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May 31, 2017

Andrew Kornacki, Chief of Public Affairs
US Army Corps of Engineers
Buffalo District
1776 Niagara Street
Buffalo, NY 14207
Via email only to Public.Affairs@lrb01.usace.army.mil

Shawn U. Blohm
U.S. Army Corps of Engineers
Buffalo District - Regulatory Branch
Stow Field Office
1100 Graham Road Circle
Stow, OH 44224
Via email only to shawn.u.blohm@usace.army.mil

RE: ET Rover pipeline (request to revoke NWP 12 authorization)

Dear Mssrs. Kornacki and Blohm:

We write on behalf of FreshWater Accountability Project, Michigan Residents Against the ET Rover Pipeline and the Sierra Club to request that the U.S. Army Corps of Engineers (Corps) urgently shut down construction activity related to all water body crossings and horizontal directional drilling (HDD) of the ET Rover pipeline project. As you are undoubtedly aware, a series of miscues and incidents since February 2017 has prompted unusual oversight of Rover construction practices by the Federal Energy Regulatory Commission (FERC) and the Ohio Environmental Protection Agency (Ohio EPA). It is the Corps which is the lead entity on Clean Water Act enforcement, however, and it is unclear why the Corps has remained on the sidelines following a disturbing series of HDD-related mistakes.

By this letter, we hereby request that the Corps revoke Rover's authorization under Nationwide Permit (NWP) 12 to construct the pipeline, and that the Corps instead require individual permits for each water body crossing for the length of the projects.

A. Background

The first two months of construction of the Rover pipelines were an environmental fiasco for Energy Transfer Partners, owners of both the controversial Dakota Access Pipeline and of

Rover Pipeline LLC. Over a 25-day period in March and April 2017, crews working for Rover contractors spilled an estimated 5 million gallons of drilling pollutants in Ohio water bodies and wetlands while engaged in HDD of a planned 4,600-foot-long tunnel underneath the Tuscarawas River in Stark County, Ohio (roughly ten miles outside of Canton).¹ The bentonite and chemical mixture, used to lubricate the drill bit for boring tunnels underneath water bodies, flooded more than eleven acres of prime wetland near the Tuscarawas River. The Ohio EPA director predicted that this spill would “kill just about everything in that wetland” by mechanically smothering it.²

The Ohio EPA fined Rover for this spill as well as for the spill of 50,000 gallons of drilling fluid onto ¾-acre of wetland in Richland County, Ohio, roughly 50 miles from the Tuscarawas River site.³ All told, the Ohio EPA has cited Rover for “a ‘pattern’ of 18 spills of drilling materials.”⁴ The incidents occurred in eleven Ohio counties over eight weeks. The Ohio EPA says at least eight incidents violated state law, and many of the rest are under review. One is an additional 10,000-gallon drilling fluid spill, in Harrison County, Ohio. Ohio EPA has proposed \$714,000 in civil fines, so far.⁵ The Ohio EPA director observed that Rover’s response to the spills was “‘dismissive,’ ‘exceptionally disappointing,’ and unlike any other response he has seen from a company.”⁶

B. Rover’s NWP 12 Authorization Should Be Revoked Because Pipeline Construction Will Result in Greater Than “Minimal” Individual and Cumulative Adverse Environmental Effects

Rover proposes to cross 45 water bodies via horizontally-drilled tunnels.⁷ The Corps’ Huntington and Buffalo offices authorized Rover to proceed under NWP 12, a blanket authorization that allows all 45 water crossings to be lumped together, assessed generally for

¹Attached is the April 23, 2017 email exchange between Ohio Environmental Protection Agency inspector and Rover representative.

²https://www.washingtonpost.com/news/energy-environment/wp/2017/05/08/pipeline-spill-by-dakota-access-company-could-have-a-deadly-effect/?utm_term=.21d189db52ab

³ The two Ohio EPA citations to Rover for the major spills, dated April 13 and 14, 2017, are attached.

⁴ *Id.*

⁵Sheridan Hendrix and Marion Renault, “Stormwater overflow from Rover pipeline construction affecting farms,” COLUMBUS DISPATCH (May 20, 2017), *available at* <http://www.dispatch.com/news/20170520/stormwater-overflow-from-rover-pipeline-construction-affecting-farms>.

⁶Mufson, *supra* note 2.

