UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

APR 13 2018

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Danny Peed
President
Robersonville Meat Packing Co., Inc.
800 W Green Street
Robersonville, North Carolina 27871

Re: Information Request under Sections 308 and 311 of the Clean Water Act
Fuel oil spill from 5,000-gallon aboveground storage tank in Robersonville, North Carolina
NRC No.: 1207109

Dear Mr. Peed:

This letter is to request that Robersonville Meat Packing Co., Inc. (Respondent) respond to the enclosed Information Request. The Federal Clean Water Act (CWA), 33 U.S.C. § 1251-1387, prohibits the discharge of oil or hazardous substances into waters of the United States or adjoining shorelines in such quantities as may be harmful. The U.S. Environmental Protection Agency's regulations at 40 C.F.R. Part 110 explain that, among other things, a discharge of oil that causes a film, sheen, discoloration, sludge or emulsion or violates applicable water quality standards is considered to be in a quantity that may be harmful. In addition, the EPA's regulations at 40 C.F.R. Parts 116 and 117 designate hazardous substances under Section 311(b)(2)(A) of the CWA, and the reportable quantities of such hazardous substances that when discharged are considered to be in quantities that may be harmful. Each discharge of oil or hazardous substances into waters of the United States in a quantity that may be harmful constitutes a violation of Section 311(b)(3) of the CWA, 33 U.S.C. §1321(b)(3).

The EPA has information suggesting that the discharge event described above and associated with NRC Number 1207109 may have been a violation of the CWA. Sections 308(a) and 311(m) of the CWA, 33 U.S.C. §1318(a) and 1321(m), authorize EPA to require any person to provide information needed to determine whether there has been a violation of the CWA. Accordingly, the EPA requests that the Respondent respond to the inquiries in the Information Request (Enclosure 1) within 30 calendar days of your receipt of this letter.

The Respondent should answer each question in the enclosed Information Request as clearly and completely as possible. The Respondent's response to this Information Request must be accompanied by the Statement of Certification in Enclosure 2, and signed and dated by you or the person who is authorized by the Respondent to respond to the request. The signed Certification Statement certifies, among other things, that the response to the Information Request is complete and contains all information and documentation available to the Respondent pursuant to the request. Please submit the written response within 30 calendar days of receipt of this letter to:

John C. Goodwin
Enforcement and Compliance Branch
Resource Conservation and Restoration Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, SW
Atlanta, Georgia 30303

Although the information requested must be submitted to the EPA, the Respondent is entitled to assert a business confidentiality claim pursuant to the regulations set forth in 40 C.F.R. § 2.203, covering part or all of the information, by clearly identifying it as "confidential" using a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as trade secret, proprietary, or company confidential. The Respondent should clearly mark as "confidential" any parts of otherwise non-confidential documents and may submit them separately to help the EPA handle and identify them. Unless a confidentiality claim accompanies the information when it is received by the EPA, the information may be made available to the public without further notice to the Respondent.

Compliance with this letter is mandatory. If the Respondent does not respond fully and truthfully to this Information Request or adequately justify the failure to do so, the Respondent may be subject to civil penalties or criminal fines under Section 309 of the CWA, 33 U.S.C. §1319. This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35.

The EPA appreciates your prompt attention to this matter. If you would like an opportunity to confer, or if you have any questions relating to this request for information, please contact John C. Goodwin at (404) 562- 8488. Thank you for your cooperation in this matter.

Sincerely,

Larry L. Lamberth
Chief, Enforcement and Compliance Branch
Resource Conservation and Restoration Division

Enclosures

Enclosure 1

CLEAN WATER ACT SECTION 308/311 LETTER
INFORMATION REQUIRED FOR DISCHARGE EVENTS

I. INSTRUCTIONS

1. Identify the person(s) answering these questions on behalf of Respondent, including the person's full name, business mailing address, business telephone number, and relationship to Respondent.

2. Please provide a separate narrative response for each occurrence of a discharge and to each and every Question and subpart of a Question set forth in this Information Request.

3. Precede each answer with the number of the Question to which it corresponds.

4. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to the EPA. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.

5. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it responds. You may be asked to produce some documents in hard copy and electronically.

II. DEFINITIONS

The following definitions shall apply to the following words as they appear in this Information Request:

1. The term "CWA" refers to the Federal Water Pollution Control Act, 33 U.S.C. §§ 1251-1387, also known as the Clean Water Act.

2. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.

