



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

August 12, 2013

Re: Muskingum County  
ATEX Pipeline  
Storm Water / Inadvertent Return

**Certified Mail 70102780000197079994**

ATEX  
Waylon Dunn  
48000 US 36 East  
Coshocton, Ohio 43812

Sheehan Pipeline Construction  
Michael Fall  
48000 US 36 East  
Coshocton, Ohio 43812

To whom it may concern:

On June 26, 2013, Ohio EPA Division of Surface Water responded to a complaint concerning discolored water running into a stream that ultimately discharged into Wakatomika Creek. The exact location of the area can be found on the attached pictures. On July 15, 2013 the Ohio EPA Division of Environmental Response and Revitalization responded to an inadvertent return from horizontal boring practices near the same location. The notice of violation given during the July 15, 2013 visit for the inadvertent return is attached. On July 24, 2013 the Ohio EPA Division of Surface water returned to determine the current status of site and stream conditions. My comments on each of these three dates are found below.

The discolored water discharging from the site on June 26, 2013, appeared to be exceeding criteria set forth in (OAC) 3745-1-04. Additional erosion control work must be completed immediately. The additional work required was outlined during the July 24, 2013 investigation meeting between Michael Green (Blanton & Associates) and Ohio EPA Surface Water Representative Aaron Wolfe. The additional work consists of the following:

- **Provide temporary stabilization on disturbed areas in the drainage area near the horizontal drilling machine.**
- **Divert all water away from disturbed areas in the drainage area near the horizontal drilling machine.**
- **Manage sediment laden water as needed to ensure no sediment laden water is discharged to waters of the state.**
- **Expedite work in this area and permanently stabilize the area as soon as possible.**
- **Continually maintain all storm water controls to ensure no sediment laden storm water is discharged to surface waters.**

The horizontal drilling related discharge or (inadvertent return) that was witnessed on July 15, 2013 is a violation of ORC § 6111.04, which states that no person may discharge any pollutant or cause, permit, or allow a discharge of any pollutant to waters of the state without applying for and obtaining a valid permit.

The horizontal drilling related discharge or (inadvertent return) that was witnessed on July 15, 2013 caused an exceedance of OAC Rule 3745-1-04 which provides, in part, that the following general water quality criteria shall apply to all surface waters of the state including mixing zones: To every extent practical and possible as determined by the Director, these waters shall be: (A) Free from suspended solids or other substances that enter the waters as a result of human activity and that will settle to form putrescent or otherwise objectionable sludge deposits, or that will adversely affect aquatic life; and (C) Free from materials entering the waters as a result of human activity producing color, odor or other conditions in such a degree as to create a nuisance.

**Within seven days of receipt of this letter, submit to me at this office a written notification as to your general plan of action addressing the comments above and your projected timelines for finishing work in this area.**

Violators of ORC 6111 may be fined up to \$10,000 per day of violation.

An exempt oil and gas facility/activity is not required to submit a NPDES permit application for storm water discharges unless the facility/activity:

- Has had a discharge of storm water resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 117.21 or 40 CFR 302.6 at any time since November 16, 1987; or
- Has had a discharge of storm water resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 110.6 at any time since November 16, 1987; or
- Contributes to a violation of a water quality standard.

Introduction of pollutants, including sediment, to surface waters of the state may violate water quality standards through either numeric standards and/or free froms which may create noticeable color change and/or increase in turbidity.

A reportable quantity is the amount of oil that violates applicable water quality standards or causes a film or sheen upon or a discoloration of the surface of the water or adjoining shorelines or causes a sludge or emulsion to be deposited beneath the surface of the water upon adjoining shorelines (40 CFR 110.6). The reportable quantities for other substances are listed in 40 CFR 117.3 and 302.4 in terms of pounds released over a 24-hour period.

*In order to maintain the exemption, operators of exempt oil and gas field activities or operations are encouraged to implement and maintain best management practices (BMPs) to minimize discharges of pollutants, including sediment, in storm water both during and after construction activities to help ensure protection of surface water quality during storm events. Examples of BMPs include:*

- Installing perimeter controls, sediment basins/traps and a stabilized construction entrance.
- Isolating drainage from the site to eliminate storm water run-on through the site.
- Using a stabilized entrance or wheel wash station to reduce mud on streets/roads from vehicle drag out.

- Containing and properly disposing of all drilling fluids, including fluids associated with setting the casing and plugging operations.
- Inspecting the site on a regular basis and after a rainfall to determine if additional measures (e.g., additional stone, seed or mulch) are needed to stabilize the site.

