UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

JUN 2 9 2015

Ref: 8ENF-W-NP

CERTIFIED MAIL 7008 3230 0003 0724 6508
RETURN RECEIPT REQUESTED

Robert James Clark
CEO
Meadowlark Midstream Company, LLC
999 18th Street, Suite 3400
Denver, Colorado 80202-2434

Re: Request for Information Pursuant to Section 308 of the Clean Water Act for Discharge into Blacktail Creek near Marmon, North Dakota; NRC Report #: 1105105

Dear Mr. Clark:

The Environmental Protection Agency, pursuant to its authority under section 308 of the Clean Water Act (Act), 33 U.S.C. § 1318, is investigating a discharge into Blacktail Creek near Marmon, North Dakota from a pipeline owned and/or operated by Summit Midstream Partners, LP, Meadowlark Midstream Company, LLC, Summit Midstream Partners, LLC, Summit Midstream GP, LLC, Summit Midstream Partners Holdings, LLC, and/or Summit Midstream Holdings, LLC.

Our purpose in sending this RFI is to require all of the companies to which this RFI is being sent to provide information regarding the discharge, pipeline, and related facilities. The EPA is requesting, pursuant to the above-referenced statutory authority, that Meadowlark Midstream Company, LLC, and the other companies to whom this RFI is being sent, i.e., Summit Midstream Partners Holdings, LLC, Summit Midstream Holdings, LLC, Summit Midstream Partners, LP, Summit Midstream Partners, LLC, and Summit Midstream GP, LLC, respond to the enclosed RFI. Please answer each question on the enclosure, including subparts of questions. The *Request for Information Statement of Certification* must be signed by a duly authorized official of each company.

Although your response to the information request is mandatory, you may be entitled to assert a business confidentiality claim pursuant to the regulations set forth in 40 C.F.R. Part 2. If the EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in 40 C.F.R. Part 2, Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you.

Section 309 of the Act, 33 U.S.C. § 1319, provides for administrative and civil penalties of up to $37,500 per day of violation for failure to comply with this RFI. Please be further advised that the submission of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001.

This RFI is exempt from the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. § 3501 et seq.

The Small Business Regulatory Enforcement and Fairness Act (SBREFA) may apply to you. Enclosed is an information sheet, U.S. EPA Small Business Resources, containing information on compliance assistance resources and tools available to small businesses. SBREFA does not eliminate your responsibility to comply with the CWA.

Your response to the information request must be submitted within thirty (30) days of receipt of this letter to:

Emilio Llamozas (8ENF-W-NP)
U.S. Environmental Protection Agency Region 8
1595 Wynkoop Street
Denver, Colorado 80201-1129

Mr. Llamozas is available to assist you with any questions regarding the RFI. He may be reached at (303) 312-6407 or (800) 227-9441, ext. 6407. Electronic copies of the RFI are available for your convenience. Contact Mr. Llamozas at the above number or email him at llamozas.emilio@epa.gov if you would like them sent to you. Inquiries of a legal nature should be directed to Sheldon Muller, Senior Attorney, at (303) 312-6916. Thank you for your cooperation.

Sincerely,

Arturo Palomares, Director
Water Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Sincerely,

James H. Eppers, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures
1. Request for Information (including instruction, definitions and questions)
2. Statement of Certification Form
3. Small Business Regulatory Enforcement Fairness Act Information Sheet

cc: Dave Glatt, NDDH
Collin Harris, Bryan Cave LLP
(with enclosures)

Printed on Recycled Paper

Instructions

1. Please provide a separate narrative response to each and every question and subpart of a question set forth in this Request for Information (RFI).

2. Precede each answer with the number of the question to which it corresponds.

3. If the question is not applicable to the incident, please indicate N/A and state why the question is not applicable.

4. If information or documents not known or not available to you as of the date of submission of a response to this RFI should later become known or available to you, you must supplement your response to the EPA. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.

5. For each document produced in response to this RFI, indicate on the document, or in some other reasonable manner, the number of the question to which it corresponds.

6. The terms "and" and "or" shall be construed either disjunctively or conjunctively, as necessary, to bring within the scope of this RFI any information which might otherwise be construed to be outside its scope.

7. All questions asked in the past tense should be interpreted to apply to the present as well as the past.

8. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate, in the context of a particular question or questions.

