

**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

Case Number:

1003-M473

Case Title:

Prime, Inc

Subject of Report:

Receipt of Allegations from IDEQ

Reporting Office:

Boise, ID, Resident Office

Activity Date:

December 18, 2015

Reporting Official and Date:

Darin J. Mugleston

Resident Agent in Charge

04-JAN-2016, Signed by Darin J. Mugleston

Approving Official and Date:

Edward W. Owens

Assistant Special Agent in Charge

05-JAN-2016, Approved by Edward W. Owens

Assistant Special Agent in Charge

SYNOPSIS

On December 18, 2015, EPA-CID's Boise Resident Office had a meeting at the Idaho Department of Environmental Quality (IDEQ). During the meeting, IDEQ provided allegations that Prime, Inc. (Prime) and B & W Wrecker Service (BWS) illegally disposed paint-related hazardous waste at Simco Road Regional Landfill (SRRL), Mayfield, ID. SRRL is not permitted for hazardous waste.

DETAILS

On December 18, 2015, at approximately 1:00 p.m. EPA-CID Boise Resident Office had a meeting at IDEQ to discuss various environmental issues. Present during the meeting were the following individuals: Special Agent Darin Mugleston, EPA-CID; SA [REDACTED] EPA-CID; Deputy Attorney General (DAG) Darrell Early, Environmental Quality Section, Natural Resources Division, Idaho Attorney General's Office, Boise, ID; Natalie Clough, Hazardous Waste Compliance Manager, Waste Management and Remediation Division, IDEQ, Boise, ID; Maureen Vincenty, Hazardous Waste Science Officer, Boise Regional Office, IDEQ, Boise, ID; Dean Ehlert, Ground Water and Remediation Manager, Boise Regional Office, IDEQ, Boise, ID.

During the meeting, Clough provided allegations that Prime (primeinc.com), a trucking company, and BWS (bwwrecker.com) failed to perform any hazardous waste characterization of paint-related waste, which was then illegally disposed at SRRL, 16415 NW Waste Site Drive, Mayfield, ID 83716. The landfill is operated for municipal trash by Idaho Waste Systems, Inc. (IWS), which is located on private property off Simco Road in Elmore County, Idaho (approximately 25 miles east of Boise). SRRL is not permitted for hazardous waste. Note: SRRL was a subject of a previous EPA-CID Lead (Idaho Waste Systems/1003-M470) for accepting non-permitted hazardous waste. The lead was referred to IDEQ.

Clough advised that on September 21, 2015, a semi-truck operated by Prime was driving through Idaho, hauling approximately 72 drums of 2 pails of paint for PPG Industries (PPG). While passing through southwest Idaho, the truck experienced mechanical issues leading to the trailer catching fire. As the emergency phase of the incident ended and the cleanup phase began, Prime hired BWS to handle the cleanup. During the cleanup, Prime and BWS failed to perform any hazardous waste characterization of the paint related waste. Material Safety Data Sheets (MSDSs) show the paint had a flashpoint of less than 140 degrees Fahrenheit making the paint a hazardous waste once no longer a usable product. Prime and BWS classified the paint waste as non-hazardous. BWS then transported and disposed of approximately 35,880 pounds of paint-related hazardous waste at SRRL as non-regulated/non-hazardous waste.

At the end of the meeting, Maureen Vincenty provided the following documents: Idaho State Communication Report; chain of Events (timeline); Documents relating to the shipment of paint waste to IWS; Consent Order to IWS in March 2012; Photographic Documentation on Trailer Fire.

This document contains neither recommendations nor conclusions of the EPA.
It is the property of the EPA and is loaned to your agency;
it and its contents are not to be distributed outside your agency.

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ATTACHMENT

Idaho State Communications Report, dated 9_27_15

IDEQ Chain of Events, dated 10 16 15

Documents Relating to Paint Shipment and Disposal

IDEQ Consent Order to IWS, dated 03 21 12

IDEQ Photographic Documentation, dated 9_27_15

Law Enforcement sensitive
Do NOT Release
Document on Loan from EPA CID

This document contains neither recommendations nor conclusions of the EPA.
It is the property of the EPA and is loaned to your agency;
it and its contents are not to be distributed outside your agency.

DRIVER/VEHICLE EXAMINATION REPORT

Aspen 3.0.17

IDAHO STATE POLICE/MCSAP
COMMERCIAL VEHICLE SAFETY
700 S STRATFORD RD
MERIDIAN, ID 83642-6202
Phone: (208)884-7220 Fax: (208)884-7192

Report Number: ID3700006692
Inspection Date: 09/27/2015
Start: 04:59 AM MT End: 8:27:30 AM MT
Inspection Level: II - Walk Around
HM Inspection Type: Non-Bulk

NEW PRIME INC
PO BOX 4208
SPRINGFIELD, MO 65808
USDOT#: 00003706 Phone#: (417)866-0001
MC/MX#: 140665 Fax#:
State#:

Driver: DRAKE, STEVEN D State: AL
CoDriver: DUCK, ANGELA J State: AL

Location: GLENN'S FERRY, ID MilePost: 114 Shipper: PPG INDUSTRIES
Highway: I-84 Origin: SPRINGDALE, PA Bill of Lading: 0811B65356
County: ELMORE, ID Destination: PORTLAND, OR Cargo: PAINT

VEHICLE IDENTIFICATION

Table with columns: Unit, Type, Make, Year, State, Plate #, Equipment ID, VIN, GVWR, CVSA #, CVSA Issued #, OOS Sticker. Contains two rows of vehicle data.

BRAKE ADJUSTMENTS: No Brake Measurements Required For Level 2

VIOLATIONS

Table with columns: Vio Code, Section, Unit, OOS, Citation #, Verify, Crash, Violations Discovered. Contains one violation entry.

HazMat: 3 Flammable Placard: Yes Cargo Tank:

Special Checks: No Data for Special Checks.

Pursuant to the authority contained in I.C. 67-2901A (IDAPA 11.13.01.018 and 11.13.01.019), I hereby declare vehicle(s) followed by a "Y" in the out of service column of this report "OUT OF SERVICE." No person shall remove the Out of Service Stickers applied to this/these vehicle(s), or operate such vehicle(s), until the out of service defects have been repaired and the vehicle(s) have been restored to safe operating conditions.

NON-REGULATED/EXEMPT INTRASTATE MOTOR CARRIERS:
Pursuant to authority contained in Idaho Code 49-235, this vehicle or combination of vehicles has been found to be in an unsafe condition. I hereby declare vehicles(s) with defects followed by a "Y" in the Out of Service (OOS) column of this report to be parked for repairs. No person shall operate any vehicle after receiving this notice until the vehicle and its equipment has been placed in proper repair or adjustment and otherwise made to conform to Idaho Code Title 49.

I certify that the violations listed in the "OUT OF SERVICE" section of this report have been satisfactorily completed as of the date indicated. Failure to return this report with the required certification can result in penalties up to \$1,000 per day for each day the violation continues, up to a total of \$10,000.

Signature Of Repairer X: Facility: Date:

CARRIER CERTIFICATION: The undersigned certifies that all violations on this report have been corrected and action taken to ensure compliance with the Idaho Code, Motor Carrier Safety and HM Regulations, insofar as they are applicable to motor carriers and drivers. This certification MUST BE SIGNED by the Motor Carrier and RETURNED WITHIN 15 DAYS. Failure to make all repairs listed on this notice may subject the driver to disqualification and/or fines up to \$2,500.00. Employers may also be subject to fines up to \$10,000.00.

Signature Of Motor Carrier X: Title: Date:

Report Prepared By: COLIN BONNER

Badge #: 2854

Copy Received By: STEVEN DRAKE

Page 1 1



EPA CID Case No. 1003-0101: 0103

**SHIPPER PROVIDED SHORT FORM BILL OF LADING & FROM:
INTERMODAL CERTIFICATION**



**PPG INDUSTRIES, INC.
PPG COATINGS**

Not negotiable - Domestic
All parties hereto and their assigns are hereby notified and agree that this bill of lading is subject to: (1) the contract terms and conditions of the Uniform Domestic Freight Bill of Lading as set forth in the National Motor Freight Classification, and (2) the applicable tariffs filed with the Interstate Commerce Commission in effect as of the date hereon.
CONTAINER PACKING CERTIFICATE DECLARATION: It is declared that the packaging of goods into the container herein has been carried out in accordance with the applicable provisions of 49CFR and the MOD Code.

NOTE: Where the rate is dependent on value, shippers are required to state specifically in writing the agreed or declared value of the property.
The agreed or declared value of the property to hereby specifically stated by the shipper to be not exceeding:

SHIPPER'S B/L NO. **0811B65356**
AT LOAD ID NO. **CAP00709220**
LOC, 0811 SPRINGDALE, PA 15144 09-24 15

SHIPMENT REFERENCE NO. 04826 PAGE 01 OF 01

PHONE 724-274-7900

CUSTOMER ORDER NO. AND RELEASE NO ** SEE BELOW **

CONSIGNEE TO:
PPG INDUSTRIES LOC1101-CORX
C/O BUSHHELL'S WAREHOUSE
2730 NW 35TH AVENUE
PORTLAND
OREGON 97210-0000
(503) 227-3519
DUN Number: 001344803

DELIVERY DATE: 00-00-00
FREIGHT PREPAID
IF PREPAID, MAIL FREIGHT BILL AND COPY 2 OF BILL-OF-LADING TO:
PPG Industries Inc.-Descartes Support
One PPG Place - 35th Floor Logistics
PITTSBURGH, PA 15272

Charge to:
Subject to Section 7 of conditions of applicable bill of lading. If the shipment is to be delivered to the consignee without recourse to the shipper, the consignee shall sign the following statement:
The carrier shall not make delivery of the shipment without payment of freight and all other lawful charges.
PPG INDUSTRIES, INC.
PPG COATINGS
(Signature of consignee)

CARRIER: PRIME, INC. CAR/VEHICLE INTL NO. 143320

Scal # 4124168

ORDER/INVOICE NUMBERS: 30972-01-06-01/08124 36792-01-03-01/94609 36754-01-01-01/94612

QUANTITY	DESCRIPTION OF ARTICLES	WEIGHT IN LBS (Sub. to Com.)
32	RO UN1263 PAINT 3 POLYE (AQ: strontium chromate)	17,683
36	UN1263 PAINT 3 POLYE	19,945
2	UN1263 PAINT 3 POLY	106
1	PAINT - NOT REGULATED	1,904
TOTAL PIECES: 74		WRIGHT BY COLUMN: 37,734
NUMBER OF PALLETS: 19	WEIGHT: 1105 LBS	TOTAL WEIGHT OF SHIPMENT: 40,743 LBS

MULTIPLE PO NUMBERS: STEELSCAPE STOCK SAPA STOCK
Receiving Location: 1 Receiving Hours: 8AM-1PM

SPECIAL INSTRUCTIONS: 72 DRUMS ON 19 PALLETS & 2 PALLETS ON A PALLET
TIME-CRITICAL SHIPMENT! CARRIER MUST CALL 24 HOURS IN ADVANCE FOR DELIVERY APPT IF MORE THAN 5 PALLET 303-327-3819.
IF REQUIRED, DELIVERY APPT MUST BE MADE FOR DAY OF EXPECTED ARRIVAL OR NEXT DATE AT THE LATEST.

OFFER 4 Flammable Liquid - Class 3 PLACARDS

This is to certify that the above named materials are properly classified, described, packaged, marked, and labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.

PPG INDUSTRIES, INC.
PPG COATINGS Shipper, *Sharon Dobritz*

Permanent postoffice address of shipper, 125 COLFAX ST., SPRINGDALE, PA 15144

FOR HELP IN EMERGENCIES INVOLVING SPILL, FIRE, LEAK, EXPOSURE - CALL CHEMTREC - Call Toll Free 1-800-424-9300 or Call Collect 1-703-527-3887

RECEIVED IN APPARENT GOOD ORDER-EXCEPTIONS NOTED.

DRIVER'S SIGNATURE INDICATES APPLICABLE D.O.T. PLACARDS WERE OFFERED. EMERGENCY RESPONSE INFORMATION IS IN THE VEHICLE AND IMMEDIATELY ACCESSIBLE. AND PACKAGES ARE BLOCKED AND BRACED IN ACCORDANCE WITH 49 CFR SECTION 177.234

Carrier: _____

Net501, ver 30

EPA CID Case No. 1003-0101: 0104

IDAHO WASTE SYSTEMS
 PO BOX 1388
 MOUNTAIN HOME, ID 83647

000000 cash

02	168067					Debi
DATE IN	DATE OUT	TIME IN	TIME OUT	VEHICLE	ROLL OFF	
09/28/15	09/28/15	12:55	13:04			
REFERENCE			ORIGIN			
B&W						

Manual Gross Wt.	78800	LB	Inbound - Cash ticket
Scale 1 Tare Wt.	40920	LB	
Net Weight	35880	LB	

QTY	UNIT	DESCRIPTION	RATE	EXTENSION	FEE	TOTAL
17.94	TON	liquids	45.00	807.30	0.00	807.30
<i>312-2541</i> <i>pick</i>						

This is to certify that this load does not contain any hazardous material. Load screened at site 2 by; (when applicable) 208-796-2727 Office number

343-6247

NET AMOUNT
807.30
TENDERED
807.30
CHANGE
0.00
CHECK NO.

SIGNATURE *[Signature]*

H-2015-00193 Truck Fire in Glenns Ferry Chain of Events

10/16/15

- Mark Dietrich and I went to the incident location and discovered fresh yellow paint, and melted aluminum on the side of the road that had not been cleaned up.
- Called B&W Wrecker Service (208) 342-2541 and they said they would have the driver assigned to that incident call me back to answer my questions

10/19/15

- Called back B&W and was given the driver's name and phone number
 - Sandy Derrick (208) 954-6742
- Spoke with Sandy from B&W. He stated the paint related waste was taken by them to Simco Rd. He said Simco Rd knew what type of waste it was and accepted it without analytical. He also stated that the remaining wreckage was property of Prime Trucking and shipped back to their facility in Utah. Sandy claims that ITD was out there as the regulating state agency and told them that their job was done. He also stated that they had backhoes and were cleaning up the rest of the side of the road and backfilling with dirt. I mentioned to Sandy that some paint was still discovered at the incident site. He suggested I contact Carl from ITD based out of Mountain Home for further questioning.
- The manager of B&W (Rick Lee) called and asked about environmental waste certifications. He mentioned their company desired to get into the environmental cleanup business and acknowledged they are not currently knowledgeable or capable of performing cleanups.
- I called a phone number for the Environmental Unit Manager on ITD's website who ended up being a woman named Sue Sullivan. I briefly mentioned the incident to her. She said she was unfamiliar with that incident, but that she worked in the State Office and this was located in District 3. I asked her general questions about how ITD organizes cleanup events for situations like this and what their internal standards and guidelines are. She was unsure of their specific cleanup policies, but was curious to know what the districts were being told to do and who was guiding this process. She was hoping that Vicki Jewel Guerra, the Hazardous Materials person for District 3, would have more answers and they planned on calling me back on 10/20 when she is back in the office. I asked Sue for Carl's phone number and she provided me with the maintenance number for the Mountain Home office.
- I spoke with Carl Von (208) 587-7966 from ITD. He stated that he was on vacation at the time of this incident. I asked him general questions about cleanups and he said that it is ITD's policy to restore the incident site to its previous state as much as possible. I mentioned to Carl that I discovered wet paint and other scraps at the site and he said he probably should have gone to the site a few days afterwards to ensure that B&W had in fact cleaned it up properly. I told him that B&W claimed ITD was the last one on location and he stated that he could "play that game too." Carl mentioned Bill Bowden was the ITD guy on scene for that incident and he would have him call me back. I asked Carl several questions about HW determination. He said it is the IC responsibility in these situations and the RRT to determine whether or not waste is hazardous and if it is safe for them to proceed with cleanup. He believes IC looked at shipping documents to determine that the paint was non-haz.

10/20/15

- I spoke with Bill Bowden from ITD. He stated that ITD only provided traffic control during the incident so that B&W could clean up the mess. I expressed my concern for companies such as B&W being hired to cleanup spills like this in lieu of an environmental response or contracting company. He reiterated ITD's policy that a site should be restored to its previous condition. I mentioned the paint and he said he had to leave before it was totally cleaned up to go on vacation, but that his boss Carl, should have gone back to the site to ensure it was cleaned up by B&W. He also stated that it's IC's responsibility to make HW determinations and that they never get involved in cleanups until it has been cleared. He told me that they are supposed to call Dan Bryant, District 3's Hazmat Officer.
- I called Dan Bryant (Office: 208-334-8348 and Cell: 208-608-3264). He said that they are the injured party and that Carl or Bill should have been there till the end ensuring property was cleaned up since the RP is technically damaging ITD property. He was also shocked that B&W was hired for a cleanup like this. He thought DEQ is responsible for regulating cleanup as they don't have any regulating authority. He thinks

ITD dropped the ball on not going back to the site to verify cleanup or staying till the end and will call both Carl and Bill and then call me back to discuss.

- Called Derek Janousek, Fire Chief from King Hill Rural Fire 208-599-0000. He says he and Colin Bonner, ISP, were both equally shocked that B&W was being hired to do the cleanup. He said that they never take responsibility for making any HW determinations or profiling. And whoever authorized the towing company to take care of this should be liable. He believes that Colin called DEQ that night and asked for the list of approved contractors. He also told me that Darrel Riedinger from Boise Fire was leading RRT 4 that night and took photos of the shipping papers.
- Left VM for Darrel Riedinger from Boise Fire head of RRT 4.
- Called shipper, Bushnell's Warehouse 503-227-3519 to try to track down shipping papers or more detailed information on the load of paint that was on the semi. They were unable to help me without a bill of lading number. I will try calling the trucking company.
- I called Prime Trucking's general switchboard 800-321-4552 and was transferred to a VM of Kelsey Hampton and left her a message.
- Called RLI Insurance (800) 331-4929 and gave them the policy #LET0010124. She stated they are self-insured
 - Cammy Kay (800) 321-1192 ext 6485 (New Prime Inc) – left VM
- Received a phone call from David White with Prime Insurance. I asked him for documentation on the truck's load and he is going to email me the shipping papers.
 - Emailed shipping papers, but no detailed info other than UN1263. Emailed him asking for more detail.
- Called number on shipping papers for Bushnell's Warehouse. Was given number for Mark Lowe with PPG Industries (412) 848-8877. Left VM.

10/21/15

- Mark Lowe from PPG Industries called and we spoke about the 4 different products on the truck. He provided me with the MSDSs for each of the products and the amount of each on the load. He also provided additional photos from ITD of the wreck. He was told by Prime that there was no waste as everything burned up and was considered to be a total loss.
- After reviewing the MSDSs, it was determined that all the paint was hazardous waste for at least D001 and should have been disposed of accordingly. From the photos, it appears that drums left over taken to IWS more than likely still contained liquid. I will have to review documentation at IWS to confirm.
- David White from Prime Trucking/Insurance called and we spoke about how to handle the cleanup left over on the side of the road properly going forward. He was under the impression that the Incident command (according to the detailed fire report) was giving the green light to B&W to perform the cleanup after the HazMat portion of the incident was over. He said that CWE LLC is an environmental contractor they are looking at to use for cleaning up the remaining portion of the waste on the side of I-84. Also, he stated that they have been working directly with Carl Vaughn from Idaho DOT.
- Received a phone call from Premium Environmental who told me they are putting quotes together for the remaining cleanup of the paint on the side of the road. Prime called them after my discussion with David White.

10/22/15

- Received email from Dan Bryant (ITD):
 - Just an update. I talked with Carl Vaughn about the situation. When the haz-mat response team determined that the paint was water-based and declared it not to be a hazardous material, the wrecker company assigned by the trucking company to do the clean-up backed down. When they asked our rep, Bill Bowden, if things were okay, Bill's focus was on opening the highway and he said yes. After Carl and I talked, he contacted the trucking company and told them the clean-up was incomplete. The trucking company agreed to contract the completion of the clean-up, but I don't know what the timeline is on that. Carl has more details, if you want to email him, but I wanted to bring you up to date to this point. I do plan to attend the meeting on the 4th.

- I called Dan back and discussed the miscommunication repeatedly occurring throughout this incident is the misunderstanding that “cleanup” phase beginning somehow implies no risk to the environment or no presence of hazardous waste since the “hazmat” phase was over.
- IWS Visit:
 - Spoke with Debbie in the office. She worked directly with Rick from B&W and they received 35,880 pounds of “liquid” waste (as categorized on the invoice). She mentioned some of the waste had already dried up slightly and in a solidified state. The rest of the waste, IWS solidified prior to burial. I asked about drums and she stated they received many partial drums with liquid paint inside.

11/4/15

- Meeting with IDT. Told that Tim Cordor trucking was hired to conduct remaining cleanup left of I-84

11/10/15

- Received VM from Tom Stone (812) 853-2400 from Premium Environmental who was hired by Prime Trucking to conduct oversight of cleanup

11/17/15

- Left VM for Tom Stone to discuss cleanup. He called me back and said that the excavation was performed on Saturday 11/14/15 by Cordor White Excavation.
 - Tom Stone stated Carl Vaughn suggested the use of this company as they were HazMat “certified” ...HmMMM???
- Called Tim Cordor (208) 599-2923
 - Did not perform Haz Waste Profile
 - Removed 25 tons of material
 - Waste is being held in a truck and hasn’t been delivered yet. I told him I would prefer that he not dispose of the material until a HW determination has been performed. He was planning on disposing of it at Simco Rd.
 - He was told by Premium Environmental to go clean it up and Carl Vaughn told him to just clean it up.
- Jamie Sundys (812) 853-2400 from Premium Environmental
 - Says he will lock the truck down that Tim Cordor is driving and will call H2O right now to pull a TCLP sample to do a full haz waste profile.

12/18/15

- Called Premium Environmental to ask Jamie about disposal of remaining waste



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1410 North Hilton • Boise, Idaho 83706 • (208) 373-0502

C.L. "Butch" Otter, Governor
Curt Fransen, Director

March 21, 2012

CERTIFIED MAIL # 7007 3020 0001 4125 2518
RETURN RECEIPT REQUESTED

Ms. Ronda Avery
President
Idaho Waste Systems, Inc.
P.O. Box 1386
Mountain Home, ID 83647

Re: Effective Voluntary Consent Order for Idaho Waste Systems, Inc.

Dear Ms. Avery:

Enclosed is a signed copy of the Voluntary Consent Order for Idaho Waste Systems, Inc.'s Simco Road Regional Landfill facility near Mayfield, Idaho. We appreciate your cooperation in this matter.

If you have any questions, please contact Dean Ehlert at 373-0416 or Natalie Clough at (208) 373-0506.

Sincerely,

Brian R. Monson
Hazardous Waste Program Manager
Waste Management and Remediation Division

BRM/NC/JS

MSV/COL/LZ

Enclosure

cc: D. Early, Deputy Attorney General
D. Ehlert, DEQ WM&RD
N. Clough, DEQ - WM&RD
M. McCurdy, DEQ - BRO
J. Gantz, DEQ - BRO
E. Loerch, DEQ - BRO
M. Jones, CDHD
Source File
COF

EPA CID Case No. 1003-0101: 0109

Printed on Recycled Paper

IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY

IN THE MATTER OF)

Idaho Waste Systems, Inc.)
16415 NW Waste Site Drive)
Mayfield, Idaho 83716)

VOLUNTARY CONSENT ORDER

Idaho Code §§ 39-108 and 4413

1. Pursuant to Idaho Code § 39-101 *et seq.*, (Idaho Environmental Protection and Health Act (EPHA)), § 39-4401 *et seq.*, (Idaho Hazardous Waste Management Act of 1983 (HWMA)), and Idaho Code § 39-7401 *et seq.*, (Idaho Solid Waste Facilities Act (ISWFA)) the Idaho Department of Environmental Quality (Department) enters into this Voluntary Consent Order (VCO), enforceable under the EPHA, Idaho Code §§ 39-108, 39-109, and the HWMA, Idaho Code §§ 39-4413 and 39-4414, with Idaho Waste Systems, Inc. (IWS). The Department and IWS may be hereinafter collectively referred to as the "Parties" or singularly as "Party."
2. The Department makes, and IWS concurs with, the following findings of facts:
 - A. IWS owns and operates the Simco Road Regional Landfill located at 16415 North West Waste Site Drive, Mayfield, Idaho (hereinafter referred to as "the Site.") The Site is a commercially-licensed Resource Conservation and Recovery Act (RCRA) Subtitle D solid waste landfill. As part of its operations, IWS treats and disposes of municipal solid waste, construction and demolition waste, asbestos, and non-hazardous liquids, sludges, soil, and special wastes.
 - B. On January 17, 2012, the Department received, via email notification, documentation from IWS indicating that a shipment of characteristic and listed hazardous waste was disposed at IWS on January 6, 2012. The waste exhibits the characteristic of toxicity for chromium, carrying EPA waste code D007, and is also a listed hazardous waste carrying the EPA waste code F019, which is defined as wastewater treatment sludges from the chemical conversion coating of aluminum [IDAPA 58.01.05.005 (40 CFR § 261)]. The hazardous waste was generated by Metal Finishings, Inc. (EPA Identification Number WAD156908741), a Large Quantity Generator of hazardous waste located in Marysville, Washington. The original quantity of hazardous waste as generated was approximately 1,200 pounds. Due to an error on the part of the generator and/or transporter, the hazardous waste was transported as non-hazardous waste from the generator's facility by Burlington Environmental, LLC, a subsidiary of Phillips Services Corporation, (Burlington/PSC), to Burlington/PSC's facility in Kent, Washington, where it was combined with non-hazardous solid waste from other generators. The combined load, weighing 21.97 tons, was then transported by Burlington/PSC to IWS and was disposed in the solid waste landfill on January 6, 2012 as non-hazardous solid waste. Burlington/PSC notified IWS on Friday, January 13, 2012, after close of business. The Department and the Central District Health Department were immediately notified by IWS on the next business day, January 17, 2012, that the material Burlington/PSC delivered on January 6,

2012 was mislabeled and was in fact hazardous material.

