UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

In the Matter of:	§	
	§	
Taotao USA, Inc.,	§	
Taotao Group Co., Ltd., and	§	**Docket No.**
Jinyun County Xiangyuan Industry	§	**CAA-HQ-2015-8065**
Co., Ltd.,	§	
	§	
Respondents.	§	

MOTION FOR RECONSIDERATION, OR IN THE ALTERNATIVE, REQUEST FOR INTERLOCUTARY APPEAL

COME NOW Respondents Taotao USA, Inc. (Taotao USA), Taotao Group Co., Ltd. (Taotao Group), and Jinyun County Xiangyuan Industry Co. Ltd. ("JCXI") and move for reconsideration, or in the alternative, an interlocutory appeal, of the Order on Partial Accelerated Decision and Related Motions, respectfully requesting that the Presiding Officer reconsider the Order, or alternatively, forward the Order to the Environmental Appeals Board for review.

GROUNDS FOR APPEAL

On May 3, 2017, the presiding judge signed an order (the "Order") denying Respondents' Motion to Dismiss; denying Respondent's Motion for Accelerated Decision; and granting the Agency's Motion for Partial Accelerated Decision.

The Order is erroneous for the following reasons:

1. It ignores the Agency's own definition of "specifications" that includes information on the emission control label ("ECI label"), and manufacturer or EPA conditions or limitations. See 40 C.F.R. § 1068.103. Precious metal concentration is not included on a vehicle's ECI label, neither is said information included on any of the subject vehicle's labels. *See* Respondents' Reply at 10-13; *see also* 40 C.F.R. 86.413-78; certified ECI label on CX001- Furthermore, Complainant has

admitted that EPA has not prescribed specific standards for the content of catalytic converters. *See* Agency's Response at 12.

2. It erroneously relies on *United States v. Chrysler,* even though in that case the engine configurations and parts that differed from those stated in the application and those installed onto the test vehicle were parts/configurations included in the emission control label., i.e. engine displacement (cubic inches).[1] 591 F.2d 958, 960 n.2 (D.C. Cir. (1979). The parts/configurations in *Chrysler* clearly fell within the Agency's definition of "specifications,"[2] whereas catalytic converter ratios do not. *Chrysler* therefore is entirely inapplicable. The court in *Chrysler* only decided that if a vehicle does not conform to the "specifications" [i.e. listed on the ECI label], the vehicle is uncertified regardless of its emissions, so long as the non-conforming "specification" is related to an emission related component. *Id.* Unlike the present matter, *Chrysler* did not resolve the issue on what qualifies as a "specification" under the Agency's definition, nor did it need to because engine displacement is clearly a on an ECI label. The issue here on the other hand is whether or not catalytic converter ratios are even "specifications" under the Agency's definition of the term. Only once the issue on whether catalytic converter ratios are "specifications" is determined, the issues on whether catalytic converter ratio differences are material may be answered. The Order however assumes that catalytic converter ratios are "specifications" without pointing to any regulation, or plausible inference from a regulation, that supports the assumption, and jumped to a determination on whether catalytic converter ratios are material in the face of *Chrysler. See* the Order at 26.

[1] An emission control information label includes information on [e]ngine displacement (in cubic centimeters). 40 C.F.R. 86.413-78 (Labeling); *see also* 40 C.F.R. 86.1807-01 (Vehicle Labeling).
[2] In Chrysler's the mistaken parts included distributors, carburetors, exhaust gas recirculation valves and orifice spark advance controls. 40 C.F.R. 86.413-78 clearly requires an ECI label to include information on all the foregoing parts.

3. It not only determines whether or not the Agency's interpretation that differences in catalytic converter ratios violate the Clean Air Act is a plausible argument, but instead rules that catalytic converter ratio differences does in fact violate the Clean Air Act. It is not the court's task in reviewing a motion to dismiss to decide between two plausible inferences that may be drawn from the factual allegations in a complaint. *Anderson News, L.L.C. v. Am. Media, Inc*., 680 F.3d 162, 185 (2d Cir. 2012), cert. denied, 133 S. Ct. 846 (2013).

