

CURTIS TRANSPORT, INC.
1123 W. MAIN STREET
CHESTERFIELD, SOUTH CAROLINA 29709
Telephone: (843) 623-7776 • Fax: (843) 623-7767

October 21, 2014

Patricia Bullock
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303-8960

RE: In the Matter of Curtis Transport, Inc.
Docket No: CWA-04-2014-5126

Dear Madam Clerk:

Enclosed herewith please find the original and one (1) copy of Respondent's Answer for the above captioned matter. Please file the original and return the copy marked received in the stamped self-addressed envelope also included.

If you have any questions or concerns, please do not hesitate to contact me.

With Highest Regards,

A handwritten signature in blue ink that reads "William D. Curtis Sr". The signature is written in a cursive style.

William D. Curtis, Sr.

Enclosures

cc: Teresa Mann

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:)

Curtis Transport, Inc.)
1123 West Main Street)
Chesterfield, SC)

Respondent.)

Docket No. CWA-04-2014-5126

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ANSWER

Comes now Respondent Curtis Transport, Inc. and in Answer to the Administrative Complaint for Class II Penalty under Section 311(b)(6)(B)(ii) of the Clean Water Act, 33 U.S.C. 1321(b)(6)(B)(ii) states as follows:

1. Respondent has no knowledge of the truth of the allegations made in Paragraph 1 of the Complaint.
2. Respondent has no knowledge of the truth of the allegations made in Paragraph 2 of the Complaint.
3. Respondent has no knowledge of the truth of the allegations made in Paragraph 3 of the Complaint.
4. Respondent has no knowledge of the truth of the allegations made in Paragraph 4 of the Complaint.
5. Respondent has no knowledge of the truth of the allegations made in Paragraph 5 of the Complaint.
6. Respondent has no knowledge of the truth of the allegations made in Paragraph 6 of the Complaint.
7. Respondent has no knowledge of the truth of the allegations made in Paragraph 7 of the Complaint.
8. Respondent has no knowledge of the truth of the allegations made in Paragraph 8 of the Complaint.
9. Respondent has no knowledge of the truth of the allegations made in Paragraph 9 of the Complaint.

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10. Respondent has no knowledge of the truth of the allegations made in Paragraph 10 of the Complaint.
11. Respondent has no knowledge of the truth of the allegations made in Paragraph 11 of the Complaint.
12. Respondent has no knowledge of the truth of the allegations made in Paragraph 12 of the Complaint.
13. Respondent has no knowledge of the truth of the allegations made in Paragraph 13 of the Complaint.
14. Respondent admits the truth of the allegations made in Paragraph 14 of the Complaint. Curtis Transport, Inc. is a small corporation with a total of four (4) employees and three (3) operational fuel tanker trucks.
15. Respondent has no knowledge of the truth of the allegations made in Paragraph 15 of the Complaint.
16. Respondent only admits that its fuel tanker truck was involved in a single vehicle traffic accident near the town of the Mount Gilead on February 28, 2010 and denies everything else.
17. Respondent has no knowledge of the truth of the allegations made in Paragraph 17 of the Complaint.
18. Respondent admits to the discharge of E10 gasoline into or upon Lower Richland Creek but denies the amount of 183 barrels alleged in Paragraph 18 of the Complaint. Respondent responded promptly and comprehensively to any material lost during the accident. Immediately upon learning of the accident, Respondent engaged HEPACO for emergency spill response services. HEPACO personnel and equipment arrived at the site within less than two (2) hours of the report of the accident. Initial response activities included containment of the release and recovery of petroleum product from the impacted stream and pond. Active product recovery activities using vacuum trucks continued until all product was recovered. Highlands Environmental Solutions, Inc. was also engaged to assist in the initial response and remediation activities, investigate the subject incident, assess the extent of petroleum impact, and develop a remediation strategy for addressing residual petroleum impacted soil at the site. All petroleum impacted soil and water was removed from the site and confirmed by Highlands Environmental Solutions, Inc.
19. Respondent has no knowledge of the truth of the allegations made in Paragraph 19 of the Complaint.
20. Respondent denies the truth of the allegations made in Paragraph 20 of the Complaint.
21. Respondent denies the truth of the allegations made in Paragraph 21 of the Complaint.

