UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

OCT 31 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

LB Trucking Company
2003 Conaway Rd.
Big Rock, VA 24603

Re: SPCC case number: TBD-VA-2017-00004
Release date: August 31, 2016

Dear Sir/Madame:

The purpose of this letter is to determine whether you/your facility is in compliance with the Spill Prevention, Control and Countermeasures (SPCC) Regulations found at Title 40 C.F.R. Part 112. In addition, the U.S. Environmental Protection Agency (EPA) would like to request information about a release occurred at your facility from overflowing drums and reported to the National Response Center (NRC) on August 31, 2016. You/your facility is hereby required to submit to the EPA the information requested herein within thirty (30) days of your receipt of this letter pursuant to Section 308(a) of the Clean Water Act, 33 U.S.C. § 1318(a).

1. Identify all substances released from the facility during the incident reported on August 31, 2016, and provide the total quantity of undiluted substance(s) released (in gallons).

2. Describe the physical source at the facility from which the oil was released. If the substance was released from more than one source, please identify each specific source.

3. Identify the first body of water that the substance reached. Identify the actual or estimated quantity of the substance(s) that entered that water body. Describe the location of any other water bodies that the substance(s) subsequently entered, including the actual or approximate distance from the facility. In addition, state the actual or estimated quantity of the substance(s) that entered those additional water bodies.

4. Describe any damage to animal life or vegetation due to the spill incident.

5. Provide a complete description of the cause of the discharge.

6. Describe all steps taken to contain and clean up the spill and to mitigate any environmental damage and/or threat to human health.

7. Does your Facility store oil in the amount of 1,320 gallons or more above ground, (using a de minimus container size of 55 gallons), or store oil in excess of 42,000 gallons underground (excluding completely buried storage tanks subject to all the technical

requirements of the Underground Storage Tank (UST) regulations [40 C.F.R. Parts 280 or 281])? Yes or No: _____

8. List the full names of all owners/operators of the Facility, including persons and incorporated or unincorporated entities. Include the dates of ownership/operation for each person/entity listed.

_____

_____

_____

_____

9. Complete the table below including containers that are 55 gallons or greater in size. Please attach additional pages if needed.

Container Size	Type of Oil	Aboveground or Underground	Installation Date	Type of Secondary Containment Provided

10. Does your Facility have an SPCC Plan certified by a Professional Engineer with an affixed seal and implemented in accordance with 40 C.F.R. Part 112.3(d)? Or self-certified by the Facility owner/operator in accordance with 40 CFR Part 112.6(a)? Yes or No: _____. **If yes, please submit a copy of the SPCC Plan.**

11. Describe the surface water body nearest to and provide the distance from the Facility _____ and distance: _____.

    a. Is the water, as described above, a navigable waterway? *(See Enclosure for definition).* Yes or No: _____

    b. Is the water a tributary of or physically connected to a navigable waterway? Yes or No:_____

    c. If the answer to 11(b) is yes, describe or name the tributary(s) or describe the physical connections.

    _____

    _____

    d. If the answer to 11(b) is no, does the water described above in Item 5 periodically connect with or flow into any hydrological or creek system? If yes, describe the flow and connection

    _____

    _____

12. Please describe the procedures in place to prevent any discharges from reaching a navigable waterway.

In accordance with 40 C.F.R. § 2.302(c), you are entitled to assert a claim of business confidentiality covering any part or all of the submitted information, in the manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with the procedures set forth in 40 C.F.R. Part 2, Subpart B. If a claim of business confidentiality is not asserted when the information is submitted to EPA, EPA may make this information available to the public without further notice to you. You must clearly mark such claimed information by either stamping or using any other such form of notice that such information is a trade secret, proprietary, or company confidential. To best ensure that your intent is clear, we recommend that you mark as confidential each page containing such claimed information. Please see Enclosure 2, *Disclosure of Your Response to EPA Contractors and Grantees*, for more information regarding a claim of business confidentiality.

Please certify the above information in the following manner:

I hereby certify the above to be true and accurate to the best of my knowledge.

Signature: _____ Date: _____

Name (please print or type): _____

Title: _____

Telephone Number: _____

If you/your Facility fail to properly respond to this request, you/your Facility may be subject to the following penalties. Pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g), any person who violates Section 308 of the Act is subject to administrative penalties. This section authorizes EPA to issue an order assessing a penalty against any person that has violated Section 308 of the Act, such as one who fails to comply with an information request made under the statute, after providing notice of the proposed order and opportunity for a hearing. Pursuant to Section 309(d) of the Act, 33 U.S.C. § 1319(d), as amended by the Debt Collection Improvement Act of 1996 and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (28 U.S.C. § 2461 note; Pub. L.114-74, Section 701), which is codified at 40 C.F.R. Part 19, EPA may seek judicial enforcement against any person who violates Section 308 of the Act and authorizes the issuance of a civil penalty of up to $51,570 per day of violation.

In addition, pursuant to Section 309(c)(1) of the Act, 33 U.S.C. § 1319(C)(1), any person who negligently violates Section 308 of the Act may be punished by a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than 1 year, or by both.

