



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Central Region Office

1250 West Alder St., Union Gap, WA 98903-0009 • 509-575-2490

July 12, 2023

Chill Transportation, LLC
c/o Sonia Slayden
2112 Berkeley Ave, Apt 6
Los Angeles, CA 90026-2462

Re: Notice of Penalty for the August 8, 2021, spill of diesel and hydraulic oils, Highway 97, near Toppenish Creek, Toppenish, Yakima County, Washington.

Ecology Reference: ERTS # 708541

Dear Sonia Slayden:

The Department of Ecology (Ecology) is issuing the enclosed **Notice of Penalty, docket # 21069**, in the amount of **\$1,400** for the incident referenced above. It requires you to pay the amount stated.

If Ecology determines that you are responsible for an oil spill to state waters, you may be required to pay the following:

1. A natural resource damage assessment
2. A penalty for violation of state law or rule
3. The state's expenses to respond, assess, and investigate the incident

The enclosed Notice of Penalty is the second obligation listed above.

An Order for Reimbursement will not be issued for this incident.

A Natural Resource Damage Assessment, the first obligation, will not be issued in this case.

Please contact me at sam.hunn@ecy.wa.gov or (509) 961-8869, or Tami Neilson at tami.neilson@ecy.wa.gov or (360) 701-4379, if you have any questions. Thank you.

Chill Transportation, LLC

July 12, 2023

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Sincerely,



Samuel R. Hunn

Spill Response Supervisor

Central Regional Office (CRO)

Spill Prevention, Preparedness, and Response Program

Enclosures: Notice of Penalty Docket # 21069

By Electronic Certified Mail # 9489 0090 0027 6347 2871 79

ecc: Julian Beattie, Assistant Attorney General
Carlos Clements, Ecology, Spills Program Manager
Dave Byers, Ecology, Spills Program Response Section Manager
Tami Neilson, Ecology, Spills Program Enforcement Coordinator
Aaron Hubler, Ecology, Spills Program Budget Manager
Jamin Adams, Ecology, Spills Program Acting Communications Manager
Joye Redfield-Wilder, Ecology, Central Regional Office Communications Manager
Christina Castro, Ecology, Fiscal Penalty Desk

file: CRO Central Files, ERTS # 708541; Yakima County

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF PENALTY)
ASSESSMENT AGAINST:) NOTICE OF PENALTY INCURRED AND
CHILL TRANSPORTATION, LLC) DUE, DOCKET # 21069

To: Chill Transportation, LLC
c/o Sonia Slayden
2112 Berkeley Ave, Apt 6
Los Angeles, CA 90026-2462

Penalty Amount:	\$1,400
Due:	Within 30 days after this Notice of Penalty is received
Docket Number:	21069
Incident Location:	Highway 97, near Toppenish Creek
Date of Incident:	August 8, 2021

The Department of Ecology (Ecology) has assessed a penalty against you in the amount of \$1,400 for violating:

- RCW 90.48.080 Pollution of state waters
- RCW 90.56.280 Failure to notify
- RCW 90.56.320 Oil spill to state waters
- RCW 90.56.340 Failure to contain, collect, or remove oil spilled to state waters

Ecology has authority to issue this penalty under Revised Code of Washington (RCW) 90.48.144, and is based on the facts described below.

SUMMARY OF INCIDENT

On Sunday, August 8, 2021, at 15:48, Yakima County Fire dispatch notified Ecology of a Chill Transportation, LLC semi-truck accident on Highway 97 at Toppenish Creek. The accident resulted in the truck resting on Yakama Nation land, and within the Toppenish National Wildlife Refuge. Ecology determined a minimum of one gallon of diesel and hydraulic oils entered Toppenish Creek. The Yakama Nation led efforts to collect spilled oil in coordination with the United States Environmental Protection Agency.

VIOLATION #1

RCW 90.48.080 – Unlawful Discharge of Polluting Matter into Waters of the State.

It shall be unlawful for any person to throw, drain, run, or otherwise discharge into any of the waters of this state, or to cause, permit or suffer to be thrown, run, drained, allowed to seep or

otherwise discharged into such waters any organic or inorganic matter that shall cause or tend to cause pollution of such waters according to the determination of the department, as provided for in this chapter.

Based on Ecology's investigation, the following support a violation determination:

- A. Chill Transportation, LLC is a person as defined in RCW 90.48.020.
- B. Diesel and hydraulic oils cause pollution as defined in RCW 90.48.020.
- C. Toppenish Creek is a water of the state as defined in RCW 90.48.020.
- D. Chill Transportation, LLC discharged diesel and hydraulic oils to Toppenish Creek on August 8, 2021.

