

STATE OF COLORADO

John W. Hickenlooper, Governor
Larry Wolk, MD, MSPH
Executive Director and Chief Medical Officer



Colorado Department
of Public Health
and Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S.
Denver, Colorado 80246-1530
Phone (303) 692-2000
Located in Glendale, Colorado
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June 24, 2014

Certified Mail Number: 7012 1640 0000 0801 9526

Leonard Mallett, Senior VP Engineering
Front Range Pipeline LLC
Enterprise Products Operating LLC
PO Box 4324
Houston, TX 77210-4324

RE: Service of Notice of Violation, Number: IN-140624-1

Dear Mr. Mallett:

Front Range Pipeline LLC and Enterprise Products Operating LLC are hereby served with the enclosed Notice of Violation (the "NOV"). This NOV is issued by the Colorado Department of Public Health and Environment's Water Quality Control Division (the "Division") pursuant to the authority given to the Division by §§25-8-602 and 25-8-605, C.R.S., of the *Colorado Water Quality Control Act* (the "Act"). The Division bases this NOV upon findings that Front Range Pipeline LLC and Enterprise Products Operating LLC have violated the Act and/or regulations promulgated pursuant to the Act, as described in the enclosed NOV.

Pursuant to §25-8-603, C.R.S., Front Range Pipeline LLC and Enterprise Products Operating LLC are required, within thirty (30) calendar days of receipt of this NOV, to submit to the Division an answer admitting or denying each paragraph of the Findings of Fact and responding to the Notice of Violation.

This action could result in the imposition of civil penalties. The Division is authorized pursuant to §25-8-608, C.R.S. to impose a penalty of \$10,000 per day for each day during which such violation occurs.

Please be advised that the Division is continuing its investigation into this matter and the Division may identify supplementary violations that warrant amendments to this NOV or the issuance of additional enforcement actions.

Should Front Range Pipeline LLC and/or Enterprise Products Operating LLC desire to discuss the NOV with the Division, or if you have any questions regarding NOV, please do not hesitate to contact Eric Mink at (303) 692-2312 or by electronic mail at eric.mink@state.co.us.

Sincerely,



Eric T. Mink, Enforcement Specialist
Clean Water Compliance & Enforcement Unit
WATER QUALITY CONTROL DIVISION

Enclosure

cc: Enforcement File

ec: Natasha Davis, EPA Region VIII
Tom Butts, Tri-County Health Department
Tom Gonzales, El Paso County Public Health
Jiricek Trevor, Weld County Department of Public Health and Environment
Nicole Rowan, Watershed Section, CDPHE
Michael Beck, Grants and Loans Unit, CDPHE
Doug Camrud, Engineering Section, CDPHE
Amy Zimmerman, Engineering Section, CDPHE
Kelly Jacques, Field Services Section, CDPHE
Heather Drissel, Field Services Section, CDPHE
Lillian Gonzalez, Permits Section, CDPHE
Mike Harris, Compliance & Enforcement Unit, CDPHE
Tania Watson, Data Management, CDPHE



COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
DIVISION OF ADMINISTRATION
WATER QUALITY CONTROL DIVISION

NOTICE OF VIOLATION

NUMBER: IN-140624-1

IN THE MATTER OF: FRONT RANGE PIPELINE LLC and
ENTERPRISE PRODUCTS OPERATING LLC
CDPS PERMIT NO. COG-604000
CERTIFICATION NO. COG-604190
ARAPAHOE, EL PASO, and WELD COUNTIES, COLORADO

Pursuant to the authority vested in the Colorado Department of Public Health and Environment's (the "Department") Division of Administration by §§25-1-109 and 25-8-302, C.R.S., which authority is implemented through the Department's Water Quality Control Division (the "Division"), and pursuant to §§25-8-602 C.R.S., the Division hereby makes the following Findings of Fact and issues the following Notice of Violation:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. At all times relevant to the alleged violations identified herein, Front Range Pipeline LLC ("Front Range Pipeline") was a Delaware limited liability company in good standing and registered to conduct business in the State of Colorado.
2. At all times relevant to the alleged violations identified herein, Enterprise Products Operating LLC ("Enterprise") was a Texas limited liability company in good standing and registered to conduct business in the State of Colorado.
3. Front Range Pipeline and Enterprise are each a "person" as defined under the Water Quality Control Act, §25-8-103(13), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2(73).
4. On July 24, 2013, Front Range Pipeline and Enterprise applied for Colorado Discharge Permit System ("CDPS") coverage for the Spread 1 Pipeline Project, which included hydrostatic test activities associated with a new natural gas liquids pipeline. The hydrostatic testing activities included discharging potable water used during hydrostatic testing to the ground and surface water at multiple locations in Arapahoe, El Paso, and Weld Counties, Colorado (the "Project").
5. The Project was subject to the CDPS General Permit No. COG-604000 for Discharges Associated with Hydrostatic Testing of Pipelines, Tanks, and Similar Vessels (the "Permit"). The Permit became effective on January 1, 2008 and was set to expire on December 31, 2012, but has been administratively continued pending permit reissuance. Front Range Pipeline and Enterprise were authorized by the

