

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

In the Matter of:

Astra Oil Company LLC,

Respondent.

Administrative Settlement
Agreement
AED/MSEB # 7954

This Administrative Settlement Agreement (ASA) is made and entered into by and between the United States Environmental Protection Agency (EPA) and Astra Oil Company LLC (Respondent) having an office at 301 Main Street, Suite 201, Huntington Beach, CA 92648.

Purpose:

1. The purpose of this ASA is to resolve Respondent's violations of the Clean Air Act (CAA) and the Renewable Fuel Standards regulations promulgated thereunder at 40 C.F.R. Part 80, Subpart M (RFS2 Regulations).

Statutory and Regulatory Authority:

2. Section 211(o) of the CAA, 42 U.S.C. § 7545(o), as amended by the Energy Independence and Security Act of 2007, Pub. L. No. 110-140, 121 Stat. 1492, required EPA to promulgate regulations designed to increase the amount of renewable fuels used in transportation fuel in the United States, lower greenhouse gas emissions, and reduce the nation's reliance on foreign-sourced petroleum.
3. The RFS2 Regulations require renewable fuel producers and importers to generate and assign Renewable Identification Numbers (RINs) in proportion to the amount

and type of renewable fuel that they produce or import. 40 C.F.R. §§ 80.1425, 80.1426.

4. 40 C.F.R. § 80.1406 defines an obligated party as “any refiner that produces gasoline or diesel fuel within the 48 contiguous states or Hawaii, or any importer that imports gasoline or diesel fuel into the 48 contiguous states or Hawaii during a compliance period.”
5. 40 C.F.R. §§ 80.1427(a) and 80.1430 require each obligated party and each exporter of renewable fuel to demonstrate compliance with its Renewable Volume Obligation (RVO) by obtaining and retiring the number of RINs required by the calculation set forth at 40 C.F.R. §§ 80.1407 or 80.1430.
6. 40 C.F.R. § 80.1431(a)(1)(vi) provides that a RIN that does not represent renewable fuel as defined in 40 C.F.R. § 80.1401 is invalid, and 40 C.F.R. § 80.1431(a)(1)(ix) provides that a RIN that was improperly generated is invalid.
7. 40 C.F.R. § 80.1460(c)(1) states that no person shall fail to acquire sufficient RINs, or use invalid RINs, to meet the person’s RVO under 40 C.F.R § 80.1427.
8. 40 C.F.R. § 80.1461(a)(1) states that any person who violates a prohibition under 40 C.F.R. § 80.1460(a)–(d) is liable for the violation of that prohibition.
9. 40 C.F.R. § 80.1463(a) provides that any person who is liable for a violation under 40 C.F.R. § 80.1461 is subject to a civil penalty as specified in sections 205 and 211(d) of the CAA, 42 U.S.C. §§ 7524 and 7545(d), for every day of each such violation.

10. 40 C.F.R. § 80.1463(b) provides that any person who is liable under 40 C.F.R. § 80.1461(a) for a violation of 40 C.F.R. § 80.1460(c) for failure to meet its RVO is subject to a separate violation for each day in the compliance period.
11. Sections 205 and 211(d) of the CAA authorize EPA to assess a civil penalty of up to \$37,500 per day for each violation, plus the economic benefit or savings resulting from each violation. 42 U.S.C. §§ 7524, 7545(d).

Background:

12. Respondent used the 2,926,538 RINs identified in Attachment A (the Subject RINs), which were generated by Clean Green Fuels, LLC and Absolute Fuels, LLC, to meet its 2010 RVO.
13. EPA alleges that the Subject RINs are invalid because they do not represent renewable fuel and were improperly generated.
14. Respondent represents that it implemented remedial actions by removing the Subject RINs from its RFS0301: 2010 RFS2 annual compliance report and resubmitted corrected reports to EPA, as required by 40 C.F.R. § 80.1431(b).
15. Respondent represents that it believed that the Subject RINs were valid at the time it acquired the Subject RINs and at the time it used the Subject RINs to meet its RVO.
16. EPA and Respondent (the Parties), desiring to settle and resolve this matter, in consideration of the mutual covenants and agreements contained herein, which consideration is acknowledged by the Parties to be adequate, agree as set forth herein. By agreeing to the terms of this ASA, Respondent makes no admission of law or fact with respect to any of the allegations set forth in this ASA.

