

From: [Johnson, Patrick](#)
To: [Sonia Slayden](#)
Cc: [Cool, Richard](#)
Subject: RE: EPA Records and Photographs for Chill Transportation LLC's Review
Date: Monday, May 23, 2022 8:29:00 AM
Attachments: [image001.png](#)

Thanks, Sonia. At that time (tomorrow, May 24, at 2:00PM Pacific Time), please dial: [REDACTED]. When prompted, please type the following conference line number: [REDACTED]. If you have any challenges calling into the meeting, please call myself ((907) 271-3914) or Rick Cool ((206) 553-6223) and we will help troubleshoot.

Sincerely,

Patrick B. Johnson
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 10
Alaska Operations Office
222 West 7th Avenue, #19
Anchorage, Alaska 99513-7588
(907) 271-3914

From: Sonia Slayden <chilltransportation1@gmail.com>
Sent: Monday, May 23, 2022 8:08 AM
To: Johnson, Patrick <johnson.patrick@epa.gov>
Subject: Re: EPA Records and Photographs for Chill Transportation LLC's Review

2pm is fine tomorrow

On Mon, May 23, 2022 at 8:55 AM Johnson, Patrick <johnson.patrick@epa.gov> wrote:

Sonia:

Apologies, but Rick and I have some shifting availability for a call tomorrow. We can meet tomorrow (5/24) between 8:00AM – 8:30AM Pacific Time or can meet from 2:00PM – 4:00PM Pacific Time. If you can make the afternoon time slot work, that may be better so that we do not need to rush.

Sincerely,

Patrick B. Johnson
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 10
Alaska Operations Office
[222 West 7th Avenue, #19](#)
[Anchorage, Alaska 99513-7588](#)
(907) 271-3914

From: Johnson, Patrick
Sent: Monday, May 23, 2022 7:05 AM

To: Sonia Slayden <chilltransportation1@gmail.com>
Cc: Cool, Richard <Cool.Richard@epa.gov>
Subject: RE: EPA Records and Photographs for Chill Transportation LLC's Review

Sonia:

Thank you for your quick response. To be clear, EPA's availability ends at 11:00AM Pacific Time. Can we plan on 10:00AM Pacific Time?

Sincerely,

Patrick B. Johnson
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 10
Alaska Operations Office
[222 West 7th Avenue, #19](#)
[Anchorage, Alaska 99513-7588](#)
(907) 271-3914

From: Sonia Slayden <chilltransportation1@gmail.com>
Sent: Monday, May 23, 2022 7:00 AM
To: Johnson, Patrick <johnson.patrick@epa.gov>
Subject: Re: EPA Records and Photographs for Chill Transportation LLC's Review

11am is fine

On Mon, May 23, 2022 at 7:57 AM Johnson, Patrick <johnson.patrick@epa.gov> wrote:

Good morning, Sonia:

Rick and I are available anytime between 8:00AM – 11:00AM Pacific Time tomorrow (5/24) morning. Any chance that you have availability for a call during that window? Unfortunately I already have a meeting scheduled for 12:00PM Pacific Time that day. We would be happy to discuss with you the process of filing an inability-to-pay claim.

Sincerely,

Patrick B. Johnson
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 10
Alaska Operations Office
[222 West 7th Avenue, #19](#)
[Anchorage, Alaska 99513-7588](#)
(907) 271-3914

From: Sonia Slayden <chilltransportation1@gmail.com>
Sent: Sunday, May 22, 2022 8:42 AM
To: Johnson, Patrick <johnson.patrick@epa.gov>
Subject: Re: EPA Records and Photographs for Chill Transportation LLC's Review

Hello Patrick

Im sorry I was unable to attend to this situation sooner. I will be able to speak to you on Tuesday 5/24/22 at 12 pm. I need to resolve this issue. This situation has been stressing me out to the point of [REDACTED]. I need to know how can I file an inability to pay claim so that I can get this resolved and over with. I appreciate all your help in this matter and am so sorry that [REDACTED]. If you guys can help me to achieve resolution of this, I would truly be indeded to you.

Thank you

On Wed, May 11, 2022 at 9:26 AM Johnson, Patrick <johnson.patrick@epa.gov> wrote:

Good morning, Sonia:

Thank you for your message. I am sorry to hear about your health difficulties. Rick and I wish you the best in your recovery. We look forward to hearing from you once you have made it home from the hospital.

