U.S. Department of Justice

Environment and Natural Resources Division

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February 17, 2012

Michael de la Cruz, Manager
Air Enforcement Section
Enforcement Division, OCE (MC 149)
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, TX 78711-3087

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

Dear Mr. de la Cruz:

In my February 14, 2012 letter, I inadvertently failed to advise you of certain other Texas 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 Texas City 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, in addition to the specific Texas SIP provisions mentioned in my letter, 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 Texas City Refinery, Marathon violated 30 Texas Admin. Code § 112.3(b) (prohibition against emitting sulfur dioxide that results in exceeding net ground level concentrations of 0.28 ppmv averaged over any 30-minute period).

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

Annette M. Lang
Trial Attorney

cc: Esteban Herrara
Robert Parrish, EPA HQ