Violations:

17. EPA has alleged that Respondent violated section 211(o) of the CAA, 42 U.S.C. § 7545(o), and 40 C.F.R. § 80.1460(c)(1) by using the Subject RINs to meet its 2010 RVO.

Terms of the Agreement and Civil Penalty:

18. In any enforcement or penalty action arising out of this ASA or the subject matter of this ASA:
- a. The Parties agree that the settlement of this matter is in the public interest and that this ASA is the most appropriate means of resolving the matter; and
 - b. The Parties further agree that jurisdiction to settle this matter exists pursuant to sections 205 and 211 of the CAA, 42 U.S.C. §§ 7524 and 7545, 40 C.F.R. Part 80, and other provisions of law.
19. Respondent agrees to pay a civil penalty of \$292,654 to the United States of America within thirty (30) calendar days of the effective date of this ASA (penalty due date), but not before the effective date. Late payment of the penalty is subject to interest and fees as specified in 31 U.S.C. § 3717. Respondent agrees to pay the amount by either:
- a. Certified check or cashier's check payable to the "United States of America," and mailed via the United States Postal Service to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000
ATTN: AED/MSEB # 7954

Simultaneously, a copy of the check shall be emailed to Evan M. Belser at belser.evan@epa.gov. This check shall be identified with the case number and Respondent's name; or

- b. Making an online payment through the Department of the Treasury by visiting WWW.PAY.GOV. In the "Search Public Forms" field, enter "SFO 1.1", click "EPA Miscellaneous Payments - Cincinnati Finance Center" and complete the "SFO Form Number 1.1." Within twenty-four hours of payment, Respondent shall email a copy of the online payment receipt to Evan M. Belser at belser.evan@epa.gov.

Stipulated Penalties:

20. Respondent shall pay stipulated penalties of \$1,000 per day for failure to timely pay the penalty, or provide proof thereof, pursuant to Paragraph 19.
21. Stipulated penalties under Paragraph 20 of this ASA shall begin to accrue on the day after performance is due and shall continue to accrue until the day compliance is achieved. Stipulated penalties shall be paid in accordance with Paragraph 19 of this ASA.

General Provisions:

22. This ASA becomes effective upon the date executed by EPA (effective date of the ASA), at which time a copy will be returned to Respondent.
23. Notwithstanding any other provision of this ASA, upon Respondent's failure to perform, or default, or failure to comply with any term of this ASA, EPA may refer this matter to the United States Department of Justice to recover civil penalties pursuant to section 205 of the CAA, 42 U.S.C. § 7524, commence an

action to enforce this ASA, recover the civil penalty pursuant to section 205 of the CAA, or pursue any other remedies available to it. Respondent specifically agrees that in the event of such default or failure to comply, EPA may proceed in an action based on the original claim of violations of the CAA and the regulations promulgated thereunder at 40 C.F.R. Part 80. Respondent expressly waives its right to assert that such action is barred by 28 U.S.C. § 2462, any applicable statute of limitation, or other provisions limiting actions as a result of passage of time. Respondent acknowledges that its tax identification number may be used for collecting or reporting any delinquent monetary obligation arising from this Agreement. *See* 31 U.S.C. § 7701.

24. The Parties represent that the individual or individuals executing this ASA on behalf of Respondent are authorized to do so and that such execution is intended and is sufficient to bind Respondent, its agents, assigns, or successors.
25. Respondent waives its rights, if any, to a hearing, trial or any other proceeding on any issue of fact or law relating to the matters consented to herein.
26. The validity, enforceability, and construction of all matters pertaining to this ASA shall be determined in accordance with applicable federal law.
27. This ASA is contingent upon the truthfulness, accuracy and completeness of Respondent's disclosures and representations to EPA in this ASA.