4. It permits the Agency to escape the rulemaking requirement by deferring to the Agency's interpretation of an unambiguous regulation, which clearly does not include catalytic converter ratios as a material "specification." *See Summit Petroleum Corp. v. Env'l Protection Agency*, 690 F.3d 733, 740 (6th Cir. 2012) (*quoting Christensen v. Harris Cnty*., 529 U.S. 576, 588, 120 S. Ct. 1655, 146 L. Ed. 2d 621 (2000)). (A Court affords an agency "no deference, if the language of the regulation is unambiguous, for doing so would 'permit the agency, under the guise of interpreting a regulation, to create de facto a new regulation."). Neither the ECI label, nor the Agency's "design standards" include catalytic converter precious metal concentrations as "specifications" or "design specifications." The regulations therefore unambiguously include only ECI label information and maintenance conditions and limitations as "specifications." The Agency could have easily included language that if a catalytic converter is installed on a vehicle, then its content and composition must be included on the ECI label, but it chose not to. *See* 40 C.F.R. § 86-413-78.

5. It ignores that the Agency's own evidence shows that testing of a catalytic converter precious metal content and concentrations is not always accurate, yet it requires that Respondents be held strictly liable for any inaccuracies. *See* the Order at 14 (for example, first analysis contained no detectable amount of rhodium and quantities concentrations of 120 ppm and 61 ppm, whereas

second analysis revealed concentrations of platinum and palladium at 123 ppm and 80 ppm.). According to the 40 C.F.R. § 86.420-78, members of an engine family must be identical in the number of catalytic converters, location, volume and composition. Given that the Agency in this case, knew that Respondents purchased catalytic converters from another manufacturer, and did not manufacture the converters themselves, the Agency is holding Respondents at an impossible standard. Because it is possible for a test to reveal different concentrations, as demonstrated by the Agency's own catalytic converter testing, it is not rational to require strict compliance with catalytic converter volume and concentrations. *See Warren v. United States*, No. 14-154-GFVT, 2015 U.S. Dist. LEXIS 121004, at *12-13 (E.D. Ky. Sep. 11, 2015) (If a regulation is ambiguous and deference is due, the Sixth Circuit has noted that "'deferential' review is not inconsequential," and an agency's action must still "minimally involve a rational connection between the facts found and the choice made." *Summit Petroleum Corp. v. Env'l Protection Agency*, 690 F.3d at 741 (quoting *Ky. Waterways Alliance v. Johnson*, 540 F.3d 466, 474 (6th Cir. 2008); *Motor Vehicle Mfrs. Ass'n of the U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)). Here the choice the Agency made was to exclude catalytic converter composition from the ECI label, fail to set any catalytic converter design standards, approve COC applications where the catalytic converter was manufactured by a third-party manufacturer, and exclude catalytic converter ratios from the definition of "specifications." Clearly, it is not rational to now hold a person liable for catalytic converter ratios manufactured by a different person and which cannot be tested to ensure 100% accuracy. Furthermore, the regulations allow for approval of COC applications without catalytic converter testing, and the Agency approved Respondents' COCs in the absence of catalytic converter test results knowing that the converters were purchased from an unrelated third party manufacturer.

6. It relies on an expert's opinion regarding the value of different precious metals and their concentrations, which is completely irrelevant given that the Agency does not have any precious metal content or concentration standards. Stated differently, the Agency would have certified the vehicles regardless of the content or concentration of catalytic converters listed on the application for certification as long as the vehicle met emission standards, therefore Dr. Heck's analysis is entirely irrelevant and raises the question: If the Agency knows which precious metals are more likely to reduce emissions and in what concentrations, why does it not set a catalytic converter standard? It appears that the Agency has not only failed to set a catalytic converter standard, but is penalizing manufacturers who do install catalytic converters regardless of whether their vehicles would pass emissions with or without said converters. The Agency is therefore hindering attempts to further reduce emissions by forcing manufacturers to manufacture vehicles without catalytic converters and meet only the minimum emission standards. Such unnecessary and economically motivated actions, lacking any consideration for the environment, is what the new executive action intends to eliminate. *See* Executive Order 13777.[3]

7. It erroneously concludes that a determination on whether the Agency is engaged in the formulation of policy, in the absence of the required rulemaking provisions has no relation to the administrative context. *See* the Order at 23 n. 29. The Agency seems to believe that because the Agency's decision was not determined arbitrary in the rulemaking phase, such arguments cannot be made now. The argument fails because the regulations whole fail to include catalytic converter ratios as "specifications." Because the regulations did not include catalytic converter