⁷Final Environmental Impact Statement at p. 4-130.

their environmental effects, and drilling activities approved *en masse*.⁸

Section 404(e) of the Clean Water Act authorizes the Secretary of the Army to “issue general permits on a State, regional, or nationwide basis for any category of activities involving discharges of dredged or fill material.” 33 U.S.C. §1344(e)(1). Activities that qualify for a general permit must be similar in nature, cause only minimal adverse environmental effects when performed separately, and have only minimal cumulative environmental effects. *Id.*; 33 C.F.R. § 325.5(c). Additionally, the Corps has the discretion to modify, suspend, or revoke NWP authorization. 33 C.F.R. § 330.4(e). The courts have affirmed that the Corps retains jurisdiction to modify or revoke NWP authorization for a pipeline. 33 C.F.R. § 330.5(d)(2)(ii); *see Karst Envtl. Educ. & Protection, Inc. v. EPA*, 475 F.3d 1291, 1298-99 (D.C. Cir. 2007) (public has justiciable claim to seek halt or modifications to authorization because Corps may impose mitigation measures even though construction had commenced); *Ouachita Riverkeeper, Inc. v. Bostick*, 938 F.Supp.2d 32, 43 (D.D.C. 2013); *Sierra Club v. Bostick*, 787 F.3d 1043, 1057 (10th Cir. 2015).

We urge the Division Engineer to assert his authority to revoke Rover’s NWP authorizations because there is evidence of “more than minimal adverse environmental effects” both “individually” and “cumulatively” from HDD activities. 33 C.F.R. § 330.4(e)(1). Whenever the District Engineer determines that a proposed specific activity covered by a NWP would have more than minimal individual or cumulative adverse effects on the environment or otherwise may be contrary to the public interest, s/he must either modify the NWP authorization to reduce or eliminate the adverse impacts, or notify the prospective permittee that the proposed activity is not authorized by NWP and provide instructions on how to seek authorization under a regional general or individual permit. 33 C.F.R. § 330.4(e)(2).

On May 24, 2017, Freshwater Accountability Project and Michigan Residents Against the ET Rover Pipeline filed a “Motion to Revoke Certificate of Public Convenience and Necessity, to Reopen NEPA Proceeding, and to Suspend Construction of ET Rover Pipeline” with FERC. We endorse FERC’s temporary moratorium order on new HDD activity, but we believe FERC’s approach provides insufficient protection to the public and environment. FERC has ordered Rover to hire an independent consultant to investigate and report back as to how Rover management intends to approach HDD drilling.

FERC’s approach presumes that managerial changes are all that is necessary to avoid future environmental destruction. The continued validity of the NWP 12 authorization is suspect because management of drilling to date reflects gross ignorance of the geology at the subject river and wetland crossings. The 5 million gallon spill, for example, occurred toward the end of 25 days of injecting drilling fluid, during which time the presumption was that it was dissipating in subsurface geological formations. There appears to be no consultation between FERC and the Corps on the adequacy of Rover’s understanding of the geology, hydrology and environmental

⁸*Id.* at p. 4-93.

consequences of HDD activity adjacent to river and wetland crossings. Rover's repeated pledges to complete two seasons of construction within one season and the serious environmental damage so far underscore the conclusion that continued NWP 12 authorization is not adequate. We urge the Corps to revoke the Rover pipeline's NWP 12 authorization in favor of a regime of individual permits for each HDD crossing to avert further destruction of natural resources.

Please promptly acknowledge receipt of this letter, and advise us of the Corps' plans to address this urgent matter. Thank you very much.

Sincerely,

/s/ Terry J. Lodge

Terry J. Lodge
Counsel for Freshwater Accountability
Project and Michigan Residents Against the
ET Rover Pipeline

/s/Ryan Talbott

Ryan Talbott
Staff Attorney
Appalachian Mountain Advocates
P.O. Box 507
Lewisburg, WV 24901
(503) 329-9162
rtalbott@appalmad.org
Counsel for Sierra Club

From: [Kollar, Kurt](#)
To: [Eberle, Michael](#)
Subject: Fwd: Ohio EPA Incident 17-0751 Rover HDD Tusc. River Stark County
Date: Saturday, April 22, 2017 10:33:14 AM
Attachments: [ATT00001.htm](#)
[Tuscarawas IR 4-13-2017.mov](#)
[ATT00002.htm](#)

Kurt Kollar

Begin forwarded message:

From: "Thomason, Buffy" <Buffy.Thomason@energytransfer.com>
To: "Kollar, Kurt" <kurt.kollar@epa.ohio.gov>
Cc: "jvanvoorhis@precisionpipelinellc.com"
<jvanvoorhis@precisionpipelinellc.com>
Subject: RE: Ohio EPA Incident 17-0751 Rover HDD Tusc. River Stark County

And attached now is the video.

