

From: [Cool, Richard](#)
To: chilltransportation1@gmail.com
Cc: [Johnson, Patrick](#); [Franklin, Richard](#); [Neilson, Tami \(ECY\)](#)
Subject: Chill Transportation, LLC - August 8, 2021 Truck/Trailer Crash & Oil Spill - Toppenish Creek - Washington
Date: Tuesday, March 15, 2022 10:02:07 AM

Hello Ms. Slayden:

I have attempted to contact you several times over the last three business days (Friday, March 11; Monday, March 14 and this morning, Tuesday, March 15) since our initial, very brief phone exchange on Friday afternoon, March 11, approximately 1:18 p.m., after which, I called you back later Friday afternoon as you requested with no conversation success then or later when I made two additional phone call attempts Friday afternoon. I have left voice messages at Chill Transportation, LLC's (Chill) telephone number (323) 517-5584 requesting that Chill call me back in my effort to discuss with Chill the EPA's next steps regarding the August 2021 truck/trailer crash and resulting oil spill, as I outlined in my initial Thursday, March 10 email (see email train below).

To date, I have not received any response to my emails, my calls or voice messages that I left with details. I wish I had the opportunity to apprise Chill and you about EPA's next steps in a phone call so that I could explain the procedures and respond to any initial questions you might have. However, you should feel free to contact me by phone or email as I will make myself available as time permits to discuss those next steps which will be initiated shortly after this email is sent.

For your information, I will today and shortly after this email, send Chill Transportation, LLC (Chill) at this email address an email captioned "Notice of Intent to File Administrative Complaint for Violations of the Clean Water Act and Opportunity to Confer Prior to Filing" (i.e., opportunity-to-confer). This opportunity-to-confer email is an invitation for Chill to consider entering into discussions and negotiations with EPA and it will ask Chill to contact Patrick Johnson, Office of Regional Counsel, at (907) 271-3914 if Chill has any questions or would like to schedule a time to initiate negotiations. Mr. Johnson's email is included here and will also be included in the opportunity-to-confer email.

I encourage Chill to give serious attention to and consideration of the opportunity-to-confer email and that negotiation option which can include, if appropriate, the opportunity for Chill to discuss and demonstrate any concerns it might have about any ability-to-pay any settlement penalty proposal offered as part of the settlement discussions.

Thank you again for your time and serious consideration of the upcoming EPA opportunity-to-confer email. Please contact me if you have any questions about my Thursday email or this email.

Sincerely,

Rick Cool
Surface Water Enforcement Section
U.S. EPA Region 10
1200 Sixth Avenue, Ste. 155, M/S 20-C04
Seattle, WA 98101

cool.richard@epa.gov
Phone: (206) 553-6223
Cell: (206) 321-5396

From: Cool, Richard
Sent: Friday, March 11, 2022 1:23 PM
To: chilltransportation1@gmail.com
Cc: Franklin, Richard <Franklin.Richard@epa.gov>; Neilson, Tami (ECY) <tnei461@ECY.WA.GOV>
Subject: FW: Chill Transportation, LLC - August 8, 2021 Truck/Trailer Crash & Oil Spill - Toppenish Creek - Washington

Hello Ms. Sladen, I will call you back in 10 minutes per your request.

Here is the email I sent you yesterday and I am attempting to make the follow-up referenced in that email.

Thank you in advance for taking my call when I call back.

Rick Cool
Surface Water Enforcement Section
U.S. EPA Region 10
1200 Sixth Avenue, Ste. 155, M/S 20-C04
Seattle, WA 98101

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Phone: (206) 553-6223
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From: Cool, Richard
Sent: Thursday, March 10, 2022 1:33 PM
To: chilltransportation1@gmail.com
Cc: Franklin, Richard <Franklin.Richard@epa.gov>; Neilson, Tami (ECY) <tnei461@ECY.WA.GOV>; Spaulding, Kate <Spaulding.Kate@epa.gov>
Subject: Chill Transportation, LLC - August 8, 2021 Truck/Trailer Crash & Oil Spill - Toppenish Creek - Washington

Hello Ms. Sladen:

I am sending this email as my introduction in anticipation that I will call you in the next few days to discuss EPA's next procedural steps with regard to the Chill Transportation, LLC's August 2021 tractor truck and refrigerated trailer crash on Washington State Route 97 (approximately Mile Post 57) about four miles south of the City of Toppenish, Washington, and the associated oil spill to Toppenish Creek, nearby creek wetlands, and creek shoreline, including road ballast.

I am a Clean Water Act (CWA) inspector and compliance officer with U.S. Environmental Protection Agency (EPA) Region 10-Seattle. As part of my section's compliance and enforcement work, compliance officers are routinely assigned to follow-up on oil spills to

assess the spill and complete case review with possible recommendations for follow-up action. As part of my case review in this August 2021 incident, I talked to Richard Franklin, the EPA federal on-scene coordinator (OSC) and OSC phone duty officer, who was communicating with responders that were working at the crash/spill scene. You may recall that Mr. Franklin also communicated with you in the early stages of oil spill response shortly after the accident regarding your company's ability to respond to the oil spill.

As part of this case review, I have also coordinated my work with the Washington State Department of Ecology (Ecology), and specifically with Tami Neilson, Ecology's enforcement coordinator in Ecology's Spills Prevention, Preparedness and Response Program. Ms. Neilson is copied on this email.

I will try to call you at (323) 517-5584 but please alert me if there is another preferred telephone number to reach you.

I would appreciate it if you would reply to this email to confirm receipt.

Thank you for your anticipated help and cooperation, and your receipt confirmation email.

Rick Cool
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