Division to discharge hydrostatic test water under the Permit via Certification Number COG-604190 (the "Certification"), which serves as page one (1) of the Permit. The Certification became effective on August 1, 2013 and subsequent modifications #1-5 added or relocated discharge locations. The Certification and Front Range Pipeline's and Enterprise's coverage under the Permit was terminated at the request of Front Range Pipeline and Enterprise on April 1, 2014.

6. The Permit and Certification authorized Front Range Pipeline and Enterprise to discharge treated hydrostatic test water from the Project through the discharge locations identified in the table below:

FRONT RANGE PIPELINE and ENTERPRISE OUTFALLS		
OUTFALL NUMBER	LATITUDE AND LONGITUDE	RECEIVING WATER
001A	40° 15' 43.20" N 104° 44' 9.60" W	Groundwater
002A	40° 8' 20.40" N 104° 45' 0.00" W	Groundwater
003A	40° 21' 10.80 N 104° 35' 20.40" W	Groundwater
004A	39° 7' 40.80" N 104° 15' 43.20" W	Groundwater and Antelope Creek
005A	39° 44' 18.7" N 104° 32' 49.30" W	Groundwater

7. The receiving waters identified in the table above are "state waters" as defined by §25-8-103(19), C.R.S. and its implementing permit regulation, 5 CCR 1002-61, §61.2 (102).
8. Pursuant to 5 CCR 1002-61, §61.8, Front Range Pipeline and Enterprise must comply with all the terms and conditions of the Permit, and violations of such terms and conditions as specified in the Permit may be subject to civil and criminal liability pursuant to §§25-8-601 through 25-8-612, C.R.S.

Failure to Comply with Permit Effluent Limitations

9. Pursuant to the Certification and Part I.B.2.a. of the Permit, Front Range Pipeline's and Enterprise's permitted discharge at Outfalls 001A through 005A shall not exceed, among others not subject of this action, the effluent limitations specified below:

FRONT RANGE PIPELINE and ENTERPRISE DISCHARGE LIMITATIONS		
EFFLUENT PARAMETER	OUTFALL(S)	DAILY MAXIMUM
Iron (Dissolved), ug/l	001A, 002A, 004A, 005A	300
pH, s.u. (minimum- maximum)	002A, 005A	6.5 – 8.5
pH, s.u. (minimum- maximum) Until 10/10/13 Beginning 10/11/13	004A	6.5 – 9.0 6.5 – 8.5

FRONT RANGE PIPELINE and ENTERPRISE DISCHARGE LIMITATIONS		
EFFLUENT PARAMETER	OUTFALL(S)	DAILY MAXIMUM
Total Suspended Solids (TSS), mg/l	004A	30

10. Pursuant to the Certification and Part I.B.2.a. of the Permit, Front Range Pipeline and Enterprise were required to monitor defined effluent parameters at specified frequencies to provide an indication of compliance or non-compliance with the effluent limitations of the Certification and Permit.
11. Pursuant to Part I.E.1. of the Permit, Front Range Pipeline and Enterprise were required to summarize and report the analytical results of their effluent monitoring to the Division via monthly discharge monitoring reports (“DMRs”). Each DMR shall include a certification by Front Range Pipeline and Enterprise that the information provided therein is true, accurate, and complete to the knowledge and belief of Front Range Pipeline and Enterprise.
12. Front Range Pipeline and Enterprise’s DMRs for August 2013 through January 2014 include, among other information and data, the following effluent concentration summary data for dissolved iron, pH, and total suspended solids (“TSS”) which exceeded the effluent limitations imposed by the Certification and Part I.B.2.a. of the Permit:

FRONT RANGE PIPELINE and ENTERPRISE EFFLUENT SELF-MONITORING DATA		
DISCHARGE MONITORING REPORTING PERIOD	OUTFALL NUMBER	SAMPLE MEASUREMENT
IRON (DISSOLVED)		DAILY MAXIMUM LIMIT= 300 ug/l
August 1-31, 2013	001A	1,240
September 1-30, 2013	002A	1,330
October 1-31, 2013	004A	5,300
December 1-31, 2013	002A	3,400
January 1-31, 2014	002A	2,050
January 1-31, 2014	005A	3,490
pH		MAXIMUM LIMIT= 9.0 S.U.
October 1-31, 2013	004A	9.11
pH		MAXIMUM LIMIT= 8.5 S.U.
September 1-30, 2013	002A	8.59

FRONT RANGE PIPELINE and ENTERPRISE EFFLUENT SELF-MONITORING DATA		
DISCHARGE MONITORING REPORTING PERIOD	OUTFALL NUMBER	SAMPLE MEASUREMENT
January 1-31, 2014	005A	8.71
TSS		DAILY MAXIMUM LIMIT= 30 mg/l
October 1-31, 2013	004A	220

13. Dissolved iron, pH, and TSS are “pollutants,” or indicators thereof, as defined by §25-8-103(15), C.R.S., and its implementing permit regulation 5 CCR 1002-61, §61.2(76).
14. The Certification and Permit did not authorize the pollutant discharge levels identified above in paragraph 11. Division records establish that Front Range Pipeline and Enterprise did not have any other permit authorizing such discharge into State Waters.
15. Front Range Pipeline’s and Enterprise’s failure to comply with the effluent limitations of the Certification and Permit constitutes violations of the Certification and Part I.B.2.a. of the Permit.

Failure to Properly Monitor and Report

16. Pursuant to Part I.E.1. of the Permit, Front Range Pipeline and Enterprise were required to report all monitoring results gathered in compliance with Part I.B.2. of the Permit on a monthly basis using Division approved DMRs. The Permit specifies that DMRs shall be filled out accurately and completely in accordance with requirements of the Permit and the instructions on the forms. Front Range Pipeline and Enterprise were required to ensure the DMRs were mailed to the Division so that they were received no later than the 28th day of the month following the reporting period. If no discharge occurs during a reporting period, “No Discharge” shall be reported on the DMR.
17. Division records establish that Front Range Pipeline and Enterprise failed to submit DMRs to the Division by the 28th day of the month following the reporting period, for the following periods and outfalls:

FRONT RANGE PIPELINE and ENTERPRISE LATE DMR		
DISCHARGE MONITORING REPORTING PERIOD	OUTFALL NUMBER(S)	DMR RECEIPT DATE
August 21-31, 2013	002A	February 3, 2014
September 1-30, 2013	001A, 002A, 003A, 004A	October 29, 2013
November 1-30, 2013	001A, 002A, 003A, 004A	December 31, 2013
December 1-31, 2013	001A, 002A, 003A, 004A, 005A	January 31, 2013
January 1-31, 2014	001A, 002A, 003A, 004A, 005A	March 18, 2014

18. Division records establish that Front Range Pipeline's and Enterprise's December 2013 and January 2014 DMRs for Outfall 002A (as received on January 31, 2013 and March 18, 2014, respectively) did not contain monitoring data for total dissolved solids ("TDS"). Front Range Pipeline and Enterprise subsequently revised and resubmitted the December 2013 and January 2014 DMRs for Outfall 002A to include the results of TDS monitoring, and the revised DMRs were received by the Division on April 1, 2014.
19. Front Range Pipeline's and Enterprise's failure to submit complete DMRs to the Division by the 28th day of the month following each reporting period, as identified above in paragraphs 17 and 18, constitutes violations of Part I.E.1. of the Permit.
20. Division records, as supplemented by correspondence from Front Range Pipeline and Enterprise, establish that Front Range Pipeline and Enterprise failed to monitor for TDS at Outfall 005A during the month of January 2014.
21. Front Range Pipeline's and Enterprise's failure to properly monitor the effluent discharge for TDS constitutes a violation of Part I.B.2.a. of the Permit.

NOTICE OF VIOLATION

22. Based on the foregoing Findings of Fact and Conclusions of Law, you are hereby notified that the Division has determined Front Range Pipeline and Enterprise have violated the following sections of the Permit and Certification.

Part I.B.2.a. of the Permit, which states in part, "In accordance with the Water Quality Control Commission Regulations for Effluent Limitations, Section 62.4 (5 CCR 1002-62), and the Colorado Discharge Permit System Regulations, Section 61.8(2) (5 CCR 1002-61), the permitted discharge shall not contain effluent parameter concentration which exceed the following limitations..."