9. The Statement of Certification must be signed by a responsible official of each addressee of this RFI.

10. If you wish to assert a business confidentiality claim pursuant to the regulations set forth in 40 C.F.R. Part 2 covering any portion of the information submitted, you must assert such claim at the time you submit your response. You may assert such claim by including a stamped or typed notice employing language such as "Company Confidential," "Trade Secret," "Proprietary," etc. If the EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in 40 C.F.R. Part 2, Subpart B.

11. If you cannot answer any request in full, please answer to the extent possible. If any response is qualified in any manner, please explain in detail the qualification and the reason for the qualification.

12. If, in lieu of providing any document, you assert that it is privileged under the attorney-client privilege or any other privilege recognized by federal law, your answer must state the privilege you are asserting, explain the justification for the privilege and identify the document being withheld and its author.

Definitions

The following definitions shall apply to the following words as they appear in the questions:

1. The terms "**you**," "**your**" or "**Respondent**" shall mean the addressee of this RFI and the addressee's officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.

2. The term "**Blacktail Creek Discharge**" means the **discharge** from the **pipeline** of **oil** and produced water into Blacktail Creek near Marmon, North Dakota that was reported to the National Response Center on or about January 7, 2015 (Incident Report Number 1105105).

3. The term "**describe**" shall mean provide in detail all information you are aware of that may relate in any way to the information, person, or document referenced.

4. The terms "**document**" and "**documents**" shall mean any writing, recording, or stored information, and includes, but is not limited to, writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration, and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, cancelled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations, including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, fax, email, report, notice, message, analysis, comparison, graph, chart, interoffice or intra-office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording or any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or other type of memory); and, (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.

5. The term "**discharge**" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping, but excludes discharges in compliance with a permit under section 402 of the Clean Water Act (Act).

6. The term "**identify**" means, **with respect to a natural person**, to set forth the person's name and present or last known: employer, business address and business telephone number, job title (including division or group name), and job description and responsibilities.

7. The term "**identify**" means, **with respect to a corporation, limited liability company, partnership, business trust or other association or business entity (including a sole proprietorship)**, to set forth its full name, address, legal form (e.g., corporation, limited liability company, partnership, etc.), organization, if any, and a brief description of its business.

8. The term "**identify**" means, **with respect to a facility or operation**, the name of that facility or operation, its address, and a brief description of the operations.

9. The term "**identify**" means, **with respect to a document**, to provide its customary business description, its date, its number, if any (e.g., invoice or purchase order number), the author and recipient(s), and to **describe** the substance or the subject matter.

10. The term "**oil**" means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil. The term "**oil**" shall include produced water.

11. The terms "**owner**" and "**operator**" mean any person owning or operating an onshore facility or an offshore facility, including pipelines, and in the case of any abandoned offshore facility, the person who owned or operated or maintained the facility immediately prior to such abandonment.

12. The term "**person**" includes an individual, firm, corporation, association, or partnership.

13. The term "**pipeline**" means the pipeline that was the source of the **discharge** that was reported to the National Response Center on January 7, 2015 (Incident Report Number 1105105) of **oil** and produced water into Blacktail Creek near Marmon, North Dakota, and includes the entire length of the pipeline.

14. The term "**sheen**" means an iridescent appearance on the surface of water.

15. The term "**sludge**" means an aggregate of oil or oil and other matter of any kind in any form other than dredged spoil having a combined specific gravity equivalent to or greater than water.

16. The terms "**Spill Prevention, Control, and Countermeasure Plan**," "**SPCC Plan**," or "**Plan**" means the document required by 40 C.F.R. §112.3 that details the equipment, workforce, procedures, and steps to prevent, control, and provide adequate countermeasures to a discharge.

17. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in the Act, 33 U.S.C. §§ 1321, et seq, or the regulations found at 40 C.F.R. Part 110, in which case the statutory or regulatory definitions shall apply.

REQUEST FOR INFORMATION

This information is requested pursuant to Section 308 of the Clean Water Act, as amended by the Oil Pollution Act of 1990, 33 U.S.C. § 1318. This Request for Information (RFI) is not subject to the approval requirements of the Paperwork Reduction Act, 44 U.S.C. § 3507.

