

U.S. ENVIRONMENTAL PROTECTION AGENCY
POLLUTION/SITUATION REPORT
HARRISBURG FARM OPA SITE - Removal Polrep
Initial Removal Polrep



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region III

Subject: POLREP #1
HARRISBURG FARM OPA SITE
FPN 16316
Bradford, PA
Latitude: 41.9878007 Longitude: -78.5775566

To: Gilbert Mijarez, USCG-NPFC
Fran Burns, EPAR3
Bonnie Gross, EPAR3

From: Vincent Zenone, On-Scene Coordinator

Date: 8/1/2016

Reporting Period: 07/25/2016 - 07/31/2016

1. Introduction

1.1 Background

Site Number:	FPN 16316	Contract Number:	
D.O. Number:		Action Memo Date:	
Response Authority:	OPA	Response Type:	Emergency
Response Lead:	EPA	Incident Category:	Removal Action
NPL Status:	Non NPL	Operable Unit:	
Mobilization Date:	7/29/2016	Start Date:	7/25/2016
Demob Date:		Completion Date:	
CERCLIS ID:		RCRIS ID:	
ERNS No.:		State Notification:	PADEP
FPN#:	E16316	Reimbursable Account #:	Z3NR

1.1.1 Incident Category

Minor discharge of crude oil from an on-shore production facility ("HARRISBURG FARM") with a continued substantial threat of discharge into or upon the navigable waters of the United States (Harrisburg Run).

1.1.2 Site Description

Harrisburg Farm is an abandoned on-shore production facility. Review of old lease maps, the facility encompasses approximately 22 ½ acres, with 30 wells depicted, and a yet-to-be-determined number of tanks, separators, pits and piping located within the floodplain or otherwise up-gradient of Harrisburg Run.

1.1.2.1 Location

Harrisburg Farm is located on Warrant 4008, Lot 50, Foster Twp., McKean Co., Bradford, PA

1.1.2.2 Description of Threat

Harrisburg Farm is an abandoned on-shore production facility encompassing approximately 22 ½ acres, with 30 wells and a yet-to-be-determined number of tanks, separators, pits and piping located within the floodplain or otherwise up-gradient of Harrisburg Run.

1.1.3 Preliminary Removal Assessment/Removal Site Inspection Results

On 07/28/2016, the OSC further follow-up and responded to a report of discharge(s) of crude oil from leaking oil wells from an abandoned on-shore production facility. Based upon the OSCs observations, an unknown quantity of crude oil had discharged from one well, flowed overland, down-gradient, directly into Harrisburg Run and its adjoining shorelines. An unknown quantity of crude oil had discharged from a second well, flowed overland, down-gradient, directly into and the adjoining shorelines of an unnamed intermittent tributary of Harrisburg Run.

The OSC 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. (Harrisburg Run) in absence of continued removal activities.

2. Current Activities

2.1 Operations Section

2.1.1 Narrative

2.1.2 Response Actions to Date

On 07/28/2016, the OSC accessed CANAPS and obtained an initial project ceiling of \$50,000 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 Harrisburg Run; continue efforts to the extent practicable to identify PRPs; continue efforts to the extent practicable to identify and provide the RP an opportunity to voluntarily and promptly perform removal actions; and/or in absence of a RR, 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 Harrisburg Run.

On 07/29/2016, the Emergency and Rapid Response Services (ERRS) and ERRS oil field removal response subcontractor met the OSC at the EPA Command Post located at 655 South Avenue, in Bradford, PA at 0730 hours, in preparation to respond to the HARRISBURG FARM OPA SITE [FPN E16316] and take 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 United States (Harrisburg Run) or its tributaries or its adjoining shorelines from the abandoned on-shore production facility.

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 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 OSCs review of information provided by the current landowners, provided by PADEP-OGMP and otherwise available at the McKean County Courthouse (deeds, property record cards, tax parcel maps, production records, etc.), 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 OSCs review of information available at the McKean County Courthouse (deeds), the OSC concluded that the OGM rights had been transferred to the Executors of the Estate of Milton L. Dana on July 5, 1982, and had not been subsequently transferred to the current landowner(s). Production records indicate the on-shore production facility had last been operated between July 1, 1959, and June 30, 1960, by M.L. Dana. There is no records indicating the on-shore production facility had been owned and/or operated by the current OGM Rights Owner. Therefore, the current OGM Rights Owner 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 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 from the McKean County Courthouse, or otherwise available to the OSC, indicated:

On October 6, 1909, three pieces of land were conveyed from Mabel S. Brown to L.G. Dana and F.M. Johnston (Deed Book 154, Page 128).

On July 1, 1910, F.M. Johnston conveyed his interest to L.G. Dana (Deed Book 154, Page 124).

On July 8, 1933, and Agreement between Lawrence G. Dana (sometimes written L.G. Dana) and Mary A. Dana and Milton L. Dana, Trustee, sold, transferred or otherwise conveyed, in addition to other certain lands, leaseholds and property mentioned and fully described in the Agreement, the lands, leasehold and property subject to this federal removal action. The Agreement conveyed the wells, tubing, casing, pipe,

rods, tanks, fixtures, fittings, equipment, etc. on the lands and leaseholds. The Agreement also required that oil be produced, with certain proceeds from the sale of the oil to be used to fully pay Lawrence G. Dana. (Deed Book 225, Page 111).

