall not include delays caused or contributed to by the lack of sufficient funding. Within three (3) working days after MVP becomes aware of such a delay, notification shall be provided to the Director/Chief Inspector and MVP shall, within ten (10) working days of initial notification, submit a detailed written explanation of the anticipated length and cause of the delay, the measures taken and/or to be taken to prevent or minimize the delay, and a timetable by which MVP intends to implement these measures. If the Director agrees that the delay has been or will be caused by circumstances beyond the reasonable control of MVP (i.e., force majeure), the time for performance hereunder shall be extended for a period of time equal to the delay resulting from such circumstances. A force majeure amendment granted by the Director shall be considered a binding extension of this Order and of the requirements herein. The determination of the Director shall be final and not subject to appeal.

4. Compliance with the terms and conditions of this Order shall not in any way be construed as relieving MVP of the obligation to comply with any applicable law, permit, other order, or any other requirement otherwise applicable. Violations of the terms and conditions of this Order may subject MVP to additional penalties and injunctive relief in accordance with the applicable law.

5. The provisions of this Order are severable and should a court or board of competent jurisdiction declare any provisions to be invalid or unenforceable, all other provisions shall remain in full force and effect.

6. This Order is binding on MVP, its successors and assigns.

7. This Order shall terminate upon MVP's notification of full compliance with the "Order for Compliance" and verification of this notification by WVDEP.

Robert J. Cooper
Mountain Valley Pipeline, LLC

01/12/2021
Date

Public Notice begin:

Date

Public Notice end:

Date

Katheryn Emery, P.E., Acting Director
Division of Water and Waste Management

Date

Waterbar outlets depicted with arrows near station number 8816+00. Area where temporary water diversion was not installed per SWPPP depicted with red line.

MVP contractor yard facing West toward drainage ditch and entrance.

Facing West toward entrance and wetland located in ditch.

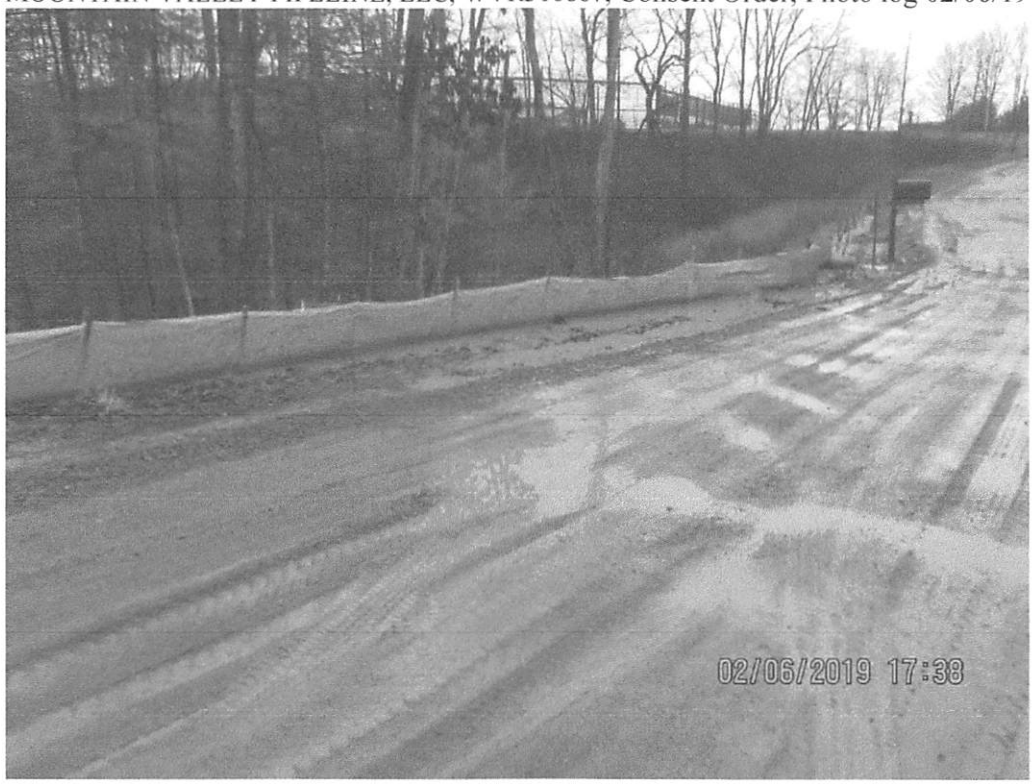
Facing toward wetland in drainage ditch. Sediment-laden water (SLW) present in ditch and wetland.

End of wetland. SLW conveying toward culvert.

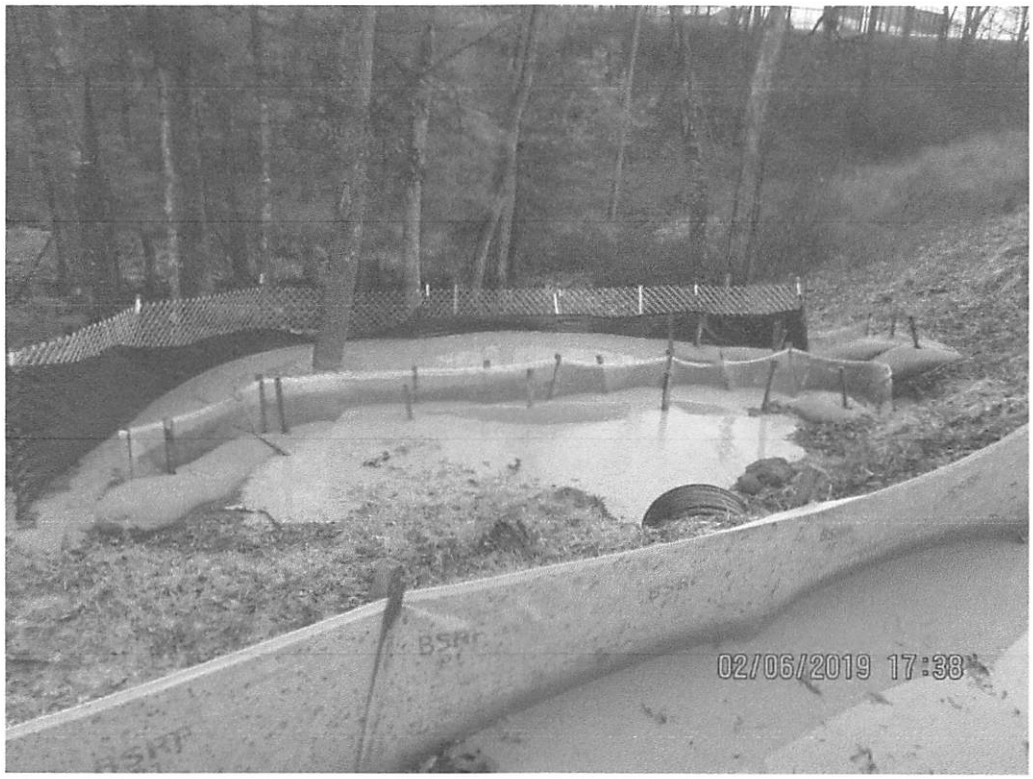
Rock check in ditch with SLW present, draining toward culvert.

Drainage ditch and wetland facing upslope (west).

Ditch facing west (upslope) toward culvert and wetland.



Facing toward culvert outflow and MVP yard entrance.



Culvert outflow into multiple controls with SLW present.

Controls downstream of culvert. SLW going around controls.

SLW flowing past controls and downslope to UNT of Brammer Branch. Back side of silt fence fallen over.

SLW flowing downslope toward UNT of Brammer Branch.

SLW flowing downslope toward UNT of Brammer Branch due to failing controls

SLW flowing toward and entering UNT of Brammer Branch.

SLW entering UNT of Brammer Branch. Stream clear above this location.

SLW entering UNT of Brammer Branch.

Facing Southeast toward UNT of Brammer Branch. SLW flowing from controls and into creek.

UNT of Brammer Branch above location that SLW was entering creek.

UNT of Brammer Branch downstream of culvert that conveys under MVP construction yard entrance.

MVP ROW facing North at Rt 55 crossing at station 6017+50

Waterbar on steep slope leading to outlet near station 6017+50

North side of slope leading to outlet near station 6017+50

Outlet along perimeter control near station 6017+50

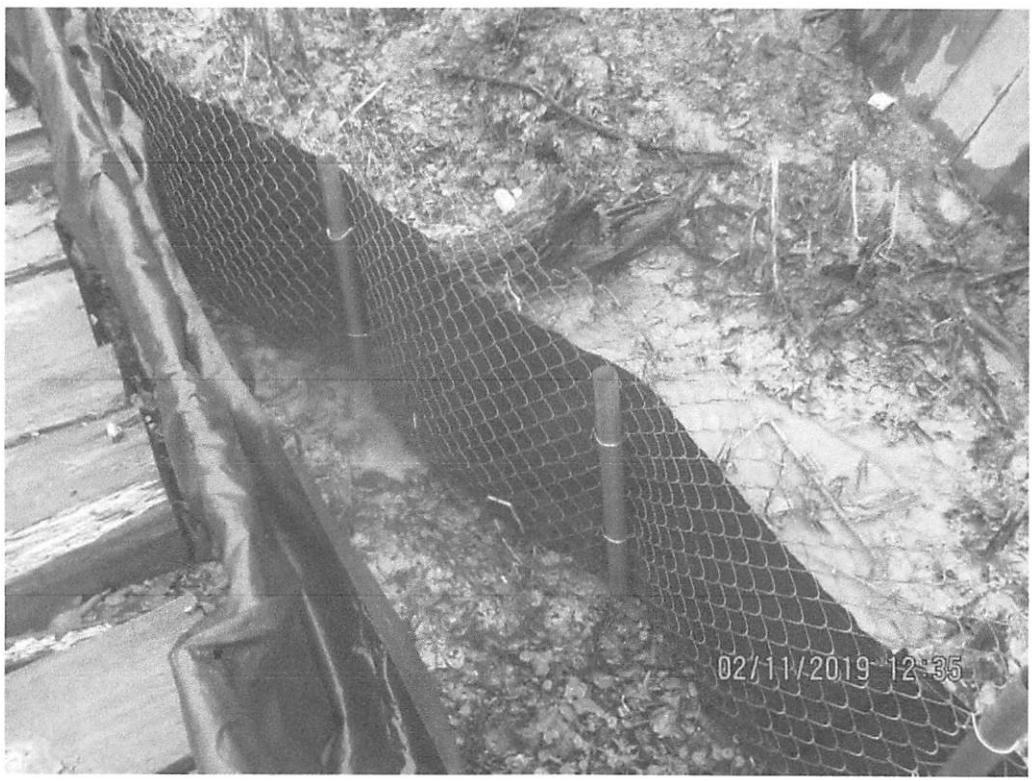
Evidence of sediment being deposited past LOD near station 6017+50

Wetland W-IJ-55 crossing at station 5960+50

Disturbed slope upslope of Wetland Crossing W-IJ-55

Erosion occurring due to runoff from ROW and being diverted to Wetland W-IJ-55

Facing upslope above wetland W-IJ-55



Super silt fence in Wetland W-IJ-55

SLW in Wetland W-IJ-55 migrating toward LOD

Steep slope above Lick creek crossing facing North above station 8633+71 and Stream S-T35(A).

above station 8633+71. Arrow depicts where waterbar conveyed sediment into Stream S-T35(A).

Facing toward cut slope and where waterbars terminated onto ROW. Arrow depicts where waterbars were terminating into cut slope at Station 8633+71.

Facing upslope at station 8633+71. Arrow depicts where erosion is occurring between waterbars.

Waterbars terminating onto ROW at station 8633+71 facing North/Downslope. Arrow depicts waterbar overwhelmed with sediment that impacted stream S-T35(A).

Stream S-T35(A) facing downslope waterbar terminus at Station 8633+71. Waterbar appeared to be directed toward stream. Controls were buried in sediment where erosion was present. Super silt fence was added after clean-up occurred. Sediment deposits were present in stream.

Facing South toward slope with waterbar failure near station 8628+00.

Facing upslope near station 8399+10. Arrows depict waterbar outlets.

Facing upslope near station 8399+10.

Steep slope near station 8399+10 depicting no controls in place

Topsoil pile near station 8387+96 facing South at MVP ROW LOD. Arrow depicts LOD.

Facing toward MVP LOD near station 8387+96. Material had slipped from pile off ROW past LOD. No perimeter controls in place.

Near station 8419+00 facing South. Arrow depicts where material has slipped into P1 silt fence.

Near station 8410+00. Hole in P1 silt fence due to material slipping into controls.

Waterbar outlet above fill slope at station 4031+00 facing downslope.

Waterbar outlet above fill slope at station 4031+00 facing downslope. Sediment deposits past LOD.

Waterbar outlet above fill slope at station 4031+00 facing downslope. Sediment deposits past LOD. Scouring from concentrated flow.

Near station 4031+00 facing downslope. Erosion on ROW where grass had not germinated in travel lane.

Facing toward cut in slope/ROW at station 4031+00. Waterbar had erosion.

above waterbar outlet terminating onto fill slope at station 4031+00.

Waterbar outlet at station 4031+00. Arrow depicts where runoff was flowing around control and causing increased erosion.

Waterbar outlet and diversion berm outlet at station 4031+00. Sediment was being deposited behind controls. Arrow depicts where runoff was flowing around controls.

Diversion berm Outlet 1 at station 4031+00. Controls in need of maintenance.

Downslope of diversion berm Outlet 1. Sediment deposits past LOD. Vegetation was stained form SLW leaving site.

Near station 4031+00 facing downslope at diversion berm Outlet 2. Arrow depicts erosion on fill slope.

Facing upslope near station 4031+00 at diversion berm Outlet 2. Waterbar was terminating onto slope with no controls. Arrow depicts erosion on slope.

below diversion berm Outlet 2 near 4031+00. Scouring of vegetation below control.

further downslope below diversion berm Outlet 2 near 4031+00. Scouring of vegetation below control.

Below diversion berm Outlet 2 near 4031+00. Scouring of vegetation present below control. Sediment deposits were observed approximately 150 ft downslope of controls.

Diversion berm Outlet 3. Sediment being deposited behind controls.

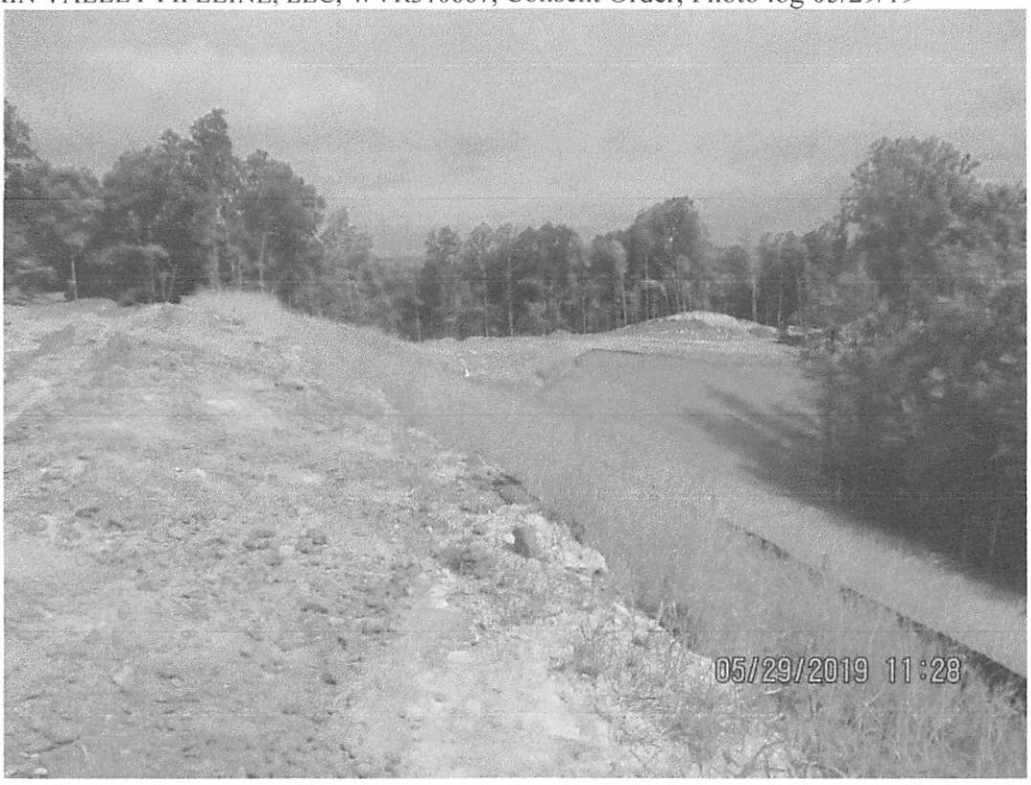
Fill slope with erosion present above diversion berm Outlet 3 near station 4031+00.

Fill slope with erosion present above diversion berm Outlet 3.

Downslope of diversion berm Outlet 3 controls. Scouring of vegetation with sediment deposits present past LOD.

Downslope of diversion berm Outlet 3. Sediment deposits present.

Waterbar outlet above diversion berm Outlet 3. Sump full of sediment and concentrated flow on slope was observed due to controls not functioning as designed. Arrow depicts flow.



At station 4031+00 facing South at MVP ROW and western edge of LOD.

above waterbar outlet at station 4027+00 facing upslope at work area.

Waterbar outlet terminating onto slope at station 4027+00

Perimeter outlet controls below waterbar terminus at station 4027+00.

Sediment deposits present past LOD at station 4027+00 facing downslope of perimeter outlet.

Sediment deposits present past LOD at station 4027+00 facing downslope of perimeter outlet.

Facing upslope near station 4027+00. Arrow depicts waterbar and sediment deposits. Diversion berm installed as perimeter control with multiple outlets.

Waterbar outlet downslope of station 4027+00. Waterbar terminating on slope. Fabric installed below control on slope above perimeter outlet.

near station 4027+00 facing downslope. Erosion present on fill slope. Perimeter control being overwhelmed with sediment, resulting in sediment-laden water being present past controls. According to representative, logging disturbance had taken place.

Erosion present on slope near Station 4017+00. Perimeter controls overwhelmed with sediment.

Near station 4017+00. Waterbar terminating onto slope.

Below waterbar outlet near station 4017+00. Sediment-laden water flowed past LOD.

Below waterbar outlet near station 4017+00. sediment-laden water flowed past LOD. Arrow depicts where run-off was flowing.

Below perimeter controls near station 4017+00. Sediment deposits were present past LOD.

Controls at station 6474+16.

Facing downslope toward Stream S-N10. Scouring of vegetation and sediment deposits were observed below these controls.

Sediment deposits past LOD and controls at station 6474+16. Arrow depicts deposits.

Sediment deposits past the LOD and controls at station 6474+16.

Stream S-N10 facing downstream near station 6478+48

Waterbar outlet terminating onto slope near station 6485+10.

Slope below waterbar terminus. Perimeter controls becoming overwhelmed with sediment.

Pipe outlet below seep. Diversion not stabilized and no rip rap apron installed as required per SWPPP near station 6485+10. The inlet had been cut due to trench being dug.

Waterbar outlet terminating onto slope at station 6485+10.

Waterbar outlet terminating onto slope at station 6485+10. Erosion present on slope above perimeter controls.

Drain outlet above Stream S-EE1. Clean water diversion not stabilized above or below inlet/outlet. Clean water was being conveyed approximately 15 ft across disturbed soil to a sump where the inlet was located. The topsoil pile around the inlet was eroding into the sump. Arrow depicts inlet.

No perimeter control installed per SWPPP on downslope side of fill slope at station 6945+00.

Same area near station 6945+00. Perimeter controls not extended per SWPPP into outlet controls.

Station 6497+50. Perimeter controls not installed per SWPPP. Diversion berm installed, however, arrow depicts section where sediment was being deposited against controls which were not tied-in to berm.

Seep running onto ROW above Stream S-N13. Diversion not stabilized near station 6940+00.

Seep running onto ROW via waterbar above Stream S-N13. Diversion not stabilized near station 6940+00.

Seep running onto ROW via waterbar above Stream S-N13. Diversion not stabilized near station 6940+00.

Construction entrance at Deepwell road crossing facing South at station 6504+20.

Facing upslope at Deepwell road construction entrance near station 6504+20. Erosion present on fill slope and ROW leading to waterbar.

Waterbar with CFS checks installed and scouring topsoil pile below Deepwell road crossing at Station 6508+30.

Waterbar outlet near station 6508+30. Sediment deposits past controls and LOD.

Topsoil pile slipping into waterbar at station 6508+40.

Facing upslope at waterbar and topsoil pile at station 6508+30. Arrow depicts topsoil pile that is slipping into waterbar.

Sediment deposits observed past LOD and controls below waterbar and topsoil pile at station 6508+30.

Waterbar at station 6510+40 facing upslope.

Waterbar outlet at station 6510+40 facing upslope. Sediment deposits were observed past LOD and were conveyed toward Wetland W-N18.

Sediment deposits downslope of waterbar outlet at station 6510+40.

Sediment deposits and SLW traveling downslope at station 6510+40. Seep was present in cut next to topsoil pile. Channel was not stabilized and conveyed to a sump with a slope drain that crosses ROW. Arrow depicts seep. Black arrow shows sump with slope drain inlet.

Sump present downslope of seep with culvert inlet at station 6510+40.

Culvert outlet downslope of seep at Station 6510+40.

Downslope of slope drain outlet below seep coming onto ROW at Station 6510+40. SLW and sediment overwhelming controls.

Sediment deposits and SLW observed past controls and LOD at station 6510+40 downslope of sump drain outlet.

SLW and sediment deposits observed past controls and LOD near station 6510+40 approximately 200 ft past LOD and downslope of sump outlet.

Erosion (Red Arrow) and Sediment/SLW overwhelming perimeter controls at ATWS-22-7A at station 6514+60. Sediment deposits observed past controls and LOD.

Construction entrance at the Route 82 crossing at station 5539+00. Arrow depicts culvert inlet.

Roadside ditch and culvert outlet. Sediment-laden water being conveyed downslope.

Sediment deposits and sediment-laden water being conveyed past the LOD along Route 82.

Sediment deposits in roadside ditch that parallels route 82. Arrow depicts culvert intake that conveys under route 82.

Upslope of culvert intake that conveys under route 82.

