

**OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY
LAND PROTECTION DIVISION**

In Re:	)	
	)	
Oklahoma Refining Company	)	Case No: 05-410
Superfund Site	)	EPA ID No. OKD091598870
Deed Notice	)	EPA Superfund Site ID 0601172

**NOTICE OF REMEDIATION OR RELATED ACTION TAKEN PURSUANT TO THE
FEDERAL COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION
AND LIABILITY ACT and
CREATION OF EASEMENT**

LEGAL BASIS FOR NOTICE: The Oklahoma Department of Environmental Quality (“DEQ”) hereby files this NOTICE OF REMEDIATION OR RELATED ACTION TAKEN PURSUANT TO THE FEDERAL COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT AND CREATION OF EASEMENT (hereinafter “Notice”) pursuant to Oklahoma Statutes, 27A § 2-7-123 (B). This Notice does not grant any right to any person not already allowed by law. This Notice shall not be construed to authorize or encourage any person or other legal entity to cause or increase pollution, to avoid compliance with State or Federal laws and regulations regarding pollution or to in any manner escape responsibility for maintaining environmentally sound operations.

The DEQ may take administrative or civil action to recover costs or to compel compliance with the below described “Land Use Restrictions” and to prevent damage to, or interference with the below described “Engineering Controls” and “Continuing Operation, Maintenance and Monitoring.” The Land Use Restrictions, Engineering Controls and Continuing Operation, Maintenance and Monitoring will apply to the Affected Property and to persons who own and/or use the Affected Property until such time as the DEQ files a subsequent Notice that changes or removes the Land Use Restrictions, Engineering Controls and Continuing Operation, Maintenance and Monitoring set forth below. Activities that cause or could cause damage to the Remedy or the Engineering Controls described herein below, or recontamination of soil or groundwater are prohibited.

REASON FOR NOTICE: This Notice applies to conditions that exist at the time the Notice is filed in the land records at the office of the Clerk of Caddo County, Oklahoma. It is anticipated that much of the information below will change as work at the Affected Property progresses. Subsequent notice by the DEQ will be filed when the conditions below have significantly

changed. The restrictions contained in the Notice will remain fully effective until the DEQ files a new deed notice in the land records for the Affected Property.

The below described Affected Property was contaminated with materials that required remediation pursuant to State and Federal environmental laws and regulations. The entire Affected Property was listed on the National Priorities List as a Superfund site. Surface remediation has been performed to risk based standards in certain areas; hazardous and solid waste landfills were created in certain areas. The Affected Property has been broken into two distinct areas – ORC – South and ORC – North. Both properties were

operated as a petroleum refinery beginning in 1908. The facility produced gasoline, diesel, asphalt, and industrial solvents from crude oil and naphtha. The facility consisted of refinery processing areas, bulk storage tanks, wastewater treatment ponds, and a Land Treatment Area (LTA). Other facility areas consisted of bio-oxidation ponds (North and South), American Petroleum Institute (API) separator, oil/sludge traps, leaded gasoline storage tanks, caustic storage pits, pump pits, asphalt drums and pits, and slop oil ponds. Other areas at the facility consisted of lime soda storage pits, acid pits, a spent lime soda trap, slop oil tanks and bottoms, and an oil skimmer. ORC – North remained under Resource Conservation and Recovery Act (RCRA) authority due to the operational facility status until August 2002, when it was deferred to Superfund authority for remediation.

To date there have been limited remediation activities on ORC – North. ORC – South has undergone major remediation activities with groundwater remediation still remaining. Remediation activities are currently being planned for both properties.

AFFECTED PROPERTY: The following legal descriptions apply to ORC South and ORC North respectively:

Begin ORC South:

The Northwest Quarter (NW/4) of Section 19, Township 5 North, Range 9 West of the Indian Meridian, Caddo County, Oklahoma, LESS AND EXCEPT THE FOLLOWING DESCRIBED TRACTS:

Beginning at a point on the South Line of the said NW/4 of said Sec. 19 and 783 feet East of the SW/corner of said Quarter Section; thence East 350 feet; thence North 250 feet; thence West 350 feet; thence South 250 feet to the Point of Beginning,

and,

Beginning at the NW/corner of said NW/4 thence N 89°56'30" E along the North Line of said NW/4, a distance of 2625.79 feet to the NE/corner of said NW/4; thence S 00°19'15" W along the East Line of said NW/4, a distance of 466.92 feet; thence N 84°37'20" W, a distance of 709.72 feet; thence N 17°56'30" E, a distance of 85.00 feet; thence S 86°22'20" W, a distance of 505.98 feet; thence S 34°16'37" W, a distance of 241.67 feet; thence S 01°26'21" E, a distance of

