

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.)

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MOTION FOR PARTIAL DEFAULT ON LIABILITY
AS TO TAOTAO GROUP CO., LTD., AND
JINYUN COUNTY XIANGYUAN INDUSTRY CO., LTD.

The Director of the Air Enforcement Division of the U.S. Environmental Protection Agency’s Office of Civil Enforcement (“Complainant”) files this Motion for Partial Default on Liability to request entry of a Default Order against respondents Taotao Group Co., Ltd. (“Taotao Group”) and Jinyun County Xiangyuan Industry Co., Ltd. (“JCXI”), consistent with section 22.17 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (“Consolidated Rules”). Taotao Group and JCXI have not filed a timely answer to the Administrative Complaint (“Complaint”) filed on November 12, 2015, despite the Environmental Appeals Board’s (“the Board’s”) specific instruction that they do so by January 19, 2016.¹ Complainant therefore requests entry of a Default Order ruling that all factual allegations in the Complaint are deemed admitted by Taotao Group and JCXI, and that Taotao Group and JCXI are consequently liable for the violations alleged therein. Complainant further requests that this matter be

¹ Respondent Taotao USA, Inc., did file a timely Answer to the Administrative Complaint, contesting Complainant’s allegations and requesting an administrative hearing. Complainant is not requesting an entry of default against Taotao USA, Inc., at this time.

transferred to the EPA's Office of Administrative Law Judges for determination of an appropriate penalty against Taotao Group and JCXI in conjunction with the proceeding against respondent Taotao USA, Inc. ("Taotao USA"). *See, e.g., Order, In the Matter of Geason Enterprises, L.L.C., et al., Docket No. CAA-HQ-2013-8050 (Dec. 16, 2013) (transferring motion for default for a respondent's failure to answer a complaint to the Administrative Law Judge presiding over the case involving other respondents who answered that same complaint). Taotao Group and JCXI oppose this Motion.*

I. Background

Respondents Taotao Group and JCXI are Chinese corporations that manufacture motorcycles and recreational vehicles for distribution and sale in the United States. Compl. ¶¶ 5–6, 10, 25–26. Taotao USA is a Texas corporation that imports to the United States, and sells in the United States, the motorcycles and recreational vehicles manufactured by Taotao Group and JCXI. Compl. ¶¶ 4, 10.

On November 12, 2015, Complainant initiated this action under section 205(c)(1) of the Clean Air Act ("the Act"), 42 U.S.C. § 7524(c)(1), by filing its Complaint against Taotao USA, Taotao Group, and JCXI with the EPA's Headquarters Hearing Clerk as required by 40 C.F.R. §§ 22.5 and 22.13. The Complaint alleges that Taotao USA and Taotao Group are jointly and severally liable for 46,605 violations of the Act, and that Taotao USA and JCXI are jointly and severally liable for 17,772 violations of the Act. Compl. ¶¶ 100–01. Complainant did not propose specific penalty amounts in the Complaint, and instead reserved the right to seek the maximum civil penalty authorized by the Act. Compl. ¶¶ 102, 104. Copies of the Complaint and the Consolidated Rules were served on Taotao USA individually, and in its capacity as the agent for service of process for Taotao Group and JCXI, through personal service on Matao Cao, president of Taotao USA. *See Complainant's Response to Respondents'*

Motion to Quash and Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(5) (“Response”) at 4. Service consistent with 40 C.F.R. § 22.5 was completed on November 16, 2015.² Proof of service was filed with the Board on November 25, 2015.

On December 16, 2015, Taotao USA filed a motion requesting additional time in which to file its answer to the Complaint. Complainant did not oppose that request. Also on December 16, 2015, Taotao Group and JCXI filed a Motion to Quash and Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(5) (“Motion to Quash”). On December 22, 2015, the Board issued its Order Granting Motion for Extension of Time to File Answer (“Order”). In the Order, the Board directed Taotao USA, Taotao Group, and JCXI (collectively “Respondents”) to answer the Complaint on or before January 19, 2016. Order at 1–2.