For more information on BMP guidance, go to:

- *ODNR's Best Management Practices for Oil and Gas Well Site Construction* at:  
**[www.dnr.state.oh.us/Portals/11/oil/pdf/BMP\\_OIL\\_GAS\\_WELL\\_SITE\\_CONST.pdf](http://www.dnr.state.oh.us/Portals/11/oil/pdf/BMP_OIL_GAS_WELL_SITE_CONST.pdf)**
- *ODNR's Rainwater and Land Development Manual* at:  
**<http://www.dnr.state.oh.us/water/rainwater/default/tabid/9186/Default.aspx>**

If you have any questions, please feel free to contact me at (740) 380-5277.

Sincerely,



Aaron Wolfe  
Storm Water Coordinator  
Division of Surface Water

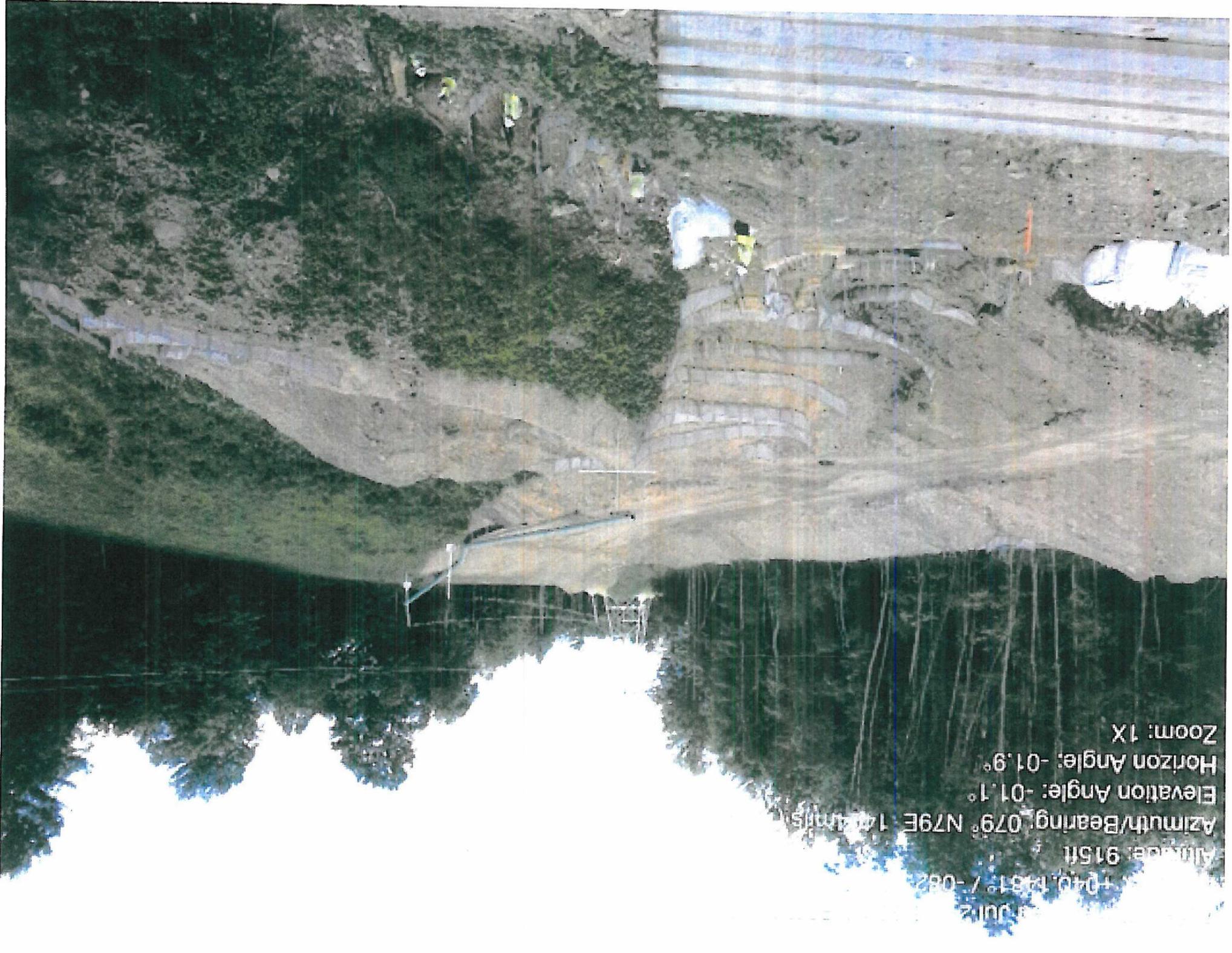
AW/cs

c: Harry Kallipolitis, DSW, CDO  
Trevor Irwin, SEDO  
Brienne Ciccone, DSW, CO  
Brian Hall, DSW, CO  
Mark Stello, SEDO



