



COMMONWEALTH of VIRGINIA

Matthew J. Strickler
Secretary of Natural Resources

DEPARTMENT OF ENVIRONMENTAL QUALITY

Blue Ridge Regional Office

901 Russell Drive, Salem, VA, 24153

(540) 562-6700; Fax (540) 562-6725

www.deq.virginia.gov

David K. Paylor
Director

Robert J. Weld
Regional Director

**STATE AIR POLLUTION CONTROL BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
TRANSCONTINENTAL GAS PIPE LINE COMPANY, LLC
FOR STATION 170
APPOMATTOX COUNTY, VA FACILITY
Registration No. 30863**

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 Transcontinental Gas Pipe Line Company, LLC, regarding its facility in Appomattox County, Virginia, for the purpose of resolving certain violations of the Virginia Air Pollution Control Law, applicable regulations and its permit.

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. "BRRO" means the Blue Ridge Regional Office of DEQ, located in Salem, Virginia.
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. "Facility" means TRANSCO's Compressor Station No. 170, located in Appomattox County, Virginia. The compressor station is used to compress and move natural gas along the interstate natural gas transmission system.
6. "FCE" means a full compliance evaluation by Department staff.
7. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1309.
8. "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.
9. "Permit" means the Title V permit to operate a stationary source of air pollution under the Virginia Air Pollution Control Law and the Regulations and issued to TRANSCO on June 4, 2014, last modified on September 11, 2015.
10. "Regulations" or "Regulations for the Control and Abatement of Air Pollution" mean 9 VAC 5 chapters 10 through 80.
11. "TRANSCO" means Transcontinental Gas Pipe Line Company, LLC, a company authorized to do business in Virginia and its affiliates, partners, and subsidiaries. TRANSCO is a "person" within the meaning of Va. Code § 10.1-1300.
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. TRANSCO owns and operates the Facility in Appomattox County, Virginia. TRANSCO is required to operate the Facility in accordance with the Permit.
2. On July 17, 2019, Department staff conducted an FCE at the Facility and noted that TRANSCO was not documenting daily observations of each unit in operation as required in the Permit. During the period of July 17, 2018 through July 17, 2019, the facility did not conduct visible emissions observations for 46 days while the Main Units were in operation.
3. Condition #25 of the Permit requires daily observation of the presence of visible emissions from each engine stack, made during normal business hours, when the engine is operating. The permittee shall maintain an observation log to demonstrate compliance.

The logs shall include the date and time of the observations, whether or not there were visible emissions, the results of all VEEs, any necessary corrective action, and the name of the observer. If the unit has not been operated, it shall be noted in the logbook.

4. Condition #26e of the Permit requires that the permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. These records shall include, but are not limited to the observation log required by Condition 25. These records shall be available on site for inspection by the DEQ and shall be current for the most recent five (5) years.
5. On August 9, 2019, the Department issued NOV ABRRO001265 to TRANSCO for the violation listed in paragraph, C(2), above.
6. On August 18, 2019, TRANSCO responded to the NOV as requested and provided documentation that compliance with the Permit is being achieved.
7. Based on the July 17, 2019 FCE, the Board concludes that TRANSCO violated Conditions #25 and #26e of the Permit, as described in paragraph C(2), above.
8. TRANSCO has submitted documentation that verifies that the violations described in paragraphs C(2), above, have been corrected.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 10.1-1309 and -1316, the Board orders TRANSCO, and TRANSCO agrees to pay a civil charge of **\$7,319.00** 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

TRANSCO shall include its Federal Employer Identification Number (FEIN) 74-1079400 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, TRANSCO 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 TRANSCO for good cause shown by TRANSCO, 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, TRANSCO admits to the jurisdictional allegations, and agrees not to contest, but neither admits nor denies, the findings of fact and conclusions of law in this Order.
4. TRANSCO 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. TRANSCO 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 TRANSCO 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. TRANSCO 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. TRANSCO shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. TRANSCO 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 TRANSCO.
11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after TRANSCO has completed all of the requirements of the Order;
 - b. TRANSCO 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 TRANSCO.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve TRANSCO 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 TRANSCO 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 TRANSCO 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 TRANSCO to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of TRANSCO.

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, TRANSCO voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 10th day of December, 2019.

Robert J. Weld, Regional Director
Department of Environmental Quality

Transcontinental Gas Pipe Line Company, LLC voluntarily agrees to the issuance of this Order.

Date: 2 DEC 2019 By: Ty B. Henderson
Ty B. Henderson
Director Operations, Atlantic - Gulf
Transcontinental Gas Pipe Line Company, LLC

State of Virginia
City/County of Albemarle

The foregoing document was signed and acknowledged before me this 2nd day of December, 2019, by Ty B. Henderson who is the Director Operations, Atlantic – Gulf, for Transcontinental Gas Pipe Line Company, LLC on behalf of the company.

Notary Public



Carol A. Crowley
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #299401
My Commission Expires
October 31, 2021

299401
Registration No.

My commission expires: Oct 31, 2021
Notary seal: