

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
NOTICE OF FEDERAL INTEREST IN AN OIL POLLUTION DISCHARGE

Date 8/1/2014

Mr. David Tidwell
Compliance Officer
The McPherson Companies
5051 Cardinal Street
Trussville, AL 35173

Re: Followup Written Notice of Federal Interest in an Oil Pollution Discharge at the I-10 Mobile Bay Causeway Oil Spill Mobile, Mobile County, Alabama

Dear Mr. Tidwell

This letter is a written followup for a Notice of Federal Interest that was issued verbally on the morning July 31st, 2014.

This letter is to inform you that a discharge of oil has occurred as a result of a truck accident at the I-10 eastbound on ramp located in Mobile, Mobile County, Alabama. Latitude: 30.6783140 Longitude: - 87.9894110. The discharge has flowed down the ramp into Mobile Bay. The discharge of a prohibited quantity of oil or a hazardous substance is a violation of the Clean Water Act (CWA), as amended by the Oil Pollution Act of 1990 (OPA). Under the OPA, the responsible party is liable for clean-up costs and damages resulting from the incident. A responsible party is the owner, operator, or person in charge of a facility or vessel from which the oil is discharged or poses a threat of discharge.

As the responsible party, you should clean up the discharged oil and/or take other actions to prevent or mitigate or minimize the threat of a discharge of oil. If you do not act, the United States may respond for you and take such actions that are necessary to remove the discharged oil or to minimize or mitigate the threat. **The U.S. costs to respond to this incident will be billed to, and recovered from, the responsible party.**

You are advised that a responsible party may lose the opportunity to limit their liability for cleanup under OPA if the responsible party fails or refuses to provide all reasonable cooperation and assistance requested by the responsible official in connection with response activities. A responsible party who fails to comply with an On-Scene Coordinator's (OSC) verbal or written directive to remove the discharge or to an administrative order to protect the public health and welfare may be subject to additional penalties. Under the CWA, a civil penalty can amount up to \$37,500 per day of violation or up to three times the costs incurred by the Oil Discharge Liability Trust Fund to conduct response actions.

A response is being done properly if it is done in accordance with federal and state statutes and regulations and in accordance with the criteria of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). If you undertake the response action, the adequacy of such action shall be evaluated by the OSC. Under the CWA, a responsible party could also be liable for penalties for discharges of oil which enter any navigable waters of the United States and adjoining shorelines. These penalties would be in addition to penalties and liability for failure to properly remove the discharge. A responsible party's actions may be taken into account in determining the amount of any penalty assessed as a result of the incident.

Please find the attachment described as "20 Questions". Please submit answers to those questions with supporting documentation within the next 30 days from receipt of this notice.

If you have any questions regarding this incident, please contact me at the EPA Region 4 Mobile Outpost. I can be reached via my cell at (404)606-2223 or via email at francendese.leo@epa.gov.

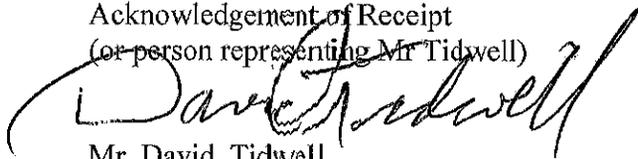
Respectfully,

Leo Francendese OSC

Digitally signed by Leo Francendese OSC
DN: cn=Leo Francendese OSC, o=USEPA,
ou=ERRB, email=francendese.leo@epa.gov, c=US
Date: 2014.08.01 09:27:25 -05'00'

Leo Francendese
On Scene Coordinator (OSC)
U.S. EPA Region 4

Acknowledgement of Receipt
(or person representing Mr Tidwell)



Mr. David Tidwell
Compliance Officer
The McPherson Companies
5051 Cardinal Street
Trussville, AL 35173