On December 30, 2015, Complainant filed and served its Response opposing the Motion to Quash. Under 40 C.F.R. § 22.16(b), Taotao Group and JCXI had ten (10) days to file a reply to Complainant’s Response. 40 C.F.R. § 22.16(b). Taotao Group and JCXI neither filed a reply nor requested additional time in which to do so. On January 12, 2016, thirteen days (13) after service of the Response and two (2) days after any reply was due, the Board issued its Clarification Order. In the Clarification Order, the Board stated that it would not rule on the Motion to Quash, and reiterated that the deadline for all Respondents to answer the Complaint was January 19, 2016.

² Taotao Group and JCXI’s Motion to Quash and Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(5) (“Motion to Quash”) is still pending. Complainant has addressed Taotao Group and JCXI’s challenge to the validity of service in Complainant’s Response to the Motion to Quash. If the Motion to Quash is granted, this Motion for Partial Default on Liability will be moot.

On January 19, 2016, Taotao USA filed Respondent Taotao USA Inc.'s Original Answer and Request for Hearing ("Answer of Taotao USA"). In contrast, respondents Taotao Group and JCXI have not, to date, answered the Complaint.

II. Default

The Consolidated Rules provide that "[a] party may be found in default: after motion, upon failure to file a timely answer to the complaint; [or] upon failure to comply with . . . an order of the Presiding Officer." 40 C.F.R. § 22.17(a). For a respondent, default "constitutes . . . an admission of all facts alleged in the complaint and a waiver of respondent's right to contest such factual allegations." *Id.* "When the Presiding Officer finds that default has occurred, he shall issue a default order against the defaulting party as to any or all parts of the proceeding unless the record shows good cause why a default order should not be issued." 40 C.F.R. § 22.17(c). The "'good cause' determination, predicate to finding a party in default, takes the 'totality of the circumstances' into consideration." *In re Pyramid Chem. Co.*, 11 E.A.D. 657, 661 (EAB 2004) (quoting *In re Thermal Reduction Co.*, 4 E.A.D. 128, 131 (EAB 1992)).

Here, Taotao Group and JCXI have failed to file an answer within the time set by the Consolidated Rules and by the Board, in disregard of the Board's explicit directive. Taotao Group and JCXI's answer was originally due December 16, 2015. *See* 40 C.F.R. § 22.15(a) (answer must be filed within thirty (30) days after service of the complaint). In lieu of filing an answer, Taotao Group and JCXI instead filed their Motion to Quash, requesting that the Board dismiss the action against them or, alternatively, grant them additional time to answer the Complaint. M. Quash at 6. In its Order dated December 22, 2015, the Board stated: "Respondent is directed to file its answer on or before Tuesday,

January 19, 2016, before the Office of Administrative Law Judges.” Order at 2. On January 12, 2016, the Board specifically addressed Taotao Group and JCXI’s Motion to Quash with its Clarification Order, stating: “The Board’s December 22, 2015 order extending the time to file an answer for all three respondents through Tuesday, January 19, 2016, stands. The Board will not rule on Taotao Group’s and JCXI’s motion to quash service and dismiss the complaints against them.” Clarification Order at 2. The Consolidated Rules expressly identify failure to file a timely complaint or failure to comply with an order of the presiding authority as procedural violations that constitute grounds for default. 40 C.F.R. § 22.17(a).

Taotao Group and JCXI’s procedural error hinders this proceeding and prejudices the Complainant. Complainant is preparing for Alternative Dispute Resolution, Prehearing Exchange, and other optional motion practice. As these proceedings draw near, Complainant cannot act with the benefit of Taotao Group and JCXI’s admissions, denials, and other statements customarily provided in an answer.

“When a party commits a procedural violation that can give rise to a default, such as an untimely answer, a significant factor in the good cause determination is whether the purported defaulting party has any valid excuse for the procedural violation.” *Pyramid Chem. Co.*, 11 EAD at 661. Taotao Group and JCXI do not have a valid excuse for disregarding the Board’s Orders and refusing to file a timely answer.

Taotao Group, JCXI, and Taotao USA are represented by the same counsel in this matter. *See* M. Quash at 7 (motion submitted by attorney William Chu, of The Law Offices of William Chu);

Respondent Taotao USA Inc.'s Original Answer and Request for Hearing at 14 (answer submitted by attorney William Chu). Respondents' counsel was served with both of the Board's Orders. Respondents were on notice that their deadline to file an answer was January 19, 2016, notwithstanding their pending Motion to Quash. Taotao USA filed its Answer within the Board's deadline, but Taotao Group and JCXI did not. It therefore appears that Taotao Group and JCXI affirmatively chose not to file their answer by January 19, 2016, in disregard of the Board's Order and Clarification Order.

