



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

Ref: 8EPR-ER

JUN 21 2010

The Honorable Jim Matheson
U.S. House of Representatives
Washington, DC 20515-4402

Dear Representative Matheson:

Thank you for your letter of June 16, 2010, to EPA Administrator Lisa Jackson regarding the Chevron pipeline break that occurred on Friday, June 11, but was not discovered to be leaking until Saturday morning, June 12. Our Region 8 office of the U.S. Environmental Protection Agency (EPA) received notification of the spill later that day and immediately mobilized an emergency responder, also known as an On-Scene Coordinator (OSC). Since that time, EPA has had a continuous presence at the spill and has established an Incident Command System with Chevron, the responsible party, and other government entities to ensure proper oversight of the spill clean-up activities.

EPA shares your concern that the spill be cleaned up properly and swiftly. We will ensure that this happens pursuant to our authorities established by the Oil Pollution Act of 1990 and the Clean Water Act. These statutes provide EPA with the authority to oversee and direct the responsible party's response actions when a discharge of oil threatens waters of the United States. When necessary, EPA can take its own response action; and reimbursement would be sought from the responsible party. In general, EPA is the lead federal response agency for oil spills occurring in inland waters, and the U.S. Coast Guard is the lead response agency for spills in coastal waters and deepwater ports.

Following are responses to the specific questions and issues raised in your letter.

The Incident Command System and Unified Command - Unified Command is a standard organizational and decision-making structure for coordinating response activities among those with regulatory roles and resources, as outlined in the National Incident Management System. The parties within the Unified Command are responsible for overall management of the incident and collaboratively establishing the incident objectives for addressing the spill and long-term cleanup.

This Unified Command System will ensure that EPA, Chevron, the Utah Department of Environmental Quality (UDEQ), the Salt Lake Valley Health Department and Salt Lake City are

working in an effective, coordinated fashion to achieve all the clean-up goals. Unified Command is a mechanism that will ensure that all priority actions are taken, that there is no duplication of effort and that communication among all entities is accurate and timely.

Incident Objectives – An Incident Action Plan (IAP) is a written plan developed for a specific operational period (e.g., the following 24 hour period) to establish objectives and overall strategy for managing the incident during that period of time. Incident objectives establish broad categories of what is to be accomplished during the operational period. Incident objectives evolve over time; and as a member of the Unified Command, EPA reviews, provides direction, and approves the Incident Objectives as part of Unified Command. The EPA OSC considers all factors associated with the Incident Objectives. Then they are finalized and considered satisfactory. EPA will ensure that actions taken are sufficient to clean up the spill. If they are deficient, we will work to remedy the situation. As of the June 21, 2010, IAP, the objectives from the Unified Command are as follows:

- Ensure the Safety of Citizens and Response Personnel
- Minimize the Impact to the Environment
- Contain and Recover Spilled Material
- Manage a Coordinated Response Effort
- Conduct Assessments and Shoreline Cleanup Efforts
- Effectively Contain, Clean up, Recover, and Dispose of Product
- Identify Threatened Species and Prepare to Recover and Rehabilitate Injured Wildlife
- Keep Stakeholders and Public Informed of Response Activities

As of this time, Chevron estimates it has recovered approximately 25,600 gallons of the 33,000 gallons they believe spilled between Friday and Saturday when the spill occurred. EPA is working with Chevron to evaluate the assumptions used to calculate the volume of released oil. Approximately 4,200 gallons have evaporated.

Great Salt Lake and Jordan River – There have been reports from the Davis County Health Department that an oil sheen was observed in Farmington Bay. Oil sheens can result from very small quantities of oil spreading out over the surface of water. An effort is underway to analytically determine the source of the sheen observed by DCHD and whether it originated from the Red Butte Creek Spill or unknown sources closer to Farmington Bay. Davis County has placed several strings of boom and sorbent materials downstream along the Jordan River to Farmington Bay. There are also booms in place to protect the natural resources in the Legacy Highway Preserve. Sometimes absorbent materials, such as absorbent booms or pads, can be used to soak up this oil, but they are not effective in removing 100 percent of the material. If an oil sheen from the pipeline break is confirmed to have spread into Farmington Bay, EPA will work within the Unified Command to determine whether deploying additional absorbent materials would be beneficial. Such a remedy would need to be measured against any damage that might be caused by personnel operating in this sensitive ecosystem. Such decisions will likewise be made for any sheen remaining in the Jordan River, where extensive containment measures have already been deployed.

Ground water –The potential for ground-water contamination is greatest near the area of the pipeline break where the oil spill originated. There are no domestic drinking water wells in the vicinity of the spill site. The City of Salt Lake has sampled some ground-water wells in the vicinity of the spill, and test results are pending. If ground water is found to be impacted, an appropriate monitoring plan will be established. Given the depth and location of the aquifer, any ground-water contamination from this spill may take years to be detected at the nearest drinking water wells. Periodic monitoring by the City of Salt Lake will indicate any aberrations from historical levels.

Timeframe for Cleanup – It is difficult to provide an accurate estimate for the duration of the cleanup at this time. The Unified Command estimates that the emergency phase is rapidly coming to an end, and a transition to a long-term plan will be implemented. The long-term remediation plan is being developed and will have input from all members of the Unified Command and the U.S. Fish and Wildlife Service (USFWS). It is likely to take weeks, or possibly months, before cleanup of all residual contamination is complete.

Clean-up Standards – EPA will work with the other entities involved within the Unified Command to develop the clean-up standards. We anticipate that UDEQ will establish clean-up standards for this incident, and discussions are already underway between EPA, USFWS, UDEQ, and other agencies to establish appropriate clean-up levels.

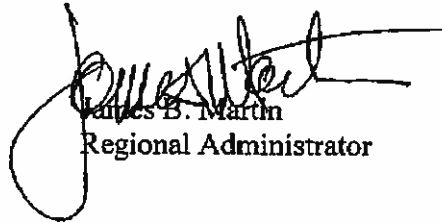
Chemicals for Cleanup - No dispersants or other chemical agents have been approved at this time. Wildlife has been treated with mild non-toxic detergents. EPA has made it clear to Chevron that use of chemical countermeasures, including dispersants, surface washing agents, and surfactants, requires approval from the multi-agency Regional Response Team, which includes representatives from EPA, the U.S. Department of the Interior and the State of Utah.

Clean-up Costs – Chevron is paying for the clean-up contractors at the site. EPA's costs are being funded through the Oil Spill Liability Trust Fund established by Congress in the Oil Pollution Act of 1990. The Fund is administered by the U.S. Coast Guard. The Coast Guard will seek reimbursement of EPA's costs from Chevron. At this time, EPA has a \$100,000 cost ceiling and has issued a Pollution Removal Funding Authorization to the USFWS for their efforts supporting the response.

Approval of Clean-up Process – EPA has authority to oversee and direct the response actions of the responsible party. Other regulatory agencies likewise have authorities for certain aspects of the cleanup, including UDEQ. EPA will be fully engaged in this incident until it is determined that there is no more threat to the public, the water resources impacted, wildlife or sensitive habitat. The cleanup of the numerous residential and other properties affected by the spill may take months, and we anticipate that oversight and monitoring of this long-term cleanup of residual contamination will be conducted by UDEQ and local agencies once the Unified Command has approved clean-up levels.

Again, we appreciate your writing and hope this information will respond to your concerns. If you or your staff have additional questions or concerns, please contact me, or your staff may wish to contact Sandy Fells, our Regional Congressional Liaison, at 303-312-6604 or fells.sandy@epa.gov.

Sincerely,



James B. Martin
Regional Administrator

