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REGIONAL HEARING CLERK
EPA REGION VI

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

IN THE MATTER OF:	§	
	§	
THOMAS PETROLEUM, LLC	§	
PILOT THOMAS LOGISTICS, LLC	§	DOCKET NO. EPCRA-06-2019-0501
	§	
RESPONDENT	§	
	§	

COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING

This Complaint and Notice of Opportunity for Hearing ("Complaint") is issued pursuant to Section 325(c) of the Emergency Planning and Community Right-to-Know Act ("EPCRA"), 42 U.S.C. § 11045(c), and 40 C.F.R. § 22.13. The Complainant in this action is the Director of the Compliance Assurance and Enforcement Division, United States Environmental Protection Agency, Region 6, who has delegated authority to issue such Complaints in the states of Arkansas, Louisiana, New Mexico, Oklahoma, and Texas. Complainant will show that Thomas Petroleum, LLC and Pilot Thomas Logistics, LLC (collectively, "Respondent" or "Thomas Petroleum") have violated Section 313 of EPCRA, 42 U.S.C. § 11023, and related regulations.

I. STATUTORY AND REGULATORY BACKGROUND

1. Section 313 of EPCRA, 42 U.S.C. § 11023, and 40 C.F.R. §§ 372.22 and 372.30 require the owner or operator of a facility that: (a) has ten or more full-time employees; (b) that is an establishment with a primary Standard Industrial Classification ("SIC") major group or industry

code listed in 40 C.F.R. § 372.23(a), or a primary North American Industry Classification System ("NAICS") subsector or industry code listed in 40 C.F.R. §§ 372.23(b) or (c), and (c) "manufactured, processed, or otherwise used" a toxic chemical listed under Subsection 313(c) of EPCRA and 40 C.F.R. § 372.65, in excess of the threshold quantity established under Subsection 313(f) of EPCRA, 42 U.S.C. § 11023(f), and 40 C.F.R. §§ 372.25, 372.27, or 372.28 during the calendar year, to complete and submit a toxic chemical release reporting form ("appropriate EPA reporting form") to the Administrator of EPA and to the state in which the subject facility is located by July 1, for the preceding calendar year, for each toxic chemical known by the owner or operator to be "manufactured, processed, or otherwise used" in quantities exceeding the established threshold quantity during that preceding calendar year.

2. According to Section 313(f) of EPCRA, 42 U.S.C. § 11023(f), and 40 C.F.R. § 372.25, the threshold amount for reporting under Section 313(b) of EPCRA, 42 U.S.C. § 11023(b), and 40 C.F.R. § 372.30, is 25,000 pounds for any toxic chemical "manufactured or processed" and 10,000 pounds for any toxic chemical "otherwise used" for the applicable calendar year. 40 C.F.R § 372.28 sets forth lower threshold amounts for toxic chemicals of special concern

3. A certification statement (Form A) may be submitted as an appropriate EPA reporting form in lieu of a Form R if all criteria under 40 C.F.R. § 372.27 are met, including that total annual releases and waste management of a listed chemical do not exceed 500 pounds.

4. "Manufacture" as defined by 40 C.F.R. § 372.3, means to produce, prepare, import or compound a toxic chemical. Manufacture also applies to a toxic chemical that is produced coincidentally during the manufacture, processing, use, or disposal of another chemical or

mixture of chemicals, including a toxic chemical that is separated from that other chemical or mixture of chemicals as a byproduct, and a toxic chemical that remains in that chemical or mixture of chemicals as an impurity.

5. "Process" as defined by 40 C.F.R. § 372.3, means the preparation of a toxic chemical, after its manufacture, for distribution in commerce: (1) in the same form or physical state as, or in a different form or physical state from, that in which it was received by the person so preparing the substance, or (2) as part of an article containing the toxic chemical. Process also applies to the processing of a toxic chemical contained in a mixture or trade name product.

6. "Otherwise use" as defined by 40 C.F.R. § 372.3, means "any use of a toxic chemical, including a toxic chemical contained in a mixture or other trade name product or waste, that is not covered by the terms 'manufacture' or 'process.'"

7. Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), authorizes the Administrator to assess a penalty for each violation of any requirement of Section 313 of EPCRA, 42 U.S.C. § 11023.

II. PRELIMINARY ALLEGATIONS

8. Respondent is a "person" as defined by Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).

9. This complaint alleges violations at twelve facilities owned or operated by Thomas Petroleum at all relevant times:

a) **Thomas Petroleum LLC Arkansas** 1894 Highway 124, Damascus, Arkansas ("the Damascus facility")

b) **Thomas Petroleum LLC Lafayette** 1306 Petroleum Parkway, Broussard, Louisiana ("the Broussard facility")

c) **Thomas Petroleum LLC Hobbs** 3307 W County Road, Hobbs, New Mexico ("the Hobbs facility")

d) **Thomas Petroleum LLC Beaumont** 11703 W Port Arthur Road, Beaumont, Texas ("the Beaumont facility")

e) **Thomas Petroleum LLC Bridgeport** 1709 Crittendon, Bridgeport, Texas ("the Bridgeport facility")

f) **Thomas Petroleum LLC Corpus/Robstown** 4632 Daniel, Robstown, Texas ("the Robstown facility")

g) **Thomas Petroleum LLC LaGrange** 450 Airport Road, La Grange, Texas ("the La Grange facility")

h) **Thomas Petroleum LLC Laredo** 13497 Port Drive, Laredo, Texas ("the Laredo facility")

i) **Thomas Petroleum LLC Odessa** 10918 W I-20 E, Odessa, Texas ("the Odessa facility")

j) **Thomas Petroleum LLC San Benito** 2050 Utex, San Benito, Texas ("the San Benito facility")

k) **Thomas Petroleum LLC Tyler** 1510 N NE Loop 323, Tyler, Texas ("the Tyler facility")

l) **Thomas Petroleum LLC Victoria** 9701 US Hwy. 59 N, Victoria, Texas ("the Victoria facility")

10. Thomas Petroleum, LLC merged with Pilot Logistics Services in December 2014 to form Pilot Thomas Logistics, LLC.

11. The most recent EPCRA 313 annual reports from the facilities identified in Paragraph 9 continue to list Thomas Petroleum, LLC as the "parent company" of each of the facilities.

12. The facilities identified in Paragraph 9, are "facilities" as defined by Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), and 40 C.F.R. § 372.3.

13. As used in this Complaint, the term "full-time employee" has the meaning defined in 40 C.F.R. § 372.3, and does not necessarily refer to a single person, but rather means 2,000 hours per year of full-time equivalent employment.

14. Each of Respondent's facilities had ten (10) or more full-time employees for calendar years 2012 and 2013.

15. Respondent's facilities' primary Standard Industrial Classification (SIC) code 5171 [petroleum bulk stations and terminals] and/or primary North American Industrial Classification System (NAICS) subsector or industry code 424710 [petroleum bulk stations and terminals] is covered under 40 C.F.R. Part 372, and 40 C.F.R. Part 372 applies to facilities with these primary codes.

16. During calendar years 2012 and 2013, Respondent's facilities "manufactured, processed, or otherwise used" various combinations of naphthalene, diethanolamine, 1,2,4-trimethylbenzene, ethylene glycol, methanol, N-hexane, polycyclic aromatic compounds (PACs), toluene, xylene (mixed isomers), and zinc compounds.

17. Naphthalene, diethanolamine, 1,2,4-trimethylbenzene, ethylene glycol, methanol, N-hexane, PACs, toluene, xylene (mixed isomers), and zinc compounds are toxic chemicals within the meaning of 40 C.F.R. §§ 372.3 and 372.65.

18. Respondent knew pursuant to 40 CFR § 372.30 the type and quantity of toxic chemicals manufactured, processed, or otherwise used at its facilities during calendar years 2012 and 2013.

19. On October 29, 2014, a representative from EPA conducted an on-site inspection of the Thomas Petroleum Tyler facility, located at 1510 N NE Loop 323, Tyler, Texas. EPA then conducted desk audit investigations into the eleven other facilities named in this Complaint. Those investigations were conducted with Respondent's cooperation, and EPA completed the desk audit report in May 2015.

III. VIOLATIONS

Thomas Petroleum LLC Arkansas

20. During calendar year 2012, the Damascus facility had ten or more full-time employees.

21. During calendar year 2013, the Damascus facility had ten or more full-time employees.

22. During calendar year 2012, the Damascus facility was in SIC code 5171 [petroleum bulk stations and terminals] and/or primary NAICS subsector or industry code 424710 [petroleum bulk stations and terminals].

23. During calendar year 2013, the Damascus facility was in SIC code 5171 [petroleum bulk stations and terminals] and/or primary NAICS subsector or industry code 424710 [petroleum bulk stations and terminals].

Count 1– Failure to Timely Report 1,2,4-Trimethylbenzene for Calendar Year 2012

24. Paragraphs 1 through 23 are realleged and incorporated by reference.

25. During calendar year 2012, the Damascus facility "manufactured, processed, or otherwise used" 1,2,4-Trimethylbenzene in excess of the applicable threshold.

26. The Damascus facility failed to submit an appropriate EPA reporting form for 1,2,4-Trimethylbenzene by July 1, 2013.

27. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for 1,2,4-Trimethylbenzene for calendar year 2012 by July 1, 2013.

Count 2 – Failure to Timely Report Diethanolamine for Calendar Year 2012

28. Paragraphs 1 through 23 are realleged and incorporated by reference.

29. During calendar year 2012, the Damascus facility "manufactured, processed, or otherwise used" diethanolamine in excess of the applicable threshold.

30. The Damascus facility failed to submit an appropriate EPA reporting form for diethanolamine by July 1, 2013.

31. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for diethanolamine for calendar year 2012 by July 1, 2013.

Count 3 – Failure to Timely Report Ethylene Glycol for Calendar Year 2012

32. Paragraphs 1 through 23 are realleged and incorporated by reference.

33. During calendar year 2012, the Damascus facility "manufactured, processed, or otherwise used" ethylene glycol in excess of the applicable threshold.

34. The Damascus facility failed to submit an appropriate EPA reporting form for ethylene glycol by July 1, 2013.

35. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for ethylene glycol for calendar year 2012 by July 1, 2013.

Count 4 – Failure to Timely Report N-Hexane for Calendar Year 2012

36. Paragraphs 1 through 23 are realleged and incorporated by reference.

37. During calendar year 2012, the Damascus facility "manufactured, processed, or otherwise used" n-hexane in excess of the applicable threshold.

38. The Damascus facility failed to submit an appropriate EPA reporting form for n-hexane by July 1, 2013.

39. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for n-hexane for calendar year 2012 by July 1, 2013.

Count 5 – Failure to Timely Report Methanol for Calendar Year 2012

40. Paragraphs 1 through 23 are realleged and incorporated by reference.

41. During calendar year 2012, the Damascus facility "manufactured, processed, or otherwise used" methanol in excess of the applicable threshold.

42. The Damascus facility failed to submit an appropriate EPA reporting form for methanol by July 1, 2013.

43. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for methanol for calendar year 2012 by July 1, 2013.

Count 6 – Failure to Timely Report Naphthalene for Calendar Year 2012

44. Paragraphs 1 through 23 are realleged and incorporated by reference.

45. During calendar year 2012, the Damascus facility "manufactured, processed, or otherwise used" naphthalene facility in excess of the applicable threshold.

46. Respondent failed to submit an appropriate EPA reporting form for naphthalene by July 1, 2013.

47. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for naphthalene for calendar year 2012 by July 1, 2013.

Count 7 – Failure to Timely Report PACs for Calendar Year 2012

48. Paragraphs 1 through 23 are realleged and incorporated by reference.

49. During calendar year 2012, the Damascus facility "manufactured, processed, or otherwise used" PACs in excess of the applicable threshold.

50. The Damascus facility failed to submit an appropriate EPA reporting form for PACs by July 1, 2013.

51. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for PACs for calendar year 2012 by July 1, 2013.

