



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
JACKSON DISTRICT OFFICE



C. HEIDI GREETHER  
DIRECTOR

October 13, 2017

Violation Notice No. VN-007795

CERTIFIED MAIL: 7009-2820-0001-9804-2448

Ms. Buffy Thomason  
Rover Pipeline, LLC  
1300 Main Street  
Houston, Texas 77022

Dear Ms. Thomason:

SUBJECT: Violation Notice

The Michigan Department of Environmental Quality (MDEQ), Water Resources Division (WRD), staff received a complaint on October 11, 2017, regarding a petroleum odor coming from water discharged from the Rover Pipeline Project near the northern crossing of Dexter-Townhall Road in Washtenaw County. WRD staff inspected the site on October 11, 2017, to determine compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); MCL 324.3101 et seq. WRD staff noted a petroleum odor and observed a sheen in the dewatering enclosure. In addition, staff from the Remediation and Redevelopment Division (RRD) also inspected the site on October 12, 2017, and also noted the presence of a petroleum odor and identified the location of a former gas station proximate to the location of the dewatering activities. RRD staff shared this information with representatives on-site and collected samples of the discharged water.

Due to the observed odors and the close proximity to a former gas station, the source of the petroleum is likely to be contaminated groundwater from a release at the former gas station. The contaminated groundwater is being captured through the dewatering process, which is being employed for the pipeline installation and is being discharged to the wetland. Regardless of the potential source, the presence of odor and sheen indicates a discharge of petroleum-contaminated water from the dewatering activities being conducted on site.

Due to the petroleum contamination, this discharge, which enters wetlands adjacent to the Portage River, requires National Pollutant Discharge Elimination System (NPDES) Permit coverage, and the water should be treated prior to discharge. A continued unpermitted discharge constitutes a violation of Part 31 of the NREPA.

Additionally, Part 327 of the NREPA requires that a water withdrawal must be registered with the MDEQ prior to operating if it has the capacity to pump over 100,000 gallons per day, averaged over any consecutive 30-day period. One hundred thousand gallons per day is equivalent to approximately a 70 gallon per-minute pump running continuously.

For temporary withdrawals of less than 30 days, the total withdrawal volume for the project determines the applicability of Part 327 of the NREPA. If the total project withdrawal volume is over 3,000,000 gallons (100,000 x 30 days), the withdrawal is regulated and requires registration with the MDEQ. Temporary withdrawals of less than 3,000,000 gallons total volume are not regulated under Part 327 of the NREPA. Failure to register as required is a violation of Part 327 of the NREPA.

Finally, Rover's dewatering activities may be exacerbating the spread of contaminated groundwater.

Rover Pipeline, LLC should take immediate action to achieve and maintain compliance with Parts 31 and 327 of the NREPA.

To resolve the above issues:

1. Cease any unauthorized discharges.
2. Submit an NPDES Industrial/Commercial Application Form through the MiWaters Web site.
3. Register the water withdrawal as necessary. Please see the following link for additional guidance: [http://www.michigan.gov/deq/0,4561,7-135-3313\\_3684\\_45331-223443--00.html](http://www.michigan.gov/deq/0,4561,7-135-3313_3684_45331-223443--00.html)

Please also submit a written response confirming your intent and summarizing your actions by **October 18, 2017**.

If you have any factual information you would like us to consider regarding the violations identified in this Notice, please provide them with your written response.

We anticipate and appreciate your cooperation in resolving this matter. Should you require further information regarding this Notice or you would like to arrange a meeting to discuss it, please contact me at 517-867-0745; [konieczkim@michigan.gov](mailto:konieczkim@michigan.gov); or Department of Environmental Quality, 301 East Louis Glick Highway, Jackson, Michigan 49201.

Sincerely,



Matthew Konieczki  
Jackson District Office  
Water Resources Division

cc: Mr. Andrew LeBaron, MDEQ ([Lebarona@michigan.gov](mailto:Lebarona@michigan.gov))  
Mr. Jon Russell, MDEQ ([Russellj@michigan.gov](mailto:Russellj@michigan.gov))  
Mr. Dennis Eagle, MDEQ ([EAGLED@michigan.gov](mailto:EAGLED@michigan.gov))