

U.S. ENVIRONMENTAL PROTECTION AGENCY  
POLLUTION/SITUATION REPORT  
BROWN WELL 1 [FPN E16313] - Removal Polrep  
Initial Removal Polrep



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region III

**Subject:** POLREP #1  
BROWN WELL 1 [FPN E16313]  
  
BREEDTOWN, PA  
Latitude: 41.6017544 Longitude: -79.7094853

**To:** John Codd, USCG-NPFC

**From:** Vincent Zenone, On-Scene Coordinator

**Date:** 4/22/2016

**Reporting Period:** 3/21/2016 through 4/22/2016

## 1. Introduction

### 1.1 Background

<b>Site Number:</b>	Z3NO	<b>Contract Number:</b>	
<b>D.O. Number:</b>		<b>Action Memo Date:</b>	
<b>Response Authority:</b>	OPA	<b>Response Type:</b>	Emergency
<b>Response Lead:</b>	EPA	<b>Incident Category:</b>	Removal Action
<b>NPL Status:</b>		<b>Operable Unit:</b>	
<b>Mobilization Date:</b>	4/20/2016	<b>Start Date:</b>	4/20/2016
<b>Demob Date:</b>		<b>Completion Date:</b>	
<b>CERCLIS ID:</b>		<b>RCRIS ID:</b>	
<b>ERNS No.:</b>		<b>State Notification:</b>	PADEP
<b>FPN#:</b>	E16313	<b>Reimbursable Account #:</b>	

#### 1.1.1 Incident Category

Minor discharge of crude oil from an on-shore production facility ("BROWN WELL 1") with a continued substantial threat of discharge into or upon the navigable waters of the United States (Prather Creek).

#### 1.1.2 Site Description

Brown Well 1 is a leaking oil well at an abandoned on-shore production facility.

##### 1.1.2.1 Location

Brown Well 1 is located in Breedtown, Cherrytree Twp., Venango Co., PA

##### 1.1.2.2 Description of Threat

On 03/21/2016: the Commonwealth of Pennsylvania Department of Environmental Protection (PADEP) Oil & Gas Management Program (OGMP), received a complaint from a private citizen and responded to contain a discharge of crude oil from a leaking oil well (Brown Well 1) at an abandoned on-shore production facility. An estimated 10 barrels of crude oil had discharged from the well, flowed overland, down-gradient, through a freshwater wooded wetland area, into an unnamed tributary and into Prather Creek. Defensive actions were implemented by PADEP-OGMP.

On 03/22/2016, PADEP-OGMP notified the National Response Center (NRC) and NRC #1143455 was assigned to the incident. EPAR3 OSC Zenone followed-up NRC #1143455 via telecoms, discussed the incident with PADEP-OGMP and offered federal assistance as may be necessary. At the OSC's request, PADEP-OGMP agreed to continue to monitor the situation, continue to maintain defensive actions and commence with efforts to identify potentially responsible parties pending the OSC's availability to conduct on-site assessment.

##### 1.1.3 Preliminary Removal Assessment/Removal Site Inspection Results

On 04/20/2016, PADEP-OGMP met OSC Zenone at an off-site location in nearby Titusville, PA; briefed the OSC on the status of its removal activities to date and provided preliminary information regarding the identity of potentially responsible parties. OSC Zenone, accompanied by PADEP-OGMP, proceeded to the site, met with the landowner on-site and obtained verbal consent for access, then commenced with an on-site removal assessment. OSC Zenone observed that there had been a discharge from and determined that the

on-shore facility continued to pose a substantial threat to discharge crude oil into the navigable waters of the U.S. (Prather Creek) in absence of continued removal activities.

## 2. Current Activities

### 2.1 Operations Section

#### 2.1.1 Narrative

PADEP-OGMP commenced response activities, initiated defensive actions on 03/21/2016, and at the request of the OSC has continued maintenance of defensive actions, and has agreed to continue defensive actions and gather information from the Venango County Courthouse to document the identification of potentially responsible parties under a PRFA. OSC Zenone provided PADEP-OGMP a draft Statement of Work (SOW) and will finalize the PRFA upon PADEP-OGMP's acceptance of the SOW.