Count 8 – Failure to Timely Report Xylene (Mixed Isomers) for Calendar Year 2012

52. Paragraphs 1 through 23 are realleged and incorporated by reference.

53. During calendar year 2012, the Damascus facility "manufactured, processed, or otherwise used" xylene (mixed isomers) in excess of the applicable threshold.

54. The Damascus facility failed to submit an appropriate EPA reporting form for xylene (mixed isomers) by July 1, 2013.

55. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for xylene (mixed isomers) for calendar year 2012 by July 1, 2013.

Count 9 – Failure to Timely Report Zinc Compounds for Calendar Year 2012

56. Paragraphs 1 through 23 are realleged and incorporated by reference.

57. During calendar year 2012, the Damascus facility "manufactured, processed, or otherwise used" zinc compounds in excess of the applicable threshold.

58. The Damascus facility failed to submit an appropriate EPA reporting form for zinc compounds by July 1, 2013.

59. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for zinc compounds for calendar year 2012 by July 1, 2013.

Count 10 – Failure to Timely Report Diethanolamine for Calendar Year 2013

60. Paragraphs 1 through 23 are realleged and incorporated by reference.

61. During calendar year 2013, the Damascus facility "manufactured, processed, or otherwise used" diethanolamine in excess of the applicable threshold.

62. The Damascus facility failed to submit an appropriate EPA reporting form for diethanolamine by July 1, 2014.

63. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for diethanolamine for calendar year 2013 by July 1, 2014.

Count 11 – Failure to Timely Report Naphthalene for Calendar Year 2013

64. Paragraphs 1 through 23 are realleged and incorporated by reference.

65. During calendar year 2013, the Damascus facility "manufactured, processed, or otherwise used" naphthalene in excess of the applicable threshold.

66. Respondent failed to submit an appropriate EPA reporting form for naphthalene by July 1, 2014.

67. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for naphthalene for calendar year 2013 to by July 1, 2014.

Thomas Petroleum LLC Lafayette

68. During calendar year 2012, the Broussard facility had ten or more full-time employees.

69. During calendar year 2013, the Broussard facility had ten or more full-time employees.

70. During calendar year 2012, the Broussard facility was in SIC code 5171 [petroleum bulk stations and terminals] and/or primary NAICS subsector or industry code 424710 [petroleum bulk stations and terminals].

71. During calendar year 2013, the Broussard facility was in SIC code 5171 [petroleum bulk stations and terminals] and/or primary NAICS subsector or industry code 424710 [petroleum bulk stations and terminals].

Count 12 – Failure to Timely Report 1,2,4-Trimethylbenzene for Calendar Year 2012

72. Paragraphs 1 through 19 and 68-71 are realleged and incorporated by reference.

73. During calendar year 2012, the Broussard facility "manufactured, processed, or otherwise used" 1,2,4-Trimethylbenzene in excess of the applicable threshold.

74. The Broussard facility failed to submit an appropriate EPA reporting form for 1,2,4-Trimethylbenzene by July 1, 2013.

75. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for 1,2,4-Trimethylbenzene for calendar year 2012 by July 1, 2013.

Count 13 – Failure to Timely Report Ethylene Glycol for Calendar Year 2012

76. Paragraphs 1 through 19 and 68-71 are realleged and incorporated by reference.

77. During calendar year 2012, the Broussard facility "manufactured, processed, or otherwise used" ethylene glycol in excess of the applicable threshold.

78. The Broussard facility failed to submit an appropriate EPA reporting form for ethylene glycol by July 1, 2013.

79. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for ethylene glycol for calendar year 2012 by July 1, 2013.

Count 14 – Failure to Timely Report Methanol for Calendar Year 2012

80. Paragraphs 1 through 19 and 68-71 are realleged and incorporated by reference.

81. During calendar year 2012, the Broussard facility "manufactured, processed, or otherwise used" methanol in excess of the applicable threshold.

82. The Broussard facility failed to submit an appropriate EPA reporting form for methanol by July 1, 2013.

83. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for methanol for calendar year 2012 by July 1, 2013.

Count 15 – Failure to Timely Report Zinc Compounds for Calendar Year 2012

84. Paragraphs 1 through 19 and 68-71 are realleged and incorporated by reference.

85. During calendar year 2012, the Broussard facility "manufactured, processed, or otherwise used" zinc compounds in excess of the applicable threshold.

86. The Broussard facility failed to submit an appropriate EPA reporting form for zinc compounds by July 1, 2013.

87. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for zinc compounds for calendar year 2012 by July 1, 2013.

Count 16 – Failure to Timely Report 1,2,4-Trimethylbenzene for Calendar Year 2013

88. Paragraphs 1 through 19 and 68-71 are realleged and incorporated by reference.

89. During calendar year 2013, the Broussard facility "manufactured, processed, or otherwise used" 1,2,4-Trimethylbenzene in excess of the applicable threshold.

90. The Broussard facility failed to submit an appropriate EPA reporting form for 1,2,4-Trimethylbenzene by July 1, 2014.

91. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for 1,2,4-Trimethylbenzene at the Broussard facility for calendar year 2013 by July 1, 2014.

Count 17 – Failure to Timely Report Ethylene Glycol for Calendar Year 2013

92. Paragraphs 1 through 19 and 68-71 are realleged and incorporated by reference.

93. During calendar year 2013, the Broussard facility "manufactured, processed, or otherwise used" ethylene glycol in excess of the applicable threshold.

94. The Broussard facility failed to submit an appropriate EPA reporting form for ethylene glycol by July 1, 2014.

95. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for ethylene glycol at the Broussard facility for calendar year 2013 by July 1, 2014.

Count 18 – Failure to Timely Report N-Hexane for Calendar Year 2013

96. Paragraphs 1 through 19 and 68-71 are realleged and incorporated by reference.

97. During calendar year 2013, the Broussard facility "manufactured, processed, or otherwise used" n-hexane in excess of the applicable threshold.

98. The Broussard facility failed to submit an appropriate EPA reporting form for n-hexane by July 1, 2014.

99. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for n-hexane at the Broussard facility for calendar year 2013 by July 1, 2014.

Count 19 – Failure to Timely Report Methanol for Calendar Year 2013

100. Paragraphs 1 through 19 and 68-71 are realleged and incorporated by reference.

101. During calendar year 2013, the Broussard facility "manufactured, processed, or otherwise used" methanol in excess of the applicable threshold.

102. The Broussard facility failed to submit an appropriate EPA reporting form for methanol by July 1, 2014.

103. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for methanol at the Broussard facility for calendar year 2013 by July 1, 2014.

Count 20 – Failure to Timely Report Zinc Compounds for Calendar Year 2013

104. Paragraphs 1 through 19 and 68-71 are realleged and incorporated by reference.

105. During calendar year 2013, the Broussard facility "manufactured, processed, or otherwise used" zinc compounds in excess of the applicable threshold.

106. The Broussard facility failed to submit an appropriate EPA reporting form for zinc compounds by July 1, 2014.

107. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for zinc compounds at the Broussard facility for calendar year 2013 by July 1, 2014.

Thomas Petroleum LLC Hobbs

108. During calendar year 2012, the Hobbs facility had ten or more full-time employees.

109. During calendar year 2013, the Hobbs facility had ten or more full-time employees.

110. During calendar year 2012, the Hobbs facility was in SIC code 5171 [petroleum bulk stations and terminals] and/or primary NAICS subsector or industry code 424710 [petroleum bulk stations and terminals].

111. During calendar year 2013, the Hobbs facility was in SIC code 5171 [petroleum bulk stations and terminals] and/or primary NAICS subsector or industry code 424710 [petroleum bulk stations and terminals].

Count 21 – Failure to Timely Report 1,2,4-Trimethylbenzene for Calendar Year 2012

112. Paragraphs 1 through 19 and 108-111 are realleged and incorporated by reference.

113. During calendar year 2012, the Hobbs facility "manufactured, processed, or otherwise used" 1,2,4-Trimethylbenzene in excess of the applicable threshold.

114. The Hobbs facility failed to submit an appropriate EPA reporting form for 1,2,4-Trimethylbenzene by July 1, 2013.

115. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for 1,2,4-Trimethylbenzene at the Hobbs facility for calendar year 2012 by July 1, 2013.

Count 22 – Failure to Timely Report Ethylene Glycol for Calendar Year 2012

116. Paragraphs 1 through 19 and 108-111 are realleged and incorporated by reference.

117. During calendar year 2012, the Hobbs facility "manufactured, processed, or otherwise used" ethylene glycol in excess of the applicable threshold.

118. The Hobbs facility failed to submit an appropriate EPA reporting form for ethylene glycol by July 1, 2013.

119. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for ethylene glycol at the Hobbs facility for calendar year 2012 by July 1, 2013.

Count 23 – Failure to Timely Report Methanol for Calendar Year 2012

120. Paragraphs 1 through 19 and 108-111 are realleged and incorporated by reference.

121. During calendar year 2012, the Hobbs facility "manufactured, processed, or otherwise used" methanol in excess of the applicable threshold.

122. The Hobbs facility failed to submit an appropriate EPA reporting form for methanol by July 1, 2013.

123. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for methanol at the Hobbs facility for calendar year 2012 by July 1, 2013.

Count 24 – Failure to Timely Report N-Hexane for Calendar Year 2012

124. Paragraphs 1 through 19 and 108-111 are realleged and incorporated by reference.

125. During calendar year 2012, the Hobbs facility "manufactured, processed, or otherwise used" n-hexane in excess of the applicable threshold.

126. The Hobbs facility failed to submit an appropriate EPA reporting form for n-hexane by July 1, 2013.

127. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for n-hexane at the Hobbs facility for calendar year 2012 by July 1, 2013.

Count 25 – Failure to Timely Report Naphthalene for Calendar Year 2012

128. Paragraphs 1 through 19 and 108-111 are realleged and incorporated by reference.

129. During calendar year 2012, the Hobbs facility "manufactured, processed, or otherwise used" naphthalene in excess of the applicable threshold.

130. The Hobbs facility failed to submit an appropriate EPA reporting form for naphthalene by July 1, 2013.

131. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for naphthalene at the Hobbs facility for calendar year 2012 by July 1, 2013.

Count 26 – Failure to Timely Report PACs for Calendar Year 2012

132. Paragraphs 1 through 19 and 108-111 are realleged and incorporated by reference.

133. During calendar year 2012, the Hobbs facility "manufactured, processed, or otherwise used" PACs in excess of the applicable threshold.

134. The Hobbs facility failed to submit an appropriate EPA reporting form for PACs by July 1, 2013.

135. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for PACs at the Hobbs facility for calendar year 2012 by July 1, 2013.

Count 27 – Failure to Timely Report Xylene (Mixed Isomers) for Calendar Year 2012

136. Paragraphs 1 through 19 and 108-111 are realleged and incorporated by reference.

137. During calendar year 2012, the Hobbs facility "manufactured, processed, or otherwise used" xylene (mixed isomers) in excess of the applicable threshold.

138. The Hobbs facility failed to submit an appropriate EPA reporting form for xylene (mixed isomers) by July 1, 2013.

139. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for xylene (mixed isomers) at the Hobbs facility for calendar year 2012 by July 1, 2013.

Count 28 – Failure to Timely Report Zinc Compounds for Calendar Year 2012

140. Paragraphs 1 through 19 and 108-111 are realleged and incorporated by reference.

141. During calendar year 2012, the Hobbs facility "manufactured, processed, or otherwise used" zinc compounds in excess of the applicable threshold.

142. The Hobbs facility failed to submit an appropriate EPA reporting form for zinc compounds by July 1, 2013.

143. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for zinc compounds at the Hobbs facility for calendar year 2012 by July 1, 2013.

Count 29 – Failure to Timely Report Naphthalene for Calendar Year 2013

144. Paragraphs 1 through 19 and 108-111 are realleged and incorporated by reference.

145. During calendar year 2013, the Hobbs facility "manufactured, processed, or otherwise used" naphthalene in excess of the applicable threshold.

146. The Hobbs facility failed to submit an appropriate EPA reporting form for naphthalene by July 1, 2014.

147. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for naphthalene for calendar year 2013 to EPA and the State of New Mexico by July 1, 2014.