3. The term "discharge" has the same definition as that contained in Section 311(a) of the Act, and includes any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

4. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, cancelled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intra office communications, photostatic or other copy of any documents, microfilm or other film record, any photograph (in color), sound recording on any type

of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document. You may be asked to produce some documents in hard copy and electronically.

5. The term "hazardous substance" shall have the same definition as that contained in Section 311(b)(2) of the Act, and includes any mixtures of such hazardous substances with any other substances.

6. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.

7. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full legal name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.

8. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the identity of the author, addressee and/or recipient, and the substance or the subject matter.

9. The term "oil" shall have the same definition as that contained in Section 311(a)(1) of the Act, and includes any mixtures of such oil with any other substances.

10. The term "owner or operator" shall have the same definition as that contained in Section 311(a) of the Act, and includes any person owning or operating an onshore facility.

11. The term "person" shall have the same definition as that contained in Sections 311(a) and 502 of the Act: an individual, firm, corporation, association, partnership, State, municipality, commission, or political subdivision of a State, or any interstate body.

12. The term "you" or "Respondent" shall mean Robersonville Meat Packing Co., Inc. For a business, the term "you" also includes any officer, managers, employees, contractors, trustees, partners, successors, assigns, and agents of the business.

13. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.

14. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in the Act or regulations, in which case the statutory or regulatory definitions shall apply.

III. REQUESTED INFORMATION

Please provide the following information with respect to the discharge(s) of oil (NRC Report No. 1207109) from the Robersonville Meat Packing Co., Inc. facility located at 800 West Green Street, Robersonville (the "Facility") in Martin County, North Carolina on March 18, 2018. Where applicable, diagrams of the discharge location and copies of maps of the area may be used to explain the answers to the questions.

1. Identify the oil discharged from the facility. Provide the MSDS for the oil discharged.

2. State the total volume that was discharged from the Facility. Provide the following information and produce the requested documents concerning the discharge:

   (a) Identify all assumptions that were made in calculating the total volume of the discharge.

   (b) Produce all documents showing how you calculated the amount of the discharge, including, but not limited to, all initial and subsequent estimates and all mathematical calculations made by you or someone on your behalf or at your direction.

3. State the total volume that was discharged from the Facility that entered a waterbody (river, stream, lake, pond, impoundment, wetland, drainage ditch, sewer, storm drain, etc.), including a waterway that may have been dry at the time of the discharge. Provide the following information and produce the documents requested concerning the discharge:

   (a) Identify the waterbody (river, stream, lake, pond, impoundment, wetland, drainage ditch, sewer, storm drain, swale, arroyo, etc.), including a waterway that may have been dry at the time of the discharge, that received the discharge.

   (b) For the waterbody identified in response to 4(a), identify its downstream receiving waters.

   (c) Identify the amount of oil that was contained within the building.

   (d) Identify all assumptions that were made in calculating the total amount of this discharge to the waterbody and the amount contained within the building.

   (e) Produce all documents showing how you calculated the amount of this discharge to the waterbody, including, but not limited to, all initial and subsequent estimates and all mathematical calculations made by you or someone on your behalf or at your direction.

4. For the discharges from the Facility that entered a waterbody, identify each person known to you, including persons not employed by you, who either reportedly saw or who made a determination that a film, sheen, sludge or emulsion was on or in any waterway. For each person identified, provide the following information:

   (a) Identify the creek bed on which the film, sheen, sludge, emulsion, or free product was seen;

   (b) State the date and time on which each person saw the film, sheen, sludge or emulsion, or free product on each waterway;

(c) State his/her title, business affiliation, address, and telephone numbers; and

(d) For those persons who made a determination that a film, sheen, sludge, emulsion, or free product was on or in the creek and/or creek bed, state the criteria the person used in making the determination and a produce a copy of any and all calculations that each person made.

5. Describe the location of the discharge.

6. When did the facility identify the spill?

   (a) What actions did the operators take?

   (b) How much time elapsed from when the facility first recognized a potential release to when Respondent first reported the problem to the National Response Center?

   (c) What actions did you take after you knew of a potential problem and before you reported the discharge to the National Response Center?

7. Produce all photographs, drawings, and charts (in color) electronically to goodwin.john@epa.gov, that are in your possession relating to the discharge from the Facility, including, but not limited to:

   (a) The path of the discharge from the Facility to a waterway;

   (b) The creek bed and the soils impacted;

   (c) All cleanup activities; and

   (d) All fish, birds, or other species seen in the area around and adjoining the area where the discharge occurred.