[3] Comments from motorcycle manufacturers have commented that EPA has failed to consolidate its regulations on motorcycles and continues to refer to outdated guidelines, without clarity, burdening manufacturers. *See e.g.* Transcript of EPA Office of Air and Radiation Stakeholder Conference Call April 24, 2017, at 23.

ratios as information required on ECI labels or otherwise include the ratios to fall within the term "specifications," there was no notice to the public that catalytic converter ratios are "specifications. Therefore, the Agency cannot, for the first time, hold Respondents liable for catalytic converter ratio differences and interpret the ratios to be included in the term "specifications" until it goes through the rulemaking process, i.e. notice and comment period. By extension, the Presiding Officer cannot for the first time, in the absence of proper notification necessary to the formulation of regulations, hold that catalytic converters are included in the definition of "specifications."

8. It erroneously concludes that it is Respondents' burden to prove that the facts and allegations do not amount to violations, and that Respondents have not met the burden. The Agency brought this action against Respondents, it is therefore up to the Agency to show that if the facts show that all catalytic converters were different in composition than those stated on a COC, Respondents have violated the Clean Air Act or a related regulation. In this case, neither the language of the Clean Air Act, nor any regulation prohibits Respondents actions. It is the Agency's responsibility to promulgate laws. In this case, the Agency has taken measures to prohibit certain conduct and left out others. The Agency has clearly defined the term "specifications" and deliberately excluded catalytic converter ratios from the ECI label and failed to require certain ratios as conditions.

9. It erroneously concludes that because Taotao Group and JCXI manufactured the vehicles, they are manufacturers of the catalytic converters. The Order says that because nothing in the Clean Air Act's definition of "manufacturer" in any way suggests its meaning is limited to only those persons who apply for COCs. Such an argument would make sense if the Order also determined that nothing in the Clean Air Act suggests that a vehicle imported must have catalytic converters

with precious metal concentrations that exactly match the concentrations described in the vehicle's COC application, or the COC is invalid. Clearly common sense dictates that Congress did not foresee the Agency would render COCs invalid for reasons that are not within a manufacturer's control. Instead the Agency first approved COC applications, which clearly stated that the manufacturers have purchased the catalytic converters instead of manufacturing them, and then seeks to penalize the manufacturers for purchasing catalytic converters in different quantities than those listed in the application, i.e. provided by catalytic converter manufacturers, even though catalytic converter testing may not always accurately reveal precise concentrations. The Agency claims that one need not go any further than the definition of "manufacturer" than the Clean Air Act, but ignores that the Agency itself recognizes that there is no *single* definition of manufacturer. *See e.g.* definitions of *equipment manufacturers, engine manufacturers,* and *secondary engine manufacturers*. *See* 40 C.F.R. § 1051.801; 1068.30. Surely, an equipment manufacturer cannot be held liable for engine displacement nonconformity, nor can an incomplete engine manufacturer be held liable for violations of s secondary engine manufacturer, then how is it rational for Taotao Group and JCXI to be held liable for the violations of the catalytic converter manufacturer? *See* 40 C.F.R. § 1068.261(c) (if catalytic converter manufacturers, i.e. aftertreatment component manufacturers, are required to separately apply for COCs, then how can aftertreatment component manufacturers be held responsible for said catalytic converter manufacturers obligations?[4]

[4] Citations to other regulations that may not apply to the facts at hand are made here to demonstrate that the Agency itself recognizes that different circumstances require different treatment.

ARGUMENT

I. The Order erroneously denies Respondents' Motion to Dismiss

Respondent's Motion to Dismiss was erroneously denied because it only considered one of Respondents' arguments, i.e. failure to exceed emissions, for dismissal and ignored everything else. The Order states that all facts alleged in the Amended Complaint, which are… for purposes of the motion to dismiss presumed to be true, demonstrate that Respondents violated the CAA by selling, offering for sale, introducing into commerce, delivering for introduction into commerce, or importing into the United States highway motorcycles and nonroad vehicles that were not covered by COCs, or that Respondents caused the foregoing." The foregoing determination relies on a material mistake of fact and law.

