



## REGION 4

ATLANTA, GA 30303

### **SENT VIA ELECTRONIC MAIL**

Karen Terrell  
General Manager  
Fuji Vegetable Oil, Inc.  
120 Brampton Road  
Savannah, GA 31408  
Karen.Terrell@fujioilusa.com

Re: Fuji Vegetable Oil, Inc.  
Notice of Potential Violation (NOPV)

Dear Karen Terrell:

Information currently available to the U.S. Environmental Protection Agency suggests that Fuji Vegetable Oil, Inc., may have committed violations of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) requirements. By this letter, the EPA is extending to you an opportunity to advise the Agency, in person, via a conference call, or in writing, of any further information the EPA should consider with respect to the potential violations.

Specifically, on March 25, 2024, an authorized representative of the U.S. Environmental Protection Agency, sent an information request letter to the facility located at 120 Brampton Road, Savannah, Georgia (the facility) to determine compliance with Section 312 of EPCRA, 42 U.S.C. § 11022, and Section 313 of EPCRA, 42 U.S.C. § 11023, and the regulations promulgated at 40 C.F.R. Parts 370 and 372, respectively. Based on information gathered, the EPA is concerned that the facility may have violated Section 312 and Section 313 of EPCRA and the requirements of 40 C.F.R. Part 370 and 40 C.F.R. Part 372, as explained below.

Summary of the Potential Section 312 Violations:

EPCRA Section 312, 42 U.S.C. § 11022, and 40 C.F.R. Part 370 state that the owner or operator of a facility that is required to prepare or have available a Material Safety Data Sheet (MSDS) or Safety Data Sheet (SDS) for hazardous chemicals under the Occupational Safety and Health Act of 1970 (OSHA) and regulations promulgated under that Act, shall submit to the Local Emergency Planning Committee (LEPC), the State Emergency Response Commission (SERC), and the fire department with jurisdiction over the facility, on or before March 1 annually, a completed emergency and hazardous chemical

inventory form (Tier I or Tier II) as described in 40 C.F.R. Part 370. The form submitted must contain the information required by that Part for hazardous chemicals present at the facility at any one time in the previous calendar year in amounts equal to or greater than 10,000 pounds and contain the information required by that Part for extremely hazardous substances (EHS) present at the facility at any one time in amounts equal to or greater than the threshold planning quantity (TPQ) or 500 pounds, whichever is less.

The information reviewed indicates that the facility stored anhydrous ammonia and sulfuric acid, both extremely hazardous substances, on-site above the reporting threshold of 500 pounds and Supreme B81 bleaching clay, sodium methylate, sodium hydroxide, Polyaluminum chloride, refrigerated liquid nitrogen, nickel catalyst, hydrogen gas, diesel #2 off road fuel oil, and citric acid, all hazardous chemicals, on-site above the reporting threshold of 10,000 pounds, during calendar year 2023. However, the facility did not submit Tier I or Tier II forms by March 1, of the following year as required under EPCRA Section 312.

#### Summary of the Potential Section 313 Violations:

EPCRA Section 313, 42 U.S.C. § 11023, and 40 C.F.R. Part 372 require the owner or operator of a facility to use readily available data, or reasonable estimates of the amounts of toxic chemicals involved, for completing a toxic chemical release inventory form (Form R or Form A). The completed toxic chemical release inventory form must be submitted to the Administrator of the EPA and to the official designated by the governor of the state in which the facility is located by July 1 of each year, for each toxic chemical listed under EPCRA Section 313(c) and in 40 C.F.R § 372.65 that is manufactured, processed, or otherwise used in quantities exceeding the threshold quantity established in EPCRA Section 313(f) and set forth in 40 C.F.R. §§ 372.25, 372.27, or 372.28 during the preceding calendar year, provided the following elements are satisfied: (a) The facility has 10 or more full-time employees; and (b) the facility is in a Standard Industrial Classification (SIC) major group or industry listed in 40 C.F.R. § 372.23(a) for which the corresponding North American Industry Classification System (NAICS) subsector and industry codes are listed in 40 C.F.R. §§ 372.23(b) and 372.23(c).

The information reviewed indicates that the facility otherwise used more than 10,000 pounds of Nickel Compounds (12,286 lbs.) during reporting year 2022. However, the facility did not submit a toxic chemical release inventory form for Nickel Compounds to either the EPA or to the state of Georgia by July 1, 2023.

Pursuant to Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), and 40 C.F.R. Part 19, the EPA may assess a civil penalty for each violation of EPCRA Section 312 and for each violation of EPCRA Section 313. Civil penalties under Section 325(c) of EPCRA may be assessed by administrative order. Each day a violation of EPCRA Section 312 continues to exist constitutes a separate violation and each day a violation of EPCRA Section 313 continues to exist constitutes a separate violation. Failure to report to the SERC, LEPC, and Fire Department are considered separate violations of EPCRA Section 312. Failure to report to the EPA or to the state of Georgia are considered separate violations of EPCRA Section 313.

To resolve the potential violations identified above, the EPA requests that a representative of the facility contact Chetan Gala of my staff at 404-562-9746, or via email at gala.chetan@epa.gov, within **fourteen (14) calendar days** of receipt of this letter to make arrangements to discuss the potential violations and the EPA's possible enforcement action. Please inform Chetan Gala if you intend to have legal representation present during these discussions.

The facility may voluntarily submit any documentation or information that it would like the EPA to review in advance of the show cause meeting as to why you believe the EPA should not take an enforcement action with respect to the above-mentioned potential violations. If the facility decides to submit such documentation or information, the EPA respectively requests that the facility does so two weeks in advance of any in person meeting or teleconference on the matter. 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 Chetan Gala at the contact information identified above.

Sincerely,

**TODD  
GROENDYKE**

Digitally signed by  
TODD GROENDYKE  
Date: 2024.11.26  
12:35:37 -05'00'

Todd Groendyke  
Chief  
South Air Enforcement Section