



REGION 4

ATLANTA, GA 30303

ELECTRONIC MAIL
CONFIRMATION OF EMAIL RECEIPT REQUESTED

Nick Emanuel
Chief Executive Officer
Citrusuco North America, Inc.
5937 Highway 60 East
Lake Wales, Florida 33898
nemanuel@citrusuco.com

Re: Citrusuco North America, Inc. – Lake Wales, Florida
Notice of Potential Violation (NOPV)

Dear Nick Emanuel:

Information currently available to the U.S. Environmental Protection Agency suggests that Citrusuco North America, Inc., 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 7, 2024, an authorized representative of the EPA conducted a compliance monitoring inspection at the facility located at 5937 Highway 60 East, Lake Wales, Florida (the facility) to determine compliance with the CAA and RMP regulations. An inspection report of the EPA's observations was sent to the facility on May 14, 2024. The EPA subsequently identified additional observations through a review of records which were provided to the EPA after the inspection. Included with this NOPV is a supplemental inspection report describing the additional observations. Overall, the EPA observed the following potential violations:

1. The owner or operator did not document that equipment complies with recognized and generally accepted good engineering practices, as required by 40 C.F.R. § 68.65(d)(2);
2. The owner or operator did not ensure at least every five (5) years after the completion of the initial process hazard analysis (PHA), that the PHA was updated and revalidated by a team meeting the requirements 40 C.F.R. § 68.67(d), to assure that the PHA is consistent with the current process, as required by 40 C.F.R. § 68.67(f);

3. The owner or operator did not ensure operating procedures are reviewed as often as necessary to assure that they reflect current operating practice, including changes that result from changes in process chemicals, technology, and equipment, and changes to stationary sources, as required by 40 C.F.R. § 68.69(c);
4. The inspection and testing procedures did not follow recognized and generally accepted good engineering practices, as required by 40 C.F.R. § 68.73(d)(2);
5. 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);
6. The owner or operator did not coordinate 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);
7. The owner or operator did not revise and update the RMP submitted under § 68.150 at least once every five years from the date of its initial submission or most recent update required by 40 C.F.R. § 68.190(b)(2) through (b)(7), whichever is later, as required by 40 C.F.R. § 68.190(b)(1); and
8. The owner or operator did not correct the emergency contact information in the RMP within one month of any change in the emergency contact information required under § 68.160(b)(6), as required by 40 C.F.R. § 68.195(b).

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**

Digitally signed by JASON
DRESSLER
Date: 2024.12.12
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Jason Dressler
Chief
North Air Enforcement Section

cc: Robert Dietrich
Technological Hazards Manager
Florida Division of Emergency Management
Robert.Dietrich@em.myflorida.com