



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

VIA ELECTRONIC MAIL

Mr. Britt Sherbet
Site Manager
AFH Logistics Services
400 Industrial Drive
Birmingham, Alabama 35211
britt.sherbet@tru-nor.com

Re: AFH Logistics Services – Birmingham, Alabama
Notice of Potential Violation and Opportunity to Confer

Dear Mr. Sherbet:

Information currently available to the U.S. Environmental Protection Agency suggests that AFH Logistics Services 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 September 29, 2021, an authorized representative of the EPA conducted a compliance monitoring inspection at the facility located at 400 Industrial Drive, Birmingham, Alabama (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 (RAGAGEP), as required by 40 C.F.R. § 68.65(d)(2);
2. The facility had not updated and revalidated the process hazard analysis (PHA) at least every five years to assure that the PHA is consistent with the current process, as required by 40 C.F.R. § 68.67(f);
3. The owner or operator has not retained PHAs and updates or revalidations, as well as the documented resolution of recommendations for the life of the process, as required by 40 C.F.R. § 68.67(g);
4. The owner or operator has not certified annually that the operating procedures are current and accurate, as required by 40 C.F.R. § 68.69(c);

5. The inspection and testing procedures did not follow RAGAGEP, as required by 40 C.F.R. § 68.73(d)(2);
6. The frequency of inspections and tests of process equipment is not consistent with applicable manufacturers' recommendations and good engineering practices, as required by 40 C.F.R. § 68.73(d)(3);
7. The owner or operator has not corrected deficiencies in equipment that are outside acceptable limits 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);
8. The owner or operator did not demonstrate annual coordination with local emergency planning and response organizations to address changes: At the stationary source; in the stationary source's emergency response and/or emergency action plan; and/or in the community emergency response plan, as required by 40 C.F.R. § 68.93(a); and
9. The owner or operator has not submitted corrected emergency contact information in the most recent RMP submission within one month of a change, as required by 40 C.F.R. § 68.195(b).

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 Ms. Bethany Terpin, of my staff at (404) 562-9048, or via email at terpin.bethany@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 Ms. Terpin 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 Ms. Bethany Terpin at the contact information identified above.

Sincerely,

JASON
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Date: 2022.04.20
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Jason Dressler
Chief
North Air Enforcement Section