- C. A mixture of solid waste and one or more hazardous wastes listed in IDAPA 58.01.05.005 [40 CFR § 261 Subpart D] is a hazardous waste. Therefore, the entire combined load consisting of 21.97 tons is considered to be a listed (F019) hazardous waste. IDAPA 58.01.05.011 [40 CFR § 268] prohibits dilution of hazardous waste as a substitute for adequate treatment. IWS's Operating Plan does not allow IWS to receive, store, treat, or dispose of hazardous waste.
 - D. On January 17, 2012, the Department, through the Central District Health Department, informed IWS that investigation of the incident and potential remediation of the portion of the Site where the hazardous waste was disposed would be necessary.
 - E. Based upon the aforementioned information and documents available to the Department, potential violations of the HWMA, Idaho Code § 39-4401 *et seq.* the Idaho Rules and Standards for Hazardous Waste, 58.01.05 *et seq.*, (including those sections of 40 CFR incorporated by reference), the ISWFA, Idaho Code § 39-7401 *et seq.*, and the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 *et seq.*, have occurred at IWS as a result of the January 6, 2012 disposal of the D007, F019 hazardous waste.
3. In order to resolve this matter without litigation or further controversy, and without admitting to any violations, IWS agrees to the provisions of this VCO and the following terms and actions:
- A. Waste Evaluation. Within thirty (30) calendar days of the effective date of this VCO, IWS shall obtain the services of a "qualified professional" as defined in the ISWFA, Idaho Code § 39-7403(43), and complete an evaluation of the hazardous waste constituents of concern (total chromium, total cyanides, amenable cyanides) present in the hazardous waste identified in Paragraph 2.B. in order to determine whether the waste as disposed poses an unacceptable risk to human health or the environment in its present location, and whether cleanup is needed and if so, what its scope and nature should be.
 - B. Waste Evaluation Report. Within fifteen (15) calendar days of completing the waste evaluation required by Paragraph 3.A. of this VCO, IWS shall prepare and submit three (3) written copies and one (1) electronic copy of a Waste Evaluation Report for the Department's review and approval in accordance with Paragraph 4 of this VCO. The Waste Evaluation report shall be prepared under the direct supervision of the qualified professional and bear the signed and dated stamp of the licensed professional geologist or licensed professional engineer, as appropriate. The Waste Evaluation Report shall ensure that data quality and quantity is sufficient to identify the extent of contamination and threat to human health and/or the environment. The Waste Evaluation Report shall include, at a minimum, the following information:
 - i. A scaled map, bearing the signed and dated stamp of a qualified professional, noting the location(s), both horizontally and vertically, in the landfill where the waste identified in Paragraph 2.B. was disposed

- ii. A narrative description, with supporting documentation from the generator (e.g. waste profile, analytical data) of the type and quantity of hazardous waste included in the combined wastestream;
- iii. A narrative description, with supporting documentation (e.g. waste profiles), of the types and quantities of other solid waste that were included in the combined wastestream, and the name(s) and location(s) of the generating facilities;
- iv. A determination of whether the hazardous waste constituents of concern (total chromium, total cyanides, amenable cyanides) present in the hazardous waste identified in Paragraph 2.B. as disposed pose an unacceptable risk to human health or the environment in its present location;
- v. A recommendation, based on the waste evaluation findings, for leaving the waste in place with institutional controls (i.e. adequate cover and leachate monitoring), or removal of the waste.

Upon review and approval by the Department the Waste Evaluation Report, including the map, shall be placed in the IWS operating record;

If the Department's review of the Waste Evaluation Report indicates that the waste may be left in place and IWS has satisfied all other applicable terms and conditions of this VCO including Paragraph 3.C., IWS may petition for termination of this VCO in accordance with Paragraph 8.

If the Department's review of the Waste Evaluation Report indicates that additional investigation(s) must be done, the Department shall notify IWS, in writing, and IWS shall, within thirty (30) calendar days, submit a Supplemental Waste Evaluation Work Plan for the additional investigation which shall be subject to the Department's review and approval in accordance with Paragraph 4 of this VCO.

If a Supplemental Waste Evaluation is conducted, IWS shall, within thirty (30) days of completion of the supplemental activities required, submit a Supplemental Waste Evaluation Report to the Department for review and approval in accordance with Paragraph 4 of this VCO.

- C. **Institutional Controls.** If the approved Waste Evaluation Report or any Supplemental Waste Evaluation Report reveals that the waste does not pose an unacceptable risk and recommends that the waste be left in place, IWS shall submit a written Institutional Control Plan to the Department for review and approval in accordance with Paragraph 4 of this VCO no later than thirty (30) calendar days from the approval date of the Waste Evaluation Report by the Department. The Institutional Control Plan shall include provisions for maintaining adequate cover for the waste. Once approved by the Department, IWS shall complete the actions contained in the Institutional Control Plan within the time schedule submitted with the Institutional Control Plan.

- D. Leachate Monitoring Plan. Within thirty (30) calendar days of the effective date of this VCO, IWS shall submit to the Department, for review and approval in accordance with Paragraph 4 of this VCO, a Leachate Monitoring Plan with a proposed frequency and duration of leachate monitoring for the constituents of concern (total chromium, total cyanides, amenable cyanides). Once approved by the Department, IWS shall complete the actions contained in the Leachate Monitoring Plan.
- E. Generator Notification. In order to ensure future compliance with the ISWFA, Idaho Code § 39-7401 et seq., IWS shall submit documentation to the Department, within thirty (30) days of the effective date of this VCO for review and approval in accordance with Paragraph 4, demonstrating that IWS has informed Metal Finishings, Inc. (EPA Identification Number WAD156908741) and Burlington/PCS in writing that the F019 listed hazardous waste stream does not meet the Simco Road Regional Landfill waste acceptance criteria and is prohibited from disposal at the Simco Road Regional Landfill.
- F. Remedial Action Plan. If the approved Waste Evaluation Report, or any Supplemental Waste Evaluation Report, or the leachate monitoring required in Paragraph 3.D. reveals an unacceptable risk and remedial action is required, IWS shall submit a Remedial Action Plan (RAP) to the Department for review and approval in accordance with Paragraph 4 of this VCO no later than forty-five (45) calendar days from the approval date of the Waste Evaluation Report by the Department. The RAP shall identify methods for immobilization, treatment, isolation, or removal of contamination and contaminated media to concentrations at or below acceptable risk levels. Once approved by the Department, IWS shall complete the actions contained in the RAP within the time schedule submitted with the RAP. The Department approved RAP shall be incorporated herein and be enforceable as part of this VCO. Unless otherwise agreed upon between IWS and the Department, the RAP shall include, at a minimum, the following:
- i. The method(s) IWS will use to immobilize, treat, isolate, or remove the waste from the landfill cell, including a description of the equipment to be used;
 - ii. A description of proposed transportation and disposal of any removed contaminated material(s);
 - iii. Proposed risk-based cleanup levels with supporting documentation. These standards must prevent degradation of ground water, and protect human health and the environment;
 - iv. A description of confirmation sampling procedures;
 - v. A description of method(s) used to ensure any contaminated material temporarily stockpiled or otherwise stored on-site does not pose risk of further contamination to surrounding media and/or exposure to unknowing persons; and,

vi. A schedule for implementation and completion of RAP requirements.

G. Remedial Action Report. Within thirty (30) calendar days of the completion of actions required in the RAP identified in Paragraph C, IWS shall prepare and submit a Remedial Action Report for the Department's review and approval in accordance with Paragraph 4 of this VCO. The Remedial Action Report shall include the results of all analyses, summary of all investigations, and detailed maps of any/all identified contaminants on the Site.

- i. The Remedial Action Report shall ensure data quality and quantity is sufficient to identify the extent of contamination and the effectiveness of the remediation.
- ii. If the Department determines the Remedial Action Report demonstrates all Site remediation objectives have been met, IWS shall be relieved of all monitoring and may petition for termination of this VCO in accordance with Paragraph 8.

H. Further Actions and Requirements.

- i. In the event the Department determines IWS has not or cannot perform any or all of the required work in Paragraphs 3.A. – 3.E of this VCO, or effect remedial actions as required by the Department approved Waste Evaluation Report and RAP, the Department may require IWS to take further actions including, but not limited to actions pursuant to IDAPA 58.01.05.009 (40 CFR § 264 Subpart N). Failure to comply with such requirements as directed by the Department shall be deemed a violation of this VCO.
- ii. IWS agrees that nothing in this VCO nor Idaho Code § 39-108 shall be construed to prevent the Department from ordering such other and further relief as necessary to comply with IDAPA 58.01.05.009 (40 CFR § 264 Subpart N) as deemed necessary by the Department or to initiate such administrative or civil proceedings as necessary to compel compliance with such requirements.

4. Department Review and Approval Submittal Review Process - Unless otherwise set forth specifically herein, the following document submittal and review process (Submittal Review Process) shall be followed regarding submittals required by this VCO for which Department approval is required. This process shall be followed until the Department approves the document or the document review time frame has expired.

Within thirty (30) calendar days of receipt of IWS's submittal, the Department shall; 1) notify IWS in writing the document is approved; 2) notify IWS in writing of any deficiencies in the document; or, 3) notify IWS, LP of the Department's extension of the Department's review and comment period for an additional thirty (30) calendar days. If the Department notifies IWS of deficiencies in the document, IWS shall submit a revised

document to resolve those deficiencies within thirty (30) calendar days of receipt of the Department's notice.

The Submittal Review Process shall be repeated until the Department notifies IWS the document is approved. However, IWS documents must meet the requirements of this VCO, as determined by the Department, within one hundred twenty (120) calendar days from the due date for the first submittal of the document. IWS's failure to develop a Department approved document within such time frames may be considered a breach of this VCO.

If the Department extends its review and comment period beyond the initial thirty (30) calendar day period described above, the time frames within which IWS documents shall meet the requirements of this VCO shall be extended an equivalent number of days. Once the Department approves documents, they shall be incorporated herein and enforceable as a part of this VCO.

5. General Work Plan Requirements - The following requirements apply to all work plans including, but not limited to, Paragraph 3.C and all other IWS submittals for Department review and approval pursuant to Paragraph 4 of this VCO.
 - A. Work Plan Schedules - All Work Plans shall include a schedule for beginning and completing the necessary media investigations.
 - B. Health and Safety Plans - All Work Plans shall contain a Health and Safety Plan describing health and safety procedures to be followed for all specific tasks proposed in the Work Plan(s). The Health and Safety Plan shall be maintained at the site during any investigation or remedial activity.
 - C. Implementation of Work Plan(s) - IWS shall fully implement the Department approved Work Plan(s) within the time frames set forth in the approved Work Plan(s). If unanticipated conditions result in changes of more than five (5) calendar days in the schedule for beginning and/or completing the necessary media investigations, IWS shall notify the Department within five (5) calendar days. If requested by the Department, IWS shall submit a revised schedule for approval. The Department shall review, and approve or deny, the request for schedule extensions within five (5) calendar days of receipt. In implementing any/all Work Plan(s) associated with this VCO, IWS shall notify the Department, in writing, five (5) calendar days prior to the scheduled date of any sampling(s) associated with any/all Work Plan(s). If requested by the Department, IWS shall provide duplicate samples to the Department.
6. All communication required to be sent to the Department shall be addressed to:

Michael McCurdy
Remediation & Groundwater Manager
Idaho Department of Environmental Quality
Boise Regional Office
1445 N. Orchard St.
Boise, ID 83706
(208) 373-0550

All communication required to be sent to the facility shall be addressed to:

Ronda Avery
President
Idaho Waste Systems, Inc.
P.O. Box 1386
Mountain Home, ID 83647
(208) 724-8943

7. This VCO shall not relieve IWS from its obligation to comply with any of the provisions of the *Idaho Rules and Standards for Hazardous Waste*, IDAPA 58.01.05.000 to 58.01.05.999, the Idaho Solid Waste Facilities Act, Idaho Code § 39-7401 *et seq.*, or other applicable local, State or Federal law.
8. This VCO shall bind IWS, its successors and assigns until such time as the terms of the VCO are met and the VCO is terminated in writing by the Department. The Department may, upon receipt of a petition from IWS, terminate this VCO provided IWS has met all terms and conditions of this VCO and continues to achieve compliance with the *Idaho Rules and Standards for Hazardous Waste*.
9. If IWS sells, transfers, or offers the Site property (or any portion thereof) for sale or transfer prior to completion of the requirements of the VCO and termination thereof, IWS shall notify any prospective purchaser of the terms and conditions of this VCO and the current status of completion of the requirements of this VCO. IWS shall also provide notice to the Department of the offer for sale or transfer, and the identity of the purchaser or party to which the property was transferred prior to closing of any sale or transfer of the Site property or any portion thereof.
10. Sale or transfer of the Site Property or any portion thereof by IWS shall not relieve IWS of its obligation to complete the terms and conditions of this VCO unless appropriate arrangements are made with the purchaser or receiver of the Site Property for assignment of the obligations of this VCO and the Department consents in writing to the assignment of the obligations of this VCO to the new purchaser or receiver.
11. IWS expressly recognizes that failure to comply with the terms of this VCO may result in a district court action for specific performance of the VCO, civil penalties, assessment of costs, restraining orders, injunctions and other relief available under Idaho Code §§ 39-4413 and 39-4414.
12. This VCO contains the entire agreement between the Parties. This VCO may not be enlarged, modified or altered, except in writing signed by the Parties.
13. IWS recognizes their responsibility to obtain all permits, licenses, certifications, and access rights to complete the terms and actions of this VCO.

14. Each Party represents and warrants it has the authority to enter into this VCO and to take all actions provided for herein and no further action or authorization is required.
15. In the event any provision or authority of this VCO or the application of this VCO to any Party or circumstances is held by any judicial or administrative authority to be invalid, the application of such provisions to other Parties or circumstances and the remainder of the CO shall remain in force and shall not be affected thereby.
16. The effective date of this VCO shall be the date of the signature by the Director of the Idaho Department of Environmental Quality.

DATED THIS 13th day of March, 2012



RONDA AVERY, PRESIDENT
AUTHORIZED REPRESENTATIVE OF IDAHO WASTE SYSTEMS, INC.

DATED THIS 19 day of March, 2012



CURT A. FRANSEN, DIRECTOR
IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY

Consent Order - 8

EPA CID Case No. 1003-0101: 0117

Photographic Documentation

Name of Facility: Prime Inc. Truck Fire

Inspector(s): Maureen Vincenty

Inspection Date: Sunday, September 27, 2015

Purpose of Inspection: RCRA Incident Investigation Report



Publish Date: Wednesday 2 December 2015

Idaho Department of Environmental Quality
Photographic Documentation For Prime Inc. Truck Fire

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Idaho Department of Environmental Quality
Photographic Documentation For Prime Inc. Truck Fire



Photograph 1: ISP Photos Taken on September 27, 2015



Photograph 2: ISP Photos Taken on September 27, 2015



Photograph 3: ISP Photos Taken on September 27, 2015



Photograph 4: ISP Photos Taken on September 27, 2015



Photograph 5: ISP Photos Taken on September 27, 2015



Photograph 6: ISP Photos Taken on September 27, 2015

Idaho Department of Environmental Quality
Photographic Documentation For Prime Inc. Truck Fire



Photograph 7: Additional Photos Taken on September 27, 2015



Photograph 8: Additional Photos Taken on September 27, 2015



Photograph 9: Additional Photos Taken on September 27, 2015



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Photograph 11: Additional Photos Taken on September 27, 2015



Photograph 12: Additional Photos Taken on September 27, 2015

Idaho Department of Environmental Quality
Photographic Documentation For Prime Inc. Truck Fire



Photograph 13: Additional Photos Taken on September 27, 2015



Photograph 14: Additional Photos Taken on September 27, 2015



Photograph 15: Additional Photos Taken on September 27, 2015



Photograph 16: Additional Photos Taken on September 27, 2015

Idaho Department of Environmental Quality
Photographic Documentation For Prime Inc. Truck Fire



Photograph 17: DEQ Photos Taken on October 16, 2015



Photograph 18: DEQ Photos Taken on October 16, 2015



Photograph 19: DEQ Photos Taken on October 16, 2015



Photograph 20: DEQ Photos Taken on October 16, 2015

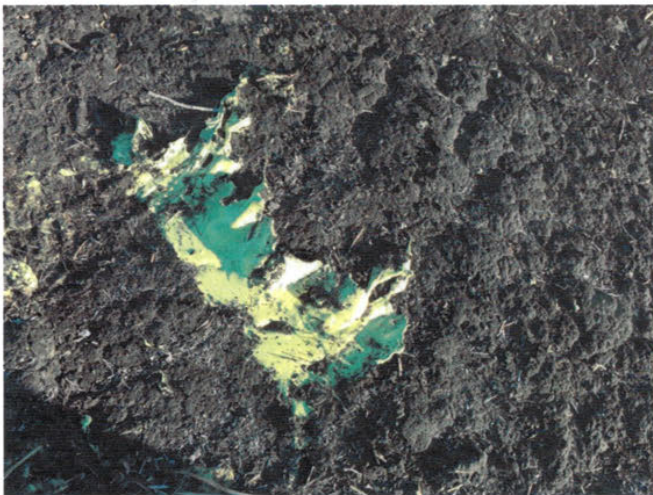
Idaho Department of Environmental Quality
Photographic Documentation For Prime Inc. Truck Fire



Photograph 21: DEQ Photos Taken on October 16, 2015



Photograph 22: DEQ Photos Taken on October 16, 2015



Photograph 23: DEQ Photos Taken on October 16, 2015

**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

Case Number:

1003-0101

Case Title:

Prime, Inc

Subject of Report:

LaInterview and Invoice Receipt of FC Janousek, KHRFD

Reporting Office:

Boise, ID, Resident Office

Activity Date:

February 23, 2016

Reporting Official and Date:

Darin J. Mugleston
Resident Agent in Charge

01-MAR-2016, Signed by: Darin J. Mugleston

Approving Official and Date:

Edward W. Owens
Assistant Special Agent in Charge
*01-MAR-2016, Approved by: Edward W. Owens
Assistant Special Agent in Charge*

SYNOPSIS

On February 23, 2016, Fire Chief Derik Janousek, King Hill Rural Fire District (KHRFD), Glens Ferry, ID, provided EPA-CID with an email he sent to Prime, Inc. (Prime's) insurance company that contained an Invoice and "run report" (Fire Incident Report).

DETAILS

On February 23, 2016, Fire Chief Derik Janousek, KHRFD, Glens Ferry, ID, (208) 599-0000, was phoned by Reporting Agent. Fire Chief Janousek was contacted to determine when he provided and Invoice and his Fire Incident Report to Prime regarding the September 27, 2015, Prime trailer fire on Interstate 84, at mile post 115, near Glens Ferry, ID. Fire Chief Janousek said the following information:

Fire Chief Janousek advised that on Monday, September 28, 2015, at 11:25:34 a.m., he sent an email to Prime's insurance company, RLI, at Tran.Claim@rlcorp.com. In the email to RLI, Fire Chief Janousek attached an Invoice and his "run report" (Fire Incident Report). The purpose of the email was to file a claim to be reimbursed for responding to the September 27, 2015, trailer fire. A copy of the Fire Chief Janousek's email with attachments are attached.

Fire Chief Janousek claimed he never talked to anyone from Prime or the insurance company.

Fire Chief Janousek advised he found the email for the claims department from an internet search.

To Fire Chief Janousek's knowledge, RLI reimbursed KHRFD within a week after filing the claim.

ATTACHMENT

KHFD Incident Report dated 9_27_15
KHFD Invoice to Prime_dated 9_28_15

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it and its contents are not to be distributed outside your agency.

EPA CID Case No. 1003-0101: 0285

A FDID: 39336 State: ID Incident Date: 09/27/2015 Station: 0000927 Exposure: 0 NFIRS - 1 Basic

B Location
1 - Street address MP115 West Interstate 84
 Address Type: MP115 Number/Milepost: West Prefix: Interstate 84 Street Type: Interstate 84 Suffix:
Hammett City: ID State: 83627 Zip Code:
 Apt./Suite/Room: _____ Cross street or directions, as applicable:

C Incident Type 132 - Road freight or tr
 Incident Type: 132 - Road freight or tr

D Aid Given or Received
 Their FDID: _____ Their State: _____ Their Incident Number: _____
N - None
 Type Aid Given or Received:

E1 Dates & Times (Midnight is 0000)
 Alarm: 09/27/2015 02:47
 Arrival: 09/27/2015 02:55
 Controlled: _____
 Last Unit Cleared: 09/27/2015 07:13

E2 Shifts & Alarms Local Option: _____
 Shift or platoon: _____ Alarms: _____ District: _____

E3 Special Studies Local Option: _____
 Special Study ID#: _____ Special Study Value: _____

F Actions Taken
11 - Extinguish
41 - Identify, analyze hazardous materials
55 - Establish safe area
 Actions Taken:

G1 Resources
 Check this box and skip this section if an Apparatus or Personnel form is used.
 Apparatus: 4 Personnel: 6
 Suppression: 4 EMS: 1 Other: 0
 Check box if resource counts include aid received resources.

G2 Estimated Dollar Losses & Values
 LOSSES: Required for all fires if known. Optional for non fires.
 Property: \$ 50000
 Contents: \$ 200000
 PRE-INCIDENT VALUE: Optional
 Property: \$ 50000
 Contents: \$ 200000

H1 Casualties
 Deaths: 0 Injuries: 0
 Fire Service: 0 Civilian: 0

H2 Detector _____
H3 Hazardous Materials Release _____
I Mixed Use Property _____
J Property Use 961 - Highway or divided highway

K1 Person/Entity Involved
Steven Drake
 Mr., Ms., Mrs. First Name MI Last Name Suffix
6301 Sarasota Dr #b
 Number Prefix Street or Highway Street Type Suffix
Mobile
 Post Office Box Apt./Suite/Room City
AL 36609 Prime Inc. 8006900087
 State Zip Code Business name (if applicable) Area Code Phone Number

K2 Owner

 Mr., Ms., Mrs. First Name MI Last Name Suffix

 Number Prefix Street or Highway Street Type Suffix

 Post Office Box Apt./Suite/Room City
 _____ Prime Inc. 8006900087
 State Zip Code Business name (if applicable) Area Code Phone Number

A	FDID <input type="text" value="39336"/>	State <input type="text" value="ID"/>	Incident Date MM <input type="text" value="09"/> DD <input type="text" value="27"/> YYYY <input type="text" value="2015"/>	Station <input type="text"/>	Incident Number <input type="text" value="0000927"/>	Exposure <input type="text" value="0"/>	NFIRS - 2 Fire
----------	---	---------------------------------------	--	------------------------------	--	---	-------------------

B Property Details

B1 Not Residential
Estimated number of residential living units in building of origin

B2
Number of buildings involved

B3
Acres burned (outside fires)

C On-Site Materials or Products

On-site materials On-site materials use

D Ignition

D1
Area of fire origin

D2
Heat source

D3
Item first ignited

D4
Type of material first ignited

Confined to object of origin

E1 Cause of Ignition

Cause of ignition

E2 Factors Contributing To Ignition

Factors contributing to ignition

E3 Human Factors Contributing To Ignition

Estimated age of person involved

Gender of person involved

F1 Equipment Involved In Ignition

Equipment Involved

Brand

Model

Serial #

Year

F2 Equipment Power

Equipment power source

F3 Equipment Portability

Equipment portability

G Fire Suppression Factors

Fire suppression factors

H1 Mobile Property Involved

Mobile property involved

Mobile property model

License plate number

H2 Mobile Property Type & Make

Mobile property type

Mobile property make

Year

State

VIN number

Local Use

A	<u>39336</u>	<u>ID</u>	MM DD YYYY	<u>09/27/2015</u>	<u>0000927</u>	<u>0</u>	NFIRS Remarks
	FDID	State	Incident Date	Station	Incident Number	Exposure	

Remarks

When we arrived on scene, the trailer was fully engulfed. The fire started at the rear of the trailer. About a mile away from the scene, there was a strip of tire laying in the slow lane of the interstate. The fire likely started from the blown tire. The driver said that he did not hear the tire blow. The trailer was loaded with 55 gallon drums of Hazard Class 3 paint approximately 40,000 pounds. We called for region IV Haz-Mat to respond because of the spill. After extinguishing the flames, we found several drums had spilled on the freeway and on the side of the road. All of the drums had vented that were still in the trailer. It was our determination that it went from a haz-mat scene to a clean-up scene. We released Region IV Haz-Mat after that discussion. B&W Wrecker was on scene when we left, they were going to be in charge of the clean-up.

M Authorization						
<u> </u>	<u>Derik</u>	<u>Janousek</u>	<u>Fire Chief</u>	<u> </u>	<u>09/27/2015</u>	
Officer in charge ID	Signature		Position or rank	Assignment	Month Day Year	
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	
Member making report ID	Signature		Position or rank	Assignment	Month Day Year	

KING HILL RURAL FIRE DISTRICT

PO BOX 472
Glenns Ferry, ID 83623

Invoice

Date	Invoice #
9/28/2015	927

Bill To
RLI Insurance c/o Prime Inc. Policy # LET0010124

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
5	Brush Unit 30	125.00	625.00
5	Brush Unit #22	111.00	555.00
5	Tender #25	146.00	730.00
5	Tender #26	146.00	730.00
5	Command #1	90.00	450.00
Total			\$3,090.00

**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

Case Number:

1003-0101

Case Title:

Prime, Inc

Subject of Report:

Interview of ITD Employees Vaughn, Myers, and Bowden

Reporting Office:

Boise, ID, Resident Office

Activity Date:

February 24, 2016

Reporting Official and Date:

Darin J. Mugleston

Resident Agent in Charge

01-MAR-2016, Signed by: Darin J. Mugleston

Approving Official and Date:

Edward W. Owens

Assistant Special Agent in Charge

01-MAR-2016, Approved by: Edward W. Owens

Assistant Special Agent in Charge

SYNOPSIS

On February 24, 2016, Idaho Transportation Department (ITD) employees, Carl Vaughn, Marty Myers, and Bill Bowden were interviewed regarding captioned investigation.

DETAILS

On February 24, 2016, at approximately 9:00 a.m., Carl Vaughn, Foreman, ITD Principal, Maintenance Department, District 3, ITD, Mountain Home, ID, (208) 954-9354; Marty Myers, Transportation Senior, Maintenance Department, District 3, ITD, Mountain Home, ID, (208) 954-9353; and Bill Bowden, Transportation Senior, Maintenance Department, District 3, ITD, Hammitt, ID, (208) 830-3636, were interviewed by Special Agent (SA) Darin Mugleston, EPA-CID, and SA [REDACTED] EPA-CID. The interview was conducted at the ITD Maintenance shed, off Frontage Road, Mountain Home, ID. The purpose of the interview was to determine their knowledge of the September 27, 2015, paint-related waste incident from a semi-trailer fire operated by Prime, Inc. (Prime), on Interstate 84, at mile post 115, near Glens Ferry, ID.

