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

JUL 9 2013

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

CERTIFIED MAIL #7006 0100 0005 1887 7479
RETURN RECEIPT REQUESTED

Alexander Oil Company
Attn: Jed Alexander
PO Box 769
Brenham, TX 77833

Dear Mr. Alexander:

The United States Environmental Protection Agency (EPA) has commenced an investigation of Alexander Oil Company (Alexander) to determine compliance with Section 211 of the Clean Air Act (Act), 42 U.S.C. § 7545, and the regulations issued thereunder, found at 40 C.F.R. Parts 79 and 80 (fuels regulations).

As a result of its investigation, the EPA has determined that from at least August 4, 2011, through May 3, 2012, Alexander violated:

1. 40 C.F.R. § 79.4 by introducing into commerce a fuel and fuel additive that it manufactured that was not registered with the EPA;

2. 40 C.F.R. § 80.65(e)(1) by failing to collect and analyze a representative sample of each batch of RFG produced for the purpose of determining compliance with the reformulated gasoline (RFG) standards by using the test methods set forth in 40 C.F.R. § 80.46;

3. 40 C.F.R. § 80.75 by failing to file refiner reports required to demonstrate compliance with the RFG standards;

4. 40 C.F.R. § 80.330 by failing to collect and analyze a representative sample of each batch of gasoline for the purpose of determining the sulfur content of the gasoline by using the test methods set forth in 40 C.F.R. § 80.46;

5. 40 C.F.R. § 80.370 by failing to file gasoline sulfur reports required to demonstrate compliance with the applicable gasoline sulfur standards;

6. 40 C.F.R. § 80.1238 and 40 C.F.R. § 80.1240 by failing to determine its compliance with the gasoline benzene requirements for the RFG that it produced;

7. 40 C.F.R. § 80.1354(a) by failing to submit an Annual Gasoline Benzene Report that contains the information required in 40 C.F.R. § 80.1354(b), for each applicable averaging period, for the reformulated gasoline (RFG) that it produced;

8. 40 C.F.R. § 1460(f) for failing to meet the following requirements:

    a. Failed to register under 40 C.F.R. § 80.1450(a) as an obligated party identified in 40 C.F.R. § 80.1406(a)(1);

    b. Failed to submit reports to the EPA required by 40 C.F.R. § 1451(a); and

    c. Failed to meet its 2011 renewable volume obligation (RVO) as required by 40 C.F.R. § 1407;

9. 40 C.F.R. § 80.1460(c) by failing to acquire sufficient renewable identification numbers to meet the required renewable volume obligation; and

10. On August 4, 2011, Alexander violated Section 211(f)(1)(B) of the Act by first introducing gasoline into commerce when the fuel contained 4.46 percent by volume methanol, which was not substantially similar to fuel used in certification.

This NOV is issued to Alexander pursuant to Sections 205 and 211 of the Act, 42 U.S.C. §§ 7524 and 7545, for the violations identified above. Sections 205 and 211 of the Act authorize the EPA to assess a civil penalty of up to $37,500 per day, plus the amount of any economic benefit or savings resulting from each violation, for violations that occurred after January 12, 2009.

In order to determine an appropriate penalty for each violation, the EPA considers: the gravity of the violation; the economic benefit or savings (if any) resulting from the violation; the size of your business; your history of compliance with the Act; actions taken by you to remedy the violation and prevent future violations; the effect of the penalty on your ability to continue in business; and other matters as justice may require. This NOV does not create any rights or waive any of your obligations under the Act, but rather is for the purpose of notifying you of the violations.

Pursuant to Section 113(c)(2) of the Act, 42 U.S.C. § 7413(c)(2), any person who knowingly fails to file reports required under the Act may also be subject to criminal penalties or imprisonment, or both.

The EPA attorney assigned to this matter is Natalie Firestine. Please contact her regarding this NOV.

Natalie Firestine, Attorney-Advisor
U.S. Environmental Protection Agency
Mobile Source Enforcement Branch
OECA/AED/Western Field Office (8MSU)
1595 Wynkoop Street
Denver, CO 80202-1129

We encourage early settlement of matters such as this. If we cannot settle this matter promptly, we reserve the right to file an administrative complaint or refer this matter to the United States Department of Justice with a recommendation to file a civil complaint in federal district court.

We are offering you an opportunity to confer with us about the violations alleged in this NOV. The conference will give you an opportunity to present information on the alleged violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. You may contact Natalie Firestine at (303) 312-7165 or by email at natalie.firestine@epa.gov to request such a conference. This request should be made as soon as possible, but no later than ten business days after your receipt of this NOV. Any conference should be held within 30 calendar days of your receipt of this NOV. By offering the opportunity for a conference, or participating in one, the EPA does not waive or limit its right to any remedy available under the Act.

Sincerely,

Phillip A. Brooks, Director
Air Enforcement Division
Office of Civil Enforcement