Sediment deposits approximately 500 ft past the LOD downslope of construction entrance.

Station 7590. Waterbar outlet was overwhelmed with sediment and deposits were present past the LOD.

At station 7590 downslope of waterbar outlet sediment deposits were present past the LOD.

200 ft upslope of Krosier road crossing. Waterbar outlet in need of maintenance. Controls overwhelmed with sediment. Deposits present past LOD.

200 ft upslope of Krosier road crossing. Deposits present past LOD downslope of waterbar outlet.

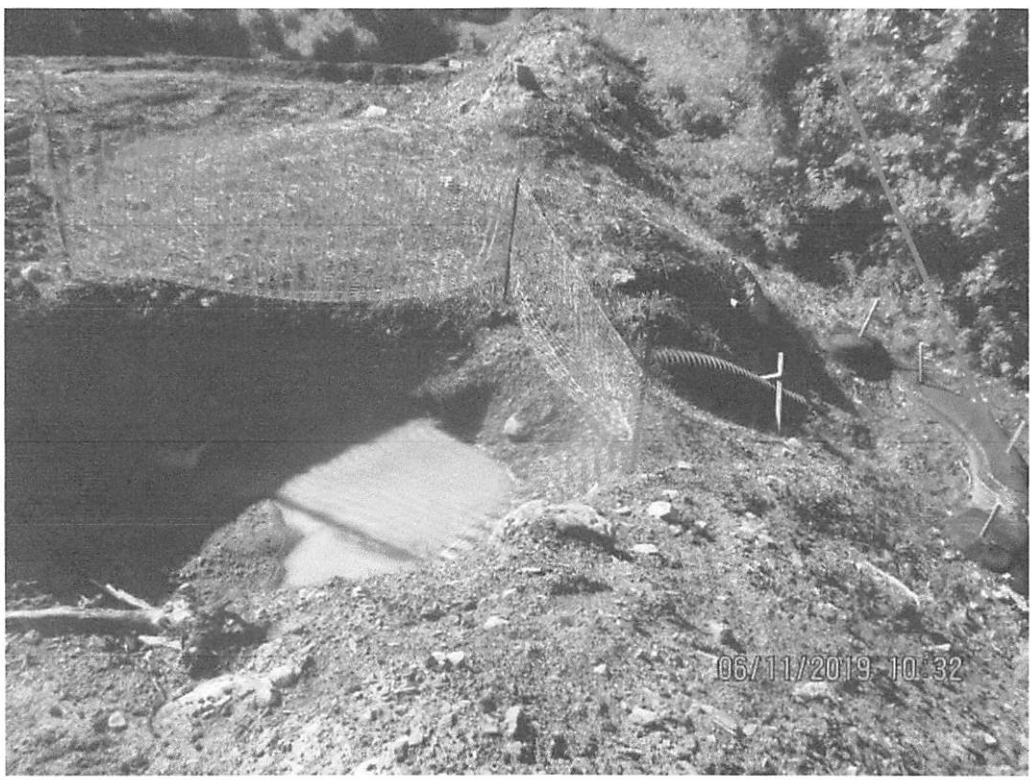
Upper Krosier Road Crossing facing East.

Upper Krosier Road Crossing facing West. Arrow depicts culvert outlet that flows downslope.

Culvert outlet with sediment deposits in ditch line. Erosion present on slope above outlet. Arrow depicts deposits present in ditch.

on Krosier road facing east at additional workspace and ROW crossing. Mud and sediment present on road. Run-off flowing toward culvert inlet along Krosier road. Arrow depicts culvert inlet location.

Culvert inlet with sediment present around the inlet at Krosier road ROW crossing. Downslope of additional workspace and upslope of construction entrance and crossing.

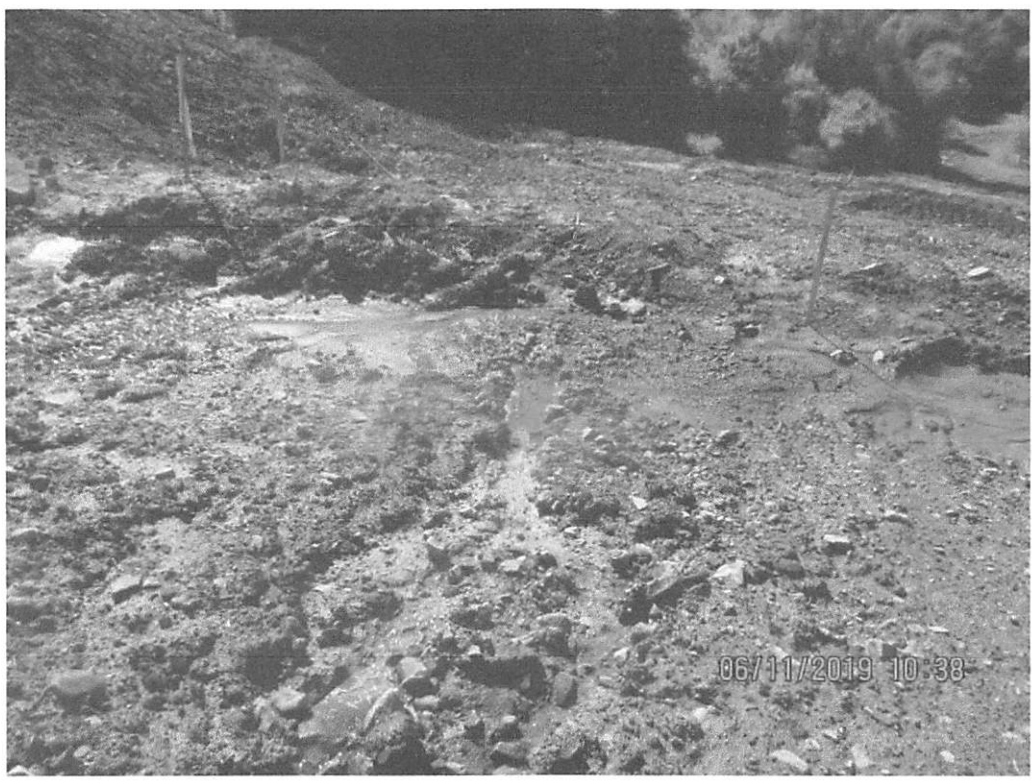


Downslope of Krosier Road Crossing near station 7576+01. Waterbar outlet perimeter controls in need of maintenance. SLW and deposits were present past controls and LOD. Arrow depicts sediment backed up behind controls causing SLW to overtop the control.

Perimeter control being overtopped with SLW and sediment backed up behind control.

Downslope of Krosier Road Crossing near station 7576+01. SLW and deposits were present past controls and LOD.

Below upper Krosier Road crossing near station 7576+01 facing North. Erosion present on slope due to seep running onto ROW.



Below upper Krosier Road crossing near station 7576+01 facing South at waterbar. Erosion present on slope due to seep running onto ROW. Sediment deposited in waterbar.

Below upper Krosier Road crossing near station 7576+01 facing toward waterbar outlet. Erosion present on slope due to seep running onto ROW causing sediment to be deposited in waterbar.

Below upper Krosier Road crossing near station 7576+01 facing downslope below waterbar outlet. Arrow depicts where run-off was flowing around controls and causing erosion downslope of controls.

at station 7576+01 downslope of waterbar with sediment deposits due to run-on from seep. Controls overwhelmed with sediment. Erosion on slope, SLW, and deposits observed past LOD and controls.

Station 7576+01 downslope of waterbar with sediment deposits due to run-on from seep. SLW and deposits observed past LOD and controls.

Facing South toward Route 60 and Meadow River ROW crossing near station 7604+41.

Waterbar outlet near 7604+41. Sump and perimeter controls in need of maintenance. Sediment deposited behind perimeter controls.

Downslope of waterbar outlet near 7604+41. Perimeter controls in need of maintenance. Sediment deposited behind perimeter controls. Sediment deposits observed past controls and LOD.

Downslope of waterbar outlet near 7604+41. Sediment deposits observed past controls and LOD.

Above Station 7604+41. Waterbar with sediment deposits due to erosion upslope. Sump was full of sediment and needed maintained. Arrow depicts sediment in waterbar and sump.

Above station 7604+41. Waterbar had sediment from erosion, causing sump to be full of sediment.

Above Station 7604+41. Controls below waterbar and sump had sediment due to erosion. Perimeter controls being overwhelmed with sediment.

Above Station 7604+41. Perimeter controls overwhelmed with sediment.
Sediment deposits present past LOD.

Above station 7604+41. Perimeter controls overwhelmed with sediment. Sediment deposits observed past controls and LOD.

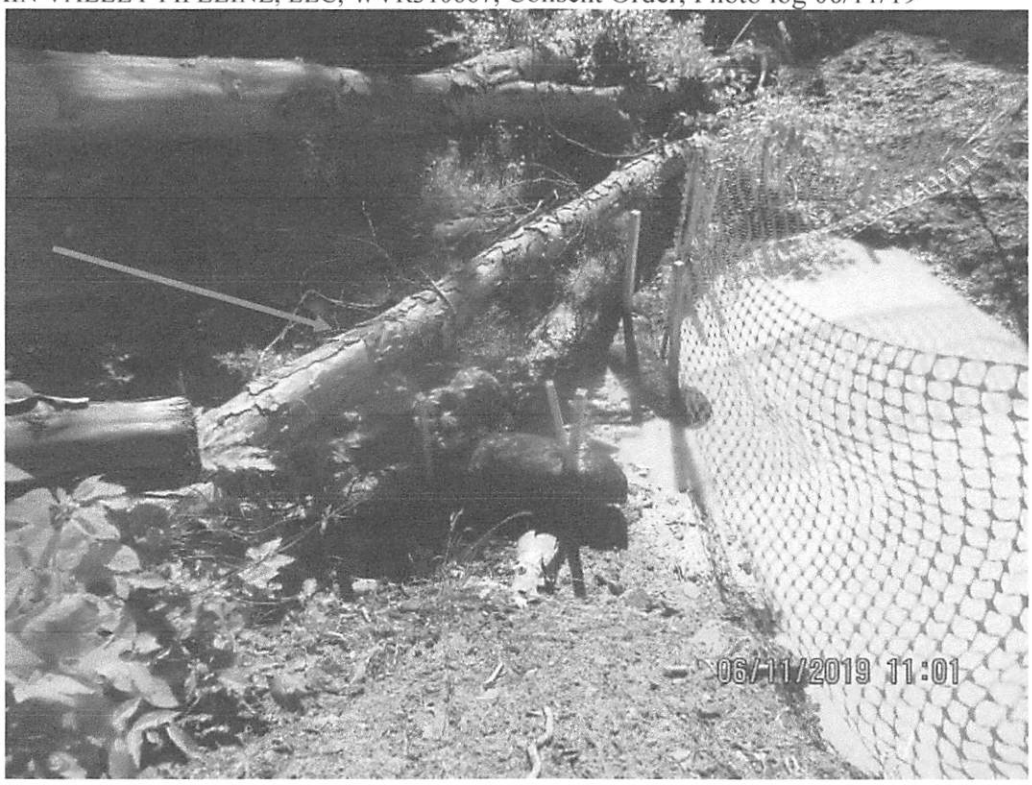
Above Lower Krosier Road crossing. Erosion present on ROW above Waterbar. Facing upslope near station 7604+41.

Above Lower Krosier Road crossing. Erosion present on ROW above waterbar. Sediment being deposited in waterbar and sump, overwhelming sump and perimeter controls near station 7604+41.

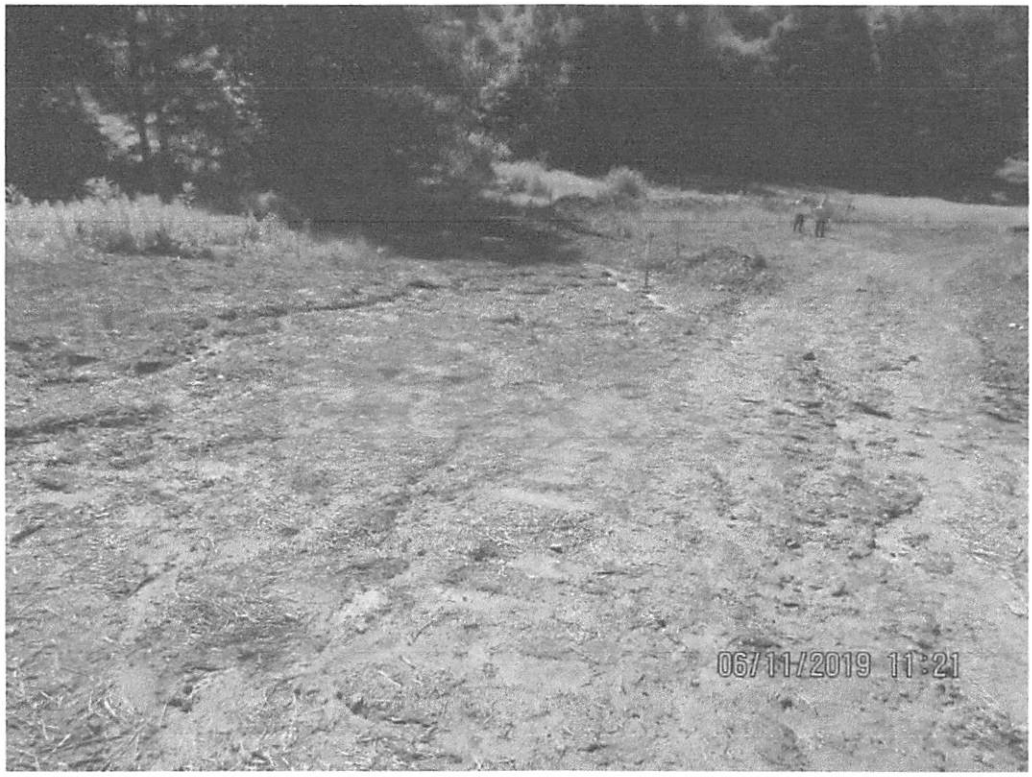
Above Lower Krosier Road crossing. Erosion present on ROW above waterbar. Sediment being deposited in waterbar and sump, overwhelming sump and perimeter controls near station 7604+41.

Above Lower Krosier Road crossing. Erosion present in waterbar near station 7604+41.

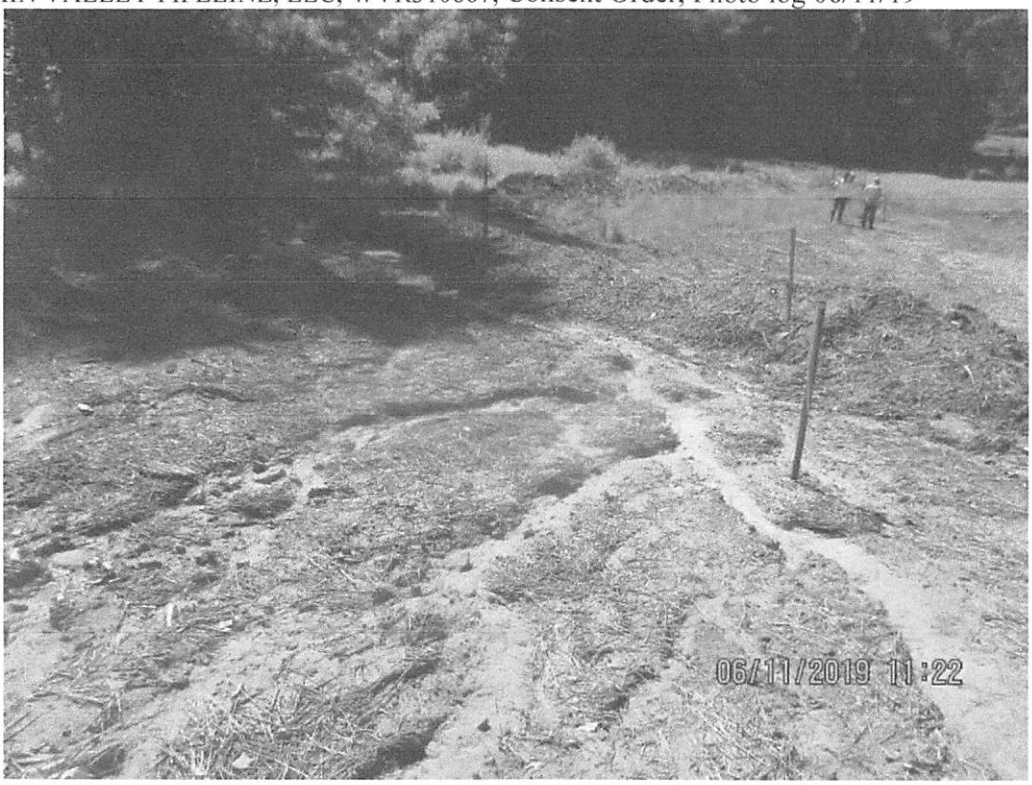
Above Lower Krosier Road crossing. Erosion present in waterbar causing sediment to be deposited in sump. Sump in need of maintenance.



Above Lower Krosier Road crossing. Sediment and SLW overwhelming sump and perimeter controls near station 7604+41. Sediment deposits and SLW past controls and LOD.



Facing South (Downslope) at station 7609+50. Waterbar receiving sediment due to erosion on slope.

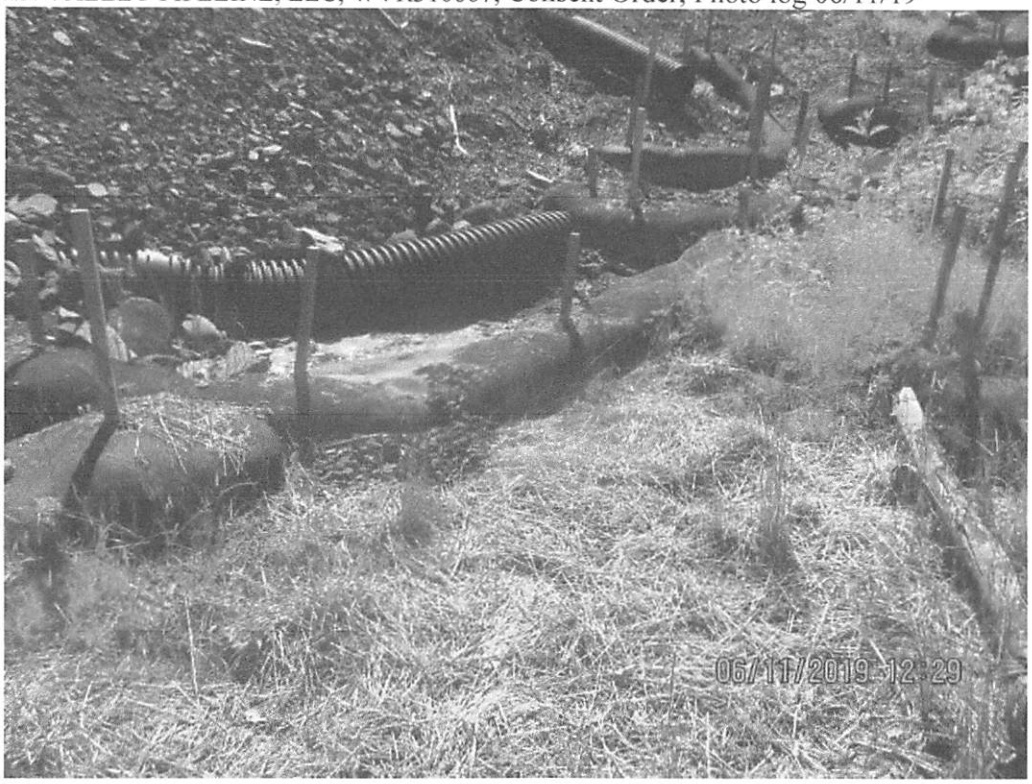


Facing South (Downslope) at station 7609+50. Waterbar receiving sediment due to erosion on slope. Controls overwhelmed with SLW and sediment.

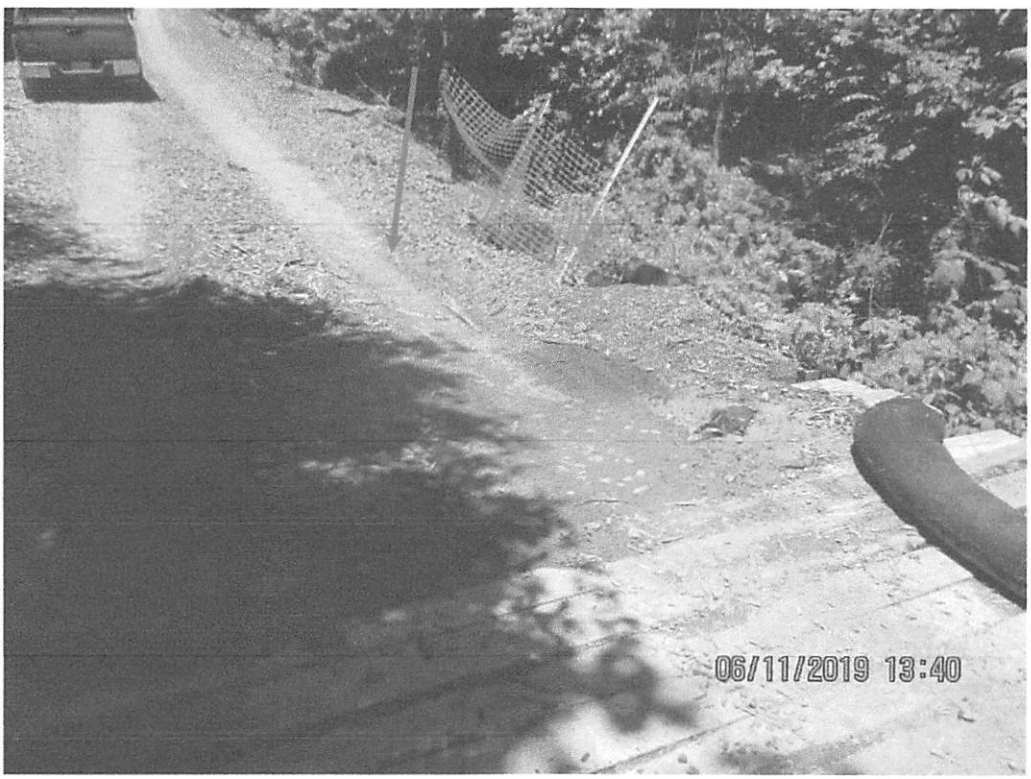
Facing South (Downslope) at station 7609+50. Waterbar outlet controls overwhelmed with SLW and deposits.