Sincerely,

Patrick B. Johnson
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 10
Alaska Operations Office
[222 West 7th Avenue, #19](#)
[Anchorage, Alaska 99513-7588](#)
(907) 271-3914

From: Sonia Slayden <chilltransportation1@gmail.com>

Sent: Wednesday, May 11, 2022 7:42 AM

To: Johnson, Patrick <johnson.patrick@epa.gov>

Subject: Re: EPA Records and Photographs for Chill Transportation LLC's Review

Patrick [REDACTED]. im sorry but im gonna have to call you when im home. Not sure when that will be yet. But now that I have my phone and am able to reach out to you. I will let you know as soon as I can. If im not answering is because I can't not because I don't want to. Im sorry [REDACTED] please understand I will contact you next week as soon as possible thank you.

On Mon, May 9, 2022 at 4:46 PM Johnson, Patrick <johnson.patrick@epa.gov> wrote:

Sonia:

As you can see from the below email chain, EPA has been trying to reach you since our last conversation on April 7. Despite multiple phone calls and email messages, we have not heard anything back. As you will note in the attached email message sent to you on March 15, 2022, EPA typically provides a period of ninety (90) days to reach settlement before considering more formal enforcement options. As a result, we have until June 13, 2022, to make substantial progress towards settlement of this matter. Given that upcoming deadline, we are hopeful that you will choose to reengage with EPA shortly so that we can talk about settlement options, which can include further discussions about the process for

potentially filing an inability-to-pay claim.

In addition to this email message, I have called and left you a voicemail message encouraging you to contact myself ((907) 271-3914) or Rick Cool ((206) 553-6223).

Sincerely,

Patrick B. Johnson
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 10
Alaska Operations Office
[222 West 7th Avenue, #19](#)
[Anchorage, Alaska 99513-7588](#)
(907) 271-3914

From: Johnson, Patrick
Sent: Wednesday, April 27, 2022 7:45 AM
To: Sonia Slayden <chilltransportation1@gmail.com>
Cc: Cool, Richard <Cool.Richard@epa.gov>
Subject: RE: EPA Records and Photographs for Chill Transportation LLC's Review
Importance: High

Good morning, Sonia:

As you likely can see from the below email chain, EPA has been trying to get in touch with you for a couple of weeks. In addition to the below email messages, yesterday Rick Cool called you and left a voicemail message. At your earliest convenience, please confirm that you have received the attached documents, have received my previous email messages, and provide an update on whether you have been able to successfully download the photographs from EPA's Go Anywhere system. You can either respond via email, call Rick at: (206) 553-6223, or call me at: (907) 271-3914.

In addition to providing that information, please provide your preferred time and date for a follow-up meeting with EPA among the following options:

- Monday, May 2: 8:00AM – 10:00AM and 1:00PM – 3:00PM;
- Tuesday, May 3: any time before 10:00AM and between 2:00PM – 3:00PM;
- Thursday, May 5: any time before 9:00AM and between 2:00PM – 3:00PM; and
- Monday, May 9: 8:00AM – 10:00AM and any time after 11:00AM.

Once you select a preferred time and date, I will send you a meeting invitation with the relevant call-in information. I look forward to hearing back from you.

Sincerely,

Patrick B. Johnson
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 10
Alaska Operations Office
[222 West 7th Avenue, #19](#)

[Anchorage, Alaska 99513-7588](#)

(907) 271-3914

From: Johnson, Patrick
Sent: Thursday, April 21, 2022 6:46 AM
To: Sonia Slayden <chilltransportation1@gmail.com>
Cc: Cool, Richard <Cool.Richard@epa.gov>
Subject: RE: EPA Records and Photographs for Chill Transportation LLC's Review
Importance: High

Sonia:

I hope that this message finds you well. Can you please inform EPA if you have been able to successfully download the photographs? If not, Rick and I can work with you to try to find an alternative method for transmission. Thank you in advance for your response.

Sincerely,

Patrick B. Johnson
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 10
Alaska Operations Office
[222 West 7th Avenue, #19](#)
[Anchorage, Alaska 99513-7588](#)
(907) 271-3914

From: Johnson, Patrick
Sent: Thursday, April 14, 2022 3:46 PM
To: Sonia Slayden <chilltransportation1@gmail.com>
Cc: Cool, Richard <Cool.Richard@epa.gov>
Subject: RE: EPA Records and Photographs for Chill Transportation LLC's Review

Good afternoon, Sonia:

Have you been able to successfully download the photographs?

