



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

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

VIA EMAIL to [Derek.Speetles@motivaent.com](mailto:Derek.Speetles@motivaent.com)

**NOV 07 2011**

Motiva Enterprises LLC  
Attention: Robert Pease, Responsible Corporate Officer  
PO Box 4540  
Houston, TX 77210

Re: Notice of Violation of Renewable Fuel Standards  
File Number AED/MSEB # 7966

Dear Robert Pease:

The Environmental Protection Agency (EPA or we) has commenced an investigation into Motiva Enterprises LLC (Motiva or you) regarding whether you used invalid Renewable Identification Numbers (RINs) to meet your 2010 Renewable Volume Obligation (RVO) under the Clean Air Act (CAA). Based on the information available to the EPA as a result of this investigation, we have determined that Clean Green Fuels, LLC (Clean Green Fuels) created invalid RINs, and that Motiva used some of the RINs created by Clean Green Fuels in an effort to satisfy your 2010 RVO. Use of invalid RINs to satisfy RVOs is a violation of the EPA's regulations governing RINs and renewable fuels. 40 C.F.R. § 80.1460(c).

Section 211(o) of the CAA originally was enacted as part of the Energy Policy Act of 2005 (EPAct), and was amended by the Energy Information and Security Act of 2007 (EISA). The EPA promulgated the original renewable fuels standards regulations (RFS 1) at 40 C.F.R. Part 80, Subpart K to implement EPAct, and subsequently promulgated the current renewable fuels standards regulations (RFS 2) at 40 C.F.R. Part 80, Subpart M to implement EISA. EPAct set the first national renewable fuel mandate in the United States, and required 7.5 billion gallons of renewable fuel to be blended into gasoline by 2012. EISA required the EPA to make several important changes to the original renewable fuels regulations, including increasing the volume of renewable fuel required to be blended into transportation fuel to 36 billion gallons per year by 2022. EISA and the RFS 2 regulations also established new categories of renewable fuel with separate volume requirements, and set new greenhouse gas (GHG) emission reduction thresholds for each separate category of renewable fuel. The RFS 2 regulations lay the foundation to achieve significant reductions of GHG

emissions from the use of renewable fuels, reduce petroleum importation, and encourage the development and expansion of our nation's renewable fuels sector.

The RFS 2 regulations require petroleum refiners and importers (referred to as "obligated parties"), and exporters of renewable fuel to acquire sufficient RINs to demonstrate compliance with their RVOs. The regulations include a credit trading program to facilitate compliance with the renewable fuel standards. The credit trading program allows obligated parties and exporters of renewable fuel to comply with their RVOs through the purchase of RINs.

The RFS 2 regulations provide that no person shall use invalid RINs to meet their RVO, regardless of that person's good faith belief that the RINs were valid at the time they were acquired. 40 C.F.R. §§ 80.1431(b)(2), 80.1460(c)(1). RINs that do not represent renewable fuel are invalid. 40 C.F.R. § 80.1431(a)(1)(vi).

Based on available information, the EPA has determined that Motiva used the 2,413,500 invalid RINs identified in Attachment A to meet your 2010 RVO. These RINs are invalid because they do not represent renewable fuel. The company that generated these RINs, Clean Green Fuels, neither produced nor imported any biodiesel as necessary to legally generate these RINs. This determination is based upon the EPA's inspection of the purported production facility and subsequent investigation.

As noted above and detailed in 40 C.F.R. § 80.1431(b), invalid RINs cannot be used for compliance. In view of the EPA's determination that Clean Green Fuels RINs are invalid, any RINs generated by Clean Green Fuels must be removed from your 2010 annual compliance report and a corrected report must be resubmitted. The resubmitted report must include only valid RINs. We request that you make these adjustments and resubmit your annual compliance report within 14 business days after your receipt of this Notice of Violation (NOV). You may contact the EPA Fuels Help Line at (202) 343-9755 if you have questions regarding these reports, including how to make adjustments.

