



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

VIA ELECTRONIC MAIL

Michael Cofer
Operations Manager
DPC Enterprises, L.P.
1200 Jarvis Road
Mobile, Alabama 36611
mcofer@dxgroup.com

Re: DPC Enterprises, L.P. - Mobile, Alabama
Notice of Potential Violation and Opportunity to Confer

Dear Michael Cofer:

Information currently available to the U.S. Environmental Protection Agency suggests that DPC Enterprises, L.P. 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 March 16, 2023, an authorized representative of the EPA conducted a compliance monitoring inspection at the facility located at 1200 Jarvis Road Mobile, Alabama 36611 (the facility) to determine compliance with the CAA and RMP regulations, and observed the following potential violations:

1. 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);
2. The Process Hazard Analyses did not address stationary source siting, as required by 40 C.F.R. § 68.67(c)(5);
3. The operating procedures were not reviewed as often as necessary to assure that they reflect current operating practice, including changes that result from changes in process chemicals, technology, and equipment, and changes to stationary sources. The owner or operator did not certify annually that these operating procedures are current and accurate, as required by 40 C.F.R. § 68.69(c); and
4. The owner or operator did not correct deficiencies in equipment that are outside acceptable limits (defined by the process safety information in § 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 Justin Stark, of my staff at (404) 562-8305, or via email at Stark.Justin@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 Justin Stark 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 Justin Stark at the contact information identified above.

Sincerely,

**JASON
DRESSLER**

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Date: 2023.07.11
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Jason Dressler
Chief
North Air Enforcement Section