Taotao Group and JCXI may argue that they chose not to file an answer to avoid waiving their objection to service under Federal Rule of Civil Procedure 12(h), notwithstanding their outstanding Motion to Quash and the Board's Clarification Order. Any waiver argument is a fig leaf. The Federal Rules of Civil Procedure ("Federal Rules") do not apply to this proceeding. *See In re Rybond, Inc.*, 6 E.A.D. 614, 625 n.19 (EAB 1996) (Board not bound by Federal Rules of Civil Procedure). Even under the Federal Rules, however, Taotao Group and JCXI have preserved their objection to the manner in which they were served with the Complaint by filing their Motion to Quash prior to their responsive pleading. *See Fed. R. Civ. P. 12(h)(1)* (defense based on inadequate service waived if not raised in first responsive pleading or in motion prior to responsive pleading).³ Further, in their Motion to Quash, Taotao Group and JCXI specifically requested that the Board dismiss the action against them or, if the Motion to Quash was "rejected," grant them additional time to answer the Complaint. M. Quash at 6. Consistent with that request, the Board in its Clarification Order told Taotao Group and JCXI that it

³ The Federal Rules contemplate that a court may defer ruling on a pre-pleading motion objecting to service until trial. Fed. R. Civ. P. 12(i). It follows that a defending party who has filed a motion to dismiss under Federal Rule 12(b) may still file an answer without waiving the defenses raised in its motion.

would not rule on the Motion to Quash and that the respondents needed to file an answer. Clarification Order at 1–2.

In any event, it was unreasonable for Taotao Group and JCXI to miss the filing deadline. If Taotao Group and JCXI wanted to ensure that their objection to service was preserved, they could have raised it again as a defense in their answer. *See* Fed. R. Civ. P. 12(h) (defenses preserved if raised in responsive pleading). Alternatively, upon receiving the Board’s Order dated December 22, 2015, or the Clarification Order dated January 12, 2016, they might have approached the Board with their concern and requested additional guidance under the Consolidated Rules that do govern this proceeding. Respondents did neither. Instead, they silently allowed the Board’s January 19, 2016 deadline to pass without filing an answer.

Though there is a preference in the law for cases to be resolved on their merits, the Consolidated Rules provide for default as an essential tool to prevent litigants from abusing the administrative litigation process. *In re Fulton Fuel Co.*, CWA Appeal No. 10-03, 2010 EPA App. LEXIS 41, **7–8 (EAB, Sept. 9, 2010) (*citing In re JHNY, Inc.*, 12 E.A.D. 372, 385–93 (EAB 2005)). There is no valid excuse for Taotao Group and JCXI’s failure to file an answer, in disregard of the Consolidated Rules and the Board’s Orders. Taotao Group and JCXI’s contumacious behavior warrants an entry of default consistent with 40 C.F.R. § 22.17(a) and (b). Complainant therefore requests entry of a Default Order ruling that all factual allegations in the Complaint are deemed admitted by Taotao Group and JCXI.

III. Liability

This proceeding arises under Part A of Title II of the Act, 42 U.S.C. §§ 7521–7554, and the regulations promulgated thereunder. These laws aim to reduce emissions from mobile sources of air pollution, and establish a certification program administered by the EPA. The EPA’s certification program is designed to ensure that every vehicle sold or imported into the United States conforms in all material respects to a vehicle that meets emission standards for oxides of nitrogen, carbon monoxide, hydrocarbons, and other pollutants, and has otherwise been approved by the EPA.

The program operates by grouping vehicles into engine families. An engine family is a group of vehicles of a single model year that are expected to have similar emission characteristics throughout their useful life. 40 C.F.R. §§ 86.420-78, 1051.230. The EPA approves vehicles by issuing a certificate of conformity (“COC”) for different engine families. To obtain a COC, a manufacturer must submit a COC application to the EPA for each engine family that it intends to manufacture for introduction into United States commerce. 40 C.F.R. §§ 86.416-80, 1051.201(a). The COC application must include, among other things, identification of the covered engine family, a description of the vehicles and their emission control systems, certification that all vehicles in the engine family comply with the Act, and test results from a prototype emissions data vehicle (“EDV”) showing that the vehicles satisfy the applicable emission standards. 40 C.F.R. §§ 86.416-80, 1051.205. A COC does not cover vehicles that do not conform to the specifications described in the COC application. 40 C.F.R. §§ 85.2305(b)(1), 86.437-78(a)(2)(iii), 1068.103(a).