Facing South (Downslope) at station 7609+50. Waterbar outlet controls overwhelmed with SLW and deposits. Deposits observed past controls and LOD above wetland W-QR2. This is an area of concern due to deposits potentially being transported into a stream that was not delineated and parallels the LOD and terminates back onto the ROW above the Meadow River.

at station 7636+00 at waterbar outlet and slope drain. Slope drain was being undercut. Sediment was overwhelming perimeter control. Sediment deposits observed past controls and LOD.

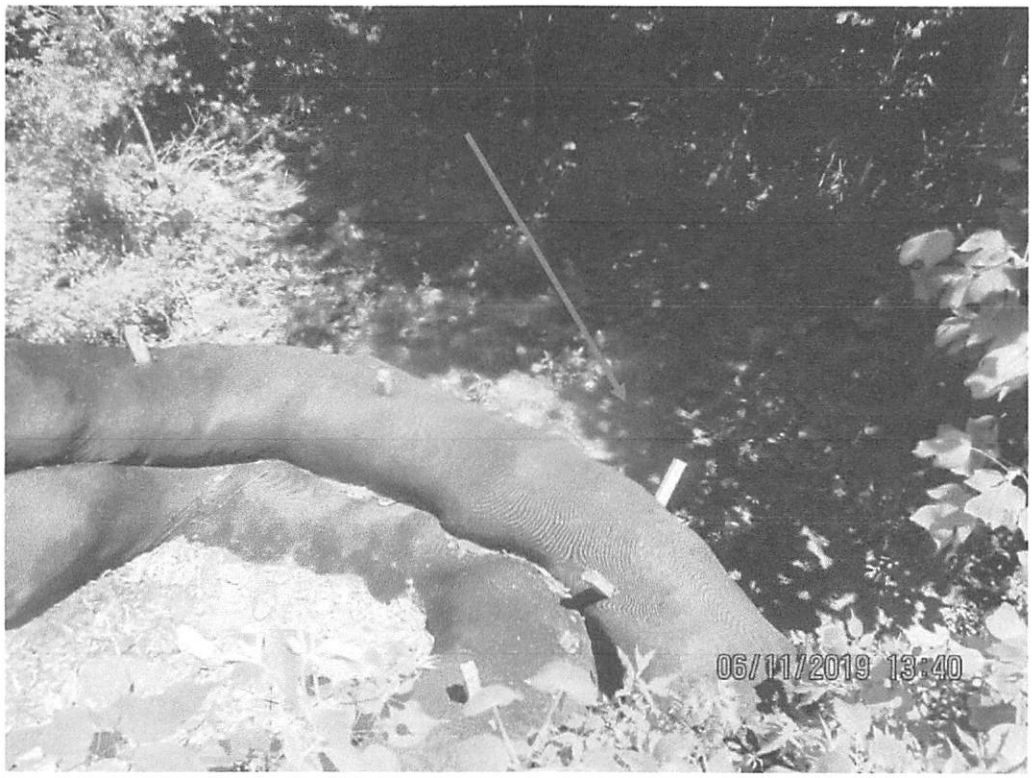


at station 7636+00 at waterbar outlet and slope drain. Slope drain was being undercut. Sediment was overwhelming perimeter control. Control in need of maintenance.



Facing up grade on Access Road 192.5 at wetland crossing W-V6. SWPPP detailed waterbar above this crossing. waterbar had been eroded and was barely distinguishable. Arrow depicts where waterbar was installed and terminated on road bank (slope).

Wetland W-V2 crossing with AR-182.5. Sediment tracked onto bridge migrated past controls and into wetland. Arrow depicts deposits.



Controls below culvert outlet and bridge crossing with AR-182.5. Sediment deposits and SLW observed past these controls and LOD. Arrow depicts deposits.

Further downslope of culvert outlet and bridge crossing with AR-182.5, below second culvert outlet where P1 silt fence was installed. Sediment deposits and SLW present past LOD. Arrows depict outlet controls and where SLW and deposits were observed.

Pipe slope drain terminating onto ROW above controls (Dargo silt fence).

below Dargo Silt fence facing upslope at controls.

Downslope past Dargo silt fence. Sediment deposits observed past LOD and low-lying area not delineated as a wetland.

South Side slope facing downslope (North) at Dargo Silt fence. Red Arrow depicts where slope drain terminated onto ROW.

Upslope of Dargo silt fence. Facing South toward AR-221. Arrow depicts where dozer work was ongoing during inspection and controls needed maintenance.

Controls below where dozer work was taking place. Sediment deposits observed below these controls at station 9780+00.

Below controls at station 9780+00 facing downslope at sediment deposits and scouring of leaf litter. Arrow depicts deposits.

Sediment deposits below and past controls/LOD at station 9780+00. Arrow depicts deposits.

Scoring and sediment deposits below controls at station 9780+00. Red Arrow depicts deposits. Blue arrow depicts controls at edge of LOD.

Waterbar outlet and primary controls at Station 6587+00 facing toward Additional Workspace and CR 18.

Waterbar outlet with enhanced secondary controls added at Station 6587+00.

Downslope of waterbar outlet controls at Station 6587+00. Arrow depicts sediment deposits.

Downslope of waterbar outlet controls at Station 6587+00. Arrow depicts sediment deposits.

Sediment deposits present above Stream S-L38 near Station 6587+00.

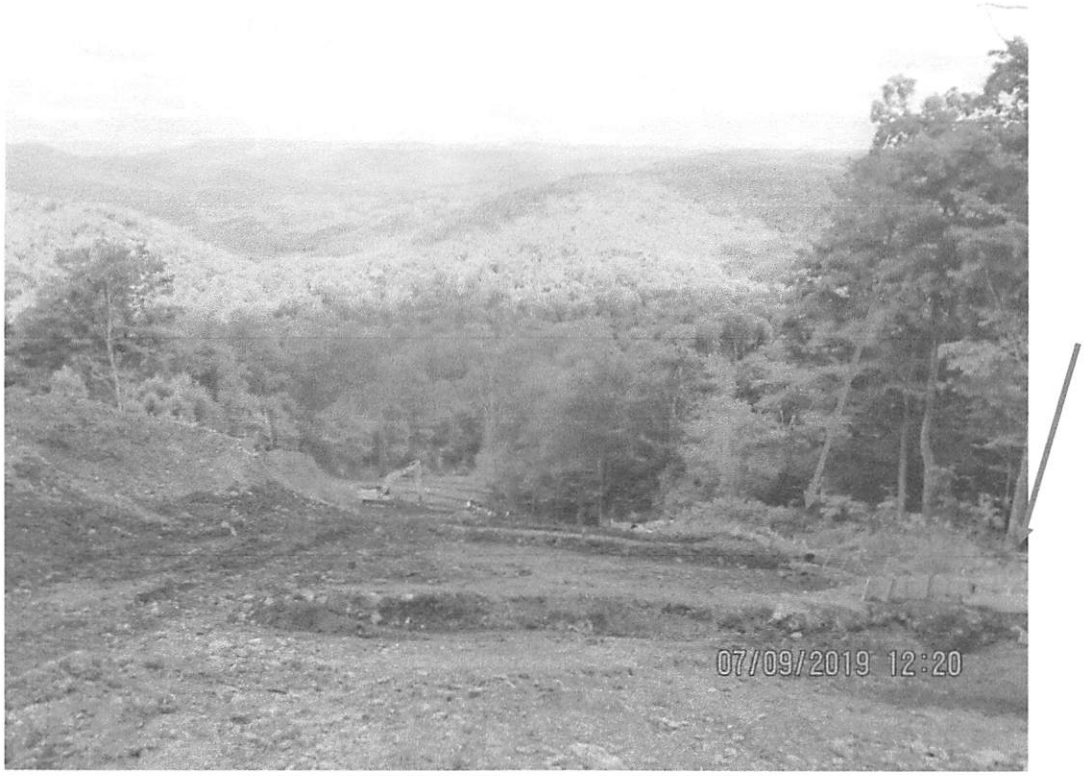
Sediment deposits above Stream S-L38 near Station 6587+00. Arrow depicts stream location.

Scouring of stream bank below sediment deposits observed above Stream S-L38 near Station 6587+00.

Sediment deposits below scouring on stream bank of S-L38 and below controls approximately 75 ft downslope of Station 6587+00. Arrow depicts sediment deposits.

Stream S-L38 facing downstream at MVP ROW crossing near Station 6587+00.

Stream S-L38 facing upstream at MVP ROW crossing near Station 6587+00.



Overview of Lick Creek basin facing North above Station 8634+00 on upper section of slope. Arrow depicts cut into natural grade that continues down to lower portion of slope.

Above Stream S-T35A near station 8634+00 facing toward the East side of the LOD. Arrows depict the original cut to grade ROW that created a wall, preventing proper waterbar outlet installation.

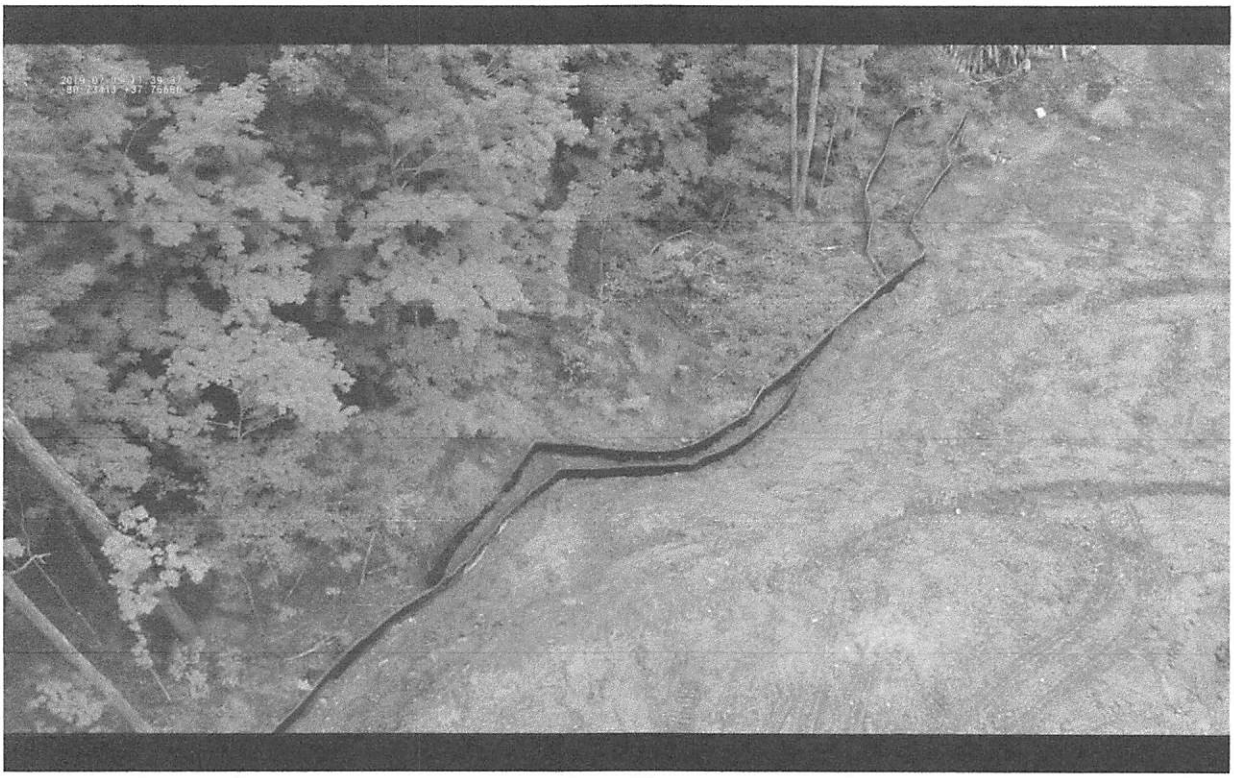
Overview of upper portion of slope near station 8634+00. Arrow depicts cut original cut that created a "wall" effect not allowing for proper waterbar outlets to be installed per the SWPPP.

Lower portion of slope with flume pipe system. Arrow depicts where single outlet received concentrated flow from run-off. Impacts occurred to East side of LOD.

View above Stream S-T35A and station 8634+00 facing East side of LOD. Arrow depicts off-site impacts.

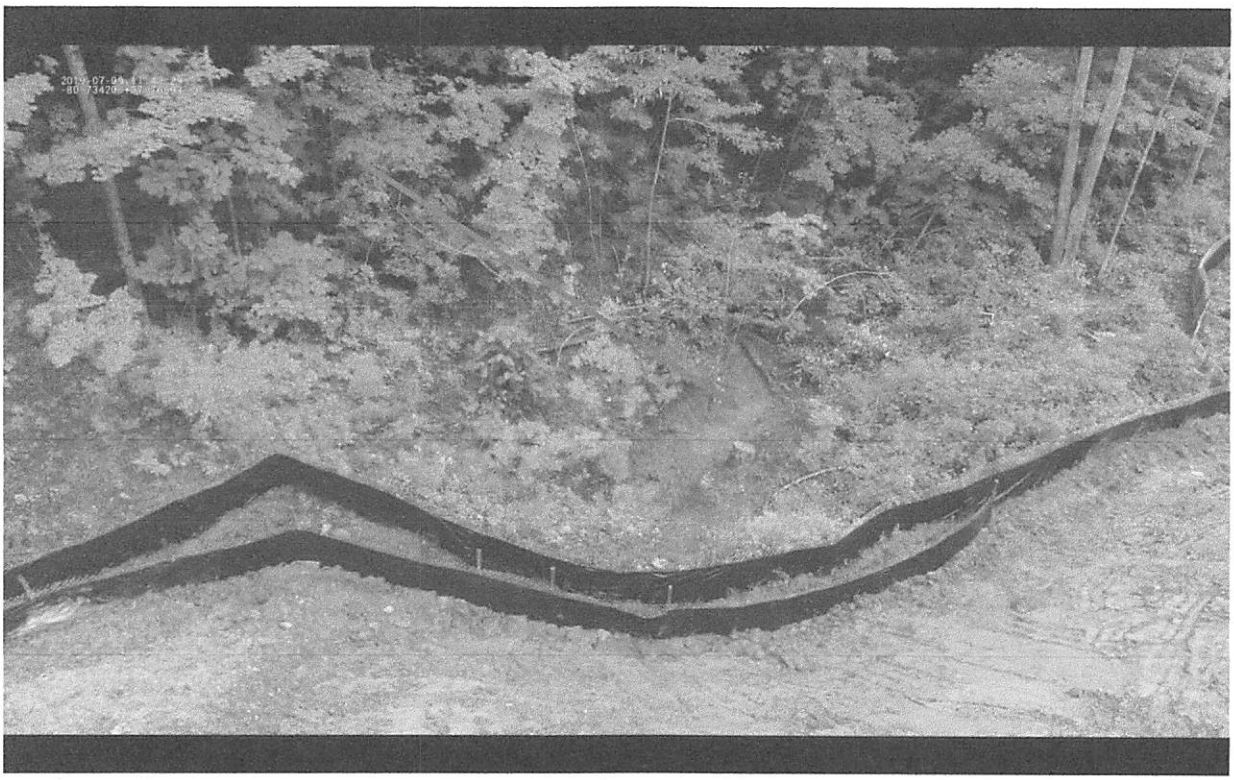
View above Stream S-T35A and station 8634+00 facing East side of LOD. Arrow depicts off site impacts.

View of East and West side of MVP ROW and LOD. Red arrow depicts last waterbar at base of slope, which was overwhelmed. Blue arrow depicts stream S-T35A. Orange arrow depicts where additional waterbars were installed to redirect run-off toward East side of LOD.



Stream S-T35A at station 8634+00 at the West side of the LOD. Arrow depicts additional super silt fence installed after impacts. Sediment deposits in stream.

Additional waterbars added to re-direct run-off to East side of LOD. Arrow depicts sediment in stream S-T35A.



Additional waterbars added to re-direct run-off to East side of LOD. Arrow depicts sediment deposits in stream S-T35A.

Facing North at MVP ROW near station 3192+50. Arrow depicts where waterbar was terminating onto ROW and failed causing pipe trench to become overwhelmed with sediment-laden water.

Open trench at base of slope that was overwhelmed with sediment-laden water at station 3192+50. Arrow depicts erosion present on slope above open trench/sump.

Sediment-laden water in ditch that parallels CR 23 at station 3192+50.

Sediment deposits and sediment-laden water present in ditch that conveys under ROW construction entrance, connects to elbow, conveys under CR23, and outlets on South side of road above Stream S-UV12.

Culvert outlet that conveys under ROW construction entrance. Sediment deposits and SLW present in ditch.

Ditch line past LOD and MVP ROW entrance along CR 23 at station 3192+50.

Culvert outlet depicted by arrow. Outlet from elbow that occurs under construction entrance and conveys under CR 23.

Above Stream S-UV12. Culvert outlets where sediment-laden water was conveyed that overtopped controls.

Controls below culvert outlets at station 3192+50. Sediment had been removed from behind controls and new controls had been installed. Sediment-laden water had left the site.

Fill slope erosion occurring at station 3159+46 facing edge of MVP LOD. Sediment deposits observed past the LOD.

Facing downslope toward LOD at station 3159+46. Arrows depict fill slope erosion.

Area where sediment deposits were observed due to fill slope erosion at station 3159+46. Arrow depicts ditch line where deposits were present.

Sediment deposits present in ditch line that parallels MVP LOD at station 3159+46.

Sump at waterbar terminus near station 3151+47. Sediment deposits present past LOD due to lack of sump maintenance.

Sump at waterbar terminus near station 3151+47. Sediment deposits present past LOD due to lack of sump maintenance. Sump becoming overwhelmed with sediment.

Scouring of vegetation and sediment deposits present past LOD near station 3151+47. Arrow depicts sediment deposits.

Sediment deposits past LOD near station 3151+47. Arrow depicts sediment deposits.

Waterbar with erosion at station 3149+00.

Waterbar terminus and sump at station 3149+00. Sump full of sediment and sediment deposits past LOD.

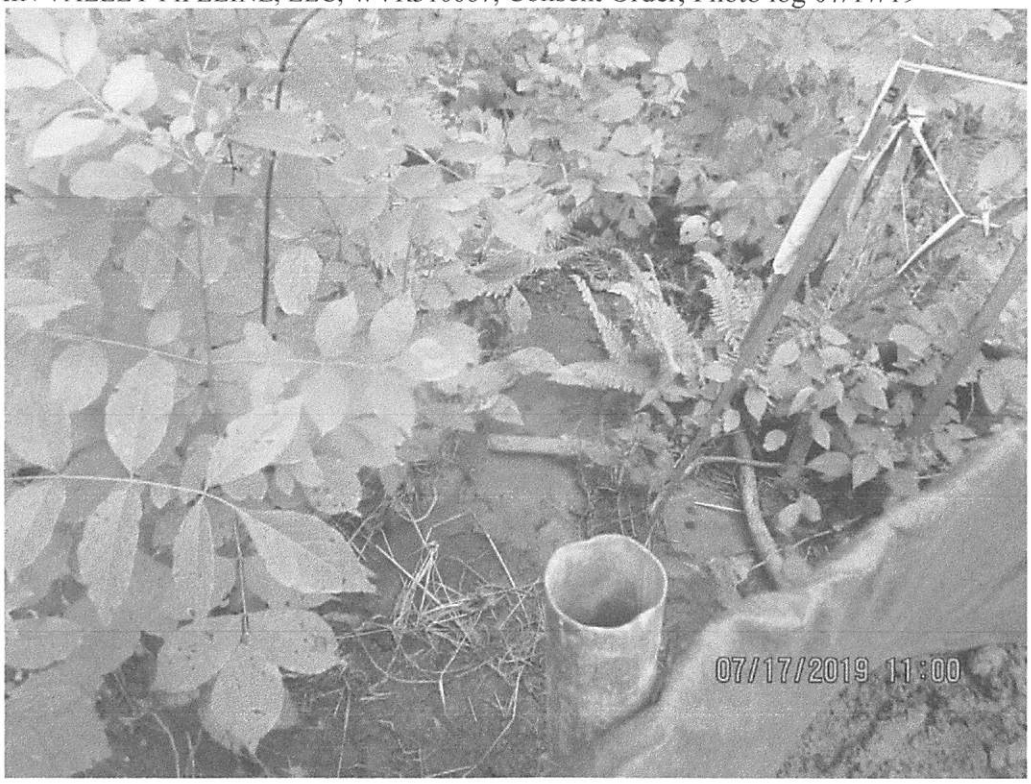
Below waterbar terminus at station 3149+00. Sediment deposits observed past LOD.

Below waterbar terminus at station 3149+00. Sediment deposits observed past LOD.

Upslope of Streams H-154 and H-153 near station 3147+11. Arrow depicts diversion berm on edge of LOD installed on steep slope.

Diversion berm with erosion present above stream S-H154 at station 3147+11. Silt fence installed on steep slope where channelized/concentrated flow was occurring.

Controls at base of diversion berm. Sediment deposits had been removed from behind controls and new fabric installed over super silt fence at station 3147+11.



Sediment deposits past the LOD at station 3147+11 above Stream S-H154.

Facing downslope at station 3146+00 toward stream S-H153. Diversion berm installed on slope leading to sump above stream.

Sump at base of slope where diversion berm terminates above Stream S-H153. Slope drain installed in sump overwhelmed with sediment which was conveyed past the LOD. Arrow depicts slope drain inlet approximate location.

Slope drain conveying across ROW and terminating past LOD and controls. Control failures occurred in this location and impacted stream S-H153.

