



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

SENT VIA ELECTRONIC MAIL

Mr. Brent Fitzgerald
Environmental Manager
Pinnacle Renewable Energy, Inc.
Aliceville Pellet Mill
6777 Highway 17
Aliceville, Alabama 35442
brent.fitzgerald@pinnaclepellet.com

Re: Pinnacle Renewable Energy
Notice of Potential Violation and Opportunity to Confer

Dear Mr. Fitzgerald:

Information currently available to the U.S. Environmental Protection Agency suggests that Pinnacle Renewable Energy 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 August 1, 2019, an authorized representative of the U.S. Environmental Protection Agency sent an information request letter to the facility located at 6777 Highway 17, Aliceville, Alabama (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 313 of EPCRA and the requirements of 40 C.F.R. Part 372, as explained below.

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 manufactured, processed, or otherwise used more than 100 pounds of lead (488 lb) during reporting year 2018. However, the facility did not submit a toxic chemical release inventory form for reporting year 2018 to either the EPA or to the state of Alabama by July 1, 2019.

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 313. Civil penalties under Section 325(c) of EPCRA may be assessed by administrative order. Each day a violation of EPCRA Section 313 continues to exist constitutes a separate violation. Failure to report to the EPA or to the state of Alabama 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 Ms. Carrie Griffith of my staff at 404-562-9175, or via email at griffith.carrie@epa.gov, within **seven (7) calendar days** of receipt of this letter to make arrangements to discuss the potential violations and the EPA's possible enforcement action. Please inform Ms. Griffith 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 respectfully 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 Ms. Griffith at the contact information identified above.

Sincerely,

TODD
GROENDYKE

Digitally signed by TODD
GROENDYKE
Date: 2021.02.22
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Todd Groendyke
Chief
South Air Enforcement Section
Air Enforcement Branch