Message

From: Herbert, Rusty [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=83179BA6E96B4A7E984D0E12DE2541AE-HERBERT, RUSTY]
Sent: 6/11/2019 3:49:53 PM
To: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]; Rudolph, Matthew [rudolph.matthew@epa.gov]
CC: Tidmore, Guy [tidmore.guy@epa.gov]
Subject: RE: Osage Trip

Nothing.

From: Eckhart, Jeanne
Sent: Tuesday, June 11, 2019 9:44 AM
To: Rudolph, Matthew <rudolph.matthew@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Cc: Tidmore, Guy <tidmore.guy@epa.gov>
Subject: Osage Trip

Matt,

Did Diamond 3S respond to the letter sent? I am going to be in Osage in two weeks and was potentially going to swing by the site if the case team agreed.

Thanks,

Jeanne Eckhart
Inspector and Enforcement Officer
Energy Sector Compliance Section
Enforcement and Compliance Assurance Division
Region 6, U.S. Environmental Protection Agency
Office: (214) 665 – 8174

Appointment

From: Herbert, Rusty [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=83179BA6E96B4A7E984D0E12DE2541AE-HERBERT, RUSTY]
Sent: 5/8/2019 7:33:38 PM
To: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]

Subject: Accepted: Diamond 3S - Internal Call
Location: R6-ConfRm-PecosSunflower-09D10/R6--09th-Floor

Start: 5/9/2019 8:00:00 PM
End: 5/9/2019 9:00:00 PM
Show Time As: Busy

Message

From: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Sent: 4/12/2019 4:38:48 PM
To: Rudolph, Matthew [rudolph.matthew@epa.gov]; Herbert, Rusty [Herbert.Rusty@epa.gov]
CC: Tidmore, Guy [tidmore.guy@epa.gov]
Subject: RE: Diamond 3S timeline
Attachments: Diamond3S CWA Timeline.xlsx

All,

Timeline of ROC as I have it documented, attached. Rusty, I wasn't able to add everything you may have done related to the case. I know you sent some letters out, etc. for mine especially. Can you please add any ROCs you may have to this spreadsheet that I don't have there? I'll save this to the H:Drive so we have it as a part of our record for the CAFO later one.

Current injunctive relief needs:

- Unknown efforts to continue to keep the in-situ pond functional, nor has finalized information been provided in an adequate manner to show compliance – EPA will have to conduct a follow up inspection after potential revegetation has occurred in spring months
- TDS levels in pond were elevated from background levels
    - No indication of how to keep contaminants in the pond during significant rainfall events.
- No indication of how operations have changed to prevent this from happening in the future by the Respondent, besides the indication that they are selling the lease once they are allowed to.

Other steps needed to be completed:

- Get current status with BIA (I will call BIA next week, didn't have time this week)

Thanks,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Rudolph, Matthew
Sent: Thursday, April 11, 2019 4:23 PM
To: Herbert, Rusty <Herbert.Rusty@epa.gov>
Cc: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Subject: Diamond 3S timeline

Matthew Rudolph (6EN-WR)
US EPA Region 6
1445 Ross Ave., Suite 1200
Dallas TX 75202

Phone: 214-665-6434
Fax: 214-665-2168

Date	Action
3/16/2018	EPA Inspection at facility
3/20/2018	EPA Inspection at facility
4/5/2018	EPA Email notification of inspections
4/11/2018	Administrative Order mailed
4/12/2018	EPA email copy of AO
4/12/2018	Email
4/12/2018	EPA Inspection at facility
4/26/2018	EPA Inspection at facility
5/11/2018	Email
5/18/2018	On-site meeting with EPA, BIA, Respondent
5/24-25/2018	Emails
5/30/2018	email
7/12/2018	Call
7/19/2018	Site Visit with BIA and Osage
7/31/2018	Scope of Work plan created
8/5/2018	Email
4/5/2018	EPA Email notification of inspections
9/28/2018	EPA Complaint
10/4/2018	Email
11/6/2018	Email
11/6/2018	Call
11/8/2018	Call
11/13/2018	Call
11/13/2018	Settlement Call with EPA and Respondent
11/19/2018	EPA letter to Respondent
12/7/2018	call
12/7/2018	call
12/7/2018	Email
12/9/2018	Email
12/10/2018	Settlement Call with EPA and Respondent
12/10/2018	Emails
12/12/2018	Email
12/19/2018	Email
1/7/2019	Email
1/9/2019	Settlement Call with EPA and Respondent
1/28/2019	Email
1/28/2019	Email
1/31/2019	Extension request granted
2/1/2019	Email
2/5/2018	Phone call (Ryan Summers)
2/7/2018	Email
2/28/2019	Emails
2/28/2019	Email
3/19/2019	Email
3/20/2019	Email
3/20/2019	Call and Email

Description

in response to reported spill
follow up
EPA provided one inspection report for inspection dates 3/16 and 3/20 AND a small business compliance assistance info (
injunctive relief required for spill (delivered 4/16/2018)
emailed first AO copy to company to provide compliance assistance (also indicated hard copy in mail)
received email from Respondent to provide some compliance documentation
follow up
follow up
received email from Respondent to provide some compliance documentation
Met with Respondent to see current site conditions and provide compliance assistance with BIA on actions being taken to
received emails from Respondent to provide some compliance documentation
received email from Respondent to provide some compliance documentation
EPA left voice message to request another site visit with compliance assistance with BIA to 3 representatives of Company
EPA was not able to attend this compliance assistance meeting due to miscommunication with BIA; some injuntive relief
Environmental company provided scope of work plan to Respondent for potential solutions to injunctive relief
received email from Respondent to provide inadequate compliance documentation related to CWA information. An upda
EPA provided 5 inspection reports for 5 inspection dates in August 2018. concerns will still observed during the inspection
filed date
received email from Respondent to provide some compliance documentation
EPA request to have a settlement meeting with Respondent
EPA attorney called 2 company Representatives, left messgaes for a request to have a settlement meeting
EPA attorney left message with Respondent to request a settlement meeting
Respondent responded to EPA attorney and indicated a settlement meeting that day could work
EPA and Respondent Settlement Call to discuss both cases; Respondent wanted an attorney present so the call ended sho
letter requested response to complaint (Rusty); no date on letter, but EPA internal correspondence via email about letter
EPA attorney call with Respondent
EPA call with Respondent to set up settlement meeting; Respondent indicated that no legal representation on his end du
EPA sent email concerning logistics of conference call
received requests for extension for both cases from Respondent
Extension on Complaint discussed, potential to get legal counsel for Respondent, mentioned UIC compliance needs; requ
received emails (5) from Respondent to provide some compliance documentation. Related to CWA.
EPA sent email to Respondent in response to emails sent on 12/10 to indicate EPA had received this information
received email from Respondent with several invoices of work completed.
received email from Respondent with some compliance documentation.
This call was scheduled but did not happen due to furlough
EPA sent email to Respondent in response to email sent on 1/7 to indicate EPA received the email
EPA sent email with approved Extension request (SDWA) for respondent
60 day extension granted to 04/01/2019
EPA sent email requesting settlement meeting with Respondent; with response back to schedule a call for Respondent
Rudolph and Eckhart conference call with Ryan Summers. We discussed both cases and the compliance with the cases. F
received email with some compliance documentation from Respondent
EPA attorney received 2 years of tax returns in regards to inability to pay
EPA Attorney requested additional year of tax returns for inability to pay initial screening by EPA case team
EPA attorney reached out again in regards to the email sent on 2/28
Respondent responded and indicated he'd provided missing documentation
EPA attorney requested another settlement meeting

3/21/2019 Email
3/27/2019 Email
3/29/2019 Email

Respondent sent EPA email with an attempt to send additional documentation and scheduling for an additional call
Respondent resent documents as requested by EPA via email on 3/25
EPA sent email to Respondent to hold off on potential settlement call for approximately one week

Message

From: Herbert, Rusty [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=83179BA6E96B4A7E984D0E12DE2541AE-HERBERT, RUSTY]
Sent: 2/1/2019 10:58:50 PM
To: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]; Rudolph, Matthew [rudolph.matthew@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]
Subject: RE: Diamond 3S call with EPA?

No, I never got inability to pay documents.

From: Eckhart, Jeanne
Sent: Friday, February 1, 2019 3:59 PM
To: Rudolph, Matthew <rudolph.matthew@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>
Subject: FW: Diamond 3S call with EPA?

All,

Can you make?

Rusty, did he ever send you anything related to inability to pay claims he made the last time? Anything else you'd like to discuss during the meeting?
Matt, can you provide the agenda topics you'd like to discuss?

My agenda items are as follows:
- Update on site and remediation?

After this I was hoping to proceed with a draft CAFO document, but am unsure if we'll be able to get that far.

Thanks,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Ryan P Summers <r_summers@sbcglobal.net>
Sent: Friday, February 01, 2019 3:38 PM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Cc: Joel Summers <summertimelawncare@sbcglobal.net>
Subject: Re: Diamond 3S call with EPA?

Yes.
I replied to Herbert and missed replying to you. How's Tuesday @ 230.
Please for me an agenda of questions or subjects so I can try to be as prepared as possible. These calls can be exhausting as 4/5 people are asking questions and have an agenda.

Thanks.
Ryan

Sent from Yahoo Mail for iPhone

On Friday, February 1, 2019, 7:03 AM, Eckhart, Jeanne <Eckhart.Jeanne@epa.gov> wrote:

Ryan,

Are you available for a call next week? Can you please let us know when is a good time for you early next week if possible?

Thank you,

Jeanne Eckhart

Environmental Scientist

Water Resources Section

Enforcement Division/Region 6

U.S. Environmental Protection Agency

1445 Ross Avenue, Mail Code 6EN-WR

Dallas, Texas 75202

Office: (214) 665 – 8174

Fax: (214) 665 – 7446

Message

From: Herbert, Rusty [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=83179BA6E96B4A7E984D0E12DE2541AE-HERBERT, RUSTY]
Sent: 2/1/2019 2:04:10 PM
To: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Subject: RE: Diamond 3S call with EPA?

Most any time. Tied up Monday morning before 11am and Weds. Afternoon. Off Friday.

From: Eckhart, Jeanne
Sent: Friday, February 1, 2019 7:03 AM
To: Ryan P Summers <r_summers@sbcglobal.net>
Cc: Herbert, Rusty <Herbert.Rusty@epa.gov>; Rudolph, Matthew <rudolph.matthew@epa.gov>
Subject: Diamond 3S call with EPA?

Ryan,

Are you available for a call next week? Can you please let us know when is a good time for you early next week if possible?

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section
Enforcement Division/Region 6
U.S. Environmental Protection Agency

1445 Ross Avenue, Mail Code 6EN-WR
Dallas, Texas 75202
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

Message

From: Herbert, Rusty [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=83179BA6E96B4A7E984D0E12DE2541AE-HERBERT, RUSTY]
Sent: 3/28/2019 6:09:11 PM
To: Rudolph, Matthew [rudolph.matthew@epa.gov]; Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Subject: FW: Fwd:

Ok with me. Everyone else ? If so go ahead and get a call-in number. Thanks.

From: ryan summers [mailto:diamond_3s@yahoo.com]
Sent: Thursday, March 28, 2019 12:11 PM
To: Herbert, Rusty <Herbert.Rusty@epa.gov>
Cc: Rudolph, Matthew <rudolph.matthew@epa.gov>; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Joel Summers <summertimelawncare@sbcglobal.net>
Subject: Re: Fwd:

Can we reschedule call until Tuesday afternoon. I will be free that afternoon to call around 300pm Central.
Thanks,

Sent from Yahoo Mail for iPhone

On Thursday, March 28, 2019, 7:59 AM, Herbert, Rusty <Herbert.Rusty@epa.gov> wrote:

Thank you.

From: ryan summers [mailto:diamond_3s@yahoo.com]
Sent: Wednesday, March 27, 2019 10:47 PM
To: Herbert, Rusty <Herbert.Rusty@epa.gov>; Rudolph, Matthew <rudolph.matthew@epa.gov>
Subject: Fw: Fwd:

Please find 2015 in pdf format

Sent from Yahoo Mail for iPhone

Begin forwarded message:

On Wednesday, March 27, 2019, 10:45 PM, Ryan Summers <rsummers.square@gmail.com> wrote:

---------- Forwarded message ---------
From: **Joel Summers** <summertimelawncare@sbcglobal.net>
Date: Wed, Mar 27, 2019 at 7:50 PM

Subject: Fwd:
To: Ryan CELL <rsummers.square@gmail.com>

Joel Summers

Summertime Lawn Care

918.638.9306

www.summertimelawncare.com

Begin forwarded message:

> **From:** WT SoundBooth <summertimelawncare@sbcglobal.net>
> **Date:** March 27, 2019 at 6:52:11 PM CDT
> **To:** Joel Summers <summertimelawncare@sbcglobal.net>
>
> Joel Summers
> Summertime Lawn Care
> 918-638-9306
> summertimelawncare@sbcglobal.net
> www.summertimelawncare.com

Message

From: Herbert, Rusty [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=83179BA6E96B4A7E984D0E12DE2541AE-HERBERT, RUSTY]
Sent: 1/29/2019 8:28:43 PM
To: Rudolph, Matthew [rudolph.matthew@epa.gov]; Vaughn, Lorena [Vaughn.Lorena@epa.gov]; Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Subject: RE: Diamond 3S - CWA 06-2018-1831

I have sent him am e-mail as well.

-----Original Message-----
From: Rudolph, Matthew
Sent: Tuesday, January 29, 2019 2:24 PM
To: Herbert, Rusty <Herbert.Rusty@epa.gov>; Vaughn, Lorena <Vaughn.Lorena@epa.gov>; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

I called and left a voice message on the situation.

Matthew Rudolph (6EN-WR)
US EPA Region 6
1445 Ross Ave., Suite 1200
Dallas TX 75202
Phone: 214-665-6434
Fax: 214-665-2168

-----Original Message-----
From: Herbert, Rusty
Sent: Tuesday, January 29, 2019 2:19 PM
To: Rudolph, Matthew <rudolph.matthew@epa.gov>; Vaughn, Lorena <Vaughn.Lorena@epa.gov>; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

I think we can call him and get an address.

-----Original Message-----
From: Rudolph, Matthew
Sent: Tuesday, January 29, 2019 2:18 PM
To: Vaughn, Lorena <Vaughn.Lorena@epa.gov>; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

Does yours need to be sent by certified mail or can they be sent regular mail. Meaning do they have to be "served" to the Respondent in a legal sense.

Matthew Rudolph (6EN-WR)
US EPA Region 6
1445 Ross Ave., Suite 1200
Dallas TX 75202
Phone: 214-665-6434
Fax: 214-665-2168

-----Original Message-----
From: Vaughn, Lorena
Sent: Tuesday, January 29, 2019 2:15 PM
To: Rudolph, Matthew <rudolph.matthew@epa.gov>; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

Mine are only the extension of times.

-----Original Message-----
From: Rudolph, Matthew
Sent: Tuesday, January 29, 2019 2:13 PM
To: Vaughn, Lorena <Vaughn.Lorena@epa.gov>; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

You may have to hire a process server to deliver these documents then.

Matthew Rudolph (6EN-WR)

US EPA Region 6
1445 Ross Ave., Suite 1200
Dallas TX 75202
Phone: 214-665-6434
Fax: 214-665-2168

-----Original Message-----
From: Vaughn, Lorena
Sent: Tuesday, January 29, 2019 2:08 PM
To: Rudolph, Matthew <rudolph.matthew@epa.gov>; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

That's ok but what happens when you mail them the CAFO's to sign off on if they are not picking up there certified mail.

-----Original Message-----
From: Rudolph, Matthew
Sent: Tuesday, January 29, 2019 2:07 PM
To: Vaughn, Lorena <Vaughn.Lorena@epa.gov>; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

They might of changed their address or they are just not picking up their certified mail.

Matthew Rudolph (6EN-WR)
US EPA Region 6
1445 Ross Ave., Suite 1200
Dallas TX 75202
Phone: 214-665-6434
Fax: 214-665-2168

-----Original Message-----
From: Vaughn, Lorena
Sent: Tuesday, January 29, 2019 2:02 PM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>; Rudolph, Matthew <rudolph.matthew@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

It is the same address and it says return to sender unclaimed and unable to forward.
I know you sent it by email but not sure why he didn't want to pick it up. Have to send it certified.

-----Original Message-----
From: Eckhart, Jeanne
Sent: Tuesday, January 29, 2019 1:41 PM
To: Vaughn, Lorena <Vaughn.Lorena@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>; Rudolph, Matthew <rudolph.matthew@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

Lorena,

You've stumped me too, I thought this was residential address and this is what Matt and I have sent to previously. Did they refuse to get your letter?

The only other address I can find through all the databases is this one, which is basically the same as below:
Diamond 3S, LLC
20102 Coyote Trail
Sand Springs, Oklahoma 74063

Rusty or Matt, do you know of any other addresses. The one in the OK SOS database is now expired. We can ask Mr. Summers during our conference call otherwise.

Thanks,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

-----Original Message-----
From: Vaughn, Lorena
Sent: Tuesday, January 29, 2019 1:06 PM

To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

That's the address that got returned.

-----Original Message-----
From: Eckhart, Jeanne
Sent: Tuesday, January 29, 2019 1:01 PM
To: Vaughn, Lorena <Vaughn.Lorena@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

Lorena,

Here's the physical mailing address I have on file:
Diamond 3S, LLC
20102 West Coyote Trail
Sand Springs, Oklahoma 74063

Here's Mr. Ryan Summer's email address:
r_summers@sbcglobal.net

Hope this helps!

Thanks,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

-----Original Message-----
From: Vaughn, Lorena
Sent: Tuesday, January 29, 2019 11:50 AM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

Hi Jeanne,

Do you have a better address for Mr. Summers, my letter just came back from December.

Thank you.

Lorena

-----Original Message-----
From: Eckhart, Jeanne
Sent: Monday, January 28, 2019 2:50 PM
To: Vaughn, Lorena <Vaughn.Lorena@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

The one you had attached was Matt's case, the SDWA one. I have a CWA one with that company as well.

Did you get an extension of request from Mr. Summers for the CWA one? CWA-06-2018-1831

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

-----Original Message-----
From: Vaughn, Lorena
Sent: Monday, January 28, 2019 2:47 PM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

No worries and thank you for forwarding it.
So is it yours or Matt's case?

-----Original Message-----
From: Eckhart, Jeanne
Sent: Monday, January 28, 2019 2:38 PM
To: Vaughn, Lorena <Vaughn.Lorena@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

Thank you! I cc'd you on the email. We'll inform him about the hardcopy when we speak to him on the conference call soon. I realized I forgot to tell him about the hard copy after I sent it.

Thanks,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

-----Original Message-----
From: Vaughn, Lorena
Sent: Monday, January 28, 2019 2:18 PM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: Diamond 3S - CWA 06-2018-1831

Good Afternoon to you both,

Could one of you please email this to Mr. Summers and let him know that a hardcopy will follow in the mail.

Thank you.

Lorena

-----Original Message-----
From: 13_I04_Ricoh@epa.gov <13_I04_Ricoh@epa.gov>
Sent: Monday, January 28, 2019 2:36 PM
To: Vaughn, Lorena <Vaughn.Lorena@epa.gov>
Subject: Message from "RNP002673A3A1CB"

This E-mail was sent from "RNP002673A3A1CB" (MP C3003).

Scan Date: 01.28.2019 14:35:45 (-0600)
Queries to: 13_I04_Ricoh@epa.gov

Message

From: Herbert, Rusty [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=83179BA6E96B4A7E984D0E12DE2541AE-HERBERT, RUSTY]
Sent: 1/29/2019 7:46:27 PM
To: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]; Vaughn, Lorena [Vaughn.Lorena@epa.gov]; Rudolph, Matthew [rudolph.matthew@epa.gov]
Subject: RE: Diamond 3S - CWA 06-2018-1831

This is the address I have.

-----Original Message-----
From: Eckhart, Jeanne
Sent: Tuesday, January 29, 2019 1:41 PM
To: Vaughn, Lorena <Vaughn.Lorena@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>; Rudolph, Matthew <rudolph.matthew@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

Lorena,

You've stumped me too, I thought this was residential address and this is what Matt and I have sent to previously. Did they refuse to get your letter?

The only other address I can find through all the databases is this one, which is basically the same as below:
Diamond 3S, LLC
20102 Coyote Trail
Sand Springs, Oklahoma 74063

Rusty or Matt, do you know of any other addresses. The one in the OK SOS database is now expired. We can ask Mr. Summers during our conference call otherwise.

Thanks,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division Region 6, U.S. EPA
Office: (214) 665 - 8174
Fax: (214) 665 - 7446

-----Original Message-----
From: Vaughn, Lorena
Sent: Tuesday, January 29, 2019 1:06 PM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

That' s the address that got returned.

-----Original Message-----
From: Eckhart, Jeanne
Sent: Tuesday, January 29, 2019 1:01 PM
To: Vaughn, Lorena <Vaughn.Lorena@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

Lorena,

Here's the physical mailing address I have on file:
Diamond 3S, LLC
20102 West Coyote Trail
Sand Springs, Oklahoma 74063

Here's Mr. Ryan Summer's email address:
r_summers@sbcglobal.net

Hope this helps!

Thanks,

Jeanne Eckhart

Environmental Scientist
Water Resources Section, Enforcement Division Region 6, U.S. EPA
Office: (214) 665 - 8174
Fax: (214) 665 - 7446

-----Original Message-----
From: Vaughn, Lorena
Sent: Tuesday, January 29, 2019 11:50 AM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

Hi Jeanne,

Do you have a better address for Mr. Summers, my letter just came back from December.

Thank you.

Lorena

-----Original Message-----
From: Eckhart, Jeanne
Sent: Monday, January 28, 2019 2:50 PM
To: Vaughn, Lorena <Vaughn.Lorena@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

The one you had attached was Matt's case, the SDWA one. I have a CWA one with that company as well.

Did you get an extension of request from Mr. Summers for the CWA one? CWA-06-2018-1831

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division Region 6, U.S. EPA
Office: (214) 665 - 8174
Fax: (214) 665 - 7446

-----Original Message-----
From: Vaughn, Lorena
Sent: Monday, January 28, 2019 2:47 PM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

No worries and thank you for forwarding it.
So is it yours or Matt's case?

-----Original Message-----
From: Eckhart, Jeanne
Sent: Monday, January 28, 2019 2:38 PM
To: Vaughn, Lorena <Vaughn.Lorena@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

Thank you! I cc'd you on the email. We'll inform him about the hardcopy when we speak to him on the conference call soon. I realized I forgot to tell him about the hard copy after I sent it.

Thanks,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division Region 6, U.S. EPA
Office: (214) 665 - 8174
Fax: (214) 665 - 7446

-----Original Message-----
From: Vaughn, Lorena
Sent: Monday, January 28, 2019 2:18 PM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>

Subject: Diamond 3S - CWA 06-2018-1831

Good Afternoon to you both,

Could one of you please email this to Mr. Summers and let him know that a hardcopy will follow in the mail.

Thank you.

Lorena

-----Original Message-----
From: 13_I04_Ricoh@epa.gov <13_I04_Ricoh@epa.gov>
Sent: Monday, January 28, 2019 2:36 PM
To: Vaughn, Lorena <Vaughn.Lorena@epa.gov>
Subject: Message from "RNP002673A3A1CB"

This E-mail was sent from "RNP002673A3A1CB" (MP C3003).

Scan Date: 01.28.2019 14:35:45 (-0600)
Queries to: 13_I04_Ricoh@epa.gov

Message

From: Ryan P Summers [r_summers@sbcglobal.net]
Sent: 12/10/2018 9:43:04 PM
To: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]; Herbert, Rusty [Herbert.Rusty@epa.gov]
Subject: Fw: Backfill soil for Saltwater Remediation project on Bluestem Ranch

Communications with Osage Nation (Landowner) about clean up

Ryan Summers

"...we are called to greatness, not comfort."

----- Forwarded Message -----
From: Kevin Arthur <karthur@beaconcorp.com>
To: william.lynn@osagenation-nsn.gov <william.lynn@osagenation-nsn.gov>
Cc: Melissa Currey <melissa.currey@osagenation-nsn.gov>; mark.hendricks@bia.gov <mark.hendricks@bia.gov>; Ryan P Summers <r_summers@sbcglobal.net>
Sent: Tuesday, August 7, 2018, 3:04:38 PM CDT
Subject: Backfill soil for Saltwater Remediation project on Bluestem Ranch

William,

We spoke earlier about soil that I need on the Bluestem Ranch. We have a saltwater remediation project for Diamond 3S, LLC in which we will be excavating approximately 611 compacted cubic yards of contaminated soil and disposing of it in a landfill. We will be constructing a livestock pond below the site to contain runoff water and prevent potential downstream migration. We would like to be able to harvest our backfill soil for the excavated area from the pond area in lieu of bringing in soil from off site. Melissa Currey directed me to get a 214 Sandy Soil Permit information, then attend Friday's Osage Mineral Council (OMC) monthly meeting to request a waiver of the permit based on the small amount of material needed and it staying on the Nation's property. Please let me know if you need more information or if there is anything I can do on my end to assist in getting this manner taken care of.

Thank you,

Kevin Arthur

Project Manager

BEACON Environmental Assistance Corporation

841 E. 33rd Street, Edmond, OK 73013

Office: (405) 330-8688

Cell: (580) 272-8200

Fax: (405) 330-8668

Email: karthur@beaconcorp.com

Message

From: Ryan P Summers [r_summers@sbcglobal.net]
Sent: 12/10/2018 9:38:01 PM
To: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]; Herbert, Rusty [Herbert.Rusty@epa.gov]
Subject: Fw: Diamond 3S
Attachments: Diamond 3S - SOW - remediation Aug 2018.pdf

Scope of work for Clean up and remediation

Ryan Summers

"...we are called to greatness, not comfort."

----- Forwarded Message -----
From: Ryan P Summers <r_summers@sbcglobal.net>
To: Kevin Arthur <karthur@beaconcorp.com>
Cc: Joel Summers <summertimelawncare@sbcglobal.net>; Zakary Bates <zbates@mcg-ins.com>
Sent: Monday, August 6, 2018, 10:49:05 PM CDT
Subject: Fw: Diamond 3S

Sent from Yahoo Mail for iPhone

Begin forwarded message:

On Monday, August 6, 2018, 1:35 PM, Melissa Currey <melissa.currey@osagenation-nsn.gov> wrote:

Robin,

Here is a copy of the Diamond 3S's Scope of Work, we may require them to sign an additional agreement with Osage Nation.

Best,

Melissa

From: Phillips, Robin [mailto:robin.phillips@bia.gov]
Sent: Monday, August 6, 2018 10:24 AM
To: Melissa Currey <melissa.currey@osagenation-nsn.gov>
Cc: Galen Crum Disabled 7/20/18 Ticket 30457 <gcrum@osagenation-nsn.gov>; Winlock, Richard <richard.winlock@bia.gov>; Lee Burnett <lee.burnett@bia.gov>; Ryan P Summers <r_summers@sbcglobal.net>; Daniels, Benjamin <benjaminl.daniels@bia.gov>
Subject: Diamond 3S

Melissa,

Mr. Ryan Summers has provided the Osage Agency with an update as to the progress made. He said that Beacon has completed the scope of work to be performed and has presented it to Osage Nation.

Upon agreement by the Osage Nation, we would appreciate you providing us with a copy for our file.

Thanks, Robin

Robin M. Phillips

Superintendent

Osage Agency

813 Grandview Avenue

P. O. Box 1539

Pawhuska, OK 74056

(918) 287-5700

Warning: This e-mail (including any attachments) may contain Privacy Act Data/Sensitive Data which is intended only for the use of individual(s) to whom it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable laws. If you are not the intended recipient, you are hereby notified that any distribution or copy of this e-mail is strictly prohibited.

I may not have gone where I intended to go but I think I have ended up where I needed to be - Douglas Adams.

SCOPE OF WORK

Diamond 3S, LLC Project
Osage County, OK
Project #T806

Claim # 3000314

1. GENERAL

1.1 Location: The project is located near the town of Pawhuska, Oklahoma as indicated on Figure 1.

1.2 Description of Existing Site Conditions: The project is associated with active oil and gas exploration and production activities and consists of areas impacted by produced fluid.

1.3 Boundaries

1.3.1 Project Boundary: The project is confined to the NE/4 Section 1-T24N-R7E, Osage County, Oklahoma as indicated on Figure 2. The Contractor shall not cross the boundaries of this area except when entering or leaving the site.

1.3.2 Site Boundary: The Site Boundary is a discrete area within the Project Boundary. The Site Boundary is defined by the outline of the area depicted on Figure 3. Certain tasks detailed below specify the Site Boundary as the perimeter of the work area for the task. In such cases the Contractor shall be responsible only for activities included in the task within the area defined by the Site Boundary.

1.4 Project Objectives

1.4.1 The objective of the project is to remove and dispose the debris, excavate and dispose the impacted soil in a permitted landfill, apply a gypsum capillary barrier to the designated areas, backfill the voids created by excavation of impacted soil with soil generated by the construction of a pond, rip and cross rip the designated areas, apply amendments to the designated areas, install a 3 inch water pump, sod and plant the areas disturbed during the course of work.

1.4.2 The Contractor shall take all appropriate precautions to minimize incidental disturbance to crops, pasture, and other areas outside the immediate work area(s), and may be held liable for any such damages deemed unnecessary or avoidable by the Consultant.

1.4.3 The project is located on private land. The Contractor, Consultant, Osage Nation, Bluestem Ranch Counsel, Diamond 3S, LLC, Environmental Protection Agency (EPA) representative, and the Bureau of Indian Affairs (BIA) representative shall discuss all aspects of the Work at the pre-start meeting (refer to Section 17.2).

2. IDENTIFICATION AND NOTIFICATION FOR ACTIVE UTILITIES

2.1 The Contractor shall be responsible for identification of all active subsurface utilities and/or pipelines by notification of appropriate line locator services and all other utility or pipeline operators in the site vicinity no less than 2 working days prior to the pre-start meeting (refer to Section 17.2) and prior to the initiation of any subsurface disturbance on the site. Notification shall include, but is not limited to, CALL-OKIE, 1-800-522-6543. Additionally, the Contractor shall take appropriate action to identify and notify all other utility or pipeline operators in the site vicinity that are not subscribers to the CALL-OKIE service.

2.2 The Contractor shall be responsible for any and all damage to active subsurface utilities and pipelines and any impact to soil, ground water or surface water as the result of the damage. In the event of damage to active utilities or pipelines, the Contractor shall take all appropriate precautions and perform measures to contain any spills and minimize impact to surrounding media. After taking steps to contain any spills and minimize impact, the Contractor shall immediately notify the Consultant of the damage. The Contractor will be required to comply with all applicable laws, rules, regulations, and clean-up standards for any impact caused by damage to active utilities or pipelines.

2.3 The Contractor shall identify any aboveground utilities and/or pipelines in the work area(s), and shall exercise appropriate precautions to avoid damage to such lines. Unless specifically informed otherwise by the utility provider, Contractors shall assume that any aboveground electrical lines in the work area(s) are energized, and shall observe all applicable safety precautions when working in the vicinity of the lines.

3. FLOWLINE REMOVAL AND DISPOSAL

3.1 General: The Contractor shall remove all exposed abandoned flowlines within the Site Boundaries and any abandoned buried flowlines that interfere with the work. Sections of exposed flowline shall be removed back into the buried section to the point of burial depth of 18 inches, or at least 25 feet back from the point of exposure, whichever is less. Buried flowline shall be removed as necessary to complete this Scope of Work.

3.2 Residual Material in Lines: If the Contractor determines that there may be significant (>1 barrel) quantities of residual product remaining in the flowlines, the Contractor shall immediately cease removal activities, take appropriate steps to prevent spillage of the material, and notify the Consultant.

3.3 Flowline Capping: All flowlines that are cut and left in place shall be capped with either a welded or threaded cap or plug. All capped flowline ends shall be left exposed until inspected by the Consultant.

3.4 Grading: All areas disturbed by flowline removal shall be graded with soil from the immediate surrounding area to blend with the existing terrain.

3.5 Salvage: All salvageable removed flowline material becomes the property of the Contractor. All such material must be removed from the project site prior to the Contractor's application for final payment.

3.6 Disposal: Non-salvageable flowline material shall be disposed of by transportation to a permitted landfill or a reclaimer/recycler. The Contractor shall notify the Consultant **in writing** of the proposed landfill or reclaimer/recycler prior to removal of any material from the site, and shall provide manifests for all waste prior to application for final payment.

4. DEBRIS REMOVAL AND DISPOSAL

4.1 General: The Contractor shall be responsible for the removal and disposal of all miscellaneous debris and/or abandoned materials located within the Site Boundaries. Trees, stumps, and brush shall be removed only as necessary to meet the requirements of this Scope of Work. Trees and stumps shall be removed to a depth of 12 inches below the final grade.

4.2 Off-Site Disposal: Materials removed from the site shall be legally disposed of in a permitted landfill or transferred to a reclaimer/recycler. The Contractor shall notify the Consultant **in writing** of the proposed landfill or reclaimer/recycler prior to removal of any material from the site, and shall provide manifests for all waste prior to application for final payment.

4.3 Grading: All areas disturbed by debris removal shall be graded with soil from the immediate surrounding area to blend with the existing terrain.

5. IMPACTED SOIL REMOVAL AND DISPOSAL (Area #1)

5.1 General: Impacted soil located within designated Area #1 and the stockpiled soil within Area #1 shall be excavated and transported to a permitted landfill.

5.2 Material Estimates: The total estimated volume of impacted soil is approximately 611 compacted cubic yards (yds^3). For the purposes of this Scope of Work, a cubic yard of soil is equivalent to 1.3 tons. 611 cubic yards is equivalent to 800 tons. A compacted cubic yard of soil is estimated to be approximately 25% to 35% greater in volume after excavation based on soil type.

5.3 Material Removal & Disposal: Impacted soil within the designated area shall be excavated to a depth of 3' below ground surface (bgs) and transported to a permitted landfill in accordance with Oklahoma Corporation Commission (OCC) requirements. It is estimated that **800** tons of impacted soil will be excavated. The Consultant shall be present during the excavation activities to determine the actual volumes to excavate and will take samples below the excavation. Additional volumes may be excavated based on the results of the samples. When samples are collected, the Contractor may be

required to cease activities related to impacted soil removal until given direction by the Consultant. This waiting period will be a maximum of 4 working days from the time the samples are collected.

5.4 Disposal Coordination and Documentation: The Contractor shall be responsible for coordinating the disposal with the American Environmental Landfill, 212 N 177th W Ave, Sand Springs, OK, (918) 245-7786. The Contractor shall provide copies of the required documentation for the disposal, including load tickets, to the Consultant **prior to** application for final payment.

5.5 Gypsum Capillary Barrier: Gypsum shall be placed in the base of the excavated Area #1 void depicted on Figure 3 prior to back filling with top soil. It is estimated that approximately **100** tons of gypsum will be required. The Gypsum shall be placed in 6 to 8 inch lifts and compacted. Gypsum shall be of agricultural grade and shall be either crushed or in agricultural fines.

5.6 Top Soil Provision: The remaining void shall be filled with top soil provided by the Contractor during the construction a pond (see Section 7). The Consultant shall obtain samples from the proposed top soil prior to placing the material in the site. When samples are collected, the Contractor shall be required to cease activities related to top soil until given direction by the Consultant. This waiting period shall be a maximum of 4 working days from the time the samples are collected. After filling, the Contractor shall take appropriate measures to ensure the areas drain with no ponding or pooling after grading.

5.7 Unattended Void Precautions: The voids created from excavation, if left open overnight or otherwise unattended, shall be graded such that at least one side of the void is at least a 4:1 slope and allows a safe means of egress.

5.8 Impacted Soil Bid Basis: Due to the uncertainty of the volume of impacted soil to be excavated, impacted soil removal and disposal shall be bid on a unit cost based on the total number of tons provided by the documentation from the land fill. For every ton of impacted soil excavated, the unit cost shall include all activities outlined in this section. The base bid will be evaluated on a total estimated weight of **800** tons as indicated on the Bid Form (UP #1).

6. SOIL AMENDMENTS (Area #2, 1 acre)

6.1 General: Amendments shall be applied to the area of impact (Area #2) depicted on Figure 3. Amendments shall consist of gypsum **AND** organic material. Organic material shall include Urea **AND** straw/hay.

6.2 Preparation: The stockpiled soil within Area #2 shall be leveled and graded to blend with the surrounding terrain. The area of impact, (Area #2) shall be ripped sufficiently to break up the soil to a minimum depth of 18 to 24 inches below the existing grade. The distance between rippers shall not exceed 30 inches. The Contractor shall take all precautions to rip only the area of impact, Area #2 and not disturb the surrounding area(s). The area(s) shall be graded and terraced along contour lines to mitigate overland flow during the restoration process.

6.3 Materials

6.3.1 Gypsum shall be of agricultural grade and shall be either crushed or in agricultural fines.

6.3.2 Urea shall be agricultural grade fertilizer.

6.3.3 Other organic matter may include wheat straw. The wheat straw shall be free from appreciable quantities of annual grass, short grass or immature tall grass. The organic material shall contain no seeds that are classified as "Prohibited Noxious" and shall be as free of "Restricted Noxious" as is legally allowed by the Oklahoma Department of Agriculture. Use of organic materials other than those listed must be approved by the Consultant **in writing** prior to application.

6.4 Application: Amendments shall be applied in the following quantities:

Site 1 Figure 3 (Area #2)

Gypsum (Prior to rip/cross rip) ..... 308 tons

Straw/Hay (During the disking) ..... 3 tons

Straw/Hay (Erosion Control) ..... 3 tons

Urea (During planting) ..... 350 pounds

The amendments shall be applied uniformly to the area in the specified quantities, and shall be disked into the soil in such a manner as to distribute the amendments evenly through the top 6 inches of soil.

6.5 Material Verification: The Consultant reserves the right to verify quantities and composition of amendment materials by inspection at the time of delivery to the site. The Contractor shall notify the Consultant at least 48 hours prior to the delivery of materials. Additionally, the Contractor must furnish delivery tickets indicating quantity and composition of materials actually delivered to the site prior to application for final payment.

7. POND CONSTRUCTION Structure 1

7.1 General: The Contractor shall build an earthen embankment pond (Structure # 1) as depicted on Figure 3. Specifications for the proposed pond construction are included as Figure 4 of this Scope of Work. The Consultant will perform the final pond inspection.

7.2 Dam: The general location of the dam is provided on Figure 3. The actual location shall be dictated by flags at the site. Cross-sectional dimensions of the dam are provided on Figure 4.

7.3 Foundation Area: The foundation area shall be cleared of trees, logs, stumps, roots, brush, boulders, sod and other debris. The foundation area shall be thoroughly scarified before placement of fill material.

7.4 Core Trench: The core trench shall be excavated according to the specifications depicted on Figure 4 and as staked in the field.

7.5 Material: Topsoil located within the area of the pond construction shall be excavated prior to the pond construction and stockpiled for final grading. Material for the construction of the pond dam shall be obtained from the area up-gradient from the proposed dam locations. Side slopes within the water line shall be no less than 4:1. It is estimated that approximately **3,381** cubic yards of material will be required for the construction of the dam, including 10% for shrinkage as depicted on Figure 4. Fill material shall be placed and spread beginning at the lowest point of the foundation and then bringing it up in continuous horizontal layers. The Contractor shall compact each layer.

7.6 Backfill Material: Contractor shall excavate an additional **611** cubic yards of material from the construction of the pond as backfill for Area #1. The material shall be applied and compacted to Area #1 as depicted on Figure 3 and as outlined in Section 5 of this Scope of Work.

7.7 Drawdown Pipe: A steel drawdown pipe with a raised canopy inlet and equipped with 1 anti-seep collar and trash guard shall be placed within the dam as shown on Figure 4.

7.7.1 Steel Pipe: The Contractor shall provide new, welded steel, smooth barreled pipe. Used pipe may be utilized so long as it is sound pipe without damaging corrosion pits. The length of pipe joints shall be a minimum of 10 feet. The pipe shall meet the following minimum wall thickness at any measurement point:

At least 0.158 inches for less than 14-inch diameter

At least 0.220 inches for 14 to 24-inch diameter, and

At least 0.282 inches for 26 to 36-inch diameter.

The entire pipe assembly shall be impervious with all joints and seams watertight. The Consultant reserves the right to inspect the completed drawdown pipe assembly prior to the placement of any backfill. At the discretion of the Consultant, a watertight test may be performed on site.

7.7.2 Drawdown Pipe Backfill: The backfill material placed within 2 feet of the barrel and riser shall be loose earth free from stones, lumps and rubbish. The selected backfill material shall be placed around structures, pipe conduits and anti seep collars at about the same rate on all sides to prevent damage from unequal loading. If fill material lacks sufficient moisture for compaction, as determined by the consultant, contractor shall provide and add water to the fill material before placing it around the pipe and compacting it.

7.7.3 Rip Rap Backfill: Rip Rap rock shall be installed at the outlet of the drawdown pipe as depicted on Figure 4. An estimated **30** tons of 18 inch rock will be required.

7.8 Earthen Spillway: An earthen spillway shall be constructed in the general area depicted on Figure 3. The actual location shall be dictated by flags at the site. Dimensions of the spillway are provided on Figure 4. The spillway shall be approximately 20 feet wide with a relative elevation of 98.5. Side slopes of the spillway shall have a slope of 4:1.

7.9 Final Grading and Topsoil Application: The pond banks outside the dam area shall be graded to blend with the surrounding terrain. Topsoil excavated prior to the construction process shall be spread uniformly to a minimum depth of 4 inches over the pond banks, the up-gradient slope of the dam, the top of the dam, the down-gradient slope of the dam and the spillway.

7.10 Solid Sod: Contractor shall place Bermuda grass sod to the area around the pipe and spillway as depicted on Figure 4. It is estimated that approximately **1,500** square feet of sod will be required. Bermuda grass sod shall be placed within 48 hours of the time it was first harvested and spread and rolled/compacted after application.

7.11 Water: Contractor shall water the sod within one hour after placement. The amount of water required to saturate to a depth of 4 inches is estimated at 250 gallons per 500 square feet. It is estimated that approximately **750** gallons of water will be required for the watering of the sod.

7.12 Mulching: Mulching material such as hay or straw shall be applied to the pond dam outside the water line. Mulching material shall also be applied to the shoreline outside the water line not to exceed 100 feet up-gradient of the water line. The material shall be applied at the rate of 2 tons per acre. The material shall be spread uniformly and tilled into the top 3 inches of soil.

8. WATER PUMP INSTALLATION

8.1 General: A three (3) inch water pump shall be provided and installed as directed by the Consultant. The Contractor shall place the pump after the construction of the pond, provide a minimum of 1,000 feet of 3 inch poly pipe and plumb the poly pipe from the pump to the frac tank on-site. The Consultant will perform the final water pump installation inspection.

9. GRADING

9.1 General: The areas disturbed during removal of impacted soil depicted on the attached Figure(s) shall be leveled and graded to blend with the existing terrain.

10. TOP SOIL REMOVAL/REPLACEMENT

10.1 General: Topsoil shall be excavated in any areas being disturbed and stockpiled **separately** from other material generated during excavations and/or grading. The stockpiled top soil shall be used for final grading and to top dress any affected areas.

11. ROCK REMOVAL/REPLACEMENT

11.1 General: Any rock removed during burial activities shall be **segregated** during excavation. When filling the excavated area, the segregated rock shall be the first material placed into the excavation. In the event that there is not sufficient subsoil/topsoil available to cover the rock, the excess rock shall be placed in an area within the project boundary as determined by the Landowner and Consultant. Under **no** circumstance shall excess rock be dispersed in areas outside the limits of the excavations.

12. STORM WATER POLLUTION PREVENTION

12.1 The Contractor shall be responsible for determination of, and compliance with, all applicable storm water runoff requirements including, but not limited to, those covered under the Clean Water Act

and associated federal, state and local regulations. Adherence to any specific sediment control requirements outlined in this scope of work shall not alleviate the Contractor's responsibility for compliance with all applicable storm water runoff requirements covered under the Clean Water Act and associated federal, state and local regulations. The Contractor shall be responsible for all costs of materials and equipment required for implementation and maintenance of the storm water pollution prevention plan for the duration of site activities.

13. PLANTING

13.1 General: The areas affected by all activities outlined in this Scope of Work shall be graded and seeded.

13.2 Preparation: Preparation of areas shall include filling and reshaping eroded areas and refinishing slopes to the established typical grade. The soil shall be tilled or disked on the contour to a depth of 4 inches.

13.3 Materials and Rate: Depending on the time of year planting will occur, seed composition and rates will be determined by the time of year as outlined below:

Planting Date	Seed Composition	Rate
August - February	50% Winter Wheat and 50% Winter Rye	60 pounds per acre
February - May	Plains Mixture consisting of:	
	25% Switchgrass	
	25% Indiangrass	
	25% Big Bluestem	
	25% Little Bluestem	10 pounds per acre
June - January	**No planting shall be performed during this period.**	

*Plains Mixture may also contain Blue Grama, Sideoats Grama, Plains Bristlegrass, Prairie Junegrass and Sand Dropseed. **Note: If the project is completed during the months of June through January, plains mixture grass planting shall be performed after February 1.**

The seed shall be furnished in sealed bags and shall have been officially sampled and tested by the Oklahoma State Board of Agriculture.

13.4 Planting: The area(s) shall be planted with mechanical equipment designed and capable of planting the material uniformly and at the specified rate. Hand planting shall not be used except in areas that are too small or inaccessible to accommodate the specified equipment. Equipment shall not be operated on areas where rutting or slippage would mar the soil surface. After seeding the area shall be graded by dragging or other similar methods to cover the seed and smooth the surface. After planting there shall be no clods or clumps of soil greater than 2 inches in diameter.

13.5 Fertilizing: Fertilizer shall be applied at the rate of 100 pounds per acre and shall be applied each time a site is planted. The fertilizer shall have the composition of 10% nitrogen, 20% phosphate, and 10% potassium (10-20-10) or 13% nitrogen, 13% phosphate, and 13% potassium (13-13-13). When satisfactory results can be obtained, disking for soil preparation and incorporation of fertilizer may be accomplished in one operation. The fertilizer shall be applied with a mechanical broadcast spreader capable of distributing the fertilizer evenly at the specified rate.

14. EQUIPMENT

14.1 The Contractor shall furnish all equipment necessary to perform the Work in satisfactory working condition and in sufficient quantity to perform the Work on schedule. All equipment shall be subject to inspection by the Consultant prior to use at the site.

15. SEQUENCING AND PHASING

15.1 Identification of subsurface utilities shall be performed prior to any subsurface disturbance on the site.

15.2 Sequencing and phasing of all other activities shall be at the discretion of the Contractor.

15.2.1 The Contractor shall be responsible for coordinating and sequencing of work by any subcontractors employed by the Contractor.

15.2.2 The Contractor shall be responsible to communicate with the Consultant as necessary to coordinate work at the site by other contractors.

15.3 The Contractor shall be responsible for any damage to completed work caused by improper sequencing or by failure to take adequate precautions to protect completed work.

16. HEALTH AND SAFETY

16.1 The Contractor shall be responsible for compliance with all applicable health and safety regulations including, but not limited to, those covered under Occupational Safety and Health Administration (OSHA) during all site activities.

17. NOTIFICATION

17.1 The Contractor shall notify the Consultant **at least 3 working days** prior to commencing any work at the site. Call Kevin Arthur 580-272-8200.

17.2 There will be a pre-start meeting at the site that includes the Contractor, Consultant, Osage Nation, Bluestem Ranch Counsel, Diamond 3S, LLC, Environmental Protection Agency (EPA) representative, and the Bureau of Indian Affairs (BIA) representative **prior to commencement of any operations** at the site. The Consultant shall set the time and place of this meeting after determining the availability of all parties.

18. DOCUMENTATION

18.1 All required documentation as outlined in this Scope of Work shall be provided to the Consultant prior to application for final payment. Failure to provide documentation will result in delay of the final payment.

19. ATTACHMENTS

19.1 The following Figures are attached and are a part of this Scope of Work:

Figure 1..... Project Location Map

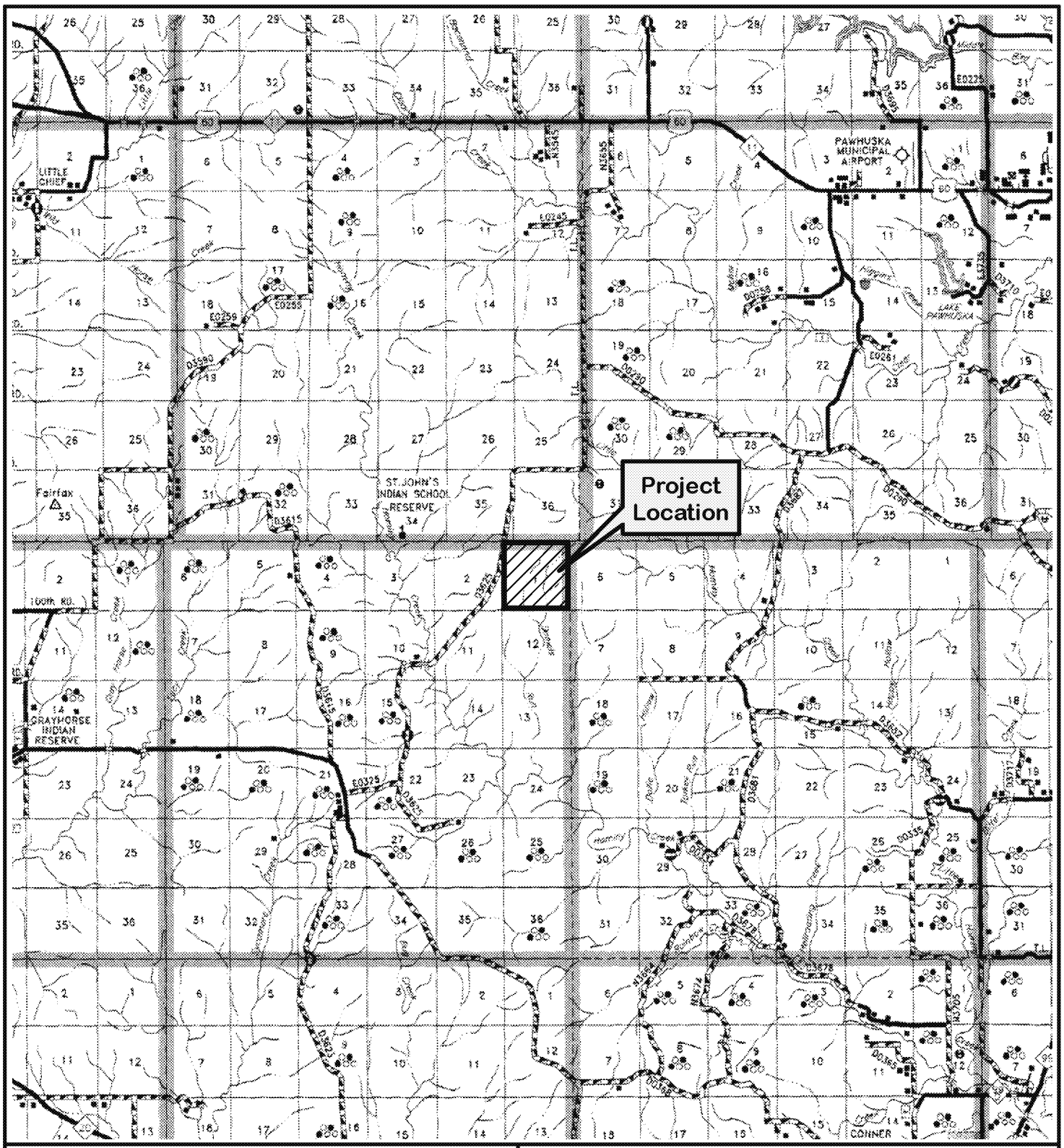
Figure 2..... Project Boundary Map

Figure 2..... Aerial Photograph

Figure 3..... Site Map

Figure 4..... Pond Specifications

End of Scope of Work



PROJECT LOCATION MAP

Diamond 3S, LLC Project

NE/4,
Section 1–T24N–R7E
Osage County, Oklahoma

-N-

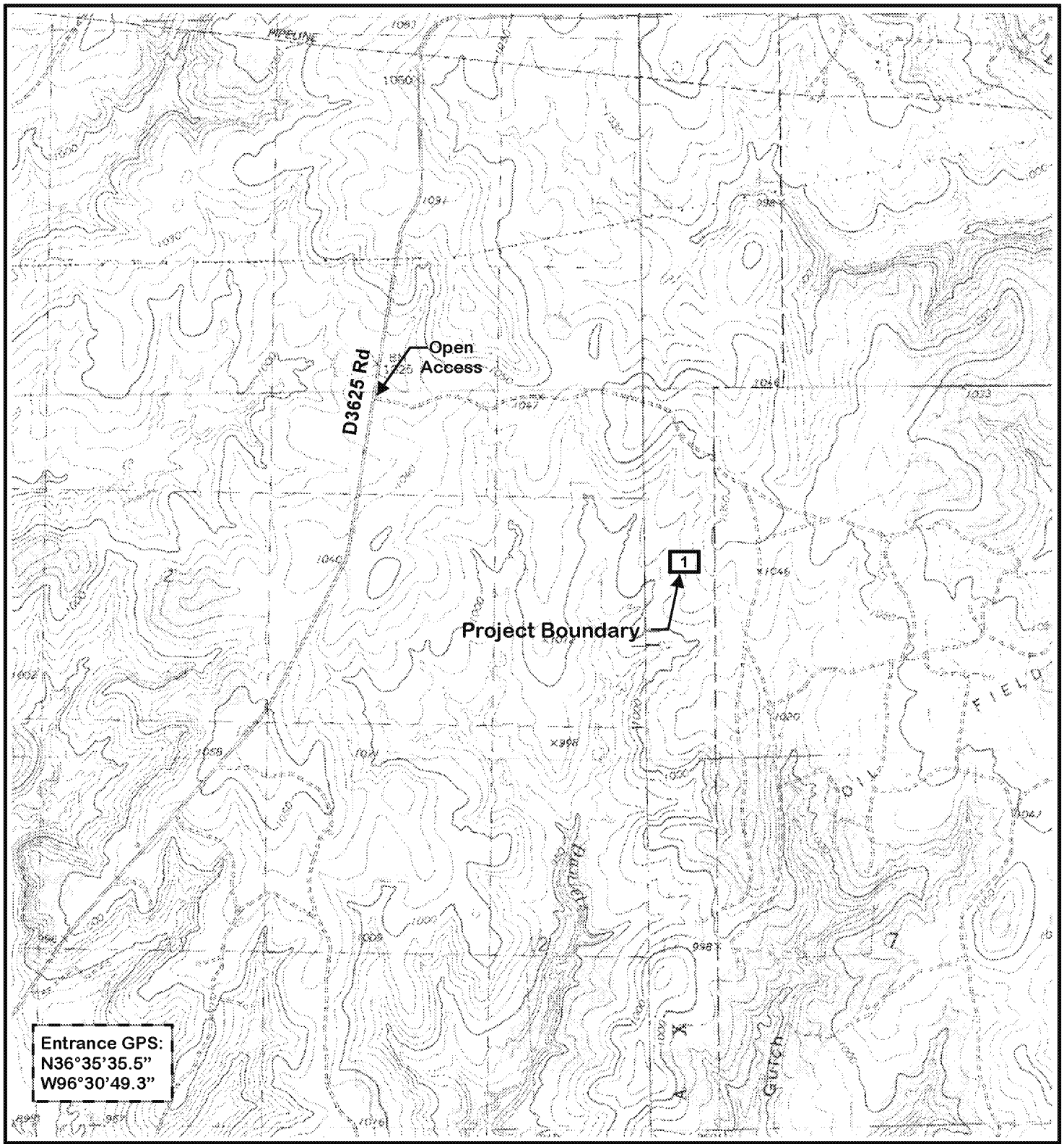
APPROXIMATE SCALE IN MILES

0.9 0 0.9 1.8

Prepared for:
Mid Continent Casualty

BEACON
Environmental Assistance Corporation

PROJECT MGR.:	GC	DATE:	8/18	Figure
DRAWN BY:	LH	PROJECT #:	T806	1



Source: USGS 7.5' Quadrangles
Lucy Creek, Okla.
1978

Happy Hollow, Okla.
1973

Contour Interval = 10'

-N-

APPROXIMATE SCALE IN FEET

1,000 0 1,000 2,000

PROJECT BOUNDARY MAP

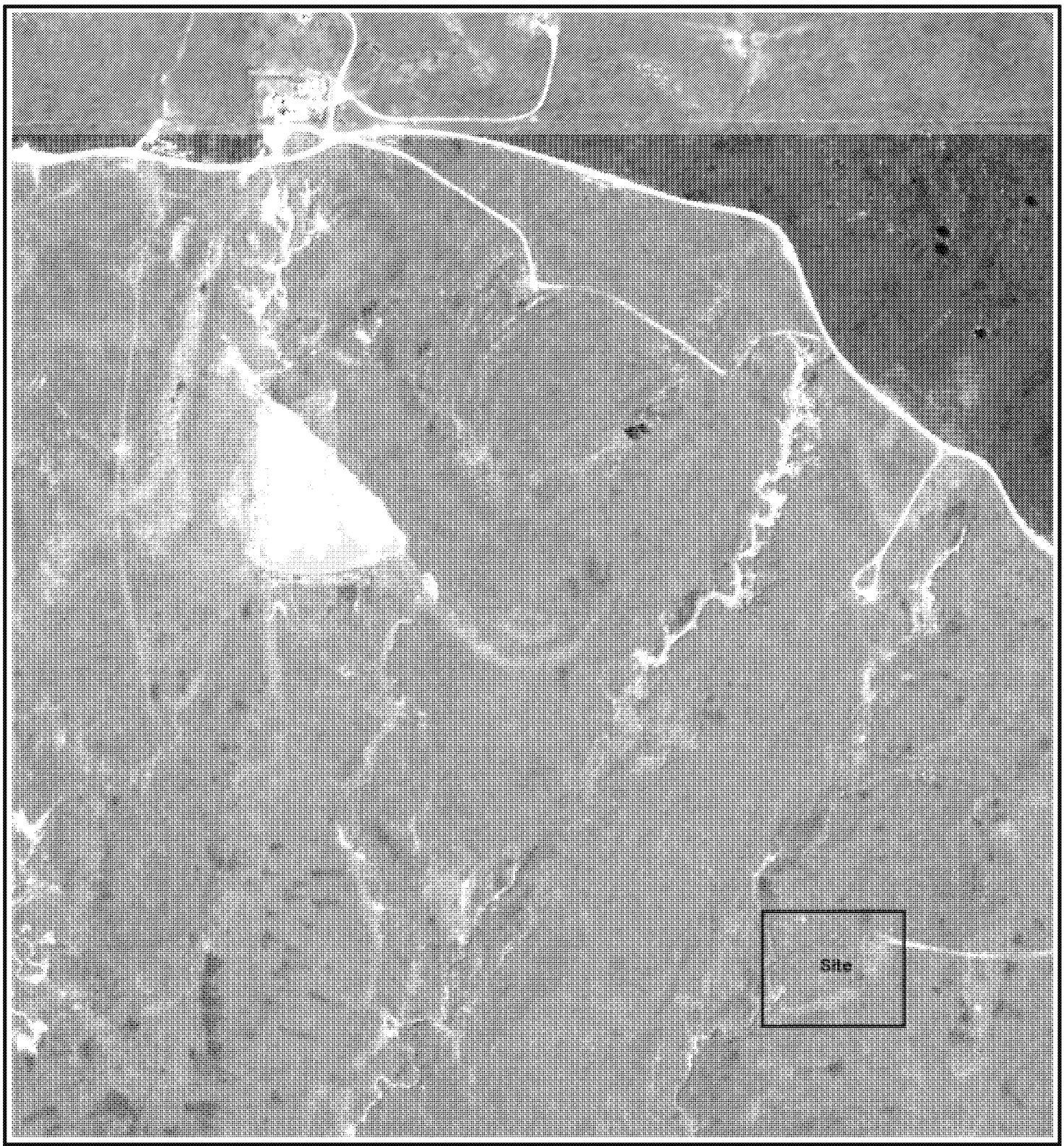
Diamond 3S, LLC Project

NE/4,
Section 1–T24N–R7E
Osage County, Oklahoma

Prepared for:
Mid Continent Casualty

BEACON
Environmental Assistance Corporation

PROJECT MGR.:	GC	DATE:	8/18	Figure 2
DRAWN BY:	LH	PROJECT #:	T806	



AERIAL PHOTOGRAPH, 2017

Diamond 3S, LLC Project

NE/4,
Section 1–T24N–R7E
Osage County, Oklahoma

-N-

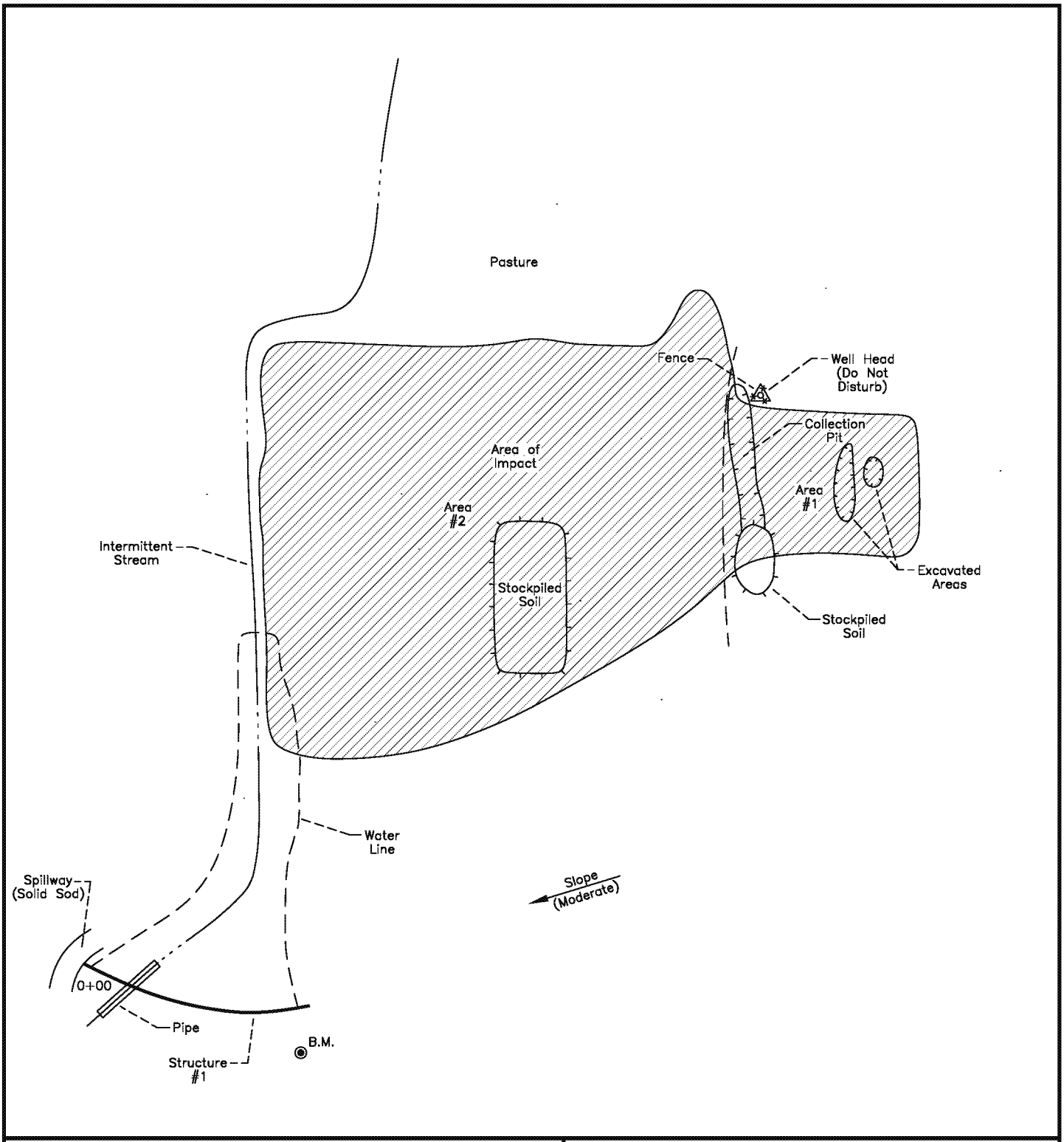
APPROXIMATE SCALE IN FEET

200 0 200 400

Prepared for:
Mid Continent Casualty

BEACON
Environmental Assistance Corporation

PROJECT MGR.:	GC	DATE:	8/18	Figure
DRAWN BY:	LH	PROJECT #:	T806	2.1



N

APPROXIMATE SCALE IN FEET

25 0 25 50

GPS N36°35'13.3"
W96°29'52.7"

SITE MAP

DIAMOND 3S, LLC PROJECT
NE/4, Section 1, T24N–R7E
Osage County, Oklahoma

Prepared for:
MID CONTINENT CASUALTY

BEACON
Environmental Assistance Corporation

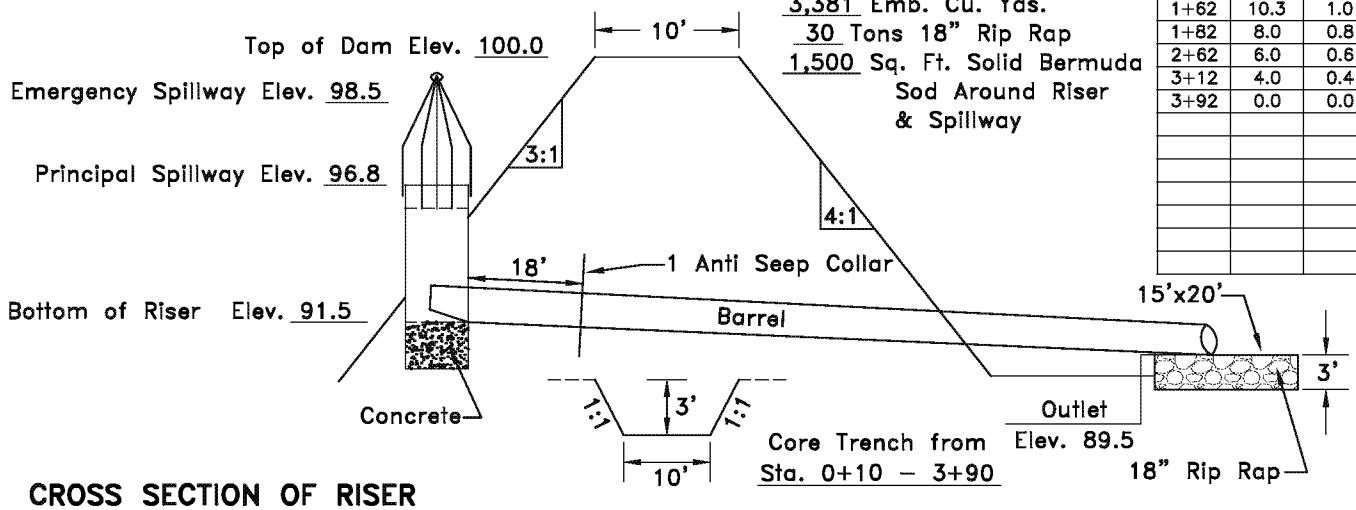
PROJECT MGR.:	GC	DATE:	8/18	Fig. 3
DRAWN BY:	LH	JOB NO:	T806	

STRUCTURE #1

CROSS SECTION OF EMBANKMENT ALONG CENTERLINE OF PRINCIPAL SPILLWAY

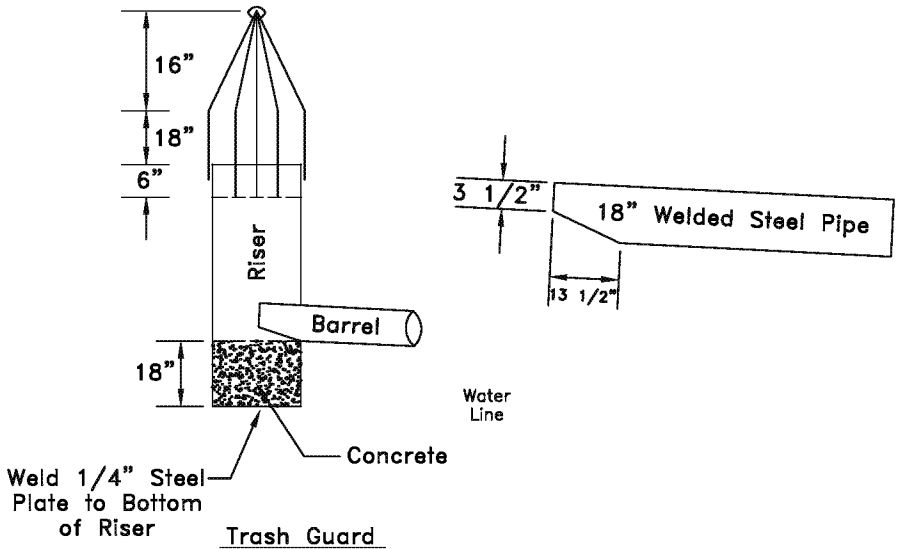
West End

Sta.	CL Fill	10% Sk
20' SPILLWAY		
0+00	0.0	0.0
0+12	3.0	0.3
1+12	6.1	0.6
1+62	10.3	1.0
1+82	8.0	0.8
2+62	6.0	0.6
3+12	4.0	0.4
3+92	0.0	0.0



3,381 Emb. Cu. Yds.
30 Tons 18" Rip Rap
1,500 Sq. Ft. Solid Bermuda Sod Around Riser & Spillway

CROSS SECTION OF RISER



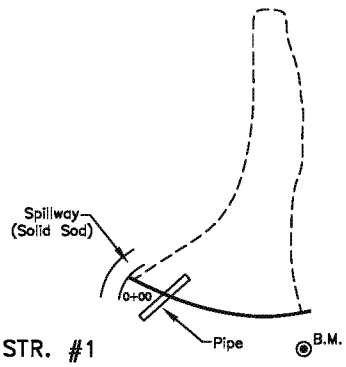
Top of Dam Elev. 100.0
Emergency Spillway Elev. 98.5
Top of Riser Elev. 96.8
Inlet of Barrel Elev. 91.5
Bottom of Concrete Elev. 90.0
Outlet Elev. 89.5

B.M. Elev. 100.0
on Top of 1" x 2" Stake
20' South of Sta 3+92

Trash Guard
5/8" Steel Rods @ 5" Spacing

Riser 7.0' ft. of 36" .282" Thick Welded Steel Pipe
Barrel 80 ft. of 18" .220" Thick Welded Steel Pipe
1 6'x6' Anti Seep Collar
1 Trash Guard
1.5 Cu. Yd. Concrete

SITE 1



NO SCALE

POND SPECIFICATIONS

DIAMOND 3S, LLC PROJECT
NE/4, Section 1, T24N–R7E
Osage County, Oklahoma

Prepared for:
MID CONTINENT CASUALTY

BEACON
Environmental Assistance Corporation

PROJECT MGR.:	GC	DATE:	8/18	Fig. 4
DRAWN BY:	LH	JOB NO:	T806	

Message

From: Ryan P Summers [r_summers@sbcglobal.net]
Sent: 12/10/2018 9:33:41 PM
To: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]; Herbert, Rusty [Herbert.Rusty@epa.gov]
Subject: Fw: corrected invoice
Attachments: T806 Soil Weight Tracking.pdf

Manifest numbers and tonnage for dirt removal

Ryan Summers

"...we are called to greatness, not comfort."

----- Forwarded Message -----
From: Kevin Arthur <karthur@beaconcorp.com>
To: Bates, Zakary <zbates@mcg-ins.com>
Cc: Ryan P Summers <r_summers@sbcglobal.net>; Trev Fielden <tnjexcavating@aol.com>
Sent: Monday, October 8, 2018, 7:25:50 AM CDT
Subject: RE: corrected invoice

Zak,

Please see attached Soil Weight Tracking Spreadsheet. The invoice matches the Unit Price for the Bid and should be payable. Let me know if you need any additional information or have any questions.

Thank you,

Kevin Arthur

Project Manager

BEACON Environmental Assistance Corporation

841 E. 33rd Street, Edmond, OK 73013

Office: (405) 330-8688

Cell: (580) 272-8200

Fax: (405) 330-8668

Email: karthur@beaconcorp.com

From: Ryan P Summers <r_summers@sbcglobal.net>
Sent: Friday, October 05, 2018 10:08 AM
To: Zakary Bates <zbates@mcg-ins.com>; Kevin Arthur <karthur@beaconcorp.com>
Cc: Trev Fielden <tnjexcavating@aol.com>
Subject: Fw: corrected invoice

Invoice from T&J Excavation

Sent from Yahoo Mail for iPhone

Begin forwarded message:

On Friday, October 5, 2018, 8:45 AM, Trev Fielden <tnjexcavating@aol.com> wrote:

T806 - Diamond 3S, LLC Manifest Tracking

Manifest Number	Tons Hauled	Total Tons Hauled	Unit Price Amount
650618	23.36	802.95	$33,723.90
650622	22.66		
650693	27.76		
650697	26.87		
650708	14.6		
650750	17.64		
650767	26.57		
650768	22.22		
650787	25.21		
650847	25.63		
650851	24.43		
650867	26.14		
650871	17.2		
650919	24.08		
650923	20.94		
650932	24.3		
650935	18.21		
651052	15.66		
652166	27.66		
652167	24.63		
652180	27.89		
652228	21.91		
652231	19.85		
652235	19.32		
652286	21.5		
652287	22.11		
652288	20.13		
652318	24.23		
652326	22.07		
652328	20.84		
652423	19.75		
652421	19.7		
652475	23.84		
652481	23.42		
652482	22.94		
655239	17.68		

Message

From: Herbert, Rusty [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=83179BA6E96B4A7E984D0E12DE2541AE-HERBERT, RUSTY]
Sent: 11/13/2018 4:13:28 PM
To: Rudolph, Matthew [rudolph.matthew@epa.gov]; Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Subject: RE: Diamond 3S Call?

All set for 3:30 on 214 665-8101. I have spoken with Ryan Summers

---

From: Rudolph, Matthew
Sent: Tuesday, November 13, 2018 7:22 AM
To: Herbert, Rusty <Herbert.Rusty@epa.gov>; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Subject: RE: Diamond 3S Call?

I have left several as well.

Matthew Rudolph (6EN-WR)
US EPA Region 6
1445 Ross Ave., Suite 1200
Dallas TX 75202
Phone: 214-665-6434
Fax: 214-665-2168

From: Herbert, Rusty
Sent: Thursday, November 8, 2018 5:40 PM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Cc: Rudolph, Matthew <rudolph.matthew@epa.gov>
Subject: RE: Diamond 3S Call?

I have called and left a follow-up message for Ryan Summers today.

From: Eckhart, Jeanne
Sent: Tuesday, November 06, 2018 9:25 AM
To: Herbert, Rusty <Herbert.Rusty@epa.gov>
Cc: Rudolph, Matthew <rudolph.matthew@epa.gov>
Subject: RE: Diamond 3S Call?

Joel Summers: (918) 638 - 9306

Ryan Summers *: (918) 704 – 8437

*= main contact

I cc'd Matt in case he needs it too later on.

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Herbert, Rusty
Sent: Tuesday, November 06, 2018 9:17 AM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Subject: RE: Diamond 3S Call?

Thanks, if you could give me the number I will try to make a call as well.

From: Eckhart, Jeanne
Sent: Tuesday, November 06, 2018 9:08 AM
To: Rudolph, Matthew <rudolph.matthew@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Cc: Tidmore, Guy <tidmore.guy@epa.gov>
Subject: RE: Diamond 3S Call?

Ok I emailed them. I assumed you tried to call only?

Thanks,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Rudolph, Matthew
Sent: Tuesday, November 06, 2018 8:49 AM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Cc: Tidmore, Guy <tidmore.guy@epa.gov>
Subject: RE: Diamond 3S Call?

No. I haven't been able to get a hold of anyone.

Matthew Rudolph (6EN-WR)
US EPA Region 6
1445 Ross Ave., Suite 1200
Dallas TX 75202
Phone: 214-665-6434
Fax: 214-665-2168

From: Eckhart, Jeanne
Sent: Tuesday, November 6, 2018 8:36 AM
To: Rudolph, Matthew <rudolph.matthew@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Cc: Tidmore, Guy <tidmore.guy@epa.gov>
Subject: Diamond 3S Call?

Matt,

Any updates on this one/getting ahold of the company? Rusty's back in town this .

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

Message

From: Herbert, Rusty [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=83179BA6E96B4A7E984D0E12DE2541AE-HERBERT, RUSTY]
Sent: 11/8/2018 11:40:11 PM
To: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
CC: Rudolph, Matthew [rudolph.matthew@epa.gov]
Subject: RE: Diamond 3S Call?

I have called and left a follow-up message for Ryan Summers today.

From: Eckhart, Jeanne
Sent: Tuesday, November 06, 2018 9:25 AM
To: Herbert, Rusty <Herbert.Rusty@epa.gov>
Cc: Rudolph, Matthew <rudolph.matthew@epa.gov>
Subject: RE: Diamond 3S Call?

Joel Summers: (918) 638 - 9306

Ryan Summers *: (918) 704 – 8437

*= main contact

I cc'd Matt in case he needs it too later on.

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Herbert, Rusty
Sent: Tuesday, November 06, 2018 9:17 AM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Subject: RE: Diamond 3S Call?

Thanks, if you could give me the number I will try to make a call as well.

From: Eckhart, Jeanne
Sent: Tuesday, November 06, 2018 9:08 AM
To: Rudolph, Matthew <rudolph.matthew@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Cc: Tidmore, Guy <tidmore.guy@epa.gov>
Subject: RE: Diamond 3S Call?

Ok I emailed them. I assumed you tried to call only?

Thanks,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Rudolph, Matthew
Sent: Tuesday, November 06, 2018 8:49 AM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Cc: Tidmore, Guy <tidmore.guy@epa.gov>
Subject: RE: Diamond 3S Call?

No. I haven't been able to get a hold of anyone.

Matthew Rudolph (6EN-WR)
US EPA Region 6
1445 Ross Ave., Suite 1200
Dallas TX 75202
Phone: 214-665-6434
Fax: 214-665-2168

From: Eckhart, Jeanne
Sent: Tuesday, November 6, 2018 8:36 AM
To: Rudolph, Matthew <rudolph.matthew@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Cc: Tidmore, Guy <tidmore.guy@epa.gov>
Subject: Diamond 3S Call?

Matt,

Any updates on this one/getting ahold of the company? Rusty's back in town this .

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

Message

From: Herbert, Rusty [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=83179BA6E96B4A7E984D0E12DE2541AE-HERBERT, RUSTY]
Sent: 11/6/2018 3:40:24 PM
To: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
CC: Rudolph, Matthew [rudolph.matthew@epa.gov]
Subject: RE: Diamond 3S Call?

Today I have called both parties and left messages asking for a telephone conference and a return call.

From: Eckhart, Jeanne
Sent: Tuesday, November 06, 2018 9:25 AM
To: Herbert, Rusty <Herbert.Rusty@epa.gov>
Cc: Rudolph, Matthew <rudolph.matthew@epa.gov>
Subject: RE: Diamond 3S Call?

Joel Summers: (918) 638 - 9306

Ryan Summers *: (918) 704 – 8437

*= main contact

I cc'd Matt in case he needs it too later on.

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Herbert, Rusty
Sent: Tuesday, November 06, 2018 9:17 AM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Subject: RE: Diamond 3S Call?

Thanks, if you could give me the number I will try to make a call as well.

From: Eckhart, Jeanne
Sent: Tuesday, November 06, 2018 9:08 AM
To: Rudolph, Matthew <rudolph.matthew@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Cc: Tidmore, Guy <tidmore.guy@epa.gov>
Subject: RE: Diamond 3S Call?

Ok I emailed them. I assumed you tried to call only?

Thanks,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Rudolph, Matthew
Sent: Tuesday, November 06, 2018 8:49 AM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Cc: Tidmore, Guy <tidmore.guy@epa.gov>
Subject: RE: Diamond 3S Call?

No. I haven't been able to get a hold of anyone.

Matthew Rudolph (6EN-WR)
US EPA Region 6
1445 Ross Ave., Suite 1200
Dallas TX 75202
Phone: 214-665-6434
Fax: 214-665-2168

From: Eckhart, Jeanne
Sent: Tuesday, November 6, 2018 8:36 AM
To: Rudolph, Matthew <rudolph.matthew@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Cc: Tidmore, Guy <tidmore.guy@epa.gov>
Subject: Diamond 3S Call?

Matt,

Any updates on this one/getting ahold of the company? Rusty's back in town this .

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

Message

From: Herbert, Rusty [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=83179BA6E96B4A7E984D0E12DE2541AE-HERBERT, RUSTY]
Sent: 11/6/2018 3:16:30 PM
To: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Subject: RE: Diamond 3S Call?

Thanks, if you could give me the number I will try to make a call as well.

From: Eckhart, Jeanne
Sent: Tuesday, November 06, 2018 9:08 AM
To: Rudolph, Matthew <rudolph.matthew@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Cc: Tidmore, Guy <tidmore.guy@epa.gov>
Subject: RE: Diamond 3S Call?

Ok I emailed them. I assumed you tried to call only?

Thanks,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Rudolph, Matthew
Sent: Tuesday, November 06, 2018 8:49 AM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Cc: Tidmore, Guy <tidmore.guy@epa.gov>
Subject: RE: Diamond 3S Call?

No. I haven't been able to get a hold of anyone.

Matthew Rudolph (6EN-WR)
US EPA Region 6
1445 Ross Ave., Suite 1200
Dallas TX 75202
Phone: 214-665-6434
Fax: 214-665-2168

From: Eckhart, Jeanne
Sent: Tuesday, November 6, 2018 8:36 AM
To: Rudolph, Matthew <rudolph.matthew@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Cc: Tidmore, Guy <tidmore.guy@epa.gov>
Subject: Diamond 3S Call?

Matt,

Any updates on this one/getting ahold of the company? Rusty's back in town this .

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

Message

From: Chang-Vaughan, Ellen [Chang-Vaughan.Ellen@epa.gov]
Sent: 9/28/2018 7:37:21 PM
To: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]; Mitchell, Mary-Anne [mitchell.mary-anne@epa.gov]; Saunders, Jerry [Saunders.Jerry@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]; Herbert, Rusty [Herbert.Rusty@epa.gov]; Allen, Jackie [Allen.Jackie@epa.gov]
CC: Vaughn, Lorena [Vaughn.Lorena@epa.gov]
Subject: Diamond 3S Complaint Filed
Attachments: Complaint filed 9-28-2018.pdf

Please see the attached.

Ellen Chang Vaughan
Assistant Regional Counsel
U.S. Environmental Protection Agency, Region 6
Office of Regional Counsel (6RC-EW)
1445 Ross Ave.
Dallas, TX 75202
chang-vaughan.ellen@epa.gov
(214) 665-7328 (Office)
(214) 665-3177 (Fax)

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Message

From: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Sent: 2/1/2019 10:03:20 PM
To: Ryan P Summers [r_summers@sbcglobal.net]
CC: Joel Summers [summertimelawncare@sbcglobal.net]; Herbert, Rusty [Herbert.Rusty@epa.gov]; Rudolph, Matthew [rudolph.matthew@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]
Subject: RE: Diamond 3S call with EPA?

Ryan,

I will confirm on the time, and have it tentatively scheduled. I will confirm on Monday and provide the group with a call in number.

I will provided a solidified agenda, after I have had a chance to talk with the team, but I can provide you some topics now:

- I will be wanting to know a site update as far as the remediation/in-situ pond and what is happening with that. I have seen the pictures and emails you have sent, so I will mainly be looking for any new updates.
- Additionally we will answer any questions/concerns you may have about the settlement process, if you'd like to provide those ahead of time, please feel free.

I will let you know when I provide the call in number if there are further agenda topics.

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section
Enforcement Division/Region 6
U.S. Environmental Protection Agency

1445 Ross Avenue, Mail Code 6EN-WR
Dallas, Texas 75202
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Ryan P Summers <r_summers@sbcglobal.net>
Sent: Friday, February 01, 2019 3:38 PM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Cc: Joel Summers <summertimelawncare@sbcglobal.net>
Subject: Re: Diamond 3S call with EPA?

Yes.
I replied to Herbert and missed replying to you. How's Tuesday @ 230.
Please for me an agenda of questions or subjects so I can try to be as prepared as possible. These calls can be exhausting as 4/5 people are asking questions and have an agenda.

Thanks.
Ryan

Sent from Yahoo Mail for iPhone

On Friday, February 1, 2019, 7:03 AM, Eckhart, Jeanne <Eckhart.Jeanne@epa.gov> wrote:

Ryan,

Are you available for a call next week? Can you please let us know when is a good time for you early next week if possible?

Thank you,

Jeanne Eckhart

Environmental Scientist

Water Resources Section

Enforcement Division/Region 6

U.S. Environmental Protection Agency

1445 Ross Avenue, Mail Code 6EN-WR

Dallas, Texas 75202

Office: (214) 665 – 8174

Fax: (214) 665 – 7446

Message

From: Rudolph, Matthew [rudolph.matthew@epa.gov]
Sent: 4/1/2019 12:11:01 PM
To: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]; Herbert, Rusty [Herbert.Rusty@epa.gov]
CC: Tidmore, Guy [tidmore.guy@epa.gov]
Subject: RE: Fwd:

Sounds good.

Matthew Rudolph (6EN-WR)
US EPA Region 6
1445 Ross Ave., Suite 1200
Dallas TX 75202
Phone: 214-665-6434
Fax: 214-665-2168

From: Eckhart, Jeanne
Sent: Friday, March 29, 2019 3:50 PM
To: Herbert, Rusty <Herbert.Rusty@epa.gov>; Rudolph, Matthew <rudolph.matthew@epa.gov>
Cc: Tidmore, Guy <tidmore.guy@epa.gov>
Subject: RE: Fwd:

Let's wait until after our internal meeting to schedule another call with Ryan, I think.

Thanks,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Eckhart, Jeanne
Sent: Friday, March 29, 2019 7:42 AM
To: Herbert, Rusty <Herbert.Rusty@epa.gov>; Rudolph, Matthew <rudolph.matthew@epa.gov>
Cc: Tidmore, Guy <tidmore.guy@epa.gov>
Subject: RE: Fwd:

Rusty,

Did we have a call with Diamond next week? I don't have anything scheduled. I was under the impression we wanted to have our internal meeting first (which is two Tuesdays from now)?

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division

Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Herbert, Rusty
Sent: Thursday, March 28, 2019 1:09 PM
To: Rudolph, Matthew <rudolph.matthew@epa.gov>; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Subject: FW: Fwd:

Ok with me. Everyone else ? If so go ahead and get a call-in number. Thanks.

From: ryan summers [mailto:diamond_3s@yahoo.com]
Sent: Thursday, March 28, 2019 12:11 PM
To: Herbert, Rusty <Herbert.Rusty@epa.gov>
Cc: Rudolph, Matthew <rudolph.matthew@epa.gov>; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Joel Summers <summertimelawncare@sbcglobal.net>
Subject: Re: Fwd:

Can we reschedule call until Tuesday afternoon. I will be free that afternoon to call around 300pm Central.
Thanks,

Sent from Yahoo Mail for iPhone

On Thursday, March 28, 2019, 7:59 AM, Herbert, Rusty <Herbert.Rusty@epa.gov> wrote:

> Thank you.
>
> ---
>
> **From:** ryan summers [mailto:diamond_3s@yahoo.com]
> **Sent:** Wednesday, March 27, 2019 10:47 PM
> **To:** Herbert, Rusty <Herbert.Rusty@epa.gov>; Rudolph, Matthew <rudolph.matthew@epa.gov>
> **Subject:** Fw: Fwd:
>
> Please find 2015 in pdf format
>
> Sent from Yahoo Mail for iPhone
>
> Begin forwarded message:
>
> On Wednesday, March 27, 2019, 10:45 PM, Ryan Summers <rsummers.square@gmail.com> wrote:

---------- Forwarded message ---------
From: **Joel Summers** <summertimelawncare@sbcglobal.net>
Date: Wed, Mar 27, 2019 at 7:50 PM
Subject: Fwd:
To: Ryan CELL <rsummers.square@gmail.com>

Joel Summers

Summertime Lawn Care

918.638.9306

www.summertimelawncare.com

Begin forwarded message:

> **From:** WT SoundBooth <summertimelawncare@sbcglobal.net>
> **Date:** March 27, 2019 at 6:52:11 PM CDT
> **To:** Joel Summers <summertimelawncare@sbcglobal.net>
>
> Joel Summers
> Summertime Lawn Care
> 918-638-9306
> summertimelawncare@sbcglobal.net
> www.summertimelawncare.com

Message

From: Rudolph, Matthew [rudolph.matthew@epa.gov]
Sent: 1/30/2019 7:23:43 PM
To: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]; Herbert, Rusty [Herbert.Rusty@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]
Subject: RE: Update on Diamond 3S -

No indication on Ryan getting back with us.

Matthew Rudolph (6EN-WR)
US EPA Region 6
1445 Ross Ave., Suite 1200
Dallas TX 75202
Phone: 214-665-6434
Fax: 214-665-2168

From: Eckhart, Jeanne
Sent: Wednesday, January 30, 2019 12:57 PM
To: Rudolph, Matthew <rudolph.matthew@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>
Subject: RE: Update on Diamond 3S -

Awesome! Thanks Matt, did he indicate if he would get Ryan to call/email us back to set up a call?

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Rudolph, Matthew
Sent: Wednesday, January 30, 2019 12:48 PM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Vaughn, Lorena <Vaughn.Lorena@epa.gov>
Subject: RE: Update on Diamond 3S -

I talked to Don Summers, (their dad) and he confirmed the mailing address for Diamond 3S is:

20102 West Coyote Trail
Sand Springs, OK 74063

Matthew Rudolph (6EN-WR)
US EPA Region 6
1445 Ross Ave., Suite 1200
Dallas TX 75202
Phone: 214-665-6434
Fax: 214-665-2168

From: Eckhart, Jeanne
Sent: Wednesday, January 30, 2019 10:14 AM
To: Rudolph, Matthew <rudolph.matthew@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>
Cc: Sanborn, Kent <Sanborn.Kent@epa.gov>; Davis, Rickey <davis.rickey@epa.gov>
Subject: Update on Diamond 3S - BIA call

All,

I still have not heard back from Mr. Summers at this time.

I did briefly reach out to BIA (Richard Winlock) this morning to get updates on the site from their perspective. They (Mark) were out there this week and plan on going back as well. The site still has compliance issues with BIA. The company is no longer "red tagged" or "red sealed" by BIA, with the understanding by BIA that the funds they are releasing to the company will ideally assist the company in reaching compliance with them.

Just wanted to send this update. Hopefully Mr. Summer's gets back to us sooner rather than later the settlement cases we have ongoing. Additionally, if there is an address update for this company that you are aware of, or gather from Mr. Summers when you talk to him, please let us all know so we can update our systems. A letter we recently mailed to Diamond 3S, LLC bounced back.

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

Message

From: Vaughn, Lorena [Vaughn.Lorena@epa.gov]
Sent: 1/30/2019 6:54:51 PM
To: Rudolph, Matthew [rudolph.matthew@epa.gov]; Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]; Herbert, Rusty [Herbert.Rusty@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]
Subject: RE: Update on Diamond 3S -

Thank you, I will remail to them.
Appreciate it.

From: Rudolph, Matthew
Sent: Wednesday, January 30, 2019 12:48 PM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Vaughn, Lorena <Vaughn.Lorena@epa.gov>
Subject: RE: Update on Diamond 3S -

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20102 West Coyote Trail
Sand Springs, OK 74063

Matthew Rudolph (6EN-WR)
US EPA Region 6
1445 Ross Ave., Suite 1200
Dallas TX 75202
Phone: 214-665-6434
Fax: 214-665-2168

From: Eckhart, Jeanne
Sent: Wednesday, January 30, 2019 10:14 AM
To: Rudolph, Matthew <rudolph.matthew@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>
Cc: Sanborn, Kent <Sanborn.Kent@epa.gov>; Davis, Rickey <davis.rickey@epa.gov>
Subject: Update on Diamond 3S - BIA call

All,

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Just wanted to send this update. Hopefully Mr. Summer’s gets back to us sooner rather than later the settlement cases we have ongoing. Additionally, if there is an address update for this company that you are aware of, or gather from Mr. Summers when you talk to him, please let us all know so we can update our systems. A letter we recently mailed to Diamond 3S, LLC bounced back.

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

Message

From: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Sent: 1/30/2019 4:13:30 PM
To: Rudolph, Matthew [rudolph.matthew@epa.gov]; Herbert, Rusty [Herbert.Rusty@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]
CC: Sanborn, Kent [Sanborn.Kent@epa.gov]; Davis, Rickey [davis.rickey@epa.gov]
Subject: Update on Diamond 3S - BIA call

All,

I still have not heard back from Mr. Summers at this time.

I did briefly reach out to BIA (Richard Winlock) this morning to get updates on the site from their perspective. They (Mark) were out there this week and plan on going back as well. The site still has compliance issues with BIA. The company is no longer "red tagged" or "red sealed" by BIA, with the understanding by BIA that the funds they are releasing to the company will ideally assist the company in reaching compliance with them.

Just wanted to send this update. Hopefully Mr. Summer's gets back to us sooner rather than later the settlement cases we have ongoing. Additionally, if there is an address update for this company that you are aware of, or gather from Mr. Summers when you talk to him, please let us all know so we can update our systems. A letter we recently mailed to Diamond 3S, LLC bounced back.

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

Message

From: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Sent: 1/29/2019 8:23:57 PM
To: Vaughn, Lorena [Vaughn.Lorena@epa.gov]; Herbert, Rusty [Herbert.Rusty@epa.gov]; Rudolph, Matthew [rudolph.matthew@epa.gov]
Subject: RE: Diamond 3S - CWA 06-2018-1831

Mr. Summer's hasn't responded to my email, I was hoping he would by this afternoon (since he typically works nights). I will try to call him this afternoon to schedule a conference call. And see if I can't get an address when I call him.

Thanks,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

-----Original Message-----
From: Vaughn, Lorena
Sent: Tuesday, January 29, 2019 2:20 PM
To: Herbert, Rusty <Herbert.Rusty@epa.gov>; Rudolph, Matthew <rudolph.matthew@epa.gov>; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

That would be great, I can mail these later this week, if you get a better address.
Appreciate it.

-----Original Message-----
From: Herbert, Rusty
Sent: Tuesday, January 29, 2019 2:19 PM
To: Rudolph, Matthew <rudolph.matthew@epa.gov>; Vaughn, Lorena <Vaughn.Lorena@epa.gov>; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

I think we can call him and get an address.

-----Original Message-----
From: Rudolph, Matthew
Sent: Tuesday, January 29, 2019 2:18 PM
To: Vaughn, Lorena <Vaughn.Lorena@epa.gov>; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

Does yours need to be sent by certified mail or can they be sent regular mail. Meaning do they have to be "served" to the Respondent in a legal sense.

Matthew Rudolph (6EN-WR)
US EPA Region 6
1445 Ross Ave., Suite 1200
Dallas TX 75202
Phone: 214-665-6434
Fax: 214-665-2168

-----Original Message-----
From: Vaughn, Lorena
Sent: Tuesday, January 29, 2019 2:15 PM
To: Rudolph, Matthew <rudolph.matthew@epa.gov>; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

Mine are only the extension of times.

-----Original Message-----
From: Rudolph, Matthew
Sent: Tuesday, January 29, 2019 2:13 PM
To: Vaughn, Lorena <Vaughn.Lorena@epa.gov>; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>

Subject: RE: Diamond 3S - CWA 06-2018-1831

You may have to hire a process server to deliver these documents then.

Matthew Rudolph (6EN-WR)
US EPA Region 6
1445 Ross Ave., Suite 1200
Dallas TX 75202
Phone: 214-665-6434
Fax: 214-665-2168

-----Original Message-----
From: Vaughn, Lorena
Sent: Tuesday, January 29, 2019 2:08 PM
To: Rudolph, Matthew <rudolph.matthew@epa.gov>; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

That’s ok but what happens when you mail them the CAFO's to sign off on if they are not picking up there certified mail.

-----Original Message-----
From: Rudolph, Matthew
Sent: Tuesday, January 29, 2019 2:07 PM
To: Vaughn, Lorena <Vaughn.Lorena@epa.gov>; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

They might of changed their address or they are just not picking up their certified mail.

Matthew Rudolph (6EN-WR)
US EPA Region 6
1445 Ross Ave., Suite 1200
Dallas TX 75202
Phone: 214-665-6434
Fax: 214-665-2168

-----Original Message-----
From: Vaughn, Lorena
Sent: Tuesday, January 29, 2019 2:02 PM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>; Rudolph, Matthew <rudolph.matthew@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

It is the same address and it says return to sender unclaimed and unable to forward.
I know you sent it by email but not sure why he didn't want to pick it up. Have to send it certified.

-----Original Message-----
From: Eckhart, Jeanne
Sent: Tuesday, January 29, 2019 1:41 PM
To: Vaughn, Lorena <Vaughn.Lorena@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>; Rudolph, Matthew <rudolph.matthew@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

Lorena,

You've stumped me too, I thought this was residential address and this is what Matt and I have sent to previously. Did they refuse to get your letter?

The only other address I can find through all the databases is this one, which is basically the same as below:
Diamond 3S, LLC
20102 Coyote Trail
Sand Springs, Oklahoma 74063

Rusty or Matt, do you know of any other addresses. The one in the OK SOS database is now expired. We can ask Mr. Summers during our conference call otherwise.

Thanks,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

-----Original Message-----
From: Vaughn, Lorena
Sent: Tuesday, January 29, 2019 1:06 PM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

That's the address that got returned.

-----Original Message-----
From: Eckhart, Jeanne
Sent: Tuesday, January 29, 2019 1:01 PM
To: Vaughn, Lorena <Vaughn.Lorena@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

Lorena,

Here's the physical mailing address I have on file:
Diamond 3S, LLC
20102 West Coyote Trail
Sand Springs, Oklahoma 74063

Here's Mr. Ryan Summer's email address:
r_summers@sbcglobal.net

Hope this helps!

Thanks,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

-----Original Message-----
From: Vaughn, Lorena
Sent: Tuesday, January 29, 2019 11:50 AM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

Hi Jeanne,

Do you have a better address for Mr. Summers, my letter just came back from December.

Thank you.

Lorena

-----Original Message-----
From: Eckhart, Jeanne
Sent: Monday, January 28, 2019 2:50 PM
To: Vaughn, Lorena <Vaughn.Lorena@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

The one you had attached was Matt's case, the SDWA one. I have a CWA one with that company as well.

Did you get an extension of request from Mr. Summers for the CWA one? CWA-06-2018-1831

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

-----Original Message-----
From: Vaughn, Lorena
Sent: Monday, January 28, 2019 2:47 PM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

No worries and thank you for forwarding it.
So is it yours or Matt's case?

-----Original Message-----
From: Eckhart, Jeanne
Sent: Monday, January 28, 2019 2:38 PM
To: Vaughn, Lorena <Vaughn.Lorena@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

Thank you! I cc'd you on the email. We'll inform him about the hardcopy when we speak to him on the conference call soon. I realized I forgot to tell him about the hard copy after I sent it.

Thanks,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

-----Original Message-----
From: Vaughn, Lorena
Sent: Monday, January 28, 2019 2:18 PM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: Diamond 3S - CWA 06-2018-1831

Good Afternoon to you both,

Could one of you please email this to Mr. Summers and let him know that a hardcopy will follow in the mail.

Thank you.

Lorena

-----Original Message-----
From: 13_I04_Ricoh@epa.gov <13_I04_Ricoh@epa.gov>
Sent: Monday, January 28, 2019 2:36 PM
To: Vaughn, Lorena <Vaughn.Lorena@epa.gov>
Subject: Message from "RNP002673A3A1CB"

This E-mail was sent from "RNP002673A3A1CB" (MP C3003).

Scan Date: 01.28.2019 14:35:45 (-0600)
Queries to: 13_I04_Ricoh@epa.gov

Message

From: Rudolph, Matthew [rudolph.matthew@epa.gov]
Sent: 1/29/2019 8:06:55 PM
To: Vaughn, Lorena [Vaughn.Lorena@epa.gov]; Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]; Herbert, Rusty [Herbert.Rusty@epa.gov]
Subject: RE: Diamond 3S - CWA 06-2018-1831

They might of changed their address or they are just not picking up their certified mail.

Matthew Rudolph (6EN-WR)
US EPA Region 6
1445 Ross Ave., Suite 1200
Dallas TX 75202
Phone: 214-665-6434
Fax: 214-665-2168

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Sent: Tuesday, January 29, 2019 2:02 PM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>; Rudolph, Matthew <rudolph.matthew@epa.gov>
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Water Resources Section, Enforcement Division Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

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Lorena,

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Here's Mr. Ryan Summer's email address:
r_summers@sbcglobal.net

Hope this helps!

Thanks,

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Fax: (214) 665 – 7446

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Lorena

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Subject: RE: Diamond 3S - CWA 06-2018-1831

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Thank you,

Jeanne Eckhart
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Office: (214) 665 – 8174
Fax: (214) 665 – 7446

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From: Vaughn, Lorena
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Lorena

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Sent: Monday, January 28, 2019 2:36 PM
To: Vaughn, Lorena <Vaughn.Lorena@epa.gov>
Subject: Message from "RNP002673A3A1CB"

This E-mail was sent from "RNP002673A3A1CB" (MP C3003).

Scan Date: 01.28.2019 14:35:45 (-0600)
Queries to: 13_I04_Ricoh@epa.gov

Message

From: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Sent: 12/18/2018 10:22:34 PM
To: Herbert, Rusty [Herbert.Rusty@epa.gov]
Subject: Automatic reply: Diamond 3S, LLC - CWA 06-2018-1831

Thank you for your email. I will be out of the office from 12/13/2018 to 12/25/2018 and 12/31/18 to 01/02/19. I will respond to your email as soon as I can after I return to the office.

If you need immediate assistance please contact my supervisor, Guy Tidmore, tidmore.guy@epa.gov, (214) 665 - 3142.

Message

From: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Sent: 12/7/2018 5:20:16 PM
To: Herbert, Rusty [Herbert.Rusty@epa.gov]
CC: Rudolph, Matthew [rudolph.matthew@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]
Subject: ROC with Diamond 3S today

All,

Talked to Ryan Summers just now to set up a meeting time with him next Monday. He will be representing himself as well due to financial reasons.

I also explained to him that the cases Matt and I are working are two separate cases/actions and that when he files answers for extensions to them, he will have to do two. He did mention he had talked to Rusty as well today.

I will be sending him an email to confirm the time of the call and a conference line.

Thanks,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

Message

From: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Sent: 12/6/2018 9:25:18 PM
To: Herbert, Rusty [Herbert.Rusty@epa.gov]
CC: Rudolph, Matthew [rudolph.matthew@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]
Subject: Copies of EN documents for Diamond 3S
Attachments: 6EN-W Diamond 3S LLC Kennedy AO-Cease and Desist.Final.04.11.2018.pdf; Diamond3SLLC.Complaintfiled.9-28-2018.pdf; InspRptCWADiamond3SLLC20180426.signed.pdf; InspRptCWADiamond3SLLCKennedy20180412.pdf; InspRptCWADiamond3SLLCKennedyLease20180417.pdf; InspRptCWADiamond3SLLCKennedyLease20180418.pdf; InspRptDiamond3SLLCKennedy20180320.pdf; InspRptSDWADiamond3SLLCKennedyLease20180417.pdf

Rusty,

As requested by their attorney, here's the copies of the Diamond 3S documents from CWA. AO, APO, and inspection reports (some which are not referenced in our enforcement actions).

Phone meeting with company and attorney next week: I telework next Monday (and can participate in a call anytime), and can do a meeting anytime next Tuesday except from 2PM to 3PM; anytime Wednesday. I am out of the office between 12/13 (Thursday) – 12/25 for holidays.

Please let me know what you would like to do and sorry I missed your calls today!

Thanks,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

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

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7014 0150 0000 2454 4302

Mr. Joel Summers, Owner
Diamond 3S, LLC
20102 West Coyote Trail
Sand Springs, OK 74063

Re: Cease and Desist Administrative Order;
Docket Number: CWA-06-2018-1789
Facility Number: OKU000867

Dear Mr. Summers:

Enclosed is an Administrative Order (AO) issued to Diamond 3S, LLC for violations of the Clean Water Act (CWA), (33 U.S.C. §§ 1251-1387). Violations were identified during inspections conducted on March 16 and 20, of 2018. The inspections were conducted by the Environmental Protection Agency, Region 6 (EPA) of your oil field disposal and production facility located in Pawhuska, Osage County, Oklahoma, with Facility Number OKU000867. The violations alleged are for the unauthorized discharges of pollutants; specifically, oil field brine and produced wastewater to a waters of the United States.

Effective upon receipt of this AO, you shall immediately cease and desist all discharges of pollutants into the tributary of Daniel's Run Creek and comply with all provisions set forth in the enclosed AO. The AO also requires responses to specified information.

EPA is committed to ensuring compliance with the requirements of the CWA and my staff will assist you in any way possible. If you have any questions, please contact Jeanne Eckhart, of my staff, at 214-665-8174.

Sincerely,

For Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

Enclosure

cc: Ms. Jann Hayman, Environmental Director
Osage Nation, ENR Department
100 West Main Street, Suite 304
Pawhuska, OK 74056

Ms. Robin Phillips, Superintendent
Osage Agency, Bureau of Indian Affairs
P.O. Box 1539
Pawhuska, OK 74056

U.S. ENVIRONMENTAL PROTECTION AGENCY - REGION 6
FINDINGS OF VIOLATION AND COMPLIANCE ORDER
In the Matter of: Diamond 3S, LLC (Respondent)
Docket Number: CWA-06-2018-1789; Facility Number: OKU000867

STATUTORY AUTHORITY

The following findings are made, and Order issued, under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA"), by Section 309(a) of the Clean Water Act ("the Act"), 33 U.S.C. § 1319(a). The Administrator delegated the authority to issue this Order to the Regional Administrator of EPA Region 6, who delegated such authority to the Director of the Compliance Assurance and Enforcement Division.

FINDINGS

1. Diamond 3S, LLC ("Respondent") is a "person," as defined by Section 502(5) of the Act, 33 U.S.C. § 1362(5).

2. At all times relevant to the violation alleged herein ("relevant time period"), Respondent owned and operated an oil field disposal and production facility located in Pawhuska, Osage County, Oklahoma ("facility"), designated as Facility Number OKU000867.

3. Pumps, pipes, hoses, flow lines, vents, disposal storage tanks, and associated devices located at the facility acted as "point sources," as defined by Section 502(14) of the Act, 33 U.S.C. § 1362(14).

4. At all times relevant, the facility acted as a "point source" of a "discharge" of "pollutant[s]", specifically oil field brine and produced wastewater generated from oil production activities, to a tributary of Daniel's Run Creek which is considered a "water of the United States."

5. At no time during the relevant time period did Respondent have National Pollutant Discharge Elimination System permit coverage under the Act which authorized the discharge of a pollutant from the facility to waters of the United States.

6. On March 16, 2018, EPA observed that oil field brine and produced wastewater had been discharged from the facility. The inspector determined that the water located at the discharge point of entry into the tributary of Daniel's Run Creek (Latitude 36.586494 N and Longitude -96.499100 W) was contaminated from brine discharges and measured 95,541 mg/L Total Dissolved Solids ("TDS").

7. On March 20, 2018, EPA observed that oil field brine and produced wastewater had been discharged from the facility. The inspector determined that the water located at the discharge point of entry into the tributary of Daniel's Run Creek (Latitude 36.586494 N and Longitude -96.499100 W) was contaminated from brine discharges and measured 77,765 mg/L TDS.

8. During the relevant time period, it was unlawful under Section 301(a) of the Act, 33 U.S.C. § 1311(a), for any person to discharge a pollutant from a point source to a water of the United States without a permit issued under Section 402 of the Act, 33 U.S.C. § 1342.

SECTION 309(a)(3) COMPLIANCE ORDER

9. Based on these findings and pursuant to the authority of Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), EPA orders Respondent to take the following actions immediately upon receipt of this Order:

a. Any continued discharge of pollutants is unauthorized and must cease immediately;

b. Remove all pollutants from the flow paths located between the point of discharge and the point of entry into the tributary of Daniel's Run Creek; and

c. Remove sufficient amounts of pollutants from the tributary of Daniel's Run Creek and from Daniel's Run Creek, which were discharged from the facility on or about March 16, 2018 and March 20, 2018, so that the TDS in the tributary downstream of the discharge is at or below background TDS levels.[1]

d. Within thirty (30) days of the effective date of this Order, Respondent shall provide a written certification including photographs, in-stream salinity, conductivity, and total dissolved solids measurements, manifests, work orders, and/or receipts to document how discharges and the removal of pollutants have been properly addressed. Please verify in the certification that the company name, mailing address and name of the authorized signatory for the company are correct.

e. Within thirty (30) days of the effective date of this Order, Respondent shall develop and submit to EPA a Pollution Prevention Plan to prevent similar occurrences.

All correspondence should be addressed to:

Jeanne Eckhart (6EN-WR)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733
eckhart.jeanne@epa.gov

GENERAL PROVISIONS

Respondent may seek federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

Issuance of this Section 309(a)(3) Compliance Order shall not be deemed an election by EPA to waive any administrative, judicial, civil, or criminal action to seek penalties, fines, or other relief under the Act for the violation alleged herein or other violations which may become known to EPA. EPA reserves the right to seek any remedy available under the law which it deems appropriate.

Failure to comply with this Section 309(a)(3) Compliance Order or the Act may result in the initiation of an administrative penalty action by EPA or a civil judicial penalty action by the U.S. Department of Justice.

Compliance with this Order does not relieve Respondent of its obligation to comply with all applicable federal, state, and local laws.

The effective date of this Order is the date it is received by Respondent.

4-11-2018
Date

Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

[1] Compliance with this paragraph of the Order will be achieved after completing the required removal actions and once the total dissolved solids (TDS) measured values, sampled by using an approved method, such as a calibrated conductivity meter, at a point upstream of the point of entry and at a point downstream of the point of entry are relatively similar demonstrating that the stream is no longer affected by the pollutant.

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

SEP 2 8 2018

CERTIFIED MAIL – RETURN RECEIPT REQUESTED: 7014 0150 0000 2405 9585

Mr. Joel Summers, Owner
Diamond 3S, LLC
20102 West Coyote Trail
Sand Springs, Oklahoma 74063

Re: Notice of Proposed Assessment of Class II Civil Penalty
Docket Number: CWA-06-2018-1831
Facility Number: OKU000867

Dear Mr. Summers:

Enclosed is an Administrative Complaint (Complaint) issued to Diamond 3S, LLC, for violation of Section 301(a) of the Clean Water Act (CWA). The violation was identified during inspections that occurred on March 16, 2018, March 20, 2018, April 12, 2018, and April 26, 2018 conducted by the Environmental Protection Agency (EPA). The inspection was conducted at your oil field disposal and production facility known as the Kennedy Lease located in Pawhuska, Osage County, Oklahoma. The violation alleged is for the unauthorized discharge of pollutants, specifically oil field brine and produced water, to a water of the United States. Administrative Order, Docket Number CWA-06-2018-1789, was issued to Respondent on April 11, 2018 addressing this same violation.

You have the right to request a hearing regarding the violation alleged in the Complaint and the proposed administrative civil penalty. For information regarding hearing and settlement procedures, please refer to Part 22, "Consolidated Rules of Practice," which can be found at https://www.epa.gov/enforcement/consolidated-rules-practice-40-cfr-part-22-administrative-assessment-civil-penalties. Please pay particular attention to Section V of the Complaint entitled "Notice of Opportunity to Request a Hearing." Note that should you fail to request a hearing within thirty (30) days of receipt of the Complaint, you will waive your right to such a hearing, and the proposed civil penalty of $64,500.00 may be assessed against you without further proceedings. You have the right to be represented by an attorney or to represent yourself at any stage of these proceedings.

Whether or not you request a hearing, we invite you to confer informally with EPA concerning the alleged violation and the amount of the proposed penalty. You may represent Diamond 3S, LLC, or be represented by an attorney at any conference, whether in person or by telephone. EPA encourages all parties against whom it files a Complaint proposing assessment of a penalty to pursue the possibility of settlement as a result of an informal conference.

EPA is committed to ensuring compliance with the requirements of the CWA and the National Pollutant Discharge Elimination System program and my staff will assist you in any way possible. If you have any questions, or wish to discuss the possibility of a settlement of this matter, please contact Jeanne Eckhart, of my staff, at (214) 665-8174.

Sincerely,

Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

Enclosure

cc: Ms. Robin Phillips, Superintendent
Osage Agency, Bureau of Indian Affairs
P.O. Box 1539
Pawhuska, Oklahoma 74056

Ms. Jann Jones, Environmental Director
Osage Nation, ENR Department
100 West Main Street, Suite 304
Pawhuska, Oklahoma 74056

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

SEP 2 8 2018

CERTIFIED MAIL – RETURN RECEIPT REQUESTED: 7014 0150 0000 2405 9592

Ms. Jann Jones, Environmental Director
Osage Nation, ENR Department
100 West Main Street, Suite 304
Pawhuska, Oklahoma 74056

Re: Notice of Proposed Administrative Class II Civil Penalty Assessment
Docket Number: CWA-06-2018-1831
Facility Number: OKU000867

Dear Ms. Jones:

Enclosed is a copy of the Administrative Complaint (Complaint) which the Environmental Protection Agency (EPA) is issuing to Diamond 3S, LLC (Respondent), pursuant to Section 309(g) of the Clean Water Act (CWA), 33 U.S.C. § 1319(g). EPA is issuing the Complaint to administratively assess a Class II civil penalty of $64,500.00 against Respondent for violation of the CWA. Because the violation occurred in Pawhuska, Osage County, Oklahoma, I am offering you an opportunity to confer with us regarding the proposed penalty assessment.

You may request a conference within two weeks of receipt of this letter. The conference may be in person or by telephone and may cover any matters relevant to the proposed penalty assessment. If you wish to request a conference, or if you have any comments or questions regarding the matter, please contact Jeanne Eckhart, of my staff, at (214) 665-8174.

Sincerely,

Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

Enclosure

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

SEP 28 2018

CERTIFIED MAIL – RETURN RECEIPT REQUESTED: 7014 0150 0000 2405 9608

Ms. Robin Phillips, Superintendent
Osage Agency, Bureau of Indian Affairs
P.O. Box 1539
Pawhuska, Oklahoma 74056

Re: Notice of Proposed Administrative Class II Civil Penalty Assessment
Docket Number: CWA-06-2018-1831
Facility Number: OKU000867

Dear Ms. Phillips:

Enclosed is a copy of the Administrative Complaint (Complaint) which the Environmental Protection Agency (EPA) is issuing to Diamond 3S, LLC (Respondent), pursuant to Section 309(g) of the Clean Water Act (CWA), 33 U.S.C. § 1319(g). EPA is issuing the Complaint to administratively assess a Class II civil penalty of $64,500.00 against Respondent for violation of the CWA. Because the violation occurred in Pawhuska, Osage County, Oklahoma, I am offering you an opportunity to confer with us regarding the proposed penalty assessment.

You may request a conference within two weeks of receipt of this letter. The conference may be in person or by telephone and may cover any matters relevant to the proposed penalty assessment. If you wish to request a conference, or if you have any comments or questions regarding the matter, please contact Jeanne Eckhart, of my staff, at (214) 665-8174.