The material mistake of fact is that all highway motorcycles and nonroad vehicles complained of in the Amended Complaint were in fact covered by EPA-issued COCs. The question is not whether the facts plead in the Amended Complaint if presumed to be true show that Respondents sold, offered for sale, introduced into commerce, delivered for introduction into commerce, or imported in to the United States vehicles that were not covered by COCs, but rather (1) whether the EPA-issued COC covering each of the highway motorcycles was invalidated because the precious metal content of the catalytic converters installed in the vehicles tested by the Agency did not exactly match the precious metal content of the catalytic converters installed on the emission test vehicles tested by Respondents, and (2) whether the EPA-issued COC covering each of the nonroad vehicles was invalidated because the precious metal content of the catalytic converters installed in the vehicles tested by the Agency did not exactly match the precious metal content of the catalytic converters listed in each relevant COC application for those vehicles.

The material mistake of law is that the Order denies the Motion to Dismiss on the ground that if the factual allegations plead in the Amended Complaint were true then Respondents' delivered into commerce or imported highway motorcycles and recreational vehicles with catalytic converters that were not in the same volume and composition as described in the COC application. *See* the Order at 4-5. Because there is no statute or regulation that renders a vehicle uncertified because of differences in a catalytic converters volume and composition, Respondents' have not violated any law and cannot be held liable for something the law does not prohibit.

There is no provision in the Clean Air Act or in EPA regulations that invalidates a COC when the vehicles covered by the COC fail to match the precise precious metal content of catalyst converters listed on the application for the COC. The only law in the Amended Complaint to support the Agency's preposition that the vehicles were not "covered by" the COCs issued to Respondent Taotao USA provided in the Amended Complaint is cited as follows:

> "By the terms on the face of each COC, a COC covers only those highway motorcycles that conform in all material respects to the EDV tested for that COC and all other specifications in the COC application. See also 40 C.F.R. §§ 85.2305(b)(1), 86.437-78(a)(2)(iii), (b)(4). A COC covers only those recreational vehicles that conform in all material respects to the specifications in the COC application. 40 C.F.R. § I 068. l03."

Am. Compl., ¶ 25(e),(f).

For purposes of the certification, EPA has defined "specifications" to include the emission control information label and any conditions or limitations identified by the manufacturer or EPA. *See* 40 C.F.R. 1068.103(a). Emission control label information ("ECI label") includes: the label heading: Vehicle Emission Control Information; Full corporate name

and trademark of manufacturer; Engine displacement (in cubic inches or liters), test group identification and evaporative/refueling family identification; An unconditional statement of compliance with the appropriate model year U.S. EPA regulations which apply to light-duty vehicles, light-duty trucks, medium-duty passenger vehicles, or complete heavy-duty vehicles; The exhaust emission standards (or FEL, as applicable) to which the test group is certified, and for test groups having different in-use standards, the corresponding exhaust emission standards that the test group must meet in use. In lieu of this requirement, manufacturers may use the standardized test group name designated by EPA. *See* 40 C.F.R. 86.1807-01 (Vehicle Labeling). Neither the regulations, nor Respondents' own ECI labels specify catalytic converter ratios.

However, instead of holding the Agency to its own definition, the Order has authorized the Agency to interpret unambiguous regulations and bypass the rulemaking stage. *See Summit Petroleum Corp. v. Env'l Protection Agency*, 690 F.3d 733, 740 (6th Cir. 2012) (quoting *Christensen v. Harris Cnty.*, 529 U.S. 576, 588, 120 S. Ct. 1655, 146 L. Ed. 2d 621 (2000)). (A Court affords an agency "no deference, however, if the language of the regulation is unambiguous, for doing so would 'permit the agency, under the guise of interpreting a regulation, to create *de facto* a new regulation.").

Instead of relying on the plain text of the regulations that do not require catalytic converter ratios in ECI labels, the fact that the Agency itself does not specify the ratios in the certificate itself, and that Respondents have not listed the ratios as conditions or limitations, the Presiding Officer instead accepts the Agency's position by relying on irrelevant regulations and the only case that has ruled on a similar situation before but where the facts and circumstances were completely different. *See* Order at 25-26.