OSC Zenone accessed CANAPS and obtained an initial project ceiling of \$10000 to continue removal assessment (e.g. feasibility of removal action); continue maintenance of defensive actions to mitigate the effects of a discharge and of the substantial threat of discharge of an unknown quantity of crude oil onto the adjoining shorelines of and into Prather Creek; continue efforts to the extent practicable to identify potentially responsible parties; continue efforts to the extent practicable to identify and provide the Responsible Party(ies) (PRPs) an opportunity to voluntarily and promptly perform removal actions; and/or in absence of a Responsible Party(ies), conduct the removal actions necessary to mitigate the effects of a discharge and of the substantial threat of discharge of crude oil onto the adjoining shorelines of and into Prather Creek.

#### 2.1.2 Response Actions to Date

PADEP-OGMP commenced on-site response activities, with defensive actions and PRP-search initiated on 03/21/2016; OSC Zenone commenced removal assessment via telecoms with PADEP-OGMP upon receipt of NRC Report on 03/21/2016, and with an on-site removal assessment on 04/20/2016.

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

In accordance with the requirements of the NCP, the OSC, to the extent practicable, made efforts to identify potentially responsible parties and provide the responsible party an opportunity to voluntarily and promptly perform removal actions.

In accordance with the definitions of Responsible Party found at Section 1001 of OPA, efforts were made to identify the persons owning or operating ("owner/operator") the onshore facility, and/or those persons who would have been responsible parties, immediately prior to the abandonment of the facility.

The OSC's efforts to identify potentially responsible parties included evaluating if the current surface or landowner(s), the current OGM rights owner(s) and/or any other person was the current owner/operator of the onshore production facility. The OSC's findings and conclusions are as follows:

**Current Surface or Landowner:** Surface or land is not a facility, and therefore, was not the source of discharge or substantial threat of discharge. Legal access to the land on which the federal removal response action (assessment) was conducted to date was obtained by the OSC verbally from the current landowner. Based upon the OSC's review of information provided by the current landowners, provided by PADEP-OGMP and otherwise available at the Venango County Courthouse (deeds, property record cards and tax parcel maps), the OSC concluded the current landowner(s) was/were subsequent innocent purchaser(s) who are not liable if the property was acquired after the placement of the oil on, in or at the real property; did not know or have reason to know about the oil after having conducted all appropriate inquiries; neither owned or operated the facility at the time of the federal removal response action; nor was/were the person who owned or operated the production facility immediately prior to abandonment. Therefore, the current landowner(s) was/were not identified either as a Potentially Responsible Party or the Responsible Party, and Legal Notice to Suspected Discharger was not served to the current surface or landowner(s).

**Current Oil, Gas and Minerals ("OGM") Rights Owner:** OGM is not a facility, and therefore, was not the source of discharge or substantial threat of discharge. Based upon the OSC's review of information provided by the current OGM Rights Owner, provided by PADEP-OGMP or otherwise available at the McKean County Courthouse (deeds), the OSC concluded that the current OGM rights owner was not the person who owned or operated the production facility immediately prior to abandonment, and/or was not the person who owned or operated the facility at the time of the federal removal response action. Therefore, the current OGM rights owner was not identified as a Potentially Responsible Party or the Responsible Party, and Legal Notice to Suspected Discharger was not served to the current OGM rights owner.

**Current owner/operator of the onshore production facility:** Based upon the OSC's observations of the conditions at the abandoned on-shore production facility, it is apparent that the facility ceased operating many years ago. Title 40, Code of Federal Regulations, Part 112 as amended on December 5, 2008, and as published in the Federal Register ("FR") on July 01, 2014[references: 67 FR 47140, July 17, 2002, as amended at 71 FR 77290, Dec. 26, 2006; 73 FR 71943, Nov. 26, 2008; 73 FR 74300, Dec. 5, 2008], provides the definition of an onshore oil and/or gas production facility as follows:

"Production facility" means all structures (including but not limited to wells, platforms, or storage facilities), piping (including but not limited to flowlines or intra-facility gathering lines), or equipment (including but not limited to workover equipment, separation equipment, or auxiliary non-transportation-related equipment) used in the production, extraction, recovery, lifting, stabilization, separation or treating of oil (including condensate) and associated storage or measurement and is located in an oil or gas field, at a facility."

Documentation gathered at the OSC's direction by PADEP-OGMP from the Venango County Courthouse, indicated:

On May 19, 1981, a certain piece or parcel of land, along with the OGM and all of the oil wells and oil well equipment used or useful in the production of oil and gas were transferred from Floyd L. Ohl and Betty Jane

Ohl to Ronald W. Brown and Mary Ann Brown (Deed Book Volume 818, Page 103).

On December 2, 1988, a certain piece or parcel of land, along with the OGM, was transferred from Ronald W. Brown and Mary Ann Brown to Gary W. Laska and Marsha H. Laska; being part of the same premises conveyed by Floyd L. Ohl and Betty Jane Ohl to Ronald W. Brown and Mary Ann Brown. None of the oil wells and oil well equipment used or useful in the production of oil and gas previously transferred from Floyd L. Ohl and Betty Jane Ohl to Ronald W. Brown and Mary Ann Brown were transferred to Gary W. Laska and Marsha H. Laska, the current surface or landowner and the current OGM rights owner.

Since 1985, the transfers of oil and/or gas well ownership in the Commonwealth of Pennsylvania are required to be in accordance with PADEP-OGMP oil and gas laws and regulations, and recorded through the submission of a Request to Transfer Well Permit or Registration form to PADEP-OGMP. Based on the OSC's interview with PADEP-OGMP, no information was found indicating that any of the wells were individually or collectively sold, assigned, transferred, conveyed or exchanged from Ronald W. Brown and Mary Ann Brown to any other person, or that any other person currently owns the production facility.

Therefore, in accordance with the definitions of Responsible Party found at Section 1001 of OPA, the OSC concluded that Ronald W. Brown and Mary Ann Brown were the current owner/operator of the facility and/or were the persons who would have been responsible parties, immediately prior to the abandonment of the facility. PADEP-OGMP advised the OSC that Ronald W. Brown was deceased.

On 04/22/2016, upon receipt and review of PRP-search documentation from PADEP-OGMP, the OSC served "Legal Notice to Suspected Discharger" via certified mail to Mary Ann Brown.

#### 2.1.4 Progress Metrics

<i>Waste Stream</i>	<i>Medium</i>	<i>Quantity</i>	<i>Manifest #</i>	<i>Treatment</i>	<i>Disposal</i>
crude oil					
crude oil contaminated soil and debris					

## 2.2 Planning Section

### 2.2.1 Anticipated Activities

OSC Zenone to continue removal assessment (e.g. feasibility of removal action); continue maintenance of defensive actions to mitigate the effects of a discharge and of the substantial threat of discharge of an unknown quantity of crude oil onto the adjoining shorelines of and into Prather Creek; continue efforts to the extent practicable to identify potentially responsible parties; continue efforts to the extent practicable to identify and provide the Responsible Party(ies) an opportunity to voluntarily and promptly perform removal actions; and/or in absence of a Responsible Party(ies), conduct the removal actions necessary to mitigate the effects of a discharge and of the substantial threat of discharge of an unknown quantity of crude oil onto the adjoining shorelines of and into Prather Creek.

#### 2.2.1.1 Planned Response Activities

#### 2.2.1.2 Next Steps

OSC Zenone awaits response from PRP/RP to "Legal Notice to Suspected Discharger. PADEP-OGMP to continue to maintain defensive actions and continue efforts to identify PRPs as may be applicable under a PRFA. In absence of the RP taking action, EPA FOSC to direct removal response activities to remove or arrange for the removal of a discharge, and mitigate or prevent a substantial threat of a discharge, including but not necessarily limited to plugging the abandoned well.

#### 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

### 2.5.1 Safety Officer

OSC Zenone

### 2.5.2 Liaison Officer

### 2.5.3 Information Officer

## 3. Participating Entities

### **3.1 Unified Command**

EPA, PADEP-OGMP

### **3.2 Cooperating Agencies**

## **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.