Sincerely,

Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

Enclosure

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

FILED
2018 SEP 28 PM 1:58
REGIONAL HEARING CLERK
EPA REGION VI

In the Matter of:	§	Docket No. CWA-06-2018-1831
	§	
Diamond 3S, LLC	§	Proceeding to Assess a Class II
	§	Civil Penalty under Section 309(g)
	§	of the Clean Water Act
Respondent	§	
	§	
Facility Number: OKU000867	§	Administrative Complaint

I. Statutory Authority

This Complaint is issued under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") by Section 309(g) of the Clean Water Act ("the Act"), 33 U.S.C. § 1319(g). The Administrator of EPA delegated the authority to issue this Complaint to the Regional Administrator of EPA Region 6, who delegated this authority to the Director of the Compliance Assurance and Enforcement Division of EPA Region 6 ("Complainant"). This Class II Administrative Complaint is issued in accordance with, and this action will be conducted under, the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits," 40 C.F.R. Part 22, including rules related to administrative proceedings not governed by Section 554 of the Administrative Procedure Act, 40 C.F.R. §§ 22.50 through 22.52.

Based on the following Findings, Complainant finds that Diamond 3S, LLC ("Respondent") violated the Act and the regulations promulgated under the Act and should be ordered to pay a civil penalty.

II. Findings of Fact and Conclusions of Law

1. Respondent is a corporation incorporated under the laws of the State of Oklahoma, and as such, Respondent is a "person," as that term is defined at Section 502(5) of the Act, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

2. At all times relevant to this action ("all relevant times"), Respondent owned or operated an oil field disposal and production facility known as the Kennedy Lease, located in Pawhuska, Osage County, Oklahoma ("facility") and was, therefore, an "owner or operator" within the meaning of 40 C.F.R. § 122.2.

3. At all relevant times, the facility acted as a "point source" of a "discharge" of "pollutants," specifically oil field brine, to the tributary of Daniel's Run Creek, which is considered a "water of the United States" within the meaning of Section 502 of the Act, 33 U.S.C. § 1362, and 40 C.F.R. § 122.2.

4. Because Respondent owned or operated a facility that acted as a point source of a discharge of pollutants to waters of the United States, Respondent and the facility were subject to the Act and the National Pollutant Discharge Elimination System ("NPDES") program.

5. Under Section 301 of the Act, 33 U.S.C. § 1311, it is unlawful for any person to discharge any pollutant from a point source to waters of the United States, except with the authorization of, and in compliance with, an NPDES permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342. According to the NPDES program, the discharge of oil field brine to "waters of the United States" is a non-permitted discharge.

6. On March 16, 2018, an EPA inspector observed that pollutants, specifically oil field wastes and produced water generated from oil production activities, had been discharged from the facility to "waters of the United States," as that term is defined by 40 C.F.R. § 122.2. Pollutants were discharged to the tributary of Daniel's Run Creek, which is considered a "water of the United States." The inspector determined that the water located at the discharge point of entry into the tributary of Daniel's Run Creek (Latitude 36.586494 N and Longitude -96.499100 W) was contaminated from produced water discharges and measured 95,541 milligrams per Liter ("mg/L") Total Dissolved Solids ("TDS").

7. On March 20, 2018, an EPA inspector observed that pollutants, specifically oil field wastes and produced water generated from oil production activities, had been discharged from the

facility to "waters of the United States," as that term is defined by 40 C.F.R. § 122.2. Pollutants were discharged to the tributary of Daniel's Run Creek, which is considered a "water of the United States." The inspector determined that the water located at the discharge point of entry into the tributary of Daniel's Run Creek (Latitude 36.586494 N and Longitude -96.499100 W) was contaminated from produced water discharges and measured 77,765 mg/L TDS.

8. On April 12, 2018, an EPA inspector observed that pollutants, specifically oil field wastes and produced water generated from oil production activities, had been discharged from the facility to "waters of the United States," as that term is defined by 40 C.F.R. § 122.2. Pollutants were discharged to the tributary of Daniel's Run Creek, which is considered a "water of the United States." The inspector determined that the water located at the discharge point of entry into the tributary of Daniel's Run Creek (Latitude 36.5866514 N and Longitude -96.499076 W) was contaminated from produced water discharges and measured 83,783 mg/L TDS.

9. On April 26, 2018, an EPA inspector observed that pollutants, specifically oil field wastes and produced water generated from oil production activities, had been discharged from the facility to "waters of the United States," as that term is defined by 40 C.F.R. § 122.2. Pollutants were discharged to the tributary of Daniel's Run Creek, which is considered a "water of the United States." The inspector determined that the water located at the discharge point of entry into the tributary of Daniel's Run Creek (Latitude 36.5866514 N and Longitude -96.499076 W) was contaminated from produced water discharges and measured 43,810 mg/L TDS.

10. Each day of unauthorized discharge was a violation of Section 301 of the Act, 33 U.S.C. § 1311.

11. Under Section 309(g)(2)(B) of the Act, 33 U.S.C. § 1319(g)(2)(B), as modified by 40 C.F.R. Part 19, Respondent is liable for a civil penalty in an amount not to exceed $21,393.00 per day for each day during which a violation occurs or continues, up to a maximum of $267,415.

12. EPA has notified the Bureau of Indian Affairs of the issuance of this Complaint and has afforded the agency an opportunity to consult with EPA regarding the assessment of an administrative penalty against Respondent as required by Section 309(g)(1) of the Act, 33 U.S.C. § 1319(g)(1).

13. EPA has notified the public of the filing of this Complaint and has afforded the public thirty (30) days in which to comment on the Complaint and on the proposed penalty as required by Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A). At the expiration of the notice period, EPA will consider any comments filed by the public. The public notification can be found at: https://www.epa.gov/publicnotices.

III. Proposed Penalty

14. Based on the foregoing Findings, and pursuant to the authority of Sections 309(g)(1) and (g)(2)(B) of the Act, 33 U.S.C. §§ 1319(g)(1) and (g)(2)(B), EPA Region 6 hereby proposes to assess against Respondent a civil penalty of sixty-four thousand and five hundred dollars ($64,500.00).

15. The proposed penalty amount was determined based on the statutory factors specified in Section 309(g)(3) of the Act, 33 U.S.C. § 1319(g)(3), which include such factors as the nature, circumstances, extent and gravity of the violations, economic benefits, if any, prior history of such violations, if any, degree of culpability, and such matters as justice may require.

16. Complainant has specified that the administrative procedures specified in 40 C.F.R. Part 22, Subpart I, shall apply to this matter, and the administrative proceedings shall not be governed by Section 554 of the Administrative Procedure Act.

IV. Failure to File an Answer

17. If Respondent wishes to deny or explain any material allegation listed in the above Findings or to contest the amount of the penalty proposed, Respondent must file an Answer to this

Complaint within thirty (30) days after service of this Complaint whether or not Respondent requests a hearing as discussed below.

18. The requirements for such an Answer are set forth at 40 C.F.R. § 22.15 (found at: https://www.epa.gov/enforcement/consolidated-rules-practice-40-cfr-part-22-administrative-assessment-civil-penalties). Failure to file an Answer to this Complaint within thirty (30) days of service of the Complaint shall constitute an admission of all facts alleged in the Complaint and a waiver of the right to hearing. Failure to deny or contest any individual material allegation contained in the Complaint will constitute an admission as to that finding or conclusion under 40 C.F.R. § 22.15(d).

19. If Respondent does not file an Answer to this Complaint within thirty (30) days after service, a Default Order may be issued against Respondent pursuant to 40 C.F.R. § 22.17. A Default Order, if issued, would constitute a finding of liability, and could make the full amount of the penalty proposed in this Complaint due and payable by Respondent without further proceedings thirty (30) days after a Final Default Order is issued.

20. Respondent must send its Answer to this Complaint, including any request for a hearing, and all other pleadings to:

Regional Hearing Clerk (6RC-D)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

21. Respondent shall also send a copy of its Answer to this Complaint to the following EPA attorney assigned to this case:

Mr. Rusty Herbert (6RC-EW)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

22. The Answer must be signed by Respondent, Respondent's counsel, or other representative on behalf of Respondent and must contain all information required by 40 C.F.R. §§

22.5 and 22.15, including the name, address, and telephone number of Respondent and Respondent's counsel. All other pleadings must be similarly signed and filed.

V. Notice of Opportunity to Request a Hearing

23. Respondent may request a hearing to contest any material allegation contained in this Complaint, or to contest the appropriateness of the amount of the proposed penalty, pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g). The procedures for hearings are set out at 40 C.F.R. Part 22, including 40 C.F.R. §§ 22.50 through 22.52.

24. Any request for hearing should be included in Respondent's Answer to this Complaint; however, as discussed above, Respondent must file an Answer meeting the requirements of 40 C.F.R. § 22.15 in order to preserve the right to a hearing or to pursue other relief.

25. Should a hearing be requested, members of the public who commented on the issuance of the Complaint during the public comment period will have a right to be heard and to present evidence at such hearing under Section 309(g)(4)(B) of the Act, 33 U.S.C. § 1319(g)(4)(B).

VI. Settlement

26. EPA encourages all parties against whom civil penalties are proposed to pursue the possibility of settlement through informal meetings with EPA. Regardless of whether a formal hearing is requested, Respondent may confer informally with EPA about the alleged violations or the amount of the proposed penalty. Respondent may wish to appear at any informal conference or formal hearing personally, by counsel or other representative, or both. To request an informal conference on the matters described in this Complaint, please contact Jeanne Eckhart, of my staff, at (214) 665-8174.

27. If this action is settled without a formal hearing and issuance of an opinion by the Presiding Officer pursuant to 40 C.F.R. § 22.27, this action will be concluded by issuance of a Consent Agreement and Final Order ("CAFO") pursuant to 40 C.F.R. § 22.18(b). The issuance of

a CAFO would waive Respondent's right to a hearing on any matter stipulated therein or alleged in the Complaint. Any person who commented on this Complaint would be notified and given an additional thirty (30) days to petition EPA to set aside any such CAFO and to hold a hearing on the issues raised in the Complaint. Such a petition would be granted and a hearing held only if the evidence presented by the petitioner's comment was material and was not considered by EPA in the issuance of the CAFO.

28. Neither assessment nor payment of a penalty in resolution of this action will affect Respondent's continuing obligation to comply with all requirements of the Act, the applicable regulations and permits, and any separate Compliance Order issued under Section 309(a) of the Act, 33 U.S.C. § 1319(a), including one relating to the violations alleged herein.

SEP 2 8 2018

Date

Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

CERTIFICATE OF SERVICE

I certify that the foregoing Class II Administrative Complaint was sent to the following persons, in the manner specified, on the date below:

Original hand-delivered:
Regional Hearing Clerk (6RC-D)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Copy by certified mail, return receipt requested:
Mr. Joel Summers, Owner
Diamond 3S, LLC
20102 West Coyote Trail
Sand Springs, OK 74063

Copy by mail:
Ms. Robin Phillips, Superintendent
Osage Agency, Bureau of Indian Affairs
P.O. Box 1539
Pawhuska, OK 74056

Ms. Jann Jones, Environmental Director
Osage Nation, ENR Department
100 West Main Street, Suite 304
Pawhuska, OK 74056

Copy hand-delivered:
Mr. Rusty Herbert (6RC-EW)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Dated: Sept. 28, 2018

Ellen Chang-Vaughan

EPA United States Environmental Protection Agency

Region 6 Compliance Assurance and Enforcement Division

INSPECTION REPORT

Inspection Date(s):	April 26, 2018	
Media:	Water (CWA)	
Regulatory Program(s)	NPDES – Brine	
Company Name:	**Diamond 3S, LLC**	
Facility Name:	***Kennedy***	
Facility Physical Location:	36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)	
(city, state, zip code)	Pawhuska, Oklahoma 74056	
Mailing address:	20102 West Coyote Trail	
(city, state, zip code)	Sand Springs, Oklahoma 74063	
County/Parish:	Osage	
Facility Contact:	Joel Summers	
	(918) 638-9306	
FRS Number:	N/A	
Identification/Permit Number:	OKU000867	
Media Number:	N/A	
NAICS:	21111	
SIC:	1311	

Personnel participating in inspection:			
Kent W. Sanborn	EPA Region 6, 6EN-WR	Environmental Engineer	918-557-1615

EPA Lead Inspector Signature/Date	Sanborn, Kent — Digitally signed by Sanborn, Kent DN: cn=Sanborn, Kent, email=Sanborn.Kent@epa.gov Date: 2018.06.18 15:50:39 -05'00'	
	Kent W. Sanborn	Date
Supervisor Signature/Date	GUY TIDMORE — Digitally signed by GUY TIDMORE DN: c=US, o=U.S. Government, ou=USEPA, ou=Staff, cn=GUY TIDMORE, dnQualifier=0000012807 Date: 2018.06.19 11:26:49 -05'00'	19 JUN 2018
	Guy Tidmore	Date

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

EPA Region 6 inspector Kent W. Sanborn arrived at the Diamond 3S, LLC lease on the Kennedy property near Pawhuska, Osage County, Oklahoma at about 1:00 PM on April 26, 2018 for an inspection. The inspection was initiated by a reported discharge of fluids into a nearby tributary of Daniel's Run Creek by Diamond 3S LLC, Kennedy #3 injection well. The inspection was a follow-up to inspections conducted March 16, 20, and April 12, 2018. The Bureau of Indian Affairs (BIA) in Pawhuska requested our assistance in addressing the discharge. There were no company representatives at the site during the inspection. I confirmed the discharge from contaminated soil from a previous spill was continuing to enter the tributary of Daniel's Run Creek. I observed no cleanup activity on the site during the inspection. The inspection was conducted under the authority of Section 308 of the CWA. The scope of the inspection was to determine if the facility was in compliance with Clean Water Act, including Section 301, and to identify and document discharges of produced wastewater (brine) to waters of the United States.

FACILITY DESCRIPTION

The origination point of discharge was a leaking injection well supply line connecting to the well known as the Kennedy Number 3 injection well. This well is also known as EPA inventory ID OS 4349. The line was buried up to the well, and the well was closed in. The flow line was leaking fluids and was connected to the main tank battery. The entire pasture area between the well and the creek was saturated with brine and continued to seep to the tributary of Daniel's Run Creek.

Section II – OBSERVATIONS

I arrived at the Diamond 3S, LLC, Kennedy lease at about 1:00 pm on April 26, 2018. Photo 1 indicated that the injection line that leaked brine and some oil into the tributary of Daniel's Run Creek had not been moved. Photo 2 shows the ongoing damage to the hillside where the flow path of brine occurred on the surface and subsurface from a previous leak that occurred in March 2018. The ground was still saturated with brine near the tributary (Photo 3). The brine was seeping into the creek (Photo 4). A Specific Conductance field reading was taken with a calibrated YSI 30 Conductivity Meter at the point of entry and was 67.4 milliSiemens (mS), which was converted to 43,810 milligrams/Liter (mg/L) Total Dissolved Solids (TDS) as shown in Appendix 2 (Photo 5 in Appendix 1). The tributary was full after a recent rainfall event (Photo 6). Dam 1 had water and brine running through a pipe and downstream along the tributary of Daniel's Run Creek during the inspection. There was some foam observed on the surface of the tributary. (Photo 7). A Specific Conductance field reading taken at Dam 1 was 65.9 mS, which was converted to 42,835 mg/L TDS as shown in Appendix 2 (Photo 8 in Appendix 1). Dam 2 was full and running over and flowing downstream during the inspection (Photo 9). A dead crayfish was present at the Dam 2 location (Photo 10). A Specific Conductance field reading taken at Dam 2 was 26.55 mS, which was converted to 17,257 mg/L TDS as shown in Appendix 2 (Photo 11 in Appendix 1). I observed that water and brine were also running through Dam 3 during the inspection and flowing south, downstream, as shown in Photos 12 and 13. A Specific Conductance field reading taken at Dam 3

was 41.95 mS, which was converted to 27,267 mg/L TDS as shown in Appendix 2 (Photo 14 in Appendix 1). I observed livestock tracks, including cattle tracks, that indicate cattle were at the tributary between Dam 2 and Dam 3 (Photo 15). Photo 16 shows a 4th dam that was built downstream of Dam 3. Water and brine were also running over the dam and flowing south in Daniel's Run Creek. A Specific Conductance field reading taken at Dam 4 was 6.44 mS, which was converted to 4,186 mg/L TDS as shown in Appendix 2 (Photo 17 in Appendix 1). Photo 18 shows the unaffected portion of the tributary of Daniel's Run Creek upstream of the discharge point of entry. A Specific Conductance field reading taken upstream in the tributary and was 749 microSiemens (uS), which was converted to 486 mg/L TDS as shown in Appendix 2 (Photo 19 in Appendix 1).

Section III – AREAS OF CONCERN

During the inspection, elevated levels of TDS continue to be present in the tributary of Daniel's Run Creek and Daniel's Run Creek due to a previous spill that occurred and contaminated soil continuing to seep brine into the tributary. The brine continues to flow further downstream from the previously documented furthest downstream location indicating new downstream impacts to the tributary and creek. There was minimal remedial activity to prevent further pollution in the tributary and downstream water bodies observed. Additionally, the contaminated flow path and large area of soil saturated with brine was still seeping into the tributary at the point of entry.

Section IV – FOLLOW UP

A follow up inspection will be conducted as needed.

Section V – LIST OF APPENDICES

Appendix 1 – Photo Log – 19 photos taken April 26, 2018.
Appendix 2 – Table 1 – Conversion from Specific Conductance to Total Dissolved Solids (TDS).

Appendix 1

Photographic Log (19 photos)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 1

36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 1 (DSC_0001)
Orientation: South
Date of Photo: 04/26/2018
Time of Photo: 1:37 pm
Latitude: 36.586969N
Longitude: -96.498093W
Photographer: K.W. Sanborn
Description: This photo shows where a previous discharge originated from an injection well line located, which was a few yards from Kennedy #3 injection well.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 2

36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 2 (DSC_0002)
Orientation: Southwest
Date of Photo: 04/26/2018
Time of Photo: 1:38 pm
Latitude: 36.586969N
Longitude: -96.498093W
Photographer: K.W. Sanborn
Description: The hillside southwest of the point of discharge was dead and saturated with brine during the inspection. The brine was seeping from the contaminated hillside into the tributary of Daniel's Run Creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 3

36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

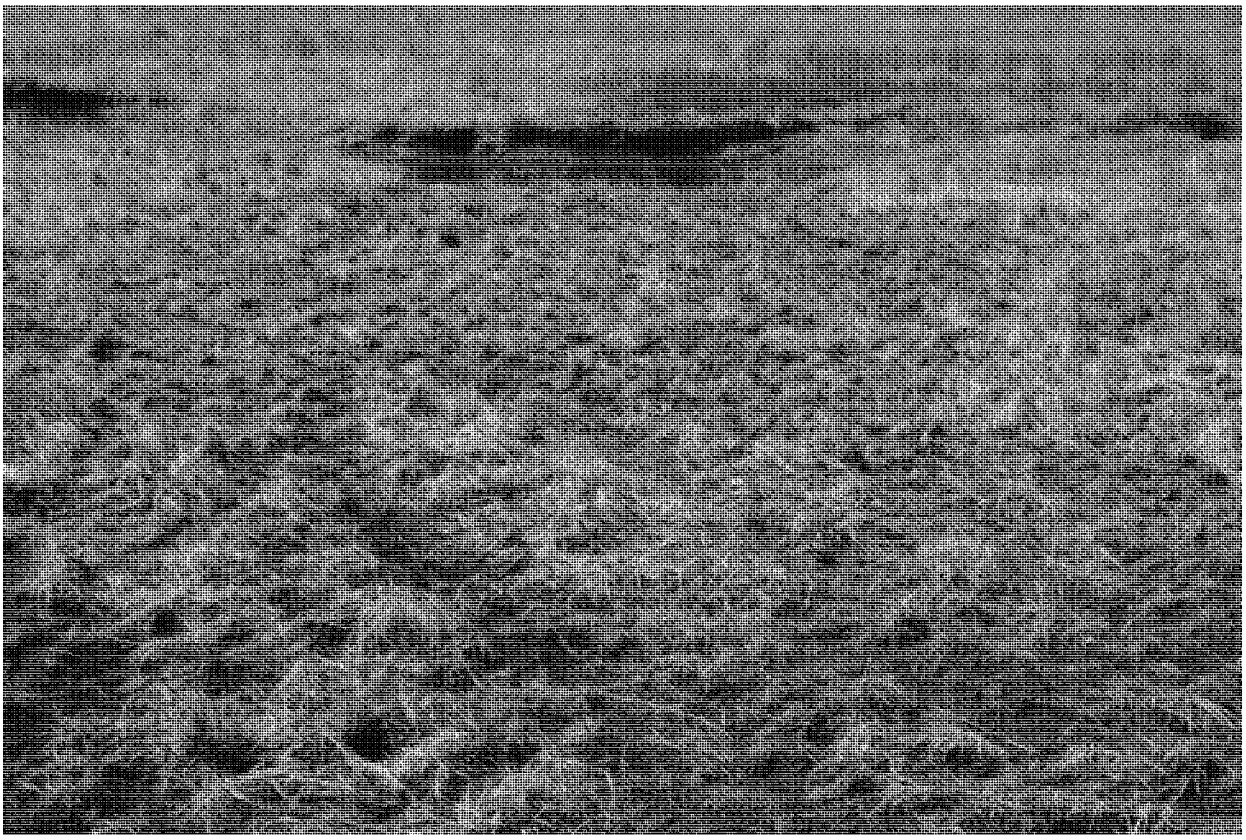

Photo File Name: Photo 3 (DSC_0007)
Orientation: Southwest
Date of Photo: 04/26/2018
Time of Photo: 1:39 pm
Latitude: 36.586514N
Longitude: -96.499076W
Photographer: K.W. Sanborn
Description: The ground next to the tributary was saturated with brine and flowed to the point of entry to the tributary of Daniel's Run Creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 4

36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 4 (DSC_0009)
Orientation: South
Date of Photo: 04/26/2018
Time of Photo: 1:40 pm
Latitude: 36.586514N
Longitude: -96.499076W
Photographer: K.W. Sanborn
Description: The brine enters the tributary of Daniel's Run Creek here from the large saturated area uphill from the point of entry.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 5

36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

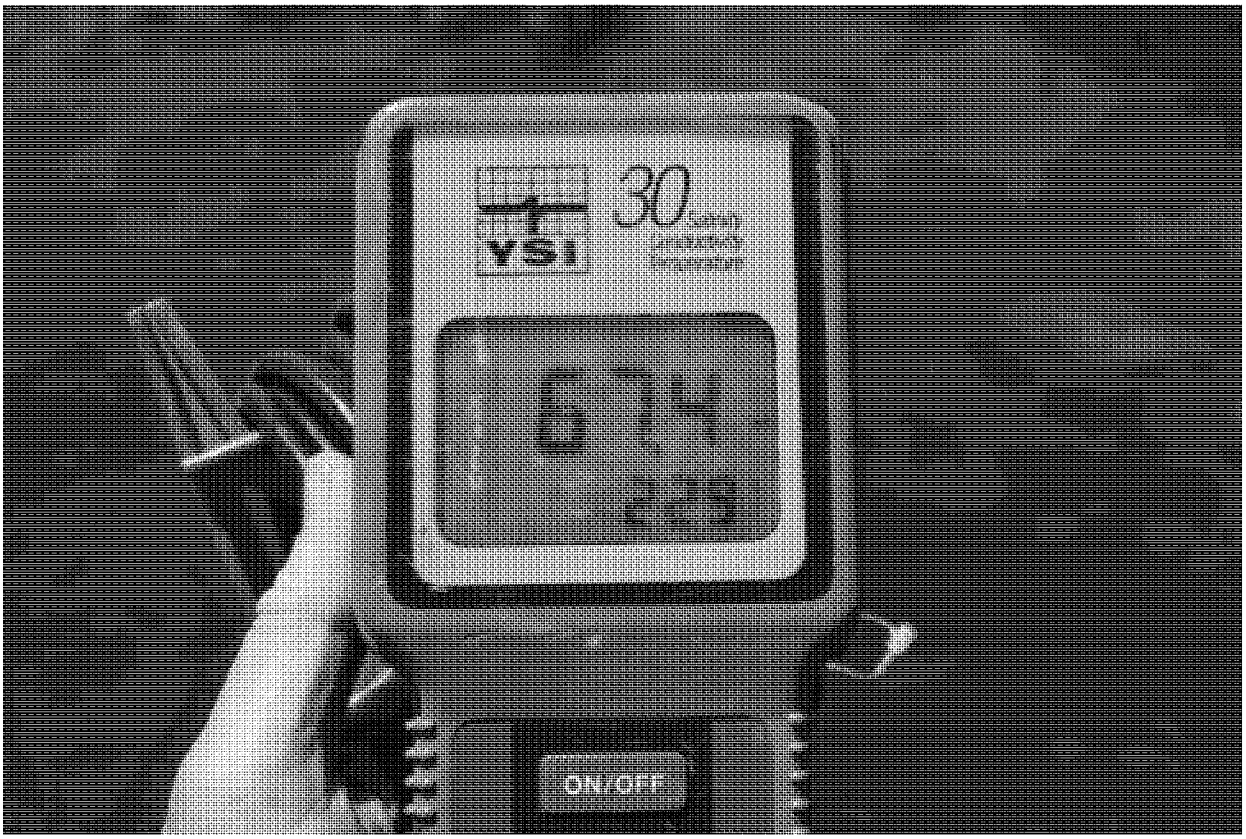

Photo File Name: Photo 5 (DSC_0012)
Orientation: Southwest
Date of Photo: 04/26/2018
Time of Photo: 1:41 pm
Latitude: 36.586514N
Longitude: -96.499076W
Photographer: K.W. Sanborn
Description: A Specific Conductance field reading was taken with a calibrated YSI 30 Conductivity Meter at the point of entry was 67.4 milliSiemens (mS), which was converted to 43,810 milligrams/Liter (mg/L) Total Dissolved Solids (TDS) as shown in Appendix 2.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 6

36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 6 (DSC_0013)
Orientation: Southwest
Date of Photo: 04/26/2018
Time of Photo: 1:41 pm
Latitude: 36.586313N
Longitude: -96.499364W
Photographer: K.W. Sanborn
Description: The tributary was shown here backed up behind the first temporary dam, or Dam 1. I observed some bed, bank and riparian vegetation.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 7

36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

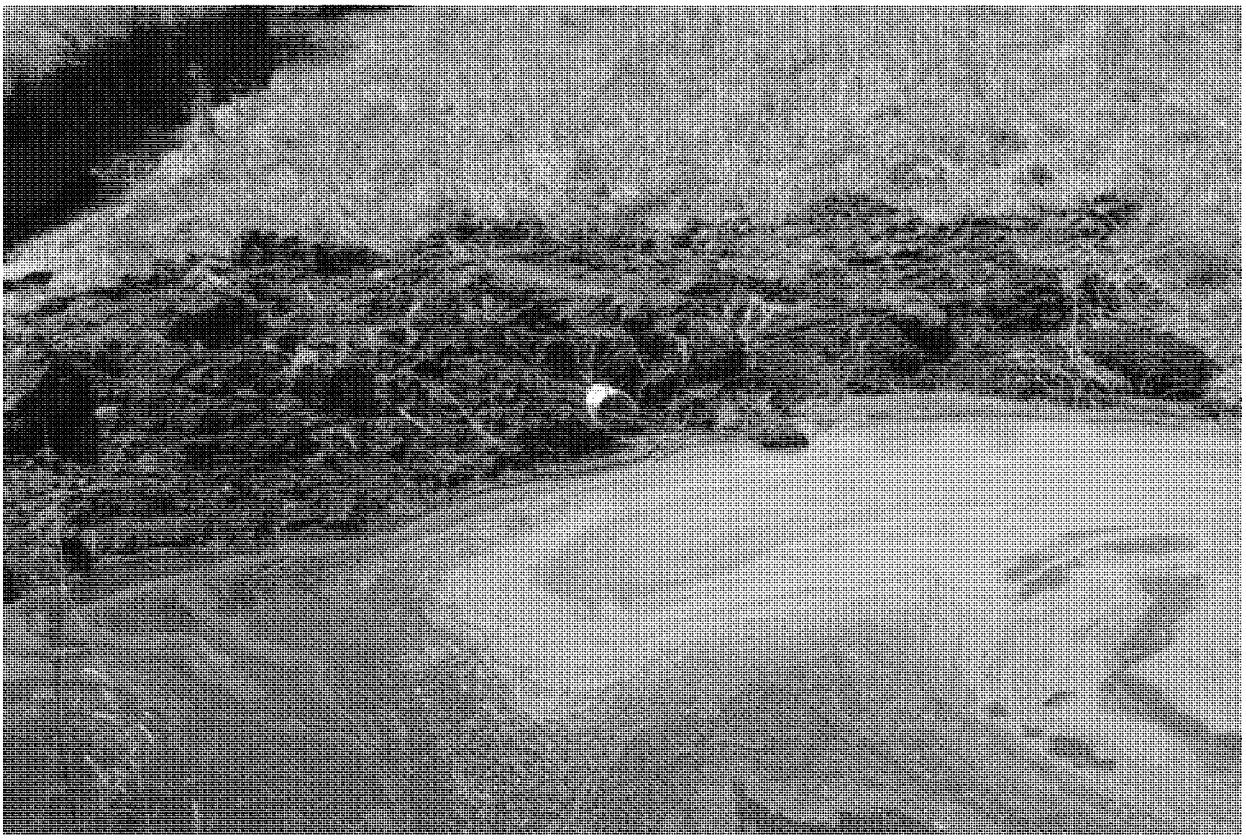

Photo File Name: Photo 7 (DSC_0015)
Orientation: South
Date of Photo: 04/26/2018
Time of Photo: 1:42 pm
Latitude: 36.586313N
Longitude: -96.499364W
Photographer: K.W. Sanborn
Description: Dam 1 is shown here and water and brine were running through the pipe and downstream along the tributary of Daniel's Run Creek during the inspection. There was some foam observed on the surface of the tributary.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 8

36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

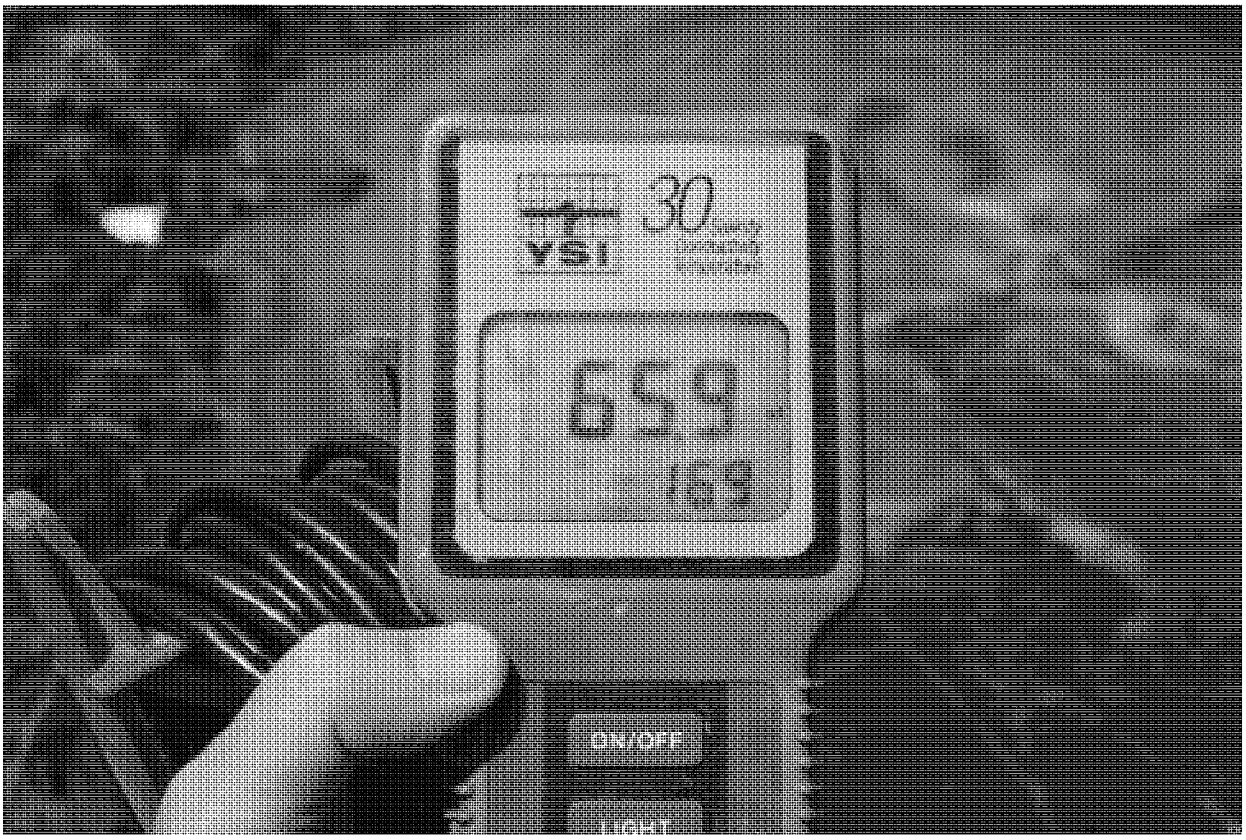

Photo File Name: Photo 8 (DSC_0017)
Orientation: Southwest
Date of Photo: 04/26/2018
Time of Photo: 1:43 pm
Latitude: 36.586313N
Longitude: -96.499364W
Photographer: K.W. Sanborn
Description: A Specific Conductance field reading taken at Dam 1 was 65.9 mS, which was converted to 42,835 mg/L TDS as shown in Appendix 2.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 9

36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 9 (DSC_0019)
Orientation: South
Date of Photo: 04/26/2018
Time of Photo: 1:48 pm
Latitude: 36.585146N
Longitude: -96.500020W
Photographer: K.W. Sanborn
Description: This photo shows the second temporary dam, or Dam 2. Water and brine were also flowing over the dam and flowing downstream in the tributary of Daniel's Run Creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 10

36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 10 (DSC_0018)
Orientation: East
Date of Photo: 04/26/2018
Time of Photo: 1:45 pm
Latitude: 36.585146N
Longitude: -96.500020W
Photographer: K.W. Sanborn
Description: I observed a dead crayfish in the tributary at Dam 2.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 11

36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

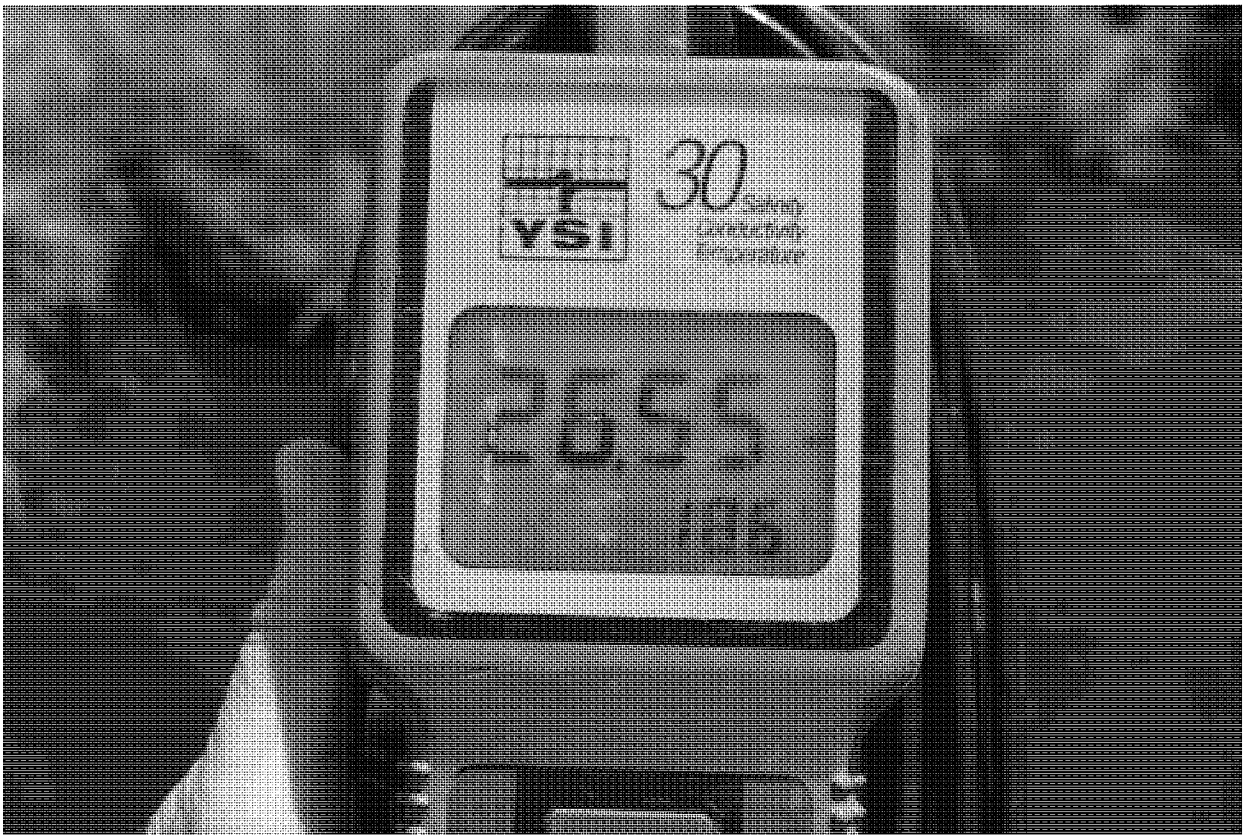

Photo File Name: Photo 11 (DSC_0020)
Orientation: South
Date of Photo: 4/26/2018
Time of Photo: 1:49 pm
Latitude: 36.585146N
Longitude: -96.500020W
Photographer: K.W. Sanborn
Description: A Specific Conductance field reading taken at Dam 2 was 26.55 mS, which was converted to 17,257 mg/L TDS as shown in Appendix 2.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 12

36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

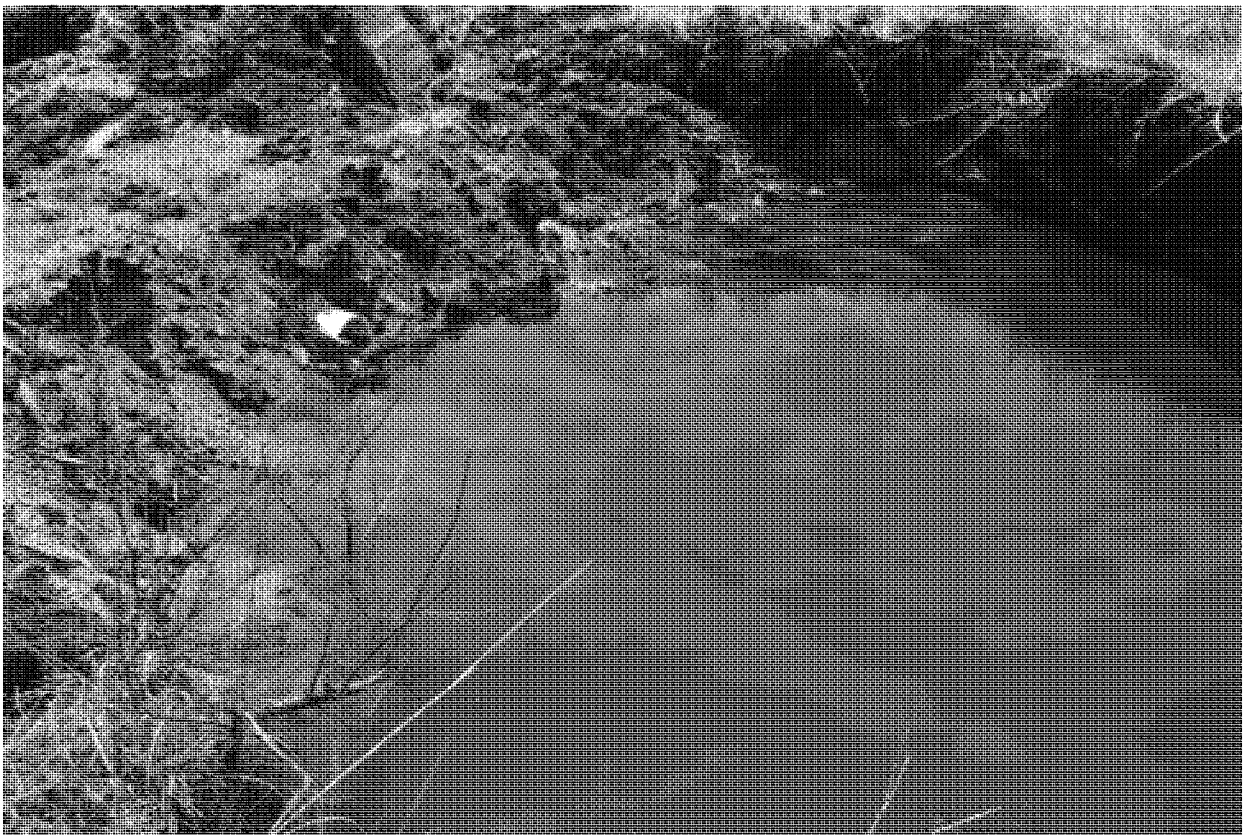

Photo File Name: Photo 12 (DSC_0022)
Orientation: South
Date of Photo: 4/26/2018
Time of Photo: 1:56 pm
Latitude: 36.583809N
Longitude: -96.502419W
Photographer: K.W. Sanborn
Description: This photo shows a third temporary dam, or Dam 3.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 13

36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 13 (DSC_0021)
Orientation: North
Date of Photo: 4/26/2018
Time of Photo: 1:49 pm
Latitude: 36.583809N
Longitude: -96.502419W
Photographer: K.W. Sanborn
Description: I observed that water and brine were also running through the Dam 3 during the inspection and flowing south, downstream.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 14

36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

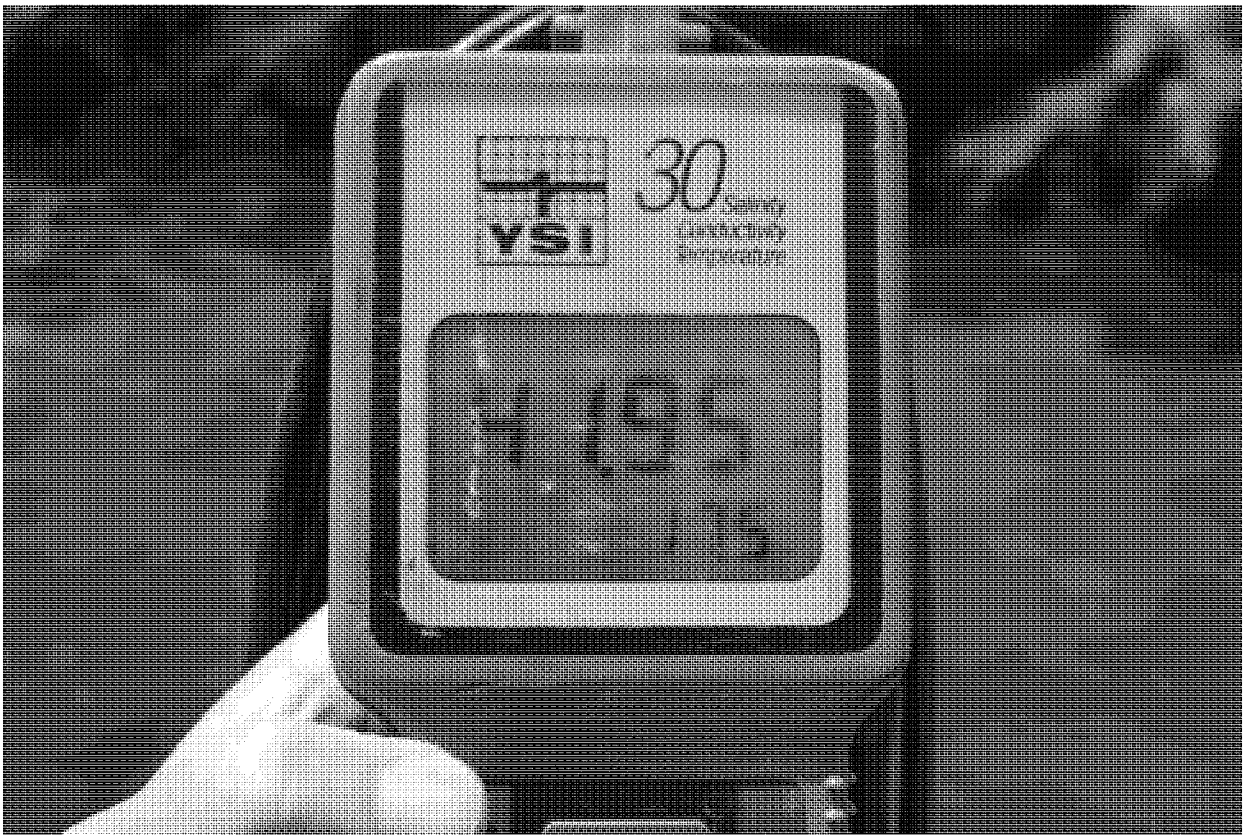

Photo File Name: Photo 14 (DSC_0023)
Orientation: Southwest
Date of Photo: 4/26/2018
Time of Photo: 1:56 pm
Latitude: 36.583809N
Longitude: -96.502419W
Photographer: K.W. Sanborn
Description: A Specific Conductance field reading taken at Dam 3 was 41.95 mS, which was converted to 27,267 mg/L TDS as shown in Appendix 2.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 15

36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

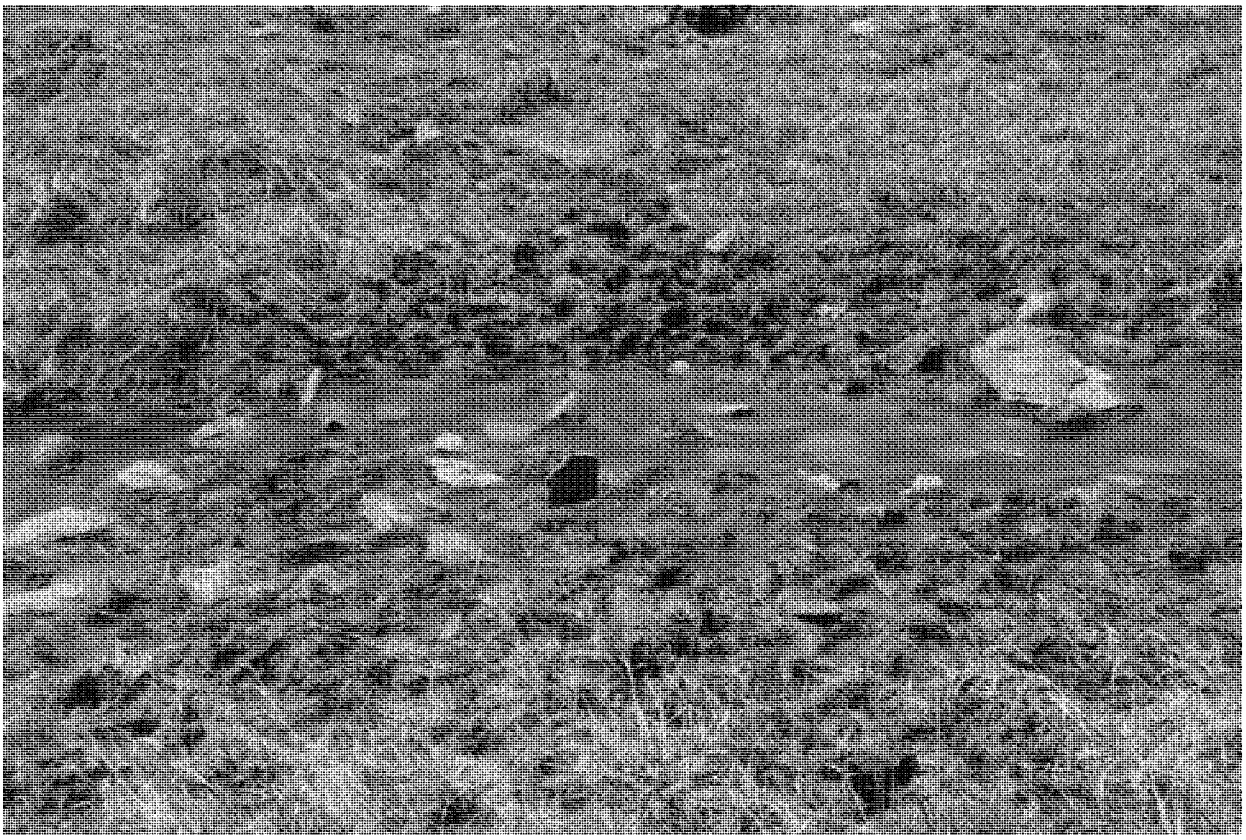

Photo File Name: Photo 15 (DSC_0026)
Orientation: Southeast
Date of Photo: 4/26/2018
Time of Photo: 1:59 pm
Latitude: 36.584833N
Longitude: -96.500620W
Photographer: K.W. Sanborn
Description: I observed livestock tracks, including cattle tracks, that indicate cattle were at the tributary at this location here, between Dam 2 and Dam 3.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 16

36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

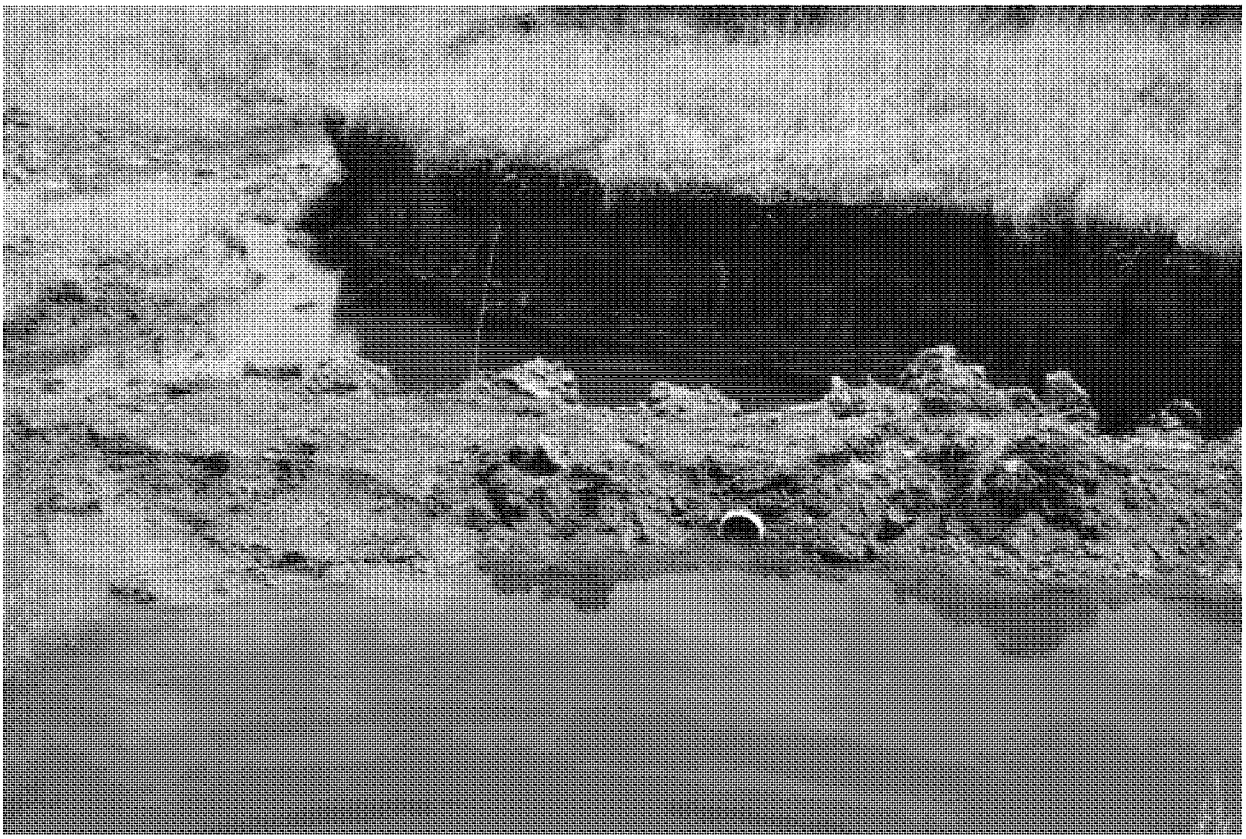

Photo File Name: Photo 16 (DSC_0027)
Orientation: South
Date of Photo: 4/26/2018
Time of Photo: 2:03 pm
Latitude: 36.582435N
Longitude: -96.502429W
Photographer: K.W. Sanborn
Description: A fourth Dam has been built as shown here, or Dam 4. Water and brine were flowing through the dam at the time of the inspection.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 17

36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 17 (DSC_0028)
Orientation: South
Date of Photo: 4/26/2018
Time of Photo: 2:03 pm
Latitude: 36.582035N
Longitude: -96.502429W
Photographer: K.W. Sanborn
Description: A Specific Conductance field reading taken at Dam 4 was 6.44 mS, which was converted to 4,186 mg/L TDS as shown in Appendix 2.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 18

36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 18 (DSC_0032)
Orientation: North
Date of Photo: 4/26/2018
Time of Photo: 2:20 pm
Latitude: 36.587812N
Longitude: -96.498510W
Photographer: K.W. Sanborn
Description: I observed the tributary of Daniel's Run Creek upstream of the discharge point of entry at this location.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 19

36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

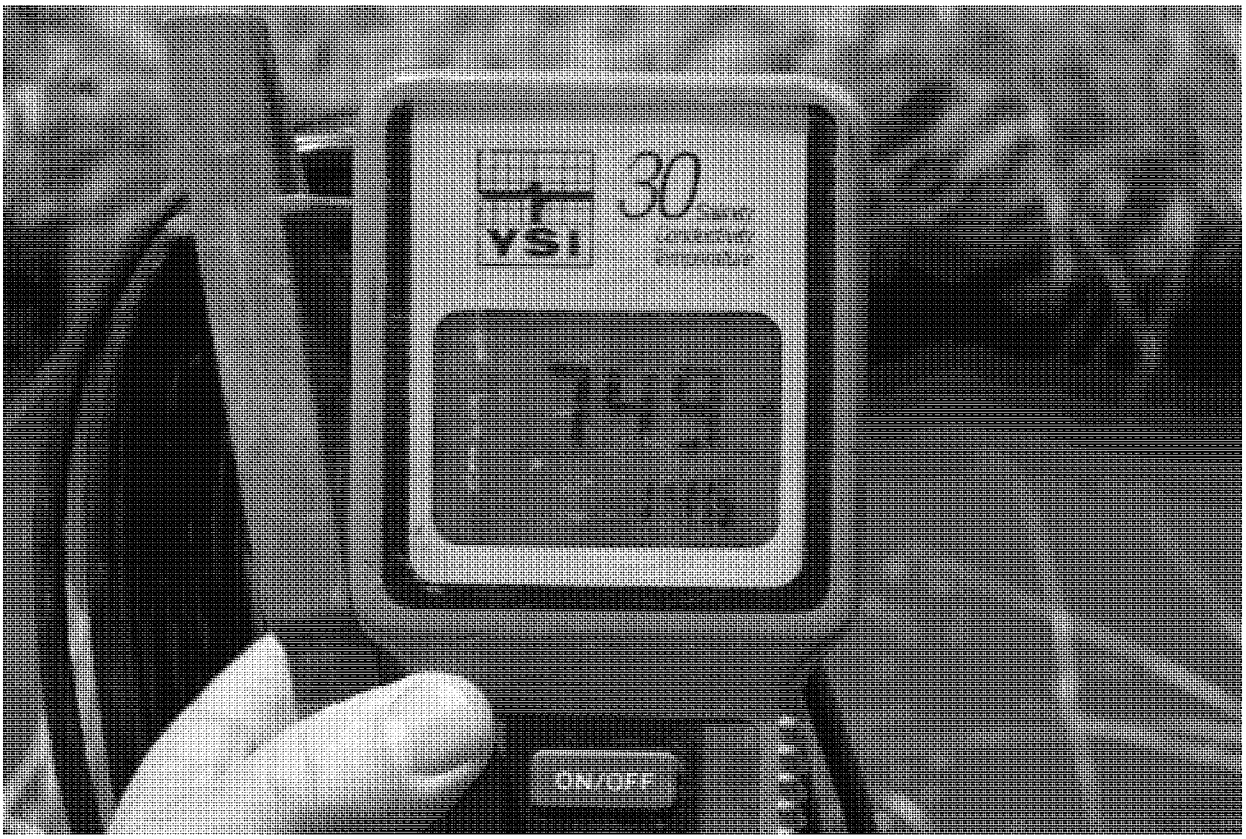

Photo file Name: Photo 19 (DSC_0031)
Orientation: North
Date of Photo: 4/26/2018
Time of Photo: 2:20 pm
Latitude: 36.587812N
Longitude: -96.498510W
Photographer: K.W. Sanborn
Description: A Specific Conductance field reading taken upstream in the tributary and was 749 microSiemens (uS), which was converted to 486 mg/L TDS as shown in Appendix 2.

Appendix 2

Table 1: Conversion of Specific Conductance Readings to Total Dissolved Solids

Table 1

Conversion from Specific Conductance (milliSiemens) Field Readings to Total Dissolved Solids (milligrams/Liter) Measurements taken with a calibrated YSI 30 Conductivity Meter

Inspection Report Photo No.	Specific Conductance Reading (mS)	Specific Conductance (uS)	Converted Total Dissolved Solids (mg/L)*
Photo No. 5	67.4 mS	67,400 uS	43,810 mg/L
Photo No. 8	65.9 mS	65,900 uS	42,835 mg/L
Photo No. 11	26.55 mS	26,550 uS	17,257.5 mg/L
Photo No. 14	41.95 mS	41,950 uS	27,267.5 mg/L
Photo No. 17	6.44 mS	6,440 uS	4,186 mg/L
Photo No. 19	N/A	749 uS	486.8 mg/L

*The default conversion value to convert specific conductance (uS) to Total Dissolved Solids (TDS) used in this inspection report was 0.65. For example, 67,400 uS multiplied by 0.65 equates to 43,810 mg/L TDS.

EPA United States Environmental Protection Agency

Region 6 Compliance Assurance and Enforcement Division

INSPECTION REPORT

Inspection Date(s):	April 12, 2018	
Media:	Water (CWA)	
Regulatory Program(s)	NPDES – Brine	
Company Name:	**Diamond 3S, LLC**	
Facility Name:	***Kennedy***	
Facility Physical Location:	36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)	
(city, state, zip code)	Pawhuska, Oklahoma 74056	
Mailing address:	20102 West Coyote Trail	
(city, state, zip code)	Sand Springs, Oklahoma 74063	
County/Parish:	Osage	
Facility Contact:	Joel Summers	Joel Summers
	(918) 638-9306	
FRS Number:	N/A	
Identification/Permit Number:	OKU000867	
Media Number:	N/A	
NAICS:	21111	
SIC:	1311	

Personnel participating in inspection:			
Kent W. Sanborn	EPA Region 6, 6EN-WR	Environmental Engineer	918-557-1615

EPA Lead Inspector Signature/Date	Sanborn, Kent — Digitally signed by Sanborn, Kent DN: cn=Sanborn, Kent, email=Sanborn.Kent@epa.gov Date: 2018.06.04 09:43:59 -05'00'	
	Kent W. Sanborn	Date
Supervisor Signature/Date	GUY TIDMORE — Digitally signed by GUY TIDMORE DN: c=US, o=U.S. Government, ou=USEPA, ou=Staff, cn=GUY TIDMORE, dnQualifier=0000012807 Date: 2018.06.18 11:29:37 -05'00'	18 JUN 2018
	Guy Tidmore	Date

6ENFORM-019-R7 (2/15/2017)

ED_002955_00005935-00001

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

EPA Region 6 inspector Kent W. Sanborn arrived at the Diamond 3S, LLC – Kennedy lease on the Kennedy near Pawhuska, Osage County, Oklahoma at about 2:00 PM on April 12, 2018 for an inspection. The inspection was initiated by a reported discharge of fluids into a nearby tributary of Daniel's Run Creek by Diamond 3S, LLC, and was a follow-up to inspections conducted March 16 and 20, 2018. The Bureau of Indian Affairs (BIA) in Pawhuska requested EPA assistance in addressing the discharge. There was not a company representative at the site during the inspection. The inspection was conducted under the authority of Section 308 of the Clean Water Act (CWA). The scope of the inspection was to determine if the facility was in compliance with CWA, including Section 301, and to identify and document discharges of produced wastewater (brine) to waters of the United States.

FACILITY DESCRIPTION

The origination point of discharge was a leaking injection well supply line connected to the well known as the Kennedy Number 3, EPA inventory OS 4349. The line was buried up to the well during the time of the inspection. The flow line was connected to the main tank battery on the Kennedy lease. The Kennedy Number 3 well was closed in, and the flow line had leaked fluids on or about March 16, 2018. The brine that leaked to the tributary of Daniel's Run Creek contaminated over an acre of soil along it's flow path between the leaking flow line and the tributary. The flow path became contaminated from this leak and the brine contaminated soil continues to seep brine into the tributary of Daniel's Run Creek. The entire pasture area between the well and the tributary was saturated with brine and has continued to seep to the tributary.

Section II – OBSERVATIONS

I arrived at the Diamond 3S, LLC, Kennedy lease at about 2:00 pm on April 12, 2018. I confirmed the discharge was seeping into the tributary of Daniel's Run Creek due to contaminated soil and a recent rainfall event. I observed one truck hauling water from the tributary for approximately two hours during the inspection. Photo 1 indicates the injection well sign located a few yards from the previous discharge point. The previous brine leak contaminated a large area of soil which was actively seeping into the tributary of Daniel's Run Creek. Photos 2 and 3 show the area along the flow path, downhill from the previous point of discharge, that was actively seeping during the inspection to the tributary of Daniel's Run Creek. The Total Dissolved Solids (TDS) in the tributary of Daniel's Run Creek was taken with a calibrated YSI Pro 30 Conductivity Meter at the point of entry and measured 83,783 mg/L (Photo 4). The first temporary dam is shown in Photo 5. TDS at this first dam, or Dam 1, was 33,526 mg/L (Photo 6). This first dam was also seeping brine downstream from the base of the dam. Downstream from Dam 1 (Photo 7) the tributary was full and flowing south. TDS of the tributary in Photo 7 was 62,811 mg/L (Photo 8). The tributary had fluids backed up behind the second dam, or Dam 2, shown in Photo 9. Water was flowing through the pipe (Photo 10) in the dam. TDS of the tributary at this location was 20,395 mg/L (Photo 11) at Dam 2. The tributary flowed south (Photo 12) towards the third temporary dam, or Dam 3. TDS in the tributary at the location shown in Photo 12 was 37,716 mg/L (Photo 13). The third dam, or Dam 3 was shown in Photo 14. TDS at that point was 23,587 mg/L (Photo 15). The

affected tributary joined another branch of the Daniel's Run Creek flowing from the west as shown in Photo 16. TDS of the contaminated water at the confluence was 11,800 mg/L (Photo 17). I observed remains of a dead crayfish at the junction of the tributaries, shown in Photo 18. The tributary continued to flow south of Dam 3 (Photo 19). The upstream portion of the tributary, north of the discharge entry point where seepage had occurred, was shown in Photo 20. TDS upstream was 917 mg/L (Photo 21).

Section III – AREAS OF CONCERN

There continue to be elevated levels of TDS in the tributary and Daniel's Run Creek due to a previous spill and continued seepage from contaminated soils along the significantly large flow path. The brine continues to flow further downstream than documented in previous compliance inspections and is not being removed from the stream in effective amounts. I continued to observe contamination in the tributary and creek and along the flow path. The seepage from the large area of contaminated soil from a previous subsurface spill has continued to contaminate the area, including the tributary of Daniel's Run Creek and Daniel's Run Creek.

Section IV – FOLLOW UP

A follow up inspection will be conducted as needed.

Section V – LIST OF APPENDICES

Appendix 1 – Photo Log – 21 photos taken April 12, 2018.

Appendix 1

Photographic Log (21 photos)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 1

Location: 36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 1 (DSC_0029)
Orientation: South
Date of Photo: 04/12/2018
Time of Photo: 4:58 pm
Latitude: 36.586969N
Longitude: -96.498093W
Photographer: K.W. Sanborn
Description: This photo shows the sign for the Diamond 3S, LLC Kennedy #3 injection well, where a discharge originated from an injection flow line located about 20 yards east of this well head. The discharge occurred on or about March 14, 2018. The release contaminated a large area of soil, which continues to actively seep and was seeping during this inspection.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 2

Location: 36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

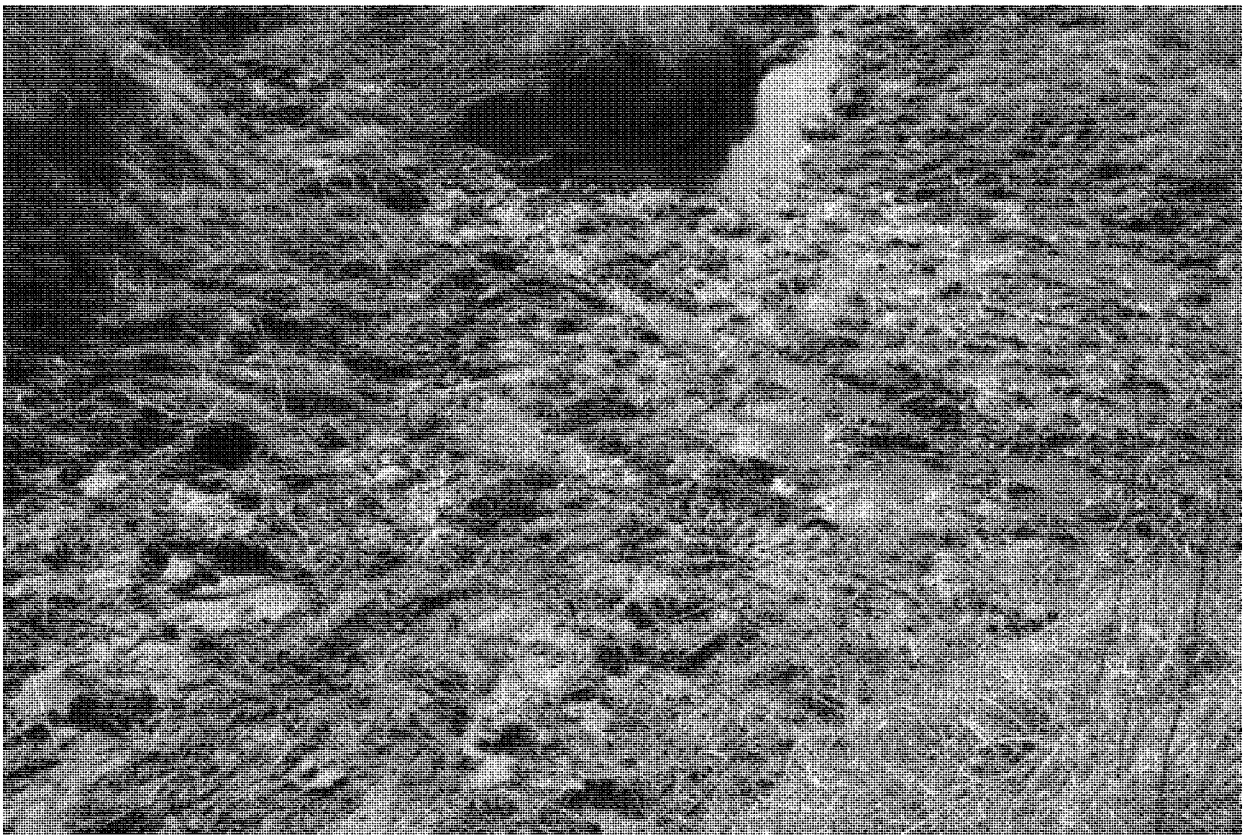

Photo File Name: Photo 2 (DSC_0031)
Orientation: South
Date of Photo: 04/12/2018
Time of Photo: 5:00 pm
Latitude: 36.586514N
Longitude: -96.499076W
Photographer: K.W. Sanborn
Description: Brine was seeping out of the hill side near Kennedy #3 injection well into the tributary of Daniel's Run Creek here.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 3

Location: 36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

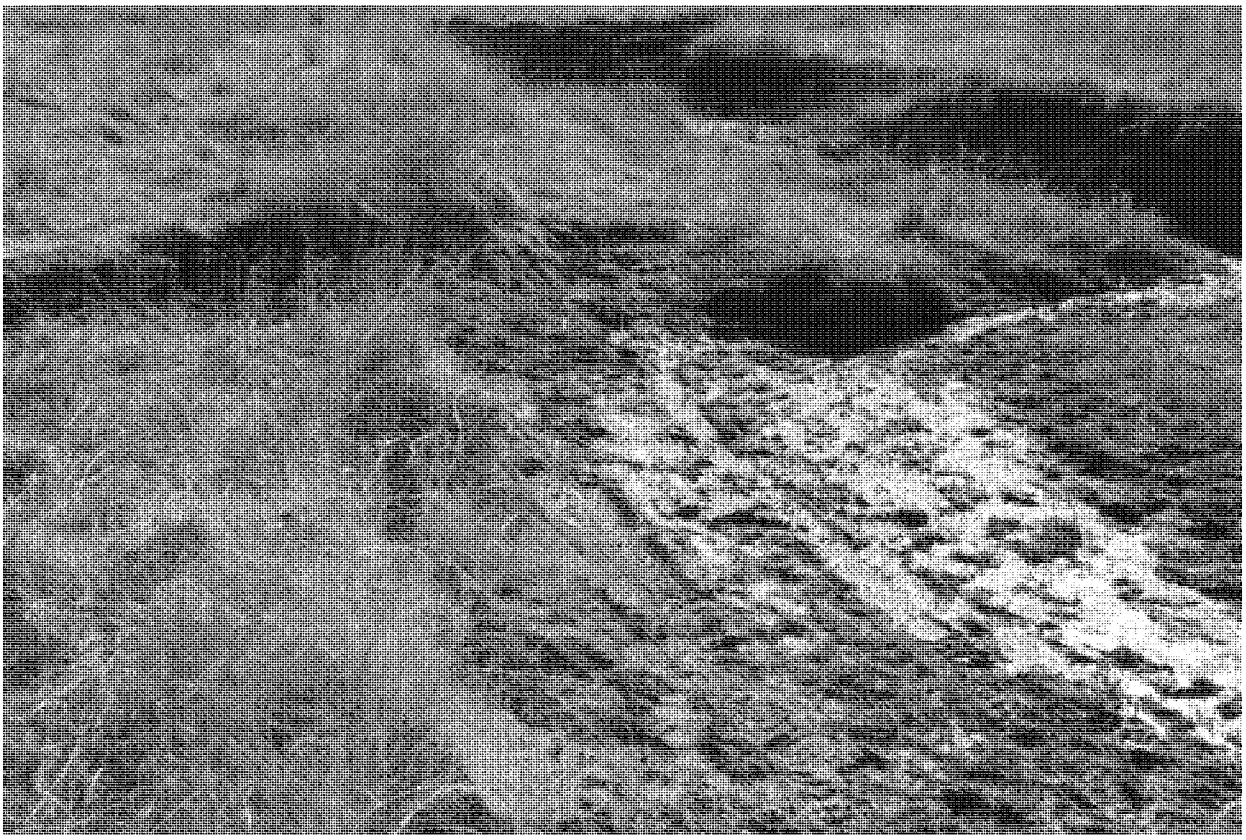

Photo File Name: Photo 3 (DSC_0030)
Orientation: Southwest
Date of Photo: 04/12/2018
Time of Photo: 5:00 pm
Latitude: 36.586514N
Longitude: -96.499076W
Photographer: K.W. Sanborn
Description: The discharge and seepage from the hillside flowed to the tributary of Daniel's Run Creek and entered the tributary here.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 4

Location: 36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

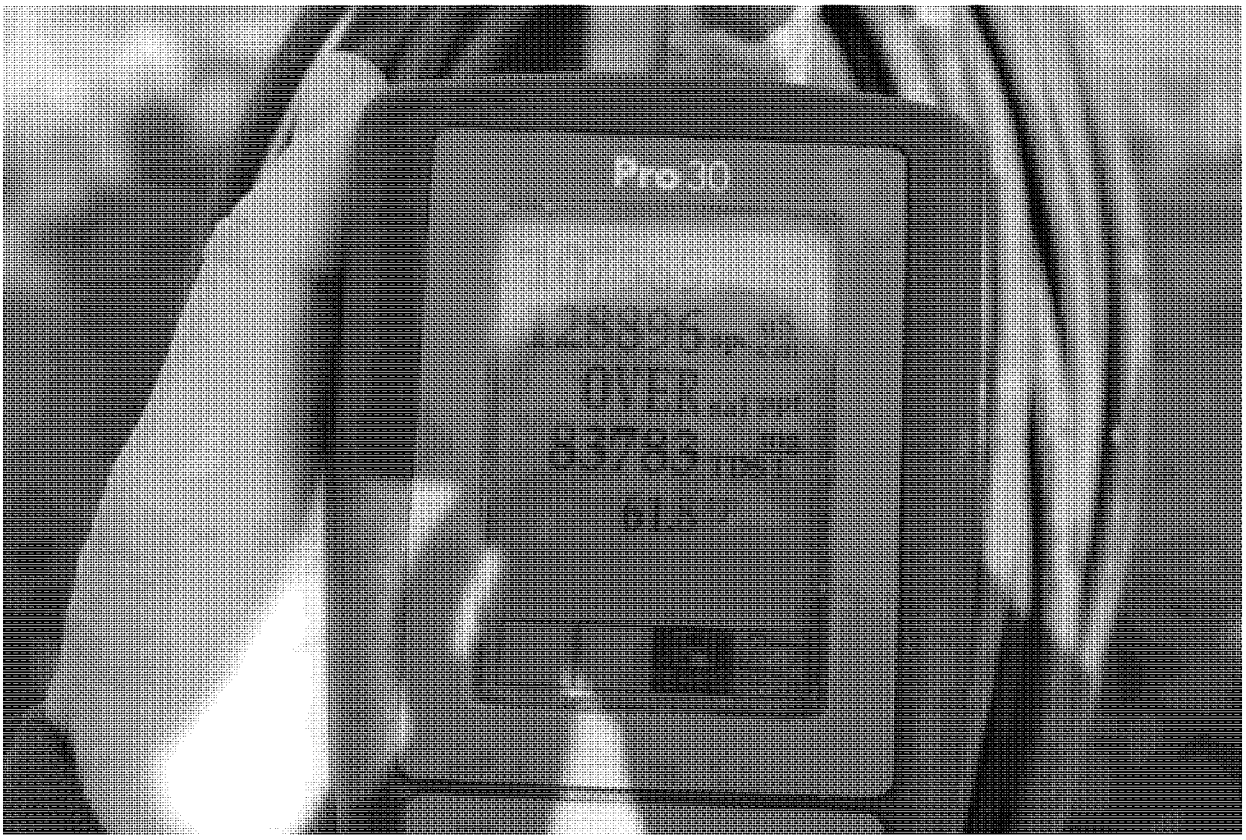

Photo File Name: Photo 4 (DSC_0033)
Orientation: South
Date of Photo: 04/12/2018
Time of Photo: 5:02 pm
Latitude: 36.586514N
Longitude: -96.499076W
Photographer: K.W. Sanborn
Description: With a calibrated YSI Pro 30 Conductivity Meter I took Total Dissolved Solids (TDS) readings along the tributary. The TDS at the point of entry to the tributary of Daniel's Run Creek was 83,783 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 5

Location: 36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

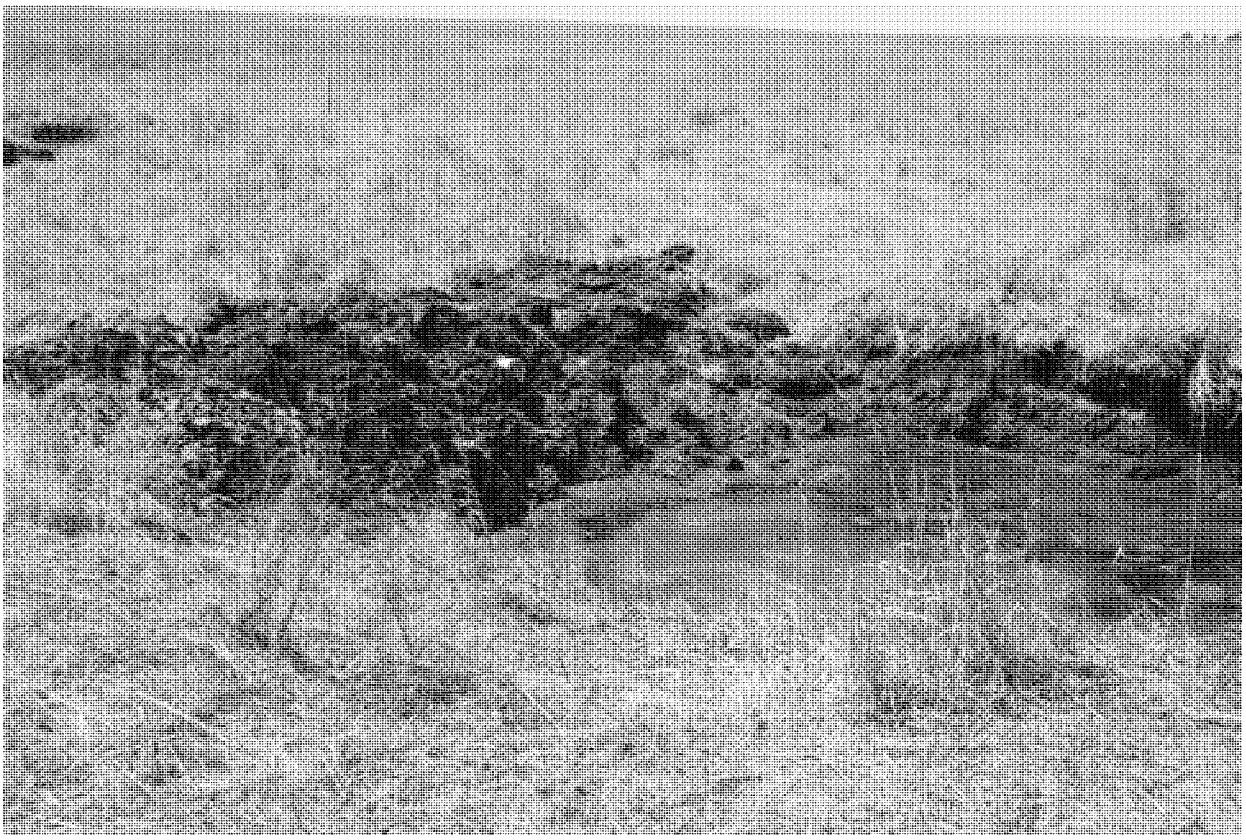

Photo File Name: Photo 5 (DSC_0002)
Orientation: Southwest
Date of Photo: 04/12/2018
Time of Photo: 2:22 pm
Latitude: 36.586313N
Longitude: -96.499364W
Photographer: K.W. Sanborn
Description: This photo shows the first dam, or Dam 1. There were fluids on both sides of the dam during the inspection that had elevated levels of TDS.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 6

Location: 36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 6 (DSC_0005)
Orientation: Southwest
Date of Photo: 04/12/2018
Time of Photo: 2:23 pm
Latitude: 36.586313N
Longitude: -96.499364W
Photographer: K.W. Sanborn
Description: TDS of the brine located at Dam 1 was 33,526 mg/L. There were fluids leaking out the base of the dam during the inspection.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 7

Location: 36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 7 (DSC_0006)
Orientation: Southwest
Date of Photo: 04/12/2018
Time of Photo: 2:24 pm
Latitude: 36.585291N
Longitude: -96.499880W
Photographer: K.W. Sanborn
Description: This photo shows the tributary of Daniel's Run Creek downstream of Dam 1. I observed bed and bank at this location of the tributary.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 8

Location: 36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 8 (DSC_0007)
Orientation: Southwest
Date of Photo: 04/12/2018
Time of Photo: 2:24 pm
Latitude: 36.585291N
Longitude: -96.499880W
Photographer: K.W. Sanborn
Description: TDS of the location in the tributary of Daniel's Run Creek shown in Photo 7 was 62,811 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 9

Location: 36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 9 (DSC_0009)
Orientation: Northeast
Date of Photo: 04/12/2018
Time of Photo: 2:27 pm
Latitude: 36.585146N
Longitude: -96.500020W
Photographer: K.W. Sanborn
Description: I observed that water in the tributary was backed up behind Dam 2 here.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 10

Location: 36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 10 (DSC_0011)
Orientation: East
Date of Photo: 04/12/2018
Time of Photo: 2:28 pm
Latitude: 36.585146N
Longitude: -96.500020W
Photographer: K.W. Sanborn
Description: I observed that brine in the tributary was flowing through the pipe in Dam 2.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 11

Location: 36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 11 (DSC_0010)
Orientation: South
Date of Photo: 4/12/2018
Time of Photo: 2:28 pm
Latitude: 36.585146N
Longitude: -96.500020W
Photographer: K.W. Sanborn
Description: The TDS of the water in the tributary of Daniel's Run Creek at Dam 2 was 20,395 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 12

Location: 36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 12 (DSC_0012)
Orientation: Southwest
Date of Photo: 4/12/2018
Time of Photo: 2:32 pm
Latitude: 36.584833N
Longitude: -96.500620W
Photographer: K.W. Sanborn
Description: The tributary of Daniel's Run Creek, here, downstream of Dam 2 had bed and bank at this location.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 13

Location: 36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 13 (DSC_0013)
Orientation: West
Date of Photo: 4/12/2018
Time of Photo: 2:33 pm
Latitude: 36.584833N
Longitude: -96.500620W
Photographer: K.W. Sanborn
Description: The TDS of the tributary of Daniel's Run Creek shown in Photo 12 was 37,716 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 14

Location: 36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 14 (DSC_0014)
Orientation: Southwest
Date of Photo: 4/12/2018
Time of Photo: 2:35 pm
Latitude: 36.583809N
Longitude: -96.502419W
Photographer: K.W. Sanborn
Description: The photo shows Dam 3. During the inspection, there was water flowing through the pipe downstream in Daniel's Run Creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 15

Location: 36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

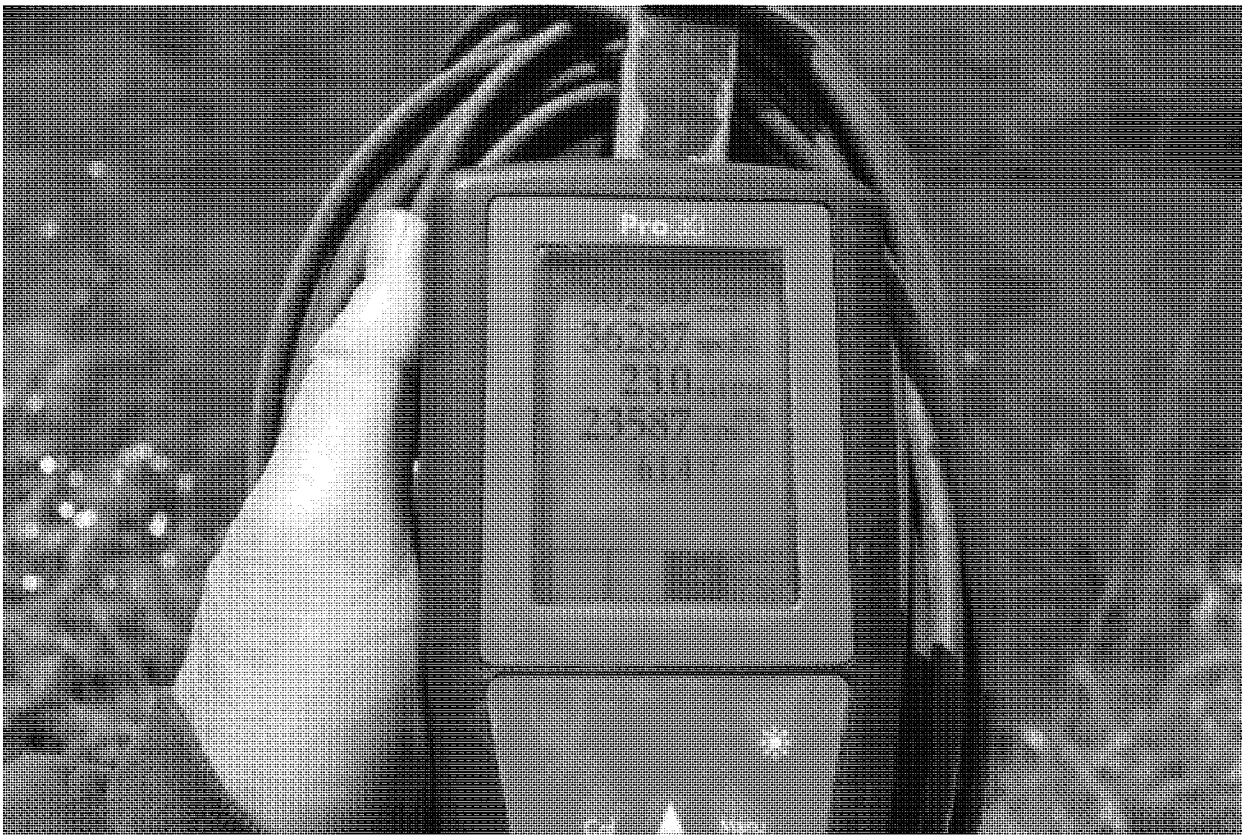

Photo File Name: Photo 15 (DSC_0015)
Orientation: South
Date of Photo: 4/12/2018
Time of Photo: 2:35 pm
Latitude: 36.583809N
Longitude: -96.502419W
Photographer: K.W. Sanborn
Description: The TDS at Dam 3 was 23,587 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 16

Location: 36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

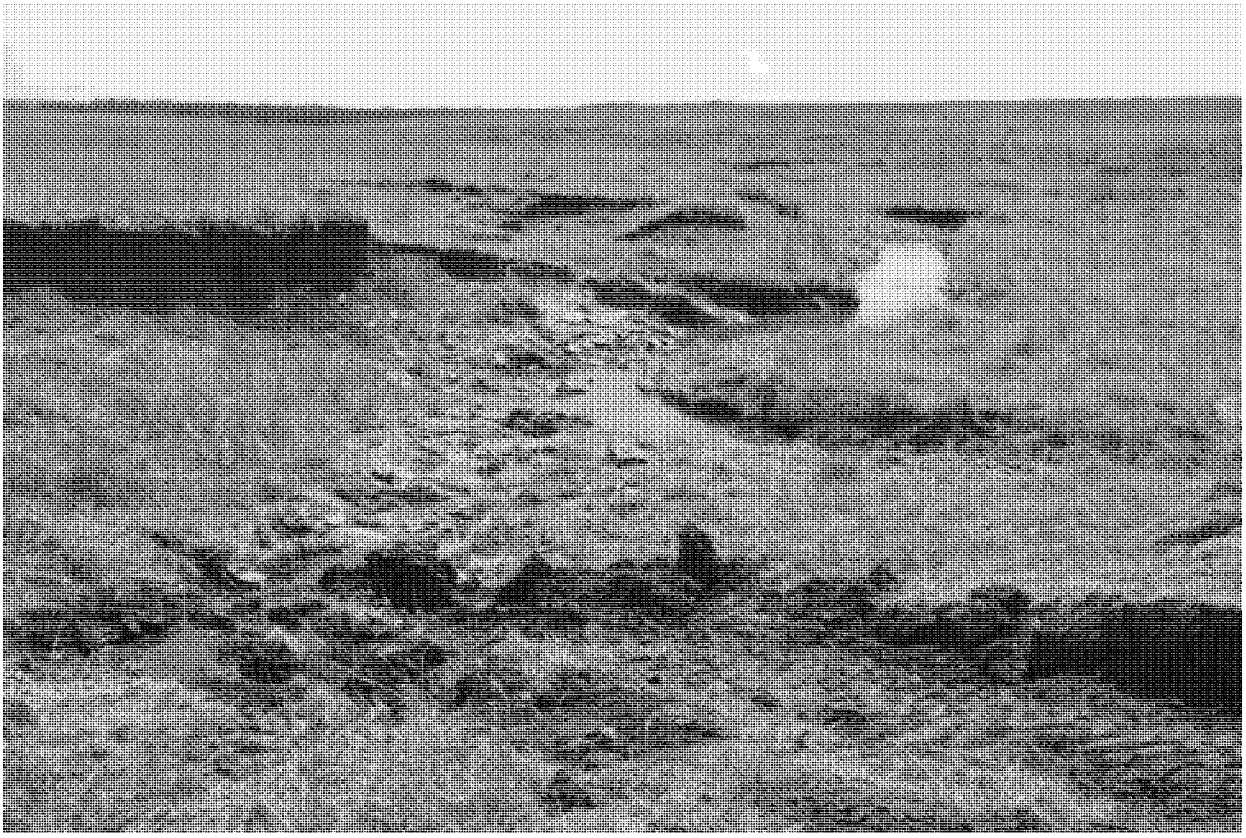

Photo File Name: Photo 16 (DSC_0017)
Orientation: South
Date of Photo: 4/12/2018
Time of Photo: 2:36 pm
Latitude: 36.583756N
Longitude: -96.502481W
Photographer: K.W. Sanborn
Description: The Daniel's Run Creek meets another branch or tributary that flowed from the west shown in this photo.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 17

Location: 36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

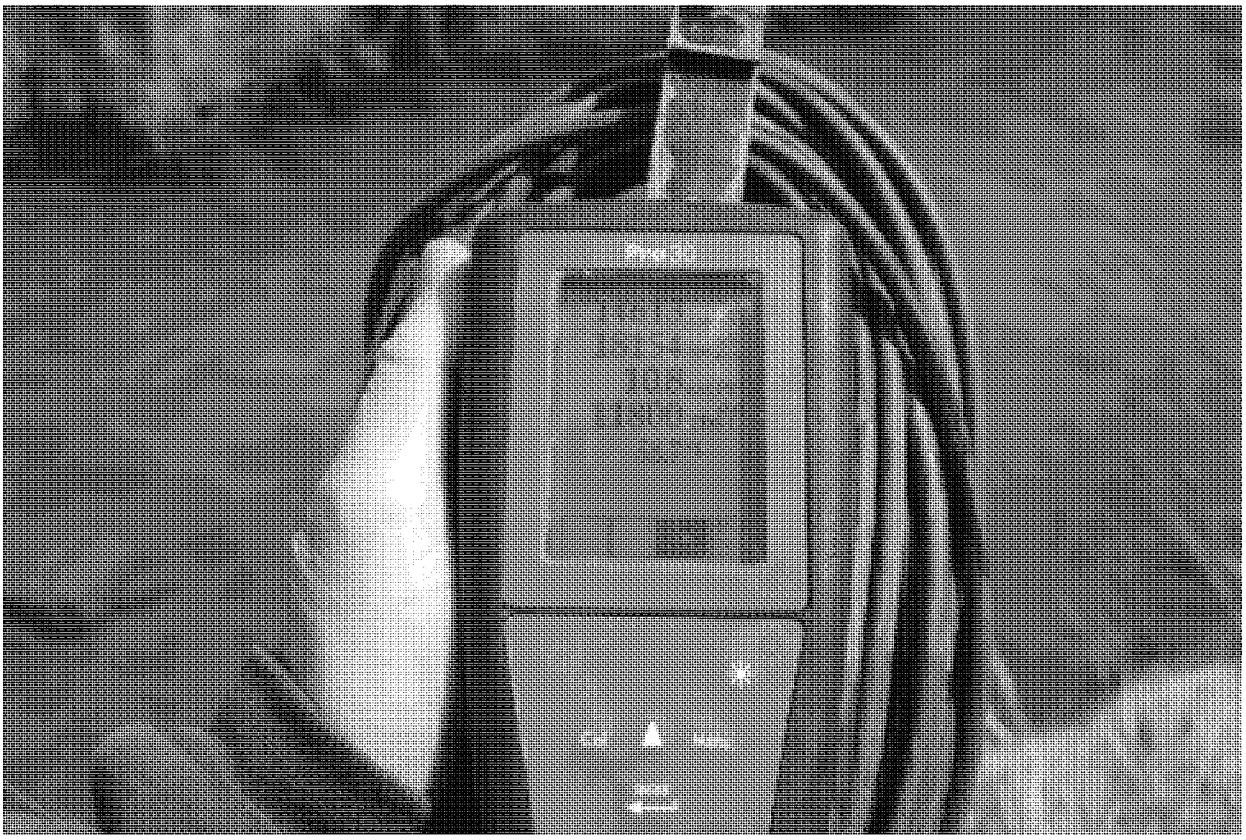

Photo File Name: Photo 17 (DSC_0019)
Orientation: South
Date of Photo: 4/12/2018
Time of Photo: 2:37 pm
Latitude: 36.583756N
Longitude: -96.502481W
Photographer: K.W. Sanborn
Description: The TDS of the water after the confluence of the tributary and the creek combined was 11,800 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 18

Location: 36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

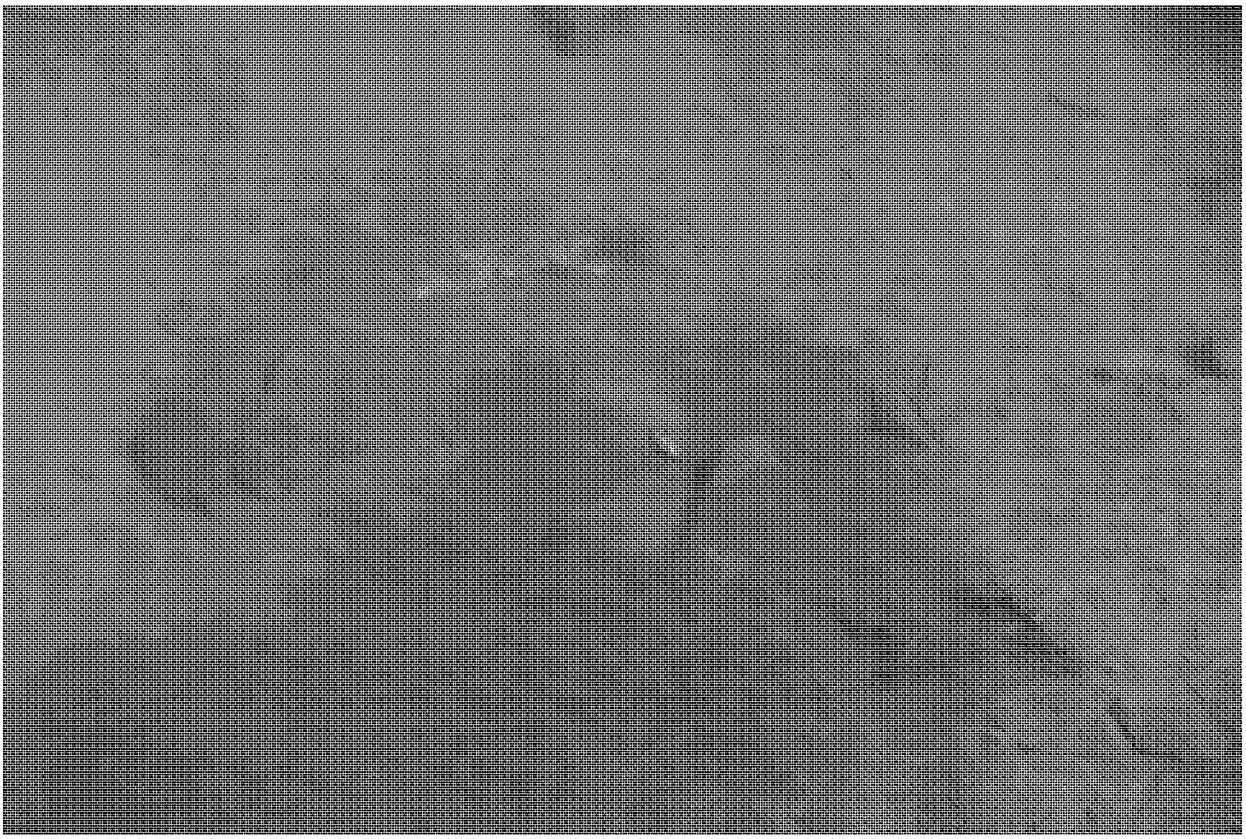

Photo File Name: Photo 18 (DSC_0021)
Orientation: Southwest
Date of Photo: 4/12/2018
Time of Photo: 2:40 pm
Latitude: 36.583756N
Longitude: -96.502481W
Photographer: K.W. Sanborn
Description: A dead crayfish at the junction of the creek and the tributary of Daniel's Run Creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 19

Location: 36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo file Name: Photo 19 (DSC_0021)
Orientation: South
Date of Photo: 4/12/2108
Time of Photo: 2:38 pm
Latitude: 35.583756N
Longitude: -96.502481W
Photographer: K.W. Sanborn
Description: This photo shows a view of the flowing creek, south of Dam 3. I observed bed and bank at this location.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 20

Location: 36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 20 (DSC_0037)
Orientation: North
Date of Photo: 4/12/2018
Time of Photo: 5:06 pm
Latitude: 36.587812N
Longitude: -96.498510W
Photographer: K.W. Sanborn
Description: This photo shows a view of the tributary of Daniel's Run Creek upstream of the discharge entry point.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 21

Location: 36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 21 (DSC_0036)
Orientation: North
Date of Photo: 4/12/2018
Time of Photo: 5:05 pm
Latitude: 36.587812N
Longitude: -96.498510W
Photographer: K. W. Sanborn
Description: The TDS of the tributary upstream of the discharge entry point was 917 mg/L.

EPA United States Environmental Protection Agency

Region 6 Compliance Assurance and Enforcement Division

INSPECTION REPORT

Inspection Date(s):	04/17/2018
Media:	Water
Regulatory Program(s)	Brine - CWA
Company Name:	**Diamond 3S, LLC**
Facility Name:	**Kennedy Lease**
Facility Physical Location:	36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)
(city, state, zip code)	Pawhuska, Oklahoma 74056
Mailing address:	20102 West Coyote Trail
(city, state, zip code)	Sand Springs, Oklahoma 74063
County/Parish:	Osage
Facility Contact:	Joel Summers
	(918) 638-9306
FRS Number:	N/A
Identification/Permit Number:	OKU000867
Media Number:	N/A
NAICS:	21111
SIC:	1311

Personnel participating in inspection:

Kent W. Sanborn	6EN-WR	Environmental Engineer	(918) 557 – 1615

EPA Lead Inspector Signature/Date for	Jeanne Eckhart Digitally signed by Jeanne Eckhart DN: cn=Jeanne Eckhart, o=EPA, ou=6EN-WR, email=eckhart.jeanne@epa.gov, c=US Date: 2018.06.26 12:01:37 -05'00'	
	Kent W. Sanborn	Date
Supervisor Signature/Date	GUY TIDMORE Digitally signed by GUY TIDMORE DN: c=US, o=U.S. Government, ou=USEPA, ou=Staff, cn=GUY TIDMORE, dnQualifier=0000012807 Date: 2018.06.26 16:32:57 -05'00'	26 JUN 2018
	Guy Tidmore	Date

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

EPA Region 6 inspector K.W. Sanborn visited the Diamond 3S, LLC oil and gas facility located at the latitude 36.586969 N and longitude -96.498093 W near Pawhuska, Oklahoma on 04/17/2018 for an unannounced inspection. No representatives of Diamond 3S, LLC were present for the inspection. The inspection was conducted by authority of the Clean Water Act and the Safe Drinking Water Act to determine compliance with the Environmental Protection Agency (EPA) regulations.

FACILITY DESCRIPTION

The inspection was at the Kennedy Lease area where a previous brine discharge occurred at injection well 3.

Section II - OBSERVATIONS

During the inspection, I checked Kennedy No. 3 injection well near the previous discharge point. The operator was injecting contaminated creek water into the well at 500 psi with a hose that appeared to be weak. The electric fence around the contaminated area was down. I observed one truckload of brine pumped from the tributary near the point of entry. There were no other remedial activities at the time of the inspection. I observed elevated levels of Total Dissolved Solids (TDS) in the tributary of Daniel's Run Creek with a calibrated YSI 30 Pro Conductivity Meter.

Section III – AREAS OF CONCERN

I observed elevated levels of TDS in the creek. These levels continue to be ongoing since the first discharge was identified. There continues to be discharges from the contaminated soil during wet weather events.

Section IV – FOLLOW UP

Conduct a follow up inspection as needed.

Section V – LIST OF APPENDICES

N/A

ED_002955_00005936-00002

EPA United States Environmental Protection Agency

Region 6 Compliance Assurance and Enforcement Division

INSPECTION REPORT

Inspection Date(s):	04/18/2018
Media:	Water
Regulatory Program(s)	Brine - CWA
Company Name:	**Diamond 3S, LLC**
Facility Name:	**Kennedy Lease**
Facility Physical Location:	36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)
(city, state, zip code)	Pawhuska, Oklahoma 74056
Mailing address:	20102 West Coyote Trail
(city, state, zip code)	Sand Springs, Oklahoma 74063
County/Parish:	Osage
Facility Contact:	Joel Summers
	(918) 638-9306
FRS Number:	N/A
Identification/Permit Number:	OKU000867
Media Number:	N/A
NAICS:	21111
SIC:	1311

Personnel participating in inspection:			
Kent W. Sanborn	6EN-WR	Environmental Engineer	(918) 557 – 1615

EPA Lead Inspector Signature/Date	Jeanne Eckhart — Digitally signed by Jeanne Eckhart DN: cn=Jeanne Eckhart, o=EPA, ou=6EN-WR, email=eckhart.jeanne@epa.gov, c=US Date: 2018.06.26 12:03:02 -05'00'	
for	Kent W. Sanborn	Date
Supervisor Signature/Date	GUY TIDMORE — Digitally signed by GUY TIDMORE DN: c=US, o=U.S. Government, ou=USEPA, ou=Staff, cn=GUY TIDMORE, dnQualifier=0000012807 Date: 2018.06.26 16:34:05 -05'00'	26 JUN 2018
	Guy Tidmore	Date

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

EPA Region 6 inspector K.W. Sanborn visited the Diamond 3S, LLC oil and gas facility located at the latitude 36.586969 N and longitude -96.498093 W near Pawhuska, Oklahoma on 04/18/2018 for an unannounced inspection. EPA inspector Rick Davis also participated in the inspection. No representatives of Diamond 3S, LLC were present for the inspection. The inspection was conducted by authority of the Clean Water Act and the Safe Drinking Water Act to determine compliance with the Environmental Protection Agency (EPA) regulations.

FACILITY DESCRIPTION

The inspection assessed the Kennedy No. 3 injection well and brine discharge site. Additionally, EPA inspector Rick Davis participated in the inspection. EPA also inspected all injection wells associated with this facility, which was a total of 4 injection wells.

Section II - OBSERVATIONS

During the inspection, I observed that all the injection wells associated with the Kennedy lease were set up to receive water, except for the Kennedy No. 5 injection well. At the time of the inspection, there was contaminated creek water being pumped down all 3 injection wells. I observed one truck on location picking up contaminated water from the tributary of Daniel's Run Creek at the first temporary dam (near the point of entry). I did not observe signs that attempts to vacuum out contaminated waters downstream along the tributary and in Daniel's Run Creek had been conducted. I observed elevated levels of Total Dissolved Solids (TDS) in the tributary of Daniel's Run Creek.

Section III – AREAS OF CONCERN

There were still elevated levels of TDS in the tributary and in Daniel's Run Creek. These levels have persisted since the first EPA inspection associated with this spill and remedial efforts to address these TDS levels are minimal. Additionally, EPA observed that contaminated creek water was being injected into the three active injection wells on the Kennedy Lease.

Section IV – FOLLOW UP

Conduct a follow up inspection as needed.

Section V – LIST OF APPENDICES

N/A

EPA United States Environmental Protection Agency

Region 6 Compliance Assurance and Enforcement Division

INSPECTION REPORT

Inspection Date(s):	March 16, 2018 and March 20, 2018	
Media:	Water (CWA)	
Regulatory Program(s)	NPDES – Brine	
Company Name:	**Diamond 3S, LLC**	
Facility Name:	**Kennedy**	
Facility Physical Location:	36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)	
(city, state, zip code)	Pawhuska, Oklahoma 74056	
Mailing address:	20102 West Coyote Trail	
(city, state, zip code)	Sand Springs, Oklahoma 74063	
County/Parish:	Osage	
Facility Contact:	Joel Summers	
	(918) 638-9306	
FRS Number:	N/A	
Identification/Permit Number:	OKU000867	
Media Number:	N/A	
NAICS:	21111	
SIC:	1311	
Personnel participating in inspection:		
Kent W. Sanborn	EPA Region 6, 6EN-WR	Environmental Engineer	918-557-1615
EPA Lead Inspector Signature/Date	Sanborn, Kent — Digitally signed by Sanborn, Kent DN: cn=Sanborn, Kent, email=Sanborn.Kent@epa.gov Date: 2018.03.30 13:45:50 -05'00'	
	Kent W. Sanborn	Date
Supervisor Signature/Date	GUY TIDMORE — Digitally signed by GUY TIDMORE DN: c=US, o=U.S. Government, ou=USEPA, ou=Staff, cn=GUY TIDMORE, dnQualifier=0000012807 Date: 2018.04.02 08:44:27 -05'00'	02 APR 2018
	Guy Tidmore	Date

6ENFORM-019-R7 (2/15/2017)

ED_002955_00005938-00001

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

EPA Region 6 inspector Kent W. Sanborn arrived at the Diamond 3S LLC lease on the Kennedy property near Pawhuska, Oklahoma at about 3:00 PM on March 16, 2018 for an inspection. The inspection was initiated by a reported discharge of fluids into a nearby tributary of Daniel's Run Creek by Diamond 3S, LLC. The Bureau of Indian Affairs (BIA) in Pawhuska requested our assistance in addressing the discharge. I met with Joel Summers of the company and Mark Hendricks of the BIA at the discharge site near an injection well. We confirmed the discharge had reached a tributary of Daniel's Run Creek. There were no activities of any kind taking place to address the discharge or clean up during the inspection. The inspection was conducted under the authority of Section 308 of the CWA. The scope of the inspection was to determine if the facility was in compliance with Clean Water Act, including Section 301, and to identify and document discharges of produced wastewater (brine) to waters of the United States.

FACILITY DESCRIPTION

The origination point of discharge was a leaking injection well supply line connected to the well known as the Kennedy Number 3. The injection well is also known as EPA inventory OS 4349. The flow line was buried up to the well. The well was closed in, but the line itself was leaking fluids and was connected to the main tank battery. The entire pasture between the well and the tributary of Daniel's Run Creek was saturated with brine from a consistent leak over time.

Section II – OBSERVATIONS

3/16/2018

I initially arrived at the Diamond 3S, LLC, Kennedy lease at about 3:00 pm on March 16, 2018. Photo 1 indicates the injection well sign located a few yards from the discharge point. The well itself was shown in Photo 2. The discharge (Photos 3, 4, and 5) was occurring below the surface in what appeared to be a failed injection well supply line. The leak had a small amount of oil as well. Salt had precipitated out on the surface in around the area, which indicated that an extended amount of time has passed as the line continued to leak. Photos 6, 7, and 8 show the surface to be stained and saturated as the brine flowed southwest down a long hill towards a tributary of Daniel's Run Creek. Photo 9 indicates the extent of the brine saturation approximately half way down the hill showing a large portion of the hillside was saturated along the flow path with brine and fluids that had been leaking for long periods of time. Livestock had been in around the site for an undetermined amount of time. Photo 10 shows the unaffected portion of the tributary upstream of the discharge point of entry and area where large portions of seepage had occurred from the heavily saturated hillside. With a calibrated YSI Pro 30 Conductivity Meter, a Total Dissolved Solids (TDS) measurement was taken upstream and was 816 mg/L (Photo 11). Flow was south in the tributary of Daniel's Run Creek from the reading taken in Photo 11. The northern most extent of the seepage from the leak into the tributary of Daniel's Run Creek was located at 36.587308N, -96.499175W, approximately 100 yards upstream from the Point of Entry (POE). Photo 12 shows the southern POE of most of the brine from the discharged hillside to the tributary of Daniel's Run Creek. The entire bank for over 100 yards was seeping into the tributary from the

saturated hillside and flow path. The TDS of the tributary at the POE was 95,541 mg/L (Photo 13). The tributary shown in Photo 14 downstream was contaminated. TDS at Photo 14, approximately 0.1 miles downstream from the POE was 45,792 mg/L. (Photo 15). The downstream flow from the POE to Daniel's Run Creek (Photo 16) was again tested at the junction of the tributary and Daniel's Run Creek, which joined the tributary from the west. The TDS of the combined waters was 11,250 mg/L (Photo 17). The creek was tested farther downstream of the junction at the point shown in Photo 18. TDS was 22,483 mg/L (Photo 19). Photo 20 shows the southernmost point tested on the creek, approximately 0.86 miles downstream from the southernmost POE into the tributary of Daniel's Run Creek. TDS was 3,008 mg/L (Photo 21).

3/20/2018

On March 20, 2018 I returned to the site to evaluate cleanup activities and progress. There were no representatives present and I did not observe any trucks or equipment on site to remove brine from the tributary, creek, or the hillside at the time of the inspection. Photo 22 shows a hole dug to expose the failed line and subsequent repair of the line. The soil and bank near the POE was still saturated with brine and continued to discharge into the tributary (Photos 23 and 24). TDS at the POE to the creek was 77,765 mg/L (Photo 25). I observed three dams built in the tributary of Daniel's Run Creek. Photo 26 was the closest to the southernmost POE of brine to the tributary. TDS at the first dam was 23,769 mg/L (Photo 27). The creek was measured between the first dam and the second dam (Photo 28). TDS was found to be 25,883 mg/L (Photo 29). Flow was south within the tributary of Daniel's Run Creek. Photo 30 shows a dead crayfish found in the tributary of Daniel's Run Creek near the area shown in photos 28 and 29. Also, I observed other various crayfish parts present in this area that had been consumed prior to the inspection by varmints, like raccoons. I observed the second dam (Photo 31) downstream of the southernmost POE approximately 0.14 miles. TDS at that location was 45,164 mg/L (Photo 32). Photo 33 was a section of the creek downstream of the second dam. TDS at that location was 41,560 mg/L (Photo 34). A third dam was present and shown in Photo 35, which was approximately 0.35 miles downstream from the southernmost POE into the tributary of Daniel's Run Creek. TDS at that site was 30,419 mg/L (Photo 36). Crayfish remains were present in the creek (Photo 37) near the third dam.

Section III – AREAS OF CONCERN

I have not observed quick action to remove brine from the tributary and Daniel's Run Creek and concerns about brine continuing to flow downstream still exist. The dams put in prior to the March 20, 2018 inspection date will continue to be monitored to verify no seeping is occurring through those dams. The flow path and saturated hillside to the west and south of the tank battery was a large area of contaminated soil. This area continues to be a concern and contamination will continue to seep out of the hillside into the tributary, especially during rainfall events.

Section IV – FOLLOW UP

A follow up inspection will be conducted as needed.

Section V – LIST OF APPENDICES

Appendix 1 – Photo Log – 37 photos taken 3/16/2018 and 3/20/2018.

