

BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C.

RECEIVED  
U.S. EPA, HEADQUARTERS

MAY 12 2017

In the Matter of:

Atlantic Trading & Marketing, Inc.

Respondent.

Docket ENVIRONMENTAL APPEALS BOARD  
CAA-HQ-2016-8273

**CONSENT AGREEMENT**

**Preliminary Statement**

1. This is a civil administrative penalty assessment proceeding instituted under section 205(c)(1) and 211(d)(1) of the Clean Air Act ("CAA"), 42 U.S.C. §§ 7524(c)(1) and 7545(d)(1). The issuance of this Consent Agreement and attached Final Order simultaneously commences and concludes this proceeding. 40 C.F.R. § 22.13(b).
2. Complainant in this matter is the United States Environmental Protection Agency ("EPA"). On the EPA's behalf, Phillip A. Brooks, Director, Air Enforcement Division, Office of Civil Enforcement, Office of Enforcement and Compliance Assurance, is authorized by lawful delegation to institute and settle civil administrative penalty assessment proceedings under section 205(c)(1) of the CAA, 42 U.S.C. § 7524(c)(1).
3. Respondent in this matter is Atlantic Trading & Marketing, Inc. ("ATMI"). Respondent is a corporation organized under the laws of the State of Texas with an office at 5847 San Felipe Street, San Felipe Plaza, Suite 2100, Houston, Texas 77057. ATMI is a Houston-based company that engages in refined product and crude oil trading and logistics. ATMI is a refiner that produces gasoline by adding blendstocks to previously certified gasoline.

4. The EPA and Respondent, having agreed to settle this action, consent to the entry of this Consent Agreement and the attached Final Order before taking testimony and without adjudication of any issues of law or fact herein, and agree to comply with the terms of this Consent Agreement and the attached Final Order.

#### **Jurisdiction**

5. This Consent Agreement is entered into under section 205(c)(1) and 211(d)(1) of the CAA, 42 U.S.C. §§ 7524(c)(1) and 7545(d)(1), and the “Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits,” 40 C.F.R. Part 22 (“Consolidated Rules”).
6. For violations occurring after January 12, 2009, through December 6, 2013, the EPA may administratively assess a civil penalty if the penalty sought does not exceed \$295,000. 42 U.S.C. §§ 7524(c)(1), 7545(d)(1); 40 C.F.R. § 19.4.
7. The Administrator and the Attorney General jointly determined that this matter, although it involves a penalty amount greater than \$295,000, is appropriate for administrative penalty assessment. 42 U.S.C. §§ 7524(c)(1), 7545(d)(1); 40 C.F.R. § 19.4.
8. The Environmental Appeals Board is authorized to issue consent orders memorializing settlements between the EPA and Respondent resulting from administrative enforcement actions under the CAA, and to issue final orders assessing penalties under the CAA. 40 C.F.R. § 22.4(a)(1); EPA Delegation 7-41-C.
9. The Consolidated Rules provide that where the parties agree to settlement of one or more causes of action before the filing of a complaint, a proceeding may be simultaneously

commenced and concluded by the issuance of a Consent Agreement and Final Order.

40 C.F.R. §§ 22.13(b), 22.18(b).

### **Governing Law**

10. This proceeding arises under Part A of Title II of the CAA, CAA §§ 202-219, 42 U.S.C. §§ 7521-7554, and the regulations promulgated thereunder. These laws aim to reduce emissions from mobile sources of air pollution by, among other things, reducing emissions from fuel used in motor vehicles, nonroad vehicles, and engines and ensuring that fuel used in motor vehicles, nonroad vehicles, and engines does not harm the emissions control technology necessary to meet emissions standards. The Alleged Violations of Law, stated below, regard requirements aimed at reducing volatile organic compound (“VOC”) and benzene emissions from gasoline, as well as reporting requirements relating to individual batches of gasoline. What follows is a summary of the law that governs these allegations.
11. Definitions:
  - (a) “Batch of gasoline” means a quantity of gasoline that is homogeneous with regard to those properties that are specified for conventional or reformulated gasoline. 40 C.F.R. § 80.2(gg).
  - (b) “Gasoline” means any fuel sold in any State for use in motor vehicles and motor vehicle engines, and commonly or commercially known or sold as gasoline. 40 C.F.R. § 80.2(c).
  - (c) “Gasoline blending stock, blendstock, or component” means any liquid compound which is blended with other liquid compounds to produce gasoline. 40 C.F.R. § 80.2(s).