793.68 feet; thence N 89°21'33" W, a distance of 738.81 feet; thence N 75°26'34" W, a distance of 88.45 feet; thence N 84°26'31" W, a distance of 181.65 feet; thence S 73°50'54" W, a distance of 66.54 feet; thence Southwesterly in a curve to the left (radius begin 5179.32 feet), said curve being 50 feet South and running parallel with the South Right-of-Way Line of S.L. and S.F. Railway, a distance of 320.28 feet; thence N 90° 00'00" W, a distance of 61.23 feet to the West Line of said NW/4; thence N 00°04'12" E along the West Line of said NW/4, a distance of 1568.26 feet to the Point of Beginning. **End ORC South.**

Begin ORC North:

1. Lots 1,2,3,4,5,6,7,8,9,17,18,19,20,21,22,23, & 24 in Block One (1), Town of Cyril, Caddo County, State of Oklahoma, AND
2. Lots 1,2,3,4,5,6,19,20,21,22,23, and 24 in Block Eight (8), in the Original Town site of Cyril, Caddo County, State of Oklahoma, And
3. Lots 15,16,17,18,19, and 20, in Block Nine (9), Town of Cyril, Caddo County, Oklahoma, And
4. A tract of land in the Southeast Quarter (SE/4) of Section 13, Township 5 North, Range 10 West of the Indian Meridian, Caddo County, State of Oklahoma, described as: Beginning at the SE/corner of the Southeast Quarter (SE/4); thence North 0°-01'-34" East 419.82 feet; thence South 77°-57'-34" West 212.70 feet; thence South 0°-01'-34" West 175.27 feet; thence North 89°-40'-26" West 125 feet; thence South 0°-01'-34" West 199 feet; thence South 89°-40'-26" East 333 feet to the Point of Beginning, And
5. The South Half (S/2) of the Southwest Quarter (SW/4) of Section 18 Township 5. North, Range 9 West of the Indian Meridian, Caddo County, State of Oklahoma, Less AND EXCEPT any railroad right of way previously granted and LESS AND EXCEPT a tract described as: Beg. at a point 722.9 feet North of the SW/corner of Section 18; thence East 300 feet; thence North 497.8 feet; thence West 300 feet: thence South 497.8 feet to the Point of Beginning, AND OTHER LAND DESCRIBED below:

A tract of land in the Northwest Quarter (NW/4) of Section Nineteen (19), Township Five (5) North, Range Nine (9) West of the Indian Meridian, Caddo County, Oklahoma, described as follows: Beginning at the NW/corner of NW/4; thence North 89°-56'-30" East along the North line of said NW/4, a distance of 2625.79 feet to the NE/corner of said NW/4; thence South 00°-19'-15" West along the East line of said NW/4, a distance of 466.92 feet; thence North 84°-37'-20" West a distance of 709.72 feet; thence North 17°-56'-30" East, a distance of 85.00 feet; thence South 86°-22'-20" West, a distance of 505.98 feet; thence South 34°-16'-37" West a distance of 241.67 feet; thence South 01°-26'-21" East, a distance of 793.68 feet; thence North 89°-21'-33" West, a distance of 738.81 feet; thence North 75°-26'-34" West, a distance of 88.45 feet; thence North 84°-26'-31" West, a distance of 181.65 feet; thence South 73°-50'-54" West, a distance of 66.54 feet; thence Southwesterly on a curve to the left (radius being 5179.32 feet), said curve being 50 feet South and running parallel with the South right of way line of S.L. & S.F. Railway, a distance 320.28 feet; thence North 90°-00'-00" West, a distance of 61.23 feet to the West line of said NW/4; thence North 00°-04'-12" East along the West line of NW/4, a distance of 1568.26 feet to the Point of Beginning, AND Part of the Southeast Quarter (SE/4) of Section Thirteen (13), Township Five (5)

North, Range Ten (10) West of the Indian Meridian, Caddo County, State of Oklahoma, described as Beginning 333 feet West and 199 feet North of the SE/corner of SE/4; thence East 125 feet; thence North 185 feet to the South line of HW #277. right of way; thence Southwesterly along the South right of way a distance of 130 feet; thence South 150 feet to the Point of Beginning.

Less and except: A tract of land in the Southwest Quarter (SW/4), Section 18, Township 5 North, Range 9 West, of the I.M., Caddo County, Oklahoma.

