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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.

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

I. JURISDICTION AND GENERAL PROVISIONS

- A. This Order for removal, mitigation or prevention of a substantial threat of oil discharge (“Order”) is issued by the United States Environmental Protection Agency (“EPA”) to Atlantic Richfield Company (“ARCO” or “Respondent”). This Order is issued 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”), 33 U.S.C. § 1321(c), as amended by the Oil Pollution Act (“OPA”), 33 U.S.C. § 2701 et seq. This authority has been delegated to the Administrator of the United States Environmental Protection Agency by Executive Order No. 12777, 56 Federal Register 54757 (October 22, 1991), as amended by Executive Order 13638, 78 Federal Register 17589 (March 15, 2013), and further delegated to the Regional Administrators and to On-Scene Coordinators by EPA Delegation No. 2-89.
- B. This Order requires the performance of removal actions along the bank of the Allegheny River, near river miles 4 & 5, located at or near property historically owned and operated as an oil refinery and, having since been divided into three parcels, is presently

owned by the Allegheny Cold Storage Company Inc. ("ACS"), 16 57th Street, Pittsburgh, Pennsylvania 15201, and identified by parcel number 0120-J-00250-0000-00; University of Pittsburgh Medical Center Children's Hospital of Pittsburgh ("UPMC"), 7 55th Street Pittsburgh, Pennsylvania 15201, identified by parcel number 0119-M-00100-0000-00; and Energy Transfer Marketing and Terminals, L.P. ("ETMT"), 5733 Butler Street Pittsburgh, Pennsylvania 15201, identified by parcel number 0120-J-00300-0000-00 (collectively, the "Facility").

- C. This Order requires Respondent to conduct removal actions described herein to remove the discharge or substantial threat of a discharge of oil from the Facility into the Allegheny River and to mitigate and prevent the ongoing discharge and substantial threat of discharge of oil into the Allegheny River, its tributaries and the adjoining shorelines.

II. PARTIES BOUND

This Order shall apply to and be binding upon Respondent and Respondent's directors, officers, employees, agents, receivers, trustees, successors, and assigns. Neither a change in ownership or corporative partnership status of Respondent, nor a change in ownership or control of any facility shall in any way alter Respondent's responsibilities under this Order.

III. DEFINITIONS

- A. "Oil" shall have the meaning as set forth in Section 311(a)(1) of the CWA, 33 U.S.C. § 1321(a)(1), for the purposes of the work to be performed under this Order.
- B. "Hazardous substance" shall have the meaning as set forth in Section 311(a)(14) of the CWA, 33 U.S.C. § 1321(a)(14).
- C. "Navigable waters" shall mean waters of the United States and territorial seas, as 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 40 C.F.R. § 110.1.
- D. "Onshore facility" shall have the meaning as set forth in Section 311(a)(10) of the CWA, 33 U.S.C. § 1321(a)(10).
- E. "Discharge" shall have the meaning as set forth in Section 311(a)(2) of the CWA, 33 U.S.C. § 1321(a)(2).

- F. “Order for Removal, Mitigation or Prevention of a Substantial Threat of Oil Discharge” or “Order” shall mean this Order and all appendices attached hereto. In the event of conflict between this Order and any appendix, this Order shall control.
- G. “Day” shall mean a calendar day unless expressly stated to be a business day. “Business day” shall mean a day other than a Saturday, Sunday, or federal holiday. EPA has the authority to order emergency removal/response activities to be conducted at any time to protect human health and the environment.
- H. “Respondent” shall mean Atlantic Richfield Company and its agents, successors, or assigns.
- I. “PADEP” as used in this Order shall mean the Pennsylvania Department of Environmental Protection and any successor departments or successor agencies of the Commonwealth of Pennsylvania.
- J. “Sheen” shall have the meaning as set forth in 40 C.F.R. § 110.1.
- K. All terms not defined herein shall have the meanings set forth in OPA, CWA, and the National Oil and Hazardous Substances Pollution Contingency Plan (“National Contingency Plan” or “NCP”), 40 C.F.R. Part 300.

IV. NOTICE TO THE STATE

Notice of issuance of this Order will be provided to the Commonwealth of Pennsylvania.