- (d) "Previously certified gasoline" or "PCG" means conventional gasoline, reformulated gasoline, RBOB, or CBOB that previously has been included in a batch for purposes of complying with the standards of 40 C.F.R. Part 80 that apply to refiners and importers. 40 C.F.R. § 80.2(d).
- (e) "Refiner" means any person who owns, leases, operates, controls, or supervises a refinery. 40 C.F.R. § 80.2(i).
- (f) "Refinery" means any facility, including but not limited to, a plant, tanker truck, or vessel where gasoline or diesel fuel is produced, including any facility at which blendstocks are combined to produce gasoline or diesel fuel, or at which blendstock is added to gasoline or diesel fuel. 40 C.F.R. § 80.2(h).
- (g) "Reformulated gasoline" means any gasoline whose formulation has been certified under § 80.40, and which meets each of the standards and requirements prescribed under § 80.41. 40 C.F.R. § 80.2(ee).

12. Section 211 of the CAA, 42 U.S.C. § 7545, contains numerous provisions to ensure that only compliant fuels and fuel additives are produced and distributed in the United States.

1.30 Volume Percent Benzene Standard

13. Under section 211(c)(1) of the CAA, 42 U.S.C. § 7545(c)(1), the EPA may adopt a fuel control if at least one of the following two criteria is met: (1) the emission products of the fuel cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare; or (2) the emission products of the fuel will significantly impair emissions control systems in general use or emissions control systems that will be in general use were the fuel control to be adopted.

14. Section 202(l)(2) of the CAA, 42 U.S.C. § 7521(l)(2), further provides that EPA shall promulgate, and from time to time revise, regulations containing reasonable requirements to control hazardous air pollutants from motor vehicles and motor vehicle fuels, to include emissions of benzene.
15. Pursuant to its authority under sections 202(l)(2) and 211(c)(1) of the CAA, 42 U.S.C. §§ 7521(l)(2) and 7545(c)(1), the EPA promulgated regulations at 40 C.F.R. Part 80, Subpart L (gasoline benzene regulations), that require refiners to limit the amount of benzene contained in gasoline they produce or import. *See* 72 Fed. Reg. 8428 (Feb. 26, 2007).
16. The gasoline benzene regulations require, *inter alia*, each refinery to meet a maximum average benzene standard of 1.30 volume percent for each averaging period. 40 C.F.R. § 80.1230(b)(1). This refinery-specific standard cannot be complied with via credits. *See* 40 C.F.R. § 80.1240(b).
17. Excluding certain small refiners, the averaging periods for achieving compliance with the refinery-specific 1.30 volume percent standard are July 1, 2012, through December 31, 2013, and each calendar year thereafter. 40 C.F.R. § 80.1230(b)(3).

#### 9.0 Reid Vapor Pressure (RVP) Standard

18. Section 211(h) of the CAA, 42 U.S.C. § 7545(h), required the EPA to promulgate regulations making it unlawful for any person during the high ozone season to sell, offer for sale, dispense, supply, offer for supply, transport, or introduce into commerce gasoline with an RVP in excess of 9.0 pounds per square inch (psi).

19. Pursuant to its authority under section 211(h) of the CAA, 42 U.S.C. § 7545(h), the EPA promulgated regulations at 40 C.F.R. Part 80, Subpart B (controls and prohibitions), that include requirements for controls and prohibitions on gasoline volatility. *See* 40 C.F.R. § 80.27.
20. From May 1 to September 15, gasoline is required to meet an RVP value of 9.0 psi or less in designated attainment areas. *See* 40 C.F.R. § 80.27(a)(2)(i).