Thank you,
Buffy Thomason
Energy Transfer Company
O: 713-989-2844, C: 979-571-3113

From: Thomason, Buffy
Sent: Saturday, April 22, 2017 8:11 AM
To: 'kurt.kollar@epa.ohio.gov' <kurt.kollar@epa.ohio.gov>
Cc: jvanvoorhis@precisionpipelinellc.com
Subject: RE: Ohio EPA Incident 17-0751 Rover HDD Tusc. River Stark County

Mr. Kollar, below in purple are the answers the contractor supplied to me. I'm also attaching four pictures and the ORAM form. I will send a video I was sent separately. Please let us know if you have any questions.

I had a brief discussion with Precision Pipeline EHS regarding obtaining some questions pertaining to the HDD Tuscarawas River IR in Stark County, Ohio. It was decided to work through you to obtain the information. The Rover Pipeline HDD Contingency Plan list several procedures under the Monitoring Procedures. The three items are:

- Visual and pedestrian field inspection along the drill path, to the extent allowable by the terrain, including monitoring the wetlands and waterbodies for

evidence of release,

- Continuous monitoring of drilling mud, drilling mud pressures, and returns flows by the Contractor, and
- Periodic recording of drill status information regarding drill conditions, pressures, returns, and progress during the course of drilling activities.

Would you please provide me with the information the company collected for this portion of the project regarding these procedures? In addition, would you please provided the frequency of the visual field inspection and who conducted them?

Loss of fluid returns to entry or exit side is denoted on the daily time sheet and progress reporting. These reports Monitoring of the bore path was completed no less than twice daily by the foreman Steve Hoie and the inspector James Wilkerson along with crew members throughout the day. Walking what parts of the path they could traverse on foot, and stay on the ROW. The ROW was monitored at night in the same manner as accessible.

6 joints into the pilot pass, fluid returns were lost to the rig entry pit. The crew stopped activities and searched in front of the rig along the bore path and the width of the ROW with no drilling fluid returns found at the surface. The crew proceeded forward with drilling operations, tripping a few joints out in effort to clean the hole and regain fluid return to the rig. The crew utilized industry best drilling practices as proceeding forward and monitoring the area for any IR's. With continual foot search for IR's and completion of the pilot, searching the entire ROW, no IR's were found to have surfaced. Pretec was provided the approval on the pilot to begin back reaming. During the 30" back ream process, the foot search monitoring was stilled instituted as they searched for possible IR's and none were found. Once the 30" ream process was completed, the crew began the 42" back ream process. The crew back reamed with the 42" reamer from joint 150 to joint 11 at this time, an IR was located on the west side of the Tuscarawas River bank and drilling operations were halted to start the containment and cleanup process.

Bullet two discusses monitoring of the drilling mud, pressures and return. It was explained that the flow rate of the drilling mud pumped used during the drilling of this bore hole ranged from 350 – 500 gallons per minute with no returns very early into the 1st run. What was the total volume of drilling fluids used during this pass? What was the volume of returns? What was the total volume of drilling fluid used during the course of drilling activities for all four bore hole passes versus the total volume of returns? What was the drilling mud pressure before the IR was discovered? Was there a drop in pressure when the IR occurred?

During the pilot hole operations, a mud motor was utilized to turn the drill bit. Using a motor requires 250 gpm to 600 gpm during operations. This gpm will vary as to if you are turning the bit or turning the motor. This also varies as the soils drilled through at the time.

The 30" ream pass averaged 25-50 lbs. pressure at the tool.

The 42" ream pass averaged 0-25 lbs. pressure at the tool.

There was no change in pressure before, after or during the inadvertent return.

Pilot – 6 days @ 200,000 gallons per 24 hour = 1,200,00 gallons lost down hole.