Sincerely,

Patrick B. Johnson
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 10
Alaska Operations Office
[222 West 7th Avenue, #19](#)
[Anchorage, Alaska 99513-7588](#)
(907) 271-3914

From: Johnson, Patrick
Sent: Tuesday, April 12, 2022 10:24 AM
To: Sonia Slayden <chilltransportation1@gmail.com>

Cc: Cool, Richard <Cool.Richard@epa.gov>

Subject: EPA Records and Photographs for Chill Transportation LLC's Review

Importance: High

Sonia:

Thank you for your time last week. I hope that this message finds you feeling better.

Per your request, EPA is providing you with records relevant to the alleged Clean Water Act violations. Attached to this message you will find two documents: 1) an infraction report from the Washington State Police illustrating that Mr. Slayden was issued a citation for violations associated with "improper lane usage" while operating the Chill Transportation LLC truck; and 2) an EPA pollution report summarizing the nature of the findings at the scene.

In the EPA pollution report, you will note a variety of findings that are relevant to EPA's alleged Clean Water Act violations. One issue that is *not* relevant to EPA's alleged Clean Water Act violations but is worth a brief explanation is Section 2.4.1 of the report titled "narrative." In that finance section, the report provides some preliminary estimated costs for oil spill assessment, response, and removal actions at the site. As emphasized in the section identified with an asterisk immediately below the table, these estimated costs were preliminary figures based on the understanding of the circumstances at the time of the finalization of this report (i.e., August 16, 2021). Since that time, the actual costs were updated but we understand they are still in the process of being finalized. For further discussion about that cost determination process and any questions about Chill Transportation LLC's obligations to reimburse the United States for those costs, please refer to the March 2, 2022 letter from the U.S. Coast Guard and contact U.S. Coast Guard Case Officer Steven Natale by phone at (202) 795-6087 or by email at: Steven.J.Natale@uscg.mil. As we explained during the call, the U.S. Coast Guard's process is separate and distinct from EPA's current administrative enforcement action.

Shortly after your receipt of this message, you will receive three separate emails with links to separate "Go Anywhere" web folders. Each of these web folders will contain relevant photographs that help to illustrate the discharge of oil into and upon waters of the United States and adjoining shorelines and discharges of pollutants into waters of the United States without a NPDES permit.

In order to access these web folders containing the photographs, you will simply click on the link in the Go Anywhere email message's blue box that says "Download Files." Here are some steps for your consideration.

- Before starting the download process, consider creating a new "destination" folder on your computer for these photos;
- When you click on the "Download Files" link, it will open up to the Go Anywhere folder with a "Mail" row with a "Download" button that allows you to combine and download all the photo files using the ZIP format;
- You can "save" that compressed or zipped file to your preferred folder destination; and finally,
- You can then click on the saved zipped file to unzip it (download it) to your preferred computer destination folder.

If you have any issues accessing the photographs using the Go Anywhere web folders, we can work with you to try to find an alternative approach for transmitting these photographs.

During our last conversation, you indicated that you would be providing EPA with relevant records for our review. **Please send those records to us as soon as possible.**

We would like to schedule a follow-up conversation with you to discuss the records that EPA has provided and discuss any records that you have provided to EPA. Rick and I are currently available during the following times and dates. Once you identify your preferred time and date, I will send a meeting invitation with the call-in information:

- Tuesday, April 19: 12:00PM – 1:00PM Pacific Time and 2:00 – 3:00PM Pacific Time;
- Thursday, April 21: 10:00AM – 11:00AM Pacific Time and 2:00 – 3:00PM Pacific Time; and
- Monday, April 25: Anytime between 8:00AM Pacific Time and 3:00PM Pacific Time.

I look forward to hearing from you.

