

U.S. ENVIRONMENTAL PROTECTION AGENCY  
POLLUTION/SITUATION REPORT  
EUCLID AVENUE WELL OPA SITE [FPN: E16314] - Removal Polrep  
Initial Removal Polrep



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region III

**Subject:** POLREP #1  
EUCLID AVENUE WELL OPA SITE [FPN: E16314]

BRADFORD, PA  
Latitude: 41.9645500 Longitude: -78.6271100

**To:** Sean Devine, USCG-NPFC

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

**Date:** 5/13/2016

**Reporting Period:** 04/30/2016 through 05/06/2016

## 1. Introduction

### 1.1 Background

<b>Site Number:</b>	Z3NP	<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>	Non NPL	<b>Operable Unit:</b>	
<b>Mobilization Date:</b>	5/5/2016	<b>Start Date:</b>	5/4/2016
<b>Demob Date:</b>		<b>Completion Date:</b>	
<b>CERCLIS ID:</b>		<b>RCRIS ID:</b>	
<b>ERNS No.:</b>		<b>State Notification:</b>	
<b>FPN#:</b>	E16314	<b>Reimbursable Account #:</b>	

#### 1.1.1 Incident Category

Minor discharge of crude oil from an abandoned oil well (on-shore production facility), with continued substantial threat of discharge of crude oil to the navigable waters of the United States, Tunungwant Creek (a tributary to the Allegheny River) or its adjoining shorelines.

#### 1.1.2 Site Description

An on-shore production facility, comprised of an abandoned well, with no other equipment appurtenant to production apparent.

##### 1.1.2.1 Location

Abandoned well located beneath the surface in the backyard of 419/421 East Main Street, which extends to the backyard of 128/130 Euclid Avenue, Bradford, McKean Co., PA.

##### 1.1.2.2 Description of Threat

On Saturday, April 30, 2016, while investigating gas odors at the premises at 419/421 East Main Street, Bradford, McKean Co., PA, the landowner unearthed an abandoned, leaking well in the backyard which extends to the backyard of 128/130 Euclid Avenue. The landowner and another private citizen used a small excavator to excavate a containment pit around the well. Production fluids (produced water and crude oil) leaking from the well filled the pit. The landowner contacted the Commonwealth of Pennsylvania's Department of Environmental Protection (PADEP) - Oil & Gas Management Program (OGMP).

On Monday, May 2, 2016, PADEP-OGMP responded, assessed the situation, and informed the landowner that PADEP unfortunately had no funding to initiate an emergency contract to cleanout/plug the well.

On Tuesday, May 3, 2016, the landowner reported the incident to the National Response Center ("NRC"). NRC #1146806 was assigned to the case. In follow-up to receipt of NRC #1146806, EPAR3 Duty Officer, OSC Rich Rupert, notified OSC Vincent Zenone, the lead OSC for the NW PA sub-area of the EPAR3 Inland Area Contingency Plan. Via telecoms, OSC Zenone discussed the incident with the reporting party, who was also the person who owned the surface upon which the abandoned well was located. OSC Zenone attained verbal consent from the landowner to access the property, assess the source, evaluate the substantial threat of discharge to the navigable waters of the U.S. (Tunungwant Creek), initiate defensive actions and arrange for a timely federal removal action as may be applicable.

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

On Wednesday, May 4, 2016, the OSC conducted an on-site removal evaluation. Visual observations of the abandoned leaking oil well indicate that the oil production facility may have been abandoned sometime around the turn of the 20th century (early to mid-1900's). This coincides with information provided by local citizens who do not recollect oil production equipment at the location for the past 60 to 80 years. The abandonment of the facility also predates records maintained by PADEP. The well appears to be located in the backyard 419/421 East Main Street, extending into the backyard of 128/130 Euclid Avenue. The landowner and local citizens had discovered the location of the well which had been buried below-grade for an undetermined period of time. The landowner hired a small excavator to excavate a containment pit around the well over the weekend. The production fluids (produced water and crude oil) in the pit around the wellhead had subsided over the weekend. Based upon evidence of an old tile drain in the excavated area around the well, the OSC speculated that the contents of the pit had entered into the nearby storm sewer system. The OSC determined the pathway from the source (abandoned, leaking well) is pretty much subsurface along an oil tile drainage pathway and/or overland to the storm sewer beneath Euclid Avenue; the storm sewer continues beneath North Kendall Avenue to the storm sewer's outfall at Tunungwant Creek. The OSC walked the pathway along to storm sewer to Tunungwant Creek, and observed a discharge of oil at the storm sewer outfall into Tunungwant Creek. The OSC deployed a sorbent boom at the outfall to mitigate the discharge of oil into the navigable waters of the United States.

