UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

June 10, 2017

Mr. John Pratt, Manager
Spike Drilling & Operating, LLC
PO Box 206
Thomaston, CT 06787

Re: Notice of Federal Interest in an Oil Pollution Incident, 211 Knolle Rd, Damon, Fort Bend County, Texas

Dear Mr. Pratt:

This letter is to inform you of a discharge of crude oil from a Tank Battery, located at latitude 29.305211° North and longitude -95.667826° West, near Damon, Fort Bend County, Texas, for which you may be financially responsible. State of Texas Oil or Hazardous Substance Discharge Report # 20171665 was assigned. According to our records, no National Response Center (NRC) report has been filed.

The discharge of a prohibited quantity of oil or a hazardous substance is a violation of the Federal Water Pollution Control Act (FWPCA), 33 U.S.C. § 1321(b)(3), as amended by the Oil Pollution Act of 1990 (OPA). Under OPA, the responsible party is liable for clean-up costs and damages resulting from an incident. A responsible party is the owner, operator, or person in charge of a facility or vessels from which the oil is discharged or poses a threat of discharge.

Based on information obtained by the EPA, you may be a responsible party for the above-mentioned incident. As the responsible party, you should clean up the discharged oil and/or take other actions to prevent or mitigate or minimize the threat of a discharge of oil. If you are a responsible party and do not act, the United States may respond for you and take such actions that are necessary to remove the discharged oil or to minimize or to mitigate the threat. The U.S. costs to respond to this incident will be billed to, and recovered from, the responsible party.

You are advised that a responsible party may lose the opportunity to limit their liability for cleanup under OPA if the responsible party fails or refuses to provide all reasonable cooperation and assistance requested by a responsible official in connection with response activities. A responsible party who fails to comply with a Federal On-Scene Coordinator (FOSC) order to remove the discharge or to an administrative order to protect the public health and welfare may be subject to additional penalties. Under the FWPCA, a civil penalty can amount up $45,268 per day of violation or up to three times the costs incurred by the Oil Spill Liability Fund to conduct removal actions.

If a responsible party takes adequate removal actions in this matter, federal removal actions will usually be limited to monitoring the progress of your actions and providing guidance as necessary. A removal is being done properly if it is done in accordance with federal and state statutes and regulations and in accordance with the criteria of the National Oil and Hazardous Substance Pollution Contingency Plan (NCP). If you undertake the removal actions, the adequacy of such action shall be evaluated by the FOSC. Under the FWPCA, a responsible party's actions may be taken into account in determining the amount of any penalty assessed as a result of the incident.

If you require further information concerning this matter, please contact me at the above address or at (214) 665-8376, or contact the EPA 24-hour Hotline at (866) 372-7745.

Sincerely,

Roberto Bernier
Federal On-Scene Coordinator (6SF-EO)