BEFORE THE WEST VIRGINIA WATER RESOURCES BOARD
CHARLESTON, WEST VIRGINIA

COLUMBIA GAS TRANSMISSION CORPORATION,

Appellant,

v. Case No. 503

CHIEF, OFFICE OF WATER RESOURCES,
DIVISION OF ENVIRONMENTAL PROTECTION,

Appellee.

AGREED ORDER

This appeal was filed by Columbia Gas Transmission Corporation, by its
counsel, Cheryl L. Davis and David L. Yaussy, regarding selected terms and
conditions contained in Administrative Order No. 3111 as more specifically set
forth in the Notice of Appeal in this case. The Respondent, Chief, Office of
Water Resources, West Virginia Division of Environmental Protection,
(hereinafter, "Chief") by his attorney, William H. Hill, Ill, Assistant Attorney
General, and the appellant, Columbia Gas Transmission Corporation (hereinafter
"Columbia Gas"), by its attorney, David L. Yaussy, now propose this Agreed
Order for entry in settlement of this case.

I.

JURISDICTION AND VENUE

This Board is vested with personal jurisdiction over the parties and the
subject matter jurisdiction in this appeal pursuant to West Virginia Code § 20-
5A-15.
II.

STATEMENT OF APPEAL

The appeal sets forth several requests for relief from selected provisions of Administrative Order No. 3111 and NPDES Permit No. WV0002623.

III.

SATISFACTION OF PENDING PROCEEDING

The parties wish to resolve this appeal without further litigation and have, therefore, consented to the entry of this Agreed Order without the admission or adjudication of any questions of fact or issues of law. Nothing in this Agreed Order shall be construed to limit the authority of the Respondent or the State of West Virginia to seek relief for continued or future violations of the laws of this State and the regulations promulgated pursuant thereto or the laws of the United States and the regulations promulgated pursuant thereto.

NOW THEREFORE, without hearing of any evidence and without adjudication of any questions of fact or issues of law, and upon consent of the parties hereto, it is hereby ADJUDGED, ORDERED and DECREED as follows:

1. The parties agree that the terms and discharge limits of the Administrative Order No. 3111 (hereinafter, "Compliance Order") allow Columbia Gas to operate within those terms and discharge limits for the duration and to the extent of the aforesaid Compliance Order. The parties further agree that Columbia Gas acceptance of the Compliance Order does not constitute an admission by Columbia Gas that it is operating or has operated in violation of its permit or State or federal law, and is not intended to waive any legal
remedies the State may have with regard to the Compliance Order or the permit or State or federal law.

2. The Chief agrees to modify NPDES Permit No. WV0002623 by minor modification to incorporate the waste water treatment system that was installed by Columbia Gas and set forth in the materials forwarded by Richard J. Swain's letter on behalf of Columbia Gas to the Office of Water Resources, dated April 21, 1994. All other provisions, terms and conditions of the said NPDES Permit No. WV0002623 shall remain in full force and effect.

3. The appellant agrees and consents to comply with the terms and conditions of this Agreed Order and to comply with the requirements of the West Virginia Water Pollution Control Act, W. Va. Code § 20-5A-1, et seq., and the regulations promulgated pursuant thereto, except as modified herein.

4. The performance of the above agreed-to actions shall not be construed to relieve the appellant from any duty or obligation to comply with the laws of this State or the United States government and the regulations promulgated pursuant to said laws except as authorized herein or any subsequent order of the Chief; nor shall such performance be construed to constitute any bar, estoppel, or waiver against the State to pursue any remedy provided by its laws and regulations to abate violation or violations of the Agreed Order and federal and State law and regulations.

THEREFORE, this appeal No. 503 is dismissed.

ENTERED, this 14th day of June, 1994;
Consented and Agreed to by:

DARRELL V. MCGRAW, JR.
ATTORNEY GENERAL

[Signature]
WILLIAM H. HILL, III
ASSISTANT ATTORNEY GENERAL
ENVIRONMENT & ENERGY DIVISION
Counsel for Respondent
State Capitol Complex
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[Signature]
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