Thomas Petroleum LLC Beaumont

148. During calendar year 2012, the Beaumont facility had ten or more full-time employees.

149. During calendar year 2013, the Beaumont facility had ten or more full-time employees.

150. During calendar year 2012, the Beaumont facility was in SIC code 5171 [petroleum bulk stations and terminals] and/or primary NAICS subsector or industry code 424710 [petroleum bulk stations and terminals].

151. During calendar year 2013, the Beaumont facility was in SIC code 5171 [petroleum bulk stations and terminals] and/or primary NAICS subsector or industry code 424710 [petroleum bulk stations and terminals].

Count 30 – Failure to Timely Report 1,2,4-Trimethylbenzene for Calendar Year 2012

152. Paragraphs 1 through 19 and 148-151 are realleged and incorporated by reference.

153. During calendar year 2012, the Beaumont facility "manufactured, processed, or otherwise used" 1,2,4-Trimethylbenzene in excess of the applicable threshold.

154. The Beaumont facility failed to submit an appropriate EPA reporting form for 1,2,4-Trimethylbenzene by July 1, 2013.

155. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for 1,2,4-Trimethylbenzene at the Beaumont facility for calendar year 2012 by July 1, 2013.

Count 31– Failure to Timely Report Ethylene Glycol for Calendar Year 2012

156. Paragraphs 1 through 19 and 148-151 are realleged and incorporated by reference.

157. During calendar year 2012, the Beaumont facility "manufactured, processed, or otherwise used" ethylene glycol at Respondent's Beaumont facility in excess of the applicable threshold.

158. The Beaumont facility failed to submit an appropriate EPA reporting form for ethylene glycol at the Beaumont facility by July 1, 2013.

159. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for ethylene glycol at the Beaumont facility for calendar year 2012 by July 1, 2013.

Count 32 – Failure to Timely Report Methanol for Calendar Year 2012

160. Paragraphs 1 through 19 and 148-151 are realleged and incorporated by reference.

161. During calendar year 2012, the Beaumont facility "manufactured, processed, or otherwise used" methanol at Respondent's Beaumont facility in excess of the applicable threshold.

162. The Beaumont facility failed to submit an appropriate EPA reporting form for methanol at the Beaumont facility by July 1, 2013.

163. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for methanol at the Beaumont facility for calendar year 2012 by July 1, 2013.

Count 33 – Failure to Timely Report N-Hexane for Calendar Year 2012

164. Paragraphs 1 through 19 and 148-151 are realleged and incorporated by reference.

165. During calendar year 2012, the Beaumont facility "manufactured, processed, or otherwise used" n-hexane at Respondent's Beaumont facility in excess of the applicable threshold.

166. The Beaumont facility failed to submit an appropriate EPA reporting form for n-hexane at the Beaumont facility by July 1, 2013.

167. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for n-hexane at the Beaumont facility for calendar year 2012 by July 1, 2013.

Count 34 – Failure to Timely Report Naphthalene for Calendar Year 2012

168. Paragraphs 1 through 19 and 148-151 are realleged and incorporated by reference.

169. During calendar year 2012, the Beaumont facility "manufactured, processed, or otherwise used" naphthalene at Respondent's Beaumont facility in excess of the applicable threshold.

170. The Beaumont facility failed to submit an appropriate EPA reporting form for naphthalene at the Beaumont facility by July 1, 2013.

171. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for naphthalene at the Beaumont facility for calendar year 2012 by July 1, 2013.

Count 35 – Failure to Timely Report Toluene for Calendar Year 2012

172. Paragraphs 1 through 19 and 148-151 are realleged and incorporated by reference.

173. During calendar year 2012, the Beaumont facility "manufactured, processed, or otherwise used" toluene at Respondent's Beaumont facility in excess of the applicable threshold.

174. The Beaumont facility failed to submit an appropriate EPA reporting form for toluene at the Beaumont facility by July 1, 2013.

175. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for toluene at the Beaumont facility for calendar year 2012 by July 1, 2013.

Count 36 – Failure to Timely Report Xylene (Mixed Isomers) for Calendar Year 2012

176. Paragraphs 1 through 19 and 148-151 are realleged and incorporated by reference.

177. During calendar year 2012, the Beaumont facility "manufactured, processed, or otherwise used" xylene (mixed isomers) at Respondent's Beaumont facility in excess of the applicable threshold.

178. The Beaumont facility failed to submit an appropriate EPA reporting form for xylene (mixed isomers) at the Beaumont facility by July 1, 2013.

179. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for xylene (mixed isomers) at the Beaumont facility for calendar year 2012 by July 1, 2013.

Count 37 – Failure to Timely Report Zinc Compounds for Calendar Year 2012

180. Paragraphs 1 through 19 and 148-151 are realleged and incorporated by reference.

181. During calendar year 2012, the Beaumont facility "manufactured, processed, or otherwise used" zinc compounds at Respondent's Beaumont facility in excess of the applicable threshold.

182. The Beaumont facility failed to submit an appropriate EPA reporting form for zinc compounds by July 1, 2013.

183. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for zinc compounds at the Beaumont facility for calendar year 2012 by July 1, 2013.

Count 38 – Failure to Timely Report 1,2,4-Trimethylbenzene for Calendar Year 2013

184. Paragraphs 1 through 19 and 148-151 are realleged and incorporated by reference.

185. During calendar year 2013, the Beaumont facility "manufactured, processed, or otherwise used" 1,2,4-Trimethylbenzene at Respondent's Beaumont facility in excess of the applicable threshold.

186. The Beaumont facility failed to submit an appropriate EPA reporting form for 1,2,4-Trimethylbenzene at the Beaumont facility by July 1, 2014.

187. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for 1,2,4-Trimethylbenzene at the Beaumont facility for calendar year 2013 by July 1, 2014.

Count 39 – Failure to Timely Report Ethylene Glycol for Calendar Year 2013

188. Paragraphs 1 through 19 and 148-151 are realleged and incorporated by reference.

189. During calendar year 2013, the Beaumont facility "manufactured, processed, or otherwise used" ethylene glycol at Respondent's Beaumont facility in excess of the applicable threshold.

190. The Beaumont facility failed to submit an appropriate EPA reporting form for ethylene glycol at the Beaumont facility by July 1, 2014.

191. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for ethylene glycol at the Beaumont facility for calendar year 2013 by July 1, 2014.

Count 40 – Failure to Timely Report Methanol for Calendar Year 2013

192. Paragraphs 1 through 19 and 148-151 are realleged and incorporated by reference.

193. During calendar year 2013, the Beaumont facility "manufactured, processed, or otherwise used" methanol at Respondent's Beaumont facility in excess of the applicable threshold.

194. The Beaumont facility failed to submit an appropriate EPA reporting form for methanol at the Beaumont facility by July 1, 2014.

195. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for methanol at the Beaumont facility for calendar year 2013 by July 1, 2014.

Count 41 – Failure to Timely Report N-Hexane for Calendar Year 2013

196. Paragraphs 1 through 19 and 148-151 are realleged and incorporated by reference.

197. During calendar year 2013, the Beaumont facility "manufactured, processed, or otherwise used" n-hexane at Respondent's Beaumont facility in excess of the applicable threshold.

198. The Beaumont facility failed to submit an appropriate EPA reporting form for n-hexane at the Beaumont facility by July 1, 2014.

199. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for n-hexane at the Beaumont facility for calendar year 2013 by July 1, 2014.

Count 42 – Failure to Timely Report Naphthalene for Calendar Year 2013

200. Paragraphs 1 through 19 and 148-151 are realleged and incorporated by reference.

201. During calendar year 2013, the Beaumont facility "manufactured, processed, or otherwise used" naphthalene at Respondent's Beaumont facility in excess of the applicable threshold.

202. The Beaumont facility failed to submit an appropriate EPA reporting form for naphthalene at the Beaumont facility by July 1, 2014.

203. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for naphthalene at the Beaumont facility for calendar year 2013 by July 1, 2014.

Count 43 – Failure to Timely Report Toluene for Calendar Year 2013

204. Paragraphs 1 through 19 and 148-151 are realleged and incorporated by reference.

205. During calendar year 2013, the Beaumont facility "manufactured, processed, or otherwise used" toluene at Respondent's Beaumont facility in excess of the applicable threshold.

206. The Beaumont facility failed to submit an appropriate EPA reporting form for toluene at the Beaumont facility by July 1, 2014.

207. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for toluene at the Beaumont facility for calendar year 2013 by July 1, 2014.

Count 44 – Failure to Timely Report Xylene (Mixed Isomers) for Calendar Year 2013

208. Paragraphs 1 through 19 and 148-151 are realleged and incorporated by reference.

209. During calendar year 2013, the Beaumont facility "manufactured, processed, or otherwise used" xylene (mixed isomers) at Respondent's Beaumont facility in excess of the applicable threshold.

210. The Beaumont facility failed to submit an appropriate EPA reporting form for xylene (mixed isomers) at the Beaumont facility by July 1, 2014.

211. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for xylene (mixed isomers) at the Beaumont facility for calendar year 2013 by July 1, 2014.

Count 45 – Failure to Timely Report Zinc Compounds for Calendar Year 2013

212. Paragraphs 1 through 19 and 148-151 are realleged and incorporated by reference.

213. During calendar year 2013, the Beaumont facility "manufactured, processed, or otherwise used" zinc compounds at Respondent's Beaumont facility in excess of the applicable threshold.

214. The Beaumont facility failed to submit an appropriate EPA reporting form for zinc compounds at the Beaumont facility by July 1, 2014.

215. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for zinc compounds at the Beaumont facility for calendar year 2013 by July 1, 2014.

Thomas Petroleum LLC Bridgeport

216. During calendar year 2012, the Bridgeport facility had ten or more full-time employees.

217. During calendar year 2013, the Bridgeport facility had ten or more full-time employees.

218. During calendar year 2012, the Bridgeport facility was in SIC code 5171 [petroleum bulk stations and terminals] and/or primary NAICS subsector or industry code 424710 [petroleum bulk stations and terminals].

219. During calendar year 2013, the Bridgeport facility was in SIC code 5171 [petroleum bulk stations and terminals] and/or primary NAICS subsector or industry code 424710 [petroleum bulk stations and terminals].

Count 46 – Failure to Timely Report 1,2,4-Trimethylbenzene for Calendar Year 2012

220. Paragraphs 1 through 19 and 216-219 are realleged and incorporated by reference.

221. During calendar year 2012, the Bridgeport facility "manufactured, processed, or otherwise used" 1,2,4-Trimethylbenzene at Respondent's Bridgeport facility in excess of the applicable threshold.

222. The Bridgeport facility failed to submit an appropriate EPA reporting form for 1,2,4-Trimethylbenzene at the Bridgeport facility by July 1, 2013.

223. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for 1,2,4-Trimethylbenzene at the Bridgeport facility for calendar year 2012 by July 1, 2013.

Count 47 – Failure to Timely Report Diethanolamine for Calendar Year 2012

224. Paragraphs 1 through 19 and 216-219 are realleged and incorporated by reference.

225. During calendar year 2012, the Bridgeport facility "manufactured, processed, or otherwise used" diethanolamine at Respondent's Bridgeport facility in excess of the applicable threshold.

226. The Bridgeport facility failed to submit an appropriate EPA reporting form for diethanolamine at the Bridgeport facility by July 1, 2013.

227. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for diethanolamine at the Bridgeport facility for calendar year 2012 by July 1, 2013.

Count 48 – Failure to Timely Report Ethylene Glycol for Calendar Year 2012

228. Paragraphs 1 through 19 and 216-219 are realleged and incorporated by reference.

229. During calendar year 2012, the Bridgeport facility "manufactured, processed, or otherwise used" ethylene glycol at Respondent's Bridgeport facility in excess of the applicable threshold.

230. The Bridgeport facility failed to submit an appropriate EPA reporting form for ethylene glycol at the Bridgeport facility by July 1, 2013.

231. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for ethylene glycol at the Bridgeport facility for calendar year 2012 by July 1, 2013.