For background, Vaughn has been with ITD for approximately 15 years and has been a foreman for approximately four years. Bowden has been with ITD for approximately 5 years, and Myers has been with ITD for approximately 15 years.

On September 27, 2015, sometime after midnight, Myers received a phone call from Idaho State Communications Center regarding the above trailer fire, involving a Prime trailer carrying approximately 70 drums of paint material, at mile post 115, west bound, Interstate 84, near Glens Ferry, ID. The incident was located approximately two miles from the ITD Hammitt Maintenance Shed. Myers then provided the information to Bowden, because Bowden works in Hammitt, ID, near the incident.

After receiving the phone call from Myers, Bowden and another ITD employee, Andrew Hutchings, responded to the incident around approximately 2 – 3:00 a.m., on Sunday, September 27, 2015. Bowden and Hutchings' responsibilities at the incident were to set up traffic control. Bowden recalled coning off both west bound lanes, and diverting the traffic into a construction cross-over lane to bypass the incident.

Once traffic control was setup, Bowden followed ITD protocol by calling Dan Bryant, ITD's Hazardous Materials Coordinator, Boise, ID. During this conversation, Bryant wanted Bowden to get a backhoe to the site.

Bowden advised when he first arrived at the scene, the local fire department had everyone kept back at a safe distance, because the fire department had a concern the paint material was water reactive. At some point, the fire department learned the paint material was water-based, which allowed for water to be used to

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EPA CID Case No. 1003-0101: 0290

**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

Case Number:

1003-0101

extinguish the fire.

At approximately 6:00 – 6:30 a.m., the Idaho Hazardous Material Regional Response Team (RRT) arrived on scene, according to Bowden.

When RRT arrived on scene, Myers also arrived on scene with a backhoe.

Bowden advised he and Hutchings left the scene at approximately 7:30 a.m., when ITD employees, Dan Saylor and Joe Howe, arrived to help with traffic control. In addition, Howe brought a “broom” truck to sweep off the road after the cleanup.

Upon leaving the scene, Bowden turned the traffic control over to Myers.

Bowden claimed he left the scene before the cleanup company, B&W Wrecking (B&W), arrived on scene.

After taking over traffic control from Bowden, Myers believed B&W arrived on scene around approximately 8:00 a.m.

Myers and Vaughn advised that ITD is not responsible for calling a cleanup company to an incident. The shipping company is responsible for contracting with a cleanup company. ITD is familiar with B&W, because B&W does a lot of towing on the highway.

Myers recalled B&W had three employees on scene. One of the B&W employees was Sandy Derick. Myers is acquainted with Derick from previous incidents on the highway. Myers also believed one of the B&W owners was also present. Myers could not recall the name of the owner or the other B&W employee, but he could identify them.

According to Myers, B&W had a “flatbed 18 wheeler trailer” and a “boom truck” (a semi-truck with a crane) at the scene. In addition, B&W also hired Corder Trucking, Mountain Home, ID, to bring a “side dump” truck to the incident. A side dump truck can dump waste from the side verses the back. Corder had only one employee, who was the truck driver, at the scene.

At some point, the Fire Chief Derek Janousek, King Hill Rural Fire Department, Glenn Ferry, ID, said the site was no longer a “hazardous” site and could be cleaned up.

Myers, Bowden, and Vaughn explained their understanding of “hazardous” is different than the Idaho Department of Environmental Quality (IDEQ) definition of hazardous. They gave specific examples of hazardous situations. For example, “poop bags,” “piss bottles,” and “fire” are hazardous to ITD employees. Even a closed road is considered hazardous. Their interpretation of non-hazardous is when they can handle the material, wherein they don’t need “SCUBA” (breathing apparatus) or “PPE” (personal protective equipment). Further, they did not understand why the paint material involved in the spill was considered hazardous waste by IDEQ. Vaughn questioned why someone can buy paint at a local hardware store and it’s not hazardous, but the paint on the side of the road is now hazardous.

When questioned further about hazardous materials, Myers, Bowden, and Vaughn explained the only hazardous material training they receive is that all ITD employees receive an 8 hour course on hazardous material identification training. This helps them to read the “NIOSH Emergency Response Guide” book and to identify hazard placards on trailers.

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EPA CID Case No. 1003-0101: 0291

**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

Case Number:

1003-0101

Myers, Bowden, and Vaughn reiterated they are not “Incident Commanders” and their scope of work is traffic control and opening the highway.

After the site went into a cleanup phase, Myers used the ITD backhoe to push the burnt trailer off the road. Myers also used the backhoe’s front blade to push spilled paint off the road. Myers then placed dirt on the road to soak up any remaining paint residue to prevent vehicles from tracking paint down the road or onto vehicles. Myers estimated the size of the paint spill on the road was approximately 5’ by 10.’

Myers described the paint on the road as “white liquid.” The top layer of the paint was crusted over because it was charred by the fire. Myers claimed the paint was “runnable” after the crust was knocked off.

Once the trailer and paint were pushed to the side of the road, Myers advised B&W used the boom truck to move drums into the Corder side dump truck. After being asked for assistance by B&W, Myers used the backhoe to help upright any tipped over drum. The B&W employees would then place a strap around the drums, so the boom truck could move each drum to the side dump truck.

Myers advised after drums were placed into the Corder side dump truck, the B&W used the boom truck to place the Prime trailer onto B&W’s flatbed trailer. Myers believed there were some drums left on the Prime trailer that did not go into the side dump truck.

Myers claimed that near the end of B&W’s cleanup, Myers used the backhoe to push any remaining debris and dirt off the road. Myers scooped everything he could with the backhoe and placed the debris into the side dump truck.

Sometime during the cleanup, Myers asked the Corder truck driver where he was taking the waste material. In response, the Corder truck driver said he was taking the waste to “ESI Grandview” (Envirosafe Services, Inc. “ESI”, is now known as U.S. Ecology, Inc., located in Grandview, ID). Myers thought it was odd that waste was going to “ESI,” because Myers’s didn’t think ESI took liquid waste.

When Myers was asked by interviewing agents for his opinion if the above questioned waste could be taken to the Simco Road Landfill, Myers said, “it wouldn’t be right, because it was hazardous.”

Myers believed B&W finished the cleanup around 1 – 2 p.m., on Sunday, September 27, 2015. After the cleanup, ITD used the broom machine to sweep off the road. After the road was swept, Myers opened the entire highway to traffic, around 2:00 p.m.

Myers and Bowden stated they never had any discussions with the Prime truck drivers.

Bowden stated he left the scene before B&W arrived on scene.

Myers stated he had conversations with Sandy Derrick from B&W, but they did not discuss anything about the incident.

Myers and Bowden stated they did not have any conversations with anyone about hazardous materials.

Vaughn claimed he was out of town during the above incident. Vaughn received the information about the incident the following day, on Monday, September 28, 2015. Vaughn claimed he did not go out to inspect the site until Wednesday, September 30, 2015. Vaughn wanted to inspect the site to make sure the slope on the side of the road was correct and the area was “mowable.”

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EPA CID Case No. 1003-0101: 0292

**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

Case Number:
1003-0101

When Vaughn inspected the site, Vaughn thought the site was fairly clean; however, he noticed the fire had caused some damage to the concrete road and there was some paint on the side of the road, along with some “molten metal.” Vaughn claimed the paint was “gummy.”

Agent’s note: on February 24, 2016, at approximately 4:30 p.m., SA Mugleston called Vaughn to clarify a few notes.

After visiting the site, Vaughn called Prime to see who did the cleanup for the September 27, 2015, incident. Vaughn remembered spending a “ridiculous” amount of time being transferred from one department to another until he finally reached the Prime employee, Talia Smith (Vaughn recalled the name from his notes). Vaughn learned from Smith that Prime used B&W to do the cleanup.

When Vaughn learned who did the cleanup, he called B&W to have the molten metal and paint cleaned up. To Vaughn’s knowledge, either B&W or someone else went out to the site and removed the metal and paint. Vaughn was not present during any cleanup of this material.

At some point after this second cleanup, Vaughn was contacted by Maureen Vincinty, Idaho Department of Environmental Quality (IDEQ), informing him the site still contained hazardous waste. According to Vaughn, Vincinty contacted Vaughn because the site is on ITD property.

After the call from IDEQ’s Vincinty, Vaughn said he went back to the site. Vaughn said he called Vincinty and told her she was correct, the site still had paint.

Vaughn claimed IDEQ made the arrangements with Prime for additional cleanup. Vaughn stated he never did call Prime or B&W again regarding any further cleanup.

In regards to this third cleanup of the site, Vaughn somehow learned Corder Trucking was involved with the cleanup; therefore, Vaughn called Corder Trucking to inform it of obtaining ITD permits to work on ITD property and the need for Corder Trucking to provide its own traffic control during the cleanup.

When Vaughn contacted Corder Trucking, he learned that Corder Trucking is affiliated with CWE, which is owned by Tim Corder’s son. Vaughn was told that CWE was the actual company to assist in the cleanup, because CWE is a licensed hazardous waste transporter. Vaughn told CWE about the permits and providing its own traffic control.

After CWE completed the permit forms, ITD Form 2111 and State Property Form 215, Vaughn processed the forms with ITD Boise. Vaughn claimed ITD Boise has all the paperwork.

The interview was terminated at approximately 10:50 a.m.

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EPA CID Case No. 1003-0101: 0293

**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

Case Number:

1003-0101

Case Title:

Prime, Inc

Subject of Report:

Recorded Interview of Stephan Drake, Prime Truck Driver

Reporting Office:

Boise, ID, Resident Office

Activity Date:

March 15, 2016

Reporting Official and Date:

Darin J. Mugleston

Resident Agent in Charge

22-MAR-2016, Signed by: Darin J. Mugleston

Approving Official and Date:

Edward W. Owens

Assistant Special Agent in Charge

22-MAR-2016, Approved by: Edward W. Owens

Assistant Special Agent in Charge

SYNOPSIS

On March 15, 2016, Stephan Drake, Truck Driver, Prime, Inc. (Prime), was interviewed. Drake said the B&W Wrecking Services (B&W)'s truck driver told him that B&W had hazardous material (hazmat) certifications. Drake heard B&W tell the police officer they have hazmat certificates. Drake was told by Prime that B&W ensured it had hazmat certificates.

DETAILS

On March 15, 2016, at approximately 1:27 p.m., Stephan Drake, Truck Driver, Prime, (251) 327-7577, was phoned by Special Agent (SA) Darin Mugleston, EPA-CID, and SA [REDACTED] EPA-CID. Drake was interviewed regarding his knowledge of the September 27, 2015, paint-related waste incident from a semi-trailer fire driven by Drake for Prime, on Interstate 84, at mile post 115, near Glens Ferry, ID.

Prior to the interview, Drake was informed the interview was going to be audio recorded. An Audio recording of Shaffer's interview was downloaded to a compact disk by SA Mugleston. The compact disk is stored as evidence at the Boise Resident Office. A copy of the Chain of Custody is attached as a place holder.

A general summary of the audio recorded interview with Drake has been included below to provide an investigative reference to the topics discussed during the interview. This summary is not intended to be in chronological order or a verbatim account and does not memorialize all statements made during the interview. The recording captures the actual words spoken.

In the beginning of the interview, SA Mugleston explained the purpose of the interview. (Recorder Time Stamped (RTS): approx. 00:02:00 minutes)

Drake briefly described the incident regarding his semi-trailer catching fire on September 27, 2015, on Interstate 84, near Glens Ferry, ID. Drake said he was hauling a load of paint from PPG outside of Pittsburg to Portland, Oregon. When he was about an hour from Boise, ID, on I-84, he noticed, from his rearview mirror, flames coming from his trailer tires. Drake pulled over as the trailer ignited quickly. Drake then called 911. (RTS: approx. 00:04:00 minutes)

When asked if Drake knew what he was hauling, Drake said, "It was a hazmat load." "The trailer was placard with the proper hazmat placards." Drake said there are certain procedures he has to follow when carrying hazardous material. Drake said the shipper provides the placards, but he places the placards on the trailer after he verifies the load with the paperwork. He also cross-references the loads' "UN" numbers (each UN number is a hazard identifier) with the "hazmat" book to make sure it is placard correctly. (RTS:

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EPA CID Case No. 1003-0101: 0959

**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

Case Number:

1003-0101

approx. 00:06:00 minutes)

Drake said he knew the load was “flammable liquid.” (RTS: approx. 00:07:20 minutes)

When asked what procedures are taken by a Prime truck driver during such an incident, Drake said, “First, I’m supposed to contact emergency services.” Drake advised he did that by calling 911. Drake provided 911 with the UN numbers of the material being carried. After calling 911, Drake then called Prime’s Road Assistance Department and told them what happened. In the interview, Drake could not recall the names of the people he talked to at Prime regarding this incident. (RTS: approx. 00:07:40 minutes)

Drake said he and his wife are team drivers for Prime. In regards to this specific incident, Drake advised he and his wife always inspected the truck and trailer whenever they had mandatory stops or when they stopped to change drivers or to fuel. Drake said they never did determine what caused the fire. He opined it was either a wheel hub overheated or a tire blew, but he didn’t feel a tire blow. (RTS: approx. 00:08:50 minutes)

When asked who contacted the towing company to do the cleanup, Drake said, “Prime.” Drake did not know who specifically from Prime called the towing company. Drake advised Prime has a list of towing companies throughout the country. Drake remembered it was a local company in the area. After interviewing agents refreshed Drake’s memory, Drake recalled the towing company was B&W. (RTS: approx. 00:10:00 minutes)

Drake stated he was present when B&W arrived on scene and he was present when the police left B&W in charge of the scene for cleanup. (RTS: approx. 00:10:55 minutes)

Drake stated he heard the police officer (Sgt. Colin Bonner, Idaho State Police) questioning B&W about having hazmat permits. Drake said, “Just like we need to have hazmat endorsements on our licenses and all the training, so does the towing company if they are going to haul the hazmat material off.” (RTS: approx. 00:11:47 minutes)

Drake further explained when he first learned from Prime it hired B&W to clean up the incident, Drake told the police officer about Prime hiring B&W. The police officer told Drake he knew of B&W, but he didn’t know of them (B&W) having hazmat permits. Drake then reported to Prime about the police officer’s concern that B&W didn’t have hazmat permits. According to Drake, the individual from Prime said that B&W told Prime it had the hazmat permits. (RTS: approx. 00:13:00 minutes)

After Drake had the above conversations with Prime, the B&W driver called Drake when en route to the scene. Drake claimed Prime provided B&W with Drake’s phone number. When the B&W driver called him, Drake asked the B&W driver if they had permits, and the B&W individual said, “We got it all.” Drake then told the police officer what B&W said about the permits. The police officer then said, “They better have everything, or they ain’t hauling it off.” Drake opined the police officer was “sort of a tough guy.” When B&W arrived at the site, Drake recalled the police officer asking B&W about hazmat permits. Drake claimed the police officer was “hell bent” that B&W wasn’t going to take the material if they didn’t have permits. Drake said he left it to the police officer to verify B&W’s paperwork. (RTS: approx. 00:13:20 minutes)

Drake did not know the name of the B&W truck driver, but he would recognize him. (RTS: approx. 00:16:20 minutes)

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EPA CID Case No. 1003-0101: 0960

**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

Case Number:

1003-0101

Drake stated this was the only incident he has had with a “hazmat load.” Drake and his wife have been driving for about three years, and they are still currently with Prime. Since the September incident, Drake and his wife told Prime they will not carry hazardous materials anymore. Drake said the job is dangerous enough without adding hazardous material. (RTS: approx. 00:17:20 minutes)

In order to transport hazardous material as a truck driver, Drake said he and his wife attended a three month driver school, then they received additional training in order to obtain their hazmat endorsements. Drake advised each State’s Department of Motor Vehicles will issue a hazmat endorsement test, which if passed, will be added to your driver’s license. (RTS: approx. 00:18:10 minutes)

During a summary review of the above interview, Drake confirmed that the B&W individual told Drake they (B&W) have the certifications to handle a hazmat incident. Drake also overheard the B&W individual telling the police officer that B&W has the proper hazmat endorsements. In addition, based upon the police officer’s concern that B&W was not a hazmat certified, Drake called Prime to report this concern. During the call to Prime, Prime told Drake that B&W ensured they (B&W) have the proper certifications. (RTS: approx. 00:20:12 minutes)

Drake did not recall sending Prime a message through the semi-truck’s onboard computer system. Drake recalled only using the phone to deal with Prime on the day of the incident. (RTS: approx. 00:23:50 minutes)

When asked if he was nervous of the flammability of the paint material, Drake said, “Yes, that is why initially I ran from it.” Drake recalled once the flames got to the “barrels,” the barrels would “poof” up, but not really explode. Drake then ran and disconnected the semi-truck from the trailer, really fast. (RTS: approx. 00:25:20 minutes)

Drake described the condition of the trailer during the fire. Drake claimed the wheels and the top of trailer had melted down. The 55-gallon drums of paint were sitting on the trailer, except for the drums near the rear of the trailer, where the fire started. The drums near the rear fell off the trailer and rolled into the grass. Further, Drake stated many of the drums still had paint left in the drums. (RTS: approx. 00:26:00 minutes)

Drake did not know what happened to the burnt trailer. When Drake and his wife left the incident, the material, including the drums, was still in place. However, from talking with B&W, Drake was told B&W was going to get a flatbed trailer to haul off the remains of the trailer. Also, B&W was going to get a crane to pull and haul off the drums. Drake claimed he did not see any removal. (RTS: approx. 00:27:30 minutes)

After being cleared to leave the site by the police officer, Drake and his wife left the scene around 7 or 8:00 a.m. (RTS: approx. 00:28:15 minutes)

Drake provided his wife’s, Anglia, phone number (251) 402-8533. (RTS: approx. 00:29:10 minutes)

When asked about his residence, Drake said he rents a suite from a friend’s house, but is rarely there. (RTS: approx. 00:16:54minutes)

This interview was terminated at approximately 1:59 p.m.

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EPA CID Case No. 1003-0101: 0961

United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report

Case Number:
1003-0101

ATTACHMENT

COC - Recorded Interview of Stephan Drake, dated 3_15_16

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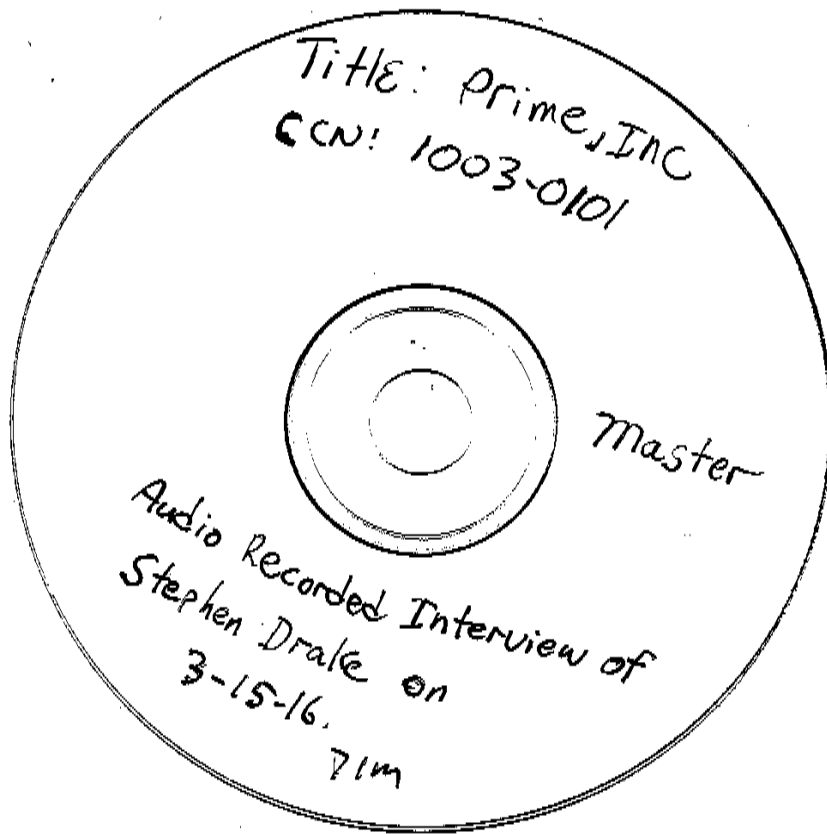
EPA CID Case No. 1003-0101: 0962



United States Environmental Protection Agency
Office of Criminal Enforcement, Forensics & Training
CHAIN OF CUSTODY RECORD

Case Number 1003-M473		Case Name Prime, Inc		1. Collection Location/Source Audio Recorded Interview
2. Item/Sample Number	Item/Sample Date Time	3. Collected By	4. Item/Sample Location	5. Description
	3/15/16	SA Mogleston	Audio Recorded Interview	One (1) Compact Disk titled "Audio Recorded Interview of Stephan Drake on 3-15-16." Initialed "DJM"
Nothing Follows				
DJM				

EPA/CID Case No. 1003-0101-0968



**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

Case Number:
1003-0101

Case Title:
Prime, Inc

Subject of Report:
4-14-16 Recorded Interview of Darren Buys, B&W

Reporting Official and Date:
Darin J. Mugleston
Resident Agent in Charge
23-MAY-2016, Signed by: Darin J. Mugleston

Reporting Office:
Boise, ID, Resident Office

Activity Date:
May 20, 2016

Approving Official and Date:
Edward W. Owens
Assistant Special Agent in Charge
*23-MAY-2016, Approved by: Edward W. Owens
Assistant Special Agent in Charge*

SYNOPSIS

The U.S. Department of Transportation – Office of Inspector General (DOT-OIG)'s Memorandum of Activity (MOA) for the interview of Darren Buys, a Tow Truck Driver, B&W Wrecking Services (B&W) is attached.

DETAILS

On April 14, 2016, Darren Buys, a Tow Truck Driver, B&W, was interviewed by Special Agent (SA) Darin Mugleston, EPA-CID, and SA [REDACTED] [REDACTED] DOT-OIG. On May 20, 2016, Reporting Agent received DOT-OIG's MOA on the interview of Buys, which is attached.

ATTACHMENT

DOT-OIGs MOA Interview of Darren Buys, dated 4_14_16

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EPA CID Case No. 1003-0101: 1073

Memorandum of Activity

Case Number: C16H0010903	Reporting Office: JRI-9 Seattle	Type of Activity: Interview
Date of Activity: 04/14/2016	Date Report Drafted: 04/22/2016	Location of Activity: B&W Wrecker Service 11043 Moss Ln Nampa ID
Subject of Activity: BUYS, DARREN	Activity Conducted By (Name(s)): [REDACTED] [REDACTED]	Signature: C B

On April 14, 2016, Darren Buys, a tow truck driver for B&W Wrecker Service, was interviewed by Special Agent Darin Mugleston, U.S. Environmental Protection Agency, Criminal Investigation Division; and Special Agent [REDACTED] [REDACTED] U.S. Department of Transportation, Office of Inspector General.

The purpose of the interview was to question Buys about the clean-up of a semi-trailer that caught fire carrying nearly 38,000 pounds of UN1263 paint.

Before questioning Buys, the agents introduced themselves and presented their credentials. Buys consented to having the interview recorded.

After the interview, Special Agent Mugleston downloaded the audio recording to a compact disk. The compact disk is stored as evidence at the U.S. Environmental Protection Agency, Criminal Investigation Division, Boise Resident Office.

The following summary is included to provide a reference to topics discussed during the recorded interview. It is not intended to be in chronological order or a verbatim account. It does not memorialize all statements made during the interview. The recording of the interview captures the actual words spoken.