Appendix 1

Photographic Log (37 photos)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 1

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 1 (DSC_0342)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 4:03 pm
Latitude: 36.586969N
Longitude: -96.498093W
Photographer: K.W. Sanborn
Description: This photo shows the sign of the injection well, where the discharge originated from a flow line located about 20 yards east of the well.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 2

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

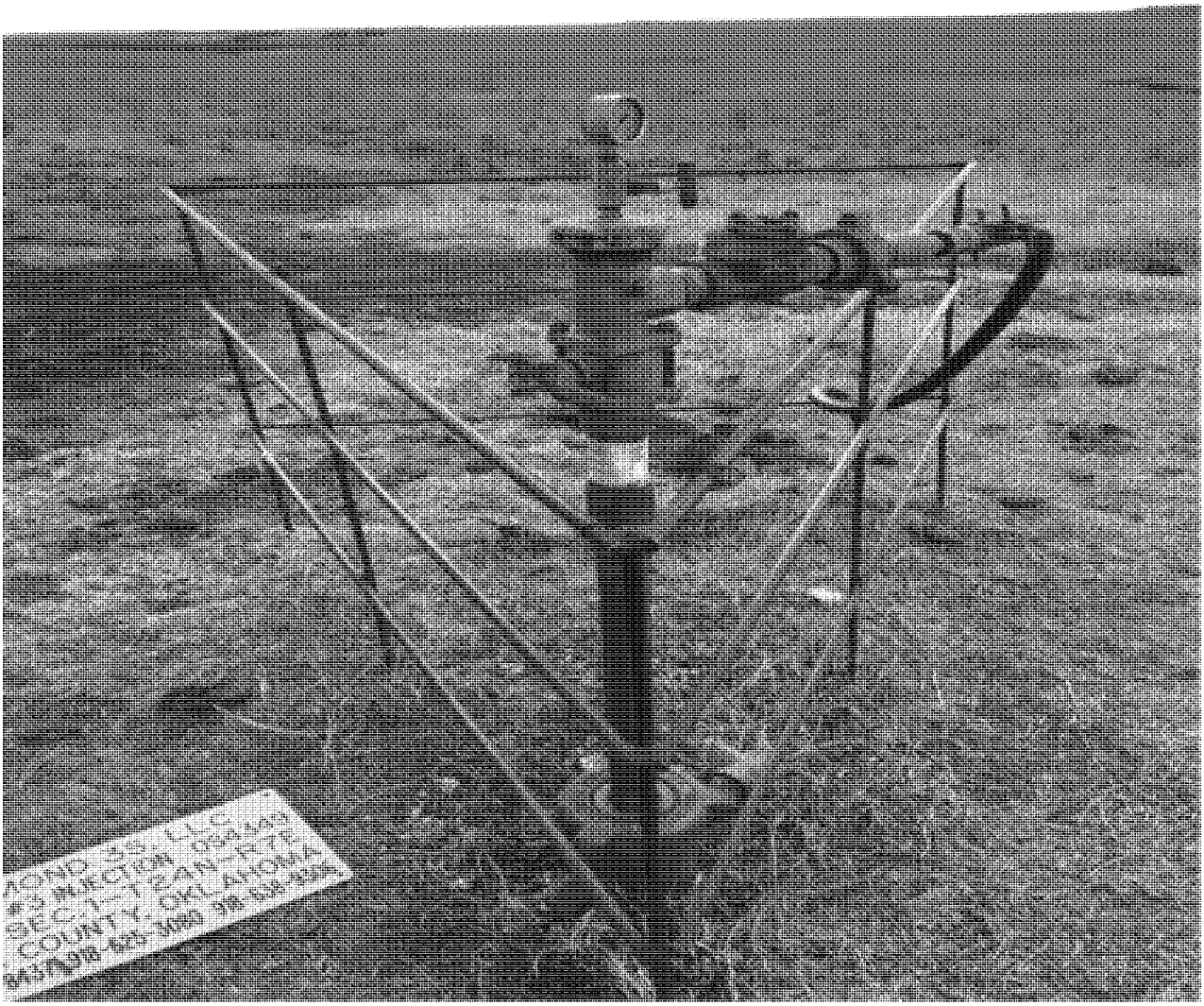

Photo File Name: Photo 2 (DSC_0343)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 4:03 pm
Latitude: 36.586969N
Longitude: -96.498093W
Photographer: K.W. Sanborn
Description: This is the disposal well near the discharge. The well was not active at the time of discharge. The valves on the line and well were closed at the time of the inspection.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 3

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 3 (DSC_0350)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 4:15 pm
Latitude: 36.586823N
Longitude: -96.498147W
Photographer: K.W. Sanborn
Description: The discharge originated beneath the ground in the injection flow line. The discharge area, salt crystals and flow path from the site towards the tributary of Daniel's Run Creek can be seen here.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 4

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

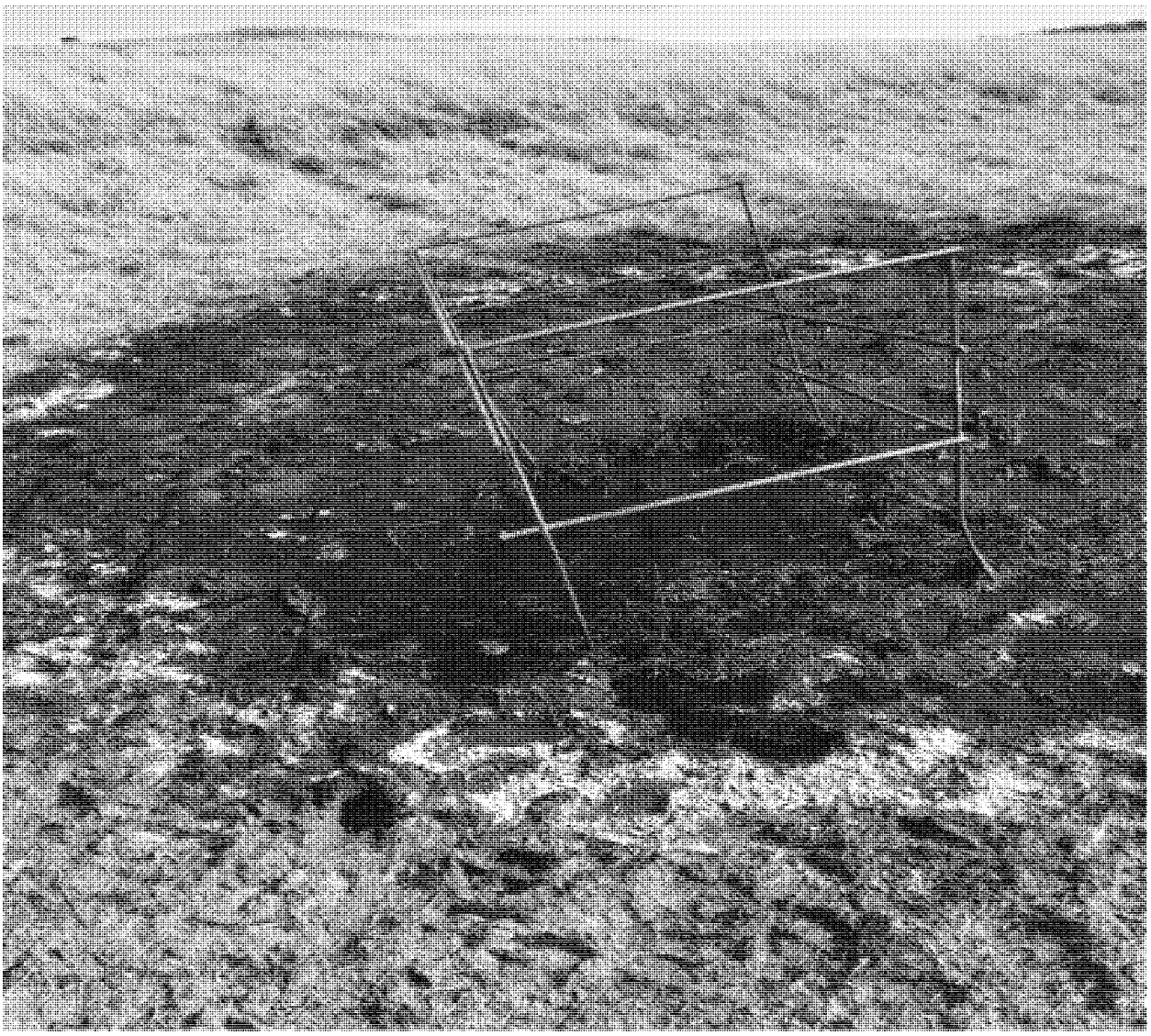

Photo File Name: Photo 4 (DSC_0345)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 4:15 pm
Latitude: 36.586957N
Longitude: -96.498036W
Photographer: K.W. Sanborn
Description: This photo shows the area where the discharge was occurring underground from a flow line. I observed a small amount of oil and salt crystals had precipitated across the entire location. Additionally, brine fluids were present.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 5

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

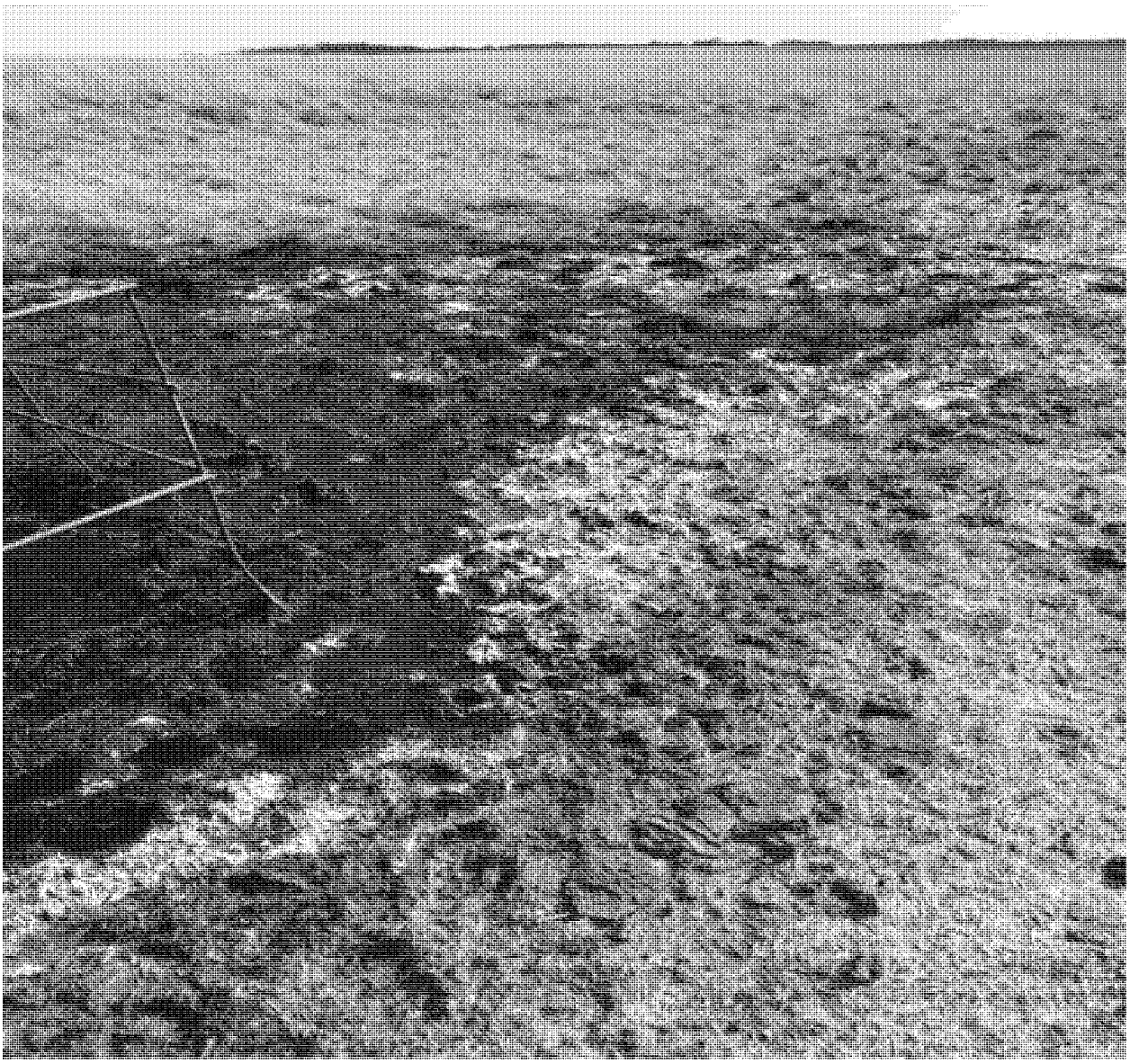

Photo File Name: Photo 5 (DSC_0346)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 4:15 pm
Latitude: 36.586957N
Longitude: -96.498036W
Photographer: K.W. Sanborn
Description: The discharge path was southwest toward the tributary of Daniel's Run Creek. The entire area was saturated with brine.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 6

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

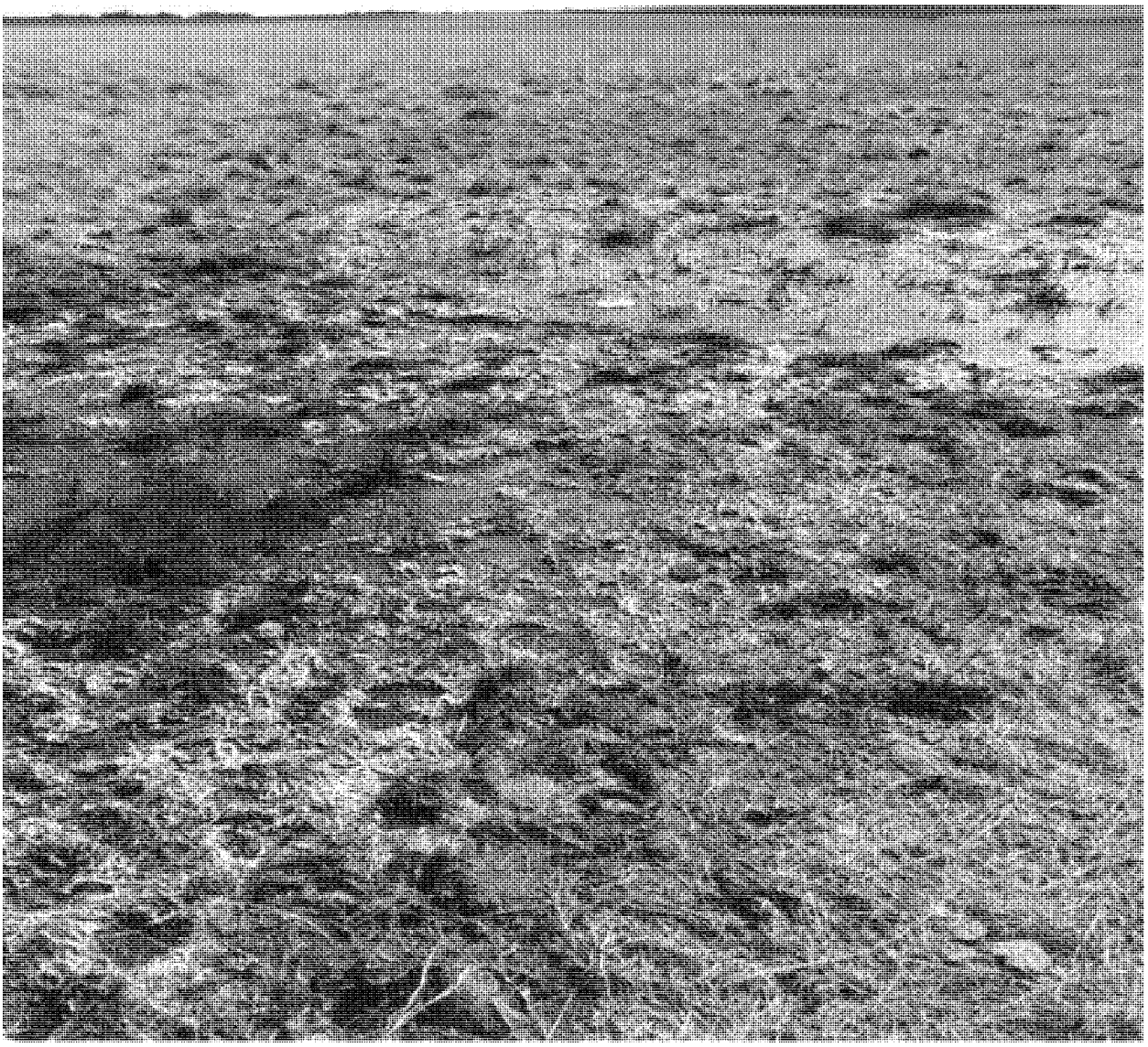

Photo File Name: Photo 6 (DSC_0347)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 4:15 pm
Latitude: 36.586957N
Longitude: -96.498036W
Photographer: K.W. Sanborn
Description: A flow path of the brine was observed from the discharge area southwest towards the tributary of Daniel's Run Creek. I observed white salt staining and wet soil along the flow path. Additionally, brine fluids were present along the flow path.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 7

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

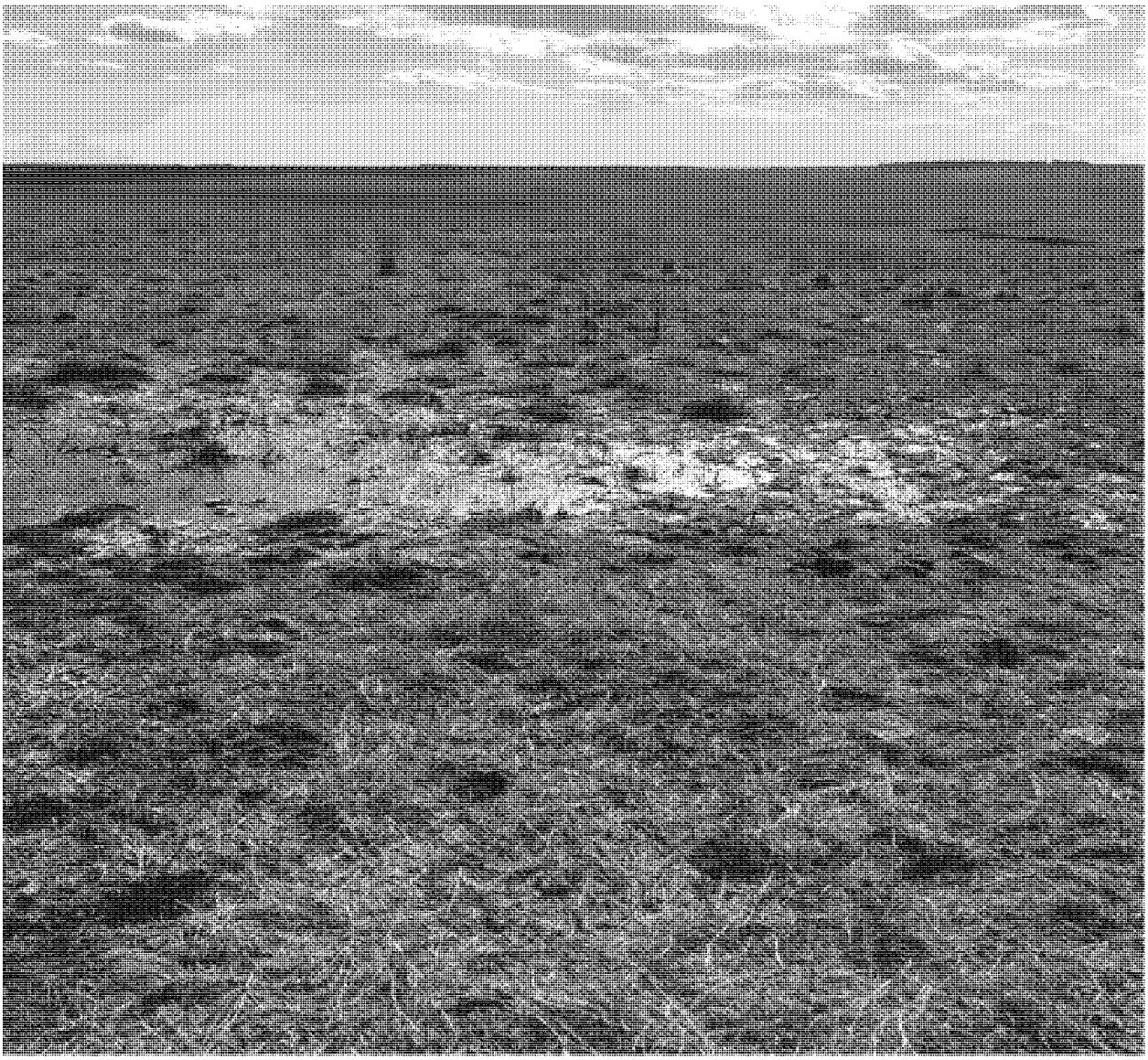

Photo File Name: Photo 7 (DSC_0348)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 4:15 pm
Latitude: 36.587000N
Longitude: -96.497998W
Photographer: K.W. Sanborn
Description: The discharge flow path had pooled up fluids down the saturated hill side towards the tributary southwest of the point of discharge.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 8

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 8 (DSC_0352)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 4:18 pm
Latitude: 36.586823N
Longitude: -96.498147W
Photographer: K.W. Sanborn
Description: This photo shows the wet and saturated areas on the hillside from the brine discharge and along the flow path that I observed during the inspection. I saw cattle tracks in the mud.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 9

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

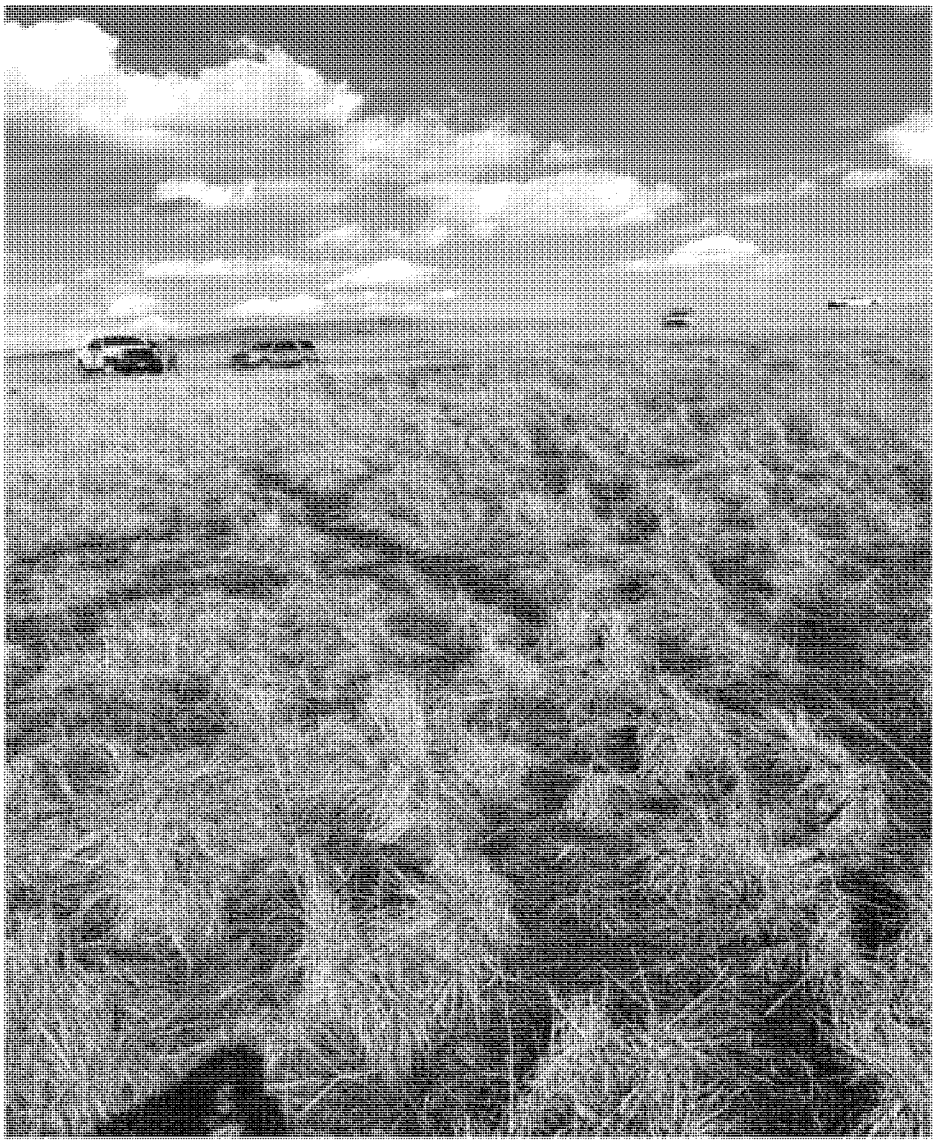

Photo File Name: Photo 9 (DSC_0354)
Orientation: Northeast
Date of Photo: 03/16/2018
Time of Photo: 4:19 pm
Latitude: 36.586612N
Longitude: -96.498575W
Photographer: K.W. Sanborn
Description: This was a view from midway down the hill where the flow path of fluids from the discharge point near the trucks towards the tributary of Daniel's Run Creek occurred. The soil was saturated with salt crystals along the flow path and throughout the hillside

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 10

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 10 (DSC_0357)
Orientation: North
Date of Photo: 03/16/2018
Time of Photo: 4:35 pm
Latitude: 36.587812N
Longitude: -96.498510W
Photographer: K.W. Sanborn
Description: This was a view upstream of the point of entry (POE) of the brine to the tributary of Daniel's Run Creek. Flow was south from the POE. I observed bed and bank at this location of the creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 11

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 11 (DSC_0356)
Orientation: North
Date of Photo: 03/16/2018
Time of Photo: 4:35 pm
Latitude: 36.587812N
Longitude: -96.498510W
Photographer: K.W. Sanborn
Description: With a calibrated YSI 30 Pro Conductivity Meter, a Total Dissolved Solids (TDS) measurement was taken of the upstream portion of the tributary shown in Photo 10 was 816 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 12

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 12 (DSC_0366)
Orientation: West
Date of Photo: 03/16/2018
Time of Photo: 4:45 pm
Latitude: 36.586494N
Longitude: -96.499100W
Photographer: K.W. Sanborn
Description: The southernmost POE of brine into the tributary of Daniel's Run Creek is shown here.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 13

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 13 (DSC_0361)
Orientation: West
Date of Photo: 03/16/2018
Time of Photo: 4:43 pm
Latitude: 36.586494N
Longitude: -96.499100W
Photographer: K.W. Sanborn
Description: TDS of the creek at the southernmost POE was 95,541 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 14

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 14 (DSC_0370)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 5:01 pm
Latitude: 36.585557N
Longitude: -96.499831W
Photographer: K.W. Sanborn
Description: This was the tributary of Daniel's Run Creek downstream of the POE. I smelled brine at this location during the inspection.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 15

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 15 (DSC_0368)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 4:49 pm
Latitude: 36.585557N
Longitude: -96.4998131W
Photographer: K.W. Sanborn
Description: TDS in the tributary shown where Photo 14 was taken was 45,792 mg/L. This location was approximately 0.1 miles downstream from the southernmost POE.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 16

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 16 (DSC_0374)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 5:04 pm
Latitude: 36.583612N
Longitude: -96.502629W
Photographer: K.W. Sanborn
Description: This is Daniel's Run Creek just south of the confluence of the creek with the tributary of Daniel's Run Creek. Daniel's Run Creek entered the tributary from the west. I could see a defined bed and bank in Daniel's Run Creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 17

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

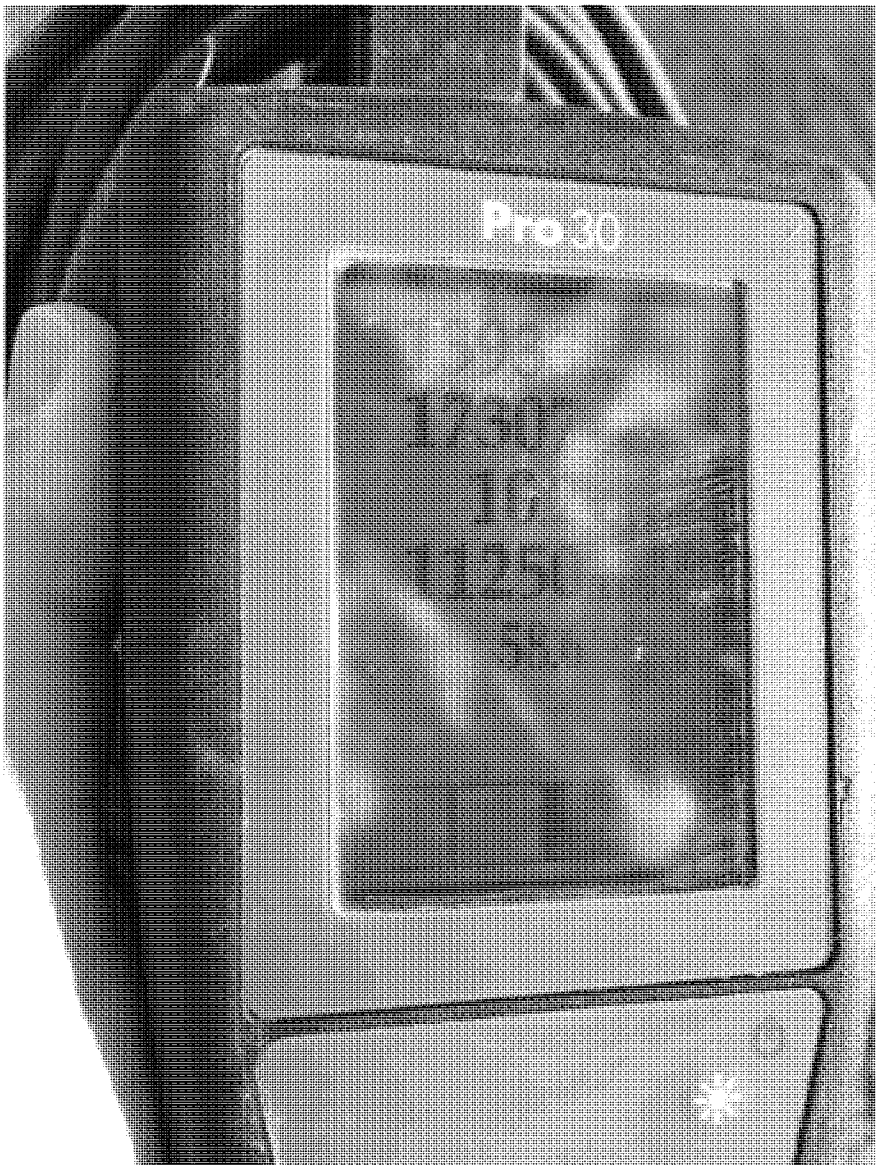

Photo File Name: Photo 17 (DSC_0373)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 5:04 pm
Latitude: 36.583612N
Longitude: -96.502629W
Photographer: K.W. Sanborn
Description: TDS of Daniel's Run Creek depicted in Photo 16 was 11,250 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 18

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 18 (DSC_0377)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 5:07 pm
Latitude: 36.581793N
Longitude: -96.502259W
Photographer: K.W. Sanborn
Description: This a view of the creek downstream from the junction of the tributary and Daniel's Run Creek which comes in from the west. I observed bed and bank in this location of the creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 19

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

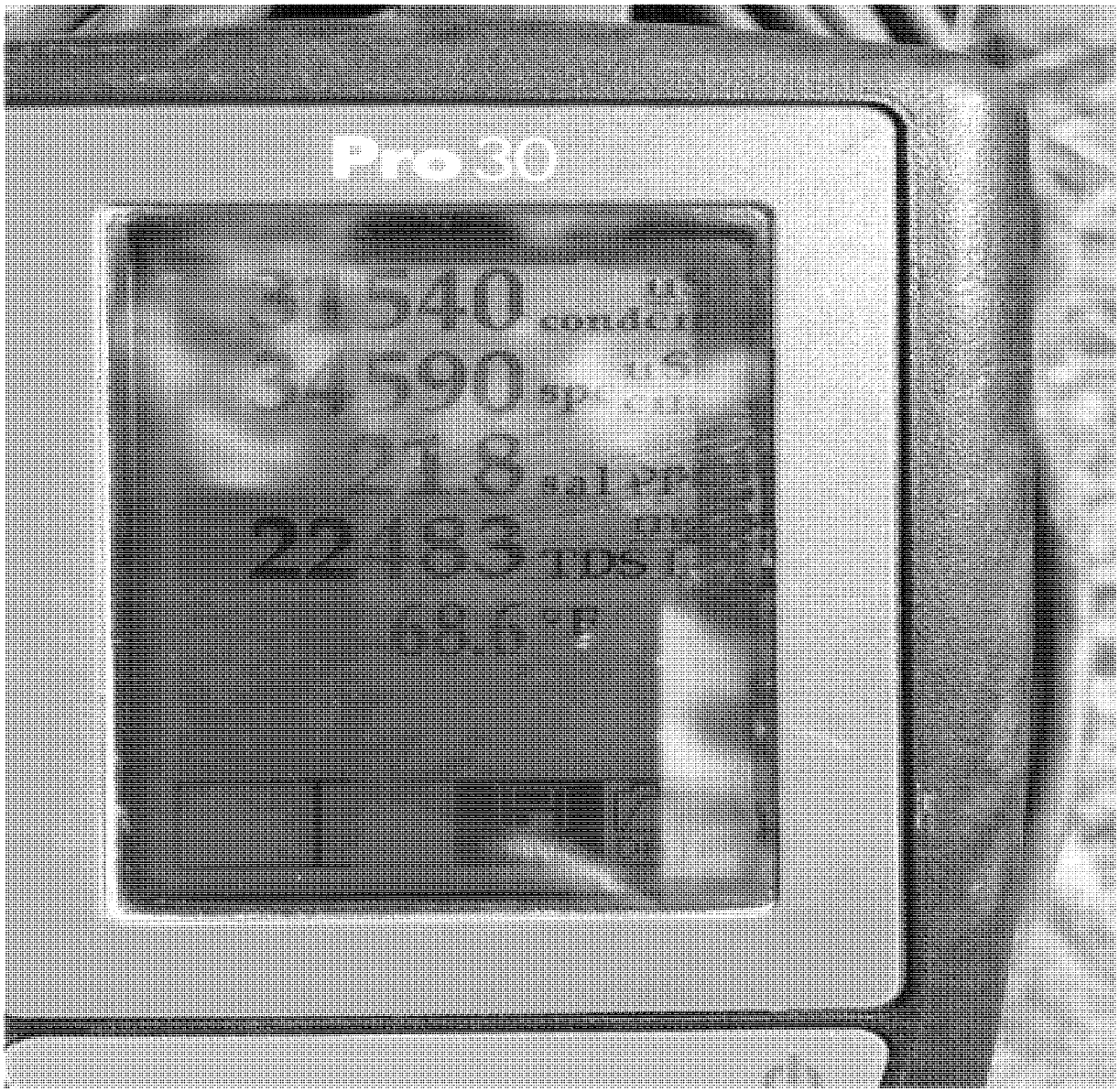

Photo file Name: Photo 19 (DSC_0234)
Orientation: West
Date of Photo: 03/07/2018
Time of Photo: 12:58 pm
Latitude: 36.581793N
Longitude: -96.502259W
Photographer: K.W. Sanborn
Description: TDS of the location in creek in Photo 18 was 22,483 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 20

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 20 (DSC_0379)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 5:13 pm
Latitude: 36.578599N
Longitude: -96.502326W
Photographer: K.W. Sanborn
Description: The creek crossed under a fence on the south part of the property. Flow continued south in Daniel's Run Creek. I observed bed, bank, and high water marks along the creek at this location.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 21

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

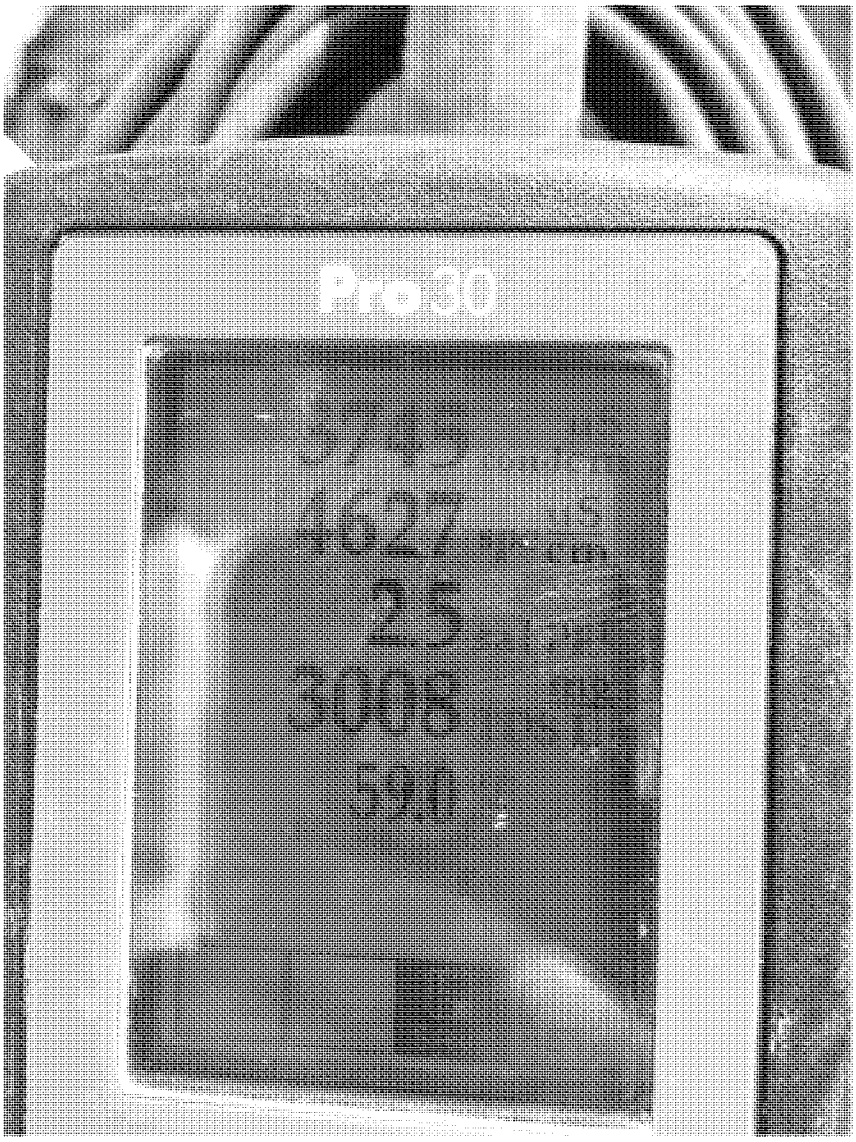

Photo File Name: Photo 21 (DSC_0378)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 5:12 pm
Latitude: 36.578599N
Longitude: -96.502326W
Photographer: K. W. Sanborn
Description: TDS of the creek at the fence line shown in Photo 20 was 3,008 mg/L. This location was approximately 0.86 miles downstream from the southernmost POE in the tributary of Daniel's Run Creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 22

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 22 (DSC_0001)
Orientation: South
Date of Photo: 03/20/2018
Time of Photo: 4:59 pm
Latitude: 36.586957N
Longitude: -96.498036W
Photographer: K.W. Sanborn
Description: The source of the discharge was identified as this flow line area, which had been repaired. The line leaked and surfaced here and the continued seeping from the statured flow path was observed during the inspection.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 23

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 23 (DSC_0003)
Orientation: West
Date of Photo: 03/20/2018
Time of Photo: 5:01 pm
Latitude: 36.587307N
Longitude: -96.499176W
Photographer: K.W. Sanborn
Description: I observed a saturated flow path and area that was still wet from brine at the POE to the tributary of Daniel's Run Creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 24

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 24 (DSC_0005)
Orientation: South
Date of Photo: 03/20/2018
Time of Photo: 5:01 pm
Latitude: 36.587307N
Longitude: -96.499176W
Photographer: K.W. Sanborn
Description: This photo shows a downstream view of the tributary of Daniel's Run Creek at the POE. The first temporary dam can be seen downstream in the tributary to prevent further downstream flow of brine fluids.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 25

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 25 (DSC_0006)
Orientation: South
Date of Photo: 03/20/2018
Time of Photo: 5:01 pm
Latitude: 36.587307N
Longitude: -96.499176W
Photographer: K.W. Sanborn
Description: TDS of the tributary of Daniel's Run Creek at the southernmost discharge POE was 77,765 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 26

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 26 (DSC_0008)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:02 pm
Latitude: 36.586313N
Longitude: -96.499364W
Photographer: K.W. Sanborn
Description: This photo shows the first temporary dam in place in the tributary of Daniel's Run Creek, downstream from the southernmost POE. This dam was put in place after the first part of this inspection.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 27

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

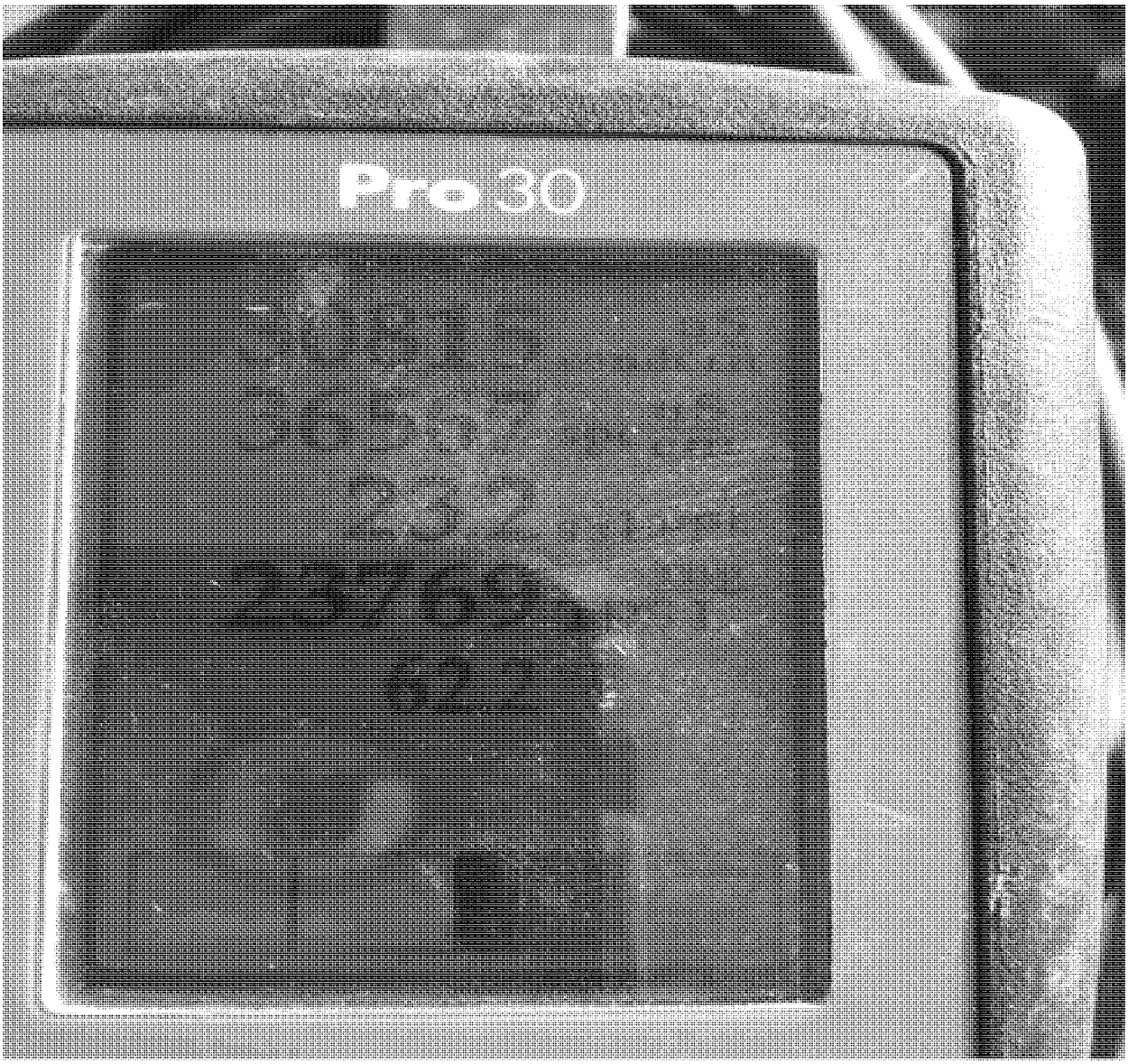

Photo File Name: Photo 27 (DSC_0009)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:02 pm
Latitude: 36.586313N
Longitude: -96.499364W
Photographer: K.W. Sanborn
Description: I took a TDS of the tributary at the first dam and the reading was 23,769 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 28

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 28 (DSC_0010)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:04 pm
Latitude: 36.585291N
Longitude: -96.499880W
Photographer: K.W. Sanborn
Description: This photo shows downstream from the first dam on the tributary. I observed bed and bank here.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 29

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

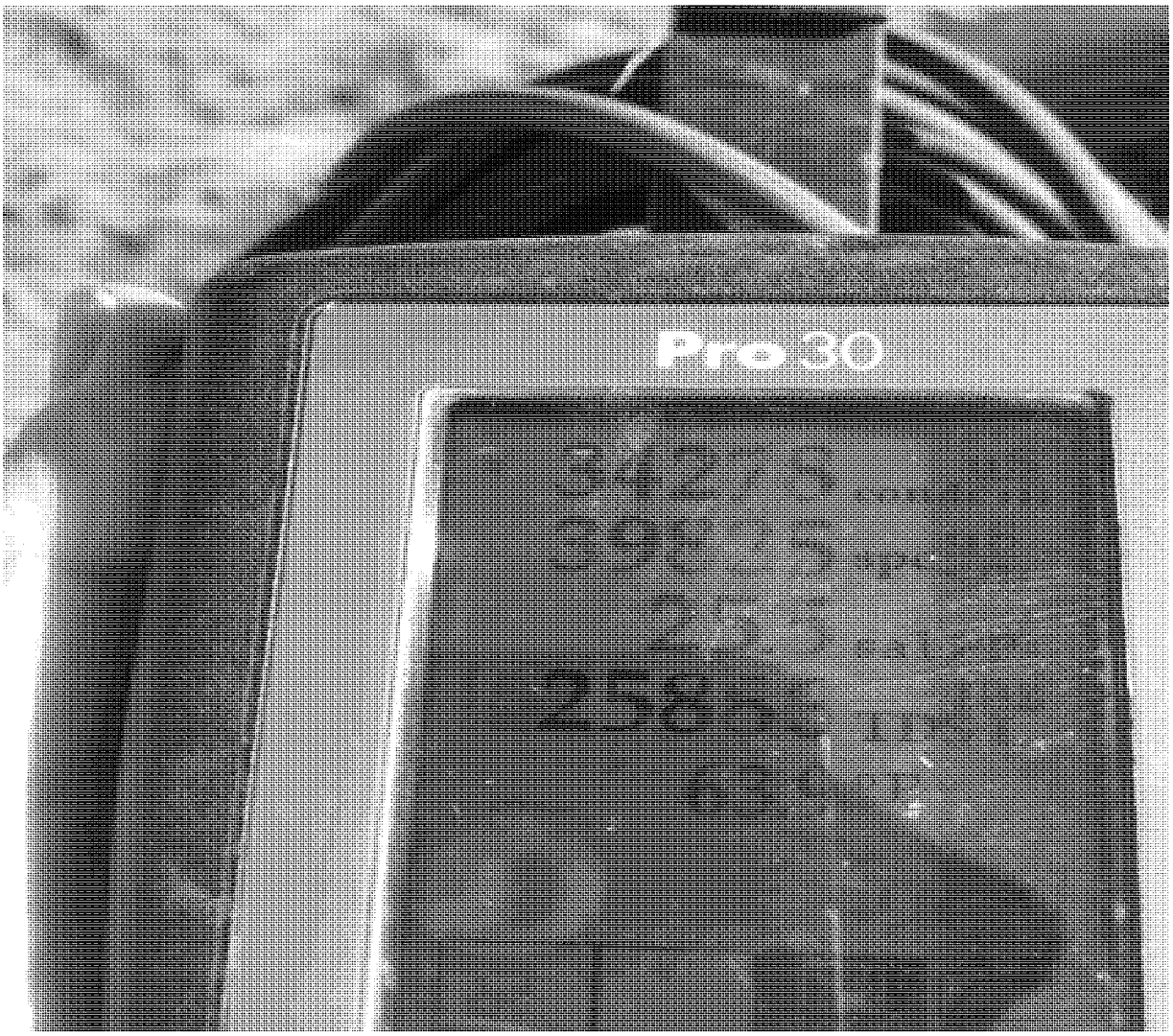

Photo File Name: Photo 29 (DSC_0011)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:04 pm
Latitude: 36.585291N
Longitude: -96.499880W
Photographer: K.W. Sanborn
Description: TDS of the creek at the location shown in Photo 28 was 25,883 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 30

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

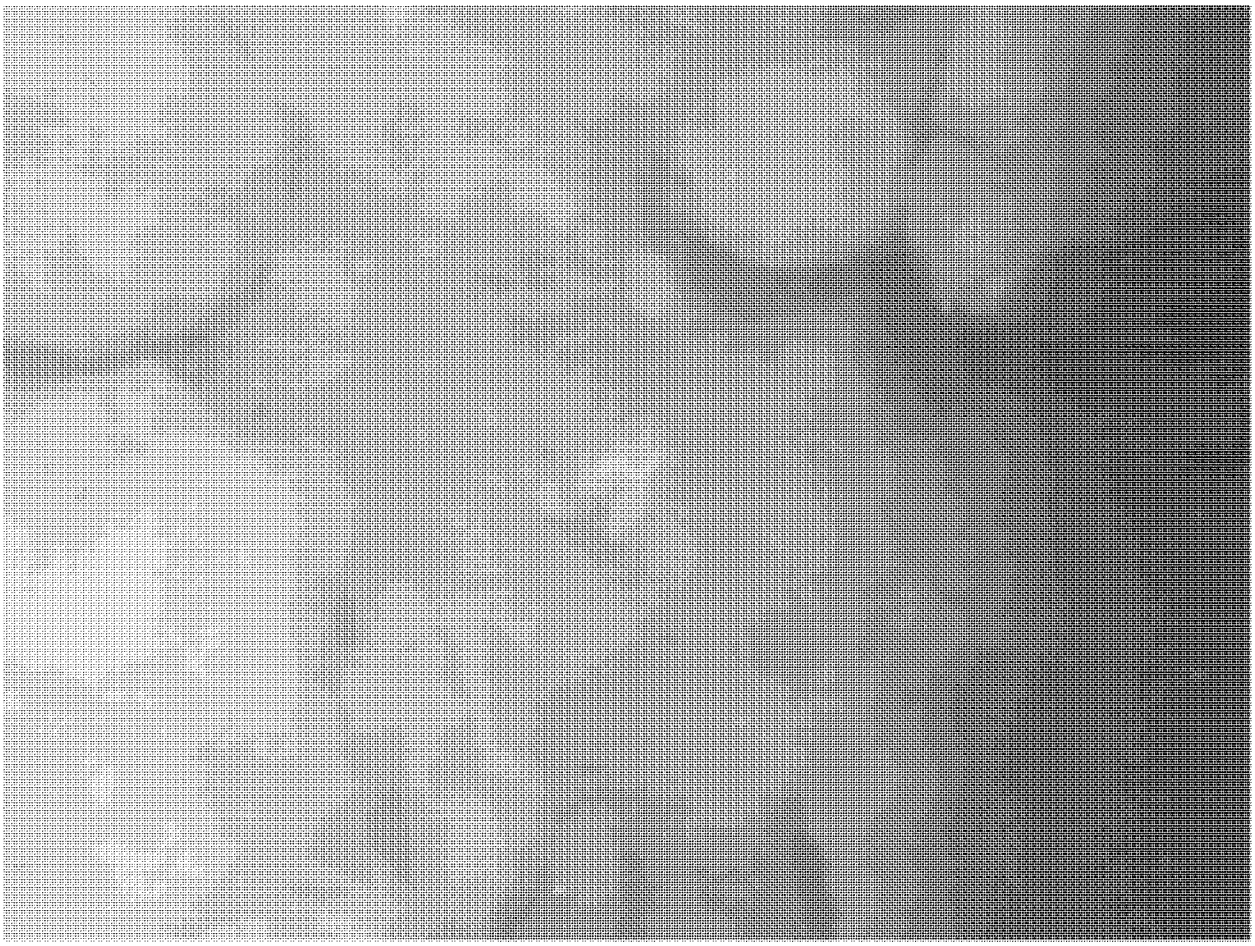

Photo File Name: Photo 30 (DSC_0012)
Orientation: East
Date of Photo: 3/20/2018
Time of Photo: 5:04 pm
Latitude: 36.585291N
Longitude: -96.499880W
Photographer: K.W. Sanborn
Description: I observed a dead crayfish in tributary at the same location where the TDS in Photo 29 was taken.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 31

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 31 (DSC_0015)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:08 pm
Latitude: 36.585146N
Longitude: -96.500020W
Photographer: K.W. Sanborn
Description: I observed a second dam, further downstream, approximately 0.14 miles downstream from the southernmost POE.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 32

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 32 (DSC_0016)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:08 pm
Latitude: 36.585146N
Longitude: -96.500020W
Photographer: K.W. Sanborn
Description: TDS at the second dam site was 45,164 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 33

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 33 (DSC_0017)
Orientation: Southeast
Date of Photo: 3/20/2018
Time of Photo: 5:13 pm
Latitude: 36.584833N
Longitude: -96.500620W
Photographer: K.W. Sanborn
Description: This was the tributary downstream of the second dam, where I observed bed and bank.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 34

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 34 (DSC_0018)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:13 pm
Latitude: 36.584833N
Longitude: -96.500620W
Photographer: K.W. Sanborn
Description: TDS at the location in the tributary in Photo 33 was 41,560 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 35

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 35 (DSC_0019)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:15 pm
Latitude: 36.583809N
Longitude: -96.502419W
Photographer: K.W. Sanborn
Description: I observed the third dam, downstream approximately 0.35 miles from the southernmost POE in the tributary of Daniel's Run Creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 36

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

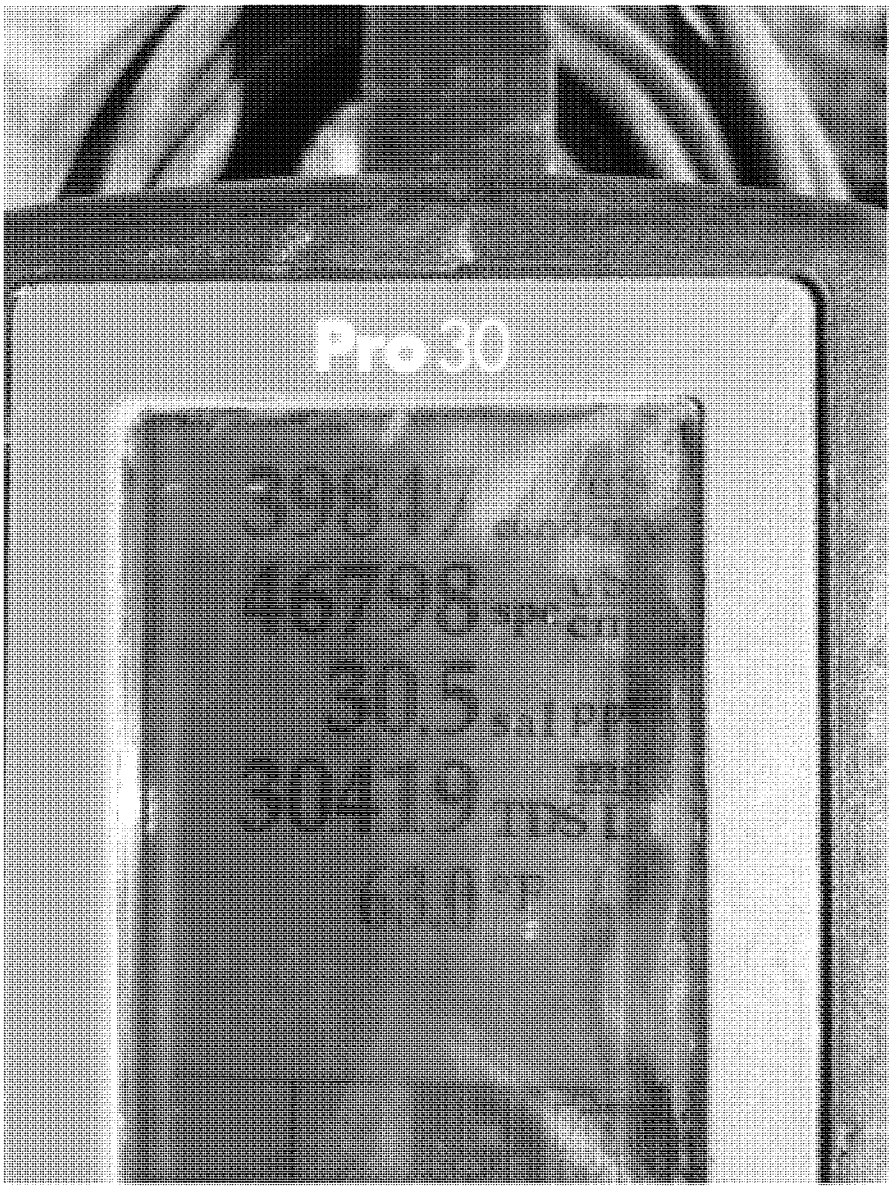

Photo File Name: Photo 36 (DSC_0020)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:16 pm
Latitude: 36.583809N
Longitude: -96.502419W
Photographer: K.W. Sanborn
Description: TDS of the tributary at the third dam was 30,419 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 37

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 37 (DSC_0021)
Orientation: East
Date of Photo: 3/20/2018
Time of Photo: 5:17 pm
Latitude: 36.583809N
Longitude: -96.502419W
Photographer: K.W. Sanborn
Description: Crayfish remains were observed on the bottom of the tributary at third dam.

EPA United States Environmental Protection Agency

Region 6 Compliance Assurance and Enforcement Division

INSPECTION REPORT

Inspection Date(s):	04/17/2018
Media:	Water
Regulatory Program(s)	Brine - SDWA
Company Name:	**Diamond 3S, LLC**
Facility Name:	**Kennedy Lease**
Facility Physical Location:	36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)
(city, state, zip code)	Pawhuska, Oklahoma 74056
Mailing address:	20102 West Coyote Trail
(city, state, zip code)	Sand Springs, Oklahoma 74063
County/Parish:	Osage
Facility Contact:	Joel Summers
	(918) 638-9306
FRS Number:	N/A
Identification/Permit Number:	OKU000867
Media Number:	N/A
NAICS:	21111
SIC:	1311

Personnel participating in inspection:

Kent W. Sanborn	6EN-WR	Environmental Engineer	(918) 557 – 1615

EPA Lead Inspector Signature/Date for	Jeanne Eckhart Digitally signed by Jeanne Eckhart DN: cn=Jeanne Eckhart, o=EPA, ou=6EN-WR, email=eckhart.jeanne@epa.gov, c=US Date: 2018.06.26 12:09:43 -05'00'	
	Kent W. Sanborn	Date
Supervisor Signature/Date	GUY TIDMORE Digitally signed by GUY TIDMORE DN: c=US, o=U.S. Government, ou=USEPA, ou=Staff, cn=GUY TIDMORE, dnQualifier=0000012807 Date: 2018.06.26 16:38:36 -05'00'	26 JUN 2018
	Guy Tidmore	Date

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

EPA Region 6 inspector K.W. Sanborn visited the Diamond 3S, LLC oil and gas facility located at the latitude 36.586969 N and longitude -96.498093 W near Pawhuska, Oklahoma on 04/17/2018 for an unannounced inspection. No representatives of Diamond 3S, LLC were present for the inspection. The inspection was conducted by authority of the Clean Water Act and the Safe Drinking Water Act to determine compliance with the Environmental Protection Agency (EPA) regulations.

FACILITY DESCRIPTION

The inspection consisted of the injection well Kennedy No. 5, EPA Id No.: OS 4348 on the Kennedy Lease. The St. John lease is combined with the Kennedy lease at the tank battery.

Section II - OBSERVATIONS

At the time of the inspection, the Kennedy No. 5 injection well was observed (EPA ID: OS 4348). The injection well was shut in and not injecting during the inspection.

Section III – AREAS OF CONCERN

I observed elevated levels of TDS in the creek. These levels continue to be ongoing since the first discharge was identified. There continue to be discharges from the contaminated soil during wet weather events.

Section IV – FOLLOW UP

Conduct a follow up inspection as needed.

Section V – LIST OF APPENDICES

N/A

ED_002955_00005939-00002

Message

From: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Sent: 12/12/2018 3:49:32 PM
To: Ryan P Summers [r_summers@sbcglobal.net]; Tidmore, Guy [tidmore.guy@epa.gov]; Herbert, Rusty [Herbert.Rusty@epa.gov]
Subject: RE: Backfill soil for Saltwater Remediation project on Bluestem Ranch

Thank you, this email was received.

Jeanne Eckhart
Environmental Scientist
Water Resources Section
Enforcement Division/Region 6
U.S. Environmental Protection Agency

1445 Ross Avenue, Mail Code 6EN-WR
Dallas, Texas 75202
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Ryan P Summers <r_summers@sbcglobal.net>
Sent: Monday, December 10, 2018 3:43 PM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: Fw: Backfill soil for Saltwater Remediation project on Bluestem Ranch

Communications with Osage Nation (Landowner) about clean up

Ryan Summers

"...we are called to greatness, not comfort."

----- Forwarded Message -----
From: Kevin Arthur <karthur@beaconcorp.com>
To: william.lynn@osagenation-nsn.gov <william.lynn@osagenation-nsn.gov>
Cc: Melissa Currey <melissa.currey@osagenation-nsn.gov>; mark.hendricks@bia.gov <mark.hendricks@bia.gov>; Ryan P Summers <r_summers@sbcglobal.net>
Sent: Tuesday, August 7, 2018, 3:04:38 PM CDT
Subject: Backfill soil for Saltwater Remediation project on Bluestem Ranch

William,

We spoke earlier about soil that I need on the Bluestem Ranch. We have a saltwater remediation project for Diamond 3S, LLC in which we will be excavating approximately 611 compacted cubic yards of contaminated soil and disposing of it in a landfill. We will be constructing a livestock pond below the site to contain runoff water and prevent potential downstream migration. We would like to be able to harvest our backfill soil for the excavated area from the pond area in lieu of bringing in soil from off site. Melissa Currey directed me to get a 214 Sandy Soil Permit information, then attend Friday's Osage Mineral Council (OMC) monthly meeting to request a waiver of the permit based on the small amount of material needed and it staying on the Nation's property. Please let me know if you need more information or if there is anything I can do on my end to assist in getting this manner taken care of.

Thank you,

Kevin Arthur

Project Manager

BEACON Environmental Assistance Corporation

841 E. 33rd Street, Edmond, OK 73013

Office: (405) 330-8688

Cell: (580) 272-8200

Fax: (405) 330-8668

Email: karthur@beaconcorp.com

Message

From: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Sent: 12/12/2018 3:49:24 PM
To: Ryan P Summers [r_summers@sbcglobal.net]; Tidmore, Guy [tidmore.guy@epa.gov]; Herbert, Rusty [Herbert.Rusty@epa.gov]
Subject: RE: Diamond Spill Construction Completion

Thank you, this email was received.

Jeanne Eckhart
Environmental Scientist
Water Resources Section
Enforcement Division/Region 6
U.S. Environmental Protection Agency

1445 Ross Avenue, Mail Code 6EN-WR
Dallas, Texas 75202
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Ryan P Summers <r_summers@sbcglobal.net>
Sent: Monday, December 10, 2018 3:31 PM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: Fw: Diamond Spill Construction Completion

Completion notes and pictures

Ryan Summers

"...we are called to greatness, not comfort."

----- Forwarded Message -----
From: Kevin Arthur <karthur@beaconcorp.com>
To: Bates, Zakary <zbates@mcg-ins.com>
Cc: Ryan P Summers <r_summers@sbcglobal.net>
Sent: Monday, October 15, 2018, 9:25:34 AM CDT
Subject: Diamond Spill Construction Completion

Zak,

We were able to finish up the construction on the Diamond spill on Bluestem Ranch Friday evening. Trev is going to sod the spillway this week once it is dry enough for the sod farms to harvest, and that will complete construction for the project Scope of Work. I have a meeting with BIA field inspector, Mark Hendricks, on Wednesday morning to test the waters in the pond as well as the temporary dams downgradient. I will discuss what he is wanting done with them at this time or in the future. If he wants them removed, we should be able to get T&J to take care of that while they still have equipment on site. I will update once I have met with them. The only other costs for future work should be for planting Native Grasses in the Spring to please the Osage Nation who owns the surface. Let me know if you have any questions or require additional information on this one.

Thanks,

Kevin Arthur

Project Manager

BEACON Environmental Assistance Corporation

841 E. 33rd Street, Edmond, OK 73013

Office: (405) 330-8688

Cell: (580) 272-8200

Fax: (405) 330-8668

Email: karthur@beaconcorp.com

Message

From: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Sent: 12/12/2018 3:49:16 PM
To: Ryan P Summers [r_summers@sbcglobal.net]; Tidmore, Guy [tidmore.guy@epa.gov]; Herbert, Rusty [Herbert.Rusty@epa.gov]
Subject: RE: Diamond 3S

Thank you, this email was received.

Jeanne Eckhart
Environmental Scientist
Water Resources Section
Enforcement Division/Region 6
U.S. Environmental Protection Agency

1445 Ross Avenue, Mail Code 6EN-WR
Dallas, Texas 75202
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Ryan P Summers <r_summers@sbcglobal.net>
Sent: Monday, December 10, 2018 3:38 PM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: Fw: Diamond 3S

Scope of work for Clean up and remediation

Ryan Summers

"...we are called to greatness, not comfort."

----- Forwarded Message -----
From: Ryan P Summers <r_summers@sbcglobal.net>
To: Kevin Arthur <karthur@beaconcorp.com>
Cc: Joel Summers <summertimelawncare@sbcglobal.net>; Zakary Bates <zbates@mcg-ins.com>
Sent: Monday, August 6, 2018, 10:49:05 PM CDT
Subject: Fw: Diamond 3S

Sent from Yahoo Mail for iPhone

Begin forwarded message:

On Monday, August 6, 2018, 1:35 PM, Melissa Currey <melissa.currey@osagenation-nsn.gov> wrote:

Robin,

Here is a copy of the Diamond 3S's Scope of Work, we may require them to sign an additional agreement with Osage Nation.

Best,

Melissa

From: Phillips, Robin [mailto:robin.phillips@bia.gov]
Sent: Monday, August 6, 2018 10:24 AM
To: Melissa Currey <melissa.currey@osagenation-nsn.gov>
Cc: Galen Crum Disabled 7/20/18 Ticket 30457 <gcrum@osagenation-nsn.gov>; Winlock, Richard <richard.winlock@bia.gov>; Lee Burnett <lee.burnett@bia.gov>; Ryan P Summers <r_summers@sbcglobal.net>; Daniels, Benjamin <benjaminl.daniels@bia.gov>
Subject: Diamond 3S

Melissa,

Mr. Ryan Summers has provided the Osage Agency with an update as to the progress made. He said that Beacon has completed the scope of work to be performed and has presented it to Osage Nation.

Upon agreement by the Osage Nation, we would appreciate you providing us with a copy for our file.

Thanks, Robin

Robin M. Phillips

Superintendent

Osage Agency

813 Grandview Avenue

P. O. Box 1539

Pawhuska, OK 74056

(918) 287-5700

Warning: This e-mail (including any attachments) may contain Privacy Act Data/Sensitive Data which is intended only for the use of individual(s) to whom it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable laws. If you are not the intended recipient, you are hereby notified that any distribution or copy of this e-mail is strictly prohibited.

I may not have gone where I intended to go but I think I have ended up where I needed to be - Douglas Adams.

Message

From: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Sent: 12/12/2018 3:48:53 PM
To: Ryan P Summers [r_summers@sbcglobal.net]; Herbert, Rusty [Herbert.Rusty@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]
Subject: RE: Bluestem Ranch Restoration Status

Thank you, this email was received.

Jeanne Eckhart
Environmental Scientist
Water Resources Section
Enforcement Division/Region 6
U.S. Environmental Protection Agency

1445 Ross Avenue, Mail Code 6EN-WR
Dallas, Texas 75202
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Ryan P Summers <r_summers@sbcglobal.net>
Sent: Monday, December 10, 2018 3:30 PM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>
Subject: Fw: Bluestem Ranch Restoration Status

Work progress notes from Kevin Arthur

Ryan Summers

"...we are called to greatness, not comfort."

----- Forwarded Message -----
From: Kevin Arthur <karthur@beaconcorp.com>
To: Ryan P Summers <r_summers@sbcglobal.net>
Cc: Bates, Zakary <zbates@mcg-ins.com>
Sent: Monday, October 22, 2018, 11:18:55 AM CDT
Subject: Bluestem Ranch Restoration Status

Ryan,

I met with Mark Hendricks, BIA Inspector, last week to review the site restoration. We tested and documented the pond water and dam waters downstream of the pond. Mark gave the approval to breach dams 2,3 and 4, but Trev wasn't able to get that done before the rain hit Friday. I have a call into him this morning to see if he can get that accomplished today or tomorrow as we have more rainfall forecasted for Wednesday. Will you please have the tank truck company remove the frac tank as we no longer need it on site? Mark also gave approval for fencing only the pond and clean up site since we now have clean waters downgradient. I would still recommend asking BIA for a variance on the fence to allow constructing an electric fence instead of barbed wire since it will be such a smaller area with less wire length to maintain than what is currently in place. Once vegetation is established on the pond dam this Spring, we should be able to move that fence to just the clean up site until vegetation is well established there, then it can all be taken out. I will update once the dams are removed. Give me a call if you have any questions or need to discuss any further.

Thank you,

Kevin Arthur

Project Manager

BEACON Environmental Assistance Corporation

841 E. 33rd Street, Edmond, OK 73013

Office: (405) 330-8688

Cell: (580) 272-8200

Fax: (405) 330-8668

Email: karthur@beaconcorp.com

Message

From: Rudolph, Matthew [rudolph.matthew@epa.gov]
Sent: 3/25/2019 1:39:22 PM
To: Herbert, Rusty [Herbert.Rusty@epa.gov]; Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Subject: RE: Ryan Summers Region 6 EPA.

Nothing was sent. It looks like the zip file he was trying to send was blocked. If he is going to send a zip file then rename it as a .zap before it is sent. Our firewalls wont let a .zip file to be sent through.

Matthew Rudolph (6EN-WR)
US EPA Region 6
1445 Ross Ave., Suite 1200
Dallas TX 75202
Phone: 214-665-6434
Fax: 214-665-2168

From: Herbert, Rusty
Sent: Monday, March 25, 2019 8:34 AM
To: Rudolph, Matthew <rudolph.matthew@epa.gov>; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Subject: FW: Ryan Summers Region 6 EPA.

From: ryan summers [mailto:diamond_3s@yahoo.com]
Sent: Thursday, March 21, 2019 9:37 PM
To: Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: Re: Ryan Summers Region 6 EPA.

Thursday afternoon.
also, I have attached the 2015 financial papers.
Thanks,
Ryan

On Wednesday, March 20, 2019, 9:48:41 AM CDT, Herbert, Rusty <Herbert.Rusty@epa.gov> wrote:

Thank you Ryan. I left a voice message today requesting a call on Weds. March 27th or Thurs. March 28th, at 3:pm CST to discuss the inability to pay issue. The information you are sending will be helpful. Please let us know if one of these dates can be worked out. Rusty Hebert 281 983-2218.

From: ryan summers [mailto:diamond_3s@yahoo.com]
Sent: Wednesday, March 20, 2019 9:43 AM
To: Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: Re: Ryan Summers Region 6 EPA.

I have been out of town.

I will get the information tonight and send.

Thanks

Sent from Yahoo Mail for iPhone

On Tuesday, March 19, 2019, 9:59 AM, Herbert, Rusty <Herbert.Rusty@epa.gov> wrote:

> Ryan I had called you previously concerning needed information. You provided 2 years of the three years of income tax information we requested in order to determine inability to pay status. Please supply the remaining year. Also, please supply the status information Matt Rudolph requested on the well. Has it been tested or plugged ? Has there been a sale of the lease ? Have you brought the well into compliance with the original SDWA Administrative Order ? Please respond within a week. Contact me if you have any questions Attorney Rusty Herbert Region 6 EPA- (281) 983-2218.
>
> Regards,
>
> Rusty Herbert

Message

From: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Sent: 7/25/2018 7:49:44 PM
To: Herbert, Rusty [Herbert.Rusty@epa.gov]
CC: Rudolph, Matthew [rudolph.matthew@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]; Sanborn, Kent [Sanborn.Kent@epa.gov]; Davis, Rickey [davis.rickey@epa.gov]
Subject: Follow up to your call - Diamond 3S

Rusty,

I got your phone message, but didn't have a chance to call you back by the end of today. I am going on vacation from tomorrow until August 6. I'll be back August 7th.

I don't have any needs on Diamond 3S right now. I will have a drafted APO very soon for you to look through. There's an onsite meeting tomorrow and Rick Davis will be there to represent EPA to hear Osage Nation concerns.

I will follow up with him when I get back, but reach out to Guy if you need information sooner.

Thanks,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

Message

From: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Sent: 7/23/2018 8:08:52 PM
To: Herbert, Rusty [Herbert.Rusty@epa.gov]
CC: Tidmore, Guy [tidmore.guy@epa.gov]
Subject: FW: Recap from Meeting 7.19.2018

FYI for CWA action on Diamond 3S

From: Ryan P Summers [mailto:r_summers@sbcglobal.net]
Sent: Sunday, July 22, 2018 8:36 PM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Cc: Mark Hendricks <mark.hendricks@bia.gov>; Zakary Bates <zbates@mcg-ins.com>; Kevin Arthur <karthur@beaconcorp.com>; Benjamin Daniels <benjamin.daniels@bia.gov>; Lee Burnett <lee.burnett@bia.gov>; Joel Summers <summertimelawncare@sbcglobal.net>; Sanborn, Kent <Sanborn.Kent@epa.gov>
Subject: Recap from Meeting 7.19.2018

Recap from Today's meeting:

- Decided to go with proposed option "D" from Beacon's initial assessment:

Option D: Due to the elevated EC and Chloride levels found at surface to 3 feet bgs, the fourth restoration option would be to excavate the area of impact nearest to the leak (5,500 square feet) to approximately 3 feet bgs or bedrock, disposing the impacted soil in a permitted land fill in accordance with OCC requirements, installing a gypsum capillary barrier and backfilling the void with clean top soil. The remaining impacted area would be treated by incorporating gypsum and organic matter to approximately 18-24 inches bgs and fertilizing the areas disturbed during the course of work. Organic matter should include urea fertilizer and hay. The addition of these amendments should aid in the leaching of any remaining soluble salts and restore the soil to a productive nature. A permanent stock pond would be constructed downgradient of the site to collect any potential leachate and prevent future pollution to Daniels Run Creek. This recommendation is for an approximate area of 1.15 acres. The construction cost estimate is $115,000. This cost estimate includes construction, consultant and analytical fees. This cost estimate may be reduced by a competitive bid process. This cost estimate does not include delays due to weather or other unforeseen circumstances that could hinder the progress of the restoration. This option would be leaving chloride impacted soil in place that could potentially migrate both vertically and horizontally in the future and require additional work to be performed to the site to maintain compliance with the BIA and/or EPA regulations

- Hired BEACON to take the role of Project Manager/Consultant to coordinate and oversee remediation activities.
- Kevin has agreed to build a detailed scope of work, including detailed pond specifications, temporary water removal means via pump and line, soil abatement and remediation plans of contaminated soils, and a secure barbed wire fence around re-mediated soil and new stock pond areas to prevent cattle intrusion.

Time line:

- 2 weeks for building scope of work and acceptance of land owner and parties affected.
- 2 weeks for bid process to secure contractor to complete work
- 4-6 weeks for on site remediation work dependent upon weather and site conditions

During this time the temporary fence will be maintained by Diamond3S operators
Routine water checks will be completed by operators to test for salinity and conductivity
Water accumulated in dammed areas will continue to be evacuated via truck during process as needed.

After Pond Construction, the collected rain waters will be monitored by Diamond3S operators using salinity probes and will be disposed of accordingly.

Please advise of any details or answers that I have accidentally left out of this summary so that I can get that information to you in a timely manner.

Ryan Summers

"...we are called to greatness, not comfort."

Message

From: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Sent: 11/20/2018 8:40:10 PM
To: Ryan P Summers [r_summers@sbcglobal.net]
CC: Tidmore, Guy [tidmore.guy@epa.gov]; Sanborn, Kent [Sanborn.Kent@epa.gov]; Herbert, Rusty [Herbert.Rusty@epa.gov]; Rudolph, Matthew [rudolph.matthew@epa.gov]
Subject: EPA Compliance Inspection at Diamond 3S, LLC Facility - Copy of Inspection Report
Attachments: InspRptSDWADiamond3SLLCKennedyLease201810312018.pdf

Dear Mr. Summers,

In October 2018, the United States Environmental Protection Agency conducted a Clean Water Act (CWA) and Safe Drinking Water Act (SDWA) compliance inspection at your facilities. A copy of the inspection report is attached to this email. EPA will continue to use this report to determine your facility's compliance with the CWA and SDWA. Please review the report, note the areas of concern (if any), and take any actions necessary to ensure compliance with the CWA or SDWA. The EPA inspector, Kent Sanborn, may have discussed these concerns with a company representative at the time of the inspection as well. EPA wanted to provide you a copy of the inspection report for your records.

The attached inspection reports will be posted to EPA Region 6's public website, here:
https://www.epa.gov/ok/compliance-assurance-and-enforcement-documents-oklahoma

If you have questions or concerns related to this inspection report, please feel free to reach out to me or the EPA inspector, Kent Sanborn. My contact information is below.

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section
Enforcement Division/Region 6
U.S. Environmental Protection Agency

1445 Ross Avenue, Mail Code 6EN-WR
Dallas, Texas 75202
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

EPA United States Environmental Protection Agency

Region 6 Compliance Assurance and Enforcement Division

INSPECTION REPORT

Inspection Date(s):	10/31/2018	
Media:	Water	
Regulatory Program(s)	Brine - SDWA	
Company Name:	**Diamond 3S, LLC**	
Facility Name:	**Kennedy Lease**	
Facility Physical Location:	36.587028, -96.498042	
(city, state, zip code)	Pawhuska, Oklahoma 74056	
Mailing address:	20102 West Coyote Trail	
(city, state, zip code)	Sand Springs, Oklahoma 74063	
County/Parish:	Osage County	
Facility Contact:	Ryan Summers	
	918-625-3080	
FRS Number:	N/A	
Identification/Permit Number:	OKU000867	
Media Number:	N/A	
NAICS:	21111	
SIC:	1311	

Personnel participating in inspection:

Kent W. Sanborn	6EN-WR	Environmental Engineer	(918) 557 – 1615

EPA Lead Inspector Signature/Date	Kent W. Sanborn Digitally signed by Kent W. Sanborn DN: cn=Kent W. Sanborn, o, ou=6EN-WR, email=sanborn.kent@epa.gov, c=US Date: 2018.11.20 08:51:38 -06'00'	
	Kent W. Sanborn	Date
Supervisor Signature/Date	Digitally signed by biggs.tonia@epa.gov DN: cn=biggs.tonia@epa.gov Date: 2018.11.20 13:38:01 -06'00'	
	Guy Tidmore	Date

6ENFORM-019-R7 (2/15/2017)

ED_002955_00005971-00001

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

EPA Region 6 inspector K.W. Sanborn visited the Diamond 3S, LLC oil and gas facility located at latitude 36.587028 and longitude -96.498042 near Pawhuska, Oklahoma on 10/31/2018 for an unannounced inspection. No representatives of Diamond 3S, LLC were present for the inspection. The inspection was conducted by authority of the Clean Water Act and the Safe Drinking Water Act to determine compliance with the Environmental Protection Agency (EPA) regulations. EPA contacted the Bureau of Indian Affairs (BIA) Osage Agency to inform them of the inspection.

FACILITY DESCRIPTION

The facility is known as the Kennedy Lease and has an EPA ID No. OKU000867.

Section II - OBSERVATIONS

The surface where previous brine spill damage had occurred did not have vegetation growth on it. I observed that some soil has been re-spread in the area prior to the inspection and that there was some hay and gypsum mixed in to the surface soil. A large pond has been built in the tributary channel area. With a calibrated YSI Pro 30 conductivity meter, I took total dissolved solids (TDS) readings in the tributary and along the previous flow path, where there were fluids pooled up on the hillside. The TDS readings measured up to approximately 32,000 milligrams per Liter (mg/L). I did not observe any pumps or processes to pump out the in-situ pond that had been installed in the tributary to prevent further contamination of the tributary and downstream during the inspection.

Section III – AREAS OF CONCERN

The in-situ pond built in the tributary does not have a method of removing contaminated fluids from it. Additionally, it was built in the stream way of the tributary. Also, the hillside area that was previously damaged from a spill did not have growth on it.

Section IV – FOLLOW UP

Conduct a follow up inspection in approximately 2 months.

Section V – LIST OF APPENDICES

N/A

Message

From: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Sent: 11/13/2018 9:36:23 PM
To: Vaughn, Lorena [Vaughn.Lorena@epa.gov]
CC: Herbert, Rusty [Herbert.Rusty@epa.gov]; Rudolph, Matthew [rudolph.matthew@epa.gov]
Subject: Public Comments on two APOs

Lorena,

Matt and I wanted to check with you related to two complaints we have issued. Can you please indicate to us if the below two docket numbers have had any public comments on them?

- CWA-06-2018-1831
- SDWA-06-2018-1102

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

Message

From: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Sent: 11/13/2018 4:14:34 PM
To: Herbert, Rusty [Herbert.Rusty@epa.gov]; Rudolph, Matthew [rudolph.matthew@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]
Subject: RE: Diamond 3S Call?

Great thanks!

Matt, I'll call you back or come visit after this conference call I am on.

Rusty wanted us to plan on giving him a quick call around 3PM if you are free.

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Herbert, Rusty
Sent: Tuesday, November 13, 2018 10:13 AM
To: Rudolph, Matthew <rudolph.matthew@epa.gov>; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Subject: RE: Diamond 3S Call?

All set for 3:30 on 214 665-8101. I have spoken with Ryan Summers

---

From: Rudolph, Matthew
Sent: Tuesday, November 13, 2018 7:22 AM
To: Herbert, Rusty <Herbert.Rusty@epa.gov>; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Subject: RE: Diamond 3S Call?

I have left several as well.

Matthew Rudolph (6EN-WR)
US EPA Region 6
1445 Ross Ave., Suite 1200
Dallas TX 75202
Phone: 214-665-6434
Fax: 214-665-2168

From: Herbert, Rusty
Sent: Thursday, November 8, 2018 5:40 PM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Cc: Rudolph, Matthew <rudolph.matthew@epa.gov>
Subject: RE: Diamond 3S Call?

I have called and left a follow-up message for Ryan Summers today.

From: Eckhart, Jeanne
Sent: Tuesday, November 06, 2018 9:25 AM
To: Herbert, Rusty <Herbert.Rusty@epa.gov>
Cc: Rudolph, Matthew <rudolph.matthew@epa.gov>
Subject: RE: Diamond 3S Call?

Joel Summers: (918) 638 - 9306

Ryan Summers *: (918) 704 – 8437

*= main contact

I cc'd Matt in case he needs it too later on.

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Herbert, Rusty
Sent: Tuesday, November 06, 2018 9:17 AM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Subject: RE: Diamond 3S Call?

Thanks, if you could give me the number I will try to make a call as well.

From: Eckhart, Jeanne
Sent: Tuesday, November 06, 2018 9:08 AM
To: Rudolph, Matthew <rudolph.matthew@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Cc: Tidmore, Guy <tidmore.guy@epa.gov>
Subject: RE: Diamond 3S Call?

Ok I emailed them. I assumed you tried to call only?

Thanks,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Rudolph, Matthew
Sent: Tuesday, November 06, 2018 8:49 AM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Cc: Tidmore, Guy <tidmore.guy@epa.gov>
Subject: RE: Diamond 3S Call?

No. I haven't been able to get a hold of anyone.

Matthew Rudolph (6EN-WR)
US EPA Region 6
1445 Ross Ave., Suite 1200
Dallas TX 75202
Phone: 214-665-6434
Fax: 214-665-2168

From: Eckhart, Jeanne
Sent: Tuesday, November 6, 2018 8:36 AM
To: Rudolph, Matthew <rudolph.matthew@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Cc: Tidmore, Guy <tidmore.guy@epa.gov>
Subject: Diamond 3S Call?

Matt,

Any updates on this one/getting ahold of the company? Rusty's back in town this .

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

Message

From: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Sent: 11/6/2018 3:07:29 PM
To: Joel Summers [summertimelawncare@sbcglobal.net]; Ryan P Summers [r_summers@sbcglobal.net]
CC: Herbert, Rusty [Herbert.Rusty@epa.gov]; Rudolph, Matthew [rudolph.matthew@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]; Sanborn, Kent [Sanborn.Kent@epa.gov]
Subject: EPA request for a phone call with Diamond 3S representatives

Mr. Summers,

Matt and I would like to have a phone call with you this week to discuss the enforcement actions EPA has issued under the Safe Drinking Water Act and the Clean Water Act. Our attorney, Mr. Rusty Herbert will also be present during the call to assist in explaining any questions you may have related to any enforcement processes that are underway. Please be aware that we wish to continue to work with you on the issues that the Kennedy Lease has. The enforcement actions have time limitations on them that we must continue to be aware of and some of these deadlines have passed.

Please call or email and let us know if there is a good time for a phone call this week or early next week. Additionally, if you would like additional people to join the call, like an attorney you may have hired or your environmental consultant, please let us know. My contact information is below and in the enforcement documents sent to you previously.

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section
Enforcement Division/Region 6
U.S. Environmental Protection Agency

1445 Ross Avenue, Mail Code 6EN-WR
Dallas, Texas 75202
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

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

SEP 2 8 2018

CERTIFIED MAIL – RETURN RECEIPT REQUESTED: 7014 0150 0000 2405 9585

Mr. Joel Summers, Owner
Diamond 3S, LLC
20102 West Coyote Trail
Sand Springs, Oklahoma 74063

Re: Notice of Proposed Assessment of Class II Civil Penalty
Docket Number: CWA-06-2018-1831
Facility Number: OKU000867

Dear Mr. Summers:

Enclosed is an Administrative Complaint (Complaint) issued to Diamond 3S, LLC, for violation of Section 301(a) of the Clean Water Act (CWA). The violation was identified during inspections that occurred on March 16, 2018, March 20, 2018, April 12, 2018, and April 26, 2018 conducted by the Environmental Protection Agency (EPA). The inspection was conducted at your oil field disposal and production facility known as the Kennedy Lease located in Pawhuska, Osage County, Oklahoma. The violation alleged is for the unauthorized discharge of pollutants, specifically oil field brine and produced water, to a water of the United States. Administrative Order, Docket Number CWA-06-2018-1789, was issued to Respondent on April 11, 2018 addressing this same violation.

You have the right to request a hearing regarding the violation alleged in the Complaint and the proposed administrative civil penalty. For information regarding hearing and settlement procedures, please refer to Part 22, "Consolidated Rules of Practice," which can be found at https://www.epa.gov/enforcement/consolidated-rules-practice-40-cfr-part-22-administrative-assessment-civil-penalties. Please pay particular attention to Section V of the Complaint entitled "Notice of Opportunity to Request a Hearing." Note that should you fail to request a hearing within thirty (30) days of receipt of the Complaint, you will waive your right to such a hearing, and the proposed civil penalty of $64,500.00 may be assessed against you without further proceedings. You have the right to be represented by an attorney or to represent yourself at any stage of these proceedings.

Whether or not you request a hearing, we invite you to confer informally with EPA concerning the alleged violation and the amount of the proposed penalty. You may represent Diamond 3S, LLC, or be represented by an attorney at any conference, whether in person or by telephone. EPA encourages all parties against whom it files a Complaint proposing assessment of a penalty to pursue the possibility of settlement as a result of an informal conference.

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EPA is committed to ensuring compliance with the requirements of the CWA and the National Pollutant Discharge Elimination System program and my staff will assist you in any way possible. If you have any questions, or wish to discuss the possibility of a settlement of this matter, please contact Jeanne Eckhart, of my staff, at (214) 665-8174.

Sincerely,

Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

Enclosure

cc: Ms. Robin Phillips, Superintendent
Osage Agency, Bureau of Indian Affairs
P.O. Box 1539
Pawhuska, Oklahoma 74056

Ms. Jann Jones, Environmental Director
Osage Nation, ENR Department
100 West Main Street, Suite 304
Pawhuska, Oklahoma 74056

ED_002955_00005998-00002

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

FILED
2018 SEP 28 PM 1:53
REGIONAL HEARING CLERK
EPA REGION VI

In the Matter of:	§ Docket No. CWA-06-2018-1831
	§
Diamond 3S, LLC	§ Proceeding to Assess a Class II
	§ Civil Penalty under Section 309(g)
	§ of the Clean Water Act
Respondent	§
	§
Facility Number: OKU000867	§ Administrative Complaint

I. Statutory Authority

This Complaint is issued under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") by Section 309(g) of the Clean Water Act ("the Act"), 33 U.S.C. § 1319(g). The Administrator of EPA delegated the authority to issue this Complaint to the Regional Administrator of EPA Region 6, who delegated this authority to the Director of the Compliance Assurance and Enforcement Division of EPA Region 6 ("Complainant"). This Class II Administrative Complaint is issued in accordance with, and this action will be conducted under, the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits," 40 C.F.R. Part 22, including rules related to administrative proceedings not governed by Section 554 of the Administrative Procedure Act, 40 C.F.R. §§ 22.50 through 22.52.

Based on the following Findings, Complainant finds that Diamond 3S, LLC ("Respondent") violated the Act and the regulations promulgated under the Act and should be ordered to pay a civil penalty,

II. Findings of Fact and Conclusions of Law

1. Respondent is a corporation incorporated under the laws of the State of Oklahoma, and as such, Respondent is a "person," as that term is defined at Section 502(5) of the Act, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

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2. At all times relevant to this action ("all relevant times"), Respondent owned or operated an oil field disposal and production facility known as the Kennedy Lease, located in Pawhuska, Osage County, Oklahoma ("facility") and was, therefore, an "owner or operator" within the meaning of 40 C.F.R. § 122.2.

3. At all relevant times, the facility acted as a "point source" of a "discharge" of "pollutants," specifically oil field brine, to the tributary of Daniel's Run Creek, which is considered a "water of the United States" within the meaning of Section 502 of the Act, 33 U.S.C. § 1362, and 40 C.F.R. § 122.2.

4. Because Respondent owned or operated a facility that acted as a point source of a discharge of pollutants to waters of the United States, Respondent and the facility were subject to the Act and the National Pollutant Discharge Elimination System ("NPDES") program.

5. Under Section 301 of the Act, 33 U.S.C. § 1311, it is unlawful for any person to discharge any pollutant from a point source to waters of the United States, except with the authorization of, and in compliance with, an NPDES permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342. According to the NPDES program, the discharge of oil field brine to "waters of the United States" is a non-permitted discharge.

6. On March 16, 2018, an EPA inspector observed that pollutants, specifically oil field wastes and produced water generated from oil production activities, had been discharged from the facility to "waters of the United States," as that term is defined by 40 C.F.R. § 122.2. Pollutants were discharged to the tributary of Daniel's Run Creek, which is considered a "water of the United States." The inspector determined that the water located at the discharge point of entry into the tributary of Daniel's Run Creek (Latitude 36.586494 N and Longitude -96.499100 W) was contaminated from produced water discharges and measured 95,541 milligrams per Liter ("mg/L") Total Dissolved Solids ("TDS").

7. On March 20, 2018, an EPA inspector observed that pollutants, specifically oil field wastes and produced water generated from oil production activities, had been discharged from the

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facility to "waters of the United States," as that term is defined by 40 C.F.R. § 122.2. Pollutants were discharged to the tributary of Daniel's Run Creek, which is considered a "water of the United States." The inspector determined that the water located at the discharge point of entry into the tributary of Daniel's Run Creek (Latitude 36.586494 N and Longitude -96.499100 W) was contaminated from produced water discharges and measured 77,765 mg/L TDS.

8. On April 12, 2018, an EPA inspector observed that pollutants, specifically oil field wastes and produced water generated from oil production activities, had been discharged from the facility to "waters of the United States," as that term is defined by 40 C.F.R. § 122.2. Pollutants were discharged to the tributary of Daniel's Run Creek, which is considered a "water of the United States." The inspector determined that the water located at the discharge point of entry into the tributary of Daniel's Run Creek (Latitude 36.5866514 N and Longitude -96.499076 W) was contaminated from produced water discharges and measured 83,783 mg/L TDS.

9. On April 26, 2018, an EPA inspector observed that pollutants, specifically oil field wastes and produced water generated from oil production activities, had been discharged from the facility to "waters of the United States," as that term is defined by 40 C.F.R. § 122.2. Pollutants were discharged to the tributary of Daniel's Run Creek, which is considered a "water of the United States." The inspector determined that the water located at the discharge point of entry into the tributary of Daniel's Run Creek (Latitude 36.5866514 N and Longitude -96.499076 W) was contaminated from produced water discharges and measured 43,810 mg/L TDS.

10. Each day of unauthorized discharge was a violation of Section 301 of the Act, 33 U.S.C. § 1311.

11. Under Section 309(g)(2)(B) of the Act, 33 U.S.C. § 1319(g)(2)(B), as modified by 40 C.F.R. Part 19, Respondent is liable for a civil penalty in an amount not to exceed $21,393.00 per day for each day during which a violation occurs or continues, up to a maximum of $267,415.

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12. EPA has notified the Bureau of Indian Affairs of the issuance of this Complaint and has afforded the agency an opportunity to consult with EPA regarding the assessment of an administrative penalty against Respondent as required by Section 309(g)(1) of the Act, 33 U.S.C. § 1319(g)(1).

13. EPA has notified the public of the filing of this Complaint and has afforded the public thirty (30) days in which to comment on the Complaint and on the proposed penalty as required by Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A). At the expiration of the notice period, EPA will consider any comments filed by the public. The public notification can be found at: https://www.epa.gov/publicnotices.

III. Proposed Penalty

14. Based on the foregoing Findings, and pursuant to the authority of Sections 309(g)(1) and (g)(2)(B) of the Act, 33 U.S.C. §§ 1319(g)(1) and (g)(2)(B), EPA Region 6 hereby proposes to assess against Respondent a civil penalty of sixty-four thousand and five hundred dollars ($64,500.00).

15. The proposed penalty amount was determined based on the statutory factors specified in Section 309(g)(3) of the Act, 33 U.S.C. § 1319(g)(3), which include such factors as the nature, circumstances, extent and gravity of the violations, economic benefits, if any, prior history of such violations, if any, degree of culpability, and such matters as justice may require.

16. Complainant has specified that the administrative procedures specified in 40 C.F.R. Part 22, Subpart I, shall apply to this matter, and the administrative proceedings shall not be governed by Section 554 of the Administrative Procedure Act.

IV. Failure to File an Answer

17. If Respondent wishes to deny or explain any material allegation listed in the above Findings or to contest the amount of the penalty proposed, Respondent must file an Answer to this

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Complaint within thirty (30) days after service of this Complaint whether or not Respondent requests a hearing as discussed below.

18. The requirements for such an Answer are set forth at 40 C.F.R. § 22.15 (found at: https://www.epa.gov/enforcement/consolidated-rules-practice-40-cfr-part-22-administrative-assessment-civil-penalties). Failure to file an Answer to this Complaint within thirty (30) days of service of the Complaint shall constitute an admission of all facts alleged in the Complaint and a waiver of the right to hearing. Failure to deny or contest any individual material allegation contained in the Complaint will constitute an admission as to that finding or conclusion under 40 C.F.R. § 22.15(d).

19. If Respondent does not file an Answer to this Complaint within thirty (30) days after service, a Default Order may be issued against Respondent pursuant to 40 C.F.R. § 22.17. A Default Order, if issued, would constitute a finding of liability, and could make the full amount of the penalty proposed in this Complaint due and payable by Respondent without further proceedings thirty (30) days after a Final Default Order is issued.

20. Respondent must send its Answer to this Complaint, including any request for a hearing, and all other pleadings to:

Regional Hearing Clerk (6RC-D)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

21. Respondent shall also send a copy of its Answer to this Complaint to the following EPA attorney assigned to this case:

Mr. Rusty Herbert (6RC-EW)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

22. The Answer must be signed by Respondent, Respondent's counsel, or other representative on behalf of Respondent and must contain all information required by 40 C.F.R. §§

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22.5 and 22.15, including the name, address, and telephone number of Respondent and Respondent's counsel. All other pleadings must be similarly signed and filed.

V. Notice of Opportunity to Request a Hearing

23. Respondent may request a hearing to contest any material allegation contained in this Complaint, or to contest the appropriateness of the amount of the proposed penalty, pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g). The procedures for hearings are set out at 40 C.F.R. Part 22, including 40 C.F.R. §§ 22.50 through 22.52.

24. Any request for hearing should be included in Respondent's Answer to this Complaint; however, as discussed above, Respondent must file an Answer meeting the requirements of 40 C.F.R. § 22.15 in order to preserve the right to a hearing or to pursue other relief.

25. Should a hearing be requested, members of the public who commented on the issuance of the Complaint during the public comment period will have a right to be heard and to present evidence at such hearing under Section 309(g)(4)(B) of the Act, 33 U.S.C. § 1319(g)(4)(B).

VI. Settlement

26. EPA encourages all parties against whom civil penalties are proposed to pursue the possibility of settlement through informal meetings with EPA. Regardless of whether a formal hearing is requested, Respondent may confer informally with EPA about the alleged violations or the amount of the proposed penalty. Respondent may wish to appear at any informal conference or formal hearing personally, by counsel or other representative, or both. To request an informal conference on the matters described in this Complaint, please contact Jeanne Eckhart, of my staff, at (214) 665-8174.

27. If this action is settled without a formal hearing and issuance of an opinion by the Presiding Officer pursuant to 40 C.F.R. § 22.27, this action will be concluded by issuance of a Consent Agreement and Final Order ("CAFO") pursuant to 40 C.F.R. § 22.18(b). The issuance of

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a CAFO would waive Respondent's right to a hearing on any matter stipulated therein or alleged in the Complaint. Any person who commented on this Complaint would be notified and given an additional thirty (30) days to petition EPA to set aside any such CAFO and to hold a hearing on the issues raised in the Complaint. Such a petition would be granted and a hearing held only if the evidence presented by the petitioner's comment was material and was not considered by EPA in the issuance of the CAFO.

28. Neither assessment nor payment of a penalty in resolution of this action will affect Respondent's continuing obligation to comply with all requirements of the Act, the applicable regulations and permits, and any separate Compliance Order issued under Section 309(a) of the Act, 33 U.S.C. § 1319(a), including one relating to the violations alleged herein.

SEP 2 8 2018

Date

Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

ED_002955_00005998-00009

CERTIFICATE OF SERVICE

I certify that the foregoing Class II Administrative Complaint was sent to the following persons, in the manner specified, on the date below:

Original hand-delivered:
Regional Hearing Clerk (6RC-D)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Copy by certified mail, return receipt requested:
Mr. Joel Summers, Owner
Diamond 3S, LLC
20102 West Coyote Trail
Sand Springs, OK 74063

Copy by mail:
Ms. Robin Phillips, Superintendent
Osage Agency, Bureau of Indian Affairs
P.O. Box 1539
Pawhuska, OK 74056

Ms. Jann Jones, Environmental Director
Osage Nation, ENR Department
100 West Main Street, Suite 304
Pawhuska, OK 74056

Copy hand-delivered:
Mr. Rusty Herbert (6RC-EW)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Dated: Sept. 28, 2018

Ellen Chang-Vaughan

ED_002955_00005998-00010

Message

From: Koss, Larry [Koss.Larry@epa.gov]
Sent: 9/28/2018 8:50:03 PM
To: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]; Saunders, Jerry [Saunders.Jerry@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]
CC: Herbert, Rusty [Herbert.Rusty@epa.gov]
Subject: RE: Public Notice of Complaint for Diamond 3S, LLC

Posted.

Lawrence E. Koss
Senior Technology, Methodology and Application Developer/Coordinator
Oracle Database/Application Developer
Oracle Database Administrator
Division Web Editor in Chief
Environmental Protection Specialist
Waste Compliance II Section - 6EN-H2
Compliance Assurance and Enforcement Division

Voice: 214.665.6533
Fax: 214.665.7446
Email: koss.larry@epa.gov
Lync: koss.larry@epa.gov

This email may contain material that is Sensitive, Privileged and/or Attorney Work Product and is for the sole use of the intended recipient. Any review, reliance, or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.

From: Eckhart, Jeanne
Sent: Friday, September 28, 2018 15:18
To: Koss, Larry <Koss.Larry@epa.gov>; Saunders, Jerry <Saunders.Jerry@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>
Cc: Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: Public Notice of Complaint for Diamond 3S, LLC

Guy or Jerry,

Please let Larry know that the attached public notification template and finalized PDF document is approved for posting to the public notice website via email.

Larry,

Attached is the (most recent) template for a public notification and the file (PDF) for public notification. Please let me know if you have any questions and when you are able to post it.

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division

Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

Message

From: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Sent: 9/28/2018 8:17:59 PM
To: Koss, Larry [Koss.Larry@epa.gov]; Saunders, Jerry [Saunders.Jerry@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]
CC: Herbert, Rusty [Herbert.Rusty@epa.gov]
Subject: Public Notice of Complaint for Diamond 3S, LLC
Attachments: Diamond3SLLC.Complaintfiled.9-28-2018.pdf; 6ENWR.Diamond3SLLC.APOPublicNotice.OKU000867.09.28.2018.docx

Guy or Jerry,

Please let Larry know that the attached public notification template and finalized PDF document is approved for posting to the public notice website via email.

Larry,

Attached is the (most recent) template for a public notification and the file (PDF) for public notification. Please let me know if you have any questions and when you are able to post it.

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

Title: Proposed Administrative Penalty Order Against Diamond 3S, LLC for Clean Water Act Violations

State: Oklahoma

Publish date: 09/28/2018

Summary Statement:

In accordance with Section 309(g)(4)(A) of the Clean Water Act ("CWA"), 33 U.S.C. § 1319(g)(4)(A), and 40 C.F.R. § 22.45 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules"), the Environmental Protection Agency ("EPA") is providing notice of a proposed Administrative Penalty Assessment against Diamond 3S, LLC.

Under Section 309(g) of the CWA, 33 U.S.C. § 1319(g), the EPA is authorized to issue orders assessing civil penalties for various violations of the CWA. The EPA may issue such orders after filing a Complaint commencing either a Class I or Class II penalty proceeding. The EPA provides notice of the proposed assessment of a Class II civil penalty pursuant to 33 U.S.C. § 1319(g)(4)(B). Class II proceedings are conducted under the EPA's Consolidated Rules, 40 C.F.R. Part 22.

In this action, EPA is proposing an Administrative Penalty Order ("APO") under its authority pursuant to Section 309 of the CWA against Diamond 3S, LLC for violation of Section 301 of the CWA, 33 U.S.C § 1311. Under Section 301 of the CWA, it is unlawful for any person to discharge any pollutant from a point source to waters of the United States, except with the authorization of, and in compliance with, a National Pollutant Discharge Elimination System ("NPDES") permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342. Respondent owned or operated an oil field disposal and production facility identified as the Kennedy Lease located in Pawhuska, Osage County, Oklahoma. EPA inspected this facility on March 16, March 20, April 12, and April 26, 2018 and observed that pollutants, specifically oil field brine and produced water, had been discharged from the facility to the tributary of Daniel's Run Creek, a water of the United States. The violation alleged in the APO is for the unauthorized discharge of pollutants, specifically oil field brine and produced water, to a water of the United States. The APO proposes a Class II civil penalty of $64,500.00. Respondent must respond to EPA, Region 6 within thirty days.

Program: Clean Water Act (CWA)

Respondent Information:

Name: Diamond 3S, LLC
Address: 20102 West Coyote Trail
City, State: Sand Springs, Oklahoma

Zipcode: 74063

Proposed Action: Enforcement

Docket number: CWA-06-2018-1831

Comments accepted through: 10/29/2018

How to Comment Dialogue Box

How to Comment

Persons wishing to comment on the EPA's proposed action or to become participants in this action may do so by submitting their address and telephone number, along with written comments, to the Regional Haring Clerk at the address below within 30 day of the date of this notice.

Written comments should reference Docket Number CWA-06-2018-1831 and should be sent to:

Lorena Vaughn, Regional Hearing Clerk (6RC-D)
U.S. Environmental Protection Agency
Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733
214-665-8021

Questions? For additional information, contact Jeanne Eckhart at eckhart.jeanne@epa.gov or 214-665-8174.

Metadata tag: Description (Max 256 Characters)**:** EPA is authorized to issue Orders assessing civil penalties for various violations of the Clean Water Act ("CWA"). EPA is providing notice of a proposed administrative penalty assessment against Diamond 3S, LLC for alleged violations of the CWA.

Metadata tag: Keywords: Clean water act, CWA, enforcement, penalty, violations, public notice

Metadata tag: "DC.type" "Announcements and Schedules"

Metadata tag: "DC.Subject.epachannel" "Laws and Regulations"

Attachment filename: Diamond3SLLC.Complaintfiled.9-28-2018.pdf

Number of pages: 12

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

SEP 2 8 2018

CERTIFIED MAIL – RETURN RECEIPT REQUESTED: 7014 0150 0000 2405 9585

Mr. Joel Summers, Owner
Diamond 3S, LLC
20102 West Coyote Trail
Sand Springs, Oklahoma 74063

Re: Notice of Proposed Assessment of Class II Civil Penalty
Docket Number: CWA-06-2018-1831
Facility Number: OKU000867

Dear Mr. Summers:

Enclosed is an Administrative Complaint (Complaint) issued to Diamond 3S, LLC, for violation of Section 301(a) of the Clean Water Act (CWA). The violation was identified during inspections that occurred on March 16, 2018, March 20, 2018, April 12, 2018, and April 26, 2018 conducted by the Environmental Protection Agency (EPA). The inspection was conducted at your oil field disposal and production facility known as the Kennedy Lease located in Pawhuska, Osage County, Oklahoma. The violation alleged is for the unauthorized discharge of pollutants, specifically oil field brine and produced water, to a water of the United States. Administrative Order, Docket Number CWA-06-2018-1789, was issued to Respondent on April 11, 2018 addressing this same violation.

You have the right to request a hearing regarding the violation alleged in the Complaint and the proposed administrative civil penalty. For information regarding hearing and settlement procedures, please refer to Part 22, "Consolidated Rules of Practice," which can be found at https://www.epa.gov/enforcement/consolidated-rules-practice-40-cfr-part-22-administrative-assessment-civil-penalties. Please pay particular attention to Section V of the Complaint entitled "Notice of Opportunity to Request a Hearing." Note that should you fail to request a hearing within thirty (30) days of receipt of the Complaint, you will waive your right to such a hearing, and the proposed civil penalty of $64,500.00 may be assessed against you without further proceedings. You have the right to be represented by an attorney or to represent yourself at any stage of these proceedings.

Whether or not you request a hearing, we invite you to confer informally with EPA concerning the alleged violation and the amount of the proposed penalty. You may represent Diamond 3S, LLC, or be represented by an attorney at any conference, whether in person or by telephone. EPA encourages all parties against whom it files a Complaint proposing assessment of a penalty to pursue the possibility of settlement as a result of an informal conference.

EPA is committed to ensuring compliance with the requirements of the CWA and the National Pollutant Discharge Elimination System program and my staff will assist you in any way possible. If you have any questions, or wish to discuss the possibility of a settlement of this matter, please contact Jeanne Eckhart, of my staff, at (214) 665-8174.

Sincerely,

Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

Enclosure

cc: Ms. Robin Phillips, Superintendent
Osage Agency, Bureau of Indian Affairs
P.O. Box 1539
Pawhuska, Oklahoma 74056

Ms. Jann Jones, Environmental Director
Osage Nation, ENR Department
100 West Main Street, Suite 304
Pawhuska, Oklahoma 74056

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

SEP 2 8 2018

CERTIFIED MAIL – RETURN RECEIPT REQUESTED: 7014 0150 0000 2405 9592

Ms. Jann Jones, Environmental Director
Osage Nation, ENR Department
100 West Main Street, Suite 304
Pawhuska, Oklahoma 74056

Re: Notice of Proposed Administrative Class II Civil Penalty Assessment
Docket Number: CWA-06-2018-1831
Facility Number: OKU000867

Dear Ms. Jones:

Enclosed is a copy of the Administrative Complaint (Complaint) which the Environmental Protection Agency (EPA) is issuing to Diamond 3S, LLC (Respondent), pursuant to Section 309(g) of the Clean Water Act (CWA), 33 U.S.C. § 1319(g). EPA is issuing the Complaint to administratively assess a Class II civil penalty of $64,500.00 against Respondent for violation of the CWA. Because the violation occurred in Pawhuska, Osage County, Oklahoma, I am offering you an opportunity to confer with us regarding the proposed penalty assessment.

You may request a conference within two weeks of receipt of this letter. The conference may be in person or by telephone and may cover any matters relevant to the proposed penalty assessment. If you wish to request a conference, or if you have any comments or questions regarding the matter, please contact Jeanne Eckhart, of my staff, at (214) 665-8174.

Sincerely,

Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

Enclosure

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

SEP 2 8 2018

CERTIFIED MAIL – RETURN RECEIPT REQUESTED: 7014 0150 0000 2405 9608

Ms. Robin Phillips, Superintendent
Osage Agency, Bureau of Indian Affairs
P.O. Box 1539
Pawhuska, Oklahoma 74056

Re: Notice of Proposed Administrative Class II Civil Penalty Assessment
Docket Number: CWA-06-2018-1831
Facility Number: OKU000867

Dear Ms. Phillips:

Enclosed is a copy of the Administrative Complaint (Complaint) which the Environmental Protection Agency (EPA) is issuing to Diamond 3S, LLC (Respondent), pursuant to Section 309(g) of the Clean Water Act (CWA), 33 U.S.C. § 1319(g). EPA is issuing the Complaint to administratively assess a Class II civil penalty of $64,500.00 against Respondent for violation of the CWA. Because the violation occurred in Pawhuska, Osage County, Oklahoma, I am offering you an opportunity to confer with us regarding the proposed penalty assessment.

You may request a conference within two weeks of receipt of this letter. The conference may be in person or by telephone and may cover any matters relevant to the proposed penalty assessment. If you wish to request a conference, or if you have any comments or questions regarding the matter, please contact Jeanne Eckhart, of my staff, at (214) 665-8174.

Sincerely,

Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

Enclosure

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

FILED
2018 SEP 28 PM 1:58
REGIONAL HEARING CLERK
EPA REGION VI

In the Matter of:	§	Docket No. CWA-06-2018-1831
	§	
Diamond 3S, LLC	§	Proceeding to Assess a Class II
	§	Civil Penalty under Section 309(g)
	§	of the Clean Water Act
Respondent	§	
	§	
Facility Number: OKU000867	§	Administrative Complaint

I. Statutory Authority

This Complaint is issued under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") by Section 309(g) of the Clean Water Act ("the Act"), 33 U.S.C. § 1319(g). The Administrator of EPA delegated the authority to issue this Complaint to the Regional Administrator of EPA Region 6, who delegated this authority to the Director of the Compliance Assurance and Enforcement Division of EPA Region 6 ("Complainant"). This Class II Administrative Complaint is issued in accordance with, and this action will be conducted under, the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits," 40 C.F.R. Part 22, including rules related to administrative proceedings not governed by Section 554 of the Administrative Procedure Act, 40 C.F.R. §§ 22.50 through 22.52.

Based on the following Findings, Complainant finds that Diamond 3S, LLC ("Respondent") violated the Act and the regulations promulgated under the Act and should be ordered to pay a civil penalty.

II. Findings of Fact and Conclusions of Law

1. Respondent is a corporation incorporated under the laws of the State of Oklahoma, and as such, Respondent is a "person," as that term is defined at Section 502(5) of the Act, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

2. At all times relevant to this action ("all relevant times"), Respondent owned or operated an oil field disposal and production facility known as the Kennedy Lease, located in Pawhuska, Osage County, Oklahoma ("facility") and was, therefore, an "owner or operator" within the meaning of 40 C.F.R. § 122.2.

3. At all relevant times, the facility acted as a "point source" of a "discharge" of "pollutants," specifically oil field brine, to the tributary of Daniel's Run Creek, which is considered a "water of the United States" within the meaning of Section 502 of the Act, 33 U.S.C. § 1362, and 40 C.F.R. § 122.2.

4. Because Respondent owned or operated a facility that acted as a point source of a discharge of pollutants to waters of the United States, Respondent and the facility were subject to the Act and the National Pollutant Discharge Elimination System ("NPDES") program.

5. Under Section 301 of the Act, 33 U.S.C. § 1311, it is unlawful for any person to discharge any pollutant from a point source to waters of the United States, except with the authorization of, and in compliance with, an NPDES permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342. According to the NPDES program, the discharge of oil field brine to "waters of the United States" is a non-permitted discharge.

6. On March 16, 2018, an EPA inspector observed that pollutants, specifically oil field wastes and produced water generated from oil production activities, had been discharged from the facility to "waters of the United States," as that term is defined by 40 C.F.R. § 122.2. Pollutants were discharged to the tributary of Daniel's Run Creek, which is considered a "water of the United States." The inspector determined that the water located at the discharge point of entry into the tributary of Daniel's Run Creek (Latitude 36.586494 N and Longitude -96.499100 W) was contaminated from produced water discharges and measured 95,541 milligrams per Liter ("mg/L") Total Dissolved Solids ("TDS").

7. On March 20, 2018, an EPA inspector observed that pollutants, specifically oil field wastes and produced water generated from oil production activities, had been discharged from the

facility to "waters of the United States," as that term is defined by 40 C.F.R. § 122.2. Pollutants were discharged to the tributary of Daniel's Run Creek, which is considered a "water of the United States." The inspector determined that the water located at the discharge point of entry into the tributary of Daniel's Run Creek (Latitude 36.586494 N and Longitude -96.499100 W) was contaminated from produced water discharges and measured 77,765 mg/L TDS.

8. On April 12, 2018, an EPA inspector observed that pollutants, specifically oil field wastes and produced water generated from oil production activities, had been discharged from the facility to "waters of the United States," as that term is defined by 40 C.F.R. § 122.2. Pollutants were discharged to the tributary of Daniel's Run Creek, which is considered a "water of the United States." The inspector determined that the water located at the discharge point of entry into the tributary of Daniel's Run Creek (Latitude 36.5866514 N and Longitude -96.499076 W) was contaminated from produced water discharges and measured 83,783 mg/L TDS.

9. On April 26, 2018, an EPA inspector observed that pollutants, specifically oil field wastes and produced water generated from oil production activities, had been discharged from the facility to "waters of the United States," as that term is defined by 40 C.F.R. § 122.2. Pollutants were discharged to the tributary of Daniel's Run Creek, which is considered a "water of the United States." The inspector determined that the water located at the discharge point of entry into the tributary of Daniel's Run Creek (Latitude 36.5866514 N and Longitude -96.499076 W) was contaminated from produced water discharges and measured 43,810 mg/L TDS.

10. Each day of unauthorized discharge was a violation of Section 301 of the Act, 33 U.S.C. § 1311.

11. Under Section 309(g)(2)(B) of the Act, 33 U.S.C. § 1319(g)(2)(B), as modified by 40 C.F.R. Part 19, Respondent is liable for a civil penalty in an amount not to exceed $21,393.00 per day for each day during which a violation occurs or continues, up to a maximum of $267,415.

12. EPA has notified the Bureau of Indian Affairs of the issuance of this Complaint and has afforded the agency an opportunity to consult with EPA regarding the assessment of an administrative penalty against Respondent as required by Section 309(g)(1) of the Act, 33 U.S.C. § 1319(g)(1).

13. EPA has notified the public of the filing of this Complaint and has afforded the public thirty (30) days in which to comment on the Complaint and on the proposed penalty as required by Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A). At the expiration of the notice period, EPA will consider any comments filed by the public. The public notification can be found at: https://www.epa.gov/publicnotices.

III. Proposed Penalty

14. Based on the foregoing Findings, and pursuant to the authority of Sections 309(g)(1) and (g)(2)(B) of the Act, 33 U.S.C. §§ 1319(g)(1) and (g)(2)(B), EPA Region 6 hereby proposes to assess against Respondent a civil penalty of sixty-four thousand and five hundred dollars ($64,500.00).

15. The proposed penalty amount was determined based on the statutory factors specified in Section 309(g)(3) of the Act, 33 U.S.C. § 1319(g)(3), which include such factors as the nature, circumstances, extent and gravity of the violations, economic benefits, if any, prior history of such violations, if any, degree of culpability, and such matters as justice may require.

16. Complainant has specified that the administrative procedures specified in 40 C.F.R. Part 22, Subpart I, shall apply to this matter, and the administrative proceedings shall not be governed by Section 554 of the Administrative Procedure Act.

IV. Failure to File an Answer

17. If Respondent wishes to deny or explain any material allegation listed in the above Findings or to contest the amount of the penalty proposed, Respondent must file an Answer to this

Complaint within thirty (30) days after service of this Complaint whether or not Respondent requests a hearing as discussed below.

18. The requirements for such an Answer are set forth at 40 C.F.R. § 22.15 (found at: https://www.epa.gov/enforcement/consolidated-rules-practice-40-cfr-part-22-administrative-assessment-civil-penalties). Failure to file an Answer to this Complaint within thirty (30) days of service of the Complaint shall constitute an admission of all facts alleged in the Complaint and a waiver of the right to hearing. Failure to deny or contest any individual material allegation contained in the Complaint will constitute an admission as to that finding or conclusion under 40 C.F.R. § 22.15(d).

19. If Respondent does not file an Answer to this Complaint within thirty (30) days after service, a Default Order may be issued against Respondent pursuant to 40 C.F.R. § 22.17. A Default Order, if issued, would constitute a finding of liability, and could make the full amount of the penalty proposed in this Complaint due and payable by Respondent without further proceedings thirty (30) days after a Final Default Order is issued.

20. Respondent must send its Answer to this Complaint, including any request for a hearing, and all other pleadings to:

Regional Hearing Clerk (6RC-D)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

21. Respondent shall also send a copy of its Answer to this Complaint to the following EPA attorney assigned to this case:

Mr. Rusty Herbert (6RC-EW)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

22. The Answer must be signed by Respondent, Respondent's counsel, or other representative on behalf of Respondent and must contain all information required by 40 C.F.R. §§

22.5 and 22.15, including the name, address, and telephone number of Respondent and Respondent's counsel. All other pleadings must be similarly signed and filed.

V. Notice of Opportunity to Request a Hearing

23. Respondent may request a hearing to contest any material allegation contained in this Complaint, or to contest the appropriateness of the amount of the proposed penalty, pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g). The procedures for hearings are set out at 40 C.F.R. Part 22, including 40 C.F.R. §§ 22.50 through 22.52.

24. Any request for hearing should be included in Respondent's Answer to this Complaint; however, as discussed above, Respondent must file an Answer meeting the requirements of 40 C.F.R. § 22.15 in order to preserve the right to a hearing or to pursue other relief.

25. Should a hearing be requested, members of the public who commented on the issuance of the Complaint during the public comment period will have a right to be heard and to present evidence at such hearing under Section 309(g)(4)(B) of the Act, 33 U.S.C. § 1319(g)(4)(B).

VI. Settlement

26. EPA encourages all parties against whom civil penalties are proposed to pursue the possibility of settlement through informal meetings with EPA. Regardless of whether a formal hearing is requested, Respondent may confer informally with EPA about the alleged violations or the amount of the proposed penalty. Respondent may wish to appear at any informal conference or formal hearing personally, by counsel or other representative, or both. To request an informal conference on the matters described in this Complaint, please contact Jeanne Eckhart, of my staff, at (214) 665-8174.