More particularly described as follows:

Commencing at the SW corner of said SW/4; thence N. 00°15'05"E. along the west line of said SW, a distance of 582.34 feet; thence S. 89°44'55" E., a distance of 522.00 feet to a point of the centerline of U.S. Hwy. #277, this being the Point of Beginning. From said Point of Beginning: thence N. 00°15'05" E., a distance of 384.00 feet; thence S. 85°44'55" E., a distance of 268.00 feet thence S. 00°15'05" W. a distance of 326.71 feet to the centerline of said U.S. Hwy #277; thence S. 78°11'05" W. along said Hwy. Centerline. a distance of 274.05 feet to the Point of Beginning, containing 2.2 acres, more or less. **End ORC North.**

REMEDATION ACTIVITIES (Remedy):

ORC South:

Remediation activities, also referred to as the remedy, as listed in the Record of Decision, dated June 1992, which is on file at the DEQ, included:

On-site biotreatment; On-site Stabilization; On-site Neutralization; On-site and Offsite Disposal; Monitoring Well Installation, Upgrading, and Abandonment; Groundwater/LNAPL Monitoring; Construction of a RCRA Subtitle C Landfill, RCRA Subtitle D Landfill, two temporary Biotreatment Areas, and an In-Situ Biotreatment Area; Haul Road Construction and Maintenance; Drainage Structure Construction; Tank Cleanout and Demolition; API Separator Cleanout and In-Place Demolition; Process Sewer Box Cleanout; Grading; and Vegetation. Remedial construction activities were completed on November 7, 2001. The selected remedy for treatment of contaminated groundwater was postponed. The ORC Completion Report of March 2003, which is on file at DEQ, provides a detailed account of remediation activities.

Groundwater monitoring, landfill operations and maintenance, and other activities continue at the site. The map attached hereto as "Attachment A" demonstrates the Affected Property where Remediation Activities were performed. However, if any of these items are not marked on Attachment A, the unmarked item is still applicable.

ORC North:

ORC North had limited remediation activities as listed in the Record of Decision, dated June 1992, which is on file at the DEQ. Limited remediation activities are detailed in the ORC Completion Report of March 2003, which is on file at DEQ. Additional site surface and

groundwater investigation, characterization, remedial design, and remedial action are planned for the North area.

Completed work includes: Monitoring Well Installation, Upgrading, and Abandonment; Groundwater/LNAPL Monitoring; Haul Road Construction and Maintenance; Tank Cleanout and Demolition; API Separator Cleanout and In-Place Demolition; Process Sewer Box Cleanout; Grading. Remedial construction activities were completed for this phase on November 7, 2001.

ENGINEERING CONTROLS:

ORC South:

The Engineering Controls at ORC South, as listed in the ORC Completion Report of March 2003, which are on file at DEQ, are: RCRA Subtitle C Landfill, RCRA Subtitle D Landfill; fencing around landfills; settlement monuments on the landfills; site drainage structures; soil capped areas of bioremediation to 90% reduction of total organic compounds, groundwater monitoring wells; vegetation of site and landfills. The map attached hereto as "Attachment A" demonstrates the ORC South Affected Property where the Engineering Controls are placed. However, if any of these items are not marked on Attachment A, the control regarding the unmarked item is still applicable.

ORC North:

The current Engineering Controls at ORC North currently include a site fence and groundwater monitoring wells.

CONTINUING OPERATION, MAINTENANCE AND MONITORING:

ORC South:

The Continuing Operation, Maintenance and Monitoring at ORC South is listed in the ORC Completion Report of March 2003, which is on file at DEQ. Activities include: monitoring and maintaining viable vegetation to prevent erosion of the landfill caps, including but not limited to mowing the cap and site as needed and repair of erosion; groundwater sampling as needed; and maintaining the monitoring wells. The map attached hereto as "Attachment A" demonstrates the the Affected Property where Continuing Operation, Maintenance and Monitoring are required. However, if any of these items are not marked on Attachment A, the unmarked item is still applicable.

ORC North:

The Continuing Operation, Maintenance and Monitoring at ORC North are listed in the ORC Completion Report of March 2003, which is on file at DEQ. Activities include: groundwater sampling as needed and maintaining the monitoring wells and fence.

