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**From:** Jennifer Gibson [JGibson@NACD.com]  
**Sent:** 5/26/2017 2:33:18 PM  
**To:** Beck, Nancy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=168ecb5184ac44de95a913297f353745-Beck, Nancy]  
**Subject:** RE: NACD Member Egregious Enforcement Case - Time Sensitive

Thanks very much, Nancy. We really appreciate it.

Best regards,

Jennifer

Jennifer C. Gibson  
Vice President, Regulatory Affairs

National Association of Chemical Distributors (NACD)



1560 Wilson Blvd., Suite 1100  
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(703) 527-6223 **Ex. 6** - Main Line  
(703) 527-7747 - Fax  
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[jgibson@nacd.com](mailto:jgibson@nacd.com)



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**From:** Beck, Nancy [mailto:Beck.Nancy@epa.gov]  
**Sent:** Friday, May 26, 2017 9:56 AM  
**To:** Jennifer Gibson <JGibson@NACD.com>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>  
**Cc:** Eric Byer <ebyer@NACD.com>  
**Subject:** RE: NACD Member Egregious Enforcement Case - Time Sensitive

Hi Jennifer,  
I am working with staff to try to track it down.

Regards,  
Nancy

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Nancy B. Beck, Ph.D., DABT  
Deputy Assistant Administrator, OCSPP  
P: 202-564-1273  
M: **Ex. 6**  
[beck.nancy@epa.gov](mailto:beck.nancy@epa.gov)

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**From:** Jennifer Gibson [mailto:JGibson@NACD.com]  
**Sent:** Thursday, May 25, 2017 2:50 PM  
**To:** Beck, Nancy <Beck.Nancy@epa.gov>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>  
**Cc:** Eric Byer <ebyer@NACD.com>  
**Subject:** RE: NACD Member Egregious Enforcement Case - Time Sensitive

Hello Again, Nancy.

I am checking in with you to see if you have learned anything on this case. Brenntag received their settlement offer today from Region 4. EPA is sticking with the \$19,410 penalty with the option of a 75% SEP, 25% straight penalty. Brenntag has until June 9 to respond to EPA.

Thanks so much for your assistance.

Best regards,

Jennifer

Jennifer C. Gibson  
Vice President, Regulatory Affairs

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**From:** Beck, Nancy [mailto:Beck.Nancy@epa.gov]  
**Sent:** Monday, May 22, 2017 6:54 PM  
**To:** Jennifer Gibson <JGibson@NACD.com>; Gunasekara, Mandy <Gunasekara.Mandy@epa.gov>  
**Cc:** Eric Byer <ebyer@NACD.com>  
**Subject:** RE: NACD Member Egregious Enforcement Case - Time Sensitive

Jennifer,  
Thanks for this information. TRI is in OCSPP now. I will see what I can learn about this one from our staff.

Regards,  
Nancy

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Nancy B. Beck, Ph.D., DABT  
Deputy Assistant Administrator, OCSPP  
P: 202-564-1273

M: **Ex. 6**  
[beck.nancy@epa.gov](mailto:beck.nancy@epa.gov)

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**From:** Jennifer Gibson [<mailto:JGibson@NACD.com>]  
**Sent:** Monday, May 22, 2017 3:05 PM  
**To:** Gunasekara, Mandy <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>; Beck, Nancy <[Beck.Nancy@epa.gov](mailto:Beck.Nancy@epa.gov)>  
**Cc:** Eric Byer <[ebyer@NACD.com](mailto:ebyer@NACD.com)>  
**Subject:** NACD Member Egregious Enforcement Case - Time Sensitive

Dear Mandy and Nancy,

It was nice to see you last week at NACD's meeting with Administrator Pruitt. As a follow up, Eric Byer and I are working to collect troubling enforcement examples from our members with a goal of getting these to you this week, or early next at the latest.

In the meantime, one of our members, Brenntag, reached out to me on Friday with an immediate example from Region 4. EPA is proposing a five-figure penalty for failure to hit the certify button for one chemical when submitting a Toxic Release Inventory report. A description of the case is attached. This is a perfect example of extreme monetary penalties issued for minor administrative errors that result in no harm to the environment and of the "Find & Fine" enforcement approach we discussed. In this case, even the agency's rationale for the large penalty is flawed.

Can you assist with this? We are curious to know if Region 4 even vetted this penalty through EPA headquarters as this seems completely contrary to the approach Administrator Pruitt indicated he would like the agency to take.

Please let me know if you need any additional information. Thank you so much for your consideration.

Best regards,

Jennifer

Jennifer C. Gibson  
Vice President, Regulatory Affairs

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