



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

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

AUG 30 2012

Mr. Patrick Noyes
President and CEO
Grenadier Energy Partners, LLC
1610 Woodstead Court, Suite 330
The Woodlands, Texas 77380

Re: EPA Docket No. CWA-03-2012-0138DW
ORDER FOR COMPLIANCE

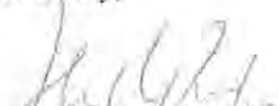
Dear Mr. Noyes:

Enclosed is an Order for Compliance that notifies you that the U.S. Environmental Protection Agency (EPA) has determined that your discharges to waters of the United States at property located approximately 1,300 linear feet (lf) west of the intersection of Knob Fork/County Road 7/14 and Robinson Ridge/County Road 9/1 in Knob Fork, West Virginia were unlawful. 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 of dredged and/or fill material to waters of the United States, without a permit from the U.S. Army Corps of Engineers. The EPA has determined that activities performed by Grenadier Energy have resulted in a discharge to a tributary of Knob Fork, a jurisdictional water of the United States, without a Section 404 permit. This constitutes a violation of Section 301 of the CWA. The enclosed Order for Compliance identifies these unlawful discharges and proposes certain ways to abate this violation and return to compliance.

EPA is prepared to answer any questions you may have. Ms. Stephanie Andreescu is assigned to this matter and may be reached by phone at 215-814-2747.

Sincerely,


John R. Pomponio, Director
Environmental Assessment and
Innovation Division

Enclosure

cc: Mr. Scott Hans – USACE Pittsburgh District
Ms. Dana Adipietro – USACE Pittsburgh District
Mr. Michael Zeto – WV Department of Environmental Protection
Mr. Brad Swiger – WV Department of Environmental Protection
Mr. David Belcher – WV Department of Environmental Protection
Mr. Byron Hailey – Grenadier Energy Partners

BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103

REGIONAL HEARING CLERK
EPA REGION III, PHILA, PA

2012 AUG 30 AM 8:39

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In The Matter of)	
)	
Grenadier Energy Partners, LLC)	Proceeding Under Section
Respondent)	309(a) of the Clean Water
)	Act, 33 U.S.C. § 1319(a)
Property Located At:)	
)	
Jolliffe Impoundment Site)	Docket No. CWA-03-2012-0138DW
1,300 linear feet west of Knob Fork and)	
Robinson Ridge)	
Knob Fork, West Virginia)	ORDER FOR COMPLIANCE
)	
)	

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.

II. ALLEGATIONS

2. Respondent is a "person" within the meaning of Section 502(5) of the CWA, 33 U.S.C. § 1362(5).
3. Respondent, Grenadier Energy Partners, LLC, is the owner and/or lessee and/or operator of the property located approximately 1,300 linear feet west of the intersection of Knob Fork/County Road 7/14 and Robinson Ridge/County Road 9/1, in Knob Fork, West Virginia. This area is identified as "the Site" on the attached map labeled Exhibit "A". The Site includes an unnamed tributary to Knob Fork, which flows to the West Virginia Fork of Fish Creek, and then to Fish Creek. Fish Creek is a tributary of the Ohio River, a navigable-in-fact body of water. Therefore, the Site contains "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, between September 2010 and January 2012, Respondent, or persons acting on behalf of Respondent, operated equipment which discharged dredged and/or fill material to waters of the United States located on the Site described in Paragraph 3, above, and further depicted on Exhibit "A", attached hereto. Respondent's activities included the discharge of dredged and/or fill material into an unnamed tributary to Knob Fork without authorization.
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 dredged and/or fill material referenced in Paragraph 4 was discharged by a "point source" within the meaning of Section 502(14) of the Act, 33 U.S.C. 1362(14) to "waters of the United States."
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 relevant times, the Respondent did not have the appropriate permit from the Secretary of the Army as required by Section 404 of the Act, 33 U.S.C. § 1344 for discharges of dredged and/or fill material to waters of the United States located on the Site.
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 30th day of AUGUST, 2012, 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. Cease all discharges of dredged and/or fill material without a permit to waters of the United States at the Site.
11. Within thirty (30) days of EPA's approval, Respondent shall submit a detailed restoration plan to EPA for approval. The plan must describe the actions that will be taken to remove the material from the regulated waters, stabilize the site, and return the Site to pre-disturbance grade and conditions.
12. After review of the plan submitted pursuant to Paragraph 11, 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.

13. 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.
14. The restoration plan and all other correspondence should be sent to:

Stephanie Andreescu
Environmental Scientist
United States Environmental Protection Agency
1650 Arch Street (3EA30)
Philadelphia, PA 19103-2029

15. 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.

IV. OPPORTUNITY TO CONFER

16. Respondent is invited to confer with the Agency about the findings and conclusions reflected in this Order and about the terms and conditions contained herein. Any such conference can be in person or by electronic means. Respondent may also submit any written material it believes to be relevant to the Agency's determinations. If such a conference is desired, Respondent should contact Stephanie Andreescu at (215) 814-2747.

V. EFFECTIVE DATE

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

VI. JUDICIAL REVIEW


17. Respondent has the right to seek immediate federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706. Section 706, which is set forth at <http://uscode.house.gov/download/pls/05C7.txt>, provides the grounds for such review.

VII. NOTICE OF INTENT TO COMPLY

18. Within ten (10) days of the effective date of this Order, Respondent shall submit to EPA a Notice as to whether Respondent intends to comply with the Order. The Notice shall be submitted to:

Stephanie Andreescu
Environmental Scientist
United States Environmental Protection Agency
1650 Arch Street (3EA30)
Philadelphia, PA 19103-2029

Date: 8/30/2012



John R. Pomponio, Director
Environmental Assessment and Innovation Division

CERTIFICATE OF SERVICE

I, hereby certify that on this day, I filed with the Regional Hearing Clerk an original and one copy of the Administrative Order for Compliance, EPA Docket No. CWA-03-2012-0138DW, with copies sent to the Respondent by Certified Mail, Return Receipt Requested, at the following addresses:

Mr. Dennis Powell
304 Stuart Street
West Union, West Virginia 26456

Date: 8/30/2012 /

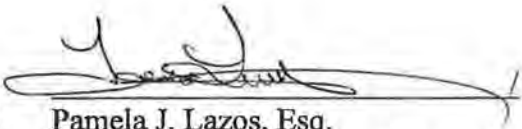
for 
Pamela J. Lazos, Esq.
Senior Assistant Regional Counsel
US EPA Region III

Exhibit A

CWA-03-2012-0138DW