The EPA issues this NOV under Sections 205 and 211 of the CAA, 42 U.S.C. §§ 7524 and 7545, for the violations described above. Sections 205 and 211 of the CAA authorize the EPA to assess a civil penalty of up to \$37,500 for every day for each violation, plus the economic benefit or savings resulting from each violation. 42 U.S.C. §§ 7524, 7545(d); *see also* 40 C.F.R. §§ 19.4, 80.1461, 80.1463. In determining an appropriate penalty for violations, 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 CAA, 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. 42 U.S.C. § 7524. This NOV does not create any rights or waive any of your obligations under the CAA, but rather is for the purpose of notifying you of the violations.

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.

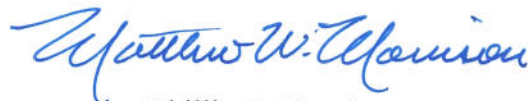
The EPA attorney assigned to this matter is Evan M. Belser. He can be reached at (202) 564-6850, Belser.Evan@epa.gov, or at the following address:

Evan M. Belser, Attorney Adviser  
EPA, Air Enforcement Division  
1200 Pennsylvania Avenue, NW  
Ariel Rios South Building Room 1111A, Mailcode 2242A  
Washington, D.C. 20460 (20004 for non-USPS couriers)

Contact Mr. Belser to request the conference described above. Any conference should be held within 60 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 CAA.

We appreciate your attention to this important matter and look forward to working with you to reach a resolution.

Sincerely,



*for* Phillip A. Brooks  
Director  
Air Enforcement Division

cc: Matthew W. Morrison, Associate Director, Air Enforcement Division  
Jacqueline Robles Werner, Chief, Mobile Source Enforcement Branch  
Jeffrey A. Kodish, Fuels Team Leader, Mobile Source Enforcement Branch

**Attachment A**  
**Notice of Violation of Renewable Fuel Standards, File Number AED/MSEB # 7966**

**List of Invalid Renewable Identification Numbers Motiva Enterprises LLC  
Retired for Compliance Purposes**

22010346084000011681520000000100009750	22010346084000026081520000000100009000
22010346084000011691520000000100007500	22010346084000026091520000000100009750
22010346084000011701520000000100007500	22010346084000026101520000000100010500
22010346084000011711520000000100006750	22010346084000026111520000000100010500
22010346084000011721520000000100006750	22010346084000026121520000000100007500
22010346084000011731520000000100006000	22010346084000026131520000000100009750
22010346084000011741520000000100012000	22010346084000026141520000000100009750
22010346084000011751520000000100012000	22010346084000026151520000000100012000
22010346084000011761520000000100012000	22010346084000026161520000000100012000
22010346084000011771520000000100011250	22010346084000026171520000000100009750
22010346084000011781520000000100011250	22010346084000026181520000000100010500
22010346084000011791520000000100010500	22010346084000026191520000000100008250
22010346084000011801520000000100010500	22010346084000026201520000000100007500
22010346084000011811520000000100007500	22010346084000026211520000000100010500
22010346084000011821520000000100006000	22010346084000026221520000000100012000
22010346084000011831520000000100006000	22010346084000026231520000000100006000
22010346084000011841520000000100012000	22010346084000026241520000000100010500
22010346084000011851520000000100012000	22010346084000026251520000000100010500
22010346084000011861520000000100009750	22010346084000026261520000000100010500
22010346084000011871520000000100006735	22010346084000026271520000000100008250
22010346084000011461520000399300010500	22010346084000026281520000000100006000
22010346084000025861520000061500007500	22010346084000026291520000000100006000
22010346084000025871520000000100006750	22010346084000026301520000000100012000
22010346084000025881520000000100006750	22010346084000026311520000000100012000
22010346084000025891520000000100006000	22010346084000026321520000000100009750
22010346084000025901520000000100012000	22010346084000026331520000000100009750
22010346084000025911520000000100012000	22010346084000026341520000000100007500
22010346084000025921520000000100012000	22010346084000026351520000000100007500
22010346084000025931520000000100011250	22010346084000026361520000000100007500
22010346084000025941520000000100011250	22010346084000026371520000000100009000
22010346084000025951520000000100010500	22010346084000026381520000000100009000
22010346084000025961520000000100010500	22010346084000026391520000000100008614
22010346084000025971520000000100007500	22010346084000026391520000861500009750
22010346084000025981520000000100006000	22010346084000026401520000000100010500
22010346084000025991520000000100006000	22010346084000026411520000000100010500
22010346084000026001520000000100012000	22010346084000026421520000000100007500
22010346084000026011520000000100012000	22010346084000026431520000524300006000
22010346084000026021520000000100009750	22010346084000026441520000000100006000
22010346084000026031520000000100009750	22010346084000026451520000000100010500
22010346084000026041520000000100007500	22010346084000026461520000000100010500
22010346084000026051520000000100007500	22010346084000026471520000000100007500
22010346084000026061520000000100007500	22010346084000026481520000000100006000
22010346084000026071520000000100009000	22010346084000026491520000000100006000

