



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

2011 MAY 23 PM 10:18

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

COMMUNICATIONS SECTION  
PHILADELPHIA, PA

Mr. Paul Rady  
Antero Resources Corporation  
1625 17th Street, Suite 300  
Denver, CO 80202

Re: EPA Docket No. CWA-03-2011-0144DW  
ORDER FOR COMPLIANCE

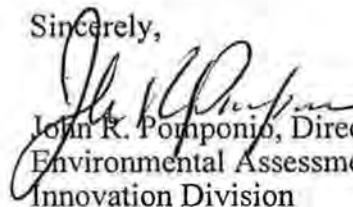
Dear Mr. Rady:

Enclosed is an Order for Compliance that requires you to mitigate for the unauthorized activity associated with the construction of the "Matthews Site", located along County Route 19/9, Harrison County, West Virginia. The Order requires mitigation for the environmental harm which was caused by the unlawful discharge to waters of the United States. The U.S. Environmental Protection Agency (EPA) has issued this Order under the authority of Section 309(a) of the Clean Water Act (CWA), 33 U.S.C. § 1319(a).

The CWA prohibits discharges to waters of the United States, including dredge or fill material, without a permit from the U.S. Army Corps of Engineers pursuant to CWA §404, 33 USC §1344. Activities performed by Antero Resources Corporation have resulted in discharges to jurisdictional waters of the United States without a permit. These activities constitute a violation of Sections 301 and 404 of the CWA and include the placement of fill material into wetlands and an unnamed tributary to Crooked Run. To come into compliance you must remove all fill material encroaching into the streams and wetlands associated with the above activities and return all impacted areas to pre-disturbance conditions.

EPA is prepared to answer any questions you may have. Ms. Carrie Traver is assigned to this matter and may be reached by phone at 215-814-2772.

Sincerely,

  
John R. Pomponio, Director  
Environmental Assessment and  
Innovation Division

Enclosure

cc: Mr. Scott Hans – US Army Corps of Engineers, Pittsburgh District  
Mr. Frank Jernejcic – WV Department of Natural Resources  
Mr. Mike Zeto – WV Department of Environmental Protection  
Mr. Jerry Alberts – Antero Resources Corporation  
Ms. Sheirl Fletcher – Fletcher Environmental Services

BEFORE THE UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION III

1650 Arch Street  
Philadelphia, Pennsylvania 19103

In The Matter of	)	
Antero Resources Corporation	)	Proceeding Under Section
Property Located At:	)	309(a) of the Clean Water
	)	Act, 33 U.S.C. § 1319(a)
Along County Route 19/9	)	
0.5-mile east of the intersection with County	)	
Route 9	)	
Harrison County, WV 26301	)	ORDER FOR COMPLIANCE
Known as the "Matthews Site"	)	
Respondent	)	Docket No. CWA-03-2011-0144DW

### I. STATUTORY AUTHORITY

1. This Order for Compliance is issued under the authority vested in the United States Environmental Protection Agency (EPA) by Section 309(a) of the Clean Water Act, 33 U.S.C. § 1319(a) ("CWA" or "Act"). The Administrator has delegated this authority to the Regional Administrator of EPA Region III who in turn has redelegated it to the Director of the Environmental Assessment and Innovation Division pursuant to Delegation No. 2-22 (9/1/05).

### II. ALLEGATIONS

2. Respondent, Antero Resources Corporation, is a corporation organized and existing under the laws of Delaware and is authorized to do business in the state of West Virginia. Respondent is, therefore, a "person" within the meaning of Section 502(5) of the CWA, 33 U.S.C. § 1362(5).
3. Respondent, Antero Resources Corporation, conducted work in wetlands and other waters of the United States, including but not limited to, an unnamed tributary to Crooked Run, located along County Route 19/9, approximately 0.5-mile east of the intersection with County Route 9 in Harrison County, West Virginia, identified as the "Matthews Site" or "the Site" on the attached map labeled Exhibit "A". Crooked Run is a tributary to the

West Fork River. The West Fork River flows to the Monongahela River, a navigable-in-fact body of water. Therefore, the area is considered "waters of the United States" within the meaning of Section 502(7) of the Act, 33 U.S.C. § 1362(7); 40 C.F.R. § 232.2; 40 C.F.R. § 122.2.

