



REGION 4

ATLANTA, GA 30303

ELECTRONIC MAIL
CONFIRMATION OF EMAIL RECEIPT REQUESTED

Laura Willett
Vibracoustic USA, Inc.
3408 West, US-60
Morganfield, Kentucky 42437
laura.willett@vibracoustic.com

Re: Vibracoustic USA, Inc. - Morganfield, Kentucky
Notice of Potential Violation and Opportunity to Confer

Dear Laura Willett:

Information currently available to the U.S. Environmental Protection Agency indicates that Vibracoustic USA, Inc., may have committed violations of Section 103(a) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9603(a), and the regulations promulgated at 40 C.F.R. § 302.6. 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.

Enclosed is a listing of the potential violations the EPA has identified at the facility located at 3408 West, US-60, Morganfield, Kentucky (the facility). This list is based on information the EPA received from the National Response Center and your response to the Request for Information letter sent to the facility on May 6, 2024. The potential violations may be subject to an enforcement action pursuant to Section 109 of CERCLA, 42 U.S.C. § 9609, which provides for the administrative assessment of penalties, and/or the initiation of civil action. To resolve the potential violations, the EPA requests that a representative of the facility contact Tony Spann of my staff at (404) 562-8971, or via email at Spann.Tony@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 inform Tony Spann 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 any teleconference on the matter as to why you believe the EPA should not take

an enforcement action with respect to the potential violations summarized in the enclosure. If the facility decides to submit such documentation or information, the EPA respectfully requests that the facility does so two weeks in advance of any 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 Tony Spann at the contact information identified above. In addition, a copy of the Enforcement Response Policy for CERCLA Section 103 can be found at <https://www.epa.gov/sites/production/files/documents/epcra304.pdf>.

Sincerely,

**JASON
DRESSLER**  Digitally signed by JASON
DRESSLER
Date: 2024.08.13
15:15:46 -04'00'

Jason Dressler
Chief
North Air Enforcement Section

POTENTIAL VIOLATIONS

Section of Potential Violations

CERCLA Section 103(a)

Nature of Potential Violations

Failure to immediately notify the National Response Center after a reportable quantity (RQ) of Xylene was released from your facility located at 3408 West, US-60, Morganfield, Kentucky 42437 (the facility) on June 2, 2022, and March 13, 2023. There was also failure to immediately notify the National Response Center after a RQ of Hydrochloric Acid was released from the facility on March 11, 2024.