U.S. Department of Justice

Environment and Natural Resources Division

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

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

Telephone (202) 514-4213
Facsimile (202) 616-6584
annette.lang@usdoj.gov

February 17, 2012

Jeffrey A. Cummins
Director, Division of Enforcement
Kentucky Department of Environmental Protection
300 Fair Oaks Lane
Frankfurt, KY 40601

John Lyons
Director, Division for Air Quality
Kentucky Department of Environmental Protection
200 Fair Oaks Lane, First Floor
Frankfort, KY 40601

Re: Notice of Violation: Marathon Facility in Catlettsburg, KY
Addendum to my February 14, 2012 Letter

Dear Mr. Cummins and Mr. Lyons:

In my February 14, 2012 letter, I inadvertently failed to advise you of certain other Kentucky 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 Catlettsburg 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 Catlettsburg Refinery, Marathon violated 401 Ky. Admin. Regs. § 59:046, Sec. 3 (requirement to send all gaseous hydrocarbons from certain systems and process unit turnarounds to a flare for which a certain control efficiency is assumed).

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: Dick Dubose
Robert Parrish, EPA HQ