

AG

From: Sims, Mark <Sims.Mark@epa.gov>
Sent: Wednesday, February 7, 2024 1:09 PM
To: AG
Cc: Finkle, Jacob (he/him/his)
Subject: Answer to AG Hollenstein Question
Attachments: 1379_001.pdf; 1288_001.pdf; 2021_1286_001.pdf; 2017_1248_001.pdf; 2018_1231_001.pdf; 2019_1266_001.pdf; 2020_1271_001.pdf; 1216_001.pdf; 1215_001.pdf; 1212_001.pdf; 1210_001.pdf; 1143_001.pdf

Hi Mr. Hollenstein,

Norco most recently revised its response to EPA's information request on August 10, 2023 (certification statement is attached), reflecting information the company submitted between July 21, 2023, to August 2, 2023. The revised worksheet that Norco sent as part of its August 10, 2023 response to EPA is attached (named "1288_001"), along with the other supporting documents sent during that time period (all attached). That worksheet and these documents are the basis for EPA's finding of violation.

Mark
415-972-3965

From: AG <ag@norcocorp.com>
Sent: Wednesday, February 7, 2024 9:55 AM
To: Sims, Mark <Sims.Mark@epa.gov>
Subject: RE: Request for Norco Final Information for Ability to Pay Analysis and Notice of Document Disclosure to EPA Contractor

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

I am getting my tax returns together. I have a question. Yesterday you said the document used for your determination was furnished in August 023. The only thing I can find is a copy of the original worksheet. Daniel Haskell had us put the unit numbers on the original document. That document is the one that was incorrect. Am I missing something?

From: Sims, Mark <Sims.Mark@epa.gov>
Sent: Wednesday, February 7, 2024 11:17 AM
To: AG <ag@norcocorp.com>
Cc: Finkle, Jacob (he/him/his) <Finkle.Jacob@epa.gov>
Subject: Request for Norco Final Information for Ability to Pay Analysis and Notice of Document Disclosure to EPA Contractor

Mr. Hollenstein,

Thank you for meeting yesterday. As we discussed, if Norco feels it cannot pay all or part of EPA's calculated civil penalty, pursuant to the 2015 EPA Ability to Pay Guidance, please provide the last three years of tax returns, income statements and balance sheets (audited, if possible). The link to the 2015 guidance is here:

<https://www.epa.gov/sites/default/files/2015-06/documents/atp-penalty-evaluate-2015.pdf>. Also, attached is the

intake form for Norco's year-to-date financial information. Please submit this information to me via email by **12:00 pm Central Time on Monday, February 12, 2024.**

Additionally, and very importantly, this email provides you with written notice that in order to determine the size of Norco's business and perform an ability to pay analysis, and, in turn, analyze the civil penalty in this case, EPA plans to provide to its financial analysis contractor the tax and financial information related to the ability to pay analysis and size of business that Norco will send to EPA. The contract is with Industrial Economics, Incorporated (Cambridge, MA) under Contract No. 68HERC23D0020, Task Order No. 68HERC23F0256. The release of Norco's records is being handled in accordance with 40 CFR Part 2, Subpart B. All released documents claimed as confidential business information will be protected from disclosure by the contractor. Please provide any comments by **February 14, 2024**, as we plan to release your records to Industrial Economics on **February 15, 2024**.

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