All times below are taken from the recording and are approximate:

CALL OUT:

Everyone was gone other than some ITD employees and maybe a deputy by the time Rick and Buys got there. (00:05:45)

Sandy or Rick called Buys to haul a burned up trailer. (00:18:30)

Sandy was already there. Buys does not believe the Idaho State Police was there when he showed up. Rick got there directly after Buys. (00:19:30; 00:27:15)

Sandy said it was paint. (00:28:00)

CLEAN UP:

We all heard it was not hazardous after it was burnt. (00:05:30)

Barrels still had stuff in them. (00:21:00; 00:26:30)

Someone called another company, maybe named Corder, that brought a side dump. (00:21:30)

They put barrels into the side dump. (00:24:00)

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Case Number: C16H0010903	Reporting Office: JRI-9 Seattle	Type of Activity: Interview
Date of Activity: 04/14/2016	Date Report Drafted: 04/22/2016	Location of Activity: B&W Wrecker Service 11043 Moss Ln Nampa ID
Subject of Activity: BUYS, DARREN	Activity Conducted By (Name(s)): [REDACTED]	Signature: C B

There were some drums left on the trailer they hauled to their yard in Mountain Home. (00:28:45)

Buys knew it was paint when he showed up. (00:36:30)

The fire department and police were all gone. You do not expect them to be gone if hazmat is there. (00:41:00)

It looked like non-hazardous road paint. (00:42:45)

If the Idaho State Police said it was hazmat, that never got passed on to Buys. B&W would have washed there hands of it. (00:44:00)

Nobody told Buys it was a hazmat incident. (00:45:45)

TRANSPORTATION:

Buys has a Class A commercial driver license with doubles, triples, and tankers endorsements. He never put hazmat on it. (00:11:00)

Buys drove the trailer to the Mountain Home yard. The vehicle Buys drove was not placarded. Buys did not have any paperwork. (00:33:15; 00:56:45; 01:12:15)

Buys did not recognize the paint to be a hazardous material or waste. (00:48:00)

If it was hazmat why wasn't an emergency response team called. Boise has a hazmat team on its fire department. (00:50:30)

Idaho State Police did not tell Buys that it was a hazmat incident and needed to be properly cleaned up. Buys never spoke to or saw the Idaho State Police there. (00:54:00)

Buys never spoke with the Corder driver about whether he had a hazmat endorsement. (00:56:00)

A tow truck driver is exempt from needing the hazmat endorsement when hauling a truck off the road to a repair shop. The exemption only applies to the first move. It's referred to as a primary move. (00:12:00; 01:02:00; 01:04:45; 01:18:00)

DISPOSAL:

Buys heard that Prime sent another company to get the trailer from the Mountain Home yard. (00:34:00)

The Corder truck was dumped at the dump. (01:04:30)

ATTACHMENT(S):

1. Copy of the recorded interview

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Case Number: C16H0010903	Reporting Office: JRI-9 Seattle	Type of Activity: Interview
Date of Activity: 04/14/2016	Date Report Drafted: 04/22/2016	Location of Activity: B&W Wrecker Service 11043 Moss Ln Nampa ID
Subject of Activity: BUYS, DARREN	Activity Conducted By (Name(s)): [REDACTED] [REDACTED]	Signature: C B

Reviewed By (Initials): L G

Date: 05/05/2016

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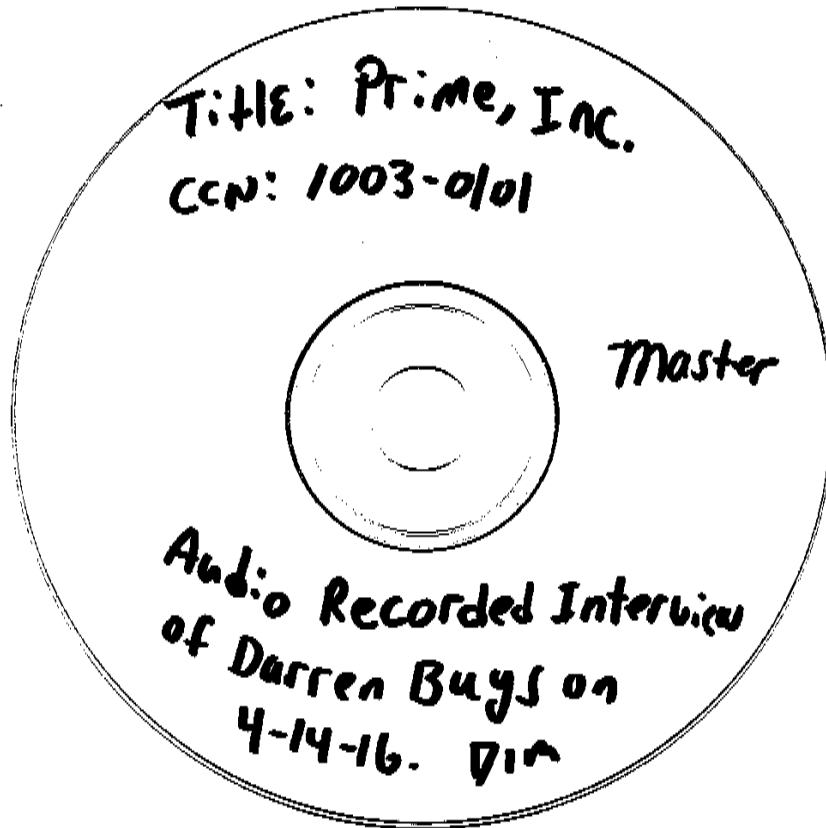


United States Environmental Protection Agency
Office of Criminal Enforcement, Forensics & Training
CHAIN OF CUSTODY RECORD

Case Number 1003-0101		Case Name Prime, Inc		1. Collection Location/Source Audio Recorded Interview
2. Item/Sample Number	Item/Sample Date Time	3. Collected By	4. Item/Sample Location	5. Description
	4/14/16	SA Mugleston	Audio Recorded Interview	One (1) Compact Disk titled "Audio Recorded Interview of Darren Buys on 4-14-16." Initialed "DJM"
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EPA CID Case No. 1003-0101: 1077

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**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

Case Number:

1003-0101

Case Title:

Prime, Inc

Subject of Report:

Interview-Photos of David McCallum, Corder Trucking

Reporting Office:

Boise, ID, Resident Office

Activity Date:

June 28, 2016

Reporting Official and Date:

Darin J. Mugleston

Resident Agent in Charge

01-JUL-2016, Signed by: Darin J. Mugleston

Approving Official and Date:

Edward W. Owens

Assistant Special Agent in Charge

08-JUL-2016, Approved by: Edward W. Owens
Assistant Special Agent in Charge

SYNOPSIS

On June 28, 2016, David McCallum, former Truck Driver, Corder Trucking, doesn't recall having a discussion with Tim Corder about what was contained in the bed of the side dump truck. McCallum provided two photos of the cleanup site.

DETAILS

On June 28, 2016, David McCallum, former Truck Driver, Corder Trucking, was interviewed by Special Agent (SA) Darin Mugleston, EPA-CID, SA [REDACTED] [REDACTED] U.S. Department of Transportation – Office of Inspector General (DOT-OIG), and Detective Dan “Zach” Parlin, Elmore County Sheriff’s Office (ECSO). DOT-OIG. McCallum was previously interviewed on March 31, 2016, which was documented in DOT-OIG’s Memorandum of Activity. McCallum was re-interviewed to clarify a few questions regarding the cleanup of the September 27, 2015, paint-related waste incident from a semi-trailer fire operated by Prime, on Interstate 84, at mile post 115, near Glens Ferry, ID. McCallum said the following:

Regarding the cleanup of the above fire incident, McCallum received a call from Mike, Corder Trucking, to take a side dump truck owned by Corder White Excavation (CWE) to the accident site.

Agent’s note: Corder Trucking, located in Mountain Home, Idaho, is owned by Tim Corder Senior. Tim Corder Jr. is part owner of CWE, also located in Mountain Home, Idaho.

After the cleanup of the paint waste incident, McCallum transported the side dump truck containing drums of paint waste back to CWE’s yard in Mountain Home, ID.

McCallum could not recall if he had the side dump truck’s tarp pulled over the bed of the dump truck. McCallum explained the side dump truck has a tarp that can be automatically pulled over the entire bed of the dump truck. McCallum doesn’t think the tarp was pulled over because there were drums poking out of the top of the bed; therefore, the tarp wouldn’t go over the back.

McCallum doesn’t recall having a discussion with Tim Corder about what was contained in the bed of the side dump truck.

McCallum recalled there was paint from the cleanup splashed on the side of the dump truck. McCallum recalled Sandy Derrick, Tow Truck Driver, B&W Wrecking Services, expressed concerns to McCallum that Tim Corder would be upset about paint being on the side of the truck.

After the side dump truck was back at CWE’s yard, McCallum tried to rinse the paint off the side of the truck with a power washer.

During the interview, McCallum searched his phone for any photos he took of the cleanup site. After

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EPA CID Case No. 1003-0101: 1098

**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

Case Number:

1003-0101

finding two photos, McCallum forwarded the photos to Detective Parlin, which are attached.

On June 29, 2016, Detective Parlin forwarded, via email, the photos to SA Mugleston. SA Mugleston burned the photos to a compact disk, which will be kept the Boise Resident Office. A copy of the Chain of Custody is attached as a place holder for this report.

ATTACHMENT

Photo IMG 806

Photo IMG 807

Chain of Custody_Photos by McCallum, dated 9_27_15

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EPA CID Case No. 1003-0101: 1099

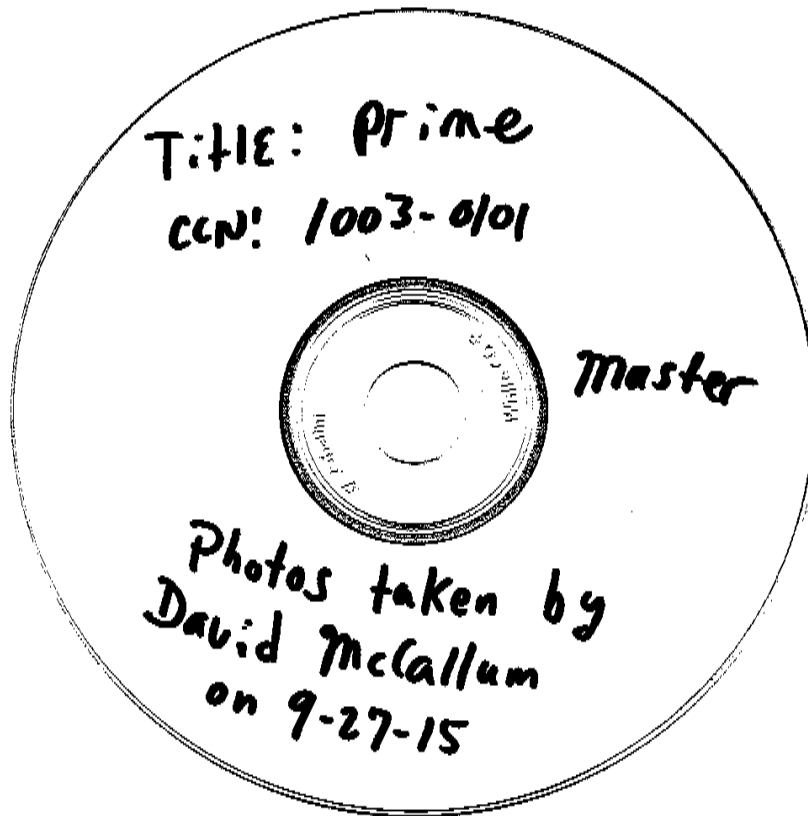


United States Environmental Protection Agency
 Office of Criminal Enforcement, Forensics & Training
CHAIN OF CUSTODY RECORD

EPA CIE Case No. 1003-0101: 1100

CX 57 Page 3 of 6

Case Number 1003-0101		Case Name Prime, Inc		1. Collection Location/Source David McCallum	
2. Item/Sample Number	Item/Sample Date Time	3. Collected By	4. Item/Sample Location	5. Description	
20160629-001	9/27/15	SA Mogleston (Email from Detective Parlin)	Photos of Prime's trailer fire on Interstate 84, near mile post 115, near Glens Ferry, ID.	One (1) Compact Disk containing digital images taken of the cleanup of Prime's trailer fire on Interstate 84, near mile post 115, by David McCallum, on 9/27/16.	
<i>Nothing Follows</i>					
<i>DIN</i>					
<i>[Handwritten signature]</i>					



Title: Prime
CCN: 1003-0101

Master

Photos taken by
David McCallum
on 9-27-15



EPA/CID Case No. 1003-0-101-1109



EPA-CID Case No. 1003-0101: 1103

**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

Case Number:

1003-0101

Case Title:

Prime, Inc

Subject of Report:

Interview of Joni Stewart, Prime

Reporting Official and Date:

Darin J. Mugleston

Resident Agent in Charge

28-JUL-2016, Signed by: Darin J. Mugleston

Reporting Office:

Boise, ID, Resident Office

Activity Date:

July 20, 2016

Approving Official and Date:

Edward W. Owens

Assistant Special Agent in Charge

01-AUG-2016, Approved by: Edward W. Owens

Assistant Special Agent in Charge

SYNOPSIS

On July 20, 2016, Joni Stewart, Sales Coordinator, Prime, Inc. (Prime), Nixa, MO, was interviewed. Stewart said if there was an accident with a load in transit, Prime's Safety Department is responsible for handling the accident and making decisions about any cleanup. Stewart claimed she does not see hazardous material loads in her area of responsibility.

DETAILS

On July 20, 2016, at approximately 4:10 p.m., an attempt was made to interview Joni Stewart, Sales Coordinator, Prime, Ozark, MO, by Special Agent (SA) Darin Mugleston, EPA-CID, and SA [REDACTED] U.S. Department of Transportation – Office of Inspector General (DOT-OIG). Stewart was not home, but her daughter indicated Stewart would be home around 7:00 p.m.

At approximately 7:10 p.m., Joni Stewart was interviewed by SA Mugleston and SA [REDACTED] Stewart was interviewed on the door steps of her residence. Stewart was interviewed regarding the allegations Prime caused the disposal of hazardous paint waste into an unpermitted landfill on September 28, 2016.

Prior to questioning Stewart, SA [REDACTED] and SA Mugleston introduced themselves and displayed their credentials to Stewart.

After explaining the purpose of the interview, Stewart said the following information:

Stewart has been employed at Prime since 2009.

Stewart is a Prime Sales Coordinator, and her area of coverage is Idaho. Stewart explained Prime has sales coordinators covering different parts of the country.

As a Sales Coordinator, Stewart does the booking and planning for the transportation of goods for Prime's customers. For example, she makes the transportation arrangements for Prime's customer, Choboni (Greek Yogurt), in Twin Falls, ID.

When asked about her knowledge of the cleanup and disposal of the September 27, 2015, paint-related waste incident from a semi-trailer fire operated by Prime, in Idaho, Stewart stated she does not recall the incident.

Stewart, as a sales coordinator, is not responsible for coordinating an accident cleanup with a load in transit. Stewart stated she "doesn't make any decisions" about an accident.

Stewart claimed if there was an accident with a load in transit, Prime's Safety Department is responsible for handling the accident and making decisions about any cleanup. Stewart recalled David White is in the

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EPA CID Case No. 1003-0101: 1125

**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

Case Number:

1003-0101

Safety Department.

Stewart was shown an email from Erika Duckworth to her [Joni Stewart], dated September 28, 2015 (Bate stamped 000548). Note: Duckworth asks in the email the email "Has permission to dispose of been obtained for this trailer yet?"

After reading the email, Stewart claimed Duckworth must have sent the email, because Duckworth thought Stewart was the assigned sales coordinator for the questioned load. Stewart pointed out that Stewart's sales assistant, Jill Buatte, in the email response to Duckworth stated the area of responsibility was Jennifer Sanderson. Stewart explained Sanderson is the sales coordinator for Pennsylvania, where the load originated. The email is attached.

In further response to the above email, Stewart pointed out Buatte also stated in the email response to Duckworth that Joann Black "was working the claim." Stewart explained Prime has a Claims Department with two divisions, the accident claims division and the cargo claims division. The accident claims division handles claims for Prime's property such as the truck or trailer. The cargo claims division handles claims for the material being transported.

When questioned about the transportation of hazardous materials, Stewart claimed she does not see hazardous material loads in her area of responsibility.

When asked how does Prime know what is being transported, Stewart said Prime's customers will provide Prime with the information of the load, for example the "UN numbers." Prime uses the information to determine how to ship the material.

Stewart briefly described Prime's protocol with accidents. If an accident occurs, the truck driver calls Prime's Dispatch Center. The Dispatch Center contacts the sales coordinator, the safety department, and the claims department. The sales coordinator will coordinate with the dispatch and the customer. Dispatch will coordinate with the truck driver and the other departments within Prime.

At the end of the interview, Stewart was provided SA [REDACTED] and SA Mugleston's contact information.

Stewart questioned interviewing agents about the allegations of hazardous material being disposed at an unpermitted landfill. Stewart asked wouldn't the hazardous materials cleanup company know where to take the waste? In response, SA Mugleston said that is why there is an investigation to answer those questions.

Stewart also asked how interviewing agents got her address. SA [REDACTED] said interviewing agents have access to data bases. SA Mugleston said, "We are cops."

Stewart provided no further information.

The interview was concluded at approximately 7:36 p.m.

ATTACHMENT

Email from Duckworth to Stewart, dated 9_28_15 (BS 000548)

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EPA CID Case No. 1003-0101: 1126

From: Jill Buatte [<mailto:JBuatte@primeinc.com>]
Sent: Monday, September 28, 2015 3:42 PM
To: Erika Duckworth; Michelle Schaefer
Cc: Gary Parnell; Jennifer Sanderson; Joann Black
Subject: RE: 143320 - Trailer fire - Permission to dispose Prime#1335454

This is load out of PA. Sandj area & looks like Blacj was working the claim. One of them should be better able to assist you.

Gary/Jenny/Joann—see below

Thanks!

Jill Buatte
Sales Assistant, Prime, Inc.
jbuatte@primeinc.com
Ph#800 848 4560 x4827
Fax#417 521 5555

From: Erika Duckworth
Sent: Monday, September 28, 2015 2:17 PM
To: Michelle Schaefer; Jill Buatte
Subject: FW: 143320 - Trailer fire - Permission to dispose

From: Erika Duckworth
Sent: Monday, September 28, 2015 2:16 PM
To: Joni Stewart
Subject: 143320 - Trailer fire - Permission to dispose

Has permission to dispose of been obtained for this trailer yet?

*** ACCIDENT REPORTED #0116457

The tow company that worked the accident is charging storage that the product is sitting on.

Thank you

Erika Duckworth
Road Assist
For email use road@primeinc.com It goes to entire department, & is answered 24/7
Fax:417-521-5580

<image001.png>
2740 N. Mayfair
Springfield MO. 65803
<http://www.primeinc.com/>

<image001.png>

**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

Case Number:
1003-0101

Case Title:
Prime, Inc

Subject of Report:
7-19-16 Transcript of Recorded Interview of Gary Broderick, Prime

Reporting Official and Date:
Darin J. Mugleston
Resident Agent in Charge
02-NOV-2016, Signed by: Darin J. Mugleston

Reporting Office:
Boise, ID, Resident Office

Activity Date:
November 1, 2016

Approving Official and Date:
Jeanne Proctor
Special Agent in Charge
*02-NOV-2016, Approved by: Edward W. Owens
Assistant Special Agent in Charge*

SYNOPSIS

The U.S. Department of Transportation – Office of Inspector General (DOT-OIG) provided the transcript of the July 19, 2016 recorded interview of Gary Broderick, Prime, Inc. (Prime).

DETAILS

On November 1, 2016, DOT-OIG provided Reporting Agent the transcript for the July 19, 2016 recorded interview of Gary Broderick, employee of Prime, which was conducted by Special Agent (SA) Kenny Jamison, EPA-CID, and SA [REDACTED] [REDACTED] DOT-OIG. The Broderick transcript is attached.

ATTACHMENT

Transcript of Gary Broderick Interview, dated 7_19_16

for
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EPA CID Case No. 1003-0101: 1267

1 UNITED STATES DEPARTMENT OF TRANSPORTATION

2 OFFICE OF INSPECTOR GENERAL

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Sworn Interview of Gary Broderick

Case Number I16H0010903

On July 18, 2016

At 7:00 p.m.

Interview Conducted by

Special Agent [REDACTED] [REDACTED] DOT OIG

Special Agent Kenny Jamison, EPA CID

26

P R O C E E D I N G S

27

MR. [REDACTED] This is Special Agent [REDACTED] [REDACTED]

28

with the U.S. Department of Transportation Inspector General's

29

Office. I'm with Kenny Jamison, with the Environmental

30

Protection Agency Criminal Investigation Division. We're

31

talking with Gary Broderick, with Prime, Inc. The date is

32

July 18, 2016 and the time is 7 p.m.

33

Gary, can you just state for the recording that

34

you've given us consent to record the conversation?

35

MR. BRODERICK: Yes, my name is Gary Broderick.

36

They have consent for the conversation and I do not know what

37

this conversation is about yet.

38

WHEREUPON,

39

GARY BRODERICK

40

was called for questioning, and after having first given

41

consent, was examined and testified as follows:

42

EXAMINATION

43

BY SPECIAL AGENT [REDACTED]

44

Q Okay. So the nature of the conversation is we want

45

to talk to you about a trailer accident in Idaho, a Prime

46

trailer accident back in Idaho in September, of 2015. There

47

was a Prime trailer that was transporting paint from

48

Pennsylvania to Oregon and into Idaho. It caught fire and it

49

was cleaned up and then it was disposed of. And we just have

50

some questions about that process and how it happened.

51 A Okay. I'm very not familiar about the accident
52 itself.

53 Q Okay.

54 A But what are your questions?

55 Q Okay. So let's try to refresh your memory a little
56 bit and see if it brings it back a little bit. Let me make
57 sure that we've got -- so the reason why we're talking with
58 you is because we've got some email correspondence. So we've
59 been trying to figure out what happened with the cleanup. It
60 seems like there may have been some issues with the way that
61 the accident was cleaned up and where the stuff was taken.

62 A Okay.

63 Q And we're trying to find out more information about
64 that. And in doing that, we've come across some email
65 correspondence which gave us a name, Gary Broderick. So
66 that's why we -- and we think this is you.

67 A That's me.

68 Q But you'll tell us, I guess. And in the -- in the
69 email, it states that -- well, let me start from the beginning
70 here. There's an email from Erica Duckworth that says there's
71 an accident. And she then asks you to distribute that
72 information to some people. And then you write in the email
73 here what you write. And you can just read that to refresh
74 your memory, if you want.

75 A Okay. At last report, tractor was separated from

76 trailer. Highway Patrol says trailer is fully engulfed.
77 Waiting for updating reports on needed cleanup. Okay, UN1263
78 paint load. I added the safety director, the Sunday
79 supervisor, who takes on the next shift because -- okay, this
80 happened during the transition of one shift to another.

81 Q Okay.

82 A So I was handing the situation off to another person
83 and the actually fleet manager of the driver. The drivers
84 were not injured.

85 Q Okay. Before we go any further, I do -- I just want
86 to state that this whole conversation is completely voluntary.
87 We're at your -- we're at your residence, I guess, here in the
88 vehicle. But we're at your residence and you're welcome to
89 leave any time. If you don't want to answer any questions,
90 you don't have to. Then, this is important. It's important
91 for you. Because we're federal law enforcement officers, it
92 could be a crime if you lied to us. So we just want you to
93 know that before we ask you any more questions.

94 A Okay.

95 Q If you don't want to answer a question, don't answer
96 it.

97 A Okay.

98 Q But keep yourself out of trouble by not lying about
99 anything. Okay. So how did you -- so why -- let's talk about
100 how you -- what position you have or like why did you get that

101 email. What's your position at Prime?

102 A I'm the night supervisor for the dispatchers.

103 Q Okay, and what is the -- what do you do as the night
104 supervisor?

105 A I triage when any dispatcher has a problem that he
106 does not know how to handle by himself. It can be anything
107 from an order number for a pickup that he can't find. I'll
108 correct him to the right people to get the right order number.
109 Accident situations. Basically I document what happens during
110 my shift and I'll pass it off to the next person on the next
111 shift and he'll continue on with whatever the accident is or
112 any motorist complaint calls come into me.

113 Q Okay.

114 A And I deal with it.

115 Q And who did you send that email to?

116 A Well, the Sunday supervisor, I didn't name the
117 person. So I don't know without looking at the schedule who
118 that exact person was.

119 Q Are there very many of them? If you listed off the
120 names, would it be like a list of 10 or a couple?

121 A It should be a list of about three.

122 Q Three? Can you list them? Can you give me those
123 names?

124 A It would either be Jack Ewinj.

125 Q What was the --

126 A Jack.

127 Q Jack.

128 A Ewinj, E-W-I-N-G.

129 Q U-W?

130 A E-W.

131 Q E-W-I-N-J. Okay.

132 A Or Chris Martin.

133 Q Chris Martin, okay.

134 A I'm trying to think of who the third person would be
135 because I don't do too much of that. Possibly Chance.

136 Q Chance, okay. And those three people would be who
137 again?

138 A They are actual fleet managers.

139 Q Fleet managers?

140 A And on the weekends, they also add to their duties,
141 supervisory positions.

142 Q Okay. Weekend supervisor positions, okay.

143 A For the day shift. I'm night shift.

144 Q Okay. Oh, so they do what you do, but for the
145 daytime?

146 A Correct.

147 Q What are your hours? I mean, when does your shift
148 start and end?

149 A 5:00 p.m. to 7:00 a.m.

150 Q Okay. Okay. So this accident occurred and you

151 received the email from Duckworth because why?

152 A Duckworth? Who are you talking about?

153 Q I'm sorry. It's Stover, Rebecca Stover. Truck and
154 trailer both on fire. Location is Hammond, Idaho. Will
155 update further as more information becomes available. Thank
156 you, Gary. Can you loop everyone else in?

157 A Well, the call may have come in. Sometimes the
158 switchboard doesn't give the call to the right person or I may
159 have been on the phone with somebody else. And she is the
160 sales supervisor. So if I'm tied up with something else, the
161 switchboard would give the call to her. She'll start it, and
162 when I'm freed up, she'll pass it back off to me.

163 Q Okay, and just for the record, the documents that
164 we're looking at have Bates stamp numbers 000374 and 000520.
165 Okay. So you forwarded that information then to the Sunday
166 supervisor. We're not sure who that was -- and the fleet
167 manager ops managers. Or are these the fleet managers ops
168 managers?

169 A Those would be the supervisors possibly. I don't
170 know which one I gave that -- this particular one too. I'd
171 have to see the email or go back in the scheduling.

172 Q Okay. Yeah. Do you know like what UN1263 paint is?
173 I mean, does that --

174 A I have a book which I could get out of the house and
175 bring it out here and show you. But I -- right off the top of

176 my head, I can't answer the question. I just know it's paint.

177 Q Okay. Do you know whether it's hazardous or not?

178 A It is.

179 Q Okay.

180 A Because that's why it has a UN code.

181 Q Okay. So this load then was a load of hazardous

182 paint --

183 A Yes.

184 Q -- that was being transported out to Oregon? Okay.

185 Do you have -- what are like the -- so we're trying to find

186 out after the accident occurred -- the accident occurred with,

187 what, 35,000 pounds or something like that of paint, hazmat

188 paint. And then, somebody at Prime made a decision to -- for

189 companies out there to clean it up. We're trying to find out

190 who made those decisions.

191 A Oh, road assist. I don't -- okay, now in a lot of

192 these case, the first officer on scene will go ahead and call

193 somebody out and then tell us who he called. So I do not know

194 if we made the decision or if the officer made the decision.

195 But if it's left to us, the road assist personnel, that's

196 their department as to who comes out.

197 Q The road assist department in Prime?

198 A Right.

199 Q Okay. So going -- who -- so there was a -- we've

200 heard the 911 calls.

201 A Okay.

202 Q And there was somebody named Gary that spoke with
203 somebody at dispatch in the area where the accident occurred.
204 Would that have been you?

205 A Not on the 911 call, no.

206 Q You don't call --

207 A I don't call 911.

208 Q -- dispatch or anything like that?

209 A No, I am dispatch. Oh, you mean their dispatch?

210 Q Their dispatch, yeah. Would you have talked to the
211 Idaho State Police or the fire department or anything like
212 that?

213 A By cellphone. I've got a ton of officers'
214 cellphones. He would have called me onsite.

215 Q The officer out there would have called you?

216 A Yeah, and I would have called his cellphone direct.
217 I don't go through the dispatcher. I talk to his cellphone in
218 his car.

219 Q To the officer's cellphone?

220 A Yeah.

221 Q Okay. Are you able to tell us whether or not you
222 were the one that -- the Gary that was on this call? Do you
223 have like a list of numbers? Do you -- I'm curious to know if
224 you have this officer's number, I guess, in your phone.

