



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

November 22, 2017

Ms. Buffy Thomason  
Energy Transfer Company  
1300 Main Street  
Houston, TX 77002

**Subject: Violations from Inadvertent Returns by Rover Pipeline LLC Since September 8, 2017**

Dear Ms. Thomason:

This letter is to document a series of inadvertent returns (IRs) by Rover Pipeline (Rover) which occurred from September 26 through November 16, 2017.

As a result of multiple violations caused by unpermitted discharges to Ohio waters, Ohio EPA required Rover to develop a detailed contingency plan to manage any future IRs from Horizontal Directional Drilling (HDD) activities once given approval by the Federal Energy Regulatory Commission (FERC) to restart drilling operations in Ohio. This HDD contingency plan was approved on September 8, 2017 by Ohio EPA pursuant to Director's Findings and Orders (DFF&O's) dated July 7, 2017.

The HDD contingency plan focused on prompt detection to ensure prompt and immediate deployment of effective contingency measures when an IR occurs. Unfortunately, as Rover works to make up time lost as a result of the FERC-ordered cessation of HDD work, Rover continues to experience a significant and disturbing number of violations because of IR discharges to Ohio waters since September 8, 2017.

Ohio EPA's Division of Environmental Response, Investigation and Enforcement (DERIE) responded to these new IRs and determined that they resulted in direct discharges to waters of the state in violation of ORC 6111.04 (A)(1). Rover was informed of these violations in correspondence dated September 27, October 13, and November 17. The repeated trend of IRs is completely unacceptable, and Rover must take all necessary actions to stem these violations. Having a contingency plan that requires Rover to promptly detect and immediately respond to IRs that violate Ohio law should not ever be viewed as relieving Rover from its primary obligation to take all actions to prevent these violations.

Please see below for a summary of each of these incidents.

- On or before September 26, 2017 and continuing until a date to be determined, Rover discharged approximately 30 gallons of drilling fluids to waters of the state, specifically wetlands, located in Washington Township, Belmont County. Ohio EPA issued a Notice of Violation (NOV) to Rover on September 27, 2017.
- On or before October 11, 2017 and continuing until a date to be determined, Rover discharged approximately 1200 gallons of drilling fluids to waters of the state, specifically wetlands, located in Washington Township, Belmont County. Ohio EPA issued a NOV to Rover on October 13, 2017.
- On or before November 9, 2017 and continuing until a date to be determined, Rover discharged approximately 60 gallons of drilling fluids to waters of the state, specifically wetlands, located in Ashland Township, Ashland County. Ohio EPA issued a NOV to Rover on November 17, 2017.
- On or before November 14, 2017 and continuing until a date to be determined, Rover discharged approximately 30 gallons of drilling fluids to waters of the state, specifically wetlands, located in Milton Township, Ashland County. Ohio EPA issued a NOV to Rover on November 17, 2017.
- On or before November 16, 2017 and continuing until a date to be determined, Rover discharge approximately 200 gallons of drilling fluids to waters of the state, specifically Black Fork Mohican River, located in Milton Township, Ashland County. Ohio EPA issued a NOV to Rover on November 17, 2017.

In addition to the unacceptable number of new violations that Rover has caused in a matter of a few weeks, I am particularly concerned with the facts surrounding the IR that occurred on November 16, 2017. The IR involved drilling slurry that daylighted just under the water line within the Black Fork Mohican River and was located 1 foot from the river bank. As Rover knows, the November 9, November 14, and November 16 incidents are very near the area where the 50,000-gallon IR occurred in April. Rover has already experienced three IRs in this particular area while drilling the pilot hole. Given the additional HDD work that is still needed and the uptick in problems that seem to be occurring in this area, I am reminding Rover of its contingency plan requirements and emphasizing that Rover must be capable of responding to IRs which are likely to occur as HDD activities continue. Rover must take every precaution to minimize the chance of a future IR and if an IR occurs, be prepared to respond in a manner and timeframe to prevent harm to Ohio's environment. Rover should take a pause in HDD activities, review its contingency plan and ensure that it has the means to respond to future IRs. I further suggest that Rover review its drilling plan and make necessary adjustments to drilling activities to eliminate the likelihood of additional IRs. Please know we are making this request of FERC and asking them to again intervene until Ohio and FERC are convinced that this HDD activity can be completed without further impacts to Ohio's environment.

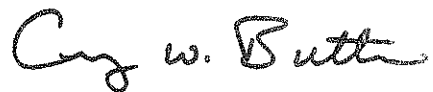
Please provide a written response within 14 days for the following requested actions for each IR listed above.

- **Drilling Conditions:** Please provide a detailed description of the drilling conditions leading to the release. This would include but not limited to: noted drilling pressures, inspection frequencies and corrective measures implemented.
- **Documentation:** Please submit all supporting documentation leading to the release including drilling logs, inspection logs, and contingency measures implemented.
- **Contingency Measures:** Please submit all contingencies measures implemented for each release. The timing of installation and availability of each measure must be included in this submittal.
- **Adherence to HDD Contingency Plan:** Please provide a narrative for each release, evaluating compliance with the approved HDD contingency plan. The narrative must include conditions leading to the release, corrective measures and contingencies implemented.
- **Restoration of the resource.** Please develop a restoration plan that includes methods for reestablishment of aquatic resources and a monitoring plan to ensure successful restoration is achieved.
- **Evaluation of Independent Third-Party Inspector:** All requested information must be evaluated by your third-party monitor for comment and validation. All third-party monitor comments must be submitted in your response.
- **Specific to Black Fork Mohican River:** Please provide a detailed explanation of the precautions, and contingency mitigative equipment and procedures that Rover will implement prior to resumption of drilling. Also, prior to restarting drilling operations, Rover and your third-party monitor will need to review all relevant and available data and provide Ohio EPA with assurances that the FERC approved drill plan is adequate to keep from experiencing additional IRs into the Black Fork Mohican River.

I find it very troubling how only a few short weeks after being allowed to restart operations by FERC in Ohio, we are continuing to document significant violations. I cannot explain how disappointed I am with the continued trend of Rover causing environmental damage in Ohio by continuing operations causing unauthorized discharges to Ohio waterways. I understand the significance of this project, and while Ohio remains supportive of oil and gas infrastructure development, it cannot come at a cost of jeopardizing public health or the environment. While thankfully having made some improvement from past noncompliance, Rover needs to improve operations in Ohio again significantly.

Please submit all requested information to [harry.kallipolitis@epa.ohio.gov](mailto:harry.kallipolitis@epa.ohio.gov) within 14 days from receipt of this letter.

Sincerely,

A handwritten signature in black ink that reads "Craig W. Butler". The signature is written in a cursive, flowing style.

Craig Butler  
Director, Ohio EPA

cc: Wes Barnett, Department of the Army, Huntington District, Corps of Engineers  
Leon Banta, Energy Transfer Company  
Tom Guenther, Rover Pipeline LLC, 7015 Sunset Strip Ave. NW, North Canton,  
OH 44720  
Kevin Bowman, Federal Energy Regulatory Commission  
Rich Blasick, Ohio EPA, NEDO/DSW  
Elizabeth Wick, Ohio EPA, NWDO/DSW  
Harry Kallipolitis, Ohio EPA, DSW  
Todd Anderson, Ohio EPA, Legal