Count 49 – Failure to Timely Report Methanol for Calendar Year 2012

232. Paragraphs 1 through 19 and 216-219 are realleged and incorporated by reference.

233. During calendar year 2012, the Bridgeport facility "manufactured, processed, or otherwise used" methanol at Respondent's Bridgeport facility in excess of the applicable threshold.

234. The Bridgeport facility failed to submit an appropriate EPA reporting form for methanol at the Bridgeport facility by July 1, 2013.

235. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for methanol at the Bridgeport facility for calendar year 2012 by July 1, 2013.

Count 50 – Failure to Timely Report N-Hexane for Calendar Year 2012

236. Paragraphs 1 through 19 and 216-219 are realleged and incorporated by reference.

237. During calendar year 2012, the Bridgeport facility "manufactured, processed, or otherwise used" n-hexane at Respondent's Bridgeport facility in excess of the applicable threshold.

238. The Bridgeport facility failed to submit an appropriate EPA reporting form for n-hexane at the Bridgeport facility by July 1, 2013.

239. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for n-hexane at the Bridgeport facility for calendar year 2012 by July 1, 2013.

Count 51 – Failure to Timely Report Naphthalene for Calendar Year 2012

240. Paragraphs 1 through 19 and 216-219 are realleged and incorporated by reference.

241. During calendar year 2012, the Bridgeport facility "manufactured, processed, or otherwise used" naphthalene at Respondent's Bridgeport facility in excess of the applicable threshold.

242. The Bridgeport facility failed to submit an appropriate EPA reporting form for naphthalene at the Bridgeport facility by July 1, 2013.

243. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for naphthalene at the Bridgeport facility for calendar year 2012 by July 1, 2013.

Count 52 – Failure to Timely Report PACs for Calendar Year 2012

244. Paragraphs 1 through 19 and 216-219 are realleged and incorporated by reference.

245. During calendar year 2012, the Bridgeport facility "manufactured, processed, or otherwise used" PACs at Respondent's Bridgeport facility in excess of the applicable threshold.

246. The Bridgeport facility failed to submit an appropriate EPA reporting form for PACs at the Bridgeport facility by July 1, 2013.

247. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for PACs at the Bridgeport facility for calendar year 2012 by July 1, 2013.

Count 53 – Failure to Timely Report Toluene for Calendar Year 2012

248. Paragraphs 1 through 19 and 216-219 are realleged and incorporated by reference.

249. During calendar year 2012, the Bridgeport facility "manufactured, processed, or otherwise used" toluene at Respondent's Bridgeport facility in excess of the applicable threshold.

250. The Bridgeport facility failed to submit an appropriate EPA reporting form for toluene at the Bridgeport facility by July 1, 2013.

251. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for toluene at the Bridgeport facility for calendar year 2012 by July 1, 2013.

Count 54 – Failure to Timely Report Xylene (Mixed Isomers) for Calendar Year 2012

252. Paragraphs 1 through 19 and 216-219 are realleged and incorporated by reference.

253. During calendar year 2012, the Bridgeport facility "manufactured, processed, or otherwise used" xylene (mixed isomers) at Respondent's Bridgeport facility in excess of the applicable threshold.

254. The Bridgeport facility failed to submit an appropriate EPA reporting form for xylene (mixed isomers) at the Bridgeport facility by July 1, 2013.

255. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for xylene (mixed isomers) at the Bridgeport facility for calendar year 2012 by July 1, 2013.

Count 55 – Failure to Timely Report Zinc Compounds for Calendar Year 2012

256. Paragraphs 1 through 19 and 216-219 are realleged and incorporated by reference.

257. During calendar year 2012, the Bridgeport facility "manufactured, processed, or otherwise used" zinc compounds at Respondent's Bridgeport facility in excess of the applicable threshold.

258. The Bridgeport facility failed to submit an appropriate EPA reporting form for zinc compounds at the Bridgeport facility by July 1, 2013.

259. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for zinc compounds at the Bridgeport facility for calendar year 2012 by July 1, 2013.

Count 56 – Failure to Timely Report Diethanolamine for Calendar Year 2013

260. Paragraphs 1 through 19 and 216-219 are realleged and incorporated by reference.

261. During calendar year 2013, the Bridgeport facility "manufactured, processed, or otherwise used" diethanolamine at Respondent's Bridgeport facility in excess of the applicable threshold.

262. The Bridgeport facility failed to submit an appropriate EPA reporting form for diethanolamine at the Bridgeport facility by July 1, 2014.

263. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for diethanolamine at the Bridgeport facility for calendar year 2013 by July 1, 2014.

Count 57 – Failure to Timely Report Naphthalene for Calendar Year 2013

264. Paragraphs 1 through 19 and 216-219 are realleged and incorporated by reference.

265. During calendar year 2013, the Bridgeport facility "manufactured, processed, or otherwise used" naphthalene at Respondent's Bridgeport facility in excess of the applicable threshold.

266. The Bridgeport facility failed to submit an appropriate EPA reporting form for naphthalene at the Bridgeport facility by July 1, 2014.

267. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for naphthalene at the Bridgeport facility for calendar year 2013 by July 1, 2014.

Thomas Petroleum LLC Robstown

268. During calendar year 2012, the Robstown facility had ten or more full-time employees.

269. During calendar year 2013, the Robstown facility had ten or more full-time employees.

270. During calendar year 2012, the Robstown facility was in SIC code 5171 [petroleum bulk stations and terminals] and/or primary NAICS subsector or industry code 424710 [petroleum bulk stations and terminals].

271. During calendar year 2013, the Robstown facility was in SIC code 5171 [petroleum bulk stations and terminals] and/or primary NAICS subsector or industry code 424710 [petroleum bulk stations and terminals].

Count 58 – Failure to Timely Report 1,2,4-Trimethylbenzene for Calendar Year 2012

272. Paragraphs 1 through 19 and 268-271 are realleged and incorporated by reference.

273. During calendar year 2012, the Robstown facility "manufactured, processed, or otherwise used" 1,2,4-Trimethylbenzene in excess of the applicable threshold.

274. The Robstown facility failed to submit an appropriate EPA reporting form for 1,2,4-Trimethylbenzene at the Robstown facility by July 1, 2013.

275. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for 1,2,4-Trimethylbenzene at the Robstown facility for calendar year 2012 by July 1, 2013.

Count 59 – Failure to Timely Report Ethylene Glycol for Calendar Year 2012

276. Paragraphs 1 through 19 and 268-271 are realleged and incorporated by reference.

277. During calendar year 2012, the Robstown facility "manufactured, processed, or otherwise used" ethylene glycol in excess of the applicable threshold.

278. The Robstown facility failed to submit an appropriate EPA reporting form for ethylene glycol at the Robstown facility by July 1, 2013.

279. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for ethylene glycol at the Robstown facility for calendar year 2012 by July 1, 2013.

Count 60– Failure to Timely Report Methanol for Calendar Year 2012

280. Paragraphs 1 through 19 and 268-271 are realleged and incorporated by reference.

281. During calendar year 2012, the Robstown facility "manufactured, processed, or otherwise used" methanol in excess of the applicable threshold.

282. The Robstown facility failed to submit an appropriate EPA reporting form for methanol at the Robstown facility by July 1, 2013.

283. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for methanol at the Robstown facility for calendar year 2012 by July 1, 2013.

Count 61 – Failure to Timely Report N-Hexane for Calendar Year 2012

284. Paragraphs 1 through 19 and 268-271 are realleged and incorporated by reference.

285. During calendar year 2012, the Robstown facility "manufactured, processed, or otherwise used" n-hexane in excess of the applicable threshold.

286. The Robstown facility failed to submit an appropriate EPA reporting form for n-hexane at the Robstown facility by July 1, 2013.

287. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for n-hexane at the Robstown facility for calendar year 2012 by July 1, 2013.

Count 62 – Failure to Timely Report Naphthalene for Calendar Year 2012

288. Paragraphs 1 through 19 and 268-271 are realleged and incorporated by reference.

289. During calendar year 2012, the Robstown facility "manufactured, processed, or otherwise used" naphthalene in excess of the applicable threshold.

290. The Robstown facility failed to submit an appropriate EPA reporting form for naphthalene at the Robstown facility by July 1, 2013.

291. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for naphthalene at the Robstown facility for calendar year 2012 by July 1, 2013.

Count 63 – Failure to Timely Report PACs for Calendar Year 2012

292. Paragraphs 1 through 19 and 268-271 are realleged and incorporated by reference.

293. During calendar year 2012, the Robstown facility "manufactured, processed, or otherwise used" PACs in excess of the applicable threshold.

294. The Robstown facility failed to submit an appropriate EPA reporting form for PACs at the Robstown facility by July 1, 2013.

295. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for PACs at the Robstown facility for calendar year 2012 by July 1, 2013.

Count 64 – Failure to Timely Report Toluene for Calendar Year 2012

296. Paragraphs 1 through 19 and 268-271 are realleged and incorporated by reference.

297. During calendar year 2012, the Robstown facility "manufactured, processed, or otherwise used" toluene in excess of the applicable threshold.

298. The Robstown facility failed to submit an appropriate EPA reporting form for toluene at the Robstown facility by July 1, 2013.

299. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for toluene at the Robstown facility for calendar year 2012 by July 1, 2013.

Count 65 – Failure to Timely Report Xylene (Mixed Isomers) for Calendar Year 2012

300. Paragraphs 1 through 19 and 268-271 are realleged and incorporated by reference.

301. During calendar year 2012, the Robstown facility "manufactured, processed, or otherwise used" xylene (mixed isomers) in excess of the applicable threshold.

302. The Robstown facility failed to submit an appropriate EPA reporting form for xylene (mixed isomers) at the Robstown facility by July 1, 2013.

303. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for xylene (mixed isomers) at the Robstown facility for calendar year 2012 by July 1, 2013.

Count 66 – Failure to Timely Report Zinc Compounds for Calendar Year 2012

304. Paragraphs 1 through 19 and 268-271 are realleged and incorporated by reference.

305. During calendar year 2012, the Robstown facility "manufactured, processed, or otherwise used" zinc compounds in excess of the applicable threshold.

306. The Robstown facility failed to submit an appropriate EPA reporting form for zinc compounds at the Robstown facility by July 1, 2013.

307. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for zinc compounds at the Robstown facility for calendar year 2012 by July 1, 2013.

Count 67– Failure to Timely Report Naphthalene for Calendar Year 2013

308. Paragraphs 1 through 19 and 268-271 are realleged and incorporated by reference.

309. During calendar year 2013, the Robstown facility "manufactured, processed, or otherwise used" naphthalene in excess of the applicable threshold.

310. The Robstown facility failed to submit an appropriate EPA reporting form for naphthalene at the Robstown facility by July 1, 2014.

311. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for naphthalene at the Robstown facility for calendar year 2013 by July 1, 2014.

Thomas Petroleum LLC La Grange

312. During calendar year 2012, the La Grange facility had ten or more full-time employees.

313. During calendar year 2013, the La Grange facility had ten or more full-time employees.

314. During calendar year 2012, the La Grange facility was in SIC code 5171 [petroleum bulk stations and terminals] and/or primary NAICS subsector or industry code 424710 [petroleum bulk stations and terminals].

315. During calendar year 2013, the La Grange facility was in SIC code 5171 [petroleum bulk stations and terminals] and/or primary NAICS subsector or industry code 424710 [petroleum bulk stations and terminals].

Count 68 – Failure to Timely Report 1,2,4-Trimethylbenzene for Calendar Year 2012

316. Paragraphs 1 thorough 18 and 312-315 are realleged and incorporated by reference.

317. During calendar year 2012, the La Grange facility "manufactured, processed, or otherwise used" 1,2,4-Trimethylbenzene in excess of the applicable threshold.

318. The La Grange facility failed to submit an appropriate EPA reporting form for 1,2,4-Trimethylbenzene at the La Grange facility by July 1, 2013.

319. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for 1,2,4-Trimethylbenzene at the La Grange facility for calendar year 2012 by July 1, 2013.