Part I.E.1. of the Permit, which states in part, "All data shall be reported on the Division approved Discharge Monitoring Report forms. Monitoring results shall be summarized as appropriate for each calendar month. The original top copy of the form shall be mailed to the Division... so that the DMR is received no later than the 28th day of the following month... The Discharge Monitoring Report forms shall be filled out accurately and completely in accordance with the requirements of this permit and the instructions on the forms."

Certification (page one (1) of the Permit), which defines the site specific effluent limitations and monitoring requirements.

OBLIGATION TO ANSWER AND REQUEST FOR HEARING

Pursuant to §25-8-603, C.R.S. and 5 CCR 1002, §21.11 you are required to submit to the Division an answer affirming or denying each paragraph of the Findings of Fact and responding to the Notice of Violation. The answer shall be filed no later than thirty (30) calendar days after receipt of this action.

Section 25-8-603, C.R.S. and 5 CCR 1002, §21.11 also provide that the recipient of a Notice of Violation may request the Division to conduct a public hearing to determine the validity of the Notice, including the Findings of Fact. Such request shall be filed in writing with the Division and include the information specified in 5 CCR 1002, §21.4(B)(2). Absent a request for hearing, the validity of the factual allegations and the Notice of Violation shall be deemed established in any subsequent Department proceeding. The request for hearing, if any, shall be filed no later than thirty (30) calendar days after issuance of this action. The filing of an answer does not constitute a request for hearing.

NOTICES AND SUBMITTALS

For all documents, plans, records, reports and replies required to be submitted by this Notice of Violation, Front Range Pipeline and Enterprise shall submit an original and an electronic copy to the Division at the following address:

Colorado Department of Public Health and Environment
Water Quality Control Division / WQCD-CWE-B2
Attention: Eric T. Mink
4300 Cherry Creek Drive South
Denver, Colorado 80246-1530
Telephone: (303) 692-2312
Email: eric.mink@state.co.us

For any person submitting documents, plans, records and reports pursuant to this Notice of Violation, that person shall make the following certification with each submittal:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

FALSIFICATION AND TAMPERING

Be advised, in accord with §25-8-610, C.R.S., that any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Colorado Water Quality Control Act or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this article is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than ten thousand dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

POTENTIAL CIVIL AND CRIMINAL PENALTIES

You are also advised that any person who violates any provision of the Colorado Water Quality Control Act (the "Act"), §§25-8-101 to 803, C.R.S., or of any permit issued under the Act, or any control regulation promulgated pursuant to the Act, or any final cease and desist order or clean-up order issued by the Division shall be subject to a civil penalty of not more than ten thousand dollars per day for each day during which such violation occurs. Further, any person who recklessly, knowingly, intentionally, or with criminal negligence discharges any pollutant into any state waters commits criminal pollution if such discharge is made without a permit, if a permit is required by the Act for such discharge, or if such discharge is made in violation of any permit issued under the Act or in violation of any Cease and Desist Order or Clean-up Order issued by the Division. By virtue of issuing this Notice of Violation, the State has not waived its right to bring an action for penalties under §§25-8-608 and 609, C.R.S, and may bring such action in the future.

RELEASE OR DISCHARGE NOTIFICATION

Pursuant to §25-8-601, C.R.S., you are further advised that any person engaged in any operation or activity which results in a spill or discharge of oil or other substance which may cause pollution of the waters of the state, shall notify the Division of the discharge. If said person fails to so notify, said person is guilty of a misdemeanor, and may be fined or imprisoned or both.

EFFECT OF ORDER

Nothing herein contained, particularly those portions requiring certain acts to be performed within a certain time, shall be construed as a permit or license, either to violate any provisions of the public health laws and regulations promulgated thereunder, or to make any discharge into state waters. Nothing herein contained shall be construed to preclude other individuals, cities, towns, counties, or duly constituted political subdivisions of the state from the exercise of their respective rights to suppress nuisances or to preclude any other lawful actions by such entities or the State.

For further clarification of your rights and obligations under this Notice of Violation you are advised to consult the Colorado Water Quality Control Act, §§25-8-101 to 803, C.R.S., and regulations promulgated thereunder, 5 CCR 1002.

Issued at Denver, Colorado, this 24th day of June, 2014.

FOR THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT



Ron Falco, P.E., Acting Director
WATER QUALITY CONTROL DIVISION