*Volatile Organic Compound (VOC) Standard for Previously Certified Reformulated Gasoline*

21. Section 211(k)(1)(A) of the CAA, 42 U.S.C. § 7545(k)(1)(A), required the EPA to promulgate regulations establishing requirements for reformulated gasoline to be used in gasoline-fueled vehicles in specified nonattainment areas, including requirements for the greatest reduction in emissions of ozone forming VOCs (during the high ozone season) achievable through the reformulation of conventional gasoline, taking into consideration the cost of achieving such emission reductions, any nonair-quality and other air-quality related health and environmental impacts and energy requirements. Further, section 211(k)(3) of the CAA, 42 U.S.C. § 7545(k)(3), sets forth minimum requirements for the stringency of those regulations.
22. Pursuant to its authority under section 211(k)(1)(A) of the CAA, 42 U.S.C. § 7545(k)(1)(A), the EPA promulgated regulations at 40 C.F.R. Part 80, Subpart D (standards for reformulated gasoline), that include requirements for control of VOCs. *See* 66 Fed. Reg. 67098 (Dec. 28, 2001).
23. Where a refiner has elected to meet the VOC emissions performance reduction standard on a per-gallon basis under § 80.65(d)(2)(v) and that refiner blends VOC-controlled previously certified reformulated gasoline (PCG) with a blendstock to make a VOC-

controlled batch of reformulated gasoline, the fuels regulations at Subpart D require that the final batch meet the more stringent of the per-gallon VOC emissions performance reduction standard that applies to the refinery under § 80.41, or the most stringent VOC emissions performance reduction value of the PCG used to produce the batch. *See* 40 C.F.R. § 80.65(i)(3)(i).

#### Batch Reporting Requirements

24. Section 301(a)(1) of the CAA, 42 U.S.C. § 7601(a)(1), provides the EPA with authority to prescribe regulations as necessary to carry out functions under the CAA.
25. Pursuant to its authority under sections 211(k)(1)(A) and 301(a)(1) of the CAA, 42 U.S.C. §§ 7545(k)(1)(A) and 7601(a)(1), the EPA established regulations that require refiners to submit quarterly reports with information regarding each batch of reformulated gasoline or RBOB produced, including the batch number, date of production, batch volume, etc. 40 C.F.R. § 80.75(a); 59 Fed. Reg. 7716 (Feb. 16, 1994).

#### Penalties and Enforcement

26. Any person who, after January 12, 2009, through November 2, 2015, violates the regulations prescribed under sections 211(c), (h), or (k) of the CAA, 42 U.S.C. §§ 7545(c), (h), or (k), including the gasoline benzene regulations at 40 C.F.R. Part 80, Subpart L, the controls and prohibitions on gasoline volatility at 40 C.F.R. Part 80, Subpart B, or the standards for reformulated gasoline at 40 C.F.R. Part 80, Subpart D, is subject to a civil penalty up to \$37,500 per day per violation and the amount of economic benefit or savings resulting from the violation. *See* 42 U.S.C. § 7545(d)(1); 40 C.F.R. § 19.4. Such penalties are assessed in accordance with section 205(b) and (c) of the CAA, 42 U.S.C. § 7524(b) and (c). 42 U.S.C. § 7545(d)(1).

### **Stipulated Facts**

27. ATMI is a refiner and uses third-party bulk liquid storage terminal facilities as refineries by blending various components to produce gasoline. ATMI has produced gasoline at IMTT-Bayonne, New Jersey and at Kinder Morgan Liquids Terminal in Pasadena, Texas.
28. From July 1, 2012, through December 31, 2013, ATMI produced one batch of gasoline (approximately 5,250,000 gallons) at the Kinder Morgan Liquids Terminal in Pasadena, Texas, that had a benzene concentration of 1.83 volume percent. That was the only batch of gasoline produced by ATMI at that refinery during that period of time.
29. On May 19, 2011, ATMI produced a batch of 5,251,470 gallons of conventional gasoline at the Kinder Morgan Liquids Terminal in Pasadena, Texas, with an RVP of 9.16 psi, and that batch was sold to a designated attainment area during the regulatory control period.
30. On April 25, 2011, ATMI produced a 5,367,936 gallon batch of RBOB by adding blendstock to one batch of PCG at its IMTT-Bayonne refinery, which was complying with the VOC emissions performance reduction (percent) standard on a per-gallon basis in 2011. This batch of gasoline had a less stringent VOC emissions reduction value than the PCG used to produce the batch. The VOC percent reduction of the PCG batch was 30.8 percent, whereas the final batch had a VOC percent reduction of 26.1 percent.
31. ATMI submitted quarterly batch reports (RFG0301) for its refinery at the IMTT-Bayonne facility for calendar year 2012; for four batches, ATMI-reported volumes were incorrect.