## **2. Current Activities**

### **2.1 Operations Section**

#### **2.1.1 Narrative**

Upon completion of the on-site removal evaluation and initiation of defensive actions, OSC Zenone accessed the OSLTF via CANAPS and obtained an initial project ceiling of \$50,000 and FPN E16314 was assigned to the case to continue removal response activities including but not necessarily limited to continue maintaining defensive actions, securing the Site, efforts to the extent practicable to identify potentially responsible parties ("PRPs"), identify the Responsible Party ("RP"), afford the RP an opportunity to voluntarily and promptly perform removal actions, and/or in absence of a viable RP, undertake the removal actions necessary to mitigate the effects of the discharge and the substantial threat of discharge of crude oil into Tunungwant Creek and its adjoining shorelines.

#### **2.1.2 Response Actions to Date**

On 05/04/2016, the OSC issued a verbal delivery order to the Emergency and Rapid Response Services (ERRS) contractor requiring ERRS and ERRS oil field removal response subcontractor to meet the OSC at the EPA Command Post located at 655 South Avenue, in Bradford, PA at 0900 hours on 05/05/2016, to commence/continue defensive actions at the abandoned leaking oil well (on-shore production facility) as initiated by local first responders; undertaking such removal actions necessary to prevent, control, stabilize and mitigate the effects of actual discharges of crude oil and/or eliminate the substantial threats of discharges of crude oil into or upon the navigable waters of the U.S. (Tunungwant Creek) or its tributaries or its adjoining shorelines from the abandoned on-shore production facility, including but not necessarily limited to cleaning-out and plugging the abandoned oil well and well-site restoration; ensuring that all such activities are conducted in accordance and compliance with PADEP-OGMP regulations; with the well-site specific documentation requirements of the EPA-USCG Memorandum of Understanding; and/or other Federal, State or local requirements, as applicable.

On 05/05/2016, as directed by the OSC, ERRS commenced/continued defensive actions, stabilized and secured the location at the abandoned leaking oil well in a manner sufficient to prevent someone from falling into the pit around the well or igniting the oil during the Stink Fest weekend. Approximately one (1) barrel of crude oil from around the wellhead was bailed into a poly-tank and staged on-site pending disposition, a length of sluice pipe was installed vertically above the wellhead to vent at a height where a person could not inadvertently toss an ignition source, and hi-viz fencing was installed around the perimeter of the well location. The landowner indicated he would lock the gate to the driveway, but that doesn't eliminate foot traffic across his property during the "Stink Fest" weekend. The OSC continued PRP-search at the McKean County Courthouse in an effort to identify potentially responsible parties and provide the responsible party an opportunity to voluntarily and promptly perform removal actions.

#### **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 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 PRPs 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.

Preliminary PRP-search conducted by the OSC revealed the location of the oil well was not depicted on the Pennsylvania Geological Survey, Oil and Gas Field Atlas of the Bradford Quadrangle, compiled by Chas. R. Fettke and Virginia Fairall (circa 1951). The OSC found the well depicted on Map 12 of the Insurance Maps of Bradford Pennsylvania, published by the Sanburn Map Company, 11 Broadway, NY, March 1911. A more extensive PRP-search was conducted by the OSC at the McKean County Courthouse in Smethport, PA

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 activities have been conducted to date was obtained by the OSC verbally from the current

landowner. Based upon the OSCs review of information provided by the current landowner, provided by PADEP-OGMP and otherwise available at the McKean County Courthouse (deeds), the OSC concluded the current landowner was a subsequent innocent purchaser who is 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 was 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 OSCs 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:** 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."

Based upon the OSCs observations of the conditions at the abandoned on-shore production facility, it is apparent that the facility ceased operating many years ago. Documentation gathered by the OSC at the McKean County Courthouse, indicated:

On April 17, 1929, a "certain piece, parcel or lot of land..." was conveyed from Julius Eloskey to J. H. Stinson; including a well located on the land owned by Julius Eloskey (Deed Book Volume 210, Page 254).

On January 15, 1939, J. H. Stinson died.

On March 11, 1940, Ada Stinson Price was the highest bidder, and purchaser of all of the real property, oil and gas royalty interest, oil and gas rights, wells and equipment and easements owned by J. H. Stinson (Deed Book Volume 252, Page 192).

April 15, 1940, a "lot of land in the said City of Bradford, with an oil well, lines and power and equipment thereon..." was conveyed from Ina Stinson Lull and Producers Bank & Trust Company, Administrators C.T.A. of the estate of J. H. Stinson (deceased January 15, 1939), to Ada Stinson Price, including the well conveyed from Julius Eloskey to J. H. Stinson (Deed Book Volume 252, Page 192).

On May 24, 1965, "...all those certain pieces, parcels or lots of land..." including the "same land conveyed from Julius Eloskey, Widower to J. H. Stinson by deed dated April 17, 1929 and recorded in the McKean County Records in Deed Book Vol. 210, Page 254 &c" including "...a well located upon lands owned now or formerly by J. H. Stinson...", were conveyed from O. A. Price and Ada Price to Leo E. Scott and Jerome E. Scott (Deed Book Volume 423, Page 592).

On July 11, 1966, Leo E. Scott died.

On October 1, 1967, "...that certain piece, parcel or lot of land..." "Being the same premises conveyed from O. A. Price and Ada Price to Leo E. Scott and Jerome E. Scott on May 24, 1965, and recorded in the Office of the Recorder of Deeds in and for McKean County, Pa., in Deed Book Vol. 423, Page 592" including "a well located upon lands owned now or formerly by J. H. Stinson...", was conveyed from N. A. Jones, Esquire, Executor of the Estate of Leo E. Scott, and Jerome E. Scott and Diane Scott to Cecil D. Brown and Wilma S. Brown, and Carl B. Brown (Deed Book Volume 442, Page 754).

On or before November 16, 1977, Cecil D. Brown died.

On November 16, 1977, "...that certain piece, parcel or lot of land..." was conveyed from Carl B. Brown and Gloria Brown, and Wilma S. Brown (with "Cecil D. Brown having departed this life") to Eugene A. Gigliotti and Alice J. Gigliotti. This conveyance did not reference the well located upon lands owned now or formerly by J. H. Stinson. (Deed Book Volume 510, Page 303).

On June 28, 1979, "...all those certain pieces, parcels or lots of land..." was conveyed from Eugene A. Gigliotti and Alice J. Gigliotti to Tullah Hanley....Parcel III being the same premises conveyed by Carl B. Brown and Gloria Brown, his wife, and Wilma S. Brown, to Eugene A. Gigliotti and Alice J. Gigliotti, Husband and Wife, by Deed dated the 16<sup>th</sup> day of November, 1977 and recorded in and for the records of McKean County in Deed Book Volume 510, Page 303. No well(s) was conveyed. (Deed Book Volume 519, Page 594).

On June 2, 1992, Tullah Hanley died.

On June 3, 1996, "...all those certain pieces, parcels or lots of land..." was conveyed from Amy Innes, Executrix of the Estate of Tullah Hanley to Cesare Lombardi and Irma Lombardi. This was a Corrective Deed of the Deed dated August 2, 1995, recorded in Record Book 215, page 685, McKean County Records in that Parcel Two was inadvertently omitted out of the before stated Deed dated August 2, 1995. No well(s) was conveyed. (Deed Book Volume 233, Page 290).

On November 22, 2000, "...all those certain pieces, parcels or lots of land..." was conveyed from Irma Lombardi (Cesare Lombardi died July 3, 2000) to Richard P. Franco and Deborah L. Franco, Husband and Wife, d/b/a The Better Body Boutique, being a part of the same premises conveyed by Amy Innes, Executrix of the Estate of Tullah Hanley to Cesare Lombardi and Irma Lombardi by Deed dated June 3, 1996, and recorded in Record Book 233, page 290. No well(s) was conveyed. (Deed Book Volume 340, Page 1038).

On August 27, 2002, "...all those certain pieces, parcels or lots of land..." was conveyed from Richard P. Franco and Deborah L. Franco, Husband and Wife, d/b/a The Better Body Boutique, to Roger W. Burritt and Patricia L. Burritt, and Kevin H. Burritt; being the same premises conveyed from Irma Lombardi, Widow, to Richard P. Franco and Deborah L. Franco, husband and wife, d/b/a The Better Body Boutique, by Deed dated November 22, 2000 and recorded in Record Book 340, page 1038. No well(s) was conveyed. (Deed Book Volume 398, Page 693).

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 OSCs interview with PADEP-OGMP, no information was found indicating that the well was sold, assigned, transferred, conveyed or exchanged to any other person, or that any other person currently owns the production facility, subsequent to the conveyance to Cecil D. Brown and Wilma S. Brown, and Carl B. Brown on October 1, 1967 (Deed Book Volume 442, Page 754).

Therefore, in accordance with the definitions of Responsible Party found at Section 1001 of OPA, the OSC concluded that Cecil D. Brown and Wilma S. Brown, husband and wife, and Carl B. Brown and Gloria Brown, husband and wife, were the current owner(s) and/or operator(s) of the facility and/or were the persons who would have been responsible parties, immediately prior to the abandonment of the facility. Cecil D. Brown died prior to November 16, 1977, Wilma S. Brown died in March 1993, Carl B. Brown died on February 29, 2012, and Gloria Brown died on June 23, 1983; therefore, "Legal Notice to Suspected Discharger" was not served.

#### 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		1 barrel			
crude oil contaminated soil and debris					

## 2.2 Planning Section

### 2.2.1 Anticipated Activities

Continue monitor and maintain defensive actions through the "Stink Fest" this weekend, then move resources on-scene Monday 05/09/2016, to commence well cleanout/plugging ops.

#### 2.2.1.1 Planned Response Activities

Plan to continue monitor and maintain defensive actions through the "Stink Fest" this weekend, then move resources on-scene Monday 05/09/2016, to commence well cleanout/plugging ops.

#### 2.2.1.2 Next Steps

### 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

### **3.2 Cooperating Agencies**

PADEP-OGMP

### **4. Personnel On Site**

EPA

ERRS

PADEP-OGMP

Landowner

### **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.