



NORTH CAROLINA
Environmental Quality

May 5, 2021

ROY COOPER

Governor

DIONNE DELLI-GATTI

Secretary

MICHAEL SCOTT

Director

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Colonial Pipeline Company
Attn. John Wyatt
4295 Cromwell Road, #311
Chattanooga, Tennessee 37421

Re: Notice of Continuing Violation
N.C. Gen. Stat. § 143-214.1
15A NCAC 02L .0202

Colonial Pipeline SR2448
SR 2488/Pipeline ROW
Huntersville, NC
Incident: **95827**
Risk Classification: High

Dear Mr. Wyatt,

On September 25, 2020, the Underground Storage Tank Section (UST Section), Division of Waste Management (DWM), of the Department of Environmental Quality (the Department) sent you a Notice of Violation (NOV) for the discharge of petroleum at the above referenced location. Information provided by Colonial Pipeline to the Department showed petroleum concentrations above the groundwater quality standards established pursuant to N.C. Gen. Stat. § 143-241.1 and codified in Title 15A of the North Carolina Administrative Code (NCAC), Subchapter 02L .0202.

REQUIRED CORRECTIVE ACTIONS:

Colonial Pipeline must restore groundwater quality to the level of the aforementioned standards, or as closely thereto as is economically and technologically feasible for protection of human health and the environment pursuant to 15A NCAC 02L .0106.

The September 25, 2020 NOV outlined the steps that Colonial Pipeline must take to restore the groundwater quality to the level of the aforementioned standards, to sample and protect water supply wells and surface water, and to determine the horizontal and vertical extent of petroleum contamination throughout the plume. The UST Section received a Comprehensive Site Assessment (CSA) from you on January 20, 2021. Upon review, the UST Section determined the CSA to be deficient in several areas. On February 24, 2021, the UST Section sent a Notice



North Carolina Department of Environmental Quality | Division of Waste Management
217 West Jones Street | 1646 Mail Service Center | Raleigh, North Carolina 27699-1646
919.707.8200

of Continuing Violation (NOCV) to you. The NOCV outlined the CSA's deficiencies and directed you to submit a revised CSA correcting those deficiencies by April 26, 2021.

On April 14, 2021, Colonial Pipeline informed the Department that its estimate of the petroleum release submitted in the January 20, 2021 CSA (1.2 million gallons) would need to be reevaluated and that the model that it had been using was not appropriate for providing free product volume estimation. On April 21, 2021, Colonial Pipeline informed the Department that it was prepared to submit some, but not all, of the items required by the February 24, 2021 NOCV. Colonial Pipeline submitted a portion of the information required by the NOCV on April 26, 2021. Items 6, 14 and 18 of the NOCV were not submitted. Colonial Pipeline remains in violation of the requirement to submit a complete CSA.

Based on Colonial Pipeline's April 14, 2021 statement that the estimate of the petroleum release will need to be reevaluated and that the model is inappropriate for providing free product volume estimation, Colonial must submit the following information in the time frame specified:

1. The specific model predictive calculation selected and reasoning by **May 12, 2021**.
2. The following detailed information regarding predictive calculations for the estimation of product volume released to the environment and free product volume estimation by **May 28, 2021**:
 - i. A *revised* estimate of total product volume released to the environment based on current information.
 - ii. The specific model/predictive calculation selected and reasoning.
 - iii. The model/calculation limitations.
 - iv. The model assumptions.
 - v. The model/calculation domain, grid/cell design, and vertical boundaries.
 - vi. All data evaluated for the modeling/calculation effort.
 - vii. The initial model/calculation conditions, specific input parameters for the model/calculation effort, and reasoning for those parameters.
 - viii. All calibration procedures and calibration results for the modeling/calculation effort.
 - ix. All sensitivity analyses and results.
 - x. All statistical analyses and results.
 - xi. Validation of the model/calculations.
 - xii. All predictive simulations/calculations.
3. Workplan for soil sampling for the Line 1 petroleum release by **May 7, 2021** including a timeline.
4. Workplan for defining the vertical extent of contamination throughout the plume of contamination by **May 7, 2021** including a timeline.
5. By **June 25, 2021** please provide an updated Conceptual Site Model (CSM) based on current information for the Colonial Pipeline Company's petroleum release including receptors and incorporating all the available site information, including but not limited to, the resistivity survey, vapor intrusion investigation, air monitoring, noise monitoring, springs, boring logs, drilling information, optical image profiling (OIP) information, updated information on the free product volume estimation, vertical and horizontal extent of soil and groundwater contamination, geophysical logging information, hydraulic information, etc.



Colonial's April 21, 2021 letter requested an extension until August 31, 2021 to satisfy the outstanding requirements of the February 24, 2021 NOCV. **By May 12, 2021**, submit your complete justification (including all supporting information) for the requested August 31, 2021 deadline extension. The additional information should include, amongst other things, milestones for specific updates to be provided to the Department. The Department will consider your request accordingly.

Colonial Pipeline remains in violation of requirements contained in the September 25, 2020 NOV and the February 24, 2021 NOCV. Penalties may be assessed for these violations and also for violations contained in this Notice of Continuing Violation. Your prompt attention to the items described herein is required. Failure to comply with the State's rules, may result in the assessment of civil penalties and/or the use of other enforcement mechanisms available to the State. Each day that a violation continues may be considered a separate violation.

If you have any questions regarding the actions that must be taken or the rules mentioned in this letter, please contact me at 919-707-8246.

Sincerely,



Michael E. Scott
Division Director
Division of Waste Management, NCDEQ

cc: Jeff Morrison, Colonial Pipeline
Robert Hughes, Colonial Pipeline
Vance Jackson, NCDEQ
Scott Bullock, NCDEQ
Ron Taraban, NCDEQ
Laura Leonard, NCDEQ
Wayne Randolph, NCDEQ
Shawna Caldwell, LUESA- Mecklenburg County Health Department

