

FILED

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**U.S. EPA REGION 3
HEARING CLERK**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III**

IN THE MATTER OF:

DOCKET NO. CWA-03-2026-0068CW

Allegheny River Oil Discharge
River Miles 4 & 5
Pittsburgh, Pennsylvania 15201

Atlantic Richfield Company
1209 Orange Street
Wilmington, Delaware 19801

Respondent.

Proceeding under Section 311(c) of the
Clean Water Act, 33 U.S.C. § 1321(c), as
amended by the Oil Pollution Act of 1990,
33 U.S.C. § 2701, et seq.

**WITHDRAWAL OF FIRST AMENDED ORDER FOR REMOVAL,
MITIGATION OR PREVENTION OF A SUBSTANTIAL THREAT OF OIL DISCHARGE**

Whereas the U.S. Environmental Protection Agency (“EPA”) issued an Order for Removal, Mitigation or Prevention of a Substantial Threat of Oil Discharge to Atlantic Richfield Company under Section 311(c) of the Federal Water Pollution Control Act (“Clean Water Act” or “CWA”), 33 U.S.C. § 1321(c), as amended by the Oil Pollution Act (“OPA”), 33 U.S.C. § 2701 et seq. on November 12, 2025 in the above-captioned matter;

Whereas the EPA subsequently issued a First Amended Order for Removal, Mitigation or Prevention of a Substantial Threat of Oil Discharge to Atlantic Richfield Company under Section 311(c) of the Clean Water Act, 33 U.S.C. § 1321(c), as amended by OPA, 33 U.S.C. § 2701 et seq. on November 17, 2025 in the above-captioned matter, which amended the effective date of the November 12, 2025 Order and explicitly clarified that the First Amended Order supersedes the Order issued on November 12, 2025;

Whereas the effective date for the First Amended Order for Removal, Mitigation or Prevention of a Substantial Threat of Oil Discharge was ten (10) business days after EPA’s signature of the order on November 17, 2025;

Whereas the Commonwealth of Pennsylvania, Department of Environmental Protection (“PADEP”) entered into a Consent Order and Agreement with Atlantic Richfield Company and Energy Transfer (R&M), LLC (formerly known as and referred to therein as Sunoco, Inc.) on November 24, 2025 under the Commonwealth of Pennsylvania’s authorities under The Clean Streams Law, 35 P.S. §§ 691.1 - 691.1001; the Storage Tank and Spill Prevention Act, 35 P.S. §§ 6021.101 - 6021.2104; and the Land Recycling and Environmental Remediation Standards Act, 35 P.S. §§ 6026.101 – 6026.909 (commonly referred to as “Act 2”);

Whereas the Consent Order and Agreement requires Atlantic Richfield Company and Sunoco to address oil contamination at the Allegheny Cold Storage Site, characterized as three principal areas of contamination, including: (1) petroleum hydrocarbon contamination at and emanating from the Energy Transfer Marketing & Terminals L.P. property located at 5733 Butler Street in Pittsburgh, Pennsylvania (referenced therein as “Terminal Property Contamination”); (2) heavier-end petroleum releases located primarily along the Allegheny River shoreline near the Allegheny Cold Storage and University of Pittsburgh Medical Center (“UPMC”) properties (referenced therein as “Tar Contamination”); and (3) petroleum sheen that appears along the Allegheny River bank, primarily between the Allegheny Cold Storage and UPMC properties (referenced therein as “Sheen Contamination”);

Whereas the EPA’s First Amended Order for Removal, Mitigation or Prevention of a Substantial Threat of Oil Discharge and PADEP’s Consent Order and Agreement include duplicative work obligations with distinct deadlines required to be undertaken by Atlantic Richfield Company, and Atlantic Richfield Company and Sunoco, respectively, under EPA’s and PADEP’s respective federal and state authorities for environmental protection, and in consideration of the specific nature of the Allegheny River Oil Discharge site and the respective orders addressing it; and

Therefore, in accordance with Section VI of the Amended Order for Removal, Mitigation or Prevention of a Substantial Threat of Oil Discharge:

1. EPA’s Amended Order for Removal, Mitigation or Prevention of a Substantial Threat of Oil Discharge is hereby WITHDRAWN and the above-captioned matter CLOSED effective upon EPA’s signature.
2. By withdrawing the Amended Order, EPA does not relieve, excuse, or exempt Respondent from its continued obligation to adhere to all applicable federal, state, or municipal laws.

3. EPA retains the right to pursue any action authorized by the Clean Water Act, the National Oil and Hazardous Substances Pollution Contingency Plan, 40 C.F.R. Part 300, or any other applicable law.

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Received By (Respondent)

December 3, 2025

Date

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