



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

VIA ELECTRONIC MAIL

Braxton McCaleb  
Environmental Health & Safety Director  
Buffalo Rock Co  
111 Oxmoor Road  
Birmingham, Alabama 35209  
BMcCaleb@buffalorock.com

Re: Buffalo Rock Co - Birmingham, Alabama  
Notice of Potential Violation and Opportunity to Confer

Dear Braxton McCaleb:

Information currently available to the U.S. Environmental Protection Agency suggests that Buffalo Rock Co 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 March 29, 2023, an authorized representative of the EPA conducted a compliance monitoring inspection at the facility located at 111 Oxmoor Road, Birmingham, Alabama (the facility) to determine compliance with the CAA and RMP regulations, and observed the following potential violations:

1. The owner or operator did not ensure that at least every five years after the completion of the initial process hazard analysis (PHA), that the PHA was updated and revalidated by a team meeting the requirements in paragraph (d) of 40 C.F.R. § 68.67, to assure that the PHA is consistent with the current process, as required by 40 C.F.R. § 68.67(f).
2. The owner or operator did not retain PHAs and updates or revalidations for each process covered by 40 C.F.R. § 68.67, as well as the documented resolution of recommendations described in paragraph (e) of 40 C.F.R. § 68.67 for the life of the process, as required by 40 C.F.R. § 68.67(g).
3. The owner or operator did not promptly determine and document an appropriate response to each of the findings of the compliance audit, and document that deficiencies have been corrected, as required by 40 C.F.R. § 68.79(d).
4. The owner or operator did not submit a de-registration to the EPA within six months of the date that the stationary source became no longer subject to 40 C.F.R Part 68, as required by 40 C.F.R. § 68.190(c).

5. The owner or operator did not maintain records supporting the implementation of 40 C.F.R Part 68 at the stationary source for five years, or as otherwise provided in subpart D of 40 C.F.R Part 68, as required by 40 C.F.R. § 68.200.

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  
DRESSLER**

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Date: 2023.10.03  
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Jason Dressler  
Chief  
North Air Enforcement Section