



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

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

ELECTRONIC MAIL
CONFIRMATION OF RECEIPT EMAIL REQUESTED

Mr. Ryan Meyer
Plant Manager
Plaskolite Tennessee LLC
2609 Fite Road
Memphis, Tennessee 38017
ryan.meyer@plaskolite.com

SUBJ: Opportunity to Show Cause
Resource Conservation Recovery Act (RCRA) Compliance Evaluation Inspection (CEI)
Plaskolite Tennessee LLC EPA ID: TNR000043653

Dear Mr. Meyer:

On June 30, 2022, the U.S. Environmental Protection Agency and the Tennessee Department of Environment and Conservation (TDEC), conducted a RCRA CEI at Plaskolite Tennessee LLC located in Memphis, Tennessee to determine the facility's compliance status with RCRA and applicable regulations. This RCRA CEI was an EPA-lead inspection.

The EPA has determined that the facility may not be in compliance with several requirements of the THWMA, Tenn. Code Ann. § 68-212-101 et seq. [Subtitle C of RCRA, 42 U.S.C. §§ 6921 to 6939(g)], and the regulations promulgated pursuant thereto, found at Tenn. Comp. R. & Regs. 0400-12-01.01 through 0400-12-01.12 [Title 40 of the Code of Federal Regulations (C.F.R.) Parts 260 through 279] based on potential violations observed during the CEI. The observations made during the inspection are summarized in the attached RCRA CEI Report.

Please provide a detailed written response within fourteen (14) days following receipt of this letter describing any actions that Plaskolite Tennessee LLC has taken and/or intends to take related to the observations and potential violations documented in the RCRA CEI Report. Your response should be emailed to:

Daryl Himes
RCRA Enforcement Section
Chemical Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division
himes.daryl@epa.gov

Information currently available to the EPA suggests that Plaskolite Tennessee LLC may be in violation of or have committed violations of RCRA. By this letter, the EPA is extending to you an opportunity to advise the Agency, in person, via a conference call, or in writing, of any further information the EPA

should consider with respect to the potential violations. Plaskolite Tennessee LLC may elect to be represented by legal counsel at this meeting and should be prepared to present relevant information and documentation pertaining to the EPA's observed potential violations.

The EPA may determine that a formal enforcement action is appropriate and may assess civil penalties pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). Therefore, Plaskolite Tennessee LLC has the opportunity to present factors and documentation that could mitigate any penalties that may be assessed against the facility, including information on Plaskolite Tennessee LLC ability to pay a penalty. Prior to the meeting, Plaskolite Tennessee LLC may review the following documents:

- **RCRA Civil Penalty Policy:** <https://www.epa.gov/sites/default/files/2020-05/documents/june2003rcracivilpenaltypolicyamended050620.pdf>
- **Amendments to EPA's Civil Penalty Policies to Account for Inflation:** https://www.epa.gov/system/files/documents/2022-01/2022amendmentstopenaltypoliciesforinflation_0.pdf, and
- **Inflation Adjustments:** <https://www.govinfo.gov/content/pkg/FR-2022-01-12/pdf/2022-00349.pdf>

Please be advised that any information provided by Plaskolite Tennessee LLC at the meeting may be used by the EPA in any civil or criminal proceedings related to this or other matters. Any false, fictitious, or fraudulent material omissions, statements, or representations may subject Plaskolite Tennessee LLC to criminal penalties under Section 3008(d)(3) of RCRA, 42 U.S.C. § 6928(d)(3).

If Plaskolite Tennessee LLC chooses to accept this offer to meet with the EPA, the facility should contact Daryl Himes **within fourteen (14) days** following receipt of this letter to schedule a meeting or conference call. Daryl Himes can be reached at (404) 562-8614 or by email at himes.daryl@epa.gov. If you decide not to accept this offer to meet to discuss the observed potential violations, the EPA may proceed with enforcement action against Plaskolite Tennessee LLC as authorized under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), including the assessment of appropriate civil penalties and injunctive relief.

If Plaskolite Tennessee LLC is a Small Business or a Small Community, you can find compliance and enforcement resources specifically designed to meet your needs at: <http://www2.epa.gov/enforcement/small-businesses-and-enforcement>. In that webpage you can find information about the Small Business Regulatory Enforcement Fairness Act (SBREFA) that accords some rights to small businesses and is aimed at providing assistance to small businesses and other small entities, making tools available for better understanding of the regulatory and enforcement processes, and seeing that there is no unfair treatment relating to the regulatory enforcement process.

Please feel free to contact Daryl Himes if you have any technical questions regarding the observations and findings from the inspection performed at Plaskolite Tennessee LLC's facility.

Sincerely,

KIMBERLY
BINGHAM

Digitally signed by
KIMBERLY BINGHAM
Date: 2022.09.21
14:04:01 -04'00'

Kimberly L. Bingham
Chief

Chemical Safety and Land Enforcement Branch

Enclosure