



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

VIA ELECTRONIC MAIL

Michael Hagen
Technical Director
Karnak-South, Inc.
1010 Southeast 20th Street
Fort Lauderdale, Florida 33316
mhagen@karnakcorp.com

Re: Karnak-South, Inc. – Fort Lauderdale, Florida
Notice of Potential Violation and Opportunity to Confer

Dear Michael Hagen:

Information currently available to the U.S. Environmental Protection Agency suggests that Karnak-South, 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 via a conference call, or in writing, of any further information the EPA should consider with respect to the potential violations.

Specifically, on September 1, 2022, an authorized representative of the EPA sent an information request letter to the facility located at 1010 Southeast 20th Street, Fort Lauderdale, Florida (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 processed 1,2,4-Trimethylbenzene, Cumene, and Xylene (mixed isomers) above the reporting thresholds of 25,000 pounds, during reporting years 2020 and 2021. However, the facility did not submit a toxic chemical release inventory form in a timely manner to either the EPA or to the state of Florida for reporting years 2020 and 2021.

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 Florida 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 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 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 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.

Sincerely,

**JASON
DRESSLER**

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Jason Dressler
Chief
North Air Enforcement Section