*Instructions: Instructions are included above. Terms in **boldface** are defined in the definitions included above.*

1. **Describe** the **pipeline** from which the **oil** or other substance was **discharged**, including the following information:

    a. **Describe** the **pipeline's** use.

    b. **Describe** when the **pipeline** was constructed and commenced operations. **Describe** any delays in construction, problems with construction, or other issues that arose during or after construction that may have given rise or contributed to any **discharges** from the **pipeline**, and provide all **documents** that relate in any way to such delays, problems or other issues. **Identify** the business entity(ies) that was responsible for constructing the **pipeline**.

    c. **Describe** the size, daily throughput and total capacity of the **pipeline** from the time **oil** or any other substance first began flowing into or through the **pipeline** to the present.

    d. **Describe** the **pipeline's** construction, and the materials used to construct the **pipeline**. **Describe** the **pipeline's** thickness, diameter and length.

    e. **Describe** the **pipeline's** beginning and end point, and all points where other lines tie into the **pipeline**. **Describe** the points where flow through the **pipeline** can be halted, etc.

    f. Provide complete maps of the **pipeline** from the beginning to the end point that shows, at a minimum, all points where other lines tie into the **pipeline**.

    g. **Describe** the type of product(s) the **pipeline** carries.

    h. **Describe** all operation and maintenance that has been performed on the **pipeline** from the time **oil** or other substance first began flowing into or through the **pipeline** to the present.

    i. **Describe** if the **pipeline** has supervisory control and data acquisition (SCADA) and which parameters and locations are measured and controlled.

    j. Indicate the date when the SCADA was installed on the **pipeline**.

k. Provide the SCADA data for the **pipeline** from the time the SCADA first became operational on the **pipeline** until the present.

2. Provide the following information for Summit Midstream Partners, LLC ("Summit Investments"), Summit Midstream Partners, LP ("SMLP"), Summit Midstream Partners Holdings, LLC ("SMP Holdings"), Summit Midstream GP, LLC ("SMGP"), Summit Midstream Holdings, LLC ("SM Holdings"), and Meadowlark Midstream Company, LLC ("Meadowlark"):

   a. Date of creation; state of incorporation, organization, etc.; and location of headquarters. Provide copies of all **documents** filed with the state where the entity was incorporated or organized since the time of incorporation or organization until today, and all **documents** filed for that same time period with the North Dakota Secretary of State's Office.

   b. Dun & Bradstreet number.

   c. **Identify** officers, members, managing members, limited partners, and general partners, and **describe** each of their roles and involvement in decision-making processes for Summit Investments, SMLP, SMP Holdings, SMGP, SM Holdings and Meadowlark.

   d. **Describe** business operations, mission, and purpose.

   e. **Identify** facilities owned and/or operated by the entity – including any **oil**, natural gas, and water treatment, gathering, processing, or compression systems – and the location and function of each facility, and whether the entity owns or operates the facility (or both).

   f. **Describe** the relationship to other entities identified in Question 2. If one entity owns shares, membership units, etc., in one of more of the other entities, provide the number of shares, membership units, etc., owned, and the percentage of that amount to all shares, membership units, voting power, profits and losses, etc., owned.

3. For each entity, provide, from February 1, 2013 to the present, any organization charts or other **documents** setting forth the relationship between the entities identified in Question 2, as well as the chain of command (i.e., which officer, manager, etc., officially or unofficially directs or reports to other officers, managers, etc.), in each entity.

4. **Identify** all managers responsible for environmental compliance at each of the entities identified in Question 2, including facilities and employees managed. If the manager reports, directly or indirectly, to an individual employed by a separate entity, **identify** the individual to whom that manager reports, including the facilities and employees managed by that individual.

5. **Describe** all regular environmental audits or compliance review measures conducted by each of the entities identified in Question 2 from February 1, 2013 to the present, including the following:

    a. The date that the audit or compliance review commenced, and how often it occurs.

    b. Whether the audit or compliance review is conducted pursuant to a corporate, organizational, etc., policy or other **document**. Provide copies of any such **documents**.

    c. The purpose of the regular audit or compliance review, including facilities covered by the review.

    d. **Identify** individuals overseeing the audit or compliance review.

6. Provide copies of all corporate, organizational, etc., policies relating to environmental compliance in effect from February 1, 2013 to the present, including policies relating to spill response or spill prevention, and **identify** which facilities or operations are covered by each policy.

