



REGION 4

ATLANTA, GA 30303

ELECTRONIC MAIL

CONFIRMATION OF EMAIL RECEIPT REQUESTED

Mike Theising
Operations Manager
Brenntag Mid-South, Inc.
1405 Highway 136 West
Henderson, Kentucky 42420
Michael.theising@brenntag.com

Re: Brenntag Mid-South, Inc. – Henderson, Kentucky
Notice of Potential Violation and Opportunity to Confer

Dear Mike Theising:

Information currently available to the U.S. Environmental Protection Agency suggests that Brenntag Mid-South, 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 August 10, 2023, an authorized representative of the EPA conducted a compliance monitoring inspection at the facility located at 1405 Highway 136 West, Henderson, Kentucky (the facility) to determine compliance with the CAA and RMP regulations, and observed the following potential violations:

1. The owner or operator did not maintain records on the offsite consequence analyses for worst-case scenarios as required by 40 C.F.R. § 68.39(a), including a description of the vessel or pipeline and substance selected as worst case, assumptions and parameters used, and the rationale for selection. Assumptions shall include use of any administrative controls and any passive mitigation that were assumed to limit the quantity that could be released. Documentation shall include the anticipated effect of the controls and mitigation on the release quantity and rate;

2. The owner or operator did not maintain records on the offsite consequence analyses for alternative release scenarios as required by 40 C.F.R. § 68.39(b), including a description of the scenarios identified, assumptions and parameters used, and the rationale for the selection of specific scenarios. Assumptions shall include use of any administrative controls and any mitigation that were assumed to limit the quantity that could be released. Documentation shall include the effect of the controls and mitigation on the release quantity and rate;
3. 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); and
4. The owner or operator did not correct deficiencies in equipment that are outside acceptable limits (defined by the process safety information in 40 C.F.R. § 68.65) before further use or in a safe and timely manner when necessary means are taken to assure safe operation, as required by 40 C.F.R. § 68.73(e).

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 Jordan Noles, of my staff at (404) 562-9105, or via email at noles.jordan@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 Jordan Noles 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 Jordan Noles at the contact information identified above.

Sincerely,

JASON
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Date: 2024.06.04
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Jason Dressler
Chief
North Air Enforcement Section