



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 ELM STREET, SUITE 500
DALLAS, TEXAS 75270

August 23, 2021

VIA Electronic Mail:

Kim Lawler
3333 Dan Morrton Rd.
Dallas, TX 75236

Re: Notice of Potential Violation and Opportunity to Confer (NOPVOC)
Resource Conservation and Recovery Act
Danone Wave

Dear Ms. Lawler:

Hazardous waste that is improperly managed poses a serious threat to human health and the environment. Through implementation of the authorities in the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 – 6992k, the United States Environmental Protection Agency regulates the control of hazardous waste from the “cradle-to-grave.” This includes the generation, transportation, treatment, storage and disposal of hazardous waste.

On August 25, 2021, the EPA, Region 6 conducted an inspection at Danone Wave's facility located in Dallas, TX. The purpose of the inspection is to determine Danone Wave's compliance with the requirements of RCRA, and the implementing regulations. The information currently available to the EPA, suggests that Danone Wave may be in violation of RCRA (Attachment 1). By this letter, the EPA is extending Danone Wave the 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 following potential violations of the RCRA and the implementing regulations:

- Hazardous Waste Determination – Failure to conduct a hazardous waste determination pursuant to 40 C.F.R. § 262.11 and 30 TAC 335.62.
- Notification – Failure to notify the EPA or authorized state adequately describing the hazardous waste generating activity at the Facility pursuant to Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), and the regulation at 30 TAC 335.6.

If Danone Wave is interested in participating in an opportunity to confer with the Agency with respect to the above listed potential violations, please contact enforcement officer Debra Pandak, with the Office of Regional Counsel, within 14 calendar days of receipt of this letter.

Addressing noncompliance with environmental laws is important in carrying out the EPA’s mission to protect human health and the environment. At the same time, the EPA acknowledges that the COVID-19 pandemic may impact Danone Wave. If that is the case, please contact us regarding any specific issues you need to discuss.

Thank you for your attention to this matter. If you have any questions, please contact Debra Pandak, of my staff, at pandak.debra@epa.gov or 214-665-7565.

Sincerely,

Margaret Osbourne
Chief
Waste Enforcement Branch

Enclosure: Additional Sources of Information

cc: james.gradney@tceq.texas.gov
john.shelton@tceq.texas.gov

ADDITIONAL SOURCES OF INFORMATION

- Information on RCRA and hazardous waste regulations
<https://www.epa.gov/rcra/resource-conservation-and-recovery-act-rcra-regulations>
- RCRA Civil Penalty Policy
<https://www.epa.gov/enforcement/resource-conservation-and-recovery-act-rcra-civil-penalty-policy>
- Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22
https://www.epa.gov/sites/production/files/2013-10/documents/final-crop-fr_1.pdf
- Small Business Fact Sheet
www.epa.gov/compliance/small-business-resources-information-sheet