27. If this action is settled without a formal hearing and issuance of an opinion by the Presiding Officer pursuant to 40 C.F.R. § 22.27, this action will be concluded by issuance of a Consent Agreement and Final Order ("CAFO") pursuant to 40 C.F.R. § 22.18(b). The issuance of

a CAFO would waive Respondent's right to a hearing on any matter stipulated therein or alleged in the Complaint. Any person who commented on this Complaint would be notified and given an additional thirty (30) days to petition EPA to set aside any such CAFO and to hold a hearing on the issues raised in the Complaint. Such a petition would be granted and a hearing held only if the evidence presented by the petitioner's comment was material and was not considered by EPA in the issuance of the CAFO.

28. Neither assessment nor payment of a penalty in resolution of this action will affect Respondent's continuing obligation to comply with all requirements of the Act, the applicable regulations and permits, and any separate Compliance Order issued under Section 309(a) of the Act, 33 U.S.C. § 1319(a), including one relating to the violations alleged herein.

SEP 2 8 2018

Date

Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

CERTIFICATE OF SERVICE

I certify that the foregoing Class II Administrative Complaint was sent to the following persons, in the manner specified, on the date below:

Original hand-delivered:
Regional Hearing Clerk (6RC-D)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Copy by certified mail, return receipt requested:
Mr. Joel Summers, Owner
Diamond 3S, LLC
20102 West Coyote Trail
Sand Springs, OK 74063

Copy by mail:
Ms. Robin Phillips, Superintendent
Osage Agency, Bureau of Indian Affairs
P.O. Box 1539
Pawhuska, OK 74056

Ms. Jann Jones, Environmental Director
Osage Nation, ENR Department
100 West Main Street, Suite 304
Pawhuska, OK 74056

Copy hand-delivered:
Mr. Rusty Herbert (6RC-EW)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Dated: Sept. 28, 2018

Ellen Chang-Vaughan

Message

From: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Sent: 7/13/2018 9:13:34 PM
To: Rudolph, Matthew [rudolph.matthew@epa.gov]; Herbert, Rusty [Herbert.Rusty@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]
CC: Houston, Robert [Houston.Robert@epa.gov]; Saunders, Jerry [Saunders.Jerry@epa.gov]; Herrera, Esteban [Herrera.Esteban@epa.gov]; Wills, Carl [Wills.Carl@epa.gov]; Sanborn, Kent [Sanborn.Kent@epa.gov]
Subject: WAR Diamond 3S Summary for next week

All,

A last minute opportunity with the BIA was presented to me yesterday afternoon to go out to the Diamond 3S site, while I am in the area for Bird Creek next week. I talked to Este about this yesterday and he told me to submit a WAR for next week for this site visit that is occurring. I've already discussed with Carl and Matt and have coordinated with all relevant parties listed below.

On a side note, I think we will need a R6 tribal liaison to reach out to the Osage Nation Bluestem Board (landowners where this site is located) to discuss the site and the remedial activities. It has been indicated to me that the company is having trouble coordinating with the tribe to do activities. As I would like to hear the exact concerns that the company has related to this, I recommend we wait to coordinate a call with tribal liaison until after I provide updates to Guy and Jerry on Thursday.

I wanted to give Matt and Rusty an opportunity to provide any edits to the below summary in the WAR system. Please follow up with Guy on Monday if you have edits as Carl and I will be traveling to Bird Creek.

> On July 16th, EPA staff will meet with the Bureau of Indian Affairs in Pawhuska, Oklahoma (Osage County) to have a technical discussion related to the Diamond 3S, LLC, Kennedy Lease. EPA has conducted over 5 inspections as this lease since March 20, 2018 and issued an Administrative Order (AO) Cease and Desist on April 11, 2018 under the Clean Water Act (CWA). An unauthorized discharge of brine fluids was identified at the site during 4 CWA EPA inspections. Additionally, EPA had identified Safe Drinking Water Act (SDWA) Underground Injection Control (UIC) violations and has issued a Complaint to the Respondents on June 13, 2018 for violations to demonstrate Mechanical Integrity on an injection well associated with the Kennedy Lease. The Complaint issued a proposed penalty of $6,000. The BIA continues to have elevated concerns about this lease as well and continues to express them to EPA staff on a frequent basis. EPA's joint visit is in response to these continued concerns. Additionally, EPA staff will conduct a site visit with the BIA on July 19, 2018 to meet with company representatives, an insurance representative for the company, and an environmental representative for the insurance company. EPA staff continues to try to work with the small business company to resolve the concerns under the SDWA and CWA. Legal Contact: Rusty Herbert, 281-983-2218.

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

Message

From: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Sent: 7/13/2018 8:47:00 PM
To: Herbert, Rusty [Herbert.Rusty@epa.gov]; Rudolph, Matthew [rudolph.matthew@epa.gov]; Davis, Rickey [davis.rickey@epa.gov]
CC: Tidmore, Guy [tidmore.guy@epa.gov]; Sanborn, Kent [Sanborn.Kent@epa.gov]
Subject: FW: EPA and BIA Site Visit to Diamond 3S Kennedy Lease

FYI – trying to do some compliance assistance with the BIA due to their continued concerns. I will be sure to stress to the company representatives that they need to follow up with Matt ASAP. I think the 30 days on the SDWA complaint is end of July, according to Matt.

Please call if you have any questions. I'll be in the field next week.

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Eckhart, Jeanne
Sent: Friday, July 13, 2018 3:45 PM
To: 'summertimelawncare@sbcglobal.net' <summertimelawncare@sbcglobal.net>; 'r_summers@sbcglobal.net' <r_summers@sbcglobal.net>; 'karthur@beaconcorp.com' <karthur@beaconcorp.com>; 'zbates@mcg-ins.com' <zbates@mcg-ins.com>; 'Benjamin Daniels' <benjaminl.daniels@bia.gov>; 'Hendricks, Mark' <mark.hendricks@bia.gov>
Cc: Tidmore, Guy <tidmore.guy@epa.gov>; Sanborn, Kent <Sanborn.Kent@epa.gov>; Rudolph, Matthew <rudolph.matthew@epa.gov>; Wills, Carl <wills.carl@epa.gov>
Subject: RE: EPA and BIA Site Visit to Diamond 3S Kennedy Lease

All,

Diamond 3S representative Ryan Summers will meet with EPA and BIA on site at the Kennedy Lease, next Thursday, 07/19/18 at 9AM.

Please call if you have any questions related to this site visit, my contact info is below.

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section
Enforcement Division/Region 6
U.S. Environmental Protection Agency

1445 Ross Avenue, Mail Code 6EN-WR
Dallas, Texas 75202
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Eckhart, Jeanne
Sent: Thursday, July 12, 2018 5:15 PM
To: 'summertimelawncare@sbcglobal.net' <summertimelawncare@sbcglobal.net>; r_summers@sbcglobal.net
Cc: karthur@beaconcorp.com; zbates@mcg-ins.com; Sanborn, Kent <Sanborn.Kent@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Rudolph, Matthew <rudolph.matthew@epa.gov>; Hendricks, Mark <mark.hendricks@bia.gov>; Benjamin Daniels <benjaminl.daniels@bia.gov>
Subject: EPA and BIA Site Visit to Diamond 3S Kennedy Lease

Mr. Summers (Ryan and Joel),

I am emailing to follow up the voicemails I left for each of you and for Mr. Don Summers as well earlier today. I wanted to notify you via email as well that EPA would like to do a site visit with BIA next week at the Diamond 3S lease where the spill of concern occurred and where you are taking some actions to address these concerns. BIA and EPA would like to have Diamond 3S representatives present for this field visit, so we may get a better idea of the future actions to address our continued concerns. I have also been in contact with the environmental consultant who has done a site assessment at this location and the insurance adjuster that you have to notify them of the site visit this afternoon. I requested that they follow up with Diamond 3S representatives to discuss this matter and receive permission to participate in the site visit.

Please let me know if you are able to participate in a site visit on Thursday, 07/19/2018, in the morning. If this timing is not a good time for you, please call me (my contact information is below) and I can plan for a different time next week to do a site visit.

Additionally, if you have any questions, please feel free to call or email me at any time.

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section
Enforcement Division/Region 6
U.S. Environmental Protection Agency

1445 Ross Avenue, Mail Code 6EN-WR
Dallas, Texas 75202
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

Message

From: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Sent: 7/10/2018 10:10:30 PM
To: Tidmore, Guy [tidmore.guy@epa.gov]; Herbert, Rusty [Herbert.Rusty@epa.gov]
CC: Rudolph, Matthew [rudolph.matthew@epa.gov]; Sanborn, Kent [Sanborn.Kent@epa.gov]
Subject: Diamond 3S update as of today
Attachments: IMG_0248.JPG; IMG_0247.JPG; IMG_0246.JPG

All,

A brief update about Diamond 3S related to activity for the surface water spill. There has not been activity.

I know Kent will be doing an inspection report related to this site, but he provided a quick email update for us here.

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

-----Original Message-----
From: Sanborn, Kent
Sent: Tuesday, July 10, 2018 1:57 PM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Subject:

No activity

Appointment

From: Herbert, Rusty [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=83179BA6E96B4A7E984D0E12DE2541AE-HERBERT, RUSTY]
Sent: 4/9/2019 4:19:27 PM
To: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]

Subject: Accepted: RESCHEDULED: Diamond 3S Internal Meeting
Location: R6-ConfRm-PecosSunflower-09D10/R6--09th-Floor

Start: 4/9/2019 8:00:00 PM
End: 4/9/2019 8:30:00 PM
Show Time As: Busy

Message

From: Herbert, Rusty [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=83179BA6E96B4A7E984D0E12DE2541AE-HERBERT, RUSTY]
Sent: 2/1/2019 6:52:05 PM
To: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Subject: RE: Diamond 3S call with EPA?

Tuesday, Weds. Morning and Thursday are best for me.

From: Eckhart, Jeanne
Sent: Friday, February 1, 2019 7:03 AM
To: Ryan P Summers <r_summers@sbcglobal.net>
Cc: Herbert, Rusty <Herbert.Rusty@epa.gov>; Rudolph, Matthew <rudolph.matthew@epa.gov>
Subject: Diamond 3S call with EPA?

Ryan,

Are you available for a call next week? Can you please let us know when is a good time for you early next week if possible?

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section
Enforcement Division/Region 6
U.S. Environmental Protection Agency

1445 Ross Avenue, Mail Code 6EN-WR
Dallas, Texas 75202
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

Message

From: Herbert, Rusty [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=83179BA6E96B4A7E984D0E12DE2541AE-HERBERT, RUSTY]
Sent: 1/29/2019 8:19:00 PM
To: Rudolph, Matthew [rudolph.matthew@epa.gov]; Vaughn, Lorena [Vaughn.Lorena@epa.gov]; Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Subject: RE: Diamond 3S - CWA 06-2018-1831

I think we can call him and get an address.

-----Original Message-----
From: Rudolph, Matthew
Sent: Tuesday, January 29, 2019 2:18 PM
To: Vaughn, Lorena <Vaughn.Lorena@epa.gov>; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

Does yours need to be sent by certified mail or can they be sent regular mail. Meaning do they have to be "served" to the Respondent in a legal sense.

Matthew Rudolph (6EN-WR)
US EPA Region 6
1445 Ross Ave., Suite 1200
Dallas TX 75202
Phone: 214-665-6434
Fax: 214-665-2168

-----Original Message-----
From: Vaughn, Lorena
Sent: Tuesday, January 29, 2019 2:15 PM
To: Rudolph, Matthew <rudolph.matthew@epa.gov>; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

Mine are only the extension of times.

-----Original Message-----
From: Rudolph, Matthew
Sent: Tuesday, January 29, 2019 2:13 PM
To: Vaughn, Lorena <Vaughn.Lorena@epa.gov>; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

You may have to hire a process server to deliver these documents then.

Matthew Rudolph (6EN-WR)
US EPA Region 6
1445 Ross Ave., Suite 1200
Dallas TX 75202
Phone: 214-665-6434
Fax: 214-665-2168

-----Original Message-----
From: Vaughn, Lorena
Sent: Tuesday, January 29, 2019 2:08 PM
To: Rudolph, Matthew <rudolph.matthew@epa.gov>; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

That's ok but what happens when you mail them the CAFO's to sign off on if they are not picking up there certified mail.

-----Original Message-----
From: Rudolph, Matthew
Sent: Tuesday, January 29, 2019 2:07 PM
To: Vaughn, Lorena <Vaughn.Lorena@epa.gov>; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

They might of changed their address or they are just not picking up their certified mail.

Matthew Rudolph (6EN-WR)
US EPA Region 6
1445 Ross Ave., Suite 1200
Dallas TX 75202
Phone: 214-665-6434
Fax: 214-665-2168

-----Original Message-----
From: Vaughn, Lorena
Sent: Tuesday, January 29, 2019 2:02 PM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>; Rudolph, Matthew <rudolph.matthew@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

It is the same address and it says return to sender unclaimed and unable to forward.
I know you sent it by email but not sure why he didn't want to pick it up. Have to send it certified.

-----Original Message-----
From: Eckhart, Jeanne
Sent: Tuesday, January 29, 2019 1:41 PM
To: Vaughn, Lorena <Vaughn.Lorena@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>; Rudolph, Matthew <rudolph.matthew@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

Lorena,

You've stumped me too, I thought this was residential address and this is what Matt and I have sent to previously. Did they refuse to get your letter?

The only other address I can find through all the databases is this one, which is basically the same as below:
Diamond 3S, LLC
20102 Coyote Trail
Sand Springs, Oklahoma 74063

Rusty or Matt, do you know of any other addresses. The one in the OK SOS database is now expired. We can ask Mr. Summers during our conference call otherwise.

Thanks,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

-----Original Message-----
From: Vaughn, Lorena
Sent: Tuesday, January 29, 2019 1:06 PM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

That's the address that got returned.

-----Original Message-----
From: Eckhart, Jeanne
Sent: Tuesday, January 29, 2019 1:01 PM
To: Vaughn, Lorena <Vaughn.Lorena@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

Lorena,

Here's the physical mailing address I have on file:
Diamond 3S, LLC
20102 West Coyote Trail
Sand Springs, Oklahoma 74063

Here's Mr. Ryan Summer's email address:
r_summers@sbcglobal.net

Hope this helps!

Thanks,

Jeanne Eckhart

Environmental Scientist
Water Resources Section, Enforcement Division Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

-----Original Message-----
From: Vaughn, Lorena
Sent: Tuesday, January 29, 2019 11:50 AM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

Hi Jeanne,

Do you have a better address for Mr. Summers, my letter just came back from December.

Thank you.

Lorena

-----Original Message-----
From: Eckhart, Jeanne
Sent: Monday, January 28, 2019 2:50 PM
To: Vaughn, Lorena <Vaughn.Lorena@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

The one you had attached was Matt's case, the SDWA one. I have a CWA one with that company as well.

Did you get an extension of request from Mr. Summers for the CWA one? CWA-06-2018-1831

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

-----Original Message-----
From: Vaughn, Lorena
Sent: Monday, January 28, 2019 2:47 PM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

No worries and thank you for forwarding it.
So is it yours or Matt's case?

-----Original Message-----
From: Eckhart, Jeanne
Sent: Monday, January 28, 2019 2:38 PM
To: Vaughn, Lorena <Vaughn.Lorena@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: RE: Diamond 3S - CWA 06-2018-1831

Thank you! I cc'd you on the email. We'll inform him about the hardcopy when we speak to him on the conference call soon. I realized I forgot to tell him about the hard copy after I sent it.

Thanks,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

-----Original Message-----
From: Vaughn, Lorena
Sent: Monday, January 28, 2019 2:18 PM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: Diamond 3S - CWA 06-2018-1831

Good Afternoon to you both,

Could one of you please email this to Mr. Summers and let him know that a hardcopy will follow in the mail.

Thank you.

Lorena

-----Original Message-----
From: 13_I04_Ricoh@epa.gov <13_I04_Ricoh@epa.gov>
Sent: Monday, January 28, 2019 2:36 PM
To: Vaughn, Lorena <Vaughn.Lorena@epa.gov>
Subject: Message from "RNP002673A3A1CB"

This E-mail was sent from "RNP002673A3A1CB" (MP C3003).

Scan Date: 01.28.2019 14:35:45 (-0600)
Queries to: 13_I04_Ricoh@epa.gov

Message

From: Herbert, Rusty [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=83179BA6E96B4A7E984D0E12DE2541AE-HERBERT, RUSTY]
Sent: 3/27/2019 10:32:28 PM
To: Rudolph, Matthew [rudolph.matthew@epa.gov]; Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Subject: FW: Ryan Summers Region 6 EPA.

fyi

From: ryan summers [mailto:diamond_3s@yahoo.com]
Sent: Wednesday, March 27, 2019 3:44 PM
To: Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: Re: Ryan Summers Region 6 EPA.

Yes I will this evening
Thanks

Sent from Yahoo Mail for iPhone

On Monday, March 25, 2019, 10:15 AM, Herbert, Rusty <Herbert.Rusty@epa.gov> wrote:

> Thank you Ryan. Unfortunately, the EPA system won't open zip files. Could you send your document in a different format ? Regards, Rusty Herbert
>
> ---
>
> **From:** ryan summers [mailto:diamond_3s@yahoo.com]
> **Sent:** Thursday, March 21, 2019 9:37 PM
> **To:** Herbert, Rusty <Herbert.Rusty@epa.gov>
> **Subject:** Re: Ryan Summers Region 6 EPA.
>
> Thursday afternoon.
>
> also, I have attached the 2015 financial papers.
>
> Thanks,
>
> Ryan
>
> On Wednesday, March 20, 2019, 9:48:41 AM CDT, Herbert, Rusty <Herbert.Rusty@epa.gov> wrote:
>
> Thank you Ryan. I left a voice message today requesting a call on Weds. March 27th or Thurs. March 28th, at 3:pm CST to discuss the inability to pay issue. The information you are sending will be helpful. Please let us know if one of these dates can be worked out. Rusty Hebert 281 983-2218.

From: ryan summers [mailto:diamond_3s@yahoo.com]
Sent: Wednesday, March 20, 2019 9:43 AM
To: Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: Re: Ryan Summers Region 6 EPA.

I have been out of town.

I will get the information tonight and send.

Thanks

Sent from Yahoo Mail for iPhone

On Tuesday, March 19, 2019, 9:59 AM, Herbert, Rusty <Herbert.Rusty@epa.gov> wrote:

> Ryan I had called you previously concerning needed information. You provided 2 years of the three years of income tax information we requested in order to determine inability to pay status. Please supply the remaining year. Also, please supply the status information Matt Rudolph requested on the well. Has it been tested or plugged ? Has there been a sale of the lease ? Have you brought the well into compliance with the original SDWA Administrative Order ? Please respond within a week. Contact me if you have any questions Attorney Rusty Herbert Region 6 EPA- (281) 983-2218.
>
> Regards,
>
> Rusty Herbert

Message

From: Herbert, Rusty [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=83179BA6E96B4A7E984D0E12DE2541AE-HERBERT, RUSTY]
Sent: 3/25/2019 1:44:19 PM
To: Rudolph, Matthew [rudolph.matthew@epa.gov]
CC: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Subject: RE: Ryan Summers Region 6 EPA.

Since I am not a computer expert, please let Ryan know this. Have we set up a time for our internal call of call with Ryan ? I am available except at 2pm Weds.

From: Rudolph, Matthew
Sent: Monday, March 25, 2019 8:39 AM
To: Herbert, Rusty <Herbert.Rusty@epa.gov>; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Subject: RE: Ryan Summers Region 6 EPA.

Nothing was sent. It looks like the zip file he was trying to send was blocked. If he is going to send a zip file then rename it as a .zap before it is sent. Our firewalls wont let a .zip file to be sent through.

Matthew Rudolph (6EN-WR)
US EPA Region 6
1445 Ross Ave., Suite 1200
Dallas TX 75202
Phone: 214-665-6434
Fax: 214-665-2168

From: Herbert, Rusty
Sent: Monday, March 25, 2019 8:34 AM
To: Rudolph, Matthew <rudolph.matthew@epa.gov>; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Subject: FW: Ryan Summers Region 6 EPA.

From: ryan summers [mailto:diamond_3s@yahoo.com]
Sent: Thursday, March 21, 2019 9:37 PM
To: Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: Re: Ryan Summers Region 6 EPA.

Thursday afternoon.
also, I have attached the 2015 financial papers.
Thanks,
Ryan

On Wednesday, March 20, 2019, 9:48:41 AM CDT, Herbert, Rusty <Herbert.Rusty@epa.gov> wrote:

Thank you Ryan. I left a voice message today requesting a call on Weds. March 27th or Thurs. March 28th, at 3:pm CST to discuss the inability to pay issue. The information you are sending will be helpful. Please let us know if one of these dates can be worked out. Rusty Hebert 281 983-2218.

From: ryan summers [mailto:diamond_3s@yahoo.com]
Sent: Wednesday, March 20, 2019 9:43 AM
To: Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: Re: Ryan Summers Region 6 EPA.

I have been out of town.

I will get the information tonight and send.

Thanks

Sent from Yahoo Mail for iPhone

On Tuesday, March 19, 2019, 9:59 AM, Herbert, Rusty <Herbert.Rusty@epa.gov> wrote:

> Ryan I had called you previously concerning needed information. You provided 2 years of the three years of income tax information we requested in order to determine inability to pay status. Please supply the remaining year. Also, please supply the status information Matt Rudolph requested on the well. Has it been tested or plugged ? Has there been a sale of the lease ? Have you brought the well into compliance with the original SDWA Administrative Order ? Please respond within a week. Contact me if you have any questions Attorney Rusty Herbert Region 6 EPA- (281) 983-2218.
>
> Regards,
>
> Rusty Herbert

Message

From: Herbert, Rusty [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=83179BA6E96B4A7E984D0E12DE2541AE-HERBERT, RUSTY]
Sent: 3/25/2019 1:34:18 PM
To: Rudolph, Matthew [rudolph.matthew@epa.gov]; Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Subject: FW: Ryan Summers Region 6 EPA.
Attachments: ATT00001.txt

From: ryan summers [mailto:diamond_3s@yahoo.com]
Sent: Thursday, March 21, 2019 9:37 PM
To: Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: Re: Ryan Summers Region 6 EPA.

Thursday afternoon.
also, I have attached the 2015 financial papers.
Thanks,
Ryan

On Wednesday, March 20, 2019, 9:48:41 AM CDT, Herbert, Rusty <Herbert.Rusty@epa.gov> wrote:

Thank you Ryan. I left a voice message today requesting a call on Weds. March 27th or Thurs. March 28th, at 3:pm CST to discuss the inability to pay issue. The information you are sending will be helpful. Please let us know if one of these dates can be worked out. Rusty Hebert 281 983-2218.

From: ryan summers [mailto:diamond_3s@yahoo.com]
Sent: Wednesday, March 20, 2019 9:43 AM
To: Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: Re: Ryan Summers Region 6 EPA.

I have been out of town.

I will get the information tonight and send.

Thanks

Sent from Yahoo Mail for iPhone

On Tuesday, March 19, 2019, 9:59 AM, Herbert, Rusty <Herbert.Rusty@epa.gov> wrote:

> Ryan I had called you previously concerning needed information. You provided 2 years of the three years of income tax information we requested in order to determine inability to pay status. Please supply the remaining year. Also, please supply the status information Matt Rudolph requested on the well. Has it been tested or plugged ? Has there been a sale of the lease ? Have you brought the well into compliance with the original SDWA Administrative Order ? Please respond within a week. Contact me if you have any questions Attorney Rusty Herbert Region 6 EPA- (281) 983-2218.

Regards,

Rusty Herbert

Message

From: Herbert, Rusty [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=83179BA6E96B4A7E984D0E12DE2541AE-HERBERT, RUSTY]
Sent: 3/20/2019 2:24:16 PM
To: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Subject: RE: Diamond update

Anytime !

From: Eckhart, Jeanne
Sent: Wednesday, March 20, 2019 7:19 AM
To: Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: Diamond update

Rusty,

You around today? Let's talk about this case when you have a chance. I think I may have a potential path forward to settlement after some discussion with Matt yesterday.

Thanks,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

Message

From: Herbert, Rusty [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=83179BA6E96B4A7E984D0E12DE2541AE-HERBERT, RUSTY]
Sent: 7/25/2018 7:51:07 PM
To: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Subject: RE: Follow up to your call - Diamond 3S

Thank you. Have a nice vacation.

From: Eckhart, Jeanne
Sent: Wednesday, July 25, 2018 2:50 PM
To: Herbert, Rusty <Herbert.Rusty@epa.gov>
Cc: Rudolph, Matthew <rudolph.matthew@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Sanborn, Kent <Sanborn.Kent@epa.gov>; Davis, Rickey <davis.rickey@epa.gov>
Subject: Follow up to your call - Diamond 3S

Rusty,

I got your phone message, but didn't have a chance to call you back by the end of today. I am going on vacation from tomorrow until August 6. I'll be back August 7th.

I don't have any needs on Diamond 3S right now. I will have a drafted APO very soon for you to look through. There's an onsite meeting tomorrow and Rick Davis will be there to represent EPA to hear Osage Nation concerns.

I will follow up with him when I get back, but reach out to Guy if you need information sooner.

Thanks,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

Message

From: Rudolph, Matthew [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=59F690A82AB446B58319D501EBC8FA71-RUDOLPH, MATT]
Sent: 3/18/2013 8:59:27 PM
To: keith.white@chaparralenergy.com
Attachments: CHAPARRAL ENERGY 05202012.pdf; chapparel energy inspection report 052012.pdf; Chaparral Energy Inspection 062012.pdf; CHAPARRAL PHOTOS 62012.pdf; CHAPARRAL ENERGY Photos 7 20 2012.pdf; Chaparral Inspection 7 20 2012.pdf

Mr. White: please the inspection reports attached.

Thank you,

INSPECTION REPORT

REPORT DATE: 7/24/2012 **INCIDENT NO:** 07202012-2

INSPECTION DATE: 7/20/2012

INVESTIGATOR: Kent Sanborn

LOCATION: SW /4, Sec. 23, T 25, R8
COUNTY: OSAGE

OWNER/OPERATOR: CHAPARRAL ENERGY, LLC
701 CEDAR LAKE BLVD.
OKLAHOMA CITY, OK 73114

SURFACE OWNER: BLUESTEM RANCH
PHONE: Unknown

EMERGENCY HOTLINE NOTIFIED: No

POINT SOURCE: BRINE FACILITY
LATITUDE/LONGITUDE: 36 37.4022N, 96 25.2028W

RECEIVING WATER: TRIBUTARY OF CLEAR CREEK
LATITUDE/LONGITUDE: 36 37.450N, 96 25.160W

INSPECTION OBSERVATIONS:

BRINE FACILITY HAS BEEN SEEPING BRINE OVER A LONG PERIOD OF TIME TO THE CREEK. LEAKING PUMPS INSIDE THE CONTAINMENT HAVE MADE THE ROCKED AREA SOFT. NO LINER IN NORTH END.SOIL SAMPLES TAKEN BETWEEN THE FACILITY AND THE CREEK INDICATE HIGH SALT CONTENT. FLOW IS NORTH TO CLEAR CREEK. ADJACENT OPERATOR GRAHM OIL HAD A LEAK INTO SAME CREEK SEVERAL MONTHS AGO. NEW LARGE PIT (LINED) SOUTH OF TANKS. LEAKAGE HOWEVER GOES TO NORTH END.

SUPPORTING VIDEO, PICTURES, OR SAMPLES: Photos

OTHER AGENCIES OR PARTIES CONTACTED OR INVOLVED:
BIA

REGIONAL COMMENTS/INFORMATION OBTAINED:

Message

From: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Sent: 8/8/2018 4:34:25 PM
To: Tidmore, Guy [tidmore.guy@epa.gov]
CC: Rudolph, Matthew [rudolph.matthew@epa.gov]
Subject: FW: Diamond Spill Redemiation Scope of Work
Attachments: T806 sow.pdf

FYI

From: Kevin Arthur [mailto:karthur@beaconcorp.com]
Sent: Wednesday, August 01, 2018 7:16 AM
To: cmwalker2@osagetribe.org
Cc: melissa.currey@osagenation-nsn.gov; Ryan P Summers <r_summers@sbcglobal.net>; mark.hendricks@bia.gov; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; benjamin.daniels@bia.gov; Bates, Zakary <zbates@mcg-ins.com>; lee.burnett@bia.gov
Subject: Diamond Spill Redemiation Scope of Work

Craig,

Here is the Scope of Work for proposed remediation activities on the Bluestem Ranch for Diamond 3S, LLC. Please review for approval. As we discussed in the Planting section, we added our standard "winter mix" so that we can get a temporary cover until we can plant Native Grasses in February. Please give me a call (580-272-8200) with an questions or concerns so that we can get it taken care of in a timely manner.

Thank you,

Kevin Arthur
Project Manager
BEACON Environmental Assistance Corporation
841 E. 33rd Street, Edmond, OK 73013

Office: (405) 330-8688
Cell: (580) 272-8200
Fax: (405) 330-8668

Email: karthur@beaconcorp.com

SCOPE OF WORK

Diamond 3S, LLC Project
Osage County, OK
Project #T806

Claim # 3000314

1. GENERAL

1.1 Location: The project is located near the town of Pawhuska, Oklahoma as indicated on Figure 1.

1.2 Description of Existing Site Conditions: The project is associated with active oil and gas exploration and production activities and consists of areas impacted by produced fluid.

1.3 Boundaries

1.3.1 Project Boundary: The project is confined to the NE/4 Section 1-T24N-R7E, Osage County, Oklahoma as indicated on Figure 2. The Contractor shall not cross the boundaries of this area except when entering or leaving the site.

1.3.2 Site Boundary: The Site Boundary is a discrete area within the Project Boundary. The Site Boundary is defined by the outline of the area depicted on Figure 3. Certain tasks detailed below specify the Site Boundary as the perimeter of the work area for the task. In such cases the Contractor shall be responsible only for activities included in the task within the area defined by the Site Boundary.

1.4 Project Objectives

1.4.1 The objective of the project is to remove and dispose the debris, excavate and dispose the impacted soil in a permitted landfill, apply a gypsum capillary barrier to the designated areas, backfill the voids created by excavation of impacted soil with soil generated by the construction of a pond, rip and cross rip the designated areas, apply amendments to the designated areas, install a 3 inch water pump, sod and plant the areas disturbed during the course of work.

1.4.2 The Contractor shall take all appropriate precautions to minimize incidental disturbance to crops, pasture, and other areas outside the immediate work area(s), and may be held liable for any such damages deemed unnecessary or avoidable by the Consultant.

1.4.3 The project is located on private land. The Contractor, Consultant, Osage Nation, Bluestem Ranch Counsel, Diamond 3S, LLC, Environmental Protection Agency (EPA) representative, and the Bureau of Indian Affairs (BIA) representative shall discuss all aspects of the Work at the pre-start meeting (refer to Section 17.2).

2. IDENTIFICATION AND NOTIFICATION FOR ACTIVE UTILITIES

2.1 The Contractor shall be responsible for identification of all active subsurface utilities and/or pipelines by notification of appropriate line locator services and all other utility or pipeline operators in the site vicinity no less than 2 working days prior to the pre-start meeting (refer to Section 17.2) and prior to the initiation of any subsurface disturbance on the site. Notification shall include, but is not limited to, CALL-OKIE, 1-800-522-6543. Additionally, the Contractor shall take appropriate action to identify and notify all other utility or pipeline operators in the site vicinity that are not subscribers to the CALL-OKIE service.

2.2 The Contractor shall be responsible for any and all damage to active subsurface utilities and pipelines and any impact to soil, ground water or surface water as the result of the damage. In the event of damage to active utilities or pipelines, the Contractor shall take all appropriate precautions and perform measures to contain any spills and minimize impact to surrounding media. After taking steps to contain any spills and minimize impact, the Contractor shall immediately notify the Consultant of the damage. The Contractor will be required to comply with all applicable laws, rules, regulations, and clean-up standards for any impact caused by damage to active utilities or pipelines.

2.3 The Contractor shall identify any aboveground utilities and/or pipelines in the work area(s), and shall exercise appropriate precautions to avoid damage to such lines. Unless specifically informed otherwise by the utility provider, Contractors shall assume that any aboveground electrical lines in the work area(s) are energized, and shall observe all applicable safety precautions when working in the vicinity of the lines.

3. FLOWLINE REMOVAL AND DISPOSAL

3.1 General: The Contractor shall remove all exposed abandoned flowlines within the Site Boundaries and any abandoned buried flowlines that interfere with the work. Sections of exposed flowline shall be removed back into the buried section to the point of burial depth of 18 inches, or at least 25 feet back from the point of exposure, whichever is less. Buried flowline shall be removed as necessary to complete this Scope of Work.

3.2 Residual Material in Lines: If the Contractor determines that there may be significant (>1 barrel) quantities of residual product remaining in the flowlines, the Contractor shall immediately cease removal activities, take appropriate steps to prevent spillage of the material, and notify the Consultant.

3.3 Flowline Capping: All flowlines that are cut and left in place shall be capped with either a welded or threaded cap or plug. All capped flowline ends shall be left exposed until inspected by the Consultant.

3.4 Grading: All areas disturbed by flowline removal shall be graded with soil from the immediate surrounding area to blend with the existing terrain.

3.5 Salvage: All salvageable removed flowline material becomes the property of the Contractor. All such material must be removed from the project site prior to the Contractor's application for final payment.

3.6 Disposal: Non-salvageable flowline material shall be disposed of by transportation to a permitted landfill or a reclaimer/recycler. The Contractor shall notify the Consultant **in writing** of the proposed landfill or reclaimer/recycler prior to removal of any material from the site, and shall provide manifests for all waste prior to application for final payment.

4. DEBRIS REMOVAL AND DISPOSAL

4.1 General: The Contractor shall be responsible for the removal and disposal of all miscellaneous debris and/or abandoned materials located within the Site Boundaries. Trees, stumps, and brush shall be removed only as necessary to meet the requirements of this Scope of Work. Trees and stumps shall be removed to a depth of 12 inches below the final grade.

4.2 Off-Site Disposal: Materials removed from the site shall be legally disposed of in a permitted landfill or transferred to a reclaimer/recycler. The Contractor shall notify the Consultant **in writing** of the proposed landfill or reclaimer/recycler prior to removal of any material from the site, and shall provide manifests for all waste prior to application for final payment.

4.3 Grading: All areas disturbed by debris removal shall be graded with soil from the immediate surrounding area to blend with the existing terrain.

5. IMPACTED SOIL REMOVAL AND DISPOSAL (Area #1)

5.1 General: Impacted soil located within designated Area #1 and the stockpiled soil within Area #1 shall be excavated and transported to a permitted landfill.

5.2 Material Estimates: The total estimated volume of impacted soil is approximately 611 compacted cubic yards (yds^3). For the purposes of this Scope of Work, a cubic yard of soil is equivalent to 1.3 tons. 611 cubic yards is equivalent to 800 tons. A compacted cubic yard of soil is estimated to be approximately 25% to 35% greater in volume after excavation based on soil type.

5.3 Material Removal & Disposal: Impacted soil within the designated area shall be excavated to a depth of 3' below ground surface (bgs) and transported to a permitted landfill in accordance with Oklahoma Corporation Commission (OCC) requirements. It is estimated that **800** tons of impacted soil will be excavated. The Consultant shall be present during the excavation activities to determine the actual volumes to excavate and will take samples below the excavation. Additional volumes may be excavated based on the results of the samples. When samples are collected, the Contractor may be

required to cease activities related to impacted soil removal until given direction by the Consultant. This waiting period will be a maximum of 4 working days from the time the samples are collected.

5.4 Disposal Coordination and Documentation: The Contractor shall be responsible for coordinating the disposal with the American Environmental Landfill, 212 N 177th W Ave, Sand Springs, OK, (918) 245-7786. The Contractor shall provide copies of the required documentation for the disposal, including load tickets, to the Consultant **prior to** application for final payment.

5.5 Gypsum Capillary Barrier: Gypsum shall be placed in the base of the excavated Area #1 void depicted on Figure 3 prior to back filling with top soil. It is estimated that approximately **100** tons of gypsum will be required. The Gypsum shall be placed in 6 to 8 inch lifts and compacted. Gypsum shall be of agricultural grade and shall be either crushed or in agricultural fines.

5.6 Top Soil Provision: The remaining void shall be filled with top soil provided by the Contractor during the construction a pond (see Section 7). The Consultant shall obtain samples from the proposed top soil prior to placing the material in the site. When samples are collected, the Contractor shall be required to cease activities related to top soil until given direction by the Consultant. This waiting period shall be a maximum of 4 working days from the time the samples are collected. After filling, the Contractor shall take appropriate measures to ensure the areas drain with no ponding or pooling after grading.

5.7 Unattended Void Precautions: The voids created from excavation, if left open overnight or otherwise unattended, shall be graded such that at least one side of the void is at least a 4:1 slope and allows a safe means of egress.

5.8 Impacted Soil Bid Basis: Due to the uncertainty of the volume of impacted soil to be excavated, impacted soil removal and disposal shall be bid on a unit cost based on the total number of tons provided by the documentation from the land fill. For every ton of impacted soil excavated, the unit cost shall include all activities outlined in this section. The base bid will be evaluated on a total estimated weight of **800** tons as indicated on the Bid Form (UP #1).

6. SOIL AMENDMENTS (Area #2, 1 acre)

6.1 General: Amendments shall be applied to the area of impact (Area #2) depicted on Figure 3. Amendments shall consist of gypsum **AND** organic material. Organic material shall include Urea **AND** straw/hay.

6.2 Preparation: The stockpiled soil within Area #2 shall be leveled and graded to blend with the surrounding terrain. The area of impact, (Area #2) shall be ripped sufficiently to break up the soil to a minimum depth of 18 to 24 inches below the existing grade. The distance between rippers shall not exceed 30 inches. The Contractor shall take all precautions to rip only the area of impact, Area #2 and not disturb the surrounding area(s). The area(s) shall be graded and terraced along contour lines to mitigate overland flow during the restoration process.

6.3 Materials

6.3.1 Gypsum shall be of agricultural grade and shall be either crushed or in agricultural fines.

6.3.2 Urea shall be agricultural grade fertilizer.

6.3.3 Other organic matter may include wheat straw. The wheat straw shall be free from appreciable quantities of annual grass, short grass or immature tall grass. The organic material shall contain no seeds that are classified as "Prohibited Noxious" and shall be as free of "Restricted Noxious" as is legally allowed by the Oklahoma Department of Agriculture. Use of organic materials other than those listed must be approved by the Consultant **in writing** prior to application.

6.4 Application: Amendments shall be applied in the following quantities:

Site 1 Figure 3 (Area #2)

Gypsum (Prior to rip/cross rip) ..... 308 tons

Straw/Hay (During the disking) ..... 3 tons

Straw/Hay (Erosion Control) ..... 3 tons

Urea (During planting) ..... 350 pounds

The amendments shall be applied uniformly to the area in the specified quantities, and shall be disked into the soil in such a manner as to distribute the amendments evenly through the top 6 inches of soil.

6.5 Material Verification: The Consultant reserves the right to verify quantities and composition of amendment materials by inspection at the time of delivery to the site. The Contractor shall notify the Consultant at least 48 hours prior to the delivery of materials. Additionally, the Contractor must furnish delivery tickets indicating quantity and composition of materials actually delivered to the site prior to application for final payment.

7. POND CONSTRUCTION Structure 1

7.1 General: The Contractor shall build an earthen embankment pond (Structure # 1) as depicted on Figure 3. Specifications for the proposed pond construction are included as Figure 4 of this Scope of Work. The Consultant will perform the final pond inspection.

7.2 Dam: The general location of the dam is provided on Figure 3. The actual location shall be dictated by flags at the site. Cross-sectional dimensions of the dam are provided on Figure 4.

7.3 Foundation Area: The foundation area shall be cleared of trees, logs, stumps, roots, brush, boulders, sod and other debris. The foundation area shall be thoroughly scarified before placement of fill material.

7.4 Core Trench: The core trench shall be excavated according to the specifications depicted on Figure 4 and as staked in the field.

7.5 Material: Topsoil located within the area of the pond construction shall be excavated prior to the pond construction and stockpiled for final grading. Material for the construction of the pond dam shall be obtained from the area up-gradient from the proposed dam locations. Side slopes within the water line shall be no less than 4:1. It is estimated that approximately **3,381** cubic yards of material will be required for the construction of the dam, including 10% for shrinkage as depicted on Figure 4. Fill material shall be placed and spread beginning at the lowest point of the foundation and then bringing it up in continuous horizontal layers. The Contractor shall compact each layer.

7.6 Backfill Material: Contractor shall excavate an additional **611** cubic yards of material from the construction of the pond as backfill for Area #1. The material shall be applied and compacted to Area #1 as depicted on Figure 3 and as outlined in Section 5 of this Scope of Work.

7.7 Drawdown Pipe: A steel drawdown pipe with a raised canopy inlet and equipped with 1 anti-seep collar and trash guard shall be placed within the dam as shown on Figure 4.

7.7.1 Steel Pipe: The Contractor shall provide new, welded steel, smooth barreled pipe. Used pipe may be utilized so long as it is sound pipe without damaging corrosion pits. The length of pipe joints shall be a minimum of 10 feet. The pipe shall meet the following minimum wall thickness at any measurement point:

At least 0.158 inches for less than 14-inch diameter

At least 0.220 inches for 14 to 24-inch diameter, and

At least 0.282 inches for 26 to 36-inch diameter.

The entire pipe assembly shall be impervious with all joints and seams watertight. The Consultant reserves the right to inspect the completed drawdown pipe assembly prior to the placement of any backfill. At the discretion of the Consultant, a watertight test may be performed on site.

7.7.2 Drawdown Pipe Backfill: The backfill material placed within 2 feet of the barrel and riser shall be loose earth free from stones, lumps and rubbish. The selected backfill material shall be placed around structures, pipe conduits and anti seep collars at about the same rate on all sides to prevent damage from unequal loading. If fill material lacks sufficient moisture for compaction, as determined by the consultant, contractor shall provide and add water to the fill material before placing it around the pipe and compacting it.

7.7.3 Rip Rap Backfill: Rip Rap rock shall be installed at the outlet of the drawdown pipe as depicted on Figure 4. An estimated **30** tons of 18 inch rock will be required.

7.8 Earthen Spillway: An earthen spillway shall be constructed in the general area depicted on Figure 3. The actual location shall be dictated by flags at the site. Dimensions of the spillway are provided on Figure 4. The spillway shall be approximately 20 feet wide with a relative elevation of 98.5. Side slopes of the spillway shall have a slope of 4:1.

7.9 Final Grading and Topsoil Application: The pond banks outside the dam area shall be graded to blend with the surrounding terrain. Topsoil excavated prior to the construction process shall be spread uniformly to a minimum depth of 4 inches over the pond banks, the up-gradient slope of the dam, the top of the dam, the down-gradient slope of the dam and the spillway.

7.10 Solid Sod: Contractor shall place Bermuda grass sod to the area around the pipe and spillway as depicted on Figure 4. It is estimated that approximately **1,500** square feet of sod will be required. Bermuda grass sod shall be placed within 48 hours of the time it was first harvested and spread and rolled/compacted after application.

7.11 Water: Contractor shall water the sod within one hour after placement. The amount of water required to saturate to a depth of 4 inches is estimated at 250 gallons per 500 square feet. It is estimated that approximately **750** gallons of water will be required for the watering of the sod.

7.12 Mulching: Mulching material such as hay or straw shall be applied to the pond dam outside the water line. Mulching material shall also be applied to the shoreline outside the water line not to exceed 100 feet up-gradient of the water line. The material shall be applied at the rate of 2 tons per acre. The material shall be spread uniformly and tilled into the top 3 inches of soil.

8. WATER PUMP INSTALLATION

8.1 General: A three (3) inch water pump shall be provided and installed as directed by the Consultant. The Contractor shall place the pump after the construction of the pond, provide a minimum of 1,000 feet of 3 inch poly pipe and plumb the poly pipe from the pump to the frac tank on-site. The Consultant will perform the final water pump installation inspection.

9. GRADING

9.1 General: The areas disturbed during removal of impacted soil depicted on the attached Figure(s) shall be leveled and graded to blend with the existing terrain.

10. TOP SOIL REMOVAL/REPLACEMENT

10.1 General: Topsoil shall be excavated in any areas being disturbed and stockpiled **separately** from other material generated during excavations and/or grading. The stockpiled top soil shall be used for final grading and to top dress any affected areas.

11. ROCK REMOVAL/REPLACEMENT

11.1 General: Any rock removed during burial activities shall be **segregated** during excavation. When filling the excavated area, the segregated rock shall be the first material placed into the excavation. In the event that there is not sufficient subsoil/topsoil available to cover the rock, the excess rock shall be placed in an area within the project boundary as determined by the Landowner and Consultant. Under **no** circumstance shall excess rock be dispersed in areas outside the limits of the excavations.

12. STORM WATER POLLUTION PREVENTION

12.1 The Contractor shall be responsible for determination of, and compliance with, all applicable storm water runoff requirements including, but not limited to, those covered under the Clean Water Act

and associated federal, state and local regulations. Adherence to any specific sediment control requirements outlined in this scope of work shall not alleviate the Contractor's responsibility for compliance with all applicable storm water runoff requirements covered under the Clean Water Act and associated federal, state and local regulations. The Contractor shall be responsible for all costs of materials and equipment required for implementation and maintenance of the storm water pollution prevention plan for the duration of site activities.

13. PLANTING

13.1 General: The areas affected by all activities outlined in this Scope of Work shall be graded and seeded.

13.2 Preparation: Preparation of areas shall include filling and reshaping eroded areas and refinishing slopes to the established typical grade. The soil shall be tilled or disked on the contour to a depth of 4 inches.

13.3 Materials and Rate: Depending on the time of year planting will occur, seed composition and rates will be determined by the time of year as outlined below:

Planting Date	Seed Composition	Rate
August - February	50% Winter Wheat and 50% Winter Rye	60 pounds per acre
February - May	Plains Mixture consisting of:	
	25% Switchgrass	
	25% Indiangrass	
	25% Big Bluestem	
	25% Little Bluestem	10 pounds per acre
June - January	**No planting shall be performed during this period.**	

*Plains Mixture may also contain Blue Grama, Sideoats Grama, Plains Bristlegrass, Prairie Junegrass and Sand Dropseed. **Note: If the project is completed during the months of June through January, plains mixture grass planting shall be performed after February 1.**

The seed shall be furnished in sealed bags and shall have been officially sampled and tested by the Oklahoma State Board of Agriculture.

13.4 Planting: The area(s) shall be planted with mechanical equipment designed and capable of planting the material uniformly and at the specified rate. Hand planting shall not be used except in areas that are too small or inaccessible to accommodate the specified equipment. Equipment shall not be operated on areas where rutting or slippage would mar the soil surface. After seeding the area shall be graded by dragging or other similar methods to cover the seed and smooth the surface. After planting there shall be no clods or clumps of soil greater than 2 inches in diameter.

13.5 Fertilizing: Fertilizer shall be applied at the rate of 100 pounds per acre and shall be applied each time a site is planted. The fertilizer shall have the composition of 10% nitrogen, 20% phosphate, and 10% potassium (10-20-10) or 13% nitrogen, 13% phosphate, and 13% potassium (13-13-13). When satisfactory results can be obtained, disking for soil preparation and incorporation of fertilizer may be accomplished in one operation. The fertilizer shall be applied with a mechanical broadcast spreader capable of distributing the fertilizer evenly at the specified rate.

14. EQUIPMENT

14.1 The Contractor shall furnish all equipment necessary to perform the Work in satisfactory working condition and in sufficient quantity to perform the Work on schedule. All equipment shall be subject to inspection by the Consultant prior to use at the site.

15. SEQUENCING AND PHASING

15.1 Identification of subsurface utilities shall be performed prior to any subsurface disturbance on the site.

15.2 Sequencing and phasing of all other activities shall be at the discretion of the Contractor.

15.2.1 The Contractor shall be responsible for coordinating and sequencing of work by any subcontractors employed by the Contractor.

15.2.2 The Contractor shall be responsible to communicate with the Consultant as necessary to coordinate work at the site by other contractors.

15.3 The Contractor shall be responsible for any damage to completed work caused by improper sequencing or by failure to take adequate precautions to protect completed work.

16. HEALTH AND SAFETY

16.1 The Contractor shall be responsible for compliance with all applicable health and safety regulations including, but not limited to, those covered under Occupational Safety and Health Administration (OSHA) during all site activities.

17. NOTIFICATION

17.1 The Contractor shall notify the Consultant **at least 3 working days** prior to commencing any work at the site. Call Kevin Arthur 580-272-8200.

17.2 There will be a pre-start meeting at the site that includes the Contractor, Consultant, Osage Nation, Bluestem Ranch Counsel, Diamond 3S, LLC, Environmental Protection Agency (EPA) representative, and the Bureau of Indian Affairs (BIA) representative **prior to commencement of any operations** at the site. The Consultant shall set the time and place of this meeting after determining the availability of all parties.

18. DOCUMENTATION

18.1 All required documentation as outlined in this Scope of Work shall be provided to the Consultant prior to application for final payment. Failure to provide documentation will result in delay of the final payment.

19. ATTACHMENTS

19.1 The following Figures are attached and are a part of this Scope of Work:

Figure 1..... Project Location Map

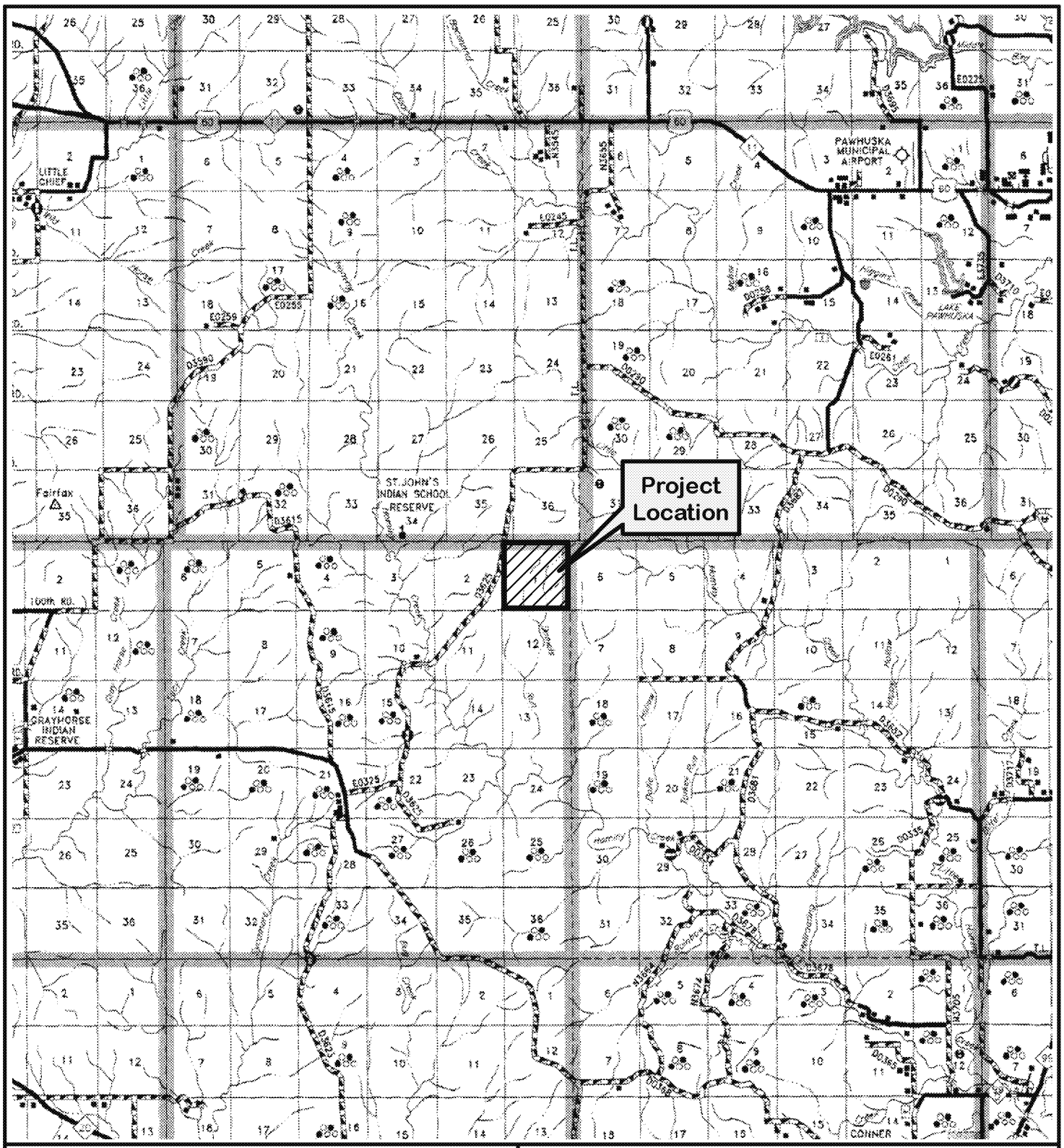
Figure 2..... Project Boundary Map

Figure 2..... Aerial Photograph

Figure 3..... Site Map

Figure 4..... Pond Specifications

End of Scope of Work



PROJECT LOCATION MAP

Diamond 3S, LLC Project

NE/4,
Section 1–T24N–R7E
Osage County, Oklahoma

-N-

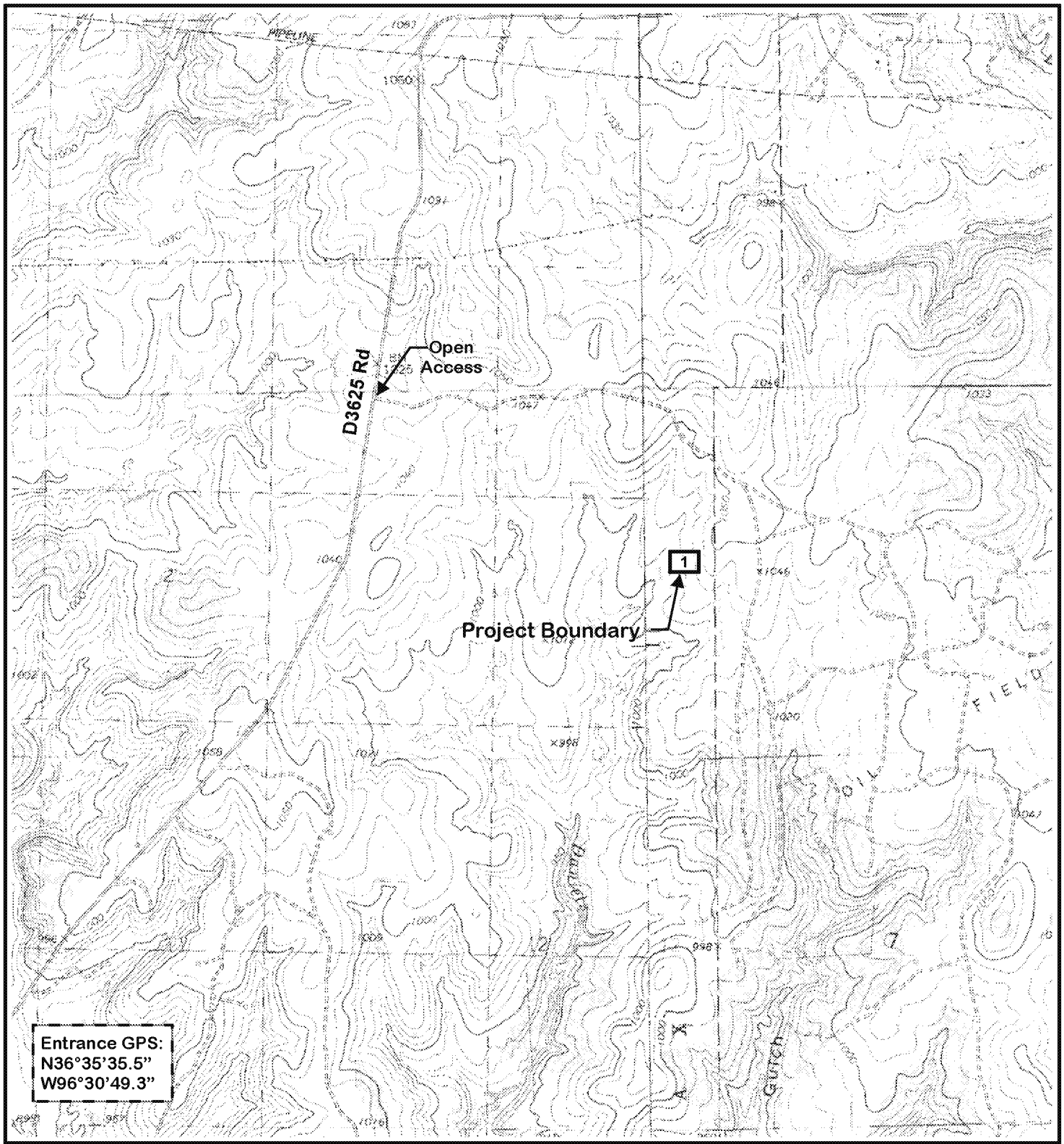
APPROXIMATE SCALE IN MILES

0.9 0 0.9 1.8

Prepared for:
Mid Continent Casualty

BEACON
Environmental Assistance Corporation

PROJECT MGR.:	GC	DATE:	8/18	Figure
DRAWN BY:	LH	PROJECT #:	T806	1



Source: USGS 7.5' Quadrangles
Lucy Creek, Okla.
1978

Happy Hollow, Okla.
1973

Contour Interval = 10'

-N-

APPROXIMATE SCALE IN FEET

1,000 0 1,000 2,000

PROJECT BOUNDARY MAP

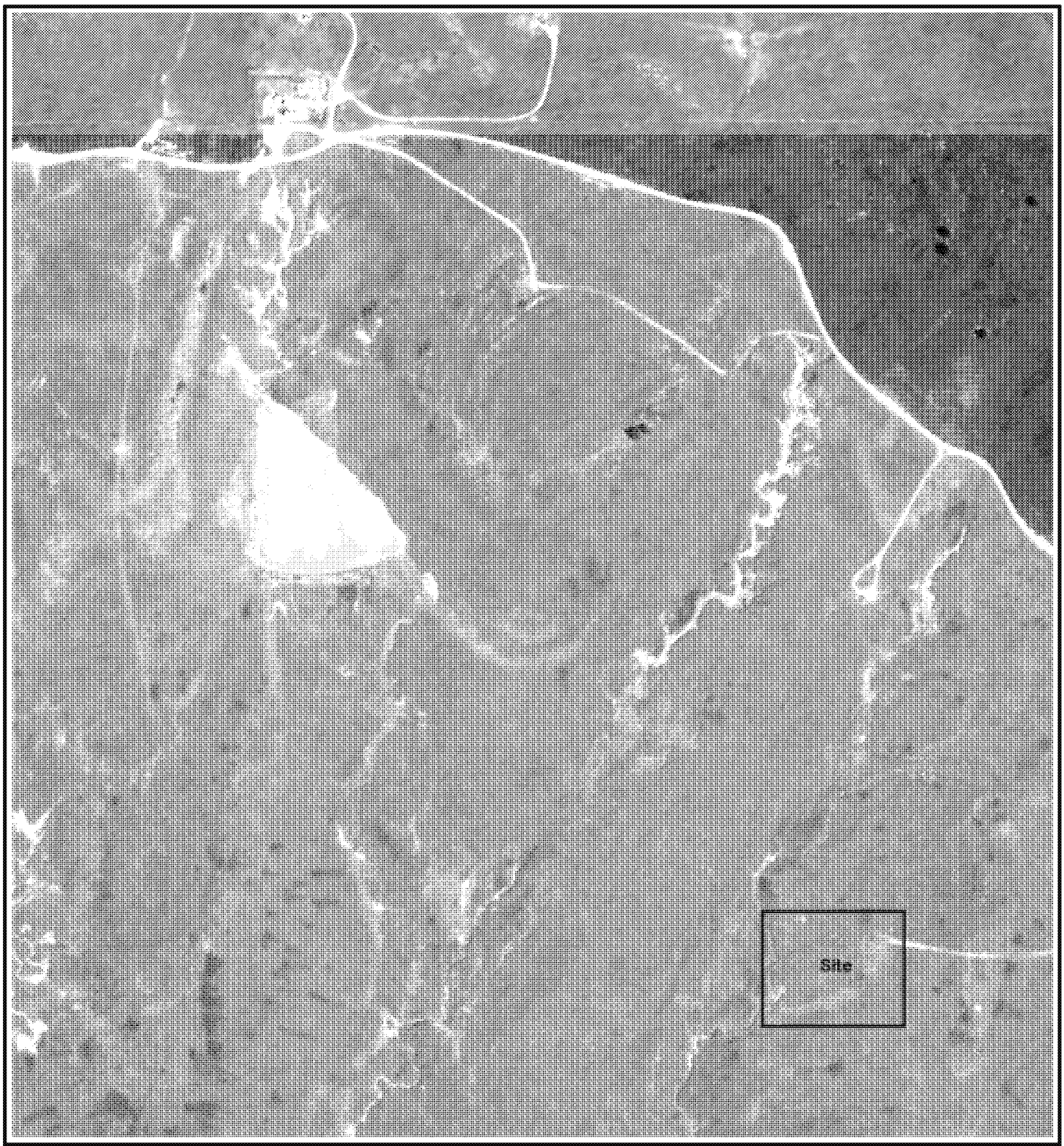
Diamond 3S, LLC Project

NE/4,
Section 1–T24N–R7E
Osage County, Oklahoma

Prepared for:
Mid Continent Casualty

BEACON
Environmental Assistance Corporation

PROJECT MGR.:	GC	DATE:	8/18	Figure 2
DRAWN BY:	LH	PROJECT #:	T806	



AERIAL PHOTOGRAPH, 2017

Diamond 3S, LLC Project

NE/4,
Section 1–T24N–R7E
Osage County, Oklahoma

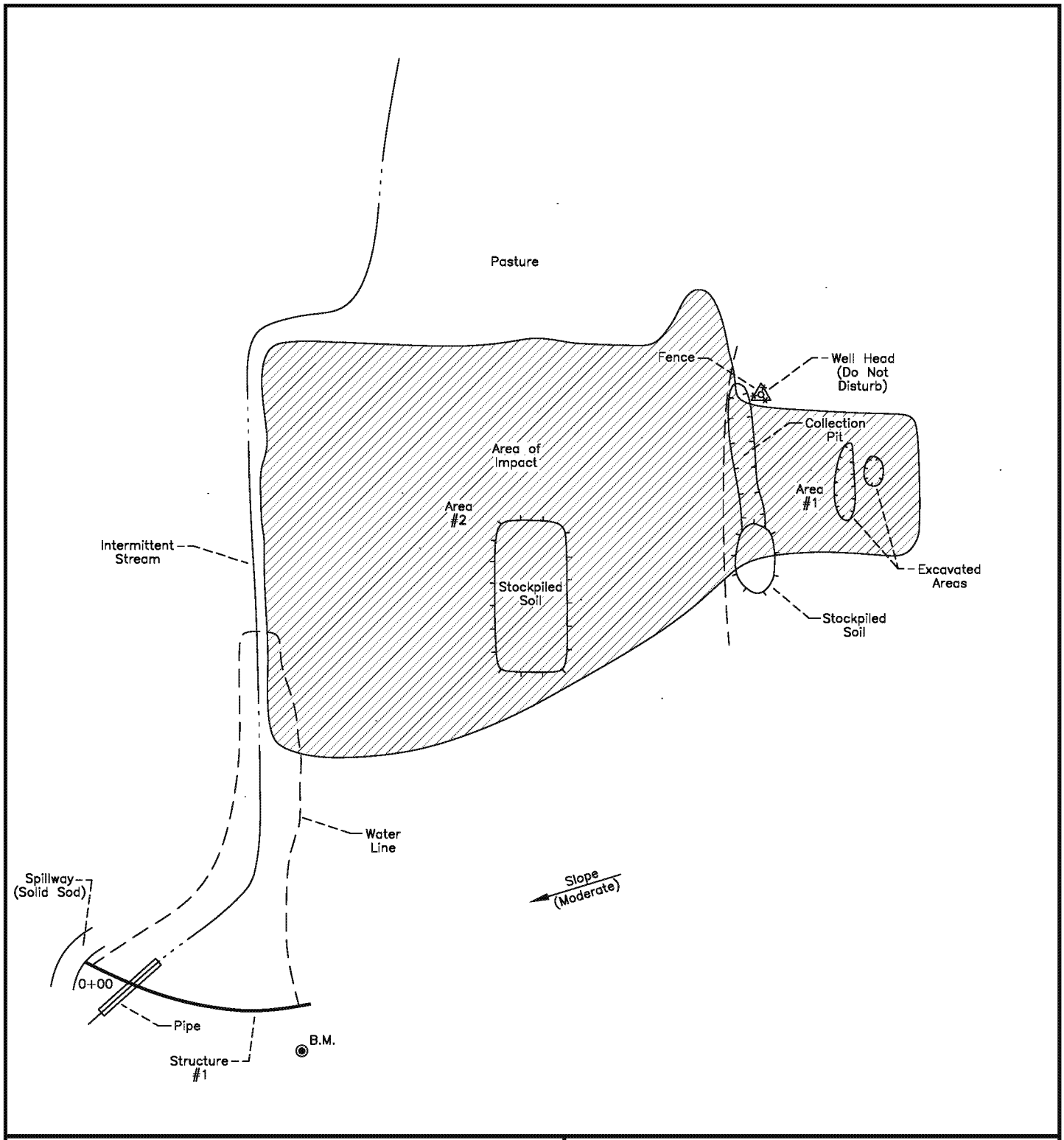
-N-

APPROXIMATE SCALE IN FEET
200 0 200 400

Prepared for:
Mid Continent Casualty

BEACON
Environmental Assistance Corporation

PROJECT MGR.:	GC	DATE:	8/18	Figure
DRAWN BY:	LH	PROJECT #:	T806	2.1



N

APPROXIMATE SCALE IN FEET

25 0 25 50

GPS N36°35'13.3"
W96°29'52.7"

SITE MAP

DIAMOND 3S, LLC PROJECT
NE/4, Section 1, T24N–R7E
Osage County, Oklahoma

Prepared for:
MID CONTINENT CASUALTY

BEACON
Environmental Assistance Corporation

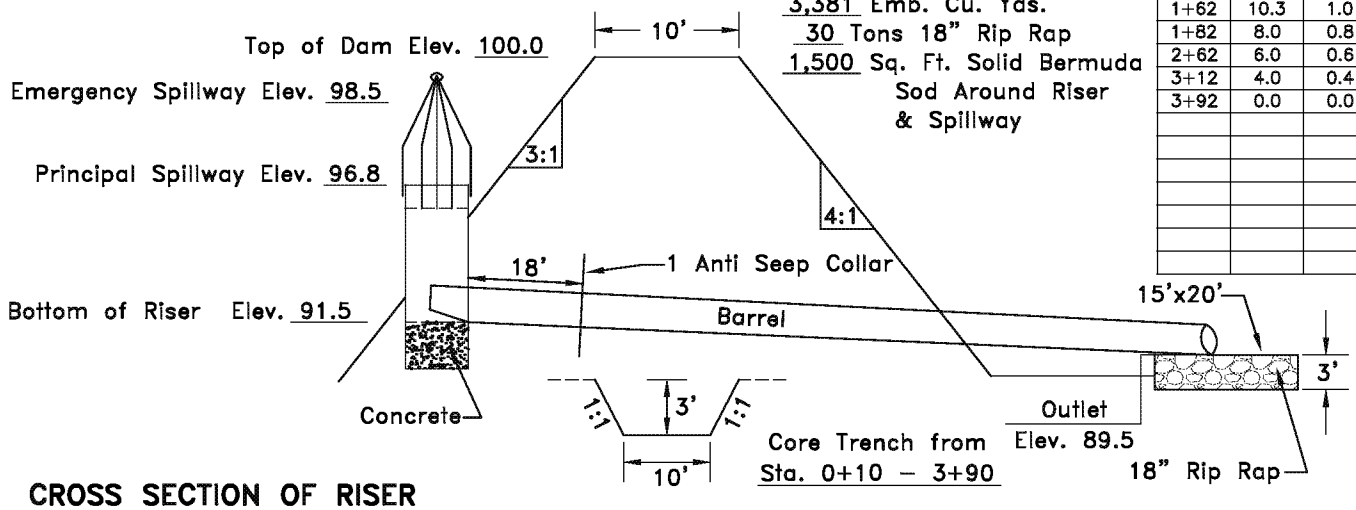
PROJECT MGR.:	GC	DATE:	8/18	Fig. 3
DRAWN BY:	LH	JOB NO:	T806	

STRUCTURE #1

CROSS SECTION OF EMBANKMENT ALONG CENTERLINE OF PRINCIPAL SPILLWAY

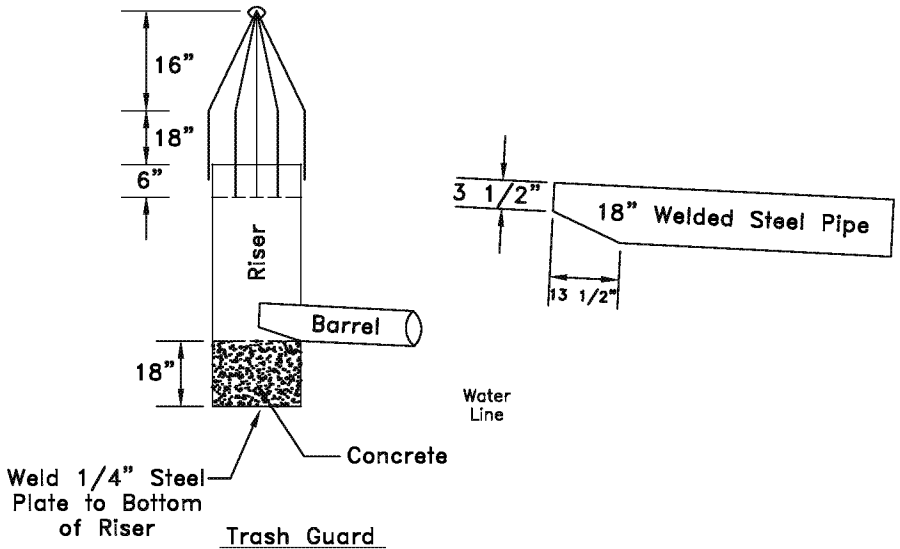
West End

Sta.	CL Fill	10% Sk
20' SPILLWAY		
0+00	0.0	0.0
0+12	3.0	0.3
1+12	6.1	0.6
1+62	10.3	1.0
1+82	8.0	0.8
2+62	6.0	0.6
3+12	4.0	0.4
3+92	0.0	0.0



3,381 Emb. Cu. Yds.
30 Tons 18" Rip Rap
1,500 Sq. Ft. Solid Bermuda Sod Around Riser & Spillway

CROSS SECTION OF RISER



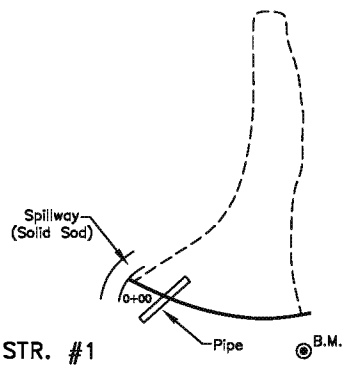
Top of Dam Elev. 100.0
Emergency Spillway Elev. 98.5
Top of Riser Elev. 96.8
Inlet of Barrel Elev. 91.5
Bottom of Concrete Elev. 90.0
Outlet Elev. 89.5

B.M. Elev. 100.0
on Top of 1" x 2" Stake
20' South of Sta 3+92

Trash Guard
5/8" Steel Rods @ 5" Spacing

Riser 7.0' ft. of 36" .282" Thick Welded Steel Pipe
Barrel 80 ft. of 18" .220" Thick Welded Steel Pipe
1 6'x6' Anti Seep Collar
1 Trash Guard
1.5 Cu. Yd. Concrete

SITE 1



NO SCALE

POND SPECIFICATIONS

DIAMOND 3S, LLC PROJECT
NE/4, Section 1, T24N–R7E
Osage County, Oklahoma

Prepared for:
MID CONTINENT CASUALTY

BEACON
Environmental Assistance Corporation

PROJECT MGR.:	GC	DATE:	8/18	Fig. 4
DRAWN BY:	LH	JOB NO:	T806	

Appointment

From: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Sent: 7/23/2018 5:08:03 PM
To: Rudolph, Matthew [rudolph.matthew@epa.gov]; McKay, Tom [McKay.Tom@epa.gov]

Subject: FW: Invitation: Diamond 3S LLC @ Tue Jul 24, 2018 2:30pm - 3:30pm (CDT) (eckhart.jeanne@epa.gov)
Attachments: invite.ics

Start: 7/24/2018 7:30:00 PM
End: 7/24/2018 8:30:00 PM
Show Time As: Tentative

-----Original Appointment-----
From: richard.winlock@bia.gov [mailto:richard.winlock@bia.gov]
Sent: Monday, July 23, 2018 12:06 PM
To: richard.winlock@bia.gov; benjaminl.daniels@bia.gov; ashley.cole@bia.gov; lee.burnett@bia.gov; Saunders, Jerry; mark.hendricks@bia.gov; Eckhart, Jeanne; Sanborn, Kent; Tidmore, Guy; Davis, Rickey; robin.phillips@bia.gov
Subject: Invitation: Diamond 3S LLC @ Tue Jul 24, 2018 2:30pm - 3:30pm (CDT) (eckhart.jeanne@epa.gov)
When: Tuesday, July 24, 2018 2:30 PM-3:30 PM (UTC-06:00) Central Time (US & Canada).
Where:

more details »

Diamond 3S LLC

When Tue Jul 24, 2018 2:30pm – 3:30pm Central Time - Chicago

Calendar eckhart.jeanne@epa.gov

Who
- richard.winlock@bia.gov - organizer
- benjaminl.daniels@bia.gov
- ashley.cole@bia.gov
- lee.burnett@bia.gov
- saunders.jerry@epa.gov
- mark.hendricks@bia.gov
- eckhart.jeanne@epa.gov
- sanborn.kent@epa.gov
- tidmore.guy@epa.gov
- davis.rickey@epa.gov
- robin.phillips@bia.gov

call in number 866-561-9455
Passcode 8998109
Going? **Yes** - **Maybe** - **No** more options »

Invitation from Google Calendar

You are receiving this courtesy email at the account eckhart.jeanne@epa.gov because you are an attendee of this event.

To stop receiving future updates for this event, decline this event. Alternatively you can sign up for a Google account at https://www.google.com/calendar/ and control your notification settings for your entire calendar.

Forwarding this invitation could allow any recipient to modify your RSVP response. Learn More

Message

From: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Sent: 7/11/2018 12:23:16 PM
To: Kyle Shoemaker [kshoemaker@riverranchcapital.com]; Jim Morris [jmorris@riverranchcapital.com]; mark.hendricks@bia.gov; Sanborn, Kent [Sanborn.Kent@epa.gov]; bluestemranchllc@gmail.com
CC: Tidmore, Guy [tidmore.guy@epa.gov]; Daniels, Benjamin [benjaminl.daniels@bia.gov]; 'Lee Burnett' [lee.burnett@bia.gov]; Rudolph, Matthew [rudolph.matthew@epa.gov]
Subject: RE: Follow up to EPA phone call for Diamond 3S, LLC in Osage County, OK

Kyle and Jim,

Thank you for your continued concerns. The EPA continues to work on this matter.

You have identified that a leak is still occurring. Can you describe where this is happening (which injection well this is occurring at on the lease)? Has the fence been put back up as well?

I am available to talk on the phone if you would like to discuss this further, my contact information is below. If there are further needs for updates on the matter, please let me know what information you are looking for specifically and I can do my best to direct you to the appropriate information.

Thank you,

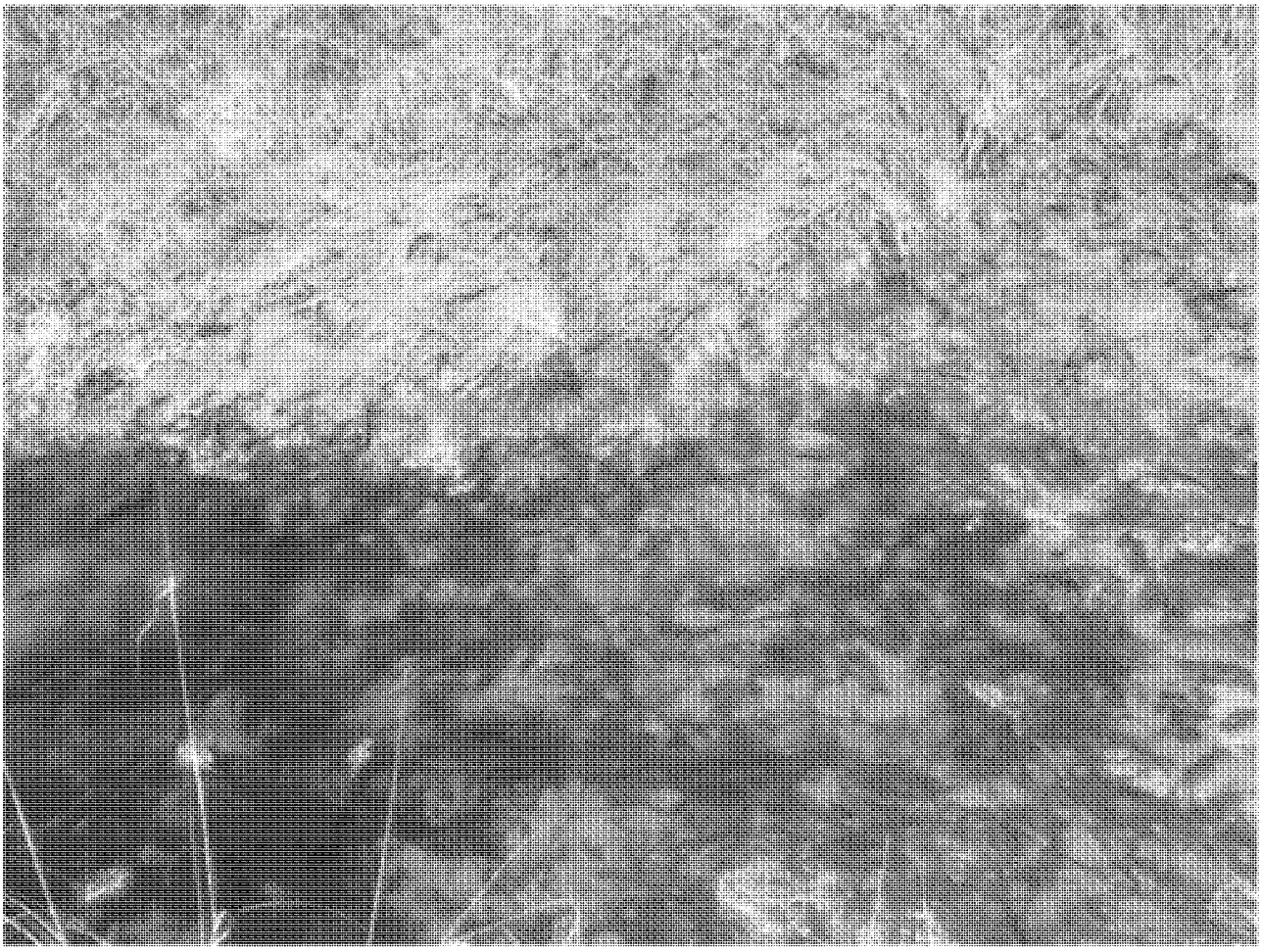
Jeanne Eckhart
Environmental Scientist
Water Resources Section
Enforcement Division/Region 6
U.S. Environmental Protection Agency

1445 Ross Avenue, Mail Code 6EN-WR
Dallas, Texas 75202
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

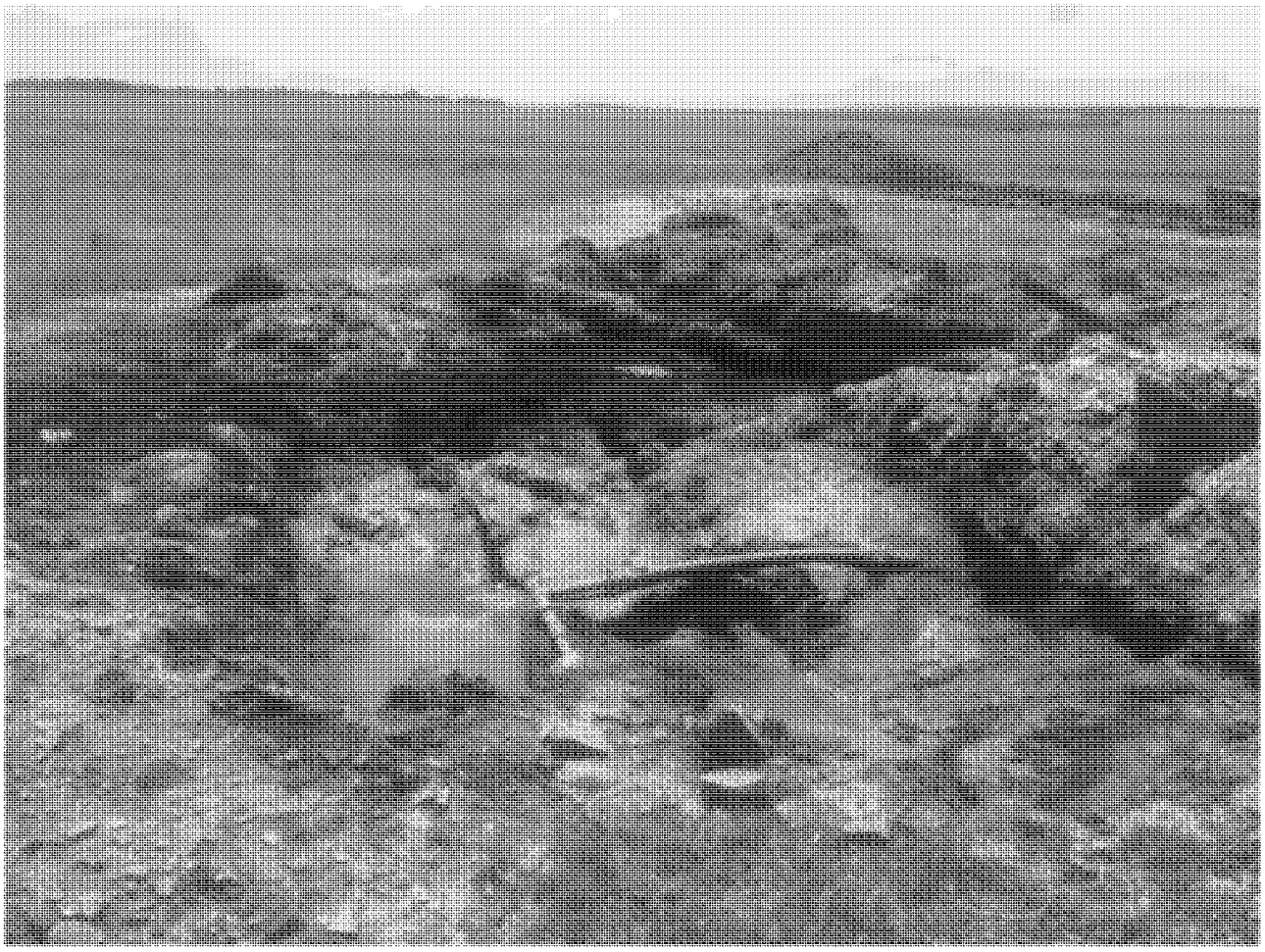
From: Kyle Shoemaker [mailto:kshoemaker@riverranchcapital.com]
Sent: Monday, July 09, 2018 10:15 AM
To: Jim Morris <jmorris@riverranchcapital.com>; mark.hendricks@bia.gov; Sanborn, Kent <Sanborn.Kent@epa.gov>; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; bluestemranchllc@gmail.com
Subject: Re: Follow up to EPA phone call for Diamond 3S, LLC in Osage County, OK

Mark/Kent,
It's been over three weeks since Jim sent an email update out and haven't heard anything back from anyone. We aren't receiving any updates as to what Diamond 3S should or should not be doing. We were just there this Friday again, the fence is down and not hot anywhere, and the creek looks worse than it ever has. All the rain has just continued to make matters worse, and from one of Diamond 3s's contractors there he showed us where the salt water disposal well is still

leaking and is still operating. What do we need to do to get some attention to this problem that no one seems to want to have



fixed?



Thank you,
Kyle

Kyle Shoemaker
Director – Strategic Operations | River Ranch Capital
subsidiaries | River Ranch Resources | River Ranch Racing Stables
Villagio Senior Living | Landshark Property Solutions | Lazy K Cattle Co.
2956 Via Esperanza |Edmond, OK 73013
Direct: 405.562.8689 | Fax: 405.562.7500 | Cell: 405.888.3172
Email: kshoemaker@riverranchcapital.com

On Jun 17, 2018, at 8:46 AM, Jim Morris <jmorris@riverranchcapital.com> wrote:

> Kent, I apologize but I forgot to add you to the attached email. Thanks
>
> Sent from my iPad
>
> Begin forwarded message:
>
> > **From:** Jim Morris <jmorris@riverranchcapital.com>
> > **Date:** June 16, 2018 at 6:40:54 PM CDT
> > **To:** "Eckhart, Jeanne" <Eckhart.Jeanne@epa.gov>
> > **Cc:** Mark Hendricks <mark.hendricks@bia.gov>, Kyle Shoemaker <kshoemaker@riverranchcapital.com>
> > **Subject: Re: Follow up to EPA phone call for Diamond 3S, LLC in Osage County, OK**

Just a quick update. Apparently the operator, Diamond 3 S, still doesn't take any of us seriously. I went back to the Osage ranch on Friday only to notice that Diamond was spreading all of the contaminated soil on our ranch roads. They must realize that the saturated soil will bleed all over our pastures when we get rain. This can't be an acceptable method of remediation. They also had their injection well running even though I noticed another leak. The leak was actually pointed out by a man working on the ranch. I know the injection well was shut down by either the EPA or BIA. It was my understanding that the wells that feed the injection well were red tagged. Has someone told Diamond they can operate the disposal well again ? These guys are horrible in my opinion. They just seem to do whatever they want to do regardless of the impact on other people. I'm surprised the Osage Tribe isn't furious. Can you help.
Thanks
Jim Morris
405-317-5151
Sent from my iPad

On May 9, 2018, at 2:41 PM, Eckhart, Jeanne <Eckhart.Jeanne@epa.gov> wrote:

> Jim,
>
> Thank you for your continued concerns and letting us know what you have recently seen. EPA continues to assess compliance issues at this site.
>
> Thank you,
>
> Jeanne Eckhart
> Environmental Scientist
> Water Resources Section, Enforcement Division
> Region 6, U.S. EPA
> Office: (214) 665 – 8174
> Fax: (214) 665 – 7446
>
> ---
>
> **From:** Jim Morris [mailto:jmorris@riverranchcapital.com]
> **Sent:** Wednesday, May 09, 2018 9:25 AM
> **To:** Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
> **Cc:** Kyle Shoemaker <kshoemaker@riverranchcapital.com>; Sanborn, Kent <Sanborn.Kent@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Hendricks, Mark <mark.hendricks@bia.gov>; Rudolph, Matthew <rudolph.matthew@epa.gov>; Daniels, Benjamin <benjaminl.daniels@bia.gov>
> **Subject:** Re: Follow up to EPA phone call for Diamond 3S, LLC in Osage County, OK
>
> Greetings. I wanted to thank you for your response. I completely understand your position. I'd also like to address a problem that I don't know how to deal with. Yesterday I went to the Osage County Ranch only to find our cows and calves drinking out of the contaminated streams. The electric fence was on the ground, the injection well was running, there was standing contaminated water around the injection well and nothing had been done in an effort to remediate the problem.

We clearly don't have Diamond 3S's attention. Do you have any suggestions. Thanks so much.

Sent from my iPad

On May 7, 2018, at 8:51 AM, Eckhart, Jeanne <Eckhart.Jeanne@epa.gov> wrote:

> Jim,
>
> I wanted to follow up on this email. I have provided the link to the location where EPA posts public documents, like inspection reports. Please let me know if you need that link again. That document repository is constantly being updated as we continue to process inspection reports and other documents. So please be aware that the latest inspection(s) for the site may not be in the document repository at this time, as those are still in the process of being finalized.
>
> In your response to your question about you seeking legal support in response to the concerns you are having , I can briefly give you some information regarding EPA testifying in private law suits. Typically the EPA does not testify in law suits brought on by private citizens for damages to their personal property. EPA inspections are conducted strictly to determine if there were violations of the federal law, like the Clean Water Act and Safe Drinking Water Act in which the EPA has the jurisdictional authority to pursue enforcement actions over.
>
> Beyond having access to our public documents (like inspection reports, finalized enforcement actions, etc. in the public documents link I sent you previously), finalized inspection reports and all other public documents are available through a Freedom Of Information Act Request (FOIA) which can be submitted to EPA. For further information concerning FOIA requests you can go to FOIA.gov. If you have any additional questions about this please contact – the EPA attorney on this case, Rusty Herbert at (281-983-2218) or you can contact me, Jeanne Eckhart, at (214) 665-8174.
>
> I have cc'd BIA representatives on this email as well, who can assist you in any questions you may have that are BIA related.
>
> Thank you for continuing to express your concerns as EPA continues to monitor this site.
>
> Regards,

Jeanne Eckhart
Environmental Scientist
Water Resources Section
Enforcement Division/Region 6
U.S. Environmental Protection Agency

<image001.gif>

1445 Ross Avenue, Mail Code 6EN-WR
Dallas, Texas 75202
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Jim Morris [mailto:jmorris@riverranchcapital.com]
Sent: Saturday, April 28, 2018 7:16 PM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Cc: Kyle Shoemaker <kshoemaker@riverranchcapital.com>; Sanborn, Kent <Sanborn.Kent@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Hendricks, Mark <mark.hendricks@bia.gov>; Rudolph, Matthew <rudolph.matthew@epa.gov>
Subject: Re: Follow up to EPA phone call for Diamond 3S, LLC in Osage County, OK

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James M Morris II

Sent from my iPad

On Apr 5, 2018, at 5:42 PM, Eckhart, Jeanne <Eckhart.Jeanne@epa.gov> wrote:

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Please feel free to share with me any additional information, photos, videos, etc.

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section
Enforcement Division/Region 6
U.S. Environmental Protection Agency

<image001.gif>

1445 Ross Avenue, Mail Code 6EN-WR
Dallas, Texas 75202
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

<OKStateDeptofAg.WaterTestBrochure.pdf>

<InspRptDiamond3SLLCKennedy20180320.pdf>

Message

From: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Sent: 5/9/2018 7:41:44 PM
To: Jim Morris [jmorris@riverranchcapital.com]
CC: Kyle Shoemaker [kshoemaker@riverranchcapital.com]; Sanborn, Kent [Sanborn.Kent@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]; Hendricks, Mark [mark.hendricks@bia.gov]; Rudolph, Matthew [rudolph.matthew@epa.gov]; Daniels, Benjamin [benjaminl.daniels@bia.gov]
Subject: RE: Follow up to EPA phone call for Diamond 3S, LLC in Osage County, OK

Jim,

Thank you for your continued concerns and letting us know what you have recently seen. EPA continues to assess compliance issues at this site.

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Jim Morris [mailto:jmorris@riverranchcapital.com]
Sent: Wednesday, May 09, 2018 9:25 AM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Cc: Kyle Shoemaker <kshoemaker@riverranchcapital.com>; Sanborn, Kent <Sanborn.Kent@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Hendricks, Mark <mark.hendricks@bia.gov>; Rudolph, Matthew <rudolph.matthew@epa.gov>; Daniels, Benjamin <benjaminl.daniels@bia.gov>
Subject: Re: Follow up to EPA phone call for Diamond 3S, LLC in Osage County, OK

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Sent from my iPad

On May 7, 2018, at 8:51 AM, Eckhart, Jeanne <Eckhart.Jeanne@epa.gov> wrote:

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>
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Jeanne Eckhart
Environmental Scientist
Water Resources Section
Enforcement Division/Region 6
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James M Morris II

Sent from my iPad

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Environmental Scientist
Water Resources Section
Enforcement Division/Region 6
U.S. Environmental Protection Agency

<image001.gif>

1445 Ross Avenue, Mail Code 6EN-WR
Dallas, Texas 75202
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

<OKStateDeptofAg.WaterTestBrochure.pdf>

<InspRptDiamond3SLLCKennedy20180320.pdf>

Message

From: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Sent: 6/18/2018 12:48:07 PM
To: Rudolph, Matthew [rudolph.matthew@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]
Subject: FW: Follow up to EPA phone call for Diamond 3S, LLC in Osage County, OK

FYI

From: Jim Morris [mailto:jmorris@riverranchcapital.com]
Sent: Sunday, June 17, 2018 9:46 AM
To: Sanborn, Kent <Sanborn.Kent@epa.gov>
Cc: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Kyle Shoemaker <kshoemaker@riverranchcapital.com>
Subject: Fwd: Follow up to EPA phone call for Diamond 3S, LLC in Osage County, OK

Kent, I apologize but I forgot to add you to the attached email. Thanks

Sent from my iPad

Begin forwarded message:

> **From:** Jim Morris <jmorris@riverranchcapital.com>
> **Date:** June 16, 2018 at 6:40:54 PM CDT
> **To:** "Eckhart, Jeanne" <Eckhart.Jeanne@epa.gov>
> **Cc:** Mark Hendricks <mark.hendricks@bia.gov>, Kyle Shoemaker <kshoemaker@riverranchcapital.com>
> **Subject: Re: Follow up to EPA phone call for Diamond 3S, LLC in Osage County, OK**
>
> Just a quick update. Apparently the operator, Diamond 3 S, still doesn't take any of us seriously. I went back to the Osage ranch on Friday only to notice that Diamond was spreading all of the contaminated soil on our ranch roads. They must realize that the saturated soil will bleed all over our pastures when we get rain. This can't be an acceptable method of remediation. They also had their injection well running even though I noticed another leak. The leak was actually pointed out by a man working on the ranch. I know the injection well was shut down by either the EPA or BIA. It was my understanding that the wells that feed the injection well were red tagged. Has someone told Diamond they can operate the disposal well again ? These guys are horrible in my opinion. They just seem to do whatever they want to do regardless of the impact on other people. I'm surprised the Osage Tribe isn't furious. Can you help.
> Thanks
> Jim Morris
> 405-317-5151
> Sent from my iPad
>
> On May 9, 2018, at 2:41 PM, Eckhart, Jeanne <Eckhart.Jeanne@epa.gov> wrote:
>
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>>
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>> Water Resources Section, Enforcement Division

Region 6, U.S. EPA
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Cc: Kyle Shoemaker <kshoemaker@riverranchcapital.com>; Sanborn, Kent <Sanborn.Kent@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Hendricks, Mark <mark.hendricks@bia.gov>; Rudolph, Matthew <rudolph.matthew@epa.gov>; Daniels, Benjamin <benjaminl.daniels@bia.gov>
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Water Resources Section
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<image001.gif>

1445 Ross Avenue, Mail Code 6EN-WR
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To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Cc: Kyle Shoemaker <kshoemaker@riverranchcapital.com>; Sanborn, Kent <Sanborn.Kent@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; Hendricks, Mark <mark.hendricks@bia.gov>; Rudolph, Matthew <rudolph.matthew@epa.gov>
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Jeanne Eckhart
Environmental Scientist
Water Resources Section
Enforcement Division/Region 6
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<image001.gif>

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Dallas, Texas 75202
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

<OKStateDeptofAg.WaterTestBrochure.pdf>
<InspRptDiamond3SLLCKennedy20180320.pdf>

Message

From: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Sent: 4/26/2018 4:30:03 PM
To: Rudolph, Matthew [rudolph.matthew@epa.gov]
Subject: RE: Diamond 3S
Attachments: Diamond3SLLC.SDWA.CWA.BriefingTemplate.04.26.2018.docx

Matt,

Updated is attached. I'm fine with sending this to Rusty and then Guy, or both if that's how you want to do it.

Let me know what you think.

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Rudolph, Matthew
Sent: Wednesday, April 25, 2018 3:51 PM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Subject: Diamond 3S

These are some of my comments.

Matthew Rudolph (6EN-WR)
US EPA Region 6
1445 Ross Ave., Suite 1200
Dallas TX 75202
Phone: 214-665-6434
Fax: 214-665-2168

Message

From: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Sent: 4/26/2018 12:37:13 PM
To: Rudolph, Matthew [rudolph.matthew@epa.gov]
Subject: RE: Diamond 3S Meet

Yeah sorry! I thought you said you needed to move it to 11.

See you at 10.

From: Rudolph, Matthew
Sent: Thursday, April 26, 2018 7:36 AM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Subject: RE: Diamond 3S Meet

I have another meeting from 11:00 to 12:00. Can we move this from 10:00 to 11:00.

Matthew Rudolph (6EN-WR)
US EPA Region 6
1445 Ross Ave., Suite 1200
Dallas TX 75202
Phone: 214-665-6434
Fax: 214-665-2168

-----Original Appointment-----
From: Eckhart, Jeanne
Sent: Thursday, April 26, 2018 7:34 AM
To: Rudolph, Matthew
Subject: Diamond 3S Meet
When: Thursday, April 26, 2018 11:00 AM-12:00 PM (UTC-06:00) Central Time (US & Canada).
Where: R6-ConfRm-PecosSunflower-09D10/R6--09th-Floor

Discussion of strategy and path forward and finalize briefing sheet

I hope it doesn't take the whole hour.

Message

From: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Sent: 4/24/2018 5:17:28 PM
To: Rudolph, Matthew [rudolph.matthew@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]
Subject: FW: [EXTERNAL] Work completed 4.5.18

FYI – this is from Diamond 3S about current remediation actions at the lease where there was a spill.

Additionally I talked to Jann Hayman this morning about the Bluestem board and got a good contact for that board.

Thanks,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Ryan P Summers [mailto:r_summers@sbcglobal.net]
Sent: Tuesday, April 24, 2018 12:12 PM
To: Hendricks, Mark <mark.hendricks@bia.gov>
Cc: Joel Summers <summertimelawncare@sbcglobal.net>; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Zakary Bates <zbates@mcg-ins.com>
Subject: Re: [EXTERNAL] Work completed 4.5.18

Last week:
Continued to evacuate water at damns and disposed of collected water in Frac Tank. App 500bbls.
Kevin with Beacon should be complete with recommendations for soil remediation this week so we can continue making progress.
Also we continue to check and maintain hot wire around damns.
Thanks

Sent from Yahoo Mail for iPhone

On Friday, April 6, 2018, 9:12 AM, Hendricks, Mark <mark.hendricks@bia.gov> wrote:

> Good morning Ryan,
>
> It pleases me to see a big step forward in the recovery of produced fluids released and a good start to the remediation of the impacted area. I met with Beacon Environmental personnel, Kevin and Derek earlier this week and observed the procedures they utilized in collecting soil samples for analysis and future plans for the soil remediation aspect of this incident.
>
> Please keep me updated as to the progress you're making. I'm sure I will be conducting future inspections and hope to see gains in all facets of your operations here in Osage County.

Thank you,

Mark Hendricks

On Fri, Apr 6, 2018 at 8:16 AM, Hendricks, Mark <mark.hendricks@bia.gov> wrote:

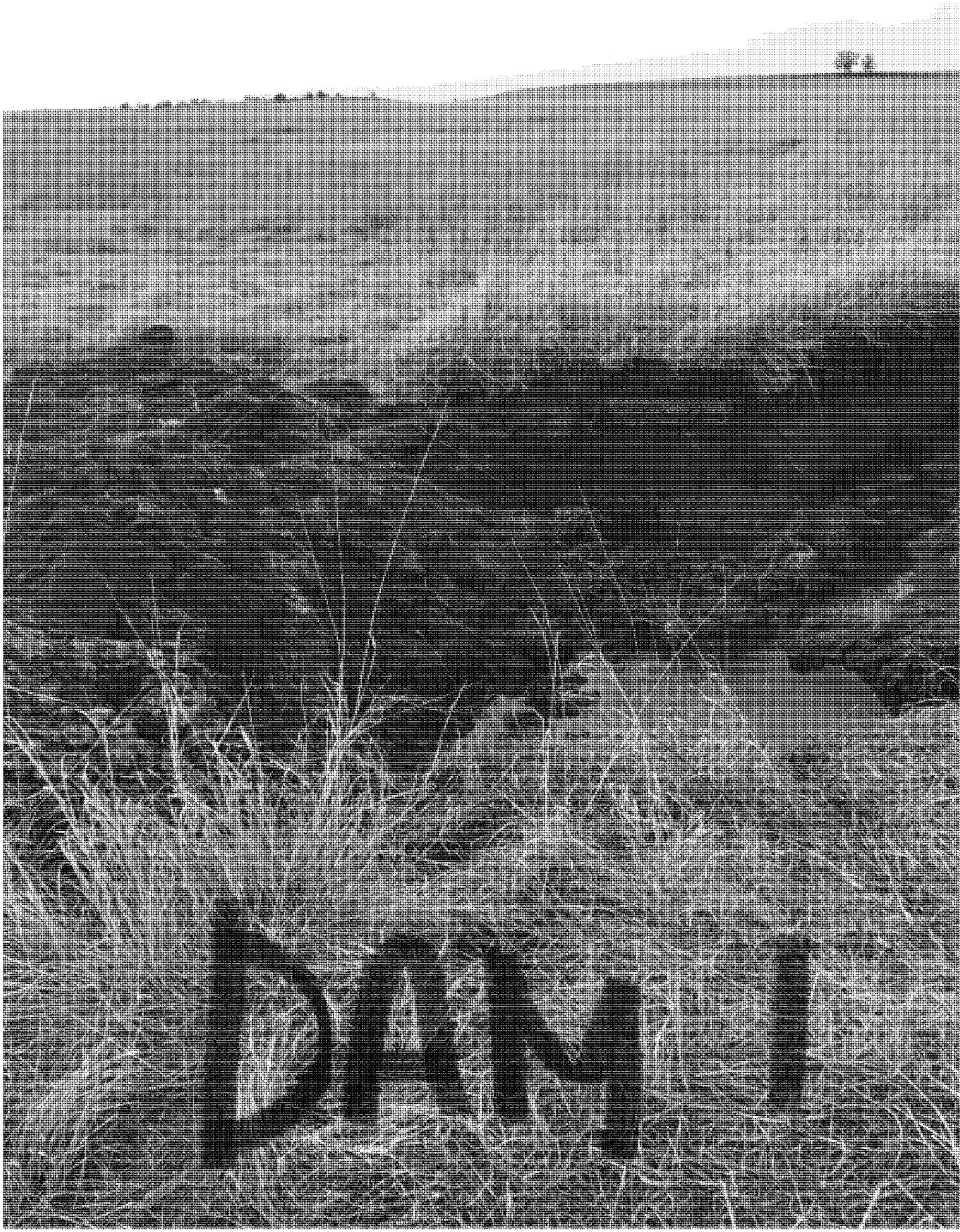
---------- Forwarded message ----------
From: **Ryan P Summers** <r_summers@sbcglobal.net>
Date: Thu, Apr 5, 2018 at 10:06 PM
Subject: [EXTERNAL] Work completed 4.5.18
To: Zakary Bates <zbates@mcg-ins.com>, Mark Hendricks <mark.hendricks@bia.gov>
Cc: Joel Summers <summertimelawncare@sbcglobal. net>

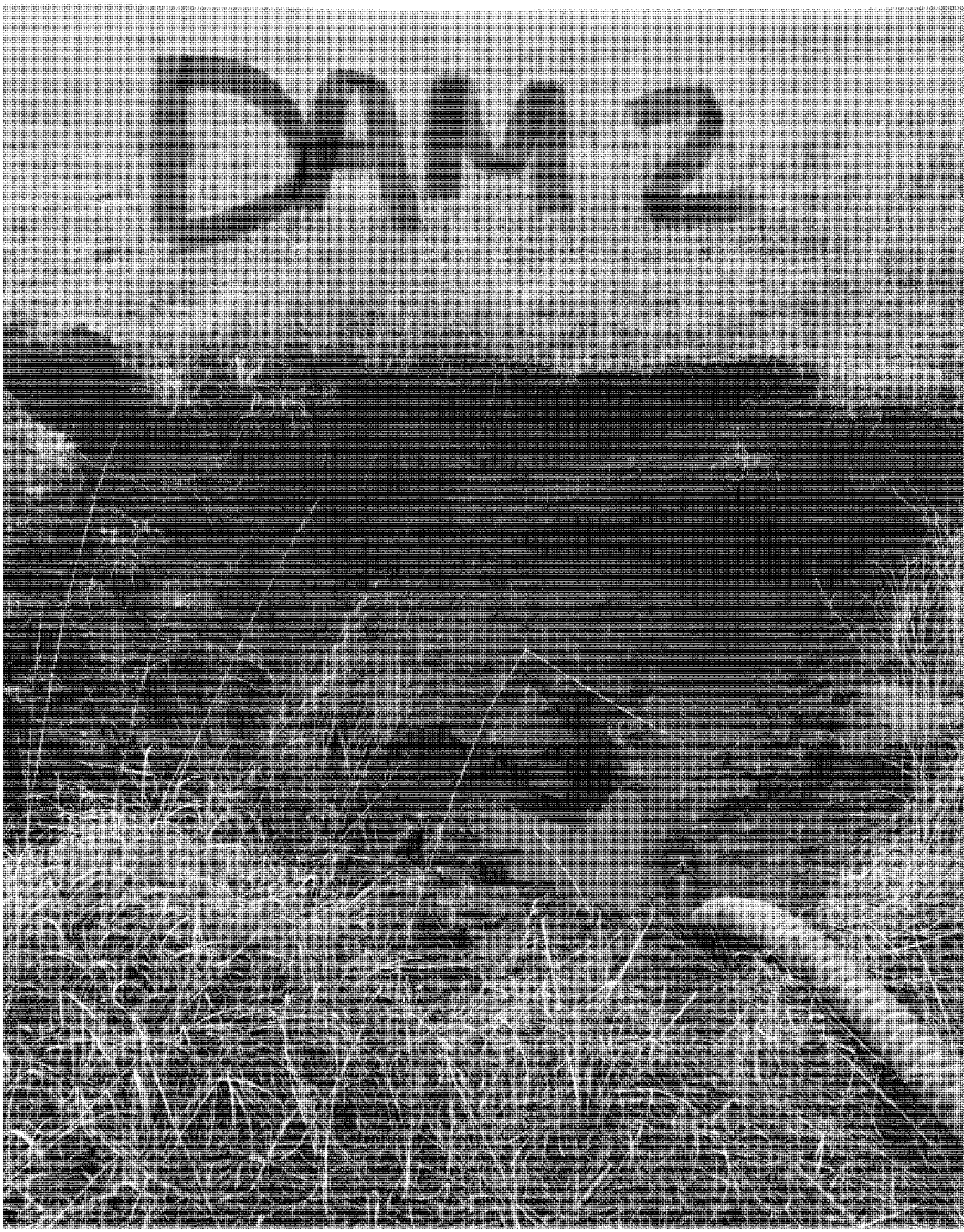
Attached are picks of dams 1,2,3 completely drained today. We have also staged a frac tank on site to help speed up evacuation

process.

PERMS

PRESS




DMZ

Sent from Yahoo Mail for iPhone

Message

From: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Sent: 4/12/2018 2:46:16 PM
To: 'summertimelawncare@sbcglobal.net' [summertimelawncare@sbcglobal.net]; karthur@beaconcorp.com
CC: Sanborn, Kent [Sanborn.Kent@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]; 'mark.hendricks@bia.gov' [mark.hendricks@bia.gov]; 'Daniels, Benjamin' [benjaminl.daniels@bia.gov]; 'Lee Burnett' [lee.burnett@bia.gov]; Rudolph, Matthew [rudolph.matthew@epa.gov]; jannhayman@osagenation-nsn.gov
Subject: RE: EPA Compliance Inspection at Diamond 3S, LLC (Kennedy) - Copy of Inspection Report
Attachments: 6EN-W Diamond 3S LLC Kennedy AO-Cease and Desist.Final.04.11.2018.pdf

Mr. Summers,

I am emailing you this morning to provide you an electronic copy of the EPA Administrative Order (AO). A hard copy of this AO is in the mail and should arrive by early next week. As previously discussed, I wanted to provide you this document as soon as possible.

Please let me know if you have any questions after you review the document. Please be aware that there is a 30 day timeline for compliance with the AO and to provide me with information to verify compliance and to show me the remedial actions you have taken.

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section
Enforcement Division/Region 6
U.S. Environmental Protection Agency

1445 Ross Avenue, Mail Code 6EN-WR
Dallas, Texas 75202
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Eckhart, Jeanne
Sent: Thursday, April 05, 2018 8:13 AM
To: summertimelawncare@sbcglobal.net
Cc: Sanborn, Kent <Sanborn.Kent@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>; mark.hendricks@bia.gov; Daniels, Benjamin <benjaminl.daniels@bia.gov>; Lee Burnett <lee.burnett@bia.gov>
Subject: FW: EPA Compliance Inspection at Diamond 3S, LLC (Kennedy) - Copy of Inspection Report

Mr. Summers,

Please see my previous message below and thank you for providing me with your correct email address this morning. Additionally, I wanted to be sure to provide Kent Sanborn's number for you: (918) 557 – 1615.

Please let me know if you have any questions.

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section
Enforcement Division/Region 6
U.S. Environmental Protection Agency

1445 Ross Avenue, Mail Code 6EN-WR
Dallas, Texas 75202
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Eckhart, Jeanne
Sent: Monday, April 02, 2018 10:59 AM
To: summertimelawncare@sbcg.org; summertimelawncare@sbcg.com
Cc: Tidmore, Guy <tidmore.guy@epa.gov>; Sanborn, Kent <Sanborn.Kent@epa.gov>; mark.hendricks@bia.gov; Daniels, Benjamin <benjaminl.daniels@bia.gov>; Lee Burnett <lee.burnett@bia.gov>
Subject: EPA Compliance Inspection at Diamond 3S, LLC (Kennedy) - Copy of Inspection Report

Dear Mr. Summers,

I wanted to follow up our previous phone calls with this email. On March 16, 2018 and March 20, 2018, US Environmental Protection Agency (EPA) conducted Clean Water Act (CWA) compliance inspections at your facility. A copy of the inspection report is attached to this email. EPA will use this and subsequent inspections reports to determine your facility's compliance with the CWA. Please review the report, note the areas of concern, and take any action necessary to ensure compliance with the CWA. We have previously discussed this information on the phone, but I wanted to provide you with a finalized copy. Please be aware that as you continue to take actions to address the concerns that the EPA has, document your actions with pictures, receipts, work orders, etc. This information will be requested at a later date from you.

Additionally, the EPA has small business compliance assistance, which I wanted to provide you the brochure for, if needed.

Please let me or Kent Sanborn know if you have any questions related to the concerns identified.

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section
Enforcement Division/Region 6

U.S. Environmental Protection Agency

1445 Ross Avenue, Mail Code 6EN-WR
Dallas, Texas 75202
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

Message

From: Ray, Hillol [Ray.Hillol@epa.gov]
Sent: 10/24/2018 2:46:57 PM
To: Rudolph, Matthew [rudolph.matthew@epa.gov]
Subject: FW: OS4201, 4202 & 4341

Matt:
Please see the email below, and make the appropriate changes.
Thanks.
==========

-----Original Message-----
From: Walter Wagoner [mailto:wwagoner6@gmail.com]
Sent: Tuesday, October 23, 2018 7:43 PM
To: Ray, Hillol <Ray.Hillol@epa.gov>
Subject: OS4201, 4202 & 4341

Mr. Hillol, I received Well Monitoring Report forms in the mail for the above three wells. OS4201 & OS4341 were sold in 2016, Please Contact Jake Sell @918-440-3585. These wells are on the daisy/Bangs Lease.

OS4202 shows to be on the St. Johns lease which I have not owned since 2014, Please Contact Ryan Summers @ 918-704-8437.

Please let me know if I can be of further assistance.

Thank You,

Walt Wagoner
W&W Oil Company, LLC
918-698-8871

Message

From: Scott, Lauretta [scott.lauretta@epa.gov]
Sent: 4/3/2019 5:02:22 PM
To: Rudolph, Matthew [rudolph.matthew@epa.gov]
Subject: RE: Diamond 3S, LLC tax returns

Matt,

Send me a copy of your calculations.

From: Rudolph, Matthew
Sent: Tuesday, April 02, 2019 3:11 PM
To: Scott, Lauretta <scott.lauretta@epa.gov>
Subject: RE: Diamond 3S, LLC tax returns

Tomorrow is good. Thanks for looking at this for us.

Matthew Rudolph (6EN-WR)
US EPA Region 6
1445 Ross Ave., Suite 1200
Dallas TX 75202
Phone: 214-665-6434
Fax: 214-665-2168

From: Scott, Lauretta
Sent: Tuesday, April 2, 2019 3:09 PM
To: Rudolph, Matthew <rudolph.matthew@epa.gov>
Subject: RE: Diamond 3S, LLC tax returns

Matt,

I will have them all done for you tomorrow. Do you needs them before then?

From: Rudolph, Matthew
Sent: Tuesday, April 02, 2019 12:55 PM
To: Scott, Lauretta <scott.lauretta@epa.gov>
Subject: Diamond 3S, LLC tax returns

Lauretta,

Here are the tax returns for Diamond 3S, LLC. I appreciate it.

Thanks,

Matthew Rudolph (6EN-WR)
US EPA Region 6
1445 Ross Ave., Suite 1200
Dallas TX 75202
Phone: 214-665-6434
Fax: 214-665-2168

Message

From: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Sent: 12/26/2018 7:47:34 PM
To: Tidmore, Guy [tidmore.guy@epa.gov]; Rudolph, Matthew [rudolph.matthew@epa.gov]
Subject: FW: Diamond 3S, LLC - CWA 06-2018-1831

FYI

From: Herbert, Rusty
Sent: Tuesday, December 18, 2018 4:23 PM
To: Vaughn, Lorena <Vaughn.Lorena@epa.gov>
Cc: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Subject: RE: Diamond 3S, LLC - CWA 06-2018-1831

Yes, we have just spoken to the Respondent. Initially he asked to obtain counsel within a week. He then recently decided to represent himself and we have spoken to him. He has sent a request for an extension to Answer the Complaint based on his self-representation. Since he is now providing documents of his ongoing remediation work we have no problem with his request for extension.

From: Vaughn, Lorena
Sent: Tuesday, December 18, 2018 4:16 PM
To: Herbert, Rusty <Herbert.Rusty@epa.gov>
Cc: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Subject: Diamond 3S, LLC - CWA 06-2018-1831

Good Afternoon,

What is the status of this case, only thing I have is the complaint filed on September 28th, 2018.

Thank you.

Lorena

Message

From: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Sent: 11/13/2018 10:07:06 PM
To: Vaughn, Lorena [Vaughn.Lorena@epa.gov]
CC: Herbert, Rusty [Herbert.Rusty@epa.gov]; Rudolph, Matthew [rudolph.matthew@epa.gov]
Subject: RE: Public Comments on two APOs

Thank you!

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Vaughn, Lorena
Sent: Tuesday, November 13, 2018 4:02 PM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Cc: Herbert, Rusty <Herbert.Rusty@epa.gov>; Rudolph, Matthew <rudolph.matthew@epa.gov>
Subject: RE: Public Comments on two APOs

No have not seen any.

From: Eckhart, Jeanne
Sent: Tuesday, November 13, 2018 3:36 PM
To: Vaughn, Lorena <Vaughn.Lorena@epa.gov>
Cc: Herbert, Rusty <Herbert.Rusty@epa.gov>; Rudolph, Matthew <rudolph.matthew@epa.gov>
Subject: Public Comments on two APOs

Lorena,

Matt and I wanted to check with you related to two complaints we have issued. Can you please indicate to us if the below two docket numbers have had any public comments on them?

