

## SPCC Enforcement: U.S. Environmental Protection Agency and Valley County, Montana Well/Tank Battery Operator Enter into Consent Agreement



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The United States Environmental Protection Agency (“EPA”) and Anadarko Minerals, Inc., (“AMI”) entered into a July 16th Consent Agreement (“CA”) addressing an alleged violation of the Clean Water Act Spill Prevention Control and Countermeasure (“SPCC”) regulations. See Docket No. CWA-08-2020-0017.

The CA provides that AMI owns and/or operates the Marie Standing Heirs 1-35 well and tank battery (“Battery”) in Valley County, Montana.

AMI is stated to be engaged in drilling, producing, gathering, storing, processing, refining, transferring, distributing, using, or consuming oil or oil products located at the Battery. The Battery is further stated to be located approximately 1800 feet northwest of a stock pond in an unnamed tributary to Little Porcupine Creek which flows approximately 1.55 miles southeast of Little Porcupine Creek and eventually into the Yellowstone River.

The Yellowstone River is stated to be a navigable water of the United States within the meaning of Section 501(7) of the Clean Water Act. The Battery is declared by the CA to be a non-transportation-related onshore facility which, due to its location, could reasonably be expected to discharge oil to a navigable water of the United States or its adjoining shorelines in a harmful quantity.

AMI is stated to have reported to the United States Coast Guard National Response Center that an initial estimate of approximately 450 barrels of crude oil and 55,000 barrels of produced water were released from the Battery well flow line. This discharge ultimately is stated to have impacted the Yellowstone River. Further, the discharge is stated to have fit within the definition of “oil” in the relevant section of the Clean Water Act and constituted a discharge.

The discharge is stated to have caused a film or sheen upon or discoloration of the surface water and/or its adjoining shorelines, and/or caused a sludge or emulsion to be deposited beneath the surface of the water and/or upon the adjoining shorelines of an unnamed tributary to the Little Porcupine Creek. This discharge of oil is alleged to be a violation of Section 311(b)(3) of the Clean Water Act.

AMI is stated to have submitted its SPCC plan for the Battery to EPA. EPA is stated to have reviewed the SPCC plan and noted minor deficiencies regarding compliance with the requirements in Part 112. The alleged failure to have a SPCC plan meeting the requirements of Part 112 constituted a violation of 40 C.F.R. § 112.3.

AMI resubmitted the SPCC plan on February 6, 2020. EPA confirmed the SPCC plan complied with all requirements specified in Part 112 as of that date.

AMI neither admits nor denies the factual and legal allegations in Sections IV and V of the CA.

The CA assesses a civil penalty of \$200,000.

A copy of the CA can be downloaded [here](#).