8. To your knowledge, do other persons have copies of photographs, drawings, or charts relating to the discharge from the Facility that the EPA has requested you to produce in response to question 7? If your answer is yes, identify all persons, including each person's title, company affiliation, address, and telephone number.

10. Describe the cleanup actions you took as a result of the discharge from the Facility and produce electronically to goodwin.john@epa.gov a copy of all documents, including photographs (in color), provided to you by the contractors or sub-contractors that describe or show all cleanup activities performed.

11. State the total costs that you incurred in conducting the cleanup actions. If you do not know the total final costs, state when you expect to know the final costs, and provide an estimate of the total costs expected to be incurred.

12. State the volume of soil, oil, and and/or water removed as part of the cleanup efforts you conducted.

13. Have you received a notice of violation and/or penalty assessment, letter or had verbal communication with a federal, state or local authority indicating that a penalty may be assessed against you as a result of the discharge from the Facility? If your answer is yes, provide the following information and produce the documents requested concerning the discharge:

    (a) Produce all documents you have received from, or you have sent to, the federal, state or local authority, including, but not limited to, documentation showing the amount of any penalty assessed, the amount of penalty you have paid, and settlement agreements.

    (b) Identify each person who spoke with the federal, state or local authority on your behalf and the person speaking on behalf of the federal, state or local authority. State the title, address, business affiliation, and telephone numbers of each person identified.

14. Provide a list of all property, casualty and/or liability insurance policies, and any other insurance contracts (including, but not limited to, Environmental Impairment Liability, Pollution Legal Liability, Cleanup Cost Cap or Stop Loss Policies, Institutional Controls and Post Remediation Care Insurance) that provided coverage for the discharge from the Facility and were in effect at the time of discharge. Include, without limitation, all primary, excess, and umbrella policies, and provide per occurrence policy limits for each policy. For each company identified, produce a copy of all claims or other documentation that you have submitted to each insurer for reimbursement or payment regarding the discharge from the Facility, including amount of product lost and the estimated value of the product lost.

15. Answer the following questions about the discharge from the Facility:

    (a) Explain why the discharge occurred and how it occurred.

    (b) Identify the person who first saw the discharge and state the date and time on which that person became aware of the discharge.

    (c) Identify the person who first reported the discharge to you and state the date on which the discharge was first reported to you and to whom it was reported.

    (d) Discuss the pump specifications and date of manufacturing and applicable service dates.

    (e) Were any fish, birds, turtles, or other aquatic species found dead in the area where the discharge occurred? If your answer is yes, identify all fish, birds, or other species that were found dead, the number found dead, and produce all documents, documents or photographs (in color) that refer to, reflect, or evidence the fish, birds, turtles, or other aquatic species found dead. [Produce all photographs electronically to goodwin.john@epa.gov]

16. Produce a U.S. Department of the Interior, Geological Survey 7.5 minute series (topographic) map of the area where the discharge occurred, and post on the map the location where the discharge commenced and the maximum extent of the discharge, known as the "reach". If it is not possible on the map to show the discharge point and the reach of the spill, only show the discharge point on the map. Produce another map on a larger scale on which you have posted the discharge point and the reach of the discharge.

18. Identify all federal, state, and local authorities that responded to or investigated the discharge from the Facility and provide a contact for each, including their title and telephone number. Identify all documents that were given to you by those authorities, including, but not limited to, reports, fines, tickets, photographs, and produce a copy of each. Produce a copy of the photographs in hard copy and electronically to goodwin.john@epa.gov. If the documents you identified are not in your possession, identify all persons known to you that have copies of these documents.

19. Review enclosure 2 and have your representative sign and return it to the EPA with your response to this Information Request.

20. State any other information about the discharge from the Facility that you would like to bring to the attention of the EPA.

ENCLOSURE 2
STATEMENT OF CERTIFICATION

I certify that the foregoing responses and information submitted were prepared under my direction or supervision and that I have personal knowledge of all matters set forth in the responses and the accompanying information. I certify that the responses are true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

By: _____
(Signature)

_____
(Name)

_____
(Title)

_____
(Respondent)

_____
(Date)

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ENCLOSURE 3
Small Business Regulatory Enforcement and Fairness Act (SBREFA)
Information Sheet

Dissemination of this information sheet does not constitute an admission or determination by EPA that your business, organization or governmental jurisdiction is a small entity as defined by the Small Business Regulatory Enforcement and Fairness Act (SBREFA) or related provisions nor does it create any new rights or defenses under law.

