

Bratcher, Mike, EMNRD

From: Gregston, Terry G <tgregsto@blm.gov>
Sent: Tuesday, February 05, 2013 10:40 AM
To: Bratcher, Mike, EMNRD; rick@curaes.com
Subject: Undesirable Event: 11NU010TG, Electra Federal 5-flowline spill: denial of "no further action" request

Mr. Railsback,

This notification is in regard to the following location and undesirable event:

Event Number: 11NU010TG
Event Date: 11/3/2010
Event Name: Electra Federal 5-flowline spill
Legals: T17S/R30E, sec. 15, NWNW

I have reviewed the soil samples and data submitted by CURA Emergency Services on 01/18/13. The request for a finding of "no further action" on this Undesirable Event is denied on the following grounds:

43 CFR 3162.5-1(c): "All spills or leakages of oil, gas, produced water, toxic liquids, or waste materials, blowouts, fires, personal injuries, and fatalities shall be reported by the operator in accordance with these regulations and as prescribed in applicable order or notices. The operator shall exercise due diligence in taking necessary measures, subject to approval by the authorized officer, to control and remove pollutants and to extinguish fires."

43 CFR 3162.1(a): "the operator...shall comply...with other orders and instructions of the Authorized Officer..."; which includes but is not limited to orders relating to "conducting all operations in a manner...which protects other natural resources and environmental quality."

Regardless of whether or not this spill occurred atop an older spill, the contaminants must be cleaned up, the surface disturbance mitigated, and vegetation restored in order to return the affected federal lands to viable use for multiple stakeholders and to protect other natural resources and environmental quality.

Thank you for your attention to this matter,

Terry Gregston
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2/7/13 Meeting w/ Josh Russo - This CURA work plan was not authorized by COG - The release was due to a contractor (Ferguson Const.) hitting a COG Line - CURA was evidently authorized by Ferguson to perform this investigation & proposal. - I advised Josh that since OCA Reg. Authority is only on the operator, we would only consider proposals authorized by the operator.