



State of Utah

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

Department of
Environmental Quality

Amanda Smith
Executive Director

DIVISION OF WATER QUALITY
Walter L. Baker, P.E.
Director

Water Quality Board
Jay Ivan Olsen, *Chair*
Paula Doughty, *Vice-Chair*
Myron E. Bateman
David F. Echols
Merritt K. Frey
Darrell H. Mensel
Leland J. Myers
Neal L. Peacock
Gregory L. Rowley
Steven P. Simpson
Amanda Smith
Daniel C. Snarr
Walter L. Baker
Executive Secretary

January 19, 2011

CERTIFIED MAIL
(Return Receipt Requested)

Bryan Tucker, Vice President
Chevron Pipe Line Co.
4800 Fournace Place
Bellaire, TX 77401

Brad Rosewood, Area Manager
Chevron Pipe Line Co
651 South Redwood Road
North Salt Lake, UT 84054

Dear Mr. Tucker and Mr. Rosewood:

Subject: Chevron Pipeline Block Valve Release ,
Notice of Violation & Order Docket No. # I10-05

Transmitted herewith is the Notice of Violation from the Utah Water Quality Board regarding the second release of oil from the chevron pipeline located adjacent to the Red Butte Arboretum on the University of Utah Campus. If you have any questions regarding this notice, please contact Dan Griffin at (801) 801-536-4387 or dgriffin@utah.gov.

Sincerely,

UTAH WATER QUALITY BOARD

Walter L. Baker, P.E.
Executive Secretary

WLB:DG:mc

Enclosure(s):

Chevron Pipe Line Company Salt Lake City, Utah	NOTICE OF VIOLATION AND ORDER DOCKET NO. I10-05
-----------------------------------------------------------------	----------------------------------------------------------------------

A. STATUTORY AUTHORITY

This **NOTICE OF VIOLATION and COMPLIANCE ORDER (NOV/CO)** is issued by the **UTAH WATER QUALITY BOARD** (the **BOARD**) under the Utah Water Quality Act, as amended, Utah Code Ann. §§ 19-5-101 through 19-5-124 (the **ACT**), including Utah Code Ann. §§ 19-5-104, 19-5-106, 19-5-111 and 19-5-115. This **NOV/CO** is also issued in accordance with the Utah Administrative Procedures Act, Utah Code Annot. §§ 63G-4-101 through 63G-4-601. The **BOARD** has delegated to the **EXECUTIVE SECRETARY** of the Board (**EXECUTIVE SECRETARY**) authority to issue such **NOTICES AND ORDERS** in accordance with Utah Code Ann. § 19-5-106(8).

B. APPLICABLE STATUTORY AND REGULATORY PROVISIONS

1. It is unlawful for any person to discharge a pollutant into waters of the state, unless the discharge is authorized by permit, Utah Code Ann. § 19-5-107(1)(a). See also Utah Admin. Code R317-1-2.1. Waters of the State means “all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion of the state. . . .” Utah Code Ann. § 19-5-102(18)(a).
2. It is unlawful to cause pollution which constitutes a menace to public health and welfare, or is harmful to wildlife, fish or aquatic life, or impairs domestic, agricultural, industrial, recreational, or other beneficial uses of water, or to place or cause to be placed any wastes in a location where there is probable cause to believe it will cause pollution. Utah Code Ann. § 19-5-107(1)(a).
3. Utah Admin. Code R317-2-7.2 prohibits any person from discharging or placing any waste or other substance in such a way as will be or may:
 - “become offensive such as unnatural deposits, floating debris, oil, scum or other nuisances such as color, odor or taste; or cause conditions which produce undesirable aquatic life or which produce objectionable tastes in edible aquatic organisms; or result in concentrations or combinations of substances which produce undesirable physiological responses in desirable resident fish, or other desirable aquatic life, or undesirable human health effects, as determined by bioassay or other tests performed in accordance with standard procedures.”