30" ream pass – 9 days @ 200,000 gallons per hour = 1,800,00 gallons down hole. 30" hole volume should roughly be 166,424 gallons.

42" ream pass – 10 days @ 200,00 gallons per hour = 2,000,000 gallons lost down hole.
42" hole volume should roughly be 305,000 gallons.

Was anything done to change or modify the drilling procedure or implement any modifications to the drilling technique or composition of drilling fluid (e.g., viscosity of mud by increasing mineral content) to minimize or prevent further releases of drilling mud into the formation in order to generate a return?

During pilot hole drilling operations, the crew made the drilling fluid as thick as they could pump using bentonite only and experienced full fluid loss with no luck regaining returns in spite of swabbing the hole while pumping the thicker drilling fluid. The crew continued to utilize the water/bentonite mixture, mixed as directed by the manufacture using best drilling practices as the bore progressed.

Is there a method to detect if an IR is likely to happen or prevent it from happening?

There are no known methods to predict if/when or to what extent an IR will happen. During the drilling phase, it is common practice to watch your down hole pressures (while piloting) and fluid returns to the entry or exit pit while reaming. When the fluid returns diminish, it is common practice to trip the drill stem back out of the hole for an undetermined number of joints to regain fluid circulation and return.

May I have a copy of the video(s) and some of the pictures collected by the contractors at the time the IR break out was occurring in the wetland?

The video is a large file, and I will send it separately.

Thank you,
Buffy Thomason
Energy Transfer Company
O: 713-989-2844, C: 979-571-3113

From: kurt.kollar@epa.ohio.gov [<mailto:kurt.kollar@epa.ohio.gov>]

Sent: Thursday, April 20, 2017 1:54 PM

To: Thomason, Buffy <Buffy.Thomason@energytransfer.com>

Cc: jvanvoorhis@precisionpipelinellc.com

Subject: RE: Ohio EPA Incident 17-0751 Rover HDD Tusc. River Stark County

Need to add a request from our Division of Surface Water Wetland Person. Was the affected wetlands delineated and please provide any information from assessments (ORAMs) which were conducted.

Plus: During the visual inspection, does/did the inspector traverse areas outside of the right of way? If so how far out?

Thanks, Kurt

From: Thomason, Buffy [<mailto:Buffy.Thomason@energytransfer.com>]
Sent: Thursday, April 20, 2017 12:57 PM
To: Kollar, Kurt <kurt.kollar@epa.ohio.gov>
Cc: jvanvoorhis@precisionpipelinellc.com
Subject: RE: Ohio EPA Incident 17-0751 Rover HDD Tusc. River Stark County

Yes, sir, I will help to collect this information and will get back to you asap.

Thank you,
Buffy Thomason
Energy Transfer Company
O: 713-989-2844, C: 979-571-3113

From: kurt.kollar@epa.ohio.gov [<mailto:kurt.kollar@epa.ohio.gov>]
Sent: Thursday, April 20, 2017 11:41 AM
To: Thomason, Buffy <Buffy.Thomason@energytransfer.com>
Cc: jvanvoorhis@precisionpipelinellc.com; kurt.kollar@epa.ohio.gov
Subject: Ohio EPA Incident 17-0751 Rover HDD Tusc. River Stark County

Hi Buffy,

I had a brief discussion with Precision Pipeline EHS regarding obtaining some questions pertaining to the HDD Tuscarawas River IR in Stark County, Ohio. It was decided to work through you to obtain the information. The Rover Pipeline HDD Contingency Plan list several procedures under the Monitoring Procedures. The three items are:

- Visual and pedestrian field inspection along the drill path, to the extent allowable by the terrain, including monitoring the wetlands and waterbodies for evidence of release,
- Continuous monitoring of drilling mud, drilling mud pressures, and returns flows by the Contractor, and
- Periodic recording of drill status information regarding drill conditions, pressures, returns, and progress during the course of drilling activities.

Would you please provide me with the information the company collected for this portion of the project regarding these procedures? In addition, would you please provided the frequency of the visual field inspection and who conducted them?

Bullet two discusses monitoring of the drilling mud, pressures and return. It was explained that the flow rate of the drilling mud pumped used during the drilling of this bore hole ranged from 350 – 500 gallons per minute with no returns very early into the 1st run. What was the total volume of drilling fluids used during this pass? What was the volume of returns? What was the total volume of drilling fluid used during the course of drilling activities for all four bore hole passes versus the total volume of returns? What was the drilling mud pressure before the IR was discovered? Was there a drop in pressure when the IR occurred?