22010346084000026501520000000100012000  
22010346084000026511520000000100012000  
22010346084000026431520000000100005242  
22010346084000025171520000579100012000  
22010346084000025181520000000100012000  
22010346084000027841520000425100007500  
22010346084000025101520000077400004228  
22010346084000019551520000000100010500  
22010346084000012121520000000100010500  
22010346084000024201520000000100010500  
22010346084000023861520000000100010500  
22010346084000019511520000000100010500  
22010346084000025681520000000100010500  
22010346084000010351520000000100010500  
22010346084000023631520000000100010500  
22010346084000023661520000000100010500  
22010346084000019411520000000100010500  
22010346084000024211520000000100010500  
22010346084000012131520000000100010500  
22010346084000025531520000000100010500  
22010346084000019401520000000100010500  
22010346084000019871520000000100010500  
22010346084000020011520000000100010500  
22010346084000023911520000000100010500  
22010346084000022901520000000100010500  
22010346084000019861520000000100010500  
22010346084000025381520000000100010500  
22010346084000025671520000000100010500  
22010346084000019701520000000100010500  
22010346084000011941520000000100010500  
22010346084000024361520000000100010500  
22010346084000019561520000000100010500  
22010346084000012081520000000100010500  
22010346084000020051520000000100010500  
22010346084000020001520000000100010500  
22010346084000025451520000000100010500  
22010346084000020061520000000100010500  
22010346084000023901520000000100010500  
22010346084000025761520000000100010500  
22010346084000020021520000000100010500  
22010346084000012111520000000100010500  
22010346084000025511520000000100010500  
22010346084000025481520000000100010500  
22010346084000025521520000000100010500  
22010346084000025771520000000100010500  
22010346084000023691520000000100010500  
22010346084000019971520000000100010500  
22010346084000025371520000000100010500  
22010346084000024351520000000100010500

22010346084000019941520000000100010500  
22010346084000019261520000000100010500  
22010346084000024061520000000100010500  
22010346084000023701520000000100010500  
22010346084000011951520000000100010500  
22010346084000019721520000000100010500  
22010346084000010341520000000100010500  
22010346084000020041520000000100010500  
22010346084000023851520000000100010500  
22010346084000022831520000000100010500  
22010346084000019541520000000100010500  
22010346084000019481520000000100010500  
22010346084000019711520000000100010500  
22010346084000022821520000000100010500  
22010346084000023711520000000100010500  
22010346084000024051520000000100010500  
22010346084000032041520000000100009000  
22010346084000027881520000000100009000  
22010346084000028021520000000100009000  
22010346084000028031520000000100009000  
22010346084000028181520000000100009000  
22010346084000032031520000000100009000  
22010346084000028171520000000100009000  
22010346084000027871520000000100009000  
22010346084000032051520000000100009750  
22010346084000028121520000000100009750  
22010346084000028131520000000100009750  
22010346084000028191520000000100009750  
22010346084000031921520000000100009750  
22010346084000028041520000000100009750  
22010346084000027981520000000100009750  
22010346084000027811520000000100009750  
22010346084000027821520000000100009750  
22010346084000027831520000000100009750  
22010346084000027971520000000100009750  
22010346084000028241520000000100009750  
22010346084000028231520000000100009750  
22010346084000032141520000000100009750  
22010346084000031931520000000100009750  
22010346084000032091520000000100009750  
22010346084000031971520000000100009750  
22010346084000031961520000000100009750  
22010346084000032101520000000100009750  
22010346084000032131520000000100009750  
22010346084000028271520000000100009750  
22010346084000028281520000000100009750  
22010346084000031901520000008100010500  
22010346084000032071520000000100010500  
22010346084000028061520000000100010500