7. **Identify** the current **owner(s)** of the **pipeline**, and any previous **owner(s)** of the **pipeline**. Provide all information requested in Question 2 for each current and past **owner** if not previously provided.

8. **Identify** the current **operator** of the **pipeline**, and any previous **operator(s)** of the **pipeline**. Provide all information requested in Question 2 for each current and past **operator** if not previously provided. **Describe** the relationship between the **owner** and **operator** (i.e. employee, contractor, subcontractor, lessee, etc.).

9. Other than those entities identified in response to Question 7 and Question 8, **identify** all entities that currently have or previously had any involvement in, responsibility for, or control over **pipeline** operations. **Describe** each entity's role with respect to the **pipeline** and the dates involved.

10. For each entity identified in Question 2 other than the **owner** and **operator**, **describe** how often employees or representatives of that entity visited the site of the **pipeline** or any equipment or other facility associated with the **pipeline** from the date of the **pipeline's** installation through January 7, 2015. **Describe** the occasion for each visit and **identify** the individuals involved.

11. **Describe** and **identify** the source of funding for construction of the **pipeline** and any associated equipment, including any monitoring, spill prevention, or spill control equipment. Provide all **documents** that relate in any way to such funding.

12. For each entity identified in Question 2, **describe** whether that entity is or ever was involved in approving funding for the **pipeline** and any associated equipment or operations and under

what circumstances. **Identify** the individuals involved in any such funding decisions, and provide all **documents** that relate in any way to such involvement.

13. **Describe** the operations of the **pipeline** for the period of time from February 1, 2013 to the present. **Your** description must include the following information:

    a. **Describe** the location of each source of **oil** or other substance that enters the **pipeline**. **Identify** the owner and operator of each source.

    b. If **you** are the **owner** or **operator** of any of the wells and/or tank batteries that feed into the **pipeline**, or any other facilities associated with the **pipeline** that provide storage of **oil**, provide a copy of the **Spill Prevention Control and Countermeasure (SPCC) Plans** for each well and/or tank battery and/or other facility.

    c. **Describe** how it is determined how much **oil** or other substance enters the **pipeline** from each source. **Describe** how much **oil** or other substance enters the **pipeline** from each source on a periodic basis, using the period of time (e.g., hour, day, week, month) that determines how sources are charged by **you** to transfer their **oil** or other substance into the **pipeline**. Provide all **documents** that **describe** the quantity of **oil** or other substance that enters the **pipeline** from each source, and all **documents** that relate to the periodic billing of those sources for the use of the **pipeline**.

    d. For each source, **describe** how it is determined what is in the **oil** or other substance that the source allows to enter the **pipeline**. For each source, **describe** all sampling and analyses or other testing that is performed on the **oil** or other substance that the source allows to enter the **pipeline**, including the dates and times of such sampling and analyses or other testing, and provide all **documents** related to such sampling and analyses or other testing.

    e. **Describe** any prohibitions on what a source can allow to enter the **pipeline**. Provide all **documents** related thereto.

    f. **Describe** any instance where a source was prohibited from allowing **oil** or other substance to flow into the **pipeline**. **Identify** the source that was prohibited, the date that such prohibition began, and **describe** the reason for the prohibition. Describe whether any such prohibition was lifted, the date the prohibition was lifted, and **describe** the reason the prohibition was lifted. Provide all **documents** relating to such prohibitions or lifting of prohibitions

    g. **Describe** each location along the **pipeline** where flow can be temporarily shut off or otherwise restricted, and, for each of those locations, **describe** each instance, including the date, time and duration, where flow in the **pipeline** was shut off, or otherwise restricted, and why flow was shut off or otherwise restricted at that location. Provide all **documents** related to such shut-offs or restrictions.

h. **Describe** where the **oil** or other substance in the **pipeline** was disposed. **Describe** when any applications for a National Pollutant Discharge Elimination System permit or other authorizations for the release of substances from the **pipeline** were prepared and submitted. **Identify** who prepared and submitted such applications and who they were submitted to, and **describe** when they were submitted. **Describe** when any National Pollutant Discharge Elimination System permit or other authorizations for the release of substances from the **pipeline** were issued. **Identify** who issued and received such permit or other authorization, and **describe** when they were received. Provide a copy of all **documents** related to such applications, permits, or other authorizations. If any citations have ever been issued for any violations related to NPDES or similar requirements for any **discharge** from the **pipeline**, or any other pipeline owned and/or operated by **you**, provide all **documents** that relate in any way to such citations.