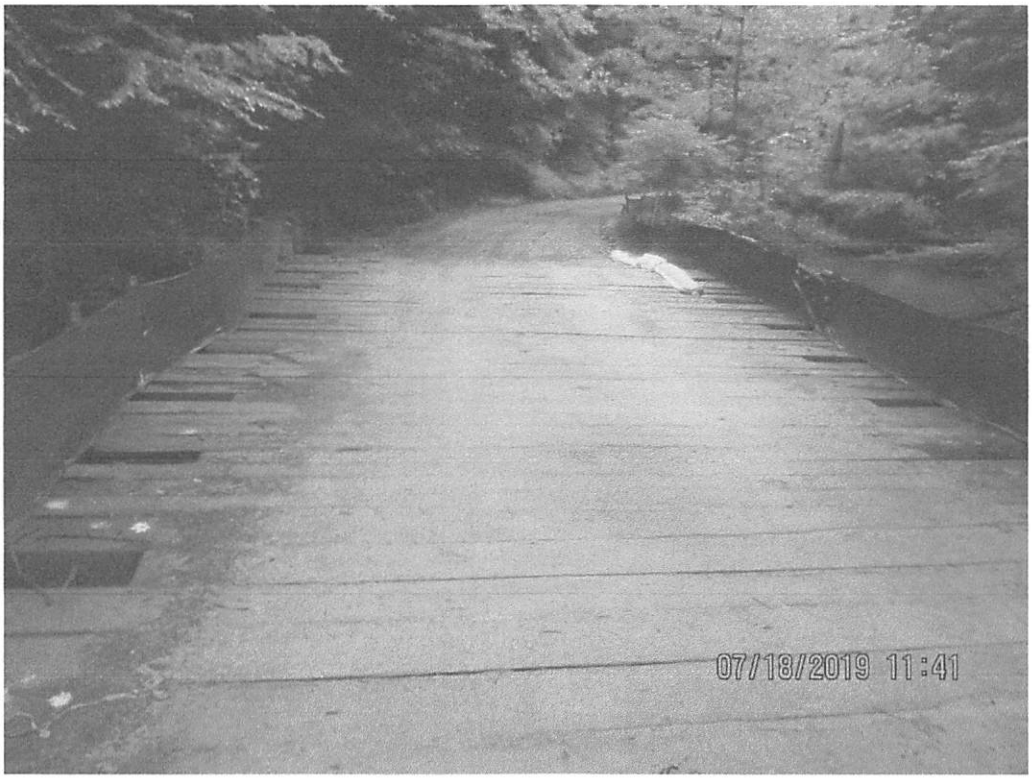
Pipe slope drain extended past LOD and controls, terminating above Stream S-H153. Arrow depicts drain outlet location.

Facing upstream toward impacts to Stream S-H153 reported to spill hotline. Arrows depict where impacts occurred on North side of stream.

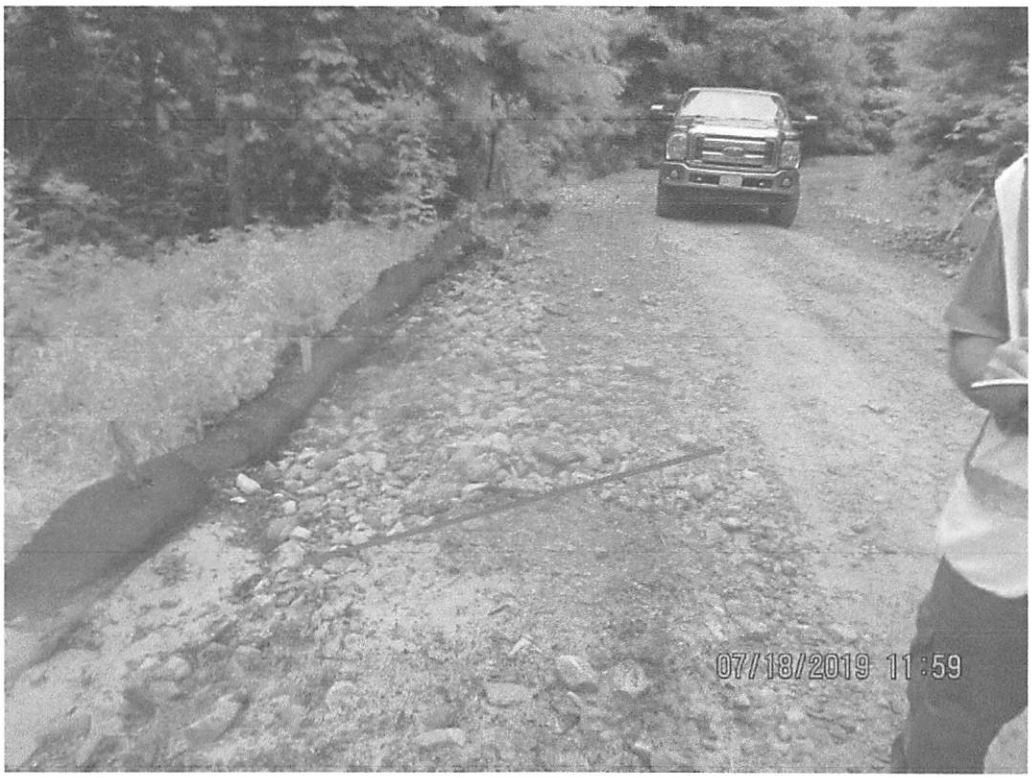
Controls at bridge that crosses Stream S-H153. Controls were overwhelmed with sediment.

Facing downslope on opposite side of Stream S-H153. Arrows depict where control failures occurred.

Sediment deposits past controls and LOD at station 3136+00. Log piles placed behind controls.



Access Road MVP-WB-119 crossing with Stream SB-02 (Narrows Run) a tributary of Holly River.



Facing perimeter controls along access road MVP-WB-119. Controls were overwhelmed with sediment.

Perimeter controls along MVP-WB-119 overwhelmed with sediment with sediment deposits past the LOD. Arrow depicts sediment deposits.

Waterbar installed on Access Road MVP-WB-119. Ditch line had rock checks present. Sediment deposits overwhelmed perimeter controls downslope of waterbar.

Downslope of waterbar outlet terminating on slope. Controls overwhelmed with sediment and deposits were present past the LOD and Controls. Arrow depicts sediment deposits.

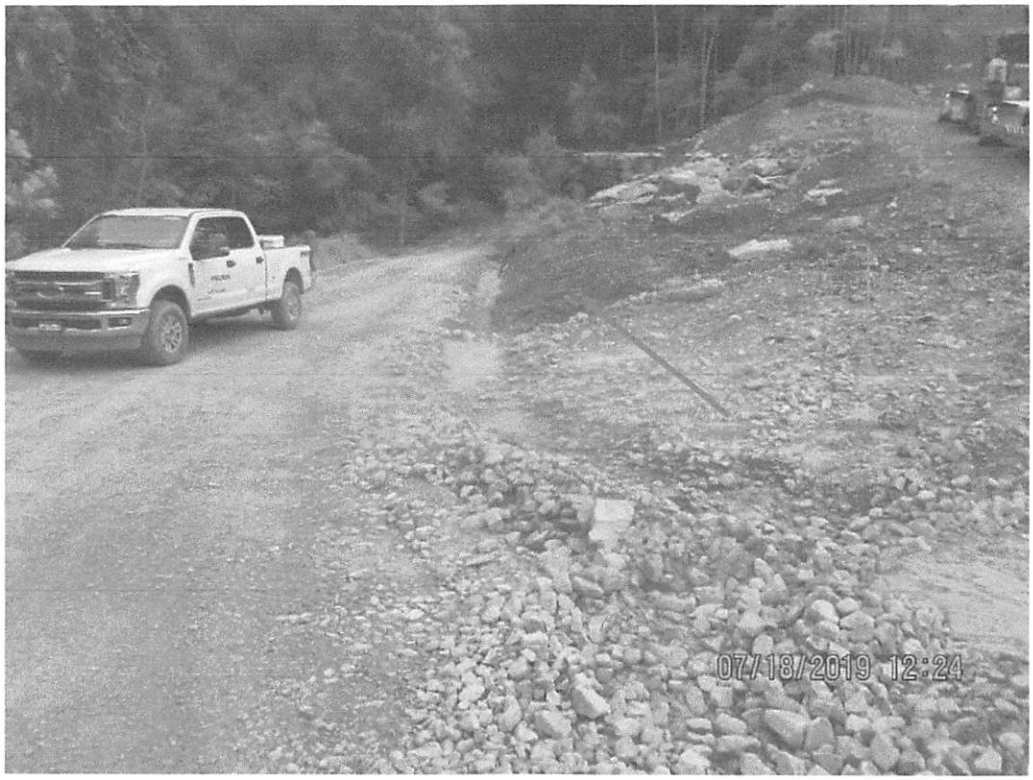
Perimeter controls overwhelmed with sediment along access road MVP-WB-119

Section of MVP-WB-119 with no perimeter controls installed. Sediment deposits were observed past the LOD.

Section of MVP-WB-119 with no perimeter controls installed. Sediment deposits were observed past the LOD throughout the vegetated area downslope of the road.

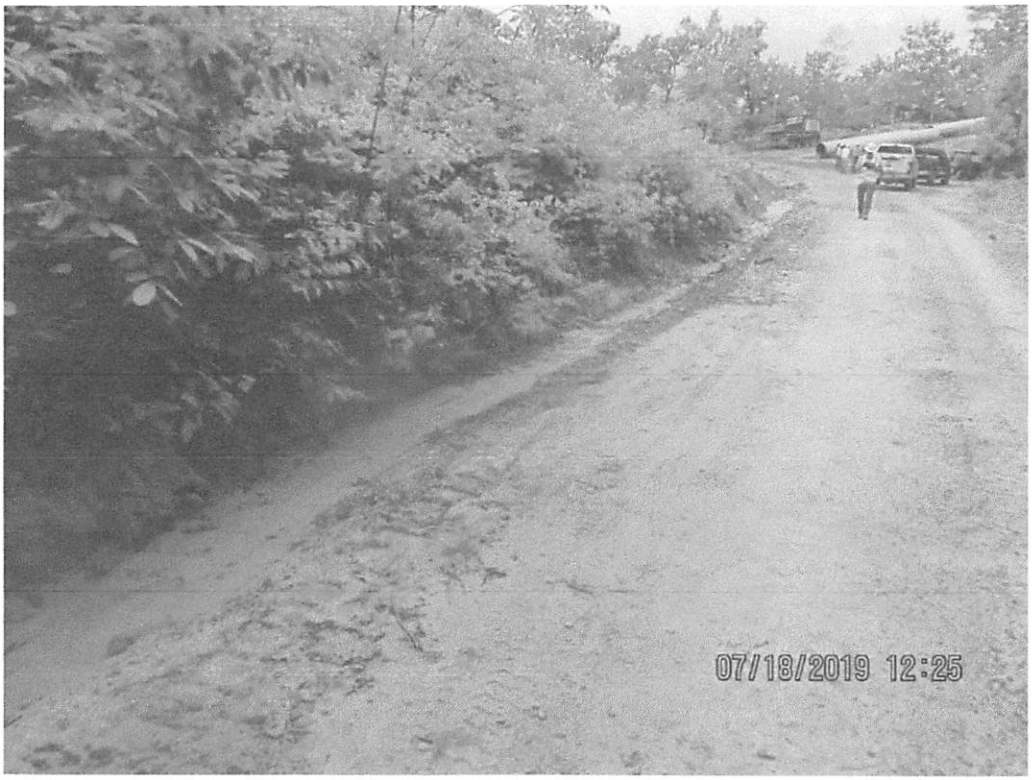
Section along Access road MVP-WB-119 where rock washed out past LOD. No controls present on downslope edge of road. Sediment deposits observed past LOD.

Section along Access road MVP-WB-119 where rock washed out past LOD. No controls present on downslope edge of road. Sediment deposits observed past LOD. Arrow depicts deposits.



At station 4559+96 facing Access Road MVP-WB-119. Sediment deposits present in roadside ditch.

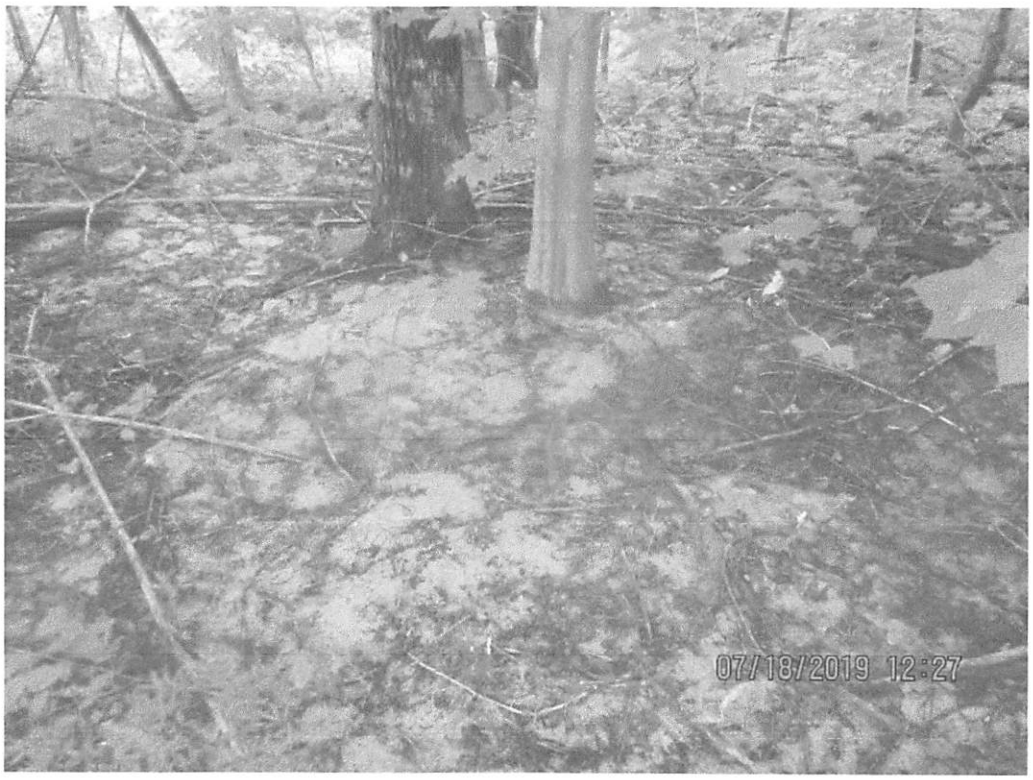
At station 4559+96 facing Access Road MVP-WB-119. Sediment deposits present in roadside ditch.



Downslope from station 4559+96 from Access Road MVP-WB-119 facing toward MVP ROW. Sediment deposits present in roadside ditch.

Downslope of station 4559+96 on Access Road MVP-WB-119. Sediment deposits present in roadside ditch and conveying to culvert inlet. Arrow depicts approximate location of culvert inlet.

Downslope of culvert outlet. Significant sediment deposits present past controls and LOD.



Downslope of culvert outlet. Significant sediment deposits present past controls and LOD.

Downslope of culvert outlet. Significant sediment deposits present past controls and LOD. Arrows depicts examples of deposits observed.

Waterbar outlet on opposite side of ROW at station 4559+96. Controls undercut and sediment deposits observed past controls and LOD.

Waterbar outlet on opposite side of ROW at station 4559+96. Controls undercut and sediment deposits observed past controls and LOD. Arrow depicts undercut controls.

Waterbar outlet on opposite side of ROW at station 4559+96. Controls undercut and sediment deposits observed past controls and LOD.

Near station 4559+96 facing ROW fill slope.

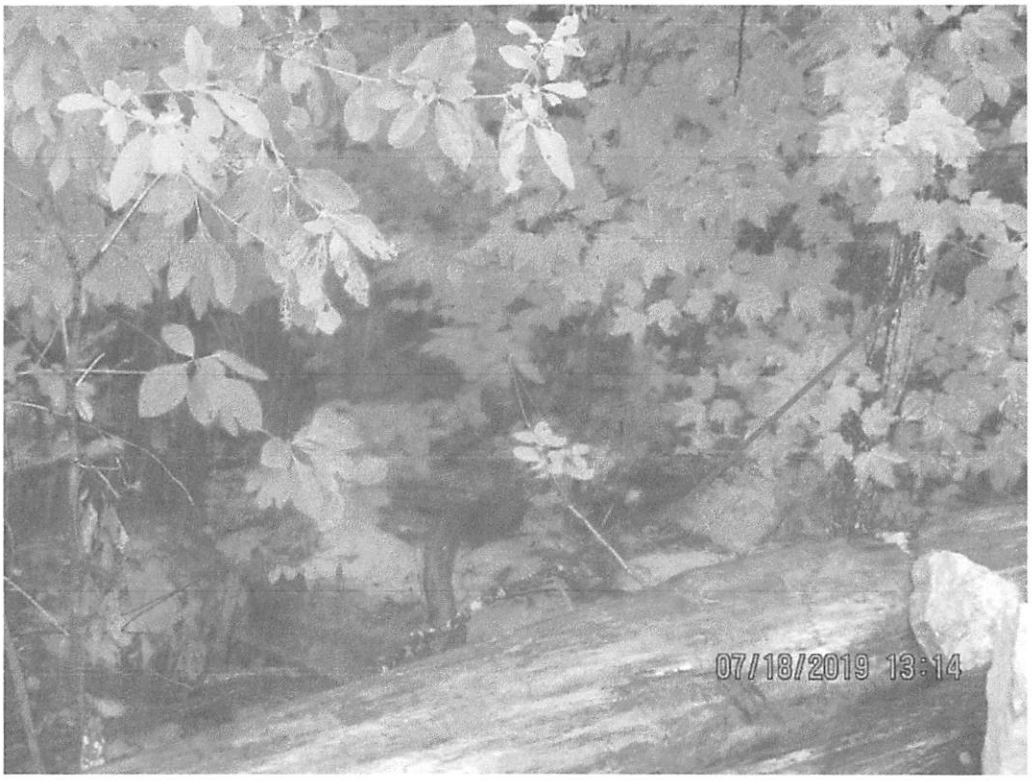
Near station 4559+96, erosion present on fill slope. Arrows depict erosion.

Above station 4539+00 during rain event. Sump full of sediment and in need of maintenance. Sediment-laden water undercutting silt fence and flowing past LOD.

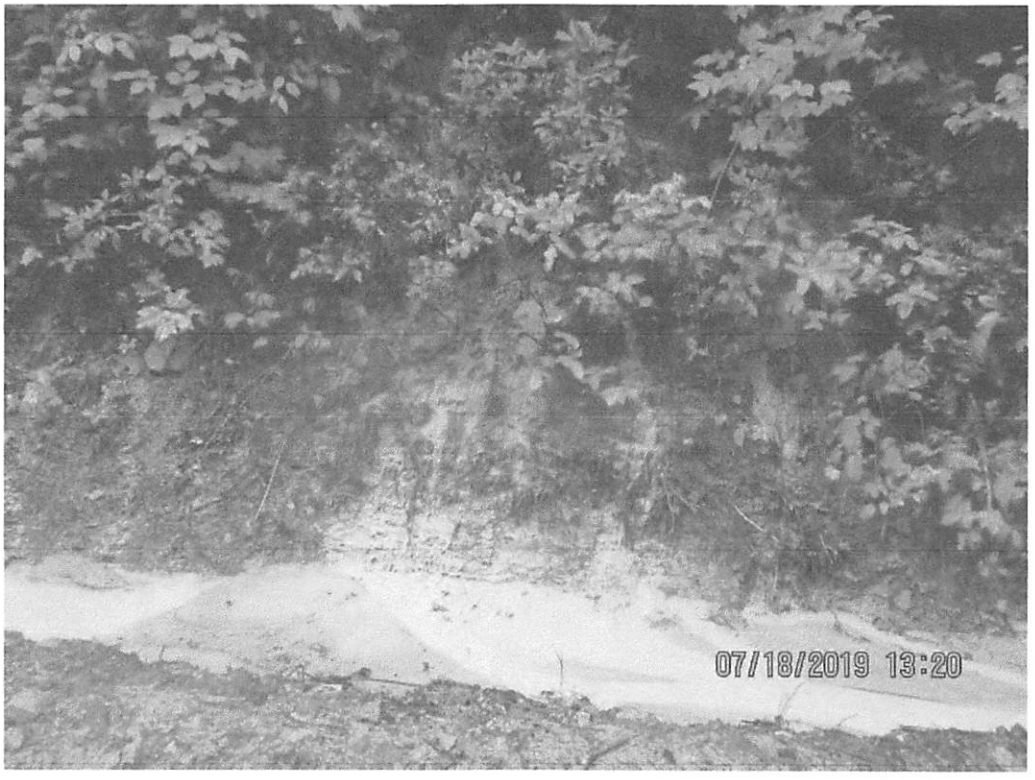
Above station 4539+00 during rain event. Sediment-laden water undercutting silt fence and flowing past LOD. Arrow depicts SLW leaving site.

Sediment-laden water flowing off ROW and through log pile during rain event. No perimeter controls were present at the base of the slope. Arrow depicts were SLW was flowing through log pile.

Waterbar terminating onto fill slope at station 4539+00. Large rocks installed as checks in eroded channel. SLW was flowing under and through these checks, overwhelming controls.

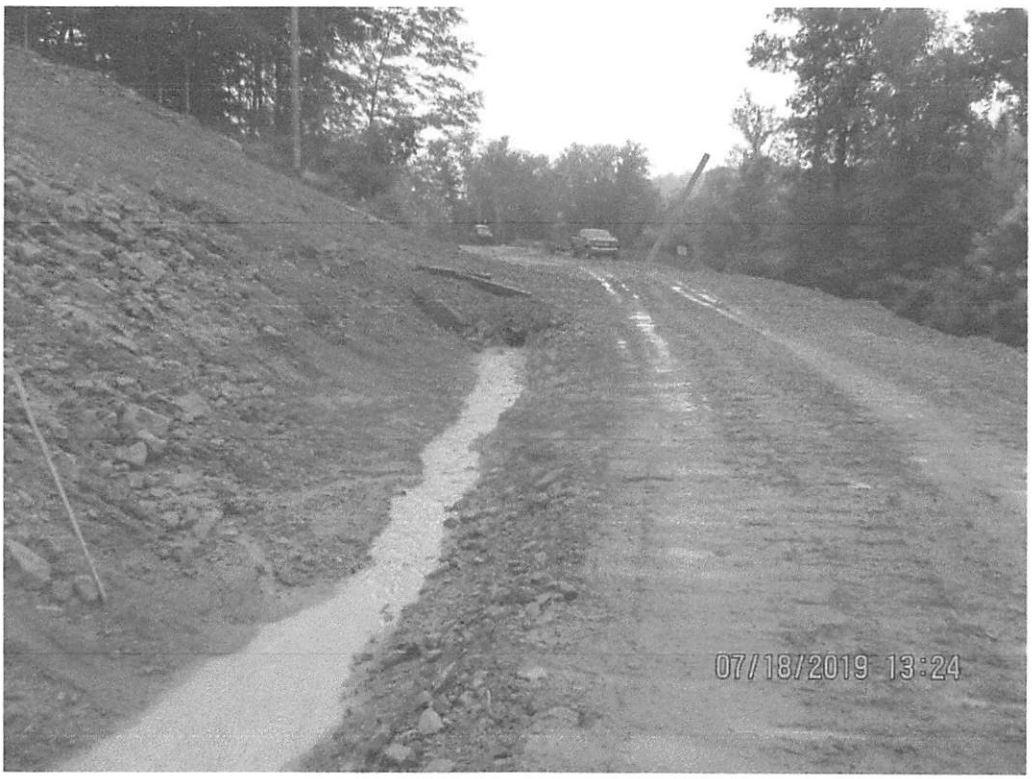


Downslope from waterbar terminating onto fill slope at station 4539+00. SLW observed past controls and LOD conveying downslope.



