



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

September 16, 2013

Janet McQuaid, Esquire
FULBRIGHT & Jaworski L.L.P.
Southpointe Energy Complex
370 Southpointe Boulevard
Suite 300
Canonsburg, Pennsylvania 15317

Re: Triad Hunter, LLC Administrative Order on Consent
Docket. No. CWA-03-2013-0181DW

Dear Ms. McQuaid:

I am enclosing the fully endorsed Administrative Order on Consent (AOC) for restoration of the Triad Hunter, LLC (Triad) well pad site located on Buffalo Run Road in the Lewis Wetzel Wildlife Management Area in Wetzel County, West Virginia.

Thank you for your cooperation in this matter.

Yours truly,

A handwritten signature in cursive script that reads "Judith Hykel".

Judith Hykel
Senior Assistant Regional Counsel

Cc: Mr. Mark Taylor – U.S. Army Corps of Engineers, Huntington District
Mr. Michael Zeto – West Virginia Department of Environmental Protection
Mr. Brad Swiger – West Virginia Department of Environmental Protection
Mr. David Belcher – West Virginia Department of Environmental Protection
Ms. Jackie Thornton – West Virginia Department of Environmental Protection
Ms. Wilma Reip – West Virginia Department of Environmental Protection
Mr. Clifford Brown – West Virginia Division of Natural Resources
Mr. Roger Anderson – West Virginia Division of Natural Resources





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

In The Matter of:

Triad Hunter, LLC,

Respondent.

Property Located At:
Buffalo Run Road
Lewis Wetzel Wildlife Management Area
39.5093, -80.6353
Wetzel County, West Virginia

Proceeding Under Section 309(a) of the Clean
Water Act, 33 U.S.C. § 1319(a)

ADMINISTRATIVE ORDER ON CONSENT

Docket. No. CWA-03-2013-0181DW

I. STATUTORY AUTHORITY

1. This Administrative Order on Consent (“AOC”) is issued under the authority vested in the United States Environmental Protection Agency (“EPA”) by Section 309(a)(3) of the Clean Water Act (“CWA”); 33 U.S.C. § 1319(a)(3). The Administrator has delegated this authority to the Regional Administrator of EPA, Region III who in turn has delegated it to the Director of the Environmental Assessment and Innovation Division.
2. This AOC is issued in accordance with the authority granted to EPA under the Clean Water Act, 33 U.S.C. § 1251 *et seq.* and its stated objective to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.

II. EPA’s FINDINGS OF FACT and CONCLUSIONS OF LAW

3. Triad Hunter, LLC, (“Respondent”) is a “person” within the meaning of Section 502(5) of the CWA, 33 U.S.C. § 1362(5).
4. Respondent neither admits, nor denies the allegations contained in this Section II.
5. 40 C.F.R. § 232.2 defines “discharge of fill material” to include “[p]lacement of fill that is necessary for the construction of any structure or infrastructure in a water of the United

III. COMPLIANCE REQUIREMENTS

Pursuant to Section 309(a)(3) of the CWA, 33 U.S.C. § 1319(a)(3), Respondent shall take the following actions:

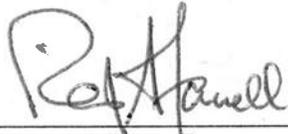
16. Within thirty (30) days of the effective date of this AOC, Respondent shall submit a wetland and stream delineation of pre-disturbance conditions ("Delineation") and associated report ("Delineation Report") to EPA for approval. The Delineation and Delineation Report shall identify any and all areas at the Site which, prior to construction, were streams and/or wetlands, and will show the extent of the waters. The Respondent shall utilize a methodology for identifying wetlands and streams in disturbed and undisturbed areas consistent with methods accepted by EPA and the U.S. Army Corps of Engineers.
17. EPA will review Respondent's Delineation and Delineation Report and either: a) approve the Delineation and/or the Delineation Report, or b) approve the Delineation and/or the Delineation Report in part, and request modifications to address and correct any noted deficiencies, or c) disapprove the Delineation and/or the Delineation Report, in writing.
18. Within fourteen (14) days of Respondent's receipt of EPA's request for modifications or EPA's disapproval, of any submission required by Paragraph 16, above, Respondent shall address and correct all noted deficiencies and resubmit the Delineation and/or the Delineation Report to EPA for approval.
19. Within sixty (60) days of EPA's approval of the Delineation and Delineation Report, Respondent shall submit a detailed Site restoration plan ("Restoration Plan") to EPA for approval. The Restoration Plan shall include the actions that shall be taken to remove the material from the regulated waters, stabilize the Site, and return the Site to pre-disturbance grade and conditions, and a schedule for completing such actions.
20. EPA will review Respondent's Restoration Plan and either: a) approve the Restoration Plan, b) approve the Restoration Plan in part, and request modifications to address and correct any noted deficiencies; c) modify the Restoration Plan to cure any deficiencies; or d) disapprove the Restoration Plan, in writing.
21. Within fourteen (14) days of Respondent's receipt of any EPA request for modifications, or disapproval, of the Restoration Plan required by paragraph 19, above, Respondent shall address and correct all noted deficiencies and resubmit the Restoration Plan for EPA approval. EPA retains the right, if the Restoration Plan is not approved as provided in this AOC, to order compliance in accordance with a Restoration Plan developed by EPA.
22. Upon receipt of EPA's written approval of the Restoration Plan, Respondent shall implement the EPA approved Restoration Plan in accordance with its terms.
23. Respondent shall not discharge any dredged or fill material into any waters of the United States except in compliance with a Section 404 permit.