4. On information and belief, commencing on various occasions between August 2010 and the present, Respondent, or persons acting on behalf of Respondent, operated heavy equipment which discharged dredged and/or fill material to waters of the United States located at the Site. Respondent's activities included the discharge of fill material to wetlands and other waters of the United States, including but not limited to an unnamed tributary to Crooked Run, for the construction of the natural gas drilling pad and any and all associated facilities, including but not limited to all pipelines, compressor stations, access roads, tanks, and other appurtenances. These activities were reported in the "Pre-Construction Notification" submitted to the U.S. Army Corps of Engineers, dated October 19, 2010. The PCN is attached hereto as Exhibit "B."
5. The term "fill material" within the meaning of 40 C.F.R. § 232.2, includes any pollutant which replaces portions of "waters of the United States" with dry land or which changes the bottom elevation of a water body for any purpose.
6. The equipment referenced in Paragraph 4, above, which has discharged dredged and/or fill material to "waters of the United States", constitutes a "point source" within the meaning of Section 502(14) of the Act, 33 U.S.C. § 1362(14).
7. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of dredged and/or fill material from point sources to "waters of the United States" except in compliance with a permit issued by the Secretary of the Army under Section 404 of the Act, 33 U.S.C. § 1344.
8. On information and belief, at no time during the discharge of dredged and/or fill material to the "waters of the United States" located on the Site, did the Respondent have a permit from the Secretary of the Army as required by Section 404 of the Act, 33 U.S.C. § 1344.
9. Respondent, by discharging dredged and/or fill material to the "waters of the United States" without authorization, has violated Section 301(a) of the Act, 33 U.S.C. § 1311(a).

### III. ORDER FOR COMPLIANCE

Therefore, this 23<sup>rd</sup> day of May, 2011, the Respondent is hereby ORDERED, pursuant to Section 309(a) of the Clean Water Act, 33 U.S.C. § 1319(a), to do the following:

10. Immediately cease and desist all discharges without a permit to waters of the United States at the Site.

11. Within thirty (30) days of the effective date of this order, Respondent shall submit a pre-construction wetland and stream delineation to EPA for review and approval which will show the extent of the regulated waters in and adjacent to the work area by fully identifying all areas on the Site that, prior to construction, were streams and/or wetlands.
12. Within thirty (30) days of EPA's approval, Respondent shall submit a detailed restoration and mitigation plan to EPA for approval. The plan must describe the actions to be taken to remove the material from the regulated waters, to stabilize the Site, and to return the streams and wetlands to pre-disturbance grade and conditions.
13. After review of the restoration and mitigation plan, EPA will: a) approve the plan, in whole or in part; b) approve the plan upon specified conditions; c) modify the plan to cure any deficiencies; d) disapprove the plan, in whole or in part, or e) any combination of the above.
14. If EPA disapproves all or part of the restoration plan, Respondent shall, within fourteen (14) days of receipt of EPA's disapproval, correct the deficiencies and resubmit the plan for approval. EPA retains the right, if the plan is not approved as provided in this Order, to order restoration in accordance with a plan developed by EPA. Upon approval of the restoration plan (either with or without conditions or modifications by EPA), Respondent shall implement the plan as approved or modified by EPA as provided below. All restoration work shall be completed within ninety (90) days of EPA's approval of the plan.
15. Respondent's failure to complete the work in a manner consistent with this Order shall be deemed a violation of this Order.
16. The restoration plan and all other correspondence should be sent to:

Carrie Traver  
United States Environmental Protection Agency  
Region III (3EA30)  
1650 Arch Street  
Philadelphia, PA 19103-2029

17. Respondent's compliance with the terms of this Order shall not relieve Respondent of its obligation to comply with all applicable provisions of the Clean Water Act or any other Federal, State or local law or regulation. Issuance of this Order is not an election by EPA to forego any civil or criminal action otherwise authorized by the Clean Water Act. EPA reserves the right to seek any remedy available under the law that it deems appropriate to the violations described herein. Compliance with this Order shall not be a defense to any action commenced pursuant to such authorities.

