



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III**

**Four Penn Center – 1600 John F. Kennedy BLVD.
Philadelphia, Pennsylvania 19103-2029**

Report Title: Clean Water Act, Section 404 Inspection Report for Floyd Johnson Well Pad Site
Inspection Date(s): 05/03/2022
Start Time: 12:10 pm **End Time:** 2:30 pm
Regulatory Program(s): Inspections authorized pursuant to Clean Water Act, Sections 308 and 404 (33 U.S.C. §§ 1318 and 1344)
Site Name: Floyd Johnson Well Pad Site
Site Location: Approximately 1.3 miles south on County Route 89 from the intersection with County Highway 74/2
New Martinsville, West Virginia 26155
Latitude: 39.7152 N **Longitude:** -80.6071 W
County/Parish: Wetzel County
Company: Chesapeake Appalachia, LLC
Mailing Address: 6100 N. Western Ave.
Oklahoma City, OK 73118

Unique Project #: 3E22WW041A

Site Contact(s):

Eric Dean – Chesapeake Appalachia, LLC
Phone: 318-658-4810 Email: eric.dean@chk.com
James Hemme - ERM
Phone: 304-410-9200 Email: james.hemme@erm.com

EPA Inspector:

Katelyn Almeter, SDWA & Wetlands Section, 3ED31
Phone: 215-814-2797 Email: almeter.katelyn@epa.gov

**EPA Inspector
Signature/Date**

Katelyn Almeter, Inspector
Four Penn Center 1600 John F. Kennedy Blvd
Philadelphia, PA 19103

Date

**Supervisor
Signature/Date**

Renee Bryant, Chief
SDWA & Wetlands Section

Date

Unique Project #: 3E22WW041A

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I. Introduction

On April 7, 2022, and April 8, 2022, Katelyn Almeter of the U.S. Environmental Protection Agency (“EPA”) and Ann Schoolcraft of Environmental Resources Management (“ERM”) discussed and scheduled the inspection via email. This inspection was conducted as part of injunctive relief monitoring of the aquatic resource restoration activities associated with the U.S. v. Chesapeake Appalachia, LLC Consent Decree (Civil Action 5:13-cv-00170-FPS).

A. Site Identification

The Floyd Johnson Well Pad Site (the “Site”) is approximately 20 acres in size and is identified in the above-referenced consent decree. The Site contains unnamed tributaries to Little Laurel Run, a stream in the Fish Creek watershed in Wetzel County, West Virginia. The unnamed tributaries are identified as SWV-AMK-001, SWV-AMK-003, SWV-DFW-005, and SWV-DFW-006. The specific nomenclature of these streams is used in the annual monitoring reports for the Site.

B. Weather and Environmental Conditions

Weather conditions for May 3, 2022, were partially cloudy with a high temperature of 74°F with precipitation in the afternoon. According to the National Oceanic & Atmospheric Administration’s Record of Climatological Observations rainfall was recorded the previous day with 0.1 inches recorded in New Martinsville, West Virginia and 1.32 inches recorded in Burton, West Virginia.

C. Inspection Opening Conference

This was one of a series of inspections conducted on May 3, 2022, and May 4, 2022, to visit multiple sites covered by the above-referenced consent decree. Most of the attendees met on May 3rd at the post office in Proctor, West Virginia to caravan to the sites. The attendees from West Virginia Division of Natural Resources met up with the group on-site for the first inspection of the day (Hohman). The inspection attendees for the Floyd Johnson Well Pad Site are identified in Table 1 below. The inspector presented her credentials to the attendees on May 3, 2022, at the beginning of the inspections. The objectives for the inspection were discussed, including observing the aquatic resources that have been restored or enhanced, collecting data and photos, observing the status of compliance with the injunctive relief measures, and the progress of monitoring activities. The EPA inspector informed the attendees that an inspection report will be prepared following the inspection. Based on EPA’s process, the inspection report is expected to be finalized within about 60 days of the inspection and sent to the attendees. There was an opportunity for anyone to ask any additional questions before the inspection walkthrough began.

Table 1 – Inspection Attendees

Name:	Agency/ Organization:
Katelyn Almeter	U.S. Environmental Protection Agency
James Hemme	Environmental Resources Management
Caitlin Borghini	Environmental Resources Management
Eric Dean	Chesapeake Appalachia, LLC
Chris Hughes	Chesapeake Appalachia, LLC
Tony Savitski	Chesapeake Appalachia, LLC
Jocelyn Phares	West Virginia Division of Natural Resources
Clifford Brown	West Virginia Division of Natural Resources

Should the site/facility find it applicable, the U.S. EPA Small Business Resources Information Sheet can be found at <https://www.epa.gov/sites/production/files/2017-06/documents/smallbusinessinfo.pdf>.

II. Site Activity

The Site was constructed by Chesapeake Appalachia, LLC to support natural gas development and production activities. This included construction of a well pad. Restoration activities were conducted in 2017.

III. Observations

The attendees entered the Site from the north and walked down the hill to the stream reaches. The inspection walkthrough began at the upslope area of the slip along the northwest side of SWV-AMK-003, the mainstem (DSCN3659 and DSCN3660). The top portion of the slip near the upslope portion of the material that had moved was mostly vegetated with some exposed soil cracks (DSCN3661). Those exposed areas had started to re-vegetate. Shrubs have grown in the slip area and appear to be contributing to the slope stability. Relief channels were also present (DSCN3663). The relief channels were observed to have water draining in them. The slip area was not observed to be saturated or ponding/holding water.