Based upon the OSCs review of production records available at the McKean County Courthouse, M.L. Dana produced 8 wells on the 32 acre Harrisburg property, and ceased operating sometime between July 1, 1959, and June 30, 1960. Based upon the OSCs review of information available at the McKean County Courthouse (deeds), the OSC concluded that although the OGM rights had been transferred to the Executors of the Estate of Milton L. Dana on July 5, 1982, the on-shore production facility had not been transferred to the Executors of the Estate of Milton L. Dana. Therefore, when the Executors of the Estate of Milton L. Dana sold, transferred or otherwise conveyed the land (surface), neither the OGM or the facility was sold, transferred or otherwise conveyed.

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 the OSCs discussions with PADEP-OGMP, no information is expected to be found in PADEP-OGMP's records indicating that any of the wells were individually or collectively sold, assigned, transferred, conveyed or exchanged from Milton L. Dana (M.L. Dana) to any other person, or that any other person currently owns the production facility.

On February 12, 2016, the parcel of land on which the abandoned on-shore production facility was located had been conveyed from the two surviving Trustees of the Trust and heirs under the Last Will and Testament of Milton L. Dana, deceased to _____. The OGM and the wells, tubing, casing, pipe, rods, tanks, fixtures, fittings, equipment, etc. on the lands and leaseholds, were not transferred to _____ (Deed Book 839 Page 979). The parcel of land has subsequently been subdivided and the OSC currently has received verbal permission from the three (3) landowners to access the properties and conduct removal response activities (preliminary assessment, implementation of and maintenance of defensive actions).

With the principle, Milton L. Dana deceased, the OSC may send "Legal Notice to Suspected Discharger" and/or request assistance from the USCG-NPFC Case Officer to serve "Notice of Potential Liability" or "Notice of Federal Interest" to the two surviving Trustees of the Trust and heirs under the Last Will and Testament of Milton L. Dana.

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 OSC 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 Harrisburg Run; continue efforts to the extent practicable to identify PRPs; continue efforts to the extent practicable to identify and provide the RP an opportunity to voluntarily and promptly perform removal actions; and/or in absence of a RP, 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 Harrisburg Run.

Removal activities are anticipated to include: the mobilization of resources to initiate defensive actions at the leaking wells identified by the OSC; documentation of conditions and defensive actions; mobilization of other additional resources to maintain defensive actions; provision of oil field expertise and logistical support for a more comprehensive evaluation of the HARRISBURG FARM OPA SITE [E16316] to better enable the OSC to prioritize a long term removal plan of action, as may be applicable, on a well-site-specific basis, including:

- (1) field-locate (ground-truth), photo-document and GPS the locations of wells, tanks, separators, pits, pipelines, piping and other facilities on-site;
 - (2) assist the OSC correlate on-site locations to locations depicted on old lease maps and other records;
 - (3) facilitate/expedite the OSC's review and interpretation of old lease maps, deeds and other records; and
 - (4) assist in the preparation of well-site-specific or source-specific descriptions, sketches, maps, photos and other requisite documents to facilitate the OSCs compliance with the MOU between EPA and the USCG and/or to ensure compliance with STATE well plugging regulations.
- a. cleaning-out and plugging of abandoned oil well(s) designated for removal actions by the OSC, including well-site restoration; ensuring that all such activities are conducted in accordance and compliance with the Commonwealth of Pennsylvania's Department of Environmental Protection - Oil & Gas Management Program 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;

- b. recovery of crude oil, equipment and materials to the extent practicable; including inventory and staging of the recovered crude oil, equipment and materials in a manner which facilitates the OSC's evaluation of appropriate recycle or disposal options;
- c. transportation of recovered crude oil, equipment and materials to recycling facilities or disposal facilities as deemed appropriate by the OSC;
- d. on-site accumulation quantification and staging of non-biodegradable oil-contaminated sorbent materials and debris generated during the removal action for off-site disposal as deemed appropriate by the OSC; including sample collection and analysis, solicitation of disposal facilities and the transportation of the non-biodegradable oil-contaminated materials to the disposal facility;
- e. on-site accumulation, quantification, sample collection and analysis, and bioremediation (in-situ natural attenuation) of oil-contaminated soil and debris as deemed appropriate by the OSC.
- f. All documents generated by the contractor during the course of this federal removal response action shall include the Federal Project Number (FPN) in addition to any other designations required by the Contract.

2.2.1.1 Planned Response Activities

2.2.1.2 Next Steps

In absence of a viable RP taking action, the OSC 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, implementing an OPA90 Removal Project Plan.

2.2.2 Issues

2.3 Logistics Section

No information available at this time.

2.4 Finance Section

2.4.1 Narrative

The OSC Zenone accessed CANAPS and obtained an initial project ceiling of \$50,000 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 Harrisburg Run; continue efforts to the extent practicable to identify PRPs; continue efforts to the extent practicable to identify and provide the RP an opportunity to voluntarily and promptly perform removal actions; and/or in absence of a RP, 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 Harrisburg Run.

Estimated Costs *

	Budgeted	Total To Date	Remaining	% Remaining
Extramural Costs				
ERRS	\$38,000.00	\$0.00	\$38,000.00	100.00%
Intramural Costs				
USEPA - Direct	\$4,699.00	\$0.00	\$4,699.00	100.00%
USEPA - Indirect	\$7301.00	\$0.00	\$7301.00	100.00%
Total Site Costs	\$50,000.00	\$0.00	\$50,000.00	100.00%

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

3.2 Cooperating Agencies

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.