Effect of ASA:

28. This ASA resolves the EPA's civil claims for the violations alleged in Paragraph 17. The resolution of claims set forth in this Paragraph shall take effect upon the receipt by the United States of the civil penalty payment required by Paragraph

19. Nothing herein shall limit the right of EPA to proceed against Respondent in the event of default or noncompliance with this ASA, for violations of section 211 of the CAA, 42 U.S.C. § 7545, which are not the subject matter of this ASA, for other violations of law, or with respect to other matters not within the scope of this ASA. This ASA in no way affects or relieves Respondent of responsibility to comply with other state, federal, or local laws or regulations.

SIGNATURES ON FOLLOWING PAGES

*Administrative Settlement Agreement – In the Matter of:
Astra Oil Company LLC
AED/MSEB # 7954*

The following agree to the terms of this ASA:

Astra Oil Company LLC

By: Kristi Shaw Date: 4-9-2012

Typed or Printed Name: Kristi Shaw

Typed or Printed Title: Controller

Federal Tax Identification Number: 20-4523504

*Administrative Settlement Agreement – In the Matter of:
Astra Oil Company LLC
AED/MSEB # 7954*

United States Environmental Protection Agency

By: 

Phillip A. Brooks, Director
Air Enforcement Division
Office of Civil Enforcement

Date: 4/18/12

Attachment A
Administrative Settlement Agreement, AED/MSEB # 7954

**List of Invalid Renewable Identification Numbers Astra Oil Company
Retired for Compliance Purposes**

22010346084000035311520000000100012000	22010346084000036921520000000100009750
22010346084000037021520000000100006750	22010346084000035531520000000100006000
22010346084000036551520000000100009750	22010346084000036731520000000100007500
22010346084000036211520000000100006000	22010346084000036691520000000100012000
22010346084000036861520000000100009000	22010346084000037401520000000100006750
22010346084000037241520000000100007500	22010346084000036681520000000100009750
22010346084000035911520000000100010500	22010346084000036351520000000100006000
22010346084000037061520000000100009750	22010346084000037671520000000100009000
22010346084000035591520000000100007500	22010346084000037381520000000100007500
22010346084000035701520000000100012000	22010346084000036071520000000100010500
22010346084000037581520000000100006750	22010346084000037281520000000100009750
22010346084000035571520000000100009750	22010346084000037501520000000100009750
22010346084000035851520000000100007500	220103460840000358115200000509700012000
22010346084000037011520000000100006000	22010346084000037821520000000100006750
22010346084000035621520000000100009000	22010346084000035681520000000100009750
22010346084000037561520000000100007500	22010346084000036741520000000100003796
22010346084000036881520000000100010500	22010346084000036011520000000100007500
22010346084000037371520000000100009750	22010346084000035821520000000100009750
22010346084000037471520000000100010500	22010346084000037121520000000100006000
22010346084000037631520000000100009750	22010346084000037661520000000100007500
22010346084000035871520000000100006750	22010346084000035961520000000100012000
22010346084000035901520000000100011250	22010346084000037151520000000100010500
22010346084000035381520000000100006750	22010346084000036481520000000100010500
220103460840000367415200000379700007500	22010346084000037741520000000100009750
22010346084000036161520000000100007500	22010346084000036201520000000100006750
22010346084000036051520000000100009750	22010346084000035101520000000100011250
22010346084000037441520000000100006000	22010346084000036581520000000100006750
22010346084000035431520000000100007500	22010346084000036341520000000100007500
22010346084000036221520000000100012000	22010346084000036131520000000100009750
22010346084000037201520000000100012000	22010346084000037831520000000100006000
22010346084000035271520000000100010500	22010346084000035751520000000100007500
22010346084000035411520000000100009750	22010346084000036931520000000100012000
22010346084000036761520000000100006750	22010346084000037511520000000100012000
22010346084000036391520000000100009750	22010346084000035501520000000100010500
22010346084000035091520000000100006000	22010346084000036511520000000100009750
22010346084000035221520000000100007500	22010346084000037001520000000100006750
22010346084000037861520000000100012000	22010346084000036841520000000100007500
22010346084000035291520000000100009750	22010346084000036801520000000100009750
22010346084000035891520000000100006000	22010346084000036601520000000100006000
22010346084000036041520000000100009000	22010346084000035361520000000100007500
22010346084000015161520000000100003098	22010346084000035171520000000100012000
22010346084000037071520000000100007500	22010346084000036541520000000100009750