Count 69 – Failure to Timely Report Ethylene Glycol for Calendar Year 2012

320. Paragraphs 1 through 19 and 312-315 are realleged and incorporated by reference.

321. During calendar year 2012, the La Grange facility "manufactured, processed, or otherwise used" ethylene glycol in excess of the applicable threshold.

322. The La Grange facility failed to submit an appropriate EPA reporting form for ethylene glycol at the La Grange facility by July 1, 2013.

323. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for ethylene glycol at the La Grange facility for calendar year 2012 by July 1, 2013.

Count 70 – Failure to Timely Report Methanol for Calendar Year 2012

324. Paragraphs 1 through 19 and 312-315 are realleged and incorporated by reference.

325. During calendar year 2012, the La Grange facility "manufactured, processed, or otherwise used" methanol in excess of the applicable threshold.

326. The La Grange facility failed to submit an appropriate EPA reporting form for methanol at the La Grange facility by July 1, 2013.

327. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for methanol at the La Grange facility for calendar year 2012 by July 1, 2013.

Count 71 – Failure to Timely Report N-Hexane for Calendar Year 2012

328. Paragraphs 1 through 19 and 312-315 are realleged and incorporated by reference.

329. During calendar year 2012, the La Grange facility "manufactured, processed, or otherwise used" n-hexane in excess of the applicable threshold.

330. The La Grange facility failed to submit an appropriate EPA reporting form for n-hexane at the La Grange facility by July 1, 2013.

331. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for n-hexane at the La Grange facility for calendar year 2012 by July 1, 2013.

Count 72 – Failure to Timely Report Naphthalene for Calendar Year 2012

332. Paragraphs 1 through 19 and 312-315 are realleged and incorporated by reference.

333. During calendar year 2012, the La Grange facility "manufactured, processed, or otherwise used" naphthalene in excess of the applicable threshold.

334. The La Grange facility failed to submit an appropriate EPA reporting form for naphthalene at the La Grange facility by July 1, 2013.

335. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for naphthalene at the La Grange facility for calendar year 2012 by July 1, 2013.

Count 73 – Failure to Timely Report PACs for Calendar Year 2012

336. Paragraphs 1 through 19 and 312-315 are realleged and incorporated by reference.

337. During calendar year 2012, the La Grange facility "manufactured, processed, or otherwise used" PACs in excess of the applicable threshold.

338. The La Grange facility failed to submit an appropriate EPA reporting form for PACs at the La Grange facility by July 1, 2013.

339. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for PACs at the La Grange facility for calendar year 2012 by July 1, 2013.

Count 74 – Failure to Timely Report Toluene for Calendar Year 2012

340. Paragraphs 1 through 19 and 312-315 are realleged and incorporated by reference.

341. During calendar year 2012, the La Grange facility "manufactured, processed, or otherwise used" toluene in excess of the applicable threshold.

342. The La Grange facility failed to submit an appropriate EPA reporting form for toluene at the La Grange facility by July 1, 2013.

343. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for toluene at the La Grange facility for calendar year 2012 by July 1, 2013.

Count 75– Failure to Timely Report Xylene (Mixed Isomers) for Calendar Year 2012

344. Paragraphs 1 through 19 and 312-315 are realleged and incorporated by reference.

345. During calendar year 2012, the La Grange facility "manufactured, processed, or otherwise used" xylene (mixed isomers) in excess of the applicable threshold.

346. The La Grange facility failed to submit an appropriate EPA reporting form for xylene (mixed isomers) at the La Grange facility by July 1, 2013.

347. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for xylene (mixed isomers) at the La Grange facility for calendar year 2012 by July 1, 2013.

Count 76 – Failure to Timely Report Zinc Compounds for Calendar Year 2012

348. Paragraphs 1 through 19 and 312-315 are realleged and incorporated by reference.

349. During calendar year 2012, the La Grange facility "manufactured, processed, or otherwise used" zinc compounds in excess of the applicable threshold.

350. The La Grange facility failed to submit an appropriate EPA reporting form for zinc compounds at the La Grange facility by July 1, 2013.

351. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for zinc compounds at the La Grange facility for calendar year 2012 by July 1, 2013.

Count 77 – Failure to Timely Report Naphthalene for Calendar Year 2013

352. Paragraphs 1 through 19 and 312-315 are realleged and incorporated by reference.

353. During calendar year 2013, the La Grange facility "manufactured, processed, or otherwise used" naphthalene in excess of the applicable threshold.

354. The La Grange facility failed to submit an appropriate EPA reporting form for naphthalene at the La Grange facility by July 1, 2014.

355. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for naphthalene at the La Grange facility for calendar year 2013 by July 1, 2014.

Thomas Petroleum LLC Laredo

356. During calendar year 2012, the Laredo facility had ten or more full-time employees.

357. During calendar year 2013, the Laredo facility had ten or more full-time employees.

358. During calendar year 2012, the Laredo facility was in SIC code 5171 [petroleum bulk stations and terminals] and/or primary NAICS subsector or industry code 424710 [petroleum bulk stations and terminals].

359. During calendar year 2013, the Laredo facility was in SIC code 5171 [petroleum bulk stations and terminals] and/or primary NAICS subsector or industry code 424710 [petroleum bulk stations and terminals].

Count 78 – Failure to Timely Report 1,2,4-Trimethylbenzene for Calendar Year 2012

360. Paragraphs 1 through 19 and 356-359 are realleged and incorporated by reference.

361. During calendar year 2012, the Laredo facility "manufactured, processed, or otherwise used" 1,2,4-Trimethylbenzene in excess of the applicable threshold.

362. The Laredo facility failed to submit an appropriate EPA reporting form for 1,2,4-Trimethylbenzene at the Laredo facility by July 1, 2013.

363. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for 1,2,4-Trimethylbenzene at the Laredo facility for calendar year 2012 by July 1, 2013.

Count 79 – Failure to Timely Report Diethanolamine for Calendar Year 2012

364. Paragraphs 1 through 19 and 356-359 are realleged and incorporated by reference.

365. During calendar year 2012, the Laredo facility "manufactured, processed, or otherwise used" diethanolamine in excess of the applicable threshold.

366. The Laredo facility failed to submit an appropriate EPA reporting form for diethanolamine at the Laredo facility by July 1, 2013.

367. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for diethanolamine at the Laredo facility for calendar year 2012 by July 1, 2013.

Count 80 – Failure to Timely Report Ethylene Glycol for Calendar Year 2012

368. Paragraphs 1 through 19 and 356-359 are realleged and incorporated by reference.

369. During calendar year 2012, the Laredo facility "manufactured, processed, or otherwise used" ethylene glycol in excess of the applicable threshold.

370. The Laredo facility failed to submit an appropriate EPA reporting form for ethylene glycol at the Laredo facility by July 1, 2013.

371. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for ethylene glycol at the Laredo facility for calendar year 2012 by July 1, 2013.

Count 81 – Failure to Timely Report Methanol for Calendar Year 2012

372. Paragraphs 1 through 19 and 356-359 are realleged and incorporated by reference.

373. During calendar year 2012, the Laredo facility "manufactured, processed, or otherwise used" methanol in excess of the applicable threshold.

374. The Laredo facility failed to submit an appropriate EPA reporting form for methanol at the Laredo facility by July 1, 2013.

375. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for methanol at the Laredo facility for calendar year 2012 by July 1, 2013.

Count 82 – Failure to Timely Report N-Hexane for Calendar Year 2012

376. Paragraphs 1 through 19 and 356-359 are realleged and incorporated by reference.

377. During calendar year 2012, the Laredo facility "manufactured, processed, or otherwise used" n-hexane in excess of the applicable threshold.

378. The Laredo facility failed to submit an appropriate EPA reporting form for n-hexane at the Laredo facility by July 1, 2013.

379. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for n-hexane at the Laredo facility for calendar year 2012 by July 1, 2013.

Count 83 – Failure to Timely Report Naphthalene for Calendar Year 2012

380. Paragraphs 1 through 19 and 356-359 are realleged and incorporated by reference.

381. During calendar year 2012, the Laredo facility "manufactured, processed, or otherwise used" naphthalene in excess of the applicable threshold.

382. The Laredo facility failed to submit an appropriate EPA reporting form for naphthalene at the Laredo facility by July 1, 2013.

383. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for naphthalene at the Laredo facility for calendar year 2012 by July 1, 2013.

Count 84 – Failure to Timely Report PACs for Calendar Year 2012

384. Paragraphs 1 through 19 and 356-359 are realleged and incorporated by reference.

385. During calendar year 2012, the Laredo facility "manufactured, processed, or otherwise used" PACs in excess of the applicable threshold.

386. The Laredo facility failed to submit an appropriate EPA reporting form for PACs at the Laredo facility by July 1, 2013.

387. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for PACs at the Laredo facility for calendar year 2012 by July 1, 2013.

Count 85 – Failure to Timely Report Toluene for Calendar Year 2012

388. Paragraphs 1 through 19 and 356-359 are realleged and incorporated by reference.

389. During calendar year 2012, the Laredo facility "manufactured, processed, or otherwise used" toluene in excess of the applicable threshold.

390. The Laredo facility failed to submit an appropriate EPA reporting form for toluene at the Laredo facility by July 1, 2013.

391. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for toluene at the Laredo facility for calendar year 2012 by July 1, 2013.

Count 86 – Failure to Timely Report Xylene (Mixed Isomers) for Calendar Year 2012

392. Paragraphs 1 through 19 and 356-359 are realleged and incorporated by reference.

393. During calendar year 2012, the Laredo facility "manufactured, processed, or otherwise used" xylene (mixed isomers) in excess of the applicable threshold.

394. The Laredo facility failed to submit an appropriate EPA reporting form for xylene (mixed isomers) at the Laredo facility by July 1, 2013.

395. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for xylene (mixed isomers) at the Laredo facility for calendar year 2012 by July 1, 2013.

Count 87 – Failure to Timely Report Zinc Compounds for Calendar Year 2012

396. Paragraphs 1 through 19 and 356-359 are realleged and incorporated by reference.

397. During calendar year 2012, the Laredo facility "manufactured, processed, or otherwise used" zinc compounds in excess of the applicable threshold.

398. The Laredo facility failed to submit an appropriate EPA reporting form for zinc compounds at the Laredo facility by July 1, 2013.

399. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for zinc compounds at the Laredo facility for calendar year 2012 by July 1, 2013.

Count 88 – Failure to Timely Report Diethanolamine for Calendar Year 2013

400. Paragraphs 1 through 19 and 356-359 are realleged and incorporated by reference.

401. During calendar year 2013, the Laredo facility "manufactured, processed, or otherwise used" diethanolamine in excess of the applicable threshold.

402. The Laredo facility failed to submit an appropriate EPA reporting form for diethanolamine at the Laredo facility by July 1, 2014.

403. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for diethanolamine at the Laredo facility for calendar year 2013 by July 1, 2014.

Count 89 – Failure to Timely Report Naphthalene for Calendar Year 2013

404. Paragraphs 1 through 19 and 356-359 are realleged and incorporated by reference.

405. During calendar year 2013, the Laredo facility "manufactured, processed, or otherwise used" naphthalene in excess of the applicable threshold.

406. The Laredo facility failed to submit an appropriate EPA reporting form for naphthalene at the Laredo facility by July 1, 2014.

407. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for naphthalene at the Laredo facility for calendar year 2013 by July 1, 2014.

Thomas Petroleum LLC Odessa

408. During calendar year 2012, the Odessa facility had ten or more full-time employees.

409. During calendar year 2013, the Odessa facility had ten or more full-time employees.

410. During calendar year 2012, the Odessa facility was in SIC code 5171 [petroleum bulk stations and terminals] and/or primary NAICS subsector or industry code 424710 [petroleum bulk stations and terminals].

411. During calendar year 2013, the Odessa facility was in SIC code 5171 [petroleum bulk stations and terminals] and/or primary NAICS subsector or industry code 424710 [petroleum bulk stations and terminals].