29. Issuance of this AOC is not an election by EPA to forego any civil or criminal action otherwise authorized by the CWA. EPA reserves the right to seek any remedy available under the law that it deems appropriate to address the violations described herein.
30. Respondent shall permit EPA and/or its authorized representative(s) to inspect the Site at reasonable times to confirm that Respondent is in compliance with this AOC. EPA reserves all of its existing inspection authority.
31. Respondent waives its rights to judicial or administrative review of this Order on Consent under the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22, and the Administrative Procedures Act, 5 U.S.C. § 551 *et seq.*

VIII. EFFECTIVE DATE

32. This AOC will become effective thirty (30) days after receipt unless modified or withdrawn.

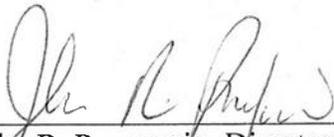
FOR RESPONDENT TRIAD HUNTER, LLC:



Richard S Farrell
Senior Vice President of Business Development/Land
Triad Hunter, LLC

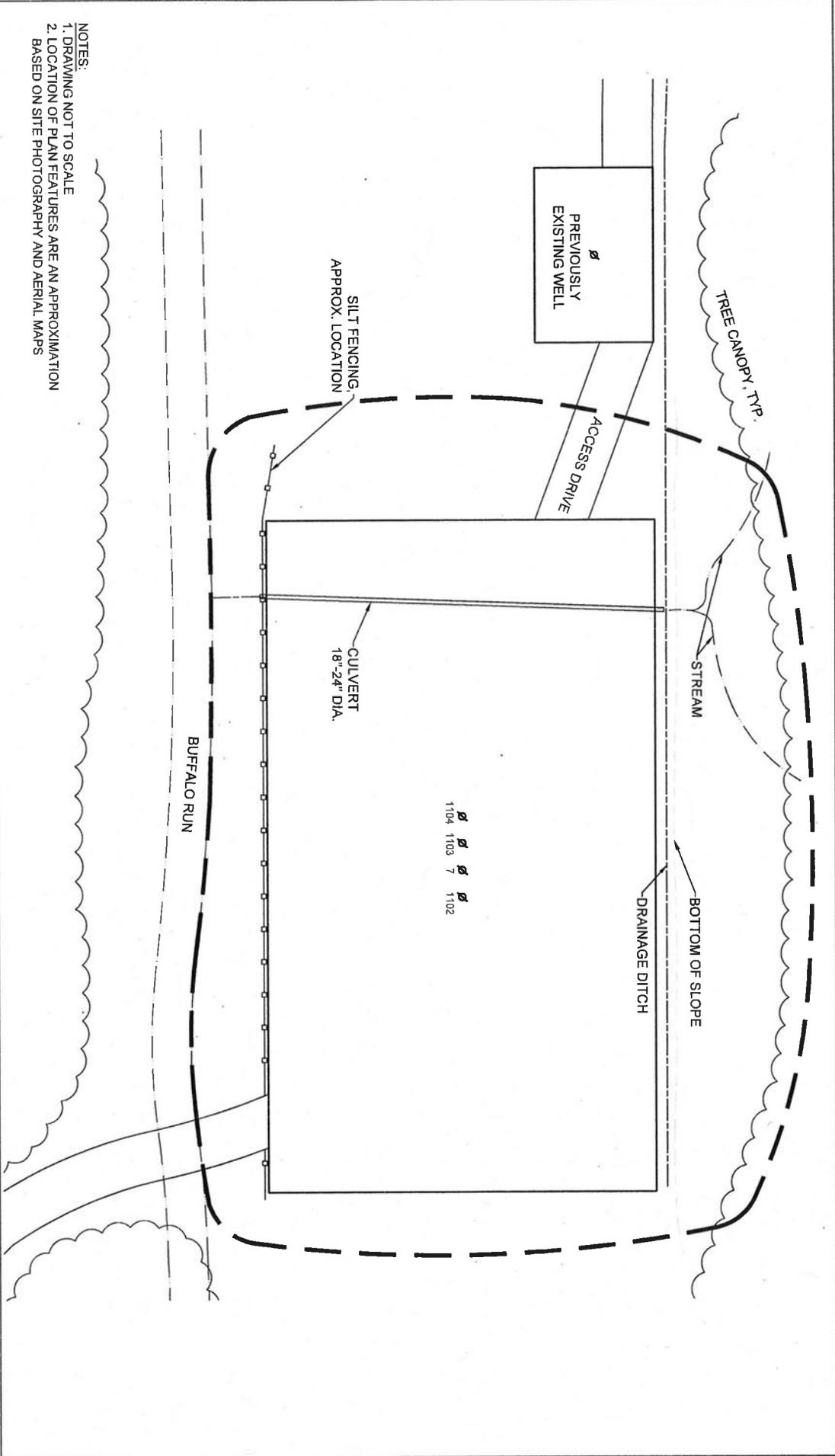
Sept. 5, 2013
Date

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY:



John R. Pomponio, Director
Environmental Assessment Innovation Division
U.S. EPA Region III

9/16/13
Date



- NOTES:
1. DRAWING NOT TO SCALE
 2. LOCATION OF PLAN FEATURES ARE AN APPROXIMATION BASED ON SITE PHOTOGRAPHY AND AERIAL MAPS

URS - EXHIBIT A

K:\Projects\Triad Hunter\13816035\DWGs\C\Existing Site Conditions.dwg User: jparth_caldwell Aug 20, 2013 - 3:24pm

PROJECT TRIAD HUNTER, LLC
 BUFFALO RUN ROAD
 LEWIS WETZEL WILDLIFE MANAGEMENT AREA
 SCALE NTS

JOB NO. 13816035
 DATE 08-20-2013
 DRAWN BY JC
 SHEET NO. 1 of 3