Information for Small Businesses: If you are small business as defined by the Small Business Administration (defined at 13 CFR 121.201; in most cases, this means a business with 500 or fewer employees), below is information you may find helpful. The United States Environmental Protection Agency (EPA) offers small businesses a wide variety of compliance assistance resources and tools designed to assist businesses to comply with federal and State environmental laws. These resources can help businesses understand their obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Websites: EPA offers a great deal of compliance assistance information and materials for small businesses on the following Websites, available through public libraries:

EPA's Home Page	www.epa.gov
EPA's Small Business Home Page	www.smallbiz-enviroweb/org
List of State Contacts	www.smallbiz-enviroweb.org/state.html
Small Business Assistance Programs	www.epa.gov/ttn/sbap
Enforcement Policy and Guidance	www.epa.gov/oeca/polguid/index.html
Small Business Policy	www.epa.gov/oeca/smbusi.html
Compliance Assistance Home Page	www.epa.gov/oeca/oc
Small Businesses and Commercial Services	www.epa.gov/oeca/ccsmd/commpull.html
Small Communities Policy	www.epa.gov/oeca/ccsmd/mun.html

Hotlines: EPA sponsors approximately 89 hotlines and clearinghouses that provide free and convenient avenues to obtain assistance with environmental requirements. EPA's Small Business Ombudsman Hotline can provide you with a list of all the hot lines, and assist you with determining which hotline will best meet your needs. Key hotlines that may be of interest to you include:

EPA's Small Business Ombudsman	(800) 368-5888
RCRA/UST/CERCLA Hotline	(800) 424-9346
Toxics Substances and Asbestos Information	(202) 554-1404
Safe Drinking Water	(800) 426-4791

Stratospheric Ozone/CFC Information	(800) 296-1996
Clean Air Technical Center	(919) 541-0800
Wetlands Hotline	(800) 832-7828

Compliance Assistance Centers: EPA has established national compliance assistance centers, in partnership with industry, academic institutions, and other federal and State agencies, that provide on line and fax back assistance services in the following sectors heavily populated with small businesses:

Access to All Centers	www.epa.gov/oeca/mfcac.html
Metal Finishing	1-800-AT-NMFRC or http://www.nmfrc.org
Printing	1-888-USPNEAC or http://www.pneac.org
Automotive	1-888-GRN-LINK or http://www.ccar-greenlink.org
Agriculture	1-888-633-2155 or http://www.epa.gov/oeca/ag
Printed Wiring Board Manufacturing	http://www.pwbrc.org
The Chemical Industry	1-800-672-6048 or http://www.chemalliance.org
The Transportation Industry	http://www.transource.org
The Paints and Coatings Center	http://www.paintcenter.org
Local Governments	1-877-TO-LGEAN or http://www.lgean.org

State Agencies: Many State agencies have established compliance assistance programs that provide on-site as well as other types of assistance. Please contact your local State environmental agency for more information. EPA's Small Business Ombudsman can provide you with State Agency contacts by calling (800)-368-5888.

Compliance Incentive Policies: EPA's Small Business Policy and Small Communities Policy are intended to promote environmental compliance among small businesses by providing incentives such as penalty waivers and reductions for participation in compliance assistance programs, and encouraging voluntary disclosure and prompt correction of violations. These policies can not be applied to an enforcement action that has already been initiated. Contact Ginger Gotliffe (202-564-2310) for information on the Small Business Policy and Ken Harmon (202-564-2310) for information on the Small Communities Policy. In order to improve your understanding of and compliance with environmental regulations and avoid the need for future enforcement actions, we encourage you to take advantage of these tools.

However, please note that any decision to seek compliance assistance at this time does not relieve you of your obligation to respond to an EPA request, administrative or civil complaint in a timely manner, does not create any new rights or defenses, and will not affect EPA's decision to pursue this enforcement action.

The Small Business and Agriculture Regulatory Enforcement Ombudsman and ten Regional Fairness Boards were established to receive comments from small businesses about federal agency enforcement actions. The Ombudsman will annually rate each agency's responsiveness to small businesses. If you believe that you fall within the Small Business Administration's definition of a small business (based on your SIC designation, number of employees or annual

receipts, defined at 13 C.F.R. 121.201) and wish to comment on federal enforcement and compliance activities, call 1-888-REG-FAIR (1-888-734-3247).

However, participation in this program does not relieve you of your obligation to respond to an EPA request, administrative or civil complaint or other enforcement action in a timely manner nor create any new rights or defenses under law. In order to preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action.