i. Provide a copy of any Underground Injection Control (UIC) well permit or other authorization issued for any UIC well associated in any way with the **pipeline**. Provide all **documents** related to the application submitted for the permit or other authorization and the approval given. If any citations have ever been issued for any violations related to UIC requirements for any UIC well associated in any way with the **pipeline**, or any other UIC well owned and/or operated by **you**, provide all **documents** that relate in any way to such citations.

j. **Describe** the location of the UIC well for the **pipeline**. **Identify** the **owner** and **operator** of the UIC well.

k. If **you** are the **owner** or **operator** of the UIC well associated with the **pipeline** or any other facility that provides storage of **oil** and is associated with the UIC well or that connects downstream of the **pipeline**, provide a copy of the **SPCC Plans** for each facility.

l. **Describe** any monitoring or analysis of the quantity or content of **oil** or other substance that is disposed of from the **pipeline**, and provide all **documents** relating to such monitoring or analysis of quantity or content, including sampling **documents**.

14. **Identify** all individuals responsible for day-to-day operation and maintenance of the **pipeline** from February 1, 2013 to the present. **Describe** each individual's involvement in **pipeline** operation and maintenance. If the individual's employer is not the **owner** or **operator** of the **pipeline**: (a) provide any contracts and other **documents** setting forth the terms of service relating to that individual's operation and maintenance of the **pipeline**, who pays for those services, and any disputes over those services; and (b) **identify** any individuals employed by the **owner** or **operator** of the **pipeline** (or any affiliated entity) who are responsible for oversight of the services provided.

15. **Identify** all individuals responsible for environmental compliance matters involving the **pipeline** over the past five years, including permitting and spill prevention. **Describe** each

individual's involvement in environmental compliance matters, and the dates of that involvement. If an individual's employer is not the **owner** or **operator** of the **pipeline**: (a) provide any contracts and other **documents** setting forth the terms of service relating to that individual's involvement in environmental compliance matters involving the **pipeline,** regarding who pays for those services, and relating to any disputes over those services; and (b) **identify** any individuals employed by the **owner** or **operator** of the **pipeline** (or any affiliated entity) who are responsible for oversight of the services provided.

16. **Identify** all individuals responsible for communications with local, state, and federal officials regarding environmental issues relating to the **pipeline** from February 1, 2013 to the present.

17. **Describe** all policies or standard operating procedures, including environmental compliance policies or procedures, applicable to operation of the **pipeline** from February 1, 2013 to the present, and provide copies of all **documents** that set forth those policies and procedures. **Identify** the individuals responsible for implementing each policy or procedure and any individuals involved in oversight of that implementation.

18. **Describe** any insurance policies applicable to the **pipeline** or any **discharges** therefrom, the name of the insured under that policy, and **identify** the entity that pays for the policy premiums. Provide copies of any such policies, and all **documents** that relate in any way to any claims submitted, or being contemplated for submission, to the insurer.

19. **Describe** the discovery and duration of the **Blacktail Creek Discharge**, including the following information:

    a. **When** was the **Blacktail Creek Discharge** discovered (time and date)?

    b. **Identify** the individual who first discovered the **Blacktail Creek Discharge** and when, how, and where that individual discovered it. **Identify** anyone who was with that individual at the time of the discovery, **identify** all individuals who those individuals communicated with about the discovery, and **describe** the content of those communications.

    c. Specify the time and date that the **Blacktail Creek Discharge** first began, and **describe** how this was determined.

    d. Specify the time and date that the **Blacktail Creek Discharge** ended and **describe** how this was determined.

    e. State the weather conditions, including temperature, precipitation, cloud cover, etc., during the duration of the **Blacktail Creek Discharge**.

    f. Provide all **documents** that relate in any way to **your** responses to this question 19 and its subparts.

20. State the type of all substances **discharged** during the **Blacktail Creek Discharge**, including the chemical name, formula, and specific gravity. If the material **discharged** was a mixture, give the percentages of substances in the mixture or solution. Provide copies of the Material Safety Data Sheets, if available.

a. List those substances that were **discharged** that are considered hazardous substances under Section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601(14), and the regulations promulgated thereto.