Count 90 – Failure to Timely Report 1,2,4-Trimethylbenzene for Calendar Year 2012

412. Paragraphs 1 through 19 and 408-411 are realleged and incorporated by reference.

413. During calendar year 2012, the Odessa facility "manufactured, processed, or otherwise used" 1,2,4-Trimethylbenzene in excess of the applicable threshold.

414. The Odessa facility failed to submit an appropriate EPA reporting form for 1,2,4-Trimethylbenzene at the Odessa facility by July 1, 2013.

415. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for 1,2,4-Trimethylbenzene at the Odessa facility for calendar year 2012 by July 1, 2013.

Count 91 – Failure to Timely Report Diethanolamine for Calendar Year 2012

416. Paragraphs 1 through 19 and 408-411 are realleged and incorporated by reference.

417. During calendar year 2012, the Odessa facility "manufactured, processed, or otherwise used" diethanolamine in excess of the applicable threshold.

418. The Odessa facility failed to submit an appropriate EPA reporting form for diethanolamine at the Odessa facility by July 1, 2013.

419. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for diethanolamine at the Odessa facility for calendar year 2012 by July 1, 2013.

Count 92 – Failure to Timely Report Ethylene Glycol for Calendar Year 2012

420. Paragraphs 1 through 19 and 408-411 are realleged and incorporated by reference.

421. During calendar year 2012, the Odessa facility "manufactured, processed, or otherwise used" ethylene glycol in excess of the applicable threshold.

422. The Odessa facility failed to submit an appropriate EPA reporting form for ethylene glycol at the Odessa facility by July 1, 2013.

423. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for ethylene glycol at the Odessa facility for calendar year 2012 by July 1, 2013.

Count 93 – Failure to Timely Report Methanol for Calendar Year 2012

424. Paragraphs 1 through 19 and 408-411 are realleged and incorporated by reference.

425. During calendar year 2012, the Odessa facility "manufactured, processed, or otherwise used" methanol in excess of the applicable threshold.

426. The Odessa facility failed to submit an appropriate EPA reporting form for methanol at the Odessa facility by July 1, 2013.

427. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for methanol at the Odessa facility for calendar year 2012 by July 1, 2013.

Count 94 – Failure to Timely Report N-Hexane for Calendar Year 2012

428. Paragraphs 1 through 19 and 408-411 are realleged and incorporated by reference.

429. During calendar year 2012, the Odessa facility "manufactured, processed, or otherwise used" n-hexane in excess of the applicable threshold.

430. The Odessa facility failed to submit an appropriate EPA reporting form for n-hexane at the Odessa facility by July 1, 2013.

431. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for n-hexane at the Odessa facility for calendar year 2012 by July 1, 2013.

Count 95 – Failure to Timely Report Naphthalene for Calendar Year 2012

432. Paragraphs 1 through 19 and 408-411 are realleged and incorporated by reference.

433. During calendar year 2012, the Odessa facility "manufactured, processed, or otherwise used" naphthalene in excess of the applicable threshold.

434. The Odessa facility failed to submit an appropriate EPA reporting form for naphthalene at the Odessa facility by July 1, 2013.

435. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for naphthalene at the Odessa facility for calendar year 2012 by July 1, 2013.

Count 96 – Failure to Timely Report PACs for Calendar Year 2012

436. Paragraphs 1 through 19 and 408-411 are realleged and incorporated by reference.

437. During calendar year 2012, the Odessa facility "manufactured, processed, or otherwise used" PACs in excess of the applicable threshold.

438. The Odessa facility failed to submit an appropriate EPA reporting form for PACs at the Odessa facility by July 1, 2013.

439. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for PACs at the Odessa facility for calendar year 2012 by July 1, 2013.

Count 97 – Failure to Timely Report Toluene for Calendar Year 2012

440. Paragraphs 1 through 19 and 408-411 are realleged and incorporated by reference.

441. During calendar year 2012, the Odessa facility "manufactured, processed, or otherwise used" toluene in excess of the applicable threshold.

442. The Odessa facility failed to submit an appropriate EPA reporting form for toluene at the Odessa facility by July 1, 2013.

443. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for toluene at the Odessa facility for calendar year 2012 by July 1, 2013.

Count 98 – Failure to Timely Report Xylene (Mixed Isomers) for Calendar Year 2012

444. Paragraphs 1 through 19 and 408-411 are realleged and incorporated by reference.

445. During calendar year 2012, the Odessa facility "manufactured, processed, or otherwise used" xylene (mixed isomers) in excess of the applicable threshold.

446. The Odessa facility failed to submit an appropriate EPA reporting form for xylene (mixed isomers) at the Odessa facility by July 1, 2013.

447. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for xylene (mixed isomers) at the Odessa facility for calendar year 2012 by July 1, 2013.

Count 99 – Failure to Timely Report Zinc Compounds for Calendar Year 2012

448. Paragraphs 1 through 19 and 408-411 are realleged and incorporated by reference.

449. During calendar year 2012, the Odessa facility "manufactured, processed, or otherwise used" zinc compounds in excess of the applicable threshold.

450. The Odessa facility failed to submit an appropriate EPA reporting form for zinc compounds at the Odessa facility by July 1, 2013.

451. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for zinc compounds at the Odessa facility for calendar year 2012 by July 1, 2013.

Count 100 – Failure to Timely Report Diethanolamine for Calendar Year 2013

452. Paragraphs 1 through 19 and 408-411 are realleged and incorporated by reference.

453. During calendar year 2013, the Odessa facility "manufactured, processed, or otherwise used" diethanolamine in excess of the applicable threshold.

454. The Odessa facility failed to submit an appropriate EPA reporting form for diethanolamine at the Odessa facility by July 1, 2014.

455. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for diethanolamine at the Odessa facility for calendar year 2013 by July 1, 2014.

Count 101 – Failure to Timely Report Naphthalene for Calendar Year 2013

456. Paragraphs 1 through 19 and 408-411 are realleged and incorporated by reference.

457. During calendar year 2013, the Odessa facility "manufactured, processed, or otherwise used" naphthalene in excess of the applicable threshold.

458. The Odessa facility failed to submit an appropriate EPA reporting form for naphthalene at the Odessa facility by July 1, 2014.

459. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for naphthalene at the Odessa facility for calendar year 2013 by July 1, 2014.

Thomas Petroleum LLC San Benito

460. During calendar year 2012, the San Benito facility had ten or more full-time employees.

461. During calendar year 2013, the San Benito facility had ten or more full-time employees.

462. During calendar year 2012, the San Benito facility was in SIC code 5171 [petroleum bulk stations and terminals] and/or primary NAICS subsector or industry code 424710 [petroleum bulk stations and terminals].

463. During calendar year 2013, the San Benito facility was in SIC code 5171 [petroleum bulk stations and terminals] and/or primary NAICS subsector or industry code 424710 [petroleum bulk stations and terminals].

Count 102 – Failure to Timely Report 1,2,4-Trimethylbenzene for Calendar Year 2012

464. Paragraphs 1 through 19 and 460-463 are realleged and incorporated by reference.

465. During calendar year 2012, the San Benito facility "manufactured, processed, or otherwise used" 1,2,4-Trimethylbenzene in excess of the applicable threshold.

466. The San Benito facility failed to submit an appropriate EPA reporting form for 1,2,4-Trimethylbenzene at the San Benito facility by July 1, 2013.

467. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for 1,2,4-Trimethylbenzene at the San Benito facility for calendar year 2012 by July 1, 2013.

Count 103 – Failure to Timely Report Ethylene Glycol for Calendar Year 2012

468. Paragraphs 1 through 19 and 460-463 are realleged and incorporated by reference.

469. During calendar year 2012, the San Benito facility "manufactured, processed, or otherwise used" ethylene glycol in excess of the applicable threshold.

470. The San Benito facility failed to submit an appropriate EPA reporting form for ethylene glycol at the San Benito facility by July 1, 2013.

471. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for ethylene glycol at the San Benito facility for calendar year 2012 by July 1, 2013.

Count 104 – Failure to Timely Report N-Hexane for Calendar Year 2012

472. Paragraphs 1 through 19 and 460-463 are realleged and incorporated by reference.

473. During calendar year 2012, the San Benito facility "manufactured, processed, or otherwise used" n-hexane in excess of the applicable threshold.

474. The San Benito facility failed to submit an appropriate EPA reporting form for n-hexane at the San Benito facility by July 1, 2013.

475. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for n-hexane at the San Benito facility for calendar year 2012 by July 1, 2013.

Count 105 – Failure to Timely Report Naphthalene for Calendar Year 2012

476. Paragraphs 1 through 19 and 460-463 are realleged and incorporated by reference.

477. During calendar year 2012, the San Benito facility "manufactured, processed, or otherwise used" naphthalene in excess of the applicable threshold.

478. The San Benito facility failed to submit an appropriate EPA reporting form for naphthalene at the San Benito facility by July 1, 2013.

479. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for naphthalene at the San Benito facility for calendar year 2012 by July 1, 2013.

Count 106 – Failure to Timely Report Toluene for Calendar Year 2012

480. Paragraphs 1 through 19 and 460-463 are realleged and incorporated by reference.

481. During calendar year 2012, the San Benito facility "manufactured, processed, or otherwise used" toluene in excess of the applicable threshold.

482. The San Benito facility failed to submit an appropriate EPA reporting form for toluene at the San Benito facility by July 1, 2013.

483. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for toluene at the San Benito facility for calendar year 2012 by July 1, 2013.

Count 107 – Failure to Timely Report Xylene (Mixed Isomers) for Calendar Year 2012

484. Paragraphs 1 through 19 and 460-463 are realleged and incorporated by reference.

485. During calendar year 2012, the San Benito facility "manufactured, processed, or otherwise used" xylene (mixed isomers) in excess of the applicable threshold.

486. The San Benito facility failed to submit an appropriate EPA reporting form for xylene (mixed isomers) at the San Benito facility by July 1, 2013.

487. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for xylene (mixed isomers) at the San Benito facility for calendar year 2012 by July 1, 2013.

Count 108 – Failure to Timely Report Zinc Compounds for Calendar Year 2012

488. Paragraphs 1 through 19 and 460-463 are realleged and incorporated by reference.

489. During calendar year 2012, the San Benito facility "manufactured, processed, or otherwise used" zinc compounds in excess of the applicable threshold.

490. The San Benito facility failed to submit an appropriate EPA reporting form for zinc compounds at the San Benito facility by July 1, 2013.

491. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for zinc compounds at the San Benito facility for calendar year 2012 by July 1, 2013.

Count 109 – Failure to Timely Report 1,2,4-Trimethylbenzene for Calendar Year 2013

492. Paragraphs 1 through 19 and 460-463 are realleged and incorporated by reference.

493. During calendar year 2013, the San Benito facility "manufactured, processed, or otherwise used" 1,2,4-Trimethylbenzene in excess of the applicable threshold.

494. The San Benito facility failed to submit an appropriate EPA reporting form for 1,2,4-Trimethylbenzene at the San Benito facility by July 1, 2014.

495. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for 1,2,4-Trimethylbenzene at the San Benito facility for calendar year 2013 by July 1, 2014.

Count 110 – Failure to Timely Report Ethylene Glycol for Calendar Year 2013

496. Paragraphs 1 through 19 and 460-463 are realleged and incorporated by reference.

497. During calendar year 2013, the San Benito facility "manufactured, processed, or otherwise used" ethylene glycol in excess of the applicable threshold.

498. The San Benito facility failed to submit an appropriate EPA reporting form for ethylene glycol at the San Benito facility by July 1, 2014.

499. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for ethylene glycol at the San Benito facility for calendar year 2013 by July 1, 2014.

Count 111 – Failure to Timely Report N-Hexane for Calendar Year 2013

500. Paragraphs 1 through 19 and 460-463 are realleged and incorporated by reference.

501. During calendar year 2013, the San Benito facility "manufactured, processed, or otherwise used" n-hexane in excess of the applicable threshold.

502. The San Benito facility failed to submit an appropriate EPA reporting form for n-hexane at the San Benito facility by July 1, 2014.

503. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for n-hexane at the San Benito facility for calendar year 2013 by July 1, 2014.

