

**NOTICE OF INTENT TO PERFORM  
A NATURAL RESOURCE DAMAGE ASSESSMENT**

In re: TINKER CREEK FISH KILL

POTENTIALLY RESPONSIBLE PARTY:

- Crop Production Services

The Virginia Department of Environmental Quality and the U.S. Department of the Interior (collectively, the Trustees) have authority to perform a natural resource damage assessment (NRDA) related to the release of hazardous substances from a storage container owned by Crop Production Services on the property located at 218 Simmons Drive in Cloverdale, Virginia on which Crop Production Services operates a pesticide and herbicide facility (collectively referred to as “Tinker Creek Fish Kill”). Federal and State Trustees have authority to conduct a NRDA pursuant to Section 107(f) of the Federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended, 42 U.S.C. § 9607(f); Subpart G of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 C.F.R. §§ 300.600, 300.605; and the CERCLA Natural Resource Damage Assessment and Restoration (NRDAR) regulations, 43 C.F.R. Part 11. This document serves to notify Crop Production Services of, and invite its participation in, the development and performance of the assessment of damages for injuries to natural resources and their services resulting from the release of hazardous substances at and from the Cloverdale, Virginia property (Site) into Tinker Creek and the surrounding area.

The Virginia Department of Environmental Quality (DEQ) and the U.S. Department of the Interior (DOI) have taken the initial step of conducting a Preassessment Screen (PAS) for the Site. The Trustees prepared the PAS in accordance with Subpart B – Preassessment Phase, Sections 11.20 – 11.25 of the CERCLA NRDAR regulations, 43 C.F.R. Part 11, as amended.

The CERCLA NRDAR regulations provide a method for assessing damages for natural resource injuries resulting from the release of hazardous substances under CERCLA, 42 U.S.C. §§ 9601-9628. Adherence to the methods set forth in the CERCLA NRDAR regulations is not mandatory and does not preclude the Trustees from using alternative assessment methods, or arriving at a negotiated settlement with the potentially responsible party.

A copy of the Tinker Creek Fish Kill Preassessment Screen is enclosed for your convenience (Attachment). The PAS contains, to the extent known, a description of the Site; the hazardous substances of concern to the natural resource Trustees; and the natural resources and their services potentially injured.

Based on the PAS, the Trustees have made a preliminary determination that your company is potentially liable for any natural resource damages as a result of the release of hazardous substances at and from the Site. The Trustees have also made a preliminary determination that the five specified criteria in Section 11.23(e) of the CERCLA NRDAR regulations have been met and that a NRDAR is warranted:

- A release of a hazardous substance has occurred;
- Natural resources for which the DEQ and DOI may assert trustee authority under CERCLA have been, or likely have been, adversely affected by the release;

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- The quantity and concentration of the released hazardous substance is sufficient to potentially cause injury to those natural resources;
- Data sufficient to pursue an assessment are readily available, or likely to be obtained at a reasonable cost;
- Response actions carried out did not sufficiently remedy the injury to natural resources without further action.


The NRDA will assess damages for injuries to natural resources and their services caused by the release of Termix 5301. The public will be encouraged to provide input into the assessment process, including reviewing and commenting on the development of any assessment plan(s), as well as any restoration actions developed pursuant to the CERCLA NRDAR regulations.

Within thirty (30) calendar days of your receipt of this notice, please provide a written response to the Trustee contact in the attached letter indicating whether you intend to participate in the NRDAR process at the Site.

<SIGNATURE PAGES FOLLOW>

**Signature Page:** NOTICE OF INTENT TO PERFORM A NATURAL RESOURCE DAMAGE ASSESSMENT, Tinker Creek Fish Kill Site, Cloverdale, Virginia

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY**

  
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Jefferson D. Reynolds  
Director, Division of Enforcement  
Virginia Department of Environmental Quality

*21 Sep 2017*  
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Date

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**U.S. DEPARTMENT OF THE INTERIOR**



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Wendi Weber  
U.S. Fish and Wildlife Service, Authorized Official  
U.S. Department of the Interior

9/18/2017

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Date