

**NOTICE OF INTENT TO FILE CONSENT AGREEMENT AND FINAL ORDER ASSESSING
ADMINISTRATIVE PENALTY AND OPPORTUNITY FOR PUBLIC COMMENT
U.S. Environmental Protection Agency - Region III
Hazardous Sites Cleanup Division, Oil and Prevention Branch (3HS61)
1650 Arch Street, Philadelphia, Pennsylvania 19103**

Name of Respondents and Docket Number: EnLink Midstream Operating, LP, and West Virginia Oil Gathering, LLC, CWA-03-2017-0174

Title of Notice: Proposed penalty of \$40,741 against EnLink Midstream Operating, LP, and West Virginia Oil Gathering, LLC

Public Comments will be accepted until September 25, 2017.

NOTICE: The U.S. Environmental Protection Agency (EPA) is providing public notice pursuant to 33 U.S.C. §1321(b)(6)(C) of a proposed administrative penalty assessment for alleged violation of the Clean Water Act (CWA). The deadline for submitting public comment on a proposed penalty order is forty (40) days after publication of this notice.

DESCRIPTION: EPA, Region III, is hereby giving notice that it proposes to enter into a Consent Agreement and issue a Final Order, which commences and concludes an administrative action against EnLink Midstream Operating, LP and its wholly-owned subsidiary West Virginia Oil Gathering, LLC. In this case, EPA alleges that Respondents violated Section 311(b)(3) of the CWA, 33 U.S.C. § 1321(b)(3), which prohibits the discharge of oil or hazardous substances into or upon the navigable waters of the United States or adjoining shorelines in such quantities that have been determined may be harmful to the public health or welfare or the environment of the United States. Specifically, EPA alleges that Respondents discharged between 1,400 and 1,900 barrels of crude oil from a pipeline in Cairo, Ritchie County, WV. The discharge entered an unnamed tributary of Brushy Fork, which is a tributary to Goose Creek, which, in turn, is a tributary to the Hughes River, a navigable waterway. A portion of the discharged crude oil also entered Buck Run. Respondents have reached agreement with EPA to pay a civil penalty of \$40,741 to settle the matter. Final approval of the proposed Consent Agreement and issuance of the Final Order is subject to the requirements of 40 C.F.R. § 22.13(b), 22.18(b), and 22.45.

OPPORTUNITY FOR COMMENT: Persons wishing to comment on the amount or basis of the proposed penalty are invited to submit a statement to the EPA Regional Administrator, attention of the Regional Hearing Clerk (address below), within forty (40) days of the date of this public notice. All comments received within this forty-day period will be considered in the formulation of the Final Order. All comments must include the name, address, and telephone number of the author and concise statement of the basis for any comment and any relevant facts on which it is based. All comments should be addressed to:

Regional Hearing Clerk (3RC00)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103

AVAILABILITY OF INFORMATION: Information relevant to the proposed penalty assessment may be requested through the Regional Hearing Clerk identified above.

FOR ADDITIONAL INFORMATION: Contact the following EPA representatives to learn more about this action.

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