- CWA-06-2018-1831
- SDWA-06-2018-1102

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

Message

From: Rudolph, Matthew [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=59F690A82AB446B58319D501EBC8FA71-RUDOLPH, MATT]
Sent: 3/28/2018 1:52:54 PM
To: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Subject: RE: Diamond 3S

SDWA – uic violations. They are handled differently than CWA violations.

Matthew Rudolph (6EN-WR)
US EPA Region 6
1445 Ross Ave., Suite 1200
Dallas TX 75202
Phone: 214-665-6434
Fax: 214-665-2168

From: Eckhart, Jeanne
Sent: Wednesday, March 28, 2018 8:48 AM
To: Sanborn, Kent <Sanborn.Kent@epa.gov>
Cc: Rudolph, Matthew <rudolph.matthew@epa.gov>
Subject: RE: Diamond 3S

What was the violation because the line leaked at the well and the well was shut in when we got there?

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Sanborn, Kent
Sent: Wednesday, March 28, 2018 8:00 AM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Cc: Rudolph, Matthew <rudolph.matthew@epa.gov>
Subject: Re: Diamond 3S

This is the same well and lease. The well was shut in. The line was not. The line leaked

Sent from my iPhone

On Mar 28, 2018, at 7:32 AM, Eckhart, Jeanne <Eckhart.Jeanne@epa.gov> wrote:

> I think it's the same lease.
>
> Kent is that right?

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Rudolph, Matthew
Sent: Wednesday, March 28, 2018 7:31 AM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Cc: Sanborn, Kent <Sanborn.Kent@epa.gov>
Subject: RE: Diamond 3S

Kennedy 5. located in the Northeast Quarter of Section 1, Township 24 North, Range 7 East, Osage County

Matthew Rudolph (6EN-WR)
US EPA Region 6
1445 Ross Ave., Suite 1200
Dallas TX 75202
Phone: 214-665-6434
Fax: 214-665-2168

From: Eckhart, Jeanne
Sent: Wednesday, March 28, 2018 7:29 AM
To: Rudolph, Matthew <rudolph.matthew@epa.gov>
Cc: Sanborn, Kent <Sanborn.Kent@epa.gov>
Subject: RE: Diamond 3S

Ok, where is it/what well or tank battery area? I wanted to be sure to alert you if it's the same spot.

The discharge happened near here: 36.586969N, -96.498093W

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Rudolph, Matthew
Sent: Wednesday, March 28, 2018 7:25 AM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Subject: RE: Diamond 3S

I issued an AO last year and I have a penalty in routing.

Matthew Rudolph (6EN-WR)
US EPA Region 6
1445 Ross Ave., Suite 1200
Dallas TX 75202
Phone: 214-665-6434
Fax: 214-665-2168

From: Eckhart, Jeanne
Sent: Wednesday, March 28, 2018 6:56 AM
To: Rudolph, Matthew <rudolph.matthew@epa.gov>; Aguinaga, David <Aguinaga.David@epa.gov>
Subject: Diamond 3S

Matt and David,

Did you have any enforcement actions with Diamond 3S? Are those ongoing? I just wanted to see your history with this company, if any. I think they have had UIC/SDWA enforcement.

Thanks,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

Message

From: Rudolph, Matthew [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=59F690A82AB446B58319D501EBC8FA71-RUDOLPH, MATT]
Sent: 4/2/2019 5:55:16 PM
To: Scott, Lauretta [scott.lauretta@epa.gov]
Subject: Diamond 3S, LLC tax returns
Attachments: 2015 tax return Diamond 3S.pdf; 2016 Tax Return Documents (DIAMOND 3S LLC).pdf; 2017 Diamond 3S.pdf

Lauretta,

Here are the tax returns for Diamond 3S, LLC. I appreciate it.

Thanks,

Matthew Rudolph (6EN-WR)
US EPA Region 6
1445 Ross Ave., Suite 1200
Dallas TX 75202
Phone: 214-665-6434
Fax: 214-665-2168

Appointment

From: Eckhart, Jeanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDB8E58B4707410992750A95767619CA-ECKHART, JE]
Sent: 7/16/2019 8:26:01 PM
To: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]; Rudolph, Matthew [rudolph.matthew@epa.gov]; Herbert, Rusty [Herbert.Rusty@epa.gov]; McDonald, Scott [mcdonald.scott@epa.gov]
BCC: R6-ConfRm-7F-MediumRm7411 [R6-ConfRm-7F-MediumRm7411@epa.gov]

Subject: Diamond 3S - Updates
Location: R6-ConfRm-7F-MediumRm7411

Start: 7/23/2019 4:00:00 PM
End: 7/23/2019 5:00:00 PM
Show Time As: Busy

All, Guy wanted to touch base on these two cases (CWA and SDWA) to get some updates. Thanks, Jeanne

Message

From: Eckhart, Jeanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDB8E58B4707410992750A95767619CA-ECKHART, JE]
Sent: 1/31/2019 4:40:26 PM
To: Tidmore, Guy [tidmore.guy@epa.gov]
Subject: FW: Diamond 3S, LLC - CWA 06-2018-1831
Attachments: 20190131105849260.pdf

FYI - extension date for Diamond 3S CWA APO is now April 1.

-----Original Message-----
From: Vaughn, Lorena
Sent: Thursday, January 31, 2019 10:32 AM
To: Rudolph, Matthew <rudolph.matthew@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Subject: Diamond 3S, LLC - CWA 06-2018-1831

Here is the extension, can you please forward to Mr. Summers.
Thank you.

-----Original Message-----
From: 13_I04_Ricoh@epa.gov <13_I04_Ricoh@epa.gov>
Sent: Thursday, January 31, 2019 10:59 AM
To: Vaughn, Lorena <Vaughn.Lorena@epa.gov>
Subject: Message from "RNP002673A3A1CB"

This E-mail was sent from "RNP002673A3A1CB" (MP C3003).

Scan Date: 01.31.2019 10:58:49 (-0600)
Queries to: 13_I04_Ricoh@epa.gov

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

FILED
2019 JAN 30 PM 2:57
REGIONAL HEARING CLERK
EPA REGION VI

IN THE MATTER OF:	)	
	)	
Diamond 3S, LLC	)	Docket No. CWA-06-2018-1831
	)	
	)	
Respondent	)	
	)	

WHEREAS, on September 28, 2018, Complainant, United States Environmental Protection Agency, Region 6 ("EPA"), filed a Complaint against Respondent alleging violations of the Clean Water Act. On December 21, 2018, Respondent filed an unopposed Motion for an extension of time to answer the Complaint.

Due to the recent appropriations lapse and subsequent furlough impacting EPA, filings submitted during or right before such time were delayed in receiving due attention. As such, I will address the Motion as if it was timely filed, but grant the extension for 60 days from the date noted herein to allow the parties sufficient time to resolve this matter.

It is therefore ORDERED that the Motion be, and hereby is, GRANTED until April 1, 2019.

Dated this 31st day of January, 2019.

Thomas Rucki
Regional Judicial Officer

CERTIFICATE OF SERVICE

I, Lorena S. Vaughn, the Regional Hearing Clerk for the Region 6 office of the Environmental Protection Agency, hereby certify that a TRUE AND CORRECT copy of the document was served upon the parties on the date and in the manner set forth below:

Ryan P. Summers
Diamond 3S, LLC
20102 West Coyote Trail
Sand Springs, OK 74063

U.S. FIRST CLASS MAIL -
RETURN RECEIPT REQUESTED

Rusty Herbert
Environmental Protection Agency
1445 Ross Avenue
Dallas, Texas 75202

INTEROFFICE MAIL

DATE: 1/31/19

Lorena S. Vaughn
Regional Hearing Clerk

Message

From: Tidmore, Guy [tidmore.guy@epa.gov]
Sent: 2/1/2019 3:39:20 PM
To: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Subject: Re: Diamond 3S, LLC - CWA 06-2018-1831

Thank you.

Guy L. Tidmore, Chief
Water Resources Section (6EN-WR)
1445 Ross Ave.
Dallas, TX 75202-2733
Desk 214-665-3142
Cell 214-789-2586
Fax 214-665-7446

> On Jan 31, 2019, at 10:40 AM, Eckhart, Jeanne <Eckhart.Jeanne@epa.gov> wrote:
>
> FYI - extension date for Diamond 3S CWA APO is now April 1.
>
> -----Original Message-----
> From: Vaughn, Lorena
> Sent: Thursday, January 31, 2019 10:32 AM
> To: Rudolph, Matthew <rudolph.matthew@epa.gov>; Herbert, Rusty <Herbert.Rusty@epa.gov>; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
> Subject: Diamond 3S, LLC - CWA 06-2018-1831
>
> Here is the extension, can you please forward to Mr. Summers.
> Thank you.
>
>
> -----Original Message-----
> From: 13_I04_Ricoh@epa.gov <13_I04_Ricoh@epa.gov>
> Sent: Thursday, January 31, 2019 10:59 AM
> To: Vaughn, Lorena <Vaughn.Lorena@epa.gov>
> Subject: Message from "RNP002673A3A1CB"
>
> This E-mail was sent from "RNP002673A3A1CB" (MP C3003).
>
> Scan Date: 01.31.2019 10:58:49 (-0600)
> Queries to: 13_I04_Ricoh@epa.gov
>
> <20190131105849260.pdf>

Message

From: Eckhart, Jeanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDB8E58B4707410992750A95767619CA-ECKHART, JE]
Sent: 11/6/2018 3:08:20 PM
To: Joel Summers [summertimelawncare@sbcglobal.net]; Ryan P Summers [r_summers@sbcglobal.net]
CC: Herbert, Rusty [Herbert.Rusty@epa.gov]; Rudolph, Matthew [rudolph.matthew@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]; Sanborn, Kent [Sanborn.Kent@epa.gov]
Subject: EPA request for a phone call with Diamond 3S representatives

Mr. Summers,

Matt and I would like to have a phone call with you this week to discuss the enforcement actions EPA has issued under the Safe Drinking Water Act and the Clean Water Act. Our attorney, Mr. Rusty Herbert will also be present during the call to assist in explaining any questions you may have related to any enforcement processes that are underway. Please be aware that we wish to continue to work with you on the issues that the Kennedy Lease has. The enforcement actions have time limitations on them that we must continue to be aware of and some of these deadlines have passed.

Please call or email and let us know if there is a good time for a phone call this week or early next week. Additionally, if you would like additional people to join the call, like an attorney you may have hired or your environmental consultant, please let us know. My contact information is below and in the enforcement documents sent to you previously.

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section
Enforcement Division/Region 6
U.S. Environmental Protection Agency

1445 Ross Avenue, Mail Code 6EN-WR
Dallas, Texas 75202
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

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

SEP 2 8 2018

CERTIFIED MAIL – RETURN RECEIPT REQUESTED: 7014 0150 0000 2405 9585

Mr. Joel Summers, Owner
Diamond 3S, LLC
20102 West Coyote Trail
Sand Springs, Oklahoma 74063

Re: Notice of Proposed Assessment of Class II Civil Penalty
Docket Number: CWA-06-2018-1831
Facility Number: OKU000867

Dear Mr. Summers:

Enclosed is an Administrative Complaint (Complaint) issued to Diamond 3S, LLC, for violation of Section 301(a) of the Clean Water Act (CWA). The violation was identified during inspections that occurred on March 16, 2018, March 20, 2018, April 12, 2018, and April 26, 2018 conducted by the Environmental Protection Agency (EPA). The inspection was conducted at your oil field disposal and production facility known as the Kennedy Lease located in Pawhuska, Osage County, Oklahoma. The violation alleged is for the unauthorized discharge of pollutants, specifically oil field brine and produced water, to a water of the United States. Administrative Order, Docket Number CWA-06-2018-1789, was issued to Respondent on April 11, 2018 addressing this same violation.

You have the right to request a hearing regarding the violation alleged in the Complaint and the proposed administrative civil penalty. For information regarding hearing and settlement procedures, please refer to Part 22, "Consolidated Rules of Practice," which can be found at https://www.epa.gov/enforcement/consolidated-rules-practice-40-cfr-part-22-administrative-assessment-civil-penalties. Please pay particular attention to Section V of the Complaint entitled "Notice of Opportunity to Request a Hearing." Note that should you fail to request a hearing within thirty (30) days of receipt of the Complaint, you will waive your right to such a hearing, and the proposed civil penalty of $64,500.00 may be assessed against you without further proceedings. You have the right to be represented by an attorney or to represent yourself at any stage of these proceedings.

Whether or not you request a hearing, we invite you to confer informally with EPA concerning the alleged violation and the amount of the proposed penalty. You may represent Diamond 3S, LLC, or be represented by an attorney at any conference, whether in person or by telephone. EPA encourages all parties against whom it files a Complaint proposing assessment of a penalty to pursue the possibility of settlement as a result of an informal conference.

ED_002955_00010338-00001

EPA is committed to ensuring compliance with the requirements of the CWA and the National Pollutant Discharge Elimination System program and my staff will assist you in any way possible. If you have any questions, or wish to discuss the possibility of a settlement of this matter, please contact Jeanne Eckhart, of my staff, at (214) 665-8174.

Sincerely,

Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

Enclosure

cc: Ms. Robin Phillips, Superintendent
Osage Agency, Bureau of Indian Affairs
P.O. Box 1539
Pawhuska, Oklahoma 74056

Ms. Jann Jones, Environmental Director
Osage Nation, ENR Department
100 West Main Street, Suite 304
Pawhuska, Oklahoma 74056

ED_002955_00010338-00002

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

FILED
2018 SEP 28 PM 1:53
REGIONAL HEARING CLERK
EPA REGION VI

In the Matter of:	§ Docket No. CWA-06-2018-1831
	§
Diamond 3S, LLC	§ Proceeding to Assess a Class II
	§ Civil Penalty under Section 309(g)
	§ of the Clean Water Act
Respondent	§
	§
Facility Number: OKU000867	§ Administrative Complaint

I. Statutory Authority

This Complaint is issued under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") by Section 309(g) of the Clean Water Act ("the Act"), 33 U.S.C. § 1319(g). The Administrator of EPA delegated the authority to issue this Complaint to the Regional Administrator of EPA Region 6, who delegated this authority to the Director of the Compliance Assurance and Enforcement Division of EPA Region 6 ("Complainant"). This Class II Administrative Complaint is issued in accordance with, and this action will be conducted under, the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits," 40 C.F.R. Part 22, including rules related to administrative proceedings not governed by Section 554 of the Administrative Procedure Act, 40 C.F.R. §§ 22.50 through 22.52.

Based on the following Findings, Complainant finds that Diamond 3S, LLC ("Respondent") violated the Act and the regulations promulgated under the Act and should be ordered to pay a civil penalty,

II. Findings of Fact and Conclusions of Law

1. Respondent is a corporation incorporated under the laws of the State of Oklahoma, and as such, Respondent is a "person," as that term is defined at Section 502(5) of the Act, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

ED_002955_00010338-00003

2. At all times relevant to this action ("all relevant times"), Respondent owned or operated an oil field disposal and production facility known as the Kennedy Lease, located in Pawhuska, Osage County, Oklahoma ("facility") and was, therefore, an "owner or operator" within the meaning of 40 C.F.R. § 122.2.

3. At all relevant times, the facility acted as a "point source" of a "discharge" of "pollutants," specifically oil field brine, to the tributary of Daniel's Run Creek, which is considered a "water of the United States" within the meaning of Section 502 of the Act, 33 U.S.C. § 1362, and 40 C.F.R. § 122.2.

4. Because Respondent owned or operated a facility that acted as a point source of a discharge of pollutants to waters of the United States, Respondent and the facility were subject to the Act and the National Pollutant Discharge Elimination System ("NPDES") program.

5. Under Section 301 of the Act, 33 U.S.C. § 1311, it is unlawful for any person to discharge any pollutant from a point source to waters of the United States, except with the authorization of, and in compliance with, an NPDES permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342. According to the NPDES program, the discharge of oil field brine to "waters of the United States" is a non-permitted discharge.

6. On March 16, 2018, an EPA inspector observed that pollutants, specifically oil field wastes and produced water generated from oil production activities, had been discharged from the facility to "waters of the United States," as that term is defined by 40 C.F.R. § 122.2. Pollutants were discharged to the tributary of Daniel's Run Creek, which is considered a "water of the United States." The inspector determined that the water located at the discharge point of entry into the tributary of Daniel's Run Creek (Latitude 36.586494 N and Longitude -96.499100 W) was contaminated from produced water discharges and measured 95,541 milligrams per Liter ("mg/L") Total Dissolved Solids ("TDS").

7. On March 20, 2018, an EPA inspector observed that pollutants, specifically oil field wastes and produced water generated from oil production activities, had been discharged from the

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facility to "waters of the United States," as that term is defined by 40 C.F.R. § 122.2. Pollutants were discharged to the tributary of Daniel's Run Creek, which is considered a "water of the United States." The inspector determined that the water located at the discharge point of entry into the tributary of Daniel's Run Creek (Latitude 36.586494 N and Longitude -96.499100 W) was contaminated from produced water discharges and measured 77,765 mg/L TDS.

8. On April 12, 2018, an EPA inspector observed that pollutants, specifically oil field wastes and produced water generated from oil production activities, had been discharged from the facility to "waters of the United States," as that term is defined by 40 C.F.R. § 122.2. Pollutants were discharged to the tributary of Daniel's Run Creek, which is considered a "water of the United States." The inspector determined that the water located at the discharge point of entry into the tributary of Daniel's Run Creek (Latitude 36.5866514 N and Longitude -96.499076 W) was contaminated from produced water discharges and measured 83,783 mg/L TDS.

9. On April 26, 2018, an EPA inspector observed that pollutants, specifically oil field wastes and produced water generated from oil production activities, had been discharged from the facility to "waters of the United States," as that term is defined by 40 C.F.R. § 122.2. Pollutants were discharged to the tributary of Daniel's Run Creek, which is considered a "water of the United States." The inspector determined that the water located at the discharge point of entry into the tributary of Daniel's Run Creek (Latitude 36.5866514 N and Longitude -96.499076 W) was contaminated from produced water discharges and measured 43,810 mg/L TDS.

10. Each day of unauthorized discharge was a violation of Section 301 of the Act, 33 U.S.C. § 1311.

11. Under Section 309(g)(2)(B) of the Act, 33 U.S.C. § 1319(g)(2)(B), as modified by 40 C.F.R. Part 19, Respondent is liable for a civil penalty in an amount not to exceed $21,393.00 per day for each day during which a violation occurs or continues, up to a maximum of $267,415.

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12. EPA has notified the Bureau of Indian Affairs of the issuance of this Complaint and has afforded the agency an opportunity to consult with EPA regarding the assessment of an administrative penalty against Respondent as required by Section 309(g)(1) of the Act, 33 U.S.C. § 1319(g)(1).

13. EPA has notified the public of the filing of this Complaint and has afforded the public thirty (30) days in which to comment on the Complaint and on the proposed penalty as required by Section 309(g)(4)(A) of the Act, 33 U.S.C. § 1319(g)(4)(A). At the expiration of the notice period, EPA will consider any comments filed by the public. The public notification can be found at: https://www.epa.gov/publicnotices.

III. Proposed Penalty

14. Based on the foregoing Findings, and pursuant to the authority of Sections 309(g)(1) and (g)(2)(B) of the Act, 33 U.S.C. §§ 1319(g)(1) and (g)(2)(B), EPA Region 6 hereby proposes to assess against Respondent a civil penalty of sixty-four thousand and five hundred dollars ($64,500.00).

15. The proposed penalty amount was determined based on the statutory factors specified in Section 309(g)(3) of the Act, 33 U.S.C. § 1319(g)(3), which include such factors as the nature, circumstances, extent and gravity of the violations, economic benefits, if any, prior history of such violations, if any, degree of culpability, and such matters as justice may require.

16. Complainant has specified that the administrative procedures specified in 40 C.F.R. Part 22, Subpart I, shall apply to this matter, and the administrative proceedings shall not be governed by Section 554 of the Administrative Procedure Act.

IV. Failure to File an Answer

17. If Respondent wishes to deny or explain any material allegation listed in the above Findings or to contest the amount of the penalty proposed, Respondent must file an Answer to this

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Complaint within thirty (30) days after service of this Complaint whether or not Respondent requests a hearing as discussed below.

18. The requirements for such an Answer are set forth at 40 C.F.R. § 22.15 (found at: https://www.epa.gov/enforcement/consolidated-rules-practice-40-cfr-part-22-administrative-assessment-civil-penalties). Failure to file an Answer to this Complaint within thirty (30) days of service of the Complaint shall constitute an admission of all facts alleged in the Complaint and a waiver of the right to hearing. Failure to deny or contest any individual material allegation contained in the Complaint will constitute an admission as to that finding or conclusion under 40 C.F.R. § 22.15(d).

19. If Respondent does not file an Answer to this Complaint within thirty (30) days after service, a Default Order may be issued against Respondent pursuant to 40 C.F.R. § 22.17. A Default Order, if issued, would constitute a finding of liability, and could make the full amount of the penalty proposed in this Complaint due and payable by Respondent without further proceedings thirty (30) days after a Final Default Order is issued.

20. Respondent must send its Answer to this Complaint, including any request for a hearing, and all other pleadings to:

Regional Hearing Clerk (6RC-D)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

21. Respondent shall also send a copy of its Answer to this Complaint to the following EPA attorney assigned to this case:

Mr. Rusty Herbert (6RC-EW)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

22. The Answer must be signed by Respondent, Respondent's counsel, or other representative on behalf of Respondent and must contain all information required by 40 C.F.R. §§

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22.5 and 22.15, including the name, address, and telephone number of Respondent and Respondent's counsel. All other pleadings must be similarly signed and filed.

V. Notice of Opportunity to Request a Hearing

23. Respondent may request a hearing to contest any material allegation contained in this Complaint, or to contest the appropriateness of the amount of the proposed penalty, pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g). The procedures for hearings are set out at 40 C.F.R. Part 22, including 40 C.F.R. §§ 22.50 through 22.52.

24. Any request for hearing should be included in Respondent's Answer to this Complaint; however, as discussed above, Respondent must file an Answer meeting the requirements of 40 C.F.R. § 22.15 in order to preserve the right to a hearing or to pursue other relief.

25. Should a hearing be requested, members of the public who commented on the issuance of the Complaint during the public comment period will have a right to be heard and to present evidence at such hearing under Section 309(g)(4)(B) of the Act, 33 U.S.C. § 1319(g)(4)(B).

VI. Settlement

26. EPA encourages all parties against whom civil penalties are proposed to pursue the possibility of settlement through informal meetings with EPA. Regardless of whether a formal hearing is requested, Respondent may confer informally with EPA about the alleged violations or the amount of the proposed penalty. Respondent may wish to appear at any informal conference or formal hearing personally, by counsel or other representative, or both. To request an informal conference on the matters described in this Complaint, please contact Jeanne Eckhart, of my staff, at (214) 665-8174.

27. If this action is settled without a formal hearing and issuance of an opinion by the Presiding Officer pursuant to 40 C.F.R. § 22.27, this action will be concluded by issuance of a Consent Agreement and Final Order ("CAFO") pursuant to 40 C.F.R. § 22.18(b). The issuance of

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a CAFO would waive Respondent's right to a hearing on any matter stipulated therein or alleged in the Complaint. Any person who commented on this Complaint would be notified and given an additional thirty (30) days to petition EPA to set aside any such CAFO and to hold a hearing on the issues raised in the Complaint. Such a petition would be granted and a hearing held only if the evidence presented by the petitioner's comment was material and was not considered by EPA in the issuance of the CAFO.

28. Neither assessment nor payment of a penalty in resolution of this action will affect Respondent's continuing obligation to comply with all requirements of the Act, the applicable regulations and permits, and any separate Compliance Order issued under Section 309(a) of the Act, 33 U.S.C. § 1319(a), including one relating to the violations alleged herein.

SEP 2 8 2018

Date

Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division

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CERTIFICATE OF SERVICE

I certify that the foregoing Class II Administrative Complaint was sent to the following persons, in the manner specified, on the date below:

Original hand-delivered:
Regional Hearing Clerk (6RC-D)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Copy by certified mail, return receipt requested:
Mr. Joel Summers, Owner
Diamond 3S, LLC
20102 West Coyote Trail
Sand Springs, OK 74063

Copy by mail:
Ms. Robin Phillips, Superintendent
Osage Agency, Bureau of Indian Affairs
P.O. Box 1539
Pawhuska, OK 74056

Ms. Jann Jones, Environmental Director
Osage Nation, ENR Department
100 West Main Street, Suite 304
Pawhuska, OK 74056

Copy hand-delivered:
Mr. Rusty Herbert (6RC-EW)
U.S. EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Dated: Sept. 28, 2018

Ellen Chang-Vaughan

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Message

From: Eckhart, Jeanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDB8E58B4707410992750A95767619CA-ECKHART, JE]
Sent: 8/7/2018 8:45:21 PM
To: Sanborn, Kent [Sanborn.Kent@epa.gov]; Rudolph, Matthew [rudolph.matthew@epa.gov]; Davis, Rickey [davis.rickey@epa.gov]
Subject: FW: Diamond Spill Redemiation Scope of Work
Attachments: T806 sow.pdf

FYI

From: Kevin Arthur [mailto:karthur@beaconcorp.com]
Sent: Wednesday, August 01, 2018 7:16 AM
To: cmwalker2@osagetribe.org
Cc: melissa.currey@osagenation-nsn.gov; Ryan P Summers <r_summers@sbcglobal.net>; mark.hendricks@bia.gov; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; benjamin.daniels@bia.gov; Bates, Zakary <zbates@mcg-ins.com>; lee.burnett@bia.gov
Subject: Diamond Spill Redemiation Scope of Work

Craig,

Here is the Scope of Work for proposed remediation activities on the Bluestem Ranch for Diamond 3S, LLC. Please review for approval. As we discussed in the Planting section, we added our standard "winter mix" so that we can get a temporary cover until we can plant Native Grasses in February. Please give me a call (580-272-8200) with an questions or concerns so that we can get it taken care of in a timely manner.

Thank you,

Kevin Arthur
Project Manager
BEACON Environmental Assistance Corporation
841 E. 33rd Street, Edmond, OK 73013

Office: (405) 330-8688
Cell: (580) 272-8200
Fax: (405) 330-8668

Email: karthur@beaconcorp.com

SCOPE OF WORK

Diamond 3S, LLC Project
Osage County, OK
Project #T806

Claim # 3000314

1. GENERAL

1.1 Location: The project is located near the town of Pawhuska, Oklahoma as indicated on Figure 1.

1.2 Description of Existing Site Conditions: The project is associated with active oil and gas exploration and production activities and consists of areas impacted by produced fluid.

1.3 Boundaries

1.3.1 Project Boundary: The project is confined to the NE/4 Section 1-T24N-R7E, Osage County, Oklahoma as indicated on Figure 2. The Contractor shall not cross the boundaries of this area except when entering or leaving the site.

1.3.2 Site Boundary: The Site Boundary is a discrete area within the Project Boundary. The Site Boundary is defined by the outline of the area depicted on Figure 3. Certain tasks detailed below specify the Site Boundary as the perimeter of the work area for the task. In such cases the Contractor shall be responsible only for activities included in the task within the area defined by the Site Boundary.

1.4 Project Objectives

1.4.1 The objective of the project is to remove and dispose the debris, excavate and dispose the impacted soil in a permitted landfill, apply a gypsum capillary barrier to the designated areas, backfill the voids created by excavation of impacted soil with soil generated by the construction of a pond, rip and cross rip the designated areas, apply amendments to the designated areas, install a 3 inch water pump, sod and plant the areas disturbed during the course of work.

1.4.2 The Contractor shall take all appropriate precautions to minimize incidental disturbance to crops, pasture, and other areas outside the immediate work area(s), and may be held liable for any such damages deemed unnecessary or avoidable by the Consultant.

1.4.3 The project is located on private land. The Contractor, Consultant, Osage Nation, Bluestem Ranch Counsel, Diamond 3S, LLC, Environmental Protection Agency (EPA) representative, and the Bureau of Indian Affairs (BIA) representative shall discuss all aspects of the Work at the pre-start meeting (refer to Section 17.2).

2. IDENTIFICATION AND NOTIFICATION FOR ACTIVE UTILITIES

2.1 The Contractor shall be responsible for identification of all active subsurface utilities and/or pipelines by notification of appropriate line locator services and all other utility or pipeline operators in the site vicinity no less than 2 working days prior to the pre-start meeting (refer to Section 17.2) and prior to the initiation of any subsurface disturbance on the site. Notification shall include, but is not limited to, CALL-OKIE, 1-800-522-6543. Additionally, the Contractor shall take appropriate action to identify and notify all other utility or pipeline operators in the site vicinity that are not subscribers to the CALL-OKIE service.

2.2 The Contractor shall be responsible for any and all damage to active subsurface utilities and pipelines and any impact to soil, ground water or surface water as the result of the damage. In the event of damage to active utilities or pipelines, the Contractor shall take all appropriate precautions and perform measures to contain any spills and minimize impact to surrounding media. After taking steps to contain any spills and minimize impact, the Contractor shall immediately notify the Consultant of the damage. The Contractor will be required to comply with all applicable laws, rules, regulations, and clean-up standards for any impact caused by damage to active utilities or pipelines.

2.3 The Contractor shall identify any aboveground utilities and/or pipelines in the work area(s), and shall exercise appropriate precautions to avoid damage to such lines. Unless specifically informed otherwise by the utility provider, Contractors shall assume that any aboveground electrical lines in the work area(s) are energized, and shall observe all applicable safety precautions when working in the vicinity of the lines.

3. FLOWLINE REMOVAL AND DISPOSAL

3.1 General: The Contractor shall remove all exposed abandoned flowlines within the Site Boundaries and any abandoned buried flowlines that interfere with the work. Sections of exposed flowline shall be removed back into the buried section to the point of burial depth of 18 inches, or at least 25 feet back from the point of exposure, whichever is less. Buried flowline shall be removed as necessary to complete this Scope of Work.

3.2 Residual Material in Lines: If the Contractor determines that there may be significant (>1 barrel) quantities of residual product remaining in the flowlines, the Contractor shall immediately cease removal activities, take appropriate steps to prevent spillage of the material, and notify the Consultant.

3.3 Flowline Capping: All flowlines that are cut and left in place shall be capped with either a welded or threaded cap or plug. All capped flowline ends shall be left exposed until inspected by the Consultant.

3.4 Grading: All areas disturbed by flowline removal shall be graded with soil from the immediate surrounding area to blend with the existing terrain.

3.5 Salvage: All salvageable removed flowline material becomes the property of the Contractor. All such material must be removed from the project site prior to the Contractor's application for final payment.

3.6 Disposal: Non-salvageable flowline material shall be disposed of by transportation to a permitted landfill or a reclaimer/recycler. The Contractor shall notify the Consultant **in writing** of the proposed landfill or reclaimer/recycler prior to removal of any material from the site, and shall provide manifests for all waste prior to application for final payment.

4. DEBRIS REMOVAL AND DISPOSAL

4.1 General: The Contractor shall be responsible for the removal and disposal of all miscellaneous debris and/or abandoned materials located within the Site Boundaries. Trees, stumps, and brush shall be removed only as necessary to meet the requirements of this Scope of Work. Trees and stumps shall be removed to a depth of 12 inches below the final grade.

4.2 Off-Site Disposal: Materials removed from the site shall be legally disposed of in a permitted landfill or transferred to a reclaimer/recycler. The Contractor shall notify the Consultant **in writing** of the proposed landfill or reclaimer/recycler prior to removal of any material from the site, and shall provide manifests for all waste prior to application for final payment.

4.3 Grading: All areas disturbed by debris removal shall be graded with soil from the immediate surrounding area to blend with the existing terrain.

5. IMPACTED SOIL REMOVAL AND DISPOSAL (Area #1)

5.1 General: Impacted soil located within designated Area #1 and the stockpiled soil within Area #1 shall be excavated and transported to a permitted landfill.

5.2 Material Estimates: The total estimated volume of impacted soil is approximately 611 compacted cubic yards (yds^3). For the purposes of this Scope of Work, a cubic yard of soil is equivalent to 1.3 tons. 611 cubic yards is equivalent to 800 tons. A compacted cubic yard of soil is estimated to be approximately 25% to 35% greater in volume after excavation based on soil type.

5.3 Material Removal & Disposal: Impacted soil within the designated area shall be excavated to a depth of 3' below ground surface (bgs) and transported to a permitted landfill in accordance with Oklahoma Corporation Commission (OCC) requirements. It is estimated that **800** tons of impacted soil will be excavated. The Consultant shall be present during the excavation activities to determine the actual volumes to excavate and will take samples below the excavation. Additional volumes may be excavated based on the results of the samples. When samples are collected, the Contractor may be

required to cease activities related to impacted soil removal until given direction by the Consultant. This waiting period will be a maximum of 4 working days from the time the samples are collected.

5.4 Disposal Coordination and Documentation: The Contractor shall be responsible for coordinating the disposal with the American Environmental Landfill, 212 N 177th W Ave, Sand Springs, OK, (918) 245-7786. The Contractor shall provide copies of the required documentation for the disposal, including load tickets, to the Consultant **prior to** application for final payment.

5.5 Gypsum Capillary Barrier: Gypsum shall be placed in the base of the excavated Area #1 void depicted on Figure 3 prior to back filling with top soil. It is estimated that approximately **100** tons of gypsum will be required. The Gypsum shall be placed in 6 to 8 inch lifts and compacted. Gypsum shall be of agricultural grade and shall be either crushed or in agricultural fines.

5.6 Top Soil Provision: The remaining void shall be filled with top soil provided by the Contractor during the construction a pond (see Section 7). The Consultant shall obtain samples from the proposed top soil prior to placing the material in the site. When samples are collected, the Contractor shall be required to cease activities related to top soil until given direction by the Consultant. This waiting period shall be a maximum of 4 working days from the time the samples are collected. After filling, the Contractor shall take appropriate measures to ensure the areas drain with no ponding or pooling after grading.

5.7 Unattended Void Precautions: The voids created from excavation, if left open overnight or otherwise unattended, shall be graded such that at least one side of the void is at least a 4:1 slope and allows a safe means of egress.

5.8 Impacted Soil Bid Basis: Due to the uncertainty of the volume of impacted soil to be excavated, impacted soil removal and disposal shall be bid on a unit cost based on the total number of tons provided by the documentation from the land fill. For every ton of impacted soil excavated, the unit cost shall include all activities outlined in this section. The base bid will be evaluated on a total estimated weight of **800** tons as indicated on the Bid Form (UP #1).

6. SOIL AMENDMENTS (Area #2, 1 acre)

6.1 General: Amendments shall be applied to the area of impact (Area #2) depicted on Figure 3. Amendments shall consist of gypsum **AND** organic material. Organic material shall include Urea **AND** straw/hay.

6.2 Preparation: The stockpiled soil within Area #2 shall be leveled and graded to blend with the surrounding terrain. The area of impact, (Area #2) shall be ripped sufficiently to break up the soil to a minimum depth of 18 to 24 inches below the existing grade. The distance between rippers shall not exceed 30 inches. The Contractor shall take all precautions to rip only the area of impact, Area #2 and not disturb the surrounding area(s). The area(s) shall be graded and terraced along contour lines to mitigate overland flow during the restoration process.

6.3 Materials

6.3.1 Gypsum shall be of agricultural grade and shall be either crushed or in agricultural fines.

6.3.2 Urea shall be agricultural grade fertilizer.

6.3.3 Other organic matter may include wheat straw. The wheat straw shall be free from appreciable quantities of annual grass, short grass or immature tall grass. The organic material shall contain no seeds that are classified as "Prohibited Noxious" and shall be as free of "Restricted Noxious" as is legally allowed by the Oklahoma Department of Agriculture. Use of organic materials other than those listed must be approved by the Consultant **in writing** prior to application.

6.4 Application: Amendments shall be applied in the following quantities:

Site 1 Figure 3 (Area #2)

Gypsum (Prior to rip/cross rip) ..... 308 tons

Straw/Hay (During the disking) ..... 3 tons

Straw/Hay (Erosion Control) ..... 3 tons

Urea (During planting) ..... 350 pounds

The amendments shall be applied uniformly to the area in the specified quantities, and shall be disked into the soil in such a manner as to distribute the amendments evenly through the top 6 inches of soil.

6.5 Material Verification: The Consultant reserves the right to verify quantities and composition of amendment materials by inspection at the time of delivery to the site. The Contractor shall notify the Consultant at least 48 hours prior to the delivery of materials. Additionally, the Contractor must furnish delivery tickets indicating quantity and composition of materials actually delivered to the site prior to application for final payment.

7. POND CONSTRUCTION Structure 1

7.1 General: The Contractor shall build an earthen embankment pond (Structure # 1) as depicted on Figure 3. Specifications for the proposed pond construction are included as Figure 4 of this Scope of Work. The Consultant will perform the final pond inspection.

7.2 Dam: The general location of the dam is provided on Figure 3. The actual location shall be dictated by flags at the site. Cross-sectional dimensions of the dam are provided on Figure 4.

7.3 Foundation Area: The foundation area shall be cleared of trees, logs, stumps, roots, brush, boulders, sod and other debris. The foundation area shall be thoroughly scarified before placement of fill material.

7.4 Core Trench: The core trench shall be excavated according to the specifications depicted on Figure 4 and as staked in the field.

7.5 Material: Topsoil located within the area of the pond construction shall be excavated prior to the pond construction and stockpiled for final grading. Material for the construction of the pond dam shall be obtained from the area up-gradient from the proposed dam locations. Side slopes within the water line shall be no less than 4:1. It is estimated that approximately **3,381** cubic yards of material will be required for the construction of the dam, including 10% for shrinkage as depicted on Figure 4. Fill material shall be placed and spread beginning at the lowest point of the foundation and then bringing it up in continuous horizontal layers. The Contractor shall compact each layer.

7.6 Backfill Material: Contractor shall excavate an additional **611** cubic yards of material from the construction of the pond as backfill for Area #1. The material shall be applied and compacted to Area #1 as depicted on Figure 3 and as outlined in Section 5 of this Scope of Work.

7.7 Drawdown Pipe: A steel drawdown pipe with a raised canopy inlet and equipped with 1 anti-seep collar and trash guard shall be placed within the dam as shown on Figure 4.

7.7.1 Steel Pipe: The Contractor shall provide new, welded steel, smooth barreled pipe. Used pipe may be utilized so long as it is sound pipe without damaging corrosion pits. The length of pipe joints shall be a minimum of 10 feet. The pipe shall meet the following minimum wall thickness at any measurement point:

At least 0.158 inches for less than 14-inch diameter

At least 0.220 inches for 14 to 24-inch diameter, and

At least 0.282 inches for 26 to 36-inch diameter.

The entire pipe assembly shall be impervious with all joints and seams watertight. The Consultant reserves the right to inspect the completed drawdown pipe assembly prior to the placement of any backfill. At the discretion of the Consultant, a watertight test may be performed on site.

7.7.2 Drawdown Pipe Backfill: The backfill material placed within 2 feet of the barrel and riser shall be loose earth free from stones, lumps and rubbish. The selected backfill material shall be placed around structures, pipe conduits and anti seep collars at about the same rate on all sides to prevent damage from unequal loading. If fill material lacks sufficient moisture for compaction, as determined by the consultant, contractor shall provide and add water to the fill material before placing it around the pipe and compacting it.

7.7.3 Rip Rap Backfill: Rip Rap rock shall be installed at the outlet of the drawdown pipe as depicted on Figure 4. An estimated **30** tons of 18 inch rock will be required.

7.8 Earthen Spillway: An earthen spillway shall be constructed in the general area depicted on Figure 3. The actual location shall be dictated by flags at the site. Dimensions of the spillway are provided on Figure 4. The spillway shall be approximately 20 feet wide with a relative elevation of 98.5. Side slopes of the spillway shall have a slope of 4:1.

7.9 Final Grading and Topsoil Application: The pond banks outside the dam area shall be graded to blend with the surrounding terrain. Topsoil excavated prior to the construction process shall be spread uniformly to a minimum depth of 4 inches over the pond banks, the up-gradient slope of the dam, the top of the dam, the down-gradient slope of the dam and the spillway.

7.10 Solid Sod: Contractor shall place Bermuda grass sod to the area around the pipe and spillway as depicted on Figure 4. It is estimated that approximately **1,500** square feet of sod will be required. Bermuda grass sod shall be placed within 48 hours of the time it was first harvested and spread and rolled/compacted after application.

7.11 Water: Contractor shall water the sod within one hour after placement. The amount of water required to saturate to a depth of 4 inches is estimated at 250 gallons per 500 square feet. It is estimated that approximately **750** gallons of water will be required for the watering of the sod.

7.12 Mulching: Mulching material such as hay or straw shall be applied to the pond dam outside the water line. Mulching material shall also be applied to the shoreline outside the water line not to exceed 100 feet up-gradient of the water line. The material shall be applied at the rate of 2 tons per acre. The material shall be spread uniformly and tilled into the top 3 inches of soil.

8. WATER PUMP INSTALLATION

8.1 General: A three (3) inch water pump shall be provided and installed as directed by the Consultant. The Contractor shall place the pump after the construction of the pond, provide a minimum of 1,000 feet of 3 inch poly pipe and plumb the poly pipe from the pump to the frac tank on-site. The Consultant will perform the final water pump installation inspection.

9. GRADING

9.1 General: The areas disturbed during removal of impacted soil depicted on the attached Figure(s) shall be leveled and graded to blend with the existing terrain.

10. TOP SOIL REMOVAL/REPLACEMENT

10.1 General: Topsoil shall be excavated in any areas being disturbed and stockpiled **separately** from other material generated during excavations and/or grading. The stockpiled top soil shall be used for final grading and to top dress any affected areas.

11. ROCK REMOVAL/REPLACEMENT

11.1 General: Any rock removed during burial activities shall be **segregated** during excavation. When filling the excavated area, the segregated rock shall be the first material placed into the excavation. In the event that there is not sufficient subsoil/topsoil available to cover the rock, the excess rock shall be placed in an area within the project boundary as determined by the Landowner and Consultant. Under **no** circumstance shall excess rock be dispersed in areas outside the limits of the excavations.

12. STORM WATER POLLUTION PREVENTION

12.1 The Contractor shall be responsible for determination of, and compliance with, all applicable storm water runoff requirements including, but not limited to, those covered under the Clean Water Act

and associated federal, state and local regulations. Adherence to any specific sediment control requirements outlined in this scope of work shall not alleviate the Contractor's responsibility for compliance with all applicable storm water runoff requirements covered under the Clean Water Act and associated federal, state and local regulations. The Contractor shall be responsible for all costs of materials and equipment required for implementation and maintenance of the storm water pollution prevention plan for the duration of site activities.

13. PLANTING

13.1 General: The areas affected by all activities outlined in this Scope of Work shall be graded and seeded.

13.2 Preparation: Preparation of areas shall include filling and reshaping eroded areas and refinishing slopes to the established typical grade. The soil shall be tilled or disked on the contour to a depth of 4 inches.

13.3 Materials and Rate: Depending on the time of year planting will occur, seed composition and rates will be determined by the time of year as outlined below:

Planting Date	Seed Composition	Rate
August - February	50% Winter Wheat and 50% Winter Rye	60 pounds per acre
February - May	Plains Mixture consisting of:	
	25% Switchgrass	
	25% Indiangrass	
	25% Big Bluestem	
	25% Little Bluestem	10 pounds per acre
June - January	**No planting shall be performed during this period.**	

*Plains Mixture may also contain Blue Grama, Sideoats Grama, Plains Bristlegrass, Prairie Junegrass and Sand Dropseed. **Note: If the project is completed during the months of June through January, plains mixture grass planting shall be performed after February 1.**

The seed shall be furnished in sealed bags and shall have been officially sampled and tested by the Oklahoma State Board of Agriculture.

13.4 Planting: The area(s) shall be planted with mechanical equipment designed and capable of planting the material uniformly and at the specified rate. Hand planting shall not be used except in areas that are too small or inaccessible to accommodate the specified equipment. Equipment shall not be operated on areas where rutting or slippage would mar the soil surface. After seeding the area shall be graded by dragging or other similar methods to cover the seed and smooth the surface. After planting there shall be no clods or clumps of soil greater than 2 inches in diameter.

13.5 Fertilizing: Fertilizer shall be applied at the rate of 100 pounds per acre and shall be applied each time a site is planted. The fertilizer shall have the composition of 10% nitrogen, 20% phosphate, and 10% potassium (10-20-10) or 13% nitrogen, 13% phosphate, and 13% potassium (13-13-13). When satisfactory results can be obtained, disking for soil preparation and incorporation of fertilizer may be accomplished in one operation. The fertilizer shall be applied with a mechanical broadcast spreader capable of distributing the fertilizer evenly at the specified rate.

14. EQUIPMENT

14.1 The Contractor shall furnish all equipment necessary to perform the Work in satisfactory working condition and in sufficient quantity to perform the Work on schedule. All equipment shall be subject to inspection by the Consultant prior to use at the site.

15. SEQUENCING AND PHASING

15.1 Identification of subsurface utilities shall be performed prior to any subsurface disturbance on the site.

15.2 Sequencing and phasing of all other activities shall be at the discretion of the Contractor.

15.2.1 The Contractor shall be responsible for coordinating and sequencing of work by any subcontractors employed by the Contractor.

15.2.2 The Contractor shall be responsible to communicate with the Consultant as necessary to coordinate work at the site by other contractors.

15.3 The Contractor shall be responsible for any damage to completed work caused by improper sequencing or by failure to take adequate precautions to protect completed work.

16. HEALTH AND SAFETY

16.1 The Contractor shall be responsible for compliance with all applicable health and safety regulations including, but not limited to, those covered under Occupational Safety and Health Administration (OSHA) during all site activities.

17. NOTIFICATION

17.1 The Contractor shall notify the Consultant **at least 3 working days** prior to commencing any work at the site. Call Kevin Arthur 580-272-8200.

17.2 There will be a pre-start meeting at the site that includes the Contractor, Consultant, Osage Nation, Bluestem Ranch Counsel, Diamond 3S, LLC, Environmental Protection Agency (EPA) representative, and the Bureau of Indian Affairs (BIA) representative **prior to commencement of any operations** at the site. The Consultant shall set the time and place of this meeting after determining the availability of all parties.

18. DOCUMENTATION

18.1 All required documentation as outlined in this Scope of Work shall be provided to the Consultant prior to application for final payment. Failure to provide documentation will result in delay of the final payment.

19. ATTACHMENTS

19.1 The following Figures are attached and are a part of this Scope of Work:

Figure 1..... Project Location Map

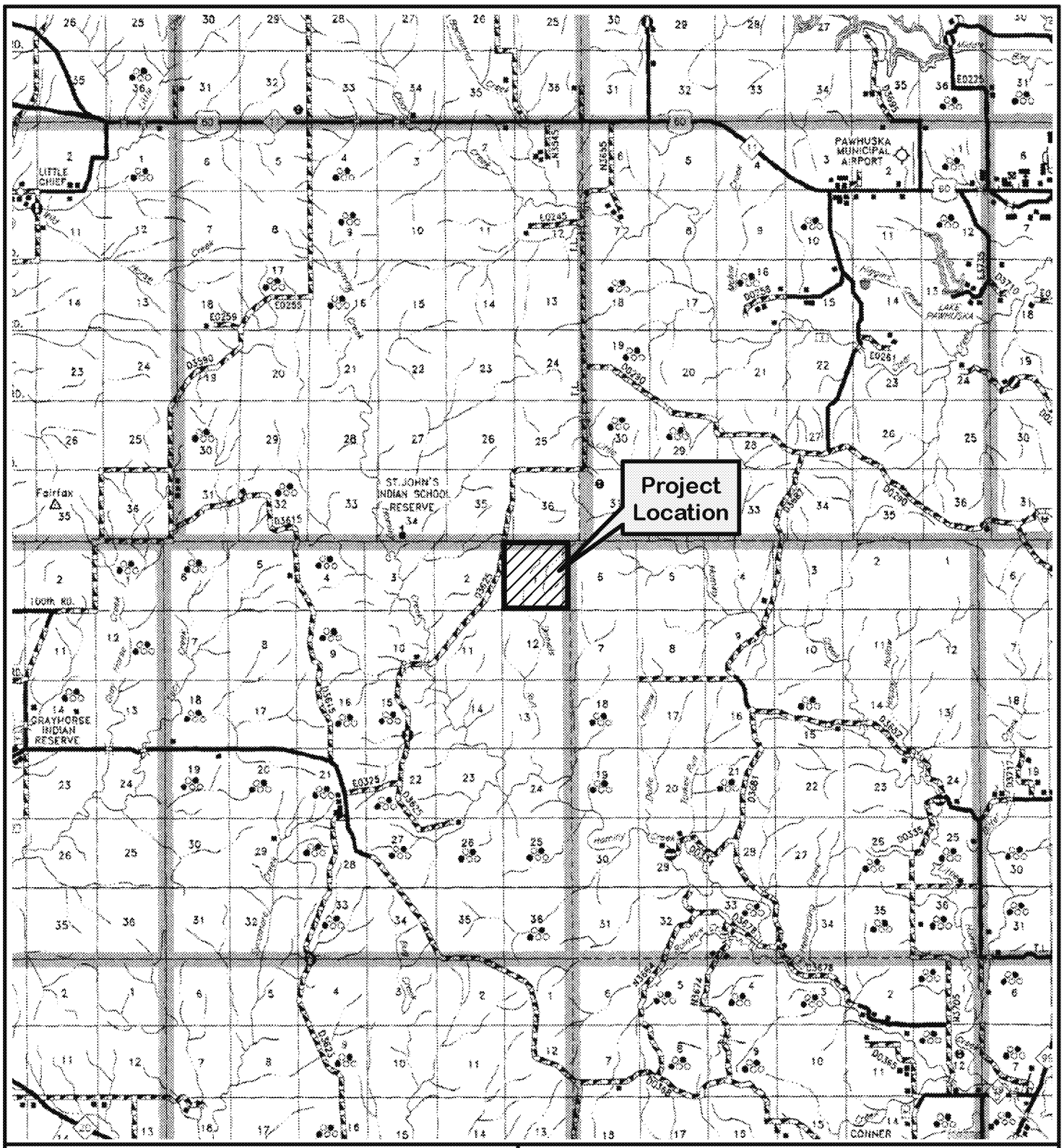
Figure 2..... Project Boundary Map

Figure 2..... Aerial Photograph

Figure 3..... Site Map

Figure 4..... Pond Specifications

End of Scope of Work



PROJECT LOCATION MAP

Diamond 3S, LLC Project

NE/4,
Section 1–T24N–R7E
Osage County, Oklahoma

-N-

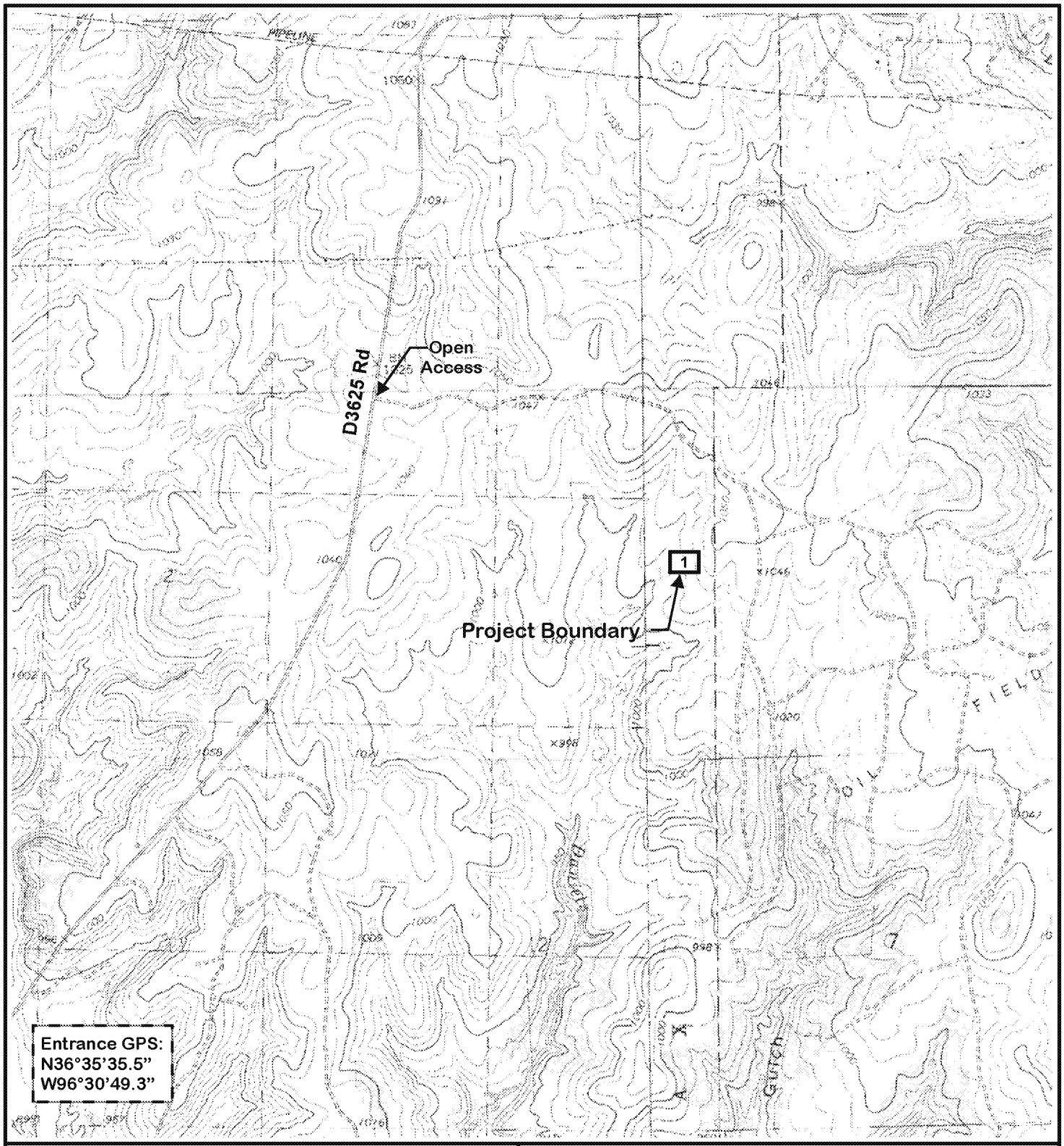
APPROXIMATE SCALE IN MILES

0.9 0 0.9 1.8

Prepared for:
Mid Continent Casualty

BEACON
Environmental Assistance Corporation

PROJECT MGR.:	GC	DATE:	8/18	Figure
DRAWN BY:	LH	PROJECT #:	T806	1



Source: USGS 7.5' Quadrangles
Lucy Creek, Okla.
1978

Happy Hollow, Okla.
1973

Contour Interval = 10'

-N-

APPROXIMATE SCALE IN FEET

1,000 0 1,000 2,000

PROJECT BOUNDARY MAP

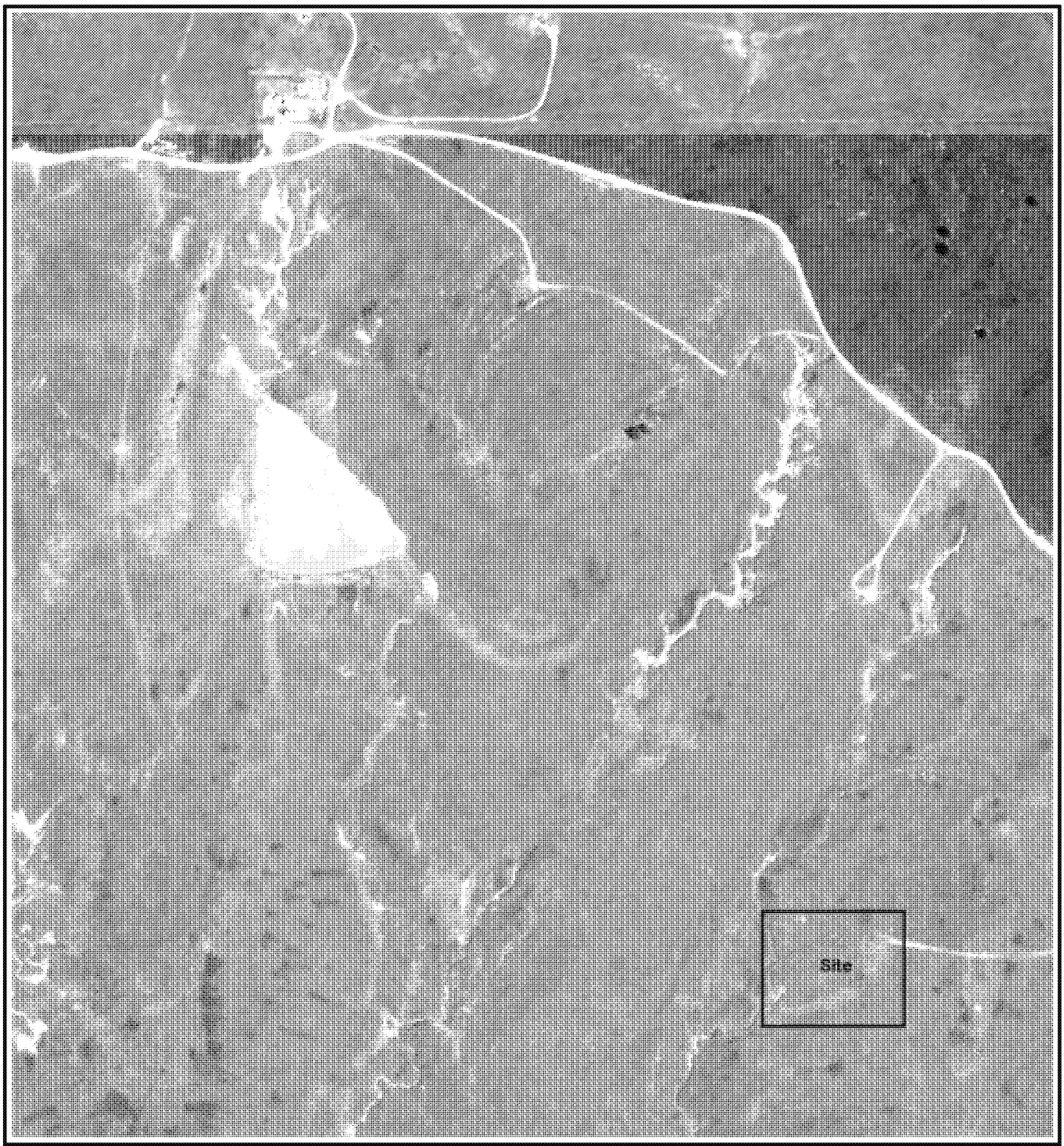
Diamond 3S, LLC Project

NE/4,
Section 1–T24N–R7E
Osage County, Oklahoma

Prepared for:
Mid Continent Casualty

BEACON
Environmental Assistance Corporation

PROJECT MGR.:	GC	DATE:	8/18	Figure 2
DRAWN BY:	LH	PROJECT #:	T806	



AERIAL PHOTOGRAPH, 2017

Diamond 3S, LLC Project

NE/4,
Section 1–T24N–R7E
Osage County, Oklahoma

-N-

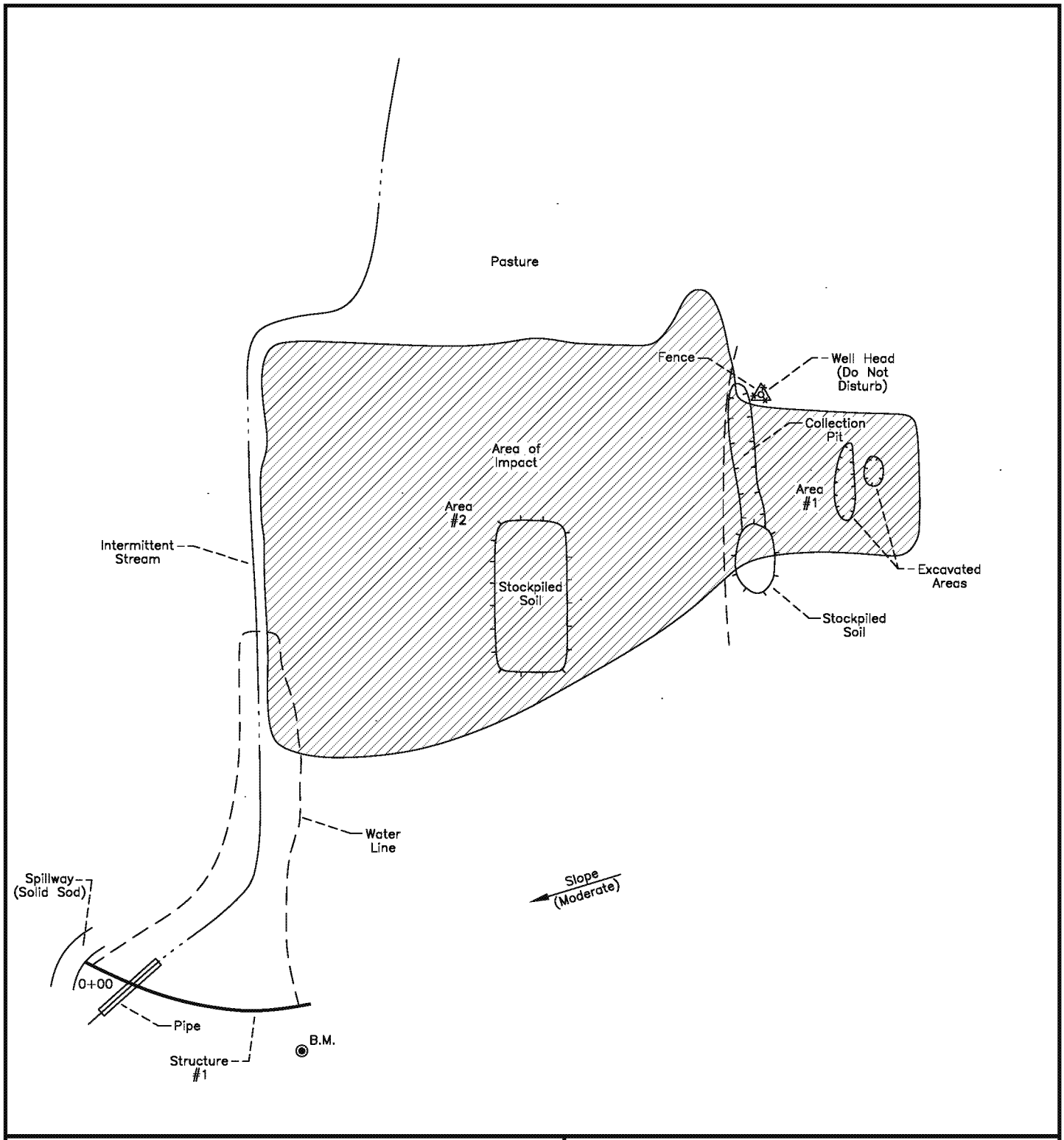
APPROXIMATE SCALE IN FEET

200 0 200 400

Prepared for:
Mid Continent Casualty

BEACON
Environmental Assistance Corporation

PROJECT MGR.:	GC	DATE:	8/18	Figure
DRAWN BY:	LH	PROJECT #:	T806	2.1



N

APPROXIMATE SCALE IN FEET

25 0 25 50

GPS N36°35'13.3"
W96°29'52.7"

SITE MAP

DIAMOND 3S, LLC PROJECT
NE/4, Section 1, T24N–R7E
Osage County, Oklahoma

Prepared for:
MID CONTINENT CASUALTY

BEACON
Environmental Assistance Corporation

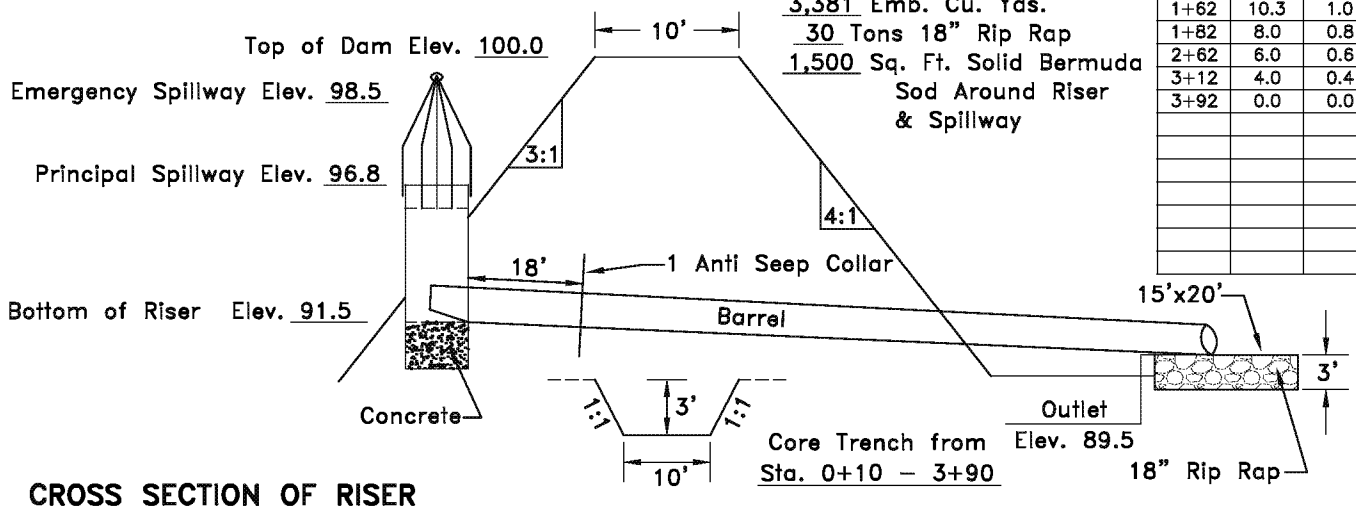
PROJECT MGR.:	GC	DATE:	8/18	Fig. 3
DRAWN BY:	LH	JOB NO:	T806	

STRUCTURE #1

CROSS SECTION OF EMBANKMENT ALONG CENTERLINE OF PRINCIPAL SPILLWAY

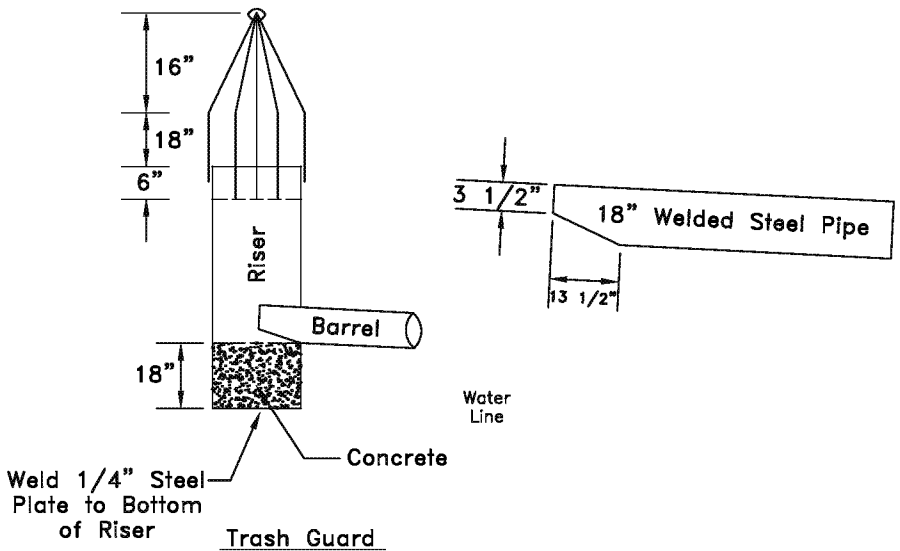
West End

Sta.	CL Fill	10% Sk
20' SPILLWAY		
0+00	0.0	0.0
0+12	3.0	0.3
1+12	6.1	0.6
1+62	10.3	1.0
1+82	8.0	0.8
2+62	6.0	0.6
3+12	4.0	0.4
3+92	0.0	0.0



3,381 Emb. Cu. Yds.
30 Tons 18" Rip Rap
1,500 Sq. Ft. Solid Bermuda Sod Around Riser & Spillway

CROSS SECTION OF RISER



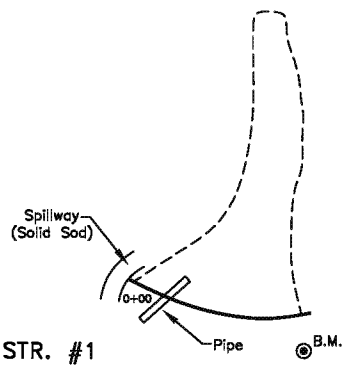
Top of Dam Elev. 100.0
Emergency Spillway Elev. 98.5
Top of Riser Elev. 96.8
Inlet of Barrel Elev. 91.5
Bottom of Concrete Elev. 90.0
Outlet Elev. 89.5

B.M. Elev. 100.0
on Top of 1" x 2" Stake
20' South of Sta 3+92

Trash Guard
5/8" Steel Rods @ 5" Spacing

Riser 7.0' ft. of 36" .282" Thick Welded Steel Pipe
Barrel 80 ft. of 18" .220" Thick Welded Steel Pipe
1 6'x6' Anti Seep Collar
1 Trash Guard
1.5 Cu. Yd. Concrete

SITE 1



NO SCALE

POND SPECIFICATIONS

DIAMOND 3S, LLC PROJECT
NE/4, Section 1, T24N–R7E
Osage County, Oklahoma

Prepared for:
MID CONTINENT CASUALTY

BEACON
Environmental Assistance Corporation

PROJECT MGR.:	GC	DATE:	8/18	Fig. 4
DRAWN BY:	LH	JOB NO:	T806	

EPA United States Environmental Protection Agency

Region 6 Compliance Assurance and Enforcement Division

INSPECTION REPORT

Inspection Date(s):	March 16, 2018 and March 20, 2018		
Media:	Water (CWA)		
Regulatory Program(s)	NPDES – Brine		
Company Name:	**Diamond 3S, LLC**		
Facility Name:	**Kennedy**		
Facility Physical Location:	36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)		
(city, state, zip code)	Pawhuska, Oklahoma 74056		
Mailing address:	20102 West Coyote Trail		
(city, state, zip code)	Sand Springs, Oklahoma 74063		
County/Parish:	Osage		
Facility Contact:	Joel Summers		
	(918) 638-9306		
FRS Number:	N/A		
Identification/Permit Number:	OKU000867		
Media Number:	N/A		
NAICS:	21111		
SIC:	1311		
Personnel participating in inspection:			
Kent W. Sanborn	EPA Region 6, 6EN-WR	Environmental Engineer	918-557-1615
EPA Lead Inspector Signature/Date			
	Kent W. Sanborn		Date
Supervisor Signature/Date			
	Guy Tidmore		Date

6ENFORM-019-R7 (2/15/2017)

ED_002955_00010370-00001

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

EPA Region 6 inspector Kent W. Sanborn arrived at the Diamond 3S LLC lease on the Kennedy property near Pawhuska, Oklahoma at about 3:00 PM on March 16, 2018 for an inspection. The inspection was initiated by a reported discharge of fluids into a nearby tributary of Daniel's Run Creek by Diamond 3S, LLC. The Bureau of Indian Affairs (BIA) in Pawhuska requested our assistance in addressing the discharge. I met with Joel Summers of the company and Mark Hendricks of the BIA at the discharge site near an injection well. We confirmed the discharge had reached a tributary of Daniel's Run Creek. There were no activities of any kind taking place to address the discharge or clean up during the inspection. The inspection was conducted under the authority of Section 308 of the CWA. The scope of the inspection was to determine if the facility was in compliance with Clean Water Act, including Section 301, and to identify and document discharges of produced wastewater (brine) to waters of the United States.

FACILITY DESCRIPTION

The origination point of discharge was a leaking injection well supply line connected to the well known as the Kennedy Number 3. The injection well is also known as EPA inventory OS 4349. The flow line was buried up to the well. The well was closed in, but the line itself was leaking fluids and was connected to the main tank battery. The entire pasture between the well and the tributary of Daniel's Run Creek was saturated with brine from a consistent leak over time.

Section II – OBSERVATIONS

3/16/2018

I initially arrived at the Diamond 3S, LLC, Kennedy lease at about 3:00 pm on March 16, 2018. Photo 1 indicates the injection well sign located a few yards from the discharge point. The well itself was shown in Photo 2. The discharge (Photos 3, 4, and 5) was occurring below the surface in what appeared to be a failed injection well supply line. The leak had a small amount of oil as well. Salt had precipitated out on the surface in around the area, which indicated that an extended amount of time has passed as the line continued to leak. Photos 6, 7, and 8 show the surface to be stained and saturated as the brine flowed southwest down a long hill towards a tributary of Daniel's Run Creek. Photo 9 indicates the extent of the brine saturation approximately half way down the hill showing a large portion of the hillside was saturated along the flow path with brine and fluids that had been leaking for long periods of time. Livestock had been in around the site for an undetermined amount of time. Photo 10 shows the unaffected portion of the tributary upstream of the discharge point of entry and area where large portions of seepage had occurred from the heavily saturated hillside. With a calibrated YSI Pro 30 Conductivity Meter, a Total Dissolved Solids (TDS) measurement was taken upstream and was 816 mg/L (Photo 11). Flow was south in the tributary of Daniel's Run Creek from the reading taken in Photo 11. The northern most extent of the seepage from the leak into the tributary of Daniel's Run Creek was located at 36.587308N, -96.499175W, approximately 100 yards upstream from the Point of Entry (POE). Photo 12 shows the southern POE of most of the brine from the discharged hillside to the tributary of Daniel's Run Creek. The entire bank for over 100 yards was seeping into the tributary from the

saturated hillside and flow path. The TDS of the tributary at the POE was 95,541 mg/L (Photo 13). The tributary shown in Photo 14 downstream was contaminated. TDS at Photo 14, approximately 0.1 miles downstream from the POE was 45,792 mg/L. (Photo 15). The downstream flow from the POE to Daniel's Run Creek (Photo 16) was again tested at the junction of the tributary and Daniel's Run Creek, which joined the tributary from the west. The TDS of the combined waters was 11,250 mg/L (Photo 17). The creek was tested farther downstream of the junction at the point shown in Photo 18. TDS was 22,483 mg/L (Photo 19). Photo 20 shows the southernmost point tested on the creek, approximately 0.86 miles downstream from the southernmost POE into the tributary of Daniel's Run Creek. TDS was 3,008 mg/L (Photo 21).

3/20/2018

On March 20, 2018 I returned to the site to evaluate cleanup activities and progress. There were no representatives present and I did not observe any trucks or equipment on site to remove brine from the tributary, creek, or the hillside at the time of the inspection. Photo 22 shows a hole dug to expose the failed line and subsequent repair of the line. The soil and bank near the POE was still saturated with brine and continued to discharge into the tributary (Photos 23 and 24). TDS at the POE to the creek was 77,765 mg/L (Photo 25). I observed three dams built in the tributary of Daniel's Run Creek. Photo 26 was the closest to the southernmost POE of brine to the tributary. TDS at the first dam was 23,769 mg/L (Photo 27). The creek was measured between the first dam and the second dam (Photo 28). TDS was found to be 25,883 mg/L (Photo 29). Flow was south within the tributary of Daniel's Run Creek. Photo 30 shows a dead crayfish found in the tributary of Daniel's Run Creek near the area shown in photos 28 and 29. Also, I observed other various crayfish parts present in this area that had been consumed prior to the inspection by varmints, like raccoons. I observed the second dam (Photo 31) downstream of the southernmost POE approximately 0.14 miles. TDS at that location was 45,164 mg/L (Photo 32). Photo 33 was a section of the creek downstream of the second dam. TDS at that location was 41,560 mg/L (Photo 34). A third dam was present and shown in Photo 35, which was approximately 0.35 miles downstream from the southernmost POE into the tributary of Daniel's Run Creek. TDS at that site was 30,419 mg/L (Photo 36). Crayfish remains were present in the creek (Photo 37) near the third dam.

Section III – AREAS OF CONCERN

I have not observed quick action to remove brine from the tributary and Daniel's Run Creek and concerns about brine continuing to flow downstream still exist. The dams put in prior to the March 20, 2018 inspection date will continue to be monitored to verify no seeping is occurring through those dams. The flow path and saturated hillside to the west and south of the tank battery was a large area of contaminated soil. This area continues to be a concern and contamination will continue to seep out of the hillside into the tributary, especially during rainfall events.

Section IV – FOLLOW UP

A follow up inspection will be conducted as needed.

Section V – LIST OF APPENDICES

Appendix 1 – Photo Log – 37 photos taken 3/16/2018 and 3/20/2018.

Appendix 1

Photographic Log (37 photos)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 1

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 1 (DSC_0342)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 4:03 pm
Latitude: 36.586969N
Longitude: -96.498093W
Photographer: K.W. Sanborn
Description: This photo shows the sign of the injection well, where the discharge originated from a flow line located about 20 yards east of the well.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 2

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

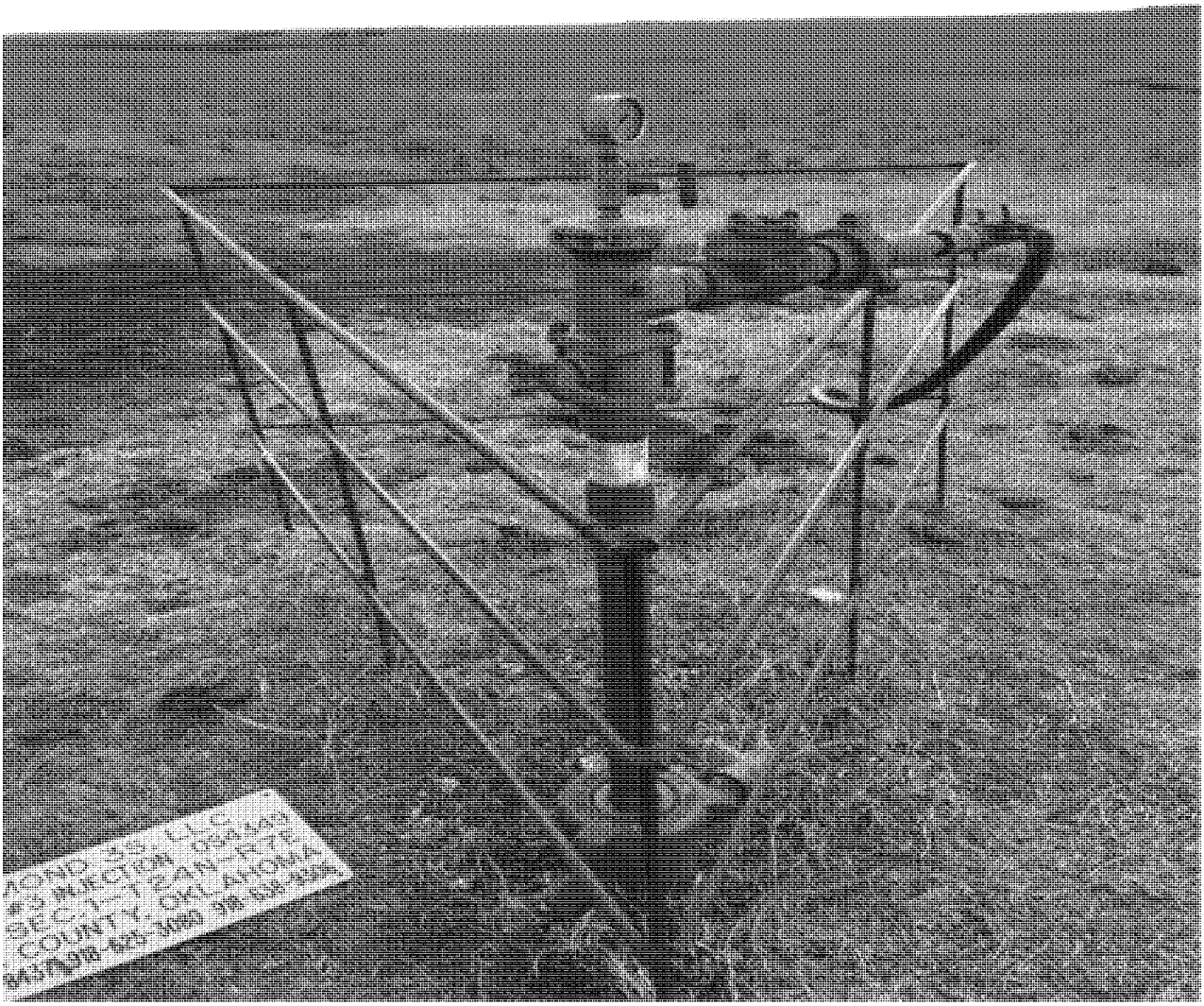


Photo File Name: Photo 2 (DSC_0343)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 4:03 pm
Latitude: 36.586969N
Longitude: -96.498093W
Photographer: K.W. Sanborn
Description: This is the disposal well near the discharge. The well was not active at the time of discharge. The valves on the line and well were closed at the time of the inspection.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 3

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 3 (DSC_0350)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 4:15 pm
Latitude: 36.586823N
Longitude: -96.498147W
Photographer: K.W. Sanborn
Description: The discharge originated beneath the ground in the injection flow line. The discharge area, salt crystals and flow path from the site towards the tributary of Daniel's Run Creek can be seen here.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 4

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

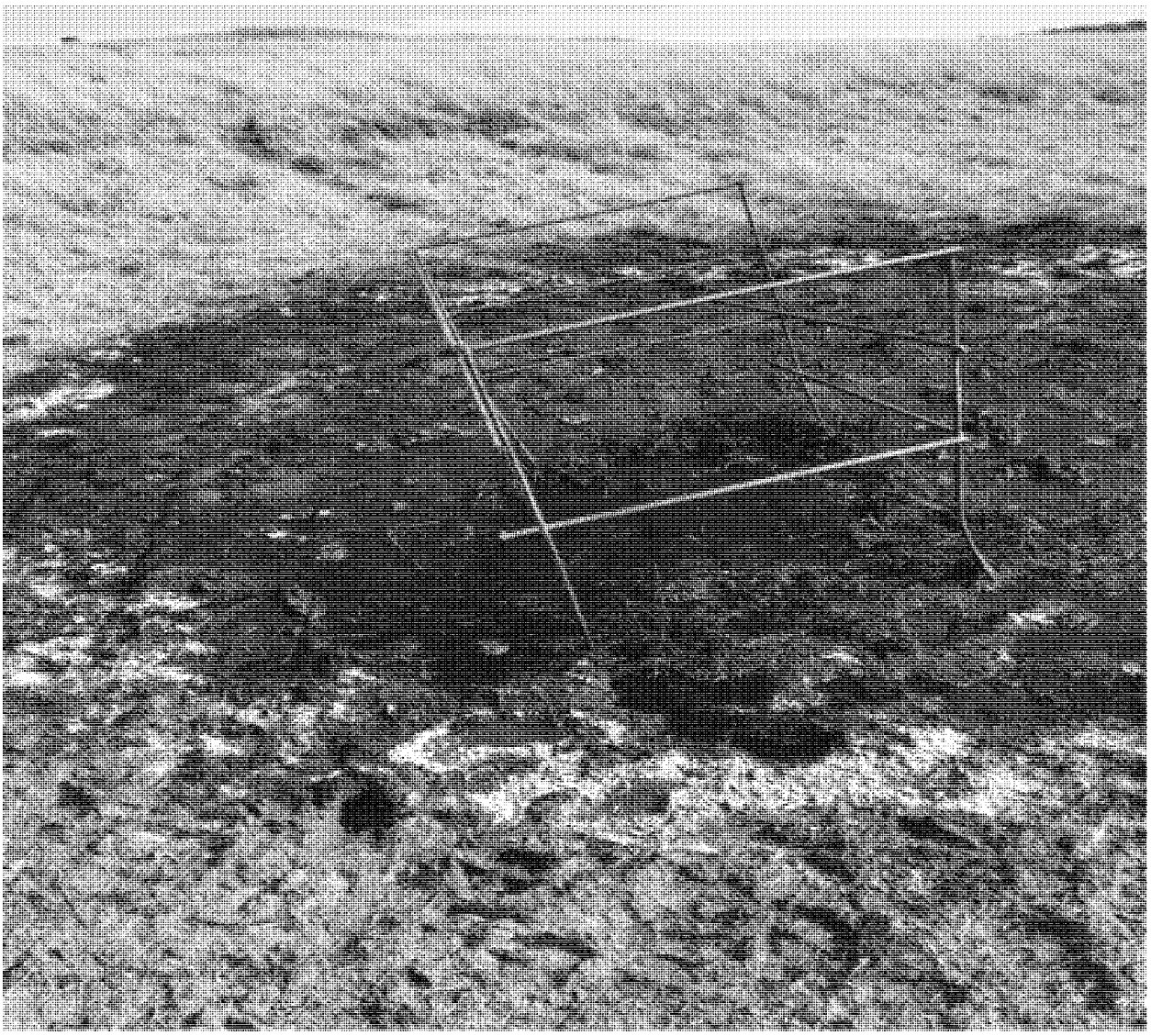


Photo File Name: Photo 4 (DSC_0345)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 4:15 pm
Latitude: 36.586957N
Longitude: -96.498036W
Photographer: K.W. Sanborn
Description: This photo shows the area where the discharge was occurring underground from a flow line. I observed a small amount of oil and salt crystals had precipitated across the entire location. Additionally, brine fluids were present.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 5

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

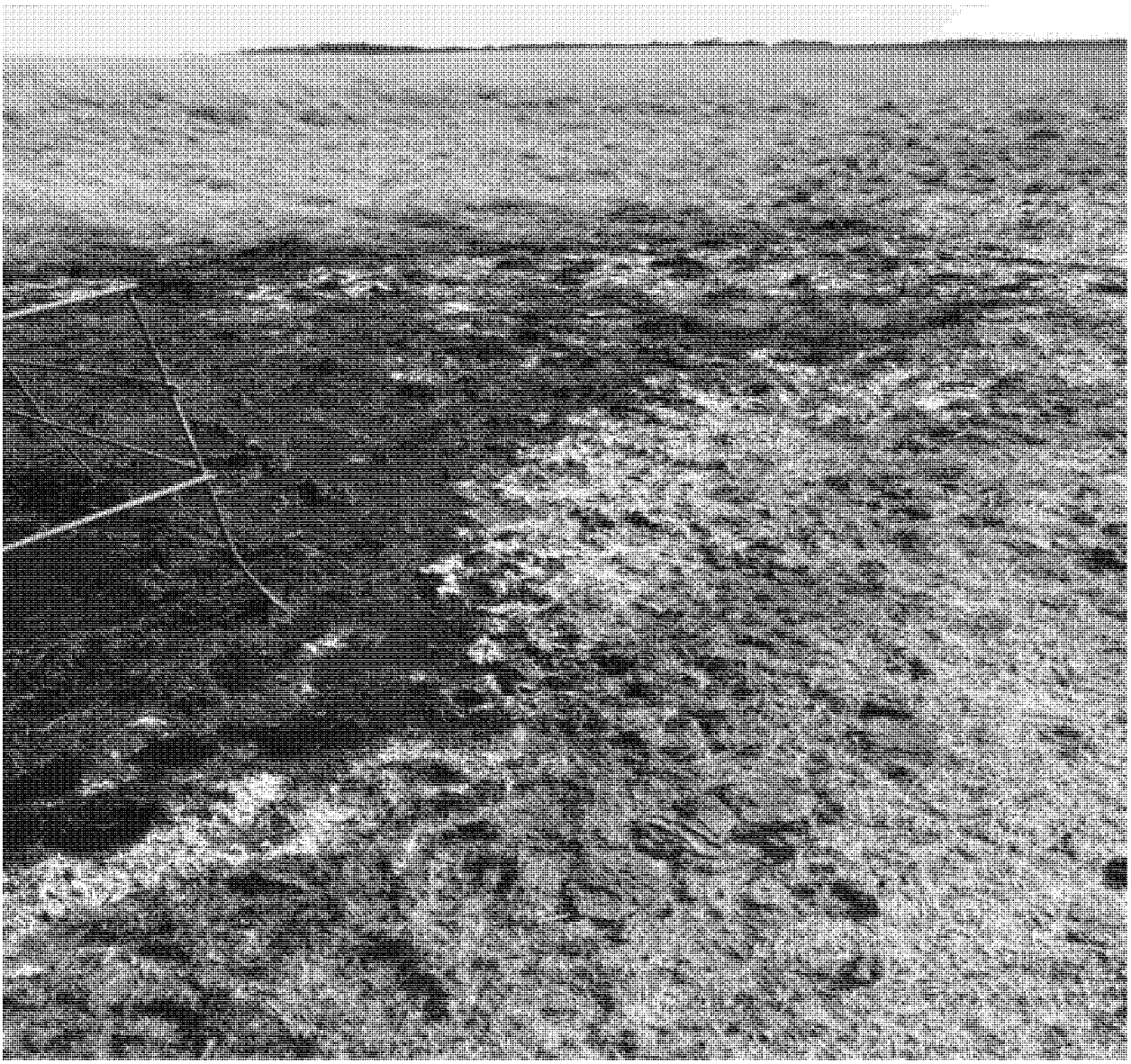


Photo File Name: Photo 5 (DSC_0346)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 4:15 pm
Latitude: 36.586957N
Longitude: -96.498036W
Photographer: K.W. Sanborn
Description: The discharge path was southwest toward the tributary of Daniel's Run Creek. The entire area was saturated with brine.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 6

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

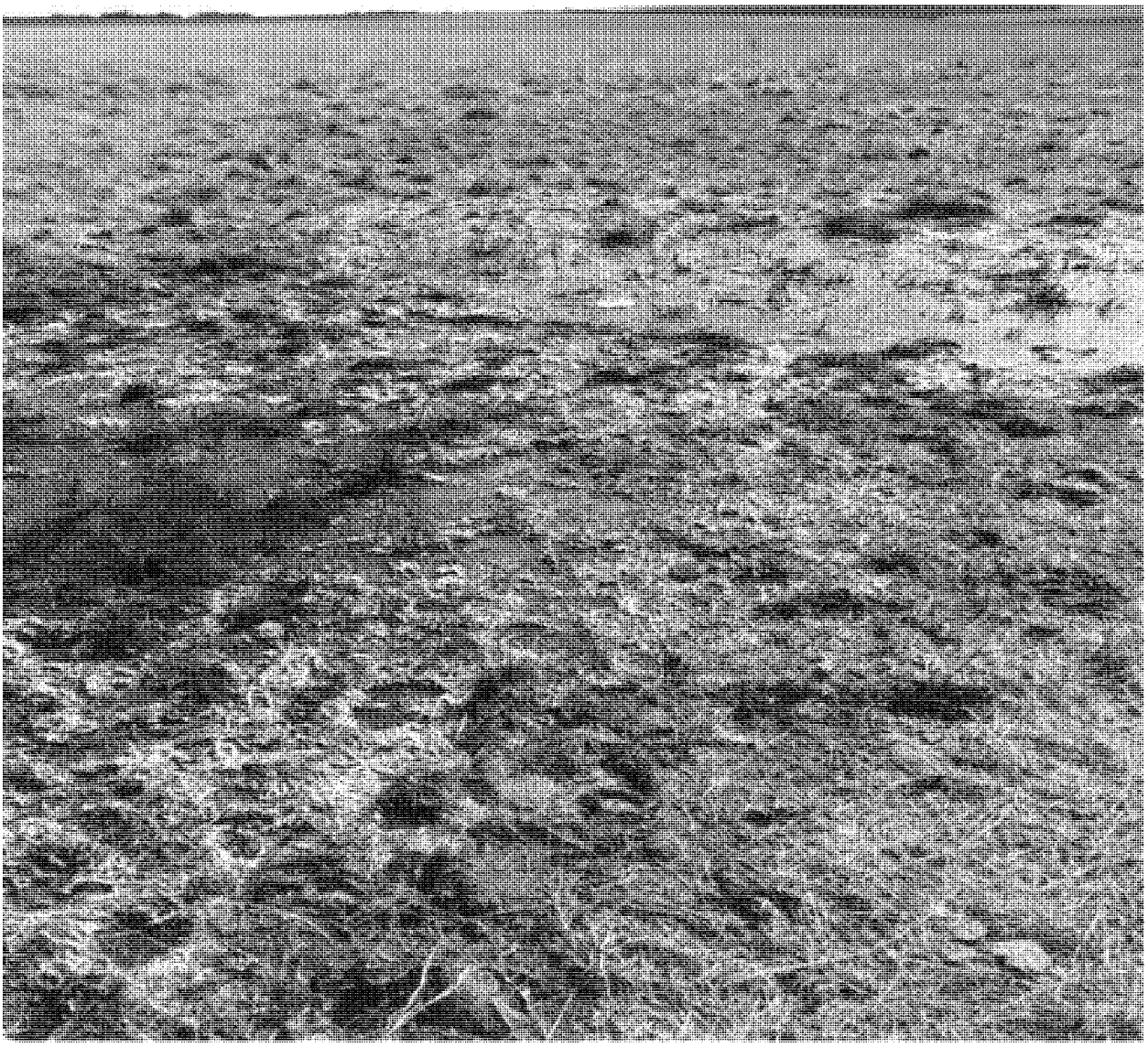


Photo File Name: Photo 6 (DSC_0347)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 4:15 pm
Latitude: 36.586957N
Longitude: -96.498036W
Photographer: K.W. Sanborn
Description: A flow path of the brine was observed from the discharge area southwest towards the tributary of Daniel's Run Creek. I observed white salt staining and wet soil along the flow path. Additionally, brine fluids were present along the flow path.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 7

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

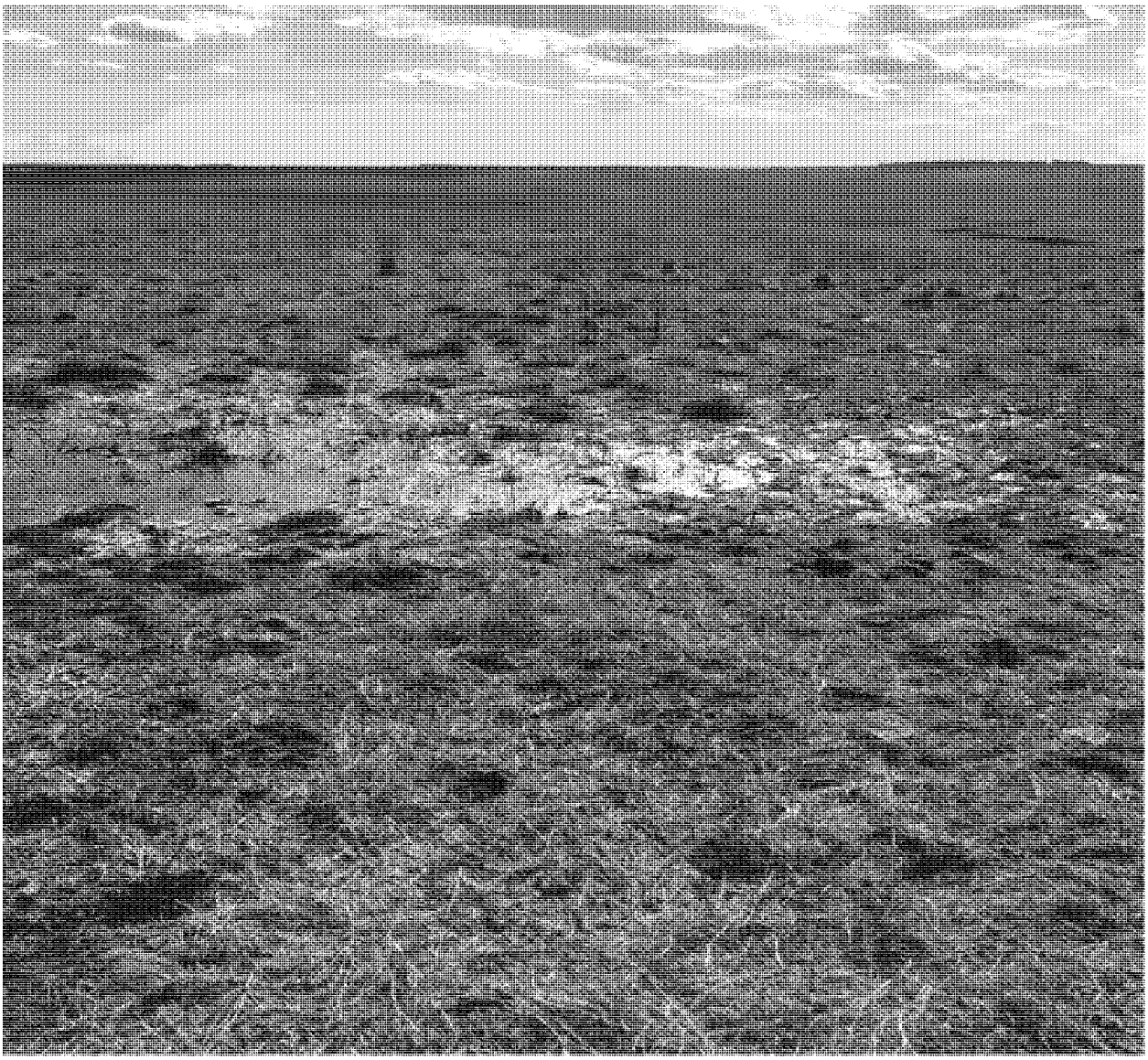


Photo File Name: Photo 7 (DSC_0348)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 4:15 pm
Latitude: 36.587000N
Longitude: -96.497998W
Photographer: K.W. Sanborn
Description: The discharge flow path had pooled up fluids down the saturated hill side towards the tributary southwest of the point of discharge.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 8

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 8 (DSC_0352)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 4:18 pm
Latitude: 36.586823N
Longitude: -96.498147W
Photographer: K.W. Sanborn
Description: This photo shows the wet and saturated areas on the hillside from the brine discharge and along the flow path that I observed during the inspection. I saw cattle tracks in the mud.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 9

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

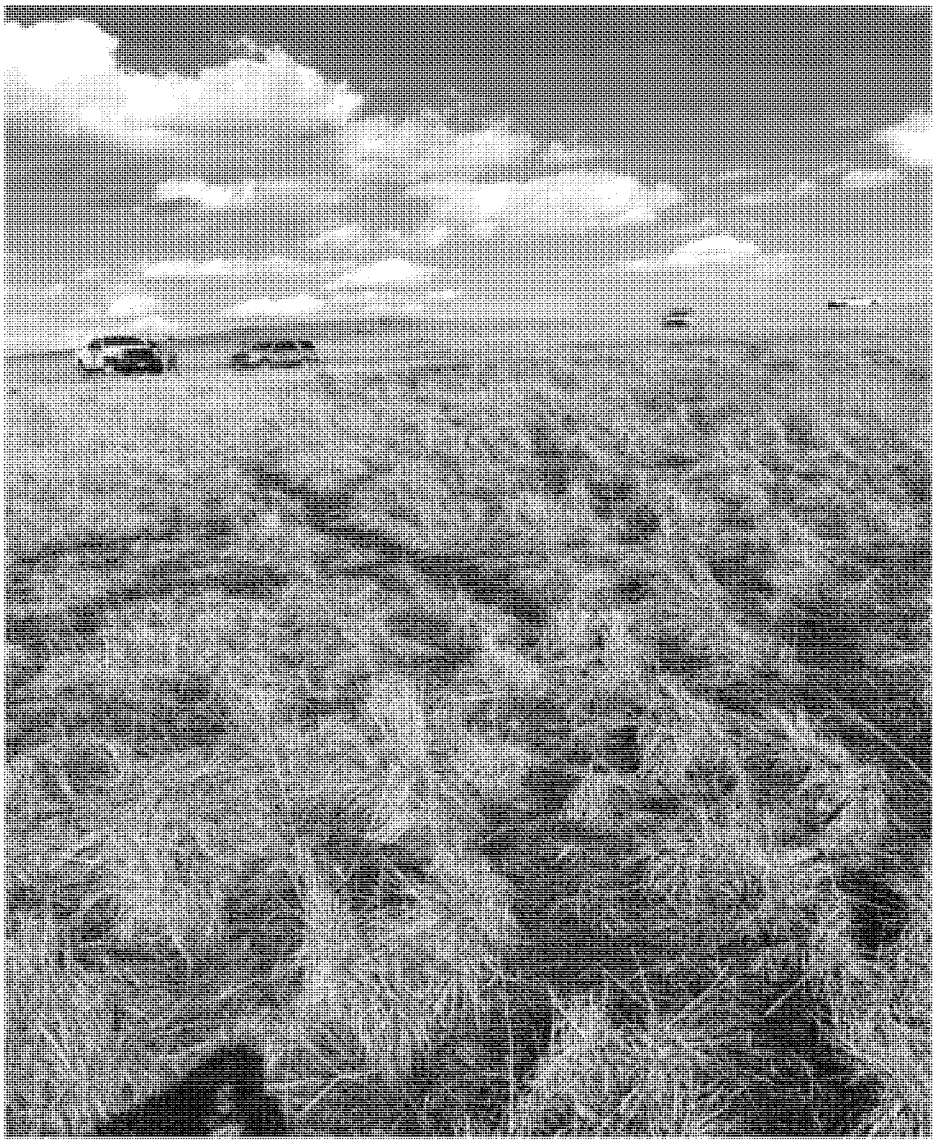


Photo File Name: Photo 9 (DSC_0354)
Orientation: Northeast
Date of Photo: 03/16/2018
Time of Photo: 4:19 pm
Latitude: 36.586612N
Longitude: -96.498575W
Photographer: K.W. Sanborn
Description: This was a view from midway down the hill where the flow path of fluids from the discharge point near the trucks towards the tributary of Daniel's Run Creek occurred. The soil was saturated with salt crystals along the flow path and throughout the hillside

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 10

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 10 (DSC_0357)
Orientation: North
Date of Photo: 03/16/2018
Time of Photo: 4:35 pm
Latitude: 36.587812N
Longitude: -96.498510W
Photographer: K.W. Sanborn
Description: This was a view upstream of the point of entry (POE) of the brine to the tributary of Daniel's Run Creek. Flow was south from the POE. I observed bed and bank at this location of the creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 11

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 11 (DSC_0356)
Orientation: North
Date of Photo: 03/16/2018
Time of Photo: 4:35 pm
Latitude: 36.587812N
Longitude: -96.498510W
Photographer: K.W. Sanborn
Description: With a calibrated YSI 30 Pro Conductivity Meter, a Total Dissolved Solids (TDS) measurement was taken of the upstream portion of the tributary shown in Photo 10 was 816 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 12

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 12 (DSC_0366)
Orientation: West
Date of Photo: 03/16/2018
Time of Photo: 4:45 pm
Latitude: 36.586494N
Longitude: -96.499100W
Photographer: K.W. Sanborn
Description: The southernmost POE of brine into the tributary of Daniel's Run Creek is shown here.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 13

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 13 (DSC_0361)
Orientation: West
Date of Photo: 03/16/2018
Time of Photo: 4:43 pm
Latitude: 36.586494N
Longitude: -96.499100W
Photographer: K.W. Sanborn
Description: TDS of the creek at the southernmost POE was 95,541 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 14

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 14 (DSC_0370)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 5:01 pm
Latitude: 36.585557N
Longitude: -96.499831W
Photographer: K.W. Sanborn
Description: This was the tributary of Daniel's Run Creek downstream of the POE. I smelled brine at this location during the inspection.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 15

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 15 (DSC_0368)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 4:49 pm
Latitude: 36.585557N
Longitude: -96.4998131W
Photographer: K.W. Sanborn
Description: TDS in the tributary shown where Photo 14 was taken was 45,792 mg/L. This location was approximately 0.1 miles downstream from the southernmost POE.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 16

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 16 (DSC_0374)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 5:04 pm
Latitude: 36.583612N
Longitude: -96.502629W
Photographer: K.W. Sanborn
Description: This is Daniel's Run Creek just south of the confluence of the creek with the tributary of Daniel's Run Creek. Daniel's Run Creek entered the tributary from the west. I could see a defined bed and bank in Daniel's Run Creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 17

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

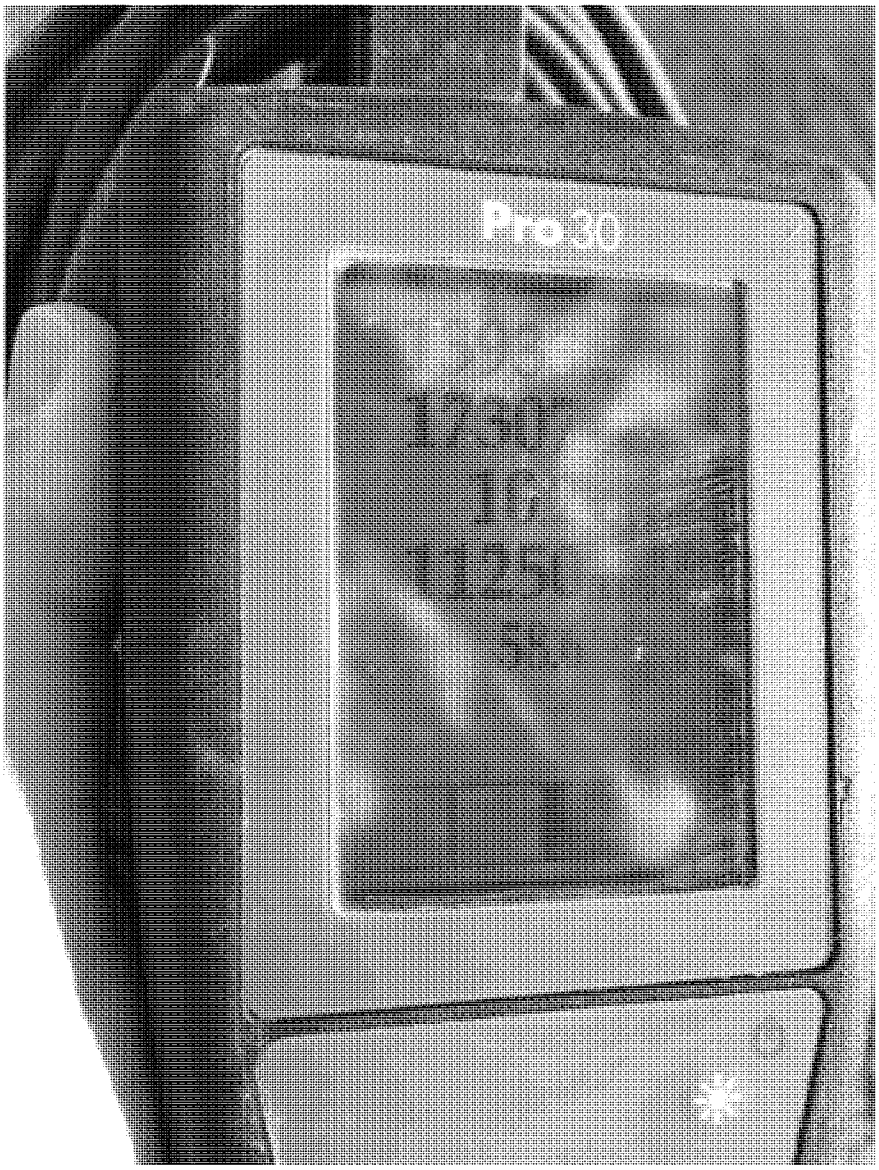


Photo File Name: Photo 17 (DSC_0373)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 5:04 pm
Latitude: 36.583612N
Longitude: -96.502629W
Photographer: K.W. Sanborn
Description: TDS of Daniel's Run Creek depicted in Photo 16 was 11,250 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 18

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 18 (DSC_0377)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 5:07 pm
Latitude: 36.581793N
Longitude: -96.502259W
Photographer: K.W. Sanborn
Description: This a view of the creek downstream from the junction of the tributary and Daniel's Run Creek which comes in from the west. I observed bed and bank in this location of the creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 19

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

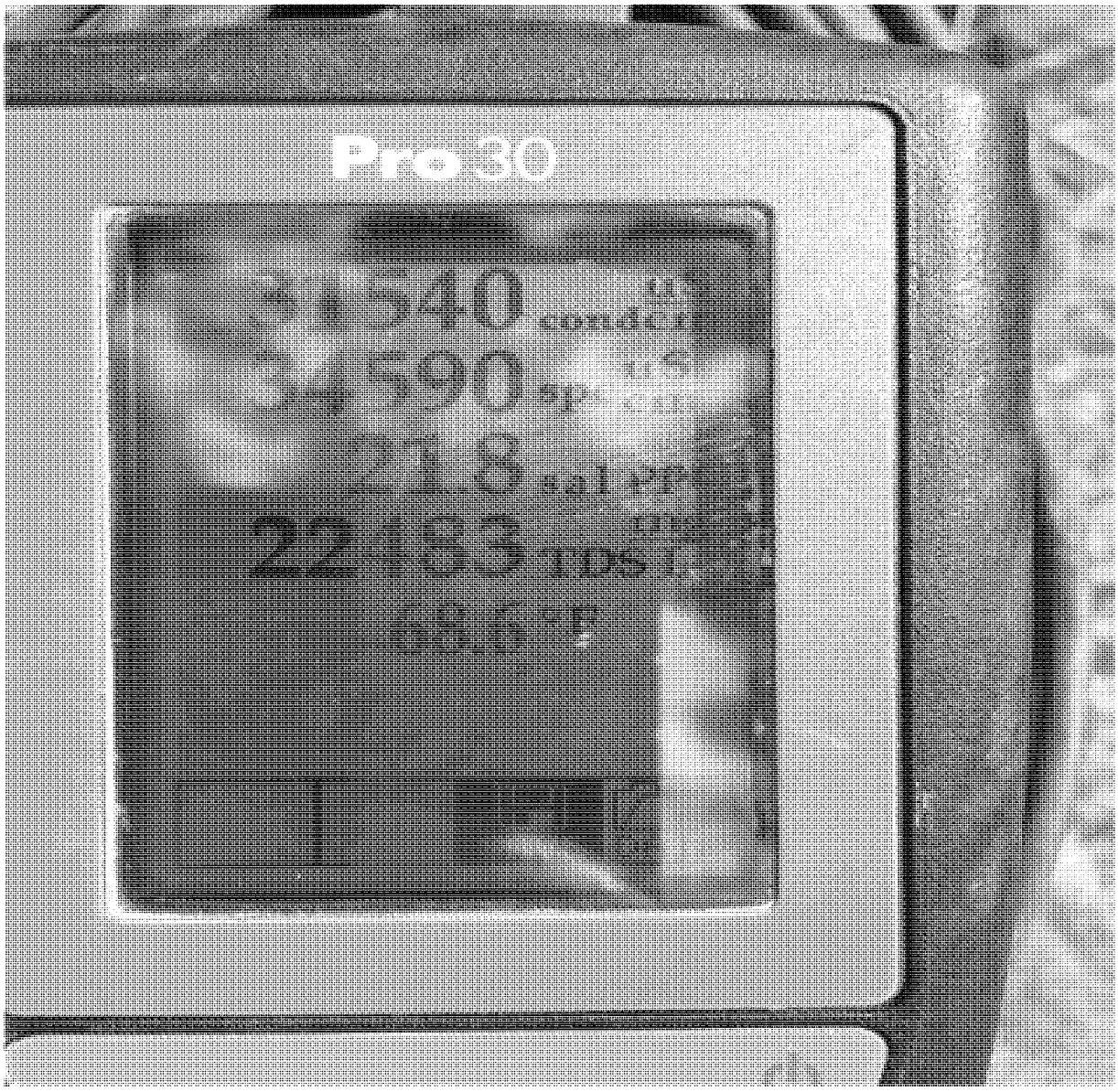


Photo file Name: Photo 19 (DSC_0234)
Orientation: West
Date of Photo: 03/07/2018
Time of Photo: 12:58 pm
Latitude: 36.581793N
Longitude: -96.502259W
Photographer: K.W. Sanborn
Description: TDS of the location in creek in Photo 18 was 22,483 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 20

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 20 (DSC_0379)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 5:13 pm
Latitude: 36.578599N
Longitude: -96.502326W
Photographer: K.W. Sanborn
Description: The creek crossed under a fence on the south part of the property. Flow continued south in Daniel's Run Creek. I observed bed, bank, and high water marks along the creek at this location.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 21

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

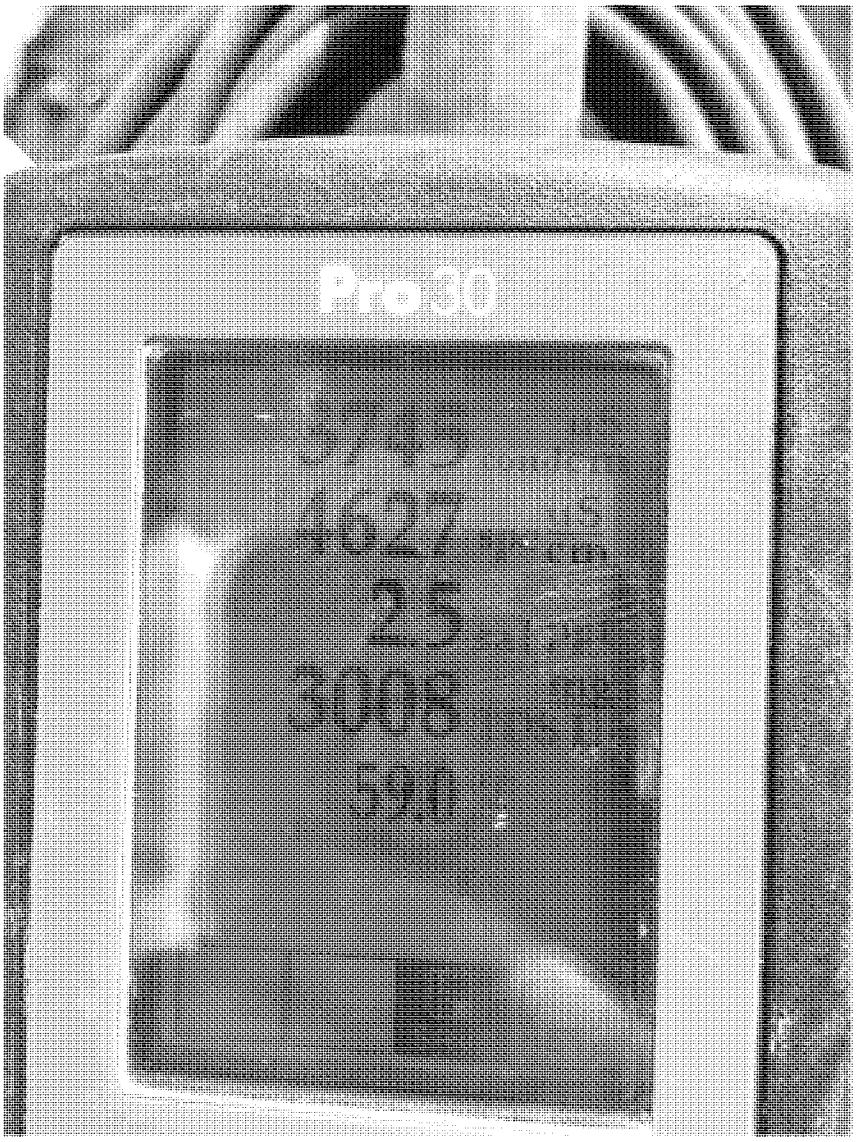


Photo File Name: Photo 21 (DSC_0378)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 5:12 pm
Latitude: 36.578599N
Longitude: -96.502326W
Photographer: K. W. Sanborn
Description: TDS of the creek at the fence line shown in Photo 20 was 3,008 mg/L. This location was approximately 0.86 miles downstream from the southernmost POE in the tributary of Daniel's Run Creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 22