V. RESERVATION OF RIGHTS AND PENALTIES

- A. This Order shall not preclude EPA from taking any action authorized by the CWA, the NCP, or any other applicable law. EPA reserves the right to direct or monitor all activities undertaken pursuant to this Order, including commenting on and directing changes to deliverables, off-site shipping and disposal procedures, and all other matters.
- B. Respondent shall notify EPA of any response actions it has taken or plans to take that are not described in this Order.

- C. Pursuant to CWA Section 311(b)(7)(B), 33 U.S.C. § 1321(b)(7)(B), a violation of any term of this Order, or any subsequent oral directives made by the EPA On-Scene Coordinator (“OSC”) and identified as oral orders under Section 311(c) of the CWA, 33 U.S.C. § 1321(c), may subject Respondent to an administrative civil penalty of up to \$59,114 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.
- D. This Order does not relieve, excuse, or exempt Respondent of any other requirements that may be lawfully imposed pursuant to federal, state or municipal law.

VI. EFFECTIVE DATE AND SUBSEQUENT MODIFICATION

- A. The effective date of this Order shall be three (3) business days after EPA’s date of signature.
- B. This Order may be modified or amended by EPA. Such amendments shall be in writing and have as their effective date the date on which such amendments are signed by EPA, unless otherwise specified in the amendment. Modifications to the EPA-approved Work Plan, required by Section VIII, below, may be made by the EPA OSC and shall be communicated with Respondent in writing.

VII. FINDINGS OF FACT, VIOLATIONS AND CONCLUSIONS OF LAW

- A. The property along the bank of the Allegheny River near river miles 4 & 5 has historically been utilized for oil refining and storage.
- B. In the later 19th century, the parcels comprising the Facility were owned and operated by Standard Oil as an oil refinery. In 1892, the refinery was sold to Atlantic Refining Company, a subsidiary of Standard Oil. In 1966, Atlantic Refining Company was merged with Richfield Oil Corporation, creating Atlantic Richfield Company (“ARCO”). At an unknown time, ARCO ceased oil refining operations at the Facility and divested the property into three main parcels, which are now owned and operated by ACS, UPMC, and ETMT.
- C. On April 18, 2000, Prairie Holdings, Inc., a wholly owned subsidiary of BP Amoco p.l.c., a British company, merged with and into ARCO. In 2001, BP Amoco p.l.c. changed its name to BP p.l.c.

- D. ARCO is a wholly owned subsidiary of BP p.l.c., with a registered office address of Corporation Trust Center, 1209 Orange Street, Wilmington, DE, 19801.
- E. Historical operations at the refinery have resulted in the release of unknown quantities of oil to the Allegheny River. Reports submitted to PADEP indicate that there were multiple releases at the Facility during ARCO's refinery operations, including releases of unleaded gasoline from an above-ground storage tank ("AST") on February 14, 1977 and February 12, 1978.
- F. Remediation Management Services Company ("RMSC"), a BP Products North America, Inc. affiliate, has investigated suspected tar along the Allegheny River adjacent to a portion of the former refinery. The investigation highlighted that Atlantic Richfield Company conducted a remedial excavation of the southern bank of the Allegheny River in September 1997 and removed 525 tons of tar from the riverbank.
- G. According to Notices of Violation issued by the Pennsylvania Department of Environmental Protection ("PADEP") in December 2023, during a November 2023 inspection, PADEP observed a sheen on the bank of the Allegheny River near ACS.
- H. On April 23, 2025, and July 21, 2025, EPA's On-Scene Coordinator ("OSC") observed solidified oil, also referred to as tar, both above and under the water line of the Allegheny River shoreline, and darkened and iridescent soil and sediments along the shoreline of the Facility discharging along the shoreline of the Facility into the Allegheny River causing a sheen upon the water.
- I. The OSC observed boom that was placed along a portion of the Facility's shoreline near the 57th Street outfall that appeared tattered, with portions affixed with duct tape and portions submerged under the water thus allowing gaps of space with an unobstructed flow of water from the shoreline to the river beyond the boomed area. EPA's OSC observed sheen and solidified oil in water located in between the boomed area and the shoreline and outside of the boomed area along the shoreline of the Allegheny River.
- J. Additionally, as boats passed the containment boom stretch, EPA's OSC observed wakes that pushed the boom out of place, resulting in oil captured within the boom being discharged from containment and flowing downstream in the Allegheny River.

