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Dominion reprimanded, agrees to fix pipeline issues

BY JOHN BRUCE • STAFF WRITER



A flume pipe, sand bags and slip material in Bartletts Run stream.

Dominion has agreed to comply with an administrative consent order after West Virginia's environmental regulators cited multiple water pollution law violations spanning nine waterways in three counties following a string of gas and oil pipeline investigations over three years.

Brian Sheppard, vice president of pipeline operations for Dominion Transmission, signed an agreement to comply with the order Oct. 20. Final approval is pending public comment.

The order has received attention across the state line because it refers to construction activity upstream from Dominion's proposed \$4 billion 550-mile Atlantic Coast Pipeline from West Virginia through Highland on its way to North Carolina.

Following a request for the company's response, a Dominion spokesman told The Recorder that during the West Virginia construction projects the company failed "to meet its own expectations," but it plans to follow the order and refrain from future violations.



This photo from West Virginia regulators shows the failure of erosion controls.

The consent order is out for public comment until Dec. 17. It can be found on DEP's website. The order will not be finalized until signed by Scott Mandirola, director of the DEP's Division of Water and Waste Management. That will happen after the public comment period ends, if the DEP does not make any changes based on public feedback. If there are changes made, the revised document would go back to Dominion for review and to be signed, then would again go out for public comment.

Waterways identified in the 22-page order dated Oct. 1 included Dry Fork, Sims Run, Little Tribble Creek, Grave Creek, Leach Run, Grave Creek, Bartletts Run, Little Toms Run and Middle Run. Accompanying the order text are numerous photos of failed erosion and sediment controls in and along some of the waterways. In the order negotiated with Dominion, the West Virginia Division of Environmental Protection Division of Water and Waste Management detailed breaches mainly of sediment controls that resulted in failures on waterways along Dominion's pipeline and compressor station construction projects.

“Looks and sounds like very sloppy work,” said Angie Rosser, executive director of the West Virginia Rivers Coalition, in response to the order and construction issues described in the northwest West Virginia locations, in and around the panhandle counties of Marshall and Ohio, and south in Doddridge.

Several references in the reprimand were made to sediment deposits and visible settleable solids.

Additionally, the order points to a pipeline leak that sent crude oil into a waterway and failure to report noncompliance.

“Dominion ... failed to provide sufficient protection to prevent crude oil and produced water from entering Dry Fork,” the order states. “Dominion failed to report ... any noncompliance which may have endangered health or the environment immediately after becoming aware of the circumstances.”

The order said an investigation found underground pipelines were leaking near a compressor station. In January 2014, the division received a spill report at the Lightburn Compressor Station near Lightburn, W.Va. An investigation found pipelines were leaking.

“Remediation is ongoing, and Dominion is in the process of submitting a sampling plan,” the order said.

The division ordered Dominion “to immediately commence exclusive use of best management practices and sediments and erosion controls” prescribed by the state; and:

- Provide a groundwater protection plan for Lightburn;
- Submit a for approval a plan, schedule, corrective actions and how it will comply with all laws and rules;
- Submit an inventory of pipeline slips along with priorities following prescribed guidelines;
- Submit geo-referenced line work;
- Give the division notice of high-priority slips;
- Conduct a geotechnical analysis of right-of-way pipeline failures;
- Develop a written policy and procedure for slips;
- Pay a civil administrative penalty of \$55,470.

The order provides for Dominion to waive appeal rights, but stipulates the company need not admit to any factual or legal determinations. The state division director reserves the right to take further actions if compliance is deemed insufficient, and Dominion must prove any delays in compliance are beyond its control, the order says.

Dominion spokesman Jim Norvelle issued the following prepared statement.

“Dominion works hard to comply with all environmental rules and regulations. In this instance, Dominion did not meet its own expectations where — in certain situations — the restored slopes failed, allowing sediment to enter streams during and after construction of a natural gas liquids pipeline in Marshall County. Dominion remains committed to full compliance with all federal, state and local regulations. “Dominion has agreed to an administrative consent order with the West Virginia Division of Environmental Protection’s Division of Water and Waste Management. Dominion has worked with the state to resolve all issues and will implement all requirements of the consent order to ensure we do not encounter the same issues on future projects,” Norvelle said.

For information about the order, contact the Chief Inspector, WVDEP/Environmental Enforcement, 601 57th Street SE, Charleston, W. Va. 25304, (304) 926-0470 or by accessing the West Virginia Department of Environmental Protection’s website.

Click here to access the [100114 WVDEP Consent Order Issued to Dominion](#)