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 22 (DSC_0001)
Orientation: South
Date of Photo: 03/20/2018
Time of Photo: 4:59 pm
Latitude: 36.586957N
Longitude: -96.498036W
Photographer: K.W. Sanborn
Description: The source of the discharge was identified as this flow line area, which had been repaired. The line leaked and surfaced here and the continued seeping from the statured flow path was observed during the inspection.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 23

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 23 (DSC_0003)
Orientation: West
Date of Photo: 03/20/2018
Time of Photo: 5:01 pm
Latitude: 36.587307N
Longitude: -96.499176W
Photographer: K.W. Sanborn
Description: I observed a saturated flow path and area that was still wet from brine at the POE to the tributary of Daniel's Run Creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 24

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 24 (DSC_0005)
Orientation: South
Date of Photo: 03/20/2018
Time of Photo: 5:01 pm
Latitude: 36.587307N
Longitude: -96.499176W
Photographer: K.W. Sanborn
Description: This photo shows a downstream view of the tributary of Daniel's Run Creek at the POE. The first temporary dam can be seen downstream in the tributary to prevent further downstream flow of brine fluids.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 25

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 25 (DSC_0006)
Orientation: South
Date of Photo: 03/20/2018
Time of Photo: 5:01 pm
Latitude: 36.587307N
Longitude: -96.499176W
Photographer: K.W. Sanborn
Description: TDS of the tributary of Daniel's Run Creek at the southernmost discharge POE was 77,765 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 26

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 26 (DSC_0008)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:02 pm
Latitude: 36.586313N
Longitude: -96.499364W
Photographer: K.W. Sanborn
Description: This photo shows the first temporary dam in place in the tributary of Daniel's Run Creek, downstream from the southernmost POE. This dam was put in place after the first part of this inspection.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 27

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

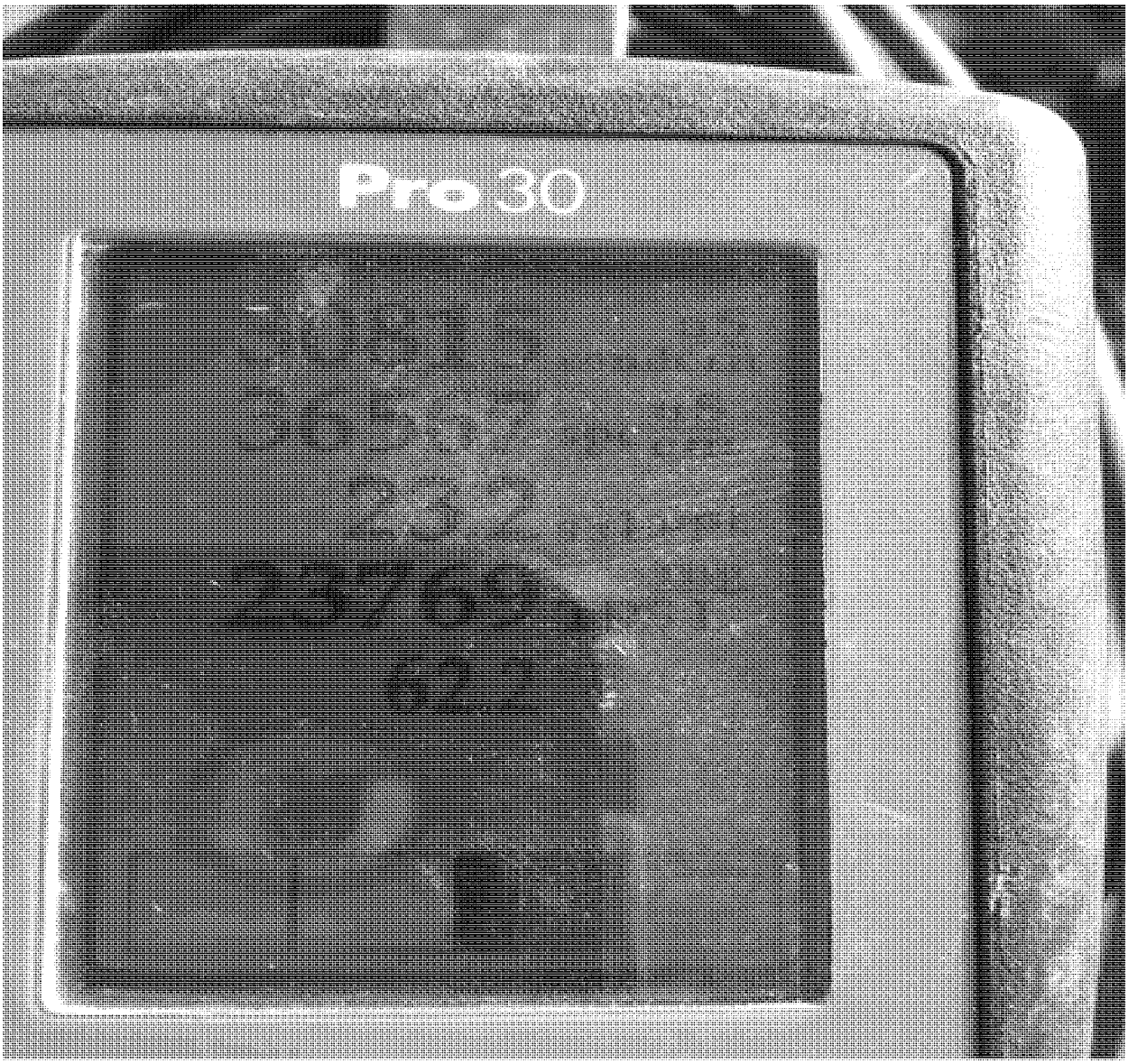


Photo File Name: Photo 27 (DSC_0009)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:02 pm
Latitude: 36.586313N
Longitude: -96.499364W
Photographer: K.W. Sanborn
Description: I took a TDS of the tributary at the first dam and the reading was 23,769 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 28

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 28 (DSC_0010)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:04 pm
Latitude: 36.585291N
Longitude: -96.499880W
Photographer: K.W. Sanborn
Description: This photo shows downstream from the first dam on the tributary. I observed bed and bank here.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 29

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

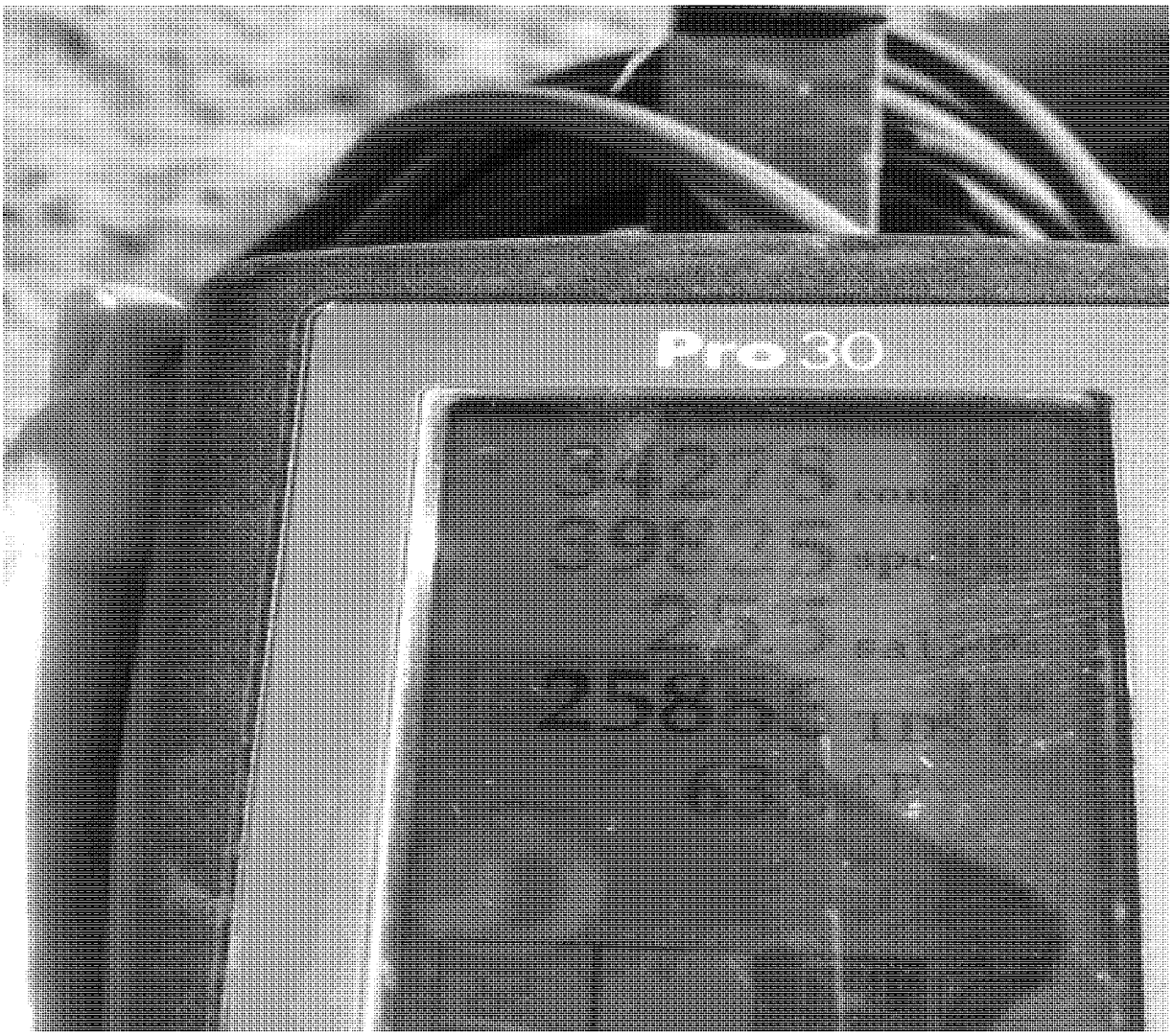


Photo File Name: Photo 29 (DSC_0011)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:04 pm
Latitude: 36.585291N
Longitude: -96.499880W
Photographer: K.W. Sanborn
Description: TDS of the creek at the location shown in Photo 28 was 25,883 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 30

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

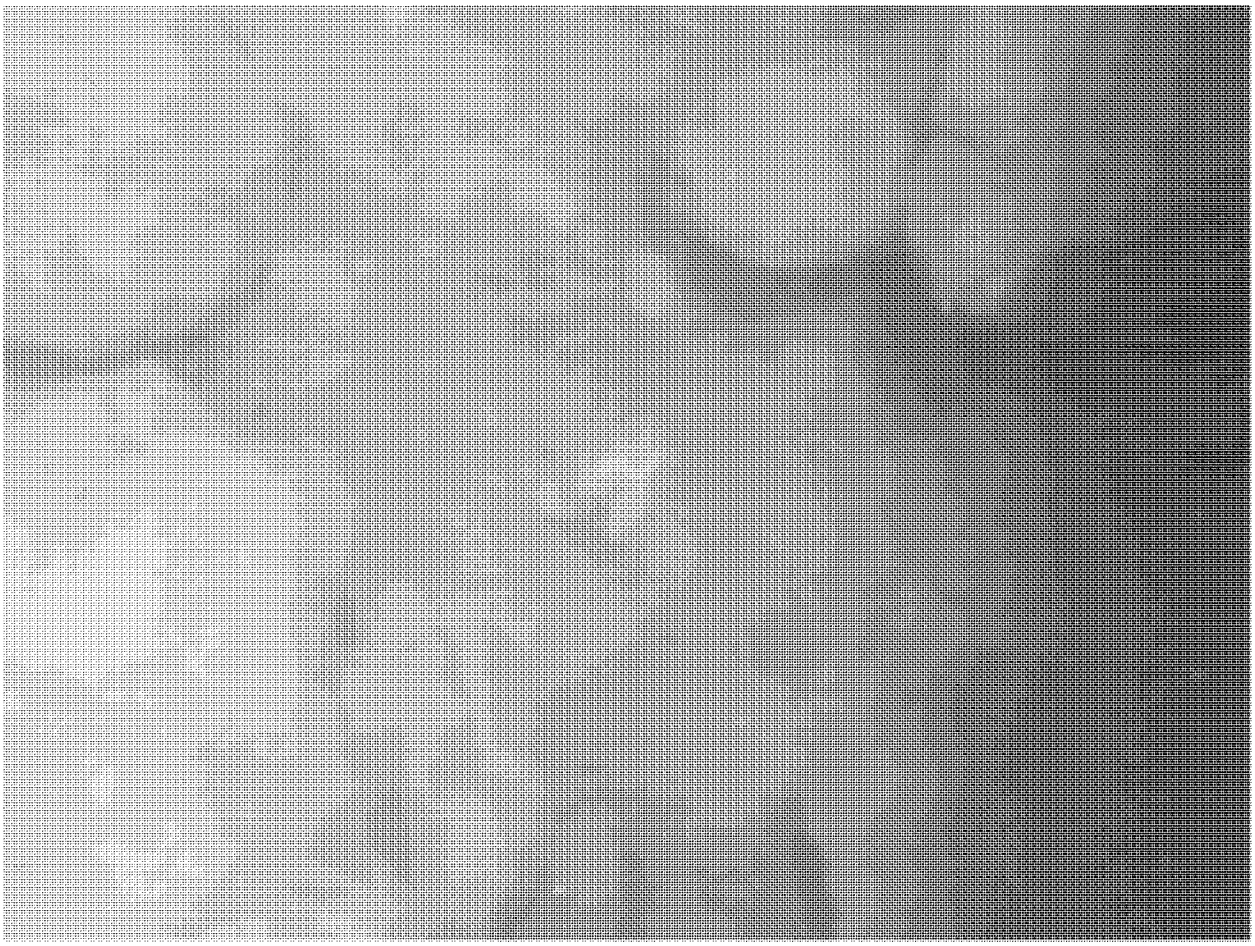


Photo File Name: Photo 30 (DSC_0012)
Orientation: East
Date of Photo: 3/20/2018
Time of Photo: 5:04 pm
Latitude: 36.585291N
Longitude: -96.499880W
Photographer: K.W. Sanborn
Description: I observed a dead crayfish in tributary at the same location where the TDS in Photo 29 was taken.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 31

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 31 (DSC_0015)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:08 pm
Latitude: 36.585146N
Longitude: -96.500020W
Photographer: K.W. Sanborn
Description: I observed a second dam, further downstream, approximately 0.14 miles downstream from the southernmost POE.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 32

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 32 (DSC_0016)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:08 pm
Latitude: 36.585146N
Longitude: -96.500020W
Photographer: K.W. Sanborn
Description: TDS at the second dam site was 45,164 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 33

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 33 (DSC_0017)
Orientation: Southeast
Date of Photo: 3/20/2018
Time of Photo: 5:13 pm
Latitude: 36.584833N
Longitude: -96.500620W
Photographer: K.W. Sanborn
Description: This was the tributary downstream of the second dam, where I observed bed and bank.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 34

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 34 (DSC_0018)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:13 pm
Latitude: 36.584833N
Longitude: -96.500620W
Photographer: K.W. Sanborn
Description: TDS at the location in the tributary in Photo 33 was 41,560 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 35

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 35 (DSC_0019)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:15 pm
Latitude: 36.583809N
Longitude: -96.502419W
Photographer: K.W. Sanborn
Description: I observed the third dam, downstream approximately 0.35 miles from the southernmost POE in the tributary of Daniel's Run Creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 36

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

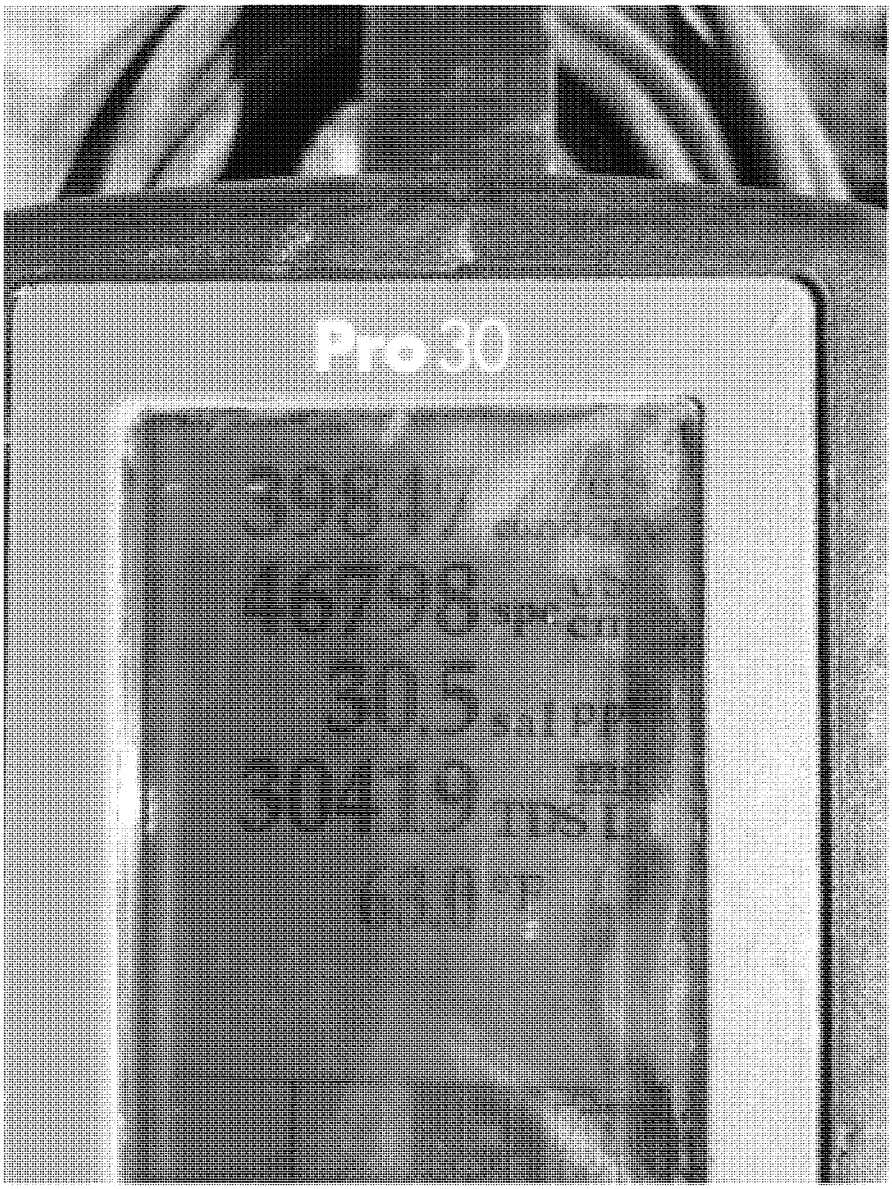


Photo File Name: Photo 36 (DSC_0020)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:16 pm
Latitude: 36.583809N
Longitude: -96.502419W
Photographer: K.W. Sanborn
Description: TDS of the tributary at the third dam was 30,419 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 37

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 37 (DSC_0021)
Orientation: East
Date of Photo: 3/20/2018
Time of Photo: 5:17 pm
Latitude: 36.583809N
Longitude: -96.502419W
Photographer: K.W. Sanborn
Description: Crayfish remains were observed on the bottom of the tributary at third dam.

Message

From: Eckhart, Jeanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDB8E58B4707410992750A95767619CA-ECKHART, JE]
Sent: 4/6/2018 2:14:23 PM
To: Tidmore, Guy [tidmore.guy@epa.gov]; Saunders, Jerry [Saunders.Jerry@epa.gov]
Subject: FW: [EXTERNAL] Work completed 4.5.18

FYI

From: Daniels, Benjamin [mailto:benjaminl.daniels@bia.gov]
Sent: Friday, April 06, 2018 9:09 AM
To: Hendricks, Mark <mark.hendricks@bia.gov>; Lee Burnett <lee.burnett@bia.gov>; Sanborn, Kent <Sanborn.Kent@epa.gov>; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Robin Phillips <robin.phillips@bia.gov>; Richard Winlock <richard.winlock@bia.gov>; Little, Heather <heather.little@bia.gov>; shelby.hanchera <Shelby.Hanchera@bia.gov>; Shelbi Small <shelbi.small@bia.gov>
Subject: Fwd: [EXTERNAL] Work completed 4.5.18

All,

We received these pictures from Diamond 3S yesterday that indicate they have initiated cleanup activities at the site. Mark Hendricks plans to visit the site later today to verify the work and he is also going to strongly encourage the lessee to immediately complete and submit the required Spill Reporting and Remediation Form to the Osage Agency for our documentation.

We need to know their next remedial steps and their timeline for completion. In my opinion the construction of a series of dams and utilization of vacuum trucks is still in adequate response as it appears that they are wanting to rely upon natural flushing of the site through rain events. This method alone would not be my only recommendation to remediate this site and would be used more as a preventive measure to decrease the spread of the contamination down gradient. It does not appear that they are doing anything to address the source of the contamination, prevent the surface owners cattle from entering the spill area, or prevent the contamination from entering the waterway entirely.

If we feel that their planned response continues to be inadequate then we will move forward with a final warning letter that states that they have 5 days to initiate an adequate spill response or we will move to cancel their lease for noncompliance and collect upon their their bond.

Thanks.

Benjamin Daniels
Supervisory Environmental Protection Specialist
Chief, Branch of Enforcement and Lease Compliance

Bureau of Indian Affairs - Osage Agency
P.O. Box 1539 Pawhuska, OK 74056

Office: (918) 287-5767
Cell: (918) 724-2840
BenjaminL.Daniels@bia.gov

BIA Osage Agency
Complaint and Spill Hotline
Phone (918) 287-3107
Toll Free 1(855) 495-0373

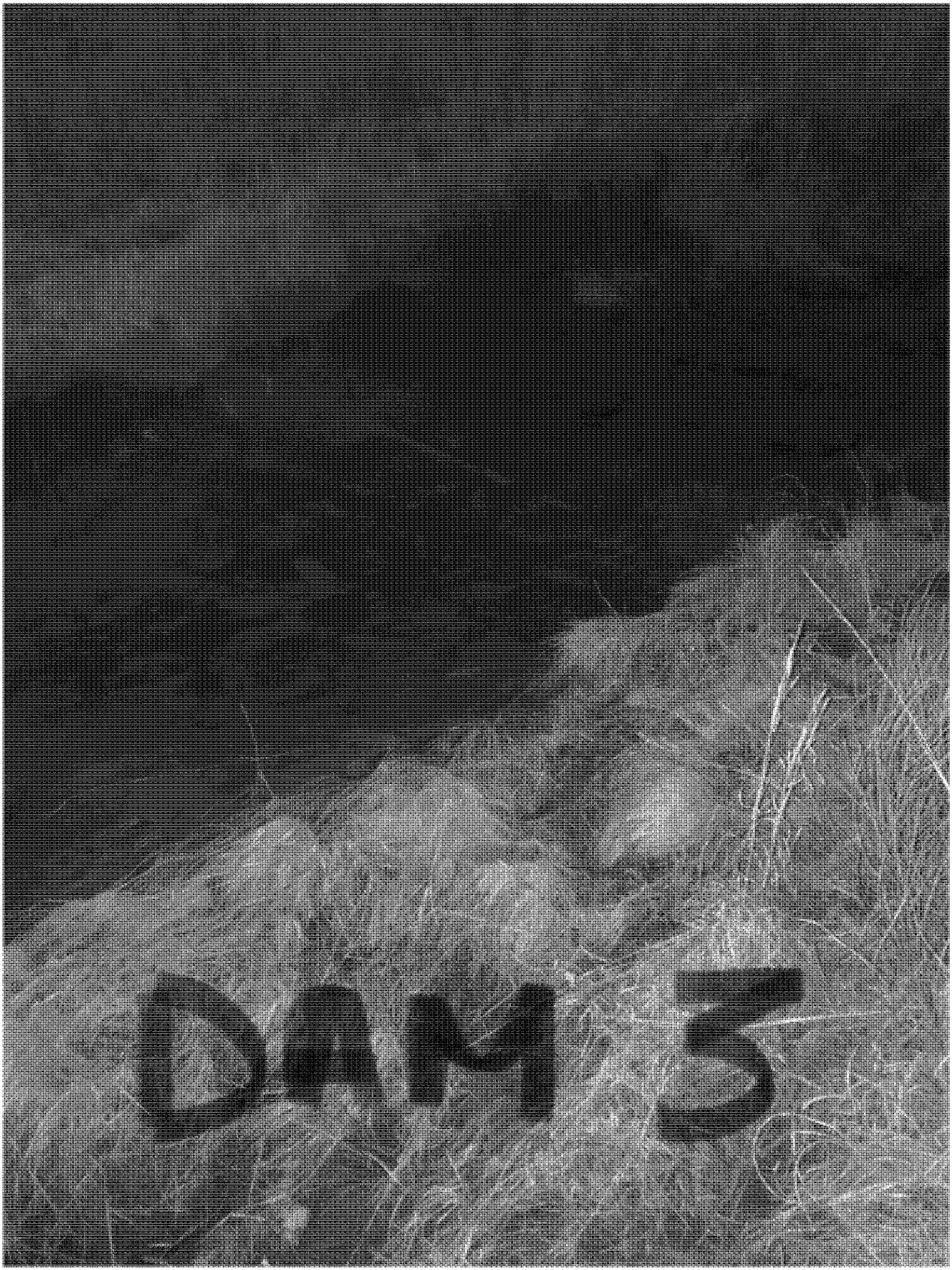
---------- Forwarded message ----------
From: **Hendricks, Mark** <mark.hendricks@bia.gov>
Date: Fri, Apr 6, 2018 at 8:16 AM
Subject: Fwd: [EXTERNAL] Work completed 4.5.18
To: Lee Burnett <lee.burnett@bia.gov>, Benjamin Daniels <benjamin.daniels@bia.gov>

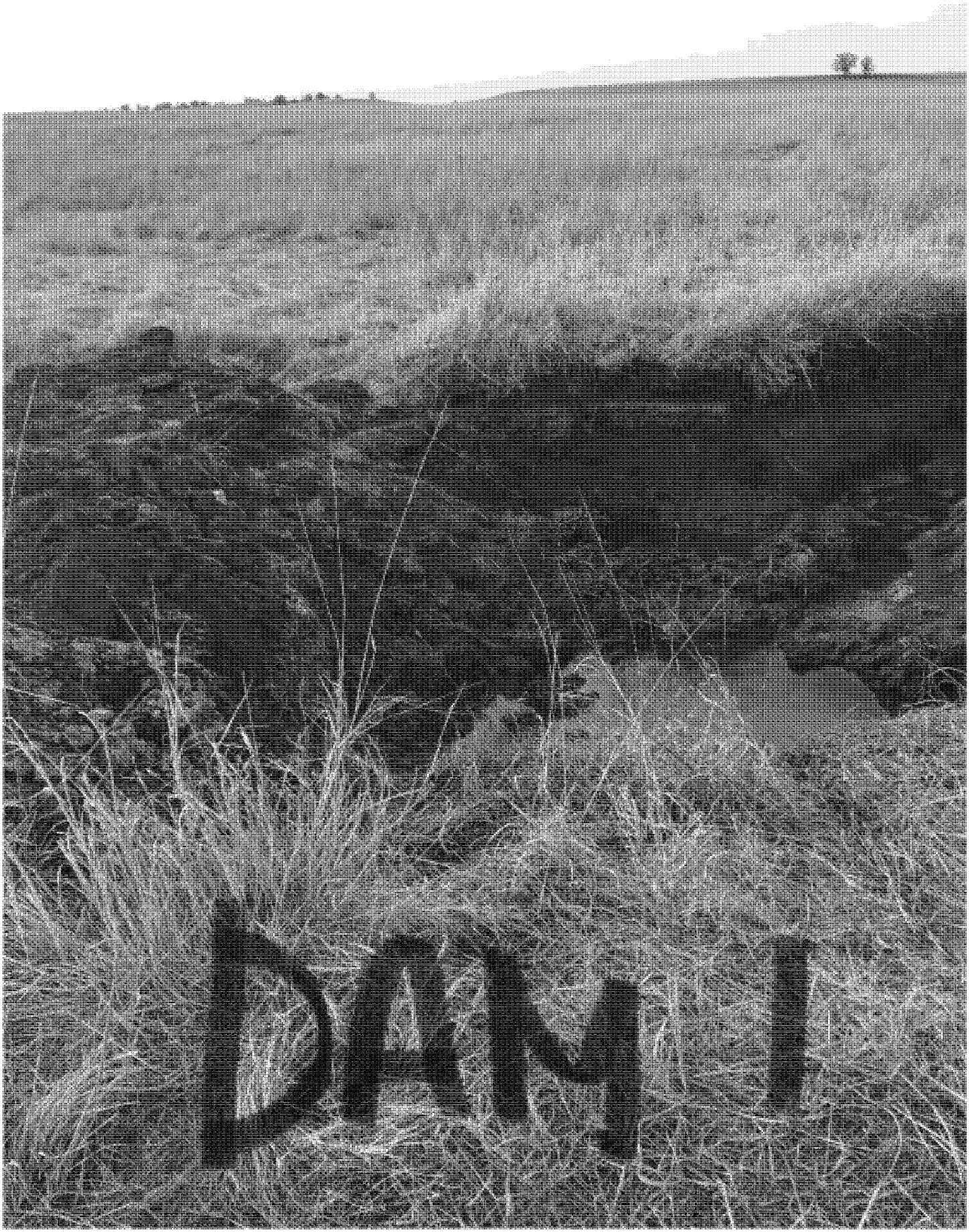
---------- Forwarded message ----------
From: **Ryan P Summers** <r_summers@sbcglobal.net>
Date: Thu, Apr 5, 2018 at 10:06 PM
Subject: [EXTERNAL] Work completed 4.5.18
To: Zakary Bates <zbates@mcg-ins.com>, Mark Hendricks <mark.hendricks@bia.gov>
Cc: Joel Summers <summertimelawncare@sbcglobal.net>

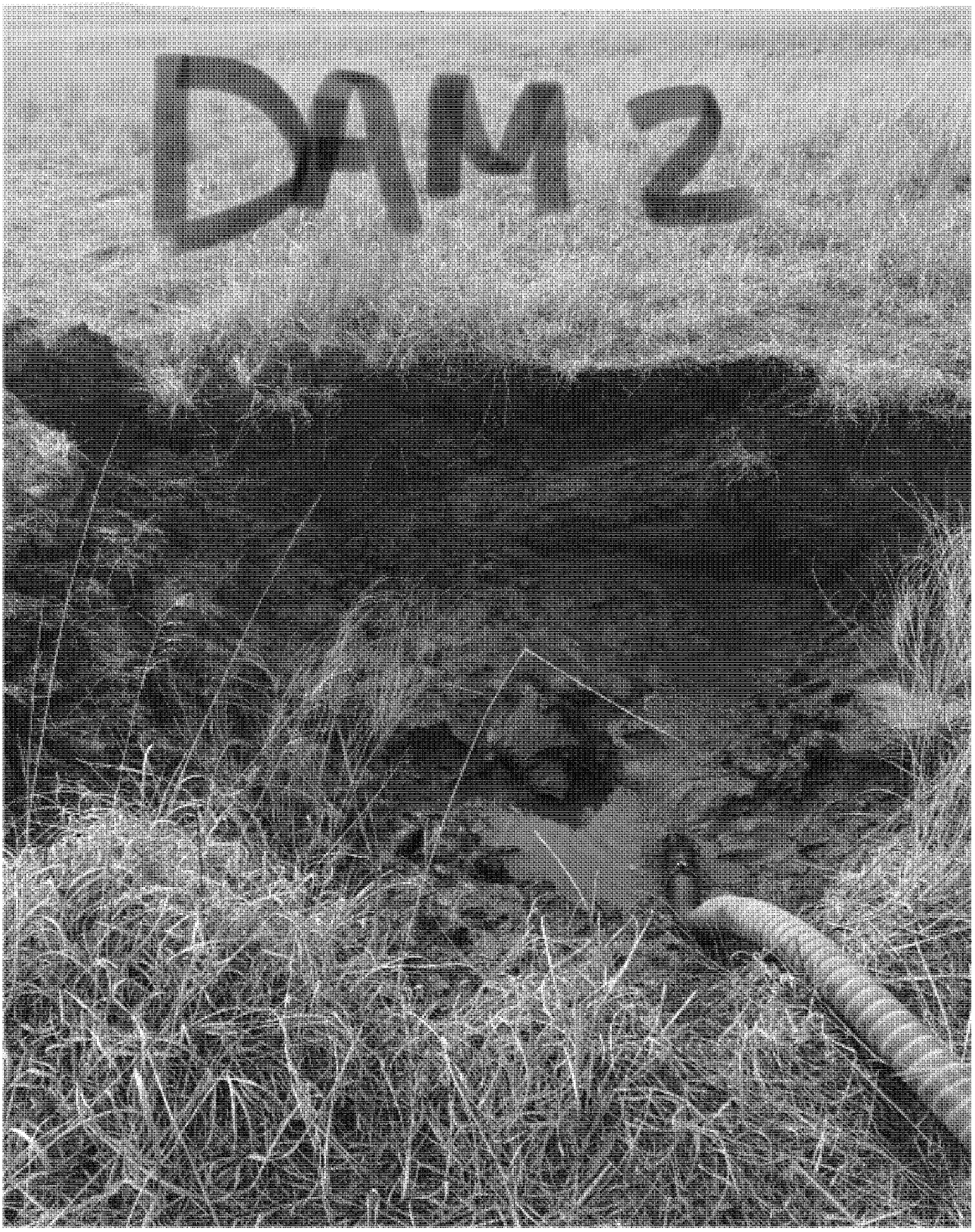
Attached are picks of dams 1,2,3 completely drained today. We have also staged a frac tank on site to help speed up evacuation

process.

PRMS


DRAFT




DMI2

Sent from Yahoo Mail for iPhone

Message

From: Eckhart, Jeanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDB8E58B4707410992750A95767619CA-ECKHART, JE]
Sent: 4/5/2018 10:45:23 PM
To: Kirk, Deborah [deborah.kirk@bia.gov]; Benjamin Daniels [benjaminl.daniels@bia.gov]; Hendricks, Mark [mark.hendricks@bia.gov]; Lee Burnett [lee.burnett@bia.gov]; Sanborn, Kent [Sanborn.Kent@epa.gov]
Subject: RE: Diamond 3S spill map and excel files

Thank you!

Jeanne Eckhart
Environmental Scientist
Water Resources Section
Enforcement Division/Region 6
U.S. Environmental Protection Agency

1445 Ross Avenue, Mail Code 6EN-WR
Dallas, Texas 75202
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Kirk, Deborah [mailto:deborah.kirk@bia.gov]
Sent: Wednesday, April 04, 2018 4:32 PM
To: Benjamin Daniels <benjaminl.daniels@bia.gov>; Hendricks, Mark <mark.hendricks@bia.gov>; Lee Burnett <lee.burnett@bia.gov>; Sanborn, Kent <Sanborn.Kent@epa.gov>; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Subject: Diamond 3S spill map and excel files

Attached is the map of infield findings for Diamond 3S along with the accompanying excel files. The image files will be sent separately due to file size.

--
-Deborah Kirk
GIS Specialist
BIA, Osage Agency
(918)287-5766

Message

From: Eckhart, Jeanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDB8E58B4707410992750A95767619CA-ECKHART, JE]
Sent: 4/5/2018 2:38:22 PM
To: Hendricks, Mark [mark.hendricks@bia.gov]; Lee Burnett [lee.burnett@bia.gov]; Daniels, Benjamin [benjaminl.daniels@bia.gov]
CC: Tidmore, Guy [tidmore.guy@epa.gov]
Subject: RE: [EXTERNAL] FW: EPA Compliance Inspection at Diamond 3S, LLC (Kennedy) - Copy of Inspection Report

Mark,

Kent and I received them! Thank you for getting back to me and making sure this information was provided to EPA.

Please be aware Kent was out there yesterday and continues to express concerns about elevated TDS levels in the tributary and creek. I will continue to provide electronic copies of inspection reports, and other official documents related to this spill event for this site.

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section
Enforcement Division/Region 6
U.S. Environmental Protection Agency

1445 Ross Avenue, Mail Code 6EN-WR
Dallas, Texas 75202
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Hendricks, Mark [mailto:mark.hendricks@bia.gov]
Sent: Thursday, April 05, 2018 9:26 AM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Lee Burnett <lee.burnett@bia.gov>
Subject: Re: [EXTERNAL] FW: EPA Compliance Inspection at Diamond 3S, LLC (Kennedy) - Copy of Inspection Report

Good morning Jeanne,

Our cartographer has completed compiling the information I gathered from the Diamond 3S spill recovery monitoring phase. The majority is a list consisting of, the Date the information was gathered, the Latitude and Longitude where the reading was recorded, the Total Dissolved Solids in ppm and ppt, the Temperature in Centigrade and a few have a short note or comment. There is a series of small maps on a single page in this report, each map represents a specific day and the generalized points where salinity readings were observed. In this portion of the report, the salinity

readings were grouped in five (5) categories from 'fresh' to 'brine', and denoted by color and symbol on each map.

I forwarded your request for this information to my Supervisor, Lee Burnett and the Chief of our Branch of Enforcement and Lease Compliance, (BELC) Ben Daniels. I requested BELC oversee the transferal of these reports to you and others that deem this information necessary.

I wanted to provide an update to the information you requested. If you do not receive these reports in a timely manner, please feel free to contact me or any one of those mentioned above.

Thank you,

Mark Hendricks

On Thu, Apr 5, 2018 at 8:13 AM, Eckhart, Jeanne <Eckhart.Jeanne@epa.gov> wrote:

Mr. Summers,

Please see my previous message below and thank you for providing me with your correct email address this morning. Additionally, I wanted to be sure to provide Kent Sanborn's number for you: (918) 557 – 1615.

Please let me know if you have any questions.

Thank you,

Jeanne Eckhart

Environmental Scientist

Water Resources Section

Enforcement Division/Region 6

U.S. Environmental Protection Agency

1445 Ross Avenue, Mail Code 6EN-WR

Dallas, Texas 75202

Office: (214) 665 – 8174

Fax: (214) 665 – 7446

From: Eckhart, Jeanne
Sent: Monday, April 02, 2018 10:59 AM
To: summertimelawncare@sbcg.org; summertimelawncare@sbcg.com
Cc: Tidmore, Guy <tidmore.guy@epa.gov>; Sanborn, Kent <Sanborn.Kent@epa.gov>; mark.hendricks@bia.gov; Daniels, Benjamin <benjaminl.daniels@bia.gov>; Lee Burnett <lee.burnett@bia.gov>
Subject: EPA Compliance Inspection at Diamond 3S, LLC (Kennedy) - Copy of Inspection Report

Dear Mr. Summers,

I wanted to follow up our previous phone calls with this email. On March 16, 2018 and March 20, 2018, US Environmental Protection Agency (EPA) conducted Clean Water Act (CWA) compliance inspections at your facility. A copy of the inspection report is attached to this email. EPA will use this and subsequent inspections reports to determine your facility's compliance with the CWA. Please review the report, note the areas of concern, and take any action necessary to ensure compliance with the CWA. We have previously discussed this information on the phone, but I wanted to provide you with a finalized copy. Please be aware that as you continue to take actions to address the concerns that the EPA has, document your actions with pictures, receipts, work orders, etc. This information will be requested at a later date from you.

Additionally, the EPA has small business compliance assistance, which I wanted to provide you the brochure for, if needed.

Please let me or Kent Sanborn know if you have any questions related to the concerns identified.

Thank you,

Jeanne Eckhart

Environmental Scientist

Water Resources Section

Enforcement Division/Region 6

U.S. Environmental Protection Agency

1445 Ross Avenue, Mail Code 6EN-WR

Dallas, Texas 75202

Office: (214) 665 – 8174

Fax: (214) 665 – 7446

Message

From: Eckhart, Jeanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDB8E58B4707410992750A95767619CA-ECKHART, JE]
Sent: 4/5/2018 1:52:37 PM
To: Stevens, Bill [stevens.bill@epa.gov]; Brooks, Christopher [brooks.christopher@epa.gov]
CC: Tidmore, Guy [tidmore.guy@epa.gov]
Subject: 6ENWR Inspection Report - FYI
Attachments: InspRptDiamond3SLLCKennedy20180320.pdf

Chris and Bill,

Attached is a 6ENWR inspection report, for your FYI. Please let us know if you have any questions.

Thanks,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

EPA United States Environmental Protection Agency

Region 6 Compliance Assurance and Enforcement Division

INSPECTION REPORT

Inspection Date(s):	March 16, 2018 and March 20, 2018	
Media:	Water (CWA)	
Regulatory Program(s)	NPDES – Brine	
Company Name:	**Diamond 3S, LLC**	
Facility Name:	**Kennedy**	
Facility Physical Location:	36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)	
(city, state, zip code)	Pawhuska, Oklahoma 74056	
Mailing address:	20102 West Coyote Trail	
(city, state, zip code)	Sand Springs, Oklahoma 74063	
County/Parish:	Osage	
Facility Contact:	Joel Summers	
	(918) 638-9306	
FRS Number:	N/A	
Identification/Permit Number:	OKU000867	
Media Number:	N/A	
NAICS:	21111	
SIC:	1311	
Personnel participating in inspection:		
Kent W. Sanborn	EPA Region 6, 6EN-WR	Environmental Engineer	918-557-1615
EPA Lead Inspector Signature/Date	Sanborn, Kent — Digitally signed by Sanborn, Kent DN: cn=Sanborn, Kent, email=Sanborn.Kent@epa.gov Date: 2018.03.30 13:45:50 -05'00'	
	Kent W. Sanborn	Date
Supervisor Signature/Date	GUY TIDMORE — Digitally signed by GUY TIDMORE DN: c=US, o=U.S. Government, ou=USEPA, ou=Staff, cn=GUY TIDMORE, dnQualifier=0000012807 Date: 2018.04.02 08:44:27 -05'00'	02 APR 2018
	Guy Tidmore	Date

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

EPA Region 6 inspector Kent W. Sanborn arrived at the Diamond 3S LLC lease on the Kennedy property near Pawhuska, Oklahoma at about 3:00 PM on March 16, 2018 for an inspection. The inspection was initiated by a reported discharge of fluids into a nearby tributary of Daniel's Run Creek by Diamond 3S, LLC. The Bureau of Indian Affairs (BIA) in Pawhuska requested our assistance in addressing the discharge. I met with Joel Summers of the company and Mark Hendricks of the BIA at the discharge site near an injection well. We confirmed the discharge had reached a tributary of Daniel's Run Creek. There were no activities of any kind taking place to address the discharge or clean up during the inspection. The inspection was conducted under the authority of Section 308 of the CWA. The scope of the inspection was to determine if the facility was in compliance with Clean Water Act, including Section 301, and to identify and document discharges of produced wastewater (brine) to waters of the United States.

FACILITY DESCRIPTION

The origination point of discharge was a leaking injection well supply line connected to the well known as the Kennedy Number 3. The injection well is also known as EPA inventory OS 4349. The flow line was buried up to the well. The well was closed in, but the line itself was leaking fluids and was connected to the main tank battery. The entire pasture between the well and the tributary of Daniel's Run Creek was saturated with brine from a consistent leak over time.

Section II – OBSERVATIONS

3/16/2018

I initially arrived at the Diamond 3S, LLC, Kennedy lease at about 3:00 pm on March 16, 2018. Photo 1 indicates the injection well sign located a few yards from the discharge point. The well itself was shown in Photo 2. The discharge (Photos 3, 4, and 5) was occurring below the surface in what appeared to be a failed injection well supply line. The leak had a small amount of oil as well. Salt had precipitated out on the surface in around the area, which indicated that an extended amount of time has passed as the line continued to leak. Photos 6, 7, and 8 show the surface to be stained and saturated as the brine flowed southwest down a long hill towards a tributary of Daniel's Run Creek. Photo 9 indicates the extent of the brine saturation approximately half way down the hill showing a large portion of the hillside was saturated along the flow path with brine and fluids that had been leaking for long periods of time. Livestock had been in around the site for an undetermined amount of time. Photo 10 shows the unaffected portion of the tributary upstream of the discharge point of entry and area where large portions of seepage had occurred from the heavily saturated hillside. With a calibrated YSI Pro 30 Conductivity Meter, a Total Dissolved Solids (TDS) measurement was taken upstream and was 816 mg/L (Photo 11). Flow was south in the tributary of Daniel's Run Creek from the reading taken in Photo 11. The northern most extent of the seepage from the leak into the tributary of Daniel's Run Creek was located at 36.587308N, -96.499175W, approximately 100 yards upstream from the Point of Entry (POE). Photo 12 shows the southern POE of most of the brine from the discharged hillside to the tributary of Daniel's Run Creek. The entire bank for over 100 yards was seeping into the tributary from the

saturated hillside and flow path. The TDS of the tributary at the POE was 95,541 mg/L (Photo 13). The tributary shown in Photo 14 downstream was contaminated. TDS at Photo 14, approximately 0.1 miles downstream from the POE was 45,792 mg/L. (Photo 15). The downstream flow from the POE to Daniel's Run Creek (Photo 16) was again tested at the junction of the tributary and Daniel's Run Creek, which joined the tributary from the west. The TDS of the combined waters was 11,250 mg/L (Photo 17). The creek was tested farther downstream of the junction at the point shown in Photo 18. TDS was 22,483 mg/L (Photo 19). Photo 20 shows the southernmost point tested on the creek, approximately 0.86 miles downstream from the southernmost POE into the tributary of Daniel's Run Creek. TDS was 3,008 mg/L (Photo 21).

3/20/2018

On March 20, 2018 I returned to the site to evaluate cleanup activities and progress. There were no representatives present and I did not observe any trucks or equipment on site to remove brine from the tributary, creek, or the hillside at the time of the inspection. Photo 22 shows a hole dug to expose the failed line and subsequent repair of the line. The soil and bank near the POE was still saturated with brine and continued to discharge into the tributary (Photos 23 and 24). TDS at the POE to the creek was 77,765 mg/L (Photo 25). I observed three dams built in the tributary of Daniel's Run Creek. Photo 26 was the closest to the southernmost POE of brine to the tributary. TDS at the first dam was 23,769 mg/L (Photo 27). The creek was measured between the first dam and the second dam (Photo 28). TDS was found to be 25,883 mg/L (Photo 29). Flow was south within the tributary of Daniel's Run Creek. Photo 30 shows a dead crayfish found in the tributary of Daniel's Run Creek near the area shown in photos 28 and 29. Also, I observed other various crayfish parts present in this area that had been consumed prior to the inspection by varmints, like raccoons. I observed the second dam (Photo 31) downstream of the southernmost POE approximately 0.14 miles. TDS at that location was 45,164 mg/L (Photo 32). Photo 33 was a section of the creek downstream of the second dam. TDS at that location was 41,560 mg/L (Photo 34). A third dam was present and shown in Photo 35, which was approximately 0.35 miles downstream from the southernmost POE into the tributary of Daniel's Run Creek. TDS at that site was 30,419 mg/L (Photo 36). Crayfish remains were present in the creek (Photo 37) near the third dam.

Section III – AREAS OF CONCERN

I have not observed quick action to remove brine from the tributary and Daniel's Run Creek and concerns about brine continuing to flow downstream still exist. The dams put in prior to the March 20, 2018 inspection date will continue to be monitored to verify no seeping is occurring through those dams. The flow path and saturated hillside to the west and south of the tank battery was a large area of contaminated soil. This area continues to be a concern and contamination will continue to seep out of the hillside into the tributary, especially during rainfall events.

Section IV – FOLLOW UP

A follow up inspection will be conducted as needed.

Section V – LIST OF APPENDICES

Appendix 1 – Photo Log – 37 photos taken 3/16/2018 and 3/20/2018.

Appendix 1

Photographic Log (37 photos)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 1

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 1 (DSC_0342)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 4:03 pm
Latitude: 36.586969N
Longitude: -96.498093W
Photographer: K.W. Sanborn
Description: This photo shows the sign of the injection well, where the discharge originated from a flow line located about 20 yards east of the well.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 2

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

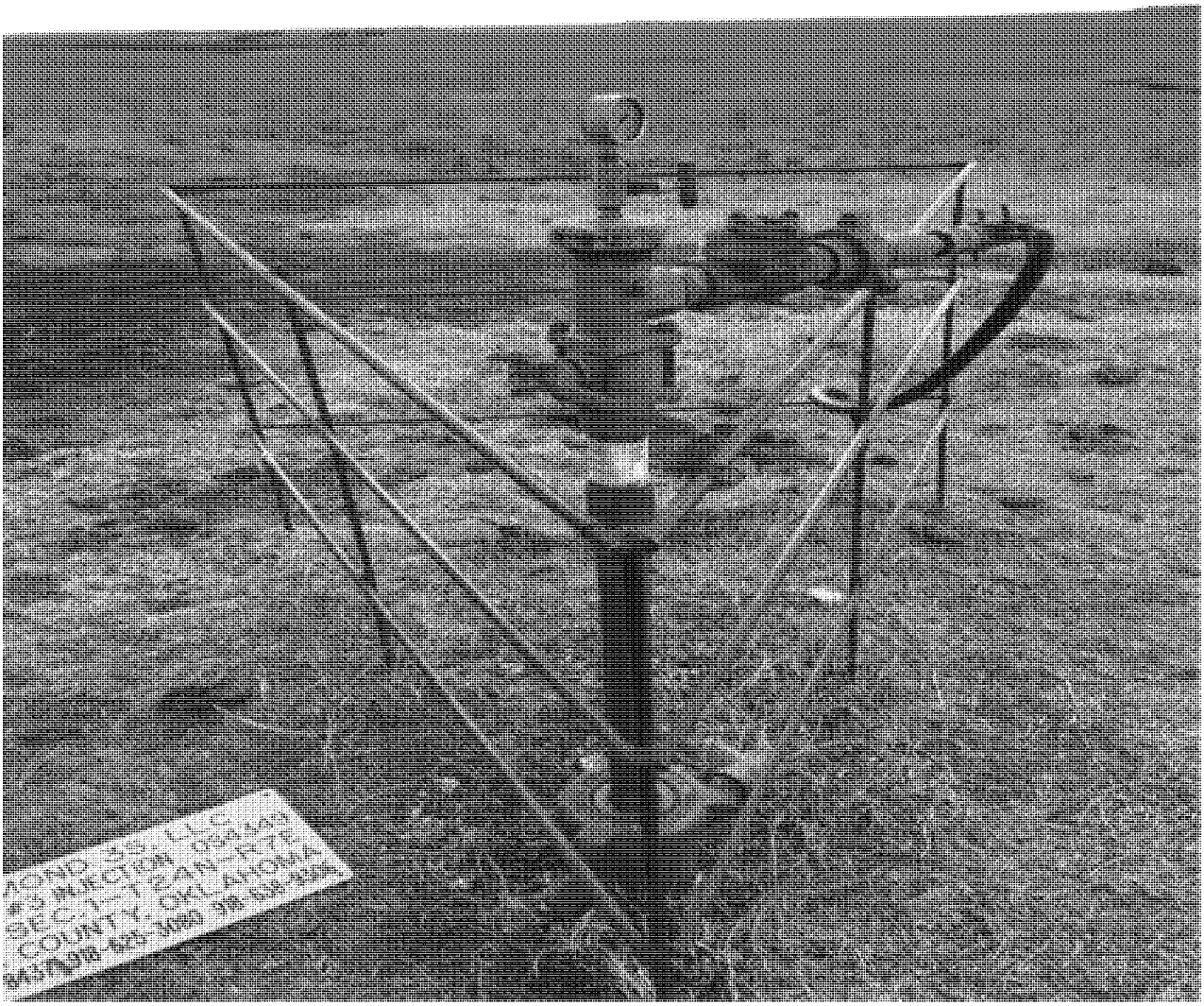


Photo File Name: Photo 2 (DSC_0343)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 4:03 pm
Latitude: 36.586969N
Longitude: -96.498093W
Photographer: K.W. Sanborn
Description: This is the disposal well near the discharge. The well was not active at the time of discharge. The valves on the line and well were closed at the time of the inspection.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 3

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 3 (DSC_0350)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 4:15 pm
Latitude: 36.586823N
Longitude: -96.498147W
Photographer: K.W. Sanborn
Description: The discharge originated beneath the ground in the injection flow line. The discharge area, salt crystals and flow path from the site towards the tributary of Daniel's Run Creek can be seen here.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 4

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

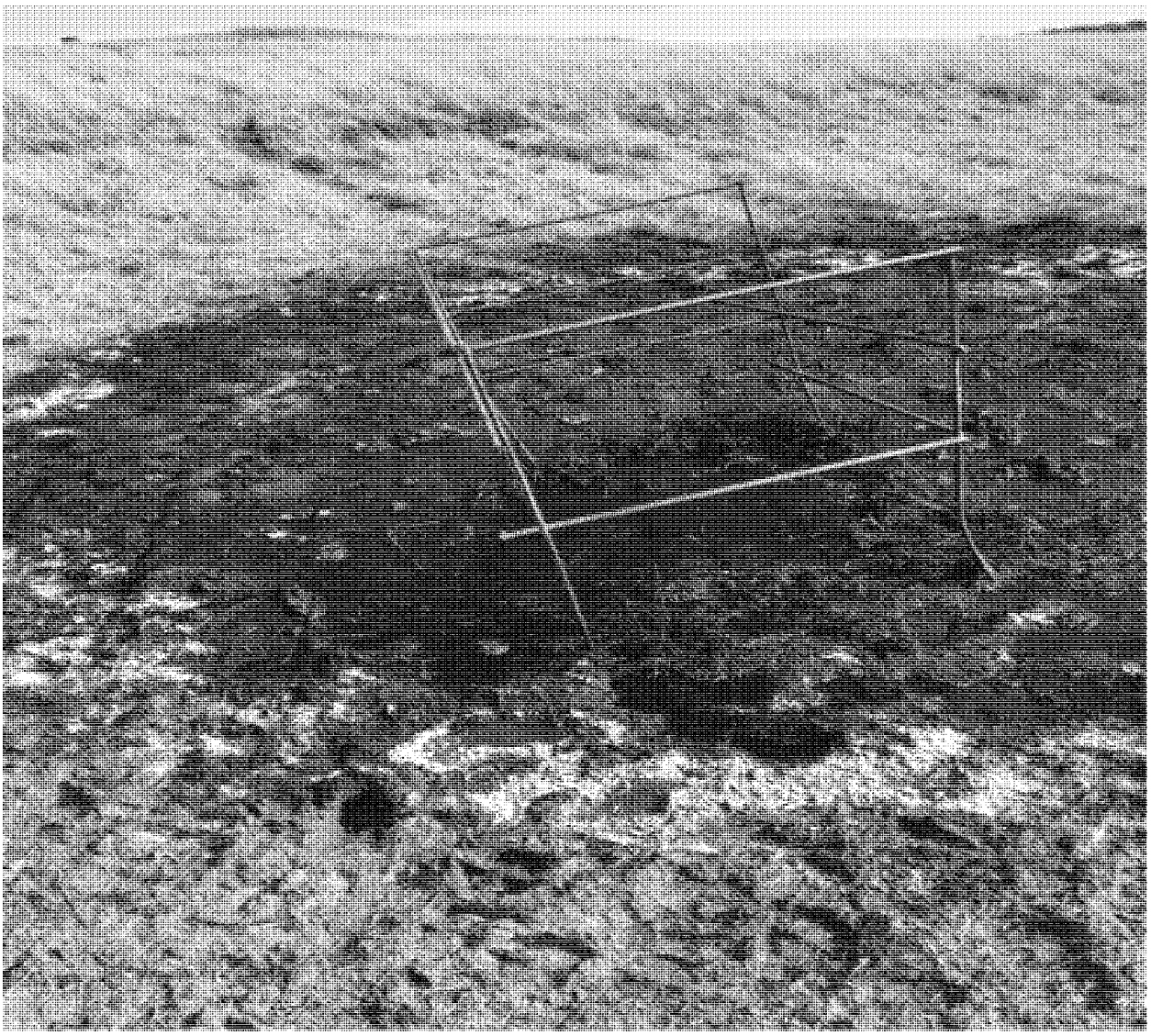


Photo File Name: Photo 4 (DSC_0345)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 4:15 pm
Latitude: 36.586957N
Longitude: -96.498036W
Photographer: K.W. Sanborn
Description: This photo shows the area where the discharge was occurring underground from a flow line. I observed a small amount of oil and salt crystals had precipitated across the entire location. Additionally, brine fluids were present.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 5

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

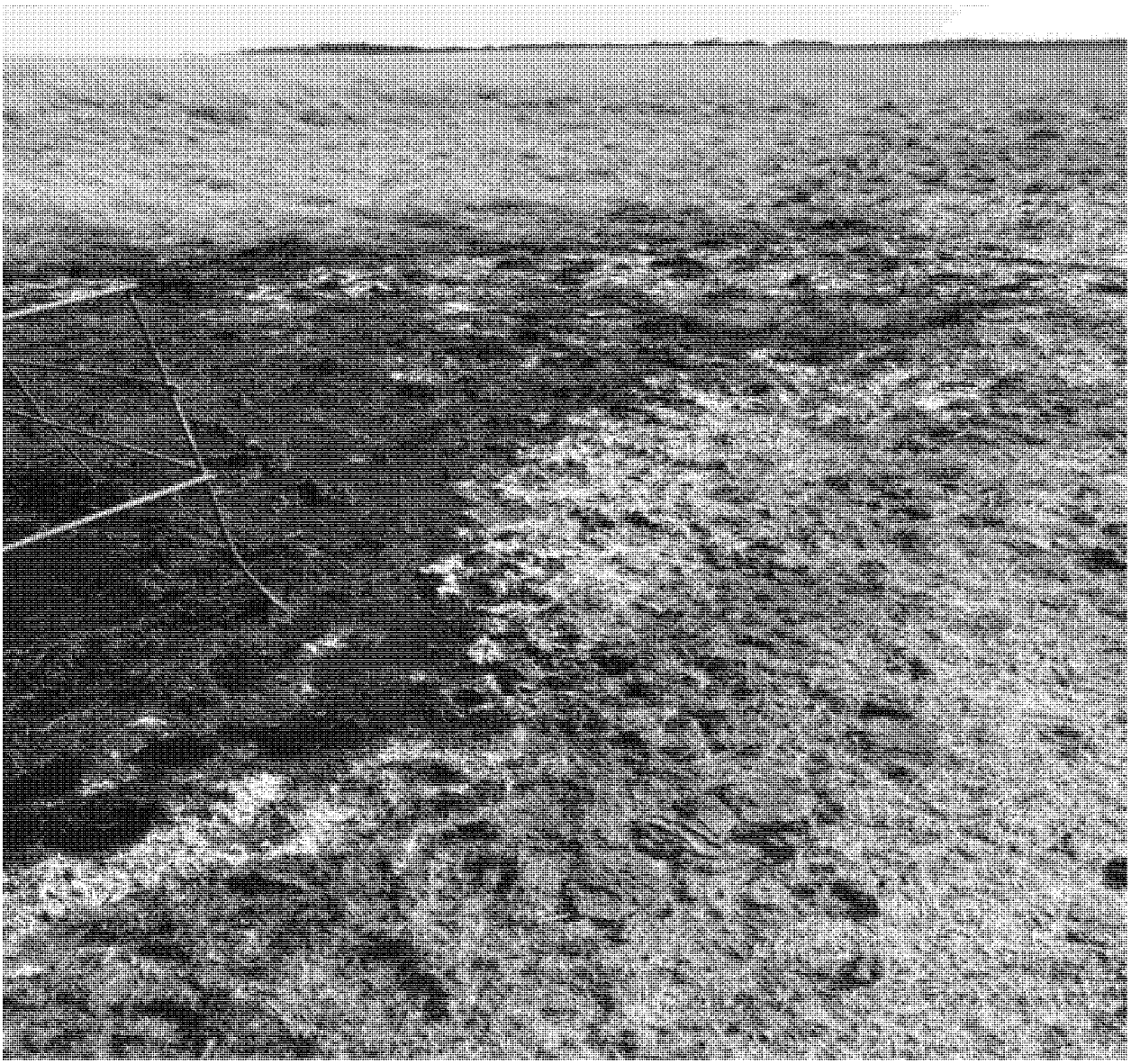


Photo File Name: Photo 5 (DSC_0346)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 4:15 pm
Latitude: 36.586957N
Longitude: -96.498036W
Photographer: K.W. Sanborn
Description: The discharge path was southwest toward the tributary of Daniel's Run Creek. The entire area was saturated with brine.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 6

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

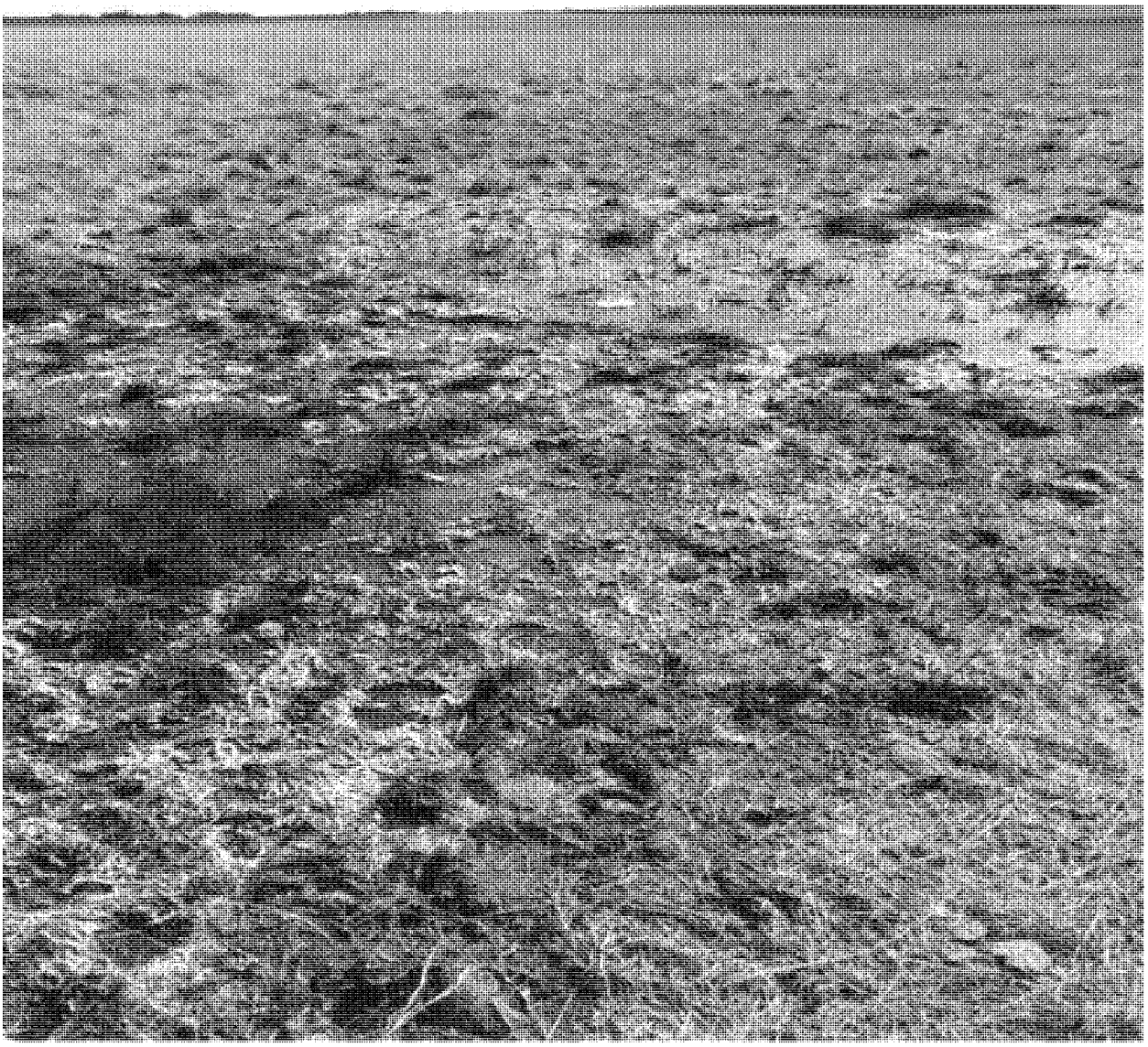


Photo File Name: Photo 6 (DSC_0347)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 4:15 pm
Latitude: 36.586957N
Longitude: -96.498036W
Photographer: K.W. Sanborn
Description: A flow path of the brine was observed from the discharge area southwest towards the tributary of Daniel's Run Creek. I observed white salt staining and wet soil along the flow path. Additionally, brine fluids were present along the flow path.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 7

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

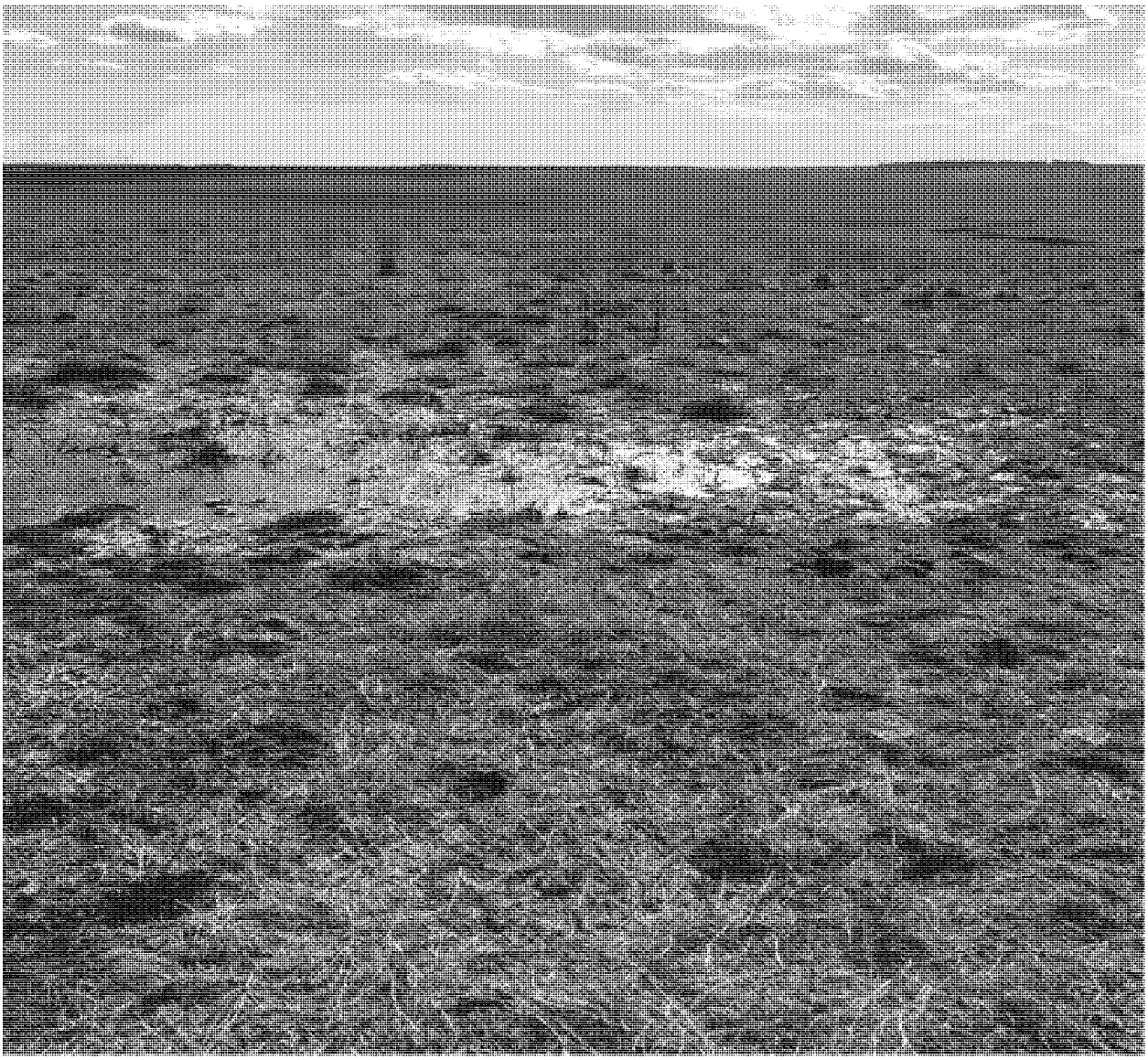


Photo File Name: Photo 7 (DSC_0348)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 4:15 pm
Latitude: 36.587000N
Longitude: -96.497998W
Photographer: K.W. Sanborn
Description: The discharge flow path had pooled up fluids down the saturated hill side towards the tributary southwest of the point of discharge.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 8

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 8 (DSC_0352)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 4:18 pm
Latitude: 36.586823N
Longitude: -96.498147W
Photographer: K.W. Sanborn
Description: This photo shows the wet and saturated areas on the hillside from the brine discharge and along the flow path that I observed during the inspection. I saw cattle tracks in the mud.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 9

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

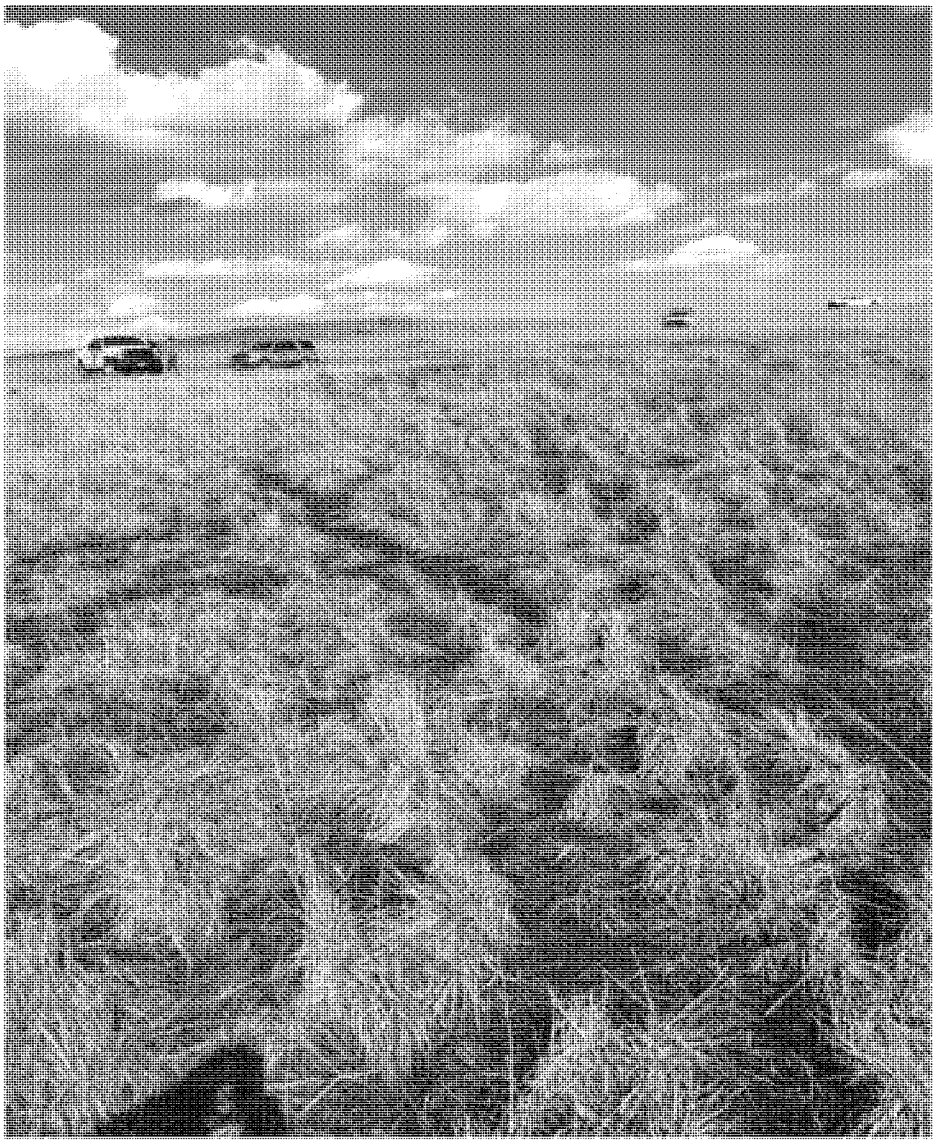


Photo File Name: Photo 9 (DSC_0354)
Orientation: Northeast
Date of Photo: 03/16/2018
Time of Photo: 4:19 pm
Latitude: 36.586612N
Longitude: -96.498575W
Photographer: K.W. Sanborn
Description: This was a view from midway down the hill where the flow path of fluids from the discharge point near the trucks towards the tributary of Daniel's Run Creek occurred. The soil was saturated with salt crystals along the flow path and throughout the hillside

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 10

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 10 (DSC_0357)
Orientation: North
Date of Photo: 03/16/2018
Time of Photo: 4:35 pm
Latitude: 36.587812N
Longitude: -96.498510W
Photographer: K.W. Sanborn
Description: This was a view upstream of the point of entry (POE) of the brine to the tributary of Daniel's Run Creek. Flow was south from the POE. I observed bed and bank at this location of the creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 11

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 11 (DSC_0356)
Orientation: North
Date of Photo: 03/16/2018
Time of Photo: 4:35 pm
Latitude: 36.587812N
Longitude: -96.498510W
Photographer: K.W. Sanborn
Description: With a calibrated YSI 30 Pro Conductivity Meter, a Total Dissolved Solids (TDS) measurement was taken of the upstream portion of the tributary shown in Photo 10 was 816 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 12

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 12 (DSC_0366)
Orientation: West
Date of Photo: 03/16/2018
Time of Photo: 4:45 pm
Latitude: 36.586494N
Longitude: -96.499100W
Photographer: K.W. Sanborn
Description: The southernmost POE of brine into the tributary of Daniel's Run Creek is shown here.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 13

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 13 (DSC_0361)
Orientation: West
Date of Photo: 03/16/2018
Time of Photo: 4:43 pm
Latitude: 36.586494N
Longitude: -96.499100W
Photographer: K.W. Sanborn
Description: TDS of the creek at the southernmost POE was 95,541 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 14

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 14 (DSC_0370)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 5:01 pm
Latitude: 36.585557N
Longitude: -96.499831W
Photographer: K.W. Sanborn
Description: This was the tributary of Daniel's Run Creek downstream of the POE. I smelled brine at this location during the inspection.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 15

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 15 (DSC_0368)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 4:49 pm
Latitude: 36.585557N
Longitude: -96.4998131W
Photographer: K.W. Sanborn
Description: TDS in the tributary shown where Photo 14 was taken was 45,792 mg/L. This location was approximately 0.1 miles downstream from the southernmost POE.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 16

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 16 (DSC_0374)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 5:04 pm
Latitude: 36.583612N
Longitude: -96.502629W
Photographer: K.W. Sanborn
Description: This is Daniel's Run Creek just south of the confluence of the creek with the tributary of Daniel's Run Creek. Daniel's Run Creek entered the tributary from the west. I could see a defined bed and bank in Daniel's Run Creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 17

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

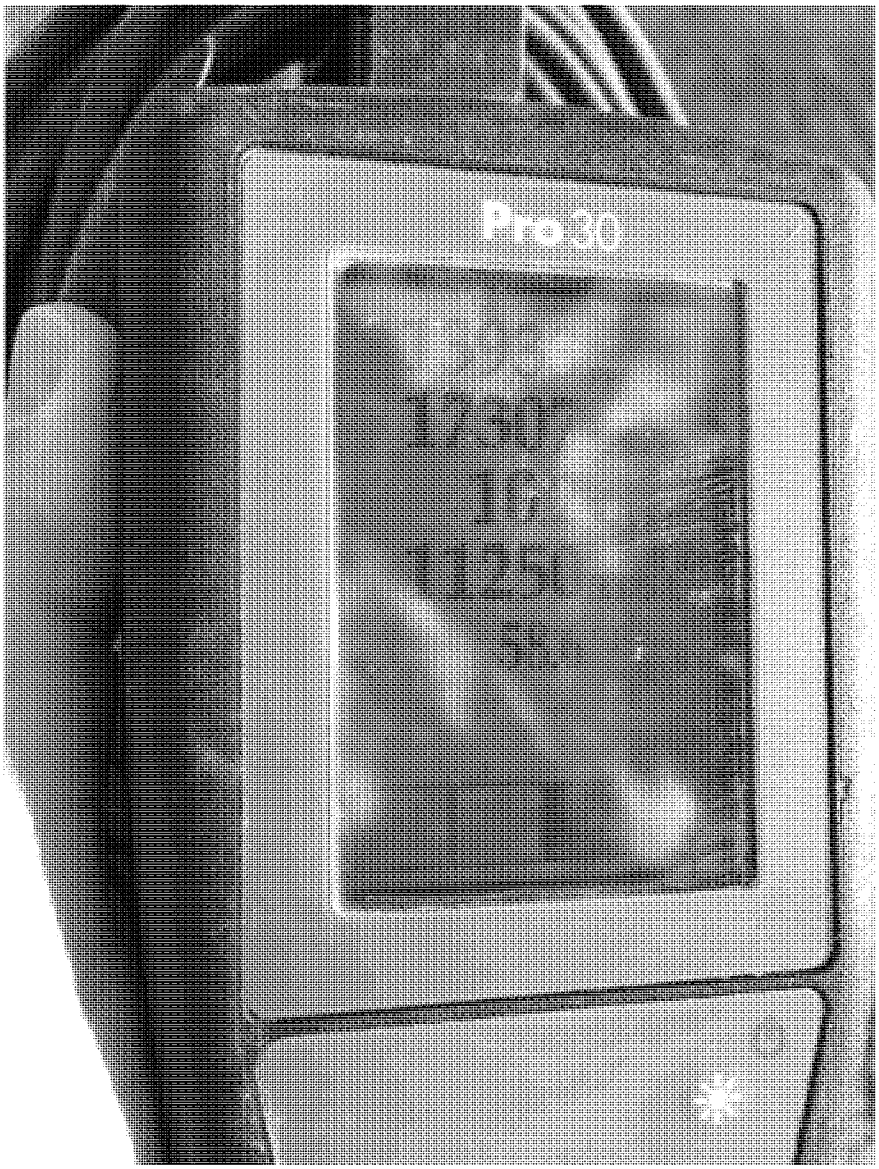


Photo File Name: Photo 17 (DSC_0373)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 5:04 pm
Latitude: 36.583612N
Longitude: -96.502629W
Photographer: K.W. Sanborn
Description: TDS of Daniel's Run Creek depicted in Photo 16 was 11,250 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 18

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 18 (DSC_0377)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 5:07 pm
Latitude: 36.581793N
Longitude: -96.502259W
Photographer: K.W. Sanborn
Description: This a view of the creek downstream from the junction of the tributary and Daniel's Run Creek which comes in from the west. I observed bed and bank in this location of the creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 19

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

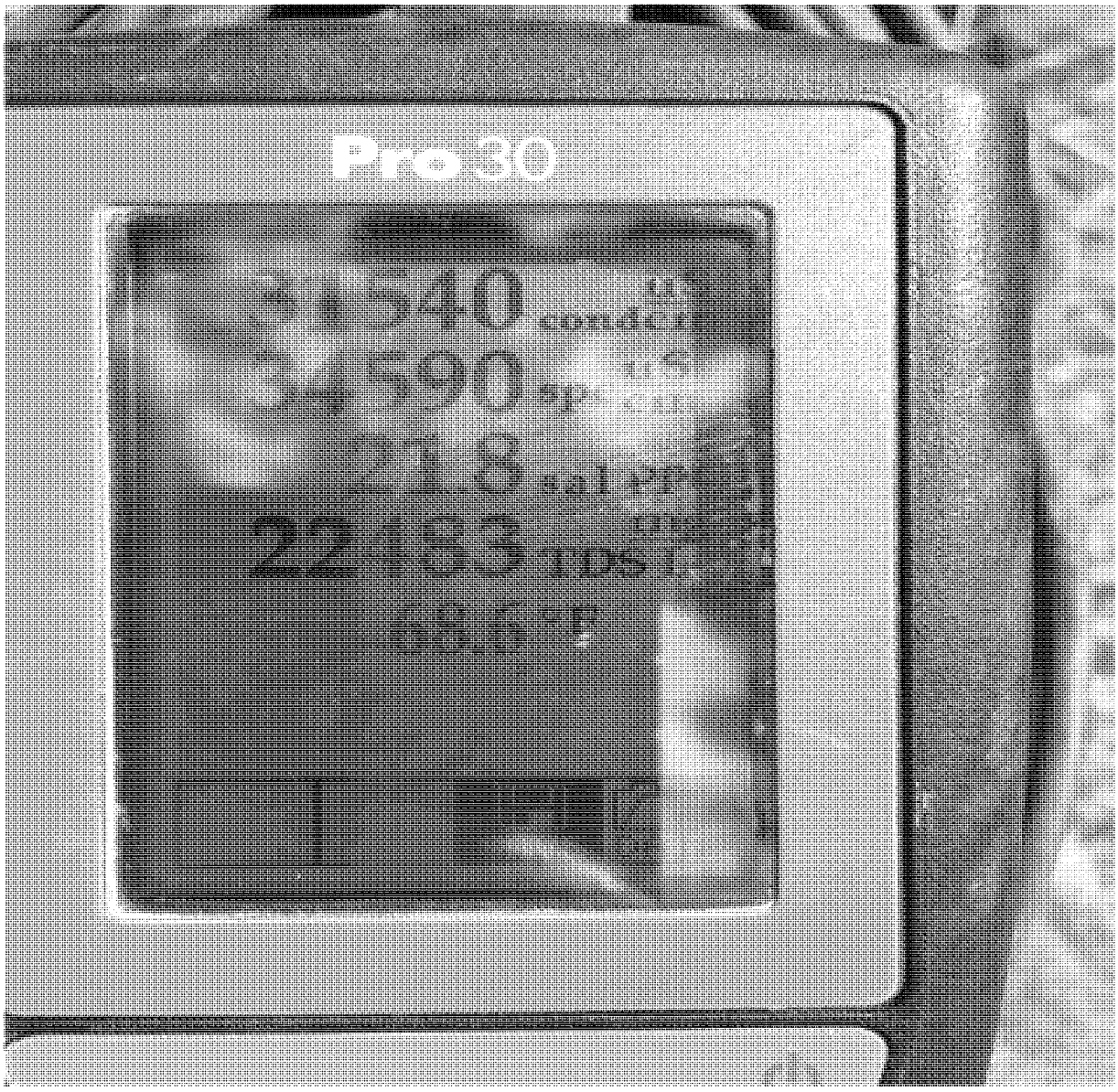


Photo file Name: Photo 19 (DSC_0234)
Orientation: West
Date of Photo: 03/07/2018
Time of Photo: 12:58 pm
Latitude: 36.581793N
Longitude: -96.502259W
Photographer: K.W. Sanborn
Description: TDS of the location in creek in Photo 18 was 22,483 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 20

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 20 (DSC_0379)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 5:13 pm
Latitude: 36.578599N
Longitude: -96.502326W
Photographer: K.W. Sanborn
Description: The creek crossed under a fence on the south part of the property. Flow continued south in Daniel's Run Creek. I observed bed, bank, and high water marks along the creek at this location.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 21

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

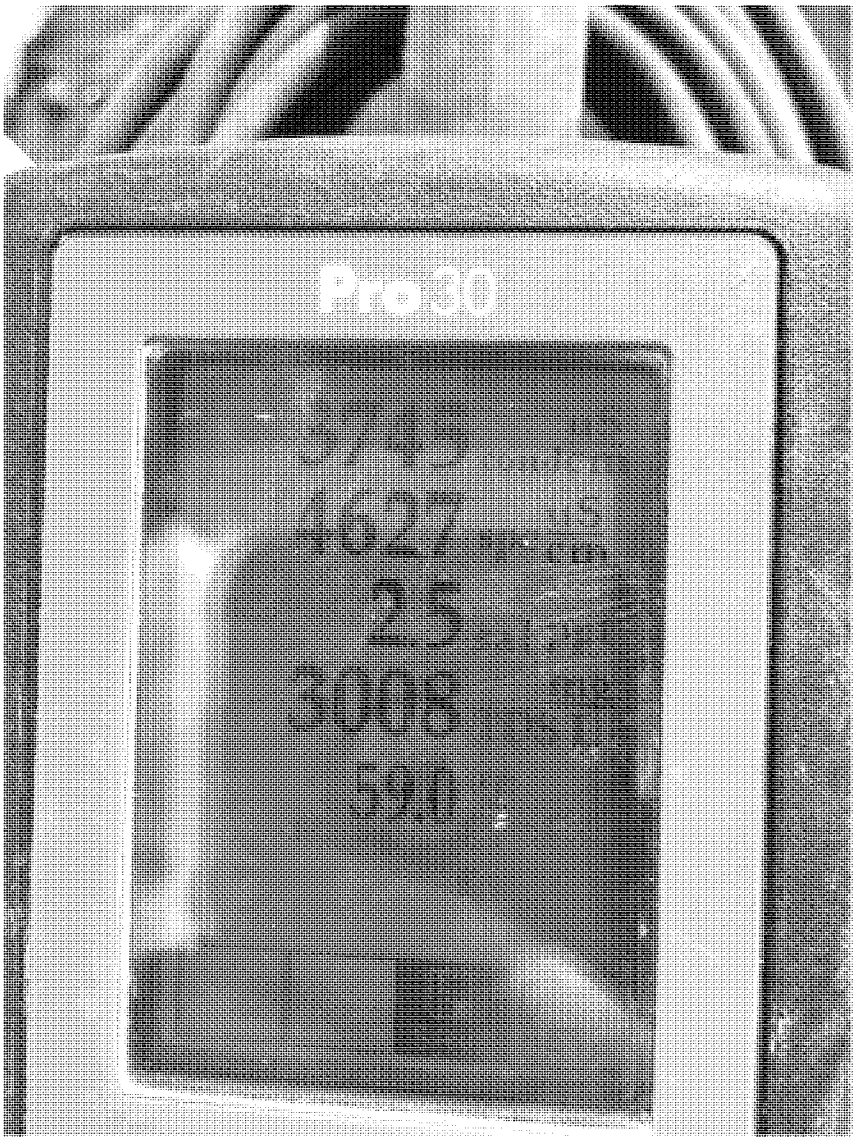


Photo File Name: Photo 21 (DSC_0378)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 5:12 pm
Latitude: 36.578599N
Longitude: -96.502326W
Photographer: K. W. Sanborn
Description: TDS of the creek at the fence line shown in Photo 20 was 3,008 mg/L. This location was approximately 0.86 miles downstream from the southernmost POE in the tributary of Daniel's Run Creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 22

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 22 (DSC_0001)
Orientation: South
Date of Photo: 03/20/2018
Time of Photo: 4:59 pm
Latitude: 36.586957N
Longitude: -96.498036W
Photographer: K.W. Sanborn
Description: The source of the discharge was identified as this flow line area, which had been repaired. The line leaked and surfaced here and the continued seeping from the statured flow path was observed during the inspection.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 23

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 23 (DSC_0003)
Orientation: West
Date of Photo: 03/20/2018
Time of Photo: 5:01 pm
Latitude: 36.587307N
Longitude: -96.499176W
Photographer: K.W. Sanborn
Description: I observed a saturated flow path and area that was still wet from brine at the POE to the tributary of Daniel's Run Creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 24

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 24 (DSC_0005)
Orientation: South
Date of Photo: 03/20/2018
Time of Photo: 5:01 pm
Latitude: 36.587307N
Longitude: -96.499176W
Photographer: K.W. Sanborn
Description: This photo shows a downstream view of the tributary of Daniel's Run Creek at the POE. The first temporary dam can be seen downstream in the tributary to prevent further downstream flow of brine fluids.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 25

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 25 (DSC_0006)
Orientation: South
Date of Photo: 03/20/2018
Time of Photo: 5:01 pm
Latitude: 36.587307N
Longitude: -96.499176W
Photographer: K.W. Sanborn
Description: TDS of the tributary of Daniel's Run Creek at the southernmost discharge POE was 77,765 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 26

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 26 (DSC_0008)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:02 pm
Latitude: 36.586313N
Longitude: -96.499364W
Photographer: K.W. Sanborn
Description: This photo shows the first temporary dam in place in the tributary of Daniel's Run Creek, downstream from the southernmost POE. This dam was put in place after the first part of this inspection.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 27

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

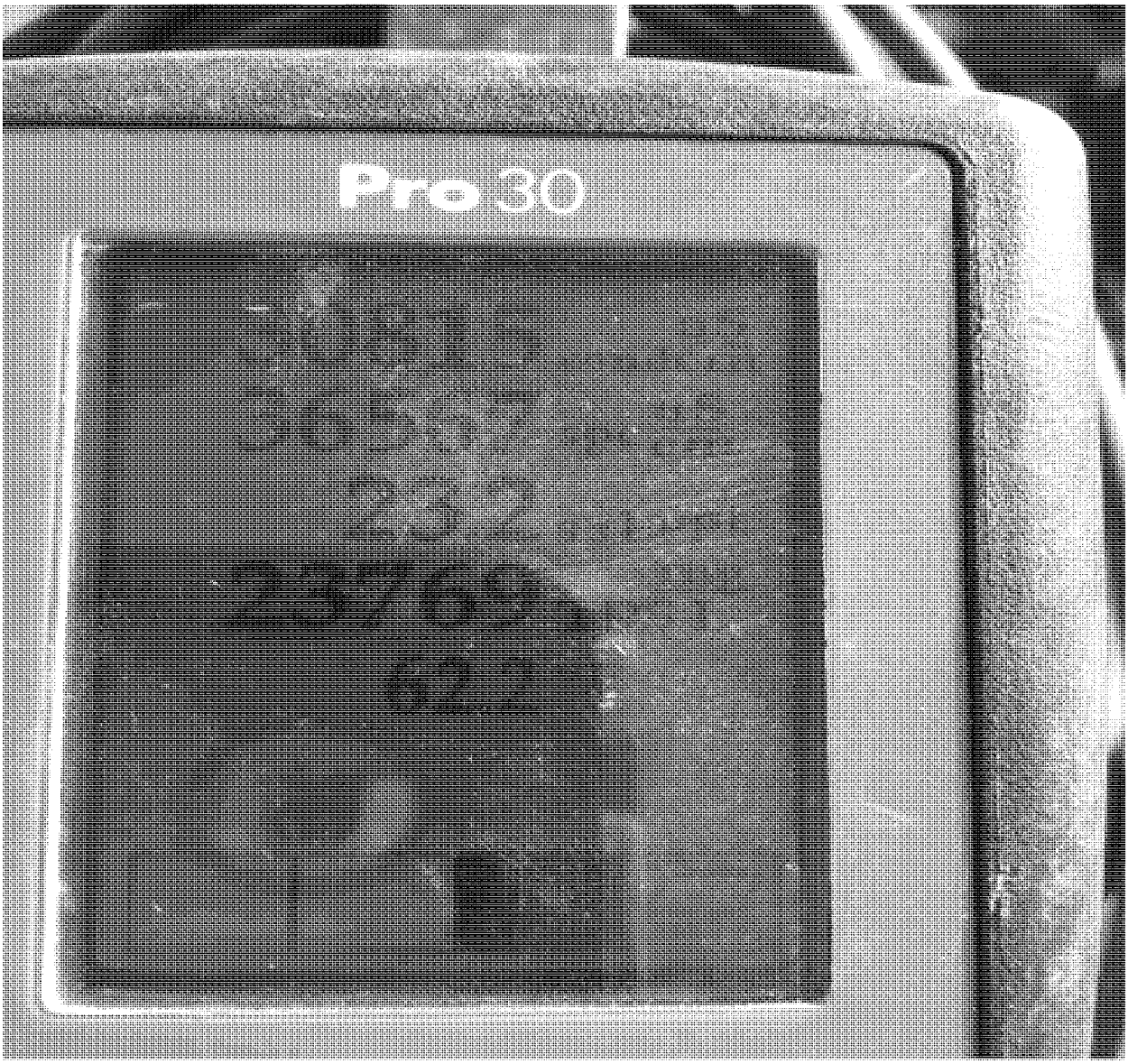


Photo File Name: Photo 27 (DSC_0009)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:02 pm
Latitude: 36.586313N
Longitude: -96.499364W
Photographer: K.W. Sanborn
Description: I took a TDS of the tributary at the first dam and the reading was 23,769 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 28

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 28 (DSC_0010)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:04 pm
Latitude: 36.585291N
Longitude: -96.499880W
Photographer: K.W. Sanborn
Description: This photo shows downstream from the first dam on the tributary. I observed bed and bank here.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 29

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

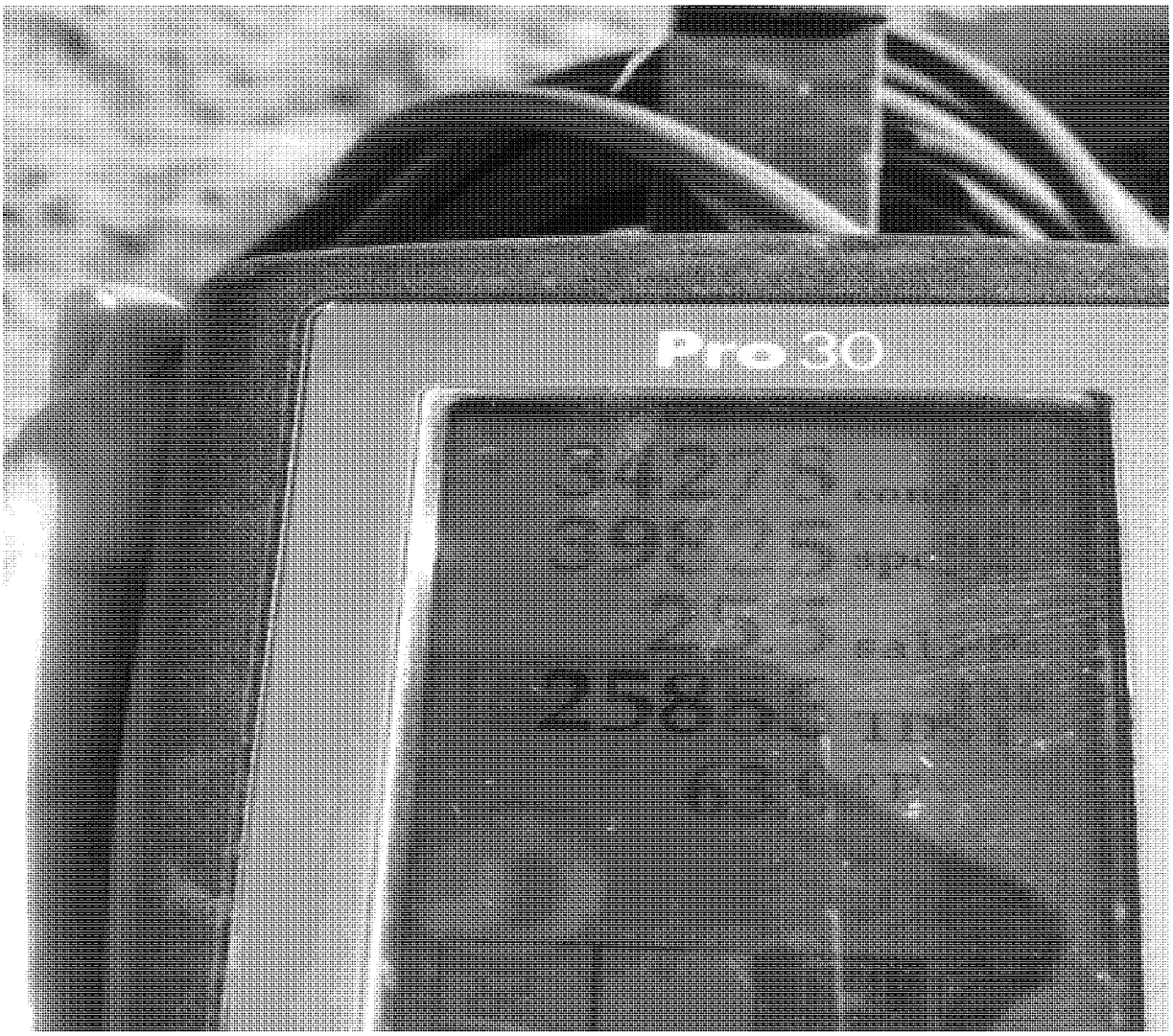


Photo File Name: Photo 29 (DSC_0011)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:04 pm
Latitude: 36.585291N
Longitude: -96.499880W
Photographer: K.W. Sanborn
Description: TDS of the creek at the location shown in Photo 28 was 25,883 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 30

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

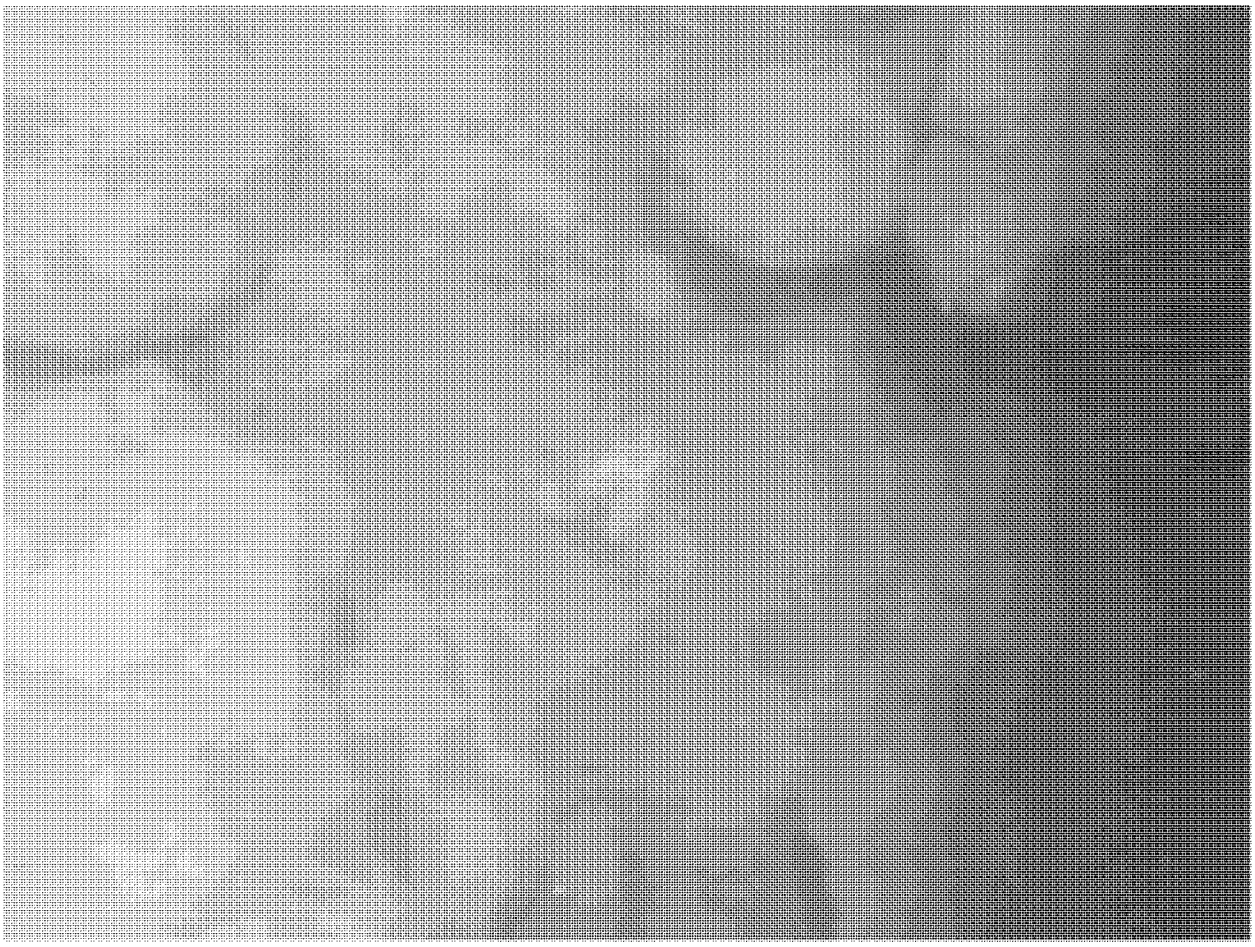


Photo File Name: Photo 30 (DSC_0012)
Orientation: East
Date of Photo: 3/20/2018
Time of Photo: 5:04 pm
Latitude: 36.585291N
Longitude: -96.499880W
Photographer: K.W. Sanborn
Description: I observed a dead crayfish in tributary at the same location where the TDS in Photo 29 was taken.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 31

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 31 (DSC_0015)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:08 pm
Latitude: 36.585146N
Longitude: -96.500020W
Photographer: K.W. Sanborn
Description: I observed a second dam, further downstream, approximately 0.14 miles downstream from the southernmost POE.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 32

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 32 (DSC_0016)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:08 pm
Latitude: 36.585146N
Longitude: -96.500020W
Photographer: K.W. Sanborn
Description: TDS at the second dam site was 45,164 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 33

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 33 (DSC_0017)
Orientation: Southeast
Date of Photo: 3/20/2018
Time of Photo: 5:13 pm
Latitude: 36.584833N
Longitude: -96.500620W
Photographer: K.W. Sanborn
Description: This was the tributary downstream of the second dam, where I observed bed and bank.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 34

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 34 (DSC_0018)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:13 pm
Latitude: 36.584833N
Longitude: -96.500620W
Photographer: K.W. Sanborn
Description: TDS at the location in the tributary in Photo 33 was 41,560 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 35

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 35 (DSC_0019)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:15 pm
Latitude: 36.583809N
Longitude: -96.502419W
Photographer: K.W. Sanborn
Description: I observed the third dam, downstream approximately 0.35 miles from the southernmost POE in the tributary of Daniel's Run Creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 36

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

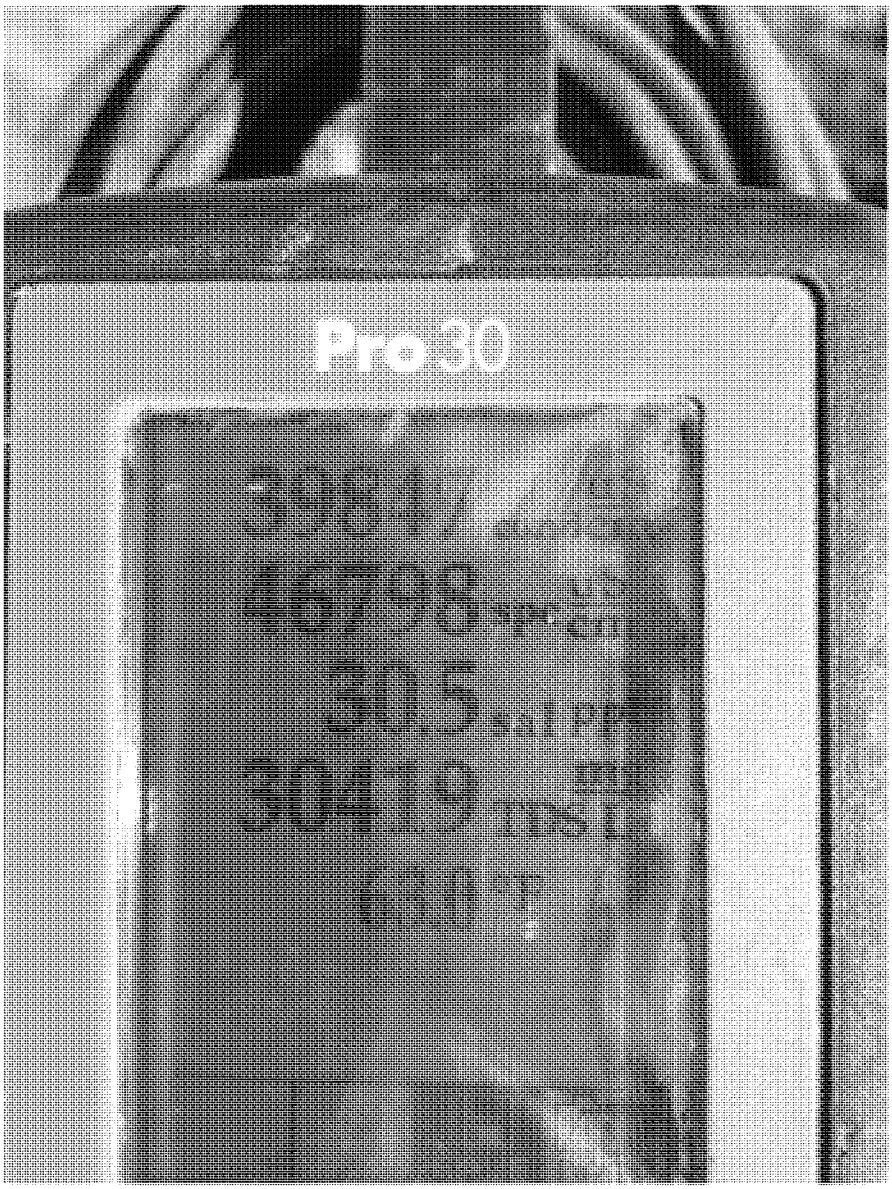


Photo File Name: Photo 36 (DSC_0020)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:16 pm
Latitude: 36.583809N
Longitude: -96.502419W
Photographer: K.W. Sanborn
Description: TDS of the tributary at the third dam was 30,419 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 37

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 37 (DSC_0021)
Orientation: East
Date of Photo: 3/20/2018
Time of Photo: 5:17 pm
Latitude: 36.583809N
Longitude: -96.502419W
Photographer: K.W. Sanborn
Description: Crayfish remains were observed on the bottom of the tributary at third dam.

Message

From: Eckhart, Jeanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDB8E58B4707410992750A95767619CA-ECKHART, JE]
Sent: 4/5/2018 1:13:21 PM
To: summertimelawncare@sbcglobal.net
CC: Sanborn, Kent [Sanborn.Kent@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]; mark.hendricks@bia.gov; Daniels, Benjamin [benjaminl.daniels@bia.gov]; Lee Burnett [lee.burnett@bia.gov]
Subject: FW: EPA Compliance Inspection at Diamond 3S, LLC (Kennedy) - Copy of Inspection Report
Attachments: InspRptDiamond3SLLCKennedy20180320.pdf; smallbusinessinfo_2015.pdf

Mr. Summers,

Please see my previous message below and thank you for providing me with your correct email address this morning. Additionally, I wanted to be sure to provide Kent Sanborn's number for you: (918) 557 – 1615.

Please let me know if you have any questions.

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section
Enforcement Division/Region 6
U.S. Environmental Protection Agency

1445 Ross Avenue, Mail Code 6EN-WR
Dallas, Texas 75202
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Eckhart, Jeanne
Sent: Monday, April 02, 2018 10:59 AM
To: summertimelawncare@sbcg.org; summertimelawncare@sbcg.com
Cc: Tidmore, Guy <tidmore.guy@epa.gov>; Sanborn, Kent <Sanborn.Kent@epa.gov>; mark.hendricks@bia.gov; Daniels, Benjamin <benjaminl.daniels@bia.gov>; Lee Burnett <lee.burnett@bia.gov>
Subject: EPA Compliance Inspection at Diamond 3S, LLC (Kennedy) - Copy of Inspection Report

Dear Mr. Summers,

I wanted to follow up our previous phone calls with this email. On March 16, 2018 and March 20, 2018, US Environmental Protection Agency (EPA) conducted Clean Water Act (CWA) compliance inspections at your facility. A copy of the inspection report is attached to this email. EPA will use this and subsequent inspections reports to determine your facility's compliance with the CWA. Please review the report, note the areas of concern, and take any

action necessary to ensure compliance with the CWA. We have previously discussed this information on the phone, but I wanted to provide you with a finalized copy. Please be aware that as you continue to take actions to address the concerns that the EPA has, document your actions with pictures, receipts, work orders, etc. This information will be requested at a later date from you.

Additionally, the EPA has small business compliance assistance, which I wanted to provide you the brochure for, if needed.

Please let me or Kent Sanborn know if you have any questions related to the concerns identified.

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section
Enforcement Division/Region 6
U.S. Environmental Protection Agency

1445 Ross Avenue, Mail Code 6EN-WR
Dallas, Texas 75202
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

EPA United States Environmental Protection Agency

Region 6 Compliance Assurance and Enforcement Division

INSPECTION REPORT

Inspection Date(s):	March 16, 2018 and March 20, 2018	
Media:	Water (CWA)	
Regulatory Program(s)	NPDES – Brine	
Company Name:	**Diamond 3S, LLC**	
Facility Name:	**Kennedy**	
Facility Physical Location:	36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)	
(city, state, zip code)	Pawhuska, Oklahoma 74056	
Mailing address:	20102 West Coyote Trail	
(city, state, zip code)	Sand Springs, Oklahoma 74063	
County/Parish:	Osage	
Facility Contact:	Joel Summers	
	(918) 638-9306	
FRS Number:	N/A	
Identification/Permit Number:	OKU000867	
Media Number:	N/A	
NAICS:	21111	
SIC:	1311	
Personnel participating in inspection:		
Kent W. Sanborn	EPA Region 6, 6EN-WR	Environmental Engineer	918-557-1615
EPA Lead Inspector Signature/Date	Sanborn, Kent — Digitally signed by Sanborn, Kent DN: cn=Sanborn, Kent, email=Sanborn.Kent@epa.gov Date: 2018.03.30 13:45:50 -05'00'	
	Kent W. Sanborn	Date
Supervisor Signature/Date	GUY TIDMORE — Digitally signed by GUY TIDMORE DN: c=US, o=U.S. Government, ou=USEPA, ou=Staff, cn=GUY TIDMORE, dnQualifier=0000012807 Date: 2018.04.02 08:44:27 -05'00'	02 APR 2018
	Guy Tidmore	Date

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

EPA Region 6 inspector Kent W. Sanborn arrived at the Diamond 3S LLC lease on the Kennedy property near Pawhuska, Oklahoma at about 3:00 PM on March 16, 2018 for an inspection. The inspection was initiated by a reported discharge of fluids into a nearby tributary of Daniel's Run Creek by Diamond 3S, LLC. The Bureau of Indian Affairs (BIA) in Pawhuska requested our assistance in addressing the discharge. I met with Joel Summers of the company and Mark Hendricks of the BIA at the discharge site near an injection well. We confirmed the discharge had reached a tributary of Daniel's Run Creek. There were no activities of any kind taking place to address the discharge or clean up during the inspection. The inspection was conducted under the authority of Section 308 of the CWA. The scope of the inspection was to determine if the facility was in compliance with Clean Water Act, including Section 301, and to identify and document discharges of produced wastewater (brine) to waters of the United States.

FACILITY DESCRIPTION

The origination point of discharge was a leaking injection well supply line connected to the well known as the Kennedy Number 3. The injection well is also known as EPA inventory OS 4349. The flow line was buried up to the well. The well was closed in, but the line itself was leaking fluids and was connected to the main tank battery. The entire pasture between the well and the tributary of Daniel's Run Creek was saturated with brine from a consistent leak over time.

Section II – OBSERVATIONS

3/16/2018

I initially arrived at the Diamond 3S, LLC, Kennedy lease at about 3:00 pm on March 16, 2018. Photo 1 indicates the injection well sign located a few yards from the discharge point. The well itself was shown in Photo 2. The discharge (Photos 3, 4, and 5) was occurring below the surface in what appeared to be a failed injection well supply line. The leak had a small amount of oil as well. Salt had precipitated out on the surface in around the area, which indicated that an extended amount of time has passed as the line continued to leak. Photos 6, 7, and 8 show the surface to be stained and saturated as the brine flowed southwest down a long hill towards a tributary of Daniel's Run Creek. Photo 9 indicates the extent of the brine saturation approximately half way down the hill showing a large portion of the hillside was saturated along the flow path with brine and fluids that had been leaking for long periods of time. Livestock had been in around the site for an undetermined amount of time. Photo 10 shows the unaffected portion of the tributary upstream of the discharge point of entry and area where large portions of seepage had occurred from the heavily saturated hillside. With a calibrated YSI Pro 30 Conductivity Meter, a Total Dissolved Solids (TDS) measurement was taken upstream and was 816 mg/L (Photo 11). Flow was south in the tributary of Daniel's Run Creek from the reading taken in Photo 11. The northern most extent of the seepage from the leak into the tributary of Daniel's Run Creek was located at 36.587308N, -96.499175W, approximately 100 yards upstream from the Point of Entry (POE). Photo 12 shows the southern POE of most of the brine from the discharged hillside to the tributary of Daniel's Run Creek. The entire bank for over 100 yards was seeping into the tributary from the

saturated hillside and flow path. The TDS of the tributary at the POE was 95,541 mg/L (Photo 13). The tributary shown in Photo 14 downstream was contaminated. TDS at Photo 14, approximately 0.1 miles downstream from the POE was 45,792 mg/L. (Photo 15). The downstream flow from the POE to Daniel's Run Creek (Photo 16) was again tested at the junction of the tributary and Daniel's Run Creek, which joined the tributary from the west. The TDS of the combined waters was 11,250 mg/L (Photo 17). The creek was tested farther downstream of the junction at the point shown in Photo 18. TDS was 22,483 mg/L (Photo 19). Photo 20 shows the southernmost point tested on the creek, approximately 0.86 miles downstream from the southernmost POE into the tributary of Daniel's Run Creek. TDS was 3,008 mg/L (Photo 21).

3/20/2018

On March 20, 2018 I returned to the site to evaluate cleanup activities and progress. There were no representatives present and I did not observe any trucks or equipment on site to remove brine from the tributary, creek, or the hillside at the time of the inspection. Photo 22 shows a hole dug to expose the failed line and subsequent repair of the line. The soil and bank near the POE was still saturated with brine and continued to discharge into the tributary (Photos 23 and 24). TDS at the POE to the creek was 77,765 mg/L (Photo 25). I observed three dams built in the tributary of Daniel's Run Creek. Photo 26 was the closest to the southernmost POE of brine to the tributary. TDS at the first dam was 23,769 mg/L (Photo 27). The creek was measured between the first dam and the second dam (Photo 28). TDS was found to be 25,883 mg/L (Photo 29). Flow was south within the tributary of Daniel's Run Creek. Photo 30 shows a dead crayfish found in the tributary of Daniel's Run Creek near the area shown in photos 28 and 29. Also, I observed other various crayfish parts present in this area that had been consumed prior to the inspection by varmints, like raccoons. I observed the second dam (Photo 31) downstream of the southernmost POE approximately 0.14 miles. TDS at that location was 45,164 mg/L (Photo 32). Photo 33 was a section of the creek downstream of the second dam. TDS at that location was 41,560 mg/L (Photo 34). A third dam was present and shown in Photo 35, which was approximately 0.35 miles downstream from the southernmost POE into the tributary of Daniel's Run Creek. TDS at that site was 30,419 mg/L (Photo 36). Crayfish remains were present in the creek (Photo 37) near the third dam.

Section III – AREAS OF CONCERN

I have not observed quick action to remove brine from the tributary and Daniel's Run Creek and concerns about brine continuing to flow downstream still exist. The dams put in prior to the March 20, 2018 inspection date will continue to be monitored to verify no seeping is occurring through those dams. The flow path and saturated hillside to the west and south of the tank battery was a large area of contaminated soil. This area continues to be a concern and contamination will continue to seep out of the hillside into the tributary, especially during rainfall events.

Section IV – FOLLOW UP

A follow up inspection will be conducted as needed.

Section V – LIST OF APPENDICES

Appendix 1 – Photo Log – 37 photos taken 3/16/2018 and 3/20/2018.

