



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

September 8, 2023

TRANSMITTED VIA E-MAIL

Mr. Ryan Thrush
Nemaha Environmental Services
5320 W Keowee Road
Kremlin, OK 73753
rthrush@nemahaenviro.com

RE: Clean Water Act, Section 308 Information Request
Oil Spill in Garfield County, Oklahoma on or about June 2, 2023
NRC Report No: 1369011

Dear Mr. Thrush:

Pursuant to Section 308 of the Clean Water Act (CWA), 33 U.S.C. Section 1318 et seq., the United States Environmental Protection Agency (EPA) has the authority to request information pertinent to carrying out its responsibilities under the CWA. Accordingly, this Information Request is hereby served on you and Nemaha Environmental Services.

Compliance with the provisions of this letter is mandatory. Please provide the information requested below and copies of the requested documents within 30 days of receipt of this letter. The response must be signed by a duly authorized official of Nemaha Environmental Services. The information will be considered in the evaluation of the extent of your compliance with the federal regulations governing the discharge, or threat of discharge, of hazardous substances, pollutants, or contaminants into navigable waters of the United States.

Failure to respond fully and truthfully to the Information Request, or to adequately justify such failure to respond, will be considered a violation of Section 309 of the CWA, as amended by the Water Quality Act of 1987, which can result in enforcement action by the EPA. Section 309 of the CWA permits the EPA to seek the imposition of civil and criminal penalties for failure to submit information requested under Section 308 of the CWA, including issuance of an Administrative Penalty Order or referral to the United States Department of Justice for judicial action with monetary fines. Please be further advised that providing false, misleading, or fraudulent statements or representations, may subject you to criminal penalties under Section 309 of the CWA.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act, of 1980, as amended, 44 U.S.C. Section 3501, et. seq., as described in 5 CFR Part 1320.3(c).

You are hereby requested to provide the following information regarding the spill of crude oil, which occurred on or about June 2, 2023, at the facility owned or operated by Nemaha Environmental Services in Garfield County, Oklahoma:

1. The name and contact information for the owner and operator of the equipment or facility from which the spill originated and the classification of the facility (e.g., oil production; pipeline; transportation; etc.). Provide the appropriate contact information for each individual including affiliation, a telephone number, and an email address to reach this individual.
2. The amount of product spilled (in either barrels or gallons). For releases of mixtures, include the total volume and either volumes or relative percentages of each component. If any reported value is an estimate, describe in detail the method used to develop the estimate.
3. Duration of the spill event. Report the time and date the spill began, how long the product remained in the watercourse, as well as on the shoreline or banks and when the cleanup operations were considered complete and all product removed from waters of the United States and adjoining shoreline. Report actions taken to control the source of the spill, volumes of material (soils, materials, and fluids) removed from the spill area, controls put in place to prevent further migration of the spill, and any action taken to restore the area impacted by the spill, if applicable. Include documentation for work completed (including labor), such as work orders or receipts, if any.
4. Spill flow path and conditions during spill event. Describe the general surface/rainwater run off direction and pathway(s) from the spill location. Describe to the full extent the length, path(s), and impacts observed throughout the spill event and following clean-up activities. Report observed site conditions, such as weather events, different flow paths, etc. during the spill event.
5. The cause of the spill. Describe the general surface/rain water run off direction and pathways from the spill location.
6. Name of the immediate receiving ditch, creek, stream, river, lake, arroyo, swale, etc. if known. (If the name of the water body is not available, use the best description available.)
 - a. Also include the names of all downstream receiving waters that the spill affected, including the length of the spill from the point of the release to the furthest point downstream that was identified.
 - b. Additionally, list all downstream receiving water bodies to the first major river or lake, regardless of whether or not the spill affected the water bodies.
7. Site location map showing the coordinates (latitude and longitude) of both the start and end points of the spill. Describe any characterizations on the map that can be represented of the spill, including the size of the spill in width and length at the point of discharge area (and the method used to measure that area), the length of the spill from the point of discharge to downstream flow path points observed during clean-up activities, etc. Sketch of the spill site showing extent of the spill that includes the distance the spill travelled from the spill site. Detail how the distance was measured.
8. Drawing of the site showing locations of the facilities associated with the spill and other relevant site locational information, (e.g., flow line locations through the spill site area, etc.).
9. Contact information for the landowners where the spill occurred and downstream locations where the spill impacted, if available. If the spill crossed property boundaries, provide the names and contact information for additional property impacted, if available.

10. Water Quality Information. Provide water quality information (field reading(s) or laboratory analysis) at the source of the spill event, if available. Provide date, time, and sampler names for each reading. Provide data quality assurance information, if available.
11. Photographs of the spill and the spill site before and after on-site activities, (e.g., remedial activities have occurred). Provide locations of the photographs with latitude and longitude (locations can be indicated on site map being provided). Indicate the direction the photograph was taken for each photograph.
12. Documentation of any penalties assessed by local, state or federal agencies. Any documentation, records of communication with local, state, or federal agencies, associated with the spill that are relevant to this information request.

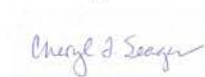
In some instances, information requested by the EPA may be considered confidential business information (CBI) by the provider of that information. Should any of the information requested by the EPA as part of this request for information be considered CBI material by Nemaha Environmental Services, you must assert that claim as part of your reply. The final determination regarding this material will be made by the EPA per the regulations found in 40 CFR Part 2.204.

At this time, the EPA is requesting that the information requested be submitted electronically. Please email your response to johnbull.enoch@epa.gov. If you are unable to submit the information electronically, please mail it to the following address:

Mr. Enoch Johnbull
Water Enforcement Branch (ECDWE)
U. S. EPA Region 6
1201 Elm Street, Suite 500
Dallas, TX 75270-2102

If you need additional time to respond to this request or if you have any questions relating to this Information Request, please contact Mr. Enoch Johnbull at 214-665-3173.

Sincerely,



Digitally signed by Cheryl T.
Seager
Date: 2023.09.08 12:32:47
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Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

cc: allen.mark@epa.gov