Count 112 – Failure to Timely Report Toluene for Calendar Year 2013

504. Paragraphs 1 through 19 and 460-463 are realleged and incorporated by reference.

505. During calendar year 2013, the San Benito facility "manufactured, processed, or otherwise used" toluene in excess of the applicable threshold.

506. The San Benito facility failed to submit an appropriate EPA reporting form for toluene at the San Benito facility by July 1, 2014.

507. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for toluene at the San Benito facility for calendar year 2013 by July 1, 2014.

Count 113 – Failure to Timely Report Xylene (Mixed Isomers) for Calendar Year 2013

508. Paragraphs 1 through 19 and 460-463 are realleged and incorporated by reference.

509. During calendar year 2013, the San Benito facility "manufactured, processed, or otherwise used" xylene (mixed isomers) in excess of the applicable threshold.

510. The San Benito facility failed to submit an appropriate EPA reporting form for xylene (mixed isomers) at the San Benito facility by July 1, 2014.

511. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for xylene (mixed isomers) at the San Benito facility for calendar year 2013 by July 1, 2014.

Count 114 – Failure to Timely Report Zinc Compounds for Calendar Year 2013

512. Paragraphs 1 through 19 and 460-463 are realleged and incorporated by reference.

513. During calendar year 2013, the San Benito facility "manufactured, processed, or otherwise used" zinc compounds in excess of the applicable threshold.

514. The San Benito facility failed to submit an appropriate EPA reporting form for zinc compounds at the San Benito facility by July 1, 2014.

515. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for zinc compounds at the San Benito facility for calendar year 2013 by July 1, 2014.

Thomas Petroleum LLC Tyler

516. During calendar year 2012, the Tyler facility had ten or more full-time employees.

517. During calendar year 2013, the Tyler facility had ten or more full-time employees.

518. During calendar year 2012, the Tyler facility was in SIC code 5171 [petroleum bulk stations and terminals] and/or primary NAICS subsector or industry code 424710 [petroleum bulk stations and terminals].

519. During calendar year 2013, the Tyler facility was in SIC code 5171 [petroleum bulk stations and terminals] and/or primary NAICS subsector or industry code 424710 [petroleum bulk stations and terminals].

Count 115 – Failure to Timely Report 1,2,4-Trimethylbenzene for Calendar Year 2012

520. Paragraphs 1 through 19 and 516-519 are realleged and incorporated by reference.

521. During calendar year 2012, the Tyler facility "manufactured, processed, or otherwise used" 1,2,4-Trimethylbenzene in excess of the applicable threshold.

522. The Tyler facility failed to submit an appropriate EPA reporting form for 1,2,4-Trimethylbenzene at the Tyler facility by July 1, 2013.

523. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for 1,2,4-Trimethylbenzene at the Tyler facility for calendar year 2012 by July 1, 2013.

Count 116 – Failure to Timely Report Diethanolamine for Calendar Year 2012

524. Paragraphs 1 through 19 and 516-519 are realleged and incorporated by reference.

525. During calendar year 2012, the Tyler facility "manufactured, processed, or otherwise used" diethanolamine in excess of the applicable threshold.

526. The Tyler facility failed to submit an appropriate EPA reporting form for diethanolamine at the Tyler facility by July 1, 2013.

527. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for diethanolamine at the Tyler facility for calendar year 2012 by July 1, 2013.

Count 117 – Failure to Timely Report Methanol for Calendar Year 2012

528. Paragraphs 1 through 19 and 516-519 are realleged and incorporated by reference.

529. During calendar year 2012, the Tyler facility "manufactured, processed, or otherwise used" methanol in excess of the applicable threshold.

530. The Tyler facility failed to submit an appropriate EPA reporting form for methanol at the Tyler facility by July 1, 2013.

531. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for methanol at the Tyler facility for calendar year 2012 by July 1, 2013.

Count 118 – Failure to Timely Report N-Hexane for Calendar Year 2012

532. Paragraphs 1 through 19 and 516-519 are realleged and incorporated by reference.

533. During calendar year 2012, the Tyler facility "manufactured, processed, or otherwise used" n-hexane in excess of the applicable threshold.

534. The Tyler facility failed to submit an appropriate EPA reporting form for n-hexane at the Tyler facility by July 1, 2013.

535. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for n-hexane at the Tyler facility for calendar year 2012 by July 1, 2013.

Count 119 – Failure to Timely Report Naphthalene for Calendar Year 2012

536. Paragraphs 1 through 19 and 516-519 are realleged and incorporated by reference.

537. During calendar year 2012, the Tyler facility "manufactured, processed, or otherwise used" naphthalene in excess of the applicable threshold.

538. The Tyler facility failed to submit an appropriate EPA reporting form for naphthalene at the Tyler facility by July 1, 2013.

539. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for naphthalene at the Tyler facility for calendar year 2012 by July 1, 2013.

Count 120 – Failure to Timely Report PACs for Calendar Year 2012

540. Paragraphs 1 through 19 and 516-519 are realleged and incorporated by reference.

541. During calendar year 2012, the Tyler facility "manufactured, processed, or otherwise used" PACs in excess of the applicable threshold.

542. The Tyler facility failed to submit an appropriate EPA reporting form for PACs at the Tyler facility by July 1, 2013.

543. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for PACs at the Tyler facility for calendar year 2012 by July 1, 2013.

Count 121 – Failure to Timely Report Zinc Compounds for Calendar Year 2012

544. Paragraphs 1 through 19 and 516-519 are realleged and incorporated by reference.

545. During calendar year 2012, the Tyler facility "manufactured, processed, or otherwise used" zinc compounds in excess of the applicable threshold.

546. The Tyler facility failed to submit an appropriate EPA reporting form for zinc compounds at the Tyler facility by July 1, 2013.

547. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for zinc compounds at the Tyler facility for calendar year 2012 by July 1, 2013.

Count 122 – Failure to Timely Report Diethanolamine for Calendar Year 2013

548. Paragraphs 1 through 19 and 516-519 are realleged and incorporated by reference.

549. During calendar year 2013, the Tyler facility "manufactured, processed, or otherwise used" diethanolamine in excess of the applicable threshold.

550. The Tyler facility failed to submit an appropriate EPA reporting form for diethanolamine at the Tyler facility by July 1, 2014.

551. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for diethanolamine at the Tyler facility for calendar year 2013 by July 1, 2014.

Count 123 – Failure to Timely Report Naphthalene for Calendar Year 2013

552. Paragraphs 1 through 19 and 516-519 are realleged and incorporated by reference.

553. During calendar year 2013, the Tyler facility "manufactured, processed, or otherwise used" naphthalene in excess of the applicable threshold.

554. The Tyler facility failed to submit an appropriate EPA reporting form for naphthalene at the Tyler facility by July 1, 2014.

555. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for naphthalene at the Tyler facility for calendar year 2013 by July 1, 2014.

Thomas Petroleum LLC Victoria

556. During calendar year 2012, the Victoria facility had ten or more full-time employees.

557. During calendar year 2013, the Victoria facility had ten or more full-time employees.

558. During calendar year 2012, the Victoria facility was in SIC code 5171 [petroleum bulk stations and terminals] and/or primary NAICS subsector or industry code 424710 [petroleum bulk stations and terminals].

559. During calendar year 2013, the Victoria facility was in SIC code 5171 [petroleum bulk stations and terminals] and/or primary NAICS subsector or industry code 424710 [petroleum bulk stations and terminals].

Count 124 – Failure to Timely Report 1,2,4-Trimethylbenzene for Calendar Year 2012

560. Paragraphs 1 through 19 and 556-559 are realleged and incorporated by reference.

561. During calendar year 2012, the Victoria facility "manufactured, processed, or otherwise used" 1,2,4-Trimethylbenzene in excess of the applicable threshold.

562. The Victoria facility failed to submit an appropriate EPA reporting form for 1,2,4-Trimethylbenzene at the Victoria facility by July 1, 2013.

563. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for 1,2,4-Trimethylbenzene at the Victoria facility for calendar year 2012 by July 1, 2013.

Count 125 – Failure to Timely Report Diethanolamine for Calendar Year 2012

564. Paragraphs 1 through 19 and 556-559 are realleged and incorporated by reference.

565. During calendar year 2012, the Victoria facility "manufactured, processed, or otherwise used" diethanolamine in excess of the applicable threshold.

566. The Victoria facility failed to submit an appropriate EPA reporting form for diethanolamine at the Victoria facility by July 1, 2013.

567. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for diethanolamine at the Victoria facility for calendar year 2012 by July 1, 2013.

Count 126 – Failure to Timely Report Ethylene Glycol for Calendar Year 2012

568. Paragraphs 1 through 19 and 556-559 are realleged and incorporated by reference.

569. During calendar year 2012, the Victoria facility "manufactured, processed, or otherwise used" ethylene glycol in excess of the applicable threshold.

570. The Victoria facility failed to submit an appropriate EPA reporting form for ethylene glycol at the Victoria facility by July 1, 2013.

571. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for ethylene glycol at the Victoria facility for calendar year 2012 by July 1, 2013.

Count 127 – Failure to Timely Report Methanol for Calendar Year 2012

572. Paragraphs 1 through 19 and 556-559 are realleged and incorporated by reference.

573. During calendar year 2012, the Victoria facility "manufactured, processed, or otherwise used" methanol in excess of the applicable threshold.

574. The Victoria facility failed to submit an appropriate EPA reporting form for methanol at the Victoria facility by July 1, 2013.

575. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for methanol at the Victoria facility for calendar year 2012 by July 1, 2013.

Count 128 – Failure to Timely Report N-Hexane for Calendar Year 2012

576. Paragraphs 1 through 19 and 556-559 are realleged and incorporated by reference.

577. During calendar year 2012, the Victoria facility "manufactured, processed, or otherwise used" n-hexane in excess of the applicable threshold.

578. The Victoria facility failed to submit an appropriate EPA reporting form for n-hexane at the Victoria facility by July 1, 2013.

579. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for n-hexane at the Victoria facility for calendar year 2012 by July 1, 2013.

Count 129 – Failure to Timely Report Naphthalene for Calendar Year 2012

580. Paragraphs 1 through 19 and 556-559 are realleged and incorporated by reference.

581. During calendar year 2012, the Victoria facility "manufactured, processed, or otherwise used" naphthalene in excess of the applicable threshold.

582. The Victoria facility failed to submit an appropriate EPA reporting form for naphthalene at the Victoria facility by July 1, 2013.

583. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for naphthalene at the Victoria facility for calendar year 2012 by July 1, 2013.

Count 130 – Failure to Timely Report PACs for Calendar Year 2012

584. Paragraphs 1 through 19 and 556-559 are realleged and incorporated by reference.

585. During calendar year 2012, the Victoria facility "manufactured, processed, or otherwise used" PACs in excess of the applicable threshold.

586. The Victoria facility failed to submit an appropriate EPA reporting form for PACs at the Victoria facility by July 1, 2013.

587. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for PACs at the Victoria facility for calendar year 2012 by July 1, 2013.

Count 131– Failure to Timely Report Toluene for Calendar Year 2012

588. Paragraphs 1 through 19 and 556-559 are realleged and incorporated by reference.

589. During calendar year 2012, the Victoria facility "manufactured, processed, or otherwise used" toluene in excess of the applicable threshold.

590. The Victoria facility failed to submit an appropriate EPA reporting form for toluene at the Victoria facility by July 1, 2013.

591. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for toluene at the Victoria facility for calendar year 2012 by July 1, 2013.

Count 132 – Failure to Timely Report Xylene (Mixed Isomers) for Calendar Year 2012

592. Paragraphs 1 through 19 and 556-559 are realleged and incorporated by reference.

593. During calendar year 2012, the Victoria facility "manufactured, processed, or otherwise used" xylene (mixed isomers) in excess of the applicable threshold.

594. The Victoria facility failed to submit an appropriate EPA reporting form for xylene (mixed isomers) at the Victoria facility by July 1, 2013.

595. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for xylene (mixed isomers) at the Victoria facility for calendar year 2012 by July 1, 2013.

