



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

VIA ELECTRONIC MAIL

Henry Siemer
Assistant to President/ Manager of Performance Compliance
Siemer Milling Company
315 Quintin Court
Hopkinsville, Kentucky 42240
hsiemer@siemermilling.com

Re: Siemer Milling Company – Hopkinsville, Kentucky
Notice of Potential Violation and Opportunity to Confer

Dear Henry Siemer:

Information currently available to the U.S. Environmental Protection Agency suggests that Siemer Milling Company 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 July 27, 2022, an authorized representative of the EPA conducted a compliance monitoring inspection at the facility located at 315 Quintin Court, Hopkinsville, 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 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 owner or operator did not establish a system to promptly address the team's findings and recommendations from the process hazard analysis (PHA); assure that the recommendations are resolved in a timely manner and that the resolution is documented; document what actions are to be taken; complete actions as soon as possible; develop a written schedule of when these actions are to be completed; and communicate the actions to operating, maintenance and other employees whose work assignments are in the process and who may be affected by the recommendations or actions, as required by 40 C.F.R. § 68.67(e);


3. The owner or operator did not retain PHAs and updates or revalidations for each process covered by 40 C.F.R. § 68.67, as well as the documented resolution of recommendations described in paragraph (e) of 40 C.F.R. § 68.67 for the life of the process, as required by 40 C.F.R. § 68.67(g);
4. The owner or operator did not certify annually that operating procedures are current and accurate, as required by 40 C.F.R. § 68.69(c);
5. 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);
6. The management of change procedures did not assure that impact of a change on safety and health is addressed prior to any change, as required by 40 C.F.R. § 68.75(b)(2);
7. The procedures or practices required by 40 C.F.R. § 68.69 were not updated accordingly, as required by 40 C.F.R. § 68.75(e), when a change covered by 40 C.F.R. § 68.75 resulted in a change in the operating procedures or practices;
8. The owner or operator did not:
 - a. Certify that they have evaluated compliance with the provisions of 40 C.F.R. Part 68 at least every three years to verify that procedures and practices developed under 40 C.F.R. Part 68 are adequate and are being followed, as required by 40 C.F.R. § 68.79(a);
 - b. Ensure that compliance audits are conducted by at least one person knowledgeable in the process, as required by 40 C.F.R. § 68.79(b);
 - c. Develop a report of the findings of any compliance audit, as required by 40 C.F.R. § 68.79(c);
 - d. Promptly determine and document an appropriate response to each of the findings of the compliance audit, and document that deficiencies have been corrected, as required by 40 C.F.R. § 68.79(d);
 - e. Retain the two (2) most recent compliance audit reports, as required by, 40 C.F.R. § 68.79(e); and
9. The RMP registration did not include, for each covered process, the maximum quantity of each regulated substance or mixture in the process (in pounds) to two significant digits, as required by 40 C.F.R. § 68.160(b)(7).

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
DRESSLER**  Digitally signed by JASON
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Date: 2023.04.20
07:00:03 -04'00'

Jason Dressler
Chief
North Air Enforcement Section