

U.S. ENVIRONMENTAL PROTECTION AGENCY
POLLUTION/SITUATION REPORT
City-Farm Energy Biodiesel Spill (FPN E13616) - Removal Polrep
Initial Removal Polrep



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region VI

Subject: POLREP #1
Initial and Final
City-Farm Energy Biodiesel Spill (FPN E13616)

Houston, TX
Latitude: 29.6736118 Longitude: -95.2302110

To:
From: Warren Zehner, FOSC
Date: 5/23/2013
Reporting Period:

1. Introduction

1.1 Background

Site Number:	Contract Number:
D.O. Number:	Action Memo Date:
Response Authority: OPA	Response Type: Emergency
Response Lead:	Incident Category:
NPL Status:	Operable Unit:
Mobilization Date:	Start Date: 5/16/2013
Demob Date:	Completion Date: 5/22/2013
CERCLIS ID:	RCRIS ID:
ERNS No.:	State Notification:
FPN#: E13616	Reimbursable Account #:

2. Current Activities

2.1 Operations Section

2.1.1 Narrative

At approximately 2200 hours on May 15, 2013 the NRC was notified of a sheen of unknown origin in Berry Creek, a tidally influenced tributary of Sims Bayou, by the Houston Police Department (case #1047285). Upon further investigation by HPD it was determined that the spill originated from a biodiesel storage tank owned by City-Farm Energy Corp., which was leasing space for the storage tank/product at a facility located at 2439 Albright Drive, Houston, Harris County, TX. The owner of the biodiesel refused to take financial responsibility for the clean-up when approached by Houston PD. Officer Steve Dicker of the Houston PD Major Crimes Unit elected to take over the spill response of the reported 20,000 gallon spill on City property (drainage ditch and Berry Creek) through the Houston PD contracting mechanism. Officer Dicker approached the RP again on May 16, 2013 regarding the RP taking responsibility for the spill clean-up, the RP refused. Houston PD Major Crimes has elected to continue with the response activities and seek cost recovery through potential prosecution of the RP.

2.1.2 Response Actions to Date

EPA Region 6 was notified of the spill by TCEQ Region 12 at approximately 1030 hours on May 16, 2013. OSC Zehner responded to the spill and met with representatives of the City, TCEQ, and TPWD (no RP representative was present at the facility) in an ad hoc unified command to address issues and prioritize clean-up strategies. The spill was contained and off-site clean-up was proceeding in a timely manner. TCEQ is working with the owner of the facility which is leasing space to the RP to address the clean-up of the residual biodiesel which remains on the facility (on-site) and is outside the scope of the HPD clean-up through State authority. OSC Zehner coordinated with R6 Oil Team leader regarding several actual or potential CWA related violations related to this spill.

OSC Zehner continued to coordinate with the ad hoc unified command and conduct progress site inspections at the spill location. On May 17, 2013 the facility owner retained an OSRO to address on-site biodiesel residue clean-up. On May 22, 2013 OSC Zehner conducted a final inspection and deemed that the substantial threat to the navigable water of the US had been abated and notified members of the ad hoc unified command of the same. To date the HPD OSRO has recovered in excess of 40,000 gallons of product/water and several cubic yards of oily debris. Disposal of the response related waste streams at a licensed facility is scheduled to begin on May 23, 2013.

2.1.3 Enforcement Activities, Identity of Potentially Responsible Parties (PRPs)

Since no representative for the RP was ever identified on-site issuance of a NOFI was delayed. OSC Zehner issued the NOFI to the RP via email on May 22, 2013. EPA 6 Oil Team leader Ruhl will follow up on actual or potential CWA violation enforcement.

2.1.4 Progress Metrics

<i>Waste Stream</i>	<i>Medium</i>	<i>Quantity</i>	<i>Manifest #</i>	<i>Treatment</i>	<i>Disposal</i>

2.2 Planning Section

2.2.1 Anticipated Activities

None, substantial threat to waters of the US has been abated.

2.2.1.1 Planned Response Activities

No further response activities are required.

2.2.1.2 Next Steps

None required.

2.2.2 Issues

2.3 Logistics Section

No information available at this time.

2.4 Finance Section

No information available at this time.

2.5 Other Command Staff

No information available at this time.

3. Participating Entities

No information available at this time.

4. Personnel On Site

No information available at this time.

5. Definition of Terms

No information available at this time.

6. Additional sources of information

No information available at this time.

7. Situational Reference Materials

No information available at this time.