



**Division of Environmental Response,
Investigation and Enforcement
ER PROGRAM**

**NOTICE OF
VIOLATION**

Ohio EPA Incident Number:	1711EPA1477	Date of Discovery:	11/15/17
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Entity:	Rover Pipeline LLC Attn: Buffy Thomason		
Address:	1300 Main Street, Houston, Texas 77002		
Phone:	Cellular:	Email:	buffy.thomason@energytransfer.com

This is to advise that due to circumstances noted below you have responsibility for one or more violations of the following Ohio Revised Code chapters: 3704, 3714, 3734, 3750, 6109, 6111, or Ohio Administrative Code 3745-1-04.

Description of violation(s) / incident circumstances:
 Release of an estimated 200 gallons of drilling fluid to the Black Fork Mohican River (#1711EPA1477) from a Horizontal Directional Drilling operation for the installation of a natural gas pipeline. The break out points listed for the above report was located within in AshlandCounty Milton Township, Ohio. The drilling fluids which included bentonite and cuttings from the natural formation coated the area with a layer of mud and impacted water quality. The surface water within the wetland and stream is considered "Waters of the State" of Ohio. The unauthorized release of the drilling fluid, a pollutant, into "Waters of the State" of Ohio is a violation of ORC 6111. The release also violated OAC 3745-1-04 "Free Froms" rule by the deposit of sludge, adverse affect to aquatic life and discoloration of the water.

Note: Notice of a violation is not a final action of the Director and is not a necessary prerequisite to a violator's liability for or obligation to address the violation. Citation of a violation in this notice does not preclude the Ohio Environmental Protection Agency (Ohio EPA) from citing additional violations. Each day of each violation is a separate offense. Actual costs incurred by Ohio EPA or its contractor, if any, may be invoiced to the responsible party for reimbursement as authorized by law. Appropriate responses include abatement, assessment or remedial responses, as needed, to address the violation. Initial abatement actions are given below.

Initial abatement actions to be taken by entity:

1. Terminate the release of additional drilling fluids into the wetland and "Waters of the State" of Ohio;
2. Establish and maintain appropriate containment points to prevent the migration of mud from impacted area;
3. Remove drilling fluids and the mud that settled out from impacted area of wetland;
4. Follow procedures provided the Rover Pipeline HDD Contingency Plan for Corrective Actions; and,
5. Properly dispose of all generated waste in accordance with all applicable laws and regulations.

Note: Ohio EPA does not assume liability for any abatement, assessment or remedial responses by entity. Ohio EPA reserves the right, pursuant to chapters 3704, 3714, 3734, 3745, 3750, 6109 and 6111 of the Ohio Revised Code and any other applicable state or federal laws or regulations, to require further site assessment and abatement to address release(s) of hazardous wastes, hazardous substances, industrial wastes or other wastes, pollutants or contaminants into the environment at or from the above designated site. Ohio EPA also reserves the right to seek civil penalties, reimbursement of costs, and any other appropriate legal or equitable relief for any violation.

By signing below the party acknowledges receipt of the Notice of Violation but does not admit the fact of or liability for any violation.

Signature of receipt of this notice: _____ (indicate refusal to sign)

Printed name of above: _____ Date: Emailed on: 11/17/17

Issuing OSC: Chris Holmes Phone: _____ Email: chris.holmes @epa.ohio.gov

Pursuant to applicable law, Ohio EPA may request the Attorney General to commence action for legal and equitable remedies, or civil or criminal penalties, or both, whenever there is cause to believe that any person or any source of pollution is violating or has violated any applicable provision of Chapters 3704, 3714, 3734, 3745, 6109, 6111, or other provisions of the Ohio Revised Code administered by Ohio EPA or any rule or order of Ohio EPA, and administrative remedies taken have been or appear likely to be ineffective.

The following penalties may be assessed based on violation of an applicable Ohio Revised Code section:

Chapter 3704: Air Pollution Control

Violations may result in civil penalties of not more than \$25,000 for each day of each violation.

Chapter 3714: Construction and Demolition Debris

Violations may result in civil penalties of not more than \$10,000 for each day of each violation.

Chapter 3734: Solid and Hazardous Wastes

Violations may result in civil penalties of not more than \$25,000, \$10,000, or \$250 for each day of each violation, depending on the section violated.

Chapter 3750: Emergency Planning

Violations may result in civil penalties of not more than \$25,000 for each violation or \$10,000 for each day of violation, depending on the section violated.

Chapter 6109: Safe Drinking Water

Violations may result in civil penalties of not more than \$10,000 for each day of each violation.

Chapter: 6111: Water Pollution Control

Violations may result in civil penalties of not more than \$10,000 per day of violation.

Criminal fines and/or imprisonment may also be assessed in accordance with sections 3704.99, 3714.99, 3734.99, 3750.99, 6109.99, and/or 6111.99 of the Ohio Revised Code.