Under section 203(a)(1) of the Act, manufacturers may not import, sell, offer for sale, or introduce into commerce in the United States, any new motor vehicle or recreational vehicle, “unless

such vehicle . . . is covered by a certificate of conformity issued (and in effect) under regulations prescribed” by the Administrator of the EPA. 42 U.S.C. §§ 7522(a)(1), 7547(d); 40 C.F.R. §§ 85.1513(a), 1051.15(c), 1068.101(a)(1). Causing any of these acts is also prohibited. 42 U.S.C. § 7522(a). The term “manufacturer” includes both persons “engaged in the manufacturing or assembling” of new vehicles, and persons who import “such vehicles or engines for resale.” 42 U.S.C. § 7550(1). The term “person” includes individuals, corporations, partnerships, and associations. 42 U.S.C. § 7602(e). Vehicles are “new” when they are imported into the United States. 42 U.S.C. § 7550(3); 40 C.F.R. § 1051.801.

A manufacturer may be subject to a civil penalty of up to \$37,500 for each vehicle sold, offered for sale, introduced or delivered for introduction into commerce, or imported into the United States in violation of section 203(a)(1) of the Act, 42 U.S.C. § 7522(a)(1). 42 U.S.C. § 7524(a); 40 C.F.R. §§ 19.4, 1051.801, 1068.101(a)(1), (b)(6), (c). The EPA may commence a civil action to assess and recover a civil penalty, or may assess a civil penalty through an administrative proceeding. 42 U.S.C. § 7524(b)–(c). The EPA’s authority to assess an administrative penalty is limited to matters in which the total penalty sought does not exceed \$320,000, unless “the Administrator and the Attorney General jointly determine that a matter involving a larger penalty amount is appropriate for administrative penalty assessment.”⁴ 42 U.S.C. § 7524(c)(1); *see* 40 C.F.R. § 19.4 (inflation-adjusted statutory penalty

⁴ As originally enacted, the Act allowed a maximum administrative penalty of \$200,000. 42 U.S.C. § 7524(c)(1). The maximum allowable penalty has since been increased pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, Pub. L. No. 101-410, 104 Stat. 890 (codified at 28 U.S.C. § 2461 note), as amended by the Debt Collection Improvement Act of 1996, Pub. L. No. 104-134, § 31001(s), 110 Stat. 1321, 1321-358 to 1321-380 (codified at 31 U.S.C. § 3701 note), to reflect inflation. *See* Civil Monetary Penalty Inflation Adjustment Rule, 78 Fed. Reg. 66,643, 66,643–44 (Nov. 6, 2013) (adjusting maximum penalties for inflation).

cap). In this matter, the EPA requested a waiver of the penalty cap and the Department of Justice concurred with the request by letter dated March 17, 2015, attached to this Motion as Attachment 1.

Taotao Group manufactured and offered for sale, or introduced or delivered for introduction into commerce in the United States, approximately 46,605 highway motorcycles relevant to this action. Compl. ¶¶ 25, 35(c), 39, 47, 55, 63. A highway motorcycle is a type of motor vehicle. 40 C.F.R. § 86.402-98; *see* 42 U.S.C. § 7551 (definitions of a motor vehicle and a nonroad vehicle); 40 C.F.R. § 85.1703 (definition of a motor vehicle). Highway motorcycles are regulated under sections 202(a)(3)(E) and 203 of the Act, 42 U.S.C. §§ 7521(a)(3)(E) and 7522, and under 40 C.F.R. Part 85 and Part 86, Subparts E and F. The 46,605 highway motorcycles fall within four different engine families belonging to model years 2012 through 2014:⁵ CTAOC.049MC1; DTAOC.150MC2; DTAOC.049MC2; and ETAOC.049MC2. Compl. ¶¶ 39, 47, 55, 63. Each motorcycle within each engine family was manufactured similarly. Compl. ¶¶ 40, 48, 56, 64. Taotao USA holds EPA-granted COCs for each of the four engine families, and imported each of the 46,605 highway motorcycles into the United States for resale. Compl. ¶¶ 27–28, 39, 47, 55, 63; *see* Answer of Taotao USA ¶¶ 27–28, 39, 47, 55, 63 (admitting Taotao USA holds COCs for each engine family and imported each motorcycle for resale). Taotao Group meets the definition of “person” and “manufacturer” under the Act. 42 U.S.C. §§ 7550(1), 7602(e).