First the Presiding Officer incorrectly interprets an unambiguous regulation regarding test vehicles and concludes that because members of an engine family "must be identical" in "[t]he number of catalytic converters, location, volume, and composition, and a different regulation says that a COC certifies compliance "with no more than one set of applicable standards" then a vehicle that does not contain the catalytic converters in the volume and composition listed in the COC application for that engine family does not belong to that engine family, and ignores that the regulations mentioned only require that all vehicles belonging to an engine family be identical to each other, not "identical" to the catalytic converters described in the COC application. *See* Order at 25; *see also* 40 § 86.420-78.

Next, the Order mistakenly states that because the COCs themselves expressly state, on their face, that "they do not apply to *any* vehicles other than those described in the relevant applications." *See* Order at 25. The COC on its face does not contain that language. Instead a COC states that the Certificate covers only those vehicles which conform, in all material respects, to the design specifications described in the documentation required by 40 CFR Part 86 and are produced during the model year production period stated on the Certificate as defined in 40 CFR Part 86. Again, the language of the COC specifically includes the term "specifications." The Presiding Officer has ignored the remaining language of a COC, which states that "this Certificate is hereby issued with respect to test vehicles which have been found to conform to the applicable requirements of 40 CFR Part 86 and which represent the motor vehicle models listed above by engine family and permeation/evaporative family, more fully described in the manufacturer/importer's application for certification. Vehicles covered by this Certificate have demonstrated compliance with the applicable emission standards, as more fully described in the manufacturer/importer's application. This Certificate covers the above models, which are

designed to meet the applicable emission standards specified in 40 CFR Part 86 as specified in the manufacturer/importer's application." Design specifications are mentioned in 40 CFR 1051-245(e): "You may demonstrate for certification that your engine family complies with the evaporative emission standards by demonstrating that you use the following control technologies shown in the following table." The table that follows again does not have any mention of catalytic converter ratios. *See* 40 C.F.R. 1051-245(e).

Because the regulations only require conformance with material "specifications" and the vehicles passed emissions, and because the only mention of a "design specifications" is on the face of a COC, and an outdated regulation, the Agency cannot hold Respondents liable for something that is not prohibited. Furthermore, the only mention of a catalytic converter on the COC itself is the number of such converters, i.e. 1 catalyst, therefore, all the vehicles need to do is comply with emissions and have one catalyst. Regardless, the Agency cannot hold Respondents liable for what is stated on the face of a COC, absent a regulation that includes catalytic converter ratios in the definition of "specifications" or "design specifications." The Agency's action is after all not based on contract principles, but on a CAA violation.

Finally, the Presiding Officer has relied on United States v. Chrysler, the only case that has held that a manufacturer may be held liable for violation of the CAA even without exceeding limitations. 437 F. Supp. 94 (D.D.C. 1977). However, the Order ignores that *Chrysler* dealt with vehicles where the different parts in the vehicles sold and those described were parts which are included in the ECI label, therefore the differences were clearly "specifications" as defined by the Agency. In the present matter, however, the issue is completely different: catalytic converter ratios are not "specifications."

It is not the court's task in reviewing a motion to dismiss to decide between two plausible inferences that may be drawn from the factual allegations in a complaint. *Anderson News, L.L.C. v. Am. Media, Inc*., 680 F.3d 162, 185 (2d Cir. 2012), cert. denied, 133 S. Ct. 846 (2013).

The Presiding Officer, in this matter, has not only determined that a difference in catalytic converters *may* render vehicles with such different compositions uncertified, but rather that as a matter of law that COCs issued to Respondents did not cover the vehicles that were actually manufactured and imported because the catalytic converters in those vehicles were not the same volume and composition described in the COC applications. *See* Order at 26. Clearly, the Presiding Officer has not limited her decision to whether Complainant has made a plausible argument but rather ruled, for the first time, that contrary to the Agency's own definition of "specifications," a catalytic converter's precious metal ratios are "specifications" capable of rendering a COC invalid and therefore Respondents' are liable. The Presiding Officer has therefore accepted the Agency's arguments that catalytic converter differences render a vehicle uncertified as plausible and dismissed Respondents arguments that they do not.