18. Violation of the terms of this Order may result in further EPA enforcement action including, but not limited to, imposition of administrative penalties pursuant to 33 U.S.C. § 1319(g) as modified by the Debt Collection Procedures Act of 1996 and the subsequent Civil Monetary Penalty Inflation Adjustment Rule, 40 C.F.R. Part 19; and/or initiation of judicial proceedings that allow for civil penalties pursuant to 33 CFR § 1319(b) and (d) as modified by the Debt Collection Procedures Act; and/or for the criminal sanctions of imprisonment and fines of up to \$50,000 per day, 33 U.S.C. § 1319(c).

#### IV. EFFECTIVE DATE

19. The effective date of this Order shall be the date of receipt of the executed document.

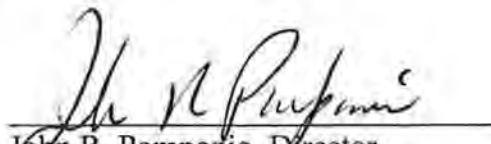
#### V. NOTICE OF INTENT TO COMPLY

20. Within ten (10) days of the effective date of this Order, Respondent shall submit to EPA a Notice of Intent to Comply with the Order. The Notice shall be submitted to:

Carrie Traver  
United States Environmental Protection Agency  
Region III (3EA30)  
1650 Arch Street  
Philadelphia, PA 19103-2029

Date:

5/23/11

  
\_\_\_\_\_  
John R. Pomponio, Director  
Environmental Assessment and Innovation Division

CERTIFICATION OF SERVICE

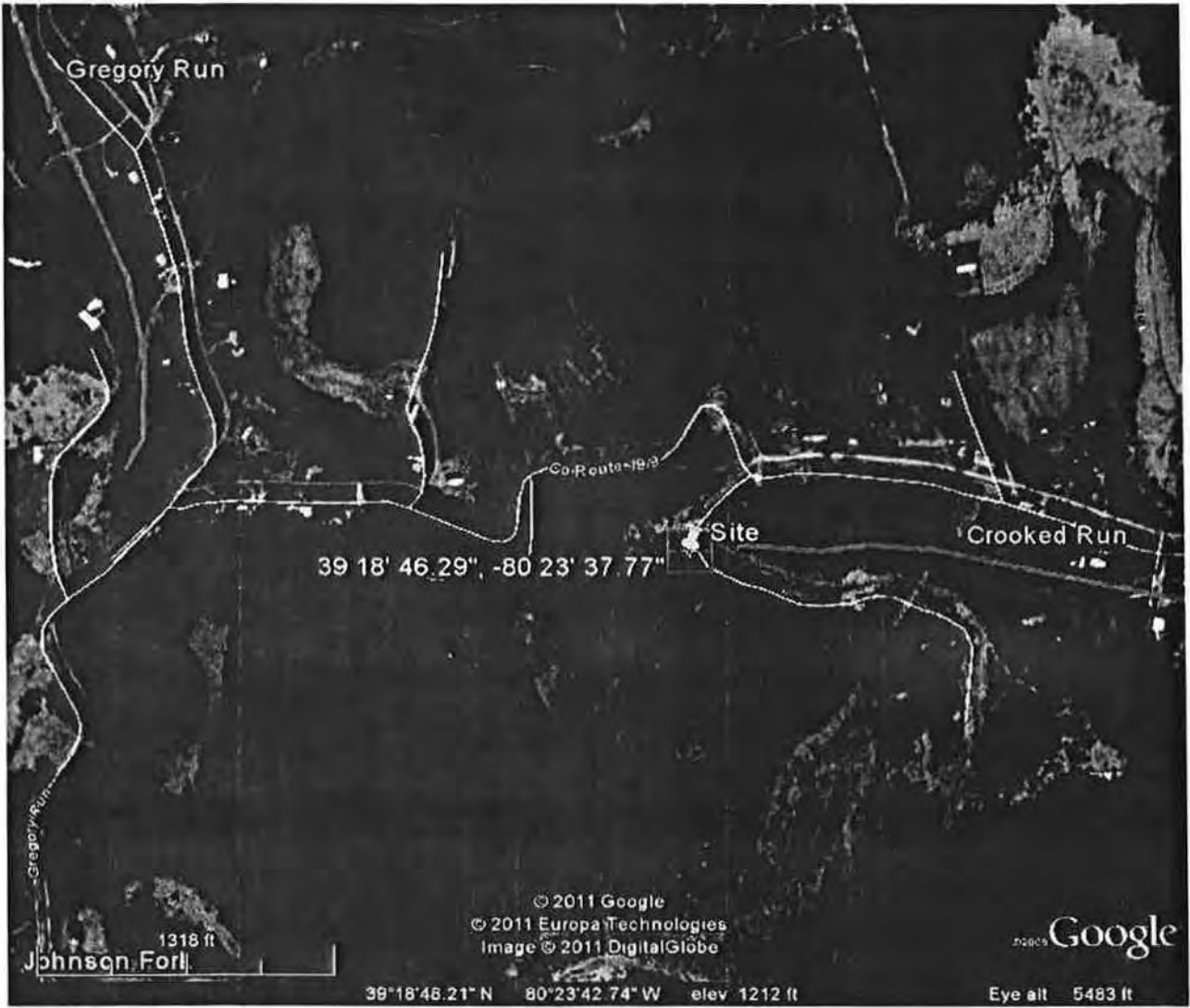
I certify that on this date I filed with the Regional Hearing Clerk, EPA Region III, a copy of the Administrative Order for Compliance with copies going, via certified mail, return receipt requested, to the following:

Mr. Paul Rady  
Antero Resources Corporation  
1625 17th Street, Suite 300  
Denver, CO 80202

  
Pamela J. Lazos

5/23/11  
Date:

Exhibit "A"



# Fletcher Environmental Services, LLC

October 19, 2010

Scott Hans  
USACE Pittsburgh District  
William S. Moorhead Federal Building  
1000 Liberty Avenue  
Pittsburgh, PA 15222-4186

RE: Antero Resources Appalachian Corporation  
Matthews Drill Site  
Harrison County, West Virginia

Dear Mr. Hans:

On behalf of Antero Resources I am submitting a Pre-Construction Notification for the Matthews Drill Site located near Wilsonburg, in Harrison County, West Virginia. The site is necessary for the drilling of a Marcellus Gas well permitted by the WVDEP Division of Oil & Gas.

An area of interest for the proposed site was surveyed for wetlands and WOUS and the drill pad site was selected to avoid and/or minimize any impacts. Estimated impacts to water resources resulting from the construction of the site will be less than 1/10 acre.

If you have any questions or comments please contact me at 304 288-0490 or at the address given below.

Sincerely,

FLETCHER ENVIRONMENTAL SERVICES, LLC

Sheirl Fletcher

Fletcher Environmental Services, LLC  
PO Box 384  
Dellslow, WV 26531

2010-1536

Joak

NWP? or after

the fact it

304 292-3223 (office)

304 288-0490 (cell)

