



REGION 4

ATLANTA, GA 30303

VIA ELECTRONIC MAIL

CONFIRMATION OF EMAIL RECEIPT REQUESTED

Tony Williams
Vice President of Operations
Custom Foods of America
3600 Pleasant Ridge Road
Knoxville, Tennessee 37921
tonywilliams@rightfromscratch.com

Re: Custom Foods of America - Knoxville, Tennessee
Notice of Potential Violation and Opportunity to Confer

Dear Tony Williams:

Information currently available to the U.S. Environmental Protection Agency suggests that Custom Foods of America may have committed violations of Section 112(r)(7) of the Clean Air Act (CAA), 42 U.S.C. § 7412(r)(7), and its Risk Management Program (RMP) regulations found at 40 C.F.R. Part 68. By this letter, the EPA is extending to you an opportunity to advise the Agency via a conference call, or in writing, of any further information the EPA should consider with respect to the potential violations.

Specifically, on July 18, 2023, an authorized representative of the EPA conducted a compliance monitoring inspection at the facility located at 3600 Pleasant Ridge Road, Knoxville, Tennessee (the facility) to determine compliance with the CAA and RMP regulations, and observed the following potential violations:

1. The owner or operator did not document that equipment complies with recognized and generally accepted good engineering practices (RAGAGEP), as required by 40 C.F.R. § 68.65(d)(2);
2. The owner or operator did not perform inspection and testing on process equipment, as required by 40 C.F.R. § 68.73(d)(1). Additionally, the owner or operator did not ensure inspection and testing procedures followed RAGAGEP, as required by 40 C.F.R. § 68.73(d)(2). Further, the owner or operator did not ensure the frequency of inspections and tests of process equipment to be consistent with applicable manufacturers' recommendations and good engineering practices, and more frequently if determined to be necessary by prior operating experience, as required by 40 C.F.R. § 68.73(d)(3). Finally, the owner or operator did not document each inspection and test that has been performed on process equipment. The

documentation shall identify the date of the inspection or test, the name of the person who performed the inspection or test, the serial number or other identifier of the equipment on which the inspection or test was performed, a description of the inspection or test performed, and the results of the inspection or test, as required by 40 C.F.R. § 68.73(d)(4);

3. The owner or operator did not certify that they have evaluated compliance with the provisions of 40 C.F.R. Part 68, Subpart D at least every three years to verify that procedures and practices developed under 40 C.F.R. Part 68, Subpart D are adequate and are being followed, as required by 40 C.F.R. § 68.79(a);
4. The owner or operator did not coordinate response needs with local emergency planning and response organizations at least annually, and more frequently, if necessary, to address changes: At the stationary source; in the stationary source's emergency response and/or emergency action plan; and/or in the community emergency response plan, as required by 40 C.F.R. § 68.93(a); and
5. The owner or operator did not document coordination with local authorities, including: The names of individuals involved and their contact information (phone number, email address, and organizational affiliations); dates of coordination activities; and nature of coordination activities, as required by 40 C.F.R. § 68.93(c).

The EPA has authority under Section 113 of the CAA, 42 U.S.C. § 7413, to pursue enforcement actions for violations of Section 112(r)(7) of the CAA and its RMP regulations found at 40 C.F.R. Part 68, including the issuance of compliance orders, the assessment of administrative penalties and/or the initiation of civil or criminal actions. To resolve the potential violations identified above, the EPA requests that a representative of the facility contact Justin Stark, of my staff at (404) 562-8305, or via email at Stark.Justin@epa.gov, within **seven (7) calendar days** of receipt of this letter to make arrangements to schedule a teleconference to discuss the potential violations and the EPA's possible enforcement action. Please note that the EPA will have legal representation during these discussions. Please inform Justin Stark if you intend to have legal representation present as well.

You may voluntarily submit any documentation or information that you would like the EPA to review in advance of any teleconference on the matter as to why you believe the EPA should not take an enforcement action with respect to the above-mentioned potential violations. If you decide to submit such documentation or information, the EPA respectfully requests that you do so two weeks in advance of the teleconference. If you have questions regarding the type of information that should be submitted to the EPA or any other questions regarding this matter, please contact Justin Stark at the contact information identified above.

Sincerely,

JASON
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Date: 2024.03.26
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Jason Dressler
Chief
North Air Enforcement Section