⁵ EPA has adopted a standardized naming convention for engine family names, in which the first character of the engine family name corresponds to the engine family’s model year. Manufacturer Letter, EPA Standardized Naming Conventions for Model Year 2009 and Later Engine Family and Test Group Names, Evaporative/Refueling Family Names, and Permeation Family Names, C1SD-07-03, at 2 (Mar. 26, 2007) (available at <http://iaspub.epa.gov/otaqpub/>, search for “EPA standardized naming conventions”). Beginning with model year 2010 the model year is represented by a letter, starting with letter “A” for model year 2010 and proceeding to letter “V” for model year 2027. *Id.*

JCXI manufactured and offered for sale, or introduced or delivered for introduction into commerce in the United States, approximately 17,772 recreational vehicles relevant to this action. Compl. ¶¶ 26, 35(b), 71, 79, 87, 95. A recreational vehicle is a type of nonroad vehicle. 40 C.F.R. § 1051.801; *see* 42 U.S.C. § 7551 (definitions of a motor vehicle and a nonroad vehicle). Recreational vehicles are regulated under sections 203 and 213 of the Act, 42 U.S.C. §§ 7522 and 7547, and under 40 C.F.R. Parts 1051 and 1068. The 17,772 recreational vehicles fall within four different engine families belonging to model years 2013 and 2014: DTAOX0.15G2T; DTAOX.124AAA; DTAOX0.12A1T; and ETAOX0.12A1T. Compl. ¶¶ 71, 79, 87, 95. Each recreational vehicle within each engine family was manufactured similarly. Compl. ¶¶ 72, 80, 88, 96. Taotao USA holds EPA-granted COCs for each of the four engine families, and imported each of the 17,772 recreational vehicles into the United States for resale. Compl. ¶¶ 27–28, 71, 79, 87, 95; *see* Answer of Taotao USA ¶¶ 27–28, 71, 79, 87, 95 (admitting Taotao USA holds COCs for each engine family and imported each recreational vehicle for resale). JCXI meets the definition of “person” and “manufacturer” under the Act. 42 U.S.C. §§ 7550(1), 7602(e).

Inspections of highway motorcycles manufactured by Taotao Group and recreational vehicles manufactured by JCXI were conducted by authorized federal inspectors in March 2012 and June 2013 at the Los Angeles/Long Beach Seaport, and in November 2013 at Taotao USA’s Dallas, Texas warehouse. Compl. ¶ 30. During the inspections, federal inspectors identified highway motorcycles and recreational vehicles representing each of the eight engine families identified in this matter. Compl. ¶ 31. The EPA analyzed the precious metal content of catalytic converters taken from the representative highway motorcycle and recreational vehicles. Compl. ¶ 32. A catalytic converter is “an antipollution device containing a chemical catalyst that reduces the volume of undesirable substances, such as carbon

monoxide, unburned hydrocarbons, and oxides of nitrogen from automotive exhaust.” The Random House College Dictionary 211 (rev. ed. 1982). Catalytic converter specifications are a defining characteristic of an engine family. 40 C.F.R. §§ 86.420-78(b)(7), 1051.230(b)(5). In each catalytic converter the EPA analyzed, the required catalyst active material was either missing, or was not present in the quantity or concentration described in the relevant COC application. Compl. ¶¶ 33, 37, 41, 45, 49, 53, 57, 61, 65, 69, 73, 77, 81, 85, 89, 93, 97.