Downslope of failed controls post rain event along Access Road MVP-WB-119. SLW was entering/cascading into the ditch that conveys back downslope toward ROW crossing with access road.

Downslope of failed controls post rain event along Access Road MVP-WB-119. SLW was entering/cascading into the ditch that conveys back downslope toward ROW crossing with access road.



Downslope from where SLW was entering ditch. Arrow depicts culvert that conveys under ROW crossing. No controls present upslope of ditch below station 4539+00.

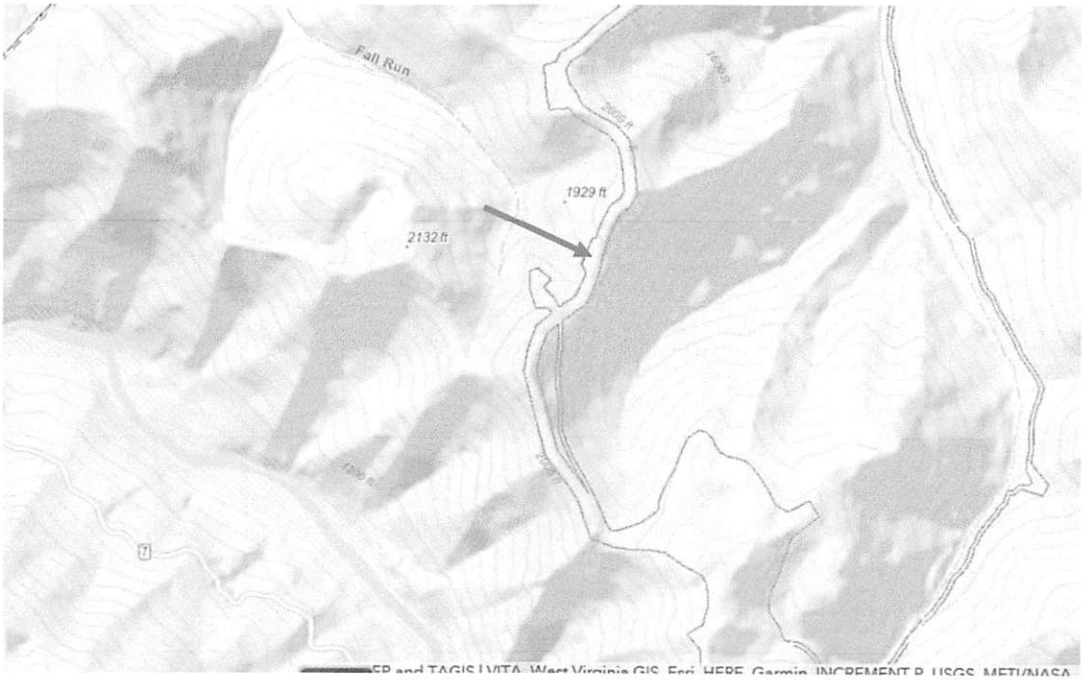
Approximately 200 ft downslope of ROW crossing with MVP-WB-119. SLW being conveyed to culvert.

Culvert inlet that conveys under unapproved access road.

Upslope of culvert inlet receiving sediment-laden water. Run-off present in ditch line distinguishably different than what was originating from upslope and entering culvert.

Culvert outlet conveying SLW downslope toward Fall Run a tributary of Holly River. Arrow depicts culvert.

SLW conveying downslope toward Fall Run a tributary of the Holly River.

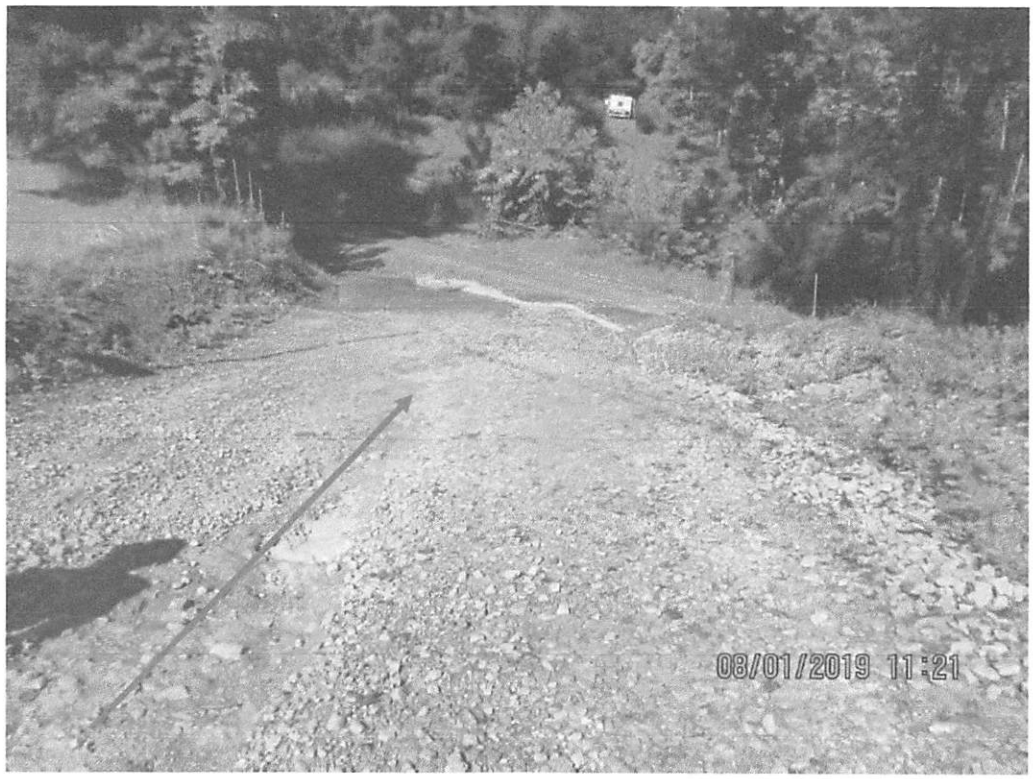


Arrow depicts where unapproved access road is located and SLW was conveyed under road and toward Fall Run at 38.629N, 80.501W.

Facing North where Access Road MVP-BR-099 intersects ROW near station 3897+75. Arrow depicts where run-off was overtopping the diversion berm and flowing downslope.

Downslope of diversion berm near station 3897+75. Arrow depicts where sheet flow due to run-off was occurring.

Below diversion berm and facing CR 24 and MVP-BR-099. Arrow depicts direction of sheet flow and sediment transportation downslope toward CR24.



Access Road MVP-BR-099 facing CR 24 (Green Hill Road) ditch line. Arrow depicts where run-off was conveying toward ditch.

Facing downslope at intersection of BR-099 and CR24. Arrow depicts ditch line and where sediment deposits were observed.

Sediment deposits observed along CR 24 downslope of Access Road MVP-BR-099 near station 3897+75.

Sediment deposits observed along CR 24 downslope of Access Road MVP-BR-99 near station 3897+75.

Sediment deposits observed along CR 24 downslope of Access Road MVP-BR-099 near station 3897+75. Arrow depicts culvert location that conveys under CR 24. Culvert inlet also demarcates where delineated stream S-K35 begins.

Waterbar that was overwhelmed with run-off causing undermining of controls leading to erosion downslope of controls South of BR-099 near station 3897+75.

Downslope of waterbar control failure South of BR-099 near station 3897+75. Sediment deposits observed past the LOD.

MVP-BR-095 facing upslope above US 19/Hwy 4. Arrow depicts where road was eroded out, overwhelming downslope controls.

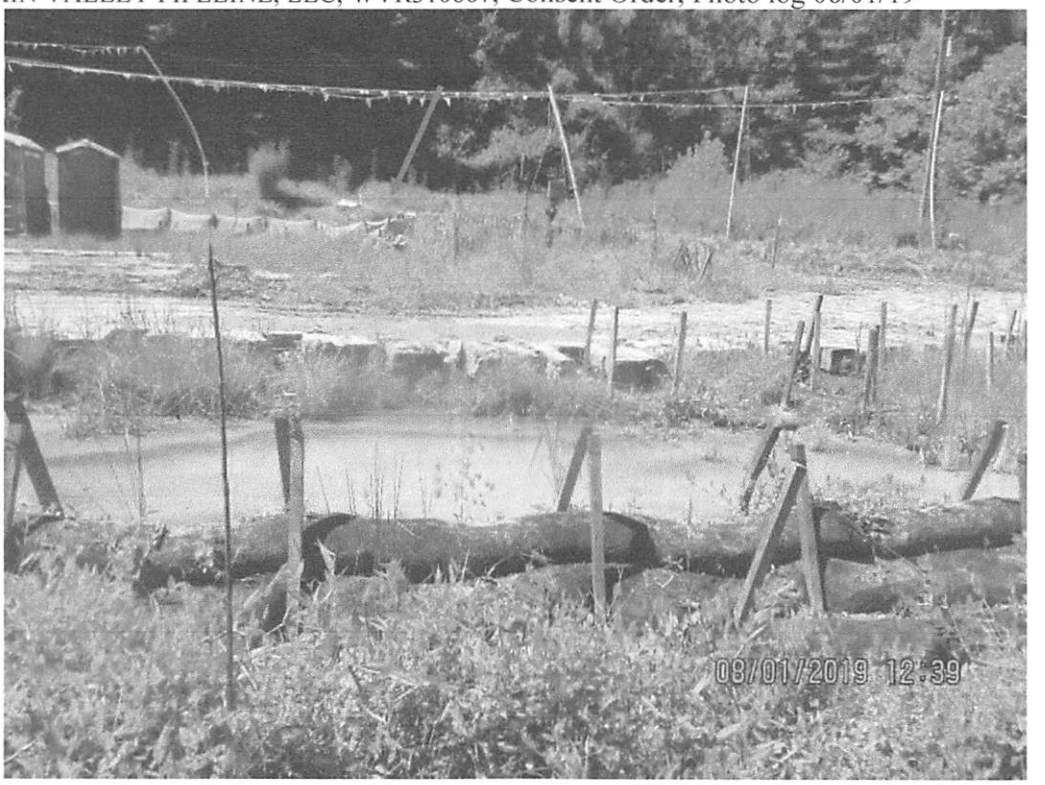
MVP-AR-095 upslope above CR 19. Arrow depicts where road was eroded out, overwhelming downslope controls.

Controls located below washed out section of AR-095 and above stream S-J74 and Wetland W-J42. Arrow depicts where controls where overwhelmed and sediment-laden water had flowed past controls.

Sediment deposited behind controls at the entrance to BR-095 adjacent to US 19/Hwy 4. Arrow depicts sediment deposits past LOD above Stream S-J74 and Wetland W-J42.

Above Access Road MVP-BR-097 and Falls Run (Stream S-J70) facing North. Run-on entering LOD and causing sediment to overwhelm controls. Arrow depicts where run-on was coming onto Access Road.

Facing Access Road MVP-BR-097. Controls overwhelmed with sediment due to run-on causing erosion. Controls had not been maintained. Arrow depicts dewatering structure.



Facing upslope at MVP-BR-097. Arrow depicts where run-on was coming onto site. Sandbags had been installed to divert run-on away from site but had failed due to concentrated flow upslope of LOD.

Perimeter controls below MVP-BR-097. Sediment-laden water ponded behind controls.

Perimeter controls below timber mat bridge on edge of LOD with sediment deposits past the LOD below MVP-BR-097.

Sediment deposits present below MVP-BR-097 past the LOD and controls

Sediment deposits past the LOD and controls below MVP-BR-097.

Controls above the South side of Falls Run (Stream S-J70) and US 19/Hwy 4 ROW crossing. Scouring present below controls.

Above stream S-J70 and below US 19/Hwy 4 crossing near station 3829+00. Arrow depicts slope with lack of temporary stabilization.

Slope above US 19/Hwy 4 and station 3831+00 not stabilized. Waterbars terminating onto ROW and not at edge of LOD. Arrow depicts erosion occurring below waterbar on slope.

Downslope of waterbar terminating onto ROW at station 3831+00. Arrow depicts where perimeter controls were undercut from run-off and sediment deposits were observed past the LOD.

Further downslope from station 3831+00. Arrow depicts erosion present below waterbar on slope.

Travel lane on slope near station 3831+00. Erosion present in travel lane, resulting in waterbar being overwhelmed with sediment and not functioning as designed.

Near station 3831+00. Erosion present in travel lane resulting in waterbar being overwhelmed with sediment and not functioning as designed. Arrow depicts sediment deposited behind Waterbar.

Perimeter controls at base of slope above US 19/Hwy 4 crossing. Controls overwhelmed with sediment, causing control failure above roadside ditch.

Sediment present in ditch that parallels US 19/Hwy 4 due to control failure. Arrow depicts control failure at base of slope.

Facing MVP ROW at Fisher Hill/ West Clayton Road Crossing.

Facing toward Greenbrier River on West Clayton Road/Fisher Hill crossing.

At top of steep slope facing South toward Boom Hollow Road at station 8951+00. Arrow depicts erosion on slope and waterbar with no outlet control.

Controls below waterbar termini with no outlet control, terminating onto fill slope and above LOD near station 8951+00.

Further downslope near station 8951+00. Controls below waterbar termini with no outlet control terminating onto fill slope and above LOD. Controls needed maintained.

Further downslope near statio 8951+00. Perimeter Controls below waterbar termini with no outlet control terminating onto fill slope and above LOD. Sediment deposits observed past the LOD.

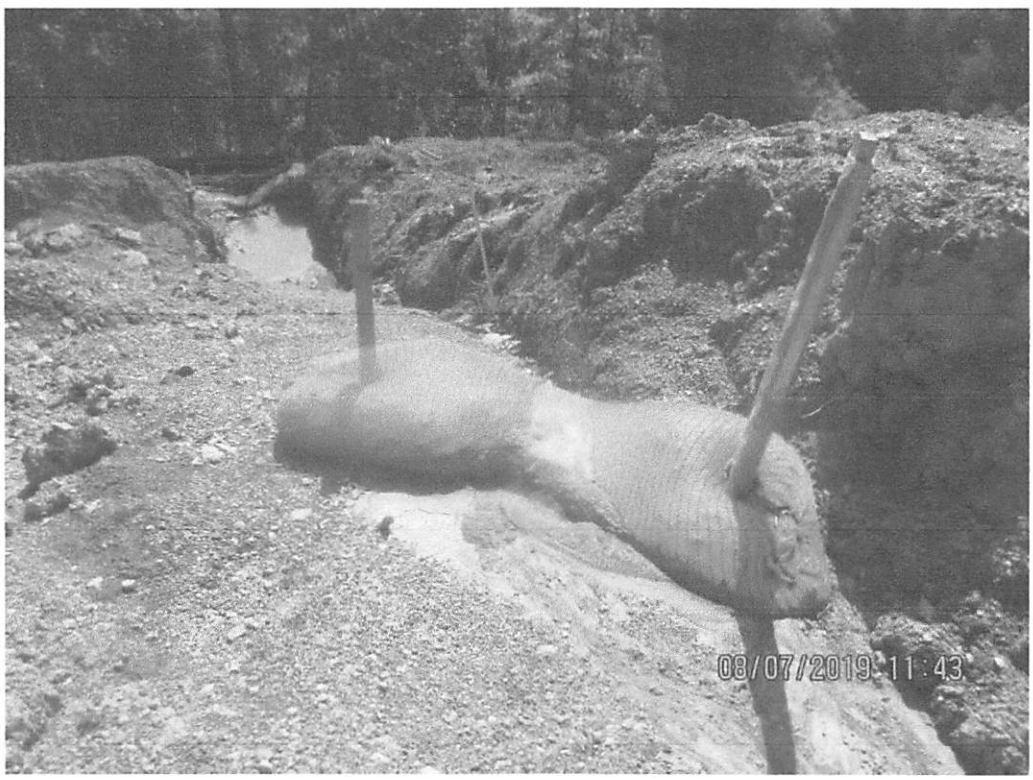
Further downslope near station 8951+00. Perimeter Controls below waterbar termini with no outlet control, terminating onto fill slope and above LOD. Sediment deposits observed past the LOD.

Near station 8954+00. Waterbar terminating onto fill slope.

Near station 8955+00. Sump below waterbar terminating onto fill slope. Sump overwhelmed with sediment.

Near station 8955+00. Perimeter controls below waterbar terminating onto fill slope and sump that was full of sediment. Perimeter controls overwhelmed and sediment deposits present past log pile.

Erosion present in waterbar near station 8955+00 facing upslope.



Waterbar terminus near station 8955+00. Erosion present on slope below waterbar terminus.

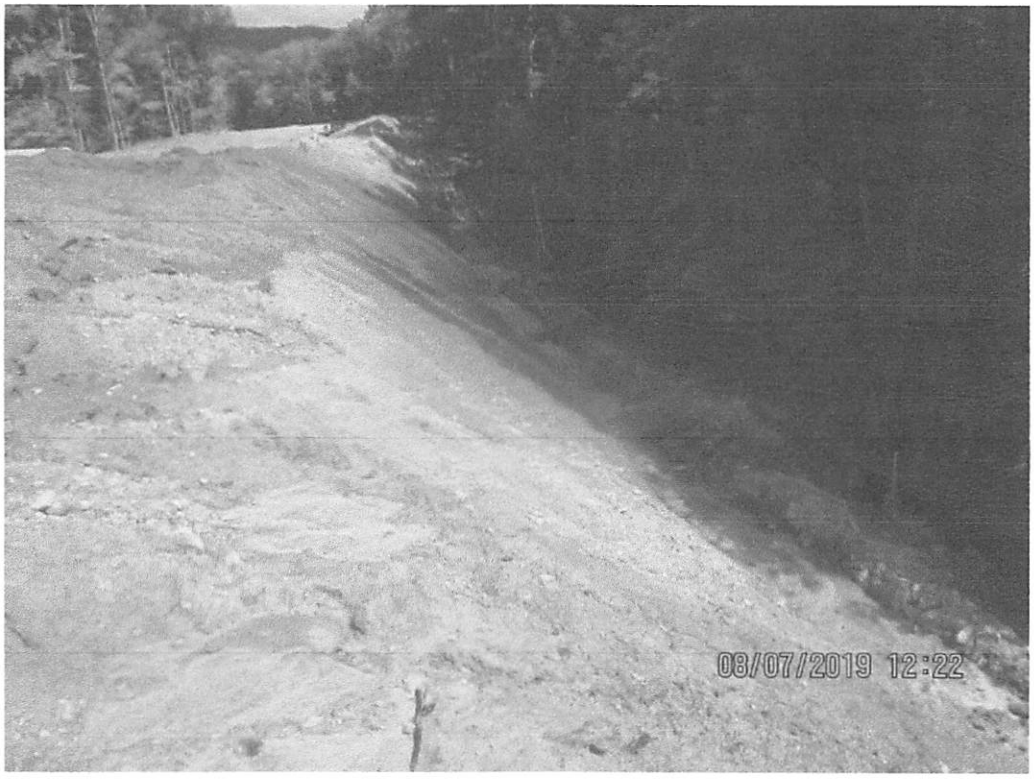
Dewatering structure present on slope and below waterbar terminus near station 8955+00. Erosion present on slope.

Perimeter controls below dewatering structure at station 8955+00. Arrow depicts where controls were overwhelmed with sediment.

Perimeter controls below dewatering structure at station 8955+00. Arrow depicts where sediment deposits were observed.

Waterbar terminating onto slope near station 8955+00. Erosion present on slope. Sump overwhelmed with sediment.

Sediment deposits past the LOD near station 8955+00, downslope of waterbar terminating onto ROW.



Fill slope near station 8946+00. Erosion present on fill slope resulting in sediment overwhelming perimeter controls.

Fill slope near station 8946+00. Erosion present on fill slope resulting in sediment overwhelming perimeter controls.

Fill slope near station 8946+00. Erosion present on fill slope resulting in sediment overwhelming perimeter controls.

Fill slope near station 8946+00. Erosion present on fill slope resulting in sediment overwhelming perimeter controls. Arrows depict overwhelmed controls.

Sediment deposits past controls at station 8944+00.

Beginning of Stream S-K16 at edge of LOD near station 8929+00.

Approximately 50 ft downslope of LOD near station 8929+00.

Approximately 150 ft past LOD near station 8929+00. Sediment deposits observed in Stream S-K16.

Approximately 200 ft past LOD near station 8929+00. Sediment deposits in Stream S-K16.

MOUNTAIN VALLEY PIPELINE, LLC, WVR310667, Consent Order, Photo log 08/07/19

Sediment deposits present approximately 300 ft past LOD in Stream S-K16 near station 8929+00.

Culvert inlet on access road MVP-BR-092.01 showing the need for maintenance.

Outlet of the above pictured culvert showing the lack of installed outlet protection and the lack of a BMP.

Access road MVP-BR-092.01 showing the area where concentrated flow stormwater is flowing from the top of the slope to the base of the hill due to poor maintenance on the installed culvert. The diversion lacks installed BMPs.

MOUNTAIN VALLEY PIPELINE, LLC, WVR310667, Photo log 08/14/19

The bottom of the slope on access road MVP-BR-092.01.

Trail of sediment deposits leading to Keith Run from the above pictured area.

MOUNTAIN VALLEY PIPELINE, LLC, WVR310667, Photo log 08/14/19

Trail of sediment deposits leading to Keith Run from access road MVP-BR-092.01.

Trail of sediment deposits leading to Keith Run from access road MVP-BR-092.01.