Providing false, fictitious or fraudulent statements or representations may also subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

Your response should be submitted within **thirty (30) days** of your receipt of this letter to:

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION III, ARLIN GALARZA-HERNANDEZ
OIL AND PREVENTION BRANCH (3HS61)
1650 ARCH STREET
PHILADELPHIA, PA 19103-2029

For the most recent information concerning the Oil Pollution Prevention Regulations, including the SPCC Guidance for Regional Inspectors, please consult the National EPA Oil Program website at: http://www.epa.gov/oilspill.

This information request is not subject to review by the Director of OMB pursuant to the requirements of the Paperwork Reduction Act, 44 U.S.C. § 3507.

If you have any questions on this matter, you may call Arlin Galarza-Hernandez, SPCC/FRP Coordinator at (215) 814-3223.

Sincerely,

Joan Armstrong

Joan Armstrong, Associate Director
Office of Enforcement
Hazardous Site Cleanup Division

Enclosures

cc: case file

ENCLOSURE 1

Definitions

Discharge: For purposes of Section 311 of the Act, a ***discharge*** to navigable waters or adjoining shorelines includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping, but excludes certain discharges in compliance with a permit under Section 402 of the Act.

Navigable Waters: Navigable waters of the United States means ``navigable waters" as defined in section 502(7) of the FWPCA, and includes: (1) All navigable waters of the United States, as defined in judicial decisions prior to passage of the 1972 Amendments to the FWPCA (Pub. L. 92-500), and tributaries of such waters; (2) Interstate waters; (3) Intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes; and (4) Intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in interstate commerce.

Mobile Refueler: Mobile refueler means a bulk storage container onboard a vehicle or towed, that is designed or used solely to store and transport fuel for transfer into or from an aircraft, motor vehicle, locomotive, vessel, ground service equipment, or other oil storage container.

Oil-filled Operational Equipment: Oil-filled operational equipment means equipment that includes an oil storage container (or multiple containers) in which the oil is present solely to support the function of the apparatus or the device. Oil-filled operational equipment is not considered a bulk storage container, and does not include oil-filled manufacturing equipment (flow-through process). Examples of oil-filled operational equipment include, but are not limited to, hydraulic systems, lubricating systems (*e.g.*, those for pumps, compressors and other rotating equipment, including pumpjack lubrication systems), gear boxes, machining coolant systems, heat transfer systems, transformers, circuit breakers, electrical switches, and other systems containing oil solely to enable the operation of the device.

ENCLOSURE 2

Disclosure of Your Response to EPA Contractors and Grantees

EPA may contract with one or more independent contracting firms to review the documentation, including documents which you claim are confidential business information (CBI), which you submit in response to this information request, depending on available agency resources. Additionally, EPA may provide access to this information to (an) individual(s) working under (a) cooperative agreement(s) under the Senior Environmental Employment Program (SEE Enrollees). The SEE program was authorized by the Environmental Programs Assistance Act of 1984 (Pub. L. 98-313). The contractor(s) and/or SEE Enrollee(s) will be filing, organizing, analyzing and/or summarizing the information for EPA personnel. The contractors have signed a contract with EPA that contains a confidentiality clause with respect to CBI that they handle for EPA. The SEE Enrollee(s) is (are) working under a cooperative agreement that contains a provision concerning the treatment and safeguarding of CBI. The individual SEE Enrollee has also signed a confidentiality agreement regarding treatment of CBI. Pursuant to Section 308(b) of the CWA, 33 U.S.C. §1318, EPA may share such CBI with EPA's authorized representatives, which include contractors and cooperators under the Environmental Programs Assistance Act of 1984. (See 58 Fed. Reg. 7187 [1993]). If you have any objection to disclosure by EPA of documents which you claim are CBI to any or all of the entities listed on the following page, you must notify EPA in writing at the time you submit such documents.

List of Contractors That May Review Your Response

Emergint Technologies, Inc.
Contract # EP-W-11-025
Subcontractor: Booz-Allen & Hamilton

Booz-Allen & Hamilton
Contract # EP-W-11-016

CDM-Federal Programs Corporation
Contract # EP-S3-07-06
Subcontractors: CDI-Infrastructure, LLC
d/b/a L.R. Kimball
Avatar Environmental LLC
Terradon Corporation

Cherokee Nation Assurance, LLC
Contract #EP-S3-14-01

EA Engineering, Science and Technology, Inc.
Contract #EP-S3-07-07
Subcontractor: URS

Eisenstein Malanchuck, LLP
Contract #EP-W-13-006
Subcontractors: R. M. Fields International, LLC

Hydrogeologic (HGL)
Contract #EP-S3-07-05
Subcontractor: CH2MHill
Sullivan International

Weston Solutions
Contract #EP-S3-1502

Tech Law, Inc. (Removal Program)
Contract #EP-S3-1503

Tetra Tech NUS, Inc.
Contract #EP-S3-07-04

Kemron Environmental Services, Inc.
Contract #EP-S3-12-01,
Subcontractor: AECOM Technical Services, Inc.

Guardian Environmental Services Company, Inc.
Contract #EP-S3-12-02,
Subcontractors: Aerotek, Inc.,
Tetra Tech, Inc.

Environmental Restoration, LLC
Contract # EP-S3-12-03
Subcontractors: Aerotek, Inc
Haas Environmental, Inc,
Hertz

Northstar Federal Services, Inc.
Contract # EP-S3-12-05

ICF International
Contract # EP-BPA-12-W-0003

Cooperative Agreements

National Association of Hispanic Elderly
CA# CQ-835398

National Older Workers Career Center
CA# Q-835621