LAND USE RESTRICTIONS:

a. Except as approved by the DEQ or the EPA for site characterization and/or site remediation, all activities that interfere with, cause delay of, cause damage to, or otherwise negatively affect and/or impact the implementation or performance of the:

- i. Remediation Activities,
- ii. Engineering Controls, or
- iii. Continuing Operation, Maintenance and Monitoring,

described herein for ORC South and ORC North are strictly prohibited.

b. For ORC South:

Specific landfills, landfill and/or soil caps, monitoring wells, drainage pipes, appurtenances, fence(s), and structures described herein below are designated as such on the map attached hereto as Attachment A. However, if any of these items are not marked on Attachment A, the restriction regarding the unmarked item is still applicable and shall not render the restriction ineffective. Except as approved by the DEQ or the EPA for site characterization and/or site remediation, in addition to, and in conjunction with the restrictions described in subparagraph (a) of this section, the Land Use Restrictions that apply specifically at ORC South are:

- i. no digging, boring or any other activity that would disturb or impact the landfills or the landfill caps,
- ii. no disturbing the drainage pipes and appurtenances located in, and/or associated with the landfill cap,
- iii. no drilling any type of wells through the landfill cap or into the landfill,
- iv. no disturbing the fence around the landfills,
- v. no building on or over the landfill cap,
- vi. no placing anything on the landfill cap other than materials to maintain the cap,
- vii. no disturbing the monitoring wells,
- viii. no drilling of any new wells,
- ix. no disturbing the drainage structures,
- x. no disturbing the soil caps in place at the landfills,
- xi. no use of groundwater for any purpose,
- xii. no removing any soil or waste from ORC South,
- xiii. no disturbing any waste located, stored or disposed at ORC South,
- xiv. no depositing any waste at ORC South,
- xv. no activities that will cause soil erosion, including but not limited to destruction of vegetation, and
- xvi. no livestock may be allowed to graze on the landfill.

c. **For ORC North:**

Except as approved by the DEQ or the EPA for site characterization and/or site remediation, in addition to the restrictions described in paragraph (a) of this section, the Land Use Restrictions that apply specifically at ORC North are:

- i. no digging or soil borings into soil or waste,
- ii. no disturbing monitoring wells,
- iii. no drilling of any new wells,
- iv. no use of groundwater,
- v. no removing any soil or waste from ORC North,
- vi. no disturbing any waste located, stored or disposed at ORC North,
- vii. no depositing any waste at ORC North, and
- viii. no activities that will cause soil erosion, including but not limited to destruction of vegetation.

Specific soil caps, monitoring wells, drainage pipes, appurtenances, fence(s), and structures described herein are designated as such on the map attached hereto as Attachment A. However, if any of these items are not marked on Attachment A, the restriction regarding the unmarked item is still applicable and shall not render the restriction ineffective.

d. Changes to the Land Use Restrictions may be accomplished at either ORC South or ORC North in the following manner:

- i. A Work Plan, including a schedule for completion of tasks, may be submitted to the DEQ to conduct further site characterization, remediation, modify existing engineering controls, or install new engineering controls at the Site. The DEQ may require oversight costs and public participation as a part of the Work Plan. If the DEQ approves the Work Plan, the person requesting the change in land use must complete the tasks set forth therein. Upon completion of the tasks set forth in the Work Plan, the person requesting the change in land use must certify to the DEQ that the Work Plan has been completed. The DEQ at its discretion may determine that completion of the Work Plan will achieve levels protective of human health and the environment for the new land use being requested. Upon making this determination, the DEQ will file a recordable notice of remediation pursuant to 27A O.S. 2-7-123 in the land records in the office of the county clerk where the Site is located designating the new land use; or,
- ii. Information may be submitted to the DEQ that demonstrates the levels of contaminants at the site are appropriate for the proposed new land use and that further remediation is not necessary. The person requesting the change in land use must demonstrate to the DEQ's satisfaction that the contamination at the site is present at levels appropriate for the proposed new land use. The DEQ may require oversight costs and public participation as a part of its review of the new information to support the requested change in land use. The DEQ at its discretion may determine,

based on the new information submitted, that contaminants are present at the Site at levels that will not pose a risk to human health or the environment if the new land use being requested is allowed. Upon making this determination, the DEQ will file a recordable notice of remediation pursuant to 27A O.S. 2-7-123 in the land records in the office of the county clerk where the site is located designating the new land use.

- e. The land use may not be changed until after the DEQ has filed a recordable notice of remediation pursuant to 27A O.S. 2-7-123 in the land records in the office of the county clerk where the Affected Property is located designating the new land use.

Proposals to change the Land Use Restrictions for the Affected Property, and questions regarding this Notice should be addressed to: Department of Environmental Quality, Office of the General Counsel, P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677. The DEQ's Office of General Counsel is located on the 7th floor, 707 North Robinson, Oklahoma City, Oklahoma.

This Notice and the Land Use Restrictions contained herein run with the land and no change of ownership of the Affected Property will change the Land Use Restrictions described herein above. This Notice and the Land Use Restrictions contained herein are effective upon the date of signature by the Executive Director of the DEQ.

Steven A. Thompson, Executive Director
Oklahoma Department of Environmental Quality

Date

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public

My Commission expires:

_____, 20____.