CNA deposits in Keith Run (38° 47.179' X 80° 31.816') as a result of the previously pictured deficiencies.

CNA deposits in Keith Run (38° 47.179' X 80° 31.816') as a result of the previously pictured deficiencies.

MOUNTAIN VALLEY PIPELINE, LLC, WVR310667, Photo log 08/14/19

Trail of sediment from access road MVP-BR-092.01that leads to Keith Run.

CNA deposits in Keith Run (38° 47.179' X 80° 31.816') at the second location.

Water bar terminus BMP adjacent to 3760+00 that is in need of maintenance.

Water bar terminus BMP adjacent to 3760+00 that is in need of maintenance.

Offsite sediment deposits downslope of the above pictured BMP.

MOUNTAIN VALLEY PIPELINE, LLC, WVR310667, Photo log 08/14/19

Project area in the Keith Run watershed showing where sediment-laden water is leaving the site in an area where the approved SWPPP does not indicate the need for an installed BMP.

Offsite sediment deposits associated with the above pictured deficiency.

Access road MVP-BR-89.01 showing the need for maintenance to the installed rock construction entrance.

MOUNTAIN VALLEY PIPELINE, LLC, WVR310667, Photo log 08/14/19

Access road MVP-BR-89.01 showing the track-out onto the public roadway.

Water bar in inspected area 1 installed at a steep angle and discharging prior to the installed perimeter controls.

Water bar in inspected area 1 installed at a steep angle and discharging prior to the installed perimeter controls.

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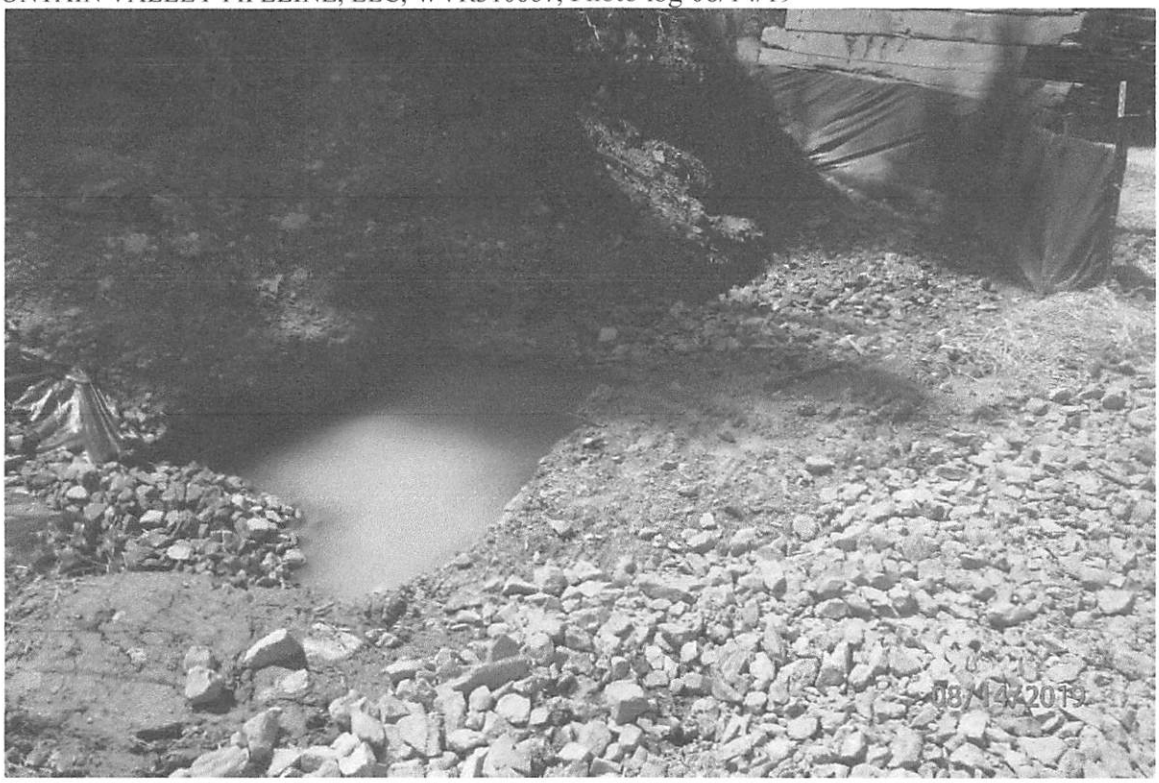
Water bar in inspected area 2 discharging over a steep slope with no fill slope protection in place.

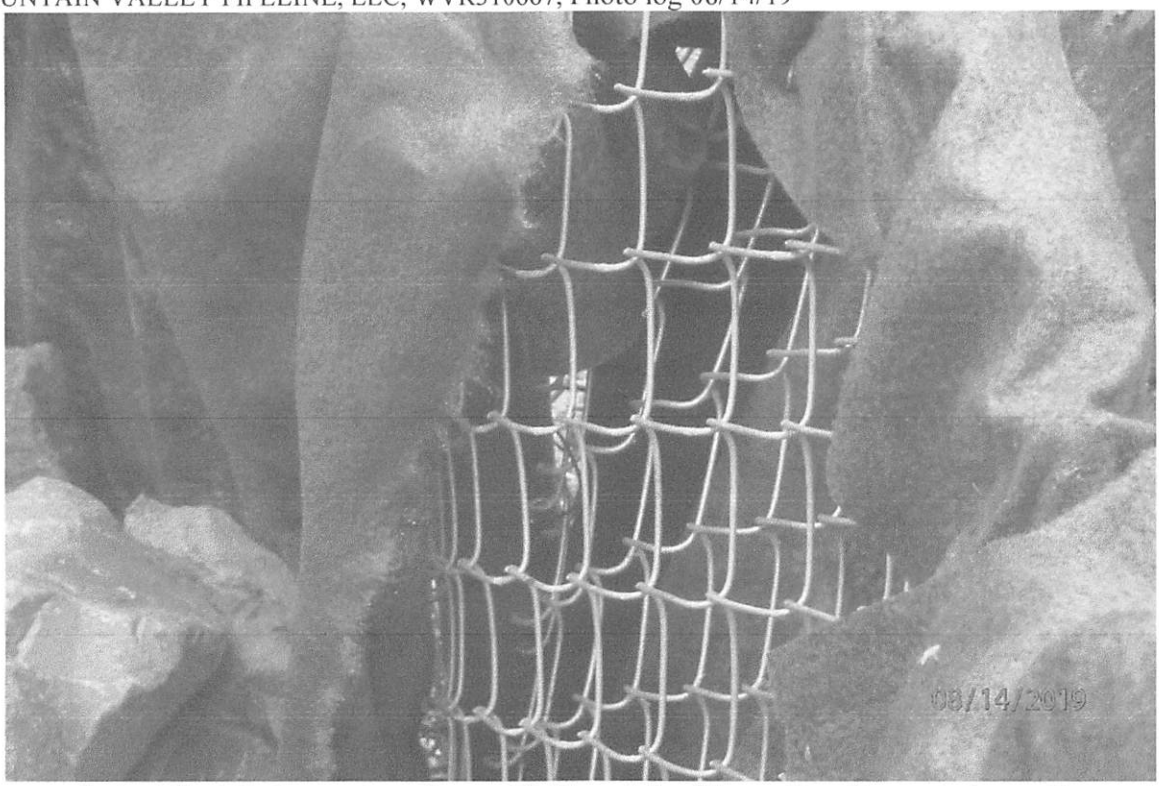
Water bars in inspected area 5 installed at a steep angle and discharging prior to the installed perimeter controls.



Improperly installed water bars in inspected area 8 that are discharging into a diversion, with stormwater from the diversion being directed at two pieces of installed perimeter controls.

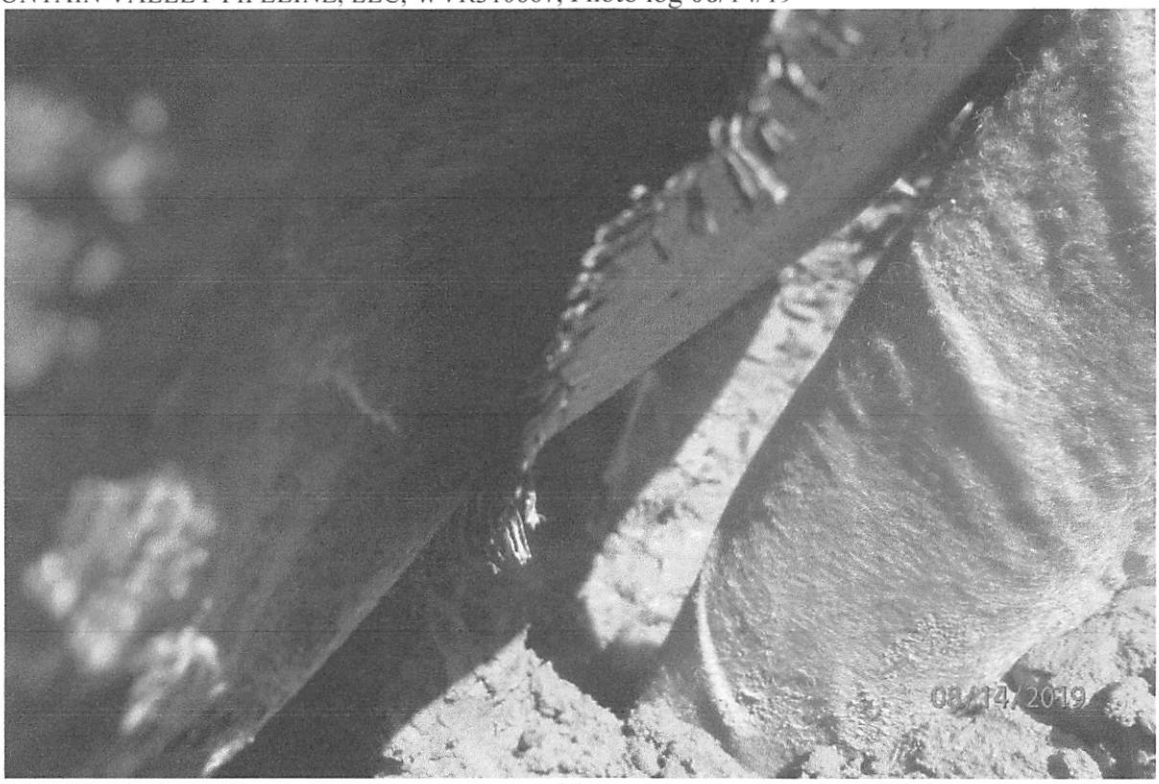
Recently maintained perimeter control utilized to treat stormwater from six water bars upslope of the pictured BMP.

Recent offsite sediment deposits that originate from site downslope of the above pictured BMP.



Improperly installed timber mat equipment bridge at the Clover Run (inspected area 1) crossing, showing areas where sediment-laden water can bypass treatment.

Improperly installed timber mat equipment bridge at the Oil Creek (inspected area 3) crossing, showing an area where sediment-laden water can bypass treatment.



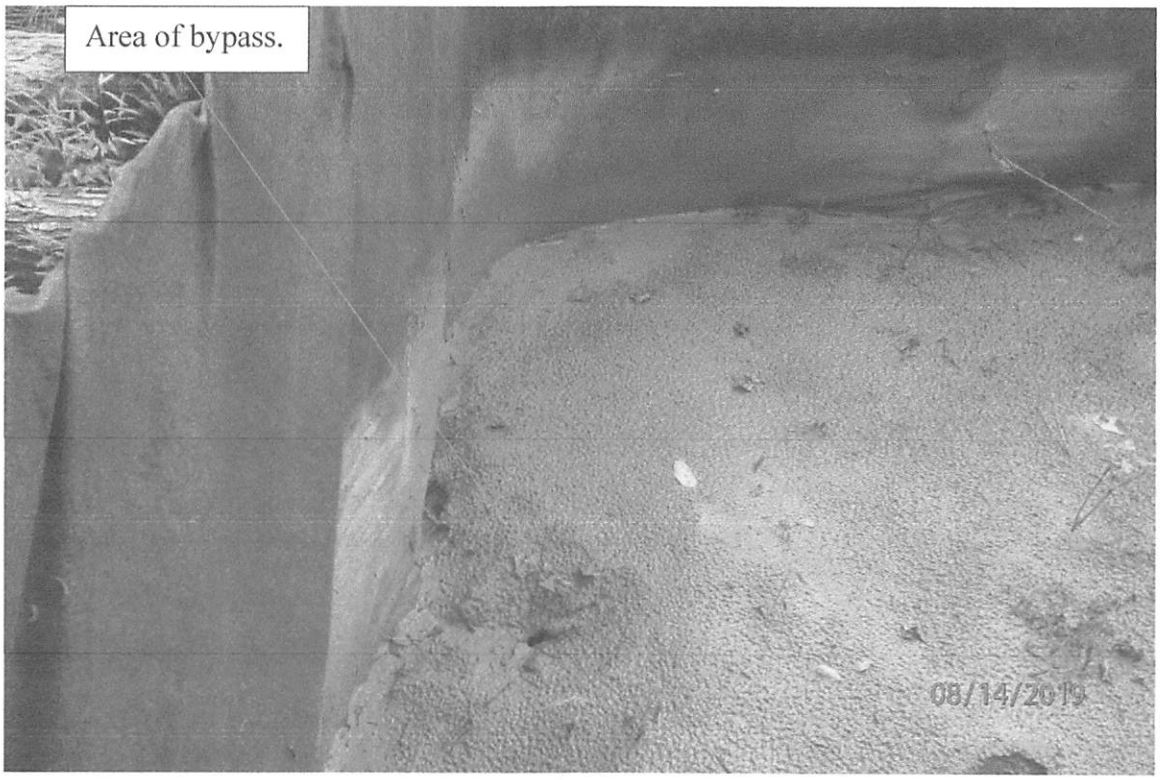
Improperly installed timber mat equipment bridge at the Cove Run (S-K-45) (inspected area 8) crossing, showing an area where sediment-laden water can bypass treatment.

Offsite sediment deposits adjacent to inspected area 3, showing where a dewatering structure was placed offsite and caused offsite deposits.

Dewatering structure with impermeable plastic installed, causing it to not function as designed in inspected area 8.

Dewatering structure with impermeable plastic installed causing it to not function as designed in inspected area 8. Offsite sediment deposits pictured.

Offsite sediment deposits as a result of the above pictured deficiency.



Sediment-laden water that has bypassed under the installed perimeter control in inspected area 3 as a result of failure to properly operate and maintain the installed BMP. Offsite sediment deposits pictured.

Offsite sediment deposits as a result of the previously pictured deficiency in inspected area 3.

Perimeter controls in need of maintenance in inspected area 3.

Dewatering bag being utilized in inspected area 6.

MOUNTAIN VALLEY PIPELINE, LLC, WVR310667, Photo log 08/14/19

Perimeter control downslope of the above pictured dewatering bag.

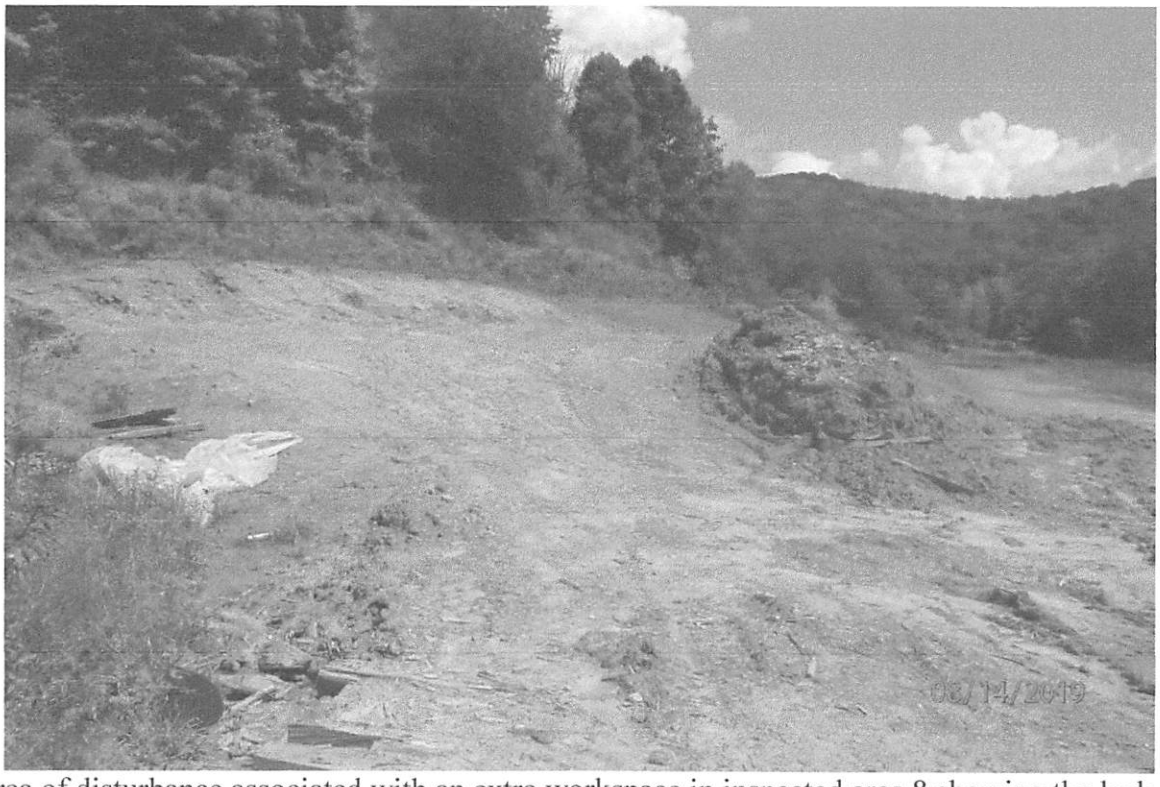
Perimeter control in inspected area 6 downslope of the previously pictured dewatering bag showing the need for maintenance and sediment-laden water bypassing treatment.

Onsite sediment-laden water in DOH conveyance.

Offsite sediment-laden water in DOH conveyance that leads from the previously pictured dewatering operation with the unmaintained perimeter control.

Water bar in inspected area 5 showing the lack of a water bar terminus BMP that is indicated in the approved SWPPP.

Water bar in inspected area 5 showing the lack of a water bar terminus BMP that is indicated in the approved SWPPP.



Area of disturbance associated with an extra workspace in inspected area 8 showing the lack of temporary stabilization, even though the site has been idle for a long period of time.

Near Station 1833+00. Perimeter controls overwhelmed due to erosion on slope. Arrow depicts where erosion was occurring.

Near Station 1833+00. Erosion occurring on slope leading to sediment deposits being present past the LOD.

Near station 1833+00. Erosion occurring on slope resulting in sediment deposits being present past the LOD.

Near Station 1833+00 past controls and LOD. Erosion occurring on slope resulting in sediment deposits being present past the LOD.

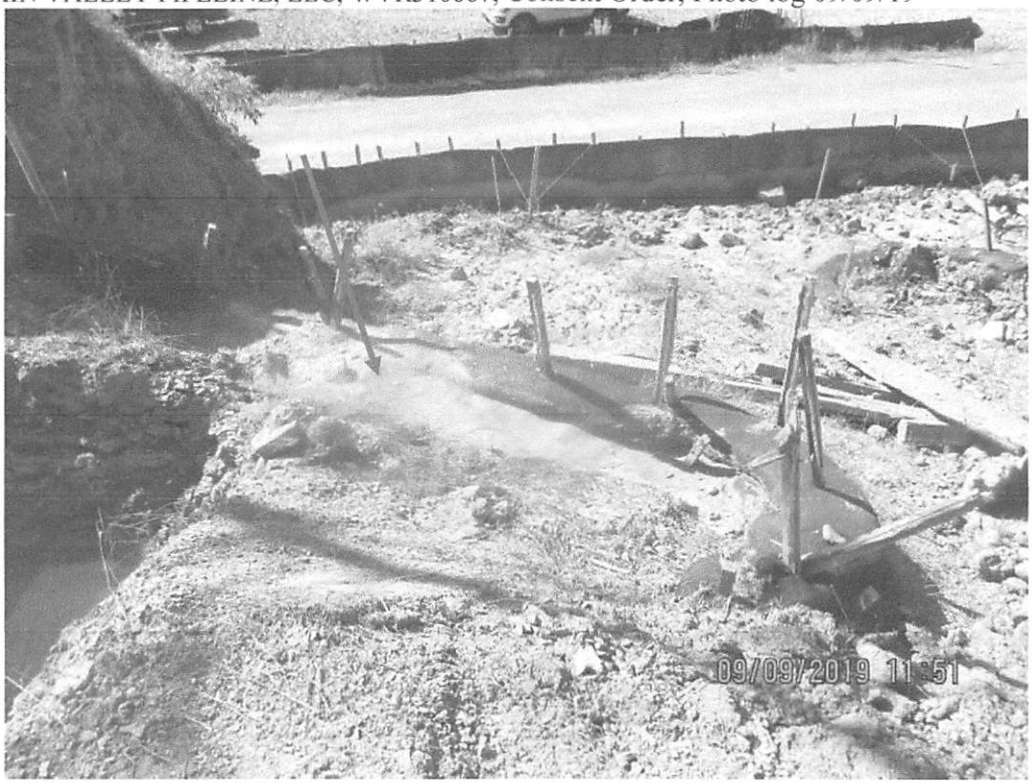
Slope drain extending from waterbar outlet terminating into sump above perimeter controls. Arrow depicts where sediment deposits were observed past controls above Wetland W-K48 at station 1730+00.

Facing upslope below perimeter controls at station 1730+00. Arrow depicts sediment deposits.

Sediment deposits present past LOD above wetland W-K48 near station 1730+00.

Indian Fork Road (CR21) near station 3089+00 facing toward MVP ROW entrance. Arrow depicts where sediment had been removed during inspection. Complainant photo depicted sediment-laden water impacting this area.

Sediment deposits in ditchline near station 3089+00.