Sincerely,

Patrick B. Johnson
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 10
Alaska Operations Office
[222 West 7th Avenue, #19](#)
[Anchorage, Alaska 99513-7588](#)
(907) 271-3914

----- Forwarded message -----

From: "Cool, Richard" <Cool.Richard@epa.gov>

To: "chilltransportation1@gmail.com" <chilltransportation1@gmail.com>

Cc: "Johnson, Patrick" <johnson.patrick@epa.gov>, "Franklin, Richard" <Franklin.Richard@epa.gov>

Bcc:

Date: Tue, 15 Mar 2022 18:37:04 +0000

Subject: Notice of Intent to File Administrative Complaint for Violation of the Clean Water Act and Opportunity to Confer Prior to Filing

CONFIDENTIAL - FOR SETTLEMENT PURPOSES ONLY

Ms. Sonia I. Slayden

President

Chill Transportation, LLC

[2112 Berkeley Ave. Apt. 6](#)

[Los Angeles, California 90026](#)

chilltransportation1@gmail.com

Dear Ms. Slayden:

The U.S. Environmental Protection Agency (EPA) documented violations of the Clean Water Act (CWA) related to Chill Transportation LLC's (Chill) ownership and operation of a truck tractor and refrigerated trailer that crashed and caused an oil spill on August 8, 2021, as the Chill tractor/trailer was traveling north-bound on State Route 97, about 4 miles south of the City of Toppenish, Washington. The accident occurred at approximately Mile Post 57 on and near a bridge over Toppenish Creek and within the Toppenish National Wildlife Refuge. The Chill truck accident resulted in the release of oil (e.g., diesel fuel, etc.) to Toppenish Creek, wetlands adjacent to the creek and creek shorelines that included areas of highway ballast.

EPA alleges violations of the following CWA provisions regarding this oil spill/discharge incident:

- Chill's discharge of oil into and upon waters of the United States and adjoining shorelines in a quantity that may be harmful as determined by 40 C.F.R. § 110.3, in violation of Section 311(b)(3) of the CWA, 33 U.S.C. § 1321(b)(3); and
- Chill's discharge of a pollutant from a point source to the waters of the United States without a National Pollutant Discharge Elimination System permit in violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

Additionally, Chill failed to immediately notify the National Response Center of this discharge of oil to waters of the United States, as required by 40 C.F.R. § 110.6 and Section 311(b)(5) of the CWA, 33 U.S.C. § 1321(b)(5).

The purpose of this notice is to inform you that EPA is prepared to initiate an enforcement action for these CWA violations and to offer you the opportunity to discuss this matter with EPA prior to the filing of a Complaint.

Section 311(b) of the CWA, 33 U.S.C. § 1321(b), and 40 C.F.R. Part 19 authorize EPA to seek penalties for violations of the CWA up to \$48,762 per day of violation or \$1,951 per barrel of oil discharged. Additionally, Section 309 of the CWA authorizes EPA to issue administrative orders requiring specific measures be taken to ensure compliance with the CWA.

In general, EPA favors prefiling discussions, which help ensure that we have all relevant information and may lead to resolution that avoids the time and expense of

litigation. If we can reach a settlement, we would resolve the case with an administrative Consent Agreement and a Final Order, and EPA would not file a Complaint. Once a Consent Agreement and a Final Order is signed by all parties, EPA typically issues a press release announcing the settlement.

Before responding to this notice, EPA encourages you to review documents that are pertinent to EPA's enforcement action and may benefit any settlement discussions:

1. EPA's [Small Business Resources Information Sheet](#) provides information on potential compliance assistance opportunities that are available to you.
2. EPA's *Civil Penalty Policy for Section 311(b)(3) and Section 311(j) of the Clean Water Act* for guidance on appropriate penalties in settlement of Section 311 civil administrative and judicial actions at <http://www2.epa.gov/enforcement/civil-penalty-policy-section-311b3-and-section-311j-clean-water-act-cwa-august-1998>.

EPA is coordinating with the Washington State Department of Ecology (Ecology) regarding this oil spill incident. Any potential resolution between Chill and Ecology related to this oil spill incident would be factored into EPA's civil administrative settlement considerations. For example, if Chill paid a civil penalty to Ecology for alleged state law-based violations that originated from the same oil spill incident, EPA would consider reducing its final civil administrative penalty, as may be appropriate, taking into account the similarities and differences between the CWA and Ecology's relevant enforcement authorities. If you have any questions for Ecology, please contact Tami Neilson, Ecology Spill Enforcement Coordinator, at (360) 701-4379 .

EPA generally provides a period of 90 days to reach settlement before considering more formal enforcement options. To reach a timely settlement within 90 days, pre-filing negotiations should begin within 30 days

Please contact Patrick Johnson in the Office of Regional Counsel at (907) 271-3914 within 14 days of this notice to schedule a time to begin negotiations.

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

Thank you for your prompt attention to this important matter.



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