Attachment
I-10 Mobile Bay Causeway Oil Spill

311: 20 Questions

- 1) Provide the time and date of oil or hazardous substance discharge, and the time and date of discovery that the discharge was reaching or threatening a waterway.
- 2) The time and date of the response to the discharge by EPA and the PRP if applicable. Provide the name(s) of any contractor(s) employed.
- 3) The type of discharge (oil or hazardous substances), the type of oil or the chemical name and formula, the total amount of discharge in gallons, barrels, pounds, or kilograms; and the total number of days of discharge. If the solution discharged was a mixture, please give the percentages of substances in the mixture or solution.
- 4) The location of the discharge including street address, city, county, and state.
- 5) The description of the facility or vessel from which the material was discharged (i.e. pipeline, tank, well, ship, container, etc.).
- 6) The total storage capacity (gallons, barrels, pounds, kilograms, etc.) of the facility or vessel responsible for the discharge.
- 7) Did the oil or hazardous substances discharge into water?
 - a. Please indicate the location, in relation to the facility or vessel responsible for the discharge, of the first water reached.
 - b. If not already in water, what is the distance between the source of discharge and the nearest water body?
 - c. Give the quantity of oil or hazardous substances reaching the water.
 - d. Give the quantity of oil or hazardous substances that did not reach the water.

- e. Describe the type of waterway affected (i.e. mudflat, sandflat, wetland, ditch, creek, bayou, tributary, stream, river, lake, etc.). Give the name of the waterway and bodies of water to which it connects.
 - f. Provide a physical description of the receiving waters, including depth, width, and flow rate.
 - g. Indicate if any of the water bodies or connecting water bodies, as described above, are used for commerce, recreation, agriculture, etc.
 - h. List any sensitive environments (i.e. wetlands), endangered species, water wells and/or drinking water intakes impacted or potentially impacted by the discharge.
- 8) Document how this spill violated the Clean Water Act.
- 9) Describe in detail what actually caused the discharge.
- 10) Describe the damage to public health and the environment as a result of the spill. How many feet, miles, etc., of land and water were affected by the discharge? Was there observed damage to the terrestrial and aquatic biota and vegetation? Were any drinking water intakes forced to close? Were any persons required to evacuate? If yes, describe the damage.
- 11) Describe the procedures taken to clean up the discharge and to mitigate the environmental damage and public health threats. Include dates and times for the individual procedures.
- 12) List the federal and state agencies contacted by the owner or operator at the time of the discharge. Also include the agency's location (mailing address, city, county and state), the date and time of notification, and the name of the official contacted.
- 13) State whether an SPCC inspection was conducted and describe any findings.
- 14) Document the spill history of the facility and list the discharges which have occurred at this facility within the past five years using the following table.

DATE	AMT DISCHARGED	AMT IN WATER	SOURCE & CAUSE
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- 15) Provide the name, title, home address, and home/work telephone number(s) of the owner(s) of the vessel or facility responsible for the discharge.
- 16) Provide the name, title, home address, and home/work telephone number(s) of the operator(s) of the vessel or facility responsible for the discharge if different from the owner, and the relationship between the owner and operator (i.e. employee, contractor, subcontractor, lessee, etc.)
- 17) Provide the names, titles, home addresses, and home/work telephone numbers of the persons who have knowledge of the facts concerning the spill as an attachment to the report labeled "Table of Witnesses". Include EPA, State, and local officials, START/Strike Team members, other Federal agencies, the company, and the cleanup contractor in the table.
- 18) Does the owner or operator have a National Pollutant Discharge Elimination System (NPDES) permit or any other discharge permit provided by the local, state, or federal government? If yes, name and describe the permit.
- 19) Has the facility ever been assessed a fine for this incident or any other discharge by any other government entity (i.e. city, county, state, federal)? If yes, name the agency or agencies that have assessed a fine(s) on the facility or vessel, and the date(s) when the fine(s) was assessed.
- 20) Include the Federal Project Number on the title (cover) sheet of the incident summary report.

FPN E14451

Name	Title	Address	Office Number	Cell Number