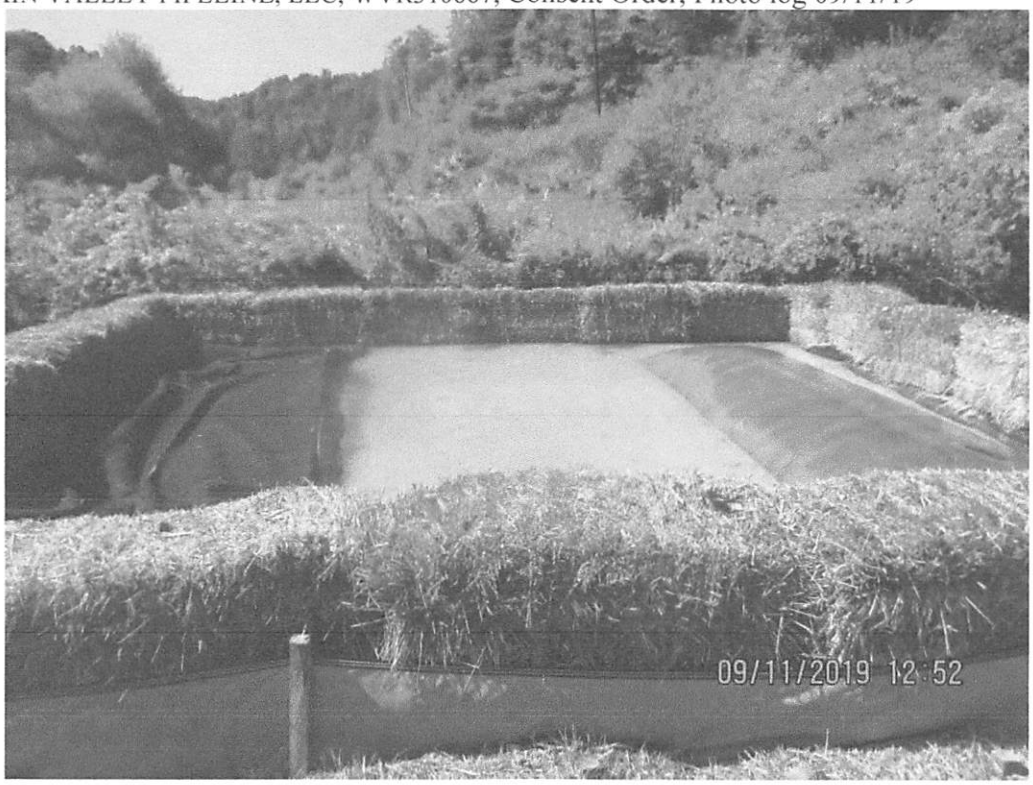
Controls upslope of CR21 and roadside ditch. Arrow depicts where sediment was overwhelming waterbar outlet controls.

At station 3089+00 facing North. Arrow depicts sump not being maintained and erosion on slope below controls.

Super silt fence below unmaintained controls at station 3089+00. Hole present in silt fence below where sediment stain line was observed.

South slope at station 645+00 above the Big Elk Creek crossing. Winter stabilization no longer adequate, and reseeding/re-stabilization had not occurred.

Open bore pit at the Goose Run (Stream S-B75) crossing at station 645+35.



Dewatering structure for Goose Run (Stream S-B75) bore near station 645+35. Dewatering structure full of sediment-laden water.

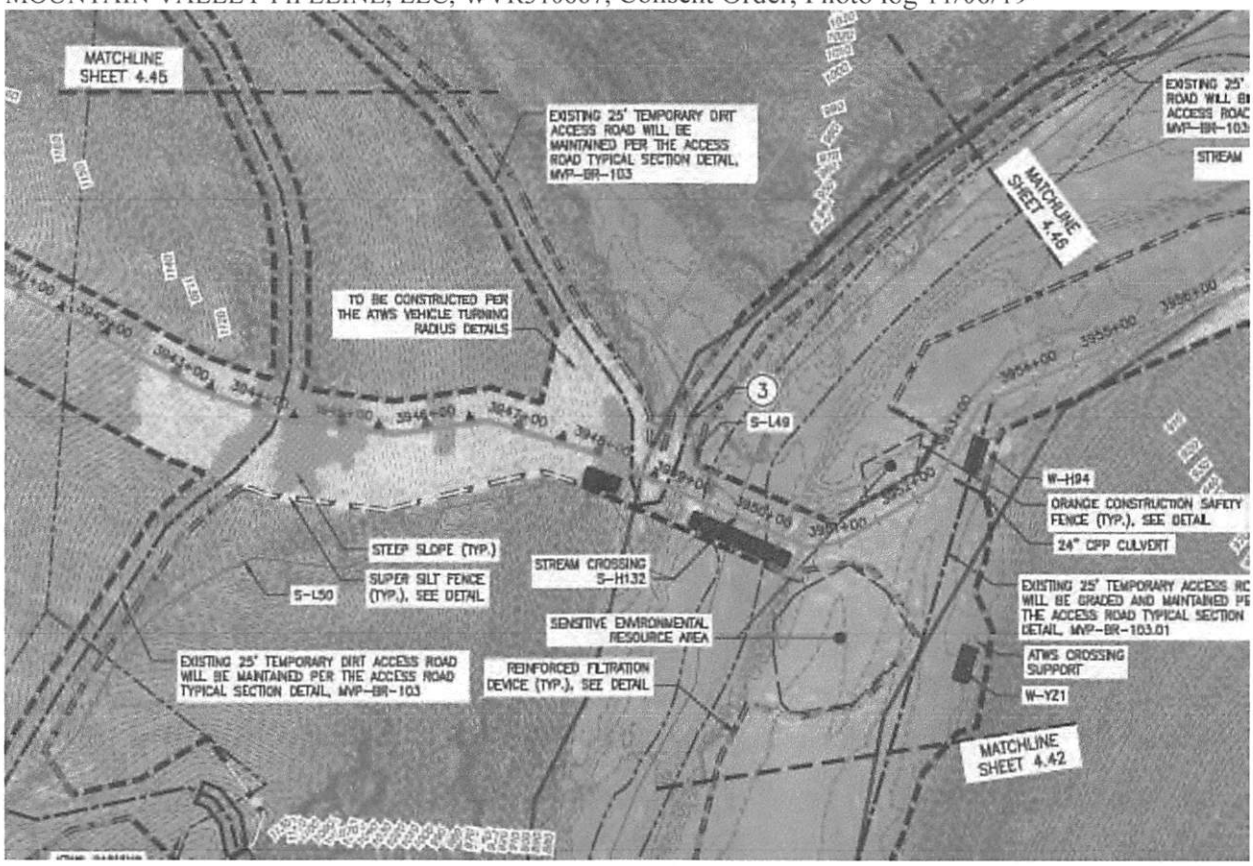
Sediment-laden water flowing under controls and into vegetation above Stream S-B75 (Goose Run) near station 645+35.

Sediment-laden water flowing into Stream S-B75 (Goose Run) near station 645+35.

Goose Run (Stream S-B75) above where sediment-laden water was entering stream. Stream running clear.

Below where sediment-laden water was entering Goose Run (Stream S-B75) near station 645+35.

Below where Sediment-laden water was entering Goose Run (Stream S-B75) near station 645+35.

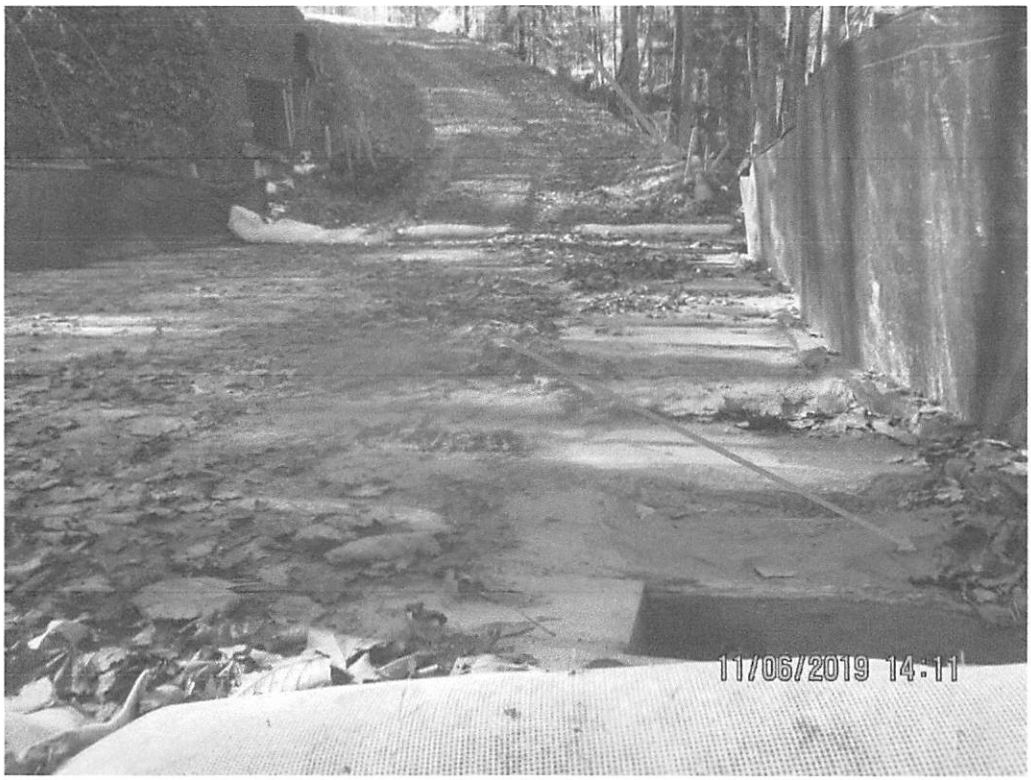


Approximate location of slip that impacted Elliott Run upstream of AR-MVP-BR-103 crossing with Elliott Run and downstream of where AR-MVP-BR-103 leaves MVP ROW upslope of Little Kanawha River crossing.

Access Road 114 above Stream S-S2. Red Arrow depicts slip. Orange arrows depict slope drain and small sump with culvert inlet conveying under AR-114.

Culvert outlet (red arrow) from slope drain installed at top of slope on AR-114

Stream S-S2 near station 4364+00. CFS at edge of bridge crossing flattened with sediment deposits built up behind it.



Facing upslope on Stream S-S2 bridge crossing. Arrow depicts where erosion was present on road resulting in controls being overwhelmed and sediment being deposited on bridge and past LOD.

Downslope section of bridge where sediment-laden water was flowing around and past controls near station 4364+00.

Sediment deposits observed in conveyance to Oddlick Creek past LOD just below bridge near station 4364+00.

Downslope of AR-114 bridge near station 4364+00 facing toward AR-114. Deposits observed past LOD in conveyance.

Downslope of AR-114 bridge near station 4364+00 facing toward Oddlick Creek. Deposits observed in conveyance past LOD.

Example of sediment deposits observed in the conveyance between S-S2 crossing and Oddlick Creek near station 4364+00.

Near station 4364+00 and upslope of Oddlick Creek. Stained leaves observed up to edge of Oddlick Creek with sediment deposits present (red arrow).

Stained leaves present on bank above Oddlick Creek.

MVP Row facing North near MP 76.7. Air bridge crosses over Stream S-H117. Arrow depicts where pellet remnants were observed on air bridge.

Air bridge located over Stream S-H117. Arrows depicts pellet remnants.

Air bridge located over Stream S-H117. Arrows depicts pellet remnants.

Rock present in Stream S-H117. Pellet remnants present on rocks.

Pellet remnants present along stream bank of Stream S-H117.

Pellet remnants present along stream bank of Stream S-H117.

Pellet remnants present in Elliott Run, a tributary of the Little Kanawha River.

Pellet remnants present on the stream bank on the East bank of Elliott Run past MVP LOD.

Pellet remnants located on top of rocks in Elliott Run.

Pellet remnants observed in stream bed of Elliott Run approximately 50-75 ft from confluence with Little Kanawha River.

Erosion control pellet remnant observed in Elliott Run near Station 3946+00.

Slip that impacted Elliott Run near Station 3946+00 and was not reported to WVDEP spill reporting hotline.

Slip that impacted Elliott Run near Station 3946+00 and was not reported to WVDEP spill reporting hotline.

Slip that impacted Elliott Run near Station 3946+00 and was not reported to WVDEP spill reporting hotline. Super silt fence installed near the edge of LOD.

Slip that impacted Elliott Run near Station 3946+00 and was not reported to WVDEP spill reporting hotline. Red line indicates extent of impact.

Facing upstream at Elliott Run, slip impacts near station 3946+00.

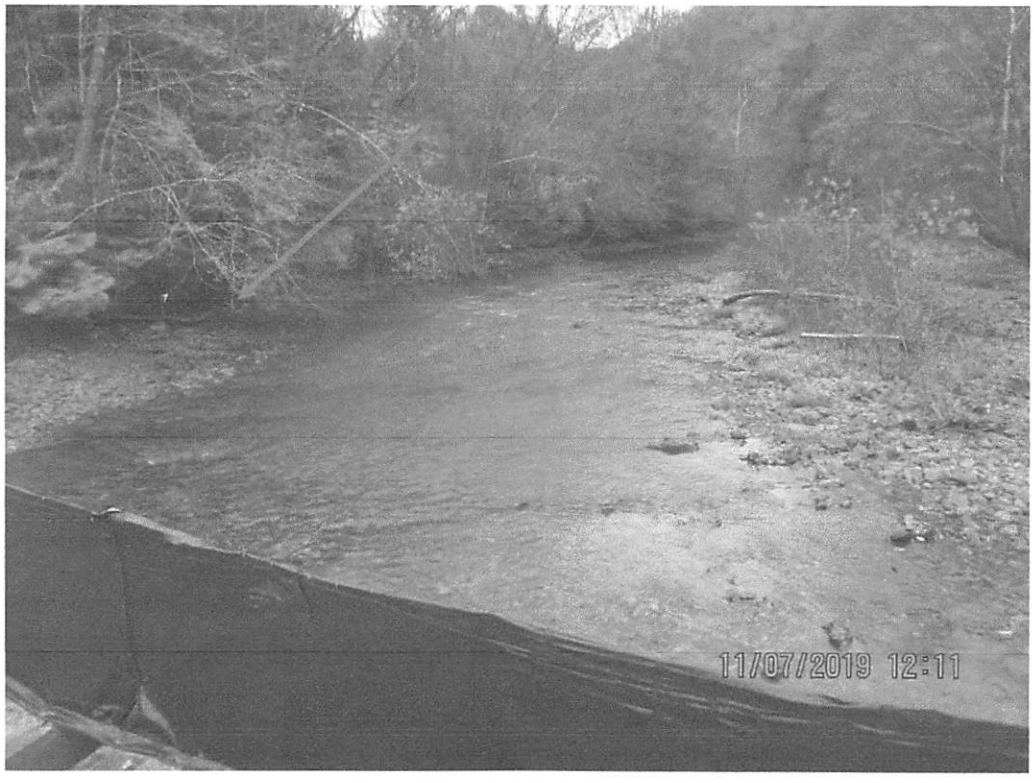
Waterbar terminating onto ROW above slipped section of ROW near Station 3946+00 with no outlet control present. Arrow indicates sump at waterbar terminus.

Section of ROW above Elliott Run where slip occurred near station 3946+00.

Section of ROW above Elliott Run where slip occurred near station 3946+00. Logs being used as perimeter controls (red arrow).

Section of ROW above Elliott Run where material/debris was slipping upstream of larger slip impacting Elliott Run near station 3946+00. No perimeter controls were in place at the time of inspection. Large rocks observed in stream above larger slip.

Rocks from ROW present past LOD and in Elliott Run where perimeter controls were not in place upstream from larger impacted section of stream.



Facing upstream at Little Kanawha River Crossing. Arrow depicts Elliott Run confluence.

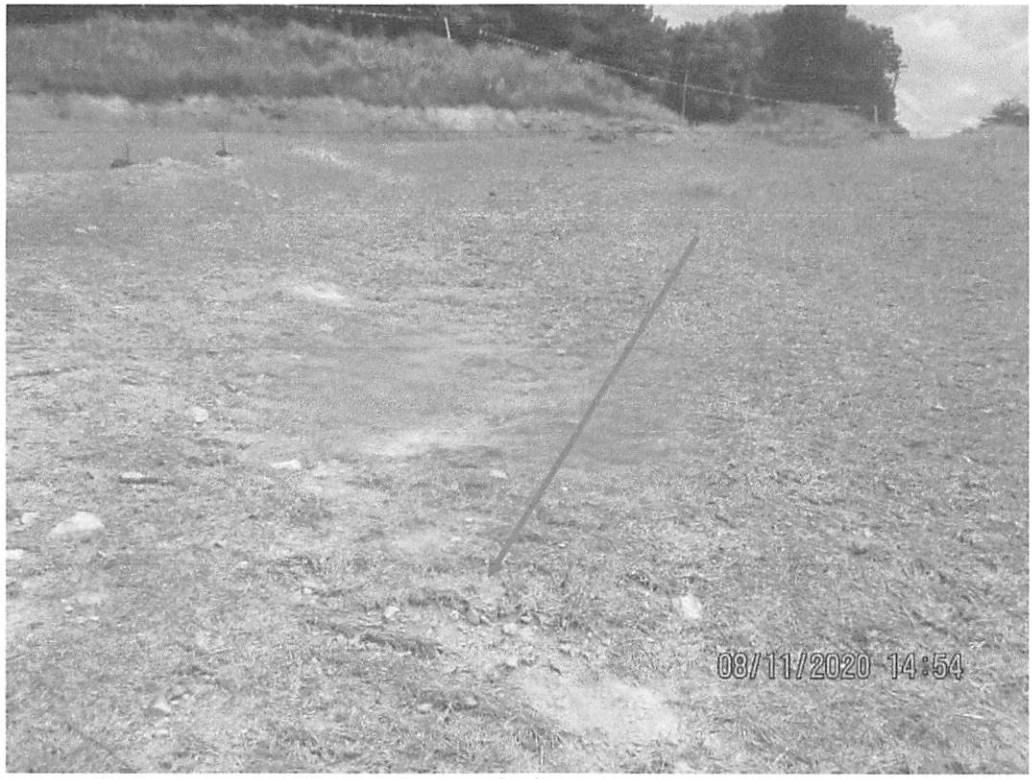
Run-on originating from seep at edge of LOD at station 8433+50. Erosion occurring on ROW. Arrow depicts seep and erosion that was observed.

Section of ROW at station 8433+50 that was not tracked-in properly, causing enhanced erosion upslope of controls. Arrow depicts where CFS was undermined due to concentrated flows and area of ROW not tracked-in properly.

Sediment deposits present behind controls due to upslope erosion at station 8433+50.

SLW present past controls at station 8433+00

SLW present past controls at station 8433+50.



Facing East at the Route 39 crossing. Red arrow depicts where sheet flow was starting to form erosion rills in an area that had less than 70 percent vegetative coverage.

Facing East at the Route 39 crossing. Red arrow depicts where sheet flow was starting to form erosion rills in an area that had less than 70 percent vegetative coverage.

Facing Southwest at the Route 39 crossing. Red arrow depicts where concentrated flow of runoff was forming erosion rills on the slope and in the water bar. Less than 70 percent vegetative cover.

Facing South above Stream S-N10. Red arrow depicts where travel lane was reseeded. To the right and left of the travel lane, vegetative cover was less than 70 percent.

Facing North above Stream S-N10. Perimeter controls were recently replaced. However, erosion was present along controls lacking j-hooks.

Controls in waterbar on fill slope needed maintenance. Runoff was causing erosion within waterbar and flowing around controls (red arrow).

Waterbar outlet terminating onto fill slope. Red arrow depicts recently installed slope drain at top of slope. No sump present at top of slope.

Fill slope below slope drain outlet near Station No. 6485+50.

Erosion on fill slope near Station No. 6485+50. Lack of 70 percent vegetative cover and slope was not reseeded.

Slope below slope drain install. Erosion present (red arrow) where slope drains were installed and next to the log piles.

Erosion present (red arrow) next to log pile and slope drains that were recently installed near Station No. 6485+50.

Fill slope erosion above log piles near Station No. 6485+50.

Erosion on fill slope below log pile (red arrow) near Station No. 6485+50.

Erosion on fill slope adjacent to log pile near Station No. 6485+50. Sediment deposits were past the LOD (red arrow).

Near Station No. 6485+50. Sediment deposits were past the LOD (red arrow).

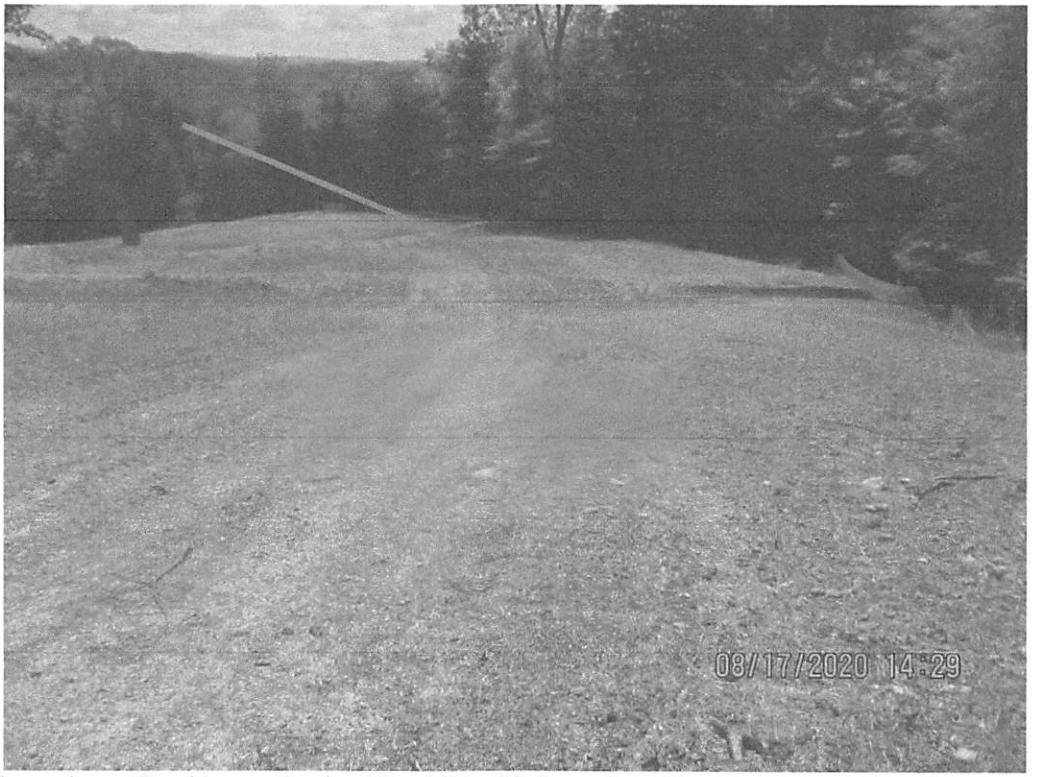
Erosion on cut slope above slope drain inlet at Station No. 6490+00.