Count 133 – Failure to Timely Report Zinc Compounds for Calendar Year 2012

596. Paragraphs 1 through 19 and 556-559 are realleged and incorporated by reference.

597. During calendar year 2012, the Victoria facility "manufactured, processed, or otherwise used" zinc compounds in excess of the applicable threshold.

598. The Victoria facility failed to submit an appropriate EPA reporting form for zinc compounds at the Victoria facility by July 1, 2013.

599. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for zinc compounds at the Victoria facility for calendar year 2012 by July 1, 2013.

Count 134 – Failure to Timely Report Diethanolamine for Calendar Year 2013

600. Paragraphs 1 through 19 and 556-559 are realleged and incorporated by reference.

601. During calendar year 2013, the Victoria facility "manufactured, processed, or otherwise used" diethanolamine in excess of the applicable threshold.

602. The Victoria facility failed to submit an appropriate EPA reporting form for diethanolamine at the Victoria facility by July 1, 2014.

603. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for diethanolamine at the Victoria facility for calendar year 2013 by July 1, 2014.

Count 135 – Failure to Timely Report Naphthalene for Calendar Year 2013

604. Paragraphs 1 through 19 and 556-559 are realleged and incorporated by reference.

605. During calendar year 2013, the Victoria facility "manufactured, processed, or otherwise used" naphthalene in excess of the applicable threshold.

606. The Victoria facility failed to submit an appropriate EPA reporting form for naphthalene at the Victoria facility by July 1, 2014.

607. Therefore, Respondent violated Section 313(a) of EPCRA, 42 U.S.C. § 11023(a), and 40 C.F.R. § 372.30 by failing to timely submit a completed appropriate EPA reporting form for naphthalene at the Victoria facility for calendar year 2013 by July 1, 2014.

IV. PROPOSED CIVIL PENALTY

608. Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), as adjusted by 40 C.F.R. Part 19, authorizes EPA to assess a civil penalty for violations of any requirement of EPCRA Section 313, 42 U.S.C. § 11023.

609. At the time of each of the violations alleged in this Complaint, the maximum daily penalty for each violation was $37,500. [1]

[1] The statutory maximum penalty level under Section 325(c) of EPCRA, 42 USC 11045(c), has been adjusted over time as required by the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. § 2461 note; Pub. L. 101-410), as amended by the Debt Collection Improvement Act of 1996, and most recently, by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (28 U.S.C. § 2461 note; Pub. L.114-74, Section 701). EPA implements these adjustments through rulemaking which are codified in 40 CFR Part 19. As adjusted by the *Amendments to the EPA's Civil Penalty Policies to Account for Inflation (effective December 6, 2013) 15, 2018) and Transmittal of the 2013 Civil Monetary Penalty Inflation Adjustment Rule* (78 Fed. Reg. 215), 40 C.F.R. § 19.4, the Administrator may assess a civil penalty of up to $37,500 per violation per day of violation occurring after January 12, 2009 and before November 2, 2015.

610. On the basis of the violations described above, Complainant has determined that the Respondent is subject to civil penalties. Complainant proposes to assess penalties based on the considerations described below.

611. Complainant will consider, among other factors, the Respondent's ability to pay a civil penalty. The burden of raising and demonstrating an inability to pay rests with the Respondent.

612. To the extent that facts and circumstances unknown to Complainant at the time of the issuance of the Complaint become known after the Complaint is issued, such facts and circumstances may also be considered as a basis for increasing or decreasing the civil penalty, as appropriate.

613. Pursuant 40 C.F.R. § 22.14(a)(4)(ii), Complainant is not proposing a specific penalty at this time but will do so at a later date after an exchange of information has occurred.

614. In accordance with 40 C.F.R. § 22.14(a)(4)(ii), a brief explanation of the severity of each violation alleged and the days of violations (where applicable) is provided below. Penalties are sought for every alleged violation under the statutory penalty authority of EPCRA.

615. In an effort to classify the many counts by their level of severity, complainant has relied on EPA's "Enforcement Response Policy for Section 313 of the Emergency Planning and Community Right-to-Know Act (1986) and Section 6607 of the Pollution Prevention Act (1990) [Amended]," ("Section 313 Penalty Policy") dated February 24, 2017, a copy of which is enclosed with this Complaint. This policy provides for a rational, consistent, and equitable calculation methodology for calculating penalties for particular cases.

616. The Section 313 Penalty Policy is not a settlement policy but is used "to calculate penalties for all administrative actions concerning EPCRA Section 313."

617. The Section 313 Penalty Policy categorizes violations into extent levels and circumstance levels to calculate a penalty.

Extent Levels

618. The extent level of a violation is based on the quantity of each EPCRA §313 chemical manufactured, processed, or otherwise used by the facility; the size of the facility based on a combination of the number of employees at the violating facility; and the gross sales of the total corporate entity.

Extent Level A

619. In the first category are violations related to facilities that manufactured, processed, or otherwise used more than 10 times the legal threshold of the chemical and employed more than 50 employees, and where the total corporate entity had more than $10 million in annual sales. In the penalty policy they are referred to as "Extent Level A" violations.

Extent Level B

620. The second category is Extent Level B and includes those violations where the facility either:

a) Processed, manufactured, or otherwise used more than 10 times the legal threshold of the chemical but did not have both more than $10 million in annual sales for the total corporate entity and 50 employees at the facility; or

a) Had more than $10 million in annual sales for the total corporate entity and 50 employees at the facility, but did not process, manufacture or otherwise use more than 10 times the legal threshold of the chemical.

Extent Level C

621. The third category is Extent Level C and includes those violations that do not rise to the level of severity of Extent Level A or B violations. Functionally, this means those violations where:

a) The facility did not exceed the chemical threshold by 10 times, and

b) Did not have both more than $10 million in annual sales for the total corporate entity or more than 50 employees at the facility.

Circumstance Levels

622. Circumstance levels range in severity from 1 to 6, with "1" representing the most serious violations.

623. This complaint only alleges violations at circumstance levels 1 and 4.

Circumstance Level 1

624. Failing to report in a timely manner is classified as a Circumstance Level 1 violation for Form R reports submitted one year or more after the July 1 due date.

625. Similarly, failing to file an annual certification (Form A) in a timely manner is a Circumstance Level 1 violation.

626. Penalties for Circumstance Level 1 violations are calculated once for each violation.

Circumstance Level 4

627. Failing to report in a timely manner is classified as a Circumstance Level 4 violation for Form R reports submitted less than one year after the July 1 due date.

628. For the purposes of this penalty discussion only, Complainant is classifying violations for failing to file an annual certification (Form A) in a timely manner submitted less than one year after the July 1 due date as Circumstance Level 4 violations.

629. Penalties for Circumstance Level 4 violations are calculated on a per-day basis.

Summary Table

630. The tables below summarizes the counts in this Complaint by category and extent level.

631. The counts for each facility are listed by their corresponding number in this Complaint.

632. The second table also list the number of days of violation for the Circumstance Level 4 violations.

Circumstance Level 1 Counts Organized by Facility and Extent Level

Extent Level A	Extent Level B	Extent Level C
Hobbs: Counts 21, 23-27 **Robstown**: Count 59 **Laredo**: Counts 78, 80, 82, 83 **Odessa**: Counts 90-94, 98 **Tyler**: Count 117 **Victoria**: Counts 126, 127	**Damascus**: Count 5 **Broussard**: Count 13 **Hobbs**: Counts 22, 28 **Bridgeport**: Count 48 **Robstown**: Counts 58, 60-66 **La Grange**: Counts 69, 70 **Laredo**: Counts 79, 81, 84-87 **Odessa**: Counts 95-97, 99 **Tyler**: Counts 115, 116, 118-121 **Victoria**: Counts 124, 125, 128-133	**Damascus**: Counts 1-4, 6-9 **Broussard**: Counts 12, 14, 15 **Beaumont**: Counts 30-37 **Bridgeport**: Counts 46, 47, 49-55 **La Grange**: Counts 68, 71-76 **San Benito**: Counts 102-108

Circumstance Level 4 Counts Organized by Facility, Extent Level, and Days of Violation

Extent Level A	Extent Level B	Extent Level C
Hobbs: Count 29 [195 days] **Laredo**: Count 89 [195 days] **Odessa**: Counts 100 [211 days], 101 [195 days]	**Broussard**: Count 17 [119 days] **Robstown**: Count 67 [195 days] **Laredo**: Count 88 [211 days] **Tyler**: Counts 122, 123 [94 days] **Victoria**: Counts 134 [211 days], 135 [195 days]	**Damascus**: Counts 10 [211 days], 11 [195 days] **Broussard**: Counts 16, 18-20 [119 days] **Beaumont**: Counts 38-45 [118 days] **Bridgeport**: Counts 56 [211 days] 57 [195 days] **La Grange**: Count 77 [195 days] **San Benito**: Counts 109-114 [119 days]

633. In addition to the factors discussed above, the ERP also instructs EPA to consider other factors that may affect the penalty amount, such as the Respondent's attitude and cooperation, history of violations, and other factors as justice may require.

V. OPPORTUNITY TO REQUEST A HEARING

634. The Respondent has the right to request a hearing. Any request for a hearing must be in writing and must be filed with the following within thirty (30) days of receipt of this Complaint:

Ms. Lorena Vaughn
Regional Hearing Clerk (6RC-D)
U.S. EPA - Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

If the Respondent wishes to contest any material fact set forth in the Complaint, contends that the proposed penalty is inappropriate, or contends that it is entitled to a judgment as a matter

of law, the original and one copy of the Answer to this Complaint must be filed with the Regional Hearing Clerk at the above address within thirty (30) days after service of said Complaint pursuant to 40 C.F.R. § 22.15. A copy of the Answer shall also be sent to:

James Murdock
Office of Regional Counsel
U.S. EPA – Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

David Riley
EPCRA 313 Enforcement Officer
US EPA Region 6 (EN-H3)
U.S. EPA - Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

635. The Answer should clearly and directly admit, deny, or explain each factual allegation contained in this Complaint with regard to which Respondent has knowledge. Where the Respondent has no knowledge of a particular factual allegation and so states, the allegation is deemed denied. The Answer should state: (1) the circumstances or arguments which are alleged to constitute the grounds of defense; (2) the facts which Respondent disputes; (3) the basis for opposing any proposed relief; and (4) whether a hearing is requested. Hearings held on the assessment of the civil penalties will be conducted in accordance with the provisions of the Administrative Procedures Act, 5 U.S.C. § 551 *et seq.*, and the Consolidated Rules of Practice, codified at 40 C.F.R. Part 22. A copy of 40 C.F.R. Part 22 is enclosed with this Complaint.

636. If an Answer to this Complaint is not filed with the Regional Hearing Clerk within thirty (30) days of receipt, such failure shall constitute an admission of all facts alleged in the

Complaint and a waiver of Respondent's right to a hearing under EPCRA. A default order may be thereafter issued by the Presiding Officer in accordance with 40 C.F.R. § 22.17.

VI. SETTLEMENT CONFERENCE

637. EPA encourages all parties against whom civil penalties are proposed to pursue the possibility of settlement through informal meetings with EPA. Therefore, whether or not a formal hearing is requested, the Respondent may confer informally with EPA about the alleged violations or the amount of the proposed penalty. The Respondent may wish to have a representative appear at the conference, to be represented by counsel, or both. If a settlement is reached, it shall be finalized by the issuance of a written Consent Agreement and Final Order by the Regional Judicial Officer, and filed with the Regional Hearing Clerk. The issuance of such Final Order shall constitute a waiver of Respondent's right to request a hearing on any matter stipulated therein. Please note that a request for an informal settlement conference does not extend the thirty (30) day period during which a written Answer and/or Request for a Hearing must be submitted.

To explore the possibility of settlement in this matter, please address all correspondence to Mr. James Murdock at the address listed above or by telephone call (214) 665-7302.

Dated at Dallas, Texas on this 14th day of February, 2019.

Cheryl T. Seager
Director
Compliance Assurance and
Enforcement Division