U.S. Department of Justice

Environment and Natural Resources Division

DJ No. 90-5-2-1-09915

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February 17, 2012

Tom Hess
Enforcement Unit Chief
Michigan Department of Environmental Quality
Air Quality Division
P.O. Box 302
Lansing, MI 48909

Re: Notice of Violation: Marathon Refinery in Detroit, Michigan
Addendum to my February 14, 2012 Letter

Dear Tom:

In my February 14, 2012 letter, I inadvertently failed to advise you of certain other Michigan SIP provisions that we would cite in a complaint in the matter described in my letter. These additional citations are based on the exact same underlying facts and information that I mentioned in that letter. There are no new underlying facts or information.

Specifically, in addition to the PSD/NNSR allegations mentioned in my letter, if the settlement with Marathon goes forward, we would expect to assert that, on information and belief, Marathon engaged in modifications of its flare systems at its Detroit Refinery that resulted in emissions of sulfur dioxide, hydrogen sulfide, volatile organic compounds, and carbon monoxide for which MPC failed to seek or secure a Minor NSR permit.

Moreover, if this settlement goes forward, we expect to assert that, on information and belief, as a result of Marathon's oversteaming and poor operation of the flares at its Detroit Refinery, Marathon violated Mich. Admin. Code r. 336.1602(1) (prohibition against emissions of VOCs in excess of any applicable permit requirement).

I apologize for leaving these citations out of my February 14, 2012 letter. However, once again, no action on your part is required.

If you have any questions, please do not hesitate to call me (202 514-4213).

Sincerely yours,

Annette M. Lang
Trial Attorney

cc: Brian Dickens, EPA R5
Bill Wagner, EPA R5
Robert Parrish, EPA HQ