225 A Well, you're going back a whole year.

226 Q Yeah, yeah.

227 A I don't know if I have that kind of -- I didn't even
228 have this phone a year ago.

229 Q So you just have like several officers' numbers in
230 your phone then?

231 A Yeah, because I handle whatever happens at night and
232 it can be anywhere in the country.

233 Q Yeah.

234 A And cops will call me for -- it can be anything from
235 a truck parked illegally to a guy sleeping in a Walmart
236 parking lot and he wants the truck moved.

237 Q Yeah.

238 A You know, and they'll call me to say, can you move
239 the -- get this guy up and move his truck. We can't find the
240 driver. And that's how it accumulates.

241 Q Some other time I'll ask you about the weirdest all
242 you've ever gotten, I guess.

243 A Yeah.

244 Q Yeah, I don't know. Would you mind checking, I
245 guess, to see if -- I'm curious to know. We're trying to
246 figure out if -- we're really trying to figure out if we're
247 talking to the right Gary. I mean, we think we are.

248 A I believe you are. I vaguely remember that
249 situation. But I'm trying -- see, when you say Gary, it could
250 be the driver that you're talking about that called 911.

251 Q The driver, his name was Drake.

252 A Okay.

253 Q Stephen Drake, I think, because we've seen the
254 accident report.

255 A What was the date of this?

256 Q September 27, 2015.

257 A Well, if I was at work, I probably used the work
258 phone. I'll have to see. I'll look in here anyway.

259 Q You're going to have to go into work pretty soon
260 then if you're the night supervisor, huh?

261 A Oh, I'm off today.

262 Q Oh.

263 A Otherwise, I'd have been there already. Five p.m.
264 to 7 a.m.

265 Q Yeah, 5 p.m. to 7 a.m., you said. That's got to be
266 tough.

267 A Yeah. Fortunately, it's a fun night. Let's see.
268 So September, 2015. What day?

269 Q Twenty-seventh.

270 A And what phone number am I looking for?

271 Q Well --

272 A Well --

273 Q -- I guess I don't have the phone number. I thought
274 maybe you had the officer's number in the -- or the name and
275 number in your phone.

276 A Well, I didn't make any calls from my personal phone
277 at that time of night.

278 Q Okay.

279 A So everything was done from work.

280 Q Okay, got you. My confusion then.

281 A Well, sometimes it is. Sometimes it isn't. So I
282 didn't -- I'm looking now because any calls I made that day
283 were local here.

284 Q So, okay. Here's -- there was somebody named Gary.
285 The last name wasn't given, that was on the line who said, are
286 we going to need a hazmat crew or is this going all the way to
287 the ground. And that's on the recording -- on the 911
288 recordings. Somebody from Prime named Gary was asking, are we
289 going to need a hazmat crew at the scene or is this thing
290 burned all the way to the ground. Is that --

291 A That doesn't sound like my terminology.

292 Q Okay. Okay. Well, let's move on then. So who at
293 Prime -- just give us some background information, then. Who
294 at Prime makes the decisions about who responds to these
295 cleanups, these accidents?

296 A The road assist people. Road assist. We have a
297 department for truck, trailer breakdowns, towing, accident
298 cleanups. It's called the road assist department.

299 Q The road assist? And are there sub-departments
300 within the road assist, like accident/breakdowns, cleanup?

301 A At nighttime, there's four guys that work and they
302 do all of it.

303 Q Okay.

304 A So if a guy -- if a driver calls me and he blew a
305 radiator hose, hit a deer or took out a telephone pole, I
306 transfer the call to road assist. They take care of the tow
307 trucks, yada, yada, yada, all the cleanup stuff.

308 Q Yeah.

309 A They handle all those calls.

310 Q If there's a -- if there's an accident involving a
311 large amount of hazmat paint, who would you call?

312 A Same people.

313 Q Road assist? Same people?

314 A Yeah. We let them know and I notify the safety
315 people at home so he's aware of it. And he follows through
316 with however he does.

317 Q Okay. Road assist and the safety -- who's the
318 safety director? Or who was the safety director back then?

319 A Steve Fields.

320 Q Steve Fields? Okay. Is it F, like --

321 A F-I-E-L-D-S.

322 Q Okay. Safety director. Does the name David White
323 or David O'Heim [ph], are those people --

324 A He's safety.

325 Q David O'Heim is?

326 A No, David White.

327 Q David White is, okay. Does he work for Steve
328 Fields?

329 A Yeah, he's directly under him. He's like number
330 two.

331 Q Do you know where he lives or how we can find him?

332 A I don't have anybody's personal address.

333 Q Okay. Telephone number?

334 A If I can find it, or I can text somebody to get it
335 for you.

336 Q Well, don't text just yet. But if you have it -- I
337 mean, if you have it --

338 A I don't have it personally.

339 Q You don't have it? Okay. Okay. So David White
340 works under him?

341 A Yeah.

342 Q Okay. What's his title?

343 A He's safety assistant, I guess.

344 Q Safety assistant.

345 A I don't think -- I don't know if he has an exact
346 title.

347 Q Okay. So you would call then in this incident, if
348 things were going normally, road assist and Steve Fields.

349 A Yeah. If he doesn't answer the phone for something
350 like this, then I'd call Dave or I'd call Margaret Banning,

351 who -- any of those three. Basically, we look into a list on
352 the safety department.

353 Q Yeah.

354 A And we just go down the list and Steve is at the top
355 of the list. The first person that picks up the phone, we
356 tell them what's going on and --

357 Q Okay.

358 A -- relay the information.

359 Q And this is like just a well-worn procedure?
360 Everybody knows this? All the night -- all the supervisors
361 know to do this when an accident occurs?

362 A Oh yeah, that's standard.

363 Q Standard, okay. And you're -- okay, so you'll
364 receive calls from drivers, I guess?

365 A Yeah.

366 Q Okay. Or whoever calls, police departments or
367 highway patrols. They'll call you?

368 A Mm-hmm. [Affirmative]

369 Q Or they'll call the Prime -- what department are you
370 in? You're the night supervisor.

371 A Refrigerated operations.

372 Q Refrigerated operations, okay. And that would cover
373 all accidents, refrigerated ops?

374 A Yeah. Sometimes the other departments in our other
375 satellite companies call me for assistance as well.

376 Q Okay. Interesting. How long have you been doing
377 that?

378 A This particular job, four years.

379 Q Four years, okay. So you were certainly doing that
380 at that time then.

381 A Yeah.

382 Q Okay, and then you already confirmed that the email
383 was yours too. So okay -- so there's a procedure for you to
384 call the road assist and then one of the people in the -- I
385 mean, what department would you call this? Like the safety
386 department or the --

387 A Well, road assist, that is a department.

388 Q Okay. But Steve Fields is the safety director of
389 road assist?

390 A Yeah, he's over road assist. He's over permits.
391 He's over lux [ph].

392 Q Okay. He's the director, the safety director.

393 A Yeah.

394 Q Okay, and then when would your involvement in an
395 accident end? Like what's -- we're trying to figure out like
396 when do you get involved and when dose your role end.

397 A My personal role would end either one of two ways,
398 either at the end of my shift, where I would hand it off to
399 the next supervisor and he would pick it up and keep going
400 with it --

401 Q Yeah.

402 A Or if road assist needed me to get another trailer
403 out on the scene, an empty trailer where they had to transfer
404 product or another tractor out there to move equipment, I
405 would handle that part. The wreckers and the actual hazmat
406 teams, that's their thing. They call whoever they call. I
407 don't handle that at all. But like I said, if I needed to --
408 if I had a trailer that broke in half, for whatever reason,
409 and we had product on the freeway and they needed an empty
410 trailer out there, that's me getting somebody out there.

411 Q Okay. But you -- okay, so you contact road assist
412 and somebody in the safety department. And then, they make
413 the decision then -- okay, that's hazmat. We need to -- we
414 need to do -- we respond this way or that's -- what, I don't -
415 - truck department you have, we need to respond this way.
416 They make the decision about what the appropriate response is.
417 Is that what you're saying? Or you don't -- you don't make
418 the decision about what assets of Prime to send out there to
419 clean something up, for example?

420 A No. We delegate that to that specific department
421 because they deal specifically with this. So they know -- my
422 position is widespread. So I delegate road assist. That's
423 what our policy is because they specialize in this area.

424 Q Okay.

425 A So they know who to call and they handle it.

426 Sometimes we get the call from either the driver or the
427 officer after. It's 75 percent done with the officer calls
428 somebody on his own and told us who he's called.

429 Q Okay.

430 A And then, all we have to do is find out who he
431 called so we can pay these people.

432 Q I got you. So -- okay, so in this instance -- okay,
433 as you've already identified UN1263 as being a hazardous
434 material because of the UN number. UN1263 is paint. Would
435 you ever look at a bill of lading or anything like that?
436 Would that ever be something that you had to do for your
437 responsibility? Or you're getting the call and then referring
438 things out to other people, delegating it out to other people?

439 A You're talking about from the initial pickup?

440 Q Like there's an accident and the driver -- the
441 driver calls you or highway patrol calls you. Do they send
442 you a bill of lading? Do you --

443 A Well, okay. Here's the process. When a driver is
444 sent to any customer location, we -- our salespeople have
445 already booked the load and we know what the product is. When
446 the driver picks it up, he has to call in to -- we have a
447 department called live loaded calls. The load comes up on the
448 screen and it will already show hazmat. The loaded call
449 person will specifically ask what UN numbers do you have and
450 the driver reads off the phone UN whatever and then we ask a

451 question. What is the weight of that specific -- that one
452 item, and he'll tell them. And he says, how is it packaged
453 you know, pales, boxes, containers, cylinders, whatever. And
454 all this information is input.

455 Q Right.

456 A And at the end of the call, even if he has multiple
457 numbers, the computer has a program that puts out what
458 placards are needed for that particular trailer.

459 Q It's automated?

460 A Yeah.

461 Q The computer spits out what placards are needed
462 based on all these inputs?

463 A Right, and we tell the driver, do you have this
464 placard, do you have this placard. You know, whatever's
465 needed, and make sure that he has five, four to actually put
466 on the trailer, one on each side, front, back and two sides,
467 and a fifth one for a spare in case one gets torn off in
468 transit. He can replace it right away.

469 Q Yeah.

470 A So that is all in the computer and it's read back
471 and forth from the driver --

472 Q That sounds sophisticated.

473 A It is. It's intense in there. I mean, we have a
474 lot of technology.

475 Q Is that program -- is it like an off-the-shelf type

476 thing? Does it have a name or is it something that Prime
477 developed?

478 A We have our own IT department. We developed it.

479 Q You developed it?

480 A It may -- and we may have bought the generic version
481 of it. But we've added on other things after the fact.

482 Q Yeah. Okay. So then, that's the process for like
483 if you guys are going to ship any --

484 A Anything.

485 Q -- any payload of anything. That's the process.
486 But in the event of like an accident which occurred here,
487 somebody in these departments -- you refer to somebody over
488 here.

489 A Yeah.

490 Q And then, somebody from there maybe makes the
491 decision about, okay, who do we contact out there in that
492 area, in Idaho, to respond to this. Is that correct?

493 A Yeah, that would be road assist because they have
494 their information about who's where in what part of the
495 country.

496 Q Yeah. So then, do you know the process for how road
497 assist farms that work out or hires that out?

498 A No, I can't -- I can't talk about that because I
499 would be guessing.

500 Q Okay. Do you have a best guess? We'll take your

501 best guess.

502 A My best guess would be a sheet of paper per state
503 with a preauthorized list of contacts that they would call.

504 Q Okay. So are -- if a load has -- I mean, so this
505 had hazmat going out there, so, which is one of the reasons
506 why we're trying to find out how it was transported, I guess,
507 after the accident. It appears that it was being transported
508 out there properly before the accident occurred. I mean, we
509 don't have any real reason to believe at this point that it
510 wasn't. It sounds like, given Prime's IT system and -- I
511 mean, we drove by the --

512 A Yeah.

513 Q We drove around the facility. It's huge. It seems
514 like a massive company.

515 A Yeah.

516 Q I mean, it doesn't surprise me that they have
517 everything kind of humming. But then, I suppose if you hire -
518 - you start subcontracting out some of this work in remote
519 locations from Prime to, you know, respond to accidents and to
520 clean things up, maybe there's less control over how that
521 work's getting done out in the field and whether it's being
522 done properly. Do you know -- do you know how people oversee
523 that work to make sure that like the companies that they hire
524 are doing it to Prime's standards?

525 A No, I can't answer that. I mean, all I can say is

526 that there's going to be a unit out there and there's officers
527 in the scene and DOT officers involved on the scene. And if
528 the DOT officer wasn't pleased with what he saw, something
529 would be changed.

530 Q Yeah. Okay. Does Prime have like a hazmat
531 department, a dedicated hazmat?

532 A Safety.

533 Q Safety? Okay. SO safety, anything that's related
534 with how to ship something properly is covered by safety?
535 Anything -- how to ship hazmat properly is covered by safety?

536 A Yeah. In the program, we don't ship everything
537 hazardous material. If a driver has something that we do not
538 carry, the system will -- when he puts the UN number in, the
539 system will flag we don't haul that particular item. And
540 we'll call the shipper and tell them they have to take it out
541 of the trailer.

542 Q Oh, there are certain things you don't haul?

543 A Right. We don't -- we basically don't go any higher
544 than paint. We don't handle explosives. We don't handle
545 ammunition.

546 Q Yeah.

547 A None of the class one stuff we don't handle.

548 Q Okay. So these -- this paint came from a company
549 called PPG. I don't know the --

550 MR. [REDACTED] Do you know the full name of the PPG

551 by any chance?

552 MR. JAMISON: Pittsburgh Paint -- probably --

553 MR. BRODERICK: Yeah, Pittsburgh Paint and Glass.

554 Yeah.

555 BY MR. [REDACTED]

556 Q You familiar with the company then?

557 A Yeah.

558 Q It looks like a massive company. So does Prime do a
559 lot of work with PPG?

560 A Yeah.

561 Q Are you guys -- do you know if you're like a --

562 A Their primary carrier?

563 Q Yeah. Well, what does that mean? I guess where I'm
564 getting is are you guys like one of their go-to companies?

565 A We're not the primary. But we're one of the ones
566 they use on a regular basis.

567 Q And what's a primary carrier?

568 A Well, it's kind of like a credit rating report.
569 Trucking companies, based on performance, based on on-time,
570 based on their safety record within the industry are given a
571 report card, A, B, C and D.

572 Q Yeah.

573 A We book our loads with customers based on our credit
574 rating and that customer solicits us based on our credit
575 rating as against, well, we're going to use these guys because

576 they have an A-plus rating as against these guys that have a
577 B-plus rating because we want our stuff there on time and
578 safely.

579 Q Yeah.

580 A And they're doing better than they are. So we get
581 to book a better rate. And that's pretty much how companies
582 are chosen as a primary carrier. If the primary carrier
583 doesn't have enough trucks in the area and they need to have
584 loads that need to go, then they might go to the next company
585 for the overflow loads and say, well, we need you to ship this
586 or whatever.

587 Q Yeah, and so, you're saying that Prime is not a
588 primary carrier for PPG. But it carries a lot for PPG? Is
589 that what --

590 A I'm not in the sales department. I do not know for
591 sure if we are the primary carrier or not. That would be a
592 sales department question.

593 Q Okay, so sales department. But do you know if -- I
594 think you mentioned that Prime carries quite a bit for PPG.

595 A Yeah.

596 Q And is that normally paint then? I mean, I guess
597 PPG could be glass too. But is it paint a lot of the times
598 that you know?

599 A Paint, fiberglass, flow axes, resins, that kind of
600 thing.

601 Q And does Prime carry paint for other companies too?

602 A I can't think of any offhand right now. I mean,
603 there probably are but I can't think of any offhand.

604 Q Okay. Maybe more broadly then, a class -- do you
605 know what paint is as far as like if it's -- what hazard class
606 it is? What makes it --

607 A I'd have to look at the book, without trying to
608 quote off the top of my head.

609 Q Okay, and this book you look at, can you tell me
610 what it is? I might need to get a copy myself? What is the -
611 -

612 A I have one inside if you want me to get it and come
613 back out.

614 Q Is it like a hazmat book or something or --

615 A Yes, it's the standard DOT hazardous material guide.
616 It's about -- oh, about so tall and this big.

617 Q Okay. I see. Okay. So I think according to -- let
618 me see. Let me take a look at something real quick. We won't
619 take up too much more of your time. I'm just being --
620 appreciate you helping us out. Let me let you take a look at
621 that. Just for the record, I'm showing Gary a document, Bates
622 stamp number 000038. It's the bill of lading. So does this -
623 - like do you know how to read these?

624 A Mm-hmm. [Affirmative]

625 Q What -- I mean, what is it telling us?

626 A Okay. First of all, you've got 32 drums of UN1263
627 and it's kind of blurry. I can't read the rest of this. This
628 is the generic name of it, the chemical name of the product
629 here, which I can't read it because your fax is not that good.
630 Anyway --

631 Q Strontium --

632 A Chlorate?

633 Q Chromate.

634 A Okay.

635 Q RQ UN1263 paint 3PG, 3.

636 A Okay, and then on the second line -- that's one item
637 and this is the specific weight of that item.

638 Q Okay. All right.

639 A Quantity is drums 16 of 1263 paint and they just put
640 a generic listing here, 19,000 pounds, 19,945 pounds.

641 Q Okay.

642 A Two pails -- you have two pails, because it's under
643 the pail item, UN1263 paint, for 106 pounds. And then, you
644 have four more drums of paint not regulated, which means that
645 these fall under the quantities. These four drums are not
646 hazmat. These three are because it's not regulated.

647 Q Okay, and this is -- is this the type of information
648 you're entering in, in that system, Prime's IT system?

649 A Correct.

650 Q Okay, and which spits out, you know, what the

651 placarding requirements are and --

652 A Mm-hmm. [Affirmative]

653 Q Okay, and then, okay, so what about this information
654 down here? That's something that I would --

655 A Okay. The driver would -- in the case of like what
656 happened here, either him or the officer would call CHEMTREC
657 for the cleanup. And they would help him out. Most
658 independent owner or operators that do not have a big company
659 backing them, they're working just individually on their own,
660 they make these calls on their own.

661 Q You mean as like not -- and you're not including
662 Prime in that category, independent operators?

663 A No, no. I'm talking about the individual driver
664 that owns his own tractor, owns his own trailer.

665 Q Who's hauling something?

666 A Yeah, and he's a one-man company.

667 Q Okay. That's -- you're saying that that's who that
668 person would normally call?

669 A Yeah.

670 Q Okay. They would call CHEMTREC?

671 A Mm-hmm. [Affirmative]

672 Q And do you know what CHEMTREC is or --

673 A CHEMTREC is a nationwide company for chemical
674 cleanup and hazardous waste removal.

675 Q Okay. I mean, is that common? That's just commonly

676 known? I don't know that. But you're in the industry --

677 A Yeah, yeah.

678 Q Is that --

679 A Yeah. It's like say you had -- say a truck was
680 driving down the street and a car came and T-boned him and his
681 fuel tank spilled 50 gallons on the street here. CHEMTREC
682 would come out and probably dig up the street because the
683 entire ground would be contaminated with diesel, replace it
684 with fresh and then take the contaminated soil to a treatment
685 center offsite.

686 Q Okay.

687 A They do that kind of stuff.

688 Q That's what they do. It sounds like dirty work.

689 A Yeah.

690 MR. JAMISON: And you're saying that you guys are
691 big enough that you guys just call road assist. You don't
692 need to call that number?

693 MR. BRODERICK: No. What I'm saying is the driver
694 calls us first. Road assist may in turn call them.

695 MR. JAMISON: Okay.

696 MR. BRODERICK: You know, in this case, I don't know
697 who was called. But road assist would make the call to them.
698 The driver calls us and we make the calls. Or if there's an
699 officer on scene, he may go ahead and make the call himself,
700 you know, through his own department or he may call the fire

701 department locally. And whatever the fire department decides,
702 that's what happens.

703 BY MR. [REDACTED]

704 Q So with all those options, like how does anyone know
705 whether someone else has called CHEMTREC or not? You know,
706 like how would -- how would you know if you needed to call
707 CHEMTREC or if the police have already done it?

708 A Well, the CHEMTREC calling is out of my hands. As
709 far as the company knowing what happened, that would be the
710 road assist people handling the accident because that's why I
711 say they handle the accident situation. So they can answer
712 that question.

713 Q Okay. God, I had a question on CHEMTREC. It just
714 skipped me. Does Prime -- I'm still a little bit confused
715 just on whether or not Prime even uses CHEMTREC or whether
716 Prime is big enough that it deals with it on its own.

717 A You'd have to ask a road assist person that
718 question.

719 Q Okay. Do you know if CHEMTREC was -- I have a
720 feeling I know your answer. But do you know if CHEMTREC was
721 contacted?

722 A I don't know.

723 Q You don't know? Okay.

724 A Because like I said, that's -- road assist handles
725 that part of the situation.

726 Q Okay. So do you know if -- there's this
727 requirement. Are you familiar with the requirement to contact
728 the national response center if there's a spill of certain
729 types of materials?

730 A That's also part of road assist and safety. That's
731 not my -- I've heard of it, but that's not my function.

732 Q Okay. Okay, and we're not -- you're being very --
733 this is being very -- this has been very helpful. You're
734 being very helpful. We're not, you know, looking at you as
735 somebody who's done something here. We're just trying to find
736 out who -- it's complicated. There are a lot of different
737 parties here. There's PPG. There's Prime. There's local
738 companies that clean things up and we're just trying to get to
739 the bottom of who was responsible for what. And there's just
740 a lot of companies and people. You know, I apologize if -- I
741 don't even know. Maybe -- we're trying to find out if we're
742 even talking to the right people. And we didn't know when we
743 started talking to you if -- what your involvement would be.
744 But the information you've given has been very helpful. So
745 appreciate it. What about manifests? Is there -- what if --
746 or when does -- when does Prime -- it sounds like it's pretty
747 sophisticated. But when does Prime know whether something's
748 like a usable hazardous material like paint as opposed to when
749 does it become waste, you know, like after an accident, for
750 example? Is there somebody -- who makes that decision?

751 A The customer.

752 Q The customer? So the company that was -- Prime
753 wouldn't have made -- Prime wouldn't be making that decision
754 here? It would be the company in Oregon that was buying this
755 stuff from PPG?

756 A An accident investigator is sent out to the scene by
757 the customer and they make their own calls.

758 Q Who's the customer in this case? Is PPG the
759 customer or --

760 A PPG.

761 Q Okay. PPG. So PPG would make the decision as to
762 whether or not a material -- hazardous material had become a
763 hazardous waste?

764 A Mm-hmm. [Affirmative]

765 Q Okay.

766 A Unless the fire department jumped everybody and
767 said, you know, this is trash.

768 Q Okay. Does -- and you're pretty sure about that?
769 Does Prime ever -- does anybody at Prime --

770 A No. Any situation that happens, as far as like even
771 if you have a load that has -- that goes out of range with
772 temperature, customer's notified and they decide what happens
773 next.

774 Q Out of range with temperature, like is no longer
775 flammable or it's no longer --

776 MR. JAMISON: No, no, no. You have like -- some
777 truck drivers are known, right, Gary, that they turn up the --
778 especially guys that own their own truck, they turn up the
779 temperature. And then, they start getting close and they turn
780 it back down. You've heard of that?

781 MR. BRODERICK: Yeah, I've heard of that. But we
782 have our own monitoring system.

783 MR. JAMISON: I figured.

784 MR. BRODERICK: So if that happens, we get alerts on
785 the screen.

786 MR. JAMISON: Sure.

787 MR. BRODERICK: I was referring more to like say if
788 their unit broke down and he's 200 miles out in Arizona before
789 he can get to a repair shop --

790 MR. JAMISON: Oh, sure.

791 MR. [REDACTED] Okay.

792 MR. BRODERICK: And then the temperature starts
793 climbing, we notify the customer what happens and some things
794 are automatically trashed and other things are salvageable.
795 It depends what it is.

796 BY MR. [REDACTED]

797 Q All right. Well then, what about shipping papers
798 then? Who -- what department would then --

799 A Well, shipping papers --

800 Q And who -- okay, so I'll let you -- sorry. You can

801 -- I didn't mean to jump you.

802 A Well, shipping papers, that's it right there. It
803 starts off with sales booking the loads. Then the driver goes
804 to get the load. He gets that piece of paper you've got right
805 there and he keeps it in his possession until he delivers it.
806 Then, once he delivers it, they submit by fax or phone app to
807 the company and we bill the customer and pay the driver.

808 Q Okay, and then if there's any kind of an incident
809 like an accident --

810 A It would go to claims.

811 Q Well, with the shipping paper, I mean. Like after
812 an accident and material is picked up from the accident scene
813 and taken to wherever it needs to go, if there needs to be a
814 new shipping paper prepared -- for example, if it becomes
815 waste -- if the material becomes waste, how does -- what
816 shipping paper is used? Who generates that?

817 A The customer. They would send us a new set of
818 shipping papers and they would be working with our claims
819 people.

820 Q Claims, okay.

821 MR. [REDACTED] Is there any issue with -- that you
822 want to cover with like an EPA number or anything like that?
823 Like who generates the EPA number for Prime in the case of an
824 accident?

825 MR. JAMISON: Well, typically, if you generate

826 hazardous waste on a site, someone will have to call EPA and
827 get a generator ID number.

828 MR. BRODERICK: You're going way over my head. This
829 is stuff I don't get into.

830 MR. [REDACTED] That's not your -- okay.

831 MR. JAMISON: Right. That's what I figured.

832 MR. [REDACTED] Okay.

833 MR. JAMISON: Is it fair to say, Gary, that after
834 you made that call to road assist, you didn't have any further
835 involvement with that load?

836 MR. BRODERICK: That particular load, no. My hands
837 were off because that was something I wasn't needed for.

838 Basically all I did was get the drivers a hotel room.

839 MR. JAMISON: Sure.

840 BY MR. [REDACTED]

841 Q Yeah. It's helpful to know the departments, though,
842 so we know who to go talk to. And that's -- so that's been
843 very helpful, that you've been able to tell us some of that.
844 And then, really the last department I can think of is like
845 who -- disposal -- like when something becomes a waste and it
846 just needs to be disposed of from an accident scene, what
847 department at Prime --

848 A Would have the information?

849 Q Well, who at Prime makes that decision --

850 A That's --

851 Q Or what department at Prime makes that decision?

852 A Well, that would -- it's kind of repetitive. But
853 the road assist people, whoever they call out to handle the
854 scene, that company is also capable of disposing of it, as far
855 as if it's being held for investigation or whatever. That
856 company usually has facilities they can hold stuff onsite
857 until everything's been resolved.