Date & Time: Wed Jul 24 16:43:29 EDT 2013  
Position: -040.1416° / -082.1401°  
Altitude: 890ft

Compass Bearing: 351° N09W 6240mils (True)  
Declination Angle: -23.4°  
Magnetic Angle: 01.8°  
Zoom: 100%



Altitude: 915ft  
Azimuth/Bearing: 079° N79E 142mils  
Elevation Angle: -01.1°  
Horizon Angle: -01.9°  
Zoom: 1X



NOTICE OF VIOLATION

Division of Emergency and Remedial Response

SUBMIT INQUIRIES TO:
Ohio EPA-DERR
P.O. Box 1049, 122 South Front Street
Columbus, OH 43266-1049

Date of Discovery: July 15, 2013
Incident Number: TBD 1307-60-1619

To: Sheehan Pipeline Construction 48000 US 36 East Cushman, OH 43812
(Company/Individual name) (Address) (City, State, Zip Code)

This is to advise you that due to the circumstances noted below you are in violation of one or more of the following chapters of the Ohio Revised Code:

3704 3714 3734 3750 6109 6111

Description of the violation(s): While conducting a horizontal directional drilling bore HDD experienced a release of drilling fluids. The release occurred on a hillside on a neighboring property. The fluid entered a small ravine which in turn entered Wakatomika Creek. The drilling company general contractor overseer and environmental overseer personnel all stated that only water was being used for the drill. Regardless, so much liquid and material was sent into the unnamed tank/ravine and Wakatomika Creek, a notice of violation of ORC 6111 was issued.

Violation of any of the laws or regulations cited above may result in civil penalties, fines, and/or imprisonment. Penalties are listed on the back of this form. Each day of each violation is a separate offense. Citation of a violation in this notice does not preclude the citation or existence of other violations. Notice of a violation is not a final action of the Director and is not necessary prerequisite to a violator's liability for or obligation to abate the violation.

Initial abatement actions to be taken (The State of Ohio is not liable for the success or failure or consequences of any abatement actions taken):

Cease drilling operations so that an adequate assessment of the release can occur. Make all reasonable attempts to contain the release so as to minimize further impact to waters of the State. Make all reasonable efforts to remove the impacted fluid from the creek. Restore any impacted property to pre-condition prior to release.

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 require further site investigations and abatement to address release(s) of hazardous wastes, hazardous substances, industrial wastes or other wastes, pollutants or contaminants into the environment at the above designated site and to seek civil penalties, reimbursement of oversight costs, response costs, and any other appropriate legal or equitable relief for any violation of law.

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

Trevor L Irwin 7/16/13 7403805443
(OEPA representative) (Date) (Phone number)
Michael Green 11 July 2013
(Authorized representative) (Title) (Date)
Blanton & Associates Inc
(Address) 52 Lafayette Center Ct # (City)
(A State) (zip code) (Phone)

Refused to sign
(Print name of Representative)

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name)</p> <p>C. Date of Delivery  <b>AUG 13 2013</b></p>
<p>1. Article Addressed to:</p> <p><b>ATEX  Waylon Dunn  48000 US 36 East  Coshocton, OH 43812</b></p>	<p>D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p> <p><b>PO BOX 22-1  Coshocton OH 43812</b></p> <p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail    <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered    <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail    <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee)    <input type="checkbox"/> Yes</p>
<p>2. Article Number  (Transfer from service label)</p>	<p><b>7010 2780 0001 9707 9994</b></p>
<p>PS Form 3811, February 2004      Domestic Return Receipt      102595-02-M-1540</p>	

**U.S. Postal Service™**  
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OFFICIAL USE

Postage	\$ 66
Certified Fee	3.10
Return Receipt Fee (Endorsement Required)	2.55
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 6.31</b>

**AUG 12 2013**  
Postmark Here  
43138

7010 2780 0001 9707 9994

Sent To: **ATEX / Waylon Dunn**  
Street, Apt. No. or PO Box No.: **48000 U.S. 36 East**  
City, State, ZIP+4: **Coshocton, OH 43812**

PS Form 3800, August 2006      See Reverse for Instructions