Downslope of slope drain outlet at Station No. 6490+00. Sediment deposits behind controls.

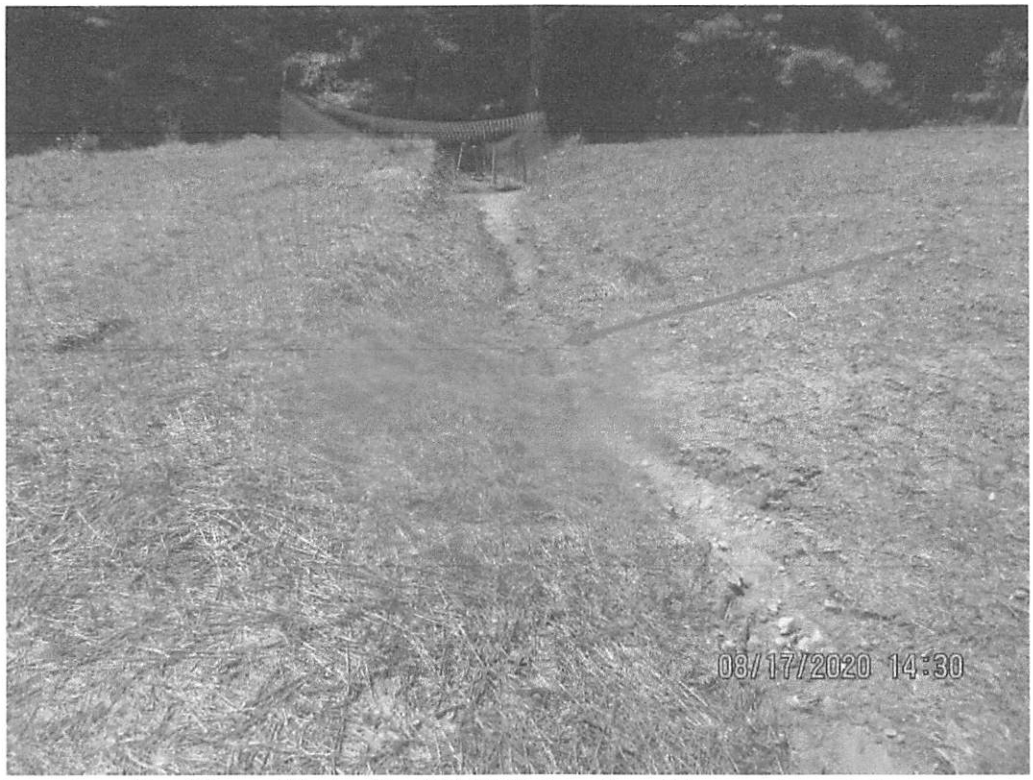
Downslope of the slope drain outlet at Station No. 6490+00. Sediment deposits behind controls due to erosion occurring upslope.

Near Station No. 6485+50 facing North. Sheet flow transporting sediment toward waterbar with sediment deposits (red arrows) in waterbar. Lack of 70 percent vegetative coverage.

Facing South at Station No. 6613+00. Less than 70 percent vegetative coverage present.



Facing downslope (South) near Station No. 6617+00. Less than 70 percent vegetative coverage. Erosion present in waterbar.



Facing downslope (South) near Station No. 6617+00. Less than 70 percent vegetative coverage. Erosion present in waterbar.

Facing South toward Station No. 6617+00 and Stream S-L37. Less than 70 percent vegetative coverage present.

Standing at the Odell town road crossing at Station No. 6613+00 facing North. 70 percent vegetative coverage not present. Erosion present in waterbars (red arrows).

Station No. 6613+00 downslope toward waterbar that failed. 70 percent vegetative coverage not present. Erosion present in waterbar and at outlet (red arrows).

Facing upslope at waterbar that had failed, was terminating onto the fill slope, and was causing erosion at Station No. 6613+00.

Facing downslope at the fill slope where the waterbar failed and was causing erosion at Station No. 6613+00.

Sediment deposited into waterbar was overwhelming controls below. Waterbar failure and erosion occurring on fill slope at Station No. 6613+00.

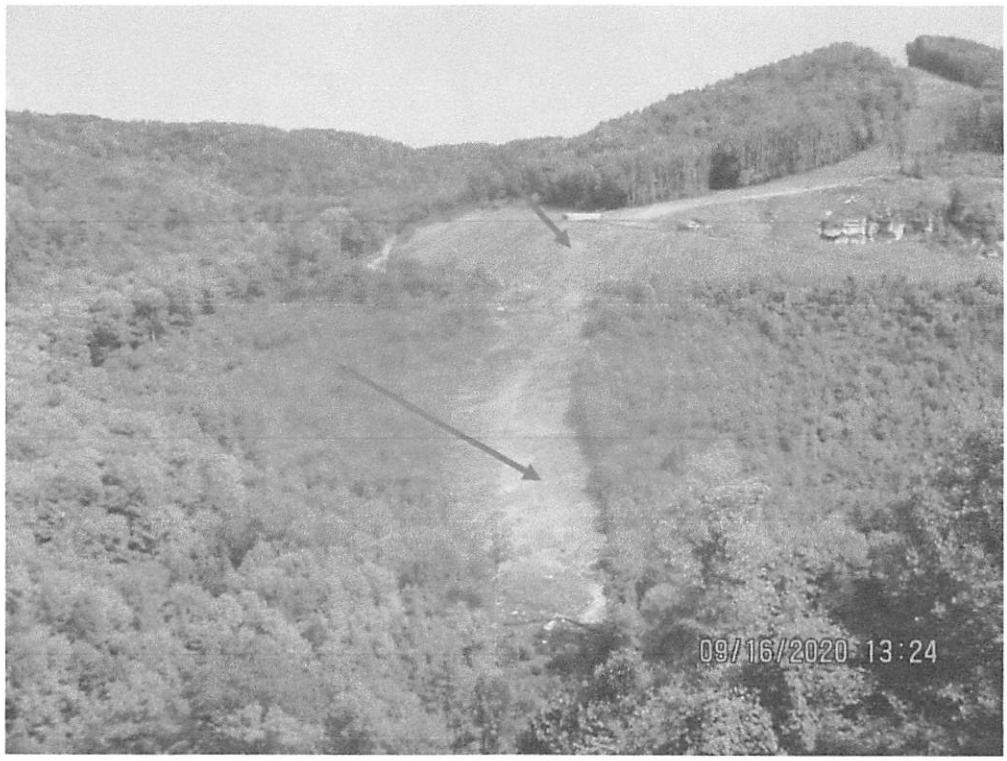
Erosion occurring on fill slope that is downslope from run-on being conveyed onto ROW at Station No. 6613+00.

Waterbar downslope of Station No. 6613+00 with erosion present due to concentrated flows. Controls lacking maintenance and/or enhancement. Red arrow depicts erosion on fill slope above waterbar.

Waterbar downslope of Station No. 6613+00 with erosion present due to concentrated flows. Controls lacking maintenance and/or enhancement. Red arrow depicts erosion on fill slope above waterbar.

Controls below Stout Run Road were not effective at controlling sediment runoff

Silt fence is damaged near Stout Run bridge



Standing at Station No. 6715+00 toward opposite slope at AR-160.01 (Station No. 6698+00 through 6707+00). Erosion observed on slope (red arrows).

Rill erosion occurring on slope above AR-160.1 at Station No. 6698+00.

Facing downslope near station No. 6698+00. Erosion occurring between waterbars on slope (red arrow) and in waterbars.

Facing downslope near station No. 6698+00. Erosion occurring between waterbars on slope and in waterbars. Controls lacking maintenance within waterbar (red arrow).

Further downslope from Station No. 6698+00 where trench drain was out-letting onto fill slope and causing erosion (red arrow).

Erosion present on slope below pipe trench drain outlet and slope drain.

Rill erosion occurring between waterbars downslope near Station No. 6703+00.

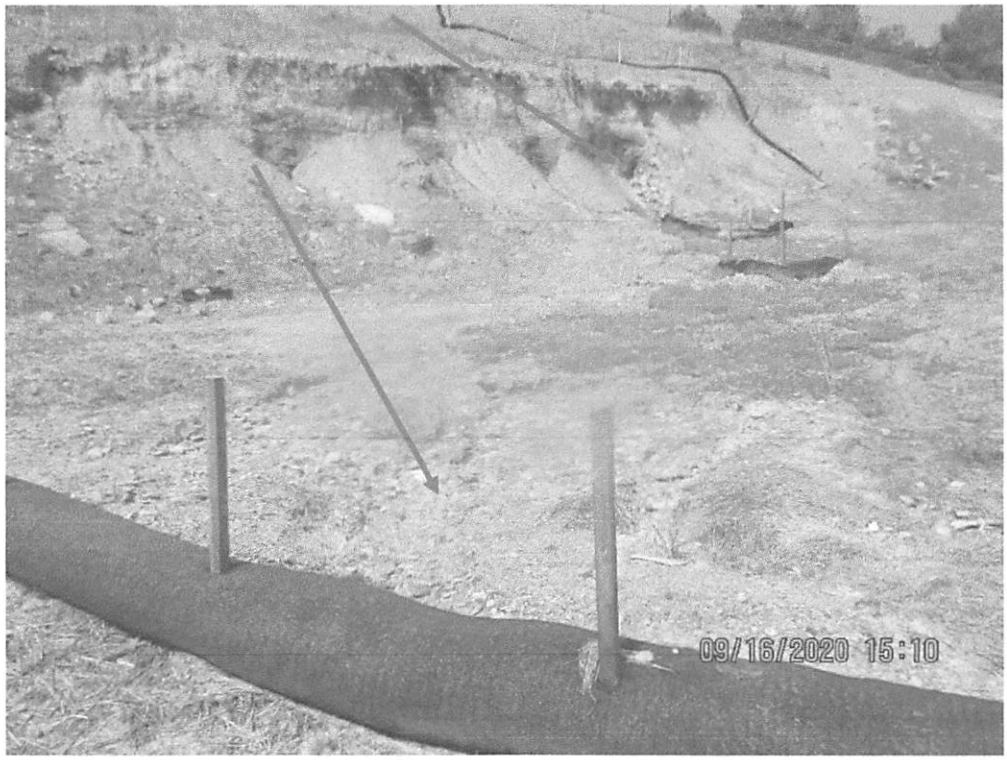
Waterbar with erosion present near Station No. 6703+00, controls in waterbar lacking maintenance.

Waterbar with erosion near Station No. 6703+00, controls in waterbar lacking maintenance (red arrow).

Standing at Access Road 159.01 facing downslope from Station No. 6657+00. Erosion present on slope (red arrow) with deposits in the waterbar channel.

Standing downslope from Access Road 159.01 facing east near station No. 6657+00. Erosion present on slope, depositing sediment into waterbar and controls (red arrow).

Further downslope of Station No. 6657+00. Travel lane was reseeded, however, ROW adjacent to travel lane was not (red arrows).



Standing at Access Road 159.01 facing upslope at Station No. 6450+76. Erosion present on cut slope and above controls (red arrow).

Standing at Station No. 6450+76 at slope drain. Run-off causing erosion on cut slope (red arrow).

Erosion occurring on cut slope (red arrow) below slope drain outlet at Station No. 6450+76.

Erosion occurring on cut slope (red arrow) below slope drain outlet at Station No. 6450+76. Erosion present in waterbar. Area not reseeded.

Near Station No. 6450+76 facing North. Area had not been reseeded since last Fall.

Near Station 6450+76 facing upslope toward erosion on slope (red arrow).

Near Station 6450+76 facing downslope toward erosion in waterbar (red arrow). Sediment was being deposited in waterbar, and runoff was flowing around unmaintained controls.

Section of ROW upslope from 6450+76 that was not reseeded since Fall 2019. Red arrow shows erosion occurring due to increased sheet flow.

Erosion on slope between waterbars near station No. 6450+76 (red arrows). Area had not been reseeded.

12/14/20

Base Penalty Calculation

(pursuant to 47CSR1-6.1)

Responsible Party: Mountain Valley Pipeline, LLC **Receiving Stream:** _____

Treatment System Design Maximum Flow: _____ **MGD**

Treatment System Actual Average Flow: _____ **MGD** (if known)

Enter FOF# and rate each finding as to Potential and Extent.

			FOF#															
1)	Potential for Harm Factor	Factor Range	2b	2c	2d, 4e, 16c, 24d	3a	3b	3c	4a, 7a, 8a, 9a, 10a, 11a, 16a, 17a, 18a, 19b, 20a, 21a, 23a, 24a, 25a, 27a, 28a, 29a, 30a, 31a	4b	4d	5a	6a, 8b	7b, 8d, 14b, 17c, 19a, 25b, 26b	7c	7d	8c	8e
a)	Amount of Pollutant Released	1 to 3	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
b)	Toxicity of Pollutant	0 to 3	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
c)	Sensitivity of the Environment	0 to 3	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
d)	Length of Time	1 to 3	1	1	1	1	2	1	3	1	2	2	3	3	2	1	1	2
e)	Actual Exposure and Effects thereon	0 to 3	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	Average Potential for Harm Factor		1	1	1	1	1.2	1	1.4	1	1.2	1.2	1	1.4	1.2	1	1	1.2
2)	**Extent of Deviation Factor**	**Factor Range**																
	Degree of Non-Compliance	1 to 3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3

Potential for Harm Factors:

1)c - Sensitivity of the Environment Potentially Affected (0 for "dead" stream)

1)d - Length of Time of Violation

1)e - Actual Human/Environmental Exposure and Resulting Effects thereon

Examples/Guidance:

Note: Rate as 1 for Minor, 2 for Moderate and 3 for Major. Rate as 0 if it does not apply.

Minor = exceedance of permit limit by <=40% for Avg. Monthly or <=100% for Daily Max., exceed numeric WQ standard by <= 100%, or report doesn't contain some minor information.

Moderate = exceedance of permit limit by >= 41% and <= 300% for Avg. Monthly , >= 101% and <= 600% for Daily Max., exceed numeric WQ standard by >= 101% and <= of 600% or report doesn't fully address intended subject matter.

Major = exceedance of permit limit by >= 301% for Avg. Monthly, >= 601% for Daily Max., exceed numeric WQ standard by >= 601%, failure to submit a report, failure to obtain a permit, failure to report a spill, etc. Note that a facility in SNC should be rated as major for length of time and degree of non-compliance.

Narrative WQ standard violations - case-by-case.

Continue rating Findings of Facts (FOF) here, if necessary. Otherwise, continue on Page 4.

1)	Potential for Harm Factor	Factor Range	FOF#																			
			9b, 10b, 11b, 12a, 14c, 15a, 17d, 21b, 23b, 25c, 28e	13b, 18d, 20d, 26c	14a, 17b, 18b	20c	24c	26a	28c, 29c, 31b													
a)	Amount of Pollutant Released	1 to 3	1	1	1	1	1	1	1													
b)	Toxicity of Pollutant	0 to 3	1	1	1	1	1	0	1													
c)	Sensitivity of the Environment	0 to 3	1	1	1	1	1	0	1													
d)	Length of Time	1 to 3	3	1	3	1	1	1	1													
e)	Actual Exposure and Effects thereon	0 to 3	1	1	1	1	1	0	1													
	Average Potential for Harm Factor		1.4	1	1.4	1	1	0.4	1	No	No	No	No	No	No	##	#DIV/0!	#DIV/0!	###	###	##
2)	**Extent of Deviation Factor**	**Factor Range**																				
	Degree of Non-Compliance	1 to 3	3	3	3	3	3	3	3													

		Extent of Deviation from Requirement		
		Major	Moderate	Minor
Potential for Harm to Human Health or the Environment	Major	$8,000 to $10,000	$6,000 to $8,000	$5,000 to $6,000
	Moderate	$4,000 to $5,000	$3,000 to $4,000	$2,000 to $3,000
	Minor	$1,500 to $2,000	$1,000 to $1,500	Up to $1,000

FOF #	Potential for Harm	Extent of Deviation	Penalty	Multiple Factor	Base Penalty
2b	Minor	Major	$2,000	1	$2,000
2c	Minor	Major	$2,000	1	$2,000
2d, 4e, 16c, 24d	Minor	Major	$2,000	4	$8,000
3a	Minor	Major	$2,000	1	$2,000
3b	Moderate	Major	$4,200	1	$4,200
3c	Minor	Major	$2,000	1	$2,000
4a, 7a, 8a, 9a, 10a, 11a, 16a, 17a, 18a, 19b, 20a, 21a, 23a, 24a, 25a, 27a, 28a, 29a, 30a, 31a	Moderate	Major	$4,400	19	$83,600
4b	Minor	Major	$2,000	1	$2,000
4d	Moderate	Major	$4,200	1	$4,200
5a	Moderate	Major	$4,200	1	$4,200
6a, 8b	Moderate	Major	$4,400	2	$8,800
7b, 8d, 14b, 17c, 19a, 25b, 26b	Moderate	Major	$4,400	6	$26,400
7c	Moderate	Major	$4,200	1	$4,200
7d	Minor	Major	$2,000	2	$4,000
8c	Minor	Major	$2,000	1	$2,000
8e	Moderate	Major	$4,200	1	$4,200
9b, 10b, 11b, 12a, 14c, 15a, 17d, 21b, 23b, 25c, 28e	Moderate	Major	$4,400	10	$44,000
13b, 18d, 20d, 26c	Minor	Major	$2,000	4	$8,000
14a, 17b, 18b	Moderate	Major	$4,400	3	$13,200
20c	Minor	Major	$2,000	1	$2,000
24c	Minor	Major	$2,000	1	$2,000
26a	Minor	Major	$1,700	1	$1,700
28c, 29c, 31b	Minor	Major	$2,000	3	$6,000
0	FALSE	FALSE	FALSE	1	$0
0	FALSE	FALSE	FALSE	1	$0
0	FALSE	FALSE	FALSE	1	$0
0	FALSE	FALSE	FALSE	1	$0
0	FALSE	FALSE	FALSE	1	$0
0	FALSE	FALSE	FALSE	1	$0
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0	#DIV/0!	FALSE	FALSE	1	$0
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0	FALSE	FALSE	FALSE	1	$0
0	FALSE	FALSE	FALSE	1	$0
0	FALSE	FALSE	FALSE	1	$0
0	FALSE	FALSE	FALSE	1	$0
0	FALSE	FALSE	FALSE	1	$0
0	FALSE	FALSE	FALSE	1	$0
0	FALSE	FALSE	FALSE	1	$0
0	FALSE	FALSE	FALSE	1	$0
0	FALSE	FALSE	FALSE	1	$0
0	FALSE	FALSE	FALSE	1	$0
Total Base Penalty					$240,700

Penalty Adjustment Factors

(pursuant to 47CSR1-6.2)

Penalty Adjustment Factor

6.2.b.1 - Degree of or absence of willfulness and/or negligence - 0% to 30% increase

6.2.b.4 - Previous compliance/noncompliance history - 0% to 100% increase - based upon review of last three (3) years - Warning = maximum of 5% each, N.O.V. = maximum of 10% each, previous Order = maximum of 25% each - Consistent DMR violations for <1 year = 10% maximum, for >1 year but <2 years = 20% maximum, for >2 years but <3 years = 30% maximum, for >3 years = 40 % maximum

6.2.b.6 - Economic benefits derived by the responsible party (increase to be determined)

6.2.b.7 - Public Interest (increase to be determined)

6.2.b.8 - Loss of enjoyment of the environment (increase to be determined)

6.2.b.9 - Staff investigative costs (increase to be determined)

6.2.b.10 - Other factors

Size of Violator: 0 - 50% decrease

NOTE: This factor is not available to discharges that are causing a water quality violation. This factor does not apply to a commercial or industrial facility that employees or is part of a corporation that employees more than 100 individuals.

Avg. Daily WW Discharge Flow (gpd)	% Reduction Factor
< 5,000	50
5,000 to 9,999	40
10,000 to 19,999	30
20,000 to 29,999	20
30,000 to 39,999	10
40,000 to 99,999	5
> 100,000	0

Additional Other factors to be determined for increases or decreases on a case-by-case basis.

Public Notice Costs (cost for newspaper advertisement)

6.2.b.2 - Good Faith - 10% decrease to 10% increase

6.2.b.3 - Cooperation with the Secretary - 0% to 10% decrease

6.2.b.5 - Ability to pay a civil penalty - 0% to 100% decrease

Base Penalty Adjustments

(pursuant to 47CSR1-6.2)

Penalty Adjustment Factor	% Increase	% Decrease	Base Penalty Adjustments
6.2.b.1 - Willfulness and/or negligence -	10		$24,070
6.2.b.4 - Compliance/noncompliance history -	25		$60,175
6.2.b.6 - Economic benefits - (flat monetary increase)			$0
6.2.b.7 - Public Interest - (flat monetary increase)			$0
6.2.b.8 - Loss of enjoyment - (flat monetary increase)			$0
6.2.b.9 - Investigative costs - (flat monetary increase)	$2,801		$2,801
6.2.b.10 - Other factors (size of violator)			$0
6.2.b.10 - Additional Other Factors - Increase (flat monetary increase)			$0
6.2.b.10 - Additional Other Factors - Decrease (flat monetary decrease)			$0
Public Notice Costs (flat monetary increase)	$30		$30
6.2.b.2 - Good Faith - Increase			$0
6.2.b.2 - Good Faith - Decrease		10	($24,070)
6.2.b.3 - Cooperation with the Secretary			$0
6.2.b.5 - Ability to Pay			$0
Penalty Adjustments			**$63,006**
Penalty =			**$303,706**

Estimated Economic Benefit Item	Estimated Benefit ($)
Monitoring & Reporting	
Installation & Maintenance of Pollution Control Equipment	
O&M expenses and cost of equipment/materials needed for compliance	
Permit Application or Modification	
Competitive Advantage	
Estimated Economic Benefit	**$0**
Comments: Economic benefit not warranted.	