

From: [Johnson, Patrick](#)
To: [Sonia Slayden](#)
Cc: [Cool, Richard](#)
Subject: EPA Records and Photographs for Chill Transportation LLC's Review
Date: Tuesday, April 12, 2022 10:23:00 AM
Attachments: [WSP Infraction Report - Chill Transportation.pdf](#)
[Pollution Report - Chill Transportation.pdf](#)
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

INFRACTION

PARKING TRAFFIC NON-TRAFFIC LEA: **WAWSP0302** COURT ORI #: **WA039033J** INFRACTION #: **1A0505983** REPORT #: **21-014150**

IN THE DISTRICT MUNICIPAL COURT OF **YAKIMA COUNTY DISTRICT COURT**
 STATE OF WASHINGTON COUNTY OF _____ CITY/TOWN OF _____, PLAINTIFF VS. NAMED DEFENDANT

THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF WASHINGTON

DRIVER'S LICENSE NO. **1(c)** STATE: **CA** EXPIRES **25** PHOTO I.D. MATCHED YES NO NAME: LAST **SLAYDEN** FIRST **JAMES** MIDDLE **R** SFX _____ CDL/CLP YES NO
 ADDRESS **13378 OWEN ST APT A** IF NEW ADDRESS PASSENGER CITY **FONTANA** STATE **CA** ZIP CODE **90026**

EMPLOYER _____ EMPLOYER LOCATION _____
 DATE OF BIRTH **64** RACE **W** SEX **M** HEIGHT **5'08"** WEIGHT **155** EYES **BLU** HAIR **GRY** RESIDENTIAL PHONE NO. _____ CELL/PAGER PHONE NO. _____ WORK PHONE NO. _____
 VIOLATION DATE **08/09/2021 12:51** INTERPRETER NEEDED AT LOCATION **NB SR 97** M.P. **57** CITY/COUNTY OF **YAKIMA**
 ON OR ABOUT **08/09/2021 12:51** LANG: _____ REF. TRAFFICWAY _____ BLOCK # _____

DID OPERATE/PARK THE FOLLOWING VEHICLE ON A PUBLIC HIGHWAY/PROPERTY AND

VEH LIC NO **YP06029** STATE **CA** EXPIRES **01-31-22** VEH YR **2016** MAKE **VOLVO** MODEL **SEMI** STYLE **SEMI** COLOR **WHITE**
 TR #1 LIC NO **4TU9251** STATE **WA** EXPIRES **02-28-28** TR YR **2010** TR #2 LIC NO _____ STATE _____ EXPIRES _____ TR YR _____
 OWNER/COMPANY IF OTHER THAN DRIVER **LLC CHILL TRANSPORTATION**
 ADDRESS **2112 BERKELEY AVE APT 6** CITY **LOS ANGELES** STATE **CA** ZIP CODE **90026**
 ACCIDENT **NON-INCAPACITATIN** COMMERCIAL VEHICLE YES NO 16+ PASS YES NO HAZMAT YES NO EXEMPT VEHICLE FIRE LEA

DID THEN AND THERE COMMIT EACH OF THE FOLLOWING OFFENSES

VEH SPEED	IN A	ZONE	SMD	PACE	AIRCRAFT	PENALTY \$
1. VIOLATION/STATUTE CODE	46.61.140				IMPROPER LANE USAGE	190.00
2. VIOLATION/STATUTE CODE						PENALTY \$
3. VIOLATION/STATUTE CODE						PENALTY \$
4. VIOLATION/STATUTE CODE						PENALTY \$
5. VIOLATION/STATUTE CODE						PENALTY \$
TOTAL PENALTY \$						190.00

RELATED # _____ DATE ISSUED **08-17-21**
 TICKET SERVED ON VIOLATOR
 TICKET SENT TO COURT FOR MAILING
 TICKET REFERRED TO PROSECUTOR
 I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT I HAVE ISSUED THIS ON THE DATE AND AT THE LOCATION ABOVE, AND I HAVE PROBABLE CAUSE TO BELIEVE THE ABOVE DESCRIBED PERSON/VEHICLE COMMITTED THE ABOVE OFFENSE(S), AND I AM ENTERING MY AUTHORIZED USER ID AND PASSWORD TO AUTHENTICATE IT.
 OFFICER **TREVOR DOWNEY** # **972**
 OFFICER _____ # _____