Was anything done to change or modify the drilling procedure or implement any modifications to the drilling technique or composition of drilling fluid (e.g., viscosity of mud by increasing mineral content) to minimize or prevent further releases of drilling mud into the formation in order to generate a return?

Is there a method to detect if an IR is likely to happen or prevent it from happening?

May I have a copy of the video(s) and some of the pictures collected by the contractors at the time the IR break out was occurring in the wetland?

I look forward from hearing from you. Please let me know if you have any questions regarding my request for information.

Thanks,

Kurt

Kurt Kollar



ROVER PIPELINE
An ENERGY TRANSFER Company

April 17, 2017

Mr. Aaron Wolfe
Mr. Kurt Kollar
Ohio Environmental Protection Agency
Division of Environmental Response, Investigation and Enforcement
2195 Front Street
Logan, Ohio 43138

Subject: Response to Notices of Violation
1704-70-0756 and 1704-76-0751

Dear Mr. Wolfe and Mr. Kollar:

Please find enclosed signed copies of the Notices of Violation sent to Rover Pipeline LLC on March 14, 2017 for inadvertent returns of horizontal directional drilling fluid at two locations in Ohio. We appreciate your collaboration and your time and effort in providing guidance in the remediation of the two sites. If you have any questions or need additional information, please contact me at 713-989-2844 or at buffy.thomason@energytransfer.com.

Sincerely,

Buffy Thomason

Senior Project Manager - Environmental



Division of Environmental Response,
Investigation and Enforcement
ER PROGRAM

NOTICE OF
VIOLATION

Ohio EPA Incident Number:	1704-70-0756	Date of Discovery:	04/14/2017
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Entity:	Rover Pipeline LLC Attn: Buffy Thomason		
Address:	1300 Houston, Texas 77002		
Phone:	979-571-3113	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 50,000 gallons of drilling fluids from a Horizontal Directional Drilling operation for the installation of a natural gas pipeline. The break out point for the dilling fluids was located within a wetland in Richland County, Mifflin Township, Ohio. The drilling fluids accumulated within an estimated 30,000 square foot area of the wetland. 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 is "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.

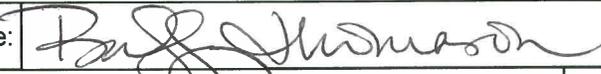
Note: Notice of a violation is not a final action of the Director and is not a necessary prerequisite to a violator's liability for or obligation to address the violation. Citation of a violation in this notice does not preclude the Ohio Environmental Protection Agency (Ohio EPA) from citing additional 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) <input type="checkbox"/>
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Printed name of above:	Buffy Thomason	Date:	Emailed on: 04/14/17
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Issuing OSC:	Aaron Wolfe	Phone:	614-867-1055	Email:	Aaron.Wolfe @epa.ohio.gov
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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.



Division of Environmental Response,
Investigation and Enforcement
ER PROGRAM

NOTICE OF
VIOLATION

Ohio EPA Incident Number:	1704-76-0751	Date of Discovery:	04/13/2017
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Entity:	Rover Pipeline, LLC	Attn: Buffy Thomason
Address:	1300 Main Street Houston TX 77002	
Phone:	Cellular: 979.571.3113	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 2 million gallons of drilling fluids from a Horizontal Directional Drilling project for the installation of a natural gas pipeline. The break out point for the drilling fluids was located within a Category 3 wetland adjacent to the Tuscarawas River in Stark County, Navarre, Ohio. The drilling fluids accumulated within an estimated 500,000 square foot area of the wetland. 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 is "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.

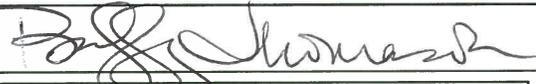
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4. Follow procedures provided the Rover Pipeline HDD Contingency Plan for Corrective Actions; and,
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Note: Ohio EPA does not assume liability for any abatement, assessment or remedial responses by 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) <input type="checkbox"/>
Printed name of above:	Buffy Thomason	Date: Emailed on: 04/14/2017

Issuing OSC:	Kurt Kollar	Phone:	216-789-9282	Email:	kurt.kollar @epa.ohio.gov
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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.

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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.