4. Utah Code Ann. § 19-5-107(3)(a) states “It is unlawful for any person, without first securing a permit from the executive secretary as authorized by the board, to: make any discharge not authorized under an existing valid discharge permit”.
5. Utah Admin. Code R317-2-7.1 prohibits any person from discharging, or placing any wastes or other substances, in a manner that may interfere with waters’ designated uses, or to cause any of the applicable standards to be violated.

C. FINDINGS OF FACT

1. On the evening of December 1, 2010 the Salt Lake office of the Chevron Pipeline Company (Chevron) was notified that a pipeline monitoring system for the crude oil line that runs a from Hannah to Salt Lake City was showing anomalies in the pressure readings. This notification prompted the shutdown of the line, and closure of block valves along the pipeline. Chevron also initiated an in-person visual inspection of the pipeline and valves. The pipeline was carrying a crude oil and oil condensate mix that will be referred to as “crude oil”.
2. By around 11:00 P.M. on December 1, Chevron had identified a release of crude oil and initiated a containment and cleanup response for the release. The release was from a pipeline block valve located adjacent to the Red Butte Arboretum on the University of Utah Campus in Salt Lake City Utah.
3. Chevron’s response included notifying the National Response Center (NRC), the Salt Lake City Fire Department (SLCFD) and the Utah Department of Environmental Quality (DEQ) which in turn notified the Division of Water Quality (DWQ) and Executive Secretary.
4. Chevron’s immediate response included the securing of the release and confirmation its extent. Chevron deployed personnel and emergency crews to contain the released crude oil before it flowed to Red Butte Creek. Chevron also deployed contractors to inspect and monitor Red Butte Creek and determine any impact to the creek that may have occurred, Chevron also initiated an air monitoring program to verify worker and public safety.
5. Shortly after initiating its response, Chevron began water quality sampling which continued until late morning when DWQ initiated twice daily sampling. The twice daily sampling continued for several days. Water sampling in the creek and air monitoring around the area detected concentrations of benzene in the air and water attributed to the release.
6. The crude oil released from the line appears to have come from the valve that is located in a concrete vault built to help support the valve and pipe, and provide area for maintenance work. The vault box at this site has a gravel

bottom, and is not considered a containment device. The released crude oil filled up the vault box then overflowed it and followed several paths down the hill toward Red Butte Creek. Oil soaked into the ground below the vault box and into the soil where it flowed over the surface, impacting, or threatening to impact waters of the state. Chevron has been working to remove any soil that was impacted by the release of crude oil.

7. While the initial response by Chevron prevented the surface flow of crude oil from reaching the creek, the release did impact waters of the state as evidenced by water quality sampling conducted by The Division of Water Quality on December 2, 2010. The oil discharged also impacted the ability of workers in the Red Butte Arboretum from being able to work on site without risk. The contaminated soil also has the potential to mobilize and continue to threaten groundwater until it is removed.
8. This is the second Notice of Violation issued by the Executive Secretary concerning a release of crude oil from this particular pipeline near this Red Butte Creek location within a six month period. In June 2010, the Executive Secretary identified this pipeline as the source of crude oil which was released directly into Red Butte Creek near the mouth of Red Butte Canyon, and issued a Notice of Violation to Chevron Pipe Line Company on July 15, 2010. From that release, crude oil impacted not only Red Butte Creek but the Liberty Park Pond and all the way to the Jordan River, exposing fish and waterfowl to the oil and restricting public use of those waters, and requiring extensive cleanup, primarily by Chevron.

D. VIOLATIONS

Based on the foregoing Findings of Fact, **Chevron** has violated the following:

1. Utah Code Ann. § 19-5-107(1)(a), for the discharge of a pollutant (crude oil) from the pipeline harmful to waters of the State.
2. Utah Code Ann. § 19-5-107(3)(a), for the un-permitted discharge of a pollutant (crude oil) from the pipeline to waters of the state.
3. Utah Administrative Code R-317-2-7.2, for discharging crude oil in such a way as it did or may have become offensive.
4. Utah Administrative Code R-317-2-7.1, for discharging crude oil from the pipeline in a manner that may cause violation of water quality standards or interfere with the designated uses of Red Butte Creek.