858 Q Okay. Okay. Is road assist a big department? If
859 you gave us some names of people to talk to, would there --

860 A I don't know who handled the call that night. We go
861 by codes. We don't go by names. Let me see if I can --

862 Q Do you have kids that wrote on your window there?

863 A That's my daughter's boyfriend.

864 Q Oh, okay.

865 A You know how that goes.

866 Q Did that warm your heart or make you mad?

867 A He's actually a good kid. I left him alone.

868 Q Yeah.

869 A That would be best answered by Steve Fields, because
870 he's the boss of them.

871 Q Okay. Okay, so he works there. All right. Well,
872 like I said, I think you've been real helpful. If you can
873 just bear with me for one second to make sure I didn't miss
874 anything --

875 MR. [REDACTED] Anything?

876 MR. JAMISON: Well, I mean, do you remember anything
877 else about that incident other than what you've already told
878 us?

879 MR. BRODERICK: No. That's --

880 MR. JAMISON: You got a call in that night. You
881 forwarded it to road assist. You got these guys a hotel room.
882 And then, later you send that email concerning what was in the
883 load?

884 MR. BRODERICK: I don't remember the chain of events
885 and how they transpired because that was so long ago. That's
886 the gist of it, yeah.

887 MR. JAMISON: Okay, and do you remember anything odd
888 about that situation or anybody talking about it there at the
889 office?

890 MR. BRODERICK: No, I can't even remember how the --
891 how it started. I don't know what caused the situation to go
892 that way.

893 MR. JAMISON: Well, from what we've learned, there
894 was a fire in that -- in that tractor trailer. And then, at
895 some point, I guess, you know, road assist was called out and
896 they hired some folks to clean up that mess. The only problem
897 is they didn't hire professionals to dispose of the waste and
898 the clean up the stuff. Do you remember anybody griping about
899 the cost to clean that up?

900 MR. BRODERICK: No, I didn't. No. that wouldn't

901 have crossed my desk.

902 MR. JAMISON: Okay. How many people work for road
903 assist?

904 MR. BRODERICK: Daytime and nighttime, off the top
905 of my head, I'd say about 20.

906 MR. JAMISON: Okay. All right, and as far as you
907 know, they might have a list. But you're not sure. They
908 might have a list of contractors that are approved to work in
909 those areas?

910 MR. BRODERICK: Yeah, and like I initially said, I
911 don't know if the officer made the call or they made the call.
912 In some cases, the officer's told us who he's already brought
913 out there. You know?

914 MR. JAMISON: Okay. When you forward those calls to
915 road assist, is there a log kept when that's done or is there
916 like a tracking number or anything like that?

917 MR. BRODERICK: No, I just transfer the call to --
918 well, what I would do is if it's a driver calling it, I would
919 transfer him to road assist. If it's an officer or somebody
920 else that's calling to notify me what's going on, I'll get his
921 number and I'll send a message to the road assist department
922 with the officer's number and they'll call him back and
923 continue on with that situation.

924 MR. JAMISON: Sure, and do you recall which way it
925 happened in this incident, whether or not you were called by

926 an officer or actually called by a driver?

927 MR. BRODERICK: I remember talking to multiple
928 people in that accident. But I don't remember the chain of
929 events. I talked to the driver a couple of times to find out
930 what he had to say. I believe there was a lady officer that
931 called me hysterical, which I found odd considering her
932 profession.

933 MR. JAMISON: Who was that?

934 MR. BRODERICK: I don't -- the lady officer on the
935 scene.

936 MR. JAMISON: Oh, it was just a police officer that
937 was on the scene?

938 MR. BRODERICK: Yeah.

939 MR. JAMISON: I see.

940 MR. BRODERICK: And I had to calm her down and I was
941 like, why are you -- you must have just got out the academy or
942 something, you know?

943 MR. JAMISON: First time you've seen this.

944 MR. BRODERICK: Yeah.

945 MR. JAMISON: Now, through at least your last four
946 years, you've worked for four years in this department. Have
947 you been with Prime longer than that?

948 MR. BRODERICK: I've been here since 1993.

949 MR. JAMISON: Okay, and so, you've worked your way
950 around.

951 MR. BRODERICK: Yeah.

952 MR. JAMISON: I figured since this is kind of a
953 position where they have to -- there's a lot of trust and a
954 lot of responsibility. So, okay, and so in that time, do you
955 recall an incident where they had to hire a hazmat crew to go
956 out and clean up an incident?

957 MR. BRODERICK: Well, my beginning time was as a
958 truck driver. I didn't have any personal experiences.
959 They've hired hazmat crews before, but I was not involved in
960 the process.

961 MR. JAMISON: Okay. What about in the last four
962 years? Can you think of any times where a hazmat crew had to
963 be called out to do any cleanups?

964 MR. BRODERICK: I can't be exact if it was a hazmat
965 crew or not. I know we've had some crazy accidents. But I
966 don't know if it was hazmat or not as far as who was called
967 because, like I said, that's out of my department.

968 MR. JAMISON: Sure. No, I understand. A lot of
969 questions, it sounds like you were well down the chain from
970 when you were involved. Can you think of any reason why they
971 would call out a company that wasn't an environmental company
972 to clean up drums of hazmat?

973 MR. BRODERICK: No. That doesn't sound like a call
974 that we actually made. That sounds like a call that was made
975 by somebody else. I really don't know. That happened outside

976 of my realm.

977 MR. JAMISON: So once you do the call, then you're
978 waiting for other calls to come in? You're not checking back
979 in to see how something was handled?

980 MR. BRODERICK: My focus is on the driver and his
981 well-being.

982 MR. JAMISON: Okay.

983 MR. BRODERICK: You know, in some cases, I might
984 have to have him drug tested, depending on the situation. And
985 I'll handle that. The actual tractor trailer freight
986 handling, I leave that off to road assist because that's what
987 they do.

988 MR. JAMISON: Okay.

989 BY MR. [REDACTED]

990 Q Gary, take a look at these pictures. These are
991 photographs of the accident and cleanup, Bates stamp numbers
992 000105 through 000109 and 001014 through 001015. Just take a
993 minute to look through those. I want to ask you a couple of
994 questions about them once you're done.

995 A Okay.

996 Q So that -- does looking at those pictures refresh
997 your memory at all about the incident itself?

998 A No. I've never seen these pictures.

999 Q Okay. The images don't --

1000 A No. I saw one or two nighttime shots, real-time --

1001 Q Like those --

1002 A It's way down there.

1003 Q I've got another one here.

1004 A But these particular pictures, I've never seen.

1005 Q Okay.

1006 A I saw a couple of shots at the time of the accident,
1007 which look like a half-burned trailer.

1008 Q Yeah, there are other pictures out there. These are
1009 the ones that I copied.

1010 A But anyway, here you go.

1011 Q So this company here is a tow truck company --

1012 A Okay.

1013 Q -- that was called to clean up -- to respond to this
1014 incident, to clean it up and transport material and dispose of
1015 it. And this tow truck company hired this company to bring
1016 out a side dump so they could load barrels that had fallen off
1017 the trailer into the side dump. So you've seen the bill of
1018 lading and you've seen how the material is described as being
1019 UN1263 paint. And you've talked a little bit about Prime's IT
1020 system where you can input all these variables and it will
1021 spit out like the correct way to ship hazmat. Okay. So, now
1022 look at these photos and give me your impressions on whether
1023 or not that's the proper way to ship this material after the
1024 accident.

1025 A Well, my first question would be is this barrel here

1026 -- and all I see is the top half, with the bottom half is
1027 nonexistent. So it's like an empty container at this point.
1028 Are these empty containers or are they fully contained
1029 containers of paint? If there was paint actually in some of
1030 these containers that had not burned, exploded or whatever, he
1031 should be placarded because it's still hazmat. If these are
1032 empty drums and the paint spilled on the ground and burned
1033 out, then they're no longer considered hazmat. But I don't
1034 know. I wasn't there and I don't know anything about this.

1035 Q Yeah, and that -- it's hard to tell with those
1036 pictures about what --

1037 A Yeah, because you're showing me -- like I've got a
1038 blocked view.

1039 Q Yeah. Now, in this picture here, the tow truck
1040 company's loading the wreckage onto a flatbed.

1041 A Now, this would not be hazmat. This is just a
1042 burned unit --

1043 Q Right.

1044 A -- because the product's not even on here. It's
1045 just -- this is --

1046 Q Well, and you're --

1047 A This is a reefer unit is what this is.

1048 Q The Prime trailer is a reefer unit?

1049 A Yeah.

1050 Q Yeah.

1051 A It's a refrigerated trailer. I'm using trade slang
1052 because I can see the cooling unit on the front of it right
1053 here. You know?

1054 Q So we've been told -- and there are other pictures
1055 out there that show the wreckage here, with barrels still on
1056 it. And we've been told that when the wreckage was lifted up
1057 onto the flatbed, it contained -- it had barrels that was
1058 still on it.

1059 A Okay.

1060 Q and then some of those barrels, because there were -
1061 - the bill of lading lists like 70 barrels. And you can see
1062 here, I don't see any way that there's 70 barrels in that side
1063 dump.

1064 A No.

1065 Q So some of them must have still been --

1066 A Unless there's other trucks like that one that took
1067 the rest.

1068 Q Yeah, yeah. But if this is still -- I mean,
1069 depending on what that material is, if this is still class
1070 three hazardous paint -- if this is still a class three paint,
1071 I guess, UN1263, or if it's waste paint --

1072 A He still needs to --

1073 Q There need to be placards. Is that what you're
1074 saying?

1075 A Well yeah, see, here's his placard holder right

1076 there. I can't --

1077 Q Here?

1078 A That is a placard holder.

1079 Q On the side of the side dump here, on the back?

1080 A Yeah. See, there is -- there's supposed to be a
1081 cardboard insert that lists what he's carrying as far as
1082 hazardous material is going to be. And in this case, it would
1083 be red and it would have a rectangular box that says UN1263 in
1084 the middle and it would have a picture of a flame on it. And
1085 he would have one of these on each four sides of the unit.

1086 Q Now, how do you know that?

1087 A Experience.

1088 Q Training?

1089 A Training, and I used to drive.

1090 Q Oh, you used to drive. Yeah. Okay. Do you make
1091 these types of decisions? Like do you tell people in the
1092 field that these are the things that they're going to need or
1093 is that road assist?

1094 A You mean outside companies?

1095 Q In this case, this specific case, there's an
1096 accident. Prime hires this tow truck company to come out and
1097 do the cleanup and to haul this stuff away.

1098 A I have nothing to do with that process. That's road
1099 assist.

1100 Q Yeah, road assist. Okay. Okay, and it would be

1101 road assist that had to -- well, that would be the starting
1102 point. Somebody at Prime would have to determine what is
1103 that, right, so that they know how to properly haul it away?

1104 A Yeah. Well, and that --

1105 Q Is it still flammable? Is there still material in
1106 there?

1107 A Well, see, each barrel itself is supposed to have a
1108 placard on each individual barrel with its own tagged UN
1109 number. Each barrel would have its own identification number
1110 on it as well. So even if we didn't say anything, the driver
1111 should have enough common sense to know, one, I'm going to a
1112 hazmat cleanup spill, what the heck am I hauling. Look at the
1113 side of the barrel. You can't tell me every last barrel the
1114 label got burned off.

1115 MR. JAMISON: Right.

1116 BY MR. [REDACTED]

1117 Q So like --

1118 A The minimum limit is a thousand pounds. If you have
1119 less than a thousand pounds, you do not have to put stickers.
1120 Anything over a thousand pounds, you have to sticker it. So
1121 in this case, if he had two barrels with stickers on it, he's
1122 got to sticker it, the trailer.

1123 Q That would probably weigh more than a thousand
1124 pounds.

1125 A Yeah.

1126 Q Okay. Probably wrapping up a little bit, but do you
1127 know, with hazmat cleanups, is it common for Prime to hire tow
1128 truck companies to respond to hazmat cleanups or are there --
1129 is there like -- you described like there's the sheet of
1130 companies that they'll call. Is there a sheet of, okay, it's
1131 hazmat. We need to call these environmental clean-up
1132 companies. Oh, it's just a flat tire. We can call the tow
1133 truck company. Do you know how -- what's on -- what these
1134 different lists are?

1135 A No. I actually have not seen the lists. And that's
1136 the road assist department. They have preauthorized different
1137 companies that we work with across the country.

1138 MR. JAMISON: Maybe it would be beneficial if you
1139 gave him your card and maybe when he gets in to work tomorrow,
1140 if you don't mind, maybe send us that list or if you can get a
1141 hold of it, if there is such a list for Idaho.

1142 MR. BRODERICK: Okay.

1143 MR. JAMISON: Would you be able to do that?

1144 MR. BRODERICK: Yeah, I can get that.

1145 MR. [REDACTED] I have to dig one out here.

1146 MR. BRODERICK: Fax or email, whichever.

1147 MR. [REDACTED] I made a decision to get cards without
1148 email on them and I bought about 500 of them.

1149 MR. BRODERICK: Yeah, that's like me.

1150 MR. [REDACTED] It was a mistake, but now I'm waiting

1151 to get through all 500 of them before I can get new ones with
1152 an email address on them.

1153 MR. BRODERICK: Yeah, that's like --

1154 MR. [REDACTED] Let me actually put my better contact
1155 number on there too.

1156 MR. BRODERICK: Okay. Yeah, I got some new cards
1157 and then they built a new building and moved us and I have the
1158 wrong phone number on my cards. Okay

1159 BY MR. [REDACTED]

1160 Q Okay. So this is kind of -- you can kind of see,
1161 common sense, you talked about earlier would probably tell you
1162 why we're trying to figure out what happened because looking
1163 at the pictures, it doesn't -- it didn't look like it was done
1164 right. But we don't know. Maybe there's an explanation for
1165 it. And talking to people like you is kind of helping us to
1166 kind of figure that out. But you know, it is interesting that
1167 you point out that if this is -- if there's material in here -
1168 - if there's still hazardous material in here --

1169 A Yeah.

1170 Q I mean, there needs to be placards. Is there
1171 anything else about -- if this is still hazardous material, is
1172 there anything else about this, through your training and
1173 experience, that looks wrong?

1174 A These barrels are not going to sit -- I don't know
1175 where he went with this stuff. But sitting a barrel like this

1176 and driving on the freeway, this is going to spill over and
1177 start a whole new situation.

1178 Q Yeah.

1179 A Because even though this is --

1180 Q That's one of the things I thought too.

1181 A Well see, this particular unit is not only a side
1182 dump. It's also a bottom dump. But it's sitting on top of a
1183 rail trailer. That unit can split open like this because it's
1184 used for grain feed. So if these opened up and spilled over,
1185 you can have paint coming down the center of it.

1186 Q And if there were barrels of paint on top of the
1187 wreckage that were just sitting there, they could also fall
1188 off? I mean, maybe it's hard to say without seeing the
1189 picture of it, but --

1190 A Yeah, because that picture doesn't give me a view
1191 that I can make a judgment call on anything.

1192 Q Yeah.

1193 A But you know, basically, the bottom line is the
1194 product securement. You know, you have to make sure
1195 everything is not going to go anywhere.

1196 Q Yeah. Okay. There was a second cleanup at this
1197 site, because -- because the initial cleanup was not done I
1198 guess satisfactorily.

1199 A Okay. Yeah.

1200 Q So there was an additional cleanup. Is that

1201 something -- is an additional cleanup something that would
1202 start through you? Or it's not an emergency now. It's not
1203 like a car broke down or a truck broke down.

1204 A That would be -- I wouldn't even hear about it.

1205 Q You wouldn't even hear about it? Okay. Got you.
1206 I'll show you two more pictures really quick and get your
1207 thoughts on it and then we should be done, if I can find them.
1208 Okay. So this is the second cleanup. They excavated. You
1209 know, there's no more barrels. They're gone.

1210 A Okay.

1211 Q The wreckage is gone. But there's soil out there
1212 that still has --

1213 A Okay, this is contaminated soil.

1214 Q Okay.

1215 A And again, this is what I was saying in the
1216 beginning with CHEMTREC. They take -- excuse me -- the
1217 contaminated soil and this is inside of somebody's dump truck,
1218 I can tell right now. And it's being transported someplace
1219 else.

1220 Q Okay.

1221 A To some treatment site.

1222 Q And is this the proper way to transport contaminated
1223 soil? Can you tell? Is there enough information with these
1224 pictures to be able to tell?

1225 A Well, okay, I don't know if the guy drove an

1226 excavation because, I can tell you right now, he's got a roll
1227 -- a portable tarp that extends. This right here, this is a
1228 dump truck. This roll tarp comes over the back of this to the
1229 rear and stays over the top of the whole load in transit and
1230 then he retracts it so you don't have to actually put a tarp
1231 over it. It's automatic.

1232 Q Okay.

1233 A Now, obviously the truck is sitting still. So I
1234 don't know if he drove with this on top of it or not. But
1235 other than that, it's fine.

1236 Q Okay. Now, these don't have Bates stamp numbers on
1237 them. But I'm looking at two photographs of a CWE dump truck
1238 loaded with loose material from the second cleanup. Okay.
1239 Yeah, so you're right. This is contaminated soil. It was
1240 determined to be class nine hazardous waste solid,
1241 miscellaneous hazardous waste solids. Are you familiar with
1242 class nine and --

1243 A Yeah, it takes 10 years to straighten that out.

1244 Q Ten years? What do you mean, when they -- what do
1245 you mean 10 years? To straighten what out?

1246 A When they dump it someplace, before it's actually
1247 considered clean, unless they chemically treat it. If it just
1248 sits there untouched, I've been told anyway -- I'm not an
1249 expert in that field -- that they put it someplace and it
1250 takes it 10 years before that can actually be used like for

1251 planting crops or something.

1252 Q So you don't want this left on the side of the
1253 freeway?

1254 A No.

1255 Q You want to clean it up, get it out of there?

1256 A Yeah, it's not usable.

1257 Q So it had some toxic chemical constituents in it, I
1258 guess, chromate, chromium. There's a -- we have a manifest
1259 that describes it more thoroughly. I'll be damned if I can
1260 find it. I would like you to just take a look at the manifest
1261 really quick.

1262 A Oh, by the way, I'm off until Saturday. I won't be
1263 able to go in tomorrow to do this.

1264 MR. JAMISON: Oh, okay. No problem.

1265 BY MR. [REDACTED]

1266 Q Here's how that was classed, or described, I should
1267 say.

1268 A Okay. Well, that's not a placard situation. It's
1269 just a contaminated situation.

1270 Q Yeah. It's my understanding that that dump truck
1271 would not have needed to be placarded.

1272 A No.

1273 Q But it would have needed to be --

1274 A Covered.

1275 Q Yeah, covered in such a way that things wouldn't

1276 just be blowing out or falling out.

1277 A Yeah, and it's not for the sake of the chemicals.

1278 It's just for the sake of the safety of the public because if

1279 you're driving 50 miles an hour down the freeway and you come

1280 up in your personal car, you can lose a windshield from rocks

1281 coming off the top. That's basically all that's for. It

1282 doesn't go any further than that.

1283 Q Okay. Okay. And so, you familiar with what this

1284 type of document is?

1285 A Yeah.

1286 Q Okay. I'm showing -- I'm showing the hazardous

1287 waste manifest, which -- it's hard to read, but I think it's

1288 Bates stamp number 000939.

1289 A Okay.

1290 Q Can you just take a look at that and tell me what

1291 information you glean from it?

1292 A Okay. There's a mark in the hazardous material

1293 column, which means this is hazardous waste, NOS non-pail. So

1294 it's not considered placarded material. It is hazardous

1295 material, but placarding is not necessary because it's below

1296 the weight limit. One container.

1297 Q One dump truck, I guess.

1298 A Waste code 007. I don't -- I don't know this waste

1299 code.

1300 Q Okay.

1301 A And this would just be -- generating offender --
1302 officer's -- excuse me. My contacts are a little fuzzy. On
1303 behalf of -- oh, he's signing on behalf of somebody else.

1304 Q And this type of -- this type of document, from your
1305 experience as a driver, is this -- when would you use a
1306 hazardous waste manifest?

1307 A Well, first of all, I've never been in the part of
1308 the industry that would ever use this material. This is for a
1309 tow company. This is for a cleanup crew company. This is
1310 their kind of documents. I've never been myself in that area.
1311 I've always been in food products area.

1312 Q Oh, okay. Yeah, let's hope those aren't hazardous.

1313 A Yeah. So personally, I would never use this
1314 document.

1315 Q Okay. Well, we appreciate your time.

1316 A No problem.

1317 MR. [REDACTED] Is there anything else that you --

1318 MR. JAMISON: No.

1319 MR. BRODERICK: Okay, well Saturday, I can do this
1320 thing for you when I go back to --

1321 MR. JAMISON: No, thanks. Appreciate it.

1322 MR. [REDACTED] You go back in on Saturday?

1323 MR. BRODERICK: Yeah.

1324 MR. [REDACTED] Okay, and you can email me whenever.

1325 I know you're going to be working at night, so --

1326 MR. BRODERICK: Okay, yeah.

1327 MR. [REDACTED] I may not check it until my morning,

1328 but --

1329 MR. JAMISON: Who's the pilot?

1330 MR. BRODERICK: Me.

1331 MR. JAMISON: Yeah?

1332 MR. BRODERICK: Yeah.

1333 MR. JAMISON: How many hours you got?

1334 MR. BRODERICK: About 1,900.

1335 MR. JAMISON: Holy cow.

1336 MR. BRODERICK: Yeah.

1337 MR. [REDACTED] In what?

1338 MR. BRODERICK: Cherokee 260, Piper, six cylinder.

1339 MR. JAMISON: Man, that's great. Yeah, I saw your

1340 floor mat in there.

1341 MR. BRODERICK: Oh, okay. Yeah, I know that's the

1342 only way you would have known unless you was looking at the

1343 back of my car because I've got an aviation on the back there

1344 too.

1345 MR. JAMISON: Oh, okay. Are you looking to do

1346 something with that, make a change, or is it just for fun?

1347 MR. BRODERICK: No, that's for fun. That was my

1348 original plan A. But back -- I went to school for it and went

1349 to college for avionics tech. And then, Ronald Reagan killed

1350 the B-1 bomber contract when I graduated college. So

1351 everybody in the aviation industry, Hughes and Martin
1352 Marietta, were laying off five years and less experience and
1353 I'm trying to get into there brand new. So I had to go to
1354 plan B.

1355 MR. [REDACTED] Yeah, trucking.

1356 MR. BRODERICK: No, that was actually plan D.

1357 MR. [REDACTED] That's plan D.

1358 MR. JAMISON: Gary, thanks for your time.

1359 MR. BRODERICK: Anytime.

1360 MR. [REDACTED] This concludes the interview. I'm
1361 going to turn the recorder off now.

1362

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1366 (Whereupon, the interview of

1367 GARY BRODERICK was concluded.)

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CERTIFICATE OF TRANSCRIBER

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1379 I, BENJAMIN GRAHAM, do hereby certify that this
1380 transcript was prepared from audio to the best of my ability.

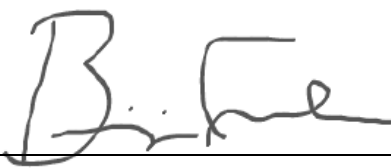
1381

1382 I am neither counsel for, related to, nor employed by any
1383 of the parties to this action, nor financially or otherwise
1384 interested in the outcome of this action.

1385

1386

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_____ 

1388 10/17/2016

Benjamin Graham

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**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

Case Number:

1003-0101

Case Title:

Prime, Inc

Subject of Report:

Interview of Thomas Lehman, J.B. Hunt

Reporting Official and Date:

Darin J. Mugleston
Resident Agent in Charge

03-MAR-2017, Signed by: Darin J. Mugleston

Reporting Office:

Boise, ID, Resident Office

Activity Date:

February 28, 2017

Approving Official and Date:

Jeanne Proctor
Special Agent in Charge

06-MAR-2017, Approved by: Edward W. Owens
Assistant Special Agent in Charge

SYNOPSIS

On February 28, 2017, Tomas Lehman, Yard Operator, J. B. Hunt Transport, Inc. (HUNT) was interviewed was interviewed regarding captioned investigation.

DETAILS

On February 28, 2017, Tomas Lehman, Yard Operator, HUNT, was interviewed by Special Agent (SA) Darin Mugleston, EPA-CID, and SA [REDACTED] U.S. Department of Transportation – Office of Inspector General (DOT-OIG). Lehman was interviewed in a conference room at PPG’s Distribution facility, located at 125 Coal Fax Street, Springdale, PA. Present during the interview was PPG’s Corporate Counsel Steven Faeth. Lehman was interviewed regarding his knowledge of how PPG paint material is loaded for transportation. Lehman said the following information:

Prior to the interview, SA [REDACTED] and SA Mugleston introduced themselves and displayed their credentials to Lehman.

Lehman has been employed at HUNT for approximately 18 years. For the last 10 years, Lehman has been the yard operator at PPG’s Distribution facility. Lehman advised HUNT has a contract with PPG to help facilitate the loading and transportation of PPG material out of the Springdale facility.

As a yard operator, Lehman moves material back and forth from PPG’s Research and Development facility to PPG’s Distribution facility.

Lehman explained that every morning he receives a “shipping log” from PPG. The shipping log contains the orders for the day to be loaded onto trailers to be transported. Lehman estimated there is an average of 5 to 8 orders per day.

The shipping log of orders are prepared by PPG personnel. The orders contain the customer’s name, the destination, the product(s) to be shipped, the weight of the product(s), etc. The orders will also say if the product is hazardous or not. PPG employees in the warehouse will gather each container/drum on the order together and stage the drums in the warehouse. Each order is staged in designated “lanes” inside the warehouse. The lanes are marked.

Lehman inspects and counts the drums of each order to verify the order was filled correctly. Lehman then configures how the drums will be loaded onto a trailer. Lehman has to make sure the trailer is loaded legally for weight. Lehman claimed 44,000 lbs in weight is at the high end for a trailer load.