The riparian buffer was well-vegetated with coverage provided through the whole zone. The presence of multiflora rose (*Rosa multiflora*), an invasive species, was observed in a few spots throughout the riparian buffer. The planted woody stems were generally observed to be surviving, as most were observed to have new buds or were beginning to leaf-out.

The walkthrough continued downslope to the stream channel for SWV-AMK-003. SWV-AMK-003 was flowing during the time of the inspection and appeared stable (DSCN3664 and DSCN3665). The stream banks were well-vegetated.

The confluence of SWV-AMK-001 with SWV-AMK-003 was observed. SWV-AMK-001 had well-vegetated banks and a continuous channel with some pools in the stream channel.

The walkthrough continued downstream along SWV-AMK-003.

Most of the in-stream structures appeared stable and functioning as designed. One step pool near the central portion of the reach, near the confluence with SWV-DFW-005, was observed to have minor erosion with root wads along the bank being under-cut by the stream flow (DSCN3666 to DSCN3668). The step pool did not appear to be migrating or an active head-cut. The feature was observed to be in the same location and similar condition as was observed during the 2019 inspection by EPA.

The walkthrough continued downstream along SWV-AMK-003. The base of the slip material near SWV-AMK-003 was observed. The material was observed to be within the riparian buffer zone but outside of the stream itself. Vegetation covered the slip material, and the planted woody stems were not observed to have been covered by any of the material at the time of the inspection (DSCN3669 and DSCN3671).

The walkthrough continued to the downstream end of the reach for SWV-AMK-003. The confluence of SWV-DFW-006 with SWV-AMK-003 was observed and appeared to be stable and functioning as designed. The channel for SWV-DFW-006 was continuous but did not have flow at the time of the inspection.

The walkthrough concluded after the downstream point of the SWV-AMK-003 reach was observed.

IV. Records Review

A review of site/facility records was not a component of the inspection; therefore, EPA is not expecting to have accessed business records, including confidential business information (“CBI”). If the company wants to make a CBI claim on information or photographs collected by the inspector during the inspection, they can submit a claim to EPA. After the company notifies EPA of the CBI, EPA representatives would mark the CBI as such, and it will be handled as CBI according to EPA’s procedures.

V. Closing Conference

A. Overview

At the end of the Site walkthrough a closing conference was held with all the inspection attendees. The observation discussed are below.

B. Observations Relayed to Site Representative

The following observations were relayed by the EPA inspector:

- Adaptive management for invasive species control to meet the performance standard of maximum invasive species cover was recommended. ERM stated it would be addressed during the annual monitoring activities.
- The slip area and was observed to be much drier than the previous EPA inspection of the Site (2019). Vegetation was growing on previously exposed soil and the downslope end of the slip was outside of the stream channel.
- The in-stream structure locating in SWV-RDK-003 that was observed in 2019 and identified as an area of a potential head-cut was observed to not have substantially changed in location or condition since then.
- Minor erosion along the bank downstream of this area was observed. ERM discussed the potential placement of additional live stakes in this area to provide additional stability.

C. Documents Requested or Received

No documents were received or requested regarding this site during the inspection.

VI. Subsequent Correspondence

There was no correspondence subsequent to the inspection about the site inspection.

VII. List of Attachments

Attachment 1: Photographic Log

	Photo ID: DSCN3658.JPG Date: May 3, 2022 Notes: site overview; looking southeast
	Photo ID: DSCN3659.JPG Date: May 3, 2022 Notes: top of slip area; looking southwest
	Photo ID: DSCN3660.JPG Date: May 3, 2022 Notes: top of slip area; looking south

	Photo ID: DSCN3661.JPG Date: May 3, 2022 Notes: part of the slip with relief/ drainage channel
	Photo ID: DSCN3662.JPG Date: May 3, 2022 Notes: overview of site looking towards SWV-AMK-003/mainstem; looking south
	Photo ID: DSCN3663.JPG Date: May 3, 2022 Notes: relief/ drainage channel from the slip area

	Photo ID: DSCN3664.JPG Date: May 3, 2022 Notes: SWV-AMK-003; looking north
	Photo ID: DSCN3665.JPG Date: May 3, 2022 Notes: SWV-AMK-003; looking south
	Photo ID: DSCN3666.JPG Date: May 3, 2022 Notes: SWV-AMK-003; looking south

	Photo ID: DSCN3667.JPG Date: May 3, 2022 Notes: SWV-AMK-003; looking south
	Photo ID: DSCN3668.JPG Date: May 3, 2022 Notes: SWV-AMK-003
	Photo ID: DSCN3669.JPG Date: May 3, 2022 Notes: facing upslope from the base of the slip; looking northwest

	Photo ID: DSCN3670.JPG Date: May 3, 2022 Notes: SWV-AMK-003; looking north
	Photo ID: DSCN3671.JPG Date: May 3, 2022 Notes: SWV-AMK-003; looking north
	Photo ID: DSCN3672.JPG Date: May 3, 2022 Notes: SWV-AMK-003; looking south