UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET
ATLANTA, GEORGIA 30365

DEC 2 1988

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

10114955

Mr. Jimmy Kirkland
Georgia Department of
Natural Resources
205 Butler Street, S.E.
Floyd Towers East
Atlanta, Georgia 30334

re: §313 Enforcement Actions

Dear Mr. Kirkland:

As you will recall from previous conversations with Jill Perry of my staff and from my letter dated August 4, 1988, on-site inspections of facilities in the Atlanta area were conducted on August 8-12, 1988, to determine the compliance status of sources with Section 313 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA). [No compliance determinations were made with respect to any other sections of SARA Title III]. The inspections were conducted by Carlton Hailey and Jill Perry, EPA Region IV - Pesticides & Toxic Substances Branch.

On August 11, 1988, EPA conducted a compliance inspection of Bio-Lab Incorporated, 1739 Dogwood Drive, Conyers, Georgia. We are enclosing a copy of the Field Inspection Report for your information. During a review of facility records we found that Bio-Lab Incorporated had purchased chemicals regulated under SARA Title III, Section 313 in excess of the reporting threshold for processed chemicals [75,000 lbs]. Facility representatives were notified at the time of the inspection that a potential violation of the Section 313 reporting requirements for failure to report may have been documented. After further review of the documentation collected during the inspection, EPA has determined that Bio-Lab Incorporated was, in fact, in violation of the 1987 Section 313 Toxic Chemical Release reporting requirements. Therefore, an Administrative Civil Complaint is currently being prepared for issuance by EPA Region IV against the facility for its failure to submit EPA Form 9350-1 (1-88) [Form R] by July 1, 1988, as required by 40 C.F.R. Part 372.

Because this action is the first of its kind, EPA Headquarters (Washington, D.C.) is coordinating a national enforcement effort. Civil Complaints from each of EPA's ten regional offices will be issued simultaneously, accompanied by a national press release. We anticipate that this action will occur approximately two weeks from the date of this letter; the projected date is December 16, 1988. EPA will not notify the source prior to issuance of the Complaint; therefore, we request that all information which EPA is

or will be sharing with your state regarding the enforcement action be held in confidence. Your office will be notified when the Complaint is mailed to the facility.

If you have any questions concerning the planned enforcement action, please do not hesitate to contact Melvin Russell or Jill Perry of my staff at (404) 347-5014.

Sincerely,

Richard S. DuBose

Richard S. DuBose, Chief
Pesticides & Toxic Substances Branch
Air, Pesticides & Toxics Management Division

Enclosure

cc: Mr. J. Leonard Ledbetter, Chairman
Georgia Emergency Response Commission