



VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN REGIONAL OFFICE
13901 Crown Court, Woodbridge, Virginia 22193
(703)583-3800 FAX (703) 583-3821
www.deq.virginia.gov

Matthew J. Strickler
Secretary of Natural Resources

David K. Paylor
Director
(804) 698-4000

Thomas A. Faha
Regional Director

**STATE AIR POLLUTION CONTROL BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
DOMINION ENERGY TRANSMISSION, INC.
FOR
THE DOMINION-LEESBURG COMPRESSOR STATION
Registration No. 71978**

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §§ 10.1-1309 and -1316, between the State Air Pollution Control Board and Dominion Energy Transmission, Inc. regarding the Dominion-Leesburg Compressor Station for the purpose of resolving certain violations of the Virginia Air Pollution Control Law and the applicable permit and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Board" means the State Air Pollution Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and -1301.
2. "CFR" means the Code of Federal Regulations, as incorporated into the Regulations.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.

4. “Director” means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
5. “Dominion” means Dominion Energy Transmission, Inc. a corporation authorized to do business in Virginia and its affiliates, partners, and subsidiaries. Dominion Energy Transmission, Inc. is a “person” within the meaning of Va. Code § 10.1-1300.
6. “Facility” means the Dominion Energy Transmission, Inc. Facility, the Dominion-Leesburg Compressor Station located at 40620 Consolidated Lane in Leesburg, Virginia.
7. “Notice of Violation” or “NOV” means a type of Notice of Alleged Violation under Va. Code § 10.1-1309.
8. “NRO” means the Northern Regional Office of DEQ, located in Woodbridge, Virginia.
9. “Order” means this document, also known as a “Consent Order” or “Order by Consent,” a type of Special Order under the Virginia Air Pollution Control Law.
10. “Permit” means a Title V Permit, originally issued on May 9, 2000, renewed on May 5, 2010, and July 23, 2015, modified on April 3, 2018, and amended on June 8, 2018.
11. “Regulations” or “Regulations for the Control and Abatement of Air Pollution” mean 9 VAC 5 chapters 10 through 80.
12. “Va. Code” means the Code of Virginia (1950), as amended.
13. “VAC” means the Virginia Administrative Code.
14. “Virginia Air Pollution Control Law” means Chapter 13 (§ 10.1-1300 *et seq.*) of Title 10.1 of the Va. Code.

SECTION C: Findings of Fact and Conclusions of Law

1. Dominion owns and operates the Facility located in Leesburg, Virginia. The Facility is a natural gas transmission facility and operates pursuant to the Permit.
2. On April 26, 2019, DEQ received a testing report for the 2019 relative accuracy test audit (RATA) conducted by Dominion for the O₂ and NO_x Continuous Emissions Monitor (CEMS) that took place at the Facility on March 12, 2019.
3. The report noted that the mid-range NO_x calibration gas cylinder was expired at the time of the test. DEQ informed Dominion on May 24, 2019, that the gas cylinder was expired, and Dominion elected to send the cylinder out for recertification. On June 19, 2019, Dominion told DEQ that the cylinder did not meet standards for recertification. As a result, DEQ invalidated the RATA.

4. A protocol for a new RATA was received by DEQ On June 20, 2019 and the RATA was conducted on June 21, 2019, outside of the regulatory time-frame. No further issues were noted.
5. Permit Condition 8 states that a CEMS quality control program which meets the requirements of 40 CFR Part 60.13 and Appendix B and F, as applicable, shall be implemented for all continuous monitoring systems.
6. 40 CFR Part 60, Appendix F Section 5.1.1 Relative Accuracy Test Audit (RATA) states that the RATA must be conducted at least once every four calendar quarters, except as otherwise noted in section 5.1.4 of this appendix. Conduct the RATA as described for the RA test procedure in the applicable PS in appendix B (e.g., PS 2 for SO₂ and NO_x). In addition, analyze the appropriate performance audit samples received from EPA as described in the applicable sampling methods (e.g., Methods 6 and 7).
7. On July 2, 2019, based on the RATA report submitted to DEQ on April 26, 2019, and subsequent calibration gas recertification failure, the Department issued Notice of Violation No. ANRO001248 to Dominion for the violations described in paragraphs C(2) through C(6) above.
8. DEQ met with representatives from the Facility on August 1, 2019, to discuss the Notice Of Violation and corrective actions that Dominion has undertaken to ensure a similar violation will not occur in the future.
9. Dominion submitted a new RATA protocol and conducted a re-test on June 21, 2019. The CY2019 RATA re-test was conducted and the report was received by DEQ on July 17, 2019. No further issues were noted.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 10.1-1309 and -1316, the Board orders Dominion Energy Transmission, Inc., and Dominion Energy Transmission, Inc. agrees to pay a civil charge of \$5,200.00 within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

Dominion Energy Transmission, Inc. shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, Dominion Energy Transmission, Inc. shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of Dominion Energy Transmission, Inc. for good cause shown by Dominion Energy Transmission, Inc. or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, Dominion Energy Transmission, Inc. admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. Dominion Energy Transmission, Inc. consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Dominion Energy Transmission, Inc. declares it has received fair and due process under the Administrative Process Act and the Virginia Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by Dominion Energy Transmission, Inc. to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.

8. Dominion Energy Transmission, Inc. shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. Dominion Energy Transmission, Inc. shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Dominion Energy Transmission, Inc. shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Dominion Energy Transmission, Inc.. Nevertheless, Dominion Energy Transmission, Inc. agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after Dominion Energy Transmission, Inc. completes all of the requirements of the Order;
 - b. Dominion Energy Transmission, Inc. petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
 - c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to Dominion Energy Transmission, Inc..

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Dominion Energy Transmission, Inc. from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by Dominion Energy Transmission, Inc. and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
13. The undersigned representative of Dominion Energy Transmission, Inc. certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind Dominion Energy Transmission, Inc. to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Dominion Energy Transmission, Inc..
14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
15. By its signature below, Dominion Energy Transmission, Inc. voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 14th day of January, ~~2019~~ 2020.


Thomas A. Faha, Regional Director
Department of Environmental Quality

Dominion Energy Transmission, Inc. voluntarily agrees to the issuance of this Order.

Date: 12/19/19 By: [Signature], VP-Eastern Pipeline Ops
(Person) (Title)
[Dominion Energy Transmission, Inc.]

State of West Virginia
~~Commonwealth of Virginia~~
City/County of Harrison

The foregoing document was signed and acknowledged before me this 19th day of December, 2019, by John M. Lamb who is VP-Eastern Pipeline Operations of Dominion Energy Transmission, Inc. on behalf of the company.

[Signature]
Notary Public

Registration No. _____

My commission expires: July 5, 2020

Notary seal:

