

U.S. ENVIRONMENTAL PROTECTION AGENCY
POLLUTION/SITUATION REPORT
Viejo Energy - Removal Polrep
Initial and Final Removal Polrep



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region VI

Subject: **POLREP #1**
Initial and Final POLREP
Viejo Energy

Odessa, TX
Latitude: 31.8296000 Longitude: -102.4026000

To:
From: Mike McAteer, OSC
Date: 7/22/2016
Reporting Period: March 22, 2016 to July 22, 2016.

1. Introduction

1.1 Background

Site Number:	V6RF	Contract Number:	
D.O. Number:		Action Memo Date:	
Response Authority:	OPA	Response Type:	PRP Oversight
Response Lead:	PRP	Incident Category:	Removal Action
NPL Status:	Non NPL	Operable Unit:	
Mobilization Date:	3/22/2016	Start Date:	3/22/2016
Demob Date:	6/27/2016	Completion Date:	6/27/2016
CERCLIS ID:		RCRIS ID:	
ERNS No.:		State Notification:	
FPN#:	E16604	Reimbursable Account #:	

1.1.1 Incident Category

Discharge of crude oil to waters of the U.S.

1.1.2 Site Description

An oil spill was discovered on July 16, 2014, and approximately 285 barrels of oil were released. The initial source of the spill was from a flow line that runs from a well north of the Site to a tank battery south of the Site.

The City of Odessa asked for EPA Region 6 assistance in assessing the cleanup of the spill and subsequent investigation of the source of the spill. OSC Mike McAteer was assigned to conduct an assessment of the incident and the actions taken to cleanup and investigate the discharge.

1.1.2.1 Location

The location of the Site is within the Monahans Draw, north of Interstate 20 and east of State Highway 302, between West 2nd Street and West 3rd Street, in Odessa, Texas in Ector County. The approximate coordinates of the Site are Latitude 31.8296 North and Longitude -102.4026 West. The area of the spill is predominantly commercial/industrial.

1.1.2.2 Description of Threat

Discharge of crude oil to Monahans Draw which has subsequently been determined to be waters of the U.S.

1.1.3 Preliminary Removal Assessment/Removal Site Inspection Results

The EPA initiated its assessment in October of 2015. EPA's assessment determined that the responsible party excavated a pit approximately 12 feet in depth underneath the spill area within Monahans Draw. The pit remained open for over a year while oil continued to seep into it. During this period, multiple rainfall events occurred causing oil in the pit to overflow and move downstream.

At the time, it was unclear whether EPA had jurisdiction because it was unknown as to whether Monahans Draw was considered "Waters of the U.S."

2. Current Activities

2.1 Operations Section

2.1.1 Narrative

2.1.2 Response Actions to Date

The EPA Region 6 Superfund Emergency Response Program requested the assistance of the Region 6 Water Division to determine the presence or absence of jurisdiction of the area impacted by the oil spill.

During the period it took EPA to determine if it had OPA jurisdiction, the Texas Railroad Commission (TXRRC) ordered the RP to clean up the site and the pit has been filled. A component of the plan included the installation of a collection trench approximately 12 feet bgs with capped PVC riser pipes connecting the trench to the surface so that oil collecting in the trench can be removed. The plan also requires the RP to conduct a subsurface assessment to determine the source of the spill.

The Region 6 Water Division determined that the Monahans Draw is a tributary to waters of the United States, which, in EPA's opinion, possesses a significant chemical, physical, and biological nexus to downstream traditional navigable waters, when considered in combination with other ephemeral draws in the region. Therefore, Monahans Draw meets the definition of a "water of the United States" and, as such, is jurisdictional under the Clean Water Act. The WOTUS determination by Region 6 was issued on June 27, 2016.

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

The RP is Viejo Energy of Austin, TX. (formerly Momentum Energy). No Notice of Federal Interest (NOFI) was issued because it was unclear whether EPA had OPA jurisdiction.

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

The TXRRC is providing oversight for the ongoing cleanup. EPA does not anticipate additional involvement unless requested by TXRRC.

2.2.1.1 Planned Response Activities

2.2.1.2 Next Steps

2.2.2 Issues

It was unclear whether Monahans Draw was jurisdictional and that delayed EPA's response to the incident. Since EPA has made formal determination, it will be valuable in establishing jurisdiction in future incidents located nearby.

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

3.1 Unified Command

Texas Railroad Commission

Viejo Energy

3.2 Cooperating Agencies

EPA Region 6

City of Odessa

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.