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22. Respondent has no knowledge of the truth of the allegations made in Paragraph 22 of the Complaint.
23. Respondent has no knowledge of the truth of the allegations made in Paragraph 23 of the Complaint.
24. Respondent has no knowledge of the truth of the allegations made in Paragraph 24 of the Complaint.
25. Respondent admits the truth of the allegations in the first sentence of Paragraph 25 but has no knowledge of the truth of the second sentence.
26. Respondent has no knowledge of the truth of the allegations made in Paragraph 26 of the Complaint.
27. Respondent has no knowledge of the truth of the allegations made in Paragraph 27 of the Complaint.
28. Respondent has no knowledge of the truth of the allegations made in Paragraph 28 of the Complaint.
29. Respondent denies the truth of the allegations made in Paragraph 29 of the Complaint.
30. Respondent denies the truth of the allegations made in Paragraph 30 of the Complaint.
31. Respondent denies the truth of the allegations made in Paragraph 31 of the Complaint.
32. Respondent denies the truth of the allegations made in Paragraph 32 of the Complaint.
33. Respondent denies any allegations made in Paragraph 33 of the Complaint. Respondent answers this Complaint and requests a hearing within the time required and therefore has not defaulted.
34. Respondent has responded with this answer as required and therefore denies any failure to comply with the procedures set forth in Paragraph 34 of the Complaint.
35. Respondent denies any allegation not specifically admitted, including any allegations made in Paragraph 35 of the Complaint.
36. Respondent denies any allegations made in Paragraph 36 of the Complaint.
37. Respondent denies any allegations made in Paragraph 37 of the Complaint.
38. Respondent denies any allegations made in Paragraph 38 of the Complaint.

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39. Respondent denies any allegations made in Paragraph 39 of the Complaint and requests a hearing.
40. Respondent denies any allegations made in Paragraph 40 of the Complaint.
41. Respondent denies any allegations made in Paragraph 41 of the Complaint.
42. Respondent denies allegations made in Paragraph 42 of the Complaint and requests a hearing.
43. Respondent denies any allegations made in Paragraph 43 of the Complaint and requests a hearing.
44. Respondent denies any allegations made in Paragraph 44 of the Complaint and will send the Answer to this Complaint to the attorney for Complainant.

Affirmative Defenses

45. Respondent complied with all federal and state regulations in the operation of the tanker truck and supervision of the driver of the tanker truck, including United States Department of Transportation regulations governing driver training and hours of service and rest breaks. Respondent has no prior violations with United States Department of Transportation.
46. Respondent acted immediately to take necessary steps to contain the spill and to initiate recovery and remediation of the product discharged as a result of the accident. Such immediate response and continuing diligence achieved an optimal outcome with respect to the mitigation of any long-term adverse impacts which might have resulted from the spill.
47. The accident did not result from any direct negligence or fault on the part of Respondent.

Request for Hearing

Respondent hereby requests a hearing on this matter.



Signature of Respondent



Title

10-21-14
Date

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

IN THE MATTER OF:)
)
Curtis Transport, Inc.) Docket No. CWA-04-2014-5126
1123 West Main Street)
Chesterfield, SC)
)
Respondent.)

CERTIFICATE OF SERVICE

I certify that the foregoing Answer dated 10/21/14, was sent this date in the following manner to the addresses listed below:

Original by Federal Express: Patricia Bullock
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303-8960

Copy by Federal Express and email to:

Attorney for Complainant: Teresa Mann
Senior Attorney
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303-8960
Email: mann.teresa@epa.gov

W. D. Clark Jr.
Signature
1123 W. Main St. Chesterfield, SC 29709
Address

10/21/14
Date