



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION II  
EDISON, NEW JERSEY 08837

CERTIFIED MAIL# 7013 1090 0002 2838 2240  
RETURN RECEIPT REQUESTED

July 19, 2017

Mr. Eric Unkauf  
Sole Member  
Epic Holdings, LLC.  
22 Hudson Falls Road  
South Glens Falls, NY 12308

Re: Epic Holdings, LLC., Notice of Federal Interest in an Oil Pollution Incident

Dear Mr. Unkauf:

This letter is to inform you that on July 14, 2017, a discharge or a substantial threat of a discharge of #6 fuel oil was identified at the Epic Holdings, LLC facility at the above address.

The nature of the threat of a release is the improper storage of more than 10,000 gallons of #6 oil in unsuitable containers in an unmanned room, without secondary containment, within 60 feet of the Hudson River, a navigable waterway of the United States. Many of the drums containing #6 oil were missing lids and/or were deformed out-of-round. Many drums had oil covering the sides and had released partial contents onto wooden pallets and the concrete floor of the room. Furthermore, there is a floor drain in the room which has no identifiable outfall or pathway to containment.

The threat of a discharge of a prohibited quantity of oil is a violation of the Clean Water Act (CWA), as amended by the Oil Pollution Act of 1990 (OPA). 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. Under the OPA, you, as a responsible party, are liable for clean-up costs incurred by the U.S. government, as well as the cost of any damages resulting from the incident.

As the owner of the facility you are hereby required to take the necessary actions to prevent, mitigate, or minimize the threat of a discharge of oil to a navigable waterway of the U.S. If you do not act, the United States may act for you and take such action(s) that are necessary to remove the #6 oil, minimize, or mitigate the threat. The cost to the government to respond to this incident may be billed to, and/or recovered from, you and other responsible parties.

A responsible party who fails to comply with a Federal On-Scene Coordinator (FOSC) Order 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 up to \$37,500 per day of violation or up to three times the costs incurred by the Oil Spill Liability Trust Fund to conduct removal actions.

If you, as a responsible party, chose to initiate a removal action in this matter, federal involvement will be limited to monitoring the progress of your actions and providing you with guidance as necessary. A removal action 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).

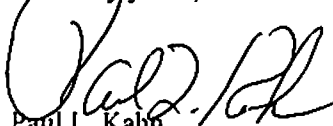
Under the CWA, a responsible party could also be liable for penalties for discharges of oil which enters any navigable waters of the U.S. and adjoining shorelines. A responsible party's actions may be taken into account in determining the amount of any penalty assessed as a result of the incident.

Please respond to this letter within 14 days of receipt. Your reply should indicate whether you will initiate the removal of the #6 oil at your facility, the name and address of the contractor or company who will perform the removal, and the estimated date that removal activities will begin.

If you decline to initiate the required removal of the #6 oil, or assert an inability to pay for the removal of the #6 oil, the EPA may assume jurisdiction over this matter and may initiate a removal action pursuant to its authorities under the CWA and the NCP.

If you have any questions regarding this incident, please contact me at (908) 420-4508.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Paul L. Kahn".

Paul L. Kahn  
Federal On-Scene Coordinator  
USEPA

cc: USCG National Pollution Funds Center  
K. Duval, P.E. NYSDEC, Warrensburg, NY