



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

FEB 15 2017

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Triton Energy LLC  
Fred Witmer, President and Responsible Corporate Officer

Steven D. Gordon, Esq.  
Holland & Knight  
800 17th Street N.W.  
Suite 1100  
Washington, DC 20006

Re: Notice of Violation of Renewable Fuel Standards  
File Number MSEB #8329

Mr. Witmer:

The United States Environmental Protection Agency (EPA) has commenced an investigation into Triton Energy LLC's (Triton) compliance with Section 211(o) of the Clean Air Act (CAA), and the renewable fuel standard regulations promulgated at 40 C.F.R. Part 80, Subpart M (RFS2 regulations).

The RFS2 regulations require refiners and importers (referred to as obligated parties), and exporters of renewable fuel to acquire sufficient Renewable Identification Numbers (RINs) to demonstrate compliance with their Renewable Volume Obligations (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.

Based upon the information available to the EPA as a result of its investigation, the EPA has determined from March 1, 2012, through March 31, 2015, Triton (Company ID 5568 and Facility ID 80224) generated 39,624,634 D4 RINs. The EPA determined that 38,879,028 of these RINs (about 98% of all of the RINs Triton generated from March 1, 2012 through March 31, 2015) are invalid under 40 C.F.R. § 80.1431(a)(1)(vi) because the RINs do not represent renewable fuel as defined in 40 C.F.R. § 80.1401. The EPA alleges that Triton violated 40 C.F.R. § 80.1460(b)(2) by creating or transferring to another person RINs that are invalid under 40 C.F.R. § 80.1431.

The EPA issues this Notice of Violation (NOV) pursuant to Sections 205 and 211 of the CAA, 42 U.S.C. §§ 7524 and 7545, for the violations identified above. Sections 205 and 211 of the CAA authorize the EPA to assess a civil penalty of up to \$37,500 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 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 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.

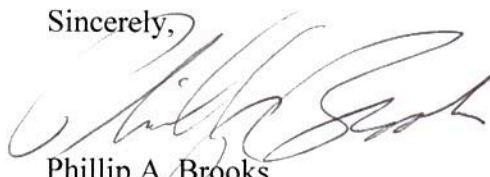
We offer you an opportunity to confer with us about the violations alleged in this NOV. The conference will give you an opportunity to present information on the alleged violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. By offering the opportunity for a conference, or participating in one, the EPA does not waive or limit its right to any remedy available to it under the CAA.

The EPA attorney assigned to this matter is Matthew Kryman. He may be reached at (303) 312-6272, Kryman.Matthew@epa.gov, or at the following address:

Matthew Kryman, Attorney-Advisor  
U.S. Environmental Protection Agency  
OECA/AED/Western Field Office (8MSU)  
1595 Wynkoop Street  
Denver, CO 80202-1129

We appreciate your attention to this important matter.

Sincerely,



Phillip A. Brooks  
Director  
Air Enforcement Division

cc: Christopher Thompson, Chief – Air Enforcement Division, Fuels Enforcement Branch  
Jeff Kodish, Team Leader – Air Enforcement Division, Fuels Enforcement Branch