- K. Known sources of oil at the Facility include saturated soils, sediments, and solidified oil, also referred to as tar, along the banks of the parcels now owned by ACS, UPMC, and ETMT. Other oil sources, such as oil-contaminated groundwater, may be releasing oil via seeps into the Allegheny River.
- L. As of the issuance of this Order, oil continues to discharge from the Facility into the Allegheny River along the riverbank, where solidified oil and sheen have been observed. The presence of oil along the shoreline at the Facility poses a substantial threat of a continued release of oil into or on navigable waters and adjoining shorelines.
- M. PADEP is currently overseeing the implementation of Pennsylvania's Voluntary Cleanup Program under the authority of the Pennsylvania Land Recycling and Environmental Remediation Standards Act ("Act 2"), 35 P.S. §§ 6026.101 et seq., at or near the Facility. This Order is separate and independent from any remedial actions Respondent may be responsible to carry out under Act 2.
- N. The Allegheny River is a traditional navigable water and is a "water of the United States" as defined by Section 502 of the Clean Water Act, 33 U.S.C. § 1362. The release of oil is a "discharge" as defined in Section 311(a)(2) of the Clean Water Act, 33 U.S.C. § 1321(a)(2).
- O. The Facility from which oil has been and continues to be discharged is an "onshore facility" as defined by Section 311(a)(10) of the CWA, 33 U.S.C. § 1321(a)(10).
- P. Respondent is a "person" as defined by Section 311(a)(7) of the CWA, 33 U.S.C. § 1321(a)(7).
- Q. Respondent is a former "owner or operator" of the Facility as defined by Section 311(a)(6) of the CWA, 33 U.S.C. § 1321(a)(6).
- R. Solidified oil, also referred to as tar, and sheen are each an "oil" as defined in Section 311(a)(1) of CWA, 33 U.S.C. § 1321(a)(1).
- S. "Oil" as defined in Section 311(a)(1) of CWA, 33 U.S.C. § 1321(a)(1), has been discharged from the Facility to the Allegheny River.
- T. A "discharge" as defined in Section 311(a)(2) of the CWA, 33 U.S.C. § 1321(a)(2), is occurring or has occurred at or from the Facility.

- U. The discharge of oil from the Facility has occurred in such quantities as may be “harmful” within the meaning of Section 311(b)(3) of the CWA, 33 U.S.C. § 1321(b)(3), and 40 C.F.R. § 110.3(b) because a discharge of oil from the Facility has caused a film or sheen upon or discoloration of the surface of the Allegheny River or upon its adjoining shorelines or caused a sludge or emulsion to be deposited beneath the surface of the Allegheny River or upon its adjoining shorelines.

VIII. WORK TO BE PERFORMED

- A. Respondent is hereby ordered to follow the terms set forth in this Order and perform the work described herein.
- B. Respondent shall immediately take all necessary steps to remove or mitigate the discharge or threat of continued discharge of oil into the Allegheny River and adjoining shorelines from the Facility, as set forth below, in accordance with the NCP, 40 C.F.R. Part 300.
- C. Respondent shall perform the following actions:
1. Within 24 hours of this Order’s effective date, implement measures in the Allegheny River and/or the Facility’s adjoining shoreline to ensure the containment of the discharging oil and to prevent the migration of oily sheen. Immediate oil release mitigation and containment measures may include, but are not limited to, activities such as:
 - a. Installing, maintaining, and replacing additional boom;
 - b. Utilizing vacuum operations with increased frequency;
 - c. Observing conditions of implemented containment measures; and
 - d. Increasing any of the above measures in anticipation of and/or in response to inclement weather events to prevent further migration of contaminants.

Implemented containment measures and visual inspections completed pursuant to this Paragraph should be incorporated into progress reports required by Paragraph VIII.E herein.

