

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

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

**RESPONSE TO RESPONDENTS’
MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION**

ATTACHMENT I



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 01 2016

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

The Honorable John C. Cruden
Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Ben Franklin Station
Washington, DC 20044-7611

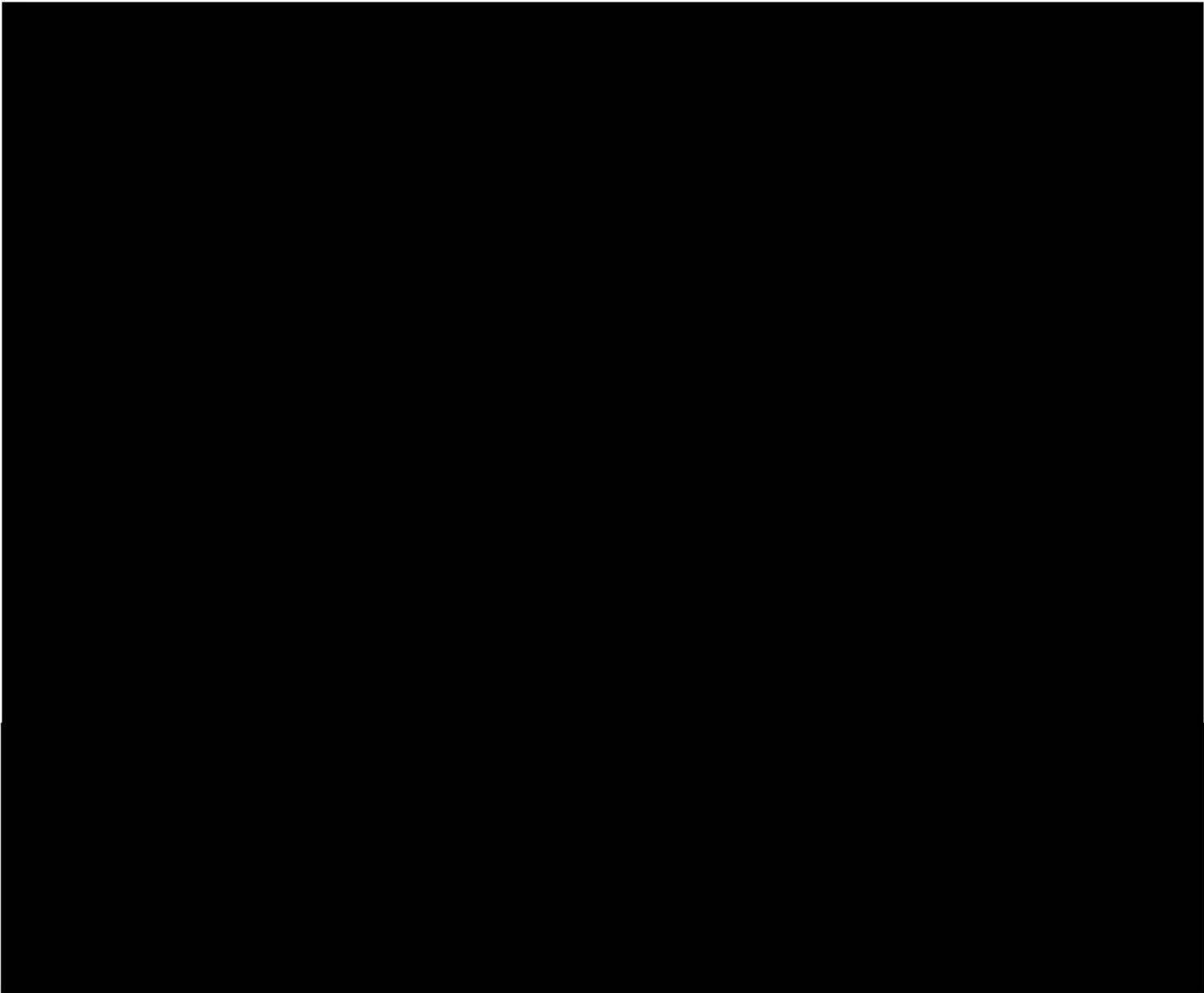
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Attn: Joe Davis
Case Management Unit
ENRD/EES
Room 6203

Re: Addendum to the EPA's January 30, 2015 Request, Pursuant to Section 205(c) of the Clean Air Act, for a Waiver of the Penalty Limitation on the EPA's Administrative Penalty Authority

Dear Mr. Cruden:

By letter dated January 30, 2015, the Air Enforcement Division of the U.S. Environmental Protection Agency's (EPA) Office of Enforcement and Compliance Assurance requested that the U.S. Department of Justice (DOJ) waive the Clean Air Act's (Act) statutory limitation on the EPA's authority to assess an administrative penalty greater than \$320,000 for an enforcement case involving Taotao USA, Inc. (Taotao USA), and Jinyun County Xiangyuan Industry Co., Ltd. and Taotao Group Co., Ltd. (collectively China Taotao). DOJ concurred with this request in a letter from Karen Dworkin dated March 17, 2015. Thank you for that prompt response. For your reference, the waiver request and concurrence letters are enclosed.

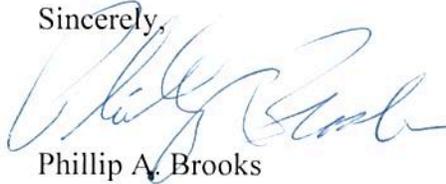


We would very much appreciate your expeditious response. If you have any questions or need further information regarding this matter, please do not hesitate to contact me at (202) 564-0652, or the attorney assigned to this matter, Robert Klepp, at (202) 564-5805.

¹ See 42 U.S.C. § 7524(c) (setting the administrative penalty cap at \$200,000); 40 C.F.R. § 19.4 (increasing the cap to \$270,000 for proceedings commenced between March 15, 2004, and January 12, 2009, to \$295,000 for proceedings commenced between January 12, 2009, and December 6, 2013, and to \$320,000 for proceedings commenced after December 6, 2013).

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Sincerely,

A handwritten signature in blue ink, appearing to read "Phillip A. Brooks".

Phillip A. Brooks
Director
Air Enforcement Division

cc: Karen Dworkin

Enc: January 30, 2015 EPA waiver request
March 17, 2015 DOJ concurrence letter

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