

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VIII
UNILATERAL ADMINISTRATIVE ORDER

2013 MAR 21 PM 2:04

FILED
EPA REGION VIII
HEARING CLERK

IN THE MATTER OF: Parachute Creek Gas Plant Oil Spill
4289 County Road 215
Parachute, Garfield County, Colorado

Docket Number: **CWA-08-2013-0019**

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

I. DEFINITIONS

"Oil" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil (Section 311(a)(1) of the CWA, 33U.S.C. §1321(a)(1)).

"Hazardous substance" means any substance designated pursuant to subsection (b)(2) of this section (Section 311(a)(14) of the CWA, 33 U.S.C. § 1321(a)(14)).

"Navigable water of the United States" means the waters of the United States, including the territorial seas (Section 502(7) of the CWA, 33 U.S.C. § 1362(7)).

"Facility" means any facility of any kind located in, on, or under, any of the navigable waters of the United States other than submerged land (Section 311(a)(10) of the CWA, 33U.S.C. §1321(a)(10)).

"Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying or dumping, but excludes (A) discharges in compliance with a permit under section 402 of CWA, (B) discharges resulting from circumstances identified and reviewed and made a part of the public record with respect to a permit issued or modified under section 402 of CWA, and subject to a condition in such permit, and (C) continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under section 402 of CWA which are caused by events occurring within the scope of relevant operating or treatment systems (Section 311(a)(2) of the CWA, 33 U.S.C. § 1321(a)(2)).

II. FINDINGS OF FACT AND VIOLATIONS

A. This Order is being issued under §311(c) of the Clean Water Act, 33 U.S.C. §1321 for a discharge or a substantial threat of discharge of oil and/or a hazardous substance into waters of the United States.

B. On March 8, 2013, the Williams' gas plant workers were conducting excavation to expose pipelines in preparation for nearby construction. They discovered hydrocarbons in the excavated trenches/potholes and reported this to the Colorado Oil and Gas Conservation Commission (COGCC). They have been using a vacuum truck to collect the hydrocarbons and associated water. On March 13, at 5:25 PM, they reported the incident to the Colorado Department of Public Health and Environment (CDPHE) due to their concern of groundwater impacts. At that time, they had collected 23 barrels of hydrocarbon liquids and approximately 125 barrels of water. The liquids were placed into a container where the oil can separate and float on top of the groundwater for recovery. Samples were collected for lab analyses. Parachute Creek is located approximately 50 feet away from the incident area (Site) which is a tributary to the Colorado River, approximately 5 miles from the Site. The oil may reach Parachute Creek which is a navigable water of the United States, although Parachute Creek appears to not be directly impacted at this time.

The Region 8 EPA Emergency Response Program received the incident notification thru CDPHE's report posted on March 14, 2013. The EPA OSC and START contractor immediately traveled to the site to meet with Williams' representatives to evaluate the situation the afternoon of March 14. By 8:00 a.m. on March 15, thirty seven (37) barrels of hydrocarbon liquid, 20 barrels of emulsion and 288 barrels of ground water were recovered. At 9:45 a.m. on March 15, a meeting was held at the Site including the representatives of Williams, COGCC and the EPA OSC to discuss the Site situation and future action plans.

C. Respondent: **Bargath, LLC**
 Doug Parce
 1050 - 17th Street, Suite 1800
 Denver, Colorado 80265
 303-249-3265 cell
 303-405-8128 direct

III. WORK TO BE PERFORMED

A. **RESPONDENT IS HEREBY ORDERED** to complete the tasks described below within the dates specified and in accordance with the National Contingency Plan, 40 CFR Part 300, and any appropriate area contingency plan, and any applicable §311(j) facility response plan.