fletcher.environmental@gmail.com

Linda - add reg permit pdf




# Pre-Construction Notification

Antero Resources Appalachian Corporation  
Denver, Colorado

Matthews Pad Site  
Harrison County, WV

Submitted By:  
Fletcher Environmental Services, LLC  
October 19, 2010

<b>APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT (33 CFR 325)</b>		<b>OMB APPROVAL NO. 0710-0003 EXPIRES: 31 August 2012</b>	
Public reporting burden for this collection of information is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters, Executive Services and Communications Directorate, Information Management Division and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of these addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.			
<b>PRIVACY ACT STATEMENT</b> Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.			
<b>(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)</b>			
1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE
<b>(ITEMS BELOW TO BE FILLED BY APPLICANT)</b>			
5. APPLICANT'S NAME First - Jerry Middle - Last - Alberts Company - Antino Resources Application Corporation E-mail Address - jaltwrt@antinoresources.com		8. AUTHORIZED AGENT'S NAME AND TITLE (an agent is not required) First - shari Middle - t Last - Fisher Company - Fletcher Environmental Services, LLC E-mail Address - shari@fletcherenv.com	
6. APPLICANT'S ADDRESS Address - 1625 17th Street, Suite 300 City - Denver State - Colorado Zip - 80202 Country - US		8. AGENT'S ADDRESS Address - PO Box 384 City - Delbarton State - WV Zip - 26031 Country - us	
7. APPLICANT'S PHONE NOs. WIAREA CODE a. Residence b. Business c. Fax 303 357-7341		10. AGENT'S PHONE NOs. WIAREA CODE a. Residence b. Business c. Fax 304 268-0480	
<b>STATEMENT OF AUTHORIZATION</b>			
11. I hereby authorize <u>Fletcher Environmental, LLC</u> to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.			
 APPLICANT'S SIGNATURE		10/19/10 DATE	
<b>NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY</b>			
12. PROJECT NAME OR TITLE (see instructions) Matthews Drill Site			
13. NAME OF WATERBODY, IF KNOWN (if applicable) Not applicable		14. PROJECT STREET ADDRESS (if applicable) Address City - near Wilsonburg State - West Virginia Zip -	
15. LOCATION OF PROJECT Latitude: N 38.7132 Longitude: W 80.2008			
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) State Tax Parcel ID Harrison Co 07-208-51 & 52 Municipality Section - Township - Range -			
17. DIRECTIONS TO THE SITE From Pittsburgh take I-79 South to Clarksburg, WV. Take Route 50 W towards Parkersburg, WV. Take right onto Route 9 N to Wilsonburg, WV. Take right onto Route 96 Bean Run Road. Take right onto Route 10/9 Crooked Run Road. Site is located on the right.			

18. Nature of Activity (Description of project, include all features)  
 Project will require the construction of an access road, drill pad and water retention pond(s). The pad will be stabilized with stone and the site protected with sediment/erosion control measures including properly installed silt fence and hay bales.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)  
 Project is for the drilling and collection of Marcellus gas.

**USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED**

20. Reason(s) for Discharge  
 N/A. Project affected less than 1/10 acre of identified wetlands and or WOUS.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type Amount in Cubic Yards	Type Amount in Cubic Yards	Type Amount in Cubic Yards
N/A		

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)  
 Acres Project affected less than 1/10 acre of identified wetlands and or WOUS.  
 Or  
 Liner Feet

23. Description of Avoidance, Minimization, and Compensation (see instructions)  
 Site located to avoid identified wetlands/WOUS in the area of interest.

24. Is Any Portion of the Work Already Complete? Yes  No  IF YES, DESCRIBE THE COMPLETED WORK  
 Site is completed and drilling operation underway.

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).  
 Address - N/A Property owned by Randall Nutter. No adjoining property owners affected.  
 City - State - Zip -

26. List of Other Certifications or Approvals/Denials Received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
WVDEP	Oil & Gas	47-33-05398		8-31-2010	