INFRACTION ABSTRACT OF JUDGMENT	INF #	RESPONSE	DISPOSITION	PENALTY	SUSPENDED	SUB-TOTAL	FINDING/JUDGMENT DATE
	1	C NC	C NC D P DF	\$	S	\$	
	2	C NC	C NC D P DF	\$	S	\$	ABSTRACT MLD TO OLYMPIA
	3	C NC	C NC D P DF	\$	S	\$	
	4	C NC	C NC D P DF	\$	S	\$	
5	C NC	C NC D P DF	\$	S	\$	TOTAL COSTS \$	

INFRACTION # 1A0505983 WSP IT

SLAYDEN, JAMES R



On 08/08/2021, I was on duty in Yakima County. I was advised of a one semi rollover vehicle northbound on State Route 97 near milepost 57. Upon arrival, I observed a heavily damaged semi in a creek off the roadway. The semi was travelling north on State Route 97 and had gone through a guardrail, rolling and landing in a creek. The trailer was on its right side and the truck cab had seperated from the frame and came to rest approximately 75 feet north of the frame. The driver was trapped however was extracated and transported to the hospital. The driver was later identified with a California license as James Slayden.

Slayden at first stated that an animal ran across the roadway and then the next day changed it stating that someone attempted to pass him and cut him off. Based on road evidence, there was no braking or any evasive maneuvers. I could see tire marks in the gravel in shoulder prior to where the guardrail was struck all the way to where the guardrail was hit. The semi appeared to grind up against the guardrail before going over top of it and rolling the semi. I did not see any evidence of an attempt to correct back to his lane.

Had the semi remained within the guidelines of the lane, the collision would have been avoided.

Officer's Report for Citation/Notice of Infraction # 1A0505983.

The information contained in and attached to this citation/notice of infraction is incorporated by reference into this report.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT ALL STATEMENTS MADE HEREIN ARE TRUE AND ACCURATE AND THAT I AM ENTERING MY AUTHORIZED USER ID AND PASSWORD TO AUTHENTICATE IT.

...NARRATIVE CONTINUES ON NEXT PAGE...

TRAFFIC		WEATHER		STREET		LIGHT	
WITNESS NAME (LAST, FIRST, M.I.)		PHONE		WITNESS NAME (LAST, FIRST, M.I.)		PHONE	
ADDRESS	CITY	STATE	ZIP	ADDRESS	CITY	STATE	ZIP
WITNESS NAME (LAST, FIRST, M.I.)		PHONE		WITNESS NAME (LAST, FIRST, M.I.)		PHONE	
ADDRESS	CITY	STATE	ZIP	ADDRESS	CITY	STATE	ZIP
WITNESS NAME (LAST, FIRST, M.I.)		PHONE		WITNESS NAME (LAST, FIRST, M.I.)		PHONE	
ADDRESS	CITY	STATE	ZIP	ADDRESS	CITY	STATE	ZIP
WITNESS NAME (LAST, FIRST, M.I.)		PHONE		WITNESS NAME (LAST, FIRST, M.I.)		PHONE	
ADDRESS	CITY	STATE	ZIP	ADDRESS	CITY	STATE	ZIP

Signature: TREVOR DOWNEY #: 972

Date and Place: 8/17/2021 County of YAKIMA

Redaction Log

Total Number of Redactions in Document: 1

Redaction Reasons by Page

Page	Reason	Description	Occurrences
1	1(c)	Driver's License Number - RCW 42.56.230(5), & RCW 9.35.005(1) RCW 42.56.230(5) exempts "other financial information", as defined in RCW 9.35.005(1), from production under the Public Records Act. "Financial information" in RCW 9.35.005(1) includes driver's license numbers, permit numbers and state identicaid numbers issued by the Department of Licensing.	1

Redaction Log

Redaction Reasons by Exemption

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