21. **Describe** the quantity of each substance that was **discharged** during the **Blacktail Creek Discharge**, the quantity of each substance that entered Blacktail Creek or its adjoining shorelines, and how those quantities were determined. Provide all **documents** that relate in any way to **your** determination of such quantities.

22. Provide copies of the analyses and related reports of any samples of the **discharged** substance(s) collected and analyzed, and any other analyses that were conducted as part of the response to the **Blacktail Creek Discharge**. Provide copies of the analyses of any samples taken of the **oil** or other substance in the **pipeline** from the time **oil** or other substance first began flowing into or through the **pipeline** to the present. **Describe** the locations from which the samples were collected and the date and time the samples were collected, and **identify** who collected the samples and the laboratory that conducted the analyses.

23. Provide details of the specific location of the **Blacktail Creek Discharge**, including:

    a. The latitude, longitude, datum, county and state.

    b. The street address and city, if applicable.

    c. The township, range, quarter-sections and fractions for rural areas.

    d. Whether the **Blacktail Creek Discharge** was on Indian lands. If so, state which ones. This includes not only reservations, but any type of Indian lands.

    e. All photos of the location of the **Blacktail Creek Discharge** and the **discharge's** flow path.

24. State whether there was any flow and/or pressure monitoring equipment located at any point along the **pipeline** at the time of the **Blacktail Creek Discharge**? If so, **describe** the flow and/or pressure monitoring equipment and its location (including the location relative to the point of **discharge**), and provide all **documents** relating in any way to the flow and/or pressure measured by such flow and/or pressure monitoring equipment for the 180-day period prior to the **Blacktail Creek Discharge**. If **you** believe that the flow and/or pressure during the **Blacktail Creek Discharge** was uncharacteristic of the flow and/or pressure for the prior 180-day period, please **describe** why and provide all **documents** in support thereof.

25. **Describe** the pathway(s) of migration of the **Blacktail Creek Discharge** from the specific **discharge** point within the **pipeline** including direction, distance travelled, elevation, and topographic description. Include diagrams and topographic or other maps. **Describe** any natural or man-made containment that intercepted the flow path (include all photos, videos, topographic and other maps of the discharge area).

26. Did the substance that was **discharged** during the **Blacktail Creek Discharge** reach or threaten any water (e.g., river, creek, intermittent stream, ditch, pond, lake, gully, mudflat etc.), including any wetlands, marshes or sewers, or the adjoining shoreline of any water (Yes

or No). If yes, provide the following information for each water reached or threatened by the **discharge**:

a. **Describe** the waters reached or threatened, including their width and depth, whether water was present, the flow direction, the quantity of flow, and the condition (i.e., low, flooded, quiet, turbulent, etc.), at the time of and since the **Blacktail Creek Discharge**.

b. **Describe** the distance of the closest water impacted or threatened by the **Blacktail Creek Discharge** from the **discharge** point. Include the direction and elevation from the source.

c. **Describe** the distance of the furthest water impacted or threatened by the **Blacktail Creek Discharge** from the **discharge** point. Include the direction and elevation from the source.

d. Specify the quantity and nature of the **discharge** that reached the water and how that was determined.

e. State the quantity of the **discharge** that did not reach water and how that was determined.

f. **Describe** the uses of the water (i.e., drinking water, agriculture, ranching, recreation, commerce, etc.).

g. **Describe** and name the water to which the affected water is connected or flows into and provide the classification (*i.e.* ephemeral, intermittent, or perennial) of each water segment involved.

h. **Describe** the direction and elevation of the segment of the **pipeline** within one mile in each direction of the location of the **Blacktail Creek Discharge**.

i. **Describe** any film, **sheen**, discoloration, or iridescent appearance on the surface of any water or adjoining shorelines caused by the **Blacktail Creek Discharge**. **Identify** the individual(s) making the observation, **describe** the time and location of the observation, and **identify** other individuals who were with the individual making the observation at the time of the observation.

j. **Describe** any **sludge** or emulsion deposited on the adjoining shorelines or beneath the surface of the waters **described** above.

k. Provide any photos or drawings relevant to the information requested in this Question 26.

27. **Describe** any damage as a result of the **Blacktail Creek Discharge** and provide all **documents** that relate in any way to such damage:

a. to animal life – provide the number and species of injured or dead fish, birds, animals, insects, etc.

b. to vegetation – **describe** how many feet, acres, or miles of land were affected, type of vegetation, crops, timber, forest, prairie grasses, scrub, etc.