Appendix 1

Photographic Log (37 photos)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 1

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 1 (DSC_0342)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 4:03 pm
Latitude: 36.586969N
Longitude: -96.498093W
Photographer: K.W. Sanborn
Description: This photo shows the sign of the injection well, where the discharge originated from a flow line located about 20 yards east of the well.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 2

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

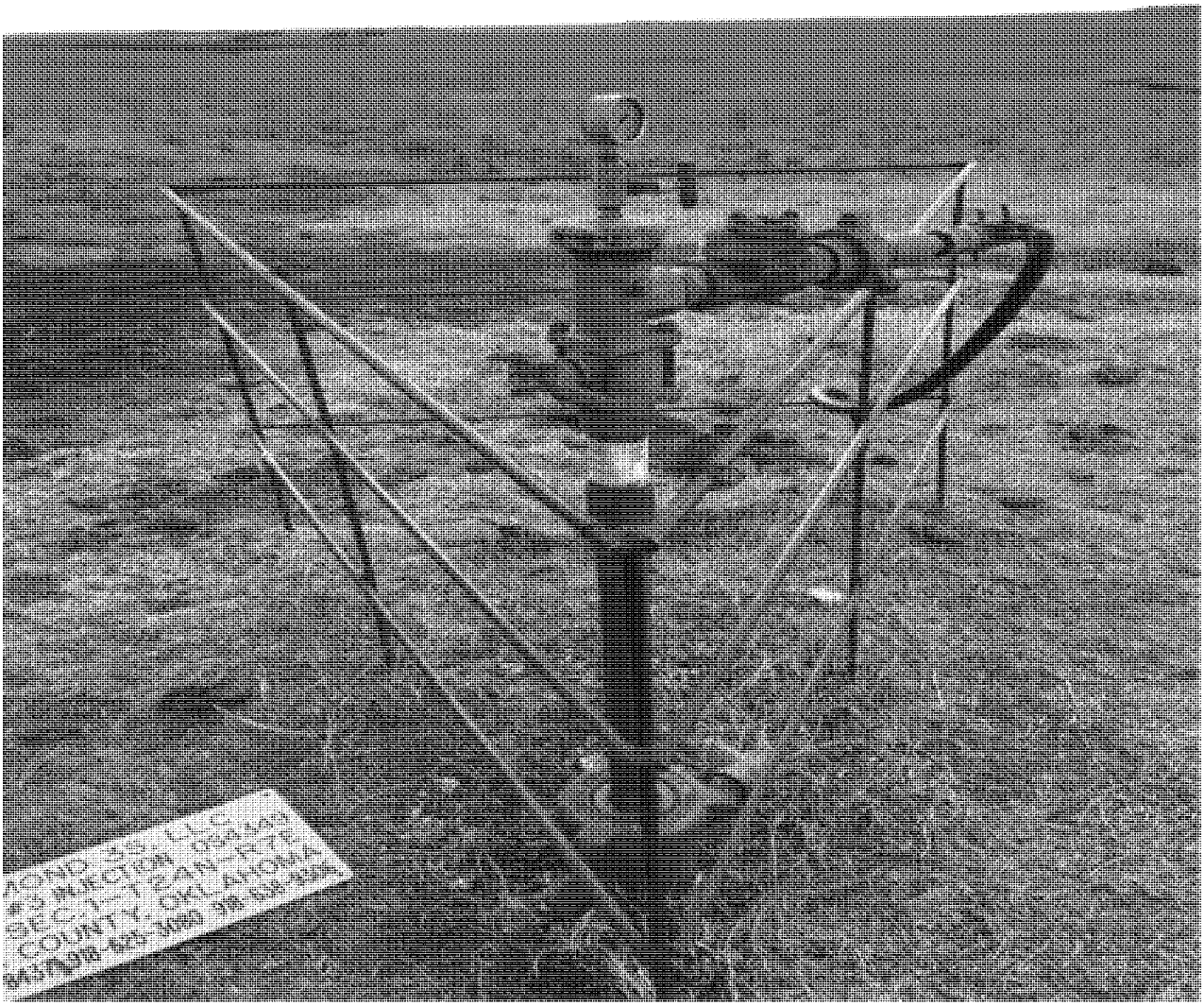


Photo File Name: Photo 2 (DSC_0343)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 4:03 pm
Latitude: 36.586969N
Longitude: -96.498093W
Photographer: K.W. Sanborn
Description: This is the disposal well near the discharge. The well was not active at the time of discharge. The valves on the line and well were closed at the time of the inspection.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 3

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 3 (DSC_0350)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 4:15 pm
Latitude: 36.586823N
Longitude: -96.498147W
Photographer: K.W. Sanborn
Description: The discharge originated beneath the ground in the injection flow line. The discharge area, salt crystals and flow path from the site towards the tributary of Daniel's Run Creek can be seen here.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 4

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

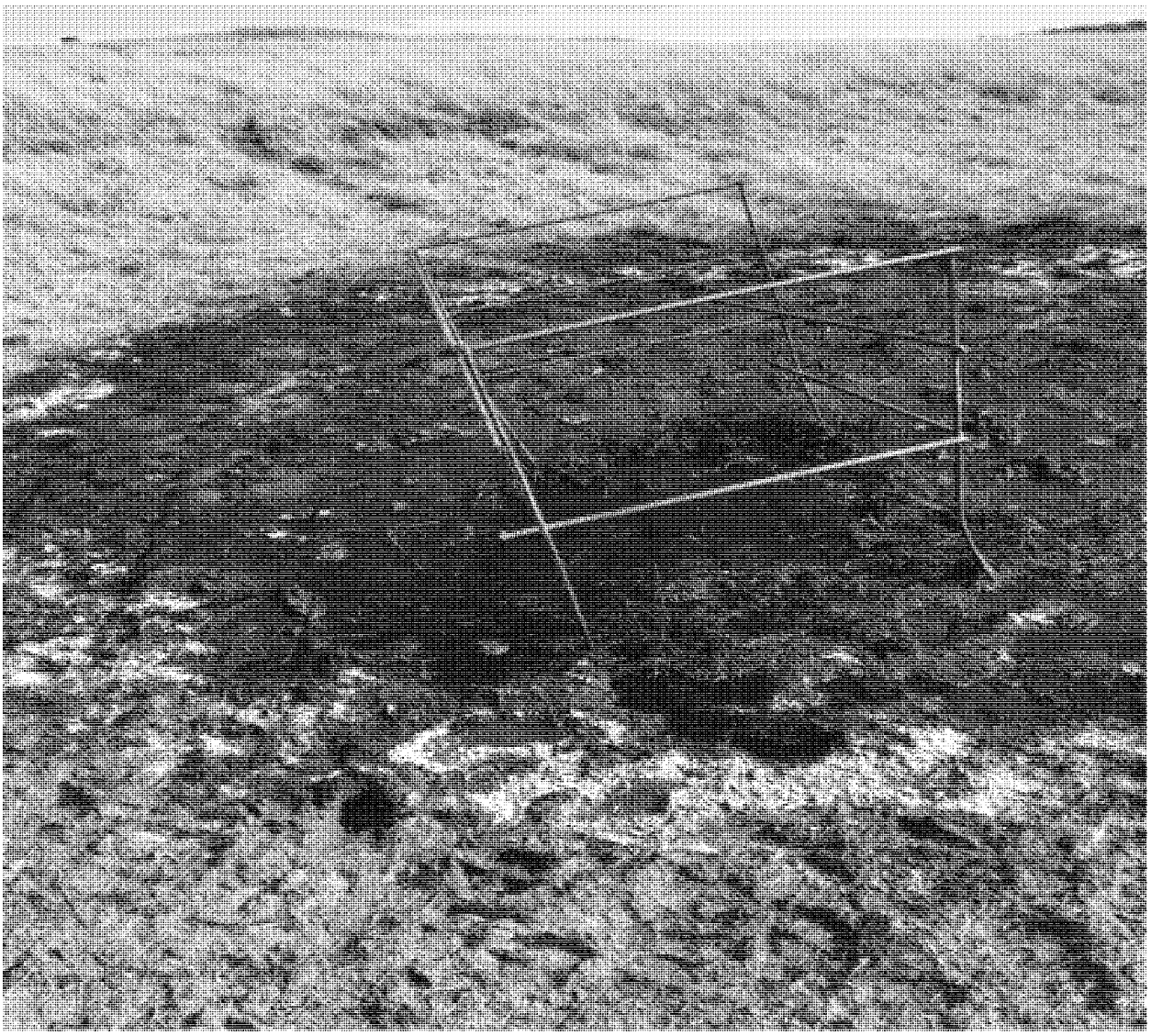


Photo File Name: Photo 4 (DSC_0345)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 4:15 pm
Latitude: 36.586957N
Longitude: -96.498036W
Photographer: K.W. Sanborn
Description: This photo shows the area where the discharge was occurring underground from a flow line. I observed a small amount of oil and salt crystals had precipitated across the entire location. Additionally, brine fluids were present.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 5

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

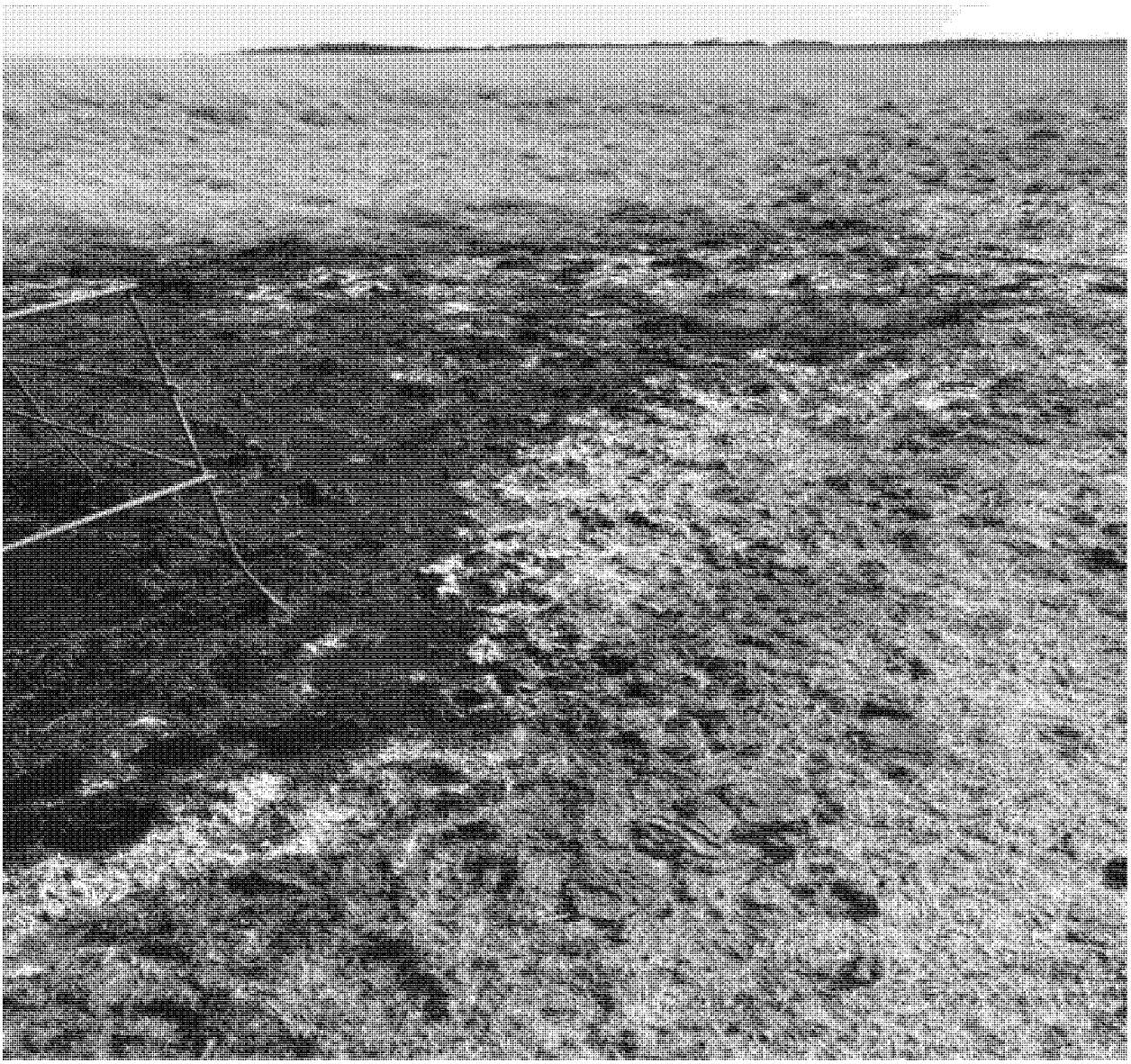


Photo File Name: Photo 5 (DSC_0346)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 4:15 pm
Latitude: 36.586957N
Longitude: -96.498036W
Photographer: K.W. Sanborn
Description: The discharge path was southwest toward the tributary of Daniel's Run Creek. The entire area was saturated with brine.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 6

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

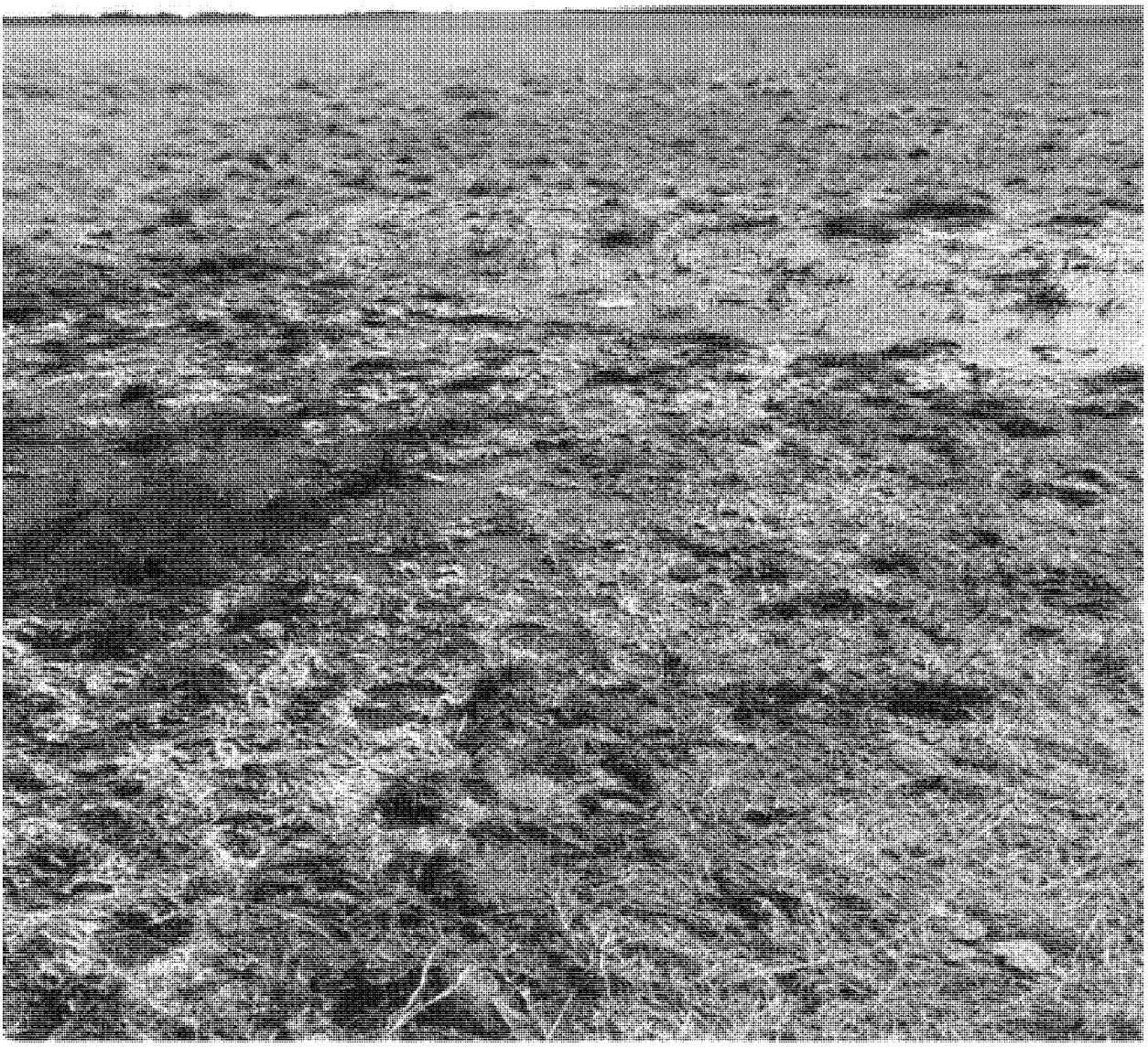


Photo File Name: Photo 6 (DSC_0347)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 4:15 pm
Latitude: 36.586957N
Longitude: -96.498036W
Photographer: K.W. Sanborn
Description: A flow path of the brine was observed from the discharge area southwest towards the tributary of Daniel's Run Creek. I observed white salt staining and wet soil along the flow path. Additionally, brine fluids were present along the flow path.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 7

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

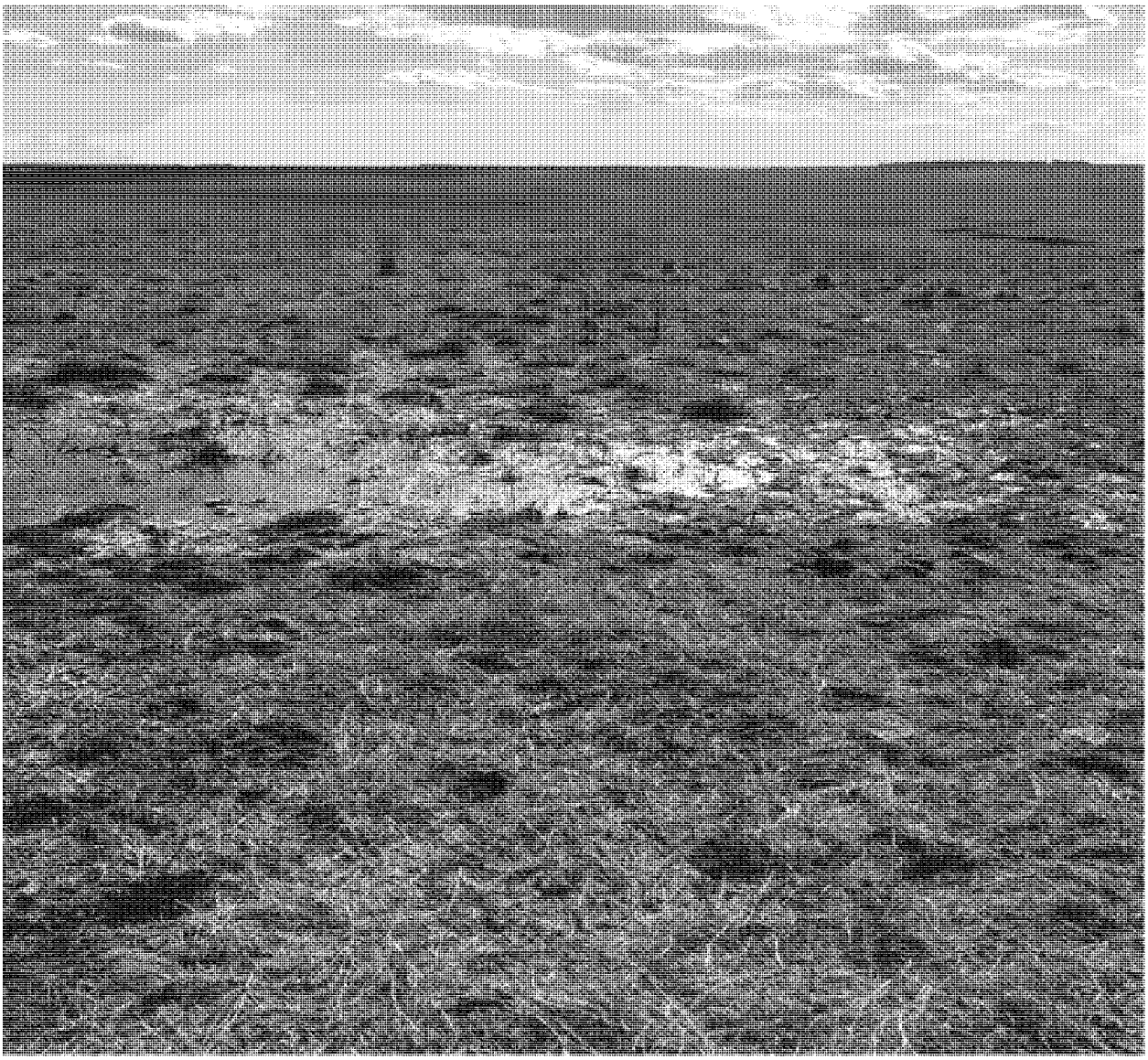


Photo File Name: Photo 7 (DSC_0348)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 4:15 pm
Latitude: 36.587000N
Longitude: -96.497998W
Photographer: K.W. Sanborn
Description: The discharge flow path had pooled up fluids down the saturated hill side towards the tributary southwest of the point of discharge.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 8

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 8 (DSC_0352)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 4:18 pm
Latitude: 36.586823N
Longitude: -96.498147W
Photographer: K.W. Sanborn
Description: This photo shows the wet and saturated areas on the hillside from the brine discharge and along the flow path that I observed during the inspection. I saw cattle tracks in the mud.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 9

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

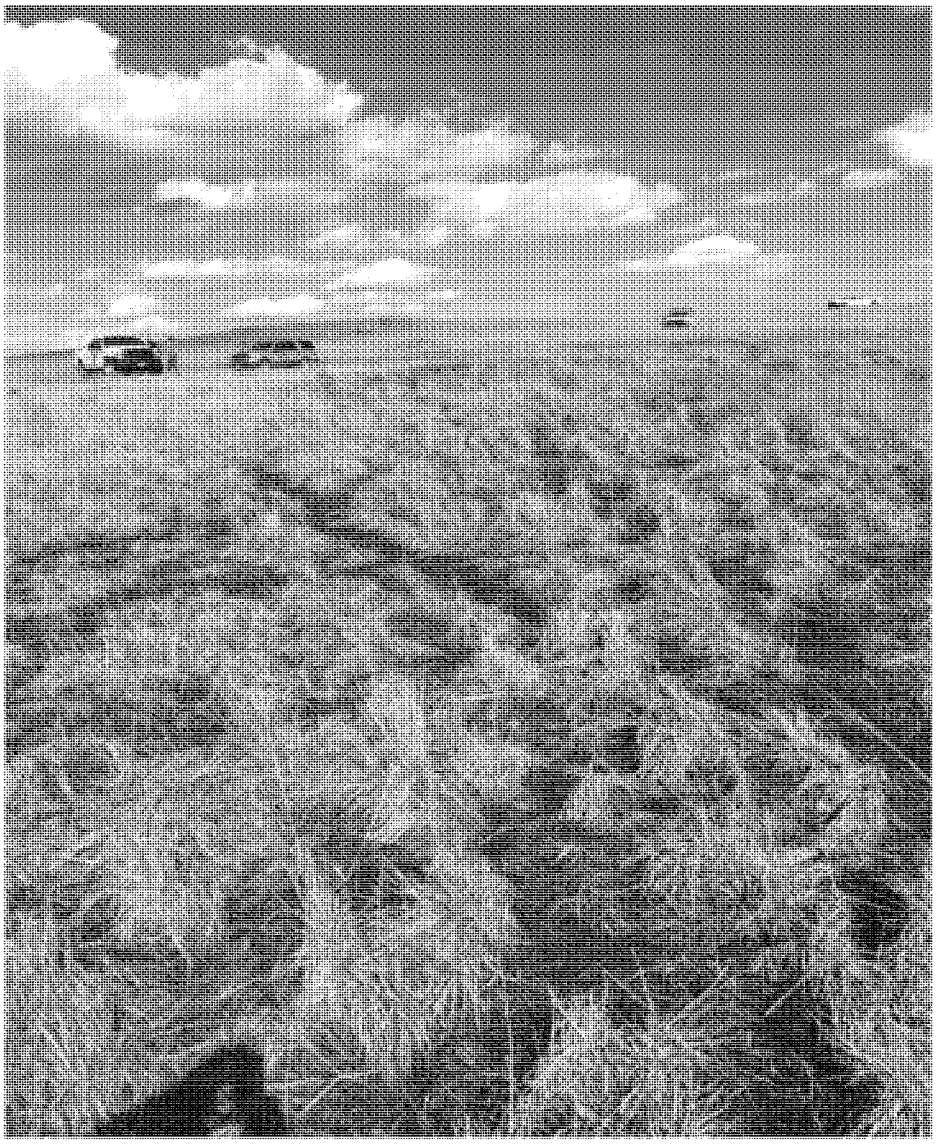


Photo File Name: Photo 9 (DSC_0354)
Orientation: Northeast
Date of Photo: 03/16/2018
Time of Photo: 4:19 pm
Latitude: 36.586612N
Longitude: -96.498575W
Photographer: K.W. Sanborn
Description: This was a view from midway down the hill where the flow path of fluids from the discharge point near the trucks towards the tributary of Daniel's Run Creek occurred. The soil was saturated with salt crystals along the flow path and throughout the hillside

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 10

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 10 (DSC_0357)
Orientation: North
Date of Photo: 03/16/2018
Time of Photo: 4:35 pm
Latitude: 36.587812N
Longitude: -96.498510W
Photographer: K.W. Sanborn
Description: This was a view upstream of the point of entry (POE) of the brine to the tributary of Daniel's Run Creek. Flow was south from the POE. I observed bed and bank at this location of the creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 11

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 11 (DSC_0356)
Orientation: North
Date of Photo: 03/16/2018
Time of Photo: 4:35 pm
Latitude: 36.587812N
Longitude: -96.498510W
Photographer: K.W. Sanborn
Description: With a calibrated YSI 30 Pro Conductivity Meter, a Total Dissolved Solids (TDS) measurement was taken of the upstream portion of the tributary shown in Photo 10 was 816 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 12

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 12 (DSC_0366)
Orientation: West
Date of Photo: 03/16/2018
Time of Photo: 4:45 pm
Latitude: 36.586494N
Longitude: -96.499100W
Photographer: K.W. Sanborn
Description: The southernmost POE of brine into the tributary of Daniel's Run Creek is shown here.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 13

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 13 (DSC_0361)
Orientation: West
Date of Photo: 03/16/2018
Time of Photo: 4:43 pm
Latitude: 36.586494N
Longitude: -96.499100W
Photographer: K.W. Sanborn
Description: TDS of the creek at the southernmost POE was 95,541 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 14

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 14 (DSC_0370)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 5:01 pm
Latitude: 36.585557N
Longitude: -96.499831W
Photographer: K.W. Sanborn
Description: This was the tributary of Daniel's Run Creek downstream of the POE. I smelled brine at this location during the inspection.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 15

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 15 (DSC_0368)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 4:49 pm
Latitude: 36.585557N
Longitude: -96.4998131W
Photographer: K.W. Sanborn
Description: TDS in the tributary shown where Photo 14 was taken was 45,792 mg/L. This location was approximately 0.1 miles downstream from the southernmost POE.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 16

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 16 (DSC_0374)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 5:04 pm
Latitude: 36.583612N
Longitude: -96.502629W
Photographer: K.W. Sanborn
Description: This is Daniel's Run Creek just south of the confluence of the creek with the tributary of Daniel's Run Creek. Daniel's Run Creek entered the tributary from the west. I could see a defined bed and bank in Daniel's Run Creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 17

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

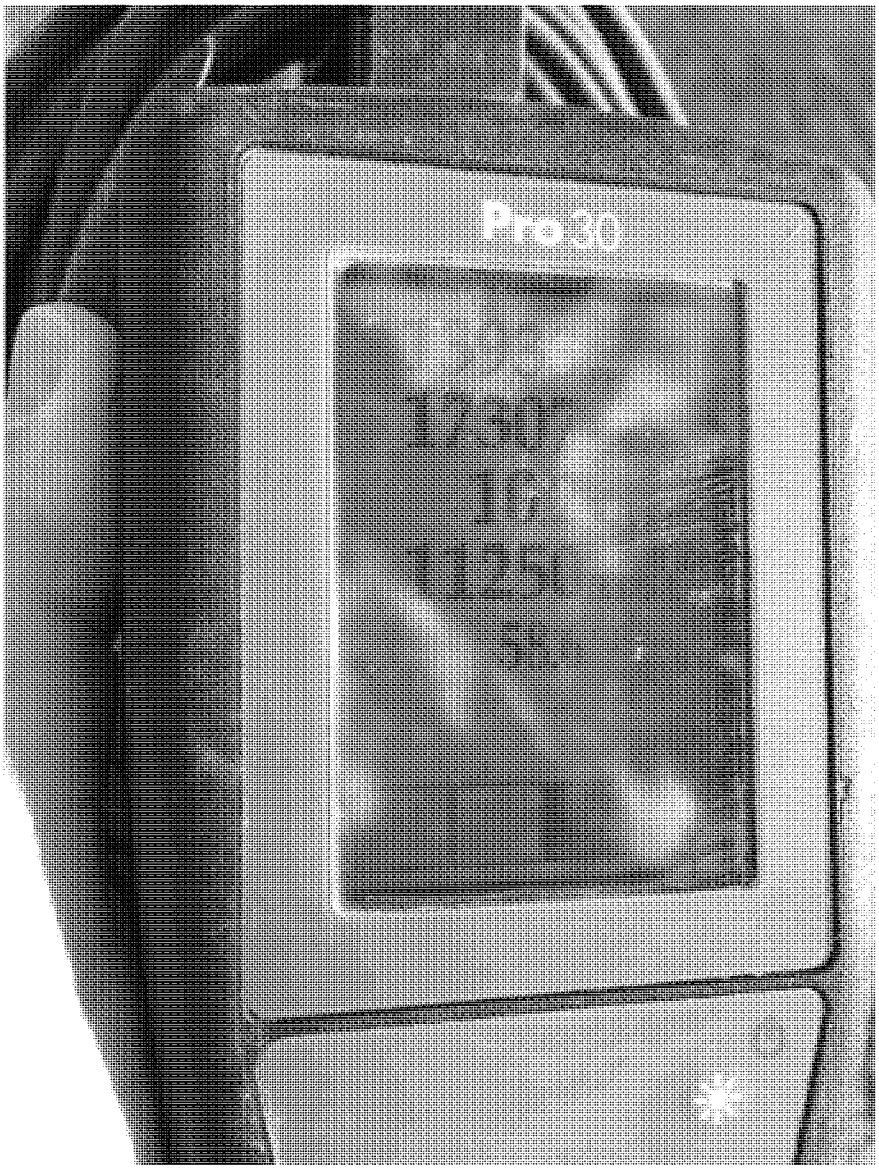


Photo File Name: Photo 17 (DSC_0373)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 5:04 pm
Latitude: 36.583612N
Longitude: -96.502629W
Photographer: K.W. Sanborn
Description: TDS of Daniel's Run Creek depicted in Photo 16 was 11,250 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 18

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 18 (DSC_0377)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 5:07 pm
Latitude: 36.581793N
Longitude: -96.502259W
Photographer: K.W. Sanborn
Description: This a view of the creek downstream from the junction of the tributary and Daniel's Run Creek which comes in from the west. I observed bed and bank in this location of the creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 19

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

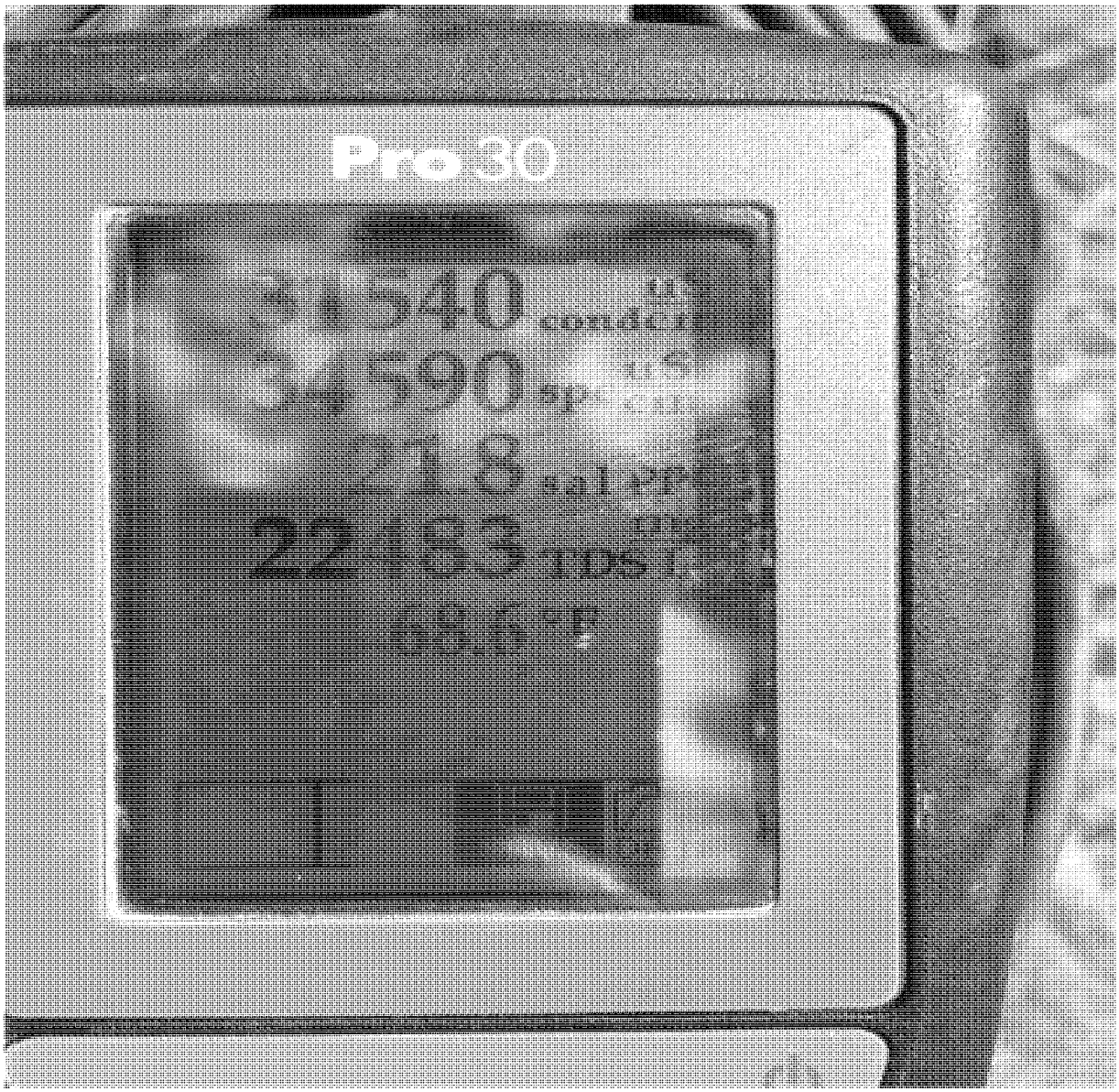


Photo file Name: Photo 19 (DSC_0234)
Orientation: West
Date of Photo: 03/07/2018
Time of Photo: 12:58 pm
Latitude: 36.581793N
Longitude: -96.502259W
Photographer: K.W. Sanborn
Description: TDS of the location in creek in Photo 18 was 22,483 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 20

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 20 (DSC_0379)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 5:13 pm
Latitude: 36.578599N
Longitude: -96.502326W
Photographer: K.W. Sanborn
Description: The creek crossed under a fence on the south part of the property. Flow continued south in Daniel's Run Creek. I observed bed, bank, and high water marks along the creek at this location.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 21

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

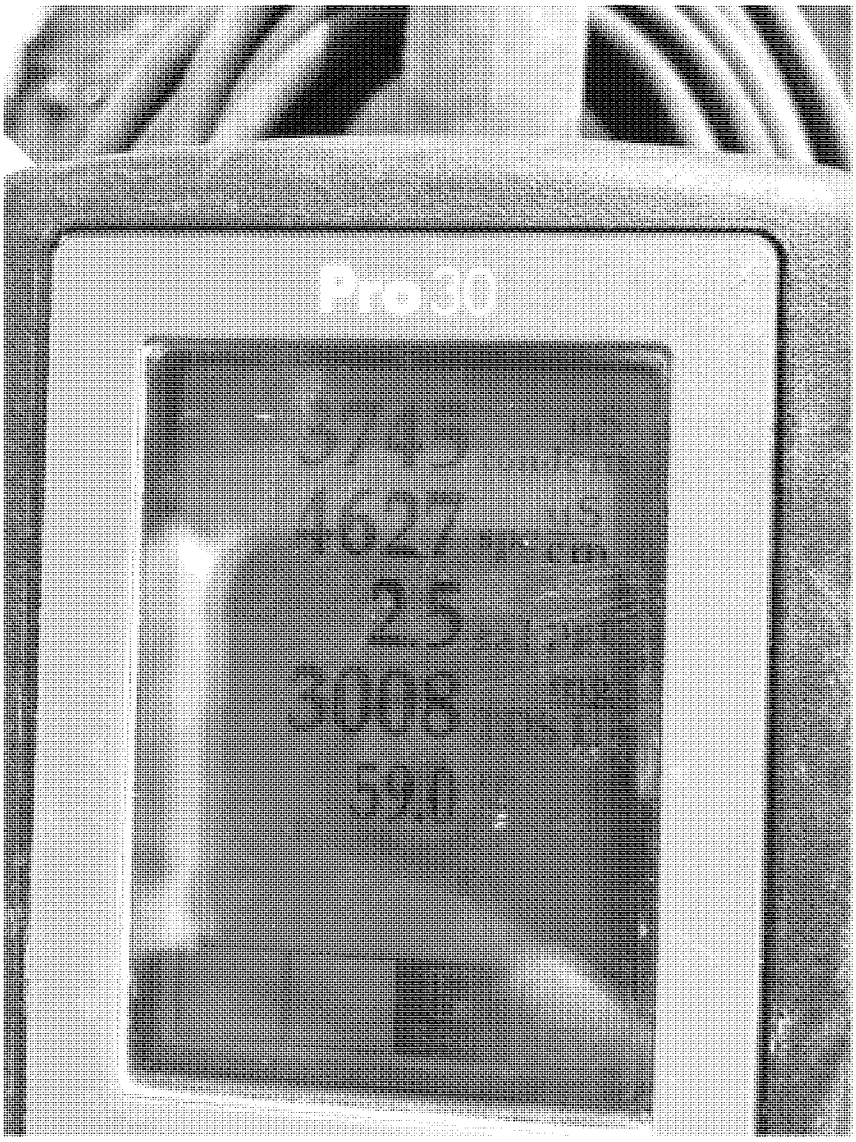


Photo File Name: Photo 21 (DSC_0378)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 5:12 pm
Latitude: 36.578599N
Longitude: -96.502326W
Photographer: K. W. Sanborn
Description: TDS of the creek at the fence line shown in Photo 20 was 3,008 mg/L. This location was approximately 0.86 miles downstream from the southernmost POE in the tributary of Daniel's Run Creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 22

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 22 (DSC_0001)
Orientation: South
Date of Photo: 03/20/2018
Time of Photo: 4:59 pm
Latitude: 36.586957N
Longitude: -96.498036W
Photographer: K.W. Sanborn
Description: The source of the discharge was identified as this flow line area, which had been repaired. The line leaked and surfaced here and the continued seeping from the statured flow path was observed during the inspection.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 23

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 23 (DSC_0003)
Orientation: West
Date of Photo: 03/20/2018
Time of Photo: 5:01 pm
Latitude: 36.587307N
Longitude: -96.499176W
Photographer: K.W. Sanborn
Description: I observed a saturated flow path and area that was still wet from brine at the POE to the tributary of Daniel's Run Creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 24

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 24 (DSC_0005)
Orientation: South
Date of Photo: 03/20/2018
Time of Photo: 5:01 pm
Latitude: 36.587307N
Longitude: -96.499176W
Photographer: K.W. Sanborn
Description: This photo shows a downstream view of the tributary of Daniel's Run Creek at the POE. The first temporary dam can be seen downstream in the tributary to prevent further downstream flow of brine fluids.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 25

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 25 (DSC_0006)
Orientation: South
Date of Photo: 03/20/2018
Time of Photo: 5:01 pm
Latitude: 36.587307N
Longitude: -96.499176W
Photographer: K.W. Sanborn
Description: TDS of the tributary of Daniel's Run Creek at the southernmost discharge POE was 77,765 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 26

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 26 (DSC_0008)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:02 pm
Latitude: 36.586313N
Longitude: -96.499364W
Photographer: K.W. Sanborn
Description: This photo shows the first temporary dam in place in the tributary of Daniel's Run Creek, downstream from the southernmost POE. This dam was put in place after the first part of this inspection.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 27

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

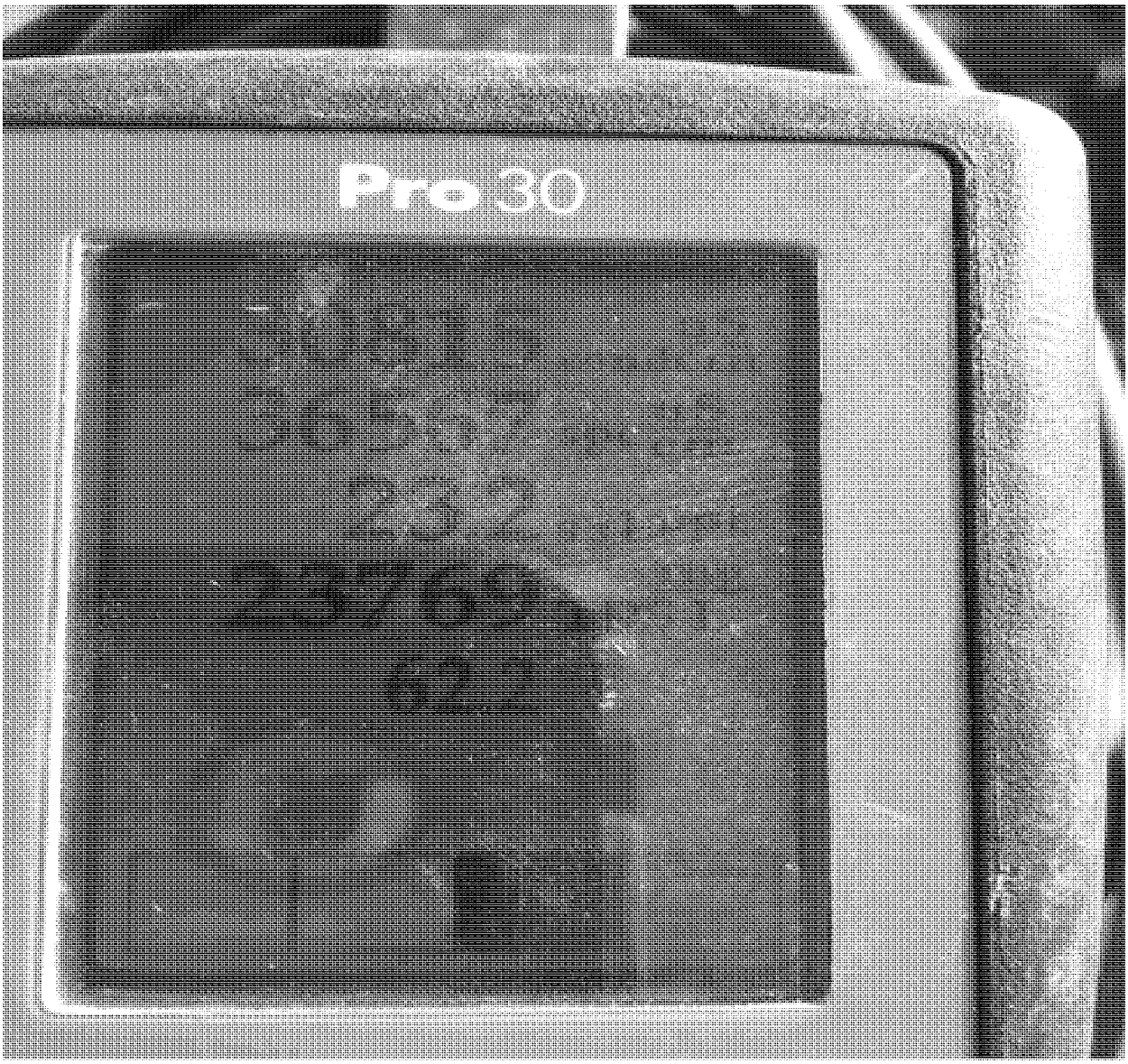


Photo File Name: Photo 27 (DSC_0009)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:02 pm
Latitude: 36.586313N
Longitude: -96.499364W
Photographer: K.W. Sanborn
Description: I took a TDS of the tributary at the first dam and the reading was 23,769 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 28

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 28 (DSC_0010)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:04 pm
Latitude: 36.585291N
Longitude: -96.499880W
Photographer: K.W. Sanborn
Description: This photo shows downstream from the first dam on the tributary. I observed bed and bank here.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 29

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

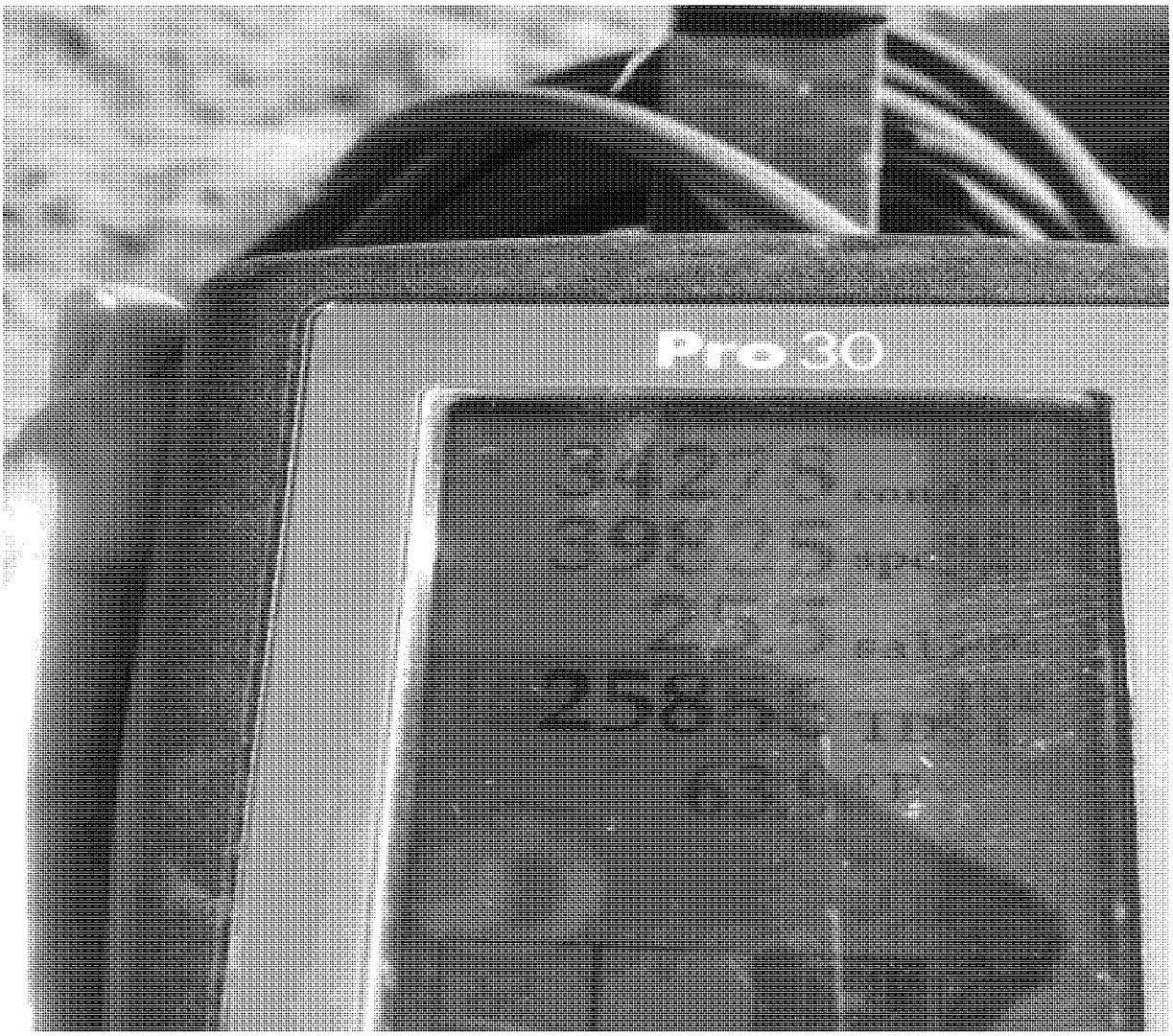


Photo File Name: Photo 29 (DSC_0011)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:04 pm
Latitude: 36.585291N
Longitude: -96.499880W
Photographer: K.W. Sanborn
Description: TDS of the creek at the location shown in Photo 28 was 25,883 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 30

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

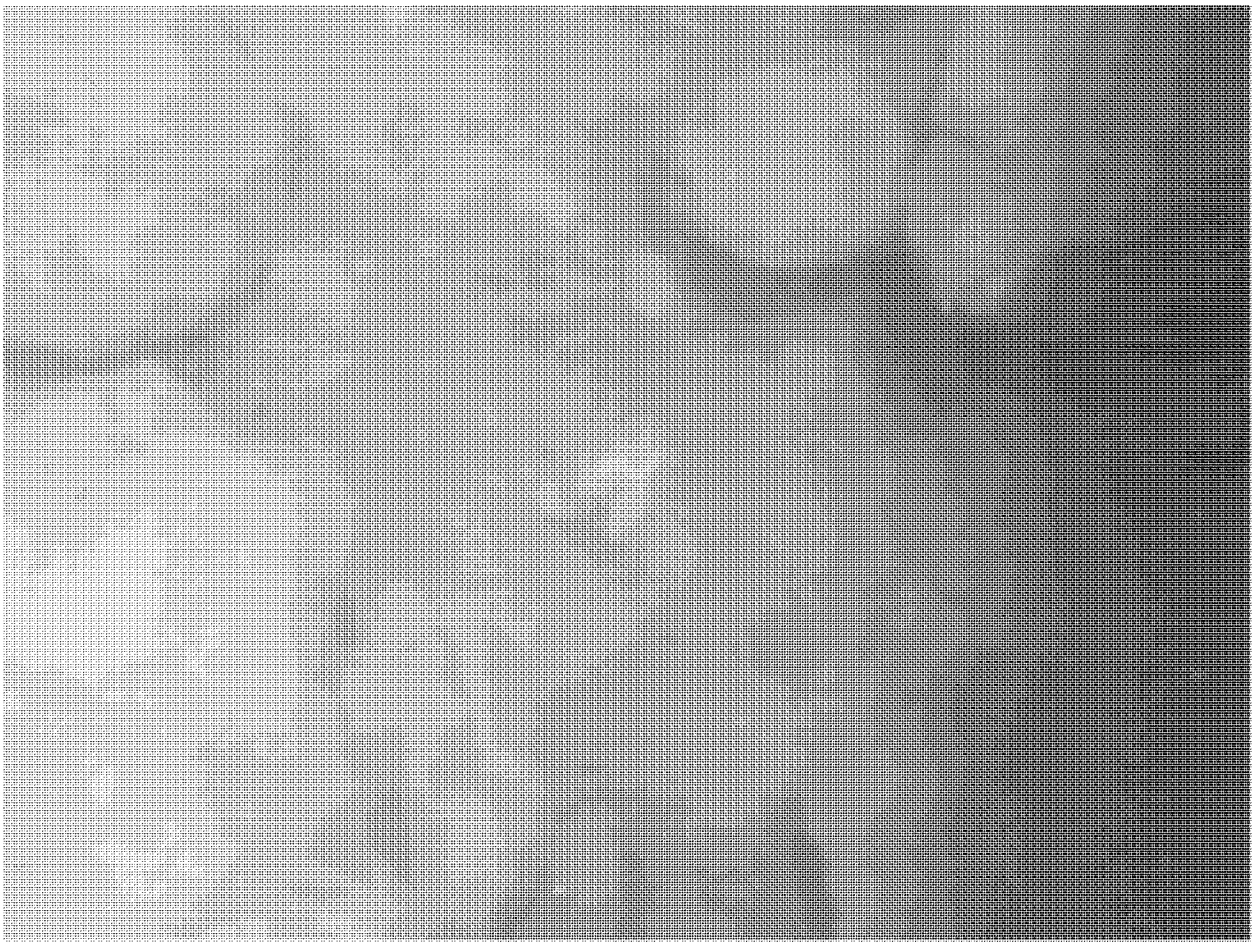


Photo File Name: Photo 30 (DSC_0012)
Orientation: East
Date of Photo: 3/20/2018
Time of Photo: 5:04 pm
Latitude: 36.585291N
Longitude: -96.499880W
Photographer: K.W. Sanborn
Description: I observed a dead crayfish in tributary at the same location where the TDS in Photo 29 was taken.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 31

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 31 (DSC_0015)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:08 pm
Latitude: 36.585146N
Longitude: -96.500020W
Photographer: K.W. Sanborn
Description: I observed a second dam, further downstream, approximately 0.14 miles downstream from the southernmost POE.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 32

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 32 (DSC_0016)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:08 pm
Latitude: 36.585146N
Longitude: -96.500020W
Photographer: K.W. Sanborn
Description: TDS at the second dam site was 45,164 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 33

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 33 (DSC_0017)
Orientation: Southeast
Date of Photo: 3/20/2018
Time of Photo: 5:13 pm
Latitude: 36.584833N
Longitude: -96.500620W
Photographer: K.W. Sanborn
Description: This was the tributary downstream of the second dam, where I observed bed and bank.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 34

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 34 (DSC_0018)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:13 pm
Latitude: 36.584833N
Longitude: -96.500620W
Photographer: K.W. Sanborn
Description: TDS at the location in the tributary in Photo 33 was 41,560 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 35

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 35 (DSC_0019)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:15 pm
Latitude: 36.583809N
Longitude: -96.502419W
Photographer: K.W. Sanborn
Description: I observed the third dam, downstream approximately 0.35 miles from the southernmost POE in the tributary of Daniel's Run Creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 36

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

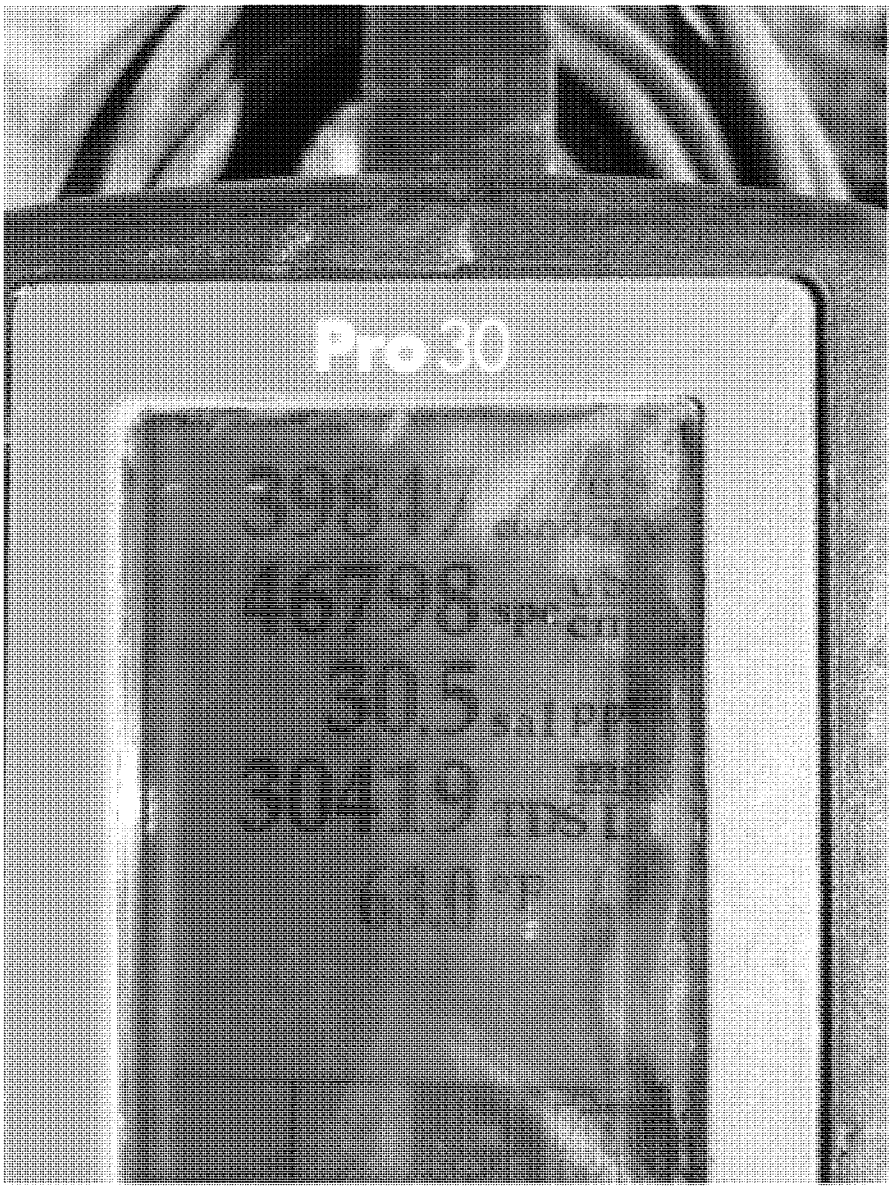


Photo File Name: Photo 36 (DSC_0020)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:16 pm
Latitude: 36.583809N
Longitude: -96.502419W
Photographer: K.W. Sanborn
Description: TDS of the tributary at the third dam was 30,419 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 37

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 37 (DSC_0021)
Orientation: East
Date of Photo: 3/20/2018
Time of Photo: 5:17 pm
Latitude: 36.583809N
Longitude: -96.502419W
Photographer: K.W. Sanborn
Description: Crayfish remains were observed on the bottom of the tributary at third dam.

Office of Enforcement and Compliance Assurance (2201A)
EPA-300-B-15-001 May 2015

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

Small Business Programs
www.epa.gov/smallbusiness
EPA's Office of Small Business Programs (OSBP) advocates and fosters opportunities for direct and indirect partnerships, contracts, and sub-agreements for small businesses and socio-economically disadvantaged businesses.

EPA's Asbestos Small Business Ombudsman
www.epa.gov/sbo or 1-800-368-5888
The EPA Asbestos and Small Business Ombudsman (ASBO) serves as a conduit for small businesses to access EPA and facilitates communications between the small business community and the Agency.

EPA's Compliance Assistance Homepage
www2.epa.gov/compliance
This page is a gateway industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers
www.assistancecenters.net
EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture
www.epa.gov/agriculture/

Automotive Recycling
www.ecarcenter.org

Automotive Service and Repair
ccar-greenlink.org/ or 1-888-GRN-LINK

Chemical Manufacturing
www.chemalliance.org

Construction
www.cicacenter.org or 1-734-995-4911

Education
www.campuserc.org

Food Processing
www.fpeac.org

Healthcare
www.hercenter.org

Local Government
www.lgean.org

Metal Finishing
www.nmfrc.org

Paints and Coatings
www.paintcenter.org

Printing
www.pneac.org

Ports
www.portcompliance.org

Transportation
www.tercenter.org

U.S. Border Compliance and Import/Export Issues
www.bordercenter.org

EPA Hotlines, Helplines and Clearinghouses
www2.epa.gov/home/epa-hotlines
EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Clean Air Technology Center (CATC) Info-line
www.epa.gov/ttn/catc or 1-919-541-0800

Superfund, TRI, EPCRA, RMP and Oil Information Center
www.epa.gov/superfund/contacts/infocenter/index.htm or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline
www.epa.gov/otaq/imports or 734-214-4100

National Pesticide Information Center
www.npic.orst.edu/ or 1-800-858-7378

National Response Center Hotline to report oil and hazardous substance spills - www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC) - www.epa.gov/opptintr/ppic or 1-202-566-0799

Safe Drinking Water Hotline - www.epa.gov/drink/hotline/index.cfm or 1-800-426-4791

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Stratospheric Ozone Protection Hotline
www.epa.gov/ozone/comments.htm or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline
tsca-hotline@epa.gov or 1-202-554-1404

Small Entity Compliance Guides
http://www.epa.gov/sbrefa/compliance-guides.html
EPA publishes a Small Entity Compliance Guide (SECG) for every rule for which the Agency has prepared a final regulatory flexibility analysis, in accordance with Section 604 of the Regulatory Flexibility Act (RFA).

Regional Small Business Liaisons
http://www.epa.gov/sbo/rsbl.htm
The U.S. Environmental Protection Agency (EPA) Regional Small Business Liaison (RSBL) is the primary regional contact and often the expert on small business assistance, advocacy, and outreach. The RSBL is the regional voice for the EPA Asbestos and Small Business Ombudsman (ASBO).

State Resource Locators
www.envcap.org/statetools
The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)
www.epa.gov/sbo/507program.htm
State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits.

EPA's Tribal Portal
www.epa.gov/tribalportal/
The Portal provides access to information on environmental issues, laws, and resources related to federally recognized tribes.

EPA Compliance Incentives
EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy
www2.epa.gov/enforcement/small-businesses-and-enforcement
This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy
www2.epa.gov/compliance/epas-audit-policy
The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities
The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply
If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.

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Message

From: Eckhart, Jeanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDB8E58B4707410992750A95767619CA-ECKHART, JE]
Sent: 4/5/2018 4:42:09 PM
To: karthur@beaconcorp.com
CC: 'summertimelawncare@sbcglobal.net' [summertimelawncare@sbcglobal.net]; Sanborn, Kent [Sanborn.Kent@epa.gov]; Tidmore, Guy [tidmore.guy@epa.gov]
Subject: RE: Follow up to EPA Phone Call
Attachments: InspRptDiamond3SLLCKennedy20180320.pdf

Kevin,

Please confirm you received the email with the attachments. I received an error in sending to the below email address.

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section
Enforcement Division/Region 6
U.S. Environmental Protection Agency

1445 Ross Avenue, Mail Code 6EN-WR
Dallas, Texas 75202
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Eckhart, Jeanne
Sent: Thursday, April 05, 2018 11:35 AM
To: karthur@beconcorp.com
Cc: summertimelawncare@sbcglobal.net; Sanborn, Kent <Sanborn.Kent@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>
Subject: Follow up to EPA Phone Call

Kevin,

I wanted to provide a copy of inspection reports for the first two inspection dates, which notes the areas of concern that EPA has at the Diamond 3S, LLC spill we discussed yesterday. Our inspector was out there yesterday and can discuss with you the concerns he noted there during yesterday's inspection.

Additionally, you requested our inspector's contact information. Please feel free to pass along my contact information to the insurance agency if needed.

Kent Sanborn

(918) 557-1615
sanborn.kent@epa.gov

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section
Enforcement Division/Region 6
U.S. Environmental Protection Agency

1445 Ross Avenue, Mail Code 6EN-WR
Dallas, Texas 75202
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

EPA United States Environmental Protection Agency

Region 6 Compliance Assurance and Enforcement Division

INSPECTION REPORT

Inspection Date(s):	March 16, 2018 and March 20, 2018	
Media:	Water (CWA)	
Regulatory Program(s)	NPDES – Brine	
Company Name:	**Diamond 3S, LLC**	
Facility Name:	**Kennedy**	
Facility Physical Location:	36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)	
(city, state, zip code)	Pawhuska, Oklahoma 74056	
Mailing address:	20102 West Coyote Trail	
(city, state, zip code)	Sand Springs, Oklahoma 74063	
County/Parish:	Osage	
Facility Contact:	Joel Summers	
	(918) 638-9306	
FRS Number:	N/A	
Identification/Permit Number:	OKU000867	
Media Number:	N/A	
NAICS:	21111	
SIC:	1311	
Personnel participating in inspection:		
Kent W. Sanborn	EPA Region 6, 6EN-WR	Environmental Engineer	918-557-1615
EPA Lead Inspector Signature/Date	Sanborn, Kent — Digitally signed by Sanborn, Kent DN: cn=Sanborn, Kent, email=Sanborn.Kent@epa.gov Date: 2018.03.30 13:45:50 -05'00'	
	Kent W. Sanborn	Date
Supervisor Signature/Date	GUY TIDMORE — Digitally signed by GUY TIDMORE DN: c=US, o=U.S. Government, ou=USEPA, ou=Staff, cn=GUY TIDMORE, dnQualifier=0000012807 Date: 2018.04.02 08:44:27 -05'00'	02 APR 2018
	Guy Tidmore	Date

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

EPA Region 6 inspector Kent W. Sanborn arrived at the Diamond 3S LLC lease on the Kennedy property near Pawhuska, Oklahoma at about 3:00 PM on March 16, 2018 for an inspection. The inspection was initiated by a reported discharge of fluids into a nearby tributary of Daniel's Run Creek by Diamond 3S, LLC. The Bureau of Indian Affairs (BIA) in Pawhuska requested our assistance in addressing the discharge. I met with Joel Summers of the company and Mark Hendricks of the BIA at the discharge site near an injection well. We confirmed the discharge had reached a tributary of Daniel's Run Creek. There were no activities of any kind taking place to address the discharge or clean up during the inspection. The inspection was conducted under the authority of Section 308 of the CWA. The scope of the inspection was to determine if the facility was in compliance with Clean Water Act, including Section 301, and to identify and document discharges of produced wastewater (brine) to waters of the United States.

FACILITY DESCRIPTION

The origination point of discharge was a leaking injection well supply line connected to the well known as the Kennedy Number 3. The injection well is also known as EPA inventory OS 4349. The flow line was buried up to the well. The well was closed in, but the line itself was leaking fluids and was connected to the main tank battery. The entire pasture between the well and the tributary of Daniel's Run Creek was saturated with brine from a consistent leak over time.

Section II – OBSERVATIONS

3/16/2018

I initially arrived at the Diamond 3S, LLC, Kennedy lease at about 3:00 pm on March 16, 2018. Photo 1 indicates the injection well sign located a few yards from the discharge point. The well itself was shown in Photo 2. The discharge (Photos 3, 4, and 5) was occurring below the surface in what appeared to be a failed injection well supply line. The leak had a small amount of oil as well. Salt had precipitated out on the surface in around the area, which indicated that an extended amount of time has passed as the line continued to leak. Photos 6, 7, and 8 show the surface to be stained and saturated as the brine flowed southwest down a long hill towards a tributary of Daniel's Run Creek. Photo 9 indicates the extent of the brine saturation approximately half way down the hill showing a large portion of the hillside was saturated along the flow path with brine and fluids that had been leaking for long periods of time. Livestock had been in around the site for an undetermined amount of time. Photo 10 shows the unaffected portion of the tributary upstream of the discharge point of entry and area where large portions of seepage had occurred from the heavily saturated hillside. With a calibrated YSI Pro 30 Conductivity Meter, a Total Dissolved Solids (TDS) measurement was taken upstream and was 816 mg/L (Photo 11). Flow was south in the tributary of Daniel's Run Creek from the reading taken in Photo 11. The northern most extent of the seepage from the leak into the tributary of Daniel's Run Creek was located at 36.587308N, -96.499175W, approximately 100 yards upstream from the Point of Entry (POE). Photo 12 shows the southern POE of most of the brine from the discharged hillside to the tributary of Daniel's Run Creek. The entire bank for over 100 yards was seeping into the tributary from the

saturated hillside and flow path. The TDS of the tributary at the POE was 95,541 mg/L (Photo 13). The tributary shown in Photo 14 downstream was contaminated. TDS at Photo 14, approximately 0.1 miles downstream from the POE was 45,792 mg/L. (Photo 15). The downstream flow from the POE to Daniel's Run Creek (Photo 16) was again tested at the junction of the tributary and Daniel's Run Creek, which joined the tributary from the west. The TDS of the combined waters was 11,250 mg/L (Photo 17). The creek was tested farther downstream of the junction at the point shown in Photo 18. TDS was 22,483 mg/L (Photo 19). Photo 20 shows the southernmost point tested on the creek, approximately 0.86 miles downstream from the southernmost POE into the tributary of Daniel's Run Creek. TDS was 3,008 mg/L (Photo 21).

3/20/2018

On March 20, 2018 I returned to the site to evaluate cleanup activities and progress. There were no representatives present and I did not observe any trucks or equipment on site to remove brine from the tributary, creek, or the hillside at the time of the inspection. Photo 22 shows a hole dug to expose the failed line and subsequent repair of the line. The soil and bank near the POE was still saturated with brine and continued to discharge into the tributary (Photos 23 and 24). TDS at the POE to the creek was 77,765 mg/L (Photo 25). I observed three dams built in the tributary of Daniel's Run Creek. Photo 26 was the closest to the southernmost POE of brine to the tributary. TDS at the first dam was 23,769 mg/L (Photo 27). The creek was measured between the first dam and the second dam (Photo 28). TDS was found to be 25,883 mg/L (Photo 29). Flow was south within the tributary of Daniel's Run Creek. Photo 30 shows a dead crayfish found in the tributary of Daniel's Run Creek near the area shown in photos 28 and 29. Also, I observed other various crayfish parts present in this area that had been consumed prior to the inspection by varmints, like raccoons. I observed the second dam (Photo 31) downstream of the southernmost POE approximately 0.14 miles. TDS at that location was 45,164 mg/L (Photo 32). Photo 33 was a section of the creek downstream of the second dam. TDS at that location was 41,560 mg/L (Photo 34). A third dam was present and shown in Photo 35, which was approximately 0.35 miles downstream from the southernmost POE into the tributary of Daniel's Run Creek. TDS at that site was 30,419 mg/L (Photo 36). Crayfish remains were present in the creek (Photo 37) near the third dam.

Section III – AREAS OF CONCERN

I have not observed quick action to remove brine from the tributary and Daniel's Run Creek and concerns about brine continuing to flow downstream still exist. The dams put in prior to the March 20, 2018 inspection date will continue to be monitored to verify no seeping is occurring through those dams. The flow path and saturated hillside to the west and south of the tank battery was a large area of contaminated soil. This area continues to be a concern and contamination will continue to seep out of the hillside into the tributary, especially during rainfall events.

Section IV – FOLLOW UP

A follow up inspection will be conducted as needed.

Section V – LIST OF APPENDICES

Appendix 1 – Photo Log – 37 photos taken 3/16/2018 and 3/20/2018.

Appendix 1

Photographic Log (37 photos)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 1

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 1 (DSC_0342)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 4:03 pm
Latitude: 36.586969N
Longitude: -96.498093W
Photographer: K.W. Sanborn
Description: This photo shows the sign of the injection well, where the discharge originated from a flow line located about 20 yards east of the well.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 2

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

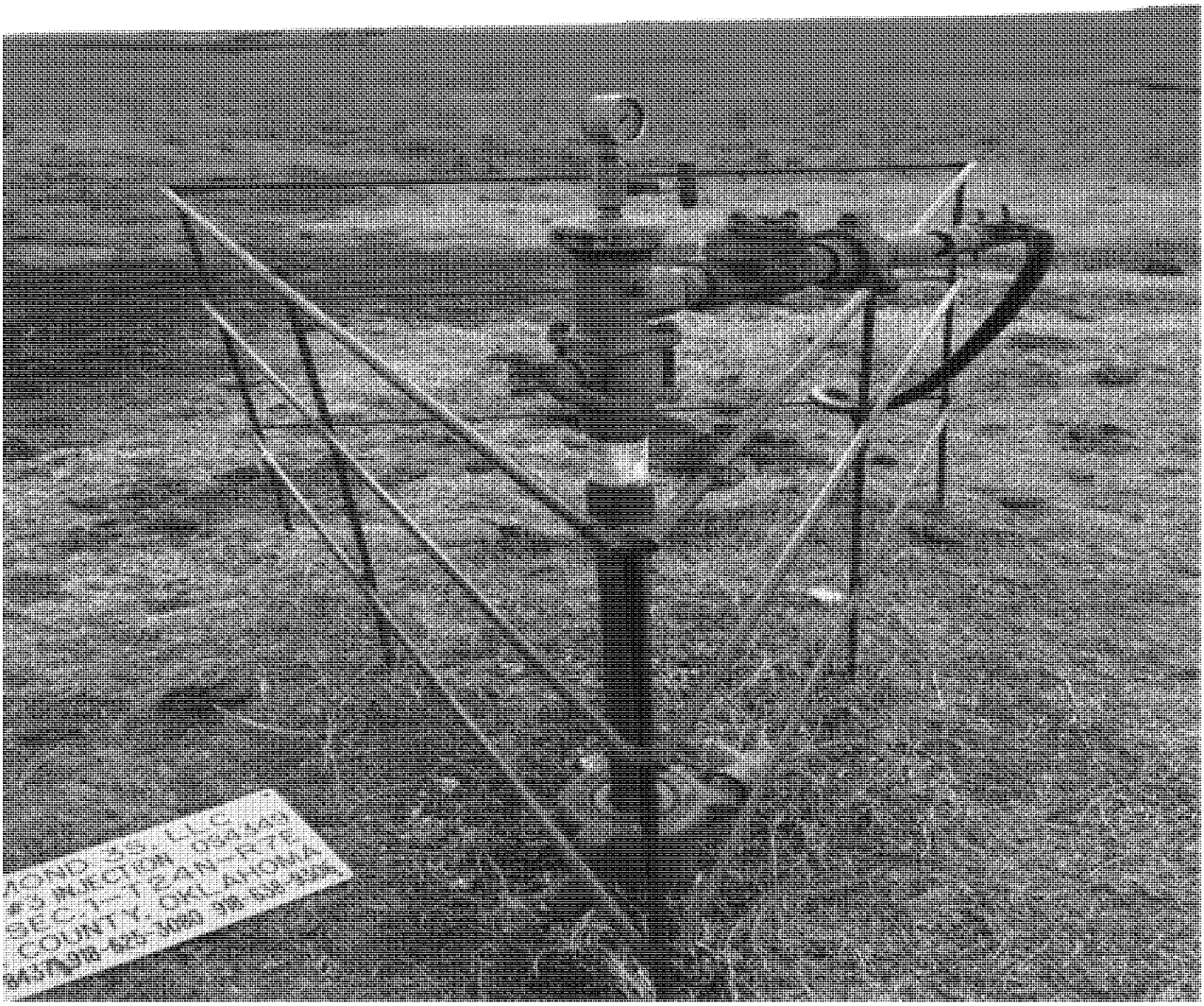

Photo File Name: Photo 2 (DSC_0343)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 4:03 pm
Latitude: 36.586969N
Longitude: -96.498093W
Photographer: K.W. Sanborn
Description: This is the disposal well near the discharge. The well was not active at the time of discharge. The valves on the line and well were closed at the time of the inspection.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 3

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 3 (DSC_0350)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 4:15 pm
Latitude: 36.586823N
Longitude: -96.498147W
Photographer: K.W. Sanborn
Description: The discharge originated beneath the ground in the injection flow line. The discharge area, salt crystals and flow path from the site towards the tributary of Daniel's Run Creek can be seen here.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 4

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

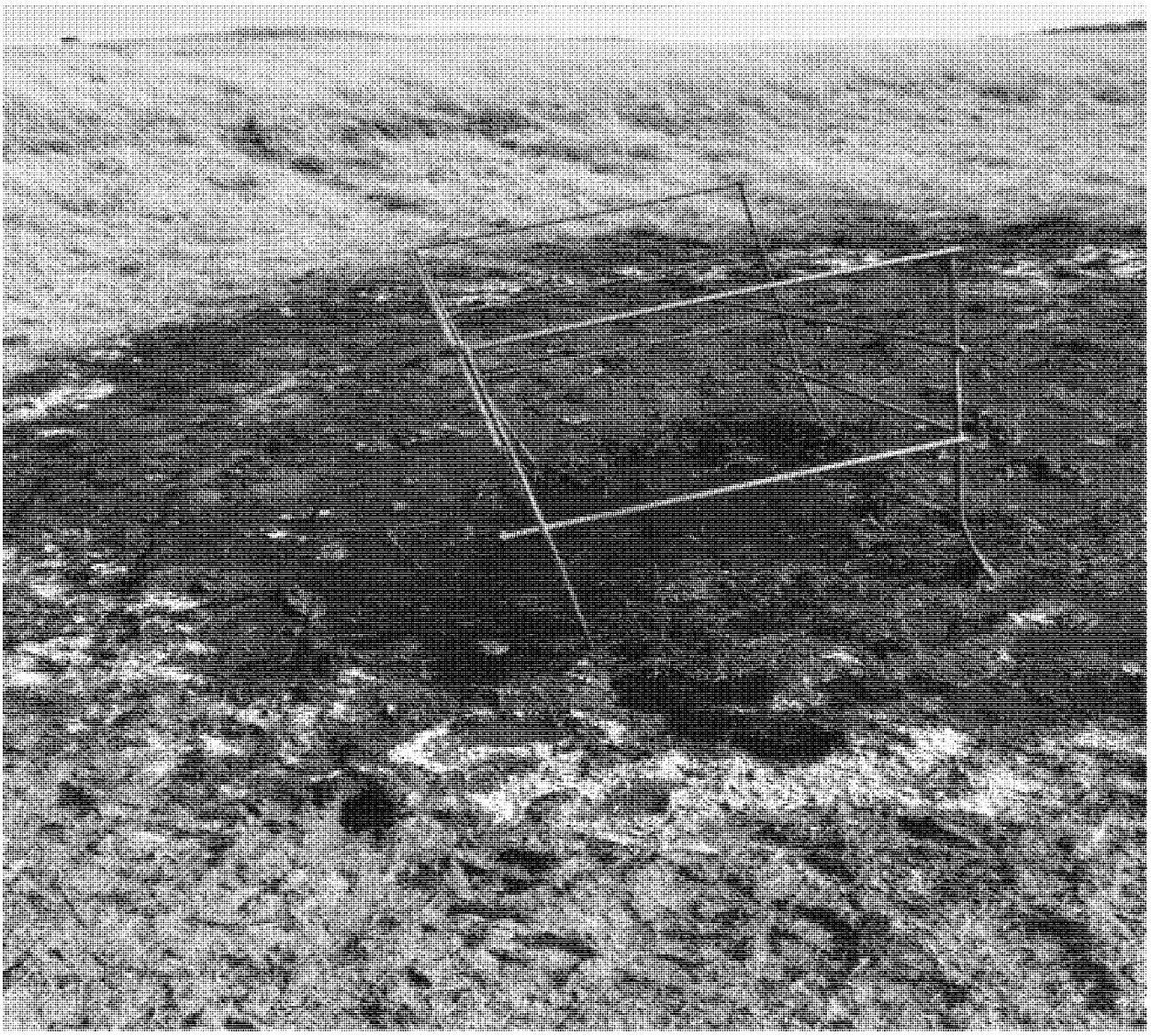

Photo File Name: Photo 4 (DSC_0345)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 4:15 pm
Latitude: 36.586957N
Longitude: -96.498036W
Photographer: K.W. Sanborn
Description: This photo shows the area where the discharge was occurring underground from a flow line. I observed a small amount of oil and salt crystals had precipitated across the entire location. Additionally, brine fluids were present.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 5

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

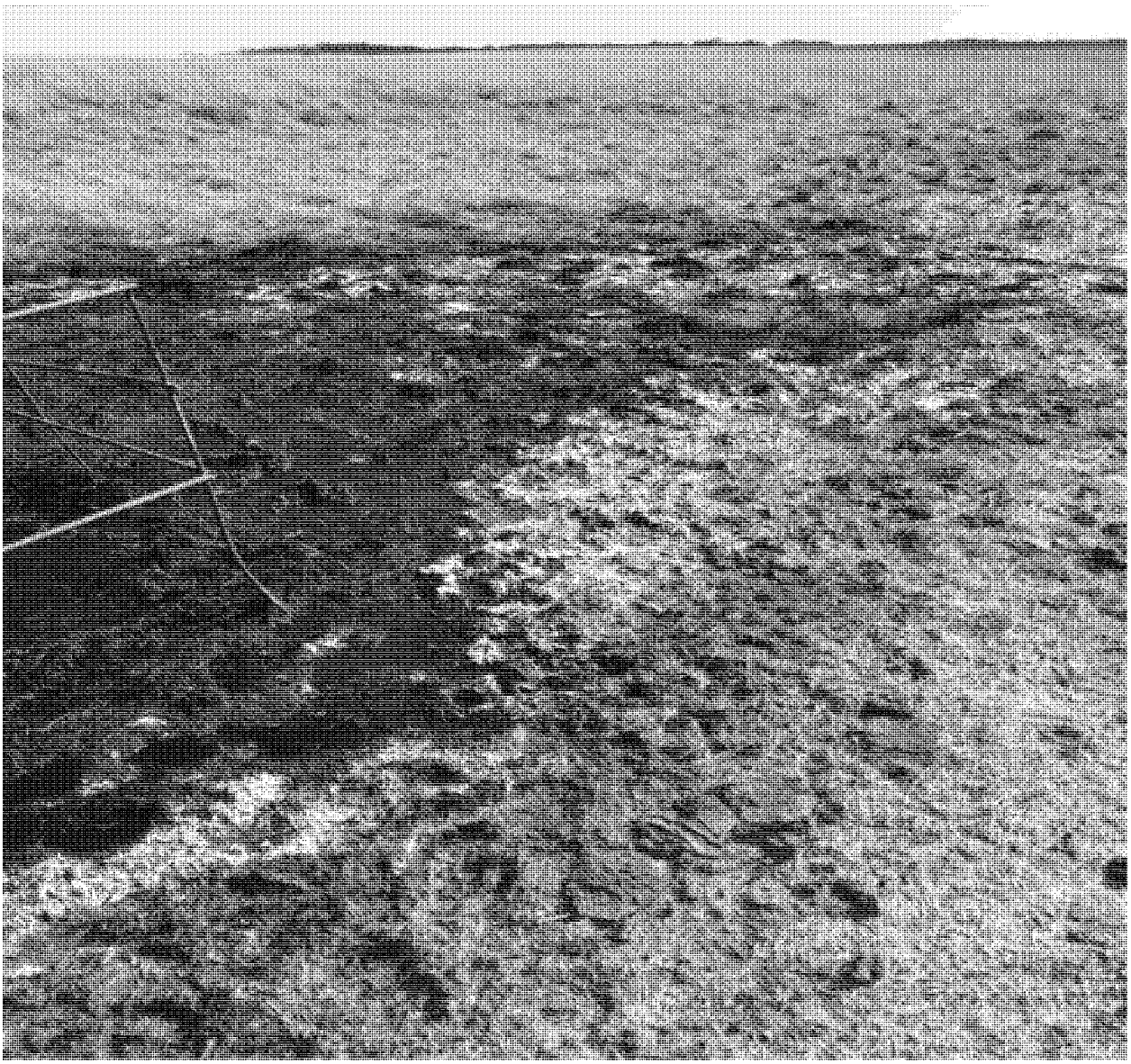

Photo File Name: Photo 5 (DSC_0346)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 4:15 pm
Latitude: 36.586957N
Longitude: -96.498036W
Photographer: K.W. Sanborn
Description: The discharge path was southwest toward the tributary of Daniel's Run Creek. The entire area was saturated with brine.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 6

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

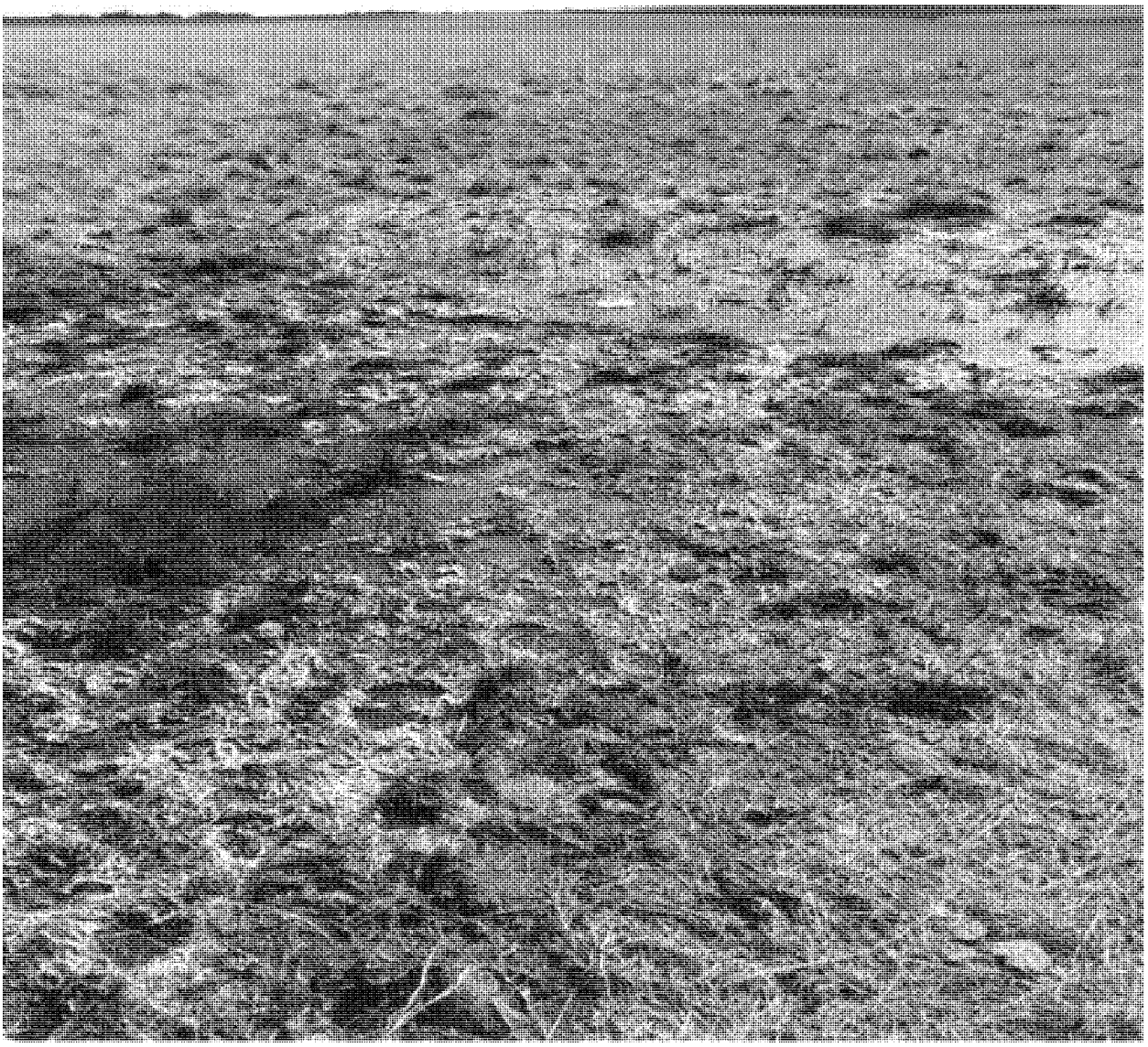

Photo File Name: Photo 6 (DSC_0347)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 4:15 pm
Latitude: 36.586957N
Longitude: -96.498036W
Photographer: K.W. Sanborn
Description: A flow path of the brine was observed from the discharge area southwest towards the tributary of Daniel's Run Creek. I observed white salt staining and wet soil along the flow path. Additionally, brine fluids were present along the flow path.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 7

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

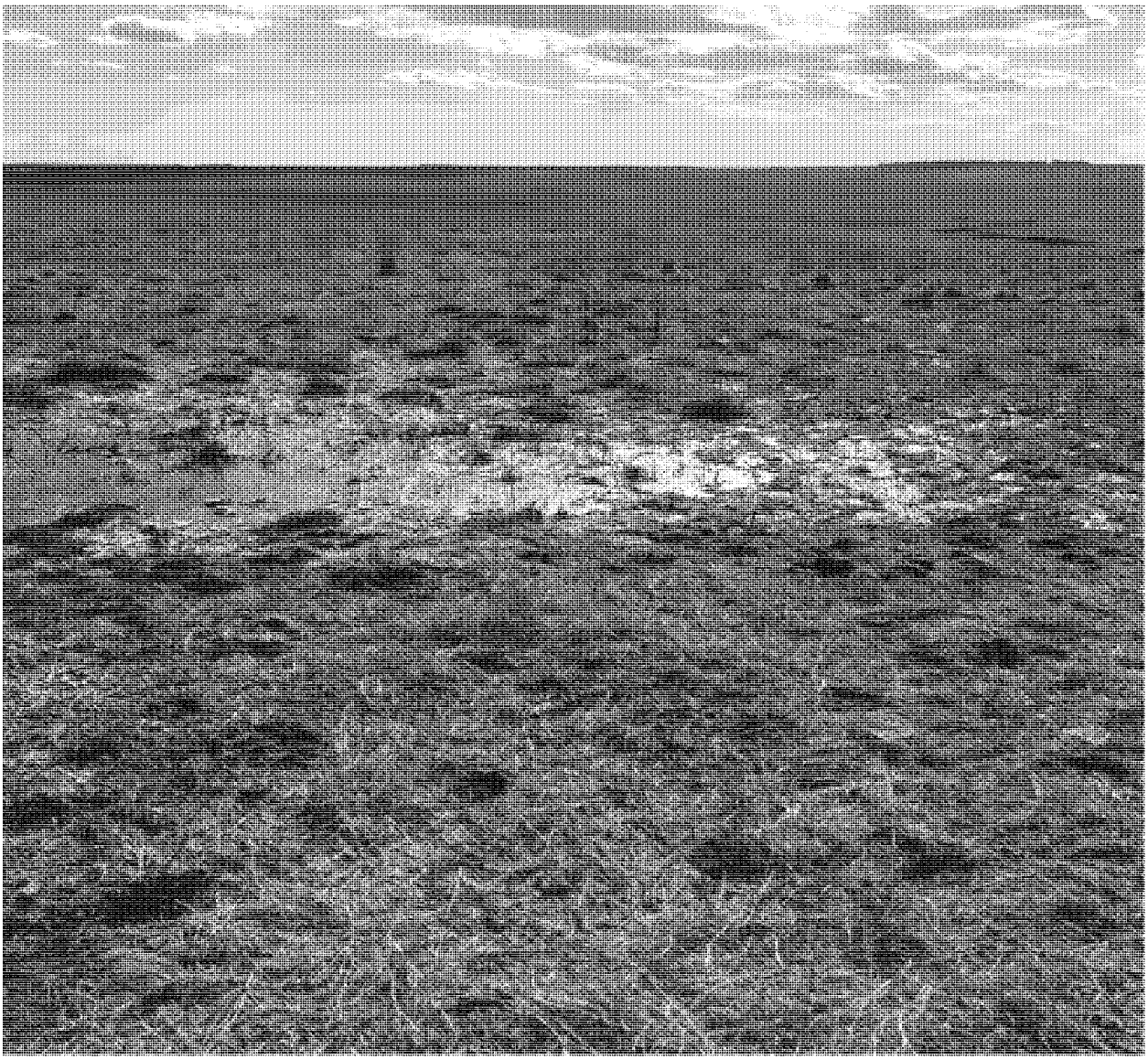

Photo File Name: Photo 7 (DSC_0348)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 4:15 pm
Latitude: 36.587000N
Longitude: -96.497998W
Photographer: K.W. Sanborn
Description: The discharge flow path had pooled up fluids down the saturated hill side towards the tributary southwest of the point of discharge.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 8

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 8 (DSC_0352)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 4:18 pm
Latitude: 36.586823N
Longitude: -96.498147W
Photographer: K.W. Sanborn
Description: This photo shows the wet and saturated areas on the hillside from the brine discharge and along the flow path that I observed during the inspection. I saw cattle tracks in the mud.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 9

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

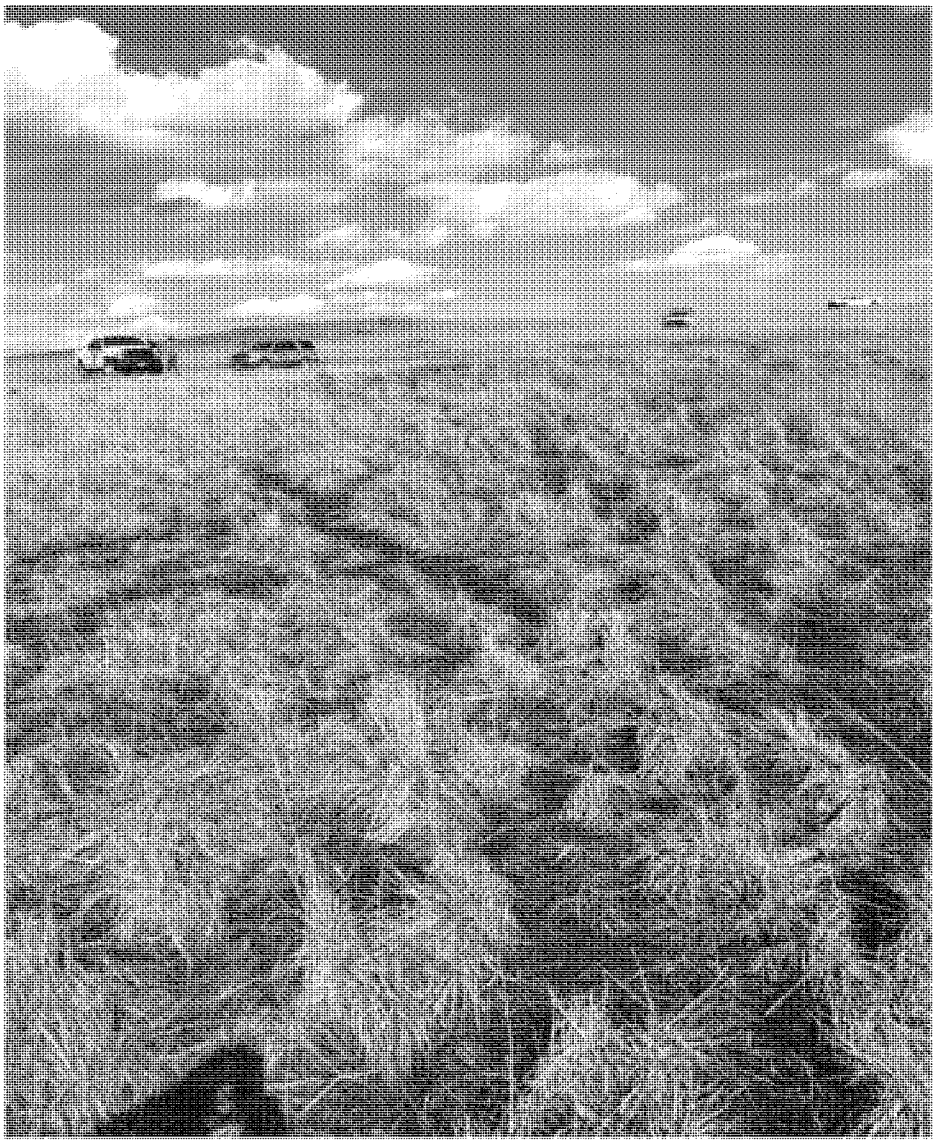

Photo File Name: Photo 9 (DSC_0354)
Orientation: Northeast
Date of Photo: 03/16/2018
Time of Photo: 4:19 pm
Latitude: 36.586612N
Longitude: -96.498575W
Photographer: K.W. Sanborn
Description: This was a view from midway down the hill where the flow path of fluids from the discharge point near the trucks towards the tributary of Daniel's Run Creek occurred. The soil was saturated with salt crystals along the flow path and throughout the hillside

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 10

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 10 (DSC_0357)
Orientation: North
Date of Photo: 03/16/2018
Time of Photo: 4:35 pm
Latitude: 36.587812N
Longitude: -96.498510W
Photographer: K.W. Sanborn
Description: This was a view upstream of the point of entry (POE) of the brine to the tributary of Daniel's Run Creek. Flow was south from the POE. I observed bed and bank at this location of the creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 11

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 11 (DSC_0356)
Orientation: North
Date of Photo: 03/16/2018
Time of Photo: 4:35 pm
Latitude: 36.587812N
Longitude: -96.498510W
Photographer: K.W. Sanborn
Description: With a calibrated YSI 30 Pro Conductivity Meter, a Total Dissolved Solids (TDS) measurement was taken of the upstream portion of the tributary shown in Photo 10 was 816 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 12

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 12 (DSC_0366)
Orientation: West
Date of Photo: 03/16/2018
Time of Photo: 4:45 pm
Latitude: 36.586494N
Longitude: -96.499100W
Photographer: K.W. Sanborn
Description: The southernmost POE of brine into the tributary of Daniel's Run Creek is shown here.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 13

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 13 (DSC_0361)
Orientation: West
Date of Photo: 03/16/2018
Time of Photo: 4:43 pm
Latitude: 36.586494N
Longitude: -96.499100W
Photographer: K.W. Sanborn
Description: TDS of the creek at the southernmost POE was 95,541 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 14

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 14 (DSC_0370)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 5:01 pm
Latitude: 36.585557N
Longitude: -96.499831W
Photographer: K.W. Sanborn
Description: This was the tributary of Daniel's Run Creek downstream of the POE. I smelled brine at this location during the inspection.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 15

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 15 (DSC_0368)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 4:49 pm
Latitude: 36.585557N
Longitude: -96.4998131W
Photographer: K.W. Sanborn
Description: TDS in the tributary shown where Photo 14 was taken was 45,792 mg/L. This location was approximately 0.1 miles downstream from the southernmost POE.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 16

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 16 (DSC_0374)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 5:04 pm
Latitude: 36.583612N
Longitude: -96.502629W
Photographer: K.W. Sanborn
Description: This is Daniel's Run Creek just south of the confluence of the creek with the tributary of Daniel's Run Creek. Daniel's Run Creek entered the tributary from the west. I could see a defined bed and bank in Daniel's Run Creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 17

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

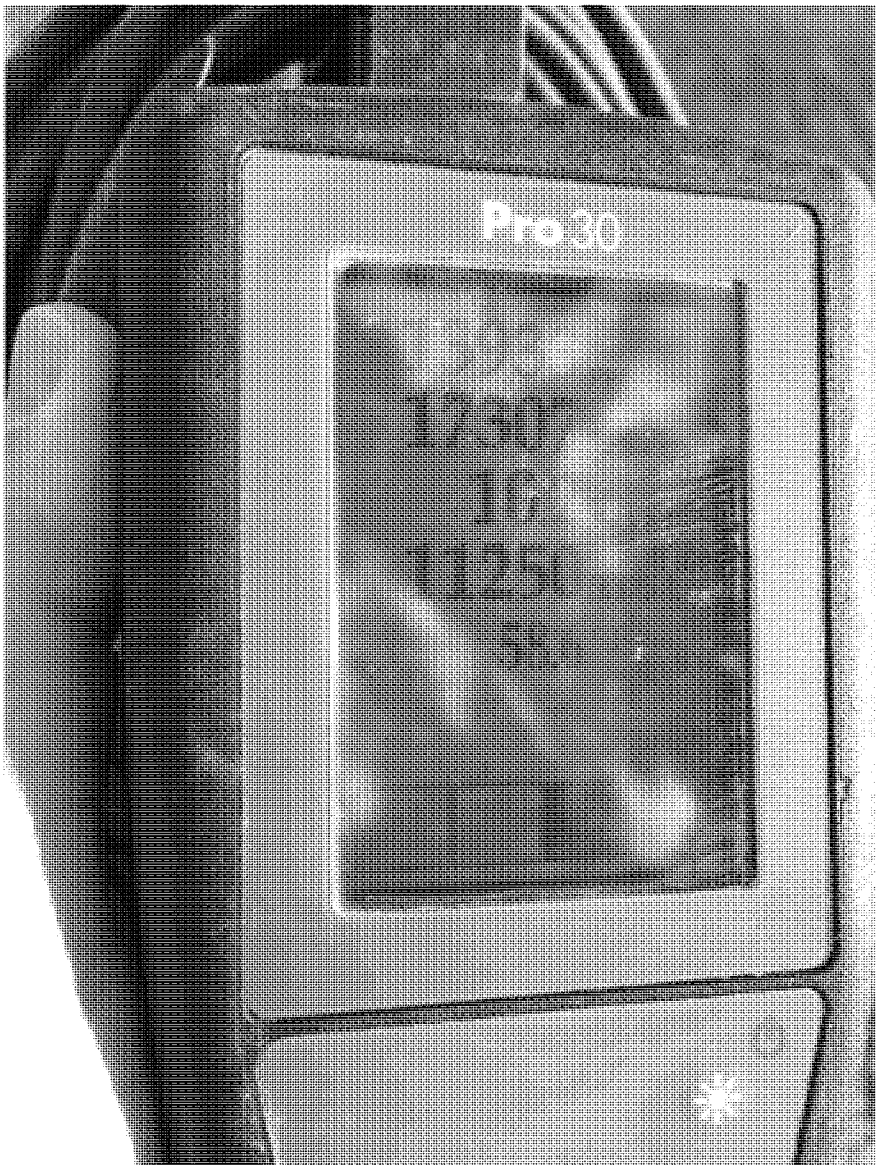

Photo File Name: Photo 17 (DSC_0373)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 5:04 pm
Latitude: 36.583612N
Longitude: -96.502629W
Photographer: K.W. Sanborn
Description: TDS of Daniel's Run Creek depicted in Photo 16 was 11,250 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 18

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 18 (DSC_0377)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 5:07 pm
Latitude: 36.581793N
Longitude: -96.502259W
Photographer: K.W. Sanborn
Description: This a view of the creek downstream from the junction of the tributary and Daniel's Run Creek which comes in from the west. I observed bed and bank in this location of the creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 19

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

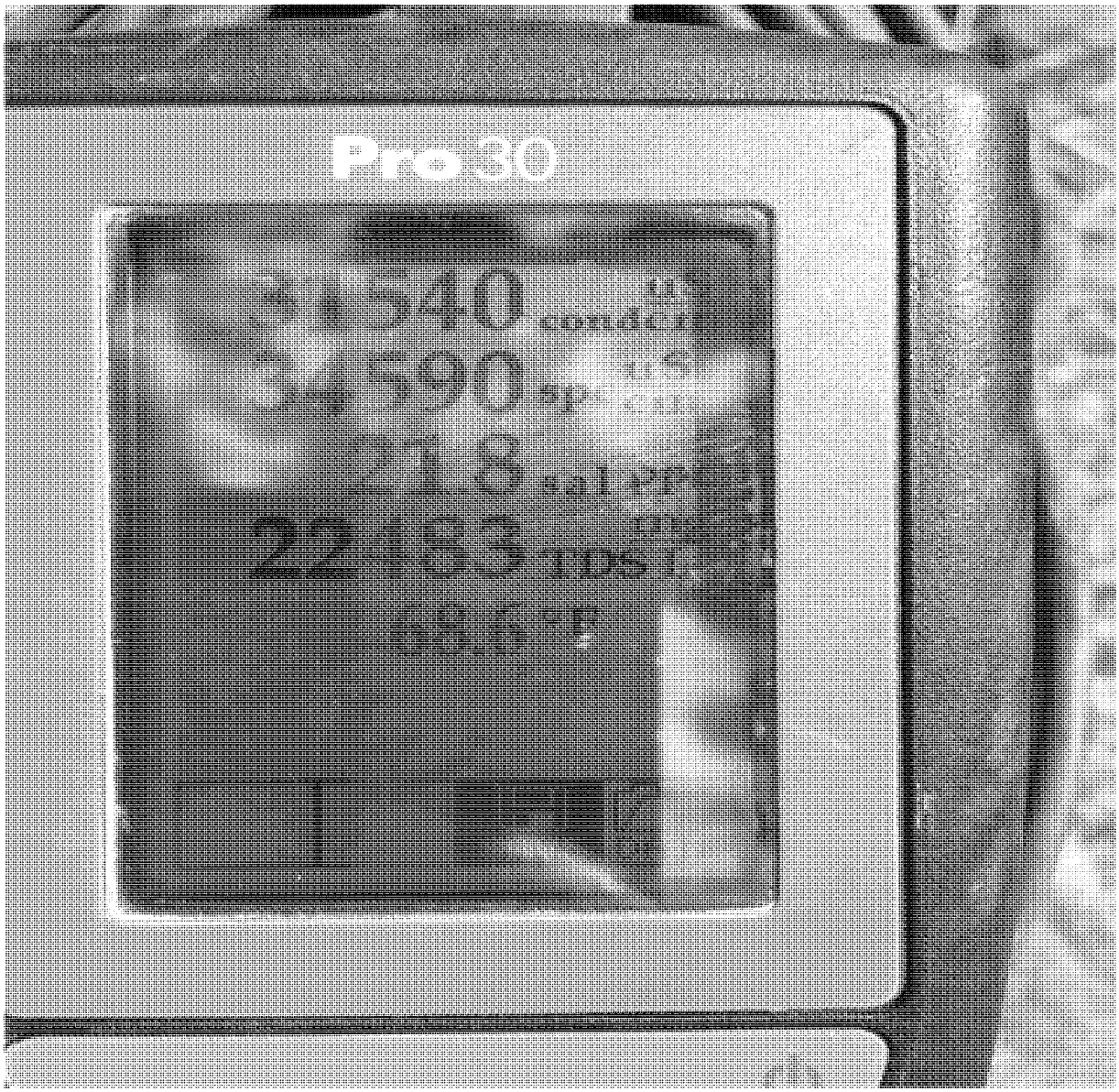

Photo file Name: Photo 19 (DSC_0234)
Orientation: West
Date of Photo: 03/07/2018
Time of Photo: 12:58 pm
Latitude: 36.581793N
Longitude: -96.502259W
Photographer: K.W. Sanborn
Description: TDS of the location in creek in Photo 18 was 22,483 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 20

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 20 (DSC_0379)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 5:13 pm
Latitude: 36.578599N
Longitude: -96.502326W
Photographer: K.W. Sanborn
Description: The creek crossed under a fence on the south part of the property. Flow continued south in Daniel's Run Creek. I observed bed, bank, and high water marks along the creek at this location.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 21

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

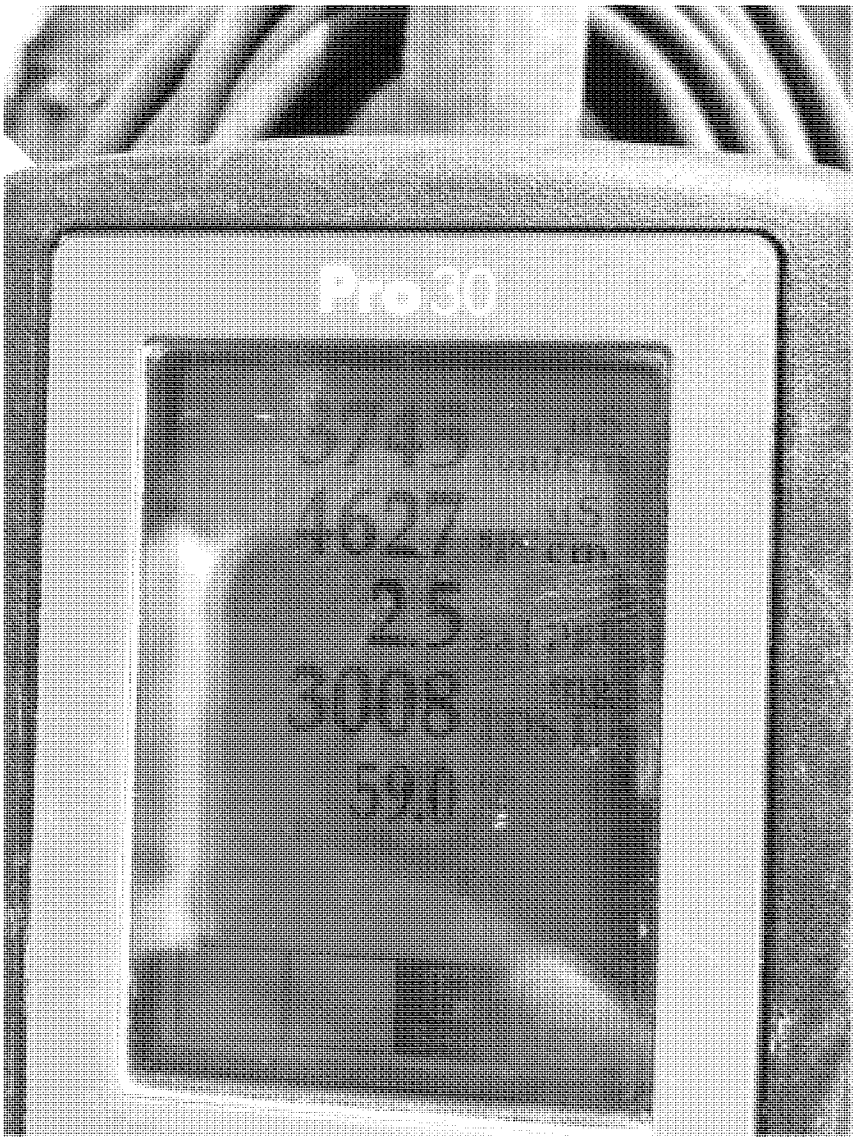

Photo File Name: Photo 21 (DSC_0378)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 5:12 pm
Latitude: 36.578599N
Longitude: -96.502326W
Photographer: K. W. Sanborn
Description: TDS of the creek at the fence line shown in Photo 20 was 3,008 mg/L. This location was approximately 0.86 miles downstream from the southernmost POE in the tributary of Daniel's Run Creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 22

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 22 (DSC_0001)
Orientation: South
Date of Photo: 03/20/2018
Time of Photo: 4:59 pm
Latitude: 36.586957N
Longitude: -96.498036W
Photographer: K.W. Sanborn
Description: The source of the discharge was identified as this flow line area, which had been repaired. The line leaked and surfaced here and the continued seeping from the statured flow path was observed during the inspection.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 23

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 23 (DSC_0003)
Orientation: West
Date of Photo: 03/20/2018
Time of Photo: 5:01 pm
Latitude: 36.587307N
Longitude: -96.499176W
Photographer: K.W. Sanborn
Description: I observed a saturated flow path and area that was still wet from brine at the POE to the tributary of Daniel's Run Creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 24

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 24 (DSC_0005)
Orientation: South
Date of Photo: 03/20/2018
Time of Photo: 5:01 pm
Latitude: 36.587307N
Longitude: -96.499176W
Photographer: K.W. Sanborn
Description: This photo shows a downstream view of the tributary of Daniel's Run Creek at the POE. The first temporary dam can be seen downstream in the tributary to prevent further downstream flow of brine fluids.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 25

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 25 (DSC_0006)
Orientation: South
Date of Photo: 03/20/2018
Time of Photo: 5:01 pm
Latitude: 36.587307N
Longitude: -96.499176W
Photographer: K.W. Sanborn
Description: TDS of the tributary of Daniel's Run Creek at the southernmost discharge POE was 77,765 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 26

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 26 (DSC_0008)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:02 pm
Latitude: 36.586313N
Longitude: -96.499364W
Photographer: K.W. Sanborn
Description: This photo shows the first temporary dam in place in the tributary of Daniel's Run Creek, downstream from the southernmost POE. This dam was put in place after the first part of this inspection.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 27

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

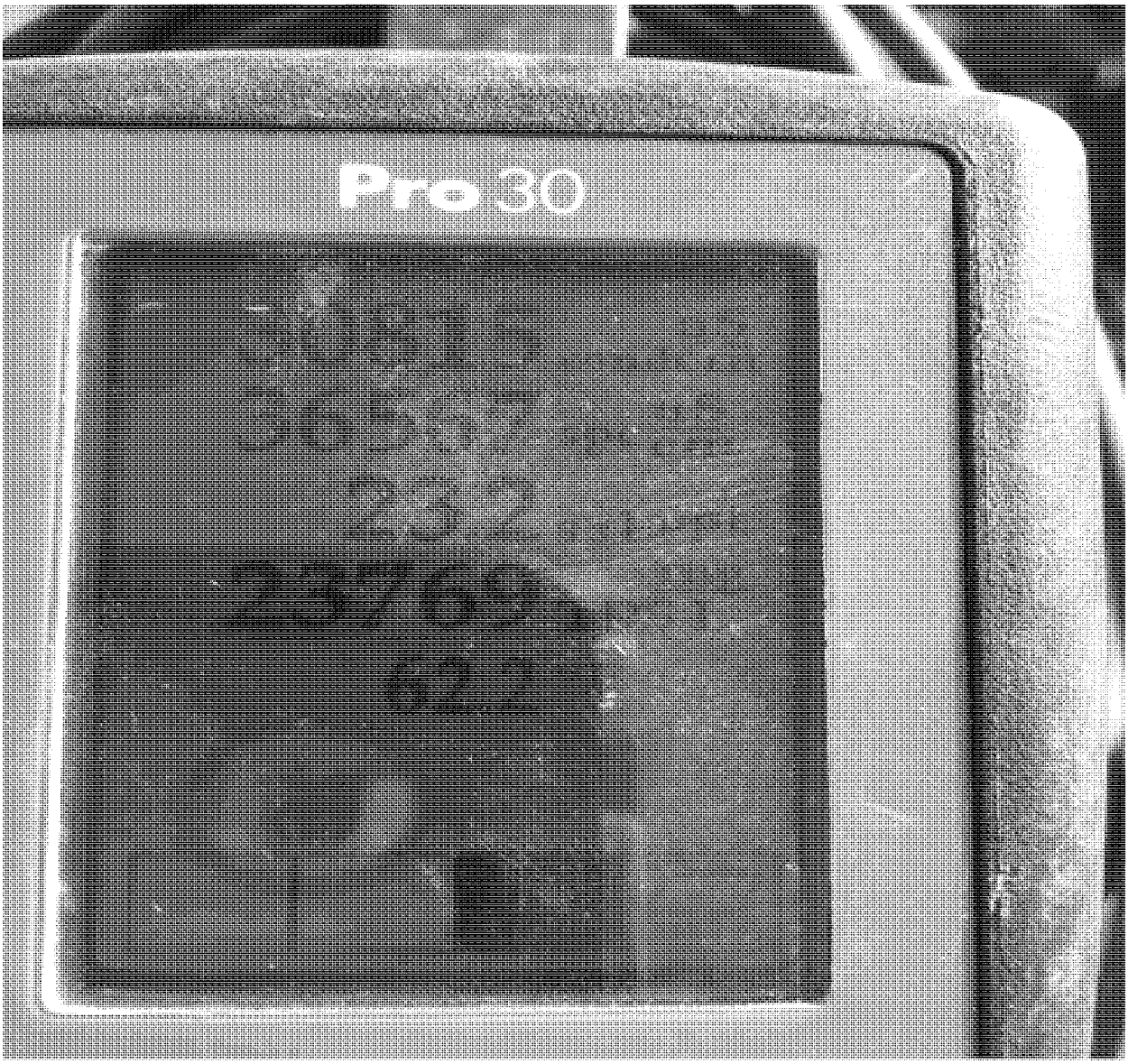

Photo File Name: Photo 27 (DSC_0009)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:02 pm
Latitude: 36.586313N
Longitude: -96.499364W
Photographer: K.W. Sanborn
Description: I took a TDS of the tributary at the first dam and the reading was 23,769 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 28

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 28 (DSC_0010)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:04 pm
Latitude: 36.585291N
Longitude: -96.499880W
Photographer: K.W. Sanborn
Description: This photo shows downstream from the first dam on the tributary. I observed bed and bank here.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 29

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

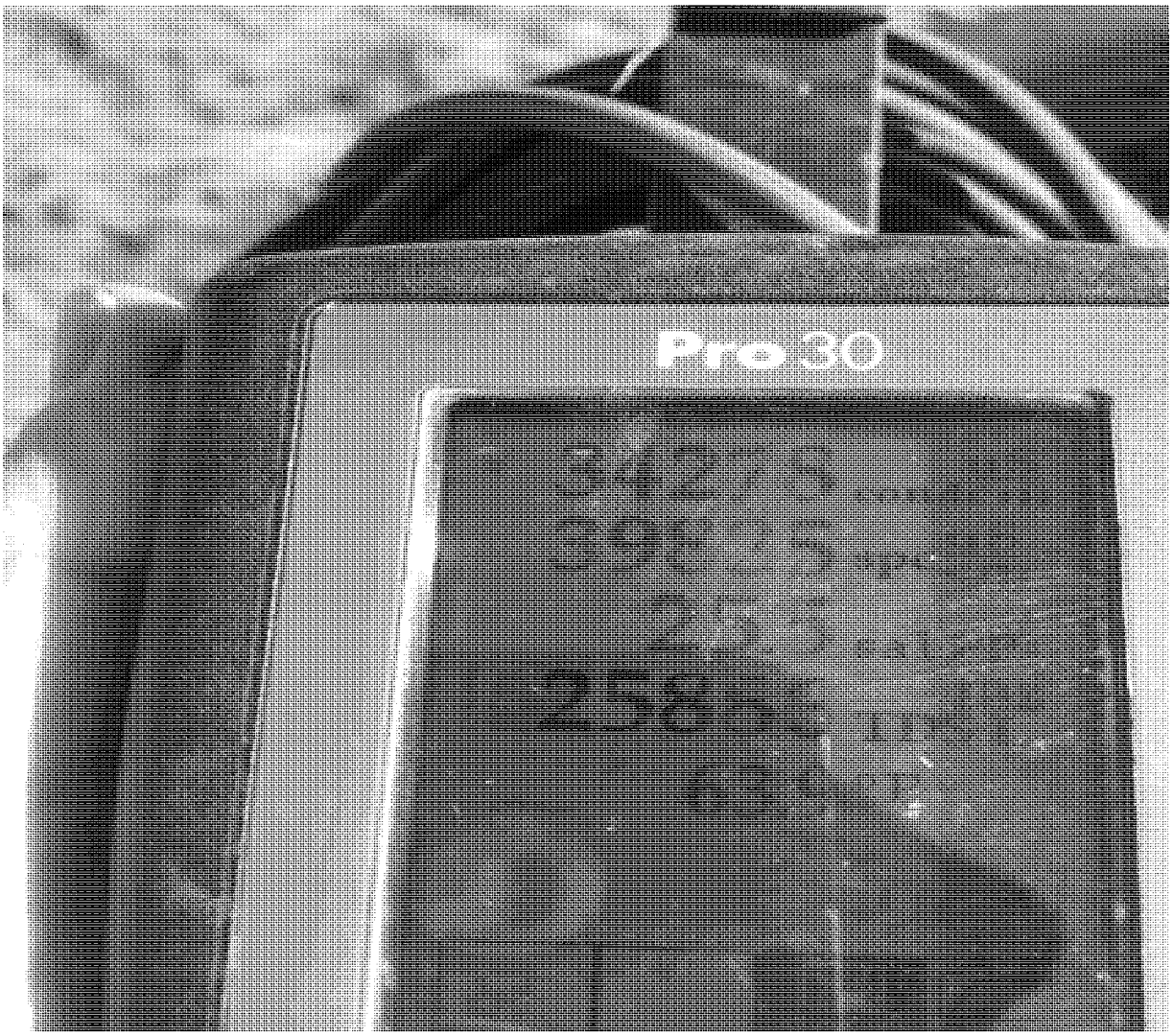

Photo File Name: Photo 29 (DSC_0011)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:04 pm
Latitude: 36.585291N
Longitude: -96.499880W
Photographer: K.W. Sanborn
Description: TDS of the creek at the location shown in Photo 28 was 25,883 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 30

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

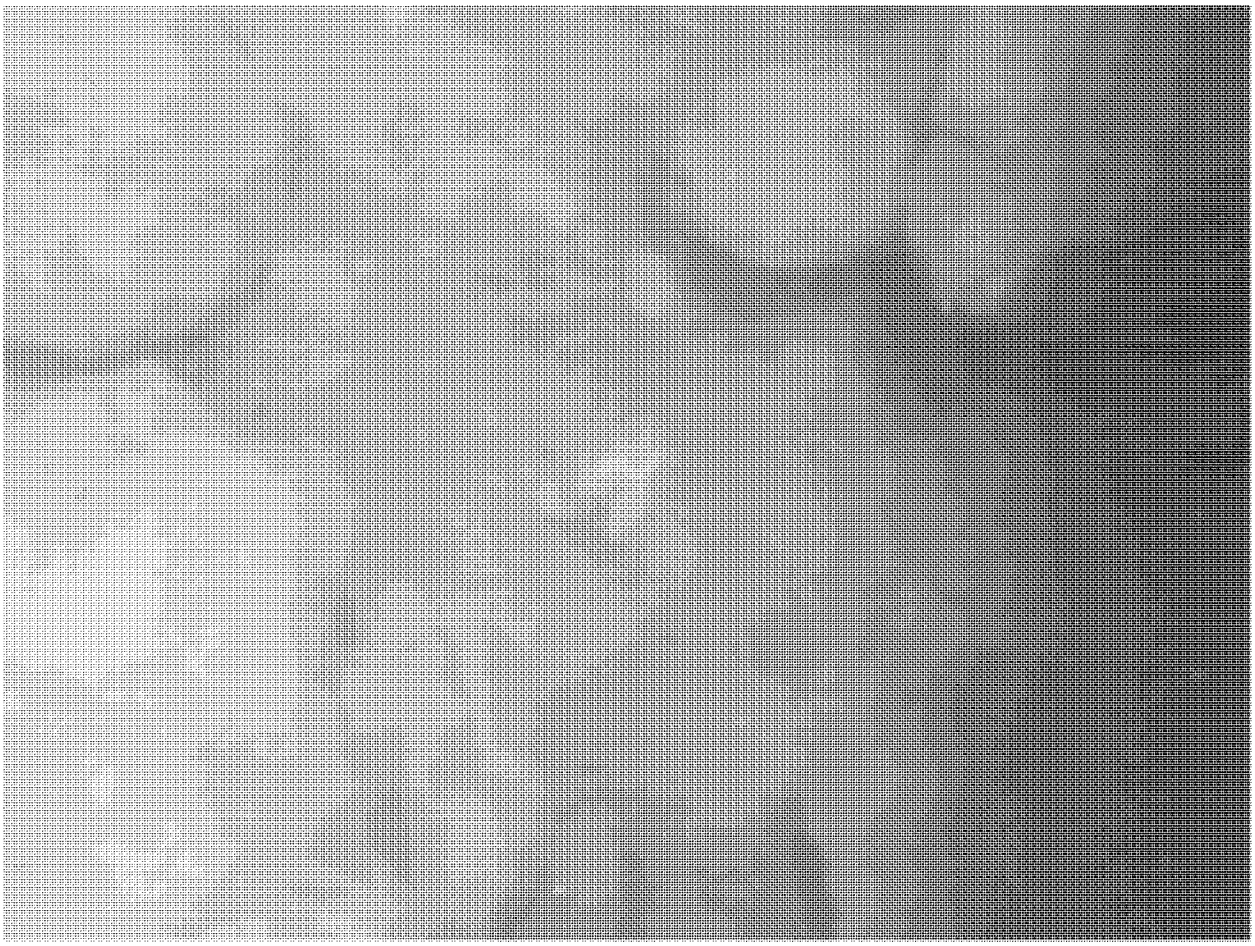

Photo File Name: Photo 30 (DSC_0012)
Orientation: East
Date of Photo: 3/20/2018
Time of Photo: 5:04 pm
Latitude: 36.585291N
Longitude: -96.499880W
Photographer: K.W. Sanborn
Description: I observed a dead crayfish in tributary at the same location where the TDS in Photo 29 was taken.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 31

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 31 (DSC_0015)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:08 pm
Latitude: 36.585146N
Longitude: -96.500020W
Photographer: K.W. Sanborn
Description: I observed a second dam, further downstream, approximately 0.14 miles downstream from the southernmost POE.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 32

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 32 (DSC_0016)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:08 pm
Latitude: 36.585146N
Longitude: -96.500020W
Photographer: K.W. Sanborn
Description: TDS at the second dam site was 45,164 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 33

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 33 (DSC_0017)
Orientation: Southeast
Date of Photo: 3/20/2018
Time of Photo: 5:13 pm
Latitude: 36.584833N
Longitude: -96.500620W
Photographer: K.W. Sanborn
Description: This was the tributary downstream of the second dam, where I observed bed and bank.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 34

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 34 (DSC_0018)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:13 pm
Latitude: 36.584833N
Longitude: -96.500620W
Photographer: K.W. Sanborn
Description: TDS at the location in the tributary in Photo 33 was 41,560 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 35

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 35 (DSC_0019)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:15 pm
Latitude: 36.583809N
Longitude: -96.502419W
Photographer: K.W. Sanborn
Description: I observed the third dam, downstream approximately 0.35 miles from the southernmost POE in the tributary of Daniel's Run Creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 36

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

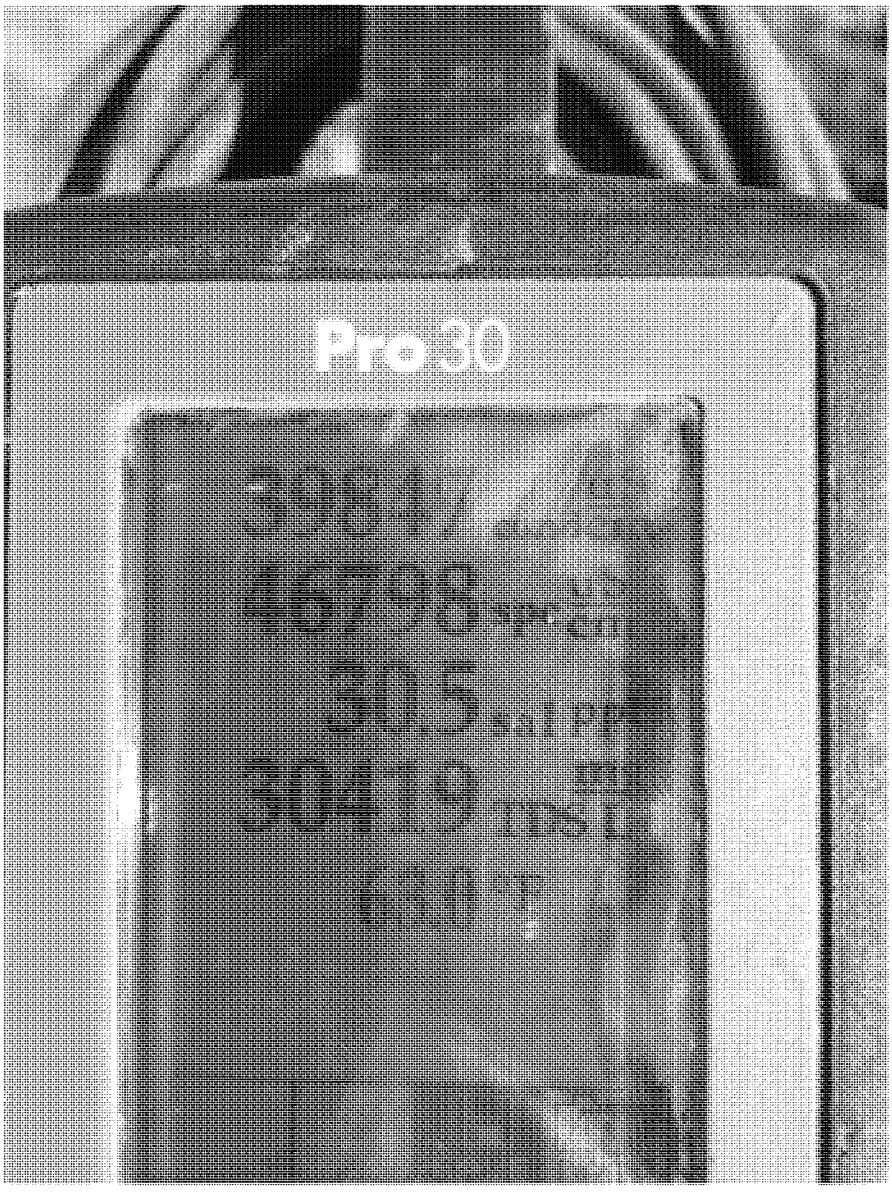

Photo File Name: Photo 36 (DSC_0020)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:16 pm
Latitude: 36.583809N
Longitude: -96.502419W
Photographer: K.W. Sanborn
Description: TDS of the tributary at the third dam was 30,419 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 37

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 37 (DSC_0021)
Orientation: East
Date of Photo: 3/20/2018
Time of Photo: 5:17 pm
Latitude: 36.583809N
Longitude: -96.502419W
Photographer: K.W. Sanborn
Description: Crayfish remains were observed on the bottom of the tributary at third dam.