After Lehman configures how to load the trailer, PPG employees, using forklifts, will load the drums on

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**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

Case Number:

1003-0101

the order onto the trailer.

After the trailer is loaded, Lehman again verifies the trailer was loaded correctly.

Lehman then takes a tractor and moves the trailer to a staging area at PPG's Distribution facility. Lehman then takes another trailer to the warehouse to be loaded.

Lehman explained that after the trailer is loaded with an order, PPG provides him with three copies of the Bill of Lading (BOL) for that order. Lehman signs one of the BOL copies, indicating he inspected the trailer and the order has been loaded correctly. He gives the signed BOL back to PPG for its records. The other two copies are for the driver of the trailer and the customer.

Lehman takes the two unsigned BOL copies and places them into a clear folder. Lehman also inserts a PPG coversheet into the clear folder. The coversheet is for the driver of the trailer to fill out and provide back to PPG before transporting the load. The coversheet is something he adopted from his predecessor. Lehman claimed not every driver fills out the coversheet. Lehman provided a copy of a blank coversheet, which is attached.

Lehman advised if Prime is the contracted carrier for an order, Lehman places a tamper "seal" tag in the above clear folder. The Prime driver places a seal on the trailers doors to show the trailer wasn't tampered with during transit.

If the order contains hazardous material, Lehman also places the hazardous material placards in the above clear folder. Lehman provides six placards for each hazardous material load. Lehman advised he give Prime the "sticky" placards instead of the cardboard placards. Lehman generally highlights the hazardous material and placard section on the BOL.

Lehman places the above clear folder, containing the BOL, the coversheet, the tamper seal if Prime, and the placards if it is a hazardous material, inside each trailer.

The carrier drivers come to the facility either during normal working hours or after working hours to pick up their trailers. The drivers identify the trailer by the "CAP" number for each order/load. The CAP number is listed on the BOL.

Lehman claimed he has very little contact with the drivers if any. Lehman has no contact with no one else from a carrier.

When asked if hazardous material orders are packed differently in a trailer than non-hazardous loads, Lehman said, "no." The loads are packed based upon weight. The only difference is the hazardous materials loads need to be placarded.

Lehman estimated 70 percent of the PPG loads are hazardous.

Lehman has no knowledge of the kind of paperwork, other than the BOL, PPG provides to the carrier.

Lehman advised he knows that the HUNT drivers are required to call HUNT dispatch before the load is transported. The HUNT drivers provide dispatch with all the BOL information, i.e., quantity, description, hazardous materials, weight, emergency contact information for Chemtrec, and etc. HUNT dispatch uploads the information into a HUNT computer system.

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Criminal Investigation Division
Investigative Activity Report

Case Number:
1003-0101

Lehman provided no further information.

ATTACHMENT
Cover Sheet Used by Prime

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Date _____

Carrier **PRIME** _____

Trailer # _____

Destination _____

Load # _____

Seal # _____

*** DRIVER IS RESPONSIBLE FOR SECURING LOAD BEFORE LEAVING PREMISES ***

>After securing load please sign below and place document in mailbox by the warehouse front door.

Trailer # Being Dropped _____

>If loaded trailer is at the dock please remove wheel chocks and hang chocks on the wall beside the trailer.

>Make sure tandems are slid back before dropping trailer.

Signature _____

Please Print & Sign

Thank you,

Beth McDonald

PPG Corporate Logistics

EPA CID Case No. 1003-0131, 1490

provided by Tom Lehman
2/28/17, 1 page

**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

Case Number:
1003-0101

Case Title:
Prime, Inc

Subject of Report:
4-14-16 Recorded Interview of Rick Lee, B&W

Reporting Official and Date:
Darin J. Mugleston
Resident Agent in Charge
23-MAY-2016, Signed by: Darin J. Mugleston

Reporting Office:
Boise, ID, Resident Office

Activity Date:
May 20, 2016

Approving Official and Date:
Edward W. Owens
Assistant Special Agent in Charge
*23-MAY-2016, Approved by: Edward W. Owens
Assistant Special Agent in Charge*

SYNOPSIS

The U.S. Department of Transportation – Office of Inspector General (DOT-OIG)'s Memorandum of Activity (MOA) for the interview of Rick Lee, Manager, B&W Wrecking Services (B&W) is attached.

DETAILS

On April 14, 2016, Rick Lee, Manager, B&W, was interviewed by Special Agent (SA) Darin Mugleston, EPA-CID, and SA [REDACTED] [REDACTED] DOT-OIG. On May 20, 2016, Reporting Agent received DOT-OIG's MOA on the interview of Lee, which is attached.

ATTACHMENT

DOT-OIGs MOA interview of Rick Lee, dated 4_14_16

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EPA CID Case No. 1003-0101: 1079

Memorandum of Activity

Case Number: C16H0010903	Reporting Office: JRI-9 Seattle	Type of Activity: Interview
Date of Activity: 04/14/2016	Date Report Drafted: 04/20/2016	Location of Activity: B&W Wrecker Service 20 S Garden St Boise ID 83705
Subject of Activity: LEE, RICK	Activity Conducted By (Name(s)): [REDACTED] [REDACTED]	Signature: C B

On April 14, 2016, Rick Lee, Manager, B&W Wrecker Service, was interviewed by Special Agent Darin Mugleston, U.S. Environmental Protection Agency, Criminal Investigation Division; and Special Agent [REDACTED] [REDACTED] U.S. Department of Transportation, Office of Inspector General.

The purpose of the interview was to question Lee about the clean-up of a semi-trailer that caught fire carrying nearly 38,000 pounds of UN1263 paint.

Before questioning Lee, the agents introduced themselves and presented their credentials. Special Agent Mugleston advised Lee that he was recording the interview and asked whether Lee had an issue with that. Lee responded that he did not.

After the interview, Special Agent Mugleston downloaded the audio recording to a compact disk. The compact disk is stored as evidence at the U.S. Environmental Protection Agency, Criminal Investigation Division, Boise Resident Office.

The following summary is included to provide a reference to topics discussed during the recorded interview. It is not intended to be in chronological order or a verbatim account. It does not memorialize all statements made during the interview. The recording of the interview captures the actual words spoken.

All times below are taken from the recording and are approximate:

Sandy called Lee about a burnt trailer on the interstate. (00:08:45).

Sandy and the transportation department were there when Lee got to the scene. Darren Buys also showed up. (00:09:30).

The Idaho State Police left before Lee got there. Lee did not speak with them. (00:10:30)

They put the trailer with the remaining contents onto their flatbed. (00:14:45)

They put the barrels they offloaded from the trailer into a side dump brought by Corder Trucking. (00:15:30)

Darren drove the trailer to their yard in Mountain Home on a truck and trailer. Prime then sent a company to take it to Salt Lake. (00:20:15; 00:23:45)

Lee assumes Corder took the side dump to its yard. The next day Corder took it to Idaho Waste Systems. Lee cannot remember who asked Corder to take it there. (00:21:15; 01:07:30)

Lee called Idaho Waste and told them they had barrels of paint to dispose of. Lee cannot remember whether Idaho Waste Systems asked what kind of paint. (00:24:45; 00:28:00; 01:06:15)

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Case Number: C16H0010903	Reporting Office: JRI-9 Seattle	Type of Activity: Interview
Date of Activity: 04/14/2016	Date Report Drafted: 04/20/2016	Location of Activity: B&W Wrecker Service 20 S Garden St Boise ID 83705
Subject of Activity: LEE, RICK	Activity Conducted By (Name(s)): [REDACTED] [REDACTED]	Signature: C B

Lee was under the impression from Sandy, who had talked to the police, that it was not hazmat paint and they were good to clean it up. (00:26:00; 00:34:30; 00:45:00)

Usually they are told whether a scene is a hazmat scene. They don't touch anything unless they know. If they are told it is a hazmat scene they leave and wait for the hazmat team to come. They do not want anything to do with hazmat. That is why they cleaned it up. Lee was told it was not hazmat and it was containable so that is why they picked it up. Lee heard Sandy said he had a conversation with the state police and that it was not hazmat. (00:29:00; 00:33:45)

If Sandy says he told Lee it was a hazmat situation he would be lying. (00:37:00)

First responders have to get the accident scene cleaned off and that is why someone could drive hazmat without a hazmat endorsement. That should be in the state statutes. (00:45:45)

The exception does not apply to hazmat. Even if it did they would not do it. Whether it applies or not, Lee would not touch it. (00:47:00)

Lee told the drivers that hazmat has to be done by somebody with the certifications and clean up ability. (00:48:30)

Lee does not know if Darren has a hazmat endorsement. Lee does not know if the driver from Corder had a hazmat endorsement. (00:49:15)

Lee's drivers that do not have hazmat endorsements cannot drive hazmat. (00:49:30)

Lee did not call the National Response Center about the spill. (00:57:30)

Lee assumes Prime called Sandy about the second cleanup. Sandy or Corder went out there to finish cleaning what was left. Lee cannot remember if Sandy was part of the second cleanup. (00:58:15)

Reviewed By (Initials): W S

Date: 04/22/2016

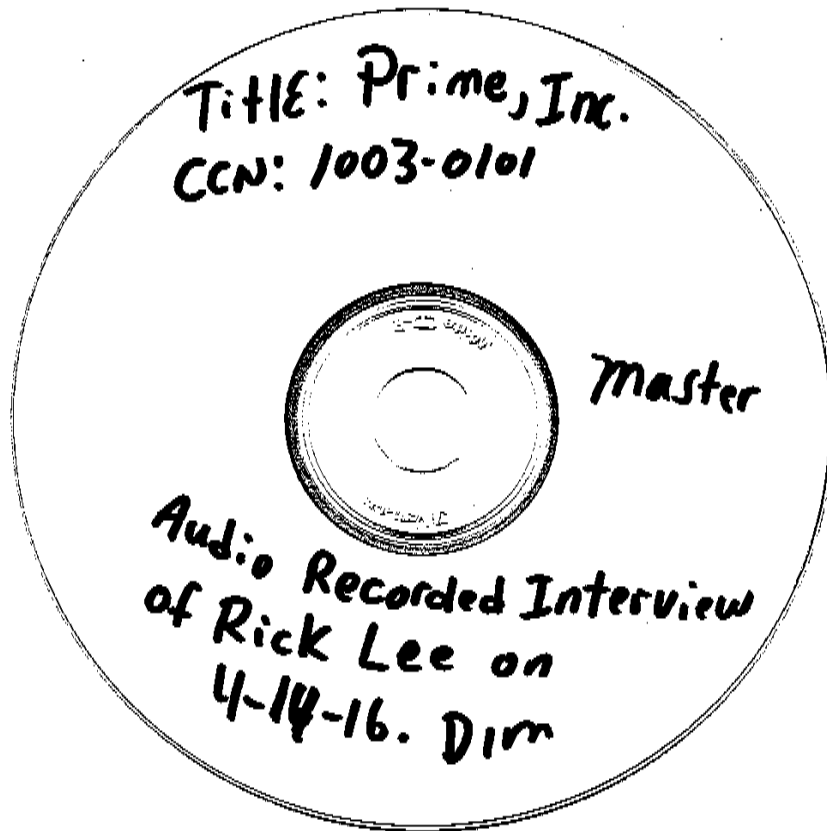
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United States Environmental Protection Agency
Office of Criminal Enforcement, Forensics & Training
CHAIN OF CUSTODY RECORD

Case Number 1003-0101		Case Name Prime, Inc		1. Collection Location/Source Audio Recorded Interview	
2. Item/Sample Number	Item/Sample Date Time	3. Collected By	4. Item/Sample Location	5. Description	
	4/14/16	SA Mugleston	Audio Recorded Interview	One (1) Compact Disk titled "Audio Recorded Interview of Rick Lee on 4-14-16." Initialed "DJM"	
Nothing Follows					
DJM					

EPA CID Case No. 1003-0101: 1082



Title: Prime, Inc.
CCN: 1003-0101

Master

Audio Recorded Interview
of Rick Lee on
4-14-16. Dirn

**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

Case Number:
1003-0101

Case Title:
Prime, Inc

Subject of Report:
3-31-16 Recorded Interview of David McCallum, Corder Trucking

Reporting Official and Date:
Darin J. Mugleston
Resident Agent in Charge
23-MAY-2016, Signed by: Darin J. Mugleston

Reporting Office:
Boise, ID, Resident Office

Activity Date:
May 20, 2016

Approving Official and Date:
Edward W. Owens
Assistant Special Agent in Charge
*23-MAY-2016, Approved by: Edward W. Owens
Assistant Special Agent in Charge*

SYNOPSIS

The U.S. Department of Transportation – Office of Inspector General (DOT-OIG)'s Memorandum of Activity (MOA) for the interview of David McCallum, Truck Driver, Corder Trucking is attached.

DETAILS

On March 31, 2016, David McCallum, Truck Driver, Corder Trucking, was interviewed by Special Agent (SA) Darin Mugleston, EPA-CID, and SA [REDACTED] [REDACTED] DOT-OIG. On May 20, 2016, Reporting Agent received DOT-OIG's MOA on the interview of McCallum, which is attached.

ATTACHMENT

DOT-OIGs MOA of Interview of McCallum, dated 03_31_16

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Memorandum of Activity

Case Number: C16H0010903	Reporting Office: JRI-9 Seattle	Type of Activity: Interview
Date of Activity: 03/31/2016	Date Report Drafted: 04/12/2016	Location of Activity: 1070 S 3rd West B St Mountain Home ID 83647
Subject of Activity: MCCALLUM, DAVID	Activity Conducted By (Name(s)): [REDACTED] [REDACTED]	Signature: C B

On March 31, 2016, David McCallum, Truck Driver, Corder Trucking, was interviewed by Special Agent Darin Muglestun, U.S. Environmental Protection Agency, Criminal Investigation Division; Special Agent [REDACTED] [REDACTED] U.S. Department of Transportation, Office of Inspector General; and Detective Daniel Parlin, Elmore County Sheriff's Office.

The purpose of the interview was to question McCallum about the clean-up of a semi-trailer that caught fire carrying nearly 38,000 pounds of UN1263 paint.

Special Agent Muglestun introduced the agents before questioning McCallum. Special Agents Muglestun and [REDACTED] displayed their credentials, and Detective Parlin wore a badge on a necklace. Special Agent Muglestun told McCallum that it was going to be audio recorded.

After the interview, Special Agent Muglestun downloaded the audio recording to a compact disk. The compact disk is stored as evidence at the U.S. Environmental Protection Agency, Criminal Investigation Division, Boise Resident Office.

The following summary is included to provide a reference to topics discussed during the recorded interview. It is not intended to be in chronological order or a verbatim account. It does not memorialize all statements made during the interview. The recording of the interview captures the actual words spoken.

All times below are taken from the recording and are approximate:

McCallum has a commercial driver license. He does not have a hazmat endorsement. (00:05:45; 00:07:00; 00:08:00)

CALL OUT:

Mike called McCallum at home on Sunday and told him there was an accident on the freeway and asked him to take a side dump out there. McCallum got the side dump from Tim's yard and took it out there. (00:11:45)

McCallum met with B & W Towing. There were a couple guys out there. One was a heavier set guy with short hair who drove the wrecker. (00:12:00)

McCallum recognized the name Sandy. He was the heavier set guy. Sandy was "the main man." (00:12:45)

There was a state cop there too. Sandy knew the state cop personally. He called him on his cell phone for help because people were speeding past them. McCallum did not hear the police officer tell Sandy he needed placards and manifests on trucks. (00:34:15; 00:35:00; 00:35:45)

CLEAN UP:

At the scene McCallum asked if he was just going to drop off the trailer. Sandy Derrick told him he could stay and help if he wanted. (00:17:45)

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Case Number: C16H0010903	Reporting Office: JRI-9 Seattle	Type of Activity: Interview
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Subject of Activity: MCCALLUM, DAVID	Activity Conducted By (Name(s)): [REDACTED]	Signature: C B

McCallum described how the drums were put in the side dump. The paint was leaking everywhere. They were trying to do it as fast as they could, and they were making a mess. It got all over McCallum. It ruined his hat and some of his clothes. McCallum thought about 40 drums were put in the side dump. (00:19:00; 00:19:45; 00:20:15)

They picked up the trailer and put it on a flat truck. McCallum couldn't remember if there were drums on that. He thought there might have been. There were empty ones and smashed ones and some that were burnt. There were a bunch of smashed ones that they just left on there. (00:22:00; 00:22:30)

They cleaned up the rest of the debris. Some department cleaned up the rest of the stuff and dumped it in the trailer and the side dump. (00:23:15)

McCallum thought the paint was flammable. Hazmat was anything that can catch on fire and was dangerous to your health. (00:38:50)

TRANSPORTATION:

They asked McCallum if he wanted to make some money. They asked if he had a hazmat. McCallum said no. They said they didn't have anyone else to haul it. (00:14:30; 00:15:15)

McCallum remembered the tow truck driver saying he guessed McCallum was out of luck, somebody had to drive it, so it was going to be McCallum. (00:24:10)

McCallum told Sandy Derrick that he didn't have hazmat. McCallum couldn't remember how Derrick responded. But Derrick said McCallum was going to drive it anyway. (00:24:45; 00:26:30)

McCallum drove the side dump to B & W's yard. McCallum is pretty sure he then drove it to Corder's yard. (00:27:00; 00:28:00)

McCallum acknowledged that he told Sandy that he didn't have a hazmat endorsement. Sandy's response was somebody has to drive the truck. Sandy didn't offer any reason why it would be ok for McCallum to drive the hazmat. (00:41:15)

McCallum remembered taking the side dump to their yard. McCallum did not put a placard on his trailer because he did not have one. (00:46:45; 00:36:15)

Sandy Derrick didn't ask McCallum to drive until the end. (00:49:15)

DISPOSAL:

McCallum might have taken the paint to the landfill the next day. He can't remember. (00:29:10)

SECOND INCIDENT:

McCallum was not aware of the second incident. (00:43:30)

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Subject of Activity: MCCALLUM, DAVID	Activity Conducted By (Name(s)): [REDACTED]	Signature: C B

ATTACHMENT(S):

Copy of the recorded interview

Reviewed By (Initials): W S

Date: 04/28/2016

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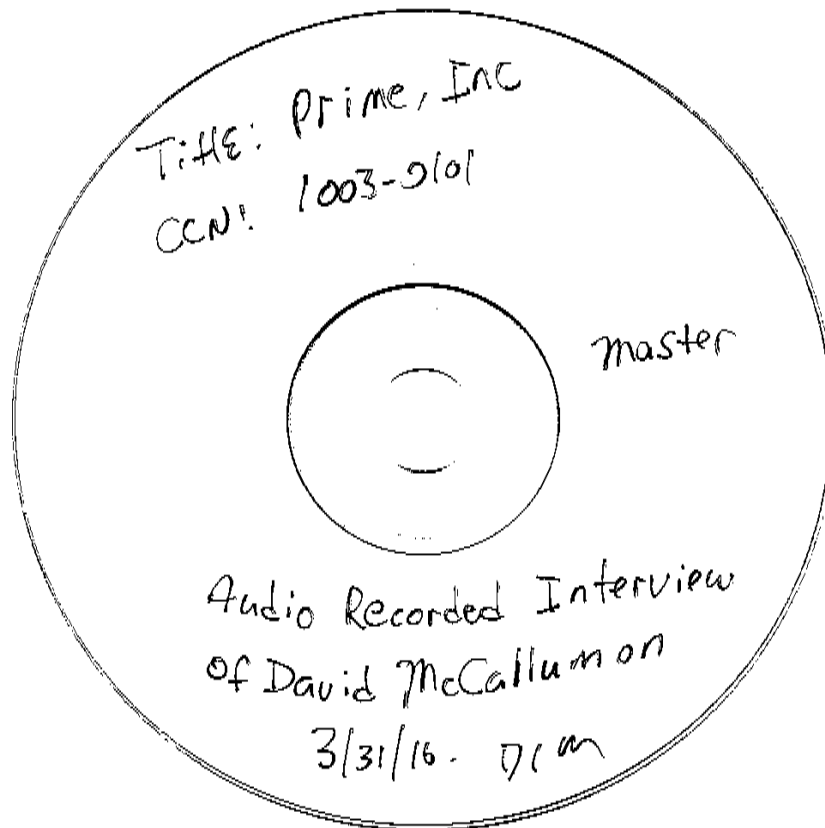
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United States Environmental Protection Agency
Office of Criminal Enforcement, Forensics & Training
CHAIN OF CUSTODY RECORD

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<i>Nothing Follows</i>					
<i>DJM</i>					
<i>[Diagonal line crossing out the rest of the table]</i>					

EPA CIO Case No. 1003-0101: 1095



Curriculum Vitae
KRISTEN A. KETELES, Ph.D.

Work Address

EPA National Enforcement Investigations Center
Denver Federal Center
PO Box 25227, Bldg 25, Rm 2A-215
Denver, CO 80225
303-462-9313
Keteles.Kristen@epa.gov

Education

Louisiana State University	2001	Ph.D. Biological Sciences, Zoology
Coastal Carolina University	1995	B.S. Marine Science

Field of Specialization and Areas of Interest

- Human Health and Ecological Risk Assessment
- Toxicogenomics (gene expression in response to chemicals)
- Environmental Forensics/Hazard Assessment
- Children's Environmental Health
- Pesticides
- Fate and Effects of Contaminants of Emerging Concern in the Environment

Professional Society Affiliation

Society of Toxicology
Society of Environmental Toxicology and Chemistry

Professional Experience

Senior Toxicologist, USEPA National Enforcement Investigations Center (NEIC), 2016-Present

Duties: Provides technical assistance in the field of toxicology to support criminal investigations and prosecutions, including written reports and declarations, and expert witness testimony during trials and sentencings involving intentional poisonings and chemical exposures resulting from criminal negligence. Communicates potential risks from chemical exposure to juries and other lay audiences. Serves on national technical workgroups including the Risk Assessment Forum and the Science Support Panel. Reviews science policy documents and briefs the NEIC director on these documents. Remains active in the field of toxicology by planning and conducting research. Directs data collection and analysis related to risk assessment as well as advanced monitoring research and other studies. Determines risk from chemical exposures to law enforcement

Kristen Keteles, Ph.D.

U.S. EPA-NEIC

Curriculum Vitae

January 2021

and first responders and establishes clearance levels. Serves as chair of the EPA Risk Assessment Forum Human Health Oversight Committee.

Toxicologist (National Technical Expert), USEPA Region 8, Technical Assistance Unit and Pollution Prevention, Pesticides, and Toxics Unit, Denver CO, 2008-2016.

Duties: Provided technical assistance regarding human health and ecological effects from exposure to pesticides, metals (including mercury), volatile organic compounds and other toxics to the public, state and local officials, and other federal agencies; Served as a technical expert on risks and effects of pesticides and toxics (PAHs, VOCs, PCBs, lead, mercury, asbestos); Conducted human health and ecological risk assessments at superfund sites; Assessed risk from exposure to chemicals from spills and releases during Emergency Response operations and established screening levels and clearance levels; Served as technical expert on workgroups to develop guidance and policies to protect human health and the environment from exposure to chemicals; Assisted with the training of pesticide applicators; Provided toxicological expertise to the Children's Environmental Health and Air Toxics Program; Served on the Air Toxics Risk Assessors workgroup and the Chemical Safety for Sustainability Implementation Team. Prepared briefings on technical issues for senior leadership; Conducted research on the effects of endocrine disrupting chemicals on aquatic life using toxicogenomic tools. Presented information at scientific and public meetings. Provided technical assistance in the field of toxicology to support criminal investigations and prosecutions.

Acting Deputy Director, USEPA National Enforcement Investigations Center (NEIC), 2011

Duties: Provided management oversight and technical leadership to NEIC's Program Managers and Branch Chiefs to ensure that the overall goals to provide forensic science support to the enforcement community of EPA were achieved. Resolved differences in scientific opinion and developed a framework to address these differences.

Affiliate Faculty, Colorado Christian University, Lakewood CO, 2007-Present

Duties: Teaches Biology (general education), Environmental Science, and Human Genetics and Genomics.

Instructor, Miami University, Oxford OH, 2015-Present

Duties: Teaches online classes in the field of environmental science and conservation including, Biology in the Age of Technology, Primate Biology and Conservation, Great Lakes Ecosystem, and Environmental Stewardship Education.

Lecturer, University of Colorado Denver, Denver, CO, 2009-2011

Duties: Taught graduate course in Environmental Biology.

Coastal Watershed Condition Assessment Coordinator (Contaminants Specialist), National Park Service-Water Resources Division, Contractor with Texas A&M University, 2004-2008.

Duties: Assessed threats to public health and natural resources within and adjacent to coastal National Parks; provided technical assistance regarding health effects and natural

resource damage during chemical spill response and provided technical expertise for spill contingency planning in coastal National Parks. Coordinated projects working with multiple stakeholders to assess environmental impacts to National Park resources. Assured that projects were completed on time and met the scope of work. Communicated the results of the assessments to Park managers.

Assistant Professor of Biology, University of Central Arkansas, Conway, AR 2001-2004.
Duties: Advised graduate students, maintained a research program in environmental toxicology, Taught graduate and undergraduate courses (Environmental Toxicology, Health Effects from Environmental Contaminants, Environmental Science, and Introductory Biology)

Visiting Scientist, Federal Bureau of Investigation, Counter Terrorism Forensic Science Research Unit (FBI-CTFSRU) Quantico, VA 2003.
Duties: Developed a Polymerase Chain Reaction (PCR) DNA-based method to detect biotreats (*Bacillus anthracis*) in environmental samples.

Adjunct Professor of Biology, River Parishes Community College, Sorrento, LA 2001

Graduate Research Assistant, Louisiana State University, Baton Rouge, LA, 1999.
Effects of PAH on trace metal bioaccumulation in the darter goby, *Gobionellus bolesoma*. Planned and conducted research.

Graduate Research Assistant, Louisiana State University Baton Rouge, LA, 1998.
Hazardous Materials Research Center: Fate of PAH contaminants in the environment.

Senior Research Associate, Dartmouth College, Hanover, NH 1996-1997
Superfund Basic Research Program: Bioaccumulation and biomagnification of toxic metals including mercury in lake foodwebs throughout the Northeastern Region of the U.S.A. Planned research activities, collected data, and briefed leadership including a congressional delegation on the findings of the research.

