



REGION 4

ATLANTA, GA 30303

SENT VIA ELECTRONIC MAIL

Kavita Mizin
Environmental Health Safety Director
Pepsi Bottling Ventures
4141 Parklake Avenue
Raleigh, North Carolina 27612
Kavita.Mizin@pbvllc.com

Re: Pepsi Bottling Ventures – Garner, NC
Notice of Potential Violation and Opportunity to Confer

Dear Kavita Mizin:

Information currently available to the U.S. Environmental Protection Agency suggests that Pepsi Bottling Ventures LLC may have committed violations of the Clean Air Act (CAA) and its implementing regulations. 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 20, 2024, an authorized representative of the U.S. Environmental Protection Agency sent an information request letter to the Pepsi Bottling Ventures, LLC facility located at 1900 Pepsi Way, Garner, North Carolina (the facility) to determine compliance with Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1). A list of the potential violations that EPA discovered is enclosed.

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)(1) of the CAA, 42 U.S.C. § 7412(r)(1), 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 in the enclosure, the EPA requests that a representative of the facility contact Phyllis Warrilow, of my staff at (404) 562-9198, or via email at Warrilow.Phyllis@epa.gov, within **fifteen (15) calendar days** of receipt of this letter to make arrangements to discuss the potential violations and the EPA's possible enforcement action. Please inform Phyllis Warrilow if you intend to have legal representation at this meeting.

You may voluntarily submit any documentation or information that you would like the EPA to review in advance of any meeting or 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 meeting or 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 Phyllis Warrilow at the contact information identified above.

Sincerely,

TODD
GROENDYKE

Digitally signed by
TODD GROENDYKE
Date: 2024.08.01
09:23:05 -04'00'

Todd Groendyke
Chief
South Air Enforcement Section

Enclosure

Enclosure

List of Potential Violations

The U. S. Environmental Protection Agency is in receipt of Pepsi Bottling Ventures, LLC April 12, 2024, response (and follow-up responses dated May 20, 2024, and June 2, 2024) to the Clean Air Act (CAA) Section 114 information request letter pertaining to the Pepsi Bottling Ventures, LLC facility located at 1900 Pepsi Way, Garner, North Carolina. Based upon the information provided in those responses, the EPA is concerned that the Pepsi Bottling Ventures, LLC facility may not be achieving adequate compliance with the requirements of Section 112(r)(1) of the CAA, commonly known as the General Duty Clause, 42 U.S.C. § 7412(r)(1). Section 112(r)(1) mandates that the owners and operators of stationary sources producing, processing, handling or storing substances listed at 40 C.F.R. § 68.130 or any other extremely hazardous substances have a general duty in the same manner and to the same extent as section 654 of title 29 to identify hazards which may result from accidental releases using appropriate hazard assessment techniques, to design and maintain a safe facility taking such steps as are necessary to prevent releases, and to minimize the consequences of accidental releases which do occur.

Pepsi Bottling Ventures, LLC should come to the meeting prepared to discuss the following items and how it complies or will comply with the requirements of Section 112(r)(1):

1. Identification of Hazards

Pepsi Bottling Ventures, LLC failed to identify hazards by not conducting a hazard analysis of its facility prior to EPA's March 20, 2024, request for information. Pepsi Bottling Ventures, LLC's failure to identify hazards associated with its ammonia refrigeration system is a potential violation of the General Duty Clause under Section 112(r)(1) of the Act, 42 U.S.C. § 7412(r)(1).

2. Design and Maintain a Safe Facility

Pepsi Bottling Ventures, LLC failed to design and maintain a safe facility by not calibrating its ammonia detection system on a semiannual basis prior to EPA's March 20, 2024, request for information and by failing to replace its pressure safety valves in accordance with applicable industry standards. Pepsi Bottling Ventures, LLC's failure to design and maintain a safe facility is a potential violation of the General Duty Clause under Section 112(r)(1) of the Act, 42 U.S.C. § 7412(r)(1).