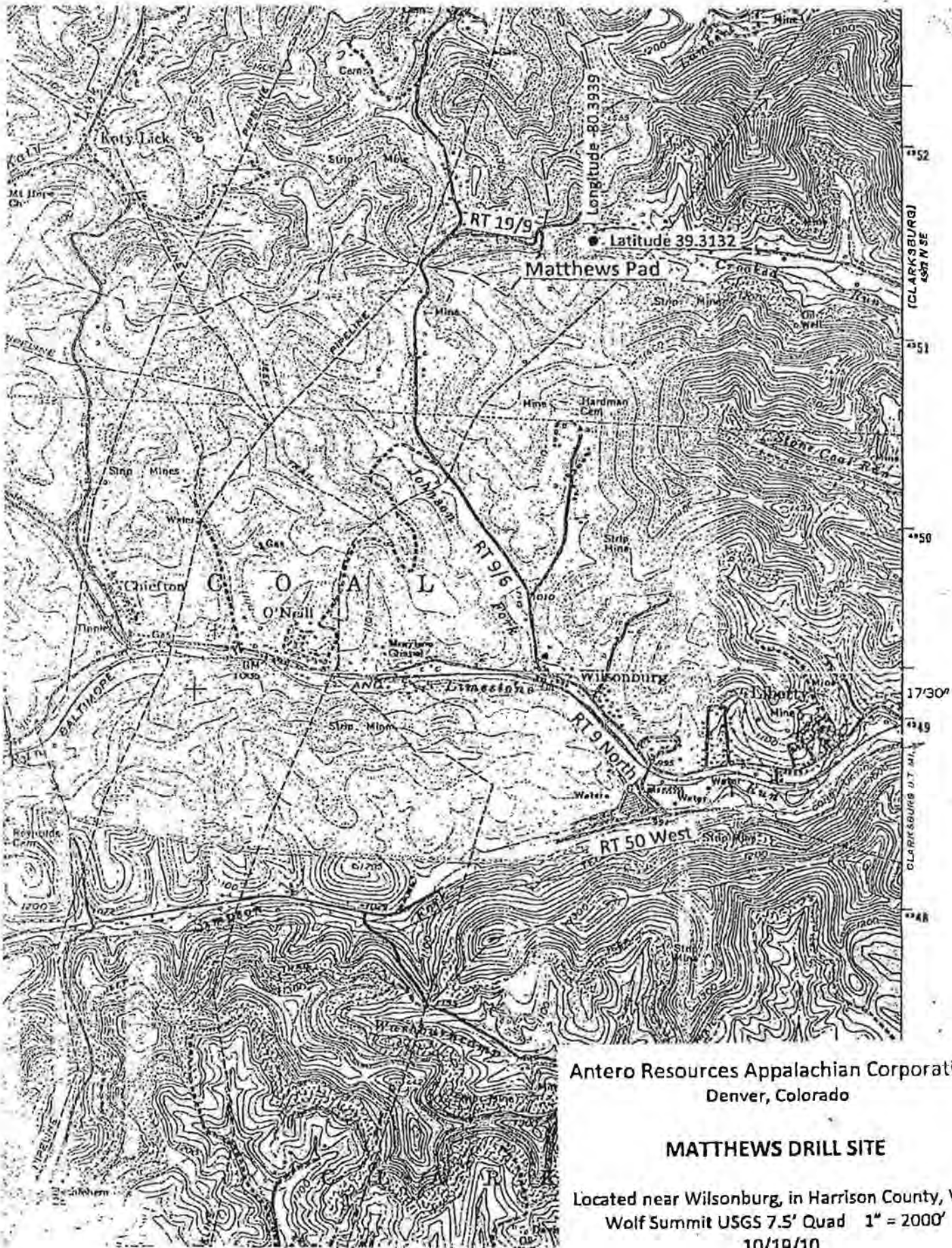
\* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for a permit or permits to authorize the work described in this application. I certify that the information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

\_\_\_\_\_  
 SIGNATURE OF APPLICANT      DATE      *Sheryl Litcher*      10-19-10  
 SIGNATURE OF AGENT      DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or device; or disposes a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.