E. ORDER

Based on the foregoing **FINDINGS OF FACT** and **VIOLATIONS**, and pursuant to Utah Code Ann. § 19-5-107 and 19-5-111, **Chevron** is **HEREBY ORDERED** to:

- 1) Immediately initiate all action required to come into compliance with all applicable provisions of the Utah Water Quality Act and the Water Quality rules in the *Utah Administrative Code* (R-317).
- 2) Immediately cease and desist all unpermitted discharges.
- 3) Submit to the **EXECUTIVE SECRETARY**, within 30 days of receipt of this NOV/CO, an “**Incident Response and Clean-Up Action Report**” which includes, but is not limited to a description of the following:
 - a) A detailed description of the initial release incident and Chevron’s response;
 - b) An estimate of the quantity of oil released and supporting calculations;
 - c) A detailed laboratory characterization and analysis of the crude oil released;
 - d) A description of the impact from the release to soils, groundwater, vegetation, and biota;
 - e) A description of all clean up actions taken to address the spill and associated impacts;
 - f) Site plans and maps of the area affected by the release including all soil boring locations;
 - g) Laboratory results for all soil borings including post excavation confirmation soil samples;
 - h) Documentation of the proper disposal of wastes generated as a result of clean up actions;
 - i) Any proposed ongoing environmental monitoring plan for the affected area;
 - j) All future clean up actions necessary to complete final closure of the site along with a compliance schedule, to be approved by the Executive Secretary, for completing each action item;
 - k) A description of Chevron’s future inspection and maintenance activities for the pipeline along with a compliance schedule, to be approved by the Executive Secretary, that will prevent future spills or releases from the subject pipeline.
- 4) Submit to the **EXECUTIVE SECRETARY**, within 30 days of final closure of the spill site, a **Final Clean-up Report** for the impacted area that details Chevron’s clean-up and remediation of the impacted area, including soils, groundwater, and any other impacts from the spill, that were not previously included in the above noted “**Incident Response and Clean-Up Action Report.**”

- 5) All letters of response, reports, plans and submittals made in accord with this NOV/CO shall be certified by an authorized Chevron representative as follows:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."

F. NOTICE

This **NOTICE OF VIOLATION** and **COMPLIANCE ORDER (NOV/CO)** is effective immediately. **Chevron** may contest this NOV/CO by submitting a request for Agency Action in writing as specified in Utah Admin. Code R317-9-3. Any such request must be received by the Executive Secretary within 30 days of the NOV/CO's issuance or the NOV/CO shall become final.

Compliance with the provisions of this **ORDER** is mandatory. The information requested will be considered in the evaluation of the extent of your compliance with the Water Quality Act, this Order and applicable administrative rules. Failure to respond fully and truthfully, or to adequately justify such failure to respond may subject **Chevron** to civil penalties or criminal fines under Utah Code Ann. § 19-5-115.

Any compliance schedules submitted by the violator as required by this Order must be submitted by the deadlines established in this Order and approved by the Executive Secretary. Once compliance schedules are approved by the Executive Secretary, the compliance schedule must be implemented according to the deadlines and requirements established in the compliance schedule(s) and/or this Order. Once approved, timeframes and requirements of any compliance schedule become binding on the violator.

Utah Code Ann. § 19-5-115 provides that violation of the **ACT** or a related order may be subject to a civil penalty of up to \$10,000 per day of violation. Under certain circumstances of willfulness or gross negligence, violators may be fined up to \$25,000 per day of violation.

Signed this 19th day of January, 2011.
Utah Water Quality Board



Walter L. Baker, P.E.
Executive Secretary