Workgroups Served On

National Toxicology Program Workgroup

Chemical Safety for Sustainability Implementation Team

Risk Assessment Forum Human Health Oversight Committee, Chair 2020

Science Technology Policy Council Science Support Panel

Air Toxics Risk Assessors

OLEM Human Health Regional Risk Assessors Forum

Presentations

Keteles, K.A. and A. R. Kadry. A Risk-Based Investigation on an Accidental Exposure of a Bison Herd to Chlorophacinone. Society of Toxicology, San Antonio, Texas, March 2018.

Keteles, K.A. Toxicology and Environmental Crimes: Answering, “So what?”. Colorado Environmental Crimes Task Force, February 23, 2017.

K.A. Keteles, A.M. Vajda, D. Winkelman, J. Beihoffer, D. Ekman, D.L. Villeneuve, J.M. Lazorchak, A. Jastrow, T. Collette. Use of bioactivity tools to measure estrogenic mixtures below WWTPs with differing treatment technologies. Society of Environmental Toxicology and Chemistry 36th Annual Meeting, Salt Lake City, UT, November 2015.

Dewoskin, R.S., G.L. Diamond, J. Brown, M.H. Follansbee, K.A. Keteles, C.R. Partridge. Predicting Blood Lead Following Short-Term Exposures Using the All Ages Lead Model (AALM), Society of Toxicology, Phoenix, AZ, March 2014.

Keteles, K.A. Schwindt, A.R., Winkelman, D.L., Vajda, A.M., Beihoffer, J. Bioindicators of exposure to Endocrine Active Chemicals, Rocky Mountain Society of Environmental Toxicology and Chemistry Denver, CO, April 2013.

Keteles, K.A. Science for EPA Region 8’s Future (invited), National Academy of Sciences National Research Council Committee, Washington, DC, August 8, 2011.

Keteles, K.A. Children’s special vulnerabilities to environmental exposures including prenatal and developmental windows of susceptibility, Improving Children’s health through federal collaboration speaker series, November 10, 2010.

Keteles, K.A. EPA’s response to the Deepwater Horizon Oil Spill, (Invited) America Water Resources Association, Denver CO, August 2010.

Keteles, K.A. Rethinking pristine: Contaminants of emerging concern in high elevation Lakes, Water Professionals Meeting, Fort Collins, CO, Feb 2010.

Keteles, K. A. Why children are not little adults: toxicology 101. Children’s Environmental Health Summit, Missoula MT, August 11, 2009.

Keteles, K.A., E. Smith, T. Walter, and D.S. Johnson. Variation in cadmium bioavailability, Society of Environmental Toxicology and Chemistry 25th Annual Meeting, Portland, Oregon, November 2004.

Keteles, K.A., T. Walter, E. Smith, M. Schroeder. Invited Paper. The influence of water quality on trace metal bioavailability. Arkansas Water Resources Meeting, Fayetteville, AR April 2004.

Kristen Keteles, Ph.D.
U.S. EPA-NEIC

Curriculum Vitae

January 2021

Keteles, K.A. The influence of nutrients on the toxicity of arsenate and arsenite. Society of Environmental Toxicology and Chemistry 24th Annual Meeting, Austin, Texas, November 2003.

Keteles, K.A. and J.W. Fleeger, The trophic transfer of exoskeleton-associated metals in crustacean prey (*Palaemonetes pugio*) to a fish predator (*Fundulus grandis*). Society of Environmental Toxicology and Chemistry 22nd Annual Meeting, Baltimore, MD, November 2001.

Keteles, K.A. and J.W. Fleeger. The effect of source of exposure on the uptake and partitioning of metals by *Palaemonetes pugio*. Society of Environmental Toxicology and Chemistry 21st Annual Meeting. Nashville, TN, November 2000

Keteles, K.A. and J.W. Fleeger. Uptake and partitioning of metals by *Palaemonetes pugio*. Society of Environmental Toxicology and Chemistry 20th Annual Meeting, Philadelphia PA, November 1999.

Publications

Cavallin, J.E., W. A. Battaglin, J. Beihoffer, B. R. Blackwell, P. M. Bradley, A. R. Cole, D. R. Ekman, R. N. Hofer, J. Kinsey, K. Keteles, R. Weissinger, D. L. Winkelman, and D. L. Villeneuve. Effects-Based Monitoring of Bioactive Chemicals Discharged to the Colorado River before and after a Municipal Wastewater Treatment Plant Replacement. *Environmental Science & Technology* 2021 55 (2), 974-984.

Weissinger, R.H., B.R Blackwell, K.A. Keteles, W. A Battaglin, P.M. Bradley. (2018) Bioactive contaminants of emerging concern in National Park waters of the northern Colorado Plateau, USA. *Science of The Total Environment*. 636: 910–918

Ekman, D.R., K.A. Keteles, J. Beihoffer, J.E. Cavallin, K. Dahlin, J.M. Davis, A. Jastrow, J.M. Lazorchak, M. Mills, M. Murphy, D. Nguyen, A.M. Vajda, D. L. Villeneuve, D.L. Winkelman, and T.W. Collette. (2018) Use of Targeted and Untargeted Effects-based Monitoring Tools to Assess Impacts of Wastewater Effluents on Fish in the South Platte River, CO. *Environmental Pollution* 239: 706–713.

Bai, X, Lutz, A., Carroll, R. Keteles, K., Dahlin, K., Murphy, M., and Nguyen, D. (2018) Evaluating occurrence, distribution, and seasonality of pharmaceuticals and other emerging contaminants in urban watersheds. *Chemosphere*. 200: 133-142.

Jastrow, A., D. Gordon, K. Auger, E. Punska, K. Arcaro, K. Keteles, D. Winkelman, D. Lattier, A. Biales, J. Lazorchak. (2017) Tools to minimize inter-laboratory variability in vitellogenin gene expression monitoring programs. *Environmental Toxicology and Chemistry*. 36 (11), 3102-3107.

Schwindt, A.R., D. Winkelman, K.A. Keteles, M. Murphy, A. Vajda. (2014) An environmental estrogen disrupts fish population dynamics through direct and transgenerational effects on survival and fecundity. *Journal of Applied Ecology*. 51(3), 582-591.

U.S. EPA (Environmental Protection Agency). (Contributing Author) (2010) Integrating Ecological Assessment and Decision-Making at EPA: A Path Forward. Results of a Colloquium in Response to Science Advisory Board and National Research Council Recommendations. Risk Assessment Forum. Washington, DC. EPA/100/R-10/004.

Millward, R.N., Fleeger, J.W., Reible, D.D., Keteles, K.A., Cunningham, B.P. and Zhang, Li. (2001) Pyrene bioaccumulation, effects of pyrene exposure on particle size selection and fecal pyrene content in the oligochaete, *Limnodrilus hoffmeisteri* (Tubificidae, Oligochaeta). *Environmental Toxicology and Chemistry*. 20 (6), 1359–1366.

Keteles, K.A. (2001) Metal partitioning in *Palaemonetes pugio* and its role in depuration and trophic transfer. Dissertation, Louisiana State University, Baton Rouge, LA.

Keteles, K.A. and J.W. Fleeger (2001) Metal partitioning among tissues and exoskeleton of *Palaemonetes pugio* and its role in depuration and trophic transfer. *Marine Pollution Bulletin*. 42: 1397-1402.

Awards, Grants, and Fellowships

Gold Medal for Commendable Service (2018), Terminix Enforcement Criminal Team for outstanding support to the terminix criminal enforcement case.

EPA Science Achievement Award (2018), South Platte Endocrine Disruption Study Team, for engagement in a multi-year collaborative research project to advance scientific knowledge and analytic methods regarding the presence of estrogenic chemicals in public water ways.

Bronze Medal for Commendable Service (2017), Boasso America Criminal Case Team in recognition of the Boasso Enforcement Team's outstanding investigative efforts leading to the sentencing of Boasso and nine individual defendants totaling 343 months of incarceration.

Regional Applied Research Effort: “Using a biosensor tool to evaluate the safety of produced water for beneficial reuse during drought conditions in the west”, 2017, \$98,440.

EPA Regional Applied Research Effort: “Application of 21st century bioanalytical tools to identify sources and effects of bioactive contaminants associated with select municipal

wastewater discharges to the South Platte and Colorado River watersheds” 2017, \$134,000.

EPA Region 8 Office of Enforcement Compliance and Environmental Justice Certificate of Excellence (2016) for exemplary work to quickly resolve a significant pesticide misuse by securing a fast and effective remedy in the Meyers Ranch incident.

Science Achievement Award (2013) for outstanding achievement in cementing partnerships to bridge a critical gap in laboratory capacity with the development of a novel laboratory method for the expedited assessment of the viability of *Bacillus anthracis* from an environmental sample.

EPA Science Award (2012) for initiative and creativity in the use of novel molecular biology methods to detect endocrine active chemicals in the environment.

EPA Bronze Medal for Commendable Service (2011), Chemical Safety for Sustainability Research Program Development Team for design and development of the Chemical Safety for Sustainability Research Program Action plan, which embodies innovative, trans-disciplinary approaches for understanding chemicals and enhancing sustainability.

Regional Methods Initiative: “Development of a Whole Effluent Test for androgenicity and estrogenicity” 2009, \$180,000.

Office of Research and Development Pharmaceuticals in the Environment Workshop 2009, \$60,000.

Oak Ridge Institute for Science and Education Fellowship: Visiting Scientist Fellow at the Federal Bureau of Investigation Academy.

URC Faculty Research Grant: “Variation in the uptake of potentially toxic trace metals by aquatic organisms inhabiting agricultural vs. forested watersheds” 2002, \$8,795.00.

University Research Council Summer Stipend: “The Effect of Calcium Limitation on Cadmium Uptake” 2002, \$2,600.

NSF UFE Workshop, “New Approaches and Techniques for Teaching Science: Addressing Environmental Problems to Stimulate Undergraduate Learning”

“The influence of source of exposure on the uptake and partitioning of metals by *Palaemonetes pugio*” National Sigma Xi Grant-in Aid of Research; 1999, \$800

Litigation Experience: Trials and Depositions

USA v. CMS Energy Corporation; Western District of Michigan, Grand Rapids, MI; February 22, 2018; Deposition at US Department of Justice Environment and Natural Resources Division. Washington, DC.

Kristen Keteles, Ph.D.
U.S. EPA-NEIC

Curriculum Vitae

January 2021

USA v Raymond Mitchell; Southern District of Georgia, Savannah, GA; March 18, 2016; Testified as an expert witness at the sentencing on the toxicity and potential for harm from exposure to naphthalene.

USA v Ryan Chamberlain; Northern District of CA, San Francisco, CA; February 5, 2016; Testified as an expert witness in a Delbert hearing on the use of toxicity data to determine the lethal effects from exposure to the biological toxins, ricin and abrin.

USA v Carl Kieser; Central District of Illinois, Peoria, IL; October 29, 2014; Testified as an expert witness in a criminal trial on the toxicity of the herbicide, diuron to aquatic life.

USA v Martin Kuna; District of Oregon, Portland; OR, July 22, 2013; Testified as expert witness at the sentencing on the effects of lead on children.

Colorado v. Joseph Loskinski; Weld County District Court, Greeley, CO; December 12, 2012; Testified as an expert witness at the sentencing on the effects and lethality of the rodenticide, strychnine.

Litigation Experience: Expert Reports, Declarations and Affidavits

Expert witness opinion report for *USA v. Edward Miller*; District of Nebraska; April 8, 2020; Expert opinion report on health effects from exposure to chemicals found at illegal dump sites in Hamilton County, Nebraska.

Expert witness opinion report for *USA v. Lloyd Robl*; Western District of Wisconsin, Madison, WI; July 30, 2019; Expert opinion report on health effects from exposure to asbestos.

Expert witness opinion report for *USA v. Total Reclaim Lorch and Zirkle*; Western District of Washington, Seattle WA; March 25, 2019; Expert opinion report on health risks from exposure to mercury from electronic waste.

Declaration for *USA v. Tonawanda Coke Corporation*; Western District of New York, Buffalo, NY; September 17, 2018; Expert opinion on the health effects from exposure to benzene and particulate matter.

Expert witness opinion report for *USA v. Chelsea Environmental-Paul Potter*; Eastern District of VA, Alexandria, VA; August 21, 2018; Expert opinion report on health effects from exposure to asbestos.

Expert witness opinion report for *USA v. CMS Energy Corporation*; Western District of Michigan, Grand Rapids, MI; January 16, 2018; Expert opinion report on risks from the discharge of cement kiln dust leachate.

Expert witness opinion report for *USA v. OE Construction Corporation*; District of Colorado, Denver, CO; June 19, 2017. Expert opinion on health effects from exposure to diesel emissions.

Expert witness report for *USA v. Dipen Patel*; Northern District of Indiana, Hammond, IN; January 26, 2017; Expert opinion on health effects from exposure to the pesticide, Doom (active ingredient, dichlorvos).

Declaration for *USA v. Ryan Chamberlain*; Northern District of California, San Francisco, CA; February 5, 2016; Declaration to support the government's opposition to the defendant's motion to exclude expert witness testimony on the use of toxicological data to determine the toxicity of abrin and ricin.

Expert witness report for *USA v. Terminix International Company*; District Court of the Virgin Islands, St. Thomas, VI; December 1, 2015. Expert opinion on the methylbromide exposure incident.

Expert witness report for *USA v. Cenex Harvest States, Inc*; District of Montana, Great Falls, MT; January 22, 2013; Expert opinion on the toxicity of the gases released from a warehouse fire to livestock and human health.

Expert witness report for *USA v. Martin Kimber*; Northern District of New York, Albany, NY; February 2012; Summary of the health hazards of mercury by inhalation exposure.

Expert witness report for *USA v. Seville Colony*; District of Montana, Great Falls, MT; January 17, 2012; Expert opinion on the imminent and substantial endangerment from the illegal application of the rodenticide, strychnine.

Expert witness report for *USA v. Bazan et.al.*; United States District Court District of Kansas, Kansas City, KS; March 14, 2011; Expert opinion on the toxicity of the pesticide, methomyl.

Expert witness report for *USA v. Martha Hebert*; Eastern District of Louisiana, New Orleans, LA; November 10, 2011; Expert opinion on the falsification of whole effluent toxicity data.

Expert witness report for the *USA v. Roy Stricklin*; District of Wyoming, Casper, WY; September 8, 2011; Expert opinion on the risks to a population from the exceedance of the drinking water maximum contaminant level for coliform.

PERSONAL QUALIFICATION STATEMENT

January 2021

Name: John J. Reschl

Position Title: Chemist

Business Address: U.S. Environmental Protection Agency
National Enforcement Investigations Center
Building 25, P.O. Box 25227
Denver Federal Center
Denver, Colorado 80225
303/462-9117
303/462-9141 FAX

Education: B.S., Chemistry
1989 - University of Denver
Denver, Colorado

Employment:

1990 - U.S. Environmental Protection Agency
National Enforcement Investigations Center
Present Denver Federal Center
Denver, CO 80225
Chemist

Independently perform a wide variety of chemical and physical analytical tests with chemical waste materials and contaminated media for identifying and quantitating physical and chemical properties and composition of these materials. Work includes laboratory project management involving independent analyses and analysis teams and authoring reports to support environmental criminal and civil investigations. Analyses include cyanide and sulfide testing, azide testing, ignitability characterization, corrosivity characterization, toxicity characterization, and reactivity characterization. Analyses include using instrumentation such as inductively coupled argon plasma optical emission spectroscopy and mass spectrometry, ion and gas chromatography, ion selective electrode potentiometry, uv-vis spectrophotometry, automated direct flow injection and also a wide variety of wet chemistry testing.

Have worked directly in large scale field investigations and field testing to determine chemical properties of toxic materials at large chemical facilities. Designed testing plans, schemes, and testing protocols using systematic approaches to determine specific information vital to experiment success. Performed rapid analyses and testing to support CBRNE analysis for Department of Homeland Security efforts. Testified as a fact witness for the government for the successful prosecution of two criminal trials (US vs. Applied Coatings, Houston, TX and US vs. Cactus Park, Grand Junction, CO). Testified for the government in a Daubert hearing (US vs. Ryan Kelly Chamberlain).

October 1988 - U.S. Environmental Protection Agency
National Enforcement Investigations Center
February 1990 Denver, CO 80225
Physical Science Technician

Performed analytical services for criminal investigations. Analyzed for toxic metals in a broad variety of media including water, soil, vegetation, and waste samples using such analytical techniques as ICP-OES and Atomic Absorption Spectroscopy. Prepared such media for analyses.

June 1987 - U.S. Environmental Protection Agency
National Enforcement Investigations Center
October 1988 Denver, CO 80225
Physical Science Aide

Performed physical, chemical and instrumental testing for the analysis, comparison and evaluation and characterization of evidence materials. Provided computer data entry support of the results of determinations or measurements of the chemical constituents or physical properties of evidence materials.

Publications and Presentations:

E. Betterton, R. Ingamells, J. Lowry, J. Reschl, and R. Ross, "Putting the air into airbags", EPA, National Enforcement Investigations Center, Denver Federal Center, CO, (2003).

J. Beihoffer, E. Bour, C. Gibson, J.H. Lowry, J.J. Reschl, and J.L. Seidel, "Identification and Determination of Isomeric Bromo and/or Chloro Substituted 1,3-Dihalo-5,5-dimethylhydantoin Used in Disinfectants and Pesticides," presented at the 210th American Chemical Society National Meeting and Exposition Program, Chicago, Illinois (1995) and Journal of AOAC International, 79, 823-828 (1996).

J. Seidel, J. Reschl, and J. Beihoffer, "Identification and Quantification of Polar Organic Compounds in Flammable Hazardous Waste by GC/FT-IR", presented at the 35th Rocky Mountain Conference on Analytical Chemistry, Denver, Colorado (1993).

M. Ketterer, J.J. Reschl, M. Peters, "Multivariate Calibration in Inductively Coupled Plasma Mass Spectrometry", presented at the 31st Rocky Mountain Conference on Analytical Chemistry, Denver, Colorado (1989).

Michael E. Ketterer, John J. Reschl, Michael J. Peters, "Multivariate Calibration in Inductively Coupled Plasma Mass Spectrometry", *Anal. Chem.* **1989**, 61 (18), pp 2031 – 2040.

Continuing Education:

Course	Sponsor	Date of Completion
8-hr HAZWOPER Refresher Training	US EPA OCEFT	1/21/2014
NexION ICP-MS (In-house training)	Perkin Elmer	4/30/2013
ICP-MS with ELAN Software	Perkin Elmer	12/15/2012
8-hr HAZWOPER Refresher Training	Colorado Safety Association	1/19/2011
Sampling for Defensible Environmental Decisions	EnviroStat, Inc.	10/29/2010

Course	Sponsor	Date of Completion
Basic Inspector Training CST109	US EPA NETI	8/5/2010
McCoy's RCRA Unraveled	McCoy and Associates	May 2010
56 th ASMS Conference on Mass Spectrometry and Allied Topics	ASMS Colorado Convention Center	June 5, 2008
ICS-3000 with MSQ Training	Dionex Corporation	May 21, 2008
ISO/IEC17025 and Forensic Accreditation Requirements	FQS-1	January 2008
Refresher: Lab Safety Training Field Safety 8 hr	Various	2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015
Lab Safety Training	Stephen B. Andrews, CIH	5/17/2005
Environmental Enforcement Litigation Update – Courtroom	U.S. EPA NEIC	1/13/2005
Field Safety 8hr	Tetra Tech	1/11/2005
Health and Field Safety 8-hr training	U.S. EPA NETI	3/23/2004
Report Development/Review Procedure	U.S. EPA NEIC	9/2/2003
Lab Safety Refresher	Front Range C.C.	6/3/2003
Project Coordination Procedure	U.S. EPA NEIC	5/6/2003
Field Health & Safety Training	Tetra Tech	3/25/2003
Ion Chromatography Seminar	Dionex Corporation	10/25/2002
Evidence Management Procedure	U.S. EPA NEIC	6/24/2002
Introduction to Peaknet 6/Chromeleon Software	Dionex Corporation	6/11/2002
DX-500/600 Advanced Maintenance & Troubleshooting	Dionex Corporation	6/7/2002
Lab Safety 4hr	Front Range C.C.	5/14/2002
Internal Audit Training	NFSTC	4/23/2002
ISO/IEC17025 and Forensic Accreditation Requirements	NFSTC	4/22/2002
Hazardous Waste & Emergency Response Procedures/Pollution Prevention Plan	U.S. EPA NEIC	1/16/2002
Field Safety 8hr	Tetra Tech	1/16/2002
Environmental Enforcement Litigation Update - Courtroom	EPA-NEIC/LCRM	1/10/2002
Information Security Awareness Training	U.S. EPA NEIC	8/30/2001
NEIC Computer Security Plan	NEIC-FITB	7/12/2001
Field Safety 8hr	Tetra Tech-NUS	1/18/2001
Validating Analytical Chemistry Methods	Enigma Analytical	10/31/2000
Project File Management Procedure	U.S. EPA NEIC	8/10/2000
Use and Basic Maintenance of the Dionex Accelerated Solvent Extractor	U.S. EPA NEIC	8/1/2000
Use of Analytical Balances	U.S. EPA NEIC	7/13/2000
Internal Review Procedure	U.S. EPA NEIC	6/7/2000

Course	Sponsor	Date of Completion
Safety/EMS, Laboratory Safety Refresher	Front Range C.C.	5/23/2000
Records Management Procedure	U.S. EPA NEIC	5/18/2000
Report Development/Review Procedure	U.S. EPA NEIC	5/18/2000
Project Acceptance Procedure	U.S. EPA NEIC	5/18/2000
Laboratory Branch Competency Evaluation/Proficiency Testing	U.S. EPA NEIC	5/18/2000
Laboratory Data/Data Package Review Procedure	U.S. EPA NEIC	5/18/2000
Software Validation Procedure	U.S. EPA NEIC	5/18/2000
Field Data/Data Package Review Procedure	U.S. EPA NEIC	5/18/2000
Communications Policy	U.S. EPA NEIC	5/18/2000
Evidence Management Procedure	U.S. EPA NEIC	4/18/2000
Organic Compound Analysis Procedure	U.S. EPA NEIC	3/14/2000
Maintenance, Operation, and Performance of GC's With Associated Detectors and Equipment	U.S. EPA NEIC	3/14/2000
Laboratory Branch Project Planning & Coordination	U.S. EPA NEIC	3/14/2000
Physical Description/Phase Separation	U.S. EPA NEIC	3/14/2000
Security (Facility) Procedure	U.S. EPA NEIC	2/29/2000
Testimony Evaluation Procedure	U.S. EPA NEIC	2/29/2000
Safety and Health Policy	U.S. EPA NEIC	2/29/2000
Safety, Health and Environmental Management (Manual, Plans, Procedures)	U.S. EPA NEIC	2/29/2000
Security (Facility) Policy	U.S. EPA NEIC	2/29/2000
Grand Jury Rule 6(e) Confidential Materials Guidance	U.S. EPA NEIC	2/29/2000
Radiation Safety and Health Protection	U.S EPA NEIC	Sep 1999
ISO Guide 25 Executive Overview	NFSTC	Jun 1998
Field Safety/Confined Space Entry Refresher	Halliburton NUS Corp.	Nov 1997
IOC Symposium – ION Chromatography/analysis	Century International	Sep 1997
Court Training – Court Room	NEIC & NETI	Aug 1997
Lab Safety Refresher	Red Rocks C.C.	Aug 1997
Court Training – Rules & Regulations	NEIC & NETI	Jul 1997
Lab Safety Refresher	Red Rocks CC	Sep 1996
Field Safety/Confined Space Entry Refresher	Steve Andrews	Sep 1996
Laboratory Safety Refresher	NETI: Red Rocks C.C.	Jun 1995
Field Safety Refresher	Region 7 & NEIC	Mar 1995

Course	Sponsor	Date of Completion
OSHA Laboratory Standard	Front Range Com. College	Sept 1992
Investigation Management	Dr. Constantine Sotiriou	1992
Integration of Laboratory Quality Assurance and Total Quality Management	Dr. Stanley Deming	1992
Experimental Design	Dr. Stanley Deming	1991
Laboratory Quality Assurance	Dr. John Taylor	1989
Sampling Methodologies for Monitoring the Environment - Theory and Practice	Dr. Francis Pitard	1988

Awards:

Bronze Medal for Commendable Service – US EPA (2017)

Team Division Awards – US EPA - NEIC (2015 and 2012)

Superior Accomplishment Recognition Awards – US EPA - NEIC (2014 and 1999)

Certificate of Commendation – US DOJ Environment and Natural Resources Division (September 14, 2007)

Bronze Medal for Commendable Service – US EPA (2000)

Time Off Awards – US EPA - NEIC (November 2016, Dec 2014, Sep 2013, Aug 2013, Jul 2012, May 2011, Mar 2011, Jul 2010, and Jun 2010)

On The Spot Awards – US EPA - NEIC (Sep 2010, Apr 2009, Feb 2009, Aug 2005, May 2005, May 1999, Jan 1999, and Jan 1994)

United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report

Case Number:

1003-0101

Case Title:

Prime, Inc

Subject of Report:

National Response Center Inquiry

Reporting Official and Date:

Darin J. Mugleston

Resident Agent in Charge

06-JUN-2016, Signed by: Darin J. Mugleston

Reporting Office:

Boise, ID, Resident Office

Activity Date:

June 3, 2016

Approving Official and Date:

Edward W. Owens

Assistant Special Agent in Charge

06-JUN-2016, Approved by: Edward W. Owens

Assistant Special Agent in Charge

SYNOPSIS

On June 3, 2016, the United States Coast Guard (USCG)'s National Response Center (NRC) was not notified of the below paint-related waste incident.

DETAILS

On June 3, 2016, Petty Officer Stephen Cooke, NRC, USCG, (800) 424-8802, was contacted by Reporting Agent. The NRC was contacted to determine if it received notice of the September 27, 2015, paint-related waste incident from a semi-trailer fire operated by Prime, Inc. (Prime), on Interstate 84, at mile post 115, near Glens Ferry, ID.

After conducting an inquiry for September 27 and 28, 2015, Petty Officer Cooke said NRC received no notification for the above incident. Petty Officer Cooke said NRC tracks an incident by the location of the incident. Petty Officer Cooke stated the only report filed for that timeframe in Idaho was a diesel spill from a pickup truck in Twin Falls, Idaho.

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EPA CID Case No. 1003-0101: 1097