22010346084000036191520000000100006000
22010346084000036851520000000100009000
22010346084000037231520000000100007500
22010346084000037051520000000100009750
22010346084000035601520000000100007500
22010346084000035561520000000100012000
22010346084000037571520000000100006750
22010346084000035301520000000100009750
22010346084000035841520000000100007500
22010346084000036791520000000100006000
22010346084000035231520000000100009000
22010346084000035371520000000100002929
22010346084000037551520000000100007500
22010346084000036471520000000100010500
22010346084000037361520000000100009750
22010346084000037461520000000100010500
22010346084000037621520000000100009750
22010346084000035861520000000100006750
22010346084000035071520000000100006750
22010346084000035731520000000100009750
22010346084000036151520000000100007500
22010346084000035991520000000100009750
22010346084000037421520000000100006000
22010346084000037801520000000100007500
22010346084000036121520000000100012000
22010346084000037191520000000100012000
22010346084000035261520000000100010500
22010346084000037871520000000100009750
22010346084000036751520000000100006750
22010346084000036431520000000100007500
22010346084000036241520000000100009750
22010346084000035081520000000100006000
22010346084000035211520000000100007500
22010346084000037761520000000100012000
22010346084000035661520000000100010500
22010346084000035251520000000100009750
22010346084000035881520000000100006000
22010346084000036031520000000100009000
22010346084000036981520000000100007500
22010346084000036911520000000100009750
22010346084000035481520000000100006000
22010346084000036661520000000100007500
22010346084000035401520000000100012000
22010346084000037101520000000100006750
22010346084000036671520000000100009750
22010346084000036301520000000100006000

22010346084000037271520000000100009000
22010346084000037311520000000100007500
22010346084000036061520000000100010500
22010346084000037221520000000100009750
22010346084000035671520000000100007500
22010346084000037811520000000100006750
22010346084000035641520000000100009750
22010346084000035371520000293000006750
22010346084000036001520000000100007500
22010346084000037111520000000100006000
22010346084000037651520000000100007500
22010346084000037141520000000100010500
22010346084000037491520000000100009750
22010346084000037711520000000100010500
22010346084000037731520000000100009750
22010346084000036181520000000100006750
22010346084000037131520000000100011250
22010346084000035461520000000100006750
22010346084000036261520000000100007500
22010346084000036101520000000100009750
22010346084000037611520000000100006000
22010346084000035741520000000100007500
22010346084000036381520000000100012000
22010346084000037351520000000100012000
22010346084000036651520000000100010500
22010346084000036501520000000100009750
22010346084000036991520000000100006750
22010346084000036831520000000100007500
22010346084000036461520000000100009750
22010346084000035151520000000100006000
22010346084000035351520000000100007500
22010346084000035161520000000100012000
22010346084000035341520000000100009750
22010346084000035951520000000100006000
22010346084000036451520000000100009000
22010346084000035051520000446500007500
22010346084000037161520000000100007500
22010346084000036961520000000100009750
22010346084000035521520000000100007500
22010346084000035551520000000100012000
22010346084000037431520000000100006750
22010346084000036721520000000100009750
22010346084000036771520000000100006000
22010346084000035241520000000100009000
22010346084000037481520000000100007500
22010346084000036331520000000100010500

