



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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DENVER, CO 80202-1129
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FILED
EPA REGION VIII
HEARING CLERK

MAY 03 2018

Ref: EPR-ER

NOTICE OF FEDERAL INTEREST FOR
AN OIL POLLUTION INCIDENT

To Whom It May Concern:

On or about APRIL 27 2018, an oil pollution incident occurred or threatens to occur at MARIE STANDING HEIRS 1-35 WELL. You may be financially responsible for that incident. Under Federal Statutes, the United States Government may take action to minimize or mitigate damage to the public health or welfare that is threatened or that may be caused by this incident.

Under the Oil Pollution Act of 1990, the responsible party is liable for, among other things, removal costs and damages resulting from this incident. The failure or refusal of the responsible party to provide all reasonable cooperation and assistance requested by the Federal On-Scene Coordinator (OSC) will eliminate any defense or entitlement to limited liability which otherwise might be available under the Act.

You are advised that your failure to properly carry out the removal of the discharge as directed by the OSC or to comply with any administrative orders necessary to protect the public health and welfare, may subject you to additional penalties. For such failure, owners, operators, or persons in charge of the vessel or facility from which the oil is discharged are subject under the Federal Water Pollution Control Act (FWPCA), as amended, to a civil penalty of up to \$37,500 per day of violation or up to 3 times the costs incurred by the Oil Spill Liability Trust Fund. Should you require further information concerning this matter, please contact Joyel Dhieux at 303-312-6647 or 720-441-9961(mobile).

The OSC will evaluate your response actions and provide direction and guidance as necessary. Under the FWPCA, as amended, your response actions will be taken into account in determining the amount of any penalty assessed as a result of the discharge.

Sincerely,

Received and Acknowledged:

Date:

Witness(es):

[Signature]

5/2/18

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

2018 MAY -3 AM 11:58

IN THE MATTER OF:)	Docket No. CWA-08-2018-0008
)	
ANADARKO MINERALS INC.)	
100 N. BROADWAY STE 2110,)	Proceeding Under Section 311(c) of the
OKLAHOMA CITY, OK 73102)	Clean Water Act, as amended, 33 U.S.C.
Respondent.)	1321(c)

FILED
EPA REGION VIII
HEARING CLERK

ADMINISTRATIVE ORDER

The U.S. Environmental Protection Agency Region 8 issues the following Administrative Order (Order) to Anadarko Minerals Inc. (Respondent) to perform the following prevention, removal and/or mitigation activities based on a determination that the Respondent's Marie Standing Heirs 1-35 oil well located in Valley County, Montana, discharged or posed a substantial threat of discharge to Porcupine Creek, which drains into the Missouri River, navigable waters of the United States. The discharge was discovered on April 27, 2018.

I. JURISDICTION AND GENERAL PROVISIONS

1. This Administrative Order (Order) is issued to the Respondent pursuant to the authority vested in the President of the United States by Section 311(c) of the Federal Water Pollution Control Act ("Clean Water Act" or "CWA"), as amended by the Oil Pollution Act (OPA), 33 U.S.C. § 2701 *et seq.* This authority has been delegated to the EPA Administrator by Executive Order No. 12777, 58 Federal Register 54757 (October 22, 1991), and further delegated to the EPA Region 8 On-Scene Coordinators (OSC) pursuant to EPA Delegation No. 2-89.
2. This Order requires the Respondent to immediately conduct actions to remove, mitigate or prevent a discharge or a substantial threat of a discharge of oil or a hazardous substance into or on the navigable waters; on the adjoining shorelines to the navigable waters; into or on the waters of the exclusive economic zone; or that may affect natural resources belonging to, appertaining to, or under the exclusive management authority of the United States.
3. The work shall be consistent with the CWA, OPA, and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) set forth in 40 C.F.R. Part 300, including any amendments, as required by Section 311(c)(3) of the CWA, 33 U.S.C. § 1321(c)(3).

II. PARTIES BOUND

4. This Order applies to Respondent, persons acting on behalf of Respondent, or persons who succeed Respondent. Any change in ownership or corporate status of Respondent including, but not limited to, a transfer of assets or real or personal property, will not alter Respondent's responsibilities under this Order.

5. Respondent must ensure that its contractors, subcontractors, employees, and agents comply with this Order and will be liable for any violation of this Order by said persons.

III. DEFINITIONS

All terms not defined below shall have the meanings set forth in the CWA, OPA and the NCP.