2. Within seven (7) days of this Order's effective date, Respondent shall designate a project coordinator who shall serve as the EPA's point of contact for communications pertaining to the implementation of this Order and provide the project coordinator's contact information in writing to EPA's OSC at clark.kevin@epa.gov. Respondent may change its designated Project Coordinator, but must provide the identity and contact information of the new project coordinator in writing to EPA's OSC.
3. Within 30 days as of this Order's effective date, Respondent shall submit a Work Plan to the designated EPA OSC, Kevin Clark, at clark.kevin@epa.gov, to perform the work required by this Order. The Work Plan shall provide a concise description of the activities to be carried out at the Facility, including:
 - a. The study, design, and implementation of the measures necessary to stop the discharge of oil from the Facility into the Allegheny River and to contain the oily sheen already present in the Allegheny River. Such measures may include, but are not limited to, installation and maintenance of an engineering control, such as a sheet pile wall or alternative barrier structure, designed to eliminate oil discharge from the Facility into the Allegheny River.
 - b. The study, design, and implementation of the measures necessary to remove remaining solidified oil and oil-contaminated soil and sediment along the shoreline of the Facility.
 - c. A sampling plan that includes all sampling and analysis as is necessary to ensure that the work required under this Order effectively removes or mitigates the discharge or threat of continued discharge of oil into the Allegheny River and adjoining shorelines from the Facility.
 - d. Schedules for implementing and completing all tasks described within the Work Plan.
4. Respondent shall continue the implementation of containment measures identified under Paragraph VIII.C.1 until operations are superseded by the activities approved in the Work Plan under Paragraph VIII.C.3 or by any other activity approved by the designated EPA OSC.

5. Respondent shall dispose of and/or otherwise handle all recovered oil in an environmentally appropriate manner, in compliance with applicable laws and regulations.
- D. EPA shall review Respondent's Work Plan and notify Respondent in writing of its approval or disapproval of the Work Plan or any section thereof. In the event modifications or revisions are required, within five (5) days after receipt of EPA's notification of deficiencies or revisions, Respondent shall amend and submit to the EPA a revised Work Plan that responds to and/or remedies the specified deficiencies identified by the EPA. Once approved, the Work Plan shall be deemed to be incorporated into and made a fully enforceable part of this Order. Within five (5) days after the EPA approves the Work Plan or any portion of the Work Plan or other work specified by this Order, Respondent shall begin implementation of the approved work.
- E. Beginning on this Order's effective date, Respondent shall submit progress reports for the preceding 7-day period to the designated EPA OSC, Kevin Clark at clark.kevin@epa.gov, unless otherwise specified by EPA. Progress reports shall include, at a minimum:
1. Documentation regarding the status of the oil containment activities identified in Paragraph VIII.C.1, oil seepage and sheen observations in the Allegheny River and its adjoining shorelines at the Facility, and any oil recovery from the Allegheny River and adjoining shorelines, including amount of oil/water mixture, percentage of oil, and proposed disposal and storage locations; and
 2. After EPA approval of the Work Plan, a description of the measures implemented pursuant to the Work Plan necessary to stop the discharge of oil from the Facility into the Allegheny River pursuant to Paragraph VIII.C.3 and to remove remaining solidified tar and oil-contaminated soil and sediment in and along the shoreline of the Facility and the Allegheny River.
- F. This Order acknowledges that investigation and analysis of the oil contamination and remediation at the Facility has been submitted to other agencies. To the extent that study, design, analysis, implementation or other work related to the oil discharge to the Allegheny River has already been undertaken at the Facility, and such work is relevant to the Work required by Section VIII of Order, it may be incorporated into the Work Plan.

IX. NOTICE OF COMPLETION

- A. Within 30 working days after completion of implementation of the removal actions required under Paragraph VIII of this Order, the Respondent shall submit for EPA review and approval a Final Report summarizing the actions taken to comply with this Order.
- B. When EPA determines that all work to be performed as specified in Section VIII of this Order has been fully performed, EPA will provide a notice of completion to Respondent.

Kevin Clark
On-Scene Coordinator
U.S. Environmental Protection Agency
Region 3
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Wheeling, WV 26003
(304) 231-7501
clark.kevin@epa.gov

Received By (Respondent)

Date