Because the highway motorcycles manufactured by Taotao Group, and the recreational vehicles manufactured by JCXI, were built with catalytic converters that did not conform in all material respects to the design specifications described in the relevant COC applications, those highway motorcycles and recreational vehicles are not covered by COCs and are therefore uncertified. 40 C.F.R. §§ 85.2305(b)(1), 86.407-78(a), 86.437-78(a)(2)(iii)–(b)(4), 1068.101(a)(1)(i), 1068.103(a); *see* Compl. ¶¶ 38, 46, 54, 62, 70, 78, 86, 94. Consequently, Taotao Group sold, offered for sale, introduced or delivered for introduction into commerce in the United States, or imported to the United States, or caused the foregoing acts with respect to, 46,605 highway motorcycles in violation of section 203(a)(1) of the Act, 42 U.S.C. § 7522(a)(1). Likewise, JCXI sold, offered for sale, introduced or delivered for introduction into commerce in the United States, or imported to the United States, or caused the foregoing acts with respect to, 17,772 recreational vehicles in violation of sections 203(a)(1) and 213(d) of the Act, 42 U.S.C. § 7522(a)(1) and 7547(d), and of 40 C.F.R. § 1068.101(a)(1)–(b)(5).

Conclusion

For the reasons set forth in this Motion, Complainant requests that the Board find Taotao Group and JCXI in default, and enter a Default Order ruling that all factual allegations in the Complaint are deemed admitted by Taotao Group and JCXI, and that Taotao Group and JCXI are consequently liable for the violations alleged therein. Complainant further requests that this matter be transferred to the EPA's Office of Administrative Law Judges for determination of an appropriate penalty against Taotao Group and JCXI in conjunction with the proceeding against respondent Taotao USA.

Respectfully Submitted,

FEB 03 2016

Date



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Attachment 1



U.S. Department of Justice

Environment and Natural Resources Division

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

Tel: (202) 514-4114
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March 17, 2015

Phillip A. Brooks, Director
Air Enforcement Division
Office of Enforcement and Compliance Assurance
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Re: Request Pursuant to Section 205(c) of the Clean Air Act for a Waiver of the Penalty Limitation on EPA's Authority to Initiate Administrative Action Against Taotao USA, Inc., et al.

Dear Phill:

This is in response to your letter dated January 30, 2015, requesting a waiver to pursue administrative action against Taotao USA, Inc., and related entities, in connection with the manufacture and sale of highway motorcycles and recreational in violation of the certification requirements of the Act and implementing regulations. I concur with your request for a waiver pursuant to Section 205(c) of the Clean Air Act (CAA), 42 U.S.C. § 7524(c), of the limitation on EPA's authority to assess administrative penalties, in order to pursue administrative action in this matter.

If you have any questions, please call me or Leslie Allen.

Sincerely,

Karen S. Dworkin
Assistant Section Chief
Environmental Enforcement Section

CERTIFICATE OF SERVICE

I certify that the original and two copies of the foregoing Motion for Partial Default on Liability as to Taotao Group Co., Ltd., and Jinyun County Xiangyuan Industry Co., Ltd., and one attachment ("Motion for Default"), in the Matter of Taotao USA, Inc., et al., Docket No. CAA-HQ-2015-8065, were filed this day by hand delivery to the Headquarters Hearing Clerk in the EPA Office of the Headquarters Hearing Clerk at the address listed below:

U.S. Environmental Protection Agency
Office of the Headquarters Hearing Clerk
1300 Pennsylvania Ave., NW, MC-1900R
Ronald Reagan Building, Room M1200
Washington, DC 20004

I certify that a copy of the Motion for Default was served this day on the Presiding Officer by hand delivery to the Clerk of the Environmental Appeals Board at the address listed below:

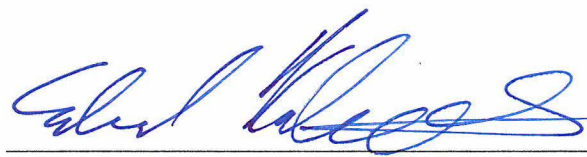
U.S. Environmental Protection Agency
Environmental Appeals Board
1201 Constitution Ave., NW, MC-1103M
WJC East Building, Room 3334
Washington, DC 20004

I certify that two copies of the Motion for Default were sent this day by certified mail, return receipt requested, for service on Respondents' counsel at the address listed below:

William Chu, Esq.
The Law Offices of William Chu
4455 LBJ Freeway, Suite 909
Dallas, TX 75244

FEB 03 2016

Date



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