II. The Order erroneously grants the Agency's AD Motion

The regulations state that when a vehicle is produced prior to the effective date of the COC, such vehicle may also be covered if certain conditions are met, one of which is that the vehicle "conform in all material respects to the vehicles or engines described in the application for the certificate of conformity." 40 C.F.R. § 85.2305. Otherwise, highway motorcycles produced after the effective date of the COC, they must conform to the test vehicle. *Id.* If the Agency did not believe that test vehicles and the application for the COC will always be identical, why would the regulations be written in a manner distinguishing between the two stages of production. The Agency therefore understands that test vehicles may not always be

identical to the vehicles described in applications. Because a COC certifies compliance with only one set of standards, the COC cannot require conformity with the COC application as well as the test vehicle, given that the language of section 85.2305 clearly provides that a test vehicle may not be identical to the application. *See* 40 C.F.R. § 86.437-78.

The Order ultimately grants EPA unlimited authority to interpret a regulation any way it chooses, bypassing the rulemaking requirement. Additional grounds supporting that the Agency's AD Motion was erroneously granted include the following:

(a) The Order erroneously relies on expert statements that the presence and concentrations of platinum, palladium, and rhodium in a catalytic converter affect a vehicles' emissions even though said statements are entirely irrelevant given that the Agency does not require that a catalytic converter include all three of those precious metals, nor does it require a certain concentration of said metals;

(b) The Order ignores that the Agency's own testing of the catalytic converters installed on Respondents' vehicles showed different content and concentration when the same converter was tested more than once, therefore showing that the Agency is holding manufacturers to an impossible standard, i.e. strict compliance with the precious metal concentrations specified on the application when complete accuracy of the contents and concentrations cannot be revealed by any testing, and where the manufacturer has specified in the COC application that catalytic converters are purchased not manufactured;

(c) incorrectly interprets an unambiguous regulation regarding test vehicles and concludes that because members of an engine family "must be identical" in "[t]he number of catalytic converters, location, volume, and composition, and a different regulation says that a COC certifies compliance "with no more than one set of applicable standards" then a vehicle that does

not contain the catalytic converters in the volume and composition listed in the COC application for that engine family does not belong to that engine family, and ignores that the regulations.

Finally, the Order finds that all vehicles imported in all preceding years pursuant to EPA-issued COCs for the ten engine families specified in the Amended Complaint were uncertified. The Agency has only submitted proof of thirty-five vehicles equipped with catalytic converters with different ratios than those on the applications for COC, but the Order erroneously finds that all 109,964 vehicles belonging to the ten engine families introduced into commerce were uncertified.

REQUEST FOR INTERLOCUTORY REVIEW

As an alternative to reversal of the Presiding Officer's prior ruling, if Presiding Officer does not grant this request to reconsider, Respondent seeks certification for an interlocutory appeal pursuant to 40 CFR § 22.29 and requests the Presiding Officer forward the rulings to the Environmental Appeals Board for review based on grounds stated herein.

Certification is appropriate where (1) the order involves a controlling question of law, concerning which there is substantial ground for difference of opinion, and (2) either an immediate appeal from the order will materially advance the ultimate termination of proceeding or review after the final order is issued will be inadequate or ineffective. 40 C.F.R. 22.29(b).

Here the Presiding Officer has ruled on a controlling questions of law: catalytic converter precious metal concentrations are “specifications” and any differences between precious metal concentrations found in an imported vehicle and those listed in the vehicle’s application for COC, whether for highway motorcycle or recreational vehicle, violates the Clean Air Act. Because no unambiguous regulation stands for the foregoing preposition and an unambiguous regulation clearly excludes catalytic converter ratios from the Agency’s definition of

"specifications," the case cannot proceed until there is a determination on whether the Agency and the Presiding Officer is able to defer to the Agency's interpretation of an unambiguous regulation or the Agency's irrational interpretation of an ambiguous regulation.

An immediate appeal would materially advance the ultimate termination of the proceeding because it will determine whether Respondent is liable for a violation of any specified law. Review after final order will be ineffective because at the hearing, the Agency no longer has to prove liability and therefore Respondents will unnecessarily incur significant expenses if the there is an ultimate determination that Respondents' conduct is not prohibited by law.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that on May 15, 2017, the foregoing instrument was filed and served on the Presiding Officer electronically through the Office of Administrative Law Judges (OALJ) e-filing system. I certify that a copy of the foregoing instrument was sent by mail on May 15, 2017 to opposing counsel as follows:

Ed Kulschinsky
Robert Klepp
Air Enforcement Division
Office of Enforcement and Compliance Assurance
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William Chu