B. IMMEDIATE STABILIZATION AND MITIGATION ACTIONS

To mitigate the threat of oil potentially reaching Parachute Creek, Respondent shall:

- Continue their current operation to pump the oil from the existing trenches and potholes;

- Extend the existing trenches and excavate additional trenches as needed with collection points to mitigate the threat of oil reaching Parachute Creek;
- Excavate additional potholes to determine the extent of the oil plume;
- Install monitoring wells to monitor the oil plume movement; and
- Routinely collect water samples and conduct daily monitoring and maintenance of the deployed booms in Parachute Creek to ensure that if oil migrates into the Creek, it is contained; and notify the OSC immediately if this occurs.

C. REMOVAL ACTION

- Within 7 days from the date this Order is signed by EPA, Respondent shall develop and submit to EPA the required documents for approval. The plans must address the short term action required in Section B above and other immediate measures to mitigate the threat of oil release to surface water in Parachute Creek. Requirements include a Work Plan and Quality Assurance Project Plan; a Sampling and Analysis Plan; and a Health and Safety Plan. Should the Respondent not be familiar with plan requirements, Respondent shall hire a qualified environmental consulting firm who is familiar with these requirements to develop the plans for the Respondent.
- Respondent shall continue their current removal actions at the site and implement immediately any additional measures, with EPA approval.
- EPA understands that the Colorado Oil and Gas Conservation Commission (COGCC) will issue a Notice of Violations and require Respondent to submit a long term Remediation Work Plan for COGCC's approval, and the COGCC will conduct the Respondent's remediation oversight. EPA requires Respondent to submit a copy of this Remediation Work Plan to EPA for review and concurrence.

D. REPORTING REQUIREMENTS

Respondent shall prepare and submit to the On-Scene Coordinator the following reports:

- Weekly Progress Reports due on Monday, 12 noon;
- Monthly Progress Reports due on the 1st Monday of the following month; and
- Final Completion Report due 30 days after the completion of the Removal Action

E. OTHER REQUIREMENTS

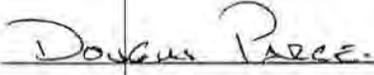
Respondent shall designate a project manager who will direct Respondent's on-site resources pursuant to this Order. All directions undertaken pursuant to this Order will be issued through the EPA Federal On-Scene Coordinator, Tien Nguyen.

IV. RESERVATION OF RIGHTS AND PENALTIES

- A. This Order does not preclude EPA from taking any actions authorized by CWA, the National Contingency Plan, or any other law. EPA reserves the right to direct all activities and to comment on and direct changes to deliverables, off-site shipping and disposal, and all other matters.
- A. Respondent shall notify EPA of any response actions it takes as to this discharge that are in addition to those described in this Order.
- B. Violation of any term of this Order may subject Respondent to an administrative civil penalty of up to \$37,500 per day of violation or an amount up to three times the costs incurred by the Oil Spill Liability Trust Fund as a result of such failure. (Section 311(b)(7)(B) of the Clean Water Act, 33 U.S.C. § 1321(b)(7)(B) as amended by the Oil Pollution Act of 1990, 33 U.S.C. §§ 2701 et seq.)

V. EFFECTIVE DATE

The effective date of this Order shall be the date of the receipt of this Order by the Respondent.

		3/19/13
On-Scene Coordinator		Date
		3/20/2013
Received by	Representing Respondent	Date

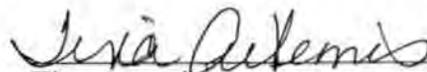
CERTIFICATE OF SERVICE

The undersigned certifies that the original of the attached **UNILATERAL ADMINISTRATIVE ORDER** in the matter of **PARACHUTE CREEK GAS PLANT OIL SPILL, DOCKET NO.: CWA-08-2013-0019** was filed with the Regional Hearing Clerk on March 21, 2013.

Further, the undersigned certifies that a true and correct copy of the document was delivered to, Tien Nguyen, On-Scene Coordinator, U. S. EPA – Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129. True and correct copy of the aforementioned document was placed in the United States mail certified/return receipt requested on March 21, 2013, to:

Doug Parce
Bargath, LLC.
1050 17th Street, Suite 1800
Denver, CO 80265

March 21, 2013



Tina Artemis

Paralegal/Regional Hearing Clerk