Antero Resources Appalachian Corporation  
 Denver, Colorado

**MATTHEWS DRILL SITE**

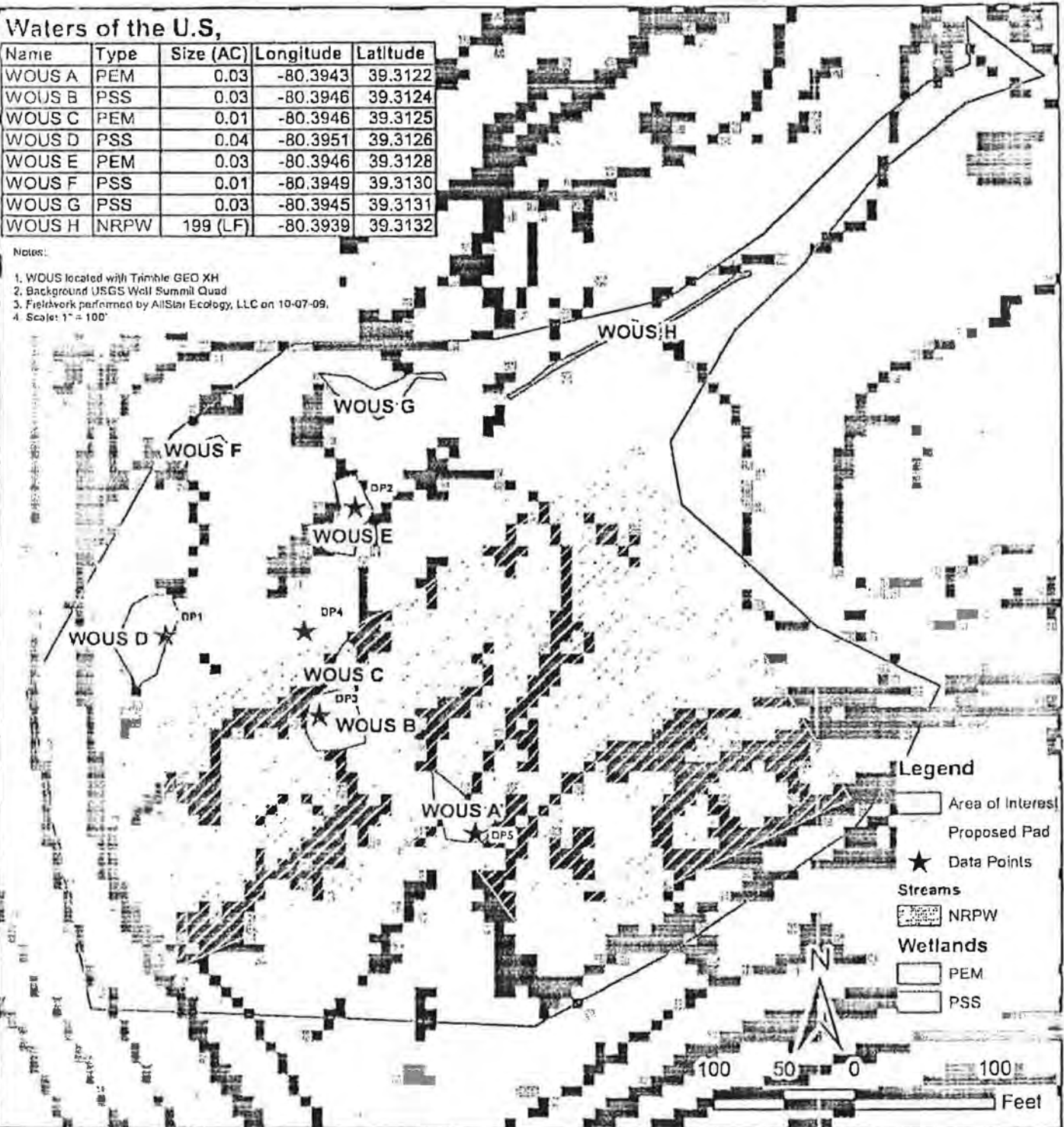
Located near Wilsonburg, in Harrison County, WV  
 Wolf Summit USGS 7.5' Quad 1" = 2000'  
 10/10/10

**Waters of the U.S.**

Name	Type	Size (AC)	Longitude	Latitude
WOUS A	PEM	0.03	-80.3943	39.3122
WOUS B	PSS	0.03	-80.3946	39.3124
WOUS C	PEM	0.01	-80.3946	39.3125
WOUS D	PSS	0.04	-80.3951	39.3126
WOUS E	PEM	0.03	-80.3946	39.3128
WOUS F	PSS	0.01	-80.3949	39.3130
WOUS G	PSS	0.03	-80.3945	39.3131
WOUS H	NRPW	199 (LF)	-80.3939	39.3132

**Notes:**

1. WOUS located with Trimble GEO XH
2. Background USGS Well Summit Quad
3. Fieldwork performed by AllStar Ecology, LLC on 10-07-09.
4. Scale: 1" = 100'



**Delineation Map  
Matthews Pad  
Harrison County, WV**

**Attachment #2**