6. "Day" as used in this Order, unless otherwise noted, shall mean calendar day.
7. "Discharge" shall have the meaning set forth in Section 311(a)(2) of the CWA, 33 U.S.C. § 1321(a)(2), for purposes of the work to be performed under this Order, and Section 1001(7) of OPA, 33 U.S.C. § 2701(7), for purposes of reimbursement costs.
8. "Facility" shall have the meaning set forth in Sections 311(a)(10) and (11) of the CWA, 33 U.S.C. §§ 1321(a)(10) and (11), and Section 1001(9) of OPA, 33 U.S.C. § 2701(9).
9. "Hazardous substance" shall have the meaning set forth in Section 311(a)(14) and (b)(2) of the CWA, 33 U.S.C. §§ 1321(a)(14) and (b)(2).
10. "Natural resources" shall have the meaning set forth in Section 1001(20) of OPA, 33 U.S.C. § 2701(20), and the NCP, 40 C.F.R. § 300.5.
11. "Navigable water" means the waters of the United States, including the territorial seas, set forth in Section 502(7) of the CWA, 33 U.S.C. § 1362(7), and Section 1001(21) of OPA, 33 U.S.C. § 2701(21), and further defined by 40 C.F.R. § 110.1.
12. "Oil" shall have the meaning set forth in Section 311(a)(1) of the CWA, 33 U.S.C. § 1321(a)(1), for purposes of the work to be performed under this Order, and Section 1001(23) of OPA, 33 U.S.C. § 2701(23), for purposes of reimbursement costs.
13. "Party" shall mean jointly EPA and the Respondent in this matter.

IV. FINDINGS OF FACT, ALLEGED VIOLATIONS AND CONCLUSIONS OF LAW

14. Respondent is a corporation and therefore a "person" as defined by Section 311(a)(7) of the CWA, 33 U.S.C. § 1321(a)(7).
15. Respondent owns and/or operates an oil well (Respondent's Facility), located at 48.395372, -106.105602, Valley County, Fort Peck Indian Reservation, Montana, and therefore is an "owner or operator" as defined by Section 311(a)(6), CWA, 33 U.S.C. § 1321(a)(7).

16. Respondent's Facility engages in producing and storing "oil" or a "hazardous substance" within the meaning of Section 311(a)(1) or (14) of the CWA, 33 U.S.C. §§ 1321(a)(1) or (14), respectively.

17. On or after December 29, 2017, Respondent's Facility had a "discharge" or substantial threat of discharge within the meaning of Section 311(a)(2) of the CWA, 33 U.S.C. § 1321(a)(2), of approximately 90,000 bbls of emulsion with an estimated 600 bbls of crude oil.

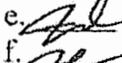
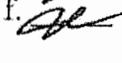
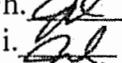
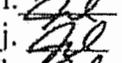
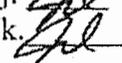
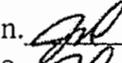
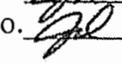
18. Due to the location of Respondent's Facility and the volume of oil emulsion discharged into a drainage of Porcupine Creek which drains into the Missouri River, there is a substantial threat of a discharge of oil and/or a hazardous substance to a "navigable water" or its adjoining shoreline within the meaning of Section 502(7) of the CWA, 33 U.S.C. § 1362(7).

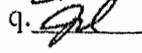
19. The character and/or size of the discharge or substantial threat of discharge posed a substantial threat to public or health or welfare of the United States within the meaning of Section 311(c)(2) of the CWA, 33 U.S.C. § 1321(c)(2).

20. Respondent received a Notice of Federal Interest (NOFI) on May 2, 2018. Since May 2, 2018, the response has been under the direction of EPA Federal On-Scene Coordinator (FOSC) Joyel Dhieux and the Respondent has been a member of Unified Command.

V. WORK TO BE PERFORMED

21. Respondent must perform the discharge prevention, mitigation and/or removal work necessary to complete the actions initialed below by the FOSC within the timeframes specified and in accordance with the NCP and any appropriate area contingency plan, the CWA and OPA.

- a.  Continue to prevent the migration of oil into Porcupine Creek or other surrounding water bodies.
- b.  Provide a plan for the removal of the oil emulsion no later than May 5, 2018, close-of-business.
- c.  Excavate soils.
- f.  Continue the deployment of appropriate oil recovery and containment devices and equipment, (e.g. skimmers, vacuum trucks, containment boom, sorbent, etc.).
- g.  Complete an analytical/ summation of total oil estimated to be discharged, burned, transferred, and recovered.
- h.  Maintain effective Site security.
- i.  Maintain effective stakeholder participation.
- j.  Maintain worker safety in accordance with OSHA C.F.R. § 1910.120.
- k.  Continue to prevent the migration of the current aerial extent of oil contamination.
- m.  Remove and dispose of recoverable oil in accordance with federal, state, tribal, and local regulations.
- n.  Restore areas impacted as a result of the response to the discharge.
- o.  Submit plans as requested by the FOSC. Those plans include Health and Safety Plan (HASP), Waste Disposal Plan; Sampling Plan.