28. List and **describe** any sensitive environments, wildlife habitats or refuges, endangered species, water wells, or drinking water intakes within 100 miles downstream of the location of the **Blacktail Creek Discharge**. **Describe** the location and distance of each from the point of the **Blacktail Creek Discharge**. With respect to drinking water intakes in the area, provide the following information:

    a. When did **you** notify the operator of those drinking water intakes of the **Blacktail Creek Discharge**? **Identify** the individual that was notified and the individual who provided the notification, and how the notification was provided. Provide all **documents** that relate in any way to such notification.

    b. If **your** notification to the operator of those drinking water intakes was not provided immediately after it was first suspected that the **Blacktail Creek Discharge** may have occurred, **describe** the reason for the delay, and provide all **documents** related in any way to such delay.

29. Provide the date and time the **Blacktail Creek Discharge** was controlled, and **describe** the relevant circumstances, including the following information:

    a. **Describe** the steps taken to control and clean up the **Blacktail Creek Discharge**, including dates and times of each measure.

    b. **Describe** steps taken and provide costs incurred to mitigate any environmental damage.

    c. **Identify** who led and who participated in the clean-up effort. Provide copies of clean-up plans, schedules and reports.

    d. **Describe** the source of funding for the clean-up effort, repairs, and mitigation measures. Provide all **documents** that relate in any way to such funding.

    e. **Describe** repairs, including equipment repairs and/or replacement, and testing that was performed on the **pipeline** subsequent to the **Blacktail Creek Discharge**.

    f. **Describe** and provide the costs to repair the pipeline after the **Blacktail Creek Discharge**.

    g. **Describe** and provide the **Blacktail Creek Discharge** clean-up costs.

    h. **Describe** any measures taken to prevent or mitigate future **discharges** from the **pipeline**.

    i. Provide all **documents** that relate in any way to **your** response to this question 29 and its subparts.

30. **Describe** the cause (e.g., equipment failure, operator error, inadequate procedures or maintenance, etc.) of the **Blacktail Creek Discharge**.

a. **Describe** events leading up to the **Blacktail Creek Discharge**. This response must include a discussion of the following:

1) The date and time when anyone working for **you** or on **your** behalf first had any indication that there may have been a **discharge** or problem that could lead to a **discharge**. **Your** response to this request must **identify** the **persons** involved and state their relationship to **you**.

2) All actions taken by anyone working for **you** or on **your** behalf, after there was any indication that there may have been a **discharge**, or problem that could lead to a **discharge**, from the **pipeline** to stop the flow of **oil** or other substance to the **discharge** point of the **Blacktail Creek Discharge**. **Your** response to this request must **identify** the **persons** involved, state their relationship to **you**, and state the date and time of each action taken by each **person**. Provide any **documents** prepared by those **persons**, or prepared with input from, or information supplied by, those **persons**, regarding such actions taken.

3) **Your** estimate or calculation, including a detailed description of the basis for that estimate or calculation, of the amount of **oil** or other substance that continued to flow through the **pipeline** at the location of the **Blacktail Creek Discharge** from the time the **discharge** began until the time when the flow of **oil** or other substance through the **pipeline** at the location of the **Blacktail Creek Discharge** had ceased.

b. Provide all **documents** that relate in any way to **your** response to this question 30 and its subparts, including all photos of the pipeline failure.

31. **Describe** all inspections or investigations of the **pipeline** (including portions of the **pipeline** that were removed for inspection, analysis, or any other purpose) from February 1, 2013 to the present, including visual inspections and aerial flyovers, and provide all related **documents**. Provide the dates of each inspection or investigation and **identify** the individuals involved. If the **person** responsible for conducting the inspection or investigation is not the **owner** or **operator** of the **pipeline**: (a) provide any contracts and other correspondence setting forth the terms of the relevant inspection, who paid for those services, and any disputes over those services; and (b) **identify** any individuals employed by the **owner** or **operator** of the **pipeline** (or any affiliated entity) who are responsible for oversight of the services provided. If no inspections or other investigations of the **pipeline** (including portions of the **pipeline** that were removed for inspection, analysis, or any other purpose) were conducted in the past two years, **describe** the reasons that no such inspections or other investigations were undertaken, **identify** the individuals involved in that decision, and provide any documentation of that decision.