### **Alleged Violations of Law**

32. For the averaging period from July 1, 2012 through December 31, 2013, the average benzene concentration for ATMI's refinery at the Kinder Morgan Liquids Terminal in



Pasadena, Texas, was 1.83 volume percent, which exceeded the 1.30 volume percent benzene standard requirement at 40 C.F.R. § 80.1230(b)(1).

33. ATMI's production and sale of a batch of gasoline on May 19, 2011, was a violation of the requirement at 40 C.F.R. § 80.27(a)(2)(i) that batches of gasoline introduced into commerce from May 1 to September 15 meet an RVP value of 9.0 psi or less in designated attainment areas.
34. ATMI's production of a batch of RBOB using PCG on April 25, 2011, at its IMTT-Bayonne refinery violated 40 C.F.R. § 80.65(i)(3)(i) because the gasoline it produced had a less stringent VOC emissions performance reduction percentage than the VOC emissions performance reduction percentage of the PCG that was used to produce the batch.
35. ATMI's submittal of incorrect batch volumes for four batches in its quarterly batch reports were in violation of the reporting requirements at 40 C.F.R. § 80.75.

#### **Terms of Agreement**

36. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent: admits that the EPA has jurisdiction over this matter as stated above; admits to the stipulated facts stated above; neither admits nor denies the alleged violations of law stated above; consents to the assessment of a civil penalty as stated below; consents to any conditions specified in this Consent Agreement; waives any right to contest the alleged violations of law; and waives its rights to appeal the Final Order accompanying this Consent Agreement.
37. For the purpose of this proceeding, Respondent:

- (a) agrees that this Agreement states a claim upon which relief may be granted against Respondent;
- (b) waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this Consent Agreement, including any right of judicial review under Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1);
- (c) waives any rights it may possess at law or in equity to challenge the authority of the EPA to bring a civil action in a United States District Court to enforce this Agreement or Order, or both, and to seek an additional penalty for such noncompliance, and agrees that federal law will govern in any such civil action;
- (d) consents to personal jurisdiction in any action to enforce this Agreement or Order, or both, in the United States District Court for the District of Columbia;
- (e) agrees that Respondent may not delegate duties under this Consent Agreement to any other party without the written consent of the EPA, which may be granted or withheld at EPA's unfettered discretion. If the EPA so consents, the Consent Agreement is binding on the party or parties to whom the duties are delegated;
- (f) acknowledges that this Agreement constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;
- (g) acknowledges that this Consent Agreement and attached Final Order will be available to the public and agrees that it does not contain any confidential business information or personally identifiable information;

- (h) acknowledges that its tax identification number may be used for collecting or reporting any delinquent monetary obligation arising from this Agreement (see 31 U.S.C. § 7701);
  - (i) certifies the information it has supplied concerning this matter was at the time of submission, to the best of its knowledge, true, accurate, and complete; and
  - (j) acknowledges there are significant penalties for knowingly submitting false, fictitious, or fraudulent information, including the possibility of fines and imprisonment (see 18 U.S.C. § 1001).
38. For purposes of this proceeding, the parties each agree that:
- (a) this Consent Agreement constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the parties with respect to the subject matter hereof;
  - (b) this Consent Agreement may be signed in any number of counterparts, each of which will be deemed an original and, when taken together, constitute one agreement; the counterparts are binding on each of the parties individually as fully and completely as if the parties had signed one single instrument, so that the rights and liabilities of the parties will be unaffected by the failure of any of the undersigned to execute any or all of the counterparts; any signature page and any copy of a signed signature page may be detached from any counterpart and attached to any other counterpart of this Consent Agreement.
  - (c) its undersigned representative is fully authorized by the Party whom he or she represents to bind that Party to this Consent Agreement and to execute it on behalf of that Party;