Message

From: Eckhart, Jeanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDB8E58B4707410992750A95767619CA-ECKHART, JE]
Sent: 7/23/2018 1:32:36 PM
To: Tidmore, Guy [tidmore.guy@epa.gov]
CC: Saunders, Jerry [Saunders.Jerry@epa.gov]; Sanborn, Kent [Sanborn.Kent@epa.gov]
Subject: RE: [EXTERNAL] RE: Diamond 3S LLC - Spill Cleanup and Remediation

Kent can't make it because he needs to get his vehicle fixed. I will see if Rick can make it.

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Tidmore, Guy
Sent: Monday, July 23, 2018 7:43 AM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Cc: Saunders, Jerry <Saunders.Jerry@epa.gov>; Sanborn, Kent <Sanborn.Kent@epa.gov>
Subject: Re: [EXTERNAL] RE: Diamond 3S LLC - Spill Cleanup and Remediation

Kent,

Please do your best to participate in the on-site meeting.

Guy L. Tidmore, Acting Chief
Water Resources (6EN-WR)
Water Enforcement Branch
1445 Ross Ave.
Dallas, TX. 75202-2733
Desk - 214.665.3142
Cell - 214.789.2586
Fax - 214-665-7446

On Jul 23, 2018, at 7:26 AM, Eckhart, Jeanne <Eckhart.Jeanne@epa.gov> wrote:

> Richard,
>
> We can do 2:30 PM or after on the 24th for a phone call meeting. Let me know if you need me to set up a conference line.
>
> For the onsite meeting, I will follow up during the call to let you know if Rick or Kent can make it.
>
> Thank you,
>
> Jeanne Eckhart

Environmental Scientist
Water Resources Section
Enforcement Division/Region 6
U.S. Environmental Protection Agency

<image001.gif>

1445 Ross Avenue, Mail Code 6EN-WR
Dallas, Texas 75202
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Richard Winlock [mailto:richard.winlock@bia.gov]
Sent: Monday, July 23, 2018 6:51 AM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Cc: Robin Phillips <robin.phillips@bia.gov>
Subject: Re: [EXTERNAL] RE: Diamond 3S LLC - Spill Cleanup and Remediation

Good morning Jeanne,

Would the July 24th work for us to have our inhouse meeting then we could meet with the Osage Nation and Lessee on the July 26th or July 27th in office or at the spill site?

Thanks,
Richard A. Winlock
Deputy Superintendent
Osage Agency
Phone 918-287-5700

On Fri, Jul 20, 2018 at 2:52 PM Eckhart, Jeanne <Eckhart.Jeanne@epa.gov> wrote:

> Richard,
>
> Was this the onsite meeting? Were we also going to have a meeting prior to meeting with the company and tribe as well? I wanted to make sure I could coordinate on EPA's end as needed.
>
> Thank you,
>
> Jeanne Eckhart
>
> Environmental Scientist
>
> Water Resources Section

Enforcement Division/Region 6

U.S. Environmental Protection Agency

1445 Ross Avenue, Mail Code 6EN-WR

Dallas, Texas 75202

Office: (214) 665 – 8174

Fax: (214) 665 – 7446

From: Melissa Currey [mailto:melissa.currey@osagenation-nsn.gov]
Sent: Friday, July 20, 2018 12:01 PM
To: 'Richard Winlock' <richard.winlock@bia.gov>; Sanborn, Kent <Sanborn.Kent@epa.gov>; Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Wills, Carl <Wills.Carl@epa.gov>; Lee Burnett <lee.burnett@bia.gov>; Benjamin Daniels <benjaminl.daniels@bia.gov>; gcrum9999@gmail.com; Corinthian Lorenzo <clorenzo@osagenation-nsn.gov>; Mark Hendricks <mark.hendricks@bia.gov>; Jason E. Zaun <jzaun@osagenation-nsn.gov>; Robin Phillips <robin.phillips@bia.gov>; bluestemranchllc@gmail.com
Subject: RE: Diamond 3S LLC - Spill Cleanup and Remediation

Richard,

Representatives from Osage Nation will be available on July 26th, morning or afternoon.

Thanks,

Melissa Currey

From: Richard Winlock [mailto:richard.winlock@bia.gov]
Sent: Thursday, July 19, 2018 3:37 PM
To: Sanborn, Kent <Sanborn.kent@epa.gov>; Eckhart.Jeanne@epa.gov; wills.carl@epa.gov; Lee Burnett <lee.burnett@bia.gov>; Benjamin Daniels <benjaminl.daniels@bia.gov>; gcrum9999@gmail.com; Melissa Currey <melissa.currey@osagenation-nsn.gov>; Corinthian Lorenzo <clorenzo@osagenation-nsn.gov>; Mark Hendricks <mark.hendricks@bia.gov>; Jason E. Zaun <jzaun@osagenation-nsn.gov>; Robin Phillips <robin.phillips@bia.gov>; bluestemranchllc@gmail.com
Subject: Diamond 3S LLC - Spill Cleanup and Remediation

Amanda,

Lee Burnett, Mark Hendricks and myself, Bureau of Indian Affairs and Jeanne Eckhardt, Carl Wills and Kent Sanborn, Environmental Protection Agency met with Ryan Summers and Donald Summers who are the lessee and owners of Diamond 3S LLC. Also in attendance at this meeting were Kevin Arthur, Environmental Specialist with Beacon Environmental Corporation and Zach Bates with Mid-Continent Insurance.

This meeting was to discuss Diamond 3S LLC's action plan to cleanup and remediate the spill area that occurred at the Kennedy #3 located in the NE/4 of Section 1, Township 24 North, Range 7 East, Osage County, Oklahoma.

Kevin Arthur , Environmental Specialist with Beacon Environmental Corporation has created an action plan for the cleanup and remediation of this spill that occurred.

The Bureau of Indian Affairs and Environmental Protection Agency would like to hold a meeting next week, preferably on the July 24th, July 26th or 27th. We are requesting your attendance so we can get your input and address any concerns and questions you may have regarding the cleanup and remediation of this spill. Diamond 3S LLC will be in attendance to give their remediation plan for the cleanup and remediation of this spill area.

Please let me know what dates are convenient for you to meet.

Thanks,

Richard A. Winlock

Deputy Superintendent

Osage Agency

Phone 918-287-5700

Warning: This e-mail (including any attachments) may contain Privacy Act Data/Sensitive Data which is intended only for the use of individual(s) to whom it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable laws. If you are not the intended recipient, you are hereby notified that any distribution or copy of this e-mail is strictly prohibited.

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Thanks,
Richard A. Winlock
Deputy Superintendent
Osage Agency
Phone 918-287-5700

Warning: This e-mail (including any attachments) may contain Privacy Act Data/Sensitive Data which is intended only for the use of individual(s) to whom it is addressed. It may contain information that is privileged, confidential, or otherwise protected from disclosure under applicable laws. If you are not the intended recipient, you are hereby notified that any distribution or copy of this e-mail is strictly prohibited.

Message

From: Eckhart, Jeanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDB8E58B4707410992750A95767619CA-ECKHART, JE]
Sent: 6/18/2018 6:39:47 PM
To: Sanborn, Kent [Sanborn.Kent@epa.gov]
Subject: Diamond 3S 4/26 Inspection Rpt
Attachments: InspRptCWADiamond3SLLC20180426.pdf

Kent,

Please review and sign the inspection report attached.

Thanks,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

Message

From: Eckhart, Jeanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDB8E58B4707410992750A95767619CA-ECKHART, JE]
Sent: 9/26/2018 8:04:18 PM
To: Brooks, Christopher [brooks.christopher@epa.gov]; Stevens, Bill [stevens.bill@epa.gov]
CC: Tidmore, Guy [tidmore.guy@epa.gov]
Subject: 6ENWR Inspection Reports - FYI
Attachments: InspRptCWA4DOilAndGasLLCSouthCedarCreek07252018.pdf; InspRptSDWABSOIncTHRogersTankBattery20180816.pdf; InspRptSDWADiamond3SLLCKennedyLease20180827.pdf; InspRptSDWAJBDOklahomaLLCPotterATankBattery20180814.pdf; InspRptSDWAParsageOilCompanyLLCUnknown20180815.pdf; InspRptSDWAPetroamericaOperatingLLCBrayHolcombe20180822.pdf; InspRptSDWAWatchmanShroederWhitetailStuart20180813.pdf

Chris and Bill,

Attached are 7 inspection reports. Please let me know if you have any questions.

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

Region 6 Compliance Assurance and Enforcement Division

INSPECTION REPORT

Inspection Date(s):	August 27, 2018		
Media:	SDWA Brine		
Regulatory Program(s)	Underground Injection Control - Brine		
Company Name:	Diamond 3S, LLC		
Facility Name:	Kennedy		
Facility Physical Location:	SW/4, Sec. 33, T , R		
(city, state, zip code)	Pawhuska, Oklahoma		
Mailing Address:	20102 West Coyote Trail		
(city, state, zip code)	Sand Springs, OK 74063		
County/Parish:	Osage		
Facility Contact	N/A		N/A
	N/A		
FRS Number:	N/A		
Identification/Permit Number:	OKU000867		
Media Number:	N/A		
NAICS:	21111		
SIC:	1311		
Facility Representatives:	N/A	N/A	N/A
	N/A	N/A	N/A
	N/A	N/A	N/A
	N/A	N/A	N/A
EPA Inspectors:	K.W. Sanborn	6EN-WR	918-557-1615
	N/A	N/A	N/A
	N/A	N/A	N/A
State Inspector(s):	N/A	N/A	N/A
	N/A	N/A	N/A
Other Inspector(s):	N/A	N/A	N/A
	N/A	N/A	N/A
EPA Lead Inspector Signature/Date	Sanborn, Kent Digitally signed by Sanborn, Kent DN: cn=Sanborn, Kent, email=Sanborn.Kent@epa.gov Date: 2018.09.26 13:23:04 -05'00'		
	Kent Sanborn		Date
Supervisor Signature/Date for	Jeanne Eckhart Digitally signed by Jeanne Eckhart DN: cn=Jeanne Eckhart, o=EPA, ou=6EN-WR, email=eckhart.jeanne@epa.gov, c=US Date: 2018.09.26 14:40:02 -05'00'		
	Guy Tidmore		Date

Section I - INTRODUCTION

PURPOSE OF THE INSPECTION

EPA Region 6 inspector K.W. Sanborn visited the Diamond 3S, LLC oil production facility located in the Latitude: 36.587028, Longitude: -96.498042 near Pawhuska, on August 27, 2018. No representative of Diamond 3S, LLC was present for the inspection. The inspection was conducted by authority of the Safe Drinking Water Act and the Clean Water Act to determine compliance with the Environmental Prote ction Agency (EPA) regulations.

FACILITY DESCRIPTION

This injection well is known as the Kennedy 3 well and the lease is known as the Kennedy Lease.

Section II - OBSERVATIONS

I observed that there was contaminated dirt still on the lease roads during the inspection. The tributary had elevated Total Dissolved Solids (TDS) readings. With a calibrated YSI Pro 30 Conductivity Meter, TDS readings between 7,000 mg/L and 17,000 mg/L were taken. The tributary was not flowing during the inspection. I did not observed remedial activities during the inspection. The injection well known as the Kennedy 3 was not injection during the inspection.

Section III - AREAS OF CONCERN

There were elevated levels of TDS in the tributary during the inspection.

Section IV - FOLLOW UP

Conduct a follow up inspection as needed.

Section V - LIST OF APPENDICES

There are no attachments to this report.

Message

From: Eckhart, Jeanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDB8E58B4707410992750A95767619CA-ECKHART, JE]
Sent: 9/14/2018 2:26:12 PM
To: Stevens, Bill [stevens.bill@epa.gov]; Brooks, Christopher [brooks.christopher@epa.gov]
CC: Tidmore, Guy [tidmore.guy@epa.gov]
Subject: RE: 6ENWR inspections - FYI (Part 2)
Attachments: InspRptCWAYaffeeCompaniesIncArkomaPlant20180130signed.pdf; InspRptCWADiamond3SLLCKennedyLease20180417.pdf; InspRptCWADiamond3SLLCKennedyLease20180418.pdf; InspRptCWAMigwisOperatingLLCBowen20180430.pdf; InspRptCWAWarrenAmericanOilCompanyLLCChapmanLease20180403.pdf; InspRptSDWACEPMidContinentLLCWalnutCreek20180403.pdf; InspRptSDWACircle9ResourcesLLCSproleader20180419.pdf; InspRptSDWADiamond3SLLCKennedyLease20180417.pdf; InspRptSDWAMooreOilAndGasIncCoulterLease20180409.pdf; InspRptSDWAScoutEnergyPartnersGrayhorseStFrancis20180430.pdf; InspRptSDWAUnknownUnknownBirdCreek20180410.pdf; InspRptSDWAUnknownUnknownBirdCreek20180411.pdf; InspRptSDWAWarriorExplorationandProductionLLCWhitehorn20180403.pdf; InspRptCWASheridanProductionCompanyLLCFittstown20180510.pdf; InspRptSDWABelvaOilLLCPumpreyLease20180516.pdf; InspRptSDWABerenCorporationUnknown20180516.pdf; InspRptSDWACalgaryEnergyLLCLizNo15Well20180522.pdf; InspRptSDWADanielOpeartingCompanyIncUnknown20180518.pdf; InspRptSDWAFGManagementLLCUnknown20180524.pdf; InspRptSDWAGrayhorseOperatingIncOsageBTankBatterySWD20180508.pdf; InspRptSDWAGrayhorseOperatingIncPersonia68SWD20180508.pdf; InspRptSDWAGrayhorseOperatingIncPersoniaPitts20180508.pdf; InspRptSDWAHutchesonCommercialDisposalLLCWestBaldwin20180515.pdf; InspRptSDWAJamieOilLLCEzzell2B20180517.pdf; InspRptSDWAJirehResourcesLLCMcComb20180508.pdf; InspRptSDWALamkinOilIncLinkousB3B420180518.pdf; InspRptSDWALanxessCorporationBromineFacility20180515.pdf; InspRptSDWARebelProducingLLCMLSummers20180518.pdf; InspRptSDWASmackoverDrillingCompanyIncRose71617EzzellC3C520180517.pdf; InspRptSDWATerzanEnergyIILLCShermanMaggie20180502.pdf; InspRptSDWATheBondsCompanyProductionLLCCurry20180518.pdf; InspRptSDWAWarrenAmericanOilCompanyLLCChapmanLease20180508.pdf; InspRptSDWAWarrenAmericanOilCompanyLLCHuletteLease20180521.pdf; InspRptSDWAWJandBDavidFrisbyAnthony120180516.pdf

Attached are 34 inspections.

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Eckhart, Jeanne
Sent: Friday, September 14, 2018 9:22 AM
To: Stevens, Bill <stevens.bill@epa.gov>; Brooks, Christopher <brooks.christopher@epa.gov>

Cc: Tidmore, Guy <tidmore.guy@epa.gov>
Subject: 6ENWR inspections - FYI (Part 1)

Bill and Chris,

Attached 32 inspections for your FYI. Trying to get caught up on sending CID EN inspections from the brine group, so please excuse the multiple emails ....

Let us know if you have any questions.

Thanks,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

EPA United States Environmental Protection Agency

Region 6 Compliance Assurance and Enforcement Division

INSPECTION REPORT

Inspection Date(s):	04/17/2018
Media:	Water
Regulatory Program(s)	Brine - CWA
Company Name:	**Diamond 3S, LLC**
Facility Name:	**Kennedy Lease**
Facility Physical Location:	36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)
(city, state, zip code)	Pawhuska, Oklahoma 74056
Mailing address:	20102 West Coyote Trail
(city, state, zip code)	Sand Springs, Oklahoma 74063
County/Parish:	Osage
Facility Contact:	Joel Summers
	(918) 638-9306
FRS Number:	N/A
Identification/Permit Number:	OKU000867
Media Number:	N/A
NAICS:	21111
SIC:	1311

Personnel participating in inspection:

Kent W. Sanborn	6EN-WR	Environmental Engineer	(918) 557 – 1615

EPA Lead Inspector Signature/Date for	Jeanne Eckhart — Digitally signed by Jeanne Eckhart DN: cn=Jeanne Eckhart, o=EPA, ou=6EN-WR, email=eckhart.jeanne@epa.gov, c=US Date: 2018.06.26 12:01:37 -05'00'	
	Kent W. Sanborn	Date
Supervisor Signature/Date	GUY TIDMORE — Digitally signed by GUY TIDMORE DN: c=US, o=U.S. Government, ou=USEPA, ou=Staff, cn=GUY TIDMORE, dnQualifier=0000012807 Date: 2018.06.26 16:32:57 -05'00'	26 JUN 2018
	Guy Tidmore	Date

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

EPA Region 6 inspector K.W. Sanborn visited the Diamond 3S, LLC oil and gas facility located at the latitude 36.586969 N and longitude -96.498093 W near Pawhuska, Oklahoma on 04/17/2018 for an unannounced inspection. No representatives of Diamond 3S, LLC were present for the inspection. The inspection was conducted by authority of the Clean Water Act and the Safe Drinking Water Act to determine compliance with the Environmental Protection Agency (EPA) regulations.

FACILITY DESCRIPTION

The inspection was at the Kennedy Lease area where a previous brine discharge occurred at injection well 3.

Section II - OBSERVATIONS

During the inspection, I checked Kennedy No. 3 injection well near the previous discharge point. The operator was injecting contaminated creek water into the well at 500 psi with a hose that appeared to be weak. The electric fence around the contaminated area was down. I observed one truckload of brine pumped from the tributary near the point of entry. There were no other remedial activities at the time of the inspection. I observed elevated levels of Total Dissolved Solids (TDS) in the tributary of Daniel's Run Creek with a calibrated YSI 30 Pro Conductivity Meter.

Section III – AREAS OF CONCERN

I observed elevated levels of TDS in the creek. These levels continue to be ongoing since the first discharge was identified. There continues to be discharges from the contaminated soil during wet weather events.

Section IV – FOLLOW UP

Conduct a follow up inspection as needed.

Section V – LIST OF APPENDICES

N/A

EPA United States Environmental Protection Agency

Region 6 Compliance Assurance and Enforcement Division

INSPECTION REPORT

Inspection Date(s):	04/18/2018
Media:	Water
Regulatory Program(s)	Brine - CWA
Company Name:	**Diamond 3S, LLC**
Facility Name:	**Kennedy Lease**
Facility Physical Location:	36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)
(city, state, zip code)	Pawhuska, Oklahoma 74056
Mailing address:	20102 West Coyote Trail
(city, state, zip code)	Sand Springs, Oklahoma 74063
County/Parish:	Osage
Facility Contact:	Joel Summers
	(918) 638-9306
FRS Number:	N/A
Identification/Permit Number:	OKU000867
Media Number:	N/A
NAICS:	21111
SIC:	1311

Personnel participating in inspection:			
Kent W. Sanborn	6EN-WR	Environmental Engineer	(918) 557 – 1615

EPA Lead Inspector Signature/Date	Jeanne Eckhart — Digitally signed by Jeanne Eckhart DN: cn=Jeanne Eckhart, o=EPA, ou=6EN-WR, email=eckhart.jeanne@epa.gov, c=US Date: 2018.06.26 12:03:02 -05'00'	
for	Kent W. Sanborn	Date
Supervisor Signature/Date	GUY TIDMORE — Digitally signed by GUY TIDMORE DN: c=US, o=U.S. Government, ou=USEPA, ou=Staff, cn=GUY TIDMORE, dnQualifier=0000012807 Date: 2018.06.26 16:34:05 -05'00'	26 JUN 2018
	Guy Tidmore	Date

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

EPA Region 6 inspector K.W. Sanborn visited the Diamond 3S, LLC oil and gas facility located at the latitude 36.586969 N and longitude -96.498093 W near Pawhuska, Oklahoma on 04/18/2018 for an unannounced inspection. EPA inspector Rick Davis also participated in the inspection. No representatives of Diamond 3S, LLC were present for the inspection. The inspection was conducted by authority of the Clean Water Act and the Safe Drinking Water Act to determine compliance with the Environmental Protection Agency (EPA) regulations.

FACILITY DESCRIPTION

The inspection assessed the Kennedy No. 3 injection well and brine discharge site. Additionally, EPA inspector Rick Davis participated in the inspection. EPA also inspected all injection wells associated with this facility, which was a total of 4 injection wells.

Section II - OBSERVATIONS

During the inspection, I observed that all the injection wells associated with the Kennedy lease were set up to receive water, except for the Kennedy No. 5 injection well. At the time of the inspection, there was contaminated creek water being pumped down all 3 injection wells. I observed one truck on location picking up contaminated water from the tributary of Daniel's Run Creek at the first temporary dam (near the point of entry). I did not observe signs that attempts to vacuum out contaminated waters downstream along the tributary and in Daniel's Run Creek had been conducted. I observed elevated levels of Total Dissolved Solids (TDS) in the tributary of Daniel's Run Creek.

Section III – AREAS OF CONCERN

There were still elevated levels of TDS in the tributary and in Daniel's Run Creek. These levels have persisted since the first EPA inspection associated with this spill and remedial efforts to address these TDS levels are minimal. Additionally, EPA observed that contaminated creek water was being injected into the three active injection wells on the Kennedy Lease.

Section IV – FOLLOW UP

Conduct a follow up inspection as needed.

Section V – LIST OF APPENDICES

N/A

EPA United States Environmental Protection Agency

Region 6 Compliance Assurance and Enforcement Division

INSPECTION REPORT

Inspection Date(s):	04/17/2018
Media:	Water
Regulatory Program(s)	Brine - SDWA
Company Name:	**Diamond 3S, LLC**
Facility Name:	**Kennedy Lease**
Facility Physical Location:	36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)
(city, state, zip code)	Pawhuska, Oklahoma 74056
Mailing address:	20102 West Coyote Trail
(city, state, zip code)	Sand Springs, Oklahoma 74063
County/Parish:	Osage
Facility Contact:	Joel Summers
	(918) 638-9306
FRS Number:	N/A
Identification/Permit Number:	OKU000867
Media Number:	N/A
NAICS:	21111
SIC:	1311

Personnel participating in inspection:

Kent W. Sanborn	6EN-WR	Environmental Engineer	(918) 557 – 1615

EPA Lead Inspector Signature/Date for	Jeanne Eckhart Digitally signed by Jeanne Eckhart DN: cn=Jeanne Eckhart, o=EPA, ou=6EN-WR, email=eckhart.jeanne@epa.gov, c=US Date: 2018.06.26 12:09:43 -05'00'	
	Kent W. Sanborn	Date
Supervisor Signature/Date	GUY TIDMORE Digitally signed by GUY TIDMORE DN: c=US, o=U.S. Government, ou=USEPA, ou=Staff, cn=GUY TIDMORE, dnQualifier=0000012807 Date: 2018.06.26 16:38:36 -05'00'	26 JUN 2018
	Guy Tidmore	Date

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

EPA Region 6 inspector K.W. Sanborn visited the Diamond 3S, LLC oil and gas facility located at the latitude 36.586969 N and longitude -96.498093 W near Pawhuska, Oklahoma on 04/17/2018 for an unannounced inspection. No representatives of Diamond 3S, LLC were present for the inspection. The inspection was conducted by authority of the Clean Water Act and the Safe Drinking Water Act to determine compliance with the Environmental Protection Agency (EPA) regulations.

FACILITY DESCRIPTION

The inspection consisted of the injection well Kennedy No. 5, EPA Id No.: OS 4348 on the Kennedy Lease. The St. John lease is combined with the Kennedy lease at the tank battery.

Section II - OBSERVATIONS

At the time of the inspection, the Kennedy No. 5 injection well was observed (EPA ID: OS 4348). The injection well was shut in and not injecting during the inspection.

Section III – AREAS OF CONCERN

I observed elevated levels of TDS in the creek. These levels continue to be ongoing since the first discharge was identified. There continue to be discharges from the contaminated soil during wet weather events.

Section IV – FOLLOW UP

Conduct a follow up inspection as needed.

Section V – LIST OF APPENDICES

N/A

ED_002955_00010666-00002

Message

From: Eckhart, Jeanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDB8E58B4707410992750A95767619CA-ECKHART, JE]
Sent: 11/20/2018 8:40:07 PM
To: Ryan P Summers [r_summers@sbcglobal.net]
CC: Tidmore, Guy [tidmore.guy@epa.gov]; Sanborn, Kent [Sanborn.Kent@epa.gov]; Herbert, Rusty [Herbert.Rusty@epa.gov]; Rudolph, Matthew [rudolph.matthew@epa.gov]
Subject: EPA Compliance Inspection at Diamond 3S, LLC Facility - Copy of Inspection Report
Attachments: InspRptSDWADiamond3SLLCKennedyLease201810312018.pdf

Dear Mr. Summers,

In October 2018, the United States Environmental Protection Agency conducted a Clean Water Act (CWA) and Safe Drinking Water Act (SDWA) compliance inspection at your facilities. A copy of the inspection report is attached to this email. EPA will continue to use this report to determine your facility's compliance with the CWA and SDWA. Please review the report, note the areas of concern (if any), and take any actions necessary to ensure compliance with the CWA or SDWA. The EPA inspector, Kent Sanborn, may have discussed these concerns with a company representative at the time of the inspection as well. EPA wanted to provide you a copy of the inspection report for your records.

The attached inspection reports will be posted to EPA Region 6's public website, here:
https://www.epa.gov/ok/compliance-assurance-and-enforcement-documents-oklahoma

If you have questions or concerns related to this inspection report, please feel free to reach out to me or the EPA inspector, Kent Sanborn. My contact information is below.

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section
Enforcement Division/Region 6
U.S. Environmental Protection Agency

1445 Ross Avenue, Mail Code 6EN-WR
Dallas, Texas 75202
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

EPA United States Environmental Protection Agency

Region 6 Compliance Assurance and Enforcement Division

INSPECTION REPORT

Inspection Date(s):	10/31/2018	
Media:	Water	
Regulatory Program(s)	Brine - SDWA	
Company Name:	**Diamond 3S, LLC**	
Facility Name:	**Kennedy Lease**	
Facility Physical Location:	36.587028, -96.498042	
(city, state, zip code)	Pawhuska, Oklahoma 74056	
Mailing address:	20102 West Coyote Trail	
(city, state, zip code)	Sand Springs, Oklahoma 74063	
County/Parish:	Osage County	
Facility Contact:	Ryan Summers	
	918-625-3080	
FRS Number:	N/A	
Identification/Permit Number:	OKU000867	
Media Number:	N/A	
NAICS:	21111	
SIC:	1311	

Personnel participating in inspection:

Kent W. Sanborn	6EN-WR	Environmental Engineer	(918) 557 – 1615

EPA Lead Inspector Signature/Date	Kent W. Sanborn Digitally signed by Kent W. Sanborn DN: cn=Kent W. Sanborn, o, ou=6EN-WR, email=sanborn.kent@epa.gov, c=US Date: 2018.11.20 08:51:38 -06'00'	
	Kent W. Sanborn	Date
Supervisor Signature/Date	Digitally signed by biggs.tonia@epa.gov DN: cn=biggs.tonia@epa.gov Date: 2018.11.20 13:38:01 -06'00'	
	Guy Tidmore	Date

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

EPA Region 6 inspector K.W. Sanborn visited the Diamond 3S, LLC oil and gas facility located at latitude 36.587028 and longitude -96.498042 near Pawhuska, Oklahoma on 10/31/2018 for an unannounced inspection. No representatives of Diamond 3S, LLC were present for the inspection. The inspection was conducted by authority of the Clean Water Act and the Safe Drinking Water Act to determine compliance with the Environmental Protection Agency (EPA) regulations. EPA contacted the Bureau of Indian Affairs (BIA) Osage Agency to inform them of the inspection.

FACILITY DESCRIPTION

The facility is known as the Kennedy Lease and has an EPA ID No. OKU000867.

Section II - OBSERVATIONS

The surface where previous brine spill damage had occurred did not have vegetation growth on it. I observed that some soil has been re-spread in the area prior to the inspection and that there was some hay and gypsum mixed in to the surface soil. A large pond has been built in the tributary channel area. With a calibrated YSI Pro 30 conductivity meter, I took total dissolved solids (TDS) readings in the tributary and along the previous flow path, where there were fluids pooled up on the hillside. The TDS readings measured up to approximately 32,000 milligrams per Liter (mg/L). I did not observe any pumps or processes to pump out the in-situ pond that had been installed in the tributary to prevent further contamination of the tributary and downstream during the inspection.

Section III – AREAS OF CONCERN

The in-situ pond built in the tributary does not have a method of removing contaminated fluids from it. Additionally, it was built in the stream way of the tributary. Also, the hillside area that was previously damaged from a spill did not have growth on it.

Section IV – FOLLOW UP

Conduct a follow up inspection in approximately 2 months.

Section V – LIST OF APPENDICES

N/A

Message

From: Eckhart, Jeanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDB8E58B4707410992750A95767619CA-ECKHART, JE]
Sent: 11/20/2018 7:57:15 PM
To: Stevens, Bill [stevens.bill@epa.gov]; Brooks, Christopher [brooks.christopher@epa.gov]
CC: Tidmore, Guy [tidmore.guy@epa.gov]
Subject: 6ENW Inspection Reports - FYI
Attachments: InspRptSDWABerexcoLLCOkmarLease20181003.pdf; InspRptSDWABerexcoLLCSLong2SWD20181030.pdf; InspRptSDWACircle9ResourcesLLCSchooland6620181030.pdf; InspRptSDWADiamond3SLLCKennedyLease201810312018.pdf; InspRptSDWAHermanRobertsUnknown20181004.pdf; InspRptSDWAMidConEnergyOperatingIncCushingCoopPlant120181003.pdf; InspRptSDWATrivestcoEnergyCompanySmithCrellLease20181009.pdf; InspRptSDWAUnknownUnknownBirdCreek20181009.pdf; InspRptSDWAUnknownUnknownBirdCreek201810024.pdf; InspRptSDWAWachtmanSchroederWhitetailStuartLease20181022.pdf

Chris and Bill,

Happy Thanksgiving week! 10 inspection reports attached as FYI.

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

EPA United States Environmental Protection Agency

Region 6 Compliance Assurance and Enforcement Division

INSPECTION REPORT

Inspection Date(s):	10/31/2018	
Media:	Water	
Regulatory Program(s)	Brine - SDWA	
Company Name:	**Diamond 3S, LLC**	
Facility Name:	**Kennedy Lease**	
Facility Physical Location:	36.587028, -96.498042	
(city, state, zip code)	Pawhuska, Oklahoma 74056	
Mailing address:	20102 West Coyote Trail	
(city, state, zip code)	Sand Springs, Oklahoma 74063	
County/Parish:	Osage County	
Facility Contact:	Ryan Summers	
	918-625-3080	
FRS Number:	N/A	
Identification/Permit Number:	OKU000867	
Media Number:	N/A	
NAICS:	21111	
SIC:	1311	

Personnel participating in inspection:			
Kent W. Sanborn	6EN-WR	Environmental Engineer	(918) 557 – 1615

EPA Lead Inspector Signature/Date	Kent W. Sanborn Digitally signed by Kent W. Sanborn DN: cn=Kent W. Sanborn, o, ou=6EN-WR, email=sanborn.kent@epa.gov, c=US Date: 2018.11.20 08:51:38 -06'00'	
	Kent W. Sanborn	Date
Supervisor Signature/Date	Digitally signed by biggs.tonia@epa.gov DN: cn=biggs.tonia@epa.gov Date: 2018.11.20 13:38:01 -06'00'	
	Guy Tidmore	Date

6ENFORM-019-R7 (2/15/2017)

ED_002955_00010743-00001

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

EPA Region 6 inspector K.W. Sanborn visited the Diamond 3S, LLC oil and gas facility located at latitude 36.587028 and longitude -96.498042 near Pawhuska, Oklahoma on 10/31/2018 for an unannounced inspection. No representatives of Diamond 3S, LLC were present for the inspection. The inspection was conducted by authority of the Clean Water Act and the Safe Drinking Water Act to determine compliance with the Environmental Protection Agency (EPA) regulations. EPA contacted the Bureau of Indian Affairs (BIA) Osage Agency to inform them of the inspection.

FACILITY DESCRIPTION

The facility is known as the Kennedy Lease and has an EPA ID No. OKU000867.

Section II - OBSERVATIONS

The surface where previous brine spill damage had occurred did not have vegetation growth on it. I observed that some soil has been re-spread in the area prior to the inspection and that there was some hay and gypsum mixed in to the surface soil. A large pond has been built in the tributary channel area. With a calibrated YSI Pro 30 conductivity meter, I took total dissolved solids (TDS) readings in the tributary and along the previous flow path, where there were fluids pooled up on the hillside. The TDS readings measured up to approximately 32,000 milligrams per Liter (mg/L). I did not observe any pumps or processes to pump out the in-situ pond that had been installed in the tributary to prevent further contamination of the tributary and downstream during the inspection.

Section III – AREAS OF CONCERN

The in-situ pond built in the tributary does not have a method of removing contaminated fluids from it. Additionally, it was built in the stream way of the tributary. Also, the hillside area that was previously damaged from a spill did not have growth on it.

Section IV – FOLLOW UP

Conduct a follow up inspection in approximately 2 months.

Section V – LIST OF APPENDICES

N/A

Message

From: Eckhart, Jeanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDB8E58B4707410992750A95767619CA-ECKHART, JE]
Sent: 9/28/2018 9:04:02 PM
To: Koss, Larry [Koss.Larry@epa.gov]
Subject: RE: Public Notice of Complaint for Diamond 3S, LLC

Thank you!!

From: Koss, Larry
Sent: Friday, September 28, 2018 3:50 PM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>; Saunders, Jerry <Saunders.Jerry@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>
Cc: Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: RE: Public Notice of Complaint for Diamond 3S, LLC

Posted.

Lawrence E. Koss
Senior Technology, Methodology and Application Developer/Coordinator
Oracle Database/Application Developer
Oracle Database Administrator
Division Web Editor in Chief
Environmental Protection Specialist
Waste Compliance II Section - 6EN-H2
Compliance Assurance and Enforcement Division

Voice: 214.665.6533
Fax: 214.665.7446
Email: koss.larry@epa.gov
Lync: koss.larry@epa.gov

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From: Eckhart, Jeanne
Sent: Friday, September 28, 2018 15:18
To: Koss, Larry <Koss.Larry@epa.gov>; Saunders, Jerry <Saunders.Jerry@epa.gov>; Tidmore, Guy <tidmore.guy@epa.gov>
Cc: Herbert, Rusty <Herbert.Rusty@epa.gov>
Subject: Public Notice of Complaint for Diamond 3S, LLC

Guy or Jerry,

Please let Larry know that the attached public notification template and finalized PDF document is approved for posting to the public notice website via email.

Larry,

Attached is the (most recent) template for a public notification and the file (PDF) for public notification. Please let me know if you have any questions and when you are able to post it.

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

Message

From: Eckhart, Jeanne [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DDB8E58B4707410992750A95767619CA-ECKHART, JE]
Sent: 4/2/2018 4:43:14 PM
To: Sanborn, Kent [Sanborn.Kent@epa.gov]
Subject: RE: EPA Compliance Inspection at Diamond 3S, LLC (Kennedy) - Copy of Inspection Report

No, just FYI that I sent him a copy of the inspection report. Standard protocol.

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

From: Sanborn, Kent
Sent: Monday, April 02, 2018 11:41 AM
To: Eckhart, Jeanne <Eckhart.Jeanne@epa.gov>
Subject: RE: EPA Compliance Inspection at Diamond 3S, LLC (Kennedy) - Copy of Inspection Report

Do I need to look at this?

From: Eckhart, Jeanne
Sent: Monday, April 2, 2018 11:00 AM
To: summertimelawncare@sbcg.org; summertimelawncare@sbcg.com
Cc: Tidmore, Guy <tidmore.guy@epa.gov>; Sanborn, Kent <Sanborn.Kent@epa.gov>; mark.hendricks@bia.gov; Daniels, Benjamin <benjaminl.daniels@bia.gov>; Lee Burnett <lee.burnett@bia.gov>
Subject: EPA Compliance Inspection at Diamond 3S, LLC (Kennedy) - Copy of Inspection Report

Dear Mr. Summers,

I wanted to follow up our previous phone calls with this email. On March 16, 2018 and March 20, 2018, US Environmental Protection Agency (EPA) conducted Clean Water Act (CWA) compliance inspections at your facility. A copy of the inspection report is attached to this email. EPA will use this and subsequent inspections reports to determine your facility's compliance with the CWA. Please review the report, note the areas of concern, and take any action necessary to ensure compliance with the CWA. We have previously discussed this information on the phone, but I wanted to provide you with a finalized copy. Please be aware that as you continue to take actions to address the concerns that the EPA has, document your actions with pictures, receipts, work orders, etc. This information will be requested at a later date from you.

Additionally, the EPA has small business compliance assistance, which I wanted to provide you the brochure for, if needed.

Please let me or Kent Sanborn know if you have any questions related to the concerns identified.

Thank you,

Jeanne Eckhart
Environmental Scientist
Water Resources Section
Enforcement Division/Region 6
U.S. Environmental Protection Agency

1445 Ross Avenue, Mail Code 6EN-WR
Dallas, Texas 75202
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

Message

From: Eckhart, Jeanne [Eckhart.Jeanne@epa.gov]
Sent: 4/5/2018 1:53:12 PM
To: Stevens, Bill [stevens.bill@epa.gov]; Brooks, Christopher [brooks.christopher@epa.gov]
CC: Tidmore, Guy [tidmore.guy@epa.gov]
Subject: 6ENWR Inspection Report - FYI
Attachments: InspRptDiamond3SLLCKennedy20180320.pdf

Chris and Bill,

Attached is a 6ENWR inspection report, for your FYI. Please let us know if you have any questions.

Thanks,

Jeanne Eckhart
Environmental Scientist
Water Resources Section, Enforcement Division
Region 6, U.S. EPA
Office: (214) 665 – 8174
Fax: (214) 665 – 7446

EPA United States Environmental Protection Agency

Region 6 Compliance Assurance and Enforcement Division

INSPECTION REPORT

Inspection Date(s):	March 16, 2018 and March 20, 2018	
Media:	Water (CWA)	
Regulatory Program(s)	NPDES – Brine	
Company Name:	**Diamond 3S, LLC**	
Facility Name:	**Kennedy**	
Facility Physical Location:	36.586969N, -96.498093W (NE Sect. 1, T 24N, R 7E)	
(city, state, zip code)	Pawhuska, Oklahoma 74056	
Mailing address:	20102 West Coyote Trail	
(city, state, zip code)	Sand Springs, Oklahoma 74063	
County/Parish:	Osage	
Facility Contact:	Joel Summers	
	(918) 638-9306	
FRS Number:	N/A	
Identification/Permit Number:	OKU000867	
Media Number:	N/A	
NAICS:	21111	
SIC:	1311	
Personnel participating in inspection:		
Kent W. Sanborn	EPA Region 6, 6EN-WR	Environmental Engineer	918-557-1615
EPA Lead Inspector Signature/Date	Sanborn, Kent — Digitally signed by Sanborn, Kent DN: cn=Sanborn, Kent, email=Sanborn.Kent@epa.gov Date: 2018.03.30 13:45:50 -05'00'	
	Kent W. Sanborn	Date
Supervisor Signature/Date	GUY TIDMORE — Digitally signed by GUY TIDMORE DN: c=US, o=U.S. Government, ou=USEPA, ou=Staff, cn=GUY TIDMORE, dnQualifier=0000012807 Date: 2018.04.02 08:44:27 -05'00'	02 APR 2018
	Guy Tidmore	Date

6ENFORM-019-R7 (2/15/2017)

ED_002955_00012095-00001

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

EPA Region 6 inspector Kent W. Sanborn arrived at the Diamond 3S LLC lease on the Kennedy property near Pawhuska, Oklahoma at about 3:00 PM on March 16, 2018 for an inspection. The inspection was initiated by a reported discharge of fluids into a nearby tributary of Daniel's Run Creek by Diamond 3S, LLC. The Bureau of Indian Affairs (BIA) in Pawhuska requested our assistance in addressing the discharge. I met with Joel Summers of the company and Mark Hendricks of the BIA at the discharge site near an injection well. We confirmed the discharge had reached a tributary of Daniel's Run Creek. There were no activities of any kind taking place to address the discharge or clean up during the inspection. The inspection was conducted under the authority of Section 308 of the CWA. The scope of the inspection was to determine if the facility was in compliance with Clean Water Act, including Section 301, and to identify and document discharges of produced wastewater (brine) to waters of the United States.

FACILITY DESCRIPTION

The origination point of discharge was a leaking injection well supply line connected to the well known as the Kennedy Number 3. The injection well is also known as EPA inventory OS 4349. The flow line was buried up to the well. The well was closed in, but the line itself was leaking fluids and was connected to the main tank battery. The entire pasture between the well and the tributary of Daniel's Run Creek was saturated with brine from a consistent leak over time.

Section II – OBSERVATIONS

3/16/2018

I initially arrived at the Diamond 3S, LLC, Kennedy lease at about 3:00 pm on March 16, 2018. Photo 1 indicates the injection well sign located a few yards from the discharge point. The well itself was shown in Photo 2. The discharge (Photos 3, 4, and 5) was occurring below the surface in what appeared to be a failed injection well supply line. The leak had a small amount of oil as well. Salt had precipitated out on the surface in around the area, which indicated that an extended amount of time has passed as the line continued to leak. Photos 6, 7, and 8 show the surface to be stained and saturated as the brine flowed southwest down a long hill towards a tributary of Daniel's Run Creek. Photo 9 indicates the extent of the brine saturation approximately half way down the hill showing a large portion of the hillside was saturated along the flow path with brine and fluids that had been leaking for long periods of time. Livestock had been in around the site for an undetermined amount of time. Photo 10 shows the unaffected portion of the tributary upstream of the discharge point of entry and area where large portions of seepage had occurred from the heavily saturated hillside. With a calibrated YSI Pro 30 Conductivity Meter, a Total Dissolved Solids (TDS) measurement was taken upstream and was 816 mg/L (Photo 11). Flow was south in the tributary of Daniel's Run Creek from the reading taken in Photo 11. The northern most extent of the seepage from the leak into the tributary of Daniel's Run Creek was located at 36.587308N, -96.499175W, approximately 100 yards upstream from the Point of Entry (POE). Photo 12 shows the southern POE of most of the brine from the discharged hillside to the tributary of Daniel's Run Creek. The entire bank for over 100 yards was seeping into the tributary from the

saturated hillside and flow path. The TDS of the tributary at the POE was 95,541 mg/L (Photo 13). The tributary shown in Photo 14 downstream was contaminated. TDS at Photo 14, approximately 0.1 miles downstream from the POE was 45,792 mg/L. (Photo 15). The downstream flow from the POE to Daniel's Run Creek (Photo 16) was again tested at the junction of the tributary and Daniel's Run Creek, which joined the tributary from the west. The TDS of the combined waters was 11,250 mg/L (Photo 17). The creek was tested farther downstream of the junction at the point shown in Photo 18. TDS was 22,483 mg/L (Photo 19). Photo 20 shows the southernmost point tested on the creek, approximately 0.86 miles downstream from the southernmost POE into the tributary of Daniel's Run Creek. TDS was 3,008 mg/L (Photo 21).

3/20/2018

On March 20, 2018 I returned to the site to evaluate cleanup activities and progress. There were no representatives present and I did not observe any trucks or equipment on site to remove brine from the tributary, creek, or the hillside at the time of the inspection. Photo 22 shows a hole dug to expose the failed line and subsequent repair of the line. The soil and bank near the POE was still saturated with brine and continued to discharge into the tributary (Photos 23 and 24). TDS at the POE to the creek was 77,765 mg/L (Photo 25). I observed three dams built in the tributary of Daniel's Run Creek. Photo 26 was the closest to the southernmost POE of brine to the tributary. TDS at the first dam was 23,769 mg/L (Photo 27). The creek was measured between the first dam and the second dam (Photo 28). TDS was found to be 25,883 mg/L (Photo 29). Flow was south within the tributary of Daniel's Run Creek. Photo 30 shows a dead crayfish found in the tributary of Daniel's Run Creek near the area shown in photos 28 and 29. Also, I observed other various crayfish parts present in this area that had been consumed prior to the inspection by varmints, like raccoons. I observed the second dam (Photo 31) downstream of the southernmost POE approximately 0.14 miles. TDS at that location was 45,164 mg/L (Photo 32). Photo 33 was a section of the creek downstream of the second dam. TDS at that location was 41,560 mg/L (Photo 34). A third dam was present and shown in Photo 35, which was approximately 0.35 miles downstream from the southernmost POE into the tributary of Daniel's Run Creek. TDS at that site was 30,419 mg/L (Photo 36). Crayfish remains were present in the creek (Photo 37) near the third dam.

Section III – AREAS OF CONCERN

I have not observed quick action to remove brine from the tributary and Daniel's Run Creek and concerns about brine continuing to flow downstream still exist. The dams put in prior to the March 20, 2018 inspection date will continue to be monitored to verify no seeping is occurring through those dams. The flow path and saturated hillside to the west and south of the tank battery was a large area of contaminated soil. This area continues to be a concern and contamination will continue to seep out of the hillside into the tributary, especially during rainfall events.

Section IV – FOLLOW UP

A follow up inspection will be conducted as needed.

Section V – LIST OF APPENDICES

Appendix 1 – Photo Log – 37 photos taken 3/16/2018 and 3/20/2018.

Appendix 1

Photographic Log (37 photos)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 1

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 1 (DSC_0342)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 4:03 pm
Latitude: 36.586969N
Longitude: -96.498093W
Photographer: K.W. Sanborn
Description: This photo shows the sign of the injection well, where the discharge originated from a flow line located about 20 yards east of the well.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 2

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

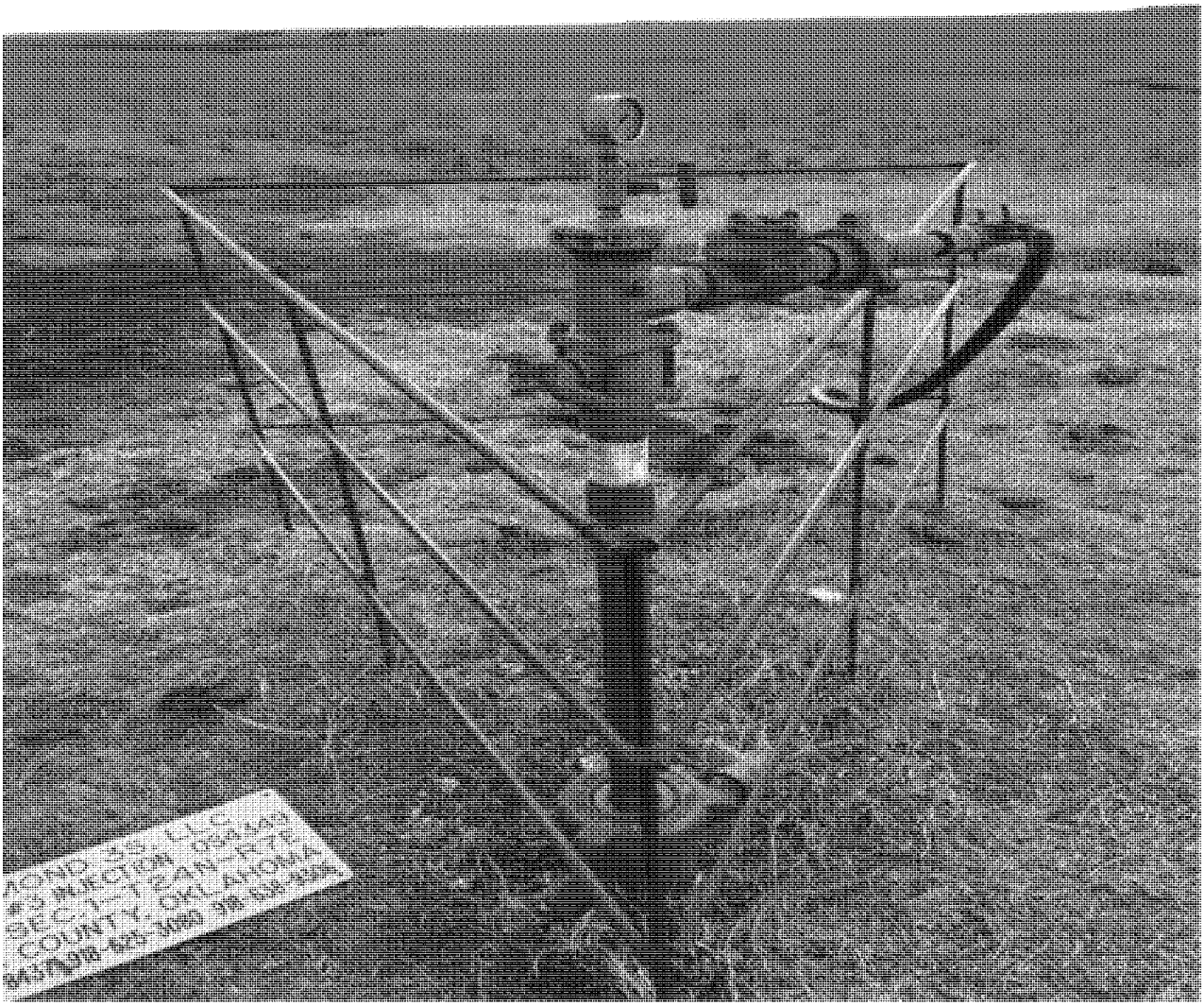

Photo File Name: Photo 2 (DSC_0343)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 4:03 pm
Latitude: 36.586969N
Longitude: -96.498093W
Photographer: K.W. Sanborn
Description: This is the disposal well near the discharge. The well was not active at the time of discharge. The valves on the line and well were closed at the time of the inspection.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 3

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 3 (DSC_0350)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 4:15 pm
Latitude: 36.586823N
Longitude: -96.498147W
Photographer: K.W. Sanborn
Description: The discharge originated beneath the ground in the injection flow line. The discharge area, salt crystals and flow path from the site towards the tributary of Daniel's Run Creek can be seen here.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 4

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

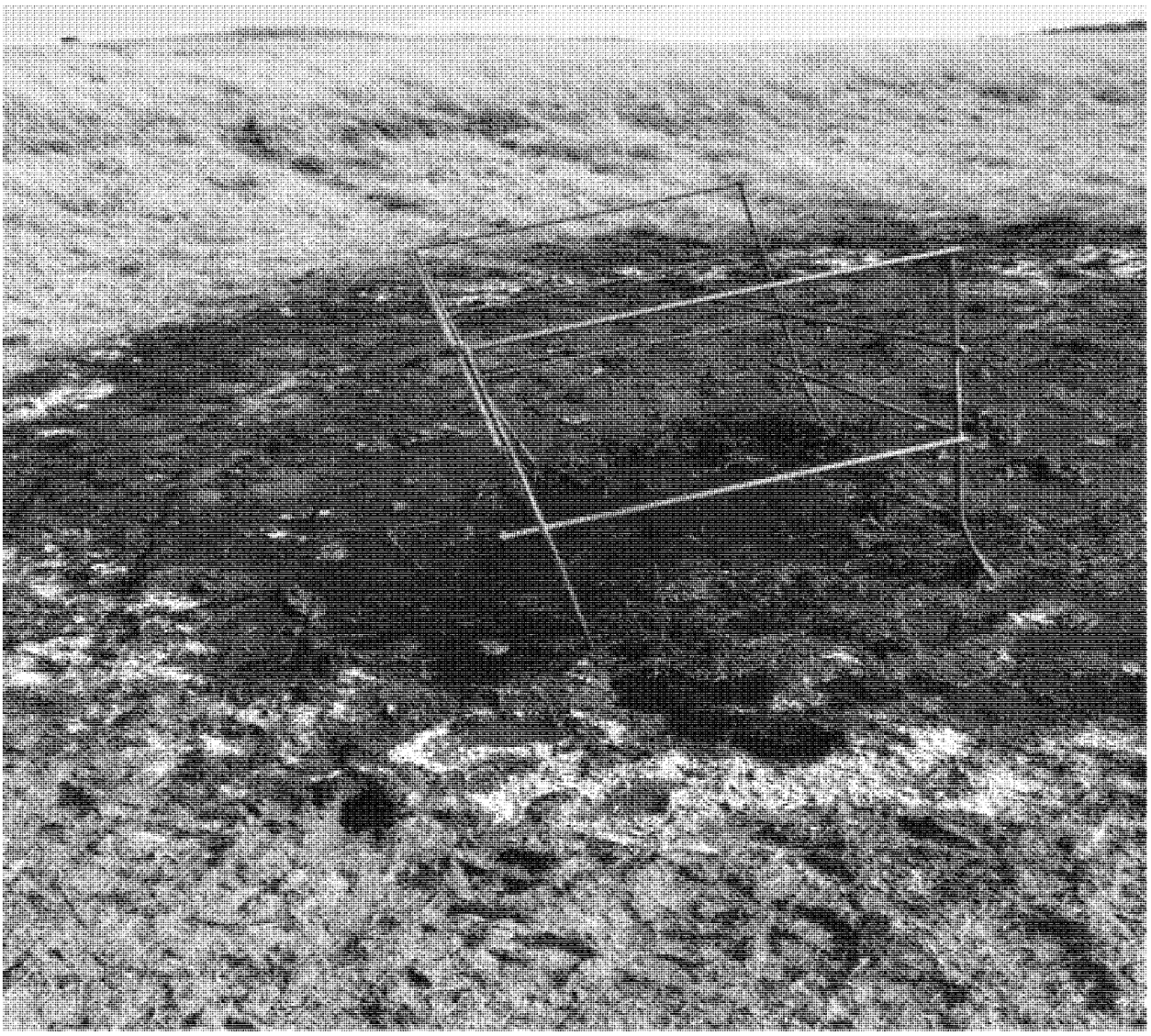

Photo File Name: Photo 4 (DSC_0345)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 4:15 pm
Latitude: 36.586957N
Longitude: -96.498036W
Photographer: K.W. Sanborn
Description: This photo shows the area where the discharge was occurring underground from a flow line. I observed a small amount of oil and salt crystals had precipitated across the entire location. Additionally, brine fluids were present.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 5

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

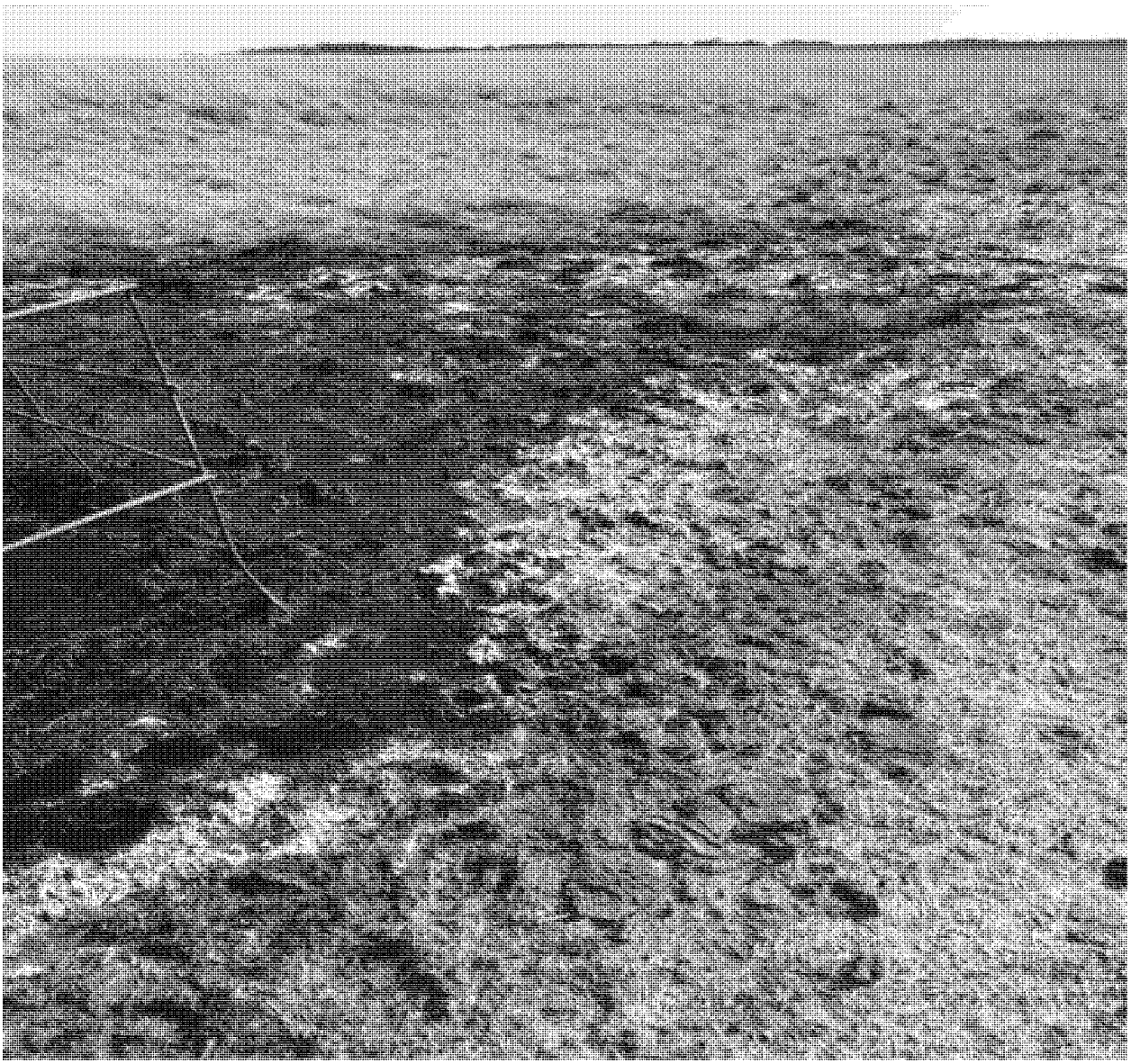

Photo File Name: Photo 5 (DSC_0346)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 4:15 pm
Latitude: 36.586957N
Longitude: -96.498036W
Photographer: K.W. Sanborn
Description: The discharge path was southwest toward the tributary of Daniel's Run Creek. The entire area was saturated with brine.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 6

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

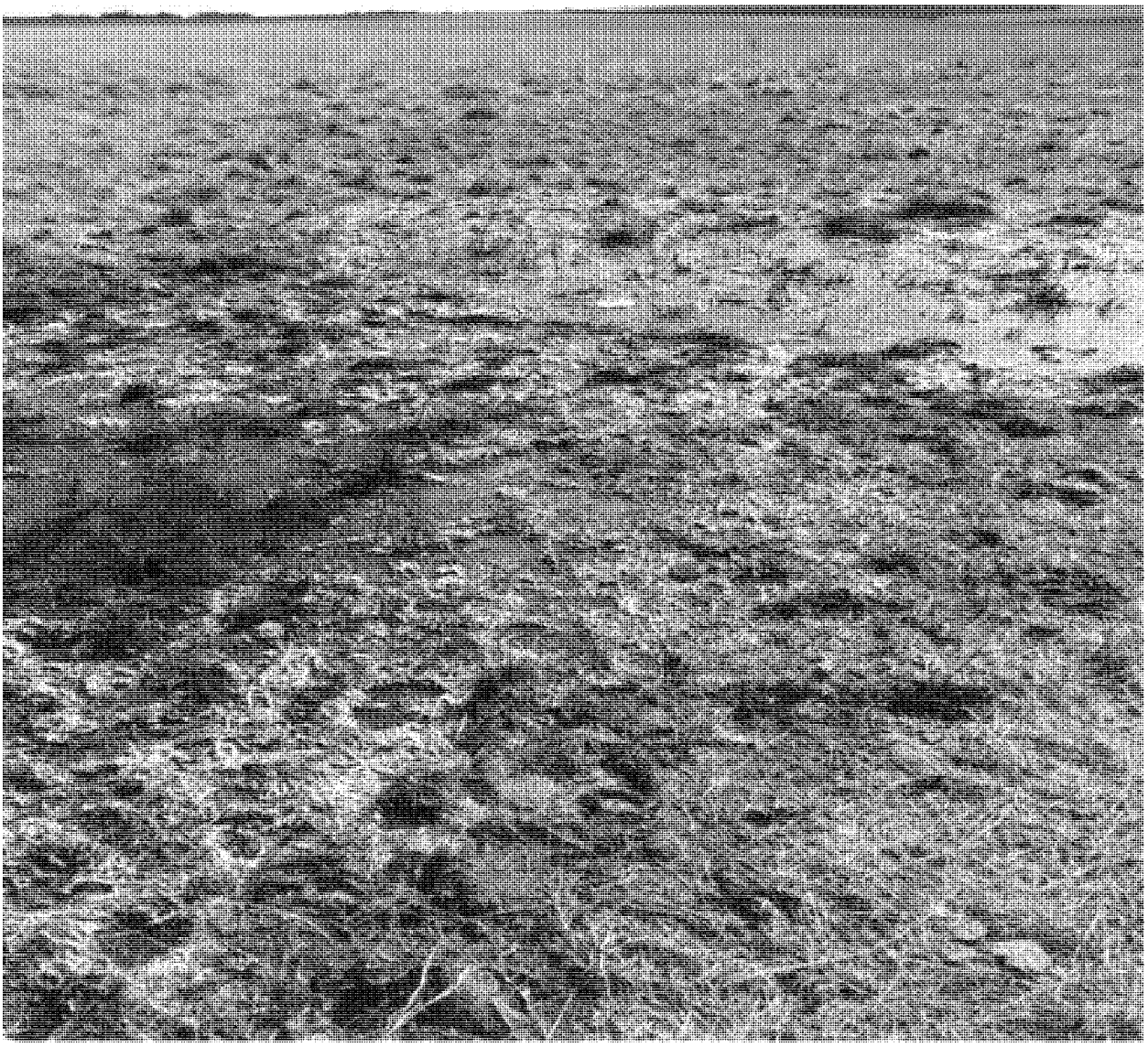

Photo File Name: Photo 6 (DSC_0347)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 4:15 pm
Latitude: 36.586957N
Longitude: -96.498036W
Photographer: K.W. Sanborn
Description: A flow path of the brine was observed from the discharge area southwest towards the tributary of Daniel's Run Creek. I observed white salt staining and wet soil along the flow path. Additionally, brine fluids were present along the flow path.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 7

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

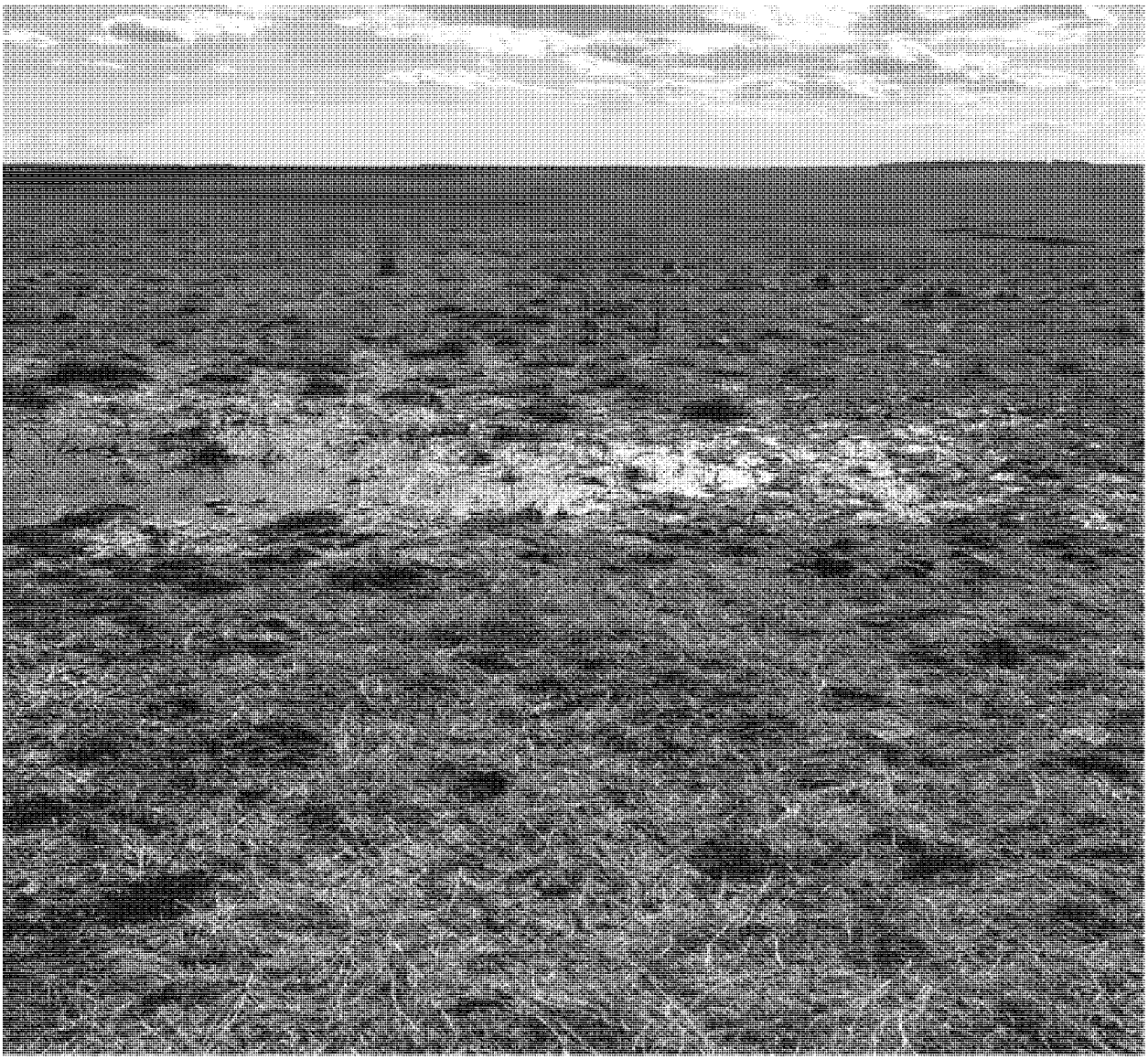

Photo File Name: Photo 7 (DSC_0348)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 4:15 pm
Latitude: 36.587000N
Longitude: -96.497998W
Photographer: K.W. Sanborn
Description: The discharge flow path had pooled up fluids down the saturated hill side towards the tributary southwest of the point of discharge.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 8

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 8 (DSC_0352)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 4:18 pm
Latitude: 36.586823N
Longitude: -96.498147W
Photographer: K.W. Sanborn
Description: This photo shows the wet and saturated areas on the hillside from the brine discharge and along the flow path that I observed during the inspection. I saw cattle tracks in the mud.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 9

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

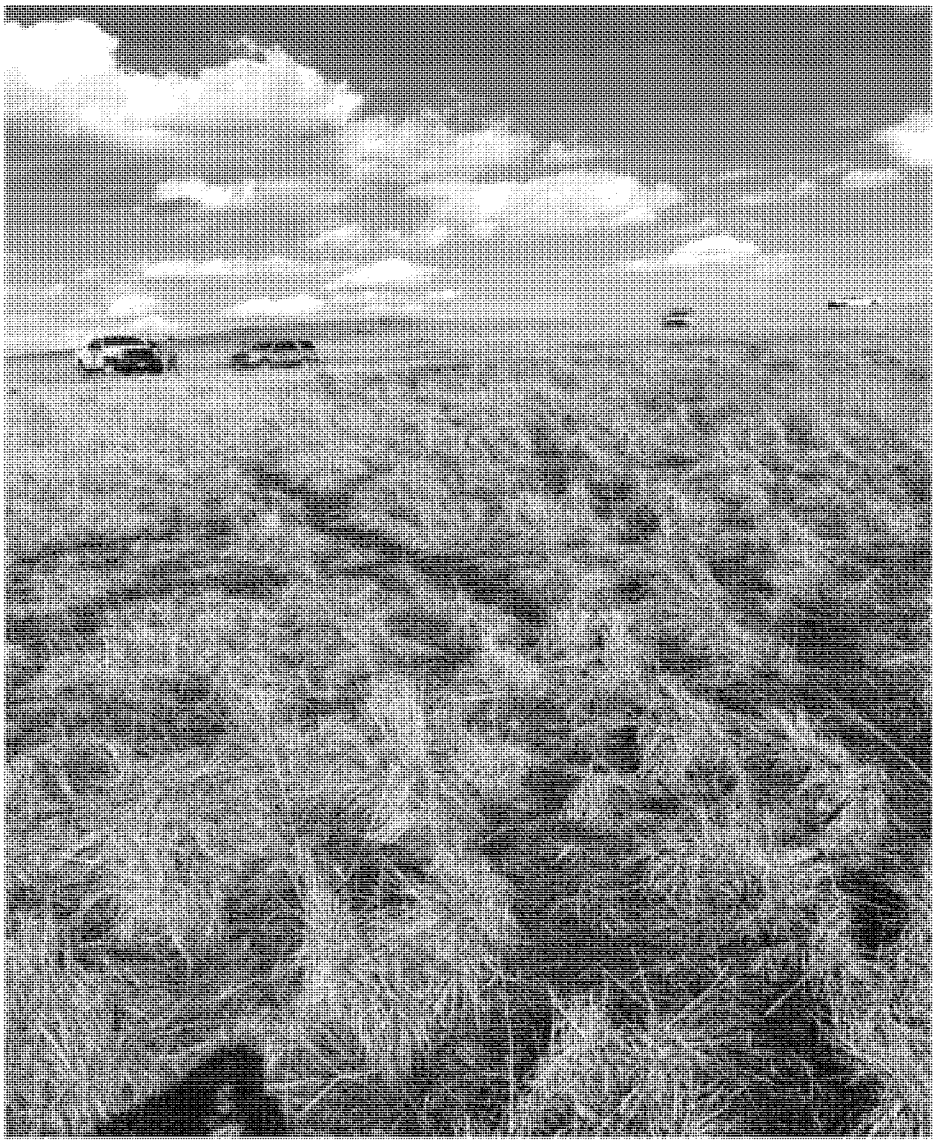

Photo File Name: Photo 9 (DSC_0354)
Orientation: Northeast
Date of Photo: 03/16/2018
Time of Photo: 4:19 pm
Latitude: 36.586612N
Longitude: -96.498575W
Photographer: K.W. Sanborn
Description: This was a view from midway down the hill where the flow path of fluids from the discharge point near the trucks towards the tributary of Daniel's Run Creek occurred. The soil was saturated with salt crystals along the flow path and throughout the hillside

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 10

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 10 (DSC_0357)
Orientation: North
Date of Photo: 03/16/2018
Time of Photo: 4:35 pm
Latitude: 36.587812N
Longitude: -96.498510W
Photographer: K.W. Sanborn
Description: This was a view upstream of the point of entry (POE) of the brine to the tributary of Daniel's Run Creek. Flow was south from the POE. I observed bed and bank at this location of the creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 11

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 11 (DSC_0356)
Orientation: North
Date of Photo: 03/16/2018
Time of Photo: 4:35 pm
Latitude: 36.587812N
Longitude: -96.498510W
Photographer: K.W. Sanborn
Description: With a calibrated YSI 30 Pro Conductivity Meter, a Total Dissolved Solids (TDS) measurement was taken of the upstream portion of the tributary shown in Photo 10 was 816 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 12

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 12 (DSC_0366)
Orientation: West
Date of Photo: 03/16/2018
Time of Photo: 4:45 pm
Latitude: 36.586494N
Longitude: -96.499100W
Photographer: K.W. Sanborn
Description: The southernmost POE of brine into the tributary of Daniel's Run Creek is shown here.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 13

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 13 (DSC_0361)
Orientation: West
Date of Photo: 03/16/2018
Time of Photo: 4:43 pm
Latitude: 36.586494N
Longitude: -96.499100W
Photographer: K.W. Sanborn
Description: TDS of the creek at the southernmost POE was 95,541 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 14

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 14 (DSC_0370)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 5:01 pm
Latitude: 36.585557N
Longitude: -96.499831W
Photographer: K.W. Sanborn
Description: This was the tributary of Daniel's Run Creek downstream of the POE. I smelled brine at this location during the inspection.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 15

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 15 (DSC_0368)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 4:49 pm
Latitude: 36.585557N
Longitude: -96.4998131W
Photographer: K.W. Sanborn
Description: TDS in the tributary shown where Photo 14 was taken was 45,792 mg/L. This location was approximately 0.1 miles downstream from the southernmost POE.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 16

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 16 (DSC_0374)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 5:04 pm
Latitude: 36.583612N
Longitude: -96.502629W
Photographer: K.W. Sanborn
Description: This is Daniel's Run Creek just south of the confluence of the creek with the tributary of Daniel's Run Creek. Daniel's Run Creek entered the tributary from the west. I could see a defined bed and bank in Daniel's Run Creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 17

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

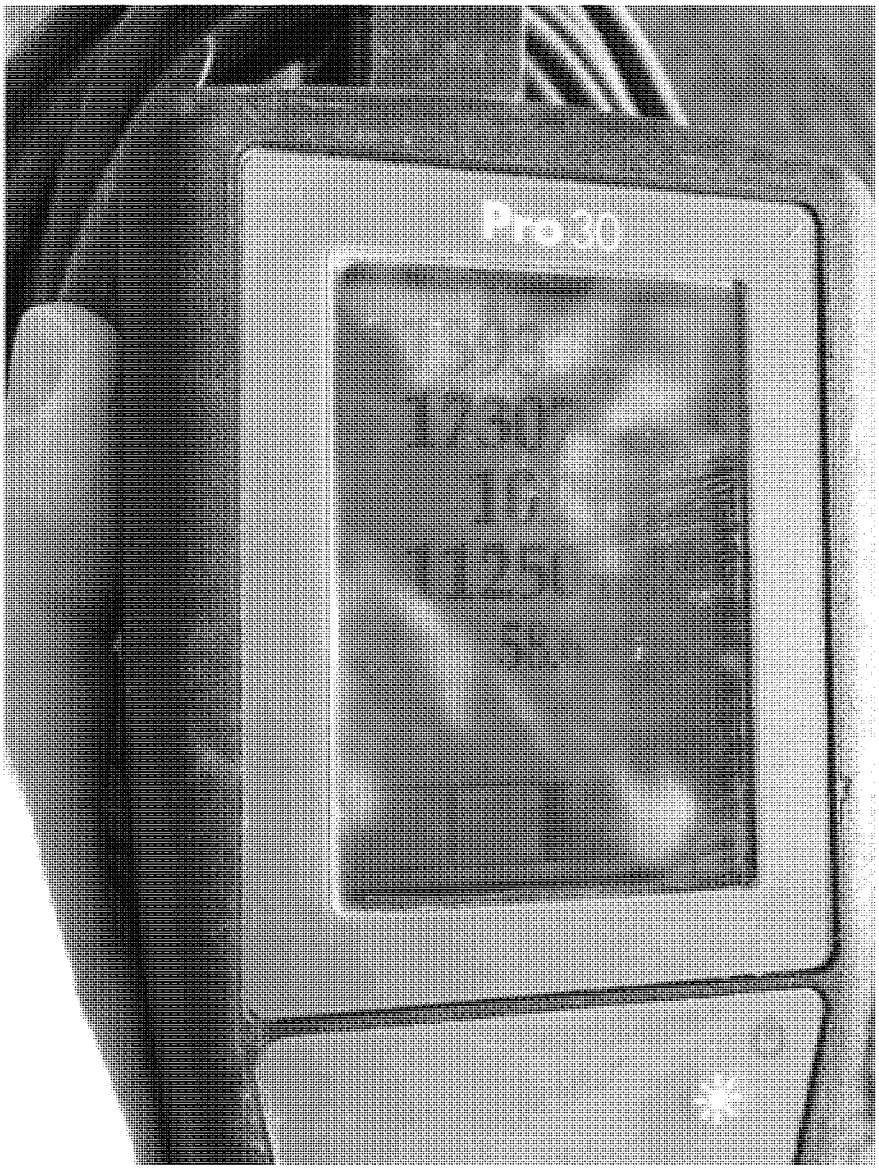

Photo File Name: Photo 17 (DSC_0373)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 5:04 pm
Latitude: 36.583612N
Longitude: -96.502629W
Photographer: K.W. Sanborn
Description: TDS of Daniel's Run Creek depicted in Photo 16 was 11,250 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 18

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 18 (DSC_0377)
Orientation: Southwest
Date of Photo: 03/16/2018
Time of Photo: 5:07 pm
Latitude: 36.581793N
Longitude: -96.502259W
Photographer: K.W. Sanborn
Description: This a view of the creek downstream from the junction of the tributary and Daniel's Run Creek which comes in from the west. I observed bed and bank in this location of the creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 19

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

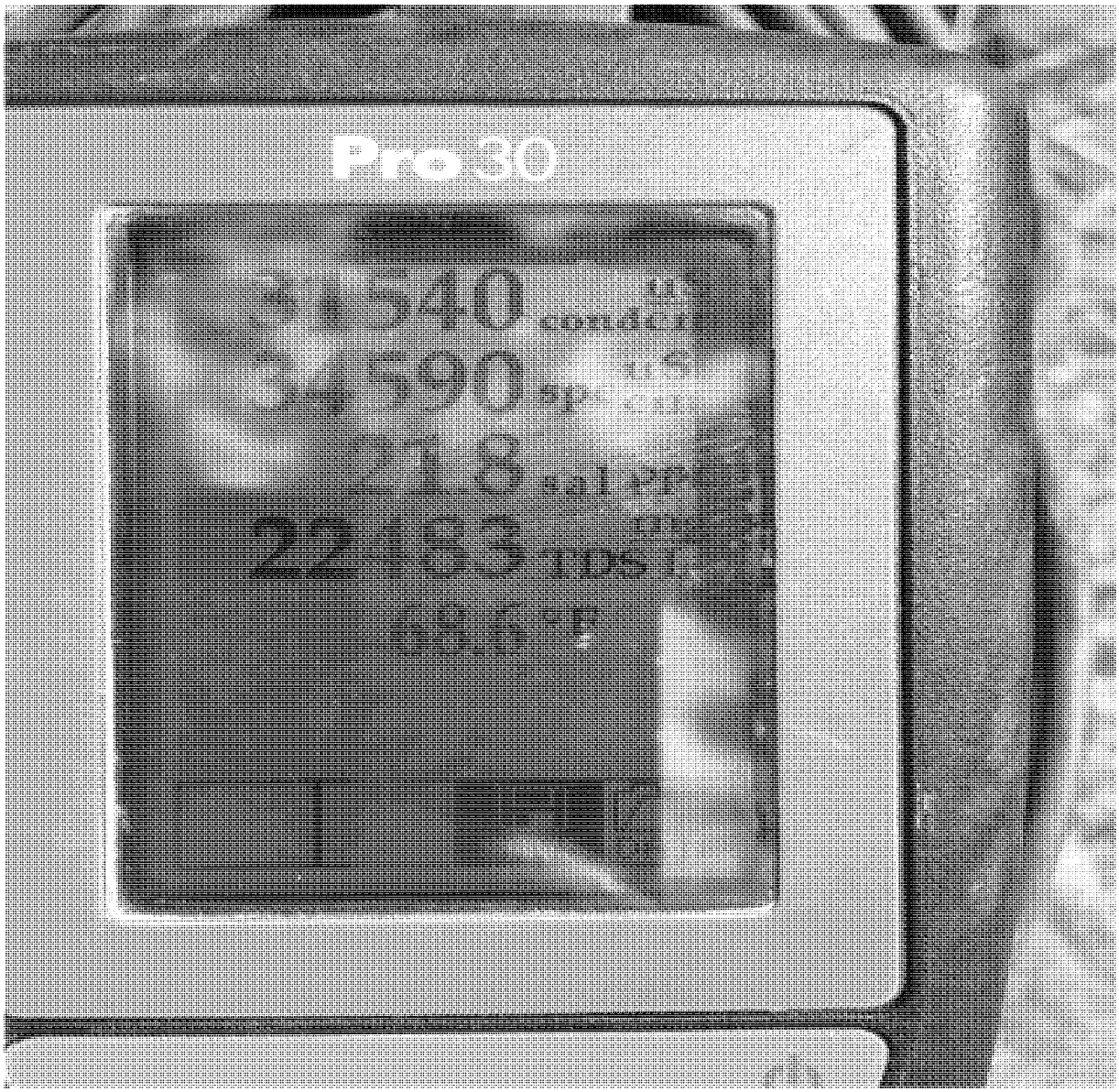

Photo file Name: Photo 19 (DSC_0234)
Orientation: West
Date of Photo: 03/07/2018
Time of Photo: 12:58 pm
Latitude: 36.581793N
Longitude: -96.502259W
Photographer: K.W. Sanborn
Description: TDS of the location in creek in Photo 18 was 22,483 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 20

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 20 (DSC_0379)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 5:13 pm
Latitude: 36.578599N
Longitude: -96.502326W
Photographer: K.W. Sanborn
Description: The creek crossed under a fence on the south part of the property. Flow continued south in Daniel's Run Creek. I observed bed, bank, and high water marks along the creek at this location.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 21

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

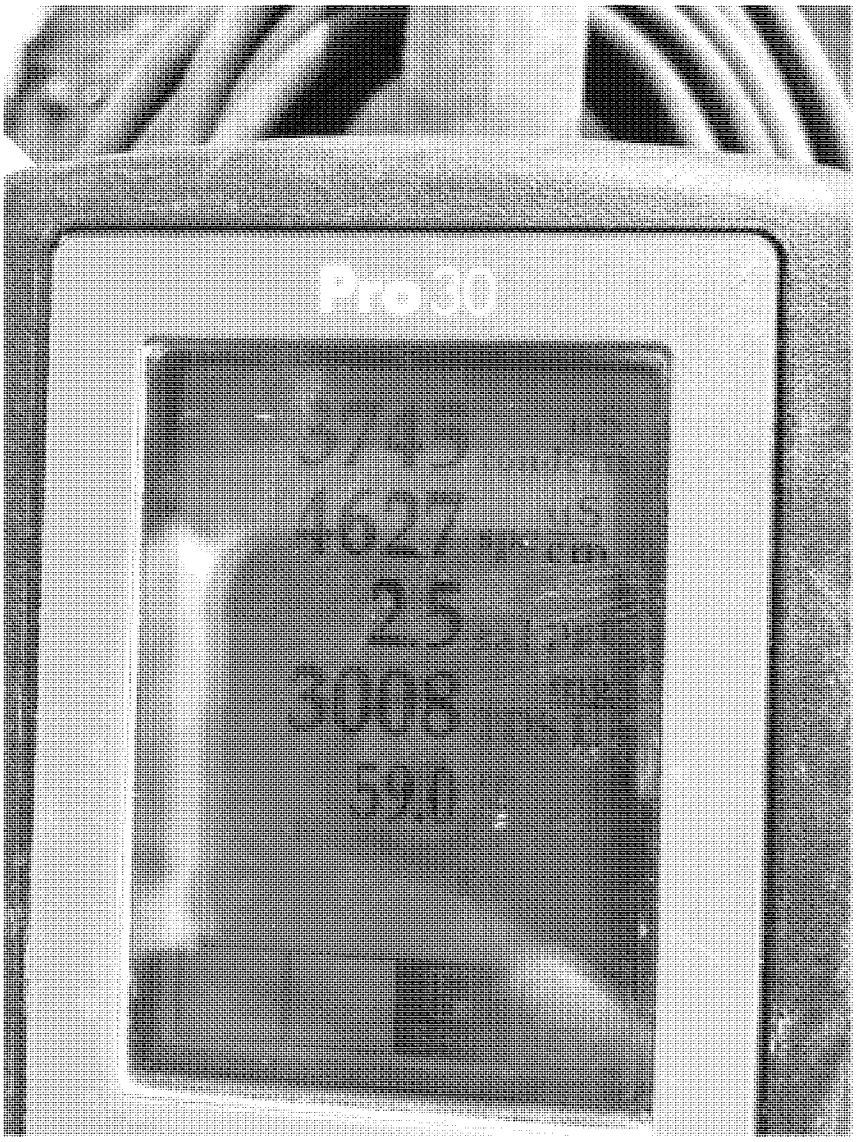

Photo File Name: Photo 21 (DSC_0378)
Orientation: South
Date of Photo: 03/16/2018
Time of Photo: 5:12 pm
Latitude: 36.578599N
Longitude: -96.502326W
Photographer: K. W. Sanborn
Description: TDS of the creek at the fence line shown in Photo 20 was 3,008 mg/L. This location was approximately 0.86 miles downstream from the southernmost POE in the tributary of Daniel's Run Creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 22

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 22 (DSC_0001)
Orientation: South
Date of Photo: 03/20/2018
Time of Photo: 4:59 pm
Latitude: 36.586957N
Longitude: -96.498036W
Photographer: K.W. Sanborn
Description: The source of the discharge was identified as this flow line area, which had been repaired. The line leaked and surfaced here and the continued seeping from the statured flow path was observed during the inspection.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 23

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 23 (DSC_0003)
Orientation: West
Date of Photo: 03/20/2018
Time of Photo: 5:01 pm
Latitude: 36.587307N
Longitude: -96.499176W
Photographer: K.W. Sanborn
Description: I observed a saturated flow path and area that was still wet from brine at the POE to the tributary of Daniel's Run Creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 24

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 24 (DSC_0005)
Orientation: South
Date of Photo: 03/20/2018
Time of Photo: 5:01 pm
Latitude: 36.587307N
Longitude: -96.499176W
Photographer: K.W. Sanborn
Description: This photo shows a downstream view of the tributary of Daniel's Run Creek at the POE. The first temporary dam can be seen downstream in the tributary to prevent further downstream flow of brine fluids.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 25

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 25 (DSC_0006)
Orientation: South
Date of Photo: 03/20/2018
Time of Photo: 5:01 pm
Latitude: 36.587307N
Longitude: -96.499176W
Photographer: K.W. Sanborn
Description: TDS of the tributary of Daniel's Run Creek at the southernmost discharge POE was 77,765 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 26

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 26 (DSC_0008)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:02 pm
Latitude: 36.586313N
Longitude: -96.499364W
Photographer: K.W. Sanborn
Description: This photo shows the first temporary dam in place in the tributary of Daniel's Run Creek, downstream from the southernmost POE. This dam was put in place after the first part of this inspection.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 27

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

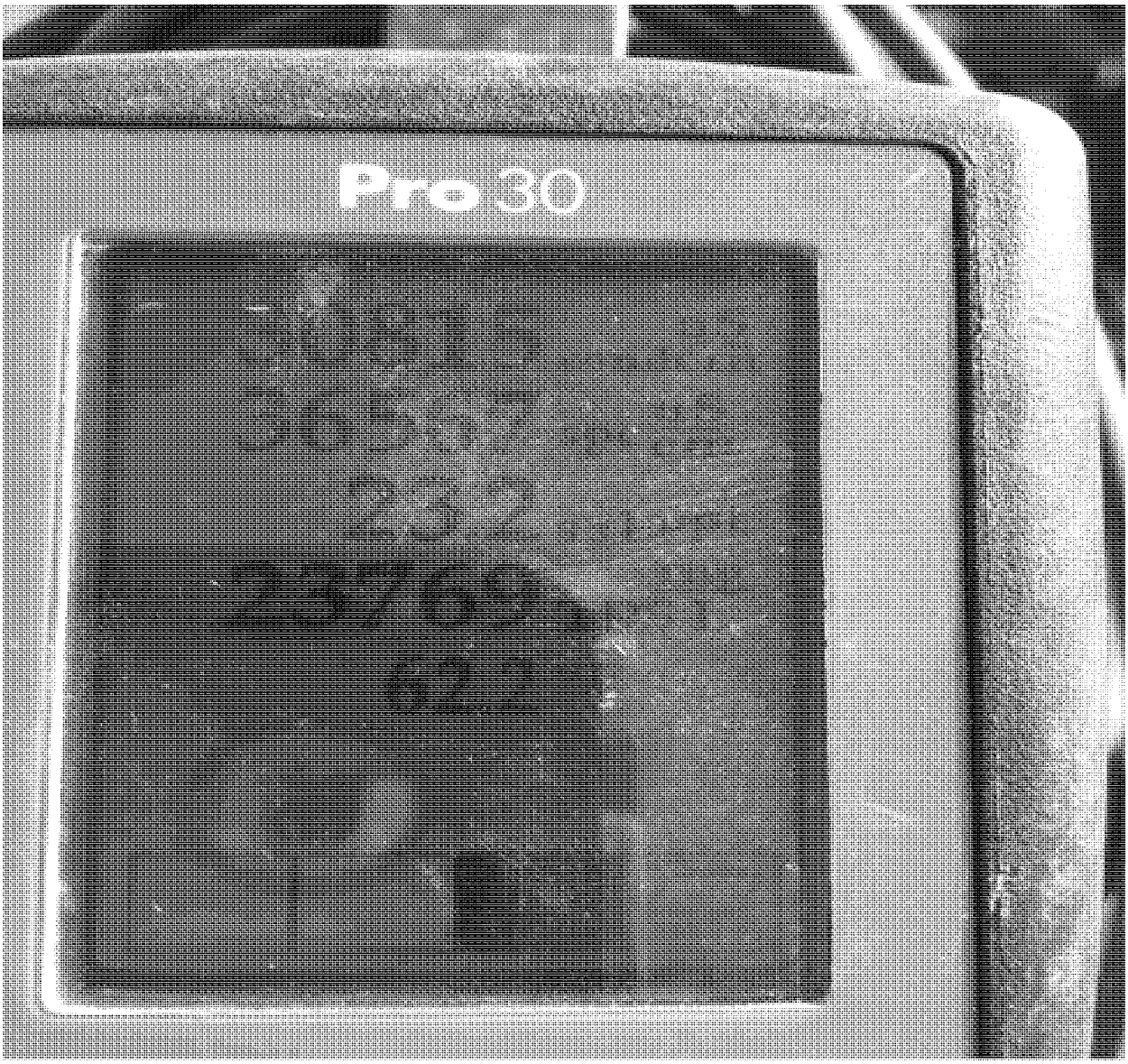

Photo File Name: Photo 27 (DSC_0009)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:02 pm
Latitude: 36.586313N
Longitude: -96.499364W
Photographer: K.W. Sanborn
Description: I took a TDS of the tributary at the first dam and the reading was 23,769 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 28

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 28 (DSC_0010)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:04 pm
Latitude: 36.585291N
Longitude: -96.499880W
Photographer: K.W. Sanborn
Description: This photo shows downstream from the first dam on the tributary. I observed bed and bank here.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 29

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

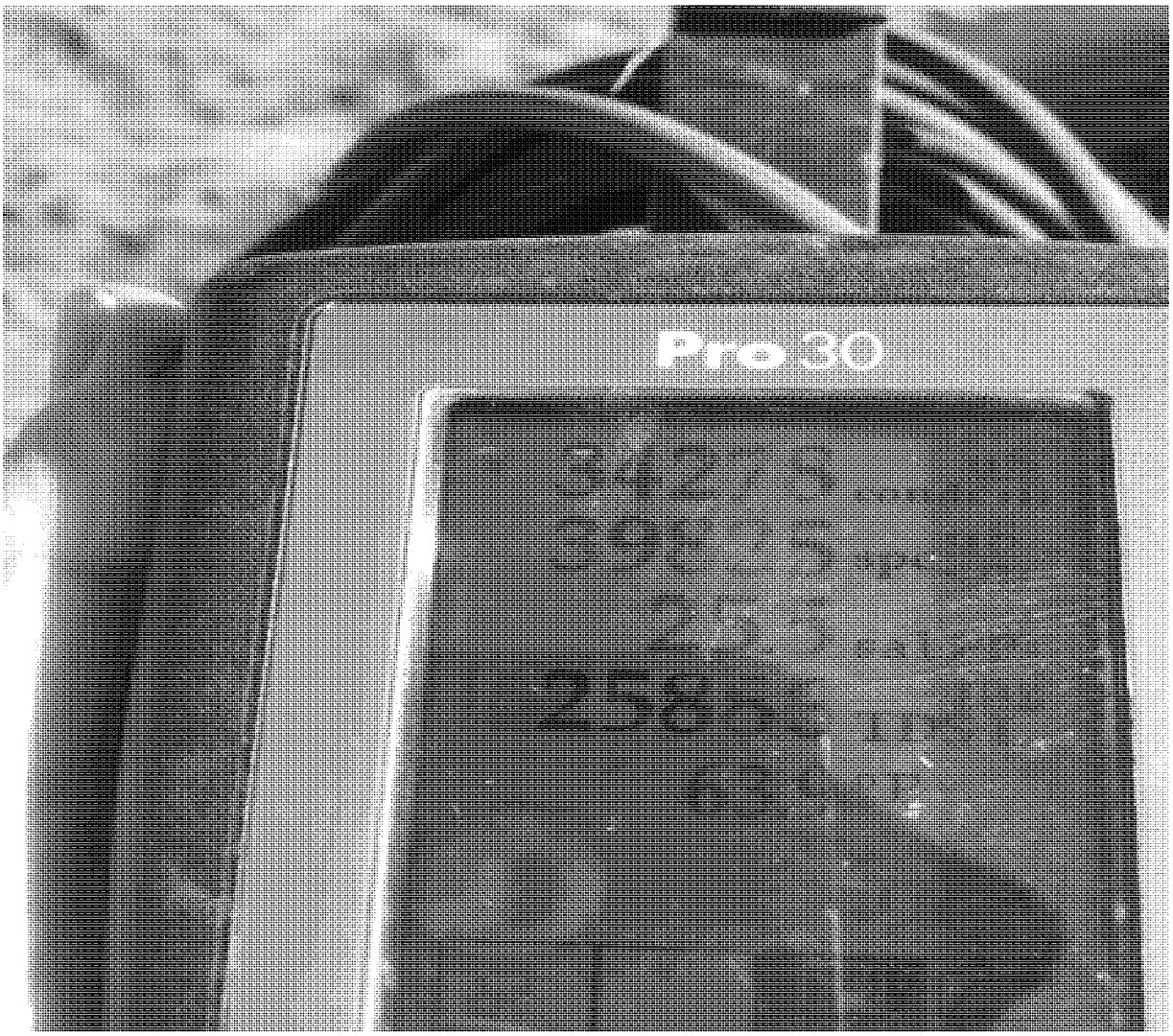

Photo File Name: Photo 29 (DSC_0011)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:04 pm
Latitude: 36.585291N
Longitude: -96.499880W
Photographer: K.W. Sanborn
Description: TDS of the creek at the location shown in Photo 28 was 25,883 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 30

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

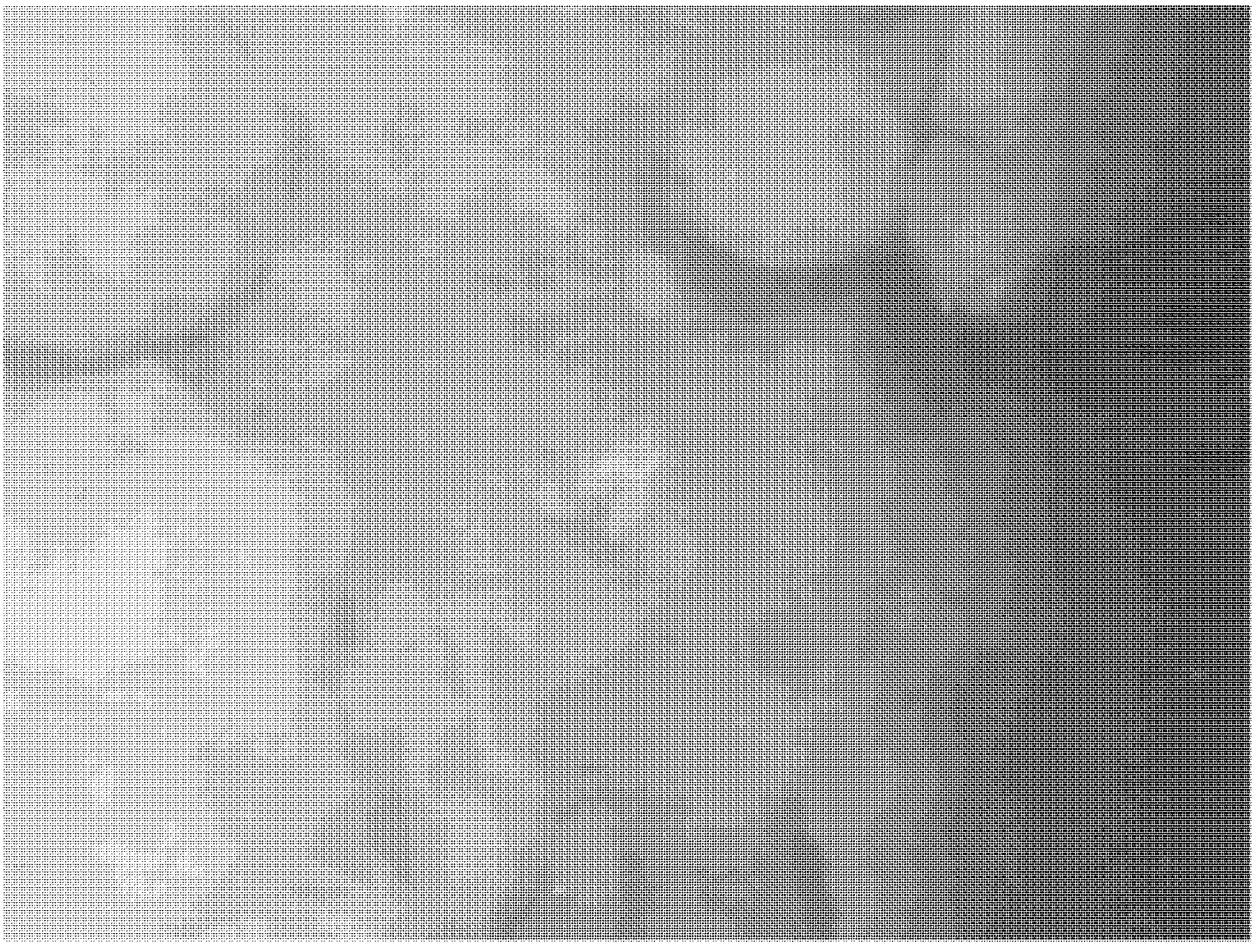

Photo File Name: Photo 30 (DSC_0012)
Orientation: East
Date of Photo: 3/20/2018
Time of Photo: 5:04 pm
Latitude: 36.585291N
Longitude: -96.499880W
Photographer: K.W. Sanborn
Description: I observed a dead crayfish in tributary at the same location where the TDS in Photo 29 was taken.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 31

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 31 (DSC_0015)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:08 pm
Latitude: 36.585146N
Longitude: -96.500020W
Photographer: K.W. Sanborn
Description: I observed a second dam, further downstream, approximately 0.14 miles downstream from the southernmost POE.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 32

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 32 (DSC_0016)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:08 pm
Latitude: 36.585146N
Longitude: -96.500020W
Photographer: K.W. Sanborn
Description: TDS at the second dam site was 45,164 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 33

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 33 (DSC_0017)
Orientation: Southeast
Date of Photo: 3/20/2018
Time of Photo: 5:13 pm
Latitude: 36.584833N
Longitude: -96.500620W
Photographer: K.W. Sanborn
Description: This was the tributary downstream of the second dam, where I observed bed and bank.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 34

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 34 (DSC_0018)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:13 pm
Latitude: 36.584833N
Longitude: -96.500620W
Photographer: K.W. Sanborn
Description: TDS at the location in the tributary in Photo 33 was 41,560 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 35

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 35 (DSC_0019)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:15 pm
Latitude: 36.583809N
Longitude: -96.502419W
Photographer: K.W. Sanborn
Description: I observed the third dam, downstream approximately 0.35 miles from the southernmost POE in the tributary of Daniel's Run Creek.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 36

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

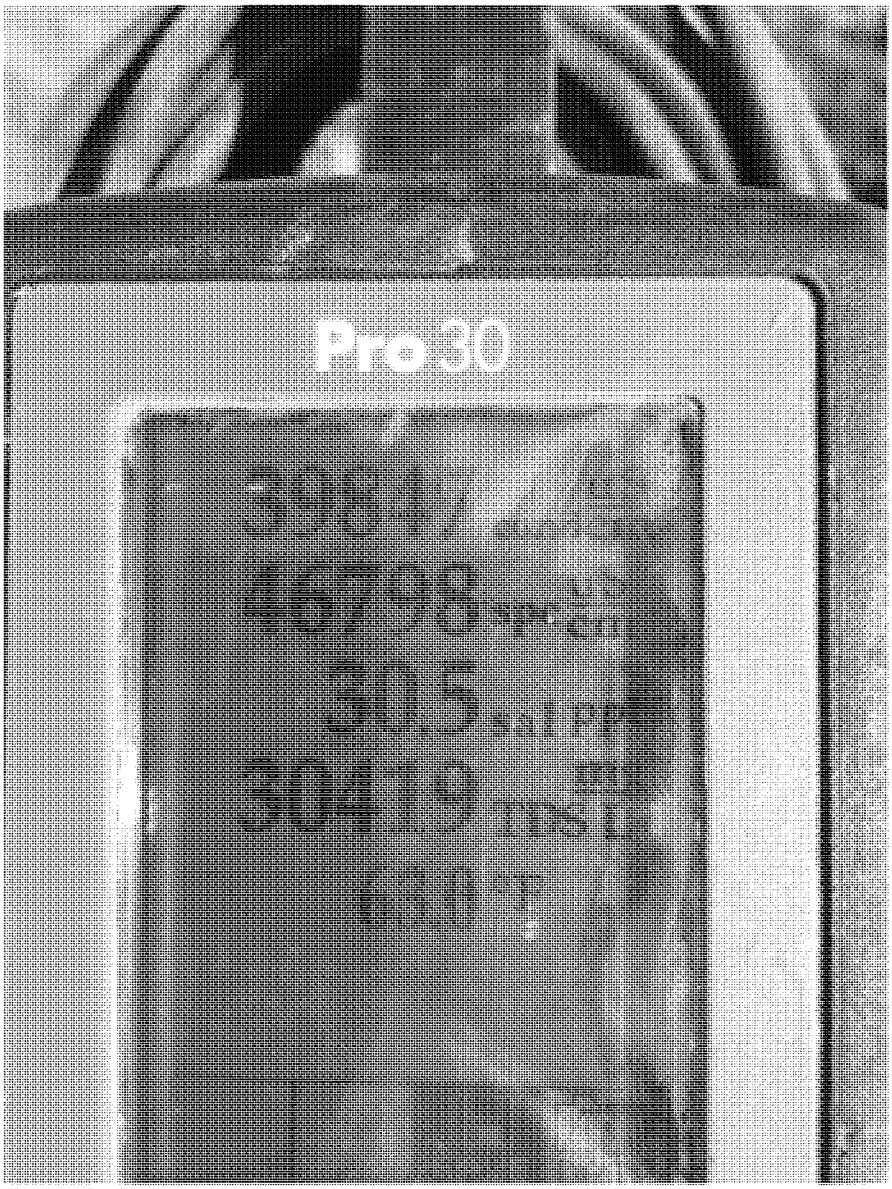

Photo File Name: Photo 36 (DSC_0020)
Orientation: South
Date of Photo: 3/20/2018
Time of Photo: 5:16 pm
Latitude: 36.583809N
Longitude: -96.502419W
Photographer: K.W. Sanborn
Description: TDS of the tributary at the third dam was 30,419 mg/L.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 37

Diamond 3S, LLC (Kennedy)		
City: Pawhuska	County: Osage	State: Oklahoma

Photo File Name: Photo 37 (DSC_0021)
Orientation: East
Date of Photo: 3/20/2018
Time of Photo: 5:17 pm
Latitude: 36.583809N
Longitude: -96.502419W
Photographer: K.W. Sanborn
Description: Crayfish remains were observed on the bottom of the tributary at third dam.