32. **Describe** all contemplated inspections or investigations of the **pipeline** from February 1, 2013 to the present that were not conducted, **describe** the reasons that no such inspections or other investigations were undertaken, **identify** the individuals involved in that decision, and provide all **documents** related to that decision.

33. **Describe** all monitoring equipment and any other spill prevention or spill control technologies or measures associated with the **pipeline** from February 1, 2013 to the present, including date of installation and dates of operation.

    a. **Describe** the process for selecting the equipment, technology, or measure. **Identify** the individuals who participated in that process. If the equipment, technology, or, measure was not in use at the time of the **discharge**, or at any other time after its installation, **describe** the reasons it was not in use, **identify** the individuals involved in that decision, and provide all **documents** relating to that decision.

    b. **Identify** the individuals responsible for monitoring and/or operating the equipment, technology, or measure.

34. **Describe** any additional spill-prevention or pollution control technologies or measures that were considered for the **pipeline** but not installed or implemented, **identify** the individuals who participated in the decision not to install or implement the particular technology or measure, and provide all **documents** relating to that decision.

35. List the federal, state, tribal, and/or local agencies to which the **Blacktail Creek Discharge** was reported. State the date and time of the notification, **identify** the individual who provided the notification and the official contacted, and **describe** the manner the notification was provided. For any notifications that were not provided immediately after the time **you** had knowledge of the **Blacktail Creek Discharge** or had any indication that it may have begun, **describe** why such notifications were delayed. For any notifications that were provided but that did not report the full amount of **oil** or other substance **discharged**, **describe** why such notification did not report the full amount of **oil** or other substance **discharged**, and provide all **documents** that relate in any way to the decision to not report the full amount of **oil** or other substance **discharged**.

    a. **Identify** all **persons** from the above-mentioned agencies, and those who wore working for **you**, or on **your** behalf, who were present at or near the location of the **Blacktail Creek Discharge** at the time of the **Blacktail Creek Discharge** or during the response thereto.

    b. List and **describe** the role of all agencies, individuals, and contractors involved in the response to, and the clean-up of, the **Blacktail Creek Discharge**.

36. **Describe** any fines assessed in conjunction with the **Blacktail Creek Discharge** by any government entity. **Identify** the agency(ies), amount of the fines, and the dates assessed, and provide all **documents** related to such assessment.

37. **Describe** any previous **discharges** from the **pipeline** or any other pipelines owned by **you** and/or any affiliated entity within the past five years.

    a. State the type of all substances **discharged**, including the chemical name, formula, and specific gravity. If the material **discharged** was a mixture,

please give the percentages of substances in the mixture or solution. Use the following format:

Date	Substance	Source	Quantity	Water Affected/Threatened	Cause

b. **Describe** any measures taken to prevent or mitigate future **discharges** from the **pipeline** or any other pipelines owned by **you** and/or any affiliated entity following the **discharges** listed above, and provide all **documents** related to such measures.

38. List any applicable EPA, State, County or local governmental identification number for the **pipeline** or permit numbers (i.e., NPDES, RCRA, Oil and Gas Commission, etc.), using the following format.

Number	Facility/Unit Assigned To	Issuing Agency	Date Issued

39. Provide any additional pertinent information and **documents** that **you** have related to the **Blacktail Creek Discharge**. Please submit color photographs, or color photocopies, of photos. If **you** have any of the following **documents** in **your** possession, submit copies of those **documents**.

    a. USGS topographic maps (of the **pipeline**, and associated infrastructure, and of the **Blacktail Creek Discharge**),

    b. Geographic Information System (GIS) maps or data,

    c. Aerial photography, both current and historical,

    d. Hydrologic flow and fate or transport models,

    e. Wetland and stream functional models,

    f. Stream profiles and culvert sizes,

    g. Stream gauge data, and

    h. Precipitation records.

40. **Identify** the **persons** that were consulted regarding the response to this RFI and provide their relationships to the **owner** or **operator** of the **pipeline**.

41. **Identify** any additional **persons you** believe may have knowledge of the facts surrounding the **Blacktail Creek Discharge**.

STATEMENT OF CERTIFICATION

I certify under the penalty of law that I have personally examined and am familiar with the information submitted in this response to the EPA's Request for Information and all attachments, and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information.

Signature	Date
Printed Name	Title and Name of Company

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

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.