



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS, TX 75202-2733

MAY 01 2012

CERTIFIED MAIL—RETURN RECEIPT REQUESTED: 7011 3500 0000 0359 9359

Mr. Josh Soybel  
Manager, Crisis & Emergency Response  
ConocoPhillips Company  
600 North Dairy Ashford, ML 1012  
Houston, TX 77079

Re: Information Request pursuant to Section 308 of the Clean Water Act

Dear Mr. Soybel:

Enclosed is an Information Request (Request) issued to ConocoPhillips Company, pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. 1318(a), which authorizes the U.S. Environmental Protection Agency (EPA) to request information required to carry out the objectives of the Act. The Request relates to the October 25, 2012, National Response Center Incident Report Number 1028350. Your response to the Request must be post-marked no later than thirty (30) days from your receipt of this letter. Compliance with this Request is mandatory.

Please be advised that failure to respond to the Request within the thirty-day period or provide full, complete, true and correct responses, may result in the filing of an enforcement action by the U.S. Department of Justice, seeking the issuance of a court order directing you to properly respond to the Request. Please be further advised that provision of false, fictitious, or fraudulent statements or representations may subject you to criminal penalties.

The EPA urges you to give this matter your immediate attention and respond to this Request in a timely manner. Your response must be signed by an authorized official and should be mailed to Mr. Matt Rudolph (6EN-WR) at the address above.

If you have any questions regarding this Request, you may contact Mr. Matt Rudolph of the Water Enforcement Branch at (214) 665-6434 or Ms. Ellen Chang-Vaughan of the Office of Regional Counsel at (214) 665-7328.

Sincerely,

A handwritten signature in black ink, appearing to read "John Blevins", written over a horizontal line.

John Blevins  
Director  
Compliance Assurance and  
Enforcement Division

Enclosure

## DEFINITIONS

This information is requested pursuant to Section 308(a) of the Clean Water Act ("CWA"). The Instructions and Definitions for responding to this Information Request are as follows:

1. The term "Facility" means the oil and gas lease located at Latitude 32° 38' 25" North and Longitude 101° 39' 40" West, in Borden County, Texas, as identified in the National Response Center Incident Report #1028350 dated October 25, 2012, owned/operated by ConocoPhillips Company.
2. The term "you" or "your" refers to the person known as ConocoPhillips Company, owner/operator of the Facility.
3. "Identify" means to provide:
  - a. With respect to an individual, the person's name, job title, business address and business telephone number;
  - b. with respect to a corporation, partnership, sole proprietorship or other business entity, its full name, address, legal status and form (e.g., corporation, partnership, etc.) and a brief description of its business; and
  - c. with respect to a document, its customary business description, date, number if any (e. g., invoice or purchase order number), author's identity, address or addressee and/or recipient and the subject matter.
4. "Document" means any object that records, stores or presents information including, but not limited to, tangible writings of any kind, photographs, sound recordings and magnetic disks, hard drives, floppy disks, compact disks or any other computer-related device which serves as a medium for electronically recording or storing information (or in lieu thereof, hard copies of such information electronically recorded or stored).
5. "And" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this request any information which might otherwise be construed to be outside its scope.
6. "Discharge(s)" means any spill(s), release(s), or seepage(s) of materials, fluids, or pollutants; whether or not accidental or intentional.

## INSTRUCTIONS

1. Provide a separate narrative response to each question.
2. Precede the response to each question with the number of the question to which it corresponds.
3. For each question, identify all persons consulted in the preparation of the answer.
4. For each document produced in response to this request, indicate the number of the request to which the document relates.
5. The requested information must be provided even though you contend that it includes confidential business information or trade secrets. You may assert a confidentiality claim with respect to all or part of the information provided in accordance with 33 U. S. C. § 1318(b) and 40 C.F.R. § 2.302. Unless you make a claim at the time that you submit responses to the requests set forth below, the information you provide may be made available to the public by EPA without further notice to you. If you wish to assert a business confidentiality claim in a response to a request, you must clearly mark the response as “confidential business information,” “proprietary information” or “trade secret information.”
6. If you claim information submitted in response to a request is confidential, you must provide a redacted version of your response with all confidential information deleted.
7. You must submit all requested information under an authorized signature with the signed certification on page 3.

## CERTIFICATION

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

## QUESTIONS

As owner/operator of the Facility, you are hereby required, pursuant to Section 308 of the Clean Water Act (CWA), to submit the following information pursuant to the Instructions set forth above.

1. With regard to the person providing answers to these questions, state your name, business address, business telephone number, and position with ConocoPhillips Company.
2. With regard to any person who participated in or contributed to your response to this Information Request, provide that person's name, business address, business telephone number, and position with ConocoPhillips Company, including whether the person is an employee or a contractor.
3. The following list comprises the information being requested regarding the produced water discharges which occurred on or about, October 25, 2012, as per National Response Center Incident Report #1028350:
  - a. A detailed written report of the discharge;
  - b. the amount of produced water and oil discharged from the Facility (in barrels);
  - c. the duration of the spill event. Report the time and date the spill began, how long the produced water remained in the watercourse, when and how the cleanup operations were considered complete, and when background salinity concentrations were obtained in the watercourse. Provide salinity concentration measurements;
  - d. the cause of the discharge;
  - e. identify the point source of discharge and provide the latitude and longitude coordinates for the point source;
  - f. identify the point of entry of the receiving water and provide the latitude and longitude coordinates for the point of entry;
  - g. the name of the immediate receiving ditch, creek, stream, river, lake, arroyo, swale, etc., if known;
    - i. Also include the names of all downstream receiving waters that the spill affected.
    - ii. Additionally, list all downstream receiving water bodies to the first major river or lake, regardless of whether or not the spill affected the water bodies.

- h. assessment of health and/or environmental harm resulting from the discharges (i.e., fish kills, livestock impact, etc.);
- i. a report detailing the clean-up, remediation and restoration activities;
- j. site location map;
- k. drawing for each of the sites showing the location of the facility in relation to the impacted water body; and
- l. photos of the following: the discharge, the clean-up efforts, the impacted water body both up-gradient and down-gradient of the discharge point of entry.