VIOLATION #2

RCW 90.56.340 Duty to remove oil

It shall be the obligation of any person owning or having control over oil entering waters of the state in violation of RCW 90.56.320 to immediately collect and remove the same. If it is not feasible to collect and remove, said person shall take all practicable actions to contain, treat and disperse the same. The director shall prohibit or restrict the use of any chemicals or other dispersant or treatment materials proposed for use under this section whenever it appears to the director that use thereof would be detrimental to the public interest.

Based on investigation, the following support a violation determination:

- A. Diesel and hydraulic oils are "oil" as defined in RCW 90.56.010.
- B. Chill Transportation, LLC is a "person" as defined in RCW 90.56.010.
- C. Chill Transportation, LLC owned or operated the semi-truck involved on August 8, 2021.
- D. Toppenish Creek is a water of the state as defined in RCW 90.56.010.
- E. Oil entered waters of the state from the semi-truck on August 8, 2021.
- F. Chill Transportation, LLC had an obligation to immediately collect and remove the oil discharged from the semi-truck on August 8, 2021.
- G. Chill Transportation, LLC did not collect and remove oil discharged from the semi-truck.

ELIGIBILITY FOR PAPERWORK VIOLATION WAIVER AND OPPORTUNITY TO CORRECT

Under RCW 34.05.110, small businesses are eligible for a waiver of a first-time paperwork violation and an opportunity to correct other violations. We have made no determination as to whether you meet the definition of a "small business" under this section. However, we have determined the requirements of RCW 34.05.110 do not apply because the violations cited do not involve a paperwork violation and cannot be corrected.

OPTIONS FOR RESPONDING TO A NOTICE OF PENALTY

Option 1: Pay the penalty within 30 days after receiving the Notice of Penalty.

Make your payment payable to *Department of Ecology*. Please include the penalty docket number on your payment.

Mail payment to:

Department of Ecology
Cashiering Unit
PO Box 47611
Olympia, WA 98504-7611

Note: Ecology may take legal action to collect the penalty if you have not paid within 30 days after receiving the Notice of Penalty and have not appealed.

Option 2: Appeal to the PCHB and serve Ecology within 30 days after the date of receipt of the Notice of Penalty.

The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 Washington Administrative Code (WAC). "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do both of the following within 30 days after the date of receipt of this Notice of Penalty:

- File your appeal and a copy of this Notice of Penalty with the Pollution Control Hearings Board (PCHB) during regular business hours.
- Serve a copy of your appeal and this Notice of Penalty on Ecology in paper form, by mail or in person. E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board	Pollution Control Hearings Board

1111 Israel Road SW
Suite 301
Tumwater, WA 98501

PO Box 40903
Olympia, WA 98504-0903

CONTACT INFORMATION

Please direct questions about this Notice of Penalty to:

Tami Neilson
Department of Ecology
Spills Program

Phone: (360) 701-4379
Email: tami.neilson@ecy.wa.gov

Mailing address:

PO Box 47600
Olympia, WA 98504-7600

Street address:

300 Desmond Drive SE
Lacey, WA 98503

MORE INFORMATION

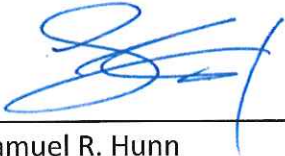
- **Pollution Control Hearings Board**
<http://www.eluho.wa.gov/Board/PCHB>
- **Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board**
<http://app.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice and Procedure**
<http://app.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**
<http://app.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Chapter 88.40 RCW - Transport of Petroleum Products – Financial Responsibility**
<http://app.leg.wa.gov/RCW/default.aspx?cite=88.40>
- **Chapter 88.46 RCW - Vessel Oil Spill Prevention and Response**
<http://app.leg.wa.gov/RCW/default.aspx?cite=88.46>
- **Chapter 90.48 RCW - Water Pollution Control**
<http://app.leg.wa.gov/RCW/default.aspx?cite=90.48>
- **Chapter 90.56 RCW - Oil and Hazardous Substance Spill Prevention and Response**
<http://app.leg.wa.gov/RCW/default.aspx?cite=90.56>
- **Spill Prevention, Preparedness, and Response Rules:**
<https://ecology.wa.gov/About-us/Get-to-know-us/Our-Programs/Spills-Prevention-Preparedness-Response/Rules-directing-our-work>

Notice of Penalty, Docket # 21069

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SIGNATURE



Samuel R. Hunn

Spill Response Supervisor

Central Regional Office (CRO)

Spill Prevention, Preparedness, and Response Program

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Date