



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

September 22, 2017

Re: **Rover Pipeline Project
NOV
Correspondence
401 Wetlands
Carroll County
DSW401154852**

Ms. Buffy Thomason
Energy Transfer Company
Rover Pipeline Project
1300 Main St.
Houston, TX 77002

Certified Mail

**Subject: Notice of Violation (NOV) – Unauthorized Discharge
Rover Pipeline Project, Burgettstown Lateral
Ohio EPA ID No. 154852**

Dear Ms. Thomason:

On September 21, 2017, the Northeast District Office of the Ohio Environmental Protection Agency ("Ohio EPA") Division of Surface Water (DSW) conducted an inspection associated with construction activities at Branch Road crossing, Loudon Township, Carroll County, Ohio. The inspection was a follow up inspection to Emergency Response incident #1709EPA0001127. Ohio EPA, DSW was represented by Todd Surrena during the inspection. Mr. Joe Thomas, Rover Environmental Inspector, and John Grady, Rover Environmental Inspector, accompanied him on the site inspection.

The goal of the inspection was to determine your facility's compliance with Ohio's environmental laws and regulations as found in the Federal Clean Water Act, Chapter 6111 of the Ohio Revised Code (ORC) and the Section 401 Water Quality Certification (WQC) issued to Rover Pipeline LLC on February 24, 2017.

Findings

Ohio EPA documented the following violations of Ohio's environmental laws and regulations, and Rover Pipeline LLC's certification terms and conditions. In order to bring your project into compliance, we recommend promptly addressing these violations:

ORC 6111.04: No person shall place or discharge, or cause to be placed or discharged, in any waters of the state, any sewage, sludge, sludge materials, industrial waste, or other wastes without a valid, unexpired permit.

Ohio Administrative Code (OAC) 3745-33-02(A): No person may discharge any pollutant or cause, permit, or allow a discharge of any pollutant without applying for and obtaining an Ohio National Pollutant Discharge Elimination System (NPDES) permit in accordance with the requirements of this chapter. Any person who holds a federal NPDES permit issued under Section 402 (a) of the act is not required to obtain an Ohio NPDES permit until its expiration date.

Violation Description: Rover Pipeline LLC caused sediment and soapy water to directly discharge into a stream without an NPDES permit and caused violation of Ohio's Water Quality Standards found in OAC 3745-1-04 Ohio EPA Emergency Response documented sediment and soapy water discharge runoff entering an unnamed tributary of Irish Creek in Loudon Twp., Carroll Co.

- (a) The wastewater generated by boring the pipeline under the road is considered an industrial wastewater. Any discharge of industrial wastewater requires an Ohio NPDES permit prior to discharge.
- (b) **Additional Information:** The treatment structure used to dewater an excavation for direct drilling under Branch Road resulted in a direct discharge of soapy water to the stream. The placement and design of the treatment structure resulted in excessive erosion on the non-vegetated slope. The storm water controls are in need of maintenance resulting from the excessive sediment loading due to this event. This discharge resulted in excessive sedimentation being deposited into the stream. Additionally, the soap laden water resulted in a large plume floating on the water.
- (c) **Additional Information:** It is understood that pipeline construction under Branch Road has been completed and no additional wastewater will be generated at this site.

Requested Action: Please submit a plan for corrective action within **14 days** of the receipt of this letter to prevent discharges of process wastewater to waters of the state during installation of the Rover Pipeline. Additionally, we request documentation within **5 days** of receipt of this letter that maintenance has been performed on the storm water controls to ensure proper management practices are in place prior to the next storm event.

ORC 6111.45: No municipal corporation, county, public institution, corporation, or officer or employee thereof or other person shall establish as proprietor, agent, employee, lessee, or tenant, any garbage disposal plant, shop, factory, mill, industrial establishment, process, trade, or business in the operation of which an industrial waste is produced, or make a change in or enlargement of a garbage disposal plant, shop, factory, mill, industrial establishment, process, trade, or business whereby an industrial waste is produced or materially increased or changed in character, or install works for the treatment or disposal of any such waste until the plans for the disposal of the waste have been submitted to and approved by the director of environmental protection.

OAC 3745-42-02: No person shall cause, permit or allow the installation of a new disposal system or cause, permit or allow the modification of a disposal system without first obtaining an individual Permit-To-Install (PTI), a general PTI or plan approval in accordance with this chapter and all other applicable rules and laws.

Violation Description: Rover Pipeline LLC constructed a filtering structure at the Branch Road site in Loudon Twp., Carroll Co. for the purpose of treating industrial wastewater.

Additional Information: The structure used to process the industrial water used in the excavation for direct drilling under Branch Road was installed without a PTI from Ohio EPA. The placement and design of the structure resulted in the discharge of industrial wastewater and created excessive erosion causing a violation of Ohio's Water Quality standards.

Requested Action: Please submit a plan for corrective action within **14 days** of receipt of this letter to prevent discharges of industrial wastewater from unpermitted treatment devices. Also, please provide a list of similar boring projects for the Rover Pipeline that result in the generation of process wastewater. Ohio EPA does have the ability to issue a Statewide PTI for mobile treatment units that can be utilized at multiple locations along the project.

Conclusion

Ohio EPA requests that Rover Pipeline LLC promptly undertake the necessary measures to return to compliance with Ohio's environmental laws and regulations. Within **5 days** of receipt of this letter, please provide documentation to Ohio EPA of the actions taken to properly maintain the storm water management practices and within **14 days** of receipt of this letter provide corrective action plans to resolve the violations cited above. Documentation of steps taken to return to compliance includes but is not limited to: written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to todd.surrena@epa.ohio.gov.

Failure to comply with ORC, Chapter 6111 and rules promulgated thereunder may result in an administrative or civil penalty. It is imperative that you return to compliance. If circumstances delay resolution of violations, Rover Pipeline LLC is requested to submit written correspondence describing the steps that will be taken by a date certain to attain compliance.

Please note that the submission of any requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek administrative or civil penalties as provided in Chapter 6111.09 of the ORC.

Should you have any questions, please contact Todd Surrena at (330) 963-1255.

Sincerely,



Todd Surrena
Application Coordinator
401/Wetlands Section
Ohio EPA, NEDO

cc: Tom Guenther, Rover Pipeline LLC

ec: Scott Sheerin, Ohio EPA, DSW, CO
Harry Kallipolitis, Ohio EPA, Storm Water and Section 401 Program Manager, DSW, CO
Rich Blasick, Ohio EPA, DSW, NEDO
Ms. Buffy Thomason
Tom Guenther