- (d) each party's obligations under this Consent Agreement and attached Final Order constitute sufficient consideration for the other party's obligations under this Consent Agreement and attached Final Order; and
  - (e) each party will bear their own costs and attorney fees in the action resolved by this Consent Agreement and attached Final Order.
39. Respondent agrees to pay to the United States a civil penalty of \$1,280,000 (the Civil Penalty).
40. Respondent agrees to pay the Civil Penalty to the United States within 30 calendar days following the issuance of the attached Final Order (i.e., the effective date of this Consent Agreement and attached Final Order).
41. Respondent agrees to pay the Civil Penalty in the manner specified below:
- (a) Pay the Civil Penalty using any method provided on the following website:  
<http://www2.epa.gov/financial/additional-instructions-making-payments-epa>;
  - (b) Identify each and every payment with "Docket No. CAA-HQ-2016-8273"; and
  - (c) Within 24 hours of payment, email proof of payment to Virginia Sorrell at [sorrell.virginia@epa.gov](mailto:sorrell.virginia@epa.gov) ("proof of payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with "Docket No. CAA-HQ-2016-8273").
42. As a condition of settlement, Respondent agrees to the following: Respondent will be liable for stipulated penalties to the EPA for failure to pay the Civil Penalty, or any portion thereof, when due, or provide proof of such payment: \$5,000 per day for each

day during the first 15 days, and \$10,000 per day thereafter. All stipulated penalties must be paid in the manner specified in Paragraph 41 of this Agreement.

43. Respondent agrees that the time period from the date of Respondent's signature on this Consent Agreement until the payment of the Civil Penalty as stated in Paragraphs 39 through 41 (the "Tolling Period") will not be included in computing the running of any statute of limitations potentially applicable to any action brought by Complainant on any claims (the "Tolled Claims") set forth in Alleged Violations of Law section of this Consent Agreement. Respondent will not assert, plead, or raise in any fashion, whether by answer, motion or otherwise, any defense of laches, estoppel, or waiver, or other similar equitable defense based on the running of any statute of limitations or the passage of time during the Tolling Period in any action brought on the Tolled Claims.

#### **Effect of Consent Agreement and Attached Final Order**

44. In accordance with 40 C.F.R. § 22.18(c), Respondent's full compliance with this Consent Agreement will only resolve Respondent's liability for federal civil penalties alleged above.
45. Failure to pay the full amount of the civil penalty assessed under this Consent Agreement may subject Respondent to a civil action to collect any unpaid portion of the proposed civil penalty and interest. In order to avoid the assessment of interest, administrative costs, and late payment penalty in connection with such civil penalty, as described in the following Paragraph of this Consent Agreement, Respondent must timely pay the civil penalty.
46. If Respondent fails to timely pay any portion of the civil penalty assessed by the attached Final Order, the EPA may:

- (a) request the Attorney General to bring a civil action in an appropriate district court to recover: the amount assessed; interest at rates established pursuant to 26 U.S.C. § 6621(a)(2); the United States' enforcement expenses; and a 10 percent quarterly nonpayment penalty, 42 U.S.C. § 7524(c)(6);
- (b) refer the debt to a credit reporting agency or a collection agency, 40 C.F.R. §§ 13.13, 13.14, and 13.33;
- (c) collect the debt by administrative offset (i.e., the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds (see 40 C.F.R. Part 13, Subparts C and H); and
- (d) suspend or revoke Respondent's licenses or other privileges, or (ii) suspend or disqualify Respondent from doing business with the EPA or engaging in programs the EPA sponsors or funds, 40 C.F.R. § 13.17.

47. Penalties paid pursuant to this Consent Agreement are not deductible for federal tax purposes. 28 U.S.C. § 162(f).

48. This Consent Agreement and attached Final Order apply to and are binding upon the Complainant and the Respondent. Successors and assigns of Respondent are also bound if they are owned, in whole or in part, directly or indirectly, or otherwise controlled by Respondent. Nothing in the previous sentence adversely affects any right of the EPA under applicable law to assert successor or assignee liability against Respondent's successor or assignee.