- p.  Submit Incident Status Summary Reports (ICS 209s).
- q.  Provide daily updates via email to the FOSC regarding the progress of the clean-up. These can be daily ICS 209s.
- r.  Identify a representative as a point-of-contact for the response operations and for this Order.

VI. REPORTING

22. Respondent must submit a written progress report to the FOSC identified in Paragraph 24, below, concerning actions undertaken pursuant to this Order five Days after the effective date of this Order, unless otherwise directed in writing by the FOSC. The progress reports must describe all significant developments during the preceding period, including work performed and any problems encountered, analytical data received during the reporting period, and developments anticipated during the next reporting period, including a schedule of work to be performed, anticipated problems, and planned resolutions of past or anticipate problems.
23. Within 30 Days of completing the actions described in Paragraph 21, above, Respondent shall submit a final report to the FOSC identified in Paragraph 24, below, detailing all activities completed and providing all monitoring and analytical data, disposal records, and other documentation collected in complying with this Order.
24. Respondent must submit all plans and reports described herein to:

Joyel Dhieux
U.S. EPA Region 8
Emergency Response and Preparedness (EPR-ER)
1595 Wynkoop Street
Denver, Colorado 80202
Phone: 303-312-6647
Cell: 720-441-9961
Email: dhieux.joyel@epa.gov

VII. MODIFICATION

25. This Order and the work required herein may be modified by agreement of the Parties. Any modification to the Order must be in writing and signed by both Parties. A written, signed modification will be incorporated by reference into this Order, and, as such becomes an enforceable part of this Order.
26. No informal advice, guidance, suggestions, or comments by EPA shall be construed to modify this Order. Routine communications exchanged verbally, in person, by telephone or by electronic mail between the parties to facilitate the orderly conduct of work contemplated by this Order shall not alter or waive any rights and/or obligations of the parties under this Order.

VIII. ACCESS AND RECORD RETENTION

27. Respondent shall provide the EPA, the United States Coast Guard (USCG), and their contractors and representatives, access to Respondent's Facility, off-site areas, and all documents related to conditions at Respondent's Facility and work conducted under the Order, as necessary to comply with this Order. In addition, Respondent shall use best efforts to obtain access for the EPA, USCG, and their contractors and representatives, to waterbodies, navigable waters and other properties to implement this Order.

28. Respondent shall preserve all documents and information relating to the work performed under this Order, or relating to the oil or hazardous substances found at or released from Respondent's Facility, for three years following EPA's issuance of the notice of completion described in Paragraph 34, below.

IX. RESERVATION OF RIGHTS AND PENALTIES

29. This Order does not preclude EPA from taking any action authorized by the CWA, OPA, the NCP, or any other applicable law. EPA reserves the right to direct all activities undertaken pursuant to this Order, including, but not limited to, commenting on and directing changes to deliverables, off-site shipping and disposal procedures.

30. Respondent must notify the FOOSC on behalf of EPA of any response actions taken to address the discharge described above that are not described in this Order.

31. Respondent may assert a business confidentiality claim pursuant to 40 C.F.R. § 2.203(b) with respect to all or part of the information and documents submitted to EPA pursuant to this Order, provided such claim is permissible under Section 308(b)(2) of the CWA, 33 U.S.C. § 1318(b)(2).

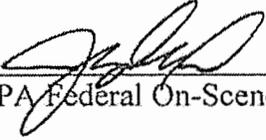
32. Respondent may request a conference with EPA regarding the terms and requirements of this Order.

33. Violation of, or failure to comply with, any term of this Order may subject Respondent to a civil penalty of up to \$44, 539 day of violation, or an amount up to three times the cost incurred by the Oil Spill Liability Trust Fund as a result of such failure, pursuant to Section 311(b)(7)(B) of the CWA, 33 U.S.C. § 1321(b)(7)(B), as amended by 40 C.F.R. § 19.4.

34. EPA will provide Respondent a written notice of completion when EPA determines that the actions required in Section V of this Order have been fully completed.

X. EFFECTIVE DATE

35. The effective date of this Order shall be the date signed by the Respondent below.

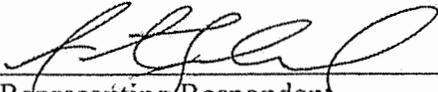


US EPA Federal On-Scene Coordinator

5/2/2018

Date

Received by:



Representing Respondent

5/2/18

Date