22010346084000037331520000000100009750
22010346084000037301520000000100010500
22010346084000037541520000000100009750
22010346084000036531520000000100011756
22010346084000035061520000000100006750
22010346084000035721520000000100009750
22010346084000036081520000000100007500
22010346084000035981520000000100009750
22010346084000037181520000000100006000
22010346084000037791520000000100007500
22010346084000036111520000000100012000
22010346084000037041520000000100012000
22010346084000035121520000000100010500
22010346084000037781520000000100009750
22010346084000036281520000000100006750
22010346084000036611520000000100006750
22010346084000036421520000000100007500
22010346084000036231520000000100009750
22010346084000035391520000000100006000
22010346084000035201520000000100007500
22010346084000037751520000000100012000
22010346084000035651520000000100010500
22010346084000035191520000000100009750
22010346084000036531520001175700012000
22010346084000036971520000000100007500
22010346084000036871520000000100009750
22010346084000035471520000000100006000
22010346084000036571520000000100007500
22010346084000035321520000000100012000
22010346084000037091520000000100006750
22010346084000036631520000000100009750
22010346084000036291520000000100006000
22010346084000037261520000000100009000
22010346084000037251520000000100007500
22010346084000035921520000000100010500
22010346084000037211520000000100009750
22010346084000035611520000000100007500
22010346084000035711520000000100012000
22010346084000037601520000000100006750
22010346084000035581520000000100009750
22010346084000035931520000000100007500
22010346084000037031520000000100006000
22010346084000035631520000000100009000
22010346084000037641520000000100007500
22010346084000036891520000000100010500
22010346084000037451520000000100009750

22010346084000037701520000000100010500
22010346084000037691520000000100009750
22010346084000036171520000000100006750
22010346084000036311520000000100011250
22010346084000035451520000000100006750
22010346084000036251520000000100007500
22010346084000036091520000000100009750
22010346084000037591520000000100006000
22010346084000035441520000000100007500
22010346084000036371520000000100012000
22010346084000037341520000000100012000
22010346084000036641520000000100010500
22010346084000035421520000000100009750
22010346084000036781520000000100006750
22010346084000036821520000000100007500
22010346084000036401520000000100009750
22010346084000035141520000000100006000
22010346084000035281520000000100007500
22010346084000036521520000000100012000
22010346084000035331520000000100009750
22010346084000035941520000000100006000
22010346084000036441520000000100009000
22010346084000037081520000000100007500
22010346084000036951520000000100009750
22010346084000035541520000000100006000
22010346084000035131520000000100007500
22010346084000036701520000000100012000
22010346084000037411520000000100006750
22010346084000036711520000000100009750
22010346084000036361520000000100006000
22010346084000037681520000000100009000
22010346084000037391520000000100007500
22010346084000036321520000000100010500
22010346084000037321520000000100009750
22010346084000037531520000000100009750
22010346084000037841520000000100006750
22010346084000035691520000000100009750
22010346084000036021520000000100007500
22010346084000035831520000000100009750
22010346084000037171520000000100006000
22010346084000037721520000000100007500
22010346084000035971520000000100012000
22010346084000037291520000000100010500
22010346084000036941520000000100012000
22010346084000035111520000000100010500
22010346084000037771520000000100009750

22010346084000036271520000000100006750
22010346084000035491520000000100011250
22010346084000036591520000000100006750
22010346084000036411520000000100007500
22010346084000036141520000000100009750
22010346084000037851520000000100006000
22010346084000036491520000000100007500

22010346084000037521520000000100012000
22010346084000035511520000000100010500
22010346084000035181520000000100009750
22010346084000036901520000000100007500
22010346084000036811520000000100009750
22010346084000036621520000000100006000
22010346084000036561520000000100007500

Company: 3498, Absolute Fuels Facility: 80028, Absolute Fuels-Anton Fuel: 4 Assignment: 2 Equivalence Value: 1.5			
RIN Batch ID	Batch Number	RIN Quantity	RIN Year
1560482	83145	84261	2010
1710515	83146	415739	2010