22010346084000028201520000000100010500  
22010346084000028391520000000100010500  
22010346084000028401520000000100010500  
22010346084000032061520000000100010500  
22010346084000032261520000000100010500  
22010346084000028211520000000100010500  
22010346084000032251520000000100010500  
22010346084000028051520000000100010500  
22010346084000032231520000000100011250  
22010346084000028381520000000100011250  
22010346084000028371520000000100011250  
22010346084000032241520000000100011250  
22010346084000028101520000000100012000  
22010346084000027951520000000100012000  
22010346084000027961520000000100012000  
22010346084000032121520000000100012000  
22010346084000028341520000000100012000  
22010346084000032111520000000100012000  
22010346084000028351520000000100012000  
22010346084000028361520000000100012000  
22010346084000028111520000000100012000  
22010346084000031941520000000100012000  
22010346084000028261520000000100012000  
22010346084000031951520000000100012000  
22010346084000032301520000000100012000  
22010346084000028251520000000100012000  
22010346084000032221520000000100012000  
22010346084000032311520000000100012000  
22010346084000032201520000000100012000  
22010346084000032211520000000100012000  
22010346084000032791520000049000009750  
22010346084000032801520000000100009750  
22010346084000032811520000000100007500  
22010346084000032821520000000100007500  
22010346084000032831520000000100006750  
22010346084000032841520000000100006750  
22010346084000032851520000000100006000  
22010346084000032861520000000100012000  
22010346084000032871520000000100012000  
22010346084000032881520000000100012000  
22010346084000032891520000000100011250  
22010346084000032901520000000100011250  
22010346084000032911520000000100010500  
22010346084000032921520000000100010500

22010346084000032931520000000100007500  
22010346084000032941520000000100006000  
22010346084000032951520000000100006000  
22010346084000032961520000000100012000  
22010346084000032971520000000100012000  
22010346084000032981520000000100009750  
22010346084000032991520000000100006750  
22010346084000033001520000000100006000  
22010346084000033011520000000100012000  
22010346084000033021520000000100012000  
22010346084000033031520000000100012000  
22010346084000033041520000000100011250  
22010346084000033051520000000100003739  
22010346084000025811520000491100012000  
22010346084000025821520000000100003827  
22010346084000015161520000309900010500  
22010346084000015171520000000100008250  
22010346084000015181520000000100006000  
22010346084000015191520000000100006000  
22010346084000015201520000000100012000  
22010346084000015211520000000100004700  
22010346084000026261520000000100010500  
22010346084000026271520000000100008250  
22010346084000026281520000000100006000  
22010346084000026291520000000100006000  
22010346084000026301520000000100012000  
22010346084000026311520000000100012000  
22010346084000026321520000000100009750  
22010346084000026331520000000100009750  
22010346084000026341520000000100007500  
22010346084000026351520000000100007500  
22010346084000026361520000000100007500  
22010346084000026371520000000100009000  
22010346084000026381520000000100009000  
22010346084000026391520000000100009750  
22010346084000026401520000000100010500  
22010346084000026411520000000100010500  
22010346084000026421520000000100007500  
22010346084000026431520000000100006000  
22010346084000026441520000000100006000  
22010346084000026451520000000100010500  
22010346084000026461520000000100010500  
22010346084000026471520000000100006449