49. Nothing in this Consent Agreement relieves Respondent of the duty to comply with all applicable provisions of the CAA or other federal, state, or local laws or statutes, or restricts the EPA's authority to seek compliance with any applicable laws or regulations, nor will it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.
50. The EPA reserves the right to revoke this Consent Agreement and accompanying settlement penalty if and to the extent the EPA finds, after signing this Consent Agreement, that any information provided by Respondent was or is materially false or inaccurate, and the EPA reserves the right to pursue, assess, and enforce legal and equitable remedies for the Alleged Violations of Law. The EPA will give Respondent written notice of such termination, which will be effective upon mailing.
51. The Parties agree to submit this Consent Agreement to the Environmental Appeals Board with a request that it be incorporated into a Final Order.
52. Respondent and Complainant agree to issuance of the attached Final Order. Upon filing, the EPA will transmit a copy of the filed Consent Agreement to the Respondent. This Consent Agreement and attached Final Order will become effective after execution of the Final Order by the Environmental Appeals Board and filing with the Hearing Clerk.

The foregoing Consent Agreement In the Matter of Atlantic Trading & Marketing, Inc., Docket No. CAA-HQ-2016-8273, is Hereby Stipulated, Agreed, and Approved for Entry.

**For Atlantic Trading & Marketing, Inc.:**

Signature \_\_\_\_\_

Date \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

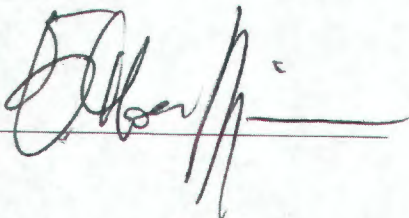
Address: \_\_\_\_\_

Respondent's Federal Tax Identification Number: \_\_\_\_\_



The foregoing Consent Agreement In the Matter of Atlantic Trading & Marketing, Inc., Docket No. CAA-HQ-2016-8273, is Hereby Stipulated, Agreed, and Approved for Entry.

**For Atlantic Trading & Marketing, Inc.:**

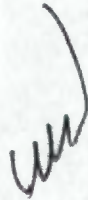
Signature  Date 04/28/2017

Printed Name: ERIC MONTFAJON

Title: President & CEO

Address: 5047 San Felipe St 2100 Houston  
Texas 77057

Respondent's Federal Tax Identification Number: 74-2207002



The foregoing Consent Agreement In the Matter of Atlantic Trading & Marketing, Inc., Docket No. CAA-HQ-2016-8273, is Hereby Stipulated, Agreed, and Approved for Entry.

**For Complainant:**

*for Phillip A. Brooks*

Phillip A. Brooks, Director  
Air Enforcement Division  
Office of Civil Enforcement  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., N.W.  
Washington, DC 20460-0001

5/10/17  
Date

*Virginia Sorrell*

Virginia Sorrell, Attorney Adviser  
Air Enforcement Division  
Office of Civil Enforcement  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
1595 Wynkoop St.  
Denver, CO 80202-1129

4-27-17  
Date



U.S. Department of Justice

Environment and Natural Resources Division

90-5-2-1-11762

*Environmental Enforcement Section  
P.O. Box 7611  
Washington, DC 20044*

*Telephone (202) 514-2738  
Facsimile (202) 514-0097*

February 24, 2017

Phillip A. Brooks  
Director, Air Enforcement Division  
Office of Enforcement and Compliance Assurance  
U.S. EPA  
Washington, D.C. 20460

Re: Atlantic Trading & Marketing, Inc.

Dear Phill:

The Department of Justice concurs, pursuant to Section 205(c)(1) of the Clean Air Act, 42 U.S.C. § 7524(c)(1), with your request for authorization to commence an administrative enforcement action against Atlantic Trading & Marketing, Inc. for violations of Title II of the Clean Air Act and associated regulations regarding fuel produced at two facilities in New Jersey and Texas. The penalty may exceed \$320,000. I agree with you that this matter is appropriate for an administrative penalty action.

Please contact me if we may be of further assistance.

Sincerely,

Robert D. Brook  
Assistant Chief